



Legislative Building
Olympia, WA 98504-0482

Washington State Senate

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December 22, 2022

We are writing to comment on the Nonpoint Source plan as well as the chapters of the so-called Voluntary Clean Water Guidance that have been presented. Above all, our concern is that the hundreds of pages written claim to be voluntary guidance and simple research regarding Best Management Practices (BMP)'s. However, these documents represent overly broad recommendations that may be used to create overly restrictive regulations that threaten the rights of private property owners and threaten to take any functional or economic use of viable agricultural land.

The Pasture and Rangeland Grazing BMP's have defined grazing seasons. They are overly broad and yet overly prescriptive. Because of the likelihood these BMP's will become the basis for litigation and regulatory enforcement, it would make more sense to leave out precise measurements such as a 250 m distance between grazing areas and watering location. Instead, a more appropriate Best Management Practice would focus on the desired effect of lessening impact to surface water. That effect could be achieved in many different ways depending on the different topography, and surface water characteristics in Washington. Simply applying a prescribed size of vegetation near a waterway will not achieve the desired result during different seasons and storm events.

These Best Management Practices are impractical and a dangerous overreach by the Department. Stream health and riparian regions can be developed better through technical assistance and customized incentive based plans such as those built by the Voluntary Stewardship Program. Prescriptive Best Management Practices monitored by "windshield surveys" and intrusive satellite mapping will only result in creating resentment in the regulated public as well as discouraging agriculture in this state.

Grazing is not an activity that is intrinsically harmful to the environment. Grazing can be an effective method to manage vegetation and mitigate wildfire risk and encourage carbon sequestration. Focusing the Department's efforts on being of assistance to farmers and ranchers instead of being a watchful eye in the sky and regulatory enforcement agency would likely yield far better results. Similarly, focusing on a desired result achieved by a customized program instead of prescribing overly precise methods of achieving the result will achieve more in the end. It is recommended that comments cite specific areas of the report, but 200 pages of prescriptive practices beg an overall comment. Give the regulated community a goal and let them achieve it in the way that suits their specific operations best. Providing a "voluntary" list of "best management practices" and then monitoring through invasions of privacy will only build resentment and a lack of cooperation in the regulated community.

Cordially,

A handwritten signature in black ink that reads "Judy Warnick".

Sen. Judy Warnick, Minority Caucus Chair, 13th District



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Handwritten signature of Shelly Short in black ink.

Sen. Shelly Short, Minority Floor Leader, 7th District

Handwritten signature of Mark Schoesler in black ink.

Sen. Mark Schoesler, 9th District

Handwritten signature of Ron Muzzall in black ink.

Sen. Ron Muzzall, Ranking Member, Agriculture, Water, Natural Resources, and Parks Committee
10th District

Handwritten signature of Keith L. Wagoner in black ink.

Sen. Keith Wagoner, 39th District