

New Rules & Updates: Shoreline Management Act (SMA)

Navigating SMA Updates for Ports

September 25, 2026

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Presented to Washington Public Ports Association Environmental Seminar



moffatt & nichol

Speakers



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Session Agenda

- 1** Session introduction
- 2** Overview of key rule changes
- 3** Impact of Shoreline Management Act Changes on Ports
- 4** Utilizing the current comment period
- 5** Discussion

Shoreline Management Act (SMA) Informal Poll

- **Please raise your hand** if you are aware of the current Ecology SMA rulemaking update process.
- **Please keep your hands raised** if you've gone through a SMA/SMP update process before.
- **Please keep your hands raised** if you enjoyed the process or felt the Port's concerns were heard.



Shoreline Management Act (SMA) History

- The SMA was adopted in 1971 to protect the state's shorelines (Chapter 90.58 RCW).
- Local jurisdictions with shorelines must adopt a shoreline master program (SMP) pursuant to chapter 173-26 WAC.
 - Must be updated every 10 years to be consistent with guidelines from Ecology.
- In 2023 the state legislature directed Ecology to include sea level rise and other topics with updated guidance. Ecology began this process in 2024.

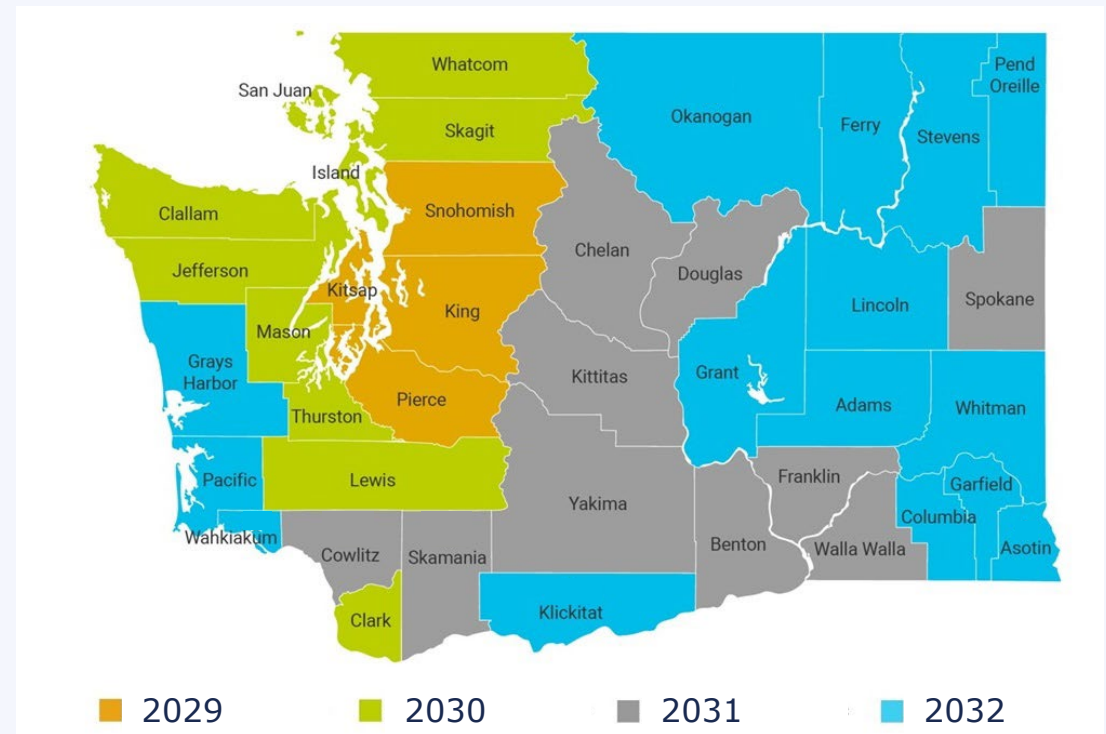
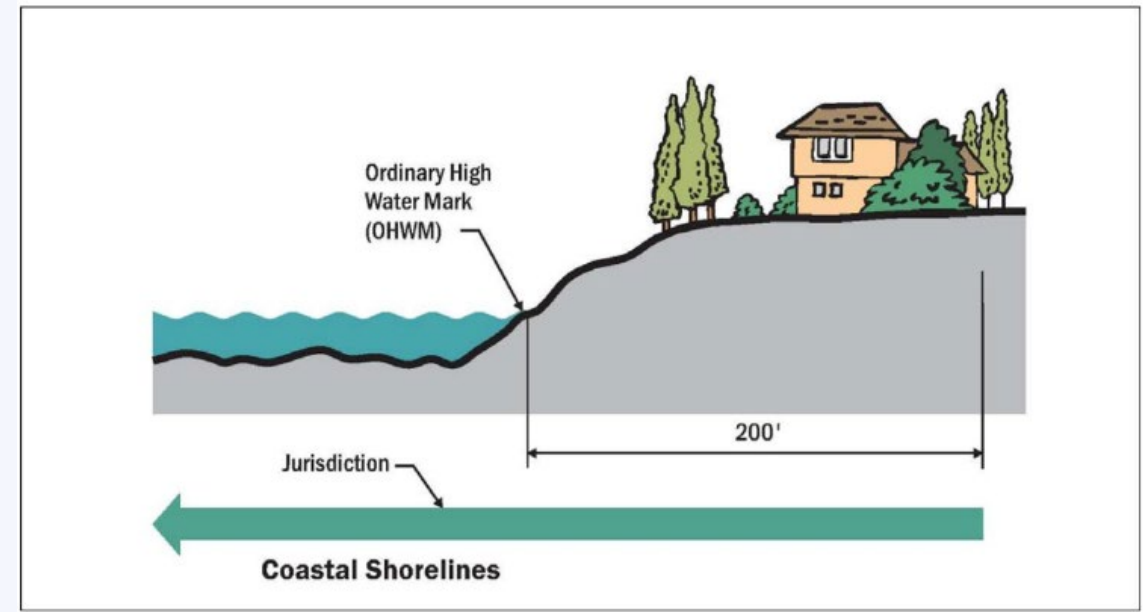


Image adapted from a Washington Department of Commerce map

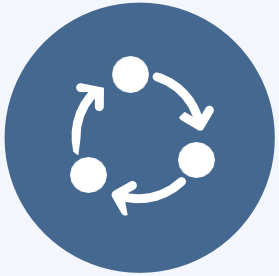
Shoreline Management Act (SMA)

What are Shorelines of the State?

- Marine Waters
- Streams and Rivers (greater than 20 cubic yard flow)
- Lakes (20 acres or larger)
- Shorelands (200 feet landward from edge of waters)
- Biological wetlands and river deltas connected
- Some of the 100-year floodplain



Ecology is amending these rules now to:



Address issues identified through reviewing, adopting, and implementing shoreline master programs (SMPs).



Specify how local governments must address the impact of sea level rise and increased storm severity in SMPs.
(RCW 90.58.630/HB 1181)

What rules are proposed for revision?

Chapter 173-26 WAC: Local government requirements for developing and amending shoreline master programs.

Chapter 173-27 WAC: Standards for shoreline master program administration, permitting, and enforcement.

Chapters 173-18 and -20 WAC: Lists streams, rivers, and lakes that are shorelines of the state.

Chapter 173-22 WAC: Designates shorelands associated with streams, lakes, and tidal waters subject to SMA.



Nonconforming development

New subsection establishing guidelines for managing redevelopment and modifications to existing structures. Includes general principles and standards specific to uses, structures and development, and lots.



Residential development, middle housing, ADUs

Revised subsection incorporating middle housing and ADU provisions and requiring SMPs to include density, lot size, and impervious surface limitations specific to shoreline jurisdiction.



Mutual and internal consistency

New provisions outlining requirements for ensuring mutual consistency between SMPs and comprehensive plans and requirements for ensuring internal consistency within SMPs at each periodic review.



Shoreline permitting and enforcement

Revisions to WAC 173-27 to clarify how and when the permitting system is triggered and other changes necessary to align with revised guidelines. *Note to ports: additional documentation needed for shoreline exemptions; treatment of cultural resources, non-conforming uses, etc.*



Critical areas and ecological function

New section consolidating and detailing requirements for protecting critical areas in shoreline jurisdiction and ecological functions throughout shoreline jurisdiction. Incorporates and updates relevant provisions from WAC 173-26-221. *Note to ports: geologic hazard areas, liquefaction zones, etc.*



Shoreline modifications and stabilization

Revised section adds new standards for additional shoreline modifications, differentiates between modifications to address erosion versus flooding, establishes new requirements for stabilization, and emphasizes nature-based solutions.



Sea level rise

New section establishing a required process for sea level rise planning. Requires local governments to conduct or use an existing sea level rise vulnerability assessment, establish a risk area, and manage development to reduce risk and protect the shoreline environment.

Where are we in Ecology's SMA Rulemaking Process?



<https://bit.ly/SMARulemaking>



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Rulemaking

WAC 173-26-27-Shoreline
Management Act

Chapter 173-26 and 173-27 WAC, Shoreline Management Act

The Department of Ecology is starting the rulemaking process to amend Chapters 173-18, -20, -22, -26, and -27 under the Shoreline Management Act.

Upcoming Public Hearings

Agenda:

- 5 p.m. – open house question-and-answer session
- 6 p.m. – short presentation and public hearing to provide testimony

Oct. 15, 2026, 5 p.m. Lacey Community Center [directions](#)
[6729 Pacific Ave SE, Lacey, WA 98503](#)

Oct. 19, 2026, 5 p.m. Anacortes Public Library Community Meeting Room [directions](#)
[1220 10th Street, Anacortes, WA 98221](#)

Oct. 22, 2026, 5 p.m. Online – [Register for the webinar.](#)

Oct. 28, 2026, 5 p.m. Yakima Valley College, Building 38, Kaminski Conference Center [directions](#)
[1704 West Nob Hill Blvd., Yakima, WA 98902](#)
[\(This is not hosted by or affiliated with Yakima Valley College.\)](#)

Oct. 29, 2026, 5 p.m. Spokane Shadle Park Library Events meeting room [directions](#)
[2111 West Wellesley Avenue, Spokane, WA 99205](#)

Nov. 3, 2026, 5 p.m. Highline College, Building 8, Mt. Constance/Olympus rooms [directions](#)
[2400 South 240th Street, Des Moines, WA 98198](#)
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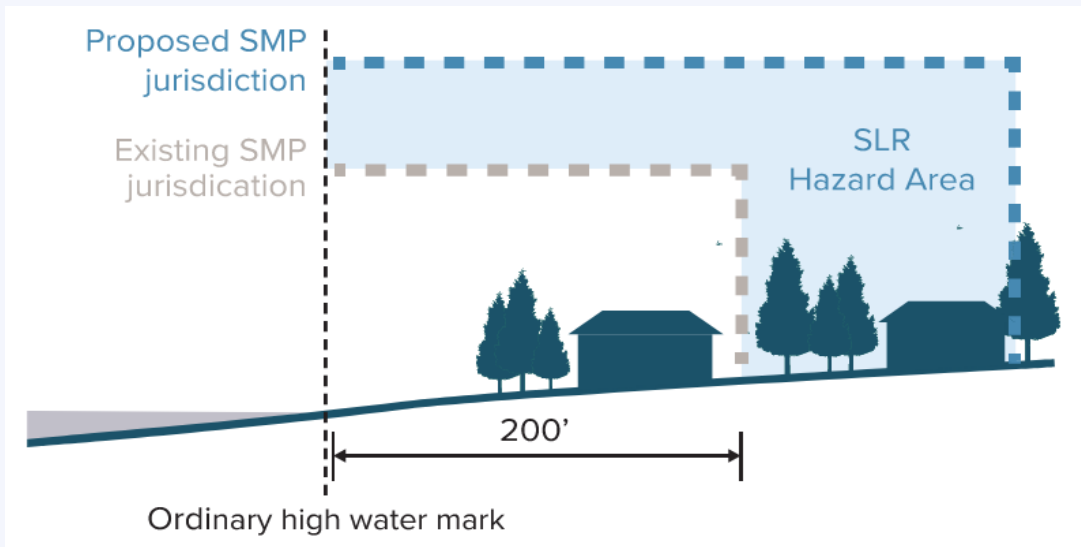
Shoreline Management Act (SMA) Rulemaking: What & Why?

Legislative Direction for Updates

- Improve SMP Implementation & Permit Administration.
- Strengthen Protection of Ecological Functions.
- Promote Restoration & Nature Based Approaches.
- Incorporate Env. Justice & Tribal Priorities
- Make local SMPs more adaptive to future shoreline conditions
- Integrate SLR & Climate Resilience into Shoreline Planning. New WAC Section.

Why This Matters

- Potential expansion of shoreline jurisdiction relative to SLR hazard zone.
- New sea level rise and resilience planning requirements.
- Increased review of shoreline stabilization and adaptation projects.
- Significant implications for developed and working waterfronts.
- Long-term effects on permitting certainty, project costs, and investment decisions.
- Should have a greater emphasis on outcomes-based review and regulatory certainty



June 2025 Comments: Broad Agreement on Resilience Goals, Different Perspectives on Implementation

24

COMMENT
LETTERS
REVIEWED

Broad stakeholder
participation

ENVIRONMENTAL INTERESTS

-  Ecological protection & resilience
-  Nature-based solutions
-  Climate resilience

PORTS & INFRASTRUCTURE

-  Maintain Essential facilities
-  Operational flexibility
-  Avoid unintended restrictions

LOCAL GOVERNMENTS & PRACTITIONERS

-  Clear & implementable standards
-  Clear guidance & local flexibility
-  Consistent and predictable permitting

SHARED IMPLEMENTATION NEEDS



Regulatory Clarity



Local Flexibility



Adequate Resources/Funding Needed

Comments broadly supported resilience planning. The central debate was how to translate that goal into workable local regulations.

What's New or Reworked Since the 2025 Preliminary Draft?

The shorter list.....

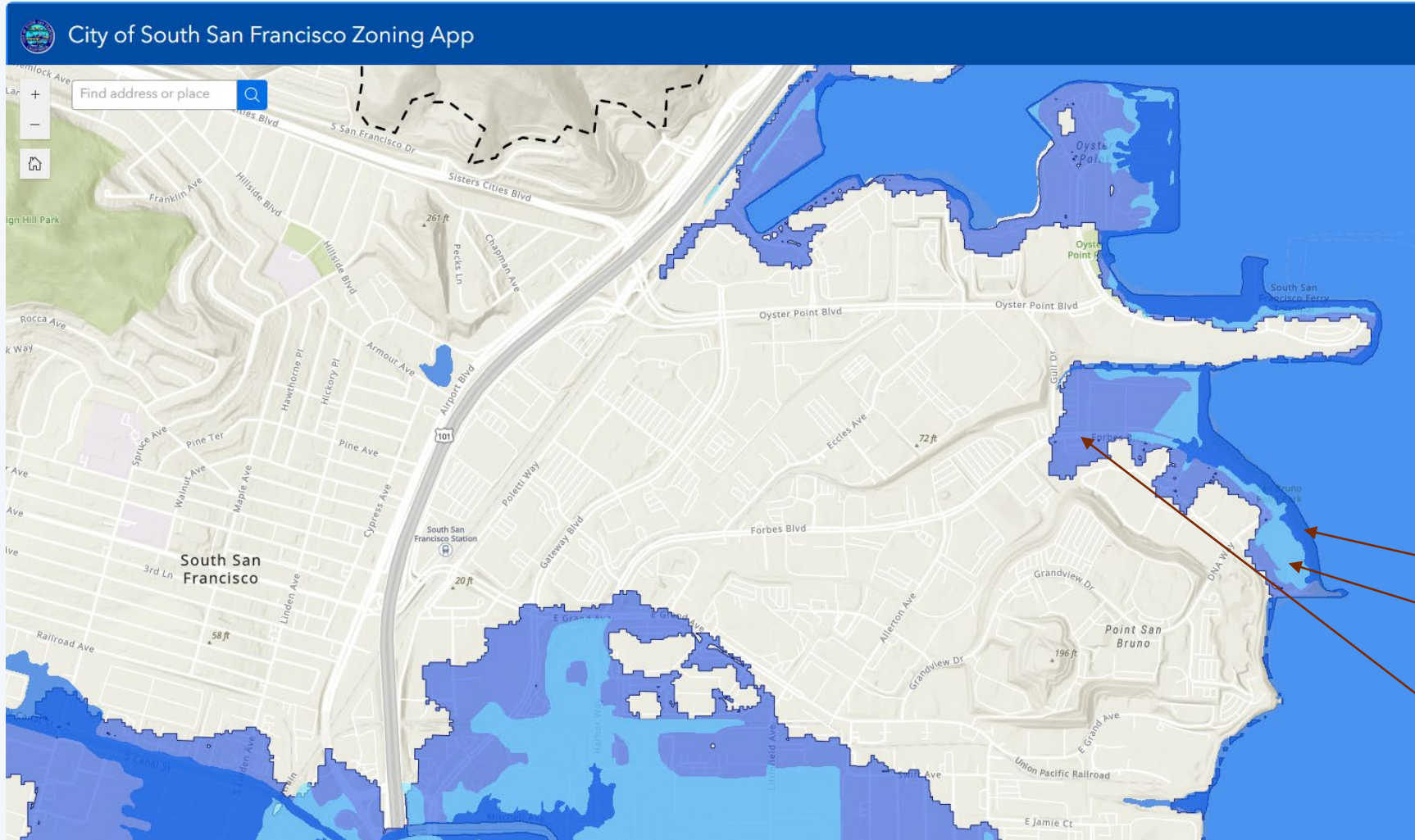
- **SLR & Resiliency Planning** Remain a Central Theme
 - Substantive changes requires close attention
 - Storm Severity planning is mandatory – detailed resiliency plan to link to SMP mods required
 - Shift toward emphasis on resilience and future conditions and adaptation
- WA State Provided **Spatial Data** (such as CoSMoS modeling results) will be provided instead of the responsibility of jurisdictions (for SLR Planning).
 - *Encourage jurisdictions to incorporate other information (coarser parcel level)*
- **Shoreline Stabilization** rules may require more future-condition and resiliency analysis; more documentation on alternatives considered. Dry fill limitations.
- **Shoreline Permit & Exemption** Procedures modified – Administrative approval changes?
- Changes to Framework for **maintenance, repair, relocation, redevelopment**
- **Technical Guidance** will be developed to support SMP SLR Hazard area planning
- Miscellaneous – Implementation guidance, clarification on Ecology vs. Local Jurisdiction roles, other.

Sept 2026 Version Focus Areas?

- Sea Level Rise Planning
 - Statewide hazard mapping with opportunities for local refinement
 - Local scale risk assessment and adaptation planning.
- Existing Facilities & Working Waterfronts
 - Ability to support phased SLR adaptation while maintaining operations and infrastructure.
 - Maintenance, Replacement, Major Repair, Non-Conforming Uses
 - Recognition of development and working waterfronts – implications for developed industrial shorelines
- Expansion of Shoreline Jurisdiction
 - Could bring additional lands, facilities, future development areas into shoreline regulation. Has longer term implications.
- Water Dependent & Water Related Uses
 - How will this preference in SMA be applied alongside the new regulations of SLR, Shoreline Stabilization, Maintenance/Repair, Nature Based Approaches, etc...
- Shoreline Stabilization & Adaptation
 - Stabilization Alternative Evaluation
 - Treatment of fill, and beneficial use of dredged material, adaptation measures
- Outcomes Based Focus for Resilience, Restoration, Public Access
 - Regulation should focus on Outcomes-based review aligned with SMA; not individual parts
- Local Jurisdiction, Implementation & Integrated Planning
 - Predictable implementation pathways for ports and local jurisdictions with respect to Ports waterfront uses and needs
 - Technical guidance, funding, capacity, technical readiness, and implementation resources
 - Alignment of SMPs, comprehensive plans, hazard planning, FEMA flood zones and other regulations.

The new version proposal moved in useful directions, but local implementation, funding, and predictable port pathways remain the critical issues

What's Changing: SLR Zone (Example City South San Fran)

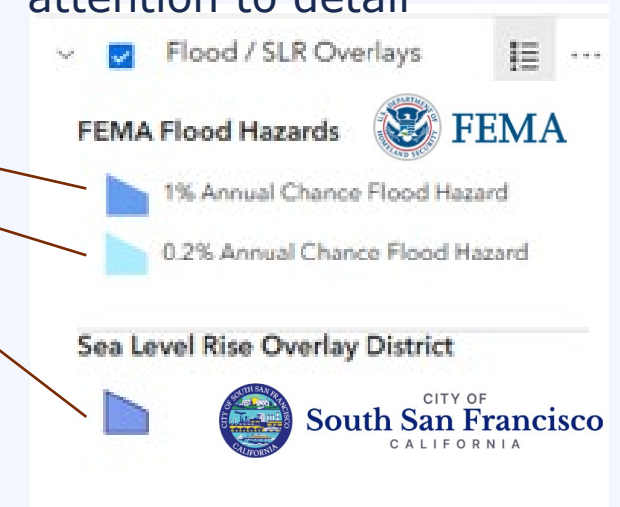


Federal FEMA Flood Zones

City SLR Hazard Zone (District)

Layering in Federal/City for today and future

In concept it is simple, in practice requires good attention to detail



Similar SLR Planning Regulations are being implemented in other States - CA

California Coastal Commission SB 272 Frequently Asked Questions



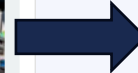
What is SB 272?

SB 272 is a state law that requires local governments to develop sea level rise adaptation plans as part of new or updated Local Coastal Programs (LCPs) by **January 1, 2034**.

This sea level rise plan must include:

1. Use of best available science
2. A vulnerability assessment that includes efforts to ensure equity for at-risk communities
3. SLR adaptation strategies and recommended projects
4. Identification of lead planning and implementation agencies
5. An economic impact analysis of, at a minimum, costs to critical public infrastructure
6. A timeline for updates

Once certified by the Commission, projects and strategies contained within approved plans will be prioritized for implementation funding.



CALIFORNIA COASTAL COMMISSION SEA LEVEL RISE POLICY GUIDANCE

Interpretive Guidelines for Addressing Sea Level Rise in Local Coastal Programs and Coastal Development Permits



Original Guidance unanimously adopted – August 12, 2015
Science Update unanimously adopted – November 7, 2018
2024 Update unanimously adopted – November 13, 2024

Technical Guidance for local jurisdiction implementation

WA State? TBD

Guidance and not regulations focused

Provides for flexibility for local program development that aligns with community values

Best Available Science Outlined

Updates made in 2024 to align with new CA Local Coastal Program SLR planning regulations

Funding in new biennium?

The Legislation & Requirements



DEPARTMENT OF
ECOLOGY
State of Washington



Address issues identified through reviewing, adopting, and implementing shoreline master programs (SMPs).



Specify how local governments must address the impact of sea level rise and increased storm severity in SMPs.
(RCW 90.58.630/HB 1181)

Hazard is only Half the Equation

Same Hazard – Different Shoreline Functions

Residential /
Mixed-Use

Reduce Exposure + Manage Redevelopment

Port / Water-
dependent
Use

Minimize Disruptions, Maintain Access, Protect/Adapt in Place

Critical
Infrastructure

Maintain Function + Access + System Continuity

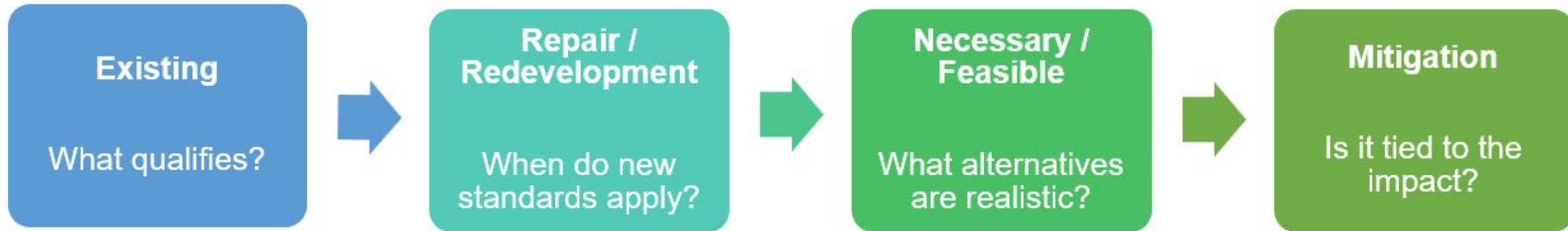
Habitat /
Public
Access

Protect Existing Function + Create Transition Space for Migration

Adaptation should respond to both the hazard and the function that needs to be sustained.

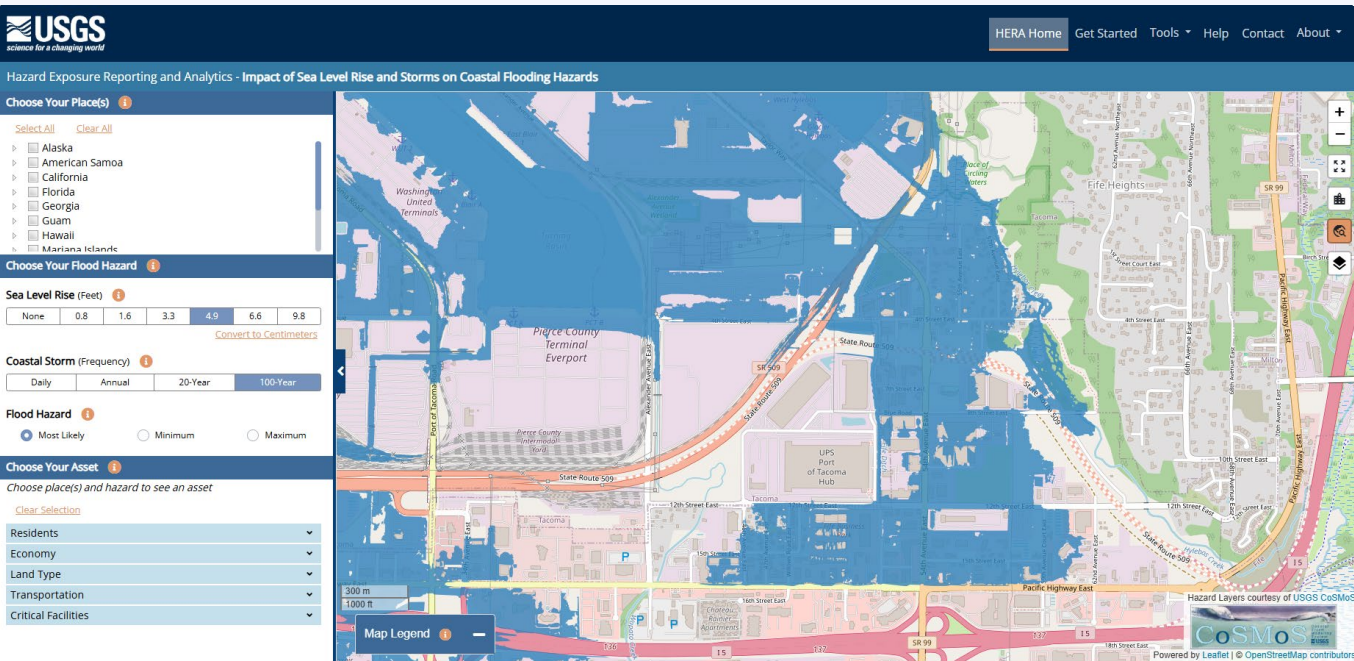
Rules Shaped by Real-World Decisions

What California Learned at the Permit Counter



- Clear definitions + technical evidence + a strong administrative record improve predictability.

SLR Mapping – Regional Screening vs. Local Regulation



WHAT A CoSMoS REGIONAL MODEL CAN DO

- Coastal Storm Modeling.
- Show broad exposure patterns
- Compare scenarios consistently
- Support planning and prioritization
- Identify areas needing further evaluation

WHAT LOCAL REGULATION REQUIRES UNDERSTANDING...

- Defined flood pathway
- Local control elevations
- Consideration of relevant infrastructure (gates, culverts, dikes, etc)
- Defensible parcel-scale evidence

The concern is not whether CoSMoS results should be used. The concern is whether the information is sufficiently refined for the decisions being made and application.

A planning map and a regulatory boundary do not necessarily require the same level of precision.

Regional Screening vs. Local Validation.

Funding Availability to support local validation?

Soft Shoreline Stabilization, SLR Resiliency, Nearshore Habitat

Interrelated Topics in SMP

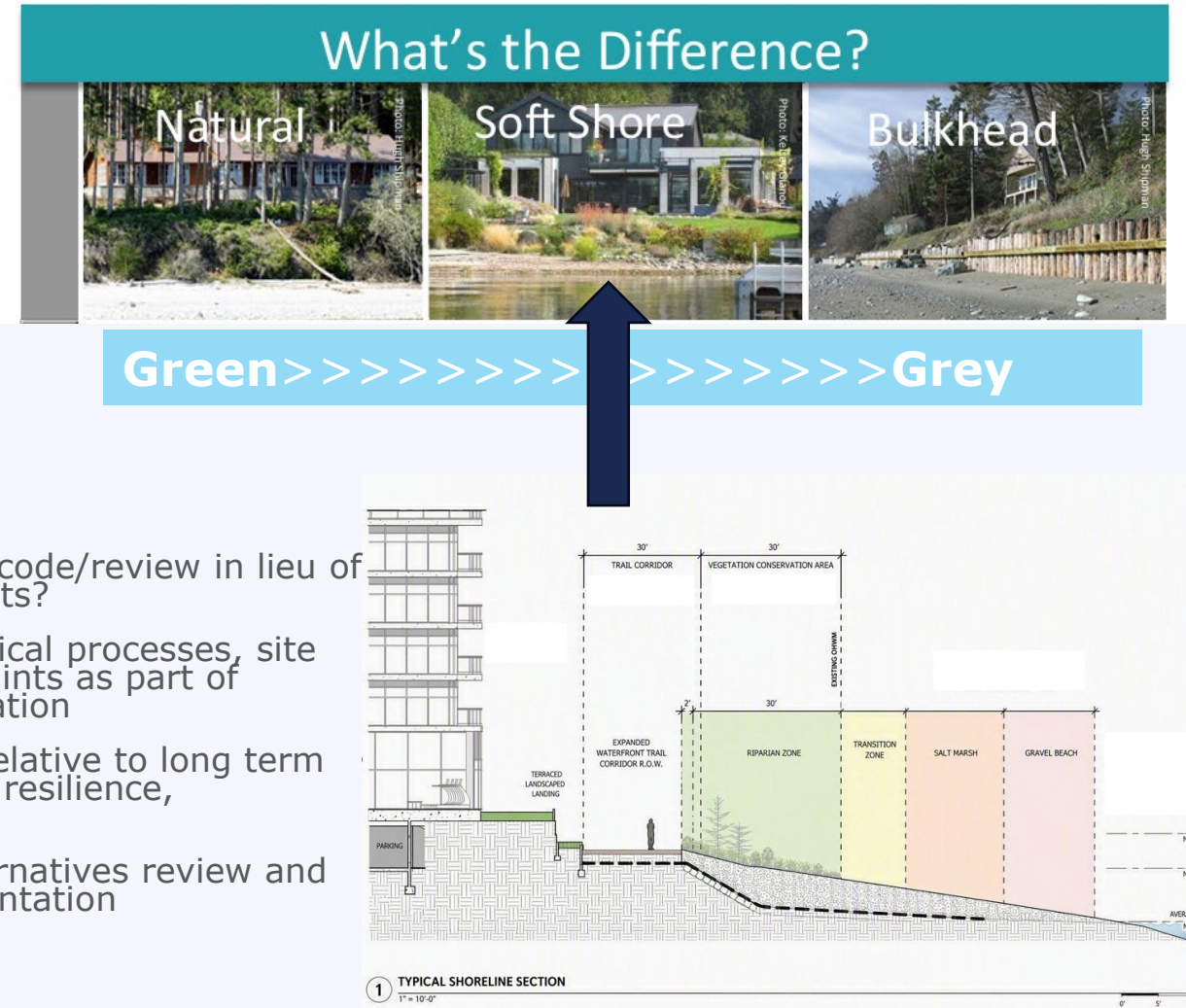
- Nature Based Solutions
- Shoreline Restoration
- Public Access
- SLR Resiliency

Rule Emphasis

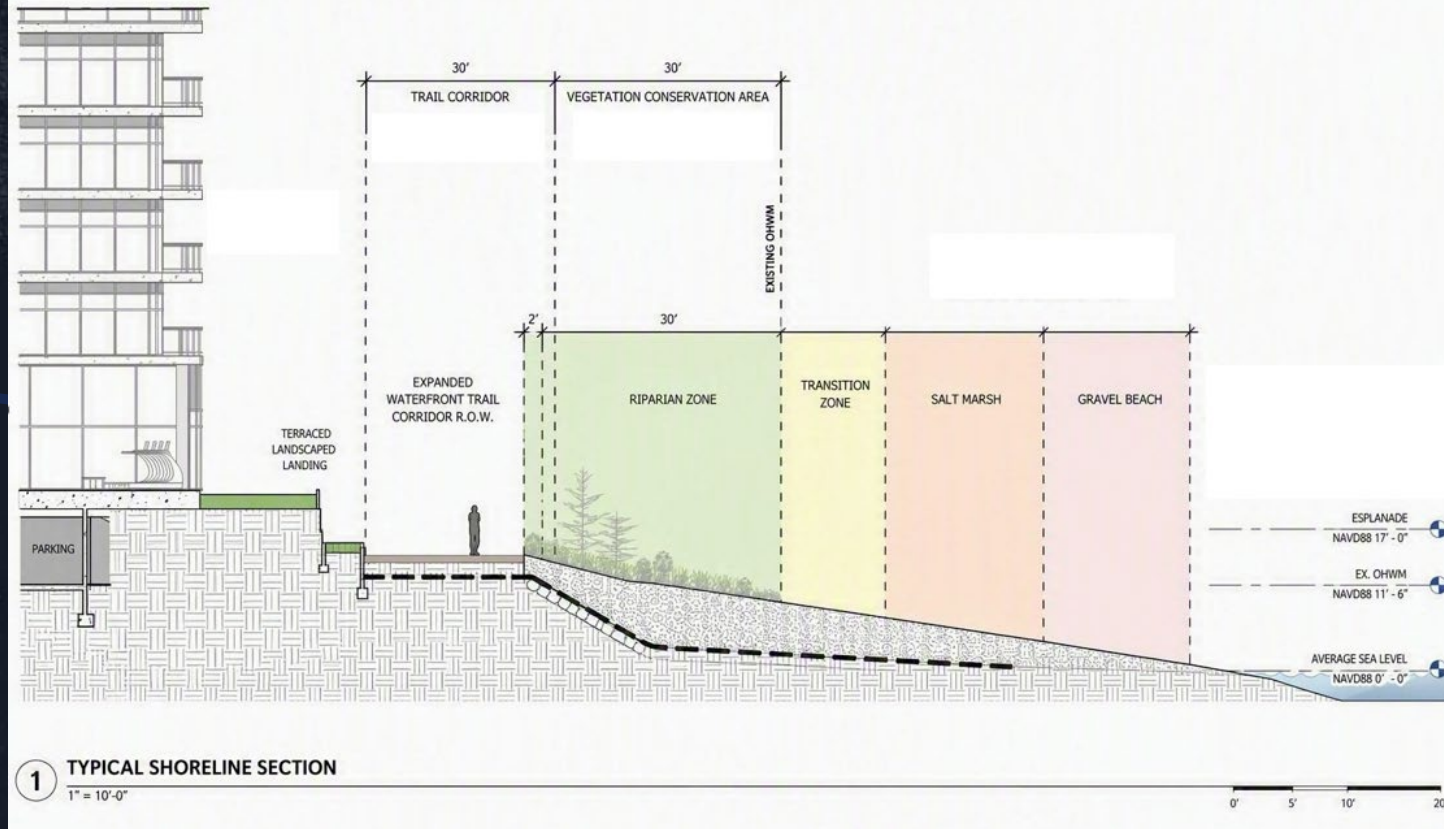
- More explicit alternatives evaluation requirements
- Demonstrate selected approach addresses hazard and minimizes ecological impact
- Nature-based stabilization is considered normal protective shoreline stabilization. Some elements of natural-based stabilization may be located waterward of the ordinary high-water mark provided it is the minimum necessary. Dry land language.
- Limit the size of stabilization to the minimum necessary to abate the shoreline erosion hazard to an existing development or infrastructure.

Commentary

- Outcomes based code/review in lieu of individual elements?
- Planning for physical processes, site uses, and constraints as part of shoreline stabilization
- Assess projects relative to long term shoreline plans – resilience, restoration, etc...
- Guidance for alternatives review and technical documentation



Soft Shoreline Stabilization, SLR Resiliency, Nearshore Habitat



Benefits

- Ecological Lift – Nearshore Habitat
- No Net Loss
- Climate Change/SLR Mitigation
- Public Access to Shoreline Enhancement
- Cleanup of Contaminated Soils
- Meets GMA plans & Restoration Plan

Problems/Concerns?

- Individual Components can be vulnerable to appeal
 - Impact to existing substrate
 - Fill in jurisdictional areas
 - Creating new "Dry Land"
 - Protection for future development

Perspectives from a Coastal Engineer

- **Collaboration is Critical** – there is a lot to review in a short time. 360-degree perspectives are critical, only come through collaboration. WPPA is a great conduit for collaboration
- **Ecology Guiding Principles/Goals** - Consider your review comments relative to the goals set forth by the Legislature that is the mandate for Ecology's new rules. Red Flags, unintended consequences that align with Ports interests and perspectives – may resonate better toward a modification
- **SLR Hazard Zone** – critical to engage with local jurisdiction and review code as it is a new regulatory zone with implications for uses and development. Details matter on coastal flooding for a regulatory map. Think of FEMA flood zones.
- **New Shoreline Zone?** Should Ecology consider a shoreline environment designation, overlay, or classification specifically recognizing developed working waterfronts and water-dependent industrial shorelines, similar to how SMPs distinguish other shoreline environments, so that ecological objectives can be balanced with long-term port operations, modernization, resilience, and adaptation needs?
- **Outcomes Based code** and applicant review is critical; align with SMA goals. Could result in more predictability and greater outcomes.

Informal Poll

Please raise your hand if your Port plans to submit comments to Ecology or local jurisdictions.

What are some of the issues?
(shout out)



The Power of Engagement

- WPPA Submitted a letter
August 15, 2025
- Ecology updated drafts
September 2, 2026
- Were any points integrated
into current Rulemaking?



August 15, 2025

Rebecca Rothwell
Rulemaking Lead
Department of Ecology

RE: Preliminary Draft Rulemaking, Shoreline Management Act
Delivered electronically via web portal

Dear Rebecca,

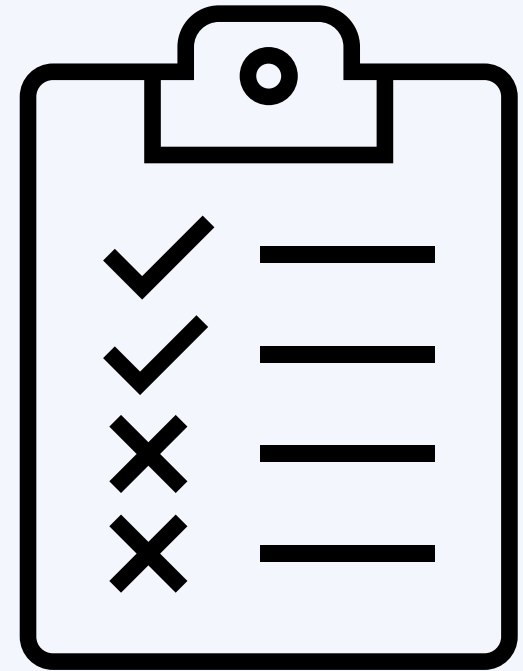
We also recommend making consultation with ports a requirement when local governments prepare or amend SMPs or hazard area maps. This will avoid piecemeal, project-by-project implementation and ensure coordinated, long-term planning. Further, if shoreline jurisdiction is extended beyond 200 feet (e.g., to the 100-year floodplain), Ecology should provide clear parameters and criteria to guide local decision-making especially regarding publicly owned infrastructure.

The critical area updates also remove the option to meet SMP requirements by incorporating GMA critical-areas ordinances by reference. This could diverge across jurisdictions and may change expectations for port projects. We recommend guidance or model language tailored to publicly owned infrastructure, industrial waterfront, and water-dependent uses to limit a patchwork across jurisdictions (found in WAC 173-26-226 & 191).

Further, vulnerability assessments can be costly and require additional resources, so we ask for consistency to remain eligible for existing and future grant funding (e.g., RCO programs or FEMA) once vulnerability assessments are completed. This will ensure investments lead to actionable resilience measures across various programs. We support consistent interpretation and application of SMP requirements and the provision of resources to be able to implement the programs. Especially for ports

Making Effective, Actionable Comments

- How to provide effective comments:
 - 1) state what you do or do not like, and why
 - 2) provide suggested revisions in underline and ~~strike-out~~
 - 3) provide rationale for suggestions



Nonconforming Uses – Example Comment

address the following:

(i) Nonconforming development.

(A) Nonconforming structures and development may continue as legal nonconforming structures;

(B) A structure for which a variance has been issued should be considered a legal nonconforming structure, and the standards of this section should be applied as they apply to any other nonconformities;

(C) Establish thresholds for determining and definitions for applying provisions for repair, and replacement of nonconforming structures and developments. Consider including percentage of structure, cost thresholds, timelines, or a combination of those factors;

(D) Establish criteria for determining when a structure/development is no longer eligible for nonconforming allowances due to abandonment, deterioration, or other reasons. Criteria may include time frames, structure habitability or usability, or other factors;

(E) Nonconforming structures may be maintained and repaired;

(F) Master programs may contain provisions for expansion of nonconforming development, subject to mitigation sequencing, no net loss requirements, avoidance of critical areas, and a cumulative impacts analysis;

(G) Nonconforming residential structures in hazardous areas may be expanded or replaced only when avoidance is infeasible, the risk is mitigated, and no net loss of shoreline ecological functions and processes is achieved;

(H) Expansion of nonconforming development may be allowed only when necessary to support a conforming use;

(I) Master programs may allow replacement of nonconforming structures. Allowances for replacement of nonconforming structures shall require replacement structures be brought into conformance with master program provisions, such as buffers, to the maximum extent feasible;

1. Unintended consequences for Ports.
2. (F) Master programs ((may)) shall contain provisions for expansion of nonconforming development and new development for water-dependent uses such as Ports facilities, subject to mitigation sequencing, no net loss requirements, avoidance of critical areas, and a cumulative impacts analysis
3. Economic and environmental rationales.

Making Effective, Actionable Comments

- Official comment period now open: September 2nd through November 17, 2026.
 - Opportunity for WPPA Working Group
- Local Jurisdictions will start adopting updates in 2029:
 - The SMA gets implemented through SMPs, opportunities to work with jurisdictions on how to comply with general requirements.

Getting Involved at the Local Level

- Use the language from Ecology to start coordinating with local jurisdictions now, before they are required to adopt updated SMPs

(ii) Building on the vulnerability characterization described in (b) of this subsection, the local government must analyze how the master program fosters water-dependent uses, public access, and protects the shoreline environment and public health, in relation to the identified sea level rise hazards. This analysis should identify where future development supporting these priorities can be located to avoid sea level rise hazards and where siting and design standards will be necessary to ensure that future development can accommodate projected hazards. The analysis should also produce conclusions about where new development should be avoided to allow for habitat to shift landward, where new development can be accommodated without contributing to the loss of shoreline ecological functions, and where there are opportunities for shoreline restoration that will provide resilience benefits.

(iii) This analysis will be iterative. After a local government has reviewed and drafted amendments to their master program per the requirements of subsections (8) and (9) of this section, they shall compare the proposed provisions to the analysis produced in (c)(i) and (ii) of this subsection and demonstrate that the changes are sufficient to ensure that the master program addresses the impact of sea level rise and increased storm severity.

Making Effective Comments – Local Jurisdictions

- This could look like:
 - Sharing vulnerability studies to inform SLR mapping
 - Suggesting specific adaptation strategies and design standards to help inform policies and code through a Port lens
 - Advocating for a Port specific section in local SMP

Q & A

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Sarah Titcomb: sarah.titcomb@shanwil.com

Port Discussion Questions

- Establish WPPA Working Group and compose group & individual letters to Ecology by Nov. 17th
- Propose Ports Shoreline Environment Designation/Section to recognize unique interests of ports
- Ask Ecology to formally coordinate with Port staff experts
- Advocate for local jurisdictional funding from legislature