

Aquatic Permitting

Working in or near water can be complicated. Before you begin work, know what permits your project will need. The table below lists aquatic permits triggered for work in, over, under, or near water. Water is defined as a wetland, river, stream, pond, lake, bog, marsh, marine, or estuarine area. Ditches that contain water are regulated in some cases. For more details, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) or the agency contact.

	Permits*	Purpose	Trigger Activity	Other Requires Permits/Review	Timeline	Agency Contact
LOCAL	Critical Areas Ordinance (CAO)	Protects locally designated critical areas such as wetlands, fish and wildlife habitat conservation areas, and frequently flooded areas.	Proposing a project in, or near critical areas or in protective buffer zones.	Processed with other local land use and development permits.	Processed with other local land use and development permits.	Processed with other local land use and development permits.
	Floodplain Development	Reduces social and economic loss caused by flood events. Project may not increase potential for damage from flood waters.	Any development, construction, filling, or grading within 100-year floodplain.	Processed with other local land use and development permits.	Varies by jurisdiction and complexity of proposal.	Local government: city or county
	Shoreline Master Program Permits (Exemption, Substantial Development, Conditional Use, or Variance)	Encourages water-dependent uses, protects shoreline natural resources, and promotes public access.	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.	SEPA, or reviewed concurrently with SEPA.	Typically 2 to 4 months. Timelines vary depending on project and local permit process. Can take up to 18 months for complex projects.	Local government: city or county. Conditional Use and Variance also require review by Ecology.
STATE	Aquatic Use Authorization	Allows use of state-owned aquatic lands. Washington State Department of Natural Resources (DNR) determines if aquatic land is state-owned, if it is available for use, and if the use is appropriate.	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.	Communicate early with DNR during project development. Use Authorization issued after all other permits.	Depends on project complexity. Can range from 6 months to 1 year.	DNR Aquatic Resources Program DNR Regional Contact
	Hydraulic Project Approval (HPA)	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.	SEPA	Maximum 45 calendar days after receipt of complete application.	Washington Department of Fish and Wildlife
	Section 401 Water Quality Certification	Verifies project will comply with state water quality standards and other aquatic resource protection. Reviews both project construction and operation activities.	Application for federal license or permit that could affect water quality. Under the Clean Water Act, states have authority to approve, deny, or condition any project in wetlands or other state waters.	SEPA. State review occurs after receipt of federal notification.	Typically 3 months but for complex projects, up to 1 year.	Ecology. In some areas, the U.S. Environmental Protection Agency or Tribal agency.
	Coastal Zone Management Certification (CZM)	Allows state to determine if federal action will affect coastal resources. Confirms projects are consistent with CZM Program. Confirms projects are consistent with other environmental laws and required permits.	Federally permitted, licensed, or funded projects affecting coastal resources in one or more of Washington's 15 coastal counties.	If applicable: SEPA, Shoreline Permits, 401 Certification, NPDES, Air permits, Energy Facility Site Evaluation Criteria, and Ocean Resources Management Act.	CZM decision must be made within 60 days for a federal project and within 6 months for a non-federal project.	Ecology
	NPDES Construction Stormwater General Permit	Protects and maintains water quality and prevents or minimizes sediment, chemicals, and other pollutants from entering surface water and groundwater.	Construction activities that disturb 1 or more acres of land and have potential stormwater or storm drain discharge to surface water.	SEPA	At least 60 days prior to beginning construction activity that could result in a discharge of stormwater.	Ecology

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FEDERAL	Discharge of Dredge or Fill Material Section 404 Permit (Regional, Nationwide, or Individual)	Restores and maintains chemical, physical, and biological integrity of national waters. Authorized under Section 404 of the Clean Water Act.	Excavating, land clearing, or discharging dredged or fill material into wetlands or other U.S. waters.	401 Certification, CZM, National Historic Preservation Act, Endangered Species Act, Tribal Trust Issues, and National Environmental Policy Act.	Typically issued within 120 days, but may take up to 1 year or more depending on project complexity.	U.S. Army Corps of Engineers
	Work or Structures in Navigable Waters Section 10 Permit	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.	CZM, National Historic Preservation Act, Endangered Species Act, Tribal Trust Issues, and National Environmental Policy Act.	Typically issued within 120 days, but may take up to 1 year or more depending on project complexity.	U.S. Army Corps of Engineers
	Private Aids to Navigation (PATON)	Ensures safety of the boating public.	All private aids to navigation (fixed or floating) within navigable U.S. waters must be reviewed by U.S. Coast Guard.	Compliance with all applicable local, state, and federal permits.	Typically issued within 3 months.	U.S. Coast Guard
	Bridge Permit (General Bridge Act of 1946)	Ensures safety of the boating public. Approves location and clearances of bridges.	Any new construction, reconstruction, or modification of a bridge or causeway across U.S. waters.	401 Certification, CZM, and National Environmental Policy Act.	Varies, depending on the other required permit timelines.	U.S. Coast Guard
OTHER CONSIDERATIONS	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.	Agency action such as the issuance of a permit, license, lease, or other project approval. Projects affecting aquatic lands often require SEPA review. This usually starts at the time of a permit application submittal to a local or state agency.	SEPA process is one of the first steps in permitting. All applicable agency review is under one SEPA process.	Timeline varies depending on type of SEPA review and complexity of project.	Local government or state agency, depending on project.
	Joint Aquatic Resources Permit Application (JARPA)	Consolidates several federal, state, and local applications into one form.	Not applicable.	Not applicable.	Not applicable.	Form available at: http://www.epermitting.wa.gov

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

If you require this document in another format, contact Office for Regulatory Innovation and Assistance. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call (877) 833-6341.