

MEETING RECORD

Water Related Permitting Advisory Committee Meeting

December 14, 2005

9:30 – 11:45, Room 260, Labor and Industries Building, 350 Winter Street NE

AGENDA

| <u>TIME</u> | <u>AGENDA ITEM</u> | <u>LED BY</u> |
|-------------|--|---|
| 9:30 | Welcome and Advisory Committee Charge | Patrick Allen, Manager Office of Regulatory Streamlining |
| 9:40 | Meeting Objectives <ul style="list-style-type: none"> ▪ Review Advisory Committee Charge ▪ Short Term Improvements Update ▪ Review Redesign Road Map ▪ Confirm and Prioritize Redesign Improvements ▪ Provide Input to the Redesign | Patrick Allen |
| 9:45 | Review Short Term Improvements <ul style="list-style-type: none"> ▪ Achievements To Date ▪ Others Underway | Laura Leshler, Project Manager Office of Regulatory Streamlining |
| 9:50 | Review Redesign Road Map | Jenny Carmichael, Principal Carmichael Consulting |
| 10:00 | Confirm and Prioritize Desired Improvements | Jenny Carmichael |
| 10:30 | Provide Input to the Redesign | Jenny Carmichael |
| 11:15 | Next Steps | Patrick Allen |
| 11:20 | Other Comments | All |
| 11:25 | Meeting Wrap-Up | Patrick Allen |

MEETING PARTICIPATION

| Water Related Permitting Advisory Committee | | Representing | Participation |
|--|--|---|----------------------|
| Tim Acker | | Applied Technology | Present |
| Rich Angstrom | | Oregon Concrete and Aggregate Producers Association | Absent |
| Chris Bayham | | Association of Oregon Counties | Present |
| Amy Conners | | HDR | Present |
| Steve Downs | | Chair, Association of Clean Water Agencies | Present |
| Katie Fast | | Farm Bureau | Absent |
| Frank Flynn | | Perkins Coie, LLP | Present |
| Liz Frenkel | | League of Women Voters | Absent |
| Tom Gallagher | | Legislative Advocates | Present |
| Harlen Levy | | Oregon Association of Realtors | Present |
| John McDonald | | Oregon Association of Conservation Districts | Absent |
| Willie Tiffany | | League of Oregon Cities | Absent |
| Water Related Permits Process Improvement Team (WRPPIT) | | Representing | Participation |
| Jas Adams | | Attorney General's Office | Present |
| Patrick Allen | | Office of Regulatory Streamlining | Present |
| Dale Blanton | | Department of Land Conservation and Development | Absent |
| Jenny Carmichael | | Carmichael Consulting | Present |
| Debbie Colbert | | Oregon Department of Water Resources | Absent |
| Kimberly Grigsby | | Oregon Department of Water Resources | Present |
| Kirk Jarvie | | Oregon Department of State Lands | Present |
| Laura Leshler | | Office of Regulatory Streamlining | Present |
| John Lilly | | Oregon Department of State Lands | Present |
| Gary Lynch | | Department of Geology and Mineral Industries | Present |
| Patty Snow | | Oregon Department of Fish and Wildlife | Present |
| Tony Stein | | Oregon Department of Parks and Recreation, Scenic Waterways Program | Absent |
| Christine Svetkovich | | Department of Environmental Quality | Present |
| Susan White | | Oregon Department of Parks and Recreation, State Historic Preservation Office | Present |

1. Welcome and Advisory Committee Charge

Pat Allen reviewed the Advisory Committee Charge. Please see Attachment A.

2. Meeting Objectives

Pat Allen explained that the purposes of this first meeting of the Advisory Committee were to:

- review the Advisory Committee charge,
- be updated on short term water related permitting improvements to date
- review the redesign road map
- confirm and prioritize redesign improvements, and
- provide input to the redesign.

3. Short Term Improvements

Laura Leshar of the Office of Regulatory Streamlining, and Project Manager of the Water Related Permitting Improvement Project, reported on improvements achieved to date. A copy of Laura's complete report is provided as Attachment B. Key improvements to date include:

- Customer Service Training - between October and December 2005 over 160 staff from 7 natural resource agencies completed a five hour customer service training. The trainer, Nina Deconcini, DEQ's Manager of Communications and Outreach, met with the Natural Resources Cabinet to debrief the training. At the request of the Natural Resource Cabinet the Office of Regulatory Streamlining will be offering a customer service internal assessment to all natural resource agencies along with follow-up resource tools and materials.
- A multi-agency requirements pamphlet has been distributed to front offices in all natural resource agencies. The pamphlet describes potential permits and approvals required to develop projects that touch waterways and wetlands.
- The Department of State Lands has developed an implementation plan for the Statewide Programmatic General Permit (SPGP) with the first permits to startup January 3, 2006.
- The Department of State Lands is in the process of creating more general authorizations.
- Work has begun on a multi-agency USER GUIDE to provide applicants with clear up front guidance about the kind of permits and authorizations required for projects.

4. Redesign Road Map

Jenny Carmichael, Principal of Carmichael Consulting, who has been hired by the Office of Regulatory Streamlining to facilitate the Water Related Permitting Improvement Project, presented the Road Map for the redesign aspect of the project. Please see Attachment C for the Road Map. Jenny also presented Attachment D, the "Universe of Authorizations that are the Subject of the Redesign". This document identifies all of the state authorizations that will be included in the redesign.

5. Confirm and Prioritize Desired Customer Improvements – Product and Process Specifications

Prior to the meeting the Advisory Committee had received a draft of "Product and Process Expectations" prepared by the Water Related Permit Process Improvement Team (WRPPIT). Column One of this summary represented customer concerns summarized from reports of the 2011 Regulatory Advisory Committee and stakeholder meetings convened by the WRPPIT in the fall of 2005. Column 2 represented WRPPIT's guess at a statement customers might like to make in the future.

The Advisory Committee was asked the following questions:

1. Does Column 1 capture customer concerns?
2. Are these the right categories of customer concern?
3. Does column 2 capture what customers would like to be able to say?
4. Prioritize customer concerns.

Under the caption “clear authorities and non-conflicting decisions” in column one, the Advisory Committee noted that the phrase “DSL to issue permits in lieu of water quality permits” was not a complete sentence. The Committee also modified and prioritized Column 2 as shown below:

Product and Process Expectations

| Column 1 | Column 2 |
|---|--|
| What applicants, stakeholders, the public, consultants, and staff say today | What they want to be able to say |
| Sources: Governor’s Advisory Committee on Regulatory Streamlining (HB 2011), September 2005 Stakeholder Meetings, October 2005 Consultant Input Meeting, Agency Staff Input 2005 | Source: As approved by the WRPPIT Advisory Committee December 14, 2005 |
| <p>Be outcome based Agency requirements are too prescriptive. Tell us the outcome you want. Give us flexibility to do what works at the site. Permit conditions are 2 inches thick. I just tell my clients the top 10. Use the ODOT Performance Standards model. Provide a “safe harbor” of conditions. All this effort is put into the permit with little enforcement. Some applicants do what they want on the ground regardless of permit requirements.</p> | <p><u>PRIORITY NO. 2-3</u> <u>(21 points)</u> Outcome/Compliance Focus 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. <u>Requirements proportional to project impact.</u></p> |
| <p>Cost of permitting should be appropriate Costs of the permit process are often not justified given the size of many projects. Match the permitting cost to the size of the project. Fees cover 15% of R-F program costs. Costs should be predictable.</p> | <p><u>PRIORITY NO. 6</u> <u>(37 points)</u> Permitting Costs Estimated. I knew ahead of time approximately how much the permits and permitting process were going to cost so I could plan appropriately.</p> |
| <p>One process Create an omnibus, one-stop permit process that aligns all permit timelines and data gathering (2011). DSL, DEQ, ODFW, WRD, DOGAMI, DLCD, and others each have their own processes and time frames. Multiple processes cause unnecessary costs, duplication, and frustration. And each involves a separate fee. We don’t want a badly designed totally electronic process where information is hard to find. Fish passage/fish salvage with ODFW should be made concurrent with the DSL process. If a commenting agency forgets to comment, it becomes my problem. Figure out the nexus between the removal-fill permit and water quality certifications.</p> | <p><u>PRIORITY NO. 4</u> <u>(32 points)</u> Unified State Process All of the state agencies involved in permitting my project worked in a unified manner to deliver a timely and responsive decision.</p> |

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|---|---|
| <p>I'm always having to provide just one more piece of information or make just one more adjustment. Staggered reviews can be a good thing. Some permits require more information later in the project.</p> | |
| <p>Clear authorities and non-conflicting decisions The role of participating agencies is not clear. DSL can issue a permit without protections another agency might consider necessary. Sometimes these protections relate to the other agency's permit, not the DSL permit. Are agency comments: 1) comments? 2) recommendations? 3) conditions? It's hard to understand the difference between permitting agencies and commenting agencies. Is it DSL's role to balance competing interests of the agencies? DSL to issue permits in lieu of water quality permits. Not all agencies respond to all R-F permit notices. If they don't respond, this doesn't preclude them from imposing requirements at a later time. DSL's and DEQ's processes and timeframes can result in approval of a design by DSL with DEQ/USACE approval coming much later requiring a different project design. DEQ is funded to do federal 401's, not state permits. DEQ is not required to participate in the DSL process. If I'm not exceeding Corps and DSL requirements, why do I need to connect with ODFW? ODFW comments on R-F permits or water quality certifications are preferences, not legal requirements and consider only one aspect of a project. Yet, if ODFW's view is not incorporated, ODFW comments can be used to impact a project on appeal. Division of authority makes it difficult to know which agency has jurisdiction and how agencies interrelate. DSL doesn't sent its analyses to all commenting agencies. Agencies who comment on R-F permits don't know how DSL has responded to their comments. Give only one agency authority over a particular permit to avoid dueling expertise. These duels cost me enormous amounts of time and money! Agencies aren't working together. Staff in different agencies impose different requirements. Everyone thinks they're the expert and won't accept the expertise of another agency. What am I supposed to do when agencies can't agree. Some staff don't understand or consider the implications of their agency's decision on an entire project. Different staff within an agency impose different requirements. Applicants shop branch offices for the answer they want.</p> | <p><u>PRIORITY NO. 2-3</u> <u>(21 points)</u> Clear Authorities and Non-Conflicting Decisions. The state requirements were clear and definitive. The requirements did not conflict with each other and represent consistent application of statues, rules, and policies. <u>High level of internal consistency within an agency. Balance consistency with flexibility. Substitute federal or local permit if it requires the same thing as a state permit.</u></p> |
| <p>One lead Provide a single point of contact within state government. Have one lead agency. Have one person responsible for all aspects of permit issuance. Don't provide a single point of contact.</p> | <p><u>PRIORITY NO. 7</u> <u>(38 points)</u> One Stop and Specialized Assistance I was able to go to one place to get</p> |

| | |
|---|--|
| | <p>information and assistance with my project but could also get specialized assistance on specific issues.</p> <p><u>As staff transition decisions are tracked and committed to.</u></p> |
| <p>Clear info at the beginning I need a clear understanding of what it takes to get to Yes. It's difficult to design a project because all requirements and approval criteria are not known at the beginning. It's not clear what it takes to get an agency's approval. There is no one to help me navigate all of the requirements (except for ERT liaison at DSL and ODOT funded staff at DSL, ODFW, and DEQ). I'm never sure if and when I've done everything I need to do. It's not clear what agency requirements or processes are or even how many approvals are required. Agencies require different things. How am I supposed to know what to do? It all means time, money and duplication for me. We need an opportunity to identify all of the costs and requirements at one time and one place.</p> | <p><u>PRIORITY NO. 1</u> <u>(19 points)</u> Clear Info at the Beginning It was clear at the beginning of the process what information and design features I needed to include in my application to:</p> <ol style="list-style-type: none"> 1) have it processed in a timely manner 2) receive a favorable permit decision, or 3) learn early on that my project is not legally feasible |
| <p>One application Do one application for all state agencies. Reduce the number of doors I need to knock on. Take a look at the Washington questionnaire and website. Agencies require different levels of information. DSL doesn't ask for information required by other agencies so applicants have to submit this information later when agencies comment. Make DSL and COE wetland delineation and application requirements the same.</p> | <p><u>PRIORITY NO. 8</u> <u>(49 points)</u> Single Application 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.</p> |
| <p>Time It takes a long time to get all agency approvals. Agencies should have a fixed time to respond. It's difficult to gauge how long it will take to obtain all the necessary approvals. Timelines should be sensitive to project needs. We need qualified permits issued in a shorter time.</p> | <p><u>PRIORITY NO. 5</u> <u>(34 points)</u> Faster and Known Timeline 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.)</p> |
| <p>Agency resources There aren't enough staff to do the work. WRD has a huge backlog. Solve that first. Lots of turnover in R-F staff. Difficult job, high burnout, high training investment. Some staff provide poor customer service.</p> | <p><u>Not a product or process specification. Do not include in priorities, but do capture for later consideration.</u> Enough and Efficient Staff The state is funded, staffed and works at a level of efficiency that</p> |

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|--|---|
| | allows staff to provide the service I need in a timely manner in order to protect and enhance Oregon's water resources. |
|--|---|

6. Follow-Up with Absent Members of the Advisory Committee

The Committee would like Pat Allen to run decisions from this meeting by members of the committee who were not able to attend to see if they would arrive at different conclusions. Since there was not a large degree of variance in the votes from the members present, the committee did not anticipate there would be a large degree of difference from those not in attendance. However, since this is a significant foundation to the work of the group, this check-in should occur.

7. Next Steps

The Water Related Permits Process Improvement Team will work with the priorities established by the Advisory Committee to proceed with the USER GUIDE and the redesign. The Team expects to develop two or more redesign options which will be presented to the Advisory Committee at the next meeting. The next meeting is expected to be held in March.

Water Related Permitting
ADVISORY COMMITTEE CHARGE
December 12, 2005

Attachment A

1. 2005-2007 Budget Note

The following provision was added to the 05-07 budget of the agencies named in the 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.

2. Water Related Permitting Advisory Committee

Initial meetings were convened in September, 2005 by the Governor's Office of Regulatory Streamlining with stakeholders interested in the state's response to the above budget note. The team established by natural resource agency directors to respond to the budget note, the Water Related Permits Process Improvement Team or WRPPIT, outlined proposed work to improve the state of Oregon's process for permitting development projects that affect Oregon's water resources. Stakeholders supported the proposed approach and recommended that a reasonably sized advisory committee representing interested stakeholder groups be convened to provide input to the WRPPIT effort. A Water Related Permitting Advisory Committee was established in November 2005 consisting of the following individuals:

Tim Acker, Applied Technology
Rich Angstrom, Oregon Concrete and Aggregate Producers Association
Chris Bayham, Association of Oregon Counties
Amy Conners, HDR
Steve Downs, Chair, Association of Clean Water Agencies

Katie Fast, Farm Bureau
Frank Flynn, Perkins Coie, LLP
Liz Frenkel, League of Women Voters
Tom Gallagher, Legislative Advocates
Harlan Levy, Oregon Association of Realtors
Willie Tiffany, League of Oregon Cities
John McDonald, Oregon Association of Conservation Districts

3. Water Related Permitting Advisory Committee Purpose

The Water Related Permitting Advisory Committee exists to accomplish the following purposes:

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

4. Water Related Permits Process Improvement Project (WRPPIT)

The Water Related Permits Process Improvement Team, or WRPPIT, began its work in the summer of 2005. The established purpose of WRPPIT is to improve the state of Oregon’s process for permitting development projects that affect Oregon’s water resources by:

- 1) Streamlining the application process – reducing paperwork and duplication, increasing customer service, and improving timeliness and certainty;
- 2) Making it clearer whether and how a project can get to yes; and
- 3) Transitioning to a permit system that feels like a consolidated state permit system to applicants, instead of multiple independent applications.

The project will focus on streamlining the process, not changing the level of natural resource protections. The project will also focus on state permits, not federal or local.

Planned team products include a multi-agency pamphlet for applicants, a more in-depth multi-agency user guide, customer service training, inter-agency training, and a web-based “super-application.” The project team may also propose changes to current administrative rules and one or more legislative concepts for the 2007 session that may be needed to achieve a simpler, speedier process.

The following table provides a summary of key WRPPIT milestones through December, 2006.

| | 2 ND QTR 05 | 3 RD QTR 05 | 4 TH QTR 05 | 1 ST QTR 06 | 2 ND QTR 06 | 3 RD QTR 06 | 4 TH QTR 06 | 2007 |
|--|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|-------|
| Reports | Initial RFPIT Report | | | | | | Final Report | |
| Budget Note | | Issued | | | | | | |
| Short Term Deliverables | | Begin | Continue | Continue | Complete | | | |
| Stakeholder Information Meetings | | Initial Meetings | | | | | | |
| Advisory Committee Meeting | | | #1 | #2 | #3 | #4 | #5 | |
| Consultant Input Meeting | | | #1 | #2 | #3 | #4 | #5 | |
| Redesign Proposal | | | Start | Continue | Continue | Complete | | |
| Non-Statutory Changes | | | | | Identify | Implement | Implement | |
| Legislative Proposal | | | | Start | Continue | Continue | Complete | |
| Legislative Audit Committee Meeting | | | | | #1 | | #2 | |
| Implement Statutory Changes | | | | | | | | Begin |

4. **DOGAMI Related Improvements.** Clarifications are still underway to address the DOGAMI related aspects of the budget note. The Advisory Committee’s role related to these elements will be clarified at a future meeting.

UPDATE

Water Related Permits Process Improvement Team

Attachment B

Please see attached pages for list of the 32 May, 2005 initial RFPIT recommendations.

| | MAY, 2005 RFPIT Recommendation Number | Target Completion Date | Done? | Notes |
|---|---|---------------------------------------|--------------|--|
| 1. Short Term Deliverables | | | | |
| a. Customer Service Training | 8 | Nov 2005 | Yes | Next Step: Natural Resource Agency Customer Service Assessment |
| b. Multi-Agency Requirements Pamphlet | | Oct 2005 | Yes | |
| c. SPGP Roadmap | 1 | Nov 2005 | Yes | |
| d. Inter-Agency Training | 9 | Feb 2006 | | |
| e. User Guide | 2, 3, 5, 6, 16, 21 | May 2006 | | |
| f. Process Measurement System | 7 | Feb 2006 | | |
| g. More user-friendly wetland delineation requirements | 17 | DSL | | |
| h. More General Authorizations | 30 | DSL | | |
| 2. Redesign Plan | 4, 10, 11, 12, 13, 18, 22, 24, 25, 26, 27, 28, 29, 31, 32 And Separate Redesign Recommendation | April 2006 | | |
| 3. Non-Statutory Changes | | | | |
| a. Multi-Agency Memo of Understanding | 14, 20 | Oct 200 | | |
| b. Administrative Rule Changes | 20 | Dec 2006 | | |
| 4. Legislative Proposal | 19 and Separate Redesign Recommendation | Dec 2006 | | |
| 5. Web-Based Super Application and Web-Based Project Tracking System | 15, 23 | Dec 2007? | | |
| 6. Final Report | | Dec 2006 | | |

RFPIT Recommendations

May, 2005

Recommendations To Improve The Existing System

The Team unanimously supported the following recommended changes:

Within the Next Six Months (October 31, 2005)

| Recommendation | Will bring Oregon closer to a single state voice & process. | Will provide greater clarity at the start about what it takes to get to Yes. |
|--|--|---|
| 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)

| Recommendation | Will bring Oregon closer to a single state voice & process. | Will provide greater clarity at the start about what it takes to get to Yes. |
|--|--|---|
| 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 |

| | | |
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| 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)

| Recommendation | Will bring Oregon closer to a single state voice & process. | Will provide greater clarity at the start about what it takes to get to Yes. |
|--|--|---|
| 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

| Recommendation | Will bring Oregon closer to a single state voice & process. | Will provide greater clarity at the start about what it takes to get to Yes. |
|--|--|---|
| 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 |

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| 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 |

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.

Product and Process Redesign ROAD MAP and Timing

| | |
|-----------|--|
| Nov 05 | Step 1. Team Charge and Assumptions |
| | Step 2. New Product and Process Specifications |
| Dec 05 | Step 3. Early Stakeholder, Applicant, Staff and Director Input |
| Jan 06 | Step 4. Redesigned Product Options |
| | Step 5. Optimum Task Flow and Timing |
| | Step 6. Redesign Proposal(s) |
| | Step 7. Redesign the Production Line Staffing needs for new product and process. Space, equipment and location needs. Supporting resources and technology. |
| | Step 8. Cost/Benefit Analysis |
| Feb 06 | Step 9. Stakeholder, Applicant, Staff and Director Input |
| Mar 06 | Step 10. Working Proposal and Potential Legislative Concept |
| Mar 06 | Step 11. Stakeholder, Applicant, Staff and Director Input |
| Summer 06 | Step 12. Non-Statutory Implementation Actions without statutory/rule changes, rule change proposals, evaluation/continuous improvement plan, implementation timeline, change management, and other implementation requirements, inter-agency memorandum of understanding. |
| Fall 06 | Step 13. Finalize Potential Legislative Proposal Stakeholder, Applicant, Staff and Director Input |
| 07 | Step 14. Potential Legislative Consideration |
| 06 and 07 | Step 15. Implement Legislative Changes Implementation Plan, Update MOU, USER GUIDE, training etc. , Web-based super-application |
| 06 and 07 | Step 16. Evaluation and Continuous Improvement |

Universe of State Authorizations That Are the Focus of the WRPPIT Redesign

Attachment D

Removal-Fill Permits*

Source: DSL - November, 2005

| FISCAL YEAR: | 99-00 | 00-01 | 01-02 | 02-03 | 03-04 | 04-05 |
|---------------------------------|------------|------------|------------|------------|------------|------------|
| INDIVIDUAL PERMITS | | | | | | |
| 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 |
| SUBTOTAL | 336 | 285 | 194 | 269 | 208 | 277 |
| GENERAL AUTHORIZATIONS | | | | | | |
| 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 |
| SUBTOTAL | 503 | 456 | 319 | 401 | 361 | 406 |
| EMERGENCY AUTHORIZATIONS | | | | | | |
| Channel Relocation | | | | | | 1 |
| Dam-Related | 0 | 3 | 0 | | | 1 |
| 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 |
| SUBTOTAL | 45 | 35 | 25 | 16 | 30 | 11 |
| TOTAL | 884 | 776 | 538 | 686 | 599 | 694 |

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

| Agency | State Authorizations Related to Removal-Fill Permits | Estimated Quantity | Estimated Time Frame | Data Source |
|------------------------|---|---|--|---------------------|
| 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 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 process.