

Upper Altamaha Practicum Service Learning Work Plan

Date: 9/30/2003

Project Title: Erosion and Sediment Control: Research, Proposed Legislation, and Judicial Education

Project Members, telephone numbers, e-mails:

AB ---	EW ---
KW ---	JW ---
JN ---	JL ---

Need/Problem Identification:

What community issue or problem will your project address?

This project addresses the inadequate knowledge and enforcement of erosion and sediment control provisions in the Etowah watershed at several different levels.

The Habitat Conservation Plan Advisory Committee asked for a legal memorandum on three specific legal questions relating to the Georgia Erosion & Sedimentation Control Act, as recently amended by the Georgia General Assembly. This legal analysis will allow the Committee to tailor a habitat conservation plan to existing legal parameters.

Second, the HCP Advisory Committee asked for a model ordinance aimed at restricting mass grading and clear cutting for local community officials in the Etowah watershed to review and adopt. This ordinance is necessary because to our knowledge there are few, if any, ordinances that address this issue currently on the books in Georgia.

Third, there is a need to raise judicial awareness of both the problems associated with erosion and sedimentation and the current lack of judicial activity with respect to enforcement. We will address what judges can do to help remedy the problem through a judicial training seminar held in conjunction with the Center for Continuing Judicial Education in Savannah on January 29, 2004.

How was the issue or problem determined?

The Habitat Conservation Plan (HCP) Advisory Committee requested technical and legal assistance.

Who is/are your major client/s?

HCP Advisory Committee

What changes do you anticipate as a result of your project?

We believe that our memo will expand the knowledge of the HCP Advisory Committee on statutory issues relating to current erosion and sediment control standards. The model ordinance was designed to be incorporated, after being tailored to each locality's individual needs, into existing ordinances within the Etowah watershed aimed at restricting mass grading and clear cutting. It is our intention that the model ordinance also serve as a resource for other counties in Georgia which may wish to consider the various provisions as either supplemental or preemptive measures for their own erosion and sedimentation issues. Through the judicial workshop, judicial awareness and use of enforcement measures available under existing law will increase. Our efforts were originally concentrated on the counties in the Etowah watershed; however, by combining forces with the Center for Continuing Judicial Education we will reach a much larger audience extending statewide to judges of all counties and municipalities in Georgia.

Is your project a piece of a larger, ongoing project? If so, what is the context of the larger, ongoing project? Yes, our project is an integral part of the ongoing HCP in the Etowah watershed, building on existing laws and regulations.

Goals/Activities

What is/are the goal(s) of your project? Goals are ideals that you intend to reach, broad hopes for what your project will accomplish, or the destination of your project. Goals don't indicate specifically how you will do something, rather, they indicate what you hope to accomplish. Your project may have one goal or several goals. For each goal identify the (1) uncertainties and gaps in information, (2) barriers to achieving the goal, (3) the ultimate decision makers, (4) other actors, (5) the leverage that might compel changes in action, (6) all possible actions to achieve the goal, and (7) the decisive events or situations where decisions which will control the outcome will occur.

Goal(s)	Uncertainties/ Gaps	Barriers	Decision Makers	Other Actors	Compelling Leverage	Possible Actions	Decisive Events or Situations
<p>To help establish and implement a successful erosion and sediment control program that ensures growth and development in a manner that best protects local water and land resources in the Etowah watershed</p> <p>To educate both officials and judges in the local communities about their respective roles in reducing erosion and sedimentation through enforcement of existing laws and the implementation of suggested standards</p>	<p>How do the Etowah counties currently implement the legal framework of the ESCA?</p> <p>Is there any interest from Etowah judges in attending our track of the Judicial Conference and what will it take to get them to participate in the CJE workshop?</p> <p>How will our proposed activities be received in the local community within the Etowah watershed?</p> <p>Can this project be completed within a semester?</p>	<p>Time pressure</p> <p>Clarifying questions presented by HCP Advisory Committee</p> <p>Inconsistent e&s control enforcement provisions between communities within Etowah watershed</p> <p>Limited direct contact with appropriate officials in Etowah jurisdictions</p> <p>Limited interpretations available of existing law, due to the recent amendments of ESCA</p> <p>Political constraints</p> <p>Scheduling conflicts and availability of anticipated CJE speakers</p>	<p>HCP Advisory Committee (interest: protecting the local environment & species)</p> <p>HCP Steering Committee (interests: complying with ESA; political & economic concerns)</p> <p>County commissioners (interests: political & economic; complying w/ federal statutes)</p> <p>Judges in State of Georgia (interests: re-election; fairness; not getting overruled; knowing the scope of their statutory authority; CJE credits)</p> <p>Institute of Continuing Judicial</p>	<p>Local business persons (interests: community reputation; profitability; community aesthetics & property values)</p> <p>Future students in Etowah Practicum (interests: ability to build upon our work to further protect the Etowah watershed)</p> <p>DNR, EPD, State legislators & local officials (interests: re-election; balancing constituents' interests between increased economic development & environmental protection; Board of Natural Resources)</p> <p>Dept. of Community Affairs (interests: planning</p>	<p>We have the legal expertise to inform the HCP Advisory Committee, who in turn makes recommendations to the HCP Steering Committee</p> <p>An opportunity for judges to earn CJE credits</p> <p>An opportunity for potential speakers (attorneys) to earn CLE credits</p>	<p>Examine existing Erosion and Sedimentation Control Act and local ordinances enacted pursuant thereto</p> <p>Research underlying legal issues</p> <p>Draft a legal memo addressing underlying legal issues</p> <p>Sample mass grading and clear cutting ordinances from other jurisdictions</p> <p>Draft model ordinance</p> <p>Research the procedure for establishing a certified CJE workshop</p> <p>Identify judicial audience</p>	<p>Presentation of the model ordinance</p> <p>Presentation of the CJE workshop in January, 2004</p> <p>Review of comments on materials presented to the Practicum, the HCP Advisory Committee.</p> <p>Gaining insight into outstanding legal questions regarding pressing issues in the Etowah watershed</p>

		<p>Lack of communication between officials of different divisions within each jurisdiction in the Etowah, (hard to get accurate information)</p> <p>Difficulty of identifying and contacting appropriate enforcement agent with information and comments</p> <p>Ensuring model ordinance complies with ESCA</p>	<p>Education (interests: ensuring quality of CJE programs; keeping judges up-to-date</p>	<p>& coordination under Georgia Planning Act; Statewide uniformity)</p>		<p>Contact judges through the use of detailed postcards and a formal letter providing them with information about our portion of the CJE in an effort to encourage them to choose us as an alternate track during their two day seminar in Savannah, Georgia</p> <p>Research content for the CJE workshop</p> <p>Gather hypothetical situations based on real world fact patterns to be used during the hands-on instructional portion of the workshop for judges</p> <p>Identify and secure panelist speakers and a moderator for CJE workshop</p> <p>Investigate workshop budget issues</p>	
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Major Project Components:

There may be more than one major component of your project. For example, your project might encompass three specific deliverables, or it could involve one memo looking at three entirely different issues. Those would each be a component. List each major component and, for each, determine the specific activities or tasks that will need to be undertaken. Activities are small, specific tasks that will occur during your project. Who will take the lead for each activity or task?

Major Components	Activities	Timeframe	Lead
To research recent amendments to the Erosion and Sedimentation Control Act (ESCA) to answer legal questions of the HCP Advisory Committee.	Examine existing Erosion and Sedimentation Control Act and local ordinances enacted pursuant thereto		JN, JW
	Research underlying legal issues		AB, KW, EW
	Draft a legal memo addressing underlying legal issues		JN, EW,
To develop a model ordinance and accompanying strategy to restrict mass grading and clear cutting.	Sample mass grading and clear cutting ordinances from other jurisdictions		AB
	Draft model ordinance		AB
To develop a continuing judicial education (CJE) workshop to educate judges in the State of Georgia on effective enforcement measures available under the ESCA.	Research the procedure for establishing a certified CJE workshop		KW
	Identify judicial audience		JL
	Contact judges through the use of detailed postcards and a formal letter providing them with information about our portion of the CJE in an effort to encourage them to choose us as an alternate track during their two day seminar in Savannah, Georgia		JW, KW, EW
	Research content for the CJE workshop		JN, EW, JW
	Gather hypothetical situations based on real world fact patterns to be used during the hands-on instructional portion of the workshop for judges		EW, JN
	Identify and secure panelist speakers and a moderator for CJE workshop		JN
	Investigate workshop budget issues		KW

Partners:

What role will each partner play in project development and implementation?

Partner	Role	Contact Information
AB	<p>Conduct background research on mass-grading ordinances from other jurisdictions</p> <p>Contact State of Georgia officials, Etowah watershed county officials, and non-governmental organizations</p> <p>Research the forest land management practice exceptions for memo</p> <p>Draft a timeline</p> <p>Draft the model ordinance</p>	
KW	<p>Research CJE requirements</p> <p>Act as a liaison between the Center for Continuing Judicial Education and our group</p> <p>Draft the letter presented to judges informing them as to the importance of our presentation at the Savannah seminar</p> <p>Research “home rule” and preemption for the memo</p>	
JN	<p>Draft abstract</p> <p>Look for attorney general audit of erosion and sedimentation control program</p> <p>Research repeat offender provisions for the memo</p> <p>Work with KW on matters related to communications with the Center for Continuing Judicial Education</p> <p>Gather and analyze potential hypotheticals for use in the CJE</p> <p>Edit model ordinance</p> <p>Incorporate memo sections into a cohesive document</p>	
EW	<p>Act as a liaison with the Southern Environmental Law Center (SELC)</p> <p>Research the kinds of road crossings exempted from the ESCA for the memo</p> <p>Draft the road crossing section of the memo</p> <p>Begin the process of integrating the sections of the memo into a single document</p>	

	<p>Gather and analyze potential hypotheticals for use in the CJE</p> <p>Assist in contacting potential speakers for the CJE workshop</p> <p>Assist with work plan revisions</p>	
JW	<p>Draft and revise work plan</p> <p>Research the kinds of road crossings exempted from the ESCA and revise that portion of the memo</p> <p>Contact potential speakers and presenters for the CJE</p> <p>Contact Etowah watershed county officials</p> <p>Research erosion and sedimentation ordinances from around Georgia and the United States for use in drafting the model mass grading ordinance</p>	
JL	<p>Develop Power Point presentation for initial presentation to the class and for the final presentation</p> <p>Research the forest land management exceptions for memo</p> <p>Work with JC (art student) to develop artwork for the post card to be sent to judges informing them of our presentation at the Judicial Conference in Savannah</p> <p>Coordinate the printing and mailing of post cards and informative letters to all judges</p>	
JC	<p>develop artwork for the post card to be sent to judges</p>	

Communication:

How, when, what, why, and by whom will communication be facilitated for your project?

We communicate individual progress on our respective assigned areas of the compilation: in person, by email, by phone, and through use of the law school personal mailboxes. Weekly meetings are held Wednesdays at 7 p.m. We also use TWEN for daily communication and timeline maintenance.