

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

January 25, 2006

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

Members Present:

Jas Adams, DOJ
Pat Allen, Office of Regulatory Streamlining
Kim Grigsby, Water Resources
Kirk Jarvie, DSL
Laura Leshner, Project Manager, RSL
Gary Lynch, DOGAMI
Patty Snow, ODFW
Christine Svetkovich, DEQ
Susan White, SHPO
Ken Franklin, ODOT

Consultant:

Jenny Carmichael, Carmichael Consulting

Members Absent:

John Lilly, DSL

Intermittent Members Not Present:

Debbie Colbert, Water Resources
Dale Blanton, DLCDC
Tony Stein, OPRD

Advisory Committee Member

Present:

Tom Gallagher, Legislative Advocates
Liz Frenkel, League of Women Voters

Guests Present:

Frannie Brindle, ODOT
Michael Reed, Permits Compliance
Manager, Bureau of Environmental
Services, City of Portland

1. Special Presentation: City of Portland's Permit Streamlining Project

Beginning in September of 2003 the City of Portland and its bureaus have been operating under a memorandum of understanding (MOU) with four federal agencies (EPA, USFW, NMFS, USCOE) and three state agencies (DSL, DEQ & ODFW) to use a new and streamlined process to obtain permits for City of Portland development projects. Mr. Michael Reed was hired by the City's Environmental Services Bureau to be its Permits Compliance Manager to operationalize the MOU and to coordinate all City of Portland permits for participating federal and state agencies using the process outlined in the MOU. Mr. Reed attended the WRPPIT to provide background on the MOU and the streamlined process.

The MOU came about because Portland's mayor was interested in meeting the requirements of multiple federal agencies in a more expedited fashion in order to speed economic development projects in the city as well as massive annual city infrastructure building and repair projects. An interagency staff team found that the most significant bottleneck for projects was regulatory permits. The team worked together to design a process that would significantly speed up the permitting process.

An MOU was developed outlining the following approach that will apply to all future city permits. Seven agencies meet monthly to evaluate City permits. Mr. Reed's office works with city bureaus (the permit requesters) and the federal and state permitting agencies to ready permits for the monthly meetings. Mr. Reed emphasized that the initial meetings of the bureau staff with the multi-agency team cannot consist of simply asking what permits are needed. The bureau applicant must be prepared by Mr. Reed's office to

offer options and explore possibilities with the regulators. At an initial meeting the City bureau (applicant) submits a conceptual design for review by the regulatory agencies. A second meeting is also held with the bureau applicant before submitting the permit application to consider alternatives analyses and options and to identify a preferred option. Federal effects decisions are binding at the second meeting barring new information in a subsequent public review process.

Mr. Reed indicated that three things are critical within the City of Portland for this streamlined approach to be successful:

- 1) Bureau staff need to understand that they need to participate in the process and support the work of the new Permits Compliance Office. The MOU requires them to participate.
- 2) It is critical to have a Permits Compliance Manager with supporting staff that knows all the laws, can give guidance to the project teams, can develop relationships with the bureau and regulatory staff, and can access the appropriate people for key decisions.
- 3) The Permits Compliance office must have the resources it needs to be able to do this coordinative function. Mr. Reed is currently supported by two full time FTE who can prepare for multi-agency review meetings to keep processes moving.

The City believes the streamlined permit process is taking less time. Mr. Reed cited a specific example of a complex project that involved a turn-around of multiple permits in just a few months due to the cooperation and collaboration of all of the agencies involved.

Mr. Reed emphasized that the City's experience with this approach to the permitting process is reframing the permitting process in the mind of the City and of the regulators from one of just regulating and complying to one of collaboration and **partnership** toward mutual ends of both environmental protection and economic development.

The City of Portland has been asked to examine the viability of this streamlined permitting approach for private sector projects that are regulated by the City. They are taking steps in that direction.

2. Public Review Processes in Existing WRPPIT Agencies

Jas Adams from DOJ presented a matrix comparing the public review processes of DSL, DEQ, ODFW, DLCDC, OPRD, Water Resources, and DOGAMI.

Team members will coordinate with Jas to provide more specifics regarding discrete processes by Friday, January 27. Jas will update the matrix and be prepared to present an overview identifying process similarities and differences at the February 1 WRPPIT meeting.

The team agreed that further work to analyze the public review process for DOGAMI is not needed.

Note: A similar analysis will be required for the appeal process at a later time.

3. Reviewing the Redesigned Product and Process to Date and a Definition Recap

Jenny Carmichael summarized work to date by the team to redesign both the product and process and highlighted definitions used by the team to do this work. The team worked with an enlarged wall chart of the redesigned process, the Advisory Committee priorities, the WRPPIT charge, and definitions of a product and process.

The remainder of the meeting was spent continuing the process redesign. The team's redesigned process at the end of the meeting is presented in Attachment A.

3. Reminder Assignments and Updates

Additional time will be allotted at the next meeting to cover updates.

4. Next Meeting – February 1, 2006, 9 – Noon, 2nd Floor Conference Room, DCBS.

Applicant Or Applicant's Consultant	State Of Oregon	Interested Parties	Explanatory Notes
	Step 1. Provide permit guidance materials		<i>Provide written literature and on-line information about the Oregon Removal-Fill permit, the steps and timing involved, what is required of applicants, and how to meet state requirements. Provide information regarding best management practices, design considerations, how to reduce impacts, and how to qualify for a general authorization.</i>
POSSIBLE ON RAMP	Step 2. Obtain permit guidance materials Optional		
POSSIBLE ON RAMP	Step 3. Request Design Assessment Optional		<i>New thing. 3-4 pages of what, who, when, a couple of sketched out drawings. Given to a "certified smart person" (CSP)</i>
	Step 4. Provide written Design Assessment if requested. Optional		<i>Provide direction about how to meet state requirements and offer design considerations. CSP lets other state people know of project as appropriate.</i> <i>ISSUE If a new requirement or concern is raised later in the process, for example water rights or land use, it just becomes new information at that time. This information from the state is non binding and not appeal-able.</i> <i>IDEA: Charge Pre-Application/Design Assessment Fee?</i>
POSSIBLE ON RAMP	Step 5. Draft project proposal Optional		
	Step 6. Request multi-agency meeting – Optional		.
	Step 7. Multi-agency review meeting if requested.	Step 7. Multi-agency review meeting if requested.	<i>Note: involves interagency notice, is not a public meeting, applicant invites who they wish</i> <i>Non-binding. and not appeal-able.</i>
	Step 8. Provide written summary of multi-agency review meeting		
POSSIBLE ON RAMP	Step 9. Submit Application		<i>Application includes information required for all elements of the Oregon Removal-Fill permit (see below).</i> <i>QUESTION: Is this 401 info or application for 401 permit?</i> <i>If application is incomplete applicant will be referred to above steps.</i>
	Step 10. Acknowledge receipt of application		
	Step 11. Conduct multi-agency review to determine whether application is complete and technically adequate to make a permit decision.		<i>Closure not reached on this step.</i> <i>ISSUE – Definitional issues about completeness/adequate.</i>

	Step 12. Post application triggering public review		
????? Public review process	????? Public review process	????? Public review process	
	Step __. Sub-actions ???		<p>Includes the following</p> <p>277 Individual Removal-Fill's</p> <p>406 General Authorization Removal-Fill's</p> <p>In-water-work period comments and habitat mitigation reviews on ~90% of 694 removal-fill's</p> <p>Fish passage plan approvals on ~100 removal-fill's</p> <p>Water quality comments on ~90% of 694 removal-fill's</p> <p>1200 c's on ~ 100 removal-fill's (67 DEQ, 33 local gov)</p> <p>401 certifications on ~150 removal-fill's</p> <p>Archeological permits on ? removal-fill's</p> <p>Coastal zone comments on 74 removal-fill's</p>
	Step __. Oregon Removal-Fill Permit		
Step __. Project Adjustments (Optional)			
Step __. Appeal (Optional)			
Step . Build			

Note: Several steps can all loop back if more information or changes are required.

PERMIT OUTCOME: Preserved Natural Resources & Productive Economy