



March 15, 2021

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

Dear Dr. Smith:

Thank you for your letter dated February 19, 2021.

These are facts:

- The South Yakima Conservation has a staff of two, one administrator and one clerk.
- The SYCD administers the following programs:
 - Cost share programs for landowners to install eligible conservation projects
 - A Fire Recovery Program
 - An Irrigation Management Program
 - Development of Nutrient Management Programs for confined animal feeding operations (CAFOs)
 - A No-Till Drill Rental Program
 - The South Yakima County Voluntary Stewardship Program
 - Is the lead agency for the Lower Yakima Valley (LYV) Groundwater Management Program (GWMA) Implementation Committee
- Groundwater in the LYV is polluted. The most recent study of monitoring wells conducted by the LYV GWMA found that 45% of monitoring wells had nitrate levels above the safety standard of 10 mg/L
- There is no documentation in the 2019 SYCD board of supervisor meeting summaries authorizing the SYCD to take on the role of lead agency for the LYV GWMA

- According to SYCD administrator Rodney Heit, at the March 2021 meeting of the SYCD Board of Supervisors, the LYV GWMA Implementation Committee has not met since 2019

This is the law, RCW 89.08.070:

- In addition to the duties and powers hereinafter conferred upon the commission, it shall have the following duties and powers:

(1) To offer such assistance as may be appropriate to the supervisors of conservation districts organized under the provisions of chapter 184, Laws of 1973 1st ex. sess., in the carrying out of any of their powers and programs:

(b) To review district programs;

(d) To facilitate, promote, assist, harmonize, coordinate, and guide the resource conservation programs and activities of districts as they relate to other special purpose districts, counties, and other public agencies.

- In addition to the duties and powers hereinafter conferred upon the commission, it shall have the following duties and powers:

(3) To review agreements, or forms of agreements, proposed to be entered into by districts with other districts or with any state, federal, interstate, or other public or private agency, organization, or individual, and advise the districts concerning such agreements or forms of agreements.

- In addition to the duties and powers hereinafter conferred upon the commission, it shall have the following duties and powers:

(5) to review all budgets, administrative procedures and operations of such districts and advise the districts concerning their conformance with applicable laws and rules.

Conclusions:

The people of South Yakima County rely on WA State Agencies, including the WA State Conservation District and the WA State Dept. of Ecology, to protect public resources including the land, air, and water, as described in RCW 89.08. The WA State Conservation could legally do much more to assist/compel the SYCD to protect the LYV watershed.

It may seem to bureaucrats who are immersed in programs that the public is sufficiently informed and involved, but this is not true. Please, take a step back and look at the big picture. The agriculturally and ecologically significant LYV has a big problem with water quality. The

five people who supervise the agency that addresses this problem are ordinary people, volunteers without special training who meet once a month for up to two hours. They supervise one man. Twenty-five people voted at the last SYCD election. Meanwhile, water quality in the LYV is probably worsening, but we don't know for sure because the GWMA Implementation Committee and WA Ecology have not done the required water testing. How does this even come close to protecting the environment? If the WSCC and Ecology are acting in good faith, these agencies will do more than hide behind the "minimal requirements" in the law.

FOTC believes requiring public records requests in order to learn what authorities are doing is an abuse of power. But the public needs this information, and we will submit requests to learn more about the discussions that have already taken place. FOTC asks to be informed about future meetings and hopes that the agencies will abide by the WA Open Public Meetings Act. FOTC will cc this letter to elected officials and to the Governor, all of whom are mandated to see that the agencies do their jobs.

Sincerely,

Jean Mendoza
Executive Director, Friends of Toppenish Creek
3142 Signal Peak Road
White Swan, WA 98952

cc.

Senator Curtis King
Rep. Gina Mosbrucker
Rep. Chris Corry
Senator Jim Honeyford
Rep. Bruce Chandler
Rep. Jeremy Dufault
Laura Watson, Director WA Dept. of Ecology
Heather Bartlett, Deputy Director WA Dept. of Ecology
Jay Inslee, Governor State of Washington
Phil Rigdon, Yakama Nation
Rodney Heit, South Yakima Conservation District
Phil Ferolito, Yakima Herald Republic
Courtney Flatt, National Public Radio