

## Cindy/WFPA Mitchell

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 has been misusing its "Tier II" Antidegradation Policy in the Forest Practices arenas, and disallowing temperature change greater than 0.3 °Celsius in water bodies that are exceeding designated use standards. Ecology took that novel position before specifying any new or expanded action, consideration of necessity, or overriding public interest analysis and it is inconsistent with the plain language of WAC 173-201A-320. Once again, Ecology is using a vague and subjective process to propose ORWs which will have a similar restriction as that resulting from Ecology's position on Tier II waters in the Forest Practices arena. This means there is no practical difference between how Tier I, II, and III of the Antidegradation Policy is being administered, yet that is clearly not the intent of the rules. Taken to the extreme, these proposed designations could prevent human activity in large portions of the state from headwaters to the ocean without any express approval by the Legislature, a demonstrable benefit for water quality, or support in affected communities.