Mark Greenberg
20416 Beach Drive
Stanwood, WA. 98292
Pathsman31@gmail.com

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Washington State Department of Ecology
Shorelands and Environmental Assistance Program
PO Box 47600
Olympia, WA 98504-7600

Comment on Proposed Shoreline Management Act Rule Amendments

Dear Shoreline Rulemaking Team:

I am writing to support Ecology's effort to strengthen implementation of the Shoreline Management Act, especially the proposed changes concerning public access, periodic review, administrative interpretations, enforcement, exemptions, and shoreline inventories. I also ask Ecology to look closely at Hillman Place in Warm Beach (where I live) regarding how public shoreline access can remain legally intact while becoming unusable in practice.

Snohomish County has stated in Superior Court that Hillman Place is a 50-foot dedicated public right-of-way, that it extends to the line of ordinary high tide, that it has not been vacated, and that the public may use both the opened and unopened portions.

Thus it is very surprising that the County removed the last public parking stall, installed "No Beach Access" signs, and left concrete pillars that County records described as blocking public beach access. In 2023, the County Engineer wrote that the issue "has gone back and forth depending on which neighbor calls." That is not how a public right should be administered. We need clear rule-making based on public access.

I support the new requirement in WAC 173-26-221(4)(c)(i) to keep public-access plans "current and relevant." I hope Ecology will make clear that this means verifying actual street ends and rights-of-way, including signage, parking, disability access, obstructions, and private occupation. New WAC 173-27-075 should also require a documented interpretation when a local government effectively changes an access point from public to unavailable.

The proposed exemption documentation in WAC 173-27-040 and -050, the new enforcement tools in WAC 173-27-265 and -275, the new tracking and effectiveness process in WAC 173-26-090, and the new street-end inventory requirements in WAC 173-26-246 are all important. Please implement them so that records are traceable, enforcement complaints can receive a written disposition, conflicting access information is actually reconciled.

The SMA already speaks in strong terms about public access and preserving shorelines for future generations. Hillman Place shows that strong words are not enough by themselves. Please make these amendments work on the ground.

Sincerely,

Mark Greenberg