



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology AO #15-06

- Preproposal Statement of Inquiry was filed as WSR 15-19-002; or
- Expedited Rule Making--Proposed notice was filed as WSR _____; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

Title of rule and other identifying information:

Ecology is proposing amendments related to implementation of the Shoreline Management Act (SMA) RCW 90.58, specifically:

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

Hearing location(s): Ecology will be holding four (4) separate hearings statewide on the proposed SMA rulemaking:

- April 5, 2017 – Lacey
- April 6, 2017 – Bellevue
- April 11, 2017 – Spokane
- April 13, 2017 – Union Gap

See attachment "A" for exact time and location details.

Submit written comments to:

Name: Fran Sant

Address: Department of Ecology, SEA Program
PO BOX 47600
Olympia, WA 98504-7600

e-mail smarulemaking@ecy.wa.gov

by (date) May 15, 2017

Date of intended adoption: August 2, 2017

(Note: This is **NOT** the effective date)

Assistance for persons with disabilities: Contact Shorelands and Environmental Assistance Program by: April 1, 2017 at (360) 407-6600

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Ecology proposes to adopt amendments to Chapters 173-18, 173-20, 173-22, 173-26 and 173-27 WAC. 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.

Reasons supporting proposal:

- Defining procedures for local governments to conduct mandatory SMP periodic reviews will ensure a thorough public process and reduce the likelihood of appeals on procedural grounds.
- Creating a new optional SMP approval process will speed improvements to SMPs
- Adopting "housekeeping" amendments to keep Ecology rules current with recent statutory amendments ensures the rule is a relevant and dependable information source.

Statutory authority for adoption: Shoreline Management Act Chapter 90.58 RCW

Statute being implemented: Chapter 90.58 RCW

Is rule necessary because of a:

- Federal Law? Yes No
- Federal Court Decision? Yes No
- State Court Decision? Yes No
- If yes, CITATION: _____

DATE 2/28/2017

NAME
Polly Zehm

SIGNATURE

TITLE Deputy Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: **February 28, 2017**

TIME: **4:40 PM**

WSR **17-06-067**

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

N/A

Name of proponent: Department of Ecology

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Tim Gates	Department of Ecology, Lacey, WA	(360) 407-6522
Implementation.... Fran Sant	Department of Ecology, Lacey, WA	(360) 407-6004
Enforcement..... Brian Lynn	Department of Ecology, Lacey, WA	(360) 407-6224

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

The proposed amendments meet the criteria of exemption from analysis under RCW 19.85.030 which requires an agency to prepare a small business economic impact statement (SBEIS) "if the proposed rule will impose more than minor costs on businesses in an industry". The proposed amendments to Ecology's Shoreline Management Act (SMA) rules do not impose any costs on businesses because it only applies to local jurisdictions. Therefore, Ecology is not required to prepare a SBEIS.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Fran Sant

Address: Department of Ecology

PO Box 47600

Olympia, WA 98504-7600

phone (360) 407-6004

e-mail smarulemaking@ecy.wa.gov

No: Please explain:

Attachment A

Shoreline Management Act (SMA) Hearing dates, times and locations:

April 5, 2017 – Lacey location

Department of Ecology
300 Desmond Drive
Lacey, WA 98503

Time: 1:30pm - Ecology will have a brief presentation, followed by a question and answer session followed by the formal hearing.

April 6, 2017 – Bellevue location

Department of Ecology
3190 160th Ave SE
Bellevue, WA 98008

Time: 10:00am - Ecology will have a brief presentation, followed by a question and answer session followed by the formal hearing.

April 11, 2017 – Spokane location

Spokane Public Library – Shadle Branch
2111 W Wellesley Avenue
Spokane, WA 99205

Time: 1:30pm - Ecology will have a brief presentation, followed by a question and answer session followed by the formal hearing.

April 13, 2017 – Union Gap location

Department of Ecology
1250 West Alder Street
Union Gap, WA 98903-0009

Time: 10:00am - Ecology will have a brief presentation, followed by a question and answer session followed by the formal hearing.