Grant County
PUBLIC UTILITY DISTRICT

Powering Our Way of Life.

November 3, 2026

Rebecca Rothwell
Rulemaking Lead
Shoreline Management Act Rulemaking
Department of Ecology
300 Desmond Drive SE Lacey, WA 98504
rebecca.rothwell@ecy.wa.gov

Grant PUD Comments on Proposed Amendments to Chapters 173-18, 173-20, 173-22, 173-26, and 173-27 WAC

On behalf of Public Utility District No. 2 of Grant County (Grant PUD), we appreciate the Washington Department of Ecology's efforts to modernize implementation of the Shoreline Management Act (SMA) through the proposed revisions to Chapters 173-18, 173-20, 173-22, 173-26, and 173-27 WAC.

The proposed rulemaking would substantially revise shoreline designation, shoreline jurisdiction, shoreline master program implementation, ecological protection standards, and permit administration. We support Ecology's objectives of improving consistency, modernizing shoreline mapping, increasing transparency, strengthening restoration planning, and providing clearer statewide guidance regarding shoreline management and protection.

Several aspects of the rulemaking proposal raise concerns regarding regulatory certainty, permitting efficiency, administrative burden, and implementation practicality for public utility infrastructure. Grant PUD owns and operates the Priest Rapids Project, maintains extensive recreation facilities and shoreline access areas, operates fish hatcheries, and maintains transmission, distribution, and related public infrastructure throughout shoreline jurisdictions. We also operate the Priest Rapids Project under a license issued by the Federal Energy Regulatory Commission (FERC), which includes a Commission approved Shoreline Management Plan governing shoreline use and management within the project boundary. Because these facilities provide essential public services and are often subject to extensive federal and state environmental oversight, it is important that the final rules provide clear, predictable, and proportionate pathways for routine maintenance, modernization, repair, replacement, and improvement activities while continuing to protect shoreline ecological functions consistent with the policy objectives of the SMA.

We believe these objectives are fully consistent with RCW 90.58.020, which directs shoreline management to both protect shoreline resources and foster reasonable and appropriate uses of the shorelines of the state, and with RCW 90.58.050, which establishes a cooperative program of shoreline management between local governments and the state.

**Chapter 173-18 WAC**

We generally support Ecology's effort to modernize the designation of rivers and streams that constitute Shorelines of the State and Shorelines of Statewide Significance. The transition from static statewide inventories toward locally maintained shoreline master program inventories and associated geospatial datasets should improve mapping accuracy and consistency over time. The proposed rulemaking recognizes the practical reality that shoreline information is increasingly maintained through GIS systems and local shoreline inventories rather than historic statewide lists.

We encourage Ecology to clarify that updates to shoreline inventories or mapping datasets are intended to improve administrative accuracy and should not independently alter regulatory obligations for existing legally established uses, facilities, and infrastructure. Changes to mapped shoreline jurisdiction should become effective only through approved shoreline master program amendments and associated public review processes. Additional clarity would improve regulatory certainty for shoreline users, public infrastructure owners, and local governments.

This clarification would also be consistent with RCW 90.58.090, which establishes the formal process by which shoreline master programs and amendments become effective following review and approval.

We also note that shoreline inventory data, shoreline classifications, and shoreline management provisions may be incorporated into federal licenses and federally approved management plans governing hydropower projects. The Priest Rapids Project operates pursuant to a FERC license that includes a Commission approved Shoreline Management Plan. Changes to shoreline jurisdiction, shoreline classifications, or shoreline management standards implemented outside of formal shoreline master program amendment processes could create uncertainty regarding the continued consistency of federally approved shoreline management plans and may necessitate additional federal review. Formal shoreline master program amendment procedures provide an important mechanism to ensure transparency, public participation, intergovernmental coordination, and regulatory certainty where state, local, and federal shoreline management requirements intersect.

**Chapter 173-20 WAC**

We support the modernization of lake and reservoir shoreline inventories and Ecology's efforts to improve consistency between shoreline regulations, shoreline master programs, and statewide shoreline mapping resources. The continued recognition of major reservoirs and shoreline waters that have historically been regulated under the SMA provides important continuity for existing public and private investments.

The proposed rulemaking shifts toward local shoreline inventories as the primary source of shoreline designation information and may create uncertainty regarding future shoreline jurisdictional boundaries. Reservoir systems often support multiple public purposes, including hydropower production, fish and wildlife management, recreation, public access, and utility infrastructure.

This issue is particularly important for major hydropower reservoirs that operate under federal licensing requirements. Shoreline inventories, shoreline classifications, and shoreline management standards often serve as foundational elements of federally approved shoreline management plans. Ecology should ensure that updates to shoreline inventories and mapping resources are not interpreted as independently modifying regulatory requirements, shoreline designations, or shoreline jurisdiction absent completion of the applicable shoreline master program amendment process. Maintaining a clear connection between regulatory changes and approved shoreline master program amendments will help ensure consistency among local, state, and federal shoreline management frameworks.

We recommend Ecology explicitly state that inventory updates are intended to improve mapping accuracy and not to expand shoreline jurisdiction or modify the treatment of existing facilities absent a formal shoreline master program amendment process. Such clarification would be consistent with the shoreline planning and amendment framework established under RCW 90.58.090.

**Chapter 173-22 WAC**

We appreciate Ecology's efforts to clarify the definitions and treatment of shorelands, associated wetlands, floodways, floodplains, and other lands subject to shoreline jurisdiction. Improved clarity regarding the location and extent of shoreline jurisdiction should benefit both project applicants and regulatory agencies.

Among the five proposed rulemaking packages, Chapter 173-22 has the greatest potential to expand the practical reach of shoreline regulation because it governs not merely shoreline water bodies, but the lands associated with those water bodies. The proposed rulemaking provides expanded opportunities for local governments to include larger portions of floodplains, critical areas, associated wetlands, and related buffer areas within shoreline jurisdiction.

We support the protection of ecologically important areas and recognize that RCW 90.58.030 authorizes shoreline jurisdiction over shorelands and associated wetlands. However, we encourage Ecology to ensure that any expansion of practical regulatory reach is tied to demonstrated ecological necessity and site-specific functional relationships rather than broad categorizations that may substantially increase regulatory burdens without providing commensurate environmental benefits.

We recommend Ecology clarify that any extension of shoreline jurisdiction into floodplains, critical areas, associated wetlands, or buffer areas should remain proportional to the ecological functions being protected and supported by site specific analysis. The final rules should avoid creating circumstances where jurisdictional expansion results in duplicative or overlapping regulation of existing utility infrastructure, public facilities, fish facilities, recreation sites, or hydropower related operations without a demonstrated ecological benefit.

**Chapter 173-26 WAC**

Chapter 173-26 contains the most consequential substantive policy revisions in the rulemaking package and will likely have the greatest long-term effect on shoreline planning, project review, and implementation. We support Ecology's efforts to improve statewide consistency among shoreline master programs, strengthen shoreline restoration planning, improve shoreline monitoring, and provide greater clarity regarding shoreline ecological function protection. The proposed framework reflects a substantial effort to organize shoreline management around ecological protection, restoration, adaptive management, and long-term resilience goals.

Our concern is not with the objectives embodied in the proposed no-net-loss framework, but with how those objectives will be implemented in practice. We recognize that protection of shoreline ecological functions is a central policy objective of RCW 90.58.020 and that RCW 90.58.100 directs Ecology and local governments to incorporate environmental protection measures into shoreline master programs. We also recognize that shoreline ecological systems are complex, and that no-net-loss determinations often require site specific analysis, professional judgment, and consideration of cumulative effects.

The proposed revisions substantially expand references to no-net-loss, mitigation sequencing, ecological function assessments, adaptive management, monitoring, cumulative impact analysis, and documentation requirements. The proposal provides limited direction regarding how the level of required analysis should vary based on project scale, duration, intensity, or ecological significance. Without additional clarification, there is a risk that routine, low impact infrastructure activities could become subject to

analytical requirements more appropriately reserved for larger or more environmentally significant projects.

We are not advocating for exemption from no-net-loss requirements or shoreline ecological protections. Rather, we encourage Ecology to establish implementation standards that are proportional to the nature and magnitude of project impacts while continuing to achieve the environmental objectives of the Shoreline Management Act.

We recommend Ecology clarify that demonstrations of no-net-loss should be proportional to the scale, duration, intensity, and ecological significance of project impacts. Such an approach would remain fully consistent with shoreline protection objectives while avoiding unnecessary analytical burdens for routine public infrastructure activities. Nothing in this recommendation is intended to diminish ecological protection standards. Rather, it reflects the principle in RCW 90.58.020 that shoreline management should balance environmental protection with reasonable and appropriate uses of shoreline areas.

Ecology should also clarify that projects occurring entirely within existing developed, operational, or previously disturbed facility footprints may utilize streamlined or simplified demonstrations of no-net-loss where project activities do not expand the overall development footprint or create new long-term impacts to shoreline ecological functions. Such an approach would not diminish environmental protections but would recognize that many maintenance, rehabilitation, modernization, and replacement activities occur within environments that have already been altered and are often subject to extensive environmental monitoring and management.

We are also concerned by the proposed shoreline stabilization provisions. The new requirements for geotechnical analyses, alternatives analyses, ecological impact assessments, and expanded mitigation documentation may be appropriate for major shoreline armoring projects but could impose substantial cost and schedule impacts for stabilization activities associated with public infrastructure, utility corridors, public access sites, recreation facilities, and hydropower-related facilities.

Ecology should also recognize that many public utility facilities located within shoreline jurisdiction are already subject to extensive environmental review, monitoring, mitigation, adaptive management, and compliance obligations under federal licenses, biological opinions, water quality certifications, fishery mitigation requirements, habitat conservation programs, and other state and federal environmental programs. We are not suggesting that compliance with these programs automatically satisfies SMA requirements. Rather, where equivalent environmental analyses have already been completed and remain relevant to the proposed action, applicants should be allowed to rely on existing information to satisfy shoreline review requirements and avoid duplicative studies.

This approach would further the permitting objectives embodied in RCW 90.58.140 by reducing duplication while maintaining substantive review of shoreline impacts.

We further encourage Ecology to recognize the public benefits associated with utility infrastructure. Existing utility facilities provide electricity, communications, water supply, fish passage, fish survival benefits, recreation opportunities, and public safety services that are essential to our communities. The rule would provide greater certainty if it expressly stated that maintenance, repair, replacement-in-kind, rehabilitation, modernization, and operational upgrades of existing public utility facilities are presumed eligible for streamlined review when impacts remain within previously disturbed areas and appropriate mitigation measures are implemented.

Consistent with that principle, Ecology should consider creating streamlined review pathways for maintenance, repair, replacement, rehabilitation, modernization, and stabilization activities associated with existing infrastructure where no expansion of the operational footprint is proposed and where impacts are limited, temporary, and appropriately mitigated. Such an approach would remain consistent with RCW 90.58.100(6), which expressly contemplates shoreline protection standards while recognizing the practical need to protect existing structures and facilities from shoreline erosion.

We appreciate the rulemaking efforts to improve shoreline restoration planning, monitoring, and adaptive management. Implementation requirements should remain practical and should acknowledge that public utilities are already subject to extensive environmental compliance requirements under federal licenses, state permits, habitat conservation programs, and other environmental programs.

**Chapter 173-27 WAC**

We support Ecology's efforts to modernize shoreline permit administration and improve statewide consistency in shoreline permitting practices. The proposal provides a clearer permit framework, improves permit tracking systems, and modernizes many administrative provisions. We also appreciate the recognition provided to fish hatchery maintenance and operational activities conducted by public utility districts, tribes, municipal utilities, and state fishery agencies.

We also appreciate Ecology's proposal to establish a formal administrative interpretation process. Because shoreline master programs often contain complex and site-specific provisions that must be applied to utility, recreation, fishery, and public infrastructure facilities, administrative interpretations can provide an important source of regulatory certainty. We recommend Ecology ensure the process remains timely, predictable, and

focused on clarifying existing master program provisions rather than creating new regulatory requirements through interpretation.

Our concern within Chapter 173-27 is the substantial expansion of documentation required for exemption determinations. Historically, exemptions have served as an efficient administrative pathway for routine and low-impact activities. Under the proposed rulemaking, exemption requests may require extensive supporting information, including site plans, mitigation sequencing analyses, critical area documentation, and expanded reporting to Ecology. While the objectives of consistency and transparency are understandable, there is a risk that exemption reviews could become functionally equivalent to permit reviews, eliminating much of the efficiency that exemptions are intended to provide.

We recognize that Ecology's proposed exemption provisions are intended to ensure that exempt activities remain consistent with shoreline ecological protection requirements and the no-net-loss framework. However, preserving the distinction between exemption review and permit review remains important to fulfilling the Legislature's intent that qualifying low-impact activities receive streamlined administrative treatment.

The Legislature expressly created exemptions within RCW 90.58.030 and related provisions because not all activities present the same degree of shoreline risk. The exemption process should therefore remain meaningfully distinct from full permit review.

We recommend Ecology to revise the exemption provisions to specify that exempt developments should not be required to provide analyses, reports, or studies beyond those reasonably necessary to demonstrate eligibility for the applicable exemption and consistency with the shoreline master program. This approach would preserve the Legislature's intent to provide streamlined treatment for exempt activities while maintaining environmental protections.

The rulemaking also expands statewide reporting requirements associated with shoreline permits and exemptions. These reporting obligations are directed primarily toward local governments, but project applicants will inevitably be required to generate much of the supporting information. We encourage Ecology to ensure reporting requirements remain proportional to project complexity and focused on information that provides clear implementation value.

Ecology should periodically evaluate whether newly collected tracking and reporting information is materially improving shoreline management outcomes and should eliminate or modify reporting elements that do not provide demonstrated implementation value. Reporting requirements should remain targeted toward information that directly supports

shoreline management objectives and should avoid creating duplicative administrative burdens for applicants and local governments.

We also recommend the proposed fish hatchery exemption language be expanded to expressly include modernization, rehabilitation, replacement, and operational upgrades of fish hatchery facilities and associated intake, discharge, conveyance, collection, and fish passage infrastructure. This clarification would help ensure that important fish production and mitigation facilities can be efficiently maintained and upgraded while preserving environmental protections. This clarification would also be consistent with the significant public and environmental benefits associated with fish passage, fish production, and fisheries mitigation programs.

**Conclusion**

We support Ecology's overall objective of modernizing shoreline management and appreciate the substantial effort invested in updating Washington's SMA implementation framework. We recognize the Legislature's directive in RCW 90.58.020 to protect shoreline ecological resources while also fostering reasonable and appropriate uses of the shorelines of the state. We also recognize the cooperative structure established by RCW 90.58.050 and Ecology's responsibilities under RCW 90.58.090 and RCW 90.58.100 to ensure shoreline master programs and implementing regulations protect shoreline ecological functions and resources.

We also recognize the inherent complexity of implementing the no-net-loss standard embodied in RCW 90.58 and reflected throughout the proposed rulemaking. Shoreline systems function at multiple spatial and temporal scales, and project specific impacts must often be evaluated within broader ecological and watershed contexts. As a result, no-net-loss analyses will necessarily require technical judgment and case-specific review. Our comments should not be interpreted as opposition to those objectives, but rather as recommendations designed to improve the consistency, predictability, and practicality of implementation.

As the rulemaking moves toward adoption, we encourage Ecology to place greater emphasis on proportionality, regulatory certainty, and practical implementation. Analyses, studies, mitigation documentation, monitoring requirements, and demonstrations of no-net-loss should be commensurate with the scale, duration, intensity, and reasonably foreseeable ecological impact of the proposed activity. Routine maintenance, repair, replacement-in-kind, rehabilitation, modernization, and operational upgrades occurring within existing developed or previously disturbed facility footprints should be reviewed through streamlined processes appropriate to their limited scope and impact.

Similarly, shoreline inventory updates should improve mapping accuracy without independently expanding regulatory obligations absent shoreline master program review and approval. This principle is particularly important where shoreline inventories, classifications, and management standards are incorporated into federally approved management plans associated with licensed hydropower facilities and other critical public infrastructure. Administrative updates to mapping resources should not create uncertainty regarding the applicability of existing shoreline regulations or the status of federally approved shoreline management plans.

Exemptions should remain distinct from permit level reviews, and existing public utility, recreation, fishery, and public access facilities should continue to receive clear and predictable regulatory treatment. Maintaining clear amendment pathways and regulatory certainty will help ensure effective coordination among local governments, Ecology, regulated entities, and federal agencies while preserving the transparency and public participation requirements established under the Shoreline Management Act. These refinements would improve implementation, reduce unnecessary administrative burden, and preserve the environmental objectives and public interest purposes of the Shoreline Management Act.

Thank you for the opportunity to comment on the proposed rulemaking. We look forward to continued engagement with Ecology as the rulemaking proceeds.

Regards,

Ross Hendrick

Ross Hendrick
Director of Environmental Affairs
Environmental Affairs