

# WASHINGTON COASTAL MARINE ADVISORY COUNCIL MEETING

## AGENDA

Monday, September 28, 2020 9:00 am – 12:30 pm

### WEB-EX ONLY

JOIN WEBEX MEETING

<https://watech.webex.com/watech/j.php?MTID=mf3f493782be5efbd623726da2722ae9a>

Meeting number (access code): 133 547 6249

Meeting password: vbYCGtkH677

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Please try to call-in around 8:45 so that everyone can be online and ready to go by 9:00. The meeting will start promptly at 9:00 a.m.

Time	Agenda Item (Action items are marked with "I")	Objective (Information, Discussion, Action?)	Presenter(s)
9:00* (10 min)	<b>Welcome &amp; Introductions, Agenda Review</b> <ul style="list-style-type: none"><li>Welcome and Introductions</li><li>Review agenda</li></ul>	<b>Information</b> <i>Reference Materials:</i> <ul style="list-style-type: none"><li>Agenda</li></ul>	Garrett Dalan, WCMAC Chair Susan Gulick, Facilitator
9:10* (60 min)	<b>Introduction to Federal Consistency under the CZMA</b> <ul style="list-style-type: none"><li>Federal Consistency purpose and process overview</li><li>Enforceable Policies overview</li><li>Questions</li></ul>	<b>Information, Discussion</b> <i>Reference Materials:</i> See below	Kris Wall, NOAA Office for Coastal Management
10:10* (60 min)	<b>Washington's Coastal Program</b> <ul style="list-style-type: none"><li>Overview</li><li>WA's Enforceable Policies</li><li>Role of Shoreline Master Programs</li><li>Option to convene working group</li><li>Questions</li></ul>	<b>Information, Discussion</b> <i>Reference Materials:</i> See below	Brian Lynn, Ecology
11:10* (15 min)	<b>BREAK</b>		
11:25* (60 min)	<b>Applying Washington's Enforceable Policies</b> <ul style="list-style-type: none"><li>Reviewing projects with a federal license or permit</li><li>Project Examples</li><li>Reviewing federal activities: federal agency projects</li><li>Project Examples</li><li>Questions</li></ul>	<b>Information, Discussion</b> <i>Reference Materials:</i> See below	Loree' Randall, Ecology Terry Swanson, Ecology
12:25* (5 min)	<b>Public Comment</b>	<b>Information</b>	Susan Gulick, Facilitator
12:30*	<b>Adjourn</b>		Garrett Dalan

\* All times are estimates and subject to change.

#### Reference Materials

- NOAA Training "Understanding Enforceable Policies:" <https://coast.noaa.gov/digitalcoast/training/enforceable-policies.html>
- Quick Reference Guide: Coastal Zone Management Act - Federal Consistency Requirements: <https://coast.noaa.gov/data/czm/consistency/media/federal-consistency-quick-reference.pdf>
- Coastal Zone Management Act 101: <https://coast.noaa.gov/digitalcoast/training/czma-101.html>
- Washington Coastal Management Program: <https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Coastal-zone-management>

#### Upcoming WCMAC Meetings

- Wednesday, December 9, 2020
- Wednesday, March 17 or 31, 2020
- Wednesday, June 16, 2021

# Coastal Zone Management Act Federal Consistency

Kris Wall

NOAA Office for Coastal Management

September 28, 2020



# *Why am I here?*

- Overview of the CZMA
- What is “federal consistency?”
- When and how does the CZMA apply?
  - (3 questions to ask)
- Enforceable Policies
- Geographic reach of federal consistency



# NOAA's Office for Coastal Management

- Administers the Coastal Zone Management Act and National Coastal Zone Management Program
- Approves state programs and program changes
- Awards annual funding and competitive funding
- Evaluates state programs
- Provides technical assistance, tools, training
- Provides mediation assistance
- Provides expertise within federal consistency and national policy discussions



# Coastal Zone Management Act of 1972

Three primary objectives:

1. Encourage states to better manage coastal and water uses
2. Give full consideration to ecological, cultural, historic and esthetic values as well as the need for compatible economic development
3. Encourage participation and cooperation of the public, state and local governments, and federal agencies in carrying out the purposes of the Act



# National Coastal Zone Management Program

- Federal-State Partnership Program
- Administered by NOAA's Office for Coastal Management
- Voluntary state participation; 34 states and territories participate
- Two primary incentives
  - Federal financial assistance
  - Federal consistency review authority



# Federal Consistency



# Coastal Zone Management Act

## Purpose of Federal Consistency Requirement

- Recognizes that there are overlapping state and federal interests in coastal uses and resources
- Provides a role for states in the federal decision-making process when local interests are affected by federal actions
- State-federal coordination and cooperation
  - Encourages early consultation
  - Fosters Federal/State coordination
  - Provides a forum for identifying and resolving issues
  - Results in concurrences for 95 percent of reviews



# *How does Federal Consistency apply?*

- Provides states with a role in the federal decision making process
- Requires federal actions to be consistent with the policies of federally approved state programs
- States may review, not manage, federal actions
- NOAA approval of state coastal management enforceable policies required
- States do not have the last word in the federal decision-making process



# What is “Federal Consistency”?

The Coastal Zone Management Act (CZMA) requires that all federal actions that may have reasonably foreseeable effects on the uses or resources of a state’s coastal zone be consistent with the enforceable policies of the state’s coastal management program.

See CZMA § 307 (16 U.S. Code § 1456).

# What is “Federal Consistency”?

The Coastal Zone Management Act (CZMA) requires that all **federal actions** that may have reasonably foreseeable **effects** on the uses or resources of a state’s coastal zone be consistent with the **enforceable policies** of the state’s coastal management program.

See CZMA § 307 (16 U.S. Code § 1456).

## *The three questions to ask:*

1. What type of **federal action** is proposed?
2. Are there reasonably foreseeable coastal **effects**?
3. Is the federal action consistent with the state's approved Coastal Zone Management Act **enforceable policies**?

First Question:

*What is the Federal Action?*

**Federal actions, in or outside the coastal zone,** that affect any land or water use or natural resource of a state's coastal zone must be consistent with the enforceable policies of state coastal management programs

## Federal Actions: *What type?*

- **Federal agency activities and development projects**  
CZMA § 307(c)(1), (2), 15 C.F.R. 930, subpart C
- **Federal licenses or permits (non-federal applicants)**  
CZMA § 307(c)(3)(A), 15 C.F.R. 930, subpart D
- **Outer Continental Shelf plans**  
CZMA § 307(c)(3)(B), 15 C.F.R. 930, subpart E
- **Federal financial assistance to state or local agencies**  
CZMA § 307(d), 15 C.F.R. 930, subpart F

# Federal Consistency Rules (15 CFR Part 930)

## Importance of Determining Applicable Subpart

The different subparts for types of federal actions differ in their –

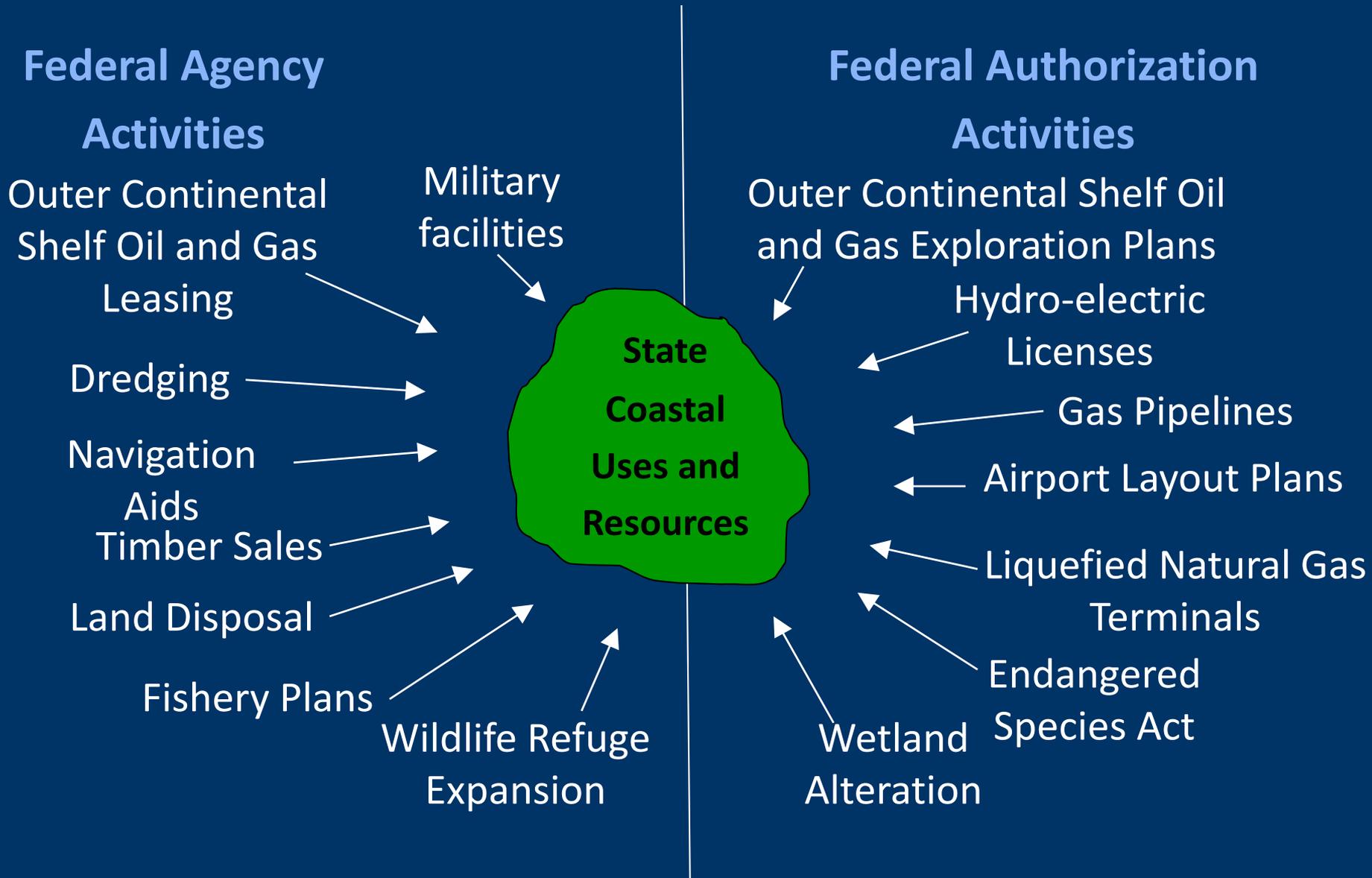
- Terminology
- Who decides the question of effects
- Timeframes
- Standards
- Consequences of state objections

*What is the federal action being proposed?*

Simple question.

Right?

# Types of Federal Actions with Effects



## Second Question:

*Are there reasonably foreseeable effects?*

Federal actions, in or outside the coastal zone, **that affect any land or water use or natural resource of a state's coastal zone** must be consistent with the enforceable policies of state coastal management programs

# Effects – The Definition

“Any reasonably foreseeable effect on any coastal use or resource of the state”

15 C.F.R. § 930.11(g)

# Effects

- To uses or resources of the coastal zone of the state
- Direct
- Indirect
  - Cumulative impacts (repetition or multiplication)
  - Secondary impacts (but not a string of possibilities)
- May be adverse or beneficial
- “Reasonably foreseeable”
  - ≠ likely nor merely possible
  - Look to experience

# Effects to Coastal Uses and Resources

- **Uses** – Public access, recreation, fishing, historic, cultural, development, hazards management, marinas, and resource creation or restoration
- **Resources** – Air, wetlands and water bodies, aquifers, aquatic vegetation, plants, animals, land, minerals, and coastal resources of national significance
- Of the “coastal zone of the state”
- Can include uses and resources outside of the CZ

## Third Question:

*Is the federal action consistent with the state's approved enforceable policies?*

Federal actions, in or outside the coastal zone, that affect any land or water use or natural resource of a state's coastal zone **must be consistent with the enforceable policies of state coastal management programs**

# Questions?



# Enforceable Policies

- State reviews, conditions and objections must be based on approved enforceable policies
- “Enforceable policy” has a unique meaning within the Coastal Zone Management Act
  - Must be based on a state authority that can compel someone to do or not do something
  - Must contain a standard
  - Must be approved by NOAA

*See 15 CFR 923.84(b)*

# Enforceable Policies

Must contain a standard –

*“Only appropriate uses are permitted along the waterfront.”* Okay?

No

*“ . . . shall be conducted in a manner to minimize harm to wildlife.”* Okay?

Yes

# Enforceable Policies

Enforceable policies **must not**:

- Be preempted by federal law
- Discriminate against a particular group or activity
- Assert jurisdiction over federal agencies, lands or waters
- Be superseded by subsequent state law
- Merely be a directive to develop regulations
- Incorporate other policies by reference

# Enforceable Policies: Discriminatory

*What's wrong with this policy?*

“No electrical transmission facilities may be sited on the waterfront unless the source is from renewable energy.”

- Effects are the same regardless of the source
- Also need to consider regional and national interests

# Enforceable Policies: Program Changes

- Enforceable policies need to be kept up-to-date
- Enforceable policies may no longer be effective if superceded by changes in statutes, regulations, or case law
- Program and policy changes need NOAA approval



# Questions?



# Beyond the Basics: The Scope of State Reviews

- Federal actions outside of the coastal zone
- Geographic Location Description (GLD)

# Federal Actions: Outside Coastal Zone

*Can states review federal actions outside of the CZ?*

**Yes**

- If a ***federal agency conducts*** an activity with effects
- If ***authorized (license or permit) by a federal agency***, then:
  - request NOAA approval to review the activity on a case-by-case basis, or
  - state must have an approved geographic location description with listed activities occurring outside of the coastal zone

## Outside of the Coastal Zone: Geographic Location Description (GLD)

- State may describe a geographic area outside of their coastal zone where certain federal license or permit activities will have reasonably foreseeable effects
- Must submit effects analysis and specific list of activities to NOAA for approval
- Upon GLD approval, state can regularly review the listed activities within that geographic area

# When and Where Federal Consistency Applies

For federal license and permit activities

## Inside Coastal Zone

Effects Presumed  
FC Applies



## Outside Coastal Zone

+ Outside GLD or no GLD

Effects NOT Presumed

State Needs NOAA Approval



## Outside Coastal Zone

+ Inside GLD

FC Applies



Geographic  
Location  
Description  
(GLD)

Federal Waters

State Coastal Zone Boundary  
3 miles

Olympic National Park

Olympic National Forest

WA

Astoria

OR

Everett

Seattle

Tacoma

Olympia



Not to scale

# Questions?



# The Quick Reference

## Almost Everything You Need to Know in Two Pages

FC Quick Reference (May 2018).pdf - Adobe Acrobat Pro 2017

File Edit View Window Help

Home Tools FEEHVE (2).pdf Coastal Zone Mana... FC Quick Reference... x

73%

### QUICK REFERENCE

## Coastal Zone Management Act: Federal Consistency Requirements



**What is "Federal Consistency"?**  
The Coastal Zone Management Act (CZMA) requires that all federal actions that may have reasonably foreseeable effects on the uses or resources of a state's coastal zone be consistent with the enforceable policies of the state's coastal management program. See CZMA § 307 (16 U.S. Code § 1456).

### 1. Is there a proposed federal action?

**Federal Actions**  
For federal consistency purposes, a federal action is one proposed in or outside the coastal zone that affects any land or water use or natural resource of a state's coastal zone.

**Types of Federal Actions Subject to CZMA Review**

- Federal agency activities and development projects  
CZMA § 307(c)(1), (2), 15 Code of Federal Regulations (CFR) Part 930, Subpart C
- Federal license or permit (non-federal applicants)  
CZMA § 307(c)(3)(A), 15 CFR Part 930, Subpart D
- Outer Continental Shelf plans  
CZMA § 307(c)(3)(B), 15 CFR Part 930, Subpart E
- Federal financial assistance to state or local agencies  
CZMA § 307(d), 15 CFR Part 930, Subpart F

**Federal Consistency Rules (15 CFR Part 930):  
Importance of Determining Applicable Subpart**  
The CFR subparts for types of federal actions differ on:

- Terminology
- Who decides the question of effects
- Timeframes
- Standards
- Consequences of state objections

**2. Are there reasonably foreseeable effects?**

**Effects on Coastal Uses and Resources**

- **Uses** – For example, public access, recreation, fishing, historic, cultural, development, hazards management, marinas, navigation, resource creation or restoration.
- **Resources** – For example, air, wetlands and water bodies, aquifers, aquatic vegetation, plants, animals, land, minerals, corals, and dunes.
- **Effects** – These can be direct or indirect and must be "reasonably foreseeable." There is no set definition of "effects" or "reasonably foreseeable." The application of consistency, the varied state management programs, the analysis of effects, and the case-by-case nature of federal consistency precludes fast and hard definitions of effects and what is reasonably foreseeable. See 65 Federal Register 77123-77175, 77129-77130 (Dec. 8, 2000) (preamble to final rule).

**Things to Keep in Mind**

- Not all impacts to coastal uses or resources result in coastal effects.
- Consider whether coastal effects have occurred from similar actions in the past.
- A National Environmental Policy Act categorical exclusion or finding of no significant impact does not mean there are no reasonably foreseeable effects for CZMA purposes.
- Coastal effects are not limited to within a state's coastal zone. Effects must be on the uses or resources "of" the coastal zone of the state, not "in" the coastal zone. Coastal uses and resources, the federal action, and the source of the coastal effects may be found outside of the coastal zone.

### 3. Is the federal action consistent with enforceable policies of the state's approved coastal management program?

State CZMA federal consistency reviews and objections must be based on NOAA-approved enforceable policies, a term that has a unique CZMA meaning.

**Enforceable Policies**

- Must be based on a state legal authority that can compel someone to do or not to do something.
- Must contain a standard by which to determine consistency.

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# How Do I Learn More?

**NOAA federal consistency website:**

*<http://coast.noaa.gov/czm/consistency/>*

- Coastal Zone Management Act
- Federal consistency regulations, 15 C.F.R. Part 930
- Preambles to 2000 and 2006 regulations
- Federal consistency overview
- State federal consistency Lists
- Federal consistency appeals





# NOAA Federal Consistency



# National Interest Team

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## **Regional Contact:**

- *Kris.Wall@noaa.gov* (541) 776-4303 x262

## **NOAA Office for Coastal Management**

<https://coast.noaa.gov/czm/consistency/>



# Washington's CZM Program and Enforceable Policies



**WCMAC Briefing**  
September 28<sup>th</sup>, 2020  
Brian Lynn  
Coastal/Shorelands Section Manager  
Washington Department of Ecology

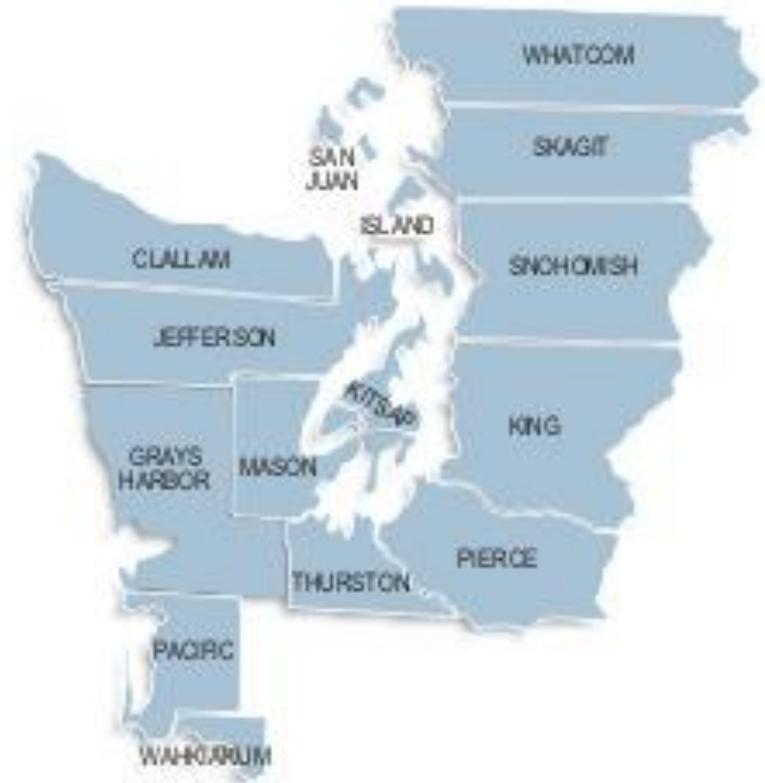


# Presentation Outline

- Overview of Washington's CZM Program and the work we do
- Discussion of the Enforceable Policies in our CZM program
- The role of Shoreline Master Programs
- Questions/Discussion

# WA CZM Program Overview

- Federally approved in 1976
- Housed in Department of Ecology
- In Washington, the coastal zone includes all of the 15 coastal counties
- It includes all lands and waters in the counties, and extends seaward 3 nautical miles into the ocean.
- It excludes all federal lands and tribal reservations

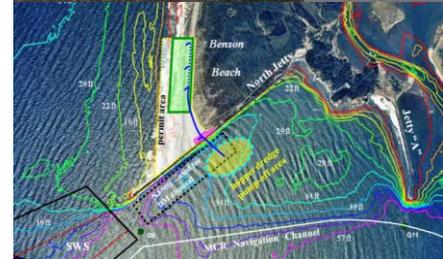




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# WA CZM Program Activities

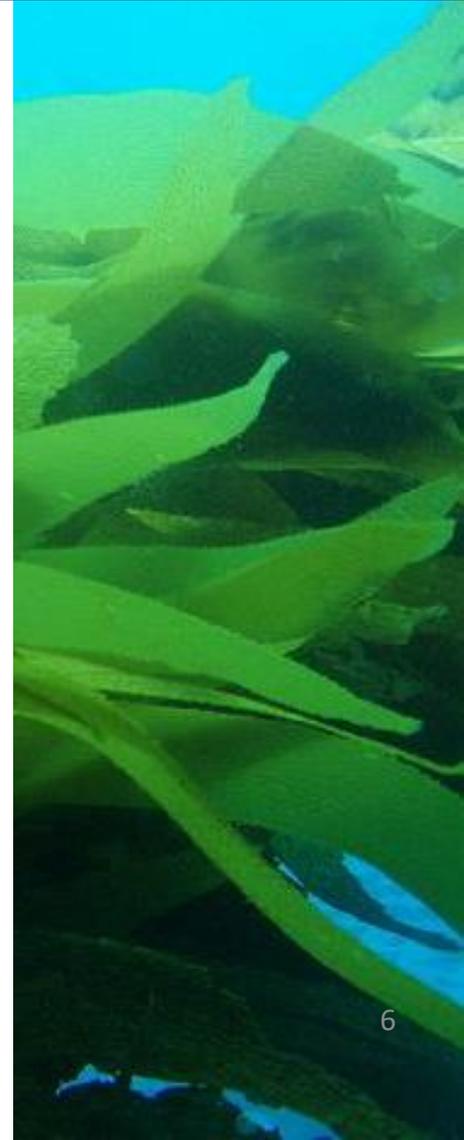
- Shoreline Management
- Coastal/Marine Policy and Planning
- Wetlands Management
- Habitat Preservation/Acquisition
- Padilla Bay Reserve
- Scientific Assistance (e.g. Coastal Monitoring)
- Federal Consistency



# WA's Enforceable Policies

- Enforceable Policies must:
  - Meet NOAA/CZMA definition
- Can be changed over time
- Must be approved by NOAA through Program Change process. (see NOAA portal\*)

\*<https://coast.noaa.gov/czmprogramchange/#/public/home>



# WA's Enforceable Policies

- Shoreline Management Act and Regulations
- State Water Pollution Control Act (and regs)
- WA Clean Air Act (and regs)
- Ocean Resources Management Act (and regs)
- Marine Spatial Plan



# WA's Enforceable Policies



## **Washington Coastal Zone Management Program Enforceable Policies**

Washington State Department of Ecology  
Olympia, Washington

September 2020

Publication Number: 20-06-013

- New publication for WA Enforceable Policies
- CZM Web pages being updated
- Document to be revised after every program change

# WA's Enforceable Policies

Table may include exceptions

Summary may not include full policy language

Example of an Enforceable Policy

**“43.143.010 (3) only”**

**ment Act (RCW 43.143)**

Section	Title	“At a Glance” Summary
<a href="#">43.143.010</a> (3) only	Legislative policy and intent—Moratorium on leases for oil and gas	
<a href="#">43.143.020</a>	Definitions	Definitions in the section apply throughout the chapter.
<a href="#">43.143.030</a>	Planning and Project Review Criteria	b) There is no reasonable alternative to meet the public need for the proposed use or activity; c) There will be no likely long-term significant adverse impacts to coastal or marine resources or uses;

**“Definitions in the section apply throughout the chapter”**

**“Uses or activities that require ... government permits ... and that will adversely impact renewable resources, marine life, fishing, aquaculture, recreation, navigation, air or water quality, or other existing ocean or coastal uses, may be permitted only if the criteria below are met or exceeded”**

**“There will be no likely long-term significant adverse impacts to coastal or marine resources or uses”**

# Shoreline Master Programs

- Overview of Shoreline Management in WA
  - State/local partnership: Locals in lead with state providing support and oversight
  - State develops guidelines and approves local Shoreline Master Programs
  - State must approve some shoreline permits
  - State and locals responsible for compliance/enforcement.
- 132 cities/counties in Washington's coastal zone

# Shoreline Master Programs

- Historically, all Shoreline Master Program changes were submitted to NOAA for approval as part of our Coastal Program.
- NOAA requirements for program change submittals changed over time.
- NOAA's understanding of how states could use higher-level state policies (vs. local programs) evolved over time.

# Shoreline Master Programs

- In ~2015, NOAA suggested we consider whether we needed to submit SMPs as enforceable policies given the strength of the language in our state policies.
- We looked at the issue and made the decision to no longer submit SMPs as Enforceable Policies.

# Shoreline Master Programs

## Why Not?

1. We believe that our state laws and regulations give us the tools we need to ensure federal actions are consistent with the state and local interests.
2. We feel that submitting every change to local 130+ SMPs when it provides little or no added benefit is not the best use of state resources.

# Shoreline Master Programs

## How Are SMPs Used in Federal Consistency Decisions?

- Projects that require a federal permit or license and are inside Washington's Coastal Zone:
  - If SMA is triggered, applicant must get a shoreline permit.
  - Shoreline permit demonstrates consistency with the SMA enforceable policies in WA.

# Shoreline Master Programs

## How Are SMPs Used in Federal Consistency Decisions?

- Projects that require a federal permit or license and are outside Washington's Coastal Zone:
  - Aren't required to get a shoreline permit.
  - Are encouraged to rely on the SMP (usually the easier path)
  - If they don't, they must demonstrate that they are consistent with all of the SMA enforceable policies.

# Shoreline Master Programs

## How Are SMPs Used in Federal Consistency Decisions?

- Federal agencies carrying out projects inside or outside the coastal zone:
  - Aren't required to get a shoreline permit.
  - Are encouraged to rely on the SMP (usually the easier path)
  - If they don't, they must demonstrate that they are consistent with all of the SMA enforceable policies.

# Shoreline Master Programs

## What's Next?

- Open to a process to explore this further.
  - Convene workgroup/workshop(s)
  - Compare specific SMP policies to state policies – are they additive or duplicative?
  - Get NOAA feedback on whether they would approve the local policies as enforceable under the CZMA.

# Questions?

**Brian Lynn**

Coastal/Shorelands Section Manager

SEA Program

WA Department of Ecology

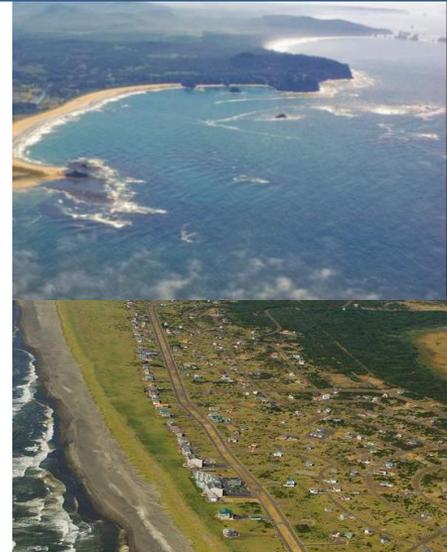
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# Reviewing Federal Permits, Licenses and Activities



**WCMAC Briefing**  
September 28<sup>th</sup>, 2020  
Loree' Randall & Terry Swanson  
Washington Department of Ecology

# Overview

- Washington Coastal Zone Management program applies to both land and shorelands of the 15 coastal counties
- Washington's coastal zone includes the entire County, not just the lands next the shoreline



# Federal Consistency for Federal Licenses and Permits

- Any project applicant needing a federal license or permit for work within within our coastal zone requires them to submit a **Consistency Certification** to Ecology
- Projects must be constructed and operated in a manner that is fully consistent with Washington's Approved Enforceable policies:
  1. Shoreline Management Act (SMA)
  2. Water Pollution Control Act (WPCA)
  3. Washington Clean Air Act (WCAA)
  4. Ocean Resources Management Act (ORMA)
  5. Washington's Marine Spatial Plan for the Pacific Coast



# Information and Review Process

For projects that trigger a consistency review, applicants can submit a form\* and supporting information.

Some federal agencies require that federal consistency documentation be submitted at the time of the federal application in order for them to deem their application package complete.

Ecology reviews the submittal package and verifies that enforceable policies have been, or will be met - this may be as simple as checking to see if a shoreline permit and Water Quality permits have been obtained or if applications for them are in.

Public notices are typically issued by the federal agency triggering the need for Consistency review, otherwise Ecology will issue one.

\*NOTE: While we can't require the forms we prefer them



# Timing and Types of Decisions

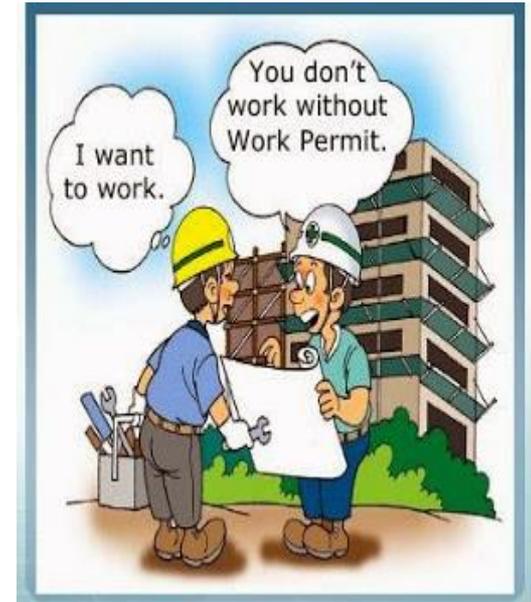
- Ecology has 6 months from receipt of a Consistency form/Consistency Certification to issue a decision for projects that need a federal permit or license.
- Types of consistency decisions:
  1. Concur
  2. Concur with conditions
  3. Object
  4. Presumed consistent if Ecology does not act within the six months.



# Types of Permits and Process

Individual Corps or other federal permit triggering federal consistency

- Primary review is completed during the Water Quality permits and Shoreline permits processes.
- Permits are needed prior to making a federal consistency decision.
- If needed Ecology will work with applicants to “stay” federal consistency review until the Water Quality permits and Shoreline permit has been issued.



# Westport Marina

- Received the Certification of Consistency Form
- Agreed to two “stays”
- Issued the WQC, but Shoreline Permit was still pending.
- Issued a conditional concurrence that required the shoreline permit be obtained prior to starting dredging.



# Questions



# Federal Agency Activities

- Federal Agency Activities are those carried out by, or on behalf of, a federal agency.
- Plans (EISs, proposed federal rules, fisheries management allotments, etc.)
- Projects (construction, modification, repair, or removal of public works, e.g. piers, jetties, dams, etc.)
- EPA's issuance of a general NPDES permit (see project example #2)

# Excluded Federal Lands

- Lands excluded from Washington's coastal zone include:
  - Military Bases
    - Navy Bangor
    - Bremerton
    - Joint Base Lewis-McChord
    - Whidbey Island Air Base, etc.
  - National Parks and Forest Lands
  - Tribal Reservation Lands

# Ecology Review Process for Federal Projects

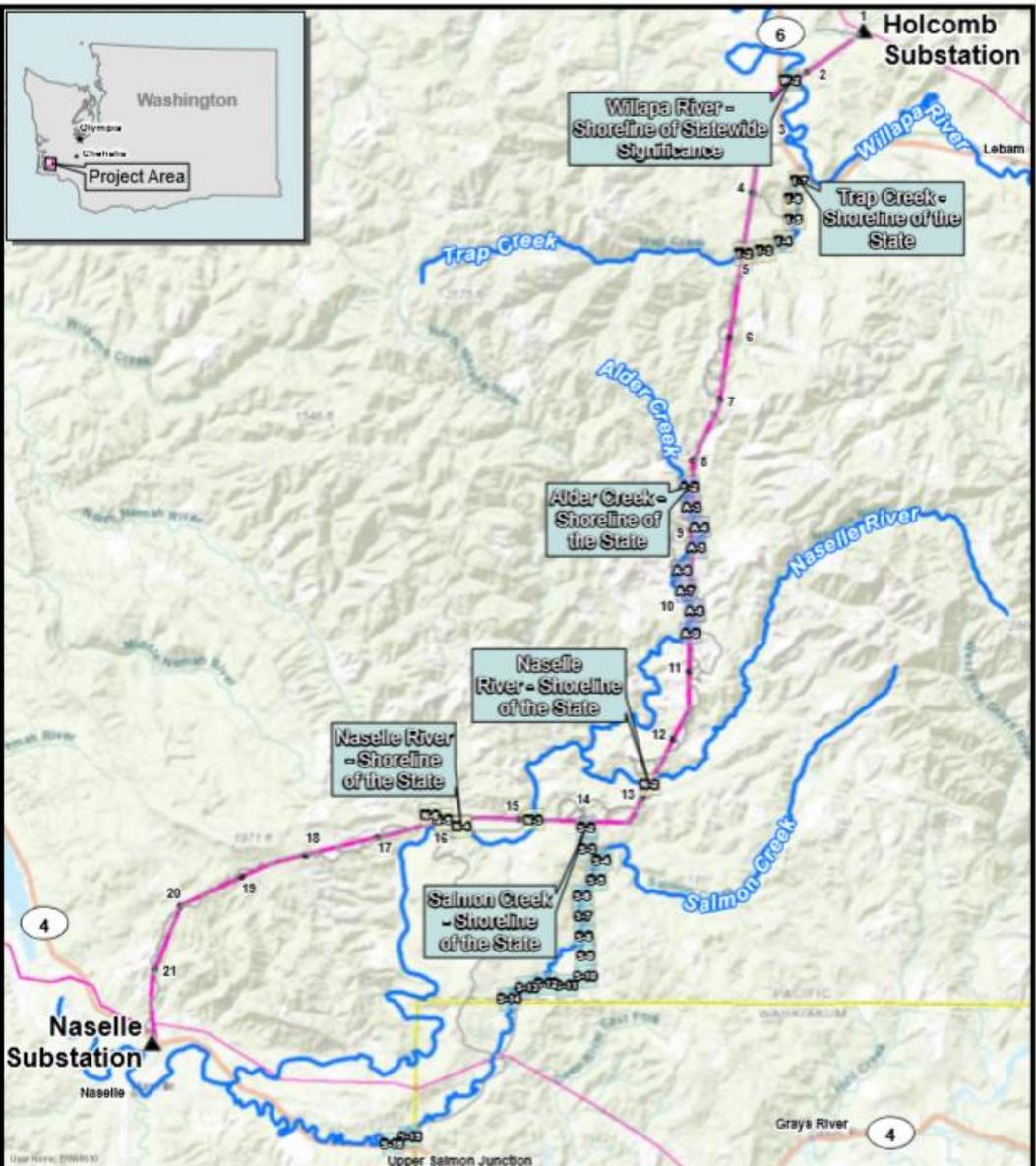
- Federal Agencies prepare Consistency Determinations (CD)
- 60 days (+ 15) instead of 6 months
- Public Notice – joint with another federal agency or Ecology will issue
- Federal agencies generally do not obtain state/local permits
  - CD must contain full analysis of meeting the EPs; i.e. the SMA and guidelines; ORMA, etc.

# Enforceable Policy Evaluation

- SMA: 99% of federal projects have chosen the SMP route
- ORMA
- Water Pollution Control Act
  - Do they need a Corp 404/401
- Marine Spatial Plan
- Washington Clean Air Act

# Project Example: Concur

- Bonneville Power Administration Holcomb-Naselle Power line extension project in Pacific County (federal activity)
  - Effects to water quality and shorelines
- Followed Pacific County's SMP
- Coordinated w/ local government
- Coordinated w/ Corp for 401 action



**Holcomb-Naselle Transmission Line Rebuild - Shoreline Index**

▲ BPA Substation  
 ● BPA Transmission Structure  
 — Project Transmission Line  
 — Other BPA Transmission Line  
 \* Cities & Towns  
 — County Boundaries  
 — Shoreline of the State

0 0.5 1 2 3 4 Miles  
 Date: 10/23/2010

Bonneville  
 POWER ADMINISTRATION

# Project Example: Conditional Concurrence

- EPA issued an NPDES Permit (the federal activity) to Factory Processing ships to allow them to discharge fish-processing waste into the Pacific Ocean
- Offshore project – Ecology requested permission to review for federal consistency



Photo credit: Joe Mabel

# NPDES Permit Effects

- Ecology extremely concerned about the millions of gallons of fish-processing waste affecting our water quality:
  - Hypoxia
  - Ocean Acidification
  - Harmful Algae Blooms
- Dangerous ocean conditions harmful to clean water and uses such as fishing and shellfish harvesting



Photo credit: Joe Mabel

# EPA NPDES Permit to offshore Factory Processors

Based on effects:

- Project was consistent with:
  - The local SMPs
  - ORMA
  - Washington CAA
- Inconsistent with:
  - Water Pollution Control Act



# Conditions

- Outreach included EPA, coastal tribes, Oregon CZM program, UW researchers, National Marine Fisheries Service, NOAA CZM
- Condition requiring 5 years of reporting and monitoring by 14 Factory Processors
- Currently working with EPA, OR, Quinault, Quileutes to assist EPA in enforcing conditions

# Project Example: Conditional Concurrence

- U.S. Navy's NW Training and Testing Supplemental SEIS (federal activity)
- Covered Puget Sound and Pacific Coast with a multitude of activities from Sonar to launching torpedoes
- Navy found effects to marine resources and Ecology added effects to water quality



# Conditions

## ORMA: Protecting Southern Resident Killer Whales (Orcas)

- Minimize sonar effects
- Modern detection system



## WPCA:

- Monitoring/Reporting of water pollution
- Prohibiting chemical releases in Puget Sound

# Conclusion

- New Review Process
- Strengthen coordination w/ local and tribal governments, federal agencies, and NGOs



# Questions?

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