November 6, 2026

Washington State Department of Ecology
ATTN: Rebecca Rothwell
Rulemaking Lead
PO Box 47600
Olympia, WA 98504

RE: Overall review of proposed Washington State Department of Ecology rulemaking changes and WAC 173-26-191

I have spent a lot of time reviewing the proposed Ecology rulemaking changes. The changes are detailed and well composed. It reads like a how to Manual and should work for most local governments but not all.

These are concerns that need to be addressed in the new rulemaking:

1. The Checklist for SMP Amendments - the checklist is a guideline for Periodic Reviews, Locally Initiated Amendments and Comprehensive Amendments.

The checklist is included in the Ecology Shoreline Master Program Handbook amongst a list of Chapters. There is very little information online about this checklist and no standards for how it is used except it appears local governments can trim it down or expand it depending on local circumstances for their amendments. I have reviewed a lot of these documents for different jurisdictions and it is my opinion that amendments should never use one checklist when the submission is for multiple amendment types.

The amendment online checklist information is confusing and lacking in detail for why the amendment is necessary and how the local government is using it for compliance with the SMP. It appears the checklist is sometimes used for justifying why no further details are required when the Shoreline Management Act's guidelines clearly required review of the guidelines for amendments. This checklist needs to be standardized or only used as list of documents that need to be submitted.

2. Enforcement is mentioned in the amended section WAC 173-26-191(a)(D)(iii).

*(iii) Master program regulations. Master program regulations place specific controls on uses and development activities to ensure implementation of the master program policies adopted pursuant to chapter 90.58 RCW. "Implementation" in this context has an affirmative meaning, regulations should have a sufficient scope and detail to fully carry out the goals, policies, standards, and direction contained within the master program policies and the policy of the act.*

This information is nice but it needs to exclude local government's use of administrative decisions to override these policies. In our County, the local government has a enforcement priority system and they simply do no enforcement on any violation of shorelines that think should be low priority. This is an internal document that is not published online and is not part of our local SMP and I found out about it when confronting some of the shoreline activities in violation of the local SMP. There is no definition of low priority enforcement policies in the Shoreline Management Act and associated Guidelines and no definition in local enforcement legislation policies.

If the new rulemaking enforcement section in WAC 173-26-191 (Master Program Contents) is going to be more than just words on paper then local SMP contents, as detailed in section WAC 173-26-191, need to clarify how "Low Priority" shoreline violations are defined and handled and that enforcement policies and information should not be hidden from the public by hiding it in a local administration enforcement policy.

Sincerely,

Tani Sutley
3006 Northshore Road
Bellingham, WA 98226