

Water-Related Permit Applicant 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>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>PRIORITY NO. 1 (19 points) 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>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:</p> <ol style="list-style-type: none"> 1) comments? 2) recommendations? 3) conditions? <p>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</p>	<p>PRIORITY NO. 2-3 (21 points) 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. 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.</p>

<p>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>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>PRIORITY NO. 2-3 (21 points) 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. Requirements proportional to project impact.</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>PRIORITY NO. 5 (34 points) 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>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. 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>PRIORITY NO. 4 (32 points) 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>

<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>PRIORITY NO. 6 (37 points) 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 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>PRIORITY NO. 7 (38 points) One Stop and Specialized Assistance 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.</p>
<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>PRIORITY NO. 8 (49 points) 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>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>Not a product or process specification. Do not include in priorities, but do capture for later consideration. Enough and Efficient Staff The state is funded, staffed and works at a level of efficiency that allows staff to provide the service I need in a timely manner in order to protect and enhance Oregon's water resources.</p>