

SHORELINE MASTER PROGRAM RULE AMENDMENTS: Preliminary Draft (2 of 5)

Optional joint SMP amendment review process

This document presents preliminary draft rule amendments¹ defining a new optional process for joint local/state review of proposed local Shoreline Master Programs (SMPs) amendments.

Introduction

The SMA is a cooperative program of shoreline management between local governments and the state.² A key element of the shared responsibility is Ecology review and approval of SMP amendments.³ The SMA requires that upon receipt of a proposed SMP amendment, Ecology shall undertake a public comment period. The statute is not specific about whether “proposed” SMPs must be locally adopted before Ecology holds a public comment period.⁴ However, current Ecology rules outline a two-stage public review for all amendments, whether they are complete comprehensive updates or minor changes (*see Figure 1*):

- Counties and cities hold a **local public comment period** on proposed amendments. Elected officials formally adopt the SMP and submit proposed amendments to Ecology.
- Ecology holds a second **state-level public comment period** on the locally approved SMP and sends comments to the local government for their response. The local government may or may not identify areas where their locally approved SMP could be improved in response to comments. Ecology then makes a final determination on whether the SMP is consistent with the SMA and applicable rules.

The state-level public review for an amendment typically does not generate new public comment, but adds two to six months to the overall process, delaying improvements to the SMP. Staff efforts processing minor amendments draw scarce local and state resources from core implementation tasks.

Proposed rule option: *concurrent* local and state comment periods

Ecology has developed preliminary draft rule language in consultation with local governments that allows for concurrent local and state public comment periods (*see Figure 2*). The SMA requires both a local comment period and a state comment period but does not preclude holding the two comment periods at the same time.

Ecology is proposing this optional path for amendments other than comprehensive SMP updates. Comprehensive updates are one-time revisions for consistency with the full suite of rule requirements,

The Department of Ecology (Ecology) is updating rules implementing the Shoreline Management Act (SMA). Ecology is seeking comments on preliminary draft rule amendments during summer 2016 before initiating formal rule-making in winter 2016.

Please send comments by August 26, 2016, at 5:00pm. Instructions are at <http://www.ecy.wa.gov/programs/sea/rules/1506ov.html>

For other questions contact [Michelle Wilcox](#) at (360) 407-7676.

¹ Ecology’s rule amendments are required by RCW 90.58.060.

² RCW 90.58.050

³ RCW 90.58.090

⁴ The requirement that local governments approve the proposal before sending it to Ecology for review is found in existing rules at WAC 173-26-100(7) and WAC 173-26-110(1).

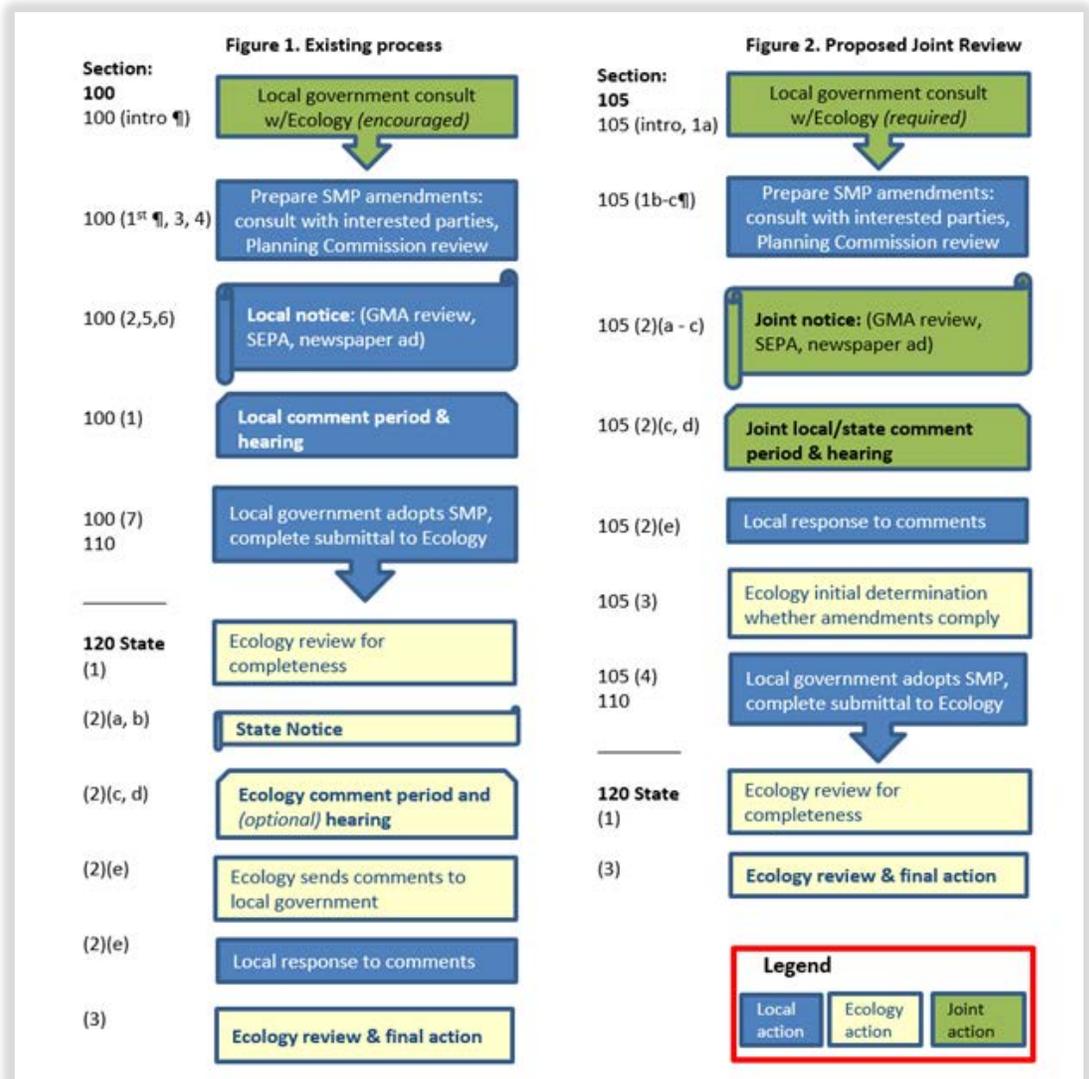
and are adopted after years of study and deliberation. Retaining the existing update process would maintain the same procedural “ground rules” for all jurisdictions that complete the comprehensive update.

Under the proposed option, a county or city considering an amendment would consult with Ecology early in the local adoption process. After this initial consultation, the local government would prepare amendments through the normal local process. Once amendments are drafted, the local government and Ecology would hold concurrent comment periods, using parallel notification and conducting a shared local public hearing.

Local governments would provide notice of the public comment period to local interested parties and Ecology would provide notice to statewide interested parties.

Just like under the existing process, the local government would prepare a response to comments. The local government may then make further changes in response to public comments, and submit the amendment to Ecology for an initial determination of consistency with the SMA and state rules. This step would improve the transparency of the overall SMP amendment process, because local elected officials would have an initial determination of consistency before taking final action to adopt the amendments.

Ecology’s preliminary draft rule amendments make no substantive changes to the final steps in the approval process. After local adoption, Ecology would conduct a final review to ensure that any changes to the draft SMP resulting from the joint public comment period are still consistent with the SMA and applicable rules.



Preliminary draft amendments

The following presents Ecology’s preliminary draft amendments creating a new Section 105 to outline a new optional joint review process, with ancillary amendments to existing WAC 173-26-100, WAC 173-26-110, and WAC 173-26-120. Note that amendments include some “housekeeping” edits, including amendments to Section 120 incorporating new statutory requirements adopted by the 2011 Legislature regarding the “effective date” of approved SMPs.

New language is shown in underline, deletions are shown in ~~striketrough~~.

Colored boxes are explanatory and are not part of the proposed amendment.

Contents

| | |
|---|----|
| WAC 173-26-100 Standard local process for approving/amending shoreline master programs..... | 3 |
| WAC 173-26-105 Optional joint review process for amending shoreline master programs | 5 |
| (1) Local government solicits early public and agency feedback..... | 5 |
| (2) Local government and Ecology conduct joint public comment period..... | 6 |
| (3) Local government obtains initial determination from the department..... | 8 |
| (4) Approve the proposal..... | 8 |
| WAC 173-26-110 Submittal to department of proposed master programs/amendments..... | 9 |
| WAC 173-26-120 State process for approving/amending shoreline master programs. | 10 |
| (1) Formal review for completeness..... | 10 |
| (2) State public comment period..... | 11 |
| (3) Approval | 12 |

WAC 173-26-100 Standard local process for approving/amending shoreline master programs.

Summary of changes to WAC 173-26-100

This draft retains the current WAC largely unchanged. The title is changed to distinguish the “standard” process from the new optional “joint review” process in WAC 173-26-105. A new introductory paragraph explains that these procedures apply for brand new SMPs (*e.g., in case of a new city incorporation*) and “comprehensive master program updates,” and that local governments have a choice of using either the standard process or the optional joint review process for master program *amendments*.

§ (5) corrects the Department of Commerce name, and removes the reference to a “sixty-day” review period. This reflects a 2004 law amending RCW 36.70A.160(3), which authorizes expedited review for amendments to regulations. (Amendments to policies still must follow the 60-day period.)

§ (7) adds a final clause directing the reader to the next step in the amendment process.

WAC 173-26-100 Standard local process for approving/amending shoreline master programs.

This section establishes local procedures for approving new master programs and preparing comprehensive master program updates required by RCW 90.58.080(2). A local government that proposes master program amendments may follow these procedures or the optional joint review process outlined in WAC 173-26-105.

Prior to submittal of a new or amended master program to the department, local government shall solicit public and agency comment during the drafting of proposed new or amended master programs. The degree of public and agency involvement sought by local government should be gauged according to the level of complexity, anticipated controversy, and range of issues covered in the draft proposal. Recognizing that the department must approve all master programs before they become effective, early and continuous consultation with the department is encouraged during the drafting of new or amended master programs. For local governments planning under chapter 36.70A RCW, local citizen involvement strategies should be implemented that insure early and continuous public participation consistent with WAC 365-~~195~~-196-600.

At a minimum, local government shall:

- (1) Conduct at least one public hearing to consider the draft proposal;
- (2) Publish notice of the hearing in one or more newspapers of general circulation in the area in which the hearing is to be held. The notice shall include:
 - (a) Reference to the authority(s) under which the action(s) is proposed;
 - (b) A statement or summary of the proposed changes to the master program;
 - (c) The date, time, and location of the hearing, and the manner in which interested persons may present their views; and
 - (d) Reference to the availability of the draft proposal for public review ~~inspection at the local government office or upon request~~;
- (3) Consult with and solicit the comments of any persons, groups, federal, state, regional, or local agency, and tribes, having interests or responsibilities relating to the subject shorelines or any special expertise with respect to any environmental impact. The consultation process should include adjacent local governments with jurisdiction over common shorelines of the state;
- (4) Where amendments are proposed to a county or regional master program which has been adopted by cities or towns, the county shall coordinate with those jurisdictions and verify concurrence with or denial of the proposal. For concurring jurisdictions, the amendments should be packaged and processed together. The procedural requirements of this section may be consolidated for concurring jurisdictions;
- (5) Solicit comments on the draft proposal from the department prior to local approval. For local governments planning under the Growth Management Act, the local government shall notify both the department and the department of ~~community, trade, and economic development~~ commerce of its intent to adopt shoreline policies or regulations, ~~at least sixty days prior to final local approval~~, pursuant to RCW 36.70A.106;

- (6) Comply with chapter 43.21C RCW, the State Environmental Policy Act; and
- (7) Approve the proposal and submit for final agency approval as outlined in WAC 173-26-110.

WAC 173-26-105 Optional joint review process for amending shoreline master programs

Summary of new WAC 173-26-105 and introductory paragraph

WAC 173-26-105 outlines a new optional amendment process that consolidates the local and state public comment periods. The rule blends together requirements of the existing local amendment process in WAC 173-26-100 and the state review process in WAC 173-26-120.

The first paragraph describes the purpose and intent of the optional process. The language about “early and continuous coordination with the department” is from the introduction to WAC 173-26-100. The difference here is that coordination is “required” rather than “encouraged” because local governments and Ecology will need to coordinate closely to successfully conduct a joint public review. The opening paragraph also describes a guiding principle for a collaborative approach to addressing both local and statewide interests in crafting SMP amendments.

WAC 173-26-105 Optional joint review process for amending shoreline master programs.

This section establishes an optional joint review process a local government may elect to use for master program amendments other than comprehensive updates. The process combines the local and state public comment periods required by RCW 90.58.090. Recognizing that the optional review process requires close coordination in conducting a joint public review, early and continuous consultation with the department is required during the drafting of amendments. The department and local government should work collaboratively to address local interests while ensuring proposed amendments are consistent with the policy of RCW 90.58.020 and applicable guidelines.

(1) Local government solicits early public and agency feedback

Summary of new WAC 173-26-105(1)

§ 1(a) requires local government to start the process with a formal notice to Ecology. **NOTE:** Ecology is evaluating the feasibility of creating a single statewide email address for submitting notice, based on the Department of Commerce use of a single statewide email address to announce local “notice of intent” to amend GMA plans and regulations. For example, this rule could state “Notice should be submitted electronically through email directed to shorelinereview@ecy.wa.gov.”

§ 1(a) also adds a note that checklists are available to help with the amendment process for the three kinds of amendments – comprehensive updates, statutorily-mandated periodic reviews, and other locally-initiated amendments.

§ 1(b) is from the introductory paragraph of WAC 173-26-100 and WAC 173-26-100(3).

§ 1(c) is directly from WAC 173-26-100(4).

(1) Local government solicits early public and agency feedback.

(a) Prior to commencing the amendment process, local governments shall notify the department of intent to develop an amendment under the optional joint review process.

The department will provide shoreline master program amendment checklists to help local governments identify issues to address for comprehensive updates, periodic reviews, and other amendments. The checklists will not create new or additional requirements beyond the provisions of this chapter. The checklists are intended to aid in the preparation and review of master program updates and amendments.

(b) Prior to submittal of a master program amendment to the department, local government shall solicit public and agency comment during the drafting of proposed amendments.

(i) The degree of public and agency involvement sought by local government should be gauged according to the level of complexity, anticipated controversy, and range of issues covered in the draft proposal.

(ii) Local government shall consult with and solicit comments of any persons, groups, federal, state, regional, or local agency, and tribes, having interests or responsibilities relating to the subject shorelines or any special expertise with respect to any environmental impact. The consultation process should include adjacent local governments with jurisdiction over common shorelines of the state, where applicable.

(iii) For local governments planning under chapter 36.70A RCW, local citizen involvement strategies should be implemented to insure early and continuous public participation consistent with WAC 365-196-600.

(c) Where amendments are proposed to a county or regional master program which has been adopted by cities or towns, the county shall coordinate with those jurisdictions and verify concurrence with or denial of the proposal. For concurring jurisdictions, the amendments should be packaged and processed together. The procedural requirements of this section may be consolidated for concurring jurisdictions.

(2) Local government and Ecology conduct joint public comment period

Summary of new WAC 173-26-105(2)

These steps combine the **local** notice and comment requirements of WAC 173-26-100(1) and (2), with the **state** notice and comment requirements found in RCW 90.58.090(2) and WAC 173-26-120(B).

§ 2(c)(i) clarifies that local governments provide notice to local interested parties, and Ecology provides notice to the state interested parties list. The rule provides a standardized local comment period of 30 days.

§ 2(c)(ii) clarifies public notice requirements for the joint hearing.

§ 2(d) outlines what items must be made available to the public.

§ 2(e) is a modified version of the requirement of WAC 173-26-120(6). Local governments are provided a default timeframe of 30 days, with an option for additional time upon request.

(2) Local government and Ecology conduct joint public comment period.

At a minimum, local governments and the department shall conduct the following steps:

(a) Local governments planning under the Growth Management Act shall notify the department of commerce of its intent to adopt shoreline policies or regulations, pursuant to RCW 36.70A.106.

(b) Local governments shall comply with chapter 43.21C RCW, the State Environmental Policy Act.

(c) Local governments and the department will provide a formal public comment period.

(i) Provide a public comment period of at least thirty days. The local government will provide reasonable notice and opportunity for written comment to all parties of record who expressed interest regarding the proposal. The department will provide notice to the state interested parties list of persons, groups, agencies, and tribes that have requested in writing notice of proposed master programs or amendments generally or for a specific subject matter.

(ii) Conduct at least one joint local/state public hearing to consider the draft proposal. The local government will publish notice of the joint local/state hearing in one or more newspapers of general circulation in the area in which the hearing is to be held. The notice shall include:

(I) Reference to the authority(s) under which the action(s) is proposed;

(II) The date, time, and location of the hearing, and the manner in which interested persons may present their views;

(III) A statement or summary of the proposed changes to the master program; and

(IV) Reference to the availability of the draft proposal for public review.

(d) Local governments shall make available to the public and shall accept comment on the following materials:

(i) Amended text clearly identifying the proposed changes;

(ii) Any amended environment designation map(s), showing both existing and proposed designations, with justification for changes;

(iii) A summary of proposed amendments together with explanatory text indicating the scope and intent of the proposal; and

(iv) An initial submittal checklist and other supporting material indicating how the proposed amendment is consistent with the policy of RCW 90.58.020 and applicable guidelines.

(e) Local governments shall prepare a response to public comments.

(i) Within 30 days after the close of the joint public comment period, the local government shall document the submitted comments and prepare a written response to the public comments. The response may identify changes to the proposed amendment in response to public comments. Any proposed changes shall be evaluated by the local government for consistency with the policy of RCW 90.58.020 and applicable guidelines.

(ii) A local government may request additional time to prepare responses. Such requests will be accompanied by estimates of additional time needed.

(3) Local government obtains initial determination from the department

Summary of new WAC 173-26-105(3)

After the joint public comment period and an initial local government response to comments, the SMP would be sent to Ecology for an initial determination of compliance before local adoption. This will provide local elected officials an opportunity to consider Ecology's analysis before local adoption. Ecology often provides this informally under the existing process - preliminary draft language makes this "best practice" a formal step in the process.

(3) Local government obtains initial determination from the department.

(a) After conducting the joint public comment period, and prior to local government adoption, the local government shall submit the proposed amendment to the department for initial review. In addition to providing the public comment record of materials, initial submittal shall include:

- (i) Documentation of all public comments received during the comment period;
- (ii) Local jurisdiction responses to public comments;
- (iii) Description of any proposed amendments as a result of the public testimony, findings supporting the consistency of the proposed amendments with the policy of RCW 90.58.020 and applicable guidelines;
- (iv) Updated text and map amendments.

(b) The department shall provide the local government an initial determination of whether or not the proposal is consistent with the policy of RCW 90.58.020 and applicable guidelines.

- (i) The department will provide the initial determination within thirty days of submittal. For complex proposals, the department may indicate to the local government that a longer review period of up to forty-five days is needed.
- (ii) If the department's initial determination is that the proposal is consistent with applicable laws and rules, the department will provide a written statement of initial concurrence.
- (iii) If the department concludes that the proposal is not consistent with applicable laws and rules, the department will provide a written statement describing the specific areas of concern.

(4) Approve the proposal.

Summary of new WAC 173-26-105(4)

This section simply summarizes the final step of formal adoption and submittal to Ecology.

(4) Approve the proposal.

After receiving the initial determination from the department, the local government adopts the amendment through resolution or ordinance and submits it for final agency approval as outlined in WAC 173-26-110.

WAC 173-26-110 Submittal to department of proposed master programs/amendments

This existing rule outlines what must be included in a complete formal submittal. This section would apply whether the amendment was prepared under WAC 173-26-100 or the optional joint process under WAC 173-26-105.

Summary of changes to WAC 173-26-110

Ecology proposes a few minor edits and clarifications.

The opening paragraph clarifies that digital submittals are acceptable, rather than two paper copies.

§ 6 acknowledges that public notice and consultation may have followed the optional process under WAC 173-26-105.

§ 8 clarifies that the submittal includes local responses to public comments.

§ 9(b) adds a requirement for a checklist to accompany submittals that address the 8-year “periodic review” required under RCW 90.58.040. (Ecology would maintain a checklist of recently amended statutes and rules.)

§ 9(c) adds a final checklist for “locally initiated” amendments to indicate how the proposed amendment meets applicable laws and guidelines.

WAC 173-26-110 Submittal to department of proposed master programs/amendments.

A master program or amendment proposed by local government shall be submitted to the department for its review and formal action. Submittals may be in digital format. A complete submittal shall include ~~two copies of~~ the following, where applicable:

- (1) Documentation (i.e., signed resolution or ordinance) that the proposal has been approved by the local government;
- (2) If the proposal includes text amending a master program document of record, it shall be submitted in a form that can replace or be easily incorporated within the existing document. Amended text shall show strikeouts for deleted text and underlining for new text, clearly identifying the proposed changes. At the discretion of the department, strikeouts and underlined text may not be required provided the new or deleted portions of the master program are clearly identifiable;
- (3) Amended environment designation map(s), showing both existing and proposed designations, together with corresponding boundaries described in text for each change of environment. All proposals for changes in environment designation and redesignation shall provide written justification for such based on existing development patterns, the biophysical capabilities and limitations of the shoreline being considered, and the goals and aspirations of the local citizenry as reflected in the locally adopted comprehensive land use plan;
- (4) A summary of proposed amendments together with explanatory text indicating the scope and intent of the proposal, staff reports, records of the hearing, and/or other materials which document the necessity for the proposed changes to the master program;
- (5) Evidence of compliance with chapter 43.21C RCW, the State Environmental Policy Act, specific to the proposal;

- (6) Evidence of compliance with the public notice and consultation requirements of either WAC 173-26-100 or WAC 173-26-105;
- (7) Copies of all public, agency and tribal comments received, including a record of names and addresses of interested parties involved in the local government review process or, where no comments have been received, a comment to that effect.
- (8) A summary of amendments made in response to comments received.
- (9) A copy of the applicable master program submittal checklist:
- (a) For comprehensive master program updates, a checklist completed in accordance with WAC 173-26-201 ~~(2)(f)~~ and (3)(a) and (h).
 - (b) For periodic reviews prepared under RCW 90.58.080(4), a checklist completed in accordance with WAC 173-26-090.
 - (c) For locally initiated amendments, a checklist and any supporting material demonstrating consistency with RCW 90.58.020 and applicable guidelines.
- ~~(9)~~ (10) For comprehensive master program updates, copies of the inventory and characterization, use analysis, restoration plan and cumulative impacts analysis.

WAC 173-26-120 State process for approving/amending shoreline master programs

Summary of changes to WAC 173-26-120, introductory paragraph and Sections 1 and 2

The existing WAC 173-26-120 outlines Ecology's procedures after local adoption with one consecutively numbered sequence under two headings: "Formal Review" (1-6) and "Approval" (7-9).

Proposed changes organize the rule into three sections: (1) Formal Review for Completeness; (2) State Public Comment Period; and (3) Approval.

The introductory paragraph and § 1(a) and § 1(b) are amended to acknowledge that § 2 is only for local governments that follow the "standard" amendment process under WAC 173-26-100.

WAC 173-26-120 State process for approving/amending shoreline master programs.

Review and approval of master programs and amendments by the department shall follow the procedures set forth below. The state public comment period under section 2 does not apply to master programs adopted under the optional joint review process of WAC 173-26-105.

(1) Formal review for completeness:

~~(1)~~ (a) The department shall review the submitted master program or amendment for compliance with either WAC 173-26-100 or WAC 173-26-105, and 173-26-110. The department shall notify the local government in writing when it determines that a complete submittal has been received.

~~(2)~~ (b) If the submittal is determined to be incomplete, the department will identify the deficiencies and so notify the local government in writing. The review process will not commence until the department determines the submittal is complete.

(2) State public comment period:

For local governments that have followed WAC 173-26-100, the department shall follow the procedures below:

~~(2)~~ (a) The department shall provide reasonable notice and opportunity for written comment to all parties of record who expressed interest regarding the local government proposal and to all persons, groups, agencies, and tribes that have requested in writing notice of proposed master programs or amendments generally or for a specific subject matter. The comment period shall be at least thirty days, unless the department determines that a lack of complexity or controversy surrounding the proposal supports a shorter period.

~~(3)~~ (b) For master program or amendment proposals involving local governments planning under chapter 36.70A RCW, the department shall provide notice to the department of ~~community, trade, and economic development~~ commerce of its intent to commence formal review of the local government proposal.

~~(4)~~ (c) At the department's discretion, it may conduct a public hearing during the comment period in the jurisdiction proposing the master program or amendment.

~~(5)~~ (d) If the department conducts a hearing pursuant to subsection ~~(4)~~ (c) of this section, it shall publish notice of the hearing in at least one newspaper of general circulation in the area affected by the master program. The public notice shall include:

- (i) A description of the proposed master program or amendment;
- (ii) Reference to the authority under which the action is proposed;
- (iii) The dates, times, and locations of any public hearings, and the manner in which interested persons may obtain copies of the proposal and present their views.

For master program or amendment proposals involving adoption by rule, the notice of the hearing shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in the county in which the hearing is to be held.

~~(6)~~ (e) Within fifteen days after the close of the department's public comment period, the department shall request of the local government submitting the proposal a review of the issues, if any, identified by the public, interested parties, groups, agencies, and tribes, and a written response as to how the proposal addresses the identified issues consistent with the policy of RCW 90.58.020 and the applicable guidelines. Local government shall submit its response to the department within forty-five days of the date of the department's letter requesting a response. If no response is received by the department within the forty-five-day period, the department may proceed with action on the proposal according to sub-section ~~(7)~~ 3 of this section. Within the forty-five-day period, the local government may request in writing additional time to prepare a response.

Summary of changes to WAC 173-26-120(3)

This section is amended to reflect changes to the SMA adopted by the Legislature in 2011 regarding the effective date of SMPs and Ecology notice of final action [RCW 90.58.090(7)]. All provisions regarding “effective date” are consolidated under § (3)(d).

The section also include numerous edits to acknowledge the optional “joint review” amendment process proposed under WAC 173-26-105. Other minor edits:

§ 3(a) is modified to clarify that jurisdictions that have undergone a joint review of amendments under WAC 173-26-105 will have skipped § 2.

§ 3(a)(ii) has minor additions to directly match RCW 90.58.090.

§ 3(b) replaces “mails” with “provides,” consistent with § 3(a)(iii).

§ 3(b)(i) requires Ecology to provide notice to parties of record. While this is not directly in statute, Ecology believes it should be retained, because once Ecology accepts alternative changes, the agency needs to provide notice to conclude the amendment process.

§ 3(c) adds a heading. The rest of this section is direct from 90.58.090(8). The statutory language is separated into (i) and (ii) so it is easier to read and cite.

§ 3(d) adds a heading, and updates the Legislative requirement from 90.58.090(7) that established the effective date of SMPs as fourteen days after Ecology’s approval. Edits also remove outdated language that conflicts with the more-recent statute. *Note that the description of when an amendment takes effect under RCW 90.58.190(4) conflicts with the more-recent statute establishing the effective date as found in RCW 90.58.070. Because the two statutes are in direct conflict, the more-recent amendment applies.*

Previous § (9) is deleted because it is replaced with the new statutory language above under § (3)(c).

(3) Approval:

~~(7)~~ (a) Within thirty days after receipt of the local government written response pursuant to subsection ~~(2)(e)~~~~(6)~~ of this section, or for jurisdictions that followed WAC 173-26-105, after determination of completeness pursuant to subsection (1)(a), the department shall:

(i) make written findings and conclusions regarding the consistency of the proposal with the policy of RCW 90.58.020 and the applicable guidelines;

(ii) for amendments adopted under WAC 173-26-100, provide a response to the issues identified in subsection ~~(6)~~~~(2)(e)~~ of this section; and

(iii) either approve the proposal as submitted, recommend specific changes necessary to make the proposal consistent with chapter 90.58 RCW policy and its applicable guidelines, or deny the proposal in those instances where no alteration of the proposal appears likely to be consistent with the policy of RCW 90.58.020 and the applicable guidelines. The written findings and conclusions shall be provided to the local government and made available to all interested persons, parties, tribes, groups, and agencies of record on the proposal.

(A) In reaching its determination of consistency with the policy of RCW 90.58.020 and the applicable guidelines, the department shall approve those parts of a master program relating to shorelines unless it determines that the submitted parts are not consistent with the policy of RCW 90.58.020 and the applicable guidelines.

(B) The department shall approve those parts of a master program relating to shorelines of statewide significance only after determining the program provides for optimum implementation of the statewide interest as set forth in the policy of RCW 90.58.020 and the applicable guidelines.

~~(a) In cases where the proposal is approved as submitted, the effective date of the approved master program or amendment shall be the date of the department's letter to local government approving the submitted master program or amendments.~~

(b) If the department recommends changes to the proposal, within thirty days after the department ~~mails~~ provides the written findings and conclusions to the local government pursuant to this subsection (~~73~~), the local government may:

~~(i) Agree to the proposed changes by written notice to the department. Receipt by the department of the written notice of agreement from the local government shall constitute final action by the department approving the revised submittal. Written~~ The department shall provide written notice of the local government acceptance ~~shall be provided by the department to all parties of record. In such cases, the effective date of the approved master program or amendment is the date the department receives from local government the written notice of agreement;~~

or

~~(ii) Submit an alternative proposal. If, in the opinion of the department, the alternative is consistent with the purpose and intent of the changes originally proposed by the department in this subsection (~~73~~) and with the policy of RCW 90.58.020 and the applicable guidelines, it shall approve the alternative changes and provide written notice to all parties of record. In such cases, the effective date of the approved master program or amendments is the date of the department's letter to local government approving the alternative proposal. If the department determines the alternative proposal is not consistent with the purpose and intent of the changes proposed by the department, the department may either deny the alternative proposal or, at the request of local government, start anew with the review and approval process beginning at WAC 173-26-120.~~

(c) Department notice of final action.

(i) Promptly after approval or disapproval of a local government's shoreline master program or amendment, the department shall publish a notice consistent with RCW 36.70A.290 that the shoreline master program or amendment has been approved or disapproved. This notice must be filed for all shoreline master programs or amendments.

(ii) If the notice is for a local government that does not fully plan under RCW 36.70A.040, the department must, on the day the notice is published, notify the legislative authority of the applicable local government by telephone or electronic means, followed by written communication as necessary, to ensure that the local government has received the full written decision of the approval or disapproval.

(d) Effective date.

~~(8) (i) A master program or amendment thereto takes effect when and in such form as it is approved or adopted by rule by the department except when appealed to the shorelines board as provided for in RCW 90.58.190(4) for local governments not planning under chapter 36.70A RCW. The effective date is fourteen days from the date of the department's written notice of final action to the local government stating the department has approved or rejected the proposal.~~

~~(ii) For master programs adopted by rule, the effective date is governed by RCW 34.05.380.~~

~~(iii) The department's written notice to the local government must conspicuously and plainly state that it is the department's final decision and that there will be no further modifications to the proposal.~~

~~(9) For local governments planning under chapter 36.70A RCW, after final action by the department on a local government's shoreline master program or amendment the local government shall (pursuant to RCW 90.58.090) promptly publish a notice that the department has taken final action on the master program or amendment. For purposes of this section, the date of publication for the master program adoption or amendment shall be the date on which the local government publishes the notice that the department has taken final action on the master program or amendment.~~