

MEETING RECORD

Water Related Permitting Advisory Committee Meeting

March 22, 2006

9:00 – 11:00, Conference Room B, Labor and Industries Building, 350 Winter Street NE

AGENDA

<u>AGENDA ITEM</u>	<u>LED BY</u>
Redesign Charge	Patrick Allen, Manager Office of Regulatory Streamlining
The Proposed Redesign	Patrick Allen
Discuss the Redesign	All – Facilitated by Jenny Carmichael, Carmichael Consulting
<ul style="list-style-type: none"> ○ Does it meet expectations Is it on track with small changes? ○ Does it meet expectations Is it on track with large changes? ○ Does it not meet expectations? Is it not on track? 	
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	Present
Chris Bayham	Association of Oregon Counties	Present
Amy Conners	HDR	Present
Steve Downs	Chair, Association of Clean Water Agencies	Absent (family situation)
Katie Fast	Farm Bureau	Absent
Frank Flynn	Perkins Coie, LLP	Absent
Liz Frenkel	League of Women Voters	Resigned
Tom Gallagher	Legislative Advocates	Present
Harlen Levy	Oregon Association of Realtors	Absent
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	Absent
Patrick Allen	Office of Regulatory Streamlining	Present
Dale Blanton	Department of Land Conservation and Development	Present
Jenny Carmichael (Facilitator)	Carmichael Consulting	Present
Kimberly Grigsby	Oregon Department of Water Resources	Present
Kirk Jarvie	Oregon Department of State Lands	Present
Laura Leshner	Office of Regulatory Streamlining	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
Louise Solliday	Department of State Lands	Present
Christine Svetkovich	Department of Environmental Quality	Absent (Class Conflict)
Susan White	Oregon Dept of Parks and Recreation, State Historic Preservation Office	Absent

1. **Redesign Charge and the Proposed Redesign.**

Patrick Allen, Manager of the Regulatory Streamlining Office, presented a slide show describing the proposed redesign. (See Regulatory Streamlining Office website for full slide show under Water Related Permitting.)

During Pat's presentation, the following topics were discussed:

a. **Pre-application meeting**

- Concern that report is non-binding
- What happens to commitments if there is a change of staff
- use a standardized form for this meeting
- give advise within authority, distinguish statutory requirements and nice to have

b. **Outcome Focus**

- offer safe harbor language
- require permittee to submit a one time compliance report
- do a legal spot check of conditions to make sure they are legally required

c. **Timeline**

- 90 day limit and extension practically extends timeframe anyway
- concern about extending the 90 days

d. **Erosion Control**

- could be required prior to actually being ready for it, creates dual review
- Why require sediment control plan even though 1200c not required?
- DSL sediment/DEQ 1200c – can only one be required; preferably DEQ 1200 C
- Fed delegation jointly to DSL & DEQ
- Consider performance based requirement → e.g. – meet DEQ BMP's.
- Get a read on what constitutes significant change
- 1200 C – look at fed requirement and integrate into state conditions we have now. Provide stakeholder input.
- DEQ erosion control upfront (state delegation) only one person reviewing 1200C & stormwater

e. **Public Review** - close the circle of agency input, no – oh by the way I forgot, pubic comment last element that could change guidance. Look at timing of public review and state technical review.

f. **Permit Fee** - Would applicants support a higher permit fee if overall applicant cost is reduced? Permit fee is less than 1% of applicants cost.

g. **Wetland Delineation Timeliness** is a critical concern.

h. **Do MOU**, make sure MOU specifies the work and who does it. Ensure the new process is a good business practice for agencies and applicants.

2. Facilitated Discussion of the Redesign – led by Facilitator, Jenny Carmichael, Carmichael Consulting.

a. What element of the redesign are you particularly pleased with?

- III Coordinates consistency of state agency review
- II State regulatory expert
- II May cost less?
- II Multi-agency meeting, all show

b. Top of mind – What question or concern does the redesign raise for you?

- Devil is in the details
- avoid non-streamlining feel of SPGP
- doesn't help federal requirements, they could minimize benefits of stakeholder streamlining
- would like to see state delegation . . . and . . . for me federal delegation is not the answer
- haven't touched agency fiefdoms
- haven't touched the funding part
- if there is a need for funding – is it new work?, multiple agency involvement costs
- may create another layer
- timely review of wetland delineation – big concern
- need regulated community at next level, details

c. Is the redesign . . .

On the right track with small changes

xx

xxx On the right track with big changes?

Not on the right track

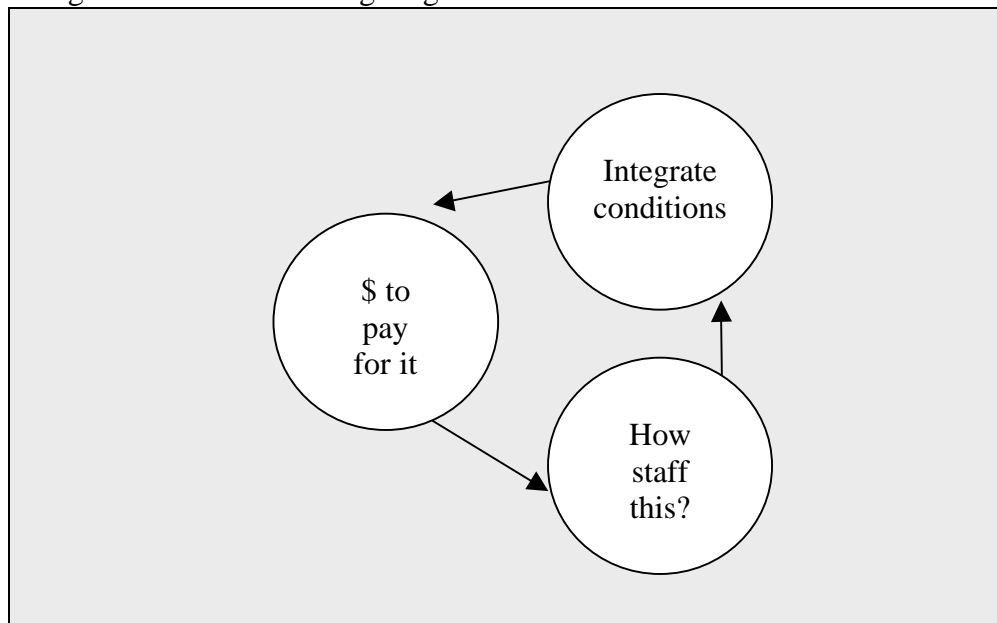
1) *Small Changes from Committee members:*

- merge box 1 & 2 (seem duplicative)
- needs discrete step at point zero to get wetland/OHW delineation review
- shorten time for completeness – it is there or isn't it?
- state technical review with completeness review

2) *Big Changes from Committee members:*

- get to the funding and what we can buy
- closely coordinate with federal requirements since they will undermine your effort
- deal with agency management of process
- deal is federal delegation

Following a discussion of the “big change” ideas from the Advisory Committee, members of the committee agreed that the following diagram summarized their recommendations:



Note: Materials Distributed to the Advisory Committee with the letter of invitation to the meeting included:

- *Legal size sheet comparing the existing permitting process and the proposed process*
- *A copy of the Water-Related Permits Team slide show presentation regarding the redesign prepared for the Advisory Committee*
- *A copy of the memorandum mailed to natural agency resource directors on March 6 describing the redesign.*