



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

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CERTIFIED MAIL

7003 3110 0004 2966 2677

June 4, 2009

Mr. Robert Brenner
Port of Tacoma
P.O. Box 1837
Tacoma WA 98401

Dear Mr. Brenner:

On April 1, 2009, the Port of Tacoma submitted a Federal Consistency Determination stating that the Lincoln Avenue Grade Separation Project is consistent with the Washington State Coastal Zone Management Program (CZMP). Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, the Department of Ecology (Ecology) concurs with the Port of Tacoma determination that the proposed work is consistent with Washington's CZMP.

You have the right to appeal this decision to the Pollution Control Hearings Board. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.



1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:

The Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey, WA 98503

2. To serve your appeal on the Department of Ecology

Mail appeal to:

The Department of Ecology
Appeals Coordinator
P.O. Box 47608
Olympia, WA 98504-7608

OR

Deliver your appeal in person to:

The Department of Ecology
Appeals Coordinator
300 Desmond Dr SE
Lacey, WA 98503

3. And send a copy of your appeal to:

Helen Pressley
Department of Ecology
Shorelands and Environmental Assistance Program
P.O. Box 47600
Olympia WA 98504-7600

For additional information visit the Environmental Hearings Office Website:
<http://www.eho.wa.gov>

To find laws and agency rules visit the Washington State Legislature Website:
<http://www1.leg.wa.gov/CodeReviser>.

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

If you have any questions regarding Ecology's consistency determination please contact Helen Pressley at 360-407-6076.

Sincerely,



Brenden McFarland, Section Manager
Environmental Review and Transportation Section
Shorelands and Environmental Assistance Program

cc: Jack Kennedy, Corps
US Oil Refining Co
Port of Tacoma
Victor C. Marino
City of Tacoma, Tacoma City Light,
Larry and Dorothy Hayden I, LLC
Tacoma Rail Property Management
Bernard J and Enola G Bockhold
Clyde and Eleanor G Schreckendgust
TC Products Inc. Pioneer Co., Patrick Pebbles
Thorne Road Properties, LLC,
Harry L Bennett Trust PDS Tax Services
Nor Properties LLC
Jones Washington Stevedoring Co
Alp Industries, Inc. 1229
Portland's Louisiana Pacific Corporation at St Paul LLC
Sonatore Port Holdings, LLC. Pacific Coast Container
Oline Properties, LLC
Fred Tebb and Sons, Inc.
Willard Hatch
Cascade Pole

ecc: Loree' Randall, HQ ECY
Helen Pressley HQ ECY
Laura Inouye, HQ, ECY
Alex Callender – SWRO ECY