

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

April 5, 2006

1-4, Conference Room B, Labor and Industries Building, Salem

Members Present:

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

Consultant:

Jenny Carmichael, Carmichael Consulting

Members Absent:

Pat Allen, Office of Regulatory Streamlining (RSL)
Gary Lynch, DOGAMI

Intermittent Members Not Present:

Dale Blanton, DLCDD
Tony Stein, OPRD
Susan White, SHPO

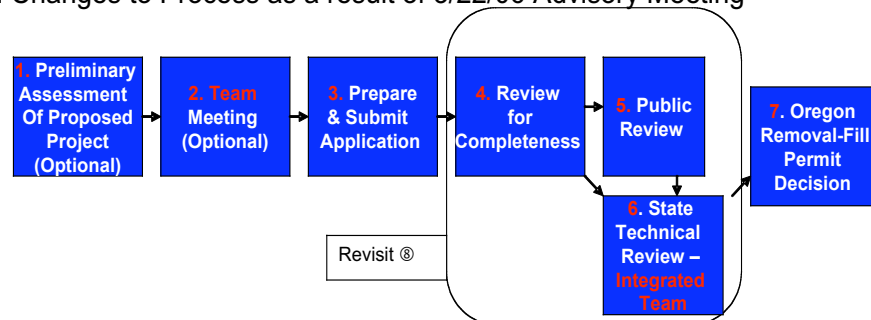
AGENDA

<u>TIME</u>	<u>AGENDA ITEM</u>	<u>LED BY</u>
9:00	Meeting Record – Mar 17, Reminder Assignments, Updates	Jenny
9:15	Debrief March 30 Audit Committee Meeting <ul style="list-style-type: none">- Messages from the Committee- Implications for next steps of the redesign-	Louise, Kirk Jenny
9:30	Continuing from Last Week . . . Implications from Advisory Committee	Jenny

NOTE: DISCUSSION IS EXPECTED TO CONTINUE AT NEXT MEETING(S)

1. Review And approve March 22 and March 24 Meeting Records
2. Review Team Decision Model
3. Integration discussion: brainstorm what INTEGRATION could look like and wouldn't look like for each step of the redesigned process:

Potential Changes to Process as a result of 3/22/06 Advisory Meeting



4. Modify Attachments A & B of the Directors' February 28, 2006 Update
5. Modify March 6, Directors slide show presentation.
6. Address other changes requested by Advisory and Audits committee – resources, wetland delineation, etc.
7. How does the team move forward to gain Director/Other consensus, if needed?

10:50 **BREAK**

11:00 **Continuation of Prior Agenda Item** Jenny

11:55 **Meeting Wrap – Up** Jenny
Next Meeting: April 14, 9 – noon, 2nd Floor Conference room, L&I Building
 Review Upcoming Meeting Schedule

MEETING RECORD

The agenda sequence was modified as noted below.

1. **Meeting Record Approval. The minutes of the March 17 meeting were approved.**

2. **Reminder Assignments.** The assignments were reviewed as needed.

- a. 1200-C presentation for April 17. Christine has arranged a presentation from DEQ staff regarding 1200-C permits for the April 17th WRPPIT meeting.
- b. Public Notice for DEQ/ACOE 401 Water Quality Certification and Oregon-Removal Fill Permit. Christine and Kirk have been in touch with Jas to determine if the 401 water quality certification public notice requirement issued by DEQ can be combined with the Oregon Removal-Fill permit public notice required of DSL. There does not seem to be any barrier to this but Jas has a little more checking to do. Kirk commented that DEQ and DSL had done this some years ago without any administrative rule. Jas will look at this possibility and will also be examining any potential issue related to fees.
- c. Next Legislative Deadline. June 30 is the next deadline for legislative concepts when language for placeholders must be submitted to DAS, unless rare approval is received.

3. **Updates.**

Removal-Fill Permit Data. Ken Franklin briefly shared an analysis he prepared showing that a significant percentage of the removal-fill permits issued by DSL during 2003, 2004 and 2005 were issued to one-time applicants. The team was very appreciative of Ken's work. Laura, Kirk, Ken and Jenny will be meeting with DSL data people to further develop the analysis.

4. **Debrief March 30 Joint Legislative Audit Committee (JLAC) Meeting**

<u>Messages from the Committee</u>	<u>WRPPIT Follow-Up Plan</u>
a. The redesign and presentation were well received.	

b. Wetlands Conservancy (INR) geographic and issue portals for information and on-line application process for determination/delineation/Removal-Fill Permits (Senator Johnson)	WRPPIT still plans to meet with representatives to discuss software for a single application. Louise will also be following up. The Institute for Natural Resources is looking at software but current plans are not to cover all removal-fill permits, only those that affect wetlands. Louise will also be assessing the best avenue and content for a POP.
c. "Real People" on advisory Committee -- mom and pops. (Senator Johnson)	WRPPIT will explore the possibility of setting up meetings with applicants in one or more legislative districts to respond to the redesign during 2006.
d. Participation from the environmental community (Senator Krummel)	Pat will contact the Oregon League of Conservation Voters at Louise's recommendation. OLCV maintains a roster of all environmental organizations. Louise will be following up on recommendations by Michael Carrier regarding contacts. Once these are done this topic will be rescheduled for review by a WRPPIT meeting.
e. Send updates to staff and committee as we move along	Update JLAC 1) when we have settled on the redesign and 2) when we have the MOA. Also give notice of statutory changes under consideration.
f. One stop enforcement (Senator Schrader)	Take a look at enforcement and compliance as part of the redesign.
g. Don't give up on the feds – engage them.	Engage the Corps 1) when we have settled on the redesign and 2) when we have the MOA. Also give notice of statutory changes under consideration. Remember that the local district may be willing to make changes, but they are regulated by national law.

DSL will also be following up on Senator Whitsett's concern that different agencies are identifying lands differently. This issue is not being addressed by WRPPIT.

5. Continuing from Last Week . . . Implications from March 22 Advisory Committee Messages.

- a. Review And approve March 22 and March 24 Meeting Records

Both meeting records were approved with minor word and typographical modifications.

- b. Review Team Decision Model

The team reviewed the 1-2-3 consensus decision model adopted as part of RFPIT in March, 2005

1	=	My agency supports wholeheartedly
2	=	My agency support in general and would like to see modifications. If the modifications are made, my agency would support wholeheartedly. If the modifications are not made, my agency would still support.
3	=	My agency cannot support as is and would block consensus.

- c. For step 7 of the redesign process – "Oregon Removal-Fill Permit Decision":

- a. Integration discussion: brainstorm what INTEGRATION could look like and wouldn't look like and Modify Attachment A and B of the Directors' February 28, 2006 Update

Question 1: What are some of the specific words that you recall from the Advisory Committee around the topic of "integration"?

- fiefdoms
- hadn't challenged leadership/management assumptions
- non SPGP
- no stacking conditions
- business process that works for applicant and resource
- bring feds in
- no prescriptive conditions
- eliminate redundant work
- consistency
- sticking decisions

Question 2: When someone describes a public process as being extremely well **integrated** what might be happening?

- comprehensive answer
- clear, understandable conditions
- no redundancy
- team approach
- clear authorities
- people in process collaborative
- working to same goal
- non-fiefdom
- single application
- single authorization
- agency reps not arguing with applicant or each other
- WRPPIT!
- state speaks with one voice
- conflict resolution process

Question 3: When someone describes a public process as **NOT** being well **integrated**, what comes to mind?

- SPGP
- Consolidated, not streamlined
- Frustrating
- Can't get there from here
- Fiefdoms
- Mixed/conflicting conditions
- Lots of redo loops
- No deadline for decision
- Ambiguity
- ESA

Question 4: What aspects of the proposed redesigned product (Step 7) match the "integrated" characteristics, what aspects match the "NOT integrated" characteristics?

KEY

Black text = WRPPIT answers to the above question

Dark shaded text = what the redesign does

Light shaded text = what the redesign does sometimes

Black shaded text = additional comments regarding WRPPIT's intention with the redesign

INTEGRATED

- decision that covers all/most state agency jurisdictions
- single authorization = green light from state to proceed
- permit conditions that mesh agency input and remove conflict

this is the team's intention, it won't happen if authorizations are simply stapled, it can happen if agencies talk to each other

NOT INTEGRATED

- stapled agency authorizations
- different authorization at different times
- conflicting conditions and requirements, don't know who to obey
- incomplete

Discussion regarding 401 (and DLCD)

Accepted Changes

- simultaneous public review (based on most recent input from Jas, will be examined further)
- identify general and standard conditions that are likely to apply to all Removal-Fill projects that require a 401
- BMP's for some projects

Changes Not to Be Pursued

- conditions for 401 be conditions in Oregon Removal Fill permit
- DEQ issues a certificate to DSL indicating that they don't find a problem with certain types of removal-fill projects (programmatic)
- Certain types of projects, particularly related to contaminants, DEQ uncomfortable identifying pre-set requirements
- Boiler plate conditions for "x" type of project
- Allow for continuous change to DEQ standards
- Standards and special conditions for classes of projects

The redesign currently provides that the Oregon Removal-Fill permit will give notice when a separate authorization is required for a DEQ 401 Water Quality Certification or a DLCD Coastal Zone Management (CZM) Federal Consistency Review, AND, that the notice will identify requirements expected to apply when the certification/authorization is issued, assuming the project does not change.

The team discussed, at length, the question of whether these requirements could be issued in some way as an integrated part of the Oregon Removal-Fill permit, rather than as a separate notice attached to the Oregon-Removal Fill permit. Christine from DEQ clarified that DEQ issues the 401 certification on behalf of the US Army Corps of Engineers. If DEQ did not review projects for a 401 certification, the review would be conducted by the EPA. All agreed that DEQ review was preferable to EPA review.

Changes to Attachment A – Cornerstones Document sent to Directors on February 28, 2006

CORNERSTONE 1 – Redesigned Product

1. Clarify how integration, removal of conflict would happen
2. Present one integrated set of conditions like ODOT’s “environmental standards” for the bridge program that clearly define which agency is responsible for what. All other agencies defer to the designated agency on specific topics.

CORNERSTONE 2 – Redesigned Process

The team would like to adjust the steps of the redesigned process as follows:



The team will examine what “integrated” and “not-integrated” looks like for the shaded steps of the above process at its next meeting and determine what further changes should be made to Attachment 1 (Cornerstones) and Attachment 2 (Process Map). It is important to the team that all steps in the process flow be value added steps for both applicants and the state.

4. **Wrap-Up.** The meeting concluded at noon. The next meeting will be on April 14, 9 – noon, in the 2nd floor Directors Conference Room at Labor and Industries. The team also made the following changes to the upcoming WRPPIT meeting schedule:

CANCELLED: May 12 meeting

ADDED: May 23, 1-4 pm

The meeting with the resource coordinators will be delayed until the redesign proposal has been fully reviewed in light of the Advisory Committee meeting on March 22.

Jenny will be sending out an updated meeting calendar to all.