

Ellie Ziegler (Sound Transit)



August 15, 2025

Shoreline Management Act Rulemaking  
Rebecca Rothwell  
Department of Ecology  
300 Desmond Drive SE  
Lacey, WA 98504

**Re: Comments on Preliminary Draft Amendments to Shoreline Regulations, WAC 173- 26 and 173-27**

Dear Ms. Rothwell:

Sound Transit appreciates this opportunity to provide informal comments regarding the Department of Ecology's preliminary draft revisions to Washington's regulations implementing the Shoreline Management Act (SMA). The sweeping nature of the proposed changes (collectively more than 150 pages of proposed new regulations) will substantially modify shoreline programs and regulations around the state and the corresponding permitting processes. Sound Transit acknowledges the significant effort involved in preparing the preliminary draft revisions. Below we identify several key issues that we would like to work with Ecology to address as you refine and advance the proposed amendments to ensure that Sound Transit is able to continue to meet its voter mandate to plan, build and operate express buses, light rail, and commuter train services in the central Puget Sound.

*A. Ensure Sound Transit's Ability to Continue Siting Light Rail Facilities*

Sound Transit's facilities are recognized as essential public facilities (EPFs) under Washington's Growth Management Act, RCW 36.70A.200, and, as such, local jurisdictions may not preclude their siting. Sound Transit goes through an extensive process to identify and ultimately select the locations for its light rail routes and facilities. By the time Sound Transit reaches the local shoreline permitting process, each project and route have already gone through multiple rounds of evaluation, typically through combination of federal NEPA process and state SEPA process. Sound Transit is its own lead agency under SEPA. As part of its siting efforts, Sound Transit takes into consideration impacts to shoreline and critical areas functions and makes a substantial effort to avoid and minimize impacts while balancing myriad other considerations that must be taken into account in making regional siting decisions. Sound Transit addresses remaining impacts through mitigation measures.

To ensure that the SMA does not undermine Sound Transit's ability to meet its statutory mandate, Sound Transit requests that Ecology include provisions in the proposed amendments that expressly recognize light rail and other transit facilities as permitted uses in all shoreline environments. Further, Ecology should make clear that the construction, maintenance and expansion of transit facilities, including light rail, should not require any form of discretionary approval (conditional use, special use, variance) provided that facilities are appropriately mitigated to achieve the SMA's "no net loss of ecological function" standard.

It is important that Sound Transit's Board, which undertakes an exhaustive alternatives siting process, is able to make regional decisions regarding the location of its facilities even when that means crossing through shoreline areas.

*B. Provide Allowances for Light Rail Facilities in Newly Designated Sea Level Rise Hazard Areas*

Sound Transit appreciates the State's concern regarding sea level rise (SLR) vulnerability and corresponding direction to plan for those risks. RCW 90.58.630. Sound Transit has a long-standing practice of evaluating its projects for climate vulnerability and planning ahead to protect against identified risks. See [Climate Change Vulnerability Assessment](#). Sound Transit requests that Ecology revise the draft regulations to recognize and allow Sound Transit to rely on the vulnerability assessment work that it is already doing when siting, operating and maintaining its facilities (see draft WAC 173-27-185), and to continue to develop and maintain transit facilities in SLR hazard areas to serve the public need.

*C. Eliminate Duplicative Provisions with Other State and Federal Laws and Regulations*

The proposed shoreline regulations include several provisions that would integrate federal standards into the State shoreline regulations. See draft WAC 173-26-226(2)(f)(i), (ii)(B), and (iii). While it is helpful for agencies to recognize when a project is subject to multiple overlapping regulatory schemes, Sound Transit suggests eliminating any integration of those standards into local shoreline master programs to avoid inadvertent conflicts between federal, state and local agency project reviews and corresponding project delays.

*D. Eliminate Additional Documentation Requirements, Particularly for Shoreline Exemptions*

The proposed revisions to the shoreline permitting regulations elevate the role of Ecology in local permitting and propose additional layers of documentation, particularly regarding activities that are deemed exempt from shoreline permitting requirements. (Draft WAC 173-27-040(3), WAC 173-27-050, and WAC 173-27-140.) Sound Transit regularly relies on shoreline exemptions, typically for maintenance and repair activities, as well as geotechnical borings and other exploratory work. Sound Transit requests that additional documentation requirements not be added to the shoreline regulations for exempt activities.

*E. Recognize Situations When Agencies Other than the Local Government Are SEPA Lead*

Proposed draft WAC 173-27-115 provides for the integration of shoreline permit review with environmental review under SEPA. These provisions assume that the local government conducting the shoreline review will also be leading the SEPA review. That is not the case for Sound Transit's project because Sound Transit is its own SEPA lead agency and local governments are required to rely on Sound Transit's SEPA decisions. Sound Transit often completes its SEPA review long before it has begun permitting with the local jurisdictions. Sound Transit requests that Ecology revise subsection (2) to recognize that the proposed processes may not be possible where an agency other than the local government implementing the shoreline master program exercises SEPA authority over a project.

## Conclusion

Sound Transit looks forward to continuing to engage with Ecology around these proposed changes to the State's shoreline regulations. We would welcome the opportunity to coordinate with Ecology prior to its release of the official draft of these regulations to help integrate changes that address Sound Transit's comments.

Sincerely,

*Ellie Ziegler*

Ellie Ziegler  
Deputy Executive Director – Capital Project Development