

Joint Meeting of Advisory Committee and ERT Directors

September 7, 2004

State Lands Building, Rm 201

775 Summer St, NE

Salem, OR

Attending

Committee Members:

Betty Atteberry – co-chair

Ray Naff – co-chair

Frank Angelo

Jon Chandler

Dan Cooper

Tom Gallagher

Scott Hege

Linda Ludwig

Steve Pfeiffer

Mark Whitlow

State Agency Directors:

Katy Coba, ODA

Stephanie Hallock, DEQ

Ann Hanus, DLS

Jack Isselmann, OECDD

Bob Repine, OHCS

Lane Shetterly, DLCD

Bruce Warner, ODOT

Others:

Pat Allen, Regulatory Streamlining

Erik Andersson, ERT

Lynn Beaton, OECDD

Mike Carrier, GO

Mark Ellsworth, GO

Liz Frankel, League of Women Voters

Kirk Jarvis, DSL

Glenn Klein, LOC

Harlan Levy, OR Realtors

John Lilly, DSL

Peggy Lynch

Doug Myers, OR Waterwatch

Robin Roberts, ERT

Steven Santos, DLCD

Adam Sussman, OWR

Doug White, DLCD

Staff: Gabrielle Schiffer, ERT

SUMMARY NOTES

Report from Water Related Permitting Work Group

Jon Chandler, chair of the Water related Permitting Work Group, began the topic presentation by telling the assembled group that the work group meetings were a learning experience. He ended up in a different place than he expected to be. The work group conversations dissuaded him from pursuing pre-conceived legislative solutions like “shmushing” (Jon’s term) the agencies together. He went on to comment that while agency staff appear to be very clear about their own processes, how these processes work isn’t always easily apparent to those on the outside looking in. To illustrate Jon pointed to the permit process flow charts that each of the agencies submitted.

Jon characterized the problem from the permit applicant perspective as follows: The regulation of water quantity and quality is divided up among a number of different agencies. These divisions make it difficult for an applicant to know which agency has jurisdiction over what piece and how the various pieces fit together. He described briefly how sequential permitting, late commenting, dueling expertise, staff attitude and the re-design process as currently practiced, frustrates applicants and produces costly time delays in the development process.

The list of potential solutions was narrowed to the following list of ideas that the advisory committee and the ERT directors felt merited further exploration:

- ✓ Fix the 401/404 removal permit nexus
- ✓ “Shine a light into the black box” and outline a water permit pathway so that applicants are clear on the process and timelines.
- ✓ Create a more coordinated process for all-water related permits. Could we create a general authorization or a statewide equivalent to the nationwide permitting process?
- ✓ Agencies should identify where statutes and policies overlap and amend statutes and rules to avoid duplication.
- ✓ Provide more clarity to applicants at the front end through pre-application meetings. This could be a function for the regional Economic Revitalization Teams.
- ✓ How can we increase local government capacity to handle complex projects?
- ✓ Ensure high quality permit applications by creating a pool of pre-screened and qualified consultants who know the permitting process. This should reduce agency workload by lessening the occurrence of poor quality or incomplete applications.
- ✓ Develop a “user guide” that provides information on cost effective “green” designs for certain categories of development (manufacturing facility, warehouse, shopping center, etc) that minimizes the impact to water resources and reduces the likelihood of time consuming and costly redesign.

The agency staff members of the work group will continue to meet and flesh out some of the above ideas.