

Coastal Zone Management Act Consistency Determination

This document provides the Washington Coastal Management Program with the National Oceanic and Atmospheric Administration Consistency Determination under the Coastal Zone Management Act § 307 (c)(1) and 15 C.F.R. part 930, subpart C, for management plan approval. The information in this Consistency Determination is provided pursuant to 15 C.F.R. § 930.39. This activity includes approval of a reserve management plan drafted in compliance with 15 C.F.R §921.13. The previous Padilla Bay NERR management plan was completed in 2008 and covered the period from 2008-2015. The current management plan revision covers the period from 2016-2020. It provides a strategic approach for the Padilla Bay NERR to move forward with administrative, research/monitoring, education and stewardship activities over the next five years. It also addresses the Reserve's land acquisition approach and facilities management.

Since 2008, the Reserve added 110 acres of tideland (from willing sellers) to state ownership. This acreage is within the original proposed boundary (so no boundary adjustment is necessary).

There are no substantial changes from the 2008 plan to the revised Management Plan that should impact land, water or natural resources. NOAA has determined that the approval of the Padilla Bay NERR management plan revision affects the land or water uses or natural resources of Washington in the following manner:

- Research activities are carried out under state Scientific Collection permits.
- Monitoring activities remain the same (datasondes deployed in the bay, biomonitoring, Sentinel Sites)
- Education activities remain the same (programs for the public, school groups with field trips to the beach)
- The Coastal Training Program will continue to offer classes for planners and decision-makers (mostly classroom, but some with a field component).
- Stewardship activities remain the same (monitoring for invasive crab, collection of shellfish for marine biotoxin testing, survey and control of *Spartina* in the coastal zone, survey and control of noxious weeds in the upland areas).
- Land acquisition is by willing seller only and is expected to be tideland parcels.

The Washington Coastal Management Program contains the following enforceable policies:

- Shoreline Management Act
- State Environmental Policy Act
- Clean Water Act
- Clean Air Act
- Energy Facility Site Evaluation Council
- Ocean Resource Management Act

Based upon the following information, data and analysis, NOAA finds that the management plan revision is consistent to the maximum extent practicable with the enforceable policies of the Washington Coastal Management Program.

The Shoreline Management Act – Chapter 90.58 Revised Code of Washington (RCW)

The Padilla Bay NERR's revised Management Plan is consistent with the Shoreline Management Act. The Padilla Bay NERR's revised Management Plan covers goals, objectives and actions (stewardship, education and research regarding estuaries) for the next five years that are consistent with: seeking long-term over short-term benefit, protecting the resources and ecology of the shoreline, increasing public access to publicly owned areas of the shorelines and increasing recreational opportunities for the public in the shoreline. The Reserve anticipates no significant impact on the environment through their proposed activities. The revised Management Plan is also consistent with providing ecological study areas as well as recreational activities for the public.

The Skagit County Shoreline Master Program (SMP) designates Reserve shorelines in three categories: Rural Conservancy (most), Shoreline Residential (Bay View boat ramp and Samish Island research access) and Natural (Hat, Saddlebag and Dot Islands). The intent of rural conservancy is to protect ecological functions, conserve existing natural resources... provide for sustained resource use and... provide recreational opportunities. The shoreline residential designation accommodates higher density residential development and provide for appropriate public access and recreational uses. The natural designation protects shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions. Low intensity uses are allowed in order to maintain ecological functions and ecosystem-wide processes. The Padilla Bay NERR is also recognized as a "shoreline of statewide significance."

Reserve research projects (such as addressing ocean acidification) and monitoring (such as zooplankton tows, eelgrass biomonitoring, water quality monitoring, monitoring for invasive crab or baseline monitoring of salt marshes, placement of scientific equipment for sediment elevation measurements or determination of sea level rise) proposed in the next five years will not have any significant impact on the waters or ecological functions and processes of the Reserve.

Education field trips are concentrated at Bayview State Park, which is already a public access site. This limits impact to the majority of Padilla Bay habitats while promoting stewardship behaviors. The education staff may work with Skagit County Parks to replace interpretive signs along the Skagit County Shore Trail. These signs will follow the SMP guidelines for height and sign area. Educational activities will have no significant impact on the Padilla Bay environment.

Natural resource management activities include control of *Spartina* species (Class A noxious weed in Washington state) along the shorelines of Padilla Bay. This activity is exempt under the Skagit County Shoreline Master Program.

The State Environmental Policy Act – Chapter 43.21C RCW

The Padilla Bay NERR's revised Management Plan is consistent with the State Environmental Policy Act (SEPA). Any Padilla Bay NERR activities that might impact the shoreline or impact within 200 feet of the shoreline (such as building or remodeling

public facilities or restoration activities) are subject to permitting and SEPA. There are no funded construction or restoration projects in the next five years. However, if funding does become available for projects, the Reserve will apply for the proper permits and conduct the project as per county, state and federal regulations. No significant adverse environmental impacts are anticipated due to Reserve operations in the next five years.

The Clean Water Act – Chapter 90.48 RCW

The Padilla Bay NERR's goals, objectives and actions are consistent with the Clean Water Act. There are no activities planned in the next five years that would require 401 Water Quality Certification. Application of restricted pesticides or herbicides for maintenance of the grounds or habitats is accomplished by certified applicators (who have training on laws, safety, and proper application and disposal of pesticides/herbicides). Application would only occur in the upland when movement of water across the ground (such as in winter/spring) has stopped (as in summer). Application of aquatic herbicides for control of *Spartina* is not anticipated in the next five years, but if it is necessary will be accomplished by applicators from Skagit County Noxious Weeds or Washington State Department of Fish and Wildlife under permit through the Washington State Department of Agriculture (NPDES permit for short-term water quality modification). Integrated Pest Management and Integrated Weed Management Plans call for evaluating the pest or weed, removing elements supporting the pest (such as food sources), and choosing the method(s) for control with the least environmental harm. There is a Chemical Hygiene Plan in place for the research laboratory that details how lab wastes are handled. No chemical wastes are permitted down the drains.

The Clean Air Act – Chapter 70.94 RCW

The Padilla Bay NERR's goals, objectives and actions are consistent with the Clean Air Act. Our managing agency, Department of Ecology, supports and encourages use of hybrid and electric vehicles (we installed a charging station). Solar panels installed in 2004-05 continue to provide clean energy to the grid. Any projects that might impact air quality are evaluated during the permitting process. There are no construction projects funded in the next five-year period that might trigger an air quality permit.

The Energy Facility Site Evaluation Council – Chapter 80.50 RCW

The proposed action does not include the installation of new energy facilities. Therefore, the enforceable policies of the Energy Facility Site Evaluation council are not applicable.

The Ocean Resources Management Act – Chapter 43.143 RCW

The Padilla Bay National Estuarine Research Reserve is located in Mount Vernon, Skagit County, Washington. The enforceable policies of Chapter 43.143 RCW apply only to the coastal waters of the Pacific Ocean, and therefore do not apply to the proposed action.

Determination

The Padilla Bay National Estuarine Research Reserve Management Plan is consistent to the maximum extent practicable with the approved Washington State Coastal Zone Management Plan.

Pursuant to 15 C.F.R. §930.41, the Washington Coastal Management Program has 60 days from the receipt of this statement in which to concur with or object to this Consistency Determination, or to request an extension under 15 C.F.R. §930.41 (b). The State's concurrence will be presumed if the State's response is not received by NOAA on the 60th day from receipt of this determination.

The State's response should be sent to:
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