

# Coastal Zone Management Consistency Certification

## (1) Overview

The Coastal Zone Management Act (CZMA) encourages the appropriate development and protection of the nation's coastal and shoreline resources. CZM consistency certification is required within Washington's 15 coastal counties for projects with a federal nexus, i.e., involving federal funding, federal licenses, permits or approvals, use of federal lands, or a federal program. A federal agency cannot approve or fund any activity unless Ecology concurs that the project is consistent with the state's federally approved CZM program.

Under Washington's CZM Program, activities affecting any land use, water use, or natural resource of the coastal zone must comply with six laws, called "enforceable policies," four of which typically apply to transportation projects: SEPA, the state Shoreline Management Act, federal and state clean water acts, and federal and state clean air acts.

The federal consistency process allows the public, local governments, tribes, and state agencies an opportunity to influence federal actions likely to affect Washington's coastal resources or uses.

Ecology has prepared a [schematic diagram](#) illustrating the CZM consistency certification application and review process.

**Agency Issuing Certification** – Washington State Department of Ecology.

**Statutory Authority** – U.S. Coastal Zone Management Act, 16 USC 1451 et seq.; CZM program regulations, 15 CFR 923; CZM federal consistency regulations, 15 CFR 930, particularly Subpart D, 930.50-930.66, activities requiring a federal permit or license; and the Washington Shoreline Management Act, [RCW 90.58](#).

**Regulated Activities** – Three categories of activities trigger a coastal zone management consistency review, two of which may apply to WSDOT projects: activities that require federal approval and activities that use federal funding. If a WSDOT project falls into one of these categories and is either in the coastal zone or it impacts coastal resources, then federal consistency is required.

**Geographic Extent** – Washington State's coastal zone includes the 15 counties with saltwater shorelines (Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Wahkiakum, and Whatcom). It includes all lands and waters from the coastline seaward for three nautical miles. For areas adjacent to the ocean, the coastline is defined as the position of ordinary low water, and for inland marine waters, as the seaward limit of rivers, bays, estuaries, or Puget Sound.

**Types of Permits** – Only one type of approval is required.

**Related Permits and Approvals** – Permits requiring Ecology concurrence that the project is consistent with the CZM program include: State Shoreline Management Act permits, Section 404 and Section 10 permits, Section 9 permit, Section 401 water quality certification, and NPDES permits.

Ecology has denied CZM consistency for certain Corps Nationwide Permits. As a result, an applicant for coverage under any of these NWP's in a coastal county must meet CZM consistency requirements.

Where the activity requires a permit or approval under an enforceable policy of the CZM program, Ecology will not concur with CZM consistency until the SEPA requirements are met and the permit or exemption is approved. Federal agencies cannot approve their permits without Ecology CZM concurrence.

**Interagency Agreements** – None applicable.

**Processing Time** – For permit, license, or funding applications, Ecology has 180 days to render a decision. If Ecology does not respond, consistency is presumed.

## **(2) How to Apply**

WSDOT completes the Certificate of Consistency form at the [Corps Seattle District](#) website.

**JARPA** – WSDOT requests Ecology concurrence with its CZM certification as part of its Joint Aquatic Resources Permit Application (JARPA), which is designed to allow applicants in Washington to batch permit applications and trigger concurrent permit review periods (see [Section 510.03](#), JARPA). The [JARPA form](#) and instructions are online.

**Pre-application Conference** – Not applicable.

**Special Information Requirements** – The certification of consistency requires giving permit numbers and approval dates indicating compliance with the enforceable policies (e.g., SEPA status, and whether state shoreline, water quality or air quality permit is required, has been applied for, or received).

**Public Notice** – WSDOT must give public notice of the CZM certification except for Corps and USCG permits; for these permits, public notice is published by the federal agency. WSDOT's CZM notice can be combined with the notice required under one of the enforceable policies, such as a SEPA determination or a Shoreline Substantial Development Permit (SDP). WSDOT must indicate on the CZM form how and when public notice was given.

**Submitting the Application** – For Corps Section 404 and Section 10 permits, WSDOT submits the JARPA and CZM certification to both the Corps and Ecology. For all other federal permits, WSDOT submits the CZM certification to Ecology:

Department of Ecology  
Shorelands and Environmental Assistance Program:  
300 Desmond Drive SE  
Lacey, WA 98503

**Agency and Public Review** – Ecology reviews proposed projects for consistency with the enforceable policies of the CZM program. Ecology has six months from the receipt of the certification to concur, concur with conditions, or deny approval. If Ecology fails to act within six months, concurrence is presumed.

When public involvement occurs through other review processes, as for shoreline or Section 404 permits, no additional public involvement is required for CZM consistency. For projects where public involvement is not otherwise required, or for large, complex, and controversial projects, Ecology has developed a separate public involvement process. This involves public notice, a 21-day public comment period, and potentially a public meeting or hearing. Notification is sent to interested parties.

**Appeal Process** –An applicant may appeal Ecology’s consistency decision within 30 days to the Secretary of Commerce in accordance with Title 15, Chapter IX, Part 930.125 CFR. No public appeal is available for CZM consistency, although related permit decisions may provide for public appeal.

**(3) For More Information**

Please see the Environmental Procedures Manual, [Chapter 450](#) -- Land Use, for information on environmental documentation initiated during the NEPA/SEPA process, including relevant statutes, interagency agreements, policy and technical guidance. For more on shoreline substantial development permits and other shoreline-related requirements.

Ecology’s coastal zone management home page includes links to [Washington’s CZM Program](#) document, a two page focus sheet summarizing the federal consistency procedures.

**(4) Permit Assistance**

Before beginning work on this permit, contact the WSDOT regional office environmental staff for guidance. Other assistance is available from WSDOT’s Environmental Services Office. Call Eric Wolin, Permitting and Compliance Permitting Manager, 360-705-7487 or [wolined@wsdot.wa.gov](mailto:wolined@wsdot.wa.gov).

For assistance from Ecology, contact Loree Randall, Federal Consistency Coordinator, at Shorelands and Environmental Assistance Program, 360-407-6068, [lora461@ecy.wa.gov](mailto:lora461@ecy.wa.gov).

Contact information for the WSDOT/Corps Liaison team lead is:

- Rebecca McAndrew, Team Lead, 206-764-6912, fax 206-764-6602, [rebecca.e.mcandrew@nws02.usace.army.mil](mailto:rebecca.e.mcandrew@nws02.usace.army.mil)