

## Center for Responsible Forestry (Brel Froebe)

See attached comment.



**CENTER FOR  
RESPONSIBLE  
FORESTRY**

## **Public Comment to Department of Ecology on Proposed Type Np Stream Buffer Rule**

Submitted by: *Center for Responsible Forestry*

To Whom It May Concern:

On behalf of the Center for Responsible Forestry, I submit the following comments in support of the Department of Ecology's Tier 2 antidegradation review of the proposed Type Np stream buffer rule. We appreciate Ecology's commitment to ensuring that Washington's high-quality waters are maintained and protected, as required under state water quality standards and the Clean Water Act.

The Department's Tier 2 analysis is both lawful and necessary. When forest practices rules are updated, Ecology is legally obligated under Washington's antidegradation policy to ensure that the changes maintain high-quality waters. This process is entirely consistent with Ecology's 2011 guidance on forestry rule updates and reflects long-standing agency interpretation—not a change in position.

The timber industry's assertion that this review is "illegal" is inaccurate. Forest Practices rules have never been categorically exempt from Tier 2 analysis. While existing rules have historically been presumed to meet Tier 2 requirements through the Adaptive Management Program and Schedule L-1, the proposed Type Np stream buffer rule is a **new** update. Under law, new or revised rules must undergo Tier 2 review to confirm they continue to meet water quality standards at the landscape scale.

The Adaptive Management Program was designed precisely for situations like this—where science indicates a need for stronger protections. Decades of research on water temperature regulation, sediment delivery, and riparian function demonstrate that wider buffers for Type Np streams are essential to maintaining ecological function and downstream water quality. Field research and monitoring clearly support these improvements, and Tier 2 review ensures they are implemented in a way that fully meets water quality standards.

It is also important to clarify a key legal distinction: Ecology is **not** required to select the "least burdensome" regulatory option, as some industry representatives have claimed. Instead, the agency must adopt the **least degrading feasible option** that still meets water quality standards. This is a critical safeguard for Washington's aquatic life, recreation, and downstream communities.

We urge Ecology to:

1. Affirm its legal obligation to apply Tier 2 review to new or updated forest practice rules.

2. Recognize the strong scientific foundation for the proposed Type Np stream buffer rule.
3. Ensure that the final rule reflects the least degrading feasible option to protect Washington's high-quality waters.

By following this process, Ecology will uphold both the law and the best available science—ensuring that our state's streams, rivers, and aquatic ecosystems remain healthy for generations to come.

**Sincerely,**

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