

Permits	Scenario 1	Scenario 2	Scenario 3	Scenario 4	Issuing Agency	Administrative Appeal ¹	Judicial Appeal ^{2,3}
Nationwide Permit (Section 404 and Section 10)			X (NWP 3)	X (NWP 38)	U.S. Army Corps of Engineers	Total Time: 4 to 12 months <ul style="list-style-type: none"> The administrative appeal process is initiated by the submittal of a request for appeal (RFA) by applicant or a third party to the division engineer. The Corps will notify the appellant if the RFA is acceptable within 30 days of the receipt of the RFA in accordance with Sec. 331.7(b). The division engineer will normally make a final decision on the merits of the appeal within 90 days of the receipt of an acceptable RFA unless any site visit is delayed pursuant to Sec. 331.7(c). In such case, the RO will complete the appeal review and the division engineer will make a final appeal decision within 30 days of the site visit. 	Total Time: 1+ years <ul style="list-style-type: none"> Appeal of decision by applicant or third party must be filed in State Superior Court within 30 days from the date the final appeal decision is made Can be further appealed to Court of Appeals and other higher courts, 1+ year process
401 Water Quality Certification			X (Letter of Verification or NFA anticipated)	X (401 WQC anticipated)	Washington State Department of Ecology (Ecology)	Total Time: 6 to 18 months <ul style="list-style-type: none"> Appeal to Pollution Control Hearings Board (PCHB) by WSDOT or third party must be filed within 30 days of Ecology decision Pre-hearing conference within 1 month of appeal Current calendar shows openings in ~8 months for cases that are more than 2 days long Appeal does not stay effectiveness of permit. Appellant may ask issuing agency for stay, but would have to meet standard set out in RCW 43.21B.320, which includes likelihood of success on the merits, irreparable harm if permit not stayed, and that a stay is in the public interest. 	Total Time: 6 months to 1+ years <ul style="list-style-type: none"> Appeal of PCHB 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
Hydraulic Project Approval	X	X	X		Washington Department of Fish and Wildlife	•	•
Aquatic Use Authorization			X	X	Washington Department of Natural Resources	•	•
CZMA Federal Consistency Determination	X	X	X (only if 401 WQC)	X (only if 401 WQC)	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 	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

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						Commerce must be filed within 30 days of Ecology decision <ul style="list-style-type: none"> Public comment on Secretary of Commerce's decision 	Procedures Act (APA)
Shoreline Substantial Development Permit			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
Exemption from Shoreline Substantial Development Permit	X	X			City of Seattle (Primary Regulator)/ Ecology (State Oversight)	Same as above	Same as above
Demolition Permit	X	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
Asbestos/Demolition Notification	X	X	X	X	Ecology	XX	XX
Noise Variance	X	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 schedule hearing, decision must be issued within 15 days of hearing 	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

Notes:

- Nationwide Permit (33 CFR Part 331); 401 Water Quality Certification (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); Noise ("Proposed" Chapter 25.08 and Chapter 3.05 Seattle Municipal Code)
- Nationwide Permit and 401 Water Quality Certification (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); Judicial Review of Land Use Decisions: Chapter 36.70C RCW
- Optional Process for appeal directly to Court of Appeals: Shoreline Substantial Development Permit (Chapter 461-08-575 WAC and Chapter 34.05.518 RCW)