

## Traci Lund

Please postpone any designations of Tier III waters. Since this is the first time Ecology is designating these waters, a very high standard and clear and specific information should be available for meaningful public participation and transparent analysis. Ecology has not identified a quantitative benefit for designating the waters. Ecology water quality standards are purportedly already being met in these waters, but site-specific data must be demonstrated. In any case, they are already subject to state and federal protection. Ecology's Preliminary Regulatory Analyses could not quantify the degree to which designation would improve water quality, increase recreational visits, or increase fish and wildlife populations. Ecology's Tier III rulemaking acknowledges that the assignment would significantly impact current and future human activities adjacent to protected waters in public spaces, potentially preventing public use and access to recreation or other services. Ecology also acknowledges that Tier III protection potentially has significant implications on the state's economies, acknowledging that designation will prevent large-scale development and may increase costs for small-scale growth. However, Ecology's Regulatory Analyses does not discuss economic impacts on adjacent communities of permanent protection. It does not acknowledge the square miles affected. Ecology has recently been misusing its "Tier II" regulation to prevent measurable change in waters meeting state standards. Ecology's expanded use of Tier III designations could prevent human activity in large portions of the state from headwaters to the ocean without any express approval by the Legislature, provide demonstrable benefits for water quality, and demonstrate support in affected communities.