



**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: [fedconsistency@ecy.wa.gov](mailto:fedconsistency@ecy.wa.gov)

AGENCY USE ONLY

Date Received: 9/21/2023

Aquatics ID#: 138947

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 [website](#). Applicants for listed authorizations in the State's coastal zone<sup>1</sup> must show that the proposed activity is consistent with the [enforceable policies](#) 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 [NWS-PermitApp@usace.army.mil](mailto:NWS-PermitApp@usace.army.mil) 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 [fedconsistency@ecy.wa.gov](mailto:fedconsistency@ecy.wa.gov).

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.

**Note:** 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>1</sup> The Coastal Zone includes all areas 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

<b>Federal Agency:</b> <input checked="" type="checkbox"/> Corps <input type="checkbox"/> USCG <input type="checkbox"/> FERC <input type="checkbox"/> Other	Federal Permit/License Number (if known): <b>NWS-2020-00442</b> Federal Agency Point of Contact: <b>Andrew Shuckhart</b>
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### II. Project Information

<b>Project Name:</b> Tacoma Middle Waterway Log Removal		
<b>Project Location</b> ( <u>Note:</u> Please attach a project location map and site plans with this form)		
Address: 901 E 11th St. (If there is no address, provide other location information)	City: Tacoma	County: Pierce
Land ownership (check all that apply): <input type="checkbox"/> Private <input checked="" type="checkbox"/> State <input type="checkbox"/> Federal <input type="checkbox"/> Tribal <input type="checkbox"/> Other:		
Waterbody that the project is in or has the potential to affect: Middle Waterway		WRIA Number: 10
<p>Logs and wood debris have accumulated around the log haul-out area of the marine property. The State would like Interfor Tacoma to remove these logs and leftover wood debris from the seafloor to restore the area back to normal conditions. The concrete floats located on site and the pieces of it that have grounded in the nearby intertidal will also be removed during this construction period</p> <p><b>Log Storage and Disposal</b></p> <p>The survey data indicates that there are three main areas of logs and wood debris that need to be removed. One cluster exists near the log haul out structures, one near the northern extent of the dock and piling structures, and the third to the northern extent of the survey area in the deeper portion of what is perhaps a natural channel.</p> <p>To be as minimally invasive as possible, it is proposed that all of the logs and log bundles in the three zones will be removed individually. In doing this it will minimize any damage to the in-place sediment cap, as well as mitigate any suspension of contaminated sediments. A barge and crane together with divers will lift each log and/or log bundles from the sea floor and onto the crane barge. Divers will connect a chain choker or similar rigging to each individual log or log bundle. The crane will lower its attachment mechanism to the sea floor where divers will connect the rigged log to the crane winch cable. The logs will be raised from the sea floor and loaded onto an adjacent barge or the vessel deck. The log or logs will be disconnected from the crane and the process repeated until all logs, including those that were not previously observed, are removed from the sea floor.</p>		

It is anticipated that most logs in stacks or resting on the sea floor will not require any excavation to install the chain rigging on the log. In the event a log is significantly buried, a grappling mechanism and/or minimal excavation of surrounding sediments will be done to safely secure the log to the crane cable. Divers will take every precaution available to minimize any disturbance to the surrounding sediments. Any associated sediment that is removed from the sea floor and transferred onto the barge will not be returned to the waterway. It will be contained and transported to an appropriate waste site.

Logs will be temporarily stored on the barge, where they will be measured and inventoried. Vessel operators will follow all EPA and WDNR approved BMPs associated with log storage over water. Most of these protocols come from piling removal and replacement, and while probably more conservative than needed, they will be a sufficient process to follow to ensure no further degradation to the surrounding marine environment. Logs will be transferred from the barge at the end of the project and will be disposed of on land at an approved facility for receiving and processing wood waste.

### ***Log Burial Documentation, Estimation and Confirmation***

Following each log removal, divers will take a measurement of the cavity left by the removed log. The length, width and relative depth will be measured with a tape to estimate total volume of the depression. An estimation of total volume has been made from the survey data, but requires making many assumptions and generalizations. Actual burial depths are difficult to derive for each log individually from the survey data, so having a diver measured burial depth will help inform the most accurate fill volume required.

### ***Log Cavity Back Fill***

Following the removal of all logs, confirmation measurements, and calculations of depression volumes, it may be necessary to back fill some of the depressions with suitable fill material to maintain the integrity of the sediment cap. Due to the level of contamination in the surrounding sediments, EPA managed the placement of a sediment cap in 2006. The sediment cap consists primarily of sandy material. A fill material of a similar grain size distribution will be used to fill in the log cavities and return the cap surface to an appropriate thickness. The fill material will be verified for the appropriate grain size and as a clean, uncontaminated source before placement. The cavity measurements, along with the locations of the logs will be used to decide how much fill material is used and where it is placed. Sand will be filled into the cavities identified by using a diver directing a sand pump, release bag lowered from the surface by vessel crane, or an alternative method recommended by the contractor based on available equipment that meets performance standards.

### ***Confirmation Surveys***

Once all the logs have been removed and fill material is placed, a confirmation survey will be completed to ensure all work has been completed properly. A side scan sonar survey will be conducted at the end of construction to ensure all logs and large debris has been removed from the sea floor. Additionally, a multibeam elevation survey referenced to MLLW and a side scan survey will be conducted and compared with the pre-removal survey to compare changes in seafloor elevations.

This survey will be used to confirm that all logs have been removed from the work zones, and any log cavities within the cap area have been filled to the appropriate thickness. If results from the survey indicate otherwise, the contractor will use the intermediate survey results to identify which areas need more attention. After this second (or multiple) rounds of work, a final survey will be completed as a certificate of completion that will be submitted to the WDNR as proof of all wood debris removed and sediment cap restored to normal elevations.

## **Concrete Float Removal**

Within the construction time period, the concrete floats will also be removed as requested by EPA. Seven sections of concrete float have been identified, with two grounded in intertidal area, and the remaining five still attached to existing pilings. The sections of float are all approximately six feet wide, and range in length from 7 to 83 feet. Overall a total area of approximately 1300 square feet of debris removed. The floats will be carefully raised from the water with a crane and placed onto an adjacent barge for temporary storage. Particular care will be taken to keep the floats intact. The concrete floats will then be moved from the barge to a truck where they will be transported to an approved concrete recycling facility.

The concrete floats that have grounded in the intertidal will be similarly removed with the log removal equipment during high tide. If water depth limits the barge from accessing the floats, then a smaller vessel will tow the floats into deeper water. At high tide the dock piece will float and will then be removed by the barge. If the floats will not rise at high tide because they are too high on shore or damaged, then a long-reach boom truck or crane will be used from the Interfor Property to lift them onto shore to be disposed of.

A comprehensive description of the conceptual project design is discussed in the included document, "DRAFT Interfor MW Log Haul Facility Log Burial Volumes and Construction Plan.pdf" dated April 2020.

Has tribal consultation been initiated? ☒ Yes ☐ No

Has local government review or consultation been initiated? ☒ Yes ☐ No

### III. Enforceable Policies

#### State Shoreline Management Act (SMA)

Is the proposed project within shoreline jurisdiction? ☒ Yes ☐ 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? ☒ Yes ☐ No

(If **no**, then skip the remainder of this section.)

Name of local jurisdiction(s) processing shoreline permit/authorization: City of Tacoma

Applied for or received permit/authorization:

- ☒ Shoreline permit exemption  
☐ Shoreline Substantial Development Permit (SDP)  
☐ Shoreline Conditional Use Permit (CUP)  
☐ Shoreline Variance

Local jurisdiction permit number(s): LUI21-0026  
 Local jurisdiction issuance date(s): March 12, 2021  
 Ecology permit filing number: AQ138947  
 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

(If **unknown**, check with the local [clean 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:  
 (please attach copy of application package)

Notice of Construction (NOC) number:

☐ 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 ☐ No

(If **unknown**, see [Ecology's 401 web page](#). If **no**, then skip the remainder of this section.)

☒ Applied for WQC - Date submitted:  
 8/9/2021

☒ Ecology ☐ Tribe:  
☐ 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 Stormwater Permit web page](#). If **no**, then skip the remainder of this section.)

Applied for NPDES permit: <input type="checkbox"/> General Permit: <input type="checkbox"/> Construction Stormwater General Permit <input type="checkbox"/> Industrial Stormwater General Permit <input type="checkbox"/> Other: <input type="checkbox"/> Individual Permit:	<input type="checkbox"/> Ecology <input type="checkbox"/> EPA Notice of Intent (NOI) number: Date submitted:
<input type="checkbox"/> Received NPDES permit coverage	Permit number: Date issued:
<b>Ocean Resources Management Act (ORMA)</b>	
Does ORMA apply? <input type="checkbox"/> Yes    X <input type="checkbox"/> No (If <b>unknown</b> , see <a href="#">ORMA Guidance</a> . If <b>no</b> , 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. <input type="checkbox"/> Analysis is attached Note: This analysis must be attached to the Consistency Certification unless the MSP applies.	
<b>Marine Spatial Plan (MSP) for Washington's Pacific Coast</b>	
Does ORMA apply? (see above) <input type="checkbox"/> Yes    X <input type="checkbox"/> No (If <b>no</b> , then MSP does not apply; skip the remainder of this section)	
Does MSP apply? (see ) <input type="checkbox"/> Yes    X <input type="checkbox"/> No (If <b>unknown</b> , see <a href="#">MSP Guidance</a> . If <b>no</b> , then skip the remainder of this section.)	
If MSP applies, has an MSP Effects Evaluation as described in the MSP Guidance been completed? <input type="checkbox"/> MSP Effects Evaluation is attached Note: If an MSP Effects Evaluation has not been completed, it must be submitted early in the review process in order for the state to concur with the proposed action. Failure to do so may result in the issuance of an objection to the project for lack of information. The MSP Effects Evaluation may be submitted in lieu of the ORMA analysis.	

#### IV. Applicant & Agent Information

<b>Applicant Name: Josh Blankenship</b>			
Organization: Interfor U.S., Inc.			
Mailing Address: 540 3 <sup>rd</sup> Ave	City: Longview	State: WA	Zip: 98632
Phone #: (360) 846-8689	E-Mail: Josh.blankenship@interfor.com		
<b>Agent Name:</b>			
Organization: Gravity Marine			
Mailing Address: 32617 SE 44 <sup>TH</sup> St.	City: Fall City	State: WA	Zip: 98024
Phone #: (425) 591-2831	E-Mail: jeff@gravityenv.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 **Jeff Wilson**

Digitally signed by: Jeff Wilson  
 DN: CN = Jeff Wilson email = wilson.jfrw@gmail.com C = US  
 O = Gravity Marine  
 Date: 2023.09.20 09:25:55 -08'00'

Date 9/7/2023

Print Name: Jeff Wilson