



Legislative Building
Olympia, WA 98504-0482

Washington State Senate

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December 22, 2022

RE: Nonpoint Source Pollution Plan

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.

In previous legislative sessions, there has been legislation to impose draconian rules regarding riparian areas. This legislation has failed to be implemented. Unfortunately, it appears that this work by the Department of Ecology is an attempt to implement similar restrictions without the benefit of the legislative process.

With regard to the Nonpoint Source document specifically, the section labeled Nonpoint & Implementation Tracking System, describes how staff routinely conduct "windshield surveys" and a detailed mapping system. It is concerning to us that these collection methods may be conducted without explicit permission from landowner for entry. What are the protections for personal property rights incorporated into these systems?

Page 90 clearly indicates that "the goal of the Agriculture and Water Quality Advisory Committee is to improve working relationships and ensure both water quality protection and a healthy agricultural industry." We are concerned that the changes made to the Nonpoint Source document increase agency authority over the agricultural industry and will serve to discourage small farmers with overly burdensome regulations.

We appreciate the acknowledgement of the various incentive programs that exist in state government. It is shocking that over 1,273 projects wait for funding from the Family Forest Fish Passage Program. We strongly encourage the Department of Ecology to include the funding for that program in any budget requests to the legislature. Voluntary incentive-based programs will be far more effective in supporting riparian health than any meddlesome, burdensome regulations perpetuated by the Department. We do applaud the focus of the Non-point Source document on nutrient management in the Puget Sound. The nutrient level in the Puget Sound is detrimental to salmon recovery and does need to be addressed.

The Nonpoint Source document contains some important updates; however, we are overall concerned that an increase in regulations and oversight and monitoring does not remedy pollution. Please consider putting in structures that will protect private property rights and that encourage farming and agricultural activities instead of the opposite.

Cordially,

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



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A handwritten signature in black ink that reads "Shelly Short".

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

A handwritten signature in black ink that reads "Mark J. Schoesler".

Sen. Mark Schoesler, 9th District

A handwritten signature in black ink that reads "Ron E. Muzzall".

Sen. Ron Muzzall, 10th District

A handwritten signature in black ink that reads "Keith L. Wagoner".

Sen. Keith Wagoner, 39th District