



Washington Coastal Zone Management Program Enforceable Policies

Washington State Department of Ecology
Olympia, Washington

September 2020

Publication Number: 20-06-013

Publication Information

This document is available on the Department of Ecology's website at:

<http://ecyapfpass/Biblio2/SummaryPages/2006013.html>

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Introduction

The federal Coastal Zone Management Act (CZMA) authorizes states with approved Coastal Zone Management Programs to review projects where the proposal is in, or has the potential to affect, a state's coastal zone, and the project has a federal nexus, i.e. "federal action". A "federal action" can be: a development project or other activity with reasonably foreseeable coastal effects that is proposed by a federal agency; an application for a federal license or permit or other form of federal authorization that is listed by the Washington Coastal Zone Management Program (WZCMP) as being subject to review; or a state or local application for a form of federal financial assistance for a project with reasonably foreseeable coastal effects that is listed by the WZCMP as being subject to review. States review such projects for consistency with their approved Coastal Zone Management Program's "enforceable policies." Only those enforceable policies which the National Oceanic and Atmospheric Administration (NOAA) has approved for incorporation into a state's Coastal Program may be applied when states review federal activities for consistency. For additional information, please visit Ecology's [Coastal Zone Management Federal Consistency Review page](#).

NOAA's Office of Coastal Management (OCM) describes an enforceable policy as "a state policy that is legally binding under state law (e.g., through constitutional provisions, laws, regulations, land use plans, ordinances, or judicial or administrative decisions), and by which a state exerts control over private and public coastal uses and resources, and which are incorporated in a state's federally approved CMP." CZMA § 304(6a) and 15 C.F.R. § 930.11(h).

Washington's Coastal Zone Management Program (WCZMP) includes enforceable policies that are found in four state laws and their implementing regulations (Washington Administrative Code (WAC)), and in the [Marine Spatial Plan for Washington's Pacific Coast](#) (MSP). This document before you contains lists of the approved enforceable policies of the WCZMP in the attached tables, current as of the date on the front page of this document. Not every single section or provision of each state law, regulation, or plan qualifies as an enforceable policy, and the tables in this publication list only those sections or provisions that OCM has approved as "enforceable" for the purposes of determining the consistency of federal actions. Each table's "At a Glance" column is meant to give the applicant a quick reference to help determine whether a particular enforceable policy applies. Thus, the pertinent enforceable policies are summarized, and, in some cases, specifically called out as those to focus on when preparing a Consistency Determination or Certification. For example, the table with the shoreline modification guidelines of the Washington Administrative Code at 173-26-231 points the applicant to subsection (3), which includes provisions that are more substantive in nature than some of the other subsections that contain broader, more general information.

The WCZMP's enforceable policies are found in the following laws, regulations, and plan:

1. Shoreline Management Act (SMA) – RCW 90.58
 - WACs 173-15 through 26
2. Water Pollution Control Act (WPCA) – RCW 90.48
 - WACS 173-40 through 270
 - WACs 372-52 through 68
3. Washington Clean Air Act (WCAA) – RCW 70.94
 - WACs 173-400 – 495
4. Ocean Resources Management Act (ORMA) – RCW 43.143
 - See Ocean Management Guidelines at WAC 173-26-360
5. The Marine Spatial Plan for Washington's Pacific Coast (MSP)
 - Important, Sensitive, & Unique Areas (ISUs) Standards
 - Fisheries Protections Standards

As required by the CZMA and associated federal regulations, Ecology updates the WCZMP and its enforceable policies on a regular basis. Please visit [Ecology's Coastal Zone Management program announcements page](#) to find impending, recent, and past changes. All changes submitted to, and approved by, NOAA appear on NOAA's website with copies of public notices and [OCM approval letters](#) (to find the letters, choose "Washington" from the "Filter by Program" drop-down menu towards the top of the page).

The Washington Shoreline Management Act (RCW 90.58) and Implementing WACs

The 1971 state Shoreline Management Act (SMA) has a broad reach: coverage extends to shorelines of the state and shorelines of statewide significance, both of which include coastal marine waters, wetlands, aquatic areas, lakes, and streams. The law provides for the management of the shorelines of the state “by planning for and fostering all reasonable and appropriate uses.” The law is aimed at “protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.” See 90.58.030 (2) for the SMA’s geographical extent. <https://app.leg.wa.gov/RCW/default.aspx?cite=90.58.030>

The SMA establishes a permitting system that is administered through local Shoreline Master Programs (SMPs). If a proposal meets the definition of "Substantial development," which means *“any development of which the total cost or fair market value exceeds five thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state”*, then generally, a Shoreline Substantial Development Permit or Conditional Use Permit or Variance is required. The applicant will work with local governments to secure that permit, which confirms that the proposed project is consistent with the local SMP. In most cases, this permit is evidence that the project is consistent with the enforceable policies of the SMA and the WACs.

The requirement to obtain state and local permits pursuant to the SMA and SMPs is a state law requirement independent of the requirements of the CZMA. In the case where a Federal license and/or permit applicant must also obtain a local Shoreline Development Permit (SDP), and/or a Conditional Use Permit (CUP) or Variance, the issuance of the permit may be sufficient to show that a project meets the requirements of the SMA, for consistency purposes with the WCZMP.

How to use Shoreline Master Programs for Federal Consistency under the CZMA

The local Shoreline Master Programs (SMPs) are not enforceable policies of the WCZMP, but the standards and policies contained within SMPs were developed to meet the objectives of the SMA and its implementing WACs, many of which are approved enforceable policies for CZMA consistency review purposes. As noted above, if a shoreline permit is issued for the project, then no further review of the SMA’s enforceable policies may be necessary. However, if the applicant is not required to obtain a permit, (either because it is a federal agency or is holding a shoreline permit exemption from the local government) but the SMA would apply, then, for federal consistency purposes the applicant will need to demonstrate consistency with the SMA and its implementing WACs. Thus, the applicant is advised to rely on the applicable SMP because SMPs constitute local expressions of the SMA for that particular area. The SMPs should be used as guidance or a tool to evaluate whether a project or proposal is consistent with the enforceable policies of the SMA and the WACs.

Unless required by Federal law, Federal agencies are not required to obtain shoreline permits. However, Ecology encourages Federal agencies to rely on the provisions of the applicable SMPs, when preparing their Consistency Determinations, as an administrative convenience to demonstrate consistency. In doing so, the WCZMP recognizes that the Federal agency is not applying for a permit or requesting local authorization. The Federal agency can work with local governments for input in preparing a Consistency Determination that is based on the SMP. Federal agencies should [visit Ecology’s SMP website](#) for “Amendments” and “Approved SMPs”, for the most current version of the SMP. If questions remain, please [contact the Ecology Regional Planner](#) for information.

If a Federal agency chooses NOT to rely on the SMPs to demonstrate consistency, it should review the enforceable policy tables below and determine which policies the agency needs to meet. The Federal agency must then describe, in its Consistency Determination, how the project is consistent with those policies.

Table 1: Shoreline Management Act (90.58 RCW)

Section	Title	“At a Glance” Summary
<p>90.58.020</p>	<p>Legislative findings - State policy - Use preference</p>	<p>The shorelines of the state are among the most valuable and fragile of its natural resources and there is great concern throughout the state relating to their utilization, protection, restoration, and preservation.</p> <p>It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.</p> <p>The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance (read 90.58.030(2)(f) for a definition of Shorelines of Statewide Significance). The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:</p> <ol style="list-style-type: none"> 1. Recognize and protect the statewide interest over local interest 2. Preserve the natural character of the shoreline 3. Result in long term over short term benefit 4. Protect the resources and ecology of the shoreline 5. Increase public access to publicly owned areas of the shorelines 6. Increase recreational opportunities for the public in the shoreline 7. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary <p>The public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. Uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline.</p> <p>Alterations of the natural condition of the shorelines of the state, when authorized, shall be given priority for:</p> <ul style="list-style-type: none"> • Single-family residences and their appurtenant structure • Ports • Shoreline recreational uses including but not limited to <ul style="list-style-type: none"> ▪ parks, marinas, piers, and other improvements facilitating public access to shorelines of the state • Industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state • Other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state

Table 1: Shoreline Management Act (90.58 RCW) *continued*

Section	Title	“At a Glance” Summary
90.58.030	Definitions and concepts	This section provides definitions and applicable concepts for administration, geographical, and procedural terms used in the SMA.
90.58.040	Applicability	The SMA applies to all "shorelines of the state."
90.58.065	Agricultural activities	This section addresses new agricultural activities on non-agricultural lands, the conversion of agricultural lands to other uses, and provides definitions for agricultural activities, products, equipment, and lands.
90.58.100	Regulations	This section authorizes Shoreline Master Programs as regulations for implementing the policies of the SMA.
90.58.140 Entire section except sub-sections (4), (5)(a), (5)(b)(iii)	Grounds for project approval	This section establishes that all development undertaken on the shorelines of the state must be consistent with the policy of this chapter, the applicable guidelines, rules, or master program. Project proponents have the burden of proving that a proposed substantial development is consistent with the criteria.
90.58.150	Timber cutting, commercial	When cutting timber within 200 feet abutting landward of the OHWM within shorelines of statewide significance, only selective cutting is allowed, so that no more than 30% of the merchantable trees may be harvested in any 10-year period; with some exceptions. Clear cutting of timber which is solely incidental to the preparation of land for other uses authorized by this chapter may be permitted.
90.58.270	Non-application and Floating homes	This section classifies floating homes permitted or legally established prior to Jan. 1, 2011 as a "conforming preferred use," and defines "conforming preferred use" and "floating home." A floating on-water residence legally established prior to July 1, 2014, is considered a "conforming use." Other terms are defined.
90.58.310	Shorelines of statewide significance	This section allows the legislature to designate additional shorelines of the state as shorelines of statewide significance.
90.58.320	Height limitation	No shoreline permit may be issued for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines <i>except</i> where a master program does not prohibit such buildings, and <i>then only</i> when such use serves overriding considerations of the public interest.

Table 1: Shoreline Management Act (90.58 RCW) *continued*

Section	Title	“At a Glance” Summary
90.58.355	Persons, projects, and activities not required to obtain certain permits or review	<p>Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review conducted by a local government to implement this chapter do not apply to:</p> <ol style="list-style-type: none"> (1) Any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW (2) Any person installing site improvements for stormwater treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system stormwater general permit (3) The department of transportation projects and activities that meet the conditions of RCW 90.58.356. <p>Ecology ensures compliance with the substantive requirements of the SMA through the associated state permit review, approval or authorization process required for the activities above.</p>
90.58.350	Treaty rights	Nothing in this chapter shall affect any rights established by treaty to which the United States is a party.
90.58.550	Oil or natural gas exploration in marine waters	This section includes the applicable definitions, permit application requirements, review criteria for oil and gas exploration in marine waters for activities conducted by persons other than an agency of the United States or the state of Washington.
90.58.580	Shoreline Restoration Projects	This section provides a relief mechanism from development standards and use regulations within urban growth areas when a restoration project has resulted in a landward shift in the OHWM if certain criteria are met.
90.58.900	Liberal construction	The SMA is exempted from the rule of strict construction, and it shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

Table 2: Shoreline Management Act Regulations (WAC 173-15 to 173-22)

Section	Title	“At a Glance” Summary
WAC 173-15	Oil or Natural Gas Exploration Activities Conducted from State Marine Waters	These rules implement RCW 90.58.550 by establishing the basic authority, providing definitions, and establishing permit requirements for oil and natural gas exploration activities.
WAC 173-18	Streams and Rivers Constituting Shorelines of the State	<p>This chapter identifies the streams and rivers and portions thereof which constitute shorelines of the state [RCW 90.58.030 (2)(d) and (e)]. As Ecology approves updated SMPs, the lists in those Programs are the official lists of shorelines and shorelines of the state. The more current and accurate lists of shorelines of the state are located within comprehensively updated SMPs.</p> <p>In the event that any of the designations set forth in this chapter or in a shoreline master program approved under WAC 173-18-044, conflict with the criteria set forth in RCW 90.58.030(2) or in WAC 173-18-040 the criteria shall control. The Washington State Coastal Atlas Map is also a visual representation of this information: https://fortress.wa.gov/ecy/coastalatlus/Default.aspx</p> <p>The sections in this chapter identify the streams and rivers, or portions thereof for each county in Washington’s coastal zone which constitute shorelines of the state in that county. Some include a specific list and others refer to the city, town, or county’s SMP.</p> <p>State-approved SMPs can be found at: https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/State-approved-Shoreline-Master-Programs or by contacting the Ecology Regional Shoreline Planner at: https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Contacts</p>
WAC 173-20	Lakes Constituting Shorelines of the State	<p>This chapter identifies the lakes which constitute shorelines of the state pursuant to RCW 90.58.030 (2)(d) and (e). As Ecology approves updated SMPs, the lists in those Programs are the official lists of shorelines and shorelines of the state. The more current and accurate list of shorelines of the state are located within Comprehensively updated SMPs.</p> <p>In the event that any of the designations set forth in this chapter or a shoreline master program approved under WAC 173-18-044, conflict with the criteria set forth in RCW 90.58.030(2) or in WAC 173-20-040 the criteria shall control. The Washington State Coastal Atlas Map is also a visual representation of this information: https://fortress.wa.gov/ecy/coastalatlus/Default.aspx</p>

Table 2: Shoreline Management Act Regulations (WAC 173-15 to 173-22) *continued*

Section	Title	“At a Glance” Summary
WAC 173-20 continued	Lakes Constituting Shorelines of the State continued	<p>Each chapter section identifies the lakes which constitute shorelines of the state for each county in Washington’s coastal zone. Some include a specific list and other refer to the city, town, or county’s SMP. State- approved SMPs can be found at https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/State-approved-Shoreline-Master-Programs or by contacting an Ecology Regional Shoreline Planner.</p> <p>Find a regional planner at: https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Contacts</p>
WAC 173-22 (excluding .070)	Designation of Shorelands and Wetlands Associated with Shorelines of the State	<p>This chapter identifies the shorelands, including wetlands, associated with stream, lakes, and tidal waters which are subject to the SMA, and defined in RCW 90.58.030(2)(d). Wetland identification and delineation of their boundaries must be done in accordance with the approved federal wetland delineation manual and applicable regional supplements.</p> <p>If any designations set forth in this chapter or a shoreline master program approved under WAC 173-18-044, conflict with the criteria set forth in the definitions or in WAC 173-22-040, the criteria shall control.</p>

Table 3: State Master Program Procedures and Master Program Guidelines (WAC 173-26)

Section	Title	“At a Glance” Summary
010	Authority and Purpose	This chapter implements the requirements of the SMA, which authorizes Ecology to adopt rules to carry out provisions of the Act and directs local governments to develop local shoreline master programs.
020	Definitions	These definitions are to be used along with the definitions and concepts in the SMA.
171	Authority, Purpose and Effects of Guidelines	<p>Local governments must rely on these guidelines when developing their SMPs, which, in turn reflect the spirit and intent of the SMA.</p> <p>The general purpose of the guidelines is to implement the "cooperative program of shoreline management between local government and the state."</p> <p>Note – if you chose not to follow the local SMP for guidance in complying with the SMA and WACS, you need to rely on these WACs to shape your consistency determination or certification.</p>

**Table 3: State Master Program Procedures and Master Program Guidelines
(WAC 173-26) *continued***

Section	Title	“At a Glance” Summary
<p align="center">176</p>	<p align="center">General Policy Goals of the Act and Guidelines for Shorelines of the State</p>	<p>2) The policy goals for the management of shorelines harbor potential for conflict. The act recognizes that the shorelines and the waters they encompass are "among the most valuable and fragile" of the state's natural resources. They are valuable for economically productive industrial and commercial uses, recreation, navigation, residential amenity, scientific research and education.</p> <p>They are fragile because they depend upon balanced physical, biological, and chemical systems that may be adversely altered by natural forces (earthquakes, volcanic eruptions, landslides, storms, droughts, floods, and human conduct (industrial, commercial, residential, recreation, navigational). Unbridled use of shorelines ultimately could destroy their utility and value.</p> <p>The prohibition of all use of shorelines also could eliminate their human utility and value. Thus, the policy goals of the act relate both to utilization and protection of the extremely valuable and vulnerable shoreline resources of the state.</p> <p>The act calls for the accommodation of "all reasonable and appropriate uses" consistent with "protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life" and consistent with "public rights of navigation."</p> <p>The act's policy of achieving both shoreline utilization and protection is reflected in the provision that "permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, in so far as practical, any resultant damage to the ecology and environment of the shoreline area and the public's use of the water." RCW 90.58.020.</p> <p>3) The following general policy goals must be followed to reflect policy goals of the SMA at 90.58.020:</p> <ul style="list-style-type: none"> a) The utilization of shorelines for economically productive uses particularly dependent on shoreline location or use b) The utilization of shorelines and the waters they encompass for public access and recreation c) Protection and restoration of the ecological functions of shoreline natural resources d) Protection of the public right of navigation and corollary uses of waters of the state g) Prevention and minimization of flood damage h) Recognizing and protecting private property rights

**Table 3: State Master Program Procedures and Master Program Guidelines
(WAC 173-26) *continued***

Section	Title	“At a Glance” Summary
181	General Policy Goals of the Act and Guidelines for Shorelines of the State	<p>For Shorelines of Statewide Significance, preference shall be given to uses in the following order:</p> <ol style="list-style-type: none"> 1) Recognize and protect the statewide interest over local interest 2) Preserve the natural character of the shoreline 3) Result in long term over short term benefit 4) Protect the resources and ecology of the shoreline 5) Increase public access to publicly owned areas of the shorelines 6) Increase recreational opportunities for the public in the shoreline 7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary
186	Governing Principles of the Guidelines	<p>In addition to providing background and guidance on what should be in master programs, this section also establishes the principles regarding protecting shoreline ecological systems within subsection (8).</p>
201	Process to Prepare or Amend SMPs	<p>This section provides background and guidance on what should be in master programs. While all provisions are enforceable policies, the following subsections may be most pertinent:</p> <p>Subsection (2) Basic Concepts:</p> <ol style="list-style-type: none"> c) Protection of ecological functions of the shorelines, net loss d) preferred uses e) environmental mitigation <p>Subsection (3)(d)(i) (C) shoreline ecological functions (hydrologic, vegetation, habitat) that must be considered for rivers, streams; floodplains, marine waters, and wetlands, and</p> <ol style="list-style-type: none"> v. Public access vi. Water quality and quantity, and vii. Vegetation conservation
211	Environment Designation System	<p>This section provides the basic requirements for environment designation classification including:</p> <p>General environment designation provisions, management policies, regulations; and</p> <p>Specific purpose statements, management policies, and designation criteria for each designation type: Natural, Rural conservancy, Aquatic, High-intensity, Urban conservancy, and Shoreline residential</p> <p>Note: The local SMP and maps could be referred to in order to determine the shoreline environment designation or this section can be used to determine which environment you are working in.</p>

**Table 3: State Master Program Procedures and Master Program Guidelines
(WAC 173-26) *continued***

Section	Title	“At a Glance” Summary
<p align="center">221</p>	<p align="center">General Provisions</p>	<p>This section shall be applied either generally to all shoreline areas or to shoreline areas that meet the specified criteria of the provision without regard to environment designation. These provisions address certain elements as required by RCW 90.58.100(2) and implement the principles as established in WAC 173-26-186. The following specific topics areas are addressed:</p> <ol style="list-style-type: none"> 1) Archaeological and historic resources applies to development or uses that may impact recorded, known, or inadvertently uncovered archeological and historic resources. Includes applicability, basic principles, and standards. 2) Critical Areas including Wetlands, Geologically hazardous areas, Critical saltwater habitats, Critical freshwater habitats. This section addresses concepts of use regulations, critical area determination, alteration, buffers, mitigation, and basic provides principles and standards. 3) Flood Hazard Reduction applies to actions taken to reduce flood damage or hazard to uses, development, and shoreline modifications that may increase flood hazards. Includes applicability, basic principles, and standards are provided. 4) Public access includes the ability of the general public to reach, touch, and enjoy the water’s edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Applicability, basic principles, planning process, and standards. 5) Shoreline vegetation conservation includes activities to protect and restore vegetation along or near marine and freshwater shorelines that contribute to the ecological functions of shoreline areas. This includes the preventions or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and nonnative species. Includes applicability, basic principles, and standards. 6) Water quality, stormwater, and nonpoint pollution. Includes applicability, basic principles, and standards for all development and uses that affect water quality.
<p align="center">231</p>	<p align="center">Shoreline Modification</p>	<p>This section makes a distinction between shoreline modifications and shoreline uses. Includes applicability, General principles, and provisions for specific types of modifications.</p> <p><i>Shoreline modifications</i> are generally related to construction of a physical element such as a dike, breakwater, dredged basin, bulkheads, piers and docks, or fill, but they can include other actions such as clearing, grading and the application of chemicals, habitat enhancement, or significant vegetation removal.</p>

**Table 3: State Master Program Procedures and Master Program Guidelines
(WAC 173-26) *continued***

Section	Title	“At a Glance” Summary
<p align="center">231 continued</p>	<p align="center">Shoreline Modification continued</p>	<p>Shoreline modifications usually are undertaken in support of or in preparation for a shoreline use; for example, fill (shoreline modification) and required for a cargo terminal (industrial use) or dredging (shoreline modification) to allow for a marina (boating facility use).</p> <p>Subsection (3) contains provisions for the following specific shoreline modifications:</p> <ol style="list-style-type: none"> a) Shoreline stabilization b) Piers and docks c) Fill d) Breakwaters, jetties, groins, and weirs e) Beach and dunes management f) Dredging and dredge material disposal g) Shoreline habitat and natural systems enhancement projects
<p align="center">241</p>	<p align="center">Shoreline Uses</p>	<p>This section addresses common shoreline uses and types of development to the extent they occur within shoreline jurisdiction. Shoreline uses and development must be consistent with the provisions of the environment designation in which they are located and the specific common uses provisions of this section. Preferred uses are those that are consistent with the control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon uses of the state’s shoreline areas.</p> <p>Allowed Uses should:</p> <ul style="list-style-type: none"> • Protect the public’s health, safety, and welfare • Protect the land and its vegetation and wildlife; and • Protect property rights while implementing the policies of the Shoreline Management Act <p>This section establishes general uses provisions, principles, and types of uses that should be reviewed under the <i>conditional use criteria</i>.</p> <p>Use-specific standards, regulations, review and siting considerations, and prohibitions are provided for the following uses:</p> <ol style="list-style-type: none"> a) Agriculture b) Aquaculture c) Boating facilities d) Commercial development e) Forest practices f) Industry g) In-stream structural uses h) Mining i) Recreational development j) Residential development k) Transportation and park l) Utilities

**Table 3: State Master Program Procedures and Master Program Guidelines
(WAC 173-26) *continued***

Section	Title	“At a Glance” Summary
<p align="center">251</p>	<p align="center">Shorelines of Statewide Significance</p>	<p>The following provisions apply to Shorelines of Statewide Significance:</p> <ul style="list-style-type: none"> • Statewide interest must be recognized and protected over local interest • Preserving resources for future generations. Actions that would convert resources into irreversible uses or detrimentally alter natural conditions characteristic of shorelines of statewide significance should be severely limited. Where natural resources of statewide importance are being diminished over time, project proponents should contribute to the restoration of those resources. • Priority uses. Preference shall be given to the uses described in 90.58.020. <p>For Resources of statewide importance.</p> <ul style="list-style-type: none"> • Ensure the long-term protection of ecological resources of statewide importance, such as anadromous fish habitats, forage fish spawning and rearing areas, shellfish beds, and unique environments. Standards shall consider incremental and cumulative impacts of permitted development and include provisions to insure no net loss of shoreline ecosystems and ecosystem-wide processes. • Provide for the shoreline needs of water-oriented uses and other shoreline economic resources of statewide importance. • Provide for the right of the public to use, access, and enjoy public shoreline resources of statewide importance.

The Washington State Water Pollution Control Act (RCW 90.48) and Implementing WACs

Adopted in 1972, the Federal Clean Water Act (CWA) broadly regulates the discharge of pollutants into the nation's surface waters, including lakes, rivers, streams, wetlands, and coastal areas. The Act specifically addresses the management of coastal development to improve, safeguard, and restore the quality of the nation's coastal waters, and to protect the natural resources and existing uses of those waters. Under the CWA, it is unlawful to discharge any pollutant into navigable waters without a permit.

Ecology is responsible for participating fully in, and meeting the requirements of, the Federal CWA through the Washington State Water Pollution Control Act (WPCA) (RCW 90.48) and the implementing regulations (WACs). Ecology issues a CWA Section 401 Water Quality Certification when triggered by one of the most common federal actions: The U.S. Army Corps of Engineers' issuance of a Section 404 permit (including Nationwide Permits); the Coast Guard's issuance of an individual bridge permit, and the Federal Energy Regulatory Commission license.

Additionally, Ecology issues CWA Section 402 National Pollutant Discharge Elimination System (NPDES) permits regulating point sources that discharge pollutants to waters of the United States. The Environmental Protection Agency also issues some NPDES Permits to federal agencies and to certain applicants seeking coverage under the Permit. Some EPA-issued Permits may require a federal consistency review.

Receipt of a Section 401 Water Certification decision, NPDES Permit, or other state water quality permit, may demonstrate consistency with the enforceable policies. However, if a water quality permit or certification is not required, federal consistency applicants still must demonstrate consistency with the WPCA.

For additional information about Section 401 Water Quality Certifications:

<https://ecology.wa.gov/Regulations-Permits/Permits-certifications/401-Water-quality-certification>.

For information about other water quality permits Ecology issues, including General and Individual NPDES Permits and Municipal Stormwater Permits:

<https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-quality-permits>.

Table 4: Water Pollution Control Act (RCW 90.48)

Section	Title	“At a Glance” Summary
90.48.039	Hazardous substance remedial actions -- Procedural requirements not applicable.	The procedural requirements of this chapter do not apply to any person conducting a remedial action at a facility.
90.48.080	Discharge of polluting matter in waters prohibited.	It is unlawful for any person to throw, drain, run, or otherwise discharge into any of Washington’s waters.
90.48.110	Plans and proposed methods of operation and maintenance of sewerage or disposal systems to be submitted to department -- Exceptions -- Time limitations.	Except under subsection (2) of this section, all engineering reports, plans, and specifications for the construction of new sewer systems, sewage treatment or disposal plants or systems, or for improvements or extensions to existing sewer systems or sewage treatment or disposal plants, and the proposed method of future operation and maintenance of said facility or facilities, must be submitted to and be approved by Ecology before construction may begin.
90.48.160	Waste disposal permit - Required -- Exemptions.	Any person who conducts a commercial or industrial operation of any type which results in the disposal of solid or liquid waste material into the waters of the state shall get a permit.
90.48.162 90.48.165 90.48.170 90.48.180 90.48.190 90.48.195 90.48.200	Waste disposal permits required of counties, municipalities and public corporations.	These seven provisions are enforceable - they apply to counties, municipalities, and public corporations, and they explain the process to obtain Waste disposal permits.
90.48.270	Sewage drainage basins—Authority of department to delineate and establish	This section gives Ecology authority to delineate and establish sewage drainage basins in the state for the purpose of developing and/or adopting comprehensive plans for the control and abatement of water pollution within such basins.
90.48.280	Sewage drainage basins— Comprehensive plans for sewage drainage basins	This section addresses the plans discussed in the section above.
90.48.310	Application of barley straw to waters of the state.	This provision provides the requirements needed to use barley straw for the purposes of water clarification without obtaining a state waste discharge permit.
90.48.364	Discharge of oil into waters of the state -- Definitions.	For the purposes of this chapter, "technical feasibility" or "technically feasible" means that given available technology, a restoration or enhancement project can be successfully completed at a cost that is not disproportionate to the value of the resource before the injury.

Table 4: Water Pollution Control Act (RCW 90.48) *continued*

Section	Title	“At a Glance” Summary
90.48.445	Aquatic noxious weed control -- Water quality permits -- Definition.	Ecology can issue or approve water quality permits for use by federal, state, or local governmental agencies and licensed applicators.
90.48.448	Eurasian water milfoil - - Pesticide 2-D, 4-D application.	This section applies to a government entity seeking to control a limited infestation of Eurasian water milfoil using the pesticide 2,4-D.
90.48.455	Discharge of chlorinated organics -- Engineering reports by pulp and paper mills -- Permits limiting discharge.	This provision requires pulp mills and paper mills to conduct and submit an engineering report on the cost of installing technology designed to reduce the amount of chlorinated organic compounds.

Table 5: Water Pollution Control Act Regulations (WAC 173-40 to 372-68)

Section	Title	“At a Glance” Summary
173-40	Pollution Disclosure	Upon notification by Ecology’s director, commercial operations (including industrial), which discharge wastes, other than sanitary sewage, into waters of the state and/or into the air of the state, shall file annually, no later than January 31, reports on forms Ecology provides.
173-100	Groundwater Management Areas and Programs	This chapter establishes guidelines, criteria, and procedures for the designation of groundwater management areas and sets forth a process for developing groundwater management programs. These programs will be implemented through state regulations and local ordinances.
173-200	Water Quality Standards for Ground Waters of the State of Washington	This chapter applies to all ground waters of the state that occur in a saturated zone or stratum beneath the surface of land or below a surface water body (except for 090 - Special Protection Areas). This chapter also does not apply to some ag practices, land-treatment constituents or CERCLA sites. It also establishes maximum contaminant concentrations for the protection of a variety of beneficial uses of Washington's groundwater.

Table 5: Water Pollution Control Act Regulations (WAC 173-40 to 372-68) *continued*

Section	Title	“At a Glance” Summary
173-201A	Water Quality Standards for Surface Waters of the State of Washington	<p>This chapter establishes water quality standards for surface waters of Washington consistent with public health and public enjoyment of the waters and the propagation and protection of fish, shellfish, and wildlife, pursuant to the provisions of chapter 90.48 RCW.</p> <p>While all provisions are enforceable policies, the following subsections may be most pertinent:</p> <p>PART II - Designated Uses and Criteria (WAC 173-201A-200 through 173-201A-260)</p> <p>PART III – Anti-degradation (WAC 173-201A-300 through 173-201A-410)</p> <p>PART IV - Tools for Application of Criteria and Uses</p> <p>PART V - Implementation of Standards</p> <p>PART VI - Use Designations for Waters of the State</p>
173-204	Sediment Management Standards	<p>This chapter establishes marine, low salinity and freshwater surface sediment management standards for Washington to reduce and ultimately eliminate adverse effects on biological resources and human health from contaminated sediments.</p>
173-216	State Waste Discharge Permit Program Individual Permits	<p>This chapter implements a state permit program, applicable to the discharge of waste materials from industrial, commercial, and municipal operations into ground and surface waters of the state and into municipal sewerage systems. However, this regulation does not apply to the following:</p> <ol style="list-style-type: none"> a) The point source discharge of pollutants into navigable waters of the state which are regulated by the National Pollutant Discharge Elimination System (NPDES) Permit Program, chapter 173-220 WAC. b) The discharge of pollutants into waters of the state which are regulated by the Waste discharge general permit program, chapter 173-226 WAC.
173-218	Underground Injection Control Program	<ol style="list-style-type: none"> 1) This chapter protects groundwater quality by: Preventing groundwater contamination by regulating the discharge of fluids into Underground Injection Control (UIC) wells; and 2) Satisfying the intent and requirements of Part C of the Federal Safe Drinking Water Act and the Water Pollution Control Act, chapter 90.48 RCW.
173-221	Discharge Standards and Effluent Limitations for Domestic Wastewater Facilities	<p>This chapter sets discharge standards which represent "all known, available, and reasonable methods" of prevention, control, and treatment or domestic wastewater facilities of the state.</p> <ul style="list-style-type: none"> • 040 Domestic wastewater facility discharge standards • 050 Alternative domestic wastewater facility discharge standards and effluent limitations

Table 5: Water Pollution Control Act Regulations (WAC 173-40 to 372-68) *continued*

Section	Title	“At a Glance” Summary
173-221A	Wastewater Discharge Standards and Effluent Limitations	This chapter sets minimum discharge standards which represent “known, available, and reasonable methods” of prevention, control and treatment for industrial wastewater facilities that discharge to water of the state.
173-224	Wastewater Discharge Permit Fees	This chapter establishes a fee system for state waste discharge and NPDES permits.
173-226	Waste Discharge General Permit Program	This chapter establishes a state general permit program that applies to the discharge of pollutants, wastes, and other materials to waters of the state, including discharges to municipal sewerage systems.
173-230	Certification of Operators of Wastewater Treatment Plants	Operators must meet minimum standards to ensure they are competent to operate and maintain wastewater treatment plants
173-240	Submission of Plans and Reports for Construction of Wastewater Facilities	This chapter implements 90.48.110 by providing an interpretation of “plans and specifications” and includes provisions for review and approval of proposed methods of operation and maintenance for wastewater facilities.
173-245	Submission of Plans and Reports for Construction and Operation of Combined Sewer Overflow reduction Facilities	This chapter establishes a procedure and criteria for implementing 90.48.480, which applies to municipalities whose sewer system includes combined sewer overflow (CSO) sites.
173-270	Puget Sound Highway Runoff Program	This chapter outlines the Puget Sound Highway Runoff Program that Washington DOT must implement.
372-52	Water Districts Requests for Approvals and Certifications of Necessity to Operate Sewer Districts	This chapter prescribes the procedure whereby a water district organized under the provisions of chapter 57.04 RCW receives approval and certification from Ecology.
372-68	Water Pollution Control and Abatement Plans for Sewage Drainage Basins	Implements 90.48. 035, 270, and 280. Plans must give adequate protection to and preservation of present and future water quality as indicated in the water quality standards for interstate and intrastate waters as they now exist or may hereafter be amended.

The Washington State Clean Air Act (RCW 70.94) and Implementing WACs

The Washington Clean Air Act is the state law regulating outdoor air pollution and it establishes a system of regional air pollution control authorities to implement federal and state air pollution control regulations. Air pollution control regulations cover the emission of air contaminants that are injurious to health or that unreasonably interfere with the enjoyment of life and property.

Pursuant to Washington's Clean Air Act, an air quality permit is required if a new project, or a modification of an existing permitted business, releases emissions exceeding the thresholds in [WAC 173-400-110](#) or [WAC 173-460-040](#) for emissions of toxic air pollutants. An air quality permit is sometimes called a "pre-construction permit" because one may be required prior to construction or operation of a business. Generally, an air permit is required for businesses and individuals that emit air pollution through industrial processes or burning. This permit protects public health and the environment by requiring businesses, commercial activities, and individuals to meet federal and state air rules.

NOTE – if an applicant is exempted from getting a permit, or the applicant is a federal agency not required to get a state permit, the applicant/agency must still demonstrate how the project is consistent with the state air law and regulations. An email or call to the applicable air authority or Ecology (please contact Phil Gent at pgen461@ecy.wa.gov) will ensure that the project is consistent with those authorities.

Ecology's Air Quality Program and the local air agencies noted below issue a variety of permits for industrial air pollutants to ensure air pollution does not reach unhealthy levels in Washington. Washington's air agencies are located throughout the State based on counties or the type of industry. Each permitting agency helps companies meet the requirements when an air permit is needed and how to apply for a permit. A local air agency can establish its own permitting exemptions so it is important to contact the agency governing the county where the project will be located.

[Ecology Industrial Section](#) — Pulp mills, aluminum smelters

[Ecology Northwest Regional Office](#) — San Juan County

Environmental Protection Agency ([EPA Region 10](#)) — Tribal lands

[Northwest Clean Air Agency](#) — Island, Skagit, Whatcom Counties

[Olympic Region Clean Air Agency](#) — Clallam, Grays Harbor, Jefferson, Mason, Pacific, Thurston Counties

[Puget Sound Clean Air Agency](#) — King, Kitsap, Pierce, Snohomish Counties

[Southwest Clean Air Agency](#) —Wahkiakum County

Construction permit types

- A [notice of construction permit](#) is required before installing a new source of air pollution or modifying an existing source of air pollution.
- A [Prevention of Significant Deterioration permit](#) is required, and it applies to new large facilities or major changes at existing large facilities that could increase air pollution in an area that currently meets air quality standards. The intent is to prevent that area's air quality from getting worse. (Ecology's AQ Program issues these)
- Local air authority agencies will assist in determining if the project's emissions trigger the need for a permit.
- An [air operating permit](#) combines all requirements for operation and procedures, applicable rules, emission standards, monitoring, recordkeeping, and reporting in one document.

An air operating permit is required for major sources (such as power plants, oil refineries, and industrial facilities) that emit or have the potential to emit 100 tons per year or more of any air pollutant, 10 tons per year or more of hazardous air pollution, or 25 tons per year or more of a combination of hazardous air pollution.

Burn permits

Ecology's Air Quality Program and local air agencies issue burn permits for agriculture, outdoor, and residential burning to safeguard healthy air for Washington. Sometimes, the local fire department is responsible for issuing the burn permit. The location and type of burning will determine whether a permit is needed.

Types of [burn permits](#) are:

- Agriculture burning
- Outdoor burning (includes land clearing)
- Residential burning (includes yard waste; generally, not allowed in urban growth areas)
- Fire training burning

For more information about Air Quality Permits, the Governor's Office of Regulatory Innovation and Assistance has a helpful website about Air Quality Permits:

<https://apps.oria.wa.gov/permithandbook/regulations?groupby=category#1>

Table 6: Washington Clean Air Act (RCW 70.94)

Section	Title	“At a Glance” Summary
70.94.030	Definitions.	Review definitions as applicable.
70.94.037	Transportation activities -- "Conformity" determination requirements.	In areas subject to a state implementation plan, no state agency, metropolitan planning organization, or local government shall approve or fund a transportation plan, program, or project within or that affects a nonattainment area unless a determination has been made that the plan, program, or project conforms with the state implementation plan for air quality as required by the federal clean air act.
70.94.040	Causing or permitting air pollution unlawful -- Exception.	Except where specified in a variance permit, as provided in RCW 70.94.181, it is unlawful for any person to cause air pollution or permit it to be caused in violation of this chapter, or of any ordinance, resolution, rule or regulation validly promulgated hereunder.
70.94.041	Exception -- Burning wood at historic structure.	Any building or structure listed on the national register of historic sites, structures, or buildings... or on the state register..., shall be permitted to burn wood as it would have when it was a functioning facility as an authorized exception to the provisions of this chapter. Such burning of wood shall not be exempted from the provisions of RCW 70.94.710 through 70.94.730.
70.94.151	Classification of air contaminant sources -- Registration -- Fee - - Registration program defined -- Adoption of rules requiring persons to report emissions of greenhouse gases.	Persons operating or responsible for air contaminant sources shall register and report as required.
70.94.152	Notice may be required of construction of proposed new contaminant source - - Submission of plans -- Approval, disapproval -- Emission control -- "De Minimis new sources" defined.	Requires notice of the establishment of proposed any new sources except single-family and duplex dwellings or de Minimis new sources. See Chapter 173-400 WAC.

Table 6: Washington Clean Air Act (RCW 70.94) *continued*

Section	Title	“At a Glance” Summary
70.94.153	Existing stationary source -- Replacement or substantial alteration of emission control technology.	Any person proposing to replace or substantially alter the emission control technology installed on an existing stationary source emission unit must file a notice of construction application with the jurisdictional permitting authority.
70.94.154	RACT requirements.	Reasonably available control technology (RACT) means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is required for existing sources.
70.94.161	Operating permits for air contaminant sources -- Generally - - Fees, report to legislature.	Large commercial and industrial sources of air pollution must get an air operating permit. Rules follow this Section - see Chapter 173-401 WAC.
70.94.162	Annual fees from operating permit program source to cover cost of program.	Rules follow this Section - see Chapter 173-401 WAC.
70.94.181	Variances -- Application for -- Considerations -- Limitations -- Renewals--Review.	Any person who owns or is in control of any plant, building, structure, establishment, process or equipment may apply to the department of ecology or appropriate local authority board for a variance from rules or regulations governing the quality, nature, duration or extent of discharges of air contaminants.
70.94.200	Investigation of conditions by control officer or department -- Entering private, public property.	For the purpose of investigating conditions specific to the control, recovery or release of air contaminants into the atmosphere, a control officer, the department, or their duly authorized representatives, shall have the power to enter at reasonable times upon any private or public property, excepting non-multiple unit private dwellings housing two families or less. No person shall refuse entry or access to any control officer, the department, or their duly authorized representatives, who requests entry for the purpose of inspection, and who presents appropriate credentials; nor shall any person obstruct, hamper or interfere with any such inspection.
70.94.450 - 477	Laws about Woodstoves and solid fuel burning devices.	Refer to these sections for policies on woodstoves and other devices. See Chapter 173-433 WAC.

Table 6: Washington Clean Air Act (RCW 70.94) *continued*

Section	Title	“At a Glance” Summary
70.94.455	Residential and commercial construction -- Burning and heating device standards.	<p>After January 1, 1992, no used solid fuel burning device shall be installed in new or existing buildings unless such device is either Oregon department of environmental quality phase II or United States environmental protection agency certified or a pellet stove either certified or exempt from certification by the United States environmental protection agency.</p> <p>(1) By July 1, 1992, the state building code council shall adopt rules requiring an adequate source of heat other than woodstoves in all new and substantially remodeled residential and commercial construction. This rule shall apply (a) to areas designated by a county to be an urban growth area under chapter 36.70A RCW; and (b) to areas designated by the environmental protection agency as being in nonattainment for particulate matter.</p> <p>(2) For purposes of this section, "substantially remodeled" means any alteration or restoration of a building exceeding sixty percent of the appraised value of such building within a twelve-month period.</p>
70.94.457	Solid fuel burning devices -- Emission performance standards.	Rules follow this RCW. See WAC 173-433-100 .
70.94.460	Sale of unapproved woodstoves -- Prohibited.	After July 1, 1988, no person shall sell, offer to sell, or knowingly advertise to sell, a new woodstove in this state to a resident of this state unless the woodstove has been approved by the department under the program established under RCW 70.94.457.
70.94.470	Residential solid fuel burning devices -- Opacity levels -- Enforcement and public education.	Rules follow this RCW. See Chapter 173-433 WAC.
70.94.473	Limitations on burning wood for heat -- First and second stage burn bans -- Report on second stage burn ban.	Laws against wood burning. See Chapter 173-433 WAC.
70.94.477	Limitations on use of solid fuel burning devices.	The burning of garbage, treated wood, plastics, animals, asphaltic products, waste petroleum products, paints, any substance emitting dense smoke or obnoxious odors is prohibited. See Chapter 173-433 WAC.

Table 6: Washington Clean Air Act (RCW 70.94) *continued*

Section	Title	“At a Glance” Summary
70.94.521	Transportation demand management -- Findings.	Counties to develop plans for major worksites for TDM
70.94.524	Transportation demand management -- Definitions.	See section for definitions of "major employer," major worksite," "major employment installation," among others.
70.94.527	Transportation demand management -- Requirements for counties and cities.	Commute trip reduction plan applies in large counties to large employers.
70.94.531	Transportation demand management -- Requirements for employers.	Major employers must follow adopted Commuter Trip Reduction Plan and submit the program to locals.
70.94.610	Burning used oil fuel in land-based facilities.	Except as provided in subsection (2) of this section, a person may not burn used oil as fuel in a land-based facility or in state waters unless the used oil meets applicable standards.
70.94.620	Metals mining and milling operations permits -- Inspections by Department of Ecology.	Metals mining and milling operations permits by department of ecology - special inspection requirements.
70.94.6512	Outdoor burning -- Fires prohibited -- Exceptions.	<p>Except as provided in RCW 70.94.6546, no person shall cause or allow any outdoor fire:</p> <ol style="list-style-type: none"> (1) Containing garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, or any substance other than natural vegetation that normally emits dense smoke or obnoxious odors. Agricultural heating devices that otherwise meet the requirements of this chapter shall not be considered outdoor fires under this section; (2) During a forecast, alert, warning or emergency condition as defined in RCW 70.94.715 or impaired air quality condition as defined in RCW 70.94.473. See Chapter 173-425 WAC.

Table 6: Washington Clean Air Act (RCW 70.94) *continued*

Section	Title	“At a Glance” Summary
70.94.6514	Outdoor burning -- Areas where prohibited -- Exceptions -- Use for management of storm or flood-related debris -- Silvicultural burning.	More on outdoor burning prohibitions. See Chapter 173-425 WAC.
70.94.6518	Limited outdoor burning -- Establishment of program.	Local air pollution control authority has regulations for outdoor burning.
70.94.6520	Limited outdoor burning -- Construction.	Nothing in RCW 70.94.6514, 70.94.6518, 70.94.6520, 70.94.6522, 70.94.6524, and 70.94.6526 is intended to alter or change the provisions of RCW 70.94.6534, 70.94.710 through 70.94.730, and 76.04.205.
70.94.6524	Limited outdoor burning -- Program -- Exceptions.	Rules follow this RCW. See Chapter 173-425 WAC.
70.94.6528	Permits -- Issuance -- Conditioning of permits -- Fees -- Agricultural burning practices and research task force -- Development of public education materials -- Agricultural activities.	Any person who proposes to set fires in the course of agricultural activities shall obtain a permit from an air pollution control authority, Ecology, or a local entity delegated permitting authority under RCW 70.94.6530. General permit criteria of statewide applicability shall be established by the department, by rule, after consultation with the various air pollution control authorities. See Chapter 173-425 WAC.
70.94.6552	Permit to set fires for weed abatement.	Any person who proposes to set fires in the course of weed abatement shall obtain a permit from an air pollution control authority, Ecology, or a local entity delegated permitting authority under RCW 70.94.6530. See Chapter 173-425 WAC.
70.94.970	Chlorofluorocarbons -- Ozone -- Refrigerants regulated.	A person who services or repairs or disposes of a motor vehicle air conditioning system; commercial or industrial air conditioning, heating, or refrigeration system; or consumer appliance shall use refrigerant extraction equipment to recover regulated refrigerant that would otherwise be released into the atmosphere. This subsection does not apply to off-road commercial equipment.

Table 6: Washington Clean Air Act (RCW 70.94) *continued*

Section	Title	“At a Glance” Summary
70.94.980	Refrigerants -- Unlawful acts.	<p>No person may sell, offer for sale, or purchase any of the following:</p> <p>(1) A regulated refrigerant in a container designed for consumer recharge of a motor vehicle air conditioning system or consumer appliance during repair or service. This subsection does not apply to a regulated refrigerant purchased for the recharge of the air conditioning system of off-road commercial or agricultural equipment and sold or offered for sale at an establishment which specializes in the sale of off-road commercial or agricultural equipment or parts or service for such equipment;</p> <p>(2) Nonessential consumer products that contain chlorofluorocarbons or other ozone-depleting chemicals, and for which substitutes are readily available. Products affected under this subsection shall include, but are not limited to, party streamers, tire inflators, air horns, noise makers, and chlorofluorocarbon-containing cleaning sprays designed for noncommercial or nonindustrial cleaning of electronic or photographic equipment.</p>

Table 7: Washington Clean Air Act Regulations (WACs 173-400 through 495)

Section	Title	“At a Glance” Summary
173-400	General Regulations For Air Pollution Sources	This chapter establishes technically feasible and reasonably attainable standards and establishes rules generally applicable to the control and/or prevention of the emission of air contaminants. 60 sections. (010-.930) address non-road engines, relocation of portable sources, general standards for maximum emissions for all sources, among others.
173-401	Operating Permit Regulation	This chapter establishes the elements of a comprehensive Washington state air operating permit program. All sources subject to this regulation shall have a permit to operate that assures compliance by the source with all applicable requirements. 45 sections (.100-.940)
173-405	Kraft Pulping Mills	(1) "Kraft mill" means any manufacturing facility which uses an alkaline solution containing sodium hydroxide and/or sodium sulfide, and any other chemical pulping facility, except those covered by Chapter 173-410 WAC, to produce pulp and/or paper products from wood fibers. For the purposes of this regulation: 13 sections .012-.091

Table 7: Washington Clean Air Act Regulations (WACs 173-400 through 495) *continued*

Section	Title	“At a Glance” Summary
173-406	Acid Rain Regulation	38 sections (.100-.950) dealing with acid rain and permit requirements.
173-407	Carbon Dioxide Mitigation Program, Greenhouse Gases Emissions Performance Standard and Sequestration Plans and Programs for Thermal Electric Generating Facilities	Part I requires mitigation of the emissions of carbon dioxide from all new and certain modified fossil-fueled thermal electric generating facilities with station-generating capability of more than 25 megawatts of electricity. (010-080). Part II establishes statutory goals for the statewide reduction of greenhouse gases. It applies to all baseload electric generation facilities and units and baseload electric cogeneration facilities and units that meet certain criteria. (100 - 240)
173-420	Conformity Of Transportation Activities to Air Quality Implementation Plans	This chapter applies to the Washington State Department of Transportation.
173-421	Motor Vehicle Emission Control Systems	This chapter establishes requirements to preserve emission control equipment installed on motor vehicles. A person shall not remove or render inoperable any component or change any element of design of a motor vehicle including adjustments outside the range of manufacturer's specifications that could affect the amount of air contaminants emitted from that vehicle.
173-422	Motor Vehicle Emission Inspection	All motor vehicles, not specifically exempted by WAC 173-422-170, which are registered or reregistered within the boundaries of an emission contributing area, as specified in WAC 173-422-050, are subject to the vehicle emission inspection requirements of this chapter.
173-422A	Motor Vehicle Emission Inspection	These rules implement the motor vehicle emission test program required by state law (chapter 70.120 RCW Motor vehicle emission control). They are intended to encourage appropriate emission repairs of vehicles to reduce air pollution.
173-423	Low Emission Vehicles	This chapter applies to all 2009 and subsequent model year passenger cars, light duty trucks and medium duty passenger vehicles registered, leased, rented or sold for use in the state of Washington, except as provided in WAC 173-423-060, Exemptions.
173-425	Outdoor Burning	This chapter applies to all outdoor burning in the state except: Agricultural burning (430), Silvicultural burning (332.24), and burning outdoors on lands within exterior boundaries of Indian Reservations.

Table 7: Washington Clean Air Act Regulations (WACs 173-400 through 495) *continued*

Section	Title	“At a Glance” Summary
173-430	Agricultural Burning	This regulation applies to burning related to agricultural activities.
173-433	Solid Fuel Burning Devices	The provisions of this chapter apply to solid fuel burning devices in all areas of the state.
173-434	Solid Waste Incinerator Facilities	This chapter establishes emissions standards, design requirements, and performance standards for solid waste incinerator facilities.
173-441	Reporting of Emissions of Greenhouse Gases	<p>This rule establishes mandatory greenhouse gas (GHG) reporting requirements for owners and operators of certain facilities that directly emit GHGs as well as for certain suppliers of liquid motor vehicle fuel, special fuel, or aircraft fuel.</p> <p>For suppliers, the GHGs reported are the quantity that would be emitted from the complete combustion or oxidation of the products supplied.</p>
173-455	Air Quality Fee Regulation	See this Chapter for a fee schedule.
173-460	Controls for New Sources of Toxic Air Pollutants	This chapter establishes the systematic control of new or modified sources emitting toxic air pollutants (TAPs) in order to prevent air pollution, reduce emissions to the extent reasonably possible, and maintain such levels of air quality as will protect human health and safety. TAPs include carcinogens and non-carcinogens listed in WAC 173-460-150.
173-476	Ambient Air Quality Standards	This chapter establishes maximum acceptable levels in the ambient air for particulate matter, lead, sulfur dioxide, nitrogen oxides, ozone, and carbon monoxide.
173-480	Ambient Air Quality Standards and Emission Limits for Radionuclides	This chapter defines maximum allowable levels for radionuclides in the ambient air and control emissions from specific sources.
173-481	Ambient Air Quality and Environmental Standards for Fluorides	This chapter, promulgated under RCW 70.94.305 and 70.94.331, establishes fluoride standards for the protection of livestock and vegetation. Standards address the fluoride content of forage and gaseous fluorides in the ambient air.
173-485	Petroleum Refinery Greenhouse Gas Emission Requirements	This rule determines reasonably available control technology for emissions of greenhouse gases emitted by petroleum refineries located in the state.

Table 7: Washington Clean Air Act Regulations (WACs 173-400 through 495) *continued*

Section	Title	“At a Glance” Summary
<u>173-490</u>	Emission Standards and Controls for Sources Emitting Volatile Organic Compounds (VOC)	This chapter establishes technically feasible and reasonably attainable standards for sources emitting volatile organic compounds (VOCs).
<u>173-491</u>	Emission Standards and Controls for Sources Emitting Gasoline Vapors	This chapter applies to gasoline marketing operations (e.g. gas stations), including the storage, transport, and transfer of gasoline, as well as the transfer from storage tanks into transport tanks, and from storage tanks into motor vehicles.
<u>173-492</u>	Motor Fuel Specifications for Oxygenated Gasoline	This chapter applies to sellers of oxygenated gasoline in Spokane County - This regulation reduces carbon monoxide emissions from gasoline powered motor vehicles, through the wintertime use of oxygenated gasolines.
<u>173-495</u>	Weather Modification	This chapter applies to weather modification activities - No person shall engage in weather modification activities except under and in accordance with a license and a permit issued by Ecology, unless specifically exempt from this requirement in WAC 173-495-040.

Washington State Ocean Resources Management Act (RCW 43.143) and Ocean Management Guidelines (WAC 173-26-360)

The 1989 Washington legislature passed the Ocean Resources Management Act (ORMA) in recognition that, “Washington's coastal waters, seabed, and shorelines are among the most valuable and fragile of its natural resources”. The legislature found that Washington’s coastal areas are, “faced with conflicting use demands and some may, at times, pose unacceptable environmental or social risks.” The Legislature went on to acknowledge the importance of existing uses, “Ocean and marine-based industries and activities, such as fishing, aquaculture, tourism, and marine transportation have played a major role in the history of the state and will continue to be important in the future.” ORMA became Washington’s first, broad legislative acknowledgement that coastal resources and uses dependent on those resources were at risk, and, in some places, in peril.

ORMA’s jurisdiction extends from mean high tide seaward three miles along the Washington coast from Cape Flattery south to Cape Disappointment, including Grays Harbor, Willapa Bay, and the Columbia River downstream from the Longview Bridge. The Ocean Use Guidelines, found in WAC 173-26-360, describe a broader application to extend to Shoreline Management Act jurisdiction and include, “the near shore area under state ownership, shorelines of the state, and their adjacent uplands”.

ORMA contains several key enforceable policies, including one that places a priority on those resource uses and activities that will not adversely impact renewable resources over those uses which are likely to have an adverse impact on renewable uses. To demonstrate consistency with ORMA’s enforceable policies, Ecology recommends following the ORMA Guidance document link when it is available. Until such time, please contact Terry Swanson at terry.swanson@ecy.wa.gov or 360 584-3744 for guidance.

The ORMA Guidance document will also help applicants demonstrate consistency with all applicable enforceable policies contained in the state’s Ocean Management Guidelines. These regulations contain standards for general ocean uses (WAC 173-26-360(7)) and specific ocean uses (WAC 173-26-360(8-14)). They provide more specific examples of the resources and uses that must be considered for identifying impacts of a project, as well as standards for avoiding and minimizing those impacts. The general ocean use standards apply to any type of proposed use, whereas the specific use standards apply only to seven different types of activities ranging from oil and gas development to ocean research (see list at pp 22-23).

Table 8: Ocean Resources Management Act (RCW 43.143)

Section	Title	“At a Glance” Summary
43.143.010 (3) only	Legislative policy and intent—Moratorium on leases for oil and gas exploration, development, or production – Appeals from regulation of recreational uses – Participation in federal ocean and marine resource decisions.	(3) When conflicts arise among uses and activities, priority shall be given to resource uses and activities that will not adversely impact renewable resources over uses which are likely to have an adverse impact on renewable resources.
43.143.020	Definitions	Definitions in the section apply throughout the chapter.
43.143.030	Planning and Project Review Criteria	(1) When the state of Washington and local governments develop plans for the management, conservation, use, or development of natural resources in Washington’s coastal waters, the policies in RCW 43.143.010 shall guide the decision-making process. (2) Uses or activities that require federal, state, or local government permits or other approvals and that will adversely impact renewable resources, marine life, fishing, aquaculture, recreation, navigation, air or water quality, or other existing ocean or coastal uses, may be permitted only if the criteria below are met or exceeded: <ul style="list-style-type: none"> a) There is a demonstrated significant local, state, or national need for the proposed use or activity; b) There is no reasonable alternative to meet the public need for the proposed use or activity; c) There will be no likely long-term significant adverse impacts to coastal or marine resources or uses; d) All reasonable steps are taken to avoid and minimize adverse environmental impacts, with special protection provided for the marine life and resources of the Columbia river, Willapa Bay and Grays Harbor estuaries, and Olympic national park; e) All reasonable steps are taken to avoid and minimize adverse social and economic impacts, including impacts on aquaculture, recreation, tourism, navigation, air quality, and recreational, commercial, and tribal fishing; Compensation is provided to mitigate adverse impacts to coastal resources or uses f) Compensation is provided to mitigate adverse impacts to coastal resources or uses (not an enforceable policy).

Table 8: Ocean Resources Management Act (RCW 43.143) *continued*

Section	Title	“At a Glance” Summary
43.143.030	Planning and Project Review Criteria continued	<p>g) Plans and sufficient performance bonding are provided to ensure that the site will be rehabilitated after the use or activity is completed; and</p> <p>h) The use or activity complies with all applicable local, state, and federal laws and regulations.</p>

Table 9: Ocean Management Guidelines (WAC 173-26-360)

Section	Title	“At a Glance” Summary
173-26-360	Ocean Management Guidelines	<p>The Ocean Management Guidelines are enforceable policies, and they implement the enforceable policies of the Ocean Resources Management Act (ORMA) and apply if the proposed project falls under SMA jurisdiction.</p> <p>(1) The guidelines are intended to clarify state shoreline management policy regarding use of coastal resources, address evolving interest in ocean development and prepare state and local agencies for new ocean developments and activities</p> <p>(2) Geographical Application. The guidelines apply to Washington's coastal waters from Cape Disappointment directly south to the state border, including the mouth of the Columbia River, and from Cape Disappointment north one hundred sixty miles to Cape Flattery at the entrance to the Strait of Juan De Fuca including the offshore ocean area, the near shore area under state ownership, shorelines of the state, and their adjacent uplands.</p> <p>(3) Ocean uses are activities or developments involving renewable and/or nonrenewable resources that occur on Washington's coastal waters and include their associated off shore, near shore, inland marine, shoreland, and upland facilities and the supply, service, and distribution activities, such as crew ships, circulating to and between the activities and developments.</p> <p>(4) Ocean uses involving nonrenewable resources include such activities as extraction of oil, gas and minerals, energy production, disposal of waste products, and salvage. Ocean uses which generally involve sustainable use of renewable resources include commercial, recreational, and tribal fishing, aquaculture, recreation, shellfish harvesting, and pleasure craft activity.</p> <p>Permit Criteria: Local government and the department may permit ocean or coastal uses and activities as a substantial development, variance or conditional use only if the criteria of RCW 43.143.030(2). See criteria above in ORMA.</p>

Table 9: Ocean Management Guidelines (WAC 173-26-360) *continued*

Section	Title	“At a Glance” Summary
<p>173-26-360 continued</p>	<p>Ocean Management Guidelines continued</p>	<p>The General Ocean Use Guidelines found at 173-26-360 (7) (a-y) apply to all ocean uses, their service, distribution, and supply activities and their associated facilities that require shoreline permits. Several general guidelines are:</p> <ul style="list-style-type: none"> • Ocean uses and activities that will not adversely impact renewable resources shall be given priority over those that will. Correspondingly, ocean uses that will have less adverse impacts on renewable resources shall be given priority over uses that will have greater adverse impacts. • Ocean uses that will have less adverse social and economic impacts on coastal uses and communities should be given priority over uses and activities that will have more such impacts. • When the adverse impacts are generally equal, the ocean use that has less probable occurrence of a disaster should be given priority. <p>The following Specific Uses are addressed in the Ocean Use Guidelines at sections (8-14):</p> <ul style="list-style-type: none"> • Oil and Gas uses and activities (<i>2017 amendments to section (8) Oil and Gas Uses and Activities remove specific language addressing the use in order to reflect the oil and gas leasing and development ban in RCW 43.143.010 – ORMA. The ban applies to state waters only and cannot, at this time, be used as an enforceable policy.</i>) • Ocean Mining • Energy Production • Ocean Disposal • Transportation • Ocean Research • Ocean Salvage

The Marine Spatial Plan for Washington’s Pacific Coast

The 2018 “[Marine Spatial Plan \(MSP\) for Washington’s Pacific Coast](#)” contains requirements and recommendations for evaluating new ocean uses through different phases of project review, consistent with existing laws and regulations – particularly those contained in the Ocean Resources Management Act and its regulations. The MSP defines “new uses” as in-water uses with adverse impacts to renewable resources or existing uses that have not previously been authorized or permitted within the MSP study area prior to the adoption of the plan. The MSP anticipates new ocean use proposals for activities such as renewable energy, dredged material disposal, mining, marine product harvesting, and offshore aquaculture operations.

The MSP helps address new ocean use challenges by providing a framework to guide applicants as they develop proposals for new ocean uses. Additionally, the MSP aims to enhance coordination among state agencies and others, including local and tribal governments, and federal agencies, in evaluating, authorizing, and permitting those proposals more effectively. The plan also identifies the various local and state authorizations that a project might need, such as city or county shoreline permits (under their Shoreline Master Programs) and aquatic land use authorizations from the Department of Natural Resources.

The plan’s information provides new ocean use applicants, governments, and others with the ability to understand other known activities and resources, coordinate interests, identify key designations, and authorities that may conflict with or complement a proposal. The MSP also helps to:

- Identify appropriate parties to discuss the proposal with prior to submitting an application;
- Understand issues, information, effects, and requirements to be addressed during the project review process;
- Identify potential ways to avoid, minimize, and mitigate adverse impacts to marine resources or existing ocean uses, such as alternative locations and configurations.

The MSP also identifies Necessary Data and Information that are additional to the requirements for projects that require a federal license or permit as outlined in [15 CFR 930.58](#). While these are not enforceable policies themselves, they are used to ensure that the project is consistent with the WCZMP enforceable policies, and are included at the end of the following table (highlighted in gray). The applicant must provide this information in a timely manner during the state’s six-month review period under the CZMA. Federal agencies are not required to supply this information as part of the federal consistency process, but they are highly encouraged to so.

Table 10: The Marine Spatial Plan for Washington’s Pacific Coast

Section	Title	“At a Glance” Summary
4.3.3	Important, Sensitive and Unique Areas (ISUs)	Please see Chapter 4, pages 4-23 to 4-26 for full details on ISUs.
4.3.3.1 (a-d)	ISU Definitions	ISUs are defined by meeting one or more of the following criteria in (a-d): <ul style="list-style-type: none"> (a) Areas that are environmentally sensitive, or contain unique or sensitive species or biological communities that must be conserved and warrant protective measures; (b) Areas with known sensitivity and where the best available science indicates the potential for offshore development to cause irreparable harm to the habitats, species, or cultural resources; (c) Areas with features that have limited, fixed, and known occurrence; (d) Areas with inherent risk or infrastructure incompatibilities (e.g. buoys or cables)
4.3.3.2 (a-b)	ISU Designations	There are two types of ISUs: <ul style="list-style-type: none"> 1. Ecological: <ul style="list-style-type: none"> i. Biogenic habitats: aquatic vegetation, corals, and sponges. ii. Rocky reefs. iii. Seabird colonies: islands and rocks used for foraging and nesting by seabirds. iv. Pinniped haul-outs. v. Forage fish spawning areas: intertidal areas used for spawning by herring, smelt or other forage fish. 2. Historic, cultural, and infrastructure: <ul style="list-style-type: none"> i. Historic and archaeological sites: structures or sites over 45-years old that are listed or eligible for listing in local, state or national preservation registers (e.g. shipwrecks or lighthouses); or artifacts or other material evidence of tribal or historic use or occupation (e.g. burials, village sites, or middens). ii. Buoys and submarine cables: fixed infrastructure such as navigation or monitoring buoys, fiber optic cables, electrical transmission cables, other fixed monitoring equipment in the marine environment (e.g. hydrophones), and any associated mooring lines, anchors or other equipment. See ISU maps 59-74 in Appendix A.

Table 10: The Marine Spatial Plan for Washington’s Pacific Coast *continued*

Section	Title	“At a Glance” Summary
<p>4.3.3 (a-c)</p>	<p>ISU Protection Standards</p>	<p>(a) Protection standard: An applicant proposing a new ocean use involving offshore “development”, as defined in the Shoreline Management Act must demonstrate that the project will have no adverse effects on an ISU located at the project site or on potentially affected off-site ISUs.</p> <p>An applicant may overcome the ISU protection standard using site-specific surveys, scientific data, and analysis, which demonstrate either:</p> <ul style="list-style-type: none"> i. The current ISU maps do not accurately characterize the resource or use, or the project area (mapped or not mapped) does not contain an ISU resource or use; or ii. The weight of scientific evidence clearly indicates that the project will cause no adverse effects to the resources of the ISU. <p>(b) Adverse effects standards for ecological ISUs: Adverse effects for ecological ISUs is defined as either:</p> <ul style="list-style-type: none"> i. Degradation of ecosystem function and integrity, including, but not limited to, direct habitat damage, burial of habitat, habitat erosion, and reduction in biological diversity. ii. Degradation of living marine organisms, including, but not limited to, abundance, individual growth, density, species diversity, and species behavior. <p>(c) Adverse effects standards for historic, cultural or fixed-infrastructure ISUs: Adverse effects for historic, cultural or fixed-infrastructure ISUs are defined as any of the following:</p> <ul style="list-style-type: none"> i. Direct impact by dredging, drilling, dumping, or filling. ii. Alteration, destruction, or defacement of historic, archaeological, or cultural artifacts. iii. Direct impacts from placement or maintenance of new, temporary or permanent structures in areas with existing infrastructure or historic, archaeological, or cultural artifacts.

Table 10: The Marine Spatial Plan for Washington’s Pacific Coast *continued*

Section	Title	“At a Glance” Summary
<p>4.6</p>	<p>Fisheries Use Protection Standards</p>	<p><i>Please see Chapter 4, pages 4-38 to 4-39 for full details on the fisheries use protection standards.</i></p>
<p>4.6.3 (a-b)</p>	<p>Protection Standards for Fisheries</p>	<p>(a) Protection standards for fisheries: Applicants proposing new ocean uses involving offshore development, as defined in the SMA, must demonstrate that their projects meet the following standards to protect fisheries located at the project site and nearby:</p> <ul style="list-style-type: none"> i. There are no likely long-term significant adverse effects to fisheries. ii. All reasonable steps are taken to avoid and minimize social and economic impacts to fishing <p>Additionally, other factors must be taken into consideration when assessing adverse effects on commercial and recreational fisheries and whether all reasonable steps have been taken to avoid and minimize such effects.</p> <p>(b) Definition of adverse effect for fisheries:</p> <p>Adverse effects can be direct, indirect, or cumulative. Adverse effects for commercial or recreational fisheries are defined as any of the following:</p> <ul style="list-style-type: none"> i. A significant reduction in the ability of commercial or recreational fisheries to access the resource used by any fishery or fishing community (ies). ii. A significant increase in the risk to entangle fishing gear. iii. A significant reduction in navigational safety for commercial and recreational fisheries. iv. Environmental harm that significantly reduces quality or quantity of marine resources available for harvest.
<p>4.2.1</p>	<p>Implementation</p>	<p><i>Please see Chapter 4, pages 4-15 to 4-17 for full details on the necessary data and information required during implementation.</i></p>

Table 10: The Marine Spatial Plan for Washington’s Pacific Coast *continued*

Section	Title	“At a Glance” Summary
<p>4.2.1.5</p>	<p>Necessary Data and Information</p> <p>(Not an enforceable policy, but a requirement for demonstrating consistency with the Marine Spatial Plan)</p>	<p>The following are the additional necessary data and information outlined in the Marine Spatial Plan that are required for a federal permit or license applicant (also summarized in Sections 4.2.1.3 & 4.2.1.4 of Chapter 4 of the MSP):</p> <p>(a) A copy of the notice provided to the Washington Coastal Marine Advisory Council (WCMAC) chair and membership (see Section 4.2.1.3(a)(ii))</p> <ul style="list-style-type: none"> • Applicant shall provide a pre-application notice to WCMAC once a federal application has been submitted to ensure effective communication and coordination with coastal stakeholder interests. <p>(b) A copy of the sign-in and summary from a meeting with WDFW and affected fisheries stakeholders (see Section 4.2.1.4(c)).</p> <ul style="list-style-type: none"> • Applicants will notify the WDFW Intergovernmental Ocean Policy office regarding a potential project proposal as early as possible, including likely location(s) of the project. <p>WDFW will then provide timely notice to the affected stakeholders, which may include established fishing advisory groups and license holders, for potentially affected commercial and recreational fisheries.</p>