Washington Farm Bureau®

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Washington State Department of Ecology
Water Quality Program
Attn: Kathryn Loy
P.O. Box 47696
Olympia, WA 98504

Re: Comments on Draft Voluntary Clean Water Guidance Chapters – Nonpoint Source Pollution Plan

Washington Farm Bureau (WFB) is the state's largest agricultural advocacy organization representing the social and economic interests of farm and ranch families at the local, state, and national levels. Thank you for the opportunity to provide comments on the draft *Voluntary Clean Water Guidance Chapters* associated with Washington's Nonpoint Source Pollution Plan. After carefully reviewing the draft guidance and considering the experiences and concerns shared across the agricultural industry, we must express significant concern regarding both the structure and the practical implications of the proposed approach.

Although titled as "voluntary," the guidance as drafted operates in many respects as a de facto regulatory framework. Throughout the document, mandatory language and references to regulatory programs, TMDL enforcement, and SEPA conditioning create a strong impression that Ecology intends to rely on this guidance as an enforcement reference rather than an advisory tool. Such an approach compromises the voluntary nature of the program and risks undermining trust among landowners whose participation is essential to achieving the state's water quality goals. A voluntary program must be genuinely voluntary, not an indirect means of imposing regulatory expectations without statutory process or legislative oversight.

This problem is compounded by the guidance's limited recognition of the Voluntary Stewardship Program (VSP). For more than a decade, VSP has proven to be one of Washington's most successful pathways for improving water quality on agricultural lands. VSP is locally tailored, incentive-based and designed to protect both environmental and agricultural viability. Yet the draft guidance does not treat VSP as a foundational component of nonpoint pollution management. Instead, it presents Ecology's preferred practices—many of which conflict with or duplicate existing VSP-approved practices—without acknowledging the statewide progress already achieved under VSP. To maintain consistency with state law and to uphold the collaborative approach the Legislature intended, the final guidance should position VSP at the center of agricultural nonpoint efforts and ensure that any recommendations complement, rather than override, locally developed conservation strategies.

Additionally, the guidance relies heavily on prescriptive riparian buffer expectations that are neither scientifically justified across Washington's diverse landscapes nor economically feasible for many landowners. Riparian conditions, climatic patterns, hydrology, and agricultural operations vary significantly from Western to Eastern Washington. Prescribed buffer widths based on generic models do not reflect the region-specific realities of irrigated agriculture, rangeland systems, high-production cropland, or the unique ecological characteristics of arid and semi-arid watersheds. A statewide guidance framework should instead emphasize flexibility, local conditions, and science-based alternatives that reflect both environmental and agricultural realities. Furthermore, clear bias is presented by the department emphasizing the importance of riparian buffers with 444 pages in chapter 12, while all other chapters in the guidance documents average 86 pages.

The scientific foundation of the guidance itself is also unclear. Much of the document relies on national EPA language rather than Washington-specific research or watershed-level data. Assertions regarding agricultural contributions to water quality impairments are often presented broadly, without distinguishing between local, isolated problems (solved and rectified by already existing regulatory backstops) and statewide patterns. The document attributes certain temperature and nutrient trends to land management practices while simultaneously treating climate-driven warming as a nonpoint pollution source. Without clear, Washington-specific evidence connecting individual practices to specific impairments, it is difficult for landowners to understand whether the recommended actions are necessary, effective, or proportionate.

While NRCS conservation practice standards are widely respected and serve as an important national framework, they were never designed to function as universal prescriptions across Washington's highly varied landscapes. Washington encompasses an exceptional range of climatic, hydrologic, and ecological conditions—from the heavy rainfall of the Puget Sound lowlands to the arid rangelands and highly managed irrigated systems of central and eastern counties. A single NRCS practice often performs differently depending on soil types, water availability, crop rotations, and grazing patterns. As a result, blindly importing NRCS practice specifications, especially related to cover cropping, into statewide guidance can create inefficiencies, impose disproportionate burdens, or fail to achieve intended water quality outcomes. Effective nonpoint management requires flexibility to adapt NRCS practices—or select alternative, locally appropriate approaches—so that conservation is tailored to the unique conditions of each watershed and operation.

Further, the guidance contains no meaningful economic analysis. Many of the practices described require substantial investments—fencing, buffer establishment, maintenance, land retirement, infrastructure investments or improvements—all of which carry significant cost, especially for small and family-owned operations. Losing a lifetime of production value from acreage transitioned into permanent buffers is a substantial economic disincentive for producers. A functional voluntary guidance document must reflect economic feasibility and identify funding mechanisms that align with the expectations it sets.

Finally, the guidance lacks clarity regarding how it will be implemented, interpreted, or used by counties, conservation districts, state agencies, or funding entities. Landowners must understand whether this document is advisory, whether it will be used as a benchmark for compliance, and whether counties or other jurisdictions will be encouraged to adopt its recommendations as local requirements. The ambiguity surrounding implementation creates profound uncertainty and contradicts the voluntary nature of the program.

In summary, the Draft Voluntary Clean Water Guidance Chapters require substantial revision to ensure that it reflects statutory intent, scientific rigor and economic reality. We urge Ecology to reaffirm the voluntary character of the guidance; elevate the Voluntary Stewardship Program and the Riparian Grant Program from the State Conservation Commission as the primary tools for agricultural water quality improvement; replace prescriptive riparian expectations with flexible, site-specific options; rely on transparent, Washington-specific science; evaluate the economic feasibility of proposed practices; and clearly articulate the limits and intended use of the guidance. By grounding the program in cooperation rather than coercion, Ecology can build on the many successful partnership-based approaches already underway and make lasting progress toward shared water quality goals.

We appreciate your consideration and remain committed to continued dialogue as this process moves forward.

Sincerely,
/s/
Caleb Gwerder
Governmental Affairs Director

Washington Farm Bureau