

COMMENTS ON DEPARTMENT OF ECOLOGY POLICY 1025

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The first change: “This policy applies to stock grazing land at or below the land’s carrying capacity” implies that Ecology has a set carrying capacity for a particular range. This will restrict the possibility of regenerative or holistic range management which is being successfully used to regenerate habitat, improve forage and mitigate for wildfire risk. Currently WDFW and Ecology believe that restricting numbers of grazing animals preserves habitat while actually this management option is degrading habitat. Holistic management has found that it not the number of animals that degrade habitat but how long soils and plant life are exposed to grazing animals. It is more beneficial to the environment to graze a large number of animals for short periods of time and then moving them to a new portion of available range. This provides the soil disturbance necessary for plant life, nutrification from the animals and adequate time for the range to recover compared to letting a fewer number of animals on the same range all grazing season to eat down the forage to the ground¹. Thus, the inclusion of this statement limits the possibility to appropriate this new understanding of how to manage grazing animals.

Requiring a surface water right for stock water for diversion to a watering tank should not be required if the range allowed cattle to drink directly from the stream without a water right. This is unnecessary red tape. Also, the volunteer Stewardship Program is already engaged in providing sited water tanks away from streams. This provision will delay if not discourage volunteer participation in the goal of removing life stock from streams and riparian areas. Again this provision already seeks to limit livestock numbers. It would be better to encourage Holistic Management of livestock as a condition for permitting short time frame grazing of a larger number of livestock.

Lastly the requiring of a water right for surface diversion of water for livestock to a watering tank goes beyond your administrative authority. This is a change in the law that normally provides exempt use of stock water devoted to grazing. This needs to be a legislative issue not an administrative issue. It might be noted that the Washington Court upheld that groundwater withdrawals for stock watering are exempt from the requirement to apply for a water permit. This same position for surface use of stock water has also been argued earlier when SB 5882 was introduced to address Ecology’s over-reach in this area: SB 5882 links stock water rights to the 1862 Homestead Act and the Washington territorial legislature’s embrace that same year of the common law

¹ Savory, Allen: “Holistic Management, a commonsense revolution to restore our environment” Island Press; Washington, London, Covelo 2016

of England.² SB 5882 asserted that landowners have a historic right to divert small amounts of surface water for livestock.

Ecology does have regulatory authority to deal with the pollution and water quality of streams which the surface diversion of water to a water tank fulfills. In summary through VSP those in agriculture support this effort. However this effort by Ecology is another attempt to circumvent what should be legislatively decided.

² [Bill would sink Department of Ecology stockwater policy | Livestock | capitalpress.com](#)