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*Reply to Yakima Office*

June 26, 2017

Yakima County Planning Division  
128 N. Second Street  
Fourth Floor Courthouse  
Yakima, WA 98901

Re: Fryslan Ranch: CUP2016-00019/SEP2016-007

Dear Hearing Examiner:

**Requested Action:** Fryslan Ranch respectfully requests Your Honor uphold Yakima County's SEPA Threshold Determination of Mitigated Determination of Non Significance (MDNS) and approve Fryslan Ranch's Conditional Use Permit (CUP2016-0019).

**A. Background**

Fryslan Ranch's proposed feedlot seeks to consolidate four of its Yakima Valley cattle operations onto 30 acres southeast of Mabton. This 30-acre operation is a small fraction of the total land owned by the Veldhuis entities in this Mabton location, which totals approximately 1,450 acres. Recognition of these two facts—consolidation of the existing new-born and elementary cattle raising operations and the limited operational footprint in light of the other owned land—is important when assessing the proposed feedlot and its impact.

Initially, Fryslan Ranch proposed a larger operation, CUP2015-0036/SEP2015-00015. That SEPA process spurred Fryslan Ranch to reduce the size of the proposed operation. In consultation with Tim Bardell (an engineer with B7 Engineering) and Kevin Freeman and Steve Hicks (respectively, a hydrogeologist and an engineer with Inland Earth Sciences LLC), Fryslan Ranch filed its General Application, Conditional Use Permit, Animal Feeding Operation form, Narrative, and SEPA Environmental Review Checklist. On April 25, 2017, Yakima County Public Services issued its Preliminary Threshold Determination: Mitigated Determination of Non-Significance (MDNS).

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Letters setting forth concerns for the MDNS determination and requesting a public hearing regarding the MDNS were received and considered by the County. In response, the County elevated the review of the MDNS to a Type 3 Review and set this hearing before Your Honor, but continued to determine that the project will not have a probable significant adverse impact on the environment, if the required mitigation is performed. A Final Threshold Determination - MDNS was issued.

Fryslan Ranch submits this letter and exhibits for Your Honor's consideration. Fryslan Ranch will participate in the hearing, represented by my colleague Brendan Monahan, and present testimony from the Veldhuises and their scientific and engineering professionals to address any remaining questions.

**B. Standards and Analysis of Facts**

After reviewing the information submitted by Fryslan Ranch and independently evaluating that information, Yakima County issued both a Preliminary and Final Threshold Determination of Mitigated Determination of Non-Significance, finding that the proposed feedlot is not likely to have a probable significant adverse environmental impact.

Your Honor is now asked to review that determination, the information previously submitted by Fryslan Ranch, the public letters, additionally submitted material, and the testimony at the hearing, to determine whether to approve the MDNS. Through your review, you will:<sup>1</sup>

1. Consider whether the project is consistent with Yakima County's comprehensive plans and development regulations;
2. Ensure accountability by local government to applicants and the public for requiring and implementing mitigation measures;
3. Consider the project's design;
4. Identify whether there are specific adverse environmental impacts of the proposal not previously analyzed; and
5. Address the details of the site plan, drainage, transportation demands, or other measures to avoid or otherwise mitigate the project's probable adverse environmental impacts, if any, through reasonable, necessary, and capable mitigation measures.

Here, the public letters do not identify any concerns that the project is not consistent with Yakima County's comprehensive plans and development regulations. The focus is instead on manure management, the use of groundwater, potential for surface water and groundwater contamination, vectors, odors, and transportation patterns. As is explained below and in the

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<sup>1</sup> Yakima County Code Chapter 16B.06 (Consistency Analysis and SEPA Integration).

attached exhibits, these concerns are addressed by the mitigation measures. The letters also assert unfair and incorrect allegations regarding the Veldhuis' compliance with environmental and regulatory requirements.

The purported concerns are addressed below.

#### Veldhuis Operations

Veldhuis operations are well run and responsive to complaints and challenges brought upon by Mother Nature. This is supported by the following state and county documents:

- Exhibit A: Yakima Regional Clean Air Authority's Air Quality and Best Management Practices inspection scoresheets for the last 14 months, establishing positive scores (90, 89, 88, and 90) for Veldhuis facilities.
- Exhibit B: The June 8, 2017 letter from the Washington State Department of Agriculture (WSDA), stating, "The Veldhuis farms' land application records indicate a good history of applying manure at or below agronomic rate," and "Much improvement has been observed and documented at your farms and you have been very good to work with." The letter summarizes the 14 complaints received by the WSDA as to Veldhuis operations from 2015 to the present. Eight of the complaints (or ERTs) were determined to be unfounded, 3 were immediately addressed by the Veldhuis farms, 1 was referred to the Yakima Health District, 1 resulted in a warning, and 1 resulted in a notice of correction. The one ERT referred to the Yakima Health District, involved a complaint about disposal of cattle mortalities and was determined to be unfounded (Exhibit C).<sup>2</sup>
- Exhibits D and E: The February 16, 2017 WSDA Inspection Report reflects that the Veldhuis operations proactively communicate with the appropriate state agencies. This winter, as Your Honor is familiar, the Yakima Valley experienced snow in amounts and duration that had not been experienced in over 50 years. With a wastewater lagoon facing its storage capacity, Ruurd Veldhuis communicated with Daniel McCarty with the WSDA and obtained permission to spray wastewater from the lagoon onto nearby fields to relieve pressure on the lagoon.

Clearly, the Veldhuis farms have a good working relationship with the respective controlling agencies, including the WSDA, Yakima Regional Clean Air Agency, and Yakima Health District.

Manure Management. The MDNS requires Fryslan Ranch to operate under a Nutrient Management Plan (NMP). Even though Fryslan Ranch is not a milking dairy, Fryslan Ranch agrees to prepare and operate under the NMP and be subject to routine WSDA inspections. As

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<sup>2</sup> Stuart Turner's February 19, 2017 ERT is Exhibit F.

required by the MDNS and consistent with Yakima County Policy Plan 2015, the NMP will require on-site retention of stormwater, which will be accomplished through a lined wastewater lagoon, thereby minimizing adverse storm water impacts and controlling stormwater in a manner that has positive or neutral impacts on the quality of both surface and groundwater.

Mortality Management. Fryslan Ranch has and will comply with state requirements for mortality disposal. The Yakima Health District investigated Stuart Turner's complaint (Exhibit F) and found no violation of the requirement that mortalities be buried and covered with 3 feet of soil within 72 hours of death (Exhibit C).

Groundwater. Neighboring homeowners report concern about Fryslan Ranch's use of groundwater. While there are 4 wells available to Fryslan Ranch, Fryslan Ranch plans to draw primarily from the Saddle Mountain Basalt aquifer. Washington State Department of Ecology Central Region Water Resources Program staff was consulted in the determination of using the Saddle Mountain Basalt aquifer as the primary source of water for the operation. If water resource officials desire (or Your Honor determines) otherwise, Fryslan Ranch will draw water as directed.

Surface Water: As mentioned above, Fryslan Ranch will operate under a NMP. The NMP will set forth manure-handling procedures to ensure surface (and ground water) is not contaminated. The calf yard and individual corrals will be designed and contoured so that rainwater does not flow north toward the irrigation canal. The wastewater lagoon will be lined with a synthetic liner and designed to collect stormwater for a 25-year storm event.

Road Usage: Per a July 2015 Yakima County-issued Stop Work Order (Exhibit G), Fryslan Ranch may not finish constructing the gravel road off of Glade Road at this time. Currently, the only feasible route for vehicles to enter Fryslan Ranch is from Christenson Road. Once the Fryslan Ranch project is approved and approval is given to resume work on the Glade-accessed gravel road, this will be the route that the public and employees will use to get to Fryslan Ranch. It is anticipated the trucks hauling the manure for composting and mortalities will continue to use Christenson Road as this is the most direct route from the nearby Veldhuis Dairy and eliminates the need to haul manure and mortalities through the City of Mabton. Steps will be taken to reduce the track-out of manure.

Odor: Consistent with the NMP, corrals will be kept as dry as possible, feed spillage kept to a minimum, and manure applied to fields only on days when the wind is calm.

Vectors: Steps to minimize vectors will be set forth in the NMP. And Fryslan Ranch will be subject to routine WSDA inspections.

Habitat: With a proposed 2:1 or 1.5:1 ratio for habitat mitigation, the State of Washington Department of Fish and Wildlife (WDFW) is not concerned about Fryslan Ranch's impact on habitat. Scott Downes, the WDFW Area Habitat Biologist, prepared a letter, which was

Attachment 2 to the Fryslan Ranch Narrative. Fryslan Ranch will work with the WDFW to implement the habitat mitigation.

**C. Conclusion**

As the information before Your Honor establishes, Fryslan Ranch, with the required mitigation, will have less than a moderate adverse impact on environmental quality.<sup>3</sup> The Final Threshold Determination - MDNS must be approved.

Sincerely,

STOKES LAWRENCE  
VELIKANJE MOORE & SHORE



Erika Hartliep

Encl: Exs. A-G

cc: Fryslan Ranch (via email to office@windmillestates.net)  
Tim Bardell (via email to tim@b7engineering.com)  
Kevin Freeman (via email to kfreeman@inlandearth.com)  
Steve Hicks (via email to shicks@inlandearth.com)

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<sup>3</sup> WAC 197-11-794(1) (defining "significant" as "a reasonable likelihood of more than a moderate adverse impact on environmental quality").