

TECHNICAL MEMORANDUM

DATE: January 19, 2018
TO: Chuck Purnell
FROM: Benn Burke
SUBJECT: Willows Road Restoration Preliminary Permit Matrix - DRAFT
CC:
PROJECT NUMBER: 553-2577-018
PROJECT NAME: Willows Road Restoration - NE 90th to NE 124th

The purpose of this technical memorandum is to identify preliminary list of environmental permits and approvals that may be required for the Willows Road Restoration project. We also identify a preliminary permit submittal and review schedule in anticipation of the project being constructed in the late spring/summer 2019.

PROJECT DESCRIPTION AND ASSUMPTIONS

The project includes the restoration of the existing pavement surface of Willows Road between NE 90th Street and NE 124th Street. This work is not expected to include widening or expansion of the roadway. The project may also include the replacement of two culverted stream crossings (Willows Creek and Gun Club Creek) with two new fish passable structures. No design or survey information were available prior to preparing this memorandum. The evaluation is based on discussions with the City Project Manager and design team. The information in this memorandum should be reviewed and updated prior to the completion of preliminary design or the submittal of any permit applications.

There are small areas of wetland located on the downstream ends of both culverts. These are low value remnant wetlands associated with the roadside ditch network. The new stream crossing structures are anticipated to be contained within the limits of the existing road prism. Work beyond the road prism may be required to install stream bypass pipelines at each culvert during construction. Minor earthwork and grading may be needed beyond the road prism to match the new structures to the existing contours. Some minor temporary wetland impact is anticipated during construction. No permanent wetland impact is anticipated at this time. The City does not anticipate the need to include any compensatory wetland mitigation or stream enhancement as part of the project beyond the replacement of the stream crossing structures. The replacement of the Willows Creek culvert will require the removal of about 8-10 deciduous trees (alder and cottonwood). The replacement of the Gun Club Creek culvert may impact 2 recently installed immature coniferous trees. Disturbed areas would be restored in kind following construction.

Currently the project is proposed to be funded with local funds. State funding may become available, but no federal funding is currently anticipated. The assumption that no federal funds will be required is a key assumption related to the identification of anticipated critical path regulatory reviews, approvals, and permits. If federal funding is involved, additional environmental documentation and approvals may be required.

ANTICIPATED PERMITS AND APPROVALS

Based on the current design concept and available preliminary site information, we anticipate that the following environmental permits and/or approvals will be necessary. This evaluation does not include construction permits that are commonly acquired by the contractor and/or are dependent on the contractor's their means and methods. This evaluation does not include private or third-party permits, utility permits, use permits, etc.

Anticipated Environmental Permits and Approvals

<i>Potential Federal Permits</i>	<i>Need/Nexus</i>	<i>Agency</i>	<i>Comments</i>
Clean Water Act (CWA) Section 404 Permit – NWP 14 Linear Transportation Projects.	Temporary fill placed in waters of the US (stream) and jurisdictional wetlands.	Corps	A Corps CWA is anticipated to be triggered by work associated with removal of the culverts at Willows and/or Gun Club Creek, which will require the placement of temporary fill in below the OWHL of the streams or in jurisdictional wetlands or other waters associated with the streams.
Section 106 National Historic Preservation Act	Federal permits or actions	Corps/DAHP	Triggered by Corps permit process. Section 106 Process initiated by the Corps, which involves notification and consultation directly with Tribes and WA DAHP. Anticipated determination of significance pending completion of the Cultural Resources investigation. No significant impact to cultural resources are anticipated at this time.
CWA 401 Certification	Section 404 permit	Ecology	<p>401 certifications is included under the NWP process for NWP 14, subject to conditions. The primary condition is that the project meets the requirements of the current Ecology stormwater manual or approved equal.</p> <p>The project is anticipated to meet the 401 certification conditions and a separate submittal for a 401 certification is not anticipated at this time.</p>

Endangered Species Act (ESA) Section 7 Compliance	Federal permits or actions	Corps, NOAA Fisheries	Corps will conduct compliance with ESA evaluation with NWP review. No known use by listed salmon during construction. Salmonid fish are not precluded. Not likely to adversely affect determination anticipated at this time.
Endangered Species Act (ESA) Section 7 Compliance	No USFWS regulated - ESA species known present in Willows or Gun Club Creek. ESA listed salmonids present in the Sammamish River, but unlikely to be present during construction.	Corps, USFWS	Corps will conduct compliance with ESA evaluation with NWP review. No known use by listed bull trout and unlikely present during construction. No affect or Not likely to adversely affect determination anticipated at this time.
Magnuson-Stevens Fishery Conservation and Management Act	Commercial fish stocks present in the Sammamish Basin	Corps, NOAA Fisheries	Corps will conduct compliance with MSA concurrent with ESA review. No adverse effects determination anticipated at this time.
State Permits/Reviews	Need/Nexus	Agency	Comments
Hydraulic Project Approval (HPA)	Work below OHWM	WDFW	The majority of work will occur landward of the OHWM. It may be necessary to affect a small area at or near the OHWM to connect the proposed new sheet pile to the existing sheet pile protecting the western side of the WWTP in an area of sloughing immediately adjacent to existing sheet pile wall. This issue will be specifically addressed during final design, but at this time an HPA is anticipated to be required for the project. SEPA must be approved prior to HPA issuance. Typical permit review time is approximately 30 to 45 days following acceptance of the application by WDFW.
NPDES Construction Stormwater General Permit	Land disturbance > 1 acre including construction area, access improvements, and staging areas or the anticipated discharge of stormwater to surface water bodies. It is currently unknown if the project will affect more than an acre of land or involve stormwater discharge. This trigger is assumed at this time.	Ecology	Impact of greater than 1 acre or projects that could require the discharge of stormwater. Assumed Application for a NPDES permit and publication of the required Notice of Intent is required at least 60 days prior to the start of construction. This is usually a permit approval that is acquired by the construction contractor, although an owner can apply for coverage and transfer the coverage to the contractor prior to the start of construction.

<i>City of Redmond</i>	<i>Need/Nexus</i>	<i>Agency</i>	<i>Comments</i>
SEPA	Trigger is permits or approvals such as fill and grade permit; land disturbance/project action	CITY	SEPA Checklist; City likely to issue a Determination of Non-significance (DNS). Issuance of a SEPA determination by the City is required prior to or concurrently with issuance of an HPA or other City permits. The SEPA review will occur concurrently with the Clearing and Grading Permit approval.
Clearing and Grading Permit	Varies by project type. Triggers for this project are anticipated to be: <ul style="list-style-type: none"> • Earthwork of 50 cubic yards or more • Clearing or grading within a critical area or buffer of a critical area • Work within City-owned right-of-way • Any construction of drainage facilities to be owned by the City 	CITY	A Clearing and Grading Permit is required to ensure that proposed work complies with City Codes and Standards, including stormwater design and management, and erosion control during and after construction
Site Construction Permit	Issued for the physical construction of approved civil site improvements	CITY	Site and Plan Review of proposed construction projects inclusive of plans and reports supporting construction.
Critical Areas Ordinance	Construction in critical area. The culvert replacement work will affect designated critical areas or buffers.	CITY	Not a standalone permit or approval, but included element of the SEPA/Clearing and Grading/ and Site Plan reviews. Critical area report including mitigation plan for impacts to wetlands, streams, and buffers.
Tree Removal	Required for removal of any significant tree within the City of Redmond regardless of its condition.	CITY	For this project, tree removal will be addressed as a code consistency elements as part of the Clearing and Grading permit review..

Permits or Approvals Not Anticipated to be Required

The following list are permits or approval projects that are often required for Aquatic Projects, but which are not anticipated for this project based on the type, size, and location of the project. Changes to the project and/or temporary impacts for construction access or the need for off-site mitigation may necessitate additional permits or environmental reviews. Permit requirements should be evaluated during final design to confirm that additional approvals or reviews are not required for the project.

<i>State Permits</i>	<i>Need/Nexus</i>	<i>Agency</i>	<i>Comments</i>
Aquatic Lands Lease	Work that require Not anticipated ; work will not occur on WADNR managed aquatic lands. The construction of facilities or permanent modifications of state owned aquatic lands managed by the WDNR	WDNR	Not anticipated ; work will not occur on WADNR managed aquatic lands.
Aquatic Lands Right of Entry	Construction access or temporary work that affects aquatic lands managed by the WDNR	WDNR	Not anticipated. No DNR managed lands will be affected by the project.t
Executive Order 05--05	Capital projects initiated or funded by state agencies. Specific triggers may vary by funding source. If the project requires a federal permit or includes federal funding, separate 05-05 review is not required.	DAHP	EO 05-05 requires an initial consultation between the lead state funding agency or state agency sponsor and DAHP. EO 05-05 consultation is not anticipated to be required for projects that also have a NHPA Section 106 trigger. This project will require a NHPA review triggered by the need for a federal Clean Water Act permit.
Washington State Archaeological Sites and Resources Act	Excavations on state and private lands	DAHP	Required if project is anticipated to affect a known cultural resources site. Not anticipated for this project, but will be confirmed as part of the NHPA 106 consultation.
<i>City of Redmond</i>	<i>Need/Nexus</i>	<i>Agency</i>	<i>Comments</i>
Shorelines Substantial Development Permit	work within the City's shoreline jurisdiction – 200 feet landward of OHWM and within floodplain/wetlands	CITY	Not anticipated; work is not anticipated to occur within areas in Shoreline Management Act jurisdiction.

PRELIMINARY PERMIT SCHEDULE OVERVIEW

The permit schedule overview is based on the November 2017 project schedule provided by Tetra Tech and has been revised based on City review of the initial draft permit schedule. The key project milestone affecting permit submittal and issuance is the completion of Preliminary Design on or about March 15, 2018. We understand the City desires to accelerate the design and permit schedule from the schedule developed in November 2017. The current goal is constructing the project starting in the Spring/Summer 2019. The anticipated permit schedule below is based on the City’s stated goal and assumes that completion of key design elements required to support permit submittals will be accelerated accordingly. These primarily include the completion of project design plans to meet the needs of the HPA and City Clear and Grade submittal requirements.

	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19
Corps of Engineers Permit																
Prepare JARPA/BA/CR Report/CAR	█	█	█	█												
Permit Submittal (JARPA/BA/CR Report)			█													
Determination of Complete Application and Agency Review				█	█	█	█	█	█	█	█	█	█	█	█	
NHPA Section 106								█	█	█	█	█	█	█		
ESA Section 7/MSA Review								█	█	█	█	█	█	█		
Permit Issuance															█	
City of Redmond Clear and Grade/Site Construction																
Prepare Environmental Checklist and Design Package for Submittal			█	█	█	█	█									
Permit Submittal							█									
Determination of Complete Application and Agency Review								█	█	█	█	█	█	█	█	
SEPA Environmental Review								█	█	█	█	█	█	█		
Critical Areas Review								█	█	█	█	█	█			
SEPA Determination Issued											█					
Permits Issued													█	█		
Hydraulic Project Approval																