

## **FAQs -- Streamlining, and Permitting Tips**

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### **1. What is the difference between a “permit” and an “approval”?**

A “permit” is a document required by law that authorizes a specific type of activity under certain conditions. An example is a Section 404 permit issued by the U.S. Army Corps of Engineers (Corps).

An “approval” means any document or process other than a permit that needs a signature by someone in authority at an agency having jurisdiction or control over an activity. An approval may also include documentation, certification, concurrence, easement, or license. For example, Section 106 of the National Historic Preservation Act, requires no permit, but does require concurrence by the State Historic Preservation Officer (SHPO).

### **2. What is a “federal nexus” and why is it important in permitting?**

The term “federal nexus” applies when a WSDOT project involves federal funding, federal permit or approval, use of federal lands, or a federal program. The existence of a federal nexus often triggers the need for federal approvals under certain statutes, including NEPA, Section 106 of the National Historic Preservation Act, and the Endangered Species Act.

### **3. Where can I find laws and rules on environmental permits?**

Federal statutes are collected in the United States Code (USC) and federal regulations are assembled in the [Code of Federal Regulations](#) (CFR). The [federal statutes and regulations](#) themselves are available online.

State laws are contained in the [Revised Code of Washington](#) (RCW), and state rules affecting state agency actions are in the [Washington Administrative Code](#) (WAC). The official website, maintained by the [Office of the Code Reviser](#), has an easily accessed index for both statutes and regulations.

Local laws and rules are on the websites for many individual cities and counties. They are also collected by the [Municipal Research and Services Center of Washington](#)

### **4. What are the different types of permits?**

There are two basic types of permits: general and individual. General permits are often referred to as Programmatic, and cover a certain type of activity within a specified geographical area, such as a region, state or the entire nation. General permits often have pre-determined conditions that apply automatically to project actions. Examples of general permits are nationwide Section 404 permits issued by the Corps and [General Hydraulic Project Approvals](#) issued by WDFW. For certain NPDES general permits, WSDOT must submit a “Notice of Intent” (NOI) to request

coverage under the permit for a particular activity. The regulating agency may approve or disapprove coverage.

Individual permits are issued for a specific activity based on the complexity or circumstances of that project.

## **5. Besides statutes and regulations, what other environmental requirements apply to WSDOT projects?**

WSDOT has negotiated various environmental commitments through [interagency agreements](#), such as the Memoranda of Understanding, Memoranda of Agreement, and Implementing Agreements. These interagency agreements cover a specific time period, and must be renewed to update them with changing laws and requirements.

WSDOT has also adopted internal policies and rules that specify environmental commitments and stewardship intentions. Policy guidance from FHWA and other federal agencies is also relevant to permitting. See [Chapter 490 of the Environmental Manual](#) for details.

## **6. How are all the environmental commitments tracked over the life of a project?**

Commitments are made during Project Scoping and Programming, Design and Environmental Review, and Environmental Permitting and PS&E., WSDOT developed a Commitment Tracking System for use in preparing contract documents to ensure their implementation (see [Tracking Commitment](#) webpage). Additional systems to ensure compliance with environmental laws include the Headquarters [Stormwater Erosion and Sediment Control Program](#), the Regional Road Maintenance Program (RRMP), and Washington State Ferries' Safety Management System.

## **7. When should I determine what permits are needed?**

During the early phases of project scoping, the Regional Program Management staff analyzes the physical characteristics of a proposed project, and summarizes these statistics within the "Project Definition" and "Project Summary" documents. The documents are made available to the Regional Environmental staff, which coordinates with the Project Design staff and other available information to produce the "Environmental Review Summary" (ERS) document.

The ERS is used as preliminary environmental documentation to evaluate natural and social conditions within the proposed project limits. It allows staff to ascertain issues which the project proposal may affect or impact, although answers to some questions may not be known during this early stage of project development. The ERS is used as an early identification of possible supporting studies or documentation that the project team may need to generate. It also requires staff to determine which level of documentation is appropriate for [NEPA and SEPA approval](#), and depending on final design parameters, which concurrences, approvals, and permits will be required prior to PS&E preparation.

## 8. When should I begin applying for permits?

The sooner the better! For projects with a federal nexus (connection) or requiring a State permit, much of the documentation needed for permit approval is prepared as part of the NEPA/SEPA environmental review process. Early in project design, permit requirements are often discussed and negotiated with regulating agencies. Assembling information for these permit applications may begin during design, and permits are usually obtained before the finalized PS&E phase.

## 9. How much time should I allow for obtaining permits?

Many permits have statutory or regulatory time limits for agencies' actions. However, the actual time required often differs from the regulatory limits due to complexity. Processing may take significantly less time, or may extend months beyond regulatory timelines if required information is incomplete. WSDOT has developed [Complete Permit Application Guidance](#) to help staff prepare complete permit applications.

## 10. How can I keep track of what to do when?

Since a project schedule can be easily affected by permitting issues, creating and maintaining a work plan and timeline is essential. WSDOT currently uses the Project Delivery Information System (PDIS) and the Project Management and Reporting System (PMRS) schedules. Having a visual image of the permitting work flow and how it relates with the design process can be helpful.

## 11. What is JARPA and how can it help save time?

The Joint Aquatic Resources Permit Application ([JARPA](#)) process has been developed by permitting agencies to allow applicants in Washington to submit multiple permit applications and trigger concurrent review periods. Using the JARPA allows applicants to send information required for several permits to the responsible agencies at the same time. The Office of Regulatory Innovation and Assistance, Environmental Permitting Site has the most recent [JARPA form](#).

## 12. How can I save time in preparing a permit application?

Two key ideas are: (1) start early in the project scoping process, and (2) make sure the application includes all the required information. Follow [WSDOT's Complete Permit Application Guidance](#). Other ideas include: (3) schedule pre-application meetings with several agencies, (4) coordinate public review for several permits, and (5) convene an interdisciplinary team such as the [Liaison Program](#) to review and negotiate complex mitigation compensation.

## 13. Where else can I go for information about permitting?

First, talk to your region environmental staff and consult WSDOT's Environmental Services Office (ESO) and the Office of Regulatory Assistance, Environmental Permit Service Center. ESO's [Federal](#), [State](#), and [Local](#) webpages provide

information for common permits and approvals for WSDOT projects. It includes permit triggers and links to applications, interagency agreements, and regulatory agency information. The [Permit Tools](#) webpage includes permitting procedures, the [Complete Permit Application Guidance](#), and [Complete Permit Application Guidance](#). After the region environmental staff, the [ESO](#) is the next stop for permitting information specific to WSDOT projects.

Another resource for permitting information is the Office of Regulatory Innovation and Assistance, [Environmental Regulatory Handbook](#).

#### **14. What do I do when agency requirements differ?**

Agency specifications for drawings and maps often differ, so it may be necessary to produce them in more than one size. For example, tabloid sheets (11 x 17 inch) are commonly accepted for most environmental reports and NEPA/SEPA documents. However, the Corps requires letter size sheets for all drawings because they routinely distribute public notices to a sizeable mailing list. Agency staff who conduct much of their project review in the field tend to prefer larger formats than the letter (8½ x 11 inch) and legal (8½ x 14 inch) page sizes commonly used for office filing and distribution of public notices. The [Complete Permit Application Drawing Guidance](#) provides additional information about resource agency drawing requirements.

#### **15. Can a permit be extended if construction takes longer than expected?**

Permit extensions can usually be granted upon request. Some agencies may require submitting a permit extension request form and issuing a public notice. As a professional courtesy, requests for permit extensions are usually submitted at least one month before the permit expires. Contact the regulating agency for details on their specific permit extension requirements before a crisis occurs.

#### **16. How do I handle permits in an emergency?**

The Legislature has authorized an expedited procedure for prompt response when unanticipated events pose an immediate threat to the integrity of the highway system and the safety of the traveling public. (See [RCW 47.28.170](#).) These procedures are detailed in WSDOT's [Emergency Relief Procedures Manual M 3014](#).

[WAC 197-11-880](#) and [WAC 468-12-880](#) also authorize exemptions for emergency actions, and [Ecology's SEPA Handbook](#) Section 2.3.3.3 provides additional guidance.