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 14, 2006
1-4, 2nd Floor Conference Room, Labor and Industries Building, Salem

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

AGENDA

TIME	AGENDA ITEM	LED BY
9:00	Approve April 5 Meeting Record, Reminder Assignments, Updates	Jenny

9:15	Continued from Last Week . . . Implications from March 22 Advisory Committee
	
	Integration discussion:
	- brainstorm what INTEGRATION could look like and wouldn't look like for the following steps of the redesigned process:
	
	Step 1. Preliminary Assessment – Step 2. Application – Step 3. Review – Step 4. Decision
	
	   - modify Attachments A & B of the Director's February 28, 2006 Update
	   - modify March 6, 2006 Directors slide show presentation.
		Jenny

10:30	BREAK	
10:40	Continuation of Prior Agenda Item	Jenny
11:55	Meeting Wrap–Up Next Meeting: April 17, 1-4, 2nd Floor Conference Room, L&I Building	Jenny

MEETING RECORD

The agenda was modified to focus only on the 9:15 agenda item: INTEGRATION discussion.

1. INTEGRATION discussion.

a. <u>Written comments from Advisory Committee member Tim Acker.</u>

Regarding the pre-application meetings, personally I cannot think of one that I was in on that was not a waste of time for all involved. Unless the agencies are willing to commit I still don't see the point. I only recommend a pre-ap if the project is so complex that I cannot apply the rules and predict the outcome with certainty, and even in those cases the pre-ap is to float a trial balloon to see the agencies' reactions.

From my side of the table we want perfect predictability; in other words, I should be able to apply the OARs and know the outcome in advance. I don't have to like the outcome, but I need to be able to tell my client what the consequences of their actions will be. I appreciate that individuals within the agencies want to preserve their prerogative to treat each situation as unique and apply the OARs as them deem appropriate. These two perspectives are 180 degrees apart. In my mind the fact of the matter is that 80% of the projects I work on are pretty much alike and should be "no-brainers" for the agencies. Maybe 10% are more difficult because the client chooses to make them so for ideological/political reasons . . The last 10% are truly tricky projects due to exceptional resource issues or because they are controversial. Those might benefit from a pre-ap.

I remain leery of a process that appears to depend so heavily on pre-ap meetings when the regulated public cannot rely on what the agencies say at the meeting.

These comments from Advisory Committee member Tim Acker generated the following thoughts:

- We need to say more about what the redesign intends and what applicants will experience. For example, the User Guide will provide a visible link to the OAR's to applicants. The team needs to confirm whether the OAR's match what actually happens. In some cases the OAR's may need to be clearer.
- The description of the Pre-Ap meeting does not go far enough. It will be structured and staffed and the intent is to enable applicants to rely on the results of a pre-ap even through staff changes.
- The pre-ap is optional.
- A written record will be provided.
- The descriptions need to clarify that appropriate agencies will attend the pre-ap. Delete: "must"
- If something is not an issue at the pre-ap, for example – turbidity, the applicant shouldn't have to ever deal with it unless:
  - i. The project changes
  - ii. Public input requires it
- The pre-ap should identify a list of things the applicant should address and a list of things that are not an issue. It is applicant guidance.
- The client needs to submit sufficient information for the state to comprehensively respond. Expectations of clients should be spelled out.
- "non-appeal-able" means no contested cases by either participants or third parties
- We need to develop a "customer continuum" as well as a service continuum

b. <u>Aims of the redesigned process:</u>

Can't have two similar projects and different conditions
- consistency from pre-ap to pre-ap
- consistency from pre-ap to review

- consistency from application to application
- provide the answer – how and whether to get to yes

c. Characteristics of the Pre-Ap Work:

- volume for ODFW ≈ DSL volume
- volume for DEQ ≠ DSL volume (it is less)
- work will be in peaks and valleys

d. State Regulatory Expert (SRE)

Question	Answer	Notes
What's Needed from Applicant at this stage?	Applicant approaches the CSRE with rough concepts about the project, for example, "here's what I'm thinking about . . ."	*ASK the resource coordinators: what is needed from the applicant at this stage?*
ESTIMATED Work Volume	There are about 250 IP's a year. Not all will contact a CSRE. CSRE will also need to provide some assistance with GA's. Estimated contacts per week: 5-10. Applicants will be both first time and complex projects. The work will be seasonal.	
What is the work?	- Recommend a pre-ap or not - Identify regulatory requirements - Explain the process - Offer guidance - Conduct research - Tell applicant how to prepare for pre-ap - Contact other agencies for info - Provide technical information (handouts) and links - Identify who needs to be at pre-ap	
Where:	DSL. Can be face-to face although other means of communication may work – video conference, phone or e-mail. Bend/Salem?	
Who?	Options: - Single person - All resource coordinators - A subset of the resource coordinators	*ASK the resource coordinators: best option*
Expectations of other agencies:	- responsive to research questions - assist with User Guide, keep it current.	
The CSRE needs:	- Needs a good understanding of all agency requirements - Needs to be ramped up with cross-training - Needs to use the User Guide - Needs experience at doing this work - Needs to know who to call	*ASK the resource coordinators: what is needed for a CSRE to do this work*
The CSRE does not need	to be a water quality or fish or other specialty expert.	

Additional decision: only agencies that are considered needed at the pre-ap will be identified by the CSRE. All agencies will not receive pre-ap information for evaluation.

Question: Who could identify who should be involved in the Pre-Ap meeting:
1. INR technology (used by applicant and state staff)
2. Have someone review proposal, know answers or get them
3. Send to agencies & self-identify
4. Applicant determines
5. Hybrid of 1 & 2
6. Experienced applicant identifies agencies
7. Agencies supply information: if this, then that

To be decided: Who sends out the invites and sets up the pre-ap meeting?

e. Team Preliminary Assessment

Note: Have feds attend this team meeting if possible.

Question	Answer	*Notes*
ESTIMATED Work Volume	Two a week. Subset of the 5-10 SRE contacts per week. Likely to be the following - complex projects - unusual projects - political projects Likely to happen in the winter time	
What is the work?	A continuum of customer service tailored to the project. Meeting Preparation – review applicant information Give feedback to applicant at meetings. - Describe "rocks" – what gets to a yes - critique of project within OAR's - list of issues to address - list of issues that will not need to be addressed - technical information - links Written Report: Note: this may involved multiple meetings.	*Checklist?*
Where:		
Who?	Facilitator and note taker – neutral person Same people as do the state review Have an intact team do all steps related to a single application Permit expert from each agency, as applicable	

Brainstorm possible team configurations:

Option 1. Regulatory expert who serves as convenor, facilitator, notetaker
Resource Coordinator = permit processor

ODFW: See Question Discussed below
DEQ: Discuss April 17
Etc.

Option 2. To be developed
Option 3. To be developed, etc.

Question: What are ways for the ODFW pre-ap work on removal-fill permits to get done?

Votes	Possible configuration
	1. Single ODFW staff
X + 10	2. DB's or HB's (~26)
X + 10	3. Single ODFW staff reviewing for consistency, providing standards/training/expectations, coordinating work of DB's and HB's.
XXX + 10	4. 3 above + single ODFW staff handling some central permit decisions.
	5. DSL staff obtain expertise: become experts or hire experts
	6. ODFW puts some staff at DSL
	7. Technology answers
X + 10	8. Small group of DB's and HB's – they would know DSL staff, each other and the issues
	9. Agencies supply information: if this, then that
_	10. Training, standards and expectations to ensure consistency

X = druthers   _ = practical choice

Selected Combination:
- Patty at headquarters
    1) Point person for ODFW involvement in removal-fill permits.
    2) Ensures quality and consistency of ODFW's contributions to removal-fill permits consistent with aims of the redesign.
    3) Train FB's & HB's and coordinate their work
    4) Ensure the same person is consistent throughout a particular permit or take steps to honor previous commitments
    5) Develop standards
    6) Review sample set(s) for consistency
    7) Develop: if this, then that
    8) Handle unusual cases
- Fish Biologists and Habitat Biologists (~ 24)
- If this, then that – straightforward situations, no staff review involved
- If you do this, there will be no issue, and ODFW does not need to participate in pre-ap meeting.

2. **Purpose of WRPPIT project:** are we doing this project to address concerns of a few or is it more broad based than that? Primary concern is difficulty of applicants in responding to multiple agencies – making that simpler and easier and faster; improving customer service.

3. **Wrap-Up.** The meeting concluded at noon. The next meeting will be on April 17, 9 – noon, in the 2nd floor Directors Conference Room at Labor and Industries.