

On 01/10/24, a minor edit was made to the date in the header. See below in red.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

January 9, 2024

Port of Seattle
ATTN: Danielle Butsick
PO Box 1209
Seattle, WA 98111

Re: Coastal Zone Management Federal Consistency Decision for Terminal 91 Berths 6 and 8 Redevelopment (Corps No. NWS-2021-842), Seattle, King County, Washington.

Dear Danielle Butsick:

On December 3, 2021, the Department of Ecology (Ecology) received a Certification of Consistency with the Washington State Coastal Zone Management Program (CZMP) for the above project.

On May 10, 2022, the Port of Seattle and Ecology agreed to stay the CZM until November 29, 2022, in order for the Applicant to obtain the Section 401 Water Quality Certification, Construction Stormwater General Permit coverage, and shoreline permit. A second stay was agreed to on November 28, 2022, extending the review period until November 29, 2023, in order for the Applicant to obtain the Section 401 Water Quality Certification. On November 3, 2023, a third stay was agreed to, extending the review period until January 10, 2024, in order for the Applicant to obtain a shoreline permit.

The proposed project is to replace the deteriorating facilities at Berths 6 & 8 at Terminal 91 in Smith Cove on the north side of Elliott Bay. The Project will include replacement of the existing creosote-treated timber pier and apron with a new wharf structure (including associated pile), relocation of the small boat storage and float system, replacement of the existing slope armoring (includes removal of up to 25,000 CY of dredged material, rip rap, and debris), and abandonment-in-place of the existing bulkhead and installation of a new sheet pile wall just waterward of the existing bulkhead. These improvements would be located at Port of Seattle Terminal 91 on the north side of Elliott Bay, in King County, Washington.

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

If you have any questions regarding Ecology's consistency decision, please contact Laura Inouye at (360) 515-8213.

Your right to appeal

You have a right to appeal this decision to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

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

- File your notice of appeal and a copy of this decision with the PCHB (see filing information 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 mail, in person, or by email (see addresses below).

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

Filing an appeal with the PCHB:

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: <https://elaho.wa.gov/> or call: 360-664-9160.

Service on Ecology

Street Addresses:

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

Mailing Addresses:

Department of Ecology



Corps No. NWS-2021-842, Aquatics ID No. 140969

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

E-Mail Address:

ecologyappeals@ecy.wa.gov

Sincerely,



Loree' Randall, Section Manager
Aquatic Permitting & Protection Section
Shorelands and Environmental Assistance Program

Sent via e-mail: Butsick.D@portseattle.org

E-cc: Brad Johnson, U.S. Army Corps of Engineers
Laura Inouye, Ecology
fedconsistency@ecy.wa.gov

