

August 18, 2025

Watershed Management Section
Department of Ecology
PO Box 47696
Olympia, WA 98504-7696

Dear Water Management Section,

On behalf of Washington's farmers and ranchers, we write to express our firm opposition to Ecology's Tier II Analysis and proposed CR-102 Western Washington Type Np Waters Buffer Rule. This proposed rule risks undermining both the integrity of collaborative governance processes and the long-term sustainability of rural land management beyond forest lands. Additionally, we believe the conclusion is beyond the clear regulatory scope of the underlying statutes.

Misuse of the Tier II Review Process

The Department of Ecology appears to be overstepping its authority by reforming Adaptive Management Program (AMP) recommendations as a "new or expanded action" requiring a full Tier II review, even though this contradicts past practice and law. Under long-standing statute, forest practice rules already meet Tier II through AMP, which was designed to evolve rules based on science.

Failure to Follow the Law

The Department of Ecology has improperly assumed a major role in shaping the proposed rules. The Forest Practices Board, not Ecology, decides what rules to propose for review. Additionally, Ecology rejected the technical and financial analysis of any other viable, science-based alternative. This artificially constrained the range of outcomes and deprived the public of the opportunity for meaningful comment.

Ignoring Science and Misusing Studies

AMP research has demonstrated that current Np buffer standards already maintain stream temperatures at or below levels protective of fish in most cases. Yet the Department seems to have focused selectively, while ignoring evidence that stream temperatures stayed below the legal limit 90% of the time and recovered to background levels within a few years following harvest.

Although this rule primarily targets our neighbors who own and manage forest lands, its flawed approach would set a dangerous and counter-productive precedent for all of agriculture. Options to address riparian habitat and water quality on agricultural lands are currently being addressed through various workgroups as well as through the very successful Voluntary Stewardship Program.

These efforts focus on science-based decision-making which provides predictability for regulated landowners. By proposing significant new requirements without meaningful stakeholder education and engagement, the Department's proposed rule undermines confidence in this process, and places future agreements at risk of failure.

For these reasons, we believe the Department of Ecology's Tier II analysis should be set aside and the Forest Practices Board should reject the submission as well as the proposed Np buffer rule, and begin again with a process grounded in law, science, fairness, and stakeholder collaboration.

Thank you for the opportunity to comment on these important matters.

Sincerely,

Far West Agribusiness Association
Northwest Agricultural Cooperative Council
Save Family Farming
Washington Association of Wheat Growers
Washington Cattle Feeders
Washington Cattlemen's Association
Washington Friends of Farms and Forests
Washington Potato and Onion Association
Washington State Dairy Federation
Washington State Farm Bureau
Washington State Sheep Producers
Washington State Tree Fruit Association
Washington State Water Resources Association
Washington Winegrowers Association
Whatcom Family Farmers
Yakima County Cattlemen's Association
Yakima-Klickitat Farm Association
Washington Cattlemen's Association