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November 9, 2023

Abbey Stockwell
WA State Department of Ecology
P.O. Box 47696
Olympia, WA 98504-7696

Dear Ms. Stockwell:

Subject: Additional Comments on the proposed Phase I and II Municipal Stormwater Permits.

Send via email to: abbey.stockwell@ecy.wa.gov

Thank you for the opportunity to comment on the proposed Phase I and II Municipal Stormwater Permits. In addition to the comments we will be submitting with other environmental organizations, Futurewise has some further comments to make the permits more effective set out below.

Futurewise works throughout Washington State to support land-use policies that encourage healthy, equitable and opportunity-rich communities, and that protect our most valuable farmlands, forests, and water resources. Futurewise has members and supporters throughout Washington State.

Futurewise recommends that the annual update to a SWMP Plan shall be the subject to: (1) a SEPA Review and (2) a public hearing before the legislative body of the Permittee. This requirement will provide stakeholders and interested parties with an opportunity to comment and will raise the visibility of the SWMP Plan with policy makers. (See S6.A.5, Phase II Municipal Stormwater Permits, and S5.A.2, Phase I Municipal Stormwater Permit.)

The references to informing long-range plans S5.C.6.b.i (Phase I Municipal Stormwater Permit) and “coordination with long-range plan updates” and in S5.C.1.b.1 (Phase II Municipal Stormwater Permit for Western Washington) should explicitly include “... informing the comprehensive planning, shoreline master program, and development regulation update processes.” This will clarify that the long-range plan updates are to address storm water runoff as the Growth Management Act and the Shoreline Management Act require.

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S5.C.1.c.i. (Phase I and Phase II Western Washington Permits) and should require minimizing loss of critical areas functions and values to better protect water quality. Since the provision calls for minimizing, we also recommend deleting “were feasible.” We recommend that the third sentence in S5.C.1.c.i. be revised to read as follows to carry out these recommendations with our addition underlined and our deletion struck through: “The local development-related codes, rules, standards, or other enforceable documents shall be designed to minimize impervious surfaces, native vegetation loss, loss of critical area functions and values, and stormwater runoff in all types of development situations, ~~where feasible.~~”

Modify S5.C.6.d.ii.(c) (Phase I) and S5.C.1.d.i.(b) (Phase II Western Washington Permit) to make it explicit that a SMAP that fails to submit “Land management/development strategies and/or actions identified for water quality management” will be considered non-responsive and out-of-compliance. This will increase protection for water quality and advance the mandates of the Permits.

In S5.C.2.b.ii. (Phase I) and S5.C.4.b.ii. (Phase II Western Washington Permit) add that the “breakdown of acres managed” will be amended or confirmed by the State of Washington Department of Ecology. This change will increase the accuracy of the submission and transparency and accountability.

In the “Definitions,” clarify that “Vegetation maintenance practices, including landscape maintenance and gardening, are not considered land disturbing activity” provided that the Permittee can establish that they were established prior to the adoption of the current permit or were approved under the regulations required by the permit. This will clarify that where native vegetation is illegally cleared or modified that a new permit is required.

Thank you for considering our comments. If you require additional information, please contact me at telephone 206-343-0681 Ext. 102 or email: tim@futurewise.org.

Very Truly Yours,



Tim Trohimovich
Director of Planning and Law