Lacey | October 15, 2026 | Oral Comments with Corrections and Updates | Supersedes Oral Testimony

How Does Public Access Become ‘No Public Access’?

My name is K’allen Specht. My comments address Ecology’s proposed Shoreline Management Act rules, Changes Impacting Local Governments, item c: Administrative Interpretations, WAC 173-27-075.

RCW 90.58.020 establishes the state’s shoreline public-access policy, and RCW 90.58.050 establishes the state-local partnership responsible for implementing it. The public’s opportunity to enjoy natural shorelines is to be preserved to the greatest extent feasible.

But how can the state protect public access when a local government can effectively change its position without a decision anyone can request, examine, or challenge?

Soundview Dr NW in Snohomish County is a 50-foot public right-of-way dedicated in 1909 that reaches the waters of Port Susan.

In 2009, County Traffic Operations described the road as ending in “non-developed public access to the beach.”

County records stated that “restricting access [was] not recommended.”

In 2014, the County called Soundview Dr NW “a single lane access road leading to a public beach access point” and stated: “Public access to the beach is still open.”

Six years later, County staff stated: “It has been determined that there is no public beach access off this segment of Soundview Drive.”

The right-of-way was not vacated. I found no shoreline permit, public hearing, or formal administrative interpretation supporting that reversal.

Then, in June 2023, Snohomish County Deputy Director and County Engineer Douglas McCormick described the issue internally as having “gone back and forth depending on which neighbor calls.”

The County’s own Shoreline Master Program says: “Public access to shoreline areas provided by street ends, utility easements and rights-of-way should be preserved, maintained and enhanced.”

Does that policy apply to Soundview Dr NW?

If so, what does “should” require? Is there a demonstrated, compelling reason for departing from that policy?

These are the interpretive questions I could not get formally addressed.

Proposed WAC 173-27-075 provides a process for answering such questions. It requires written findings and Ecology's concurrence with a formal interpretation.

But who can initiate that process? The proposed rule does not give the public a clear way to request an interpretation or require a response.

I ask Ecology to close that gap. Allow any person to request an interpretation of a specific master program provision, and require a written response, including an explanation if the local government declines.

The meaning of a public-access policy should be established through law and reasoned interpretation, not depend on which neighbor calls.

Anacortes | October 19, 2026 | Oral Comments with Corrections and Updates | Supersedes Oral Testimony

My name is K'allen Specht. My comments address Ecology's proposed changes impacting local governments, specifically item c, Administrative Interpretations, and item b, Permit Tracking. These changes concern WAC 173-27-075 and WAC 173-27-195.

What authorizes a local government to materially restrict an existing public shoreline access point when no shoreline permit is involved?

At Soundview Dr NW, a fifty-foot public right-of-way was dedicated in 1909 at Port Susan, the site of the original historic public steamboat landing. For generations, people used this street end to reach the shore.

In 2009, Snohomish County described it as ending in public beach access. In 2014, the County said, "Public access to the beach is still open." In 2020 its position suddenly became "there is no public beach access."

The road was never vacated. The County later acknowledged the public may use both opened and unopened portions to the line of ordinary high tide.

A "No Beach Access" sign remained.

Unauthorized concrete pillars block public access. A public parking stall, originally installed at the request of a councilmember for a community member with disabilities, was removed.

Margaret "Penny" Buse, who owns adjoining tidelands, repeatedly offered to donate property to the County to support public access.

County Parks recommended against accepting the donation because it would create a fifty-foot-wide public tideland. The County ultimately declined the donation.

RCW 90.58.020 mandates that the public's opportunity to enjoy natural shorelines be preserved to the greatest extent feasible.

Snohomish County's own SMP says access through street ends and rights-of-way "should be preserved, maintained and enhanced."

Under Ecology's rules, "should" is a requirement unless there is a demonstrated, compelling reason for not taking the action.

Preservation is required. Where was that compelling reason established before access was restricted?

I ask for one narrow addition to proposed WAC 173-27-075:

> "Permanent closure or nonemergency material restriction of existing public shoreline access requires an administrative interpretation of applicable master program provisions."

That proposed section already provides the process: written findings, supporting law, and Ecology's written concurrence.

Proposed WAC 173-27-195 tracks project authorizations. But without a formal decision, restrictions on existing public access can escape both that tracking system and Ecology's review.

A century-old public right-of-way should not lose shoreline access without Ecology's review.

Remote Hearing | October 22, 2026 | Oral Comments with Corrections and Updates | Supersedes Oral Testimony

My name is K'allen Specht. I was just informed that unopened public rights-of-way will not be included in this inventory effort. I ask Ecology to reconsider that exclusion.

The existing rule expressly includes potential shoreline public-access sites, including public rights-of-way.

I have two technical corrections to the proposed rules, followed by one narrow request.

First, WAC 173-26-231(2), page 127, retains a subsection (g) even though the text following it is struck out. Please delete the orphaned (g).

Second, WAC 173-26-231(4)(c)(iii)(B), page 141, points to subsection (b)(iv) for the erosion-control preference hierarchy.

But (b)(iv) addresses waterward placement of nature-based stabilization. The correct reference is (b)(v).

My main comment concerns Dayton Street in Snohomish County, a public shoreline asset that is almost invisible.

Dayton Street is a platted, unopened public right-of-way extending to the Port Susan tidelands.

It has not been vacated.

I have not found it identified in public shoreline-access inventories.

County right-of-way research stated, "Hillman Place and Dayton Street go all the way to the tidelands."

Dayton needs neither pavement nor signage to remain a public right-of-way. Its potential to provide shoreline access exists whether or not it is improved.

Ecology's existing WAC 173-26-201(3)(c)(vi) already requires shoreline inventories to identify:
"Existing and potential shoreline public access sites, including public rights of way and utility corridors."

Yet Soundview Dr NW was removed from Ecology's public-facing Coastal Atlas after a private complaint, while Dayton Street remains missing from the inventories I could locate.

The existing rule recognizes these public shoreline assets, but they are still being overlooked or removed.

Proposed WAC 173-26-246(6)(d) requires Ecology to make this inventory publicly available.

When a public street end is omitted, that omission carries into the information available to the public and can influence future shoreline planning decisions.

I propose explicitly including potential access sites so unopened or unimproved public rights-of-way are not excluded:

“The location of sites that provide or could provide public access to the shoreline, such as parks, public piers, street ends (including unopened or unimproved public rights-of-way), and boat launches;”

And to prevent unjustified removals, add immediately after WAC 173-26-246(6)(b)(vi):

“Removal of an identified public shoreline access site from the inventory requires a demonstrated, compelling reason.”

An unimproved public street end should not become an unknown public street end.

Spokane | October 29, 2026 | Oral Comments with Corrections and Updates | Supersedes Oral Testimony

My name is K’allen Specht. When the Property Owner Offers Public Access, Why Does Government Stand in the Way?

My comments address voluntary shoreline acquisition under proposed WAC 173-26-221(4).

RCW 90.58.020 directs preservation of public shoreline access to the greatest extent feasible.

RCW 90.58.240 authorizes acquiring shoreline property by purchase, lease, or gift.

RCW 90.58.100 expressly recognizes tidelands and beaches as recreational resources.

Snohomish County's Ecology-approved Shoreline Management Program encourages acquisition of upland property for public access. It also directs:

"Provide assistance to private property owners willing to provide public access to shorelines."

At Soundview Dr NW, a fifty-foot public right-of-way extends to Port Susan. It has never been vacated.

The adjoining tideland owner, Margaret Penny Buse, repeatedly offered to donate her tidelands, advocated removing the no beach access signage, and urged the County to restore parking that had been eliminated.

Her donation would extend public ownership onto the adjoining tidelands, securing public enjoyment of those shorelands for future generations.

In 2010, Ecology itself recorded this location as public shoreline-access site WS01390, identifying pedestrian and visual access, roadside parking, and neighborhood-scale use.

In 2020, Penny Buse wrote to the County Executive that "the last public access to the beach at Warm Beach has recently been effectively closed by Snohomish County."

County staff recognized that accepting her donation would create a "50’ wide public access" and a "new public beach access."

The County declined the offers.

County Parks recommended against accepting the donation, despite acknowledging that it would extend public access onto fifty feet of adjoining tidelands.

Despite the landowner expressly welcoming public use, the County installed "No Beach Access" signage, eliminated public parking, and allowed documented concrete obstructions to remain.

The County declined the offers while maintaining restrictions on existing public access. I have found no written findings establishing a demonstrated, compelling reason for those decisions.

I ask Ecology to add one sentence to WAC 173-26-221(4)(c):

> “ Declining an offer to donate shoreline property, including uplands, tidelands, or public-access easements, requires written findings establishing a demonstrated, compelling reason consistent with the shoreline master program's public-access policies.”

This would not compel acquisition. It would require a demonstrated, compelling reason for declining an offer, consistent with adopted shoreline-access policies.

Yakima | October 28, 2026 | Oral Comments with Corrections and Updates | Supersedes Oral Testimony

My name is K'allen Specht. My comments address proposed WAC 173-26-090, concerning shoreline master program implementation and effectiveness.

At Soundview Dr NW in Snohomish County, a fifty-foot public right-of-way extends to the waters of Port Susan.

In 2010, Ecology recorded this location in its Coastal Atlas as public shoreline access site WS01390, identifying pedestrian and visual access, roadside parking, and neighborhood-scale use.

In 2015, County records described "large cement pillars found blocking the public beach access."

County Traffic Operations stated, "we wouldn't authorize such action."

Fire District 14 called it "their only access to this beach" and recommended removing the pillars.

The pillars remain in place.

In 2021, an adjoining property owner requested a towing sign invoking the Sheriff's authority, to be attached to existing no-parking and no-beach-access signs.

County maintenance records document the installation of what staff called a "ghost sheriff" sign.

In 2023, County records show another request for a sign reading "BY ORDER OF THE SHERIFF VIOLATORS WILL BE TOWED," bearing the Sheriff's emblem.

In 2025, when the County Engineer asked whether County no-parking signs normally carried that warning, Traffic Operations answered: "No. None of our signs would have that verbiage."

These are documented actions affecting public shoreline access, yet none resulted in a formal shoreline decision or appeared in a shoreline permit proceeding.

The County has nevertheless acknowledged that the entire right-of-way remains available for public use.

Ecology's proposed periodic-review requirement evaluates shoreline authorizations for consistency with public-access policies.

But administrative decisions, signage, enforcement, and tolerated obstructions can materially restrict public access without generating an authorization.

I ask Ecology to add one item to the minimum evaluation requirements in WAC 173-26-090(2)(b)(iii)(D)(II):

"Material changes to existing public shoreline access, whether or not associated with a shoreline authorization."

This would ensure periodic reviews consider actual changes to public access, not just permit records.

The effectiveness of a shoreline master program should be measured by what happens to the shoreline, not merely what appears in its files.

Des Moines | November 3, 2026 | Oral Comments with Corrections and Updates | Supersedes Oral Testimony

M y name is K’allen Specht. If you can hear me now, you may be familiar with my story and the struggles to regain lost public access.

I could use these three minutes to recite statutes, regulations, codes, and policies, as I have done at previous hearings.

Instead, I'd rather bring it all together. So what, I ask myself. What now?

After all the research, public records, and testimony, I'm still left with one question.

What is the future of Soundview Dr NW? I don't have an answer.

That question extends beyond this rulemaking. But the loss of public access has materially degraded a historic shoreline experience.

The signs, parking restrictions, mapping, and enforcement changed- restricting access after over 100 years of public enjoyment.

In June 2023, Snohomish County's own County Engineer wrote that the Soundview access issue “has gone back and forth depending on which neighbor calls.”

A century-old public right-of-way, yet the public-facing answer changes depending on who calls.

Despite years of effort, I have been unable to restore the public shoreline access lost through Snohomish County’s discretionary decisions. This is despite the framework of RCW 90.58 and WAC 173, which is intended to preserve, maintain, and enhance public access.

Perhaps this process can prevent similar losses.

I ask that you take sufficient time to read the extensive written comments I will be submitting.

I have put significant effort into proposals beyond my own interests. Street ends serve small communities throughout the state and are critical links in the public shoreline access network.

The loss of shoreline access is not only my story. Soundview Dr NW is merely one example.

Thank you for hosting these public hearings and providing the opportunity to participate.

I'll leave you with one final suggestion.

RCW 90.58.020 calls for preserving the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines to the greatest extent feasible.

Somehow we lost the opportunity after more than 100 years of documented access.

Therefore, I suggest strengthening WAC 173-26-221(4)(d)(i) by adding the legislature’s chosen word, ‘preserve’ as follows:

"...establish policies and regulations that protect, preserve, and enhance both physical and visual public access."