K'Allen Specht

Hello, my name is K"Allen Specht. How does public access become no public access? My comments today 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 shorelines public access policy, and RCW 90.58.050 establishes the state-local partnership responsible for implementing it.

The public"s opportunity to enjoy the 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 Drive Northwest 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 Drive Northwest a single-lane access road leading to public beach access point and stated: public access to the beach is still open. Six years later, county staff stated it had 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 McCormant 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 Drive Northwest? If so, what does should require? Is there a demonstrated, compelling reason for departing from that policy? These are 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 a public, give the public a clear way to request an interpretation or require a response. I ask Ecology to close that gap. Any person, allow any person to request an interpretation of a specific master program provision and require a written response, including explanation if the local government declines. The meaning of public access policy should be established through law and reasoned interpretation, not depend on which neighbor calls. Thank you.