



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

November 21, 2022

Jay Nunenkamp
Environmental Compliance Coordinator
National Oceanic and Atmospheric Administration
National Ocean Service
1305 East West Highway
Silver Spring, Maryland 20910

Re: Consistency Determination for National Ocean Service Mapping and Surveying Activities
in the Washington Coastal Zone, 2023-2027

Dear Jay Nunenkamp:

On August 24, 2022, the National Oceanic and Atmospheric Administration's (NOAA) National Ocean Service (NOS) submitted a Consistency Determination (CD) to the Washington State Coastal Zone Management Program (CZMP) for mapping and surveying activities in the waters of Washington or nearshore terrestrial areas from 2023-2027. The Washington Department of Ecology (Ecology) requested an extension until November 7th, 2022, to review the activities. On November 1st, a second extension was granted until November 30th, 2022.

The proposed activity is National Ocean Service mapping and surveying activities in the waters of Washington or in nearshore terrestrial areas. This includes surveys performed from crewed vessels and remotely operated or autonomous vehicles. NOS may use echo sounders and other active acoustic equipment and employ other equipment, including bottom samplers and conductivity, temperature, and depth instruments to collect the needed data. A project could also involve supporting activities, such as the use of divers and the installation of tide buoys. The only terrestrial activities projects would be the installation, maintenance, and removal of tide gauges and GPS reference stations.

The CD prepared for this activity relies extensively upon the activity descriptions and analyses found in the NOS Programmatic Environmental Impact Statement (PEIS) for Surveying and Mapping Projects in U.S. Waters for Coastal and Marine Data Acquisition. The PEIS provides detailed analyses of the environmental impacts of surveying and mapping data collection activities based on regional conditions, habitat types, species, and other factors. We did note in our review that the cetacean critical habitat referenced in figure 3.5-5 on page 101 of the PEIS is no longer current. The updated existing and revised critical habitat for southern resident killer whale was finalized in 2021 and includes much of Washington's outer coast and inland marine waters.

Please note that pursuant to 15 CFR § 930.39(a): “The consistency determination shall also include a detailed description of the activity, its associated facilities, and their coastal effects, and comprehensive data and information sufficient to support the Federal agency's consistency statement. The amount of detail in the evaluation of the enforceable policies, activity description and supporting information shall be commensurate with the expected coastal effects of the activity.” As stated above, the consistency determination relied heavily on the PEIS and referred to it, rather than providing information specific to effects on Washington’s coastal uses and resources. While the applicable enforceable policies were listed in the CD, in the future we will require a detailed evaluation about how the activity is consistent with each applicable enforceable policy.

Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with the National Ocean Service determination that the proposed work is consistent with Washington’s CZMP.

If you have any questions regarding Ecology’s consistency decision, please contact Erin Hanlon Brown at (360) 280-1037.

Your right to appeal

You have a right to appeal this decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt. The appeal process is governed by RCW 43.21B and WAC 371-08. “Date of receipt” is defined in RCW 43.21B.001(2). More information is available at <https://eluh.wa.gov/content/11>.

To appeal, you must do all of the following within 30 days of the date of receipt of this decision:

- File your appeal and a copy of this decision with the PCHB (see addresses below). “Filing” means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. “Notice of appeal” is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this decision on the Department of Ecology, in paper form, by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in RCW 43.21B and WAC 371-08.



Filing an appeal with the PCHB:

For the most current information regarding filing with the PCHB, visit:
<https://eluh.wa.gov/content/11>

Filing by mail

Mailing Address:

Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

Filing in person (or by certified mail/courier)

Street Address:

Pollution Control hearings Board
1111 Israel RD SW
STE 301
Tumwater, WA 98501

Filing electronically

E-mail Address:

pchb-shbappeals@eluh.wa.gov

Serving a copy of the appeal on Ecology:

Electronic copies of appeals are not accepted at the Department of Ecology per
WAC 371-08-305(10).

Filing by mail

Mailing Address:

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

Filing in person (or by certified mail/courier)

Street Address:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Sincerely,



Brenden McFarland, Section Manager
Environmental Review and Transportation Section
Shorelands and Environmental Assistance Program

e-cc: Erin Hanlon Brown, Ecology
Loree' Randall, Ecology
fedconsistency@ecy.wa.gov

