



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 zone¹ 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.

¹ 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 checked="" type="checkbox"/> Corps <input type="checkbox"/> USCG <input checked="" type="checkbox"/> FERC <input type="checkbox"/> Other	FERC No. 2705; NWS-2024-1051 Federal Permit/License Number (if known): Federal Agency Point of Contact: FERC - Mark Ivy; Corps - Lydia Baldwin
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II. Project Information

Project Name: Newhalem Creek Hydroelectric Project Decommissioning		
Project Location (<u>Note:</u> Please attach a project location map and site plans with this form) Near Newhalem, WA. See attached site map.		
Address: (If there is no address, provide other location information)	City: Newhalem	County: Whatcom
Land ownership (check all that apply): <input type="checkbox"/> Private <input type="checkbox"/> State <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Tribal <input type="checkbox"/> Other:		
Waterbody that the project is in or has the potential to affect: Newhalem Cr., Skagit R.		WRIA Number: 4
Detailed description of the proposed activity, its associated facilities, and effects to coastal resources and uses: Please see that attached detailed project description.		
Has tribal consultation been initiated?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Has local government review or consultation been initiated?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

III. Enforceable Policies

State Shoreline Management Act (SMA)	
Is the proposed project within shoreline jurisdiction? <input checked="" 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 checked="" type="checkbox"/> No (If no , then skip the remainder of this section) May require a letter of exemption	

Name of local jurisdiction(s) processing shoreline permit/authorization: <small>Not applicable; restoration activities without new development or redevelopment are exempt</small>	
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Does the proposed project require a CAA permit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <small>(If unknown, check with the local clean air agency. If no, then skip the remainder of this section.)</small>	
None required by NWCAA	
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No <small>(If unknown, see Ecology's 401 web page. If no, then skip the remainder of this section.)</small>	
<input checked="" type="checkbox"/> Applied for WQC - Date submitted: <div style="text-align: right;">1/30/2025</div>	<input checked="" 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: 142546
Section 402 National Pollutant Discharge Elimination System (NPDES) Permit	
Does the project proposal require an NPDES permit? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <small>(If unknown, see Ecology's Stormwater Permit web page. If no, then skip the remainder of this section.)</small>	
Applied for NPDES permit: <input checked="" type="checkbox"/> General Permit: <input checked="" type="checkbox"/> Construction Stormwater General Permit <input type="checkbox"/> Industrial Stormwater General Permit <input type="checkbox"/> Other: <input type="checkbox"/> Individual Permit:	<input checked="" type="checkbox"/> Ecology <input type="checkbox"/> EPA Notice of Intent (NOI) number: Date submitted: <div style="text-align: center;">NOI and application to be submitted at 60% design</div>
<input type="checkbox"/> Received NPDES permit coverage	Permit number: Date issued:
Ocean Resources Management Act (ORMA)	
Does ORMA apply? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <small>(If unknown, see ORMA Guidance. If no, then skip the remainder of this section.)</small>	
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 <small>Note: This analysis must be attached to the Consistency Certification unless the MSP applies.</small>	
Marine Spatial Plan (MSP) for Washington's Pacific Coast	
Does ORMA apply? (see above) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <small>(If no, then MSP does not apply; skip the remainder of this section.)</small>	
Does MSP apply? (see) <input type="checkbox"/> Yes <input type="checkbox"/> No <small>(If unknown, see MSP Guidance. If no, then skip the remainder of this section.)</small>	
If MSP applies, has an MSP Effects Evaluation as described in the MSP Guidance been completed?	
<input type="checkbox"/> MSP Effects Evaluation is attached <small>Note: 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.</small>	

IV. Applicant & Agent Information

Applicant Name: Scott Luchessa			
Organization: Seattle City Light			
Mailing Address: P.O. Box 34023	City: Seattle	State: WA	Zip: 98124-4023
Phone #: (206) 561-4838	E-Mail: Scott.Luchessa@seattle.gov		
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 2/6/2025
Scott Luchessa

Print Name Scott Luchessa

From: [ECY RE CZM FEDERAL CONSISTENCY](#)
To: [Luchessa, Scott](#)
Cc: [Padgett, Rebekah \(ECY\)](#); [Baldwin, Lydia R CIV USARMY CENWS \(USA\)](#)
Subject: 142546 - RE: CZMA Consistency Certification Request for Newhalem Creek Hydroelectric Project
Decommissioning Pt. 1 of 3
Date: Monday, February 10, 2025 11:05:17 AM

You don't often get email from ecyreczmfedconsistency@ecy.wa.gov. [Learn why this is important](#)

CAUTION: External Email

Hi Scott,

Ecology has received a request for Coastal Zone Management federal consistency for the above project. If you are notified of any change in the Corps permit application status, please let us know as soon as possible.

Thank you,

Sadie Gaubert She/Her

Aquatic Permitting & Protection Section
Shorelands & Environmental Assistance Program
Washington State Department of Ecology
(360) 407-6076

From: Luchessa, Scott <Scott.Luchessa@seattle.gov>
Sent: Thursday, February 6, 2025 6:45 PM
To: ECY RE CZM FEDERAL CONSISTENCY <ecyreczmfedconsistency@ECY.WA.GOV>
Subject: CZMA Consistency Certification Request for Newhalem Creek Hydroelectric Project
Decommissioning Pt. 1 of 3

External Email

Hello,

Attached please find Seattle City Light's completed and signed CZMA consistency determination certification form. Also attached is a copy of the Surrender License Application submitted to FERC for the Newhalem Creek Hydroelectric Project (FERC No. 2705) and the JARPA submittal documents submitted to the Corps for a Letter of Verification that this work can be conducted under NWP 27. Note that there are two versions of the design plan drawings (site plans), 20241219-JARPA_PmtDrawings.pdf and Final30%Drawings.pdf. The Final30%Drawings.pdf contains the most current version of the site plans. The documents listed below as part of this certification request are being submitted in three parts (Pt. 1, Pt. 2, and Pt. 3) due to file size attachment limitations.

The complete list of federal permit documents and supporting documentation provided as part of this certification request included as attachments in Pt. 1, Pt. 2, and Pt. 3 of this request for certification are provided in the following list. The pdf file name and a brief description in parentheses for each:

2022.01.28_SCL_Newhalem_SurrenderAppl.PDF (FERC Surrender License Application)
20241219-JARPA_BA.pdf (Biological Assessment submitted with JARPA to the Corps)
20241219-JARPA_CoverLetter_signed.pdf (cover letter submitted with JARPA to the Corps)
20241219-JARPA_PmtDrawings.pdf (permit drawings submitted with JARPA to the Corps)
20241219-JARPA_signed.pdf (signed JARPA submitted to the Corps)
20241219-JARPA_WetDelin.pdf (stream and wetland delineation report submitted with JARPA to the Corps)
Final30%Drawings.pdf (30% design plan drawings or site plans, including the project vicinity map)
Project Description_401WQReq30Jan2025.pdf (Detailed project description of the decommissioning project)
No CAA permit_NWCAA6Feb2025.pdf (email from the Northwest Clean Air Agency that no Clean Air Act is required for proposed deconstruction activities)

If you need clarification or any additional information, please do not hesitate to call or email me.

Thanks,

Scott

SCOTT LUCHESSA

**CERTIFIED ECOLOGIST, SR CAPITAL PROJECTS COORDINATOR | ENVIRONMENT, LAND, AND LICENSING
SEATTLE CITY LIGHT**

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