

## **Resolution for Council Consideration – Adopted 11/03/10**

### **Tidelands Resource Council Resolution Grant Re-consideration Policy**

#### **Preamble:**

Many grant considerations have come back time and time again in the recent down market. In some cases, the case were heard by the Council and approved. As the real estate market dropped, owners of the properties asked for re-considerations on their prices based on these drop in the markets.

Part of the problem is that the grants are not getting delivered in a timely manner. Part of the delivery process is under the State control and part is under the applicants (or agents) control.

The current process is as follows. Once the minutes are adopted, usually the month after the council meeting where approved, a price letter is sent to the applicant. The price letter lets the applicant know the price of the grant and asks for a processing fee. DEP does not prepare the license until the processing fee is paid. Once the draft grant is prepared, it needs approval from the applicant (or agent). This is similar to a 3-day attorney review on a home closing. Currently this time frame is open ended. The resolution proposes limiting this review to ten working days. If we hear no response, we will send up for signature. Once approved or the timeframe expires, the grant is sent up for signature. With the new and improved streamlined process, grants can usually be full executed in less than one month. Lastly, the applicant is notified the grant is ready for pickup. Responsibilities are broken out in table below.

<b>Post TRC State Responsibility</b>	<b>Post TRC Applicant Responsibility</b>
Prepare Price Letter	Pay Processing Fee
Draft Grant Document	Approve Language in Grant Document
Obtain Signatures & Send Applicant letter once fully signed	Pick Up Grant

#### **Proposed Changes:**

- 1) The Bureau of Tidelands Management should not wait the one month plus to prepare price letters. The Council and the Assistant Commissioner rarely overturn a Council decision. In the rare case where this might occur, DEP could refund the assessment.

- 2) If the total time for the DEP responsibilities is less than six months, then no reconsideration will be heard. If greater than six months, a re-consideration based on price can be heard.
- 3) A re-consideration can also be heard if new information is uncovered. However, the applicant (and agent) shall only have one additional re-consideration. The applicant cannot keep coming back for other reasons. Other reasons could include, but are not limited to: Determining family chain of custody (good faith discount), change in scope of project (only want one area of parcel instead of whole parcel), survey errors, etc.

If a re-consideration is denied by Tidelands, the applicant may request an appearance at the council to explain their special circumstances. If the Council deems the circumstances unique, the application will be re-reviewed by the Tidelands Management.