

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

May 10, 2006

9-noon, DCBS, Director's Conference Room, Salem

Members Present:

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

Consultant:

Jenny Carmichael, Carmichael Consulting (not present)

Members Absent:

Jas Adams

Intermittent Members Not Present:

Dale Blanton, DLCDD
Tony Stein, OPRD
Susan White, SHPO
Jim Johnson, ODA

AGENDA

<u>TIME</u>	<u>AGENDA ITEM</u>	<u>LED BY</u>
9:00	Approve Feb 27 and Mar 6 Meeting Records, Reminder Assignments, Updates	Laura
9:10	WRPPIT Users Guide Content Review	Kirk
10:30	Break	
10:40	Statewide Regulatory Expert Position Description	Kirk
11:00	Review 32 RFPIT recommendations	Laura
11:55	Meeting Wrap – Up	Laura
	<u>Next Meetings:</u>	
	May 23, 1:00 – 4:00 – WRPPIT Staff meeting, Director's Conference Room L&I Building, 2 nd floor	
	May 26, 9– noon, DEQ Headquarters, Portland	

MEETING RECORD

1. Updates

Patty shared that ODFW field staff felt DSL will need more coordinators to do the additional work of the redesign.

Kevin Moynahan has been named Interim Assistant Director for DSLs' Wetland and Waterways Division. Kevin is from DSL's Property Management Division and was formerly a New Jersey superfund site agent.

DSL is considering a vacancy of the NE Regional NR Coordinator to be recruited for the La Grande area in order to reduce drive time on east side.

The WRPPIT Staff Team wants to work on the Legislative concepts on May 23rd. DSL will carry the POP for the SRE position and the NCR POP. WRPPIT will need to get clear about the preliminary legislative concepts

if needed for concurrent public review and/or longer overall timeline. The team also wants to define which agencies' placeholders to keep or let go.

First year anniversary for WRRPIT Recommendations report is May12.

Note: meeting location change for the May 30 meeting has been moved to the L&I Building basement Room B.

- 2. Reminder Assignments.** (ATTACHMENT 1 for reminder assignments) The following items were discussed:
Stakeholder Involvement. Louise will not pursue contacts through Michael Carrier since Pat has already done that. She will be working with NRC to develop the POP for water-related regulatory tools. This may include wetland/GIS natural resource overlay mapping and application tools depending on costs. Louise needs the WRPPIT agencies to support the POPs at every opportunity.

Measurement Plan/redesign. Kirk and Ken will be bringing volume and customer data to the 5/23 meeting as redesign baseline information

DCBS can support a classification review for the SRE position description.

Negotiation training. Credit card registrations can be accepted on the Luke Center website. Agencies to complete sign-ups ASAP. ODOT will have very limited participation and ODA will not be sending anyone. DEQ, DSL and WRD have completed their registrations.

MOU. Team members are beginning the notes for the MOU drafting.

- 3. User Guide** (separate attachment sent to team by Kirk
Kirk provided the general overview and layout of the guide. Most sections are complete for the review phase of the Users Guide. Chapter 3 is not complete but will ask consultant reviewers if they would like to propose samples for Chapter 3 content.
"Looks good" is the general endorsement from the group
Should help the common complaint about not having rationale, requirements and program information upfront. DLCD wants sub-team to rethink adding local regulation topic since it is "It's an odd fit since this is a state guide,". The guide will minimally address local and federal permits and provide links to more information. Table of contents seems agency centric (Jenny comments) the problem while designing guide is to cover the types of activities and requirements it would require many cross-references and many redundancies. The topical matrix and the web version of the User's Guide can better deal with the type of activity to be done since graphics and pop-ups can be used.
How dependent is guide on redesign specifics?
The standards won't change so this aspect will be stable in the Users Guide.
As a result of the Redesign how pieces interact will change and after the SRE role begins could change approach and users won't have to read as much since they will have additional customer service information available through the SRE. Who has access to the SRE will need to be determined so the position is used in the most effective way.

Next Steps:

A small amount of writing is needed prior to sending to the Consultant Group. The Team discussed adding Amy Connors and Tim Acker to the reviewers list since both are technically interested and on the Advisory Committee.

Kirk will work with Laura to get the consultant stakeholder group e-mail list

WRPPIT team sends feedback to Kirk by 5/16/06

Send to consultant stakeholders for feedback 5/23 to 6/23

Complete a hard edit 6/23 to 7/23

Complete web setup and activate links 7/23 to 8/23 May take longer depending on help available
Conduct beta testing
Do roll out. Web version will be first since it is the most easily edited, hard copy to follow
Amend and insert add ons

Web version (with links on all agency websites) is expected to work in the following manner:

1. User comes to agency website
2. Sees a little bit of text
3. Sees a visually friendly version of matrix for options
 - Takes you right to agency websites
 - Visual representation of similar projects for users
4. Cartoon graphic
 - Visual representation of similar projects for users

The obstacles to User Guide completion?

- o Horsepower to make it look professional
- o Paying for it
 - ← Can ODOT help out?
 - Perhaps. Kirk and Ken need to discuss. Also Laura will see if DCBS can assist with the web needs of the User's Guide.
 - Note: ODOT developing ditch/channel guidance for ODOT staff, but could be used by DSL for any applicant
- o Be sure to cover all WRPPIT recommendations

4. Director's visit

Louise Solliday, Acting Director of DSL stopped by the WRPPIT meeting to discuss the legislative POPs she and DSL will carry and to encourage the team to focus on the legislative needs of the overall effort as soon as possible. She also reiterated her and the agency's support for the WRPPIT charter and outcomes and discussed the importance of customer service improvements and stakeholder satisfaction improvements the effort will garner all the participating agencies. She briefly discussed with the team the importance of resource planning options and agency staff deployment options to carry forward the work of the redesign concepts.

5. SRE Position Description Discussion

Team used existing DSL's NRC 3, Section 3 of existing PD to begin incorporating changes to the PD. Kirk will send the changes and details in the draft SRE position description prior to the May 23 WRPPIT Meeting. Kirk captured changes during discussion that reflected the role the team had discussed in previous meetings. The PD will have a classification review by Pamela Murdock prior to the May 23 meeting.

The role the SRE will play during the pre-application phase of the redesign was clear, more discussion needs to occur to determine the role the SRE will play (if any) in the later phases of the redesigned process. Kirk will check OECD's new regulatory position PD since the roles seem related. DSL needs to have the final PD completed prior to the May 31 for the POP.

6. RFPIT Recommendations May 12, 2005 Report follow-up

The team reviewed and discussed the 32 recommendations for the original May 12, 2005 report. (See narrative matrix Attachment 2 to these meeting notes)

Complete	Redesign	Implementation Plan, MOA	Users Guide	DSL	Later Phase	Not Do	Ongoing Work	Modified	Leg work
1,8,9(SPGP)	10,11,13,15,18,19,20,27 #17&25 have been combined	3,4,12,13,14,20,23,27 Will include the Redesign, MOA, Ongoing work, later phase, DSL, work completed in a full report.	2,5,6,12,16,21	3,7,15,18,24,27,29,30,32 combine 17&25	22,29,30,32	26,31	9,7,15	5,12,17,25,28,29,32	17 &25 combine 18 combine into 19

Additional Notes:

- #5 will be covered in the User's Guide the terms will be changed to application requirements and standards of review
 - #15 redefine and clarify 'Super application' to what tools can be delivered through the NRC POP or a later phase
 - #12 need to review wording and clarify if this involves rule adoption by other agencies
 - #17 modify description to reflect the POP to provide early wetland determination
 - #20 may need to remove once the need for rule changes and defined to reflect redesign implications such as concurrent public review or longer overall permitting timeline
 - #21 Master list of all permit conditions remove 'all'
 - #24 move to DSL Mike Morales is working on performance/compliance approach issues
 - #25 A DSL POP will ask for general fund for early identification of waterway and wetland jurisdictional boundaries
 - #27 modify to reflect SRE role in state permitting/requirements
 - #28 modify to reflect the SRE role in completion checklists, coordination of interagency involvement and state interagency pre-application coordination as needed
 - #29 move to DSL and modify to be a report of consultant track record without evaluation
 - #32 modify to reflect #29 information
- Kirk will share the DSL items, modifications and report detail with Louise for her concurrence.
 Laura will begin draft narrative to explain WRPPIT work regarding 32 recommendations as a part of the Implementation Report

9. Next Meetings:

- May 23, 1:00 – 4:00 – Director's Conference Room, L&I Building,
- March 26, 9 – noon, DEQ Headquarters, Portland
- March 30, 1:00 – 4:00 Room B, Basement, L&I Building

WRPPIT Reminder Assignments

As of May 2, 2006

Deliverable	Who?	Assignment
A – Project Management	All	Internal communications with your own department about WRPPIT
B – Stakeholder Involvement	Pending Pat Louise Pat ?	Explore asking legislators to bring applicants to a meeting in their district to respond to the redesign Contact League of Conservation Voters. Report back to WRPPIT. Contact Michael Carrier's contacts. Report back to WRPPIT Update to JLAC when redesign settled on, MOU drafted, and necessary statutory changes are known. Update to CORPS when redesign settled on, MOU drafted, and necessary statutory changes are known.
C- Measure Project Impact	Kirk, Ken	Meet with DSL data folks re: measurement plan and redesign data. Data to be ready by May 23.
D – Customer Service Training		DONE
E – Pamphlet		DONE
F – SPGP Implementation Plan		DONE – IMPLEMENTATION IS UNDERWAY
G – Inter-Agency Training	All	Encourage staff to sign up for mediation training
H – Redesign	All	June 30 - Deadline for Language for Placeholders to DAS
I – MOU		
J – User's Guide	Jenny	Schedule review of draft User Guide by WRPPIT
K – Super Application	? Pat Louise	Review SPGP Application Schedule WRPPIT meeting with OSU regarding on line application POP Follow up with OSU regarding wetlands software and POP sponsor and content.



Regulatory Streamlining Initiative

Office of Regulatory Streamlining, Department of Consumer and Business Services

Water-Related Permit Process Improvement Team

WATER-RELATED PERMITTING:

Improving the State of Oregon's Process

**for Permitting Development Projects
that Affect Oregon's Water Resources**

Recommendations Summary

May 12, 2005

RECOMMENDATIONS

The Team found that the improvements it recommends fall into one of two categories:

1. Actions that could be implemented within the framework of the existing Removal-Fill Permit System, and
2. A recommendation to fundamentally modify the existing Removal-Fill Permit System.

Both are summarized below.

A. Recommendations To Improve The Existing System

The Team unanimously supported the following recommended changes:

Within the Next Six Months (October 31, 2005)

Recommendation	Will bring Oregon closer to a single state voice & process.	Will provide greater clarity at the start about what it takes to get to Yes.
No statutory or rule changes anticipated.		
1. Develop and implement an inter-agency SPGP roadmap and education program.	X	X
2. Develop applicant checklists for typical projects.	X	X
3. Clarify general authorization process and	X	X

expectations to natural resource agencies.		
4. Provide consistent structure for agency comments.	X	X
5. Provide applicants a description of each agency's removal-fill permit related requirements, evaluation criteria and expectations.	X	X
6. Provide applicant links to other agency authorization processes and forms.	X	X
7. Develop an effective process measurement system.	X	
8. Provide customer service training to staff involved in removal-fill related authorizations.	X	
9. Develop interagency training for applicants and consultants.	X	X
10. Increase the use of applicant pre-application conferences.	X	X
11. Allow applicants to call for interagency meetings to discuss complex projects.	X	X

Within the Next Year (April 30, 2006)

Recommendation	Will bring Oregon closer to a single state voice & process.	Will provide greater clarity at the start about what it takes to get to Yes.
Rule changes anticipated.		
12. Define/clarify decision thresholds so they are consistent within and between agencies.	X	X
13. Assess the best approach to inter-agency involvement in the process (policy team, improved feedback loops, regional interagency teams, interagency teams for controversial projects, dispute resolution)	X	X
14. Develop a multi-agency memorandum of understanding that addresses coordination, process, timeframes, and dispute resolution.	X	X
15. Develop a super-application, interactive application, and web-based application.	X	X
16. Consolidate water-related permit information and links. Develop a web-based and booklet "roadmap."	X	X
17. Evaluate wetland delineation requirements to improve user-friendliness.		X
18. Review/modify timelines for complex interagency projects and recommend changes as appropriate.		X
19. Develop a legislative package to be presented during the 05-07 Legislative session that may include statutory, rule, and resource revisions to set up the framework to move	X	X

Recommendation	Will bring Oregon closer to a single state voice & process.	Will provide greater clarity at the start about what it takes to get to Yes.
Rule changes anticipated.		
towards a consolidated permit system for removal/fill activities. (See section E-2 of report.)		

Within the Next Biennium (June 30, 2007)

Recommendation	Will bring Oregon closer to a single state voice & process.	Will provide greater clarity at the start about what it takes to get to Yes.
Statutory and rule changes anticipated.		
20. Consider adopting a multi-agency rule to create clarity and certainty, for example: adopt ODFW mitigation policies as DSL rule, etc.	X	X
21. Develop a master list of permit conditions that meet all state and federal approvals.	X	X
22. Create a connection to the federal process so project changes are consistent with state approvals.	X	X
23. Develop a web-based Comprehensive Project Tracking System.	X	X

Study Further

Recommendation	Will bring Oregon closer to a single state voice & process.	Will provide greater clarity at the start about what it takes to get to Yes.
24. Move focus from process to performance/compliance.	X	X
25. Provide early assistance to identify waterway and wetland jurisdictional boundaries.		X
26. Establish a position responsible for Removal-Fill training and outreach.	X	X
27. Establish a position responsible to provide applicants with information on state approval requirements (an information clearinghouse).	X	X
28. Establish an Ombudsman to assist applicants.		X
29. Develop a consultant certification program.		X
30. Create more General Authorizations to address appropriate problem areas.		X
31. Explore ways for applicants to purchase enhanced service for a fee.		X
32. Provide a list of project design/redesign assistance consultants.		X

B. A Recommendation to Fundamentally Modify the Existing System

The Team unanimously recommends that the product of the Removal-Fill Permit process be fundamentally changed so that all state requirements associated with the Removal-Fill project happen at one time. This consolidated permit system would look to the applicant like one **state** permit for all water-related activities connected to Removal-Fill projects. The Team emphasized that this policy direction should be evaluated separate and apart from any decision as to which agency would be given responsibility for administering the new consolidated permit system. In addition, the Team believes the level of service provided to Removal-Fill applicants should move to the “shepherd” or “project manager” end of the service level continuum.

In order to move the state in these directions, the Team recommends that work be initiated immediately to develop a management, budget, and legislative package for the 2007 Legislative session to implement a consolidated permit system. Any required legislation should be drafted by the April 2006 deadline for the 2007 Legislative Session.