



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

AGENCY USE ONLY

Date Received: 11/2/2023

Aquatics ID#: 142888

County: King

Team: NWRO

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 zone¹ 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 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.

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.

¹ 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

Federal Agency: <input checked="" type="checkbox"/> Corps <input type="checkbox"/> USCG <input type="checkbox"/> FERC <input type="checkbox"/> Other	Federal Permit/License Number (if known): Federal Agency Point of Contact: Daniel Krenz/Sarah Albright
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II. Project Information

Project Name: Algona Wetland Preserve Restoration and Interpretive Trail Project		
Project Location (<u>Note</u> : Please attach a project location map and site plans with this form)		
Address: SW corner of Ellingson Rd. and Pacific Ave. N. in Algona WA 98001 (If there is no address, provide other location information)	City: Algona	County: King
Land ownership (check all that apply): <input type="checkbox"/> Private <input type="checkbox"/> State <input type="checkbox"/> Federal <input type="checkbox"/> Tribal <input checked="" type="checkbox"/> Other: City of Algona		
Waterbody that the project is in or has the potential to affect: A ditched unnamed stream crosses the southern portion of the project site, flowing from east to west to another ditched waterbody colloquially referred to as the Government or Boeing Ditch, which drains south for approximately 1 mile and joins the right bank of the White River just south of County Line Road SE and Butte Ave SE, in Pacific, WA. The ditched unnamed stream is identified per King County iMap as Stream (1990 SAO) Classification U.		WRIA Number: WRIA 10
Detailed description of the proposed activity, its associated facilities, and effects to coastal resources and uses: The purpose of the project is to rehabilitate and enhance a degraded portion of the Algona Wetland Preserve and to construct a low-impact, environmentally sensitive outdoor interpretive opportunity for residents to connect with the stream and wetland preserved within its boundaries. The purpose of the proposed project is consistent with the goals of the Shoreline Management Act and the Coastal Zone Management Act to restore hydraulic connectivity between local streams and adjacent floodplain wetlands and restore wetlands while supporting ecologically sensitive, low impact public access. The project will have no more than minimal adverse environmental effects. All elements of the project design have intentionally avoided the interior of the wetland and have instead concentrated restoration and public access work within only the degraded northeastern corner of the wetland and along the upland side-cast berm south of the stream. A staging area will be established on the paved surface along Pacific Avenue North. Machine access will be limited to one location.		

Rehabilitation and enhancement are needed because the NE corner of the wetland has been disturbed and then colonized by reed canarygrass and Himalayan blackberry, both of which have degraded the native plant communities present and altered the habitat functions of the wetland. Excavation to remove reed canarygrass and to remove a portion of the berm along the northern edge of the creek will lower the ground surface and hydraulically rehabilitate the wetland by restoring its connection with the stream. The grading has been specifically designed to restore the diversity of hydroperiods and vegetation communities which would have been present in floodplain wetlands under reference conditions.

Clearing and grubbing of Himalayan blackberry from within the degraded portion of the wetland's scrub-shrub community will support the restoration of a native shrub and understory community and support reestablishment of native trees and shrubs within this portion of the wetland over time.

The Algona Wetland Preserve is near Alpac Elementary, the Interurban Trail, Algona City Hall, and other civic spaces accessible to the residents of Algona and Pacific. The City has long had a vision that the Preserve could serve as a key outdoor education and passive recreation amenity for the Algona community, where community access to nature and open space is needed and unique wetland open spaces are highly valued but in short supply. The Preserve provides safe access to an exceptionally diverse native plant community and the remnants of a historic stream channel and offers a rare glimpse of a landscape that has nearly vanished—the forested floodplain of the Green River and White River valleys. To meet the community's need for safe, accessible, low-impact outdoor recreation, the City proposes to construct an interpretive trail along the upland berm and within the formerly degraded northeastern portion of the wetland. This element of the project will meet the need for community access to protected open space while intentionally preserving the ecological functions and wildlife habitats within the main body of the wetland.

The project will feature an elevated, all abilities-accessible wooden boardwalk and two wooden observation platforms which will provide year-round access, creating educational opportunities not limited by season or mobility. Coupled with the boardwalk trail and observation platforms, an at-grade trail along the upland berm will enable residents, visitors, and school children the opportunity to interact with nature within their urban surroundings and afford outdoor education and community building opportunities. Educational exhibits/signage will highlight these hidden worlds and explain the City's preservation and restoration of the wetland, the use of wetland plants for food and medicine by ancestral and contemporary peoples, and the functions and values of wetlands for improving water quality, reducing flooding, and nurturing fish and wildlife.

The proposed wooden boardwalk and overlooks would be elevated on the type of Diamond Pier foundation system frequently used in similar wetland settings which has been specifically chosen to minimize wetland impacts from construction. The location and configuration of the proposed trail has been specifically chosen to minimize operational impacts associated with public access by extending only within the area which currently has limited wildlife functions and would already be disturbed for the rehabilitation actions. In this manner, the proposed project will meet the City's dual responsibilities to preserve the ecological functions and wildlife habitats within the main body of the wetland and to provide sensitive and meaningful access to its public lands. Both elements of the project also support the City's goals to foster increased appreciation for and stewardship of the creek and wetland by supporting outdoor educational access opportunities for local Alpac Elementary classes, as well as stewardship and passive recreation opportunities for local community groups.

Has tribal consultation been initiated?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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Has local government review or consultation been initiated?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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III. Enforceable Policies

State Shoreline Management Act (SMA)

Is the proposed project within shoreline jurisdiction?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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(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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If no, then skip the remainder of this section.)	
Name of local jurisdiction(s) processing shoreline permit/authorization:	
Applied for or received permit/authorization: <input type="checkbox"/> Shoreline permit exemption <input type="checkbox"/> Shoreline Substantial Development Permit (SDP) <input type="checkbox"/> Shoreline Conditional Use Permit (CUP) <input type="checkbox"/> Shoreline Variance	Local jurisdiction permit number(s): Local jurisdiction issuance date(s): 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Does the proposed project require a CAA permit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Project is not installing or modifying any pollutant emitting equipment or operation (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:	
<input type="checkbox"/> Applied for air permit - Date submitted: (please attach copy of application package)	Notice of Construction (NOC) number:
<input type="checkbox"/> 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If unknown, see Ecology's 401 web page . If no, then skip the remainder of this section.)	
<input checked="" type="checkbox"/> Applied for WQC - Date submitted: Pre-filing meeting request sent July 27, 2023 JARPA package and 401 request form sent to Ecology end of September 2023 concurrent with package to Corps	<input checked="" type="checkbox"/> Ecology <input type="checkbox"/> Tribe: <input type="checkbox"/> U.S. Environmental Protection Agency (EPA)
<input type="checkbox"/> Received WQC - Date issued:	WQC number:
Section 402 National Pollutant Discharge Elimination System (NPDES) Permit	
Does the project proposal require an NPDES permit? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If unknown, see Ecology's Stormwater Permit web page . If no, then skip the remainder of this section.)	
Applied for NPDES permit: <input checked="" type="checkbox"/> General Permit: <input checked="" type="checkbox"/> Construction Stormwater General Permit <input type="checkbox"/> Industrial Stormwater General Permit <input type="checkbox"/> Other: <input type="checkbox"/> Individual Permit:	<input checked="" type="checkbox"/> Ecology <input type="checkbox"/> EPA Notice of Intent (NOI) number: Date submitted: Application to be submitted by construction contractor
<input type="checkbox"/> Received NPDES permit coverage	Permit number: Date issued:
Ocean Resources Management Act (ORMA)	
Does ORMA apply? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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. <input type="checkbox"/> 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) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

(If no, then MSP does not apply; skip the remainder of this section)
Does MSP apply? (see) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
(If unknown, see MSP Guidance . If no, 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

Applicant Name:			
Organization: City of Algona, care of Russ Avery Public Works Director			
Mailing Address: 200 Washington Blvd.	City: Algona	State: WA	Zip: 98001
Phone #: 253-833-2897 / 253-737-2405	E-Mail: russa@algonawa.gov		
Agent Name:			
Organization: Natural Systems Design, care of Torrey Luiting, PWS Associate Principal Ecologist			
Mailing Address: 1900 N. Northlake Way, Suite 211	City: Seattle	State: WA	Zip: 98103
Phone #: 206-462-1246 / 206-330-6794	E-Mail: torrey@naturaldes.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  Date [9/20/2023](#)

Print Name – Russ Avery, City of Algona

See attached JARPA and JARPA figures for additional location information.

- Take I-5 to S. 188th St in SeaTac. Take Exit 152 from I-5 S
- Get on WA-167 S in Kent from Orillia Rd S, S. 212th St. and WA-181 S
- Follow WA-167 S to Ellingson Rd. Take the Ellingson Rd. exit from WA-167 S
- Follow Ellingson Rd east to the intersection with Pacific Ave N. in Algona, WA. Turn south onto Pacific Ave N.
- Project site is the SW corner of Pacific Ave N and Ellingson Road.
- The road shoulder of Pacific Ave N can be utilized for parking.

