



Federal Consistency Procedures

Washington State Coastal Zone Management Program

Shorelands & Environmental Assistance Program

Washington State Department of Ecology
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TABLE OF CONTENTS

I. Purpose	3
II. Background	3
III. General Information	5
IV. Federal Actions Subject to State CZMA Review.....	8
A. Activities Proposed by a Federal Agency	9
B. Federal Licenses and Permits.....	15
C. Federal Assistance Activities.....	21
Appendix A. Federal License and Permit Activities List	22
Appendix B. Federal Assistance Activities List	26
Appendix C. Form for Certification of Consistency with the Washington State Coastal Zone Management Program for Activities Requiring a Federal License or Permit	27
Appendix D. Additional Resources.....	32

I. PURPOSE

The Washington State Department of Ecology (Ecology) administers Washington’s federally-approved Coastal Zone Management Program (CZMP). This document contains Ecology’s procedures for the review of “federal actions” in Washington’s coastal zone pursuant to the authority under the federal Coastal Zone Management Act (CZMA).¹ Ecology provides these procedures to assist federal agencies, applicants for federal licenses or permits, and state and local government applicants for certain federal funding assistance understand the State’s procedural requirements for reviews authorized under the CZMA, as well as the enforceable policies of Washington’s CZMP.

Throughout this document, Ecology relies on the Federal Consistency regulations promulgated by the National Oceanic and Atmospheric Administration (NOAA) found at 15 CFR part 930. While this guidance document is intended to assist federal agencies and applicants in understanding how the state administers the CZMA review process, this document is not a substitute for compliance with the federal regulations. NOAA’s regulations are the prevailing authority for any discrepancies between the federal and state procedural requirements. The federal regulations, and explanatory information can be found on the [NOAA Federal Consistency website](#).

This guidance document may be superseded by revisions to the CZMA Federal Consistency regulations. Agencies and applicants are advised to check for any changes to the regulations subsequent to the publication of this document.

II. BACKGROUND

The Coastal Zone Management Act

Congress enacted the CZMA in 1972 to create a voluntary program to encourage states to develop comprehensive management programs for their coastal zones. As an incentive for state participation, the CZMA provides states with a role in the decision-making process for federal actions that may affect coastal uses or resources. The CZMA authorizes states participating in the program to review federal actions that may have reasonably foreseeable effects on coastal uses and resources for consistency with the NOAA-approved enforceable policies of the state programs.

Washington’s Coastal Zone Management Program

Under Washington’s CZMP, proposed federal actions are reviewed for consistency with four state laws and their implementing regulations as well as the state Marine Spatial Plan (see Section III, page 7).

¹ 16 U.S.C. §§ 1451-1466.

Ecology can review the following federal actions for consistency with the CZMP under the different subparts of NOAA’s regulations at 15 CFR part 930:

1. Federal agency activities (activities proposed by a federal agency under subpart C)
2. Federal license or permit activities (activities by a non-federal applicant requiring a federal license or permit, or similar form of authorization under subpart D)
3. Federal financial assistance activities (federal financial requests made by state and local governments under subpart F)
4. Outer Continental Shelf (OCS) plans (submitted by a non-federal entity to the Department of the Interior’s Bureau of Ocean Energy Management (BOEM) pursuant to the Outer Continental Shelf Lands Act under subpart E)²

Washington’s coastal zone is comprised of the 15 coastal counties that border salt water (see Figure 1).³ It includes all lands and waters within these coastal counties and submerged lands seaward out to three nautical miles. The coastal zone is **not limited** to areas under Shoreline Management Act jurisdiction.

Although the CZMA definition of the coastal zone⁴ excludes federal lands⁵ and waters from state definitions of the coastal zone, this does not affect the application of federal consistency to activities on federal lands that have reasonably foreseeable effects on the State’s coastal uses or resources. For example, work on a naval base that affects aquatic habitat may have effects on coastal resources (e.g., salmonids) that rely on that habitat for



Figure 1. Washington's Coastal Zone

² Due to the current lack of OCS planning off the Washington coast, these activities are not addressed in this guidance. Though unaddressed in this guidance document, the state retains its authority to review OCS lease sales (under subpart C) or OCS plans (under subpart E) if they are proposed.

³ Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston Wahkiakum, and Whatcom.

⁴ 16 U.S.C. § 1453(1).

⁵ Excluded from Washington’s coastal zone are lands the federal government owns, leases, holds in trust, or otherwise has the sole discretion to determine their use. These “excluded federal lands” within Washington’s coastal zone include, but are not limited to:

- Military reservations or other defense installations (e.g., Joint Base Lewis-McChord, Naval Base Kitsap-Bangor, and Naval Air Base Whidbey Island);
- All lands within national parks, including private inholdings (e.g., Olympic and Mount Rainier National Parks);
- Indian lands held in trust by the federal government; and
- National forest lands and national recreation areas owned or leased by the federal government (private inholdings are within the coastal zone).

foraging and breeding. Similarly, alterations to coastal processes, such as armoring a feeder bluff, can create effects distantly removed from the immediate location of the activity. Additionally, federal license or permit activities that occur on excluded federal land and that are listed in Ecology's subpart D list, as described herein, are subject to Ecology's CZMA review.⁶

III. GENERAL INFORMATION

Public Notice and Involvement

The CZMA, and its implementing regulations,⁷ require public notice to be given for consistency determinations and consistency certifications. Ecology issues a public notice for such actions with the following exceptions:

- If the project requires a U.S. Army Corps of Engineers (Corps) Section 404 and/or Section 10 permit, when practicable, the Corps will issue a joint public notice for both the Corps permit(s) and CZMA.
- For U.S. Coast Guard permits, when practicable, the Coast Guard will issue a joint public notice for both the Coast Guard permit and CZMA.
- If timing becomes an issue and the federal permitting agency cannot issue a joint public notice covering CZMA, then Ecology will issue notice for CZMA.

Ecology will post all public notices [online](#) and distribute them electronically to its listserv. Individuals wishing to be added to this listserv can make an email request to fedconsistency@ecy.wa.gov. NOAA's regulations require that states cannot rely solely on electronic notification and until NOAA changes its regulations, Ecology will also make public notices available through a non-electronic platform when appropriate.⁸

Public comment periods for the Washington CZMP will run per NOAA's requirements. Comments must be submitted to Ecology by email to the email address identified in the public notice.

Comments should be focused on the proposed federal action as it relates to the federally-approved enforceable policies of Washington's CZMP.

During the public notice period, Ecology will consider the comments received and may share them with the federal agency and/or project applicant. Ecology will copy all commenters when it issues its final CZMA decision.

⁶ 15 CFR § 930.53(a)(1).

⁷ 16 U.S.C. § 1455(d)(14); 15 CFR §§ 930.42 and 930.61.

⁸ 15 CFR § 930.61(c).

Tribal Government Engagement

Ecology recognizes its state-mandated government-to-government relationship with the federally recognized Indian tribes of Washington as a signatory to the 1989 Centennial Accord and 1999 Millennium Agreement, and through a 2012 state-tribal relations law (43.376 RCW). Ecology's tribal government engagement is not a substitute for tribal engagement or government to government consultation by federal agencies proposing or authorizing the proposed project. Ecology welcomes early dialogue regarding the tribes' interests in state or federal actions that may affect coastal resources or uses.

To this end, in addition to its public involvement activities, Ecology will coordinate with tribes that may have an interest in a given federal action:

- For federal actions with a specific location, Ecology will contact those tribes with an overlapping area of interest.
- For federal actions without a specific location, Ecology will contact all tribes with an area of interest that includes any of the 15 counties in Washington's coastal zone.

This coordination commences with an email to the tribe's Natural Resource Director and/or other staff as identified by the tribe. It will include a description of the proposed federal action and a link to Ecology's website for the public notice or other relevant information, if applicable. Tribes may submit their input at any point in Ecology's review process prior to its decision, and it does not need to be submitted during a public comment period.

Input related to federal consistency of the federal agency's or project applicant's action or activity with the federally-approved enforceable policies may be submitted by email to fedconsistency@ecy.wa.gov. Ecology will consider tribal input and will share substantive comments with the federal agency or project applicant. Those tribes providing input will receive a copy of Ecology's final CZMA decision.

Tribes are encouraged to send Points of Contact updates to Ecology by email to fedconsistency@ecy.wa.gov. Additionally, tribes may request to be added to Ecology's CZMA listserv by emailing the address above.

Coastal Effects

Federal consistency requirements apply to any federal action if the proposal or project will have a "reasonably foreseeable effect" on any coastal use or resource. How coastal effects are determined and whether and how federal consistency applies to a proposed federal action are described in NOAA's Federal Consistency regulations. For example, for federal agency activities under 15 CFR part 930, subpart C, the federal agency makes a determination of coastal effects. For federal license or permit activities under 15 CFR part 930, subpart D, coastal effects are determined by NOAA in the listing, geographic location description, and unlisted activity requirements at 15 CFR §§ 930.53 and 930.54. Federal Consistency regulations define coastal effects as both environmental effects (impacts to air, wetlands, water bodies, aquifers, plants,

animals, etc.) **and** effects on coastal uses (fishing, recreation, tourism, public access, historic or cultural preservation, marinas, etc.).

Effects include both **direct** effects which result from the proposal or project and occur at the same time and place, and **indirect** (cumulative and secondary) effects which result from the proposal or project and occur later in time or are farther removed in distance, but are still reasonably foreseeable.

Proposed federal actions on lands inland of the state’s coastal zone or in federal waters beyond the State’s three nautical-mile boundary may be subject to Washington CZMP federal consistency review if they have effects in the coastal zone, pursuant to the subparts of NOAA’s regulations at 15 CFR part 930.

The Washington CZMP’s Enforceable Policies

Federal agencies and non-federal project applicants must demonstrate that their actions and activities are consistent with the federally-approved enforceable policies found in Washington’s CZMP. Under the CZMA and NOAA’s regulations, the activities of federal agencies must be “consistent to the maximum extent practicable” with enforceable policies, and non-federal activities must be fully consistent with enforceable policies (see sections IV.A, B, and C for more information on standards of review). In addition, federal agencies usually do not need to obtain state or local permits, and therefore need to rely on a descriptive analysis, whereas applicants for federal permits/licenses or federal funding may use forms developed by Ecology.

The Washington CZMP enforceable policies, as approved by NOAA, derive from three primary sources: Washington State laws, Washington Administrative Code (WAC) regulations, and Washington’s Marine Spatial Plan for the Pacific Coast. Ecology updates these policies on a routine basis. Ecology uses the following enforceable policies to evaluate whether a proposed federal action is consistent with Washington’s CZMP:

1. State Shoreline Management Act (RCW 90.58)
 - Implementing Regulations at WACs 173-15 18, 20, 22, and 26
2. State Water Pollution Control Act (RCW 90.48)
 - Implementing Regulations at WACs 173-40 to 270, 372-52 to 68
3. Washington Clean Air Act (RCW 70.94)
 - Implementing Regulations at WACs 173-400 to 495
4. State Ocean Resources Management Act (RCW 43.143)
 - Ocean Management Guidelines at WAC 173-26-360
5. The Marine Spatial Plan for Washington’s Pacific Coast
 - Important, Sensitive and Unique (ISU) Areas
 - Fisheries Protection Standards

Federal agencies/applicants should refer to the [Enforceable Policies document](#) (Ecology Publication #20-06-013) for more information.

IV. FEDERAL ACTIONS SUBJECT TO STATE CZMA REVIEW

As described above, the CZMA specifies four types of federal actions subject to state CZMA review. The three that are addressed in this guidance document are as follows:

- Federal agency activities (15 CFR part 930, subpart C)
- Federal license or permit activities (15 CFR part 930, subpart D)
- Federal financial assistance to state and local governments (15 CFR part 930, subpart F)

The CZMA Federal Consistency regulations found at 15 CFR Part 930 separately address each type of federal action. There are differences in the terminology, processes, timeframes, standards of review, and options for federal agencies and applicants for a federal authorization.

- **If you are a Federal Agency proposing an activity or development** in Washington's coastal zone that will affect coastal uses or resources, refer to **Section IV.A (page 9)**.
- **If you are an applicant for a federal license or permit** in Washington's coastal zone that is included on the Washington CZMP list of federal license or permit activities found in Appendix A of this document, refer to **Section IV.B (page 15)**.
- **If you are a state agency or local government applicant for federal funding** for activities in Washington's coastal zone that are included on the Washington CZMP list of federal financial assistance activities found in Appendix B of this document, refer to **Section IV.C (page 21)**.

A. Activities Proposed by a Federal Agency

Activities that are proposed by or for a federal agency that may have reasonably foreseeable effects on Washington's coastal uses or resources are subject to Ecology's federal consistency review process to determine if the proposed activity is consistent with the enforceable policies of Washington's CZMP.

Examples of federal agency activities include:

- Adopting a management plan for a wildlife sanctuary or fisheries allocation
- Constructing nearshore facilities
- Dredging new channels

Federal agencies must consider **all development projects within the coastal zone, as defined at 15 CFR § 930.31(b), to be activities affecting any coastal use or resource.** For other types of activities proposed by federal agencies, whether inside or outside the coastal zone, the agencies determine whether their activities may have reasonably foreseeable effects on uses or resources of the coastal zone, regardless of the location of the uses or resources.⁹

Pursuant to the CZMA Federal Consistency regulations at 15 CFR § 930.36, if a federal agency determines that a proposed activity will have reasonably foreseeable effects on coastal uses or resources of the state, the federal agency must prepare a Consistency Determination (CD) and submit it to Ecology for review. The contents of a CD are specified at 15 CFR § 930.39(a).

Early coordination and communication

Ecology encourages federal agencies to submit the determination at the earliest time possible in the planning process, and it **must** be submitted at least 90 days prior to the agency's final approval of its activity.¹⁰

Federal agencies are encouraged to consult with Ecology before the required 90-day period begins and prior to submitting the CD. During this process, Ecology can provide assistance regarding how to determine if the proposed activity will be conducted in a manner consistent to the maximum extent practicable with the enforceable policies of Washington's CZMP.

To initiate this early coordination, the following steps should be taken:

1. The federal agency should contact Ecology staff by email at fedconsistency@ecy.wa.gov. The initial communication should include a brief description of the project, including location, and the project's effects.
2. Ecology staff will respond to the federal agency to establish a dialogue regarding the project, the federal consistency process, and timing of its submittals.

⁹ 15 CFR § 930.36(a).

¹⁰ 15 CFR § 930.41(c).

Ecology encourages federal agencies to consult with tribes early in the process and, where practical, copy affected tribes when sending the final CD to Ecology. Such coordination and involvement may benefit the federal consistency review and decision stages of the project.

Ecology will be conducting early outreach with affected local governments primarily relating to the enforceable policies found in the Shoreline Management Act, the Ocean Resources Management Act, and the Marine Spatial Plan and associated regulations.

Content of a Consistency Determination

The federal agency may submit the Consistency Determination to Ecology in any manner it chooses as long as it provides the information contained at 15 CFR § 930.39. The amount of detail in the description of the activity and the evaluation of coastal effects, the applicable enforceable policies, and supporting information should be commensurate to the expected coastal effects of the proposed federal activity.¹¹

If a federal agency asserts it cannot be fully consistent with the CZMP, it must provide Ecology with a written description stating the legal authority that prohibits full consistency.¹²

Following early coordination with Ecology, the federal agency should submit its CD to Ecology's federal permit unit at fedconsistency@ecy.wa.gov. If known, please copy the Ecology staff contact.

Timing

Once Ecology receives the CD, its 60-day review period begins, and Ecology will review the CD for completeness.

Note: If the information required for CDs as described in 15 CFR § 930.39 is not included with the CD, Ecology has, pursuant to 15 CFR § 930.41(a), 14 days to notify the federal agency in writing of the following:

- The 60-day review period has not begun;
- The nature of the missing information; and
- The 60-day review period will begin when Ecology receives the missing information.

If Ecology **has not notified** the federal agency that information is missing within the 14-day notification period, then the 60-day review period begins on the date Ecology received the CD and accompanying information.

¹¹ As noted above, federal agencies should refer to the [Enforceable Policies Document](#) for a complete list of the approved enforceable policies of Washington's CZMP, and to determine which apply to the proposed federal activity. Federal agencies are encouraged to consult with Ecology staff for guidance in determining the applicability of enforceable policies.

¹² 15 CFR §§ 930.32(a)(2) and 930.43(d).

If Ecology does not respond within the 60-day review period, the federal agency can presume Ecology's concurrence.

Extensions

Pursuant to 15 CFR 930.41(b), a state may extend the 60-day review period up to 15 days with notice to the federal agency, resulting in a 75-day period. Ecology will send notices of extensions via email, and the federal agency should respond in the affirmative, acknowledging the extension.

At any stage in the CD review period, Ecology and the federal agency should discuss whether a longer or additional extension period beyond the 75 days is appropriate. Before granting an extension, the federal agency should consider the magnitude and complexity of the information contained in the CD.

- Extensions should be considered in situations where the federal agency has not demonstrated consistency with the enforceable policies (i.e., has not secured a Section 401 Water Quality Certification decision from Ecology or the U.S. Environmental Protection Agency).

Demonstrating consistency with the CZMP's Enforceable Policies

As noted above, the federal agency should refer to the [Enforceable Policies Document](#) for a complete list of the approved enforceable policies of Washington's CZMP, and it must evaluate each enforceable policy to determine whether it applies to the federal activity. Ecology can provide guidance in determining the applicability of enforceable policies, and federal agencies are encouraged to consult with Ecology staff on this topic. The following is a summary of how to address the applicable enforceable policies in the CD.

State Shoreline Management Act

Some federal laws, other than the CZMA, may require a federal agency to obtain a state or local permit. Unless required by federal law, federal agencies are not required to obtain shoreline permits, but the agencies still must be consistent to the maximum extent practicable with the enforceable policies that are contained in Washington's CZMP.¹³

The Shoreline Management Act (SMA) is primarily implemented through local Shoreline Master Programs (SMPs) that are unique to each local jurisdiction. Ecology reviews and approves each SMP, which must be consistent with the SMA and the State's SMP guidelines (WAC 173-26 Part III). Local SMPs constitute local expressions of the SMA for the particular location where the federal activity is proposed. While local SMPs are not enforceable policies of Washington's CZMP, in general, Ecology encourages federal agencies to rely on the provisions of the applicable SMPs when preparing their CDs as an administrative convenience to demonstrate consistency, as compliance with a local SMP demonstrates compliance with the SMA. Thus, the SMP can be used as guidance or a tool to evaluate whether a project or proposal is consistent with the enforceable policies of the SMA and the SMP guidelines.

¹³ 15 CFR §930.39(e).

- Federal agencies are encouraged to consult with the affected local governments for their input on the project's consistency with the SMP.

Ecology recognizes that, in following the provisions of the SMP, the federal agency is not applying for a permit or requesting local authorization. However, it does have that option should it determine that it would benefit the project to engage early with the local government by going through the shoreline permitting process. Regardless of the option chosen, the federal agency should work with local governments for input in preparing a CD that is based on the SMP if that is the path it chooses. The most current version of the SMPs can be found on Ecology's [State-approved Shoreline Master Programs website](#). If questions remain, please contact the appropriate [Ecology Regional Shoreline Planner](#) for information.

If the federal agency chooses not to rely on the SMPs to demonstrate consistency, it should review the [Enforceable Policies Document](#) and determine which policies from the Act and the SMA Guidelines apply to the proposed federal activity. The CD must then describe how the project is consistent with those policies.

State Water Pollution Control Act

If the project will have effects on water quality, describe the effects and whether a [Section 401 Water Quality Certification](#) and/or a [Section 402 National Pollutant Discharge Elimination System \(NPDES\) permit](#) is required.

Note: If the project has not received the Section 401 Water Quality Certification and/or applied for coverage under the NPDES permit by the end of the CZMA review period, Ecology will either seek an extension from the federal agency for the CZMA review, concur with the condition that the federal agency obtain the certification or permit, or object for inconsistency with the CZMP's water quality enforceable policies. Evidence of the NPDES notice of intent should be submitted to Ecology as soon as it is available.

Washington Clean Air Act

If the project will have effects on air quality (e.g., industrial project, fuel dispenser, asbestos removal, etc.), describe the effects and whether an air permit is required. Consult the [Enforceable Policies Document](#) for guidance and the [local air authority](#).

State Ocean Resources Management Act (ORMA)

See Ecology's website at: [Ocean management - Washington State Department of Ecology](#) for information on how to demonstrate consistency with ORMA.

The Marine Spatial Plan for the Washington's Pacific Coast

See Ecology's [marine spatial planning website](#) for information on how to demonstrate consistency with the Marine Spatial Plan's two enforceable policies.

Ecology's decision

Ecology reviews the CD to make a federal consistency decision for a project. This review allows Ecology to decide whether the activity is consistent to the maximum extent practicable with the enforceable policies found in Washington's CZMP. Ecology's decision may be a concurrence, concurrence with conditions, or objection. The federal agency may presume Ecology's concurrence if the federal agency does not receive Ecology's response within 60 days (75 days if Ecology has requested a 15-day extension (see Timing section on page 10) from receipt of the CD and supporting information.

1. Concurrence

Ecology will inform the federal agency in writing of its concurrence with the CD as soon as it can after providing for tribal coordination and public participation during Ecology's review of the CD.

Ecology's decision will also:

- Include the State Pollution Control Hearings Board (PCHB) appeals process. Notwithstanding an appeal to the PCHB, once Ecology issues a federal consistency decision, the federal agency may proceed with the project or activity.

2. Conditional Concurrence

Federal agencies should work with Ecology during its review period (60-75 days) to develop conditions that, if agreed to by both agencies, would allow Ecology to concur with the federal activity. Ecology will include in its federal consistency conditional concurrence decision:

- The conditions that must be satisfied in order for the activity to be consistent with the CZMP.
- An explanation of why the conditions are necessary to ensure consistency with specific enforceable policies of the CZMP.
- Specific enforceable policies relating to Ecology's decision.

Ecology's decision will also:

- Describe that if the above requirements are not met, then Ecology's conditional concurrence decision should be treated as an Objection (see #3 below).
- Include the State PCHB appeals process. Notwithstanding an appeal to the PCHB, once Ecology issues a conditional concurrence, the federal agency may proceed with the project or activity if it agrees to the conditions.

See 15 CFR § 930.4 for details on conditional concurrences.

3. Objection

If Ecology objects to the federal agency's CD, it will describe the following in its decision:

- How the proposed activity will be inconsistent with specific enforceable policies of Washington's CZMP.
- Specific enforceable policies, including citations, relating to Ecology's decision.

- Alternative measures the federal agency could adopt to allow its activity to proceed in a manner consistent to the maximum extent practicable with the enforceable policies within Washington’s CZMP, *if available*.
- *If Ecology’s objection is based upon a finding that the federal agency has failed to supply sufficient information*, the nature of the information requested from the federal agency and why having such information is necessary to determine the consistency of the activity with the enforceable policies of Washington’s CZMP.
- The process for State Pollution Control Hearings Board (PCHB) appeals. Notwithstanding the opportunity to appeal Ecology’s objection to the PCHB, the federal agency may proceed with the project or activity as described below and in 15 CFR § 930.43.

Ecology will send a copy of its objection to the Office for Coastal Management (OCM) Director and all involved parties.

The federal agency and Ecology may use the remaining portion of the 90-day notice period described on page 9 to attempt to resolve their differences.¹⁴ If the agencies have not resolved the issue at the end of the 90-day period, the federal agency may consider using the dispute resolution options below and postpone its final federal action until the problems have been resolved.

At the end of the 90-day period, the federal agency cannot proceed with the activity over Ecology’s objection unless:

- It has concluded that under the “consistent to the maximum extent practicable” standard, consistency with the CZMP enforceable policies is prohibited by existing law applicable to the federal agency, **and** it has described to Ecology, in writing, the legal impediments to full consistency;¹⁵ **or**
- It has concluded that its proposed action is fully consistent with the CZMP’s enforceable policies, despite Ecology’s objection.

The federal agency should send its notification by email to the Ecology staff contact for the project and send a copy to fedconsistency@ecy.wa.gov.

Availability of mediation for disputes concerning proposed activities

If the federal agency and Ecology have a serious disagreement regarding the consistency of the federal proposed activity with Washington’s CZMP, either party may request Department of Commerce (Commerce) Secretarial mediation or OCM mediation services. Before either party seeks mediation, Ecology and the federal agency should attempt to resolve the disagreement. NOAA’s regulations at 15 CFR part 930, subpart G describe OCM and/or Secretarial mediation. Secretarial mediation is a more formal process, and the details are found at 15 CFR § 930.112.

¹⁴ 15 CFR §930.36(b).

¹⁵ 15 CFR §§ 930.32(a), 930.39(a), 930.43(d).

B. Federal Licenses and Permits

This section addresses reviews for projects or activities proposed by **non-federal entities** (e.g., private individuals or businesses, local or tribal governments, state agencies, non-profit organizations) inside Washington's coastal zone that require a federal license, permit, or other type of federal authorization. Examples of federal licenses and permits include: US Army Corps of Engineers (Corps) Permits, Federal Energy Regulatory Commission (FERC) licenses, and U.S. Coast Guard permits.

The CZMA prohibits federal authorizing agencies from issuing a permit or license that is subject to state review pursuant to NOAA's regulations at 15 CFR part 930, subpart D, unless:

- Ecology issues a concurrence finding that the project is consistent with Washington's CZMP enforceable policies;
- The applicant appeals a state objection to the U.S. Secretary of Commerce and the Secretary overrides the state's objection; or
- The state's concurrence is presumed by not issuing a decision within six months of the commencement of the CZMA review.

Listed federal authorizations for projects inside the Coastal Zone

Projects that require federal authorizations listed by Ecology (see Appendix A) and inside Washington's coastal zone are deemed to affect coastal uses or resources. In addition to the listed federal permit and license activities, renewals and amendments of listed licenses or permits may also be subject to review pursuant to 15 CFR § 930.51.

If a proposed activity would affect any coastal uses or resources substantially different than originally reviewed would require supplemental coordination.¹⁶

Projects outside the Coastal Zone or not on Ecology's List (Unlisted Activities)

If a federal license or permit activity is outside the coastal zone or is an unlisted activity,¹⁷ Ecology may also seek to review such activities as follows:

- Within 30 days after notice of a license or permit application for an unlisted activity that has been submitted to the approving federal agency, Ecology will notify federal agencies, applicants, and the OCM Director of such activities that affect any coastal use or resource.
 - Ecology waives its right to review such activities if it does not ask to review them within 30 days of receiving notice.
 - The waiver does not apply in cases where Ecology does not receive notice of the federal license or permit application.

¹⁶ See 15 CFR § 930.46.

¹⁷ See 15 CFR § 930.54.

- Ecology’s notification will request the Director's approval to review the activity and include an analysis that supports Ecology’s assertion that coastal effects are reasonably foreseeable.
- Following Ecology’s notification to the federal agency, applicant, and the Director, the federal agency shall not issue the license or permit until these requirements have been satisfied, unless the Director disapproves the Ecology's request to review the activity.

Early coordination and communication

Applicants requiring federal permits, licenses, or other forms of federal authorization should consult with Ecology early in the process. This consultation can help the parties identify the provisions of Washington’s CZMP applicable to the proposed activity, as well as provide an opportunity to address any process questions, thus reducing potential delays.

- To initiate early coordination, applicants should contact Ecology by email at fedconsistency@ecy.wa.gov.
- The initial communication should include a brief description of the project, project location, the project’s anticipated effects on coastal resources and uses, the type of federal permit/license, and the enforceable policies that may apply, if known.
- Ecology will address any questions or route them to the appropriate federal consistency staff for response.
- Ecology also recommends early coordination by applicants with affected tribes and local governments when possible.

Submitting Consistency Certifications

Following coordination with Ecology, applicants for federal licenses or permits must provide in the application to the federal licensing or permitting agency a certification that the proposed activity complies with and will be conducted in a manner consistent with the management program. At the same time, the applicant must send Ecology a copy of the certification and necessary data and information per below.¹⁸

Ecology requires applicants under 15 CFR part 930, subpart D to use the *Certification of Consistency with the Washington State Coastal Zone Management Program for Activities Requiring a Federal License or Permit* form (see Appendix C for this Consistency Certification form¹⁹). The following “necessary data and information” must also be submitted in order for Ecology’s CZMA review to begin:

1. A copy of the federal permit or license application.
2. All materials relevant to the CZMP that the applicant provided to the federal agency in support of the application.
3. To the extent not included in the above materials, a detailed description of the proposed activity, its associated facilities, the coastal effects, and any other information relied upon by the applicant to make its certification. Maps, diagrams,

¹⁸ See 15 CFR § 930.57.

¹⁹ The form contains the required “federal consistency certification” (certification) language specified at 15 CFR § 930.57, as well as the necessary data and information described at 15 CFR § 930.58 (a)(1).

and technical data should be submitted when a written description alone will not adequately describe the proposal.

4. An evaluation that includes findings relating to the proposal's coastal effects, including its associated facilities, to the relevant enforceable policies of the CZMP.
5. If the MSP for Washington's Pacific Coast applies, the following supporting documentation are required:
 - a. A copy of the notice provided to the Washington Coastal Marine Advisory Council.
 - b. A copy of the sign-in and summary from meeting with Washington Department of Fish and Wildlife and affected fisheries stakeholders.

Note: If ORMA and/or MSP applies, in the course of the review Ecology may need to request additional information to ensure that the project is consistent with the CZMP.

The Consistency Certification form and necessary data and information should be submitted to Ecology at fedconsistency@ecy.wa.gov. When possible, applicants should coordinate with Ecology regarding timing of this submittal.

Note: For projects that need a permit from the Corps, the applicant should submit the completed Consistency Certification form and supporting materials to the Corps upon request. The Corps will forward it to Ecology for review.

Each federal license or permit is a separate reviewable federal action. However, where an activity requires more than one federal license or permit, the applicant should submit the consistency certifications for each license or permit at the same time, where possible.²⁰

Ecology cannot require applicants to submit issued state or local permits with the consistency package; however, providing copies of the applicable permits, if available, during this process may expedite Ecology's review and is highly recommended.

For proposed federal license and permit activities that were previously determined by Ecology to be consistent with Washington's CZMP but which have not yet begun, Ecology may request supplemental coordination if the proposed activity will affect any coastal use or resource substantially different than originally described in the consistency certification.²¹

Ecology's review

Ecology reviews the certification package to determine whether Ecology concurs that the activity is consistent with the enforceable policies found in Washington's CZM Program. Ecology's six-month review period begins on the day after the date Ecology receives the certification package, including all necessary data and information.²² If the package is complete,

²⁰ 15 CFR §930.59(a).

²¹ 15 CFR Part 930.66.

²² 15 CFR § 930.124.

Ecology will notify the applicant that the six-month clock started on the day after the date of receipt.

If the applicant fails to submit a consistency certification and/or the necessary data and information, Ecology has 30 days from receipt of the incomplete submission to notify the applicant and the Federal agency, that it did not receive the required materials and that Ecology's six-month review period will commence on the date of receipt of the missing certification and/or necessary data and information.

- If Ecology does not notify the applicant within 30 days of missing information, then the six-month review period begins upon receipt of the certification.²³
- Within 30 days of receiving the missing information, Ecology will notify the applicant and federal agency that the certification and necessary data and information is complete. This notification will include the date the information was received and the date the review period began.
- If additional time is needed, Ecology and the applicant may agree to stay the six-month review period to a future date, and they will document this stay and provide notice to the federal agency.²⁴

Note: Ecology may waive the requirement that all necessary data and information be received prior to its commencing review, but that information must be received within the six-month review period or Ecology may object to the consistency certification for insufficient information.

Ecology may require the applicant to submit additional information in order to make its decision.²⁵ Where the activity requires a permit, license, or approval under an enforceable policy of Washington's CZMP (e.g., shoreline permit, shoreline permit exemption, Section 401 Water Quality Certification, etc.), Ecology will not concur with an applicant's certification until the permit or authorization is approved. If a permit or approval cannot be obtained during the consistency review period, Ecology and the applicant may enter a stay agreement with a new decision due date, Ecology can issue a conditional concurrence with the condition that the applicant obtain the permit, or Ecology can object.

If an applicant withdraws its application to the federal agency or the federal agency withdrawals/cancels the application, then the consistency process is terminated as there is no active federal license or permit application triggering federal consistency. The applicant should notify the Ecology staff contact for the project and send a copy to fedconsistency@ecy.wa.gov with the date it withdrew its application to the federal agency or a copy of the federal agency's notice regarding withdrawal/cancellation of the application. A new consistency process will start when the applicant reapplies to the federal agency and Ecology has received the consistency certification package.

²³ 15 CFR §930.60(a).

²⁴ 15 CFR §930.60(b).

²⁵ 15 CFR § 930.60(c) & 930.63(c).

If the federal agency stops or stays the federal license or permit application process, then the consistency review period will be stopped or stayed for the same amount of time as the federal application process.²⁶ The applicant should notify the Ecology staff contact for the project with a copy of the federal agency stop/stay to fedconsistency@ecy.wa.gov with the date the federal agency stopped or stayed its federal license or permit application process and the stay period.

Ecology's decision

Ecology's decision may be a concurrence, concurrence with conditions, or objection, as follows:

1. Concurrence

Ecology will make every attempt to provide a concurrence at the earliest practical date. Ecology will issue the concurrence in the form of a letter to the applicant and send a copy to the federal permitting or licensing agency. The Applicant and federal agency may presume Ecology's concurrence if Ecology does not issue a decision within the six-month statutory time for review or the agreed-upon stayed review period.²⁷

Ecology's decision will also:

- Include the State PCHB appeals process. Notwithstanding an appeal to the PCHB, once Ecology issues a federal consistency decision, the federal agency may proceed with the permit or license.

2. Concurrence with Conditions

Where conditions on a proposed activity would permit concurrence, thereby making it consistent with the CZM Program, Ecology may condition the concurrence. The conditions should be developed in cooperation with the applicant. Ecology will issue the conditional concurrence in the form of a letter to the applicant and send a copy to the federal agency.

Ecology's decision will include:

- The conditions that must be satisfied in order for the activity to be consistent with the CZMP.
- An explanation of why the conditions are necessary to ensure consistency with specific enforceable policies of the CZM Program.
- Identification of the specific enforceable policies related to Ecology's decision.

If the applicant accepts the conditions, it will modify the proposed activity per Ecology's conditions, and the federal agency may approve the amended application. If the conditions are not acceptable, the applicant must notify Ecology.

Ecology's decision will also:

²⁶ 15 CFR §930.51(f).

²⁷ 15 CFR § 930.62(a).

- Inform the applicant that if the conditions and requirements are not agreed to by the applicant, then Ecology's decision is treated as an objection.
- Notify the applicant that it can appeal Ecology's decision to the Secretary of Commerce pursuant to Subpart H of the CZMA Federal Consistency Regulations - *Appeal to the Secretary for Review Related to the Objectives of the Act and National Security Interests*. This subpart lays out the procedures that the Secretary will use to determine whether to override an objection.
- Include the State PCHB appeals process. Notwithstanding an appeal to the PCHB, once Ecology issues a conditional concurrence, and the applicant agrees with the conditions, the federal agency may proceed with the permit or license.

3. Objection

If Ecology finds that a proposed activity is inconsistent with Washington's CZMP's enforceable policies, Ecology will object to the applicant's certification.²⁸ Ecology will send a letter to the applicant and a copy to the federal permitting or licensing agency and the OCM Director.

Ecology's objection will describe:

- How the proposed activity will be inconsistent with specific enforceable policies of Washington's CZM Program.
- Alternative measures, if any, which, if adopted by the applicant, would allow the activity to proceed in a manner consistent with the enforceable policies of the CZM Program.
- A statement informing the applicant of their right to appeal the objection to the Secretary of Commerce pursuant to Subpart H. To obtain Secretarial review of Ecology's objection, **the appellant must file a notice of appeal with the Secretary within 30 days** of receipt of the objection.
- The process for State PCHB appeals. Notwithstanding the opportunity to appeal Ecology's objection to the PCHB, if the Secretary overrules the objection pursuant to Subpart H, the federal agency may proceed with the issuance of the permit or license.

If Ecology's objection is based upon a finding that the applicant failed to supply required information, Ecology will describe the nature of the information requested and the necessity of having such information to determine whether the activity is consistent with the CZMP.

Note: In cases where there are multiple federal permits or licenses for one proposal, Ecology will concur or object to certifications for multiple permits at one time whenever possible. If Ecology objects to the certification of some, but not all of the federal permits or licenses, those with which Ecology concurs may be federally approved.²⁹

²⁸ 15 CFR §930.63.

²⁹ 15 CFR §930.59(b).

C. Federal Assistance Activities

Federal assistance to state or local government agencies for activities that have reasonably foreseeable effects on the resources or uses of the coastal zone may be subject to Ecology's federal consistency review.³⁰

"Federal assistance" means federal grants, contracts, loans, subsidies, guarantees, insurance, or other forms of financial aid provided to state or local government agencies.³¹

At this time, there are no listed federal assistance activities in Washington State's CZM Program. Ecology may notify an applicant agency and federal agency that it will review an unlisted activity.³²

³⁰ 15 CFR §930, Subpart F.

³¹ See 15 CFR §930.91 and 930.92.

³² For review of unlisted federal assistance activities, the State agency follows the same procedures as it would for review of listed federal assistance activities outside of the coastal zone or the described geographic area (15 CFR §930.98).

APPENDIX A

Federal License and Permit Activities List

A Coastal Zone Management Consistency Certification is required for all projects with potential effects on Washington's coastal zone resources or uses requiring a federal license or permit, including:

1. Environmental Protection Agency (EPA)

- a. NPDES Permits for any discharges of material into contiguous zones and ocean waters (e.g., sludge runoff permits, aquaculture activities, and agricultural waste disposal), unless the NPDES Permit was reviewed under Subpart C 930.31(d) as a federal agency activity. [Federal Water Pollution Control Act of 1972 §§ 401-403 and 405, 33 U.S.C. §§ 1341-1343 and 1345]

2. Nuclear Regulatory Commission (NRC)

- a. Licenses for the siting, construction and operation of nuclear power plants; the production, transfer, import, and export of fissionable materials; and the disposal of radioactive waste. [42 U.S.C. §§ 2011 et. seq., and 10 CFR Part 10]

3. Surface Transportation Board (STB)

- a. New construction or expansion of railroad facilities or services. [49 U.S.C. §10901]

4. U.S. Department of Commerce

a. National Oceanic and Atmospheric Administration (NOAA)

i. National Marine Fisheries Service (NMFS)

- a) Incidental Harassment Authorizations, and Letters of Authorization required for takings pursuant to the Marine Mammal Protection Act, as amended. [16 U.S.C. §§ 1371(a)(5)(A) and (D)]

5. U.S. Department of Defense

a. U.S. Army Corps of Engineers (Corps)

- i. Permits for discharges of dredged or fill material in waters of the United States and their associated wetlands required under Section 404 of the Clean Water Act. [33 U.S.C §1344]
- ii. Permits for structures or work in or affecting navigable waters of the United States required under Section 10 of the Rivers and Harbors Act.
- iii. Outer Continental Shelf (OCS) Lands Act Section 4(f) permits for artificial islands, installations, or other devices permanently or temporarily attached to the seabed of the OCS. [43 U.S.C §1333]
- iv. Permits and licenses required under Section 103 of the Marine Protection, Research and Sanctuaries Act for ocean dumping of dredged material. [33 U.S.C §1411]

6. U.S. Department of Energy

a. Federal Energy Regulatory Commission (FERC)

- i. Licenses required for construction, operation, modification, and decommissioning of non-federal hydroelectric projects (e.g., conventional, pumped storage, and marine and hydrokinetic) and associated transmission lines under the Federal Power Act. [16 U.S.C. § 797]
- ii. Orders and Certificates authorizing construction, extension, acquisition, operation, and abandonment of pipelines, terminals or facilities for transportation or storage of interstate natural gas for interstate commerce under the Natural Gas Act. [15 U.S.C. §717b (Section 3) or §717f (Section 7)]
- iii. Orders authorizing the siting and construction of onshore and nearshore liquid natural gas import or export facilities under the Natural Gas Act. [15 U.S.C. §717b]

7. U.S. Department of Homeland Security

a. U.S. Coast Guard

- i. Permits for construction or modification of a bridge³³ or causeway across a navigable waterway of the United States under Section 9 of the Rivers and Harbors Act [33 U.S.C §401], as amended, the General Bridge Act [33 U.S.C §525], as amended.
- ii. Permits under section 1503 of the Deepwater Port Act for the location, ownership, construction, and operation of deepwater ports. [Deepwater Ports Act of 1974, 33 U.S.C § 1503]
- iii. Nominations for anchorages under the Ports and Waterways Safety Act. [33 CFR Part 110]

8. U.S. Department of the Interior

a. Bureau of Land Management (BLM)

- i. Permits and licenses required for drilling and mining, oil and gas pipelines, or renewable energy production (e.g., wind or solar energy facilities), on public lands. [43 U.S.C § 1761 and 30 USC § 185]

b. Bureau of Ocean Energy Management (BOEM)

- i. Geological and geophysical exploration for mineral resources or scientific research on the Outer Continental Shelf that are not conducted pursuant to a lease or exploration plan. [43 U.S.C. 1340(a)]
- ii. Oil and gas exploration plans pursuant to a lease issued under the Outer Continental Shelf Lands Act. [43 U.S.C. 1340(c)]

³³ Includes temporary bridges for construction access or detour.

- iii. Oil and gas development and production plans pursuant to a lease issued under the Outer Continental Shelf Lands Act. [43 U.S.C. 1351]
 - iv. Leases and agreements for any mineral other than oil, gas and Sulphur in any area of the Outer Continental Shelf. [43 U.S.C 1337(k)]
 - v. A lease, easement or right of way on the Outer Continental Shelf for activities that produce or support production, transportation, storage, or transmission or energy from sources other than oil and gas [43 U.S.C 1337(p)(1)(c)]; (construction and operation plans). [30 CFR part 585.620-638]
- c. U.S. Fish and Wildlife Service (USFWS)**
- i. Incidental Harassment Authorizations and Letters of Authorization required for the taking of sea otters pursuant to the Marine Mammal Protection Act, as amended. [16 U.S.C. §§ 1371(a)(5)(A) and (D)]

APPENDIX B

Federal Assistance Activities List

At this time, there are no listed federal assistance activities in Washington State's CZM Program. Ecology may notify an applicant agency and federal agency that it will review an unlisted activity.

APPENDIX C

Form for Certification of Consistency with the Washington State Coastal Zone Management Program for Activities Requiring a Federal License or Permit



Certification of Consistency with the Washington State Coastal Zone Management Program for Activities Requiring a Federal License or Permit

Washington State Department of Ecology
Email: fedconsistency@ecy.wa.gov

AGENCY USE ONLY

Date Received:
Aquatics ID#:
County:
Team:

Why is this Certification of Consistency Required?

The federal Coastal Zone Management Act (CZMA) authorizes states to review federal actions for consistency with the federally approved enforceable policies of state coastal management programs. The issuance of federal licenses and permits are federal actions that are subject to state review where those licenses and permits have been listed by the state as subject to review. Listed federal license or permit activities under Washington's Coastal Zone Management (CZM) Program are found on the Office for Coastal Management's [website](#). Applicants for listed authorizations in the State's coastal zone³⁴ must show that the proposed activity is consistent with the [enforceable policies](#) found in four state laws and their implementing regulations (the Shoreline Management Act, Clean Air Act, Water Pollution Control Act, and Ocean Resources Management Act (ORMA)), and in the Marine Spatial Plan for Washington's Pacific Coast (MSP). Examples of federal permits and licenses include U.S. Army Corps of Engineers (Corps) permits, Federal Energy Regulatory Commission (FERC) licenses, and U.S. Coast Guard bridge permits. A federal agency cannot issue a permit or license unless the Department of Ecology (Ecology) concurs that the project is consistent with Washington's enforceable policies. If the state issues a CZMA objection to a proposed federal license or permit activity, the federal agency cannot authorize the activity unless the state removes its objection or the U.S. Secretary of Commerce overrides the state objection in an appeal filed by the applicant.

The requirements for CZMA federal consistency reviews are found at 16 U.S.C. § 1456 (Section 307 of the CZMA) and the Federal Consistency regulations at 15 CFR part 930. The specific rules for the review of federal licenses and permits are found at 15 CFR part 930, subpart D. Ecology has prepared this form to help applicants demonstrate consistency with the State's CZM Program.

Next Steps:

For projects that need a Corps permit, please submit the form and supporting materials as described below to the Corps at NWS-PermitApp@usace.army.mil and it will be forwarded to Ecology for review. For projects that need other types of federal permits or licenses, please submit the form and supporting materials to fedconsistency@ecy.wa.gov.

Along with this form, please submit the following:

- A copy of the application for federal permit or license,
- Project location map,
- Site plans, and
- Supporting documentation as identified below under the enforceable policies.

Note: For projects on Washington's Pacific Coast, if ORMA and/or the MSP apply, an ORMA analysis or MSP Effects Evaluation must be included with your consistency certification; this may take considerable time to prepare.

³⁴ The Coastal Zone includes [all areas](#) of the following counties: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Wahkiakum, and Whatcom.

Ecology will then:

- Review your Certification of Consistency to make a Federal Consistency decision for the project.
- Publish a public notice (or this may be published by the applicable federal agency).
- Contact you if further information is needed.

Ecology has six months from receipt of the consistency certification package to issue a decision (concurrence, concurrence with conditions, or objection). If Ecology does not act within six months, the activity is presumed to be consistent with the CZM program. If additional time is needed, Ecology may contact you regarding a 'stay' of this date.

Note: Ecology cannot issue a concurrence until all of the applicable permits/authorizations are received.

For More Information:

Ecology’s Federal Consistency Webpage: [Coastal zone management federal consistency review](#)

I. Identify the Applicable Federal License or Permit

Federal Agency: <input type="checkbox"/> Corps <input type="checkbox"/> USCG <input type="checkbox"/> FERC <input type="checkbox"/> Other	Federal Permit/License Number (if known): Federal Agency Point of Contact:
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II. Project Information

Project Name:		
Project Location (Note: Please attach a project location map and site plans with this form)		
Address: (If there is no address, provide other location information)	City:	County:
Land ownership (check all that apply): <input type="checkbox"/> Private <input type="checkbox"/> State <input type="checkbox"/> Federal <input type="checkbox"/> Tribal <input type="checkbox"/> Other:		
Waterbody that the project is in or has the potential to affect:		WRIA Number:
Detailed description of the proposed activity, its associated facilities, and effects to coastal resources and uses:		
Has tribal consultation been initiated? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Has local government review or consultation been initiated? <input type="checkbox"/> Yes <input type="checkbox"/> No		

III. Enforceable Policies

State Shoreline Management Act (SMA)	
Is the proposed project within shoreline jurisdiction? <input type="checkbox"/> Yes <input type="checkbox"/> No (If unknown, check with the local jurisdiction. If no, then skip the remainder of this section.)	
Does the proposed project require a shoreline permit/authorization? <input type="checkbox"/> Yes <input type="checkbox"/> No (If no, then skip the remainder of this section.)	

Name of local jurisdiction(s) processing shoreline permit/authorization:	
Applied for or received permit/authorization: <input type="checkbox"/> Shoreline permit exemption <input type="checkbox"/> Shoreline Substantial Development Permit (SDP) <input type="checkbox"/> Shoreline Conditional Use Permit (CUP) <input type="checkbox"/> Shoreline Variance	Local jurisdiction permit number(s): Local jurisdiction issuance date(s): Ecology permit filing number: Ecology date of filing (SDP/CUP/Variance):
State Clean Air Act (CAA)	
Did you contact the local air agency to determine whether a CAA permit is required? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Does the proposed project require a CAA permit? <input type="checkbox"/> Yes <input type="checkbox"/> No (If unknown, check with the local clean air agency . If no, then skip the remainder of this section.)	
Name of local air authority processing CAA permit:	
<input type="checkbox"/> Applied for air permit - Date submitted: (please attach copy of application package)	Notice of Construction (NOC) number:
<input type="checkbox"/> Received air permit - Date issued:	Permit number:
State Water Pollution Control Act (WPCA)	
Section 401 Water Quality Certification (WQC)	
Does the proposed project require a WQC? <input type="checkbox"/> Yes <input type="checkbox"/> No (If unknown, see Ecology's 401 web page . If no, then skip the remainder of this section.)	
<input type="checkbox"/> Applied for WQC - Date submitted:	<input type="checkbox"/> Ecology <input type="checkbox"/> Tribe: <input type="checkbox"/> U.S. Environmental Protection Agency (EPA)
<input type="checkbox"/> Received WQC - Date issued:	WQC number:
Section 402 National Pollutant Discharge Elimination System (NPDES) Permit	
Does the project proposal require an NPDES permit? <input type="checkbox"/> Yes <input type="checkbox"/> No (If unknown, see Ecology's Stormwater Permit web page . If no, then skip the remainder of this section.)	
Applied for NPDES permit:	<input type="checkbox"/> Ecology <input type="checkbox"/> EPA
<input type="checkbox"/> General Permit: <input type="checkbox"/> Construction Stormwater General Permit <input type="checkbox"/> Industrial Stormwater General Permit <input type="checkbox"/> Other: <input type="checkbox"/> Individual Permit:	Notice of Intent (NOI) number: Date submitted:
<input type="checkbox"/> Received NPDES permit coverage	Permit number: Date issued:
Ocean Resources Management Act (ORMA)	
Does ORMA apply? <input type="checkbox"/> Yes <input type="checkbox"/> No (If unknown, see ORMA Guidance . If no, then skip the remainder of this section.)	
If ORMA applies, then attach an analysis demonstrating consistency with ORMA's enforceable policies as suggested in the ORMA Guidance. <input type="checkbox"/> Analysis is attached <u>Note:</u> This analysis must be attached to the Consistency Certification unless the MSP applies.	
Marine Spatial Plan (MSP) for Washington's Pacific Coast	
Does ORMA apply? (see above) <input type="checkbox"/> Yes <input type="checkbox"/> No (If no, then MSP does not apply; skip the remainder of this section)	
Does MSP apply? (see) <input type="checkbox"/> Yes <input type="checkbox"/> No (If unknown, see MSP Guidance . If no, then skip the remainder of this section.)	
If MSP applies, has an MSP Effects Evaluation as described in the MSP Guidance been completed? <input type="checkbox"/> MSP Effects Evaluation is attached <u>Note:</u> If an MSP Effects Evaluation has not been completed, it must be submitted early in the review process in order for the state to concur with the proposed action. Failure to do so may result in the issuance of an objection to the project for lack of information. The MSP Effects Evaluation may be submitted in lieu of the ORMA analysis.	

IV. Applicant & Agent Information

Applicant Name:			
Organization:			
Mailing Address:	City:	State:	Zip:
Phone #:	E-Mail:		
Agent Name:			
Organization:			
Mailing Address:	City:	State:	Zip:
Phone #:	E-Mail:		

V. Certification Statement:

By digitally signing below, I certify that the proposed activity complies with the enforceable policies of Washington's approved management program and will be conducted in a manner consistent with such program.

Applicant Signature

Date

Print Name

APPENDIX D

Additional Resources

The following links may be of interest to federal agencies and applicants for federal permits or licenses, as well as state and local agencies applying for federal assistance:

[Code of Federal Regulations Part 930](#)

[NOAA's Office for Coastal Management](#)

[National Coastal Zone Management Program](#)

[CZMA Federal Consistency Overview](#), dated February 24, 2020

[Federal Consistency with Approved Coastal Management Programs](#)

[Washington State Department of Ecology](#)

[Coastal Zone Management Federal Consistency Review](#)

[Washington Coastal Zone Management Program Enforceable Policies](#)