



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office for Coastal Management
Silver Spring Metro Center, Building 4
1305 East-West Highway
Silver Spring, Maryland 20910

FEB 24 2016

Mr. Brian Lynn
Washington Coastal Zone Management Program
Shorelands and Environmental Assistance Program
Washington Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

Dear Mr. Lynn:

Thank you for the Washington Department of Ecology's October 22, 2015, request that changes to the Washington Shoreline Management Act (SMA) and its implementing regulations (WAC 173-15, 18, 20, 22, 26 & 27) be incorporated into the Washington Coastal Zone Management Program (WCZMP). You requested that the changes described below be incorporated as routine program changes (RPCs) pursuant to Coastal Zone Management Act (CZMA) regulations at 15 C.F.R. part 923, subpart H, and the National Oceanic and Atmospheric Administration's (NOAA's) Office for Coastal Management's *Program Change Guidance (July 1996)*. The state's request was received on October 28, 2015. The Office for Coastal Management's decision deadline was extended to February 24, 2016.

The state's submission includes changes to the SMA and its implementing regulations. In addition, the state's submission includes a request for recognition of sections of the SMA and its implementing regulations as enforceable policies for CZMA Federal Consistency review purposes even though many of those sections are unchanged. The purpose is to provide greater certainty as to the enforceable policies of the WCZMP since the state was not required to specifically identify the enforceable policies of the program at the time of the approval of the WCZMP.

Based on our review of the state's submission, we approve the incorporation of the changes as enforceable and non-enforceable policies of the Washington Coastal Zone Management Program with the exceptions and qualifications described below. The state may only apply the new and revised enforceable policies for CZMA Federal Consistency review purposes after publishing notice of this approval pursuant to 15 C.F.R. § 923.84(b)(4) and the Office for Coastal Management's *Addendum to the July 1996 Program Change Guidance (November 2013)*. Please include in the public notice the list of changes provided in this letter, and send a copy of the notice to the Office for Coastal Management.

DENIED

The state has requested approval of the designation of RCW 90.58.160 as an enforceable policy for CZMA review purposes. RCW 90.58.160 provides that “Surface drilling for oil or gas is prohibited in the waters of Puget Sound north to the Canadian boundary and the Strait of Juan de Fuca seaward from the ordinary high water mark and on all lands within one thousand feet landward from said mark.” The CZMA recognizes that energy development is in the national interest. The CZMA requires states to develop energy facility siting processes to balance the national interest in energy development with state and local interests. State policies which establish absolute prohibitions on energy development are not in keeping with the balance of interests that the CZMA is intended to promote. Although RCW 90.58.160 is not an absolute prohibition on oil and gas development as it only pertains to a specific area within the state, when combined with the prohibition established at RCW 43.143.010 on oil and gas exploration, development and production in coastal waters and the Columbia River, the effect is an absolute prohibition on oil and gas development in state waters. Furthermore, the state has not provided a justification for this prohibition on an entire industry and as such the policy is discriminatory. Neither RCW 90.58.160 nor RCW 43.143.010 are enforceable policies for CZMA review purposes. This denial does not affect the applicability of these sections as a matter of state law.

APPROVED

See enclosed list of the changes incorporated into the Washington Coastal Zone Management Program.

QUALIFICATIONS

Necessary Details as Enforceable Policies -- Many of the statutory and regulatory provisions marked by the state as enforceable policies were found not to contain standards that would be a basis for a CZMA Federal Consistency review decision; however, the state has requested their approval as necessary details for applying the state’s enforceable policies. Given that in most instances the distinction between provisions that are standards and those that are merely necessary details is clear on the face of the provisions, NOAA has approved the provisions as marked by the state. Qualifications have been added to address sections where the distinction between standards and details was not clear and the following sections were found to be neither enforceable policies nor necessary detail. NOAA has changed the state’s designation in the attached table from enforceable to non-enforceable components of the WCZMP: RCW 90.58.143; 90.58.147; 90.58.180; 90.58.185; 90.58.200; 90.58.210; 90.58.220; 90.58.230; 90.58.300; 90.58.560; WAC 173-26-191.

Guidelines for Ocean Management – WAC 173-26-360 implements the Ocean Resources Management Act and requires the Department of Ecology to develop guidelines and policies for the management of ocean uses. The state has requested approval of minor changes to this section and its recognition as an enforceable policy. This request for approval is granted with the following exception. Subsection (2) describes the geographic application of the guidelines extending to 200 miles seaward. This geographic description derives from the definition of “coastal waters” in the Ocean Resources Management Act at RCW 43.143.020. These assertions

of state jurisdiction over federal waters are in conflict with the federal Submerged Lands Act. (43 U.S.C. § 1301 *et seq.*). There is also no foundation within the CZMA for asserting such jurisdiction. The CZMA provides states with a limited authority to review but not manage activities that may occur on federal lands and waters. The assertion of state jurisdiction over federal waters in WAC 173-26-360 and RCW 43.143.020 is not recognized by NOAA.

Local Government Approvals Are Not By Themselves Standards for CZMA Determinations – Throughout the statutory and regulatory provisions there are references to local approvals. Although the structure of the federally approved WCZMP delegates permitting authority to local governments, only the Washington Department of Ecology can conduct a CZMA review of federal actions to determine if projects are consistent with the federally approved enforceable policies of the state coastal management program. State CZMA Federal Consistency decisions are not contingent upon local approvals. A local government permitting decision may inform a state’s decision but is not itself a standard upon which a CZMA objection may be issued. A state may base its decision on a finding that a federal action is inconsistent with the substantive standards of a local policy if that local policy has received federal approval for incorporation into the state’s coastal zone management program. Where federally approved enforceable policies refer to requirements for local government approvals those references pertain to the permitting authority of the local government, not the CZMA review authority of the state.

Local Policies Are Only Applicable for CZMA Review Purposes If Federally Approved – There are several provisions in this RPC that refer to standards within local Shoreline Master Programs. For CZMA review purposes, specific standards within the local Shoreline Master Programs are only applicable for CZMA federal consistency review purposes if those policies and standards, as revised, have been approved by NOAA’s Office for Coastal Management as enforceable policies. In the absence of Office for Coastal Management approval of local Shoreline Master Programs, the standards within the SMA (RCW 90.58) and its implementing regulations (WAC 173-15, 18, 20, 22, 26 & 27) that have been approved by the Office for Coastal Management as enforceable policies shall be applied to determine whether a federal action is consistent for CZMA review purposes. While CZMA review decisions may not be based on standards within local Shoreline Master Programs which have not been approved by NOAA, the state may look to local Shoreline Master Programs to inform its decision such as for jurisdictional boundaries through locally designated shorelines, critical areas and buffers, but the state cannot issue a CZMA Federal Consistency objection based on such non-approved standards.

No Incorporation By Reference -- States may not incorporate enforceable policies by reference. If an approved enforceable policy refers to another statute, regulation, policy, standard, guidance, or other such requirement or document (hereinafter “referenced policy”), the referenced policy itself must be submitted to and approved by the Office for Coastal Management as an enforceable policy in order to be applied under the federal consistency review provisions of the CZMA. Therefore, no referenced policy in these approved enforceable policies may be applied for federal consistency unless that referenced policy has been separately approved by the Office for Coastal Management. WAC 173-26-191 provides that local shoreline master programs may include other locally adopted policies and regulations within their master programs by reference to a specific dated version. Any referenced policies and regulations within local shoreline master

programs must be submitted to and approved by NOAA in order to be applicable for CZMA review purposes.

PUBLIC AND FEDERAL AGENCY COMMENTS

Comments on the program change approval request were received from Robert Shirley, Regional Environmental Coordinator for the Department of Defense (DoD), Region 10. Those comments asserted that the changes to the WCZMP were substantial and required review under the program amendment process. In the view of DoD, certain changes to the SMA would allow local governments to unilaterally extend the boundaries of the program within their localities with no limit on the landward expansion. Concerns were also raised with how local governments would apply the “no net loss” standard at WAC 173-26-221.

A response to the Department of Defense comments is attached.

DISCUSSIONS WITH NMFS

During the review of Washington’s request to approve this RPC, NOAA’s Office for Coastal Management and NOAA’s National Marine Fisheries Service (NMFS) had informal discussions regarding compliance with the Endangered Species Act (ESA). Washington has already adopted these policies as state regulations and is already implementing them. NOAA does not have the authority to require changes to these policies as part of an approval or disapproval of this RPC. NOAA recognizes the importance of ESA objectives for the State of Washington, particularly protecting and enhancing habitat for endangered and threatened species such as salmon. NOAA encourages the state of Washington to work with NMFS and Tribal Governments, to continue to develop state, local and tribal measures that fulfill the objectives of the ESA.

Thank you for your cooperation in this review. Please contact Kris Wall at 503-231-2221 if you have any questions.

Sincerely,



Joelle Gore, Chief
Stewardship Division

Enclosures:

Response to Comments Submitted by the Department of Defense
Table of Policies Approved and Incorporated into the Washington Coastal Management Program

COMMENTS SUBMITTED BY THE DEPARTMENT OF DEFENSE

Comments on the program change approval request were received from Robert Shirley, Regional Environmental Coordinator for the Department of Defense (DoD), Region 10. Those comments assert that the changes to the Washington Coastal Zone Management Program (WCZMP) are substantial and require review under the program amendment process. The comments were as follows:

1. “The proposed program modifications would substantially change the inland boundaries of the coastal zone and in accordance with 15 CFR §923.80(d) would constitute an amendment to the WCZMP, not a routine program change. Specifically, the proposed modifications would change the definitions of “shoreland” and “shoreland areas” to include any areas that local government deems to be “necessary for buffers for critical areas.” This substantial definition change would allow local governments to subjectively extend the landward jurisdictional boundaries of the coastal zone beyond the ordinary high water mark. The proposed definition places no limit on the landward expansion of the boundaries, leaving it only to the discretion of the local governmental entities. This makes it very difficult to predict potential impacts on DoD facilities and activities. In a similar way, the proposed modifications to the definition of “floodway” and the added definitions of “critical areas” would substantially change the boundaries of the coastal zone and warrants the fuller review required by an amendment of the WCZMP.”

2. “[T]he proposed program modifications would also result in substantial changes to the authorities, organization, coordination, and public involvement program areas of the WCZMP, and also constitute an amendment vice a routine program change. One example of this occurs with the proposed adoption of the “no net loss” standard at WAC 173-26-221 and the ability of local governments to identify additional shoreline areas that warrant special protection to achieve no net loss of ecological functions. A similar effect exists with the proposed modifications of WAC 173-26-201 and the process to prepare or amend Shoreline Master Programs.”

RESPONSE

In considering the DoD comments, the NOAA Office for Coastal Management consulted with DoD and WCZMP, and facilitated a discussion between the two.

The Office for Coastal Management has determined that the program changes to the WCZMP that DoD is concerned with are routine program changes (RPCs). A routine program change is further detailing of approved provisions of a State’s program that does not result in substantial changes to the uses subject to management; special management areas; boundaries; authorities and organization; or coordination, public involvement and the national interest. (15 C.F.R. 923.80). This program change pertains to previously approved provisions within the WCZMP and does not bring into question the continued approvability of the program.

The DoD comments assert that the program changes would amend the inland boundary of the Washington coastal zone and, thus, are required to be reviewed through the program amendment process. These changes do not change the boundary of the WCZMP. The inland coastal zone

boundary for the WCZMP is that of the counties with tidally-influenced waters. Local designations of shorelands, critical areas and buffers may identify the jurisdictional extent and limitations of certain policies in those localities but are not boundary changes to the program's coastal zone.

The DoD comments also assert that these program changes are substantial changes to the authorities, organization, coordination and public involvement elements of the WCZMP citing the adoption of the "no net loss" standard and the ability of local governments to determine where that standard shall apply with no limit on their landward expansion.

The "no net loss" standard is an existing standard that appears throughout the SMA implementing regulations. The standard has been previously approved by the Office for Coastal Management. Under the State Master Program Approval/Amendment Procedures and Master Program Guidelines Chapter 173-26 WAC, local governments are required to incorporate this standard into various policies. Those local policies are only applicable to DoD actions under the CZMA if those policies have been approved by the state and the Office for Coastal Management has reviewed and granted a program change request by the state for approval of the local policies as enforceable policies of the WCZMP.

WAC 173-26-211 authorizes local governments to extend the boundaries of shorelands, shoreland areas, critical areas and their buffers, and floodways. However, local governments do not have unfettered discretion in making such expansions which only can take effect if approved by the state. For example, the expansion of "critical areas" must be shown to be "necessary to achieve the no net loss of ecological functions." (WAC 173-26-211(2)(a) underline added). Once approved by the state, those expanded areas may be used by the state in determining the jurisdictional application of the enforceable policies of the WCZMP.

Enclosure to the Office for Coastal Management's February 24, 2016, Approval of the Incorporation of Changes to the Washington Coastal Zone Management Program

Changes marked with an asterisk (*) are incorporated into the Washington Coastal Zone Management Program, but do not contain enforceable policies that can be used for Federal Consistency.

Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local Legal Citation	Date Adopted by State	Date Effective in State
ADDED:			
Washington Shoreline Management Act (RCW 90.58)			
Application of guidelines and master programs to agricultural activities.	90.58.065	2002	2002
MODIFIED:			
Washington Shoreline Management Act (RCW 90.58)			
Short title.	90.58.010*	1971	1971
Legislative findings -- State policy enunciated -- Use preference.	90.58.020	1995	1995
Definitions and concepts.	90.58.030	2014	2014
Program applicable to shorelines of the state.	90.58.040	1971	1971
Environmental excellence program agreements - Effect on chapter.	90.58.045*	1997	1997
Program as cooperative between local government and state -- Responsibilities differentiated.	90.58.050*	1995	1995
Review and adoption of guidelines -- Public hearings, notice of -- Amendments.	90.58.060*	2003	2003
Local governments to submit letters of intent -- Department to act upon failure of local government.	90.58.070*	1971	1971
Timetable for local governments to develop or amend master programs -- Review of master programs -- Grants.	90.58.080*	2011	2011
Approval of master program or segments or amendments -- Procedure -- Departmental alternatives when shorelines of statewide significance -- Later adoption of master program supersedes departmental program.	90.58.090*	2011	2011
Programs as constituting use regulations.	90.58.100	2009	2009
Development of program within two or more adjacent local government jurisdictions -- Development of program in segments, when.	90.58.110*	1971	1971
Adoption of rules, programs, etc., subject to RCW 34.05.310 through 34.05.395 -- Public hearings, notice of -- Public inspection after approval or adoption.	90.58.120*	1995	1995
Involvement of all persons and entities having interest, means.	90.58.130*	1971	1971

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Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local Legal Citation	Date Adopted by State	Date Effective in State
Development permits -- Grounds for granting -- Administration by local government, conditions -- Applications -- Notices -- Rescission -- Approval when permit for variance or conditional use.	90.58.140 (Entire section except subsections (4), (5)(a), (5)(b)(iii))	2012	2012
Time requirements -- Substantial development permits, variances, conditional use permits.	90.58.143*	1997	1997
Fish and Wildlife Permit Exemptions	90.58.147*	2003	2003
Selective commercial timber cutting, when.	90.58.150	1971	1971
Shorelines hearings board -- Established -- Members -- Chair -- Quorum for decision -- Expenses of members.	90.58.170*	2013	2013
Rules and regulations.	90.58.175*	1973	1973
Review of granting, denying, or rescinding permits by shorelines hearings board -- Board to act -- Local government appeals to board -- Grounds for declaring rule, regulation, or guideline invalid -- Appeals to court.	90.58.180*	2011	2011
Appeals involving single-family residences, involving penalties of fifteen thousand dollars or less, or other designated cases -- Composition of board -- Rules to expedite appeals.	90.58.185*	2009	2009
Appeal of department's decision to adopt or amend a master program.	90.58.190*	2012	2012
Shoreline master plan review -- Local governments with coastal waters or coastal shorelines.	90.58.195*	1989	1989
Rules and Regulations	90.58.200*	1971	1971
Court actions to ensure against conflicting uses and to enforce -- Civil penalty -- Review.	90.58.210*	2010	2010
General penalty.	90.58.220*	1983	1983
Violators liable for damages resulting from violation -- Attorney's fees and costs.	90.58.230*	1971	1971
Additional authority granted department and local governments.	90.58.240*	1972	1972
Intent -- Department to cooperate with local governments -- Grants for development of master programs.	90.58.250*	2003	2003
State to represent its interest before federal agencies, interstate agencies and courts.	90.58.260*	1971	1971
Nonapplication to certain structures, docks, developments, etc., placed in navigable waters -- Nonapplication to certain rights of action, authority -- Floating homes must be classified as a conforming preferred use.	90.58.270	2014	2014
Application to all state agencies, counties, public and municipal corporations.	90.58.280*	1971	1971

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Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local Legal Citation	Date Adopted by State	Date Effective in State
Restrictions as affecting fair market value of property.	90.58.290*	1971	1971
Department as regulating state agency -- Special authority.	90.58.300*	1971	1971
Designation of shorelines of statewide significance by legislature -- Recommendation by director, procedure.	90.58.310	1971	1971
Height limitation respecting permits.	90.58.320	1971	1971
Use policies for land adjacent to shorelines, development of.	90.58.340*	1971	1971
Nonapplication to treaty rights.	90.58.350	1971	1971
Persons not required to obtain certain permits or variances	90.58.355	2012	2012
Existing requirements for permits, certificates, etc., not obviated.	90.58.360*	1971	1971
Processing of permits or authorizations for emergency water withdrawal and facilities to be expedited.	90.58.370*	1989	1989
Adoption of wetland manual.	90.58.380*	1995	1995
Watershed restoration projects -- Exemption.	90.58.515*	1995	1995
Oil or natural gas exploration in marine waters -- Definitions -- Application for permit -- Requirements -- Review -- Enforcement.	90.58.550	1983	1983
Oil or Natural Gas Exploration - Violations of RCW 90.58.550 - Penalty - Appeal	90.58.560*	2010	2010
Consultation before responding to federal coastal zone management certificates.	90.58.570*	1989	1989
Shoreline Restoration Projects - Relief from shoreline master program development standards and use regulations	90.58.580	2009	2009
Local governments authorized to adopt moratoria -- Requirements -- Public hearing.	90.58.590*	2007	2007
Conformance with chapter 43.97 RCW required.	90.58.600*	1987	1987
Relationship between shoreline master programs and development regulations under growth management act governed by RCW 36.70A.480.	90.58.610*	2010	2010
New or amended master programs -- Authorized provisions.	90.58.620*	2011	2011
Liberal construction -- 1971 ex.s. c 286.	90.58.900	1971	1971
Severability -- 1971 ex.s. c 286.	90.58.910*	1971	1971
Severability -- 1983 c 138.	90.58.911*	1983	1983
Effective date -- 1971 ex.s. c 286.	90.58.920*	1971	1971

WAC 173-15			
Permits for Oil or Natural Gas Exploration Activities Conducted from State Marine Waters			
Authority and Purpose	010	7/28/2000	8/28/2000
Definitions	020	7/28/2000	8/28/2000
Exploration Activity Permit System	030	7/28/2000	8/28/2000
WAC 173-18			
SMA - Streams and Rivers Constituting Shorelines of the State			
Purpose	010	6/30/1972	6/30/1972
Applicability	020	6/30/1972	6/30/1972
Definitions	030	6/30/1972	6/30/1972
Streams and Rivers	040	1/2/2007	2/2/2007
Review and Update of Designations	044	1/2/2007	2/2/2007
Conflicts b/t Designation & Criteria	046	1/2/2007	2/2/2007
Clallam County	090	3/6/1990	4/6/1990
Grays Harbor County	180	5/3/1976	5/3/1976
Island County	190	8/27/1973	8/27/1973
Jefferson County	200	3/6/1990	4/6/1990
King County	210	6/30/1980	6/30/1980
Kitsap County	220	8/27/1973	8/27/1973
Mason County	270	8/27/1973	8/27/1973
Pacific County	290	9/1/1977	9/1/1977
Pierce County	310	5/3/1976	5/3/1976
San Juan County	320	8/27/1973	8/27/1973
Skagit County	330	5/3/1976	5/3/1976
Snohomish County	350	5/3/1976	5/3/1976
Thurston County	380	4/15/1985	4/15/1985
Wahkiakum County	390	6/30/1980	6/30/1980
WAC 173-20			
Lakes Constituting Shorelines of the State			
Purpose	010	6/30/1972	6/30/1972
Applicability	020	6/30/1972	6/30/1972
Definitions	030	6/30/1972	6/30/1972
List of Lakes coming under purview of Chapter 90.58 RCW until Superseded	040	6/30/1972	6/30/1972
Review and Update of Designations	044	1/2/2007	2/2/2007
Conflicts b/t Designations and Criteria	046	1/2/2007	2/2/2007
Lakes: Clallam Co.	120	4/15/1985	4/15/1985
Lakes & Lakes of SS Significance: Clallam Co.	130	4/15/1985	4/15/1985
Grays Harbor Co.	300	6/30/1972	6/30/1972
Grays Harbor Co.	310	6/30/1972	6/30/1972

Island Co.	320	5/3/1976	5/3/1976
Island Co.	330	6/30/1972	6/30/1972
Jefferson Co.	340	6/30/1972	6/30/1972
Jefferson Co.	350	6/30/1972	6/30/1972
King Co.	360	5/3/1976	5/3/1976
King Co.	370	6/30/1972	6/30/1972
Kitsap Co.	380	6/11/1981	6/11/1981
Kitsap Co.	390	6/30/1972	6/30/1972
Mason Co.	480	6/30/1972	6/30/1972
Mason Co.	490	6/30/1972	6/30/1972
Pacific Co.	520	6/30/1972	6/30/1972
Pacific Co.	530	6/30/1972	6/30/1972
Pierce Co.	560	6/30/1972	6/30/1972
Pierce Co.	570	6/30/1972	6/30/1972
San Juan Co.	580	6/30/1980	6/30/1980
San Juan Co.	590	6/30/1972	6/30/1972
Skagit Co.	600	6/30/1972	6/30/1972
Skagit Co.	610	6/30/1972	6/30/1972
Snohomish Co.	640	1/2/2007	2/2/2007
Snohomish Co.	650	6/30/1972	6/30/1972
Thurston Co.	700	4/15/1985	4/15/1985
Thurston Co.	710	6/30/1972	6/30/1972
Wahkiakum Co.	720	6/30/1972	6/30/1972
Wahkiakum Co.	730	6/30/1972	6/30/1972
Whatcom Co.	760	5/3/1976	5/3/1976
Whatcom Co.	770	5/3/1976	5/3/1976
WAC 173-22			
Adoption of Designations of Shorelands and Wetlands Associated with Shorelines of the State			
Purpose	010	6/30/1972	6/30/1972
Applicability	020	6/30/1972	6/30/1972
Definitions	030	2/11/2011	3/14/20011
Wetland Identification & Deliniation	035	2/11/2011	3/14/20011
Shoreland Area Designation Criteria	040	1/2/2007	2/2/2007
Review & Update of Designations	050	1/2/2007	2/2/2007
Alterations of Shorelines affecting Designations	052	5/23/1986	5/23/1986
Conflicts b/n Designations & Criteria	055	1/2/2007	2/2/2007
Shoreline Designation Maps until Superseded	060	5/23/1986	5/23/1986
Clallam Co.	0610	5/23/1986	5/23/1986
Grays Harbor Co.	0628	5/23/1986	5/23/1986
Island Co.	0630	5/23/1986	5/23/1986

Jefferson Co.	0632	5/23/1986	5/23/1986
King Co.	0634	5/23/1986	5/23/1986
Kitsap Co.	0636	5/23/1986	5/23/1986
Mason Co.	0646	5/23/1986	5/23/1986
Pacific Co.	0650	5/23/1986	5/23/1986
Pierce Co.	0654	5/23/1986	5/23/1986
San Juan Co.	0656	5/23/1986	5/23/1986
Skagit Co.	0658	5/23/1986	5/23/1986
Snohomish Co.	0662	5/23/1986	5/23/1986
Thurston Co.	0668	5/23/1986	5/23/1986
Wahkiakum Co.	0670	5/23/1986	5/23/1986
Whatcom Co.	0674	5/23/1986	5/23/1986
WAC 173-26			
State Master Program Approval/Amendment Procedures and Master Program Guidelines			
Authority & Purpose	010	12/17/2003	1/17/2004
Definitions	020	2/11/2011	3/14/2011
PART 1: STATE MASTER PROGRAM			
Master Programs Required - State Master Program Contents	030*	9/30/1996	10/31/1996
Master Programs Required - Unlisted local governments	040*	9/30/1996	10/31/1996
State Master Program Register - Maintained by Department	050*	9/30/1996	10/31/1996
State Master Program - Records Maintained by Department	060*	2/11/2011	3/14/2011
Adoption of Shoreline Master Programs by Rule - Department Action	070*	9/30/1996	10/31/1996
Master Programs Required of Local Government	080*	2/11/2011	3/14/2011
PART II: SHORELINE MASTER PROGRAM APPROVAL /AMENDMENT			
Periodic Review-Public Involvement encouraged - Amendment of Comprehensive Plans	090*	9/30/1996	10/31/1996
Local Process for Approving/Amending SMPs	100*	9/30/1996	10/31/1996
Submittal to Department of Proposed SMPs/Amendments	110*	2/11/2011	3/14/2011
State Process for Approving/Amending SMPs	120*	9/30/1996	10/31/1996
Appeal Procedures for SMPs	130*	2/11/2011	3/14/2011
SMP Administrative Interpretation	140*	9/30/1996	10/31/1996
Local Government Annexation - Shoreline Environment Pre-Designation in Planning Jurisdictions	150*	2/11/2011	3/14/2011
Local Government Annexation	160*	9/30/1996	10/31/1996

PART III: GUIDELINES			
Authority, Purpose & Effects of Guidelines	171	12/17/2003	1/17/2004
General Policy Goals of the Act & Guidelines for Shorelines of the State	176	12/17/2003	1/17/2004
Special Policy Goals of the Act & Guidelines for Shorelines of Statewide Significance	181	12/17/2003	1/17/2004
Governing Principles of the Guidelines	186	12/17/2003	1/17/2004
Master Program Contents	191*	2/11/2011	3/14/2011
Process to Prepare or Amend SMPs	201	2/11/2011	3/14/2011
Environment Designation System	211	2/11/2011	3/14/2011
General Master Program Provisions	221	2/11/2011	3/14/2011
Shoreline Modifications	231	12/17/2003	1/17/2004
Shoreline Uses	241	2/11/2011	3/14/2011
Shorelines of Statewide Significance	251	12/17/2003	1/17/2004
PART IV: OCEAN MANAGEMENT			
Ocean Use Guidelines	360	2/11/2011	3/14/2011
WAC 173-27 Shoreline Management Permit and Enforcement Procedures			
Authority	010*	9/30/1996	10/31/1996
Purpose	020*	9/30/1996	10/31/1996
Definitions	030*	9/30/1996	10/31/1996
Developments Exempt from Substantial Development Permit Requirement	040*	1/2/2007	2/2/2007
Developments not subject to the Shoreline Management Act	045*	1/2/2007	2/2/2007
Letter of Exemption	050*	9/30/1996	10/31/1996
Applicability of Chapter 90.58 RCW to Federal Lands and Agencies	060*	1/2/2007	2/2/2007
Application of the Permit System to Substantial Development undertaken prior to the Effective Date of the Act	070*	1/2/2007	2/2/2007
Nonconforming Use & Development Standards	080*	9/30/1996	10/31/1996
Time Requirements of Permit	090*	1/2/2007	2/2/2007
Revisions to Permits	100*	1/2/2007	2/2/2007
Notice Required	110*	9/30/1996	10/31/1996
Special Procedures for Limited Utility Extensions and Bulkheads	120*	1/2/2007	2/2/2007
Filing with Department	130*	1/2/2007	2/2/2007
Review Criteria for all Development	140*	9/30/1996	10/31/1996
Review Criteria for Substantial Development Permits	150*	9/30/1996	10/31/1996

Review Criteria for Conditional Use Permits	160*	9/30/1996	10/31/1996
Review Criteria for Variance Permits	170*	9/30/1996	10/31/1996
Application Requirements for Substantial Development, Conditional Use, or Variance Permit	180*	9/30/1996	10/31/1996
Permits for Substantial Development, Conditional Use, or Variance	190*	9/30/1996	10/31/1996
Department Review of Conditional Use and Variance Permits	200*	9/30/1996	10/31/1996
Minimum Standards for Conditional Use and Variance Permits	210*	9/30/1996	10/31/1996
Requests for Review	220*	9/30/1996	10/31/1996
PART II SHORELINE MANAGEMENT ACT ENFORCEMENT			
Authority & Purpose	240	9/30/1996	10/31/1996
Definitions	250	9/30/1996	10/31/1996
Policy	260	9/30/1996	10/31/1996
Order to Cease and Desist	270	9/30/1996	10/31/1996
Civil Penalty	280	2/11/2011	3/14/2011
Appeal of Civil Penalty	290	2/11/2011	3/14/2011
Criminal Penalty	300	9/30/1996	10/31/1996
Oil or Natural Gas Exploration - Penalty	310	9/30/1996	10/31/1996
Appendix A	990	9/30/1996	10/31/1996
DENIED			
Prohibition of oil and gas drilling in the waters of Puget Sound.	RCW 90.58.160		