



## Regulatory Streamlining Initiative

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Office of Regulatory Streamlining, Department of Consumer and Business Services

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### **WATER-RELATED PERMITTING**

**Improving the State of Oregon's Process  
for Permitting Development Projects  
that Affect Oregon's Water Resources**

# **Project Report**

October 2006

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## **Office of Regulatory Streamlining Recommendations to State Agencies**

To Whom It May Concern,

The Water-Related Permitting Process Improvement Team (WRPPIT) project was a large, multi-agency undertaking that required much planning, communication, expertise, and commitment. The WRPPIT and the Office of Regulatory Streamlining hope other projects can benefit from the practices and techniques developed for this project. Throughout the report, you will find descriptions of those practices and techniques so you can duplicate them for other multi-agency projects. We also included samples of reports, process maps, and other tools in the appendices.

Below are some of the key elements that made the WRPPIT project successful.

### **Sponsorship**

The role of project sponsorship cannot be overemphasized. The WRPPIT project had sponsorship from both the executive and legislative branches. The participating agencies also were committed to the project, which resulted in a high level of collaboration. That collaboration helped produce quality products and communication and outreach efforts, and, ultimately, a positive outcome for the project.

### **Planning and Communication**

Careful planning and project management helped the project move forward with relative ease and order. Timely and consistent communication is crucial to any project — especially multi-agency projects that involve a variety of stakeholders. Thorough documentation and distribution of materials, meeting notes, decisions, and action plans resulted in a high level of trust and transparency. The project team also ensured that people interested in WRPPIT had access to information.

### **Expertise**

Having appropriate expertise is necessary for every project. The project team included people with technical and organizational expertise and people who were willing to do the research needed to make informed decisions and solve problems. Knowledge of process improvement and facilitation also was key to this project.

### **Transitions**

With any lengthy project involving a variety of organizations, you should be prepared for transition in project staff and leaders. It is important to have methods and materials ready to bring new participants up to speed on the project. New participants will need to know the background and purpose of the project, what data has been collected, and what decisions have been made. It also is helpful to have existing team members available to answer questions.

## Background and Climate

Having a thorough understanding of policies, participating agencies, and the stakeholder climate is important to a project like WRPPIT. We recommend reviewing policy origins and the constraints of the various participating agencies or organizations. We also recommend staying abreast of the stakeholder climate, since new issues can affect the project.

## Challenges

A major challenge of any multi-agency project is reconciling the different agency missions, cultures, policies, authorities, and funding methods. Participating agencies must understand these differences so they can anticipate barriers and find ways to work together to accomplish the project goals. Sometimes, such differences can limit the agencies' ability to respond to stakeholder concerns, necessitating additional leadership support or administrative rule or legislative changes.

If you have questions or would like additional background concerning this project or other regulatory streamlining projects in Oregon, feel free to contact the Office of Regulatory Streamlining as noted on the cover of this report or visit our Web site at [www.dcbs.oregon.gov/RSL](http://www.dcbs.oregon.gov/RSL).

We wish you all the best,  
The Office of Regulatory Streamlining

## A. Project Initiation

**Project Initiation.** In March of 2005 the following individuals joined together to ask a multi-agency team to identify ways to improve Oregon's processes for permitting development projects that affect Oregon waters:

Lindsay Ball, Director, Oregon Department of Fish and Wildlife  
Michael Carrier, Natural Resources Policy Director, Governor's Office  
Ann Hanus, Director Department of State Lands  
Stephanie Hallock, Director, Department of Environmental Quality  
Vicki McConnell, Director, Department of Geology and Mineral Industries

Holly Schroeder, Water Quality Division, Department of Environmental Quality  
Lane Shetterly, Director, Department of Land Conservation and Development  
Phillip Ward, Director, Water Resources Department  
Tim Wood, Director, Parks and Recreation Department  
Pat Allen, Manager, Office of Regulatory Streamlining, Department of Consumer  
and Business Services

At the time, someone who wanted to modify a property connected to Oregon waterways or wetlands -- such as constructing a building, stabilizing a stream bank, installing an irrigation ditch, or constructing a road -- might be required to approach as many as seven state agencies for multiple water-related permits or reviews. Each regulated activity had a different timeframe and some authorizations could require developers to do conflicting things. In addition, unknown requirements could unexpectedly surface late in a project, requiring significant rework and added cost.

Beginning on March 15, 2005 and ending on April 14, 2005, a twelve member Removal-Fill Process Improvement Team (Improvement Team) met to address customer concerns. The Improvement Team began by documenting the “as-is” process for obtaining a removal-fill permit. With the process map the team was able to identify overlaps and gaps in the way permits are authorized. The map is provided in Attachment 1.

In order to identify improvement possibilities, the Improvement Team also benchmarked other processes. The team reviewed processes implemented of Washington state, Michigan, and Portland as well as successful efforts of the Oregon Departments of Environmental Quality, Forestry, and State Lands; the Governor’s Economic Revitalization Team (ERT); the Water Resources Hydroelectric Application Review Team (HART); Oregon Department of Transportation’s PARIT team for implementation of the OTIA III Bridge Delivery Program Environmental Streamlined Permitting Process; and the Collaborative Environmental and Transportation Agreement for Streamlining (CETAS), a state/federal collaboration.

At the conclusion of its work the Improvement Team identified 34 recommendations to make the permitting process more user-friendly for project proponents without reducing natural resource protections. A summary of the Improvement Team’s report is provided in Attachment 2. Of the Improvement Team’s 34 recommendations, the team’s most far reaching recommendation was to consolidate the applicable state agency processes to the greatest extent possible so all agency requirements are known at the beginning of the process and so that permit decisions are clear, non-conflicting and delivered within a known timeframe. The Natural Resources Cabinet endorsed the team’s recommendations and asked the team to pursue them. The team was instructed to focus on streamlining the process, not changing the standards or levels of natural resource protection; to focus on state, not federal or local processes; and if legislative changes were needed, to develop them for consideration by the 2007 Legislature. Elements of change expected to be achieved included the following:

- Reduced paperwork and duplication
- Increased customer service
- Improved timeliness and certainty

- Clarity about whether and how a project gets to yes, and
- Transition to a state permit process that feels consolidated to applicants
  - the permit would look like one state permit and
  - the applicant would obtain all state decisions at one time
- Assistance to applicants through the process

Building on this Natural Resource Cabinet directive, the 2005 Legislature adopted a budget note in August of 2005 requiring the applicable agencies to work with the Office of Regulatory Streamlining to streamline water-related permitting associated with removal/fill projects. The Legislature asked for progress reports to the Joint Legislative Audit Committee on April 30, 2006 and December 31, 2006. The Legislative Budget Note is displayed in Figure 1.

**Figure 1. 2005-2007 Legislative Budget Note**

*The Department of Environmental Quality, the Department of Geology and Mineral Industries, the Department of State Lands, the Department of Fish and Wildlife, the Department of Land Conservation and Development, and the Water Resources Department will work with the Office of Regulatory Streamlining on one or more projects to streamline the delivery of water-related permitting programs and projects including water-related permitting associated with removal/fill projects and on permitting associated with aggregate mining activities.*

*The agencies will report back on their plans and progress to the Joint Legislative Audit Committee not later than April 30, 2006 and December 31, 2006. To the greatest extent practical, the Office of Regulatory Streamlining will involve the co-chairs of the Joint Legislative Audit committee, or their designees, in any work group activities needed to implement this budget note.*

This report describes the steps taken by the natural resource agencies to address the water-related permit aspects of the budget note. A separate report has been prepared regarding aggregate mining activities.

## **B. Project Roadmap and Resources**

In order to accomplish the objectives established by the Legislature and the Natural Resource agency directors, the Improvement Team began by ensuring that all necessary agencies were represented on the team. Core members of the team were agency representatives that would participate throughout the project:

Pat Allen, Office of Regulatory Streamlining  
Ken Franklin, Oregon Department of Transportation  
Kim Grigsby, Water Resources Department  
Kirk Jarvie, Department of State Lands  
Laura Leshner, Office of Regulatory Streamlining  
John Lilly, Department of State Lands (replaced by Kevin Moynahan)  
Gary Lynch, Department of Geology and Mineral Industries  
Patty Snow, Department of Fish and Wildlife  
Christine Svetkovich, Department of Environmental Quality

Jas Adams, Assistant Attorney-in-charge of the Natural Resources Section of the Department of Justice's General Counsel Division was also asked to participate as needed to identify and facilitate necessary statutory and administrative rule changes and to help draft the Memorandum of Agreement (MOA).

Other team members identified to participate as needed throughout the project included:

Dale Blanton, Land Conservation and Development Department  
Tony Stein, Parks and Recreation Department  
Susan White, State Historic Preservation Office

The Improvement Team developed a road map for its work. That roadmap is displayed in Figure 2 on the next page.

The Improvement Team met once almost every week from September, 2005 through October, 2006. The Office of Regulatory Streamlining appointed an Advisory Committee to provide advice regarding proposed changes during the project. The Improvement Team also consulted regularly with the Natural Resource Directors who had commissioned the project. A mid-project check-in with the Joint Legislative Audits Committee also occurred in the spring of 2006. A complete record of the work of the Improvement Team can be found at <http://www.oregon.gov/DCBS/RSL/feature.shtml>. Some key resource tools developed and used by the Improvement Team during the course of its work are also documented in Attachment 3 of this report. A written report will be submitted to the Joint Legislative Audit Committee in December, 2006, as required.



**Figure 2. Product and Process Redesign ROAD MAP**

Nov 05	<b>Step 1. Team Charge and Assumptions</b>
	<input type="checkbox"/>
	<b>Step 2. New Product and Process Specifications</b>
	<input type="checkbox"/>
	<b>Step 3. Redesigned Product Options</b>
	<input type="checkbox"/>
	<b>Step 4. Optimum Task Flow and Timing</b>
	<input type="checkbox"/>
Dec 05	<b>Step 5. Early Stakeholder, Applicant, Staff and Director Input</b>
	<input type="checkbox"/>
Jan 06	<b>Step 6. Refined Proposal(s)</b>
	<input type="checkbox"/>
Feb 06	<b>Step 7. Redesign the Production Line</b> Staffing needs for new product and process. Space, equipment and location needs. Supporting resources and technology.
	<input type="checkbox"/>
Feb 06	<b>Step 8. Stakeholder, Applicant, Staff and Director Input</b>
	<input type="checkbox"/>
Feb 06	<b>Step 9. Working Proposal</b>
	<input type="checkbox"/>
Mar 06	<b>Step 10. Stakeholder, Applicant, Staff and Director Input</b>
	<input type="checkbox"/>
Summer 06	<b>Step 11. Implementation Plan</b> Actions without statutory/rule changes, statutory/rule/resource proposals, evaluation/continuous improvement plan, implementation timeline, change management, and other implementation requirements.
	<input type="checkbox"/>
Fall 06	<b>Step 12. Stakeholder, Applicant, Staff and Director Input</b>
	<input type="checkbox"/>
06 and 07	<b>Step 13. Implementation</b> Including MOU
	<input type="checkbox"/>
07 and 08	<b>Step 14. Evaluation and Continuous Improvement</b>

## C. Customer Concerns

After establishing a Roadmap for its work, the Improvement Team examined customer concerns about water-related permitting. In September 2005, the Improvement Team invited 77 organizations and 70 consultant firms to information and input sessions regarding the project. Thirty-two individuals attended five meetings to learn more about the project and provide input. Additionally, members of the Improvement Team conducted individual outreach to specific stakeholders that were unable to attend the larger meetings. Members of the Improvement Team also gathered input from permit staff regarding needed improvements. Based on the input received, the Improvement Team gathered lists of customer concerns.

The Office of Regulatory Streamlining also appointed a Water Related Permit Advisory Group consisting of attendees at the September meetings. Members of the Advisory Group included:

Tim Acker	Applied Technology (consultant)
Rich Angstrom	Oregon Concrete and Aggregate Producers Association
Chris Bayham	Association of Oregon Counties
Amy Connors	HDR Inc.(consultant)
Steve Downs	Chair, Association of Clean Water Agencies
Katie Fast	Farm Bureau
Frank Flynn	Perkins Coie, LLP
Liz Frankel	League of Women Voters
Tom Gallagher	Legislative Advocates
Harlen Levy	Oregon Association of Realtors
John McDonald	Oregon Association of Conservation Districts
Willie Tiffany	League of Oregon Cities

The purpose of the Advisory Group was to:

- confirm desired changes in how the state authorizes activities in Oregon waterways and wetlands.
- prioritize desired changes, and
- provide input to the Improvement Team so changes expected by stakeholders are achieved.

The Advisory Group reviewed lists of removal-fill permit process concerns and identified the customer priorities displayed in Figure 3:

**Figure 3. Advisory Group Improvement Priorities**

Priority	What project proponents want to be able to say:
1	<p><i>It was clear at the beginning of the process what information and design features I needed to include in my application to:</i></p> <ul style="list-style-type: none"> <li><i>a. have it processed in a timely manner</i></li> <li><i>b. receive a favorable permit decision, or</i></li> <li><i>c. learn early on that my project may not be legally feasible.</i></li> </ul>

2	Clear authorities and non-conflicting decisions	<i>State requirements were clear and definitive. The requirements did not conflict with each other and represent consistent application of statutes, rules, and policies. There is a high level of internal consistency within an agency. Consistency is balanced with flexibility. Federal or local permits are substituted if they require the same thing as a state permit.</i>
3	Outcome/compliance focus	<i>The state focused on outcomes and I clearly understand what the outcomes are designed to achieve. I know what I will be held accountable for. Requirements proportional to project impact.</i>
4	Unified state process	<i>All of the state agencies involved in permitting my project worked in a unified manner to deliver a timely and responsive decision.</i>
5	Faster and known timeline	<i>It was great to know how long it was going to take to get through the state process. I was able to plan accordingly and begin on time. The process today is a lot faster than it used to be. Wetland delineation was approved early enough so I could avoid wetlands.</i>
6	Permitting costs estimated	<i>I knew ahead of time approximately how much the permits and permitting process were going to cost so I could plan appropriately.</i>
7	One Stop and Specialized Assistance	<i>I was able to go to one place to get information and assistance with my project but could also get specialized assistance on specific issues. As staff transition decisions are tracked and committed to.</i>
8	Single Application	<i>The state application process was straight-forward. I submitted all my info at once and provided additional detail without having to start over. I had one project number and was able to track it through the process.</i>

The Advisory Committee concurred that the Improvement Team should pursue a more customer-oriented state regulatory process that maintained current levels of resource protection, but that also defined all requirements early in the process and led to clear, non-conflicting permits within a known timeframe.

## D. Early Actions

Early on, the Improvement Team took some specific steps to make the process better for project proponents:

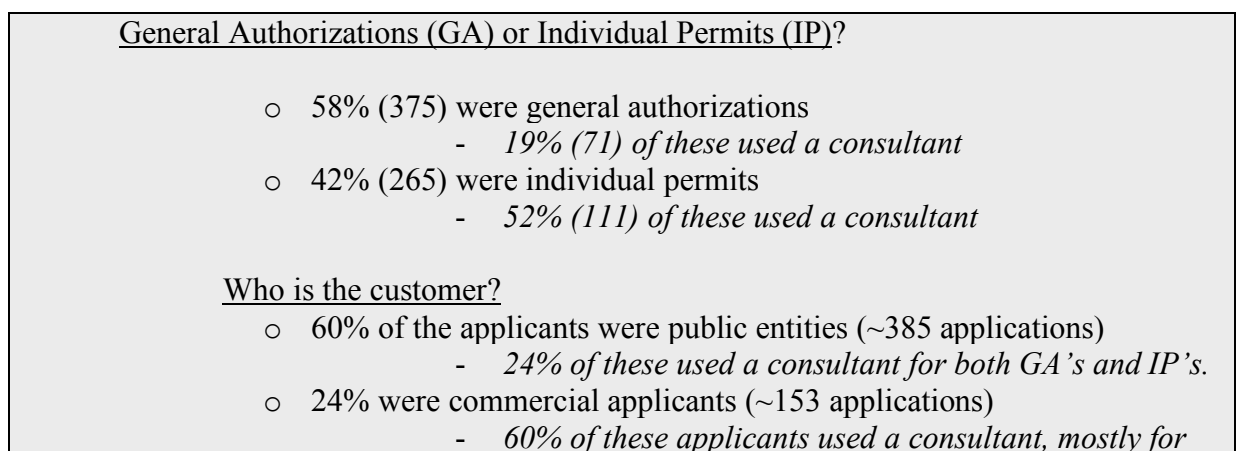
- **Brochure.** The team created a brochure describing all state authorizations associated with development projects that affect Oregon waters. 8,300 copies of the pamphlet were circulated throughout the state to be available to local, state, and federal agencies. The brochure was created to help property owners understand, at the beginning of their project, all government requirements that could apply. This brochure is widely used today by property owners as well as state, local and federal agencies. A copy is provided in Attachment 4.
- **Staff Training.** The team also facilitated geographically based multi-agency customer service and negotiation training sessions for more than 170 staff from seven natural resource agencies to promote quality service to water-related permit customers. The customer service training included effective tools for improving communication while speaking, listening and writing. Participants used relevant examples of work conflicts and issues to practice skills that were presented.

## E. Measurement

The Improvement Team approached measurement needs for the project from three directions.

- First of all, in order to create a better experience for the customer, all state permits, authorizations, and reviews were identified. Please see Attachment 5 for a listing of the “Universe of Authorizations that are the Focus of the Redesign”.
- Secondly, a “Project Impact Measurement Plan” was prepared that will enable the involved agencies to assess the impact of the improvement project on customer concerns at three points in time: the end of 2006, 2007, and 2008. This plan is provided in Attachment 6.
- The Improvement Team conducted an assessment for the period April 1, 2003 through March 31, 2006 DSL issued an average of 640 removal-fill authorizations annually (excluding emergency authorizations and small-scale placer mining permits). From this analysis the team identified characteristics about the permits and their customers. A summary of this analysis is provided in Figure 4.

**Figure 4. Characteristics of Removal-Fill Permits and Removal-Fill Customers**



*IP's*

- 16% were individual applicants (~102 applications)
  - 14% of these used a consultant for both GA's and IP's

Type of project?

The dominant project types were

- road/bridge culvert – 25%
- fish habitat enhancement – 21%

The remainder are a mix of wetland permanent impact, removal-fill, erosion, wetland enhancement, pipeline/cable, minimal disturbance, and miscellaneous.

Additional measurement efforts are planned as part of the recommendations from this project and will be described later in this report.

## F. Redesign Principles

As the Improvement Team examined possibilities for streamlining the various state agency water-related permitting processes, they began by adopting the following foundational principles:

- The permit product should be:
  - Consistent . . . decisions within and between agencies should be reconciled
  - Concurrent . . . decisions should happen in the same time period whenever possible
  - Coordinated . . . agencies should coordinate throughout the process
  - Multiple . . . some authorizations need to be granted by individual agencies where specialized authority exists.
- The team would approach streamlining the work for applicants by:
  - redesigning the product
  - redesigning the process
  - redesigning agency roles

Based on these agreements the Improvement Team began to design a coordinated state process that provides comprehensive information to project proponents early and delivers an internally consistent package of permits within a known timeframe.

## G. Redesigned Product

The team developed a redesigned product and named it the **Oregon Removal Fill Permit (ORFP)**. As in past removal-fill permits, the new ORFP would cover DSL removal-fill requirements, SHPO archeological requirements, ODFW in-water-work period conditions, ODFW habitat mitigation conditions, and ODFW fish passage conditions if applicable. A new element will be to ensure that DSL, SHPO, and ODFW reach agreement on conditions related to these requirements. Another new feature of the permit would be that other permits, previously issued separately and at different times, would be attached to the ORFP, if applicable. These attached permits could include an ODFW In-Water Blasting Permit, ODFW Scientific Take Permit, ODFW ESA Incidental Take Permit, DOGAMI Operating Permit, or WRD Limited License if applicable. Attached permits would be signed by the authorizing agency and within the overall timeframe of the ORFP.

The team found that four state authorizations could not be bundled with the new ORFP: water right permits from OWRD, 401 water quality certification from DEQ, coastal zone management certification from DLCDC, and the 1200-C NPDES permit from DEQ or designated agent. The timeframes for the first three certifications are significantly longer than the process for consolidated removal-fill permit. In addition, the 401 water quality certification and coastal zone certification are state components of federally-driven processes. Advisory Committee members indicated a preference to not include the 1200-C NPDES permit with the ORFP because the content of this permit is better decided at a later stage in most projects.

However, to ensure that applicants are aware, early on, of all potential state requirements that may affect their project, DEQ, DLCDC, and OWRD will participate as appropriate with other agencies in the redesigned removal-fill permit process described later in this report. This participation will include reconciling anticipated requirements with the ORFP and informing applicants of their agency’s anticipated requirements if the project does not change.

A summary of authorizations previously included in a Removal-Fill Permit and authorizations that can be included in the proposed Oregon Removal Fill Permit is displayed in Figure 5.

**Figure 5. Content of the Proposed Oregon Removal-Fill Permit (ORFP)**

Agency/Program	Included Now in RF Process	Potentially Included in ORFP
<b>DSL</b>		
RF Permit Conditions	X	X
<b>ODFW</b>		
In water Work Period Review	X	X
Habitat Mitigation Review	X	X
ESA Permit		X
Scientific Take Permit		X
Blasting Permit		X

Fish Passage Review	X	X
<b>WRD</b>		
Water Use Permit		
Limited License		X
<b>OPRD</b>		
Archeological Review	X	X
Ocean Shore Permit		
<b>DEQ</b>		
401 Certification		
1200-C Permit		
<b>DLCD</b>		
CZMA Consistency		
<b>DOGAMI</b>		
Operating Permit		X
<b>TOTAL</b>	5	10

## H. Redesigned Process, Agency Roles, and Blue Print

Once agreement was reached regarding the permit product, the Improvement Team redesigned the permitting process. The proposed process is provided in Attachment 8. Key features of the proposed redesigned process and changes in agency roles are compared to today’s experience for project proponents in Figure 6 below:

**Figure 6. Comparison of Project Proponent Experience**

Today	Proposed Redesigned Process
<b>1. ONE STOP FOR EARLY &amp; COMPREHENSIVE INFORMATION</b>	
<ul style="list-style-type: none"> <li>▪ Project proponents may need to contact as many as 7 agencies to gather information on as many as 15 state water-related authorizations and reviews, or hire professionals to do it for them in order to determine what is required for their project.</li> </ul>	<p>DSL will offer one stop service for early information on the range of state agency requirements that are likely to apply to a project.</p>
<ul style="list-style-type: none"> <li>▪ A single resource does not exist to provide concise information on all state requirements for water-related projects.</li> </ul>	<p>A User Guide has been written for project proponents as well as staff administering state regulations. This is the first time comprehensive information has been available in one place on state water-related requirements for a broad range of project types.</p>

<ul style="list-style-type: none"> <li>Few opportunities exist for early design input from the state.</li> </ul>	<p>Early guidance will be available allowing a project proponent to design a project with all state requirements in mind.</p>
<ul style="list-style-type: none"> <li>The quality of a pre-application meeting is solely the responsibility of the project proponent. Participation by state agencies is uneven.</li> </ul>	<p>DSL will ensure pre-application meeting quality including mandatory involvement by applicable agencies, dissemination of briefing materials, and documentation of meeting results.</p>
<p><b>2. INTEGRATED APPLICATION PACKET AND PROCESS</b></p>	
<ul style="list-style-type: none"> <li>Seven agencies manage multiple separate approval or review processes often with separate application requirements.</li> </ul>	<p>DSL will manage one process with a project specific application package covering many state requirements. Separate applications and processes will continue to exist for DEQ erosion control permits and 401 water quality certifications, DLCDC Coastal Zone Management Act (CZMA) consistency certifications, and most WRD water use authorizations because they are more appropriate later in a project, have a longer timeframe, or because they are part of federal processes. However, applicants will be informed early in the process if these requirements apply to their project.</p>
<ul style="list-style-type: none"> <li>DSL assesses removal-fill applications for completeness based solely on DSL's needs.</li> </ul>	<p>DSL will assess a consolidated application packet for completeness including other applicable agencies' key requirements.</p>
<p><b>3. NON-CONFLICTING REQUIREMENTS</b></p>	
<ul style="list-style-type: none"> <li>Agencies review and comment on removal-fill applications independently, issue separate authorizations, and are sometimes unaware of other agencies' issues and requirements. Project proponent is responsible for reconciling conflicting/overlapping requirements.</li> </ul>	<p>Applicable agencies will review applications as a resource team and prepare one set of reconciled comments for the project proponent. The team will do its work with the benefit of public comments. Agencies will reconcile permit conditions. A conflict resolution process will exist for agencies and for applicants.</p>
<ul style="list-style-type: none"> <li>Overlapping agency jurisdictions can result in redundant and conflicting requirements for project proponents.</li> </ul>	<p>An agreement will be in place that identifies DEQ's erosion control requirements as the only conditions needed when an erosion control permit is required.</p>
<p><b>4. INTEGRATED FINAL PRODUCT</b></p>	
<ul style="list-style-type: none"> <li>The DSL Removal-Fill Permit addresses needs and requirements of primarily DSL only.</li> </ul>	<p>An Oregon Removal-Fill Permit (ORFP) will integrate multiple state water-related regulatory requirements as agreed to for the Pilot.</p>
<p><b>5. CONCURRENT VS. SEQUENTIAL TIMEFRAMES</b></p>	
<ul style="list-style-type: none"> <li>Many and distinct authorizations can be done sequentially resulting in an extensive time window to obtain all</li> </ul>	<p>Up to eleven authorizations will be included in the ORFP Pilot Process as required by a particular project within a known timeframe,</p>



<p>permits. Currently, the DSL Removal-Fill Permit includes up to 4 reviews.</p> <ul style="list-style-type: none"> <li>▪ If permits are not issued concurrently a project may proceed without all requirements known. When a requirement is identified late in the process, compliance can cause costly project delays. The project may also be required to wait for sequential approvals.</li> </ul>	<p>any other requirements expected to apply will be identified early in the Pilot Process.</p>
<p><b>6. CONTINUOUS IMPROVEMENT INFRASTRUCTURE</b></p>	
<ul style="list-style-type: none"> <li>▪ Agencies administer separate processes that have evolved over time. No single agency is responsible for improving process coordination among the natural resource agencies.</li> </ul>	<p>With DSL as lead, a multi-agency Pilot Management Team will be evaluating the effectiveness of the redesigned integrated process and will be responsible to continuously improve the pilot results.</p>

- Once the proposed product, process, and agency roles were clear the Improvement Team moved on to assess how changes might be implemented. The team used a tool called the “Work Definition Blue Print”. The blue print identified the activities, deliverables, annual work volume, responsible party or product lead, nature of the deliverable, new or eliminated work, implications for statutory or regulatory changes, and implications for the Memorandum of Agreement.

A copy of the completed “Blue Print” is provided in Attachment 7.

## I. Stakeholder Input Regarding the Redesign

Once the redesigned product, process, and agency roles were developed the Improvement Team met with the Advisory Group to obtain their input. The Advisory Group was supportive of the recommendations, they encouraged the team to take the following additional steps:

- Further integration with federal requirements. The Improvement Team's scope from the Natural Resource Directors was limited to improvement of state processes, not federal. Given the Legislature's past reticence to pursue merger of federal and state water-related regulatory authorities, and the significant need to improve the state's processes in and of themselves, the team, with the concurrence of the Natural Resource Directors, decided to continue its focus on state processes. The team would expect, however, that once the redesigned process was working well, integration with federal requirements could be pursued. In addition, the team would invite federal agencies to participate in pre-application meetings and technical reviews as appropriate. This level of coordination could occur without changing legal authorities.
- Further integrations of agency staff. The team considered possibilities for greater integration of agency staff. The team agreed that it would be better to evaluate whether the proposed redesign could meet customer expectations without moving staff from one agency to another.
- Evaluate options for users to pay for the proposed level of service. At a result of the team's work, DSL developed proposed legislation to pay for faster wetland delineations through a fee bill and to pay for the additional state coordination involved in the redesigned process through a policy option legislative package.

## J. Proposed Pilot

As the Improvement Team continued its work, it developed a recommendation to test the proposed redesigned product, product and agency roles. The team is recommending a Pilot for the following reasons:

- Will enable the agencies to test the value of this approach before going to full implementation
- Existing resources are too limited to apply to all removal-fill applications.
- The concept can be tested with state processes first and if successful it can then be discussed with federal and local partners.

The team developed the following proposed parameters for a Pilot Project:

- a. The pilot would focus on projects that could most benefit from multi-agency coordination. It would include about 50 removal-fill applications a year (approximately 20% of individual permit applications received per year). Participation in the Pilot would be on a voluntary basis. To be eligible, a project will

- require substantive involvement by at least one other state agency besides DSL and involve a significant aquatic resource.
- b. Implementation of the Pilot would depend on passage of a 2007-2009 policy option package for a Pilot Process Manager for DSL, and 2007 legislation authorizing the pilot and allowing adjustments to statutory timelines governing the removal-fill process to provide for coordination of all agency requirements within the allowed timeframes. The Pilot Process Manager would assume responsibility for the DSL lead role in the proposed redesign. This person would also manage all applications that would be part of the pilot.
  - c. Participating agencies would sign a Memorandum of Agreement (MOA) outlining expectations of all agencies participating in the pilot.
  - d. The Pilot would be managed by an inter-agency team responsible for implementation of the Pilot and the MOA.
  - e. Every participating agency would identify one or more Technical Point(s) of Contact for the Pilot. These Technical Points of Contact would be responsible for their agency's participation in the Pilot at the permit application level.
  - f. DSL and other agencies would develop administrative rules changes necessary to implement the Pilot.

## **K. User Guide**

During the course of the project the Improvement Team also developed a new User Guide for anyone seeking state authorization to work on property that touches Oregon waterways or wetlands. This Guide provides, for the first time, a written description of all state requirements. The guide will also provide information on application requirements and tools, permitting timeframes and costs, standards for approval, and design considerations for getting to “yes”. In the next few months this Guide will be set up for web usage and will contain active links to appropriate department information. The Department of Business and Consumer Services is assisting with document formatting, web conversion, beta testing, and rollout.

The User Guide has been written for project proponents as well as staff administering state regulations. This is the first time comprehensive information has been available in one place on state water-related requirements for a broad range of project types.

## **L. Wetland Delineations**

The Advisory Group consistently emphasized that an important improvement to the water-related permit processes would be timely wetland delineation reviews. Project proponents cannot evaluate wetland impact avoidance and minimization strategies with assurance of accuracy, nor can a final permit be issued until wetland delineations are approved by DSL. The Department of

State Lands (DSL) will be submitting a proposed fee bill to the 2007 Legislature to fund two new FTE to perform wetland delineation reviews on a more timely basis.

## **M. Stakeholder Input Regarding Final Team Recommendations**

Individual and group project updates were held with the WRPPIT Advisory Committee Members in September and early October. The response was generally positive with emphasis in the following areas:

Stakeholders agreed that providing project proponents early information regarding the natural resource issues applicable to the type and location of their project at pre-application meetings with mandatory attendance by the effected state agencies was a solid improvement. They also saw the written summary of the natural resource issues and options for addressing natural resource concerns as value added to project proponents.

In addition stakeholders saw value in the multi-agency technical review to coordinate the natural resources concerns and should result in consistent conditions across the various state permits and authorizations.

Stakeholders were also clear, however, that they needed to see demonstrated improvements in the process before they would be willing to consider support for expanded resources for DSL or other agencies. As a direct result, an implementation plan has been developed in an effort to deliver preliminary results prior to budget discussions in the 2007 legislative session.

## **N. Project Results to Date**

The most significant achievement of this project to date is to outline a model for delivery of a multi-agency regulatory process that better takes into consideration the needs of those who are regulated. Instead of going to multiple agencies, multiple times, for multiple and sometimes conflicting permits and timelines, project proponents will have one place to go to obtain information on State of Oregon water-related regulatory requirements related to their project. In addition proponents of qualifying projects will have one place to go for most of these authorizations, and guidance about all of them. This approach should also provide greater opportunity for development of project designs that effectively meet both project proponent needs and natural resource protections.

## **O. Implementation Mechanisms**

Several mechanisms are underway to implement the proposed pilot process:

1. Memorandum of Agreement. A Memorandum of Agreement between participating agencies has been developed to implement the Pilot and is currently under review for signature by all agencies. A copy of the document that is being circulated is provided as Attachment 8.

2. Pilot Management Team. A multi-agency Pilot Management Team has been established to implement, monitor and evaluate the Pilot. This group will test the redesigned process on a pilot basis, assure continuous improvement, and evaluate broader application.
3. Proposed Legislation. DSL will be submitting a 2007 fee bill to authorize 2 FTE to expedite wetland delineations. DSL is also submitting a policy option package for 1 FTE to the 2007 Legislature to equip DSL to fulfill the coordinating role outlined in the proposed redesign on a pilot basis. Once the policy option package is approved, it is the intent of DSL and other participating agencies to initiate the pilot. The pilot period will begin after Legislative approval and continue through December 31, 2009.

If the pilot is successful, Oregon's natural resource agencies will evaluate whether to apply the redesigned process to a broader group or potentially all removal-fill permit projects and related permits, and determine the staffing levels necessary to effectuate the program on this broader scale. Efforts will also be made to working with local and federal agency partners to create beneficial connections.

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# WATER-RELATED PERMITTING

*Improving the State of Oregon's Process for  
Permitting Development Projects that Affect Oregon's Water Resources*

## Project Report

### ATTACHMENTS

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1. "As-Is" Process Map of the DSL Removal-Fill Process, April 14, 2005
2. Executive Summary, Recommendations Report, May 12, 2005
3. Various Improvement Team Resource Tools
4. Brochure
5. Universe of Authorizations That Are the Focus of the Redesign
6. Project Impact Measurement Plan
8. Redesign Work Definition Blue Print
9. Memorandum of Agreement (Pilot Process Map embedded)

## **“As-Is” Process Map of the DSL Removal-Fill Process**

April 14, 2005

This process map is a result of early process analysis work completed by WRPPIT. The General Authorization (GA) Process is similar but is completed more quickly

### **Key:**

↻ - signifies potential for applicant resubmission

PRODUCT OF THE PROCESS STEP

Who?	Applicant/ Applicants' Consultant(s)	Other Interested Parties	DSL	DEQ	ODFW	Water Resources	DLCD – Coastal Zones only	Parks & Rec	Marine Board	Agri- culture	Tribes
What?											
Step 1. Jurisdictional Determination	1a. WETLAND DELINEATION ↻  Appeal (optional)		1b. WETLAND DELINEATION CONCUR- RENCE  1d. JURISDIC- TIONAL DETERMI- NATION		1c. INPUT TO APPLI- CANT IF DSL ASKS						
Step 2. Applicant Pre- Application Meeting (OPTIONAL) Usually one meeting  ↓  Note: DEQ is not required to participate in DSL/state process but are required to do federal process	2a. CONCEPTUAL PLANS and MITIGATION OPTIONS  Convene pre- application meeting  About 20% of applicants request this meeting.  ↻  Note: The need for Items listed in Step 6 can be identified at this meeting.		2b. VERBAL OR WRITTEN NON- BINDING GUIDANCE  DETERMINA- TION OF SPGP ELIGIBILITY?	2b. VERBAL OR WRIT- TEN NON- BINDING GUID- ANCE IF APPLI- CANT ASKS	2b. VERBAL OR WRIT- TEN NON- BINDING GUID- ANCE IF APPLI- CANT ASKS	2b. VERBAL OR WRIT- TEN NON- BINDING GUID-ANCE IF APPLI- CANT ASKS	2b. VERB AL OR WRIT- TEN NON- BINDI NG GUID- ANCE IF APPLI- CANT ASKS	2b. VERBA L OR WRIT- TEN NON- BINDI NG GUID- ANCE IF APPLI- CANT ASKS	2b. VERBAL OR WRIT- TEN NON- BINDING GUID- ANCE IF APPLI- CANT ASKS	2b. VERBA L OR WRIT- TEN NON- BINDI NG GUID- ANCE IF APPLI- CANT ASKS	2b. VERBA L OR WRIT- TEN NON- BINDI NG GUID- ANCE IF APPLI- CANT ASKS
Step 3. Joint Application to DSL and ACOE	Initiate 3a. APPLICATION ↻ (mitigation plan required)										



<p>Step 4. DSL Review (30 days to review original or subsequent submission; 15 days for GA's)</p>	<p>☺</p>		<p>4b. ACCEPTED COMPLETE APPLICATION</p> <p>40% are usually accepted</p>	<p>4a. INPUT TO APPLICANT IF DSL ASKS</p>	<p>4a. INPUT TO APPLICANT IF DSL ASKS</p>	<p>4a. INPUT TO APPLICANT IF DSL ASKS</p>	<p>4a. INPUT TO APPLICANT IF DSL ASKS</p>	<p>4a. INPUT TO APPLICANT IF DSL ASKS</p>	<p>4a. INPUT TO APPLICANT IF DSL ASKS</p>	<p>4a. INPUT TO APPLICANT IF DSL ASKS</p>	<p>4a. INPUT TO APPLICANT IF DSL ASKS</p>
<p>Step 5. Public Review (Note more than 30 days/15 for GA's. 75 days for DEQ if requested.)</p>	<p>☺</p>	<p>5b. COMMENTS</p>	<p>5a. PUBLIC NOTICE AND REQUEST FOR COMMENT</p>	<p>5b. WEB-BASED OR WRITTEN COMMENTS TO DSL</p> <p>Can be questions, suggested conditions, requests for additional information, or requests for revisions to the project..</p> <p>If 401 Certification Application is not in process, inform DSL of need for certification (30% of applications)</p> <p>*CZM concurrence only federal permit/license.</p>	<p>5b. WEB-BASED OR WRITTEN COMMENTS TO DSL</p> <p>Can be questions, suggested conditions, requests for additional information, or requests for revisions to the project..</p> <p>Receive Notice. Evaluate if project affects fish and wildlife habitat. Evaluate if any special permit must be obtained.</p>	<p>5b. WEB-BASED OR WRITTEN COMMENTS TO DSL</p> <p>Can be questions, suggested conditions, requests for additional information, or requests for revisions to the project..</p> <p>Review for water right requirements, research water right records (if needed)</p>	<p>5b. WEB-BASED OR WRITTEN COMMENTS TO DSL</p> <p>Can be questions, suggested conditions, requests for additional information, or requests for revisions to the project..</p>	<p>5b. WEB-BASED OR WRITTEN COMMENTS TO DSL</p> <p>Can be questions, suggested conditions, requests for additional information, or requests for revisions to the project..</p>	<p>5b. WEB-BASED OR WRITTEN COMMENTS TO DSL</p> <p>Can be questions, suggested conditions, requests for additional information, or requests for revisions to the project..</p>	<p>5b. WEB-BASED OR WRITTEN COMMENTS TO DSL</p> <p>Can be questions, suggested conditions, requests for additional information, or requests for revisions to the project..</p>	<p>5b. WEB-BASED OR WRITTEN COMMENTS TO DSL</p> <p>Can be questions, suggested conditions, requests for additional information, or requests for revisions to the project..</p>
<p>Note: public can comment until permit decision is made.</p>		<p>NOTE: Agencies are not required to comment; DSL considers no comment to equal no objection</p>									

Step 6. DSL Analysis  
7 days

Note: DSL: does not send this to agencies. Could be posted on web if staff time were available.

Note: No deadline for this response.

6a. LETTER TO ASKING APPLICANT TO RESPOND TO NAMED SUBSTANTIVE REQUIREMENTS. RESPONSE TO GO TO AGENCY AND DSL. ALL COMMENTS RECEIVED ARE ATTACHED

Step 7. Applicant Response to DSL Analysis and attached comments.





No time limit for applicant. DSL request 25 day turn around for work load planning.

Many applications stop here.

7a. RESPONSE TO DSL COMMENTS AND/OR APPLICATION MODIFICATIONS (with copy to affected agencies)  
EA/EIS/CE/BA/BO (C)  
STORMWATER PLAN (C)  
EROSION/POLLUTION CONTROL PLAN (C)  
MITIGATION PLAN (C)  
(ODOT – later

7b. ISSUE RESOLUTION AND CHANGED PERMIT CONDITIONS RECOMMENDATIONS IF APPLICANT ASKS

Note: Product of agencies at this step unclear. Could be concurrence that applicant has addressed concern. Unclear how to move from step 7 to step 8.  
Note: if 401 cert required no guarantee up to this point.

	for OSMB) CULTURAL RESOURCES  FISH PASSAGE  LAND USE COMPLIANCE PLAN IN COASTAL ZONES 										
Step 8. Permit Decision			PERMIT DECISION AND CONDITIONS (yes, no, yes-but)								
Step 9. Appeal *											
Step 10. Other Authorizations	Initiate  - for each agency with conditions	See Other Processes		See Other Processes  Note: 401 is needed on 85% of projects	See Other Processes	See Other Processes	See Other Processes	See Other Processes	See Other Processes	See Other Processes	See Other Processes
Step 11. Removal or Fill	Initiate										
Step 12. Compliance and Enforcement*											

Notes:

Period from Step 3 through Step 8 cannot exceed 90 days. Applicant may however request that this limit be extended.  
Project revisions by Project Applicant can occur at any step in the process.

- This step of the process will not be examined as a part of this process improvement project.



# Regulatory Streamlining Initiative

Office of Regulatory Streamlining, Department of Consumer and Business Services

## Removal Fill Permits Process Improvement Team Recommendations Report, May 12, 2005 Executive Summary

May 12, 2005

**TO: Water-Related Permit Leadership Team**

Lindsay Ball, Director, Department of Fish and Wildlife  
Mike Carrier, Natural Resources Policy Advisor, Governor's Office  
Stephanie Hallock, Director, Department of Environmental Quality  
Ann Hanus, Director, Department of State Lands  
Lane Shetterly, Director, Department of Land Conservation and Development  
Phil Ward, Director, Water Resources Department

**FROM: Water-Related Permit Process Improvement Team**

Jas Adams, Legal Counsel, Natural Resources Agencies, Attorney  
General's Office  
Patrick Allen, Manager, Office of Regulatory Streamlining  
Dale Blanton, State-Federal Relations Coordinator, Department of Land  
Conservation and Development  
Ann Hanus, Director, Department of State Lands  
John Lilly, Assistant Director, Department of State Lands  
Bill Ryan, Environmental Program Manager, OTIA III Bridge Delivery Unit,  
Oregon Department of Transportation  
Holly Schroeder, Administrator, Water Quality Division, Department of  
Environmental Quality  
Wayne Shuyler, Facilities Program Manager/Deputy Director, State  
Marine Board  
Patty Snow, Land and Water Use Coordinator, Oregon Department of  
Fish and Wildlife  
Adam Sussman, Senior Policy Coordinator, Water Resources Department  
Christine Svetkovich, 401 Water Quality Specialist, Department of  
Environmental Quality  
Lori Warner-Dickason, Western Region Manager for Field Operations,  
Department of State Lands

**SUBJECT: Water-Related Permit Process Improvement Recommendations**

## **THE PROBLEM**

Development activities that affect Oregon's water resources often require several state agencies to issue approvals before a project can get started. Often the first permit sought is the removal-fill permit from the Department of State Lands. Local governments and the US Army Corps of Engineers also require permits for some of the same activities. Applicants desire a process that simply provides a green light for the Removal-Fill project to commence (i.e., all permits and approvals are obtained in one process). Multiple approvals can require significant time and money and have sometimes involved high consequence surprises and conflicting requirements from the original removal-fill permit causing project delays, substantial cost increases, and even project postponement or failure. Though not considered the norm, the opportunity exists for these circumstances to occur and therefore can frustrate applicants. In addition, a separate federal process, administered by the US Army Corps of Engineers (USACE), runs concurrently but with different timelines. All of these approvals must be obtained before a Removal-Fill Project begins.

## **THE WATER-RELATED PERMIT PROCESS IMPROVEMENT TEAM**

In support of Oregon's Governor's economic revitalization program and his efforts to streamline governmental regulations under Executive Order (EO 03-01 and EO 03-02) to make Oregon a more business-friendly state, the Directors of Oregon's natural resource agencies and the Governor's office established the Water-Related Permit Process Improvement Team (the "team").

Oregon state government agencies have been active in streamlining the water-related permitting process for some time. For example, in 1993 the legislature directed the Department of State Lands to assume state administration of Section 404 of the federal Clean Water Act (CWA) by a time certain or no longer require state permits for projects regulated by the US Army Corps of Engineers under the CWA. While the 1995 Legislature repealed the earlier statute, it replaced it with ORS 196.795 that admonishes DSL to "...pursue methods to streamline the process for administering permits, reducing paperwork, eliminating duplication, increasing certainty and timeliness, and enhancing resource protection, the efforts of the DSL shall include applying to the US Army Corps of Engineers for a state programmatic general permit (SPGP)...investigating...assuming the federal Section 404 Clean Water Act responsibilities."

In the past years, state agencies in partnership with numerous stakeholders have assisted and encouraged these streamlining efforts. DSL's Removal-Fill Technical Advisory Committee, made up of over 60 individuals representing local, state and federal agencies, and public interest groups has been instrumental in reviewing and molding new innovations.

Among the most recent efforts are the following:

- New General Authorizations for small wetland fills within UGB's and UUC's.
- New General Authorizations for ODOT Bridge Projects.
  - This program recently was awarded a National Award by the Federal Highway Administration for Environmental Excellence.
- Small scale and recreational placer mining permits are available via on line issuance.
- All removal-fill permit applications and wetland delineation reports are posted on the DSL website and status is project status in 'real-time.'
- All permit public notices and commenting is handled via web-based interaction.

- Applicants can check public and agency project review comments on line at any time.
- State Programmatic General Permit (SPGP). Once issued by the Corps to the DSL, minimal impact projects authorized by DSL that qualify for the SPGP will automatically fulfill all their federal permitting requirements (i.e., “one stop shopping”). Issuance is expected in July 2005.
- Over 50 training sessions held throughout the State for permit applicants.
- Quarterly meetings with Wetland Consultants.
- Checklists available on line for applicants to use for wetland mitigation and applications.
- Enforcement Manual adopted to guide staff.
- Industrial Site Certification assistance.
- Advance site planning, wetland identification, and mitigation planning for certain industrial sites.

This project is viewed by the agencies as a furtherance of the Legislature’s 1995 directive.

Most recently, the current project had its genesis in SB 2011 (2003) when the multi-agency Economic Revitalization Team was established, along with an Advisory Committee on Regulatory Permitting (ACRP). This advisory committee consisting of the ERT agency directors and representatives of local government and private industry formed a work group on the subject of water-related permitting. From that group and the ACRP’s work, came a recommendation to address the “401/404 nexus between the Department of Environmental Quality (DEQ)/Department of State Lands (DSL) and the US Army Corps of Engineers (Corps).”

The team was charged with identifying ways to improve the water-related permitting process to address applicant concerns, while at the same time continuing to accomplish the water resource protections required by State law. The Department of State Lands removal-fill permitting process was selected as the focus of the process since many other water-related permits are triggered by these activities. For the purposes of this report, the term “Removal-Fill Permit System or Process” refers to the administrative process facilitated by the DSL that includes local governments and state agencies in the process of reviewing applications and conditioning project approvals. Beginning on March 15 and ending on April 14, the 12 member Water-Related Permit Process Improvement Team met for a total of 24 hours to examine the removal-fill permit process. This project did not examine the related local or federal processes that influence the state agency water-related permitting process; that task could be undertaken at a latter time with additional stakeholders.

## **FINDINGS**

Given a limited time window to develop recommendations, the Team focused on the following top two concerns of applicants:

1. Not having a single state voice and process, and
2. Not having clarity at the beginning of the process about what it will take the applicant to get to YES.

The Team found a fundamental gap between the product applicants currently receive at the end of the Removal-Fill Permit process (i.e., DSL permit with requirement to obtain other permits, authorizations, and certifications prior to starting the project) and the product they actually want to receive (i.e., single state permit or simultaneous authorization to begin work). The current

system provides an applicant a “Permit with Conditions.” The permit is often one of several other authorizations from local, other state and federal agencies that are required to proceed with a Removal-Fill project. Applicants, however, are looking for authority to proceed with the Removal-Fill project; they are not looking for a list of additional authorizations necessary to proceed.

The team also identified a gap in the service level of the agencies compared to the expectations of many applicants. Due to fiscal constraints, most agencies are not able to offer applicants a high level of assistance or project management. Much is left to the applicant or the applicant’s paid consultant to marshal the application through the permit process and to coordinate review, respond to comments, and make plan adjustments to satisfy the various agencies. A notable exception is the work of the ERT Liaison at DSL and ODOT’s funding of staff at DSL, ODFW, and DEQ.

The Team developed a continuum view of these two aspects of the process: a continuum of potential products and a continuum of customer service:

**PRODUCT CONTINUUM**

Loosely Connected Permits/Authorizations	“Packaged” Permits	One State Permit (all water related activity connected to Removal-Fill projects)
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Today’s product (i.e., the DSL removal-fill permit) is a set of loosely connected permits. A more unified end product could be a “package of permits” or several distinct permits that are authorized together. An even more unified end product could be a consolidated permit system that authorizes all water related activity connected with a Removal-Fill project.

**SERVICE CONTINUUM (Assistance Provided to Applicant)**

Gathering of Comments	Referral Service	Ombudsman	Shepherd	Project Manager
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Various levels of service can also be provided to applicants to assist them in obtaining the authorizations they need. At one end of the continuum, is today’s level of service – simply a gathering of comments received by DSL and passed on to the applicant for review from affected agencies, adjacent landowners, and other interested parties regarding a Removal-Fill application. A “shepherd” level of service, used in other permit processes, could be to assign state staff whose job it would be to assist applicants in obtaining the permits they need. The highest level of service could be to assign a project manager to work with the applicant to get the project approved.

Other details regarding the existing process and gaps in service to applicants are described in the full report.

**RECOMMENDATIONS**

The Team found that the improvements it recommends fall into one of two categories:

1. Actions that could be implemented within the framework of the existing Removal-Fill Permit System, and
2. A recommendation to fundamentally modify the existing Removal-Fill Permit System.

Both are summarized below.

**A. Recommendations To Improve The Existing System**

The Team unanimously supported the following recommended changes:

**Within the Next Six Months (October 31, 2005)**

<b>Recommendation</b>	<b>Will bring Oregon closer to a single state voice &amp; process.</b>	<b>Will provide greater clarity at the start about what it takes to get to Yes.</b>
No statutory or rule changes anticipated.		
1. Develop and implement an inter-agency SPGP roadmap and education program.	X	X
2. Develop applicant checklists for typical projects.	X	X
3. Clarify general authorization process and expectations to natural resource agencies.	X	X
4. Provide consistent structure for agency comments.	X	X
5. Provide applicants a description of each agency's removal-fill permit related requirements, evaluation criteria and expectations.	X	X
6. Provide applicant links to other agency authorization processes and forms.	X	X
7. Develop an effective process measurement system.	X	
8. Provide customer service training to staff involved in removal-fill related authorizations.	X	
9. Develop interagency training for applicants and consultants.	X	X
10. Increase the use of applicant pre-application conferences.	X	X
11. Allow applicants to call for interagency meetings to discuss complex projects.	X	X

**Within the Next Year (April 30, 2006)**

<b>Recommendation</b>	<b>Will bring Oregon closer to a single state voice &amp; process.</b>	<b>Will provide greater clarity at the start about what it takes to get to Yes.</b>
Rule changes anticipated.		
12. Define/clarify decision thresholds so they are consistent within and between agencies.	X	X
13. Assess the best approach to inter-agency involvement in the process (policy team, improved feedback loops, regional interagency teams, interagency teams for controversial projects, dispute resolution)	X	X



14. Develop a multi-agency memorandum of understanding that addresses coordination, process, timeframes, and dispute resolution.	X	X
15. Develop a super-application, interactive application, and web-based application.	X	X
16. Consolidate water-related permit information and links. Develop a web-based and booklet "roadmap."	X	X
17. Evaluate wetland delineation requirements to improve user-friendliness.		X
18. Review/modify timelines for complex interagency projects and recommend changes as appropriate.		X
19. Develop a legislative package to be presented during the 05-07 Legislative session that may include statutory, rule, and resource revisions to set up the framework to move towards a consolidated permit system for removal/fill activities. (See section E-2 of report.)	X	X

#### Within the Next Biennium (June 30, 2007)

<b>Recommendation</b>	<b>Will bring Oregon closer to a single state voice &amp; process.</b>	<b>Will provide greater clarity at the start about what it takes to get to Yes.</b>
Statutory and rule changes anticipated.		
20. Consider adopting a multi-agency rule to create clarity and certainty, for example: adopt ODFW mitigation policies as DSL rule, etc.	X	X
21. Develop a master list of permit conditions that meet all state and federal approvals.	X	X
22. Create a connection to the federal process so project changes are consistent with state approvals.	X	X
23. Develop a web-based Comprehensive Project Tracking System.	X	X

#### Study Further

<b>Recommendation</b>	<b>Will bring Oregon closer to a single state voice &amp; process.</b>	<b>Will provide greater clarity at the start about what it takes to get to Yes.</b>
24. Move focus from process to performance/compliance.	X	X
25. Provide early assistance to identify waterway and wetland jurisdictional boundaries.		X
26. Establish a position responsible for Removal –Fill training and outreach.	X	X

27. Establish a position responsible to provide applicants with information on state approval requirements (an information clearinghouse).	x	x
28. Establish an Ombudsman to assist applicants.		x
29. Develop a consultant certification program.		x
30. Create more General Authorizations to address appropriate problem areas.		x
31. Explore ways for applicants to purchase enhanced service for a fee.		x
32. Provide a list of project design/redesign assistance consultants.		x

**B. A Recommendation to Fundamentally Modify the Existing System**

The Team unanimously recommends that the product of the Removal-Fill Permit process be fundamentally changed so that all state requirements associated with the Removal-Fill project happen at one time. This consolidated permit system would look to the applicant like one state permit for all water-related activities connected to Removal-Fill projects. The Team emphasized that this policy direction should be evaluated separate and apart from any decision as to which agency would be given responsibility for administering the new consolidated permit system. In addition, the Team believes the level of service provided to Removal-Fill applicants should move to the “shepherd” or “project manager” end of the service level continuum.

In order to move the state in these directions, the Team recommends that work be initiated immediately to develop a management, budget, and legislative package for the 2007 Legislative session to implement a consolidated permit system. Any required legislation should be drafted by the April 2006 deadline for the 2007 Legislative Session.

**REQUESTED LEADERSHIP TEAM ACTION**

The Water-Related Permit Process Improvement Team proposes the Directors take the following actions:

**A. Leadership Team Commitment and Direction**

- Establish a clear Leadership Team mandate and consensus:
  1. To proceed with specific process improvement recommendations.
  2. Regarding the product and customer service continuums and recommendations.
 Provide resources and prioritization to implement the mandate.

**B. Gubernatorial Direction**

- Secure the Governor’s support and direction regarding the process improvement recommendations and product/customer service.

**C. Legislative Direction**

- Secure legislative endorsement of this work.

**D. “State Water-Related Permit” Project Team**

- Direct the Office of Regulatory Streamlining to convene an inter-agency group to develop a preliminary work plan and budget for a “State Water-Related Permit” Project Team. This

plan should propose structure, membership, and resources. The purpose of a “State Water-Related” Project Team would be to:

- Implement approved process changes,
- Transition Oregon to a consolidated permit system, and
- Transition Oregon to a shepherd/project manager level of customer service.

The Project Team should include the following activities early on in its work program:

1. Further develop the preliminary project work plan and budget
2. Develop an interagency Memorandum of Understanding to describe how agencies will collectively move forward.
3. Validate the improvement recommendations with applicants and stakeholders.
4. Establish baseline process measurements and a measurement system.
5. Develop a communications strategy for the project.

## **CLOSE**

The Water-Related Permit Process Improvement Team appreciates the opportunity to forward these recommendations to improve the removal-fill permit process by moving closer to a single state voice and process and by providing greater clarity about what gets an applicant to Yes.

## Various Improvement Team Resource Tools

### 1. Purpose of Removal-Fill Permit and Related State Authorizations

The purpose of the removal-fill permit and related state authorizations is to manage removals and fills in Oregon waterways and wetlands in order to:

- Protect, conserve, and make best use of water resources
- Protect public navigation, fisheries and public recreational uses
- Ensure that the actions of one land owner does not adversely affect another, and
- Minimize flooding, maintain water quality, protect fish and wildlife habitat, and water rights.

### 2. 1-2-3 Consensus Decision Model

1 = My agency supports wholeheartedly.

2 = My agency supports in general but would like to see modifications.

If the modifications are made, my agency would support wholeheartedly.

If the modifications are not made my agency would still support.

3 = My agency cannot support as is and would block consensus.

### 3. Principles of Effective Task Flow

- It is organized around a whole product that is produced to satisfy customer requirements.
- It provides for a single point of customer contact.
- It includes as few steps as possible.
- It involves as few people as possible.
- It includes as few non-value added steps as possible.
- It minimizes the need for internal second-party inspection.
- It provides for effective, meaningful and efficient opportunities for public input.
- It provides for as few times of other input as possible.
- It contains built-in checkpoints so that producers can quickly detect and correct problems.
- It makes the most of available technical and human capacities.
- It allows the desired product to be produced efficiently, effectively, and consistently.

*Source: Adapted from Designing Work Groups, Jobs, and Work Flow. National Society for Performance and Instruction. Toni Hupp, Carig Poplak, Odin Westgaard. 1995*

#### 4. Reminder Assignments

##### WRPPIT Reminder Assignments

As of August 17, 2006

Deliverable	Who?	Assignment
A – Project Management	All Laura	Internal communications with your own department about WRPPIT Draft Final Report
B – Stakeholder Involvement	Laura Pat Pilot Management Team Pilot Management Team	Advisory Committee Meeting in September Ask legislators to bring applicants to a meeting in their district to respond to the pilot Fall Update to JLAC members & December Report Update to CORPS
C- Measure Project Impact	Pilot Management Team	Update measurement plan for pilot
H – Redesign	Pilot Management Team & Pat	Follow Legislation
I – MOA	August 8 August 22 August 22 August 22 End of August September	WRPPIT Team members finalize MOA Jas coordinates review of MOA by agency contact attorneys. Team members coordinate internal technical review of MOA WRPPIT Team reviews legal and technical comments/changes Jas reviews MOA for legal sufficiency; note to all agencies Agency review and approvals as needed: - WRPPIT Team Member’s Supervisor - Division Head - Agency Administrative Division - Director

#### 5. Stakeholder Involvement Plan

##### Stakeholder Involvement Plan

October 26, 2005

WRPPIT invited 77 organizations representing the development, environmental, agricultural, consultant and public sectors to informational meetings in September, 2005. Thirty-two individuals attended five meetings to learn more about the WRPPIT project and to provide input on the work underway. Participants were asked how they would like to be involved as the project proceeds through December of 2006.

WRPPIT ADVISORY COMMITTEE. Participants favored an advisory committee consisting of two or three representatives of each sector that would meet quarterly to receive updates and provide feedback as work unfolds. Based on the interest expressed at the meetings the following individuals will be asked to join a WRPPIT Advisory Committee:

- Tim Acker, Applied Technology (consultant cluster)
- Rich Angstrom, OCAPA (development cluster)
- Chris Bayham, Association of Oregon Counties (public entities cluster)
- Amy Conners, HDR (consultant cluster)
- Steve Downs, Chair, Association of Clean Water Agencies (public entities cluster)
- Katie Fast, Farm Bureau (agriculture cluster)
- Frank Flynn, Perkins Coie, LLP (development cluster)
- Liz Frenkel, League of Women Voters (environmental/public involvement cluster)
- Tom Gallagher, Legislative Advocates (development cluster)

- Harlan Levy, Oregon Association of Realtors (development cluster)
- Willie Tiffany, League of Oregon Cities (public entity cluster)

CONSULTANT PRODUCT FEEDBACK GROUP. Based on the interest expressed by consultants at their information meeting, WRPPIT will also hold periodic information meetings for all consultants interested in attending. They will be formatted to allow consultants to provide specific feedback and input to proposals and products under consideration.

WRITTEN UPDATES. WRPPIT will also provide regular written updates to all stakeholders invited to the September/October information meetings.

# Brochure

## In-Water Work Period

Oregon Department of Fish and Wildlife

- A time period during the year when work in waterways is allowed in conjunction with the State Removal/Fill Permit and/or the Federal Dredge Fill Permit.



## Federal Endangered Species Act

US Fish and Wildlife Service,  
National Marine Fisheries Service

- Listed threatened or endangered species inhabit the project site.



## State and local land-use plans

### Coastal Zone Management Certification

Oregon Department of Land Conservation and Development

- Depends on the coastal-zone location and nature of your project.



### Local Land Use Plan

Local Government Planning and Development Department

- Depends on the location and nature of your project.



State agencies are working to consolidate permit processes so that property owners will be able to get many of them with one-stop shopping. Proposed changes to make that happen will be presented to the 2007 legislature.

## Contacts

### Oregon Department of State Lands

General information about all agency activities with the Removal-Fill Program and Wetlands:  
[www.oregonstatelands.us](http://www.oregonstatelands.us)

Direct link to removal-fill permit applications:  
[www.statelandsonline.com](http://www.statelandsonline.com)

**Western Region Office** — Salem  
(Serving Oregon west of the Cascades)  
(503) 378-3805

**Eastern Region Office** — Bend  
(Serving Oregon east of the Cascades)  
(541) 388-6112

### Oregon Department of Environmental Quality

(503) 229-5696 or (800) 452-4011  
[www.deq.state.or.us/wq](http://www.deq.state.or.us/wq)

### Oregon Department of Fish and Wildlife

(503) 947-6000 or (800) 720-6339  
[www.dfw.state.or.us](http://www.dfw.state.or.us)

### Oregon Department of Geology and Mineral Industries

(541) 967-2039  
[www.oregon.gov/dogami/index.shtml](http://www.oregon.gov/dogami/index.shtml)

### Oregon Department of Land Conservation and Development

(503) 373-0050  
[www.oregon.gov/LCD/ocncstserv.shtml#Ocean\\_Costal\\_Serv\\_Division](http://www.oregon.gov/LCD/ocncstserv.shtml#Ocean_Costal_Serv_Division)

### Oregon Department of Water Resources

(503) 986-0900  
[www.wrd.state.or.us/](http://www.wrd.state.or.us/)

### Oregon Parks and Recreation Department

(800) 551-6949  
[www.oregon.gov/OPRD/RULES/index.shtml](http://www.oregon.gov/OPRD/RULES/index.shtml)

### National Marine Fisheries Service, Oregon State Habitat Office

(503) 231-2202  
[www.nwr.noaa.gov/1habweb/](http://www.nwr.noaa.gov/1habweb/)

### U.S. Army Corps of Engineers

(503) 808-5150  
[www.nwp.usace.army.mil](http://www.nwp.usace.army.mil)

### U.S. Fish and Wildlife Service, Pacific Regional Office

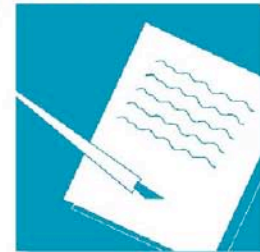
(503) 231-6828  
[www.fws.gov/pacific](http://www.fws.gov/pacific)

440-2991 (9/05/COM)

Before  
I use this



I may  
need this



## Information provided by

Oregon Department of State Lands

Oregon Department of Environmental Quality

Oregon Department of Land Conservation and Development

Oregon Department of Geological and Mineral Industries

Oregon Department of Fish and Wildlife

Oregon Department of Water Resources

Oregon Parks and Recreation Department



## Oregon's natural resources

In Oregon, protecting our natural resources means a variety of permits are required for residential, industrial, commercial, and public works projects in or near water, streams, rivers, waterways and wetlands. Natural-resource regulations include federal, state, and local requirements. The primary goals of these requirements are to avoid, reduce or compensate for the impacts to our state's natural resources.

The following overview provides general information for the most common types of permits and requirements for land and water development practices. Here you'll find **examples of activities requiring various permits, reviews and requirements**, and the agencies or levels of government with jurisdiction for them.

## Permits

### Removal/Fill Permit

Oregon Department of State Lands

- A project that includes the removal or filling of material in a wetland or waterway.



### Federal Dredge Fill Permit

U.S. Army Corps of Engineers

- A project that includes the dredging or filling of material in a wetland or waterway. (Both state and federal requirements may apply.)



### Stormwater Permit

Oregon Department of Environmental Quality

- Construction activities that disturb an acre or more, certain industries, and municipal outfalls and water conveyance systems.



### State Lands Proprietary Authorization

Oregon Department of State Lands

- Removal, disturbance or construction work on the bed or banks of state-owned waterways.



### Local Government Grading Permits

City or County Planning Department

- Land clearing and grading work.



### Water Use Authorization

Water Resources Department

- Developing new water sources from surface water, groundwater, stored water; or transfer of water rights.



### In-Water Blasting Permit

Oregon Department of Fish and Wildlife

- Using explosives in or near waterways, streams or rivers.



### Ocean Shore Permit

Oregon Parks and Recreation Department

- Project is in the ocean shore zone.



### Scenic Waterways Permit

Oregon Department of State Lands; Oregon Parks and Recreation Department

- Any development activities within a designated state scenic waterway.



### Mineral Land Operating Permit

Oregon Department of Geology & Mineral Industries

- Project to conduct commercial mining activity more than 5,000 yards of material.



### Scientific Take Permit

Oregon Department of Fish and Wildlife

- For salvaging fish from a project site.



## Other requirements

### Water Quality Certification

Oregon Department of Environmental Quality

- A project that includes the dredging or filling of material in a wetland or waterway.



### Archeological Review

Oregon Parks and Recreation Department; State Historic Preservation Office

- Depends upon the location of your project.



### Fish Passage Review

Oregon Department of Fish and Wildlife

- Placing, modifying or abandoning obstructions in waterways.



### Habitat Mitigation Review

Oregon Department of Fish and Wildlife

- Disturbance to fish and wildlife habitat.





## Universe of Authorizations That Are The Focus of the Redesign

### Removal-Fill Permits\*

Source: DSL - November, 2005

FISCAL YEAR:	99-00	00-01	01-02	02-03	03-04	04-05
<b>INDIVIDUAL PERMITS</b>						
Boat Ramp	11	7	7	7	18	8
Channel Relocation	3	9	3	3	1	3
Dam Related	6	6	5	2	8	8
Dock	6	6	5	11	9	12
Dredging	14	14	13	11	5	6
Erosion	44	27	8	11	12	21
Fiber Optic	6	3	3	1	0	0
Miscellaneous Fill	113	60	53	64	71	62
Fish Habitat	1	3	2	5	6	4
Gold Mining	0	1	0	0	0	0
Commercial Gravel Removal	9	2	1	6	5	5
Log Salvage	0	0	1	0	0	0
Pipeline/Cable/Utility	47	40	26	30	32	29
Ponds	0	2	2	0	0	2
Roads/Bridges	28	22	24	42	29	30
Miscellaneous Removal/RF	45	81	37	74	8	79
Resource Enhancement	3	2	1	0	3	7
Wetland Enhancement	0	0	3	2	1	1
<b>SUBTOTAL</b>	<b>336</b>	<b>285</b>	<b>194</b>	<b>269</b>	<b>208</b>	<b>277</b>
<b>GENERAL AUTHORIZATIONS</b>						
Tidegate	2	5	1	0	0	3
Fish Habitat Enhancement	219	184	173	172	136	151
Erosion Control	98	95	33	53	51	28
Road Construction	129	123	86	138	104	135
Wetland Enhancement	42	39	23	32	26	25
Unknown	13	10	3			
Wet/Fish Enhancement						11
Wetland Fill within UGB					1	5
Piling					17	20
Minimal Disturbance				6	26	28
<b>SUBTOTAL</b>	<b>503</b>	<b>456</b>	<b>319</b>	<b>401</b>	<b>361</b>	<b>406</b>
<b>EMERGENCY AUTHORIZATIONS</b>						
Channel Relocation						1
Dam-Related	0	3	0			1

<b>FISCAL YEAR:</b>	99-00	00-01	01-02	02-03	03-04	04-05
Erosion	18	7	14	10	13	2
Miscellaneous Fill	12	2	0	0	0	0
Piling						2
Pipeline/Cable/Utility	0	7	0	1	2	0
Roads/Bridges	3	9	10	3	3	2
Miscellaneous Removal/RF	12	7	1	2	12	1
Sediment Removal						2
<b>SUBTOTAL</b>	<b>45</b>	<b>35</b>	<b>25</b>	<b>16</b>	<b>30</b>	<b>11</b>
<b>TOTAL</b>	<b>884</b>	<b>776</b>	<b>538</b>	<b>686</b>	<b>599</b>	<b>694</b>

Statutory Time Frames to Review Removal-Fill Permits:

DSL Review of original or subsequent submission: 30 days; 15 days for General Authorizations.

Public Review: 30 days; 15 days for General Authorizations; 75 days for DEQ if requested.

DSL Analysis: permit decision required within 90 days after complete application determination

Applicant Response: 25 days requested by DSL for workload planning, not mandatory.

*\* Does not include recreational small scale placer mining permits.*

### State Authorizations Related To Removal-Fill Permits

As of November, 2005

<b>Agency</b>	<b>State Authorizations Related to Removal-Fill Permits</b>	<b>Estimated Quantity</b>	<b>Estimated Time Frame</b>	<b>Data Source</b>
DEQ	401 Water Quality Certification (on behalf of USACE)	~150 per year		RFPIT, April, 2005
DEQ	NPDES permit (National pollutant discharge elimination system) 1200-c	~600 in 2004 (~450 by DEQ and ~150 by local agencies). New baseline due to rule change in 2003. Note: data not currently gathered, figures are estimates.		DEQ Nov, 2005
DLCD	Coastal Zone Management Certification (DLCD)	74 permits related to removal-fill permits and waterway leases; approximately 10% with substantive comments.	47 days	RFPIT, April, 2005
DOGAMI	Mineland Reclamation Permit	DOGAMI sends ~ 35 DOGAMI Operating Permits per year to all natural resource agencies. ~3 require removal-fill permits.	Maximum of 90 days after application information is adequate and complete.	DOGAMI Nov, 2005
DSL	State Lands Proprietary Authorization	04-05 36 (leases/easements/regs)		
DSL(OPRD)	Scenic Waterways Permit	04-05 80 (69 for Placer mining)		
ODFW	In Water Work Period	ODFW comments on about 90% of all R-F applications.	Within 20-day comment period	RFPIT April, 2005
ODFW	Habitat Mitigation Review	ODFW comments on about 90% of R-F applications.	Within 20-day comment period	RFPIT April, 2005
ODFW	Fish Passage Plan Approval	~100/year	1 month	RFPIT April, 2005
ODFW	Fish Passage Waiver/Exemption	10-12 /year	2-3 months	RFPIT

Agency	State Authorizations Related to Removal-Fill Permits	Estimated Quantity	Estimated Time Frame	Data Source
				April, 2005
ODFW	In Water Blasting	Required for any in-water blasting. ODFW issues an average of one permit per year.	~ 20 days	RFPIT April, 2005
ODFW	ESA Incidental Take/State Scientific Taking Permit	~30/year	3 months	ODFW, Nov. 2005
ODFW	Scientific Taking Permit	~10/year	2 days to 6 weeks	ODFW, Nov. 2005
OPRD	Oregon Shore Permit			
OPRD – Her. Cons. Div.	Archeological Review	937		OPRD-SHPO Nov, 2005
OPRD – Her. Cons. Div.	Archeological Permit	No more than ~100		OPRD-SHPO Nov, 2005
WRD	Water Use Authorization	~45 water right applications per year related to removal/fill or wetland mitigation activities.	Maximum of 8 months to final decision.	WRD Nov, 2005

The above information:

- 1) defines the permits that will be included in the redesign.
- 2) gives the project an order of magnitude to consider when redesigning the process.
- 3) allows the project to determine reasonable timeframes if all permits are done concurrently in the redesign.

# Project Impact Measurement Plan

March 9, 2006

## Overview

The measurement topics focus the customer experience and concerns raised and identified in the May 2005 Water-Related Process Improvement Recommendations Report and those concerns identified in customer stakeholder groups that the Water-Related Permitting Process Improvement Team (WRPPIT) met with during the fall of 2005. The overall goals of the WRPPIT efforts are centered in continuous process improvement and to improve the customer's experience while; maintaining the levels of natural resources protections.

The following measurement approach includes reporting on the completion of project products referred to as the Report Changes, Project Impact Reports which is the analysis of permitting processes using content analysis of quantifiable data and lastly through feedback from customer focus groups over time. Each method of measurement will be reported individually and the summary of the identified changes, data, and feedback will be incorporated into an overall report produced annually that addresses the changes and improvements, trend lines, indicators for project impacts, outcomes and continuous improvement, and any unintended consequences of the efforts related to Oregon's Removal Fill permitting process. WRPPIT has developed this measurement plan in order to adequately assess the changes to the current permitting process with minimal resource requirements and minimal impact to customers, which is why it was decided to not use multiple customer surveys. These three measurement approaches need to demonstrate to what degree the WRPPIT work has accomplished the overall purpose of water-related permitting process improvement project.

## WRPPIT Measurement Tracks

Three measurement tracks:

Report Changes: These reports will track actual changes implemented to address 2005 key customer concerns identified in 2005 while maintaining the same level of natural resource protections. The deliverables will be documented for comparison against the 2005 permitting system and will be issued in late 2006, at the end of 2007, and at the end of 2008 (See Appendix A for report format).

Project Impact Reports: These reports will assess the impact of changes implemented to the removal/fill permit process regarding the 2005 key customer concerns while maintaining the same level of natural resource protections. This will be accomplished by conducting content analysis research on permit applications meeting specific criteria, determining trends and identifying opportunities for further improvements. Some changes from this project that do not require statutory modification will begin to be implemented as early as late 2006. At this point, it is uncertain which changes will be implemented or when it will begin. Changes that do require statutory modifications will be decided by the legislature during 2007 Legislative Session, with implementation proposed to begin in 2008. The first

impact report will be completed by December 15, 2006, the second December 15, 2007, the third by December 15, 2008, and the fourth and final Project Impact Report by December 15, 2009.

Focus Group Feedback: A customer focus group will be used to gather feedback on the status on Oregon's Removal Fill permitting system. The focus group will consist of those applicants who do a significant amount of permitting work in Oregon and are reflective of the cluster groups of consultant, development, environmental, local government, and forestry/farm/agriculture interests that the project team gathered feedback from during 2005.

### **Measurement Tracks Detail**

A baseline has been established of customer concerns and is captured in Appendix A. The summary of concerns in each category was obtained from consultants, development, environmental, local government, and forestry/farm/agriculture interests, as well as agencies' staff and management. The approach used to capture this baseline of information can be considered a focus group type approach where groups are asked to identify concerns regarding the existing system. The WRPPIT Advisory Committee validated this information on December 14, 2005 as an accurate reflection of customer concerns.

### **Report Changes**

Using the protocol and reporting format defined in Appendix A, the WRPPIT Staff Team will document the project deliverables and timeline for each deliverable and categorize the deliverables by intended outcomes. This report will also identify other changes or circumstances that may impact or support the project goals.

### **Project Impact Reports**

A neutral third party will perform content analysis of randomly selected, criteria specific applications to establish and track baseline measures over time. A baseline of key customer concerns regarding the state of Oregon's approval requirements to work in waterways and wetlands was established in 2005. Key customer concerns are listed below in priority order are defined in greater detail in Attachment A.

- Clear Info at the Beginning
- Clear Authorities and Non-Conflicting Decisions
- Outcome/Compliance Focus
- Unified State Process
- Faster and Known Timelines
- Permitting Cost Estimate Provided
- One Stop and Specialized Assistance

## Single Application

This work will answer if the redesigned permitting process has achieved concurrent, multiple permit decisions while maintaining the same level of natural resources protections.

Cycle time will be collected and reported beginning with 2006 permit applications, and assessing actual state processing cycle time for randomly selected, criteria specific removal-fill applications, and related state authorizations. Database entries will also be used to report state processing timelines for specific permit milestones for all permit applications. This will include all agencies participating in the WRPPIT project. The state processing cycle time is defined as the actual time a state agency is in control of an application, not the time the application is being worked on by a customer. Changes in the amount of time, individually and cumulatively, for all removal-fill permits and related state authorizations will be reported annually. Other factors that may have influenced cycle time should also be reported.

### **Criteria For Permit Review/Content Analysis**

Applications will be assessed at regular intervals using a content analysis approach to quantify the changes in concurrent state permits/authorizations, state processing cycle time, application/project design re-submittals, and progress on other prioritized customer concerns of the WRPPIT efforts (as listed above and detailed in Appendix A).

Randomly selected Oregon Removal Fill Permits with the Individual Removal Fill Permit characteristics filed for non-government entities. The recommended percentage of these permits should be 30 percent with possibly examining additional permit applications that involve multiple state agency approvals if more data on concurrent state permit decisions is desired. Reports of all the state authorizations required by the project and the ratio that were decided in the Oregon Removal Fill Permit will be an important measurement. This subset of all the Individual Permits is expected to include sophisticated, moderately skilled and first time permit application filers.

The state processing time for specific milestones of state processing durations, ratio of required to actual state decisions, agency concurrence/coordination will be evaluated and trend lines will be established and compared year to year for the project improvement criteria.

The Office of Regulatory Streamlining will be engaging an external group to conduct annual focus group sessions for a three-year period beginning in the third quarter after implementation of the redesigned process and continuing annually through the end of 2009. The focus groups will be reflective of the individuals and groups interviewed to establish the 2005 customer baseline (see above) and will assess whether the desired customer expectations outlined have been realized. This report will present trend lines. In addition, other factors that may have influenced cycle time should also be reported.

## **Focus Group Protocol and Implications**

A representative customer focus group will be used annually to gather feedback on the status of Oregon's Removal Fill permitting system. The focus groups will consist of those applicants who do a significant amount of permitting work in Oregon and are reflective of the cluster groups of consultants, development, environmental, local government, and forestry/farm/agriculture interests that the project team gathered feedback from during 2005. The Office of Regulatory Streamlining or a neutral third party will conduct this research. Each of the nine involved agencies will propose up to 15 consultants or applicants that apply for permits regularly. The Office of Regulatory Streamlining will invite 12 to 15 of these proposed applicants that are representative of different types of water-related permitting work to take part in the annual focus group feedback session. The focus group participants will remain anonymous to the agencies and all comments will be documented without attribution. The themes and trends identified by the annual focus group will synthesize the feedback and prepare a feedback report to interested stakeholders and agencies involved in WRPPIT. Agencies should be prepared to respond to issues with additional adjustments or improvement efforts and track progress on the WRPPIT project purpose.

## **Focus Group Questions**

What is your feedback regarding the agencies providing information at the beginning of the application process? (Prompt if needed: What is your feedback about technical requirements and procedural information?)

What is your feedback regarding the efforts to improve the Oregon Removal/Fill permitting decision process? What has changed (if anything) for the worse?

Were you provided one stop and specialized assistance if you requested it? To what degree was this accurate/helpful?

What is your feedback about customer service during the permit application process?

What issues or concerns (if any) do you have about Oregon's Removal Fill Permitting?

## **Means and Methods of Completing Research**

The WRPPIT Staff Team would complete the first aspect of the project measurement during 2006 as products are completed. The first report would be ready to distribute to interested stakeholders prior to the 2007 Legislative Session.

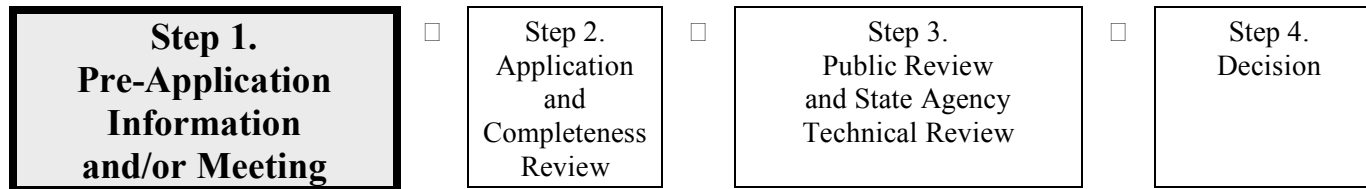
The content analysis aspect of project measurement should be accomplished in two phases. The communications and technical staff of DSL generating the random numbers for the projects selected that meet the established criteria with an outside third party conducting the content analysis research. This could be accomplished by using another agencies expertise such as DAS or DCBS or by contracting with an outside party under the Statewide Regulatory Streamlining Request For Proposals with all the agencies participating in these limited costs. A

member of the WRPPIT should take the lead in sharing the above scope of work, coordinating and reviewing draft work, and making agreements with the other agencies (DCBS or DAS) to review and guide the research.

The focus group work can be accomplished by having a neutral third party facilitator from either an agency not involved in water-related permitting or an outside vendor conducting the focus group sessions (without agencies staff or management present) document the raw comments (without attribution), followed up with a report of themes and indicators from each focus group session. The agencies that have capacity in this area (at this time) are ODOT, DHS, DAS, and DCBS. The costs should be minimal due to the protocol already being established.



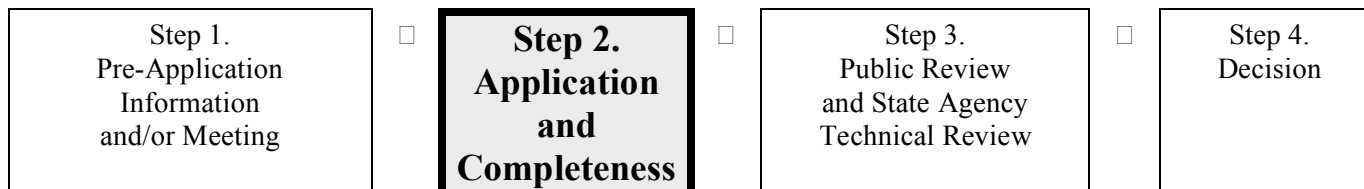
## Redesign Work Definition Blue Print



Step	Col 1	Col 2	Col 3	Col 4	Col 5	Col 6	Col 7	Col 8	Col 9	Col 10
	What is the activity	What are the deliverables?	What is the annual work volume?	Who will do the activity? (proponent, applicant, or specific state agency)	Who will be the Product Lead for each deliverable?	What is the advisory or mandatory timeline for this deliverable?	What is <b>new</b> or <b>eliminated</b> work?	Implications for Statutory Change	Implications for Regulatory Change	Implications for or MOA
	<b>Intermediate Deliverables</b>									
1a.	Request information regarding state requirements for projects in or near water.	Description of proposed project and/or request for information (by e-mail, phone, or in person).	~1500 calls a year	Proponent	Proponent	Proponent's Discretion	DSL clearinghouse provides 1 place to start.	None		DSL primary place for applicants to go.
1b	Offer guidance and information to proponent	Process guidance including likely permits and or review requirements. Answers to questions. Application materials. Pre-Application Meeting Information. User Guide. Web links.	~1500 calls a year	DSL – Professional Staff	DSL	ASAP & Variable	DSL will offer information about DSL and other agency requirements.  Multi-agency project tracking system will	None		DSL primary place for proponents to go. Agreement to supply requirements early on and maintain User Guide. Develop multi-agency

							need to be developed.			application, data system. Each state agency will specify what is required in the application as well as indicators that the item is required.
1c	Make pre-application meeting request/submit project description materials (OPTIONAL)	Pre-application meeting request; project description materials	~150 – IP’s ~80 – GA’s ~70 of both that don’t go on  TOTAL: ~150	Proponent	Proponent	Proponent’s Discretion	Saves proponent multiple pre-application meetings with other agencies. Reduces rework, conflicting requirements and delays.	None		Describe pre-application process and agreements.
1d	Assess request.	Determination of appropriateness and applicable team members for participation.	~150 – IP’s ~80 – GA’s ~70 of both that don’t go on  TOTAL: ~150	DSL – Professional Staff	DSL	ASAP & Variable		None		Describe pre-application process and agreements.
1e	As appropriate, schedule meeting with applicant and applicable Team members; circulate	Meeting notice and project description materials.	~150 – IP’s ~80 – GA’s	DSL – Professional Staff	DSL	Within 1-2 Weeks		None		Describe pre-application process and agreements.

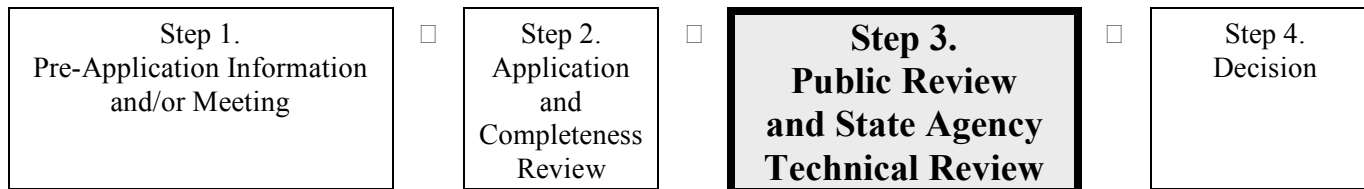
	project description materials.									
1f	Convene Pre-Application Meeting (on-site; off-site; electronic)	Pre-application meeting that provides: agencies' review and/or permit requirements; application requirements; design guidance and other info/resources for getting to "yes".	~150 – IP's or 50% ~80 – GA's or 20%  Most will involve ODFW.  <50-100 involve DEQ	DSL professional staff lead; participating agencies	DSL	Within 3-6 weeks	Meeting facilitation role for DSL. Potentially more pre-application meetings. Required participation in meetings from other agencies. Reduces rework, conflicting requirements, and delays.	None		Describe pre-application process and agreements.
		<b>Final Devlierable</b>								
1g	Ensure pre-application meeting summary for distribution to team and proponent.	Ensure pre-application meeting summary including agency(ies) and/or proponent commitments/follow-ups is prepared. (Can be done by another if meets agencies needs.)		DSL – Professional Staff	DSL	Within 2 weeks	DSL ensuring the summary of the pre-application meeting is prepared, acceptable, and distributed. Reduces rework, conflicting requirements and delays.	None		Describe pre-application process and agreements.



**Review**

Step	Col 1	Col 2	Col 3	Col 4	Col 5	Col 6	Col 7	Col 8	Col 9	Col 10
	What is the activity	What are the deliverables?	What is the annual work volume?	Who will do the activity? (proponent, applicant, or specific state agency)	Who will be the Product Lead for each deliverable?	What is the advisory or mandatory timeline for this deliverable?	What is <b>new</b> or <b>eliminated</b> work?	Implications for Statutory Change	Implications for Regulatory Change	Implications for or MOA
		<b>Intermediate Deliverables</b>								
2a	Prepare and Submit an Application	Application	~400 GA's ~300 IP's	Applicant	Applicant	Applicant's Choice		None		Describe pre-application process and agreements.
2b	Acknowledge Receipt of the Application.	Acknowledgement via web posting of the application. (Application is not available for public comment at this point.)	~400 GA's ~300 IP's	DSL – Clerical Staff	DSL	1-3 days		None		Describe pre-application process and agreements.
		<b>Final Deliverable</b>								
2c	Determine if all relevant state agency application documents are present and blanks are filled in. This is not a technical adequacy review Inform applicant whether	Notice to applicant that application is complete or if items are missing, which are needed.	~400 GA's ~300 IP's	DSL professional staff and other agencies if needed.  SRC not involved unless questions.	DSL	30 days (same as the present)				Describe pre-application process and agreements including that each state agency will specify what is required in the application and indicators that the item is required.

	application is complete, and if not, what is missing. (Technical adequacy is step 3 when all agencies have an opportunity to review application.)									SRC develops checklists, templates, training, etc.
	<b>If Application is Not Complete:</b>	<b>MODIFICATION</b>	<b>STEPS</b>							
2d	Modify or withdraw application	Modified application or withdrawn application.	~130 or 33% of GA's, ~110 or 37% of IP's	Applicant	Applicant	Applicant's Choice	No change.	None		Describe pre-application process and agreements.
2e	Repeat above steps.	If modified application, repeat above deliverables.	~130 or 33% of GA's, ~110 or 37% of IP's	See above.	See above.	See above	See above.	None		Describe pre-application process and agreements.



Step	Col 1	Col 2	Col 3	Col 4	Col 5	Col 6	Col 7	Col 8	Col 9	Col 10
	What is the activity	What are the deliverables?	What is the annual work volume?	Who will do the activity? (proponent, applicant, or specific state agency)	Who will be the Product Lead for each deliverable?	What is the advisory or mandatory timeline for this deliverable?	What is <b>new</b> or <b>eliminated</b> work?	Implications for Statutory Change	Implications for Regulatory Change	Implications for or MOA
		<b>Intermediate Deliverables</b>								
3a	Post	Web-based posting	~400 GA's	DSL clerical	DSL		No change.	None		

	application for public review	indicating application is available for public comment.	~300 IP's	Staff						
3b	Send notification that application is available for comment.	Web-based posting.	~400 GA's ~300 IP's	DSL clerical staff.	DSL		No change	None		Describe pre-application process and agreements. Agencies will identify triggers for flagging.
3c	Flag applications that require special agency review.	Notice to other agencies that they should review a particular application.	~20% of GA's or ~80  ~75% of IP's or 225 (most are fish related)	DSL professional staff.	DSL			None		Describe pre-application process and agreements. Agencies will identify triggers for flagging.
3d	Submit Comments on Application.	Comments on Application		Public	Public	30 days	No change.	None	Rule: Shared public review process.	Describe pre-application process and agreements.
3e	Send public comments to appropriate agencies.	Forwarded Public Comment	All	DSL clerical and professional staff	DSL			None		Describe pre-application process and agreements.
3f	Individual Agency Review	Each Agency: 1) agency standards met? 2) Other information needed to determine? 3) Recommen	<u>DSL</u> ~400 GA's ~300 IP's <u>ODFW</u> ~ 600 in Water work	Each Agency  - ODFW – field staff	State Regulatory Coordinator - DSL			?	Rule? May take more than current 30 day time limit to conduct completeness review. Note: 30 day	Describe pre-application process and agreements.

	<p>ded design or operational options to meet standards?</p> <p>4) Conditions to meet standards?</p> <p>5) <i>ODFW and DOGAMI Authorizations Attachments</i></p>	<p>~600 habitat mitigation</p> <p>~100 fish passage</p> <p>~10-12 fish passage waiver/</p> <p>exemption</p> <p>~1 in water blasting</p> <p>~10 scientific taking</p> <p>~ 30 EAS Inc Take</p> <p>~ 10 Scientific Take</p> <p><u>DLCD</u></p> <p>~ ? land use</p> <p>~70 CZM</p> <p><u>DEQ</u></p> <p>~100 1200-C's,</p> <p>~150 401 Certs</p> <p><u>OPRD</u></p> <p>? Oregon shore</p> <p><u>SHPO</u></p> <p>? archeo reviews</p> <p>100 archeo permits</p> <p>? scenic</p> <p>Waterway</p> <p><u>DOGAMI</u></p>						<p>time limit promotes kicking application out as incomplete and restarts 30 day cycle.</p>	
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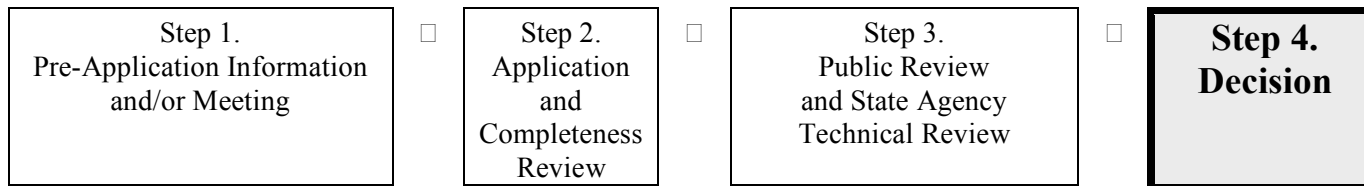
			~ 3 mineland reclama- ion							
3g	Convene Team dialogue regarding application as needed.	Team communication regarding application (e-mail, chat room, phone conference, meeting)	~20% of GA's or 80  ~75% of IP's or 225.  Most will involve ODFW.  ~100-150 involve DEQ.	DSL professional staff lead, Team participate	DSL		DSL will need to devote time to maximizing agency coordination. DSL currently receives written agency comments. Dialogue with other agencies will increase. Resolution of conflicts is a key new feature of the redesign. Reduces rework, conflicting requirements and delays.	None	May take more than current review period time limit	Describe pre-application process and agreements.

**Final Deliverable**

3h	Reconcile and assemble agencies' and public comments for coordinated and consolidated response.	Letter to applicant identifying technical inadequacies of the application, if any.	~20% of GA's or 80  ~75% of IP's or 225.  Most will involve ODFW.  ~100-150	DSL professional staff prepare letter. Discussion among team members.	DSL		Integration of all agency requirements will be new work. Reduces rework, conflicting requirements and delays.	None	May take more than current review period time limit	Describe pre-application process and agreements.
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		involve DEQ.							
<b>If MAJOR additional information is needed:</b>	<b>MODIFICATION</b>	<b>STEPS</b>							
3i	Modify or withdraw application.	Modified or withdrawn application.	???	Applicant	Applicant		No Change		
3j	Repeat starting at step 2a, 3a, or 3f depending on level of mod.	See above	???	See above	See above		See above.		



Step	Col 1	Col 2	Col 3	Col 4	Col 5	Col 6	Col 7	Col 8	Col 9	Col 10
	<b>What is the activity</b>	<b>What are the deliverables?</b>	<b>What is the annual work volume?</b>	<b>Who will do the activity? (proponent, applicant, or specific state agency)</b>	<b>Who will be the Product Lead for each deliverable?</b>	<b>What is the advisory or mandatory timeline for this deliverable?</b>	<b>What is <u>new</u> or <u>eliminated</u> work?</b>	<b>Implications for Statutory Change</b>	<b>Implications for Regulatory Change</b>	<b>Implications for or MOA</b>
		<b>Intermediate Deliverables</b>								
4a	Submit additional information if needed.	Application supplements.		Proponent			No change.			
4b	Iterative dialogue as needed with proponent and among agencies.	Draft conditions list.	~400 GA's ~300 IP's	Applicant Team DSL	DSL		Consolidated decision at one time. Reduces rework. conflicting		ODFW needs internal rule outlining condition requirements	

	Prepare individual agency draft conditions. Prepare state conditions.						requirements, and delays. More work for DSL to lead and document multi-agency discussion.			
4c	Send draft conditions to applicant. Send draft conditions to Team members as requested.	Draft conditions list.	~400 GA's ~300 IP's	DSL professional staff	DSL					
4d	Review draft conditions.	Request for clarification and non-substantive modifications.	~400 GA's ~300 IP's	Applicant, team	DSL			None		
		<b>Final Deliverable</b>								
4e	Consider comments and issue final ORFP	Final ORFP with other attaching permits as applicable.	~400 GA's ~300 IP's	DSL professional staff	DSL			None		

## **Interagency Memorandum of Agreement on a Removal-Fill Permitting Pilot Project**

### **I. Introduction**

This Memorandum of Agreement (MOA) is hereby entered into by the Department of Environmental Quality (hereafter called “DEQ”), the Department of Fish and Wildlife (hereafter called “ODFW”), the Department of Geology and Mineral Industries (hereafter called “DOGAMI”), the Department of Land Conservation and Development (hereafter called “DLCD”), the Department of State Lands (hereafter called “DSL”), the Oregon Parks and Recreation Department (hereafter called “OPRD”), and the Water Resources Department (hereafter called “WRD”). These agencies are hereafter referred to collectively as “Participating Agencies.”

### **II. Background**

On May 12, 2005, a multi-agency team representing Participating Agencies and the Office of Regulatory Streamlining issued a report identifying 34 actions that could improve water-related permitting in Oregon. One of those recommendations was to change Oregon’s Removal-Fill Permit process so that state requirements associated with removal-fill projects occur at one time and feel like one state permit to the applicant. The Participating Agencies, working with the Office of Regulatory Streamlining, have developed a proposal for a revised permit processing system. Through this MOA, the Participating Agencies agree to establish a pilot effort to implement the system for certain permit applicants. Legislation will be proposed to implement the pilot. This MOA is not intended to change protections required by federal law or reduce state natural resource protection standards.

### **III. Limitations**

This Pilot will be implemented by DSL as described in Section V if the Policy Option Package #14100/004 - LC710 POP112 is approved by the 2007 Legislature. This legislative change would provide DSL the resources necessary to implement this MOA.

This Pilot will be implemented by DEQ as described in Section V if Policy Option Package #127 is approved by the 2007 Legislature. Approval of this Policy Option Package would provide DEQ the resources to deliver an adequate 401 water quality certification program (401 certification) and is being pursued separately from the WRPPIT Pilot effort.

If legislative authorization is not obtained, the Participating Agencies may agree to implement contingency plans that may amend this MOA to reflect the changed involvement in the Pilot (See Section IV).

### **IV. Pilot Project Defined**

Beginning as soon as practicable after legislative approval and continuing through December 31, 2009, the Participating Agencies will conduct a pilot project to be known as the “Oregon Removal-Fill Pilot” (Pilot).

#### **A. Purpose**

The purpose of the Pilot is to test a revised Oregon Removal-Fill Permit Process, which will integrate most state requirements for removal-fill projects in Oregon in one permit process. Currently, several distinct permits are potentially required for a removal-fill project, each with its own processes, timeframes, and requirements.

## **B. Objectives**

While maintaining current natural resource protections, the objectives of the Pilot are to:

1. Improve applicant satisfaction with the process of obtaining required state authorizations to undertake a removal-fill project.
2. Provide a single place to go for early, detailed information on state requirements.
3. Create a customized application packet for most state removal-fill project requirements.
4. Arrange pre-application meetings with appropriate Participating Agencies to enable project proponents to design a project with state requirements in mind for their removal-fill project.
5. Remove overlapping or duplicative state agency requirements for removal-fill projects.
6. Provide consistent conditions from multiple agencies in removal-fill permits.
7. Improve the overall timeline to obtain the state authorizations included in the consolidated Oregon Removal-Fill Permit.
8. Identify a lead agency to efficiently and effectively coordinate the participation of all state agencies that are involved in the regulation of removal-fill projects.
9. Continuously improve the Oregon Removal-Fill Permit product and process with assistance of an interagency team.

## **C. Removal-Fill Projects Eligible for the Pilot**

Only select removal-fill projects will be eligible for the consolidated Pilot permit. To be eligible, the project proponent must elect to participate in the Pilot process, and the removal-fill project must meet the following two criteria:

- The proposed project must require substantive involvement by at least one other agency besides DSL; and
- The proposed project must involve at least one significant aquatic resource at the project site.

DSL will determine whether a project meets the eligibility criteria for the Pilot as identified and may consult appropriate Participating Agencies in making this determination. DSL will ensure accepted Pilot projects are within DSL staffing capacity for the Pilot. DSL will solicit eligible project proponents for inclusion in the Pilot.

The Pilot will be able to accommodate an estimated 50 project applications per year. This reflects approximately 20 percent of individual removal-fill applications received annually.

## **D. Scope of Pilot Project**

1. Oregon Removal Fill Permits to be issued under this Pilot will cover DSL Removal-Fill requirements, ODFW in-water-work period conditions, ODFW habitat mitigation conditions, SHPO archeological requirements, and OPRD Scenic Waterway requirements as necessary.

2. Oregon Removal Fill Permits to be issued under this Pilot may have attached, with a separate signature, one or more of the following authorizations: ODFW In-Water Blasting Permit, ODFW Scientific Take Permit, ODFW ESA Incidental Take Permit, ODFW Fish Passage Waiver/Exemption, ODFW Fish Passage Plan Decision, DOGAMI Operating Permit or WRD Limited License.
3. Oregon Removal Fill process under this Pilot will give notice of the potential need for a water right, 401 water quality certification, 1200-C Erosion Control NPDES Permit, and DLCD coastal zone management certification. The purpose of such notice is to ensure that project proponents are aware, early on, of all potential state requirements that may affect their project but that typically will involve timelines outside the parameters of the removal fill permit process.

#### **E. All Agencies**

The Participating Agencies will follow the process to issuing a Pilot Oregon Removal-Fill Permit provided in Section V and outlined in Attachment A.

#### **F. Pilot Management**

##### **1. Pilot Management Team**

The Pilot will be managed by an inter-agency team responsible for implementation of the MOA including the structure, modifications and function of the Pilot. The Pilot Management Team (PMT) consisting of representatives of each Participating Agency and the Pilot Project Manager, provides the oversight function for the Pilot. The primary members of the PMT will consist of the designated representatives from DSL, ODFW and DEQ; other agencies' representatives will attend meetings as necessary. In addition, the PMT is responsible for developing, conducting and writing the Pilot evaluation, ensuring follow-through and participation by Participating Agencies as appropriate, ensuring standards and agreements are adhered to and providing appropriate technical and operational training as needed.

##### **2. Pilot Project Manager**

DSL will designate the Pilot Project Manager (PPM). The PPM is responsible for the day-to-day operations of the Pilot, interagency coordination, the effective and efficient operation of the Pilot and management of the Pilot projects. The PPM will determine the eligibility of Pilot Project applications in cooperation with the appropriate Participating Agencies for each Pilot application. The PPM determines the Pilot capacity for applications and provides informational clearinghouse service to participating project proponents. The PPM ensures that pre-application meetings and pre-application summaries are complete and distributed. The PPM may activate the ORFP Dispute Resolution Process (See Attachment B) as necessary and provides education and outreach related to the Pilot, as necessary for both internal and external stakeholders. The PPM is a non-voting member of the Pilot Management Team and makes recommendations to the PMT regarding Pilot operations, as appropriate.

##### **3. Technical Point of Contact**

Each Participating Agency will identify to the PPM one or more Technical Point(s) of Contact (TPC) for the Pilot and will keep its TPC information current. Each Participating Agency TPC will be responsible for the necessary coordination internal to that agency and will be responsible for implementation of the Pilot at the

application level. Each TPC will be responsible for appropriate agency attendance at the Pilot pre-application meetings, will provide technical assistance to the PPM, conduct or ensure the technical adequacy reviews and see that they are completed in a timely and appropriate way, and ensure the appropriate preparation of comments, authorizations and permits or licenses as required for the Pilot applications. Any TPC may activate the ORFP Dispute Resolution Process as needed. TPCs are responsible for the development and sharing of program information or training as necessary for the success of the PPM and the Pilot. All TPCs will provide feedback to the PMT regarding standards, processes and operational procedures, as appropriate for the ongoing success of the Pilot.

#### **G. Pilot Project Evaluation**

The PMT will develop an evaluation plan as an amendment to this MOA by January 2008 to assess how well the Pilot has achieved its purpose and to determine whether some expanded or modified version of the Pilot should be continued after December 31, 2009.

### **V. General Provisions**

#### **A. Definitions**

For purposes of this MOA, the following definitions apply:

##### **1. Pilot Process**

The steps and timeline targets that will be followed by project proponents, applicants, Participating Agencies, and the public or other interested parties that lead to a Pilot Oregon Removal-Fill Permit decision, as outlined in Attachment A.

##### **2. Removal fill project**

Any activity subject to removal-fill authorization pursuant to ORS 196.600 to 196.900. For the purposes of this MOA, "removal fill projects" includes projects on scenic waterways but not ocean shore permits, and it includes individual permits and general authorizations but excludes emergency authorizations.

##### **3. Significant aquatic resource**

All waters subject to State Removal-Fill law (ORS 196.600 to 196.990) that includes, one or more of the following features: State designated Essential Salmonid Habitat waters; estuarine waters, Pacific Ocean, mature forested wetlands, vernal pools, fens, bogs, Goal 5 or Goal 17 designated locally significant aquatic resources, wetlands or waterways providing known habitat for state or federally-listed threatened and endangered species, or permanent impact greater than 2 acres in wetlands.

##### **4. The following acronyms are used in this MOA:**

DEQ: Department of Environmental Quality  
DLCD: Department of Land Conservation and Development  
DOGAMI: Department of Geology and Mineral Industries  
DSL: Department of State lands  
LC: Legislative Concept  
MOA: Memorandum of Agreement  
ODFW: Oregon Department of Fish and Wildlife  
OPRD: Oregon Parks and Recreation  
ORFP: Oregon Removal-Fill Permit

PMT: Pilot Management Team  
POP: Policy Option Package  
PPM: Pilot Project Manager  
SHPO: State Historic Preservation Office  
TPC: Technical Point of Contact  
WRD: Oregon Water Resources Department  
WRPPIT: Water-Related Permits Process Improvement Team

## **B. Responsibilities of All Participating Agencies**

1. The Participating Agencies recognize and agree to provide timely responses, conduct appropriate reviews and provide current standards and requirements to DSL as fundamental requirements for the success of the Pilot.
2. The Participating Agencies agree that DSL will be the lead agency with responsibility to effectively manage the coordination of state agencies that are involved in removal-fill Pilot projects.
3. If disputes between Participating Agencies arise regarding applications participating in this Pilot, Participating Agencies agree to use the Dispute Resolution Process in Attachment B, which is incorporated by reference herein).
4. Participating Agencies agree to participate in the evaluation process outlined in Section IV G above.
5. Participating Agencies agree to provide program content and endeavor to pursue web links to the User's Guide and other materials, as determined by the PMT.
6. Participating Agencies will educate agency contacts and DSL staff who participate in the Pilot, as appropriate, about Pilot timelines, processes and expectations.
7. Participating Agencies will provide to the PPM information about individual agency program requirements and agency standards, including recommended options to meet standards and any additional informational requirements of applicant, as appropriate, for each step of the Oregon Removal-Fill Permit Process.
8. Participating Agencies will attend inter-agency meetings as appropriate for Pilot evaluation and continuous improvement.
9. With respect to programs affecting land use, each Participating Agency will comply with its certified agency coordination program.

## **C. Responsibilities of DSL**

DSL has responsibility as the lead agency to effectively and efficiently manage the coordination of state agencies that are involved in Pilot removal-fill projects. These responsibilities are unique and comprehensive, as noted below.

DSL will (subject to DSL receiving funding for implementation as noted in Section III.):

1. Promulgate appropriate rule changes for timelines and Pilot implementation.
2. Coordinate and lead the inter-agency Pilot Management Team.
3. Collaborate with Participating Agencies to create a universal tracking system for projects in the Pilot program.

4. Develop intake procedure for identifying and inviting qualifying projects into the Pilot.
5. Develop a standardized mechanism to provide written information for Pilot-eligible projects including and as applicable: list of potential state agencies and their permit or review programs applicable to the envisioned project; application requirements and processes; design considerations; pre-application meeting options; suitability for inclusion in Pilot; additional resources for further information.
6. Develop in collaboration with Participating Agencies, a library of available resource materials for PPM use and dissemination.
7. Update and maintain User's Guide with input from Participating Agencies and keep informed of any program changes affecting required permits or reviews.
8. Provide agency contact information to the project proponent for each applicable water-related program.
9. Respond in a timely manner to project proponent inquiries.
10. Review pre-application meeting requests. DSL will determine which Participating Agencies should attend pre-application meetings on the basis of DSL's understanding of the permits or reviews that a project will require.
11. Obtain project description materials from project proponent.
12. Ensure that the Participating Agency TPC for each applicable Participating Agency is notified of pre-application meetings. Schedule pre-application meetings and circulate project description materials to the applicable TPC as far in advance of the meeting as possible. Consult with project proponent and Agency Contacts regarding the appropriate venue for the pre-application meeting.
13. Review materials provided by the project proponent in advance of the pre-application meeting.
14. Ensure that the pre-application meeting occurs and involves at a minimum: identification of each Participating Agency's review and/or permit requirements; identification of any site-specific resource issues; application requirements; design guidance as applicable; and other information to ensure that all removal-fill related permitting requirements are explored and the project proponent receives clear and detailed information.
15. Ensure that a written summary of pre-application meeting is prepared. The summary will include, but is not limited to: guidance provided by the agencies, Agency Contact and project proponent commitments, additional resource contacts and other relevant information from the meeting. At a Participating Agency's request, DSL will circulate the draft summary for review and comment before issuance.
16. Work with the Participating Agencies to create a mechanism that allows applicants to generate a customized application package for their projects.
17. Acknowledge receipt of application by posting at the appropriate location on the DSL Web site in a time and manner consistent with current practice.
18. Review application accepted for the Pilot to determine if they contain sufficient and complete information for subsequent technical review by appropriate Participating



Agencies. DSL will notify applicants of the completeness review results in a manner consistent with current practice.

19. Assess the completeness of required submittals of Participating Agencies using tools provided by Participating Agencies.
20. Make prompt requests for assistance relating to the completeness determination.
21. Make complete applications available for public and Participating Agencies review by posting at the appropriate location on the DSL web site in the time and manner consistent with current practice.
22. Issue electronic notifications of applications available for review in the time and manner consistent with current practice.
23. Concurrent with public notice, electronically notify applicable Participating Agencies when applications are Pilot-eligible for priority and collaborative review.
24. Forward a copy of all public comments received on applications to Participating Agencies reviewing a given application.
25. Conduct technical reviews of each application relative to requirements established by statute and rule.
26. Convene a meeting of TPCs to technically evaluate each application and consider public comments. Meetings may be in person, phone or other means at the discretion of PPM. DSL will lead and coordinate the resolution of conflicting comments and issues including invoking ORFP Dispute Resolution Process provisions of Attachment B of this MOA, where necessary.
27. Prepare and issue letter to applicant providing state consolidated comments and all public comments received including any recommendations based on public comments.
28. Circulate draft letter for review and comment before issuance if requested by the Participating Agency TPC.
29. Ensure that relevant materials developed by applicants in response to comments are circulated to applicable Participating Agencies. As necessary, DSL will facilitate dialogue among applicable Participating Agency Contacts to ascertain adequacy of an applicant's response and coordinate further communication with applicant.
30. Prepare and distribute draft permit conditions to applicant, if a proposed removal-fill project is determined to be permissible, and distribute final permit to Participating Agencies or to those Participating Agencies that have specific permits attached to the final permit. (See Section V, E)
31. Prepare and issue timely final Oregon Removal-Fill Permit decisions considering input and compilation of attached permits from Participating Agencies.
32. Document the resolution of disputes using the dispute resolution process described in Attachment B, and forward the documentation to the Pilot Management Team.

**D. Responsibilities of Participating Agencies except DSL will:**

1. Provide available resource materials to the PPM for use and dissemination to project proponents.

2. In the event of program changes affecting required permits or reviews, notify DSL, and update guidance materials as appropriate.
3. Provide, and keep current, contact information to DSL for each applicable water-related program.
4. Review project materials in advance of pre-application meetings as appropriate.
5. Participate in pre-application meetings and provide explanation of the agency's review and/or permit requirements, application requirements, design guidance and other information/resources as necessary.
6. Follow-up on pre-application meetings with agency commitments, as necessary. Ensure continuity of comments with post-application review.
7. Work with DSL to create mechanism that allows applicants to generate a customized application package for their projects.
8. Provide application materials to applicant and DSL, as appropriate.
9. Identify criteria for determining whether an application requires a specific agency's review, as appropriate.
10. Work with DSL to develop checklists and other tools necessary for PPM to reasonably assess completeness of required submittals of Participating Agencies as appropriate. Provide DSL with information about application requirements. Work with DSL staff, as appropriate, to determine if needed material is provided and indicate when the application and requirement is complete.
11. Promptly respond when DSL requests information relating to completeness determination.
12. Commit to timely technical review to ensure agency standards are met, determine if additional information is needed, recommend modifications to meet standards, and draft conditions to meet standards as appropriate.
13. Work with DSL, as necessary, to reconcile public and agency comments for a consolidated response regarding the application.
14. Participate, as necessary, with DSL and other agencies in drafting Oregon Removal-Fill Permit conditions.
15. Review draft conditions, as appropriate.
16. Provide final permits, licenses and approvals, as needed.

## **E. Specific Responsibilities of each Participating Agency**

### **Responsibilities of DEQ**

#### **1. DEQ will:**

- a. Provide input as requested to the PPM including technical assistance, DEQ requirements, and coordination for projects that require a 401 certification.
- b. If it is determined that a 401 certification is required, DEQ will provide information regarding the status and requirements of the 401 certification. DEQ will advise the applicant if any additional information is needed, and recommended design or operational options to meet 401 certification requirements, as necessary.

- c. Provide draft conditions and requirements to the applicant for projects that require a 401 certification. If all information is available and if the proposed project does not change, the same draft conditions will be incorporated into the final 401 certification. If the proposed project does change, conditions and requirements for the 401 certification may change.
- d. Provide input as requested, including technical assistance and DEQ requirements, for projects that require a 1200C Erosion Control Permit.

### **Responsibilities of ODFW**

#### **2. ODFW will:**

- a. Review Removal-Fill Permit applications and provide comments on permits that may affect fish or wildlife habitat. Comments will include recommendations for minimizing adverse effects on fish, wildlife and their habitat.
- b. Comments will identify if agency standards are met and what additional information would be needed to determine if the standards are met. Comments will include any recommended design or operational options to meet standards.
- c. Comments will include in-water timing recommendations and mitigation recommendations as necessary and identify ODFW required permits and authorizations.
- d. ODFW authorizations that will be included as attachments to issued Removal-Fill Permits if appropriate include but are not limited to fish passage approvals, exemptions or waivers; in-water blasting permits; state incidental take permits; and scientific take permits.

### **Responsibilities of DOGAMI**

#### **3. DOGAMI will:**

- a. Provide information and guidance to applicant and DSL, as needed, regarding DOGAMI program and permit requirements.
- b. Provide DOGAMI authorizations that will be included in issued Removal-Fill Permits, if appropriate, including operating permits.

### **Responsibilities of DLCD**

#### **4. DLCD will:**

- a. Provide guidance, as needed, to applicant and DSL about DLCD program requirements.
- b. Through the technical review period, determine if Coastal Zone Management Act Certification will be required for projects with a federal nexus, and notify DSL.

### **Responsibilities of OPRD**

#### **5. OPRD will:**

- a. Review Removal-Fill Permit applications and provide comments on permits that may affect state natural or cultural resources under OPRD authority.

- b. Provide comments and recommendations for complying with law and mitigating adverse affects on natural and cultural resources under OPRD authority. Comments will identify whether agency standards are met and any additional information needed to determine if the standards are met. Comments will include any recommended design or operational options to meet standards.
- c. Provide guidance including potential permits or review requirements, or both, for Ocean Shore Permit, and provide State Historic Preservation Office (SHPO) reviews or studies as required.

### **Responsibilities of WRD**

#### **6. *WRD will:***

- a. Review Removal-Fill Permit applications and provide comments on permits that may require a water right. Comments will include recommendations for complying with the water code.
- b. Issue limited licenses as part of the Oregon Removal-Fill Permit, if appropriate and consistent with law.

#### **F. Timeline Agreements for each step in Oregon Removal-Fill Permit Pilot Process**

1. DSL and other Participating Agency staff will offer guidance and information to project proponents, as requested, as soon as is practicable, and dependent on project information provided.
2. DSL will assess pre-application requests and notify project proponent of determination as soon as practicable.
3. DSL will ensure that a pre-application meeting is scheduled with project proponent and applicable TPCs, and project description materials circulated within two weeks of approving a pre-application meeting request.
4. DSL will ensure that a pre-application meeting is convened (on-site, off-site or electronic) within six weeks of approving a pre-application meeting request.
5. DSL will ensure the distribution of the pre-application summary to proponent and TPC team within two weeks of the pre-application meeting.
6. DSL will acknowledge receipt of the application via web posting within three days of receipt.
7. For Individual Permits, DSL will conclude the completeness review (as a separate step from the technical adequacy review) for all relevant agency application documents within forty-five days, if the corresponding statutory change has been made in the 2007 legislative session, and inform applicant whether the documents are complete or if additional information is needed. This step may be repeated until the documents are deemed complete.
8. DSL will post each application for public review, send notification to Participating Agencies that an application is available for comment by state agencies and flag applications that require special agency review within five days of determining an application to be complete.
9. For Individual Permits, the public has thirty days to submit comments on the application.

10. DSL will send public comments to appropriate state agencies within five days of the close of the public review period.
11. As appropriate, individual agencies will provide written comments on an application, review it for technical adequacy, provide design recommendations or options to meet standards, draft conditions to meet standards, and determine if additional information is needed for their decisions or conditions within forty-five days of completeness determination, as described in Section V, C item 19 and in Section V, D item 13.
12. The TPC team will discuss applications as needed. DSL will assemble agencies' and public comments for a coordinated and consolidated response within forty-five days of completeness determination for Individual Permits and as described in Section V, C items 27 through 29 and Section V, D item 14.
13. Applicant may submit additional information if needed and may request a time extension as needed. If additional information is required, the Participating Agency TPC will enter into an iterative dialogue as needed with the applicant and among team members.
14. If the proposed activity is determined by DSL to be a permissible action, Participating Agencies will submit any necessary draft individual agency conditions to DSL, if no permissible action exists, a denial of application will result. DSL will prepare state conditions within ninety days of completeness determination.
15. DSL will send draft conditions to the applicant and team members as requested within ninety days of completeness determination.
16. DSL will consider comments and issue a final Oregon Removal-Fill Permit with attachments within 105 days of application completeness determination, if the corresponding statutory change has been made in the 2007 legislative session, unless extension otherwise requested by the applicant.
17. Timelines may require modification prior to pilot program implementation to accommodate SPGP and/or other program modifications by DSL. Any proposed changes in timelines that affect the Pilot identified above would be reviewed with and approved by the PMT prior to implementation. The timeframe for General Authorization-eligible projects within the Pilot will be established by DSL in consultation with the PMT. This MOA may be amended thereafter to incorporate those timeframes.

## **VI. Administration**

### **A. Fiscal Limitations**

Fiscal obligations are not expected to be significant beyond the Policy Option Packages referenced in Section III. Participation of Agencies implementing this MOA will be subject to the availability of funds and within their budget constraints.

### **B. Appeals**

This MOA is not intended to change appeal rights or procedures.

### **C. Enforcement**

This MOA is not intended to change enforcement activities or authorities.

### **D. Modification and Termination**

This MOA may be modified at any time by the mutual written agreement of the Participating Agencies. Each Participating Agency may terminate its involvement in the MOA upon thirty days written notice to the other Participating Agencies.

This MOA will be effective as of the last date signed below.

\_\_\_\_\_ date \_\_\_\_\_  
Virgil Moore, Oregon Department of Fish and Wildlife

\_\_\_\_\_ date \_\_\_\_\_  
Louise Solliday, Department of State Lands

\_\_\_\_\_ date \_\_\_\_\_  
Stephanie Hallock, Department of Environmental Quality

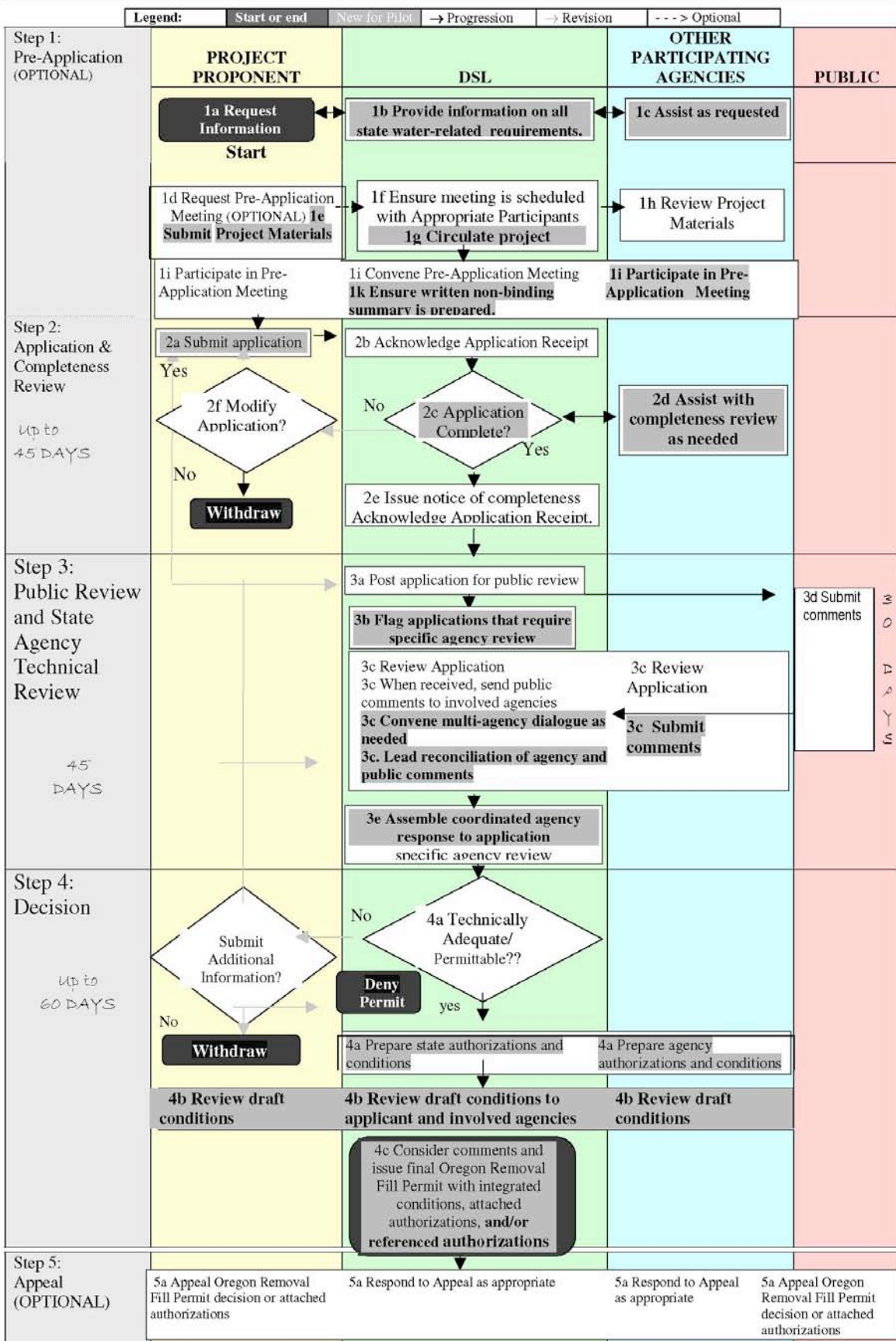
\_\_\_\_\_ date \_\_\_\_\_  
Vicki McConnell, Department of Geology and Mineral Industries

\_\_\_\_\_ date \_\_\_\_\_  
Lane Shetterly, Department of Land Conservation and Development

\_\_\_\_\_ date \_\_\_\_\_  
Phillip C. Ward, Water Resources Department

\_\_\_\_\_ date \_\_\_\_\_  
Tim Wood, Oregon Parks and Recreation Department

**PILOT PROCESS: OREGON REMOVAL-FILL PERMIT PROCESS**



NOTE: Timing is dependent upon legislative approval



**ATTACHMENT B**  
**Oregon Removal-Fill Permit Dispute Resolution Process**

**1. Resolution of a conflict related to an eligible project.**

Internal Dispute Resolution Process

At any point prior to issuance of a permit decision by DSL, any conflict between Participating Agencies regarding the permit shall be resolved procedurally using the following escalation levels. The substance of the resolution will depend on applicable statutes and rules. The Internal Dispute Resolution Process begins at Resolution Level 1 as displayed below:

Resolution Level	DEQ	DSL	ODFW	Other Participating Agencies*
1	Technical Point of Contact	Pilot Program Manager	Technical Point of Contact	Technical Point of Contact
2	401 Program Manager	Region Manager	Land and Water Coordinator or delegate	Equivalent Position
3	Water Quality Program Administrator	Assistant Director	Administrator, Fish or Wildlife Division or delegate	Equivalent Position
4	Director	Director	Director	Director

(\*Some Participating Agencies have fewer than three levels of management.)

External Dispute Resolution Process

At any point prior to the permit decision, a project proponent or applicant may escalate a conflict with Participating Agencies using this dispute resolution process. The External Dispute Resolution Process begins with the Pilot Project Manager and involves the appropriate agencies beginning with Resolution Level 2 as displayed below:

Resolution Level	DEQ	DSL	ODFW	Other Participating Agencies
2	401 Program Manager	Region Manager	Land and Water Coordinator or delegate	Equivalent Position
3	Water Quality Program Administrator	Assistant Director	Administrator, Fish Division or delegate	Equivalent Position
4	Director	Director	Director	Director

All participants will make every effort to resolve conflicts at the lowest level possible. The dispute resolution process must occur and conclude within the timelines for application decisions as described in the MOA unless the applicant requests an extension.

**2. Resolution of a conflict related to the implementation of the Memorandum of Agreement.**

If a staff person involved in implementing the Pilot is concerned that one or more terms of the Memorandum of Agreement is not being adequately implemented he or she may raise the concern with the Pilot Management Team. It is the responsibility of the Pilot Management Team to address the concern. If the concern cannot be addressed by the Pilot Management Team, any member of the Pilot Management Team may take the conflict to the Directors of the participating agencies for resolution.

