

	Scenario 1	Scenario 2	Scenario 3	Scenario 4	Scenario 5	Administrative Appeal ¹	Judicial Appeal ^{2,3}
						•	•
CZMA Federal Consistency Determination	X	X	X	Ecology (Primary Regulator)/ Office of Ocean and Coastal Resource Management (Federal Oversight)		Total Time: 6 months <ul style="list-style-type: none"> • Appeal of Ecology decision to Secretary of Commerce solely made by WSDOT, not by third party • Appeal to Secretary of Commerce must be filed within 30 days of Ecology decision • Public comment on Secretary of Commerce's decision 	Total Time: 6 months to 1+ years <ul style="list-style-type: none"> • Secretary of Commerce's decision on appeal is final agency action and can be appealable in Federal Court under Administrative Procedures Act (APA)
Shoreline Substantial Development Permit		X	X	City of Seattle (Primary Regulator)/ Ecology (State Oversight)		Total Time: 6 months <ul style="list-style-type: none"> • Appeal to Shoreline Hearing Board (SHB) by WSDOT or third party must be filed within 21 days of decision • Board must make decision within 180 days of filing unless both parties agree to extend • Appeals stays permit. Work may not proceed unless permit was granted by the agency and there is a favorable Board ruling. 	Total Time: 6 months to 1+ years <ul style="list-style-type: none"> • Appeal of SHB decision by WSDOT or third party must be filed in State Superior Court within 30 days from the date the order is mailed • Can be further appealed to Court of Appeals and other higher courts, 1+ year process • Appeal beyond SHB does not stay permit unless petitioner is granted stay under RCW 90.58.140(5)(b), which requires appellant to show that there will be significant irreversible damage to environment
Street Use Permit	X	X	X	City of Seattle		Total Time: 1 month <ul style="list-style-type: none"> • Appeal to SDOT Director by WSDOT or third party must be filed within 10 days of permit decision • The Director's decision on review or reconsideration is final 	Total Time: 6 months to 1+ years <ul style="list-style-type: none"> • The Director's decision can be appealable by WSDOT or third party in Superior Court under LUPA

Notes:

1. Section 402 NPDES General Permit (Chapter 173-226-190 WAC and Chapter 43.21B RCW); CZMA Federal Consistency Determination (Title 15, Ch IX, Part 930.125 Code of Federal Regulations); Shoreline Substantial Development Permit (Chapter 461-08 WAC and Chapter 90.58.180 RCW); Street Use Permit (Chapter 15.04.112 Seattle Municipal Code)
2. Section 402 NPDES General Permit (Chapter 371-08 WAC and Chapter 34.05 RCW); CZMA Federal Consistency Determination (Chapter 34.05 RCW); Shoreline Substantial Development Permit (Chapter 461-08-570 WAC and Chapter 34.05 RCW); Street Use Permit (Chapter 36.70C RCW)
3. Optional Process for appeal directly to Court of Appeals: Section 402 NPDES General Permit (Chapter 371-08-560 WAC and Chapter 34.05.518 RCW) and Shoreline Substantial Development Permit (Chapter 461-08-575 WAC and Chapter 34.05.518 RCW)

Table 2
Design-Build Contractor Obtained Permits

	SR 99 four-lane bored tunnel	Removal of the Alaskan Way Viaduct	Construction of a four-lane Alaskan Way South	Issuing Agency	Administrative Appeal ¹	Judicial Appeal ²
Noise Variance	X	X	X	City of Seattle	Total Time: 4 to 6 months <ul style="list-style-type: none"> • Appeal to Hearing Examiner by WSDOT or third party must be filed within 10 days of decision • May take 6 to 7 weeks to 	Total Time: 6 months to 1+ years <ul style="list-style-type: none"> • Appeal of Hearing Examiner decision by WSDOT or third party must be filed in State Superior Court within 21 days

**Table 2
Design-Build Contractor Obtained Permits**

	SR 99 four-lane bored tunnel	Removal of the Alaskan Way Viaduct	Construction of a four-lane Alaskan Way South	Issuing Agency	Administrative Appeal ¹	Judicial Appeal ²
					schedule hearing, decision must be issued within 15 days of hearing	<ul style="list-style-type: none"> Can be further appealed to Court of Appeals and other higher courts, 1+ year process
Historic District Approvals (Impacts to non-State owned structures)	X	X	X	City of Seattle (Primary Regulator)/ Related Federal Oversight through DAHP	Total Time: 6 months <ul style="list-style-type: none"> Appeal to Hearing Examiner by WSDOT or third party must be filed within 14 days of decision Decision must be issued within 90 days of filing of all city appeals 	Total Time: 6 months to 1+ years <ul style="list-style-type: none"> Appeal of Hearing Examiner decision by WSDOT or third party must be filed in State Superior Court within 21 days Can be further appealed to Court of Appeals and other higher courts, 1+ year process
Industrial Wastewater Discharge Authorization (Dewatering)	X			King County (Primary Regulator)/ Ecology (State Oversight)	Total Time: 6 months <ul style="list-style-type: none"> Appeal to Hearing Examiner by WSDOT or third party must be filed within 15 days of the Director's decision Decision must be issued within 90 days from the appeal date 	Total Time: 6 months to 1+ years <ul style="list-style-type: none"> Appeal of Hearing Examiner by WSDOT or third party must be filed in PCHB or State Superior Court within 30 days from the date the order is mailed Can be further appealed to Court of Appeals and other higher courts, 1+ year process

Notes:

1. Noise Variance ("Proposed" Chapter 25.08 and Chapter 3.05 Seattle Municipal Code); Historic District Approvals (Chapter 25.24.080 and Chapter 25.25.300 Seattle Municipal Code); King County Industrial Discharge Authorization (Chapter 20.24 and 28.84.100 King County Code)
2. Judicial Review of Land Use Decisions: Chapter 36.70C RCW; Industrial Wastewater Discharge Authorization (Dewatering): PCHB (Chapter 173-226-190 WAC and Chapter 43.21B RCW) Superior Court (Chapter 371-08 WAC and Chapter 34.05 RCW)