ARAP PRE-APPLICATION COORDINATION PROCESS

LEAN Event Report Out

TN Department of Transportation /
TN Department of Environment & Conservation
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Executive Sponsors

Deputy Commissioner Shari Meghreblian, TDEC

Deputy Commissioner Toks Omishakin, TDOT

Tisha Calabrese – Benton, TDEC Director – Division of Water Resources

Ralph Comer, Transportation Administrator - TDOT Office of Operational Efficiency

Sponsors

Jim Ozment, TDOT Director Environmental Division

Britton Dotson, TDEC Deputy Director – Division of Water Resources

Team Leader

Susannah Kniazewycz, TDOT

Team Members

Jimmy Smith, TDEC
Anthony Myers, TDOT
Dennis Crumby, TDOT
Brian Canada, TDEC
Vena Jones, TDEC
Matt Richards, TDOT
Brandon Chance, TDEC
Jerry Hughes, TDOT

Facilitators

Elaine Boyd / Kendra Abkowitz, TDEC

Patsy Mimms / Kelley Garrett, TDOT

AGENDA

Background: Challenge to LEAN Team

Methodology: How Team Approached Solution

Future: Changes, Benefits, Implementation Plan

Background

- About This Process
  - Construction of a road or highway can involve physical alterations to the waters of the state and require an Aquatic Resource Alteration Permit (ARAP).
  - Proposed LEAN event is focused on establishing a standard approach for coordination between the two departments prior to the ARAP application submittal.
- Business Issue to Address
  - Currently there is no standard approach for coordination during the pre-application period.
  - A standard process may reduce the timeframe for TDEC's technical completeness determination once the application is submitted and allow TDOT to have a mitigation plan prior to their application submittal.

Background (continued)

- Customer
  - TDOT
- Other Key Stakeholders
  - Communities
  - Federal Highway Administration
  - Legislators
  - Citizens of TN
  - Environmental / Conservation organizations
  - Government officials
  - Resource agencies

Background (continued)

- Scope
  - First Step: The process will begin at the point at which TDOT Ecology receives the environmental document or plans and starts species coordination.
  - Last Step: The process will go through the point at which TDOT submits their ARAP application.
  - Out of Scope:
    - NPDES Construction permits
    - TESA projects

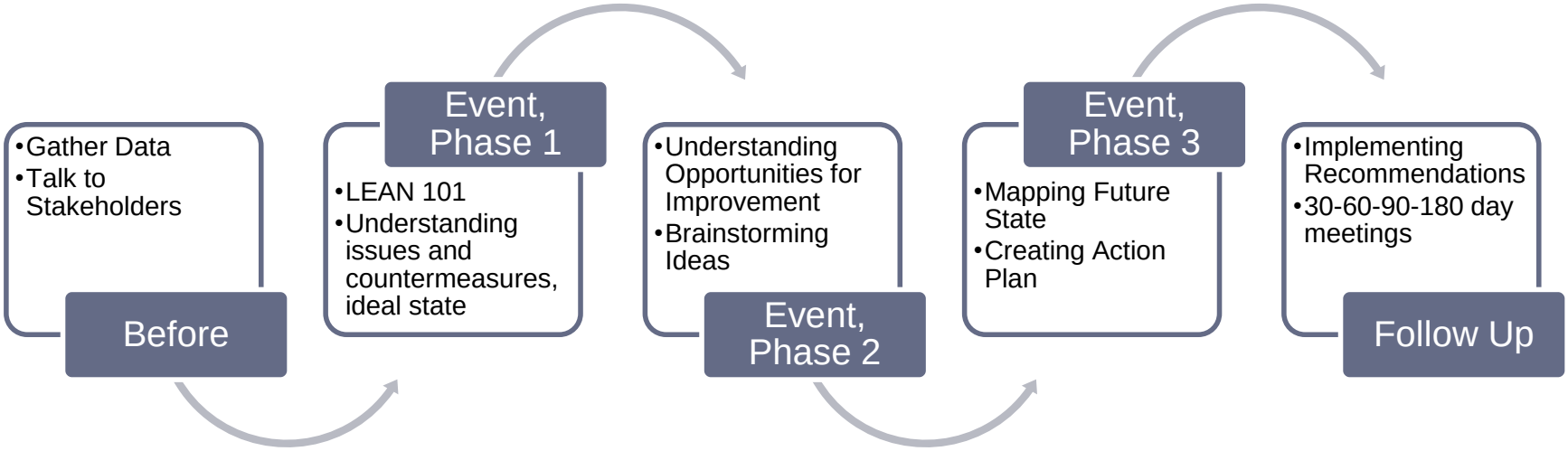
In addition, the Team's recommendations should not require rule or statute changes.

Team Focus

The purpose of this LEAN Team is to streamline permitting and increase efficiency so that we can ensure transportation projects are timely, cost-effective, safe and environmentally responsible.

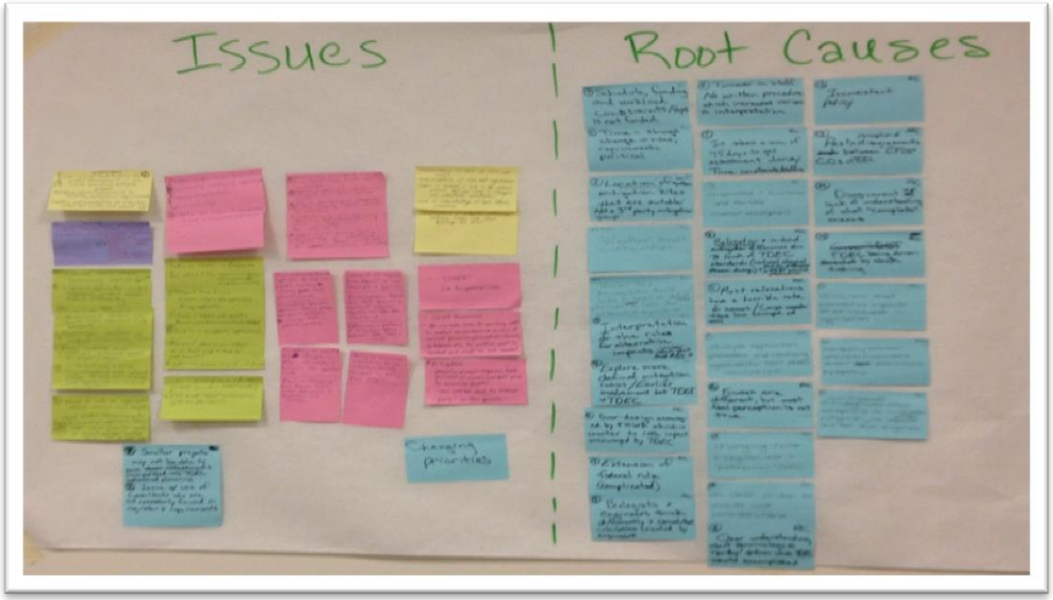
Methodology

Key Principle: Process, Not People

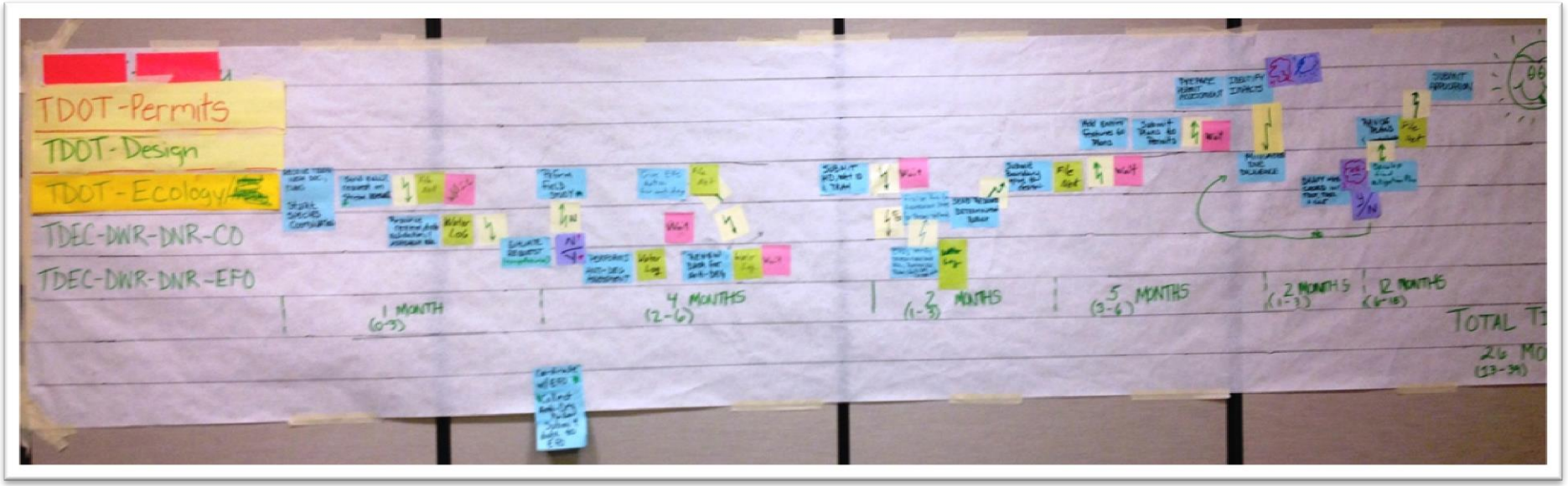


Observations About Current Process

- Lack of clearly-defined standards, processes and procedures
- Inconsistencies of permit applications and application reviews
- Mitigation
- Staff resources – changes, availability, and other responsibilities



Future State



Recommendations

Issue: Central Office (CO) or Environmental Field Office (EFO) lead for stream determinations (single point of contact).

Action: The EFO will be lead for HD determinations and the CO will be lead for anti-degradation status. TDOT will contact the EFO for HD determination and copy the CO; TDOT will contact the CO for anti-degradation assessment.

Recommendations

Issue: TDEC's Waterlog tracking will need consistent site management to support the new process.

Action: Waterlog will include TDOT's Project Identification Number (PIN) and be used throughout the process. New site identification shall be created at CO and communicated to the EFO when TDOT requests water resource determinations.

Recommendations

Issue: Need Corps of Engineers involvement in pre-application mitigation coordination meeting.

Action: Hold a management-level meeting with Corps of Engineers to discuss LEAN results/process improvements and invite Corps of Engineers to adopt process.

Recommendations

Issue: Inconsistencies in calculating cumulative impacts.

Action: TDEC will produce cumulative impacts guidance document. Joint workshops between TDOT & TDEC permit staff on a regular basis to discuss impact calculations as staff and regulations change.

Recommendations

Issue: TDOT's PPRM scheduling system will require modifications to support new process.

Action: Internal TDOT meetings (director level) to discuss LEAN results/process improvements. Staff directed to make appropriate modifications based on management recommendations.

Recommendations

Issue: Inconsistent permit application content.

Action: Hold a joint meeting between TDOT & TDEC permit staff to discuss application content and deliverables.

Recommendations

Issue: No clear mitigation procedures

Action: TDOT will prepare an official mitigation procedure to direct steps for search and acquisition. This should be a group effort between multiple divisions. The procedure should encourage multi-agency approach to provide additional options, especially for required in-system mitigation.

Recommendations

Issue: TDOT Design process issues (i.e. frequent changes in BMPs, time lag in designer working on various parts of process). TDOT has concerns about not being able to take advantage of stream relocations within ROW and changing Corps of Engineers requirements.

Action: TDEC will create ARAP BMP manual and compare to TDOT design standards. Likely a joint effort between TDOT & TDEC. TDOT currently updating standard drawings for stream relocations and will involve TDEC with development.

Recommendations

Issue: No official interpretation of regulations/rules and incomplete rollout of anti-deg changes from 2013.

Action: TDEC to issue guidance documents.

- **Application guidance**
- **Cumulative impacts**
- **Anti-deg evaluation flowchart**
- **Mitigation guidelines including in-system requirements**
- **Due diligence procedures**

Recommendations

Issue: Protection in-perpetuity requirement

Action: TDOT & TDEC Legal need to review and develop current and future procedures for mitigation protection. This should address potential future implications to TDOT projects that may affect these areas. Additional coordination with the Corps of Engineers may be needed.

Recommendations

Issue: TDEC and TWRA coordination

Action: TDOT/TDEC/TWRA workshop on process as to how TDOT addresses state listed species and their habitat.

Recommendations

Issue: TDOT Ecology staff training

Action: Review, update, and train staff on ecology procedures.

Action Plan

What	When	Who
Complete process flowchart	3 – 5 days	Kendra
TDEC provide cumulative guidance	Sept 1	Jimmy & Vena
TDEC provide in-system/anti-deg guidance	Sept 1	Jimmy & Vena
Create SOP to accompany flowchart	30 days	Jimmy & Susannah
Internal TDEC Policy for CO & EFO interaction in stream & wetland (TRAM) assessment and HD/wetland verification and TDEC EFO/TDOT POC	30 days	Jimmy, Brandon, Susannah
Standard Request Format for Stream (Water body assessment)	30 days	Brandon & Dennis

Action Plan

What	When	Who
Standard Request Format for HD, Wetland, & TRAM	30 days	Brandon & Dennis
Standard Concurrence/verification format from TDEC to TDOT	30 days	Brian & Matt
Transition Plan - outline process for projects already in development pipeline	Sept 15	Jimmy & Susannah
Joint staff meeting between TDOT & TDEC	Sept 30	Applicable staff
Implementation of new ARAP pre-app process	Oct 31	Team
Complete TDOT/TDEC Staff TRAM Training	3 mos (as needed w/ CEO	Vena & Matt

Action Plan

What	When	Who
TDEC Policy on Mitigation Due Diligence	Dec 2014	Jimmy & Susannah
Update Stream Mitigation guidance	January 2015	Jimmy
TDOT Environmental Boundary Report Standardization	3 – 6 mos	Dennis & Matt
TDOT updates PPRM	6 mos	Susannah & Jerry
Create TDEC Standard/BMP manual for ARAP	2 – 3 yrs	Jimmy & Susannah
Compare TDOT Drainage Manual and TDEC ARAP BMP Manual	2 – 3 yrs	Matt, Jimmy, Jerry

Measuring Success

	Measure 1	Measure 2
Improvement Area	Application Completeness Review	Mitigation Predictability
Measure	# of days between application received and determination of completeness	Required changes to mitigation after application
Source	Waterlog	# of Application Revisions
Frequency	3 months	6 months
Who	TDEC	TDOT

Benefits of Future State

- No surprises at time of application
- Concurrence along the way
- Transparency of process
- Clear expectations and defined roles
- Reduce time for TDEC application completeness review
- Facilitates future cooperation between departments
- Allows for more creative design
- Creates metrics that can be measured to gauge future process changes
- Advanced mitigation opportunities encourages growth of mitigation industry in Tennessee
- Potentially develops a model of project delivery that can be used as a framework for consultation with other agencies
- Increased quality of information

Lessons Learned

- Complexity and timelines
- Better understanding on both sides
- Enormity of people working on just one project
- Internal and external relationships in each department
- Great opportunities to improve processes
- Process is far more complex than previously thought
- Recognized inconsistencies with both departments' processes

Bottom Line!

- Key Elements for Future: We are…..
  - Able to work through these situations before we are locked into ROW and nothing can be changed
  - Getting all the facts of all the water resources known and concurred with prior to application
  - Building concurrence points into the process
  - Creating various written guidance documents on both sides
  - Adopting a new approach and proposed metrics to measure success
- Result?
  - Less contentious process
  - Predictable, defensible, consistent, and repeatable mitigation process
  - Increased efficiency and quality
  - The process has been documented and scrutinized allowing for better understanding, comfort, and expectations for both departments. Each department can now fulfill their obligations faster while simultaneously increasing the quality of the product.

Questions/ Comments