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RECEIVED

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Department of Ecology  
Eastern Washington Office

Steven Pao  
334 Woodland Ave.  
Walla Walla, WA. 99362

Dear Mr. Sikes

I am writing in response to the Walla Walla Coalition Shoreline Master Program.

My first two comments are with the City of Walla Walla Shoreline Master Program. My first concern is section 5.6 Public Access – Regulations – L, which states: “When all other provisions of this Section are met, shoreline development adjacent to the Mill Creek levee shall require the creation of an easement or dedication providing for a trail identified in an adopted City plan.”

It states in section 5.6 Public Access – Regulations – J – Standards for Public Access - #1 that “Physical access to the shoreline shall be preferred over solely visual access.” It does not preclude the use of solely visual access. Section 5.6 Public Access – Regulations – L as stated, would prevent the use of visual access as a public access requirement. Section 5.6 Public Access – Regulations – J- Standards for Public Access - #1 also states that: “Physical access may consist of solutions such as, but not limited to a dedication of land or easement or physical improvements in the form of a trail, park or other area where the shoreline may be physically accessed.”

Section 5.6 Public Access - Regulations – L as stated, would require the creation of an easement or dedication providing for a trail identified in an adopted City plan. I believe that this would constitute an implicit “taking” of private property to create such an easement along Mill Creek which the City of Walla Walla does not currently have, so a trail could then be built upon private property. It also dictates what kind of public access would be required, when another form of public access may be acceptable.

The Mill Creek levy from 9<sup>th</sup> Ave. to Gose St. is partially fenced and gated for public safety reasons and to prevent criminal trespass and the theft and vandalism of property. I believe that Regulations - L is a thinly veiled attempt to force a public trail onto and through private property. In several sections of the Shoreline Master Program it clearly states the rights of private property owners should be respected.

I believe that due to the details listed above that section 5.6 Public access – Regulations – L should be removed from the City of Walla Walla Shoreline Master Program.

My second comment concerns sections 6.4 Agriculture - Policies - Policy - #1 which states: “New or expanded agricultural activities should not be allowed within shoreline jurisdiction to comply with the City’s Comprehensive Plan.” and also 6.4 Agriculture – Regulations – A which states: “New or expanded agricultural activities are prohibited within shoreline jurisdiction.”

I feel that these two policies do not belong in the City of Walla Walla Shoreline Management Plan considering the fact that the City of Walla Walla was primarily built upon the agricultural industry, and it still contributes to its economy today. Shortly after the Walla Walla City Council adopted the Shoreline Management Program, the City of Walla Walla annexed a working farm into its boundaries. This farm borders Mill Creek and is now subject to the City of Walla Walla's Shoreline Management Program, not Walla Walla County's. It is possible that this could occur again with future annexations.

I believe that new or expanded agricultural activities should not be prohibited within shoreline jurisdiction, but in fact should be promoted. I think that open land along a shoreline is much preferred over concrete and asphalt. Therefore, I propose that section 6.4 agriculture – Policies – Policy # 1 be replaced with: "Promote the continued economic viability of agriculture within the City of Walla Walla and support its continued practice on existing and expanded agricultural lands." And add Policy #2; "Preserve and maintain productive agricultural lands in shoreline jurisdiction."

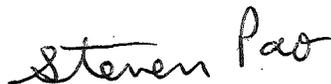
My third comment regards both The City of Walla Walla and Walla Walla County's Shoreline Management Plans. Specifically section 5.6 – Public Access- Regulations – B which states: "For the purpose of this SMP, public access shall not be construed to include the right to enter or cross private property, except through the use of a dedicated public right-of-way through an easement that allows public access."

I feel that the phrase "except through the use of a dedicated public right-of-way through an easement that allows public access" should be deleted. I believe that the phrase could give government agencies or citizens groups "carte blanche" to demand public access be given through private properties depending on how the terms "public right-of-way" and "public access" are defined.

For example; is "public access" the general population at large? Could "public access" be defined as a public agency, such as the U.S. Army Corps of Engineers operating a Mill Creek levy repair crew? Or could possibly a publicly owned water line which has an easement along a shoreline be considered "public access"? It is open for interpretation and therefore I think this phrase should be eliminated from both Shoreline Master Programs.

Thank you for your time in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Steven Pao".

Steven Pao