

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

January 4, 2006

9:30 – 12:30, DCBS, Conference Room A, Salem

Members Present:

Jas Adams, DOJ
Kim Grigsby, Water Resources
Kirk Jarvie, DSL
Laura Leshner, Project Manager, RSL
John Lilly, DSL
Gary Lynch, DOGAMI
Patty Snow, ODFW
Christine Svetkovich, DEQ

Members Absent:

Pat Allen, RSL

Intermittent Members Not Present:

Debbie Colbert, Water Resources
Dale Blanton, DLCD
Donna Wimer, RSL
Tony Stein, OPRD
Susan White, SHPO

Consultant:

Jenny Carmichael, Carmichael Consulting

Advisory Committee Member

Present:

Tom Gallagher, Legislative Advocates

1. Confirm 2006 Meeting Schedule

The team finalized the 2006 meeting schedule subject to follow-up regarding spring breaks. Attachment A to this record reflects the final schedule including the follow-up regarding spring breaks. Laura will be checking dates to schedule upcoming meetings with the Directors, the Advisory Committee and the Audit Committee.

2. Updates

a. SPGP January 3, 2006 Launch

DSL conducted meetings the last week of December with 60 frequent filers to kick off the launch of the SPGP January 3rd. DSL will also be holding 15 workshops around the state starting January 9. The SPGP process requires a single application and requires as many as 5 additional resource plans. DSL will be lenient during the first few months of implementation by allowing applications to not be entirely complete upon submission until April 1; however permit decisions will not be issued unless all requirements have been met. Patty Snow commented that she believes the SPGP process will be helpful by requiring fish passage plans and other requirements up-front. John Lilly indicated all application materials will be available on line.

b. NPDES Follow Up. Christine Svetkovich indicated she has followed up with Chris Bayham regarding AOC concerns about NPDES permits.

c. Updated ODFW Fish Passage Rules. Patty Snow reported that ODFW will be adopting updated Fish Passages rules.

d. New ODFW Director. The ODFW Commission has appointed an interim ODFW Director.

- e. **Updated Stormwater General Permit (1200C) Adopted Effective December 31, 2005.** The DEQ Commission adopted a new stormwater general permit on December 31, 2005. It becomes effective January 31, 2006. A key change requires a 14 day public notice for permits involving 5 acres or more.
- f. **Outcome Based Compliance Advisory Committee Expectation.** Laura Lesher indicated that the WRPPIT discussion at its December 21 meeting regarding the Advisory Committee's customer priority for an outcome/based focus is being pursued as follows:
- Laura has asked 3 Advisory Committee members that actively pull permits to provide 5-10 examples of how things would be different with an "outcome/based focus" (Frank Flynn, Tim Acker, Amy Connors.)
 - Pat Allen will share these examples with some Directors and Legislators.
- Further contact with the Governor's office will not occur until this follow up has been done.
- g. **WRPPIT Measurement Subcommittee.** The Measurement Sub-Group met on January 4 and will be meeting again on January 18 to finalize the measurement plan before bringing a proposal to WRPPIT.
- h. **USERS GUIDE.** Kirk Jarvie reported that the USER's GUIDE is progressing. Chapter assignments have been made and are being written.

3. **Draft Meeting Record - Advisory Committee December 14, 2005**

The team approved the meeting record of the December 14, 2005 Advisory Committee meeting for distribution. Once approved by WRPPIT the notes will be distributed to the Advisory Committee. Members will be asked to submit any suggested changes.

4. **Draft Meeting Record – Consultant Meeting December 14, 2005.**

The team approved the meeting record of the December 14, 2005 Consultant meeting for distribution via listserv.

5. **Review Prior Meeting Minutes: Nov 18, 22; Dec 9, 21 – 2005**

Jenny highlighted elements of prior meeting minutes relevant to today's meeting discussion concerning the redesign. These meeting records will be before the team for approval at the January 11 meeting.

6. **Review Redesign Road Map and Redesign Materials**

Jenny reviewed the following items with the team in advance of a discussion about the "redesigned product":

- Redesign Road Map
- Water Related Permitting Process Purpose
- University of State Authorizations That are the Focus of the Redesign
- Redesign Charge
- Redesign Assumptions
- Redesign Principles
- Product and Process Expectations
- Industry Standard for Product and Process Redesigns
- Optimum Task Flow

7. Confirm Redesigned Product

After confirming customer product and process expectations, the next “redesign” step is to redesign the PRODUCT. The current product is represented in Appendix B. Today’s product consists of a conditioned removal-fill permit and multiple other state authorizations, each with their own process and timeframe.

Working with the December 14, 2005 Advisory Committee meeting customer product and process expectations, key concerns about today’s products are:

- that individual agency authorizations often conflict with each other,
- a single agency’s authorization can come late in a customer’s project requiring redesign and delays,
- the process of obtaining all necessary approvals can take a great deal of time, impacting the time and cost of a customer’s project, and
- there is limited opportunity to build a project that is collectively responsive to all agency requirements.

WRPPIT brainstormed the following list of possible redesigned products:

- a. 14 permits that feel like 1 or 2 or 3
- b. A continuum of how permit decisions are managed
(or a continuum of efficiency)

Loosely connected bag of permits - done more efficiently	Tightly connected bag of permits	Some number of clusters of permits	Coordinated, consistent, simultaneous, multiple decisions.	One permit allowing you to do work in waters of the state
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- c. Safe harbor
- d. Cluster by type of permit
- e. Cluster by complexity
- f. Project appropriate cross-functional team negotiated permit decision with a lead agency
- g. Combine permits
- h. Pay for faster service (WRD)
- i. Option f in one agency

From among these redesign product possibilities, WRPPIT concluded that the new product of the state of Oregon’s water related permitting process should be:

Coordinated, Consistent, Concurrent Multiple Decisions

For the customer this will mean:

- while every decision will not occur the same day, they will occur in the same time frame
- all decisions could still be bundled as a state permit

The team felt the redesigned product could serve the frequent filer, the customer with a large project, and the customer with a small project.

The team also agreed that as the team designed the optimum process flow and timing, it will examine opportunities for combining permits, reviews, and authorizations. Each agency should be asking itself: what would you eliminate or combine or delegate to another agency?

8. Next Meeting – January 11, 2005, 9:30 – 12:30

2006 WRPPIT Meeting Schedule as of 1/5/06

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
JAN	1	2	3	4	5	6	7
		New Year's Day		9:30-12:30 WRPPIT			
	8	9	10	11	12	13	14
				9:30-12:30 WRPPIT			
	15	16	17	18	19	20	21
		MLK Birthday		9:30-12:30 WRPPIT			
	22	23	24	25	26	27	28
				9:30-12:30 WRPPIT			
FEB	29	30	31	1	2	3	4
				9-12 WRPPIT			
	5	6	7	8	9	10	11
		1-4 WRPPIT					
	12	13	14	15	16	17	18
						9-12 WRPPIT	
	19	20	21	22	23	24	25
		President's Day	1-4 WRPPIT				
MAR	26	27	28	1	2	3	4
						9-12 WRPPIT	
	5	6	7	8	9	10	11
		1-4 WRPPIT					
	12	13	14	15	16	17	18
						9-12 WRPPIT	
	19	20	21	22	23	24	25
		1-4 WRPPIT				9-12 WRPPIT	
	26	27	28	29	30	31	1

APR	2	3	4	5	6	7	8
		1-4 WRPPIT					
	9	10	11	12	13	14	15
						9-12 WRPPIT	
	16	17	18	19	20	21	22
		1-4 WRPPIT					
	23	24	25	26	27	28	29
						9-12 WRPPIT	
MAY	30	1	2	3	4	5	6
		1-4 WRPPIT					
	7	8	9	10	11	12	13
						9-12 WRPPIT	
	14	15	16	17	18	19	20
		1-4 WRPPIT					
	21	22	23	24	25	26	27
						9-12 WRPPIT	
	28	29	30	31	1	2	3
		Memorial Day	1-4 WRPPIT				
JUN	4	5	6	7	8	9	10
						9-12 WRPPIT	
	11	12	13	14	15	16	17
			1-4 WRPPIT				
	18	19	20	21	22	23	24
						9-12 WRPPIT	
	25	26	27	28	29	30	1
			1-4 WRPPIT				

JUL	2	3	4	5	6	7	8
			4 th of July			9-12 WRPPIT	
	9	10	11	12	13	14	15
			1-4 WRPPIT				
	16	17	18	19	20	21	22
						9-12 WRPPIT	
	23	24	25	26	27	28	29
			1-4 WRPPIT				
AUG	30	31	1	2	3	4	5
						9-12 WRPPIT	
	6	7	8	9	10	11	12
			1-4 WRPPIT				
	13	14	15	16	17	18	19
						9-12 WRPPIT	
	20	21	22	23	24	25	26
			1-4 WRPPIT				
	27	28	29	30	31	1	2
						9-12 WRPPIT	
SEP	3	4	5	6	7	8	9
		Labor Day	1-4 WRPPIT				
	10	11	12	13	14	15	16
						9-12 WRPPIT	
	17	18	19	20	21	22	23
		1-4 WRPPIT					
	24	25	26	27	28	29	30
						9-12 WRPPIT	

OCT	1	2	3	4	5	6	7
		1-4 WRPPIT					
	8	9	10	11	12	13	14
						9-12 WRPPIT	
	15	16	17	18	19	20	21
		1-4 WRPPIT					
	22	23	24	25	26	27	28
						9-12 WRPPIT	
NOV	29	30	31	1	2	3	4
		1-4 WRPPIT					
	5	6	7	8	9	10	11
		1-4 WRPPIT				Veterans Day	
	12	13	14	15	16	17	18
			1-4 WRPPIT				
	19	20	21	22	23	24	25
		1-4 WRPPIT			Thanks- giving	Thanks- giving	
	26	27	28	29	30	1	2
			1-4 WRPPIT				
DEC	3	4	5	6	7	8	9
		1-4 WRPPIT					
	10	11	12	13	14	15	16
			1-4 WRPPIT				
	17	18	19	20	21	22	23
		1-4 WRPPIT				Christmas Eve	
	24	25	26	27	28	29	30
		Christmas Day					
JAN	31	1	2	3	4	5	6
		New Year's Day					

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

ATTACHMENT B

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 redesign.