



Department of Ecology
Water Quality Program
Marla Koberstein
PO BOX 47600
Olympia, WA 98504-7600

Re: Outstanding Resource Water Designations

Dear Ms. Koberstein:

The American Forest Resource Council (AFRC) submits the following comments regarding the Tier III - Outstanding Resource Water (ORW) designations for the Cascade and Green Rivers segments.

AFRC represents the forest products industry throughout Washington, Oregon, Idaho, Montana, and California. AFRC's members include over 50 forest product businesses and forest landowners. AFRC's mission is to advocate for sustained yield timber harvests on public timberlands throughout the West to enhance forest health and resistance to fire, insects, and disease. We do this by promoting active management to attain productive public forests, protect adjoining private forests, and assure community stability. We work to improve federal and state laws, regulations, policies, and decisions regarding access to and management of public forest lands and the productivity of all managed forest lands. Many of our members have their operations in communities adjacent to the Mount Baker Snoqualmie (MBS) and Gifford Pinchot National (GPNF) Forests, and the management of these lands ultimately dictates not only the viability of their businesses but also the economic health of the communities themselves. Our members also rely on the many forestland owners in Washington state who actively and sustainably manage their lands. Further reductions in these manageable acres put the entire sector at risk.

The forest products sector in Washington State continues to provide around 40,000 direct and about 100,000 indirect jobs. Many of these are found in rural communities like those near these two National Forests and the surrounding areas. In addition to the wages paid, the taxes and other monetary transactions generated by these businesses and family-wage jobs, contribute to the infrastructure and well-being of the local communities. AFRC submits these comments on behalf of its members.

The lack of supply of raw materials to fill manufacturing demands for wood products continues to be an issue in Washington. There has been a desire by several communities, including Chelan County, to recruit new wood products manufacturing infrastructure to their communities. These projects as well as the existing infrastructure can only succeed with a stable and reliable timber supply. The economic activity created through these treatments contributes to the greater community's well-being.

The comments below focus on the Cascade and Green Rivers, however, the issues and concerns with the process being undertaken extend to any current or future proposed ORW designation – Tier III - ORW Designation.

The Department of Ecology (ECY) should not designate these waters until it has provided the public with clear and specific information about how it is making these designations, the costs and benefits of the designations, the baseline (or background) data, and what monitoring data and processes will be used, the implications for local communities, and consider public comments received during this process. ORW designations will have major impacts on the public and other land managers. Assuring there is a transparent and science-based process is crucial to the success of this rule-making process.

We understand quantifying the economic and environmental impacts of this proposal is not easily accomplished. However, since this is the first time since this designation of Outstanding Resource Waters will be used, it is critical that ECY set a high standard for the process. At a time when the public trust in government is low, it is incumbent on the Department to provide meaningful public participation in the rulemaking process, and not to conduct a process absent public review and input, has a lack of site-specific data and analysis, and a failure to identify and disclose specific costs and benefits.

The Department's completed State Environmental Policy Act Checklist and Preliminary Regulatory Analysis do not adequately address the consequences of the proposed action, the costs and benefits of the proposal, nor do they identify any appropriate mitigation of these impacts. Additionally, ECY fails to explain why the designations are needed and how the current regulatory obligations of the land managers fail to provide adequate protection of the water resource.

Absent a quantitative analysis of the benefits and costs and any associated impacts of this proposed rulemaking, it is unclear how the Department can comply with RCW 34.05.328(1)(d) and determine "... the probable benefits of the rule are greater than its probable costs..." Many of this state's rural communities, especially those who rely on natural resource economies have suffered socio-economic harm from increasing regulation. The Department and the stay owe it to these communities to ensure open, transparent, science-based, and data-driven decisions are made.

The proposed designation for Soap Lake contains finite measurable metrics to determine if human activity is impacting water quality. The materials provided by ECY, and the proponents, do not include any finite measurable metrics to determine if human activity is negatively impacting water quality in the Cascade or Green River drainages. Just anecdotal descriptions of the conditions of the water. There is no apparent baseline data to be used for comparison at some point in the future. This would seem to create an arbitrary regulatory environment. This lack of data along with the lack of finite details of regulatory and economic impacts raises many questions. Below are some of the questions we would like concrete answers to:

- How would a Tier III - ORW designation impact the management of Riparian Reserves on USFS-managed lands? Many of the Riparian Reserves are in extreme need of management in order to accelerate and ensure their development into late seral conditions.
 - Will a Tier III - ORW designation prohibit the USFS from managing within the Riparian Reserves as defined under the Northwest Forest Plan?
 - If management within Riparian Reserves is allowed under a Tier III - ORW designation what limitations, buffer widths, and equipment limitation zones would be required?

- What increases in time and cost will be associated with NEPA planning by the USFS for the management of Riparian Reserves if management is allowed under a Tier III - ORW - ORW designation?
 - What financial data was used to determine the economic impact of this designation on the management of Federal lands?
- How will a Tier III - ORW – ORW designation on water bodies located on USFS impact or change any completed Watershed Analysis conducted by the USFS?
- What impacts would a forest landowner, specifically the USFS, expect to see related to road management within watersheds that contain Tier III - ORW designated waters?
 - Would decommissioning of roads near water bodies be allowed and what additional provisions would be required if allowed?
 - Would the use of temporary roads near water bodies be allowed and what additional provisions would be required if allowed?
 - Would construction or reconstruction of water crossings be allowed and what additional provisions would be required if allowed?
 - How would these vary between fish-bearing and non-fish-bearing streams?
- How would dispersed camping on USFS lands be affected by this designation?
- What additional requirements would be placed on existing recreational facilities, such as campgrounds, trailheads, and trails, for ongoing maintenance?
 - What existing infrastructure exists to protect water quality from human/recreational uses?
 - Are there any existing regulatory requirements related to the recreational/human use of these proposed designated water courses?
 - How would the expansion of existing or the creation of new recreational facilities, listed below, be impacted by a designation?
 - Campsites
 - Water systems
 - Vault Toilets or similar
 - Parking lots
 - New trails
 - Other
- What entity will be responsible for monitoring of water quality of the designated waters?
 - What is the frequency of, and cost associated with this monitoring?
- What data will be used for a baseline to determine if there are any changes in the future?
 - Should water quality degrade, especially due to recreational use, what limitations will be placed on the use of the designated segments?
- The focus papers and other documentation state that the Cascade and Green Rivers designations include their tributaries upstream from the identified designation beginning point. Do these tributaries include all typed waters (e.g., Fish, Non-Fish Perennial, and Non-fish non-perennial)? And if it includes all tributaries to their uppermost point, how will this affect/change forest practices on private lands and regulatory obligations on federal lands (i.e. buffers)?

- What has been your engagement with the USFS during this process? Can you please provide names and/or position titles and dates of the various interactions with USFS representatives?
- Lands managed by the US Forest Service are broken into a variety of land allocations. Sustainable commercial timber supply is expected from Matrix land allocations on the MBS and the GP National Forests. How will a Tier III - ORW designation on the Green and/or Cascade Rivers impact the ability of the Forest Service to manage any Matrix land allocations located within the proposed designated landscape?
 - Management Activities could include the following. What limitations would apply to these activities within a designated landscape?
 - Road Maintenance
 - Road Construction
 - Permanent Roads
 - Temporary Roads
 - Stream Crossings – new or reconstruction
 - Fish Bearing
 - Non-Fish Bearing perennial
 - Non-fish non-perennial
 - Vegetation Management / Timber Harvest
 - Variable Density Thinning and/or commercial thinning
 - Outside of a 150-foot zone on fish-bearing streams
 - Within a 150-foot zone of fish-bearing streams
 - Outside of a 100-foot zone on non-fish-bearing streams
 - Within a 100-foot zone of non-fish-bearing streams
 - Regeneration Harvest
 - Outside of a 150-foot zone on fish-bearing streams
 - Within a 150-foot zone of fish-bearing streams
 - Outside of a 100-foot zone on non-fish-bearing streams
 - Within a 100-foot zone of non-fish-bearing streams
 - Non-commercial fuels management including but not limited to pre-commercial thinning and prescribed burning (both piles and broadcast)
- What limitations would a Tier III - ORW designation create for any in-water and/or in-channel work related to the installation of engineered log jams, log placement – including drop and leave strategies, and other habitat enhancement projects?
- As part of the cost-benefit analysis did the Department explore any increased costs and time requirements associated with US Forest Service environmental analyses for land management activities in these proposed designation landscapes?
- ECY appears to acknowledge there could be negative economic impacts from this designation. Has ECY quantified these impacts and what data did it use in relation to the below activity?
 - Timber harvesting on US Forest Service Lands
 - Timber harvest on State Trust Lands managed by DNR
 - Timber harvest on private lands
 - Mining on Forest Service lands

- Recreation on Forest Service lands
- Recreation on State Trust Lands managed by DNR
- Recreation on private lands
- Any other economic generating activity related to these lands

AFRC strongly urges the Department of Ecology to pause this proposed rulemaking. During a pause, the Department should conduct a transparent, objective, and robust analysis that is informed by site-specific data. It should work diligently to quantify as much as possible the costs, benefits, and environmental impacts. Allow time for the public to review and provide comments. And then make a recommendation after fairly considering all public input and determining if the probable benefits exceed the probable costs.

Thank you for the opportunity to comment on this rulemaking. Should you have any questions regarding the above comments or would like additional information, please contact me at 360-352-3910 or mcomisky@amforest.org.

Sincerely,

A handwritten signature in blue ink that reads "Matt Comisky". The signature is fluid and cursive, with the first name "Matt" and last name "Comisky" clearly legible.

Matt Comisky

Washington State Manager

American Forest Resource Council