

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

June 9, 9 - Noon, 2nd Floor Conference Room, L&I Building, Salem

Members Present:

Jas Adams, DOJ
Gary Lynch, DOGAMI
Ken Franklin, ODOT
Kirk Jarvie, DSL
Patty Snow, ODFW
Christine Svetkovich, DEQ (by phone)

Consultant:

Jenny Carmichael, Carmichael Consulting

Members Absent:

Pat Allen, Office of Regulatory
Streamlining (RSL)
Kim Grigsby, Water Resources
Laura Leshner, Project Manager, Office of
Regulatory
Streamlining (RSL)
Kevin Moynahan, DSL

Intermittent Members Not Present:

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

AGENDA

<u>TIME</u>	<u>AGENDA ITEM</u>	<u>LED BY</u>
9:00	Approve May 30 Meeting Record, Reminder Assignments, Updates	Jenny
9:10	Review WRPPIT Meeting Schedule Through Labor Day	Jenny
9:20	Data Analysis Results	Ken
9:45	Relate Data Analysis to Blueprint Col 3 – Work Volume	Jenny
10:30	BREAK	
10:40	Continue Blueprint – Mandatory/Advisory Timelines, New/Eliminated Work	Jenny
11:45	Legislation and Rules – Individual Assignments for Next Meeting	Kirk
11:55	Meeting Wrap-Up	Jenny
	<u>Next Meeting: June 13, 1-3, Conference Room B, L&I Building</u>	

MEETING RECORD

1. **Approve May 30 Meeting Record.** The meeting record was approved with slight modifications.
2. **Reminder Assignments.** Please see Attachment A for the reminder assignments.
 - a. **Legislative Placeholders.** Jenny Carmichael reported that just prior to the meeting she had been asked by Cory Streisinger and the Governor's Legislative Advisor for an update on the placeholders from WRPPIT. Jenny reported to both that the team hopes to have proposed legislation identified by mid-July and that it is likely to only be a change in overall timeframe for DSL to process removal-fill permits.
 - b. **Negotiation Training.** Participants have indicated the training was a good use of their time. New resource coordinators could have been provided more information about how the training relates to their job.

c. **SRE.** Kevin Moynahan would like WRPPIT to definitely examine how to implement the SRE concept without funding for the SRE. Fall, 2007 will be the earliest the SRE could be implemented if a position is approved by the Legislature. DSL would like to move forward with the SRE concept prior to legislative action.

3. **Review WRPPIT Meeting Schedule through Labor Day.** Jenny presented a proposed schedule for WRPPIT with the final meetings near Labor Day. Please see Attachment B. The team discussed the feasibility of the schedule. While the team is not sure whether this schedule can be attained they decided to strive to accomplish it. One modification was made to switch topics for the July 11, 21, and 25 meetings (see Attachment B). A meeting with Directors may also be needed in September. (Note: Gary will be gone June 23, and Patty will be gone July ??).
4. **Data Analysis.** Jenny explained the document titled “ Questions to drive DSL Data Analysis for Purposes of the Redesign” – please see Attachment C. Ken Franklin presented the results of his additional data analysis. Data was drawn from DSL’s LAS (Land Administration System). Please see Attachment D for the information presented.

The team highlighted these observations:

- the 300 IP and 400 GA estimate appears on target
- DSL’s primary customer is public agencies with over half of the applications, next is for-profit companies followed by individuals.
- local governments appear to be highly dependent on consultants, ODOT is not.
- The most frequent type of application is either road/bridge/culvert or fish habitat enhancement
- For profit companies as a percentage of total applications are the most frequent user of consultants.
- Government usage is also high but Ken explained that this is largely smaller counties and cities.

The team indicated appreciation for Ken’s work and asked that the next iteration provide the following additional detail:

- a. Modify graphs to show full years beginning with April 1, 2003 – March 31, 2004, etc.
- b. For graph 2 add displays that show GA’s and IP’s separately as well as together.
- c. Adjust colors in graph 4 to parallel colors throughout, use data from final column from “applicant types” in source data chart.
- d. For graph 4, show GA’s and IP’s separately as well as together.
- e. Number the graphs.

5. **Relate Data Analysis to Blueprint Col 3 – Work Volume.** Please see updates to column 3 of separate document entitled “Redesign Work Definition Blueprint”.
6. **Continue Blueprint – Kirk’s Suggested Edits to Steps 1, 3 and 4.** Please see Attachment E for suggested edits from Kirk that were offered in response to the team’s May 30 discussion. Please see most recent “Redesign Work Definition Blueprint” for modifications that were adopted by the team.

Work volume assumptions from the data analysis may need to be revisited as a result of the modifications to the blueprint.

Highlights for MOU:

What’s different: higher level of commitment of other agencies to participate in pre-ap, raise issues, identify issues early on, and offer consistent standards.

All agencies speak with one voice.

Have a mechanism for resolving interagency conflicts.

A pre-and-post redesign example regarding agency comments: DSL can and will still only be able to issue permits based on its jurisdiction. Comments from other agencies may be unrelated to that jurisdiction.

In the past, if an agency recommended a condition unrelated to DSL's jurisdiction, DSL resource coordinators would ignore the recommendation. Under the redesign, DSL will have a responsibility to communicate with the agency making the request and determine together if the issue can be addressed in some way to meet the needs of the other agency. In addition, applicants did not know what to do with agency comments that could be outside of DSL's jurisdiction. Both of these circumstances should be addressed with the goal of speaking with one voice.

Plan on DEQ having the resources to evaluate projects that require a 401. Do not plan on DEQ having the resources to evaluate all removal-fill projects.

7. **Plan Meetings with Removal-Fill Managers and Resource Coordinators.** The team discussed a draft document prepared by Kirk Jarvie titled "What has WRPPIT been asked to do?" that could be used to describe key changes of the redesign to both the removal-fill managers and the resource coordinators – please see Attachment F. The team agreed that the meeting with the removal-fill managers on June 13 and the meeting with the resource coordinators on June 19 should focus on:
- changes from what DSL does now.
 - changes in workload (with or without SRE)

Kirk will prepare a revised version of Attachment F to reflect the team's discussions.

A draft cover letter from Kevin to the resource coordinators will be prepared describing the origin and purpose of WRPPIT and providing the revised Attachment F and the latest blueprint. The following draft agenda will be reviewed with the removal-fill managers on June 13:

Laura Kick-off the meeting with the background and purpose of WRPPIT

Kevin Explain DSL's role in WRPPIT to date and how the recommendations from WRPPIT relate to DSL.

Kirk Review Attachment F and refer to the blueprint as needed.

Jenny Facilitate questions from resource coordinators.

8. **Continue Blueprint – Mandatory/Advisory Timelines, New/Eliminated Work** This item will be schedule for a future meeting.
9. **Legislation and Rules – Individual Assignments for Next Meeting.** This item will be scheduled for a future meeting.
10. **Meeting Wrap-Up.**
The next meeting will be June 13, Director's Conference Room, L&I Building, Salem. **Instead of meeting from 1-4 the meeting will be from noon – 3.** The gravel meeting will follow afterward.

The meeting with the resource coordinators scheduled for June 19 will be held at DSL from 2:30 – 3:30. WRPPIT will meet in another room at DSL from 3:30 – 4.

WRPPIT Reminder Assignments

As of June 6, 2006

Deliverable	Who?	Assignment
A – Project Management	All	Internal communications with your own department about WRPPIT
B – Stakeholder Involvement	Pending Pat ?	Explore asking legislators to bring applicants to a meeting in their district to respond to the redesign 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	Data Analysis for measurement plan and redesign data. Redesign data June 9. Measurement plan data later.
D – Customer Service Training		DONE
E – Pamphlet		DONE
F – SPGP Implementation Plan		DONE – Implementation Began January 1, 2006
G – Inter-Agency Training	All	Complete sign up for mediation training
H – Redesign	All Kevin Kevin Kevin Christine Kevin Jenny/Laura	July 14 – substantive language for placeholders to DAS Finalize SRC/SRE position description Wetland Delineation POP State Regulatory Coordinator and NRC automation POP DEQ 401 Fee Bill WRPPIT Timeline Bill Begin Final Report
I – MOU	Jenny/Laura/All All	Develop template for MOU at upcoming meeting Begin drafting agency section of MOU
J – User’s Guide	Laura/Kevin Kirk Kirk Kirk Kirk Kirk	Rotational? Request Consultant Feedback on May 26, Due June 13 Hard Edit due July 23 Web Setup and Link Activation Target Date: August 23 Beta Testing and Rollout Update as needed
K – Super Application	?	Review SPGP Application

Water Related Permits Process Improvement Team

Draft: Remaining Meeting Schedule with Jenny

June 6, 2006

June 9	Friday	9-noon	Data Analysis Results – Ken and Kirk BLUEPRINT – work volume, mandatory/advisory timelines, new/eliminated work. Legislation and Rules – Individual Assignments
June 13	Tuesday	1-4	MOA – Identify Multi-Agency Agreement Topics/Themes MOA – Discuss How to Address Individual Agency Commitments Required Legislative Changes Identify Required Rule Changes, Discuss Implementation Timing Meet with Removal-Fill Managers Michael Morales & Eric Metz Plan meeting with Resource Coordinators
June 19 NEW MEETING	Monday	2:30 – 4:00	Meet with Resource Coordinators 1 hour WRPPIT debrief meeting to follow
June 23	Friday	9-noon	MOA – Review Multi-Agency Agreements
June 27	Tuesday	9-4 ALL DAY	BLUE PRINT Adjustments/Clarifications MOA – Individual Agency Commitments
July 21	Tuesday	1-4	MOA - Implementation Agreements
July 25	Friday	9-noon	Finalize MOA
July 11	Tuesday	1-4	Alternative to SRE, Impact on MOU?
August 4	Friday	9-noon	First Draft – Final Report
August 8	Tuesday	1-4	New Pamphlet Finalize User Guide Review Proposed Rule Modifications, Discuss Implementation Communications Plan – Feds, JLAC, Others? (after MOU and statutory changes are known) - present changes in legislative districts?
August 18	Friday	9-noon	Complete Final Report
August 22	Tuesday	1-4	Wrap Up
September 1	Friday	9-noon	Schedule if needed
September 5	Tuesday	1-4	Schedule if needed
???	???	???	First meeting under the new system.

Jenny Carmichaely 6/12/06 7:23 PM
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Jenny Carmichaely 6/12/06 7:24 PM
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Subsequent Work:

- Implement Communications Plan
- Proposed Legislation
- Rule Changes
- Project Impact Measurement
- Super Application
- Report to Audit Committee Due not later than December 31, 2006
- Other items identified for future work from 32 Recommendations (list)
- Sign MOU
- Implement MOU
- Multi-Agency Team Meetings to Monitor/Adjust MOU Implementation
- DSL - Implement SRE

Questions to drive DSL Data Analysis* for Purposes of the Redesign**

(*at this point does not include data needed from other water-related permit state agencies)

(** Data required for assessing WRPPIT **project impact measurement plan** and **WRPPIT implementation** will be identified later.)

As of May 1, 2006

Data Universe

DSL Removal Fill **Permit Types:** IP's, GA's and Emergency Authorizations (not placer mining)

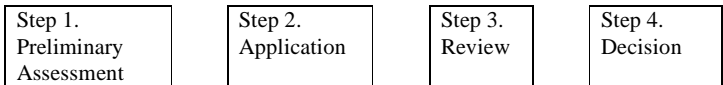
Time Frame: March 2003-March, 2006 Data by year for each of the 3 years.

DSL **Project Activity Types:** see University of Authorizations for project activity types

What do we need to know?

NOTE: ALL DATA IS TRACKED AND ACCESSIBLE WITHOUT DATA MINING UNLESS NOTED OTHERWISE.

1. Customers. Who are the applicants? Who are the frequent filers? Who are the one-time filers? Which applicants use consultants? Who are the most frequent and most common consultants? Is there a correlation between customer type and consultant usage? Other stratifications? (for all permits and by the 3 permit types, for all years and for each year) **What customers or customer groups should be the focus of the redesign in order to provide the greatest improvement for all applicants?**
2. Project Activity Types. What are the most frequent project activity types of the permits filed? (for all permits and by the 3 permit types, for all years and for each year) Is there a correlation between the selected customer focus and the project activity type?
3. Workload.
 - a. What has been the DSL workload at each key step of the removal-fill permit process? (for all permits and by the 3 permit types, all project activity types, for all years and for each year)



NOTE: DATA NOT TRACKED FOR STEP 1. EVALUATE WHETHER TO COLLECT IN FUTURE.

- b. Which applications have obtained a completed wetland delineation prior to submission of the application? (for all permits and by the 3 permit types, for all years and for each year) . Correlate to selected customer focus and project activity type.
- c. What applicants/consultants/project type have been most likely to request a pre-application meeting? (for all permits and by the 3 permit types, for all years and for each year) Correlate to selected customer focus and project activity type.

NOTE: DATA NOT TRACKED. EVALUATE WHETHER TO COLLECT IN FUTURE.

- d. Which type of application generally involves public comment? (for all permits and by the 3 permit types, for all years and for each year) Correlate to selected customer focus and project activity type.

NOTE: DATA MINING INVOLVED. WILL NOT BE ANALYZED. EVALUATE WHETHER TO COLLECT THIS DATA IN FUTURE.

- e. Which type of applications are sent back for further work by the applicant? (for all permits and by the 3 permit types, for all years and for each year) Correlate to selected customer focus and project activity type.
- f. What is the range of total time between receipt of an application and issuance of a permit decision? What is the average time? What is the median time? (for all permits and by the 3 permit types, for all years and for each year) Correlate to selected customer focus and project activity type.

- 4. When are the following state agencies involved and for what type of authorization?

ODFW, DEQ, DLCD, DOGAMI, PRD, SHPO, WRD

Correlate to selected customer focus and project activity type.

NOTE: DATA NOT TRACKED. EVALUATE WHETHER TO COLLECT IN FUTURE.

- 5. When are the following federal agencies involved and for what type of authorization?

NMFS, ACOE, EPA, _____

Correlate to selected customer focus and project activity type.

NOTE: KIRK WILL CHECK IF THIS DATA IS AVAILABLE. POSSIBLE THAT IT WAS EVALUATED FOR 404 ASSUMPTION. IF NOT DATA IS NOT TRACKED. EVALUATE WHETHER TO COLLECT IN FUTURE.

Data Analysis Presented by Ken Franklin, June 9, 2006

DSL Authorizations issued between 4-1-03 and 4-1-06				
2005 Authorizations				
Total authorizations issued = 675				
Authorization Types	No.	% total	% authorization type with consultant	
GA	375	55	23.5%	
RF	283	42	55.0%	
Emergency	11	2	9.0%	
Erosion Control	6	1	33.0%	
Total	675	100		
Applicant Types	Total no. of authorizations	No. authorizations with consultant	% total authorizations with consultant	% applicant type with consultant
C	169	105	15.5%	62.0%
I	101	20	3.0%	20.0%
P	405	121	18.0%	30.0%
	Total = 675	246	37%	
Primary Activity Types	No.	No. (% total auth) with consultant	% authorizations by activity with consultant	
Road/bridge/culvert	181	89 (13%)	50%	
Fish hab enhancement	122	3 (0.4%)	2.50%	
Wetland, permanent impact	77	66 (10%)	86%	
Removal-fill	58	27 (4%)	47%	
Erosion	42	8 (1.2%)	19%	
Minimal disturbance	35	2 (0.3%)	6%	
Pipeline/cable	31	22 (3.2%)	71%	
Miscellaneous	129	29 (4.3%)	N/A	
	Total = 675	246 (~37%)	N/A	

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 "Meeting Record June 9, 2006"

DSL Authorizations issued between 4-1-03 and 4-1-06

2006 Authorizations

Total authorizations issued to date = 111

Authorization Types	No.	% total	% authorization type with consultant
GA	44	40%	
RF	44	40%	
Emergency	23	20%	
Total	111		

Applicant Types	Total no. of authorizations	No. authorizations with consultant	% total authorizations with consultant	% applicant type with consultant
C	24	17	15%	
I	22	5	4.50%	
P	65	25	22.50%	
	Total = 111	47	42%	

Primary Activity Types	No.	No. (% total auth) with consultant	% authorizations by activity with consultant
Road/bridge/culvert	33	20 (18%)	61%
Erosion	20	3 (3%)	15%
Wetland, permanent impact	13	12 (12%)	92%
Removal-fill	11	2 (2%)	18%
Fish habitat enhancement	11	0	0%
Miscellaneous	23	8 (7%)	N/A
	Total = 111	47 (42%)	N/A

DSL Authorizations issued between 4-1-03 and 4-1-06

2004 Authorizations

Total authorizations issued = 678

Authorization Types	No.	% total	% authorization type with consultant
GA	400	58%	
RF	250	37%	
Emergency	17	3%	
Erosion Control	11	2%	
Total	678	100%	

Applicant Types	Total no. of authorizations	No. authorizations with consultant	% total authorizations with consultant	% applicant type with consultant
P	387	82	12%	
C	174	104	15.00%	
I	117	15	2.00%	
	Total = 678	201	29%	

Primary Activity Types	No.	No. (% total auth) with consultant	% authorizations by activity with consultant
Fish habitat enhancement	156	10 (1.5%)	6.40%
Road/bridge/culvert	137	56 (15%)	41%
Wetland, permanent impact	88	73 (10.8%)	83%
Erosion	68	21 (3%)	31%
Removal-fill	45	9 (1.3%)	20%
Minimal disturbance GA	26	3 (0.4%)	11.50%
Pipeline, cable, utility	26	12 (1.8%)	46%
Wetland enhancement	25	6 (0.9%)	24%
Miscellaneous	107	11 (1.6%)	N/A
	Total = 678	201 (29%)	N/A

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“Meeting Record June 9, 2006”

DSL Authorizations issued between 4-1-03 and 4-1-06

2003 Authorizations

Total authorizations issued = 554

Authorization Types	No.	% total	% authorization type with consultant
GA	306	55%	
RF	222	40%	
Emergency	17	3%	
Erosion control	9	2%	
Total	554	100%	

Applicant Types	Total no. of authorizations	No. authorizations with consultant	% total authorizations with consultant	% applicant type with consultant
P	336	72	13%	
C	123	72	13.00%	
I	92	14	2.50%	
U	3	1	0.20%	
	Total = 554	159	28.70%	

Primary Activity Types	No.	No. (% total auth) with consultant	% authorizations by activity with consultant
Road/bridge/culvert	118	40 (7.2%)	33.9%
Fish habitat enhancement	109	8 (1.4%)	7.3%
Wetland, permanent impact	65	51 (9.2%)	78.5%
Erosion	61	11 (2.0%)	18.0%
Removal-fill	33	9 (1.6%)	27.3%
Pipeline, cable, utility	29	19 (3.4%)	65.5%
Wetland enhancement	25	6 (1.1%)	24.0%
Miscellaneous	114	15 (2.7%)	N/A
	Total = 554	159 (28.7%)	N/A

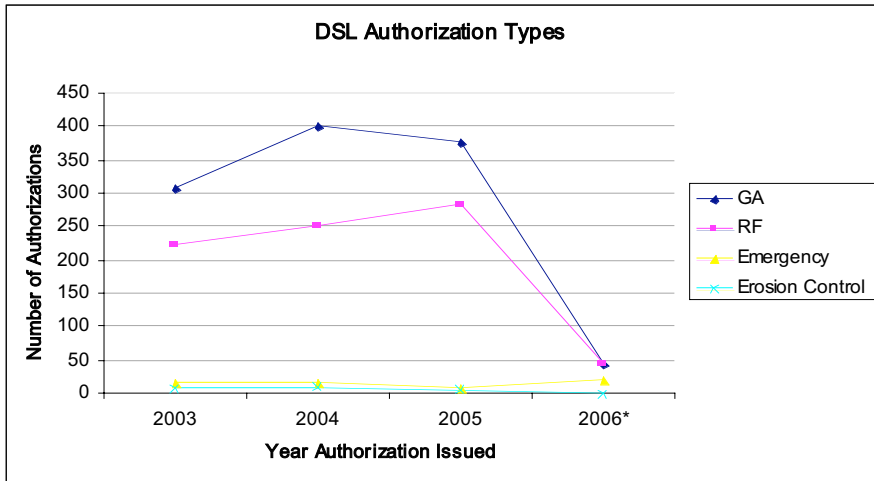
PROJECT: Water Related Permit Process Improvement Team (WRPPIT)

DSL Data Analysis for WRPPIT

Authorizations issued between 4-1-03 and 4-1-06

Source: DSL Land Administration System

What is the DSL permit workload?



*2006 data only through April 1, 2006

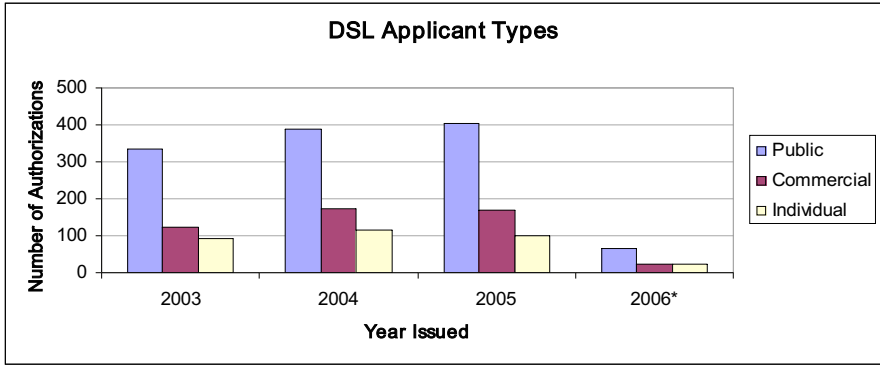
Who are the applicants?

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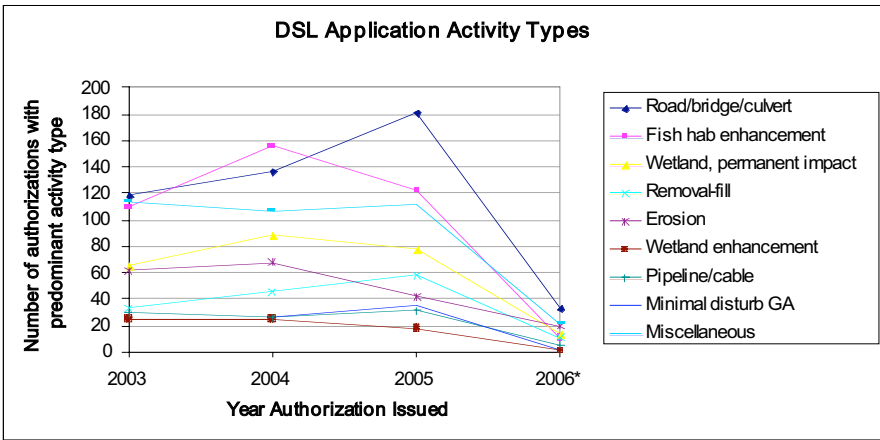
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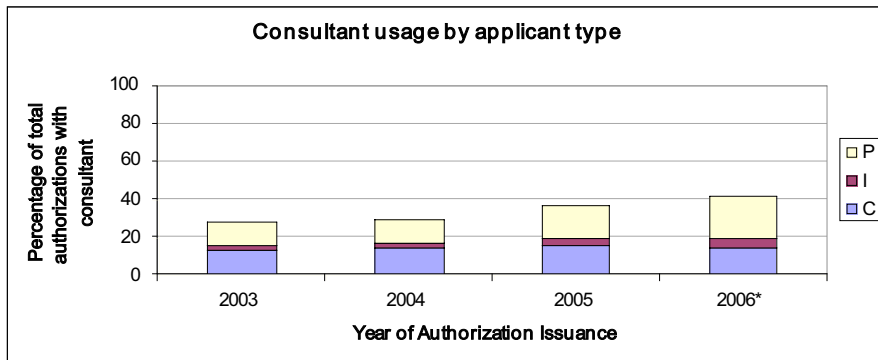
What are the primary activities being applied for?



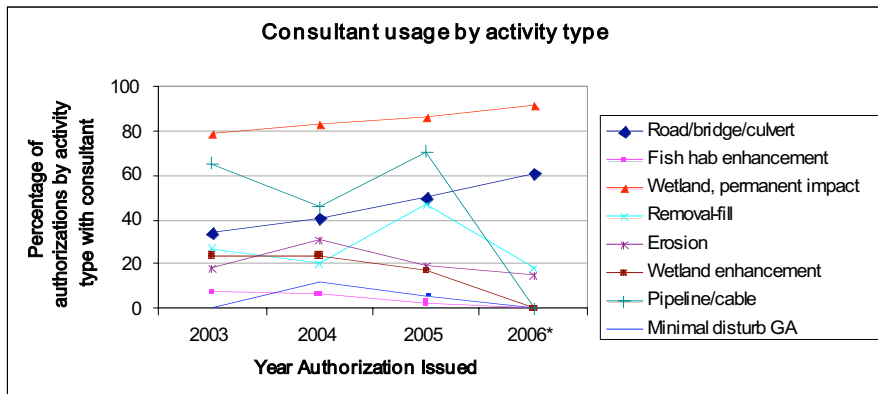
Consultants

Who uses them?

What activity types?



P = public agency, I = individual applicant, and C = commercial applicant



KDJ Suggested Blueprint Edits for Consideration by WRPPIT
June 1, 2006

.....			
1c	Make pre-application meeting request/submit project description materials	Pre-application meeting request; project description materials	Proponent
1d	Assess request	Determination of warrant and applicable Team members for participation	DSL professional staff
1e	As warranted, schedule meeting with applicant and applicable Team members; circulate project description materials	Meeting notice and project description materials	DSL professional staff
1f	Convene pre-application meeting (on-site; off-site; other)	Pre-application meeting that provides: agencies' review and/or permit requirements; application requirements; design guidance and other info/resources for getting to "yes".	DSL professional staff lead; participating agencies
1g	Prepare pre-application meeting summary for distribution to Team and proponent	Pre-application meeting summary including agency(ies) and/or proponent commitments/follow-ups	DSL professional staff
.....			
3c	Flag applications that require special agency review	Notice other agencies for special attention to particular application	DSL professional staff
3d	Submit comments on application	Comments on application	Public
3e	Send public comments to Team members*	Forwarded public comments	DSL support staff
3f	Individual agency review	Each Agency: 1. Agency standards met? 2. Other info needed to determine? 3. Recommended design or operational mods to meet standards? 4. Conditions to meet standards?	Each agency
3g	Convene team dialogue regarding application, as needed	Team communication regarding application (...)	DSL professional staff lead, Team participate
3h	Reconcile agencies' comments for coordinated response	Coordinated Team response to applicant incl. considered public comments: 1. advisory/informational	DSL professional staff lead, Team participate

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		2. mandatory to get to “yes”	
If “minor mod”			
3i	Negotiation, discussion, addtl info gathering to accommodate agencies’ comments	Team – applicant communications	Applicant, DSL professional staff, affected Team members
3j	Confirm satisfaction of agencies’ needs	Team communication	DSL professional staff lead, Team participate
If “major mod”			
3i	Modify or withdraw application	Modified or withdrawn application	Applicant
3j	Repeat starting at step 2a, 3a, or 3f depending on level of mod.	See above	See above
4a	Prepare draft conditions	Draft conditions list	DSL professional staff
4b	Send draft conditions to applicant. Send draft conditions to Team members as requested	Draft conditions list	DSL professional staff
4c	Review draft conditions	Request for clarification and non-substantive modifications	Applicant; Team
4d	Consider comments; issue final ORFP	Final ORFP with other attaching permits as applicable	DSL professional staff

Notes:

Formality of steps 1c - 1g and 3g - 3h is dependent upon quantity and/or nature of project impacts, complexity, political sensitivity, number of agencies involved or other factors at RC discretion.

Step 3e may include sending public comment to applicant at this point is public comment is of a “deal-killer” nature. (E.g., “I own this property and this applicant doesn’t have my permission to do it”)

Somewhere between step 4a and 4c, DSL needs to receive applicable attaching permits from ODFW.

Question for step 3h: what if ODFW has a comment about a project’s impacts to upland habitat (or any other non-enforceable policy of another agency) (or activity outside of DSL’s jurisdiction?) How will that be resolved? Answer: Coordinated response to applicant will identify those items that are advisory (e.g., “please be advised that there is a non-enforceable policy of ODFW that seeks (?) requests (?) protection of ground squirrel burrows in the upland portions of the project site...contact ODFW for more information on upland habitat conservation measures. No action otherwise required.”

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What has WRPPIT been asked to do?

Product Continuum: Moving from DSL Removal-Fill Permit program closer to a State of Oregon Removal-Fill Permit program.

- More meaningful participation by applicable agencies
- More unified product

Service Continuum: Moving from “How do I stop people from doing bad things to good resources?” to “How do I help people achieve their needs and maintain aquatic resource health?”

-- Early information to project proponents

- Getting projects to “yes”

At the foundation of the WRPPIT products is re-orientation: of our relationships with project proponents; and our relationships with sister agencies. One means to implement/facilitate that re-orientation is by some re-design of RF process steps.

- DSL becomes clearinghouse/1st stop for information on State requirements for water-related projects:
 - Permits, certifications, reviews
 - Design considerations
 - Resources for further information
- DSL assumes leadership role for pre-application meetings:
 - Filter requests

- Identify applicable agencies/staff & notice meetings
 - Delivery of briefing materials
 - Lead discussion
 - Document decisions, commitments
 - QA/QC
- A removal-fill application that provides information necessary to evaluate other state agencies' water-related requirements:
 - Early assessment of application completeness for applicable range of state water-related requirements
- DSL assumes leadership role in coordinating, brokering and communicating state agencies' comments on removal-fill applications:
 - Lead technical assessment discussions
 - Coordinate input, mediate conflicting inputs, develop and communicate consensus comments/position to applicant
 - QA/QC
- Oregon Removal-Fill Permit Decision:
 - Integrate participating state agencies' conditions
 - Identify other agencies' outstanding requirements
 - Include supporting permits/approvals where applicable
 - QA/QC