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Remarks:

The *Environmental Procedures Manual* has been revised. *Please be advised that this revision is **electronic only**.*
To access this manual electronically, go to: www.wsdot.wa.gov/Publications/Manuals/M31-11.htm

Instructions:

Page numbers and corresponding sheet counts are given in the table below to indicate portions of the *Environmental Procedures Manual* that have revisions.

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**Washington State
Department of Transportation**

TECHNICAL MANUAL

Environmental Procedures Manual

M31-11.07

February 2010

Environmental and Engineering
Environmental Services

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Standard within every Corps permit for wetland mitigation is the submittal of an as-built topographic map of the site. These as-built plans should include an official survey following completion of the wetland mitigation site. In addition to submitting the plans to the Corps or lead agency, all supporting documentation should be sent to the WSDOT Wetland Monitoring Program at Headquarters. In addition to the as-built topographic survey, the submittal package should also include: plant species and quantities used, photographs of the site, plant establishment plan (*Standard Specifications* 8-02.3 (13)), and notes about any changes to the original approved plan.

(d) **Mitigation Performance Standards**

The development of complete, well-articulated performance standards is a key component of each wetland (or wetland and stream) mitigation report. A performance standard is a clear description of a measurable standard, desired state, threshold value, amount of change, or trend used to achieve a particular population or habitat characteristic. It may also set a limit on the extent of an undesirable change.

In order to ensure mitigation site performance standards are measurable, Environmental Services Office Wetland Assessment and Monitoring Program staff should review all proposed mitigation reports prior to submittal with the permitting agencies.

For more information, visit the following Wetlands Guidelines Web site:

☞ <http://www.wsdot.wa.gov/Environment/Biology/Wetlands/mitigation.htm#perfcriteria>

(e) **Mitigation Monitoring Methods**

Monitoring plans are developed at the beginning of each field season. Monitoring plans are guided by the goals and objectives, and include strategies for measuring performance standards based on current site conditions and plant community development. Monitoring results are used to guide site management decisions.

Monitoring methods are available online on the Wetland Guidelines Web page at:

☞ <http://www.wsdot.wa.gov/Environment/Biology/Wetlands/monitoring.htm>

(7) **Best Management Practices for Mitigation Site Construction**

- **High Visibility Fencing** – To prevent permit violations during construction, WSDOT Project Delivery Memo #09-02 (December 3, 2009) describes requirements for high-visibility fencing to delineate wetlands, streams, and sensitive areas. The memo outlines criteria for identifying wetland and environmentally sensitive areas during project development.

Contract plans are to identify these areas and show the location of high visibility fencing. See **Section 690.02** for details.

- **Access roads and stockpiles** should be in upland areas that are planned to be buffers.
- **Construction Methods to Minimize Compaction** – BMPs to minimize soil compaction include but are not limited to:
 - Avoid work when soil is moist or saturated
 - Use low-ground-pressure equipment
 - Construct from quarry spall roadways which are removed as the area is excavated
 - Use thick bark mulch blankets (6 inch minimum, may be thicker depending on soil texture and moisture content), large metal plates, temporary bridging within the site to hold equipment during construction
- **Construction Methods to Prevent Erosion** – Consider alternatives to silt fencing, such as compost socks, compost berms, compost blankets, straw wattles, or coir wattles. BMPs that use compost can be left on site. The compost can be spread and incorporated before planting, providing two benefits for one cost. Further information on these structures can be found in the 2008 *Standard Specifications* (Chapter 8) at:

☞ <http://www.wsdot.wa.gov/Publications/Manuals/M41-10.htm>

(8) Other WSDOT Technical Guidance

- **Isolated Wetlands Guidance** – Isolated wetlands are wetlands which do not have surface or subsurface connections to water bodies such as rivers, streams, lakes and bays. Several U.S. Supreme Court cases have addressed the limits of CWA Section 404 jurisdiction with respect to isolated waters. Important cases include the consolidated cases of *Rapanos v. United States* and *Carabell v. United States* (126 S. Ct. 2208, 2006) and *Solid Waste Agencies of Northern Cook County (SWANCC) v. U.S. Army Corps of Engineers* (531 U.S. 159, 2001). The 9th U.S. Circuit Court of Appeals decision, *Headwaters, Inc. v. Talent Irrigation District* (243 F.3d 526, 2001) addresses jurisdiction for waters in constructed ditches. Guidance can be found at:

☞ <http://www.wsdot.wa.gov/Environment/Programmatics/RapanosCase.htm>

and:

☞ http://www.usace.army.mil/CECW/Pages/cwa_guide.aspx

WSDOT Project Delivery Memo #09-02 requires that all wetlands and other sensitive areas be delineated by high visibility construction fencing to minimize violations of permit conditions. See **Exhibit 690-1** for specifications added to Order of Work Section 1-08.04.

Local jurisdictions may also have regulations restricting development in wellhead protection areas, whose boundaries may differ from critical aquifer recharge areas delineated by the Critical Areas Ordinance.

For projects sited over a Sole Source Aquifer or the surrounding Aquifer Sensitive Area, USEPA requires approval of a Stormwater Site Plan. Approval authority often has been delegated to the local county or city. Designated Sole Source Aquifers are: Spokane Valley Rathdum Prairie (Spokane County), Whidbey Island and Camano Island (Island County), Cross Valley (Snohomish and King counties), Newberg Area (Snohomish), Cedar Valley (city of Renton, King County), Lewiston Basin (Asotin and Garfield counties).

Interagency Agreements – In a June 1988 Sole Source Aquifer Memorandum of Understanding with the USEPA and FHWA, WSDOT agrees to give USEPA an early opportunity to participate in development and review of environmental documents for certain projects within sole source aquifer areas. See **Section 433.04** for a summary description and link to the entire agreement.

Processing Time – Varies by jurisdiction.

Fees – Varies by jurisdiction.

(2) **How to Apply**

Contact the local planning department(s) to obtain critical areas maps information and find out what regulations and application procedures affect a particular critical area such as a wetland or a hazardous slope. Local regulations may be more restrictive than federal or state regulations.

JARPA – Floodplain permits are obtained through the Joint Aquatic Resources Permit Application (JARPA) in some jurisdictions (24 counties and 59 cities as of November 2003). Check with the local jurisdiction to find out if JARPA or a separate local permit application is needed. The JARPA can be downloaded from:

☞ <http://www.epermitting.wa.gov/>

Preapplication Conference – Contact local government early in the planning process to avoid critical areas where possible, or determine the need for a study.

Special Information Requirements – Varies by jurisdiction.

Public Notice – Varies by jurisdiction. Public Notice is a requirement of SEPA compliance.

Submitting the Application – Submit related permit applications to the local jurisdiction.

Agency and Public Review – Varies by jurisdiction. Typically, compliance with the critical areas ordinance is considered as part of agency review of related permit applications.

Appeal Process – Local jurisdictions have different appeal processes for land use permits. Typically, permit approvals are followed by a 14-day local appeals process. Some local jurisdictions also require that appellants have “standing,” which may require that they have participated in the permitting process (e.g., submitted comments, etc.).

Post-Permitting Requirements – Mitigation for impacts to critical areas may include post-construction monitoring.

(3) *For More Information*

Please refer to EPM **Chapter 450** (Land Use), for information on environmental documentation initiated during the NEPA/SEPA process, including relevant statutes, interagency agreements, policy and technical guidance.

More information on Critical Areas Ordinances, including some city/county ordinances, is online at:

☞ <http://www.mrsc.org/subjects/environment/criticalpg.aspx>

(4) *Permit Assistance*

Before beginning work on this permit, contact the WSDOT regional office environmental staff for guidance (see **Appendix G** for list of contacts). Local jurisdiction staff can also provide assistance.

Another resource for environmental permits is the Office of Regulatory Assistance, Information Center, 360-407-7037 (800-917-0043), assistance@ora.wa.gov. The center is online at:

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

550.05 Clearing, Grading, and Building Permits

(1) *Overview*

Local land use authority to require clearing, grading, or building permits for WSDOT projects is limited by state law. The International Building Code adopted in Washington does not apply to construction work done in a public way. Public way includes WSDOT’s highway right of way, necessary slope easements, and required ancillary facilities like stormwater or mitigation sites.

Chapter 620

- 620.01 Introduction
- 620.02 Earth
- 620.03 Air Quality
- 620.04 Water Quality
- 620.05 Wildlife, Fisheries, and Vegetation
- 620.06 Wetlands
- 620.07 Noise
- 620.08 Hazardous Materials
- 620.09 Other Elements of the Environment
- 620.10 Transportation/Traffic
- 620.11 Public Services and Utilities
- 620.12 Non-Road Requirements
- 620.13 Exhibits

Key to Icon

 Web site.*

620.01 Introduction

Chapter 620 summarizes any specific environmental requirements applying to different elements of the environment during construction (i.e., earth, air quality, water quality). It is organized to parallel the presentation of requirements for each element of the environment during the design and environmental review phase in **Chapter 420** through **Chapter 470**, and includes requirements included in permit conditions during PS&E as discussed in **Chapter 520** through **Chapter 550**.

These requirements are spelled out in more detail in WSDOT's *Standard Specifications for Road, Bridge and Municipal Construction M 41-10 (Standard Specifications)* and *Construction Manual M 41-01* as cited throughout this chapter.

620.02 Earth

(1) Clearing and Grubbing

Prior to beginning work the site boundaries and all sensitive areas must be marked with fencing as described in Project Delivery Memo #09-02, High Visibility Fence Clarifications (see **Exhibit 690-1**).

*Web sites and navigation referenced in this chapter are subject to change. For the most current links, please refer to the online version of the EPM, available through the WSDOT Environmental Services Office (ESO) home page: <http://www.wsdot.wa.gov/environment/>

From the standpoint of roadside appearance and control of erosion on the right of way, it is advantageous to preserve natural growth where possible. If it is not clearly shown in the contract plans, the Project Engineer should discuss with the landscape architect the preservation of natural growth that will not interfere with roadway and drainage construction before starting clearing operations. Areas to be omitted from clearing or extra areas to be cleared should be determined before starting work and an accurate record made during staking operations. For details, see the *Construction Manual*, Section 2-1. See also **Section 540.23** for land clearing burns and **Section 550.05** for local clearing and grading ordinances.

(2) Excavation

(a) Mining Notification

The U.S. Department of Labor, Mine Safety and Health Administration must be notified at the beginning and end of all mining operations. This includes surface mining, such as normal pit site operations; all crusher operations; and all pits and quarries, including borrow pits. The Project Engineer is responsible for this notification for WSDOT furnished pits; the contractor is responsible for all pits and quarries not furnished by WSDOT.

The Bureau of Mines reports are in addition to reports required by the Washington State Department of Natural Resources. See the *Construction Manual*, Section 1-2.2D.

See **Section 540.19** for information on WDNR's Surface Mining Reclamation permit.

(b) Roadway Excavation

Roadway excavation is specified in accordance with Section 2-03.1 of the *Standard Specifications* and includes all materials within the roadway prism, side borrow area, and side ditches. Borrow, unsuitable excavation, ditches and channels outside the roadway section, and structure excavation are separately designated. See the *Construction Manual*, Section 2-3, for detailed procedures including reestablishment of slopes in the event of landslide or erosion.

(c) Structure Excavation

There are two classes of structure excavation. Class A is excavation necessary for construction of bridge footings, pile caps, seals, wing walls, and retaining walls. All other structure excavation is Class B. See *Standard Specifications* 2-09.3(2), 2-09.3(3), and 2-09.3(4).

All excavation four feet or more in depth shall be shored, or protected by cofferdams, or shall meet the open-pit requirements of Section 2-09.3(3)B of the *Standard Specifications*. Open pit excavation or "glory holes" are not allowed adjacent to running streams.

- Clear delineation of contractor and WSDOT responsibilities.
- Contractor's responsibility to obtain any local agency permits.

If rock crushers are involved in the project, the State Department of Ecology (Ecology) registration requirements should be discussed (WAC 173-400). In addition, a written record of this discussion should be sent to the regional office of Ecology so they are aware of the timing and location of the rock-crushing operation. (See *Construction Manual*, Section 1-2.1C.

(2) Other Submittals

Discuss any other submittals that will be needed during the contract and who is responsible. Environmental submittals may include traffic control plans, temporary water pollution/erosion control plans, and spill prevention plans. See *Construction Manual*, Section 1-2.1C.

(b) High-Visibility Fencing for Sensitive Areas

To prevent permit violations during construction, WSDOT Project Delivery Memo #09-02 (December 3, 2009) describes requirements for high-visibility fencing to delineate wetlands and sensitive areas. The memo (**Exhibit 690-1**) outlines criteria for identifying wetland and environmentally sensitive prior to commencing construction. Contract plans are to identify these areas and show the location of high visibility fencing.

(4) Construction Monitoring and Non-compliance Events

(a) Construction Monitoring

Environmental inspectors are identified for projects that pose a high level of environmental risk (e.g. projects with in-water work, those affecting sensitive receptors, endangered species or involve a lot of earth work near water bodies etc.). Those inspectors are responsible for monitoring the implementation of environmental commitments.

(b) Unforeseen Situations

Unforeseen situations will frequently occur during construction, for example, finding cultural artifacts, digging up an underground storage tank or encountering contaminated soil. These situations will likely trigger the Environmental Compliance Assurance Procedure discussed below. Sometimes these discoveries will require further review on the part of a resource agency. Refer especially to **Section 620.04** (Water Quality), **Section 620.05** (Wildlife, Fisheries, and Vegetation), **Section 620.06** (Wetlands), **Section 620.08** (Hazardous Materials), and **Section 620.09** (Land Use, Cultural Resources, and any other sections) for more detail in addressing unforeseen circumstances.

(c) Corrective Action for Apparent Non-Compliance Events

As the owner-contracting agency, WSDOT is responsible for enforcing provisions of the contract. However, WSDOT must also monitor for compliance with all environmental commitments and provisions of regulations which are enforced by resource agencies. Any potential non-compliance events noticed by WSDOT or the contractor will be brought to the attention of the Region environmental staff to document the situation and coordinate a resolution. Coordination will follow the provisions of the Environmental Compliance Assurance Procedure for Construction (ECAP). See *Construction Manual*, Section 1-2.2k(1) online at:

☞ <http://www.wsdot.wa.gov/NR/rdonlyres/7124F20E-9159-4737-9C3B-C1FB2896633A/0/ECAP.pdf>

WSDOT will also notify the responsible agency if necessary and utilize such sanctions as are consistent with contract terms in assisting the responsible agency in enforcing laws, rules, and regulations. See also *Construction Manual*, Section 1-2.2I on safety and health, and Section 1-2.2J on environmental considerations.

When WSDOT employees observe something that is questionable or appears not to be in compliance with state or local laws, ordinances, and regulations, they must bring it to the Project Engineer's attention. The Project Engineer is responsible for bringing it to the contractors' attention for proper action. Experts in the WSDOT's Regional Office or Headquarters Office or resource agencies should be consulted when dealing with complex issues such as environmental compliance, safety, or hazardous materials. See *Construction Manual*, Section 1-1.72.

(5) Maintenance Walkthrough

Using the Commitment Tracking System, the Maintenance Office can access all of its' commitments for a project that require long-term maintenance. Prior to substantial completion of a project, a Maintenance representative should be walked through the site and be shown any of these features. A representative from the Environmental Office with knowledge of the project's commitments should coordinate with the Project Engineer to organize the meeting and to ensure all the appropriate environmental commitments pertaining to long-term maintenance are reviewed and understood by the Maintenance representative. A list of maintenance commitments is available using the Commitment Tracking System and should also be provided at that time.

(6) Final Inspection

Construction work on contracts financed in whole or in part with federal funds are subject to final inspection and final acceptance according to the criteria contained in the Construction Monitoring Plan (March 2003), which is part of the WSDOT/FHWA Stewardship Plan. Project type and size determine whether FHWA, the Headquarters Construction Office, or Regional Office will conduct the final inspection.

Final inspections will be performed on all federally aided projects any time after 90 percent completion, and no later than 30 days after physical completion. Final acceptance reports will be completed on all interstate projects delegated to WSDOT and will be completed by the OSC Construction Office as soon as all project requirements have been met. Some environmental commitments will require a final inspection and notification of completion to the resource agency. See *Construction Manual*, Sections 1-2.2D and 1-2.5H.

The 'Commitment Status' feature of the CTS allows any user to change the status between Open, Closed, On-Hold, Cancelled, and Not Applicable, depending on the circumstances of the project. The date of a change in status, as well as an explanation, is also collected. This feature is intended to help facilitate the final inspection process and issuance of final acceptance reports.

690.03 Exhibits

Exhibit 690-1 High Visibility Fence Clarifications – Project Delivery Memo #09-02

Exhibit 690-2 Commitment Status



**Washington State
Department of Transportation**

Memorandum

December 3, 2009

TO: Keith Metcalf, Eastern Region
Dan Sarles, North Central Region
Lorena Eng, Northwest Region
Kevin Dayton, Olympic Region
Don Whitehouse, South Central Region
Donald Wagner, Southwest Region
Craig Stone, Tolling Division
Ron Paananen, Alaskan Way Viaduct
Julie Meredith, SR 520 Program
Timothy M. Smith, Director of Terminal Engineering

FROM:  J.C. Lenzi, Chief Engineer
(360) 705-7032

SUBJECT: **Project Delivery Memo #09-02** – High Visibility Fence Clarifications

Background

Installing High Visibility Fence (HVF) to protect environmentally sensitive areas is crucial to achieve environmental compliance, by visually drawing attention to locations that should be protected from project-related impacts. In 2004, a series of permit violations revealed that WSDOT needed to specifically designate HVF locations in the contract documents. Project Delivery Memo (PDM) #04-04 provided guidance and Regions and Washington State Ferries (WSF) developed specific HVF design and installation methods based on that guidance.

A statewide workgroup recently developed new Standard Specifications to address common permit conditions associated with HVF installation and protection of sensitive areas. The updated contract language meets the construction and material requirements found in the PDM #04-04. However, the new contract language does not address how the HVF should be visually designated on the plan sheets.

The intent of this memorandum is to:

1. Rescind outdated sources of HVF guidance
2. Identify new HVF implementation guidance
3. Communicate expectations

Rescinded Guidance

Project Delivery Memo #04-04, *High Visibility Construction Fencing*, is rescinded.

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New Guidance

New HVF Standard Specifications became available on August 3, 2009. In addition, PDM #09-02 compliments the Standard Specifications and provides guidance on how to visually designate HVF in the plans.

Action Requested

1. Use HVF Standard Specifications and Standard Plans, plus any subsequent amendments, to protect sensitive areas. These include:
 - Section 1-07.16(2)A *Wetland and Sensitive Area Protection*
 - Section 1-08.4 *Prosecution and Progress*
 - Section 8-01.3 *Construction Requirements*
 - Section 9-14.5(8) *High Visibility Fencing*
 - Standard Plan I-10.10-00 *High Visibility Fencing*

Note: Projects to be constructed in phases and that have permits allowing phased installation of HVF shall develop a Special Provision supplementing Standard Specification 1-08.4 to address HVF installation.

2. As of August 3, 2009, delete any WSF and Region HVF General Special Provisions (GSP) from Region GSP libraries, which were based on PDM #04-04. If project Special Provisions are needed, modify the appropriate HVF Standard Specifications (referenced in #1 above).
3. As projects are developed, show all sensitive areas on the contract plans along with the locations where HVF shall be installed. Examples include, but are not limited to:
 - Areas where permits allow temporary or permanent wetland impacts;
 - Areas that will be temporarily protected from disturbance until, as part of the scheduled work, they will be accessed to improve environmental features;
 - Areas that are designated within the project where clearing or grading are not allowed; and
 - Areas where temporary impacts are permitted to portions of sensitive areas (e.g. crossing a wetland to access work area).

For complex projects, WSF and Regions may develop a separate set of plans dedicated to environmentally sensitive areas. These plans identify locations where HVF shall be installed to protect these areas. Less complex projects may depict HVF placement locations in other sets of plans, such as Site Preparation, Grading Sections, Temporary Erosion/Sediment Control, or Alignment/Right of Way.

*Note: Projects with no work beyond the paved surface will be waived from this HVF requirement as long as the contract provisions address the Contactor not leaving existing paved surfaces without approval of the Engineer. Consider supplementing Standard Specification 1-07.16(1) *Private/Public Property* with such language. Project Engineers are encouraged to consult with Region Environmental Managers in making a decision to waive these requirements.*

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4. During construction, the Project Engineer may identify additional areas per Standard Specification 1-07.16 to be protected from damage. These areas shall be fenced at the Engineer's request. Project office staff is encouraged to work with WSF and Region environmental staff to verify sensitive areas prior to start of construction or ground disturbing activities.
5. References to Project Delivery Memo #04-04 (e.g. manuals, training material, web pages) shall be replaced or deleted as appropriate.

JL:sc
KR/EW/MW/JC/CM

cc: Region Project Development Engineers
Region Construction Engineers
Region Environmental Managers
David Moseley
Scott Witt
Chris Christopher
John Sibold
Megan White
Pasco Bakotich
Jeff Carpenter
John White
Kim Henry
Mike Cotten

Microsoft Internet Explorer provided by WSDOT Version: 6.0 SP2

Address: http://webprod2.wsdot.wa.gov/Audit/Compliance/Commitments/EditCommitmentStatus.aspx?now=1

Intranet Home | Human Resources | Search | Site Index | WSDOT Internet

Commitment Tracking System

version 1.3.3

Edit Commitment Status

PIN420504A
Project Title 1-205/Mill Plain SB Off Ramp - Add Turn Lane

Commitments Edited Successfully

Hide Closed/Cancelled Documents and their commitments

Document Type:	Document Title:
BA	1-205, Mill Plain SB Off-Ramp Improvements (Safety), MP 28.33; APBA

Project Phase Status	Explanation	Date
Design	11/8/2006 Carey's Contractor provided SPCC plan and it is adequate.	11/8/2006
Construction		

Commitment Description: Staging areas will not be located within 90 meters (300 feet) of any potential wetland, stream or river.

Project Phase Status	Explanation	Date
Design	11/8/2006 Carey's Plan sheets show staging areas and exceed the minimum distance.	11/8/2006
Construction		

Commitment Description: Project will not initiate paving, chip sealing or stripe painting in rainy weather.

Project Phase Status	Explanation	Date
Design	Not Applicable	11/8/2006
Construction		

Project

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