

To: Washington State Department of Ecology (DOE)

From: Yakima County Cattlemen's Association (YCCA)

Date: August 18, 2025

RE: YCCA Comments on Washington's Water Quality Management Plan to Control Nonpoint Sources of Pollution – DRAFT"

The Yakima County Cattlemen's Association (YCCA) is a county-wide organization that has been representing cattle producers and private property owners for the past 75 years. YCCA's members are cattle producers and private property owners located through Yakima County. YCCA wished to submit the following comments into the record regarding DOE's proposed *"Washington's Water Quality Management Plan to Control Nonpoint Sources of Pollution – DRAFT"*.

YCCA opposes the negative tone that DOE takes in regards to livestock grazing and water quality impacts. YCCA does not support the broad brush approach that this document insinuates reading a negative impact from livestock grazing on water quality.

From page 26 - *"Even though NPDES permits are used to control point sources that, by definition, are not within the scope of the Clean Water Act 319 nonpoint program."* With this statement taken directly from the document, please explain why DOE is spending time focusing on point-source issues. The non-point plan needs to only focus on non-point issues! Remove all aspects of point source from this document and create a stand-alone point-source plan. The YCCA is concerned that DOE will use aspects of point source permits to further regulate non-point issues. The YCCA strongly opposes any further expansion of Point Source regulation on non-point grazing operations.

From page 27 - *"Any governmental action may be conditioned or denied pursuant to SEPA."* The YCCA is quite concerned with the heavy handed language DOE is utilizing to explain the "hammer" it holds over everyone in the State and it's (DOE) authority to use SEPA to halt any actions. The YCCA strongly opposes this abusive interpretation of SEPA and asks that this reference be stricken from the plan.

From page 31 – *"The Voluntary Stewardship Program (VSP) was passed in 2011 as an amendment to the GMA. Its goals are to protect and enhance critical areas, maintain and improve the long-term viability of agriculture, and reduce the conversion of farmland to other uses. To accomplish these goals the VSP relies primarily on incentives and voluntary stewardship practices."* The YCCA strongly supports VSP. Many of its members have spent over a decade of time working to expand and improve VSP. The incentive based VSP approach is the only way to achieve wide-spread success on improving water quality. YCCA believes there needs to be a stronger focus on VSP and less on DOE's regulatory powers.

Page 52 lists the various rules and authority DOE holds in regards to non-point enforcement.

*When an opportunity exists, we will support the development and use of other tools to address NPS pollution; examples include:*

- *Water Quality Trading.*
- *Certification/Certainty Programs.*
- *Incentives programs to support implementation of riparian buffers.*
- *New regulatory approaches to support the implementation of riparian buffers.*

The YCCA strongly opposes DOE's efforts to expand its authority to enforce water quality standards.

The YCCA strongly opposes further implementation of regulations on riparian buffers. The YCCA believes this is a blatant effort from DOE to regulate livestock grazing and eliminate direct access to surface water for stock watering purposes. This is a right that is granted to livestock producers via RCW 90.22.040

## **Stockwatering requirements.**

*It shall be the policy of the state, and the department of ecology shall be so guided in the implementation of RCW [90.22.010](#) and [90.22.020](#), to retain sufficient minimum flows or levels in streams, lakes or other public waters to provide adequate waters in such water sources to satisfy stockwatering requirements for stock on riparian grazing lands which drink directly therefrom where such retention shall not result in an unconscionable waste of public waters. The policy hereof shall not apply to stockwatering relating to feed lots and other activities which are not related to normal stockgrazing land uses.*

The YCCA strongly and vigorously oppose any efforts from the DOE to weaken this right and to deprive private property owners the ability to exercise their property rights.

From page 55 – *“Our second priority is to support projects that protect threatened and high quality waters from present and future nonpoint source pollution impacts. For example, while restoration of temperature impaired waters through planting robust riparian buffers is a large focus of our grant funding and the work of our nonpoint field staff, we recognize the value in preserving lands with intact riparian buffers and will continue to support the acquisition of lands to protect water quality in perpetuity.”* The YCCA strongly opposes DOE or the State or Federal Governments acquisition of private property through **any means** and furthermore, strongly opposes the implementation of riparian buffer and regulations on private property. The YCCA views any such actions as a takings of private property rights. The YCCA believes even the public purchase of private property to achieve these goals is a takings because private landowners are unable to fight the State and Federal Government due to the expense of court proceedings. This proposed plan is wrought with attempts of DOE to over step its authority and strip away private property rights. The YCCA strongly opposes any such actions! YCCA requests that the section above be removed from page 55.

From page 56 – *“Ecology, and the nonpoint program, are committed to supporting a coordinated and collaborative approach to improve environmental and health outcomes for everyone and to address environmental and health disparities for communities who bear a disproportionately high burden from environmental degradation. To further this mission, Ecology's Water Quality Program recently created an Environmental Justice Planner position, which was filled in 2024*

*and has launched an internal environmental justice action planning process.”* The YCCA strongly opposes the above mentioned expansion of DOE. YCCA believes this position was neither needed nor necessary. This is a prime example of the DOE expanding its regulatory reach without consulting with the landowners.

From page 64 – YCCA believes a stronger focus should be made on the self assessment tools that DOE has worked to develop over the years. The livestock tool and landowner tool are valuable tools that should be focused on more heavily than the Plan’s current focus on regulations and eliminating private property rights.

From page 66 – YCCA appreciates the effort DOE makes via it’s *“recently launched an incentive payment program. Starting in state fiscal year 2025, landowners who install the preferred buffer option, a riparian buffer one full site potential tree height in width, are eligible to receive a one-time payment of \$2,000/acre upon execution of an ecosystem service contract. These projects are also eligible to receive maintenance funding for 10 years at the project location to ensure successful establishment of the riparian buffer. All riparian buffers that meet Ecology’s minimum buffer width are eligible for five years of maintenance post-planting.”* While this statement attempts to address the issues agricultural and private property rights groups have raised for the last 20 plus years, DOE’s actions and own words throughout the previous 65 pages will insure this program fails. YCCA believes if DOE is serious about incentivizing habitat improvements this should and can only effectively be done through the local Conservation Districts. DOE focus throughout this document is REGULATION not INCENTIVE based conservation. While YCCA supports the incentivizing habitat improvements we believe DOE is not the right agency to achieve this goal.

From page 110 - Riparian Restoration

*“In Washington State, riparian restoration is inextricably linked with salmon recovery. Protecting and restoring salmon throughout their historic range in Washington requires riparian protection and restoration. As detailed elsewhere in this Plan, riparian restoration is a key BMP that addresses a variety of nonpoint pollutants, and statewide implementation of riparian buffers is critical for meeting water quality standards. In recognition of this, Washington State continues to engage in widespread planning and implementation efforts to support riparian restoration. Many of these efforts, particularly those focused on providing funding support, are described in Chapters 3 and 5 of this Plan. Riparian restoration requires coordinated partnerships, which are woven throughout this document, and particularly highlighted in Chapter 4.”* The YCCA agrees riparian restoration takes coordinated partnerships, however we do not believe based on the tone and focus of this document that DOE is committed to success. YCCA believes DOE’s focus is on further expansion of its already broad authority granted under RCW 90.48 this inherently creates skepticism and concern with landowners.

From page 119 – Agricultural Producer Groups *“Based on feedback from the Agriculture and Water Quality Advisory Committee, **Ecology will consider when it may be appropriate to engage producer groups as partners** in conducting education and outreach in watersheds where we are working to address nonpoint pollution problems.”* The YCCA believes this passive language needs to be replaced with language stating “DOE shall engage producer groups as partners to help insure success of its outreach and education”. YCCA believes and water quality data validates the fact that DOE can’t achieve water quality improvements without partnerships with producer groups.

From page 146 – “Apply the concept of AKART.<sup>155</sup>” WAC 173-201A-020 states: “AKART” is an acronym for “all known, available, and reasonable methods of prevention, control, and treatment.” AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution. The term “best management practices,” typically applied to nonpoint source pollution controls is considered a subset of the AKART requirement” YCCA strongly opposes the use of AKART. AKART creates a burden on private property owners. It assumes the private property owner should know “all known, available, and reasonable methods of prevention, control, and treatment” this is an unacceptable assumption and creates a burden that no private property owner can meet. YCCA requests the reference to AKART be stricken from the document.

From page 170 – YCCA opposes the use of ground water monitoring as a regulatory tool. Ground water monitoring may help identify a potential problem; however it does not identify a source. YCCA requests that references to ground water monitoring be removed from the non-point plan.

The YCCA strongly supports incentive driven conservation efforts that empower landowners and strengthen relationships between private land owners and the state. The YCCA believes the fastest and most efficient route to water quality improvement is achieved through incentives offered via the Local Conservation Districts throughout the State