



November 14th, 2025

Ron Cummings
WA State Department of Ecology, Water Quality Program
P.O. Box 47696
Olympia, WA 98504-7696
ron.cummings@ecy.wa.gov

Re: Draft Voluntary Clean Water Guidance for Agriculture Chapters

Dear Ron Cummings,

On behalf of the Snoqualmie Indian Tribe (Tribe), please accept these comments on the eight draft Voluntary Clean Water Guidance for Agriculture chapters. We appreciate the opportunity to provide these comments.

The Snoqualmie Indian Tribe [Tribe] is a federally recognized sovereign Indian Tribe and a signatory to the Treaty of Point Elliott of 1855 in which it reserved to itself certain rights and privileges and ceded certain lands to the United States. As a signatory to the Treaty of Point Elliott, the Tribe specifically reserved to itself, among other things, the right to fish at usual and accustomed areas and the “privilege of hunting and gathering roots and berries on open and unclaimed lands” off-reservation throughout the modern-day state of Washington. Treaty of Point Elliott, art. V, 12 Stat. 928. The Snoqualmie people have stewarded the waters of Tribal ancestral lands since time immemorial, and the Tribe seeks to work collaboratively with the Department of Ecology to protect these waters, both environmental and cultural resources, for future generations.

While the draft chapters provide extensive guidance for protecting aquatic resources and minimizing the impacts of agriculture, we are concerned that without additional oversight, the guidance in these chapters will not be properly or fully implemented. For example, by providing alternative options, this guidance may have unintended effects on the implementation of the best practices, as it does not describe how to determine when alternatives to the BMPs are appropriate, which to use in what situations, and how to evaluate their effectiveness relative to standard or preferred BMPs. The guidance states that when the BMPs are followed, Ecology will presume water quality is fully protected. However, considering that the guidance in the draft chapters is voluntary, what recourse is there to determine whether these guidelines have been followed and will continue to be followed over the long term? If water quality is not protected, what enforcement actions will Ecology take? If the answer is none, we request that Ecology strengthen these guidance and oversight policies.

In 2022, the Snoqualmie Tribe submitted comments on the draft Riparian Areas and Surface Water Protection chapters. At that time, we similarly emphasized concern for a lack of policy to guide which practices are implemented and when and lack of enforcement if best management practices (BMPs) are not used. These concerns have not been addressed in the subsequent draft chapters nor has additional



guidance been published by the Washington Department of Ecology. Agricultural practices have well-documented, significant impacts on freshwater resources and there needs to be stronger regulations on agricultural land uses that take meaningful steps towards addressing not just runoff, but issues of stream temperature pollution and aquatic and riparian habitat degradation. The status quo voluntary approach has led to delays in meeting the state's obligation to protect cultural resources from the impacts of agricultural pollution.

While it is clear that the Department of Ecology has spent a lot of time and resources developing these recommendations based on the best available science, we request that more time be spent on the policy regarding these recommendations and how they will be implemented in the future to protect water quality, with developed pathways to bring non-compliant situations into compliance, along with clear and enforceable consequences for repeat and egregious violations.

Sincerely,

DocuSigned by:

A handwritten signature in black ink, appearing to read "Matt Baerwalde".

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Matt Baerwalde

Senior Environmental Policy Analyst