

# Certification of Consistency with the Washington State Coastal Zone Management Program for Activities Requiring a Federal License or Permit

Washington State Department of Ecology Email: <u>fedconsistency@ecy.wa.gov</u> AGENCY USE ONLY
Date Received: 6/13/2023
Aquatics ID#: 142496
County: Pierce
Team: HQ

#### Why is this Certification of Consistency Required?

The federal Coastal Zone Management Act (CZMA) authorizes states to review federal actions for consistency with the federally approved enforceable policies of state coastal management programs. The issuance of federal licenses and permits are federal actions that are subject to state review where those licenses and permits have been listed by the state as subject to review. Listed federal license or permit activities under Washington's Coastal Zone Management (CZM) Program are found on the Office for Coastal Management's <u>website</u>. Applicants for listed authorizations in the State's coastal zone<sup>1</sup> must show that the proposed activity is consistent with the <u>enforceable policies</u> found in four state laws and their implementing regulations (the Shoreline Management Act, Clean Air Act, Water Pollution Control Act, and Ocean Resources Management Act (ORMA)), and in the Marine Spatial Plan for Washington's Pacific Coast (MSP). Examples of federal permits and licenses include U.S. Army Corps of Engineers (Corps) permits, Federal Energy Regulatory Commission (FERC) licenses, and U.S. Coast Guard bridge permits. A federal agency cannot issue a permit or license unless the Department of Ecology (Ecology) concurs that the project is consistent with Washington's enforceable policies. If the state issues a CZMA objection to a proposed federal license or permit activity, the federal agency cannot authorize the activity unless the state removes its objection or the U.S. Secretary of Commerce overrides the state objection in an appeal filed by the applicant.

The requirements for CZMA federal consistency reviews are found at 16 U.S.C. § 1456 (Section 307 of the CZMA) and the Federal Consistency regulations at 15 CFR part 930. The specific rules for the review of federal licenses and permits are found at 15 CFR part 930, subpart D. Ecology has prepared this form to help applicants demonstrate consistency with the State's CZM Program.

#### **Next Steps:**

For projects that need a Corps permit, please submit the form and supporting materials as described below to the Corps at <u>NWS-PermitApp@usace.army.mil</u> and it will be forwarded to Ecology for review. For projects that need other types of federal permits or licenses, please submit the form and supporting materials to <u>fedconsistency@ecy.wa.gov</u>.

Along with this form, please submit the following:

- A copy of the application for federal permit or license,
- Project location map,
- Site plans, and
- Supporting documentation as identified below under the enforceable policies.

<u>Note</u>: For projects on Washington's Pacific Coast, if ORMA and/or the MSP apply, an ORMA analysis or MSP Effects Evaluation must be included with your consistency certification; this may take considerable time to prepare.

<sup>&</sup>lt;sup>1</sup> The Coastal Zone includes <u>all areas</u> of the following counties: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Wahkiakum, and Whatcom.

Ecology will then:

- Review your Certification of Consistency to make a Federal Consistency decision for the project.
- Publish a public notice (or this may be published by the applicable federal agency).
- Contact you if further information is needed.

Ecology has six months from receipt of the consistency certification package to issue a decision (concurrence, concurrence with conditions, or objection). If Ecology does not act within six months, the activity is presumed to be consistent with the CZM program. If additional time is needed, Ecology may contact you regarding a 'stay' of this date.

Note: Ecology cannot issue a concurrence until all of the applicable permits/authorizations are received.

### For More Information:

Ecology's Federal Consistency Webpage: Coastal zone management federal consistency review

### I. Identify the Applicable Federal License or Permit

Federal Agency:		
🖾 Corps	🗆 USCG	Federal Permit/License Number (if known): NWS-2022-516
🗆 FERC	🗆 Other	Federal Agency Point of Contact: Halie Endicott halie.endicott@usace.army.mil

### II. Project Information

Project Name: Fugate Residential Dock									
Project Location (Note: Please attach a project location map and site plans with this form)									
Address: <b>5216 Picnic Point Dr NW</b> (If there is no address, provide other location information)	City: Gig Harbor	County: <b>Pierce</b>							
Land ownership (check all that apply): $oxtimes$ Private $oxtimes$	🛛 State 🛛 Federal 🗌 Tribal	$\Box$ Other:							
Waterbody that the project is in or has the potential <b>Sound</b>	to affect: Wollochet Bay, Puget	WRIA Number: <b>15 - Kitsap</b>							
Detailed description of the proposed activity, its associated facilities, and effects to coastal resources and uses:									
Install new single-use pier, ramp, and float. Dock will consist of: (1) 4'x50' (4'x47' overwater) aluminum pier with welded truss and (1) 3'x40' (3' x 34' overwater) aluminum ramp with side rails, and (1) 8'x24' float with polyethylene foam filled drum floatation. The pier, ramp, and float decking surfaces are 50% composite decking, 50% fiberglass grating with 1.5" squares and 69% open area. Galvanized steel pile installation includes: (2) 8" piles, (4) 10" piles, and (4) pile mounted float stops designed to prevent grounding of the float. Total overwater coverage is 482 sq ft, and dock extends 105' from existing concrete bulkhead. Zoning classification: Rural Residential. Current comprehensize designation: Residential Shoreline. SMP designation: Pierce County SMP. Project is located on an 0.59 acre parcel (0221193016), on the eastern shore of Wollochet Bay, Puget Sound.									
Has tribal consultation been initiated?	🛛 Yes 🗌	No							
Has local government review or consultation been in	itiated? 🛛 🖾 Yes 🗌	No							

## **III. Enforceable Policies**

State Shoreline Management Act (SMA)						
Is the proposed project within shoreline jurisdiction? $oxed X$ Yes $oxed D$ No						
(If unknown, check with the local jurisdiction. If no, then skip the remainder of this section.)						
Does the proposed project require a shoreline permit/authorization? $oxed{V}$ Yes $oxed{D}$ No						
(If no, then skip the remainder of this section.)						

Applied for or received permit/authorization: <ul> <li>Cocal jurisdiction permit number(s):</li> <li>Local jurisdiction permit number(s):</li> <li>Local jurisdiction issuance date(s):</li> <li>Ecology permit filing (SDP/CUP/Variance):</li> </ul> State Clean Air Act (CAA)         Ecology date of filing (SDP/CUP/Variance):           State Clean Air Act (CAA)         Ecology date of filing (SDP/CUP/Variance):           Obes the proposed project require a CAA permit?         Yes         No           Opes the proposed project require a CAA permit?         Yes         No           Opes the proposed project require a CAA permit?         Yes         No           Opes the proposed project require a CAA permit?         Yes         No           Opes the proposed project require a WQC         Notice of Construction (NOC) number:         (please attach copy of application package)           Beceived air permit - Date submitted:         Notice of Construction (NOC) number:         (please attach copy of application queries away CC         Yes           Section 401 Water Quality Certification (WQC)         Does the proposed project require a WQC and the section.)         (funknown, see Ecology' 401 web page. If no, then skip the remainder of this section.)           Ceclored WCC - Date submitted:         QU S. Environmental Protection Agency (EPA)         US Centro Permit           Does the proposed project require a WQC - Date submitted:	Name of local jurisdiction(s) processing shoreline permit/authorization: Pierce County								
Image: Shoreline Substantial Development Permit (SDP)       Local jurisdiction issuance date(s): Ecology permit filing number: Ecology date of filing (SDP/CUP/Variance):         State Clean Air Act (CAA)       Ecology date of filing (SDP/CUP/Variance):         State Clean Air Act (CAA)       Image: State Clean Air Act (CAA)         Does the proposed project require a CAA permit?       Yes       No         Does the proposed project require a CAA permit?       Yes       No         If unknown, check with the local dien air agency. If no, then skip the remainder of this section.)       Name of local air authority processing CAA permit:         Applied for air permit - Date submitted:       Notice of Construction (NOC) number:       State Water Pollution Control Act (WPCA)         Section 401 Water Quality Certification (WQC)       Does the proposed project require a WQC or QC?       Yes       No         Opes the proposed project require a WQC?       Date skip the remainder of this section.)       Mapplied for WQC - Date issued:       WCC number:         Section 402 National Pollutant Discharge Elimination System (NPDES) Permit       Does the project proposal require an NPDES permit?       Yes       No         Obes the project stormwater General Permit:       Cology       Ecology       E									
X Shoreline Substantial Development Permit (SDP)       Local jurisdiction issuance date(s): Ecology permit filing number: Ecology date of filing (SDP/CUP/Variance):         State Clean Air Act (CAA)       Ecology permit filing number: Ecology date of filing (SDP/CUP/Variance):         State Clean Air Act (CAA)       Did you contact the local air agency to determine whether a CAA permit is required?       Yes       No         Does the proposed project require a CAA permit?       Yes       No       No         Applied for air permit - Date submitted: (please attach copy of application package)       Notice of Construction (NOC) number: (please attach copy of application package)       Dest the proposed project require a VCA         Beceived air permit - Date submitted: (please attach copy of application package)       Permit number:       State Water Pollution Control Act (WPCA)         Section 401 Water Quality Certification (WQC)       Does the proposed project require a WQC?       Xes       No         Obes the project proposal require an NPDES permit       Does the project proposal require an NPDES permit       Cology Permit         Does the project stormwater General Permit (If unknown, see Ecology? Stormwater General Permit (Construction Stormwater General Permit (Constr	□ Shoreline permit exemption	Local jurisdiction permit number(s):							
Image: Shoreline Variance       Ecology permit filing number: Ecology date of filing (SDP/CUP/Variance):         State Clean Air Act (CA)       Image: State Clean Air Act (CA)         Did you contact the local air agency to determine whether a CAA permit is required?       Yes       No         Dees the proposed project require a CAA permit?       Yes       No         Image: Clean Air Act (CA)       Image: Clean Air Act (CA)         Object the proposed project require a CAA permit?       Yes       No         Applied for air permit - Date submitted:       Notice of Construction (NOC) number:       (please attach copy of application package)         Received air permit - Date issued:       Permit number:       State Water Pollution Control Act (WPCA)         Section 401 Water Quality Certification (WQC)       Section 401 Water Quality Certification (WQC)       Section 402 National Pollutant Discharge Elimination System (NPDES) Permit         Image: State Water Pollution Control Act (WPCA)       Section 402 National Pollutant Discharge Elimination System (NPDES) Permit       Section 402 National Pollutant Discharge Elimination System (NPDES) Permit         Image: State Cloagy S Sonwater Permit:       Image: State Cloagy S Sonwater Permit:       Section 402 National Pollutant Discharge Elimination System (NPDES) Permit       Section 402 National Pollutant Discharge IPermit         Image: Cloagy Sonwater Permit:       Image: State Cloagy Sonwater Permit:       Son (If unknown, sec Cloagy Sonwater Permit:		Local jurisdiction issuance date(s):							
Shoreline Variance       Ecology date of filing (SDP/CUP/Variance):         State Clean Air Act (CAA)       Did you contact the local air agency to determine whether a CAA permit is required?        Yes       No         Does the proposed project require a CAA permit?       Yes       No       No         Mame of local air authority processing CAA permit?       Yes       No         Applied for air permit - Date submitted:       Notice of Construction (NOC) number:       (please attach copy of application package)         Beceived air permit - Date issued:       Permit number:       State Water Pollution Control Act (WPCA)         Section 401 Water Quality Certification (WQC)       Does the proposed project require a WQC?       Yes       No         (If unknown, see Ecology's 400 web page, If no, then skip the remainder of this section.)       Motional Pollutant Discharge Elimination System (NPDES) Permit       Does the proposed project require a WQC?       Yes       U.S. Environmental Protection Agency (EPA)         @ Received WQC - Date issued:       WQC number:       Section 402 National Pollutant Discharge Elimination System (NPDES) Permit       Does the propiced project science (MOR)       Does the propiced project science (MOR)         Des the project proposal require an NPDES permit?       Yes       No       No       Yes       No         (If unknown, see Ecology's Stormwater Permit web page, If no, then skip the remainder of this section.)       Applied for N		Ecology permit filing number:							
State Clean Air Act (CAA)         Did you contact the local air agency to determine whether a CAA permit is required?       □ Yes ⊠ No         Does the proposed project require a CAA permit?       □ Yes ⊠ No         If unknown, check with the local dean air agency. If no, then skip the remainder of this section.)       Name of local air authority processing CAA permit:         □ Applied for air permit - Date submitted:       Notice of Construction (NOC) number:         (please attach copy of application package)       □ Permit number:         State Water Pollution Control Act (WPCA)       Section 401 Water Quality Certification (WQC)         Does the proposed project require a WQC?       Yes □ No         (if unknown, see Ecology's 401 web page. If no, then skip the remainder of this section.)       Image: Section 402 Water Pollution Control Act (WPCA)         Section 402 National Pollutant Discharge Elimination System (NPDES) Permit       □ Does the projocal require an NPDES permit?       □ Ves ⊠ No         (if unknown, see Ecology's Summater Permit       □ Ves ⊠ No       □ (funknown, see Ecology's Summater Permit)       □ Ves ⊠ No         □ Does the project require an NPDES permit?       □ Yes ⊠ No       □ (funknown, see Ecology's Summater Permit)       □ Does (funknown, see Ecology's Summater Permit)       □ Does (funknown, see Ecology's Summater Permit)       □ Construction Stormwater General Permit)       □ Lodustrial Stormwater General Permit)       □ Does ORMA apply?       □ Yes ☑ No       [(funknow		Ecology date of filing (SDP/CUP/Variance):							
Did you contact the local air agency to determine whether a CAA permit is required?       Yes       No         Does the proposed project require a CAA permit?       Yes       No         (if unknown, check with the local dena air agency. If no, then skip the remainder of this section.)       Name of local air authority processing CAA permit:         (please attach copy of application package)       (if unknown, check with the local discussion.)       Notice of Construction (NOC) number:         (glease attach copy of application package)       Permit number:       State Water Polluty Certification (WQC)         Does the proposed project require a WQC?       Yes       No         (if unknown, see [cology: 40] web page. If no, then skip the remainder of this section.)       (if unknown, see [cology: 40] web page. If no, then skip the remainder of this section.)         (if whown, see [cology: 40] web page. If no, then skip the remainder of this section.)       (if unknown, see [cology: 50mmyater/Permit web page. If no, then skip the remainder of this section.)         Applied for WDC > Date issued:       WCC number:       Cology □ EPA         Does the project proposal require an NPDES permit?       Yes ⊠ No       Notice of Intent (NOI) number:         Des oftheral Permit:       □ Construction Stormwater General Permit       □ Applied for WDES permit coverage       Permit number:         Des olived and papity?       Yes X No       Yes X No       Notice of Intent (NOI) number:									
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(please attach copy of application package)       Permit number:         State Water Pollution Control Act (WPCA)         Section 401 Water Quality Certification (WQC)         Does the proposed project require a WQC?       Xers         Mapplied for WQC - Date issued:       WCC number:         Section 402 Mater Quality Certification (WQC)       Xers         Des the proposed project require a wQC?       Xers         Mapplied for WQC - Date issued:       WCC number:         Section 402 National Pollutant Discharge Elimination System (NPDES) Permit         Des the project proposal require an NPDES permit?       Yes         Mapplied for NPDES permit:       Cology Class         (If unknown, see Ecology's Stormwater Permit web page. If no, then skip the remainder of this section.)         Applied for NPDES permit:       Cology Class         Construction Stormwater General Permit       Date submitted:         Individual Permit:       Date issued:         Octean Resources Management Act (ORMA)       Does ORMA apply?         Des CoRMA Apply?       Yes         Matrix B tormwater General Permit number:       Date issued:         Ocean Resources Management Act (ORMA)       Does ORMA apply?         Does ORMA Apply?       Yes       No         (If unknown, see ORMAd. Guidance. If no, then skip the remainder of this section.)	Name of local air authority processing CAA permit:								
□       Received air permit - Date issued:       Permit number:         State Water Pollution Control Act (WPCA)         Section 401 Water Quality Certification (WQC)         Does the proposed project require a WQC?       ⊠ Yes         If unknown, see Ecology's 401 web page. If no, then skip the remainder of this section.)         ⊠ Applied for WQC - Date submitted: 6/27/22       ⊠ Ecology ⊠ Tribe:         □       □ Section 402 National Pollutant Discharge Elimination System (NPDES) Permit         □ Dees the project proposal require an NPDES permit?       □ Yes       ℕ No         □ (fu unknow, see Ecology'Softmwater Permit web page. If no, then skip the remainder of this section.)       Applied for NPDES permit:       □ Section 402 National Pollutant Discharge Elimination System (NPDES) Permit         □ General Permit:       □ Construction Stormwater General Permit       □ Secology □ EPA         □ Individual Permit:       □ Construction Stormwater General Permit       □ Notice of Intent (NOI) number:         □ Individual Permit:       □ Date issued:       □ Date issued:         Ocean Resources Management Act (ORMA)       □ Other:       □ Date issued:         □ Individual Permit:       □ Yes       ▼ No         □ If ORMA apply?       □ Yes       ▼ No         □ Grean Resources Management Act (ORMA)       □ Mayis is attached         Notig: This analysis must be attached to the Cons	Applied for air permit - Date submitted:	Notice of Construction (NOC) number:							
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Iff unknown, see Ecolopy's 401 web page. If no, then skip the remainder of this section.)	Does the proposed project require a WQC? Xes								
U.S. Environmental Protection Agency (EPA)         Received WQC - Date issued:       WQC number:         Section 402 National Pollutant Discharge Elimination System (NPDES) Permit       Does the project proposal require an NPDES permit?       Yes       No         If unknown, see Ecology's Stornwater Permit web page. If no, then skip the remainder of this section.)       Applied for NPDES permit:       Ecology       EPA         General Permit:       Individual Stornwater General Permit       Notice of Intent (NOI) number:       Date submitted:         Individual Permit:       Individual Permit:       Date issued:       Date issued:         Ocean Resources Management Act (ORMA)       Does ORMA apply?       Yes       No (If unknown, see ORMA Guidance. If no, then skip the remainder of this section.)         If ORMA applies, then attach an analysis demonstrating consistency with ORMA's enforceable policies as suggested in the ORMA Guidance.       Analysis is attached         Note: This analysis must be attached to the Consistency Certification unless the MSP applies.       Marine Spatial Plan (MSP) for Washington's Pacific Coast         Does ORMA apply? (see above)       Yes       No       If mknown, see Guidance. If no, then skip the remainder of this section.)         If Markenysis must be attached to the Consistency Certification unless the MSP applies.       Marine Spatial Plan (MSP) for Washington's Pacific Coast         Does ORMA apply? (see above)       Yes       No       No </td <td>(If unknown, see Ecology's 401 web page. If no, then skip the remainder</td> <td>of this section.)</td>	(If unknown, see Ecology's 401 web page. If no, then skip the remainder	of this section.)							
□       Received WQC - Date issued:       WQC number:         Section 402 National Pollutant Discharge Elimination System (NPDES) Permit       Does the project proposal require an NPDES permit?       □ Yes ⊠ No         □       Iff unknown, see Ecology's Stormwater Permit web page. If no, then skip the remainder of this section.)       Applied for NPDES permit:       □ Ecology □ EPA         □       General Permit:       □ Construction Stormwater General Permit       □ Notice of Intent (NOI) number:         □       Individual Permit:       □ Date submitted:       □ Date submitted:         □       Individual Permit:       □ Date issued:       □ Acte issued:         Ocean Resources Management Act (ORMA)       Does ORMA apply?       □ Yes ⊠ No       [ff unknown, see ORMA Guidance. If no, then skip the remainder of this section.)         If ORMA applies, then attach an analysis demonstrating consistency with ORMA's enforceable policies as suggested in the ORMA Guidance.       If no, then skip the remainder of this section.)         If ORMA applies, then attach do the Consistency Certification unless the MSP applies.       Marine Spatial Plan (MSP) for Washington's Pacific Coast         Does ORMA apply? (see above)       □ Yes ⊠ No       [ff unknown, see MSP Guidance. If no, then skip the remainder of this section.]         Does ORMA apply? (see above)       □ Yes ⊠ No       [ff unknown, see MSP Guidance. If no, then skip the remainder of this section.]         Does ORMA apply? (see ab	Applied for WQC - Date submitted: 6/27/22								
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### **IV. Applicant & Agent Information**

Applicant Name: Dong Jin Fugate				
Organization:				
Mailing Address: 5216 Picnic Point Dr NW Cit		or State: WA	Zip: 98335	
Phone #: 214.597.6131		E-Mail: A194566@gmail.com		
Agent Name: John Kavanaugh				
Organization: Marine Floats Corporation				
Mailing Address: 313 East F St	City: Tacoma	State: WA	Zip: 98421	
Phone #: 253.383.2740	E-Mail:	E-Mail: john@marinefloats.com		

#### V. Certification Statement:

By digitally signing below, I certify that the proposed activity complies with the enforceable policies of Washington's approved management program and will be conducted in a manner consistent with such program.

**Applicant Signature** 

Sha Kournes

Print Name John Kavanaugh (authorized agent)

Date April 20, 2023