



**Public Notice of Request for
Clean Water Act Section 401 Water Quality Certification and
Coastal Zone Management Act Federal Consistency**

Public Notice Date: December 5, 2023

Comment Period Ends: December 27, 2023

The Department of Ecology (Ecology) has received a request for a Clean Water Act (CWA) Section 401 Water Quality Certification (WQC) and a Coastal Zone Management Act (CZMA) federal consistency decision for the following project.

Pursuant to Section 401 of the CWA, applicants for a federal license or permit for activities which may discharge to waters of the United States must seek WQC from the state with jurisdiction. Under Section 401 of the CWA, federal agencies cannot issue a license or permit before Ecology makes a decision on a WQC request or waives the right to review. Any conditions that are included in the WQC then become conditions of the federal permit or license. For information regarding Ecology's CWA Section 401 WQC, please visit Ecology's [webpage](#).

Ecology is evaluating this project for consistency with the [enforceable policies](#) of Washington's Coastal Zone Management Program (CZMP). The federal CZMA authorizes states with approved CZMPs to review federal actions, which include federal agency activities and the issuance of federal permits and licenses. After this review is complete, Ecology will issue a decision on whether the project is consistent with the CZMP's enforceable policies; Ecology will either concur or object that the project is consistent to the maximum extent practicable. Please see Ecology's [CZMA federal consistency](#) website for additional information about Ecology's decision process.

Under Washington's CZMP, federal actions that may affect any land use, water use, or natural resources in the coastal zone must be consistent with the enforceable policies found within the following state authorities:

- Washington Clean Air Act
- Washington State Water Pollution Control Act
- State Shoreline Management Act
- Ocean Resources Management Act
- Marine Spatial Plan for Washington's Pacific Coast

Ecology is seeking comments from the public, state and local agencies, tribes, and other interested parties regarding the project.

Comments on this public notice will be accepted and made part of the record. Please specify the proposal or project name and Aquatics identification number when submitting comments.

For additional information or to submit comments, please email the address below:

Department of Ecology—SEA Program
Federal Permit Unit
Email - ecyrefedpermits@ecy.wa.gov

1. Aquatics ID: 142756

Project Name: 12009 Aqueduct Drive East

Project Proponent: 12009 Aqueduct LLC

Location: 1713 East 121st Street; 11911 and 12009 Aqueduct Drive East; and 11555 17th Avenue East, Tacoma, Pierce County.

Description: Six Category IV wetlands (Wetlands A-F) are located onsite. Three wetlands were identified offsite within 315 feet of the subject property; these wetlands include Category III and IV wetlands. Pierce County reviewed and approved wetland delineation and ratings in 2022 under a different applicant. Soundview Consultants LLC (SVC) conducted a joint site investigation with Washington Department of Ecology (Ecology) in July 2022 to review wetland delineations and ratings; Ecology verified wetland boundaries and ratings. The proposed project consists of one industrial building and associated infrastructure. Due to the location of wetlands throughout the site, the project proposes complete or partial fill of 5 wetlands and additional indirect wetland impacts. The proposed wetland mitigation consists of offsite wetland creation within 0.5 mile of the development site.
