

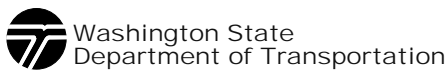
4 **Draft Permitting Report**  
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8 Submitted to:  
9 **Washington State Department of Transportation**  
10 *Urban Corridors Office*  
11 *401 Second Avenue S, Suite 560*  
12 *Seattle, WA 98104-3850*  
13

14 Submitted by:  
15 **Parsons Brinckerhoff Quade & Douglas, Inc.**  
16

17 Prepared by:  
18 **Parametrix**  
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*March 2006*

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***SR 99: Alaskan Way Viaduct & Seawall Replacement  
Project***

**Draft Permitting Report**  
***Agreement No. Y-7888***  
***Task 2901***

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

***Parsons Brinckerhoff Quade & Douglas, Inc.***  
999 Third Avenue, Ste 2200  
Seattle, WA 98104

**In association with:**

- BERGER/ ABAM Engineers Inc.
- BJT Associates
- David Evans and Associates, Inc.
- Entech Northwest
- EnviroIssues, Inc.
- Harvey Parker & Associates, Inc.
- Jacobs Civil Inc.
- Larson Anthropological Archaeological Services Limited
- Mimi Sheridan, AICP
- Parametrix, Inc.
- Power Engineers, Inc.
- Preston Gates & Ellis LLP
- ROMA Design Group
- RoseWater Engineering, Inc.
- Shannon & Wilson, Inc.
- So-Deep, Inc.
- Taylor Associates, Inc.
- Tom Warne and Associates, LLC
- William P. Ott

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# 1.0 Introduction

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## 1.1 INTRODUCTION/OVERVIEW

4 | ~~This~~ permit report describes the permits and approvals ~~anticipated~~ for the  
5 Alaskan Way Viaduct and Seawall Replacement project (AWVSRP). This draft  
6 report is a work in progress as the design for AWVSRP is currently in process  
7 and there are still two alternatives and various options under consideration. As  
8 the design progresses there will continue to be changes. Therefore, it is not yet  
9 known how the project will be constructed and the permitting approach needs to  
10 remain flexible. Thus, this report will continue to be updated as new information  
11 becomes available.

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12 It should be pointed out that this report purposely does not purport to address  
13 the AWVSRP project's consistency or compliance with the various permit  
14 regulations and requirements.

Deleted: As mentioned above, the project is still under design, and as of this date two alternatives and several options are still under consideration.

15 This report is divided into several chapters; Chapter 2.0 describes the permit  
16 coordination that will take place through the environmental review and  
17 permitting process, as well as a discussion of WSDOT liaison staff and  
18 opportunities for streamlining and improving permit coordination.

19 | Chapters 3.0, 4.0, 5.0, and 6.0 describe the ~~Federal, State, City, and other~~  
20 permitting authority permits and approvals, respectively. Under each of these  
21 chapters a description of the permits under these types of reviewing agencies is  
22 provided. The permit description includes the statutes and regulations under  
23 which the permit is issued, as well as important approval criteria that will be  
24 considered by the reviewing agency. It lists whether or not other permits and  
25 approvals are required before ~~certain~~ permits can be issued. Application  
26 procedures, cost, duration of the permit and whether extensions are available ~~are~~,  
27 also described. An estimated timeline/schedule for each permit, as well as a  
28 discussion of the permit review process including public involvement and  
29 appeals is included with a flowchart depicting the process (for most but not all  
30 permits). Actual permit review durations may differ substantially from those  
31 depicted in the timeline. (The timelines are meant to give a general idea of  
32 timing involved in the review process.) Each flow chart represents a discrete  
33 process and does not indicate the interrelationships between permits or other  
34 agency actions.

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Deleted: The information necessary to complete the permit application is identified including data for the application form, type and detail of any plans, and figures (see Appendix C description below).

35 Section 7.0 describes potential methods and strategies for streamlining the permit  
36 process, issues needing resolution as the project proceeds, and action items or  
37 next steps.

1 Appendix A contains an overall summary matrix of the permits and approvals  
2 described in this report. It lists the permit, permit issuing agency, code  
3 authority, permit trigger, and the section where the permit is described in this  
4 report.

5 Appendix B provides several draft timelines for some elements of the project that  
6 precede the construction sequence: seawall test sections, utility relocation  
7 requiring in-water work, and utility relocations that do not require in-water  
8 work. These schedules focus on the first phases of the project and are meant to  
9 show typical durations for obtaining permits and approvals. Since two  
10 alternatives and various options are still under consideration and the design has  
11 not progressed sufficiently to determine how the project will be constructed, the  
12 timeframes for the permits are shown in a general manner and not as yet tied to  
13 the construction sequence. One of the next steps in developing the permitting  
14 strategy is to tie the permit schedule for the various project elements to the actual  
15 construction phases and to integrate the permit schedule with the overall project  
16 schedule.

17 Appendix C describes submittal requirements for several of the permits. This  
18 includes the description of the information needed to fill out the permit, as well  
19 as plans and other attachments required for the specific permit approval.

20 To obtain approvals for the project, some agencies require actual permits and  
21 others agencies require certification, letters of authorization, consistency  
22 determinations, notification, or other types of contact, review, or approvals. For  
23 the purposes of this report these will all be referred to as permits even though  
24 there may not be a specific permit tied to the approval.

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# 2.0 Permit Coordination

1  
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## 2.1 SIGNATORY AGENCY COMMITTEE (SAC) AGREEMENT

5 Initially the National Environmental Policy Act (NEPA)/Clean Water Act (CWA)  
6 Section 404 (NEPA/404) merger process was developed as a way to improve  
7 environmental review of transportation projects funded by FHWA that required  
8 individual permits from the U.S. Army Corps of Engineers (Corps). Often  
9 compliance with NEPA and CWA resulted in redundancy and less than efficient  
10 review and approval of Section 404 and Section 10 permits, because of the  
11 number of reviewing agencies involved, duplicative requirements, and lack of  
12 agency input into early environmental review. Thus, at the federal level, the  
13 Federal Highways Administration (FHWA), Corps, Environmental Protection  
14 Agency (EPA), U.S. Fish and Wildlife Service (USFWS), and National Oceanic  
15 and Atmospheric Agency (NOAA) Fisheries agreed to develop the NEPA/404  
16 merger process to streamline the preparation, review, and approval of federal  
17 environmental impact statements and Section 404/Section 10 permits.

18 This was carried a step further in Washington State because ~~the~~ State's SEPA  
19 requirements were similar to NEPA. The merger process ~~in the State of~~  
20 ~~Washington is~~ now known as the Signatory Agency Committee (SAC)  
21 Agreement. ~~The SAC Agreement applies to all transportation projects requiring~~  
22 ~~(a) an individual Corps Section 404 or Section 10 permit, and (b) FHWA action~~  
23 ~~on a NEPA EIS and WSDOT action on a SEPA EIS. The goals of the SAC are~~  
24 ~~similar to those of the original NEPA/404 merger agreement to: minimize~~  
25 ~~interagency conflicts over highway and aquatic resource issues; preclude~~  
26 ~~revisiting decisions made early in the process; and to encourage early~~  
27 ~~participation by regulatory and resource agencies. Implementation of the SAC~~  
28 ~~Agreement is by a committee of the signatory agencies which consist of the four~~  
29 ~~federal agencies party to the NEPA/404 merger agreement, along with four state~~  
30 ~~agencies: the Washington State Department of Transportation (WSDOT),~~  
31 ~~Washington State Department of Fish and Wildlife (WDFW), and Washington~~  
32 ~~State Department of Ecology (Ecology).~~ The SAC determines whether or not a  
33 project meets the criteria to undergo the merger coordination process as part of  
34 the environmental coordination.

35 Essential elements of the process involve SAC agency coordination, review, and  
36 approval of project documentation at three concurrence points in the EIS process  
37 (see Figure 1). (1) concurrence with the Purpose and need statement and  
38 screening criteria, (2) concurrence with the range of project alternatives to be  
39 included in the Draft EIS, and (3) concurrence with selection of the preferred

- Deleted: our
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- Deleted: Thus in our state, the Washington State Department of Transportation (WSDOT), Washington State Department of Fish and Wildlife (WDFW), and Washington State Department of Ecology (Ecology) are signatories to a NEPA/SEPA/404 merger process for environmental impact statements (EISs) for transportation projects in addition to the federal agencies listed above.¶
- Deleted: overseen
- Deleted: (SAC)
- Deleted: documentation
- Deleted: The NEPA/SEPA/404 merger agreement applies to all transportation projects requiring (a) an individual Corps Section 404 or Section 10 permit, and (b) FHWA action on a NEPA EIS and WSDOT action on a SEPA EIS.
- Deleted: The concurrence points are:
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1 alternative/least environmentally damaging practicable alternative and detailed  
2 mitigation plan. The process ~~agreement includes~~ timelines for reaching  
3 concurrence and ~~an issue resolution process if concurrence is not reached.~~

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1 **Figure 1** **NEPA/SEPA/404 Merger Process**

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1 Once SAC agencies have concurred, , a concurrence point will not be revisited  
2 unless substantial new information is available or substantial changes have  
3 occurred in the project. The overall goal of the “to preclude revisiting decisions  
4 that have been made early in the process and to encourage early substantive  
5 participation by the regulatory and resources agencies (Ecology 2002).”

### 2.1.1 Resource Agency Leadership Forum (RALF)

7 FHWA, WSDOT, and the City of Seattle (City) are co-leads and Project Sponsors  
8 for the AWVSRP. The Project Sponsors have convened an Interagency  
9 Regulatory Team (the Resource Agency Leadership Forum, or RALF) for the  
10 AWVSRP Project. The purpose of the RALF was to encourage early participation  
11 in the project by regulators and those agencies and organizations with a vested  
12 interest in the project, to provide information that could facilitate permit review  
13 and to solicit feedback on project issues.

14 The RALF is comprised of representatives of SAC agencies, tribes and other  
15 agencies with regulatory authority for various project elements, and include the  
16 following:

- 17 • EPA
- 18 • Corps
- 19 • USFWS
- 20 • NOAA Fisheries
- 21 • FHWA
- 22 • Federal Transit Agency (FTA)
- 23 • WSDOT
- 24 • Ecology
- 25 • WDFW
- 26 • Washington Department of Natural Resources (WDNR)
- 27 • Puget Sound Clean Air Agency (PSCAA)
- 28 • Port of Seattle
- 29 • King County
- 30 • City of Seattle
- 31 • Muckleshoot Indian Tribe
- 32 • Suquamish Indian Tribe.

33  
34 *(Note: Indian Tribes have input into federal and state aquatic related permit processes*  
35 *because of their treaty fishing rights within their usual and accustomed fishing places.*  
36 *For this project, there are two tribes involved because their usual and accustomed fishing*  
37 *places include Elliott Bay. These are the Muckleshoot and Suquamish Indian Tribes.*  
38 *Tribal involvement is critical in obtaining approvals and is facilitated through their*  
39 *participation in the RALF and AWVSRP NEPA/SEPA/404 merger process.)*

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resolution. Once concurrence points are reached and there is agreement, then agencies will not revisit the concurrence point unless substantial new information is available or substantial changes have occurred in the project. The overall goal in use of the concurrence points is “to preclude revisiting decisions that have been made early in the process and to encourage early substantive participation by the regulatory and resources agencies (Ecology 2002).”¶

**Deleted:** resource agency staff and

**Deleted:** The RALF is made up of the following agencies and tribes

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1 SAC and RALF Coordination

2 The NEPA/SEPA/404 merger process is being used for the AWVSRP is similar  
3 to that described described in the SAC Agreement (Ecology 2002). The SAC  
4 typically serves as the interagency regulatory team for a transportation project.  
5 However, in the case of the AWVSRP, the project received special approval by  
6 the SAC that the SAC agency members of RALF (EPA, Corps of Engineers,  
7 USFWS, NOAA, Fisheries, FHWA, WSDOT, Ecology, WDFW) will serve in its  
8 SAC role.

9 The conditions of the SAC approval for the RALF are described below:

- 10 1. The RALF will serve as the SAC for the AWVSRP and concurrence point
- 11 coordination.
- 12 2. Concurrence will be sought through the RALF, and presentations need
- 13 only to be given to the RALF. The SAC will not be involved in the
- 14 concurrence process. While RALF agencies may comment on concurrence
- 15 points, concurrence, only be sought by SAC member agencies of RALF
- 16 can formally provide concurrence.
- 17 3. Concurrence responses will be provided within 30 days (exceptions can
- 18 be made under special circumstances) instead of 45 days as outlined in
- 19 the SAC Agreement.
- 20 4. If a concurrence response is not received within 30 days, agencies will be
- 21 notified in writing that the comment deadline has passed, the project is
- 22 continuing forward, and their concurrence is assumed. Concurrence
- 23 point comment extensions may be requested.
- 24 5. Advance notice will be given by WSDOT via email or fax (in the case of
- 25 USFWS) that the concurrence packages are forthcoming.
- 26 6. Existing concurrence forms will be used. Options for a concurrence
- 27 decision, per upcoming SAC Agreement revisions are concurrence and
- 28 non-concurrence. Comments with concurrence are considered advisory
- 29 only and not binding.

30 Concerns need to be provided within agency jurisdiction. Global comments are  
31 not appropriate. ; This section is redundant to that described above for the SAC  
32 process in general.

33 In addition to the SAC Agreement, the AWVSRP was designated a Project of  
34 Statewide Significance under the Transportation Permit Efficiency and  
35 Accountability Committee (TPEAC), created by Washington state Senate Bill  
36 6188. TPEAC has been created as a mechanism to streamline the environmental  
37 review process. Where practicable, the AWVSRP will apply efficiencies gained  
38 through TPEAC to the AWVSRP environmental review and permitting process.

Comment [JLH1]: Comment questioning if appropriate reference

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Deleted: , there are many additional agencies and tribes not party to the SAC Agreement that play a vital role in project decision-making. In order to ensure the efficient implementation of the SAC Agreement occurs and to make sure agencies not party to the SAC Agreement are part of the decision-making process, the AWVSRP

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Comment [JLH2]: Is this still the case? Sandy suggests that this was because fws computers were down when SAC was formed

Comment [JLH3]: Is this an out of date statement

Deleted: defined; not global (i.e., agencies cannot just express dislike without giving specific reasons which relate to their jurisdiction).¶ The SAC Agreement for the AWVSRP has created a series of three concurrence points as described above where formal approval by all signatory agencies to the agreement is required. The three concurrence points are:¶

Concurrence Point 1: Definition of the project purpose and need, screening criteria, and role of agencies¶

Concurrence Point 2: Identification of alternatives to be evaluated in the EIS¶

Concurrence Point 3: Selection of the preferred alternative and mitigation plan.¶

Accordingly, the Project Sponsors adhere to the concurrence points and processes described in the SAC Agreement including the dispute resolution process. For RALF members not party to the SAC Agreement, the Project Sponsors provide an equal opportunity and parallel process for comments, responses, and dispute resolution.

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1 | The RALF team will not only coordinate NEPA and SEPA compliance but will  
2 | coordinate early involvement with the aquatic resource permits. Those RALF  
3 | team members with regulatory authority over these permits will help to identify  
4 | issues that might impact the later approval of permits for the project. Thus, the  
5 | following permits are also partially coordinated through the merger process:

**Comment [JLH4]:** New proposed language as a result of WSDOT comment.

- 6 | • Section 404
- 7 | • Section 10
- 8 | • Section 401 Water Quality Certification
- 9 | • Coastal Zone Management Act Certification
- 10 | • Hydraulic Project Approval
- 11 | • Shoreline Substantial Development Permit.
- 12 |

**Deleted:** The RALF team not only tracks NEPA and SEPA compliance, but also tracks the aquatic resources permits (because the team members have regulatory authority over these permits and these permits were part of the Signatory Agency Committee Agreement). Thus, the following permits are tracked through the NEPA/SEPA/404 merger process: ¶

### 2.1.3 WSDOT Liaison Staff

14 | WSDOT funds liaison staff at several agencies to facilitate the approval of  
15 | permits for their transportation projects. Liaison personnel work closely with  
16 | agency staff such as the Corps, USFWS, NOAA, Department of Ecology, and  
17 | WDFW to ensure that regulatory requirements are met and mitigation plans are  
18 | implemented and monitored, as well as to speed up the delivery of permits and  
19 | approvals. There are opportunities to utilize liaison staff for review and  
20 | approval of permits for the AWVSRP. It may be necessary to augment liaison,  
21 | staff depending on the project workload, but the goal would be to have  
22 | dedicated liaison staff available at the various resource permit agencies to work  
23 | on the AWVSRP.

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24 | To meet the desired timelines for permit approvals (see Appendix B), it is  
25 | recommended that an inter-agency working group of liaison staff (designated to  
26 | work on the AWVSRP) at the various agencies and regulatory staff from the City  
27 | of Seattle be established as soon as practical and regularly briefed on the project  
28 | and its progress. This would increase their familiarity with the project prior to  
29 | application submittal, thus helping to reduce review time. In addition,  
30 | coordination between staff as permits go through the review process at the  
31 | various agencies and the City would help to: ensure consistency in the project  
32 | review; allow for concerns in the review process to be addressed and  
33 | coordinated more broadly; and to reach a common mitigation approach to meet  
34 | the regulatory requirements.

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**Comment [JLH5]:** Move to strategy section

# 3.0 Federal Permits and Approvals

1

2

## 3.1 U.S. ARMY CORPS OF ENGINEERS (CORPS)

4 The Corps is the permit authority for the Clean Water Act Section 404 permit and  
5 the U.S. Rivers and Harbors Act Section 10 permit. As a practical matter, the two  
6 permits are reviewed and processed concurrently by the Corps, thus the  
7 discussion of these permits is combined in this section.

### 3.1.1 Clean Water Act Individual Section 404 Permit and U.S. Rivers and Harbors Act Section 10 Permit

10 The purpose of the Section 404 permit is to restore and maintain the chemical,  
11 physical, and biological integrity of the nation's waters. Activities requiring a  
12 Section 404 permit include discharge of dredged material, fills, and placement of  
13 riprap, jetties, groins, and structures into Waters of the United States. An  
14 individual Section 404 permit for AWVSRP is triggered by the need to rebuild  
15 the seawall, which would place structures in Elliott Bay (a Water of the US),  
16 require excavation, and discharge fill material into that water. (Note: A portion  
17 of the seawall work of the AWVSRP could become a Corps sponsored project. In  
18 the event that happens the seawall portion of the overall project could be self-  
19 permitted by the Corps.)

20 The purpose of the Section 10 permit is to ensure that the navigability of the  
21 nation's waters is preserved and not obstructed by projects occurring in those  
22 waters. Activities requiring a Section 10 permit include placement or removal of  
23 structures such as utility lines, marinas, piers, wharves, bulkheads, pilings,  
24 outfall pipes, floats, and dolphins, or work involving dredging, disposal of  
25 dredged material, filling, excavation, or other disturbance of soils/sediments of a  
26 navigable waterway. A Section 10 permit for the AWVSRP would be required  
27 because of the need to rebuild the seawall, which would place structures in a  
28 navigable waterway (Elliott Bay).

29 Additional discharges to Waters of the United States such as those from a  
30 stormwater system of regulated by Section 402 of the Clean Water Act through  
31 the National Pollution Discharge Elimination System discussed in Section X

#### 32 Regulatory Authority

33 Section 404 of the Clean Water Act (33 USC Section 1344, 33 CFR § 323 and 40  
34 CFR § 230) is administered by the Corps and the Environmental Protection  
35 Agency (EPA) and requires that applicants wishing to place a structure, excavate,

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Comment [JLH6]: Sandy suggests using a footnote but I didn't see any others in document. Is this intentional.

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Comment [JLH7]: Was not sure where this section would end up with the format changes.

1 or discharge dredged or fill material in Waters of the United States to obtain a  
2 Section 404 permit from the Corps. Waters of the United States is defined by the  
3 Corps as all waters (i.e., streams, rivers, lakes, and tidally influenced waterbodies  
4 with very few exceptions), which are located within the United States including  
5 wetlands adjacent to those waters. The line of jurisdiction under Section 404 in  
6 marine waters is Mean Higher High Water (MHHW).

7 Since the project involves in-water work and likely discharges of dredged or fill  
8 material to the marine environment, the project will be subject to the Section  
9 404(b)(1) requirements. Section 404(b)(1) involves preparation of an Alternatives  
10 Analysis that determines whether or not there would be any practicable  
11 alternative to the proposed discharge. (Note: The Alternatives Analysis may be  
12 performed in a NEPA document, but must meet the Section 404(b)(1)  
13 requirements. The alternatives analysis will be completed and thoroughly  
14 documented through the NEPA/SEPA/404 merger process as described in  
15 Sections 2.1 and 2.2.)

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16 Under the Section 404(b)(1) guidelines, a permit will not be issued if a practicable  
17 alternative to the proposed discharge exists that would have less adverse impact  
18 on the environment (including no discharge, discharge in another location, or  
19 acquiring a site for discharge). No discharge of dredged or fill material is  
20 permitted unless appropriate and practicable steps have been taken that will  
21 minimize potential adverse impacts (40 CFR § 230.70 *et seq.*). No discharge is  
22 permitted that will cause or contribute to significant degradation of the waters of  
23 the United States (including human health, aquatic and other wildlife, aquatic  
24 ecosystem diversity, productivity, stability, recreational, aesthetic, and  
25 economic).

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26 Discharges of dredged or fill material may not (1) cause violation of any  
27 applicable state water quality standard (after consideration of disposal site  
28 dilution and dispersion); (2) violate applicable Clean Water Act Section 307 toxic  
29 effluent standards or prohibitions; (3) jeopardize the continued existence of  
30 threatened or endangered listed species, or result in the likelihood of adverse  
31 modification to critical habitat (see 30 CFR § 230.30); or (4) violate marine  
32 sanctuary protection requirements.

33 Exemptions Note: In the event that the seawall was to fail, reconstruction of the  
34 seawall would be exempt from Corps permit requirements. Emergency  
35 reconstruction of recently damaged parts of currently serviceable structures such  
36 as the seawall would be exempt. An emergency situation is defined as one that  
37 would result in an unacceptable hazard to life, a significant loss of property, or  
38 an immediate, unforeseen, and significant economic hardship if corrective action  
39 requiring a permit is not undertaken within a time period less than the normal  
40 time needed to process the application under standard procedures. Emergency



1 reconstruction must occur within a reasonable period of time after damage  
2 occurs.

3 Section 10 of the Rivers and Harbors Act (33 USC 401, 33 USC 403, 33 CFR § 320  
4 and 33 CFR § 322) is also administered by the Corps and requires a permit for  
5 applicants whose projects include placement of structures or fill within navigable  
6 waters. Similar to the discussion under Section 404, emergency exemptions from  
7 Section 10 would apply in the event the seawall was to fail.

**Comment [JLH8]:** No emergency exemption to Sec 10, maybe use maintenance nationwide

## 8 Approval Criteria

9 The decision on whether to grant or deny a permit is based on a public interest  
10 review of the probable impact of the proposed activity and its intended use.  
11 Benefits and impacts are balanced by considering the effects of the project on a  
12 variety of factors. For this project, those public interest factors might include:  
13 conservation, economics, aesthetics, cultural values, navigation, shore erosion  
14 and accretion, recreation, water supply and conservation, water quality, safety,  
15 and the needs and welfare of the people.

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**Deleted:** , and considerations of private property ownership

16 The following general criteria are also considered:

- 17 • The relative extent of the public and private need for the proposed  
18 activity.
- 19 • The practicability of using reasonable alternative locations and methods  
20 to accomplish the objective of the proposed activity.
- 21 • The extent and permanence of the beneficial and/or adverse effects that  
22 the proposed activity is likely to have on the public and private uses to  
23 which the area is suited.

## 24 Prerequisite Considerations

25 Compliance with the following programs must be demonstrated before a Section  
26 404 permit or a Section 10 permit can be obtained:

- 27 • National Environmental Policy Act (NEPA)
- 28 • Coastal Zone Management Act (CZMA)
- 29 • Section 401 of the Clean Water Act (CWA)
- 30 • Endangered Species Act (ESA)
- 31 • Magnuson-Stevens Fishery Conservation and Management Act (Essential  
32 Fish Habitat)

## 33 Application Procedure/Cost

34 The Joint Aquatic Resources Permit Application (JARPA) form is used to apply  
35 for Section 404 and Section 10 permits (as well as several other permits and  
36 approvals). (See Section 3.4 for the JARPA application requirements.)

1 There is no charge for processing a Section 404/Section 10 permit application.

## 2 **Permit Duration/Extension**

3 Generally, Section 404/Section 10 permits are valid for two to three years, but the  
4 Corps can issue these permits for longer timeframes based on the project. ~~The~~  
5 permittee may also request an extension before the permit expires.

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6 Renewal of the Section 404/Section 10 permits may be granted by the Corps  
7 District Engineer based on a request by the applicant. The applicant must  
8 explain the request, which will be granted only if the Corps District Engineer  
9 determines it to be in the public interest. Requests for extensions will be  
10 processed in accordance with regular procedures, including issuance of public  
11 notice, except when such processing is not required because the Corps District  
12 Engineer determines that there has been no significant change in circumstances  
13 since the permit was issued and the work is proceeding essentially in accordance  
14 with the approved plans and conditions. Failure to request an extension before  
15 the permit expires will result in the applicant needing to submit a new  
16 application with all of the attendant review timelines as though it were a new  
17 project.

## 18 **Permit Review Process/Timeline**

19 The Corps encourages a pre-application meeting to discuss the project and  
20 permitting requirements. However, the pre-application consultation is optional.  
21 The pre-application process can involve one or more meetings, which typically  
22 include other agency representatives such as the U.S. Fish and Wildlife Service  
23 (USFWS), NOAA Fisheries (NOAA), and the Washington Departments of  
24 Ecology (Ecology) and Fish and Wildlife (WDFW).

25 The applicant submits the JARPA form to the Corps to initiate the review process  
26 (see Figures 2 and 3). The Corps assigns the permit a unique identification  
27 number. They then review the application for completeness. If the application is  
28 not complete, then a letter is sent to the applicant requesting additional  
29 information. Once the applicant provides the requested information, then the  
30 completeness review process begins again. This is an iterative process and there  
31 may be several requests for information before the application is deemed  
32 complete. Typically the Corps has 30 days to determine if an application is  
33 complete and either request more information or issue the public notice.

34 An individual Section 404/Section 10 permit is processed through a public  
35 interest review procedure that involves public notice and the receipt of public  
36 comments. Thus, once the application is complete then public notice is issued.  
37 This typically takes 15 days from the date the application is determined to be  
38 complete. Corps review of the application varies, but is likely to take from 9 to  
39 18 months for the AWVSRP (the timing depends on the availability of staff and

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**Comment [JLH9]:** Comments suggest this could be shorter

1 the Corps' workload). The Corps coordinates their review with other agencies,  
2 the public, and special interest groups and considers all comments. During this  
3 process, consultation with other federal and state agencies also occurs. The  
4 Corps may also request additional information from the applicant during this  
5 time and can hold a public hearing if needed.

6 **Public Process/Appeal**

7 | For individual 404/10 permits there is a required public notice period that lasts  
8 30 days. This may be extended to 45 days if requested by the public. For  
9 particularly complex or controversial projects, a second public notice period may  
10 be held.

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1 **Figure 2**      **Section 404/Section 10 Permit Review Process**  
2

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1 **Figure 3**      **Section 10/Section 404 Permit Timeline**

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1 | There is no third party appeal through the Corps Section 404/Section 10 review  
2 | process. There is an appeal process for the applicant, but in this instance it is not  
3 | likely that WSDOT would appeal the decision on the Section 404/Section 10  
4 | permit (thus no additional discussion of that process is included here). Third  
5 | parties can appeal the issuance of a Section 404 permit by filing suit through the  
6 | federal court system.

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## 3.2 U.S. FISH AND WILDLIFE SERVICE (USFWS)/NOAA 8 FISHERIES

9 | The USFWS and NOAA Fisheries are the two agencies responsible for  
10 | consultation under with Section 7 of the Endangered Species Act (ESA), and  
11 | NOAA Fisheries is responsible for overseeing compliance with the Magnuson-  
12 | Stevens Fishery Conservation and Management Act (MSFCMA). The following  
13 | section describes the compliance process under ESA and MSFCMA.

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### 3.2.1 Endangered Species Act - Section 7 Consultation and the Magnuson-Stevens Fishery Conservation and Management Act

17 | The Endangered Species Act (ESA) was enacted to protect threatened and  
18 | endangered species and charges all federal agencies to use their authority to  
19 | conserve and recover these listed species. The Act provides a means whereby:  
20 | (1) the ecosystems upon which endangered and threatened species depend may  
21 | be conserved, (2) to provide a program for the conservation of such endangered  
22 | and threatened species, and (3) to take such steps as may be appropriate to  
23 | achieve the purposes of preventing the extinction of fish, wildlife, and plants  
24 | through international treaties (such as the International Convention for  
25 | Northwest Atlantic Fisheries and migratory bird treaties with Mexico and  
26 | Canada) and conservation programs.

27 | The purpose of the MSFCMA is: (1) to take action to conserve and manage the  
28 | fishery resources found off the coasts of the United States, and the anadromous  
29 | species and Continental Shelf fishery resources of the United States, (2) to  
30 | support and encourage the implementation and enforcement of international  
31 | fishery agreements, (3) to promote domestic commercial and recreational fishing,  
32 | (4) to provide for the preparation and implementation, in accordance with  
33 | national standards, of fishery management plans which will achieve and  
34 | maintain, on a continuing basis, the optimum yield from each fishery; (5) to  
35 | establish Regional Fishery Management Councils to exercise sound judgment in  
36 | the stewardship of fishery resources through the preparation, monitoring, and  
37 | revision of such plans (6) to encourage the development of fisheries which are  
38 | currently underutilized or not utilized by United States fishermen, and (7) to  
39 | promote the protection of essential fish habitat in the review of projects

1 conducted under Federal permits, licenses, or other authorities that affect or have  
2 the potential to affect such habitat.

### 3 Regulatory Authority

4 The regulatory authority for ESA is found in federal law (16 USC 1531-1543).  
5 Section 7 of the ESA requires that federal agencies that fund, authorize, or carry  
6 out actions consult with NOAA Fisheries and/or the U.S. Fish and Wildlife  
7 Service (federal resource agencies) to ensure that these actions do not jeopardize  
8 the continued existence of any listed species or adversely modify designated  
9 critical habitat. The ESA also requires the applicant to avoid or minimize  
10 incidental injury or harm to listed species. NOAA Fisheries has jurisdiction over  
11 anadromous fish (salmon) and USFWS has jurisdiction over bull trout and bald  
12 eagles (the likely listed species found within the project area).

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13 In addition to species listed under the ESA, federal agencies must demonstrate  
14 compliance with and consult under the MSFCMA (PL-265). Regulations for  
15 implementing the Essential Fish Habitat (EFH) coordination and consultation  
16 provisions of the MSFCMA are at 50 CFR 600.905-930. This coordination with  
17 NOAA Fisheries typically occurs in conjunction with Section 7 ESA consultation  
18 and compliance with NEPA. The use of existing environmental coordination  
19 and/or review procedures to meet the EFH consultation requirements is the  
20 preferred approach for EFH consultations. For NOAA Fisheries and a Federal  
21 action agency to use an existing process for EFH consultation, NOAA Fisheries  
22 must make a finding that the existing process fulfills the requirements of the  
23 MSFCMA and EFH regulations.

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Comment [JLH10]: Comment suggests deleting

### 24 Approval Criteria

25 Section 7 requires agencies to insure that any action it authorizes, funds, or  
26 carries out is not likely to jeopardize the continued existence of any listed species  
27 or result in the destruction or adverse modification of critical habitat. To  
28 jeopardize means to engage in an activity that would be expected, directly or  
29 indirectly, to reduce appreciably the likelihood of both the survival and recovery  
30 of a listed species in the wild by reducing the reproduction, numbers, or  
31 distribution of that species. In making these determinations, USFWS and NOAA  
32 Fisheries analyze the biological requirements of the listed species; relevance of  
33 environmental baseline to the species current status; consider the level or  
34 mortality attributable to the direct and indirect effects of the action; and evaluate  
35 the cumulative effects of other actions (50 CFR §§ 402.12 et seq.).

36 The MSFCMA regulates all federal activities or federally-authorized or funded  
37 projects that may adversely affect EFH. Agencies are required to provide a  
38 written description of the measures proposed to avoid, minimize, or mitigate the  
39 impact of the activity on EFH. These measures are reviewed to see if they  
40 adequately preserve EFH and are approved or conditioned by NOAA.

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1 **Prerequisite Considerations**

2 There are no prerequisite considerations.

3 **Application Procedure/Cost**

4 There is no application form per se, but rather a Biological Assessment or  
5 Evaluation is prepared, which is submitted to the resource agencies (NOAA  
6 Fisheries and USFWS) through the federal action agency (in the case of the  
7 AWVSRP this agency is FHWA). There is no cost for this consultation.

8 **Permit Duration/Extension**

9 There is no time limit, duration, or extension associated with approval of  
10 compliance with the ESA and MSFCMA. However, if the project description or  
11 effects change at some point in the future, consultation may need to be re-  
12 initiated.

13 **Permit Review Process/Timeline**

14 The ESA Section 7 process is initiated by requesting information on listed species  
15 from the federal and state resource agencies (NOAA Fisheries, USFWS, and  
16 WDFW for fish and wildlife, and WDNR for plants). The resource agencies  
17 respond to the request with a list that typically includes federal and state  
18 threatened, endangered, proposed, and candidate species and their habitats that  
19 are known or may occur in the project area. If species are present, the federal  
20 action agency must determine if the proposed activity *may affect* a listed species  
21 (Note: a federal agency may appoint a non-federal representative to make this  
22 determination). This involves the preparation of a Biological Assessment or  
23 Evaluation (BA). If the action agency determines (and the federal resource  
24 agencies agree) that the project is not likely to adversely affect any listed species,  
25 then the consultation (informal to this point) is concluded and the decision is put  
26 in writing (see Figure 4). However, this will not likely be the case for AWVSRP,  
27 as there are listed species in the vicinity of the project that may be affected by the  
28 project.

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29 If the action agency determines that a project is likely to adversely affect a listed  
30 species or designated critical habitat, then formal consultation is required (see  
31 Figure 5). Under formal consultation, the resource agencies review the BA and  
32 consult with other agencies. They prepare a Biological Opinion that makes a  
33 determination of whether or not the proposed action would be likely to  
34 jeopardize the species or adversely modify its critical habitat. If the resource  
35 agencies make an initial finding that the project is likely to cause jeopardy they  
36 may work with the action agency to develop a reasonable and prudent alternative  
37 allowing the project to avoid causing jeopardy. If no reasonable and prudent

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1 | alternative can be identified and the resource agencies issue a jeopardy opinion,  
2 | the project can not proceed without violating Section 7.▼

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1 If the resource agencies issue either a *no jeopardy* opinion or a *jeopardy* opinion  
2 that contains reasonable and prudent alternatives, it **must** include an incidental  
3 take statement **if take of a listed species may occur**. "Take" is defined as  
4 harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping,  
5 capturing, or collecting or attempting to engage in any such conduct. "Incidental  
6 take" is defined as take that is incidental to, and not the purpose of, an otherwise  
7 lawful activity. The resource agencies must anticipate the take that may result  
8 from the proposed project and, providing such take will not jeopardize the listed  
9 species, describe that take in the incidental take statement. **The incidental take  
10 statement will include *reasonable and prudent measures necessary to minimize any  
11 incidental take and other terms and conditions such as monitoring activities*;**  
12 these terms are binding on the action agency. **The Biological Opinion may also  
13 contain *conservation recommendations for the project which are voluntary and not  
14 binding*.**

**Deleted:** includes conservation recommendations or mitigation measures that become conditions of the project, which are binding on the applicant. ¶

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15 Typically, as part of the preparation of the Biological Assessment, information on  
16 EFH is also described and discussed. Thus, as part of NOAA Fisheries review of  
17 the BA, EFH information is also reviewed for compliance with the MSFCMA.

18 Regulations state that the consultation process should take approximately 90  
19 days unless the applicant has consented to a 60-day extension. Following the  
20 consultation process, there are 45 days for the resource agencies to prepare a  
21 Biological Opinion.

## 22 **Public Process/Appeal**

23 There are no public notification or review requirements and no formal appeal  
24 process associated with the ESA and MSFCMA consultation.

**Deleted:** *Incidental Take Permits* ¶  
Incidental take permits are required when non-Federal activities will result in take of threatened or endangered species. A habitat conservation plan or "HCP" must accompany an application for an incidental take permit. The habitat conservation plan associated with the permit is to ensure there is adequate minimizing and mitigating of the effects of the authorized incidental take. It is not anticipated that a take will occur for the AWVSRP, thus no further discussion of this permit is included in this report. ¶

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## 3.3 OTHER FEDERAL LAWS AND STATUTES

26 Compliance with the following laws and statutes is required for the AWVSRP.  
27 Several of these do not specifically have any permits associated with them, but  
28 require documentation to achieve compliance. Some of these also pass authority  
29 from the federal government to the states and thus are addressed in more detail  
30 in Section 4.0 below. These laws include the Transportation Act, the Clean Air  
31 Act, the National Historic Preservation Act, and the Clean Water Act.

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### 3.3.1 Transportation Act, Section 4(f)

33 Section 4(f) of the U.S. Department of Transportation Act (49 USC 1653, 49 USC  
34 303, and 23 CFR § 138) applies only to the actions of agencies within the U.S.  
35 Department of Transportation (in this instance the Federal Highways  
36 Administration [FHWA], which is providing funding to the AWVSRP) and  
37 relates to the use of significant park and recreation lands, wildlife and waterfowl

1 refuges, and historic sites of national, state, or local significance (i.e., Section 4(f)  
2 resources) for transportation projects. Under Section 4(f), FHWA must document  
3 that it has examined *feasible and prudent* alternatives and performed all possible  
4 planning to minimize harm to any Section 4(f) resources potentially affected by  
5 the project. The Section 4(f) analysis and documentation is being completed as  
6 part of the NEPA Environmental Impact Statement for the AWVSRP.

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### 3.3.2 Clean Air Act, Air Quality Conformity

8 Under the federal Clean Air Act (CAA) (42 USC 7401) and Criteria and  
9 Procedures for Determining Conformity to State or Federal Implementation  
10 Plans for Transportation Plans, Programs, and Projects Funded or Approved  
11 under Title 23 U.S.C. (40 CFR Parts 51 and 93), a State Implementation Plan (SIP)  
12 is required, which considers how transportation programs, plans and projects in  
13 maintenance and nonattainment areas will meet the National Ambient Air  
14 Quality Standards (NAAQS) (the AWVSRP is located in a maintenance area). In  
15 addition, programs and projects may not cause or contribute to new violations,  
16 exacerbate existing violations, or interfere with the timely attainment of air  
17 quality standards or the required interim emission reductions towards  
18 attainment. Positive findings of conformity are required by the CAA, the  
19 Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) (PL 105-178), and the  
20 Clean Air Washington Act (WAC 173-420).

21 In the project area, the Puget Sound Regional Council (PSRC) is the responsible  
22 entity for preparing the SIP for the Central Puget Sound region. In the PSRC's  
23 Destination 2030 Progress Report (2004) the PSRC air quality modeling indicated  
24 that implementing the planned transportation plans, programs and projects in  
25 the region (which include the AWVSRP) would not result in nonattainment with  
26 the NAAQS. A project conformity determination will be made by the FHWA  
27 prior to the issuance of the AWVSRP NEPA Record of Decision through the  
28 review of the air quality technical report and consideration of the PSRC's  
29 Destination 2030 Progress Report.

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### 3.3.3 National Historic Preservation Act, Section 106

31 The National Historic Preservation Act (NHPA) (16 USC 470) requires that all  
32 federal agencies consider impacts on historic resources as part of all licensing,  
33 permitting, and funding decisions. The Advisory Council on Historic  
34 Preservation (ACHP) is responsible for overseeing compliance with the NHPA.  
35 ACHP promotes the preservation, enhancement, and productive use of the  
36 Nation's historic resources, advises the President and Congress on national  
37 historic preservation policy, administers the NHPA's Section 106 review process,  
38 and works with federal agencies to help improve how they consider historic  
39 preservation values in their programs.

1 Although, ACHP has ultimate responsibility for the Section 106 consultation  
2 process, they have passed the general Section 106 review to the Federal Agency  
3 (in this case FHWA) in consultation with the State Offices of Historic and  
4 Archaeological Preservation (the ACHP typically only becomes involved in cases  
5 of dispute or complex projects). Thus, Section 106 consultation for the AWVSRP  
6 will be performed by FHWA and WSDOT in coordination with the Washington  
7 Department of Archaeology and Historic Preservation (DAHP) (see Section  
8 4.4.1). FHWA typically gives significant weight to the opinion of the DAHP but  
9 ultimately is independently responsible for compliance with Section 106.

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### 3.3.4 Clean Water Act

11 Concern for controlling water pollution led to passage of the Federal Water  
12 Pollution Control Act, which was later amended becoming known as the Clean  
13 Water Act. This Act established the basic structure for regulating discharges of  
14 pollutants into the waters of the United States and gave EPA the authority to  
15 implement pollution control programs. This included determining wastewater  
16 standards for industry, and setting water quality standards for contaminants in  
17 surface waters. The Act made it unlawful for any person to discharge any  
18 pollutant from a point source into navigable waters, unless a permit was  
19 obtained under its provisions. It also funded the construction of sewage  
20 treatment plants under the construction grants program and recognized the need  
21 for planning to address the critical problems posed by nonpoint source pollution.

22 The stated objective of the Act was “to restore and maintain the chemical,  
23 physical, and biological integrity of the Nation’s waters.” It further stated that it  
24 “is the policy of the Congress to recognize, preserve, and protect the primary  
25 responsibilities and rights of States to prevent, reduce, and eliminate pollution,  
26 and to plan the development and use (including restoration, preservation, and  
27 enhancement) of land and water resources.”

#### 28 *Section 401*

29 EPA and the provisions in the Act gave the states authority to set water quality  
30 standards in concert with the EPA and to administer the review and approval of  
31 certifications with the Clean Water Act under Section 401. Thus in Washington  
32 State, Ecology is the agency tasked with ensuring compliance with the Clean  
33 Water Act for projects requiring federal permits (see Section 4.1.1).

#### 34 *National Pollutant Discharge Elimination System*

35 As authorized by the Clean Water Act, the National Pollutant Discharge  
36 Elimination System (NPDES) permit program controls water pollution by  
37 regulating point sources that discharge pollutants into waters of the United  
38 States. Point sources are discrete conveyances such as pipes or man-made  
39 ditches. Industrial, municipal, and other facilities must obtain permits if their



1 discharges go directly to surface waters. Permits are also required for  
2 construction activities (on sites larger than one acre) and when there is a  
3 discharge of stormwater from a construction site. The EPA has delegated the  
4 NPDES permit program in Washington State to Ecology (see Section 4.1.3).

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### 3.4 JOINT AQUATIC RESOURCES PERMIT APPLICATION (JARPA) FORM

7 The Joint Aquatic Resources Permit Application form is used to apply for the  
8 following permits and approvals:

- 9 • Corps of Engineers Clean Water Act Section 404 and U.S. Rivers and  
10 Harbors Act Section 10 permits
- 11 • Washington Department of Ecology Section 401 Water Quality  
12 Certification and Coastal Zone Management Act Consistency  
13 Certification
- 14 • Washington Department of Fish and Wildlife Hydraulic Project Approval
- 15 • Washington Department of Natural Resources Aquatic Land Use  
16 Authorization
- 17 • City of Seattle Shoreline Substantial Development Permit

18 ~~Before the Corps can issue the Section 10 and Section 404 permits they will have~~  
19 ~~to complete the~~ Endangered Species Act and Magnuson Stevens Fishery  
20 Conservation and Management Act consultation with the federal agencies;  
21 USFWS, and NOAA Fisheries. See Appendix C for a list of JARPA application  
22 requirements.

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**Comment [JLH11]:** Maybe the permit nexus can be better explained above with the 404 or ESA sections.

## 4.0 State Permits/Approvals

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### 4.1 WASHINGTON DEPARTMENT OF ECOLOGY

#### 4(ECOLOGY)

5 The Washington Department of Ecology is the permit authority for the Section  
6 401 Water Quality Certification, Coastal Zone Management Act (CZMA)  
7 Consistency Certification, National Pollutant Discharge Elimination System  
8 (NPDES), and State Waste Discharge permits.

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#### 4.1.1 Clean Water Act Section 401 Water Quality

##### Certification

11 Section 401 of the Clean Water Act, requires that any applicant for a federal  
12 permit, which involves an activity that may result in a discharge to State waters,  
13 obtain a water quality certification from the State (in this case the State  
14 Department of Ecology). This certification must declare that the activity  
15 complies with federal and state law regarding discharges to surface water (e.g.,  
16 meets the federal and state water quality standards). The purpose of this  
17 certification is to allow States a more active role in making decisions that protect  
18 waters of the State. Through Section 401 Ecology can approve, condition, or  
19 deny federal permits that might result in a discharge to water, and any  
20 conditions of the state's certification become conditions of the federal permit.  
21 This certification is triggered by the need to obtain a federal permit (i.e., Section  
22 404/Section 10 permits) for the AWVSRP.

##### 23 Regulatory Authority

24 Regulatory authority for this permit includes Section 401 criteria described in 33  
25 U.S.C. 1341 Sections 1311, 1312, 1313, 1316 and 1317 (Federal Water Pollution  
26 Control Act Sections 301, 302, 303, 306 and 307), RCW 90.48, and WAC 173-225  
27 and WAC 173-201A.

##### 28 Approval Criteria

29 Proposed projects are reviewed to ensure that they will meet state water quality  
30 standards, coastal resource protection requirements, fish and wildlife habitat  
31 needs, and other applicable regulations.

##### 32 Prerequisite Considerations

33 The Section 401 Water Quality Certification will not be issued until compliance  
34 with SEPA is completed. In most cases, the Hydraulic Project Approval and

1 Shoreline permit must also be completed prior to issuance (this would apply to  
2 the AWVSRP).

### 3 **Application Procedure/Cost**

4 The Section 401 Water Quality Certification is applied through the use of the  
5 JARPA form (see Section 3.4) submitted to the Washington Department of  
6 Ecology. There is no cost for processing this permit.

### 7 **Permit Duration/Extension**

8 The duration of the Section 401 Certification would be in effect for the same time  
9 period as the Section 404/Section 10 permits however Ecology issues Section 401  
10 Water Quality Certifications as administrative orders (RCW 90.48), so they may  
11 have conditions that apply to the project longer than the conditions of the federal  
12 Section 404/Section 10 permits.

### 13 **Permit Review Process/Timeline**

14 The process for the Section 401 Water Quality Certification is initiated by  
15 submitting the JARPA form to Ecology and the Corps (see Figures 6 and 7).  
16 Ecology reviews the JARPA for completeness and requests additional  
17 information if the application is incomplete. During this time, the Corps makes  
18 contact with Ecology informing them of the submission of federal permits for the  
19 project and setting up coordination on the federal consultation and public review  
20 process.

21 Once the application is deemed complete, a public notice is issued. In the case of  
22 AWVSRP a public notice would be issued as part of the Section 404/Section 10  
23 permit, and this same public notice would also serve as the public notice for the  
24 Section 401 Water Quality Certification. During the review process, Ecology  
25 considers any public or agency comments on the application, consults with other  
26 agencies as needed, and may request additional information from the applicant,  
27 which the applicant would submit. Ecology then issues one of four decisions:  
28 deny, approve, approve with conditions, or waive. If a deny decision is made,  
29 the consistency determination is denied and the applicant can appeal to the  
30 Washington Pollution Control Hearings Board. If Ecology waives the decision,  
31 then it goes before the Pollution Control Hearings Board, who will then review  
32 the certification and decide whether or not it should be approved or denied.  
33 Otherwise, the certification is approved or approved with conditions that are  
34 binding on the project. Ecology has one year within which to make its Section  
35 401 Water Quality Certification determination or the certification is waived and  
36 the project may proceed.

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1 Figure 7 Section 401 Water Quality Certification Timeline

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1 **Public Process/Appeal**

2 The public process for this approval is provided independently of the Section 401  
3 Water Quality Certification process through the Section 404/Section 10 and  
4 Shoreline Substantial Development permits, whose public involvement processes  
5 are deemed adequate for the purposes of this certification.

6 The applicant or the public can appeal the Section 401 Water Quality  
7 Certification to the Washington Pollution Control Hearing Board within 30 days  
8 of Ecology issuing the certification.

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4.1.2 **Coastal Zone Management (CZMA) Act Consistency Certification**

11 Congress passed the CZMA in 1972 to preserve, protect, develop, and where  
12 possible, to restore or enhance, the resources of the Nation's coastal and shoreline  
13 resources. The CZMA gave the authority to manage these areas to the states,  
14 which is accomplished by preparing and implementing the policies in a  
15 Shoreline Management Program (SMP) plan. These plans are meant to provide  
16 for: (1) Increased specificity in protecting significant natural resources, (2)  
17 Reasonable coastal-dependent economic growth, (3) Improved protection of life  
18 and property in hazardous areas, and (4) Improved predictability in  
19 governmental decision-making. They also encourage the participation and  
20 cooperation of the public, state, and local governments, and Federal agencies  
21 having programs affecting the coastal zone.

22 CZMA consistency approval is conducted through a process known as "federal  
23 consistency." This process allows the public, Tribes and local and state agencies  
24 an opportunity to review actions likely to affect Washington's coastal resources  
25 or uses. There are three categories of activities, which trigger a federal  
26 consistency review: (1) Activities undertaken by a Federal agency, (2) Activities  
27 which require Federal approval (includes permits, certifications, licenses,  
28 authorizations, or any other form of permission that a federal agency may issue)  
29 and (3) Activities which use federal funding. If a project falls into one of these  
30 categories and is either in the coastal zone or it impacts coastal uses or resources,  
31 then the federal consistency process is triggered.

32 The CZMA Consistency Certification is triggered for the AWVSRP by the need  
33 for federal permits (i.e., Section 404 and 10 permits) and federal funding.

34 **Regulatory Authority**

35 The CZMA (16 USC 1451 and 15 CFR § 930) is administered by the Washington  
36 Department of Ecology through the State Shoreline Management Program.

1    **Approval Criteria**

2    The consistency determination will be evaluated on the project’s ability to be  
3    consistent to the “maximum extent practicable” with the CZMA and the State  
4    Shoreline Management Program. This includes evaluating the direct effects of  
5    the project including siting and construction and impacts on air, water, erosion,  
6    beach access, recreation, and economic development in the coastal zone.

7    **Prerequisite Considerations**

8    Federal or federally funded activities that affect the coastal zone must comply  
9    with the laws listed below:

- 10       • Shoreline Management Act (including Seattle’s shoreline master
- 11       program)
- 12       • NEPA/SEPA
- 13       • Clean Water Act
- 14       • Clean Air Act.

15   **Application Procedure/Cost**

16   The CZMA Consistency Certification is applied through the use of the  
17   Determination of Consistency Checklist for Federally Licensed/Permitted  
18   Activities and a JARPA form submitted to the Washington Department of  
19   Ecology (see Appendix C for a listing of submittal requirements for the  
20   Determination of Consistency Checklist and JARPA). In addition, a statement of  
21   consistency with several laws as described above is required.

22   There is no cost for processing the CZMA Certification.

23   **Permit Duration/Extension**

24   The CZMA Consistency Certification is issued for the life of the project.

25   **Permit Review Process/Timeline**

26   The process for the CZMA Consistency Certification would occur in parallel to  
27   Ecology’s review of the Section 401 Water Quality Certification (see Figures 7  
28   and 8). The process is initiated by submitting the JARPA form to Ecology.  
29   Ecology reviews the JARPA for completeness and requests additional  
30   information if the application is incomplete.

31   Once the application is deemed complete, a public notice is issued. There would  
32   be a public notice issued as part of the Section 404/Section 10 permit, this same  
33   public notice would also serve as the public notice for the CZMA Consistency  
34   Certification. Ecology considers any public or agency comments on the



- 1 **Figure 8** Coastal Zone Management Consistency Certification Review
- 2 **Process**

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1 application, consults with other agencies as needed, and then issues one of three  
2 decisions: object, concur, or concur with conditions. If an object decision is made  
3 and the consistency determination is denied then the applicant can appeal,  
4 otherwise the decisions to concur or concur with conditions results in the  
5 issuance of the CZMA Consistency Certification. Regulations state that the  
6 CZMA Consistency Certification should be completed in 180 days.

#### 7 **Public Process/Appeal**

8 The public process for this approval is provided independently of the CZMA  
9 process through the Section 404/Section 10 and Shoreline Substantial permits,  
10 whose public involvement processes are deemed adequate for the purposes of  
11 the consistency determination.

12 The applicant can appeal a consistency determination or enter mediations with  
13 the Secretary of Commerce. Citizens or other interested parties can appeal the  
14 decision to the Pollution Control Hearings Board within 30 days.

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#### 4.1.3 **NPDES Construction Stormwater General or Individual Permit**

17 Ecology requires a permit for all soil disturbing activities (including clearing,  
18 grading, demolition, etc.), where one or more acres will be disturbed, and have a  
19 discharge of stormwater to a receiving water or storm drains that discharge to a  
20 receiving water. A receiving water can be a wetland, creek, river, marine water,  
21 ditch, or estuary. If stormwater would be retained on the construction site, but  
22 detention facilities need to be constructed to retain the stormwater, permit  
23 coverage is also required. The goal of the permit is to eliminate or reduce the  
24 impact of stormwater discharges from construction sites on the water quality of  
25 surface waters. Since the AWVSRP will require soil disturbance and discharges  
26 of stormwater from the construction site, this permit is required.

#### 27 **Regulatory Authority**

28 Ecology's construction stormwater permit is required by federal and state  
29 regulations (33 U.S. C. 1342 Section 402 and 40 CFR § 122, 123, and 124, RCW  
30 90.48060 and WAC 173-220 and 173-226). Ecology may issue an individual or  
31 general NPDES construction stormwater permit for discharges. The individual  
32 construction stormwater permit is for larger and more complex construction  
33 sites, which require a permit written specifically for the site. For the AWVSRP,  
34 general and individual permits will be required by Ecology.

#### 35 **Approval Criteria**

36 All stormwater discharges and designs must follow requirements outlined in  
37 WSDOT's 1995 Highway Runoff Manual (currently being revised) and WSDOT's

1 existing stormwater instructional letters. An individual permit contains site  
2 specific requirements, such as monitoring of pollutants, but has the same  
3 approval criteria as the general permit. Approval criteria include the preparation  
4 and implementation of an acceptable Stormwater Pollution Prevention Plan  
5 (SWPPP). The primary focus of the plan is to control erosion and sediment, as  
6 well as the velocity of the stormwater runoff.

#### 7 **Prerequisite Considerations**

8 SEPA must be complete prior to issuance of the NPDES Construction  
9 Stormwater permit.

#### 10 **Application Procedure/Cost**

11 The permit is applied for through the Ecology Application for General permit to  
12 Discharge Stormwater Associated with Construction Activity (Notice of Intent)  
13 form. The submittal requirements are described in Appendix C.

14 There is no permit fee to process the NPDES Construction Stormwater permit.

#### 15 **Permit Duration/Extension**

16 The construction stormwater permit is issued for a period of 5 years, but may be  
17 administratively extended. The applicant is required to submit a renewal  
18 application to Ecology 180 days prior to the permit expiration date.

#### 19 **Permit Review Process/Timeline**

20 The applicant prepares the Notice of Intent form and submits to Ecology to  
21 initiate the review process (see Figures 9 and 10 - Note: Figure 9 shows the  
22 process for an individual permit and Figure 10 shows the timeline for a general  
23 permit). Ecology reviews the application for completeness and may request  
24 additional information. Once the permit is deemed complete, then the applicant  
25 publishes two public notices on consecutive weeks in the newspaper of record.  
26 Site coverage under this permit cannot be issued any sooner than 31 days from  
27 the 2nd public notice date. Ecology requires 7 days in between each public  
28 notice date. Final determinations on new applications for coverage under the  
29 construction stormwater general permit will typically be issued within 45 days of  
30 receiving an applicant's complete Notice of Intent. For the individual permit, the  
31 timeframe for Ecology's review generally takes longer than 45 days. The public  
32 may also request a hearing during the public notice phase, which Ecology may  
33 grant. Ecology writes the individual permit following the public review phase  
34 and then issues the permit once SEPA is complete.

- 1 **Figure 9**      **NPDES Construction Stormwater Individual Permit Review**
- 2 **Process**

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1 **Figure 10 NPDES Construction Stormwater Individual Permit Timeline**

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1 **Public Process/Appeal**

2 The public process includes public notification on two consecutive weeks in the  
3 newspaper of record. The public may send comments to Ecology following this  
4 notification.

5 The permit may be appealed within 30 days of issuance by the applicant or the  
6 public to the Washington Pollution Control Hearings Board. The appeal must be  
7 filed in accordance with RCW 43.21B.310.

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4.1.4 **NPDES Individual Wastewater Discharge Permit/State  
Wastewater Discharge Permit**

10 Under the federal Section 402 of the Clean Water Act, an NPDES Wastewater  
11 Discharge Permit is required for any discharges of wastewater to waters of the  
12 U.S. (surface water only). Surface waters of the State are the same as waters of  
13 the U.S. Related to the NPDES Wastewater Discharge Permit, the State  
14 Wastewater Discharge Permit is similar except that it includes discharges of  
15 wastewater to both surface and groundwater (waters of the state include surface  
16 and groundwater). This permit is issued under the authority of the state RCW  
17 Chapter 90.48. For federal/state projects, these permits are actually issued under  
18 dual authority under federal and state requirements.

19 The AWVSRP will need to comply with NPDES permits, but will not require a  
20 separate permit for the AWVSRP (Fitzpatrick 2005). Rather, the AWVSRP will  
21 need to comply with King County and Seattle NPDES permits for their combined  
22 sewer outfalls, stormwater outfalls, and sewage treatment outfall. The AWVSRP  
23 must comply with existing NPDES permit conditions if the project will continue  
24 to discharge to these drainage systems (see Sections 5.1.4 and 6.1.1).

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4.2 **WASHINGTON DEPARTMENT OF FISH AND  
WILDLIFE (WDFW)**

27 WDFW is the permitting authority for the Hydraulic Project Approval (HPA)  
28 under the State Hydraulic Code.

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4.2.1 **Hydraulic Project Approval**

30 The Hydraulic Project Approval is required for any construction work that uses,  
31 diverts, obstructs, or changes the natural flow or bed of any marine or fresh  
32 water of the State. This permit would be triggered by the need to reconstruct  
33 the seawall.

**Deleted:** Major saltwater activities requiring an HPA include, but are not limited to: construction of bulkheads, fills, boat launches, piers, dry docks, artificial reefs, dock floats, and marinas; placement of utility lines; pile driving; and dredging.

1 **Regulatory Authority**

2 The regulatory authority for the HPA is derived from the state hydraulic code  
3 (RCW 77.55 and WAC 220-100).

4 **Approval Criteria**

5 Construction activity in or near the water has the potential to kill fish or shellfish  
6 directly and can also alter the habitat that fish and shellfish require. Fish and  
7 shellfish have special habitat requirements related to water quality and quantity  
8 (including temperature) and to the physical features of the body of water in  
9 which they live. WDFW considers a project's potential direct and indirect  
10 impacts on fish and shellfish and their habitat when reviewing the HPA.

11 WDFW will deny an HPA application when the project will result in direct or  
12 indirect harm to fish life, unless conditioning the HPA or modifying the proposal  
13 can assure adequate mitigation. Mitigation measures are those necessary to  
14 achieve "no-net-loss" of productive capacity of fish and shellfish habitat.

15 **Prerequisite Considerations**

16 SEPA compliance must be completed prior to issuance of the permit.

17 **Application Procedure/Cost**

18 The Joint Aquatic Resources Permit Application (JARPA) form is used to apply  
19 for the HPA (see Section 3.4). There is no cost for processing this permit.

20 **Permit Duration/Extension**

21 HPA permits are valid for five years and applicants must demonstrate  
22 substantial progress on construction of the portions of the project affected by the  
23 HPA within two years of the date of HPA issuance. Permit extensions or  
24 renewals may be granted by WDFW through either written or verbal requests.  
25 To obtain an extension the applicant must agree to be bound by the conditions on  
26 the HPA.

27 **Permit Review Process/Timeline**

28 Project review is initiated by submitting the JARPA form to WDFW (see Figures  
29 11 and 12). All HPA applications are assigned to a WDFW Area Habitat  
30 Biologist. In most cases, the representative will visit the project site and will try  
31 to meet with the applicant to point out fish habitat needs and how the project  
32 may affect that habitat. The representative will work with the applicant to help  
33 achieve objectives while protecting fish, shellfish, and their habitat.

1 Figure 11 Hydraulic Project Approval Review Process

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1 **Figure 12** **Hydraulic Project Approval Timeline**

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1 If the project as proposed will adversely affect fish habitat, it may be approved  
2 with certain conditions attached, such as construction timing and methods, to  
3 prevent damage. If the project cannot be accomplished without significant  
4 adverse impacts on fish, shellfish, or their habitat, the HPA may be denied.

#### 5 **Public Process/Appeal**

6 | There is no formal public process (i.e., public comment periods or public  
7 meetings) associated with the HPA. There is a formal and informal appeal  
8 process available to the applicant or public. Appeals to WDFW must be made  
9 within 30 days for the permit being issued or denied.

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### 4.3 WASHINGTON DEPARTMENT OF NATURAL 11 RESOURCES (WDNR)

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#### 4.3.1 Aquatic Lands Use Lease/Approval

13 The state owns 2.4 million acres of aquatic lands. The state legislature delegated  
14 to the WDNR the responsibility to manage these lands for the benefit of the  
15 public. These lands include the bedlands of the Puget Sound such as those under  
16 Elliott Bay. Anyone that wants to use these lands must get authorization from  
17 WDNR. These uses may include easements for utility crossings including  
18 outfalls and reconstruction of the seawall.

#### 19 **Regulatory Authority**

20 WDNR regulates the use of aquatic lands through RCW 79.90 and WAC 332-30.

#### 21 **Approval Criteria**

22 Determination of the area encumbered by an authorization for use is made by  
23 WDNR based on the impact to public use. Uses which cause adverse  
24 environmental impacts may be authorized on aquatic lands only upon  
25 compliance with applicable environmental laws and regulations and appropriate  
26 steps to mitigate substantial or irreversible damage to the environment. Long-  
27 term ecosystem and economic viability are among WDNR's considerations when  
28 making decisions regarding state-owned lands. Nonwater-dependent uses  
29 which have significant adverse environmental impacts are typically not  
30 authorized by WDNR.

#### 31 **Prerequisite Considerations**

32 All necessary federal, state, and local permits must be acquired prior to issuance  
33 of the aquatic use authorization (e.g., NEPA, SEPA, Section 404/Section 10,  
34 Section 401 Water Quality Certification, HPA, CZMA Consistency, shoreline

1 permit, etc.). When evidence of interest in aquatic land is necessary for  
2 application for a permit, an authorization instrument may be issued prior to  
3 permit approval but conditioned on receiving the permit. A property survey  
4 must also be completed and approved by WDNR.

5 **Application Procedure/Cost**

6 The Joint Aquatic Resources Permit Application (JARPA) form is used to apply  
7 for an Aquatic Lands Use Authorization (see Section 3.4). There are fees (rents)  
8 associated with the authorization. These fees are determined by statute and the  
9 Washington Administrative Code and can be found under WAC 332-30-123. In  
10 general the formula for annual rental for water-dependent use leases of state-  
11 owned aquatic land is based on the per unit assessed value of the upland tax  
12 parcel, exclusive of improvements, multiplied by the units of lease area  
13 multiplied by thirty percent multiplied by the real rate of return.

14 **Permit Duration/Extension**

15 The Aquatic Lands Use Authorization duration ranges from 10 to 55 years and is  
16 based on the type of activity and class of land being leased.

17 **Permit Review Process/Timeline**

18 Similar to the other permits covered by the JARPA application, submittal of the  
19 JARPA starts the permit process (see Figure 13). WDNR reviews the application  
20 for completeness and requests additional information if necessary. Once all  
21 necessary material is received, WDNR deems the application complete and  
22 begins their review. WDNR may take from six months to a year to complete  
23 their review and must receive copies of other approved aquatic resources  
24 permits and compliance documentation for NEPA/SEPA prior to issuing the  
25 Aquatic Land Use Authorization.

26 **Public Process/Appeal**

27 There is no formal public process associated with the Aquatic Lands Use  
28 Authorization. An applicant or citizen can appeal a decision in county superior  
29 court. The applicant can appeal the proposed rent within 30 days of WDNR's  
30 notification of rent being due.

1 Figure 13 Aquatic Lands Use Authorization Timeline

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## 4.4 WASHINGTON DEPARTMENT OF 2ARCHAEOLOGY AND HISTORIC 3PRESERVATION (DAHP)

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### 4.4.1 4 National Historic Preservation Act Section 106 Consultation

6 Section 106 of the National Historic Preservation Act requires that projects which  
7 receive federal funding or require a federal permit be reviewed for possible  
8 impacts to historic and archaeological resources by the lead Federal Agency,  
9 in this case FHWA assisted by WSDOT. Determinations of eligibility and affect  
10 are then concurred in by the Washington Department of Archaeology and  
11 Historic Preservation (DAHP), and they have an opportunity to comment.  
12 Section 106 also requires Federal agencies (such as FHWA) to consult with  
13 appropriate State and local officials, Indian tribes, applicants for Federal  
14 assistance, and members of the public and consider their views and concerns  
15 about historic preservation issues when making final project decisions.

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that may affect such property.

16 Potential adverse effects on historic resources are resolved by mutual agreement,  
17 usually among the affected State's Historic Preservation Officer or the Tribal  
18 Historic Preservation Officer, the Federal agency, and any other involved parties.  
19 ACHP may participate in controversial or precedent-setting situations (see  
20 Section 3.3.3). For the AWVSRP, FHWA will lead these consultations with  
21 DAHP and other involved parties.

22 As part of the Section 106 process in Washington, each agency must consult with  
23 the DAHP to assure that resources are identified, and to obtain the formal  
24 opinion of the DAHP on the significance of historic sites and the impact of any  
25 actions, which may affect historic resources.

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#### 26 Regulatory Authority

27 Section 106 of the National Historic Preservation Act (16 USC 470, 36 CFR § 800)  
28 is the regulation, which requires the consultation process for federally-funded or  
29 permitted projects.

#### 30 Approval Criteria

31 To successfully complete Section 106 review, Federal agencies must:

- 32 • Determine if Section 106 of NHPA applies to a given project and, if so,  
33 initiate the review
- 34 • Gather information to decide which properties in the project area are  
35 listed in or eligible for the National Register of Historic Places
- 36 • Determine how historic properties might be affected

- 1       • Explore alternatives to avoid or reduce harm to historic properties  
2       • Reach agreement with the DAHP/affected Indian Tribes (and the ACHP  
3       in some cases) on measures to deal with any adverse effects or obtain  
4       advisory comments from the ACHP.

5       **Prerequisite Considerations**

6       There are no prerequisite considerations.

7       **Application Procedure/Cost**

8       A letter is written to the DAHP to request information on historic resources and  
9       initiate consultation under Section 106. There is no cost for the Section 106  
10      consultation.

11      **Permit Duration/Extension**

12      This is not applicable to the Section 106 review process.

13      **Permit Review Process/Timeline**

14      A letter is written to the DAHP to request information on historic resources and  
15      initiate consultation under Section 106. If there are potential resources, then  
16      historic property inventory forms may need to be filled out. DAHP reviews the  
17      project information relating to historic resources and decides whether the federal  
18      Agency has correctly identified potential impacts that would require mitigation.  
19      After DAHP's review is complete it sends a letter that lists any requirements for  
20      compliance with the NHPA. If there is an adverse affect on any historic resource,  
21      a Memorandum of Agreement will be completed, which must be signed by the  
22      FHWA and the SHPO. This MOA will be included in the FEIS. For the  
23      AWVSRP, most of the Section 106 consultation will be accomplished during the  
24      NEPA EIS process.

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25      **Public Process/Appeal**

26      There is no public or appeal process associated with the Section 106 consultation.

# 5.0 Seattle Permits/Approvals

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## 5.1 DEPARTMENT OF PLANNING AND DEVELOPMENT (DPD)

5 The discussion of the City of Seattle permits is intended to describe typical  
6 processes, but it should be noted that the system is complex and can't be  
7 completely generalized. Readers of this report are cautioned to bring questions  
8 to the AWV permit team and DPD, and to test assumptions early. For example,  
9 if the reviewer determines that a permit needs design review or triggers a City  
10 Council process, the steps and timelines described in this section could change.

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11 The City of Seattle Department of Planning and Development (DPD) is the main  
12 point of contact for permit submittal for projects within the City, and is  
13 responsible for issuing construction and master use permits. If reviews by other  
14 departments are required on these permits, DPD forwards permits on to the  
15 appropriate departments within the City for review.

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### 5.1.1 Environmental Critical Areas Ordinance Review

17 The City of Seattle Environmental Critical Areas (ECA) Ordinance requires a  
18 special review process for any proposed construction activities that would occur  
19 within or near critical areas. Critical areas include steep slopes (or erosion prone  
20 slopes), wetlands, slide prone areas, floodplains, riparian zones, abandoned  
21 landfills and mines, liquefaction-prone soils, fish and wildlife habitat areas, and  
22 aquifer recharge areas. ECA review ensures that projects meet the requirements  
23 and development standards of the ordinance; do not harm the general public's  
24 safety and welfare; and prevent degradation and harm to the environment. For  
25 the AWVSRP, the most likely critical areas to be encountered are liquefaction-  
26 prone areas. ECA states that mitigation may be imposed pursuant to Title 22,  
27 Subtitle I and other applicable codes.

28 The City has recently revised and updated the ECA to comply with the Growth  
29 Management Act (GMA). The GMA requires the City to consider the "best  
30 available science" in developing updated codes and policies related to the ECA.  
31 Thus, the City has developed an updated plan and has proposed pending code  
32 amendments. These changes to the ECA will likely be in effect in 2006 and thus  
33 will be in place when permits are submitted for AWVSRP.

#### 34 Regulatory Authority

35 The regulatory authority for the ECA is under Seattle Municipal Code 25.09.

1    **Approval Criteria**

2    Projects are reviewed to ensure that development is safe (e.g., from structural  
3    failure) and will not harm critical area resources, such as wetlands, streams, and  
4    floodplains, or other property. For the AWVSRP, the main concern under ECA  
5    is liquefaction prone areas, which includes much of the alignment where past fill  
6    has occurred. Specific information relating to liquefaction that will be required  
7    for the project includes:

- 8           • Demonstrating that AWVSRP will be safe, stable, and compatible with  
9           the liquefaction prone area  
10          • Demonstrating that AWVSRP will not cause harm to adjacent land uses.

11   **Prerequisite Considerations**

12   There are additional submittal requirements for projects that occur or would  
13   affect critical areas (see application procedure below).

14   **Application Procedure/Cost**

15   As part of any permit application review (such as master use permits or grading  
16   and drainage approvals), DPD determines if the proposed development meets  
17   the requirements and standards of the ECA. In addition to the application which  
18   triggers ECA review, the City has developed a screening and submittal checklist  
19   for the ECA (Index 13) to assist in preparing a complete application. Appendix C  
20   lists the requirements for filling out the screening and submittal checklist.

21   There is no cost for this review (the costs are included with the permits which  
22   trigger the ECA review).

23   **Permit Duration/Extension**

24   The ECA approval continues for the life of the project.

25   **Permit Review Process/Timeline**

26   ECA review is conducted in parallel with other permit applications. In the case  
27   of the AWVSRP, ECA review will occur with the application for the Shoreline  
28   Substantial Development Permit (likely the first or one of the first permits  
29   submitted to the City).

30   **Public Process/Appeal**

31   There is no specific public and appeal process tied to the ECA review. Rather,  
32   public processes are associated with the permits that trigger ECA compliance  
33   (unless an applicant is seeking an exemption).



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## 5.1.2 Master Use Permit

2 Master Use Permits (MUPs) are the overall land use permit for reviewing  
3 development activity. MUP review is used to ensure that new uses comply with  
4 all land use requirements for the particular land use zone (and, in the case of  
5 Shoreline permits, the shoreline environment) in which the activity is located,  
6 such as lot coverage, setbacks, building/structure heights, parking requirements,  
7 and other standards. The MUP consolidates all required land use approvals into  
8 one permit.

9 MUPs are generally not required for work within rights-of-way, except when the  
10 right-of-way is located in the Shoreline area. However, DPD would still perform  
11 an informal review of activities within the right-of-way to ensure that City  
12 standards are met. Master Use permits will be required for construction  
13 activities outside the right-of-way such as staging areas, the seawall test sections,  
14 utility relocation, and for right-of-way work in the shoreline.

### 15 **Regulatory Authority**

16 Authority for the Master Use Permit is located in the Seattle Municipal Code  
17 (SMC 23.76).

### 18 **Approval Criteria**

19 Applications for Master Use Permits (MUPs) are reviewed for consistency with  
20 the use and development standards of the Land Use Code and environmental  
21 review and conditioning pursuant to SEPA and/or NEPA (Note: Some projects  
22 require MUPs only because they are subject to environmental review  
23 requirements). Projects may also undergo design review by the Seattle Design  
24 Commission, and landmarks and historic district preservation review (e.g., Pike  
25 Place Market Historic District Commission and Pioneer Square Preservation  
26 Board). Projects located in Environmentally Critical Areas are also subject to  
27 DPD review and although not classified as MUPs, approvals for development in  
28 these areas use the same procedures as those applicable to MUPs.

### 29 **Prerequisite Considerations**

30 Whenever development occurs under the Seattle Land Use Code there may be  
31 requirements for improvements in the right-of-way. For example, the Seattle  
32 Department of Transportation (SDOT) has design criteria that these  
33 improvements must meet.

### 34 **Application Procedure/Cost**

35 There are five types of MUPs based on the amount of discretionary authority  
36 required and the nature of the decision (Types I through V). Type I MUPs are

1 granted by decision of the Director of DPD and are not appealable. Generally,  
2 Type I MUPs apply to projects that are permitted outright by the land use code,  
3 are temporary or intermittent uses, or fall into certain categories such as certain  
4 street uses. Type II MUPs generally require some type of conditional use,  
5 variance, special exception, or are located in the shoreline district, or fall into  
6 certain categories of land use such as short subdivisions. For example, most  
7 typical Shoreline permits are Type II permits, with the Director of DPD issuing a  
8 decision which can be appealed to the Shoreline Hearings Board. Type III MUP  
9 permits are limited to subdivisions and require approval by the Hearing  
10 Examiner. Type IV and V MUPs are decisions rendered by the City Council.  
11 Type IV permits are quasi-judicial in nature and include for example site-specific  
12 rezones, and Type V permits are legislative decisions by the Council based on a  
13 recommendations from DPD. Type V MUP approvals are typically for  
14 comprehensive rezones and projects undertaken by the City of Seattle.

15 | ~~A screening and submittal checklist (Index 11) has been prepared for the MUP~~  
16 ~~land use application. The screening checklist and the information required for a~~  
17 ~~MUP are included in Appendix C.~~

**Deleted:** For major public projects, fees may be negotiated by special agreements among DPD and the applicant agencies, and such an agreement may be entered into for this project. Such an agreement could also govern pre-submittal conferences and other administrative processes that are likely to be more complex than for most private development projects. ¶

#### 18 **Permit Duration/Extension**

19 | MUPs are valid for a period of three years and may be extended for an additional  
20 two years (except for MUPs for shoreline permits, which are valid for five years  
21 and can be extended for one year). A MUP can't be renewed beyond a period of  
22 five years, unless it is part of an approved major phased development as defined  
23 in the Land Use Code.

#### 24 **Permit Review Process/Timeline**

25 The review process for most of the City administratively approved permits  
26 (permits that don't require a public hearing) would be similar to the Type I MUP.  
27 The process is initiated by submittal of a permit application. For private  
28 development projects there is a choice between getting the MUP first with SEPA,  
29 or applying for the MUP with other permits such as building or grading permits.  
30 The City has approximately 28 days to determine if a permit is complete. During  
31 that time the City may request additional information. Once the application is  
32 deemed complete, the City has approximately 120 days to review the permit  
33 (generally, complex permits will take longer). During the review period, the City  
34 may also request additional information. Once the City is satisfied that the

1 **Figure 14** **Typical Seattle Permit Process**

Draft

1 **Figure 15** **Typical Seattle Permit Timeline**

Draft

1 project has met all the City requirements and any other applicable requirements  
2 the permit is issued.

### 3 **Public Process/Appeal**

4 Each Type of MUP application triggers somewhat different notice, comment, and  
5 appeal procedures. In all instances, appeals permitted by SEPA are intended to  
6 be handled congruently with appeals on other components of the MUP. For  
7 example, a Type II Shoreline MUP would result in a right to appeal any  
8 conditioning under SEPA or the Shoreline Substantial Development Permit itself  
9 to the Shoreline Hearings Board. A Type V MUP decision would allow the SEPA  
10 decision to be appealed to the hearing examiner before the City Council could  
11 address the substantive issues involved in the permit.

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### 5.1.3 **Shoreline Substantial Development Permit**

13 A Shoreline Substantial Development Permit is required for any “substantial  
14 development” that is located within 200 feet of the waters of the state (i.e.,  
15 shoreline district) other than certain maintenance activities. Substantial  
16 development is defined as any development, which exceeds \$2,500, total cost or  
17 fair market value, or any development, which materially interferes with the  
18 normal public use of the water or shorelines of the City. Special uses, conditional  
19 use permits, and/or variances are integrated into the shoreline permit process. If  
20 a shoreline variance or conditional use permit is required, the Department of  
21 Ecology must also approve or deny the permit, or approve the permit with  
22 conditions.

23 One option that has been discussed to facilitate permit review has been to  
24 attempt to consolidate shoreline review in one overall permit, with subsequent  
25 permits demonstrating conformance with the overall conditions to be subject to a  
26 more streamlined process. Under current provisions, individual substantial  
27 development permits might be required for each separate segment of the work,  
28 e.g., interim construction uses, utility relocations, seawall replacement, and new  
29 roadway work.

Comment [JLH13]: Move to strategy

### 30 **Regulatory Authority**

31 Shoreline permits are required under state law, but are issued by local  
32 governments pursuant to a shoreline master program that has been approved by  
33 Ecology. The State Shoreline Management Program is codified in RCW 90.58  
34 and WAC 173-14-28, and the City Shoreline Master Program is located in SMC  
35 23-60. Shoreline permits are elements of the Master Use permit system (see  
36 Section 5.1.3) administered by DPD.

1 **Approval Criteria**

2 To obtain a shoreline permit, the proposed development must be consistent with:

- 3       • The policies and procedures of Seattle’s Municipal Code (SMC 23.60)  
4       • The provisions of Ecology’s Shoreline Management Act (SMA)  
5 regulations  
6       • The Seattle shoreline master program.

7 As part of any project review, DPD determines if the proposed development  
8 complies with the regulations listed above. The City may attach conditions to a  
9 permit approval to assure consistency with the programs listed above (WAC 173-  
10 27-150). For the most part, uses permitted in the shoreline area are those that (1)  
11 are water dependent and/or (2) provide regulated public access to shorelines of  
12 the state. Each separate shoreline environment has its own regulations  
13 concerning uses permitted and development standards. The project is located in  
14 two shoreline environments, each with somewhat different regulations.

15 In addition to the Shoreline Substantial Development Permit, there are special  
16 uses, conditional uses, and variances that can be issued by the City for shoreline  
17 development. If a special use approval is required the following must be  
18 demonstrated:

- 19       • Consistency with RCW 90.58.020 and shoreline policies  
20       • That the project will not interfere with normal use of public shorelines  
21       • Compatibility with other permitted uses within the area  
22       • That the proposed use will cause no unreasonable adverse impacts to the  
23 shoreline environment in which it is to be located  
24       • That the public interest suffers no substantial detrimental effect.

25 Some uses are permitted only as conditional uses, which may be authorized if  
26 the use:

- 27       • Is consistent with the policies of the City of Seattle’s Shoreline Master  
28 Program and the policies of RCW 90.58.020  
29       • Will not interfere with the normal public use of public shorelines  
30       • Is compatible with other authorized and planned uses within the area,  
31 pursuant to the comprehensive plan and shoreline master program  
32       • Will cause no significant adverse effects to the shoreline environment  
33       • The public interest suffers no substantial detrimental effect [WAC 173-27-  
34 160 (1)]  
35       • Cumulative impacts are considered [WAC 173-27-160 (2)].

36 Variances may be authorized where the applicant can demonstrate extraordinary  
37 circumstances requiring a variance to prevent unnecessary hardship and to carry  
38 out the SMA’s policies, and that the public interest shall suffer no substantial  
39 detrimental effect [WAC 173-27-170]. If a shoreline variance or conditional use

1 permit is required, the Department of Ecology must also approve or deny the  
2 permit, or approve the permit with conditions.

### 3 **Prerequisite Considerations**

4 SEPA review and consideration of the environmental analysis is required as part  
5 of the Master Use Permit process for the project.

### 6 **Application Procedure/Cost**

7 The City has its own application form for the Shoreline Substantial Development  
8 permit and has developed a screening and submittal checklist for the permit  
9 (Index 15) to assist in preparing a complete application (see Appendix C).

10 Fees for the Shoreline permit are determined based on the amount of time it  
11 takes to review the permit.

### 12 **Permit Duration/Extension**

13 | Shoreline permits are generally valid for 5 years with a one-time, one-year  
14 extension.

### 15 **Permit Review Process/Timeline**

16 DPD reviews the shoreline application for completeness and if necessary  
17 requests additional information from the applicant (see Figures 16 and 17). Once  
18 the applicant has submitted the additional information, DPD deems the  
19 application complete and begins their review. Copies of the permit are sent out  
20 to the various departments in the City for their review. A public notice is  
21 published and a 21-day public comment period on the permit is held. During  
22 this time the public may provide written comments to the City.

23 Following the public comment period and additional City review, a public  
24 hearing is scheduled. The public may testify at the public hearing before a  
25 hearing examiner (DPD staff act as the hearing examiner in some instances).  
26 After considering public testimony and comments, the hearing examiner renders  
27 a decision on the permit and the permit is either denied or approved. At this  
28 point, the applicant or public can request an appeal from the City of Seattle.

29 Once the permit is approved it is sent to the Department of Ecology, who sends a  
30 filing letter to the applicant and City. Ecology may request more information on  
31 the project from the applicant to complete their files. If Ecology does not  
32 approve the City's findings it may file a request for review with the Washington  
33 Shoreline's Hearings Board. An applicant, the public, or other governmental  
34 agency may also file a request for review with the Shoreline Hearings Board.

Comment [JLH14]: Sandy suggested deleting this figure

1 **Figure 16 Shoreline Substantial Development Permit Review Process**

Draft



1 **Figure 17 Shoreline Substantial Development Permit Timeline**

Draft

1 **Public Process/Appeal**

- 2 The public process includes a public comment period and a public hearing.  
3 Appeals of shoreline decisions can be made to the Washington Shoreline  
4 Hearings Board within 21 days of permit approval.

---

5.1.4 **Grading Permit**

6 A grading permit is required when construction would alter grades by more  
7 than three feet and: (1) the cumulative volume of excavation, fill, dredging or  
8 other earth movement is more than 100 cubic yards, or (2) the grading would  
9 result in a slope steeper than three horizontal to one vertical. In shoreline  
10 districts and environmentally critical areas (excluding liquefaction zones)  
11 approval is required if more than 25 cubic yards of earth will be moved. A  
12 grading permit may require MUP approval if SEPA thresholds are triggered.

13 A permit is required to move any earth on "potentially hazardous sites," defined  
14 as existing and abandoned solid waste disposal sites and hazardous waste  
15 treatment, storage or disposal facilities. Temporary stockpiles also need a permit  
16 if they exceed the threshold levels for the type of site. A permit is always  
17 required for "in-place ground modification," such as soil compaction on a  
18 liquefaction-prone site (unless DPD finds the work to be insignificant).

19 Grading permits are not required within publicly owned right-of-way, but must  
20 still comply with the standards set forth in the Stormwater, Grading and  
21 Drainage Control Code (SGDC). While the AWVSRP would not require a  
22 grading permit for work in the right-of-way, it would still need a grading permit  
23 for work outside the right-of-way, because of the amount of potential grading  
24 needed.

25 **Regulatory Authority**

26 Grading is regulated by the City's SGDC (SMC 22.8000 - 22.808).

27 **Approval Criteria**

28 The SGDC includes specific provisions regarding protection of adjoining  
29 property, erosion control, fencing and boundary designation during grading,  
30 and regulations affecting temporary stockpiling of material. DPD Director's Rule  
31 16-2000, "Construction Stormwater Control Technical Requirements Manual,"  
32 specifies the best management practices (BMPs) for meeting these requirements.

33 General grading criteria and standards include the following requirements:

- 34 • Final graded slopes must be no steeper than is safe for the intended use,  
35 and no steeper than two horizontal to one vertical

- 1 • The ground must be prepared prior to placement of fill to ensure stability
- 2 • The base edge of any fill must be more than 12 feet horizontally from the
- 3 top edge of any existing slope or planned cut slope
- 4 • Sloping fill may not be placed on top of slopes which are steeper than one
- 5 and one-half horizontal to one vertical
- 6 • Subsurface drainage must be provided on cut and fill slopes when
- 7 necessary for stability.

#### 8 **Prerequisite Considerations**

9 Conditions of the MUP must be met and SEPA review must be completed prior  
10 to issuance of a grading permit.

#### 11 **Permit Duration/Extension**

12 Grading permits are valid for 18 months and may be extended for an additional  
13 18 months.

#### 14 **Permit Review Process/Timeline**

15 The process is initiated by submittal of a permit application (see Figures 14 and  
16 15). The City has approximately 28 days to determine if a permit is complete.  
17 During that time the City may request additional information. Once the  
18 application is deemed complete, the City has approximately 120 days to review  
19 the permit (generally, complex permits will take longer). During the review  
20 period, the City may also request additional information. Once the City is  
21 satisfied that the project has met all the City requirements and any other  
22 applicable requirements the permit is issued.

#### 23 **Public Process/Appeal**

24 The public process for this permit would occur during the SEPA process, which  
25 is part of the related MUP decision which can be appealed to the hearing  
26 examiner.

---

### 5.1.5 Stormwater and Drainage Control Review

28 The Stormwater, Grading and Drainage Control Code (SGDC) is a  
29 comprehensive framework for managing the quality and quantity of stormwater  
30 to protect property, the environment, public interests, surface waters, and  
31 receiving waters. The permit will be approved, and issued if it meets the  
32 requirements for state and federal law and the City's municipal stormwater  
33 NPDES permit. Drainage regulations apply to all grading and drainage and  
34 erosion control, all new or replaced impervious surface, all land disturbing  
35 activities, all discharges directly or indirectly to a public drainage control system,  
36 and all new and existing land uses. Compliance is required, whether or not a

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1 permit or other approval is required. In the case of the AWVSRP, an approval  
2 would not be required for those portions of the project within the viaduct right-  
3 of-way because it will be state-owned. Similar to the applicability of other City  
4 permits for the viaduct right-of-way, no permit is required but the City will still  
5 perform project review under its ordinances to ensure the project meets City  
6 requirements.

7 Any land disturbing activities or new and replaced impervious surface of 750  
8 square feet or more or any action requiring a Grading Permit requires a Standard  
9 Drainage Control Review. A Comprehensive Drainage Control Review is  
10 required if a project creates 5,000 square feet or more of impervious surface, or  
11 results in one acre or more of land-disturbing activity. AWVSRP would require  
12 the comprehensive review because of the amount of land disturbance.

### 13 **Regulatory Authority**

14 The City manages stormwater through the SGDC (SMC 22.800-22.808) and four  
15 associated DPD Director's Rules: Construction Stormwater Control Technical  
16 Requirements Manual (DR 16-2000), Source Control Technical Requirements  
17 Manual (DR 17-2000), Flow Control Technical Requirements Manual (DR 26-  
18 2000), and Stormwater Treatment Technical Requirements Manual (DR 27-2000).  
19 There are also State supporting regulations found in WAC 173-270-050, WAC  
20 173-270-060(6).

### 21 **Approval Criteria**

22 Approval criteria focus on code compliance that provides protection to property,  
23 the environment, public interests, and surface and receiving water quality.  
24 Compliance with federal, state, and local water laws and regulations is  
25 considered in making this approval.

### 26 **Prerequisite Considerations**

27 SEPA will be considered as part of the drainage review.

### 28 **Application Procedure/Cost**

29 The drainage review process is triggered through the application for other city  
30 permits including MUPs and grading permits. Costs for the drainage review are  
31 associated with review of other permits (see Section 5.1.3).

### 32 **Permit Duration/Extension**

33 The drainage approval is tied to other permits, and thus duration does not apply.

1 **Permit Review Process/Timeline**

2 The drainage review occurs concurrently with the grading permit (see Section  
3 5.1.4).

4 **Public Process/Appeal**

5 The public process for this permit would occur during the process related to  
6 SEPA compliance. Appeals occur through the related MUP decision which can  
7 be appealed to the hearing examiner.

---

5.1.6 **Demolition Permit**

9 Demolition permits would be required to remove structures such as the existing  
10 viaduct and seawall. Demolition of the AWVSRP would be reviewed for  
11 compliance with applicable regulations, including Section 106 of the National  
12 Historic Preservation Act, the Seattle Building Code, landmarks and historic  
13 district regulations, and environmental regulations. Some of these reviews might  
14 necessitate a MUP, or the demolition might be included in a general MUP  
15 approval for the entire project.

16 **Regulatory Authority**

17 DPD reviews the demolition permit under the Seattle Municipal Code (SMC  
18 23.76).

19 **Approval Criteria**

20 Approval is based on the consideration of impacts to landmark preservation,  
21 historic districts, adjacent property, and environmentally critical areas.

22 **Prerequisite Considerations**

23 Prior to performing any demolition work, an asbestos and lead-based paint  
24 survey must be performed per the regulations of the Puget Sound Clean Air  
25 Agency (PSCAA) and Washington Department of Labor and Industries. The  
26 asbestos survey must be conducted by an EPA certified building inspector.

27 If the demolition will affect public or private utilities, then contact with the utility  
28 providers is required. This may include contact with Seattle City Light, SDOT,  
29 SPU, and private providers of cable, natural gas, and telephone.

30 Conditions of the MUP must be met and SEPA review completed prior to  
31 issuance of a demolition permit.

1    **Application Procedure/Cost**

2    The demolition permit is applied for through the MUP process. See Section 5.1.3  
3    for information on cost.

4    **Permit Duration/Extension**

5    Demolition permits are valid for a period of two years.

6    **Permit Review Process/Timeline**

7    The process is initiated by submittal of a permit application (see Figures 14 and  
8    15). The City has approximately 28 days to determine if a permit is complete.  
9    During that time the City may request additional information. Once the  
10   application is deemed complete, the City has approximately 120 days to review  
11   the permit (generally, complex permits will take longer). During the review  
12   period, the City may also request additional information. Once the City is  
13   satisfied that the project has met all the City requirements and any other  
14   applicable requirements the permit is issued.

15   **Public Process/Appeal**

16   The public process for this permit would occur during the process related to  
17   SEPA compliance. Appeals occur through the related MUP decision which can  
18   be appealed to the hearing examiner.

---

5.17 **Building Permit**

20   Building permits are required to ensure that life safety (e.g., structural integrity,  
21   fire prevention, emergency exit, etc.), quality of life (e.g., ventilation,  
22   accessibility, and lighting), and building-related code standards (e.g., the  
23   Uniform Building, Plumbing and Electrical codes) are met in the design and  
24   construction of new structures and buildings. Building permits are required for  
25   all new buildings and freestanding structures and would apply to the structures  
26   associated with the AWVSRP that are outside the right-of-way.

27   **Regulatory Authority**

28   The regulatory authority for the building permit is the Seattle Municipal Code  
29   (SMC 22.100).

30   **Approval Criteria**

31   Approval of the building permit is based on a project's ability to conform to the  
32   various building-related code requirements found in the recently adopted (2004)  
33   International Building, Residential, Mechanical and Fuel Gas Codes (I-Codes)

1 with Seattle amendments, the Uniform Plumbing Code, National Electrical Code,  
2 and Washington State Energy Code with Seattle amendments.

3 **Prerequisite Considerations**

4 SEPA review and any discretionary MUPs associated with the project must be  
5 approved before the building permit is approved.

6 **Application Procedure/Cost**

7 Application is made through a building permit application and the submission of  
8 a series of plans including architectural and structural plans. Other information  
9 includes land use code analysis and documentation (if a MUP was issued prior to  
10 the building permit [for example, obtaining MUP approval and completing  
11 SEPA review before applying for the building permit] conformance with  
12 conditions of the MUP is required), parking information, building code analysis  
13 and documentation, means of exiting (egress) plans, floor plans, elevation views,  
14 building sections, construction details, and landscape plans (see Appendix C for  
15 submittal requirements).

16 See Section 5.1.3 for information on cost.

17 **Permit Duration/Extension**

18 Building permits are valid for a period of 3 years and may be extended.

19 **Permit Review Process/Timeline**

20 The process is initiated by submittal of a permit application (see Figures 14 and  
21 15). The City has approximately 28 days to determine if a permit is complete.  
22 During that time the City may request additional information. Once the  
23 application is deemed complete, the City has approximately 120 days to review  
24 the permit (generally, complex permits will take longer). During the review  
25 period, the City may also request additional information. Once the City is  
26 satisfied that the project has met all the City requirements and any other  
27 applicable requirements the permit is issued.

28 **Public Process/Appeal**

29 The public process for this permit would occur during the process related to  
30 SEPA compliance. Appeals occur through the related MUP decision which can  
31 be appealed to the hearing examiner.

---

5.1.8 **Street Use Permit**

33 The Street Use permit is required for any work that occurs within the public  
34 right-of-way. There are several types of Street Use permits for work that

1 includes street improvement, franchise and utility work, shoring review, and  
2 roadway closures. Street improvement construction projects in the right-of-way  
3 can typically require sewer, storm drain, or water extensions or repairs, franchise  
4 utility work, driveway, sidewalk, curb and gutter, structures, landscaping, street  
5 lighting, paving or excavation. Street use permits are also required for  
6 circumstances relating to construction activities such as the use of cranes,  
7 material storage, and total or partial street closures.

8 To construct a utility in the right-of-way a Street Use permit is required. The  
9 applicant must submit an application and an as-built plan detailing the proposed  
10 utility. When the proposed utility is constructed it will be inspected for location,  
11 depth, materials and restoration of the affected right-of-way. A database of the  
12 utilities in the right-of-way is maintained by SDOT and the applicant's as-built  
13 record is stored in the database. SCL, SPU, and King County utilities will need to  
14 be relocated prior to construction of the AWVSRP work taking place. In  
15 addition, there are many privately owned utilities that will need to be moved.  
16 One of the critical aspects of the utility work will be to coordinate the relocation  
17 of the multitude of public and private utilities prior to and following  
18 construction.

19 SDOT staff performs shoring review in partnership with DPD where right-of-  
20 way will be affected by an excavation. Properly installed shoring is critical for  
21 maintaining the structural integrity of the adjacent roadway and underground  
22 utility infrastructure. For the AWVSRP, a Street Use shoring permit is not  
23 required because state-owned right-of-way is exempt from this permit.  
24 However, SDOT/DPD staff would still perform an informal review of any  
25 proposed excavation and shoring to ensure that the project meets City  
26 requirements.

#### 27 **Regulatory Authority**

28 The regulatory authority for the Street Use permit is SMC 15.04 and 15.32.

#### 29 **Approval Criteria**

30 Street use permits are approved based on the public health and safety of adjacent  
31 land uses and vehicles, bicyclists, and pedestrians using the roadways.

#### 32 **Prerequisite Considerations**

33 Conditions of the MUP must be met and SEPA review must be completed prior  
34 to issuance of a street use permit.



1 **Application Procedure/Cost**

2 The 2-page Street Use Utility application form is used to apply for the Franchise  
3 and Utility Street Use permit. The Street Use Shoring Review is performed in  
4 conjunction with DPD and is applied for through the building permit. For  
5 projects involving improvements such as public sewers, storm drains, water  
6 mains, street drainage facilities and curbs, sidewalks, and street or alley paving,  
7 the Street Use street improvement permit application form is used.

8 The Street Use application forms themselves are relatively simple and require the  
9 following information: project address, cross streets, land use zone, project title,  
10 contact person and their firm, address, phone, fax and e-mail, owner's name and  
11 their firm, address, phone, fax and e-mail, type of construction, and signature  
12 and date.

13 **Permit Duration/Extension**

14 Street use permits are valid for a period of 3 years and may be extended.

15 **Permit Review Process/Timeline**

16 The process is initiated by submittal of a permit application (see Figures 14 and  
17 15). The City has approximately 28 days to determine if a permit is complete.  
18 During that time the City may request additional information. Once the  
19 application is deemed complete, the City has approximately 120 days to review  
20 the permit (generally, complex permits will take longer). During the review  
21 period, the City may also request additional information. Once the City is  
22 satisfied that the project has met all the City requirements and any other  
23 applicable requirements the permit is issued.

24 **Public Process/Appeal**

25 The public process and appeals for this permit would occur during SEPA  
26 compliance. There is no appeal associated with this permit.

---

27 **5.1.9 Side Sewer Permit (see also the Associated King  
28 County Discharge of Construction Dewatering Approval)**

29 | The Side Sewer Permit for Temporary Construction Dewatering (SSPTD) is  
30 required for any of the following activities:

- 31       • Deep excavations (greater than 12 feet)  
32       • One acre or more of land disturbing activity  
33       • If surface and/or subsurface water is encountered during construction  
34       activity  
35       • When work takes place in an Environmentally Critical Area (ECA)

Comment [JLH15]: Should there be a C?  
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- 1       • When disposal of contaminated temporary surface and/or subsurface  
2       water is required during construction that was not originally expected to  
3       occur  
4       • When advised by the Seattle Public Utilities (SPU) and/or the  
5       Department of Planning and Development (DPD) that an SSPTD needs to  
6       be obtained from DPD because of known surface or subsurface concerns  
7       of the neighborhood or other parties.

8       DPD typically will identify the requirements for a side sewer permit as part of  
9       the building permit review. SPU may be consulted when surface or subsurface  
10      water contamination may exist and SDOT may be consulted if temporary  
11      dewatering would affect an adjacent public place such as a street right-of-way.  
12      The side sewer permit would be triggered for the AWVSRP by the depth of  
13      excavation, amount of land disturbance, and the quantity of water that would be  
14      encountered during excavation.

### 15   **Regulatory Authority**

16    The SSPTD is reviewed by both DPD and SPU under SMC Chapter 21.16,  
17    Director's Rule 3-2004, and SPU Rule 02-04.

### 18   **Approval Criteria**

19    Approval is based on considerations of volume, discharge rates, and the water  
20    quality of the discharge and potential impacts on the receiving water body. It is  
21    the applicant's responsibility to meet the discharge requirements that will be  
22    specified in the SSPTD. This includes maintaining discharge rates and volumes  
23    below the specified amount, meeting sampling and monitoring requirements,  
24    and reporting water quality and volume results to the specified agencies. Water  
25    quality requirements are based on federal, state, county and city guidelines and  
26    regulations.

### 27   **Prerequisite Considerations**

28    Project sites that have access to a public storm drain system will be required to  
29    treat and discharge all on-site dewatering to the system unless water cannot be  
30    effectively treated to protect the downstream drainage activities. The general  
31    point of discharge shall use the existing side sewer piping unless there is no side  
32    sewer available. In which case, a temporary discharge may be made to a public  
33    facility (as long as any street-use permits required from SDOT are obtained). If  
34    no storm system is available, the City may allow connection of the point of  
35    discharge to a public combined sewer or sanitary sewer after review of the  
36    temporary dewatering plan. To discharge to a public combined or sanitary  
37    sewer system, applicants must obtain a Discharge Authorization Letter from  
38    King County Industrial Waste, Department of Natural Resources and Parks  
39    Industrial Waste Group (see Section 6.1.1).

1 SEPA must be completed prior to issuance of a side sewer permit.

2 **Application Procedure/Cost**

3 Application is made through the side sewer permit application form. See  
4 Appendix C for the information required to complete the application form. See  
5 Section for 5.1.3 for information on costs associated with the permit.

6 **Permit Duration/Extension**

7 The side sewer permit is good for three years and may be extended.

8 **Permit Review Process/Timeline**

9 The process is initiated by submittal of a permit application (see Figures 14 and  
10 15). The City has approximately 28 days to determine if a permit is complete.  
11 During that time the City may request additional information. Once the  
12 application is deemed complete, the City has approximately 120 days to review  
13 the permit (complex permits will take longer). During the review period, the  
14 City may also request additional information. Once the City is satisfied that the  
15 project has met all the City requirements and any other applicable requirements  
16 the permit is issued.

17 **Public Process/Appeal**

18 The public process and appeals for this permit would occur during SEPA  
19 compliance. There is no appeal associated with this permit.

---

20 **5.1.10 Other City Permits and Approvals**

21 **Pioneer Square Historic District**  
22 **Approval**

23 Projects that affect buildings within the Pioneer Square Historic District must  
24 undergo a special review process. The Pioneer Square Preservation Board  
25 reviews any proposed new buildings and structures, or changes to  
26 buildings/structures within the historic district. This includes demolition,  
27 changes to the exterior of any structures, new construction, a new sign or  
28 changes to existing signs, and any change in public rights-of-way including  
29 public spaces such as sidewalks. Any new structure must be approved by the  
30 Pioneer Square Preservation Board and Director of Neighborhoods before any  
31 other permits are issued by the City. A Certificate of Approval is required for  
32 any work that results in changes to the exterior of any Pioneer Historic District  
33 structure (SMC 23.66).

1 Similar to other permits and approvals, the viaduct would be exempt from City  
2 requirements because it is likely to be a state-owned facility during the  
3 construction phase. Thus, all work within the right-of-way would be exempt.  
4 However, the Preservation Board and Seattle Department of Neighborhoods  
5 would still review the project and provide recommendations for lessening any  
6 potential impacts on the historic district. The AWVSRP would still be subject to  
7 Section 106 requirements (see Sections 3.3.3 and 4.4.1).

8 **Pike Place Market Historic District**  
9 **Approval**

10 This approval is similar to the Pioneer Square Historic District approval  
11 described above. Pike Place Market has a Historic District Commission that  
12 reviews any proposed new buildings and structures, or changes to  
13 buildings/structures within the historic district. Any new structure must be  
14 approved by the Commission and Director of Neighborhoods before any other  
15 permit is issued by the City. A Certificate of Approval is required for any work  
16 that results in changes to the exterior of any Pike Place Historic District structure  
17 (SMC 25.25).

18 Similar to Pioneer Square Historic District approval, all work within the right-of-  
19 way of the viaduct would be exempt from this approval. However the  
20 Commission and Seattle Department of Neighborhoods would still review the  
21 project and provide recommendations for lessening any potential impacts on the  
22 historic district. The AWVSRP would still be subject to Section 106 requirements  
23 (see Sections 3.3.3 and 4.4.1).

24 **Landmark Building Approval**

25 The Seattle Department of Neighborhoods and Landmarks Preservation Board  
26 must be consulted regarding landmarks that may be affected by the project (SMC  
27 23.47). A similar process to the Pioneer Square Historical District is required for  
28 this approval (i.e., Certificate of Approval).

29 **Seattle Noise Variance**

30 A noise variance may be required for any construction activities that exceed the  
31 allowable exemptions for construction noise within specific hours (SMC 25.08).  
32 Applicants may apply for regulatory relief during DPD review of the project as  
33 part of SEPA compliance or plan review. The Noise Variance Application  
34 requires a description of existing noise levels and proposed construction  
35 activities, including vehicles and equipment to be used, duration of activities,  
36 hours of operation, and modeled noise levels. The noise variance process  
37 includes public comment and hearing components.

- 1 Review criteria include:
- 2 • The physical characteristics of the emitted sound
  - 3 • The times and duration of the emitted sound
  - 4 • The geography, zone, and population density of the affected area
  - 5 • Whether the public health and safety is endangered
  - 6 • Relative interests of the applicant, other owners or possessors of property
  - 7 likely to be affected by the noise and the general public
  - 8 • Whether the sound source predates the receiver(s)
  - 9 • Whether compliance with the standard(s) from which the variance is
  - 10 sought would produce hardship without equal or greater benefit to the
  - 11 public.

12 **Removal/Abandonment of**  
13 **Underground Storage Tanks**

14 It is the policy of the Seattle Department of Transportation to require the removal  
15 of underground storage tanks located in street and alley rights-of-way when the  
16 Permittee is no longer in compliance with Title 15, Chapter 15.04 of the Seattle  
17 Municipal Code. Where the majority of a tank lies beneath the area behind the  
18 curb (area between curb and the property line), the portion of the tank lying  
19 deeper than eight feet (8') may be abandoned in place. Any removals of  
20 underground storage tanks may need to be coordinated/permited with Ecology.

Comment [JLH16]: Does this issue  
need more treatment.

21 **Over the Counter (OTC) Contractor**  
22 **Permits**

23 The following permits are typically obtained by the contractor and many of these  
24 permits may be obtained over the counter or in a relatively quick timeframe.  
25 Processing of the OTC permit applications have been streamlined so that no  
26 appointment is necessary and applications can be submitted online, mailed or  
27 faxed, or accepted by permit technicians at the DPD permit counter. Up to two  
28 permits can be taken in at a time from one applicant (more can be taken in at the  
29 same time if the technicians aren't busy). The following permits may be obtained  
30 over the counter:

- 31 • Mechanical
- 32 • Electrical
- 33 • Sign
- 34 • Elevator (temporary elevators would be required for descending into the
- 35 tunnel if that alternative is selected)
- 36 • Fire Alarms

1 **Construction Traffic Approvals**

2 There are several permits/approvals related to construction that would be  
3 required from the City. These include detour routing approval, permits for  
4 construction related traffic traveling through the Downtown Traffic Control  
5 Zone, and concrete truck approval. It is likely that SDOT will also require a  
6 Traffic Control Plan for AWVSRP construction related traffic.

7 | • Detour Routing Approval – An approval from SDOT is required for  
8 detouring traffic – this approval is associated with the Street Use permit  
9 described above.

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10 | • The Downtown Traffic Control Zone (Ordinance 108200) - The City has  
11 designated an area of downtown from Yesler Way on the South to Lenore  
12 Street on the North bounded by 9th Avenue on the east and 1st Avenue  
13 on the west as a "Downtown Traffic Control Zone". The requirements for  
14 vehicle movement within this zone are:

15 Legal vehicles (30 feet long and longer) require a permit to move within this area  
16 from 9 am to 3 pm and 7 pm to 6 am Monday through Saturday. Curfews are in  
17 effect from 6 am to 9 am and 3 pm to 7 pm except Saturdays and Sundays. A  
18 permit is not needed for travel on Sundays.

19 Over-legal vehicles (i.e., over width, over height, or over length) cannot travel in  
20 this zone from 6 am to 7 pm. They can move in this zone from 7 pm to 6 am with  
21 a permit. This is an over the counter permit and the traffic control zone map can  
22 be found on the SDOT website:

23 <http://www.seattle.gov/transportation/overvehicleloads.htm>.

24 Concrete Truck Approval – A special approval is required for concrete trucks to  
25 travel through the downtown traffic control zone.

26 **Required Parking**

27 There are requirements for providing parking as part of approved development  
28 in Seattle. A parking deficit occurs when a legally established use does not  
29 provide the number of parking spaces that would be required by code for that  
30 use. The AWVSRP project in some instances could result in acquisition of  
31 parking areas that were required for that development to occur. Thus, there will  
32 need to be some review and approval for allowing the loss of parking or a  
33 requirement to provide additional parking or other alternate transportation  
34 services that would reduce the parking need. This review is likely to occur  
35 under the MUP, but may require some additional approval by the City.

## 5.2 SEATTLE CITY LIGHT

2 Seattle City Light (SCL) has internal guidelines and standards related to changes  
 3 or improvements to the electrical system. These include standards for utility  
 4 relocation and substation modification. Additionally permits will be required  
 5 when transmission lines are temporarily shut down.

6  
 7 The electrical utility relocation work will require that the transmission lines be  
 8 temporarily shut down in places. This process is called a clearance permit. This  
 9 clearance permit would be requested by SCL and go through the regional  
 10 transmission authority, the Northwest Power Pool (NWPP). The Bonneville  
 11 Power Administration (BPA) often performs the processing and review of  
 12 transmission line clearance applications for NWPP. Typically, it is necessary to  
 13 make transmission clearance requests well in advance of the planned work.  
 14 Seattle City Light recommends 12 months advance application in all cases.  
 15 Requests are granted on a first come, first served basis.

16  
 17 The distribution feeder clearance approval is controlled internally by SCL's  
 18 system operations center. This approval is required to maintain safety and  
 19 proper operational characteristics of the distribution feeder system. Typically, it  
 20 is necessary to make distribution clearance requests well in advance of the  
 21 planned work. Generally, SCL recommends a 6 to 9 months advance application  
 22 for distribution feeder clearances. For a major project such as the AWVSRP with  
 23 complex tunnel/highway and utility construction factors, a 12 month advance  
 24 application for feeder clearances is advisable. Requests are granted on a first  
 25 come, first served basis.

26  
 27 Please refer to the following table for an overview of electric transmission and  
 28 distribution clearance permit requirements and procedures. Please also refer to  
 29 Appendix D, "Seattle City Light Transmission & Distribution Power Line  
 30 Clearances Process Overview" for a broader discussion of SCL's electric  
 31 transmission and distribution clearance permit requirements and procedures.

32  
 33 **Table 1. Transmission and Distribution Clearance Permit Process**

<u>Process</u>	<u>Transmission Clearance Permit</u>	<u>Distribution, 13 kV Network Clearance Permit</u>	<u>Distribution, 26 kV Radial Clearance Permit</u>
<u>Regulatory Authority</u>	<u>NWPP, WECC, BPA, SCL, SOC</u>	<u>SCL, SOC</u>	<u>SCL, SOC</u>
<u>Approval Criteria</u>	<u>Safety, regional power grid reliability and security</u>	<u>Safety, reliability and security</u>	<u>Safety, reliability and security</u>
<u>Prerequisite Consideration</u>	<u>See Evaluation Criteria in Appendix D of this report</u>	<u>See Evaluation Criteria in Appendix D of this report</u>	<u>See Evaluation Criteria in Appendix D of this report</u>

**Deleted:** several internal permits/approvals

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**Deleted:** electrical transmission outage request, and distribution feeder clearance permit.

**Deleted:** The electrical utility relocation work will require that the transmission lines be temporarily shut down in places. This process is called a clearance permit. This clearance permit would be requested by SCL and go through the regional transmission authority, the Northwest Power Pool (NWPP). The Bonneville Power Administration (BPA) often performs the processing and review of transmission line clearance applications for NWPP. Typically, it is necessary to make transmission clearance requests well in advance of the planned work. Seattle City Light recommends 12 months advance application in all cases. Requests are granted on a first come, first served basis.¶

¶ The distribution feeder clearance approval is controlled internally by SCL's system operations center. This approval is required to maintain safety and proper operational characteristics of the distribution feeder system. Typically, it is necessary to make distribution ... [1]

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1	<u>Application Procedure and Cost</u>	<u>Applications are made to SCL, SCL and SOC review and process the application. SCL/SOC then submit the application to NWPPA for their review (this is typically performed by BPA).</u>	<u>Applications are made to SCL, SCL and SOC review and process the application.</u>	<u>Applications are made to SCL, SCL and SOC review and process the application.</u>	Formatted: Font: 9 pt
2					Formatted: Font: 9 pt
3	<u>Permit Duration and Extension</u>	<u>Duration outage permitted depends on the operational significance of the line.</u>	<u>The permit is good from hours to weeks depending on the specific case.</u>	<u>The permit is good from hours to weeks depending on the specific case.</u>	Formatted: Font: 9 pt
4	<u>Permit Review Process</u>	<u>Submit application to SCL/SOC 12 months in advance of desired clearance start date.</u>	<u>Submit application to SCL/SOC 12 months in advance of desired clearance start date (can be processes in less time, but use 12 months for project scheduling purposes).</u>	<u>Submit application to SCL/SOC 12 months in advance of desired clearance start date (can be processes in less time, but use 12 months for project scheduling purposes).</u>	Formatted: Font: 9 pt
5	<u>Public Process and Appeal</u>	<u>There is no public process associated with this approval.</u>	<u>There is no public process associated with this approval.</u>	<u>There is no public process associated with this approval.</u>	Formatted: Font: 9 pt
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# 6.0 Other Permit Authority Permits and Approvals

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## 6.1 KING COUNTY

- 5 King County approvals for the AWVSRP include the Discharge of Construction
- 6 Dewatering to the Sanitary Sewer and a Utility Relocation Approval.

### 6.1.1 Discharge of Construction Dewatering to Sanitary Sewer

9 ~~It is unlikely that the AWVSRP will discharge construction dewatering or~~  
 10 ~~construction stormwater into the combined sewer system and so this approval~~  
 11 ~~may not be required.~~ King County currently has a NPDES permit for the West  
 12 Point treatment plant where flows from the Elliott Bay Interceptor are treated,  
 13 ~~this permit includes their Combined Sewer Outfalls (CSO). The City of Seattle~~  
 14 ~~has an NPDES permit for their CSO Outfalls.~~ Portions of the AWVSRP Corridor  
 15 currently flow to the Elliott Bay Interceptor. The City of Seattle participates in an  
 16 NPDES permit for their separated storm sewer system with King County as a co-  
 17 permittee. If the project will continue to discharge to the current drainage  
 18 system, the AWVSRP will need to comply with King County's ~~and Seattle's~~  
 19 existing NPDES permit requirements.

Comment [JLH17]: If this is true, where is it going to go.

Deleted: their Combined Sewer Outfalls (CSO). They also have an NPDES permit for discharges associated with

Deleted: and WSDOT

Deleted: s

#### 20 Regulatory Authority

21 Regulatory authority for discharges of construction dewatering or ~~contaminated~~  
 22 stormwater to the King County sanitary sewer is through the King County Code  
 23 (KCC 28.84), Public Rule PWT 8-14 - Discharge of Construction Dewatering to  
 24 the Sanitary Sewer, ~~KC Code Title 28~~, and the NPDES permit (RCW 90.48 and  
 25 WAC 173-220 and 173-226).

Deleted: Ordinance (11034)

#### 26 Approval Criteria

27 Discharges would be required to demonstrate compliance with the discharge  
 28 standards and limitations set by ~~Seattle and~~ King County and the conditions of  
 29 the NPDES permit. For example, any discharge of wastewater would have to  
 30 contain less than 7 milliliters per liter of solids capable of settling. They may also  
 31 require self monitoring for specified substances, and place limits or prohibit  
 32 certain materials (such as sand, grass, and gravel). Discharges of construction  
 33 dewatering may also be limited or prohibited during the wetter winter months  
 34 because there is less capacity. ~~Also required, is an explanation of why discharges~~

Deleted: (this is to ensure that sewer lines do not become blocked)

1 | of 25,000 or greater cannot be discharged to surface water along with proof of  
2 | denial of an NPDES permit by Ecology.

3 | **Prerequisite Considerations**

4 | In addition to the approval from King County, permission must also be given by  
5 | the City of Seattle Public Utilities (SPU) (see Section 5.1.9).

6 | **Application Procedure/Cost**

7 | A permit application submitted to the King County Industrial Waste Program is  
8 | required to obtain this approval. There is a 90-day time schedule and fee  
9 | associated with obtaining an industrial waste permit. Fees include issuing of the  
10 | permit, operation/maintenance of the sewer and capacity charge (if applicable).

11 | **Permit Duration/Extension**

12 | The permit is issued for the duration of the discharge to the sanitary sewer.

13 | **Permit Review Process/Timeline**

14 | The general process of review involves submittal of the application, King County  
15 | review by the Industrial Waste Program staff, and issuance of a permit, discharge  
16 | authorization, discharge authorization letter, or verbal approval. The type of  
17 | approval is determined by the volume discharged, the nature of the discharge,  
18 | and the potential risk to the treatment plant.

19 | **Public Process/Appeal**

20 | There is a public process comment period associated with this permit.

---

**6.1.2 Utility Relocation Approval**

22 | There are King County utilities, such as sewer lines, within the City and the  
23 | AWVSRP is likely to require the relocation of these lines. An approval from King  
24 | County would be needed to coordinate the relocation of King County utilities. A  
25 | request to relocate utilities would be made to the King County Department of  
26 | Natural Resources and Parks. This would set up the coordination between the  
27 | two agencies to relocate affected utilities.

**Deleted:** A Construction Dewatering Request Form submitted to the King County Industrial Waste Program is used to obtain this approval. The form requires the following information: project name, location, project description, contractor, contact name, address, e-mail address, office phone and fax, site phone and fax, cell phone, pager, water/sewer district and contact, size of area (to be dewatered), volume of dewatering in gallons per day, pump rate, start and end date of dewatering, discharge point, water quality data, description of methods used to control solids, remarks or unusual conditions, and answer the question "If the discharge will be greater than 25,000 gallons per day during November through April, is discharging to surface water possible?"¶  
There are no fees associated with the permit application, but there are fees involved in the discharge, which are determined by King County Ordinance 11034.

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**Deleted:** or appeal

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## 6.2 BURLINGTON NORTHERN AND SANTA FE RAILROAD

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### 6.2.1 Right-of-Way Use Approval

4 Several portions of the AWVSRP improvements would need to use or affect the  
5 Burlington Northern and Santa Fe Railroad right-of-way, such as the utility  
6 relocation. This approval requires submitting a letter of intent to Burlington  
7 Northern and Santa Fe, which requests permission to use the right-of-way and  
8 describes the potential construction activities including the timing and duration  
9 of the construction. Construction activities would need to be coordinated with  
10 the train operations. In addition, if there are improvements within the right-of-  
11 way that require ongoing maintenance, an agreement is necessary with  
12 Burlington Northern and Santa Fe that describes who would be responsible for  
13 this maintenance.

---

## 6.3 PUGET SOUND ENERGY (AND BONNEVILLE POWER ADMINISTRATION)

---

### 6.3.1 Electrical Transmission Outage Request

17 Puget Sound Energy (PSE) operates electric transmission and distribution power  
18 lines in the region. Bonneville Power Administration (BPA) operates electric  
19 transmission lower lines in the region. No PSE or BPA electric power lines will  
20 be shut down as part of the AWVSRP. BPA and PSE will be notified of SCL's  
21 clearance applications and will have the opportunity to comment prior to  
22 issuance of all clearance permits.

---

### 6.3.2 Natural Gas

24 PSE natural gas lines will be relocated as part of the AWVSRP. (Need discussion  
25 about the permits involved in the relocation and potential shut down of major  
26 natural gas lines.)  
27

**Deleted:** The electrical utility relocation work will require that the regional electrical grid be temporarily shut down in places. The shut down of the grid requires advance notice to Puget Sound Energy. Typically, it is necessary to make requests well in advance of the planned work (up to a year in advance if possible) and requests are granted on a first come, first served basis. This approval would be requested by SCL and go through the Regional Transmission Authority to the Bonneville Power Administration.¶

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# 1        7.0 Current Initiatives and Next Steps

2

3        This section discusses the current status of work and next steps related to  
4        developing a strategy to obtain and facilitate permit review for the AWVSRP. At  
5        this point in time, the permitting strategy is still under development due to the  
6        early state of design and the number of alternatives and options that are still  
7        under consideration (there are two alternative designs moving forward through  
8        the environmental compliance process).

9        As time moves forward there will be changes in the design, as well as changes in  
10       laws, statues, regulations, plans, and policies that pertain to or affect permitting.  
11       Some of these may be developed unrelated to the AWVSRP (and still affect the  
12       AWVSRP) and others will be made specifically for the project. Thus, the  
13       approach to permitting will be an ongoing effort and strategies for moving the  
14       permit process forward need to be flexible and adaptive.

---

## 7.1 CURRENT INITIATIVES

16       Current work on the permitting strategy is being carried forward by a number of  
17       groups involved in the AWVSRP. These include design and environmental  
18       consulting staff, City of Seattle employees, and agency workers, particularly  
19       WSDOT personnel. Some of the groups working on permits include a permit  
20       strategy group, the RALF (see Section 2.1.1), utility leads coordination group,  
21       right-of-way committee, and staff units within various City departments such as  
22       SDOT, SPU, DPD, and SCL, as well as dedicated staff at other permit agencies  
23       such as the Corps of Engineers and Ecology. All of these groups and personnel  
24       are working on and coordinating efforts to develop the process for obtaining  
25       permits and streamlining the permitting process. The goal is to ensure that  
26       permitting does not become the critical path. This section describes current work  
27       efforts related to permitting.

### 28       **Code Amendments**

29       There is a process that has been started by staff in DPD, SDOT, SCL, and SPU in  
30       addition to the City legal staff to examine the City's codes to determine where  
31       code amendments and ordinance revisions need to occur or could be made to  
32       facilitate construction of the AWVSRP. This is important because there is a  
33       relatively small window of time each year to make these code changes. These  
34       code amendments may have a significant effect on what permits will be needed  
35       for specific segments of the AWVSRP project (such as those that would occur  
36       within the shoreline district). Thus, it is important to make sure that this process  
37       continues to move forward quickly and code changes are made early in the  
38       process.

1 One of the code changes that are currently being investigated includes  
2 recognizing the project as an essential public facility. As part of designating the  
3 project as an essential public facility, language and specific development  
4 standards would be crafted to allow it to be built (including permission for  
5 interim staging, parking, signage and other construction-related uses) while  
6 providing appropriate safeguards and conditions. As an essential public facility  
7 it would be exempt from land use requirements and would allow the facility to  
8 more easily be constructed in the shoreline zone. This same designation was  
9 used for the monorail proposal and light rail transit systems.

Deleted: (the tunnel option is currently not allowed under the existing shoreline code)

10 Amendments are also being discussed to the Comprehensive Plan and Land Use  
11 Code and Shoreline Master Program to streamline the permitting for  
12 construction of the AWVSRP within the shoreline zone. This could also be tied  
13 into the new vision for the Seattle waterfront as embodied in the Waterfront  
14 Concept Plan. Amendments to the Shoreline Master Program would also have to  
15 be coordinated with Ecology. Staff are currently analyzing and writing up the  
16 relationship of the project to the land use code.

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17 One of the problems with permitting the project in the shoreline district is that  
18 under the existing code the Shoreline Substantial Development permit is only  
19 valid for 5 years with a one-time, one-year extension (this corresponds to the  
20 suggested time requirements in RCW 90.58.143). The project will require a longer  
21 timeframe to construct and there is uncertainty involved in resubmitting for a  
22 permit in six years that could affect the project design. However, under state  
23 law, local agencies may adopt different time limits from those in the state code.  
24 Thus, it is possible that the City may allow a longer time frame to accommodate  
25 projects such as the AWVSRP that require longer construction timeframes.

Deleted: code

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26 Vesting regulations are also being reviewed to determine how best to assure that  
27 all phases of the project, which will be under construction for many years, can be  
28 assured to be constructed as planned and conditioned. This effort may require  
29 some modifications to the code.

30 There is an interpretation process available at the City through DPD that may be  
31 used to facilitate permit review under existing codes (i.e., no code changes would  
32 be necessary for some project elements). For example if there is some ambiguity  
33 about the permissibility of a use or application of development standards to a  
34 particular site, a request for formal interpretation may be made to DPD that can  
35 be appealed to the Hearing Examiner. In cases where such issues might arise,  
36 the project might consider preparing a reasoned analysis of the code, stating how  
37 it could be applied to the project to meet the desired result, and then ask DPD for  
38 their review and response to this approach. In this way, it may be possible to use  
39 existing codes to help forward the project rather than seeking amendments.

Comment [JLH18]: Is this correct

1 **Permit Requirements**

2 This report is the first step in identifying the permits requirements for the project.  
3 It has identified the likely permits required, application submittal requirements,  
4 regulatory authority, permitting process and other related information. This has  
5 been a cooperative effort between the permit strategy group, WSDOT, and City  
6 staff, particularly SDOT, DPD, SCL, and SPU. This effort will continue as more  
7 design specific information that is needed for permits is identified and  
8 communicated to the design team.

**Deleted:** information needed for permits will be identified and communicated

9 **Permit Leads**

10 Several of the groups working on permits have started to identify the people that  
11 will be responsible for obtaining permits including persons responsible for  
12 design and graphics support, application preparation, and coordinating the  
13 permit preparation effort. People are also being identified that will perform the  
14 permit review at the agencies, track the progress of permits through the process  
15 and respond to any requests for additional information, and track mitigation  
16 commitments. This information is being prepared in a matrix that includes  
17 contact names and contact information.

18 Some additional ideas for permit leads include the following:

- 19 • Develop permit teams (of maybe 3 persons) to work on each permit with  
20 one person having overall responsibility for each permit type.
- 21 • Identifying one or more permit schedulers that report to the permit leads  
22 and ensures that the permit schedule is being continually updated and  
23 integrated with the Project Master Schedule.
- 24 • Develop a close working relationship between the permit lead and design  
25 lead to take corrective actions to support the permit schedule and to  
26 ensure that regulatory requirements are met in the project design. Also  
27 work closely with the design lead to forward portions of the design  
28 critical to permits in advance of other design elements to facilitate early  
29 permit submittals.

30 Part of this initiative is to also identify any permit staffing shortfalls at the  
31 agencies and determine if any additional funding is necessary to support staff  
32 that can be dedicated to project permit review. One of the ways to get priority  
33 review with competing project applications is to have funding in place before the  
34 first permit application is submitted. That way there is certainty that permit fees  
35 will be available to cover staff time or additional staff hires.

36 **Permit Timelines**

37 Several draft timelines have been prepared (see Appendix B) for some of the  
38 project elements that will be constructed first such as the seawall test sections

1 and utility relocation. These have been worked backward from tentative  
2 construction start dates to get an idea of the likely timeframe for obtaining  
3 permits. As the design becomes more refined and it is determined how  
4 construction will take place, these timelines can be revised to determine when to  
5 submit applications for permits.

#### 6 **Right-of-Way Ownership**

7 It has generally been agreed upon that WSDOT will be the owner of the right-of-  
8 way during construction and once the project is completed, the right-of-way  
9 ownership would revert to the City. Right-of-way issues related to permitting  
10 include how will this be coordinated for the purposes of permitting the project  
11 and will any agreements be necessary? Similar to the discussion above related to  
12 the permit schedule: one person needs to be the designated lead on this issue and  
13 right-of-way ownership needs to be tracked with detailed logic to support the  
14 permit effort. This issue is currently being worked on in the AWVSRP Right-of-  
15 Way Committee.

#### 16 **Interagency Agreements**

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

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

31 The permit strategy group is currently researching these agreements for  
32 language that could be used to develop interagency agreements for the  
33 AWSRVP. Other City staff is investigating other existing utility agreements,  
34 franchises, and right-of-way permits related to the existing utilities.

#### 35 **Permit Commitments Database**

36 Control and tracking of the project commitment file is important to ensure that  
37 regulatory requirements, conditions, and mitigation commitments placed on the  
38 project are forwarded through design and implemented. It is particularly

1 important to ensure that permit commitments are identified in construction bid  
2 documents so that contractors can include these as part of the basis of their bids.  
3 Thus, there needs to be a database to track permit commitments and designated  
4 staff to oversee this aspect of the project. The commitment tracking staff should  
5 be involved in coordination with the preparation of the construction bid  
6 documents. It has been determined that WSDOT will be the designated lead in  
7 tracking the permit commitments.

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## 7.2 NEXT STEPS

9 This section describes next steps identified as being necessary in developing the  
10 permit strategy for the AWVSRP. They are in no particular order of importance  
11 and are being revised and added to as the permit strategy development process  
12 moves forward. It is the goal of this section to describe those ideas currently  
13 identified and to stimulate additional ideas and issues to be assessed as part of  
14 creating the next steps in the permit strategy. It is important to continue to  
15 update the approach to permitting as additional information becomes available  
16 or changes in permitting requirements occur. The permitting team lead in the  
17 AWV Environmental Program is responsible for coordinating and developing a  
18 permitting strategy as the project progresses. The Team lead will be the  
19 repository of ideas and will evaluate the merits of each concept for discussion  
20 with the Environmental Manager.

Deleted: ly

Comment [JLH19]: Is this what EM stands for

### 21 Identify Project Construction Means 22 and Methods

23 The issue of determining how the project will be constructed is one of the biggest  
24 concerns in moving the permitting process forward. This issue is compounded  
25 because the project is large and complex, there are two designs moving forward  
26 through the environmental review process, and the construction duration is too  
27 long for many of the permits to apply to the entire project. Thus, how the project  
28 will be designed and constructed is one of the next steps in determining how to  
29 permit the project.

30 As stated above, the long construction timeframe causes problems in permitting  
31 the project because some permits will expire before construction is complete.  
32 One of the strategies to overcome this problem is to partition the project into  
33 permittable segments or phases. This effort will need to be coordinated with  
34 permit agencies such as the Corps. The Corps requires that a project segment  
35 have "independent utility," which means that a particular project segment is  
36 capable of being a viable project on its own. The objective behind assessing  
37 independent utility is so that projects can't be segmented or piecemealed to  
38 avoid regulatory requirements. Therefore, it is vital to coordinate with the permit  
39 agencies when the project is divided into phases to facilitate permitting.



1 To accurately determine the permits needed for each phase, the following  
2 information will be needed:

- 3 • What will comprise the construction phase?
- 4 • How will this phase be constructed?
- 5 • When will the 30, 60, and 90 percent design for each phase be completed?
- 6 • What is the duration of the construction period for each phase?

7 In some cases, it is possible to determine what the permit requirements will be  
8 for some of the anticipated phases. For example, the seawall test sections require  
9 the following permits;

Deleted: for the seawall test sections  
the following permits would be  
necessary

10 Potential Project-wide permits

- 11 • Section 404/Section 10
- 12 • Section 401 Water Quality Certification
- 13 • Coastal Zone Management Consistency Certification
- 14 • Hydraulic Project Approval
- 15 • Aquatic Lands Use Authorization
- 16 • NPDES Individual Construction Stormwater permit

17 Potential Project-segment permits

- 18 • Shoreline Substantial Development Exemption
- 19 • Grading approval
- 20 • Noise Variance
- 21 • Street Use Permit (street improvement, shoring, and utilities).

22 Another issue in determining how the project would be constructed is to decide  
23 how the work would be contracted and how contractors would do the work. For  
24 example, what is contracted as Design-Build versus Design-Bid-Build (the  
25 traditional process) will have a large effect on the construction (local) permits  
26 that would be required. Also, different contractors employ different means of  
27 construction and it would be useful to establish communication with contractors  
28 to help determine how the project would or should be constructed.

29 **Create Strategy for Managing Change**

30 Because of the long timeframes involved in the project and the complex nature of  
31 the project, which requires frequent design modifications, it will be necessary to  
32 create a process for managing change as part of the permit strategy. It is  
33 particularly vital to have a plan in place with the design team and permitting  
34 authorities so that changes made during the permit process do not unduly delay  
35 permit approval.

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36 One approach is to have permit submittals included in the design scope to  
37 provide permit plans in advance of the project's 90 percent design. That is, those  
38 plans needed for permits could be advanced ahead of the overall project design  
39 to the point where it was likely that there would only be minor design changes

1 that would affect permitting. As long as the design does not change  
2 substantially then there is a low risk of having to completely redo a permit  
3 application and the minor design changes can be addressed by amending the  
4 permit later.

5 If the design for permit plans can't be advanced for all the permits, then it should  
6 at least be applied to the project-wide permits which require a lower level of  
7 design (typically 30 percent). Another consideration would be to break the  
8 project into segments that show independent utility and forward those segments  
9 into permitting that would occur first.

10 For design-bid-build segments, permits need to be obtained before bids are  
11 opened so that contractors know what the permit conditions are. Usually this  
12 means that permits must be obtained 60 -90 days prior to the desired bid opening  
13 date.

Comment [JLH20]: Check if this is appropriate

#### 14 **Integrate Permitting into the Overall** 15 **Schedule**

16 An ongoing need will be to integrate permitting into the overall project schedule  
17 and to start to build interrelationships between permit requirements and design.  
18 This is particularly important because it gives staff working on the project a  
19 common understanding and expectation for how long the permit process can  
20 take (particularly if appeal periods are included), as well as help to ensure that  
21 permitting does not become the critical path. The permit schedule needs to show  
22 all logic including design milestones of plans supporting permit applications to  
23 be certain the design is tracking with the anticipated permit timelines.

#### 24 **Develop Coordination Strategy with** 25 **Other Projects**

26 The AWVSRP project will affect many adjacent properties for an extended period  
27 of time because of the length of the alignment and duration of the construction  
28 schedule. During the utility relocation activities and the construction period  
29 other development will also be occurring in the vicinity. It will be important to  
30 develop a coordination strategy for integrating the AWVSRP with other planned  
31 or as yet unplanned development activities. For example, projects such as the  
32 Coleman dock replacement project and the 600-unit hotel planned in the project's  
33 north end along Aurora Drive will affect the design and construction methods  
34 for the AWVSRP.

#### 35 **Prepare an Agency Coordination and** 36 **Communication Plan**

37 The purpose of this task is to find ways to facilitate permit review by building a  
38 successful team approach to permitting. The idea is to find ways to work with

1 permit authority staff instead of working against them or at cross purposes.  
2 Thus, one of the main strategies is to develop user friendly ways to inform  
3 permit agencies in advance of permit submittals including applications, revision  
4 materials, or agency requested information. This may include: weekly or bi-  
5 weekly meetings; informing agencies when there will be 30, 60, or 90 percent  
6 submittals; establishing single points of contact for agencies to call with any  
7 questions; providing agencies an idea of the level of effort they will need to put  
8 forth to support the project; etc.

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

### 15 **Continue Current Initiatives**

16 Part of the next steps process is to continue the initiatives being worked on  
17 currently (see Section 7.1). Some of the issues/tasks of the current initiatives  
18 being carried forward or considered include the following:

- 19 • Review any existing agreements (e.g., WSDOT/City drainage agreement,  
20 utility franchises agreements, etc.) to determine if they are applicable to  
21 the current project.
- 22 • Identify any rights that utilities have through their existing  
23 permits/easements/agreements.
- 24 • Develop memorandums of understanding or agreement on the permit  
25 process describing what it is, how it would work, roles and  
26 responsibilities, etc.
- 27 • Look into the possibility of obtaining exceptions from permit  
28 requirements for some portions of the project such as the seawall test  
29 sections (e.g., apply as maintenance and repair of an existing structure).
- 30 • Determine if uses such as staging areas, construction yards, and  
31 construction parking are allowable uses within the construction area.
- 32 • Continue to incorporate language into the City codes such as the  
33 Shoreline Master Program to streamline review of the AWSRVP.
- 34 • Identify any permit issues/processes that aren't readily apparent, such as  
35 how utilities that run into and out of the shoreline district are handled  
36 under the Shoreline permit.
- 37 • Identify which agencies/departments have jurisdiction for permits when  
38 there is uncertainty, for example would DPD or SDOT have jurisdiction  
39 over the right-of-way.
- 40 • Identify limits of agency jurisdiction, for example would Corps have  
41 jurisdiction over areas that were historically in the water?

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Deleted: hat run into and out of the shoreline district

- 1 • Identify a public outreach coordinator to coordinate with the permit team  
2 to answer public questions related to permitting.  
3 • Look into the possibility of forwarding an overall concept plan for the  
4 project for approval/adoption by the City Council. (This is similar to the  
5 concept of a phased review process. For example this is used under  
6 NEPA where a broad environmental document is developed for a plan  
7 such as Land Use Plan and then additional environmental documentation  
8 is prepared for site specific developments.) In this instance broad issues  
9 would be addressed administratively in the concept plan, and then more  
10 site specific issues could be addressed in permitting with the goal that  
11 this could help to streamline the permit review process.

Deleted: idea

Deleted: Then further review would be under the adopted plan.

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# References

1  
2  
3 Ecology 2002. Signatory Agency Committee Agreement to Integrate Aquatic  
4 Resources Permit Requirements into the National Environmental Policy  
5 Act and the State Environmental Policy Act Processes in the State of  
6 Washington. April 2002.

7 Fitzpatrick, K. 2005. Personal communication of 9-29-05 with Kevin Fitzpatrick,  
8 Ecology Water Quality Program Director.

9 PSRC. 2004. Destination 2030 Progress Report. Puget Sound Regional Council,  
10 Seattle, WA.  
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*Appendix A*  
*Summary Permit Matrix*

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1 Summary Matrix of Permits/Approvals in the Permitting Strategy Report

Permit	Issuing Agency	Code Authority	Trigger Activity	Location in Report
<b>NEPA/SEPA/404 Merger Process</b>	Signatory Agency Committee (for the AWVSRP it will be the RALF)	N/A	FHWA sponsored, federal funding, and required NEPA EIS.	Section 2.1 and 2.2
<b>Clean Water Act Section 404</b>	U.S. Army Corps of Engineers	33 USC 1344 33 CFR§323 40 CRR§230	Placing a structure, excavating, or discharging dredged or fill material into waters of the United States.	Section 3.1.1
<b>Rivers and Harbors Act Section 10</b>	U.S. Army Corps of Engineers	33 USC 401 33 USC 403 33 CFR§320 33 CFR§322	Placement of structures and discharge of material into navigable waters of the United States.	Section 3.1.1
<b>Endangered Species Act/Magnuson Stevens Act</b>	U.S. Fish and Wildlife Service and NOAA Fisheries	16 USC 1531 50 CFR§402 Public Law 265	Activities funded, authorized, or carried out by federal agencies.	Section 3.2.1
<b>Transportation Act Section 4(f)</b>	Federal Highway Administration	49 USC 1653 49 USC 303 23 CFR§138	FHWA actions affecting significant park and recreation lands, wildlife and waterfowl refuges, and historic sites.	Section 3.3.1
<b>Clean Air Act Air Quality Conformity</b>	Puget Sound Regional Council	42 USC 7401 40 CFR§51 40 CFR§93	Federally funded transportation projects may not contribute to air quality degradation.	Section 3.3.2
<b>National Historic Preservation Act Section 106</b>	Advisory Council on Historic Preservation	16 USC 470 36 CFR§800	Activities affecting historic resources (may be direct or indirect effects).	Section 3.3.3
<b>Clean Water Act Section 401 Certification</b>	Washington Department of Ecology	33 USC 1341 RCW 90.48 WAC 173-225 WAC 173-201	Federally permitted projects must comply with Section 401.	Section 3.3.4 and 4.1.1
<b>Coastal Zone Management Act Certification</b>	Washington Department of Ecology	16 USC 1451 15 CFR§930	Federally funded or permitted projects must comply with CZMA.	Section 4.1.2
<b>NPDES Construction Stormwater Permit</b>	Washington Department of Ecology	33 USC 1342 40 CFR§122-124 RCW 90.48 WAC 173-220 WAC 173-226	Projects that disturb (e.g., clearing, grading, etc.) one or more acres of soil.	Section 3.3.4 and 4.1.3
<b>Hydraulic Project Approval</b>	Washington Department of Fish and Wildlife	RCW 77.55 WAC 220-100	Activities that use, divert, obstruct, or change the natural flow or bed of state waters.	Section 4.2.1

**Summary Matrix of Permits/Approvals in the Permitting Strategy Report  
(continued)**

Permit	Issuing Agency	Code Authority	Trigger Activity	Location in Report
<b>Aquatic Lands Use Lease Approval</b>	Washington Department of Natural Resources	RCW 79.90 WAC 332-30	Using state owned aquatic lands (includes harbors, state tidelands, shorelands, and beds of navigable waters).	Section 4.3.1
<b>National Historic Preservation Act Section 106</b>	Washington Department of Archaeology and Historic Preservation	16 USC 470 36 CFR§800 RCW 27.53 WAC 25-12 WAC 51-19	Activities affecting historic resources (may be direct or indirect effects).	Section 4.4.1
<b>Environmental Critical Areas Review</b>	Seattle - Planning and Community Development	SMC 25.09	Activities that occur in or near designated critical areas (includes steep slopes, wetlands, streams, liquefaction prone areas, floodplains, mines, fish and wildlife habitat areas, and aquifer recharge areas).	Section 5.1.1
<b>Master Use Permit</b>	Seattle - Planning and Community Development	SMC 23.76	Any land use development within the City.	Section 5.1.2
<b>Shoreline Substantial Development Permit</b>	Seattle - Planning and Community Development	RCW 90.58 WAC 173-14-18 SMC 23-60	Development or construction activity occurring within 200 feet of waters of the State with a value of \$5,000 or more.	Section 5.1.3
<b>Grading Permit</b>	Seattle - Planning and Community Development	SMC 22.800	Alteration of grades by 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.	Section 5.1.4
<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.	Section 5.1.5
<b>Demolition Permit</b>	Seattle - Planning and Community Development	SMC 23.76	Required for demolition of structures.	Section 5.1.6
<b>Building Permit</b>	Seattle - Planning and Community Development	SMC 22.100	Construction of new buildings or structures.	Section 5.1.7
<b>Street Use Permit</b>	Seattle - Planning and Community Development	SMC 15.04 SMC 15.32	Any work within the public right-of-way (includes street and utility improvements, landscaping, and lighting).	Section 5.1.8



**Summary Matrix of Permits/Approvals in the Permitting Strategy Report  
(continued)**

Permit	Issuing Agency	Code Authority	Trigger Activity	Location in Report
<b>Side Sewer Permit</b>	Seattle - Planning and Community Development and Seattle Public Utilities	SMC 21.26	Temporary construction dewatering and discharge of dewatering to the sanitary sewer system.	Section 5.1.9
<b>Pioneer Square Historic District</b>	Seattle Department of Neighborhoods and Pioneer Square Preservation Board	SMC 23.66	Alterations to historic structures or new structures within the district.	Section 5.1.10
<b>Pike Place Market Historic District</b>	Seattle Department of Neighborhoods and Pike Place Market Historic District Commission	SMC 25.25	Alterations to historic structures or new structures within the district.	Section 5.1.10
<b>Landmark Building Approval</b>	Seattle Department of Neighborhoods and Landmarks Preservation Board	SMC 23.47	Alterations to designated landmarks.	Section 5.1.10
<b>Noise Variance</b>	Seattle - Planning and Community Development	SMC 25.08	Activities that cause noise levels to exceed City standards.	Section 5.1.10
<b>Underground Storage Tanks</b>	Seattle Department of Transportation	SMC 15.04	Removal or abandonment of underground storage tanks.	Section 5.1.10
<b>Over the Counter Permits</b>	Seattle - Planning and Community Development	Multiple codes	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.	Section 5.1.10
<b>Utility Approvals</b>	Seattle City Light	N/A	Utility relocation, substation modification, transmission outage request, and feeder clearance permit.	Section 5.2
<b>Discharge of Construction Dewatering</b>	King County	KCC 28.84	Discharge of construction dewatering to the sanitary sewer system.	Section 6.1.1
<b>Utility Relocation Approval</b>	King County Department of Natural Resources and Parks	N/A	Relocation of utility lines.	Section 6.1.2
<b>Railroad Right-of-Way Use Approval</b>	Burlington Northern and Santa Fe	N/A	Use of the railroad right-of-way.	Section 6.2.1
<b>Electrical Transmission Outage Request</b>	Puget Sound Energy	N/A	Temporary shut down of the regional electrical grid.	Section 6.3.1

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*Appendix B*

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*Summary Permit Timeline*

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1 The summary permit timelines in Appendix B are the meant to generally show  
2 the timeframes for obtaining permit and to show some of the interrelationships  
3 between permits. The timelines for the utility relocation are set up to end with  
4 permits in hand on February 1, 2008; the approximate timeframe for needing to  
5 start the utility relocation work. The timelines do not account for any extended  
6 appeals of permits or approvals. The seawall test section timeline is set up to end  
7 on November 14, 2007; the approximate timeframe for beginning this work.  
8 Similar to the utility relocation, this timeline does not account for any appeals.  
9 This schedule is not as yet tied to the actual project schedule (this is one of the  
10 next steps). As the design progresses and it becomes clear how the project will  
11 be constructed, the permit schedule can be revised to reflect how permits will be  
12 obtained for the actual construction sequencing.

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*Appendix C*

*Summary of Permit Submittal Requirements*

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1 **Appendix C Table of Contents**

2 **JARPA APPLICATION SUBMITTAL REQUIREMENTS..... C-1**

3 **CZMA DETERMINATION OF CONSISTENCY CHECKLIST**

4 **SUBMITTAL REQUIREMENTS..... C-4**

5 **NPDES CONSTRUCTION STORMWATER GENERAL OR**

6 **INDIVIDUAL PERMIT SUBMITTAL REQUIREMENTS..... C-6**

7 **SEATTLE ENVIRONMENTAL CRITICAL AREAS SUBMITTAL**

8 **REQUIREMENTS ..... C-7**

9 **SEATTLE SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

10 **SUBMITTAL REQUIREMENTS..... C-8**

11 **SEATTLE MASTER USE PERMIT SUBMITTAL REQUIREMENTS ..... C-9**

12 **SEATTLE GRADING PERMIT SUBMITTAL REQUIREMENTS ..... C-10**

13 **SEATTLE BUILDING PERMIT SUBMITTAL REQUIREMENTS ..... C-16**

14 **SEATTLE SIDE SEWER PERMIT SUBMITTAL REQUIREMENTS..... C-27**

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## JARPA APPLICATION SUBMITTAL REQUIREMENTS

2 The following information is required on the JARPA form:

3 **Section A**

- 4 • Applicant name, mailing address, work phone, home phone, e-mail  
5 address and fax number
- 6 • Authorized agent name, mailing address, work phone, home phone, e-  
7 mail address and fax number
- 8 • Relationship of applicant to the property (owner, purchaser, lessee, other)
- 9 • Name, address and phone number of property owner if other than  
10 applicant
- 11 • Location where proposed activity will occur (street address, city, county  
12 and zip code)
- 13 • Local government with jurisdiction (city or county)
- 14 • Waterbody where the work will occur, and if waterbody is on the 303(d)  
15 list and if so for what water quality parameters (e.g., pH, turbidity,  
16 temperature, Biological Oxygen Demand, etc.)
- 17 • Location in section, township, range, government lot, latitude and  
18 longitude, watershed, and tax parcel number(s)
- 19 • Shoreline and zoning designation
- 20 • Description of the current use of the property and structures on the  
21 property
- 22 • Indication of whether any portion of the proposed work has been  
23 completed and if so the month and year of completion
- 24 • Description of the proposed work that needs aquatic permits (supply  
25 complete plans and specs for all work waterward of the ordinary high  
26 water mark and work within 200 feet of the ordinary high water mark -  
27 see drawings and exhibits below)
- 28 • Description of the purpose of the work and why it needs to be performed  
29 at the proposed site, also explain any specific needs that have influenced  
30 the design
- 31 • Description of the potential impacts to characteristic uses of the water  
32 body - uses may include fish and aquatic life, water quality, water  
33 supply, recreation, and aesthetics (address each of these in this section)  
34 and identify proposed actions to avoid, minimize, and mitigate impacts  
35 on these uses
- 36 • Statement of whether or not in water construction work will be in  
37 compliance with Washington's water quality standards
- 38 • Statement of whether or not the project will be constructed in stages,  
39 proposed start date, and estimated duration of activity

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- 1 • Check box if any temporary or permanent structures will be placed
- 2 waterward of the ordinary high water mark or mean higher high water
- 3 mark
- 4 • Check box if fill material will be placed waterward of the ordinary high
- 5 water mark or mean higher high water mark and if so state the volume
- 6 and area of the fill
- 7 • Check box if material will be placed in wetlands (this section will not
- 8 apply to the AWVSRP)
- 9 • Check box if the project will be designed to meet Ecology's most current
- 10 stormwater manual
- 11 • Check box if excavation or dredging will be required in water and if so
- 12 state the volume and area to be removed, composition of material,
- 13 disposal site for material, and method of dredging
- 14 • Check box if SEPA has been completed and identify SEPA lead agency,
- 15 SEPA decision and decision date
- 16 • List of other applications and approvals - type of approval, issuing
- 17 agency, id number, date of application, and date approved
- 18 • Check box if any approvals have been denied.

19 **Section B - Used for Shoreline and Corps Permits Only**

- 20 • Total cost of the project
- 21 • Indication of whether there is federal funding
- 22 • Names, addresses, and phone numbers of adjoining property owners.

23 **Section C**

- 24 • Signature of applicant and date
- 25 • Designation of authorized agent
- 26 • Signature of authorized agent and date
- 27 • Signature of landowner.

28 The following drawing and exhibits are required to accompany the JARPA form  
 29 (the Corps requires all drawings to be on 8 1/2 x 11-inch paper, other agencies  
 30 may accept up to half size plan sets) and must contain at a minimum the  
 31 following information:

32 **Vicinity Map**

- 33 • North arrow
- 34 • Name of waterbody (and river mile if appropriate)
- 35 • Location of the proposed activity (indicate with a circle, arrow, X, or
- 36 similar symbol)
- 37 • Provide latitude and longitude of the site to the nearest second
- 38 • Provide directions to the site.

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1 **Plan View**

- 2 • North arrow
- 3 • Name of waterbody and direction of water flow
- 4 • Location of existing shoreline
- 5 • Show the Ordinary High, Mean High, Mean Low, Mean Higher High,
- 6 and Mean Lower Low Water Marks or Lines, and/or wetland
- 7 boundaries. Indicate elevation above datum
- 8 • Dimensions of the activity or structure and impervious surfaces, distance
- 9 from property lines, and the distance it extends into the waterbody
- 10 beyond the Ordinary High, Mean High, Mean Higher High, and Mean
- 11 Low Water Mark or Line, and/or wetland boundaries, as appropriate
- 12 • For Corps permits, indicate the distance to Federal projects and/or
- 13 navigation channels (if applicable). To ascertain, call the Corps
- 14 Regulatory Branch Office at (206) 764-3495
- 15 • Show existing structures on subject and adjoining properties
- 16 • Indicate adjoining property ownership
- 17 • If fill material is to be placed, identify the type of material, amount of
- 18 material (cubic yards), and area to be filled (acres)
- 19 • If project involves dredging, identify the type of material, amount of
- 20 material (cubic yards), area to be dredged, method of dredging, and
- 21 location of disposal site. Dredging in areas shallower than -10 feet needs
- 22 to be clearly identified on drawings
- 23 • Identify any part of the activity that has been completed
- 24 • Indicate types and location of aquatic, wetland, riparian and upland
- 25 vegetation
- 26 • Erosion control measures, stabilization of disturbed areas, etc.
- 27 • Utilities, including water, sanitary sewer, power and stormwater
- 28 conveyance systems (e.g., bioswales)
- 29 • Indicate stormwater discharge points
- 30 • Proposed landscaping where applicable (for complex landscape plans,
- 31 please attach a separate drawing)
- 32 • Where applicable, plans for development of areas on or off site as
- 33 mitigation for impacts associated with the proposal
- 34 • On all variance applications the plans shall clearly indicate where
- 35 development could occur without approval of a variance, the physical
- 36 features and circumstances on the property that provide a basis for the
- 37 request, and the location of adjacent structures and uses.

38 **Cross-Sectional View**

- 39 • Location of water lines
- 40 • Show the Ordinary High, Mean High, Mean Higher High, and Mean
- 41 Lower Low Water Marks or Lines, and/or wetland boundary
- 42 • Water depth or tidal elevation at waterward face of project

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- 1 • Dimensions of the activity or structure, and the distance it extends into
- 2 the waterbody beyond the Ordinary High, the Mean High, the Mean
- 3 Higher High and Mean Low Water Mark or Line, and/or wetland
- 4 boundaries
- 5 • Indicate dredge and/or fill grades as appropriate
- 6 • Indicate existing and proposed contours and elevations
- 7 • Indicate types and location of aquatic, wetland, and riparian vegetation
- 8 present on site
- 9 • Indicate type and location of material used in construction and method of
- 10 construction
- 11 • Indicate height of structure.

12 Each map/drawing must have a title block consisting of the following  
 13 information:

- 14 • Name of applicant
- 15 • Name of the affected body of water
- 16 • Name of the city, county and state where the activity will occur
- 17 • Brief description of the project (2-4 words)
- 18 • Brief description of the project purpose (2-4 words)
- 19 • Adjacent property owners
- 20 • Datum (if applicable)
- 21 • Number of the sheet and the total number of sheets in the set
- 22 • Date the drawing was prepared.
- 23

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24 **CZMA DETERMINATION OF CONSISTENCY**  
 25 **CHECKLIST SUBMITTAL REQUIREMENTS**

26 The Determination of Consistency Checklist requires the following information:

- 27 • Federal application number
- 28 • Applicant name
- 29 • Project description.

30 Answers to the following questions about the Shoreline Management Program  
 31 (SMP):

- 32 • Is the project outside of SMP jurisdiction?
- 33 • Has a shoreline permit been applied for (permit number and who is
- 34 reviewing)?
- 35 • Has a valid shoreline permit be issued (permit number, issued by whom,
- 36 and when)?
- 37 • Has the project received a SMA exemption (permit number, issued by
- 38 whom, and when)?

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- 1 Answers to the following questions about the State Water Quality requirements:
- 2 • Does the project require a water quality permit?
  - 3 • Has there been an application for a water quality certification?
  - 4 • Has the project received a water quality certification (permit number and
  - 5 issued when)?
  - 6 • Has there been an application for a stormwater permit (permit number)?
  - 7 • Has the project received a stormwater permit (permit number, issued
  - 8 when)?
- 9 Answers to the following questions about State Air Quality requirements:
- 10 • Does the project require air quality permits?
  - 11 • Has there been an application for an air quality permit (permit number
  - 12 and being reviewed by whom)?
  - 13 • Has the project received an air quality permit (permit number, issued by
  - 14 whom and when)?
- 15 Answers to the following questions about SEPA:
- 16 • Is the project exempt from SEPA?
  - 17 • Who is the SEPA lead agency?
  - 18 • Was a SEPA checklist submitted and when?
  - 19 • Has a SEPA decision been issued/ adopted (DNS, MDNS, EIS, other and
  - 20 date)?
  - 21 • Has a NEPA decision been adopted to satisfy SEPA?
- 22 Answers to the following questions about public notice:
- 23 • Were notices mailed to interested parties (if so what mailing list was used
  - 24 and the date of the mailing)?
  - 25 • Were notices published (if so what publications and on what dates)?
  - 26 • Were there other types of public notice (state what and when)?
- 27 As stated above, under Washington's Program, federally approved activities that
- 28 affect any land use, water use or natural resource of the coastal zone must
- 29 comply with the enforceable policies within the six laws identified in the
- 30 Program document. The six laws are:
- 31 • Shoreline Management Act (including local government - City of Seattle -
  - 32 shoreline master programs)
  - 33 • State Environmental Policy Act (SEPA)
  - 34 • Clean Water Act
  - 35 • Clean Air Act.
- 36 If the activity impacts coastal resources, a statement must be provided that the
- 37 activity is consistent to the "maximum extent practicable" with the six laws. In

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- 1 the case of Corps permits, the applicant forwards their certification to the Corps,  
2 who then forwards it to Ecology.

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## NPDES CONSTRUCTION STORMWATER GENERAL 4OR INDIVIDUAL PERMIT SUBMITTAL 5REQUIREMENTS

- 6 The NPDES permit is applied for by using the General permit to Discharge  
7 Stormwater Associated with Construction Activity (Notice of Intent) form. The  
8 following information is required on the form.
- 9 **Contact person information:** contact name, phone number, title, company name,  
10 mailing address, e-mail address, and fax number.
- 11 **Owner information:** owner's name, phone number, title, company name,  
12 mailing address, e-mail address and fax number.
- 13 **Site location information:** site name, street address, county and legal  
14 description.
- 15 **Billing address information:** contact name, phone number, title, company name,  
16 mailing address, e-mail address, and fax number.
- 17 **Receiving water information:** where construction stormwater will discharge  
18 (e.g., storm drain, indirectly or directly to surface water, or directly to  
19 groundwater), name of receiving water (or unnamed receiving water), location of  
20 discharges (include map, section, township and range, latitude and longitude,  
21 and list of receiving waters).
- 22 **Construction activity information:** total size of the site in acres, total area to be  
23 disturbed in acres, number of construction phases, any portions of the project to  
24 be sold to developers, project start up date and estimated project completion  
25 date, describe dewatering activity, and fill in check boxes for soil disturbing  
26 activities (clearing, demolition, exporting soil, filling wetland, grading, building  
27 homes and how many, importing soil, industrial buildings, landscaping, parks,  
28 piping systems, retaining walls, roads or streets, stockpiling, stormwater  
29 facilities, trails, utilities, and other).
- 30 **Stormwater Pollution Prevention Plan information:** check boxes for  
31 construction Best Management Practices (berms, check dams, chemical  
32 treatment, culverts, detention ponds, dikes, dust control, diverted flows,  
33 hydroseed, interceptor trenches, kiln dust, mulching, nets and blankets, pipes,  
34 plastic covering, polyacrylamides, riprap channel lining, sediment pond, silt  
35 fencing, slope reduction, straw bales, swales, terracing, vegetated strips, wheel  
36 wash area, and other. Answer the following questions: has a SWPPP been

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1 developed that includes a narrative and drawings? If NO, will a plan be  
2 developed prior to the start of construction? *NOTE: A permit can't be issued until*  
3 *the SWPPP is completed or it is certified that a SWPPP will be in place prior to the start*  
4 *of construction.*

5 **State Environmental Policy Act information:** indicate whether or not SEPA has  
6 been completed, type of SEPA documentation, agency issuing SEPA  
7 determination, date of SEPA determination, and indicate if there was any appeal  
8 of the documentation.

9 **Public Notice information:** complete the public notice template in the  
10 application form and/or send in a copy of the public notice that is to be  
11 published to Ecology, provide the dates of the required first and second dates of  
12 publication and the name of the newspaper that will publish the public notices.

13 **Regulatory Status information:** check boxes if any of the following apply -  
14 NPDES permit, State Waste Discharge Permit, Air Notice of Construction,  
15 USEPA Hazardous Waste ID number.

16 **Certification information:** signature blocks for the owner or representative with  
17 title and date.

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## SEATTLE ENVIRONMENTAL CRITICAL AREAS

### 19 SUBMITTAL REQUIREMENTS

20 The City has developed a screening and submittal checklist for the ECA (Index  
21 13) to assist in preparing a complete application. The screening checklist  
22 includes a list of Client Assistance Memos (CAMs) that relate to ECA and check  
23 boxes that help determine if a project would affect a critical area, if the project  
24 would be exempt from ECA, and the types of plans and additional submittals  
25 that would be necessary.

26 For projects affecting critical areas a surveyed site plan by a licensed surveyor  
27 and a plot plan are required, however these are not required for liquefaction and  
28 fish and wildlife habitat areas (the most likely critical areas for AWVSRP). For  
29 the AWVSRP, a site cross sectional diagram would be required that shows the  
30 existing and proposed grades and existing and proposed structures. Plans  
31 would also need to show the following information:

- 32 • Total area of lot
- 33 • Proposed new impervious surface area
- 34 • Existing impervious surface area
- 35 • Total proposed impervious surface area
- 36 • Proposed total developmental coverage area(s)
- 37 • Total area of the Environmentally Critical Area(s)

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- 1 • Proposed area of development within ECA
- 2 • Percent of ECA covered by development
- 3 • Elevation of base flood level for flood prone areas (100 year flood level)
- 4 • Note on the plans that grading must be stabilized by October 31<sup>st</sup> and no
- 5 grading is to be performed between October 31<sup>st</sup> and April 1<sup>st</sup>
- 6 • Note on the plans that prior to construction there shall be a Pre-
- 7 Construction Conference arranged by the applicant with DPD
- 8 Geotechnical Engineers, Site Inspector, project special inspectors and
- 9 contractors
- 10 • Note on the plans that the first DPD site inspection is required for
- 11 temporary erosion and sediment control and must be scheduled prior to
- 12 starting any construction activity
- 13 • Vegetation type.
- 14

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## SEATTLE SHORELINE SUBSTANTIAL DEVELOPMENT

### 16 PERMIT SUBMITTAL REQUIREMENTS

17 The following information is required to complete the shoreline substantial  
18 development screening standards checklist:

19 The following is to be provided by a licensed surveyor:

- 20 • Existing grade contours with contours at a maximum 2-foot interval
- 21 • Location of ordinary high water
- 22 • Location of exterior walls or structures on adjacent properties
- 23 • Location of decks on shore side of structure
- 24 • Location of existing structure(s) on the site.
- 25

26 The following information is to be shown on a plot plan (in addition to the plot  
27 plan standard required for the project type):

- 28
- 29 • Location of ordinary high water
- 30 • Location of shoreline district boundaries (i.e., 200-foot line)
- 31 • Existing and proposed grade contours with a maximum 2-foot interval
- 32 • Identify shoreline environment(s) on site
- 33 • Identify elevation at the center of each exterior wall
- 34 • Identify and dimensions of view corridors
- 35 • Dimension distance from parking area to water's edge
- 36 • Location of regulated public access
- 37 • Width and depth of piers
- 38 • Existing adjacent piers
- 39 • Identify pier height above ordinary high water.

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- 1 Other notes and calculations should include the following (if not included on  
2 other plans):  
3  
4 • Average grade calculations  
5 • View corridor calculations  
6 • Lot depth calculations (for lots less than 50 feet of dry land)  
7 • Percent of lot occupied by specific use  
8 • Percent of lot occupied by water dependent use  
9 • Lot coverage calculations for dry land portion  
10 • Over water lot coverage calculations.  
11

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## SEATTLE MASTER USE PERMIT SUBMITTAL 13 REQUIREMENTS

14 The following information related to the AWVSRP would be required for a MUP.

### 15 General Information

- 16 • Identify zoning of property  
17 • Identify zoning and use of adjacent properties  
18 • Identify development standards departures  
19 • Identify uses and provide square footages.

### 20 Street Level Uses

- 21 • Identify street level uses  
22 • Identify percentage of street front street level use  
23 • Identify depth of street level uses, provide calculations of averaging if  
24 applicable.

### 25 Lot Coverage

- 26 • Identify area of all principal and accessory structures  
27 • Identify allowed lot coverage  
28 • Identify proposed lot coverage  
29 • Identify exceptions.

### 30 Structure Height

- 31 • Identify maximum structure height allowed  
32 • Identify proposed structure height  
33 • Identify exceptions.

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- 1 Structure Width
- 2
  - Identify allowed structure width
- 3
  - Show calculations for proposed structure width
- 4
  - Identify if modulation standards met to increase structure width
- 5
  - Identify exceptions.
- 6 Structure Depth
- 7
  - Identify depth of property
- 8
  - Show calculations for proposed structure(s) depth (structure
- 9
  - depth/property depth)
- 10
  - Identify allowed structure depth
- 11
  - Identify exceptions.
- 12 Screening and Landscaping
- 13
  - Calculation of required landscaping
- 14
  - Calculations of proposed landscaped areas
- 15
  - Identify percent of ground cover, number of trees and shrubs
- 16
  - Identify number of street trees proposed.

---

## SEATTLE GRADING PERMIT SUBMITTAL 18 REQUIREMENTS

- 19 The following information is required for the grading permit:
- 20 1) A general vicinity map and legal description of the site
- 21 2) Plan legend
- 22 3) The following information per SGDC 22.804.040(2)b:
- 23
  - North arrow
- 24
  - Location of all buildings
- 25
  - All easements and provide easement language
- 26
  - Utilities and other improvements where work is to be performed
- 27
  - Approximate location of structures and improvements on adjacent
- 28
  - property
- 29
  - Identify Environmentally Critical Areas (ECA)
- 30
  - Location of existing and planned, temporary and permanent, drainage
- 31
  - control facilities
- 32
  - The location of existing and proposed drainage discharge points,
- 33
  - watercourses, drainage patterns, and areas of standing water
- 34
  - Approximate location, type and size of trees and other vegetation on the site
- 35
  - Identify trees and vegetation to be removed and the minimum distance
- 36
  - between tree trunks and the nearest excavation
- 37
  - Identify areas where equipment traffic will be permitted and excluded.

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- 1 4) Specify plan scale
- 2 5) Identify past industrial or manufacturing uses or hazardous materials
- 3 treatment, disposal, or storage that has occurred on the site
- 4 6) Specify immediate and long term intended use of property
- 5 7) Calculate the volume of cut and fill and specify that information on the
- 6 coversheet.
- 7 8) Provide a topographic map that includes the following information:
  - 8 • Existing and proposed grade contours with contours at maximum 2 foot
  - 9 intervals and extended contours beyond property lines to show adjacent
  - 10 topography affecting site and how proposed grading may effect adjacent
  - 11 property
  - 12 • Specify location of any existing or proposed buildings or structures,
  - 13 easements, and utilities on the property where the work is to be
  - 14 performed; specify the approximate location of any buildings or
  - 15 structures on adjacent properties
  - 16 • Show the location of all temporary stockpiles and excavations.
- 17 9) Provide cross sections of the site and immediate adjacent properties showing
- 18 existing and proposed grades.
- 19 10) Specify the location and volumes of temporary stockpiling and/or
- 20 excavations (temporary stock piles shall not exceed 10 feet in height nor have
- 21 slopes greater than 1:1, horizontal to vertical).
- 22 11) Specify the location of the excavated soil's disposal site:
  - 23 • If the disposal site is within the city of Seattle limits, provide the grading
  - 24 permit number or grading permit application number
  - 25 • If the disposal site is unknown, provide a letter that requests a
  - 26 postponement of the identification of the disposal site and states that the
  - 27 disposal site will be identified to the building inspector prior to
  - 28 excavation
- 29 12) Specify composition of fill material, including type of material and size and
- 30 percentage of components. See SGDC 22.804.050.I for limitations on
- 31 materials.
- 32 13) Specify compaction standards for structural or compacted fill including:
  - 33 • Characteristics of the fill material used
  - 34 • Degree of compaction
  - 35 • Moisture content
  - 36 • Method of placement
  - 37 • Requirements for water retention, drainage control, and erosion control.

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- 1 14) Specify the following minimum design criteria:
  - 2 • Soil bearing pressure
  - 3 • Equivalent fluid pressure
  - 4 • Passive pressure
  - 5 • Coefficient of friction.
- 6 15) Specify maximum slope of finished grade.
- 7 16) Specify maximum slope of temporary cuts.
- 8 17) Specify all areas where equipment traffic is to be excluded. Area is to be
- 9 staked off per SGDC 22.804.120.
- 10 18) Show location of fencing and lockable gate as required per SGDC 22.804.130.
- 11 19) Provide an excavation plan.
- 12 20) Provide a shoring plan.
- 13 21) If permanent site drainage is included in the project, provide a drainage
- 14 control plan as detailed in the SGDC. If the developmental area is over 5,000
- 15 square feet of new or replaced impervious surface or one (1) acre of land
- 16 disturbance activity, the drainage control plan must be developed by a
- 17 licensed engineer.
- 18 22) Provide a detailed sediment and erosion control plan to be used to minimize
- 19 sediment or other pollution from leaving the site during and after
- 20 construction and to protect cut and fill slopes and cleared areas from erosion.
- 21 23) Provide a time schedule of operations including but not limited to clearing,
- 22 restoration of top soil and vegetative cover, implementation of erosion and
- 23 stormwater control, grading and construction improvements.
- 24 24) Provide a cross section of any rockeries and specify the following:
  - 25 • Maximum height of the rockery
  - 26 • Vertical slope of the rockery face
  - 27 • Slope of grade above rockery
  - 28 • Indicate any existing or potential surcharges on the rockery including
  - 29 adjacent structures, roadways, driveways, etc.
  - 30 • Rock size and approximate weight
  - 31 • Type and size of drainage material
  - 32 • Minimum thickness of drainage material layer behind rockery
  - 33 • Impervious layer at top of drainage layer
  - 34 • Minimum layer at top of drainage layer
  - 35 • Minimum depth below grade of base course.

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- 1 25) Provide recommendations from a geotechnical engineer regarding the use of  
2 any rockeries as a retaining structure. A rockery is to be designed as a  
3 retaining structure when:
- 4 • It is supporting fill material
  - 5 • The slope being supported is at a 3:8 vertical to horizontal slope or  
6 greater (see DPD CAM #321, "Rockeries: Prescriptive Design and  
7 Installation Standards")
  - 8 • A surcharge is being supported, such as a driveway, roadway, structure,  
9 etc.
- 10 26) Provide an engineered design for any rockery exceeding 6' in height or  
11 varying from the prescriptive design standards of CAM #321.
- 12 27) Specify the following for retaining walls:
- 13 • Maximum retaining wall height
  - 14 • Maximum height of backfill
  - 15 • Slope of soil above the wall
  - 16 • Indicate any existing or potential surcharges on the retaining wall  
17 including adjacent structures, roadways, driveways, etc.
  - 18 • Rebar grade and yield stresses
  - 19 • Rebar sizes and clearances
  - 20 • Sack mix and strength of concrete
  - 21 • The footing cannot extend over the property line
  - 22 • Provide a structural section of retaining wall with the seal and signature  
23 of a registered structural engineer.
- 24 28) Specify the following for reinforced soil retaining systems:
- 25 • Type of fill material
  - 26 • Type of facing
  - 27 • Vertical slope of the facing
  - 28 • Minimum depth below grade of base course of facing
  - 29 • Type of bed under the facing
  - 30 • Type of geogrid or other reinforcement being used
  - 31 • Depth of lifts between reinforcement layers
  - 32 • Horizontal depth of reinforcement into the slope
  - 33 • Indicate any existing or potential surcharges on the retaining system  
34 including adjacent structures, roadways, driveways, etc.
- 35 29) Specify the following for timber walls:
- 36 • Maximum height of the wall
  - 37 • Size of the timbers
  - 38 • Horizontal and vertical spacing of the deadmen
  - 39 • Horizontal depth of the deadmen into the slope
  - 40 • Minimum depth below grade of the base course

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- 1 • The timber connections
- 2 • Slope of the soil above the wall
- 3 • Indicate any existing or potential surcharges on the wall including
- 4 adjacent structures, roadways, driveways, etc.

5 *Special Provisions*

- 6 1) Fills shall be located so that the base edge of the fill is located more than 12 feet
- 7 horizontally from the top edge of an existing slope or a planned cut slope. A
- 8 sloping fill shall not be placed on top of slopes which are steeper than 1.5:1,
- 9 horizontal to vertical.
- 10 2) Provide a soils report from an experienced geotechnical/civil engineer that
- 11 complies with the requirements of SGDC 22.804.040 and/or DPD Director's
- 12 Rule 3-93.
- 13 3) The geotechnical engineer shall provide a minimum risk statement. The letter
- 14 shall state that, so long as conditions stated in the soils report are satisfied,
- 15 areas disturbed by construction will be stabilized, the risk of damage to the
- 16 proposed development or to adjacent properties from soil instability will be
- 17 minimal, and the proposed grading and development will not increase the
- 18 potential for soil movement.
- 19 4) Submit a supplemental letter from the geotechnical engineer stating that
- 20 he/she has reviewed the permit plans and that the plans are in accordance
- 21 with his/her recommendations.
- 22 5) A geotechnical hazard covenant is required per the SGDC and/or the ECA
- 23 Regulations. It must be notarized and a copy of the legal description of the
- 24 property, labeled "Exhibit A," must be attached.
- 25 6) The project will require special inspections by a qualified geotechnical
- 26 consultant. A DPD "Geotechnical Inspection Schedule" may be attached to
- 27 the permit plans.
- 28 7) Prior to construction, a Pre-Construction Conference should be arranged
- 29 jointly by the applicant with DPD geotechnical engineers, site inspector,
- 30 project special inspectors and contractors.
- 31 8) For small projects, provide a completed "DPD Standard Temporary Erosion
- 32 and Sedimentation Control Plan" (TESC) as applicable to the project specific
- 33 activity.
- 34 9) For projects defined as large, provide an erosion and sedimentation control
- 35 plan prepared by a licensed civil engineer in state of Washington.
- 36 10) Ecology block single thickness walls are to be considered rockeries (not
- 37 retaining walls) and designed to the same parameters as rockeries.

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- 1 11) For development in an ECA, provide the following information as required  
2 by DPD Director's Rules 3-93 and 3-94:
- 3 • Statement of minimal risk by geotechnical engineer
  - 4 • Owner's statement of responsibility
  - 5 • Signed and notarized copy of the Buffer Covenant (form enclosed).  
6 Attach the legal description as Exhibit "A".
- 7 12) If Plans show temporary excavations within a 1:1 slope of the property line.  
8 Provide one of the following:
- 9 • Engineered shoring plans meeting the recommendations of a geotechnical  
10 engineer.
  - 11 • A report by a geotechnical engineer stating temporary slope criteria and  
12 that the slope be kept within the property line.
  - 13 • Letters from the adjacent property owners giving permission for the  
14 excavation to cross onto their property.
- 15 13) Provide a shoring plan for the excavation along the public right-of-way.  
16 Please note that the shoring shall be designed so that the maximum  
17 deflection does not exceed "1".
- 18 *Other Requirements*
- 19 1) Provide required screening for adjacent residential zones per SGDC  
20 22.804.100.E.
- 21 2) Prior to issuance of the permit provide the following financial assurance per  
22 the SGDC 22.808.130:
- 23 • The owner or contractor is required to carry liability and property  
24 damage insurance against damage, naming the City as an additional  
25 insured. The dollar amount is commensurate with the risks as determined  
26 by DPD.
  - 27 • The owner is required to maintain a policy of general public liability  
28 insurance for a period of 10 years after finalization of the permit, naming  
29 the City as an additional insured. The dollar amount is commensurate  
30 with the risks as determined by DPD.
  - 31 • The owner or contractor shall deliver a surety bond, cash deposit, or an  
32 instrument of credit, to ensure that work will be completed in accordance  
33 with conditions of the permit.
  - 34 • The dollar amount is that deemed necessary by DPD to ensure that  
35 requirements of the permit are met. Because there is a possibility for a  
36 lengthy approval process, a meeting with DPD to discuss options is  
37 advisable. On Potentially Hazardous sites provide a copy of all applicable  
38 permit or approval applications from the appropriate regulatory  
39 agencies.

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- 1 The cost for grading permits is outlined in the Seattle Department of Planning  
2 and Development's 2005 Fee Subtitle, which includes the following:
- 3 • Fees Subtitle of the Seattle Municipal Code (SMC Ch. 22.900)
  - 4 • Fee Subtitle Revision (replacement version of SMC Ch. 22.900C)
  - 5 • Washington State Building Code Council Building Permit Fees
  - 6 • Building Valuation Data Table
  - 7 • Director's Rule 1-2005
  - 8 • Fee Worksheet

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## SEATTLE BUILDING PERMIT SUBMITTAL

### 10 REQUIREMENTS

11 The City has developed a screening standards checklist for building permit  
12 applications. The following information is potentially required for building  
13 permits:

#### 14 Architectural Plans

##### 15 1) Plot Plan

- 16 • Project site address
- 17 • Scale 1" = 10' or 1/8" = 1'
- 18 • Legal description(s) (Include easement legal description and recording  
19 number)
- 20 • King County Assessor's Parcel Number (APN)
- 21 • North Arrow.

##### 22 2) Street and Alley Information

- 23 • Names and width of adjacent streets
- 24 • Street and Alley right-of-way width
- 25 • Street, alley improvement type and width (asphalt, concrete, gravel or  
26 specify "unimproved").
- 27 • Sidewalk location or specify "no sidewalk"
- 28 • Curbcut width and distance from adjacent property lines
- 29 • Label curbcut as "existing" or "proposed"
- 30 • Identify other structures in right-of-way (all utility poles, rockeries, street  
31 trees, Metro Bus Stops, etc.).
- 32 • Curb height and type (concrete, rolled asphalt or specify "no curbs")
- 33 • Identify and locate new street trees
- 34 • Identify existing and finished grade elevation of driveway and pedestrian  
35 access points at property line
- 36 • Identify all physical restrictions to the site access (utility poles, rockeries,  
37 street trees, Metro Bus stops, etc.).

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- 1 3) Development Information
- 2 • Indicate location of all structures to be demolished
- 3 • Dimension all portions of structure(s)
- 4 • Dimension distances from structures to property lines
- 5 • Dimension distances between structures on property
- 6 • Dimension and label all portions of the structure (exterior walls, porches,
- 7 decks, stairs, cantilevers, roof overhangs, etc.)
- 8 • Identify accessory structures and dimension distances from other
- 9 structures and property lines
- 10 • Locate and dimension rockeries, site retaining walls, fences, arbors,
- 11 trellises, patios, walkways, etc.
- 12 • Identify and dimension all areas of outdoor storage, outdoor sales
- 13 • Identify and dimension all queuing lanes and spaces
- 14 • Show and identify existing trees
- 15 • Identify caliper and species of exceptional and significant trees
- 16 • Construction access details
- 17 • Identify and dimension all areaways and/or window wells
- 18 • Label and dimension assumed property lines
- 19 • Quantity of grading when not incidental to construction
- 20 • Identify existing and finished grade contours.
- 21 4) Height Information
- 22 • Identify existing and finished grade at each building corner
- 23 • For pitched roofs - identify elevation at top of plate, top of roof peak(s),
- 24 top of deck, if applicable
- 25 • For flat roofs, identify elevation at top of roof structure, top of roof deck,
- 26 top of penthouses, if applicable.
- 27 5) Additional Requirements - Sloping lot height bonus documentation
- 28 • Locate and identify the average elevation point on high grade wall
- 29 • Locate and identify the average elevation point on low grade wall
- 30 • Show and dimension line between average high point and average low
- 31 point.
- 32 6) Open Space
- 33 • Label and dimension areas of open space
- 34 • Indicate location of trees, shrubs and groundcover.
- 35 7) Parking Information
- 36 • Label and dimension surface parking spaces (driveways).
- 37 8) Exiting Information
- 38 • Indicate exits to public way
- 39 • Indicate door swing of exits.

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- 1 **Land Use Code Analysis and Documentation**
- 2 1) Structure Height
- 3 • Identify maximum structure height allowed
- 4 • Identify proposed structure height
- 5 • Identify exceptions used (i.e., pitched roof, rooftop features, sloped lot
- 6 height bonus, mixed use exceptions).
- 7 2) Sloping Lot Height Bonus Documentation (calculated to nearest inch)
- 8 • Show calculations for average elevation of low grade wall
- 9 • Show calculations for average elevations of high grade wall
- 10 • Show calculations for difference between average high and average low
- 11 elevations
- 12 • Identify distance between average low point and average high point
- 13 • Show calculations for slope on lot (difference in average elevations
- 14 divided by distance between these points.)
- 15 • Show calculations for additional height allowed (slope of lot divided by
- 16 .06).
- 17 3) Light and Glare
- 18 • Identify height of exterior lighting on poles
- 19 • Note "Interior lighting of parking garages shall be shielded to minimize
- 20 nighttime glare from affecting nearby uses".
- 21 • Identify areas to be screened (i.e., parking areas, recycling areas, interior
- 22 garage lighting, etc.).
- 23 4) Parking Information
- 24 • Identify use
- 25 • Identify area (in square feet) of use
- 26 • Identify parking requirements for use (i.e., 1 space per 350 square feet)
- 27 • Bicycle parking shown
- 28 • Parking calculations for all uses in building utilizing appropriate
- 29 exceptions
- 30 • Width and depth of parking stalls dimensioned
- 31 • Parking angle identified
- 32 • Parking aisles dimensioned
- 33 • Barrier Free Parking and aisles shown and dimensioned including van
- 34 height clearance.
- 35 • Driveways shown and dimensioned
- 36 • Identify driveway slope
- 37 • Curbcuts shown and dimensioned
- 38 • Show and identify landscaping of surface parking area.
- 39 • Show screening of parking, drive through lanes.

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- 1 5) Offsite Parking
- 2 • Fully dimensioned site plan for off-site parking, showing all parking
- 3 spaces on site.
- 4 • Covenant parking spaces identified on site plan for off-site parking
- 5 • Parking Covenant completed with legal descriptions of both sites.
- 6 6) If Transit Reduction is Proposed
- 7 • Show location of transit stops for bus
- 8 • Indicate distance from property line(s) to transit stops
- 9 • Include a copy of bus schedule(s).

10 **Building Code Analysis and Documentation**

11 1) General Information

- 12 • Construction type
- 13 • Number of stories
- 14 • Allowable area Calculations/Mixed occupancy ratio
- 15 • Type of Sprinkler Systems provided
- 16 • Fire Alarm provided
- 17 • Height calculations
- 18 • Type of occupancy
- 19 • FAR calculations
- 20 • Egress/exiting analysis
- 21 • Stair/elevator shaft pressurization requirement or lobby requirements
- 22 • High-rise provisions if applicable
- 23 • Accessibility conformance
- 24 • Development standard departure(s) approved through design review
- 25 process
- 26 • Height above lowest Fire Department access
- 27 • Occupant load of common areas including roof decks.

28 2) Accessibility Analysis

- 29 • Total number of parking spaces
- 30 • Number of barrier free parking spaces provided
- 31 • Identify area of evacuation assistance
- 32 • Path of travel to commercial spaces
- 33 • Van stall location(s).

34 3) Means of Egress/Exiting Plan - (can be included on floor plans)

- 35 • Occupant load calculations
- 36 • Show exit door (and swing) for each room
- 37 • Rating of corridors, exit enclosure and stairs including doors
- 38 • Show hallways and/or non-rated corridors

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- 1 • Show and dimension exit separation
  - 2 • Identify horizontal exits and refuge areas
  - 3 • Identify exit passageways/enclosures
  - 4 • Show building exits
  - 5 • Show swing of building exit doors
  - 6 • Width of corridors and stairways.
- 7 4) Floor Plans
- 8 • North arrow
  - 9 • Microfilmable lettering and plan quality
  - 10 • Label floor level (1st, 2nd, basement, etc.)
  - 11 • Use of each room
  - 12 • Reference call-outs for cross sections and details
  - 13 • Overall dimensions (exterior wall to exterior wall)
  - 14 • Overall dimensions of tenant space (if TI included in permit)
  - 15 • Location and dimensions of hallways, corridors, rooms, foyers, elevator
  - 16 lobbies, etc.
  - 17 • Location of walls and shafts and reference to details (Wall type's legend
  - 18 indicating construction type, fire rating, etc)
  - 19 • Location of interior and exterior doors, windows and relites
  - 20 • Dimension door size or provide door schedule
  - 21 • Distance from door to adjacent walls (latch side for accessibility)
  - 22 • Identify and fully dimension accessible restrooms (layout and full
  - 23 accessibility dimensions may be shown on separate plan)
  - 24 • Show location of medical gas storage
  - 25 • Show and dimension decks, landings, etc.
  - 26 • Indicate location of ramps and their slope
  - 27 • Location of exit signs and exit pathway lighting
  - 28 • Indicate location of mezzanines (separate dimensioned floor plan for
  - 29 mezzanine required)
  - 30 • Location of fire walls
  - 31 • Identify Area of evacuation assistance.
- 32 5) Stair Information
- 33 • Locate stairs
  - 34 • Dimension width and length of landing
  - 35 • Indicate rise and run
  - 36 • Show handrail information
  - 37 • Show guard information (rail height and spacing of intermediate rails)
  - 38 • Show headroom height
  - 39 • Locate and dimension roof hatch.

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- 1 6) Roof Plan
- 2 • Indicate slope, drainage, and overflow
  - 3 • Locate fire walls
  - 4 • Locate and dimension all roof openings
  - 5 • Locate skylights
  - 6 • Show extent of roof decks, if any
  - 7 • Dimension and locate all roof top mechanical equipment, elevator, stair
  - 8 and mechanical penthouses
  - 9 • Locate draft stops
  - 10 • Locate attic access.

11 **Elevation Views**

12 1) General Information

- 13 • Microfilmable lettering and plan quality
- 14 • Show and label north, south, east and west elevation views
- 15 • Show property lines
- 16 • Indicate exterior materials (for Special Review District, Landmark
- 17 structures or prior Design Review approval)
- 18 • Show and dimensions exterior architectural features
- 19 • Location of doors and windows
- 20 • Show location of existing and proposed finished grades
- 21 • Provide floor plate heights
- 22 • Show extent of basements and basement floor plate heights
- 23 • Dimension blank façade lengths (when required by LU code)
- 24 • Dimension transparent areas of façade (when required by LU code)
- 25 • Dimension building height per building code analysis
- 26 • Show and dimension roof top mechanical equipment, elevator and stair
- 27 penthouses
- 28 • Identify the elevation of the lowest Fire Department Access
- 29 • Show all vents (for odors, smoke, fumes, etc.) and dimension distance
- 30 above sidewalk.
- 31 • Dimension distance from top plate to highest point(s) of the structure
- 32 • Dimension height of parapets
- 33 • Indicate slope of pitched roofs
- 34 • Identify the elevation of each floor
- 35 • For pitched roofs - identify elevation at tope of plate, top of roof peak(s),
- 36 and top of roof desk, if applicable.
- 37 • For flat roofs - identify elevation at top of roof structure, top of roof
- 38 decks, if applicable and top of parapets.
- 39 • Height of setback exceptions (decks, porches, stairs) from existing or
- 40 finished grade, whichever is lower.
- 41 • Height of cantilevered portions of structure from grade

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- 1       • Details of open railings on decks if yard or height exceptions used.
- 2    **Building Sections**
- 3    1) General Information
- 4       • Microfilmable lettering and plan quality
- 5       • Reference call-outs to construction details
- 6       • Locate property lines
- 7       • Show retaining walls or extent of shoring if used
- 8       • Dimension all floor-to-floor height. Identify all floor levels including
- 9       basement and mezzanines
- 10      • Show horizontal fire barrier
- 11      • Illustrate mixed construction conditions (total height of the building,
- 12      height from top of the fire barrier, specify all occupancies, specify all
- 13      types of construction).
- 14      • Show existing and finished grade
- 15      • Show all fire walls and their extent
- 16      • Illustrate unusual conditions (unusual ceiling configurations, etc.)
- 17      • Show energy code information such as insulation
- 18      • Show wall, footing and under slab drains
- 19      • Provide parapet framing details, dimension height.
- 20    2) Stair Section
- 21      • Rise and run dimensions
- 22      • Dimension headroom height
- 23      • Handrail information (grasp requirements, extensions, and returns)
- 24      • Guard information (rail height and spacing of intermediate rails)
- 25      • Fire protection under stair (if enclosed).
- 26    3) Roof Detail
- 27      • Insulation R-Value
- 28      • Sheathing
- 29      • Roofing Material
- 30      • Fire Resistive Assembly
- 31      • Roof ventilation.
- 32    4) Ceiling Detail
- 33      • Distance from ceiling to floor and roof assembly above
- 34      • Seismic bracing.
- 35    5) Wall Detail
- 36    **Interior walls and partitions**
- 37      • Size and grade, type and number of top and bottom plates
- 38      • Size, grade, type and spacing of studs

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- 1 • Sheathing, including Fire resistive assembly
- 2 • Height of wall or partition
- 3 • Connection or bracing at ceiling and floor
- 4 • Elevator/ stair or other shaft walls if not shown as wall details
- 5 • Fire walls.

6 **Exterior Wall Details**

- 7 • Size and type of wall material
- 8 • Size, grade, type and number of top and bottom plates
- 9 • Size, grade, type and spacing of studs
- 10 • Store front and/or Window framing.

11 6) Canopy/ Awning Details

- 12 • Exterior side: Siding, weather protection, structural sheathing (thickness and material); Veneer type (brick, stone) thickness and attachment. Fire resistive assembly if appropriate.
- 15 • Interior side: Insulation R-Value and type; Wall covering material and thickness (usually gypsum wall board).
- 17 • Fire Resistive Assembly.

18 7) Floor Detail

- 19 • Fire Resistive Assembly requirements
- 20 • Insulation requirements
- 21 • Floor framing.

22 8) Reflected Ceiling Plan (if included)

- 23 • Show areas where there are dropped ceilings, soffits, and custom designed ceilings.
- 25 • Location of lights
- 26 • Fire Resistive Information
- 27 • Lighting schedule.
- 28 • Location of exit lights (should be on floor plan)
- 29 • Reference call-outs for cross sections and details
- 30 • Seismic bracing detail if not on Details Page.

31 9) Door/Window Schedule

- 32 • Provide fire ratings, U-Values, type, size and special hardware.

33 **Landscape Plan**

- 34 • Lot Area
- 35 • Total square footage of: 1) required open space; 2) provided open space and 3) required landscaped area.
- 37 • Number of trees, number of shrubs and quantity of ground cover required.
- 38

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- 1 • List common and botanical names of all plant material
- 2 • For parking lots and all other required landscaped areas: dimensions of
- 3 tree planting area and location of vehicle stops
- 4 • If existing plants are required to be retained, show location, size and
- 5 species; indicate how the plants will be protected during demolition
- 6 and/or construction
- 7 • For roof top container landscaping: a schematic irrigation and drainage
- 8 plan; size and depth of plant containers
- 9 • Specifications for soil improvement
- 10 • For street trees: width of planting strip; existing utility lines, poles or
- 11 meters; and structures located within the planting strip; and species and
- 12 diameter of the trees.

13 **Structural Plans**

14 1) Structural Notes

- 15 • General Notes
- 16 • Reinforced Concrete Masonry Notes
- 17 • Steel Floor/Roof Deck Notes
- 18 • Cast-In-Place Concrete Notes
- 19 • Concrete Reinforcement Notes
- 20 • Post-tensioned Concrete Notes
- 21 • Structural Steel Notes
- 22 • Cold-Formed Steel Framing
- 23 • Steel Stairs
- 24 • Wood Framing Notes
- 25 • Shop fabricated wood joists, beams and trusses
- 26 • Testing and Inspection notes.

27 2) Design Criteria

- 28 • Code Edition (Such as year)
- 29 • Floor Dead Load and Live Load
- 30 • Roof Dead Load and Snow Load
- 31 • Wind Exposure and Speed
- 32 • Seismic Zone and  $R_w$
- 33 • Soil Bearing Capacity.

34 **Foundation Plan**

35 1) General Information

- 36 • North arrow
- 37 • Microfilmable lettering and plan quality
- 38 • Reference call-outs for cross sections and details.

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- 1 2) Footing and Foundation Information
- 2 • Overall dimensions
- 3 • Location and dimensions of columns
- 4 • Dimension and locate spread footings (Or provide footing Schedule).
- 5 • Dimension continuous footings or grade beams and foundation walls
- 6 (width, height) or reference detail.
- 7 • Show thickness of slab
- 8 • Show post below floor framing
- 9 • Locate and identify all steps in footing, retaining walls and/or foundation
- 10 • Show hold-down location and size
- 11 • Show all shearwalls, indicate construction detail including nailing
- 12 schedule
- 13 • Show locations of Pile and Pile Caps.

14 **Floor Framing Plans**

15 1) General Information

- 16 • North Arrow
- 17 • Microfilmable lettering and plan quality
- 18 • Reference call-outs for cross sections and details
- 19 • Identify floor (1st Floor, 10th Floor, etc.) and framing level.

20 2) Framing Information

- 21 • Size and spacing of framing members (i.e., joists, beams)
- 22 • Size and span of headers, beams, etc.
- 23 • Dimension and size of framing around openings in floors, ceilings and
- 24 other horizontal diaphragms.
- 25 • Locate all bearing walls and supporting floor framing
- 26 • Show all ledger connections
- 27 • Show all shearwalls, indicate construction detail including nailing
- 28 schedule
- 29 • Show all diaphragms, indicate construction detail including nailing
- 30 schedule
- 31 • Show steel Moment Frames/Braced Frames
- 32 • Specify concrete floor slab thickness, rebar size and spacing
- 33 • Show rebar information around openings in floor
- 34 • Show all concrete shearwalls and their rebar information or provide rebar
- 35 schedule. Show all concrete post-tensioned floor tendon or rebar
- 36 information
- 37 • Show concrete column cap.

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1 **Roof Framing Plan**

2 1) General Information

- 3 • North Arrow  
4 • Microfilmable lettering and plan quality  
5 • Reference call-outs for cross sections and details.

6 2) Framing Information

- 7 • Specify header/beam, joist sizes and span  
8 • Specify truss span, spacing, type  
9 • Specify all diaphragms indicate construction detail including  
10 nailing/blocking  
11 • Specify size of framing around roof openings and other horizontal  
12 diaphragms.  
13 • Show Steel Moment Frames/Braced Frame  
14 • Specify steel deck/concrete diaphragm  
15 • Specify concrete roof slab thickness, rebar size and spacing  
16 • Show rebar information around openings in roof  
17 • Show all concrete shearwalls and their rebar information or provide rebar  
18 schedule.  
19 • Show all post-tensioned concrete roof tendon and rebar information  
20 • Show concrete column cap.

21 **Structural Details**

22 1) Foundation/Basement Wall/Retaining Wall Details

- 23 • Fully dimension  
24 • Detail differing conditions (reference to detail required on foundation  
25 plan)  
26 • Specify connection to post, beams, etc.  
27 • Specify footing depth below grade  
28 • Indicate depth of cut in relation to the property line  
29 • Specify footing/wall rebar location and size or provide rebar schedule  
30 • Specify connection to post, beams, etc.  
31 • Show concrete/steel column elevation details  
32 • Specify column rebar detail or provide rebar schedule  
33 • Elevator pit detail  
34 • Show approximate location of footings of building(s) on adjacent  
35 properties.

36 2) Floor Framing Detail

- 37 • Sheathing material, thickness and connection, steel deck material and/or  
38 slab thickness and rebar  
39 • Show structural members and their connections

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- 1 • Provide concrete beam elevation and rebar details
- 2 • Foundation information or reference to separate detail
- 3 • Fire Resistive Assembly requirements
- 4 • Steel light gage framing details.
- 5 3) Shearwall Details
- 6 • Show all Shearwall construction and assembly details
- 7 • Shearwall schedule
- 8 • Sheathing material, thickness
- 9 • Required nail size, spacing
- 10 • Top and bottom plate connection to diaphragm
- 11 • Design capacity
- 12 • Floor to floor transfer details (hold down strap details)
- 13 • Diaphragm to shearwall connections.
- 14 4) Miscellaneous Details
- 15 • Rockery/ecoblock cross section
- 16 • Rated wall construction details if not provided elsewhere
- 17 • Masonry veneer connection detail if not shown on wall details
- 18 • Ledger connection (member size, connection size, and spacing) if not
- 19 provided on framing plan.

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## SEATTLE SIDE SEWER PERMIT SUBMITTAL 21 REQUIREMENTS

- 22 Application for this permit is made through completion of the side sewer permit  
23 application form. The following information is required for the application:
- 24 • Geotechnical Report
  - 25 • Analysis of the influence of temporary dewatering activities adjacent to  
26 the street right-of-way (ROW)
  - 27 • Point of discharge and proposed rate of discharge for temporary  
28 dewatering flows
  - 29 • Temporary Dewatering Plan for temporary surface water and temporary  
30 subsurface water discharge, monitoring, testing and reporting  
31 requirements
  - 32 • Phase I and/or II Environmental Site Assessment (if available)
  - 33 • Water Quality Treatment System design and operation (if applicable)
  - 34 • Water quality (if applicable) and discharge volume sampling, monitoring  
35 plan; and reporting
  - 36 • Evidence that a Construction Stormwater Permit was obtained from  
37 Department of Ecology (DOE) for construction sites greater than one acre  
38 in size.

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1 **Temporary Dewatering Plan Requirements:** A Temporary Dewatering Plan is  
2 required that contains information about groundwater and soil conditions on the  
3 site, as defined in DR 3-2004, "Side Sewer Permit for Temporary Dewatering."  
4 The plan can be used to identify the point of discharge for temporary  
5 groundwater and stormwater, and also identify contaminant issues, water  
6 quality treatment and action levels that may be required. The Plan must also  
7 contain provisions for suspending work through the "wet season" should the  
8 proposed temporary dewatering measures prove to be inadequate during  
9 construction.

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*Appendix D*  
*Transmission & Distribution Power Line*  
*Clearances Process Overview*

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Replacement Project March 2006  
Permit Report C-1

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*SR 99: Alaskan Way Viaduct & Seawall Replacement Project*  
*Permit Report*

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SR 99: Alaskan Way Viaduct & Seawall  
Replacement Project March 2006  
Permit Report C-1

The electrical utility relocation work will require that the transmission lines be temporarily shut down in places. This process is called a clearance permit. This clearance permit would be requested by SCL and go through the regional transmission authority, the Northwest Power Pool (NWPP). The Bonneville Power Administration (BPA) often performs the processing and review of transmission line clearance applications for NWPP. Typically, it is necessary to make transmission clearance requests well in advance of the planned work. Seattle City Light recommends 12 months advance application in all cases. Requests are granted on a first come, first served basis.

The distribution feeder clearance approval is controlled internally by SCL's system operations center. This approval is required to maintain safety and proper operational characteristics of the distribution feeder system. Typically, it is necessary to make distribution clearance requests well in advance of the planned work. Generally, SCL recommends a 6 to 9 months advance application for distribution feeder clearances. For a major project such as the AWVSRP with complex tunnel/highway and utility construction factors, a 12 month advance application for feeder clearances is advisable. Requests are granted on a first come, first served basis.

Please refer to the following table for an overview of electric transmission and distribution clearance permit requirements and procedures. Please also refer to Appendix D, "Seattle City Light Transmission & Distribution Power Line Clearances Process Overview" for a broader discussion of SCL's electric transmission and distribution clearance permit requirements and procedures.

Engineers are considering a concept that would place overhead power lines on poles temporarily during tunnel construction. The poles would be located near the outside of the seawall, and would require permitting from several agencies.