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Ms. Koberstein.

I am writing to **Oppose the adoption of Tier III Water Designation** language in chapters 173-201A WAC, Water Quality Standards for Surface Waters of the State of Washington.

The Department of Ecology ("DOE") is making recommendations that effect land rights, **both Private and Public**, without providing demonstrable evidence and quantifiable data to support the need for these changes, the associated costs, and consequential costs to our state and local communities. Adopting these changes without proving a need or disclosing the costs and impacts to our citizens sets a precedent for overreaching in other waters. This is mainly a concern because DOE's standards for designating waters as Tier III are vague and subjective.

The DOE has not clearly identified the quantitative benefit for designating the waters that are already subject to state and federal protection. DOE'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. Further, DOE's Tier III rulemaking acknowledges that Tier III designation would significantly impact current and future human activities adjacent to protected waters in public spaces, potentially preventing public use and access for recreation or other uses.

It does not seem that the DOE Ecology is being transparent in this rulemaking as it has not provided the Public with clear and direct information about how it is making these designations, the costs of designation, and the implications for local communities. DOE acknowledges that Tier III protection potentially has major implications on the economies of the state, acknowledging that designation will prevent large-scale development and may increase costs for small-scale development. But DOE's Regulatory Analyses does not discuss economic impacts on adjacent communities of permanent protection, nor does it acknowledge the square miles affected. DOE will require activities to use "all applicable structural and nonstructural best management practices," but has not identified what those are or what they will cost.

Given that this is the first time ever that the Department of 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. Without these, this is nothing more than a Land Grab, setting precedent for future Land Grabs. The taxpaying citizens of the Great State of Washington deserve a thorough and transparent analysis of site-specific data, and to be included in the rule-making process to ensure that the benefits outweigh the costs.

**I urge the Department of Ecology to pause the rulemaking until these criteria has been met.**

Krysta Verbarendse