



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (August 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 07, 2017

TIME: 2:58 PM

WSR 17-17-016

Agency: Department of Ecology AO#15-06

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose:

Ecology is adopting amendments to:

- Chapter 173-18 - Shoreline Management Act - Streams and Rivers Constituting Shorelines of the State;
- Chapter 173-20 - Shoreline Management Act - Lakes Constituting Shorelines of the State;
- Chapter 173-22 - Adoption of Designations of Shorelands and Wetlands Associated with Shorelines of the State;
- Chapter 173-26 - Shoreline Master Program Approval/Amendments Procedures and Master Program Guidelines;
- Chapter 173-27 WAC - Shoreline Management Permit and Enforcement Procedures.

These rule changes include:

1. Clarifying the process to comply with the periodic review requirement per Shoreline Management Act, RCW 90.58.080 as the first round of Shoreline Master Program (SMP) reviews will be due to Ecology June 2019;
2. Simplify the process for approving minor updates to SMPs;
3. Housekeeping amendments to include the following
 - Update the list of shorelines of the state to be consistent with the SMP updates;
 - Ensure consistency with amendments to statute since the last rule revision;
 - Capture any administrative updates since the last rule revision.

Citation of rules affected by this order:

New:
 Repealed:
 Amended: Chapters 173-18,173-20,173-22,173-26 and 173-27 WAC
 Suspended:

Statutory authority for adoption: Shoreline Management Act RCW 90.58.

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 17-06-067 on February 28, 2017 (date).

Describe any changes other than editing from proposed to adopted version:

WAC 173-26-090 (1) – In response to comments, deleted section (b);
 WAC 173-26-090 (2)(d)(ii) – In response to comments, clarified the description of the scope of periodic review;
 WAC 173-26-090 (2)(d)(iii) – In response to comments, clarified the description of the scope of periodic review;
 WAC 173-26-090 (3)(b)(iii) – In response to comments, clarified the distinction between the scope of the comprehensive update and the scope of the periodic review;
 WAC 173-26-104 (1)(a) – Minor correction. Deleted the reference to providing checklists for “comprehensive updates” because the rule does not allow the optional joint review process for those major updates;
 WAC 173-26-104 (3)(a)(iii) – Minor grammatical correction. Added the missing preposition “with”;
 WAC 173-26-130 (1) – In response to a comment, added back a reference to RCW 90.58.190. The citation had been inadvertently omitted in the proposed version;
 WAC 173-27-030 (18) – In response to comments, Ecology will not adopt any change to this section;
 WAC 173-27-060 (1) – In response to comments, Ecology will not adopt any change to this section

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Fran Sant

Address: Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

Phone: (360) 407-6004

Fax: N/A

TTY: 711 or 1-800-833-6341

Email: smarulemaking@ecy.wa.gov

Web site: <http://www.ecy.wa.gov/programs/sea/rules/1506ov.html>

Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted in the agency's own initiative:

New	<u>5</u>	Amended	<u>48</u>	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>5</u>	Amended	<u>48</u>	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date adopted: August 7, 2017

Name: Maia D Bellon

Title: Director

Signature:

Maia Bellon by Polly Zehm