



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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October 27, 2025

TO: Forest Practices Board

FROM: Jon Kenning, Water Quality Program Manager, Department of Ecology

SUBJECT: Water Quality Program Concurrence with Forest Practices Board's Proposed Western Washington Type Np Waters Buffer Rule

The purpose of this memo is to share with the Forest Practices Board (Board), including David Bowen, the designee for the Department of Ecology's Director, the Water Quality Program's concurrence with the Board's proposed rule amending riparian buffer requirements for Type Non-fish Perennial (Np) waters in Western Washington.

Background

- On November 10, 2021, the Board directed staff to file a CR-101 Pre-Proposal Statement of Inquiry notifying the public that possible rulemaking may occur for Type Np riparian management zone buffers in WAC 222-30.
- On August 9, 2023, the Board advanced a recommendation from a majority of the Timber, Fish and Wildlife Policy Committee for a new Type Np buffer rule for Western Washington.
- On June 6, 2025, the Board voted to move the proposed Western Washington Type Np Waters Buffer Rule to formal public review through a CR-102 Proposed Rulemaking notice.
- Ecology's Water Quality Program staff developed the required Draft Tier II Antidegradation Analysis of the Board's proposed rule, in accordance with WAC 173-201A-320, and held a concurrent public review period with the Board's CR-102 public review process during the summer of 2025.
- Following public review, Water Quality Program staff completed the Final Tier II Antidegradation Analysis for the Board's proposed Western Washington Type Np Waters Buffer Rule (enclosed).

Conclusion

In accordance with our State Forest Practices Act (RCW 76.09.040(1)(b)) and State Water Pollution Control Act (RCW 90.48.420(1)), Ecology's concurrence is required for adoption of Forest Practices Rules that affect water quality. After careful review of the Board's proposed rule package and the associated Final Tier II Antidegradation Analysis, Ecology's Water Quality Program finds that the Board's proposed Western Washington Type Np Waters Buffer Rule meets the requirements of the Federal Water Pollution Control Act (Clean Water Act), the State Water Pollution Control Act, and the federally-approved state water quality standards.

The Water Quality Program also finds that should the rule be adopted, the Forest Practices Adaptive Management Program (AMP) must be relied on to address remaining uncertainty regarding Type Np water quality protection on lands subject to State Forest Practices Rules (WAC 222) and the Forest Practices Habitat Conservation Plan.

The Water Quality Program highly values the critical work conducted by the Forest Practices AMP to address uncertainty with the rules the Timber, Fish and Wildlife stakeholders negotiated in the landmark Forests and Fish Report and subsequent legislation and rulemaking. In finalizing the proposed rule, Ecology continues to have confidence in the AMP to carry on the important work of attaining the program's overall performance goals and to collectively meet the goals of the Forests and Fish Report.

Please contact me if you have any questions or concerns.

cc: Casey D. Sixkiller, Director, Department of Ecology

Enclosure: Final Tier II Antidegradation Analysis for the Washington Forest Practices Board's Proposed Western Washington Type Np Waters Buffer Rule