



9.0 Permits & Approvals for Project Implementation

After the Final EIS is published, Enterprise Services will make a final decision about whether to implement the Preferred Alternative as the selected alternative for long-term management. Following this decision, the project would move into the design and permitting phase, pending funding. Design would be advanced from the current conceptual phase, and Enterprise Services would work with governmental and agency partners to obtain permits and authorizations to construct the long-term management project. The suite of environmental permits and approvals that would be required are provided in this chapter.

Tables 9.1.1 through 9.1.3 presents the environmental permits and approvals that must be obtained by Enterprise Services before project construction. Additional reviews that are applicable to the project but do not result in a permit for construction and operation are discussed in the discipline reports provided in Attachments 5 through 18.

Acquiring the permits and approvals for construction will be a complex process for any of the action alternatives, with an estimated duration of 3 to 5 years.

In the future, additional permits and approvals would be needed for maintenance dredging, and potentially other maintenance activities. Under the Estuary and Hybrid Alternatives, the design and permitting process for maintenance dredging would be coordinated across the entities in West Bay. A programmatic authorization could be requested to allow for multiple dredge events to occur under one federal authorization.

Table 9.1.1 Federal Environmental Permits & Approvals

Applicable Law/Regulation	Permit/ Approval	Lead Agency	Managed Lake Alternative	Estuary Alternative	Hybrid Alternative	Regulatory Trigger
National Environmental Policy Act	Environmental Assessment	USACE	✓	✓	✓	<ul style="list-style-type: none"> • Required prior to issuance of federal permits • Required if federal funds are used for project construction (not currently anticipated)
Clean Water Act Section 404 and Rivers and Harbors Act Section 10	Department of the Army Permit	USACE	✓	✓	✓	<ul style="list-style-type: none"> • Initial dredging within the Capitol Lake Basin and placement of dredged materials for habitat areas • Construction of in- and overwater structures, including boardwalks, docks, new 5th Avenue Non-Vehicular Bridge (Managed Lake Alternative) or new 5th Avenue Bridge (Estuary and Hybrid Alternatives) • Temporary and/or permanent impacts to wetlands and fill within Capitol Lake • Potential long-term impacts to navigation

Applicable Law/Regulation	Permit/ Approval	Lead Agency	Managed Lake Alternative	Estuary Alternative	Hybrid Alternative	Regulatory Trigger
National Historic Preservation Act	Section 106 Consultation	USACE in consultation with DAHP and affected tribes	✓	✓	✓	<ul style="list-style-type: none"> • Required prior to issuance of Department of the Army Permit • Potential adverse effects to historic properties within and adjacent to the Project Area, tribal resources, and tribal treaty rights
Endangered Species Act (ESA)	Section 7 consultation and Biological Opinion	USACE in consultation with National Marine Fisheries Service and U.S. Fish and Wildlife Service	✓	✓	✓	<ul style="list-style-type: none"> • Required prior to issuance of Department of the Army Permit • Potential effects to ESA-listed species, including salmonids and marine mammals from construction and operation of the project
Tribal Consultation	NA	Squaxin Island Tribe, Nisqually Indian Tribe, Confederated Tribes of the Chehalis Reservation and other local area tribes	✓	✓	✓	<ul style="list-style-type: none"> • Required prior to issuance of Department of the Army Permit • Potential direct or indirect impacts to historic resources, ESA-listed species, and tribal treaty rights

Applicable Law/Regulation	Permit/ Approval	Lead Agency	Managed Lake Alternative	Estuary Alternative	Hybrid Alternative	Regulatory Trigger
Magnuson-Stevens Fishery Conservation and Management Act	Agency Consultation	National Marine Fisheries Service	✓	✓	✓	<ul style="list-style-type: none"> Required prior to issuance of federal permits Potential impacts to essential fish habitat from construction and operation of the project
Rivers and Harbors Act Section 14	Section 408	USACE		✓	✓	<ul style="list-style-type: none"> Potential impact to federal navigation channel in Budd Inlet from sediment deposition and dredging
General Bridge Act and Rivers and Harbors Act Section 9	Bridge Permit	U.S. Coast Guard		✓	✓	<ul style="list-style-type: none"> Replacement of the 5th Avenue Bridge
Marine Mammal Protection Act	Incidental Take Authorization	National Marine Fisheries Service		✓	✓	<ul style="list-style-type: none"> Potential effects to marine mammals from project construction

Table 9.1.2 State Environmental Permits & Approvals, in addition to this state-led SEPA EIS

Applicable Regulation	Permit/ Approval	Lead Agency	Managed Lake Alternative	Estuary Alternative	Hybrid Alternative	Regulatory Trigger
Clean Water Act Section 401 (federal authorization administered by a state agency)	Water Quality Certification	Ecology	✓	✓	✓	<ul style="list-style-type: none"> Initial dredging within the Capitol Lake Basin and placement of dredged materials for habitat areas Construction impacts to wetlands Construction of in- and overwater structures, including boardwalks, docks, new 5th Avenue Non-Vehicular Bridge (Managed Lake Alternative) or new 5th Avenue Bridge (Estuary and Hybrid Alternatives)
Clean Water Act Section 402	National Pollutant Discharge Elimination System Construction Stormwater General Permit	Ecology	✓	✓	✓	<ul style="list-style-type: none"> Temporary disturbance of more than 1 acre during construction, with discharge of stormwater back to Capitol Lake
Coastal Zone Management Act	Consistency Determination	Ecology	✓	✓	✓	<ul style="list-style-type: none"> Location of the project being within a coastal county (Thurston County) and the need for a Department of the Army Permit

Applicable Regulation	Permit/ Approval	Lead Agency	Managed Lake Alternative	Estuary Alternative	Hybrid Alternative	Regulatory Trigger
Water Resources	Dam Construction Permit	Ecology	✓	✓	✓	<ul style="list-style-type: none"> Constructing, modifying, or repairing any dam or controlling works for storage of 10 or more acre-feet of water
Hydraulic Code	Hydraulic Project Approval	Washington Department of Fish and Wildlife	✓	✓	✓	<ul style="list-style-type: none"> Construction activities in, over, and affecting Capitol Lake Transport of aquatic invasive species during project construction and operation Ongoing aquatic plant management
Aquatic Lands	Aquatic Use Authorization and/or Lease Agreement	Washington Department of Natural Resources	✓	✓	✓	<ul style="list-style-type: none"> Location of the project being on state-owned aquatic lands

Note:

The Capitol Campus Design Advisory Committee and State Capitol Committee may review project design.

Table 9.1.3 Local Environmental Permits & Approvals

Applicable Regulation	Permit/ Approval	Lead Agency	Managed Lake Alternative	Estuary Alternative	Hybrid Alternative	Regulatory Trigger
Shoreline Master Program ⁽¹⁾	Shoreline Substantial Development Permit	City of Tumwater	✓	✓	✓	<ul style="list-style-type: none"> • Temporary use of Tumwater Historical Park during construction • Construction and operation of the project within the South Basin and part of the Middle Basin, and along the shorelines • Conditional Use permit requires Ecology approval
Shoreline Master Program	Shoreline Substantial Development Permit	City of Olympia	✓	✓	✓	<ul style="list-style-type: none"> • Construction and operation of the project within the Middle and North Basins, and along the shorelines
Land Use Approval	<ul style="list-style-type: none"> - Critical Areas Review - Site Plan Review 	Cities of Olympia and Tumwater	✓	✓	✓	<ul style="list-style-type: none"> • Creation of new uses within the Project Area, such as recreational amenities • Construction within critical areas and/or their buffers
Municipal Code	Floodplain Development Permit	Cities of Olympia and Tumwater	✓	✓	✓	<ul style="list-style-type: none"> • Construction within a mapped floodplain, including habitat areas and in- and over-water structures

Applicable Regulation	Permit/ Approval	Lead Agency	Managed Lake Alternative	Estuary Alternative	Hybrid Alternative	Regulatory Trigger
Municipal Code	Building Permit	Cities of Olympia and Tumwater	✓	Includes construction of a new 5 th Avenue Bridge and modifications to Deschutes Parkway	Includes construction of a new 5 th Avenue Bridge, modifications to Deschutes Parkway, and construction of the reflecting pool barrier wall	<ul style="list-style-type: none"> Construction of new structures including boardwalks, docks, 5th Avenue Non-Vehicular Bridge (Managed Lake Alternative) or new 5th Avenue Bridge (Estuary and Hybrid Alternatives)
Municipal Code	Demolition Permit	City of Olympia		✓	✓	<ul style="list-style-type: none"> Demolition of 5th Avenue Bridge and 5th Avenue Dam
Municipal Code	Excavation Permit	City of Olympia		✓	✓	<ul style="list-style-type: none"> Excavation associated with Deschutes Parkway reconfiguration and 5th Avenue Bridge reconstruction
Municipal Code	Land Clearing & Grading Permit	City of Olympia	✓	Clearing and grading associated with Deschutes Parkway reconfiguration and new 5 th Avenue Bridge construction	Clearing and grading associated with Deschutes Parkway reconfiguration and new 5 th Avenue Bridge construction	<ul style="list-style-type: none"> Clearing and grading needed to support long-term staging in Marathon Park

Applicable Regulation	Permit/ Approval	Lead Agency	Managed Lake Alternative	Estuary Alternative	Hybrid Alternative	Regulatory Trigger
Municipal Code	Tree Removal Permit	City of Olympia		✓	✓	<ul style="list-style-type: none"> Tree removal associated with Deschutes Parkway reconfiguration

Note:

- Under the Washington State SMA, each city and county that contains a state or shoreline of statewide significance adopts a SMP that applies to those waters and the adjacent land. Each SMP is based on SMA goals to protect the public trust by ensuring public access, protecting shoreline ecology, and accommodating water-dependent uses. This is accomplished through regulations in the SMP that establish shoreline environment designations, and corresponding use and development standards. If the development action within this area requires a conditional use approval, that requires final decision from Ecology.