



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

# Rule Implementation Plan

**Chapters 173-18, 173-20, 173-22, 173-26, and 173-27 WAC**

**Shoreline Management Rules**

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## Publication and Contact Information

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# Purpose

The Washington State Department of Ecology (Ecology) provides the information in this implementation plan to meet agency and Administrative Procedure Act (RCW 34.05.328) requirements related to rule adoptions.

# Introduction

On August 7, 2017, Ecology adopted amendments to:

- Chapter 173-18 WAC - SMA–Streams and Rivers Constituting Shorelines of the State
- Chapter 173-20 WAC - SMA–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

The purpose of this rule implementation plan is to inform those who must comply with amended Chapters 173-18, 173-20, 173-22, 173-26, 173-27 WAC about how Ecology intends to:

- Implement and enforce the rules.
- Inform and educate persons affected by the rule.
- Promote and assist voluntary compliance for the rule.
- Evaluate the rule.
- Train and inform Ecology staff about the new or amended rule.

Also included in this plan is information about:

- Supporting documents that may need to be written or revised because of the new rule or amended rule.
- Other resources where more information about the rule is available.
- Contact information for Ecology employees who can answer questions about the rule implementation.

# Implementation and Enforcement

Ecology will implement and enforce the revised rule in the same way the current rule is implemented and enforced. The majority of amendments did not result in changes that would affect the way shoreline regulations are implemented or enforced.

For the periodic review, revisions to WAC 173-26-090 describe how Ecology and local governments will perform their roles. Ecology will provide checklists of legislative and rule amendments, and provide technical assistance. In addition, Ecology will provide pass-through grants to local governments from funds allocated by the Washington Legislature. The 2017-2019 biennial budget

includes \$1.4 Million for shoreline grants to local governments. Ecology will provide trainings for local government through workshops or webinars.

For the new optional joint SMP amendment review process, WAC 173-26-104 describes Ecology's implementation role in detail. This role is not very different than the existing amendment process, but provides an option to combine the local and state comment period into a single combined process. The optional process will require Ecology engagement with local governments and interested parties earlier in the process when compared to the existing process.

## **Informing and Educating Persons Affected by the Rule**

Ecology informed and solicited input from interested persons throughout the rule development process through agency email lists (WAC Track and program lists), a rulemaking web page, e-mail, and regular mail. Ecology received feedback and early input from a local government sounding board. Ecology sent notice to tribal governments. Ecology released a preliminary draft rule for informal comment to get more input before proposing a formal draft rule (CR-102) for public comment. Four hearings on the draft rule (CR-102) were held across the state. After rule adoption, notice will be sent to persons involved or interested in the rule change including: local governments, interested parties lists, tribal governments and others. Ecology will continue to be available to external interests to explain the formal rule changes. For the periodic review, Ecology will host a web page as a one-stop shop for technical assistance materials, including required checklists and sample public participation plans and ordinances. Ecology will also provide trainings through workshops or webinars along with grant resources.

## **Promoting and Assisting Voluntary Compliance**

Ecology will continue to work with key interests to encourage voluntary compliance with all shoreline master program rule requirements. For the periodic review, Ecology will provide trainings, grants and technical assistance resources.

## **Evaluating the Rule**

The purpose of clarifications to the periodic review requirement in WAC 173-26-090 is to define a process to comply with a statutory obligation to review local SMP's consistent with the schedule provided in RCW 90.58.080. Ecology is an active participant in the procedures and has final approval authority over the results. Ecology will evaluate whether the rules provide adequate clarity about procedures through direct feedback from local government partners and through interviews and/or surveys.

The purpose of the new "joint review" under WAC 173-26-104 is to provide a more efficient process for approving amendments to SMPs. Ecology will evaluate whether the rule improves timeliness of approvals by comparing review times using the new optional process. Ecology will conduct interviews and/or surveys of local governments to get feedback on both the periodic review and the joint review process to get feedback to improve the process.

Other rule amendments were adopted for the purpose of ensuring consistency with amendments to statute since the last rule revision, or capturing minor administrative updates that are not subject to evaluation. The use of milestones are not applicable to the current revisions to shoreline rules.

## **Training and Informing Ecology Staff**

Throughout the rulemaking process, Ecology staff members have been informed of the proposed changes through regular staff meetings and emails. The biggest training need for Ecology staff will be training on how to use the new EAGL grant system. Ecology will be implementing the periodic review with the help of grants. The Shorelands Program is the last program in the agency to convert to the use of this electronic grant system, so regional staff will need training.

## **List of Supporting Documents that May Need to be Written or Revised**

The primary supporting document that must be written is a web page with links to basic periodic review information. A draft has been prepared and will be posted once the rule is adopted. Other guidance documents such as a periodic review checklist will facilitate implementation of the updated review procedures. A number of existing chapters of the SMP Handbook will need minor revisions.

## **More Information**

Please visit the Shoreline Planner Toolbox:

<http://www.ecy.wa.gov/programs/sea/shorelines/smp/toolbox.html>

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