



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: 7/2/2024

Aquatics ID#: 141396

County: Snohomish

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): NWS-2021-37 Federal Agency Point of Contact: Kelly Werdick, Project Manager
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II. Project Information

Project Name: Klock Property Skykomish Oxbow Restoration Project		
Project Location (<u>Note:</u> Please attach a project location map and site plans with this form)		
Address: 25231 Ben Howard Road Monroe, Washington 98272 (If there is no address, provide other location information)	City: Monroe	County: Snohomish County
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: Skykomish River, oxbow channel, small tributary, and wetlands.		WRIA Number: 7
<p>Detailed description of the proposed activity, its associated facilities, and effects to coastal resources and uses: The Applicant (Bobby Wolford) is proposing the Klock Property Skykomish Oxbow Restoration Project (project) located near the City of Monroe in Snohomish County, Washington. The purpose of the project is to comply with a Consent Decree between the United States and Bobby Wolford Trucking & Salvage, Inc., and Karl Frederick Klock Pacific Bison, LLC, No. 2:18-cv-00747-TSZ. The project is located on portions of six tax parcels (27071000100100, 27071000100200, 27071000100300, 27071000200100, 27070300300300, and 27070300300500) comprising approximately 7,668,521 square feet (176 acres). The project area consists of a farm and undeveloped natural areas that are within the floodplain of the Skykomish River.</p> <p>The project will restore the hydrologic connection to an oxbow of the Skykomish River, reconnect and restore natural stream flow of a small tributary stream on the site, and restore connection with wetlands located on the project site. This will be accomplished by removing fill material and debris in five locations, recontouring the land, removing culverts and, constructing at-grade crossings, channel daylighting, and riparian plantings.</p> <p>The overall goal of the project is to improve the spatial and temporal distribution of faunal habitats on the site by improving connectivity and function of the small tributary, removing material that was placed in the floodplain that restricts flood conveyance, and improving overall hydrologic functioning and riparian habitat features within the floodplain.</p>		

All restoration activities are within the 100-year floodplain. Fill material placed in the oxbow will be removed from the floodplain using excavators and dump trucks. Recontouring will be accomplished with a bulldozer. At-grade crossings will be built and installed using an excavator and bulldozer.

Proposed activities include the following:

- Removal of fill placed in and around the downstream end of the oxbow and adjoining floodplain
- Removal of fill placed in a former high-flow channel
- Removal of culverts and fill at two locations along Bonneville Power Administration's (BPA's) transmission line access road that currently restrict flows through two floodplain high-flow channels that are part of the oxbow flow path network, and creating rock fords in their place
- Removal of fill at five other locations in floodplain high-flow channels that are part of the oxbow flow path network
- Daylighting and additional excavation of a channel to connect an upland tributary draining under Ben Howard Road with the oxbow flow path network
- Removal of concrete blocks from the river's edge
- Cleaning out potentially contaminated soils and debris disposed of in a central floodplain pit area surrounded by the oxbow flow path network and hauling the material off site, followed by placing some of the spoils from the prior excavations within the pit area and refilling to approximate local floodplain elevations
- Placing the remainder of spoils from the prior excavations at two higher ground areas on the floodplain near the BPA transmission line corridor to keep the excavated native materials on site
- Removal of invasive vegetation and enhance plant communities with native vegetation planting

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: Snohomish County

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): 22-103446 SHOR
Local jurisdiction issuance date(s): 10/19/2022
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.)

<input checked="" type="checkbox"/> Applied for WQC - Date submitted: 1/23/2024	<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 checked="" 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 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 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: Bobby Wolford			
Organization: N/A			
Mailing Address: 22014 W. Bostian Road	City: Woodinville	State: WA	Zip: 98072
Phone #: 425-481-1800	E-Mail: barb@wolfordtrucking.com		
Agent Name: Greg Summers			
Organization: Anchor QEA			
Mailing Address: 6720 S. Macadam Avenue, Suite 300	City: Portland	State: OR	Zip: 97219
Phone #: 503-381-1866	E-Mail: gsummers@anchorqea.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.

Authorized Agent for Applicant Signature:

Date: 1/29/2024

Greg Summers

Digitally signed by Greg Summers
Date: 2024.01.30 08:50:06 -08'00'

Print Name: Greg Summers