5.0 Permitting Analysis and Road Map Supporting Information

This section provides a description of the permits that would be required for a dredge event to occur within Capitol Lake, as well as the supporting information and assumptions for acquisition of these permits and coordination with the agencies, which form the basis for the Project Permitting Road Map presentation. Additionally, a cost estimate is provided for project permitting based on the conceptual dredge scope of work.

The Project Permitting Road Map is provided in Appendix A. The Project Permitting Road Map is a large, illustrative diagram that provides a road map of the necessary permitting processes, allowing for the visual identification of key milestones such as permit submittals and supporting design or analysis needs, permit sequence and relationships, critical paths, anticipated agency coordination and approval steps, estimated time durations, and points in the process for public and stakeholder comment periods and input.

The Project Permitting Road Map presents the permitting processes and steps that are anticipated to be "likely" based on the conceptual dredge scope of work as presented on the Project Permitting Road Map and described in detail in Section 1.0. The Project Permitting Road Map also presents additional or alternative permitting processes that are anticipated to be "unlikely" given the conceptual scope of work, and, if triggered, would result in impacts to the overall permitting schedule critical paths.

The Draft Project Permitting Road Map was vetted with federal, state, and local agency representatives at a permit planning meeting and additional individual meetings prior to the finalization of the Project Permitting Road Map for inclusion into this report. The Project Permitting Road Map was also presented to any interested stakeholders at a meeting held on April 17, 2013.

Under the likely permitting process steps, and as shown on the Project Permitting Road Map, the Project Planning and Design phase includes the completion of key data gaps, as discussed in Section 4.0, the completion of 60 percent design, the preparation of the Joint Aquatic Resource Permits Application (JARPA) and other permit applications, and pre-application submittal meetings with the agencies, cities, and Tribe(s). The Project Planning and Design phase is anticipated to have a 9- to 12-month duration. The permit application submittal, agency review, and permit issuance phase is anticipated to have an 18- to 24-month duration. This duration does not include potential appeal periods. These durations are assumed based on permitting process for dredging projects with a similar scope of work to that of the conceptual scope of work.

The following permits and approvals are expected to be required based on the dredge scope and are presented on the Project Permitting Road Map:

<u>Environmental Review</u>

- NEPA; U.S. Army Corps of Engineers (USACE)
- State Environmental Policy Act (SEPA); DES

Federal, State, and Local Permits and Approvals

- CWA Section 404 Rivers and Harbors Act (RHA) Section 10 Individual Permit; USACE
- National Historic Preservation Act (NHPA) Section 106 Compliance; USACE and Department of Archaeology and Historic Preservation (DAHP)
- Endangered Species Act (ESA) Section 7 Consultation; U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS)
- CWA Section 401 Water Quality Certification; Ecology
- Coastal Zone Management Act (CZMA) Consistency; Ecology
- Hydraulic Project Approval; WDFW
- Design Review and DES Capitol Lake lease agreement coordination; Washington Department of Natural Resources (WDNR)
- Shoreline Development Permits; City of Olympia and City of Tumwater
- Shoreline Conditional Use Permit; City of Olympia
- NPDES Construction Stormwater General Permit; Ecology

Potential Other Local Permits and Approvals:

- Aquatic Invasive Species Transport Letters of Approval; WDFW and WSDA
- Noise variances; City of Olympia and City of Tumwater
- Railroad coordination for equipment launching

Following the completion of approximately 60 percent project design, pre-application submittal meetings will be coordinated with the federal, state, and local permitting agencies. Pre-application submittal meetings allow the project proponent, DES, to clearly describe the project, the anticipated timeline, the expected impacts and any proposed mitigation, and measures to avoid and mitigate environmental impacts. These meetings also allow the permitting agencies to ask questions and express expectations and concerns prior to application submittal. This will help to streamline the permit application package submittal and review process and can minimize potential agency confusion or misunderstanding.

As shown on the Project Permitting Road Map, the JARPA is an application form that consolidates up to 14 permit application forms for federal, state, and local permits. JARPA is used to apply for a WDFW Hydraulic Project Approval (HPA) and also for Water Quality Certifications or Modifications from Ecology, Aquatic Resource Use Authorizations from WDNR, USACE permits, and Shoreline Management Act Permits from participating local city or county agencies.

5.1 NATOINAL ENVIRONMENTAL POLICY ACT

Process: For projects receiving federal funding or that require federal permits, compliance with NEPA is required. NEPA review is undertaken to analyze and provide public review of a project's effects on the built and natural environment before decisions are made and before

actions are taken. Under the NEPA umbrella, the provisions of statutes relating to historic preservation (Section 106), the ESA, and other federal compliance statutes are reviewed.

An Environmental Assessment (EA) is prepared to assist in making a determination as to whether the effects of a project are significant when those effects are uncertain. After an EA is prepared and the impacts of the project are found to be insignificant, the USACE would issue a Finding of No Significant Impact (FONSI). If the impacts of a project are determined to be significant, an EIS is required. An EIS often evaluates several alternatives. Projects requiring an EIS (far less than 1 percent of USACE projects) average about 3 years to process. Once the EIS and public process are complete, the lead federal agency will issue a Record of Decision (ROD) on the selected alternative.

Project Assumptions: It is assumed that the federal nexus for a dredge event in Capitol Lake would be the issuance of a USACE permit. Therefore, the USACE would be the federal lead responsible for NEPA and other federal compliance. Based on discussions with USACE, the conceptual dredge scope of work, and experience with similar dredge projects, it is assumed that the USACE would likely prepare an EA and that a resulting FONSI would be issued.

Public Involvement: Following the submittal of the JARPA and the USACE permit completeness review and determination on the permit type, the USACE issues a Public Notice to individuals, local governments, resource agencies, and interested groups, with an associated public comment period, typically 30 days in length. The USACE evaluates public comments and the possible effects of the project. Based on the extent of comments received, the permit application may be revised and resubmitted prior to the USACE preparation of the EA.

Fees: NEPA review is completed concurrently with the USACE permit process with a permit fee of $100 for NEPA review, federal compliance, and permitting.

Predecessors and Timeline: NEPA EAs and FONSIs issuance can take between 12 and 18 months.

5.2 STATE ENVIRONMENTAL POLICY ACT

Process: SEPA is a State of Washington law that is intended to ensure that project proponents consider the effects of the project on the natural and human environment prior to taking action. SEPA compliance is required for any state or local agency actions. The SEPA process includes the development of a SEPA checklist to evaluate possible effects of a project on the environment. After reviewing the checklist and mitigation measures, the SEPA lead agency determines whether the project would still have likely significant adverse environmental impacts. The SEPA lead agency then issues a threshold determination: either a determination of non-significance (DNS) or a determination of significance (DS). If a DS were issued, the SEPA lead agency would start the scoping process for an EIS.

Project Assumptions: DES has been delegated lead SEPA authority by statute to assess project effects and make a threshold determination. Based on the conceptual scope of work and the assumption that the dredged material would be beneficially reused within the lake for habitat enhancement, and consistent with typical maintenance dredging projects, it is assumed that the likely SEPA process would include a DNS. However, if a larger basin-wide dredge project is proposed, preparation of an EIS may be required. The EIS would include an evaluation of alternatives to the proposed project and measures that would eliminate or reduce the likely environmental impacts of the project. The EIS process associated with a larger project scope is

presented on the Project Permitting Road Map, but as unlikely process steps based on the current conceptual scope of work.

Although the NEPA and SEPA compliance processes can occur in parallel, it is assumed that the SEPA compliance and review process would be completed prior to the submittal of the JARPA and initiation of the other federal, state, and local permitting processes.

Public Involvement: If a DNS is issued for a dredge event in Capitol Lake, the SEPA checklist and threshold determination would be published in a paper of record and sent to interested parties, agencies, and Tribes for a 14-day public comment period.

Fee: There is no fee associated with DES completing a threshold determination for SEPA compliance.

Predecessors and Timelines: SEPA is generally one of the first steps toward the evaluation and permitting of a project. A SEPA checklist and threshold determination would require the design to be advanced to a level where impacts can be assessed, mitigation can be proposed, and any necessary scientific studies specific to the proposed mitigation can be completed.

5.3 CLEAN WATER ACTION SECTION 404/RIVERS AND HARBORS ACT SECTION 10 PERMIT

Process: Section 404 of the CWA requires approval prior to discharging dredged or fill material into the waters of the United States. Section 10 of the RHA is the statutory authority for the USACE to issue permits for work in, over, or under a navigable waterway.

The process is initiated when DES submits the JARPA package along with supporting documentation including the Biological Assessment (BA), Cultural Resources Assessment, and 404(b)(1) analysis. DES can attend a pre-application meeting to discuss the project and the USACE process, and answer preliminary questions the USACE may have on the project proposal.

Project Assumptions: A dredge event in Capitol Lake will require the USACE authorization of the project activities via a standard Individual Permit. The JARPA should contain a strong purpose and need for the project. Additionally, the JARPA and 404(b)(1) alternatives analysis will consider project alternatives including on- and off-site alternatives to the proposed fill. The application will also provide anticipated environmental effects and a discussion of methods to avoid, minimize, and mitigate for environmental impacts.

Public Involvement: A Standard Individual Permit will have a 30-day public notice to the USACE mailing list of interested individuals, groups, local governments, and resource agencies.

Predecessors and Timelines: While the USACE has a goal of processing Individual Permits in 120 days, actual processing time for Individual Permits may take 9 to 24 months. The time frame is dependent on the complexity of the impacts on aquatic resources, endangered species, archaeological or Tribal concerns, and agency staff workload. A predecessor of the 404 permit being issued is Ecology's determination or issuance of the 401 Water Quality Certification (WQC), CZMA consistency, the USACE's completed EA, and conclusion of the ESA and Section 106 processes.

Fee: The cost for the Section 404 permit is based on the scope and type of project, but the cost for a standard individual permit is $100.

5.4 NATIONAL HISTORIC PRESERVATION ACT SECTION 106 COMPLIANCE

Process: Section 106 of the NHPA requires federal agencies to assess the potential impacts a project may have on cultural and historic resources. Issuance of a USACE permit is considered a federal undertaking, triggering the Section 106 process. The process includes identifying historic and cultural resources, determining the effect of the project on those resources, and determining measures to avoid, minimize, and mitigate any identified impacts if necessary.

Project Assumptions: It is assumed that the USACE would act as the lead federal agency responsible for coordination with DAHP, interested parties, and Tribes. DES would manage preparation of a Cultural Resources Assessment, which would be submitted to the USACE for review and to initiate Section 106 consultation.

The dredge project conceptual scope of work would dredge sediment that has been recently deposited from the Deschutes River watershed and would not impact any historically significant structures. Based on agency discussions of this conceptual scope of work, it is assumed likely that a Determination of No Effects on historic properties would be made.

Public Involvement: Public involvement is provided as part of the USACE project application, and through USACE consultation with interested parties and Tribes.

Fees: There is no fee for the Section 106 Review process.

Predecessors and Timeline: The Section 106 process is required to be completed prior to the NEPA and Individual Permit process and the USACE's preparation of a project EA. The process is completed within the USACE Individual Permit issuance timeline.

5.5 ENDANGERED SPECIES ACT SECTION 7 CONSULTATION

Process: Section 7(a)(2) of the ESA requires that each federal agency ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. Before a federal action is taken, the lead federal agency must review the potential project effects on threatened and endangered species. Two federal agencies are responsible for evaluating the effect of a project on listed species: the NMFS, also referred to as NOAA Fisheries, and the USFWS. These agencies are collectively known as the Services.

The project proponent prepares a BA describing the effects of the action on listed species. After initial review and coordination with the applicant, the USACE sends the BA to the Services with a request to initiate consultation. If a project may have an effect on listed species but the effect is found to be discountable, insignificant, or completely beneficial, then the lead federal agency may determine the project "may affect, but is not likely to adversely affect" listed species. In this case, informal consultation with the Services is required. The Services will respond with a Letter of Concurrence that the project will not result in take or harm to a listed species. If a project is found to adversely affect a listed species, then the Services will issue a Biological Opinion granting the applicant Incidental Take Authorization for the work. This is referred to as formal consultation.

Project Assumptions: A dredge project within Capitol Lake would require federal permits, such as USACE permits. It is assumed that the USACE would be the lead federal agency for consultation with the Services. Based on the dredge project conceptual scope of work and measures to avoid and minimize effects on any listed species that could be present, it is assumed that compliance with Section 7 would be conducted under an Informal Consultation process with the Services.

Public Involvement: There is no formal public involvement during the Section 7 consultation process. However, public involvement is provided as part of the USACE project application.

Fee: There is no fee for the Section 7 consultation process and affects determination.

Predecessors and Timeline: A Letter of Concurrence is generally issued within 90 days or less once it is determined that the information in the BA is complete. If a project is found to adversely affect a listed species, then the Services will issue a Biological Opinion that can take 6 to 8 months to complete, although the statutory timeframe for completion of ESA consultation is 135 days. The Section 7 process is required to be completed prior to the NEPA and Section 404 permit process and the USACE's preparation of a project EA.

5.6 CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION

Process: Projects that include the discharge of dredge or fill material into water, or excavation in water, or require a Section 404 permit from the USACE, such as a dredge event in Capitol Lake, require a Section 401 WQC from Ecology. The Section 401 WQC will cover the construction and operation of the dredge project, and will include permit conditions that ensure project compliance with water quality standards and other requirements of state law.

Project Assumptions: As part of the 401 WQC process, Ecology requires the review and approval of applicable environmental compliance plans. A dredge project in Capitol Lake would require the following environmental compliance plans be submitted to Ecology:

- Water Quality Monitoring and Protection Plan
- Spill Prevention, Control, and Countermeasures Plan (SPCCP)
- Mitigation and Restoration Plan

Public Involvement: Opportunities for public involvement are provided by the Public Notice and public comment period for both Section 401 WQC and CZMA compliance that is initiated by the USACE as part of the NEPA process.

Fee: There is no fee for the Ecology Section 401 WQC.

Predecessors and Timelines: The SEPA review process must be completed prior to the 401 WQC decision by Ecology. Additionally, the local City Shoreline permitting processes must be complete from the City and Hearing Examiner and sent to Ecology for review and approval prior to the Ecology 401 WQC decision. Ecology has up to 1 year from the USACE Public Notice to certify, deny, or waive the project.

5.7 COASTAL ZONE MANAGEMENT ACT CONSISTENCY

Process: In Washington State the federal CZMA is implemented by Ecology's Shorelands and Environmental Assistance Program. Thurston County is included in the State's coastal zone, and therefore CZMA compliance is applicable to the conceptual scope of work and dredge project.

Projects that require federal approvals, certifications, or permits, such as a dredge event within Capitol Lake, trigger a federal consistency review. Therefore, the project applicant (DES) reviews the proposed project for compliance with six state laws: the Shoreline Management Act (including local government shoreline master programs), SEPA, the CWA, the Clean Air Act, the Energy Facility Site Evaluation Council, and the Ocean Resource Management Act. DES then prepares a "federal consistency certification." The certification describes the project and whether or not the project impacts coastal resources.

Project Assumptions: Because a dredge project would also require USACE permits, DES would submit the CZMA federal consistency certification and application to Ecology. Following the issuances of the local Shoreline Development Permits, and the Ecology 401 WQC, Ecology will make the CZMA consistency determination and forward the approval on to the USACE prior to completion of the NEPA permitting process and the USACE's issuance of the Section 404 permit.

Public Involvement: Opportunities for public involvement are provided as part of the City of Olympia and City of Tumwater shoreline permitting processes, and a Public Notice and public comment period for both CZMA compliance and the Section 401 WQC are initiated by the USACE as part of the NEPA process.

Fee: There is no fee for the Ecology CZMA consistency determination.

Predecessors and Timeline: Ecology has 6 months from the receipt of the certification and application to approve or deny it. If no determination is made within 6 months, the project is approved and presumed consistent.

5.8 HYDRAULIC PROJECT APPROVAL

Process: A HPA must be obtained from WDFW for projects that use, obstruct, divert, or change the natural flow or bed of state waters, which includes dredging. The conditions of a HPA, such as allowable in-water work windows and construction methodologies and best management practices, are designed to protect fish and shellfish, and their habitat. The HPA process is initiated by submitting the JARPA to WDFW. HPA applications are assigned to a WDFW Area Habitat Biologist who is responsible for issuing the HPA.

Project Assumptions: A HPA from WDFW would be required for a dredge event to occur within Capitol Lake. The allowable in-water work window, in which the dredge event could occur, will be determined with the Area Habitat Biologist based on the times when spawning and incubating salmonids and other protected or sensitive species are least likely to be within Capitol Lake, or least likely to be adversely impacted by the proposed project actions.

Public Involvement: There is no public review period for receipt of an HPA.

Fee: The fee for most HPA applications is $150.

Predecessors and Timeline: The SEPA review process must be completed prior to WDFW review of the project JARPA and issuance of the HPA. Per the State Hydraulic Code, 45 days are allowed for WDFW to act on the project proposal and application.

5.9 DEPARTMENT OF NATURAL RESOURCES LEASE AGREEMENT COORDINATION

DES currently has an aquatic land lease agreement with WDNR for portions of Capitol Lake. As part of the lease agreement DES will coordinate with WDNR regarding the proposed dredge project. WDNR will review the JARPA and proposed project, and provide feedback on the potential stewardship and design and disposal or reuse elements. Following DES and WDNR coordination and agreement on the proposed project components, WDNR will develop an instrument and any necessary changes or amendments to the lease agreement that identifies roles and responsibilities for the project.

5.10 SHORELINE DEVELOPMENT AND CONDITIONAL USE PERMITS

Process: Local jurisdiction land use and zoning designations specify categories of allowed and conditional uses that may be authorized within the limits of their jurisdiction. If a use is not expressly allowed in a specific zone, conditional uses may be authorized if the proposal is compatible with other land uses in the area.

The Shoreline Management Act is a state regulation administered by local jurisdictions. Uses in the shoreline are governed by the underlying zoning as well as the shoreline designation. Like zoning, local jurisdictions specify allowed, conditional, and prohibited uses of the shoreline. Conditional uses may be permitted if the proposed use is consistent with the shoreline policy goals of that zone and is compatible with other shoreline uses. Once the local jurisdiction has made a determination, Shoreline Conditional Use Permits are sent to Ecology, which has 30 days to concur with (or reverse) the decision.

Project Assumptions: The conceptual dredge scope includes project areas located in both the City of Olympia and the City of Tumwater. The dredge and habitat enhancement activities, as well as the construction equipment staging and launch areas, will require city shoreline development permits, and potentially shoreline conditional use approvals. As part of the City of Olympia's permitting process, a Landscape Permit and associated Landscape Plan may also be needed for the use of Marathon Park, or other areas for construction staging and launching, and park restoration following project completion. An Important Habitats and Species Management Plan will also be needed as part of the shoreline management permitting process. Both of the city permit processes initiate with the submittal of the JARPA.

Public Involvement: Both the City of Olympia's and the City of Tumwater's processes include opportunities for public involvement and comment related to the dredge, habitat enhancement, and construction staging and launching activities under the city's permitting processes. As part of the City of Tumwater permitting process, a pre-application conference or meeting would be held with the Development Review Committee (DRC), and is an open meeting to the public. Following public comment and the determinations by both cities that the permit applications are complete, the city processes join together for a joint hearing. After a favorable examination and city response, the project permit application is sent to Ecology for approval.

Fee: The applicable fees for the City Shoreline permitting processes vary based on the project scope of work, including construction staging and launching areas that would be determined during design.

Predecessors and Timeline: Local permits cannot be issued until the SEPA process is complete.

5.11 CLEAN WATER ACT SECTION 402 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM CONSTRUCTION STORMWATER GENERAL PERMIT

Process: The Construction Stormwater General Permit (CSWGP) is required by federal law under the CWA and NPDES. The permit requires construction site operators to install and maintain erosion and sediment control measures to prevent stormwater from washing soil, nutrients, chemicals, and other harmful pollutants into receiving water bodies. The CSWGP is required if clearing, grading, or excavating activities disturb an area of 1 acre or more and will discharge stormwater to surface waters of the state or a conveyance system that drains to surface waters of the state.

The permitting process is initiated when the applicant submits an application for coverage on or before the first newspaper publication date of the Public Notice. The application includes certification that the Public Notice and SEPA requirements have been met. As a result of the Public Notice, if public comments are received by Ecology, they will be addressed prior to permit coverage issuance. Additionally, a Stormwater Pollution Prevention Plan (SWPPP) must be prepared prior to starting construction, but does not need to be included with the permit application. Additionally, a stormwater management plan and/or Temporary Erosion Sediment Control (TESC) Plan would be submitted to Ecology. The permit application must be submitted to Ecology at least 60 days prior to the start of any proposed stormwater discharges.

Project Assumptions: Lake dredging will require the construction of a temporary construction staging, equipment storage, and launch area within Marathon Park and possibly Tumwater Historical Park. Therefore, it is likely that a CSWGP from Ecology will be required.

Public Involvement: There is a 30-day public notice for the CSWGP.

Fee: The NDPES CSWGP fees range from approximately $500 to $2,000 depending on the number of disturbed acres.

Predecessors and Timelines: The SEPA review process must be completed before NPDES CSWGP coverage can be issued.

5.12 AQUATIC INVASIVE SPECIES TRANSPORT APPROVALS AND REQUIREMENTS

If dredged sediments are transported off-site for off-site upland reuse or disposal, the agency approvals, coordination processes, and transportation control efforts will be required as described in the following section.

5.12.1 Aquatic Invasive Animal Species

Based on input from WDFW, the transportation and disposal of materials containing live aquatic invasive animal species, including the New Zealand mudsnail, require an invasive species

approval from WDFW specifying conditions to prevent the release of the specific aquatic invasive species present in the materials (Pleus 2012b). There is no cost for this approval.

A New Zealand mudsnail control plan will need to be developed to meet the requirements of an aquatic invasive species transport approval issued by WDFW. It is possible that this will include post-dredge sediment treatment to kill the New Zealand mudsnails in the dredged materials before they can be transported to an upland disposal site or an upland beneficial reuse location. This control plan would likely require treatment of the dredged materials using Bayluscide® (niclosamide) or another chemical to obtain 100 percent mortality, as determined by sampling and enumeration of live New Zealand mudsnails in the treated materials. This could potentially be conducted during the addition of the drying or stabilizing agent to the dredged sediment.

It is also possible that treatment of the dredged material for the New Zealand mudsnail may not be required in the approval if complete containment of the dredged material during transport can be adequately designed to prevent potential escape to and infestation of other waters by the New Zealand mudsnail and other aquatic invasive species. Material containment would need to be more rigorous for New Zealand mudsnails compared to the other aquatic invasive species due to snail mobility.

Regardless of whether the dredged materials are treated or not prior to transport, monitoring of waters along the transportation route may be required before and after material transportation to verify that those waters have not become infested with New Zealand mudsnails or other aquatic invasive species present in Capitol Lake. The control plan may also need to include engineering controls and monitoring of the upland beneficial reuse or disposal site to ensure no New Zealand mudsnails survive or disperse from the site.

5.12.2 Aquatic Invasive Plant Species

Purple loosestrife is currently prohibited for transportation or distribution in Washington State because it is a Class B noxious weed on the quarantine list in accordance with noxious weed regulations (WAC 16-750; NWCB 2013). Historically, the WSDA issued noxious weed transport permits, but has more recently determined that the regulation does not authorize issuance of such permits (Jones 2008). It is possible that WSDA may decide to issue a transport permit or incorporate requirements to address purple loosestrife in another approval or permit for maintenance dredging of Capitol Lake.

If the transport of purple loosestrife is permitted, then a noxious weed control plan for the transport and upland disposal of dredged materials containing live purple loosestrife seeds would likely need to be developed. Requirements for the control and monitoring of purple loosestrife during and following transportation that may be included in the control plan include the following (Entranco 2000):

- A dredged material dewatering plan and transportation route.
- Covering of dredged materials in trucks or railcars. Proper covering may allow exclusion of inspection requirements for waterbodies along the transportation route (see below).
- Inspection of each stream crossing and roadside ditch containing wetland vegetation along the transportation route for the presence of purple loosestrife, including one inspection at the time of transport and following transport.

- Covering of dredged material at an upland beneficial reuse or disposal site with a soil layer and no disturbance of the disposed materials for a specified period, as well as post-placement monitoring of the upland beneficial reuse or disposal site for a specified duration to ensure no plant growth at the site.

Based on agency discussions, it is assumed that other non-native and invasive aquatic plant species would not require management or monitoring as permit conditions.

5.13 OTHER POTENTIAL LOCAL PERMITS AND APPROVALS

5.13.1 Noise Variances

The City of Olympia and City of Tumwater noise regulations under the respective municipal codes provide permitted sound level thresholds and associated applicable hours. In general, industrial construction work within the permitted noise levels is allowed during day-time hours Monday through Saturday. However, based on the allowable in-water work window in which the dredge project could be conducted, as determined by WDFW and identified in the HPA, it may be necessary to request noise variances from the cities to work during night or weekend hours in order to complete the project within the work window.

To minimize negative noise-associated affects to residences adjacent to the lake and/or behavior of nocturnal animals (e.g., the Little Brown Bat [*Myotis lucifugus*]), the preference would be to conduct the dredge work during day-time hours. However, the dredge production rate, and therefore the project duration, will be based on the volume of material to be dredged, the construction of the habitat enhancement area or transloading for off-site disposal, the dredge equipment selected for the project, and the additional best management practices implemented as environmental controls. In general, the sediment dredging does not generate higher levels of construction-related noise, such as those that would be generated by pile driving.

If noise variances are determined to be necessary to complete the dredge project within an allowable in-water work window, estimates of the anticipated noise levels to be generated and noise variance applications would be submitted to the City of Olympia and the City of Tumwater. Following review and coordination with the cities, and possible public input, it is assumed noise variances could be granted.

5.13.2 Railroad Coordination and Approval

Regardless of the dredge methodology used for sediment dredging within Capitol Lake, if dredging is to be conducted within the North or Middle Basin it is very likely that Marathon Park will need to be used as a construction staging and equipment launch area. If dredging is conducted within the Middle Basin, as presented in the conceptual dredge project scope, coordination with the railroad regarding the timing of equipment launching and additional safety controls for the launching of equipment from Marathon Park will be required. The dredge equipment would be launched into the Middle Basin by a crane that would need to extend over the railroad. The construction equipment offset distance required by the railroad as well as the timing of the crane use and launching would require railroad approval. These coordination and approval processes can vary substantially project by project; therefore, an explicit coordination duration is not identified in the Project Permitting Road Map, but it is assumed that it would

occur in parallel to the other permitting processes and may be one of the last approvals to be secured.

5.14 PERMITTING COST ESTIMATE

A cost estimate was prepared for acquisition of the necessary agency permits and approvals, and the associated agency coordination based on the conceptual scope of work as described in Section 1.0. The cost estimate is based on the likely permitting process steps for each of the permit or approval processes as identified on the Project Permitting Road Map and described above. The cost includes development of a detailed permitting schedule; preparation of permitting applications and supporting documentation, such as the BA, the 404 (b)1 Alternative Analysis, Impact Analysis and mitigation determination, Habitat Enhancement Plan, Cultural Resources Report, and the City of Olympia's required Important Habitats and Species Management Plan; preparation and attendance at multiple pre-application submittal federal, state, and local agency meetings; agency coordination during the permit application review process; revisions to permit applications and materials based on public and agency comments; and public involvement support around public meetings and/or notices.

The permitting cost estimate does not include any design costs or data gap completion costs. The estimated costs to fill identified data gaps are discussed in Section 4.0.

The estimated range of permitting costs that is presented in the total estimated costs in Table 6 is based on a contingency of approximately 15 percent to account for the variability at this conceptual project level.

Table 6. Permitting Estimated Costs

Task	Estimated Cost
Permit Planning and Application Material Preparation[1]	$85,000–125,000
Permit Application Submittals, Agency Coordination, and Public Involvement Support	$40,000–75,000
Total Estimated Cost Range:	**$125,000–200,000**

Note:
1 This task includes coordination with the design team and providing environmental support to the design team.

In addition to the costs associated with the permitting processes as identified above, there are environmental and permit-related efforts associated with design team coordination, environmental compliance plan preparation, and environmental commitments or conditions following permit issuance. On some projects these efforts and associated costs are incurred by the design team and/or contractor subconsultants. Therefore, these costs are presented separately from the permitting cost estimate. The design plan review cost presented in Table 7 assumes environmental reviews of the design plans are conducted for each of the major design phases: 30, 60, 90, and 100 percent design completion. Environmental compliance plans that are assumed to be necessary for permit issuance and submittal to Ecology include the 401 WQC Water Quality Monitoring and Protection Plan and SPCCP, and the NPDES CSWQP SWPPP and TESC Plans.

Costs are also presented for environmental commitment list support. This cost assumes that following issuance of all necessary permits and approvals, all environmental commitments and

permit conditions are compiled by permit and/or activity to assist DES with the preparation of the contractor bid package and contractor requirements, and to assist DES in tracking contractor environmental compliance during construction. This activity also acts to ensure that the conductor(s) understands all of the necessary permit conditions.

Table 7. Design and Permit Environmental Commitment Support Estimated Costs

Task	Estimated Cost
Environmental Design Plan Review	$11,000–13,000
Environmental Compliance Plan Preparation	$33,000–37,000
Environmental Commitment List Support	$8,000–10,000
Total Estimated Cost Range:	**$52,000–60,000**