

Jacob Clay

NOV 19 2018

**From:** Gardipe, Jamie C (DOH) <jamie.gardipe@doh.wa.gov> Matt Don Lynn  
**Sent:** Monday, November 19, 2018 1:22 PM Harold Lisa Carmen  
**To:** Jacob Clay; Byron Gumz  
**Cc:** Andres Cervantes; Mallery, Scott (DOH); Joe Stump; Johnson, Deborah L (DOH)  
**Subject:** Yakima County CUP2018-00099/SEP2018-00047 - Comments

Good afternoon,

DOH Office of Drinking Water has reviewed the above proposal for the FRH Enterprises CAFO and dairy and has the following comments:

- The proposed project may require the approval of a new Group A public water system, specifically a nontransient, noncommunity (NTNC) system.
  - An NTNC water system is a system that serves 25 or more of the same people per day for 180 or more days per year. The proposed operation will have 35-40 employees, 15 per shift at an assumed 2 shifts per day.
- New Group A NTNC water systems are required to have the following in accordance with WAC 246-290 (including, but not limited to):
  - An approved Small Water System Management Program.
  - A Satellite Management Agency.
  - Source approval, including well site inspection and capacity analysis.

I would recommend the applicant contact Andy Cervantes, the DOH Regional Engineer for Yakima County at 509.329.2120 or [Andres.Cervantes@DOH.WA.GOV](mailto:Andres.Cervantes@DOH.WA.GOV), at their earliest convenience to discuss DOH requirements.

Regards,

**Jamie Gardipe**  
Regional Planner  
Office of Drinking Water  
Environmental Public Health  
Washington State Department of Health  
[jamie.gardipe@doh.wa.gov](mailto:jamie.gardipe@doh.wa.gov)  
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Gender Pronouns: She/Her





STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

CUP18-099  
Public Services (x)

NOV 16 2018

Matt \_\_\_ Don \_\_\_ Lynn \_\_\_  
Harold \_\_\_ Lisa \_\_\_ Carmen \_\_\_

November 16, 2018

Jacob Clay  
Yakima County Planning Division  
128 North 2nd Street  
4<sup>th</sup> Floor Courthouse  
Yakima, WA 98901

Re: CUP2018-00099, SEP2018-00047

Dear Jacob Clay:

Thank you for opportunity to comment on the pre-threshold determination for the Sage Brush Ranch development of a new concentrated animal feeding operation and dairy. This project is proposed by FRH Enterprises, LLC. We have reviewed the environmental checklist and have the following comment.

#### WATER QUALITY

##### Total Maximum Daily Load

The proposed project is in the lower Yakima River watershed, which has a Total Maximum Daily Load (TMDL) water quality improvement program addressing water quality impairments for suspended sediment and turbidity. The maps attached to the SEPA application identify at least two seasonal streams that run directly through the project area. Washington State water quality standards include coverage for seasonal streams; therefore, the proposed project will need to protect the streams on and near the project site from degradation. Project planning, development, and use of the site should include water quality protection. Please contact **Jane Creech** (509) 454-7860 or email [jton461@ecy.wa.gov](mailto:jton461@ecy.wa.gov), if you have questions about this TMDL program.

##### Project with Potential to Discharge Off-Site

If your project anticipates disturbing ground with the potential for stormwater discharge off-site, the NPDES Construction Stormwater General Permit is recommended. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit may take 38-60 days.

The permit requires that a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) shall be prepared and implemented for all permitted construction sites. These control



Jacob Clay  
November 16, 2018  
Page 2

measures must be able to prevent soil from being carried into surface water and storm drains by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading, or construction.

In the event that an unpermitted Stormwater discharge does occur off-site, it is a violation of Chapter 90.48 RCW, Water Pollution Control and is subject to enforcement action.

More information on the stormwater program may be found on Ecology's stormwater website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>. Please submit an application or contact **Lloyd Stevens, Jr.** at the Dept. of Ecology, (509) 574-3991, with questions about this permit.

#### WATER RESOURCES

The narrative provided is consistent with Ecology's understanding that the project is a consolidation of existing facilities. It is also our understanding that the existing facilities will be abandoned after the consolidation and any new uses proposed on those parcels would be evaluated as necessary. With the consolidation, there are no expected new net impacts to the Wanapum formation, and the proponent should continue to avoid new impacts.

If you have any questions or would like to respond to these Water Resources comments, please contact **Jolee Ramos** at (509) 454-4173 or email at [jolee.ramos@ecy.wa.gov](mailto:jolee.ramos@ecy.wa.gov).

Sincerely,



Gwen Clear  
Environmental Review Coordinator  
Central Regional Office  
(509) 575-2012  
[crosepacoordinator@ecy.wa.gov](mailto:crosepacoordinator@ecy.wa.gov)

201806206

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PUBLIC SERVICES

NOV 20 2018

Matt \_\_\_ Don \_\_\_ Lynn \_\_\_  
Harold \_\_\_ Lisa \_\_\_ Carmen \_\_\_

November 20, 2018

Mr. Jacob Clay, Project Manager  
Yakima County Public Services  
128 N. 2<sup>nd</sup> Street  
Yakima, WA 98101

Re: CUP2018-00099/SEPT2018-00047  
Proposed FRH New Dairy, East off Glade Road, Mabton, WA  
Comments Re: Establishing the Environmental Threshold Determination

Dear Mr. Clay,

Please consider this document a preliminary, very brief comment on the above captioned Planning Department review of the FRH proposal to construct a new dairy primarily on parcels 220813-11001, 230818-22001 and 230818-21001. I have reviewed the packet submitted by B-7 Engineering on behalf of the applicant FRH Enterprises LLC and would offer the following very brief and limited comments on this proposed project.

1. The motivation for this new build is to replace two older facilities purchased in the Grandview area several years ago and update/modernize. These facilities were old, poorly maintained and deplorable as CAFO facilities, so this is a positive move in the big picture.
2. I motivated the prior owner of parcel 220813-1101 to sell this parcel to FRH Enterprises, LLC for the express purpose of facilitating this relocation in conjunction with the FRH acquisition of adjoining parcels. The intent and understanding at the time is that the buyer, FRH would locate the dairy on the SOUTH end of this parcel. Please see attached Exhibit "A" a color print from Google Earth marking the proposed vs appropriate location for the dairy facility. The current proposal is as close as possible to the City of Mabton and remaining on parcels owned by FRH. Applicant points out that there are 4 other large dairy CAFO's within 3 miles, without mentioning that they own and operate one of them (former Hansen Dairy at Fisher Road and Highway 22). There is a compounding component of adding additional large CAFO facilities near the approximately 3,500 residents in and around Mabton. It would be far better from a good neighbor perspective to locate the dairy (cows) and the manure storage as far from this population as possible. Equal access to Power (runs down Glade Road) and pavement (Glade Road) and just a little further to pump water from the two new wells installed about 3 years ago near the calf facility also under construction by FRH just to the east.



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3. The storage of liquid and solid manure is a threat to the health of the adjoining (just road width away) calf rearing facility of Steve and Heidi Van Boven, which has been in operation for almost 20 years. Calves in the dairy operation are removed from the mother cow, who then goes into the milking herd as a fresh lactation within hours of birth. The calves then get a milk replacement product that is nutritious but lacks the immune system protections natural feeding provides. The specific location of the manure, liquid and wet/dry solids represents a direct threat to the health and wellbeing of several thousand calves on this adjoining operation, which is also directly downwind. As you know this area is wide open and near the Satus pass, and subject to rather frequent strong wind events. This is unacceptable; the Van Boven facility is long established, well operated and has no defense against the transmission of insect vectors and bacterial/viral diseases to their naturally susceptible calves. There is a wealth of appropriate land available far to the south where this part of the operation could be safely, and appropriately sited. This also serves the strong local interest of removing the odor and insect vector issues to a remote area with no nearby or downwind housing.
4. I have grave concerns about undisclosed design elements of the proposed project as it relates to the protection of the environment. When FRH purchased the old Hansen dairy at Fisher Rd and Highway 22, they used the engineering services of B-7, specifically Tim Bardall. Mr. Bardall is a professional engineer, knowledgeable about dairy construction and has worked with me on other dairy projects in the area. He is aware of and normally designs to the key NRCS Standards, here the 313 Standard is applicable. Yet the enlarged, new pond installed less than 10 years ago on this old Hansen place lacked the standard, required venting system. When the liner leaked, and organic laden water under the liner allowed natural microbial respiration. This caused a lot of gas generation, and the liner ballooned up (we call it a "whale" event) indicating the failure. Please see attached Exhibit "B" an aerial photo of one of these liner failure events on the FRH facility just under 3 miles to the East. Currently FRH is emptying out this basin so it will have to be relined in an effective and compliant manner with NRCS 313 Standard. Yakima County should require Mr. Bardall, of B-7 on behalf of FRH to design and insure the new proposed dairy liquid storage basin meets this minimum standard. Given the applicants prior history of shoddy construction and operational practices, we need Yakima County to insure the minimum Industry standards are met on this new project. I have no preference between a compacted clay, single or double synthetic liner, but I think it is critical that the permit for this facility require a PE certified one to NRCS and WSDA current standards.
5. In this environmental review and permitting process there is a unique opportunity for Yakima County, on behalf of all citizens, to solve a long-standing problem issue with this ownership on adjacent lands directly associated with this proposed dairy construction. The County understands FRH has been dumping very large numbers of dead cows and calves in shallow pits just to the SE of this proposed project location. Please see attached aerial photo I took, Exhibit "C" showing one of these pit locations. Close examination with a magnifying glass will reveal that on the upper RH part of the pit are well over 100 bovine carcasses, just dumped and not yet dozed into the shallow earthen pits prepared. I estimate based on my personal observations there are over 1,500 cow carcasses in an area the size of about 1 acre! This is a violation of existing statutes which only allow a SINGLE carcass per hole, and do not contemplate mass shallow graves as has been the practice of FRH on this site for the past 4 years. Take this opportunity to solve this problem, which represents a disease threat to the neighboring cows, and over time is a direct threat to the housing cluster just across the SVID canal to the north. As a 5+ year member of the Lower Yakima GWMA GWAC, I have studied the groundwater flows (data from two private hydrogeologists and USGS) which are strongly South to North at this

- location. Simply prohibit the dumping and mass shallow graves, and instead permit only WSDA approved composting/recycling of carcasses or rendering plant pick up.
6. Water is the single most essential required ingredient to develop and operate a modern dairy facility. Shortly after acquiring this property in 2014, FRH drilled two wells on one of the parcels (see site diagram). Only one well would have been enough to service the currently under construction calf facility on this same general site, so it appears that FRH intended to very early on do additional development on this site. This should have been disclosed to Yakima County and the public at the time of that SEPA process as clearly these facilities are linked. As briefly noted in #5 above, the hydrogeography of this site is characterized by several different aquifers at different depths. The two wells drilled by FRH are in a relatively shallow aquifer which flows largely South to North, away from the Horse Heaven Hills and towards the Yakima River to the North. This same shallow aquifer supplies almost 20 private residences and businesses located just a half mile to the north of the FRH parcel where their new wells are located. Dairy, like all livestock operations, are entitled by law to unlimited water under Washington law. However, first in time is first in right, and if operations of these wells impair any of these pre-existing water users, they have the right to limit or stop FRH from using these wells as their exempt supply points. I suggest that Yakima County made conditional their permit for this facility on this basic impairment standard; if anyone with a documented prior use loses water, FRH will have to reduce or stop water withdrawal from these relatively shallow wells, and drill down deeper to a different aquifer, casing out upper water to alleviate the impairment.
  7. Roads are another issue of concern in this case. When FRH presented their calf facility development to Yakima County Planning, they stated unequivocally that access would be from the West, on a gravel road of about 7,800' or almost 1.5 miles to Glade Road. Instead, after boldly laying out this whopper in writing to the public and Yakima County, they proceeded to acquire a ROW, build a new large two-lane concrete bridge across the Mabton lateral SVID canal, and travel from their FRH dairy at Fisher Road and Highway 22 by way of Rusk road. As Yakima County is aware, Rusk road is only a gravel road, and has very limited maintenance from the County Road department and was never intended for large volumes of heavy truck and farming vehicle traffic. Yet FRH developed its own road, built a bridge and acquired a ROW all constituting a substantial deviation from their written plan approved by Yakima County after review AFTER getting approval for use of the Glade Road entrance. This is an example of the very disturbing bait and switch pattern of behavior which causes me to question everything FRH does on this and all their other sites. People are either good for their word or they are not. History has shown that this operator cannot be trusted. What assurances in the form of compliance will Yakima County employ to hold FRH to its final approved plan and operations on this site?
  8. The plan calls for the animal waste to be generated on site to be "disbursed" on the remaining dryland parcels owned by FHR on this site. The Merriman-Webster definition of "disbursed" is as follows: "the act or result of disbursing; especially the act or process of disbursing organisms from one area to another". Of course, there are many organisms associated with manure, only a handful of which could do any potential harm. However, it is the environmental consequence of nutrient loading and both surface and groundwater quality that are really at issue here. If Yakima County allows this part of the plan to go forward, then they are endorsing an explicit violation of the NRCS 590 Nutrient Standard, a copy of which is attached as Exhibit "D". A clear and close reading of this NRCS document clearly shows that the dryland, shrub-steppe habitat is NOT an approved site for application of animal nutrients. Nutrients can only be applied on a "put and take" basis; i.e. there needs to be a crop present which can take up and removed from the ground these applied nutrients. Otherwise they will accumulate quickly, leading to

contamination of surface runoff water and groundwater over time. In addition, FRH as it's first step on acquiring this land was to use a large tractor and mower to remove all native growth, especially sage and rabbit brush, on more than twice the acreage required for the calf operation. (See WDFW report) They are required to as an off set then preserve on at least a 2:1 basis all disturbed acres. Applying manure to sagebrush is not compliant with this obligation, in addition to being a bad land practice and in violation of the NRCS 590 standard. Since I was a member of the technical sub committee formed by NRCS to write this standard, I am most familiar with it. The fact that the written application by FRH would propose to "disperse" the liquid and dry manure on the remaining dryland areas of their parcels is both shocking and reprehensible. I would ask that Yakima County deal directly with this issue by flatly prohibiting such a proposed practice. FRH has a long and sordid history of bad land application practices, in fact in my direct observation they are the single worst operator in Yakima County. Attached as Exhibit "E" is an aerial photo I took in February of 2017 of an FRH field just off High School Road, just about a mile East of Mabton. As you can see, FRH is applying liquid manure on top of a 2' compressed ice and snowpack. This is generally a PROHIBITED practice, and for very good reason; high likelihood of runoff when the snow melts. In this case the runoff went down the barrow ditch towards the Byron Ponds WDFW Wildlife area (second such violation, first on this field was in May, 2015). FRH had called WSDA's dairy division and declared (falsely) that they were in danger of overtopping their liquid storage and were thus given a limited permission to as an emergency basis only make this application. Close examination, however, will reveal the three ponds stretched out left to right near the top of the photo are either empty (large, long one) or mostly empty. There was no emergency, they obtained this waiver from WDFW by FRAUD. Yakima County needs to be fully aware and informed of the basic inability or desire to comply with basic environmental rules and regulations. A review by Yakima County of the enforcement files at WSDA and WA DOE will further enlighten you on the long history present with this applicant and the multiple violations well documented, most of them appear to be repeat and deliberate violations.

9. Runoff planning is inadequate based on my 20-year history working to provide technical support for four adjoining landowners to this site. A great example of this was the May 2015 storm event. In a 24-hour period this specific location received 1.75" of rainfall, a record. The Western Regional Climate Center lists a 25-year storm event for this area at 1.25", and this is the design parameter used by NRCS and Laurie Crowe of SYCD in sizing liquid manure storage basins. Based on this 2015 extreme event, and the current location of the dairy at the extreme downslope of this long property at the base of the Horse Heaven Hills, and I am certain that total storage capacity currently configured is but a small fraction of that required. Any contaminated water leaving this property is going to go north, towards town, and other properties not owned, leased or controlled by FRH. As a great example look at the existing Van Boven calf ranch, any such runoff would first cross onto their property, and bring with it a deadly biological potential for disease in the vulnerable calf herd they manage. I urge Yakima County to instruct B-7 engineer on this project for FRH to reconsider and recalculate their base design for liquid storage. As previously mentioned, removal from the current planned location to a location to the South up on the bench, and not at the end of several type V streams which are very active with seasonal runoff would be a very wise and neighbor friendly way to construct and operate this dairy for the next 50 years. Right now, before the first soil is moved, when there is a clean sheet of paper, this is the time to make that change.

I appreciate the opportunity to provide just a limited comment in this scoping period, which I hope will enable Yakima County Planners significant reasons to require the highest level of review allowable under the SEPA statute. As I stated at the beginning of this comment, I am not opposed, but in fact support the general concept of building a new, modern dairy within the current footprint of FRH land ownership at this location. But the current draft plan has many significant – and one deal breaker of a problem: it's placed on the wrong part of these parcels, and as a result is likely to become more than a problem neighbor, but rather a threat to the environment, and existing local residences and businesses. This project can be, with appropriate changes, an asset to the local community, instead of a constant threat to the area community. While I am skeptical, based on history the operator will voluntarily make design and operational changes, it is my hope that the planning process and additional detailed comment can turn this around.

Thank you for the opportunity to provide limited input on this proposed project. Please put me on the notification list for the full comment period, and appeal if applicable.

Yours Very Truly,

A handwritten signature in black ink, appearing to read "Stuart A. Turner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Stuart A. Turner  
**Turner & Co., Inc.**



# FRH Dairy Proposal

Write a description for your map.

Ex. "A"

Legend  
Location

Proposed FRH Location

Appropriate Dairy Location

Google Earth

© 2018 Google

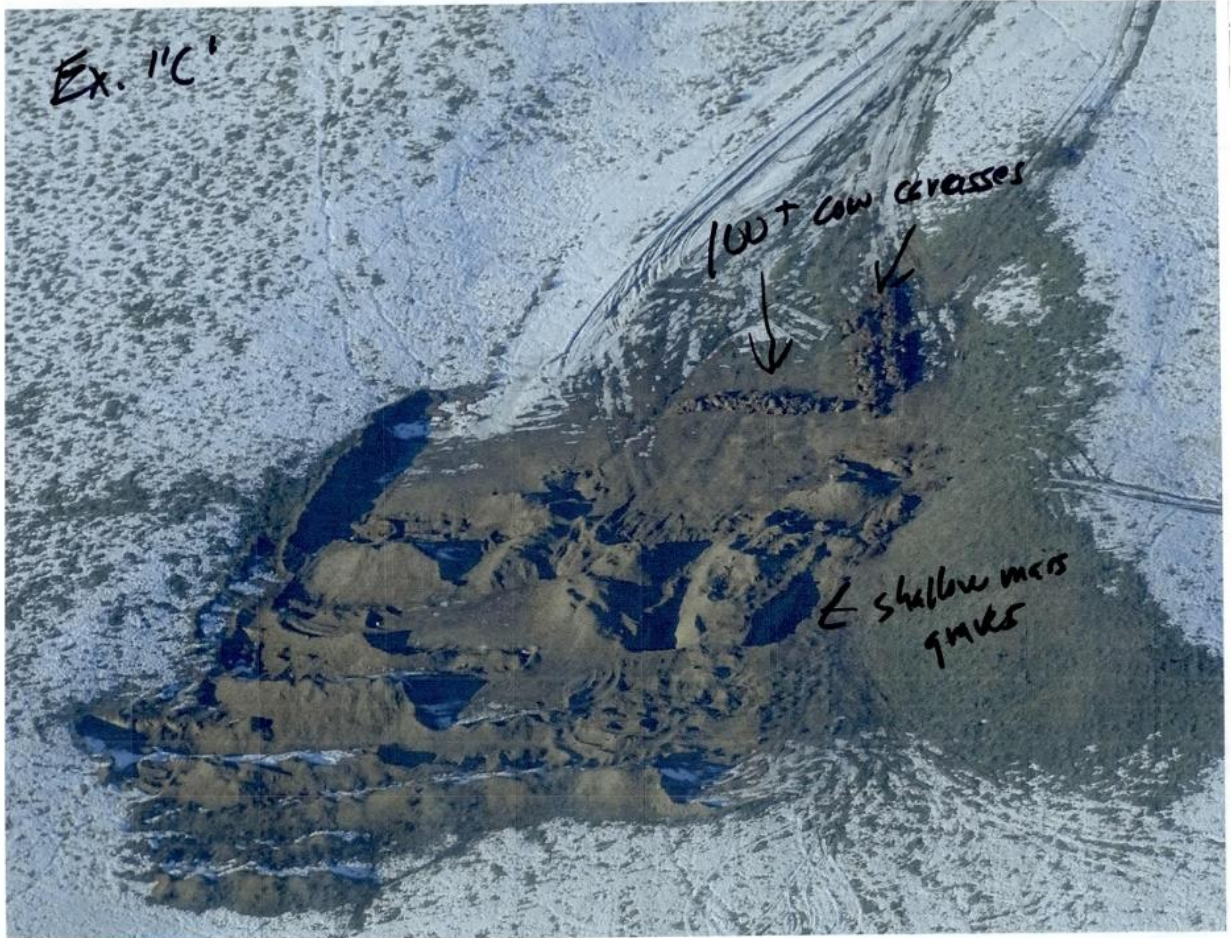
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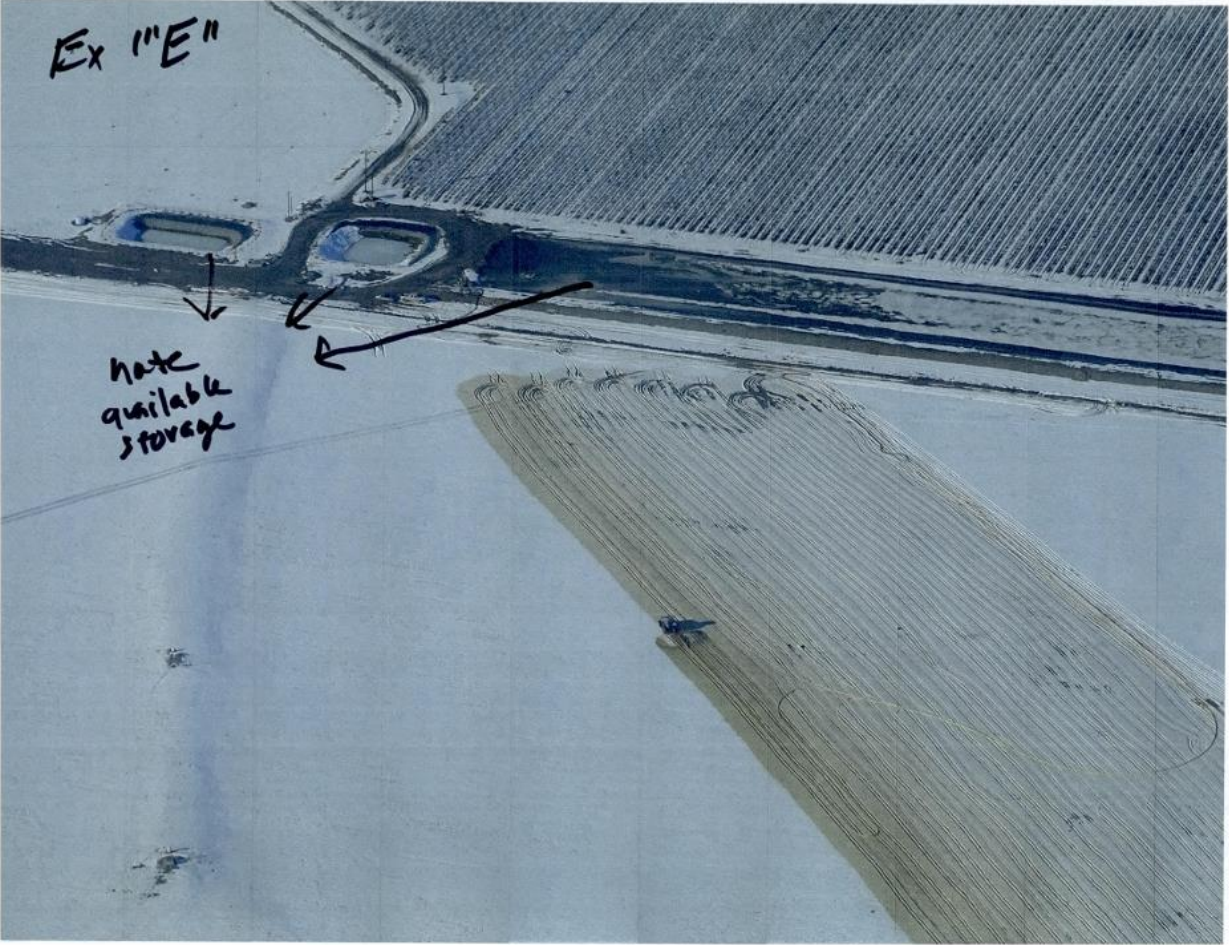




Gas  
Bubbles below liner  
indicate poor design/install  
of liner

Ex. 15





CUP18-099  
Public Services (PL)

18 November, 2018

Byron Gumz  
Senior Project Planner  
Yakima County Planning Division  
128 N. 2<sup>nd</sup> St.  
Yakima, WA 98901

NOV 19 2018  
Matt \_\_\_ Don \_\_\_ Lynn \_\_\_  
Harold \_\_\_ Lisa \_\_\_ Carmen \_\_\_

Attachment: Letter dated 3 June, 2015, Re: Case No. - CUP2015-00036/SEP2015-00015

Re: Case No. - CUP2018-00099/SEP2018-00047

Dear Mr. Gumz:

We are writing this letter to submit comments regarding this proposed CAFO operation. We are owners and residents of the following parcels, located to the east of the proposed dairy: 23080843002, 23080844003, 23080844002 and 230808841401.

All of the concerns that we previously noted concerning the now under construction CAFO in nearly the same location (CUP2015-00036/SEP2015-00015) certainly apply to this current CUP application, with the added concern of possible larger scale. Therefore, we are attaching the letter dated 3 June, 2015, to reiterate those concerns.

We would like to emphasize the following items of extreme concern that we feel would likely be detrimentally impacted by this project, causing harm particularly to neighboring properties:

- Water – both depletion and contamination
- Air quality – particulate and volatile dispersion
- Light pollution
- Fire hazard
- Habitat destruction

Water depletion is a big concern, as two of the wells listed for possible use draw from the shallow aquifer that the entire neighborhood uses for domestic water. Similarly, drawing from either the Saddle Mountain or Wanapum aquifer should be of concern to the city of Mabton, which already has municipal water problems. The requirement to draw from the Grande Ronde aquifer could mitigate this, but must be strictly mandated and monitored as part of the CUP, if granted. As to contamination, the amount of waste, feed leachate and contaminated cleaning water generated by the possible number of cows (secret under RCW 42.56.610! but as indicated by the size of the proposal to be likely at least 5000) will require extremely serious monitoring to remove any danger of either surface or groundwater contamination. We are skeptical of applicant's assurance that even a 25 year storm runoff event could be contained. We have witnessed several very severe thunderstorms locally in the last few years that have resulted in flash flooding of the drainage channels like the one immediately to the east of the proposed site. In addition, mitigation of contamination risks would require the timely removal of waste, treated and untreated, in a sustainable way, which would mean that available agricultural land for safe disposal must be identified. Applicant's proposal to dispose of waste by spreading on adjacent dry land is completely unreasonable; no conceivable crop will grow in this desert climate that would support utilization of nutrients in the quantities produced by this dairy. Any consideration of granting this CUP must include a reasonable, scientific evaluation of applicant's Dairy Nutrient Management Plan (again secret, to the public), with strong safeguards to insure strict compliance.

Air quality is always a concern with large CAFO operations. Living in the country, we certainly do not object to limited "farm" smells, but the concentration involved in CAFO operations presents a challenge to keep emissions below health and quality of life threatening thresholds. Applicant is currently composting dry manure from his Highway 22 dairy in the same location where the new dairy is proposed. This composting location is very close to our residence (Strausz) and for the last year has been commendably and responsibly conducted as to limit objectionable smells or dust. We would be concerned that this operation which will presumably continue and be expanded by the addition of the new dairy's production continue in a sustainable way without being overwhelmed by the extra manure. This would have to include monitoring to insure no contamination is occurring, either through surface by wind or storm water, or through leaching into the soil profile.

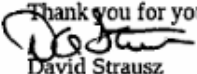
Any CUP must insure that any lighting is truly designed to not impact either skyward or lateral trespass. The egregious violation of this standard at applicant's Highway 22 dairy should not be repeated in this project.

As we confront certain increasing wildfire exposure in this area due to increased hotter and dryer seasons, we need assurance that increased activity in this extremely dry location will not increase the risk of wildfire ignition, which would directly threaten our properties, which are located to the lee of the proposed dairy in prevailing winds.

To address habitat destruction may seem a little late in light of applicant's destruction of much of the sage-steppe vegetation immediately after acquiring the land proposed for this dairy. However, the destruction is still not as severe as it would be if the land is cultivated or leveled. As a matter of public concern, both as to quality for current residents and to maintain stewardship of the land for future generations, any CPU should insure mitigation to the extent possible of any further habitat degradation. At the very minimum, as suggested by WA Dept. of Fish and Wildlife, applicant should be required to grant conservation easements at at least a 2:1 ratio for the habitat destroyed. More would be better, we suggest a ratio of at least 4:1, and it must be contiguous to existing habitat.

It certainly would be preferable if this project CPU were not granted; increase of the density of existing CAFO's in our area cannot have a beneficial effect on our property values and quality of life. At the very least we strongly suggest to the county that a full Environmental Impact Statement be required to address the possible and likely negative impacts this project would have, and produce more details for required mitigation than provided in applicant's SEPA application. In addition, it has been our experience that in this county dairy operators in general and this applicant in particular often fall between the regulatory cracks between agencies (county health and air quality, state department of agriculture) with apparently conflicting or overlapping mandates, making compliance with regulations and standards sometimes problematic. This applicant in particular has a history of violations that would indicate extraordinary oversight must be mandated. For this reason, any CPU granted must contain very clear responsibility for monitoring and addressing compliance with existing regulation and mitigation mandates of the CPU.

Thank you for your consideration of our concerns.

  
David Strausz  
Suzanne Strausz

  
722 S Phillips Rd., Mabton, WA 98935

strausz@bentonrea.com

  
Marilee Harris

720 S Phillips Rd., Mabton WA 98935

3 June, 2015

Noelle Madera  
Senior Project Planner  
Yakima County Planning Division  
128 N. 2<sup>nd</sup> 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 ½ 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 hosted 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

722 South Phillips Road  
Mabton, WA 98935  
strausz@bentonrea.com



November 9, 2018

Yakima County Planning Division  
128 North 2<sup>nd</sup> Street  
4<sup>th</sup> Floor Courthouse  
Yakima, WA 98901

Public Services (P)  
NOV 15 2018  
Matt \_\_\_ Don \_\_\_ Lynn \_\_\_  
Harold \_\_\_ Lisa \_\_\_ Carmen \_\_\_

RE: Subject: **CUP2018-00099/SEP2018-00047 – FRH Enterprises Concentrated  
Animal Feeding Operation**  
Applicant: **B7 Engineering on behalf of FRH Enterprises, LLC**  
Tax Parcel: **220813-11001, 230818-12001, 230818-21001, 230818-22001**

To whom it may concern:

This office has reviewed the proposed project. Sunnyside Valley Irrigation District (SVID) has the following comments:

- The proposed project falls outside of the boundaries of SVID.

Thank you for the opportunity to comment on this proposed project. If you have any questions please contact Diane Weber at (509) 837-6980 or [weberd@SVID.org](mailto:weberd@SVID.org).

Sincerely,  
  
Dave Bos  
Assistant Manager – Operations





## Division Comments

### [CUP2018-00099](#)

| DATE       | STATUS ▲ | TASK                    | ACTION BY NAME FML# | STATUS                   | COMMENTS   |
|------------|----------|-------------------------|---------------------|--------------------------|--|
| 9/18/2018  |          | Intake                  | Julia H Loudon      | Routed to Admin          |  |
| 9/18/2018  |          | Intake                  | Eva Rivera          | Routed for Scanning      | Routed for Scanning -ER  |
| 9/19/2018  |          | Assign Planner          | Jason W Earles      | Assigned                 |  |
| 9/19/2018  |          | Intake                  | Bridget Pechtel     | Routed for Review        |  |
| 9/19/2018  |          | Intake                  | Dulce Johnson       | Routed to File Prep      |  |
| 9/20/2018  |          | Transportation Review   | Jase K Testerman    | Complete w/Conditions    | (Per title 10.08.020 and 19.10.040 (3)) The applicant shall obtain a Road Approach Permit (RAP) from the Yakima County Transportation Division for the new and existing unrecorded/permitted accesses to the county roadway system. The fact that the road approach application is in conjunction with a CUP must be disclosed by the applicant at the time of application. No future build permits will be issued without the completion and approval of a Road Approach Permit.  |
| 9/20/2018  |          | Address Review          | Jase K Testerman    | Comments Not Required    |  |
| 9/25/2018  |          | Code Enforcement Review | Janna C Jackson     | Comments Not Required    |  |
| 9/26/2018  |          | Fire Review             | Chris M Pedersen    | Comments Not Required    |  |
| 9/27/2018  |          | Long Range Review       | Noelle Madera       | Comments Not Required    |  |
| 10/1/2018  |          | Health Review           | Ted J Silvestri     | Complete                 | If this project involves restrooms, there be a permitted septic system for that. YHD has no objections to this project moving forward.   |
| 10/11/2018 |          | Current Planning Review | Jacob X Clay        | Incomplete               | Site plan needs parking location, define parking (one app says 32 spaces another says 40 spaces), parcel number is missing from general app  |
| 10/12/2018 |          | Environmental Review    | Byron J Gumz        | Complete w/Conditions    | Project is being reviewed under SEP18-047  |
| 10/13/2018 |          | Utility Review          | Joe E Stump         | Comments Not Required    |  |
| 10/16/2018 |          | Technical Review        | Jacob X Clay        | Notice of Incompleteness |  |
| 10/22/2018 |          | Technical Review        | Jacob X Clay        | Information Received     |  |
| 10/29/2018 |          | Water Resources Review  | Dianna L Woods      | Complete w/Conditions    | Approval of a Stormwater Plan by Yakima County Public Services is required prior to issuance of the building permit or land disturbance. Stormwater must be retained on site. Natural drainageways must not be altered or impeded. Upland drainage must be conveyed through the property in accordance with criteria found at YCC 12.10.250. Please provide a copy of the NMP to the County as well as the "global dispersion plan" including the dairy if it is a separate document. The stormwater plan will include track out controls especially to prevent any accumulation of waste in |

[CUP2018-00099](#)

| DATE STATUS ▲ | TASK                    | ACTION BY NAME FML# | STATUS                 | COMMENTS  |
|---------------|-------------------------|---------------------|------------------------|---|
|               |                         |                     |                        | the ford area. Christensen Rd was not included as an access for the new calf yard. Track out prevention will also apply to Christensen Rd and the bridge over the canal if this access route is approved. Please ensure the stormwater plan documentation includes the location(s) and operations for any waste composting, including deceased livestock. Contact Dianna Woods at (509) 574-2300 for any questions about stormwater requirements or natural drainageways. Regional stormwater manuals and a stormwater checklist are located on the County web site, <a href="http://www.co.yakima.wa.us/1732/Stormwater-Management">http://www.co.yakima.wa.us/1732/Stormwater-Management</a> . A Washington State Department of Ecology Construction Stormwater Permit will likely be required. Contact Joel Freudenthal at (509) 574-2300 for any questions about the documentation requirements for water rights and water transfers for the dairy. |
| 11/1/2018     | Current Planning Review | Jacob X Clay        | Complete w/Conditions  |   |
| 11/5/2018     | Technical Review        | Jacob X Clay        | Notice of Application  |   |
| 11/5/2018     | Technical Review        | Jacob X Clay        | Notice of Completeness |   |
| 11/5/2018     | Technical Review        | Jacob X Clay        | Legal Notice           |   |