

## Appendix

# Environmental Permitting Matrix

The table beginning on the third page of this Appendix is a matrix summarizing the various permits that may be required for the Hoodspout Rural Activity Center, Potlatch, and Core Reservation Wastewater Management Planning Areas. Given the general siting information currently available for the projects, a full range of permits that may be required is included. The matrix describes the type of permit, the agency responsible for reviewing the permit, the permit trigger, timelines, agency responsible, and other relevant issues.

**Federal approvals.** Two potential federal approvals are included in the matrix (Corps permit and ESA Section 7 consultation). Because of the prevalence of wetlands in the project area, the final siting of the plant or collection system may require a Corps permit, which would then trigger ESA consultation. This has implications for siting decisions, because a Section 7 process can be very time-consuming, often requiring a year or longer to complete. In addition, mitigation requirements for impacts to regulated areas can be substantial.

**Section 106.** The Department of Community Trade and Economic Development, Department of Archaeology and Historic Preservation (DAHP) must be consulted when projects are subject to review under Section 106 of the National Historic Preservation Act of 1966. This act requires all federal agencies to take into account the affect of the project on historic properties.

**NEPA.** If the project triggers a permit from the Corps or has federal funding, compliance with the National Environmental Policy Act (NEPA) would be required. Prior to beginning this process, a federal lead agency would need to be determined. This is an important consideration because each agency has different requirements for NEPA compliance. Likely candidates would be the U.S. Environmental Protection Agency, U.S. Department of Agriculture, or the Bureau of Indian Affairs. Lead agency status will likely depend upon funding. Public and agency notification is required under NEPA.

**SEPA.** Mason County would serve as the lead agency under the State Environmental Policy Act (SEPA). The SEPA process may be combined with the NEPA process if NEPA is triggered. Public and agency notification is required.

**SERP (State Environmental Review Process).** This process is required when State Revolving Funds are applied for. It is a NEPA-like process that is administered through the Department of Ecology. The SEPA, NEPA and/or SERP processes can be duplicative, therefore early identification of the likely sources of funding is important.

**Waste Discharge Permit – Reclaimed Water.** A wastewater discharge permit is a legal document issued by the Department of Ecology to control the discharge of wastewater to surface or groundwaters. The permit application submittal to the Departments of Ecology

and Health would be accompanied by an engineering report. When the application is accepted by Ecology, the public notification, involvement, and hearings process begins. At the end of the comment period, Ecology prepares a Responsiveness Summary that details and significant changes, if warranted. When this process is complete, Ecology may issue a draft permit.

**The Washington Department of Fish and Wildlife (WDFW) Hydraulic Project Approval (HPA).**

The HPA permit is required for work that uses, diverts, obstructs, or changes the natural flow or bed of any fresh water or saltwater of the state. Recent precedent set by WDFW suggests that any project work “over” water may require an HPA. This permit may be required for the wastewater collection pipelines. Because the proposed project area includes a number of surface water bodies, it is likely that this permit will be required.

**Mason County Shoreline Master Program.** If the wastewater treatment plant or conveyance facilities are located within 200 feet of the shoreline of a lake, river, or saltwater body, including Hood

Canal, it will be necessary to comply with the Mason County Shoreline Master Program. The type of permit or approval will depend upon the shoreline designation and the type of construction proposed within the shoreline zone. The type of permit could be a Substantial Development Permit, Conditional Use Permit, a Variance, or a combination of these permits. If not done as part of other permit processes, an Environmental Permit and/or a Habitat Management Plan may be required. The procedure for obtaining these permits varies, as does processing time, but could take from several weeks to six months or more. Generally, a public hearing is required.

**Tribal Coordination.** Environmental review by the Skokomish Tribe for any work on tribal lands would be accomplished through the Skokomish Environmental Protection Act (SKEPA) process. This process is similar to NEPA and SEPA, but also requires a Tribal Council Decision. Continued coordination with the Skokomish Tribe should be conducted for any work that would potentially affect Hood Canal water quality.

## Hoodsport RAC, Potlatch, and Core Reservation Wastewater Management Planning Potential Permit Requirements

Potential Permits	Permit Trigger	Permit Review Timeline	Suggested Submittal Schedule	Permit Considerations and Issues	Agency
<b>Federal</b>					
<b>US Army Corps of Engineers (Corps)</b> Section 404 Nationwide 12 Permit or Nationwide 33 Permit	Work in wetland or water of the US. <ul style="list-style-type: none"> <li>NW 12 - Utility line construction through wetland. Discharges of dredged or fill material associated with excavation, backfill, or bedding for utility lines, including intake and outfall structures, or</li> <li>NW 33 -Temporary construction, access, and dewatering (including cofferdams) necessary for construction activities</li> </ul>	Nationwide Permit (45 to 60 days)  Individual Permit (6 months to 1 year)	After alternatives analysis prepared and construction method selected	<ul style="list-style-type: none"> <li>May not be required if pipeline remains in road right-of-way, and wetlands are not impacted.</li> <li>The NWP-12 authorizes mechanized land clearing necessary for the installation of utility lines including any pipe or pipeline, but does not authorize changes in pre-construction contours.</li> <li>The NWP-33 authorizes cofferdams, access fills, and dewatering of construction sites. The stream area must be restored to pre-construction conditions, and appropriate measures must be taken to insure near normal downstream flows.</li> <li>Public Notification (30 days).</li> <li>Due to the unique nature of the construction project, an individual permit may be necessary for this project.</li> <li>Included in JARPA.</li> </ul>	Washington State Department of Ecology (Ecology)  Corps: Regulatory Section
<b>National Marine Fisheries Service (NMFS)</b> Section 7 ESA Consultation  <b>US Fish and Wildlife Service (USFWS)</b> Section 7 ESA Consultation	Section 7 of the ESA requires all federal agencies to insure that any actions they authorize are not likely to jeopardize a listed species or adversely modify its critical habitat. The Corps must consult with NMFS and/or USFWS for this project	Up to 120 days after submittal to the Corps, and up to 180 days after submittal to NMFS and/or USFWS	After construction details are finalized	<ul style="list-style-type: none"> <li>A Biological Assessment (BA) addressing fish and potentially other listed species will likely be needed for this project as a federal is anticipated.</li> <li>The BA must be reviewed by the appropriate regulatory agency (NMFS or USFWS), and special provisions may be necessary for the project construction to avoid negative impacts on listed species.</li> </ul>	NMFS and/or USFWS

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<b>Department of Archaeology and Historic Preservation (DAHP)</b> Section 106	Federal nexus such as federal funding or a federal permit. Review conducted to determine affect on historic properties.	1 to 3 months	After selection of preferred alternative and project "footprint"  After funding sources are determined	<ul style="list-style-type: none"> <li>Section 106 initiation started after project footprint has been determined.</li> <li>High probability for encountering cultural resources.</li> </ul>	Department of Archaeology and Historic Preservation
NEPA EA or EIS  SERP ER	Federal nexus such as federal funding or a federal permit.	EA – 6 to 12 months  EIS – 12 to 18 months  ER – 6 to 12 months	After selection of preferred alternative and project "footprint"  After funding sources are determined	<ul style="list-style-type: none"> <li>The NEPA lead agency would need to be determined; likely US Environmental Protection Agency, US Department of Agriculture, or Bureau of Indian Affairs.</li> <li>The State Environmental Review Process (SERP) would be required if State Revolving Funds are obtained. This process satisfies NEPA.</li> </ul>	NEPA Lead Agency to be determined
<b>State</b>					
<b>Ecology/ Washington Department of Health</b> Waste Discharge Permit – Reclaimed Water (90.46, 90.48, 43.20 RCW)	Discharging reclaimed water from wastewater treatment plants to surface or ground waters.		After approved Wastewater Facilities Plan; submitted with engineering report	<ul style="list-style-type: none"> <li>Permits place limits on the quantity and concentrations of contaminants that may be discharged.</li> <li>Public Notification (30 days)</li> <li>Permits valid to 5 years</li> </ul>	Washington State Departments of Ecology and Health
<b>Washington Department of Ecology (Ecology)</b> Coastal Zone Management Consistency (CZM) Federal Coastal Zone Management Act (Sec. 307 16 USC 145 RCW 90-58)	Wetland fills in the 15 coastal counties of WA	Typically 1 month; may take up to 6 months		<ul style="list-style-type: none"> <li>Public Notification (30 days)</li> </ul>	Washington State Department of Ecology  Corps: Regulatory Section

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<b>Ecology</b> Section 401/Water Quality Certification Permit Federal Water Pollution Control Act Section 401; RCW 90.48.260 WAC 173-225	Federal Permits affecting waters of the State	2 - 3 months; (agency has up to 1 year to act)		<ul style="list-style-type: none"> <li>Public notification (20 days), and up to one year to approve, condition, or deny.</li> </ul>	Washington State Department of Ecology  Corps: Regulatory Section
<b>Ecology</b> National Pollutant Discharge Elimination System (NPDES) for Construction Activity Act 402 WAC 173-220 33 USC 1344 RCW 90.48.260	Construction activities, including clearing, grading, and excavation, that disturb 1 or more acres of land	Up to 30 days	After site details are produced (e.g., disturbance area, staging and access areas); at least 30 days prior to start of construction.	<ul style="list-style-type: none"> <li>Stormwater Pollution Prevention Plan</li> <li>Public notification</li> </ul>	Washington State Department of Ecology
<b>Washington Department of Fish and Wildlife (WDFW)</b> Hydraulic Project Approval (HPA) RCW 75.20 WAC 220-110	Work that uses, diverts, obstructs, or changes the natural flow or bed of state waters	Up to 45 days	After site details are produced (e.g., disturbance area, staging and access areas); at least 30 days prior to start of construction.	<ul style="list-style-type: none"> <li>SEPA compliance required</li> <li>Included as part of JARPA</li> </ul>	Washington Department of Fish and Wildlife
<b>Washington Department of Transportation (WSDOT)</b> WSDOT Utility	Work in WSDOT right of way	3 to 6 months	After siting details are produced.	<ul style="list-style-type: none"> <li>Complete the "State Highway Crossing Permit Application Checklist." Information requires complete application form and project plans.</li> </ul>	Washington State Department of Transportation
<b>Tribal</b>					
<b>Skokomish Tribe</b> Skokomish Environmental Protection Act (SKEPA)	Activities within the boundaries of the Skokomish Indian Reservation		After selection of preferred alternative and project "footprint"	<ul style="list-style-type: none"> <li>Similar process to SEPA and NEPA.</li> <li>Tribal Council approval required.</li> </ul>	Skokomish Tribe Department of Natural Resources

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Water Quality Certification Section 401 of the Clean Water Act	Under Section 401 of the Clean Water Act, tribes can approve, condition, or deny all Federal Permits or licenses that might result in a discharge to Tribal waters, including wetlands.			<ul style="list-style-type: none"> <li>• Tribes have the option to waive their Section 401 certification authority.</li> </ul>	Skokomish Tribe Department of Natural Resources
<b>County</b>					
<b>Mason County</b> SEPA Threshold Determination WAC 197-11	State or local "actions" such as issuing permits, or adopting plans. SEPA requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. The checklist provides information to help the agency identify impacts and decide whether an EIS is required.	30 days	After selection of preferred alternative and project "footprint"	<ul style="list-style-type: none"> <li>• To determine if project will have significant adverse environmental impacts and as a result require a SEPA EIS.</li> <li>• May be combined with NEPA or SERP documentation if NEPA is required.</li> <li>• Mitigation may be required.</li> </ul>	Mason County
<b>Mason County</b> Shoreline Master Program WAC 173-14	Activities within 200 feet of Hood Canal and streams segments with a mean annual flow >20 cubic ft./sec., and associated wetlands	28-day waiting period; maximum 120-day review (concurrent)	After site details are produced	<ul style="list-style-type: none"> <li>• Public hearing</li> <li>• Included in JARPA</li> </ul>	Mason County
<b>Mason County</b> Sensitive Areas Review Local Regulations	Alteration of a site which impacts a sensitive area or is within an identified sensitive area buffer	Variable	After selection of preferred alternative and project "footprint"	<ul style="list-style-type: none"> <li>• May be required to submit a critical areas study.</li> <li>• May be required to develop mitigation and monitoring plans.</li> </ul>	Mason County
<b>Mason County</b> Clearing/Grading Permit	Required for clearing and grading activities.		After site details are produced (e.g., disturbance area, staging and access areas); at least 30 days prior to start of construction.	<ul style="list-style-type: none"> <li>• Need excavation volumes</li> </ul>	Mason County
<b>Mason County</b> Right of Way Permit MCC 12.24	Required for work in county road rights of way.		After site details are produced for work in right of way		Mason County Public Works
<b>Other Considerations</b>					

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<b>WDFW</b> Priority Habitats Species (PHS) Consideration	A search of the WDFW PHS database is required to determine if state and federal listed species including those that are designated as endangered, threatened, sensitive, candidate, and monitor.	Data is usually sent within 30 days and is accurate up to 6 months.	Information is included in SEPA documentation	<ul style="list-style-type: none"> <li>The PHS Request Form is available online at:  <a href="http://www.wa.gov/wdfw/hab/orderfrm.pdf">http://www.wa.gov/wdfw/hab/orderfrm.pdf</a> </li> </ul>	WDFW
<b>Washington Department of Natural Resources (DNR)</b> Washington Natural Heritage Program (WNHP) Consideration	Determining if a proposed project may affect rare plant species and natural ecosystems in Washington State.	Within 30 days.	Information is included in SEPA documentation	<ul style="list-style-type: none"> <li>WNHP data request forms are available online at:  <a href="http://www.wa.gov/dnr/htdocs/fr/nhp/refdesk/forms/inforeq.html">http://www.wa.gov/dnr/htdocs/fr/nhp/refdesk/forms/inforeq.html</a> </li> </ul>	DNR