



*Friends of Tappanish Creek*

January 27, 2021

Carol Smith, PhD  
Executive Director  
WA State Conservation Commission  
PO Box 47721  
Olympia, WA 98504-7721

Dear Dr. Smith:

This is a formal complaint. The South Yakima Conservation District (SYCD) has misled and failed constituents. The WA State Conservation Commission (WSCC) has failed to protect us by inadequately reviewing the SYCD programs as required by RCW 89.08.070 (1) (b).

Water quality in the Lower Yakima Valley (LYV) is declining. The most recent study in the LYV found that 45% of 30 monitoring wells had nitrate levels above the safety standard of 10 mg/L.<sup>1</sup> Nitrate levels from wells on a cluster of LYV dairies have reached as high as 234 mg/L, among the highest in the nation.<sup>2</sup> The Yakima River in the LYV is on the state's 303 (d) list of impaired waters and has been for some time.<sup>3</sup>

The South Yakima Conservation District (SYCD) is the lead entity to manage the Lower Yakima County's Voluntary Stewardship Program (VSP).<sup>4</sup> The WA State Dept of Ecology tells us that the SYCD is the lead entity for implementation of a Groundwater Management Area

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1. Lower Yakima Valley Groundwater Management Area (2019) *Ambient Monitoring Initial Report*. Available at [Slide 1 \(yakimacounty.us\)](https://www.yakimacounty.us/Slide%201)

2. Environmental Protection Agency Region X (2014) *Fact Sheet: Yakima Dairies Consent Order Update 2014*. Figure 2 Available at [Yakima Dairies Consent Order Update - December 2014 \(epa.gov\)](https://www.epa.gov/yakima-dairies-consent-order-update-december-2014)

3. WA State Dept of Ecology (2020) *Current Water Quality Assessment Yakima River*. Available at [Approved Search Results \(wa.gov\)](https://www.ecy.wa.gov/Programs/WaterQuality/Pages/Approved-Search-Results.aspx)

4. Yakima County Voluntary Stewardship Program (2017) *Yakima County VSP Work Plan*. Available at [1 Yakima Compiled Work Plan 2017 1030 \(yakimacounty.us\)](https://www.yakimacounty.us/1030)

(GWMA) Program, designed to address LYV groundwater pollution.<sup>6,7</sup> In January of 2020 David Bowen, Water Quality Program Section Manager for the Department of Ecology in the Central Regional Office, stated in sworn testimony<sup>8</sup>:

*Upon completion (of the GWMA deliberations), Yakima County withdrew as the lead agency, citing that other agencies had more appropriate expertise. Therefore, in Ecology's certification letter, Ecology required the Executive Committee to identify a new lead agency for implementation of the Program. Ecology also required submission of a detailed implementation schedule and directed the Committee to explore options for providing immediate assistance to individuals with wells where nitrate levels are high. The South Yakima Conservation District volunteered to be the lead agency for implementation.*

Nevertheless, a review of meeting summaries for the SYCD Board of Directors reveals no discussion of the GWMA Program and no SYCD board approval for assuming this role.<sup>9</sup> <sup>19</sup> The SYCD website says that Yakima County is the lead agency for the GWMA.<sup>20</sup> Rodney Heit from SYCD says that he knows little about the GWMA Program. Mr. Heit is one of two SYCD employees. The other employee is a clerk.<sup>21</sup>

It is physically impossible for one man to perform all the duties in the SYCD work plan and act as lead for the LYV VSP and lead for the LYV GWMA. Stating that the SYCD will perform these actions misleads the public and fails the environment.

We enumerate other SYCD shortcomings here:

- SYCD has asked Yakima County to remove citizens from the LYV GWMA Advisory Committee.<sup>22</sup>

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5. Attachment A Email from J.Mendoza to David Bowen and Laurie Crow

6. Attachment B Email from David Bowen to Jean Mendoza

7. Attachment C Email from Laurie Crowe to Jean Mendoza

8. Attachment D Declaration of David Bowen

9. – 19. Attachments E to N - Meeting Summaries for SYCD Board of Supervisors

20. South Yakima Conservation District (2021) *Education and Outreach – Groundwater Management Area*. Available at [Groundwater Management Area | South Yakima Conservation District \(sycd.us\)](https://www.sycd.us/groundwater-management-area)

21. Personal Communication Rodney Heit, November 2020

22. Attachment O Email from Crowe to Elliott

- SYCD has advised dairymen in the LYV that it is acceptable to compost manure on bare ground, even though the evidence shows serious leaching from these operations.<sup>23 -29</sup>
- SYCD spends over half of their time and resources assisting dairies while ignoring rivers and streams, riparian areas, buffer zones, and fish habitat.<sup>30</sup>
- SYCD does not adequately inform the public about elections to the Board of Supervisors. Consequently, the board is made up of a small group with narrow interests.<sup>31</sup>
  - In the past ten years, according to SYCD meeting summaries, there were real elections in 2010, 2012 and 2018. In the other years, supervisors were auto elected and reappointed.<sup>9 - 19</sup>
  - Chris Klebaum moved out of the area in early 2011 but he was reelected to the board of supervisors anyway. He attended no meetings after February 2011.<sup>10</sup>
  - For 2018 there is no documentation of election results in the SYCD board meeting summaries.<sup>18</sup> In May the Board of Supervisors said goodbye and thanks for service to Jon Nishi and Troy Schilperoort. There is no documentation of appointments to fill those position, but Jeff Geertsma and Ky Shinn appear on the list of supervisors at the June board meeting.<sup>18</sup> According to the WSCC records, Jeff Geertsma was the unofficial winner with 27 votes.<sup>32</sup>

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23. Attachment P Email from FOTC to WSCC

24. Attachment Q Email from WSCC to FOTC

25. Attachment R Soil Testing from Pens, Corrals and Compost Areas

26. Attachment S Soil Testing from Pens, Corrals and Compost Areas

27. Attachment T Soil Testing from Pens, Corrals and Compost Areas

28. Attachment U Soil Testing from Compost Areas DeRuyter & Son

29. Attachment V Soil Testing from Compost Areas Cow Palace

30. South Yakima Conservation District (2020) *SYCD 2021 Annual Plan of Work*. Available at [Session Design – Staff Retreat \(webflow.com\)](https://www.webflow.com)

31. Attachment W Email from SYCD to FOTC

32. Attachment X WSCC Elections – Staff Recommendations

Please tell us what more we must do to prove these allegations. Please provide us with the WSCC process for evaluating and addressing our complaint so we can proceed according to official protocols.

Sincerely,

A handwritten signature in blue ink that reads "Jean Mendoza". The signature is written in a cursive style with a large initial "J" and "M".

Jean Mendoza

Executive Director, Friends of Toppenish Creek

3142 Signal Peak Road  
White Swan, WA 98952

cc. South Yakima Conservation District

WA State Dept of Ecology

Yakima County Commissioners

Yakima Herald Republic