

8/13/2025



To: WA Department of Ecology (Ecology)
Watershed Management Section

From: Olympic Climate Action
olyclimate@olyclimate.org

Re: Draft Tier II Analysis of Forest Practices Board's draft Np buffer rule

Dear board members:

Olympic Climate Action is a grassroots organization of more than 800 citizens from across the Olympic Peninsula dedicated to research, education, and action on climate change since 2012. We are a membership organization with an elected board.

Here are our board's unanimously-adopted observations on Ecology's draft Tier II analysis of the proposed Np buffer rule. Much of our understanding is based on our reading of the draft document, along with our general knowledge of the history and state of forest practices rules.

1. The State's Forest Practice rules for private lands are governed by a Habitat Conservation Plan developed under the Forests and Fish agreement. This plan (the FPHCP) is designed to assure compliance with federal laws which require maintaining the health of our waters and the living things who use them.
2. A critical part of this plan requires continual evaluation to ensure that the rules are working, as our science and information advances and our climate and landscapes change. If the rules are not working, the plan requires adaptive management to improve them.
3. Washington's perennial non-fish-bearing headwater streams, known as Type Np streams, cover the majority of stream length in our state, they drain directly into fish-bearing streams, and they are critical for downstream water quality. Under current rules, Type Np streams can be clearcut up to the streambank along half their length. When these rules were first adopted, many expressed concern about the adequacy of these buffers, and Ecology shared those concerns but accepted the rules because of the adaptive management provisions. Within a few years of adoption of these rules, evidence began to cast doubt on those rules, so more than 20 years ago, formal studies began to be designed.
4. In 2018, the first "Hard Rock" Np buffer study was presented to the TFW Policy Committee (the policy arm of the Adaptive Management Program), which agreed by consensus that the rule needed to be updated. Seven years later, we are finally approaching the end of a long road to an improved, science-based rule.

Our mission: We seek a safe, prosperous, sustainable future for residents of the Olympic Peninsula by addressing the threat of climate change. www.olyclimate.org



5. There has been push-back from interests connected with timber revenues, claiming that the process and science were flawed. However, those folks were at the table and gave their consent while the studies were designed, conducted, and submitted, and they accepted the need for action in a consensus decision of the TFW Policy Committee in 2018, creating the Type Np Alternatives technical workgroup to recommend remedial actions. These timber-connected interests not only gave their consent but were active participants in writing, designing, reviewing, and scoping the studies as well. When the technical workgroup's report, recommending actions similar to the now-proposed Np rule, was accepted by the TFW Policy Committee in 2021, the timber-connected interests appeared to focus on bogging down the process rather than engaging in it. Then, when the Conservation Caucus invoked the dispute resolution process to end the delays, the timber interests focused on after-the-fact criticisms, character attacks, and alternative proposals that came too late in the process to be of any constructive value. Thus, a process designed around collaboration, consensus, and science has devolved into opposing camps, due to what appears to be bad faith on the part of the timber-connected interests.
6. The proposed rule takes into account variations in basin size, bankfull width, and harvest strategy. More targeted variations are possible, of course, and we can always say that there's a need for more study or that a rule is too broad and ignores site-specific conditions. But if we remain paralyzed by our uncertainties, the degrading resource does not wait for us to make up our minds. As Ecology says in the draft Tier II analysis, more study can help to fine-tune the regulations, which are designed to change as the science and the environment change.

The FPHCP's Adaptive Management Program is the sweet spot between requiring site-specific prescriptions for each harvest and sticking rigidly to rules that prove to be less and less effective over time. This Np rule change is the first real test of the Adaptive Management Program, and if we collectively fail this test, Ecology will be forced to scuttle the FPHCP and start from square zero.

This proposed rule is a good step toward protecting our aquatic resources, in what is intended to be an ongoing iterative process of rulemaking, data collection, scientific review, and adaptive management. In a time of accelerating climate change where we seem destined to overshoot even moderately-protective emissions targets, incremental protections such as this proposed rule may make all the difference for ecosystems and species already under stress, including our own.

Respectfully submitted by President Brian Grad on behalf of the Olympic Climate Action Board of Directors