

Ecology Updates for the Agriculture and Water Quality Advisory Committee



October 2022 Updates

Nonpoint Plan update and Voluntary Clean Water Guidance:

Washington's Water Quality Management Plan to Control Nonpoint Sources of Pollution (Nonpoint Plan) outlines Washington State's approach for addressing water quality impacts from nonpoint sources of pollution. This plan describes how we meet Clean Water Act requirements and ensures eligibility for 319 grant funding for nonpoint pollution control projects across the state.

Ecology last updated the [Nonpoint Plan in 2015](#). We are required to submit an updated plan to EPA by the end of 2022 in accordance with a settlement agreement we entered into with EPA and Northwest Environmental Advocates (NWEA). Additional commitments in the Settlement Agreement include completing the first five chapters of the [Voluntary Clean Water Guidance for Agriculture](#).

We are working on the first five chapters of the voluntary agriculture guidance with our technical and implementation advisory committees. We plan to have the Draft Nonpoint Plan and draft chapters out for public review this November. We are happy to provide more details on our progress at the October meeting.

CAFO permit

This summer we released draft updates to the CAFO general permit for public comment. We held two virtual public hearings and received more than 400 comments. We are now reviewing and considering all comments received. We plan to make a permit reissuance decision by the end of this year. At that time, we will publish a Response to Comments as an appendix to the permit fact sheet. All information related to the permit is at www.ecology.wa.gov/cafo.

Stockwater:

Ecology has paused the process to amend Policy 1025, "Conveying stockwater away from streams to protect water quality" while we continue conversations with stakeholders and legislators.

Work in the Watersheds

Eastern Washington

2022 Eastern Regional Office focus areas

- Little Spokane River
- Blue Mountain Snake River Tributaries
- Whitman County Snake River Tributaries
- Palouse River
- Walla Walla River
- Hangman Creek

Four new livestock pollution sites were prioritized in the Little Spokane River watershed and staff have contacted those landowners. In addition, 10 new livestock sites were prioritized this spring in the Palouse, Whitman Snake River Tribs and Blue Mountain watersheds. We have not yet made contacts at these sites due to position vacancies but plan to make contacts this fall.

One Administrative Order requiring water quality protection was issued in the Little Spokane watershed after multiple efforts to provide technical and financial assistance since 2015 failed to achieve water quality protection.

We awarded over \$2.5M in new grant funds this year for Ag BMP implementation, outreach, and monitoring in the Palouse, Whitman Snake River Tributaries, Blue Mountain Tributaries, and Walla Walla watersheds.

Hangman Creek Watershed

We continue to implement the Hangman Creek TMDL Settlement Agreement with the Spokane Riverkeeper. The Settlement Agreement includes three action areas for Ecology; outreach and education, riparian characterization, and annual watershed evaluations. Staff performed several outreach activities with partners, including two public meetings in the watershed. Staff floated Hangman Creek with the Spokane Conservation District this spring to finalize the riparian characterization portion of the agreement. Our team also performed watershed evaluation work to prioritize sites for technical and financial assistance.

An additional 12 sites were prioritized in 2022. Since 2018, staff have prioritized 77 parcels. Over 100 site visits have been performed, including more than 15 so far this year.

Status of the 77 parcels:

- Water quality problems fixed – 12
- Plan developed, to be implemented next crop rotation – 17
- Currently being implemented – 4
- In queue for implementation and/or seeking funds – 9
- Sites in communication but plans still being negotiated – 7
- Partial plan implemented/unwilling to implement fully protective plan – 11
- Unresponsive or unwilling -- 14
- Formal enforcement (Order Issued) – 3

Earlier this spring, we issued five warning letters in the Hangman Creek watershed for sites where multiple offers of assistance were made, but had little to no water quality progress. Four of those warning letters resulted in work to develop a plan to protect water quality. We issued one Order in August.

Ecology has awarded approximately \$600,000 in additional buffer funds in 2022 (Spokane CD, Spokane Tribe, Spokane Riverkeeper) for Hangman Creek project implementation. This adds to the more than \$5M in Ecology grant and loan funds made available since 2018 for addressing nonpoint source pollution within the watershed.

Implementation so far this year includes 1,350 feet of livestock exclusion fencing and 2.5 acres of buffer along an administrative order site issued in 2021; and 19 acres of buffers implemented across four prioritized dryland agricultural sites.

Implementation planned for this fall includes 6,100 feet of bank stabilization and 11 acres of riparian plantings. Outreach plans include mailing an education and outreach brochure focused on watershed health and best management practices to Hangman watershed residents.

Another implementation effort underway is the million dollar Hangman Pilot Project developed in partnership with the Spokane CD. The pilot project looks to compensate farmers for long-term protection of riparian areas using an estimate of lost crop revenue. We recently finalized the contract with the Spokane CD. Ecology and the CD have also received verbal commitments for all of the pilot funding. Planning and contracting with landowners is underway with the first buffer projects on track for this fall, including a major project on Little Hangman Creek near Tekoa.

Central Region Office

The TMDL Lead for the Wilson Creek Sub Basin, Yakima suspended sediment and Teanaway River Temperature TMDLs continues to meet with the Kittitas Conservation District and local water purveyors. He has invited local water purveyors to share water quality information on Wilson Creek. Ecology is also conducting bimonthly turbidity sampling the upper Yakima tributaries (Wilson Creek, Cherry Creek and Badger Creek). One of the goals of this sampling is to help trace “hot spots” that contribute large amounts of turbidity.

In the lower Yakima Valley, Ecology is partnering with the Roza-Sunnyside Board of Joint Control (RSBOJC) on implementing the Granger Drain Bacteria TMDL. Over the last two years, bacteria levels have reduced significantly due to effective management of irrigation resources, quick responses to problems, and new BMPs, including a recently installed check dam to reduce sediment transport. The Granger Drain discharges directly into the lower Yakima River and this effort is assisting in reduced suspended sediments and bacteria in the lower Yakima River.

Our nonpoint staff are continuing to follow up on complaints as well. Recent complaint response efforts include agricultural related responses in Okanogan and Yakima Counties. As part of our response, we have reached out to land managers and are coordinating with local conservation districts.

Western Washington

Watersheds the Southwest Regional Office is working in:

- East Fork Lewis River
- Greater Key Peninsula
- Henderson and Eld Inlets
- Nisqually River (Ohop Creek)
- Enumclaw Plateau (Boise, Pussyfoot, and Second Creeks)
- Skokomish River and Johns Creek
- Oakland and Annas Bays

In 2022, our nonpoint specialists continue to focus in high priority watersheds by providing technical assistance to landowners through letters (80) and site visits (75). The majority of landowners have addressed the identified water quality concerns on their properties, with improvements in water quality data following closely behind.

Currently, we have two open formal enforcement actions; one Administrative Order, where the livestock operators are implementing their Corrective Actions Required, and one outstanding unpaid penalty of \$3,000 for livestock access to Ohop Creek.

As in-person activities continue to return, our team collaborated with King Conservation District, King County, and NRCS by participating in the King County Fair in Enumclaw with a booth that included handouts, Enviro-scape Model demonstrations, and the Water Wheel Trivia game.

[Site update and success story](#)

Many of you will remember the incident from last fall at Oakland Bay, where fecal pollution from a piggery and poultry operation led to the closure of nearly 500 acres of shellfish harvesting areas. We issued an Administrative Order (AO) at that site, which prompted the immediate removal of the pigs from the creek, resulting in the decline of bacteria levels and shellfish harvest reopening. Mason Conservation District wrote a farm plan for the property. Nonpoint staff continue to work with the owner/operator to ensure compliance with the AO.

We wanted to share a recent effort that helped prevent another shellfish closure in the Southwest Region. The Skokomish River and Anna's Bay support commercial and recreational activities including shellfish harvesting in the Great Bend of Hood Canal. Recently, Dept. of Health's marine data indicated elevated fecal bacteria pollution in the Bay and subsequent shellfish growing area downgrades were on the table. SWRO received a report regarding shoreline property landowners confining pigs on bare ground less than 20 feet from the tide flats on a slope that carries runoff directly to surface water leading to Annas Bay. The landowners had not voluntarily implemented BMPs to divert runoff from this confinement area or removed the pigs from the area when Ecology Nonpoint staff issued a Warning Letter.

This pre-enforcement communication prompted the removal of the pigs from the property and soon afterwards Dept. of Health's bacteria sample results declined, avoiding a downgrade of shellfish growing areas in the Bay.

Watershed focus areas for the Bellingham Field Office:

- Lummi Bay
- Lower Nooksack
- Drayton Harbor
- Lower Samish

So far this year, our team has responded to nine complaints/referrals, delivered fifteen Technical Assistance letters, one Warning Letter, one Administrative Order, and issued one Notice of Penalty. We've participated in two outreach events, including an interactive display at Whatcom Conservation District's Small Farm Expo (April 2022).

Most of this work was completed January-March of this year, as both of BFO's Nonpoint/Shellfish staff moved on to new jobs in the spring. BFO's Manager continued to work on critical compliance cases while recruiting and filling both positions by June. Our two new Nonpoint staff are now trained up and looking forward to being in the field during the 2022 rainy season.

Watershed focus areas for the Northwest Regional Office

- Padilla Bay Tributaries
- South Skagit Bay
- Lower Skagit

As part of the Padilla Bay Fecal Coliform TMDL, staff are working with industrial stormwater permittees in the Padilla Bay tributaries watershed that may be contributing bacteria to waters of the state. Bacteria monitoring is required for NPDES Industrial Permits that discharge to TMDL listed waters, and Ecology is working with permittees to assure compliance. We continue to also address non-point sources of bacteria, prioritizing education and technical assistance.

Our team working on the South Skagit Bay Watershed Evaluation will wind down sampling in the Big Ditch / Maddox slough basin in 2023. We will share a report summarizing findings and recommendations. Sampling may continue on a limited basis to keep a pulse on the watershed. Bacteria sampling has been expanded to the Old Stillaguamish Channel basin, which will also inform the Stillaguamish PIC III Program develop its monitoring program.

We are excited to share the videos we created as part of our work on the Lower Skagit. Our [recent blog post](#) explains the need to raise awareness of Skagit Valley's warming waters. Ecology is also working with Skagit stakeholders and a third party consultant on the next phase of our community based social marketing work to learn more about the barriers and incentives to riparian restoration on impaired streams.