Coastal Zone Management Protocol

Instructions to lenders/sponsors for Coastal Zone Management Act compliance

PROPOSED NEW CONSTRUCTION OR MAJOR REHABILITATION ONLY

Projects located in Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Wahkiakum and Whatcom Counties must comply with Coastal Zone Management Act.

1. The lender/sponsor must provide the following attached checklist for lenders/sponsors to the HUD **Multifamily Housing Representative** *at the earliest possible stage* to comply with Coastal Zone Management in the above listed counties.

   Provide the following information to the HUD:
   - A description of the overall project, and an explanation of the planned use of the HUD funds.
   - A common address and legal description of the property
   - A faxable site plan
   - A topographic map showing the existence or absence of any shorelines. An Internet site that you may want to consider to obtain this information is www.topozone.com.
   - The completed and signed "**Determination of Consistency with Washington's Coastal Zone Management Program."**
   - A description and copy of any public notice (typically required for permit process) if the project is within 200 feet of a Shoreline Management water body. Typically provided by local permit authorities.

2. The HUD appraiser will complete the HUD attached checklist, Certification of consistency and form HUD- 4128, Environmental Assessment.

   - Complete the attached "Certification of Consistency with Washington's Coastal Zone Management Program," and send it to the Department of Ecology (DOE) at the following address: **Loree Randall,** Federal Consistency Procedures Coordinator, Shorelines & Environmental Assistance Program, Department of Ecology, P.O. Box 47690, Olympia, WA 98504-7690 or **fax it to Loree Randall at (360) 407-6068**.
     In your fax cover or cover letter:
     - Identify the applicant as HUD and the Federal Program, i.e. Section 202, 811, 221d4 etc.
     - The lender and/or sponsor developing the project and HUD appraiser and/or representative must sign the Certification of Consistency.
   - Record and attach the checklist and Certification of Consistency Determination to the form HUD-4128.1 worksheet and/or form HUD-4128 Environmental Assessment and findings.
   - The checklist and Certification of Consistency Determination are used to condition the Form HUD-4128 and firm commitment to ensure completed actions prior to initial closing.

Coastal Zone Management

Checklist for HUD or Responsible Entity

General requirements	Legislation	Regulation
Ensure that projects are consistent with the State Coastal Zone Plan	Coastal Zone Management Act 16 U.S.C. 1451-1464	15 CFR Part 930

1. Is the project located in Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Wahkiakum or Whatcom Counties?

☐ No: Stop here. The CZM review is complete. Record your determination on the EA, Statutory Worksheet or 4128.
☐ Yes: PROCEED to #**2**

2. Does the project include new construction or major rehabilitation of existing structures? Major rehabilitation means work that exceeds the categorical exclusion threshold at 24 CFR Part 58.35(a) and therefore requires a full Environmental Assessment.

☐ No: STOP here. The Costal Zone Management review is complete. Record your determination on the EA, Statutory Worksheet or 4128.
☐ Yes: PROCEED to #**3**

3. Does the project comply with the enforceable policies of the Coastal Zone Management Program?

- Complete the attached "Certification of Consistency with Washington's Coastal Zone Management Program," and send it to the Department of Ecology (DOE) at the following address: **Loree Randall** , Federal Consistency Procedures Coordinator, Shorelines & Environmental Assistance Program, Department of Ecology, P.O. Box 47690, Olympia, WA 98504-7690 or fax it to her at (360) 407-6902. Be sure to identify the Federal Program, i.e. CDBG, Section 202, SHOP, etc. The Applicant is HUD or the Responsible Entity. The lender or non-profit organization that is developing the project should sign the first certification on the form. HUD (under Part 50) or the responsible entity (under Part 58) signs the determination that the action will not affect coastal resources (once it has been determined that the project will comply with all enforceable policies of the CZM Program).

☐ Yes: STOP here. The Coastal Zone Management Review is complete. ☐ You should have a mechanism in place (i.e. condition to the contract or FIRM Commitment) to assure the recipient has completed all actions prior to releasing funds. Attach a copy of the Certification. Record your determination on the EA, Statutory Worksheet or 4128.
☐ **No: If the project will not comply will all enforceable policies as outlined on the Certification of Consistency, work with Department of Ecology to mitigate issues. Do not initiate the Project until CZM has been mitigated.**

DISCLAIMER: This document is intended as a tool to help grantees and HUD staff complete NEPA requirements. This document is subject to change. This is not a policy statement, and the Coastal Zone Management Legislation and Regulations take precedence over any information found in this document.

Questions concerning environmental requirements relative to HUD programs can be addressed to Deborah Peavler-Stewart (206) 220 5414 or Sara Jensen (206) 220 5226.

Coastal Zone Management

Checklist for Grantee (Other than Responsible Entity), Lender, or Non-Profit

General requirements	Legislation	Regulation
Ensure that projects are consistent with the State Coastal Zone Plan	Coastal Zone Management Act 16 U.S.C. 1451-1464	15CFR Part 930

1. Is the project located in Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Wahkiakum or Whatcom Counties?

☐ No: Stop here. The CZM review is complete
☐ Yes: PROCEED to #**2**

2. Does the project include new construction or major rehabilitation of existing structures? Major rehabilitation means work that exceeds the categorical exclusion threshold at 24 CFR Part 58.35(a) and therefore requires a full Environmental Assessment.

☐ No: STOP here. The Costal Zone Management review is complete. Provide HUD with a specific description of your project.
☐ Yes: PROCEED to #**3**

3. Determine if the project complies with the enforceable policies of the Coastal Zone Management Program.

Complete and sign (where the form indicates recipient) the attached Certification of Consistency with Washington Coastal Zone Management Program for Federally Funded Activities. HUD or the Responsible Entity will identify the Federal Program and Applicant. You may want to contact your local or state government department that is responsible for planning and permitting in your jurisdiction for assistance. Return the form to HUD or the Responsible Entity, whichever is performing the environmental review for your project.

☐ PROCEED to #4

4. Provide the following information to the HUD Official

- A description of the overall project, and an explanation of the planned use of the HUD funds.
- A common address and legal description of the property
- A faxable site plan
- A topographic map showing the existence or absence of any shorelines. An Internet site that you may want to consider to obtain this information is www.topozone.com.
- The completed "Determination of Consistency with Washington's Coastal Zone Management Program."
- A description and copy of any public notice (typically required for permit process) if the project is within 200 feet of Shoreline Management water body.

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Questions concerning environmental requirements relative to HUD programs can be addressed to Deborah Peavler-Stewart (206) 220 5414 or Sara Jensen (206) 220 5226

CERTIFICATION OF CONSISTENCY WITH WASHINGTON'S COASTAL ZONE MANAGEMENT PROGRAM FOR FEDERALLY FUNDED ACTIVITIES

Federal Program:_____
Applicant:_____

Project Description:_____

Attach: Faxable site plans, common address, legal description of property (include county/city), and map showing proximity to waterbody (name waterbody(s).

This action under CZMA§307(c)(3) is for a project which will take place within Washington's coastal zone, or which will affect a land use, water use, or natural resource of the coastal zone. *(The coastal zone includes Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Wahkiakum and Whatcom counties.)*

The project complies with the following enforceable policies of the Coastal Zone Management Program:
(Check the box describing the current status of each policy)

	State requirements have been met			**Additional info must be obtained prior to release of funds**	
Enforceable Policies	Does not require a certification or permit	Has received an exemption	Has a valid permit or certification	Has applied for a permit or certification	Will apply as appropriate for a permit or certification
1. Shoreline Management Act **					
2. State Water Quality Requirements: **a. Water Quality**					
b. Stormwater					
3. State Air Quality Requirements					

4. State Environmental Policy Act: SEPA Lead Agency is:_____
Project is exempt from SEPA ( )
Project will comply with SEPA ( )
SEPA checklist submitted ( ) date_____
SEPA decision issued/adopted ( )DNS ( )MDNS ( )EIS ( )Other_____date_____
NEPA decision adopted by ( )SEPA #_____date_____

**Public Notice must be provided if the project is within the water or within 200 feet of a Shoreline Management Act water body?

Public Notice is required for the proposed project? No_____ Yes _____(identify method below)
( )notice mailed to interested parties using _____mailing list on _____(date)
( )publication in_____(newspaper) on_____(dates)
( )other_____ (dates) If public notice is required and you have not provided it, CZM staff will publish the notice. You must not initiate the project until you have been notified by CZM.

Therefore, I certify that prior to initiating the project I will obtain applicable permits and certifications as described above and the project will be conducted in a manner consistent with the Coastal Zone Management Program.

(Signature)_____ Date_____
(**Recipient**)

HUD or its designated Responsible Entity concludes this action will not effect coastal resources.
Funds will not be released until all State Agency requirements have been met.

(Signature)_____ Date _____
(**HUD or Responsible Entity**)