

**NOTICE OF ROUTINE PROGRAM CHANGE  
to WASHINGTON'S COASTAL ZONE MANAGEMENT PROGRAM**

Washington Department of Ecology

**DATE: October 22, 2015**

**NOTICE:** Under 15 CFR § 923.84 (federal regulations implementing the national Coastal Zone Management Act), notice is hereby given that the Department of Ecology (Ecology) has submitted a routine program change (RPC) request to the National Oceanic and Atmospheric Administration's Office for Coastal Management (OCM). Ecology seeks OCM's approval to incorporate past and recent state Shoreline Management Act (SMA) legislative amendments along with administrative changes to Washington Administrative Code (WACs) 173-15, 18, 20, 22, 26, and 27 into Washington's Coastal Zone Management Program (WCZMP).

**PURPOSE OF NOTICE:** NOAA's Coastal Zone Management Act (CZMA) regulations require states with Coastal Zone Management Programs (CZMP) to submit to OCM changes to a state program's "enforceable policies" - those policies that states use to exert control over private and public coastal uses and resources. States use their enforceable policies for conducting Federal Consistency reviews of proposed projects. Federal Consistency requires that federal actions/projects that are within and/or outside the coastal zone and which have reasonably foreseeable effects to a state's coastal uses or resources, must be consistent to the maximum extent practicable with the enforceable policies of the state's CZMP. For those projects operating under a federal permit or license, the state must make a Federal Consistency Determination that the project and activities are "consistent" with the state CZMP's enforceable policies.

OCM must review and approve changes to a state's CZMP before those changes can be used for Federal Consistency purposes. NOAA regulations define two types of program changes: amendments and routine program changes. Before approving changes to a state's CZMP, OCM must concur with the state's conclusion that the updates are "routine changes" or major CZMP Amendments - which federal regulations define as "substantial" changes in the following required CZMP categories: 1) Uses Subject to Management; 2) Special Management Areas; 3) Boundaries; 4) Authorities and Organization; or 5) Coordination, Public Involvement, and National Interest components.

**WASHINGTON'S CZMP:** Ecology manages and administers Washington's CZMP (WCZMP), which applies to the fifteen coastal counties bordering on saltwater, including Wahkiakum, and extends seaward three nautical miles on the Pacific Coast. Bolstered by several other key state environmental/land-use laws, the SMA forms the foundation of the WCZMP.

**DESCRIPTION OF PROPOSED CHANGE:** Ecology last submitted changes to the SMA and associated WACs as changes to the WCZMP in 2000, which NOAA approved in 2001. This current submittal contains all changes to the SMA and WACs since 2001. Future updates will follow for the other state laws and regulations comprising the WCZMP. The changes to the SMA consist primarily of word clarifications, timing limits on permitting and appeals, and some definition changes. One substantive change increases the monetary threshold for a dock's value from \$2500 to \$5000 before it falls under the definition of "Substantial Development," thus requiring a permit from local government. Another change affords special attention to "Floating Homes" (2011) and "Over-water Residences" (2014), and treats them as "conforming uses," thus limiting local governments' review and regulatory authority under their SMPs. The majority of the WAC changes were the result of

changes to the SMA that directed Ecology to ensure consistency between the law and its implementing regulations.

Ecology has determined that these legislative and administrative updates are RPCs to the WCZMP rather than Amendments because they do not constitute a substantial change to any enforceable policies or authorities of the WCZMP related to the five program categories listed above.

This notice has been sent to affected and interested parties including local governments, state agencies, tribes, and regional offices of relevant federal agencies as required by 15 CFR §923.84.

If you would like to submit comments regarding whether this program modification does or does not constitute a routine program change please send them within three weeks of the notice date to:

**Ms. Joelle Gore**  
**Office for Coastal Management**  
**Chief, Stewardship Division**  
**1305 East-West Highway**  
**SSMC4, Room 10622**  
**Silver Spring, MD 20910**

**A copy of this Routine Program Change submission is available at**  
**<http://www.ecy.wa.gov/programs/sea/fed-permit/czmp.html>.**

**ADDITIONAL INFORMATION:** For additional information please contact:

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