

## State Shoreline Management Act rulemaking

### Announcement: Fall Listening Sessions

On September 23, 2024, we will host two virtual public listening sessions. These meetings are open to all; please join us to ask questions and let us know your interests and concerns regarding the rule update!

### Public input & involvement

#### Ecology's public meetings

Time	Audience
9-10:30 am	Public listening session
7-8:30 pm	Public listening session

#### Local government sounding board

On September 23, 2024, we will also be hosting a kick-off meeting for a working group composed of local government planning staff. This meeting is open to the public for observation and will include a short time for public input at the end.

Time	Audience
1-3 pm	Local government sounding board

### State Shoreline Management Act rulemaking overview

The [Shoreline Management Act](#) (SMA) is a cornerstone state environmental law adopted by voters in 1972. It is intended to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

The SMA directs the Department of Ecology to work in partnership with cities and counties to protect, restore, and responsibly develop Washington's 28,000 miles of stream, lake, and marine shorelines. The Act has three broad objectives:

- Protect the shoreline environment
- Promote access to public shorelines
- Prioritize uses requiring a shoreline location

To implement the SMA, cities and counties adopt land-use policies and regulations, called shoreline master programs (SMPs), that guide the use of shorelines in their jurisdictions. Ecology then approves each local SMP. Nearly 260 cities and counties have state-approved, locally tailored SMPs for their regulated shoreline areas. Under the SMA, Ecology also periodically reviews and updates state rules—called the Washington Administration Code (WAC)—that apply to SMPs.

Ecology is now seeking to amend the five state rules that implement the SMA to make sure they are current, reflect statutory changes, and help local governments uphold the Act. These

are Chapters [173-18](#), [173-20](#), [173-22](#), [173-26](#), and [173-27](#) WAC. Once adopted, the new rules will apply to cities and counties when they update their existing SMPs during the next periodic review cycle starting in 2027.

## Why are we doing rulemaking?

- To address various issues we have identified over the years reviewing, adopting, and implementing SMPs. We’re seeking to provide clarity around issues related to SMP permitting, amendments, enforcement, and approvals.
- To help local governments address the impacts of sea level rise and increased storm severity in their SMPs, as required by [state law](#).
- To update the list of streams, rivers, and lakes in completed SMPs, and clarify shoreland and wetland designations associated with shorelines of the state.

## Rulemaking timeline

Date (subject to change)	Activity
May 2, 2024	Announced rulemaking (file the CR-101 form)
May 2024-summer 2025	Hold stakeholder and partner engagement
Fall 2024-spring 2025	Develop draft rules
Spring 2025	Informal comment period on draft rules
Summer 2025	Revise draft rules based on comments
Fall 2025	Prepare for rules proposal
January 2026	Propose rules (file the CR-102 form)
February-March 2026	Hold at least four public hearings and a 60-day formal comment period
Spring 2026	Review and respond to comments; revise draft rules
Summer 2026	Adopt rules (file the CR-103)
Summer 2026	Rules effective (usually 31 days after filing)

## What topics will the rules update consider?

Topics will be determined during the scoping process and may include the following:

- Tribal engagement
- Riparian management
- Stream channel migration zones
- Critical area protection
- Preservation of archaeological, historical, and cultural resources
- Shoreline modifications such as mooring buoys, septic systems, and outfalls
- Federal [Coastal Zone Management Act](#) consistency
- Shoreline stabilization methods such as hard armoring and soft alternatives

- Voluntary shoreline restoration
- Sea level rise and storm severity
- Compliance and enforcement
- No net loss of shoreline ecological functions

### **Sea level rise and storm severity**

Sea levels are rising at many locations along Washington's coast. [Sea level rise projections](#) for Washington indicate that by 2100, sea levels will likely rise about 1.5 to 2.5 feet along the state's coastline, and higher levels are possible. Sea level rise is not uniform across Washington's coastline. Due to regional geology, some areas are uplifting while others are subsiding, resulting in a range of relative sea level rise rates.

Rising sea levels have significant impacts for coastal communities, infrastructure, and ecosystems:

- As sea levels rise, shoreline jurisdiction will shift landward in many places.
- Coastal hazards like flooding, erosion, saltwater intrusion, and groundwater rise will be more frequent and affect areas farther inland as sea levels rise. For example, the December 2022 coastal flooding event that impacted many Washington communities was exacerbated by sea level rise.
- Severe storms and other drivers of coastal high water levels will have more-significant impacts as sea level rises, including increasing the risk of flooding.
- Without intervention, habitat may be lost or degraded in places where it cannot shift.

Addressing these changes is a major challenge for managing our shorelines. It is also an opportunity to improve the ability of coastal communities to thrive in the present, adapt to climate change challenges, and transform as necessary to meet future threats and opportunities.

### **How is Ecology considering sea level rise in this rulemaking?**

The rulemaking process will establish a new requirement that local governments address the impact of sea level rise and increased storm severity in their SMPs. Since SMPs plan for and regulate shoreline development, they are an important policy and regulatory tool for adapting to climate change. The new requirements will include process elements, such as identifying vulnerable shoreline areas, as well as outlining and guiding the types of sea level rise-focused provisions SMPs will need to include.

### **Looking forward**

- During future periodic review cycles, all cities and counties will be required to update their SMPs to align with the new rules. For cities and counties with shorelines exposed to sea level rise, this will include taking steps to understand their vulnerabilities and adopt provisions to guide their sea level rise adaptation efforts.

- Many local governments are currently undertaking climate planning activities such as updating comprehensive plans and hazard mitigation plans. Local governments should [look for opportunities](#) during these processes to help prepare for future SMP reviews. For example, local governments undertaking vulnerability assessments should include hazards and assets relevant to shoreline management in these studies.

### **Environmental justice**

Ecology is the state's lead environmental agency, whose mission is to protect, preserve, and enhance the environment for current and future generations. As we work to build a healthier environment, we must make sure no community is overburdened by environmental pollution, and that we strive to eliminate environmental and health disparities. As part of our SMP rulemaking efforts, we are completing an environmental justice assessment under the state [Healthy Environmental for All Act](#) to ensure we hear and address the priorities and concerns of Tribes and overburdened communities and vulnerable populations.

### **How you can participate**

To help develop draft language for our [SMP rule updates](#), we will conduct public information and listening sessions to gather input, knowledge, and guidance. Once we have drafted the revised rules, we will hold an informal comment period as well as a formal public comment period and public hearings. You can also sign up for [notifications](#) about our rulemaking.

### **For more information**

- Email us with any questions or input at our shoreline rulemaking address: [smarulemaking@ecy.wa.gov](mailto:smarulemaking@ecy.wa.gov).
- Contact our rulemaking lead, Rebecca Rothwell, at [rebecca.rothwell@ecy.wa.gov](mailto:rebecca.rothwell@ecy.wa.gov) or 360-810-0025.
- Visit our [rulemaking web page](#).
- Visit our [climate resilience and shoreline management webpage](#).