



March 1, 2024

Robin.mcpherson@ecy.wa.gov

Robin McPherson
Washington State Department of Ecology

Matt.janz@atg.wa.gov

Matt Janz
Assistant Attorney General

(Via Email Only)

RE: Nooksack Adjudication Claim Form and Instructions

Dear Robin and Matt,

The purpose of this letter is to provide comments to the Washington State Department of Ecology (Ecology) on the proposed claim forms and instructions for the claim forms to be used in the Nooksack Adjudication. Our organization has represented farms in western Washington for 80 years. As you know, farmers created a unique landscape in this region, and the world is dependent on the food we produce commercially. We represent berry, potato, seed, and row crop farmers who rely on irrigation water to raise crops throughout Skagit, Whatcom and Snohomish counties. As you are aware, farming in this region is part of our heritage, and our ability to provide local food proved vital during the pandemic. Most Americans do not have the same access to local food. Farming here, however, is becoming increasingly, and sometimes unbearably, risky. This adjudication only adds to the uncertainty of already difficult work. The uncertainty created by this adjudication process has threatened the viability of farms as they lack access to water. This uncertainty flows from the field to the bank. The precedent of this adjudication will lead to the loss of commercial dairy, potato, and berry farms, to urbanization and land division.

As other partners have suggested, we do not believe that Ecology has the authority under the adjudication statute to make the decision to divide claims in the manner that Ecology is currently suggesting. We do not support this adjudication as laid out, and request that you sit down with the affected parties and find solutions based on legal precedence and sound science. We support a settlement process in Whatcom County that protects water and the commercial farms that feed communities here and around the world.

Thank you for your time and consideration on this matter.

Respectfully,

A handwritten signature in black ink that reads "Jennifer Smith".

Jennifer Smith, President
Western Washington Agricultural Association
2017 Continental Place #6, Mount Vernon, WA 98273

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