

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

February 6, 2006

1:00 – 4:00, DCBS, Meeting Room 260, Salem

Members Present:

Jas Adams, DOJ
Pat Allen, Office of Regulatory Streamlining (RSL)
Kim Grigsby, Water Resources (by phone)
Kirk Jarvie, DSL
Laura Lesher, Project Manager, Office of Regulatory Streamlining (RSL)
Gary Lynch, DOGAMI
Patty Snow, ODFW
Christine Svetkovich, DEQ

Members Absent:

Dale Blanton, DLCD
Ken Franklin, ODOT
John Lilly, DSL
Susan White, SHPO

Intermittent Members Not Present:

Tony Stein, OPRD

Consultant:

Jenny Carmichael, Carmichael Consulting

1. Meeting Records

The Meeting Record from January 25 was approved as presented.

The meeting record from February 1 was approved with slight modifications to pages 1 and 2.

2. Updates

- a. **Legislative Audit Committee.** WRPPIT is scheduled to make a half hour presentation to the Legislative Audit Committee on March 30. Pat Allen expects to make some advance contacts with Representative Morgan and Senators Schrader and Johnson. Pat also met with Representative Dingfelder last week to update her on our project.
- b. **Legislation Placeholders.** Pat confirmed that the Governor's office prefers that when in doubt we turn in a placeholder for legislation we might need. At this point in time all WRPPIT agencies will be working to create placeholders, except DLCD. The timeline for fee bills is also the same as policy bills. DSL is submitting a placeholder for a fee bill.
- c. **Negotiation/Mediation/Training.** Laura Lesher reported that the Luke Center would prefer to do a 1.5 day Thursday/Friday followed by a 1.5 day Monday/Tuesday training and would be available to do that in June. Kirk indicated that June is a difficult month for DSL staff.
- d. **ODFW Fish Passage Task Force.** Patty Snow reported that the ODFW Fish Passage Task Force is meeting on February 15 at 10:30 and has WRPPIT on its agenda. Patty will be coordinating with other WRPPIT meetings to plan the presentation.

3. Complete the Large Picture Redesign

a. Cornerstone #1 of the Redesign.

Please see Attachment A – Process Map for the latest redesign team process step decisions.

b. DEQ comments on Removal-Fill applications.

Christine Svetkovich explained that DEQ in the past commented on all removal-fill applications, but in the recent past has only commented on applicants that require a 401 certification due to staff resource limitations. Christine asked whether, in the redesign, the team wants to recommend that DEQ be asked to comment once again on all removal-fill applications. She indicated that DEQ would need to be given additional staff resources to do this. The team unanimously indicated they felt it was important that DEQ do this work. The redesign recommendation will be prepared this way.

4. Cornerstone #5 – Process Owner – An Initial Discussion

Jenny Carmichael explained the concept of a process owner and producers:

PROCESS OWNER: Primary person or group responsible for the performance of the process, the internal resources used in the process, and the satisfaction of the customer who uses the product produced.

PRODUCER: Person or group responsible for making a product that meets customer expectations.

The team brainstormed the following possible process owners:

- DSL
- Multi-agency team managed out of _____
- ERT equivalent
- Lead agency that varies

The team also commented that the process owner should be named in statute.

The team had further discussion indicating that the likely process owner should be one agency, that agency should be DSL, but that there should also be an agreement to collaboratively manage the process among DSL, DEQ, and ODFW outlined in an MOU. As much of the agreement should be spelled out in the MOU as possible. The team will have further to discussion to outline the agreements.



5. Clarifying the Public Review Issues/Choices

Jenny recapped the team's discussion about the possible points in time for public review of an application:

- 1) prior to state review of the application
- 2) concurrent with state review of the application
- 3) after state review of the application


The team at the last meeting had indicated a preference for choice #2 with a deadline for public review prior to completion of state review of the application, but wanted to hold off on finalizing this decision until they received input on this from Jas Adams. Jas indicated that this was within legal parameters. The team chose to include this approach in the redesign.

6. Next Meeting: February 17, 9 – 12, Directors Conference Room, DCBS

Applicant Or Applicant's Consultant	State Of Oregon	Interested Parties	Explanatory Notes
POSSIBLE ON RAMP –	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>
	Step 2. Obtain permit guidance materials Optional		
POSSIBLE ON RAMP –	Step 3. Request assessment of preliminary design 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>
POSSIBLE ON RAMP –	Step 4. Certified Smart Person provides written, non-binding template assessment of preliminary design 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 appealable.</i>  <i>Charge Pre-Application/Design Assessment Fee?</i>
	Step 5. Draft project proposal Optional		<i>Template?</i>
	Step 6. Request multi-agency TEAM meeting – Optional		.
POSSIBLE ON RAMP –	Step 7. Multi-agency TEAM review meeting if requested.	Step 7. Multi-agency TEAM 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 appealable.</i> <i>Track issues in step 3 for consistency</i>  <i>Charge Pre-Application/Design Assessment Fee?</i>
	Step 8. Provide written summary of multi-agency TEAM review meeting		
	Step 9. Submit Application		<i>Application includes information required for all elements of the Oregon Removal-Fill permit identified in Step 18 below.</i> <i>If application is incomplete applicant will be referred to above steps.</i>
	Step 10. Acknowledge receipt of application to applicant.		

Notice:
Steps
can
repeat if
applica-
tion
needs
more
infor-
mation.

	Step 11. Determine whether application is complete via check list.		<i>If something is missed, pick up in technical review, e.g. –fish passage.</i>
	Step 12. Post application triggering public review process.		
		Step 13. Public comment with a deadline.	
	Step 14. Conduct multi-agency TEAM review to determine whether application technically adequate to make a permit decision.		
Step 15. Modify application in response to technical and public review.			
		Step 16. If major modification public review again.	
Step 17. If major modifications return to step 2, 3, 5 or 9.			
	Step 18. Issue Oregon Removal-Fill Permit Decision		<p>2-6-06: An Oregon Removal-Fill Permit will include the following if required:</p> <ol style="list-style-type: none"> 1. DEQ conditions enabling applicant to meet state water quality standards. 2. DEQ conditions enabling applicant to meet <u>Federal</u> 401 Water Quality Certification Requirements if the project does not change. 3. DLCDC conditions enabling applicant to meet <u>Federal</u> Coastal Zone Management Consistency Certification Requirements if the project does not change. 4. ODFW In-Water-Work Period Conditions. 5. ODFW Habitat Mitigation Conditions. 6. SHPO Archeological Requirements. 7. ODFW District Fish Passage Plan Decision Requirements. 8. OPRD Scenic Water Way Requirements. <p><i>[Note: 1-8 are within authority of multi-agency team]</i></p> <ol style="list-style-type: none"> 9. <u>A signature requiring and attaching an:</u> <ol style="list-style-type: none"> a. ODFW In Water Blasting Decision b. ODFW Scientific Take Permit Decision c. ODFW ESA Incidental Take Permit d. ODFW Fish Passage Waiver/Exemption e. ODFW Salem Fish Passage Plan Decision

			<p>f. DOGAMI Operating Permit [Note: a-f are not within authority of multi-agency team]</p> <p>10. <u>Notice if a separate authorization is required for:</u></p> <ol style="list-style-type: none"> a. Federal 401 Water Quality Certification b. Federal Coastal Zone Management Consistency Certification c. State Lands Proprietary Authorization d. Water Resources Department Water Use Authorization <p>Discuss Further: → Item 1 and 3 above and 1200 c's (DEQ and local gov)</p> <p> Oregon Removal-Fill Permit can offer one or more of 3 choices:</p> <ol style="list-style-type: none"> 1) Approved Permit with a checklist of conditions. If an item is checked the authorization is required and conditions are enumerated.. 2) Not a permitted activity (denial) 3) Consult with another agency (see item 10 above.) <p>[Question – was there another choice of you are good to go from this agency? Or, is this covered by item 1 above?]</p> <p><i>Note: An applicant either needs a removal-fill permit or an OPRD ocean shore permit. The incidence of an ocean shore permit is infrequent enough that Laura Lesher will inform OPRD (Tony Stein) of the WRPPIT redesign work, however, the redesigned process is likely not needed for ocean shore permits.</i></p>
Step 19. Appeal Optional		Step 19. Appeal Optional	
Step 20. Build			
	Step 21. Monitor		

PERMIT OUTCOME: Preserved Natural Resources & Productive Economy