

Hampton Lumber

Ecology should not designate any Type III waters without revealing how it is making these designations, the costs of designation, and the implications for local communities.

Please postpone any designations of Tier III waters until clear transparency has been met. Given that this is the first time ever that Ecology is designating these waters, a very high standard and clear and specific information should be available so we can have both meaningful public participation and transparent analysis. Right now there is a lack of sufficient water quality data to support the designations and the benefits of this proposal are unclear since many of the waters already have protection. There will be significant economic impacts, the environmental impact on land and shoreline use is undisclosed, and the potential restriction of human activities without adequate public and legislative approval is troubling. We urge the Department of Ecology to pause the rulemaking, conduct thorough and transparent analysis with site-specific data, and consider public input to ensure benefits outweigh costs and regain public confidence in the rule-making process.

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.