

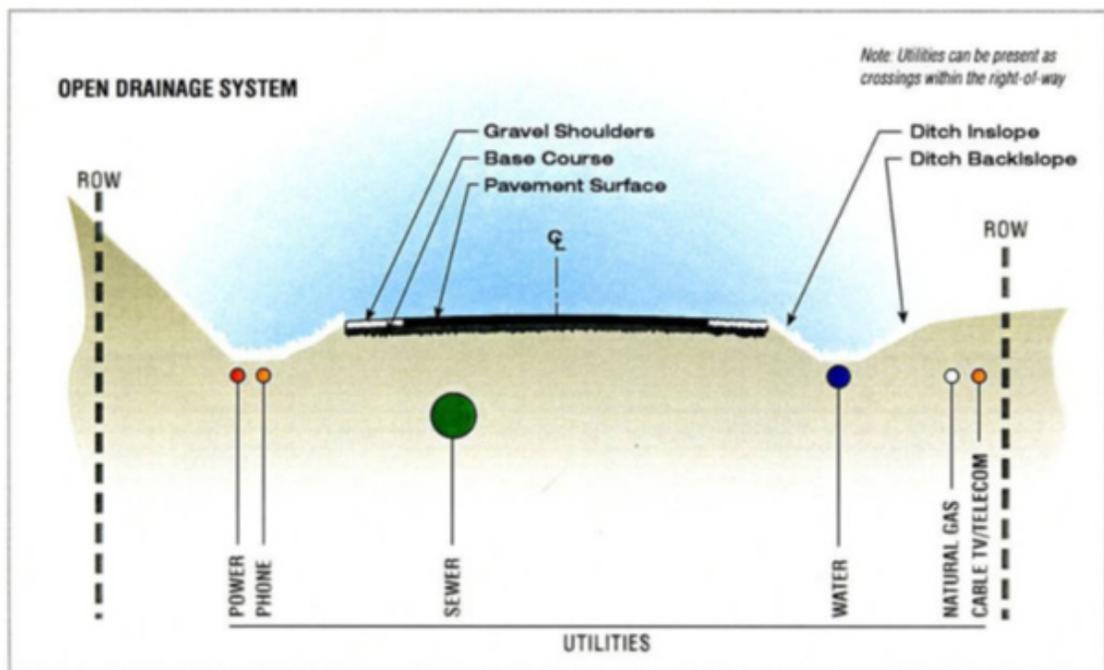
Environmental Considerations

Declaring an Emergency

WSDOT has the authority to declare an emergency under [RCW 47.32.130](#) and [47.28.170](#). For environmental purposes a “Declaration of Emergency” is made when there is an immediate threat of damage to the road structure or threat of safety to the traveling public. WSDOT Environmental staff can rely upon the Declaration of Emergency to ensure itself that the proposed work falls within the various definitions of the term “emergency” as found in the federal and state environmental laws. Regulatory agencies require notification and authorization procedures (see discussion under Responding to an Emergency on the following page).

Road Structure

The following diagram illustrates components of the road structure which include roadway, shoulders, drainage features, sediment containment, retention/detention, utilities, permits/franchises, street lights, and traffic signals.



Responding to an Emergency

1. **Notification** – Each region is required to develop notification procedures for contacting resource agencies prior to or during an emergency response. To obtain a region’s current procedure, contact the region Maintenance Environmental Coordinator (RMEC) below. Region emergency notification procedures should include contact information for the US Army Corps of Engineers, WDFW, NMFS, USFWS, Ecology, Shoreline Administrators, Tribes, and Cultural Resources and specify whether the notification and/or authorization is immediate or follow-up, and the type of information that is required.

Region Maintenance Environmental Coordinator	
Northwest Region	206-440-4523
Olympic Region	360-570-6707
Southwest Region	360-905-2179
South Central Region	509-577-1758
North Central Region	509-667-3054
Eastern Region	509-324-6136

2. **During an Emergency Response** – Emergency response is covered under WSDOT’s ESA 4(d) Program coverage under Maintenance Category 11. This program identifies that emergency response will include the following measures to minimize and avoid impacts during an emergency response:
 - Emergency response and inspection followed by implementing the region emergency response notification procedures above.
 - Where possible, emergency maintenance will use the same best management practices (BMPs) as routine maintenance activities covered under the program to avoid and minimize impacts.
3. **Documenting the Emergency Response** – WSDOT can be protected from future liability by using the following methods of documentation.
 - **Telephone Logs** – Keeping telephone billing statements as documentation provides incalculable proof that notification requirements were made in a timely manner to the proper authority.
 - **Photographs** – Taking photographs documenting site conditions before, during, and after an event provides invaluable information. Digital photographs allow for a quicker response. Written documentation should be provided to explain photographs.
 - **Diaries or Disaster Maintenance (DM) Work Orders** – Record the events and observations as they occur. Record the who, what, where, when, and how of the event. Often a few short sentences in a field notebook are better than a few foggy memories.

Permit Documentation and Federal Nexus

Environmental statutes and rules may require permit documentation following an emergency response. This is managed by the region environmental office. Below is an overview of basic documentation procedures for National Environmental Policy Act (NEPA), State Environmental Policy Act (SEPA) and Endangered Species Act (ESA) compliance. Other permit documentation may be required by WDFW, USACE, Ecology, Tribes, and Local Shoreline and Floodplain Permits.

1. NEPA and SEPA Documentation

Categorical Exclusions (NEPA)

- a. Emergency repairs restoring essential travel, minimizing the extent of damage, or protecting remaining facilities have been classified as categorical exclusions under [23 CFR 771.117\(c\)\(9\)](#). These actions are excluded from the requirement to prepare an Environmental Assessment or Environmental Impact Statement.
- b. Emergency relief projects that involve permanent repair work to restore the existing facility in-kind at the existing location are likely to be viewed as categorical exclusions.

Categorical Exemptions (SEPA)

- a. Maintenance work that stabilizes the situation and construction work that restores the highway system have been classified as categorical exemptions under [WAC 468-12-880](#). They are not subject to SEPA review.
- b. Repair projects that are categorically exempt (for SEPA) may require additional documentation in the NEPA process. This occurs when repair projects receive funding under the Emergency Relief (ER) Program, they must comply with NEPA requirements.

2. **ESA Federal Nexus** – Emergency response maintenance work may trigger a federal nexus that requires consultation requirements under ESA Section 7. National Marine Fisheries Service (NMFS) has issued a letter that clarifies maintenance work covered under WSDOT's regional Road Maintenance Program (RRMP) ESA 4d Program also satisfies ESA compliance requirements for other federal nexuses. Examples of federal nexuses may include the following:

- a. Federal pass through funding (i.e., FHWA emergency relief funding or FEMA funding).
- b. USACE provided assistance (flood fight).
- c. Floodplain Permit required under the FEMA.
- d. Federal Permit Authorizes work (USACE permits).
- e. Work located on federal lands (USFW, National Park Service, Military, or Tribal Lands).

Contact the appropriate WSDOT RMEC for questions regarding whether emergency response actions are covered under WSDOT's RRMP ESA 4d Program.

