

**SECTION 1.6 PERTINENT FEDERAL,
STATE AND LOCAL REQUIREMENTS
(WAC 463-42-685)**

1.6.1 TABLE OF APPLICABLE FEDERAL, STATE AND LOCAL PERMIT REQUIREMENTS

Table 1.6-1 lists all applicable federal, state, and local permits and related requirements that would apply to construction of the proposed Cross Cascade Pipeline if it were not under EFSEC jurisdiction. The table lists the permits or requirements, identifies the permitting agency, and cites the authorizing statute or regulation. The table also identifies the section(s) in the application relating to each permit or requirement. The table does not list required easements since those are considered real estate transactions. In addition the table does not list the local building permits and various approvals that are incorporated into the building permit process except for the clearing and grading permits for King County. In some cases there are local approvals which may be specific to pipelines, these type of permits are listed. Following the table is a narrative description of these permits or requirements, along with Olympic Pipe Line's (OPL's) plan for complying with these requirements.

**TABLE 1.6-1
APPLICABLE FEDERAL, STATE AND LOCAL PERMIT REQUIREMENTS**

Permit or Requirement	Agency/Statute & Regulation	Application §§
Federal		
National Environmental Policy Act (NEPA)	The U.S. Forest Service is the NEPA lead agency. 42 U.S.C. §§ 4321 et seq., 40 CFR Pt 1500 et seq., 10 CFR part 1021	2.7.1; 2.17.4
Temporary Special Use Permit	U.S. Forest Service Forest Service Handbook 2709.11 Section 54.6	3.4
Discharge of Dredged or Fill Material (§ 404)	Army Corps of Engineers Clean Water Act, § 404; 33 U.S.C. § 1344; 33 CFR 320 et seq.; 40 CFR Pt 230	2.14.3; 2.17.5; 3.4.1.2
Section 10, Rivers and Harbors Act of 1877	Army Corps of Engineers	2.14.3; 2.17.5; 3.4.1.2
49 CFR Pt 190, Pipeline Safety Program Procedures 49 CFR Pt 194, Response Plans for Onshore Oil Pipelines	U.S. Department of Transportation	2.3; 2.9; 2.14; 2.16

TABLE 1.6-1 (CONTINUED)
APPLICABLE FEDERAL, STATE AND LOCAL PERMIT REQUIREMENTS

Permit or Requirement	Agency/Statute & Regulation	Application §§
49 CFR Pt 195, Transportation of Hazardous Liquids by Pipeline 49 CFR Pt 199, Subpart A Drug Testing and Subpart B Alcohol Misuse Prevention Program		
Threatened or Endangered Species Biological Assessment	NEPA lead agency (USFS) Endangered Species Act, 16 U.S.C. § 1531 et seq.; 50 CFR Pt 402	3.4.2
Historic Preservation/Landmark Review	NEPA lead agency (USFS) National Historic Preservation Act, 16 U.S.C. § 470 et seq.; 36 CFR §§ 60-63, 800; 16 U.S.C. § 469 et seq.; Historic Sites, Buildings, Objects, and Antiquities, 16 U.S.C. § 469 et seq.; 36 CFR §§ 296.1; 43 CFR §§ 7.1 et seq.	5.1.7
Approval for Construction on Federal Lands	Bureau of Land Management Minerals Leasing Act 43 CFR Part 28.81	5.1
Spill Prevention, Control and Countermeasure Plan	U.S. EPA 40 CFR part 112; (State of Washington WAC 173-180D)	2.9
State of Washington		
State Environmental Policy Act (SEPA)	Each county through which the pipeline passes would have the opportunity to be the lead agency. Ch. 43.21C RCW; Ch. 197-11 WAC	Application
Notice of Construction (Air Quality) WAC 173-401-500(3)(c)	Department of Ecology (Ecology) RCW 70.94; Ch. 173-400-102	2.11; 3.2; and 6.1.2.2
Temporary Modification of Water Quality Criteria	Ecology Ch. 90.48 RCW; Chs. 173-201 and 173-222 WAC	2.14; 3.1
Water Quality Certification (§ 401)	Ecology, Central Programs, Environmental Review Section, Olympia. Federal Clean Water Act, Section 401; Ch. 173-225 WAC	5.1.1
NPDES and State Waste Discharge Baseline General Permit for Stormwater Discharge Associated with Construction	Ecology, Industrial Stormwater Unit Federal Clean Water Act; Ch. 90.48, 90.50, 90.52	2.10; 7.1

TABLE 1.6-1 (CONTINUED)
APPLICABLE FEDERAL, STATE AND LOCAL PERMIT REQUIREMENTS

Permit or Requirement	Agency/Statute & Regulation	Application §§
and Industrial Activities	RCW; Ch. 173-220 WAC	
Coastal Zone Management Program Consistency Certification	Ecology, Shorelines Program 16 U.S.C. 1451 et seq. 15 CFR parts 923-930	5.1.1
Hydraulic Project Approval	Department of Fish and Wildlife RCW 75.20.100 and 103; Ch. 220-110 WAC	3.4.4
Utility Approval	Department of Transportation RCW 47.32, RCW 80.50; Ch. 468-34 WAC	5.2
Archaeological Excavation Permit	Department of Community Development, Office of Archaeology and Historic Preservation Chs. 27.44, 27.53 RCW; Ch. 25-48 WAC	5.1.7
Regional - Puget Sound Air Pollution Control Agency		
Notice of Construction	Puget Sound Air Pollution Control Agency	6.1.6.2
Annual Registration and Inspection	Resolution 530	
Local - King County		
Zoning Code	Department of Development and Environmental Services (DDES); Title 21A (includes Sensitive Area Ordinance 9614)	2.2.4; 5.1
Comprehensive Planning Policies	DDES; Title 20 Sec. 20.12 Comprehensive Plan Provisions; Sec. 20.54 Agricultural Lands; Sec. 20.62 Historic Lands	5.1.1
Shoreline Substantial Development Permit	DDES; Title 25 Ordinance 3692	5.1.1
Drainage and Erosion	DDES; Title 9 Sec. 9.04 Drainage and Erosion Sec. 9.12 Water Quality	2.8
Utility Permits	DDES; Title 14 Sec. 14.44 Utilities in Rights-of-Way	2.3; 5.2
Special Use Permit	Parks and Recreation; Title 14 Section 14.30 Utilities on Other County Property	2.3; 5.2

TABLE 1.6-1 (CONTINUED)
APPLICABLE FEDERAL, STATE AND LOCAL PERMIT REQUIREMENTS

Permit or Requirement	Agency/Statute & Regulation	Application §§
Noise Regulations	DDES Ch. 70.107 RCW; Ch. 173-60 WAC	4.1.1
Building Codes	DDES; Title 16 Sec. 16.82 Clearing and Grading	2.10
Local - Snohomish County		
Conditional Use Permit	Planning Dept., Title 18, Zoning Code Title 32, Critical Areas	2.10; 3.4
Shoreline Substantial Development Permit	Planning Dept., Shoreline Master Program, Title 21	2.15; 5.1
Clearing and Grading Permit	Title 24, Drainage Ordinance	2.10; 2.14
Right-of-Way Permit	Public Works Dept, Title 13	5.2
Flood Hazard Permit	Planning Dept.; Flood Hazard Ordinance, Title 27	3.3; 2.15
Local - Kittitas County		
Shoreline Substantial Development Permit	Planning Dept.	2.15; 5.2
Flood Damage Prevention Ordinance	Planning Department; Ordinance 93-18	
Franchise Permit	Public Works Dept.; Ordinance 82-7 Chap. 12.52	2.3; 5.2
Conditional Use Permit	Planning Dept.; Code 17.60	5.1
Critical Areas Determination	Planning Dept; Code 17A	2.10; 3.4
Local - Grant County		
Franchise Permit	Public Works Dept.	5.2
Resource Lands and Critical Area Development	Planning Dept.; Ordinance No. 93-49 CC	2.10; 3.4
Shoreline Substantial Development Permit	Planning Department	3.3; 3.4, 5.1
Local - Adams County		
Critical Area Ordinance	Planning Dept.; Ordinance 0-2-93	2.10; 3.4
Franchise Permit	Public Works Dept.	2.3; 5.2
Local - Franklin County		
Shoreline Substantial Use Permit	Planning Dept.	3.3; 3.4; 5.1
Conditional Use Permit	Planning Dept.; Ordinance 18080	5.1
Franchise Permit	Public Works Dept.	2.3; 5.2

TABLE 1.6-1 (CONTINUED)
APPLICABLE FEDERAL, STATE AND LOCAL PERMIT REQUIREMENTS

Permit or Requirement	Agency/Statute & Regulation	Application §§
Critical Area Ordinance	Planning Dept.; Ordinance No. 4-95	2.10; 3.4
Local - City of Snoqualmie		
Shoreline Substantial Development Permit	Title 19, Chapter 19.08	3.3; 3.4; 5.1
Sensitive Areas Ordinance	Title 19, Chapter 19.12	2.10; 3.4
Flood Hazard Permit	Title 15, Chapter 15.12	2.15; 3.3
Local - City of North Bend		
Street Use Permit	Public Works Department	2.3; 5.2
Clearing and Grading Permit	Chapter 19.10	2.10
Sensitive Area Ordinance	Chapter 14.04	2.10; 3.4
Shoreline Permit	Chapter 15.40 and 15.44	3.3; 3.4; 5.1

1.6.2 FEDERAL PERMITS

National Environmental Policy Act (NEPA)

United State Forest Service

42 U.S.C. §§ 4321 et seq., 40 CFR Pt 1500 et seq., 10 CFR 1021

Since the proposed pipeline crosses federal land and requires federal permits, compliance with the National Environmental Policy Act (NEPA) is required before any federal permits or approvals can be issued for the construction or operation of the proposed Cross Cascade Pipeline. NEPA is intended to ensure that government officials consider environmental values, alternatives, and cumulative impacts when making decisions regarding major projects. The United States Forest Service (USFS) is the designated federal lead agency for NEPA review.

Compliance Plan: The USFS is preparing an Environmental Impact Statement. The USFS's NEPA review is being prepared in cooperation with the State to satisfy the requirements of the State Environmental Policy Act (SEPA).

Temporary Special Use Permit

United States Forest Service

Forest Service Handbook Regulation 2709.11, Section 54.6

This regulation requires individuals or companies to obtain a permit to conduct studies or research on Forest Service lands. The permit is primarily directed at areas of late-successional and old-growth forest within the range of the northern spotted owl and the marbled murrelet. Although the proposed route lies outside of the Forest Service's old-growth management area it is close enough that the agency may invoke the special use authorization.

Compliance Plan: Obtain the permit by filling out the proper forms and submitting information regarding the proposed studies or research.

Army Corps of Engineers Dredge and Fill, § 404 Permit

Army Corps of Engineers

Clean Water Act, § 404; 33 U.S.C. § 1344; 33 CFR 320 et seq.; 40 CFR Pt 230

An Army Corps of Engineers (Corps) § 404 permit is required to locate a structure, excavate, or discharge dredge or fill material into the waters of the United States, including most wetlands. The Corps has primary responsibility for the § 404 permit program and must evaluate whether the benefits from the project outweigh the predicted environmental impacts. Depending on the nature of the construction or potential impact, the Corps has established a Nationwide Permit Program which, provided certain conditions are met, allow for an expedited process. Nationwide permit Nos. 12 (Utility Line Backfill and Bedding) and 26 (Headwaters and Isolated Waters Discharge) may apply to construction of the proposed pipeline through wetlands. The Corps has indicated that due to the number of water bodies crossed and potential impacts, the project may not qualify for a nationwide permit and an individual permit would be required. The review process for an individual permit typically takes from 6 to 12 months, depending on project complexity.

Compliance Plan: In accordance with Corps guidelines, OPL has delineated all wetlands potentially impacted by the proposed pipeline. Based on the delineation, a 404/Section 10 application has been submitted to the Corps for processing. OPL is working with the Corps to ensure that Corps regulatory requirements are met through the permitting or NEPA process.

OPL will ensure compliance with applicable § 404 guidelines to avoid potential impacts to the maximum extent practicable; to minimize potential unavoidable impacts to the extent appropriate and practicable; and to provide compensatory mitigation (if necessary) for any identified impacts that construction activities may have on wetlands and water quality.

Army Corps of Engineers Section 10 Permit

Rivers and Harbors Act of 1877

This act requires the Corps of Engineers to evaluate and issue a permit for construction within navigable waters of the United States. For the proposed project this includes all stream crossings where there will be construction below the ordinary high water mark. In many cases, this permit process is combined with the 404 permit process and they are issued concurrently.

Compliance: All navigable water bodies where construction is planned below the ordinary high water mark will be identified. For each stream crossing the method of crossing will be identified. For major stream crossings, individual plans and specifications detailing the crossing method, spoil locations, cut and fill areas, etc. will be prepared; for minor stream crossings typical drawings will be prepared. Application has been made to the Corps concurrently with the 404 application.

Pipeline Safety Program Procedures

Federal Department of Transportation

40 CFR Pt 190

The regulation prescribes procedures utilized by the Research and Special Programs Administration and the Office of Pipeline Safety for conducting inspections and enforcing regulations.

Compliance Plan: OPL complies with all federal and state safety laws and regulations and is routinely open to inspection by federal and state regulatory personnel.

Response Plans for Onshore Oil Pipelines

Federal Department of Transportation

40 CFR Pt 194

This regulation contains requirements for oil spill response plans to describe how a pipeline owner/operator would reduce the environmental impact of accidental discharges from onshore pipelines. It applies to an operator of an onshore pipeline that, because of its location, could reasonably be expected to cause substantial harm to the environment by discharging into or on navigable waters or adjoining shorelands. The operator is required to identify which pipeline sections may cause significant and substantial harm, determine a worst case discharge for each response zone, and prepare a response plan.

Compliance Plan: OPL will prepare and submit a response plan to the Pipeline Response Plans Officer, Research and Special Programs Administration, Department of Transportation. As provided in Part 194.109, OPL may submit a response plan that complies with state laws and regulations.

Transportation of Hazardous Liquids by Pipeline

Federal Department of Transportation

40 CFR Pt 195

This regulation prescribes safety standards and reporting requirements for pipeline facilities used in the transportation of petroleum products. The regulation prescribes minimum design requirements for new pipeline systems constructed with steel pipe and specifies the requirements for operation and maintenance of the pipeline.

Compliance Plan: OPL will construct and operate the proposed Cross Cascade Pipeline to fully comply with all the requirements of Part 195, including all of materials incorporated by reference in Part 195.3.

Drug Testing

Federal Department of Transportation

40 CFR Pt. 199

The regulation has two subparts, Subpart A, Drug Testing, requires operators of pipeline facilities regulated under Part 195 to test employees and contractors for the presence of prohibited drugs and to provide an employee assistance program. Subpart B, Alcohol Misuse Prevention Program, requires programs to help prevent accidents and injuries resulting from the misuse of alcohol by employees who perform covered functions for operators of certain pipeline facilities.

Compliance Plan: OPL maintains an active drug testing program and an alcohol misuse program for their existing pipeline operation. These programs will apply to any new employees and contractors hired to operate the proposed Cross Cascade Pipeline.

Threatened or Endangered Species Assessments

National Environmental Policy Act (federal) lead agency

Endangered Species Act, 16 U.S.C. § 1531 et seq.; 50 CFR Pt 402

The Endangered Species Act (ESA) provides for the conservation of endangered and threatened species and the ecosystems upon which they depend. For federal agency actions, ESA Section 7 establishes a "procedural obligation to consult" with the United States Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) if there may be an impact on an endangered or threatened species. Consultation is required when a federal action may affect a listed endangered or threatened species to ensure that any action authorized by a federal agency is not likely to jeopardize the continued existence of listed species or result in the destruction of adverse modification of habitat critical to their existence.

For major construction projects significantly affecting the quality of the human environment, the agency prepares a "biological assessment" to determine whether the endangered or threatened species or its habitat are likely to be affected by the action. The biological assessment may be made part of the environmental impact statement prepared for the project. If the biological assessment concludes that the project is likely to affect endangered or threatened wildlife or its habitat, formal consultation with the USFWS or NMFS becomes necessary. The ESA consultation, conference, and biological assessment procedures may be consolidated with NEPA procedures.

Compliance Plan: OPL *has prepared a biological evaluation and submitted it for review to the USFS. OPL is coordinating the requirements for the biological assessment with the U.S. Forest Service (the NEPA lead agency) on ESA review.

Historic Preservation/Landmark Review

National Environmental Policy Act (federal) lead agency (USFS)

National Historic Preservation Act § 106, 16 U.S.C. § 470 et seq.; 36 CFR §§ 60-63, 800; 16 U.S.C. § 469 et seq.

The National Historic Preservation Act (NHPA) authorizes the Secretary of the Interior to expand and maintain a National Register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering and culture. Federal agencies having authority to license any undertaking must, prior to approval of funds or issuance of any license, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register.

The purpose of the Natural Landmarks program is to identify and encourage the preservation of nationally significant examples of the full range of ecological and geological features that constitute the nation's natural heritage. Pursuant to NEPA, federal agencies are responsible for considering the existence and location of natural landmarks when assessing the effects of their actions on the environment. The Federal agency must give the Advisory Council on Historic Preservation (an independent Federal agency) a reasonable opportunity to comment during the Section 106 process.

Compliance Plan: OPL has worked with the USFS during the NEPA review process to review the applicable criteria and has determined which existing buildings, structures, or objects at or near the pipeline route are eligible for nomination to the National Register of Historic Places. OPL will work with the USFS to prepare a Programmatic Agreement (PA) that will help streamline and tailor the 106 process to the Cross Cascade Pipeline project. The PA may include provisions that provide for inventories, evaluation, consultation, or mitigation that may be required after project approval. The PA will provide a predictable process for dealing with cultural resources as the project goes through final design and construction.

Approval for Construction on Federal Lands

Bureau of Land Management

Minerals Leasing Act

43 CFR Pt 28.81

Approval for construction on federal lands requires submittal of an application to construct or obtain an easement on federal lands. The regulation requires the BLM to be the lead agency or defer the decision to the Department of Interior. However, BLM retains the responsibility to prepare an easement stipulation agreement for all federal lands.

Compliance Plan: The State of Washington EFSEC and SEPA process, in conjunction with the Federal NEPA process, will provide the information that BLM will use to develop the easement stipulated agreement.

Spill Prevention, Control and Countermeasure Plan (SPCC Plan)

Environmental Protection Agency

40 CFR Pt 112

A spill prevention, control and countermeasure plan is required to ensure that OPL has a plan in place for responding to spills from the fuel storage facility (Kittitas Terminal). The requirements for such plans are set out in detail in the federal regulations.

Compliance Plan: A spill prevention, control and countermeasure plan will be developed at least 65 days prior to commencement of pipeline operations, consistent with applicable requirements and spill plans in place for the existing OPL facilities.

1.6.3 STATE PERMITS

State Environmental Policy Act (SEPA)

Ch. 43.21C RCW; Ch. 197-11 WAC

Compliance with the State Environmental Policy Act (SEPA) is required before any state or local permits or approvals can be issued for the construction or operation of the facility. The SEPA process would be generally the same, regardless of lead agency. In the absence of the EFSEC process, the Cross Cascade Pipeline would be required to undergo SEPA review by all local jurisdictions that the pipeline corridor passes through, unless the local agencies deferred their authority to another agency. The SEPA regulations require the Department of Ecology to be the lead agency for facilities that store 1 million gallons or more of fuel. It is possible that because of this authority, the Department of Ecology would have been designated the lead agency.

Compliance Plan: The pipeline is being reviewed under both federal and state environmental laws. A joint NEPA/SEPA EIS is being prepared to comply with SEPA and NEPA requirements.

Notice of Construction

Department of Ecology

Ch. 70.94 RCW; Ch. 173-401 WAC

As a new emission source, OPL would be required to file a notice of construction application for the Kittitas Terminal prior to construction of the facility. The notice of construction includes an evaluation of emissions, a description of the control equipment used to minimize air emissions and an estimate of emissions.

Compliance Plan: Based on the type of fuels to be stored and loaded/unloaded at the Kittitas Terminal an estimate of the potential emissions is calculated. The facility will be equipped with the best available control technology to reduce emissions below significant levels. Information in the application is intended to document emission limits and other applicable requirements for an emissions source. Part 6 of this Application contains the application for Notice of Construction. A copy has been provided directly to the Department of Ecology for its review.

Temporary Modification of Water Quality Criteria

Washington Department of Ecology

Ch. 90.48 RCW; Chs. 173-201 and 173-222 WAC

Some of OPL's construction activities may temporarily disturb water quality and will require a Temporary Modification of Water Quality Criteria. Such construction activities must employ Best Management Practices (BMPs) and All Known, Available, and Reasonable Treatment technology (AKART) to reduce impacts on water quality.

Compliance Plan: OPL will use BMPs and AKART in the design and performance of construction activities that affect water quality. OPL will coordinate with EFSEC/Ecology to ensure compliance with these requirements and to reduce the impact of construction activities on water quality.

Water Quality Certification

Washington Department of Ecology

Federal Clean Water Act, Section 401; Ch. 173-225 WAC

A Section 401 Water Quality Certification will be required in connection with any federal permits for activities that would potentially impact water quality. Ecology issues the certification to inform the relevant federal agency (e.g., the Corps, in the case of a Section 404 discharge of dredged or fill material) that the proposed activities will comply with applicable water quality standards and discharge limitations.

In addition to a completed application form, a Water Quality Certification application includes a project description, the nature of any water quality impacts, if any (including specific standards that may be violated), and the schedule, duration, and extent of these occurrences.

Compliance Plan: OPL has provided typical wetland and stream crossing methodologies, outlined erosion and sedimentation plans, and provided mitigation plans as part of the EFSEC application process. Prior to construction, OPL will submit specific engineering plans and specifications and a complete erosion and sedimentation plan to EFSEC. The EFSEC review and approval process is as stringent as that conducted by the Department of Ecology and will form the basis for issuing certification.

NPDES and State Waste Discharge Baseline General Permit for Stormwater Discharge Associated with Construction and Industrial Activities

Washington Department of Ecology

Federal Clean Water Act; Chs. 80.50 & 90.48 RCW; Chs. 173-216 & 220 WAC

An NPDES (National Pollution Discharge Elimination System) and state waste discharge base-line general permit for stormwater will be required for stormwater discharge resulting from construction of the pipeline.

Construction activities that disturb more than five acres of land require notice to Ecology and compliance with the stormwater general provisions for construction activities. Permit requirements include the preparation of a stormwater pollution prevention plan incorporating best management practices (BMPs) to prevent or control stormwater pollution. A stormwater NPDES permit for operation of the Kittitas Terminal may not be required because there will be no discharge to waters of the state. Operation of the pipeline is exempt from stormwater NPDES requirements.

Compliance Plan: At least thirty (30) days prior to beginning construction, OPL will submit a Notice of Intent to be covered by Ecology's General Baseline Permit for Stormwater Discharges for construction activities. The Notice of Intent will be submitted to EFSEC. Pursuant to the General Permit, OPL will prepare a Stormwater Pollution Prevention Plan that identifies appropriate BMPs to reduce the pollution loadings resulting from construction activities and facility operation. These BMPs will be incorporated into project design, and OPL will ensure that they are observed during construction activities. OPL will consult with EFSEC/Ecology to determine the need for an NPDES permit for Stormwater Discharges Associated with Industrial Activities (Kittitas Terminal).

Coastal Zone Management Program Consistency Certification

Washington Department of Ecology

16 U.S.C. § 1451 et seq.; 15 CFR Pts 923-930

A Coastal Zone Management Act Consistency Certification would be required for Corps-authorized projects or other federally licensed or permitted projects. Ecology reviews proposed projects for consistency with state environmental requirements, including shoreline permits. If the pipeline is consistent with those requirements, Ecology issues the certification.

Compliance Plan: The pipeline may cross shoreline or wetlands areas, requiring federal 404 or Section 10 permits or approvals. The pipeline will be designed to be consistent with applicable shoreline regulations and policies, as well as other state environmental requirements. The coastal zone certification can be issued by EFSEC through the site certification process and approval by the Governor.

Hydraulic Project Approval

Washington Department of Wildlife and Fisheries

Ch. 75.20 RCW; Ch. 220-110 WAC

Hydraulic Project Approval (HPA) will be required for segments of the pipeline that cross or disturb the natural flow or bed of a stream or river. An HPA application must include general project plans, a vicinity map, complete plans and specifications for work within the high water line, as well as plans and specifications for protecting fish life.

Compliance Plan: OPL will coordinate the design, and timing of stream crossing, including all bypass conveyance pipelines or flumes with the Department of Fish and Wildlife to ensure that all HPA requirements are met. The proposed pipeline will be constructed in a manner, to the degree feasible, that protects fisheries and fish habitat.

Utility Approval

Washington Department of Transportation

468-34 WAC; RCW 47.32, RCW 80.50

The Department of Transportation requires approval for crossing state highways or construction within the right-of-way of a state highway.

Compliance Plan: Information is provided in the Application for Site Certification to EFSEC on state highway crossing locations, crossing methods, and potential impacts. If impacts to state highways are expected, mitigation will be developed and included in the Site Certification Agreement prepared by EFSEC.

Archaeological Excavation Permit

Washington Department of Community Development

Ch. 27.44, 27.53 RCW; Ch. 25-48 WAC

An archaeological excavation permit would be required for the excavation (if necessary) of Native American grave or archaeological resources located along pipeline rights-of-way.

Compliance Plan: At this time, it is anticipated that no archaeological resources will be impacted. However, a Programmatic Agreement through the Council on Historic Preservation that sets out protocols for protection of archaeological resources will be prepared.

1.6.4 REGIONAL PERMIT

Notice of Construction and Annual Registration and Inspection

Puget Sound Air Pollution Control Agency

Resolution 530

The regional air pollution control agency would issue a notice of construction for the pump stations at Thrasher and North Bend. Annual registration and inspection may be required.

Compliance Plan: The pump stations will use sealed pipes and valves and will be enclosed within a building. Fugitive emissions will be controlled below regulatory threshold levels and are not considered a significant source. The Notice of Construction will be issued by EFSEC.

1.6.5 COUNTY PERMITS

1.6.5.1 King County

Zoning Codes

Department of Development and Environmental Services

Title 21A (includes Ordinance No. 9614 Sensitive Areas)

The pipeline would need to be constructed and operated in conformance with King County zoning regulations. King County zoning regulations include development standards for construction that may affect sensitive areas. Minimum guidelines include precluding incompatible uses in recharge areas; measures to protect groundwater resources in recharge areas, buffers on wetlands; restrictions on development or mitigation for wetlands; and limitations for constructing on steep slopes. To construct a project within a sensitive area, an exemption process has been established to ensure compliance with the ordinance.

Compliance Plan: An analysis of land use and zoning consistency was conducted as part of this Application. This Application concludes that the pipeline and associated pipeline facilities are consistent with King County land use regulations. Potential impacts to wetlands have been identified and impacts to other potentially sensitive areas have been defined and included in technical reports submitted to King County. Pipeline design and engineering will take into consideration potential impacts on steep slopes, flood hazard areas, groundwater recharge areas and other identified sensitive areas. OPL will coordinate activities with King County and EFSEC to ensure, to the extent feasible, the King County development standards are incorporated into the pipeline design features.

Comprehensive Planning Policies

Department of Development and Environmental Services

Title 20, Comprehensive Plan Provisions (Sec. 20.12), Agricultural Lands (Sec. 20.54) and Historic Lands (Sec. 20.62)

These regulations provide general planning policies and guidance and measures for protecting or minimizing impacts on agricultural and/or historic lands. The plan review process evaluates potential impacts and mitigation, if proposed. Through the review process, King County can impose mitigative measures to protect identified lands.

Compliance Plan: Through the EFSEC process, OPL will continue to coordinate with King County to ensure impacts, if any, are identified and undertake appropriate mitigative measures to protect or restore agricultural or historic lands.

Shoreline Substantial Development Permit

Department of Development and Environmental Services

King County Shoreline Management Master Program, Title 25, Ordinance 3692

A shoreline substantial development permit would be required for any substantial development located within 200' of a designated shoreline area, including the Tolt River, Tokul Creek, Snoqualmie River and the South Fork Snoqualmie River. A permit application requires plans, specifications, and a description of the proposed activity.

Compliance Plan: Facilities located in shoreline areas will be consistent with the Shoreline Management Act and the applicable King County shoreline management master programs. This Application provides the approximate locations where shoreline areas would potentially be affected by the proposed project. The Application also provides a description of typical construction methodology for construction within shoreline areas.

OPL will, as appropriate, coordinate shoreline construction activities with both EFSEC and King County Department of Development and Environmental Services.

Utility Permits

Department of Development and Environmental Services

Right-of-Way Construction Permits; Title 14, Sec. 14.44

Title 14 authorizes and provides a process for the issuance of permits to accommodate private utilities and other uses of King County owned real property (County road rights-of-way). The proposed construction is evaluated to determine use in relationship to other facilities using the property; adequacy of engineering and

design, and applicable federal, state, and local laws.

Compliance Plan: OPL will submit to King County all plans and specifications for the proposed use (crossing or horizontal longitudinal occupancy) of King County road right-of-way. The application includes a listing of road crossings and a discussion of typical construction methods. OPL will coordinate with King County Roads and Engineering Division regarding road crossings and construction within road rights-of-way.

Special Use Permit

Department of Parks and Recreation

Right-of-Way Construction Permits; Title 14, Sec. 14.30

Section 14.30 of Title 14 authorizes and provides a process for the issuance of permits to accommodate private utilities and other uses of King County owned real property other than road right-of-way, and includes County property such as bridges on the Cedar Falls Trail. The proposed construction is evaluated to determine use in relationship to other facilities using the property; adequacy of engineering and design, and applicable federal, state, and local laws.

Compliance Plan: OPL will submit to the King County Department of Parks and Recreation all plans and specifications for the proposed use of County-owned bridges on the Cedar Falls Trail

Noise Regulations

Department of Development and Environmental Services

Ch. 70.107 RCW; Ch. 173-60 WAC

Although no permit is required, the King County Division of Housing and Zoning (Inspection Services) is responsible for noise control and abatement. State standards have been established for maximum environmental noise levels. Permissible noise levels established by state regulation vary, depending on the source of the noise and the nature of the receiving environment. Noise performance standards established by state regulation must be met during the construction and operation of the pipeline.

Compliance Plan: There will be one pump station located within King County, near North Bend. This facility is located in a non-residential area. However, the pump station will be enclosed in a building within a 1.5-acre lot. No noise impacts are anticipated.

Building Codes

Department of Development and Environmental Services

Clearing and Grading Permit; Title 16, Sec. 16.82

Title 9; Drainage and Erosion Sec. 9.04 and Water Quality Sec. 9.12

This permit is intended to regulate clearing and removal of vegetation, excavation, grading and earthwork construction including cuts and fills. The regulations provide requirements to minimize storm water, control erosion and sedimentation, minimize impacts on aquatic and wildlife habitat and provide an administrative procedure for approval of plans and specifications and issuance of permits. The permit review process will take into consideration drainage, erosion, and water quality development standards found in Title 9.

Compliance Plan: OPL will prepare engineering plans and specifications for the proposed pipeline. These plans and specifications will be submitted to EFSEC. As part of construction planning, an erosion and sedimentation control plan and, if necessary, a drainage technical information report will be prepared and submitted to EFSEC. In conjunction with the application and other information prepared for EFSEC, these submittals will meet or exceed the King County requirements.

1.6.5.2 Snohomish County

Conditional Use Permit

Planning Department

Title 18, Chapter 18.72 Zoning Code

Title 32, Chapter 31.10 Critical Areas

Construction of the pipeline and the Thrasher Station would require a Conditional Use Permit to determine compliance with zoning regulations including specific ordinances that protect the environment or other resources. The permit review process includes analysis of the proposed project for critical areas, agricultural conservation, noise, and groundwater protection. Permit application requires site description, topography, and location of potential critical areas. Depending on the type of critical area and potential impact, more site-specific information may be required. If there is an identified impact, a mitigation plan may be required.

Compliance Plan: OPL has determined the proposed pipeline and pump station is in conformance with existing zoning regulations. The application identifies critical areas and describes potential impacts and mitigation measures. OPL will continue to further define critical areas and coordinate activities with Snohomish County. Prior to construction, OPL will submit construction plans and specifications to EFSEC and copies to Snohomish County Planning Department.

Shoreline Substantial Development Permit

Planning Department

Title 21, Shoreline Management Master Program

A shoreline permit is required to determine conformance with shoreline requirements and evaluate and mitigate potential impacts within designated shorelines. The proposed pipeline crosses the Snoqualmie River, which is a designated shoreline. Permit application requires a description of the project and submittal of plans and specifications to the Snohomish County Planning Department. During the application review process site specific conditions may be imposed to protect the shoreline environment.

Compliance Plan: The proposed pipeline will be constructed through a "rural environment" shoreline designation. Pipelines are considered a permitted use in rural environment shoreline. In addition, it is proposed that the Snoqualmie River be crossed by placing the pipeline within the utility box under the existing County-owned bridge. The proposed construction meets the policies and guidelines set forth in the Shoreline Master Program.

Clearing and Grading Permit

Planning Department

Title 24, Drainage Ordinance

The purpose of the ordinance is to minimize water quality degradation and control sedimentation of creeks, streams, rivers, lakes and other water bodies. The permit requires submittal of a site drainage plan, which can be waived if the proposed project does not alter surface discharge location, increase peak discharge, increase runoff volume, or cause any other adverse effects in the drainage area. The regulation provides a definition to determine if some areas present special drainage-related problems.

Compliance Plan: The proposed corridor is primarily sited within an existing transmission line corridor. Clearing and grading will be confined within the existing corridor and erosion and sedimentation control measures will be provided. The application provides a description of best management practices which may be utilized. OPL will prepare an erosion and sedimentation control plan for construction activities. This plan will be submitted to EFSEC with copies provide to Snohomish County. Construction activities will be coordinated with EFSEC and Snohomish County.

Flood Hazard Permit

Planning Department

Title 27, Flood Hazard Ordinance

The purpose of this permit is to protect public health, safety, and welfare in those areas subject to periodic flooding. The provisions of the title apply to any development proposed in a special flood hazard area.

Specifically this title states that buried utility lines transporting refined petroleum products be buried a minimum of 2' below the maximum scour depth of the waterway. The depth shall be maintained within the floodway fringe.

Compliance Plan: In the flood fringe, the pipeline will be located either 4' below ground surface or approximately 2' below maximum scour depth, which ever is greater. Prior to construction, engineering plans and specifications for flood areas will be submitted to EFSEC, copies will be provided to Snohomish County.

Right-of-Way Franchise Permit

Public Works Department

Title 13

The Right-of-Way Franchise Permit is required for construction within or through County property or rights-of-way. Permit application requirements include description of the proposed activity and plans and specifications.

Compliance Plan: OPL will secure franchises in all jurisdictions that require a franchise for construction within or through County rights-of-way. OPL has identified proposed road crossings and provided typical construction methodology for road crossings. Prior to construction, OPL will submit detailed construction plans and specifications to the Snohomish County Public Works Department for the purposes of obtaining a franchise or revises the existing franchise OPL has with Snohomish County. Actual construction across roads and in the utilidor located under the Snoqualmie River bridge will be coordinated with the County.

1.6.5.3 Kittitas County

Shoreline Substantial Development Permit

Planning Department

90.58 RCW; Ch. 173-14 WAC

A shoreline substantial development permit would be required for the pipeline to be located within 200' of a shoreline area, including crossing at the Yakima River, Swauk Creek, and Columbia River.

Compliance Plan: The application identifies the location of each water crossing or areas of construction that are within shoreline zones (Appendix A). The application includes a typical drawing for construction methodologies and a construction schedule. Construction activities will conform with applicable laws.

Construction plans and specifications will be submitted to EFSEC with a copy to Kittitas County.

Franchise Permit

Public Works Department

Ordinance 82-7, Chapter 12.52

A Franchise Permit is required to use the roads, streets, avenues, highways, alleys, rights-of-way or other county properties. The ordinance requires approval of plans and specifications for installation of pipes through or in county properties. All material and equipment is to conform to industry standards. Installation of pipelines is to interfere as little as possible with public travel and where trenches are to be left open at night, warning lights and barricades will be placed to provide adequate warning.

Compliance Plan: OPL will secure franchises in all jurisdictions that require a franchise for construction within or through County rights-of-way. OPL will submit engineering plans and specifications to the Kittitas County Public Works for the purpose of obtaining a franchise if needed. OPL will coordinate actual construction through County property and rights-of-way with the Kittitas Public Works Department.

Conditional Use Permit

Planning Department

Code 17.60

A conditional use permit is required for construction of the pipeline where a pipeline or petroleum terminal is not an outright permitted use. Conditional use permits are granted after a county review process.

Compliance Plan: OPL will apply to EFSEC for site certification, which requires a substantial review and evaluation process that includes land use hearings and adjudicated hearings. The information provided in this process will meet or exceed what would normally be required by Kittitas County to make a conditional use determination.

Critical Areas Ordinance

Planning Department

Code 17A, Ordinance 94-22

The Critical Areas Ordinance sets forth procedures by which critical areas are designated and protected. The ordinance applies to lands within unincorporated Kittitas County, including state and private lands. A checklist of critical area information is to be submitted before commencement of land use activities. A legal description, location of the critical area, and plans and specifications are to be submitted.

Compliance Plan: OPL has identified the potential critical areas in the proposed route. Actual delineation of critical area boundaries and plans and specifications for pipeline construction in these areas will be submitted to EFSEC prior to construction. OPL will coordinate with EFSEC, Kittitas County, and other

resource agencies regarding potential impact and any required mitigation if necessary.

1.6.5.4 Grant County

Franchise Permit

Public Works Department

90.58 RCW; Ch. 173-14 WAC

A Franchise Permit is required to cross or utilize county-owned property or rights-of-way. The ordinance requires approval of plans and specifications for road crossings, schedule, and measures to protect public health and safety during construction.

Compliance Plan: OPL will secure franchises in all jurisdictions that require a franchise for construction within or through County rights-of-way. The Application identifies potential road crossings and typical construction methods. Plans and specifications for pipeline construction will be submitted to Grant County Public Works for the purpose of obtaining a franchise if needed. OPL will coordinate construction activities across county lands and rights-of-way with Grant County.

Resource Lands and Critical Areas Development

Planning Department

Ordinance 93-49-CC (includes Wetland Development Permit)

The purpose of the ordinance is to ensure the conservation of agricultural, forest, and mineral resource lands and provide development regulations precluding land uses or development that is incompatible with designated critical areas. If a proposed development is within the boundary(s) of critical areas or resource lands, additional investigation and analysis are required. The ordinance provides minimum development standards for construction within a critical area.

Compliance Plan: Based on available data, OPL has identified potential critical areas in this Application. OPL will coordinate with the Grant County Planning Department to further define critical areas, as appropriate. Engineering plans and specifications will be submitted to EFSEC, with copies to Grant County. During construction, OPL will coordinate activities with EFSEC and Grant County to ensure any special conditions for critical areas in the Site Certification Agreement are met.

Shoreline Substantial Use Permit

Planning Department

Pipeline construction through Grant County would require a shoreline permit for crossing the east bank of the Columbia River. Application requirements include site location drawings, plans and specifications and

a description of the activity.

Compliance Plan: The approximate location of shoreland impact and the proposed crossing methodology are identified in this Application. Actual plans and specifications for construction in shorelands will be submitted to EFSEC, with copies to Grant County. Construction activities will be coordinated with EFSEC and Grant County.

1.6.5.5 Adams County

Critical Areas

Planning Department

Ordinance 0-2-93

The ordinance defines critical areas as frequently flooded, aquifer recharge areas, geologically hazardous, fish and wildlife conservation areas, and wetlands. A permit application requires the identification of potential critical areas and impacts to determine what, if any, management policies contained in the ordinance will guide development decisions.

Compliance Plan: OPL has identified potential critical areas in the pipeline corridor. OPL will coordinate with EFSEC and Adams County to further define potential critical areas and, as appropriate, determine what, if any, management policies, may be applicable to mitigate potential impacts. OPL will coordinate construction activities with EFSEC and Adams County Planning Department.

Franchise Permit

Public Works Department

Franchise permit requirements and the proposed compliance plan are similar to the franchise requirements of other counties. See Kittitas County: Franchise Permit.

Shoreline Substantial Use Permit

Planning Department

Pipeline construction through Adams County would require a shoreline permit for crossing streams. Application requirements include site location drawings, plans and specifications and a description of the activity.

Compliance Plan: The approximate location of shoreland impact and the proposed crossing methodology are identified in this Application. Actual plans and specifications for construction in shorelands will be submitted to EFSEC, with copies to Adams County. Construction activities will be coordinated with

EFSEC and Adams County.

1.6.5.6 Franklin County

Shoreline Substantial Use Permit

Planning Department

Pipeline construction through Franklin County would require a shoreline permit for crossing of shorelands at Esquatzel Coulee. Application requirements include site location drawings, plans and specifications and a description of the activity. The City of Pasco uses the Shoreline Master Program promulgated by Franklin County.

Compliance Plan: The approximate locations of shoreland impact are identified in this Application. Typical construction methodology for stream crossings is also identified in the application. Actual plans and specifications for construction in shorelands will be submitted to EFSEC, with copies to Franklin County. Construction activities will be coordinated with EFSEC and Franklin County.

Conditional Use Permit

Planning Department

Ordinance 18.80

The Conditional Use Permit is required to evaluate impacts on existing land use and compliance with current zoning. The county normally requires a description of the activity and its purpose and need. The application, usually accompanied by a SEPA checklist, is circulated to various county departments to ensure compliance with county ordinances and other interested agencies.

Compliance Plan: As part of the application, OPL will submit current comprehensive plans and zoning regulations to EFSEC. Public hearings to determine compliance with local plans and zoning requirements will be held by EFSEC in Franklin County. Completion of the SEPA process through EFSEC will meet the substantive requirements of the Franklin County conditional use permit.

Franchise Permit

Public Works Department

Resolution No 77-220, Supplement Resolution 78-28

The Franchise Permit requirements include identification of the impacted county properties and rights-of-way and the nature of the proposed activity. Plans and specifications are to include position, depth, or height, and location of all lines to be constructed, showing relative location to existing rights-of-way.

Compliance Plan: OPL will secure franchises in all jurisdictions that require a franchise for construction within or through County rights-of-way. In this Application, OPL has identified potential properties and rights-of-way that will be potentially impacted. The Application also includes a discussion on typical construction methodologies. Prior to construction, OPL will submit plans and specifications to EFSEC with copies to Franklin County for the purpose of obtaining a franchise from Franklin County if needed. Construction activities will be coordinated with Franklin County Public Works.

Critical Areas Ordinance

Planning Department

Ordinance No. 4-95

The critical areas ordinance defines critical areas, including wetlands, aquifer recharge areas, fish and wildlife conservation areas, flood areas, geologic hazardous areas, and air and water sources. The ordinance requires identification of potential critical areas within the project area and make an estimate of the probable impacts. The ordinance sets measures to avoid impacts to critical areas and, if necessary, mitigation measures can be implemented to minimize impacts.

Compliance Plan: The application has identified potential critical areas and described construction methodologies which will minimize potential impacts. Although the proposed route crosses through some critical areas such as wetlands, the proposed construction methodology will minimize impacts. OPL will continue to define potential critical areas and coordinate with EFSEC, state regulatory agencies and Franklin County to minimize potential impacts.

1.6.6 CITY PERMITS

1.6.6.1 City of Snoqualmie

Shoreline Substantial Development Permit

Planning Department

Title 19, Chapter 19.08

Shoreline permits require an application that includes plans and specifications and a description of the proposed activity including starting and ending dates of construction. The proposed corridor crosses several designated shorelands within the jurisdiction of the City of Snoqualmie, including the Snoqualmie River and associated sloughs.

Compliance Plan: In this Application, OPL has identified pipeline corridor crossings of shorelands within the City of Snoqualmie. Typical construction methodologies and construction schedules have also been included in the Application. Prior to construction, OPL will submit construction plans and specifications to

EFSEC and the City of Snoqualmie.

Sensitive Areas Ordinance

Planning Department

Title 19, Chapter 19.12

The Sensitive Areas Ordinance provides a definition for classifying certain areas as sensitive. These areas include wetlands, aquifers, geologic hazardous areas, and critical habitat. A proposed project is to identify what potential impacts may occur to sensitive areas. During the permit review process, potential impacts are evaluated to determine if mitigative measures are required.

Compliance Plan: OPL has identified potentially sensitive areas and included the information in this Application. Prior to construction, engineering plans and specifications will be submitted to EFSEC and to the City to further define sensitive areas and potential impacts. OPL will implement mitigative measures as required in the Site Certification Agreement.

Flood Hazard Permit

Engineering Department

Title 15, Chapter 15.12

This permit is required to ensure proposed projects do not restrict flood flows or endanger the health, safety, or property of others. An application requires a description of the project, use of structure elevation drawings, and topographic maps. The ordinance requires that any proposed project which reduces flood storage provide offset storage.

Compliance Plan: OPL has provided site descriptions and maps of the proposed pipeline corridor in this Application. The proposed corridor is located on the Cedar Falls Trail and it is not anticipated that a Flood Hazard Permit would be required. However, OPL will provide copies of engineering plans and specifications to the City of Snoqualmie.

1.6.6.2 City of North Bend

Street Use Permit

Public Works Department

This permit is required for construction within a city right-of-way. The permit application requires identification of the area of use and engineering plans and specifications and schedule.

Compliance Plan: This Application identifies pipeline corridor road crossings and a typical construction

methodology. Engineering plans and specifications will be submitted to EFSEC prior to construction, and a copy will be provided to the City of North Bend. OPL will coordinate construction activities with the North Bend City Engineer.

Clearing and Grading Permit

Public Works Department

Municipal Code 19.10

For construction involving the removal of vegetation, and excavation, filling, or affecting drainage, a Clearing and Grading Permit is required. The code exempts most utilities; however, it does not exempt petroleum product lines. Clearing and grading requirements are primarily directed at control of erosion and sedimentation. Application requirements include plans and specifications, schedules, outline of methods for clearing and a final grading and restoration plan.

Compliance Plan: OPL will submit construction plans and specifications to EFSEC which will show location and depth of the pipeline excavation. Prior to construction, OPL will prepare a stormwater pollution prevention plan which will detail the specific methods for preventing erosion and sedimentation and a final grading and restoration plan will be submitted to EFSEC. These plans will meet or exceed the clearing and grading requirements of the City of North Bend.

Shoreline Substantial Development Permit

North Bend Shorelines Board

Municipal Code 15.40 and 15.44

For projects proposed within 200' of designated water bodies, a shoreline permit, if not exempted, would be required. The proposed pipeline would be required to obtain a substantial development permit because the route crosses over the South Fork Snoqualmie River. The shoreline review process also takes into account the flood plain regulations in Code 15.40.

Compliance Plan: The proposed project will be constructed across the railroad trestle crossing of the South Fork Snoqualmie River. Excavation will be limited to the Cedar Falls Trail. The pipeline construction will conform to the standards set forth in the shoreline management code. OPL will submit construction plans and specifications for shoreland crossings to EFSEC with copies to the City of North Bend.

Sensitive Area Ordinance

Planning Department

Code 14.04

This ordinance sets development standards for projects which may potentially impact wetlands, stream buffers, wildlife habitats, geologically unstable areas and other sensitive sites. The ordinance requires identification of such sites and what, if any, potential impacts may occur. After review of a proposed project, developments standards may be applied to the project to protect sensitive resources.

Compliance Plan: Because the proposed pipeline will be constructed within the trail bed of the Cedar Falls Trail, no impacts on sensitive areas have been identified. To ensure compliance, OPL will continue to define sensitive areas along the proposed corridor and, where appropriate, adjust the specific route to avoid impacts. Final construction drawings will be submitted to EFSEC and copies will be provided to the City of North Bend.

1.6.6.3 City of Pasco

Rights-of-Way Use Permit

Public Works Department

The Rights-of-Way Use Permit is required for construction on or through a city right-of-way. A permit would be required for constructing the pipeline under Tank Farm Road/Sacajawea Park Road (Pers. comm., Pelligrew, 1996). The permit requires submittal of plans and specifications, and a description of the excavation, manner of installation, backfill and type and size of temporary structures. If construction will interfere with use of the right-of-way, additional standards may be imposed.

Compliance Plan: OPL will submit engineering plans and specifications with typical details of the proposed road crossings to EFSEC and copies will be provided to the City of Pasco Engineering Department. Actual constructions will be coordinated with the City of Pasco.

1.6.6.4 City of Kittitas

No permits currently identified.

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