



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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February 11, 2016

Jim Holmes
City of Seattle, Department of Planning and Development
700 5th Avenue, Suite 2000
Seattle, WA 98124

**RE: Coastal Zone Consistency for Corps Reference #NWS-2014-1186-WRD
U.S. Army Corps of Engineers Public Notice for Individual Section 10 Permit, South
Lake Union Buoy Installation Project, Lake Union, Seattle, King County,
Washington**

Dear Mr. Holmes:

On May 21, 2015, City of Seattle Department of Planning and Development (City DPD) submitted a Certification of Consistency with the Washington State Coastal Zone Management Program (CZMP) for the South Lake Union Buoy Installation Project.

The project includes installation of eight permanent navigational buoys and associated anchors to demarcate a floatplane runway zone for the arrival and departure of floatplanes in Lake Union. The buoys would be located in depths of up to 35 feet.

On November 13, 2015, City DPD and Ecology agreed to a CZM stay until February 20, 2016.

At this time, Ecology is issuing a conditional concurrence pursuant to 15 C.F.R. §930.4 for the South Lake Union Buoy Installation Project for the following reasons:

Pursuant to the Shoreline Management Act (SMA) and Shoreline Master Program Guidelines (SMP Guidelines), the State of Washington established guiding policies and standards to manage shorelines of the state to promote and enhance the public interest. Consistent with this goal, RCW 90.58.020 describes the SMA's intent to plan for and foster all reasonable and appropriate shoreline uses in a manner that protects against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto. The proposed signage/language to be placed on the buoys could be interpreted as establishing formal restrictions limiting use of waters within the buoys to floatplanes.

Therefore, Ecology has determined that the language listed on the buoys should be amended to clearly communicate the advisory intent of the proposal in order to ensure consistency with the SMA's policy to protect the public's right of navigation within shorelines of the state.



Based on the above, in order for the state to concur that the activities covered under this Consistency Determination are consistent with the enforceable policies of the state CZMP, and specifically the SMA and SMP Guidelines, City DPD shall meet the following condition:

- Buoy markings shall be clearly labeled as advisory, and in a manner that does not preclude or restrict public use of this area, including recreational, commercial, or tribal use of waters of the state.

In the event the above condition is not met, all parties shall treat Ecology's conditional concurrence letter as an objection and notify, pursuant to 930.63(e), applicants, persons, and applicant agencies of the opportunity to appeal the state agency's objection to the Secretary of Commerce within 30 days after receipt of this conditional concurrence/objection or 30 days after receiving notice from the federal agency that the application will not be approved as amended by Ecology's conditions.

If you have any questions regarding Ecology's consistency determination please contact Rebekah Padgett at (425) 649-7129.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. Chapter 43.21B RCW and Chapter 371-08 WAC govern the appeal process. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

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

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Sincerely,



Erik Stockdale, Section Manager
Shorelands and Environmental Assistance Program
Northwest Regional Office

ES:rrp:ap

By certified mail: 7012 1640 0000 6245 8224

Cc: Darren Habel, U.S. Army Corps of Engineers
Laura Arber, Washington Department of Fish and Wildlife
Tara Wilson, Washington Department of Natural Resources
Alicia Toney, Anchor QEA, LLC
Heather Page, Anchor QEA, LLC
George Harris, Northwest Marine Trade Association

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