



**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: 6/14/2024

Aquatics ID#: 141761

County: Pierce

Team: Dredging

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: ☒ Corps ☐ USCG ☐ FERC ☐ Other	Federal Permit/License Number (if known): NWS-2022-681-WRD Federal Agency Point of Contact: L LeeAnn.W.Simmons@usace.army.mil
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II. Project Information

Project Name: PCT Maintenance Dredge NWS-2022-681-WRD		
Project Location (Note: Please attach a project location map and site plans with this form) See included JARPA drawings		
Address: 4015 SR-509 N. Frontage Rd (If there is no address, provide other location information)	City: Tacoma, WA	County: Pierce
Land ownership (check all that apply): ☐ Private ☐ State ☐ Federal ☐ Tribal ☒ Other: Port		
Waterbody that the project is in or has the potential to affect: Blair Waterway		WRIA Number: 10
Detailed description of the proposed activity, its associated facilities, and effects to coastal resources and uses: The Port of Tacoma needs to perform maintenance dredging at the Pierce County Terminal (PCT) facility located along the Blair Waterway in order to remove shoaling areas that are preventing vessels from being fully loaded with cargo. "Light loading" vessels is causing economic impacts and safety concerns. The proposed high spot removal maintenance dredging will remove shoaling caused by propwash along the berthing areas at Pierce County Terminal. Removing these areas of material will allow the terminal operators to resume normal operations. The purpose of the proposed project is to restore the berthing areas at PCT to the permitted depth of -51 feet MLLW, with an incidental 2-foot over-dredge allowance to cover potential over dredging by the contractor. Maintenance dredging is needed to allow normal operation at the terminals to resume. The current conditions do not allow for full vessel loading (economic impact) and could lead to grounding out of vessels (safety issue). To achieve this purpose, the Port must dredge up to 28,000 CY of sediments, of which up to roughly 13,000 CY is over dredge. The proposed maintenance dredging is the minimum work needed to return the terminal to normal operations.		
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): 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? ☐ 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: 04/01/2024	☒ 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: ☐ General Permit: ☐ Construction Stormwater General Permit ☐ Industrial Stormwater General Permit ☐ Other: ☐ Individual Permit:	☐ Ecology ☐ EPA Notice of Intent (NOI) number: Date submitted:
☐ Received NPDES permit coverage	Permit number: 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 <u>Note:</u> 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 no, then MSP does not apply; skip the remainder of this section)	
Does MSP apply? (see) ☐ Yes ☐ 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? ☐ MSP Effects Evaluation is attached <u>Note:</u> 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: Port of Tacoma cc: Stanley Sasser			
Mailing Address: P.O. Box 1837		City: Tacoma	State: WA Zip: 98401-1837
Phone #: 253-383-9439		E-Mail: ssasser@portoftacoma.com	
Agent Name:			
Organization:			
Mailing Address:		City:	State: Zip:
Phone #:		E-Mail:	

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 04/01/2024



Print Name

Stanley H. Sasser