

ERAP meeting notes, November 14, 2017.

Idea for flexibility or alternative: Allow other state processes, such as permit requirements and/or comprehensive plans, to substitute for, or partially satisfy, portions of the ER process

What would this look like?
(Suggestions for process steps/implementation)

- 3 most important aspects of environmental review (ER) – any ER process needs to meet ALL three criteria (measure solutions for alternatives/flexibility against these criteria):
 1. Notification of regulating agencies (once you have some “meat” on your project).
 2. Transparent public access to government decision making.
 3. Address potentially significant environmental impacts.
- There is the potential to streamline “typical” projects if a city has already reviewed them against a comprehensive plan (*multiple agreement around this*).
 - EQB could base the process on what RGUs are already doing.
 - Then also need ER of comprehensive plan but need additional ER for variance.
 - Identify “significant impact” with general examples.
 - One 30-day EAW/permitting comment period might be lost. Double the remaining comment period to 60 days? (*no panel consensus on this*)
- If a project is already subject to permitting, it should satisfy the ER process – at a minimum, for that particular topic but if subject to regulatory permit, 100%.
 - For a well-developed process (like air permit), exclude from ER.
 - If an EAW for many areas/categories, it should at least satisfy air but go through the rest of ER process.
- Some local or other processes do have a public comment period (or more), for example for air, wetland; comprehensive plans also have a public process.
- The earlier RGUs engage the public, the better – so maybe in scoping (tie to #1 from list of alternatives):
 - Public and decision-makers have buy-in.
 - Proposer has voice in scope.
- Permitting process and comprehensive plan are different:
 - Inconsistent application of comprehensive plans across the state.
 - AUAR is interesting model (e.g. Hutchinson).
 - Determine which might be used as a substitute (permitting or comprehensive plan) before applying 3 criteria.
- Conditional use permits process with county comprehensive plan
- Remember, ER is not being “skipped,” permit eliminates redundancy
- This is for 99% of regular projects. If comment period is slowing things down, combine them and prioritize those geographies without buy-in.
- For projects that still need permitting, RGU can establish and lay out process requirements and opportunities to participate so public knows what they can bring up.

<p>1. Who will be impacted?</p> <p>2. Who will support?</p> <p>3. What are barriers?</p>	<ul style="list-style-type: none"> • Question raised by panel: “Who would determine whether a comprehensive plan or permitting process would satisfy (parts of) the ER process?” (according to the 3 criteria) <ul style="list-style-type: none"> ○ <i>Panel seem to gravitate to having the RGU to be in charge of this, but RGUs need to notify state agencies.</i> ○ <i>Some panel members suggested that it could also go to a board or court but there was no consensus around this.</i> ○ In the case of permitting, there already is a 30-day comment ○ It should be up to RGU to determine permit, scoping process. <ul style="list-style-type: none"> ▪ Could get there through ER alternative (expedited) ▪ Permit needs to meet XYZ permitting requirements ▪ State should provide guidance and support to RGUs • Need for more public engagement in the ER process • Also need greater agency involvement • Everyone would be impacted; process creates winners and losers. • Other regulators may not want ER tacked on to their process • Proposers may think RGU alternative process is too onerous • Public may not like elimination of comment period? <ul style="list-style-type: none"> ○ Comment period does not equal engagement • RGU should have say over the process; some RGUs like discretionary review
<p>Support action needed</p>	<ul style="list-style-type: none"> • EQB should create rules with definitive steps, less discretionary system (<i>some panel see value in discretionary reviews but no consensus</i>) • Develop alternative ER; include work done to satisfy other requirements • Get to an agreement on what streamlining looks like • Add a check to RGU decision to allow for appeal to RGU’s decision • Focus ER on 1-3 key aspects/criteria (as listed above) <ul style="list-style-type: none"> ○ If public protests, most RGU would address the issue • Develop template for certain types of projects that are replicated over time

Other MAD observations:

- Panel discussed public engagement and the option of adding an optional question to the EAW form where project proposers can include information on what public engagement they have done or submit a plan for public engagement.
 - Some (most?) panel members seemed to like this option; others disagreed on the need for such a question on the form and that this is already best practice among project proposers.
- Panel agreed that only one comment period should be included in an alternative ER process; if more are added, the benefits of efficiency and reducing redundancy are lost.
 - The panel did not extensively discuss or agree on the exact length of the comment period.
- The panel agreed that EQB staff could take the 7-step plan for alternative review and further flesh it out without the need for a sub-panel/committee. EQB staff will bring the plan back to the panel for feedback.