BEFORE THE POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

In re the Matter of: **WILL and ANDRA EDWARDS V. DEPT OF ECOLOGY**	#21-011 DECLARATION OF ANDRA EDWARDS IN RESPONSE TO MOTION FOR SUMMARY JUDGMENT

DR. ANDRA EDWARDS , pursuant to RCW 9A.72.085, declares:

1. I make this declaration of my own personal knowledge and information and am competent to do so.

2. I am the appellant in this matter, along with my husband, Dr. William Edwards.

Background Information

3. I am a mixed animal Veterinarian, and the owner and sole doctor at my Veterinary Clinic, TLC Animal Care, a small clinic serving the rural community of Palouse and surrounding areas. I received my Bachelor of Sciences in Biology Degree in 2001, and my Doctorate of Veterinary Medicine in 2005.

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both from Washington State University (WSU). I have nearly 17 years of experience in animal surgery, medicine, husbandry, nutrition, behavior, and well being, along with a deep understanding of, and respect for, the Human Animal Bond.

4. My husband and I married in 2002, and were given the amazing opportunity to move into our current home in 2009. We have two children, and of course a multitude of family pets. Our home is the family homestead, and our children are the fourth generation to live in this lovely rural acreage. A large portion of the property is a long narrow pasture. Like much of the surrounding area, a significant amount of the pasture is basalt rock. There is a field drainage ditch that enters the pasture on the west end, and traverses the length of the property to exit on the east end. The ditch contains runoff water from surrounding farm fields primarily January through March every year.
5. This homestead has seen a variety of agricultural activity throughout the decades, but my parents were the last of the farmers in our family. The last true livestock kept on this property were sold in the late 1970's, although I had a show horse growing up who did spend some occasional time in the pasture. I moved my mare out here permanently for "retirement" in June of 1997 when I started my college education at WSU. A few years after our little family moved out here to the homestead in 2009, my old mare was joined by a pony we had purchased for our young daughter. Horses were an incredibly important part of my life growing up, and we wanted our kids to have the opportunity to experience life with horses as well. A large part of our decision to move to the homestead was the ability to have horses, and possibly even 4-H or FFA animals for the kids as they grew. Little did we know our picturesque pasture would become a Department of Ecology nightmare for our family in just a few short years, all due to the presence of a field drainage ditch that runs though it, occupied by runoff water approximately three months of year. Photos of the pasture and field drainage ditch taken during various seasons and over multiple years are attached as **Exhibit A.**

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Timeline of Events and Communications

6. By 2013 we had four equine friends occupying the pasture. A vet student had rescued a retired dairy cow from the kill truck and asked me if she could temporarily keep her in our pasture until she got her moved to her new home in Oregon. From 2013 to 2015 we had our four horses and one retired cow living their best lives in our lush 8.3 acre pasture. Being a DVM, proper nutrition and health of the animals was priority for me, and there was plenty of foliage and space to support proper husbandry. Of course pasture health was and is very important as well, as a pasture in poor health leads to animals in poor health.
7. In 2014 we had an unusually wet spring on the Palouse. Being born and raised here, I had never seen that amount of water rushing through our homestead before. The pasture was severely flooded, and when the water finally receded, it left a significant amount of mud and debris from the neighboring tilled fields. During this time, a photographer from Wheat Life Magazine took photos of our bedraggled pasture as it suffered the aftermath of the flood, and published it in that month's issue. Never has the saying "when it rains it pours" been more literally and figuratively true than in those months after the flood when all of our family's Department of Ecology woes began. We had no idea that we were now on DOE's radar.
8. Concerned about the health of our land and our animals after the massive runoff from the fields, we made an appointment with the Palouse Conservation District (PCD) for pasture management advice. Drew Schuldt came for a site visit in 2015 and he and I walked the entire pasture together. He had some great suggestions for us to improve our pasture health, including moving the manure pile out of the pasture, putting the manure on a

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concrete slab if it had to stay in the pasture, feeding the horses as far away from the field drainage ditch as possible when they required hay during the fall and winter, rotating feeding sites, adding a watering trough to encourage the animals to not drink from the drainage ditch, and planting more shrubs along the ditch. Mr. Schuldt did acknowledge that due to the significant amount of basalt rock making up our pasture ground, planting near the ditch would be impossible. He also acknowledged the fact that there is no electricity nor water service on that side of the highway, making it extremely difficult to maintain a watering trough through the freezing season. Mr. Schuldt mentioned grant money being available for a concrete slab and possibly even a solar water heater for a trough, although getting water to the trough would still be an issue. When I asked him if PCD would pay for putting in electricity and a water well/pump on the site, he said no. During the summer of 2015 my husband and I started working on implementing Mr. Schuldt's suggestions. My friend finally finished the paperwork to have her rescue cow moved to her new home, so that eliminated one animal in the pasture. We made the incredibly difficult decision to euthanize our daughter's pony that fall as well, leaving three horses living in the 8 acre pasture. The pony was unsuitable for sale due to age, and we did not want him to end up in a kill pen, but after speaking with the PCD we wanted to reduce pressure on the pasture. Reducing the number of animals was prudent, but extremely difficult, as the pony could have lived longer with good quality of life given proper care. We were able to give the entirety of the manure pile away to people for their gardens, and from that time on when cleaning the barn we spread the manure in the neighboring field, far away from the pasture. That winter we fed the horses in multiple rotating areas, as far from the drainage ditch as possible. I felt confident that we were working hard to implement the advice given by the PCD to make sure our pasture was at optimal health, and frankly I was pretty proud of our "above and beyond" efforts to make sure we were being good stewards of our land.

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9. I was shocked when I was contacted out of the blue by Steve Hummell in May 2017 via phone. He explained that we were “non-compliant” with the DOE for the field drainage ditch in the pasture, telling me that my horses were “polluting the Palouse River.” He went on to explain that we would need to put a 35 foot buffer fence on each side of the ditch to keep the horses out. He stressed repeatedly that the DOE had funds available for use to build the fence. I was very concerned, as placing such a fence would effectively reduce pasture space by half, due to the long and narrow shape of the area. Extra fencing and narrow space would increase risks to the animals by adding potential for entanglement or other severe injury. I voiced my concerns and he suggested that I simply “purchase some land from the farmer who owns the field adjacent to the pasture.” The neighboring land is actually owned by my father, who leases it to another farmer. It is in active agricultural use, and is most definitely not for sale. When I explained that to Mr. Hummell, he was not interested in listening to anything I had to say, so I advised him to call my husband to discuss the issue further. I called my husband to let him know what happened and to expect a call from Mr. Hummell.

10. In June of 2017 Mr. Hummell and Chad Atkins came for a site visit. I expected Mr. Hummell to want to walk the entire pasture like I had done with Mr. Schuldt in 2015, but Mr. Hummell only walked a few yards into the pasture before reiterating that we were “non-compliant” and would still need to install the 35 foot buffer fence on each side of the ditch, which was dry at the time of his visit. I brought up the fact that I had contacted the PCD in 2015 on my own to ask for assistance, and had implemented all feasible suggestions given to me by Mr. Schuldt. We had also eliminated two animals since 2015. Mr. Hummell told me that the PCD had no right and no power to make those recommendations, and that the information given to me by Mr. Schuldt was inaccurate. He continued to insist on the 35 foot buffer fences, and promised “technical assistance and funding for landowners.” I asked for scientific proof that the horses are polluting the Palouse River which is 1 mile from our

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pasture. The ditch doesn't even have water in it 9 months of the year. He said that the DOE did not have to prove anything. My mother, Janelle Parsons, who is co-owner of the neighboring land, was present at the site visit as well. She asked Mr. Hummell if he was "making an example out of the kids (us)" and he answered that he was, because our land is on the highway and is visible.

11. In the year following the June 2017 site visit with Mr. Hummell I did not personally speak with anyone from the DOE. My husband did fill me in on conversations that he had with Mr. Hummell that fall and winter, but I was not an active participant in those conversations. On 10/22/18 I was feeling a lot of pressure from hearing about the ongoing conversations with the DOE. I euthanized our arthritic elderly mare, "Tigger." This was particularly difficult for our family because, like my daughter's pony, this euthanasia was not a medical necessity. She could have lived several more years in our pasture with her medical condition managed properly. Due to her arthritis, selling her was not an option, and we did not want to see her sent to the meat packers. At that point we were left with our two pet horses, "Kirsi" and "Miller." Photos of the pet horses are attached as **Exhibit B.**
12. On 7/10/19 a letter arrived from Stephen Ranson from the DOE advising us that we were non-compliant. The letter further stated that there was money available for us via the RCPP. We were advised that we could use this money to build the 35 foot buffer fence on each side of the drainage ditch. Also in July of 2019 we installed a fence cutting the pasture in half width-wise with intent to reduce unrestricted access of the horses to the drainage ditch while still allowing them the space and forage necessary for good animal health and husbandry. I helped build a smaller emergency enclosure in our front yard so that I had a place to move the horses temporarily if the pasture ever flooded again like it did in the spring of 2014. The horses could also be temporarily moved into this area to provide respite for the larger pasture as needed as a rotation site. The kids and I helped move a watering trough into

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the big pasture to encourage the horses to stay away from the ditch during the months that were not freezing.

13. In December of 2019 DOE again sent a letter informing us of our non-compliance and outlining several grievances against the two horses, mostly untrue. The DOE took multiple liberties with truth in this letter. DOE accused the horses of creating the patch of bare ground in front of the barn (incidentally greater than 35 feet from the ditch). This area is actually a very thin layer of dirt and dust over a large patch of basalt rock, which does look bare and brown from the highway, but such is the nature of rock. Photos of the basalt terrain of our pasture are attached as **Exhibit C**. Several other areas in the pasture noted to be "bare ground" or "manure" are actually gopher mounds. Photos of gopher mounds and trails are attached as **Exhibit D.** They accuse the horses of causing "slumping stream banks" but if you look at the drainage ditch as it travels down the side of the highway prior to entering the pasture and upon leaving the pasture, the banks look similar. There are no animals on the adjoining land to cause "slumping banks," and yet the banks are nearly the same in appearance. The DOE claims "over-utilization of herbaceous vegetation." An 8 acre pasture is more than adequate for two horses to maintain feed requirements while not overgrazing the area. There are multiple similar basalt landscapes with intermittent field drainage in our area that have the same appearance as our pasture, but there are no animals grazing those areas. A photo of similar landscape unoccupied by animals approximately 3 miles Northwest on Altergott Road is attached as **Exhibit E.** The DOE accuses us of having no shrubs or trees in the pasture. Due to the basalt ground surrounding the drainage ditch, trees and shrubs cannot grow. There are several woody shrubs and multiple large coniferous trees growing in the more suitable ground at the east end of the pasture, but when DOE comes to take their yearly pictures of the pasture, they only focus on the rocky basalt west end where trees and shrubs cannot grow. Photos of trees and woody vegetation growing in the east end of the pasture are

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attached as **Exhibit F.** There have never been any more trees and shrubs in the pasture than there are now for as long as I can remember.

14. Frustrated with the false accusations and lack of science in the letter sent by DOE on 12/13/19, I wrote a reply on 12/16/19. In this letter I specifically outlined my frustrations with DOE's failure to communicate, and failure to answer questions I had been asking since 2015 regarding the need for technical assistance. The only thing DOE has ever offered me is money, but what I have been asking for since 2015 is technical assistance and clarification. I have asked multiple times for documentation in writing as to laws, specifications, and requirements pertaining to a 35 foot buffer fence on each side of the drainage ditch. Despite once again asking for these items in this 12/16/19 letter, sent via e-mail and by certified mail USPS, I did not receive a response.

15. On 1/25/21 Stephen Ranson called me at work and left a message for me with my technician, Taylor Rounds, while I was in surgery. I called Mr. Ranson back as soon as I was done with my surgeries. The conversation is particularly memorable, as the dogs waking up from their anesthesia were noisy, and I had to make the call in the exam room rather than my office to escape the barking and whining. In our conversation, Mr. Ranson once again informed me that I was non-compliant, and told me to expect a certified letter from the DOE to arrive in the next few days. I asked Mr. Ranson why the DOE wasn't willing to listen to us regarding all of the positive changes we have made in the pasture since 2015. He said none of those changes mattered, and that it all comes down to the horses having access to the ditch. He told me we would be forced to fence the ditch, and it would be 35 feet on each side. I told him that would make the pasture useless for the animals due to safety and health concerns, and that it felt like the DOE really just wanted us to completely remove the horses from the pasture. He did not deny this. He again told me that there was funding available. I told him that we were still not interested in financial assistance. He brought up the fact that there are

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apparently other landowners in our area who are in similar situations and who are also refusing financial assistance, and then raised his voice at me and said "why won't you people just work with us?" This was loud enough that my technician heard it though the phone, and was concerned. I find it interesting that in the document entitled "Declaration of Stephen Ranson in Support of Ecology's Motion for Summary Judgement," that Mr. Ranson mentions that during this conversation he was "placed on speakerphone" and that there was "laughing and commenting in the background." He also accused me of insinuating that he "enjoys killing horses." I most definitely did not say any such thing. I have an unfortunately large amount of experience in equine euthanasia, and I do not find it enjoyable. I would hope that Mr. Ranson would feel the same about the procedure. I can assure Mr. Ranson that he was not on speakerphone during our conversation that day, but was just experiencing the difficulties of contacting a veterinarian in her place of work during a busy surgery schedule. I looked back at our clinic records for that day and noted that we had two very noisy patients recovering from their surgical procedures in the clinic at the time Mr. Ranson contacted me. I can reassure Mr. Ranson that the "laughing and commenting" he thought he heard was in actuality the distressed sound of one of our more vocally dramatic patients expressing her displeasure at recovery from surgery and anesthesia. I guarantee Piper the miniature dachshund who had just experienced multiple tooth extractions did not find anything about the situation funny.

Inaccuracies and Assumptions by the DOE

16. In my opinion as a doctor and a scientist, facts and research are incredibly important. Inaccuracies, assumptions, and non-cited scientific statements are not valuable, and walk a very fine line to being intentional untruths with the intent to mislead and coerce. There are multiple examples of inaccuracies and assumptions that have been made by the DOE involving this case that I would like to point out. I feel that these inaccuracies and assumptions stow

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how little care the DOE has put into working with me toward a goal of compromise and how many liberties they have taken with the truth in order to "win."

17. In the document entitled "Declaration of Chad Atkins In Support of Ecology's Motion For Summary Judgment, instead of stating facts, Mr. Atkins uses language like "probably" and "likely" to describe the idea that minnows could possibly live in the field drainage ditch. "Probably" and "likely" are loose terms that have no basis in fact. In the same document, Mr. Atkins calls the pasture "small" in at least two places. The word "small" is subjective terminology, also not based in fact. According to the article "How to Make Rotational Grazing Work on Your Horse Farm" by Laura Kenny, of Penn State University, horses need two to four acres of pasture per horse in order to successfully practice continuous grazing without overgrazing the area. Our 8 acre pasture is more than adequate for the two horses that have been on the property since 2018. The 8 acre pasture is not "small" by any means. There is always ample grass available for the two horses during the spring, summer, and early fall. In fact there is typically grass leftover from the previous year at the start of each new growing season. I have attached photos of the ample leftover foliage as **Exhibit G**.

18. Mr. Atkins also stressed multiple times in the same document that "stream bank stabilizing woody vegetation was severely lacking, likely due to excessive trampling and soil compaction by livestock." Mr. Atkins apparently did not take into account the fact that the majority of the field drainage ditch in question, along with the "banks" of said ditch, is made up of basalt rock. Woody vegetation does not grow there, because it can't. The rock simply does not allow for larger plants to take root near the ditch. Please refer again to **Exhibit C**, which clearly shows the basalt makeup of much of the area near the drainage ditch. The horses did not trample or ruin any woody vegetation, because there was no woody vegetation in those areas to begin with in 1997 when the first horse was kept there. Mr. Atkins goes on to say that DOE

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offered to build a perimeter fence and install off site water adjacent to our house on the north side of the highway. Unfortunately the land they suggested for use in this project was not ours, and not for sale. He fails to mention this detail in his declaration document.

19. Mr. Atkins spends a significant amount of time in his declaration document describing several diseases that can be dangerous to human health. The diseases he mentions are specifically salmonellosis, leptospirosis, anthrax, brucellosis, and cryptosporidium. While these diseases can be zoonotic and dangerous to humans and other animals, it is incredibly difficult to make a credible claim that the two horses currently occupying the pasture are a dangerous source of the aforementioned diseases. This is mainly because these diseases are either rare or non-existent in horses, as in the case of brucellosis or leptospirosis, or are severe to fatal with obvious clinical signs as in the case of anthrax or salmonellosis. I would be remiss as a Veterinarian if I didn't notice that my horse was facing imminent death due to a rare and obviously severe illness. According to "Equine Internal Medicine," a basic veterinary textbook by Drs. Reed, Bayly, and Sellon, cryptosporidium is a diarrheal disease seen mainly in immunocompromised foals. My horses have not been foals for 15 1/2 years. As Mr. Atkins points out, "horses and cows are both livestock." While this is certainly true, they are very different species, and one simply cannot infer that facts true to one species can be used to describe another, just because those facts are convenient to a particular argument.

20. In his lengthy description of diseases and fecal contamination more pertinent to a calf operation or a feedlot of young cattle contained in a dry lot situation rather than two horses on an 8 acre pasture, Mr. Atkins fails to recognize the fact that local wildlife can also carry viruses, bacteria, and parasites that have disease spread potential and are also contributors of fecal contamination of water. Moose, deer, ducks, geese, and coyotes are frequent visitors to our pasture, and to the field drainage ditch in the early spring when water is

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present. Unlike our horses, several of these wildlife species spend significant time in the water or along the edges of the ditch. Moose especially enjoy wallowing, an activity that horses typically avoid. We do not restrict pasture access to these wild animals, and to date I am unaware of any studies or research completed on our pasture or field drainage ditch by the DOE to acknowledge and differentiate fecal contamination, grazing effects, foliage destruction, or erosion caused by these wildlife visitors vs the "damage" that they continually attribute to our horses. Photos of wildlife visiting our pasture and field drainage ditch are attached as **Exhibit H.**

21. Mr. Atkins provides no actual citations, studies, research, laws, or facts to justify his arbitrary 35 foot fencing buffer on either side of the drainage ditch. Instead, he cites "training, professional judgement, and experience" is what "led him to believe that a 35 foot buffer is the minimum." The DOE is willing to make enormous impacts on a family and the quality of life of animals based on one man's professional judgement, one man who did not adequately research equine diseases, does not know the makeup of the pasture ground in question, does not cite resources, uses loose terms like "probably" and "likely," and has not explored the history of the pasture foliage and plant makeup before passing said professional judgment.

22. In the document "Declaration of Stephen Ranson In Support Of Ecology's Motion for Summary Judgment," I also found several examples of creative liberties taken with fact. Mr. Ranson compares the brushy treed area just east of our pasture to the adjoining pasture ground and claims that our pasture should have similar amounts of trees and shrubs. There are no trees and shrubs anywhere else in the entire surrounding area, with exception of the few decorative shade trees in our back yard and in the yard of our neighbors 0.75 miles west down Highway 272. The brushy treed area just east of our pasture border is the beginning of a steep draw, similar to hundreds of other draws on the Palouse. The Palouse hills are not well known for their vast forest ground. Typically trees are only found in the draws

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or on the buttes. Our pasture is similar to the surrounding landscape on Turnbough Flat. Trees and bushes have not grown in any significant amount in the pasture, or along Turnbough Flat for as long as the area has been used for agriculture, at least three generations.

23. Mr. Ranson continually points out the "bare ground" and "manure" exposed in the pasture. As previously stated, if he had taken the time to actually look closely at the pasture, he would see that a significant amount of the "bare ground" and "manure" is actually either gopher mounds or patches of basalt rock. Please refer back to **Exhibits C and D** to view photos of the basalt rock structures and the gopher mounds and trails, respectively. Just a few miles either direction on Highway 272, similar basalt structures can be seen from the road. This is the nature of the landscape in our area.

24. It is difficult to place trust in the professional opinions of DOE staff members when they stretch the truth in whatever fashion fits their agenda at every opportunity, continually move the goalposts, and don't even know important details of this individual situation, such as how many animals are actually in the pasture. In my last phone conversation with Mr. Ranson in January 2021, the conversation in which he assumed that the noises made by my surgical patient waking up distressed form anesthesia were the sounds of a person in the background laughing at him, he could not even tell me how many horses actually occupied the pasture at that time. The same two horses had been the only pet animals in the pasture since 2018. It is disturbing to me that a DOE representative with the power to make decisions having an enormous impact on myself and the the quality of life of my animals does not even know how many animals are supposedly the cause of "substantial probability to pollute."

Information Regarding Water Testing

25. Since the original conversations with Steve Hummell beginning in 2015, I have been led to believe by the DOE that testing the water in the drainage ditch would not matter in the DOE's decision to declare "substantial probability

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to pollute" by my two pet horses. As a scientist, I have felt for the last 7 years that a simple water test would be valuable in helping determine my horses' actual impact on the water that flows seasonally through the drainage ditch in the late winter and early spring. My husband and I felt discouraged by the DOE to obtain water samples, and therefore did not pursue water testing. Recently, upon filling out the document "RESPONDENT STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY'S FIRST INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS TO APPELLANTS," in Interrogatory No. 28, Request for Production No. 5, we were asked to produce all data, analytical results, lab reports, and other documents related to water samples or water quality tests taken at the property from 2013 to present. This made us wonder why we had been consistently told for 7 years that water samples would not be useful, when clearly it was important enough for this question to appear in this legal document. My husband contacted Anatek Lab in Moscow, ID and arranged for testing to be run on the ditch water with samples taken just before it enters our pasture, just after it leaves our pasture, and just before the water enters the Palouse River 1.1 miles away. The samples were taken on 3/21/22 with results being available 3/28/22. The results and chain of command regarding the samples can be found attached to this document as **Exhibit J.**

26. Unlike what we have been told repeatedly by the DOE over the past 7 years, the results of the water testing turned out to be extraordinarily significant. The water running into the pasture tested at a Fecal Coliform level of 8 MPN/100 mL. At the exit of the pasture, the MPN rose slightly to 14. This is to be expected, as we have never denied that the horses do defecate in the pasture, along with birds, ducks, geese, deer, moose, coyote, raccoon, rabbit, field mice, and a plethora of other wildlife that are frequent pasture visitors. What is truly amazing is that the Fecal Coliform level, exiting our pasture at 14 MPN/100 mL, arrives at the Palouse River 1.1 miles away with a significantly elevated level of 94 MPN/100 mL. In our 0.43 mile long pasture

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the water picks up a mere 6 MPN/100 mL, and over the course of the 1.1 miles of grassy, woody, treed land untouched by livestock between our pasture and the Palouse River, the water picks up an additional 80 MPN/mL. It appears that our pasture, even with the two horses, is doing a much better job of preventing Fecal Coliform pollution than 1.1 miles of ideal livestock free, ideal riparian brushy, grassy, wooded landscape.

27. A visit to King County's Combined Sewer Overflow Control Program 2020 Annual CSO and Consent Decree Report from July 2021 reveals that the Elliott West Wet Weather Treatment Station, a combined overflow treatment facility combining storm drain and sewer drain overflow in King County, shows that the facility met their permitted Fecal Coliform limit with an average of 79.5 MPN/100mL. This major combined overflow treatment facility in a hugely populated area of Washington surrounded by a multitude of water bodies that could be affected by the treated water is permitted to run at a monthly average of 79.5 MPN/100 mL, with a high of 149 MPN/100 mL reached in December 2020. The water running though our pasture ditch picks up 6 MPN/100 mL, and exits our pasture at just 14 MPN/100 mL, and yet our horses are being considered a danger to the water. Once again, sound science is not being observed by the DOE, and at this point I regretfully do have to wonder if sound science is ignored if it does not meet a particular agenda.

Summary

28. For the past 7 years I have felt bullied by the DOE. I realize that is a strong word, but what I have experienced with the DOE since 2015 is nothing short of bullying. By definition a bully seeks to harm, coerce, or intimidate a person who is vulnerable. The DOE has been granted a significant amount of power, and in my case has used that power to "make an example" of my family, to use Mr. Hummell's own words. Vague language in RCW 90.48.080 allows for the DOE to use "determination of the department" to decide what constitutes

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pollution without concrete proof of said pollution. RCW 90.48.120 states that the DOE can step in aggressively "whenever, in the **opinion** of the department, any person shall violate or creates a substantial potential to violate the provisions of this chapter or RCW chapter 90.56." Using RCW 90.48 the DOE can impose enforcement and penalties for non-compliance" based solely on opinion. The DOE by law does not have to prove my horses guilty of "substantial potential to pollute." The DOE doesn't even have to tell me what qualifies as "substantial." They refuse to listen to me when I tell them about all of the changes we have made in the pasture since 2015, and they ignore my requests for more information, and actual technical assistance. They have attempted many times to coerce me into blind compliance without compromise by dangling the promise of financial assistance in front of me, which I have repeatedly told them that I am not interested in. The DOE is unwilling to help me find a way to maintain the health of my animals, the health of my pasture, and the health of the drainage ditch all at the same time. My horses and I are essentially guilty until proven innocent. There is no gray area, and no consideration for the difference between a large cattle feedlot with young animals susceptible to diseases located along a river, and two older family pet horses in a pasture with a field drainage ditch that is dry 9 months of the year and located 1.1 miles away from the nearest body of water. There is no burden of scientific proof, and the opinion of the DOE drives their determination. They are firm in their conviction that they will be right and they will win, and I am vulnerable in the face of their tactics.

29. All I ask for, and have been asking for over the last 7 years, is for the DOE to work with myself and my family to find a compromise, realizing that every case is unique, and not every situation produces "substantial probability to pollute." If we are forced to fence off the drainage ditch the way the DOE is currently mandating, our pasture space will be reduced from just over 8 acres to to just over 3 acres, reducing the space available for grazing and exercise

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by more than half, and creating a hazardous narrow channel that could result in entrapment and/or entanglement of the animals in the fencing. This is easily observed by studying the two pasture area maps attached as **Exhibit I**. These maps show the pasture space as it is now, and approximately what the pasture space would look like if we were to add 35 foot buffer fences on each side of the field drainage ditch. The DOE is attempting to force a huge decrease in quality of life on two horses without due scientific diligence in researching the unique individual case. They are using stale facts and hastily googled information to form opinions and make decisions that have a very real impact on people and animals.

30. I have thoughts and ideas about how myself and the DOE could compromise to satisfy the needs of both parties, but the DOE has refused to hear me. I am thankful for the opportunity to voice those thoughts here, where perhaps they might make a difference. Ideally I would like to work with the DOE and the PCD to keep the two horses away from the drainage ditch as much as reasonably possible during the months of January, February, and March, when the field runoff is at its highest. I would like the horses to have access to the entirety of their pasture during the remaining months of the year, as little to no runoff occurs during those times. We have already made many impactful changes in our pasture care that have worked to maintain animal health and environmental health. Steve Hummell said he wanted to "make an example of us because we are visible." Instead of being an unyielding entity seeking to make an example out of how power can be used to force compliance, perhaps the DOE can consider using our case as an example of the sentiment expressed in the "Meet Our Director" section of the Washington State Department of Ecology's website:

31. "Laura Watson listens. She listens to Washingtonians who, like her, love this state and want to see its beauty and its future preserved. She listens to tribes and communities of color and others who are disproportionately affected by the harmful effects of pollution. She listens to business owners, farmers, city

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dwellers, and rural residents alike. She listens with an open mind, and she's committed to continuing the agency's legacy of building strong relationships. First, she looks for common ground. She'll seek to transform debate into discussion, to mediate rather than escalate. Laura is open not just to hearing all sides, but to empathizing with divergent viewpoints. With her background in philosophy, women's studies and law, she's well situated to understand all sides, and to know where and when compromise is possible."

32. According to Laura Watson, discussion is encouraged, empathy is a valuable trait, mediation is preferable to escalation, and compromise is possible. None of this can happen if the DOE resorts to bullying tactics and punishment for the sake of example setting. All I'm asking for is the compromise and consideration that the DOE claims to provide.

33. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

SIGNED at Connell, Washington this 21 day of March, 2022.

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