November 16, 2026

Rebecca Rothwell, Rulemaking Lead
Washington State Department of Ecology
Shorelands and Environmental Assistance Program
Submitted electronically through the public comment portal: [LINK]

RE: Public Comments on the Proposed Shoreline Management Act Rule Updates
Chapters 173-18, 173-20, 173-22, 173-26, and 173-27 WAC

Ms. Rebecca Rothwell,

On behalf of the Pacific Northwest Waterways Association (PNWA), I write to comment on the proposed Shoreline Management Act (SMA) rule updates. The Pacific Northwest Waterways Association (PNWA) represents more than 155 members throughout Washington, Oregon, and Idaho, including ports, barge companies, steamship operators, grain elevator operators, agricultural producers, electric utilities, irrigation districts, and organized labor. Our association supports projects that advance and protect the region's navigation infrastructure, freight mobility, economic vitality, and environmental resources. We recognize the importance of the region's multimodal transportation system in providing safe, efficient, and reliable connections to competitive domestic and international markets. Many of these ports and businesses operate on Washington waterfronts and PNWA appreciates the opportunity to share these comments with the Department of Ecology (Ecology).

PNWA supports shoreline protection and practical climate resilience planning for sea level rise and storm severity and appreciate the intent behind the proposed updates to the SMA. However, PNWA requests revisions to preserve working and industrial waterfronts, consider port shoreline environments, better accommodate for existing infrastructure repair and modernization, and avoid unnecessary additional project costs or delays.

Washington's public ports, terminal operators, and port tenants support local economies by investing in public infrastructure, creating opportunities for businesses and workers, and caring for the long-term prosperity of their communities. Ports also protect the environment through cleanup, habitat restoration, modernizing equipment and cleaner operations, and water quality improvements. To continue this work, ports need clear, practical ways to maintain and modernize their facilities while protecting public investments and shoreline resources.

PNWA supports provisions in the rule which promote practical adaptation, informed local planning, and predictable permitting. These include flexibility to phase adaptation options and the use of localized strategies, the recognition of port expertise and coordination with local jurisdictions, state-provided hazard data, and a stable information baseline that avoids repeated analysis during periodic review. We also appreciate provisions affirming permit timelines and clarifying enforcement roles and responsibilities.

However, the breadth of the proposed changes raises significant concerns for public port's ability to operate and manage their shoreline infrastructure and plan for future economic development opportunities. Disruptions at ports create a ripple effect through supply chains which affects other modes of transporting goods, shippers, and producers. We request revisions that better account for the operational needs of industrial shorelines, the maintenance and modernization of public infrastructure, and account for the cost of implementation. PNWA believes the substantial nature of the revisions to SMA far exceeds the direction provided by the legislature and authority within SMA. Our principal concerns and recommended changes are outlined below.

Portions of the rule proposal seem to be outside the scope of the statutory language in 2023 HB 1181. This law's shoreline directive, codified in RCW 90.58.630, requires shoreline master programs (SMPs) "to address the impact

of sea level rise and increased storm severity on people, property, and shoreline natural resources and the environment." The rule goes well beyond that directive through substantive changes to repair and replacement, creating new priority processes for things like mitigation sequences, nonconforming developments, expanding critical areas, buffers, and permit administration. These are consequential policy changes that can lead to a much-expanded regulated shoreline, into many port developed areas. We do not believe that many of these new proposals have gone through enough consultation with impacted local jurisdictions (i.e. WAC 173-27-035 creating a new permit system). We ask Ecology to identify their separate statutory authority and demonstrated need and remove or defer provisions requiring further development and stakeholder review. A phased approach could first identify vulnerabilities, such as private residence unpermitted shoreline armoring, and then develop appropriate responses with local governments and affected shoreline infrastructure owners.

PNWA requests Ecology provide greater certainty for continued port operations and preserve the preference afforded to ports, industry, and economic development already established in RCW 90.58.020 and in 90.58.100, consistent with environmental protection. Working waterfronts function as integrated systems: docks, terminals, cargo handling equipment, storage areas, utilities, and access roads work together, even when some components are in other areas off the shoreline but on a terminal, for example. Shoreline standards should recognize these connections and allow ports to maintain, replace, and modernize essential facilities and supporting infrastructure. We recommend explicit provisions for developed working waterfronts, through a dedicated shoreline designation or equivalent mechanism, so that buffer, vegetation, nonconforming development, and adaptation requirements reflect ongoing port operational needs. These provisions should also allow engineered stabilization where necessary for safety and operations, subject to appropriate environmental review. We recommend naming industry, ports, and maritime facilities specifically in WAC 173-26 and WAC 173-27-030/040, or reference the current preferences in RCW 90.58.100.

PNWA has concerns the rule will limit or deny essential maintenance, repair, and modernization projects of existing shoreline infrastructure or interfere with timelines for use of federal funds involved in those projects. Ports must renew aging infrastructure while meeting evolving seismic, safety, accessibility, security, and environmental requirements. This work is not comparable to a residential minor repair, especially under the definition in the proposed rule (WAC 173-27-040), but for a port district would be routine. Electrification, shore power, stormwater improvements, pile replacement, and climate adaptation can require changes in height, configuration, materials, or design. Because of the scale of projects for ports, narrow repair and replacement definitions risk excluding the very improvements needed to make port facilities safer and more resilient while still being able to operate their critical function. We recommend revising these definitions and related standards to accommodate functionally comparable replacement and necessary modernization, provide practical pathways for nonconforming structures, and preserve exemptions and efficiency in the approval process (i.e. WAC 173-26-020).

RCW 90.58.050 establishes a cooperative shoreline program with local governments primarily responsible for planning and administration. This rule proposal appears to emphasize expanded state oversight and outlines new requirements and processes for local jurisdictions. It appears to translate long-range planning into mandatory development restrictions and establishes more prescriptive preferences among shoreline uses. Outlining development preferences coupled with the expansion of the regulated shoreline area is concerning for the impact and interpretation of port operations. These provisions risk narrowing local choices before site conditions and operational needs are fully considered, especially in port shoreline and industrial areas. As a result, PNWA requests incorporating additional requirements for early coordination with ports on local SMP updates and hazard assessments. PNWA further recommends the final rule explicitly recognize public port facilities and operations as shoreline uses and preserve the priority afforded to ports and water-dependent uses under the SMA (WAC 173-26-211). Shoreline designations and development standards should account for the integrated nature of port operations, including supporting infrastructure and activities that are necessary to the waterfront's function.

Ecology's Preliminary Regulatory Analyses (Publication 26-06-019) estimates $4 million – $21 million in annual quantified costs statewide. Although Ecology concludes benefits exceed costs, its stabilization analysis assumes

technical study costs would also increase 50 to 100 percent (pp. 49–50). The rule also expands Ecology's approval and review role, commits to numerous guidance and technical assistance roles, and provides authority for Ecology to place conditions on local SMPs in their review. Ecology's 2027-29 Operating Budget request does not include additional funding for implementation nor the funding necessary for cities and counties to substantially update their local SMPs. Ecology will need to provide adequate resources, model language, and realistic schedules, especially for smaller jurisdictions, and avoid duplicative planning and permitting requirements. Without additional staff, funding, or adequate support for local jurisdictions PNWA is concerned about implementation and interpretation of a rule update of this magnitude. WAC 173-26-246 is new, and we recommend documenting or identifying funding or technical assistance available for local jurisdiction implementation here.

PNWA respectfully requests Ecology revise the proposal before adoption and provide further public review of substantial revisions as appropriate. Clear, proportionate requirements can protect shoreline resources while allowing ports and their partners to maintain public infrastructure, continue economic development projects, advance environmental improvements, and support their local communities. Thank you for considering our comments.

Respectfully submitted,



Neil Maunu
Executive Director
Pacific Northwest Waterways Association