



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

December 5, 2024

National Oceanic & Atmospheric Administration
U.S. Department of Commerce
ATTN: Anne Delp
1305 East West Highway
Silver Spring, MD 20910

Re: Coastal Zone Management Federal Consistency Decision for NOAA Mukilteo Research Station Property Transfer, Possession Sound, Mukilteo, Snohomish County, Washington

Dear Anne Delp:

On October 16, 2024, the National Oceanic & Atmospheric Administration (NOAA) submitted a Consistency Determination with the Washington State Coastal Zone Management Program (CZMP). Ecology issued a 21-day public notice on November 5, 2024, and received no comments. NOAA initiated early consultation with Ecology regarding this proposal in February 2024, which included a discussion of CZM federal consistency requirements.

The National Marine Fisheries Service (NMFS) is one of several Line Offices within the NOAA, a branch of the United States (U.S.) Department of Commerce. NMFS is informally known as NOAA Fisheries. The NMFS Northwest Fisheries Science Center (NWFSC) conducts leading-edge data acquisition, research and analyses that provide the foundation for management decisions to protect, recover, restore, and sustain ecosystems and living marine resources in the Pacific Northwest. It also supports the NOAA Fisheries West Coast Regional Office and other agencies in fisheries management. NWFSC operates a network of research stations throughout the Pacific Northwest. The NWFSC Mukilteo Research Station located at 802 Front Street, on the shoreline of Possession Sound in the City of Mukilteo, Washington, was one of five NWFSC research stations until the Mukilteo facilities were decommissioned and demolished in 2022. The Mukilteo Research Station consists of the parcel of land located at 802 Front Street (formerly 10 Park Avenue) in the City of Mukilteo, County of Snohomish, State of Washington 98275, designated as Tax Parcel No. 00596901600000, containing an area of approximately 1.1 acres of uplands, as well as approximately 2 acres of adjacent tidelands extending into Possession Sound to the north (the subject property).

NMFS determined that the facilities at the Mukilteo Research Station were no longer needed for execution of the NWFSC mission. In accordance with the National Defense Authorization Act, NOAA is required to transfer the subject property to the Port of Everett when it is no longer needed for NOAA Mission execution. The proposal involves conveyance of the property, a portion of which is within a designated flood hazard area, to a nonfederal entity. The proposal does not involve land use change. Should the Port of Everett propose a change to the existing land use, the Port would need to comply with applicable Washington State laws and regulations regarding potential impacts to floodplains and coastal zone management, and would potentially need to obtain permits from Federal, State, or local agencies (e.g., U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, Ecology, and/or the City of Mukilteo) depending on the nature of future actions at the site. Additionally, because there are known cultural resources present at the property and because the provisions of Section 106 of the National Historic Preservation Act would not apply to a nonfederal entity, an Historic Preservation Covenant would be included in the conveyance documents that would provide a process to avoid, minimize, or resolve adverse effects to cultural resources from the conveyance of the property to a nonfederal entity.

Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with NOAA's determination that property transfer is consistent with Washington's CZMP. Ecology's concurrence is for the property transfer. If any future change or proposed activity by the Port of Everett requires a federal permit or license subject to 15 CFR Part 930 Subpart D of the federal consistency regulations, that action would require a separate CZM federal consistency decision from Ecology.

If you have any questions regarding Ecology's decision, please contact Teresa Pucylowski at teressa.pucylowski@ecy.wa.gov.

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 RCW 43.21B and WAC 371-08. "Date of receipt" is defined in Chapter 43.21B.001(2) RCW.

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 Chapter 371-08-305 WAC and -335. "Notice of appeal" is defined in Chapter 371-08-340 WAC.
- Serve a copy of your notice of appeal and this decision on the Department of Ecology by mail, in person, or by email (see addresses below).

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

Address and Location Information

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

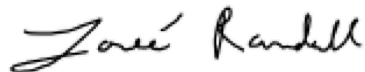
Mailing Addresses:

Department of Ecology
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: anne.delp@noaa.gov

E-cc: Emma Rawnsley, AECOM
Teresa Pucylowski, Ecology
fedconsistency@ecy.wa.gov