

# MEETING RECORD

## Water Related Permitting Consultant Information Meeting

December 14, 2005

1:30 – 5:00, Room 260, Labor and Industries Building, 350 Winter Street NE

### AGENDA

<b>AGENDA ITEM</b>	<b>LED BY</b>
Welcome and Meeting Objectives	Laura Lesher, Project Manager Office of Regulatory Streamlining
<ul style="list-style-type: none"><li>▪ Short Term Improvements Update</li><li>▪ Obtain Input to User Guide</li><li>▪ Review Redesign Road Map</li><li>▪ Confirm and Prioritize Redesign Improvements</li><li>▪ Provide Input to the Redesign</li></ul>	
Review Short Term Improvements	Laura Lesher
<ul style="list-style-type: none"><li>▪ Achievements To Date</li><li>▪ Others Underway</li></ul>	
User Guide Input	Kirk Jarvie
Review Redesign Road Map	Jenny Carmichael, Principal Carmichael Consulting
Provide Input to the Redesign	Jenny Carmichael
Next Steps and Meeting Wrap Up	Laura Lesher

### MEETING PARTICIPATION

<b>Name</b>	<b>Representing</b>
Ed Hibbard	Anderson Perry & Assoc
Bob Sweeney	Environmental Management Systems
Malia Kupillas	Pacific Hydro-Geology
John Moriarty	Network of Oregon Watershed Councils
Greg Ausland	OBEC Consulting Engineers
Jason Walker	OBEC Consulting Engineers
Jennifer Hogle	David Evans and Associates
Jennifer Kuipr	AMEC
Michelle Kinard	AMEC
Bill Porfily	Porfily Water Rights Cons.
Ryan Beathe	OBEC Consulting Engineers
Doug Appel	OBEC Consulting Engineers
Rreix Bublitz	Environ. Tech. Cons.
David Waterman	Environ. Tech. Cons.
Erin Hale	AMEC
REPRESENTING WRPPIT:	
Laura Lesher	Project Manager, WRPPIT and Office of Regulatory Streamlining
Kirk Jarvie	Department of State Lands
John Lilly	Department of State Land
Patty Snow	Department of Fish and Wildlife
Christine Svetkovich	Department of Environmental Quality
Tony Stein	Department of Parks and Recreation, Scenic Waterways Program
Jenny Carmichael	Carmichael Consulting

## 1. Welcome and WRPPIT Charge

Laura Leshar, Project Manager from the Office of Regulatory Streamlining and also Project Manager of the Water Related Permitting Process Improvement Project (WRPPIT) provided a brief introduction to the WRPPIT project. John Lilly, Assistant Director of the Department of State Lands, summarized the history of the project and the recommendations report that was issued in May, 2005. Copies of the Recommendations Report are available at the website of the Office of Regulatory Streamlining: <http://www.oregon.gov/DCBS/RSL/feature.shtml>

## 2. Meeting Objectives

Laura Leshar explained that the purposes of this meeting were to:

- Update the consultant community on short term water related permitting improvements to date
- Obtain consultant input to the USER GUIDE
- review the redesign road map
- review the prioritized redesign improvements established by the Advisory Committee on 12-14-05, and
- to obtain consultant input to the redesign.

## 3. Short Term Improvements

Laura Leshar reported on improvements achieved to date. A copy of Laura's complete report is provided as Attachment A. Key improvements to date include:

- Customer Service Training - between October and December 2005 over 150 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 tool 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. USER GUIDE

Kirk Jarvie from the Department of State Lands, presented a "Broad Outline for a Water Related Projects User's Guide" and asked for input from the audience regarding the WRPPIT team's plans for the guide. Please see Attachment B. Suggestions offered by those in attendance included the following:

- Include GPS information in the USER GUIDE along with links to site specific info, etc.
- Include alerts re: connection to federal requirements; slopes info.
- Identify USER GUIDE availability and other agency requirements in state agency applications. Single application?
- Require agency response to Removal-Fill permits
- Consider questionnaire that guides applicant to required permits.
- Include DEQ underground injection control. Start a list of the next layer info to include.
- Need to address duplication of info in existing website and User Guide.
- Create tools consistent with future products.
- Consider pre-application virtual meeting (with video clip of site).
- Would be nice to do fed/local info too in order to streamline.
- Include qualifier fed/local links.
- Estimate business savings because of changes.

Kirk circulated a sheet and asked those in attendance to indicate if they would be interested in commenting on subsequent versions of the USER GUIDE as they become available. A majority of participants indicated an interest in doing so.

The primary team working on the USER GUIDE includes Kirk from DSL, Christine Svetkovich from DEQ, Patty Snow from ODFW, and Lori Warner-Dickason from DSL. Comments and suggestions can be sent to Kirk at [Kirk.Jarvie@state.or.us](mailto:Kirk.Jarvie@state.or.us). The team expects to compile a draft of the Guide over the next couple of months. After reviews and production time, final distribution is planned for the summer.

## 5. Water Related Permitting Advisory Committee

Jenny Carmichael, Principal of Carmichael Consulting, who has been hired by the Office of Regulatory Streamlining to facilitate the Water Related Permitting Improvement Project, provided participants with a copy of the Water Related Permitting Advisory Committee Charge. Please see Attachment C.

## 6. Redesign Road Map

Jenny Carmichael presented the Road Map for the redesign aspect of the Water Related Permitting Project. Please see Attachment D for the Road Map. Jenny also presented Attachment E, 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. Share Advisory Committee Prioritized Customer Product and Process Specifications

Earlier in the day the Water Related Permitting Advisory Committee had prioritized customer concerns and expectations. These concerns and expectations had been drawn from reports of the 2011 Regulatory Advisory Committee and stakeholder meetings convened by the WRPPIT in the fall of 2005. The wall charts from the Advisory Committee’s meeting were shared with the consultants. A copy of the wall chart display is shown below. The priorities and modifications shown were requested by the Advisory Committee.

<p><b>PRIORITY NO. 1</b> (19 points)  <b>Clear Info at the Beginning</b>          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"> <li>1) have it processed in a timely manner</li> <li>2) receive a favorable permit decision, or</li> <li>3) learn early on that my project <del>is</del> <u>may</u> not <del>be</del> legally <del>or</del> <u>financially</u> feasible.</li> </ol>	<p><b>PRIORITY NO. 2-3</b> (21 points)  <b>Clear Authorities and Non-Conflicting Decisions.</b>          The state requirements were clear and definitive. The requirements did not conflict with each other and represent consistent application of statutes, 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><b>PRIORITY NO. 2-3</b> (21 points)  <b>Outcome/Compliance Focus</b>          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><b>PRIORITY NO. 4</b> (32 points)  <b>Unified State Process</b>          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><b>PRIORITY NO. 5</b> (34 points)  <b>Faster and Known Timeline</b>  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.  <u>(includes-Wetland delineation was approved early enough so I could avoid wetlands.)</u></p>	<p><b>PRIORITY NO. 6</b> (37 points)  <b>Permitting Costs Estimated.</b>  I knew ahead of time approximately how much the permits and permitting process were going to cost so I could plan appropriately.</p>	<p><b>PRIORITY NO. 7</b> (38 points)  <b>One Stop and Specialized Assistance</b>  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. <u>As staff transition decisions are tracked and committed to.</u></p>	<p><b>PRIORITY NO. 8</b> (49 points)  <b>Single Application</b>  The state application process was straightforward. 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>
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The Advisory Committee had also decided that a category titled “Enough and efficient staff” was not a product or process specification and therefore should not be included in the priorities. However, they considered it an important concept and wanted it captured for later in the project. See below:

**“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.”

## 6. Redesign Principles

Jenny Carmichael also shared a handout titled “WRPPIT Redesign Principles”. Please see Attachment F. This document identifies some guidelines the team expects to follow as it pursues the redesign.

## 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 and to consultants at quarterly meetings. The next meetings are expected to be held in March.

# UPDATE

## Water Related Permits Process Improvement Team

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

	<b>MAY, 2005 RFPIT Recommendation Number</b>	<b>Target Completion Date</b>	<b>Done?</b>	<b>Notes</b>
<b>1. Short Term Deliverables</b>				
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		
<b>2. Redesign Plan</b>	4, 10, 11, 12, 13, 18, 22, 24, 25, 26, 27, 28, 29, 31, 32 And Separate Redesign Recommendation	April 2006		
<b>3. Non-Statutory Changes</b>				
a. Multi-Agency Memo of Understanding	14, 20	Oct 200		
b. Administrative Rule Changes	20	Dec 2006		
<b>4. Legislative Proposal</b>	19 and Separate Redesign Recommendation	Dec 2006		
<b>5. Web-Based Super Application and Web-Based Project Tracking System</b>	15, 23	Dec 2007?		
<b>6. Final Report</b>		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)

<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

**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.



**BROAD OUTLINE FOR WATER RELATED PROJECTS USER'S GUIDE****Quick Start Guide****“If you read nothing else, at least know these six things...”****1.0 Introduction**

- 1.1 Guidebook Overview and Organization
- 1.2 Why are Waters and their Environs Regulated?
- 1.3 An Overview of the Regulation of Waters in Oregon
  - 1.3.1 Local:
    - 1.3.1.1 Water-related planning goals
    - 1.3.1.2 Range of implementing authorities
  - 1.3.2 State
  - 1.3.3 Federal
    - 1.3.3.1 CWA, Section 404/RHA Section 10
    - 1.3.3.2 Endangered Species Act
    - 1.3.3.3 Coastal Zone Certification
- 1.4 Inter-relationship of Regulatory Authorities (state level)

Web-based version: This sub-section would be primarily characterized by a graphic that depicts a range of project types in or near a variety of water types/settings (e.g., coastal to inland; river/stream to wetland). For web version, you would click on a depicted project type to get a pop-up screen that identifies the agency(ies)/program name(s) that is/are typically involved with links that take you to the applicable portions of Sections 2 and 3.

Printed version: This sub-section would be primarily characterized by a matrix that communicates the range of state agencies & their programs typically involved for each of a range of in-water project types. Printed version may also include a static version of the web graphic.

**1.5 Disclaimers, Caveats & Cautions**

## 2.0 Principal State Agencies & Their Permit/Review Programs

Note: For web-based version, Sections 2 and 3 may be developed so that user can chose to search and display information by agency, program or activity.

### 2.1 DSL

- 2.1.1 Wetland delineation
- 2.1.2 Removal-Fill Permit
- 2.1.3 Proprietary Authorization

### 2.2 DEQ

- 2.2.1 NPDES 1200-C Permit (Guide could evolve over time to incorporate additional NPDES permits if such is determined to be useful)
- 2.2.2 Water Quality Certification

### 2.3 ODFW

- 2.3.1 Fish Passage Requirement
- 2.3.2 In-Water Work Period Recommendation
- 2.3.3 Habitat Mitigation Recommendation\*
- 2.3.4 Scientific Take Permit
- 2.3.5 In-water Blasting Permit
- 2.3.6 Fish Screening Requirements\*

### 2.4 OPRD

- 2.4.1 Ocean Shore Permit
- 2.4.2 Scenic Waterway Permit
- 2.4.3 SHPO: Archeological Review

### 2.5 WRD

- 2.5.1 Water Right
- 2.5.2 Water Right Transfer

### 2.6 DLCD

- 2.6.1 CZMA Certification

### 2.7 Brief Overview of Related Agencies' Programs

- 2.7.1 DOGAMI: Mineland Reclamation Permit
- 2.7.2 Dept Agriculture: SB 1010 Program
- 2.7.3 Dept. of Forestry: Forest Practices Act

Each discussion (excepting Section 2.7 programs) has consistent structure (exact order to be determined):

- permit, program or review name;
- responsible agency name, e-mail contact, phone, mail address, web link;
- brief description including project activity types that commonly trigger this permit/review need;
- authorizing statute and implementing rules references
- cross-reference tool to other agency programs commonly associated w/this permit/review;
- jurisdictional limits;
- application requirements, fees & timeframes;
- standards of approval;

- permit duration;
- process flowchart;
- special considerations (5 special things you should know about this permit/review, e.g., permittee’s mitigation site monitoring obligations for RF permits)

### 3.0 Resources for Common In-Water Projects

This section would identify the most common in-water project types for provision of special assistance/tools. Initial list (may be added to over time):

- 3.1 Bank stabilization (incl. ocean shore)
- 3.2 Culvert placement or removal
- 3.3 “General” wetland fills
- 3.4 Over-water structures/piling
- 3.5 Water diversions
- 3.6 Stream/wetland restoration
- 3.7 Maintenance dredging

Each sub-section has a consistent structure (order to be determined):

- design considerations for getting to “Yes”
- Do’s/don’ts
- BMPs
- Typical permit conditions
- links to other resources

(User’s Guide Work Group acknowledges that gravel removal is a common project type, however, given current efforts/activities afoot relating to in-stream gravel removal, the Work Group recommends that it not be included at this time. Once there is resolution of in-stream gravel removal issues through other venues, the Guide could then be updated to include gravel removal.)

### 4.0 What’s New/Users’ Pages

This section would be found in the web-based version only. Idea is to create a section of the Guide that users could return to regularly for late-breaking information. Could be organized in a bulletin board format. (Could also be used as place for users to provide feedback on the guide?) New info/entries would get cycled through on some regular basis. First entry/posting might be “Recent State Permit Streamlining Efforts” where WPPIT and SPGP could be showcased. The idea is to make Guide more of a “living” rather than static e-document.

### Appendices

#### **SAMPLE**

- **This is a sample to demonstrate the format and approximate level of detail envisioned for each permit/program discussion in Section 2. Actual wording/content for Removal-Fill Permit program is still subject to further development and editing.**

- Blue, underlined text indicates hypertext link to a definition or DSL website page for more info.
- **Yellow highlighted** text needs further consideration for inclusion

### Section 2.1.2 Removal-Fill Permit

Agency: Department of State Lands  
 775 Summer Street NE Suite 100  
 Salem, OR 97301  
 503-378-3805  
 503-378-4844  
 website: <http://oregon.gov/DSL/index.shtml>  
 Click [here](#) for staff e-mail directory

Description: A Removal-Fill Permit is typically required for projects involving 50 cubic yards or more of alteration of streambed, stream banks or in wetlands. For projects located in [essential salmon habitat waters](#) or [state scenic waters](#), any quantity of alteration requires Removal-Fill Permit. There are three forms of Removal-Fill authorization:

- [Individual Permit](#): Applies to projects with potentially significant impacts to waters.
- [General Authorization](#): Provides expedited review process for certain categories of small projects.
- [Emergency Authorization](#): May be issued in very limited circumstances where there is an immediate threat to public health, safety or substantial property.

There are numerous activities that are exempt from Removal-Fill Permit requirements. Click [here](#) for more information on exempt activities. Contact a Department [Resource Coordinator](#) to help you determine if your activity is exempt.

Jurisdictional Limits: **Ocean:** From the [extreme low tide elevation](#) seaward to the limits of the [territorial sea](#). For the ocean beach, the Oregon Parks and Recreation Department administers the [Ocean Shore Permit](#) in lieu of the Removal-Fill Permit.

**Tidal bays, estuaries and other tidal waters:** To the [highest measured tide](#) elevation.

**Freshwater rivers, streams, lakes, ponds:** To the [ordinary high water or bankfull stage](#).

**Wetlands:** To the [delineated wetland boundary](#)

Statute/Rule: [ORS 198.600](#) et seq.  
[OAR 141-085-0005](#) et seq.

Activities Typically Requiring this Permit: [bank stabilization](#), [culverts and bridges](#), [wetland fills](#), [in-stream gravel removal](#), [piling projects](#), [wetland/stream restoration](#), maintenance [dredging](#), [water diversions](#); [utility lines in wetlands/waters](#), [placer mining](#); [dams](#)

Application Requirements: For an individual Removal-Fill Permit and for most General Authorizations, apply using the [Joint Permit Application Form](#). (The Department of State Lands uses a separate application form for [General Authorization for Fish Habitat Enhancement and Wetland Restoration](#), and [General Authorization for Minimal Disturbance](#)) All blocks must be completed in their entirety prior to submittal. The application should be submitted to both the Department of State Lands and the US Army Corps of Engineers. Both agencies use the same application form but have separate application processes and issue separate authorizations. Resources to assist you in completing the application:

- [Directions for completing joint application form](#)
- [Application completeness checklists](#)
- [Eligibility criteria for General Authorizations](#)

Professional consulting services are also available to assist you in developing Removal- Fill Permit application materials. Click [here](#) for more information on hiring a wetland consultant.

[insert text on affidavit for local land use consistency?]

Prior to making application, it may be advisable to request a pre-application meeting with a Department Resource Coordinator. The Coordinator can help you to determine what form of Removal-Fill Permit you may need, discuss project options, identify local resources for you, and help identify other state agency permit requirements. Click [here](#) to find the Resource Coordinator for your area.

Timeframe: Individual Permit:  
Typical timeframe is up to 120 days. This includes an up to 30 day period for Department staff to review your application and ensure that it is complete; a 30-day public review period (see “Special Considerations”); and a final, up to 60-day period for final processing of your application and preparation of the permit document. It is important to note that the Department will put only complete applications out for public review. If your application is found to be incomplete, you will be asked to resubmit a complete application and the 30-day review period will start again.

Click [here](#) to view the Individual Removal-Fill Permit application

process flowchart.

General Authorization:

Typical timeframe is up to 40 days. This includes an up to 15-day period for Department staff to review your application and ensure that it is complete; a 15-day public review period; and a final, up to 10-day period for final processing of your application and preparation of the permit document. It is important to note that the Department will put only complete applications out for public review. If your application is found to be incomplete, your application file will be closed and resubmittal of a new application will be required.

Click [here](#) to view the General Authorization application process flowchart.

Emergency Authorization:

The Department may issue an emergency authorization orally or in writing as soon as the applicant defines sufficient information on the location and nature of the emergency and the proposed action.

Application Fees: Individual Permit: \$50 to \$600 depending on applicant type and alteration volumes. [Fee schedule](#). Application fee must be paid in full as part of a complete application.

There is currently no application fee for General Authorizations **and Emergency Authorizations**

Standards of Approval:

The Department will only issue a Removal-Fill Permit for that project that represents the [practicable](#) alternative having the least adverse effects on the water resource and its navigation, fishing and public recreation uses. Considerations for approval include:

- What is the public need for the proposed project and public benefits likely to result from the project?
- What is the cost to the public if the project is not accomplished?
- Will the project interfere with public health and safety?
- Is the project compatible with the local comprehensive land use plan?
- Will the project unreasonably interfere navigation, fishing and public recreation uses of the waters?
- Will the project increase erosion or flooding upstream and downstream of the project or redirect water from the project site to adjacent lands?
- Are there [practicable](#) alternatives for the project that have less impact to wetlands or waterways?
- Is there appropriate mitigation for all reasonably expected adverse impacts resulting from project development?

These considerations of approval are further defined in Oregon Administrative Rule [OAR 141-085-0029](#), paragraph (3).

Permit Duration:

Individual Permits:

Up to 5 years upon request and upon receipt of annual renewal fees. Renewable after 5 years with submission of an updated application form.

General Authorizations:

1 to 3 years depending on when you apply.

Emergency Authorizations:

60 days from date of issuance.

Other agency programs commonly associated with this permit/ review

The following other state agency actions typically occur as part of removal-fill permit processing:

- [In-water work period recommendation](#)-ODFW
- [Fish passage requirement](#) - ODFW
- [Habitat mitigation recommendation](#) – ODFW
- [Archeological review](#) – OPRD
- [\[others to be identified\]](#)

Other commonly required state approvals with separate application requirements:

- [Proprietary authorization](#) (e.g., lease or easement if state-owned waterway)-DSL
- [1200-C Stormwater Permit](#)– (for construction sites larger than 1 acre) - DEQ
- [Water Quality Certification](#) (for projects that require a [Section 404 Permit](#) from the US Army Corps of Engineers) - DEQ
- [Coastal Zone Management Act Consistency Certification](#) (for projects located within the [Coastal Zone](#)) - DLCD

Special Considerations:

- If your project entails removal or fill in wetlands, a Department-approved wetland delineation report will likely be necessary to complete the processing of your application. It is advisable that the wetland delineation report be prepared and submitted to the Department up to 90 days in advance of submitting your Removal-Fill Permit application. Click [here](#) for more information on wetland delineation requirements and consulting services.
- Applicants seeking Removal-Fill Permit to alter wetlands or waterways will typically be required to replace, or mitigate, the impact by improving, creating or restoring wetlands or waterways. A complete application for Removal-Fill Permit will include a Compensatory Mitigation Plan describing specifically how the wetland or waterway impacts will be mitigated for. Click [here](#) for more information on compensatory mitigation

requirements and mitigation plan guidance.

- Other “Special Considerations” to be developed: difference between DSL and Corps permits; importance of a complete application & emphasis on using completeness checklists; public review; NSP letters require submission of application and fee.



Agency	Program	Common In-water Activities						
		Streambank stabilization	Instream gravel removal	Wetland fills	Bridges and culverts	Piling projects	Maintenance dredging	Water diversions
DSL	Removal-Fill Permit	R	R	R	R	R	R	R
	Proprietary approval	P	P			P	P	
DEQ	Stormwater Permit			P				
	Water Quality Certification	R	R	R	R	R	R	R
ODFW	Fish passage requirements				R			
	In-water work periods	R	R		R	R	R	R
	Habitat mitigation recommendations	P	P	P	P	P		P
	Scientific Take Permit	P			P			P
	In-water Blasting Permit							
	Fish screening requirements	P			P		R	R
OPRD	Ocean Shore Permit	P				P		
	Scenic Waterway Permit	P	P	P	P	P	P	P
	Archeological review	R	R	R	R	R	R	R
WRD	Water right	P		P	P			R
	Water right transfer	P		P	P			P
DLCD	Nexus with local land use process	R	P	R	R	R		R
	Coastal Zone Certification	P	P	P	P	P	P	P

**P**=potentially required

**R**=typically required

Water Related Permitting  
**ADVISORY COMMITTEE CHARGE**  
December 12, 2005

Attachment C

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

## 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 E

## 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
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

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/regis)		
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.

- It is organized around a whole product that is produced to satisfy the requirements of the customer.
- It provides for a single point of contact from the customer's perspective.
- It includes as few steps as possible.
- It involves only as many staff as necessary.
- All steps add value.
- 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 staff 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.