

7 March 2025

Regulatory Branch Corps No. NWP-2004-78-6

Federal Permit Coordinator Washington State Department of Ecology Post Office Box 47600 Olympia, Washington 98504-7600

Ladies and Gentlemen:

Enclosed is a copy of the Certification of Consistency with the Washington State Coastal Zone Management Act (CZMA) Program for the above referenced project. Please consider this as a request for a CZMA consistency decision. The 6-month clock will start upon the receipt of this letter by Ecology.

Sincerely,

William D. abodie

William D. Abadie Chief, Regulatory Branch

Enclosure



# 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: <u>fedconsistency@ecy.wa.gov</u> AGENCY USE ONLY
Date Received: 3/7/2025
Aquatics ID#: 19693
County: Pacific
Team: Dredging

# Why is this Certification of Consistency Required?

The federal Coastal Zone Management Act (CZMA) authorizes states to review federal actions for consistency with the federally approved enforceable policies of state coastal management programs. The issuance of federal licenses and permits are federal actions that are subject to state review where those licenses and permits have been listed by the state as subject to review. Listed federal license or permit activities under Washington's Coastal Zone Management (CZM) Program are found on the Office for Coastal Management's <u>website</u>. Applicants for listed authorizations in the State's coastal zone<sup>1</sup> must show that the proposed activity is consistent with the <u>enforceable policies</u> 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 <u>NWS-PermitApp@usace.army.mil</u> 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 <u>fedconsistency@ecy.wa.gov</u>.

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.

<u>Note</u>: 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.

<sup>&</sup>lt;sup>1</sup> The Coastal Zone includes <u>all areas</u> 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.

<u>Note</u>: 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	Federal Permit/License Number (if known): NWP-2004-78-6
□ FERC	$\Box$ Other	Federal Agency Point of Contact: Kinsey Friesen, USACE Project Manager

# II. Project Information

Project Name: Port of Ilwaco Marina Maintenance Dredging					
Project Location (Note: Please attach a project location map and site plans with this form)					
Address: 165 Howerton Way SE (If there is no address, provide other location information)	City: Ilwaco			County: Pacific	
Land ownership (check all that apply): $\Box$ Private	🛛 State	Federal	🗆 Tribal	🛛 Other: Port of Ilwaco	
Waterbody that the project is in or has the potential to affect: Baker Bay WRIA Number: 24- Willapa					
Detailed description of the proposed activity, its associated facilities, and effects to coastal resources and uses:					

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

### Background/Site Description

The Port of Ilwaco (Port) is located on the north shoreline of the Columbia River in Baker Bay. Annual maintenance dredging is necessary to keep the marina actively operating. Historically the Port has dredged targeted areas of the marina depending on the need, upland placement site capacity, budget, and availability of dredging equipment to complete the work within the designated in-water work window. This has resulted in removing only 1 to 3 feet of accumulated sediment annually from the highest priority areas. Maintenance dredging of the entire marina to the fully permitted depths has not been an option for the Port in the last ten years primarily due to limited placement site capacity and budgetary constraints.

Maintenance dredging at the Port of Ilwaco marina is currently authorized by a US Army Corps of Engineers (Corps) permit (NWP-2004-78-5) to dredge up to 500,000 cubic yards over a 10-year period that expires in 2026. Additional associated permits and approvals include:

- Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife (WDFW) (Permit Number: 2021-6-291+01, Issued 7 July 2021),
- A shoreline exemption from City of Ilwaco (Dated 30 March 2016),
- 401 Water Quality Certificate (WQC) from the Washington State Department of Ecology (Ecology) (Order #13270, Dated 21 July 2026),

- Washington State Environmental Policy Act (SEPA) Determination of Non-significance (DNS) (City of Ilwaco -Dated 30 March 2016),
- Washington Department of Natural Resources (DNR) Right of Entry/Aquatic Use Authorization (Port Management Agreement No. 20-080001; 12 August 2014),
- Endangered Species Act (ESA) Consultation from National Marine Fisheries Service (NMFS) (WCR-2016-3986, dated 13 July 2016) and the U.S. Fish and Wildlife Service (USFWS), and
- Sediment Quality Review/disposal suitability determination from the Portland Sediment Evaluation Team (PSET) (Dated 13 December 2024).

The existing permits and approvals authorize maintenance dredging to -8 feet MLLW, -10 feet MLLW, and -16 feet MLLW and placement of the dredged material at the upland placement site located adjacent to the marina (See Sheets 3 through 7).

Maintenance dredging has historically been completed annually at the marina using hydraulic (cutter suction dredge) methods and dredged material has been placed upland via pipeline.

# **Project Description**

The Port requests a new 10-year maintenance dredging permit that will allow for placement of dredged material either upland and/or at existing in-water flow lane placement sites.

The project will require placement of dredge material below the ordinary high water mark (OHWM) of the Columbia River and will require Sections 10 and 404 permits from the USACE. This represents a federal nexus and requires that the USACE consult with the services to assess the potential for effects to species or critical habitats listed under Section 7 of the ESA and to Essential Fish Habitat (under the provisions of the Magnuson-Stevens Act).

The proposed project includes:

- 1. Conducting maintenance dredging to the previously authorized dredge footprint to the previously authorized depths of -8 feet mean lower low water (MLLW), -10 feet MLLW, and -16 feet MLLW;
- Dredging 280,288 CY (one-time capital dredge event) and an annual maximum of 50,000 CY of sediment from within the marina using either hydraulic or mechanical dredging equipment (clamshell or bucket on extended reach excavator)<sup>2</sup>;
- 3. Authorizing flow lane placement at three existing Columbia River in-water placement sites in Clatsop County, Oregon via bottom dump barge. (See Sheets 8 through 11). \*\* Note: The Columbia River flow lane sites will be permitted separately in accordance with the state of Oregon, local and federal permitting authorities.;
- 4. Authorizing removal of the previously dredged material that is currently stored at the upland placement site (approximately 70,000 CY) for placement into the above listed Columbia River flow lane placement sites;
- 5. Authorizing placement of dredged material at currently authorized upland placement site;
- 6. Authorizing a total dredge volume of up to 735,000 CY<sup>3</sup> for a new 10-year USACE permit;
- 7. Authorizing placement of approximately 4,410 CY of clean sand within the marina<sup>4</sup>; and

<sup>&</sup>lt;sup>2</sup> The one-time capital dredge event is funding dependent and may occur during any single year that the permit is valid. The proposed annual maximum maintenance dredging volume (not including the one-time capital dredge event volume) would be a maximum of 50,000 CY <sup>3</sup> The Port's SDM includes approval of a maximum dredge volume of up to 735,000 CY. This volume is based the one-time capital dredge event (280,288 CY) and material currently stored at the upland placement site (70,000 CY), plus historic annual dredge volumes over the life of a 10-year permit. The annual maintenance dredging will not exceed 50,000 CY in a given year. The Port is currently authorized to dredge the marina under existing permits, as such the total volume of material that may be dredged over the life of the requested 10-year permits may be less that the calculated volume but would not exceed 735,000 CY.

<sup>&</sup>lt;sup>4</sup> The 13 December 2024 Portland Sediment Evaluation Team (PSET) Suitability Determination Memorandum indicates that a 1-foot layer of clean sand will be required if post-dredge surface sediment sampling indicates that the post-dredge surface around sampling station SP-II is not suitable

8. Authorizing nighttime activities because dredging operations could include night shifts.

The project JARPA (Part 8) describes the avoidance, minimization, (including project Best Management Practices) and mitigation measures that will be implemented as part of the project.

# Dredging

The Port requests a new permit for continued maintenance dredging of the marina including a one-time capital dredge event and annual maintenance dredging of up to 50,000 CY of material/year to provide safe navigation and to meet the needs of its marina customers.

The Port requests a maintenance dredging permit to be issued for the 2025/2026 in-water work window (Sections 10 and 404), a Section 401 Water Quality Certification (Ecology), a new 5-year HPA from WDFW, and a new shoreline permit from the City of Ilwaco for up to 735,000 CY<sup>5</sup> of dredging at the marina.

Dredging at the marina will occur within the previously approved dredge prism and to the previously authorized depths of -8 feet MLLW, -10 feet MLLW, and -16 feet MLLW. The capital dredge event volume, maximum annual dredge volume and the average annual dredge volume are shown in Table 1 below.

#### Table 1. Summary of Annual Maximum and Average Dredge Volumes

Site	One-time capital dredge	Maximum amount of material	Average annual amount of material
	event (CY)	(CY) to be dredged each year <sup>6</sup>	(CY) to be dredged
Ilwaco Marina Dredge prism	280,288 CY	50,000 CY	20,000 CY

# Placement

The Port's upland placement site is nearing capacity and the Port needs additional capacity for placement during future dredging events. All of the material stored at the upland placement site has been found suitable for open water placement (PSET 13 December 2024). Therefore, the Port proposes to place dredged material that is suitable for in-water disposal (either from the marina or from the upland placement site) at three existing flow-lane sites in Clatsop County, Oregon (see attached Sheets 8 through 11).

The Port will place dredged material from future dredge events at either the existing flow-lane sites in Clatsop County, Oregon or their currently permitted upland placement site – when additional capacity has been restored. The Port will use different placement sites each year based on a combination of factors such as funding, the equipment used by the Port or a selected contractor, and the rate of dispersion at the proposed in-water site(s). All of the placement sites are needed to meet the Port's overall dredging needs over the 10-year life of the permit.

Only dredged material that has been deemed suitable for in-water placement by the PSET will be placed at the in-water placement sites.

The amount of material and acreage of impact for the proposed dredged material placement is provided in Table 2 below.

for unconfined aquatic exposure (See Attached Suitability Determination Memorandum). The volume of material was based on area of unsuitable material (approximately 119,097 sq. ft.) and 1 foot of clean sand.

<sup>&</sup>lt;sup>5</sup> The Port's SDM includes approval of a maximum dredge volume of up to 735,000 CY. This volume is based the one-time capital dredge event (280,288 CY) and material currently stored at the upland placement site (70,000 CY), plus historic annual dredge volumes over the life of a 10-year permit. The annual maintenance dredging will not exceed 50,000 CY in a given year.

<sup>&</sup>lt;sup>6</sup> This volume is what is currently permitted.

# Table 2. Summary of Amount of Dredged Material and Placement Site Acreage of Impact

Placement Site	Marina: One-time initial (capital) dredge event (CY)	One time placement of previously dredged material from upland site (CY)	Maintenance Dredge: Average Annual Volume (CY)	Placement Site: Average Annual Acreage of impact		
Oregon Flow Lane Site 1: "BB-3"						
Oregon Flow Lane Site 2:	280,288	70,000	20,000	8.7 acres		
Oregon Flow Lane Site 3: "Area D"						
Upland Site			20,000	3 acres		
Has tribal consultation been initiated?						
Has local government re	eview or consultation be	en initiated?	🛾 Yes 🛛 No			

# **III. Enforceable Policies**

State Shoreline Management Act (SMA)					
Is the proposed project within shoreline jurisdiction?  Yes  No					
Does the proposed project require a shoreline permit/authorization? Ves ON					
(If no, then skip the remainder of this section.)					
Name of local jurisdiction(s) processing shoreline permit/authorization: City of Ilwaco					
Applied for or received permit/authorization:					
□ Shoreline permit exemption	Local jurisdiction permit number(s): Pending				
X Shoreline Substantial Development Permit (SDP)	Local jurisdiction issuance date(s): Pending				
□ Shoreline Conditional Use Permit (CUP)	Ecology permit filing number: Pending				
□ Shoreline Variance	Ecology date of filing (SDP/CUP/Variance): Pending				
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? $\Box$ Yes $oxtimes$ No					
(If unknown, check with the local <u>clean air agency</u> . If no, then skip the re	emainder of this section.)				
Name of local air authority processing CAA permit:					
Applied for air permit - Date submitted:	Notice of Construction (NOC) number:				
(please attach copy of application package)					
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? $oxed X$ Yes $oxed D$ No					
(If unknown, see Ecology's 401 web page. If no, then skip the remainder of this section.)					
🛛 Applied for WQC - Date submitted: Prefile Dec. 2022. 🛛 🖾 Ecology 🛛 Tribe:					
	U.S. Environmental Protection Agency (EPA)				

Received WQC - Date issued:	W	WQC number:			
Section 402 National Pollutant Discharge Elimination System (NPDES) Permit					
Does the project proposal require an NPDES permit?	□ Y	′es 🛛 No			
(If unknown, see Ecology's Stormwater Permit web page. If no, then	skip the	e remainder of this sect	ion.)		
Applied for NPDES permit:	Applied for NPDES permit:				
$\Box$ General Permit:	N	otice of Intent (NO	) number:		
Construction Stormwater General Permit	D	ate submitted:	,		
🗆 Industrial Stormwater General Permit		bute submitted.			
□ Other:					
Individual Permit:					
Received NPDES permit coverage	Pe	ermit number:			
	D	ate issued:			
Ocean Resources Management Act (ORMA)					
Does ORMA apply? 🛛 Yes 🛛 X No					
(If unknown, see <u>ORMA Guidance</u> . If no, then skip the remainder of t	his sect	tion.)			
If ORMA applies, then attach an analysis demonstrating of	consis	stency with ORMA's	enforceable p	olicies as suggested in	
the ORMA Guidance.					
□ Analysis is attached					
Note: This analysis must be attached to the Consistency Certification	unless	the MSP applies.			
Warine Spatial Plan (WSP) for Washington's Pacific Coas	ST				
Does ORMA apply? (see above) Uses X No					
(If no, then MSP does not apply; skip the remainder of this section)				,	
Does MSP apply? (see ) Li Yes X No					
(if unknown, see <u>MSP Guidance</u> . If no, then skip the remainder of this section.)					
$\square$ MSD Effects Evaluation is attached					
Note: If an MSP Effects Evaluation has not been completed, it must b	e subm	nitted early in the review	w process in order	for the state to concur	
with the proposed action. Failure to do so may result in the issuance	of an o	bjection to the project	for lack of informa	ation. The MSP Effects	
Evaluation may be submitted in lieu of the ORMA analysis.					
IV. Applicant & Agent Information					
Applicant Name:					
Organization: Port of liwaco, fina Hayes (Port Manager)       Mailing Addresse       DO Day 207					
Mailing Address: PO Box 307	City:		State: WA	Zip: 98624	
Phone #: 360-642-3143 E-IVIaII: thayes@portofilWaco.org					
Agent Name:					
Organization: iviorfatt & Nichol, Allison Kinney					
Initial Madress: 915 Broadway St., Suite 100     City: Vancouver     State: WA     Zip: 98660					
Phone #: 319-936-5369		E-Mail: akinney@	mottattnichol.	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 ex

Print Name Tina Hayes, Port Manager (Port of Ilwaco)

Date 02/21/2025

Certification of Consistency for Federal Permit or License ECY 070-710 (December 2022)