

DEPARTMENT OF THE ARMY U.S ARMY CORPS OF ENGINEERS, SEATTLE DISTRICT 4735 EAST MARGINAL WAY SOUTH BLDG 1202 SEATTLE, WA 98134-2388

March 19, 2025

Loreé Randall Aquatic Permitting and Protection Section Washington Department of Ecology P.O. Box 47600 Olympia, Washington 98504

RE: Coastal Zone Management Act Consistency Determination for the Ediz Hook Revetment Maintenance Project in Port Angeles, Clallam County, Washington

Dear Ms. Randall,

The Seattle District, U.S. Army Corps of Engineers (USACE) proposes to conduct repairs to the Ediz Hook Beach Erosion Control Project in Port Angeles, Clallam County, Washington. Repairs will consist of beach nourishment and revetment rock placement along authorized dimensions.

The purpose of the Ediz Hook Beach Erosion Control Project is to provide beach erosion control to Ediz Hook and preserve navigation and recreation facilities. The project is needed because wave action has damaged the erosion control features. Periodic repairs are needed to maintain the congressionally authorized structure.

USACE in cooperation with the City of Port Angeles, the local sponsor, constructed beach erosion control features on Ediz Hook in 1977 and 1978 under authority provided by Section 4 of the 1974 Water Resources Development Act (Public Law 93-251).

The enclosed Consistency Determination documents consistency to the maximum extent practicable with the enforceable policies of the approved Washington State Coastal Zone Management Program.

If you have any questions or need additional information, Mr. Zach Wilson is the Environmental Coordinator for this project and can be reached at zachary.m.wilson@usace.army.mil; and Ms. Caren Crandell is the Clean Water Act Coordinator for USACE civil works projects and can be reached at (206) 764-6169 or caren.j.crandell@usace.army.mil. I may also be contacted at (206) 764-5524 or vanessa.e.pepi@usace.army.mil.

Sincerely,

Digitally signed by PEPI.VANESSA.ELISABETH.10990 17712 Date: 2025.03.19 15:31:41 -07'00'

Vanessa Pepi Chief, Planning, Environmental and Cultural Resources Branch

Enclosure

Sent via email to: lora461@ecy.wa.gov

cc: Teressa Pucylowski, Jessica Hausman ecyreczmfedconsistency@ecy.wa.gov

COASTAL ZONE MANAGEMENT ACT CONSISTENCY DETERMINATION

Submitted by U.S. Army Corps of Engineers Seattle District

For Actions Related to the

Ediz Hook Revetment Maintenance Project

Port Angeles, Clallam County, Washington

March 2025

Acronyms

BHP	Brake horsepower
CD	Consistency Determination
Coast Guard	The United States Coast Guard
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
HP	Horsepower
HTL	High Tide Line
MSP	Marine Spatial Plan for Washington's Pacific Coast
NOAA	National Oceanic & Atmospheric Administration
NPDES	National Pollutant Discharge Elimination System
NWP	Nationwide Permit
ORCAA	Olympic Region Clean Air Agency
ORMA	Ocean Resources Management Act
Project	Ediz Hook Revetment Maintenance project
PM	Particulate matter
SMA	Shoreline Management Act
SMP	Shoreline Master Program
STA	Station
USACE	U.S. Army Corps of Engineers
WCAA	Washington Clean Air Act
WPCA	Water Pollution Control Act
WQC	Water Quality Certification

A. Table of Contents

Α.	INTRODUCTION & PROPOSAL DESCRIPTION 1
A.1	Authority2
A.2	Project Area2
A.3	Project Description3
St	taging and Construction4
In	-Water Work Window
Be	est Management Practices and Conservation Measures5
В.	JURISDICTION & CONSISTENCY REQUIREMENTS 6
B.1	Washington Clean Air Act7
B.2	State Water Pollution Control Act7
B.3	Shoreline Management Act8
B.4	Ocean Resources Management Act8
B.5	Marine Spatial Plan for Washington's Pacific Coast9
C.	CONSISTENCY DETERMINATION
C.1	Washington Clean Air Act10
Pl	ERMITS AND REGISTRATION 10
D. W	EMONSTRATING CONSISTENCY WITH THE REGULATIONS & POLICIES OF THE /CAA11
C.2	State Water Pollution Control Act16
Pl	ERMITS AND AUTHORIZATIONS
D. W	EMONSTRATING CONSISTENCY WITH THE REGULATIONS & POLICIES OF THE /PCA
C.3	Shoreline Management Act25
Di El	EMONSTRATING CONSISTENCY WITH THE SMA THROUGH AN ANALYSIS OF THE NFORCEABLE POLICIES
C.4	Ocean Resources Management Act35
D.	STATEMENT OF CONSISTENCY
E.	References
APPE	ENDIX A - Analysis of Emissions of Potential Air Pollutants

A. INTRODUCTION & PROPOSAL DESCRIPTION

Congress enacted the Coastal Zone Management Act (CZMA; 16 U.S. Code [U.S.C.] § 1451 et seq.) in 1972 to create a voluntary program to encourage states to develop comprehensive management programs for their coastal zones. The CZMA applies to any Federal agency activity that has 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. According to 15 CFR § 930.30, the Federal Government is directed to ensure "that all Federal agency activities including development projects affecting any coastal use or resource would be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of approved management programs."

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 which occur at the same time and place, and indirect (cumulative and secondary) effects resulting from the incremental impacts of the Federal action which occur later in time or are farther removed in distance but are still reasonably foreseeable.

Washington's coastal zone is comprised of the 15 coastal counties that border salt water. The Ediz Hook Revetment Maintenance project (Project) will occur in the coastal zone governed by Clallam County which is one of these coastal counties.

Per 15 CFR § 930.31(a), the U.S. Army Corps of Engineers (USACE) has determined that the Project is an activity undertaken by a Federal agency that is reasonably anticipated to have effects on resources and uses in the state's coastal zone.

Federal agencies, such as the USACE, must consider all Federal development projects in the coastal zone, as defined at 15 CFR § 930.31(b), to be activities affecting any coastal use or resource. The Project is considered a development project.

The following constitutes the USACE's determination of Federal consistency with the enforceable policies of the Washington CZM Program for the Project.

Ediz Hook Revetment Maintenance Project, March 2025

A.1 Authority

The U.S. Army Corps of Engineers in cooperation with the City of Port Angeles, the local sponsor, constructed beach erosion control features on Ediz Hook in 1977 and 1978 under authority provided by Section 4 of the 1974 Water Resources Development Act (Public Law 93-251). The erosion control included beach nourishment between station (STA) 174+00 and 58+00 and revetment armor between STA 158+00 and 58+00 (Figure 1). USACE is also authorized to modify the structure as necessary in response to changes in wave action or height as authorized by WRDA 2022 Section 8101 (33 U.S.C. § 2351b). At this time, no modifications to the structure are proposed.

The purpose of the Ediz Hook Beach Erosion Control Project is to provide beach erosion control to Ediz Hook and preserve navigation and recreation facilities. The project is needed because wave action has damaged the erosion control features. Periodic repairs are needed to maintain the congressionally authorized structure.



Figure 1. Ediz Hook Revetment and its authorized lengths.

A.2 Project Area

The Project is located on the outer bank of Ediz Hook located in Port Angeles, Washington (Figure 1).

A.3 Project Description

USACE proposes to conduct repairs to the Ediz Hook Revetment as needed into the foreseeable future to maintain the revetment at its authorized condition and purpose. Repairs would consist of beach nourishment and revetment repairs along its authorized dimensions (Figure 1 and Figure 2). To maintain the authorized structure, USACE would periodically place beach nourishment material and replace missing or damaged armor stone and filter-layer material (Figure 2). Placement of this material would be informed through structure condition assessments, with areas being prioritized for repair based on severity of damage and risk to the structure, as well as funding availability. Each repair event in a given year is expected to take 12 to 15 weeks to construct, including mobilization and demobilization. This period of time also accounts for potential weather delays. See Table 1 below for a summary of repair materials and estimated maximum quantities that could be placed in any given year.



Figure 2. Typical beach nourishment and revetment repair cross section of the authorized Project.

Table 1. Estimated maximum repair materials and quantities that could be placed in a given year. Actual amounts placed could vary depending on the necessary repairs and funding availability.

Material	Purpose	Amount	
2-10 ton armor stone	revetment armor	120,000 tons	
12-inch minus quarry spalls	filter material beneath armor stone	40,000 tons	
12-inch minus cobble and gravels	beach nourishment	250,000 cubic yards	

Between STA 174+00 and 58+00, beach nourishment material would be placed from elevation +12 feet MLLW to 0 feet MLLW (Figure 1). Between STA 158+00 and 58+00, revetment armor would be placed from elevation +18 feet to 0 feet MLLW (Figure 1 and Figure 2).

Staging and Construction

Staging would occur on the top of Ediz Hook on previously disturbed areas (Figure 3). Access to repair areas would occur over existing roads and over the armored slope of the revetment. Access routes used in the past would likely continue to be used for future O&M activities and are located near the east end of the paper mill near STA 157+00, and the west end of the paper mill near STA 174+00 (Figure 3).

Repair work is expected to use excavators, dump trucks, lowboy flatbed trailers, and bulldozers. All construction activities would occur from the revetment or along the beach. Dump trucks and trailers would transport equipment and materials to Ediz Hook. An excavator would place armor rock along the revetment. Dump trucks would place beach nourishment material along the revetment and a bulldozer would disperse it along the beach nourishment area.



Figure 3. Approximate staging and access routes for the Project. Additional staging my be necessary for future repairs and are expected to occur in similar areas that have been previously developed and disturbed.

In-Water Work Window

Some repair activities would occur down to 0 feet MLLW. This work would be accomplished at low tides to the extent practicable, although some in-water work may be necessary and would likely be in shallow water if it does occur. Repairs above the high tide line (HTL) could occur at any time in a given year. Repairs below the HTL would occur between July 16 and February 15 to minimize and avoid impacts to sensitive aquatic life (USACE 2017).

Best Management Practices and Conservation Measures

USACE developed a list of best management practices (BMPs) and conservation measures that would be incorporated into the proposed action to reduce environmental impacts of the proposed action, including those to Endangered Species Act listed species and designated critical habitat. These measures are the following:

- Conduct work below the HTL between July 16 and February 15 to avoid and minimizes impacts in the Strait of Juan de Fuca to Chinook salmon, Hood Canal summer chum salmon, and bull trout.
- Work at and below the HTL during low tides to minimize working in the water.
- Move large woody material (LWM) in the repair footprint to adjacent beach areas instead of disposal offsite. To the greatest extent feasible, keep LWM intact. LWM is defined as trees, stumps, roots, and other woody material greater than 12 inches in diameter and/or 5 feet in length.
- Install and maintain temporary erosion control measures for all phases of work as required to prevent the discharge or accumulation of fine sediment into open water or off-site. A Certified Erosion and Sediment Control Lead would choose and install erosion control materials for specific site conditions as necessary. These could include silt fencing, mats, blankets, check dams, bonded fiber matrix, and straw. Monitor daily and clear as needed any accumulation of sediment in adjacent swales or storm drains to ensure continued service throughout construction.
- Minimize the use of motorized equipment on the beach and limit access to each material stockpile area to a single access point.
- Do not operate equipment drive trains in the water.
- Prior to construction, clean equipment that will be used near or in the water.
- Use only biodegradable hydraulic fluids in construction equipment.
- Conduct daily checks to construction equipment for vehicle-fluid drips or leaks. Any leaks and drips must be cleaned up and fixed promptly, or the equipment removed from the project site.

- Refuel equipment away from the water and not on the bank of the revetment or the beach. All equipment will use ultra-low sulfur fuel.
- Develop a Fueling and Spill Recovery Plan prior to construction and include specific BMPs to prevent spills and react quickly should a spill occur.
- Ensure all construction materials are free of contamination, such as oils and excessive sediment.
- Remove garbage, plastic, and debris found or created during construction from the site and dispose of it in an approved upland facility. Any onsite temporary storage must be upslope or landward of the HTL so trash does not enter the water or cause degradation of water quality. Ensure storage methods and locations are animal, weather, and windproof.

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 agency actions 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 (Table 2). These are further reviewed in this section for their applicability to the Project (sections B.1 through B.5).

State Law or Plan		WAC	Does it apply?
Washington Clean Air Act (WCAA)	70A.15	173-400 to 495	Yes
State Water Pollution Control Act (WPCA)	90.48	173-40 to 270, 372-52 to 68	Yes
Shoreline Management Act (SMA)	90.58	173-15 18, 20, 22, and 26	Yes
State Ocean Resources Management Act (ORMA)	43.143	173-26-360	No
Marine Spatial Plan (MSP)	N/A	N/A	No

Table 2. Items reviewed for consistency by Federal agencies.

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 reflects how the Federal agency is "consistent to the maximum extent practicable" with the enforceable policies and are to be provided when there is "sufficient information to reasonably determine the consistency of the activity with the management program," 15 CFR 930.36(b)(1).

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).

B.1 Washington Clean Air Act

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**. If yes, then the WCAA **does not apply**, skip to Section B.2.

USACE Response: No, the project does not take place entirely on tribal lands. The WCAA does apply.

B.2 State Water Pollution Control Act

Determine the applicability of the WPCA to the proposed activity:

 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.

USACE Response: Yes, the WPCA does apply. The Project will result in a discharge to a waterbody below the HTL, although the activity is exempt from regulation under Clean Water Act (CWA) Section 404.

 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).

USACE Response: The Project includes work below the HTL in the Strait of Juan de Fuca. The Strait of Juan de Fuca is the main outlet for the Salish Sea into the Pacific Ocean.

B.3 Shoreline Management Act

Determine the applicability of the SMA to the proposed activity:

 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.

USACE Response: Yes, the SMA does apply. The Project is within the shorelines of the state as defined in RCW 90.58.

B.4 Ocean Resources Management Act

Determine the applicability of ORMA to the proposed activity:

1. Do proposed activities take place in, under, over, or adjacent to the water?

USACE Response: Yes. The Project occurs adjacent to water and below the HTL.

 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)]?

USACE Response: No. The project does not occur in the waters described in RCW 43.143.020(2).

3. Is a federal/state/local permit or other government approval required for the proposal?

USACE Response: Yes, the Project will comply with the Endangered Species Act, National Historic Preservation Act, CWA, and National Environmental Policy Act. Since this is a Federal project, state and local permits and approval are not required, although coordination is required pursuant to each regime's waiver of Federal sovereign immunity. 4. Does the proposed action contain uses or activities that will adversely impact renewable resources or existing coastal or ocean uses?

USACE Response: No. The Project does not contain uses or activities involving renewable resources nor does it adversely impact existing coastal or ocean uses. USACE has determined the project is exempt from regulation under Section 404 of the CWA. No mitigation is therefore required to offset adverse impacts.

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

USACE Response: ORMA does not apply.

B.5 Marine Spatial Plan for Washington's Pacific Coast

Determine the applicability of the MSP to the proposed activity:

1. Is the proposed action within the MSP Study area (see a map on p. 1-12 of the MSP)?

USACE Response: No. The Project does not occur in the MSP Study area.

2. Does the proposed action trigger ORMA?

USACE Response: No. The Project does not trigger ORMA.

3. Does the proposed action involve any activities that would be considered a "new use"?

USACE Response: No. The Project is not considered a new use. It is a repair of an existing structure.

If the answer to one of the Questions 1-3 is "no", then the MSP **does not apply** to the activity. If the answers to Questions 1-3 are all "yes", then the MSP **does apply** to the activity.

USACE Response: MSP does not apply.

C. CONSISTENCY DETERMINATION

The following subsections describe how the Project is consistent to the maximum extent practicable with all applicable, approved enforceable policies of Washington's CZMP.

C.1 Washington Clean Air Act

For the Project, potential sources of air quality impacts are emissions from construction equipment and dust associated with earthwork and handling of construction materials. As detailed in the following responses, the USACE has determined that this project does not exceed the General Standards for Maximum Emissions and is consistent to the maximum extent practicable with WAC 173-400-040.

 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 activity is consistent with the enforceable policies of the WCAA.

USACE Response: Yes.

2. Using the Washington clean air agencies map, note which air agencies apply to this proposed action based on location.

USACE Response: The Olympic Region Clean Air Agency (ORCAA) is the air agency for Clallam County, Washington.

3. Describe conversations and correspondence with state or local clean air staff regarding the applicability of the WCAA to this proposed activity.

USACE Response: WAC 173-400-035 does not apply to self-propelled construction equipment and WAC 173-400-040 applies to all project activities, including those involving all nonroad engines (WAC 173-400-040; meeting on March 26, 2024, with and e-mail dated April 2, 2024, from Philip Gent, Environmental Engineer, Air Quality Program, Ecology). There have not been any conversations or correspondence with the ORCAA.

PERMITS AND REGISTRATION

4. List and describe any air quality permits (e.g., operating or notice construction permit) that are required for this proposal. If not applicable, please explain. Describe whether

Ediz Hook Revetment Maintenance Project, March 2025

this 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.

USACE Response: WAC 173-400-099 outlines the registration program requirements for air contaminant sources, which apply to permanent stationary sources (WAC 173-400-099 (2)(a)). The USACE does not have to register because the proposed activity does not include any permanent stationary sources.

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 proposal include activities that involve any nonroad engines, as defined in WAC 173-400-030(59)? If no, skip to Question 6. If yes, continue to Question 5.1.

USACE Response: Yes. WAC 173-400-030(59)(a) states that a nonroad engine is "any internal combustion engine in or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers)". The Project will involve nonroad engines such as excavators and bulldozers.

5.1 Demonstrate how the proposal is consistent with the fuel standards in WAC 173-400-035(3).

USACE Response: WAC 173-400-035(3) outlines fuel standards for nonroad engines and stipulates that nonroad engines must use ultra-low sulfur fuel, among other fuels. Per WAC 173-400-035(1)(a)(i), the fuel standards in this WAC do not apply to selfpropelled mobile construction equipment. Nevertheless, use of ultra-low sulfur fuel is required by the EPA and is essentially the only kind of fuel available in Washington State (40 CFR 1090.300 and 1090.305). 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.

USACE Response: No. The proposed project will require installation or operation of nonroad engines with a cumulative BHP between 500 and 2,000 BHP. Only self-propelled construction equipment will be used for the proposed action. Per WAC 173-400-035(1)(a)(i), WAC 173-400-035(5) does not apply to nonroad engines that are self-propelled, such as mobile construction equipment. Question 5.2.1 in this CD has been deleted. Continue to Question 5.3.

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, describe how the proposal is consistent with WAC 173-400-035(5).

USACE Response: No.

General Standards for Maximum Emissions

 Does the proposal include any activities that include sources or emission units, as defined by WAC 173-400-030 (31) and (84), respectively? If no, skip to Question 7. If yes, continue to Question 6.1.

USACE Response: Yes. The proposed construction activity includes several pieces of equipment that are emissions units which emit pollutants subject to regulation under the Federal CAA (Analysis of Emissions of Potential Air Pollutants). In aggregate, the construction equipment constitutes a source of emissions since the equipment is located on the project site and is under control of persons whose actions concern the Project.

6.1 Demonstrate how the proposal is consistent with the **visible emissions standards** in WAC 173-400-040(2).

USACE Response: This standard is not applicable to this project. Method 9A is applicable to stationary sources. The Project will involve mobile equipment and not a stationary source. Further, particulate matter (PM) makes up the portion of visible

emissions. For this project, PM10 and volatile organic compounds (VOCs) emissions are below Federal de minimis and State insignificant levels (Analysis of Emissions of Potential Air Pollutants).

6.2 Demonstrate how the proposal is consistent with the **fallout standards** in WAC 173-400-040(3).

USACE Response: Fallout refers to airborne materials that might fall on neighboring property. USACE will use water trucks as needed at the construction site to minimize movement of dust off-site. A conservative estimate of PM10 emissions at this project indicates that they are below Federal de minimis levels (Analysis of Emissions of Potential Air Pollutants). Therefore, deposition will be minimized and not interfere unreasonably with the use and enjoyment of property on which the material may be deposited.

6.3 Demonstrate how the proposal is consistent with the odor requirements in WAC 173-400-040(5).

USACE Response: Reasonable measures will be implemented at this site to minimize gaseous emissions. USACE will rent properly maintained equipment and operate it according to manufacturers' instructions. Ultra-low-sulfur fuel will be used for construction equipment as regulated by EPA (40 CFR 1090.300 and 1090.305). A conservative estimate of emissions at this project indicates that they will be below Federal de minimis levels (Analysis of Emissions of Potential Air Pollutants). The proposed work is therefore consistent with the requirement not to unreasonably interfere with other property owner's use and enjoyment of her or his property.

6.4 Demonstrate how the proposal does not cause or allow that 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).

USACE Response: Clallam County, including the Project, is in an attainment area for EPA's ambient air quality standards. Washington State air quality standards at WAC 173-476 are the same as EPA's national standards (https://www.epa.gov/criteria-air-pollutants/naaqs-table). The ORCAA defines air pollution as, "the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of

such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, property, or which unreasonably interferes with enjoyment of life and property" (ORCAA Regulations, Regulation 1, Rule 1.4).

The proposed work will take an estimated 12 to 15 weeks per repair event, in a given year. Work is expected occur for 8 hours a day, depending on personnel, weather, and resources. Estimated emissions from this project are below Federal de minimis thresholds (Analysis of Emissions of Potential Air Pollutants). Since the proposed action will occur in an attainment area, the Federal thresholds do not apply to routine maintenance and repair actions. The proposed work will not degrade air quality or be detrimental to health, safety or welfare of any person or cause damage to property or business. This analysis as well as consistency with other elements of WAC 173-400-040 demonstrate that the proposed work will not degrade air quality or be detrimental to health, safety or solver welfare of any person or cause damage to property or business.

6.5 Does the proposal include any activities that involve fugitive emissions, as defined in WAC 173-400-030(41)? If no, skip to Question 6.6. If yes, continue to Question 6.5.1.

USACE Response: Yes. The proposed work may involve fugitive emissions including dust blown by wind during construction.

6.5.1 Demonstrate how the proposal is consistent with the requirements in WAC 173-400-040(4).

USACE Response: All known emissions at the site will be from engines in construction equipment, handling of material (e.g., rock), earthwork, and temporary road use. Conservative estimates of equipment emissions are all under Federal de minimis thresholds (Analysis of Emissions of Potential Air Pollutants). The Project occurs in an attainment area, and the Federal thresholds do not apply to routine repairs and maintenance. In addition, the USACE will require contractors to take reasonable precautions to minimize fugitive emissions, as needed. This could include applying water to road surfaces and material piles to minimize dust.

6.6 Demonstrate how the proposal is consistent with the sulfur dioxide requirements in WAC 173-400-040(7).USACE Response: In accordance with Federal and state law (i.e., EPA's regulation (40)

CFR 1090.300 and 1090.305) and WAC 173-400-035(3), ultra-low sulfur fuel will be

used in all construction equipment. Conservatively estimated emissions of sulfur dioxide for this project fall below Federal de minimis levels (Analysis of Emissions of Potential Air Pollutants).

6.7 Demonstrate how the proposal is consistent with the **concealment and masking requirements** in WAC 173-400-040(8), and as defined in WAC 173-400-030 (21) and (49), respectively.

USACE Response: USACE will not take any action to conceal pollutants or to mask odors, nor will it allow installation or use of such methods, devices, or techniques.

6.8 Does the proposal include any activities that involve fugitive dust, as defined in WAC 173-400-030(40)? If no, skip to Question 7. If yes, continue to Question 6.8.1.

USACE Response: Yes. The Project will take place on unpaved roads and construction sites and could cause fugitive dust. Additionally, fugitive dust can originate from earthwork, rock placement, transit, and stockpiling and handling of material.

6.8.1 Demonstrate how the proposal is consistent with the requirements in WAC 173-400-040(9).

USACE Response: The USACE will take reasonable precautions to control dust as outlined in Ecology's Stormwater Management Manual for Western Washington, *as needed*. For this project, estimates of particulate matter emissions are below Federal de minimis thresholds and state insignificant emissions levels and those that are exempt from new source review (Analysis of Emissions of Potential Air Pollutants). In addition, the Project is in an attainment area for air quality standards so the use of control technology is not required.

Burning

7. Does the proposal involve any **indoor or residential burning**? If no, skip to Section C.2. If yes, continue to question 7.1.

USACE Response: No, the proposed action requires only outdoor construction activities. No indoor or residential burning of solid fuel or any materials listed in RCW 70A.15.3600 will occur in association with this proposal. Questions 7.1 through 7.3.4 in section C.1 are not applicable and have been deleted from this CD.

C.2 State Water Pollution Control Act

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

USACE Response: Yes, the WPCA does apply to the Project.

PERMITS AND AUTHORIZATIONS

2. Does your proposal require a Federal license/permit from one or more of the following Federal agencies? Check all that apply. If FERC and/or Coast Guard, skip to Question 4. If USACE, continue to Question 3.
The United Stated Army Corps of Engineers (USACE)
The United States Coast Guard (Coast Guard)
The Federal Energy Regulatory Commission (FERC)

USACE Response: No. The project does not require a Federal license or permit from any of the listed Federal agencies. The USACE does not issue itself permits but complies with the substantive requirements of the CWA. The USACE is responsible for the compliance of its civil works projects with Sections 401 and 404 under the CWA. USACE will document substantive compliance of this project with the terms and conditions of Nationwide Permit (NWP) 3.

3. Does USACE plan to issue an individual permit or a Nationwide Permit (NWP)?¹ If a NWP will be issued, address Questions 3.2 & 3.3, then skip to Question 5. If an individual permit will be issued, continue to Question 3.1, then skip to Question 4.

USACE Response: No. See answer above in question 2. Question 3.1 in this CD has been deleted. Continue to question 3.2 and 3.3.

¹ Note that the programmatic CZMA 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.

Ediz Hook Revetment Maintenance Project, March 2025

3.2 Which NWP will be issued?

USACE Response: N/A. See answer above in question 2.

3.3 Did you receive verification from USACE 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.

USACE Response: N/A. See answer above in question 2.

3.3.1 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) stated in the 2021 NWP User Guide². If yes, 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.

USACE Response: No. All conditions associated with NWP 3 and the Ecology Section 401 WQC will be met, and no individual review conditions will be triggered. Questions 4 through 4.2 in this CD have been deleted. Continue to Question 5.

5. Does the proposal include any activities that involve 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 5.4. If yes, continue to Question 5.1.

USACE Response: In any given year, repairs to the Project may include greater than 1 acre of land disturbing activities like excavation and rock placement. If it does, the project must comply with Section 402 of the CWA. The USACE, or a Contractor, will obtain a low-erosivity waiver or seek verification of coverage by EPA's Construction General Permit (CGP) for Stormwater Discharge. Questions 5.4 and 5.4.1 in this CD have been deleted. Continue to Question 5.1.

5.1 Who is the water quality permitting agency?

² See p.106 of the <u>User Guide for Nationwide Permits in Washington State (2021-2026)</u>.

Ediz Hook Revetment Maintenance Project, March 2025

USACE Response: The Environmental Protection Agency is the permitting agency because the USACE is the Federal operator for the project. The USACE or its contractor will obtain a low-erosivity waiver or verification of coverage by the CGP for stormwater management prior to the start of construction. In Washington State, a general WQC has been granted for EPA's CGP.

5.2 Is the permit pending, or has it been issued? If neither, describe who have you been in contact with. Describe conversations and status of the Section 401 WQC.

USACE Response: See response to Question 5.1.

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

USACE Response: If a low-erosivity waiver is not applicable, USACE or the contractor will obtain verification of coverage by EPA's CGP for stormwater management prior to the start of construction.

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 <u>not</u> required, continue to Question 6.

6. Does this have a discharge to or include activities that occur in or adjacent to any surface waters of the state of Washington, including wetlands? If no, continue to Question 6.1 then continue to Question 7. If yes, skip to Question 7.

USACE Response: Yes. Question 6.1 in this CD has been deleted. Continue to Question 7.

7. Does this project involve the fill of wetlands or any other activities with impacts to wetlands that are not authorized under a Section 401 WQC or Agreed Order (AO)? 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.

USACE Response: No. There are no wetlands within the project footprint. The proposed project does not involve fill of wetlands or any other activities with impacts to wetlands. Continue to Question 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? If no, skip to Question 9. If yes, continue to Question 8.1.

USACE Response: No. The proposed project will not include impacts to designated freshwater use as described in WAC 173-201A-600 and WAC 173-201A-602 because the Project is in marine waters. Questions 8.1 through 8.2.7 have been deleted from this CD. Continue to Question 9.

9. Does the proposed activity 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.

USACE Response: Yes. The Project is located in the Strait of Juan de Fuca, which is listed on Table 612 in WAC 173-201A-612.

9.1 Describe the potential impacts and specifically which designated uses are applicable to the project.

USACE Response: According to WAC 173-201A-612 and WAC 173-201A-200, the following uses and potential impacts are applicable to the Strait of Juan de Fuca:

<u>Aquatic Life Uses: Extraordinary.</u> Water quality of this use class shall markedly and uniformly exceed the requirements for all uses including, but not limited to, salmonid migration and rearing; other fish migration, rearing, and spawning; clam, oyster, and mussel rearing and spawning; crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing and spawning (WAC 173-201A-610).

<u>Potential Impacts</u>: Construction may cause short term impacts to water quality in the direct project vicinity, but this is restricted to a slight increase in turbidity following activities conducted below the HTL. Impacts to aquatic species will be minimized by working in the dry and restricting work below the HTL to the approved in-water work window, July 16 to February 15. During this period, impacts to aquatic species will be minimized based on life history and migration patterns for salmon, bull trout, and forage fish species (USACE 2017). However, increased noise, vibration, and turbidity may harass fish and other aquatic wildlife in the vicinity of the construction activities. Aquatic species are expected to avoid the project area to the extent possible due to noise, turbidity, and vibration from the Project.

<u>Recreation Uses: Primary Contact.</u> The Project has recreation uses designated as primary contact. As such, the waters adjacent to it are high quality enough for prolonged contact with the water. These recreational uses include swimming and boating.

<u>Potential Impacts</u>: The USACE anticipates minor impact on the recreational use at this site primarily attributable to temporary aesthetic issues associated with the construction work and temporary impacts to access. Roads used for recreational access will not be closed, but there could be short term delays for recreation or other traffic to allow the safe ingress and egress of construction equipment. Minor increases in turbidity will decrease as distance from the Project area increases so they are not expected to affect swimming or boating activity in the area. The activity will not introduce bacteria, radioactive, toxic, or deleterious materials to the water that would be of concern for recreation.

<u>Harvest Use: All.</u> Water quality is high enough for all harvest including shellfish.
 <u>Potential Impacts</u>: There are no expected long-term impacts to harvesting.
 Water quality impacts are limited to a potential for increased turbidity which is expected to remain close to the Project. A spill containment kit, erosion control measures, and working in the dry will minimize water quality impacts. There will be no effects on bacteria levels, such as fecal coliform resulting from the project. There will be no toxic materials used in the project.

<u>Miscellaneous Uses:</u> Aesthetics, boating, commerce/navigation, and wildlife habitat. <u>Potential Impacts</u>: Aesthetics will be minimally impacted while construction and supplies are present at the Project. Boating and commerce/navigation will not be impacted negatively by the Project. Instead, the Project will improve boating and commerce/navigation through maintenance and repairs of a revetment. Wildlife is expected to avoid the project area due to elevated noise

and activity during construction. All such impacts are expected to cease with construction activities.

- 9.2 Demonstrate how the proposal is consistent with each of the following 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]

USACE Response: The Project does not involve any toxic, radioactive, or deleterious materials. Therefore, no effects to these parameters are expected. Monitoring for these parameters is not justified and will not be conducted. There will be no negative aesthetic values substantially or permanently impaired from materials used in the Project. The aesthetics of the site will be improved by beach nourishment because it will maintain the natural look and character of Ediz Hook that would otherwise erode over time due to the decrease in littoral material from up current sources.

9.2.2 Aquatic life temperature criteria [WAC 173-201A-210(1)(c)]

USACE Response: The proposed project will not affect water temperature. For instance, there is no large vegetation within the project footprint that will be removed. Water temperature is dominated by the ebb and flow of tidal waters from the Pacific Ocean. Monitoring for this parameter is not justified and will not be conducted.

9.2.3 Aquatic life dissolved oxygen (D.O.) criteria [WAC 173-201A-210(1)(d)]

USACE Response: During the in-water work window, increases in turbidity can occur for a short period in the direct project vicinity succeeding work below the HTL. Turbidity increases could cause a small change in the D.O. within the project area, but this change is expected to be minimal and temporary. Monitoring of D.O. will not be performed with the proposed project since elevated turbidity is expected to attenuate close to the Project.

9.2.4 Aquatic life turbidity criteria [WAC 173-201A-210(1)(e)]

USACE Response: USACE will implement the proposed action consistent with the specific and general conditions of the NWP 3 WQC. USACE personnel or contractors will follow a water quality monitoring plan and adjust operations, if necessary, to address turbidity generated from repair activities (i.e., turbidity resulting from beach nourishment placement).

9.2.5 Aquatic life pH criteria [WAC 173-201A-210(1)(f)]

USACE Response: The proposed project is not expected to cause changes in pH since there will be no use of materials (i.e., concrete) below the HTL that will affect pH. All materials placed below the HTL will be quarry rock and cobble.

9.2.6 Shellfish harvesting bacteria criteria [WAC 173-201A-210(2)(b)]

USACE Response: The Project is not expected to cause any impacts on shellfish harvest bacteria criteria since no materials will be placed below the HTL that will increase fecal coliform bacteria. Materials placed below the HTL will only include quarry rock and cobble.

9.2.7 Water contact recreation bacteria criteria [WAC 173-201A-210(3)(b)]

USACE Response: A portion of the Project is designated as Category 2 for bacteria. The only material being placed below the HTL is quarry rock and cobble. Thus, the project will not involve activities that will contribute to enterococci or fecal coliform levels in the project area or Pacific Ocean.

10. Describe any proposed mitigation activities that are relevant to the impacts described in this "Surface Waters Impacts" subsection.

USACE Response: Best management practices are described in Section A of this document. No compensatory mitigation is required as no temporary or permanent loss of aquatic resources is anticipated.

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.

USACE Response: Yes, there are seven Category 4B listings for sediment, these include Cadmium, Mercury, high molecular weight polycyclic aromatic hydrocarbons, polychlorinated biphenyls, zinc, low molecular weight polycyclic aromatic hydrocarbons, and phenol. There are no Category 4 or 5 waters listed. Category 4b listings have a pollution control program, similar to a TMDL plan, that is expected to solve the pollution problems. The Project will not exceed the pollution control plan in the area for the seven sediments since only clean material will be used for the repair, and no toxic materials will be used for the project.

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 include activities that may impact marine sediment quality, as defined by WAC 173-204-200(14)? If no, continue to Question 12.1; then continue to Question 20. If yes, skip to Question 13.

USACE Response: No. Questions 13 through 19 in this CD have been deleted. Continue to question 12.1 and then 20.

12.1 Demonstrate how the project will have no impact to marine sediment quality.

USACE Response: Sediment quality will not be negatively impacted by the Project. Materials will be free of contamination, such as oils and excessive fine sediment, that could negatively impact marine sediment quality. The Project includes BMPs (see section A.3) that minimize and avoid impacts to marine sediment. For example, a Fueling and Spill Recovery Plan will include specific practices to prevent spills and react quickly should a spill occur from construction equipment. In addition to BMPs, the Project augments the natural placement of marine sediment. Ediz Hook is a naturally formed spit composed of littoral material (sand, gravel, and cobbles) originating from eroding sea cliffs and the Elwha River transported and deposited along its length by wave and current action. Prior to 1910, the natural movement of this material was sufficient to prevent permanent breaching of Ediz Hook. However, after 1910, a reduction of this littoral material occurred due to construction of bulkhead erosion protective works along sea cliffs and the construction of dams on the Elwha River. The Project addresses the reduction of natural littoral material by renourishing Ediz Hook with new beach sediment. This will help maintain Ediz Hook and prevent damage to the structure that could otherwise negatively impact marine sediment. A breach could damage the development present on Ediz Hook (e.g., the paper mill and coastguard station) that could lead to contaminants (e.g., oil and other industrial chemicals) entering water and marine sediment.

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 <u>not</u> required, continue to Question 20.

USACE Response: USACE is responding to the following questions in this CD because, per the response to question 5, NPDES requirements will be evaluated for each repair in a given year.

20. Does the proposal include activities that will impact groundwater, as defined in WAC 173-200-020(12)? If no, continue to Question 20.1; then skip to Question 23. If yes, skip to Question 21.

USACE Response: No. The Project will not impact groundwater. Questions 21 through 22.8.1 in this CD have been deleted. Continue to Question 20.1 and then Question 23.

20.1 Describe how the proposal will have no impact to groundwaters.

USACE Response: The proposed project does not include excavation or changes to surface permeability. The project involves repairing an existing Federal structure within its authorized footprint and dimensions. This will not affect groundwater quality, recharge rate, movement, etc.

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.

USACE Response: USACE evaluated questions 23 through 29 for this CD because, per the response to question 5, NPDES requirements will be assessed for each repair in a given year. The response to each of these questions was No. Therefore, Questions 23 through 29.1 have been deleted from this CD. These questions address discharges from domestic wastewater facilities, upland finfish facilities, marine finfish rearing facilities, combined sewer overflow sites, and invasive freshwater vegetation (e.g., Eurasian water milfoil). While other non federal parties may engage in some of these activities near the project area, the Federal Project itself does not include these activities. Therefore, these questions in this CD have been deleted. Continue to C.3.

C.3 Shoreline Management Act

 Does the SMA apply to the proposed activity, as identified in Section B.3? If no, skip to Section C.4. If yes, continue to Question 2 and complete the following analysis to determine whether the activity is consistent with the enforceable policies of the SMA.

USACE Response: Yes.

2. Which shoreline of the state is the proposed activity associated with?

USACE Response: The project will include activities below the HTL in in the Strait of Juan de Fuca and upland activities within 200 feet of the HTL along Ediz Hook in Clallam County.

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)?

USACE Response: Yes.

4. Is there a component of the proposed activity occurring upland within the **"shorelands"**, as defined in RCW 90.58.030(2)(d)?

USACE Response: Yes. The proposed project includes work in uplands within 200 feet of the HTL on Ediz Hook.

Ediz Hook Revetment Maintenance Project, March 2025

5. Is there a component of the proposed activity occurring within water?

USACE Response: Repair activities could occur down to 0 feet MLLW. This work would be accomplished at low tides to the extent practicable, although some in-water work may be necessary and would likely be in shallow water if it does occur.

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.

USACE Response: USACE will evaluate through an SMA Policy analysis. Therefore, questions 34 through 42 have been deleted from this CD.

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), demonstrate how the project 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.

USACE Response: The Project protects statewide interest through preservation of the Federally authorized structure that is important to the region and accrues economic and recreational benefits to citizens of Washington state, visitors, and commercial entities.

(2) Preserve the natural character of the shoreline.

USACE Response: The Project will maintain the existing footprint and will not involve changing or expanding into natural areas. As such, the existing natural character of the shoreline will remain unchanged.

(3) Result in long term over short term benefit.

USACE Response: The Project is presently functionally degraded. Without repairs, the structure is at risk. If a breach of the structure occurred, emergency repairs would have to be done that could cause more environmental impact. Repairs outlined in this CD will allow the Project to continue to fully function into the future. The project

protects the economically beneficial harbor of Port Angeles and nearby marine habitat.

(4) Protect the resources and ecology of the shoreline.

USACE Response: The Project will protect ecology and resources of the shoreline through maintaining the footprint of the structure below the HTL, working in the dry during low tide, and adhering to BMPs. The Project will not permanently alter the present ecology and resources of the shoreline

(5) Increase public access to publicly owned areas of the shorelines.

USACE Response: The Project will not affect public access to publicly owned areas of the shoreline.

(6) Increase recreational opportunities for the public in the shoreline.

USACE Response: The proposed action will not negatively affect recreational opportunities for the public in the shoreline. Instead, the project protects recreational opportunities.

7. Describe how the proposal will result in "**no net loss**" of shoreline ecological functions, as outlined in WAC 173-26-186(8).

USACE Response: The proposed project is intended to maintain and repair an existing federally authorized structure. The Project will be repaired within its pre-existing footprint, so its effects on the local ecology should not change. Also, any staging areas and access roads will be returned to their pre-disturbed condition after a repair event. As such, repairs to the Project will maintain the status quo in the area. Therefore, the project achieves "no net loss" of shoreline ecological functions.

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.

USACE Response: No. The Project does not include any new or expanded buildings or structures of more than 35 feet above grade level. Questions 8.1 and 8.2 in this CD have been deleted. Continue to question 9.

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. WAC 173-26-221(2) states, "Critical areas include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable waters; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas."

USACE Response: Yes. The proposed project is near critical areas.

9.1 Specify the types(s) of critical areas.

USACE Response: The Project is near fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous 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).

USACE Response: The Project occurs next to marine waters of the Strait of Juan de Fuca. These waters are home to a wide variety of fish and wildlife, including endangered species. It also supports a range of aquatic habitats such as eelgrass beds. The waters adjacent to the Project are primarily sandy and rocky, with some eelgrass beds present. In Puget Sound, the maximum depth to which eelgrass grows ranges from approximately 1.3 meters (about 4.3 feet) below MLLW to greater than 9 meters (nearly 30 feet) below MLLW, with the deepest beds found in the Strait of Juan de Fuca and the San Juan Islands (Gaeckle et al. 2009). The Project avoids impacting eelgrass by limiting beach nourishment and revetment armor placement to areas at and above 0 feet MLLW, with all work taking place during low tide.

Forage fish spawning is also known to occur on the hook, though primarily on the interior shoreline, outside of the project footprint. Elevated noise and activity may cause shorebirds to temporarily avoid impacted areas during construction. Without beach nourishment and repairs to the Project, Ediz Hook would erode away and the existing habitat features would likely be lost.

The Project does not take place within the floodplain. It involves "repair and maintenance of an existing legal use" (WAC 173-26-221(3)(c)(i) and does not involve new development or new use in shoreline jurisdiction. It also does not constitute a new structural flood hazard reduction measure. The project's authorized purpose is not flood hazard reduction. Additionally, the repairs will maintain the status quo of the area and will not further impact ecological or habitat features in the area.

The proposed project is in a geologically hazardous area. FEMA classifies the area as Class D, which has a risk of high magnitude earthquakes that could experience very strong shaking. As stated previously, USACE is proposing to repair and maintain an existing structure. No new development or creation of new development (i.e., buildings) is proposed.

10. Describe how the proposal is consistent with the **archaeological and historic resources** standards in WAC 173-26-221(1)(c).

Section 106 of the National Historic Preservation Act requires that a federally assisted or federally permitted project account for the potential effects on sites, districts, buildings, structures, or objects that are included in or eligible for inclusion in the National Register of Historic Places. USACE has determined that the proposed action would result in no impacts to any properties listed, proposed for listing, eligible for listing, or potentially eligible for listing in the National Register of Historic Places. In a letter dated June 8, 2016, the State Historic Preservation Office concurred with this finding. In addition, consultation letters were sent to the Jamestown S'Klallam, Lower Elwha Klallam, Port Gamble S'Klallam, and Skokomish Tribal Nations. In a response letter dated June 10, 2016, in respect to cultural resources, the Jamestown S'Klallam Tribe has deferred to the Lower Elwha Klallam Tribe; however, should the scope change or if new data is revealed coordination will be reopened.

11. Describe how the proposal is consistent with the **flood hazard reduction** standards in WAC 173-26-221(3)(c).

USACE Response: The Project involves repair and maintenance of an existing structure, will not constitute new development or new use, and will not cause significant ecological impacts or increase flood hazards to other uses.

12. Describe how the proposal is consistent with the public access standards in WAC 173-26-221(4)(d).

USACE Response: The proposed project consists of an existing navigation structure, and its repair does not change provisions for public access.

13. Describe how the proposal is consistent with the **shoreline vegetation conservation** standards in WAC 173-26-221(5)(c).

USACE Response: The Project footprint consists of rock, sand, and cobble. Sparse grasses and forbs are present between the rock armor and the edge of the road that runs along Ediz Hook. Little to no vegetation will be affected by repair work.

14. Describe how the proposal is consistent with the **water quality, stormwater, and nonpoint pollution** standards in WAC 173-26-221(6)(c).

The proposed action will not affect long-term water quality or quantity. Impacts to water quality are expected to be minor and limited to a temporary increase in turbidity from tidal action on materials placed during repair activities at and below the HTL (i.e., cobble, armor). BMPs described previously will be used to managed stormwater.

Shoreline Uses & Standards

Which general environment designation(s) does this project 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.

USACE Response: According to the Port Angeles Shoreline Master Plan from 2021 (https://www.cityofpa.us/141/Shoreline-Master-Program), the environmental designations for the project area are High-Intensity Industrial (HI-I), Urban Conservancy-Recreation (UC-R), and High-Intensity Marine (HI-M). These are different than those outlined in WAC 173-26-211(5) because the City has chosen to expand upon the WAC's designations. 15.1 For each of the environmental designations that apply to the project, describe how the proposal 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).

USACE Response: The environmental designations in the Port Angeles SMP correspond to WAC 173-26-211(5) (d)(i-ii) – "High-intensity" Environment and (e)(i-ii) – "Urban conservancy" environment". The Project is consistent with the purpose of the "highintensity" environment since it protects water-oriented commercial, transportation, and industrial uses. It is also consistent with the applicable management policies. The Project is consistent with the purpose of the "urban-conservancy" environment since it prevents the erosion of Ediz Hook which hosts important natural features along the interior shoreline while also allowing for a variety of compatible uses. It is also consistent with the applicable management policies.

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.

USACE Response: No. The proposed activity does not include agriculture. Furthermore, the responses to questions 17 through 27 are "no". These questions address aquaculture, boating facilities, commercial development, forest practice, industrial development, in-stream structures, mining, recreational development, residential development, transportation and parking, and utilities. While some of these activities occur in the project area, the Project itself does not include these activities. Therefore, these questions in this CD have been deleted. Continue to question 28.

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.

USACE Response: Yes. The Project was authorized in 1974 for beach erosion control.

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.

USACE Response: No. Question 28.1.1 in this CD has been deleted. Continue to question 28.2.

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.

USACE Response: No. The Project was authorized in 1974 for beach erosion control. Question 28.2.1 in this CD has been deleted. Continue to question 28.3.

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.

USACE Response: No. The Project was authorized in 1974 for beach erosion control. Question 28.3.1 in this CD has been deleted. Continue to question 28.4.

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.

USACE Response: No. The Project was authorized in 1974 for beach erosion control. Question 28.4.1 in this CD has been deleted. Continue to question 28.5.

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.

USACE Response: No. The Project was authorized in 1974 for beach erosion control. Questions 28.5.1 and 28.5.2 in this CD have been deleted. Continue to question 28.6.

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.

USACE Response: No. The Project repairs and maintains an existing shoreline stabilization structure. Question 28.6.1 in this CD has been deleted. Continue to question 28.7.

28.7 Was a geotechnical report prepared for this project? If no, skip to Question 29; if yes, continue to Question 28.7.1.

USACE Response: Yes.

28.7.1 Describe how the proposal is consistent with the standards in WAC 173-26-231(3)(a)(iii)(D).

USACE Response: Annual coastal navigation structure inspections are conducted by USACE to evaluate the condition and functionality of the Project, along with recommendations on repairs and their frequency.

29. Does the proposed activity include beaches and dune management? If no, skip to Question 30; if yes, continue to Question 29.1.

USACE Response: Yes. The Project was authorized in 1974 for beach erosion control.

29.1 Describe how the proposal is consistent with WAC 173-26-231(3)(e).

USACE Response: The Project is consistent with WAC 173-26-231(3)(e), which states that "beaches and dunes within shoreline jurisdiction shall be managed to conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beaches. Beaches and dunes should also be managed to reduce the hazard to human life and property from natural or human-induced actions associated with these areas." The Project repairs and maintains an existing shoreline stabilization structure to address beach erosion.

30. Does the proposed activity include piers and docks? If no, skip to Question 31; if yes, continue to Question 30.1.

USACE Response: No. The Project repairs and maintains an existing shoreline stabilization structure. Question 30.1 in this CD has been deleted. Continue to question 31.

31. Does the proposed activity include breakwaters, jetties, groins, or weirs? If no, skip to Question 32; if yes, continue to Question 31.1.

USACE Response: No. Question 31.1 in this CD has been deleted. Continue to question 32.

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.

USACE Response: No. Question 32.1 in this CD has been deleted. Continue to question 33.

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.

USACE Response: No. Question 33.1 in this CD has been deleted. Continue to question C4.

C.4 Ocean Resources Management Act

 Does the ORMA apply to the proposed activity, as identified in Section B.4? 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.

USACE Response: No. ORMA does not apply. The remaining questions in section C.4 and C.5 have been deleted. Continue to section D.

D. STATEMENT OF CONSISTENCY

Based on the above evaluation, USACE has determined the Project is consistent with the applicable policies specified above. Thus, USACE considers the proposed action to be consistent to the maximum extent practicable with the enforceable policies of the approved State of Washington CZM Program.

E. References

- Gaeckle, J. L., P.Dowty, H. Berry, and L. Ferrier. 2009. Puget Sound Submerged Vegetation Monitoring Project: 2008 Monitoring Report, Nearshore Habitat Program. Washington State Department of Natural Resources, Olympia, WA.
- USACE. (U.S. Army Corps of Engineers). 2017. Approved Work Windows for Fish Protection for all Marine/Estuarine Areas Excluding the Mouth of the Columbia River (Baker Bay) by Tidal Reference Area. U.S. Army Corps of Engineers, Seattle District, Seattle, Washington. 7 pp.

Ediz Hook Revetment Maintenance Project, March 2025

APPENDIX A - Analysis of Emissions of Potential Air Pollutants

For the Ediz Hook Revetment Maintenance project, potential sources of air quality impacts include emissions from construction equipment and dust associated with earthwork and handling of construction materials. The purpose of this appendix is to support our assessment that this project meets the general emissions standards described in WAC 173-400-040.

Emissions from the engines of self-propelled construction equipment are not regulated by states (42 USC 7543(a)(1)(A), WAC 173-400-035). Rather, the Federal government regulates emissions of nonroad vehicles, including self-propelled construction equipment, by setting standards for control of emissions that must be met by the manufacturer of new engines, vehicles, or equipment (40 CFR Part 1039 for compression-ignition nonroad engines, 40 CFR Part 1048 for spark-ignition nonroad engines). The manufacturer in turn may provide instructions for minor maintenance required to keep the emission controls working properly. Washington State does require engines to be maintained and operated according to manufacturers' instructions and for operators to use best practices and procedures to reduce emissions and meet general emissions standards (WAC 173-400-040; meeting on March 26, 2024, with and e-mail dated April 2, 2024, from Philip Gent, Environmental Engineer, Air Quality Program, Ecology).

Pursuant to WAC 173-400-035(2), nonroad engines (which include construction equipment) are not subject to a) new source review, b) control technology determinations, c) emissions limits set by the SIP [State Implementation Plans required by EPA], or d) Chapter 173-460 WAC [Controls for New Sources of Toxic Air Pollutants].

Despite the limited role of the state in regulating nonroad engine emissions, we calculated emissions of construction equipment as a means of supporting our analysis of air quality impacts associated with this proposed project. We calculated emissions using emission rates from the Motor Vehicle Emissions Simulator (MOVES) tool (https://www.epa.gov/moves) and compared project emissions to the Federal Clean Air Act de minimis thresholds (40 CFR 93.153(b)(1) and (2)), WA State's exemption levels (WAC 173-400-110, Table 110(5)) and insignificant emissions levels (WAC 173-401-530), and ORCAA's (regional agency for Clallam County) threshold levels for registration and reporting (https://www.orcaa.org/about/air-quality-regulations/) (Table 3). De minimis levels are "the minimum threshold for which a conformity determination must be performed for criteria pollutants" (40 CFR 93.153). A conformity determination ensures that a Federal action does not interfere with a state's plan to attain or maintain national ambient air quality standards. Emissions below de minimis levels are

"trivial levels of emissions that do not pose a threat to human health or the environment" (WAC 173-400-020(4)). "Insignificant emissions" do not require testing, monitoring, recordkeeping and reporting unless the permitting authority determines that to be necessary (WAC 173-401-530(2)(c)).

Although the USACE does not obtain local permits, we examined ORCAA's regulations as an illustrative standard of consistency (https://www.orcaa.org/about/air-quality-regulations/) because it is the local permitting authority under WCAA: "Permitting authority' means Ecology or the local air pollution control authority with jurisdiction over the source" (WAC 173-400-030(69)). ORCAA's requirements for new source review do not apply to nonroad engines: "All stationary sources exempt from registration under Regulation 4 are still required to comply with other applicable air pollution requirements...Nonroad engines" (Rule 4.1 Regulation Required, Regulation 4 Registration). We included ORCAA's emission thresholds for registration and reporting in Table . These thresholds do not apply to nonroad engines of the size that is needed for the Project, as is explained further here. ORCAA's Notice of Intent to Operate (NIO) applies to nonroad engines, "with a cumulative maximum rated brake horsepower greater than 500 BHP and less than or equal to 2000 BHP" (WAC 173-400-035(4)) and "with a cumulative maximum rated brake horsepower greater than 2000 BHP" (WAC 173-400-035 (5)). The cumulative rated brake horsepower of the nonroad engines needed for the Project is 592 BHP. This is within the range that would require notification under the regulations. According to WAC 173-400-035, "all nonroad engines must use ultra-low sulfur diesel or ultra-low sulfur biodiesel (a sulfur content of 15 ppm or 0.0015% sulfur by weight or less), gasoline, natural gas, propane, liquefied petroleum gas (LPG), hydrogen, ethanol, methanol, or liquefied/compressed natural gas (LNG/CNG). A facility that receives deliveries of only ultra-low sulfur diesel or ultralow sulfur biodiesel is deemed to be compliant with this fuel standard." Nonroad engines are required to use ultra-low sulfur diesel but "are not subject to emission limits set by the state implementation plan" (Section 15.05 Emission Standards, (a) and (b)).

We used a conservative approach to the calculation of emissions. For example, we used older equipment than may be used in the repair, which generally have greater emissions. The calculation was based on the maximum number of pieces of construction equipment expected to be used and maximum expected duration of the project. Assumptions are further detailed in the Table footnotes.

The USACE recognizes that the level of detailed analysis provided to assess effects within the coastal zone is commensurate with the expected coastal effects associated with the type of activity, in accordance with 15 CFR 930.39(a), which outlines the content of CZMA CDs for

Federal Agency Activities. The emissions estimated for the Project fall below EPA *de minimis* thresholds that are generally regulated or monitored, and reasonable measures will be taken to minimize emissions as defined in WAC 173-400-040 and explained in the CAA portion of Ecology's questionnaire. The level of detail in this analysis is appropriate for the level of severity of the potential impacts to air quality within the coastal zone from the proposed action.

Table 3. Comparison of conservative estimate of pollutant emissions for the Project to EPA and Washington State de minimis, insignificant, and exemption levels and Olympic Region Clean Air Agency's thresholds for registration and emissions.

Pollutant	EPA's <i>de</i> <i>minimis</i> Threshold * (maintenance area) (tons/yr) (40 CFR 93.153(b)(2))	EPA's <i>de</i> <i>minimis</i> Threshold * (non- attainment area (NAA)) (tons/yr) (40 CFR 93.153(b)(1))	WA State's "Exemption levels" for exemption from New Source Review (WAC 173-400-110, Table 110(5)) (tons/yr)	WA State's "Insignificant Emission Thresholds" + (tons/yr) (WAC 173- 401-530)	Olympic Region Clean Air Agency's "Registration and Reporting Threshold Levels" ^ (tons/yr)	Estimated emissions for the Project (tons/yr) #
Carbon monoxide (CO)	100	100	5	5	5	1.08
Lead (Pb)	25	25	0.005	0.005	0.005	
NO ₂	100	100	[see NOx]	[see NOx]	[see NOx]	[see NOx]
Nitrogen oxide (NOx)	100	Inside O ₃ transport region: 100 Outside an O ₃ transport region: 10-50 (extreme to serious NAA) or 100 (other NAAs)	2	2	2	2.81

Ozone/ Volatile Organic Compounds, total	Inside O ₃ transport region: 50 Outside O ₃ transport region: 100	Inside O ₃ transport region: 50 Outside an O ₃ transport region: 10-50 (extreme to serious NAA) or 100 (other NAAs)	2	2	2	0.17
Ozone- depleting substances, total			1	2	1	
PM (total)			1.25 [total suspended particulates]		1.25	0.37
Particle pollution PM2.5	Direct emissions, SO2, NOx, VOC, Ammonia: 100	100 (moderate NAA) 70 (serious NAA)	0.5		0.5	0.18
Particulate Pollution PM10	100	100 (moderate NAA) 70 (serious NAA)	0.75	0.75	0.75	0.19
Sulfur dioxide (SO ₂)	100	100	2	2	2	0.0.1
Carbon dioxide (CO ₂)						2,344.39
Methane (CH₄)						0.02
Fluorides				0.15		
Hydrogen sulfide (H ₂ S)				0.5		
Sulfuric acid mist				0.35		
Total reduced sulfur (incl H ₂ S)				0.5		

		The <i>de</i>	The <i>de</i>	
		minimis	minimis	
Toxic air		emission rate	emission rate	
pollutants		specified for	specified for	
(TAP)		each TAP in	each TAP in	
		WAC 173-	WAC 173-460-	
		460-150++.	150++	

* EPA's de minimis emissions levels: <u>40 CFR 93 § 153</u> defines *de minimis* levels, i.e., the minimum threshold for which a conformity determination must be performed, for various criteria pollutants in various areas (<u>https://www.epa.gov/general-conformity/de-minimis-tables</u>). General conformity ensures that the actions taken by Federal agencies, such as airport construction, do not interfere with a state's plans to attain and maintain national standards for air quality. "For Federal [non-transportation] actions ..., a conformity determination is required for each criteria pollutant or precursor where the total of direct and indirect emissions of the criteria pollutant or precursor in a nonattainment or maintenance area caused by a Federal action would equal or exceed any of the rates in <u>paragraphs (b)(1)</u> [table of *de minimis* levels for nonattainment areas] or (2) [table of *de minimis* levels maintenance areas] of this section" (40 CFR 93.153(b)).

+ Insignificant emission thresholds: WAC 173-401-530(4) lists "criteria for identifying insignificant emission units or activities for purposes of the operating permit program." (WAC 173-401-530(1)) "Testing, monitoring, recordkeeping and reporting are not required for insignificant emissions units and activities unless determined by the permitting authority to be necessary . . ." (WAC 173-401-530(2)(c)). "An emission unit or activity shall be considered insignificant if it qualifies under subsection (1)(b), (c) or (d) of this section, or if its actual emissions, based on methods approved by the permitting authority, are below the practical quantification limit (PQL), or are less than or equal to all of the following threshold levels: [see column above] (WAC 173-401-530(4)).

++ WAC 173-460-150 is a table of hundreds of pollutants and their small quantity emission rates and *de minimis* levels.

^ ORCAA Regulations (https://www.orcaa.org/about/air-quality-regulations/):

Regulation 6, Rule 6.1 Notice of Intent to Operate, (A) Notice of Intent to Operate may be filed with the Agency in lieu of a Notice of Construction for the following sources: (1) Temporary Portable Stationary Sources. Relocation of temporary portable stationary sources having a valid Order of Approval from Ecology or a local air pollution control agency in the State of Washington. (2) Stationary Sources based on Potential to Emit. Any stationary source that will have a combined uncontrolled potential to emit from all emission units less than: (i) 0.5 tons per year of any criteria pollutant; and, (ii) 1.0 tons per year of total criteria pollutants and VOC combined; and, (iii) 0.005 tons per year of lead; and, (iv) The de minimis emission rate specified for each Toxic Air Pollutant listed in WAC 173-460-150; and, (v) 1.0 tons per year of ozone depleting substances combined.

Assumptions for conservative calculation of emissions for the Project using emission rates from MOVES: (1) maximum duration specific for equipment; (2) operation specific for equipment; (3) equipment type with maximum likely horsepower (HP) (equivalent of full-time operation of 6 trucks (600 HP, 135 days, 8 hrs/day), 1 excavator (300 HP, 150 days, 8 hrs/day), and 1 dozer (300 HP, 50 days, 8 hrs/day), and (4) average model year of 2017 (oldest available in the model).

No sources of fluorides (e.g., coal burning, fertilizer manufacturing from phosphate rock, aluminum production, oil drilling and refining) are associated with this project. (Fluoride is listed as an air contaminant in the definition of "emission thre shold" at WAC 173-400-030(30).)