

500.01	Introduction
500.02	Permit Overview
500.03	Roles and Responsibilities
500.04	Identify the Required Permits Through Early Coordination
500.05	Seek Permit Streamlining Options and Provide Schedule Input
500.06	Submit a Complete Permit Application and Obtain Permits
500.07	Review and Manage Permits During PS&E
500.08	Manage Permits and Conditions During Construction
500.09	Permitting Procedures
500.10	Links to Permitting Resources
500.11	Abbreviations and Acronyms
500.12	Glossary

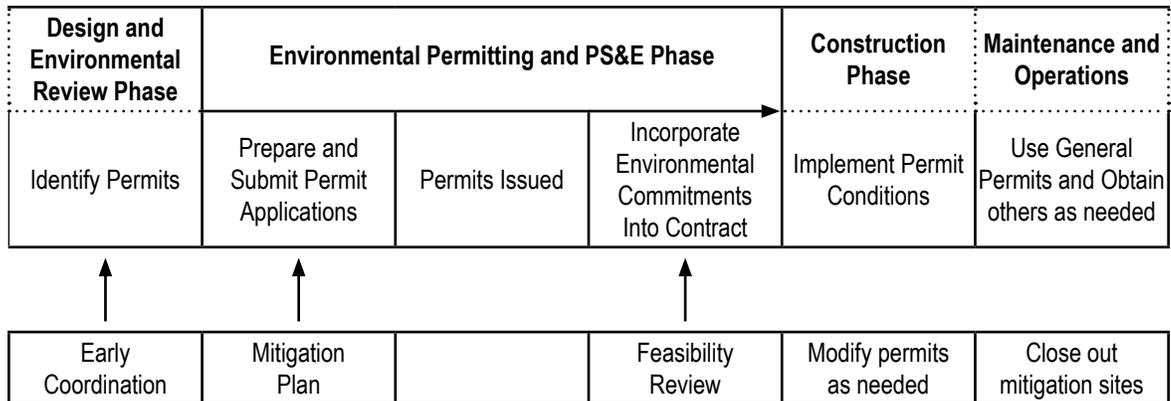
500.01 Introduction

Washington State’s transportation system policy goals include environmental protection: “To enhance Washington’s quality of life through transportation investments that promote energy conservation, enhance healthy communities, and protect the environment (RCW 47.04.280).” WSDOT is committed to protecting the quality of our air, water, cultural and natural resources. WSDOT directs its employees to follow sound environmental practices in the planning, design, construction, operation, and maintenance of the state’s transportation system and facilities which also includes obtaining environmental permits. WSDOT’s efforts to ensure our activities meet this commitment include:

- Integrating environmental protection features in the design of projects and maintenance activities.
- Working with federal, state, local, and tribal agencies to ensure our projects and maintenance work complies with applicable laws, regulations, and permitting requirements.
- Incorporating environmental commitments (such as permit conditions) into project-level contracts, and tracking them throughout project delivery.
- Training staff to spot risks and minimize the potential for harm by implementing best management practices.

We first seek opportunities to avoid impacting protected resources. When impacts can not be avoided, we obtain environmental permits to comply with these laws. Resource agencies issue permits that include conditions so our work will have minimal impacts to the environment and, when needed, provide direction on mitigation to offset those impacts.

500.02 Permit Overview



Environmental Permitting and PS&E Phase
Figure 500-1

The permit process begins during project scoping ([Section 300.02](#)) when the Environmental Review Summary (ERS) is completed. Environmental Coordinators must identify which permits would be required based on the preliminary design and the regulatory requirements. Visit the WSDOT [Environmental Permitting](#) web page for a list of permits and approvals typically required for WSDOT projects.

WSDOT must conduct studies and gather information during the environmental review phase ([Chapter 400](#)) to satisfy resource agency requirements.

WSDOT often discusses permit requirements through early coordination with the resource agencies. The extent of the coordination should be proportionate to the level of impact a project will have on the environment. Project teams can avoid or reduce the number of environmental permits needed by designing the project to avoid and minimize impacts to the environment.

Resource agencies issue most permits during the final design phase. As the permits are issued, WSDOT reviews the conditions to ensure they can be implemented during construction. During the plans, specifications, and estimates (PS&E) phase, commitments from the permits are incorporated into the contract before advertising the project for bids ([Chapter 490](#)).

Effective communication between the environmental staff, the design team, and the regulatory agencies is crucial to build trust and efficiently permit a project. The roles and responsibilities section below provides general guidance for the major groups involved in the permitting process. Be sure to follow region/mode processes for permitting projects, if applicable.

500.03 Roles and Responsibilities

(1) *Regulatory Agencies*

- Understand the project(s) they are being asked to permit.
- Help WSDOT determine permitting requirements (e.g., what is needed for a complete application, mitigation requirements).
- Review applications and issue permits.
- Provide technical and regulatory guidance.
- Conduct site visits during construction to verify compliance with permits.

(2) *Environmental Manager/Assistant Manager/Supervisors*

- Track environmental scope, schedule, and budget.
- Oversee environmental staff.
- Help resolve environmental conflicts as they arise.
- Ensure compliance with federal, state, local, and tribal environmental requirements.
- Foster good relationships with the regulatory agencies.
- Review draft permit applications to ensure they are complete.
- Notify regulatory agencies when required by the permits.
- Record annual usage of general permits and report this annually to the Environmental Services Office (ESO).

(3) *Project Environmental Coordinator*

- Coordinate with the Design Team to understand the project's scope, schedule, budget, and project footprint.
- Determine which permits a project may require.
- Coordinate with environmental technical experts to determine a project's impact and ensure completion of permit supporting documentation (i.e., wetland delineation, mitigation plan).
- Determine if design changes affect permitting requirements.
- Fill out the permitting section of the Environmental Review Summary (ERS) and Environmental Classification Summary (ECS).
- Coordinate early with regulatory agencies to identify permit requirements and discuss opportunities to avoid and minimize impacts to natural resources.
- Gather information and fill out permit applications.
- Ensure consistency between project designs, environmental documentation, and the permit application.
- Submit a complete and accurate permit application to the agencies.
- Track and assign permit conditions to ensure fulfillment.
- Ensure environmental requirements are reflected in the construction contract.

(4) WSDOT Environmental Technical Experts (Headquarters, Regions, and Modes)

- Identify project impacts on sensitive areas such as wetlands (see [Section 431.03](#) and [431.04](#)), streams, floodplains, cultural resources, and fish and wildlife habitat.
- Document the impacts in technical reports or memos.
- Develop mitigation options when resource impacts are unavoidable.
- Help environmental coordinators answer technical permitting questions.
- Provide assistance during construction as needed.

(5) Design Team

- Provide project definition during scoping phase.
- Provide project design information to help the environmental coordinator determine permitting requirements.
- Design the project to avoid and minimize impacts to environmental resources.
- Communicate design changes to environmental staff.
- Provide information for a complete permit application and drawings.
- Review the permit application to ensure consistency with designs.
- Incorporate environmental commitments into the construction contract.
- Ensure plan sheets show sensitive areas.

(6) ESO Compliance Solutions Branch

- Communicate permitting policy and process changes to regions and modes.
- Create interagency agreements with regulatory agencies.
- Develop and maintain permitting guidance.
- Negotiate general permits and report annual usage to the regulatory agencies.
- Review environmental permitting bills from the legislature to determine their potential impact on WSDOT.
- Organize statewide coordinator roundtable meetings to discuss regulatory updates and lessons learned.

**(7) Regional Maintenance Environmental Coordinator (RMEC)*/
Maintenance Staff**

- Implement the Regional Road Maintenance Program to avoid and minimize impacts to fish and aquatic species.
- Use WSDOT [general permits](#) for maintenance activities where possible.
- Obtain project-specific environmental permits to ensure compliance with federal, state, local, and tribal environmental requirements.
- Review long-term commitments from construction projects to ensure they can be fulfilled by WSDOT maintenance.
- Communicate environmental requirements to maintenance staff.
- Enter general permits usage into the Highway Activity Tracking System (HATS) database and conduct quarterly QA/QC.

*RMECs have similar permitting responsibilities as environmental coordinators listed above.

500.04 Identify the Required Permits Through Early Coordination

To successfully identify the permits required for a project, the environmental coordinator must have a good understanding of the funded project scope. The WSDOT Project Summary Database contains a Project Definition, Design Decisions, and an Environmental Review Summary, prepared during the scoping process ([Chapter 300](#)). WSDOT uses the ERS form to identify the potential environmental impacts, mitigation options, and permits needed for a project. An Environmental Coordinator shall work closely with the design team to determine if the funded project scope has changed since the ERS form was signed.

Second, the environmental coordinator uses information generated during the Environmental Review Phase ([Chapter 400](#)) to determine which permits are required for a project. The environmental coordinator needs to know which activities trigger various permits. For example, any work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state requires a Hydraulic Project Approval (HPA) permit (see WAC 220-660-010).

A list of permit triggers, statutory authorities, and guidance for the most commonly used federal, state, and local permits and approvals can be found on the WSDOT [Environmental Permitting](#) web page. A procedure for how to [identify the permits](#) needed for a project is also available on the web page. The ORIA [Environmental Regulatory Handbook](#) provides additional in-depth information about environmental permits and approvals.

Regulatory agency staff and WSDOT's liaisons are another great resource for permitting questions. Environmental coordinators are encouraged to coordinate early with these staff to discuss project details and to identify information the regulators need to process the application. The extent of early coordination should be proportionate to the level of environmental risk a project presents.

WSDOT's liaison program facilitates Early Project Coordination (EPC) meetings. An EPC Meeting is a chance for WSDOT to present a project to the permitting liaisons and to get early technical and regulatory feedback from each resource agency before design is solidified and permit applications are developed. Contact the Liaison Program or the resource agency if you are interested in scheduling an EPC meeting.

500.05 Seek Permit Streamlining Options and Provide Schedule Input

Having a clear understanding of permitting timelines will help WSDOT avoid project delays and surprises. WSDOT environmental staff should coordinate closely with the design team to ensure the project schedule accurately reflects amount of time it will take to obtain environmental permits and approvals.

Environmental coordinators and designers can reduce the time it takes to obtain permits and approvals by finding ways to avoid and minimize environmental impacts. For example, designers can steepen a road embankment or use retaining walls to avoid direct wetland impacts. Avoiding wetland impacts may prevent WSDOT from having to obtain a permit from the U.S. Army Corps of Engineers (Corps). A procedure titled, [Seek Avoidance and Minimization Opportunities](#), has been developed to provide additional guidance.

State policies and directives require WSDOT to [first avoid and then minimize](#) wetland impacts. Contact your region Biologist or visit the WSDOT and Wetlands web page for additional information.

Environmental coordinators can also check the WSDOT [General Permits](#) web page to see if the project activities are covered by existing programmatic permits. The most commonly used general permit for preservation projects is the Bridge and Ferry Terminal Maintenance General Hydraulic Project Approval (GHPA).

Once an environmental coordinator has determined which permits are needed, the time frame to obtain each permit should be reflected in the project schedule along with any predecessors. This will allow the project team to determine the critical path. The schedule should show environmental permits being obtained at least one month before the project goes to advertisement for bids. This will allow the project team enough time to incorporate environmental commitments into contracts (see [Chapter 590](#)).

500.06 Submit a Complete Permit Application and Obtain Permits

WSDOT uses the [Joint Aquatic Resource Permit Application](#) (JARPA) to obtain the aquatic permits from federal, state, and local regulatory agencies. JARPA is a single permit application for development activities in or along aquatic environments. Multiple regulatory agencies joined together to create one application that people can use to apply for more than one permit at a time. However, some agencies require using a different application form. A complete permit application package submittal is comprised of three main parts:

- A completed permit application
- Permit drawings
- Supporting documents

WSDOT can reduce permitting delays by submitting a complete permit application package to the regulatory agencies on their first attempt. To improve our chances, WSDOT worked with the Corps Seattle District, Ecology, and the Washington Department of Fish and Wildlife (WDFW) to develop [Complete Permit Application and Drawing Guidance](#) (RCW 44.85.020(3)). This guidance identifies the information WSDOT is required to provide for the agencies to determine our application is complete. The drawing guidance lists the information that needs to be included in the permit drawings and formatting requirements.

Project teams must perform internal reviews to [ensure quality and consistency](#) before submitting permit application materials to the regulatory agencies (RCW 47.85.020(4)). Permit applicants are encouraged to use the permit [Drawing Reviewer's Form](#) to improve their chances of submitting a complete application the first time around.

Once the agencies notify you that your permit submittal is complete, a “regulatory review clock” starts for some of the regulatory agencies. This term refers to the time an agency has to issue a permit decision to WSDOT. Some agencies have statutory requirements that set a maximum number of days they have to issue a permit decision. The ORIA [Environmental Regulatory Handbook](#) and Permit Process Schematics provide information regarding how long it takes agencies to issue certain permits.

Local agencies (city, town, code city, or county) must make a final determination on all permits required for a project on a state highway no later than 90 days after we submit a complete permit application to the greatest extent practicable for projects that cost less than five hundred million dollars (RCW 47.01.485).

500.07 Review and Manage Permits During PS&E

Once a permit is obtained, it should be reviewed immediately by WSDOT to ensure its requirements can be implemented. Engineers responsible for the project design and construction should review the environmental commitments. If WSDOT identifies a permit condition that is unclear or is not constructible, the permit decision may need to be appealed. Appeal times vary depending on the agency issuing the permit. The [Complete Permit Application Guidance](#) lists appeal time frames and provides guidance for each of the major aquatic permits.

WSDOT's construction contracts must reflect the environmental commitments for which the contractor is responsible (see [Chapter 590](#)). Procedures for incorporating commitments into contracts can be found on the WSDOT [Tracking Commitments](#) web page.

500.08 Manage Permits and Conditions During Construction

As the owner and permit holder, WSDOT is ultimately responsible for ensuring compliance with environmental permits and approvals during construction (see [Chapter 600](#)). WSDOT's [Secretary's Executive Order E 1018 Environmental Policy Statement](#) states that all employees need to understand and uphold the environmental policies associated with their work responsibilities.

WSDOT employees take a role in ensuring that the contractor's work is compliant with the environmental permits by monitoring for compliance during construction and enforcing the contract. Procedures for ensuring compliance are available on the WSDOT [Construction Compliance](#) web page.

There are times before or during construction when the scope of a project changes or a request from the contractor may not be covered by the environmental permits or approvals. Examples include:

- Added work (i.e., variable messaging signs).
- Change orders such as a Cost Reduction Incentive Proposals (CRIPs).
- Changed site conditions (i.e., water levels higher than anticipated).
- Project delays (i.e., extending in-water work or a permit expiration date).
- Unexpected discoveries (i.e., cultural resources or contamination).
- Contractor requests (i.e., staging, withdrawing water from a stream, disposal).

These are all legitimate reasons, but the impacts of the change must be evaluated to determine whether WSDOT needs to obtain permit modification or re-evaluate impacts to comply with NEPA/SEPA, ESA, Section 106 of the National Historic Preservation Act, etc. Make sure to notify region Environmental staff immediately when a project modification is proposed. Environmental staff should contact the regulatory agencies to describe the change so they can determine if a permit modification is necessary. If the change requires a permit modification, it must be secured before the contractor is allowed to do the work.

500.09 Permitting Procedures

The following [procedures](#) explain how to:

- Identify permits.
- Seek avoidance and minimization opportunities.
- Develop a complete permit application.
- Review permit conditions for feasibility.

500.10 Links to Permitting Resources

- [WSDOT Environmental Permitting](#)
- [WSDOT Federal Environmental Permit and Approvals](#)
- [WSDOT State Permits and Approvals](#)
- [WSDOT Local Permits and Approvals](#)
- [Tribal Permits](#)
- [WSDOT Liaison Program](#)
- [WSDOT Multi-Agency Permitting Team](#)
- [JARPA](#)
- [ORIA Environmental Regulatory Handbook](#)

500.11 Abbreviations and Acronyms

Corps	U.S. Army Corps of Engineers
CRIP	Cost Reduction Incentive Proposals
ECS	Environmental Classification Summary
EPC	Early Project Coordination
ERS	Environmental Review Summary
ESA	Endangered Species Act
ESO	Environmental Services Office
FERC	Federal Energy Regulatory Commission
HPA	Hydraulic Permit Approval
JARPA	Joint Aquatic Resource Permit Application
NEPA	National Environmental Policy Act
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
NWP	Nationwide Permit (U.S. Army Corps of Engineers)
ORIA	Office of Regulatory Innovation and Assistance
PS&E	Plans, Specifications, & Estimates
RMEC	Regional Maintenance Environmental Coordinator
SEPA	State Environmental Policy Act

500.12 Glossary

Approval – General term referring to any document other than a permit that needs a signature by someone in authority at the agency having statutory jurisdiction over that activity. The document may be called an approval, certification, concurrence, easement, or license, all of which represent an agency signifying, “Yes we authorize you to conduct this activity as long as you do it in this manner.” An approval may specify conditions under which the activity is performed.

Permit – A document required by law and issued by a regulatory agency or tribe that authorizes a specific type of activity under certain conditions.

General Permit – Also referred to as a “Programmatic Permit,” a general permit is issued by a federal or state agency to cover a specific type of activity in a certain geographic area (national, statewide, or regional). For certain NPDES general permits, WSDOT must submit a “Notice of Intent” (NOI) to request coverage under the permit for a particular activity; the agency may approve or disapprove coverage.

JARPA – JARPA is a single permit application for development activities in or among aquatic environments. Multiple regulatory agencies (federal, state, and local) created one application that people can use to apply for more than one permit at a time. However, some state and local agencies may require separate permit applications. See the Complete Permit Application Guidance for more information.

Nationwide Permit – A type of General Permit issued by the U.S. Army Corps of Engineers under Section 404 and/or Section 10.

Programmatic Permit – Also referred to as a “General Permit” a programmatic permit is issued to WSDOT to cover a certain type of activity such as bridge and ferry terminal washing/cleaning, culvert maintenance, or use of insecticides for mosquito control.

Individual Permit – A permit issued to WSDOT by a regulatory agency for a particular activity or project that is not covered by a General Permit; usually needed for more complex or extensive projects.

Army Corps Permits – The U.S. Army Corps of Engineers issues two major permits: the Clean Water Act Section 404 permit for discharge of dredge and fill material into waters of the U.S., and the Rivers and Harbors Act Section 10 permit for work in navigable waters. They are commonly referenced together because similar procedures apply to both and they are often issued as a combined permit. WSDOT usually can obtain coverage under a Nationwide Permit, issued for common activities having minimal impact, but occasionally must obtain an Individual Permit for a project having significant impacts.

Section 401 Water Quality Certification – Applicants receiving a Section 404 Permit from the U.S. Army Corps of Engineers, a Coast Guard permit or a license from the Federal Energy Regulatory Commission (FERC), are required to obtain a Section 401 Water Quality Certification from the Department of Ecology (Ecology). Issuance of a certification means that Ecology anticipates that the applicant’s project will comply with state water quality standards and other requirements of state law.

Section 402 or NPDES Permits – Section 402 of the Clean Water Act established the National Pollutant Discharge Elimination System (NPDES) to regulate the discharge of pollutants into surface water. USEPA delegated authority to Ecology to administer the program in Washington and does so in conjunction with the State Waste Discharge General Permit program. NPDES permits typically place limits on the quantity and concentration of pollutants that may be discharged. To ensure compliance with these pollutant concentration limits, permits require treatment or impose other operational conditions. In most cases, permits are issued for five years. Following is a list of NPDES permits that WSDOT obtains from Ecology for our projects and activities:

1. [NPDES Municipal Stormwater Permit](#)
2. [NPDES Construction Stormwater Permit](#) (general and individual)
3. NPDES Bridge and Ferry Terminal Washing Permit (also for bridge and ferry terminal painting)
4. [NPDES Sand and Gravel General Permit](#)