

## **Tier II Process – The Forest Practices Board should reject Ecology’s Tier II Analysis.**

### **1. Misuse of the Tier II Review Process**

- Ecology keeps changing its rules. It first claimed any stream warming over 0.3°C violated water quality law, then allowed warming under its preferred Np buffer rule proposal.
- Under long-standing law, forest practice rules already meet Tier II through the Adaptive Management Program (AMP), which was designed to evolve rules based on science.
- Now Ecology is claiming Adaptive Management Program (AMP) recommendations are a "new or expanded action" that requires a full-blown Tier II review, contradicting past practice and law.

### **2. Failure to Follow the Law**

- Ecology inflated its role in the Forest Practices Board process. The Board—not Ecology—decides what rules to propose for review.
- Viable, science-based alternatives were dismissed before they were even analyzed or opened to public comment.
- Ecology ignored laws requiring the least burdensome alternative and misused its antidegradation authority.

### **3. Science Ignored, Studies Misused**

- The AMP’s own studies showed that existing Np buffers result in stream temperature similar to reference sites in most cases.
- Ecology cherry-picked worst-case temperature readings, while ignoring evidence that stream temperatures stayed below the legal limit 90% of the time.
- Ecology overlooked uncertainties and clear warnings from researchers to be cautious when applying these results to broader Western Washington forestlands.

### **4. Massive Economic Harm, No Proven Benefit**

- The rule could cost rural Washington up to \$8 billion over a forest rotation—harming jobs, tax revenue, and working forests.
- Ecology ignored smarter, less costly options that would still protect water quality.
- Their economic analysis failed to account for the impact on small landowners and used inflated assumptions to justify a preferred outcome.

### **5. A Rigged Process, Not a Fair One**

- The Forest Practices Board was steered toward a single outcome.
- Science-based alternatives from the AMP were blocked.
- The entire process is driven by politics, not science or law.

### **Bottom Line:**

- Ecology’s shifting standards, flawed analysis, and dismissive treatment of science and economic harm have undermined trust and legality.
- **The Forest Practices Board should reject Ecology’s Tier II analysis, the proposed Np buffer rule, and restart the process—this time grounded in law, science, and fairness.**

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**Ecology Online Hearing virtual:** 7/31/2025 5:30 pm – online only = [Register for the webinar](#)

**Forestry Pollution – Draft Tier II Analysis of FPB Draft Rule (Ecy):** due 11:59 pm August 18, 2025

- Online: You can [submit comments online](#)
- By US Mail (must be postmarked by August 18, 2025):  
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