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Ruckleshaus Center to help resolve ordinance dispute

By [Siv Prince](#)

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The William D. Ruckelshaus Center, a public-policy center jointly founded by the UW and WSU, has been called upon by Gov. Chris Gregoire to assist in resolving one of the most contentious legal issues in Washington: the dispute over critical-area ordinances.

William D. Ruckelshaus Center is a joint effort between the UW and WSU to solve public-policy issues. Its mission is to "act as a neutral resource for collaborative problem solving in the region."

Some other examples of the center's work:

Water Resource Administration & Funding Task Force: "Established by the Legislature in 2004, the task force was charged with recommending ways of funding the state's water programs. With the assistance of expert facilitators, the center provided facilitation, logistics, information-gathering and report-drafting support to the task force."

Northwest Straits Marine Conservation Initiative Evaluation:

"The Northwest Straits is an unique local governance mechanism that employs a collaborative approach to preserve ecosystems and respect existing economic and community uses of marine resources. In 2004, the center organized and provided staff support for a federally mandated independent evaluation of this citizen-led effort to protect and restore a vital marine ecosystem."

Workers' Compensation:

"The center worked with business, labor and the state government as they considered issues surrounding workers' compensation policy, an issue affecting many other states. The center provided negotiation assistance to the parties in evaluating whether to go forward with reform, and if so, how."

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Source: **The Ruckelshaus Center** (<http://pcc.wsu.edu/projects/index.htm>)

Critical-area ordinances are laws intended to protect environmentally sensitive areas — like wetlands and marshes — from pollution and development. These laws are controversial because they allow the government to restrict how land-owners, including commercial farmers, can use their own property — which could hurt farmers financially.

"Our main concern is making sure that government regulation doesn't put farmers out of business," said Dan Wood, director of local affairs for the Washington Farm Bureau, a local non-profit organization.

Environmental groups, however, say that without these restrictions there is nothing to protect vital ecological areas from pollution or development.

"There are some people out there that don't take care of the environment," said Kaleen Cottingham, a lobbyist for Futurewise, an environmental organization. "That's why we need to create a regulatory backstop."

With environmentalists, farmers, developers and the state and local tribes all holding a stake in this debate, these laws have become hot-button issues.

The long-fought battle came to a head last year with Initiative 933. The proposal, which was backed by the land-owning contingency of the debate, would have required the government to compensate land owners if land-use restrictions were implemented that would affect their property.

The measure was ultimately defeated by voters, but served as a catalyst for bringing the debate to the forefront of state politics.

The continuing turmoil led Gregoire to sign Senate Bill 5248 into law, handing the Ruckelshaus Center a two-fold task.

The first part of this process is a two-year break period in which no new critical-areas legislation can be

passed. During this year, the Ruckelshaus Center will facilitate stakeholder fact finding and analysis at both the UW and WSU.

"[This phase is a time to] use university knowledge and resources, in conjunction with input from the various stakeholders, to produce credible and unbiased facts," said Jon Brock, the center's UW-based co-director. "The way we do our projects is we try and find faculty that are top experts to help with this process and, between these two universities, you can find some amazingly talented people."

As needed, research will be conducted across various departments at both campuses — involving faculty as well as graduate students. During this period, the center will report its findings in progress reports to the state.

After the fact-finding phase, the Ruckelshaus Center, "... must facilitate discussions between the stakeholders ... to identify policy and financial options or opportunities to address the issues [and] work to achieve agreement," the bill states.

The intention is that — with the center acting as a mediator — representatives from a variety of factions will be able to come to a compromise for the future. The various suggestions will be presented to the 2010 legislative session.

Brock believes this is a good opportunity to bridge the gap between the parties.

"What I think you'd find from talking to people from all sides of this is that there seems to be a real desire to find a solution," he said. "This legislation at least represents an agreement by the parties to work together."

Cottingham hopes a solution will soon be reached. "Farmers and environmental groups have been fighting for decades, and it's time to figure this out," she said. "We're hoping the Ruckelshaus folks will have a very in-depth conversation with the stakeholders, and hopefully we'll come up with a common understanding."

Wood said that compromise is possible, but will be tough.

"A lot of sensitivity will be required by the Ruckelshaus Center because they are bringing together voices that have typically clashed," he said. "There's a pretty high hurdle for us to get over together."

At the same time, Wood acknowledged that these voices aren't entirely different.

"I do think there is a lot of common ground [between environmental groups and farmers]," he said. "We just tend to take very different approaches. The holy grail of this process is a voluntary program that helps the environment and farmers."

The bill maintains that the various stakeholders will be expected to participate in the second phase. The legislation also allots \$354,000 to the Ruckelshaus Center to cover costs.

The center, which previously operated as the Policy Consensus Center, was named for William D. Ruckelshaus, a Seattle resident, former deputy attorney general and the first head of the Environmental

Protection Agency, in October 2006. Its mission is to act as a non-partisan institution for mitigating disputes over state policy issues through utilizing resources from the state's two largest universities

Since then, the center, which is housed in the Daniel J. Evans School of Public Affairs at the UW and at the WSU Extension, has worked on eight different public-policy projects, always with an emphasis on multi-party consensus building.

"Major problems can be solved with help from this kind of center," Brock said. "Universities have the ability as credible, non-biased analysts that can facilitate bringing people together. The combination of UW, WSU and our statewide board of experienced leaders gives us a lot of ways to help."

The first progress report of the center's findings for this project will be released December 2007.

Reach reporter Siv Prince at news@thedaily.washington.edu.

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