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With regard to agency cooperation, it was argued that the Cooperative Agreement between the Departments of Fish and Game, Environmental Conservation and Natural Resources was a better approach than the EPCA procedures.¹⁴ Finally, while it was suggested that the designation of a lead agency could foster interagency cooperation,¹⁵ there was agreement that a general master permit was not required. The current delays appear to be caused by review procedures within specific agencies rather than by the number of different permits required.

(B) Review Procedures.

1. Options:

• Amend the state Administrative Procedures Act to establish uniform and consistent notice and comment requirements.¹⁶

• Amend the state Administrative Procedures Act to require comments early enough in the comment period to allow a developer to amend a permit application prior to the time it has been considered by other state agencies.

• Establish classes of permits and mandatory review periods for each class.

• Establish a training program for technical staff charged with the responsibility for permit applications review.

- Authorize and appropriate funds for a study of the regulatory path which a SSH developer would be required to follow.

2. Discussion:

A number of people interviewed were of the opinion that redundant or inconsistent notice and comment requirements resulted in substantial delays in the permitting process.¹⁷ Under existing procedures, a SSH developer is required to obtain a number of different permits. Each of these permits requires a notice and comment period. At present, these notice and comment periods are inconsistent or redundant. It was argued that the state should "conform the hoops to be jumped through."¹⁸

As was discussed in the previous section, the EPCA is not being utilized. One reason for this is the EPCA notice and comment procedures which appear to be overly burdensome on small projects,¹⁹ including SSH development.

Legislation was introduced in 1979 which would have established classes of permits.²⁰ Mandatory review periods would have been established for agency consideration of permit applications falling within each class. This legislation was not passed.

The establishment of classes of permits and mandatory review periods might also be done administratively. Regulatory changes which would

achieve these results are currently being prepared and should be ready for public comment by late 1980.²¹ These administrative revisions cannot, of course, be in conflict with statutory requirements.

With the exception of water use permit applications, there was general agreement that the number of permits required of a developer was not a factor delaying development. Mandatory review periods for different classes of permits would assist in eliminating agency delays. Any such revisions should include a detailed time frame which would accurately delineate when an agency action would be required. It was suggested that notices of agency actions be sent by registered mail so that the timing of the action could be established.²²

Finally, with regard to mandatory review periods, there was disagreement as to whether an agency's failure to act within the prescribed period should constitute automatic approval. While such a result was generally favored, it was not necessarily seen as necessary to force agencies to respond to designated time limits.²³

A requirement that comments and proposed stipulations be submitted early in the notice and comment period would reduce delays by allowing an application to be amended prior to final consideration by other state agencies. Allowing one agency to respond to the changes suggested or stipulations required by another agency could eliminate the need for a developer to make repeated appearances before the same agency.²⁴ At present, the Department of Fish and Game is hindering

the permitting process by making adverse comments so late in the comment period that the developer does not have time to properly respond.²⁵ As a result, the process may require reiteration and, obviously, further delay.

A number of individuals, both within agencies and those affected by agency actions, commented that the lack of trained personnel substantially delayed the permitting process.²⁶ Furthermore, this problem appear to make permit stipulations nearly impossible to enforce.²⁷

It was suggested that the state train a number of permit application reviewers. These reviewers would be trained to know what information was required by a specific application and why it was required. Such reviewers would also be trained to understand the regional differences which exist in Alaska and how these differences affect operational requirements.²⁸ A core group of trained personnel could speed the permit process by reducing the length and improving the quality of agency review.

It was also suggested that a study which would document the "permit path" required for SSA development would be of great assistance both to the developer and to agency personnel.²⁹ It was suggested that, in many cases, neither the applicant nor the reviewer "knows what he's doing."³⁰ A specific statement of the permit path could be of great assistance in removing this uncertainty. (See Appendix I.)