



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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June 9, 2020

Ms. Laura Boerner, Chief
Environmental and Cultural Resources Branch
Corps of Engineers, Seattle District
P.O. Box 3755
Seattle, WA 98124-3755

RE: Federal Consistency Concurrence for the Emma Schmitz Seawall Coastal Erosion Control Project, in Seattle, Washington

Dear Laura Boerner:

On May 4, 2020, the Department of Ecology (Ecology) received the U.S. Army Corps of Engineers's (the Corps) supplemental Consistency Determination (CD) for the above project. The Corps's proposed new work consists of potential vibratory installation of 75 sheet piles and construction of a temporary 30-foot by 40-foot sheet pile pad for the drill rig and 2 excavators. The new work prompted the need for a supplemental Consistency Determination pursuant to CFR 930.46 – "Supplemental coordination for proposed activities." Additionally, the Corps requested that the Section 401 Water Quality Certification be amended to address the new work.

The new work triggers additional review of the enforceable policies found in the SMA, and the Corps opted to demonstrate compliance with those policies by analyzing the Seattle Shoreline Master Program. Ecology issued an amended Section 401 Water Quality Certification on May 27, 2020, which satisfied the requirements of the state Water Pollution Control Act's enforceable policies. Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with the Corps's supplemental Consistency Determination that the proposed new work is consistent to the maximum extent practicable with the Washington Coastal Zone Management Program's enforceable policies.

Should you have any questions regarding Ecology's concurrence, please contact Therese Swanson at 360-584-3744 or terry.swanson@ecy.wa.gov.

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 of this decision. 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).

Emma Schmitz Seawall

June 9, 2020

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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.
- Serve a copy of your appeal and this decision on 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 Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Sincerely,



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

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