Wetland Regulations

Governor's Office for Regulatory Innovation and Assistance

Swimlanes

| Applicant **Start** | Department of Ecology or the US Army Corps of Engineers | Public or other interested party |

Application Phase

Applicant determines whether or not there is a wetland on the project site
(A)

↓

Applicant determines and demonstrates whether or not impacts to wetlands can be avoided
(B)

↓ ↓

| **Impact Avoided** | **Impact Not Avoided** |

Impact Avoided → No further action needed for wetland regulations

↓

Applicant reviews permits that may be required

↓ ↓ ↓

| **Local** *(C)* | **State** *(D)* | **Federal** *(E)* |

- **Applicant** submits appropriate forms to local government
- **Applicant** submits Joint Aquatic Resources Permit Application (JARPA) form to appropriate State agencies
- **Applicant** submits JARPA form to US Army Corps of Engineers (Corps)

(F)

Jurisdictional Determination

Corps determines if wetland is a water of the United States

↓ ↓

| **Isolated Wetland** *(G)* | **Non-isolated Wetland** |

↓ ↓

Ecology jurisdiction under Administrative Order *(H)*

Corps jurisdiction under Section 404 *(I)*

↓

Ecology Section 401 *(J)*

Legend: *(A)* =Hyperlink ➤ =Progression – ➤ =Revision ····➤ =Optional

For more information on this or any permitting process visit http://www.oria.wa.gov or call the Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043

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Link C

C. Local Jurisdiction Permits

Please note: Local regulations may vary widely from jurisdiction to jurisdiction. Contact your local government for their specific requirements.

1. Shoreline Substantial Development Permit **(City or County)**

   Activity which requires the Permit: All non-exempt developments and uses exceeding $5000 fair market value as defined in RCW 90.58.030 and WAC 173-27-030(8).

2. Shoreline Conditional Use Permit **(City or County)**

   Activity which requires the Permit: Determined by local government and specified in their Shoreline Master Program.

3. Shoreline Variance Permit **(City or County)**

   Activity which requires the Permit: Determined by local government and specified in their Shoreline Master Program.

4. Flood Plain Development Permit **(City or County)**

   Activity which requires the Permit: Any development as well as filling or grading activities within the 100 year floodplain.

5. State Environmental Policy Act (SEPA) **(City or County)**

   Activity which requires the Permit: Any proposal that requires a state or local agency decision to license, fund, or undertake a project, or the proposed adoption of a policy, plan, or program can trigger environmental review under SEPA. (See WAC 197-11-704 for a complete definition of agency action.)

6. Growth Management Act—Critical Areas Ordinance **(City or County)**

   The Growth Management Act (GMA) requires that all local governments adopt developmental regulations that protect the critical areas they designated. Critical areas are defined in RCW 36.70A.030 as "the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas."

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Link D

D. State Jurisdiction Permits

1. Hydraulic Project Approval—HPA **(Department of Fish and Wildlife)**

   Activity which may require the Permit: Work that uses, diverts, obstructs, or changes the natural flow or bed of any of the salt or fresh waters of state.

2. Aquatic Use Authorization **(Department of Natural Resources)**

   Activity which may require the Permit: Using state owned aquatic lands (includes harbors, state tidelands, shorelands, and beds of navigable waters).

3. Coastal Zone Consistency Determination **(Ecology)**

   Activity which may require the Permit: Federal activity, Projects requiring a federal license or permit and Federal Assistance Programs proposed within any of Washington's 15 coastal counties.

4. Section 401 Water Quality Certification **(Ecology)**

   Activity which may require the Permit: 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.

5. Shoreline Management Act (SMA) **(Ecology and Local Governments)**

   Activity which may require the Permit: All developments within the shorelines of the state must be consistent with the policies of the SMA and the requirements of the local SMP. A project that is consistent with zoning, etc., but inconsistent with SMP requirements cannot be approved.

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Link E

E. Federal Jurisdiction Permits

1. Section 10 Permit - Work in Navigable Waters (USACE)

   Activity which requires the Permit: Locating a structure, excavating, or discharging dredged or fill material in navigable waters of the United States.

2. Section 404 Permit - Discharge of Dredge and Fill Material (USACE)

   Activity which requires the permit: Discharging dredged or fill material in waters of the United States.

3. Section 106 - National Historic Preservation Act (DAHP)

   Activity which requires the Permit: Requires that all federal agencies take into account the affect of its actions on historic properties for any federal undertaking, funding, license, or permit.

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