A Report by the

NATIONAL ACADEMY OF
PUBLIC ADMINISTRATION

*for the Environmental
Protection Agency*

Principles for Federal Managers of Community-Based Programs

NAPA

**National Academy of
Public Administration**

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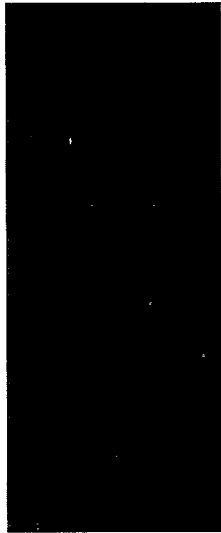
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FOREWORD

Like many other federal agencies, the Environmental Protection Agency (EPA) is implementing innovative processes for collaborative decisionmaking and problem solving. The idea is simple: involving stakeholders, community groups, and other interested parties is likely to result in more workable, durable outcomes.

In a speech before the Academy membership in November 1996, William Ruckelshaus, first administrator of EPA, laid out several principles for collaborative decisionmaking and said, "I am struck by the ability of local groups not only to drive to consensus on complex issues, but to invent solutions that simply not have been thought of in the heat of combat." To capitalize on sentiments such as this and its own successful experiences, EPA asked the Academy to develop some guidelines for managing community-based programs and provide a better sense of what facilitates and impedes such efforts.
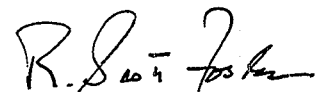
For purposes of this report, community-based management (CBM) refers to a method for resolving specific issues whereby an agency collaborates systematically with individuals and groups that have an interest in the outcome. The outcome is usually an agreement on goals and an implementation plan with formal and ad hoc arrangements. Although largely focused on cases involving environmental issues, the contents of this report will be useful to managers of community-based programs in other federal agencies.

CBM can provide a context to balance multiple interests and objectives, mobilize diverse public and private resources in support of a national objective, and establish a process of public accountability. It relies on the premise that engaging all interested parties in search of the best response to a problem will likely result in a win-win outcome, including greater public trust in the whole process.

To advise the project the Academy established an advisory panel whose experience, expertise, and energy were invaluable. The project director also brought extensive CBM experience as a senior federal executive. We also thank the group of federal executives who met with the project staff and panel to share their insights and comments on draft reports, as well as the many state and local officials, and community and business leaders who participated in focus groups.

The Academy appreciates the opportunity to delve into the experience of the practitioners of CBM and help to build a needed body of knowledge on this important topic. We hope that the new generation of managers will find the report practical and adaptable.

R. Scott Fosler
President

EXECUTIVE SUMMARY

Most federal managers have operated throughout their careers on a "top-down" basis: decisions are made at the top and flow down. But increasingly they are being asked to incorporate "community-based management" (CBM) into their program operations.

For the purposes of this report, CBM refers to a method for resolving problems specific to a particular site in which the federal government or a federal agency collaborates systematically with individuals and groups that have an interest in the outcome. The outcome is usually an agreement on goals and an implementation approach that includes formal or *ad hoc* arrangements for the contribution of resources.

Key drivers of CBM are the concern about the public's lack confidence in the federal government to meet their needs, the over-complexity of traditionally applied federal programs, and the uncompartmentalized nature of community-level problems.

This report is for federal managers who design, manage, and are held accountable for major environmental, natural resource, and social service programs. It draws on the experiences of senior federal managers and state and local leaders who have participated in federal CBM initiatives. The report's focus is CBM activities that are initiated by the federal government or in which the federal government is decisively or substantially involved, and in which the federal government has a decisive interest such as in a regulatory or resource issue. It also is relevant to other purposes for which the federal government uses CBM, such as creating a context or a plan for informed priority-setting and decisionmaking by several agencies, for encouraging voluntary civic action, or for developing innovative solutions to common problems.

COMMUNITY-BASED MANAGEMENT SERVES MANY PURPOSES

CBM is not an end in itself, but an approach to making decisions within government programs. CBM activities are always site-specific, engage people and groups with a stake in the outcome, and involve the defining of mutual goals and a plan for implementing a solution. The challenge is to combine the powers of all levels of government

CBM is not an end in itself, but an approach to making decisions within government programs.

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with the unique knowledge, energies, abilities, and commitment of the residents and businesses of a community.

Through CBM, federal managers have an opportunity to better understand and respond to local conditions. The CBM approach provides a context within which to balance multiple interests and objectives, mobilize diverse public and private resources, and establish a process for ensuring accountability. For federal managers, CBM means accepting advice or decisions outside of their usual management hierarchy or from Congress. However, the CBM approach is no substitute for government. It cannot raise taxes, make authoritative decisions, or compel action. Nor can it change the authority under which governmental decisions are made.

Some people are confused about the effects of CBM. It is not a means for an abdication or watering down of federal laws and national interests. Nor does it "empower" communities to make decisions on behalf of the federal government. Nor is it a license for federal officials to meddle in local politics. It is a way to apply federal laws and the national interest where appropriate on the community level.

CBM cannot change the authority under which government decisions are made at either the federal, state or local levels. Decisions at each government level must be consistent with the law. Officials can search for flexible ways to meet the law but they cannot change it. Yet their powers are quite different. Indeed one of the major issues in this report is the interplay between CBM and the authorities of different levels of government. Unless federal managers and their representatives appreciate these limits and the unique roles and authority of state and local government, CBM will be a source of confusion rather than a new tool to build greater public trust in government.

CBM uses many traditional management tools, such as grants and other funding vehicles, collection and dissemination of data, training for local officials and participants, and technical assistance. Federal agencies also may help build the capacity of state or local governments to participate. One of the easiest and sometimes most effective tools is praise and the publicizing of local efforts.

CBM offers a number of benefits to federal managers and participants:

- greater likelihood of win-win outcomes
- response to technical uncertainties that are inherent in most complex federal government decisions, such as conditions requiring greater or lesser controls
- balancing of multiple objectives, such as good transportation and a clean environment
- broader political support for a desired outcome
- development of new ideas and innovative solutions
- increased local capacity to solve problems
- avoidance of unwanted litigation or "political" solutions
- synergy
- greater public trust in government

But CBM has limitations which should be factored into a decision to use CBM. The time and effort required may not be worth the benefits, so the likely outcome must be considered. The representatives of some interests may be too inflexible for collaboration. Further, some issues may not be resolvable at the community level, but only at a state, regional or national level such as issues which cross state borders. There also may be other approaches which are more effective such as regulation, as in the case of removing lead from gasoline; the use of market tools such as pollution trading; or other approaches. Further, statutory, political, circumstantial, or financial considerations may limit or prevent federal involvement as in the case of ineffective local land use policies.

MANAGING COMMUNITY-BASED DECISION MAKING

Depending on one's point of view, a community can be a geographic place, political unit, socioeconomic area, or a natural entity such as a watershed. A community also can be people or groups with common interests. Within the context of CBM, "community" involves matching the effective geographic areas where the problem is located with the people and institutions who would be affected by or have authority and interest to implement solutions.

The question of who represents a community turns on who would be unfairly left out of a collaboration. In CBM, it is essential that all points of view are represented by people who have a real interest and who can credibly speak for their constituencies.

ENGAGING THE COMMUNITY

CBM is not for the faint-hearted. Tension is inherent in the process as passionate participants resolve their differences and come to compromise. The federal government is not a neutral party in a collaboration and should not imply that it is. A community's agenda and interests may differ from the federal government's or local people may see federal involvement as a threat to their community's political balance. Federal officials may fear they are losing control of their programs or that they will not be able to function under new guidelines. During CBM, some federal officials have discovered an emotional commitment to a program they did not realize they had and others may find that they cannot tolerate operating under these circumstances.

When attempting to engage a community in a CBM forum, federal managers may find it is preferable to ask a state or local government entity or a non-government organization to serve as convener of a CBM forum, particularly if it is considered fair and impartial by the community. It also helps to avoid restrictions under the Federal Advisory Committee Act (FACA) on the establishment of formal federal advisory committees and lack of federal staff to manage the process and places the federal government in more of a partnership rather than a controlling relationship with participants.

Participants in this study suggest that managers consider the following when deciding whether to either establish or join a CBM forum:

- tailoring the forum to meet the federal purpose, as well as to local custom and needs
- assuring that all significant interests are represented

"Community" involves matching the effective geographic areas where the problem is located with the people and institutions who would be affected by or have authority and interest to implement solutions.

- being forthcoming about the federal government's role, what it can and can't do
- expediting the process by keeping it simple
- understanding the very different roles of advocates and community groups
- using professional facilitators
- providing independent technical analyses that all can trust
- limiting research and assessment only to questions that require further data
- framing issues to obtain timely decisions
- considering only options that are within reasonable fiscal and political bounds
- building in short-run accomplishments to maintain a sense of progress and purpose
- insisting that all participants are treated with respect

Managers may find that the first assistance community participants request is federal funds. However, providing money may be one of the least effective ways of encouraging cooperation. Participants may find themselves spending more time competing for federal funds than solving their problem. Managers might consider the following:

- committing dollars only to achieve specific program purposes
- showing participants how to apply for other resources, public and private
- holding all grantees accountable for funds

FACING CHALLENGES

During the course of a CBM activity, federal managers and their representatives my face challenges from may sources. Some challenges may come from their own agency. Federal managers can face significant challenges for resources and authority from other programs or there may be a conflict between CBM's approach and the agency culture. Managers who risk involving outsiders in decisions sometimes find themselves passed over for key agency positions or blamed if the CBM approach fails, even if the fault lies elsewhere.

Roadblocks can come from other agencies, which may be unwilling to contribute time and effort without being reimbursed. Or they may have their own community-based efforts underway and regard another agency's CBM project as competitive or duplicative — as it may well be. Further complications arise when different federal regional or field offices have been delegated uneven levels of authority. Some regional offices are given broad discretion while others need to consult headquarters on every significant decision.

The lack of a single federal voice can strain community negotiations.

The lack of a single federal voice can strain community negotiations. Community leaders rarely understand that two agencies' missions, territories, or regulations can conflict. They have even less patience with regard to intra-agency tensions, conflicts, or rivalries.

Currently there is no formal mechanism to bring coherence to various federal regional and field organizations. Some intra- and intergovernmental relationships work well, but they are difficult and time-consuming to establish and take extraordinary commitment to maintain.

A thorough understanding of how the federal system works is essential to navigating a CBM process. While most federal managers and their representatives have learned to work effectively with state agencies in a delegation-of-authority context, in the CBM process they will work with different entities, often in a non-regulatory context. An understanding of state and local government is essential. While state agencies may in some respects mirror the federal agencies, they are often quite different. Each has its own legal structure and political traditions. Some state governors have more authority under their state constitutions than the President has under the U.S. Constitution. But in other states — Florida, for example — the governor is constitutionally weak.

Further complicating the federal-state relationship are the same conflicting policies that complicate relationships between federal programs. States agencies can find themselves in the awkward position of challenging the requirements of one federal program at the behest of another. Where enforcement actions are taking place, participants may find themselves around a negotiating table attempting to develop shared goals with those with whom they are locked in contentions legal disputes.

The federal manager must keep in mind that states are sovereign entities and can bring their unique resources to the effort. In some issue areas, most of the work of the state is to manage federally designed programs. But in many other areas, such as land use, states have far greater legal authority and political influence than do federal agencies. Indeed, one of the surest ways to anger state, tribal and local officials is to equate them with interest groups.

Federal officials must keep in mind that local governments play a role that is much more place-related than the roles of federal or state governments. In contrast to fragmented, program-specific federal and state governments, local governments tend to define problems far more comprehensively because they address issues as they most directly affect citizens' lives. Their primary role is to create balance among local competing interests for the good of the whole community. They use powerful governing tools, such as police and public health authority, as well as near-exclusive authority to determine how land may be used. While also are many independent, narrowly focused local authorities, such as water conservation districts, their principal role is one of balancing competing interests.

In contrast to fragmented, program-specific federal and state governments, local governments tend to define problems far more comprehensively because they address issues as they most directly affect citizens' lives.

Most local elected officials see themselves as the primary decision-makers for their communities. They are the ones facing the competing issues of health care, crime, education, economic development, and the environment, as well as a citizenry concerned about taxes. Local governments are also in the awkward position of being considered the most trusted level of government, yet they often are criticized for not representing community interests and having overly entrenched local powers.

However, with few exceptions local officials admit they do not understand the technical aspects of many issues. They generally lack staff to advise them or help them collaborate with state and federal authorities. Indeed, they may see federal and state agencies as out to play "gotcha." Many remember earlier community action programs in which the federal government mobilized the disenfranchised to challenge unresponsive local governments.

COMING TO A DECISION

Federal managers who use CBM find that it means participating in a very different decision process. If obtaining full community participation is difficult, reaching a unanimous agreement is virtually impossible. Federal managers should view CBM realistically, especially where a highly visible federal decision is involved and in cases where substantial opposition or legal action may follow. But even in a forum where a consensus is not reached, a federal decision will be more defensible politically and legally if all of the adversaries' views were fully heard and considered.

CBM turns the decision process away from advocacy and conflict towards cooperation and compromise.

Managers and their representatives must understand what conditions help bring about a consensus. Participants often will express concern over the existence of conflict in community-based forums, yet it is the existence of a conflict that motivates people to invest in the process. Other conditions for meaningful negotiation are forcing factors, such as deadlines and mandates, which focus discussions and make options seem more feasible. Ambition is another factor that attracts people to the CBM process and causes them to invest time and energy. For some it is economic self-interest, for others it is civic or political ambition. The adept use of conflict and personal ambition can facilitate negotiations and conclusions. CBM turns the decision process away from advocacy and conflict towards cooperation and compromise.

Clarifying a community's role in a decision is also important. Federal officials who use catch-phrases like "bottom-up," civic action, "empowerment," and "flexibility" can unwittingly over-promise community autonomy. Agency representatives who are not clear about legal and other boundaries can compromise the forum and leave participants and citizens disappointed and less likely to engage, in the future.

To build trust, federal managers and their representatives also must be prepared to articulate and defend national priorities and requirements. Participants are naturally suspicious of representatives who arrive with a completely open agenda. CBM is about interests, federal interests included. They must also sometimes say "no," which is difficult to do in person. Encouraging a belief that a federal agency can provide a financial or other solution prevents the community from developing other solutions.

Some CBM advocates believe that once the community-based group has agreed upon an approach that the work is over, but usually much remains to be done. Ultimately, agreements must be implemented, operating decisions must be made, and budget requests submitted on local, state, and federal levels. Federal officials must maintain contact with all involved through the final agreement, especially those in political positions.

INCREASING PUBLIC AWARENESS AND CIVIC RESPONSIBILITY

Essential to the success of a community-based effort is the public's access providing to and understanding of information about the issues and the role that the federal government plays. Managers can enhance public understanding by:

- converting government documents to lay terms

- providing training for local technical staff and elected officials providing access to experts, information, or other resources directly or through technical assistance grants

- arranging for independent facilitation of community participation

- increasing accessibility of important information by putting it on the Internet or at known places within the community

- giving practitioners special opportunities to exchange ideas and enrich knowledge in the field

- helping communities learn and plan beyond the CBM process

MEETING CHALLENGES BY MANAGING FOR RESULTS

No matter how carefully managers apply CBM, the process will not work unless agency leaders support it with tangible financial, legislative, and organizational resources and with staff who are knowledgeable and supportive. Federal managers must first set the stage by establishing clear and measurable program goals and strategies for their agency including:

- establishing a clear mission strategy with goals and measurable outcomes so that federal participants can explain them to forum participants

- setting clear priorities and program objectives upon which regional and lower level managers can set their CBM objectives

- establish criteria for when and how to use CBM so that each time a location is chosen there is a solid programmatic reason, that the circumstances can benefit from CBM, and there is some likelihood of a viable forum and real closure

- establishing CBM as one of an agency's top three priorities

HELPING THE WORKFORCE ADAPT

Managers must work to change the culture of the agency from the traditional "top-down" approach to one which accepts and uses CBM as a normal part of its operations. Practitioners recommended steps such as:

- developing new job descriptions with CBM responsibility

- assuring that CBM practitioners understand federalism and the relative roles of federal, state, tribal, and local governments and the roles of the private sector

- providing training and experience in working with diverse groups in CBM-type settings

- recruiting experienced practitioners

- holding CBM practitioners accountable, while acknowledging the risk of failure

THE FUTURE OF CBM

Agencies must undergo fundamental institutional changes for CBM to become the norm. Managers can't continue to rely on only a few creative and adaptable CBM advocates to work with communities. Others must be encouraged to participate and train-

Despite the difficulties presented by CBM, it does provide managers with a powerful approach to problems that are difficult to resolve in other ways.

ing must be provided for them. Building a federal agency that involves the community requires that the agency change its culture and systematically convert those who oppose the collaborative approach.

Despite the difficulties presented by CBM, it does provide managers with a powerful approach to problems that are difficult to resolve in other ways. It can be effective in achieving a public and political consensus, depending on the willingness of the parties to participate, openly state their interests, negotiate in good faith, and support the decision. Once CBM has been refined and problems such as resistance or over-enthusiasm have been addressed, federal managers often find that CBM is a useful addition to the array of management tools available for program implementation.

CHAPTER 1

Introduction

Most senior federal managers have learned throughout their careers to operate from the top down. They work in a world in which Congress sets policy through legislation and the executive branch interprets those laws through rules, regulation, and guidance, and through the delegation of authority to state and local governments to enforce requirements within minimum federal standards. Within that world, someone who wants to affect federal decisions may do so by lobbying members of Congress or the political leadership of agencies or by commenting on published proposals.

The top-down concept of government is rooted in a belief that was widespread in the 1960s and 1970s and still prevalent today in some quarters that only a federal presence can solve particularly difficult social and environmental problems and only the federal government has the financial resources to do so. Thus, the federal government took on issues such as health, housing and social services, natural resource and environmental protection, and transportation that once were the exclusive concern of state and local governments. While the implementation of these programs often was delegated to state and local agencies, the policies, standards, and oversight was established in federal law and administration.

Today, however, federal managers increasingly recognize that federal efforts alone — or even with the cooperation of delegated state and local agencies — cannot solve many problems. They have been experimenting with efforts to incorporate "bottom-up" processes that involve the affected public in the federal decisions and working in partnership with state and federal governments. Federal managers now work in agencies which are testing ways to better inform federal decisions that affect communities, develop place-based plans for action, activate voluntary civic action, and develop innovative solutions to public problems using community-based approaches. Managers are using those new approaches in the belief that involved, informed citizens can help them arrive at decisions which are both realistic and sensitive to community interests and, at the same time, meet national goals or standards. There is much to be learned from these experiences.

Federal agencies and experts use a variety of terms to talk about bottom-up approaches to decisionmaking: "place-based," "community-based," "neighborhood," or "ecosystem"

management. Discussions often blur the distinctions between federal efforts to engage citizens and independent efforts that arise within communities. The two concepts are related but are still quite different.

This report addresses how the federal government can use bottom-up, community-based processes to fulfill federal responsibilities while accommodating community interests and gaining both the understanding and support of the public.

There is a large body of literature on how to mobilize a community-based effort from the bottom up – how it should be organized, led, and financed, and how to process can move towards a successful conclusion. However, this report addresses a different topic: how the federal government can use bottom-up, community-based processes to fulfill federal responsibilities while accommodating community interests and gaining both the understanding and support of the public.

There are few sources a federal manager can consult to clarify how he or she can encourage and benefit from Community-based Management(CBM). That is particularly true in areas involving federal regulations where there is a natural tension between top-down and bottom up decisionmaking. The Environmental Protection Agency (EPA), which has a strong tradition of top-down regulation but which is working hard to master the collaborative approach of CBM, supported the writing of this report.

ABOUT THIS REPORT

This report draws on the experiences of senior federal managers and state and local leaders who have been active participants in federal CBM initiatives. The project director is an experienced federal official who has managed community-based programs to protect ground water and estuaries and has also worked in public health. An advisory panel of experts with hands-on CBM experience guided the project. In addition, the Academy convened a sponsors group of more than 20 federal managers from six federal agencies. (Appendix C) That group met four times to comment on a draft issue paper prepared by the Academy, help frame issues, and contribute perspectives. The Academy also convened four one-day focus groups in different regions and project staff reviewed voluminous materials which describe and analyze federal CBM efforts. (Appendix B)

The results of those efforts is this compilation of issues, experiences, and advice for federal program managers. The paper addresses:

- what CBM is and when it is useful (Chapter Two)
- how to manage CBM activities (Chapter Three)
- managing an agency or program for effective use of CBM (Chapter Four)
- the future of CBM (Chapter Five)

Why CBM is now being seriously considered as a new major tool for administering federal programs? CBM is driven by the complex nature of the issues we face today and the public's dissatisfaction with the traditional "top-down" approach. It is beyond the scope of this paper to analyze in depth the issues of public confidence, government capabilities, and the federal role. But a manager who is thinking how he or she can use community-based approaches must have that broad context of public discontent in mind because it certainly will be a factor when a federal agency deals with citizens and local leaders.

SUCCESSES AND LIMITATIONS OF TRADITIONAL TOP-DOWN APPROACHES

Although federal managers have enjoyed much success with federally designed and led programs, the limitations of those approaches are becoming increasingly apparent. Consider the EPA, a $7-billion-a-year enterprise employing 17,000 people, which was formed over 25 years ago from parts of the departments of Health, Education and Welfare; Agriculture; and Interior. At that time, federal environmental laws were limited and leadership lay with states and local governments. They were largely ineffectual because of the lack of scientific and technical information, adequate resources, enforcement powers, and public understanding. Individual states were unable to cope with cross-boundary issues such as polluting industry upwind of a city in another state or the absence of a level regulatory playing field among competing industries.

After Earth Day 1970, however, Congress created the EPA and the new agency implemented a rapid succession of programs that gained the immediate and full attention of major polluting industries. Highly publicized enforcement decisions had the desired effect. Despite grumbling, most large industries soon learned it was bad business to pollute and began to invest substantially in environmental protection. The federal government also made major investments in the establishment and administration of standards and regulations, building sewage treatment plants, and most significantly, by helping state, tribal, and — to a limited extent — local governments build capacities to administer the new federal environmental statutes.

The strategy of strong federal leadership was very successful. Today the vast majority of large industries operate within the law. The cadre of EPA lawyers, engineers, and scientists has become expert at writing, enforcing, and defending federal standards and regulations. The states, private industry, trade associations, and environmental groups also have built professional capacities to manage strong environmental programs.

The EPA's successes have been paralleled in other fields. For example, at one time the federal government played a minimal role in health care and social insurance. Now, thanks in large measure to federal initiatives, 85 percent of Americans are covered by private or public health insurance, and thanks to Social Security and Medicaid coverage, fewer elderly live in poverty.

Despite these government led successes, social scientists and the media frequently report about the public's lack of confidence in the federal government's ability to solve problems and improve peoples lives.[1] Yet, according to a 1966 poll, they also believe that the federal government has succeeded in many areas – space exploration, national defense, maintaining peace, managing the economy, and protecting the environment. The poll sponsor, the Council for Excellence in Government, concluded that despite these numbers, there is some improvement in public trust and that the public's real concerns are focused more on "politics as a hindrance" to serving the public well. They want *good* government not *no* government. Yet they are often unwilling to accept the cost or inconvenience of activities which address social issues. In other words people want a clean environment but don't put the incinerator in their back yards (NIMBY). They look for solutions to problems, but often lack the knowledge about the nature of

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the problem or what it takes to solve it. Social scientists refer to this as a decline in the social capital needed to address and solve many issues.

One reason for public concern with the federal government is that federal policy has perhaps over-reached. In the environmental area, for example, policymakers often depicted the social choices in apocalyptic terms. For example, environmental laws and programs are often inaccurately sold as having a zero risk. Sometimes the outcome turns out to be costlier than expected or technologically impossible, as well.[2] Policymakers also trusted that science could adequately define risks and create technologies to eliminate those risks. But we have learned that risk relates to a specific part of the population (e.g., young, elderly, healthy) and how conservative to be in establishing a standard in the face of scientific uncertainty. Those are matters of value that are open for debate. The futile hope that science will provide definitive answers has led to repeated challenges of the scientific base for specific decisions. The inability or unwillingness of policymakers to define "success" in clear, realistic terms conveyed to the public has led to a general sense of failure by agencies and the public alike.

It is also becoming apparent that many of the challenges facing the public sector lie outside the scope of federal authority. For example, in the environmental field a command-and-control approach is not likely to be effective in frontier issues — preventing pollution, managing pollution from dispersed "nonpoint" sources like auto emissions and runoff from farms and construction sites, and controlling the environmental consequences of unconstrained suburban development. Pollution prevention requires detailed knowledge of manufacturing and other business practices. Nonpoint sources and suburban development are primarily land-use issues and issues that relate to the behavior of individuals such as controlling auto missions. State and local governments may have leverage over land use, while federal agencies lack legal and practical authority to address such issues through traditional regulation. To change land-use practices or methods of using common materials such as fertilizers, federal agencies must somehow enlist the active and independent energies of states, local governments, communities, the private sector, and citizens, many of whom are profoundly skeptical about federal initiatives.

Our ability to invest national resources in social problems also has declined. Deficit reduction and downsizing have decreased the capacity of federal programs to carry out even their legislated mandates. For example, some experts believe the EPA doesn't have the resources to carry out even 10 percent of the work mandated by legislative and court decisions. Similarly, the Department of Housing and Urban Development (HUD) no longer has resources to add new participants to its housing voucher programs. Other agencies face similar constraints.

The issues facing public managers also have become more complex and difficult to address. The expansion of federal programs has resulted in a highly fragmented government. Each agency has its own set of statutory mandates, many responsible for multiple statutes. EPA alone operates under six major statutes and numerous others, many with hundreds of pages of provisions. Each agency has many different offices developing regulations and enforcing them against violators. States and communities must work with federal agencies with many different missions, priorities, and constituencies.

Fragmented and stovepiped[3] — administratively isolated — organizations and overlapping or conflicting statutes make it difficult to mobilize agencies and resources in support of a coherent objective. Yet public managers now recognize that environmental, housing, transportation, economic development, and other programs no longer can be managed in isolation of one another.

Finally, federal expansion seems to have resulted in greater conflict rather than cohesion. Many interests are competing for the same federal, state and local dollars. Interest-based groups remain strong, and often communities get caught in the crossfire between them.[4] Efforts to balance the extremes with broader community views are difficult and costly. Even where a decision is reached, it can be derailed by civil suits, political intervention, and congressional micromanaging. It is easy for almost any party to throw up bureaucratic or legal roadblocks or to evoke political influence.

STRATEGIES FOR REFORM

CBM is one strategy for addressing those complex and controversial problems. It is worth considering other strategies and how they compare with CBM.

One response to public concern about federal programs is to reduce the role of government in general. If federally led efforts are falling short, perhaps the best course is to rely more heavily on the private market, on individuals and families, or on nongovernmental civic institutions such as churches and charities.

A decision to rely on the private sector or civic institutions does not have to be an either-or proposition. Federal agencies may turn an issue over to the market or to civic institutions entirely or they may turn over some functions but not others. States and localities, however, are generally unwilling to assume responsibility for these federal programs without federal funding. Federal law now prevents many agencies from transferring "unfunded mandates" to state or local government. Nevertheless, there is a rich variety of mechanisms for altering relationships among governments and private or nonprofit organizations. In a rough order from very limited to full transfer of responsibilities, the possibilities include:[5]

- contracting with private providers for services once provided by government agencies
- grants or vouchers in lieu of direct provision of services
- use of tax incentives or fees in lieu of regulation
- deregulation without substituting incentives such as pollution trading
- conversion of government departments into semi-independent corporations or private firms
- reduction of governmental involvement and the turnover of responsibilities to private or nonprofit organizations

Another response is devolution — the transfer of authority, sometimes for whole programs and policy areas — to state or local governments. Here again, there are many variations on the theme, including:

- work sharing among federal, state, and local agencies
- simplification of federal rules about how a state or local agency achieves goals that are established by federal authority
- joint setting of goals
- withdrawal of federal responsibility

Yet another approach is to focus a federal effort where it can be most effective and where citizens most want it to succeed and then structure government efforts as efficiently as possible — the motivation behind the movement towards "performance-based management." The Government Performance and Results Act (GPRA) and the Clinton administration's government "reinvention" initiative are examples of that approach. They both focus primarily on internal government processes. GPRA requires agencies to set goals, prepare strategic plans, and develop indicators to measure performance so the Office of Management and Budget (OMB), Congress, and the public can understand how public funds are being spent and what they accomplish. Reinvention aims to reduce middle management and give greater discretion to front-line workers to respond to practical opportunities for improved service delivery and management.

CBM has elements of each of those efforts and rests on the assumption that the federal government can play a useful role in addressing public concerns. But within that important boundary, CBM seeks to engage citizens and local leaders in rethinking goals and means, mobilize a diverse array of energies and resources, recognize the special powers of state and local governments, and to focus on results.

In addition, CBM has two distinctive elements. One is efforts to find unique solutions for particular locations. The second is the attempt to establish or restore links between agencies and citizens by directly engaging state and local governments, community leaders, businesses, and citizens in making decisions for the communities where they live and work. CBM builds on the fact that even in these times, when social scientists bemoan the decline of civic spirit and "social capital," there are many examples of civic engagement demonstrating that citizens and government managers can agree on goals, work together to make decisions, and take effective action in new and collaborative ways.

"Community-based," "place-based," or "ecosystem" approaches are new terms for most federal managers, but CBM is not new. Many federal agencies have been able to effectively participate in "bottom-up," place-by-place decisionmaking. Over the past 20 years there has been a growing number and variety of federally initiated efforts to draw together government and the private sector to address complex social issues.

In the past few years, however, there has been a general intensification of federal efforts to use community-based approaches. Some of those efforts have been high profile and contentious, such as the Northwest Forest Summit and South Florida Initiative. To cite another, example the Department of Energy (DOE), has established citizen advisory committees to help address the daunting task of cleaning up the nation's nuclear waste sites. Once organized and informed about costs and technical issues, the committees began to make recommendations about cleanup strategies and reuse of the sites. The

effect has enabled the agency to make decisions which might have been impossible without community advice and support.[6]

Federal agencies have participated in hundreds of other collaborate efforts that are less well publicized yet are remarkable efforts. Some communities have organized collaborative decisionmaking processes independently, with minimal federal support. The President's Council on Sustainable Development catalogued more than 300 examples of community-based initiatives in its final report, *Sustainable Communities*. In addition, the council has developed a thoughtful agenda for federal and state government and the private sector that calls for support of community-based public dialogue, planning, priority-setting, and implementation to allow those affected by the decisions to have a voice in the outcome.[7]

Many of those initiatives and programs have not been evaluated systematically. However, we do know that Congress, the administration, and the public are calling for government to carry out its business differently as well as more effectively. While there are significant differences in degree, there is general agreement that government should be smaller, less costly, less intrusive, more flexible, and more in touch with the people it serves. The pressures on federal managers to respond and still carry out their statutory missions are great. CBM offers an opportunity to respond to those pressures.

This report is directed to all federal managers who are responsible for administering environmental, natural resource, and social programs which might benefit from the use of CBM. These are senior managers, generally at the national level, who are responsible for designing the programs, defending the budgets, and being held directly accountable for the results. This report is also aimed at community managers who implement federal programs. These managers can adapt the lessons learned at EPA and other agencies for their own particular challenges. Other practitioners of CBM should find this report of interest in its coverage of the broad range of issues that a manager should consider in the design and management of such a program.

But all readers should keep in mind that this report only discusses CBM as practiced by the federal government. It is not meant to imply that there is the only way to carry out CBM. Its purpose is to help federal managers think through the issues they face when using CBM and take advantage of the experience of others who have worked in this field.

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CHAPTER **2**

An Overview of Community-Based Management

WHAT IS COMMUNITY-BASED MANAGEMENT?

In practice, CBM activities may appear to be different but they will always include a number of common elements. First, they are always site-specific. CBM focuses on a problem in a specific "community" — a geographic place and, as such, its activities usually have land use or socio-economic implications. Second, CBM involves an imperative to act — often a regulatory requirement that, if carried out conventionally, will create controversy. Third it involves multi-agency and multijurisdictional interests and interest groups which may or many not understand the issues involved, and it is engaged those with interests — public and private — within that community in a process through which mutual goals are established to serve as the basis for action. Some of the interested parties will be responsible for taking action once agreements and decisions have been made. Fourth, CBM may (and preferably will) include formal or *ad hoc* arrangements for contributing resources — services or money — for implementation. Fourth, CBM will be either initiated by the federal government or the federal government will enter an existing community process for the purpose of arriving at a related federal decision or lending technical support.

> ### Community-Based Management — A Working Definition
>
> *Site specific efforts which are either initiated by the federal government or involve the federal government in a decisive and substantive role and set mutual goals through the systematic collaboration of those who have a substantive interest in the outcome, and who agree on implementing actions, including formal or* ad hoc *arrangements for contributing resources for implementation.*

While the federal government has used community-based approaches for a number of purposes, this paper focuses primarily on those CBM arrangements in which the federal government has a substantial interest, such as a regulatory or major resource decision. "Informing a federal decision" was selected as the primary topic of this report because, for obvious reasons, it generally involves the use of all of the management tools and

represents the most difficult process to manage. The discussion is also relevant to the use of CBM for area-wide planning purposes, to support volunteer efforts that achieve a federal mission or to develop innovative approaches to a problem. The decision process and level of federal participation in these other instances will be different, but many of the same issues and concerns are present in these equally worthy efforts.

The discussions among the focus and federal managers groups, as well as a review of the literature, show that there is a great deal of confusion about the meaning of CBM. CBM is not an end in it itself. A common misconception about CBM is that it is another "government program." CBM is not a program but a way of making decisions within or among government programs. When treated as an end rather than as a means, a CBM effort could become a fishing expedition for federal officials to meddle in local politics.

Another misconception is that CBM is the same as more familiar ways of working with local governments or with citizens. But CBM is not the same as intergovernmental agreements, capacity-building, or devolution. Those approaches may involve new relationships between levels of government but not necessarily involve roles for citizens and community leaders.

CBM is also different from elections, traditional advisory bodies, and lobbying in that it is a far more extensive and interactive process than called for by the Administrative Procedures Act.[8] The more traditional forms of consulting with the public are ways for individuals or communities to participate but not to arrive at collective decisions.

CBM explicitly is a method for setting goals and agreeing on actions outside of the normal channels of public processes, including legislative or administrative action. Its purpose is to provide a broader, sensitive context for a federal decision or to activate civic responsibility in support of national as well as community goals.

From a federal manager's perspective, CBM involves accepting some measure of direction — either in the form of advice or decisions — from others in addition to the usual management hierarchy and Congress. To some degree in CBM, a federal agency relinquishes some power by opening itself to public involvement, committing to negotiating mutual goals, and by acting on those goals within resource and policy constraints to the extent feasible under law. A CBM decision might modify a federal decision to avoid a negative local consequence such as moving a highway to skirt a cemetery, managing a federal housing program within the context of broad community goals, or accepting the recommendations of a community on the use of public lands being turned over to private use.

MAKING A FEDERAL DECISION AND ACCEPTING A COMMUNITY-BASED RECOMMENDATION — NOT AN EITHER/OR PROPOSITION

Focus group participants found the CBM experience very rewarding for them and their communities. They said they benefited from the experience and residents were generally positive about having the attention of the federal government focused on their community and their views.

> **CBM's purpose is to provide a broader, sensitive context for a federal decision or to activate civic responsibility in support of national as well as community goals.**

From a federal manager's perspective, CBM offers an opportunity to understand a local setting and to respond more realistically to technical uncertainties by, for example, advising on the potential future use of land that is currently seriously contaminated and on the optional methods that are available for cleanup and the costs of each option. It provides a context within which to balance multiple interests and objectives and to mobilize diverse public and private resources in support of an agreed-upon goal and to establish a process for ensuring accountability. Participating in CBM is an opportunity to rethink the practices, norms, and established ways of conducting business within a governmental agency.

CBM also is a way for an agency to engender political support for implementation, lessen legal and political challenges, and put itself in a better position to sustain a decision when challenged. CBM processes create settings where agencies, general purpose local governments, businesses, agricultural and environmental groups, and residents can understand a problem and the perspectives of others. A solution that results from CBM may not be perfect from the federal perspective, but it should be acceptable, realistic, and capable of being accomplished.

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Yet behind those positive aspects of community-based processes there are some hard realities. CBM is a way of exploring issues, framing alternatives, and developing specific action plans. But it cannot in itself tax, enforce laws, or use other powers governments have. Since a CBM process involves many nongovernmental parties as well as parties representing other levels of government, it cannot make the same kind of decisions as individual governments can make. Only governments can make authoritative choices in the form of laws and regulations. Only governments can tax, allocate public resources, and compel action in support of the decision.

Furthermore, a CBM process cannot change the authority under which governmental decisions are made. Federal managers can make decisions only within certain proscribed limits. Indeed, the powers of federal agencies are limited to those authorized in statute and under the U.S. constitution. State and local officials who participate in community-based processes face limitations which are broadly similar. They may rethink their agency's mission, search for flexible ways to meet statutory requirements, and promise to seek regulatory and statutory change, but they are still bound by law.

One major issue in this report, then, is the interplay among the authorities of different governments during a CBM process. Unless federal managers understand that issue and appreciate the authorities and unique roles of state and local governments, CBM will be a source of confusion rather than a new tool that builds greater public trust in government.

The challenge of CBM is to combine the powers of all levels of government with the knowledge, energies, and commitment of community residents and with the ability of business to invest to do things differently for the betterment of that place. CBM does not override federal laws. It is a means to arrive at an end that is acceptable to government — federal, state and local — and the governed.

If a CBM process is extremely successful, it can develop many of the elements that eventually will lead to a government decision. As a practical matter, a federal official may

TABLE 2–1: COMPLEMENTARY ROLES OF GOVERNMENT AND COMMUNITY-BASED FORUMS

Community-Based Forums and Government Can . . .	Community-Based Forums Can . . .	Only Government Can . . .
▪ educate the public and government officials ▪ provide technical assistance ▪ share information ▪ monitor progress	▪ respond to technical uncertainties ▪ balance multiple objectives ▪ mobilize diverse (public and private) resources ▪ engender political support for implementation	▪ make authoritative choices (pass laws) ▪ tax ▪ allocate public resources ▪ compel action (enforcement)

find it impolitic to reject the recommendations that come from a CBM process, but in the final analysis it is still his or her choice to accept, reject, or modify.

The possibility — indeed the likelihood — that CBM will lead to different decisions than otherwise would be made suggests the most subtle and most difficult misconception about CBM. Some critics say CBM can amount to an abdication of federal responsibilities. In an open letter to members, Sierra Club President Michael McClosky expressed his concern that local environmentalists will be unable to negotiate competitively with industry representatives and that the community-based collaborative decisionmaking processes could make conflict a less legitimate way of dealing with issues and mobilizing support. Instead of hammering out national rules to reflect majority rule in the nation, he argued, community-based decisionmaking transfers power to a local venue, to a very different majority in a much smaller population. He sees the process as disempowering both national and local majorities.[9]

A federal official who is sponsoring or supporting a CBM process has an obligation to represent national interests and to ensure that interested parties are not excluded from a decisionmaking process.

Those are issues of real concern, but they can be managed. Indeed, a federal official who is sponsoring or supporting a CBM process has an obligation to represent national interests and to ensure that interested parties are not excluded from a decisionmaking process.

Like any other decisionmaking process, CBM can be abused. Since it does open the door to local community leaders to share in the identification of problems, the defining of goals, and discovery of solutions, a decisionmaker could use it as an excuse for ducking responsibility. But CBM need not, and should not, go so far.

As properly practiced, CBM is neither a true bottom-up approach nor an abrogation of federal authority. It does not "empower" local interests to make decisions on behalf of the federal government. Because CBM is a process initiated by the federal government as a way to carry out a legal mandate, the federal manager retains the ability and the responsibility to articulate the national interest and to participate in shaping decisions. CBM is a process of merging interests, not sublimating federal goals; it seeks to arrive at an end that is acceptable to both the government and the governed.

Another misconception about CBM is that it is yet another way to force local governments to address issues that the federal government is unable or unwilling to resolve. The participants in the focus groups organized by the Academy staff as part of this project agreed that successful CBM efforts cannot simply push problems from the federal to state or local levels. On the contrary, enforcement of federal regulations is an essential aspect of what most communities are seeking. Participants may find that it is difficult or impossible to comply with some statutory requirements and they often find that our system allows virtually anyone to stop the process of decisionmaking. CBM is a decisionmaking process that seeks to find ways around those problems, but it does not imply that laws can be ignored. Changing the law is up to others; applying it as sensibly as allowed under current statutes is up to federal managers.

As Donald Snow points out, CBM is a new governance approach which speaks to the needs expressed by the human community, not those of one special interest. It de-emphasizes single-interest politics even when the single interest is as broad and important as the environment or agriculture., painstaking process. CBM is not means to lower national standards but to apply them, where appropriate, in a way that is more localized. CBM is based on the strong conviction that this country can maintain nationally established standards and accommodate the important other concerns of those who reside in a particular place.[10] CBM is an approach to applying national standards in away sensitive to local conditions. It is not should not be a means to lower national or abrogate federal responsibility.

CBM is not means to lower national standards but to apply them, where appropriate, in a way that is more localized.

CBM SERVES MULTIPLE PURPOSES

Federal managers can use CBM for multiple ends: to make better federal decisions, plan for coordinated action among public and private entities, activate civic responsibility in support of a national goal, or encourage innovative solutions. Each of these broad purposes carries its own challenges and can result in impressive achievements. The first of these purposes, informing a federal decision, is the focus of this paper as it involves the use of related management tools and raises most of the more difficult issues for federal managers. These are the major purposes for which federal managers can effectively use CBM.

Informing a Federal Decision

CBM is often applied when the federal government has a decision which is or is likely to become controversial within a community. CBM is a way to anticipate problems, accommodate community concerns, and find an outcome that can be accepted by an agency and a community. It can convey information and options so that a community can take a reasonable position. It can provide an agency with far more information than could be gathered through other means. It can give a community an opportunity to negotiate the best deal possible within an agency's authority.

"Informing a decision" is typified by DOE's program to clean up pollution at nuclear weapons production sites and EPA's Superfund restoration program for hazardous waste sites. Both programs make federal decisions on the potential future uses of sites and the level of environmental clean-up needed to achieve those uses. In such decisions, a number of issues are at play because the cost and outcome of hazardous and

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nuclear waste clean-up can vary widely depending on the potential use of the land in the future. The role of a community in such decisions is to advise the federal agencies on the potential use of the land. For example, a site may be used for residential, industrial, or agricultural use. It can become a park or forest or be retained by the federal government to store nuclear waste materials. The best use will depend on the extent of contamination, potential value of the land for given purposes, the community's vision for its future, and the costs. Communities typically hope to obtain the highest, most valuable use of the property in order to enhance the local economy, assure environmental and public health safety, and improve the quality of life. Some communities have also expressed concerns over the excessive cost to the federal government of some clean-up options and have chosen to recommend more cost-effective plans.

Developing a Plan

A second purpose for using the CBM approach is to create a context for informed priority-setting and decisionmaking by several agencies at different levels of government. Where an agency is faced with a complex set of interrelated problems for which several agencies and private parties have some degree of responsibility, it can be difficult to determine priorities and appropriate actions. Duplication and gaps occur, and resources are inevitably wasted. A CBM planning process can provide an opportunity to work with all levels of government, the affected community, and the private sector to assess a problem, establish shared goals and priorities, set a course of integrated action, and commit to implementation.

Multiagency planning processes are usually formal and time-limited. They are often supported by planning grants and sometimes established by law. Some of those processes, such as some of the National Estuary Program projects, the planning associated with federal housing grants and the work of conservation districts are managed locally. Some are federally led, such as the Chesapeake Bay and Great Lakes programs, which are managed by EPA but include state governors and other federal administrators on their governing boards. Some are formal, interstate entities with substantial independent powers, such as the Delaware River Basin Commission. Others, like the Nature Conservancy's preserves, exist without federal financial support but provide a useful context for related federal action.

The objectives of planning processes are usually defined quite broadly by their sponsoring agencies, for example, restoring a polluted estuary or a river system's watershed or developing a new urban transportation system. That flexibility allows participants to consider issues beyond traditional federal categories and to custom-design local goals and actions. Sometimes federal officials participate directly in local planning processes, depending on the extent of federal interest in matters such as the potential for implementing costly federal actions.

EPA uses several different approaches to plan development. The National Estuary Program, a grant program, supports a three-to-five-year community-based process to design a comprehensive plan for the restoration and protection of a threatened estuary. EPA also uses smaller, administratively-defined efforts like the Watershed Protection Approach, which helps states and communities develop agreed-upon plans for meeting federal water quality standards in the nation's watersheds. Earlier programs, such

as for the Chesapeake Bay and the Great Lakes, took a slightly different CBM approach. They established federally managed programs with comparable goals and with state and local participation. The purpose of each of those efforts was to agreed upon goals and actions which all of the government and private-sector participants could optimally use their resources.

The Brownfields Program places primary emphasis on implementation rather than on structured planning. It focuses on minimally contaminated sites that are not slated for federal clean-up and can be can be cleaned up relatively quickly and for productive use. However, EPA can by law support only site-assessment and some technical assistance for such sites. States must clean up the sites. In many cases, HUD is interested in redeveloping neighborhoods where brownfields are located and Department of Labor and the Economic Development Administration (EDA) are concerned about job and business opportunities in those areas. The Brownfields Program has sought to mobilize the combined resources of several federal agencies to coordinate and sequence activities with state and local governments, the private sector, and the community. The purpose has been to select, assess, establish a viable use for, clean up, and redevelop abandoned industrial property while improving the lives of residents.

Of course, not all intergovernmental planning processes are really "community-based." Some multiagency planning processes are dominated by agency personnel and conducted in offices and meeting rooms where only agency personnel are present. At other times, processes that are supposed to be community-based may be turned over to consultants, universities, or other experts. Those approaches provide little opportunity for citizens, user groups, or local officials to participate in identifying issues and shaping debate. In such cases, citizen participation usually is obtained by the traditional public comment processes.

Planning without engaging citizens can have benefits. It can improve the technical base for decisionmaking and work out interagency problems without interference from other groups. It is often politically less risky than involving community leaders, but it usually cannot pay off with the same degree of public understanding and support. Its use is limited in today's reality. The most successful CBM practitioners work hard to engage citizens and community leaders directly, through publicity, public education, open meetings, and the essential step of allowing citizens to sit at the table and help shape decisions.

Encouraging Voluntary Civic Action

Federal agencies have long supported the efforts of citizens to accomplish or supplement aspects of their mission. The USDA's Research, Conservation and Development Program, for example, supports coordinators in rural communities to act as a resource for residents who are developing local programs to improve farm operations or protect natural resources. EPA's Wellhead Protection Program supports several nongovernmental organizations that provide technical assistance to communities interested in developing environmental protection for the areas overlaying their aquifers.

Federal agencies also support groups interested in advocating voluntary civic action. For example, the Environmental Alliance for Senior Involvement coordinates the joint

efforts of many major environmental and senior citizen organizations to market skilled, experienced, senior volunteers to local, state, and national organizations who assist communities in undertaking community-based initiatives.[11] Other groups, such as the League of Women Voters, have undertaken efforts in conjunction with federal agencies to promote civic action in support of specific programs, e.g., developing local wellhead protection programs.

Many agencies make locally specific information available to the public at libraries, through the Internet, or through publications such as maps and geological information and the Toxics Release Inventory which reports industry pollutant discharges to the public. While information distribution is useful, it alone does not constitute CBM.

Developing Innovative Solutions

Community-based processes often have been successful as laboratories for governmental innovation. Recently EPA supported projects in Idaho and Oregon to find ways to help small, impoverished communities comply with environmental statutes. While each state took a different approach, the outcome was an EPA policy that allows small communities to defer action on some regulatory requirements if they compare risks and commit to act on them in priority order. Other innovations such as the Watershed Protection Approach were refined through small grants to communities

USING AGENCY TOOLS TO SUPPORT CBM

Public agencies have many tools which can be used to support a community-based decisionmaking process. CBM does not take place in a vacuum; it requires the use of management tools and technical assistance.

Grants and Other Funding Vehicles

Providing money has been a favorite and frequently used tool to achieve a federal purpose. A number of different granting mechanisms have been used: formula (state-delegated) grants, special project and demonstration grants, and contracts. They either support the entity representing a community or groups that provide research, technical, or administrative assistance to that entity.

Research, Information, and Data Collection

Agencies typically establish databases, measurement and assessment tools, pollutant management practices such as those for pesticide use, information about ecological and health risks and other topics accessible to communities. When EPA's Toxics Release Inventory, a database of toxic chemical releases, became accessible to the public, industries were pressured to improve their discharge practices. Further, the Internet and other new means of communications are increasing the abilities of communities to become informed about and involved in issues that affect them.

Education and Training

Workshops, conferences, newsletters, case studies, and other like activities are typically used to communicate the concepts and approaches used in CBM. Some focus on "train-the-trainer" efforts of nongovernmental groups to involve community members.

Technical Assistance

Agencies also have assigned staff to work with CBM projects. In some of the larger federally managed programs, such as for the Great Lakes and Chesapeake Bay, staff are permanently assigned to a project. Most communities are interested in having someone who can direct them to available information and resources. A knowledgeable person on a telephone can be very effective.

Contractor and University Support

Some agencies fund nongovernmental organizations in the provision of technical support to a specific community or to a type of community. For example, DOE gives contractors — often the same ones that operate a facility — the funds to provide travel expenses and technical assistance to the department's citizen advisory boards. EPA established two university-based centers to assist with risk assessment projects. The Superfund program supports organizations that provide independent technical advice to community groups on site clean-up.

Direct Facilitation and Participation

Federal agencies can support a community collaboration by convening or facilitating a meeting or, at times, simply by being present. In a few situations, federal officials have served as a conduit for local and state parties to discuss a controversial issue. President Clinton's attendance at the Northwest Forest Summit exemplifies this tactic. One official told the Academy panel that all it took to get a collaborative community-based process going in one community was to rent a room and provide coffee and doughnuts. That evening, members of the community organized to work on a Superfund site as well on other two troublesome local issues: rats and abandoned housing. Later the official found a local business willing to donate $20,000 to get rid of the rats and demolish the buildings.

Building State and Local Capacity

The majority of EPA operating programs are delegated to state agencies which, for the most part, are regulatorily sophisticated. But EPA can make those agencies even more effective by supplying them with results from research the agency has funded or conducted, or with information on innovative programs in other locales. Over approximately eight years, the Wellhead Protection Program sponsored more than 70 training workshops for local officials on how to use federal, state, and local authorities to protect their public wellfields.

Enlisting Other Federal Agencies

It makes sense to bring the U.S. Geological Survey (USGS) into a community to discuss ground water issues, the USDA in to discuss agricultural runoff, or the Coast Guard to provide information about pollution from ships. Those agencies not only have expertise, but they also often can engage interest groups which may be difficult for one agency to attract. Furthermore, agencies represent their own important programmatic interests which may often need to be addressed.

Adapting Regulatory Programs

Recently, EPA has focused CBM demonstration projects on regulatory programs, testing ways to provide flexibility in applying regulations so a community can more easily

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participate in decisionmaking. The federal water-quality permitting program, for example, now waives permit-renewal deadlines where states are reviewing permits on a watershed basis and coordinating with local watershed planning agencies.

Another approach is deferring to state standards where certain baseline requirements are met. For example, as a *quid pro quo* for state adoption of a ground water protection program which is officially recognized by EPA as sufficient, EPA uses a state's ground water classifications when making hazardous waste disposal and Superfund decisions. That not only gives states determining clean-up levels greater flexibility in defining value and potential water uses, but avoids the case of two different clean-up standards — federal and state — applied to the same ground water. In addition, where municipalities have acceptable wellhead protection programs, they may apply for waivers from some federal drinking water testing requirements.

Agencies also are simplifying regulations and increasing interprogram cooperation to assist program managers in the involvement of communities in decision processes, as well as to achieve other benefits. Some of the conflicts among programs are difficult for community representatives to understand or appreciate. For example, EPA is currently eliminating one particularly contentious set of procedural and testing overlaps between the Superfund and hazardous waste programs.

Publicizing and Praising

Finally, agencies can use publicity to reward exemplary behavior and achievement. Few organizations do not respond favorably to government praise. Praise from private sector efforts also helps stimulate community action. The National Geographic Society's Watershed Awards program and an NGO-sponsored "Know Your Watershed" program have helped raise public awareness of local problems and protection efforts as well as give encouragement to community leaders and volunteers.

COMMUNITY-BASED MANAGEMENT OFFERS LARGE BENEFITS

Direct Benefits to CBM Participants

Community Participants

In successful community-based management, all the participants win. CBM offers citizens a greater sense of understanding and control. Helping a community come to grips with an issue, realistic options to deal with that issue, and the effect of making — or not making — a decision gives citizens a realistic understanding of problems, and increases its stake in a successful solution. More importantly, CBM offers citizens an opportunity to have their ideas heard and acted upon, or at least given an explanation as to why their ideas aren't included in a decision. CBM is a new and satisfactory way for citizens to engage constructively in improving their communities and to take responsibility for resolving problems.

Local, State and Federal Leaders

Community leaders can focus greater attention on a problem by taking part in a CBM effort and have a louder voice with local officials as it offers a visible platform for voicing their interests and concerns. Local officials can attain increased flexibility or

support from federal agencies by participating in CBM efforts as federal officials gain from them a better understanding of particular local problems or concerns. National policymakers, Congress, and senior agency administrators can build broader support for government programs and increase state, local, and private investment through community buy-in and offers of matching funding.

Federal Managers

Most importantly for federal managers, CBM is a creative way for agency program managers to get their jobs done — to achieve demonstrable results in a actual place. It is the next extension of environmental management, addressing problems that are not just caused by non-compliance with federal and state statutes, but the problems caused by all sectors living and carrying out business in a place. It can help overcome some of the harmful effects of program "stove-piping." It is also an opportunity to openly address NIMBY attitudes and their effects on disadvantaged communities. A successful CBM effort offers federal managers a good decision that will stick because participants in such successful CBM efforts are less likely to seek political solutions. Courts are more likely to support agency decisions which have involved extensive public consultation with a plaintiff or comparable interest group. CBM can localize solutions within the boundaries of federal program requirements. Ideally, federal agencies should be able to address a general set of problems with a general set of solutions which can then be crafted into a specific solution for a particular place.

Response to the Technical Uncertainties Inherent In Most Complex Federal Government Decisions[12]

There is a growing recognition that neither science nor national policymakers can answer all of the complex questions that occur in the regulatory process: Site-specific questions may have to be addressed at the edge of scientific knowledge such as the issue of whether to leave a pollutant like PCBs in place or to move it to another location. For example, while considerable research has been conducted on risks to human health from many chemicals such as common nitrates, there is relatively little definitive research on risks to the ecology. Given those constraints, CBM can offer the best solution as in addition to professional judgment being applied to a solution the perspectives of the community as to the potential effects can add to the determinations of risk.

A Tool for Balancing Multiple Objectives and Avoiding Negative Side Effects

CBM provides a forum where interests can be aired and where federal, state, and local decision-makers can come in contact with the rich knowledge residents and business owners have about their communities. By bringing citizens to the table and hearing their concerns, federal decision-makers can identify problems and competing interests. For example, a Cuban community opposed locating a new metro line through it's baseball field. Cuban-American stars had played there as youngsters and had returned to teach the game to others. Upon learning the field's cultural importance, the agency diverted the line. When the interests of all affected parties are in the open, they can be assessed and weighed and accepted or knowledgeably rejected.

A Means to Mobilize Diverse Resources

CBM provides an opportunity for a federal agency to encourage state and local authorities to take steps that solve problems in areas where the agency lacks authority. For

example, when EPA supported a community-based brownfields project in Chicago, the city began to remove legal barriers to site development by clearing land records on abandoned properties. That action assured that EPA's brownfields assessments would not be wasted and that potential investors could more quickly to receive clear title to the land.

An Aid to Implementation

Community-based activities can help generate political support for a decision. If a public concerns are identified and addressed, the public is more likely to support — or at least not oppose — a final decision. Thus, CBM is a way to obtain political support for national objectives.

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Benefits of Successful CBM

- *development of greater citizen understanding and control*
- *community leadership to solve problems*
- *federal managers can get the job done and overcome barriers of 'stove-piped" agencies and NIMBY attitudes*
- *resolution of technical uncertainties inherent in complex decisions*
- *balance multiple objectives*
- *mobilize diverse resources*
- *aid implementation*
- *avoid litigation or undesirable political solution*
- *generate new ideas*
- *increase likelihood of synergistic benefits*

***

A Practical Way to Avoid Prolonged Litigation or an Unwanted Political Solution

Federal managers must live with the reality that any decision provides multiple opportunities for a veto. An action must have strong support or it could face defeat. Thus, the willingness and ability of community leaders to buy in is crucial. Some DOE managers have noted that their community advisory committees have enabled the department to make better, faster, and cheaper clean-up decisions. The committees, in effect, empower DOE to take decisive action.

New Ideas

Innovative local solutions may be replicable elsewhere. Who could have ever anticipated a brownfields being turned into a hydroponic farm? Yet one community did exactly that when Clean Air Act requirements precluded using the site for heavy industry. Other communities seeking uses for brownfields might imitate that solution.

Likelihood of Synergistic Benefits

By drawing issues together and fashioning broad agreements and alliances, the participants can move aside previously immutable bureaucratic and technical barriers. Those who spoke to the Academy panel expressed great satisfaction in the outcome of most community-based dialogues in which they participated. They indicated that when it worked, CBM provided not only a better decision, but left the community with a stronger

leadership and increased ability to solve problems, as well as leaving behind a public that has greater trust in government. The results of a CBM outcome may be greater than the sum of its parts. But most importantly, their group was a means of achieving a better environmental result in addressing problems that are not amenable to regulatory solutions alone, such as controlling nonpoint source pollution and air deposition.

LIMITATIONS OF COMMUNITY-BASED MANAGEMENT

Managers may well consider the limitation of CBM. Despite its advantages, there are situations in which CBM does not work.

Small Scale Issues for Which CBM is Inappropriate

There is certainly no point in trying to use CBM where the issues are relatively minor or the decision is fairly cut and dried. For example, the routine renewal of a sewage plant permit may not require a formal CBM process. Indeed, overusing CBM will burn out community and government leaders and make it more difficult to gain their involvement in appropriate future situations. CBM is usually costly and time-consuming and requires well-trained federal representatives to manage the process or represent their agencies sit at the table.

Extremely Contentious Issues

Occasionally, some groups will not come to the table or, if they do, will not negotiate. Long-standing or passionately held beliefs and opinions can stand in the way of agreement. Some groups have the clout to bring about the political decisions they want, so will not negotiate. Examples are farm or industry groups in some communities or states. "The issue is usually easy, but the history is difficult. If the politics are controlling, CBM won't work", said a state official interviewed for this report. Advocates for unpopular policies sometimes drop out and use the media or the courts to paralyze the process. In those cases, political channels or litigation may be the only hope for resolution.

Extraterritorial Issues

The more local the problem, the better CBM works. An example of a problem that is not resolvable on the community level is water pollution affecting a community that is downstream of its source. Air pollution is usually at least regional in nature. Migratory bird issues are national and even international.

More Appropriate Problem Solving Approaches

It was much easier and more effective, for example, to ban lead from gasoline nationwide than it would have been to use CBM to reduce lead emissions from vehicles city by city. Market approaches also may achieve better results far more quickly than a series of CBM efforts. For example, the International City Management Association is advocating a tie between a city's bond or insurance rating and the community's environmental performance.

Statutory, Political, Circumstantial, and Financial Constraints

Sometimes a governor's office is not in tune with CBM approaches or there may be national issues that have created a hostile atmosphere for compromise. EPA's auto

The results of a CBM outcome may be greater than the sum of its parts.

emission inspection program, for example, became widely unpopular when people began to view it as being forced on them by "politics." They saw it as overly disruptive and expensive and refused to comply. Some issues, such as siting a nuclear waste repository, are inappropriate for CBM because there is little incentive for most of the affected locally to negotiate. And in other cases, federal empowerment is limited by a lack of authority to solve the problems at hand, e.g. land-use policies that create environmental problems.

When CBM Is Not Useful

- *for simple, uncontested issues*
- *for overly contentious issues*
- *for issues that affect large or multiple geographical areas, e.g., bird flyways*
- *where other government approaches are better or simpler*
- *where the federal government has no authority*
- *where social norms limit what can be done*

Limitations of Societal Norms

In France it is common for a community willing to accept a potentially hazardous facility such as a nuclear power plant to be compensated by the national government. In this country, however, efforts to site such facilities are often perceived as environmental injustice or as inappropriate in their neighborhoods because of real or perceived risks. Likewise, with few exceptions our legal system has favored providing individuals who believe they have been harmed with the opportunity to sue for compensation, rather than indemnification. Changing the minds of citizens on certain issues is very difficult.

Attempts in the past to use community-based approaches have not always met with resounding success. The model cities program, which promised considerable funding to a few demonstration cities willing to undertake major rebuilding, quickly dissolved as the number of cities involved increased as their political representatives legislatively added them to the program through earmarked funds. Community health planning councils were established in the 1960s to limit the growth of expensive new medical equipment and unneeded hospital beds, but the medical community killed the program by determining the councils, even to the point of appointing their spouses to the mandatory citizen seats. The community action program failed when community committees were provided large amounts of flexible federal funding without the participation of local government. Local leaders urged Congress to mandate that they have the majority of votes on community groups and the hope of cooperative efforts quickly faded. It is important that we learn from the past for CBM to avoid a similar fate.

CHAPTER 3

New Management Challenges Posed by CBM

Making CBM an integral part of a federal program will require many changes in how the program operates. This chapter describes the distinctive issues that the federal manager must consider to make a CBM project work. Catalyzing, sponsoring, collaborating, and participating in community-based decisionmaking is a different orientation than making grants, writing regulations, or enforcing regulations.

A manager must not only make decisions related to national issues, but give direction to his or her representatives about how to work with other participants in a CBM process and how to define the community and engage it effectively. Federal managers must prepare staff to work collaboratively with other parts of their own agency, as well as with other federal agencies, states, and local governments. Federal managers will have to help their representatives learn how to participate in a decisionmaking process that may well be quite unlike anything they have ever faced. This chapter discusses issues related to headquarters and regional management and the performance of federal officials in CBM forums.

DEFINING THE COMMUNITY

Communities can be defined in four ways: politically (Omaha; Dade County; Rhode Island; the United States); ecologically (Monogahela River watershed; Puget Sound; the Everglades); programmatically (the area around Exit 4 on Interstate 95; the public water suppliers drawing drinking water from the Ogallala Aquifer; a Superfund site in Chicago); or socioeconomically (the Woodlawn or Anacostia neighborhoods); or a combination of the above. For the purposes of CBM and this report, a combination of place-based definitions will be used. This definition will not include "communities of interest," another common use of the term community.

The definition of the community can affect the outcome of a CBM process so it is important to take care in drawing boundaries. A major consideration is who will be left out. One National Estuary Program applicant, for example, defined the area affecting the estuary in such a way that a major pollution source on its northern border was left outside of the boundary and thus out of the dialogue and solutions to the bay's ecological problems. Yet

the reaches of some ecological systems may extend far beyond any reasonable concept of community. The Mississippi River Watershed, for example, extends through about two-thirds of the United States. And while using political boundaries to define a problem may help to engage the governmental participants, such a definition may not work well when the problems, affected ecosystems, or populations cut across political boundaries.

The narrower the scale of a problem, the easier the resolution is but the greater the likelihood of overlooking related interests and issues. A community of place in the context of global warming means the entire world; in the context of urban decay, it may mean a few square city blocks or miles. A major consideration in determining scale is whether those who are not represented have a substantive "interest" in the problem and would be affected by the results, e.g., have to pay the bill, suffer a degraded environment, or live with a highway interchange diverted through their neighborhood. For example, residents in Florida's coastal communities have a major stake in the outcome of negotiations over water use in inland counties many miles away. As water use increases and water is drawn out of potable aquifers, coastal water tables drop and saline ocean water moves into those aquifers, ruining existing wellfields. Coastal cities must then find inland sources of drinking water or drill much deeper wellfields, raising the cost of supplying water. Conversely, barriers to industrial uses of brownfields in inner cities increases development pressures on open land in rural areas.

Scale is less relevant to "communities of interest," individuals and groups with a long-term interest in advancing a particular position. For example, the Sierra Club is a community of interest, as is the American Mining Congress. The representatives of a community of interest may not be a part of a particular geographic community yet they may support like-minded community residents in an attempt to create a national precedent. While it would be impossible and inappropriate to exclude such organizations, their active participation can dramatically affect a community discussion, as well as the likelihood of a local resolution. National interest groups may reflect the interests of a larger community, but they can also press singular interests to the disadvantage of community interests.

In short, defining a community involves matching the effective areas of a problem and its potential solutions with those people and institutions which are affected by the problem and have the authority and interest to implement the recommended solutions.

While addressing a comprehensive scope of management issues is fundamental, for example for an ecosystem, the logistics of fostering cohesive public involvement to achieve a sense of community are also important. There are clearly trade-offs between programmatic and political realities that should be carefully thought through for each community setting.

ENGAGING THE COMMUNITY

Innovative federal managers and their front-line representatives understand why in CBM it is important to assure that all points of view have been engaged, and they devise ways to do so. In doing so, they confront a series of difficult questions.

Defining a community involves matching the effective areas of a problem and its potential solutions with those people and institutions which are affected by the problem and have the authority and interest to implement the recommended solutions.

Who Represents the Community?

If a community has a history of broad-based civic involvement, or if a program has a statutory definition of who should represent a community, identifying the categories of CBM participants is relatively easy. In most cases, however, it will be difficult to determine who to include. Local elected officials, planning commissioners, and community leaders or groups may all consider themselves the only representatives of a community, but sometimes those who assert leadership or claim constituencies have neither.

Statutory Definition: An Example

- *each state and foreign nation located in the estuarine zone*
- *international, interstate, or regional agencies or entities having jurisdiction*
- *each interested federal agency*
- *local governments having jurisdiction*
- *affected industries, public and private educational institutions, and*
- *the general public*

Source: National Estuary Program, the Clean Water Act

A community group representative in New England recounted to a project focus group a cautionary tale of her experiences. She wrote a development plan with a group of "leaders" that included the heads of several well-known local organizations. When the plan was released, it was roundly criticized within the community by residents who claimed that no neighborhood representatives had participated in the process. She then had to identify valid local spokespersons and start over. The next plan was strikingly similar to the first, but because the process had involved the leaders of the community it was widely accepted.

How Do Federal Managers Deal With "the Community" Face-to-Face?

Direct interaction with citizens is new to many federal managers and front-line staff. CBM is different from the usual show-and-tell public presentations. It is also different from interacting with state and local representatives, other professional communities, or even advocacy groups. In all those cases, everyone shares a language and a set of understandings, and/or knows the "rules of engagement." In a CBM process the range of participants may be much broader, including many who will challenge the basic assumptions that federal officials may make.

How Do Managers Assure That Community Resident Participants Will Be Listened to and Respected?

While many community representatives are quite sophisticated, others are unschooled in issues, potential solutions, and negotiating skills. Federal participants may believe that the opinions of such citizens are ill-informed or parochial, especially where technical issues are involved. But residents who lack technical knowledge may be experts on their community, on the concerns of its residents, and about what may or may not be best for the community. Several federal employees recounted what happened when they suggested that a brownfield in a blighted urban area might be turned into a park. The residents' response was, "Are you crazy?" Staff thought, "Are *you* crazy?," until

residents explained that parks in their community attracted drug dealers, and that community needed jobs, not another drug haven.

How Do You Get Extragovernmental Representatives to the Table?

Many participants in community-based management groups work for government agencies or other affected groups and thus go to meetings as part of their jobs. Other participants, however, are volunteers whose own work makes them unavailable for daytime meetings. Some designated participants see no reason for their involvement and don't come, either because they are burned out from other "stakeholder involvement" projects or because they don't have the time. Busy small business owners, for example, often do not show up at meetings. Some groups historically may have been disenfranchised from such civic processes and are hesitant or cynical or have no one willing to take on the burden of negotiation for fear of being regarded as a trouble-maker. The corporate headquarters of a local business or financial institution may be in another state and the local manager may be unable to provide representation, no matter how critical the institution's involvement in the process.

How Do You Get All the Relevant Government and Private-Sector Officials to Participate?

Some officials see CBM as a way to force them to support a position with which they do not agree — or which may cost them money. They prefer to use political or legal measures to achieve their goals and they may have the power to do so. Silence does not necessarily mean agreement.

Thus, CBM is not for the faint-hearted. Federal participants cannot insist on a clearly defined process and schedule. As one practitioner observed, "When you decide to dance with the bear, you must be prepared to dance as long as the bear wants to dance." It can be time-consuming and exhausting. This same official recounted to the New England focus group on CBM his experience in facing a community that was enraged over a plan to upgrade an off-ramp for an interstate highway. The press called the agency's proposed action "The Bridge That Ate New Haven." The practitioner "danced with his bear" until everyone understood the problems with the current structure, the nature of the new design, the options, and the costs. Finally everyone agreed on a plan that replaced the bridge and substantially improved the quality of the nearby community. While it was difficult because residents were initially hostile and took over a year longer than he could have predicted, he emphasized that the outcome was satisfying to him personally. Next time, however, he said that he will approach a community *before* a proposal is made, not after.

OTHER ISSUES FOR A FEDERAL MANAGER TO CONSIDER

A Community's Agenda May Differ from the Federal Government's

A federal manager may view CBM as a means to engage a community in government decisionmaking on a limited issue. On the other hand, as the mayor of a small city commented to the San Francisco CBM focus group, local government officials often see community-based efforts as an opportunity to improve their cities. The mayor, for example, defines her city's environmental problems more broadly than simply clean-

ing up toxic waste, and thus seeks to leverage clean-up projects for achieving other improvements. For example, she was able to negotiate road improvements from one agency and environmental clean-up from another. Her entrepreneurship resulted in an impressive main street restoration which brought an unexpected increase in local pride in the city as a whole.[13]

Some Local Interests May Be Suspicious of Federal Intrusion

They may see the physical presence of a federal official as a significant change in an existing political dynamic. Participants in the Academy study, for example, commented at the naiveté of federal officials who regarded themselves as disinterested parties. They pointed out that federal agency representatives see issues through institutional prisms, not as a neutral party. One practitioner, in highlighting the lack of EPA "neutrality," asked why EPA didn't fund agriculture-worker advocates who sought to loosen agricultural water-use controls in order to provide more job opportunities. His point was that federal agency representatives should be honest with themselves and others regarding their agenda and be sensitive to local values and concerns.

Reactions to CBM Vary from Situation to Situation and from Participant to Participant

Some federal officials may feel they are losing control of their programs or that they are unable to function under new guidelines; some may discover they have a new found emotional commitment to a program. State and local participants may gain a sense of empowerment or a sense of frustration with the myriad interests and regulations that must be considered. Citizens can either find an opportunity for substantial contribution or feel overwhelmed by a puzzling process and foreign vocabulary. The resolution can make participants feel empowered or disappointed that their will did not prevail. Elected officials can use CBM as a way to achieve major improvements in their communities or see it as a threat to what is perhaps an already precarious local budget.

SELECTING THE SPONSOR OF A COMMUNITY-BASED MANAGEMENT EFFORT

Even when a federal agency plays a catalytic role in getting a community-based process started, it does not have to manage the process. Indeed, it is often best to hand the roles of sponsor and manager of a CBM process over to another entity. A state or local agency, a local civic organization, or a professional facilitator may have the ability to organize and guide collaborative efforts and it may be to the federal agency's advantage to have them do so. Some communities have long-standing entities, such as conservation districts or regional planning agencies, which can serve as a CBM "leader." Which entity might be designated by a federal agency to actually run a CBM effort depends on several factors:

- the degree to which a federal agency is willing to let go of its own interests or decisionmaking authority, e.g., where the agency is encouraging civic action it may have no decisionmaking authority
- the parties with whom federal officials readily collaborate: state and local government, nongovernmental or community organizations

- the way in which collaboration takes place: formal or informal; short- or long-term; statutorily-established or *ad hoc*
- which incentives federal officials offer for collaborative activities: money, staff, technical assistance, information, regulatory flexibility

Who takes leadership may also depend on additional factors. For example, the limitations of the Federal Advisory Committee Act (FACA) on formal advisory committees require an extensive, time-consuming process of public notice, followed by Office of Management and Budget (OMB) review and approval of the committee and its membership.[14] All of that effort might be worthwhile where the likelihood of a legal challenge is high or viable alternatives do not exist, but while a FACA process moves along, the issue as well as the advisory committee may become more politicized. Where possible, agencies usually look for another entity, such as a state agency, to sponsor the process or add the task to the responsibilities of an established advisory committee. For example, local NEP committees, which are authorized by the Clean Water Act, have served as useful conveners of community interests in several controversial processes to establish harbor-dredging permits.

Regardless of who convenes a CBM, it is fundamental that the members are truly representative of community interests and can speak for them: citizenry; businesses; NGO's; and governments. Whether it is called an advisory committee or a task force, the group is a single entity dedicated to solving a specific local problem or problems.

INFORMAL COLLABORATION AS A BASIS FOR A LATER CBM EFFORT

What is described above is a formal, CBM, instituted by the federal government. But a form of CBM can also evolve from those shadow processes which often develop when like-minded persons in federal agencies, community groups, and state and local governments work together informally to seek out an approach to a problem that everyone can officially support.

CBM also can result when a community group draws public and government attention to an issue. Federal managers may then formalize that effort by establishing a government-sponsored task force. Many federally initiated CBM committees actually have been organized at the insistence of the community to resolve issues arising from large public works projects, such as the dredging of the harbor in Oakland, California.

CREATE A VIABLE FORUM FOR CBM

If a problem lends itself to the use of CBM, managers still have much work to do. The Academy panel offers the following ideas for managers considering establishing or joining an existing forum to address, among other issues, a federal one:

Set Up and Manage the Forum

Whether a CBM process uses a formal advisory committee to make a specific federal decision or supports a planning task force in the exploration of a broader range of issues, there are some basic principles which are important to success. Unless a forum

is well organized from the start, the dialogue can be handicapped. For example, one NEP required that the recommendations of the citizen subcommittee be cleared by a technical subcommittee of experts before going to a management committee. The citizens on the first committee felt themselves considered second-class, even though all but one of their recommendations was followed.[15]

It is generally more effective to use an existing local entity to facilitate a CBM forum. Communities already have their ways of making decisions, and managers must engage those political processes. If a local government, an elected official's office, or a local planning agency is trusted by the community and other institutions, federal managers should consider using that entity to facilitate the CBM forum, even if it requires additional expertise or technical assistance. Where there is no existing appropriate forum or official willing to take on the facilitation role, federal managers can ask the mayor or local alderman to issue the initial invitation and host the first meeting. If no government entity or official is able or willing to host the process, a trusted nongovernmental organization may be available. In some communities, there are many groups that have the experience and the local trust to serve as conveners. (It is not a good idea to ask an advocacy group to convene a CBM process; it is unlikely to be able to separate its usual role from a facilitative one and its presence in that role may keep others from the substantive deliberations.)

Those who participated in the Academy study cautioned federal managers to explore all the options carefully and not to set up their own groups until they have exhausted all local possibilities.

Tailor the Forum to Meet the Federal Purpose, As Well As to Fit Local Custom and Needs

If a local entity is asked to manage a CBM forum, additional community, federal, or state interests may have to be added to balance the mix. The expectations of the forum must be clear so that representatives of these interests are willing to come to the table. A disinterested facilitator may have to be added to allow the local entity to fully represent its own interests. If a local host has not addressed specific issues in the past, such as hazardous waste disposal options, the participating federal agency may have to provide resources for obtaining of technical staff or consultants. It is important that the local forum is equipped and organized to manage the process effectively.

Assure That All Significant Interests Are at the Table and Have Able Representation

All local interests must be there, especially from government and the private sectors. Often government and business leaders are the ones who can implement a forum's decisions. If those players are not directly engaged, there can be no effective agreement. It is essential to engage the supposed "bad guys" too. CBM would be easier if they weren't involved, but the CBM consensus is worthless when major interests have been ignored.

Understand the Different Roles of Advocacy and Community Groups

Both groups play a role in representing important interests: those of particular policy positions and those of a place. But CBM managers should not confuse their roles. Practitioners who attended project focus groups noted that advocacy groups can drive wedges between citizens and governments. One NEP, for example, selected as

"citizen" representatives only individuals who were active in environmental organizations, thus skewing the outcome and opening themselves to criticism by citizens who were not environmentalists.[16]

Consider the Use of Professional Facilitation

In complex CBM forums, there can be an advantage to hiring a skilled neutral party to help frame the agenda and manage the relationships. A professional facilitator also removes from the sponsoring agency or host organization the burden of facilitating meetings while expressing its specific interest.

Provide Independent Technical Analyses If Necessary

Some problems are so technical that a community needs outside expertise to intelligently define the problem and weigh options. If so, the federal sponsor must help the participants to determine what expertise is needed and obtain it. For example, the Superfund and DOE site clean-up programs provide technical-assistance grants to forum participants.

Don't Get Hung Up on Research and Assessments

It is important to target technical support and to only research issues that require further information before a decision can be made, as opposed to issues that might benefit from more information, that are related but would not directly contribute to making a forum decision, or are merely interesting to the research community. A researcher can refine a model endlessly but, the purpose of CBM is to make a decision, not support research.

Frame the Issues to Obtain Timely Decisions

A federal manager may be able to use national policies to frame value laded situations, particularly where a federal decision is at issue. In such cases, if there are a limited number of options on the table, the players are more likely to settle on those that have a potential for being adopted — those with a realistic price tag, for example. Further, the group should consider only those solutions that are costed-out and are within responsible fiscal bounds. Final recommendations should be accompanied by commitments to implement.

Build In Short-Run Accomplishments

While CBM aims to create broad visions, the process can lose momentum quickly if there is not tangible and timely progress. Planning forums should focus concurrently on broad goals and on targeted initial actions. Accomplishing something quickly can help a group maintain a sense of progress and help a community understand that the CBM project is a serious one.

Establish "Rules of Engagement"

Since community-based dialogues are quite different from the meetings that federal employees have with other agency or advocacy group representatives, it is important to be sensitive to the need for a collaborative meeting protocol. For example:

- **Treat all participants with the respect that their positions demand.** Be aware of any cultural or social differences that may inhibit the process. The governor of an Indian nation, for example, was insulted that the federal representative who was sent to meet with him was in his twenties and did not have a high rank within

the organization. To him, this meant the federal government was not serious about the subject under discussion. Titles and formal honorifics should be used initially for everyone. Wait for group members to make the first move on the use of informal names.

- **Establish an "openness" policy.** Federal managers must state exactly why the federal government is there, as well as explain what the federal government can and can't do to help. The other members of the group should state their interests and agendas clearly as well. Every participant should know the exact nature of the community's involvement, especially his or her own role in the decision process.

An Example of Clarification of EPA's Role in the Decision Process of a CBM Forum

"(Federal) governmental authority may be exercised only by officers of the United States . . . EPA intends "to make those decisions based on the final agreements of the council to the maximum extent consistent with EPA's legal obligations."

Source: Pine Street Council organizational protocols draft.

- **Keep the process as simple as possible.** Establish an agenda and follow it. While it is important to "dance with the bear," it is equally important to move the process along. No one wants to spend any more time than necessary at meetings. Five-to-ten-year planning processes and endless meetings often result in key participants dropping out and special interest advocates taking control.

USING FUNDS TO ENHANCE THE PROCESS

When federal agencies initiate community-based activities, it is likely that a number of participants will first request federal funds. But throwing money at a community may be one of the least effective ways of obtaining participation and cooperation. The Academy panel offers the following ideas to maximize the return on federal investment:

Commit Dollars Only to Achieve Specific Program Purposes

If a manager must use funds to get all of the players to the table, he or she should make sure to use the smallest amount possible. Large infusions of federal funds can affect the dynamic of the process and lead to the feeling that the federal government will control the outcome and provide the solution. Then, too, if there is money at stake, community groups may spend more time competing for it than in solving their problem. Researchers and contractors also are drawn to federal funds. While their work may be useful at some point in a CBM process, up-front efforts on their parts may introduce issues that may delay closure or derail a successful outcome.

Thus, federal managers should keep in mind that CBM is not a grant program; it is collaborative governance that may be aided by federal funds. One technique used frequently to entice state and local government into participating in CBM is to offer of federal funds which require matching contributions by state or local government. For example, states now invest far more of their own resources than are required by many

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delegated federal regulatory programs because the programs have become a high state priorities. Participants in this study, however, cautioned that using federal funds to leverage state and local funds is no guarantee of commitment to a process or of a result that implements recommendations. Real buy-in comes when public and private sector representatives decide that participating in the process is in their best interest. It has been their experience that state and local governments are willing to match funds for activities that fit into their priorities, but are sometimes not willing to accept or implement the results of those programs. For example, once "NEP management plans" are completed and approved, the communities or state agencies which had received sizable planning grants often refuse to provide financial support for the support staff to manage the post-planning processes. They have pressured Congress to earmark federal funds for overseeing and implementing the projects well beyond the existing statutory commitment.

Teach and Encourage a Community to Compete for Other Resources

The guarantee of a stream of resources often discourages community participants from seeking other resources. Brownfields administrators have found that their strict commitment to two-year site-assessment grants motivated communities to contact financial institutions and developers and to seek the commitments of state and local agencies to participate.

With respect to other federal agencies, practitioners noted that one agency's "leveraging" is another agency's "rip off." Once contributions from the initiator have ended, there is no guarantee that the participating agency will continue its support unless the participating agency decides that it is in its own best interest to do so.

When Grants Are Made, Hold the Grantees Accountable for Funds

If a federal manager determines that small grants are necessary to bring disenfranchised groups into a negotiation, he or she should assure that those groups are able to account for how those funds are spent. It may be time-consuming and tedious to follow up on those requirements, but such accounting maintains the integrity of the CBM process and provides useful data about the needs and accomplishments of community groups. It is also self-defeating to signal to community groups that federal funds are a free ride as community participants are also more likely to loose interest in the forum once federal funds end or the auditors begin to ask questions about how the money was used if accountability was not clearly understood from the beginning.

DEALING WITH INTERNAL CHALLENGES

In addition to the challenges from a community, a federal manager can face significant challenges from other programs within his or her own agency. Sometimes, the biggest hurdle to CBM is from the federal office next door, down the hall, or across the street. It may require as much or more salesmanship to induce a colleague to join and support CBM efforts as for any other participant, and it is just as important.

Long-time agency managers have experienced the dichotomy between the flexible dynamic of CBM and the established cultures of their agencies. Agency employees who take the risk of opening a decision process to outsiders sometimes lose their status as

candidates for promotion. Those whose risk-taking failed may be considered failures themselves or blamed for undermining an agency's competitive position in the struggle for scarce dollars and skilled staff. Also, "flexibility" is often relatively undefined, making it sometimes difficult for federal CBM participants to avoid creating troublesome precedents or resource requirements.

Even where management supports CBM and defines flexibility favorably, some parts of a federal agency may maintain narrow interpretations of statutes and regulations or continue approaches which have the same effect. A recent news article noted that year-old changes in Superfund guidances affecting nuclear site clean-up and management were not being followed by either EPA or DOE field staff.[17] An intensive communications effort had to be initiated to get the message through to both agencies' field offices even though they had all received timely notification of the changes.

Often programs within the same organization can present the most tenacious opposition. Programs using community-based approaches are often considered soft compared to programs facing court-ordered deadlines or those creating environmental standards. As competition for resources increases, the motivation to avoid cooperation and create barriers and hazards for experimental efforts and their managers became substantial and can be detrimental to an agency's work. For example, a state official noted that an estuary plan which had been developed through the NEP program and approved by the EPA administrator as well as his governor is routinely ignored by many federal and delegated-state permit-writers. That individual concluded that CBM may be useful for unregulated sources of water contamination and situations in which public responses are voluntary, but not for sources which are controlled by permits and managed by agencies not supportive of CBM activities.

Dealing With Challenges From Other Federal Agencies

Most issues addressed in CBM inevitably involve more than one federal agency. Indeed, the more comprehensively a sponsoring agency addresses an issue, the more likely other federal interests will be affected. Sometimes those interests are not directly related to the sponsoring agency's purpose, but because of their importance to the community they must be addressed if CBM is to succeed.

Dealing with other federal agencies can be a contentious task. Other agencies may be unwilling to contribute time and effort to issues for which they have not explicitly budgeted resources. Some will expect to be reimbursed for their effort as they may have been in the past. Some may have their own community-based efforts underway and regard another agency's CBM project as competitive or duplicative — as it well may be.

The lack of one federal voice can strain and frustrate community negotiations. Undoubtedly the most frustrating issue is the difficulty agencies often have in presenting a consistent federal position on issues. Communities simply do not understand that interagency conflicts are based on differing missions or on conflicting or technically infeasible statutes, as well as on different work and professional cultures. Well known are the differing views of agricultural and natural resource agencies and environmental protection agencies about the value of regulations and enforcement.

Undoubtedly the most frustrating issue is the difficulty agencies often have in presenting a consistent federal position on issues.

The public has even less understanding of intragency conflicts. For example, it is difficult to explain why the Clean Air Act's nonattainment requirements might prevent the Superfund program from encouraging a new industry to move onto a brownfields site because it would further increase local air pollution.[18] Such a stance may handicap the Brownfields Program's ability to attract businesses and industry to old, abandoned industrial communities which hope to attract jobs. It is often easier and less costly for an industry to move to undeveloped "green fields," compounding the negative effects. That situation is typical of the conflicting purposes and requirements which face federal managers. At times, a way around such barriers can be found, but not always.

Other federal officials have mistakenly tried to avoid disrupting regulatory issues by purposely excluding them from the community-based dialogue. The effect is to discuss and come to agreements only on certain aspects of a problem, a practice which can seriously compromise the value of the effort.

Further complications arise when different federal regional and field offices have been delegated uneven levels of authority. Some hold extensive delegations while others must obtain headquarters approval before making commitments. For example, EPA is highly decentralized with all but the most politically visible, new or unique efforts decided by regional officials. In contrast, the Department of Health and Human Service's (HHS's) decisionmaking authority is almost exclusively based at its headquarters. However, senior EPA representatives may be unable to stand behind negotiated positions or make on-the-spot commitments when a very "political" decision or experimental effort is involved. Some programs delegate extraordinary responsibility to technical staff and have little national oversight. The Endangered Species Program, for example, has given broad discretion to technical field staff which they have used to challenge the results of CBM forums. The National Oceanic and Atmospheric Administration (NOAA) has no regional offices; headquarters staff perform those functions. The Department of Urban Development's (HUD) housing program has in large measure been devolved to municipal government, with HUD officials maintaining broad policy-setting and oversight responsibilities. The Department of the Interior and the Department of Agriculture have extensive field networks that are closely tied to communities, while EPA has virtually no field staff. There is currently no mechanism to bring coherence to regional and field organizations. Past efforts to do so, such as the Federal Regional Councils of the 1970s, quickly fell into disuse. Informal relationships appear to be the most productive way for federal representatives to resolve their issues.

A few communities have been overwhelmed with conflicting and overlapping community-based federal initiatives. Some communities have reported that so many community-based initiatives have been established between federal agencies and different parts of the community that people cannot participate in all of them. There is no mechanism in Washington or within federal regions which help agencies combine CBM efforts or otherwise help agencies, states, and communities focus their efforts on the most critical or appropriate issues, although the introduction of federal/state performance partnership program in the management of delegated programs holds some potential for serving that function.[19]

Certainly some inter- and intragovernmental relationships work well, but they are difficult and time-consuming to establish and can be maintained only through extraordi-

nary commitment on the parts of all agency participants. They work best at the two extremes: where there is a major crisis, often involving the highest levels of government — the Forest Summit, for example, in 1995 when the president had to spend a day at the table with the major players — or in settings that do not involve substantial federal decisionmaking such as supporting voluntary civic efforts. In the latter case, the federal government generally plays a supportive role — providing technical information and how-to documents for local groups interested, for example, in developing community-led wellhead protection programs in conjunction with state and local environmental agencies.

DEALING WITH CHALLENGES FROM STATES

The Tenth Amendment to the Constitution provides that powers not specifically delegated to the federal government are the province of the states. States define the powers of local government through their own constitutions.

A thorough understanding of how our federal system actually works can be a great help in navigating a CBM process. Most federal managers have worked with the state or local agencies that parallel their federal agency. For example, most EPA managers have learned how to work effectively with state environmental agencies and with local entities which manage air, wastewater, or drinking water programs. But in a CBM process, the federal manager works with a much broader array of state and local governmental entities.

States are generally structured similarly to the federal government, but the details of their organization can be quite different. In other words, states are not simply smaller versions of the federal government. For example, some state environmental agencies also manage natural resources. Each state also has its own legal structure and political traditions. Some state governors have even more authority under the state constitution than the president does under the U.S. Constitution. For example, many governors can veto portions of legislative bills. In other states, the governor is constitutionally weak. In Florida, for example, many routine contracts and major policy decisions require approval by a seven-member cabinet of elected officials. The governor chairs the cabinet but has only one vote.

All states define the powers of local governments under the state constitution and state statutes. But the political reality in some states is that county commissioners have a great deal of autonomy, while in other states, there is a tradition of strong state influence over land use and many other matters.

States and tribes are sovereign entities, not interest groups. Indeed, one of the surest ways that a federal official can anger state, tribal and local officials is to equate them with interest groups. In some issue areas, most of the work of states is to manage federally designed programs. But in many other areas, such as land use, states have far greater legal authority and political influence than federal agencies. Thus, states often can bring a unique set of resources into a community-based effort.

States and tribes are sovereign entities, not interest groups.

CBM changes federal relationships with state agencies. Over the past 30 years, EPA and the states have developed relationships based on EPA's delegation to states the authority with financial support for implementing federal programs, including enforcing national environmental standards. Those relationships, for the most part, have worked

well and achieved much, but they are changing. For a long period most states were, and still are, driven by those delegations of authority and many still think and operate around federal laws. In doing so they have developed more sophisticated governmental structures and capacities. Some states are beginning to reorganize to address the broader concepts of sustainable development.

States ordinarily feel capable of implementing national priorities within their borders. Where federal priorities conflict with their own, they are seeking greater control over priority-setting. Many states are creating discrete community-based projects or developing performance partnerships which include that approach. Some like the traditional regulatory relationships; others feel CBM may hold promise but wish to wait until the approach has been more clearly defined.

Further complicating the relationships between federal and state governments are the same conflicting policies and guidelines that complicate relationships between federal programs. Since state government organizations generally mirror their federal counterparts, every program has developed guidance and priorities, as well as a culture to accomplish its particular mission. Where the CBM approach is not clearly integrated into federal/state delegation agreements and grant requirements, state agencies can be in the awkward position of challenging the requirements of one federal program at the behest of another.

At the workshops held for this project, some regulatory and enforcement managers said that they feel caught in a "catch-22" situation. While pressures continue to drive vigorous enforcement, the approaches used to encourage or force state action are being questioned. State representatives who participated in four Academy focus groups prefer the position taken by the past chairperson of the Environmental Commissioner's Organization of States (ECOS) that the "federal government help the states do what's right rather than catch states at doing what's wrong."[20] Where enforcement actions are taking place, participants may find themselves at a conference table trying to develop shared goals with those with whom they are locked in contentious legal disputes.

DEALING WITH CHALLENGES FROM LOCAL GOVERNMENTS

The primary role of general purpose local government is to balance among competing interests on behalf of a community as a whole.

Local governments play a role quite distinct from that played by federal and state government, one relating specifically to place. In contrast to the heavily "stove-piped" federal and state levels of government, general purpose local governments such as counties and municipalities tend to define problems far more broadly. Those local governments have powerful tools such as police and public health powers and exclusive authority to determine how land may be used. They address issues which most directly touch peoples lives, from educating children, to providing health and social services for the poor and disabled, to picking up the garbage and filling pot holes, to enhancing the economic and aesthetic viability of the community. The primary role of general purpose local government is to balance among competing interests on behalf of a community as a whole.

On the other hand, there also are many independent, narrowly focused local authorities, such as water districts and school systems. Some of those entities are minor. Mosquito-control districts, for example, are rarely important players in local affairs. Many water and wastewater districts have regional scope and are remarkably well insulated from pressure from elected officials or even the citizenry.

Yet Americans are conflicted about the role of local government. According to some polls, most people believe that local government is more trustworthy and effective than any other kind. Academy focus group participants said that local elected officials often present themselves as representatives of a community but that the public also regards them as too entrenched or that they make local decisions without regard to other interests in or outside the community.

Of course, most local elected officials believe that they are the legislated decision-makers for their communities. They are the ones facing the competing issues of health care, crime, education, economic development, and the environment, as well as a citizenry that wants answers to all those problems without new taxes. However, many elected officials admittedly do not understand technical aspects of many of the issues facing them. Except in large cities, they may lack the staff to advise them, let alone to collaborate with federal, state authorities, or community representatives. Indeed, they may even have a paranoid view of federal and state agencies. Then, too, many local officials remember that early "community action programs," such as those of the Great Society, were used to by the federal government to mobilize the disenfranchised to challenge unresponsive local governments.

Given those beliefs and situations, it is hardly surprising that some local officials are concerned about CBM, especially if it is initiated by an agency like EPA that has worked primarily with and through states. HUD and USDA aside, a regulatory agency is likely to met stiff opposition in attempting to get local officials on the CBM bandwagon. Federal managers must be sensitive to those feelings and promote partnerships, not polarity.

Those who participated in this study emphasize that, despite the seeming difficulty of some of the issues discussed above, federal managers must involve all levels of government in CBM, must prepare the context for real deliberation, and let the chips fall where they may.

CONSENSUS VS. FORMAL AUTHORITY

CBM thrusts federal managers and their representatives into a very new dynamic, yet a federal manager's ability to operate within it is at the core of making the CBM approach to decision- making work.

The process of making a decision within a collaborative community process is quite different than the process of making decisions inside an agency. In an agency setting, managers have at least a formal authority to make decisions, as well as a clear responsibility to provide leadership. Behind the scenes, there may be many kinds of informal consultation and complex patterns of influence. In addition, an agency manager must deal with complex outside influences from interest groups, congressional staff, media, political appointees, inspectors general, other agencies, and many others. However, the formal authority that is inherent in statutes, regulation, and agency structure does provide a fixed point around which those many influences and powers circulate.

In a community-based process, the same informal complexities and influences are present, but the fixed point of formal authority is missing. Instead, the fundamental rule of decisionmaking is to *approximate* consensus, which changes the ground rules substantially.

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Obtaining full community participation is difficult; reaching a unanimous consensus is nearly impossible. Where there are complex issues there will be differing views. Federal managers should view CBM realistically, especially where a highly visible federal decision is involved. Even when unanimity is not reached, participants may still be satisfied if they had a substantive opportunity to express their viewpoints and were provided valid reasons why theirs was not accepted. Studies have concluded that those who expressed disappointment with a community-based forum were more likely to be unhappy if their views were not taken seriously than with an outcome with which they disagreed.[21] Even where substantial differences remain, a federal decision will be more defendable in the political arena or in court if the plaintiff's views were fully heard and considered.

It is important for federal participants to understand the conditions under which others have a incentive to participate. Often participants will express concern over the existence of conflict in community-based forums, yet it is the existence of conflict that motivates people to invest in the process and is an effective forcing factor. An additional condition for a robust, meaningful negotiation may be such other forcing factors such as deadlines and mandates. When a permit must be renewed for important work such as harbor dredging or a statutory or court-ordered deadline to issue a permit is imminent, minds tend to focus and options appear more feasible.

Self-interest and ambition also are factors that attract people to issues and cause them to invest their time and energy. For some it is economic, the possibility of gaining a competitive advantage or getting a better job. Some are driven by civic ambition — gaining local stature by promoting worthwhile causes. For others, it may be political ambition which may be realized by promoting a political agenda. The adept use of conflict, deadlines, and mandates, as well as a keen understanding of what motivates people, can help in facilitating negotiations and arriving at a mutual, timely conclusion.

Clarifying a community's role in a decision is sometimes difficult. Local elected officials rightfully regard themselves as decision-makers, not interest groups. Community leaders who are cynical about federal efforts or want to expand their own power base or visibility may advocate that only communities make the decisions that affect them. Study participants expressed their concern about federal representatives who over-promised community autonomy, in part by loosely using catch phrases as "bottom-up" civic action, "empowerment," or "flexibility." They noted that in cases where agencies are not absolutely clear about the legal and other boundaries within which a decision would be made and the extent to which an agency would be able to incorporate community views, citizens have tended to become disappointed, negative, and less likely to engage in the future. Similarly, like-minded government and citizen advocates have negotiated agreements without the full support of the agency which must implement the action or pay the bill. It is imperative that participants in community-based activities be helped to understand that they are not the decision-makers but are engaged in a dialogue with decision-makers — state or federal legislatures (where new legislation or large new sources of funds are involved), mayors and governors (if a city or state must take on a new, costly project) corporate or lending institution officials (if industrial development is contemplated). Community representatives are likely to understand a role that is carefully explained rather than if they are patronized with overblown claims of inclusion.

Federal managers and their representatives must articulate and defend national priorities and requirements. Most community participants suspect the motives of agency representatives who arrive in their community claiming a completely open agenda. They know that everyone must have a bias. CBM is about "interests," federal interests included. Admitting that the federal government does not have all the answers can be uncomfortable for those federal representatives who, some practitioners suggested, have an exaggerated sense of their control and power. Everything is not within the scope of the federal government to fix. For example, the single major contributing factor to environmental degradation — decisions about the use of land — lies almost exclusively with local government. Federal participants should also help other participants clarify and state their interests and authorities.

There are a few downsides to community consensus. For example, when the federal government participates in a successful community-based dialogue, local and state programs no longer can obtain resources from their governing boards and legislatures based on being forced by a powerful agency such as EPA. Rather they must rely on the merits of the action to which they have agreed. Further, there are times when a federal agency must make a decision which clearly conflicts with a community's preferences, e.g., when the community is willing to accept drinking water which does not meet federal requirements rather than invest in a system to treat the water.

Federal representatives must say "no" at times and explain why a difficult decision was made within a CBM process. It is easier to turn someone down on paper than face-to-face. The participants in the workshops for this project discussed that issue at some length. Many said that federal officials who participate in community-based decision-making processes tend to become somewhat paternalistic and have great difficulty saying "no." However, especially in collaborative processes, participants want honest, realistic answers. In the long run, encouraging a belief that a federal agency can provide a financial or other solution only keeps a community from developing other solutions.

Accessing the political process is important to the process of negotiating decisions at the community level. Ultimately, agreements must be implemented. Thus federal officials must maintain contact with all of those who must approve a final agreement. One practitioner claimed that success in one particularly contentious issue came from his willingness to periodically update the mayor on the progress of the issues under discussion. Once it was time for her to make a decision on behalf of the local government, she felt fully informed to make it.

Some CBM advocates believe that once the community-based group has agreed upon an approach, the work is over. That is hardly the case. Implementation decisions must be made: operating decisions, requests for new budget or legislative authority from the leadership of multiple levels of government — local, state, field, region, or headquarters. Only then is there assurance that the agreement can and will be implemented.

Increasing Public Awareness and Civic Responsibility

The public is often unaware of its own effect on the environment — nonpoint source pollution from cars and lawn mowers for example. As a result, it votes down many good local and state measures to protect the environment. Many citizens view themselves as

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totally independent of the community and have lost the ability to empathize, help each other, or to work together to improve the community.

Thomas Jefferson pointed out that if people appear not to be enlightened enough to exercise control of their government, the solution is not to take away the control but to inform their discretion.[22] In many ways citizens of the past had more knowledge about their communities than today's citizens do. People relocate so often that they may have little time to learn about their community. Communities in metropolitan areas are so large and sprawling that it can take a long time to understand how they work. But an educated public is critical to the success of CBM. When the public understands issues, it will make or support informed decisions.

The payoffs of an effective public education effort are a more substantive public response, a greater likelihood of public support or acceptance of a federal decision, and a heightened capacity within the community to tackle local issues. Thus CBM managers have a responsibility to enhance the understanding of citizens about their own roles and responsibilities in democratic government.

The public is often unaware of the infrastructure that supports it. People are critical of government service yet it is responsible for such critical services as waste disposal, drinking water, and for minimizing the environmental and health risks posed by each of these potential sources of exposure. Many local spokespersons lack the skills needed to raise issues effectively or bring about a constructive resolution. Federal managers then should assure that the public is informed on the nature of the problem, knows the range of choices available for its solution, and understands how making or not making a decision will affect the community.

Where a community lacks information, advocacy groups or the press can distort public perceptions. Practitioners were concerned that unless agencies educate community residents, some advocacy organizations will distort the issues. For example, advocacy groups were able to convince Denver area citizens to reject a referendum making Rocky Flats a permanent storage area for nuclear wastes. Thus wastes are currently stored in many temporary sites at far greater risk to nearby populations. Having little information and faced with one option, citizens made the only sensible choice – but one that could have repercussions. It is up to federal managers to make sure that ignorance does not result in harm.

Rebuilding America's capacity for creative civic action will not happen overnight. It has taken 30 years for states to develop the technical and legal capacity to manage environmental protection. Local governments have had far less experience. Indeed, Donald Snow[23] notes that federal land management and subsidization of many activities has incapacitated the ability of many western areas to govern themselves. For example, the majority of the land mass of Utah and a few other western states is are under federal control as are major aspects of western water management. As devolution and decentralization of government functions occurs, local government and nongovernmental groups will have to shoulder a greater responsibility for community protection and development. CBM is one vehicle for citizens and local officials to enhance their capacities to take on those challenges.

CHAPTER 4

Meeting the New Challenges By Managing for Results

A federal manager may well ask about the relationship between CBM and the way that he or she manages the internal operations of a program. When establishing CBM as part of a unit's activities, a manager must lay a solid basis. The agency must clarify its mission and accountability systems so that it can deal with the challenges to its rules and procedures that inevitably will arise when outsiders participate in decisionmaking. The agency must set clear criteria for when to use CBM and must identify the authorities and tools which it can use in CBM processes. In addition, a manager may find that the agency staff has neither the skills nor the interest in working in new ways. To prepare for effective use of CBM, the manager must learn from the experiences of others — both within and outside his agency.

MISSION STRATEGY, GOALS, AND AN ACCOUNTABILITY SYSTEM

A clear mission strategy, one with meaningful goals and measurable outcomes, is important to the success and longevity of CBM. There's nothing new about the need for a clearly understood mission. Unfortunately, some workers consider "mission strategies" peripheral to their work and some managers do not use them in making policy, budget, and personnel decisions. Everyone has had to attend too many meetings devoted to determining mission statements and strategic plans that later drift into oblivion. However, given conflicting congressional directions, court decisions, and citizen calls for accountability, federal managers must learn to make real choices among competing actions, work within those choices as best they can, measure and report progress, and justify future budget requests based on those choices.

Federal managers must learn to make real choices among competing actions, work within those choices as best they can, measure and report progress, and justify future budget requests based on those choices.

Setting priorities doesn't always mean endless meetings. Sometimes new priorities result when federal managers open themselves up to new possibilities. In the late 1970s, for example, the administrator of EPA requested a "ground-water protection strategy" in response to carcinogens found in the ground water used to supply drinking water. There was no legislative road map for such a strategy, only broad authorities to plan for and protect sources of drinking water.[24] The agency concluded that the traditional regulatory approach would not work given the lack of information about the

nature and extent of the problem, the many and diffuse sources of contamination which were causing the problem (leaking underground tanks, agricultural chemicals), and the likely opposition of those who opposed federal intrusion into the powers of state and local land-use and water-quantity authorities. Getting Congress to authorize a large new grant was equally unlikely, in part because of strong opposition from the "surface water lobby" which saw the introduction of ground-water protection in terms of competition for funds.

The agency opted instead for a strategy that focused on achieving continuity in federal ground-water policy and in building state capacity to respond. It urged states to voluntarily bring together their environmental, natural resource, and geologic survey bureaucracies into collaboration with industrial, environmental, and municipal representatives to determine the extent of the problem in their states and what they could do together to address it. EPA's role was to provide technical assistance and limited financial resources to coordinate the efforts. The wellhead protection program, a CBM effort, followed several years later.

Setting priorities is a complex process. Arriving at a strategy for one program is difficult, but even more difficult is putting that program and others into the context of a coherent agency and federal strategy. Given today's conflicts between regional and headquarters offices, between programs, and between the political leadership and an agency's culture, as well as conflicting statutes and congressional mandates, coordination is extremely difficult. While public and federal managers alike know that it is far more important today to restore a watershed or rehabilitate a deteriorated urban area than to issue a thousand permits, we have few definitions or methods of accountability that help a manager measure the progress being made through either traditional or community-based agency activities.[25]

Even the time-honored "bean counting," such as reporting numbers of permits granted and enforcement actions taken, no longer is sufficient justification for the use of federal resources. While broad measures of environmental, social, or economic productivity can be used, those that can link the work of given programs to results are not yet well-defined. Justifying a five-year process of community planning by pointing to likely environmental results, such as increased sea grass production 20 years hence, does not provide adequate justification for OMB or appropriations committees that are straining to reduce the public debt. There has been some work in developing a continuum of accountability measures that indicate the gradual progress of a CBM activity, from organizing a forum, setting clear goals, and initiating operational goals (establishing a rule, starting a public information campaign) to more substantive measures determining numbers of new housing units or acres of brownfields turned to productive use, or acres of new sea grasses.[26]

A federal agency that knows what it is doing and can express it clearly to Congress and citizens alike is much more likely to effect community collaboration than one that is groping for focus.

Regardless of that seemingly insurmountable hurdle, clear agency mission goals and performance standards are crucial to engaging others in CBM. Agencies must put their own houses in order if they are to be truly effective in ordering those of others. As the participants in this study agreed, a federal agency that knows what it is doing and can express it clearly to Congress and citizens alike is much more likely to effect community collaboration than one that is groping for focus. There must be solid programmatic reason for an agency to engage in CBM. The Academy study participants did not believe that geographic convenience, addressing issues outside an agency's mission, testing an approach,

or reacting to a request are appropriate reasons in and of themselves for initiating CBM, yet they had all heard those reasons from federal agencies. If an agency does not have a clear rationale for CBM, how could it expect a community to effectively participate?

Indeed, clear goals and performance standards will engender community trust and avoid misunderstandings and misrepresentations. Neither will limit an agency in negotiations or prevent it from assisting communities to seek help elsewhere to address issues that are outside of its mission.

Meaningful strategies are the most effective basis for holding people accountable. Federal CBM managers can be effective only when they have clear and workable accountability systems. They must retain the authorities crucial to a program and delegate all the others. Indeed, one of the reasons CBM is such a tenuous concept in many agencies is that there are no performance standards or meaningful accountability systems. Agencies almost never conduct independent evaluations to assess the progress and value of projects. When they do, the evaluation is usually regarded by managers and staff alike as a programmatic death knell and strenuously resisted.

But such evaluations can be credible, positive, and not necessarily overly expensive. Some information can be gathered by volunteers or mailouts to citizens to determine if their actions have changed as a result of CBM recommendations. A good example of an evaluative survey is one that asks if the citizens are more likely to take public rather than private transportation to work, whether they recycle their trash, or pump out their septic tanks at least yearly. Evaluation of the progress of the overall plan can be carried out within a community by bringing in peer reviewers from other jurisdictions as well as the press, universities, and other local leaders in a several-day meeting to review the forum's work to date and offer advice. Most peer reviewers are so taken aback by the willingness of a group to have their work reviewed that they tend to be constructive rather than negative in their reviews.[27]

CRITERIA FOR WHEN AND HOW TO USE CBM

Some CBM advocates eschew criteria. They want total flexibility, no rules, no guidance. But that is anarchy, not CBM. Unfortunately, the body of knowledge about CBM is still relatively small. Many agencies that have practiced it for years are still groping with its definitions and parameters. But there are lessons for those who want to use CBM and advice from its successful leaders. The Academy panel presents the following guidelines for federal managers and encourages them to extrapolate for each situation:

Establish Criteria

Both program and situational criteria are needed to determine the most productive locations to apply CBM.

Program criteria help determine those situations with reasonable potential for CBM approaches to address an agency's highest priorities, including these situations:

- represents a high mission-related priority for the agency and the program which would undertake the work, e.g., for EPA the situation would relate to existing threats to human health and/or the environment, or environmental threats that are likely to result from other federal actions in the absence of direct agency involvement.

- the program has authority and resources to take action but cannot achieve the needed results alone, e.g., local land-use decisions may be required to achieve restoration or protection, businesses may have to make operational changes to achieve the desired result.

- the program is assured that other relevant agency programs will participate in good faith and incorporate the results in their own decisionmaking. (CBM plans that are ignored by an agency's own permit writers are a waste of time and money.)

Situational criteria are those that include the characteristics of communities that the agency regards as a high priorities for investments such as when:

- addressing the community's principal issues would further a program's goals and highest priorities

- a community is at high risk or lies within a predetermined high-priority location. For EPA, that might be within a valuable ecosystem or an urban area with a high degree of noncompliance with federal standards. For HUD, it might be an economically depressed community that has no infrastructure for self-development

- a community lacks the resources to assess the problem or meet environmental standards

- collaboration with another federal agency — or agencies — would meet more than one goal, such as facilitate highway upgrading while reducing wetland destruction

- relevant public and private interests demonstrate a commitment to addressing the issues through CBM

Determining That the Situation Is Amenable to CBM and Is a High Agency Priority

After establishing the criteria and before deciding to use CBM, a federal manager should assure that the specific situation under consideration is analyzed by those delegated responsibility for making those decisions. The manager should:

- define all the issues to determine whether there is a problem that lies within the agency/program authority to act. Is it a federal issue or one that must be addressed locally, such as high-density residential zoning in a coastal area?

- identify all of the parties of interest, including those outside the likely boundaries of the community. Is there an adjacent community which would be affected by the incinerator on its border?

- know the conflicts and problems among the parties and consider the likelihood of participation by the parties of interest. Is the issue as contentious as the "spotted owl" issue? Is there a possibility of resolution without the President's participation?

- determine if the problem is high-priority for the agency and that there are ways the agency could solve the problem. Is the issue worth the time and money? Are there better ways for the federal agency to address the problems, e.g., creation of market mechanisms.

- determine if the community itself is high-priority for the agency. Is it a wealthy community that could afford to find its own solution?

- do the problem and its potential solutions match the people and institutions that are affected by it? Do the participants have the authority and interest to act upon it? Who is left out?

APPLY FEDERAL AUTHORITIES TO ENHANCE PARTICIPATION AND DECISIONMAKING

Collaborative efforts such as CBM are more effective if regulatory requirements are "on the table and enforced." Practitioners in the Academy study emphasized that there are good reasons for regulation, including equity and predictability. Additionally, regulation gets people's attention. They pointed out instances where federal managers put regulatory issues out of bounds to avoid conflicts, a tactic they concluded undermines CBM. They noted also that federal participants who show the ability and willingness to enforce regulations often help motivate the closure during a CBM process and convince industry to maintain its participation.

CBM is more effective if regulatory requirements are "on the table and enforced."

Managers are urged to provide more guidance to CBM participants on the range of flexibility that might be applied to specific regulations. Most laws contain more flexibility than is obvious. In fact, even though major regulatory change will take years, EPA and other agencies are now taking steps to reduce complexity. One example is the options available to states in drinking water and sewage treatment regulations for the use of less costly efficient alternative technologies than those explicitly described in the regulations or which have been established as industry convention.

TABLE 4–1: REGULATORY FLEXIBILITY IN PRACTICE: EXAMPLES

New York State	CBM negotiations with industry to settle a compliance issue in lieu of enforcement.
EPA Small Communities Compliance Policy	Permission to small impoverished communities which are unable to comply with all laws at once, to phase in compliance based on risk priorities.
EPA Superfund Policy, Pine Street Barge Canal Coordinating Council of Burlington, VT	Promulgation of federal decisions which are compatible with community recommendations to the extent allowable by law.
EPA Drinking Water Program	Waiver of some federal testing rules in communities with protected wellhead areas.

Participants in this study urged agencies to explore opportunities for flexibility through limited experimental projects such as the case studies conducted by the EPA in Idaho and Oregon of the compliance problems of small communities, then convert the findings into regulatory revisions and policy guidance for use in community-based settings. The Academy panel recommends that managers make a major effort to clarify specific relations.

- define opportunities and boundaries for applying flexibility that could help CBM participants identify options for their communities.
- accelerate the reform of existing policies and regulations to eliminate or reduce conflicting and duplicative regulations.

- identify and remove internal agency barriers such as grant and state-delegation agreements that do not support community-based approaches.

- incorporate the use of community-based approaches into state/federal performance partnerships.

As the parameters of flexibility are defined and barriers are reduced or eliminated, federal managers should lose their fears that flexibility will lead to regulatory anarchy.

HELPING THE COMMUNITY CONSTRUCTIVELY PLAY ITS ROLE

As a federal manager becomes involved with a CBM program he or she may have to change other aspects of agency operation. Agencies are used to communicating with other agencies of government, regulated industries, and advocacy groups but less so with the public, particularly at the community level. It is very important to the success of a community-based effort that the public and community leadership can access and understand information about the issues and the role that the federal government is playing. Indirectly, CBM also plays an important role in developing social capital. Participants in this project were particularly pleased with the legacy of heightened public knowledge and of local public and private sector leadership. While this is not the main function of federal activities, it is an important aspect of the process of managers should be aware of and promote to the extent possible.

Convert Government Documents to Lay Terms

Federal government documents developed for public review are almost always long, technical, and difficult to understand. A federal manager should make sure that any necessary documents are clearly understood by all participants. He or she should write versions of the primary documents that can be understood or provide supplemental material, such as easily understood fact sheets.

Provide Help to Local Technical Staff and Elected Officials

Many large municipalities have sophisticated staff, but smaller communities often don't. Local officials and staff alike may need training in meeting facilitation or negotiation skills. They also may need to gain a better understanding of the problems in their communities and how they can cooperate with others to solve them. Some community-based programs offer such training courses through professional and other associations or call for federal regional or field staff to provide training directly. In cases where small governments do not have the funds to acquire expertise during the dialogue, some CBM programs will fund an independent advisor from a university, consulting group, or other source to provide independent technical support to during the negotiation. Superfund's technical assistance grants (TAG) are a good example (see Appendix A).

Facilitate Community Participation

CBM participants should understand the workings of government. Uncomplicated assistance such as providing definitions of acronyms or making available short, clear descriptions of relevant government programs will go a long way toward fostering collaboration. Get the word out through hotlines, workshops, and publications. Use a local community organization or nonprofit if need be. One community placed all of the rele-

vant information at its health center because people knew it could be trusted to give straight answers. The Chicago Brownfields Plan includes an action item to develop the capacity of nonprofits to serve as one-stop service centers to provide small manufacturers, developers, and community organizations with technical and financial assistance.

Possible Roles for Community Organizations: Examples

- *provide a one-stop service center for technical assistance to small manufacturers, developers, and community organizations*
- *serve as "redevelopment ombudsmen" by assisting developers and communities.*
- *establish cooperative links among schools, job training providers, and industry*

Source: Brownfield's Forum: Recycling Land for Chicago's Future — Final Report and Action Plan.

Teach "the System"

As one study participant noted, the issue is less about reinventing government and more about making government's knowledge available. Federal CBM managers should help a community learn how and where to look for resources. By developing educational materials and providing sufficient "tools" (see Chapter Two) in CBM programs, participants learn how to achieve their goals through the use of government institutions.

Increase Accessibility to Important Information

Besides increased access to government leaders, communities need more information about how government affects them. For example, sometimes small business owners do not know they are breaking rules until they are inspected and fined. Web sites devoted to federal, state, and local regulations for particular businesses would be of great benefit to them. Communities also need other important data — geographic information systems (GIS), for example. When a financial institution cooperated with the federal government to array data on restaurant place mats that showed that half of the land in Wilappa County, Washington, was owned by one company, citizens suddenly had a better understanding of how they could approach their environmental problems.

Involve the "Community of Practice"

Experienced practitioners of CBM at all levels and in all sectors can be particularly creative and should be involved in CBM whenever possible. Federal managers should provide them with special opportunities to exchange information, obtain or provide training for others, or participate in other appropriate ways. Those experiences will be valuable, not only to a community, but to the CBM movement at large. It is through the leadership of experienced CBM practitioners that the culture of CBM will develop into a body of knowledge.

Plan for the Future

Federal managers should not be hand-holders or make themselves indispensable. They should bring knowledge and information and, to the extent a federal decision is

The issue is less about reinventing government and more about making government's knowledge available.

not involved, let go and trust the people at the local level to make their own decisions and implement their own programs.

HELPING THE WORKFORCE ADAPT TO CBM

No matter how carefully managers seek to apply CBM, it will not work unless agency leaders support it with tangible financial, legislative, and organizational resources. The participants in the Academy study felt that public and internal agency statements about CBM must be clear, persuasive, and frequent. They also believed that organizational relationships, policy changes, management expectations, and employee reward systems must reflect a commitment from the top. They felt that federal agencies have good intentions with regard to CBM but that they were impatient with the pace of progress. They recommended that all domestic agencies with direct community activities establish CBM as one of the top three or four agency priorities. Managers must also recognize and acknowledge the challenges and difficulties staff face when working in CBM situations and understand that even the best intentions cannot make up for a lack of skills and knowledge.

Those whom the Academy panel consulted did not believe that such changes would be easy. Many federal agencies have a "bunker mentality." Their employees have seen management fads, public goals, and political leadership come and go. Indeed, sometimes that bunker orientation is the only reason an agency survived. Now however, agencies must realize that their continued survival depends on changing the way they do business.

Retooling a federal agency to change as dramatically as the public expects requires a major investment in workforce training, development, and recruiting.

Changing an agency's culture to encourage the openness inherent in CBM requires a change from top to bottom in the approach of its employees and their responsibilities. There should be new job descriptions for all those who have any responsibility for CBM. Federal agencies might take a lesson from companies like McDonald's, which carefully designs jobs, assesses the skills needed to undertake each job, then provides the training needed to maintain a consistent quality of service. McDonald's relies on carefully defining quality and providing staff with an impressive level of training. While processes of implementing government programs and selling hamburgers are significantly different, providing consistent quality no matter where the service is delivered is a common and important goal. Retooling a federal agency to change as dramatically as the public expects requires a major investment in workforce training, development, and recruiting.

At a minimum, all federal employees participating in CBM should have a basic understanding of federalism and the relative roles of federal, state, tribal, and local governments. They also need to understand and respect the roles of civic activists, nongovernmental organizations, and advocacy groups. They also must understand the limits of their powers and roles as representatives of the federal government, i.e., the fine but crucial distinctions between educating the public and mobilizing specific groups (as was done in the 1970s in the community action program) and between providing information to elected officials and lobbying to have funds earmarked for a particular projects. Beyond that however, they also need training and experience in shared decisionmaking. It should go without saying that all CBM managers must know the law: what they can and cannot, should and should not abrogate. Anyone who does not have those understandings and skills should not represent the federal government in a CBM process or be responsible for CBM in any way.

While some people are natural listeners who engender trust and respect, and are adept at working with diverse groups and interests, most require at least some help. Many would probably perform admirably if they received the right training and experience. Now, however, most CBM participants find themselves in CBM situations without the needed skills or definitions of authority. Some indeed fail without knowing why.

While downsizing and limited staff increases will make it difficult to provide new skills to existing staff and recruit new staff amenable to meeting those criteria outlined above, agencies with an interest in CBM must make a commitment to ensure that their staff can carry out new responsibilities.

In return for developing new skills, those who participate in CBM should be able to take informed risks and make mistakes without fear of punishment. Participants in the Academy study observed that federal employees often have a great fear of being wrong, of being considered traitors to their agency if they stretch a few rules to get a more sensible result. Even those managers who are willing to take a chance or two have no idea how far they might be able to go. The Academy panel urges managers to clearly describe "acceptable" risks — those that will achieve higher standards — and "unacceptable" ones — those that give up a standard for an inadequate result. Then managers should let their representatives carry out those expectations. The panel particularly encourages regional and headquarters managers to eliminate the barriers that exist between them, to agree on realistic program goals, to establish the criteria for achieving them, and to hold themselves accountable within the agency, to the public, and to Congress. Further, they should discuss options among themselves to create a body of CBM knowledge that will enrich the government as a whole.

TABLE 4–2: COMMUNITY-BASED MANAGEMENT CHECK LIST

Phase I	Phase II	Phase III
▪ determine the critical issues ▪ conduct a feasibility assessment; determine if the issue and setting is amenable to CBM ▪ inform elected officials about the federal interest ▪ review available forums and select an organization to manage the forum or join an existing one ▪ determine decisions/opinion leaders ▪ determine appropriate tools such as technical assistance ▪ explain the forum's purpose, federal interest, state/local/public roles	▪ define shared goals and objectives ▪ explore current positions, define options ▪ agree on a possible strategy (actions, funding opportunities, responsibilities) ▪ implement strategy (persuade those with the power to decide in public and private sectors)	▪ implement program ▪ monitor and evaluate progress ▪ provide feedback to the public and participants ▪ adjust approach accordingly
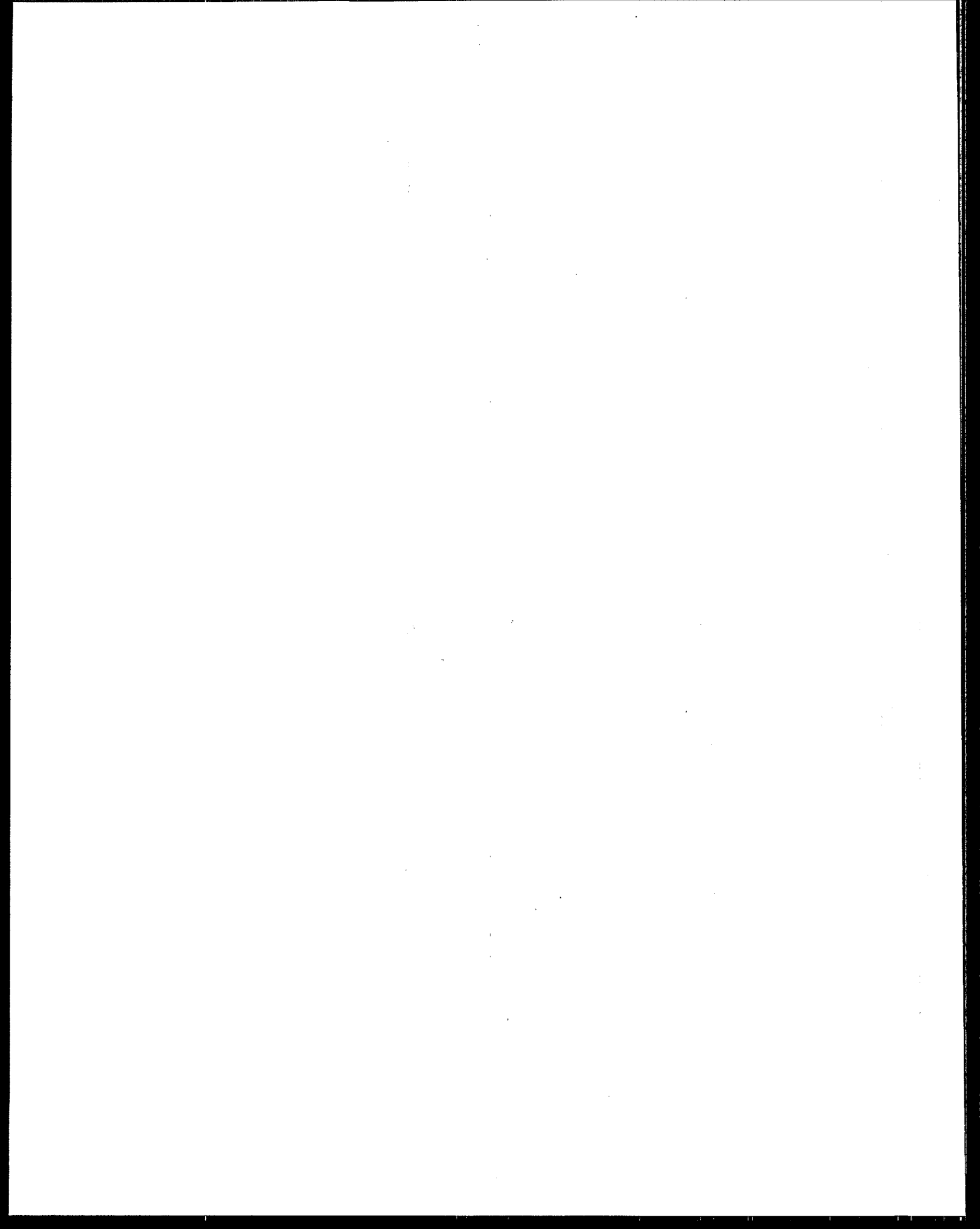
CHAPTER 5

Community-Based Management: Future Directions

The participants in this project's workshops believe that agencies must undergo fundamental institutional changes for CBM to become the norm. Managers can't continue to rely on a few CBM advocates to work with communities to be creative and adaptable. While individuals in an organization are important, they also are insignificant. It is what the institution as a whole does that counts in the long run. Individuals within an agency generally hear with an "agency ear" and respond with an "agency voice." Building federal agencies that involve communities requires changing the agency culture the way the workforce hears, understands, and carries out its mission.

Most of today's federal workers and managers began in a federal environment that was very different from the one citizens and political leaders now contemplate. That culture resulted from an agency's mission and the means to achieve it. But those missions and means have changed substantially since their inception. Yet their cultures are unlikely to change without considerable help. EPA's culture is still largely scientific and regulatory. The agency's orientation is on setting scientifically based rules for large industries and enforcing them. That highly successful strategy will continue as the baseline of national environmental protection and those who have been a part of that work should be proud. But for some, pride has become defensiveness that can inhibit future progress.

As the nature of the problems and the public's perception of government role changes, so must agency missions and means. During the transition, some federal, state, and local staff have found it difficult to accept or perform those new responsibilities.

The "kiss of yes" may be the most difficult barrier.[28] Dissenters rarely announce that they will resist change. They generally will agree to a new direction then ignore the direction. Old-line regulators and others who have learned to exert federal authority without taking community perspectives into account pay lip service to CBM but without changing their approaches.

Many practitioners noted the sharp contrast in many programs between policy pronouncements and the practice in many programs. As one practitioner observed, 10 percent of staff were doing CBM before it became popular, 20 percent never will adapt

While individuals in an organization are important, they also are insignificant. It is what the institution as a whole does that counts in the long run.

to this approach, the rest although confused would probably be willing to go along if they knew what was expected.

Several officials who participated in focus groups or other project activities noted that in federal or state government, promotions are still more likely to go to those who have stayed in traditional positions. That is due in part to the orientation of those doing the promoting who are likely to have traditional views of what constitutes worthy service. However, it also reflects the difference in civil service rules regarding required job skills. Even in the senior executive service, which has broad managerial and intergovernmental qualifications rather than technical or legal job-skill requirements, the latter are given great weight. Further, managers whose actions frustrate collaboration are rarely called to task, making CBM activities an unattractive career path for those with senior management ambitions.

Workshop participants speculated on other reasons for lack of support for CBM. Some federal managers are unable to focus on the importance of considerations outside of their own agency's mission and laws. They view flexibility and compromise as breaking the law or giving up long-held agency beliefs. It is particularly difficult for an agency like EPA, which was founded on a quasi- religious social movement and that often portrays problems in stark win-or-lose terms, to adapt to CBM. Viewing negotiation as risking irreparable environmental harm to gain jobs, for example, inhibits serious participation in CBM activities.

Others simply do not value or sympathize with those of different skills or holding different positions. Federal officials who set and apply numerical standards may not appreciate that community residents can add something unique and important to decisionmaking. Some federal staff lack respect for state and local government or for the political process. Some EPA officials may see industry and agricultural interests as lacking any redeeming qualities. They manifest a "good guy-bad guy" personality which may have served them well in an advocacy or enforcement role, but now limits their ability to attribute legitimate interests to all participants, including taxpayers who feel squeezed, elected officials who must balance competing interests, and advocates for other uses of local resources. Those individuals sometimes resort to troublesome behavior that ranges from subtle resistance to outright sabotage. Most troublesome is their deprecation or ignorance of community views in favor of their own.

The approach of some supporters of CBM also may be self-defeating. Community practitioners and regional managers alike pointed out in project focus groups that naive or overly enthusiastic federal participants also can create problems. Through simple ineptitude, a patronizing approach, or inappropriate behavior with public officials, a CBM process can be inhibited. Often these enthusiasts may be genuinely unaware that their behaviors and approaches are unacceptable.

Some just haven't understood or made the needed transition from a regulatory focus. Long-standing dedication and advocacy makes them believe that their own interests supersede any others or that corporations cannot have a legitimate community interest. That may affect their ability to hear what other people say. At worst, unreconstructed advocates may mobilize representatives of their own interests to defeat collaborative processes.

To a few, community-based dialogues mean ultimate flexibility and freedom of action by federal staff participants. They advocate that no priorities, rules, or guidelines be imposed on the process — that their role is to find out what a community wants and help achieve it. While that is one approach to achieving innovative solutions to problems, it does not take advantage of what has been learned over the years about the process or necessarily fulfill agency missions or priorities.

COMMUNITY-BASED MANAGEMENT DEPENDS ON THE SUPPORT AND COMMITMENT OF PARTICIPANTS

Despite the difficulties which CBM presents, it does provide managers with a powerful approach to problems that are difficult, if not impossible, to solve in other ways. As many of the examples in this report attest, CBM is working in a number of different contexts. New and better solutions are being hammered out, agency staff are working together to implement them — frequently through the cooperation of several agencies and private sector entities, and the public is beginning to see the results and join in. Administrative and political leadership at all levels is aware of CBM and committed to it or interested in its potential.

CBM can be effective, one of the most effective ways to achieve public and political consensus in contentious federal regulatory decisions, depending on the willingness of participants to come to the table, openly state their interests, and honestly negotiate and support the best possible balance of interests within legal and resource constraints. It is not a simple process, but neither were other management approaches initially. Standards, regulations, and market mechanisms, for example, took much time, work, experience, and refinement for their use and limitations to be well-understood. Once CBM has been refined and the problems associated with resistance and over-enthusiasm have been recognized and addressed, federal managers will find the approach is a very useful addition to the portfolio of management tools available for program implementation.

Despite the difficulties which CBM presents, it does provide managers with a powerful approach to problems that are difficult, if not impossible, to solve in other ways.

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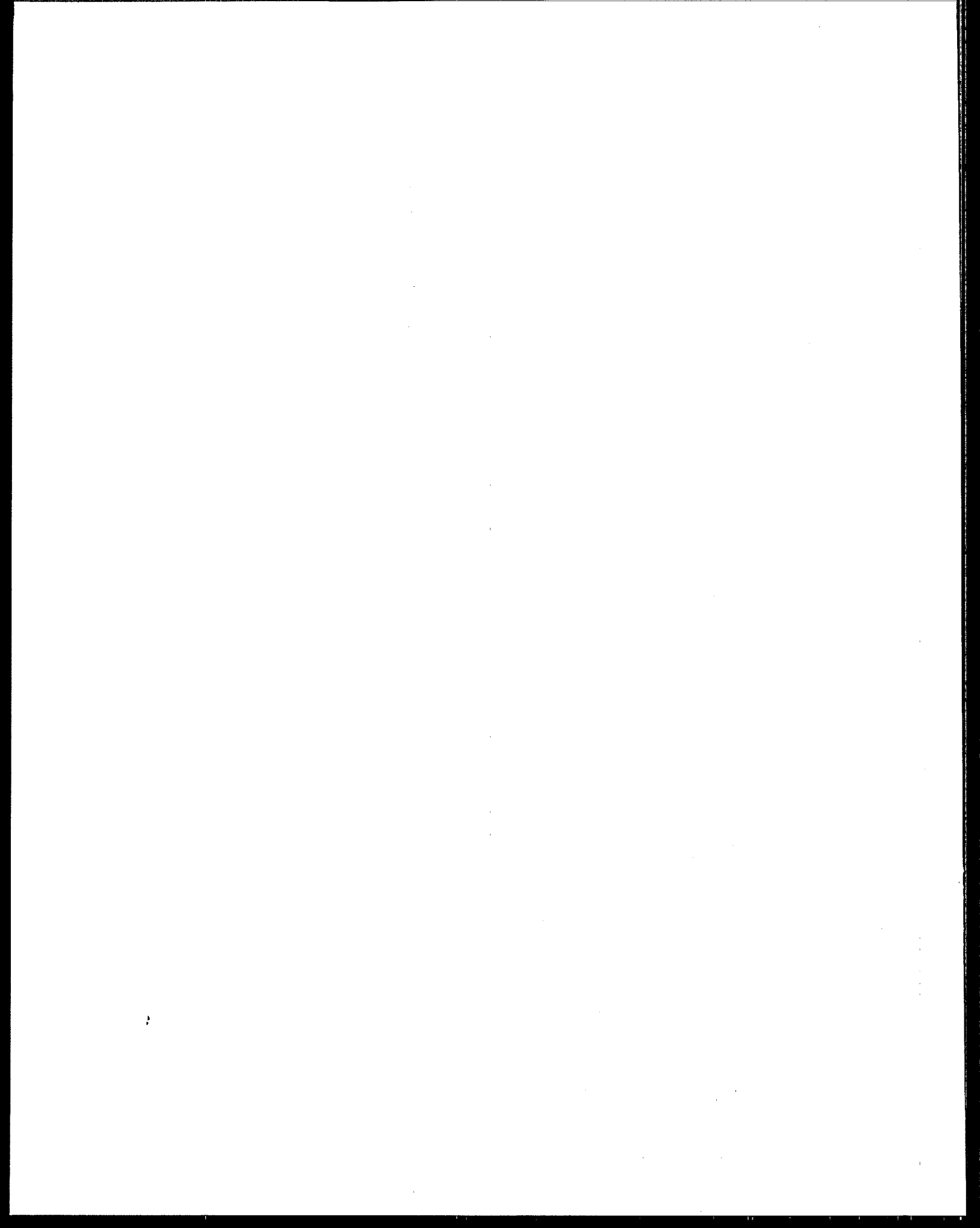
END NOTES

[1] Stephen Barr, "Americans Gain a Small Measure of Confidence in Government," *The Washington Post*, Washington, DC, March 24, 1997; p. A17.

[2] William D. Ruckelshaus, *Trust in Government: A Prescription for Restoration*, Webb Lecture, National Academy of Public Administration, Washington, DC; November 15, 1996; p. 3.

[3] The term "stove-piped" is used to refer to the tendency of government programs to be managed in isolation from related government programs.

[4] Danial C. Markham, "Sustainability and Indicators: Looking for New Letters in the Solution Alphabet," speech; Willapa Indicators Leadership Summit: Willapa, OR, March 23, 1996; p. 3.

[5] See Savas for an early but useful definition of the alternative ways of shifting the relationship between government and private or nonprofit organizations without eliminating a government role.

[6] Remarks of Cindy Kelly, Director, Office of Public Accountability, Office of Environmental Management, DOE, Washington DC, March, 1997.

[7] Sustainable America: A New Consensus, President's Council on Sustainable Development, National Technical Information Service (NTIS) #PB95-265609, Springfield, VA, February, 1996.

[8] The Administrative Procedures Act provides requirements for public notification and comment by agencies proposing new or revised federal rules, regulations. and other significant policy and regulatory statements.

[9] Michael McCloskey, letter to Sierra Club Board of Directors, Washington, DC, November 1995.

[10] Donald Snow, "Community Building and New Governance in Western Natural Resources: This Is No Time for Despair," presented at University of Wyoming Senior Seminar, School of Environment and Natural Resources, March 14, 1996; p. 81.

Endnotes

[11] The Environmental Alliance for Senior Involvement (EASE) is a not-for-profit charitable organization which is a coalition of national volunteer organizations such as the American Association of Retired Persons, The Nature Conservancy, Izaak Walton League of America, and the Senior Environment Corps, as well as EPA and the USDA.

[12] Discussion with Arnold Howitt, Executive Director, Taubman Center for State and Local Government, JFK School of Government, Harvard University, Cambridge, MA, September 10, 1996.

[13] Discussion with Andrew Lapitski, resident of Richmond, CA, July 20, 1996.

[14] The Federal Advisory Committee Act (FACA) requires Office of Management and Budget approval to establish new federal advisory bodies and appoint members.

[15] Katrina Smith Korfmacher, "Evaluating the National Estuary Program: A Case Study of the Albemarle-Pamlico Estuarine Study," unpublished dissertation, Nicholas School of the Environment, Duke University, 1996, p. 17.

[16] *Ibid.*, p. 6.

[17] "EPA Prepares New Guidance to Speed Energy Department Cleanups," *Inside EPA*; *Inside EPA* Publishers, Washington, DC, November 8, 1996.

[18] The Clean Air Act limits the introduction of new potentially polluting industries into areas which already exceed air quality standards.

[19] Performance Partnerships are arrangements between levels of government, such as a federal and state agencies to adopt common goals and objectives, establish benchmarks, monitor progress, and to be accountable within government and to the public.

[20] Remarks heard at most Academy focus groups organized for the research for this report.

[21] Korfmacher, p. 12.

[22] Ruckelshaus, p. 17.

[23] Snow, p. 25.

[24] Under the Safe Drinking Water and Clean Water acts.

[25] Environmental Protection Agency, *Measuring Progress of Estuary Programs: A Manual*, 842-B-94-008, Prepared by the Urban Institute for EPA, Washington, DC, November, 1994; p. 6.

[26] Ruckelshaus, p. 8.

[27] *Measuring Progress of Estuary Programs: A Manual.*

[28] Robert Kreigel and David Brandt, *Sacred Cows Make the Best Burgers Paradom-Busting Strategies for Developing Change-Ready People and Organizations*, New York Warner Books, p. 12.

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LIST OF ACRONYMS

APA	Administrative Procedures Act
ATSDR	Agency for Toxic Substances and Disease Registry
CBEP	community-based environmental protection
CBM	community-based management
CWA	Clean Water Act
DOE	Department of Energy
DoD	Department of Defense
DOI	Department of Interior
DoL	Department of Labor
EDA	Economic Development Administration
EPA	Environmental Protection Agency
EZ/EC	empowerment zone/enterprise community
FACA	Federal Advisory Committee Act
GRPA	Government Performance and Results Act
NACD	National Association of Conservation Districts
HHS	Department of Health and Human Services
HUD	Department of Housing and Urban Development
NEP	National Estuary Program
NEPA	National Environmental Policy Act
NGO	nongovernmental organization
NIMBY	not-in-my-back-yard attitude
NOAA	National Oceanographic and Atmospheric Administration
OMB	Office of Management and Budget
PCSD	President's Council on Sustainable Development
PPGs	Program Partnership Grants
SDWA	Safe Drinking Water Act
TAG	Technical Assistance Grant
USDA	U.S. Department of Agriculture
USGS	U.S. Geological Survey
WEF	Water Environment Federation
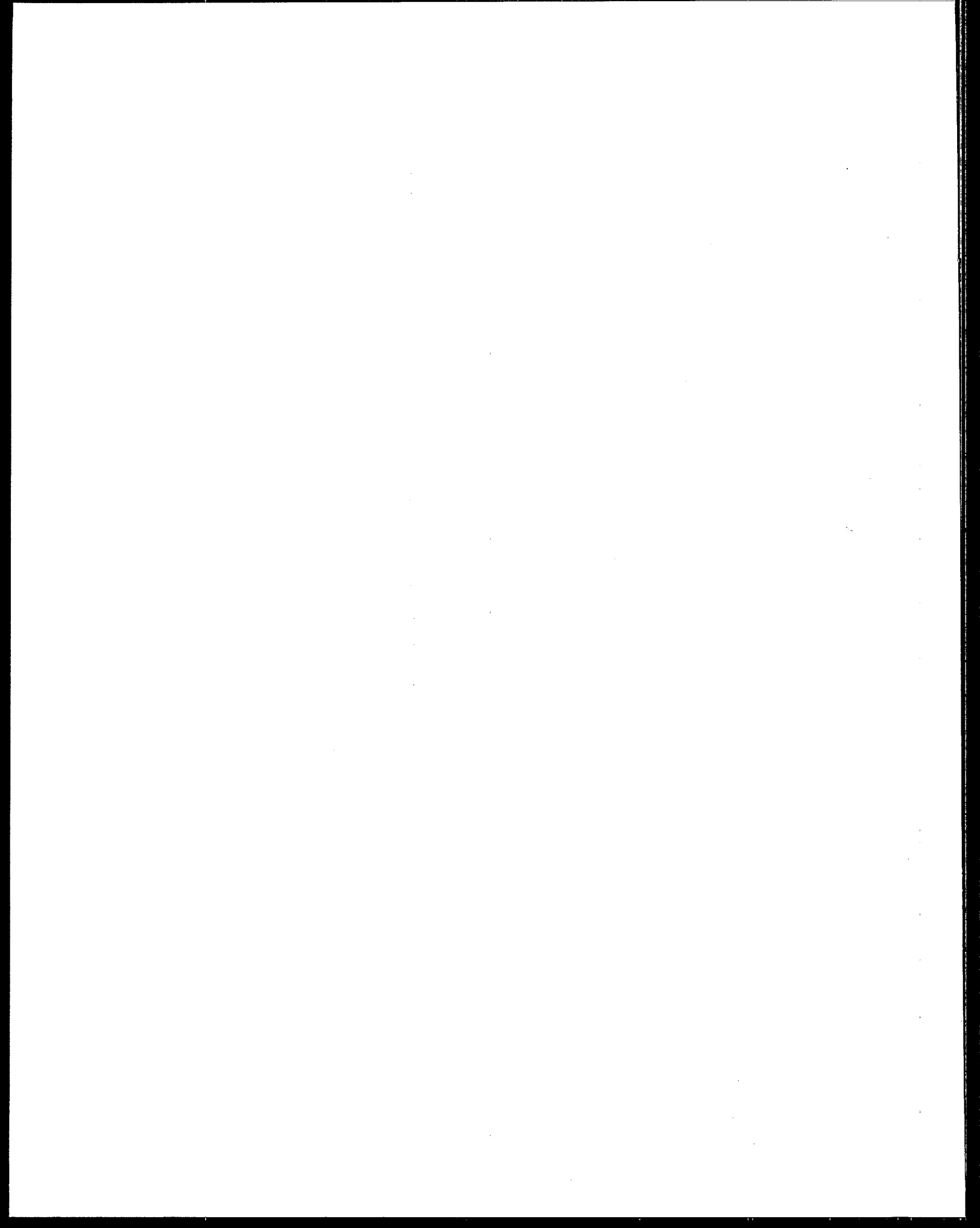
APPENDIX A

Selected Community-Based Federal Programs

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES (EZ/EC)

Summary

The departments of Housing and Urban Development (HUD) and Agriculture (USDA) support approximately 105 urban and rural areas in crafting and implementing creative strategies for social, environmental, and economic revitalization through the use of technical and financial assistance and the formulation of partnerships among public and private stakeholders. The federal interest is in creating socially and economically viable communities.

Management Tools

Grants

Federal financial support for a variety of revitalization activities is provided by Human Services Social Services block grants and Department of Health and Human Services (HSS) Title XX grants. Other agencies provide financial support: HUD's Economic Development Initiative (EDI); USDA supports programs for housing, community facilities, business development, and water and waste systems; Small Business Administration (SBA) provides capital to small businesses; Treasury Department provides incentives to selected Empowerment Zone/Economic Community (EZs/ECs) projects, employer wage credits, tax-exempt facility bonds, section 179 tax deductions, and a new category of tax-exempt financing.

Research, Information, and Data Collection

HUD and USDA review the required progress reports based on the benchmarks outlined in locally developed strategic plans. Local agencies use these strategic plans and subsequent reports as a baseline for third-party program evaluation for the purpose of identifying strengths and weaknesses and recommending improvements.

Information Dissemination

Publications, including guidebooks on strategic planning and federal resources and programs and a newsletter on current efforts and community initiatives are provided by HUD and USDA.

Technical Assistance

On-site assistance is provided by these agencies to help identify community needs and help them obtain public/private resources. This assistance is directed toward developing benchmarks; implementing strategic plans; financing; community policing; schools; and infrastructure linkages; and working with business, labor, and other private institutions to obtain human and capital resources not provided by the public sector.

Building State Capacity

States are EZ and EC applicants and provide resources as well. All HUD resources flow through states agencies through partnership arrangements with HUD, USDA and HHS to support activities in the designated EZs/ECs and to address specific problems as they arise.

Regulatory Flexibility

Communities participating in EZ/EC are eligible for waivers, set-asides, and opportunities for special consideration through which they may adapt federal programs to meet provisions in their strategic plans. Recent amendments have provided EZs/ECs more latitude in deciding how to use funds, provided that a community's strategic plan details a rationale for the nontraditional use of them, e.g., creating revolving loan funds which contribute to economic self-sufficiency for EZ/EC residents.

Publicize, Praise, and Involve

The EZ team shares information with EZ/EC sites and others who are interested in their activities. The President's community empowerment board and all member agencies identify and publicize examples of interagency coordination.

Strategies for Federal Management

Sponsorship

Project nominations are solicited from state and local governments of communities meeting poverty/distress criteria. Applicants submit a strategic plan detailing plan to achieve their revitalization goals. Selection criteria include: economic opportunity; sustainable community planning; community-based partnerships; and strategic vision for change. Relevant questions include: Will the program create new business? or new links with old employers? Does the plan address safety, amenities or environmental impacts? Who will be involved in the decisionmaking? What are the evaluation mechanisms? Was the community satisfied with the outcome(s)?

Financial Support

Allocations vary based on a community's needs and proposed use of the funds, as detailed in its strategic plan.

Balancing National Standards and Regulatory Flexibility

A community's strategic plan must show ways to save time and money or achieve an objective not otherwise possible. Agencies assist communities implement their objectives, sometimes suggesting alternate solutions for statutorily prohibited ideas.

Limitations on Recipients of Federal Funds

In addition to normal program requirements, funds must support the strategic plan and benefit the residents of the EZ/EC.

Expectations of Fund Recipients

HUD expects that recipients will leverage the services or activities funded. EZ/EC solutions should recognize the related nature of human, physical, and economic development problems.

Community Accountability

Strategic plans must include a system for measuring performance, e.g., a timetable and specific tasks; how the strategic plan will be revised to include new information; and baselines, benchmarks, and goals. EZs/ECs must submit periodic progress reports to HUD and USDA.

State Role

States are the primary grantees and distribute grant funds according to funding needs outlined in their strategic plans. Additional state participation depends on each EZ/EC plan for forming partnerships.

THE WELLHEAD PROTECTION PROGRAM (WHP)

Summary

The Wellhead Protection Program (WHP) is a provision of the Safe Drinking Water Act (SDWA). It supports federal technical and other assistance to communities to create community-based programs to prevent contamination of ground water used for drinking water supply. Typically, a committee composed of state and local environmental and water supply agencies, water suppliers, and other community interests initiate and oversee the effort. The federal interest is to help communities meet national drinking water standards at lower cost by preventing pollution of public water wells.

Management Tools

Grants

Formula grants under Section 106 of the Clean Water Act (CWA) and SDWA discretionary funding through contracts and grants support states' activities and local demonstrations of CBM and environmental protection techniques, such as wellhead protection area delineation, contamination source identification, and regulatory and nonregulatory controls, as well as technical assistance to communities.

Research, Information, and Data Collection

Research focuses on wellhead delineation techniques and related topics, e.g., contaminant source inventorying, contamination source control, and case studies on CBM approaches. State biennial reports to EPA log the number and status of local wellhead programs to assess state and local progress.

Information Dissemination

EPA unilaterally and in partnership with other organizations, such as the National Association of Counties and the National Association of Towns and Townships, presents workshops at association meetings and distributes information on wellhead protection through the National Ground Water Foundation and National Governors Association through their publications and on the Internet.

Technical Assistance

Extensive training is provided for community managers, officials and technical staff, including distribution of resource materials and training kits, training of trainers, presentation of seminars at annual conferences, and field training. Much of the training and related activities is provided through such organizations as the Ground Water Protection Council, the Small-Flows Clearinghouse, the Retired and Senior Volunteer Program (deploys senior volunteers), the National Rural Water Association (technical assistance to rural communities), and the League of Women Voters (for decision-makers and community leaders).

Convener, Facilitator, Participant

While EPA provides technical assistance, the agency does not convene or have a seat on specific community-based committees. These activities are voluntary and community-sponsored.

Building State Capacity

EPA provides limited financial and technical assistance such as creating regional assistance teams and making training programs available as important issues arise and through active participation in national meetings of state managers.

Regulatory Flexibility

WHP is not a regulatory program. However, communities with recognized WHP programs may be eligible for waivers from some federal Safe Drinking Act monitoring requirements resulting in significant cost savings for those communities.

Publicize, Praise, and Involve

Federal managers use publicity to raise awareness and publicize WPA. EPA staff appear at state and local program kick-off ceremonies. Headquarters and regional staff speak at national forums, state and legislative hearings, and at international conferences. EPA supports the National Ground Water Foundation's Ground Water Guardian recognition of communities taking active steps to protect their ground water. Foundations provides non-monetary support and training to communities participating in the program. EPA provides funds the American Water Works Association to reward local water suppliers who assist their communities with the implementation of exemplary wellhead protection programs. In conjunction with the New England Water Works Association, EPA sponsors an awards program for New England businesses for education about source-water protection.

Strategies for Federal Management

Sponsorship

Wellhead protection programs are community sponsored, with limited federal funds flowing to state and community groups for technical support.

Financial Support

Funding or technical assistance priority is given to communities which have already formed wellhead protection teams and are formulating the local program. Funds are used as incentive to develop plans and to begin the a program while seeking additional public or private sector funding.

Balancing National Standards and Regulatory Flexibility

N/A

Limitations on Fund Recipients

States and communities are accountable for spending funds as described in their approved plans and biennial state reports. NGO recipients provide 5 percent of project funding in-kind or in cash.

Expectations of Funds Recipients

States and communities must implement the program elements in approved Wellhead Protection Programs; states track community progress in implementation. NGO recipients must spend funds as agreed in their plans. However there are no federal penalties for lack of performance or poor performance.

Accountability

EPA defines seven elements to be addressed for an effective program: establish program team, delineate wellhead protection area, identify contamination sources, implement management measures, develop contingency plans for emergency public water well replacement, and plan for future wells. States develop benchmarks for local implementation in approved programs and perform spot-checks on community progress. These are used to determine "effective" programs when SDWA monitoring waivers are requested by the community's water supplier.

State Role

States and tribes provide varying degrees of program and technical assistance to communities, e.g., source identification, implementing management measures.

SUPERFUND

Summary

Superfund is a program established by statute to identify and clean up hazardous waste sites and creation and use an industry funded trust fund to pay for clean-up of sites polluted by unidentified or financially limited parties. The federal interest is to address environmental issues at hazardous waste sites; assure that parties responsible for contamination either clean up or reimburse the fund for EPA clean-up; and assure that the future use of the site is in keeping with the levels of clean-up and the interests of the community.

Management Tools

Grants

EPA provides grant support to states, tribes and communities. States receive funds for program infrastructure development and support, site assessment, investigation and remedy selection, and for site clean-up and supervision of responsible parties. Some tribal nations have received core and site assessment funds. Technical assistance grants (TAG) are provide to those communities which have sites on the National Priorities List to learn of the program and evaluate EPA, state, and responsible party actions and to participate knowledgeably in decision related to clean-up and future use of the property.

Research, Information, and Data Collection

SITE (Superfund Innovative Technology Evaluation) provides funding to develop and publicize hazardous waste-related clean-up technologies. This information is made available to community participants as well as affected federal agencies such as DoD, DOE and DOI as well as responsible parties in the development and use of viable alternative technologies for site cleanup.

Information Dissemination

EPA uses a variety of vehicles to disseminate information to communities and others about the programs including published reports, responses to Freedom of Information Act requests, EPA home pages, *Inside EPA*, clearinghouses, hotlines, public information centers, electronic bulletin boards, and databases — including LANDVIEW, a geographic information system of detailed maps of the United States — and access to linked databases of EPA-regulated facilities and demographic and geographic data.

Technical Assistance

EPA technical assistance includes public guidance models, program descriptions and fact sheets as well as direct technical assistance at sites by EPA staff for developing emergency response actions, long-term strategies, and holding public meetings. Further, technical review committees and restoration advisory boards help NPL sites solicit public input.

Convener, Facilitator, Participant

Superfund, Army Corps of Engineers, DOE, DoD, and the Agency for Toxic Substances and Disease Registry (ASTDR) will, upon request, chair or make themselves available at public meetings and site-availability sessions. Where needed, EPA will conduct door-to-door interviews to obtain community input to the decision process.

Building State Capacity

EPA provides grants support to state superfund programs. ATSDR issues guidances to state health departments on the toxicology of chemicals and other relevant health information. DOI and the National Oceanic and Atmospheric Administration (NOAA) help states with natural resource issues.

Regulatory Flexibility

EPA is piloting a community-based remedy selection initiative to develop guidelines for CBM processes and designating regional ombudsman to be available to address stakeholder concerns. EPA has also developed approaches to help smaller polluters resolve and conclude participation in clean-up. They have revised policies which reduce liability for purchasers of contained sites. EPA has also removed about 28,000 sites from its site inventory, thus eliminating the stigma often associated with such sites (see Brownfields program below).

Publicize, Praise, and Involve

EPA has publicized exemplary programs by frequent administrator and staff visits to elected officials, regional awards ceremonies for the public, press, and elected officials.

Strategies for Federal Management

Balancing National Standards and Regulatory Flexibility

EPA uses a risk-evaluation protocol at each site which uses risk-management techniques in decision processes. It addresses each site within legislative and regulatory bounds as specified in the National Contingency Plan but also works to strike a balance between cost and enforcement requirements.

Limitations on Fund Recipients

All recipients are expected to spend funds according to the overall goals of the program, its regulatory requirements, and the specific work plan developed for the funding.

Expectations of Fund Recipients

States must match remedial action grants for private facilities and 50 percent for state-operated facilities or political subdivisions. Recipients file financial status and progress reports with for program oversight purposes.

Community Accountability

EPA oversees recipients through various "audit" mechanisms, such as quarterly reports and financial status reports. Frequent meetings of EPA and states are held to ensure activities are consistent with the overall program goals, as well as the grant/CA respective workplan, including semiannual and yearly review meetings at the senior management level. Close-out audits are held for all grants.

State Role in Federal Sponsorship

States have the management lead at many sites and provide technical and administrative support to EPA in carrying out EPA responsibilities. States typically have considerable latitude and flexibility in the design and implementation of state programs.

THE BROWNFIELDS ECONOMIC REDEVELOPMENT INITIATIVE

Summary

The EPA Brownfields Economic Redevelopment Initiative works with state and local governments and community interests to prevent, clean up, and reuse "brownfields" — sites abandoned due to perceived or real contamination, but that have potential for redevelopment. The federal interest is to encourage and reduce barriers in the purchase, clean-up, and redevelopment of sites that might otherwise be avoided due to an exaggerated sense of the risk of incurring federal liability.

Management Tools

Grants

EPA awards cooperative agreements of up to $200,000 over two years to pilot programs that coordinate the interests of affected groups, expand local educational and public outreach and determine renewal strategies. Grant money may not be used for actual clean-up. EPA has awarded about 50 pilot projects that are managed by regional offices.

Research, Information, and Data Collection

EPA and HUD are cooperating to better understand the effects of the environmental regulatory process on urban redevelopment but do not support research activities *per se*.

Information Dissemination

EPA issues guidances, policies, and fact sheets to clarify liability and inform businesses, developers, and communities of local urban redevelopment opportunities. These guidance documents are distributed through the Brownfields Internet homepage. In addition, LANDVIEW diskettes of geographic and demographic data are available on EPA databases.

Technical Assistance

The EPA supported Hazardous Materials Training and Research Institute provides training in Brownfields pilot areas in order to give employment opportunities to local disadvantaged and minority groups at clean-up sites.

Convener, Facilitator, Participant

EPA staff help develop brownfields CBM projects. EPA hosts workshops for pilot programs to discuss issues and ideas concerning effective implementation of the brownfields program. The agency cooperates with other federal agencies to coordinate various brownfields opportunities.

Building State Capacity

EPA works with the states and the Association of State and Territorial Solid Waste Management Officials to provide assistance to state brownfields projects.

Regulatory Flexibility

The Brownfield's Initiative encourages redevelopment by relaxing or altering pre-existing regulations associated with contaminated properties and has developed new policy guidance to determine under what circumstances EPA will agree not to file a lawsuit against a prospective purchaser of a contaminated property for contamination that existed prior to the purchase. This has represented a major barrier to redevelopment in the past.

Publicize, Praise, and Involve

.EPA supports innovations such as the revolving loan fund set up by the Brownfields pilot in Rochester, NY. This project developed a model for addressing financial burdens that impede site assessments at brownfields sites.

Strategies for Federal Management

Sponsorship

EPA provides support to states, cities, counties, towns, and tribes whose applications detail a commitment to achieving redevelopment of affected sites and which meet the program's criteria which gives special consideration to municipalities with a population under 100,000 and to those communities in EZ/ECs.

Financial Support

$200,000 is awarded to each project applicant which meets these program criteria and have been selected by an independent panel. Grantees must provide a statement of

how they plan to use the money to advance their urban renewal goals. Final agreements are negotiated by regional brownfields coordinators.

Balancing National Standards and Regulatory Flexibility

N/A

Limitations on Fund Recipients

EPA funds may not be used for the clean-up of brownfield sites.

Expectations of Fund Recipients

Pilot projects are to result in a cleaner environment, new jobs, the removal of health risks, the expansion of the tax base, and the removal of urban decay. Specific expectations are: community commitment and increased capacity; national replicability; an environmental justice plan; proposed clean-up funding mechanism; appropriate authority and government support, an environmental site assessment plan, measures for tracking progress, and a quarterly report outlining activities and progress.

Community Accountability

(See above.)

State Role in Federal Sponsorship

EPA's Brownfields Initiative works with states on guidance that clarifies and acknowledges the adequacy of voluntary state clean-up programs and seeks to clarify the federal role at brownfields sites cleaned up under state programs. States, not the federal government, have primary responsibility for the clean-up of sites which are not listed on the national (Superfund) priority list.

THE NATIONAL ESTUARY PROGRAM (NEP)

Summary

The Clean Water Act, section 320, establishes a federal grant program designed to assist coastal communities define and develop comprehensive plans to address environmental and other problems threatening the viability of estuarine waters. The federal interest is in alleviating environmental threats to these national resources through coordinated and cost-effective efforts by federal, state, tribal, and local governments and the private sector.

Management Tools

Grants

EPA provides one-year grants to states, NGOs, or other groups selected to develop protective plans for a "national" estuary. This includes a "conference agreement" to define membership, set up committees, and establish an approach and for a three-to-five year, $3-7 million plan-development project. National Estuary Program (NEP) designations are competitive, but sites are often congressionally earmarked. Project decisions are made by the management conference.

Research, Information and Data Collection

NEP grants may be used for research and data collection directly related to plan development. Existing data is initially compiled and used to define problems and solutions and to support conference decisions and determine the need for further research.

Information Dissemination

EPA primarily relies on the NDP projects to disseminate information about the value and threats to estuaries and needed solutions and engender support for action. Although not all data is accessible outside an NEP community, NEPs are encouraged to share information and techniques both nationally and locally.

Technical Assistance

EPA distributes guidance manuals on topics such as monitoring, estuary assessment, and public involvement. Newsletters, national meetings, workshops and training, e.g., watershed training, are provided for local officials and technical staff.

Convener, Facilitator, Participant

Senior EPA regional managers chair NEP management conferences which oversee the projects. EPA and other federal staff participate in citizen, technical, and local government subcommittees. The agency leadership plays a strong role in negotiating controversial elements of plans, such as applying Clean Water Act and other controls on river (fresh water) flows to San Francisco Bay.

Building State Capacity

NEP has no formal state capacity-building program, however, many states are becoming more involved in community-based efforts as a result of the capacity and interest they developed while participating in an NEP program. Many statewide watershed programs have grown out of state experiences with NEP.

Regulatory Flexibility

The NEP program is not a regulatory program, but some project conferences have helped to identify nonregulatory solutions or negotiate difficult regulatory issues.

Publicize, Praise, and Involve

EPA uses positive publicity to raise public awareness. EPA administrators often appear at plan approval ceremonies giving state, local, and congressional supporters kudos and raising awareness of estuary problems. Project staff and volunteers speak at national forums and international conferences.

Strategies for Federal Management

Sponsorship

The statute defines "community" in terms of an estuary and its associated aquatic ecosystems, but the concept was so unwieldy that smaller boundaries were drawn. Participants are defined by statute and include states, foreign nations within an estuary, and international, interstate, or regional agencies with jurisdiction, as well as affected industries, educational institutions, and the general public. Project managing agencies have included local water districts, state water authorities, nongovernmental organizations (NGOs) and EPA regional offices.

Financial Support

The NEP program provides financial support to the organization selected to develop a comprehensive plan for a nationally designated estuary. There are statutory and administrative criteria for the selection of NEPs and for the use and management of grant funds which are included in EPA guidance and regulations.

Balancing National Standards and Regulatory Flexibility

N/A

Limitations to Fund Recipients

The use of NEP grant funds is limited to plan development and may not, by statute, be used for plan implementation. Plans can be implemented through existing EPA programs, such as nonpoint source and sewage treatment plant construction grants. Grantees must match federal funds with 25 percent from state or local funds. Funded research may only be used to develop information needed for decisionmaking.

Expectations of Funds Recipients

A true and realistic community plan and consensus which will be implemented through the coordinated action of public and private parties.

Community Accountability

Plans must recommend corrective actions and contain implementation strategies to monitor their effectiveness and insure that federal actions are consistent. Quarterly and final program and financial reports are required. EPA submits biennial progress report to Congress. Some plans have established benchmarks, but there is, as yet, no formal evaluation process.

State Role

Governors nominate new NEPs and jointly approve resulting plans with the EPA administrator; participate in the "management conference," and support implementation. Some states play fairly major roles in the NEP programs including support of implementation, but others have not participated or have voiced concern about the plans developed by management conferences.

COMPARATIVE RISK FOR LOCAL PROJECTS

Summary

The Comparative Risk for Local Projects Initiative is a cross-media problem assessment and planning effort that brings stakeholders together to reach consensus on which environmental problems post the most risk to human life, ecosystem health, and quality of life, as well as to develop plans to reduce those risks. The federal interest represented by this project is in testing and demonstrating how comparative risk assessments and related approaches can assist communities make choices among environmental problems for community investment.

Management Tools

Grants

EPA provides noncompetitive demonstration grants of $50,000 over two years which support all phases of a comparative risk project. Most project sponsors augment grants with local government or foundation support.

Research, Information, and Data Collection

The focus of this project is on finding what's known about environmental risks and situations. There is little primary-data collection. In-kind contributions of staff time and volunteers facilitate sharing information and data among participants — one of the most important program benefits. Cross-agency cooperation is another benefit which often occurs for the first time during these projects. Some "state-of-the-environment" reports have resulted from the program.

Information Dissemination

Public education is major goal and outcome of this project. It is provided for through newsletters, home pages, environmental summits, state-of-the-environment reports, public hearings, neighborhood meetings, and speakers bureaus. EPA currently is putting project reports, technical reports, and guidances, as well as performance indicators on the Internet to expand dissemination opportunities.

Technical Assistance

A small headquarters staff provides technical assistance on the state, local, tribal, and watershed level. Project directors participate in monthly conference calls. Newsletters, yearly national meetings, specific workshops and training, and a technical guidance manual are provided through the headquarters staff, and staff of the Western Center for Comparative Risk and the Green Mountain Institute. The agency is currently developing strategies to meet individual project needs.

Convener, Facilitator, Participant

EPA holds annual national meeting for comparative risk project directors and others interested in learning more about the process and technical issues. EPA does not, convene, chair or participate on local project boards.

Building State Capacity

For more than eight years EPA has directed this project toward states. At this writing at least 28 states have either completed a comparative risk project, have one underway, or are considering one.

Regulatory Flexibility

This is not a regulatory program, but the risk-management phase of projects seeks to develop nonregulatory strategies for addressing environmental priorities.

Publicize, Praise, and Involve

N/A

Strategies for Federal Management

Sponsorship

EPA provides financial and technical assistance to states, tribes, local, or watershed organizations or agencies that voluntarily agree to meet program criteria as part of an overall environmental priority-setting process.

Financial Support

To be eligible for funding, projects sponsors must have extensive participation of key stakeholders including the public; analyze human health, ecosystem health, and quality of life risks; rank environment risks; and develop risk-management strategies.

Balancing National Standards and Regulatory Flexibility

N/A

Limitations on Fund Recipients

Grantees have considerable discretion on the use of funds as each project is enjoined to "own the process."

Expectations of Funds Recipient

Successful projects strive to reach consensus on an environmental agenda, develop criteria for ranking environmental risks, agree on strategies to address environmental priorities, and coordinate across agencies that affect environmental policy.

Community Accountability

EPA conducts individual and group evaluations of projects.

State Role

N/A

WATERSHED MANAGEMENT APPROACH

Summary

The Watershed Management Approach is an attempt to integrate natural resource protection efforts within the watersheds of rivers and help state and local governments understand the overall conditions and stressors within a watershed. It supports a broad-based public/private collaborative effort that entails goal-setting, identification of priority problems, implementation of solutions, and the use of environmental indicators to judge success and adapt management strategies within a specific geographic area. The federal interest is to help that 40 percent of the nation's water resources which do not comply with federal quality standards to do so through integrated plans for control of point (end-of-pipe) and nonpoint (diffuse) sources of contamination which target priority problems, and leverage public and private sector dollars.

Management Tools

Grants

EPA funds are available through performance partnership grants (PPGs) of the Clean Water Act (CWA) and the Safe Drinking Water Act (SDWA). PPGs allow states and tribes to address multimedia problems and target the highest state priorities. Grants

also are provided through the state revolving loan fund of the CWA which primarily finance sewage treatment plants but are now being used for other water quality projects, e.g., nonpoint sources, estuary, habitat restoration, and stormwater projects.

Research, Information, and Data Collection

States submit reports on the status of water quality in watershed areas.

Information Dissemination

The EPA sponsored "Surf Your Watershed" Internet resource provides watershed information such as monitoring data and lists of citizen and volunteer monitoring groups. The site is being expanded to include mapping and other geographic information system (GIS) requests.

Technical Assistance

EPA sponsors a watershed academy, which offers a set of core courses and reference materials about watershed management principles and techniques. Its curriculum is targeted to water resource managers and technicians in all sectors. The agency published the Watershed Tools Directory, which describes several hundred methods, models, data sources, and other approaches to managing watersheds; and a CD-ROM — Basins — to help managers develop total maximum daily loads and waste-load allocations. The agency is or will be adapting the watershed approach to Urban Wet Weather Policy, Effluent Trading Framework, and Source Water Protection and other guidances.

Convener, Facilitator, Participant

EPA occasionally acts as a leader or participates in watershed committees to provide a level playing field for participation or to mediate between jurisdictions such as interstate efforts, where environmental justice or significant national resources are of concern, or where mandated by Congress or the President (Chesapeake Bay, National Estuaries, or the Pacific Northwest).

Building State Capacity

EPA provides briefings for states and tribes that are reorienting their water management programs into a watershed basis. Staff will work on site to help water program managers and decision-makers develop a transition plan, schedule, and framework.

Regulatory Flexibility

EPA is attempting to provide greater regulatory flexibility in several programs. For example, states are provided grace periods for water permit terms while they are being reoriented on a watershed basis.

Publicize, Praise, Involve

A series of large national conferences, "Watershed 96", with WEF and 14 federal agencies attracts over a thousand participants from all sectors. A satellite broadcast of the conference expands the audience to 150 downlink sites around the countries. Further, the "Know Your Watershed Campaign" was launched in 1993 by NACD to encourage rural and agricultural communities to play an active role in managing their watersheds. Innovative and praiseworthy projects are highlighted in each of these activities.

Sponsorship

N/A

Financial Support

Criteria for selection for financial support includes the readiness of the candidate organization to proceed and use the money, anticipated environmental results, the need for federal intervention, other sources of money, the existence of multiple jurisdictions (e.g., interstate), and the risk of particularly valuable resources.

Balancing National Standards and Regulatory Flexibility

EPA enforcement continues to be essential to safeguard environmental gains. Although the watershed approach promotes voluntary, consensus-based solutions, agency and state enforcement is still needed.

Limits on Federal Funds

EPA expects that all federally assisted watershed projects will fully embody the principles of watershed management outlined above. All funds are subject to federal grant rules.

Expectations of Fund Recipients

EPA is placing greater emphasis on achieving environmental results rather than programmatic requirements. Measuring environmental results is technically challenging and can only be made over long periods of a decade or more.

THE ENVIRONMENTAL MANAGEMENT SITE-SPECIFIC ADVISORY BOARDS (EM SSAB), DOE

Summary

DOE is strengthening opportunities for community involvement in the restoration of former nuclear production sites through the operation of local advisory boards. At this writing 12 boards provide input and recommendations regarding future use, risk management, economic development, and budget priority setting to aid DOE decision-making. The federal interest is to restore former nuclear production sites for use as residential, recreational, agricultural industrial or other purposes and protect the public health and the environment.

Management Tools

Grants

DOE's Environmental Management program (EM) funds individual boards through an existing onsite DOE contractor, or a nonprofit or other organization which will typically provide a neutral facilitator, meeting space, duplicating, mailings, as well as independent technical reviews of key issues. Boards also may hire technical experts to assist in technical decisions or train board members in technical or regulatory areas.

Research, Information, and Data Collection and Dissemination

Site data and information is made available to site boards and to involved communities.

Technical Assistance

The DOE site operations office works with EPA, relevant states, and other groups to educate board members and help the boards function successfully. The office provides orientation sessions, fact sheets, workshops, briefings, training sessions, and site tours. Technical support staff from federal, state, tribal, and local governments often attend meetings and provide information in their areas of expertise.

Convener, Facilitator, Participant

DOE does not serve in a convener or facilitator role with respect to the boards. DOE site managers do participate as ad hoc board members along with EPA, and regional, state and, in some cases, tribal governments.

Building State Capacity

N/A

Regulatory Flexibility

N/A

Publicize, Praise, and Involve

Board activities and accomplishments are publicized through local and national newspapers, DOE public information offices, congressional offices, and public participation initiatives. EM shares evaluation findings with interested groups and individuals to encourage future program improvements.

Strategies for Federal Management

Sponsorship

Boards are sponsored, administered, and funded by DOE and are chartered under the Federal Advisory Committee Act (FACA). Participants include members of state and local government, Native American tribes, unions, universities, environmental groups, and community organizations and others. They must be balanced with respect to race, gender, education, and occupation and their members must disclose any conflicts of interest. DOE may establish more than the existing 12 boards where there is a sufficient interest and a board would not duplicate existing public participation efforts.

Financial Support

Boards are funded annually by DOE.

Balancing National Standards and Regulatory Flexibility

DOE receives formal recommendations on site-specific decisions, which can influence regulation and/or compliance issues. Regardless of whether advice is accepted, DOE officials and site managers always respond to a board, explaining how and why input was or was not used.

Limitations on Fund Recipients

Boards are expected to provide advice on key policy issues to EM managers and are expected to develop their meeting agendas jointly with board members and DOE

senior managers. Boards provide advice and recommendations on issues of environmental restoration, waste management, and technology development. Specific focus areas include future land use, risk management, economic development, and budget prioritization of activities at each site. DOE maintains ultimate decisionmaking authority. Board members are not compensated unless the balance of the integrity of the board is threatened because a sectors of the community cannot be represented unless their representative is reimbursed. Funding is limited to administrative expenses, technical assistance, travel and per-diem expenses, and salaries for full-time staff, trainers and facilitators.

Expectations of Fund Recipients

DOE expects the boards to present informed advice that reflects community consensus. The boards are to represent and communicate the broader community's feelings and concerns to DOE and to review, evaluate, and comment on numerous documents and other materials related to facility environmental management.

Community Accountability

DOE evaluates boards annually. Every two years boards are evaluated by both DOE staff and community members. Meetings are open to the public, which is encouraged to participate.

State Role

States appoint one representative to serve as an ex-officio member of site boards to assist with identifying and interpreting state environmental standards and regulation, among other issues. States serve as resource banks for relevant communities. Tribal and local governments also may appoint ex-officio members to the boards.
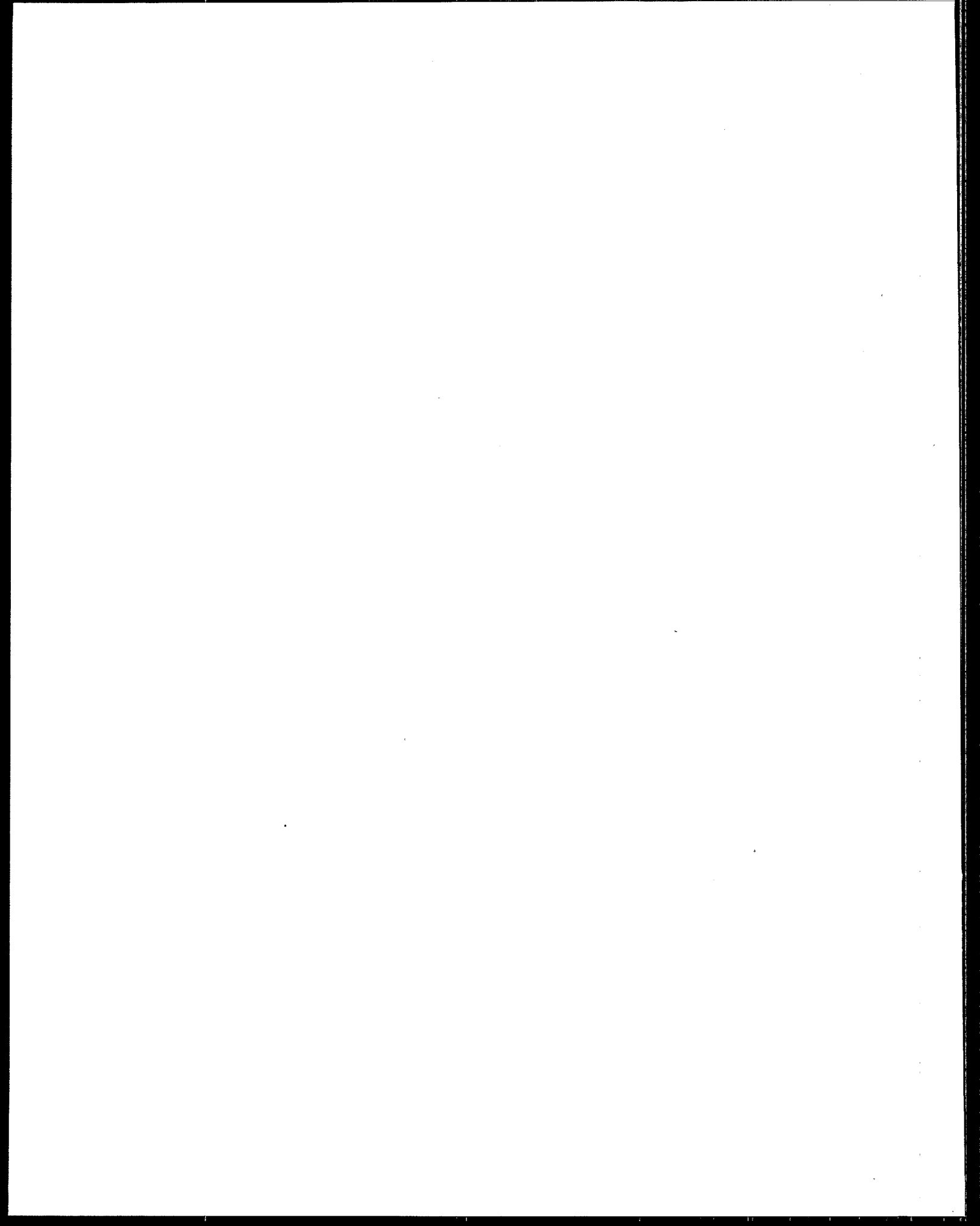
APPENDIX B

Forum Group Participants

SAN FRANCISCO FOCUS GROUP

The Faculty Club of the University of California at Berkeley
July 22, 1996:

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Water Quality Control Board
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SOUTH FLORIDA FOCUS GROUP

Florida International University Conference Center
July 30, 1996:

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Robert Bendick
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South Florida Chapter
Altamonte Springs, FL

Anthony Clemente
Director
Miami/Dade Water and Sewer Authority
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Dennis Connelly
ICF-Kaiser
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Frank Duke
Planning Department
South Florida Water Management District
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Executive Director
Munisport Dump Coalition
North Miami, FL

Isabel B. Gonzalez-Jettinghoff
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Bonnie Kranzer
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Governor's Commission for a Sustainable Florida
Coral Gables, FL

Patti McKay
1000 Friends of Florida
Tallahassee, FL

Julian Perez
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Miami, FL

Nancy Roen
Law Department
Florida Light & Power
North Miami, FL

Lester Simon
CMA Consulting
Miami, FL

Julia A. Trevarthen
Assistant Director
South Florida Regional Planning Council
Hollywood, FL

Douglas Yoder
Assistant Director
Dade County Environmental and
Resource Management Department
Miami, FL

BOSTON/NEW ENGLAND FOCUS GROUP

Charles Hotel on Harvard Square, Cambridge, MA
September 6, 1996:

Julie Belaga
Academy Panel Member
Director
Export Import Bank of the United States
Washington, DC

Armando Carbonell
Director
Cape Cod Commission
Barnstable, MA

Larry Charles
Executive Director
One/Chain
Hartford, CT

Marcia P. Crowley
Board of Selectmen
Chair of Maine Municipal Association
Wayland, MA

Diane Gould
Director
Massachusetts Bay Program
Executive Office of Environmental Affairs
Boston, MA

Dan Greenbaum
President
Health Effects Institute
Cambridge, MA

Ann Hadley
Executive Director
Middlesex County Soil and Water Conservation District
Haddam, CT

Scott Horsley
Vice President
Horsley & Whiten Inc.
Barnstable, MA

Arnold Howitt
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Taubman Center for State and Local Government
JFK School of Government
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Boston College and Senior Fellow
Gordon Public Policy Center
Brandeis University
Weston, MA

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Assistant Regional Administrator
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Environmental Protection Agency
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Director
Coalition for Alternative Wastewater Treatment
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Department of Housing and Urban Development
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Federal Highway Administration
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Dudley Street Neighborhood Initiative
Roxbury, MA

H. Curtis Spalding
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Save the Bay, Inc.
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CHICAGO/GREAT LAKES AREA FOCUS GROUP

Hyatt on Printers Row, Chicago IL
October 10, 1996

William Abolt
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Chicago Department of the Environment
Chicago, IL

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West Central Municipal Conference
Westchester, IL

Rudolph Bouie
Director
Plant Facilities and Services
Argonne National Laboratory
Argonne, IL

Irene Brodie
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Mayor, Village of Robbins IL
Dean, Moraine Valley Community College
Robbins, IL

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Indiana Department of Environmental Management
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Shorebank Corp.
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Eleanor Roemer
Lake Michigan Federation
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Indiana University
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Mercedes Sahagun
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Chicago Department of the Environment
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Chicago Southland Development, Inc.
Chicago Heights, IL

Howard Stewart
Vice President
115th Street Corporation
Chicago, IL

Dave Ullrich
Deputy Regional Administrator,
Environmental Protection Agency
Chicago, IL

Steve Whitesell
Bethel New Life
Chicago, IL

APPENDIX C

Sponsors' Group of Federal Managers

Jeff Benoit
Director
Office of Ocean and Coastal Management
National Oceanographic and Atmospheric Administration
Silver Spring, MD

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General Counsel
Environmental Protection Agency
Washington, DC

Gene Cleckley
Director
Environmental Operations Division
Program Development Office
Department of Transportation
Washington, DC

Wendy Cleland-Hamnett,
Director
Office of Sustainable Ecosystems and Communities
Director
CBEP Coordination Team
Environmental Protection Agency
Washington, DC

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Agricultural Ecosystems Division
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Environmental Protection Agency
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Office of Surface Mining
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Cindy Kelley
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Office of Intergovernmental and Public Accountability
Office of Environmental Management
Department of Energy
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Victor Kimm
Distinguished Practitioner in Residence
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Washington, DC

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Watershed and Wetlands Division
Natural Resources Conservation Service
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Office of Program Planning and Evaluation
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David Ulrich
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Margaret Washnitzer
Director
State Assistance Division
Office of Community Services
Department of Health and Human Services
Washington, DC

Louise Wise
Director
Policy and Communications Staff
Office of Wetlands, Oceans and Watersheds
Environmental Protection Agency
Washington, DC

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Former General Counsel and Regional Director, The Wilderness Society; Deputy
Assistant Secretary, U.S. Department of Interior; City Attorney, City of Tucson, Arizona.
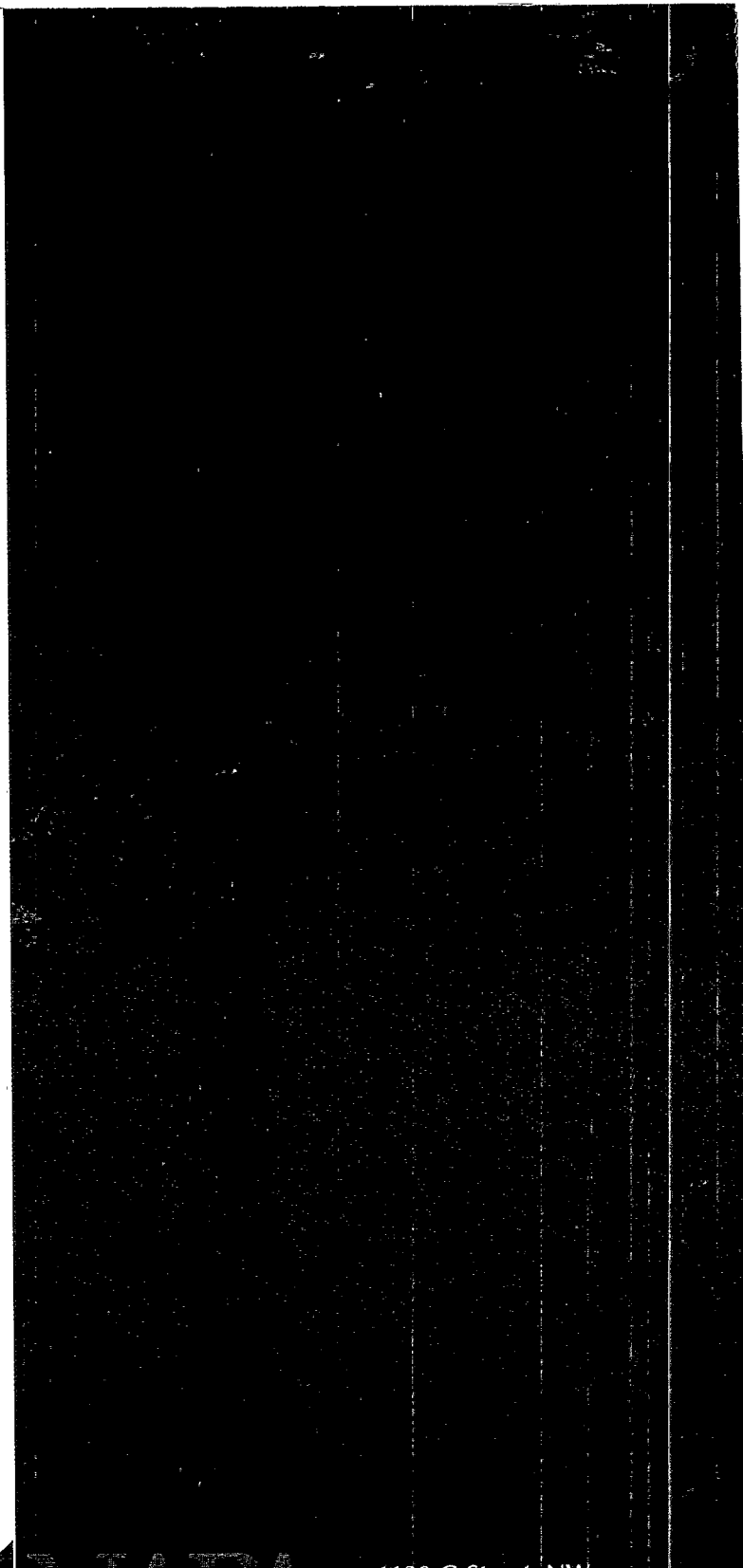(Now deceased)

* Academy Fellow

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PROJECT STAFF

Marian Mlay

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Environmental Protection Agency
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Deputy Regional Administrator
Chicago Region V
Environmental Protection Agency
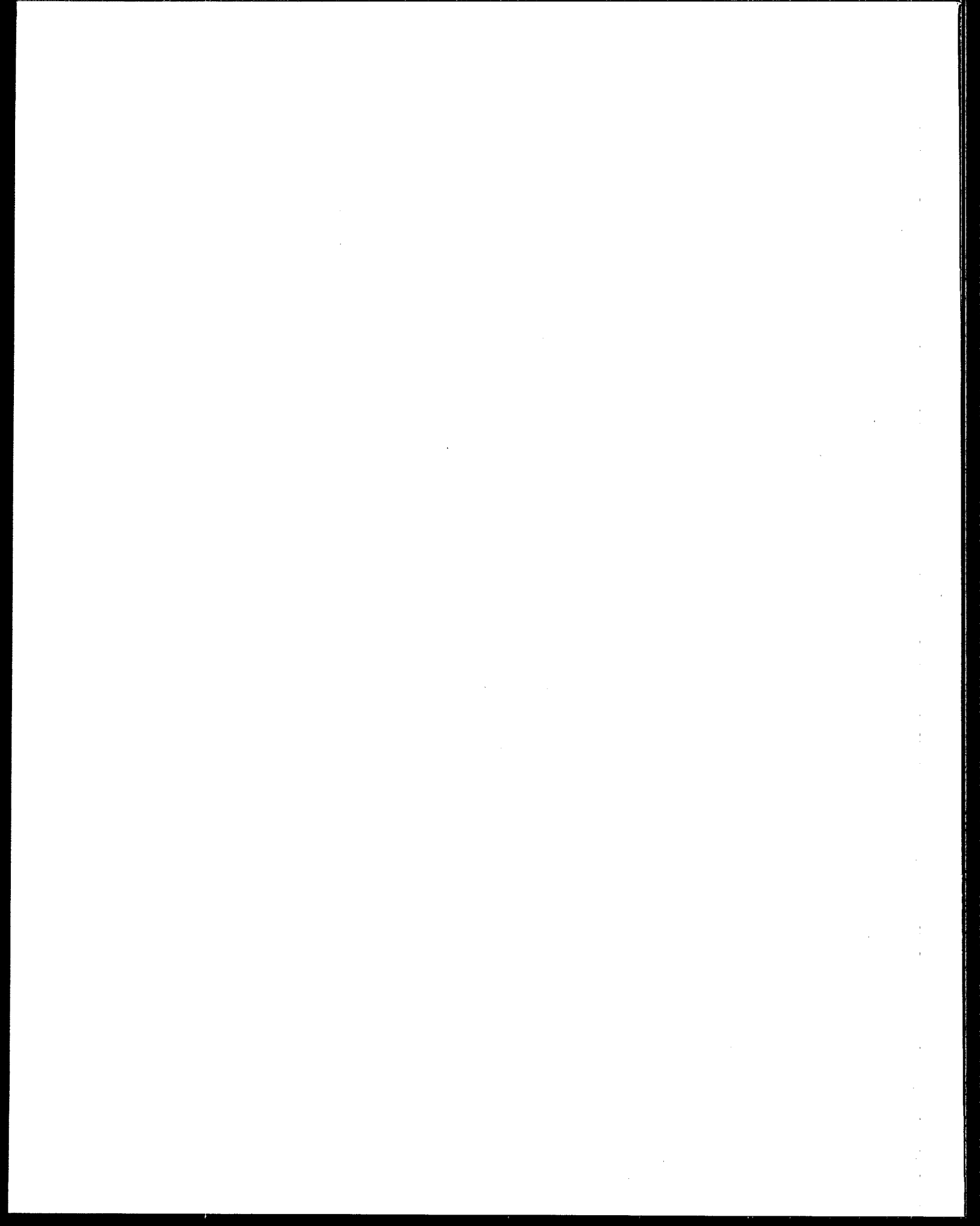*Chicago, IL*

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APPENDIX **D**

Advisory Panel and Project Staff Biographies

ADVISORY PANEL

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Julie Belaga

Director, Export-Import Bank of the United States. Former Senior Vice President, Makovsky and Company; Regional Administrator, U.S. Environmental Protection Agency; Member, Board of Directors of the Connecticut Development Authority.

Irene Brodie

Mayor, Village of Robbins, Illinois. Dean of Instruction, Former Professor of Communications, and Director of the Academic Skills Center, Moraine Valley Community College.

William Drayton, Jr.*

Chairman, Ashoka Society. Former Assistant Administrator, U.S. Environmental Protection Agency; Member, White House Domestic Policy Staff; Faculty, JFK School of Government, Harvard University and Stanford Law School.

Jonathan B. Howes*

Director of University Outreach, Chancellor's Office, University of North Carolina at Chapel Hill. Former Secretary, Department of Environment, Health, and Natural Resources, State of North Carolina; Research Professor and Director, Center for Urban and Regional Studies, University of North Carolina.

James D. Webb

Former General Counsel and Regional Director, The Wilderness Society; Deputy Assistant Secretary, U.S. Department of Interior; City Attorney, City of Tucson, Arizona. (Now deceased)

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NAPA
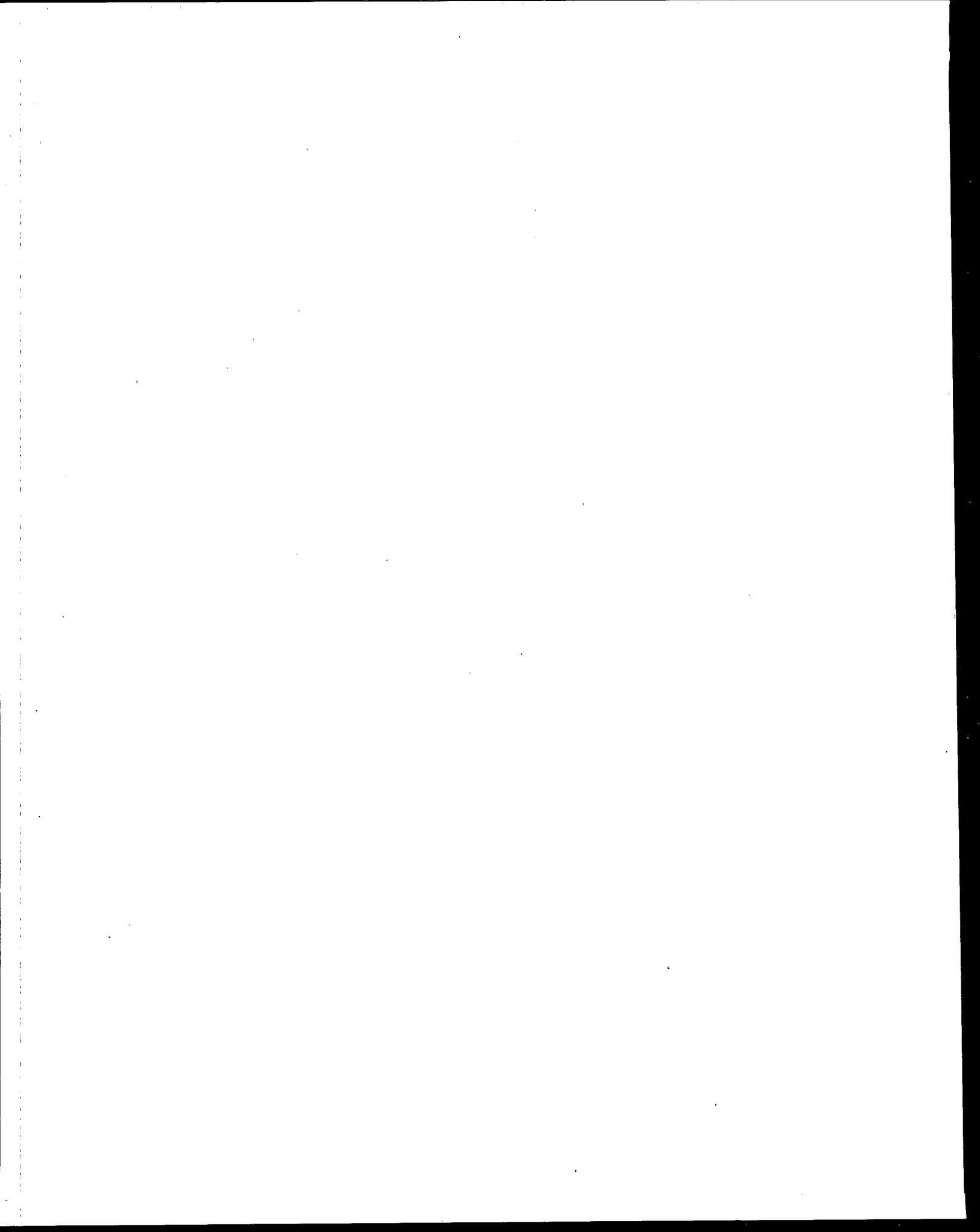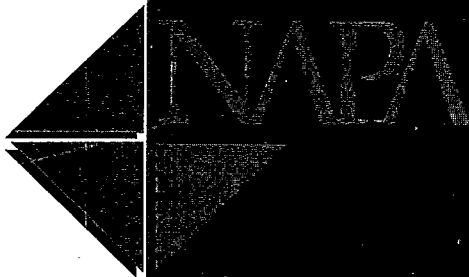
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