



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

July 13, 2015

Tommy Carroll
Yakima County Public Services
Planning Division
128 N 2nd Street
Yakima, WA 98901

Re: CUP2015-00036/SEP2015-00015

Dear Mr. Carroll:

Thank you for the opportunity to comment on the pre-threshold determination for the Wind Mill Estates Mabton Feed Lot development on approximately 277 acres within the Agricultural zoning district. We have reviewed the environmental documents and have the following comment.

WATER RESOURCES

The estimated water use given in the Wind Mill Estates Mabton Feed Lot application of 50,000 gallons per day (gpd).

50,000 gpd equates to approximately:
35 gpm continuously (24/7)
0.15 acre feet (af) per day
56 acre feet per year (afy)

- Use may be higher than the estimate given above: If dust control exceeding 5,000 gallons per day is required, a temporary permit for beneficial use will be required.
- Use may be higher than the estimate given above: Application is not clear as to the expected number of cattle. Page 25 site Map suggests there will be 6000 calf hutches. The text does not appear to clearly state that 6000 head is the maximum number of cattle at full build out for the project. Please identify the maximum number of cattle the facility will serve to allow for estimation of likely water use needs.



- Water needs for 6000 animal units is estimated to require approximately 102 acre feet per year (State of Montana Water Conversion Table form No. 615 RO3/2012) and suggests that the estimate of water needed for the project is likely to be greater than the application estimate of 50,000 gpd (56 afy).
- Two Deep wells are proposed to provide project water:
 - Vertically, there are multiple aquifers in this area. Please identify approximate depth of proposed wells or the target aquifer for evaluation.
 - The closest Ecology (“deep”) monitoring well (SID 204119) completed in the Wanapum Formation aquifer shows 104 feet of decline over a 29 year period of record, a persistent average of approximately 3.6 ft/yr. If the proposed wells are constructed into the Wanapum aquifer, it will further contribute to the persistent state of decline in that aquifer.
 - The project’s capture of groundwater (shallow or deep) that would, in time, otherwise discharge to the Yakima River system affects and will impair water availability for existing Federal Yakima River Basin Water Enhancement Project (YRBWEP) rights, Time Immemorial Federal rights and State instream rights held in perpetuity, specifically:
 - 1994 Congressionally set flows imposed on the YRBWEP under Title 12.
 - Time Immemorial Rights recognized by the Court and administered by the United States Bureau of Reclamation (USBR) as recommended by the System Operation Advisory Committee (SOAC) on the Yakima River System.
 - Water Rights acquired by the State of Washington and held in trust for instream flow purposes on the Yakima River System.

Note: If the project is to go forward, main stem Yakima River mitigation for the above impacts would be required.

If you have any questions or would like to respond to these Water Resources comments, please contact Sage Park at (509) 454-7647 or sage.park@ecy.wa.gov.

WATER QUALITY

It is suggested that a Construction SW General Permit (CSWGP) be obtained and all necessary BMPs be followed during construction of the facility. The proponent is responsible for any

Mr. Carroll
July 13, 2015
Page 3

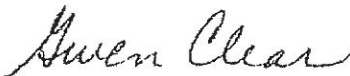
sediment, dust and other pollutants discharged from the site to surface water, ground water, the air or roadways by stormwater, wind or construction activities. All appropriate and necessary BMPs should be in place to prevent discharges during construction and during operation of the facility.

The SEPA indicates that a 1 million gallon lagoon will be built on site. State policy considers a double lined lagoon with functional leak detection to be necessary to assure that no discharge to ground water is occurring at the lagoon site.

Discharge of any pollutants to surface or ground water will require a permit issued by the Department of Ecology (Ecology). A discharge to surface or ground water without an appropriate permit may be considered by Ecology to be a violation of RCW 90.48.

If you have any questions or would like to respond to these Water Quality comments, please contact **Chris Coffin** at (509) 575-2821 or chris.coffin@ecy.wa.gov.

Sincerely,



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