



Florida Department of Environmental Protection


Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000


Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

TO: George Roberts, Chair, NFWFMD
Douglas E. Barr, Executive Director, NFWFMD
Donald J. Quincey, Jr., Chair, SRWMD
Charlie Houder, Acting Executive Director, SRWMD
Lad Daniels, Chair, SJRWMD
Hans Tanzler, Executive Director, SJRWMD
Paul Senft, Chair, SWFWMD
Blake Guillory, Executive Director, SWFWMD
Joe Collins, Chair, SFWMD
Melissa Meeker, Executive Director, SFWMD

THROUGH: Herschel T. Vinyard Jr. 
Secretary

FROM: Greg Munson 
Deputy Secretary for Water Policy and Ecosystem Restoration

DATE: March 23, 2012

SUBJECT: Guidance Related to Requests for Additional Information in the
Consumptive Use Permitting Program

Consistent and timely decision-making is essential in the state's water regulatory programs to ensure environmental protection without adversely affecting economic activities. The consumptive use permitting process should promote thorough reviews, clear expectations, and prompt, sound, science-based decisions. The Department recently conducted stakeholder sessions around the state with water users and environmental interests seeking input on ways to improve the consistency and effectiveness of the consumptive use permitting program. Many comments were received related to the need to improve the way that Requests for Additional Information (RAIs) are used and managed in the permitting process.

Requests for Additional Information (RAIs) are used in the consumptive use permitting process to identify for the applicant additional information necessary to complete a permit application. While RAI's are an essential tool in the process, if not properly used and managed, they can become an unnecessary source of frustration for the permit applicant and delay decision-making.

On April 25, 2011, the Districts were provided with the Department's protocol for review and management of RAIs in the Department's regulatory programs (attached). Please ensure that your District has a review protocol in place for the supervisory/management review of RAIs that is at least as stringent as the following:

First RAI - Will require a mandatory review by the permitting supervisor. The RAI can be signed by the permit processor or the permit supervisor.

Second RAI - Must be signed by the applicable regulatory Bureau Chief (or equivalent).

Third RAI - Must be signed by the regulatory Division Director (or equivalent). In addition, a monthly report must be submitted to the Executive Director listing the third RAIs issued and an explanation of why the RAI was issued.

Fourth RAI or more - Shall require the approval of the Executive Director.

The following additional guidance is provided for the use of RAIs in the consumptive use permitting process. RAIs should:

- Clearly describe the information needed;
- Require only information needed to provide reasonable assurance that the permitting criteria are met as provided by statute and rule;
- Not raise new issues not raised in the first RAI or ask new questions not prompted by subsequent submittals by the applicant; and
- Never be used for the purpose of extending the permitting time clock due to workload issues or to delay decision-making by the District.

Careful management of the RAI process allows for timely identification and resolution of issues, and facilitates timely decision-making. The permitting metrics that the Districts are now reporting quarterly will allow tracking, evaluation and continual improvement of this process.

HTV/GM/as

Attachment

cc: Ann B. Shortelle, Ph.D., Director, Office of Water Policy, FDEP



Florida Department of Environmental Protection


Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

TO: George Roberts, Chair NFWFMD
Douglas E. Barr, ED NFWFMD
Donald J. Quincey, Jr., Chair SRWMD
David Still, ED SRWMD
W. Leonard Wood, Chair SJRWMD
Kirby B. Green, III, ED SJRWMD
Ronald E. Oakley, Chair SWFWMD
David Moore, ED SWFWMD
Joe Collins, Chair SFWMD
Tommy Strowd, Interim ED SFWMD

FROM:  Melissa L. Meeker, Deputy Secretary for Water Policy and Ecosystem
Projects

DATE: April 25, 2011

SUBJECT: Permitting Information

The Department compiles various permitting statistics in order to analyze permit application trends, agency performance, and budget and staffing needs. The information is essential to quality decision-making.

Two key measures among many are permit application "time in house" and the number of agency requests for additional information (RAIs). The number of RAIs bears some relationship to time in house and both measures may reflect the quality of permit applications and responses to requests for information, the clarity of agency requests, the clarity of our rules, differences in permitting staff experience and expertise, differences in the quality of consultants and agents, etc. Thus, this basic information answers some questions but, more importantly, it raises others that additional data can help answer and lead to better management.

In order to better understand and improve our collective permitting performance, I will be asking you over the next several months to share water management district data similar to that which we are reviewing. As a starting point, please provide the following:

- Number of permit applications received in each of your program areas, by year, for each of the last six full years (2005 – 2010);
- Average and median “time in house” for all permit applications for each year during the same time period, by program area. *“Time in house” means all time from receipt of application to final agency action, including all tolled time.*
- Average number of RAIs each year for the same time period, by program area.
- Number of permit processors (FTE) in each program area during the time period.

In addition to the summary, please also provide the raw data in an Excel spreadsheet or compatible format. You are welcome to share any other permitting metrics you find informative. As I noted, this request is a starting point to initiate an ongoing discussion on improving permitting performance.

The Department has also recently established uniform procedures, including levels of approval, for the issuance of RAIs (attached for your information). We want to promote thorough reviews, clear expectations and prompt, sound decisions. I know you share those objectives as well. Please advise if you have formally established such policies as well and, if so, what they entail.

Please submit your information, electronically, to Kara Nevin (kara.nevin@dep.state.fl.us) no later than May 16, 2011.


cc: Jeff Littlejohn, Deputy Secretary for Regulatory Programs
Kara G. Nevin, Office of Water Policy and Ecosystem Projects

Memorandum

Florida Department of
Environmental Protection

TO: Regulatory Division Directors
Regulatory District Directors

CC: Jeff Littlejohn, P.E.
Deputy Secretary for Regulatory Programs

FROM: Herschel T. Vinyard Jr. 
Secretary

DATE: March 22, 2011

SUBJECT: Policy for Requests for Additional Information (RAI)

To ensure that the Department is reviewing permit applications in a timely fashion, I am establishing a formal policy for the review and management of Requests for Additional Information (RAI) in the permitting process. I understand that the regulatory divisions and districts currently have management review procedures in place, and this new regulatory-wide policy will be more rigorous and will ensure consistency across the divisions and district offices.

Effective immediately, the following policy will apply to RAIs:

1st RAI – Will require a mandatory review by the permitting supervisor. The RAI can be signed by the permit processor or the permitting supervisor.

2nd RAI – Must be signed by the program administrator.

3rd RAI -- Must be signed by the district director (districts) or bureau chief (divisions). In addition, each district and division must submit a monthly report through the Deputy Secretary for Regulatory Programs of the 3rd RAIs issued and an explanation of why the RAI was issued.

4th RAI or more – Will require my approval prior to issuing the 4th or more RAI.

In addition, all RAIs should be sent to the project owner, not only consultants and agents, so that the owner is aware of the application's status.