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County: Grays Harbor
Team: SWRO

Certification of Consistency with the Washington State Coastal Zone Management Program for Activities Requiring a Federal License or Permit

Washington State Department of Ecology
Email: fedconsistency@ecy.wa.gov

Why is this Certification of Consistency Required?

The federal Coastal Zone Management Act (CZMA) authorizes states to review federal actions for consistency with the federally approved enforceable policies of state coastal management programs. The issuance of federal licenses and permits are federal actions that are subject to state review where those licenses and permits have been listed by the state as subject to review. Listed federal license or permit activities under Washington's Coastal Zone Management (CZM) Program are found on the Office for Coastal Management's website. Applicants for listed authorizations in the State's coastal zone[1] must show that the proposed activity is consistent with the enforceable policies found in four state laws and their implementing regulations (the Shoreline Management Act, Clean Air Act, Water Pollution Control Act, and Ocean Resources Management Act (ORMA)), and in the Marine Spatial Plan for Washington's Pacific Coast (MSP). Examples of federal permits and licenses include U.S. Army Corps of Engineers (Corps) permits, Federal Energy Regulatory Commission (FERC) licenses, and U.S. Coast Guard bridge permits. A federal agency cannot issue a permit or license unless the Department of Ecology (Ecology) concurs that the project is consistent with Washington's enforceable policies. If the state issues a CZMA objection to a proposed federal license or permit activity, the federal agency cannot authorize the activity unless the state removes its objection or the U.S. Secretary of Commerce overrides the state objection in an appeal filed by the applicant.

The requirements for CZMA federal consistency reviews are found at 16 U.S.C. § 1456 (Section 307 of the CZMA) and the Federal Consistency regulations at 15 CFR part 930. The specific rules for the review of federal licenses and permits are found at 15 CFR part 930, subpart D. Ecology has prepared this form to help applicants demonstrate consistency with the State's CZM Program.

Next Steps:

For projects that need a Corps permit, please submit the form and supporting materials as described below to the Corps at NWS-PermitApp@usace.army.mil and it will be forwarded to Ecology for review. For projects that need other types of federal permits or licenses, please submit the form and supporting materials to fedconsistency@ecy.wa.gov.

Along with this form, please submit the following:

- A copy of the application for federal permit or license,
- Project location map,
- Site plans, and
- Supporting documentation as identified below under the enforceable policies.

Note: For projects on Washington's Pacific Coast, if ORMA and/or the MSP apply, an ORMA analysis or MSP Effects Evaluation must be included with your consistency certification; this may take considerable time to prepare.

[1] The Coastal Zone includes all areas of the following counties: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Wahkiakum, and Whatcom.

Ecology will then:

- Review your Certification of Consistency to make a Federal Consistency decision for the project.
- Publish a public notice (or this may be published by the applicable federal agency).
- Contact you if further information is needed.

Ecology has six months from receipt of the consistency certification package to issue a decision (concurrence, concurrence with conditions, or objection). If Ecology does not act within six months, the activity is presumed to be consistent with the CZM program. If additional time is needed, Ecology may contact you regarding a 'stay' of this date.

Note: Ecology cannot issue a concurrence until all of the applicable permits/authorizations are received.

For More Information:
Ecology's Federal Consistency Webpage: Coastal zone management federal consistency review

I. Identify the Applicable Federal License or Permit

Federal Agency:	
☒ Corps ☐ USCG ☐ FERC ☐ Other	Federal Permit/License Number (if known): NWS-2024-641 Federal Agency Point of Contact: Randell Perry

II. Project Information

Project Name: Washington Fiber Project		
Project Location (Note: Please attach a project location map and site plans with this form)		
Address: 1603 Seashell Lane (If there is no address, provide other location information)	City: Westport	County: Grays Harbor
Land ownership (check all that apply): ☒ Private ☒ State ☐ Federal ☐ Tribal ☐ Other:		
Waterbody that the project is in or has the potential to affect: Pacific Ocean		WRIA Number: 22/23

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

SEALink Networks, Inc. needs to land its new Ketchikan-Westport submarine fiber optic cable in Washington to gain access to IP transit in Seattle. SEALink Networks, Inc., with support from the City of Westport, is proposing to develop a new Beach Landing and Cable Landing Station to support the submarine fiber optic cable and future domestic and international fiber optic cables. The project will ensure continued reliable internet service for customers in Alaska and provide improved internet access to Westport and surrounding communities.

The Washington Fiber Project (project) is primarily located within the city limits of Westport, Grays Harbor County in Washington State, with the seaward conduits located offshore. The project involves installing up to six seaward conduits, each between about 3,300 and 4,900 feet offshore from the Beach Landing Parcel, located at 1603 Seashell Lane in Westport, using horizontal directional drilling. The project will also install about 1.4 miles of buried PVC conduit(s) and fiber optic cable (Fronthaul Route), about 3 to 4 feet deep, in the existing public road right-of-way from the Beach Landing Parcel to a new Cable Landing Station located on approximately 2 acres of land owned by the City of Westport located at 1844 Montenanso Street S. Access to the Westin Building in Seattle will result from connecting the new Cable Landing Station in Westport to the existing communications networks.

The Seaward Conduits are the only portion of the project located in the marine environment. The Beach Manhole, the Fronthaul Route, and the Cable Landing Station are all located upland.

Seaward Conduits – Marine and Upland Construction
The seaward conduits will extend from the Beach Landing Parcel, under the beach and seabed, and the exit point (punch-out) will be located at a distance of about 3,300 to 4,900 feet offshore from the Beach Landing Parcel. This distance targets the 30-foot contour where divers can safely operate past the surf/tidal zone to assist with Horizontal

Directional Drilling (HDD) installation, as needed, and the installation of the fiber optic cable. The seaward conduits will be at a depth of about 100 feet or more below the surface of the seabed at its deepest point and will be at least 30 feet below the surface of the beach, seaward of the Beach Landing Parcel. The Beach Landing Parcel will also be used to stage equipment and materials. The placement of the seaward conduits is the only activity that will occur within the marine environment. All six of the seaward conduits would cover a distance of between 19,800 feet and 29,400 feet.

HDD is the standard method for constructing cable landings in the United States, particularly on the West Coast and will be used on this project. HDD operations will drill each pilot hole seaward from the Beach Landing Parcel and then install the seaward conduit. The seaward end of the conduit would be either filled with water or pressurized to maintain a stable environment and be capped to prevent sand or other debris from entering the conduit. Drilling fluid (typically a bentonite clay-water mixture of approximately 92% water, 7% bentonite clay, and 1% nontoxic additives) will be used based on standard practice for HDD. Bentonite is a naturally occurring substance and is benign to the environment and the additives employed for saltwater tolerance are biodegradable. The potential to release drilling fluids, known as an inadvertent return, to the ground surface or onto the seafloor is most likely to occur near the bore entry and exit points because the drill head is shallow in these areas. The location of the Beach Manhole is set back from the Pacific Ocean which will allow the seaward conduit to achieve a depth of about 35 feet beneath the surface and reach depths up to 100 feet under the seafloor which minimizes the potential for an inadvertent release. Within the last 100 to 130 feet of the exit point the HDD operations will transfer from the use of drilling fluid to fresh water. However, in the event of a drilling fluid release to the seafloor, no adverse impacts are expected because bentonite is a naturally occurring substance and is benign to the environment and the tidal/wave action would quickly dissipate the bentonite. Drilling fluids will be flushed out at the Beach Manhole and at the exit point fresh water will be released into the ocean, but the tidal/wave action would quickly dissipate the fresh water. A mixing and recycling unit will be located on the Beach Landing Parcel to mix the drilling fluids, remove the drill cuttings for disposal, and recycle the drilling mud for reuse in the drilling process. The drill cuttings will be removed from the Beach Landing Parcel and disposed of at an approved landfill. The recycling process used during the boring operations minimizes the use of freshwater and reduces the risk of drilling fluid leakage. The recycling process also ensures that the drilling mud be of the minimum amount required for HDD operations.

Prior to construction, the selected HDD contractor will complete a detailed HDD profile, drilling plan, and finalize the the inadvertent return plan.

- **Detailed HDD Profile** - Includes geotechnical investigations to allow the HDD contractor to prepare a comprehensive diagram of the planned bore path, identify depth and curvature of the seaward conduit path, and identify the exit points (punch-out). The HDD profile ensures that the drilling path remains within the desired geological strata and avoids obstacles.
- **Drilling Plan** - Outlines the step-by-step procedures, equipment, and materials to be used throughout the drilling process to ensure the proper execution of drilling activities. This includes information on the drilling fluids, drill string setup, and the reaming and cleaning cycles.
- **Inadvertent Return Plan** - Addresses the potential for drilling fluid to escape into the surrounding environment. The plan will include information on the monitoring procedures, response actions, and measures to be implemented to address the release of drilling fluid traveling through and toward the ground surface. The plan will include actions to be taken in the event of an inadvertent return on both land and in the ocean. Actions taken should an inadvertent return be identified include ceasing boring operations immediately as practical, implementing containment measures if on land (i.e., sandbags, straw bales, vacuum truck, etc.), allowing for sediment dissipation and dilution for inadvertent returns in the ocean, and notifying agencies. The on-site response equipment (e.g., pump and hoses, vacuum trailer or truck, and spill kit) used to contain and remove an inadvertent return will be identified in the plan. The plan will identify information to be included in the daily log to record an inadvertent return including details on the release (e.g., estimated amount of fluid releases, location and time, clean-up action details), type of activity occurring around the inadvertent return area,

description of any sensitive areas, and the methods used to clean up the site. The plan will also include protocols when communicating with the regulatory agencies if there is an inadvertent release.

Additionally, all HDD operations will be monitored by a SEALink Networks' staff member throughout the entirety of operations. Daily and weekly progress reports will be developed to share with the project team in which progress communications can also be provided to permit authorities, as required.

The project has been designed to avoid and minimize impacts on waterbodies by using HDD for the seaward conduits in the Pacific Ocean. Complete avoidance is not possible because of the exit points required for the seaward conduits. Impacts have been minimized by ensuring that the vaults on the Beach Landing Parcel are outside of the mean higher high water (MHHW).

No material will be placed in or removed from the waterbody. Approximately 2 linear feet of seaward conduit for each conduit will extend above the seafloor (up to 10 linear feet total). Approximate square footage is 3 square feet per conduit (18 square feet total).

Has tribal consultation been initiated?	☐ Yes ☒ No
Has local government review or consultation been initiated?	☒ Yes ☐ No

III. Enforceable Policies

State Shoreline Management Act (SMA)	
Is the proposed project within shoreline jurisdiction? ☒ Yes ☐ No (**If unknown**, check with the local jurisdiction. **If no**, then skip the remainder of this section.)	
Does the proposed project require a shoreline permit/authorization? ☒ Yes ☐ No (**If no**, then skip the remainder of this section.)	
Name of local jurisdiction(s) processing shoreline permit/authorization: City of Westport and Grays Harbor County	
Applied for or received permit/authorization: ☐ Shoreline permit exemption (APPLIED) ☐ Shoreline Substantial Development Permit (SDP) ☒ Shoreline Conditional Use Permit (CUP) ☐ Shoreline Variance	Local jurisdiction permit number(s): Local jurisdiction issuance date(s): Ecology permit filing number: Ecology date of filing (SDP/CUP/Variance):
State Clean Air Act (CAA)	
Did you contact the local air agency to determine whether a CAA permit is required? ☐ Yes ☒ No	
Does the proposed project require a CAA permit? ☐ Yes ☒ No (**If unknown**, check with the local clean air agency. **If no**, then skip the remainder of this section.)	
Name of local air authority processing CAA permit:	
☐ Applied for air permit - Date submitted: (please attach copy of application package)	Notice of Construction (NOC) number:
☐ Received air permit - Date issued:	Permit number:
State Water Pollution Control Act (WPCA)	
Section 401 Water Quality Certification (WQC)	
Does the proposed project require a WQC? ☒ Yes ☐ No (**If unknown**, see Ecology's 401 web page. **If no**, then skip the remainder of this section.)	
☐ Applied for WQC - Date submitted:	☐ Ecology ☐ Tribe: ☐ U.S. Environmental Protection Agency (EPA)
☐ Received WQC - Date issued:	WQC number:
Section 402 National Pollutant Discharge Elimination System (NPDES) Permit	
Does the project proposal require an NPDES permit? ☒ Yes ☐ No (**If unknown**, see Ecology's Stormwater Permit web page. **If no**, then skip the remainder of this section.)	
Applied for NPDES permit: ☒ General Permit:	☐ Ecology ☐ EPA Notice of Intent (NOI) number:

☒ Construction Stormwater General Permit ☐ Industrial Stormwater General Permit ☐ Other: ☐ Individual Permit:	Date submitted:
☐ Received NPDES permit coverage	Permit number: Date issued:

Ocean Resources Management Act (ORMA)
Does ORMA apply? ☐ Yes ☒ No (**If unknown**, see ORMA Guidance. **If no**, then skip the remainder of this section.)
If ORMA applies, then attach an analysis demonstrating consistency with ORMA's enforceable policies as suggested in the ORMA Guidance. ☐ Analysis is attached Note: This analysis must be attached to the Consistency Certification unless the MSP applies.
Marine Spatial Plan (MSP) for Washington's Pacific Coast
Does ORMA apply? (see above) ☐ Yes ☒ No (**If no**, then MSP does not apply; skip the remainder of this section)
Does MSP apply? (see) ☐ Yes ☐ No (**If unknown**, see MSP Guidance. **If no**, then skip the remainder of this section.)
If MSP applies, has an MSP Effects Evaluation as described in the MSP Guidance been completed? ☐ MSP Effects Evaluation is attached Note: If an MSP Effects Evaluation has not been completed, it must be submitted early in the review process in order for the state to concur with the proposed action. Failure to do so may result in the issuance of an objection to the project for lack of information. The MSP Effects Evaluation may be submitted in lieu of the ORMA analysis.

IV. Applicant & Agent Information

Applicant Name:			
Organization: SEALink Networks, Inc/Ryan Wopschall			
Mailing Address: 136 Misty Lane	City: Ketchikan	State: AK	Zip: 99901
Phone #: 541.306.1549	E-Mail: Ryan.W@aptalaska.com		
Agent Name:			
Organization: SEALink Networks, Inc/Ryan Wopschall			
Mailing Address: 136 Misty Lane	City: Ketchikan	State: AK	Zip: 99901
Phone #: 541.306.1549	E-Mail: Ryan.W@aptalaska.com		

V. Certification Statement:

By digitally signing below, I certify that the proposed activity complies with the enforceable policies of Washington's approved management program and will be conducted in a manner consistent with such program.

Applicant Signature Zachary Layman Date 11/04/2024

Print Name Zachary Layman

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