

COASTAL ZONE MANAGEMENT ACT CONSISTENCY DETERMINATION

Submitted by Portland Area Indian Health Service

For Actions Related to the

Regional Specialty Referral Center

The proposed NW RSRC will provide specialty care for the American Indians/Alaska Natives living in the northwest portion of Washington, including the Olympic Peninsula and Puget Sound. It will also provide specialty care to the most vulnerable populations from the other two defined regional service areas (future RSRCs near Portland, Oregon and Spokane, Washington). It will be a new facility constructed on tribal trust land leased from the Puyallup Tribe of Tacoma, Washington, located at 3700 Pacific Highway East, in Fife, Washington.

July 12, 2024

Acronyms

CD = Consistency Determination
Coast Guard = The United States Coast Guard
Corps = United States Army Corps of Engineers
CWA = Clean Water Act
CZMA = Coastal Zone Management Act
CZMP = Coastal Zone Management Program
Ecology = Washington State Department of Ecology
EPA = Environmental Protection Agency
FERC = The Federal Energy Regulatory Commission
ISU = Important, Sensitive, & Unique Area
MSP = Marine Spatial Plan for Washington's Pacific Coast
NOAA = National Oceanic & Atmospheric Administration
NPDES = National Pollutant Discharge Elimination System
NWP = Nationwide Permit
ORMA = Ocean Resources Management Act
SMA = Shoreline Management Act
SMP = Shoreline Master Program
SMP = Shoreline Master Program
UIC = Underground Injection Control wells
WCAA = Washington Clean Air Act
WPCA = Water Pollution Control Act
WQC = Water Quality Certification
AO = Agreed Order
CSO = Combined Sewer Overflows
DMMP = Dredged Material Management Plan
NOI = Notice of Intent
PSET = Portland Sediment Evaluation Team
SEPA = State Environmental Protection Act

Table of Contents

- A. Introduction & Proposal Description
- B. Jurisdiction & Consistency Requirements
 - B.1 Washington Clean Air Act
 - B.2 State Water Pollution Control Act
 - B.3 Shoreline Management Act
 - B.4 Ocean Resources Management Act
 - B.5 Marine Spatial Plan for Washington's Pacific Coast
- C. Consistency Determination
 - C.1 Washington Clean Air Act
 - C.2 State Water Pollution Control Act
 - C.3 Shoreline Management Act
 - C.4 Ocean Resources Management Act
 - C.5 Marine Spatial Plan for Washington's Pacific Coast
- D. Statement of Consistency
- E. Appendices, etc.

A. INTRODUCTION & PROPOSAL DESCRIPTION

Briefly provide some context around the Coastal Zone Management Act: its authority, how it manages effects to coastal uses and resources, and how it relates to the proposed federal action:

Congress enacted the Coastal Zone Management Act (CZMA) in 1972 to create a voluntary program to encourage states to develop comprehensive management programs for their coastal zones. The federal consistency requirements of the CZMA apply to any federal action with a “reasonably foreseeable effect” on any coastal use or resource. How coastal effects are determined and whether and how federal consistency applies to a proposed federal action are described in the National Oceanic and Atmospheric Administration’s (NOAA) Federal Consistency regulations, which can be found at [15 CFR part 930](#).

For federal agency activities under 15 CFR part 930, subpart C, the Federal Agency makes a determination of coastal effects. Federal Consistency regulations define coastal effects as both environmental effects (impacts to air, wetlands, water bodies, aquifers, plants, animals, etc.) and effects on coastal uses (fishing, recreation, tourism, public access, historic or cultural preservation, marinas, etc.). Effects include both direct effects resulting from the proposed federal action and occur at the same time and place, and indirect (cumulative and secondary) effects resulting from the federal action and occur later in time or are farther removed in distance but are still reasonably foreseeable.

Include one of the following statements – based on what is relevant to the federal action:

Washington’s coastal zone is comprised of the 15 coastal counties that border salt water. The Portland Area Regional Specialty Referral Center occurs along the I-5 corridor, on Pacific Highway East within Pierce County on Tribal trust land owned by the Puyallup Reservation. The project site is approximately $\frac{3}{4}$ of a mile inland at its nearest point from the Turning Basin of the Blair Waterway of Commencement Bay of the southern portion of the Central Basin of the Puget Sound above the Tacoma Narrows.

Although the CZMA definition of the coastal zone [\[16 U.S.C. § 1453\(1\)\]](#) excludes federal lands¹ and waters from state definitions of the coastal zone, proposed federal actions on lands inland of the state’s coastal zone or in federal waters beyond the State’s three nautical-mile boundary may be subject to Washington’s federal consistency review if they have effects in the coastal zone, pursuant to the subparts of NOAA’s regulations at 15 CFR part 930. For instance, [15 CFR 923.33\(b\)](#) obligates federal agencies to “comply with consistency provisions of section 307 of the act when federal actions on these excluded lands have spillover impacts that affect any land or water use or natural resource of the coastal zone within the purview of a state’s

¹ “Federal lands are defined as lands the federal government owns, leases, holds in trust, or otherwise has the sole discretion to determine their use.

management program.” The Portland Area Indian Health Service has determined that the proposed Portland Area Regional Specialty Referral Center would have no effects on resources/uses in the state’s coastal zone.

Include one of the following statements – based on what is relevant to the federal action:

Federal agencies must consider all development projects² within the coastal zone, as defined at [15 CFR § 930.31\(b\)](#), to be activities affecting any coastal use or resource. The Portland Area Indian Health Service Regional Specialty Referral Center is considered a development project.

Provide a detailed description of the proposed federal action:

[Guidance]

The selected site is Tribal trust property owned by Puyallup Tribe. The Tribe has indicated strong support for the project and a willingness to provide the property under the terms of a no cost lease to be negotiated between the Tribe and Indian Health Service. The lease boundary and shared site access/parking arrangements cannot be finalized until the design is further developed. The property is comprised of two tracts that together are 5.6 acres± in size. Tract T 1142 includes four parcels numbered 1-A, 1-B, 1-C and 1-D. Tract T 1186 is comprised of two parcels referenced alternatively in documents as either 1-A and 1-B or 2-A and 2-B depending on the document referenced. A boundary and a topographical survey was completed by S&F Land Services, dated March 30, 2023.

The site is fully developed with surface parking and landscaping consisting of mature trees, shrubs and grass that provide a buffer around the parking areas, including the existing Puyallup Tribe Integrative Medicine Building located on the southern portion of the site and an ATM Kiosk located on the northern portion. The site is bounded on the north by the Pacific Highway East; on the east by property owned by the City of Fife planned as a future park; on the south by Interstate 5; and on the west by commercial property. According to Flood Insurance Rate Map (FIRM), Pierce County, Washington and Incorporated Areas, Panel 0307E, Map Number 53053C0307E effective date March 7, 2017, the project site not located in the 100-year floodplain.

This site is within the Case 2 Lahars area that could be affected by relatively large non-cohesive lahars. Lahars are hot or cold mixtures of water and rock particles that flow down volcanic slopes into river valleys. As they move down slopes, they grow as they incorporate more sediment and materials. The size and speed vary. Case 2 have an average 100-year frequency. The site is level with no drainage issues and has little erosion risk/potential. The site configuration might compromise security buffers and interfere with layout. The selected site has no risk of air inversions, Katabatic Winds and/or cold air accumulation. The site is currently served by electric, natural gas, water, sanitary sewer, storm sewer, and

² “Development projects” are defined as a federal agency activity involving the planning, construction, modification, or removal of public works, facilities, or other structures, and includes the acquisition, use, or disposal of any coastal use or resource.

telecommunication services.

The chosen health care facility site is within a 15 minute vehicle/bus ride of the community center of Fife, Washington, and within walking distance of the Fife Police Department (≤ 0.1 -miles) and the Puyallup Tribe Planning Department (≤ 0.1 -0 miles). The site is on a public transportation route, including established pedestrian and bicycle routes.

The chosen health care facility construction site is within walking distance of the Tribal complementary health care services for cancer treatment, more particularly the Salish Cancer Center, that will continue to be provided in a facility that is not part of this project.

Road Access Entrance to selected project site will be off a major arterial roadway, Pacific Hwy E. The responsibilities for maintenance and repair of the access road will be determined through the land lease agreement between IHS and the Puyallup Tribe. The access roads are within standards for width, grade, and drainage. A Traffic Impact Study was developed to study the impact on the existing roadway adjacent to the proposed site. This traffic impact study was shared with the local jurisdiction of the City of Fife, as well as the Puyallup Tribe Planning Department.

The selected site will allow the adequate provision of potable water and wastewater disposal.

There is a public water system available to the site. The public water system is owned and operated by City of Fife. The public water system consistently meets water quality standards.

The system has capacity to serve the project site. There is an existing 12-inch water main within the Pacific Highway East right-of-way.

The existing Puyallup Tribe Integrated Medical facility is fed by an 8-inch water line that's stubbed from the 12-inch main in Pacific Highway East.

An onsite water storage tank will not be needed for potable water and fire flow capacity.

There is a public sewer system available to the site. The connection to the collection system will operate by gravity. The City of Fife provides service near the site. Within Pacific Highway East exists an 8-inch sanitary sewer main, which also extends into the site to serve the Puyallup Tribe Integrated Medicine facility.

Response from City of Fife regarding sanitary sewer capacity: *In regard to sewer capacity, the downstream system which discharges to the City of Tacoma's system and Tacoma provides treatment of the City of Fife influent. The City recently installed flow meters in this lift station (Oct. 2023) and have limited data to estimate peak flows of the facility. We are currently estimating that the lift station that controls the discharge from this system is at approximately 80 percent capacity (system capacity 1000 gpm.) based on 3 months of data. Given the anticipated flows and a peaking factor of 4, or possibly 5, would use an estimated capacity of an additional 10 percent and increase flows by 80 to 100 gpm peak. This leaves no margin for error to address any un-anticipated flow scenario or availability of additional future flows over time. The City has an agreement with Tacoma to treat 1.75 mgd, so treatment does not appear to be an issue at this time.*

The existing topography of the site generally descends from the northeast to southwest of the project site. A storm collection system consisting of area inlets and storm piping in the parking lot currently exists on the site and conveys run-off to the southwest corner of the site where it

appears to discharge to a drainage ditch which tributary to the Erdahl Ditch along the southern portion of the project site.

The selected site has adequate space for stormwater collection through curb and gutter, sheet flow, area inlets for isolated low areas or shallow swales, however, does not have adequate space for construction of on-site stormwater retention/detention/infiltration facilities for this project to be constructed above grade of substantial size. The existing impervious percentage of the chosen site is 3.68 acres, being approximately 65% of the overall site. The anticipated impervious area of the proposed site, based on a high-density footprint, will increase to 4.15 acres, or approximately 73.6% of the overall site. The required site area for the facility was estimated to be 22.37 acres based on the IHS OEHE Technical Handbook, Chapter 13-4, of which 13.4 acres would be considered impervious, or approximately 60%. Based on a high-density development model the required site area for the facility would be 3.59 acres with 1.7 acres considered as impervious, or approximately 50%. The selected site has an available area for development of 2.7 acres, meaning the percentage of imperviousness would be approximately 63% of the available area. The benefit of a high-density development siting model is a reduction in the overall impervious area which reduces the overall stormwater run-off that is required to be managed.

Low-Impact Development techniques will need to be explored for the selected site to allow the predevelopment hydrology with regards to the temperature, rate, volume, and duration of flow to be maintained and/or restored in compliance with Section 438 of the Energy Independence and Security Act of 2007 by utilizing planning, design, construction, and maintenance strategies. Additionally, stormwater management of the site must be in accordance with the State of Washington Department of Ecology – Stormwater Management Manual for Western Washington.

The evident strategies would be the utilization of porous asphalt or concrete surfaces to promote infiltration and slow run-off where appropriate and not susceptible to heavy vehicular traffic. The use of bioswales or raingardens in vegetated buffers in parking and drive access areas to promote infiltration and slow run-off.

More innovative solutions such as 'green roofs' to reduce run-off volume and improve run-off timing should be investigated. Subsurface detention facilities are an option but may be precluded from effectiveness due to moderately shallow groundwater depths of 5 to 7 feet below ground level.

To compensate for the existing stormwater management techniques of the existing site, the use of the southern portion of the site adjacent to Interstate 5 should be investigated for implementation of additional Low Impact Development techniques prior to discharging to the City of Fife stormwater collection infrastructure.

City of Fife has stated that the Erdahl Ditch is the receiving drainageway for the selected site. Plans for upgrades to the pumping station have been discussed. Adjacent properties tributary to the ditch system would be assessed a portion of construction cost of the upgrades.

City of Fife has provided the following response to the anticipated responsibility of the selected site:

The Erdahl Ditch pump upgrades (flow-control only) are collected based on a pro-rata share of properties within the basin. The assessment is based on the percentage of the parcel discharge

area in relation to the overall drainage basin and then multiplied by the total pumpstation upgrade costs. Based on FMC 13.18.080 there may be some storm drainage reduction rates available.

There is a legal, approved medical and solid waste system operated by Murry's Disposal Company, Inc. for the collection, source separation, storage, transportation, transfer, processing, treatment, incineration, and disposal of waste.

The selected site is in year-round sun exposure with some obstructions. The site is mostly protected by some natural barriers from the prevailing winds. Solar Power is feasible at this site, but outside the project scope of this document. Potential for roof-top solar of the health facility and structured parking garage may provide some offset to meeting the 30 percent of energy need goal. Other opportunities may exist related to offsets from community solar banks if offered by adjacent communities or local utility providers.

Electricity to the site is provided by Tacoma Public Utilities. An existing power line crosses the parking area which will be required to be buried and relocated by Tacoma Public Utilities.

Tacoma Public Utilities has an existing underground distribution system to the PTIM building. The building is served with a 750 kVA pad mount transformer.

B. JURISDICTION & CONSISTENCY REQUIREMENTS

The Washington State Department of Ecology (Ecology) administers Washington's federally approved Coastal Zone Management Program (CZMP). Under Washington's CZMP, proposed federal actions agency that may have reasonably foreseeable effects on Washington's coastal uses or resources are reviewed for consistency with four state laws and their implementing regulations as well as the state Marine Spatial Plan.

- [State Shoreline Management Act](#) [RCW 90.58]
 - Implementing Regulations at WACs 173-15 18, 20, 22, and 26
- [State Water Pollution Control Act](#) [RCW 90.48]
 - Implementing Regulations at WACs 173-40 to 270, 372-52 to 68
- [Washington Clean Air Act](#) [RCW 70A.15]
 - Implementing Regulations at WACs 173-400 to 495
- [State Ocean Resources Management Act](#) [RCW 43.143]
 - Ocean Management Guidelines at WAC 173-26-360
- [The Marine Spatial Plan for Washington's Pacific Coast](#)
 - Important, Sensitive and Unique (ISU) Areas
 - Fisheries Protection Standards

Pursuant to the CZMA Federal Consistency regulations at [15 CFR § 930.36](#), if a federal agency determines that a proposed activity will have reasonably foreseeable effects on coastal uses or resources of the state, the federal agency must prepare a Consistency Determination (CD) and submit it to Ecology for review. The CD must show how the federal agency is "consistent to the maximum extent practicable" with the enforceable policies.

The Federal Agency may submit the CD to Ecology in any manner it chooses as long as it provides the information contained at [15 CFR § 930.39](#). The amount of detail in the description of the activity and the evaluation of coastal effects, the applicable enforceable policies, and supporting information should be commensurate to the expected coastal effects of the proposed federal activity. The contents of a CD are specified at 15 CFR § 930.39(a).

In the following subsections, describe each of the enforceable policies and identify which ones apply to the proposal, and which do not. Please note that even if the Federal Agency believes an enforceable policy is not applicable, Ecology still asks that the agency describes why that is the case. Federal Agencies can also utilize Ecology's Enforceable Policies document, which the Consistency Determination template is based upon, to determine if their proposed action applies to each enforceable policy. Federal agencies are encouraged to consult with Ecology staff for guidance in determining the applicability of enforceable policies if needed. The following Ecology webpages may be used to find the appropriate contact:

- [State Shoreline Management Act](#)
- [State Water Pollution Control Act](#)

- [Water Quality permits \(general\)](#)
 - [Section 401 permits](#)
- [Washington Clean Air Act](#)
- [State Ocean Resources Management Act](#)
- [The Marine Spatial Plan for Washington's Pacific Coast](#)

B.1 Washington Clean Air Act

[Guidance]

Determine the applicability of the WCAA to the proposed activity:

1. Does the proposed action and any associated emissions occur entirely on tribal lands?
If no, the WCAA **does apply**; continue to [Question 2](#). If yes, then the WCAA **does NOT apply**; address [Question 1.1](#), then skip to [Section B.2](#).
1.1 Provide a brief explanation for the response to Question 1.

Yes, the proposed project takes place on Tribal Trust Land.

B.2 State Water Pollution Control Act

[Guidance]

Determine the applicability of the WPCA to the proposed activity:

1. Is the proposed action within a wetland or waterbody; or will the proposed action have a discharge into a wetland or waterbody?
If no, then the WPCA **does NOT apply**; skip to [Section B.3](#). If yes, the WPCA **does apply**; continue to [Question 2](#).

No, the project does not take place near a wetland or waterbody. The project site is 1,000 feet from Wapato Creek, and 3,000 feet from the Puyallup River.

It is anticipated that the project will require a National Pollution Discharge Elimination System (NPDES) permit for construction stormwater activities involving construction of the Regional Specialty Referral Center, structured parking, on-site and off-site supporting infrastructure. The Department of Ecology has been delegated authority to issue the NPDES permit for local and state jurisdictions, while the EPA issues NPDES permits for federally owned facilities and permits on tribal lands. Construction Stormwater General Permit for activities completed during construction of off-site improvements will be required through Ecology, while the construction activities on Tribal Trust Land will require the EPA permit of stormwater construction activity. Following construction, stormwater discharge from the site and off-site facilities that enter City of Fife jurisdiction will be managed in accordance with the City of Fife's Municipal Stormwater General Permit. It is not anticipated that a Section 401 Water Quality permit will be required.

2. Describe which water(s) the proposed action is located in. Describe the waters that may be impacted by the proposed action, including both the broader classification(s) and localized description(s).

B.3 Shoreline Management Act

[Guidance]

Determine the applicability of the SMA to the proposed activity:

1. Does the proposed action occur within SMA jurisdiction or are there reasonably foreseeable effects to coastal uses and resources within SMA jurisdiction?
If no, the SMA **does NOT apply**; skip to [Section B.4](#); if yes, the SMA **does apply**; continue to [Question 1.1](#).
1.1 Explain your response to [Question 1](#).

No, the proposed action does not take place within SMA jurisdiction. The project site is $\frac{3}{4}$ of a mile away from the nearest point of the Puget Sound shoreline.

The project area is not included with the City of Fife Shoreline Master Program (<https://fortress.wa.gov/ecy/ezshare/SEA/FinalSMPs/PierceCounty/Fife/FifeSMPSept2019.pdf>). Pages 122-130 and page 307). The site is also not located in the mapped areas of wetland, streams, lakes, and shorelines therefore are not within the jurisdictional boundaries requiring permitting.

B.4 Ocean Resources Management Act

[Guidance]

Determine the applicability of ORMA to the proposed activity:

1. Do proposed activities take place in, under, over, or adjacent to the water? **No.**
2. Is the proposed action located in Washington's "coastal waters", which are defined as the waters of the Pacific Ocean seaward from Cape Flattery south to Cape Disappointment, from mean high tide seaward two hundred miles (and including the Willapa Bay and Grays Harbor estuaries) [RCW 43.143.020(2)]? **No.**
3. Is a federal/state/local permit or other government approval required for the proposal?
[Guidance]
Yes, the proposed action will comply with all tribal, federal, state, and local permits.
4. Does the proposed action contain uses or activities that will adversely impact renewable resources or existing coastal or ocean uses? **No.**

If the answer to one of the Questions 1-4 is “no”, then ORMA **does NOT apply**; skip to Section C. If the answers to Questions 1-4 are all “yes”, then ORMA **does apply**; continue to Section B.5.

C. CONSISTENCY DETERMINATION

The following subsections describe how the Portland Area Indian Health Service Regional Specialty Referral Center is consistent with all applicable enforceable policies of Washington's CZMP.

C.1 Washington Clean Air Act

1. Does the WCAA apply to the proposed activity, as identified in [Section B.1](#)?
If no, skip to [Section C.2](#). If yes, continue to [Question 2](#) and complete the following analysis to determine whether the proposal is consistent with the enforceable policies of the WCAA.
Yes.
2. Using the [Washington clean air agencies map](#), note which air agencies apply to the proposed action based on location. [\[Guidance\]](#)
Puget Sound Clear Air Agency.
3. Describe conversations and correspondence with [state or local clean air staff](#) regarding the applicability of the WCAA to the proposed activity.

The NEPA Environmental Assessment for the proposed action researched the Clean Air Act. Clean Air Act compliance will be further addressed during the design phase of the project.

PERMITS & REGISTRATION

4. List and describe any air quality permits (e.g., operating or notice construction permit) that are required for the proposal. If not applicable, please explain. Describe whether the proposed activity contains any permanent stationary sources and whether those sources need to be registered per WAC 173-400-099. Be sure to cite conversations [state or local clean air staff](#) in your response.

The proposed action will not contain any permanent stationary sources.

It is expected that the proposed project will require an air permit. This may include a Notice of Construction (NOC), also known as “pre-construction permit,” to cover activities during construction, but may also extend to ongoing air permitting needs associated with the facility, including the likely need for emergency generators. There are several exemptions, however, which are based on specific emission thresholds. The emissions from the proposed project have been estimated, but more precise quantities will be generated during design and specific equipment installed. In some cases, a general permit may be applicable for emergency generators, especially if there are considered minor sources of emissions. It is anticipated that specific permitting will be required, therefore it is reasonable to assume the project would be eligible for consistency review.

DEMONSTRATING CONSISTENCY WITH THE REGULATIONS & POLICIES OF THE WCAA

The following regulations and policies apply to all proposed activities, regardless of whether a permit is required.

General Regulations for Air Pollution Sources

Nonroad Engines

5. Does the proposed activity include **nonroad engines**, as defined in [WAC 173-400-030\(59\)](#)? **No.**
If no, skip to [Question 6](#). If yes, continue to [Question 5.1](#).
- 5.1 Describe how the proposal is consistent with the fuel standards in [WAC 173-400-035\(3\)](#). [Guidance]
- 5.2 Does the proposal require the installation and operation of nonroad engines with a cumulative maximum rated brake horsepower (BHP) greater than 500 BHP and less than or equal to 2000 BHP?
If no, skip to [Question 5.3](#). If yes, continue to [Question 5.2.1](#).
 - 5.2.1. Describe how the proposal is consistent with [WAC 173-400-035\(4\)](#). [Guidance]
- 5.3 Does the proposal require the installation and operation of nonroad engines with a cumulative maximum rated brake horsepower greater than 2000 BHP?
If no, skip to [Question 6](#). If yes, continue to [Question 5.3.1](#).
 - 5.3.1. Describe how the proposal is consistent with [WAC 173-400-035\(5\)](#). [Guidance]

General Standards for Maximum Emissions

6. Does the proposed activity include **sources or emission units**, as defined by [WAC 173-400-030 \(84\) and \(31\)](#), respectively? **See 6.8 Fugitive Dust.**
If no, skip to [Question 7](#). If yes, continue to [Question 6.1](#).
- 6.1 Describe how the proposal is consistent with the **visible emissions** requirements in [WAC 173-400-040\(2\)](#). [Guidance] **Not applicable. The proposed action includes standard procedures for construction of a multi-story healthcare building. There will be no visible emissions.**
- 6.2 Describe how the proposal is consistent with the **fallout** requirements in [WAC 173-400-040\(3\)](#). [Guidance]
- 6.3 Does the proposed activity produce **fugitive emissions**, as defined in [WAC 173-400-030\(41\)](#)?
If no, skip to [Question 6.4](#). If yes, continue to [Question 6.3.1](#).
 - 6.3.1. Describe how the proposal is consistent with the requirements in [WAC 173-400-040\(4\)](#). [Guidance]
- 6.4 Describe how the proposal is consistent with the **odor** requirements in [WAC 173-400-040\(5\)](#). [Guidance]
- 6.5 Describe how the proposal does not cause or allow the emission of any air contaminant from any source if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business, as required in [WAC 173-400-040\(6\)](#).
- 6.6 Describe how the proposal is consistent with the **sulfur dioxide** requirements in [WAC 173-400-040\(7\)](#). [Guidance]

6.7 Describe how the proposal does not cause or allow the installation or use of any means which **conceals or masks** – as defined in [WAC 173-400-030 \(21\) and \(49\)](#), respectively – an emission of an air contaminant which would otherwise violate the general standards for maximum emissions, as required in [WAC 173-400-040\(8\)](#).

6.8 Does the proposed activity produce **fugitive dust**, as defined in [WAC 173-400-030\(40\)](#)? **Yes.**

If no, skip to [Question 7](#). If yes, continue to [Question 6.8.1](#).

6.8.1. Describe how the proposal is consistent with the requirements in [WAC 173-400-040\(9\)](#). [Guidance]

The contractor shall incorporate standard dust control practices into their daily operations.

Burning

7. Does the proposal involve any **indoor or residential burning**? **No.**

If no, skip to [Section C.2](#). If yes, continue to [Question 7.1](#).

7.1 Does the proposal include burning used oil as fuel in a land-based facility or in state water?

If no, skip to [Question 7.2](#). If yes, continue to [Question 7.1.1](#).

7.1.1. Describe how the proposal is consistent with [RCW 70A.15.4510](#). [Guidance]

7.2 Does the proposal include the purchase of any **solid fuel burning devices**, as defined in [WAC 173-433-030\(13\)](#)?

If no, skip to [Section C.2](#). If yes, continue to [Question 7.2.1](#).

7.2.1. Describe how the proposal will be consistent with the opacity standards in [WAC 173-433-110](#). [Guidance]

7.2.2. Demonstrate that the proposal does not cause or allow any of the prohibited fuel types to be burned in a solid fuel burning device, as listed in [WAC 173-433-120](#). [Guidance]

7.2.3. Has Ecology or the applicable local air authority identified a Stage 1 or Stage 2 impaired burn ban, as outlined in [WAC 173-433-140](#), that would be applicable to the proposed action? [Guidance]

If no, skip to [Section C.2](#). If yes, continue to [Question 7.2.3.i](#).

7.2.3.i. Describe how the proposal is consistent with the restrictions for Stage 1 burn bans outlined in [WAC 173-433-150\(1\)](#), and/or the restrictions for Stage 2 burn bans outlined in [WAC 173-433-150\(2\)](#). [Guidance]

C.2 State Water Pollution Control Act

1. Does the WPCA apply to the proposed activity, as identified in [Section B.2](#)? **No.**
If no, skip to [Section C.3](#). If yes, continue to [Question 2](#) and complete the following analysis to determine whether the proposal is consistent with the enforceable policies of the WPCA.

PERMITS & AUTHORIZATIONS

2. Does your proposal require a federal license/permit from one or more of the following federal agencies? Check all that apply. **No. The project is not in the vicinity of wetlands or water bodies. The project site is 1,000 feet from Wapato Creek, and 3,000 feet from the Puyallup River.**
 - ☐ The United States Army Corps of Engineers (Corps)
 - ☐ Section 404
 - ☐ Section 10
 - ☐ The United States Coast Guard (Coast Guard)
 - ☐ The Federal Energy Regulatory Commission (FERC)
If FERC and/or Coast Guard only, skip to [Question 4](#). If Corps Section 404 or 10, continue to [Question 3](#).
3. Does the Corps plan to issue a Nationwide Permit (NWP)?³
If no, skip to [Question 4](#); if yes, continue to [Question 3.1](#).
 - 3.1 Which NWP will be issued?
 - 3.2 Did you receive verification from the Corps or Ecology that your proposal meets Ecology's programmatic Section 401 Water Quality Certification (WQC) for the NWP that will be issued?
If no, continue to [Question 3.3.1](#); if yes, skip to [Question 5](#).
 - 3.2.1 Does the proposal trigger any of Ecology's Section 401 WQC General State Conditions and/or any of the NWP-specific WQC Conditions (if there are any) as stated in the 2021 NWP User Guide⁴. [If yes, also describe which conditions are triggered.]
If no, the project meets the programmatic conditions for Section 401, skip to [Question 5](#); if yes, the project does not meet the programmatic conditions for Section 401, continue to [Question 4](#).
4. Is an individual Section 401 WQC required for the proposal?
If no, skip to [Question 5](#). If yes, continue to [Question 4.1](#).
 - 4.1 Who is the certifying agency?
If the Environmental Protection Act (EPA) or a tribe, please include a copy of the water quality certification if issued.
 - 4.2 Is the Section 401 WQC pending or has a decision been issued? Describe who have you been in contact with. Describe conversations and status of the WQC.

³ Note that the programmatic CZM decision for the NWPs are not applicable to a federal agency, as they must follow the federal consistency requirements outlined in 15 CFR Part 930 Subpart C.

⁴ See p.106 of the [User Guide for Nationwide Permits in Washington State \(2021-2026\)](#).

5. Does the proposal include the discharge of waste materials from construction, industrial, commercial, and municipal operations into ground and surface waters of the state or municipal sewerage systems, that would require a National Pollutant Discharge Elimination System (NPDES) and/or State Waste Discharge Permit?

If no, skip to [Question 5.5](#). If yes, continue to [Question 5.1](#).

- 5.1 Who is the water quality permitting agency?

If the EPA, please include a copy of the water quality permit if issued.

- 5.2 Which type of water quality permit is required?

☐ Individual

☐ General

- 5.3 Has an application for an individual water quality permit or a Notice of Intent (NOI) for a general water quality permit been submitted? Provide supporting documentation, and if a general permit will be obtained, specify which one.

- 5.4 Is the permit pending, or has it been issued? Describe who have you been in contact with. Describe conversations and status of the water quality permit.

- 5.5 Describe why a permit is not required.

5.5.1. Describe how the proposal is consistent with RCW 90.48.080, which prohibits the discharge of polluting matters in any waters of the state.

DEMONSTRATING CONSISTENCY WITH THE REGULATIONS & POLICIES OF THE WPCA

Surface Water Impacts

If it was noted that an individual Section 401 WQC was required in [Question 4](#), skip this “Surface Waters Impacts” section. If an individual Section 401 WQC is not required, continue to [Question 6](#).

The Federal Agency may also refer to the [Water Quality Standards for Surface Waters of the State of Washington](#) document for guidance on understanding the regulatory requirements and addressing the questions in this section.

6. Does the proposal have a discharge to, or include activities that occur in or adjacent to, any **surface waters** of the state of Washington, including wetlands? **No. The project is not in the vicinity of wetlands or water bodies. The project site is 1,000 feet from Wapato Creek, and 3,000 feet from the Puyallup River.**

If no, continue to [Question 6.1](#); then continue to [Question 7](#). If yes, skip to [Question 7](#).

- 6.1 Describe how the proposal will have no discharge or impact to surface waters. **The project will retain storm-water onsite in accordance with EPA Technical Guidance for federal projects under Section 438 of the Energy Independence and Security Act.**

7. Does the proposal include the fill of wetlands or any other impacts to wetlands that are not authorized under a Section 401 WQC or Agreed Order (AO)? **No.**

If the answer is no to both [Questions 6 & 7](#), continue to [Question 11](#). If yes to either [Questions 6 or 7](#), continue to [Question 8](#).

8. Does the proposal have a discharge to, or include any activities that may have potential impacts to, a **designated freshwater use** described in [WAC 173-201A-600](#) and [WAC 173-201A-602](#)? [Guidance]
 If no, skip to [Question 9](#). If yes, continue to [Question 8.1](#).
 - 8.1 Specify which designated uses are applicable to the proposal and describe the potential impacts.
 - 8.2 Describe how the proposal is consistent with each of the following narrative and numerical water quality standards outlined in [WAC 173-201A-200](#), including how the Federal Agency will be monitoring to ensure compliance.
 - 8.2.1 Toxics and aesthetics criteria [\[WAC 173201A-260\]](#) [Guidance]
 - 8.2.2 Aquatic life temperature criteria [\[WAC 173-201A-200\(1\)\(c\)\]](#) [Guidance]
 - 8.2.3 Aquatic life dissolved oxygen (D.O.) criteria [\[WAC 173-201A-200\(1\)\(d\)\]](#) [Guidance]
 - 8.2.4 Aquatic life turbidity criteria [\[WAC 173-201A-200\(1\)\(e\)\]](#) [Guidance]
 - 8.2.5 Aquatic life total dissolved gas (TDG) criteria [\[WAC 173-201A-200\(1\)\(f\)\]](#) [Guidance]
 - 8.2.6 Aquatic life pH criteria [\[WAC 173-201A-200\(1\)\(g\)\]](#) [Guidance]
 - 8.2.7 Aquatic life fine sediment criteria [\[WAC 173-201A-200\(1\)\(h\)\]](#) [Guidance]
 - 8.2.8 Water contact recreation bacteria criteria [\[WAC 173-201A-200\(2\)\(b\)\]](#) [Guidance]
9. Does the proposal have a discharge to, or include any activities that may have potential impacts to, a **designated marine waters use** described in [WAC 173-201A-610](#) and [WAC 173-201A-612](#)?
 If no, skip to [Question 10](#). If yes, continue to [Question 9.1](#).
 - 9.1 Specify which designated uses are applicable to the proposal and describe the potential impacts.
 - 9.2 Describe how the proposal is consistent with each of the following narrative and numerical water quality standards outlined in [WAC 173-201A-210](#), including how the Federal Agency will be monitoring to ensure compliance:
 - 9.2.1 Toxics and aesthetics criteria [\[WAC 173201A-260\]](#) [Guidance]
 - 9.2.2 Aquatic life temperature criteria [\[WAC 173-201A-210\(1\)\(c\)\]](#) [Guidance]
 - 9.2.3 Aquatic life dissolved oxygen (D.O.) criteria [\[WAC 173-201A-210\(1\)\(d\)\]](#) [Guidance]
 - 9.2.4 Aquatic life turbidity criteria [\[WAC 173-201A-210\(1\)\(e\)\]](#) [Guidance]
 - 9.2.5 Aquatic life pH criteria [\[WAC 173-201A-210\(1\)\(f\)\]](#) [Guidance]
 - 9.2.6 Shellfish harvesting bacteria criteria [\[WAC 173-201A-210\(2\)\(b\)\]](#) [Guidance]
 - 9.2.7 Water contact recreation bacteria criteria [\[WAC 173-201A-210\(3\)\(b\)\]](#) [Guidance]
10. Describe any proposed mitigation activities that are relevant to the impacts described in this “Surface Waters Impacts” subsection.
11. Using the [Water Quality Atlas](#) as a reference [choose “Assessed Water/Sediment” as the map layer], are there any Category 4a and 5 listings that apply to the proposed activity area? If so, note the parameter(s) and describe how the proposed activity will not

exceed the Total Maximum Daily Loads (TMDLs) (or other water quality improvement project) assigned to this area. [Guidance]

Marine Sediment Impacts

If it was noted that an individual Section 401 WQC was required in [Question 4](#), skip this “Marine Sediment Impacts” section. If an individual Section 401 WQC is not required, continue to [Question 12](#).

12. Does the proposal impact **marine sediment quality**, as defined by [WAC 173-204-200\(14\)](#)? [Guidance]

If no, continue to [Question 12.1](#); then continue to [Question 20](#). If yes, skip to [Question 13](#).

12.1 Describe how the proposal will have no impact to marine sediment quality.

13. Do you have a Suitability Determination?

If no, continue to [Question 13.1](#). If yes, skip to [Question 14](#).

13.1 Are you working with the Dredge Material Management Program (DMMP) or the Portland Sediment Evaluation Team (PSET) to receive a suitability determination?

[Guidance]

14. Are there known contaminated sediments on site? [Guidance]

If yes, continue to [Question 14.1](#).

14.1 Are you working with Ecology’s Toxics Cleanup Program or the EPA on a cleanup plan?

If the answer is no to both [Questions 13.1 & 14.1](#), continue to [Question 15](#). If yes to either [Questions 13 or 14.1](#), skip to [Question 20](#).

15. Describe how the proposal is consistent with [WAC 173-204-315](#) or [WAC 173-204-320](#).

16. Does the proposal include **identifying, investigating, and cleaning up a release or threatened release of contaminant to sediment** that may pose a threat to human health or the environment?

If no, skip to [Question 18](#). If yes, continue to [Question 17.1](#).

16.1 Describe how the proposal is consistent with the **cleanup decision process**, the cleanup process expectations, and the sediment cleanup standards outlined in [WAC 173-204-500](#).

16.2 Describe how the proposal is consistent with the remedial investigation and feasibility study requirements outlined in [WAC 173-204-550](#).

16.3 Describe how the proposal is consistent with the general sediment cleanup standards outlined in [WAC 173-204-560](#).

16.4 Describe how the proposal is consistent with the sediment cleanup standards for human health in WAC 173-204-561.

16.5 Describe how the proposed action is consistent with sediment cleanup standards to protect the benthic community in low salinity sediment, as outlined in WAC 173-204-562.

16.6 Describe how the proposed action is consistent with the sediment cleanup standards to protect the benthic community in freshwater sediment, as outlined in WAC 173-204-563.

16.7 Describe how the proposal is consistent with the cleanup standards to protect higher trophic level species, as outlined in WAC 173-204-564.

- 16.8 Describe how the proposal is consistent with the standards for selecting cleanup actions in WAC 173-204-570.
17. Describe how the proposal is consistent with the **antidegradation and designated use policies** in WAC 173-204-120.
18. Describe how the proposal is consistent with the **sampling and testing plan standards** in WAC 173-204-600.
19. Does the proposal include **marine finfish rearing facilities**, as defined in WAC 173-204-200(13)?
If no, skip to [Question 20](#). If yes, continue to [Question 19.1](#).
- 19.1 Describe how the proposal is consistent with WAC 173-204-412.

Groundwater Impacts

If it was noted that an individual Section 401 WQC was required in [Question 4](#) and/or an NPDES or State Waste Discharge Permit was required in [Question 5](#), skip this “Groundwater Impacts” section. If an individual NPDES or State Waste Discharge Permit is not required, continue to [Question 20](#).

20. Does the proposal impact **groundwater**, as defined in WAC 173-200-020(12)?
If no, continue to [Question 10.1](#); then skip to [Question 21](#). If yes, skip to [Question 21](#).
- 20.1 Describe how the proposal will have no impact to groundwaters.
21. Is the proposal **not** subject to the water quality standards for groundwaters of the state of Washington, according to WAC 173-200-010(3)?
If no, continue to [Question 21.1](#). If yes, skip to [Question 22](#).
- 21.1 Describe how the proposal is consistent with the maximum contaminant concentrations for the protection of beneficial uses of the state’s groundwater, as outlined in WAC 173-200-040.
22. Does the proposal include **Underground Injection Control (UIC) wells**? See WAC 173-218-040 for classifications.
If no, skip to [Question 23](#). If yes, continue to [Question 22.1](#).
- 22.1 Does the proposed activity qualify as an exemption from UIC well status, according to WAC 173-218-050?
If no, continue to [Question 22.2](#). If yes, skip to [Question 23](#).
- 22.2 Describe how the proposal is consistent with the registration requirements in WAC 173-218-070.
- 22.3 Does the proposal include a Class V UIC well, as defined in WAC 173-218-040(5)?
If no, skip to [Question 23](#). If yes, continue to [Question 22.4](#).
- 22.4 Does the proposal include a Class V UIC well that automatically meets the nonendangerment standard in WAC 173-218-100?
If no, continue to [Question 22.5](#). If yes, skip to [Question 22.8](#).
- 22.5 Does the proposal include a *new* Class V UIC well, as defined in WAC 173-218-030?
If no, skip to [Question 22.6](#). If yes, continue to [Question 22.5.1](#).
- 22.5.1 Describe how the proposal is consistent with the specific requirements in WAC 173-218-090(1).

22.6 Does the proposal include an *existing* Class V UIC well, as defined in WAC 173-218-030?

If no, skip to [Question 22.7](#). If yes, continue to [Question 22.6.1](#).

22.6.1 Describe how the proposal is consistent with the specific requirements in WAC 173-218-090(2).

22.7 Does the proposal include a Class V UIC well that is *not used for stormwater management*?

If no, skip to [Question 22.8](#). If yes, continue to [Question 22.7.1](#).

22.7.1 Describe how the proposal is consistent with the specific requirements in WAC 173-218-090(1).

22.8 Does the proposed activity include the decommissioning of a UIC well?

If no, skip to [Question 23](#). If yes, continue to [Question 22.8.1](#).

22.8.1 Describe how the proposal is consistent with the decommissioning standards in WAC 218-120.

Water Quality Discharges

If it was noted that an individual Section 401 WQC was required in [Question 4](#) and/or an NPDES or State Waste Discharge Permit was required in [Question 5](#), skip this “Water Quality Discharges” section. If an individual NPDES or State Waste Discharge Permit is not required, continue to [Question 23](#).

23. Does the proposal include **discharges from domestic wastewater facilities** to waters of the state?

If no, skip to [Question 24](#). If yes, continue to [Question 23.1](#).

23.1 Describe how the proposal is consistent with the effluent limits in WAC 173-221-040.

23.2 Are any of the following alternative treatments applicable to the proposed activity, as outlined in WAC 173-221-050?

(1) Trickling filters

(2) Waste stabilization ponds

(3) Domestic wastewater facilities which receive flows from combined sewers

(4) Domestic wastewater facilities which receive less concentrated influent wastewater

If no, skip to [Question 24](#). If yes, continue to [Question 23.2.1](#).

23.2.1 Describe how the proposal meets the relevant requirements in WAC 173-221-050.

24. Does the proposal include **upland finfish facilities**, as defined in WAC 173-221A-030?

If no, skip to [Question 25](#). If yes, continue to [Question 24.1](#).

24.1 Describe how the proposal is consistent with the permitting requirements in WAC 173-221A-100(1).

24.2 Describe how the proposal is consistent with the timing requirements in WAC 173-221A-100(2).

24.3 Describe how the proposal is consistent with the prevention, control, and treatment requirements in WAC 173-221A-100(3).

- 24.4 Describe how the proposal is consistent with the effluent standards in WAC 173-221A-100(4).
- 24.5 Describe how the proposal is consistent with the general requirements in WAC 173-221A-100(5).
- 24.6 Describe how the proposal is consistent with the requirements for water quality studies, as outlined in WAC 173-221A-100(6).
25. Does the proposal include **marine finfish rearing facilities**, as defined in WAC 173-221A-030?
- If no, skip to [Question 26](#). If yes, continue to [Question 25.1](#).
- 25.1 Describe how the proposal is consistent with the permitting requirements in WAC 173-221A-110(2).
- 25.2 Describe how the proposal is consistent with the timing requirements in WAC 173-221A-110(3).
- 25.3 Describe how the proposal is consistent with the general requirements in WAC 173-221A-110(4).
- 25.4 Describe how the proposal is consistent with the requirements for environmental studies, as outlined in WAC 173-221A-110(5).
26. Does the proposal include **combined sewer overflow (CSO) sites** not authorized by a water quality permit, as defined in WAC 173-245-020(6)?
- If no, skip to [Question 27](#). If yes, continue to [Question 26.1](#).
- 26.1 Describe how the proposal is consistent with the general requirements in WAC 173-245-015.

Miscellaneous

27. Does the proposal include the application of **barley straw** to waters of the state for the purposes of water clarification?
- If no, skip to [Question 28](#). If yes, continue to [Question 27.1](#).
- 27.1 Describe how the proposal is consistent with the requirements in RCW 90.48.310.
28. Does the proposal include **aquatic noxious weed control**?
- If no, skip to [Question 29](#). If yes, continue to [Question 28.1](#).
- 28.1 Does the federal agency have a permit from Ecology that allows the activity to take place? (Specify general vs. individual permit.)
- 28.2 Describe how the proposal is consistent with RCW 90.48.445(1) (a) and (b).
29. Does the proposal involve the control of **Eurasian water milfoil**?
- If no, skip to [Section C.3](#). If yes, continue to [Question 29.1](#).
- 29.1 Describe how the proposal is consistent with RCW 90.48.448.

C.3 Shoreline Management Act

1. Does the SMA apply to the proposed activity, as identified in Section B.3? **No.**
If no, skip to [Section C.4](#). If yes, continue to [Question 2](#) and complete the following analysis to determine whether the proposal is consistent with the enforceable policies of the SMA.
2. Which shoreline of the state is the proposed activity associated with?
3. Is the waterbody or associated waterbody a “**shoreline**”, as defined in RCW 90.58.030(2)(e) or a “**shoreline of statewide significance**”, as defined in RCW 90.58.030(2)(f)?
4. Is there a component of the proposed activity occurring upland within the “**shorelands**”, as defined in RCW 90.58.030(2)(d)?
5. Is there a component of the proposed activity occurring within water?

There are two options for demonstrating consistency with the SMA: 1) through an SMA policy analysis, or 2) by following the relevant local Shoreline Master Program (SMP). If demonstrating consistency through an SMA policy analysis, please address [Questions 6-33](#). If demonstrating consistency with the SMA using a local SMP, please address [Questions 34-42](#). Note that this analysis is focused on content, not process (i.e., it is understood that the Federal Agency does not need to actually obtain a shoreline permit). The most recently updated SMPs approved by Ecology can be found on [our website](#).

DEMONSTRATING CONSISTENCY WITH THE SMA THROUGH AN ANALYSIS OF THE ENFORCEABLE POLICIES

General Provisions

SMA Policy

The shorelines of the state are among the most valuable and fragile of its natural resources and there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition, ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. Much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public

*interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. **There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.*** [RCW 90.58.020]

The SMA is designed to be liberally construed to give full effect to the objectives and purposes for which it was enacted [RCW 90.58.920] and shall not affect any treaty rights to which the United States is party [RCW 90.58.350]. The burden is on the proponent to demonstrate that a proposed use or development is consistent with the SMA [RCW 90.58.140(7)].

Activities included under the SMA regulations but deemed uncommon in relation to direct federal agency actions were omitted from this template. This includes agricultural activities [RCW 90.58.065], commercial timber cutting [RCW 90.58.150], floating homes [RCW 90.58.270], and oil or natural gas exploration in marine waters [RCW 90.58.550]. If the proposed activity includes any of these activities, please refer to the relevant regulations and demonstrate consistency accordingly. Additionally, if seeking relief from shoreline master program development standards and use regulations for shoreline restoration project under RCW 90.58.580, please also include a discussion of this in the CD.

6. If the proposed activity is within a **“shoreline of statewide significance”** (see [Question 3](#)), describe how the proposal furthers any of the following **preferred uses** and outcomes of the SMA [RCW 90.58.020]:
 - (1) Recognize and protect the statewide interest over local interest.
 - (2) Preserve the natural character of the shoreline.
 - (3) Result in long term over short term benefit.
 - (4) Protect the resources and ecology of the shoreline.
 - (5) Increase public access to publicly owned areas of the shorelines.
 - (6) Increase recreational opportunities for the public in the shoreline.
7. Describe how the proposal will result in **“no net loss”** of shoreline ecological functions, as outlined in WAC 173-26-186(8).
8. Does the proposed activity include any **new or expanded building or structure** of more than 35ft above average grade level [RCW 90.58.320]?
If no, skip to [Question 9](#); if yes, continue to [Question 8.1](#).
 - 8.1. Describe how the proposal will not obstruct the view of a substantial number of residences or adjacent public spaces.
 - 8.2. Describe how the proposal serves the public interest.
9. Is the proposed activity near a **“critical area”**, according to WAC 173-26-221(2)?
If no, skip to [Question 10](#); if yes, continue to [Question 9.1](#).
 - 9.1. Specify the types(s) of critical areas.
 - 9.2. For each critical area identified in [Question 9.1](#), describe how the proposal is consistent with the applicable standards in WAC 173-26-221(2)(c).
10. Describe how the proposal is consistent with the **archaeological and historic resources** standards in WAC 173-26-221(1)(c).

11. Describe how the proposal is consistent with the **flood hazard reduction** standards in WAC 173-26-221(3)(c).
12. Describe how the proposal is consistent with the **public access** standards in WAC 173-26-221(4)(c).
13. Describe how the proposal is consistent with the **shoreline vegetation conservation** standards in WAC 173-26-221(5)(c).
14. Describe how the proposal is consistent with the **water quality, stormwater, and nonpoint pollution** standards in WAC 173-26-221(4)(c).

Shoreline Uses & Standards

15. Which **general environment designation(s)** does the proposed activity fall under, according to WAC 173-26-211(5) (a)(iii), (b)(iii), (c)(iii), (d)(iii), (e)(iii) and (f)(iii)? Be specific and detailed.
 - 15.1 For each of the environmental designations that apply to the proposal, describe how the proposed activity is consistent with the applicable purposes and management policies of WAC 173-26-211(5) (a)(i-ii), (b)(i-ii), (c)(i-ii), (d)(i-ii), (e)(i-ii) and (f)(i-ii).
16. Does the proposed activity include **agriculture** as defined by WAC 173-26-020(3)?

If no, skip to [Question 17](#); if yes, continue to [Question 16.1](#).

 - 16.1. Describe how the proposal is consistent with WAC 173-26-241(3)(a)(v).
17. Does the proposed activity include **aquaculture**, as defined by WAC 173-26-020(6)?

If no, skip to [Question 18](#); if yes, continue to [Question 17.1](#).

 - 17.1. Describe how the proposal is consistent with WAC 173-26-241(3)(b)(i)(C).
 - 17.2. Does the proposed activity include **geoduck** aquaculture specifically?

If no, skip to [Question 18](#); if yes, continue to [Question 17.2.1](#).

 - 17.2.1. Describe how the proposal is consistent with WAC 173-26-241(3)(b) (ii), (iv)(F)(I), and (iv)(L).
18. Does the proposed activity include any **boating facilities**, as defined by WAC 173-26-241(3)(c)?

If no, skip to [Question 19](#); if yes, continue to [Question 18.1](#).

 - 18.1. Describe how the proposal is consistent with WAC 173-26-241(3)(c).
19. Does the proposed activity include any **commercial development**?

If no, skip to [Question 20](#); if yes, continue to [Question 19.1](#).

 - 19.1. Describe how the proposal is consistent with WAC 173-26-241(3)(d).
20. Does the proposed activity include **forest practice** conversions or other Class IV-General Forest practices where there is a likelihood of conversion to nonforest uses?

If no, skip to [Question 21](#); if yes, continue to [Question 20.1](#).

 - 20.1. Describe how the proposal with WAC 173-26-241(3)(e).
21. Does the proposed activity include **industrial development**?

If no, skip to [Question 22](#); if yes, continue to [Question 21.1](#).

 - 21.1. Describe how the proposal is consistent with WAC 173-26-241(3)(f).
22. Does the proposed activity include **in-stream structures**, as defined by WAC 173-26-241(3)(g)?

If no, skip to [Question 24](#); if yes, continue to [Question 23.1](#).

- 22.1. Describe how the proposal will be consistent with WAC 173-26-241(3)(g).
23. Does the proposal include **mining** activities, as defined by WAC 173-26-241(3)(h)?
If no, skip to [Question 24](#); if yes, continue to [Question 23.1](#).
- 23.1. Describe how the proposal is consistent with WAC 173-26-241(3)(h) (i) and (ii)(A and D).
24. Does the proposed activity include **recreational development**, as defined by WAC 173-26-241(3)(i)?
If no, skip to [Question 25](#); if yes, continue to [Question 24.1](#).
- 24.1. Describe how the proposal is consistent with WAC 173-26-241(3)(i).
25. Does the proposed activity include **residential development**?
If no, skip to [Question 26](#); if yes, continue to [Question 25.1](#).
- 25.1. Describe how the proposal is consistent with WAC 173-26-241(3)(j) (ii) and (iii).
- 25.2. Does the proposed activity include multiunit residential development?
If no, skip to [Question 26](#); if yes, continue to [Question 25.2.1](#).
- 25.2.1. Describe how the proposal is consistency with WAC 173-26-241(3)(j)(v).
26. Does the proposed activity include **transportation and parking**?
If no, skip to [Question 27](#); if yes, continue to [Question 26.1](#).
- 26.1. Describe how the proposal is consistent with WAC 173-26-241(3)(k).
27. Does the proposed activity include **utilities**, as defined by WAC 173-26-241(3)(l)?
If no, skip to [Question 28](#); if yes, continue to [Question 27.1](#).
- 27.1. Describe how the proposal is consistent with WAC 173-26-241(3)(l).

Shoreline Modification Standards

28. Does the proposed activity include **shoreline stabilization**, as defined in WAC 173-26-231(3)(a)(i)?
If no, skip to [Question 29](#); if yes, continue to [Question 28.1](#).
- 28.1. Does the proposed activity also constitute new development?
If no, skip to [Question 28.2](#); if yes, continue to [Question 28.1.1](#).
- 28.1.1. Describe how the proposal is consistent with the standards in WAC 173-26-231(3)(a)(iii)(B)(III).
- 28.2. Does the proposal aim to protect existing primary structures?
If no, skip to [Question 28.3](#); if yes, continue to [Question 28.2.1](#).
- 28.2.1. Describe how the proposal meets the requirements in WAC 173-26-231(3)(a)(iii)(B)(I).
- 28.3. Does the proposal aim to support new nonwater-dependent development (including single-family residences)?
If no, skip to [Question 28.4](#); if yes, continue to [Question 28.3.1](#).
- 28.3.1. Describe how the proposal meets the requirements in WAC 173-26-231(3)(a)(iii)(B)(II).
- 28.4. Does the proposal aim to support water-dependent development?
If no, skip to [Question 28.5](#); if yes, continue to [Question 28.4.1](#).
- 28.4.1. Describe how the proposal meets the requirements in WAC 173-26-231(3)(a)(iii)(B)(III).

- 28.5. Does the proposal aim to protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to RCW 70.105D?
If no, skip to [Question 28.6](#); if yes, continue to [Question 28.5.1](#).
- 28.5.1. Describe how the proposal meets the requirements in WAC 173-26-231(3)(a)(iii)(B)(IV).
- 28.5.2. Describe how the proposal meets the requirements in WAC 173-26-231(3)(a)(i)(E).
- 28.6. Does the proposal aim to replace an existing shoreline stabilization structure with a similar structure?
If no, skip to [Question 28.7](#); if yes, continue to [Question 28.6.1](#).
- 28.6.1. Describe how the proposal is consistent with the standards in WAC 173-26-231(3)(a)(iii)(C).
- 28.7. Was a geotechnical report prepared for the proposal?
If no, skip to [Question 29](#); if yes, continue to [Question 28.7.1](#).
- 28.7.1. Describe how the proposal is consistent with the standards in WAC 173-26-231(3)(a)(iii)(D).
29. Does the proposed activity include **beaches and dune management**?
If no, skip to [Question 30](#); if yes, continue to [Question 29.1](#).
- 29.1 Describe how the proposal is consistent with WAC 173-26-231(3)(e).
30. Does the proposed activity include **piers and docks**?
If no, skip to [Question 31](#); if yes, continue to [Question 30.1](#).
- 30.1 Describe how the proposal is consistent with WAC 173-26-231(3)(b).
31. Does the proposed activity include **breakwaters, jetties, groins, or weirs**?
If no, skip to [Question 32](#); if yes, continue to [Question 31.1](#).
- 31.1 Describe how the proposal is consistent with WAC 173-26-231(3)(d).
32. Does the proposed activity include **dredging and/or dredge material disposal**?
If no, skip to [Question 33](#); if yes, continue to [Question 32.1](#).
- 32.1 Describe how the proposal is consistent with WAC 173-26-231(3)(f).
33. Does the proposed activity include **shoreline habitat and natural systems enhancement projects**?
If no, skip to [Section C4](#); if yes, continue to [Question 33.1](#).
- 33.1 Describe how the proposal is consistent with WAC 173-26-231(3)(g).

DEMONSTRATING CONSISTENCY WITH THE SMA ENFORCEABLE POLICIES USING THE LOCAL SMP(S)

The local SMPs are not enforceable policies of the Washington CZMP, but the standards and policies contained within SMPs were developed to meet the objectives of the SMA and its implementing WACs, many of which are approved enforceable policies for CZMA consistency review purposes. As noted above, if a shoreline permit is issued for the proposed federal action, then no further review of the SMA's enforceable policies may be necessary. However, if the applicant is not required to obtain a permit, (either because they are a federal agency or they have a shoreline permit exemption from the local government) but the SMA would apply, then, for federal consistency purposes the applicant will need to demonstrate consistency with the SMA and its implementing WACs. Thus, the applicant is advised to rely on the applicable SMP because SMPs constitute local expressions of the SMA for that particular area. The

SMPs should be used as guidance or a tool to evaluate whether a proposal is consistent with the enforceable policies of the SMA and the WACs.

Unless required by Federal law, Federal agencies are not required to obtain shoreline permits. However, Ecology encourages Federal agencies to rely on the provisions of the applicable SMPs, when preparing their CDs, as an administrative convenience to demonstrate consistency. In doing so, Ecology recognizes that the Federal agency is not applying for a permit or requesting local authorization.

If a Federal Agency chooses NOT to rely on the SMPs to demonstrate consistency, it should refer to the section above in this template.

SMPs, when adopted or approved by Ecology, are authorized as regulations for implementing the policies of the SMA per RCW 90.58.100. Therefore, federal agencies may choose to follow the relevant SMP(s) that pertains to their proposal as a method of demonstrating consistency with the SMA. In doing so, the Federal Agency must be sure to address the following elements:

- *Which SMP was utilized to address the proposal*
- *Which environmental designation the proposed activity falls under and which associated management policies and regulations apply*
- *Critical areas protections standards*
- *Public access requirements*
- *Vegetation conservation standards*
- *A discussion of how the proposal is consistent with the relevant SMP policies, allowed uses, shoreline modifications and specific bulk or dimensional standards such as buffers that apply*

34. Specify which SMP was utilized to demonstrate the proposal's consistency with the SMA to (e.g. Pacific County SMP).
35. Describe how the proposal is consistent with each of the preferred uses identified in the SMP, including those that are specific to activities within a “shoreline of statewide significance” (see [Question 3](#)).
36. Describe which shoreline environmental designation(s) the proposed activity falls under according to the specific local SMP and how the proposal is consistent with the corresponding policies and regulations.
37. Describe how the proposal meets the general goals, policies, and regulations that apply throughout the shoreline jurisdiction. This analysis should address:
 - Archaeological and historic resources
 - Critical areas
 - Flood hazard areas
 - Public access
 - Shoreline vegetation conservation
 - Water quality, storm water and nonpoint pollution
38. Identify critical areas located within or near the proposed activity and provide an analysis of whether the activity has the potential to impact a critical area. Be specific.

39. Explain how the proposal will result in “no net loss” of shoreline ecological functions through application of the mitigation sequence and resulting compensatory mitigation, if applicable.
40. Identify which uses are being proposed and describe how it is consistent with the policies and regulations related to each applicable shoreline use addressed in the local SMP (be specific and detailed). These uses include:
- Agriculture
 - Aquaculture
 - Boating facilities
 - Commercial development
 - Forest practices
 - Industry
 - In-stream structural uses
 - Mining
 - Recreational development
 - Residential development
 - Transportation and parking
 - Utilities
41. Identify which (if any) shoreline modifications are being proposed and describe how they are consistent with the policies and regulations related to each applicable shoreline modification addressed in the local SMP (be specific and detailed). These include:
- Shoreline stabilization
 - Piers and docks
 - Fills
 - Breakwaters, jetties, groins and weirs
 - Beach and dunes management
 - Dredging and dredge material disposal
 - Shoreline habitat and natural systems enhancement projects
42. Address any other relevant components of the SMP not identified in [Questions 34-41](#) and describe how the proposed activity is consistent.

C.4 Ocean Resources Management Act

1. Does the ORMA apply to the proposed activity, as identified in [Section B.4](#)? **No.**
If no, skip to [Section D](#). If yes, continue to [Question 2](#) and complete the following analysis to determine whether the proposal is consistent with the enforceable policies of ORMA.

The Ocean Resources Management Act's (ORMA) jurisdiction extends from Cape Flattery in Clallam County south to Pacific County at Cape Disappointment, and seaward from the mean higher high tide line to the state boundary. Special attention is given to the Columbia River, Grays Harbor, and Willapa Bay estuaries. We believe the project is outside the jurisdiction of the ORMA, although we note that the website indicates that "We are currently working on guidance to assist applicants in demonstrating consistency with ORMA and the Ocean Management Guidelines. Until then, for more information about the applicability of ORMA to a proposed activity or how to prepare an ORMA Consistency Analysis, please email Casey Dennehy or call 360-688-0142." Agency coordination to ensure the project is outside the jurisdiction of the ORMA is recommended to be completed during the design phase.

General Planning and Project Review Criteria

2. Demonstrate that there is a **significant local, state, or national need** for the proposed activity [RCW 43.143.030(2)(a)].

Include information specific to the significant need for the proposed use/activity. The need should be described using appropriate context that is specific to the proposal, the location, and proposed activities. This should go beyond generalized statements that are true of most proposed activities (e.g. "job creation" occurs on most projects).

State whether it is a local, state, regional or national need, and address all four where possible.

Examples of public needs include those addressed in legislation, strategic plans, or initiatives, such as the [Executive Order 13921 on Promoting American Seafood Competitiveness and Economic Growth](#) (May 2020), which outlines the need to facilitate aquaculture development in the United States.

3. Demonstrate that there is **no reasonable alternative** to meet the public need for the proposed use or activity [RCW 43.143.030(2)(b)].

This criterion asks whether there are reasonable alternatives to the proposed activity. Describe which reasonable alternatives were evaluated for the proposed activity that would also meet the public need described under (a) above. Include an analysis of alternative locations considered, including locations outside the geographic area covered by ORMA [WAC 173-26-360(7)(d)].

The alternatives considered to meet a public need should be similar in scale with the need for a proposed use described above in (a). For example, if there is a demonstrated national need for a

proposed use such as clean energy, then national alternatives for clean energy production should be considered [WAC 173-26-360(7)(d)]. Similarly, if meeting a regional need, then regional alternatives should be considered, including locations outside the geographic area covered by ORMA.

The analysis should describe why these alternatives are not reasonable to pursue for the proposed activity/use; e.g. a facility lacks the existing infrastructure or enough available space to fulfill the purpose/need; or pursuing a certain location would cause unreasonable delays in serving the purpose/need (e.g. because it is farther from destination/target market).

Questions 4-6 are intended to capture the potential impacts on Washington's coastal uses and resources. Responses to Questions 4-6 must incorporate the requirements related to characterizing and mitigating impacts (see subsections below).

Furthermore, the Federal Agency must address all components within each of Questions 4-6. If the Federal Agency believes a component is not applicable, please state so.

CHARACTERIZING IMPACTS

For each impact to Washington uses and resources, provide the following details:

1. Type of impact: direct, indirect and/or cumulative
 - The following are examples taken from Ecology's State Environmental Policy Act (SEPA) Handbook:
 - Direct impact: a new residential development may propose to place fill in a wetland in order to construct a road.
 - Indirect impact: the road will encourage increased development in the area because of increased access.
 - Cumulative impact: increased runoff and contaminants from the development would be added to the volumes and levels of contamination from similar developments surrounding the wetland.
2. Duration of impact: short term, long-term, and temporary:
 - Temporary impacts can include short-term impacts, such as those associated with construction, or if the effects will occur for a limited time during operation.
 - Long-term impacts are more permanent, such as the environmental effects of altering habitat for development (e.g. runoff from a newly built road).
3. Severity of impact (scale and size)
 - For example, vessel traffic analyses should evaluate not just the increase in the number of vessel transits, but the geographic area covered, and the scale and size of vessels being used compared with current conditions.
4. Likelihood of impact to occur
 - This should include the potential for a temporary or long-term impact to occur, as well as the probability of a disaster to occur and the potential impacts from such a disaster.

Further, in identifying potential impacts, Federal Agencies should consult the [Marine Spatial Plan for Washington's Pacific Coast](#) which provides baseline descriptive data and analytical reports, including

spatial maps in the online mapping application. Other resources include Ecology's [Coastal Atlas](#) and NOAA's [Ocean Reports](#), both of which provide various layers of spatial mapping data.

MITIGATING IMPACTS

Once impacts are identified, include information on how each impact will be mitigated. The sequence of actions described in WAC 197-11-768 should be used as an order of preference in evaluating steps to avoid and minimize adverse impacts [WAC 173-26-360(7)(e)]. These actions are written as follows:

- “Mitigation” means:
 - (1) Avoiding the impact altogether by not taking a certain action or parts of an action;
 - (2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
 - (3) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - (4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
 - (5) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or
 - (6) Monitoring the impact and taking appropriate corrective measures.

The Federal Agency must describe all reasonable mitigation steps taken – either required by other permits, plans, and authorizations or taken voluntarily by the applicant – to avoid and minimize adverse environmental and socioeconomic impacts. Mitigation should be commensurate with expected adverse impacts [WAC 173-26-360(7)(g)]. The Federal Agency should consider all of the proposal's potential adverse impacts regardless of whether those impacts are generated on land or in the water. Pre-proposal environmental baseline inventories and assessments and monitoring of ocean uses should be required when little is known about the effects on marine and estuarine ecosystems, renewable resource uses, and coastal communities or the technology involved is likely to change [WAC 173-26-360(7)(v)]. Finally, while many of these mitigation steps might already be satisfied by specific permits or authorizations, the necessary information must be provided in this analysis to address this criterion.

The Marine Spatial Plan for Washington's Pacific Coast [MSP, p. 4-36] provides example approaches to protect Washington's ecological, social, and economic coastal uses and resources that applicants may find useful in demonstrating compliance with ORMA (even if the MSP is not triggered), including but not limited to:

- *Ecological:*
 - *Identify and use alternative deployment of structures in proximity to the proposed activity that would have less adverse impact on identified ecological resources.*
 - *Schedule construction to avoid critical migration times, vulnerable life stages of species, and important oceanographic processes.*
 - *Use designs and methods that prevent, avoid and minimize disturbance to species, habitats, water quality, and ecological and physical processes.*
- *Socioeconomic:*
 - *Identify and use alternative deployment and placement of structures in proximity to the proposed activity that would have less adverse impact on identified ocean and coastal uses, including social and economic impacts to coastal communities.*

- *Space structures to maximize compatibility with existing uses.*
- *Minimize footprint.*
- *Schedule construction activities to minimize impacts to existing users.*
- *Mitigate possible hazards to navigation and, provide practicable opportunities for vessel transit, at the proposed activity location.*
- **Cultural & Historic:**
 - *Conduct high-resolution seafloor surveys for historic or archeological resources.*
 - *Consult with state historic preservation officer and tribal preservation officers on cultural resources that may be present or impacted.*

4. What are the **potential impacts from siting and location; construction; design and operations; ocean use services; and/or probable disasters** such as explosions or spills [WAC 173-26-360(7) (j), (m), (n), (o), (q), (r), and (u)]? When describing impacts be sure to be explicit about the type of impact (direct, indirect, or cumulative); the duration of the impacts (short-term, long-term, or temporary); the severity of the impact (size and scale); and the likelihood of the impact to occur. Additionally, provide information on how each of these impacts will be avoided, minimized, or mitigated.

The MSP applies within state waters off Washington's Pacific Ocean coast from Cape Flattery to the mouth of the Columbia River, including Grays Harbor and Willapa Bay. It does not include the Strait of Juan de Fuca or Puget Sound. The MSP study area extends to ocean waters 35-55 nautical miles offshore, up to a depth of 700 fathoms (see map for illustration). The MSP management framework applies to state waters, and the enforceable policies also apply in federal waters. The project is located outside of these areas, and lacks any connectivity or impacts to federal waters, therefore we believe that it is not subject to consistency review.

Address the following potential impacts from the proposed activity:

- **Siting (Location)**
 - *Ocean uses and their associated coastal/upland facilities [WAC 173-26-360(7)(j)].*
 - *Onshore facilities associated with ocean uses should be located in communities where there is adequate sewer, water, power, and streets. Within those communities, if space is available at existing marine terminals, the onshore facilities should be located there [WAC 173-26-360(7)(q)].*
- **Construction**
 - *Scheduling and method of constructing ocean use facilities and the location of temporary construction facilities [WAC 173-26-360(7)(r)].*
- **Design / Operation**
 - *Noise, light, temperature changes, turbidity, water pollution and contaminated sediments on the marine, estuarine or upland environment [WAC 173-26-360(7)(u)].*
- *Ocean use service, supply and distribution vessels and aircrafts [WAC 173-26-360(7) (m) and (n)].*
- *Probable disasters such as explosions or spills [WAC 173-26-360(7)(o)].*

In describing the impacts from the proposed activity, include information on the activity's vulnerability to potential hazards. State and federal agencies and academic institutions have compiled extensive scientific data, research, and modeling information for different types of coastal hazards, including for earthquakes and tsunamis. Include this information in analyses for risks and adverse impacts related to these events. For more information, see: [Department of Natural Resources Geology Division](#) and [Department of Ecology's Coastal Hazards work](#).

5. Address **ecological concerns** related to environmental preserves, parks, and recreation areas; fishing grounds; critical and sensitive habitats; periods of critical oceanographic processes; species migration routes; and water quality [WAC 173-26-360(7) (j), (k), (m), (n), (t), and (u)].

- **General location:**

- *Marine life and resources of the Columbia River, Willapa Bay and Grays Harbor estuaries, & Olympic National Park.*
- *Environmental & scientific preserves, sanctuaries, parks, and designated recreation areas [WAC 173-26-360(7)(k)].*
- *Fishing grounds, aquatic lands or other renewable resource ocean use areas during the established, traditional, and recognized times they are used or when the resource could be adversely impacted [WAC 173-26-360(7)(m)].*

- **Habitat:**

- *Environmentally critical and sensitive habitats such as breeding, spawning, nursery, foraging areas and wetlands [WAC 173-26-360(7)(j)]; and sea stacks, preserves, sanctuaries, bird colonies [WAC 173-26-360(7)(n)].*
- *Areas of high productivity for marine biota such as upwelling and estuaries [WAC 173-26-360(7)(j)].*
- *Periods of critical oceanographic processes [WAC 173-26-360(7)(u)].*

- **Species:**

- *Migration routes (during critical periods and life stages) [WAC 173-26-360(7) (n) and (u)] and habitat areas of species listed as endangered or threatened [WAC 173-26-360(7)(j)].*

- **Water quality [WAC 173-26-360(7)(t)]:**

- *Changes to water quality (e.g. chemicals, petroleum products, nutrients, oxygen, temperature, acidification).*

6. Address **socioeconomic concerns** related to short and long-term economic and social costs and benefits to communities; historically or culturally significant sites; coastal uses such as aquaculture, tourism, navigation, recreation, and fishing; public infrastructure and services; and existing water-dependent businesses [WAC 173-26-360(7) (l), (p), (r), (s), and (t)].

- **General:**

- *Fully consider adverse impacts to the broad range of coastal and marine uses.*

- Short- and long-term economic and social costs and benefits to the affected community, for example, including social costs to vulnerable and/or impacted ocean users.
- Sites:
 - a. Historic or culturally significant sites in compliance with RCW 27.34, State Historical Societies—Historic Preservation [WAC 173-26-360(7)(l)].
- Coastal uses:
 - a. Aquaculture [WAC 173-26-360(7)(t)]; tourism; navigation; recreation; recreational, commercial and tribal fishing [WAC 173-26-360(7)(r)].
 - b. Recreational activities and experiences such as public access, aesthetics, and views [WAC 173-26-360(7)(s)].
- Community:
 - a. Local communities [WAC 173-26-360(7)(r)]; public infrastructure, public services, community culture [WAC 173-26-360(7)(t)].
- Coastal economy:
 - a. Existing water-dependent businesses and existing land transportation routes to the maximum extent feasible [WAC 173-26-360(7)(p)].
 - b. The costs and benefits to the larger economy (state, regional, national)

7. If applicable, describe any **compensation** provided to mitigate adverse impacts to coastal resources or uses. If this is not applicable to the proposal, explain why.

Compensatory mitigation should be commensurate with expected adverse impacts – i.e., it should be based on the duration and/or degree of impacts on the resource or use [WAC 173-26-360(7)(g)].

The analysis must provide information that:

- Identifies all compensatory mitigation the proposal will include for adverse ecological, social, and economic impacts to coastal resources or uses
 - Describes how compensatory mitigation will account for adverse impacts to the [WAC 173-26-360(7)(f)]:
 - crab fishery
 - noncommercial resources, such as environmentally critical and sensitive habitats
 - coastal uses, such as loss of equipment or loss of a fishing season
8. Explain why there will be no likely **long-term significant adverse impacts** to coastal or marine resources or uses [RCW 43.143.030(2)(c)].

*ORMA is triggered when the lead agency determines that there will be adverse impacts to “renewable resources, marine life, fishing, aquaculture, recreation, navigation, air or water quality, or other existing ocean or coastal uses” [RCW 43.143.030(2)] – in addition to the other triggering criteria. To determine if there will be any ‘likely long-term significant adverse impacts’, the Federal Agency must describe how they plan to avoid or minimize impacts via mitigation or by adapting their proposal. **This is done by addressing Questions 4-6 of Section C.4 of this document.** Therefore, even if impacts are avoided or mitigated through other actions or permits, the Federal Agency must still demonstrate consistency with ORMA. **The Federal Agency should***

describe here how the proposal meets ORMA's requirement of no likely long-term significant impacts to coastal or marine resources or uses, drawing from the analysis used to address ORMA permit criteria in Questions 4-6 of this section of the template. This description should explicitly address the 'long-term', 'significant', and 'adverse' aspects of the stated impacts.

WAC 173-26-360(7)(e) provides guidance in the application of the permit criteria and guidelines of this section. Impacts may be direct, indirect, or cumulative. The Federal Agency should evaluate and consider all of the proposed activity's potential significant adverse impacts regardless of whether those impacts are generated on land or in the water. The determination of 'significant adverse impacts' should include considerations such as the likelihood, severity, intensity (or magnitude and duration) of the adverse impact. The federal agency should also consider whether the proposal occurs across multiple locations; if multiple marginal impacts, when considered together, result in a significant impact; and the ability to predict impacts with precision. The federal agency should not state the beneficial aspects of a proposal in order to balance adverse impacts in determining significance.

Specific Ocean Use Standards

If the Federal Agency chose to address the enforceable policies of the SMA by demonstrating consistency with the local SMP, it is possible that the questions in this section (#9-14) have already been addressed. If specific ocean use standards have already been addressed through the SMP analysis, please briefly explain (add references to previous question responses if needed).

9. Does the proposal include **ocean mining activities**, as defined in WAC 173-26-360(9)?
If no, skip to Question 10. If yes, continue to Question 9.1.
 - 9.1 Describe how mining activities are located and operated to avoid detrimental effects on ground fishing or other renewable resource uses [WAC 173-26-360(9)(a)].
 - 9.2 Describe how mining activities are located and operated to avoid detrimental effects on beach erosion or accretion processes [WAC 173-26-360(9)(b)].
 - 9.3 Describe how the proposed action has considered habitat recovery rates in the review of permits for seafloor mining [WAC 173-26-360(9)(c)].
10. Does the proposal include **energy production activities**, as defined in WAC 173-26-360(10)?
If no, skip to Question 11. If yes, continue to Question 10.1.
 - 10.1 Describe how mining activities are located and operated to avoid detrimental effects on ground fishing or other renewable resource uses [WAC 173-26-360(9)(a)].
 - 10.2 Describe how the proposed actions related to energy producing uses affect upwelling, and other oceanographic and ecosystem processes [WAC 173-26-360(10)(b)].
 - 10.3 Describe how the proposed action is consistent with WAC 173-26-360(10)(c), which states that any associated energy distribution facilities and lines should be located in existing utility rights of way and corridors whenever feasible, rather than creating new corridors that would be detrimental to the aesthetic qualities of the shoreline area.

11. Does the proposal include **ocean disposal**, as defined in WAC 173-26-360(11)?
If no, skip to [Question 12](#). If yes, continue to [Question 11.1](#).
- 11.1 Describe how the storage, loading, transporting, and disposal of materials will be done in conformance with local, state, and federal requirements for protection of the environment [WAC 173-26-360(11)(a)].
- 11.2 Describe how ocean disposal will only take place in sites that have been approved by the Washington Department of Ecology, the Washington Department of Natural Resources, the United States Environmental Protection Agency, and the United States Army Corps of Engineers as appropriate [WAC 173-26-360(11)(b)].
- 11.3 Describe how ocean disposal sites are located and designed to prevent, avoid, and minimize adverse impacts on environmentally critical and sensitive habitats, coastal resources and uses, or loss of opportunities for mineral resource development. (Ocean disposal sites for which the primary purpose is habitat enhancement may be located in a wider variety of habitats, but the general intent of the guidelines should still be met). [WAC 173-26-360(11)(c)].
12. Does the proposal include **transportation activities**, as defined in WAC 173-26-360(12)?
If no, skip to [Question 13](#). If yes, continue to [Question 12.1](#).
- 12.1 Describe the impact transportation uses will have on renewable resource activities such as fishing and on environmentally critical and sensitive habitat areas, environmental and scientific preserves, and sanctuaries [WAC 173-26-360(12)(a)].
- 12.2 Describe how the proposed activity is consistent with WAC 173-26-360(12)(b), which states that when feasible, hazardous materials such as oil, gas, explosives and chemicals, should not be transported through highly productive commercial, tribal, or recreational fishing areas. (If no such feasible route exists, the routes used should pose the least environmental risk.)
- 12.3 Describe how transportation uses are located or routed to avoid habitat areas of endangered or threatened species, environmentally critical and sensitive habitats, migration routes of marine species and birds, marine sanctuaries and environmental or scientific preserves to the maximum extent feasible [WAC 173-26-360(12)(c)].
13. Does the proposal include **ocean research activities**, as defined in WAC 173-26-360(13)?
If no, skip to [Question 14](#). If yes, continue to [Question 13.1](#).
- 13.1 Describe how ocean research activities will coordinate with other ocean uses occurring in the same area to minimize potential conflicts [WAC 173-26-360(13)(a)].
- 13.2 Describe how ocean research are located and operated in a manner that minimizes intrusion into or disturbance of the coastal waters environment consistent with the purposes of the research and the intent of the general ocean use guidelines [WAC 173-26-360(13)(c)].
- 13.3 Describe how ocean research will be completed or discontinued in a manner that restores the environment to its original condition to the maximum extent feasible, consistent with the purposes of the research [WAC 173-26-360(13)(d)].
- 13.4 Describe how the proposed action is consistent with WAC 173-26-360(13)(e), which states that public dissemination of ocean research findings should be encouraged.
14. Does the proposal include **ocean salvage activities**, as defined in WAC 173-26-360(14)?

If no, skip to [Question 15](#). If yes, continue to [Question 14.1](#).

- 14.1 Describe how any nonemergency marine salvage and historic shipwreck salvage activities will be conducted in a manner that minimizes adverse impacts to the coastal waters environment and renewable resource uses such as fishing [WAC 173-26-360(14)(a)].
- 14.2 Describe how any nonemergency marine salvage and historic shipwreck salvage activities will not be conducted in areas of cultural or historic significance unless part of a scientific effort sanctioned by appropriate governmental agencies [WAC 173-26-360(14)(b)].

D. STATEMENT OF CONSISTENCY

Provide a brief statement indicating whether the proposed activity is consistent with the enforceable policies of Washington's CZMP to the maximum extent practicable, as per [15 CFR Part 930.39\(a\)](#).

The proposed federal action by IHS as lead federal agency is the Regional Specialty Referral Center, a multi-story outpatient healthcare facility, on land owned by the Puyallup Tribe at 3700 Pacific Highway East, in Fife, Washington. The project will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the Washington Coastal Zone Management Program, as addressed by the evaluation in this document.

Christopher
J. Vaught -S

Digitally signed by
Christopher J. Vaught -S
Date: 2024.07.23 10:38:29
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E. APPENDICES

Attach or cite any relevant resources, analyses, and/or data referenced in the CD.