



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office for Coastal Management
Silver Spring Metro Center, Building 4
1305 East-West Highway
Silver Spring, Maryland 20910

Mr. Brian Lynn, Coastal/Shorelands Section Manager
Washington Coastal Zone Management Program
Shorelands and Environmental Assistance Program
Washington Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

OCT 11 2019

Dear Mr. Lynn:

Thank you for the Department of Ecology's (Ecology) August 23, 2019, request to incorporate the 2018 *Marine Spatial Plan for Washington's Pacific Coast* (MSP) into the Washington Coastal Zone Management Program. You requested that the changes described in the attached table be incorporated as routine program changes (RPCs), pursuant to the Coastal Zone Management Act (CZMA) regulations at 15 CFR part 923, subpart H, and the National Oceanic and Atmospheric Administration's (NOAA's) Office for Coastal Management's *Program Change Guidance (July 1996)*.

Based on our review of your submission, we concur, with the qualifications described below, that the changes are RPCs and we approve the incorporation of the changes as enforceable and non-enforceable policies of the Washington Coastal Zone Management Program. Federal consistency will apply to the approved changes to enforceable policies only after you publish notice of this approval pursuant to 15 CFR § 923.84(b)(4) and the Office for Coastal Management's *Addendum to the July 1996 Program Change Guidance (November 2013)*. Please include in the public notice the list of changes provided in this letter, and send a copy of the notice to the Office for Coastal Management.

PUBLIC AND FEDERAL AGENCY COMMENTS

The Office for Coastal Management received one public comment on this submission from Pew Charitable Trusts. Pew's comments were entirely in support of the state's Marine Spatial Plan, policies, Necessary Data and Information, and approval of the changes as a program change.

APPROVED CHANGES

See enclosed table of the changes incorporated into the Washington Coastal Zone Management Program.

QUALIFICATIONS

As a standard qualification applying to all program changes, states may not incorporate enforceable policies by reference. If an approved enforceable policy refers to another statute, regulation, policy, standard, guidance, or other such requirement or document, the referenced policy itself must be submitted to and approved by the Office for Coastal Management as an enforceable policy in order to be applied under the federal consistency review provisions of the CZMA. No referenced policy may be applied for federal consistency unless that policy has been separately reviewed and approved as an enforceable policy by the Office for Coastal Management.

With regard to MSP 4.2.1.5(a)-(b) - Necessary Data and Information, for CZMA federal consistency reviews of projects located within state waters or affecting state fisheries, the following qualifications apply.

- The Washington Department of Fish and Wildlife (WDFW) Intergovernmental Policy Office and their role in convening a meeting with fisheries stakeholders and advisory groups and any input to Ecology through the WDFW meeting does not constitute a CZMA federal consistency decision-making role or authority.
- For CZMA federal consistency purposes, the meeting under MSP 4.2.1.5(b) with the WDFW Intergovernmental Policy Office and fisheries stakeholders is not a requirement before the applicant applies for a federal permit. Neither the WDFW nor Ecology can require a pre-application meeting for federal permit applications. However, for federal permit applicants, a meeting with the WDFW as described within this section is necessary data and information required for federal consistency reviews for purposes of starting the CZMA 6-month review period for federal license or permit activities under 15 CFR part 930, subpart D, and Outer Continental Shelf Plans under 15 CFR part 930, subpart E, pursuant to 15 CFR § 930.58(a)(2).
- For purposes of the Bureau of Ocean Energy Management's (BOEM's) renewable energy program under the Outer Continental Shelf Lands Act, the CZMA federal consistency process cannot begin until a construction and operations plan (COP) has been submitted for BOEM's review and approval. Once BOEM has determined the COP and supporting information is sufficient to begin its environmental review under the National Environmental Policy Act, a Notice of Intent to prepare an Environmental Impact Statement will be issued. Only when BOEM issues the COP Notice of Intent can the CZMA review period begin. In most cases, an applicant provides the necessary data and information to the state at the time the applicant files its consistency certification and once the consistency certification and necessary data and information are submitted to the state, the six-month CZMA review period begins. However, for CZMA purposes the WDFW meeting can occur before BOEM issues the COP Notice of Intent if the WDFW and the applicant mutually agree. If the WDFW meeting does not occur until after BOEM issues the COP Notice of Intent, then the CZMA six-month review period shall not begin until the day after the WDFW meeting, providing that the applicant has submitted all

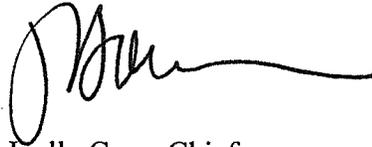
other necessary data and information and the consistency certification pursuant to NOAA's regulations.

- Scheduling of the meeting with the WDFW Intergovernmental Policy Office and fisheries stakeholders must be scheduled in a reasonable timeframe as to not delay the start of the CZMA federal consistency review period.

The data and maps pertaining to federal waters may provide useful information for the review of activities in federal waters, but they are not enforceable policies or elements of the Marine Spatial Plan for Washington's Pacific Coast or the Washington Coastal Management Program.

Thank you for your cooperation in this review. Please contact Kris Wall at (541) 776-4303 x262, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joelle Gore', with a long horizontal flourish extending to the right.

Joelle Gore, Chief
Stewardship Division

Enclosure: Table of Approved Changes to the Washington Coastal Zone Management Program

Table of Approved Changes to the Washington Coastal Zone Management Program

Enclosure to the Office for Coastal Management's October 11, 2019, Approval of the Incorporation of Changes to the Washington Coastal Zone Management Program			
Changes marked with an asterisk (*) are incorporated into the Washington Coastal Zone Management Program, but do not contain enforceable policies that can be used for CZMA review purposes to determine the consistency of federal actions.			
State/Local Legal Citation	Name/Description of State or Local Law/Regulation/Policy/Program Authority	Date Adopted by State	Date Effective in State
ADDED:			
Marine Spatial Plan for Washington's Pacific Coast*	The Marine Spatial Plan for Washington's Pacific Coast is incorporated into the Washington Coastal Zone Management Program in its entirety. The approved enforceable policies within the Marine Spatial Plan are identified below.	06/20/2018	06/27/2018
Important, Sensitive and Unique Areas (ISUs)			
4.3.3.1 (a-d)	ISU Definitions	06/20/2018	06/27/2018
4.3.3.2 (a-b)	ISU Designations	06/20/2018	06/27/2018
4.3.3 (a-c)	ISU protection standards and enforceable policies	06/20/2018	06/27/2018
Fisheries Use Protection Standards			
4.6.3 (a-b)	Protection standards for fisheries; Definition of adverse effect for fisheries	06/20/2018	06/27/2018
Necessary Data and Information			
4.2.1.5 (a-b)*	Necessary data and information for the State's review of federal license or permit activities under CZMA	06/20/2018	06/27/2018