# Tide Gate Partnership Regulatory Process Map (8/12/2020)

# STEP 1 INITITAL CONTACT & PRE-PROJECT INFO

### LANDOWNER

- 1. Make initial contact with Tide Gate Coordinator (TGC) (or local, state, federal contact) to inquire about potential action.
- Complete Pre-Project
   Information Form and submit to TGC.

### **TIDE GATE COORDINATOR\***

- 1. Provide landowner with
- information to consider:Project funding options (grants and loans)
- Hiring for engineering
- services
  Cultural resource needs,
  including early consultation
  with SHPO.

### **AGENCIES**

Participate in pre-project consultation.

### STEP 1 OUTCOME

- Landowner opportunity to discuss potential action with TGC and regulatory agencies.
- Landowner completes and submits Pre-Project Information Form to TGC.

### STEP 2 TEAM ACTIVATION & PREPROJECT ASSESSMENT

### LANDOWNER

1. Work with TGC to schedule site visit.

### **TIDE GATE COORDINATOR**

- 1. Distribute Pre-Project Information Form to agencies for review and activate the project team.
- 2. Work with landowner to schedule site visit.

### **AGENCIES**

- 1. Review preliminary project information to inform whether site visit or other assessment approach is appropriate.
- 2. Determine which local, state, and federal regulations may apply to the potential activity.

### STEP 2 OUTCOMES

- Agency notification of interest in tide gate project.
- Activation of tide gate team, typically includes:
- Tide Gate Coordinator (TGC)
- Oregon Dept. of Fish and Wildlife (ODFW)
- National Marine Fisheries Service (NMFS)
  Department of State Lands (DSL)
- Army Corps of Engineers (ACOE)
- State Historic Preservation Office (SHPO)
- Others (county, other agencies)

### STEP 3 SITE VISIT OR OTHER ASSESSMENT

### LANDOWNER

 Participates in site visit or other assessment approach, as appropriate. If a consultant has been hired, the landowner should invite them to participate in the site visit.

### **TIDE GATE COORDINATOR\***

 Attends and coordinates site visit in accordance with Site Visit Protocol.

### **AGENCIES**

- Attend site visit.
   After site visit, agency team
- provides
  comments/recommendations
  to TGC to compile in **Joint Written Response** to
  landowner.

### STEP 3 OUTCOMES

- Landowner shares goals & learns regulatory pathway options, initial design options, and clarity on next steps, including appropriate funding options.
- Agencies learn about the tide gate and landowner goals
- Joint written response to landowner that document the regulatory nexus and triggers, compliance pathways, and options for next steps.

### STEP 4 LANDOWNER OPTIONS, & DECISIONS

### LANDOWNER

1. Works with engineer/consultant to explore tide gate designs concepts that consider landowner goals, conservation benefits, funding options, consultation pathways, and incentives/disincentives to

various approaches.

2. Decides and informs agency team of which regulatory pathway the y would like to pursue, Programmatic or Individual.

### **AGENCIES**

Respond to landowner questions, if requested.

### STEP 4 OUTCOME

- Landowner makes final decision on the project design that they will pursue and works with the TGC and engineer/consultant to:
- Pursue and confirm funding strategy, including applying for grant funds, if needed.
- Begin to prepare permit applications and associated documents.

## STEP 5 FINAL PROJECT DESIGN & PERMIT PREPARATION

### LANDOWNER

- 1. Works with engineer/consultant to develop a tide gate design that meets all agency requirements and landowner goals, including fish passage approval, water management plan development, and acceptable inundation levels.
- 2. Works with engineer/consultant and TGC to prepare permit applications and associated documents.

### TIDE GATE COORDINATOR\*

L. Assists landowner in coordination of permit consultation, tide gate design, and preparing information sufficient to apply for project permits.

### **AGENCIES**

Respond to landowner questions, if requested.

### **STEP 5 OUTCOMES**

- Tide gate engineering design sufficient to submit for permit approval.
- Permit applications and associated documents prepared with sufficient information to submit for review and approval.

## STEP 6 PERMIT APPLICATION SUBMITTAL & REVIEW

### LANDOWNER

- L. Submits application to ODFW for Fish Passage approval.
- Submits Joint Permit Application.
   Responds to questions and provides additional information, if requested.

### TIDE GATE COORDINATOR\*

1. Assists landowner with application submittal process.

### **AGENCIES**

- Agencies review permit applications for completeness.
- 2. Based on project design, agencies make consultation pathway determination and inform landowner as to whether the project will require an individual consultation or will utilize the TARP programmatic consultation process.

### STEP 6 OUTCOME

- Determination of application completeness, consultation pathway, and permit pathway for project.
- ODFW Fish Passage determination.Formal consultation is initiated.

### Programmatic Consultation

### AGENCY CONSULTATION & PERMIT PATHWAY DECISION

Based on project application review agencies determine the appropriate

agency consultation and the permit pathway.

### Individual Consultation

### STEP 7a (<30 DAYS) PROGRAMMATIC (TARP) CONSULTATION

### LANDOWNER

TGC\*

. Responds to questions and provides additional information, if requested.

### **AGENCIES**

- . Agencies review permit application for consistency and to ensure all regulatory requirements have been met.
- 2. When all requirements have been met, agencies make permit decision.

### STEP 7a OUTCOMES

Consultation complete & permit decision made

### STEP 7b (135 DAYS) INDIVIDUAL CONSULTATION

### LANDOWNER

TGC\*

1. Responds to questions and provides additional information, if requested.

### **AGENCIES**

- 1. NMFS writes Biological Opinion, includes conditions and monitoring requirements.
- 2. Agencies review permit application to ensure all regulatory requirements are met.
- 3. When all requirements have been met, agencies make permit decision.

### **STEP 7b OUTCOMES**

Consultation complete & permit decision made

# STEP 8 PERMIT ISSUED, PROJECT IMPLEMENTATION & COMPLIANCE MONITORING

### **LANDOWNER**

- 1. Implement project in accordance with permit conditions.
- 2. Once project is complete, conduct compliance monitoring in accordance with permit conditions.

### AGENCIES

- L. Issue permit approvals for project implementation.
- 2. Track project implementation and compliance monitoring

### **STEP 8 OUTCOMES**

- Project implemented
- Monitoring completed

\*Where starred throughout this document, tide gate coordinator could be either the official coordinator or a local technical service support person (council, SWCD, etc.)