

April 10, 2010

Waterway 1 urgently needs your help!

Dear Friends of Waterway 1,

- Do you believe in keeping public land in the hands of the public?
- Do you believe valuable public land needs to be saved for future generations?
- Do you believe that there must be at least some public benefit anytime public land is turned over to private use?
- Do you believe in holding government officials accountable for decisions that remove valuable public land from the public trust?

If so, then it is time to fight for your beliefs and tell Department of Natural Resources (DNR) and Commissioner Goldmark that the public wants Waterway 1 back!

Why is now the time to fight to save Waterway 1? If you wait, it may be too late — forever.

The Department of Natural Resources (DNR) is preparing to authorize the private use of Waterway 1 to encroachers and may even allow them to permanently take part of Waterway 1 and make it their private property.

Please take a minute to read this letter to learn what you can do to help save Waterway 1.

The encroachment has been on public land for many years, and in fact has increased in size, without approval by DNR. The Department of Natural Resources asserts it wants to authorize the encroachment in order to regain management control of the waterway and the encroachment. As a result of the authorization process, DNR can place conditions on what the encroachers can and cannot do. In fact, DNR did place conditions on the use authorization of the encroachers on the south side of the waterway.

The SEPA Process Does Not Address the Problem of Encroaching

These conditions were included as part of the SEPA process. However, what the SEPA process does not cover, or answer, is the question of why DNR is allowing the encroachments to remain in the waterway in the first place. Instead, the SEPA process artificially frames the issue as the impact of the continued existence of the encroachments. By framing the question in this matter, DNR misses the larger question of what is the public benefit of authorizing these private encroachments. Therefore, while we need you to once again submit your comments during the SEPA process, we also need your help in asking DNR to explain why it has not requested that the private landowners live within their own property lines.

Recently, DNR and Commissioner Goldmark, released a draft version of his Strategic Plan for 2010-2014. Included in this plan are the principles detailed here:

Accountability is critical to good governance and a central component of DNR's third Guiding Principle, which directs the agency to "Make decisions in the public interest and with the public's knowledge." DNR expects that the people of Washington will hold it accountable for the expectations established in this Plan. The successful implementation of the Goals and Major Initiatives articulated on the following pages will be the measure by which the success of the organization, in responding to new direction, should be judged.

Transparency and accountability are vital to earn the public's trust and appropriately manage shared resources. Decisions should be made for the benefit of current and future generations. Strategic Plan pg 2, 4.

We Must Insist DNR Follows Its Own Ideals

We should applaud Commissioner Goldmark for making accountability of decisions that affect the public interest a cornerstone of his administration. Now it is up to the public, in whose name DNR manages these lands, to make sure DNR follows its own ideals. It is time to ask DNR how allowing a private landowner to enlarge their own waterfront property at the expense of public land and access fulfills these principles. It is time to ask how authorizing this encroachment and allowing it to remain on public land benefits the public now or in future generations.

The majority of time DNR leases, sells, or authorizes use on public lands it is to generate revenue that is used to fund agency actions or for public schools. The relatively small amount of rent generated by authorizing this encroachment does not outweigh the negative impact of allowing the encroachment to remain.

Commissioner Goldmark has responded that there is "enough" of the waterway left for the public to use. This however improperly frames the issue. The question that should be asked is why DNR is giving any of the public waterway to a private landowner. Where is the public benefit? DNR is going against their own principles if they do not require that the landowner move back to within their own property lines. It is fair and it is right. Why won't DNR make this request?

Here's Where We Need Your Help

Therefore, your assistance in bringing this issue before Commissioner Goldmark is needed **now**. Once the SEPA process begins your voices and comments will be limited to the structure outlined in SEPA. Your comments asking the most important questions as to the management of the waterway will be ignored. We ask that you contact Commissioner Goldmark and Bridget Moran, the Aquatics Supervisor, and tell them what the public wants for this unique and wonderful piece of public land.

What should you say to DNR?

Since DNR can put conditions on the use authorization, we ask that DNR place a condition that once authorized, the private landowner has one year to remove most of the encroachment. This is a fair way to handle this situation. This provides the landowner with sufficient time to plan, implement, and remove the encroachment and withdraw to within their official property boundaries. It would, of course, also return a significant portion of the waterway back to the public where it rightly belongs. It is time for DNR to hear the public's voice on this issue.

It is wrong for DNR to allow this encroachment to remain. It is not in the public interest, it provides little to no public benefit, and it negatively affects the public's enjoyment of the waterway. It is wrong for Commissioner Goldmark to claim that "enough" of the waterway remains for the public to use. This conclusion might be sufficient if the land the public was giving up in the waterway was going to benefit the public, but it is not. The land the public is giving up in this decision is going only to benefit one family. This is wrong and against DNR's own principles. Please contact Commissioner Goldmark as soon as you can and hold him and DNR accountable to the public's interest. It is the right thing to do.

Thank you,

Friends of Waterway 1

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