

**AWV SDEIS Technical Report Review
INTERNAL COMMENT FORM**

Document: **AWV Permitting Report - round two**
Reviewer: _____

Comments Due:5

Chapter No.	Page No.	Line No.	Exhibit No.	Priority	Comment	Reviewer	Agency	Action Taken by Tech Lead
General					Sometime fairly soon we should lay out the timelines for the permits - showing their effective length and highlighting expiration dates in relation to the total project construction timeline - i.e. to see how many renewals we'll need to get for each permit and where in the construction timeline they fall.	Stenberg	WSDOT	
1	1	4-11			rework this paragraph to indicate that we are finalizing the permit report part and that the strategy part will be ongoing work.	Stenberg	WSDOT	
1	1	14-16			Delete last sentence - "As mentioned...consideration"	Stenberg	WSDOT	Language deleted
1	1	17-20			Check this information against what is on the WSDOT permit streamlining website	Stenberg	WSDOT	
1	2	8			add "s" to "timeline"	Stenberg	WSDOT	Language added
2	3	some where			Add a sentence that project begun under SAC process and will not follow new SAFET-LU process	Stenberg	WSDOT	
2	3	27			Add "coordination" between "merger" and "process"	Stenberg	WSDOT	Language added
2	3	28			Replace "documentation" with "coordination"	Stenberg	WSDOT	Language replaced
2	3	34			Add "and screening criteria" after "need"	Stenberg	WSDOT	Language added
2	3	34			Add "Range of" before "project"	Stenberg	WSDOT	Language added
2	3	37			replace "methods of" with "an"	Stenberg	WSDOT	Language replaced
2	5	1			add "process" after "resolution"	Stenberg	WSDOT	Language added
2	5	28-29			Please see Margaret for the proper names of the Tribes	Stenberg	WSDOT	
2	5	35			replace "ensured" with "facilitated"	Stenberg	WSDOT	Language replaced
2	5	39			I would be surprised if the proper reference for the SAC agreement is an ecology document	Stenberg	WSDOT	
2	6	21-23			This gets to a previous comment - The SAC agreement was updated in 2002 - to continue to reference "upcoming revisions" is horribly out of date	Stenberg	WSDOT	
2	6	32			Add "the range" between "of" and "alternatives"	Stenberg	WSDOT	Language added
2	7	1			replace "has been" with "was"	Stenberg	WSDOT	Language replaced
2	7	1-4			Is TPEAC still in effect? Does this has any current relevance to the project any more?	Stenberg	WSDOT	
2	7	10-11			No - RALF/SAC allows for early involvement and input to avoid issues with permits later - but RALF/SAC does do - does not track - permits	Stenberg	WSDOT	Alternative language prepared.
2	7	19-29			Liaison staff are not all WSDOT staff - replace references to "WSDOT" with "liaison". E.g. Ecology liaisons are Ecology staff people funded by WSDOT	Stenberg	WSDOT	Language replaced
2	7	21			Liaison staff are also at NMFS an USFWS	Stenberg	WSDOT	Language added
3	9	16 - 17			Replace "The" with "Aportion of" and replace "portion" with "work"	Stenberg	WSDOT	Language replaced
3	9	18-19			replace "would not require a" with "could be self-permitted by the" and omit "permit". It is not true that Corps projects do not need a permit	Stenberg	WSDOT	Language replaced
3	9	10 - 28			This section is still not quite right - 404 is triggered by fill in the bay AND the maintenance of the existing bank stabilization (the seawall) and the excavation associated with replacing the outfall pipes with new pipes in the same location. Section 10 is triggered by placing structures in the Bay including the twmporary sheet pile wall and the overwater access to the ferry dock	Stenberg	WSDOT	
3	10	13			omit "aquatic" - "environment" in LEDPA is not limited to aquatic	Stenberg	WSDOT	Language deleted
3	10	28-35			Jack's right - the exceptions don't apply to section 10	Stenberg	WSDOT	
3	10	39 - 40			no emergency exemptions to Section 10 - see CFR - remind me - I've got the appropriate section highlighted in my copy in my office....	Stenberg	WSDOT	
3	11	4			Insert "a variety of" at the end of the line after "on"	Stenberg	WSDOT	Language added
3	11	5-6			insert ". For this project, those public interest factors might include" and omit "wetlands", "flood hazards, floodplain values"	Stenberg	WSDOT	Language modified
3	11	7			Insert "and" between "safety" and "needs"	Stenberg	WSDOT	Language added
3	11	8			Omit "and considerations of private property ownership"	Stenberg	WSDOT	Language deleted
3	11	30			insert "to public agencies" between "charge" and "for"	Stenberg	WSDOT	No charge for either public or private applicants
3	11	33-34			Omit "A permit will expire if"; capitalize "the"; insert "may also request" after "permittee"; omit "fails to request and receive"; and add "before the permit expires" after "extension"	Stenberg	WSDOT	Language modified

Not sure what this comment is referencing

Online it is on the WSDOT site although the document itself doesn

I can take a shot at this but my understanding of the project is larg

I think these are correct that there is not an emergency exception t

We should check this but I can not find any application fees

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3	12	9			Add "Failure to request an extension before the permit expires will result in the applicant needing to submit a new application with all of the attendant review timelines as though it were a new project.	Stenberg	WSDOT	Language added
3	12	17-25			Not quite right - the Corps can only request additional information one time - if the applicant does not supply all of the requested information - or perhaps answers the question in an incomprehensible way (which happens a significant amount of the time), the Corps may request it again or deny the application.	Stenberg	WSDOT	
3	12	26			replace "The" with "An individual"	Stenberg	WSDOT	Language modified
3	12	30			I thought we had talked about timelines - this 9 to 18 months is completely unrealistic - this is a minor action for the Corps - even if we need to go for an individual permit. Let's stick a whole lot closer to the regulatory timeframes for Corps permits.	Stenberg	WSDOT	
3	12	38			Insert "For individual 404/10 permits" at the beginning of the sentence and lower case "there"	Stenberg	WSDOT	Language added
3	15	1			Replace "private" with "third" - the rule applies to everyone - not just private parties - e.g. The Dept. of Ecology would have to sue in federal court also if they didn't like the decision or the conditions.	Stenberg	WSDOT	Language modified
3	15	5			Replace "private" with "third". Insert "by filing suit" between "permit" and "through"	Stenberg	WSDOT	Language modified
3	16	12			Replace "affected by" with "found within" and add "area" after "project". This is not an appropriate place to be making effects determinations.	Stenberg	WSDOT	Language added
3	16	14			Insert "with" after "compliance"	Stenberg	WSDOT	Language added
3	16	17			Replace "coordination" with "conjunction" (too many "coordinations" in one sentence)	Stenberg	WSDOT	Language modified
3	16	21-23			Omit the entire sentence "For NOAA...EFH regulations." Since FHWA typically does the ESA and EFH consultations I would guess this determination was made a very long time ago.	Stenberg	WSDOT	
3	17	1			Insert "are" after "and"	Stenberg	WSDOT	Language added
3	17	12			Add new sentence "However, if the project description or effects change at some point in the future, consultation may need to be re-initiated."	Stenberg	WSDOT	Language added
3	17	24			There is some very specific language to use when talking about effects determinations. Replace "does" with "is" and insert "likely to" after "not"	Stenberg	WSDOT	Language modified
3	17	29			Replace "may" with "is likely to"	Stenberg	WSDOT	Language modified
3	17	34			delete "jeopardy or" A jeopardy call shuts your project down - the point being that there aren't any RPMs that can mitigate a jeopardy call.	Stenberg	WSDOT	Disagree, RPM are applicable to all take. Document language modified to reflect processed as outlined in 50CFR402.14(q) .
3	17	36			Replace "alternatives" with "measures" - use specific ESA language	Stenberg	WSDOT	"Alternatives" and "measures" are both ESA terms. Language modified to reflect proper use.
3	18				Having a "no effect" option on the boxes labeled "may affect species or critical habitat" and "Optional discussions between parties resulting in "no effect" determination" don't make sense - if there is an effect then you don't get to a no effect without altering the project description - is that what is supposed to be in the boxes?	Stenberg	WSDOT	
3	18			4	usage of "Effect" and "Affect" is incorrect in several boxes.	Stenberg	WSDOT	
3	19			5	The 30 days to notify of missing information is part of the 90 days - this is not reflected in the chart.	Stenberg	WSDOT	Disagree, 90 day clock does not start until complete initiation package is received. Agencies have 30 days to determine completeness. See Section 7 handbook Section 4.4
3	20	1-2			incorrect - RPMs are binding; conservation measures are not and you can have either, both or neither in a biological opinion.	Stenberg	WSDOT	Language modified
3	20	12-13			I think FHWA has 30 days to decide if they can abide by terms and conditions - I don't think they are binding on the federal lead agency - check on this.	Stenberg	WSDOT	

Not sure this is accurate, may require some research

(The diagram does have some confusing interpretations of the US

I don't think there is a 30 day period. If they don't like the final opin

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3	20	21-28	6		Omit or re-write this section - does not apply to AWV - a BO may contain an incidental take statement (not a permit) and there is no HCP required for federal project. AWV is not a non-federal activity - so the <u>paragraph does not apply.</u>	Stenberg	WSDOT		I would agree to just delete this paragraph
3	22	2-16			Insert somehow that FHWA is separately responsible for ensuring compliance with Section 106. They give significant weight to the <u>concurrence by the state DAHP - but that's not the only step.</u>	Stenberg	WSDOT	Language added	
3	23	26-29			incorrect - Compliance with ESA and EFH must be documented prior to the issuance of the 404/10 permit - but the application for those permits <u>does not initiate consultation.</u>	Stenberg	WSDOT	Language modified	
4	26	6			There is no charge for anyone or only for public agencies?	Stenberg	WSDOT	No charge for either public or private applicants	
4	26	8 - 10			This isn't true - Ecology doesn't ask the Corps how long their permit is for... <u>they just issue one for their standard amount.</u>	Stenberg	WSDOT		Because the 401 cert is actually for the 404 permit it should have t
4	27				Box that says nationwide permits don't apply may not be true.	Stenberg	WSDOT		
4	36	32-35			Omit this laundry list - it is irrelevant	Stenberg	WSDOT	Language deleted	
4	36	35-36			Incomplete - the need for an HPA is triggered by the seawall work AND the temporary access bridges, AND the fill for the tunnel, AND the sheet pile wall, AND any other in water work that may be needed to <u>complete the project</u>	Stenberg	WSDOT		Again I can take a shot but someone else might be better
4	40	13-18			Again - this may not be the whole story - in Elliott Bay there are the inner and outer harbor lines - the inner harbor area is private property and not subject to DNR lease - all of the AWV work (except for the removal of Pier 48 is in the inner harbor line - so is any of this relevant <u>to the project at hand?</u>	Stenberg	WSDOT		This may take some research to confirm
4	43	6 -			Need to emphasize that FHWA leads these consultations	Stenberg	WSDOT	Language added	
5	45	17 -			I thought some time ago that Joyce reported that the City Attorney had determined that there were no ECAs in the project area - I can find my <u>notes and the date when I get back if necessary.</u>	Stenberg	WSDOT		
5	52				Too much information - can't tell what is relevant and what isn't - what will the project be getting? A substantial development permit? A conditional use permit? A variance?				unsure where this is referencing
5	53	11		Update the language to reflect Joyce's discovery that the length of the permit can vary from the 5 years at the discretion of the director.			Language added	Make sure this belongs in 5.1.3 SSDP	
5	56	23-24		There is very little excavation outside of the ROW - even the utilities are within the ROW - what are you thinking of? Properties that are acquired by the state for the project also become ROW.				reference to section 5.1.4	
5	58	1 and 10		Report appears to contradict itself - line 1 says no approval because all state-owned ROW - line 10 implies AWV project will be disturbing so much ground will need a comprehensive review - what are you thinking of?				Section 5.1.5 research what approval or review is needed for work	
6	71	7		Please note that it will be very unlikely that the project will discharge either construction dewatering water or construction stormwater to the combined system - so much of this discussion will not apply.			Language added		
6	71	14		WSDOT is not a co-permittee on the City's NPDES permit for the existing structure - this is incorrect. The City is solely responsible for maintenance and permitting of the drainage system from SR 99 per state law.			Language modified	check this	
6	71	14-16		This issue is an operational issue and not related to construction - Need to separate out the issues. This section is supposed to be discussing the construction related issues - not operational.				check this	
6	73	20		We now have more information on this topic and it should be updated to reflect that. Requests must be made 1 year in advance and can only shut down the grid 2ce in any one year - work with the utilities section to update this to be more accurate and specific.				Not sure where this is referencing, already some changes to the ut	
7	75	16-27		The objective here would be for the permitting team to lead and coordinate all of these efforts.				Not sure what the response here is	
7	76	7-9		insert "more easily" after "to" on line 7; and delete the text in the parentheses. The tunnel option is allowed under the current code - the issue is that the fill in the bay is not allowed - which is a problem for both the rebuild and the tunnel - so the statement that the tunnel isn't allowed is not true.			language modified		

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7	76	12			replace "allow" with "streamline permitting of" delete "code"; delete "be changed"; Insert "allow a longer permit timeline" before "to". No code change is necessary - code already says can be longer at the discretion of the department director. ?? There should only be one group working on permits to avoid duplication.			language modified language modified	
7	76	25			Sandy - include this as part of your team's roles and responsibilities to work out an appropriate strategy				
7	77	10			delete the "ly" at the end of particular				
7	77	18			The permitting team lead in the AWV Environmental Program is responsible for coordinating and developing a permitting strategy as the project progresses. The Team lead will be the repository of ideas and will evaluate the merits of each concept for discussion with the EM.				
7	79	8			This is a bad example - the Corps permit is NOT one that will have a expiration date problem			language deleted Language added	
7	79	after 14			?? What does "project wide permits" mean in the context of "seawall test sections"?			Document does not use Corp as an example but rather indicates that any segmentation required for other permits will need to comply with Corps' independent utility requirement. "Project wide permits" refers to permits that can likely be obtained for all of the AWVSRP as appose to "project-segment permits" that will need to be obtained for certain portions of the project due to timing or other issues.	What does EM stand for Kinda guessing here
7	79	27-33			Already been done - See letter from 2003. The answer is "no" - unless the seawall catastrophically fails and no attempt is made to replace it for over 2 years. Where did this question come from anyway?			Language modified Language modified	Check if appropriate
7	80	2-4			Replace "this" with "it"; add "ly" to the end of particular			Language modified Language added	
7	80	26-27			For design-bid-build segments, permits need to be obtained before bids are opened so that contractors know what the permit conditions are. Usually this means that permits must be obtained 60 -90 dyas prior to the desired bid opening date.				
7	81	after 12			replace "allow" with "streamline review of"				
7	82	21			insert "t" in front of "hat"				
7	82	28-29			insert "administratively" after "addressed"; replace "idea" with "goal"; insert "review" after "permit" on line 40 and delete the last sentence "Then... plan."			Language modified	
7	82	39 -40							

it really purport to have a source or author

ely driven by this document so it might be difficult
to Sec 10, but should double check

FWS source)

ion the only choice is the god squad. They are binding on the fed ag because it is their action that is being consulted on

the same duration as that permit

in ROW

ilities sections.

