



June 26, 2006

Cooperative Conservation Legislation

Summary of Proposed Package



Cooperative Conservation Enhancement Act

This legislation would advance the goals of the Department of the Interior's (DOI) model of cooperative conservation. First, the bill would legislatively establish a number of programs that are currently carried out under multiple general authorities. Second, the bill would provide the Secretary of the Interior with increased flexibility to enter into partnerships with private individuals, companies, organizations, and government entities to achieve conservation goals; promote conservation partnership capabilities; and resolve environmental and natural resources disputes by fostering collaborative problem solving and alternative dispute resolution.

Specifically, the Act would:

- Legislatively establish several DOI Cooperative Conservation programs, including, the Partners for Fish and Wildlife Program, the Fish and Wildlife Service's Coastal Program, the Private Stewardship Grant Program, the Landowner Incentive Program;
- Authorize the Secretary of the Interior to support innovative landscape-level, multi-year projects that place an emphasis on collaborative approaches to conservation;
- Clarify existing partnership and cooperative agreement authorities and reduce barriers to such authorities where appropriate to encourage greater cooperation among Federal agencies, local communities and citizens. For example, the bill would authorize DOI to participate in conservation projects on private or State lands near or adjacent to DOI lands;
- Codify current policies and practices for conservation banks, no surprises assurances for habitat conservation plans, and regulatory assurances for candidate conservation and safe harbor agreements;
- Better enable Federal and State governments to prioritize conservation actions by using State Wildlife Plans as an important consideration in allocating DOI's Cooperative Conservation grants; and
- Codify the Office of Collaborative Action and Dispute Resolution to promote and advance collaborative problem-solving and alternative dispute resolution capacity and infrastructure in all DOI bureaus and offices.



Good Samaritan Clean Watershed Act

Having recently completed an extensive outreach process, the Environmental Protection Agency transmitted the Good Samaritan Clean Watershed Act to Congress on May 10, 2006. Introduced by Chairman James M. Inhofe (S. 2780), the legislation was the subject of a Senate Environment and Public Works Committee hearing held June 14, 2006. The legislation was also introduced in the House by Chairman John J. Duncan, Jr. (H.R. 5404), Subcommittee on Water Resources and Environment, House Transportation and Infrastructure Committee.

This proposed legislation would accelerate projects such as the American Fork Mine Cleanup that was announced at the White House Conference on Cooperative Conservation. There are more than a half million abandoned hardrock mine sites on both public and private lands throughout the United States, and the American Fork project is a great model for how public private partnerships can be effective in cleaning up individual mines. This bill would facilitate the Agency's participation in similar partnerships on a much larger scale. The bill is designed to allow individuals and organizations who are not responsible for the pollution, but are willing to participate in voluntary remediation projects, to do so without fear of undue liability under the Clean Water Act and the Comprehensive Environmental Response, Compensation, and Liability Act. To address the legal liability concerns that have long discouraged voluntary cleanup efforts, the bill would create a streamlined permitting process to encourage abandoned mine cleanup by Good Samaritan volunteers. Specifically, the Act would:

- Authorize the Administrator of the Environmental Protection Agency, or a State or tribe with an approved remediation program, to issue permits to Good Samaritans to carry out projects for the remediation of inactive or abandoned hardrock mine site pollution;
- Provide targeted liability protection for voluntary cleanup activities undertaken pursuant to a Good Samaritan permit;
- Allow for limited recycling of historic waste piles and tailings for mineral value;
- Require a "due diligence" evaluation of a permittee and proposed project, ensuring that the Good Samaritan is a "good actor" who has a history of good environmental compliance and has sufficient resources to complete a project;
- Require extensive public participation in the review and approval of a mine remediation project; and
- Encourage cooperative cleanup activities between States, local governments, private industry, and conservation groups.



Healthy Forests Partnership Act

Great progress has been made under the Healthy Forests Initiative to improve the health of millions of acres of forests and rangelands across America while also reducing the risks of catastrophic wildfire. The Departments of Agriculture and the Interior are proposing the Healthy Forests Partnership Act to expand our Nation's capacity to improve forest and rangeland health through cost-efficient partnerships at the State and local level based on clear, common objectives and sound science. The Healthy Forests Partnership Act would:

- Authorize the Secretaries to enter into new partnerships with State and local governments and Indian tribes to restore forests and rangelands on Federal and bordering or adjacent non-Federal land;
- Authorize designation of "Healthy Forests Partnership Zones" in priority areas to foster investment by non-Federal parties to build in local industry capacity and public infrastructure needed to restore forests and rangelands; and
- Encourage the use of peer reviewed science to support forest and rangeland restoration projects which, under this legislation, when applied, would be given heightened legal significance.



Cooperative Conservation of Marine, Estuarine, Coastal, and Riverine Habitat Act

This bill would authorize the Secretary of Commerce to enter into cooperative partnerships and regional plans to support marine, estuarine, coastal, and riverine habitat protection and restoration. It would advance the National Oceanic and Atmospheric Administration's (NOAA) model of cooperative conservation by ensuring clear and flexible statutory authority for current NOAA programs that are generally authorized under disparate authorities. The bill would also provide the Secretary of Commerce with similar authorities as those provided to the Secretary of the Interior to promote conservation partnerships, build local and regional capacity for habitat restoration and protection, and to provide regulatory assurances to those private landowners who undertake conservation measures on their land. Specifically, the Act would:

- Legislatively establish the Community-based Restoration Program that assists communities in identifying and implementing coastal habitat restoration projects and
- Authorize the Secretary of Commerce to utilize a variety of tools to protect coastal habitats.