



ATTACHMENT (2)  
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State of Washington  
**DEPARTMENT OF FISH AND WILDLIFE**  
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January 26, 2016

Byron J. Gumz  
Yakima County Public Services, Planning Division  
Senior Project Planner, Environmental and Natural Resources Section  
128 North Second Street  
Fourth Floor Courthouse  
Yakima, Washington 98901

Subject: WDFW Shrub-steppe habitat survey and potential mitigation options on Proposed Concentrated Animal Feeding Operation (CAFO) for Wind Mill Estates

Dear Mr. Gumz:

Below is a summary of the habitat assessment that I made of the proposed site in January 2016. This letter summarizes the steps that WDFW requests of the applicant going forward to meet for our shrub-steppe habitat concerns over the site.

**Background**

Washington Department of Fish and Wildlife (WDFW) originally commented on an EIS scoping in August 2015 for the proposed Wind Mill Estates Concentrated Animal Feeding Operation (CAFO) that we had habitat conversion concerns over the proposed project. Following those initial comments, WDFW has learned that the applicant has scaled back the proposal and has located all planned facilities to the northern edge of the site, reducing the sprawl of the footprint to the south towards existing unconverted shrub-steppe habitat.

The application has stated to WDFW that the current revised footprint of the proposed project is 40 acres. These 40 acres sits south of the Mabton West Lateral Canal and lies at the base of the Horse Heaven Hills southeast of Mabton. The entire 40 acres would be converted into developed area and result in loss of shrub-steppe habitat. The parcel is part of mapped priority shrub-steppe habitat shown on the WDFW Priority Habitats and Species (PHS) page: <http://wdfw.wa.gov/conservation/phs/>. A brief map showing the landscape and its mapping under PHS is included as an attachment to this letter. The landscape on which the site sits qualifies under the Yakima County Critical Areas Ordinance of:

**Upland Wildlife Habitat Conservation Areas (YCC Title 16C.11)**

Upland Wildlife Habitat Conservation Areas (UWHCA) are areas within the county where state or federally designated endangered, threatened, or sensitive species have a primary association. Developments proposed within UWHCA may require a habitat assessment if it is determined that the development proposal could impact the UWHCA. The County relies on existing large lot

zoning districts to protect existing blocks of upland habitat and keep human pressure on animals low. The County also relies on existing State and Federal wildlife habitat programs."

Though the department makes an attempt to map areas of important habitat and species associations through the WDFW PHS system, not all upland habitat areas of importance for connectivity or association with sensitive species are mapped. The county relies on WDFW habitat biologists to determine the value of the land in question and to make assessments of the habitat's worth.

I made a habitat assessment of the site in January 2016 through a site visit on January 15, 2016 and review of additional office resources including soil maps and historical aerial imagery of the site. This habitat assessment outlined below allowed WDFW to clarify our position regarding habitat concerns and potential steps for habitat mitigation.

#### Habitat Assessment of the Proposed Site

I toured the site on the afternoon of January 15<sup>th</sup> with the applicant and found that the sagebrush of the site had been mowed recently, either in 2014 or 2015. The habitat assessment was limited to the proposed footprint of the proposed development and a small (perhaps 100 yards) buffer around the west and south side of the proposed footprint. Thus, habitat quality had been reduced but the ground has not been plowed or converted. A few sagebrush plants were still growing though even these plants no longer had structural habitat value due to being mowed to near ground level.

Wildlife evidence was limited to fresh deer scat which was frequently noted on the parcel indicating that the land was still being used by mule deer. A few isolated burrows of small mammals were noted, but none appeared to be of the quality that Townsend's ground squirrel would likely use if they were present within the footprint of the site. Horned lark, a bird of the grassland and shrub-steppe environment was also noted on the site. This was not the time period (January) when most wildlife is active but did allow me to determine habitat potential of the site.

In conjunction with the site visit, landscape maps showing aerial imagery and soil maps were consulted. Soils listed in the USDA NRCS Soil Survey for the site are a series of silt loams that are well drained and listed as at least 80 inches to restrictive bedrock. During the site visit, some scattered rocks were found on the surface indicating that the soil depth may not be consistent across the entire site, but most of the site is deep soil shrub-steppe habitat. Aerial imagery from May of 2015 indicated that while the current site may be mowed, the area is still part of a larger intact habitat that is important to shrub-steppe wildlife species, and if left unconverted and without continued mowing the site has the potential to return to habitat that a suite of State Candidate wildlife species may use including but not limited to Black-tailed Jackrabbit, Townsend's Ground Squirrel, Burrowing Owl and Loggerhead Shrike. As referenced above, the habitat continues to be used by mule deer.

#### WDFW Requested Steps to Achieve Habitat Mitigation for the Site

While the site has been mowed, it has not been converted to developed ground and further development of the site would lead to a reduction of shrub-steppe habitat, in particular deep soil shrub-steppe habitat that is critical for many shrub-steppe wildlife species that currently are

candidates for listing due to declines in this habitat in the Columbia Basin. Thus to compensate for these habitat losses, WDFW typically requires habitat mitigation to ensure that the net amount of shrub-steppe is not lost in the area. Our agency standard for shrub-steppe has been a 2:1 ratio where the applicant is responsible for mitigating losses at 2 acres of comparable habitat for every 1 acre that is converted from shrub-steppe habitat.

WDFW is requesting this 2:1 ratio for habitat mitigation concerns for the proposed Windmill Estates project. Thus, under the proposed 40 acre footprint the habitat mitigation would be 80 acres of comparable deep soil shrub-steppe habitat. This ratio is deemed appropriate based upon the site potential if no further conversion or mowing of the habitat is conducted. Habitat mitigation can be accomplished in a number of ways including working with WDFW to purchase habitat of comparable or better value in the general area or if an appropriate option for conservation easement exists on the applicant's land that can also be a possibility. Typically habitat purchases or conservation easements are most desired adjoining to tracts of intact habitat and in particular public lands that are secured from habitat conversion where they can be used by wildlife in the greater landscape context. Conservation easements would likely require some habitat restoration if the targeted lands were also mowed and would likely include stipulations to manage the land against weeds and keep cattle grazing off of the habitat. There are parcels of Department of Natural Resource (DNR) land in the immediate area and joining habitat mitigation options directly adjacent to those lands would be a sound strategy.

The 2:1 ratio is a general guideline, and comes with some flexibility. If a conservation easement could be arranged along with habitat restoration, it is possible that a slightly lower ratio of 1.5:1 might be possible. Details will need to be worked out with WDFW staff if habitat mitigation is pursued for this project. WDFW does not believe there is a high likelihood of sensitive wildlife occupying the site in its current mowed condition and is not requiring a wildlife survey as requested in the original scoping comments dated August 2015. Provided that the applicant keeps the converted habitat to the currently proposed 40 acres, does not plan to convert additional habitat to further reduce the shrub-steppe habitat to the south and works with WDFW on habitat mitigation at the suggested ratios listed above, WDFW will not oppose the building of this project over habitat conversion issues.

These are the steps that will satisfy WDFW habitat concerns if the applicant and Yakima County planning division decide to proceed with development of the project. We look forward to working with the applicant on habitat mitigation for this project. If you have questions regarding any of the above comments, please contact me at 509-457-9307.

Sincerely,

  
Scott Downes  
Area Habitat Biologist

Cc: Brent Renfrow, WDFW  
Perry Harvester, WDFW