The City of Portland Streamlining Team:
A Case Study in Coordinating Environmental Compliance

In February 2017, ELI released a background paper on "Fast-Tracking 'Good' Restoration Projects in the Gulf of Mexico," which focused on mechanisms that are available to fast-track restoration projects that are subject to federal environmental compliance requirements. In that paper, we noted that environmental compliance often requires the participation of several government agencies – federal, state, and local – and the efficiency of compliance procedures can be improved by early, effective coordination among the various agencies involved. Below is a case study from Portland, Oregon, where a group of federal, state, and local agencies formed a "Streamlining Team" to coordinate environmental compliance for City of Portland development projects, resulting in a more efficient permitting process and strengthened relationships between the agencies.

The City of Portland sits on two major rivers – the Willamette and the Columbia – and many different agencies are charged with regulating projects affecting its waters, fish, and wildlife. The City's "Streamlining Team" is made up of representatives from seven of those agencies. The Team's mission is to streamline environmental compliance for City-sponsored development projects by "improv[ing] coordination and communication among federal, state, and local" regulators. [1]

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The idea for the Streamlining Team originated in the early 2000s, shortly after several local salmon species were listed as threatened under the federal Endangered Species Act (ESA). [2] As a result of the listings, the City faced a high number of ESA reviews that were difficult to manage. [3] Led by former mayor Vera Katz, the City's political leadership committed to establishing an arrangement with federal regulators that would both protect the salmon *and* facilitate continued approval of City-sponsored development projects. [4]

As a result, in 2003 the City of Portland signed a formal interagency agreement (Streamlining Agreement) with NOAA Fisheries, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service. [5] The agreement authorized the formation of an interagency team to

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[1] City of Portland Bureau of Environmental Services, Streamlining Agreement: Ten-Year Status Report of the Streamlining Team Process (2003-2013) (hereinafter "Ten-Year Status Report"), at 5 (Oct. 22, 2014), *available at*: efiles.portlandoregon.gov/Record/7029267/File/Document/.

[2] Interview with Mike Reed, City of Portland (June 29, 2017); see also Ten-Year Status Report at 5.

[3] Interview with Mike Reed.

[4] *Id*.

[5] Endangered Species Act Section 7 Streamlining Agreement Between the City of Portland, NOAA Fisheries, U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service (hereinafter "Streamlining Agreement") (Feb. 14, 2003), *available at* www.portlandoregon.gov/bes/article/64692. According to the City of Portland, the Streamlining Agreement "was the

implement "a cooperative process" for streamlining interagency consultations under Section 7 of the ESA, and it also encouraged the team to improve coordination of "additional regulatory requirements with other state and Federal regulatory programs."[6] A few years later, the Streamlining Team was expanded to include three Oregon state agencies – the Department of State Lands, the Department of Environmental Quality, and the Department of Fish and Wildlife – as well as the City of Portland's Bureau of Development Services (the local permitting department).[7]

The Streamlining Team's role is to work with City project managers who "potentially must maneuver through multiple federal, state and city laws" when applying for construction permits, with the goal of making environmental compliance more efficient.[8] The streamlining process is voluntary: the Streamlining Team meets when a project manager requests the Team's review of a specific proposal in advance of applying for a permit. The process typically includes: (1) an initial meeting, which focuses on selection of a "preferred option" in the context of an alternatives analysis; (2) one or more "[f]ollow-up meetings to address outstanding issues"; and (3) a final pre-application meeting to review the final design that will be presented in the project documents, including environmental compliance documents.[9]

The primary function of Streamlining Team meetings is to "facilitate the sharing of information needed" in order to promote consistent and concurrent decision-making between agencies.[10] The meetings typically are attended by project managers (from the City bureau sponsoring the

project), representatives from each regulatory agency on the Streamlining Team, and the Streamlining Team chair (a City of Portland employee). In addition to meeting about specific projects, the Streamlining Team hosts annual permit workshops where regulators can share information about their agencies' expectations with the City's development bureaus, and with each other more generally.[11]

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nation's first streamlining agreement between federal agencies and a municipal government." CITY OF PORTLAND BUREAU OF ENVIRONMENTAL SERVICES, CITY OF PORTLAND STREAMLINING AGREEMENT FACT SHEET (hereinafter "STREAMLINING TEAM FACT SHEET") at 1 (Oct. 2014), *available at:* www.portlandoregon.gov/bes/article/507021.

6   Streamlining Agreement at 1.

7   Interview with Mike Reed; *see also* STANDARD OPERATING PROCEDURES FOR THE CITY OF PORTLAND STREAMLINING TEAM: PRE-APPLICATION GUIDANCE FOR CITY PROJECT TEAMS at 1 (updated June 29, 2012) (hereinafter "SOPs"), *available at*: https://www.portlandoregon.gov/bes/article/403472.

8   SOPs at 1.

9   SOPs at 3-4. The SOPs note that "[o]ff-line" follow-up meetings may "be arranged with one or more of the agency representatives when the discussion is not important to all of the Streamlining Team members." *Id*. at 3.

10 SOPs at 1.

11 Interview with Mike Reed; *see also* Eric T. Mogren and Ben Fitch, Center for Public Service, Portland State University, CITY OF PORTLAND PERMIT STREAMLINING PROCESS ASSESSMENT at 13-14 (June 17, 2014), *available at:* https://www.portlandoregon.gov/bes/article/507027.

Now in its fifteenth year, the Streamlining Team is considered a success by the City and participating agencies.[12] In its first ten years (2003 to 2013), the Streamlining Team helped facilitate the issuance of 168 federal, state, and local environmental permits for nearly 60 projects.[13] According to a "third-party review" conducted by researchers at Portland State University, the streamlining arrangement enabled "environmental compliance with reduced processing time."[14] The streamlining process also has helped facilitate the completion of permitted projects on time and on budget.[15]

Beyond the core function of unified review of projects, the Streamlining Team's practice of meeting and reviewing projects together on a regular basis has had ancillary benefits. By meeting regularly, representatives from the different agencies have developed relationships and fostered a sense of trust that strengthens the ability of the agencies to work together.[16] A related benefit is that it is easier to handle urgent interagency situations when they arise (e.g., when a sewage pipe bursts and needs to be replaced): with the structure of the Streamlining Team already in place, urgent conversations can be channeled through the same framework that is used for permitting.[17]

Several features of the Portland streamlining arrangement seem to have contributed to its long-term success, including:

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- **Interagency meetings that are held early in the environmental compliance process.** Pursuant to the Streamlining Team's standard operating procedures, meetings with project managers are structured to "provide a forum for multiple agency representatives to coordinate key decision criteria" in order "to deliver timely, responsive and non-conflicting decisions."[18] It is considered critical that these meetings occur at the pre-application stage, before a proposed project is fully developed, to provide an opportunity for the agencies' interactions to help shape the project.[19] By meeting with the Streamlining Team up front, project managers can achieve overall efficiencies in the form of faster permit processing times and "reduc[ed] redesign costs."[20] It also has been suggested that the meeting process improves "project quality," in the sense

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[12] See STREAMLINING AGREEMENT FACT SHEET at 2-4. For example, a former Oregon Department of State Lands representative has stated: "The City of Portland's streamlining team meetings are very useful and important from our agency's perspective…Early interaction and communication will result in a more effective permitting process." Id. at 3.

[13] STREAMLINING AGREEMENT FACT SHEET at 1.

[14] Eric T. Mogren and Ben Fitch, Center for Public Service, Portland State University, CITY OF PORTLAND PERMIT STREAMLINING PROCESS ASSESSMENT at 3, 8 (June 17, 2014).

[15] Interview with Mike Reed.

[16] See Mogren and Fitch at 5-6.

[17] Interview with Mike Reed.

[18] Interview with Mike Reed; see also SOPs at 1.

[19] Interview with Mike Reed; see also Interview with Christy Fellas, NOAA (June 28, 2017).

[20] Mogren and Fitch at 7. The assessment of the streamlining arrangement suggested that the "[p]rocess leads to final project designs that meet the agencies [sic] concerns and expectations that are easily permitted." Id. at 5.

that coordination between the different resource agencies leads to "project designs that benefit a broader array of fish and wildlife species."[21]

- **Annual training workshops that benefit project managers and regulators**. At annual workshops, project managers receive an introduction to (or refresher on) the streamlining process, and learn about the range of regulatory requirements that may apply to projects affecting surface water. For the regulators, these workshops provide an opportunity to learn from each other about "fellow agencies' expectations," and from project managers about the "challenges and realities of project management."[22]

- **Facilitative leadership model.** An essential element of Portland's streamlining process is its "facilitative leadership" model.[23] This entails designating a "team chair" to facilitate the Team's meetings.[24] Since the inception of the streamlining arrangement, Mike Reed, a City of Portland employee, has held that position.[25] He works closely with project managers from the City's development bureaus in preparing the materials they will present to the Streamlining Team; he also works directly with the representatives of the regulatory agencies that participate in the streamlining process.[26] On many levels, he serves as a translator: for example, after Streamlining Team meetings, he ensures that project managers have understood the information conveyed by the agencies, and that nothing has been lost in technical language or jargon.[27] In addition, the team chair has helped achieve the trust and buy-in of individual participants in the process. This buy-in – from both agencies and project managers – is considered an important factor in the Streamlining Team's success.[28] Having a single leader has also helped the Team overcome challenges that have arisen when there has been employee turnover (e.g., among agency staff members).[29]

Aside from these features, there are other factors that have likely contributed to the Streamlining Team's success in Portland. For example, the Team operates on a limited geographic and political scale: the projects reviewed by it are located in a single city, which means they are all regulated by the same local agencies, state agency offices, and federal agency districts or regions. Similarly, the Portland model is limited to a single public entity (the City) presenting projects for unified review by the agencies. Additionally, the Portland Streamlining Team has received dedicated funding from the City (e.g., for the team chair position, which has enabled the facilitative leadership model).

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[21] Mogren and Fitch at 8.
[22] Mogren and Fitch at 13-14; *see also* Interview with Mike Reed.
[23] Mogren and Fitch at 9-10; *see also* Interview with Mike Reed.
[24] Mogren and Fitch; *see also* Interview with Mike Reed.
[25] Interview with Mike Reed.
[26] Interview with Mike Reed.
[27] Interview with Mike Reed.
[28] Interview with Mike Reed; *see also* Interview with Christy Fellas.
[29] *See* Interview with Mike Reed; *see also* Interview with Christy Fellas.