



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

May 5, 2016

Mark Wolken
Smith Island Terminal, LLC
2903B Hewitt Avenue
Everett, WA 98201

RE: Coastal Zone Consistency for Corps Reference #NWS-2013-1077
U.S. Army Corps of Engineers Public Notice for Individual Section 404 and 10 Permit,
Smith Island Terminal Project, Everett, Snohomish County, Washington

Dear Mr. Wolken:

On December 8, 2014, Smith Island Terminal, LLC submitted a Certification of Consistency with the Washington State Coastal Zone Management Program (CZMP) for the Smith Island Terminal project. On May 29, 2015, Smith Island Terminal, LLC and Ecology agreed to a CZM stay until December 7, 2015. On November 12, 2015, a second CZM stay was agreed to until March 7, 2016. On February 18, 2016, a third CZM stay was agreed to until May 7, 2016.

The project entails:

- Construction of two connecting rail lines of approximately 400 feet each to reach the nearby mainline of Burlington Northern Santa Fe Railway Company (BNSF).
- Construction of approximately 8,400 feet of loop track (two full loops) and ancillary storage tracks and loading areas, office and maintenance building, a paved equipment storage area, stormwater collection and treatment facilities.
- Construction of an undercrossing of the BNSF mainline to provide grade-separated access for the terminal and other properties on Smith Island, a new access road outside of the track to access Cedar Grove Composting and its public access trail.
- Relocation of utility poles.
- Reconfiguration and minor changes to the trail to accommodate bridging for dike breaches, tidal connection, and buffer enhancement.
- Mitigation for wetland impacts.

The project is located at 36th Place NE, Everett, Snohomish County, Washington, Wetlands, Lower Snohomish River Estuary, Section 5, T. 29 N., R. 5E., WRIA 7.

Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with Smith Island Terminal's determination that the proposed work is consistent with Washington's CZMP.

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 Hearing 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

Sincerely,



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

ES:rrp:ap

By certified mail: 7005 1820 0000 6707 8674

cc: Ron Wilcox, U.S. Army Corps of Engineers
Steve Ingalsbe, City of Everett
Laura Arber, Washington Department of Fish and Wildlife
Nancy Brennan-Dubbs, U.S. Fish and Wildlife Service
David Hirsh, NOAA Fisheries

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Krista Rave-Perkins, U.S. Environmental Protection Agency
Mark Wolken, Mark Wolken and Associates

e-cc: Doug Gresham, Ecology

Paul Anderson, Ecology

David Pater, Ecology

Bob Wright – NWRO

Kurt Nelson, The Tulalip Tribes

knelson@tulaliptribes-nsn.gov

Loree' Randall, Ecology

ecyrefedpermits@ecy.wa.gov