

## The “Final Steps” in the SMP Approval Process

1. Remember: this is NOT GMA - there is no “presumed validity” in shoreline management. Locally submitted SMPs must be approved by Ecology before they become effective and before local statutory deadlines for SMP updates are satisfied.
2. There is a “local” public process as well as a “state” public process required in approving an SMP (see SMP Review and Approval flowchart handout).
3. Ideally, local staff work closely with Ecology regional staff to prepare a fully (Guidelines) compliant draft SMP, BEFORE it is locally approved and submitted to Ecology. This helps simplify the final approval process.

Serious discussion between Ecology and local staff regarding SMP provisions that Ecology has problems or concerns with, should be clearly identified and resolved before local adoption. At a minimum, this should occur before local government begins the local public review and approval process.

4. This requires Ecology to be very clear, regarding what is specifically required and what is acceptable, depending on the topic.
5. SMP provisions that Ecology finds unacceptable and which remain unresolved through the process do not go away. They will surface again, during Ecology’s formal review and approval process. An example would be Ecology concluding that certain specific policies, regulations, or shoreline environment designations in the SMP must be revised to satisfy SMA and/or guidelines requirements.
6. If changes are necessary, they will show up in Ecology’s Findings and Conclusions, as “required” and “recommended” changes. Changes necessary for consistency with SMA policy or guidelines requirements are required for SMP approval. Changes addressing organization, graphics, typos, etc. that will add clarity or aid in SMP implementation over time, represent recommended (not required) changes.
7. Near the end of the formal SMP approval process, Ecology required and/or recommended changes will be itemized as attachments to Ecology’s findings and conclusions, with the actual corrective SMP-specific policy and regulatory language Ecology finds acceptable, presented for consideration by local government. These attached documents are transmitted via a cover letter from Ecology’s Director to the local government.

8. Local governments have 30 days to respond to Ecology's required changes. They may either (formally, in writing) agree to the proposed changes OR submit an "alternative proposal".
9. If local government agrees, the effective date of the SMP is the date Ecology receives the written acceptance letter. The process for determining what changes are acceptable to local government, and who makes that decision is local governments' business. Additional public hearings are not required but may be judged necessary by the local government. Also, who signs the acceptance letter from local government, is also up to the local government.
10. If an alternative proposal is proposed by local government, Ecology must determine the alternative is consistent with SMA policy and the guidelines. The effective date of the SMP is the date Ecology sends a letter to the local government accepting the alternative.
11. In practice, required changes can cover a mix of topics and in some cases can be quite lengthy and complex. Ecology's required changes should not come as a surprise to local government.
12. We are all professionals and need to behave that way in our dealings with each other. All verbal approvals amongst staff will ultimately need to be formalized in writing. If local government proposes alternatives, additional rounds of dialogue and negotiation between local and state representatives may be necessary. In some cases required changes are quite acceptable to local government while others, for a variety of reasons, may not be. Ecology can also propose counter-proposal language to local alternative language. If required changes are numerous, a winnowing process may be needed to zero in on remaining unresolved issues that require local or Ecology action.

This is because, in the end, both local government and Ecology must reach total, formal agreement on ALL the changes to the SMP. Until this occurs, the updated SMP will not take effect and statutory update deadlines will not be satisfied. Leaving out a particularly controversial topic in the SMP or only partially approving the SMP is not an option. Approval of an entirely complete "comprehensive" SMP update is required.

Ecology needs to closely track what has been agreed to and what items remain unresolved, so that in the end, it is clear precisely what makes up the complete approved SMP.

"A master program or amendment to a master program takes effect when and in such form as approved or adopted by the department". RCW 90.58.090(7).

13. If complete agreement cannot be reached, then Ecology can deny the SMP. Local government can also request Ecology run the state review and approval process over again with Ecology's required changes included, OR Ecology can begin rule-making to adopt a compliant SMP for the local government.