Dan Kostrzewski

Public Comment: Washington Shoreline Management Act Rulemaking (CR-102)

As a Washington saltwater shoreline angler, I strongly support efforts to clarify, protect and expand responsible public access to our state's marine shorelines. As I have shoreline fished in Puget Sound, Hood Canal, Samish Bay and the San Juans, I've developed a deep appreciation for these remarkable public waters, along with a growing concern about the uncertainty surrounding the public's ability to access them.

Over the past two years, I've been actively involved in shoreline access advocacy, collaborating with Backcountry Hunters & Anglers (BHA), North Sound Trout Unlimited and the Coastal Cutthroat Coalition. I also serve on WDFW's Region 4 Access Committee. Through this work, I've seen firsthand how the complicated intersection of tideland ownership, public trust rights and inconsistent access information creates confusion for anglers, landowners and enforcement agencies alike.

Washington's inland marine shorelines present a particularly challenging situation. Unlike much of the outer coast, large portions of Puget Sound and Hood Canal tidelands are privately owned. Yet the public also holds important rights associated with navigable waters and public trust rights, including fishing. The challenge is not simply choosing between public access and private property. It is developing a framework that respects both, recognizes the legal boundaries of each and provides practical guidance where those rights intersect.

Too often, uncertainty results in the most restrictive interpretation of public access, particularly when a property owner objects or an enforcement officer encounters a disputed shoreline. While legitimate private property rights must be respected, uncertainty alone should not automatically extinguish or discourage otherwise lawful public trust uses.

I encourage the Department of Ecology to use this rulemaking and its guidance to local governments to advance several priorities:

1. Clearly recognize fishing and shellfishing as important public trust uses. Shoreline access should mean more than a scenic viewpoint or a trail ending above the beach. Where legally appropriate, meaningful access should include the ability to reach the water, fish, gather shellfish and move along the shoreline consistent with applicable public trust rights.

2. Move away from automatically applying the most restrictive interpretation of public access. When ownership boundaries or public rights are uncertain, agencies and local governments should seek accurate legal and geographic information rather than reflexively defaulting to exclusion or putting that burden on the fishing public. This does not mean disregarding private property rights, but ensuring public rights receive equally serious consideration.

3. Improve mapping, signage and public information. More accurate county GIS tideland ownership data, clear identification of public access points and consistent signage would benefit everyone. Ecology's Coastal Atlas is a valuable resource, as well as onX, and continued improvements could help anglers understand where access is clearly permitted, where restrictions apply and where legal uncertainty remains. Verified county GIS parcel data when it comes to tidelands is critical in this effort.

4. Identify, protect and restore historical shoreline access. Local shoreline planning should inventory traditional fishing and shellfishing access points, identify locations where public access has been lost or discouraged and evaluate opportunities to restore access where legally supported. Protecting existing access is often as important as creating new opportunities.

5. Include recreational anglers in shoreline access planning and implementation. I encourage Ecology and local governments to establish meaningful opportunities for angler representation, including an angler advocate or advisory role, when developing public access policies, signage, educational materials and conflict-resolution approaches. Organizations such as BHA, Trout Unlimited and the Coastal Cutthroat Coalition can provide valuable on-the-ground perspectives.

6. Reduce landowner conflicts through education, de-escalation mechanisms and angler engagement. Responsible anglers have an important role to play in protecting private property, respecting sensitive habitat, minimizing disturbance and helping others understand lawful access. Conservation organizations and volunteer angler advocates can partner with agencies and landowners on education, stewardship, signage and practical solutions that reduce misunderstandings before they become disputes. DFW enforcement can serve anglers in an advocacy of access role.

7. Strengthen coordination between Ecology, WDFW and local governments. Shoreline access is not solely a land-use issue. It also directly affects recreational fishing opportunities, fisheries management and public enjoyment of Washington's aquatic resources. WDFW's expertise and public access mission should be meaningfully incorporated into shoreline planning and future policy discussions.

I also recognize that shoreline access and habitat conservation must advance together. Healthy nearshore ecosystems are fundamental to the fisheries we value, particularly wild coastal cutthroat trout, salmon and other marine species. Thoughtfully managed public access, supported by habitat protections and responsible recreation, can serve both objectives.

Ultimately, I see this rulemaking as an important opportunity to reconsider how Washington approaches public shoreline access as a public trust right. The Shoreline Management Act should provide a framework that protects ecological resources and legitimate private property interests while giving meaningful consideration to the public's longstanding rights to fish and enjoy our navigable waters.

Public access should not exist only on paper. It should be understandable, legally defensible and practically available where public rights support it.

Thank you for considering these comments and for the Department's ongoing work to improve shoreline management in Washington.

Dan