

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 21, 2006

1-4 pm, DCBS, Meeting Room 260, Salem

Members Present:

Jas Adams, DOJ
Kim Grigsby, Water Resources
Kirk Jarvie, DSL
Laura Leshar, Project Manager, Office of Regulatory
Streamlining (RSL)
John Lilly, DSL
Patty Snow, ODFW
Christine Svetkovich, DEQ

Members Absent:

Ken Franklin, ODOT
Gary Lynch, DOGAMI

Intermittent Members Not Present:

Pat Allen, Office of Regulatory
Streamlining (RSL)
Dale Blanton, DLCDC
Tony Stein, OPRD
Susan White, SHPO

Consultant:

Jenny Carmichael, Carmichael Consulting

AGENDA

<u>TIME</u>	<u>AGENDA ITEM</u>	<u>LED BY</u>
1:00	Updates, Approve Feb 17 Meeting Minutes, Reminder Assignments	Jenny
1:10	Work Remaining Priority Items of Directors Update	
	PRIORITY	
	DOGAMI proposal from Laura and Gary	
6	Attachment A – Cornerstone 5 – Faster Process Timing	
7	Attachment A – Cornerstone 3 – Redesigned Application Process	
8	Attachment A – Cornerstone 4 – Redesigned Process Owner	
9	Attachment C – Advisory Committee Priorities	
10	Cost Guestimates for redesigned process features	
11	Test Sample Applications Through the Redesign	
12	Attachment D – Rejected Redesign Options	
13?	Appeals	
2:50	BREAK	
3:00	Presentation Plan for March 6th Directors Update	Jenny
3:30	Measurement Sub-Group Recommendation	Laura, Christine, Gary
3:55	Meeting Wrap – Up	Jenny

MEETING RECORD

- Meeting Record Approval.** The Meeting Record from February 17 was approved.
- Reminder Assignments.** The team reviewed reminder assignments for progress updates (please see [Attachment A](#) to this meeting record). The customer inventory kit is a follow-up project for the Office of Regulatory Streamlining as part of their customer service initiative and will be taken off the WRPPIT reminder list. Tom Graham of DCBS will be developing the kit and working with agencies over a period of a year with a staggered implementation. The first step will be assessment and then implementation of a tool kit.

- 05-07 Legislation Placeholders. John Lilly reported that the language DSL is using for a placeholder concept is the following: “legislation to address outcomes of the WRPPIT project that will include necessary changes to statute to accomplish streamlining of state water-related permitting processes.”

3. Updates.

- Unsuccessful Chemical Mining Streamlining Effort.** Jas Adams informed the team of an effort in a recent legislative session to streamline the chemical mining permitting process. A proposed bill was introduced that we may want to look at. The bill was unsuccessful because parties were unable to accept the proposals as they evolved.
- DSL Stage Agency Coordination Program.** John Lilly reported that the State Land Board readopted its state agency coordination program.
- Mediation Training.** Team members reported on potential numbers of staff to attend the mediation training.
- WRPPIT Agenda Forecast.** Jenny reported that the team will spend time at a March meeting do a top of mind identification of likely statutory and rule changes that may be necessary as a result of the redesign cornerstones, followed by how these would convert into legislative concepts.
- SPGP Workshops.** Over a dozen workshops have been held around the state by DSL on SPGP reaching 400 to 500 people. John Lilly mentioned that SPGP is in many ways a test drive for WRPPIT’s single application redesign, actually on a larger scale because of the consolidation with federal permits. Some workshop attendees have expressed reservations that consolidation of all of the permits will result in a faster permit, less paperwork, and better coordination among the agencies.

Patty Snow commented that the Washington website tool that allows applicants to see which permits actually apply to their situation could allow the process to seem a lot less overwhelming to applicants.

DSL did request evaluations from workshop attendees, had a 95% response rate, and will share the results with WRPPIT. The individuals that attended the SPGP workshops will be the same audience for the WRPPIT redesign.

DSL will do another round of workshops in the Fall.

DSL staff meeting every other week to respond to SPGP implementation issues as they arise. DSL also meets with the Corps every other week. To date 2 SPGP’s have been issued. The significant test of the SPGP will be how many projects have been approved through this new process at the end of the two year pilot.

4 Directors Update for March 6.

The team continued its review of sections of the draft update which is being prepared for a March 6th meeting with Directors of WRPPIT team members. Please see the update document for specific edits made regarding the following topics.

- DOGAMI Sub-Group.** Laura Leshar reported that she and Gary Lynch had discussed proceeding with a team separate from WRPPIT that would pursue the two deliverables outlined in Attachment B. The subgroup would consists of DOGAMI, ODA, ODFW, and Water Resources with DEQ and DLCD invited to attend as needed. John Lilly asked that DSL be added to the standing group. Gary Lynch will start the meetings of the group in March and will begin with the deliverable relating to state comments on county land use hearings. The team edited Attachment B to clarify that the land use hearings

involved were only those regarding significant upland mining sites. The team indicated there are approximately 50-60 of these a year. Please see Attachment B for the edit. The Directors Update will reflect this discussion. Attachment B will also be included as an attachment to the Directors Update.

b. Cornerstone 5 – Faster Process Timing.

The team reviewed Attachment C and discussed how the timing of the process might change with the redesign. The team emphasized that the key to improved timing was concurrent vs. sequential processes. Please see directors update document as of 2-21-06 for conclusions from this discussion.

Significant comments resulting from this conversation included the following:

- Keep open the option of not issuing the new Oregon Removal Fill Permit (ORF) if water quality conditions are not ready. This could equate to not issuing the ORFP until the 401 is issued. DEQ's current trigger for the 401 certification is a jurisdictional determination by the Corps and notice to DEQ that a 401 certification is needed. If that is the case, there may be an opportunity to make the ORFP and the 401 certification processes concurrent. This could potentially mean moving the 401 certification and the DLCD CZM certification from Cornerstone 1-B into Cornerstone 1-A6. Christine did indicate that DEQ has expressed some reluctance to make the DEQ public review process the same as the ORFP public review process. Concern was also expressed about whether making the 401 process concurrent with the ORFP process would accomplish one of the redesign purposes of shortening the timeframe for applicants. Projects can take up to a year or longer and projects will often change during the 401 certification review process for a number of reasons.

The question was also raised as to why we would include anything in 1-B.

At this point the team will retain the item in 1-B for presentation to the Directors but will continue to keep open the option of moving everything into 1A as the team moves forward.

- Remove "state lands proprietary authorization from Cornerstone 1-B. This has to have occurred before an application can be processed. Applicant has to be property owner.
- Do establish a statutory framework for the redesign rather than relying on a memorandum of agreement to implement the redesign as a starting place.

c. Cornerstone 3 – Redesigned Application Process. Please see directors update document as of 2-21-06

d. Cornerstone 4 – Redesigned Process Owner. Please see directors update document as of 2-21-06.

e. Attachment C – Advisory Committee Priorities, Cost Guestimates, and Rejected Redesign Options. These items will be discussed at the next meeting (February 27).

f. Sample applications to test through the redesign. Kirk Jarvie and Jenny Carmichael will discuss possible applications to test at a March team meeting.

g. Appeals. This item will be discussed as part of the mid-level redesign discussions later this spring.

5. WRPPIT Measurement Plan. This topic will be deferred to a later meeting.

6. **Presentations Plan for March 6 Meeting with Directors.** The team briefly reviewed a skeletal power point presentation for the meeting with the Directors and agreed to use it as the basic outline for the presentation. At Jas Adams' suggestion a page will be added summarizing key redesign assumptions. Please see Attachment D.

Reminder Assignments

Attachment A

As of February 21, 2006

Deliverable	Who?	Assignment
A – Project Management	Laura Laura and Jenny All All	DOGAMI follow-up Prep for Directors Meeting After Laura Finalizes Team Update circulate to appropriate people in your agency Regular Project Communications
B – Stakeholder Involvement	Pat Pat Laura and Jenny	Legislator and legislative staff briefings Prep for Audit Committee Meeting Prep for Advisory Committee Meeting
C- Measure Project Impact	Laura/Christine/ Gary	Report to WRPPIT Plan Implementation
D – Customer Service Training	Pat/Laura	Customer Service Inventory Kit for Agencies
E – Pamphlet		DONE
F – SPGP Implementation Plan		DONE – IMPLEMENTATION IS UNDERWAY
G – Inter-Agency Training	Laura	Confirm Mediation Training Dates
H – Process Redesign	All All Jas Jenny/Laura	Legislative Placeholders April 3 rd Deadline for Legislative Concepts Begin to assess statutory and rule changes needed Plan Next Steps after Directors Meeting March 6
I – MOU		
J – User’s Guide	Kirk/Patty/ Christine/Lori	Plan Consultant Meeting in April
K – Super Application	?	Review SPGP Application

DOGAMI RELATED DELIVERABLES FOR 05-07 BUDGET NOTE

Attachment B

Budget Note Response

The Budget Note to the natural resources agencies set the expectation for the named agencies to: “... *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... aggregate mining activities.*” The following plan reflects the Department of Geology and Mineral Industries’ (DOGAMI) commitment to respond to the budget note. DOGAMI receives very high customer satisfaction ratings (98%) in it’s annual customer survey feedback, the agency strives to continuously improve their business practices and customer service. The DOGAMI response to the budget note does not reflect a broken process but ongoing work of continuous improvement. One systemic area of work ready for action is greater integration and coordination of state requirements affecting applicants.

Current State Regulation of the Aggregate Industry

Currently there are typically multiple permits required in conjunction with the DOGAMI Operating Permit (DOP). These may involve DEQ 1200A General Storm Water Quality Certification (already delegated to DOGAMI by MOU with DEQ) permitting for air quality at the state and local levels, local noise ordinances, traffic impact requirements, etc. Other natural resources comments, permits or reviews may be required such as Water Resources Department groundwater regulations and Water Rights determinations, DLCD’s Coastal Zone Reviews, ODFW’s comments regarding fish/wildlife habitat and applicable Fish Passage Plans. Also, several of these agencies are involved in ongoing monitoring and compliance reviews related to active DOPs.

In addition the State of Oregon comments on applications that inform the local land use decision process. These comments can be highly technical, confusing, inconsistent or even conflicting in nature and is an additional area of concern to customers. Because of the complex and specialized nature of these regulations, permits, authorizations, comments and reviews it becomes paramount to find better ways to coordinate the processes and requirements with the state to speaking at hearings with one consistent, clear voice while maintaining the appropriate natural resources protections.

Work Underway

DOGAMI is involved in the Water-Related Permitting Process Improvement (WRPPIT) effort with six other natural resources agencies as they work to redesign the collection of permitting, review, commenting and authorizations associated with the Removal/Fill requirements for development and restoration activities in or near Oregon’s wetlands and waterways. It is expected that the redesigned coordination model for the WRPPIT work will be complete in March of 2006.

While DOGAMI is involved in less than 10% of the Removal/Fill authorizations in the state, DOGAMI is engaged with the Water-Related Permits Process Improvement efforts as a way to collaborate with other agencies to improve Oregon’s overall natural resources business regulatory climate. The WRPPIT redesigned coordination model is expected to serve as the foundation for the coordination and integration issues related to the DOP discussed above. The work on the state coordination and integration related to the DOPs is expected to begin at the completion of the WRPPIT model development in March 2006 and the model design to be completed for the DOPs by September 2006.

The Budget Note should not address: OCAPA has emphasized that the response to the DOGAMI aspect of the budget note should not involve issues that are the focus of the **2004-05 Aggregate Mining/Farmland Protection Consensus Process** convened by the Portland State Oregon Consensus Program at the request of the Governor. “The purpose of the **Consensus Process** is to develop a recommended policy for the state in regard to siting and regulating aggregate mines on farmlands, within the context of the long-term demand for aggregate and the availability of other aggregate resources. Considerable data has been compiled and presented to the group regarding aggregate mining and farmland issues by the Institute for Natural Resources at Oregon State University. The Consensus Group met seven times in 2004, and agreed to continue working together to develop consensus recommendations and agreed to not request the 2005 Legislature to address any related individual issues. The

Consensus Process will resume following the Legislative Session. The group is looking at various options to address the issues that have been identified.” (Source: Oregon Consensus Program Website)

DOGAMI Related Deliverables for the Budget Note

WRPPIT’s efforts involve all of the natural resource agencies that regulate the aggregate industry and are expected to continue with any legislative changes considered by the 2007 legislature with implementation expected through 2008. Because significant effort is underway with the WRPPIT process to streamline how natural resource agencies work together to authorize Removal/Fill permitting work in Oregon’s waterways and wetlands, OCAPA and DOGAMI believes this streamlining effort should provide the foundation for concurrent and subsequent efforts to streamline state regulation of sand and gravel mining in Oregon. The Office of Regulatory Streamlining and DOGAMI will apply the approaches of the WRPPIT process improvement efforts to coordinate state regulation of the aggregate industry beginning in April 2006 and expect to complete the model design by September 2006 for the permitting and review issues as well as the state’s land use commenting process.

- a. Propose changes to make the permitting and enforcement processes faster and cheaper for the state and for the aggregate industry, while maintaining state protection standards include:
 - i. Applying WRPPIT changes to DOGAMI operating permits.
 - 1. Reduce/combine permits
 - 2. Lead concurrent, integrated state requirements for DOPs
 - 3. Eliminate redundant internal reviews
 - 4. Safe harbor language

- b. Propose changes to the State’s Input at Local Land Use Hearings **regarding significant upland mining sites.**
 - ii.

- ~~ii.~~ Using the coordination model developed by WRPPIT to produce a consolidated and non-conflicting state response to county requests for state comments at land use hearings regarding significant upland mining sites.

Summary

While Oregon’s natural resource regulations requires a variety of permits, reviews and commenting activities, DOGAMI and the involved agencies will use the WRPPIT redesign model as a foundation for integrating the requirements of the DOPs and state comments for local land use hearings related to DOP applications. This will not only result in appropriate natural resources protection standards remaining unchanged but also will result in an coordinated, integrated, consistent and more timely state response to DOP applicants.

Source: “University of State Authorizations That Are the Focus of the WRPPIT Redesign” November, 2005

AUTHORIZATION	ESTIMATED TIME FRAME (Nov, 2005)
277 Individual R-F’s	Statutory Time Frames to Review Removal-Fill Permits: <u>DSL Review of original or subsequent submission:</u> 30 days; 15 days for General Authorizations. <u>Public Review:</u> 30 days; 15 days for General Authorizations; 75 days for DEQ if requested. <u>DSL Analysis:</u> permit decision required within 90 days after complete application determination <u>Applicant Response:</u> 25 days requested by DSL for workload planning, not mandatory.
406 General Authorization R-F’s	See above.
In-water-work period comments & habitat mitigation reviews on 625 of 694 R-F’s	Within 20 day comment period.
Fish passage plan approvals on ~ 100 R-F’s	1 month
Water quality comments on 625 of 694 R-F’s	?
NPDES’ on ~100 R-F’s (67 DEQ, 33 local gov)	?
401 Certifications on ~150 R-F’s	?
Archeological Permits on 100? (high) R-F’s	?
Coastal Zone comments on 74 R-F’s	47 days

Note: will need to examine optimum timing related to lesser quantity authorizations from the “Universe” list. 1-24-06

Water-Related Permits Process Improvement Project

Improving the State of Oregon's Process for Permitting Development Projects that Affect Oregon's Water Resources

Presentation to:

Water Related Permit Natural Resource Directors and Leaders

Lauri Aunan, Water Quality Division Administrator, DEQ

Michael Carrier, Governor's Office

Katy Coba, Oregon Department of Agriculture

Roy Elicker, Oregon Department of Fish and Wildlife

Ann Hanus, Department of State Lands

Stephanie Hallock, Department of Environmental Quality

Vicki McConnell, Department of Geology and Mineral Industries

Lane Shetterly, Department of Land Conservation and Development

Phillip Ward, Water Resources Department

Tim Wood, Parks and Recreation Department

From the:

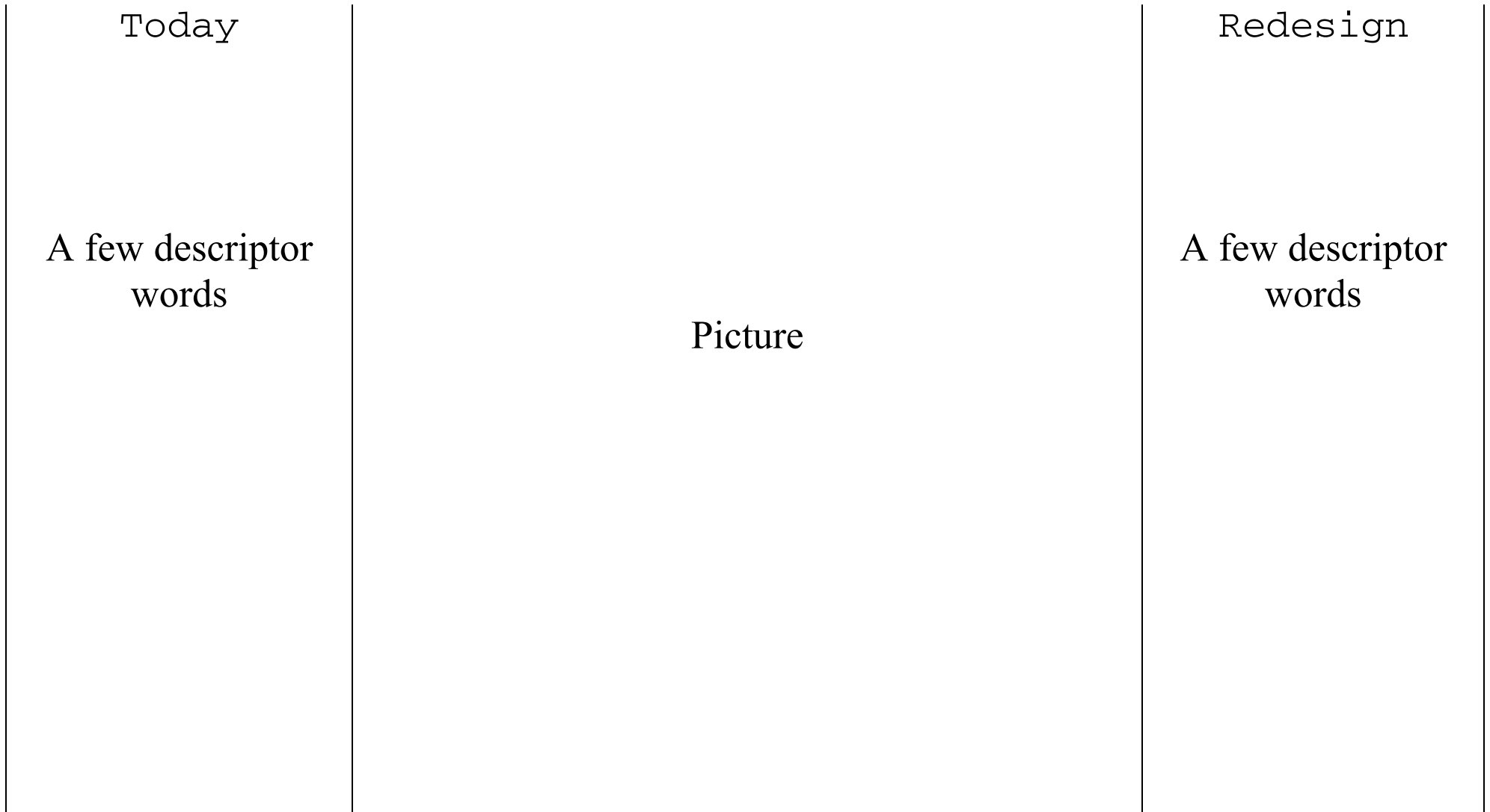
Water Related Permits Process Improvement Team

March 6, 2006

AGENDA

1. Status Update
2. Request of You Today
3. Cornerstones Presentation
4. Next Steps of the Redesign
5. DOGAMI Request
6. Audit Committee Meeting
7. Advisory Committee Meeting
8. Direction

- CORNERSTONE 1 - Redesigned Product



CORNERSTONE 2 - Redesigned Agency Role

Today

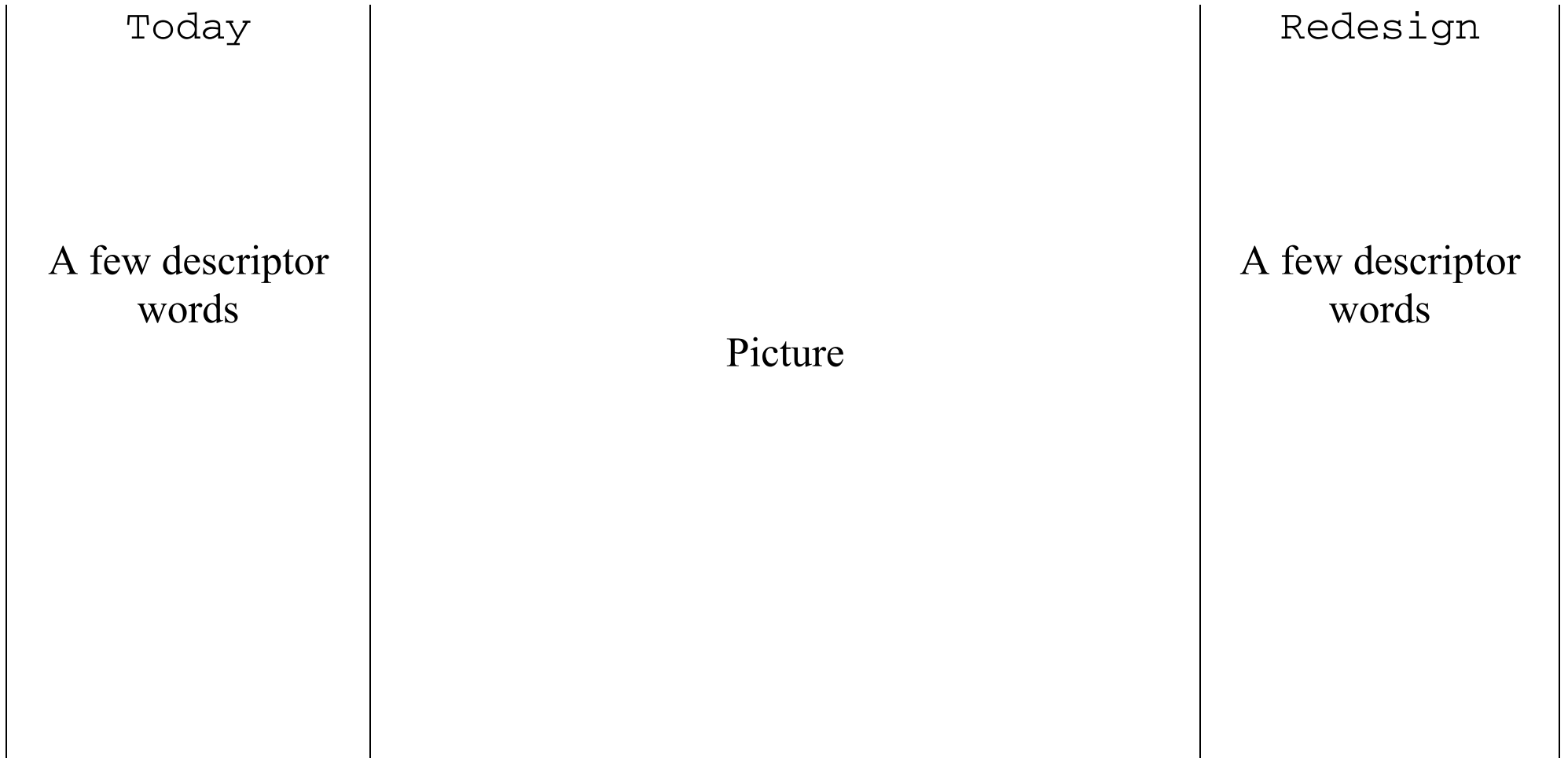
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CORNERSTONE 3 - Redesigned Application Process



CORNERSTONE 4 - Defined Process Owner

Today

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Redesign

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CORNERSTONE 5 - Faster Process Timing

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