Building Industry Association of Washington
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November 4, 2026

Director Sixkiller:

The Building Industry Association of Washington (BIAW), representing more than 8,300 residential construction companies statewide, respectfully requests that the Department of Ecology withdraw the proposed Shoreline Management Act rulemaking contained in WSR 26-18-088.

For years, Washington lawmakers have worked to increase housing supply and remove barriers that make housing less attainable. Since 2019, the Legislature has enacted more than 60 housing-related bills to expand housing opportunities, streamline permitting, and accommodate growth where infrastructure supposedly exists. Ecology's proposed rules regarding the Shoreline Management Act move in the opposite direction; they add new regulatory requirements that directly undermine the objectives of HB 1110 (2023), SB 5290 (2023), HB 2418 (2026), and Governor Ferguson's Executive Orders 25-03, 25-05, and 26-02.

Most Washingtonians think of a shoreline as a beach, bay, lakefront, or riverbank. Under WSR 26-18-088, however, regulatory jurisdiction extends far beyond those areas into floodplains, wetlands, shorelands, and fish and wildlife conservation areas already subject to extensive statewide regulations and local land-use controls. Many proposed provisions function as new critical area restrictions imposed under the guise of shoreline rule updates. For example, overlapping regulations and associated obligations can make infill sites particularly complex and costly – if not impossible – to develop. The proposed rule would add another layer to our industry's already tall regulatory stack.

While Ecology has authority to adopt statewide rules, this proposal goes further by reducing local judgment in how those rules are applied. Cities and counties would remain responsible for implementation and legal exposure yet have less flexibility to balance shoreline regulation with housing, economic development, and other local needs. Whatever the intent, removing Shoreline Management Act regulations from local GMA comprehensive plans by reference will further separate shoreline regulation from the locally adopted planning framework and strengthen its standing as an independent layer of regulation. As a result, local governments' ability to balance shoreline protection with other statewide priorities, including housing, will be impaired.

Ecology identified 65 jurisdictions that would be required to implement aspects of the proposed rule overhaul. BIAW is aware of two jurisdictions (one required, one voluntary) already including these regulations in their planning processes, even though the rules are not yet officially codified in

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WAC. Regardless of the rules' finalization, nothing precludes the other 255 jurisdictions from voluntarily adopting similar provisions through ordinance.

More significantly, WSR 26-18-088 would reduce development capacity in the very places Washington expects to grow. In cities like Olympia, Tacoma, Everett, and Gig Harbor, land planned for middle housing, multifamily housing, and mixed-use development could become too costly or complex to build. Even Ecology's own analysis estimates added costs of $58,520 to $234,080 per affected single-family project. With Washington short roughly 1.1 million homes over the next two decades, we're failing to see how the state can justify adopting regulations that make housing harder and more expensive to deliver.

We must note two additional observations:

1. The proposed rules carefully evaluate potential ecological impacts but give far less attention to housing impacts. If Washington is serious about addressing its housing shortage, it should treat housing as critical infrastructure. The loss of buildable land, housing units, and homeownership opportunities deserves the same level of scrutiny as any other impact considered in this rulemaking.
2. There appears to be a lack of meaningful engagement with the regulated community. In this case, property owners, impacted businesses, and trade associations representing various interests were not meaningfully engaged. As a result, housing providers, builders, and property owners were largely absent from developing a rule that will directly affect housing production and preservation across Washington.

In short, Washington needs more housing, not more barriers to housing. Every delayed permit, expanded buffer, denied variance, denied conditional use permit, and abandoned project means fewer homes and fewer opportunities for Washington families. As Washington struggles to build enough housing to meet current and future demand, Ecology should withdraw WSR 26-18-088 and pursue a more balanced approach that protects the environment without undermining housing opportunity. We would welcome the opportunity to participate in such a process.

Sincerely,

Greg Lane
Executive Vice President
Building Industry Association of Washington