

History of Washington's Shoreline Management Act and Regulatory Guidelines

1970	Washington Environmental Council collects enough signatures to send Initiative 43 to the Legislature
1971	Legislature adopts an alternative shoreline management law that is based on the initiative. Through an emergency clause, the law took effect on June 1, 1971; as directed in that law, Ecology began developing regulatory guidelines to help local governments implement the Shoreline Management Act of 1971.
July 1972	Department of Ecology formally adopts shoreline management guidelines. The guidelines provide details to help cities and counties craft local "shoreline master programs" (ordinances) that manage shoreline areas consistent with the policy of the SMA.
November 1972	Both Initiative 43 and the legislature's alternative law (listed as Initiative 43-B), appear on the ballot (<i>general elections were still being held only in even-numbered years at that time</i>). Initiative 43-B is adopted, thus affirming the law adopted by the legislature the previous year.
July 1974	The deadline for all cities and counties to adopt shoreline master programs (two years after Ecology adopts or amends the states shoreline management guidelines). About 20% of the local governments met the deadline; 95% completed master programs by 1979 (the last county to adopt an SMP was Stevens County, in September 1999; a few very small cities have never completed a master program). Many local governments revised and updated their master programs over the years to make them even more protective than state guidelines, while others have never been updated.
1990	Legislature passes the Growth Management Act.
1991-94	In response to local government requests, Ecology develops and implements the Shorelands-Growth Management Project to help local governments integrate SMA with GMA. While the two laws are found to be generally compatible, there are procedural, technical and legal questions; the conclusion is the two laws need to be amended to make them work better together. This issue is presented to the Governor's Regulatory Reform Task Force in 1994.
1995	In response to Governor's Regulatory Reform Task Force recommendations, the legislature enacts a law that makes a variety of changes in both the SMA and GMA, and directs Ecology to review the SMA guidelines every five years.

1996	Ecology conducts four focus groups on issues and concerns related to the shoreline guidelines, and conducts a public-opinion poll of 840 residents to assess public views of shoreline management issues. Also convened a broad-based Shorelines Policy Advisory Group to draft revised guidelines; the preliminary draft was then circulated for comment to local governments, and other interested parties.
January 1997	Local governments and port districts ask Ecology to put the guidelines rule development on hold until the Land-Use Study Commission (LUSC) is consulted. Ecology agrees.
July-October 1997	A subcommittee of the LUSC holds 7 public meetings to address SMA/GMA integration issues. The work group reached no consensus, but issued a report with directions for more "efficient and effective" shoreline regulations and related legislation, and documenting the need for updated guidelines.
May 1998	With endorsement of the Governor and the Joint Natural Resources Cabinet, Ecology establishes a broad-based Shorelines Guidelines Commission, which held 19 public meetings, reviewed two drafts of the guidelines, and issued a final report in February 1999, advising Ecology to proceed with a broader rule-adoption process.
April 1999	Ecology begins the first round of "official" public comment on shoreline management guidelines - the first update in 27 years. Initially, the comment period was set to end in June and include four public hearings; due to extensive public interest, five more hearings were added and the comment period was extended by another 45 days.
Fall 1999	After receiving about 2,500 comments, Ecology decides to withdraw the draft guidelines, rewrite them, and submit them for a new round of public comment in 2000.
December 1999	An unofficial, revised draft is circulated to local officials, legislators and other interested parties for review and comment throughout the 2000 legislative session.
June 2000	Department of Ecology formally begins public comment on a revised set of draft guidelines. The proposal would have established two options for cities and counties in updating their shoreline master programs: Path A responded to local governments that wanted more flexibility in meeting the standards of the Shoreline Management Act; Path B contained more-specific measures for protecting shoreline functions and had been blessed by federal fish agencies as meeting endangered-species requirements.
November 29, 2000	Ecology adopts new shoreline management guidelines.
December	The Association of Washington Business (representing a coalition of business

2000

organizations, cities and counties) and the Washington Aggregates & Concrete Association appeal the new guidelines to the Shoreline Hearings Board. The Washington Environmental Council leads an environmental coalition that intervenes in support of the guidelines.

August 27,
2001

In a split decision, The Shoreline Hearings Board rules that Ecology failed to properly conduct the review process and that certain provisions of Path B exceeded statutory authority. The ruling invalidates the new guidelines, but does not invalidate Ecology's repeal of the previous guidelines – thus leaving the state with no shoreline guidelines, although local master programs are still in effect.

September 25,
2001

Based Ecology Director Tom Fitzsimmons' belief that mediation could be successful, Governor and Attorney General convene mediation talks aimed at reaching a legal settlement (the parties all filed appeals to the SHB ruling to preserve their standing in court). The parties to the lawsuit appoint representatives to a steering committee that does the negotiating. Former State Supreme Court Justice Richard Guy, land-use attorney Dick Settle, and Bill Ross serve as mediators.

December 20,
2002

The negotiators sign and enter an agreement containing:

- 1) new guidelines to propose for rule-making,
- 2) a package of legislation to propose in 2003 (e.g., replace the 2-year update schedule for local governments with a phased-in schedule – through 2014 and provide \$2 million in the 2003-05 budget for a first small group of cities and counties to get started); and
- 3) how to conclude the lawsuit.

12/13/02 (10:30 a.m.)