



HAMPTON LUMBER MILLS, INC.

9600 SW Barnes Road
Suite 200
Portland, Oregon 97225-6666
Telephone 503.297-7691
Fax 503.203-6618
www.HamptonAffiliates.com

September 27, 2023

Department of Ecology
Water Quality Program
Marla Koberstein
PO BOX 47600
Olympia, WA 98504-7600

Re: Outstanding Resource Water Designations

Dear Marla Koberstein:

Thank you for the opportunity to comment on the Department of Ecology (DOE) Outstanding Resource Water (ORW) designations proposed for segments of the Cascade, Napeequa, and Green Rivers.

Hampton Lumber is a family owned organization with deep ties to many of the smaller communities around the state of Washington where our manufacturing facilities are located. We directly employ 500 people at our sawmills at Darrington, Morton, and Randle along with our reload and remanufacturing facilities in Arlington and Napavine. We also own and manage 165,000 acres of forestland in WA, specifically to help supply logs to those sawmills.

We are a committed, efficient, community-oriented company with a long-term vision for the future. Our ability to support these communities and source our manufacturing facilities is highly dependent on the availability of raw material from public and private forestlands. Increased regulatory restrictions on forestlands that reduce the availability of raw material for the manufacture of carbon friendly wood products would jeopardize our ability to continue to operate and severely strain the well-being and social fabric of the rural communities in which we operate. The family-wage employment we provide along with the indirect employment and economic benefit provided by the presence of our manufacturing facilities benefits schools, businesses, and the overall economic wellbeing of the region.

Any designations of Tier III waters should be postponed until full transparency of data and analysis has been met. Given that this is the first time ever that DOE is designating these waters, a very high standard and clear and specific information should be available so the public and stakeholders can have both meaningful participation and transparent analysis. 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 DOE to pause the rulemaking, conduct thorough and transparent analysis with site-specific data, and allow sufficient time to consider public input to ensure benefits outweigh costs. DOE must regain public confidence in the rule-making process.

DOE should not designate these waters without giving the public clear and direct information about how it is making these designations, the costs of designation, and the implications for local communities.

We encourage you to stop this rulemaking as Ecology has not identified a quantitative benefit for designating the waters. Ecology water quality standards are purportedly already being met in these waters although there are no site-specific data to demonstrate it. In any case, they are already subject to state and federal protections. 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.

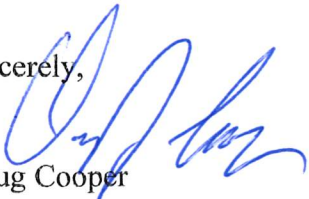
Please halt this rulemaking until Ecology has established a high standard for designations which will have significant economic impacts that have not been disclosed. Ecology's Tier III rulemaking acknowledges that Tier III designation would significantly impact current and future human activities adjacent to protected waters in public spaces, potentially preventing public use and access for recreation or other uses. Ecology also acknowledges that Tier III protection potentially has major implications on economies of the state, and acknowledges that designation will prevent large-scale development and may increase costs for small-scale development. However, Ecology's Regulatory Analyses does not discuss economic impacts on adjacent communities of permanent protections. It does not acknowledge the square miles affected. Ecology 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.

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. 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 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.

Thank you for the opportunity to comment.

Sincerely,



Doug Cooper
Vice President – Resources
Hampton Lumber Mills, Inc.
dougcooper@hamptonlumber.com