



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do NOT use for expedited rule making

Agency: Department of Ecology AO #15-06

Subject of possible rule making: Ecology is beginning rulemaking to amend several of the rules related to implementation of the Shoreline Management Act (SMA) RCW 90.58, specifically:

- Chapter 173-15 WAC - Permits for Oil or Natural Gas Exploration Activities Conducted from State Marine Waters
- 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

Statutes authorizing the agency to adopt rules on this subject: RCW 90.58.060 requires Ecology to periodically review and update WAC 173-26. The last rule update was in 2011 and focused mostly on geoduck aquaculture. Other chapters are being included in the update to improve clarity and consistency across the rules.

Reasons why rules on this subject may be needed and what they might accomplish: See Attachment A

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: Local governments must follow the SMP Guidelines (Chapter 173-26 WAC) when drafting their local shoreline master programs. The Guidelines translate the broad policies of the Shoreline Management Act (RCW 90.58.020) into standards for regulation of shoreline uses. We have already reached out to interested parties such as the WA Department of Commerce (for Growth Management Act consistency), Washington State Association of Counties (WSAC) and Association of Washington Cities (AWC).

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

We will use standard rulemaking. We will communicate with stakeholders through the agency email lists (WAC Track and program lists), a rulemaking web page, e-mail, and regular mail. We intend to get feedback and early input from a local government sounding board. We will consult with interested tribes. We will release a preliminary draft rule for informal comment so we can get more input before we propose a formal draft rule (CR-102) for public comment. We will hold public hearings on the draft rule (CR-102) that are accessible to interested parties throughout the state.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:
(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Rule Coordinator: Michelle Wilcox, SEA Program, WA State Department of Ecology, PO Box 47600, Olympia, WA 98504-7600. Phone: 360-407-7676. E-mail: smarulemaking@ecy.wa.gov.
Visit the SEA program rule web page at <http://www.ecy.wa.gov/programs/sea/rules/rulemaking-index.html>
Join the Listserv at <http://listserv.wa.gov/cgi-bin/wa?A0=ECOLOGY-SHORELINE-RULE>
Learn more about Shoreline Master Programs at: <http://www.ecy.wa.gov/programs/sea/shorelines/smp/index.html>

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| DATE 09/01/15 |
| NAME (TYPE OR PRINT) Gordon White |
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| TITLE Shorelands and Environmental Assistance Program Manager |

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| <div style="border: 1px solid black; padding: 10px;"> <p style="text-align: center;">OFFICE OF THE CODE REVISER STATE OF WASHINGTON FILED</p> <p>DATE: September 02, 2015 TIME: 1:30 PM</p> <p>WSR 15-19-002</p> </div> |

Attachment A:

Reasons why rules on this subject may be needed and what they might accomplish:

Rulemaking is necessary to:

1. Clarify the process to comply with the periodic review requirement per RCW 90.58.080 as the first round of Shoreline Master Program (SMP) reviews will be due to Ecology June 2019;
2. Simplify the process for approving minor updates to SMPs;
3. Update the list of shorelines of the state to be consistent with the SMP updates;
4. Ensure consistency with amendments to statute since the last rule revision;
5. Capture any administrative updates since the last rule revision;
6. Consider clarifying the planning process for water-dependent uses including salmon net pens; and,
7. Consider including a new section on planning for coastal hazards.