

# seth Millhorn

To: Washington State Department of Ecology

RE: Comments on the Draft 2025 Water Quality Management Plan to Control Nonpoint Sources of Pollution

Date: 8/7/2025

Dear DOE Water Quality Program,

I am a lifelong agricultural producer in the Hangman Creek watershed and have reviewed the Draft 2025 Nonpoint Plan with great concern. While the goals of protecting water quality and fostering healthy riparian systems are important and broadly shared, the current implementation strategy reflects a dangerous overreach into the daily operations of working farms and ranches—operations that are the backbone of the region's economy and ecology.

## 1. Practical Agricultural Practices Are Being Criminalized

Normal and essential field operations—such as cleaning a ditch, maintaining access roads, or reshaping a bank within a field—are now being flagged as "potential violations" of the Clean Water Act under vague and subjective standards. Your use of the term "substantial potential to pollute" (p. 19) opens the door for field inspectors to make sweeping regulatory judgments without scientific basis or harm demonstrated. These are not industrial discharges. These are time-honored land management practices essential to producing food and fiber.

## 2. Misuse of the Graduated Compliance Pathway

Chapter 3 (pp. 73–83) describes Ecology's approach to "voluntary compliance," but the reality on the ground is intimidation. DOE inspectors are showing up unannounced and issuing veiled enforcement threats for routine operations that have been ongoing for decades. This "graduated pathway" is quickly short-circuiting to enforcement. Instead of working with farmers to resolve issues collaboratively, it appears your goal is to build a paper trail of "non-compliance" to justify increased regulation.

## 3. This Is Being Driven by Litigation, Not Collaboration

As farmers in this watershed, we understand that this heightened regulatory effort stems from litigation brought by the Spokane Riverkeeper against EPA. But the answer to a courtroom settlement should not be to aggressively police the agricultural community. We are not the enemy. We are the stewards of these lands, and many of us are already participating in voluntary conservation programs like CSP, CRP, and VSP. Let's not let a legal settlement drive punitive action on those of us who have invested heavily in our land's sustainability.

## 4. Incentives Should Not Be Coupled with Enforcement Threats

Offering financial subsidies or enrollment incentives (e.g., riparian buffer programs) only after issuing notices of violation is coercive. It's a clear attempt to back farmers into long-term easements under duress. If these programs are worthwhile, they should stand on their own merit and be introduced through genuine partnership—not regulatory blackmail.

## 5. Recommendations

To protect both water quality and the viability of Washington's agricultural economy, I urge the following changes:

Clearly define thresholds for what constitutes a violation. Remove vague language like "substantial potential" without scientific quantification.

Require training and accountability for DOE field staff. Unsupervised inspectors making subjective judgments in farm fields are creating a hostile environment.

Separate enforcement from financial incentive outreach. If DOE wants participation in conservation easements or riparian programs, don't tie it to regulatory threats.

Expand and properly fund the Voluntary Stewardship Program (VSP). It works, it's trusted, and it avoids conflict.

Include active farmers in all future NPS policy development. Advisory boards should include producers who understand both the practical and economic impacts of policy.

#### Conclusion

I recognize the importance of clean water and the role that riparian health plays in watershed function. However, the current tone and tactics of the 2025 Nonpoint Plan, particularly in watersheds like Hangman Creek, represent a heavy-handed approach that undermines trust, jeopardizes livelihoods, and pushes producers out of the conversation.

We are not polluters. We are partners in conservation when treated with respect, fairness, and transparency.

Sincerely

Seth Millhorn  
President  
Millhorn Farms Inc  
Worley, ID