



TWG: Fees

Meeting: #8

Date: December 11, 2018

Time: 10:00 a.m.

Attendees:

- | | |
|--|---|
| <input type="checkbox"/> Sandy Bahr, Sierra Club | <input type="checkbox"/> Amanda McGennis, Arizona Chapter Associated General Contractor |
| <input checked="" type="checkbox"/> Mason Bolitho, Haley & Aldrich | <input checked="" type="checkbox"/> Rebecca Hudson Nunez, Freeport-McMoRan |
| <input checked="" type="checkbox"/> Jeremy Browning, Gov Group | <input checked="" type="checkbox"/> Marcia Sorensen, City of Peoria |
| <input checked="" type="checkbox"/> Marina Estrella, City of Phoenix | <input checked="" type="checkbox"/> Jerry D. Worsham II, Cavanagh Law Firm |
| <input checked="" type="checkbox"/> Adam Hawkins, Global External | <input checked="" type="checkbox"/> Duane Yantorno, Asarco |
| <input type="checkbox"/> Christopher "Kit" MacDonald, U.S. Forest Service - Coconino and Kaibab National Forests | |

Staff Support:

- | | | |
|--|---|---|
| <input type="checkbox"/> David Lelsz, ADEQ | <input checked="" type="checkbox"/> Theresa Gunn, GCI | <input checked="" type="checkbox"/> Mark Joyner, ADEQ |
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Use of CWA Section 106 Funding for 404 Assumption

Conflicting legal opinions on whether the funds can be used for the 404-program development.

White Paper Status

The group reviewed the current draft.

- Programmatic permits will be included in the paper dependent of recommendations from the Permits TWG
- Edited the drawbacks to put emphasis on no drawbacks to the current process but the amount of time to receive a permit is a drawback
- Certification section add note: ADEQ will not be certifying (401) permits they issue but will certify the permits issued by the Corps and Tribes
- Group agreed the index is good
- Agency funding: ADOT averages 3-4 individual permits annually in addition to regional and nationwide permits
- JD section (page 5): issue covered by footnote 3
 - Duane to add paragraph for JDs being an hourly fee due to the variability in complexity
 - Decision to be made and may not be part of a permit
- Inspection fees has been addressed
- Complex permits may exceed the fees cap and may require additional staff work with no additional funding
 - Add comment dataset did not include the complex permits which took additional time and the additional nationwide permits issued during specific situations (fires)
 - Include this information in the Individual 404 Permit discussion on page 3
- Recommendation #4 (page 12): Majority of group agreed to remove recommendation 4

- Add recommendation to pursue legislation for reallocation of federal funds
- Missing information on flat fees similar to APP
- Add text that the legislation allowed ADEQ to charge fees to state agencies
- Also missing section on annual fees
 - Need to discuss how many ADEQ permit programs rely heavily on annual fees
- Expedited program: do we want to include
 - Historically, permittees could pay for an ADEQ consultant to expedite the review of the permit
- Recommendations: remove the word “options” in first paragraph
- The person drafting the minority opinion identify themselves
- City of Phoenix will write a dissenting opinion on being a fee-based program
- Need to discuss the impact of fees on small businesses and landowners
- Group agreed adding a fee for permittee mitigation would not be
- Add to GAP analysis that review of annual reports and other documents will require staff time

Action Items:

- Additional text on potential JD fees (Duane)
- Add text on federal funding (Adam)
- Add text on flat and annual fees (Mason)
- Send edits and additional text to Rebecca (All) by Friday
- Notify authors of dissenting opinions to identify themselves in the paper (Jerry)
- Add text to document about document review (Mason)

Next Meeting Agenda

- Final review of white paper
- Last meeting: Wednesday, Dec 19, 9 a.m.; Room 6645