



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: 6/25/2024

Aquatics ID#: 143348

County: King

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 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): NWS-2024-311 Federal Agency Point of Contact: LeeAnn Simmons, Andrew Shukhart
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II. Project Information

Project Name: Comprehensive Routine Maintenance, Repair, and Scientific Sampling		
Project Location (<u>Note</u> : Please attach a project location map and site plans with this form)		
Address: This application is for approval of maintenance and repair (including replacement) activities at twenty-eight (28) Port of Seattle (Port) facilities distributed across three zone. Addresses are provided in Appendix A (Sheet #2) of the attached JARPA submittal and a map outlining the three zones is provided in Appendix A (Sheet #3). (If there is no address, provide other location information)	City: Seattle	County: King
Land ownership (check all that apply): <input checked="" type="checkbox"/> Private <input 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: Zone 1: Marine – Greater Elliott Bay and Puget Sound including East and West Waterways Zone 2: Estuarine – Tidally-Influenced Duwamish Waterway (River Mile [RM] 0.0 to 5.0 of the Duwamish River) Zone 3: Freshwater – Lake Washington Ship Canal and Salmon Bay		WRIA Number: 8 & 9

Detailed description of the proposed activity, its associated facilities, and effects to coastal resources and uses:

The Port is requesting a ten (10) year individual permit from the United States Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. The Port is seeking approval to allow routine maintenance and repair of existing structures, surfaces, and utilities located on terminal and marina facilities and along the Port's controlled shoreline.

The Port proposes to conduct maintenance and repair activities as part of a comprehensive repair and maintenance program (Program). These routine maintenance and repair activities will be conducted at specific locations as needed, with the Program being implemented over a ten-year period. The Program Area is the entirety of the Port's marine and freshwater facilities, and a project area will be the specific terminal, wharf, or other facility type that will undergo the activity at any given time over the course of the Program.

The proposed Program is to conduct maintenance and repair of lawfully established structures; no new development, additional structures, or significantly expanded footprints are proposed. Best Management Practices (BMPs) and avoidance and minimization measures will be implemented to reduce, eliminate, or minimize the effects of the proposed action to listed species or their habitat (see Section 8a of the JARPA).

The Port's maintenance activities will consist of repair of aging structures (e.g., piles, fenders, docks and associated equipment, marine safety equipment, slope protection, bulkheads, outfalls, etc.) along with utilities, and other routine tasks such as sediment sampling and berth maintenance dredging. The tasks generally consist of repairs to existing serviceable facilities conducted within the existing footprint of the facilities with few to no environmental impacts. The attached drawings illustrate typical structures that are the subject of this multi-site application (JARPA Appendix A).

Please see the JARPA form and associated Biological Evaluation and Essential Fish Habitat Assessment for detailed project description information and analysis of effects to coastal resources including species and habitats.

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 Seattle

Applied for or received permit/authorization: To be determined (TBD)

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

Local jurisdiction permit number(s): TBD
Local jurisdiction issuance date(s): TBD
Ecology permit filing number: TBD
Ecology date of filing (SDP/CUP/Variance): TBD

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:			
<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 submitted December 14, 2023. Final 401 request to be submitted on or around July 1, 2024.		<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 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 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:	
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 <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) <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 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 <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: Matthew Szymanowicz			
Organization: Port of Seattle			
Mailing Address: PO Box 1209		City: Seattle	State: WA Zip: 98111
Phone #: 206-880-8762		E-Mail: Szymanowicz.m@portseattle.org	
Agent Name:			
Organization:			
Mailing Address:		City:	State: Zip:

Phone #:	E-Mail:
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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: June 21, 2024

Matthew P. Szymanowicz

Print Name: Matt Szymanowicz