

Michael Szymanski

Feedback from the Department of Ecology states this update doesn't involve rule making or fundamental changes to the 2022 Plan so it need not be subject to more rigorous review by all stakeholders. That assertion is misleading and borders on dishonesty.

The development of new Best Management Practices (BMPs) in conjunction with the Nonpoint Plan represents both a fundamental and significant change. Ecology has stated its intention to rely on state-developed BMPs in place of the long-established and scientifically vetted federal best practices. This is not a minor update — it is a shift in framework that directly affects how compliance will be judged.

While the draft plan describes these new BMPs as "voluntary," it also makes clear that landowners, agricultural producers, and property residents who do not adopt them could be deemed in violation of the state's clean water law. This creates a troubling discrepancy. Federal statutes clearly define nonpoint recommendations as voluntary; yet under the state's approach, the message is effectively "comply, or else." Such a shift fundamentally alters the nature of participation from cooperative to coercive.

For this reason, it is vital that both the public and the Department have additional time to collaborate on a path forward that preserves the voluntary spirit intended under federal law. Building this cooperative framework into the plan update will not only ensure greater public trust but will also lead to stronger, more sustainable outcomes for water quality.

Therefore, I am requesting (a second time) that the comment period be extended to October 29, 2025 to allow for the more rigorous review that the new framework and rule changes it enables requires.

Thank you.