

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

August 4, 9 – noon, Conference Room A, L&I Building, Salem

Members Present:

Pat Allen, Office of Regulatory Streamlining (RSL)
Kirk Jarvie, DSL
Christine Svetkovich, DEQ (by phone)
Patty Snow, ODFW

Consultant:

Jenny Carmichael, Carmichael Consulting

Members Absent:

Jas Adams, DOJ
Kim Grigsby, Water Resources
Laura Leshner, Project Manager, Office of Regulatory Streamlining (RSL)
Gary Lynch, DOGAMI
Kevin Moynahan, DSL

Intermittent Members Not Present:

Dale Blanton, DLCD
Ken Franklin, ODOT
Tony Stein, OPRD
Susan White, SHPO

AGENDA

<u>TIME</u>	<u>AGENDA ITEM</u>	<u>LED BY</u>
9:00	Approve prior meeting record Reminder assignments Updates	Jenny
9:10	Next Steps – MOA	Jenny
9:20	Escalation Process for: 1) a conflict related to an eligible project 2) a conflict related to implementation of the MOA	Jenny
2:50	BREAK	
3:00	Process Map	Jenny
3:50	Office of Regulatory Streamlining Final Report – Input to the Outline	Jenny
3:55	Next Meeting: Aug 8, 1-4, 2 nd Floor Conference Room, L&I	Jenny

- Prior Meeting Record.** The July 25 meeting record was approved with a few minor edits.
- Reminder Assignments and Updates.**
 - DEQ related portions of MOA. Christine and Kirk indicated that the DEQ portions of the MOA will not be ready for review until August 18.
 - DSL Contingency Planning. The meeting by DSL to examine it's options and strategy if the RS4 budget request is not approved has not been held yet.
- Next Steps – MOA.** Laura and Kim will be preparing the next iteration of the MOA. Please get edits to Kim by 8 am Monday, August 7.

4. Escalation Process for:

a. a conflict related to an eligible project

The team considered the following two example conflicts:

“the removal-fill permit includes in-water work period requirements. After the applicant starts the project, they approach DSL to adjust the in-water work period. DSL supports the adjustment, ODFW doesn’t.”

“the deadline is 3 days away to make a removal-fill permit decision. All agencies have agreed to permit conditions up to this point. DEQ at the last minute changes the requirements that will be imposed for a 401 certification which in turn require significant rework by DSL.”

Please see Attachment I for a draft of the escalation process developed

b. a conflict related to implementation of the MOA

The team considered the following two example conflicts:

“an agency consistently does not participate in a pre-application meetings that are appropriate for their agency given the triggers the agency supplied early on in the pilot.”

“an agency stipulates requirements in Step 3 of the pilot process that are very different than the information provided by that agency to the applicant in the pre-application meeting.”

Please see Attachment I for a draft of the escalation process developed

5. Process Map. The team reviewed a draft process map to be attached to the MOA.

The team made several changes to the process map for clarity and accuracy and agreed that the following versions of the process map would be helpful:

- Detailed version considered at this meeting, as modified to be used with staff
 - 1) Color version
 - 2) Black and white version
- Slimmer version for presentation to the legislature – how the customer will experience the process
 - 1) black and white
 - 2) color

6. Office of Regulatory Streamlining Final Report – Input to the Outline. The team agreed that the audience for the final report is stakeholders and legislators. The team identified the following topics or messages for inclusion in a final report:

- Things that have already changed – we heard the problem and have done things.
- Things we chose not to tackle or go in a different direction – e.g. – super application (put this at the end)
- What we learned
- Why a Pilot
- Very tight discussion of what stakeholders wanted and how the Pilot can deliver that
- Beyond the pilot – what are our plans, follow up on things not done, future work: local permits, federal permitting, 401. Why these were off the table before.

- What we are doing – the problem and how new process addresses that.
- Assumptions we began with and why they were assumed - respect current authorizations of each agency
- Where do we go from here – next steps
- Executive Summary
- Address 34 recommendations

The team would like to see a final report that is not glossy, simple, and that uses tax dollars wisely. A shorter versus longer report is desired, while including all necessary elements. The process map should be in color. The tone should be positive and not oversell the accomplishments. It should offer a frank discussion of the problem, ways attacked, strengths as well as weaknesses of the approach chosen.

7. **Next Meeting.** The next meeting will be August 8 from 1-4 in the L&I 2nd Floor Conference Room.

ATTACHMENT I - Draft Dispute Resolution Process

1. Resolution of a conflict related to an eligible project.

At any point prior to issuance of a permit decision by DSL, any conflict between participating agencies regarding the permit shall be resolved using the escalation levels displayed below:

Resolution Level	DEQ	DSL	ODFW	Other Participating Agencies
1	Technical Point of Contact	Pilot Program Manager	Technical Point of Contact	Technical Point of Contact
2	401 Program Manager	Region Manager	Land and Water Coordinator or delegate	Equivalent Position
3	Water Quality Program Administrator	Assistant Director	Administrator, Wildlife Division or delegate	Equivalent Position
4	Director	Director	Director	Director

Prior to the permit decision, a project proponent may also escalate a conflict with participating agencies using this escalation process starting with the Pilot Program Manager.

All participants will make every effort to resolve conflict at the lowest level possible.

2. Resolution of a conflict related to the implementation of the Memorandum of Agreement.

If a staff person involved in implementing the Pilot is concerned that one or more terms of the Memorandum of Agreement is not being adequately implemented he or she may raise the concern with the Pilot Management Team. It is the responsibility of the Pilot Management Team to address the concern. If the concern cannot be addressed by the Pilot Management Team, any member of the Pilot Management Team may take the conflict to the Directors of the participating agencies for resolution.

If a project proponent is concerned that one or more terms of the Memorandum of Agreement is not being adequately implemented he or she may also use this process starting with the Pilot Management Team.