

Department of Ecology
RECEIVED

NOV 02 2010

Shorelands & Environmental
Assistance Program

PO Box 544
La Conner, WA 98257
November 1, 2010

Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

Re: Water Enjoyment – Shoreline Rules

After all these years it is time for DoE and DNR to rationalize the rules governing uses in harbor areas and in aquatic environments. WAC 332-30-115 does not permit water enjoyment, but WAC 173-26-020 does. DNR uses “water-oriented”, where DoE uses “water related”. These differences should be resolved in order to make all shoreline rules consistent and more understandable to the average citizen.

WAC 173-26-020(37) defines “water enjoyment”, but it contains a lot of “weasel” words such as “general characteristic of the use”. “General” could be changed to “primary”. The problem is that, under the existing wording, new waterfront restaurants with water views are being permitted, even in a harbor area. The old definition had examples, and it did not include restaurants, even lunch counters.

WAC 173-26-201(2)(d)(ii) discusses basic concepts related to harbor areas, but it needs to set the policy that, in those cases where a harbor area and a shoreline environment overlap, as in La Conner, the DNR rules shall be followed.

WAC 173-26-211(5)(c)(ii)(A) discusses new structures in an aquatic environment. After “public access”, please consider adding: “(when that is the primary use)”.

Please try to eliminate the term “mixed use development”. That description has fallen out of favor since Alice Schisel left DoE. The shoreline environments now include residential, so there is no need to invite new disputes about mixed use. It is not a valid shoreline environment.

Sincerely,



Dan O'Donnell
(360) 466 3057