



**WASHINGTON
HARDWOODS
COMMISSION**

DEPARTMENT OF ECOLOGY

JUL 31 2025

WATER QUALITY PROGRAM

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Department of Ecology
PO Box 47696
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Greetings,

We are writing to express strong opposition to the proposed changes in the designation and regulation of Type Np (non-fish bearing) streams in Washington State. These changes, as advanced by the Forest Practices Board (FPB) on June 6, are deeply concerning due to their flawed scientific basis, excessive regulatory burden, and devastating economic consequences for Washington's working forests and the communities that rely on them.

The current proposal is based largely on the Department of Ecology's extreme interpretation of water quality standards—specifically, the idea that there must be *no temperature change at any time in any location* adjacent to timber harvest activities. This interpretation not only contradicts existing regulations under WAC 173-201A-320 but also disregards Washington's own Tier II antidegradation policy, which allows for measurable changes in water quality when there is an overriding public interest. It also undermines the well-established Habitat Conservation Plan that has governed responsible forest management in the state for over two decades.

If adopted, this rule would remove more than **200,000 acres** of forestland from productive use, with projected losses of **\$2 billion in asset value** and over **4.1 billion board feet of timber**. The ripple effects throughout the forest economy—logging, milling, silviculture, and support services—are expected to top **\$6 billion**, with particularly severe impacts in Southwest Washington. This proposal amounts to a de facto land grab, stranding assets, and destroying livelihoods in the name of speculative environmental benefit.

The cost-benefit analysis used to justify this rule is deeply flawed. Though the DNR-funded study concludes that qualitative benefits outweigh economic costs, a closer look at the data, including a post-hoc analysis by Vic Musselman, shows this conclusion is not supported. Furthermore, respected CMER scientist Harry Bell has called into question the scientific basis of the rule itself.

Forest policy must be rooted in balanced, science-based decision-making. That includes active forest management, which is crucial not only for supporting rural economies but for reducing wildfire risk and ensuring long-term ecosystem health. Arbitrary regulations that effectively ban harvest near streams without fish presence—based on exaggerated fears of temperature change—serve no practical environmental purpose and cause real harm.

This rule also sets a troubling precedent for all land use near water bodies in Washington, potentially impacting not just forestry, but agriculture, construction, and land development more broadly. If this

interpretation of water temperature regulation becomes the norm, the regulatory burden will become unmanageable for landowners across the state.

Furthermore, the proposed rule would have a disproportionate burden on the hardwood industry since hardwoods such as red alder are more commonly found closer to creeks. If this rule was adopted, coupled with DNR producing far less than half the allowable cut of hardwood from state lands, it would create a severe hardship on an industry currently struggling. As mills close, this results in longer haul distances to remaining mills, adding to carbon emissions — thus counteracting efforts to reduce carbon emissions as required by the state and administered by the Dept of Ecology.

We urge the Forest Practices Board and the Department of Ecology to reject this misguided rule. We need forest policy that protects both the environment and the economic lifeblood of Washington's rural communities—not regulation driven by ideology and bureaucracy.

Thank you for your attention to this important matter.

Regards,
Washington Hardwoods Commission