

ENVIRONMENTAL ADVISORY COUNCIL
Lansing, Michigan
Thursday, September 16, 2010, 1:00 – 4:00 p.m.
Meeting Summary

Members in attendance: Jon Allan, Sandra Batie, Jeremy Emmi, Brad Garmon, Jeffrey Haynes, Rachel Kuntzsch, Erin McDonough, Heidi McKenzie for Larry Merritt, Pat Norris, Jodee Fishman Raines, David Rinard, Ray Scott, and Paul Zugger

DNRE Staff in attendance: Frank Ruswick, Mindy Koch, Jim Sygo, Sharon Schafer, Dan Lord, Lynelle Marolf, Vickie Anthes, Lynne Boyd, Joe Frick, Joanne Merrick, Emily Finnell, Vince Hellwig, Liane Shekter Smith, Bill Creal, and Jim Kasprzak

Guests: James Mulligan, Bill Hischke

OPENING:

Frank welcomed everyone. EAC members and DNRE staff introduced themselves. Director Humphries could not attend.

Becky Patrick has been appointed the Regional Director for Lake Michigan
Bob Wagner has been appointed Regional Director for Lake Huron
They are working on the application process for members of the new Citizens' Advisory Councils.

Jim Sygo noted that the DNRE is in litigation regarding the Kennecott Eagle Mine – residents in the area are claiming that they are developing electrical power toward the mine and this is in violation. Kennecott has been told that they need to amend their mining permit if they are putting in power for the mining site. Jim explained that the lines that are being run right now are down AAA road for a new building Kennecott has constructed off site from the mine – the lines are not being run to the mine. They did not need a DNRE permit for this.

A member announced that a new Environmental Law Deskbook will soon be available on envdeskbook.org.

Mindy Koch noted that a workgroup has been developed with the Department of Agriculture to address swine that are bred and kept in captivity for shooting. Texas and Florida are seeing horrifying results as this type of swine escape captivity. Michigan's population of feral swine has not developed to that point and we want to keep a handle on it. The NRC is prepared to ban any expansion in this type of swine captivity.

Jim Sygo advised that on September 27, 2010, EPA's order will have run out and the emergency response phase of work at the spill site and Talmadge Creek will be complete. The long-term remediation phase will soon be turned over to the DNRE for the lead in working with Enbridge. The EPA will still be involved with the work on the Kalamazoo River through the end of the year. Greg Danneffel is our main point of contact for the DNRE.

DNRE OUTCOME MEASURES CATALOG – James Mulligan

James is a grad student at U of M and developed the catalog as a student intern for the DNRE. James provided a presentation that summarized the report as follows. (See Attachment 1).

There are three main parts; the catalog, pros and cons, and implementation constraints.

The majority of programs fit into the first two categories. Category III programs are largely NOT oriented toward outcomes. These tend to be reactive and may lack authority, resources, or access to information to use outcome measures meaningfully.

Potential Benefits Identified:

- Identifies the gaps in our programs or activities that are no longer necessary
- Helps to guide decisions with limited resources
- Institutionalizes the use of goal-oriented strategy
- Creates optimism toward goals
- Encourages working through difficult issues
- Open channels to cross-division cooperation

Constraints:

Understanding – managing for outcomes v. outputs is not necessarily incongruent; there is no clear design of an outcome-based model, or plan for implementation.

Capacity – all divisions have constraints but you can set realistic targets; you have to develop outcome measures and monitoring capability; frequent turnover in leadership may prevent long-term adherence to established measures.

Motivation – staff are not motivated without an understanding of the value of the initiative.

Questions or Comments

A member noted that what drive this whole thing is establishing the outcome. You need an outcome that the state has a robust economy that thrives to be in compliance with the environmental statutes.

A member asked James to describe the department's passion level – James noted there was a lot of support, and there was also some ambivalence because it was felt that the division was already doing really well so staff didn't see the need.

PROPOSED OUTCOME DEVELOPMENT PROCESS – Frank Ruswick

Frank outlined a document prepared by the EAC Planning Committee that recommends a process for developing outcomes (See Attachment 2.) He summarized that proposed process for the EAC and Senior Management Team members:

Frank explained that one part of the current effort is to make the concept of developing outcomes more tangible at the division level. This is part of the basis for the proposed process. He also indicated that, consistent with the Roadmap, the DNRE needs to expand collaboration and partnerships in our programs.

On page 8, invasive species was added to the list. The list encompasses priority program areas that are ripe for this process.

Frank advised that we looked at the RAM Center a few months back with two workgroups. Both groups were in agreement that our process needs to be inclusive and needs to be diverse. It needs to be based on stakeholder values. The general public doesn't understand what we are talking about when we say outcomes. The process needs to be transparent and there must be trust.

We must develop outcomes within the constraints of state and federal law, while keeping in mind that state law can be changed. A member felt we need to look closely at what the current outcomes are.

We are dealing with changing roles of the department and partnership groups, and how it fits in with the current framework of the program areas. The process would be implemented and we would monitor how it works. It should be subject to review by an outside team including members from within the agency as well as outside. There should be periodic reports.

Frank described the plan going forward as taking the EAC's discussions of the priority program areas and this draft and melding them into a draft recommendation.

DISCUSSION OF OUTCOME DEVELOPMENT PROCESS

Deputy Director Mindy Koch facilitated the discussion of the proposed outcome development process. She indicated that we want the process to be broad enough that it can encompass the majority of programs. It is easiest to look at this as a state process.

A member felt it needs to be broader than that to be inclusive. There is the perception that the DNRE is just about the environment and we need to build bridges and trust.

Another member felt very strongly that the DNRE needs to be a partner, but must include other interest groups.

Another member felt there needs to be administrative management and the department would be the default leader. At the end of the day we need to have an effective outcome.

On the list some groups are department driven (Wildlife Strategic Plan) v. the Wetlands Group that is made up much like the EAC members, with a lot of representation from outside the department.

Lynelle Marolf feels the department needs to serve as the convener to initially bring the group together. A member said the convener could be the EAC. Another member said you begin with the authority and look at the statutory constraints to begin the process. Some workgroups are so far along that they would only need to recap it in these process terms. Another member suggested that you take something that hasn't started yet and have one completely-DNRE led group, and another completely led by outside groups and compare what the outcomes are.

A member suggested that everyone would agree that dune protection is important, but the challenge is in deciding how important – how far do you go.

Another member felt the piece that is missing is the ground rules. Also, it should be called a framework rather than a process.

A member also felt the department should be the initiator and the role of convener could be determined to be better served by one of the other organizations. We need to consider the interrelationships that are involved.

Frank noted it gets hard when you start talking about interconnections or disconnects.

A member felt that part of the partnership would be for another group to step forward when the department is constrained by statute, or funding, or resources.

There should be a mechanism for revisiting outcomes as things change – it should be a circular process.

It is important that whatever the workgroup comes up with in the end, as the legislature or staff changes, there will be the need to revisit the outcome expectations. It was asked how that would happen – every four months? We need to look at how those established outcomes will be used. Who will champion the end result – not necessarily the initiator? Could it become part of a “State of the Environment Annual Report?”

A few members felt our outcomes need to be folded into legislation – legally memorialized. Mindy Koch noted the irony that we are trying to make something extremely permanent yet extremely flexible.

Bill Creal gave an example of nutrient levels set for inland lakes – they are not in statute and shouldn’t be.

A member felt we have to consider social expectations. It is not always appropriations capacity. Another member felt we need to be prepared to propose legislation if necessary to achieve the outcome.

Lynelle Marolf feels to create momentum we have to identify the changes needed - “the how and the who.”

Mindy then asked “does that need to be imbedded clearly in the framework?” The group agreed that it did.

A member felt there is the need to put some structure on things, but it has to be flexible and respectful. It needs to be inclusive from the beginning. It’s very hard to specify at what step to you bring in outside stakeholders.

Mindy Koch stated the process has to encourage outside involvement.

A member asked if it should be the role of the EAC to make it inclusive.

A member suggested that the stakeholder groups have to be diverse which may involve inviting people. Steelcase has developed a process to achieve this.

Mindy stated that if we invited our typical stakeholders to be involved in a workgroup, we would not get a lot of volunteers. A member disagreed – if we look for people to develop wetland outcomes, we would have numerous volunteers.

A member thought that this was a pilot process for the ten projects identified.

Mindy clarified that this group is charged with putting together a report for the department which is due in December. Part of this process will report on what works and what doesn't work.

CLOSING

Mindy asked for agreement to have the department redraft this document based on today's comments.

Mindy and Frank expressed that this conversation was very helpful and they appreciate all the input.

The October meeting is scheduled for the RAM Center from 10:00 to 3:00. The intent of that meeting would be to "block out" the report. After that discussion, we would come back in December to finalize the document.