

Lake Michigan Forum Meeting
September 19, 2006
Traverse City, MI

Watershed Governance Dialogue Notes

The following is a compilation of comments from the discussion period, which occurred after the Watershed Governance Panel presentations. The major topics are below with a few notes to aid in furthering discussion during the Lake Michigan Forum meeting.

Consistency and Enforcement of Ordinances

The audience was asked to weigh in on the value of harmonizing ordinances across jurisdictions. It was noted that ordinances were only as good as their enforcement. Many attendees felt that enforcement was a larger issue than harmonization; however, it was noted that harmonization would assist in discouraging “hop-scotching” around watersheds. Bringing current ordinances closer together was viewed as beneficial and easier than starting from scratch across jurisdictions.

A consistent approach of enforcement was suggested, which would include training inspectors, bringing in a litigation team, and working with violators. Another suggestion was the use of citizen suit provisions to move enforcement of ordinance violations along. Some attendees felt that litigious activities could be counter-productive and resource-intensive, and suggested that a more education-based approach would be more effective.

Information, Data, and Education

It was noted that assisting prosecutors by obtaining evidence of violations to make the case helped to move enforcement activities forward.

Educating developers on Best Management Practices with hands-on presentations and tours was suggested as a powerful tool to encourage the implementation of BMPs as well as to discourage ordinance violations.

Educating constituents on the benefits of improving environmental quality and its link to increasing economic impacts (such as lowering taxes) would help in putting pressure on the development of environmental protection and enforcement.

Creating a different frame of reference for resource use was suggested as an educational tool. Instead of seeing a river for its flood control value, changing it to a fisheries management objective could assist in having a more environmental perspective included in a project.

Incentives/Disincentives

One of the main issues that was observed with enforcement was the lack of incentives to enforce ordinances (or the lack of disincentives to discourage violations). One suggestion to spur enforcement in communities was to tie the ability to obtain state and federal grant dollars to the enforcement activities of a particular community. If a community had ordinances, showed enforcement, and decreased violations, then they would have a better chance at acquiring funding.

Another leverage for creating enforcement was the use of media to create a public call for resolution of violations.

Additionally, the lack of real punitive pressure was viewed as a reason why violations still occurred—even with enforcement, the penalties were insignificant.

Another disincentive suggested was to couple professional accreditation and licensing to development projects. If experts concluded that project consultants were not developing projects correctly, then their credentials could be revoked.

If an individual asked for a variance for the development of a project, it was suggested that an Agreement to Encroach would be useful in disincentivizing the variance. The individual would have to agree to pay for maintenance costs that were incurred above normal conditions due to variance. It was suggested that this would be a persuasive educational tool that would prevent the variance from being implemented.

It was suggested that Wisconsin could change its Impact Fees to developers to incorporate more environmental issues; however, it was indicated that the litmus test for the Impact Fees had been co-opted by legal challenges that it was not a relevant tool. Instead of “Impact Fees,” it was suggested that “Mitigation” activities might be better legal argument.

Minneapolis has recently created incentives for implementation of storm water BMPs through the creation of a storm water fee, which residents can avoid if they implement BMPs from a list the city has created.

Instead of having restrictions written into a project, it was suggested to have requirements included such as having riparian tree plantings.

Lake Michigan Standard/Guideline/Checklist

The audience was asked if the Lake Michigan LaMP could play a role by creating a standard for the entire basin. LaMP would list the aspects that a good ordinance would have and encourage the implementation of those aspects. Having ranges for particular practices was suggested, since many jurisdictions have peculiarities when ordinances are involved. A set of guidelines or a checklist was seen as beneficial since smaller

townships need simplified information that is easily digested, not a full-blown model ordinance.

Bring Champions Together

The value of local champions was recognized by the attendees. It was suggested that bringing these influential local individuals together from across the Basin could be a highly visible and potent message to drive forward the implementation of environmental quality projects. Having the champions make a policy statement together could be seen as way to focus public attention. The Great Lakes and St. Lawrence Cities Initiative, Northwestern Indiana Consortium for the Environment, The Natural Step, Earthkeepers Initiative, and World Café concept were seen as successful methods for bringing together champions and invigorating environmental projects.

Support and Capacity

The long-term stability of NGOs was viewed as key to moving environmental work forward and keeping the pressure on. Creating a more secure funding base for NGOs would assist in their activities and capacity building. It was also noted that governmental funding is very important for environmental quality issues.

Lake Michigan Watershed Academy

The continuation of the Watershed Academy and its outreach to regional planning commissions was seen as an integral part to overcoming governance issues and implementation of more environmentally-sound decision making.

Real and Full Cost Economic Analysis

Completing real, full cost economic analyses and assigning true costs to development activities was suggested as a method for solving environmental degradation due to development. Charging appropriate fees that are calculated from full cost analyses would create the economic arguments needed.

Deadlines and Mandates

Creating mandates for the elimination of toxics with deadlines was suggested as another tool for improving environmental quality; specifically, the phase-out of PCBs was mentioned. The LaMP could identify such mandates (from the LaMP, GLRC, and other sources) and encourage implementation through local and state governments.