



The Alaskan Way Viaduct  
& Seawall Replacement Project

# Draft Permit Strategy

Submitted to:

**Washington State Department of Transportation**

Urban Corridors Office

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September 2006

1 **SR 99 | Alaskan Way Viaduct & Seawall Replacement Project**

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**Draft Permit Strategy**

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**Agreement No. Y-7915**

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**Task AX**

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The SR 99: Alaskan Way Viaduct & Seawall Replacement Project is a joint effort between the  
8 Federal Highway Administration (FHWA), the Washington State Department of Transportation  
9 (WSDOT), and the City of Seattle. To conduct this project, WSDOT contracted with:

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## ACRONYMS

|    |         |   |
|----|---------|---|
| 1  |         |   |
| 2  |         |   |
| 3  |         |   |
| 4  | AWVSRP  | Alaskan Way Viaduct and Seawall Replacement Project |
| 5  | City    | City of Seattle                                     |
| 6  | CPT     | Core Permit Team                                    |
| 7  | CSO     | combined sewer overflow                             |
| 8  | CZM     | Coastal Zone Management Act                         |
| 9  | Ecology | Washington State Department of Ecology              |
| 10 | EIS     | environmental impact statement                      |
| 11 | FHWA    | Federal Highway Administration                      |
| 12 | IPT     | Integrated Project Team                             |
| 13 | JARPA   | Joint Aquatic Resources Permit Application          |
| 14 | NEPA    | National Environmental Policy Act                   |
| 15 | NMFS    | National Marine Fisheries Service                   |
| 16 | NPDES   | National Pollutant Discharge Elimination System     |
| 17 | PE      | Project Engineer                                    |
| 18 | PF      | Permit Forum  |
| 19 | PS&E    | Plans, Specifications and Estimates                 |
| 20 | Port    | Port of Seattle                                     |
| 21 | Row     | right-of-way  |
| 22 | SEPA    | State Environmental Policy Act                      |
| 23 | SHPO    | State Historic Preservation Office                  |
| 24 | SR      | State Route   |
| 25 | SWPT    | System-Wide Permit Team                             |
| 26 | USACE   | U.S. Army Corps of Engineers                        |
| 27 | USFWS   | U.S. Fish and Wildlife Service                      |
| 28 | WDFW    | Washington State Department of Fish and Wildlife    |
| 29 | WDNR    | Washington State Department of Natural Resources    |
| 30 | WSDOT   | Washington State Department of Transportation       |
| 31 |         |   |
| 32 |         |   |

# Alaskan Way Viaduct and Seawall Replacement Project - Permit Strategy

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## 1.0 Introduction

This report describes the approach for permitting the Alaskan Way Viaduct and Seawall Replacement Project (AWVSRP). The main purpose of the report is to describe strategies for facilitating permit review and ensuring that permits do not become the critical path for the project. The complexity of the AWVSRP demands a permit process that minimizes risk and maximizes communication and coordination between permit authorities, engineers, designers, permit writers, and contractors to ensure that the permit process runs smoothly and the project conforms to the terms and conditions of approval.

This report is intended to describe the following:

- What permits and approvals are needed for the project
- When permits are needed – what project activities trigger permits
- How permits will be obtained and methods for streamlining permit review
- The timelines for obtaining permits
- Roles and responsibilities of the people tasked with obtaining permits and approvals
- The process to manage change (regulatory changes, project changes, etc.)
- How environmental and permitting conditions, commitments, and mitigation are monitored and implemented
- What is involved in closing out permits
- Agency, internal team and contractor coordination
- Documentation of the permit process

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## 1.1 Overview of Project Permitting

2 The scope of the AWVSRP is both complex and far reaching as it will affect the  
3 entire downtown and waterfront of Seattle for many years. The project is anticipated  
4 to take anywhere from 7 to 10 years to construct depending on the alternative and  
5 construction methods chosen and during that time a large volume of traffic must be  
6 rerouted, which will cause severe traffic congestion. The project will also have a  
7 large impact on businesses in this area. The project involves multiple partners  
8 including FHWA, WSDOT, City of Seattle, Port of Seattle, Army Corps of  
9 Engineers, and King County. The work involves activities that trigger over 30 types  
10 of permits and approvals and there will be multiple permits required over the life of  
11 the project. The different permits required result in the involvement of 14 federal,  
12 state, and local permitting authorities or entities each with their own mandates and  
13 regulations, which may conflict with each other. Thus, coordination and  
14 communication during permitting is critical. As time moves forward there will be  
15 changes in the design, as well as changes in laws, regulations, plans and policies that  
16 pertain to or affect permitting. Some of these may be developed unrelated to  
17 AWVSRP (and still affect the project) others may be specifically for the project.  
18 There is also potential for changes in the political climate, which may directly or  
19 indirectly affect the AWVSRP. All these aspects create a unique and complex  
20 process for obtaining permits and approvals.

21 In addition, the complexity and timing of the project (i.e., the aggressive schedule)  
22 mean that delays will have large economic impacts on the project as material and  
23 labor costs continue to escalate over time. Project delays will affect access to  
24 properties, business viability, traffic flows through the downtown, tourism, and many  
25 other aspects related to the construction of the AWVSRP. It is extremely important  
26 to have a flexible strategy to obtain permits and approvals without delaying the  
27 schedule and a process for managing change and risks.

28 Current work on permits is being carried out by a number of groups including  
29 design, environmental and permitting project staff, WSDOT personnel, City of  
30 Seattle staff including the Department of Transportation (SDOT), Department of  
31 Planning and Development (DPD), Seattle Public Utilities (SPU), and Seattle City  
32 Light (SCL), consultants, and staff at other agencies such as the U.S. Army Corps of  
33 Engineers (USACE), Washington Department of Ecology (Ecology), and others.

34 The rest of this document lays out the approach and strategy for obtaining permits  
35 for the AWVSRP. Some of the guiding principles established by the permit team for  
36 the project and discussed in more detail in this report include: (1) Have early, on-  
37 going and transparent communication and coordination between the permit team  
38 and permit authorities, (2) Dedication of appropriate staff resources who are  
39 adequately trained for permit application preparation and permit review, (3)  
40 Proactive tracking, monitoring, and implementation of permit conditions of approval



1 and mitigation measures, and (4) Development of an effective system for managing  
2 change and risk.

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## 1.2 Project Description

4 The Alaskan Way Viaduct, State Route (SR) 99, is a primary north-south route  
5 through the City of Seattle (City) that carries 20 to 25 percent of the traffic traveling  
6 through downtown (Figure 1). The viaduct portion of SR 99 is a stacked highway  
7 with two travel lanes in each direction. The Alaskan Way seawall runs along Seattle's  
8 waterfront and supports the Alaskan Way surface street and retains the land that  
9 supports the foundations for the viaduct.

10 In 2001 a powerful earthquake rattled the seawall and the viaduct causing structural  
11 damage. In addition, both the seawall and 53-year old viaduct are past their useful  
12 design lives. (The seawall has also been partially damaged by marine organisms.)  
13 Failure of either structure would create severe hardships for the City and region, and  
14 has the potential to adversely affect human safety. Thus, each of these structures  
15 must be replaced.

16 The Federal Highway Administration (FHWA), Washington State Department of  
17 Transportation (WSDOT), and City of Seattle (City) (in cooperation with the U.S.  
18 Army Corps of Engineers [Seattle District], King County, and Port of Seattle) plan to  
19 replace the existing facilities to provide structures capable of withstanding  
20 earthquakes and to ensure that people and goods can travel safely and efficiently  
21 within and through the project corridor. The SR 99 Corridor provides vital  
22 transportation connections in, to, and through downtown Seattle, as well as between  
23 various other regional destinations.

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## 1.3 Alternatives Being Considered

25 The Draft Environmental Impact Statement (EIS) evaluated five Build Alternatives  
26 and a No Build Alternative. In late 2004, the lead agencies narrowed the five  
27 alternatives down to two—Tunnel and Rebuild. In December 2004, the project  
28 proponents identified the Tunnel Alternative as the Preferred Alternative and carried  
29 the Rebuild Alternative forward for analysis as well. Since that time, engineering and  
30 design has been updated and refined for the Tunnel and Rebuild Alternatives. Due  
31 to the magnitude of the changes in the design of the Rebuild Alternative, it has been  
32 renamed the Elevated Structure Alternative. The Elevated Structure Alternative  
33 combines elements of the Aerial and Rebuild Alternatives that were evaluated in the  
34 Draft EIS.

35 For the purposes of the EIS and this report, the project is described and evaluated in  
36 sections: south, central, north waterfront and north (see Figure 1). The south section  
37 of the project extends from the southern project terminus (S. Spokane Street) to S.  
38 Dearborn Street including E. Marginal Way. The central section starts at S.

1 Figure 1 – Vicinity Map

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1 Dearborn Street and runs to the Battery Street Tunnel. This section includes the  
2 Alaskan Way surface street and that portion of the seawall in the central area. The  
3 north waterfront extends from Pine Street to Broad Street and includes the Alaskan  
4 Way surface street and that portion of the seawall north of Pine Street. The north  
5 section includes the Battery Street Tunnel and extends to Comstock Street.

6 1.3.1 Preferred Alternative (Tunnel  
7 Alternative)

8 The Tunnel Alternative is described below from south to north (Figure 2). The  
9 central feature of this alternative is the stacked tunnel that would replace the existing  
10 viaduct structure along the central portion of the waterfront and serve as a portion  
11 of the seawall. This alternative also includes significant traffic and safety  
12 improvements at the south and north ends of the corridor and within the Battery  
13 Street Tunnel.

14 **South**

15 Beginning near S. Walker Street, SR 99 would be replaced with a side-by-side at -  
16 grade roadway with three lanes in each direction. At S. Massachusetts, SR 99 would  
17 cross over the railroad tracks and then return to grade. An at-grade intersection at  
18 S. Atlantic Street and an overpass over S. Royal Brougham Way would be built. The  
19 overpass and ramp connections would allow drivers to get on and off SR 99 at S.  
20 Royal Brougham Way. Drivers could also get on and off SR 99 in the vicinity of S.  
21 King Street to get to and from downtown. A shared-use path for bicyclists and  
22 pedestrians would be located on the west side of the Alaskan Way surface street with  
23 a sidewalk on the east side.

24 **Central**

25 In the central area, the viaduct would be replaced with a stacked, six-lane tunnel  
26 (three lanes in each direction) from approximately S. Dearborn Street to Pine Street.  
27 The alignment would transition from a side-by-side roadway at each end of the  
28 tunnel to a stacked tunnel with the northbound lanes of SR 99 located on the  
29 bottom deck of the tunnel and the southbound lanes on the top. The tunnel would  
30 be equipped with a ventilation system, fire suppression system, and emergency exits.  
31 These tunnel systems would be supported by air intake buildings that would be  
32 constructed as a building located near the tunnel portals. At Pine Street, SR 99 would  
33 transition out of the tunnel, over the BNSF railroad tracks on a side-by-side aerial  
34 structure that would be covered by a lid structure that would connect Steinbrueck  
35 Park to the waterfront (Pike Place Market Lid). Near Lenora Street, SR 99 would  
36 transition to a retained cut extending up to the Battery Street Tunnel. In this  
37 location, SR 99 would be built under Elliott and Western Avenues and the Elliott  
38 on-ramp and Western off-ramp would be rebuilt. The existing southbound off-ramp  
39 and northbound on-ramp near Battery Street would be closed to general traffic, but

1 Figure 2 – Alternatives

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1 maintained for emergency access. A sidewalk would be located on the east side of  
2 the Alaskan Way surface street with 4 to 5 foot lanes for bikes on both sides of the  
3 street.

4 The seawall would be replaced from S. Jackson Street to Pine Street in the central  
5 area. Between S. Washington Street and Union Street the outer wall of the tunnel  
6 will become the new seawall. From S. Jackson Street to S. Washington Street and  
7 Union Street to Pine Street the seawall would be replaced by strengthening the soil  
8 (or improving the soil) and replacing the existing seawall with a new face panel and  
9 L-wall support structure.

## 10 **North**

11 The Battery Street Tunnel would be improved by lowering the tunnel floor to  
12 increase the vertical clearance to 16.5 feet. Existing tunnel safety systems would be  
13 updated for fire, ventilation, and emergency egress. The Battery Street Tunnel would  
14 also be improved to meet current requirements for earthquakes. A small tunnel  
15 support building would be built at each end of the Battery Street Tunnel to house  
16 equipment for the ventilation and safety systems. On the south end of the tunnel  
17 (near Western Avenue), a new open space would be built on top of the tunnel  
18 support building and the south curve of the Battery Street Tunnel would be slightly  
19 widened. The Alaskan Way surface street would be rebuilt with 2 travel lanes in each  
20 direction.

21 North of the Battery Street Tunnel, SR 99 would be lowered from the Battery Street  
22 Tunnel to about Republican Street. North of Republican, SR 99 would be improved  
23 and widened up to Aloha Street. Access to SR 99 would be provided at Denny Way  
24 and Roy Street, and access off SR 99 would be provided at Denny Way and Roy  
25 Street. In the northbound direction drivers could also exit at Republican Street. To  
26 improve safety for vehicles on SR 99, cul-de-sacs would be built at John, Valley, and  
27 Aloha Streets. The street grid would be connected over the top of SR 99 by building  
28 two new bridges at Thomas and Harrison Streets. Broad Street would be closed  
29 between Fifth Avenue N. and Ninth Avenue N. so that the street grid could be  
30 reconnected. Mercer Street would continue to cross under SR 99 as it does today,  
31 but it would be widened and converted to a two-way street with three lanes in each  
32 direction and a center turn lane.

## 33 **North Waterfront**

34 The Alaskan Way surface street would be rebuilt with four lanes (two lanes in each  
35 direction). A single waterfront streetcar track would be rebuilt on the east side of  
36 Alaskan Way. A shared-use bicycle/pedestrian path would be located east of the  
37 track along the west side of buildings that front Alaskan Way.

1 The existing seawall in the north waterfront area would be replaced by strengthening  
2 the soil (or improving the soil) and replacing the existing seawall with a new face  
3 panel and L-wall support structure. Near Pier 66, between Blanchard and Battery  
4 Streets, only soil improvements are needed since other improvements have already  
5 been made to this section of the seawall.

#### 6 1.3.2 Elevated Structure Alternative

7 The main feature of the Elevated Structure Alternative is construction of a double  
8 deck aerial structure through the central portion of the project site. The Elevated  
9 Structure Alternative is described below from south to north and would replace the  
10 existing viaduct and seawall with the following components in each section.

#### 11 **South**

12 SR 99 would be an at-grade side-by-side roadway with the elevated SODO Ramps at  
13 S. Atlantic Street and S. Royal Brougham Way. The Whatcom Railyard would be  
14 reconfigured with SR 99 bridging over the tracks connecting between the Whatcom  
15 Railyard and Seattle International Gateway Railyard. A shared-use path would  
16 accommodate pedestrians and bicyclists on the west side of the surface street, and a  
17 sidewalk would be located along the east side of the surface street.

#### 18 **Central**

19 The viaduct would be rebuilt with a stacked (double-level) aerial structure; the  
20 existing ramps at Seneca and Columbia Streets and Elliott and Western Avenues  
21 would also be rebuilt. SR 99 would connect to the Battery Street Tunnel as an aerial  
22 structure over Elliott and Western Avenues, similar to the existing configuration.  
23 No lid structure would be provided to connect Steinbrueck Park to the waterfront.  
24 An approximately 15-foot-wide sidewalk would be built on the west side of Alaskan  
25 Way, instead of the 70-foot-wide waterfront sidewalk/public activity  
26 zone/promenade included in the Tunnel Alternative. A sidewalk would be located  
27 along the east side of Alaskan Way, and 4- to 5-foot-wide bike lanes would be  
28 located on each side of the street.

29 The seawall would be rebuilt from S. Jackson to Pine Street with a new face panel  
30 and L-wall support structure. Soil improvements (soil strengthening) would also be  
31 made.

#### 32 **North**

33 The Battery Street Tunnel would be upgraded with fire/life safety improvements,  
34 and the tunnel floor would be lowered to increase the vertical clearance to 16.5 feet.

1 Aurora Avenue N. would be partially lowered from Denny Way to Aloha Street.  
2 Two bridges would cross over Aurora Avenue N. at Thomas and Harrison Streets.  
3 Mercer Street would be converted into a two-way street and widened to three lanes  
4 in each direction with a center left-turn lane. Mercer Street would continue to cross  
5 under Aurora Avenue N. as it does today. In addition, Roy Street would be regraded  
6 to connect to SR 99. The new bridges would include sidewalks on both sides.  
7 Mercer Street would have a sidewalk on its south side, and on the north side an 18-  
8 foot-wide shared-use path would accommodate both pedestrians and bicyclists.

### 9 **North Waterfront**

10 The Alaskan Way surface street would be reconstructed with two lanes each way and  
11 left-turn pockets provided at key intersections. An approximately 15-foot-wide  
12 sidewalk would run along the west side of Alaskan Way, narrowing to approximately  
13 13 feet between Stewart Street and Wall Street, where it would widen to  
14 approximately 30 feet and continue on to Broad Street. On the east side of the  
15 street, a 9-foot-wide sidewalk would run the length of the north waterfront, widening  
16 to about 17 feet at crosswalks. A single streetcar track would be located east of the  
17 sidewalk, and a shared-use bicycle/pedestrian path, about 13 feet wide, would be  
18 located east of the track, along the west side of buildings that front Alaskan Way.

19 The seawall would be rebuilt from Pine Street to Broad Street with a new face panel  
20 and L-wall support structure. Near Pier 66, between Blanchard and Battery Streets,  
21 only soil improvements would be needed because this section of the seawall has  
22 already been improved.

---

## 2.0 23 **Required Permits and Approvals**

24 This section defines what constitutes a permit and approval, explains why they are  
25 needed, and describes related environmental review approvals that are being  
26 addressed through the project environmental impact statement (EIS) process. It  
27 summarizes the activities that trigger permits and describes the types of permits and  
28 approvals that will be required for the project (see Appendix A<sup>1</sup>).

29 The permits necessary for the project are separated into two groups – permits and  
30 approvals required for construction and operation. The discussion of the

---

<sup>1</sup> Appendix A describes each of the permits and approvals shown in Table X in greater detail. In Appendix A, the permit description includes the statutes and regulations under which the permit is issued, as well as important approval criteria that will be considered by the reviewing agency. It lists whether or not other permits and approvals are required before certain permits can be issued. Application procedures, cost, duration of the permit and whether extensions are available are also described. An estimated timeline/schedule for each permit, as well as a discussion of the permit review process including public involvement and appeals is included with a flowchart depicting the process (for most but not all permits).

1 construction permits are further separated into two groups: environmental permits  
2 and contractor permits. Generally, the environmental permits for construction  
3 would be obtained by the project permit team and the contractor permits would be  
4 obtained by the contractors for their specific areas of construction work.

5 For the purposes of this report the following definitions of a permit and approval  
6 apply:

7 A permit is defined as an official document required by law that gives  
8 permission for a specific activity under certain conditions. An example is a  
9 Section 404 permit issued by the USACE.

10 An approval means a document or process other than a permit that needs a  
11 signature by someone in authority at an agency that has jurisdiction over a  
12 particular activity. An approval may include documentation, certification,  
13 concurrence, easement or license. For example, Section 106 of the National  
14 Historic Preservation Act requires no permit, but does require concurrence  
15 by the State Historic Preservation Office (SHPO). An approval may also  
16 specify conditions under which the activity is approved.

17 Federal environmental review approvals are closely associated with permits and are  
18 federal laws, statutes, executive orders, and regulations that must be complied with  
19 prior to obtaining permits or in association with permits. For example, for the  
20 AWVSRP these include compliance with the National Environmental Policy Act  
21 (NEPA), National Historic Preservation Act - Section 106, Clean Air Act - Air  
22 Quality Conformity, Transportation Act - Section 4(f), Executive Order on  
23 Environmental Justice, Endangered Species Act, Magnuson Stevens Fishery  
24 Conservation and Management Act, and the Marine Mammal Protection Act. At the  
25 state and local level compliance with the State Environmental Policy Act (SEPA)  
26 must also be completed prior to receiving permits. Compliance with these  
27 environmental review approvals is occurring through preparation of the  
28 NEPA/SEPA environmental impact statement.

29 The purpose of permits and approvals are to allow enforcement of laws, regulations,  
30 codes and policies that have been enacted or adopted by federal, state, regional and  
31 local agencies. The enforcement of these laws and regulations are carried out  
32 through the permit process to protect the public's health, safety, and welfare, as well  
33 as the natural environment.

---

## 2.1 Activities Triggering Permits

35 There are a variety of activities that trigger permits, but these can be somewhat  
36 grouped together based on the types of activities. For example, any work in or near  
37 (within 200 feet) the water potentially triggers a suite of water resource and shoreline  
38 related permits and approvals. These include the USACE Section 404 and Section



1 10 permits, Washington State Department of Ecology (Ecology) Section 401 and  
 2 Coastal Zone Management Act (CZM) certifications, Washington Department of  
 3 Fish and Wildlife (WDFW) Hydraulic Project Approval, Washington Department of  
 4 Natural Resources (WDNR) Aquatic Use Authorization, and a local agency (City of  
 5 Seattle) shoreline substantial development permit.

6 Generally, any activity that disturbs the ground or involves construction triggers the  
 7 need for permits. These may include land use approvals, grading, or building  
 8 permits. Discharges of water trigger the need for National Pollutant Discharge  
 9 Elimination System (NPDES) permits both for construction and operation. These  
 10 include Individual or General Construction Stormwater permits, and NPDES  
 11 permits for discharges of stormwater or combined sewer overflows (CSO).  
 12 Construction dewatering may also trigger the need for a permit.

13 The need for approvals are also triggered by activities (such as construction or use  
 14 of) within special areas of influence such as historic preservation areas (such as the  
 15 Pioneer Square Preservation District), rights-of-way (e.g., the Burlington Northern  
 16 and Santa Fe railroad and Seattle street system), special districts, or areas that hold  
 17 special franchises, easements or licenses.

18 Table 1 below identifies the triggering activities for each specific permit. These are  
 19 also described in more detail in Appendix A.

---

## 2.2 Construction Permits

### 2.2.1 Environmental Permits

22 Construction related environmental permits that will be obtained by the project  
 23 team are identified below in Table 1. Table 1 also indicates the issuing agency,  
 24 code authority for the permit, conditions requiring a permit or approval, and the  
 25 project activity that triggers the need for a permit. Most of the permits and  
 26 approvals that are discussed will be required for either a tunnel or elevated  
 27 structure alternative.

28 Sandy - Do we want to add a column to the table to designate whether the permit  
 29 applies to the tunnel or elevated alternative?

30 **Table 1. Summary of the Environmental Permits for the Tunnel and Elevated**  
 31 **Structure Alternatives**

| Permit or Approval                  | Issuing Agency             | Code Authority            | Conditions Requiring Permit         | Project Trigger Activity                       |
|-------------------------------------|----------------------------|---------------------------|-------------------------------------|--|
| <b>Federal Permits or Approvals</b> |                            |                           |                                     |  |
| Clean Water Act                     | US Army Corps of Engineers | 33 USC§1344<br>33 CFR§323 | Placing a structure, excavating, or | Temporary over water structures between piers, |

|  |  |  |  |   |
|--|--|--|--|---|
| <b>Section 404</b>                               |  | 40 CRR§230   | discharging dredged or fill material into waters of the United States.                                   | temporary ferry holding, rip rap replacement, work on seawall   |
| <b>River and Harbors Act Section 10</b>          | US Army Corps of Engineers   | 33 USC§401<br>33 USC§403<br>33 CFR§320<br>33 CFR§322                     | Placement of structures and discharge of material into navigable waters of the United States.            | Over water structures between piers, temporary ferry holding, rip rap replacement, work on seawall  |
| <b>Clearance Approval</b>                        | Bonneville Power Administration/<br>NW Regional Power Grid             |  | Shutting down the regional electrical grid.  | Turning off and moving a regional electric transmission line (Transmission Line #4).  |
| <b>State Permits or Approvals</b>                |  |  |  |   |
| <b>Clean Water Act Section 401 Certification</b> | Washington Department of Ecology                                       | 33 USC§1341<br>RCW 90.48<br>WAC 173-225<br>WAC 173-201                   | Federally permitted projects must comply with Section 401.   | Applying for a federal permit or license to conduct any activity that might result in a discharge of dredge or fill material into water or non-isolated wetlands or excavation in water or non-isolated wetlands. (Corps of Engineers permit) |
| <b>Coastal Zone Management Act Certification</b> | Washington Department of Ecology                                       | 16 USC§1451<br>15 CFR§930  | Federally funded or permitted projects within one or more of the 15 CZMA counties must comply with CZMA. | Federal activity, projects requiring a federal license or permit and Federal Assistance Programs proposed within any of Washington's 15 coastal counties (Corps of Engineers permit.)   |
| <b>NPDES Construction Stormwater Permit</b>      | Washington Department of Ecology                                       | 33 USC§1342<br>40 CFR§122-124<br>RCW 90.48<br>WAC 173-220<br>WAC 173-226 | Projects that disturb (e.g., clearing, grading, etc.) one or more acres of soil.                         | Overall project demolition and construction activities.   |
| <b>NPDES Wastewater Discharge Permit</b>         | Washington Department of Ecology                                       | RCW 90.48  | Activities resulting in the disposal or waste material into a waterbody                                  | Separate or joint permits may be needed for; project dewatering, tunnel operations and CSO operations   |
| <b>Underground Storage Tanks</b>                 | Washington Department of Ecology, Seattle Department of Transportation | RCW 90.76  | Removal or abandonment of underground storage tanks.   | Removal or decommissioning of existing underground storage tanks if discovered.   |
| <b>Hydraulic Project Approval</b>                | Washington Department of Fish and                                      | RCW 77.55<br>WAC 220-100   | Activities that use, divert, obstruct, or change the natural flow  | Seawall work, rip rap replacement, sheet pile walls, temporary over   |

|  |  |   |   |   |
|--|--|---|---|---|
|  | Wildlife                                       |   | or bed of state waters.   | water structures.   |
| <b>Aquatic Lands Use Authorization</b>             | Washington Department of Natural Resources     | RCW 79.90<br>WAC 332-30                 | Using state owned aquatic lands (includes harbors, state tidelands, shorelands, and beds of navigable waters).  | Possibly for seawall work, temporary over water structures, any use of WDNR lands.  |
| <b>Regional Permits and Approvals</b>              |  |   |   |   |
| <b>Discharge of Construction Dewatering</b>        | King County                                    | KCC 28.84                               | Discharge of construction dewatering to the sanitary sewer system.  | Discharge of construction dewatering to the sanitary sewer system.  |
| <b>City of Seattle Permits and Approvals</b>       |  |   |   |   |
| <b>Environmental Critical Area (ECA) Ordinance</b> | Seattle Department of Planning and Development | SMC 25.09                               | Any proposed construction activities that would occur within or near critical areas. Master Use Permits, Grading and Drainage Approvals all require compliance with the ECA Ordinance (unless an exemption is obtained).                          | Central waterfront work, in-water work.   |
| <b>Tree Protection Regulations</b>                 | Seattle Department of Planning and Development | SMC 25.09.320 and SMC 25.11             | Depending on location, removal of trees over six inches in diameter or trees designated as "exceptional."   | Depending on location, removal of trees over six inches in diameter or trees designated as "exceptional"                        |
| <b>Master Use Permit (MUP)</b>                     | Seattle - Planning and Community Development   | SMC 23.76                               | Any land use development within the City. This permit only applies to construction inside the ROW if the construction is located inside of the Shoreline Area.  | For work outside of the right of way. For work within the right of way standards must be met although permit may not be needed. |
| <b>Shoreline Substantial Development Permit</b>    | Seattle Department of Planning and Development | RCW 90.58<br>WAC 173-14-18<br>SMC 23-60 | Any "substantial development" located within 200 feet of the waters of the state other than some maintenance activities.  | All work within 200 feet of the shoreline   |
| <b>Grading Permit</b>                              | Seattle - Planning and Community Development   | SMC 22.800                              | Work that is located outside of the ROW and alters the grades more than 3 feet and (1) involve more than 100 cubic yards of earth disturbance, or (2) grading would result in slopes steeper than 3 to 1. Additional standards apply in shoreline | For work outside of the right of way. For work within the right of way standards must be met although permit may not be needed. |

|   |  |   |  |   |
|---|--|---|--|---|
|   |  |   | districts and some environmentally critical areas.   |   |
| <b>Stormwater and Drainage Control Review</b> | Seattle - Planning and Community Development   | SMC 22.800                                | Any land disturbing activities or construction of new impervious surface over 750 square feet.                 | Most likely for work outside of ROW                                       |
| <b>Demolition Permit</b>                      | Seattle - Planning and Community Development   | SMC 23.76                                 | Required for demolition of structures.   | For removal of Viaduct  |
| <b>Building Permit</b>                        | Seattle Department of Planning and Development   | SMC 22.100                                | Construction of new buildings or structures.   | Construction of new buildings or structures outside of AWVSRP ROW         |
| <b>Side Sewer Permit</b>                      | Seattle - Planning and Community Development and Seattle Public Utilities              | Director's Rule 3-2004 and SPU Rule 02-04 | Temporary construction dewatering and discharge of dewatering to the sanitary sewer system.                    | For stormwater and wastewater utility work                                |
| <b>Noise Variance</b>                         | Seattle - Planning and Community Development   | SMC 25.08                                 | Activities that cause noise levels to exceed City standards.   | 24 hour work shifts   |
| <b>Street Use Permit</b>                      | Seattle Department of Transportation   | SMC 15.04<br>SMC 15.32                    | Any work within the public right-of-way (includes street and utility improvements, landscaping, and lighting). | Various activities in or effecting ROW                                    |
| <b>Pike Place Market Historic District</b>    | Seattle Department of Neighborhoods and Pike Place Market Historic District Commission | SMC 25.24                                 | Alterations to historic structures or new structures within the district.                                      | Alterations to historic structures or new structures within the district. |
| <b>Pioneer Square Preservation District</b>   | Seattle Department of Neighborhoods and Pioneer Square Preservation Board              | SMC 25.28                                 | Alterations to historic structures or new structures within the district.                                      | Alterations to historic structures or new structures within the district. |
| <b>International Special Review District</b>  | Seattle Department of Neighborhoods and International Special Review Board             | SMC 23.66                                 | Alterations to historic structures or new structures within the district.                                      | Alterations to historic structures or new structures within the district. |

|   |  |           |  |  |
|---|--|-----------|--|--|
| <b>Landmark Building Approval</b>         | Seattle Department of Neighborhoods and Landmarks Preservation Board | SMC 25.12 | Change to the exterior appearance of any landmark designated structure.                                | Change to the exterior appearance of any landmark designated structure. Buildings 25 years or older may qualify as landmarks |
| <b>Utility Clearance Approvals</b>        | Seattle City Light   | N/A       | Utility relocation, substation modification, transmission outage request, and feeder clearance permit. | Transmission line relocation   |
| <b>Railroad Right-of-Way Use Approval</b> | Burlington Northern and Santa Fe                                     | N/A       | Use of the railroad right-of-way.  | Utility relocation, access ramps, and detours.   |

1 2.2.2 Contractor/Construction Permits

2 The construction related permits shown in Table 2 will be the responsibility of the  
3 contractor to obtain. This specification will be part of the contractor bid package  
4 and the contractor will assume responsibility for meeting the terms and conditions of  
5 the permits.

6 There may be some overlap between the permits obtained by the permit team and  
7 contractor. For example, side sewer permits and street use permits may be obtained  
8 by both parties (these will be outlined in specific bid packages).

9 **Table 2. Summary Contractor Permits Matrix**

| <b>Permit</b>                   | <b>Issuing Agency</b>                                    | <b>Code Authority</b>                     | <b>Trigger Activity</b>   | <b>Project Activity</b>                    |
|---------------------------------|--|---|---|--|
| <b>Over the Counter Permits</b> | Seattle - Planning and Community Development             | International Building Code               | New mechanical equipment, electric work, new or altered signs, use of concrete trucks downtown, fire alarms, and new elevators, construction traffic approvals, and required parking. | Various activities                         |
| <b>Street Use Permit</b>        | Seattle Department of Transportation                     | SMC 15.04<br>SMC 15.32                    | Any work within the public right-of-way (includes street and utility improvements, landscaping, and lighting).  | Various activities in or effecting ROW     |
| <b>Side Sewer Permit</b>        | Seattle - Planning and Community Development and Seattle | Director's Rule 3-2004 and SPU Rule 02-04 | Temporary construction dewatering and discharge of dewatering to the sanitary sewer system.   | For stormwater and wastewater utility work |

|                                       |                                      |                               |  |  |
|---------------------------------------|--------------------------------------|-------------------------------|--|--|
|                                       | Public Utilities                     |                               |  |  |
| <b>Construction Traffic Approvals</b> | Seattle Department of Transportation | Various Codes and Ordinances. | Use of over-legal truck loads, vehicles longer than 30 feet, or concrete trucks. | Activities that require the detour of traffic or that will result in large truck traffic in the Downtown Traffic Control Zone. |

---

### 2.3 Operational Permits

2 There are three NPDES permits from Ecology that will be necessary for operations.  
3 Two of these are existing City NPDES permits and include a stormwater discharge  
4 permit and a waste discharge permit for combined sewer overflow (CSO). These  
5 two permits set water quality and quantity limits for discharges of stormwater and  
6 CSO into Elliott Bay. These two permits are administered and overseen by SPU  
7 (this work includes periodic monitoring/testing of the discharge water quality and  
8 quantity).

9 Additionally, an NPDES stormwater discharge permit will be required relating to  
10 operation of the tunnel. Stormwater will run into the tunnel ends and this will  
11 require a system of catchbasins, drains, and pumps to direct this runoff into Elliott  
12 Bay. This permit would likely be administered by WSDOT.

13 SPU<sup>2</sup> will be responsible for coordinating with Ecology for SPU's existing NPDES  
14 permits. SPU will be the lead point of contact for communication and  
15 coordination with WDOE for these two existing NPDES permits and related  
16 proposed utility relocation or replacement (stormwater and sewer) related to the  
17 AWVSRP.  
18

---

### 3.0 Permit Acquisition

20 Chapter 3 describes the makeup of the permit team and the team organization, roles  
21 and responsibilities, the general permit application process, strategies for how permit  
22 and approvals will be obtained, how permit conditions will be developed and  
23 incorporated into the project and how permits and approvals will be managed  
24 through the life of the project.

---

#### 3.1 Project Permit Team

26 This section provides a chart showing the permit team organization and describes  
27 the roles and responsibilities of the team members, as well as the strategy of using

---

<sup>2</sup> SPU and the permit team will work closely together to ensure consistent development and implementation of permit conditions for operational and construction NPDES permits.

1 dedicated staff for permit review. It also includes contact information for the  
2 members of the project permit team.

### 3 3.1.1 Permit Team Organization

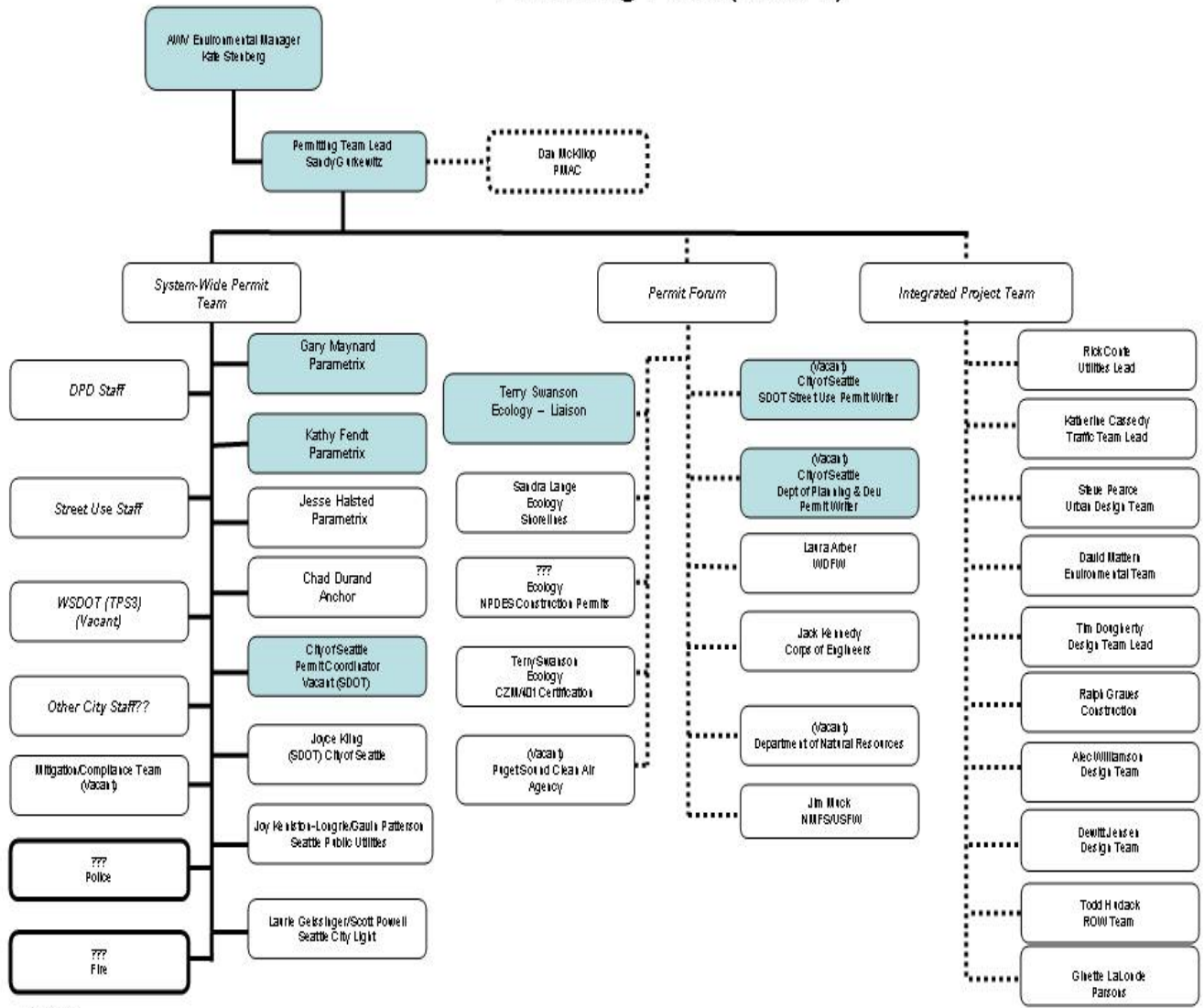
4 Figure 3 shows the proposed AWVSRP permit team organization. Kate Stenberg  
5 is the overall Environmental Manager for the AWVSRP. Her role is oversight of  
6 the entire environmental compliance process (NEPA and SEPA processes and  
7 permitting). Sandy Gurkewitz is the permit team lead and has responsibility for  
8 leading and coordinating the permitting team and acquisition of permits and  
9 approvals through the life of the project. The project permit team is made up of  
10 three main groups: (1) System-Wide Permit Team (SWPT), (2) Permit Forum  
11 (PF), and (3) Integrated Project Team (IPT).

12  
13 The System-Wide Permit Team is made up of staff from WSDOT, various  
14 departments within the City including the Department of Planning and  
15 Development (DPD), Department of Transportation (SDOT), Seattle Public  
16 Utilities (SPU), Seattle City Light (SCL), and the Fire and Police Departments,  
17 and a team of consultants. Within the SWPT is a core group (the Core Permit  
18 Team - CPT) that will coordinate the overall permit effort. This includes Sandy  
19 Gurkewitz (Permit Team Lead), Kate Stenberg (Environmental Manager), and  
20 the team of consultants (Kathy Fendt, Gary Maynard, Jesse Halsted, and Chad  
21 Durand).

22  
23 The Permit Forum is made up of agency staff from the various federal, state, and  
24 local agencies that will be reviewing permits. These include representatives from  
25 Ecology, Puget Sound Clean Air Agency (PSCAA), WDFW, USACE, WDNR,  
26 NMFS/USFWS, and the City (SDOT and DPD). Some of these representatives  
27 may be WSDOT liaison staff that work at the various federal and state agencies.  
28

29 The Integrated Project Team consists of environmental, technical design, and  
30 engineering staff who will be providing information to the SWPT and PF and  
31 will support the preparation of permit application materials.

### Figure 3 - Alaska Way Viaduct Environmental Program – Permitting Team (DRAFT)



8/28/06 1  
2



1 Table 3 below provides the contact information for the entire permit team  
 2 including name, permit team function, phone numbers and e-mail address.  
 3 Sandy - What do you think about this format? Do we need to include anything  
 4 else (such as work schedule)?  
 5

6 **Table 3. Permit Team - Contact Information**

| Name                 | Role                   | Office Phone | Alternate Phone | E-Mail                        |
|----------------------|------------------------|--------------|-----------------|-------------------------------|
| Kate Stenberg        | Environmental Manager  | 206-382-5279 |                 |                               |
| Sandy Gurkewitz      | Permit Team Lead – CPT | 206-267-3784 |                 |                               |
| Kathy Fendt          | SWPT – CPT             |              |                 | kfendt@parametrix.com         |
| Gary Maynard         | SWPT – CPT             | 360-850-5310 |                 | gmaynard@parametrix.com       |
| Jesse Halsted        | SWPT – CPT             |              |                 |                               |
| Chad Durand          | SWPT – CPT             |              |                 |                               |
| Joyce Kling          | SWPT – SDOT            |              |                 |                               |
| Joy Keniston-Longrie | SWPT – SPU             |              |                 |                               |
| Gavin Patterson      | SWPT – SPU             |              |                 |                               |
| Laurie Geissinger    | SWPT – SCL             | 206-386-4585 |                 | laurie.geissinger@seattle.gov |
| Scott Powell         | SWPT – SCL             |              |                 |                               |
|                      | SWPT – DPD             |              |                 |                               |
|                      | SWPT – DPD             |              |                 |                               |

|  |             |  |  |  |
|--|-------------|--|--|--|
|  | SWPT – SDOT |  |  |  |
|  |             |  |  |  |
|  |             |  |  |  |
|  |             |  |  |  |
|  |             |  |  |  |
|  |             |  |  |  |
|  |             |  |  |  |
|  |             |  |  |  |

1 3.1.2 Roles and Responsibilities

2 **3.1.2.1 System-Wide Permit Team**

3 As described above, Kate Stenberg has overall responsibility for the  
 4 environmental compliance process, which includes permitting. Sandy  
 5 Gurkewitz reports directly to Kate Stenberg and has sole responsibility for  
 6 coordinating the effort to obtain permits and approvals for the project. Ms.  
 7 Gurkewitz oversees the efforts of the three permit groups that make up the  
 8 permit project team: SWPT, PF, and IPT. Dan McKillop [role] provides ...  
 9

10 The Core Permit Team is a subset of the SWPT and its role is to directly assist the  
 11 permit lead (Sandy Gurkewitz). Its responsibilities include the following:

- 12
- 13 • Schedule meetings and take minutes
  - 14 • Coordinate development and on-going revision of the permit strategy
  - 15 • Hold weekly permit strategy meetings
  - 16 • Prepare materials for the PF and ITP
  - 17 • Prepare and update the permit schedule as needed and integrate it with
  - 18 the overall project schedule (also track progress against the schedule)
  - 19 • Coordinate with the IPT to get information and materials for permit
  - 20 applications and assemble permit applications
  - 21 • Maintain records and document the permit process
  - 22 • Assist the permit lead in overall coordination of the permit process.
- 23

24 The role of the SWPT is to obtain the permits and approvals for the project and  
 25 coordinate permit review at the local level. The responsibilities of the SWPT are

1 similar to the CPT, but less administrative in nature. The SWPT's duties include  
2 the following:

- 3
- 4 • Develop the permitting strategy including permit processes specific to the  
5 AWVSRP
  - 6 • Amend City comprehensive plan policies and codes to enable the project  
7 to move forward
  - 8 • Develop agreements between agencies to facilitate permit review
  - 9 • Prepare permit applications
  - 10 • Track permit review and respond to comments
  - 11 • Ensure that permit conditions are incorporated into construction bid  
12 documents
  - 13 • Review City permit applications and write conditions of approval

#### 14 **3.1.2.2 Permit Forum**

15 The Permit Forum's purpose is to coordinate review of federal and state permits  
16 and approvals to facilitate and streamline permit review. Membership will  
17 consist of permit application reviewers from various regulatory agencies (see  
18 Figure 1), members of the project Resource Agency Leadership Forum (RALF),  
19 SPU and selected members of the Project Permit Team. This forum will begin  
20 meeting during early design and plan development beginning late 2006 and  
21 early 2007. The review process will be similar to that employed by the state MAP  
22 Team and City/Sound Transit project team partnerships. Having the forum will  
23 allow agency reviewers to keep up-to-date on the project as it progresses through  
24 design. The group will ensure there is consensus on project issues and that  
25 permit conditions are mutually acceptable between agencies.

26  
27 To streamline permit review, the forum will:

- 28
- 29 ○ Hold regularly scheduled meetings to ensure ongoing coordination
  - 30 ○ Coordinate with RALF on the review of NEPA/SEPA
  - 31 ○ Participate in a phased review of project permit applications, which  
32 includes:
    - 33 ○ Reviewing design submittals and plans at increasing levels of  
34 design;
    - 35 ○ Holding pre-submittal conferences;
    - 36 ○ Conducting early review of permit applications, and notifying the  
37 project of the need for changes or additions to the applications  
38 prior to completion of environmental review;
    - 39 ○ Incorporating SEPA/NEPA mitigation measures into permits as  
40 appropriate; and
    - 41 ○ Conducting concurrent review of multiple related or batched  
42 permits issued by the City.

1  
2 During construction, the forum will continue to meet to keep the permitting  
3 agencies up-to-date on construction details and potential permit issues.

#### 4 ***3.1.2.3 Integrated Project Team***

5 The Integrated Project Team is assisting in providing exhibits, plans, and  
6 technical information for the permit applications. The environmental staff will  
7 provide information on mitigation plans and environmental commitments that  
8 were developed as part of the EIS process. Coordination with this group will  
9 ensure that environmental mitigation developed during the EIS process gets into  
10 the construction bid packages.

#### 11 **3.1.3 Dedicated Staff**

12 Regulatory staff, dedicated to the project, is needed to streamline the permit  
13 application and review process. The City will be funding dedicated staff in the  
14 Departments of Planning and Development and to assist with obtaining City  
15 permits and ongoing management of permits. WSDOT has dedicated staff at  
16 USACE, NMFS/USFWS, Ecology and WDFW to assist with permitting and  
17 project review. However, while WSDOT is funding liaison staff at these  
18 agencies, they have largely not been assigned to the project yet. Interagency  
19 agreements will need to be developed to ensure that dedicated resources are  
20 provided for the project.

21  
22 WSDOT will work ahead of time with the permitting agencies to ensure that the  
23 required resources with the necessary skills are in place at the permitting  
24 agencies to ensure the aggressive project schedule is able to be maintained. This  
25 may include staffing for short-term peak times, as well as staffing for extended  
26 periods of time depending on the function and nature of the permit review and  
27 compliance work of the permitting agency.

---

### 3.2 **General Application Process**

29 In general, environmental permits required for construction will be applied for  
30 and obtained by the SWPT. This will ensure consistency in the permitting  
31 approach from one phase or section of the project to another. In addition, this  
32 will provide regulatory agencies with a stable point of contact during the  
33 multiple years of construction. Having the SWPT obtain project permits also  
34 provides a means for ensuring the consistent permit conditions are  
35 communicated to the multiple contractors that will be working on the project.

36  
37 Contractor permits will be applied for by the particular contractor, who will be  
38 responsible for preparing the application, responding to comments from the

1 permit agencies, and ensuring that all conditions of the approval are complied  
2 with.

3  
4 For each environmental construction permit application there will be a specific  
5 person from the SWPT who will be responsible for preparing, submitting, and  
6 tracking the permit through issuance. This will include responding to additional  
7 requests for information.

8  
9 There will also be an agency or City lead responsible for coordinating the review  
10 of the permit at that agency or through the City departments. The permit lead  
11 and agency lead will be the point of contact for any particular permit. There will  
12 be a few exceptions to the general application process, where certain agencies  
13 will be responsible for obtaining their own approvals for actions specific to those  
14 agencies. For example, Seattle City Light will be responsible for applying for and  
15 obtaining electrical transmission outage request approvals for their work in  
16 relocating electrical transmission lines.

### 17 3.2.1 QA/QC Process

18 All permit applications and support materials will go through a QA/QC process.  
19 The purpose of this process is to ensure that permit application materials are  
20 complete and to reduce the number of potential requests for additional  
21 information from the agencies.

22  
23 All permit materials will go through two rounds of QA/QC. Initially, there will  
24 be a draft submittal prepared. This submittal will be reviewed by a QA/QC  
25 team that includes permit writers and engineers (yet to be designated). Once any  
26 revisions are made a final submittal package will be prepared. The final permit  
27 package will be reviewed by Sandy Gurkewitz or a person to be so designated.

28  
29 The core permit team will prepare a QA/QC checklist form that will be filled out  
30 by the person(s) preparing and reviewing the permit materials. The checklist  
31 will designate the permit deliverable, who is assigned to prepare and review  
32 permit materials, verification of calculations, QA/QC of CADD, GIS, drawings,  
33 and graphics, formatting and spell checking. The checklist will include space for  
34 signatures by all parties and will document the QA/QC process for permit  
35 applications (the checklist will be included as part of the documentation files).

### 36 3.2.2 Generalized Permit Process

37 Figure 4 is a flow diagram that shows the generalized permit process for the  
38 overall project. Up to this point, City staff has been heavily involved in  
39 preparing amendments and code sections to the City planning documents  
40 notably the Comprehensive Land Use Plan and Shoreline Master Plan. This has

1 Figure 4 - Flow Chart

2

DRAFT

1 included staff from DPD, SDOT, SCL and SPU in addition to the City's legal staff  
2 who examined City codes to determine where code amendments and ordinance  
3 revisions were needed to facilitate construction of the AWVSRP. This work was  
4 important to the schedule because there is a relatively small window of time each  
5 year to make these changes (e.g., changes to the comprehensive plan are made  
6 once per year). The code amendments are May have a significant effect on what  
7 permits will be needed for specific segments of the AWVSRP project (such as  
8 those that would occur within the shoreline district).

9  
10 One of the major code changes that is currently being investigated is to recognize  
11 the project as an "essential public facility." This designation would allow the  
12 project to be exempt from land use requirements and would allow the facility to  
13 be constructed in the shoreline zone (under the current shoreline code a tunnel  
14 facility is not allowed). This same designation was used for the monorail  
15 proposal and the Sound Transit light rail transit system. As part of designating  
16 the project an essential public facility, language and specific development  
17 standards would be crated to allow it to be built (including permission for  
18 interim staging, parking, signage, and other construction-related uses) while  
19 providing appropriate safeguards and conditions. During the summer/fall 2006  
20 timeframe code changes are being submitted to the City Council for review and  
21 approval (see Figure 3). The goal is to have all code revisions in place by end of  
22 2006.

23  
24 Within the same timeframe, there are several early work items that will require  
25 permitting. For example, sediment testing and relocation of two electric utility  
26 lines and 5 feeder electric lines that are hanging from the viaduct (see Section 3.6  
27 for discussion of these and other items). The sediment testing is necessary for the  
28 seawall (and tunnel) work. The electrical relocation is necessary because these  
29 utilities are at risk. In the event of an earthquake these utility lines could be  
30 disrupted resulting in loss of electricity to a large portion of the downtown area.  
31 For this reason, the electrical work has been identified as a separate project  
32 (having independent utility from the larger AWVSRP).

33  
34 Permit discussion with the agencies have tentatively begun already, but will  
35 increase in frequency in early 2007. The strategy to enable the permit process to  
36 maintain the overall project schedule is to submit permit application packets  
37 prior to the issuance of the final SEPA or NEPA EIS, after the design concurrence  
38 milestone has been reached. This will allow sufficient review time so that the  
39 only impediment to a permit decision is the issuance of a final SEPA EIS for state  
40 and local permits, and the issuance of a ROD for federal permits (see Figure 3).  
41 During the review period, permitting agencies will inform the SWPT of  
42 application deficiencies. The SWPT will in turn provide additional information  
43 needed to complete the application packet.

44

1 City and state permits cannot be issued prior to completion of SEPA  
2 environmental review. After the issuance of the FEIS (in late 2007), the project  
3 will 'decouple' the SEPA and NEPA processes. At this point, SEPA will be  
4 complete (barring an appeal) and SEPA documents will be submitted to  
5 permitting agencies. This completes the permit application. City and state  
6 permits can be issued 7 days later. City permits have a 10-21 days appeal period  
7 following issuance. State permits have a 30-day appeal period following  
8 issuance.

9  
10 While the SEPA process will be completed earlier than the NEPA process,  
11 Federal permits cannot be obtained until after the issuance of a NEPA FEIS, and  
12 subsequent issuance of the Record of Decision 90 days later (early 2008). (Note:  
13 For smaller FHWA funded projects, the Corps of Engineers has issued  
14 conditional permits effective after completion of the NEPA process. This avenue  
15 will be explored for the Section 404/Section 10 permits.) Following issuance of  
16 the ROD, permits may be issued if there are no appeals. The federal permits for  
17 the AWVSRP have a 30 to 45-day appeal period (USACE permits).

---

### 3.3 Obtaining Specific Permits and Approvals

19 Approximately 30 different types of permits will be required for completion of  
20 the AWVSRP (see Tables 1 and 2). Different strategies will be employed in  
21 obtaining these permits based on a number of factors including: ease of obtaining  
22 the permit through the existing permitting process, time for public review and  
23 appeals, stage of design, procedural and regulatory requirements, and the type  
24 of coverage provided by a particular permit or approval. The permit strategies  
25 for obtaining permits include two options for project-wide permits, individual  
26 permits by activity, facility operation or geographic area, and contractor permits.  
27 Table 4 summarizes these strategies.

#### 3.3.1 Project-Wide Permit Opportunities

29 Project-wide permits are typically acquired for projects where there are few or no  
30 stand-alone components or sections of the project, where the activities subject to  
31 the permit can be completed within the timeframe of the permit, where the  
32 permit is easily amended or updated, or where there is potential for a lengthy  
33 permitting process. For the AWVSRP, there are a number of permits amenable  
34 to project-wide permitting. The advantage of this approach is up-front time  
35 savings by limiting public review and time for appeals for one versus many  
36 permits. The risk, however, may come later in the project. Changed conditions  
37 during construction may require permit amendments which may be subject to  
38 additional public review and appeal periods. If appealed, stop work orders  
39 could be issued until the appeal is resolved.

40



**Table 4 – Summary Permitting Strategies**

| PROJECT-WIDE PERMITS   |   | INDIVIDUAL PERMITS   |  |  | CONTRACTOR PERMITS   |
|--|---|--|--|--|--|
| One Permit for Life of Project   | Master Agreement/Phased or Batched  | By Activity  | For Facility Operation   | By Geographic Area or Site   | City/State   |
| <ul style="list-style-type: none"> <li>▪ Section 404/Section 10 permit issued by USACE</li> <li>▪ Hydraulic Project Approval (HPA) issued by WDFW</li> <li>▪ Section 401 certification issued by Ecology</li> <li>▪ Coastal Zone Management approval issued by Ecology</li> <li>▪ Aquatic Land Lease issued by WDNR</li> <li>▪ Noise Variance issued by the City</li> <li>▪ Stormwater and Drainage Control Review issued by the City</li> </ul> | <ul style="list-style-type: none"> <li>▪ Shoreline Substantial Development Permits issued by the City</li> <li>▪ Other Master Use Permits (MUP) issued by the City</li> <li>▪ Street Use or Improvement Permits issued by the City</li> </ul> | <ul style="list-style-type: none"> <li>▪ NPDES Wastewater Discharge Permit (separate permits for dewatering and CSO work) issued by Ecology</li> <li>▪ NPDES Construction Stormwater Individual Permit issued by Ecology</li> <li>▪ Grading permit issued by the City</li> </ul> | <ul style="list-style-type: none"> <li>▪ NPDES Municipal General Stormwater Permit issued by Ecology</li> <li>▪ NPDES Wastewater Discharge Permit for CSO Operation issued by Ecology</li> <li>▪ NPDES Wastewater Discharge Permit for Tunnel Operation issued by Ecology</li> </ul> | <ul style="list-style-type: none"> <li>▪ Pioneer Square Preservation Board Approval</li> <li>▪ International Special Review District Approval</li> <li>▪ Pike Place Market Historical Commission Approval</li> <li>▪ Landmark Building Approval</li> <li>▪ Side Sewer Permit issued by the City</li> <li>▪ Demolition Permit issued by the City</li> </ul> | <ul style="list-style-type: none"> <li>▪ Building permits</li> <li>▪ Electrical permits</li> <li>▪ Mechanical permits</li> <li>▪ Plumbing permits</li> <li>▪ Elevator permits</li> <li>▪ Fire Code Inspections</li> <li>▪ Energy Code Compliance and Approval</li> </ul> |

Two strategies are recommended for obtaining project-wide permits:

- Obtaining single permits issued for the life of the project.
- Obtaining master permit agreements issued for the life of the project, with individual construction permits issued by project phase, geographic area, or individual contract under the master agreement.

The applicability of these two strategies for required permits is described below.

### ***3.3.1.1 One Permit for the Life of the Project***

It is recommended that the following permits be obtained as a single permit for the life of the project.

- USACE Section 404/Section 10 permit
- WDFW Hydraulic Project Approval (HPA)
- Ecology Section 401 certification
- Ecology Consistency with Coastal Zone Management (CZM)
- WDNR Aquatic Land Use Authorization
- Seattle Noise Variance
- Seattle Stormwater and Drainage Control Review
- (Shoreline Substantial Development Permit – this permit could be applied for either as a life of the project permit or a master agreement/phased permit [see next section]. The Shoreline Substantial Development permit could be a life of the project permit, particularly if the AWVSRP is deemed an “essential public facility” – see discussion under Section 3.2.2).

The federal and state permits listed above involve water related work. These permits typically are issued for the life of the project (e.g., the permit does not expire) and are closely associated with one another. For example the Section 404/10 permit also requires the Section 401 and CZM Certifications. The timeframe for obtaining these permits particularly the Section 404/10 permit can be long, as the permit requires coordination on the Section 401 and CZM Certification, as well as compliance with the Endangered Species Act, Marine Mammal Act and Magnuson Stevens Fishery Act. In addition, there are several opportunities for other parties to contest or appeal the permit (causing the permit approval to be delayed). Thus, it makes sense to apply for the permits for in-water work for the entire project.

The noise variance code is in the process of being rewritten and in its new form will be amenable to provide permit coverage for the entire project. Stormwater and drainage control from the City’s perspective is best viewed with an eye towards a comprehensive approach to handling construction stormwater runoff. It is recommended that drainage review occur in the context of the entire project. The benefits of the one permit for the life of the project is that it provides some certainty related to the approval conditions. That is, the permit conditions wouldn’t

vary because there would be no need to apply for another permit (there is the potential for regulations to change over time and you would already be vested under the conditions of the permit). It also reduces the opportunities for appeal of the permit. The drawback would be if there were substantial changes in the project design that necessitated application for a new permit.

### ***3.3.1.2 Master Agreement with Phased or Batched Construction Permits***

An existing City permitting process for the Central Link Light Rail project (Sound Transit) allows for the review of phased or batched permits via an overarching 'master' agreement. The agreement is found in a 2000 Memorandum of Understanding, as well as in City ordinances approved by City Council. The agreement requires concurrent review of permit submittals by the DPD and SDOT and allows the issuance of construction permits by these agencies throughout the life of the project. It is proposed that 'master' permit agreements be developed for the AWVSRP jointly by the Project Permit Team and City for the following:

- Seattle Shoreline Substantial Development Permits
- Other Master Use Permits (MUP)
- Seattle Street Use or Improvement Permits

The benefit of this approach is that the overarching agreement provides some certainty for the permit review process including specified review times and dedication of staff and other conditions that can be specified in the agreement to facilitate permit review. There are benefits by specifying standard conditions of approval to be applied to phased permits that can be incorporated into the design (basically pre-approved more general mitigation conditions).

Batching permits assumes that the level of design information is comparable for the permits to be batched, but may run the risk of controversial portions of the project delaying non-controversial portions. If certain design elements proceed in advance of others then that could affect how the permit applications are packaged.

### **3.3.2 Individual Permits for Certain Activities, Facility Operation or Work within Certain Geographic Areas**

As much as possible, the project Permit Team will work with regulatory agencies to streamline permitting through the incorporation of all aspects of the project into single project permits. However, in many cases this will not be possible due to differing procedural and regulatory requirements for various permits. The following are individual permits and approvals required for differing activities, operations, work within geographic areas, or work on specific sites.

### ***3.3.2.1 Permits for Certain Activities***

Permits related to specific activities include stormwater discharge and grading. For example, a grading permit would be required outside the AWVSRP right-of-way (the right-of-way is exempt because of ownership by WSDOT). When grading was necessary outside the ROW then application for a permit would be made.

- NPDES Wastewater Discharge Permit (for dewatering to Puget Sound) – issued by the Department of Ecology (May be covered by the NPDES Construction General Stormwater Permit)
- NPDES Construction Stormwater Permit – Individual from Ecology
- Grading permit (parcel by parcel, more than one for work outside ROW) issued by City of Seattle (DPD).

### ***3.3.2.2 Permits for Facility Operation***

As part of the operation of the AWVSRP permits will be necessary for stormwater and wastewater discharge. The first two permits listed below are existing permits administered by SPU. These may not require any amendments, but SPU will work with Ecology to make that determination. The final permit will be needed for stormwater that leaks into the tunnel (if the tunnel alternative is selected). This permit will likely be administered by WSDOT.

- NPDES Municipal General Stormwater Permit issued by Ecology
- NPDES Wastewater Discharge Permit for CSO Operation issued by Ecology.
- NPDES Wastewater Discharge Permit for Tunnel Operation issued by Ecology.

### ***3.3.2.3 Permits for Geographic Areas or Sites***

Some of the activities associated with the AWVSRP would be either located within or adjacent to three special districts: Pioneer Square, International District, and Pike Place Market. Each of these areas has additional requirements for permits or approvals that would occur in or affect those areas. Thus, there is an additional review process through the district boards or commissions. There is also an additional review process associated with impacts to landmark buildings.

- Pioneer Square Preservation Board Approval
- International Special Review District Approval
- Pike Place Market Historical Commission Approval
- Landmark Building Approval
- Side Sewer Permits
- Demolition Permits

For certain permits such as City of Seattle side sewer and demolition permits, it is recommended to 'batch' process individual permit applications within geographic areas. For example, for the purposes of the environmental impact statement and design the project has been divided into the south, central waterfront, north waterfront, and north sections. If the project is sectioned off in a like manner for the purposes of contracting the project, then this approach would be beneficial because typically the City would do the same thing during review. For example, for side sewer permits the City would review all the side sewers affected within each city block.

### 3.3.3 Permits Obtained By The Contractor

There are number of environmental permits that are typically obtained by contractors (see Table 2). The Project Permit Team will work closely with contractors to ensure permit conditions are consistent with permits previously issued and that permits are obtained in a timely manner. Additional contractor permit requirements are being evaluated, as is a check-in point by the Permit Team for permits obtained by the contractor.

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## 3.4 Developing Permit Conditions

### 3.4.1 NEPA/SEPA Commitments and Mitigation Plans

The core permit team will work with the Environmental Program Manager (Kate Stenberg), NEPA/SEPA leads (David Mattern and Kathy Rossi), the IPT and the PF to incorporate the environmental commitments (mitigation measures) made during the EIS process into permits and approvals and construction bid documents. This process will be lead by David Mattern who will be responsible for creating a list of environmental commitments and mitigation measures. These will be forwarded to the Permit Forum and System-Wide Permit Team for incorporation into permits and approvals. These will also be forwarded to the IPT for incorporation into the design of the project.

(Note: The IPT has been involved with the EIS team in developing design commitments related to mitigation measures developed for the EIS. Thus, the design has been evolving to include environmental commitments as the EIS process has moved forward.)

### 3.4.2 Standard Permit Conditions

There are standard permit conditions that typically accompany the various types of permits. These are applied to each permit by the permitting agencies and these conditions are recognized as part of these permits. The SWPT will work with the PF

to identify these standard permit conditions and ensure that they are incorporated into the design and permit applications prior to permit submittals.

#### 3.4.3 Best Management Practices

There are common permit conditions that are typically based on Best Management Practices (BMPs) for construction activities. For example, Ecology's Stormwater Management Manual for Western Washington describes typical BMPs for managing erosion and stormwater runoff during construction. Many permit authorities recognize and require Ecology's BMPs to be incorporated into their projects. The SWPT will work with IPT to incorporate these expected common BMPs into the plans and documents as part of the permit submittal packages. The purpose of this activity is to help streamline permit review by incorporating common BMPs into the plans and documents ahead of time before submitting permit applications. These BMPs will also be carried forward and incorporated into the construction documents following permit issuance.

#### 3.4.4 Performance Standards

Sandy – Not sure if we still need this section or not.

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### 3.5 Permitting Through the Life of the Project

#### 3.5.1 Change Management System

Because of the long timeframes involved in the project and the complex nature of the project, it will be necessary to create a process for managing change. It is particularly vital to have a plan in place with the design team and permitting authorities so that changes made during the permit process do not unduly delay permit approval. In addition, it is important to have a process for managing change during construction. It is recommended that a change management plan be developed to account for changes in project design, regulations, and project conditions.

The change management plan will include forms for recording design changes affecting a permit application, construction changes that affect the permitted description of the work under a particular permit, and a process of check-ins to ensure that changes are transmitted between the permit authorities, IPT and the contractors.

#### 3.5.2 Permit Renewals

Many permits that are being applied for have a regulatory timeframe while others do not. Permit timeframes have received a preliminary review by the Permit Team and are being more fully investigated – to identify permits that could be issued with

longer than typical timeframes. Vesting regulations are also being reviewed to determine how best to assure that all phases of the project, which will be under construction for many years, can be assured to be constructed as planned and conditioned.

**3.5.3 Risk Management System – Sandy**  
should we set up a formalized  
process for risk management?  
Happy to take a stab at a writeup.

Some of the potential risks involved in permitting include:

- Appeals of the permit process
- Schedule delays from permitting and the affect on project costs
- Keeping permits up-to-date with changes in the design
- Internally inconsistent objectives between the various permit authorities
- Having adequately trained permit staff
- Availability of permit review staff
- How to package permits so that controversial parts of the project do not hold up those that are non-controversial
- Ensuring that environmental commitments and mitigation are carried through the bid process and implemented during construction

**3.5.4 Contaminated  
Materials/Spills/Remediation  
during Construction**

The process of hazardous materials discovery, investigation, and reporting at WSDOT and SDOT sites begins during the initial planning and design phases of a project. This process has been followed during the development of the draft and supplemental EIS documents. However, it is not uncommon to discover hazardous materials during construction including suspected or confirmed contamination identified during the initial site investigation process as well as unknown or unanticipated contamination and leaking underground storage tanks (USTs). To account for this, construction documents and contracts will include standard specifications for remediation and UST decommissioning, which include procedures for notifying the Department of Ecology. Notification to Ecology is required when contamination is discovered. A reporting process will be developed for reporting the discovery of spills or releases.

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## 3.6 Other Environmental Work

### 3.6.1 Early Actions

There are a number of recommended independent actions that may precede major construction of the AWVSRP. These actions include: investigatory work in the ROW, emergency repair work, building demolitions, right-of-way acquisitions, site preparation and electric utility relocations. These actions will require a suite of permits and possibly independent review under the SEPA. The System-Wide Permit Support Team will be responsible for obtaining some of these permits and approvals and will coordinate with other groups on the remaining permits (Note: Other groups such as the Right-of-Way Committee will obtain permits for right-of-way acquisition and WSDOT Urban Corridors Office will be responsible for obtaining permits related to building demolitions).

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## 4.0 Tracking Mitigation Commitments

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### 4.1 NEPA/SEPA and Permit Mitigation/Commitments

#### 4.1.1 Incorporating Commitments and Mitigation Plans into Contract Documents

Under the terms of the construction contract, the contractor will be responsible for complying with all federal, state, and local rules, regulations, and permit conditions related to environmental protection and worker health and safety.

The Project Engineer is responsible for the enforcement of the contract specifications and provisions and the completion of all work according to the plans. The Project Engineer may have additional responsibilities including notification of resource agencies prior to beginning certain work.

##### ***4.1.1.1 Pre-Contract Preparation***

During the pre-contract period, the Project Engineer will obtain copies of environmental documents, lists of commitments, environmental job aids and any special environmental studies related to the project from the SWPT. All key personnel will become familiar with the environmental commitments made during the design process and with how programmatic agreements apply to the project. This may be done during a Constructability Review for environmental requirements.

The contract documents will include necessary provisions for environmental protection, including requirements that the contractor secure permits from and abide by regulations of appropriate federal, state and local agencies. Any changes in the contract work that may become necessary must be reviewed to ensure conformance



with requirements and commitments established during the environmental review conducted during project design and development.

#### **4.1.1.2 Pre-Construction Activities**

During pre-construction meetings and discussions with the contractor, environmental commitments will be discussed and relevant files made available to the contractor. In addition the following items will be furnished to the contractor:

- Environmental commitment files and reports from the Commitment Tracking System.
- Reference to environmental requirements or permits in the *Standard Specifications* or contract provisions.
- Explanation of how any programmatic agreements apply to the project.
- Clear delineation of contractor and WSDOT responsibilities.
- Contractor's responsibility to obtain any local agency permits.

Discuss any other submittals that will be needed during the contract and who is responsible. Environmental submittals may include traffic control plans, temporary water pollution/erosion control plans, and spill prevention plans.

#### **4.1.2 Environmental Compliance Assurance Procedure and Monitoring Roles and Responsibilities**

A key element in implementing an effective Environmental Compliance Program is the organization of an environmental monitoring team that spans the phases of the project from environmental planning through design and construction. An environmental team includes both an *environmental lead* and a team of *environmental monitors*.

##### **4.1.2.1 Environmental Lead**

As the single point of contact for all matters relating to environmental commitments made on a particular project, the environmental lead should have experience in the environmental documentation, design, permitting, and construction monitoring phases. The environmental lead works closely with the NEPA team to ensure that all commitments from source documents have been entered into a database and checked for accuracy and completeness. The commitments then need to become part of the bid documents for the respective contracts. Sometimes project wide commitments such as the use of best management practices (BMPs) may be part of Standard or Special Provisions of contract documents. More specific commitments (permit applications and permits) may be included as Exhibits to the contract documents.

The environmental lead should check all contract documents to make certain the environmental commitments for the respective contracts are included. During design and construction, the environmental lead oversees the work of individual environmental monitors to ensure that their reports are entered into the database and that any concerns identified by the monitors are addressed. The lead also provides a broader understanding of issues affecting one or more contracts and is an important conduit for information to project management on the status of environmental compliance and any particular trouble spots. At the project sponsor's direction the lead can also be integral in keeping regulatory agencies informed as issues arise in the field. Coordination and communication with Project Engineers is also an important aspect of the Environmental Lead's role.

#### ***4.1.2.2 Environmental Monitor***

An Environmental Monitor is a person or team designated by a project sponsor to oversee compliance with environmental commitments. Typically, the environmental monitor's responsibilities extend throughout project design and construction. The specific responsibilities and authority of environmental monitors are defined on a project-by-project basis. If an environmental monitor determines that a contractor is not complying with an environmental commitment, the monitor is responsible for notifying the Project Engineer or other official, who has the authority to halt work on a project. Parallel communication of non-compliance is also made by the environmental monitor to the environmental lead.

Environmental monitors are responsible for directly overseeing compliance with environmental commitments on construction contracts. This requires daily contact with the project engineering staff and the construction contractors. The number of environmental monitors, as well as their skills and assignments, will vary from project to project. Environmental monitors may be environmental engineers, scientists, or planners with construction and compliance experience. They should be familiar with NEPA and state environmental documents and permits and should meet with designers, project construction staff, and contractors throughout the design and construction phases. It is advantageous to use the same staff during the construction phase to maintain continuity and familiarity with the complete list of commitments. Since this is not always possible, detailed record keeping is recommended to maintain continuity.

#### ***4.1.2.3 Project Engineer***

The project engineer serves as a project's authorized representative to respective construction contractors. The project engineer may be employed by the project sponsor or by a consultant. The project engineer is responsible for the organization and direction of construction field office staff and activities relating

to construction engineering, subcontracts, and engineering liaison to the design offices. The project engineer supervises field verification of materials. The project engineer also provides technical direction to field engineers in a wide range of construction engineering and design functions relating to an area or to a single discipline on the overall project. The project engineer plans and recommends procedures to be implemented by field engineers to ensure that construction operations are within requirements of engineering design, specifications, and environmental commitments. The project engineer administers major contract changes and represents the project in major contractual discussions and negotiations. *The project engineer has the authority to shut down work on the construction site.*

#### **4.1.2.4 Environmental Monitoring Procedures**

**On-Site Monitoring.** Environmental monitors can be most effective if they regularly visit the construction site to observe construction activities and build direct working relationships with the construction contractors. On-site monitors can react to changing conditions in the field and provide timely information to the project engineer for corrective actions (if needed).

**Reporting.** It is critical to establish a reporting protocol for documenting each inspection by the environmental monitor. This protocol should include informing the design or construction contractor in writing of commitments that are completed as well as non-conformities and recommended corrective actions. All such inspections should be documented daily by the field monitors and reported to the environmental lead with urgent items brought to the attention of the project engineer. Protocols should be established for reporting such violations (such as spills or illegal discharges), to project staff for notification to agencies. Since the protocol could vary from project to project, procedures should be established for each project. Regularly issued status reports of Environmental compliance by construction contract should be based on daily inspection documentation and can also be rolled up into Project wide Environmental Compliance Reports.

**Coordinating with Environmental Agencies.** Ongoing coordination with environmental agencies helps to ensure that environmental commitments are met and adapt designs to changing conditions on the project site as well as avoid delays and maintain relationships. Environmental agencies are typically most involved during the environmental review and permitting stage of project development; their involvement often decreases during design and construction, except for compliance site visits or when problems arise. For complex projects involving numerous environmental commitments, it may be advantageous to establish procedures for ensuring continuing coordination with environmental agencies during project design and construction. Continued coordination with agencies is an additional tool to ensure compliance with environmental

commitments. A clear protocol for all agency staff visiting construction sites needs to be established through the project engineer's office, principally for safety and liability reasons. Such site visits should commence just prior to construction to demonstrate to all parties through the site controls in place to meet requirements from NEPA and permit conditions.

**Corrective Actions.** In the event of an unanticipated field condition, the environmental monitor can assist in expediting a corrective action based on best management practices. In such instances, the environmental monitor typically reports the action to the environmental lead, who in turn notifies the project engineer. The project engineer is responsible for informing the client, contractor project manager, and agencies. In certain cases, this scenario could lead to stop work orders issued by the project engineer.

#### 4.1.3 WSDOT Environmental Compliance Assurance Procedure

The WSDOT Environmental Compliance Assurance procedure will be used to recognize and eliminate environmental violations during the construction phase of the AWVSRP and to ensure prompt notification to WSDOT management and agencies. For the purposes of this procedure, violations are defined as actions that are not in compliance with environmental standards, permits, or laws.

When any action (Notification Trigger) below occurs or if there are questions about compliance, the Project Engineer (PE) (insert name here - Rick Conte? - or will there be a designated person for each major construction contract?) shall initiate this procedure to develop corrective actions to solve the identified problem. The Regional Environmental Manager (REM) (Kate Stenberg?) will serve as a resource to the PE and give priority to addressing the actions, activities, or situations that stem from notification triggers. The PE and REM will work together on an appropriate response to the notification trigger to avoid or minimize environmental damage.

##### *4.1.3.1 Roles and Responsibilities*

1. "Project Engineer" is the person responsible for the project and administration of the construction contract. This responsibility may be delegated to a subordinate employee on site, but the ultimate responsibility for making sure these procedures are followed will be with the Project Engineer. The Project Engineer shall have a thorough knowledge of all of the environmental permit conditions and design requirements for the project, and have such certifications and other qualifications as may be required.

2. "Regional Environmental Manager" is the person responsible for administering the regional environmental program. This responsibility may be

delegated to a subordinate employee with knowledge of environmental permitting and procedures, but the ultimate responsibility for setting and interpreting regional environmental policy will be with the Regional Environmental Manager.

3. "Contractor" is as defined in Section 1-01.3 of the Standard Specifications for Road, Bridge, and Municipal Construction (2002).

#### ***4.1.3.2 Notification Triggers***

A. "Notification Triggers" (listed below) means an action, activity, or situation that requires the Project Engineer to implement the Environmental Compliance Assurance Procedure.

- Notice from a resource agency that a violation has occurred;
- Any action that, in the judgment of the REM, contractor or Project Engineer, may violate environmental permit conditions, agreements, or approvals for the project; or other environmental laws, ordinances, or regulations;
- Any unauthorized work, activity, or fill in wetlands, shorelines, creek beds (including dry channels), other waters of the state, or critical habitat;
- Any emergency protection activity that involves unauthorized placement of fill in wetlands, shorelines, creek beds (including dry channels) or waters of the state or for bank stabilization activities where fill or structures are placed on the bank;
- Any action or project revision requested by an agency after a site inspection that may be in conflict with other permits;
- Any spill, discharge or release of hazardous materials, oil, or chemicals to land or water;
- Any situation that results in a fish kill, or if dead or dying fish are discovered in the vicinity of the project;
- Activities that monitoring shows are out of compliance.

#### ***4.1.3.3 Notification and Resolution Process***

In the event of a notification trigger, the following steps shall be taken:

1. If a notification trigger is observed first by the contractor or REM, the contractor or REM shall immediately notify the Project Engineer.

2. The Project Engineer must:

Step 1. Immediately notify the Contractor of the situation, implement emergency response procedures including agency notification, and suspend all non-conforming work on the site.

Step 2. Immediately notify the Regional Environmental Manager (REM). Consultation with the REM must occur before any remediation actions are taken.

Step 3. In consultation with REM assemble the following information:

- The activities that triggered the notification and why they occurred.
- Location of the work.
- Potential solutions to the problem, or if additional investigation is needed, the agreed upon course of action.
- Any related site constraints or safety issues.
- Urgency of the issue

Step 4. Notify his or her immediate supervisor.

Step 5. <sup>3</sup>Notify the Regional Administrator.

Step 6. In consultation with the REM, determine the resource agencies having jurisdiction and who will notify them.

Step 7. Document all actions, conversations and activities.

3. The Regional Environmental Manager must immediately:

Step 1 <sup>\*</sup>Notify the Director of Environmental Services.

Step 2. Notify his or her immediate supervisor.

Step 3. Work with the Project Engineer to resolve the issue that caused the notification trigger.

Step 4. Identify and obtain appropriate permits or permit revisions with the aid of the Project Engineer.

Step 5. Document all actions, conversations, and activities. Communicate issues and send appropriate documentation to Regulatory and/or Resource Agencies.

4. <sup>\*</sup>The Director of Environmental Services must immediately:

Step 1. Notify Compliance Branch Manager and any other ESO Program Managers associated with the resource issue.

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<sup>3</sup> Denotes that the action is mandatory when the violation: (1) Results in agency enforcement staff coming on site to conduct enforcement review, and/or (2) There is a high likelihood the event will result in NOV's or penalty.

Step 2. Notify Director of Environmental & Engineering Programs.

Step 3. Notify the Regional Environmental Manager that the Director of Environmental & Engineering Programs has been contacted. Regional Environmental Manager must then notify the Project Engineer that the violation reporting procedure has been completed.

5. \*The Regional Administrator will:

Step 1. Coordinate with the Director of Environmental & Engineering Programs to contact the Assistant Secretary of Engineering and Regional Operations advising him or her of the situation, and provide updates as needed on the situation.

Step 2. Ensure that the Project Engineer and the Regional Environmental Manager have the necessary resources, authority and organizational support to successfully resolve the environmental problem.

#### ***4.1.3.4 Timing***

Due to costs of project delays, or risk of not acting quickly during emergency situations, the REM shall provide a 24 hour contact person for environmental consultation.

#### ***4.1.3.5 Documentation***

1. The Project Engineer shall document the details of the notification and problem resolution in the contract records.

2. The Regional Environmental Manager shall maintain a record of all regional non-compliance events. REMs shall collect and maintain, at a minimum, the following data on all non-compliance events:

- a. Project name and Location
  - b. PE and Prime Contractor
  - c. Incident Date
  - d. Incident Description
  - e. Permit/Regulation Violated
  - f. Resource Agency(s) notified and date of notification
  - g. Whether or not resource agency staff conducted site review in response to notification
  - h. Record of NOVs and/or penalties issued
- The REM shall provide all regional non-compliance tracking data to ESO Compliance Branch Manager for the purposes of annual reporting and review of compliance performance.

3. \*For violations, the appropriate documentation needed to record the violation, and achieve resolution, including any preliminary mitigation solutions, will be collectively developed by the Project Engineer and the Regional Environmental Manager, and shall be coordinated with and sent to the appropriate regulatory and/or resource agency.

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## 4.2 As-Builts

One of the issues during construction is the preparation of as-builts drawings that show how structures or facilities are actually built and their location. This is particularly important for items such as sewer locations, underground utilities, etc. for maintenance or for locating other facilities in the same area. There needs to be a system of transferring this information from the contractor to City staff. This system should include checklists and an as-built plan tracking system to ensure transfer of as-builts. The SWPT will take responsibility for developing this system in coordination with the IPT.

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## 5.0 Permit Close Out

Permit close out involves coordination with permit authorities, documentation of inspection and monitoring results, and file maintenance. Compliance reports must be filled out after project completion. These are compiled annually by WSDOT Regional Environmental Offices and submitted to Maintenance and Operations staff at headquarters. Permit close out will be the responsibility of the CPT.

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## 6.0 Formal Agency Coordination

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### 6.1 Communication Protocol

#### 6.1.1 Internal Permit Team Communication

Internal permit team coordination will be accomplished by co-locating the CPT in the same location at the AWVSRP office and through CPT meetings and Permit Strategy Group weekly meetings. All internal communications should be directed through the Permit Lead (Sandy Gurkewitz) or her designated alternate (in the event of her absence). It is anticipated that communications will occur in both formal and informal processes.

Each SWPT member will keep the Permit Lead informed regarding work progress, status of deliverables, project issues, work schedule changes, planned vacation, and other relevant information. Members will report to the Permit Lead if circumstances arise that interfere with their ability to complete their work.



The Permit Strategy Team meetings include most of the SWPT members. This weekly meeting is held on Tuesdays at 3:30 p.m. to discuss permitting issues and project developments, and to identify risks and opportunities affecting the permit process. The agendas for these meeting will be prepared by the CPT.

#### 6.1.2 Permit Team Interface with Regulatory Agencies

An important task is to find ways to facilitate permit review by building a successful team approach to permitting. The idea is to find ways to work with permit authority staff instead of working against them or at cross purposes. Thus, one of the main strategies is to develop user friendly ways to inform permit agencies in advance of permit submittals including applications, revision materials, or agency requested information. This will include: weekly or bi-weekly meetings; informing agencies when there will be 30, 60, or 90 percent submittals; establishing single points of contact for agencies to call with any questions; providing agencies an idea of the level of effort they will need to put forth to support the project; etc. The main point of contact will be through meetings with the Permit Forum and SWPT.

Another strategy is to prepare a project activity report that describes the activities involved with each permit application, the design effort in support of permits, and recent project activities and developments. This report would help to keep permit review staff briefed and up to speed on the project, as well as to document permit activities. Tracking the permit activities may also reveal ways to further streamline the permitting effort.

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## 6.2 Documentation

### 6.2.1 Documentation of Interactions Between Permit Team and Permitting Authorities

The CPT will document all formal communications between the project permit team and permitting authorities. The communications files will be maintained in the AWVSRP office by the CPT and consist of the following items:

- Permit agency meeting minutes
- Project Change Forms
- Permit Forum session minutes
- Agency Correspondence - letters, e-mails, record of communications.

## 6.2.2 Critical

### Decisions/Agreements/Reasons Decisions Were Made

It is important to have a record of both what decisions were made and why they were made in regard to the project permitting effort. This information may be critical for project appeals or litigation where it may be necessary to describe how and why certain decisions were made that affected project design, construction means and methods, compliance with permit conditions, and implementation of mitigation measures. Recording these decisions is also important to be able to learn about what worked and what didn't so these lessons can be applied to further permits for the project or to future projects. The CPT will be responsible for preparing a quarterly report that describes these decisions. (Sandy – How often do you think we should prepare this report?)

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## 6.3 Agreements

### 6.3.1 Roles and Responsibilities of Permit Team Members and Permit Review Processes

The City was involved in interagency agreements with Sound Transit and the Seattle Monorail Authority that specified the process and procedures to be used for permitting these projects, in addition to other arrangements. These agreements had language and provisions for streamlining permit review and providing certainty in processing permits in a timely fashion by identifying roles and responsibilities for the staff dedicated to work on these permits (both at the City and the transit agencies) and the general process of permit review.

For example, Sound Transit was able to obtain an overall blanket permit for certain activities such as side sewer connections. The City still reviewed each side sewer connection, but issued one overall permit for this work. Because of the large number of side sewer connections that will be affected by the AWVSRP, there may be opportunities to develop performance standards that can be applied to the connections, which could enable the use of a blanket permit for the entire project (versus the need for hundreds of side sewer permits).

The following list of existing or potential agreements would be explored to outline the roles and responsibilities of staff preparing the permit applications and agency reviewers related to the general permit process, permit review times, and conflict resolution. Negotiations for these agreements are currently underway or may be started soon.

- City of Seattle
  - SDOT/DPD Coordination Agreements on the permit process

- City Agreements regarding Master Use Permits
  - City/WSDOT Agreements for Permits
  - State of Washington
    - Franchise Permits (construction, long-term modification or operation within interstate ROW)
    - Ownership Agreements
    - Maintenance Agreements
    - Easements
    - Street Vacations
  - Project Agreements
    - Permit Agency Liaisons
  - Expedited Permit Review Agreements
- 

#### **6.4 Coordination with Project Engineer**

Permit applications will be scheduled with the intent of having all permits in hand to incorporate permit conditions into the Plans, Specifications and Estimates (PS&E) for the Constructability Review or circulation of the 90 percent PS&E review.

The construction Project Engineer will participate at critical points during the permit process and provide input as necessary on how permitting decisions affect the constructability of the AWVSRP. Construction staff (the IPT) will review permit data prior to submitting applications with particular attention to constructability issues such as: constraints on and access in and around environmental resources; how the work is accomplished; and timing and staging of the work.

The SWPT will track, document, distribute and coordinate review of permits and related issues, conduct a separate Environmental Compliance meeting with IPT and the Project Engineer and provide coordination with the permitting agencies for any changes. The SWPT will obtain the Project Engineer's review comments and approval of the permit applications prior to submittal. This review should include comments regarding conflicts that could adversely affect the timing, staging, or the constructability of the project. The Permit Lead, SWPT, Project Engineer and Environmental Manager will work together to complete the incorporation of all environmental permit conditions and terms into the PS&E.

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#### **6.5 Contractor Coordination**

Unforeseen situations may occur during construction, for example, finding cultural artifacts, digging up an underground storage tank or encountering contaminated soil that will trigger the Environmental Compliance Assurance Procedure discussed

previously. Sometimes these discoveries will require further review on the part of a resource agency.

As the owner-contracting agency, WSDOT is responsible for enforcing provisions of construction contracts and must also monitor for compliance with all environmental commitments and provisions of regulations which are enforced by resource agencies. Any potential non-compliance events noticed by WSDOT or the contractor will be brought to the attention of the Project Engineer to document the situation and coordinate a resolution. Coordination will follow the provisions of the Environmental Compliance Assurance Procedure for Construction.

WSDOT will also notify the responsible agency if necessary and utilize such sanctions as are consistent with contract terms in assisting the responsible agency in enforcing laws, rules, and regulations.

When WSDOT employees observe something that is questionable or appears not to be in compliance with state or local laws, ordinances, and regulations, they must bring it brought to the Project Engineer's attention. The Project Engineer is responsible for bringing it to the contractor's attention for proper action.

#### 6.5.1 Maintenance Walkthrough

Prior to substantial completion of the project with commitments that will be passed to WSDOT Maintenance and Operations, a Maintenance representative should be walked through the site and shown any feature for which WSDOT has made long-term maintenance commitments. A representative from the SWPT with knowledge of the project's commitments should coordinate with the Project Engineer to organize the meeting and to ensure all the appropriate environmental commitments pertaining to long-term maintenance are reviewed and understood by the Maintenance representative. Documentation of the maintenance commitments should also be provided at that time.

#### 6.5.2 Final Inspection

Construction work on contracts financed in whole or in part with federal funds are subject to final inspection and final acceptance. Project type and size determine whether FHWA, the Headquarters Construction Office, or Regional Office will conduct the final inspection.

Final inspections are performed on all federally aided projects any time after 90 percent completion and no later than 30 days after physical completion. Final acceptance reports will be completed on the AWVSRP and will be completed by the Project Engineer as soon as all project requirements have been met. Some environmental commitments will require a final inspection and notification of completion to the resource agency.

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## 6.6 Coordination with Environmental Team

The SWPT and CPT will work closely with the environmental staff of the IPT during the remainder of the EIS process (preparation of the Final EIS) to incorporate the final mitigation commitments into the permit application packages. This information will have to be updated and transmitted to the permit authorities during the review of draft permits as mitigation is refined. The final mitigation package must be incorporated into the construction bid documents and there will be final check-ins with the environmental team to ensure these measures are part of the bid package.

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## 6.7 Coordination with Other Projects

The AWVSRP project will affect many adjacent properties for an extended period of time because of the length of the alignment and duration of the construction schedule. During the utility relocation activities and the construction period other development will also be occurring in the vicinity. It will be important to develop a coordination strategy for integrating the AWVSRP with other planned or as yet unplanned development activities. For example, projects such as the Coleman dock replacement project and the 600-unit hotel planned in the project's north end along Aurora Drive will affect the design and construction methods for the AWVSRP, which may also affect permitting. The SWPT and IPT will be responsible for preparing strategies for coordinating the AWVSRP with other projects.

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## 7.0 Schedule

An ongoing need will be to integrate permitting into the overall project schedule and to build interrelationships between permit requirements and design. This is particularly important because it gives staff working on the project a common understanding and expectation for how long the permit process can, as well as help to ensure that permitting does not become the critical path. The permit schedule needs to show all logic including design milestones of plans supporting permit applications to be certain the design is tracking with the anticipated permit timelines.

The section includes permit schedules for the overall project, by project section/geographic area, and for the early (pre-ROD) work (e.g., sediment testing, electrical utility relocation).

**Appendix A**  
**Environmental Permits and Approvals Guide**

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**Appendix B**  
**Permit Application and Submittal Process**

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## Appendix C

### Permit Responsibility Matrix

Sandy – Should we include this one or the wider one that has all the tracking information for staffing (or both)?

**Table C-1. Permit Responsibility Matrix**

| Permit or Approval  | Issuing Agency   | Permit Lead                             | Applicant       | Agency Lead          |
|---|--|---|-----------------|----------------------|
| <b>Federal Permits or Approvals</b>                           |  |   |                 |                      |
| Clean Water Act Section 404                                   | US Army Corps of Engineers   | ITP Permit Team Name<br>Phone           | WSDOT           | TBD<br>Name<br>Phone |
| River and Harbors Act Section 10                              | US Army Corps of Engineers   | ITP Permit Team Name                    | WSDOT           | TBD                  |
| Clearance Approval  | Bonneville Power Administration/NW Regional Power Grid                 | Seattle City Light<br>Laurie Geissinger | City of Seattle | TBD                  |
| <b>State Permits or Approvals</b>                             |  |   |                 |                      |
| Clean Water Act Section 401 Certification                     | Washington Department of Ecology                                       |   |                 |                      |
| Coastal Zone Management Act Certification                     | Washington Department of Ecology                                       |   |                 |                      |
| NPDES Construction Stormwater Permit (General and Individual) | Washington Department of Ecology                                       |   |                 |                      |
| NPDES Wastewater Discharge Permit                             | Washington Department of Ecology                                       |   |                 |                      |
| Underground Storage Tanks                                     | Washington Department of Ecology, Seattle Department of Transportation |   |                 |                      |
| Hydraulic Project   | Washington   |   |                 |                      |



|  |  |  |  |  |
|--|--|--|--|--|
| <b>Approval</b>                                    | Department of Fish and Wildlife  |  |  |  |
| <b>Aquatic Lands Use Authorization</b>             | Washington Department of Natural Resources   |  |  |  |
| <b>Regional Permits and Approvals</b>              |  |  |  |  |
| <b>Discharge of Construction Dewatering</b>        | King County  |  |  |  |
| <b>City of Seattle Permits and Approvals</b>       |  |  |  |  |
| <b>Environmental Critical Area (ECA) Ordinance</b> | Seattle Department of Planning and Development   |  |  |  |
| <b>Tree Protection Regulations</b>                 | Seattle Department of Planning and Development   |  |  |  |
| <b>Master Use Permit (MUP)</b>                     | Seattle - Planning and Community Development   |  |  |  |
| <b>Shoreline Substantial Development Permit</b>    | Seattle Department of Planning and Development   |  |  |  |
| <b>Grading Permit</b>                              | Seattle - Planning and Community Development   |  |  |  |
| <b>Stormwater and Drainage Control Review</b>      | Seattle - Planning and Community Development   |  |  |  |
| <b>Demolition Permit</b>                           | Seattle - Planning and Community Development   |  |  |  |
| <b>Building Permit</b>                             | Seattle Department of Planning and Development   |  |  |  |
| <b>Side Sewer Permit</b>                           | Seattle - Planning and Community Development and Seattle Public Utilities              |  |  |  |
| <b>Noise Variance</b>                              | Seattle - Planning and Community Development   |  |  |  |
| <b>Street Use Permit</b>                           | Seattle Department of Transportation   |  |  |  |
| <b>Pike Place Market Historic District</b>         | Seattle Department of Neighborhoods and Pike Place Market Historic District Commission |  |  |  |
| <b>Pioneer Square Preservation District</b>        | Seattle Department of Neighborhoods  |  |  |  |

|  |  |  |  |  |
|--|--|--|--|--|
|  | and Pioneer Square Preservation Board                                      |  |  |  |
| <b>International Special Review District</b> | Seattle Department of Neighborhoods and International Special Review Board |  |  |  |
| <b>Landmark Building Approval</b>            | Seattle Department of Neighborhoods and Landmarks Preservation Board       |  |  |  |
| <b>Utility Clearance Approvals</b>           | Seattle City Light   |  |  |  |
| <b>Railroad Right-of-Way Use Approval</b>    | Burlington Northern and Santa Fe   |  |  |  |

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