

Washington Forest Protection Association (Doug Hooks)

Yeah my name is Doug Hooks and I'm speaking on behalf of WFPA representing forest land owners, managing approximately 4,000,000 acres across our state. I'm here to express serious concerns about Ecology's handling the Tier II antidegradation analysis and its role in the proposed NP forest rule making.

First, Ecology's interpretation of antideg Tier II requirements has been inconsistent and appears to shift to support a predetermined outcome. Tier II applies only to streams that meet water quality standards with new or expanded actions that measurably change water quality. The proposed rule is neither new nor expanded according to the definition of WAC 173-201A-020, and should not have been triggered to begin with.

Further Ecology told the adaptive management program the Forest Practices Board that a 0.3 measurable temperature change was a water quality violation. Now Ecology admits it's not. This has been problematic in a couple of ways. First, the hard and soft rock studies were designed to test the effectiveness of the rules to meet the resource objectives of meeting designated criteria standards, not antideg and thus the study wasn't designed to test that level of warming.

Second the NP subgroup of policy was directed to only provide proposals that prevented warming and greatly limited proposals that would also meet designated criteria but have a much less significant economic impact.

Antideg is a standard—is not a standard, it's a policy. It's even a different WACs than the standards that guides that analysis. The Forest Practice rules as a water quality control program already meet Tier II requirements through the adaptive management program. Ecology shifting interpretation of Tier II lacks legal foundation that undermines the forest and fish process.

Secondly, Ecology has overstepped its legal authority. RCW 90.4 8.420 subsection one directs Ecology to allow reasonable short term forest practice impacts yet Ecology impose rigid standards that dismissed viable alternatives without adequate analysis or public input. The Forest Practices Board, not Ecology, has the authority to develop rules. Ecology's overreach threatens the collaborative structure intended by statute.

Additionally, Ecology has already completed their analysis to these proposals as noted today and already made their determination. The Tier II analysis is supposed to be conducted publicly with the development of proposals and their analysis to be done publicly, which begs the question of what Ecology will do in response to any comments received today.

Third, the proposed rule imposes massive economic burdens, an estimated one billion or more lost timber of value and up to 8 billion in regional impacts and the first harvest rotation without clear evidence of environmental benefit. The economic analysis by EC is deeply flawed with wide uncertainty, key emissions and mischaracterized costs and benefits reliance upon it for the Ecology's overriding public interest analysis will lead to extremely inaccurate determination of cost and benefits. This violates the APA, which requires selection of least burdensome alternative, as noted by type NP Subgroup of policy there are a number of proposals that will continue to meet designated water quality, as well as lessen the impact for potential warming that would have a substantially lower impact.

Ecology's process lacked transparency, fairness, and scientific longevity objectivity/ Alternatives that reduce risks were excluded early. The analysis considered only Ecology's favorite option in a strong man 100-foot buffer ignoring the APA statutory requirements for full alternatives analysis.

In conclusion this process is being driven by policy preference rather than science or law. The current rules already meet or exceed temperature standards and the vast majority of cases.

Expanding buffers now without clear need or legal justification imposes massive costs and minimal gain and undermines trust in science based collaborative rule making and sends a clear message to other land uses that may be considering the collaborative programmatic approach similar to program that forestry has.

We understand Ecology—we urge Ecology to abandon this misguided posture and return to an objective lawful and collaborative approach which balances environmental and economic benefits.

Thank you.