

Water Related Permits Process Improvement Team (WRPPIT)

Making clear whether and how a project gets to YES & transitioning to a consolidated state permit system.

MEETING RECORD

FINAL

November 22, 2005

9:00 – 4 pm, DCBS, Conference Room 260, Salem

Members Present:

Pat Allen, RSL
Debbie Colbert, Water Resources
Kim Grigsby, Water Resources
Kirk Jarvie, DSL
Laura Leshar, Project Manager, RSL
Gary Lynch, DOGAMI
Patty Snow, ODFW
Christine Svetkovich, DEQ
Jenny Carmichael, Carmichael Consulting

Members Absent:

John Lilly, DSL

Guests:

Donna Wimer, RSL

1. Updates.

- a. A Measurement Plan meeting has been scheduled for December 9, 8:30 – 9:30. Debbie, Pat, Christine, Jenny, and Gary will attend.
- b. Gary Lynch has met with Rich Angstrom. OCAPA's concern with DSL is in stream situations, particularly bars. There are few wetland sites that OCAPA members are involved in. OCAPA's concerns are largely federal requirements and land use. The PSU project is focusing on siting of gravel sites on flood plain/farm soil sites.

2. Redesign Options – WRPPIT will need to offer an option that would apply if no increase is available through the General Fund or fees.

3. USER Guide

Kirk Jarvie presented a broad outline for the water related projects User's Guide and asked for WRPPIT's authorization to move forward with development of the guide. The User Guide Steering Committee, consisting of Kirk, Christine Svetkovich, Patty Snow, and Lori Warner-Dickason, would also like to present the outline to the consultants for comment at the December 14 Consultant Information meeting. WRPPIT provided some suggested changes and asked to review an updated version of the outline at the December 9 WRPPIT meeting.

4. Notebook Inserts were distributed.

5. What is the universe of activities that are the focus of the redesign?

See Attachment A.

6. The following purpose of the water-related permitting process was affirmed:

To manage removals and fills in Oregon waterways and wetlands to:

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

7. Prioritized Customer Expectations

The team took a guess at what might be customer product and process priorities. The team’s collective guess is represented below.

1	Faster and known timeline
2	Clear authorities and non-conflicting decisions
3	Unified state process
4	Clear info at the beginning
5	One stop and specialized assistance
6	Single application
7	Permitting Cost Estimate Provided
8	Outcome/compliance focus
9	Enough and efficient staff

8. Prior Streamlining Efforts

Kirk Jarvie reported on two efforts conducted previous to WRPPIT that could inform WRPPIT’s efforts:

a. A Streamlining “LITE” Approach

A group antecedent to WRPPIT met in September to December of 04 and was moving toward a recommendation for consolidated state water permitting. The recommendations of this group would not have required statutory change or agency realignments. Key recommendations included an “interpretive guide” to track and troubleshoot an application, coordinated service with local and federal counterparts, pre-review of plans, coordinated state review, and issuance of a coordinated authorization package called an “Oregon In-Water Activity Permit”. This work was put on hold to facilitate high level inter-agency involvement which turned into WRPPIT.

b. Portland Streamlining Program

Just recently the City of Portland collaborated with all city bureaus, the USACE, NMFS, USFWS, DEQ, DSL, and ODFW. The collaboration was to streamline permitting for all city project within 300 feet of water. The streamlining effort occurred because city budgets were being negatively impacted due to permitting delays. A key streamlining strategy was up to two meetings of the city project manager with a cross-agency permitting team.

9. Product Ranking.

The table below summarizes the team’s discussion regarding potential redesigned products that could achieve the team’s charge. Row one lists all of the team’s ideas offered on November 18. It also adds two new ideas added on Nov 22: noticed based permits (11) and standard conditions (12). The team then matched the product ideas with the prioritized customer expectations and individually assessed whether the product had “a

lot”, “some”, or “no” potential of helping to realize the customer expectation. The team then concluded that the most promising products for meeting the prioritized customer expectations are products 7, 6, 1 and 8. The team also concluded that further consideration should not be given to products 3, 5, 10, and 11.

Record of WRPPIT Scoring of Product Ideas
 November 22, 2005
 A=A lot S=Some N=No

CUSTOMER EXPECTATION (As Prioritized by WRPPIT)	PRODUCT IDEA											
	7	6	1	8	2	4	9	12	3	5	10	11
	Elim Redundant Review	Reduce/Combine	Single Permit	Final Decision Covers All Requirements	Auth to ODFW	Safe Harbor	Rapid Wetland Determination	Standard Conditions	Clear Zones	Self Certifying	Local Delegation	Notice Based
1. Faster and Known Timeline	AAAAA	AASSS	SSSS	ASS	SSS	AAASS	AAAAAS	AAAS	AASS	ASSSS	AASS	AAASSS
2. Clear Authorities and Non-Conflicting Decisions	SSSSS	AASSS	AASSS	AAASS	AAASS	AAASS	AS	SSS	ASSS	AAS	SSS	AASS
3. Unified State Process	AAASSS	AAAAAS	AAAAAA	AAAASS	ASS	ASSS	AS	AASS	ASS	AS	S	SSSS
4. Clear Info at the Beginning	ASS	ASSSS	AAASSS	AAS	ASSS	AAAAA	AASS	AAAAAS	AAAAAS	AASSS	ASS	AAASSS
5. One Stop and Specialized Assistance	ASS	AAASSS	AAAAAS	ASSSS	S	ASS	AS	SS	AS	SSS	AASS	SSSS
6. Single Application	AAASS	AAAASS	AAAAAS	AAS	S	A	AS	S	AS	A	S	AS
7. Permitting Cost Estimate Provided	AASS	SSSS	SSS	AS	A	ASS	AAAS	ASSSS	AAS	ASS	SS	ASS
8. Outcome/Compliance Focus			SS	S		AASS	A	SS	AS	AAA		AAAAAS
9. Enough and Efficient Staff	SSS	SSS	S	S		SS	S		S	SS	SA	ASS

10. Getting Your Director’s Input by December 9

At this point the team felt there was not enough new content developed by the team to ask for Director input prior to the Advisory Committee meeting on December 14.

11. Optimum Task Flow and Timing

The team had an unstructured discussion about possible task-flow of a redesigned process. Some possible features might include:

- No single entry point. Allow applicant to contact someone in any participating agency (DSL, DEQ, ODFW, WRD).
- Contacted agency staff will be trained to refer the applicant to a lead agency and will escort the applicant to the appropriate on ramp (lead agency).
- Each project will have an appropriate lead agency based on the primary nature of the project – e.g. – if the focus of the project is on habitat restoration, ODFW would be the lead agency. This will be based on agency mission. (Question – what if ODFW is applicant?)
- Lead agency provides technical assistance prior to application submittal regarding:
 - Permitting process
 - Permit application and requirements
 - Anticipated permitting time frame and cost

- Features likely to be required to obtain state permit or if the project appears to not be legally or financially feasible.
- Single application – goes to lead agency. Contains information needed by all state agencies to be ready for public comment. Completeness standards will be clear so that a single agency can check for completeness. Doesn't have to be referred out to other agencies – up to a certain threshold.
- Lead agency assigned - coordinates review by all other agencies once the application is complete. (Will need to address how fees work.)
- Concurrent agency review within a defined time window. Any agency or applicant can call for meetings. Will be arranged by lead agency. Lead agency to broker conflicts between agencies.
- All agencies will build a draft STATE REMOVAL-FILL PERMIT for public input.
- Lead agency issues public notice and requires responses within a defined time frame. Lead agency consolidates and circulates public comments and coordinates opportunity for public hearing.

12. Next Meeting – December 9.

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

ATTACHMENT A

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/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 redesigned process.