



WASHINGTON FOREST PROTECTION ASSOCIATION
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July 26th, 2024

Marla Koberstein
Department of Ecology
Water Quality Program
PO Box 47696
Olympia, WA 98504-7696

Re: Natural Conditions Rule Making

Dear Ms. Koberstein:

Washington Forest Protection Association (WFPA) is a forestry trade association representing large and small forest landowners and managers of more than four million acres of productive working forests, including timberland located in the coastal and inland regions of the state. Our members support rural and urban communities through the sustainable growth and harvest of timber and other forest products for U. S. and international markets. For more information about WFPA, please visit our website at www.wfpa.org. WFPA respectfully submits the following comments on the natural conditions rule making for Ecology's consideration.

Conceptually, the proposed natural conditions provisions make sense; however, there are many details to be determined through future work, and operable particulars are not provided in the proposed rule language. Such an approach is not comforting to the regulated community as we have plenty of experience with ambiguity causing conflict. Therefore, we recommend Ecology provide as much clarity as possible in the rule and technical reference documents. Opportunities for clarification include:

- The performance-based approach methodology is somewhat ambiguous as currently written. Ecology should include details within the performance-based approach methodology describing specifically how the method will be implemented. For example, the minimum model duration, the minimum quantity of data needed to establish an impairment is due in part to natural conditions, and recommended modeling software to implement the methodology.
- Although not explicitly stated, it appears implementation of the performance-based approach will only be performed by Ecology's TMDL generation team, and therefore only waterbodies listed as impaired will be assessed for natural conditions criteria. Please clarify if this is the case.
- If the above bullet is true, we presume waterbodies will be prioritized for analysis either through the water quality assessment process or through the triennial review; please clarify.
- Natural conditions modeling presumably adds workload to the TMDL process, how will Ecology avoid additional delays in TMDL generation given the additional modeling burden?

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- The performance-based approach methodology document states water quality criteria are applicable to the waterbody “upon derivation.” This starting point is unclear and subjective to Ecology. The public should be notified when natural conditions criteria are being considered and provided opportunity to review/comment. Additionally, natural conditions criteria, when adopted, should be easily obtainable by the public.

One final, related consideration of interest to forest landowners is the effect of increasing summer air temperature on stream temperature, and how that may factor into future work to address temperature impairments. Significant improvements to stream buffering on forestland over the last 25+ years have had the intended effect of minimizing water temperature changes related to forest harvest. However, these effects may be blunted by or only detectable after accounting for the influence of variability in air temperature, particularly in mid to larger streams. In addition, providing high levels of shade to minimize temperature effects of harvest can conflict with achievement of other riparian function objectives. This inherent conflict is particularly apparent in Eastern Washington with substantial forest health issues. While not easily resolvable, these issues and tradeoffs need objective consideration and resolution in order to help encourage forestland owners to keep doing the right thing for water quality in the State of Washington.

Thank you for the opportunity to comment.



Doug Hooks
Director of Forest and Environmental Programs