Scott Figenshow

Attached please find our comments on chapters 1-5, 8, 12 and 13. Please read this together with our August 27, 2025 comments on the overall Non-point plan. thank you.

November 20, 2025

by email to: **nonpoint@ecy.wa.gov**

Ron Cummings
WA Department of Ecology, Water Quality Program
P.O. Box 47696
Olympia, WA 98504-7696

RE: 2025 Nonpoint Source of Pollution Control Plan-Draft BMP FEEDBACK

Dear Mr. Cummings,

We provided feedback on August 27, 2025 to the Draft Nonpoint Source of Pollution Plan. The comments in this letter are for the Best Management Practice (BMP) chapters, and are best understood when viewed along with our August comments. We are multi-generation dryland grain, pulse and forage crop farms in the northern Palouse region of eastern Washington (southern Spokane County). These comments relate specifically to our climate, rainfall, and farming experiences.

The specific BMP chapters that we have reviewed are:

1. Cropping Methods: Tillage and Residue Management
2. Cropping Methods: Crop Systems
3. Nutrient Management
4. Pesticide Management
5. Sediment Control – Vegetative, etc.
8. Subsurface Drainage Management: Tile Drainage, etc.
12. Riparian Areas & Surface Water Protection
13. Suites of Recommended Practices

Overall, we are comfortable with and support the content in chapters 1-5, and 8.

Our winter-dominant moisture pattern combined with Loess soil types are globally unique compared to other low-rainfall, dryland farming zones. The research cited is often not relevant for the Palouse. It is critical that the BMP's acknowledge this fact to avoid applying the same BMP requirements as for an ephemeral or intermittent creek that has year-around rainfall, as is the case on the West of the Cascades.

We have detailed comments on chapters 12 and 13, and propose text amendments to resolve our concerns accordingly. We continue to see the evidence present in these documents for a specific program for the Palouse region, that accepts Ephemeral and Intermittent streams comply with the Ecology requirements, utilizing the Chapter 2: Conservation Crop Rotations along with the Chapter 1: Cropping Methods of Tillage and Residue Management BMPs.

Our recommended changes request that these two practices have clearly stated priority in Chapter 13 Suites of Recommended Practices, at Table 5 on Page 12. We have utilized the Ecology's logic as stated at the top of Chapter 13, page 7, where the two tiers of Primary BMP and Supporting BMP define the hierarchy of what a landowner is expected to do:

Primary BMPs to require Chapter 1 and 2 methods as the first order of practice.

Supporting BMPs should be clarified such that they may be required WHEN AND ONLY WHEN there is evidence of persistent uncontrolled agricultural pollutants entering Perennial waterways from specific ephemeral or intermittent creekbeds over two full 3-year rotation cycles.

Our proposed text amendments are aimed to achieve the above, to be consistent with Ecology's logic.

As stated previously, this will necessitate updated, accurate mapping so that landowners and Ecology can agree which streams are under the relevant classification.

Required Amendments:

Chapter 13: Suites of Recommended Practices amendments**:**

1. **Correct the text error on Page 6, last paragraph, under Suites of Practices**: "When properly implemented and maintained, recommended suites of practices are expected to control common agricultural pollutants such as nutrients, pathogens, pesticides, and sediment~~, and increases in stream temperature~~.

2. **Amend Page 7, definition of Supporting BMP's:** "Supporting BMPs: practices that complement the primary BMPs and may also be necessary to address site-specific conditions. **Supporting BMPs** may also be required WHEN AND ONLY WHEN there is evidence of persistent uncontrolled agricultural pollutants entering Perennial waterways from specific ephemeral or intermittent creekbeds over two full 3-year rotation cycles

3. **Amend Table 5, Page 12 as follows,** incorporating reference to Chapter 2: Conservation Crop Rotation, and a footnote indicating a fourth option for Riparian Management has been added to Chapter 12.

Table 5: **Primary Suite of Practices for Row Crops, Small Grains and Forage Crops**

BMPs	Function	Chapter
Conservation Tillage for Low-residue crops	Prevent or minimize runoff and erosion	1
Conservation Tillage for High-residue crops	Prevent or minimize runoff and erosion	1
Conservation Crop Rotation	Reduce erosion; reduce water quality degradation due to excess nutrients; reduce the concentration of salts and other chemicals from saline seeps Maintain or increase soil health	2
Nutrient Management	Manage nutrients to optimize crop growth and minimize nutrient and bacteria losses to the environment	3
Pesticide application practices/ adherence to label requirements	Prevent pesticides from entering surface and groundwater	4
Pesticide storage and handling	Prevent and contain spills	4
Irrigation Management	Managing irrigation to optimize crop growth and minimize nutrient and bacteria losses	7
Controlled tile drainage	Control timing and amount of subsurface drainage, reduce	8
Filter strips	Prevent or minimize erosion, infiltrate runoff, intercept	5

	sediment, intercept pollutants before entering surface water (e.g. ditches)	
Riparian Management Zones*	Shade streams, stabilize streambanks, infiltrate runoff, capture sediment, nutrients, bacteria and pesticides.	12
Roof runoff structures	Divert water from potential pollution sources	9

*Chapter 12 outlines ~~three~~ four options for riparian management zone design and configuration. Riparian Management Zones are not required on cropland with ephemeral and intermittent streams in the Palouse where Chapter 1: Conservation Tillage and Chapter 2: Conservation Crop Rotation BMPs are applied.

Alternatively, moving the Riparian Management Zones reference in Table 5 to the status of a Supporting BMP in Table 6 may achieve the same effect.

Chapter 12: Riparian Areas and Surface Water Protection amendments:

1. **Amend the descriptions of Table 12 and Table 13, page 34b to add a new Footnote 4 as follows:**

Table 12: Eastern WA: RMZs for intermittent stream reaches without riparian forest potential due to climate conditions[1, 4]

Table 13: Eastern WA: RMZs for ephemeral stream reaches without riparian forest potential due to climate conditions[1, 4]

[4] Riparian Management Zones are not required on cropland with ephemeral and intermittent streams in the Palouse where Chapter 1: Conservation Tillage and Chapter 2: Conservation Crop Rotation BMPs are applied.

Summary

The logic expressed on Page 5 of Chapter 13 indicates Ecology's preference for both source control and treatment through a suite of practices. For ephemeral and intermittent creekbeds of the Palouse, our decades of on-farm observation suggest that a more successful suite of practices would be the chapter 1 and 2 practices which are recommended as supporting BMPs but we feel they are primary BMPs as a way of removing Ecology's current mandating of Riparian Buffer Zones regardless of site conditions.

If the above amendments are not acceptable to Ecology, please provide a written justification with your evidence of why.

Thank you for your consideration.

Sincerely,

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