

Citizen Action Defense Fund

-Ecology has not disclosed environmental impacts – good or bad.

Please wait on the rulemaking until the environmental impacts of these designations are disclosed. Ecology is required by the State Environmental Policy Act (SEPA) to disclose impacts on land and shoreline use. Yet its SEPA decision does not acknowledge that the designation would likely prevent roads and public access for human activities adjacent to these waters. It also does not discuss potential impacts on forest management practices to prevent or fight catastrophic wildfires.

-Ecology's action would be unprecedented and poorly defined.

This is the first time Ecology has designated waters since its rules were adopted 20 years ago. Failure here to identify a quantitative need and identify the cost of designation sets a precedent for overreaching in other waters. This is particularly a concern because Ecology's standards for designating waters as Tier III are vague and subjective.

- Ecology's recent history of misapplying regulatory standards casts a shadow over this new action. Ecology has recently been misusing its "Tier II" regulation to prevent measurable change in waters that are meeting state standards. Ecology's expanded use of Tier III designations could essentially prevent human activity in large portions of the state from headwaters to the ocean without any express approval by the Legislature, demonstrable benefit for water quality and without demonstrated support in affected communities.