STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Northwest Region Office
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

July 2, 2025

Port of Seattle
ATTN: Matthew Szymanowicz
PO Box 1209
Seattle, WA 98111

Re: Coastal Zone Management Federal Consistency Decision for Port of Seattle Programmatic Routine Maintenance, Repair, and Scientific Sampling (Corps No. NWS-2024-311-WRD), Elliott Bay, Lake Washington Ship Canal, Shilshole Bay, Salmon Bay, the Duwamish River including the East and West Waterways, and Puget Sound, Seattle, King County, Washington

Dear Matthew Szymanowicz:

On June 25, 2024, the Department of Ecology (Ecology) received a Certification of Consistency with the Washington State Coastal Zone Management Program (CZMP) for the above program. Ecology issued a 21-day public notice on July 5, 2024. On June 20, 2025, the Port of Seattle and Ecology agreed to stay the CZM review period until July 9, 2025, in order for the Port of Seattle to demonstrate consistency with the Shoreline Management Act.

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

- The Port of Seattle must obtain final shoreline substantial development permit exemptions or shoreline permits prior to in-water work as required under the Shoreline Management Act (SMA) (Chapter 90.58 RCW). This will demonstrate consistency with the enforceable policies of the SMA.

This program is composed of individual projects that would include routine maintenance, repair, relocation, replacement and/or removal of Port of Seattle structures (e.g., piling, outfalls, bulkheads, fender systems, slope protection, etc.) and utilities (e.g., fire, water, storm, electrical, etc.), maintenance dredging, sediment sampling, and beneficial activities for the

purposes of mitigation over a 10-year time period in three zones. The purpose of the program is to maintain function and structural integrity of existing structures.

The program's sites include multiple Port of Seattle facilities distributed across three zones as follows:

- Zone 1, marine (Greater Elliott Bay and Puget Sound including East and West Waterways), includes the following facilities: Shilshole Bay Marina, Terminal 91, Pier 69, Pier 66, Terminal 86, Centennial Park, Terminal 46, Piers 16/17, Pier 2 and Jack Block Park, Terminal 18, Terminal 10, Terminal 5, Terminal 30, Pier 28, and Terminal 25.
- Zone 2, estuarine (Tidally Influenced Duwamish Waterway (River Mile 0.0 to 5.0 of the Duwamish River)), includes the following facilities: Terminal 102, Terminal 103, Terminal 104, Terminal 105, Terminal 106, Terminal 107, Terminal 108, Terminal 115, Terminal 117, and Turning Basin #3.
- Zone 3, freshwater (Lake Washington Ship Canal and Salmon Bay), includes the following facilities: Maritime Industrial Center, Fishermen's Terminal, and Salmon Bay Marina These facilities are located in King County, Washington, within Water Resource Inventory Areas (WRIA) 8 - Cedar-Sammamish and WRIA 9 - Duwamish-Green WRIAs.

More information on each activity is as follows:

<u>Pile systems:</u>

- The Port of Seattle routinely engages in repair and maintenance (including replacement) of pile systems, which includes approximately 36,000 piles of various sizes and material types in all three zones. Similarly, the Port of Seattle performs repair and maintenance (including replacement) of fender system components, cathodic protection systems, and pile caps and beams. The proposed program will include repair and maintenance (including replacement) of structural, fender, dolphin, float, test, double-walled, and other types of piles ranging in size between 12 inch to 30 inch in diameter, and sheet piles in 24–32-inch sheets over the next 10 years. These estimates are very conservative; the actual number of pilings replaced is likely much lower.
- Installed piling may include ammoniacal copper zinc arsenate (ACZA)- treated timber, untreated timber, concrete, and steel piles.
- Removed piling may include ammoniacal copper zinc arsenate (ACZA)- treated timber, untreated timber, concrete, and steel piles as well as creosote-treated timber piles, and repaired piling may include timber, steel, and concrete piles and the use of pile wraps and jackets.
- Piles that are replaced under this program will be mostly either the same size (diameter or sheet length) or smaller than existing piles. In some instances, piles may be larger if

project design indicates that a larger pile size will result in a net reduction in square footage of the piling footprint (i.e., using a larger diameter pile will require fewer piles overall), or the contractor may need to select a larger pile size due to market availability at the time of construction.

Marina Piers, Ramps (gangways), and Float Assemblages:

- Piers, ramps (gangways), and float assemblages such as those found at Shilshole Bay Marina, Bell Harbor Marina, Harbor Island Marina in Zone 1, and Fishermen's Terminal and Salmon Bay Marina in Zone 3 require maintenance, repair, or replacement for the safety and operations of marina facilities.

Overwater Safety and Security Equipment:

- Safety ladders must be maintained to operate safely and meet state and federal code requirements. Work may include maintenance such as marine growth removal, repairs, installation and relocation of safety ladders to meet terminal needs. Additionally, platforms, such as line-handling platforms, must be installed, maintained, and/or relocated for safety.

Shoreline Stabilization:

- The Port of Seattle routinely engages in repair and maintenance activities along approximately 15.4 miles of Port-controlled, engineered shoreline protection structures. The Port of Seattle's shoreline protection structures (i.e., riprap and steel sheet piles) may require repair to stabilize bulging/lateral deflection, eroding, coating failure and corrosion, and/or undercut shorelines as necessary to keep Port of Seattle and tenant facilities safe and operable. Shoreline slopes are subject to wave action and associated erosion, and over time, erosion from this wave action can result in the need to repair and/or replace shoreline protection structures to prevent loss of Port of Seattle or tenant facilities/improvements.
- Activities associated with shoreline stabilization include in-kind replacement of existing hard stabilization materials, such as riprap and vertical bulkheads, as well as alternative stabilization techniques such as slope regrading, anchored wood, and other nature-based solutions. The Port of Seattle anticipates that up to 10 percent of its engineered slopes will require repair and maintenance over the next 10 years. To the greatest extent practicable, the Port of Seattle will pursue alternative shoreline stabilization techniques; however, some shoreline slopes will require hard armor to be repaired and/or replaced. The proposed program does not allow the conversion of unarmored shoreline to an armored shoreline.

Outfalls and Tide Gates:

- Stormwater outfall structures and associated tide gates and in-line check valves must be maintained, repaired, and if necessary, new tide gates or in-line check valves installed on existing stormwater pipes, as part of the Port of Seattle's Municipal Separate Storm Sewer System (MS4) Permit (required by the Section 402 of the Clean Water Act).

Boat Ramps and Launches:

- Boat ramps and launches (including vessel hoists and marine rail track systems) provide water access for launching vessels from landside facilities or vice versa. Boat ramps and launches are primarily constructed of concrete slabs and require concrete repair, maintenance, or replacement to assure continued safe use. Boat launches may include facilities with vessels entering or existing the water including hoist systems and marine rail track systems.

Maintenance Dredging:

- Large vessels coming into and leaving berth areas can displace bottom sediments, resulting in scour holes and shoaling. The high spots generated by propeller-wash and other berthing activities result in navigation hazards, which may not allow for full vessel loading (economic and environmental impact) and can lead to grounding out of vessels (safety issue and benthic disturbance). When this occurs, targeted maintenance dredging is necessary to remove the high spots to restore and maintain previously dredged berth elevations, allowing terminal operators and vessels to operate safely and efficiently at full capacity.
- Maintenance dredging is anticipated to be conducted every 3 to 5 years based on the frequency of high spot formation. The Port of Seattle proposes to limit maintenance dredging to 30,000 cubic yards of material per dredge year, not to exceed 170,000 total cubic yards over the 10-year proposed program; actual dredge volume is expected to be significantly less based on current maintenance needs. This volume estimate is the maximum of the sum of all projects, and is conservative based on a worst-case scenario for the volume of dredged material that could occur, and accounts for 1 foot of advanced maintenance, plus 2 feet of allowable over dredge. Areas that may require maintenance dredging located in Zone 1 include those adjacent to Pier 66 (Elliott Bay); within the East Waterway adjacent to Terminals 18, 25, 30 (T-18, T-25, T-30, respectively), T-46, Pier 28 (using Slip 27) and the adjacent navigation channel; and within the West Waterway adjacent to T-5, and the adjacent navigation channel. The maintenance dredging activities are intended to ensure that project elevations are effectively maintained.

- The proposed maintenance dredging activities of the program are not part of the U.S. Army Corps of Engineers' (USACE) Seattle Harbor Navigation Project which includes deepening the East and West Waterway navigation channels. Current project depths in the East Waterway are based on previously dredged depths and vary based on location. Depths range from -34 feet to -51 feet Mean Lower Low Water (MLLW), plus one foot of advance maintenance, and two feet of allowable over-dredge indicate that maintenance dredging will occur entirely within the deep subtidal zone (approximately -37 feet to -54 feet MLLW). Following completion of the USACE's Seattle Harbor Navigation Project, the depth of the federal navigation channel will be -57 feet MLLW, while the southern end of the East Waterway will have no change to the previous project depth of -34 feet MLLW. The Port of Seattle intends to maintain berth and channel areas of the East Waterway to the current depth until the deepening project is complete. After the deepening project, the Port of Seattle will maintain berth and channel areas to the new approved project depths if maintenance dredge activities are necessary. The authorized depth of the West Waterway navigation channel is -34 feet MLLW, however current depths range from -50 to -60 feet MLLW due to historical over-dredge of the waterway. As part of the Seattle Harbor Navigation Project, the USACE intends to deepen the West Waterway channel areas to -57 feet MLLW. Following completion of the deepening project, the Port of Seattle may perform maintenance dredge activities of the channel areas to the project depth of -57 feet MLLW if required to maintain vessel access to terminal berths. The Port of Seattle recently completed the T-5 Berth Modernization Project which deepened the berth areas to -55 feet MLLW. The Port of Seattle intends to maintain T-5 berth areas to the current project depths (-55 feet MLLW).

<u>Sediment Sampling:</u>

- Periodic sediment sampling and characterization is required for the Port of Seattle to support berth maintenance and to meet cleanup obligations and to inform stability and constructability concerns relating to safety. Samples may be taken from surface or subsurface sediments.

<u>Under-Pier Utilities:</u>

- Under-pier utility work may occur from existing piers located above and adjacent to waterbodies; however, in some instances, work may be accessed from below the pier deck (e.g., fire sprinkler systems). Replacement consists of simple removal of the old lines and installation of new lines at the same facility. The proposed routine repair and maintenance activities related to utilities do not include construction or significant increase in capacity of the utility to support a new or expanded utility service area. Whenever possible, this work will occur in the dry.

Subtidal Utility Cable:

- A subtidal utility cable connects the Pier 66 cruise terminal to a power feeder extension at T-46 which ties into the Seattle City Light electrical power grid to provide cruise vessels with shore power while berthed at Pier 66. The 26-kilovolt (kV) subtidal utility cable is approximately 6,110-foot-long and runs from the north end of T-46 to the south end of the Pier 66 pier structure. The subtidal utility cable also includes rigid conduit at the T-46 slope and articulated mats across the T-46 and Pier 66 berth areas. Maintenance activities of the subtidal utility cable and appurtenances may be necessary to ensure continued operations. Maintenance may include splicing cable; replacing, repairing or reinforcing protection and placement measures; and repair or replacement of the electrical equipment and its appurtenances in-kind or using cost-effective technologies that provide the same outcome. Maintenance activities will disturb as little of the seafloor and other equipment as necessary to maintain function and placement.

Navigational Aids:

- Navigational aids assist vessels to safely negotiate hazards. Navigational aids are typically anchored buoys and must be maintained or replaced for safety reasons.

Minor Overwater Construction:

- This includes the repair, maintenance, replacement, installation, or relocation of bull rails, bollards, cleats, walers, crane rails, picking booms, davits, hoists, safety/security equipment, navigation lights, and light poles, and utilities. Paved surfaces may be replaced or repaired in already-paved areas, and minor building exterior work may occur.

Scientific Studies and Experimental Habitat Restoration:

- The Port of Seattle has several ongoing and planned studies to enhance habitat function or address data gaps in scientific literature. Some operations require repair and maintenance of equipment (e.g., experimental octopus habitat installations “Octopods”, floating wetland platforms, etc.) to ensure their continued function and benefit. This CZM decision does not authorize expansion of these projects.

Several of the activities under the program have been previously approved by the City of Seattle under project-specific shoreline substantial development permit exemptions and under programmatic exemptions, and also by Ecology under past CZM program reviews, such as the Pile Systems Repair and Maintenance Program and the East Waterway Maintenance Dredging Program. The Port of Seattle has obtained programmatic shoreline permit exemptions from the

City of Seattle for Shilshole Bay Marina and Terminal 18 for all program activities except alternative shoreline stabilization work. The City of Seattle will review alternative shoreline stabilization activities on a case-by-case basis over the life of the program. On June 23, 2025, The Port of Seattle provided Ecology with a CZM consistency analysis which described how the proposed alternative shoreline stabilization activities would be consistent with the enforceable policies of the Shoreline Management Act. Additionally, the Section 401 Water Quality Certification issued for this program (#23666) requires final shoreline permits or substantial development permit exemptions be obtained prior to in-water work (condition A12).

If you have any questions regarding Ecology's decision, please contact Austin Schmalz at Austin.Schmalz@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 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 by 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.

Address and Location Information

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: https://eluho.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

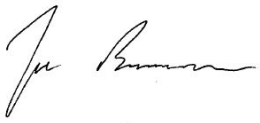
Mailing Addresses:

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

E-Mail Address:

ecologyappeals@ecy.wa.gov

Sincerely,



Joe Burcar, Section Manager
Northwest Region Office
Shorelands and Environmental Assistance Program

Sent via e-mail: Szymanowicz.M@portseattle.org

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