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After reviewing your nonpoint plan and guidance for Agricultural I would like to say I find this to be offensive and very troubling for a magnitude of reasons. If the DOE thinks that this charade they call public comment is fooling anyone to believe that they are fulfilling the requirement for public participation they are not. They know they are not and everyone involved knows it. We get invited to a webinar where you introduce reams of what can only be called complicated rhetoric on December 14th and the public is allowed to make comments until December 23th. Give me a break. The first thing I would recommend is to change the title. Don't call it Voluntary Clean Water Guidance for Agricultural. It's 444 pages and that's just one chapter of what's going to be more than 13 chapters. I don't know any agricultural producers who is going to want to seek guidance from this garbage. There is nothing useful in it and it contradicts itself. There is so much trash that I don't know where to begin. You have made the document so complicated that the average person can't understand it. These DOE experts are really scientist that have spent all their life in a classroom or a lab studying numbers and graphs looking at lab results and plotting numbers to make graphs and trends. Whereas agricultural producers have spent their lives working to protect and care for their land and their animals while supplying food for the world. I know what the DOE is doing because I have had years of experience working with the DOE. They are manipulating the science to get the results they want so they can make their own rules. You don't think there is already science and guidelines for agricultural producers. The NRCS has used science and experts that have been guiding agricultural producers for decades. Helping and assisting agricultural producers to make farm plans and nutrient management plans. The WDFW has guidelines for agricultural producer along with the Department of Agricultural. Seems like everyone has guidelines for the agricultural producers but the DOE doesn't like any of that guidance, they want their own. Because the State of Washington has created this DOE that wants absolute power to dictate and govern and they also have immunity from any liability of their guidance. A more appropriate title would be Field Guide for DOE Agents To Put Farmers Out Of Business.

This is just a wolf trying to disguise themselves in sheep clothing. Someone in the webinar claimed that some agricultural producers were bad actors and wouldn't Volunteer to comply with keeping water clean because they are only interested in doing what makes them money. That shows the huge disconnect between most people and their agricultural producers. Nothing could be farther from the truth. The farmers have been the stewards of the land for centuries. Livestock producers and dairy producers in particular care for their land and their animals out of love for the land and the animal. They aren't in it for the money the livestock producer can hardly sell his livestock for what he has invested in it. The dairy farmer is producing milk that cost him \$2.00 to produce but is only getting paid \$1.45 to produce it. Nobody wants to ask how can they survive then, because they can't. The agricultural producers also know about keeping the water clean, they have been blamed and unfairly fined for water violation for decades now. Do you actually think that the people in agriculture don't want clean water? They have been made to be the scapegoat by the DOE for all the other pollution because they are the easiest target. Oh look farm animals, they must be pooping in the water. The livestock producers and dairy producers go to extremes to prevent being blamed and fined because fines further reduce their already thin profit margins or losses you might as well call them.

I noticed you could resist mentioning in your plan about the Joe Lemire vs. Department of Ecology.

Why would mention legal case law in your management plan or agriculture guidance except to make a subtle threat or for intimidation. You want to make the point that Ecology's authority now includes the ability to require a nonpoint source polluter to implement DOE best management practices (BMPs). Ecology's authority can be used to prevent nonpoint pollution and require their own BMPs, as necessary whether or not there is any actual pollution and whether or not there is already proven BMP in place.. You are putting your own spin on the facts to make It look like a livestock producer was polluting and DOE was the hero and required buffer fencing in this case. When in fact there was no evidence of any pollution and you don't mention what Mr. Lemire plan was or what BMPs he was using. He is no longer with us because the amount of stress you put him through with harassment I am sure contributed to his early and young demise. So you can pat yourselves on the back for that, you not only put a cattle rancher out of business but you could say you contributed to his early death.

Since you want to mention past case law in your plan Let's mention another case Dunlap vs. Department of Ecology. In that case the livestock producer was fined \$500 everyday for having buffer fencing to keep livestock out of the water. The livestock producer worked with the NRCS, whereas the made a farm plan using BMP as necessary to protect water quality. The worked was going to be partially funded by a grant program similar to CREP but required a permit to actually perform the work because some of the work would be within the buffer area. The livestock producer was required to have a public hearing in order to get permits to perform the necessary work. The DOE provided input and guidance to the regulatory agency making the decision on the matter. The regulatory agency on the advise of DOE denied portions of the permits for buffer fencing and water crossings. A bunch of bureaucrats who didn't know anything about agriculture or had never been to the farm decided that they knew better then the NRSC experts and just picked and choose what portions of the permit they would allow because they wanted strict adherence to the 50' and 100' buffers and they felt the 35' buffer wouldn't be enough even though the science showed 35' buffers to be sufficient. They also denied the water crossings portion of the permits. The plan the agricultural producer was left with was 50' buffer fencing along the waterway that went through this property. Basically creating (3) separate islands of property with no way to get livestock or equipment from one island to any of the other island. They also informed the agricultural producer he could install movable fencing and bring his livestock in the other end of his daylight basement barn. Anyone who understands daylight basement knows that one end is open to the daylight and the other end is covered up with the soil. Those bureaucrats who did the picking and choosing from the plan never mentioned how the agricultural producer could remedy the problems they created. Dig a pit in the dirt and install a freight elevator to bring livestock in and out of the barn? They never addressed how to move from one island parcel to the next island parcel either. Maybe they wanted him to install a barge or ferry system to get across the waterways? That would of required another public hearing and permits or maybe he was just suppose to have some large helicopter pad and fly animals and equipment from one parcel to the other. After the agricultural producer was left with just a remnant of a useful plan and he lost portions of his funding and was forced to appeal the permit denials and was again fined for his 35' buffer fencing \$500.00 a day because his fencing was within the 50 foot buffer and now without a permit. He appealed to the Shoreline hearings board, Growth Management Hearings board and Superior court whereas the DOE has the Washington State Attorney General represent them in all those action, but in none of those court proceeding was he allowed to bring up his Constitutional rights. Because the DOE has you confined to appeal their decisions to these State Boards who have no authority to rule on constitutional issues. So you are basically confined to a kangaroo court where they hold all the cards. Then after exhausting all those administrative remedies. The agricultural producer was able

bring his own action of a lawsuit claiming an unconstitutional taking of property and address the Constitutional issues he was unable to bring up before. The first thing the DOE did was filed a motion to be dismissed from the action which was granted because they have immunity from liability even though they participated all along the way. They regulation agency also made a motion to be dismissed from the action claiming they were only acting as an agent for the State doing what the DOE was advising them. The court denied the agency request which left the regulatory agency that conducted the public hearing and ultimately voted on the decision to deny the permits holding the bag even though the DOE was guiding them all along the way. In other words the DOE provided the gun the bullets and the encouragement telling them to pull the trigger, but because their finger wasn't actually on the trigger they get a free pass. Absolute immunity! After the case bounced around from Whatcom Superior Court, Skagit County Superior Court, U.S. District Court, Washing State Court of Appeals, and Washington State Supreme Court. It resulted in the only case in Washington State History where the regulation of a buffer area resulted in a total taking of property. You also didn't mention in your plan where you wanted to review case law what one of Washington State Court of Appeals Division I Justices said, in the Dunlap case," it doesn't matter the reason you took it... You took the man's property and now your going to pay for it!"

I believe the DOE is sincere in their effort to protect water quality but they are run by special interest groups. They are bias, manipulative, unreasonable, and want to blame Agricultural for all the pollution because they are the easiest target. Because the facts show that the DOE punish agricultural producers for not building buffer fences, and also punish and fine the agricultural producer for building buffer fences. You can't have it both ways, except apparently you guys can and you want to disregard the current science and BMPs and build your own science and your own rules and BMPs that aren't conducive to agriculture and not be held responsible for any of your actions. It is pretty clear to me after my experience with your agency that your end game is to put agriculture out of business. I think a better title to your book of complicated rhetoric would be Crusade To Crush Agricultural. I wish you luck on your crusade, because if your successful in your mission you will starve to death without food because you guys don't know the first thing about farming. So I take some comfort in that thought.