



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

October 24, 2011

Department of the Navy
Naval Magazine Indian Island
Attn: William Kalina, Environmental Manager
100 Indian Island Road
Port Hadlock, WA 98339-9723

Jamestown S'Klallam Tribe
Attn: Ron William Allen
1033 Old Blyn Highway
Sequim, WA 98382

Re: Correction to Coastal Zone Management Consistency Determination for Corps Reference
No. NWS-2009-900

Dear Mr. Kalina and Mr. Allen:

Please find attached a revised CZM Determination for the Jamestown S'Klallam Geoduck Farm at Beach 2 on Indian Island. The revision reflects the corrected project information in the reference line. The rest of the original document is correct and remains unchanged.

If you have any questions, please contact Lori Ochoa at (360) 407-6926.

Sincerely,

Perry J Lund
Southwest Regional Office
Shorelands and Environmental Assistance Program

LO:th
Enclosure

BY CERTIFIED MAIL: 7010 1670 0002 4158 0299 (Department of the Navy)
BY CERTIFIED MAIL: 7010 1670 0002 4158 0282 (Jamestown S'Klallam)



cc: Pam Sanguinetti, Corps of Engineers
Kelly Toy, Jamestown S'Klallam Tribe
Randy Hatch, Point No Point Treaty Council
Gary D. Martin, NAVMAG Indian Island
Jules Michel
Laura Hendricks, Sierra Club

e-cc: ecyrefedpermits@ecy.wa.gov
Loree' Randall, Ecology/HQ
Rick Mraz, Ecology/SWRO/SEA
Deb Cornett, Ecology/SWRO/WQ
Lori Ochoa, SWRO/SEA



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Re: Coastal Zone Management Consistency Determination for Corps Reference No. NWS-2009-900 for the planting, maintenance, and harvest of a geoduck aquaculture farm within Kilisut Harbor of Puget Sound, at Beach 2 on the northeast shore of Indian Island, Jefferson County, Washington

Dear Mr. Kalina and Mr. Allen:

On January 31, 2011, the U.S. Department of the Navy (Navy) submitted a Certification of Consistency statement and analysis with the Washington State Coastal Zone Management Program (CZMP) on behalf of the Jamestown S'Klallam Tribe. The Jamestown S'Klallam Tribe is proposing a geoduck aquaculture farm within Kilisut Harbor of Puget Sound, at Beach 2 on the northeast shore of Indian Island.

On March 17, 2011 the Navy and the Department of Ecology (Ecology) signed an agreement to extend the CZM deadline until Ecology issued a decision with regard to the 401 Water Quality Certification for the project. Ecology issued the 401 to the Jamestown S'Klallam Tribe on October 3, 2011. Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with the Navy's determination that the proposed work is consistent with Washington's CZMP as long as the conditions within Ecology's Water Quality Certification Order No. 8772 are met.

Pursuant to 15 C.F.R. § 930.4, if the conditions above are not met then all parties shall treat this conditional concurrence letter as an objection.



You have the opportunity to appeal this conditional concurrence to the Secretary of Commerce as outline below:

1. Pursuant to 15 C.F.R. § 930.63(e), within 30 days from receipt of this letter, you may request that the Secretary of Commerce override this conditional concurrence. In order to grant an override request, the Secretary must find that the activity is consistent with the objectives or purposes of the Coastal Zone Management Act, or is necessary in the interest of national security. A copy of the request and supporting information must be sent to Ecology’s Shorelines and Environmental Assistance (SEA) program and the federal permitting or licensing agency. The Secretary may collect fees from you for administering and processing your request.

2. Pursuant to 15 C.F.R. § 930.125, the appellant shall send the Notice of appeal to the Secretary, Herbert C. Hoover Building, 14th Street and Constitution Avenue, NW., Washington, DC 20230; a copy of the notice of appeal to the objecting State agency; and to the Assistant General Counsel for Ocean Services (GCOS), 1305 East West Highway, Room 6111 SSMC 4, Silver Spring, Maryland 20910.

You also 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. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. “Date of receipt” is defined in RCW 43.21B.001 (2).

To appeal you must do 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.) E-mail 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
<p>Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503</p> <p>Pollution Control Hearings Board 1111 Israel Rd SW STE 301 Tumwater, WA 98501</p>	<p>Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608</p> <p>Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903</p>

CONTACT INFORMATION

Please direct all questions about this Order to:

Contact Information:

Department of Ecology
Southwest Regional Office, SEA Program
Attn: Lori Ochoa
PO Box 47775
Olympia, WA 98504-7775
360-407-6926
Loch461@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board Website**
www.eho.wa.gov/Boards_PCHB.aspx
- **Chapter 43.21B RCW - Environmental Hearings Office – Pollution Control Hearings Board**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>

SIGNATURE



Perry J. Lund, Unit Supervisor
Southwest Regional Office

Date

10/29/2011

LO:th

cc: Pam Sanguinetti, Corps of Engineers
Kelly Toy, Jamestown S'Klallam Tribe
Randy Hatch, Point No Point Treaty Council
Gary D. Martin, NAVMAG Indian Island
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