

Open Record Public Hearing
6 July, 2017
Yakima, WA

Re: CUP2016-00019/SEP2016-007 Fyrlan Ranch Feedlot

Attached Documentation -

Letter from David Strausz, dated 8 May, 2017 - Comments protesting proposed MDNS determination, including the following attachments:

- 1) - David Strausz letter, dated 19 April, 2016 - Comments on CUP2016-00019/SEP2016-00007
- 2) - David Strausz letter, dated 26 August, 2015 - Comments on EIS Determination of Significance, CUP2015-00036/SEP2015-00015
- 3) - David Strausz letter, dated 3 June, 2015 - Comments on CUP2015-00036/SEP2015-00015

Testimony of David Strausz -

We have lived for almost 40 years in a house located within a half mile of the proposed location of this cattle Concentrated Animal Feeding Operation. Since this proposed project came to our attention two years ago we have raised objections to granting a conditional use permit for this property on the grounds that it would have a large immediate, detrimental and long lasting impact on the environment, both natural and social, to people and properties in the vicinity.

The concerns that we have communicated to the county Planning Department since the inception of this proposal include the following:

- Ground and surface water contamination
- Ground water depletion
- Habitat destruction
- Odor
- Dust
- Noise
- Flies
- Light pollution
- Biosecurity (spread of disease)
- Fire hazard

I don't have time at this hearing to cover in detail all of these objections. For that I am providing copies of our detailed comments submitted over the last two years, which I would like to have entered into the record as part of my testimony.

One of the greatest immediate concerns is with threats to water quality. The proposed development of this land would generate amounts of animal waste that could not be dealt with on site. If not removed continually it would create a hazard of ground and surface water contamination that would affect all neighboring properties. The applicant's previous proposal to spread much of the waste on the adjacent land, planted to dry land grain, is totally inadequate to accommodate the amounts reasonably expected to be generated. This property has an extremely dry microclimate that can not reasonably accommodate grain crops, as demonstrated by the lack of development in the last 150 years. This area is also subject to heavy thunderstorm events that could overwhelm the proposed mitigation efforts,

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spreading waste beyond the property boundaries. In addition, there is much concern that waste and leachate from stockpiled manure and feed can seep into the sandy soil of this property, threatening contamination of subsurface water. One huge concern is the existence of hundreds of dead cattle having been already buried on this property by the applicant over the last year. These are located in a drainage bottom that could be expected to lead to contamination of ground and surface water.

The threat of ground water depletion is raised by the amount of water that will be withdrawn to support this operation. The applicant's assertion of 25000 gallons withdrawal per day seems to be insufficient for the large number of animals likely to be in the CAFO, which is not clearly stated, but will be several thousand at least. It is concerning that applicant is now proposing to withdraw from the local shallow aquifer, which is the domestic water source for all surrounding residences.

Habitat destruction has unfortunately already occurred, prior to any permitting received by the applicant. The site of this proposed CAFO has been dry land sage steppe, which had existed for generations in a near natural state, having been used only for seasonal grazing, primarily by sheep, which was very compatible with sustaining a typical sage steppe environment. It lies at the base of the Horse Heaven Hills, just above the Sunnyside Valley Irrigation District Mabton canal, the demarcation between irrigated land to the north and the dry desert. Immediately upon acquiring the property two years ago, applicant mowed all of the vegetation down to the ground on the entire property, destroying the habitat that had been sustainably maintained for the previous 100 years. Current activity on the property, including the aforementioned dead animal burial, and stockpiling of manure from feedlots, with its associated truck and equipment traffic, is further destroying the delicate cryptogamic desert soil crust which takes years to regenerate. As has been demonstrated over and over in this delicate desert environment, when it is disturbed by cultivation, fire, or development, natural flora is replaced by invasive Russian thistle and cheat grass, increasing fire danger and distributing these weed species to neighboring properties, in addition to the loss of natural habitat.

Habitat is a legacy to posterity, which we as a society have a responsibility to protect. Commercial land development is not inherently incompatible with responsible environmental stewardship, but if the full, true costs are properly borne by the developers, it may be that some development is not economically feasible. This project is in that category.

I would particularly like to express our strong disagreement with the County's Final Mitigated Determination of Non Significance for this proposal. The many concerns that we and others have expressed make a strong case for the requirement of a full Environmental Impact Statement to fully expose the many areas in which this project will adversely affect the environment, including, where possible, detailed and credible mitigation proposals. The Final MDNS action by the county only vaguely addresses the concerns we have raised. If this Conditional Use Permit is granted, with no more detailed mitigations required than are listed in the Final MDNS, I fear that neighbors and citizens of Yakima County will be left to absorb the adverse continual impacts of this project.

In addition, the inadequacy of these proposed mitigations, which rely over much on the voluntary and good faith compliance of this particular applicant, with a long history of regulatory and good practice violations in his other business locations, is already being demonstrated on this site, before any permit has been granted, by the applicant's recent history of habitat destruction, animal disposal, manure stockpiling and increased truck and equipment traffic which is of immediate concern to neighboring property owners.

I thank you for the opportunity to present this testimony, and trust that you will weigh this and other evidence to come to a decision that is in the best long term interests of all the citizens of Yakima County.

8 May, 2017

Dinah Reed, Senior Project Planner
Yakima County Planning Division
120 N. 2nd St.
Yakima, WA 98901

Re: Proposed MDNS - Case No. - CUP2016-00019/SEP2016-00007

Att:

- 1) – David Strausz letter, dated 19 April, 2016 – Comments on CUP2016-00019/SEP2016-00007
- 2) – David Strausz letter, dated 26 August, 2015 – Comments on EIS Determination of Significance, CUP2015-00036/SEP2015-00015
- 3) – David Strausz letter, dated 3 June, 2015 – Comments on CUP2015-00036/SEP2015-00015

Dear Ms. Reed:

We are writing in response to the recently received Preliminary Threshold Determination - Mitigated Determination of Non-Significance for CUP16-19/SEP16-7 dated 25 April, 2017.

We oppose in the strongest way the MDNS designation as proposed. While we have not had time due to the short notice received to study any of the county's documentation in support of this proposal, the mitigation proposed falls very short of providing assurance that any of the concerns which we have previously expressed about likely negative impacts of this project will be alleviated. We point out that the original CUP15-36/SEP15-15 for this proposed CAFO received a Determination of Significance requiring an EIS. Applicant's response was to file a new CUP/SEP making only cosmetic and incremental changes which we strongly feel do not materially change the probable environmental impacts of this project and should therefore still require a full EIS.

One of the primary concerns regards probable impacts to ground and surface water contamination and depletion. Of course a Nutrient Management Plan, per Mitigation Measure A1, should be required for any CAFO of this nature. Our concerns are mainly due to 1) the inability of any economically feasible practices to mitigate the likely effects and 2) the documented history of this operator over the last 10 years of flagrant disregard for compliance with regulations.

All of the mitigation measures proposed are merely a listing of what should be best practices for all CAFO operations. A major theme of our objections is that we feel that this project site in particular is so unsuited to the proposed CAFO project as to require extraordinary mitigation in order to reliably insure against permanent and egregious damage to neighbors and the environment generally.

As we have pointed out to the county previously, the operator has been, and continues, using the proposed site property for massive dead cow disposal and stockpiling of raw manure, apparently without any permitting or regulatory oversight. The dead cow necropolis now contains many hundreds of dead cows. The operation is now storing a second year's worth of manure from his Highway 22 dairy, a process that has littered the hauling route with manure, which as it dries is being kicked as dust into the air.

Last week the lower valley experienced severe thunderstorm activity, in which several local weather sites recorded very heavy and concentrated precipitation rates. This created mud flows and flash floods in a location only a few miles from the proposed CUP site that deposited a foot of mud in areas and washed out sections of a county road. This is one of the dangers that we have previously pointed out that could easily overload any measures to keep manure and contamination on the proposed site.

We feel that the serious consequences to residents of Yakima County means that the County would be negligent to not require a public hearing for the presentation of evidence by all interested parties before acting to approve this CUP request. We therefore strongly request such a hearing.

Attached are copies of the comments submitted by us over the last two years addressing in detail our concerns about this proposed CAFD. These concerns have not been sufficiently addressed in this time, and certainly are not alleviated by the insufficient measures outlined in the proposed MDNS.

Sincerely,

David A. Strausz

Suzanne J. Strausz

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Attachment 1)

19 April, 2016

Byron Gutz, Senior Project Planner
Dinah Reed, Senior Project Planner
Yakima County Planning Division
128 N. 2nd St.
Yakima, WA 98901

Re: Case No. - CUP2016-00019/SEP2016-00007

Att:

- 1) – David Strausz letter, dated 3 June, 2015 – Comments on CUP2015-00036/SEP2015-00015
- 2) – David Strausz letter, dated 26 August, 2015 – Comments on EIS Determination of Significance, CUP2015-00036/SEP2015-00015

Dear Mr. Gutz and Ms. Reed:

We have just become aware of the new Conditional Use Permit application filed by FRH Enterprises/Windmill Estates for a Confined Animal Feeding Operation development in our neighborhood. We reside on parcel 23080844003, which is about a quarter of a mile downwind from the proposed feed lot site.

As Byron is aware, we have already submitted comments on this applicant's prior CUP and SEP (CUP2015-00036/SEP2015-00015). This new CUP does not significantly change the concerns originally raised about expected detrimental environmental and economic impacts to ourselves and our property from this proposed development. Therefore we are attaching to this document copies of our prior comments to insure that these are entered into the record for this current CUP application.

It seems the main differences in the new CUP are that applicant has made the curral footprint slightly smaller and moved it somewhat to the East. This actually locates it even closer to our property than previously. In addition, the number of cattle involved appears to be lower than previously, although the actual numbers seem to be contradictory and unclear, as was also the case in the original CUP. As to the water source(s), applicant now appears to propose most withdrawals from two existing residential wells in the shallowest local aquifer, rather than from the deeper wells the applicant drilled last year. This actually is even more immediately alarming to us, as this is the actual aquifer that we use for domestic water on our property, so not only do we have serious concerns about contamination of this aquifer, but now also about depletion and overwithdrawal.

As a summary, these are the items of concern that we feel would be likely detrimental effects of this proposed development. These are essentially the same items we listed in objection to the previous CUP. The detailed comments in Attachment 1) are submitted as still relevant to these concerns.

- Ground and surface water contamination
- Ground water depletion
- Habitat destruction

- Odor
- Dust
- Noise
- Flies
- Light pollution
- Biosecurity (spread of disease)
- Fire hazard

We are now even more concerned about water contamination in light of observed activity recently on the site of the proposed development. Applicant has disposed of a large amount of dead cows by dumping the bodies into an excavated trench in the bottom of a drainage gully on the property. In addition, applicant is currently piling manure on an unprepared location on site. This manure appears to be coming from stockpiled manure in corrals on his Highway 22 dairy. A rough calculation would indicate that if all stockpiled manure from this dairy is moved to the site this would be over 10,000 tons. The existence of this much manure lying directly on the unprepared ground could be disastrous in the case of a thunderstorm upslope, which could wash a considerable amount of waste down into adjacent properties and into the Sunnyside Mabton Lateral Canal. Storm drainage is a continuous and real hazard as evidenced by a very local storm on the ridge above our property observed last summer. We have photographs of damage caused by a large sheet of water that came down a gully upslope of our property, washing into and eroding the bank of the SVID canal. In rebuttal to applicant's claim in the CUP application that most storm water is locally absorbed in the soil column, this storm exhibited the more typical desert deluge behavior, where in large rate of rainfall events, as soon as the dry soil is saturated at the surface, the rest of the precipitation runs immediately downslope, concentrating in existing drainages.

The current manure hauling is taking place over a route that is not mentioned in the CUP proposal, which indicates that all commercial traffic to the site will be from the Glade Road access that applicant has already built. This winter the applicant built a very large bridge over the SVID Mabton Canal at parcel number 23080834003. In addition, he has graveled and graded an access road connecting this bridge north to Rusk Road. This is the route that at least 5 trucks are currently using to access the manure dump location from the Highway 22 dairy. This route, as demonstrated right now, has negative impacts on neighboring properties as to dust, noise, possible contamination, and considerable increase in wear and maintenance costs to the county on Rusk Road.

We are also very concerned about imminent irreversible habitat destruction. While we understand that in this county habitat not explicitly protected by the state or federal government is pretty much a subordinate concern to nearly any proposed agricultural land use we feel it would be a shame if this land, which has existed for over a hundred years as part of a large block of diminishing shrub steppe habitat, were to be lost forever. It has already taken a big hit from applicant's mowing of all the existing shrub coverage last year. If applicant continues with his plan of planting dry land wheat on the property, all of the land that is cultivated will pretty much be lost as habitat. Cultivation will destroy the cryptogamic crust developed in this soil over hundreds of years and expose the underlying sandy soil to erosion and colonization by Russian thistle and other non native invasive weeds. It would probably take several human lifetimes for the shrub steppe to recover from this injury. This would also immediately contribute to further nuisance to all surrounding land owners, beyond the habitat loss. Applicant's contention that dry land wheat would be a viable crop is untenable, given the extremely dry microclimate of this location.

Attachment 2)

26 August, 2015

Noelle Madera
Senior Project Planner
Yakima County Planning Division
128 N. 2nd St.
Yakima, WA 98901

Attachment – initial comments, in response to original SEPA

Re: Case No. - CUP2015-00036/SEP2015-00015

We are gratified that the above land use application (Windmill Farms proposed Mabson CAFO) has received a Determination of Significance from the county, requiring a full Environmental Impact Statement. We are writing to make known our strong desire that the scope of the EIS include the many issues that we and others have raised as probable impacts of this project.

I believe the concerns that we raised in our initial comments on the applicant's proposal (attached) are adequately delineated in that document. We do wish to reiterate and summarize what we feel are the most immediate and important concerns, which absolutely need to be addressed in detail in the EIS. These can be categorized as habitat destruction, ground and surface water impacts, and air quality.

Habitat destruction is an issue for posterity. Any further degradation of remaining sage steppe habitat is an irreplaceable loss to everyone. This particular land has been sustainably maintained for generations by previous property owners and lessees. It is hard to imagine how the proposed project would not destroy essentially all of the habitat on this site, particularly as the applicant has indicated an intention to cultivate ground not occupied by the feed lot itself. We understand that current agency options for protecting this land as habitat are limited, but at the least, the EIS should clearly state the probable consequences.

Ground and surface water impacts are of immediate concern to neighboring property owners. With the interconnected nature of all the local aquifers, certainly all in the first 1000 feet below the surface from which the project proposes withdrawal, it would be expected that the large amount of water this project will require might cause depletion beyond local recharge rates, resulting in depressed water table depths, requiring nearby domestic well users to have to drill expensive deeper wells. The local aquifer is already experiencing stress for existing withdrawals due to current and probable continued future drought conditions locally and in the Yakima basin in general. A new withdrawal of the magnitude necessary to support this CAFO proposal will certainly exacerbate this environmental stress. In addition, the danger of uncontrolled surface waste contamination degrading the aquifer must be addressed. The EIS must realistically and accurately address water use and waste generation, including management and mitigation of all deleterious consequences. We are not encouraged by the original SEPA's rather cavalier and inadequate coverage of these issues. The size of this proposed CAFO, which would seem to indicate a cow population of possibly 40,000 at full operation, will require mitigation of appropriate scale.

The immense size of this CAFO would also indicate probable air quality issues, both from odor and dust, that would be very hard to mitigate. We already have several dairies and other CAFO operations in our immediate area, which, while of smaller scale, still subject neighboring properties to offensive air quality. Our daughter lives in a community about 2 miles downwind of an existing Veldhuis dairy, and periodically experiences odor and dust from this operation. While for the most part this dairy seems to be maintained under current regulatory best practices, when wind, temperature and humidity conspire to move effluent into the air and off of the property, it is very difficult to control. It would be expected that the much larger size of the proposed CAFO would indicate proportionately more difficulty in controlling emissions.

We hope and expect that the scope of the EIS submitted by the applicant will address these issues, and ALL of the issues raised by us and other interested parties, and provide sufficient credible data and proposed mitigation for the true impacts of this proposal to be clear. It is our belief that the probable impacts of this proposed CAFO on this site will be extremely difficult or impossible to mitigate without such expense as to make the proposal economically unviable. Particularly when unmitigated costs that would be born by surrounding properties are taken into account, it will be difficult to justify approving the implementation of this project.

It is important to emphasize that any ultimate approval of this project, based on the applicant's agreement to any EIS indicated mitigation, needs to weigh the existing poor track record of this particular applicant (Jacob Veldhuis) in operating existing dairy operations. We are aware of records of multiple violations and complaints over the last ten years involving operations owned by the applicant. These complaints include improper animal carcass disposal, leachate and animal waste incursion into public and neighboring properties and drainage systems, over application of waste on crop land, etc. The proposed CAFO would require diligent and expensive management to prevent the types of adverse effects likely to be experienced by neighboring property owners, if prevention is even possible at all.

We await the completion of the EIS for review by all interested parties. We strongly reiterate that the EIS should address all of the substantial environmental impacts of concern as expressed by us and other interested parties. We feel strongly that the size and location of this proposed CAFO will lead to negative impacts upon the environment, the quality of life for neighboring property owners, and devaluation of neighboring properties, plus put at risk the dwindling and fragile groundwater resource shared by many in this area. We expect that these impacts will be clearly exposed in a comprehensive and credible Environment Impact Statement.

Thank you very much for your diligent attention to this issue.

David Strausz
Suzanne Strausz

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Attachment 3)

3 June, 2015

Noelle Madera
Senior Project Planner
Yakima County Planning Division
128 N. 2nd St.
Yakima, WA 98901

Re: Case No. - CUP2015-00036/SEP2015-00015

We are writing to submit formal comments regarding this proposed Concentrated Animal Feeding Operation project proposal, which we strongly oppose as having extremely detrimental effects on neighboring property. We are the owners of residential and undeveloped native habitat property located within a ¼ mile downwind of the proposed CAFO, parcels 23080843002 and 23080844003. These comments are being prepared under an extreme time constraint, as we had no notice from the county as to this proposed project, and only recently became aware of it. Therefore, we strongly request as a minimum a 30 day extension of the comment period, as we will need more time to raise in detail objections, based on research and survey, to the many problematic aspects of this proposal.

In the meantime, there would be certain deleterious effects of this proposed project which would obviously impact neighboring property owners, most of which are addressed, if at all, totally inadequately in the project SEPA Environmental Review. The probable impacts, which certainly extend well beyond the boundaries of the project site include -

- Odor
- Dust
- Ground and surface water contamination
- Ground water depletion
- Habitat destruction
- Noise
- Flies
- Light pollution
- Biosecurity (spread of disease)
- Fire hazard

These are all common problems associated with CAFO operations, and are all aggravated by the particular characteristics and environment of the proposed site. These problems increase exponentially with the size and concentration of the operation. Many can be mitigated by costly practices, but we see no indication that this is the intent of the project developer.

Rather than answer each point in the SEPA questionnaire that seems to be inadequately or incorrectly covered, if addressed at all, we will attempt to summarize some of the major discrepancies that contribute to our serious concern about the above impacts.

The proposed site has been dry land sage steppe, with fairly low rolling hills, intersected by numerous drainage channels. It is at the foot of several square miles of fairly steep topography that drains through the site. Since this property is dry, with no irrigation rights, and has a very dry local microclimate it has remained for over a hundred years with mostly native vegetation cover and has not been previously cultivated. It is not undeveloped for agricultural use, however, having been used for generations for seasonal grazing that has maintained essentially the native habitat in a sustainable manner. We have observed that attempts at cultivation of similar ground in this area has inevitably led to the replacement of native plants by invasive species (cheat grass and russian thistle) accompanied by much wind erosion. The site, while usually very dry, experiences periodic flooding events, caused by thunderstorms and rapid snow melt. Having lived here for over 30 years, we have experienced several severe flood events. Any of these events would be expected to carry contaminated water from the proposed site to other surrounding properties as the flood water makes its way into the existing drainage downstream of the site. The developer's proposed mitigation to divert around or capture all of this water seems totally infeasible with the small size of the proposed storage lagoon. In fact, calculation would indicate that just the drainage off of just the site itself of a 1" rain, even if it could be entirely contained, would overwhelm the proposed 1,000,000 gallon lagoon several times over.

A large concern is the amount of waste that would be generated on the site. This would be a combination of animal wastes generated in the pens, feed storage leachate, waste stockpiled or stored, etc. Keeping all of this waste, which would include any storm water that crossed the site, which would itself become contaminated, from leaving the site would seem to be impossible given the plan presented. The amount of waste generated may be considerable. While the numbers of cattle proposed to be housed at this site are conspicuously not addressed in any of the permit documentation, simple extrapolation from the proposed size and layout of the pens (starting with 6000 nursery hutches) leads to numbers as high as several tens of thousands. If so, these numbers would indicate that the mitigation proposed by the applicant is insufficient by orders of magnitude. The completely inadequate waste storage lagoon has already been mentioned; this could not reasonably be expected to store indefinitely the amount of waste produced by this many animals. There is no conceivable way that this amount of waste could be spread on the site property, even if it was to be able to be cropped (highly dubious due to the dry microclimate). The only alternative is to haul the waste away and find sufficient cropland to spread it on, which, of course can only be done during the normal growing season, and the animals will produce waste all year long. The inevitable concentration of wastes will also make odor and dust control extremely costly and difficult, if not impossible. In addition, such a high concentration of wastes containing biological contaminants leads to likelihood of groundwater contamination, through leaching directly through the highly permeable soil profile both on site and from surface water runoff to other areas.

The amount of water that will be necessary to support this proposed use is not adequately addressed, other than to claim that wells on site will draw approximately 50000 gal/day (per Narrative). This figure is unbelievably low. Even for 25000 cattle, that would be only 2 gallons per cow per day. That would not even be sufficient for drinking water, and does not consider the water that will be needed for dust abatement, cooling and other uses. The amount of water actually extracted will impact the above waste concerns, as it will clearly not all be consumed or evaporated, but will contribute to the waste stream. This also directly impacts the potential for ground water depletion beyond natural recharge rates which could have negative impacts on surrounding domestic wells. It is very important to address the current hydrologic groundwater profiles and dynamics in the entire area to fully assess potential negative impacts on existing wells; this does not seem to have been addressed at all in the SEPA filing.

One disturbing consequence of the proposed development is the total destruction of the native habitat on the site as described in the SEPA declaration. This will remove a large block of what has been for generations a continuous area of sage steppe habitat that approximates the native environment that predates agricultural development in the area. This will put additional pressure on an existing ecosystem that includes birds, mammals, reptiles and the complex desert food web that supports it. Known species that will be affected include numerous raptors, such as hawks, burrowing and other owls, deer, coyotes, badgers, and various smaller mammals.

A particularly dangerous concern is the increased risk of wildfire that may result from operational activity and storage of combustible feed. Besides the obvious destruction of vegetation, causing loss of habitat and exposing the soil to erosion, wildfire in this area can easily spread to adjacent properties and threaten residences and other structures. This concern was not addressed at all in the proposal. At the very least this threat needs to be mitigated by providing on site water and other means of suppressing fires. This should also require annexation into a fire district so that the property can contribute to additional fire fighting costs.

We realize that we have not been able in this short letter to fully address the many concerns raised by the presentation of this proposed project. However, we hope that we have been able to communicate the sense that the SEPA filing made by the applicant has completely failed to address the many concerns that we are raising. The document presents figures that are inconsistent, demonstrably wrong and does not even address many obvious negative environmental impacts. We believe that there is ample reason for the Planning Division to deny this project application outright. Failing in that, we certainly feel that all concerned and affected parties should be given the opportunity to more fully present their case for denial by extending the comment period for at least 30 days and granting a full hearing where more detailed evidence can be presented. In the meantime, the project applicant appears to be proceeding with development of the proposed site, even as the permitting process has hardly begun. Many acres of vegetation have already been destroyed, a well is being drilled, and it appears road construction has been started. It seems to us that this should be prevented until, and if, such time as the project is actually approved.

There is no doubt that if this project is constructed and becomes operational the impact on the quality of life for those of us living on properties in the area will be immediately and negatively impacted. In addition, there will certainly be an immediate market devaluation of all of our properties which will amount to considerable financial loss.

Thank you for your attention to this matter,

David Strausz
Suzanne Strausz

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