

# Appendix F

## Regulatory Context and Permits and Approvals

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September 2020

Chehalis River Basin Flood Damage Reduction Project

NEPA Environmental Impact Statement



# APPENDIX F: REGULATORY CONTEXT AND PERMITS AND APPROVALS

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This appendix lists the federal, state, and local regulations, statutes, and guidelines applicable to the proposed project. It also includes the permits and approvals that the Applicant would be required to obtain. Required permits and approvals would help to avoid, minimize, and mitigate for adverse impacts on the natural and built environment. Minimization measures proposed by the Applicant and potential mitigation measures that may be required of the Applicant are listed in Chapter 7 of the Draft Environmental Impact Statement (EIS). Finalization of required mitigation will happen after the Draft EIS prior to issuance of the Record of Decision.

## Regulatory Context

This section summarizes the federal (Table 1), state (Table 2), and local (Table 3) regulations, statutes, and guidelines that apply to the proposed project. Tribal treaty rights are addressed in Chapter 8 of the EIS.

### Federal

**Table 1**

**Federal Regulations, Statutes, and Guidelines**

REGULATION, STATUTE, OR GUIDELINE	DESCRIPTION
Rivers and Harbors Act of 1899 (33 United States Code [USC] 403)	Authorizes the Corps to protect commerce in navigable rivers and waterways of the United States by regulating various activities in such waters. Section 10 of the Act specifically regulates construction, excavation, or deposition of materials into, over, or under navigable waters, or any work that would affect the course, location, conditions or capacity of those waters.
Clean Water Act (33 USC 1251 et seq.)	<p>The Clean Water Act (CWA) establishes the basic structure for the U.S. Environmental Protection Agency (EPA) to regulate discharges of pollutants into the waters of the United States and regulates water quality standards for surface waters.</p> <ul style="list-style-type: none"> <li>• Section 303 addresses the development of water quality standards and implementation plans for interstate waters by individual states.</li> <li>• Section 303(d) requires states to identify and list waters where current water pollution control regulations and controls alone cannot meet the water quality standards set for those waters.</li> <li>• Section 401 requires Water Quality Certification from the state for activities requiring a federal permit or license to discharge pollutants into a water of the United States. Certification attests</li> </ul>

REGULATION, STATUTE, OR GUIDELINE	DESCRIPTION
	<p>the state has reasonable assurance the proposed activity will meet state water quality standards.</p> <ul style="list-style-type: none"> <li>• Section 402 establishes the National Pollutant Discharge Elimination System program, under which certain discharges of pollutants into waters of the United States are regulated.</li> <li>• Section 404 regulates the discharge of dredged or fill material into waters of the United States, including jurisdictional wetlands.</li> </ul>
National Dam Safety Program (33 USC 467f)	Ensures that new and existing dams are safe through the development of technologically and economically feasible programs and procedures for national dam safety hazard reduction.
National Flood Insurance Act of 1968	Established the National Flood Insurance Program (NFIP), a federal floodplain management program designed to reduce future flood losses nationwide through the implementation of community-enforced building and zoning ordinances in return for the provision of affordable, federally backed flood insurance to property owners. The NFIP is a program in which counties and cities can voluntarily participate. The Federal Emergency Management Agency (FEMA) is the agency responsible for enforcing the NFIP. The program is implemented at the city and county level.
Flood Plain Management Criteria for Flood-prone Areas (44 Code of Federal Regulations [CFR] 60.3[d][3])	FEMA must review any construction within a mapped floodway to ensure that the work will not increase flood levels. Any actions taken within a designated floodway area require a “rise analysis,” with review and approval by FEMA.
Executive Order 11988/13690, Floodplain Management	Requires federal agencies to avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative (42 Federal Register 26951). FEMA is the agency responsible for enforcing this Executive Order.
Endangered Species Act (16 USC 1531–1544)	<p>Provides for the conservation of species listed as threatened or endangered and the habitat upon which they depend. Section 7 of the Endangered Species Act (ESA) requires federal agencies to consult with the U.S. Fish and Wildlife Service (USFWS) and/or National Marine Fisheries Service (NMFS) to ensure a federal action is not likely to jeopardize the continued existence of any threatened or endangered species or result in the destruction or adverse modification of designated critical habitat.</p> <p>Section 9 of the ESA prohibits any individual, organization, or agency from taking (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these) an endangered species without the take being exempted through a Section 7 or Section 10 consultation with USFWS and/or NMFS. Section 4(d) of the ESA applies the same take prohibitions to threatened species.</p>

REGULATION, STATUTE, OR GUIDELINE	DESCRIPTION
Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267)	Requires fishery management councils to include descriptions of Essential Fish Habitat (EFH) and potential threats to EFH in all federal fishery management plans. Also requires federal agencies to consult with NMFS on activities that may adversely affect EFH. EFH is defined as “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity” and is designated for groundfish, Pacific salmon, and coastal pelagic composites. EFH includes coral reefs, kelp forests, bays, wetlands, rivers, and areas of the deep ocean that are necessary for fish reproduction, growth, feeding, and shelter.
Executive Order 12962, Recreational Fisheries	Mandates that federal agencies, to the extent permitted by law and where practical, and in cooperation with states and tribes, improve the “quantity, function, sustainable productivity, and distribution of United States aquatic resources for increased recreational fishing opportunities.”
Migratory Bird Treaty Act of 1918, as amended (16 USC 703 to 713)	Makes it illegal for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to federal regulations. Under the regulatory authority of USFWS.
Bald and Golden Eagle Protection Act of 1940, as amended (16 USC 668 to 668c)	Prohibits the taking of bald eagles, including their parts, nests, or eggs, without a permit issued by USFWS, and provides criminal penalties for persons who “take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle... [or any golden eagle], alive or dead, or any part, nest, or egg thereof.”
Marine Mammal Protection Act of 1972, Amended 1994 (16 USC 1361)	Prohibits activities that harass, hunt, capture, collect, or kill marine mammals, such as whales, dolphins, seals, and manatees. “Harass” means any act of pursuit, torment, or annoyance which has the potential to injure a marine mammal or marine mammal stock in the wild; or has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering. In order to pursue activities that may incidentally (unintentionally but not unexpectedly) harm marine mammals, private entities or government agencies must apply for a permit. Also requires permit holders to monitor the damage they cause and implement mitigation measures. To engage in multi-year activities that may harass, injure, or kill marine mammals, an entity must obtain a letter of authorization from the National Oceanic and Atmospheric Administration.

REGULATION, STATUTE, OR GUIDELINE	DESCRIPTION
Clean Air Act (42 USC 7401)	The CAA and its subsequent amendments establish air quality regulations and the National Ambient Air Quality Standards (NAAQS). EPA oversees the CAA and has delegated enforcement of these standards to the states. The NAAQS establish allowable levels of harmful pollutants set by EPA in accordance with the CAA. The CAA establishes two types of standards for ambient air quality: primary and secondary standards. Primary standards concern the minimum level of air quality necessary to keep people from becoming ill and are aimed at protecting public health. Secondary standards are aimed at the promotion of public welfare and the prevention of damage to animals, plants, and property. Section 176(c) of the CAA establishes the General Conformity rule.
Emission Standards for Non-Road Diesel Engines	To reduce emissions from off-road diesel equipment, EPA established a series of increasingly strict emission standards for new off-road diesel engines. Tier 1 standards were phased in from 1996 to 2000 (year of manufacture), depending on the engine horsepower category. Tier 2 standards were phased in from 2001 to 2006, Tier 3 standards were phased in from 2006 to 2008, and Tier 4 standards were phased in from 2008 to 2015. These standards apply to project-related off-road construction equipment, based on year of manufacture.
Visual Resource Assessment Procedure for U.S. Army Corps of Engineers	The Visual Resource Assessment Program is a systematic method to: 1) evaluate and classify existing aesthetic or visual quality; 2) assess and measure visual impacts caused by Corps water resource projects; 3) evaluate the beneficial or adverse nature of the visual impacts; and 4) make recommendations for changes in plans, designs, and operations of water resource projects.
Noise Control Act of 1972 (42 USC 4910)	The Noise Control Act of 1972 protects the health and welfare of the public from noise pollution, mainly from transportation vehicles, equipment, and machinery. It also increases coordination between federal research and noise-control activities; establishes noise emission standards; and presents noise emission and reduction information to the public.
National Historic Preservation Act (Public Law 89-665; 54 USC 300101 et seq.)	Section 106 ensures that federal agencies consider cultural resources in any funded, licensed, or permitted undertaking prior to initiation, and provides the State Historic Preservation Officer, affected Native American tribes, and other interested parties an opportunity to comment on potential impacts on cultural resources.
Federal Aviation Administration Airport Design and Engineering Standards	Standards developed by FAA for engineering, design, and construction for civil airports, heliports, and seaplane bases. These include standards for airfield pavement; airport lighting, marking, signs, and other visual aids; safety during construction; surveying and GIS data; deicing, aircraft rescue and firefighting, and other facilities; and bird radar and foreign object detection systems.

REGULATION, STATUTE, OR GUIDELINE	DESCRIPTION
Resource Conservation and Recovery Act (42 USC 6901 et seq.)	The Resource Conservation and Recovery Act (RCRA) governs the generation, storage, and transportation of hazardous waste and waste management activities for hazardous waste treatment, storage, and disposal facilities. This is a delegated Washington State program under the Washington Hazardous Waste Management Act.
Comprehensive Environmental Response, Compensation, and Liability Act (42 USC 103)	The Comprehensive Environmental Response, Compensation, and Liability Act regulates former and newly discovered uncontrolled waste disposal and spill sites identified on the National Priority List of contaminated sites and under the Superfund cleanup program.
Occupational Safety and Health Act (29 USC 651 et seq.)	The Occupational Safety and Health Act was enacted to “assure safe and healthful working conditions for working men and women.” It sets standards and enforces inspections to ensure that employers are providing safe and healthful workplaces.
U.S. Department of Transportation Hazardous Materials Regulations (49 CFR 100–199)	The U.S. Department of Transportation Hazardous Materials Regulations govern the transport of hazardous materials, and more specifically oil, by rail, air, vessel, and highway.
Corps <i>Planning Guidance Notebook</i> (ER 1105-2-100), Appendix D	Details the economic and social considerations for planning studies, such as the National Economic Development and Regional Economic Development analysis conducted under the Principles and Guidelines adopted by the Water Resources Council, but does not specifically address socioeconomic considerations for National Environmental Policy Act analyses.
Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (February 16, 1994)	This Executive Order requires agencies to identify and address disproportionate human health and environmental impacts on low-income and minority populations.

## State

**Table 2**

**State Regulations, Statutes, and Guidelines**

REGULATION, STATUTE, OR GUIDELINE	DESCRIPTION
Washington State Water Code (RCW 90.03)	Establishes water policy for the state of Washington, which is administered by the Washington Department of Ecology (Ecology). This includes oversight for projects that require a water right, a legal authorization to use a predefined quantity of public water for a designated purpose that qualifies as a beneficial use, construction and safety of dams, and permitting of reservoirs that will impound 10 acre-feet or more of water.
Washington State Flood Control Code (RCW 86)	Covers laws relating to floodplain management, flood control by counties, flood control by state in cooperation with federal agencies, and flood control zone districts.
Washington State Hydraulic Code (RCW 77.55; WAC 220-660)	Regulates projects that use, divert, obstruct, or change the natural flow or bed of any water of the state of Washington. Requires entities who are planning such projects to obtain a Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife (WDFW). As part of the HPA review process, WDFW considers the project's potential effects on riparian and shoreline/bank vegetation in issuance and conditions of the permit, including for the installation of piers, docks, pilings, and bank armoring and crossings of streams and rivers (including culverts).
Washington State Water Pollution Control Law (RCW 90.48)	Grants Ecology the jurisdiction to control and prevent the pollution of streams, lakes, rivers, ponds, inland water, saltwaters, water courses, and other surface and groundwater in the state.
Water Resources Act of 1971 (RCW 90.54)	Sets forth fundamental policies for the state to ensure that waters of the state are protected and fully utilized for the greatest benefit.
Surface Mining Act (RCW 78.44; WAC 332-18)	Requires a permit for each mine that: 1) results in more than 3 acres of mine-related disturbance; or 2) has a high wall that is both higher than 30 feet and steeper than 45 degrees.
Washington State Growth Management Act (RCW 36.70A; WAC 36.70A)	Establishes a framework for creation of city and county comprehensive plans, to be consistent with Growth Management Act goals (e.g., environmental protection, urban growth). Defines a variety of critical areas, which are designated and regulated at the local level under city and county critical areas ordinances. These critical areas may include shorelines or portions of fish habitat. These critical areas also include wildlife habitat conservation areas and frequently flooded areas.
Shoreline Management Act (RCW 90.58)	Regulates and manages the use, environmental protection, and public access of the state's shorelines. The Shoreline Management Act was passed by the Washington State Legislature in 1971 and adopted in 1972. Ecology is the agency responsible for enforcing the Shoreline Management Act. Local governments are primarily responsible with administering Shoreline Master Programs with oversight from Ecology.

REGULATION, STATUTE, OR GUIDELINE	DESCRIPTION
<p>Washington Department of Ecology Code (WAC 173)</p>	<p><b>Chapter 201A:</b> Establishes water quality standards for surface waters, implementing RCW 90.48, Water Pollution Control Act. Freshwater designated uses and associated criteria are specifically identified in WAC 173-201A-200.</p> <p><b>Chapter 200:</b> Establishes water quality standards for groundwaters, implementing RCW 90 laws, including RCW 90.48, Water Pollution Control Act, and RCW 90.54, Water Resources Act of 1971.</p> <p><b>Chapter 204:</b> Establishes sediment management standards to reduce and ultimately eliminate adverse effects on biological resources and significant threats to human health from surface sediment contamination.</p> <p><b>Chapter 158:</b> Implements RCW 86.16, Floodplain Management, establishing regulations for floodplain management to ensure local government compliance with the NFIP.</p> <p><b>Chapter 152:</b> Establishes the framework for Ecology’s performance of basin assessments and processing of water rights applications, implementing RCW 90 laws, including RCW 90.03, Water Code, and RCW 90.82, Watershed Planning.</p> <p><b>Chapter 522:</b> Implements RCW 90.54, Water Resources Act of 1971, and establishes regulations for Ecology’s water resources program in the Chehalis Basin (Water Resource Inventory Areas 22 and 23), including minimum instream flows, allocation and prioritization of surface water for beneficial uses, and streams closed to further consumptive appropriations.</p>
<p>Washington State Forest Practices Act (RCW 76.13)</p>	<p>Establishes forest practices rules to regulate and manage the use of commercial forestlands. The Forest Practices Board adopts forest practices rules, and WDNR issues forest practices permits in compliance with the adopted rules.</p>
<p>Washington State Wildlife Action Plan Fish and Wildlife (RCW Title 77)</p>	<p>Guides implementation of policies and goals related to wildlife, fish, and wildlife and fish habitat in the state of Washington. This includes prohibition of taking endangered fish or wildlife classified as endangered, threatened, and sensitive in the state of Washington.</p>
<p>WDFW State and Protected Species (WAC 220-610)</p>	<p>Defines species listed under the federal ESA within the state and prohibits fishing for or possessing fish that are federally listed as threatened or endangered. Provides rules for the protection of bald eagles. This legislation defines endangered, threatened, and sensitive wildlife species within the state of Washington. Identifies and classifies native wildlife species. Defines the processes for listing, management, recovery, and delisting a species and the criteria for classifying wildlife as endangered, threatened, or sensitive.</p>
<p>Invasive/Non-Native Species (WAC 220 640)</p>	<p>Applies to all non-native aquatic animal species except those in ballast water. This legislation requires the state to define standards for invasive risk levels and criteria for determining environmental impacts, list prohibited and regulated species, and require a permit for possession of listed species.</p>

REGULATION, STATUTE, OR GUIDELINE	DESCRIPTION
Administration of Surface and Groundwater Codes (WAC 508-12)	Establishes regulations for Ecology’s administration of surface and groundwater codes, including regulation of water right diversions, surface water and groundwater appropriation procedures, and reservoir permits.
Dam Safety Regulations (WAC 173-175)	These regulations provide for the comprehensive regulation and supervision of dams in order to reasonably secure safety to life and property pursuant to RCW 43.21A, 43.27A, 86.16, 90.03, 90.28, and 90.54.
Washington State Executive Order 89-10, Protection of Wetlands	Adopts a statewide goal of no overall net loss in acreage and function of Washington’s remaining wetlands base. Directs Ecology to provide guidance to other state agencies in the preparation of action plans to lessen the destruction, loss, or degradation of wetlands and to preserve and enhance their natural and beneficial values. Directs state agencies, in the pursuit of their agency mandates, to consider the benefits provided by wetlands and to avoid any activities that would adversely affect wetlands and to adequately mitigation when wetland impacts are unavoidable.
Washington Clean Air Act (RCW 70.94)	The Washington Clean Air Act sets forth the state law regarding outdoor air pollution and establishes a system of regional air pollution control authorities to implement federal and state air pollution control regulations. The rules and regulations adopted by an air pollution control authority, pursuant to the Washington Clean Air Act, preempt local ordinances for the regulation of air pollution.
General Regulations for Air Pollution Sources (WAC 173-400)	Ecology implements general regulations for air pollution sources. An air permit is required for sources that emit air pollution through industrial processes or burning, and for construction of facilities that require a new source review or other permitting by the state.
Washington Operating Permit Regulation (WAC 173-401)	Establishes the elements of a comprehensive Washington state air operating permit program consistent with the requirements of Title V of the CAA.
Washington Ambient Air Quality Standards (WAC 173-476)	Ecology establishes Washington Ambient Air Quality Standards. Local air quality is measured against national and state air quality standards. If measured data indicate that an area meets the standards, the area is designated by EPA as an “attainment area.” Areas that do not meet the standards are designated as “non-attainment areas.” After air monitoring shows that a non-attainment area is meeting health-based air quality standards and has a 10-year plan for continuing to meet and maintain air quality standards, EPA re-designates the area as a “maintenance area.”
Washington Department of Transportation Scenic Byways Guidance (WDOT 2019)	The Washington State Department of Transportation’s (WSDOT’s) guidance on scenic byways establishes goals and performance measures consistent with the state’s transportation policy goals; however, corridor management plans that identify specific sites for protection of views have not been developed for the management of the highway segments within the Chehalis Basin.

REGULATION, STATUTE, OR GUIDELINE	DESCRIPTION
Scenic and Recreational Highway Act of 1967 (RCW 47.39.020)	The Scenic and Recreational Highway Act of 1967 created a scenic highway system. Corridors within the scenic and recreational highway system that showcase the state's historic agricultural areas and promote the maintenance and enhancement of agricultural areas may be designated as agricultural scenic corridors.
Maximum Environmental Noise Levels (WAC 173-60)	The noise regulations enforced by Ecology are established in WAC 173-60. These regulations impose limits on the allowable environmental noise levels from a variety of sources in any 1-hour period (Maximum Environmental Noise Levels). The maximum allowable levels depend on the classification of the property receiving the noise and the noise source. The classification system is called Environmental Designations for Noise Abatement (EDNA), and it is generally based on a property's use. There are three EDNA designations (WAC 173-60-030), which generally correspond to residential/recreational (EDNA A), commercial (EDNA B), and industrial and agricultural uses (EDNA C).
Forest Practices Act, and Forest Practices Permit (RCW 76.09)	Regulates forestland in the state outside of tribal and federal lands. Establishes management practices to sustain the forest products industry and protects wetlands, shoreline forests, and steep slopes. Fish protection standards (RCW 77.55) are incorporated by reference into the forest practices rules.
Abandoned and Historic Cemeteries and Historic Graves (RCW 68.60)	Protects and preserves abandoned and historic cemeteries and historic graves.
Indian Graves and Records (RCW 27.44)	Protects cemeteries and graves within the state of Washington.
Archaeological Sites and Resources (RCW 27.53)	Protects archaeological resources within the state of Washington and establishes a process for permitting work at archaeological sites when there is no federal involvement.
Governor's Order 05-05	Requires consideration of cultural resources for projects that receive state capital improvement funds.
Washington State Department of Transportation Emergency Management (RCW 38.52.030)	WSDOT provides and controls the state of Washington's emergency detour routes in order to reroute traffic safely and efficiently in times of emergency. In addition to establishing a network of emergency routes, WSDOT manages the emergency management program, which authorizes emergency, essential, and other goods delivery through affected areas during emergency highway disruption of 2 to 7 days.
Transportation facilities and services of statewide significance—Level of service standards (RCW 47.06.140)	WSDOT sets the Level of Service standards for state highways of statewide significance (HSS) per RCW 47.06.140. HSS, as defined by WSDOT, are interstate highways and other major arterials essential in interstate connectivity.
Highway Access Management (RCW 47.50, WAC 468)	WSDOT implements state-wide requirements and issues permits for movement of oversize and overweight vehicles on state highways per RCW 47.50 and WAC 468.

REGULATION, STATUTE, OR GUIDELINE	DESCRIPTION
Washington State System Plans: Highway, Freight, Aviation, and Public Transportation	Establishes the state's overall transportation plan that includes facilities the state owns and those in which the state has an interest, and outlines the policies adopted by the Washington State Transportation Commission. Separate plans are established for the highway, freight, aviation, and public transportation systems.
Washington Hazardous Waste Management Act (RCW 70.105; WAC 173-303)	The Washington Hazardous Waste Management Act is the state equivalent of RCRA. It requires the designation of dangerous and extremely hazardous waste and the proper handling, storage, transport, and disposal of such wastes. It also governs and establishes regulations for hazardous waste treatment, storage, and disposal facilities.
Washington Solid Waste Handling Standards (WAC 173-350)	WAC 173-350 sets standards for the proper handling and disposal of solid waste originating from residences; commercial, agricultural, and industrial operations; and other sources.
General Occupational Health Standards (WAC 296-62)	WAC 296-62 protects the health of employees and helps create healthy workplaces by establishing requirements to control health hazards, including chemical hazard communication and exposure programs.
Safety Standards for Construction Work (WAC 296-155)	WAC 296-155 applies to workplaces where construction, alteration, demolition, related inspection, and/or maintenance and repair work, including painting and decorating, is performed. It sets minimum safety requirements with which all industries must comply when engaged in these types of work.

## Local

Table 3

### Local Regulations, Statutes, and Guidelines

REGULATION, STATUTE, OR GUIDELINE	DESCRIPTION
Lewis County Comprehensive Plan	Identifies land use policies and goals, including urban, rural, recreation, and commercial resource development. Goals and policies balance open space preservation and natural resources with residential and commercial opportunity. Multiple policies consider floodways (including NE 1.2, NR 2A.1, Urban 5A.1, and Urban 1.4). Policy NE 4D.1 prioritizes flood reduction projects, including the Chehalis Basin Strategy. Policy NE 4D.2 prioritizes land uses such as forestry, agriculture, public recreation, and water-dependent uses in areas subject to flooding.
Lewis County Shoreline Master Program	Governs shoreline planning for Lewis County and the cities of Centralia, Chehalis, Morton, and Winlock (collectively the Lewis County Coalition).
Lewis County Over-legal Movement of Vehicles (Lewis County Code [LCC] 12.10)	Lewis County establishes requirements and permit processes for the movement of overweight and oversize vehicles and county roads (including associated traffic control) per LCC 12.44, Size, Weight, Load, and LCC 12.10, Over-legal Movement of Vehicles, respectively.

REGULATION, STATUTE, OR GUIDELINE	DESCRIPTION
Lewis County Building Code (LCC 15.05)	Regulates building construction standards. Lewis County has adopted the 2015 International Building Code.
Lewis County Flood Damage Prevention Ordinance (LCC 15.35)	Establishes regulations to promote public safety and minimize losses due to flood conditions. It regulates development in areas subject to a base flood (defined as the 100-year flood) and/or designated as an area of special flood hazard as identified in the Flood Insurance Study for Lewis County and the accompanying Flood Insurance Rate Maps (1981 and as amended).
Lewis County Stormwater Management Regulations (LCC 15.45)	Provides requirements for including adequate stormwater quantity and quality controls for construction and development activities and outlines associated Lewis County review/permitting procedures. Helps to protect individual property rights, preserve fish habitat, and promote sound development activities which respect and preserve water quality. Ecology's <i>Stormwater Management Manual</i> is referenced in this chapter for use as a guide in selecting appropriate stormwater best management practices.
Lewis County Resource Land Management (LCC 17.30.460)	Establishes accessory uses that are permitted outright in Forest Resource Lands, when uses are directly connected with forestry activity. Permitted accessory uses include watershed management facilities, including diversion devices, impoundments, dams for flood control, and other facilities.  Use of forest resource lands in Lewis County is guided by LCC 17.30, including primary, accessory, incidental, and special uses. Dispersed recreational uses are permitted outright as accessory uses in forest resource lands (LCC 17.30.460[5]).
Lewis County Critical Areas Ordinance (LCC 17.38)	Defines critical areas and their buffers within Lewis County, including wetlands, fish and wildlife habitat conservation areas, aquatic habitat, geologically hazardous areas, critical aquifer recharge areas, and frequently flooded areas. The code regulates development within critical areas and identifies assessment and mitigation requirements.
<i>Chehalis Comprehensive Plan 2017</i>	Identifies land use policies and goals and guides decision-makers in defining how the land in Chehalis and its Urban Growth Area will be used to accommodate the projected population and employment growth over the next 20 years.
City of Chehalis Shoreline Master Program	Governs shorelines of the state and all wetlands and river deltas associated with streams and lakes subject to the Shoreline Management Act within the city.
City of Chehalis Land-Disturbing Activity Regulations (CMC 15.28)	Sets forth rules and regulations to control all land-disturbing activities, including filling and grading, within the City of Chehalis.
City of Chehalis Stormwater and Stormwater Runoff (CMC 15.30)	Provides requirements for including adequate stormwater quantity and quality controls for construction and development activities and outlines the associated City of Chehalis review/permitting procedures.
City of Chehalis Critical Areas Ordinance (CMC 17.21)	Provides development standards and requirements for projects that occur in critical areas in the city.

REGULATION, STATUTE, OR GUIDELINE	DESCRIPTION
Southwest Clean Air Agency Regulations	In addition to Ecology, local clean air agencies protect air quality in Washington. SWCAA regulates emissions sources and fugitive dust levels within Lewis County. Regulations from SWCAA that may apply to nuisance emissions, including from fugitive dust and construction equipment, include the following: <ol style="list-style-type: none"> <li>1. SWCAA 400-040, General Standards for Maximum Emissions</li> <li>2. SWCAA 400-109, Air Discharge Permit Applications</li> <li>3. SWCAA 400-116, Maintenance of Equipment</li> <li>4. SWCAA 400-045, Permit Application for Non-road Engines</li> </ol> These regulations may apply to quarry operations and the concrete batch plant.
Chehalis-Centralia Airport Property Master Plan	Identifies proposed development within the Chehalis-Centralia Airport Area, including expanded aviation uses, as well as commercial and recreational facilities.
Weyerhaeuser Habitat Conservation Plan	Establishes a long-term management plan to minimize impacts to federally endangered plant and animal species that may result from commercial timber harvest practices, as part of an incidental take permit issued by USFWS and NMFS.

## Required Permits and Approvals

### Natural Environment

Table 4 lists the anticipated permits and approvals specific to the natural environment.

**Table 4**  
**Permits and Approvals Required for the Natural Environment**

PERMIT OR APPROVAL	WATER QUANTITY AND QUALITY	GEOLOGY AND GEOLOGIC HAZARDS	GEOMORPHOLOGY	WETLANDS AND OTHER WATERS	AQUATIC SPECIES AND HABITATS	TERRESTRIAL SPECIES AND HABITATS
CWA Section 404 Permit	•			•	•	•
CWA Section 401 Water Quality Certification	•			•	•	•
CWA Section 402 National Pollutant Discharge Elimination System Construction Stormwater General Permit	•	•	•	•	•	•
Endangered Species Act Consultation					•	•
WDFW Hydraulic Project Approval	•		•	•	•	•
Ecology Sand and Gravel General Permit	•	•				
Ecology Water Use Permit	•					
Ecology Dam Construction Permit	•	•				

PERMIT OR APPROVAL	WATER QUANTITY AND QUALITY	GEOLOGY AND GEOLOGIC HAZARDS	GEOMORPHOLOGY	WETLANDS AND OTHER WATERS	AQUATIC SPECIES AND HABITATS	TERRESTRIAL SPECIES AND HABITATS
WDNR Aquatic Use Authorization	•			•	•	
WDNR Forest Practices Act						•
WDNR Surface Mining Reclamation Permit		•				
WDNR Exploration Reclamation Permit		•				
Lewis County Shoreline Substantial Development Permit	•	•		•	•	
Lewis County Land Use Permit	•			•	•	•
Lewis County Fill and Grade Permit	•	•	•	•	•	•
Lewis County Floodplain Development Permit	•			•	•	•
City of Chehalis Earthmoving Permit	•	•		•		
City of Chehalis Land Use Permit	•	•		•	•	•
City of Chehalis Flood Permit	•			•		
City of Chehalis Grading Permit	•		•		•	
City of Chehalis Stormwater and Runoff Permit	•		•		•	

## Built Environment

This section lists the permits and approvals specific to the built environment.

### Air Quality

The following permits and approvals are specific to air quality:

- Establishment and operation of a temporary concrete batch plant in Lewis County would require a temporary permit issued by the Southwest Clean Air Agency (SWCAA) per Regulation 400-036.
- Establishment of a quarry and crusher in Lewis County would be permitted by SWCAA per Regulation 400-109.
- Construction emissions are not regulated in permitting of stationary sources, which covers the emissions resulting from the operation of a source. Mobile sources such as construction equipment and maintenance trucks are regulated separately under the Clean Air Act (CAA).
- SWCAA regulates fugitive dust from construction and operations under the following:
  - SWCAA 400-040, General Standards for Maximum Emissions
  - SWCAA 400-109, Air Discharge Permit Applications
  - SWCAA 400-116, Maintenance of Equipment
  - SWCAA 400-045, Permit Application for Non-road Engines
  - SWCAA 425-060, Outdoor Burning Permit Program/Requirements

### **Visual Quality**

No permits or approvals would be required that are specific to visual quality. However, compliance with the Lewis County Shoreline Permit and Shoreline Master Program would require minimization of any potential visual quality impacts with the potential to adversely affect critical areas or shorelines of the state.

### **Noise and Vibration**

If construction were to occur outside exempted hours, a noise variance from Lewis County or the City of Chehalis would be required.

### **Land Use**

The following permits and approvals are specific to protection of land uses in the study area:

- Approvals from the City of Chehalis, including but not limited to building, grading, and critical areas permits for work in the Airport Levee Improvements project area
- Permits from Lewis County, including but not limited to building, grading, and critical areas permits for work in the flood retention facility project area
- Approval from Lewis County for a land use change in the Lewis County Comprehensive Plan
- Shoreline Substantial Development Permit from the Lewis County Coalition
- Approval from the Washington State Department of Natural Resources (DNR) for a conversion of forestland to other use, under Revised Code of Washington (RCW) 76.09.060, and demonstrated compliance with Forest Practices Rules under Title 222 of the Washington Administrative Code (WAC)
- Agreement, sale, or easement with the Weyerhaeuser Company (Weyerhaeuser) regarding transfer of property

### **Recreation**

No permits or approvals are anticipated to be required for recreation.

### **Cultural Resources**

Cultural resources impacts are being addressed through Section 106 of the National Historic Preservation Act. Through this process, the Applicant would be required to implement a Memorandum of Agreement with the U.S. Army Corps of Engineers, Seattle District (Corps), the Washington Department of Archaeology and Historic Preservation, and potentially affected tribes to address impacts to historic properties.

### **Transportation**

The following permits and approvals are specific to transportation:

- Permits from DNR for updates to forest roads
- Federal Aviation Administration (FAA) review and approval of the Airport Levee Improvements

### **Public Services and Utilities**

The following permits and approvals are specific to public services and utilities:

- Approval from Lewis County Public Utility District No. 1 for any new electrical infrastructure
- Approval from utility service providers to avoid or minimize any construction-related service disruptions
- Roadway encroachment permits
- Lewis County and City of Chehalis grading permits

### **Environmental Health and Safety**

There are numerous licenses that would be needed to ensure safe practices, including the following:

- Licenses for the acquisition, storage, and use of explosives
- Licenses for the storage and application of pesticides and herbicides
- Licenses for heavy equipment operators (such as those that would operate cranes)

### **Socioeconomics**

There are no permitting requirements relevant to socioeconomics.

### **Environmental Justice**

There are no permitting requirements relevant to environmental justice populations.