

November 14, 2022

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**Subject: Request to Modify Boundary of Green River ORW Nomination**

Ms. Gildersleeve:

We represent The Pew Charitable Trusts and advise the coalition of organizations, including American Rivers, American Whitewater, Cascade Forest Conservancy, Trout Unlimited, Washington Wild, and the Wild Salmon Center, that in June 2021 submitted a “Request to the Washington State Department of Ecology for Designation of the Cascade River, Green River, and Napeequa River as Outstanding Resource Waters Under WAC 173-201A-330(2)” (“Nomination”). Ecology has since determined that these rivers meet the eligibility criteria under the regulation and issued a CR-101 Notice of Intended Rulemaking. This letter requests that Ecology consider a boundary for the Green River Outstanding Resource Waters (“ORW”) designation that differs from the boundary described in the Nomination. We hope that Ecology will consider this request during the public process initiated by its CR-101 Notice.

The Coalition had two goals in nominating the Green River: First, we aimed to encourage Ecology to use ORW designation for the first time. Toward this end, we selected the Green River as a river that closely fits the criteria in WAC 173-201A-330. Second, we aimed to obtain additional protection of the upper Green River against impacts from new development.

In looking at the regulatory criteria and evaluating candidate rivers across the state, we tried to avoid nominating river reaches that flow through private land. We did so because we were looking for reaches that fit criterion (1)(a): being “largely absent human sources of degradation” or having “exceptional water quality” while traveling through protected public lands. We also did so in anticipation of Ecology’s deliberations under subsection (3)(b), which says the Agency will consider the social and economic impact of designation and the difficulty of maintaining a river’s high water-quality.

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For these reasons, we limited our nominations of all three rivers to the upper reaches, from the headwaters down to a specified boundary along the river. For the Green River, the Nomination describes the nominated portion as “the upper reaches from its source to the boundary between Gifford Pinchot National Forest and private lands near the Cowlitz County border,” including named and unnamed tributaries, wetlands, and intermittent or perennial streams.

Since submitting our Nomination, we have learned information that, if we had known it before, would have affected where we proposed placing this boundary on the Green River. In particular, there are substantial private landholdings along Miners Creek and along the middle portion of the Green River. We believe that this information makes these reaches of the Green River less of an exemplar ORW under criterion 1(a), more likely to generate public opposition, and more likely to create concerns for Ecology when it weighs social and economic impacts under subsection 3(b).

In the interest of avoiding these likely complications during the rulemaking process, we request a modification. Instead of the reaches of the Green River that we originally described, we propose that Ecology designate as ORW the upper reaches of the Green River, including named and unnamed tributaries, wetlands and intermittent and perennial streams, from its source to the easternmost boundary of the parcel of private land abutting the river, designated as Skamania County tax parcel number 10060000150000. That boundary is located at or near West Section Line, Section 17, Township 10 North, Range 06 East. We are submitting a map showing this revised nomination.

Thank you for considering this requested modification, and for your continued attention to ORW designation as a promising tool for protecting our highest quality rivers and streams.

Sincerely,



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Enclosure[s]

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cc Brett Swift  
Marla Koberstein  
Mary Catherine McAleer



# Green River Wild and Scenic Nominations and Private Parcels

