



Chapter 9320

Northwest Area Permit and Consultation Guide




Table of Contents

Section		Page
9320	Northwest Area Permit and Consultation Guide	9320-1
9321	Permit Overview	9320-1
	9321.1 Types of Permits	9320-1
	9321.2 Permit Summary Table	9320-2
	9321.3 Managing Permits during a Response	9320-7
9322	Documenting Initiation of ESA Consultation during a Response	9320-7

Northwest Area Permit and Consultation Guide

9321 Permit Overview

The term “permit” is used broadly in this plan to include environmental processes, permits and other authorizations, licenses, certificates, and approvals. It may be necessary to obtain permits in the emergency phase and/or project phase of a response; for example, to discharge a pollutant into the air during burning, for right of entry onto public lands; to treat, store or dispose of solid waste; or to drill an interceptor well to stop the spread of groundwater contamination. Permits are also used to protect specific types of resources during a response such as wetlands or an endangered species. Other things to be aware of:

- Some permits may require a fee.
- Permits may be issued with an expiration date, which may mean that extensions are requested during an extended response.
- And in some cases, permits can be waived, obtained afterwards or require that you meet equivalent standards during the emergency phase.

9321.1 Types of Permits

Northwest Area responders have compiled a list of potential permits relating to response work. The table below lists federal, state and local permits triggered for work in, over, under, or near water. In most states, water is defined broadly as a wetland, river, stream, pond, lake, bog, marsh, marine, or estuarine area. Ditches that contain water are regulated in some cases. The table also list permits needed for emergency lane closures, wildlife recovery and rehabilitation activities, public or tribal land access, air quality and burning activities, asbestos abatement and hazardous waste generation. It is important to contact the issuing agency for advice and guidance on these types of permits.

Most environmental permits are issued by state governments. For Washington State, more information on permits can be found at

<http://www.ora.wa.gov/resources/handbook.asp>

9321.2 Permit Summary Table

Permit Name ¹	Agency	Purpose of Permit	Waiver? Equivalent Standard? Timing?
FEDERAL PERMITS			
Joint Aquatic Resources Application	Form available at: www.ora.wa.gov	Consolidates several federal, state and local permit applications into one form (Section 10 and 404 permits; General Bridge permits; Private Aids to Navigation permits; 401 Water Quality Certifications; Hydraulic Project Approvals; Use Authorizations for State-Owned Aquatic Lands; and local Shorelines permits.	
Work on Structures in Navigable Waters, Section 10 permits	U.S. Army Corps of Engineers	Maintains and protects navigation in U.S. waters. Authorized under Section 10 of the Rivers & Harbors Act. Any project that creates an obstruction or alteration in, over, or under navigable U.S. waters. Includes construction and maintenance of piers, pilings, wharfs, and bulkheads.	
Section 404 Permit	U.S. Army Corps of Engineers	If you plan to discharge dredged or fill material into the waters of the United States, including wetlands. .	Also may need CZM, National Historic Preservation Act, Endangered Species Act, Tribal Trust Issues, and National Environmental Policy Act.
NPDES Discharge Permit for federal facilities	Environmental Protection Agency (EPA)	Protects and maintains water quality and prevents and minimizes sediment, chemicals and other pollutants from entering surface or ground waters. Construction activities that disturb 1 or more acres of land and have potential stormwater or storm drain discharge to surface water.	Permit may be issued after an operation occurs but ONLY if directed by contact person. Emergency Permits are always expedited.
Consultation on Cultural Resources, Section 106 of the National Historic Preservation Act	Department of Interior (DOI)	Federal agencies must "take into account" the effect a project may have on historic properties. It allows interested parties an opportunity to comment on the potential impact projects may have on significant archaeological or historic sites. The main purpose for the establishment of the Section 106 review process is to minimize potential harm and damage to historic properties	
Lane Closure Permit	Department of Transportation (DOT)		
Permit for Oversize Vehicle	DOT		
Access to Lands Managed by DOI	DOI,		
Scientific Collecting/Research of Eagles Permit	DOI		

9321.2 Permit Summary Table

Permit Name ¹	Agency	Purpose of Permit	Waiver? Equivalent Standard? Timing?
Migratory Bird Treaty Act (MBTA) Collection Permit	DOI-FWS		
Migratory Bird Treaty Act (MBTA) Rehabilitation Permit	DOI-FWS		
Migratory Bird Treaty Act (MBTA) Special Purpose Salvage	DOI-FWS		
Migratory Bird Treaty Act (MBTA) dead bird authorization	DOI-FWS		
National Park Special Use Permit	DOI-FWS		
Marine Mammal Protection Act Permits	DOI-NPS	Spill specific authorization is required to remove dead oiled birds.	
NMFS Endangered Species Act Permits	DOI-FWS Special Use Permit National Wildlife Refuge		
TRIBAL NATION PERMITS			
Makah Employment Rights	MECRA office	In order to perform work on reservation land, fee must be paid to MECRA	
OREGON STATE PERMITS			
Hydraulic permit	Oregon Department of Land Conservation & Development or Department of State Lands	In water work that uses, diverts, obstructs, or changes the natural flow or bed of any fresh water or saltwater of the state	
Wildlife Rehabilitation Permit	Oregon Department of Fish and Wildlife	A wildlife rehabilitator permit authorizes a person to temporarily possess injured, diseased, oiled, or abandoned wildlife for the purpose of wild release.	
'Archaeological Excavation Permit'	Oregon State Historic Preservation Office	Excavating, altering, defacing, or removing archaeological objects or resources or Native Indian graves, cairns or glyptic records.	
Use approved Archeologists/Consultants	Oregon State Historic Preservation Office		
Section 106 Review	Department of Archaeology & Historic Preservation	The Department of Archaeology and Historic Preservation (DAHP) and affected tribes must be consulted when projects are subject to review under Section 106 of the National Historic Preservation Act of 1966 (NHPA).	

9321.2 Permit Summary Table

Permit Name ¹	Agency	Purpose of Permit	Waiver? Equivalent Standard? Timing?
401 Water Quality Certification	Oregon Department of Environmental Quality	Applying for a federal permit or license to conduct any activity that might result in a discharge of dredge or fill material into water or non-isolated wetlands or excavation in water or non-isolated wetlands.	
Special Burn Permit	Oregon Department of Environmental Quality	This permit is for situations where burning does not fit into the categories of agricultural, residential, or land clearing.	
Well Drilling License	Oregon Water Resources Department	Authorizes the installation of borings or wells for extraction or injection of fluid into the subsurface	
Water Right	Oregon Water Resources Department	Use of surface or groundwater	
Wetlands Permit	Oregon Department of Environmental Quality	Working in or near wetlands, areas that are transitional between open water and uplands or that may be periodically inundated or saturated.	
Waste water permits	Oregon Department of Environmental Quality	Authorizes discharge to waters of the state (NPDES for surface water or WPCF for land application), Individual permits for any discharge of wastewater for which a General Permit has not been established	
Solid Waste Letter Authorization	Oregon Department of Environmental Quality	Authorizes temporary or permanent application or disposal of solid waste	
Asbestos-Air Quality (Demolition / Renovation Notification Form)	Oregon Department of Environmental Quality	Any time you want to demolish, renovate, or burn a facility for fire training purposes (facility includes any ship").	
EPA Generator ID Number (for RCRA compliance)	Oregon Department of Environmental Quality	An identifying number used for tracking wastes from their point of generation to final disposal. It is required if you generate, transport, transfer, recycle, treat, store, or dispose of regulated amounts of hazardous waste.	
Use Authorizations for State-Owned Aquatic Land	Oregon Division of State Lands	Most activities taking place on state-owned aquatic lands may require a lease or other form of use authorization (easement or right-of-way).	
IDAHO STATE PERMITS			

9321.2 Permit Summary Table

Permit Name ¹	Agency	Purpose of Permit	Waiver? Equivalent Standard? Timing?
WASHINGTON STATE PERMITS			
State Environmental Policy Act (SEPA)		SEPA requires that state and local agencies review proposals to identify environmental impacts. Agency permits and approvals can be conditioned or denied to mitigate or avoid the impacts identified in SEPA documents.	
Hydraulic Project Approval (HPA)	Washington Department of Fish and Wildlife	Protects fish and shellfish and their habitats. Projects that use, divert, obstruct, or change the natural flow or bed of salt or fresh state waters.	<p>* Emergency projects are those that present an immediate threat to life, property, or environmental degradation.</p> <p>◦ Emergency: verbal request, SEPA not required</p> <p>◦ Non-emergency: written request, SEPA required</p>
Use Authorizations for State-Owned Aquatic Land	Washington Department of Natural Resources	Allows use of state-owned aquatic lands. DNR determined if aquatic land is state-owned, if it is available for use, and if the use is appropriate. Needed if project located on, over, through, under, or otherwise impacts state-owned aquatic lands. Aquatic lands are defined as tidelands, shorelands, harbor areas, and the beds of navigable waters.	
Section 401 Water Quality Certification Permit		Applicants receiving a section 404 permit from the U.S. Army Corps of Engineers, a Coast Guard permit or license from the Federal Energy Regulatory Commission (FERC), are required to obtain a section 401 water quality certification from the Department of Ecology (Ecology).	
NPDES Discharge Permit for state facilities		discharges	May be waived during emergencies, cannot be expedited.
Wildlife Rehabilitation Permit	WDFW	A wildlife rehabilitator permit authorizes a person to temporarily possess injured, diseased, oiled, or abandoned wildlife for the purpose of wild release.	

9321.2 Permit Summary Table

Permit Name ¹	Agency	Purpose of Permit	Waiver? Equivalent Standard? Timing?
'Archaeological Excavation Permit'	Department of Archaeology & Historic Preservation	Excavating, altering, defacing, or removing archaeological objects or resources or Native Indian graves, cairns or glyptic records.	
Use approved Archeologists/Consultants	Department of Archaeology & Historic Preservation	Use of pre-approved archeologists to consult on responses	
Section 106 Review	Department of Archaeology & Historic Preservation	The Department of Archaeology and Historic Preservation (DAHP) and affected tribes must be consulted when projects are subject to review under Section 106 of the National Historic Preservation Act of 1966 (NHPA).	
401 Water Quality Certification	WDOE	Applying for a federal permit or license to conduct any activity that might result in a discharge of dredge or fill material into water or non-isolated wetlands or excavation in water or non-isolated wetlands.	
Special Burn Permit	WDOE	This permit is for situations where burning does not fit into the categories of agricultural, residential, or land clearing.	
Well Drilling License	WDOE	A Well Operator's License is required for all construction and decommissioning of wells	
Wetlands Permit	WDOE	Working in or near wetlands, areas that are transitional between open water and uplands or that may be periodically inundated or saturated.	
Waste water permits	WDOE	Individual permits for any discharge of wastewater into surface waters through a conveyance system; General permits for some types of discharges; and/or State Wastewater Discharge permit	
Coastal Zone Management (CZM) Certification	WDOE	Activities and development affecting coastal resources which involve federal activities, federal licenses or permits, and federal assistance programs (funding) require written CZM decision by the Ecology.	
Asbestos-Air Quality (Demolition / Renovation Notification Form)	WDOE	Any time you want to demolish, renovate, or burn a facility for fire training purposes (facility includes any ship").	
RCRA Site Identification Number	WDOE	An identifying number used for tracking wastes from their point of generation to final disposal. It is required if you generate, transport, transfer, recycle, treat, store, or dispose of regulated amounts of dangerous waste.	

9321.2 Permit Summary Table

Permit Name ¹	Agency	Purpose of Permit	Waiver? Equivalent Standard? Timing?
LOCAL PERMITS			
Shoreline Management Program Permits (Exemption, Substantial Development, Conditional Use, or Variance)	Local government: city or county. Conditional Use and Variance also require review by Ecology.	Any project, permanent or temporary, which interferes with public use of shorelands. Projects in or within 200 feet of marine waters, streams, lakes, and associated wetlands and floodplains.	
Waste generation and disposal	Local government: city or county	Check with local government	

Note: ¹ The term “permit” includes environmental processes, permits, authorizations, licenses, requirements, certificates, and approvals.

9321.3 Managing Permits during a Response

It is important to keep thorough documentation of environmental permits, including documentation that permit conditions are followed throughout the response. In a complex response, it is recommended that a Technical Specialist be assigned to the Environmental Unit to keep manage permit conditions and expiration dates, points of contact, permit reporting requirements or conditions of issuance. A tracking sheet has been developed to aid in this task.



9321.3.xlsx

9322 Documenting Initiation of ESA Consultation during a Response

NOAA Fisheries and USFWS have determined that oil spill response activities qualify as an emergency action as defined by regulations implementing the ESA in 50 CFR 402.02. NOAA Fisheries and USFWS have developed emergency consultation procedures to allow action agencies to incorporate endangered species concerns into emergency response activities. Emergency consultation is initiated with a telephone call to NOAA Fisheries or USFWS to describe the emergency response and seek recommendations on any measures that could be implemented during the response to reduce or avoid impacts to listed species. The paperwork associated with emergency consultation under the ESA is completed after the removal actions are finished. A method to document the initiation of the consultation process has been developed and is included in this plan as a response tool.



9322.xls

	A	B	C	D	E	F	G	H	I	J	K	L	M
1	Table 1												
2	Incident Name, location and date												
3													
4	Response Actions	Marine Mammals*	Orca (Killer Whales)	Anadromous Fish**	Anadromous Fish Juvenile Stage	Anadromous Fish Critical Habitat	Essential Fish Habitat	Marbled Murrelet (MAMU)	Other	Other	Other	Other	Other
5	On-water Oil Recovery - Skimming												
6	Shoreline Protection - GRP Booming												
7	Dispersant Application Test												
8	In-Situ Burning Test												
9	Manual removal, shoreline cleanup – shovel and bagging, light equipment (small bobcats front end loaders)												
10	Boat operations, support of shoreline cleanup												
11	Temporary wrack displacement												
12	Upland Staging Area Development												
13	High Pressure Washing												
14	SCAT/Rapid Assessment Teams												
15	Wildlife Recon, and Wildlife Search and Recovery												
16	Marine Mammal Hazing												
17	Cultural Resources Identification/Investigation												
18	Deconn—large vessels												
19	Air Operations												
20	list the species of concern	Ex: Stellar Sea Lions					Ex: Green Sturgeon, Steelhead Trout, Coho, Chum and Chinook Salmon						
21	¹ Action did not occur in occupied habitat.												
22	² Can not be meaningfully measured, detected or evaluated .												
23	³ Can not be meaningfully measured, detected or evaluated, effluent collected via booms as much as possible .												
24	⁴ Followed encounter protocols .												