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 - DIRECTORS UPDATE

March 6, 2006
1-2 pm, Conference Room B, Basement, L&I Building, Salem

Leaders Present:	**Members Absent:**
Lauri Aunan, DEQ (by phone)	Christine Svetkovich, DEQ
Michael Carrier, Governor's Office	
Roy Elicker, ODFW	**Intermittent Members Not Present:**
Ann Hanus, DSL	Dale Blanton, DLCD
Lane Shetterly, DLD	Tony Stein, OPRD
Phillip Ward, WRD	Susan White, SHPO
Members Present:	**Advisory Committee Members**
Jas Adams, DOJ	**Present:**
Pat Allen, Office of Regulatory Streamlining (RSL)	Tom Gallagher, Legislative Advocates
Ken Franklin, ODOT	
Kim Grigsby, Water Resources	**Consultant:**
Kirk Jarvie, DSL	Jenny Carmichael, Carmichael
Laura Lesher, Project Manager, RSL	Consulting
Gary Lynch, DOGAMI	
Patty Snow, ODFW	

AGENDA

	LED BY
Water Related Permit Redesign	Pat Allen
Aggregate Mining Streamlining	
Advisory Committee – March 22	
Legislative Audit Committee – March 30	

MEETING RECORD

Please see separate documents from this meeting record including the March 6 power point presentation to the Directors and the written update on the WRPPIT project sent to the directors on February 28.

Action 1: All directors endorsed the cornerstones authorizing the team to proceed with the next steps of the redesign.

> The directors understood the redesign to be predominantly timing and process changes, without substantive changes in agency authorities.

> The directors did identify one policy question that requires further discussion: the proposal that DEQ review all removal-fill permits and the corresponding cost implication of this change and the best integration of the 1200-C and 401 certification requirements into the single Oregon Removal-Fill Permit. Ann Hanus (DSL), Lauri Aunan (DEQ), Kirk Jarvie (DSL) and Christine Svetkovich (DEQ) were asked to develop a recommendation regarding these issues, before March 22 if possible. They have a meeting

scheduled for March 15.   This group was asked to identify the extent of problems with the 1200-C in order to determine how connected this authorization should be to the Oregon-Removal Fill permit.

Tom Gallagher was present and was asked for his opinion regarding the redesign proposal. Tom indicated that the redesign was an amazing and incredible piece of work by the agencies.   A potential future difficulty is that the redesign still does not create a unified state and federal process.   Tom, however, recognizes that federal delegation is a separate issue and that the redesign is an attempt by the state to take control of what is within its authority. The redesign holds much promise and Tom hopes everyone will make the necessary commitments to make it happen.

Action 2: All directors approved the aggregate mining streamlining deliverables and strategies.

MEETING RECORD - WRPPIT MEETING
March 6, 2006
2-4 pm, Conference Room B, Basement, L&I Building, Salem

Members Present:	**Members Absent:**
Jas Adams, DOJ	Christine Svetkovich
Pat Allen, Office of Regulatory Streamlining (RSL)	
Ken Franklin, ODOT	**Intermittent Members Not Present:**
Kim Grigsby, Water Resources	Dale Blanton, DLCD
Kirk Jarvie, DSL	Tony Stein, OPRD
Laura Lesher, Project Manager, (RSL)	Susan White, SHPO
Gary Lynch, DOGAMI	
Patty Snow, ODFW	**Advisory Committee Members Present:**
	Tom Gallagher, Legislative Advocates
Consultant:	
Jenny Carmichael, Carmichael Consulting	

AGENDA

TIME	AGENDA ITEM	LED BY
2:00	**Reminder Assignments and Updates**	Jenny
2:10	**Debrief Meeting with Directors**	Jenny
2:30	**Advisory Committee and Audit Meetings**	Jenny
2:40	**What's Ahead:**	Jenny
	- **Draft MOA (Mid-Level Redesign)**	
	- **Legislative and Rule Changes**	
	- **DSL Redesign**	
	- **Other Agency Redesigns**	
	- **Change Options for Directors**	
2:45	**Measurement Plan**	Laura
3:15	**Removal-Fill Data for Mid-Level Redesign**	Jenny
3:45	**Homework: Statutes and Rules that may need to change**	Jenny
3:55	**Meeting Wrap – Up**	Jenny

MEETING RECORD

1. **Reminder Assignments.**   The team reviewed reminder assignments for progress updates (please see Attachment I to this meeting record).

2. **Updates**.

   Jenny reported that John Lilly has been assigned to complete and implement the DSL's Asset Management Plan and will not be continuing as a member of the WRPPIT Team. Kirk Jarvie will be continuing from DSL and Ann Hanus has indicated that one of the primary responsibilities of the new Assistant Director of DSL will the WRPPIT work.

3. **Debrief Meeting with Directors**.

   The team discussed the issue of DEQ review of all removal-fill permits, 1200-C, and 401 certification coordination. The team wants to hold to see if a presentation regarding 1200-C is needed until after reviewing the recommendation that has been requested from Lauri Aunan, Ann Hanus, Kirk and Christine regarding DEQ issues.

   Tom Gallagher indicated that applicants are unlikely to want to pay for a review that is not binding.

   Tom also expressed a concern about potential funding implications and whether agencies could do streamlining without additional dollars. In addition, ideally for applicants all of the authorities would be given to one agency without needing to involve multiple agencies.

4. **Advisory Committee Presentation on March 22**

   Pat Allen will be giving the presentation to the Advisory Committee on March 22. Pat proposes a focus on the eight improvements the Advisory Committee has prioritized and how the redesign responds to those concerns. Pat asked Kirk to present the redesigned process at the meeting. The focus of the Advisory Committee presentation should be to positively present how the redesign makes the process easier or harder, increases certainty, what it may cost, etc.

   The team will be looking for the Advisory Committee's judgment as to whether the redesign fits into which of the following categories:

   - Good, some holes
   - Good, big holes
   - Not good

   It will be necessary to provide enough information so that the initial parameters of the WRPPIT effort are clear and the cornerstones endorsed by the directors are evident.

5. **Audit Committee Presentation on March 30**

   Pat Allen indicated that the Audit Committee presentation will need to track back to the 32 recommendations and provide more context than the Advisory Committee presentation, including stakeholder involvement. Pat will also be giving this presentation.

6. **What's Ahead**

   Jenny described 5 key areas of focus of the next few months:
   - **Draft MOA (Mid-Level Redesign)**
   - **Legislative and Rule Changes**
   - **DSL Redesign**
   - **Other Agency Redesigns**

- **Change Options for Directors**

7. Measurement Plan/Removal-Fill Data for Mid-Level Redesign

Please see <u>Attachment II</u> for the most recent draft measurement plan. The team discussed which applications should be analyzed for the content analysis measurement task to assess cycle time, application resubmittals, and other indicators that would inform the eight Advisory Committee improvement priorities.   Laura will be following up with Derek in DCBS to determine if a random sampling or some other sampling methodology is preferred.   Not all improvement areas will be able to be addressed with the content analysis. Some will be better addressed with the other two measurement strategies: changes made and focus group. Kirk also suggested that applications eligible for SPGP could be withdrawn so that the impact of WRPPIT could be evaluated more separately from SPGP impacts.

The team also discussed how to stratify the removal-fill permit applicants to take further steps in the redesign. The team will need to have some idea of customer clusters or profiles and the nature of applications in order to determine how best to process them in the pre-application stage and in the application review stage. This will also be helpful for the User Guide.   Kirk indicated that DSL currently only tracks things it is responsible for and would not be able to easily identify which applications require various other state authorizations.

8. Homework: Statutes and Rules that may need to change

Jenny will be sending out an assignment for the next team meeting to help members identify potential statutory and rule changes that may be required as a result of the redesign cornerstones.

9. Meeting Wrap-Up

<u>Next Meeting</u> – March 17 , 9 – noon, 2nd Floor, Director's Conference Room, L&I Building, Salem

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The team will not meet on March 20.

<u>Remaining meetings in March</u>
March 22 – Advisory Committee Meeting
March 24 – WRPPIT meeting, 9-noon, Director's Conference Room, L&I Building, Salem
March 30 – Legislative Audit Committee Meeting

Reminder Assignments

As of March 6, 2006

Deliverable	Who?	Assignment
A – Project Management	All	Regular Project Communications
B – Stakeholder Involvement	Pat Laura and Jenny Pat	Legislator and legislative staff briefings Prep for Advisory Committee Meeting Prep for Audit Committee Meeting
C- Measure Project Impact	Laura/Christine/ Gary	Report to WRPPIT Plan Implementation
D – Customer Service Training		DONE
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	Legislative Placeholders April 3rd Deadline for Legislative Concepts Begin to assess statutory and rule changes needed
I – MOU		
J – User's Guide	Kirk/Patty/ Christine/Lori	Plan Consultant Meeting in April
K – Super Application	?	Review SPGP Application

DRAFT WRPPIT Project Impact Measurement Plan
3-6-06

Overview
The measurement topics focus the customer experience and concerns raised and identified in the May 2005 Water-Related Process Improvement Recommendations Report and those concerns identified in customer stakeholder groups that the Water-Related Permitting Process Improvement Team (WRPPIT) met with during the fall of 2005. The overall goals of the WRPPIT efforts are centered in continuous process improvement and to improve the customer's experience while; maintaining the levels of natural resources protections.

The following measurement approach includes reporting on the completion of project products referred to as the Report Changes, Project Impact Reports which is the analysis of permitting processes using content analysis of quantifiable data and lastly through feedback from customer focus groups over time. Each method of measurement will be reported individually and the summary of the identified changes, data, and feedback will be incorporated into an overall report produced annually that addresses the changes and improvements, trend lines, indicators for project impacts, outcomes and continuous improvement, and any unintended consequences of the efforts related to Oregon's Removal Fill permitting process. WRPPIT has developed this measurement plan in order to adequately assess the changes to the current permitting process with minimal resource requirements and minimal impact to customers, which is why it was decided to not use multiple customer surveys. These three measurement approaches need to demonstrate to what degree the WRPPIT work has accomplished the overall purpose of water-related permitting process improvement project.

WRPPIT Measurement Tracks
Three measurement tracks:

Report Changes: These reports will track actual changes implemented to address 2005 key customer concerns identified in 2005 while maintaining the same level of natural resource protections. The deliverables will be documented for comparison against the 2005 permitting system and will be issued in late 2006, at the end of 2007, and at the end of 2008 (See Appendix A for report format).

Project Impact Reports: These reports will assess the impact of changes implemented to the removal/fill permit process regarding the 2005 key customer concerns while maintaining the same level of natural resource protections. This will be accomplished by conducting content analysis research on permit applications meeting specific criteria, determining trends and identifying opportunities for further improvements. Some changes from this project that do not require statutory modification will begin to be implemented as early as late 2006. At this point, it is uncertain which changes will be implemented or when it will begin. Changes that do require statutory modifications will be decided by the legislature during 2007 Legislative Session, with implementation proposed to begin in 2008. The first impact report will be completed by December 15, 2006, the second December 15, 2007, the third by December15, 2008, and the fourth and final Project Impact Report by December 15, 2009.

Focus Group Feedback: A customer focus group will be used to gather feedback on the status on Oregon's Removal Fill permitting system. The focus group will consist of those applicants who do a significant amount of permitting work in Oregon and are reflective of the cluster groups of consultant,

development, environmental, local government, and forestry/farm/agriculture interests that the project team gathered feedback from during 2005.

Measurement Tracks Detail
A baseline has been established of customer concerns and is captured in Appendix A. The summary of concerns in each category was obtained from consultants, development, environmental, local government, and forestry/farm/agriculture interests, as well as agencies' staff and management. The approach used to capture this baseline of information can be considered a focus group type approach where groups are asked to identify concerns regarding the existing system. The WRPPIT Advisory Committee validated this information on December 14, 2005 as an accurate reflection of customer concerns.

Report Changes
Using the protocol and reporting format defined in Appendix A, the WRPPIT Staff Team will document the project deliverables and timeline for each deliverable and categorize the deliverables by intended outcomes. This report will also identify other changes or circumstances that may impact or support the project goals.

Project Impact Reports
A neutral third party will perform content analysis of randomly selected, criteria specific applications to establish and track baseline measures over time. A baseline of key customer concerns regarding the state of Oregon's approval requirements to work in waterways and wetlands was established in 2005. Key customer concerns are listed below in priority order are defined in greater detail in Attachment A.

> Clear Info at the Beginning
> Clear Authorities and Non-Conflicting Decisions
> Outcome/Compliance Focus
> Unified State Process
> Faster and Known Timelines
> Permitting Cost Estimate Provided
> One Stop and Specialized Assistance
> Single Application

This work will answer if the redesigned permitting process has achieved a consistent, concurrent, coordinated, multiple permit decisions while maintaining the same level of natural resources protections.

Cycle time will be collected and reported beginning with 2006 permit applications, and assessing actual state processing cycle time for randomly selected, criteria specific removal-fill applications, and related state authorizations. Database entries will also be used to report state processing timelines for permit milestones for all permit applications. This will include all agencies participating in the WRPPIT project. The state processing cycle time is defined as the actual time a state agency is in control of an application, not the time the application is being worked on by a customer. Changes in the amount of time, individually and cumulatively, for all removal-fill permits and related state authorizations will be reported annually. Other factors that may have influenced cycle time should also be reported.

Criteria For Permit Review/Content Analysis
Applications will be assessed at regular intervals using a content analysis approach to quantify the changes in state processing cycle time, application/project design resubmittals, and progress on other prioritized customer concerns of the WRPPIT efforts (as listed above and detailed in Appendix A).

Randomly selected Removal Fill permit decisions that require a 401 Water Quality Certification, a Fish Passage Permit and in-water work period specification (minimum 20% of all applications that fit this criteria).

Randomly selected Removal Fill permits decision that included at least two of the following: SHPO review, CZM, and/or Shore Permits (minimum 20% of all applications that fit this criteria).

The state processing time, conditions consistency, agency coordination, and compliance focused elements will be evaluated and trend lines will be established and compared year to year for the project improvement criteria.

The Office of Regulatory Streamlining will be engaging an external group to conduct annual focus group sessions for a three-year period beginning in the third quarter after implementation of the redesigned process and continuing annually through the end of 2009. The focus groups will be reflective of the individuals and groups interviewed to establish the 2005 customer baseline (see above) and will assess whether the desired customer expectations outlined have been realized. This report will present trend lines. In addition, other factors that may have influenced cycle time should also be reported.

Focus Group Protocol and Implications
A representative customer focus group will be used annually to gather feedback on the status of Oregon's Removal Fill permitting system. The focus groups will consist of those applicants who do a significant amount of permitting work in Oregon and are reflective of the cluster groups of consultants, development, environmental, local government, and forestry/farm/agriculture interests that the project team gathered feedback from during 2005. The Office of Regulatory Streamlining or a neutral third party will conduct this research. Each of the nine involved agencies will propose up to 15 consultants or applicants that apply for permits regularly. The Office of Regulatory Streamlining will invite 12 to 15 of these proposed applicants that are representative of different types of water-related permitting work to take part in the annual focus group feedback session. The focus group participants will remain anonymous to the agencies and all comments will be documented without attribution. The themes and trends identified by the annual focus group will synthesize the feedback and prepare a feedback report to interested stakeholders and agencies involved in WRPPIT. Agencies should be prepared to respond to issues with additional adjustments or improvement efforts and track progress on the WRPPIT project purpose.

Focus Group Questions
What is your feedback regarding the agencies providing clear information at the beginning of the application process? (OR What is your feedback about clarity of technical requirements and procedural information being available early in the process?)

What is your feedback regarding clear authorities and non-conflicting decisions in the permitting process and permit conditions? (OR What is your feedback about consistency or non-conflicting conditions of the Oregon Removal Fill permit?)

What is your feedback regarding outcome/compliance focus of the permit conditions and regulations?

What is your feedback regarding the degree to which Oregon has achieved a consistent, coordinated multiple Removal/Fill permitting decision process?

What is your feedback regarding the degree to which Oregon has achieved faster and known timelines for the Oregon Removal Fill Permit?

Were you provided a permitting cost estimate early in the permitting process? To what degree was the estimate accurate/helpful?

Were you provided one stop and specialized assistance if you requested it? To what degree was this accurate/helpful?

Were you provided a single Oregon Removal Fill Application? To what degree was the application helpful?

Was the Oregon's Removal/Fill permitting process sufficiently coordinated and integrated? To what degree was this helpful?

What has changed (if anything) for the better? What has changed (if anything) for the worse?

What is your feedback about customer service during the permit application process?

What issues or concerns (if any) do you have about Oregon's Removal Fill Permitting?

Means and Methods of Completing Research
The WRPPIT Staff Team would complete the first aspect of the project measurement during 2006 as products are completed. The first report would be ready to distribute to interested stakeholders prior to the 2007 Legislative Session.

The content analysis aspect of project measurement should be accomplished in two phases. The communications and technical staff of DSL generating the random numbers for the projects selected that meet the established criteria with an outside third party conducting the content analysis research. This could be accomplished by using another agencies expertise such as DAS or DCBS or by contracting with an outside party under the Statewide Regulatory Streamlining Request For Proposals with all the agencies participating in these limited costs. A member of the WRPPIT should take the lead in sharing the above scope of work, coordinating and reviewing draft work, and making agreements with the other agencies (DCBS or DAS) to review and guide the research.

The focus group work can be accomplished by having a neutral third party facilitator from either an agency not involved in water-related permitting or an outside vender conducting the focus group sessions (without agencies staff or management present) document the raw comments (without attribution), followed up with a report of themes and indicators from each focus group session. The agencies that have capacity in this area (at this time) are ODOT, DHS, DAS, and DCBS. The costs should be minimal due to the protocol already being established.

Appendix A
WRPPIT Report Changes

The following documentation and reporting of changes implemented to address the issues within the permitting system identified by customers as areas of concern and articulated in the WRPPIT Recommendations Report completed in May 2005.

Concern Category In Advisory Committee Priority Order
A baseline has been established of customer concerns and is captured below. The summary of concerns in each category below was obtained from consultants, development, environmental, local government, and forestry/farm/agriculture interests, as well as agencies' staff and management. The WRPPIT Advisory Committee validated this information on December 14, 2005 as an accurate reflection of customer concerns.

Concern Category In Advisory Committee Priority Order (1 through 8)
1. Clear Info at the Beginning
What customers were saying in 2005
It is unclear what types of state permits, authorizations and certifications are required prior to conducting work in a waterway in Oregon. There is not a straightforward "permit process" as there are various state agencies that are responsible for certain elements of the required reviews, approvals and technical assistance. Additionally, there is no defined pathway to get through the "permit process" nor clarity on what requirements each agency has for proposed projects. It would be much easier and cheaper to design a project if it was clear what the "permit process" was and the expectations from each agency and the applicant were clear before designing a proposal.

What customers would like to be able to say
It was clear at the beginning of the process what information and design features I needed to include in my application to:

1) Have it processed in a timely manner.
2) Receive a favorable permit decision.
3) Learn early on that my project is not legally feasible.

Changes Implemented to Address Customer Concerns

To Date	Yet To Be Implemented In 2006	Proposed For 07/08
Multi agency pamphlet	Users Guide	

2. Clear Authorities and Non-Conflicting Decisions
What customers were saying in 2005
The roles, responsibilities, and jurisdictions of each agency in the permit process are unclear. The timelines, information regarding requirements, and authorities of each agency is not communicated to applicants. The state agencies are not coordinated when providing responses to applicants nor in conditions that are included in permits to ensure the proper natural resource protections are in place.

What customers would like to be able to say
The state requirements were clear and definitive. The requirements did not conflict with each other and represent consistent application of statues, rules, and policies. High levels of internal consistency exists within each individual agency. There is a balance of consistency with flexibility. Substitute federal or local permit if it requires the same thing as a state permit.

Changes Implemented to Address Customer Concerns

To Date	Yet to be implemented in 2006	Proposed for 07/08

3. Outcome/Compliance Focus

What customers were saying in 2005

It is difficult to design a project proposal when the desired/required outcomes are not defined ahead of time. Conditions that are too prescriptive are often constraining during implementation. More flexibility is needed to ensure that the best action is taken to reduce any potential natural resource impacts that are unanticipated.

What customers would like to be able to say

The state focused on outcomes and I clearly understand what the outcomes are designed to achieve. I know what I will be held accountable for. Requirements are proportional to project impact.

Changes Implemented to Address Customer Concerns

To Date	Yet to be implemented in 2006	Proposed for 07/08
Inter-agency Customer Service Training		

4. Unified State Process

What customers were saying in 2005

There is not one state "permit process" in Oregon. All of the agencies involved have different timelines, processes and fees. The multiple processes with various associated timelines results in unnecessary costs, duplication and frustration.

What customers would like to be able to say

All of the state agencies involved in permitting my project worked in a unified manner to deliver a timely and responsive decision

Changes Implemented to Address Customer Concerns

To Date	Yet to be implemented in 2006	Proposed for 07/08
Multi-agency Water-Related Pamphlet	Users Guide Multi-agency professional and technical training	

5. Faster and Known Timeline

What customers were saying in 2005

The timeline for obtaining all of the required state permits, authorizations, and certifications is often long and unknown when proposed projects are designed and applied for.

What customers would like to be able to say

It was great to know how long it was going to take to get through the state process. I was able to plan accordingly and begin on time. The process today is a lot faster than it used to be.
Wetland delineation was approved early enough so I could avoid wetlands.

Changes Implemented to Address Customer Concerns

To Date	Yet to be implemented in 2006	Proposed for 07/08
	Users Guide Multi-agency technical training	

6. Permitting Cost Estimate Provided
What customers were saying in 2005
The permitting costs are unknown for applicants at the beginning of the permit process. The costs, including fees and timeframes, should be predictable. Permitting costs and requirements should be commiserate with project impacts.

What customers would like to be able to say
I knew ahead of time approximately how much the permits and permitting process were going to cost so I could plan appropriately.

Changes Implemented to Address Customer Concerns

To Date	Yet to be implemented in 2006	Proposed for 07/08

7. One Stop and Specialized Assistance
What customers were saying in 2005
The state needs to provide a single point of contact to answer questions and coordinate the permit process for applicants.

What customers would like to be able to say
All of the state agencies involved in permitting my project worked in a unified manner to deliver a timely and responsive decision.

Changes Implemented to Address Customer Concerns

To Date	Yet to be implemented in 2006	Proposed for 07/08

8. Single Application
What customers were saying in 2005
One state application with one designated ID number for all of the state processes is needed. Technical assistance tools, similar to Washington's questionnaire and Web site, would be beneficial.

What customers would like to be able to say
The state application process was straightforward. I submitted all my info at once and provided additional detail without having to start over. I had one project number and was able to track it through the process.

Changes Implemented to Address Customer Concerns

To Date	Yet to be implemented in 2006	Proposed for 07/08