



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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June 13, 2013

Mr. Richard Yoder
8941 Glendale Rd.
Custer, WA 98240

Mr. Dale Yoder
9279 Weidkamp Rd.
Lynden, WA 98264

Re: Follow-up from meeting at Weidkamp Rd. property

Dear Mr. Richard Yoder and Mr. Dale Yoder:

Thank you for meeting with Jessica Kirkpatrick and me on April 26, 2013, to discuss the livestock practices on your farm. I requested to inspect your farm as part of a comprehensive effort by Ecology to reduce surface water pollution associated with non-dairy livestock farms located in the Bertrand watershed. Our visit included discussion of your livestock management practices to determine compliance with the Washington State Water Pollution Control Law (RCW 90.48). This letter summarizes our discussion and my observations, and includes recommendations to help you comply with state law.

It is clear from our discussion that you take a very thoughtful and active role in managing your property to the benefit of your animals' health and fields. Our discussion of your farm operation highlighted your already significant pasture management practices. Many of the measures you described demonstrate meaningful steps towards reducing the risk of polluted runoff reaching nearby surface waters. In the past you utilized the technical resources provided by the Whatcom Conservation District (WCD), and Chris Clark with the WCD was present during our visit at your request. As we talked about, the WCD works with livestock owners to develop farm plans in cooperation with the landowners based on a voluntary process that addresses multiple needs and objectives. In contrast, Ecology oversees compliance with state water quality law.

During our visit, you only allowed access to a portion of your farm adjacent to Weidkamp Road. You explained that cows had not been on this portion we walked since the previous summer. Your beef cattle operation includes other nearby properties and pastures that we were not able to evaluate. I request that we arrange a visit of your entire farm by August 31 to review the risk of pollution runoff prior to the wet season.

Although I acknowledge and appreciate your current practices to protect water quality, I identified several conditions that may result in pollution discharges during rain events. These conditions include fences located too close to ditches and direct animal access to the pond and a section of ditch. I informed you that Ecology will presume that your setbacks are protective of

water quality if you locate fencing 35 feet from waterways' ordinary high water mark. This recommendation is also appropriate for your pond. If you choose not increase this setback and continue to allow cattle within 35 feet of surface waters, I will need to monitor the site. This may require that I return during a runoff event to verify that pollution is not discharging into surface waters in violation of state law.

Please note that the Washington Water Pollution Control Act (Revised Code of Washington 90.48) requires that you prevent pollution generated by your activities from entering state waters. Because you denied access to the entire site, I cannot provide you with an inspection report that identifies all corrective actions to ensure that your entire operation is in compliance with this law.

I appreciate the concerns you raised related to the loss of pasture and direct cost associated with installing 35 foot setbacks from the ditches. I want to make sure you know that Ecology has a cost share program available to support installation of Best Management Practices identified to protect water quality. Please let me know if you would like to discuss this or other resources.

I want to again thank you for making the time to meet with us and having already taken significant steps to protect water quality. I look forward to hearing from you to schedule a site visit for later this summer. If you have any questions about this letter please do not hesitate to call me at 360-715-5220.

Sincerely,



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