



Friends of Toppenish Creek

February 3, 2025

Yakima County Code Enforcement
128 N. 2nd Street
Yakima, WA 98901

Dear Yakima County Code Enforcement:

The Friends of Toppenish Creek (FOTC) respectfully ask Yakima County to rescind CUP 2016-00019, because permittees have violated the terms of the permit. This is especially important because Fryslan has increased groundwater withdrawals from falling aquifers in the Lower Yakima Valley, has damaged water quality and quantity for other beneficial users, and has endangered instream flows in the Yakima River, contrary to assertions in the permit application.

In April of 2017 Yakima County issued a Mitigated Determination of Non-Significance (MDNS) and a Conditional Use Permit (CUP) for the construction of the Fryslan Calf Ranch south of the City of Mabton.¹ In August of 2017 the Yakima County Hearing Examiner upheld that decision.² In December of 2017 the Yakima County Board of Commissioners agreed with the Hearing Examiner and upheld the permit.³

The Fryslan Calf Ranch was designed to move calves from four calf feeding sites north of the Yakima River and relocate them to one large site south of the Yakima River near the City of Mabton. Fryslan Enterprises and associated Friesland Enterprises, Den Boer Enterprises, Windmill Estates asserted there would be no increase in groundwater withdrawals, that the permit would just move the location of withdrawal.⁴ Fryslan et al

¹ Fryslan MDNS available at [Fryslan 2017 4 MDNS.pdf](#)

² Fryslan Hearing Examiner Decision available at friendsoftoppenishcreek.org/cabinet/data/Fryslan_2017_8_Hearing_Examiner_Decision_II.pdf

³ Fryslan BOCC Decision available at [Fryslan 2017 12 BOCC Decision.pdf](#)

⁴ Fryslan CUP 2016 available at [Fryslan 2016 2 CUP.pdf](#)

agreed to stop withdrawing groundwater for stock watering from three wells north of the river and to monitor those wells as a condition of compliance.⁵

One year later Jacob Veldhuis, who founded most of these groups, drilled a new well (Well Report ID No. 1708594) half a mile from one of the monitored wells (Well Report ID No. 114922). Fryslan et al now withdraws as much water as they like from the new well.

Let us be clear because this is so important. Fryslan et al agreed to cap withdrawals from stock watering wells in order to receive approval of a conditional use permit. After permit approval Fryslan et al simply drilled a second unmonitored well next to a restricted well. In addition, as FOTC will show, it is impossible to adequately water all the calves at the Fryslan site and stay within the projected withdrawal limits. There is no monitoring to measure how much water is pumped from the wells that serve Fryslan Calf Ranch.

Title 16B Project Permit Administrations of the Yakima County Code states:

16B.11.040 Violations.

(3) It is a violation of this Title to misrepresent any material fact in any application, plans, or other information submitted to obtain any project permit authorization.

In the following pages, FOTC will show that Fryslan et al have repeatedly misrepresented material facts to officials who trusted Fryslan to provide accurate information.

The property description in CUP 2016-00019 is this:

Description of Proposal: The Yakima County Planning Division has received a request to establish a Concentrated Animal Feeding Operation (CAFO), Fryslan Ranch, covering about 30 acres. The purpose of the new calf yard is to consolidate the new-born and elementary cattle raising operations. The new facility is proposed to include; approximately 16 acres of corrals, 4 acres of hutch yard, four buildings totaling 15,000 square feet to house various support functions, and a waste water pond.

Aerial photos of the operation as of December 8, 2024, show that the Fryslan Calf Ranch exceeds the areas and calf numbers described in the proposal. Today Fryslan Calf Ranch has about 57 acres of calf hutches and 46 acres of corrals.

The number of animals currently on the facility requires far more than the 25,000 gallons of groundwater per day that Fryslan Calf Ranch said would be withdrawn from the ground.

⁵ Fryslan Well Monitoring Covenant available at [Fryslan 2017 10 Well Monitoring Covenant.pdf](#)



Calf Hutches
 Approximately 2,500 ft x 1,000 ft =
 2,500,000 square ft = 57 acres



Corrals for small calves
 Approximately 1,000 ft x 500 ft = 500,000
 square ft = 11.5 acres



Corrals for larger calves
 Approximately 1,500 ft x 1,000 ft =
 1,500,000 square ft = 34.4 acres

Fryslan Calf Ranch has not substantially complied with two mitigation measures that were part of the mitigated determination of non-significance ⁶:

Mitigation Measure A1: The feedlot shall operate in accordance with an approved Nutrient Management Plan (NMP) prepared for the facility.

Mitigation Measure B1: The applicant shall submit a Dust Control Plan to the Yakima Regional Clean Air Agency prior to the start of construction. During both construction and normal operations, the applicant must comply with the provisions of the submitted Dust Control Plan and all permitting and regulatory requirements set forth by the Yakima Regional Clean Air Agency.

We find no evidence that the Fryslan Calf Ranch has complied with a third mitigation measure.⁷

Mitigation Measure E1: A permanent form of protection (conservation easement, deed restriction, etc.) that prohibits land disturbing activities shall be established on the subject property. The area of protection shall meet ratios of protection established by WDFW. Evidence that this mechanism has been approved by WDFW and established shall be provided to Yakima County Planning prior to construction and grading activities within the CAFO area.

With respect to the site plan and narrative, FOTC believes that Fryslan has:

1. Exceeded the estimated amount of proposed water withdrawals
2. Exceeded the number of planned calf hutches – aerial photos show around 7,000 hutches
3. Exceeded the number of proposed calves in corrals
4. Exceeded the proposed acreage
5. Supplied false information in dust control plans that have not been approved⁸
6. Not provided a nutrient management plan⁹
7. Failed to provide mitigation documents for taking of shrub steppe land

⁶ Per Public Records Requests to the WA State Dept. of Agriculture, the Yakima Regional Clean Air Agency.

⁷ Awaiting a response from the WA State Dept. of Fish and Wildlife.

Per a public records request to Yakima County: “Public Services was unable to locate a permanent form of protection such as a conservation easement or deed restriction that prohibits land-disturbing activities. While there are early draft versions of such an agreement nothing was ever finalized or recorded with the Auditor’s Office.”

⁸ Communication with the Yakima Regional Clean Air Agency - See Attachment 1

⁹ Communication with the WA State Dept. of Agriculture – See Attachment 2

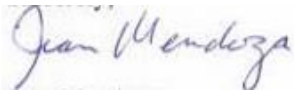
We find no evidence of:

1. WSDA inspections¹⁰
2. That the Lower Yakima Valley Groundwater Management Area has addressed this facility or nearby CAFOs
3. Mitigation to compensate for reduced replenishment of the Yakima River¹¹

In addition:

1. The Fryslan Calf Ranch does not have an NPDES permit¹²
2. Fryslan appears to have graded more shrub steppe land at the ranch's south boundary¹³

Thank you for reading.

A handwritten signature in blue ink that reads "Jean Mendoza". The signature is written in a cursive style.

Executive Director, Friends of Toppenish Creek

3142 Signal Peak Road
White Swan, WA 98952

¹⁰ Communication with the WA State Dept. of Agriculture – See Attachment 2

¹¹ Public Records Requests and Communication with Yakima County

¹² WA Ecology PARIS Data Base at [Paris - Permit Lookup](#)

¹³ See aerial photos of Fryslan Calf Ranch

Fryslan Calf Ranch takes water from the Yakima River, takes water from the
City of Mabton

In 2015 Windmill Estates applied for a conditional use permit (CUP 2016-00019) to build a calf feeding operation south of the City of Mabton that would build 6,000 calf hutches and withdraw 50,000 gallons of groundwater per day.

Yakima County issued a Determination of Significance (DS) with a requirement for an Environmental Impact Statement based on comments from the City of Mabton, the WA State Dept. of Ecology, and the Western Environmental Law Center representing the Friends of Toppenish Creek. Commenters stated that this withdrawal would impact the Yakima River and Mabton municipal wells.

Windmill withdrew the application and, in 2016, and re-submitted an application with a “reduced footprint” that proposed 1,500 calf hutches and withdrawal of 25,000 gallons of groundwater per day.

Yakima County approved the second application. Neighbors appealed. Among other concerns, neighbors stated that Yakima County does not have the resources for enforcement of the permit and that Windmill had a history of ignoring rules and regulations. The Yakima County Hearings Examiner upheld the approval and so did Yakima County Commissioners.

Today there are as many as 14,000 calves on the property that range in age from newborn to 10 months. No one knows how much water the facility uses because wells at the site are unmonitored. There are now 7,000 calf hutches in place.

Why did this happen? Neighbors were probably right regarding Windmill history.

Windmill Estates and Fryslan Calf Ranch have failed to comply with the terms of CUP 2016-00019. This means decreased replenishment of the Yakima River and continuing problems with water quantity and quality for the City of Mabton.

In 2017, as a condition of the permit, Windmill Estates/the Veldhuis Corporations signed an agreement to stop using three wells on previous calf feeding sites north of the river and to demonstrate compliance by monitoring withdrawals from those sites. In 2018 Jacob Veldhuis simply drilled a new larger well next to one of the monitored wells and continued withdrawing unlimited amounts of water from an aquifer that was supposed to be protected by the agreement. There are four old calf feeding sites, but groundwater withdrawal is only monitored at one well from each of three of the old sites.

Here are the details:

2015: Yakima County issued a Determination of Significance (DS)¹⁴ saying:

Description of proposal: A Type-2 land use application with an environmental review (SEPA) for the development of a new concentrated animal feeding operation (CAFO) within the Agriculture (AG) zoning district. The applicant proposes 6,000 calf hutches, 160 elementary corrals, 120 middle corrals, and 9 finishing corrals. The project is to be served by two wells, as shown on the submitted site plan. A one million gallon lined lagoon is proposed to capture stormwater and wastewater generated on site. Solid waste is proposed to be composted on a nine acre portion of the project area.

EIS Required. The lead agency has determined this proposal is likely to have a significant adverse impact on the environment. An environmental impact statement (EIS) is required under RCW 43.21C.030 (2) (c) and will be prepared. An environmental checklist or other materials indicating likely environmental impacts can be reviewed at our offices.

The lead agency has identified the following areas of discussion in the EIS: (1) Impacts associated with the proposed groundwater withdrawals, including: aquifer drawdown affecting neighboring residential wells, municipal water supplies, impacts to irrigation water right holders, and impacts to instream flows of the Yakima River;(2) The potential impacts to groundwater quality and potable water sources as a result of the activities of this proposed CAFO operation.

The WA State Dept. of Ecology stated¹⁵:

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.

¹⁴ Fryslan Determination of Significance [Fryslan 2015 7 DS.pdf](#)

¹⁵ Fryslan Ecology Comments [Fryslan 2015 7 Ecy Comments.pdf](#)

- 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.

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.

The Western Environmental Law Center stated:¹⁶

Commenters’ concern is quite simple. In the Yakima basin, there is no water available for this feedlot to operate. The Yakima basin is effectively closed to all new appropriations of groundwater because the water is simply not there to be allocated. In fact, “Ecology has not issued surface water rights within the Yakima Basin since the beginning of the adjudication over 30 years ago. Groundwater rights haven’t been issued for almost 20 years. Before a new water right permit is issued, Ecology must determine water is available and that the new permitted use will not have a negative impact on existing water rights.”¹ Water is not available and the feedlot *will* negatively impact existing water users.

¹⁶ Fryslan WELC [Microsoft Word - Wind Mill Estates.Cmt.Ltr.Final.8.31.15.docx](#)

Another reason that the County must deny Windmill Estate's permit application is climate change. The science confirms that the drought the Yakima Basin is currently experiencing will occur on a much more frequent basis in the future and thus authorizing an unlimited withdrawal of groundwater from the aquifer to support this project is ill advised. In their latest report summarizing the most current climate science, the University of Washington Climate Impacts Group has found that "Washington's water resources will be affected by projected declines in snowpack, increasing stream temperatures, decreasing summer minimum streamflows, and widespread changes in streamflow timing and flood risk. These changes increase the potential for more frequent summer water shortages in some basins (e.g. the Yakima basin) and for some water uses (e.g. irrigated agriculture or instream flow management), particularly in fully allocated watersheds with little management flexibility."⁹ "In the Yakima basin, warming is projected to increase the frequency of water shortage years – i.e., years in which water delivery is curtailed due to insufficient streamflow – from 14% of years historically (1940-2005) to 43-68% of years by the 2080s (2070-2099)."¹⁰

2016: Fryslan withdrew the application and submitted a new application that said¹⁷

Introduction

The Fryslan Ranch operates three concentrated animal feeding operations (CAFO) which provide replacement cows for four dairies owned by the parent company, Wind Mill Estates. All of the concentrated animal feeding operations are located in the central Yakima Valley. The Fryslan Ranch wants to move the young calf (70-150 lbs range) and elementary calf (150-350 lbs) raising operations to a new facility located about 2-1/2 miles southeast of Mabton WA. This narrative will describe the operation and specific details. It will also present arguments supporting the position that this project should be approved.

Fryslan Ranch recently purchased 1456.94 acres on 13 parcels in the area east of Glade Road and south of the Sunnyside Irrigation District canal. 1130.69 acres of these parcels are adjoining. On two adjoining parcels 2301817-21001 (160.07 A), and 230808-33001 (35.1 A), Fryslan Ranch wants to build a calf yard covering about 30 acres. The new facilities will include about 16 acres of corrals, about 4 acres of hutch yard with about 1500 calf hutches, one to four buildings totaling 15,000 sf or less to house various support functions, and a 5 Mg waste water pond. Permits from Yakima Public Services are required for adjusting the grading, excavating the pond, and buildings. The cattle population will be about 1300 animal units which triggers designating the facility a CAFO and therefore a conditional use permit and an environmental review (SEPA) is required.

¹⁷ Fryslan Conditional Use Permit [Fryslan 2016 2 CUP.pdf](#)

Water Source

The Fryslan Ranch will draw water from one of four wells under the exempt water right for stock watering purposes. Some water will be used for mixing and cleaning of new-born formula and feedings equipment. This accessory use of water related to watering livestock is claimed to be part of stock watering purposes. Water withdrawals will be about 30 Acre feet per year, 25,000 gallons per day, or about 18 gallons per minute (gpm) average draw.

Whereas the wells at the current operations draw from the Saddle Mountain and Wanapum Aquifers, water withdrawal for this operation can pull from aquifers proportioned anyway that water resource officials think is appropriate. Without guidance, the Fryslan Ranch will draw primarily from the local shallow aquifer which have been demonstrated adequate.

(This last statement is incorrect)

Although more studies are needed, there is evidence that 90-100 percent of the nitrogen compounds can be oxidized and then reduced in the first 2 feet of unsaturated soil. See Attachment (3). At least one soil profile under a decommissioned lagoon in Yakima County has been performed where nitrates were sampled at one foot intervals to 40 feet. This profile indicated a similar claim, that the nitrates are not penetrating the soil.

This deep vadose will prevent nitrate contamination of ground water due to manure handling and waste water storage. Capturing all accumulated storm water from corrals and manure handling areas; and then dispersing it according to the Nutrient Management Plan will prevent contamination of surface waters.

(This statement has been disproven by EPA research on the LYV “Dairy Cluster”)¹⁸

Inland Earth Sciences (IES) provided a Hydrogeological Assessment Report for Fryslan¹⁹. This report states that calves from four calf feeding operations north of the river would be transferred to the Fryslan Calf Ranch.

The IES Report stated:

The Client desires to move and consolidate the young calf (70 to 150-pound range) and elementary calf (150 to 300-pound range) operations to the Facility, to be sited approximately 2½ miles southeast of Mabton, Washington. The Facility is located in (1) the southwest quarter (SW¼) of the southwest quarter (SW¼), of Section 8, Township 8 North, Range 23 East, Willamette Meridian, Yakima County Parcel No. 230808-33001 and (2) the northwest quarter (NW¼) of Section 17, Township 8 North, Range 23 East, Willamette Meridian, Yakima County Parcel No. 230817-21001. Currently, the young and elementary calf operations are distributed over four separate locations of various acreage located west-northwest of Grandview, Washington. Locations of the four current operations and proposed Facility are presented on Figure 1.

¹⁸ Leakage from Manure Lagoons – Lower Yakima Valley. [Manure Lagoons Leak LYV.pdf](#)

¹⁹ Fryslan Hydrogeological Assessment.

https://www.friendsoftoppenishcreek.org/cabinet/data/Fryslan%202016%2010_HYDROGEOLOGIC_IMPACT_ASSESSMENT.PDF

CURRENT OPERATIONS

Currently, the Client's young and elementary calf operations are distributed at four separate locations of various acreage located west-northwest of Grandview, Washington (Figure 1). Approximately 8,200 calves (on average) are being raised at the four sites at any given time. These four operations are designated for purposes of this assessment as:

- The "Calf Ranch" operation, located near 771 Hornby Road, Grandview Washington. The Calf Ranch site typically holds approximately 5,000 calves. The calves are supplied water by the well designated "CRW". The location of the well is depicted on Figure 2A and 2B; well specifics are presented in Table 1.
- The "Commodity Barn" operation, located near 180 Wasson Road, Grandview Washington. The Commodity Barn site typically holds approximately 800 calves. The calves are supplied water by the well designated "CBW". The location of the well is depicted on Figures 2A and 2B; well specifics are presented in Table 1.
- The "Van Boven Feed Lot" operation, located near 731 Den Boer Road, Grandview Washington. The Van Boven Feed Lot site typically holds approximately 1,500 calves. The calves are supplied water by the well designated "VBFL". The location of the well is depicted on Figures 2A and 2B; well specifics are presented in Table 1.
- The "Walters Dairy" operation, located near 731 Den Boer Road, Grandview Washington. The Walters Dairy site typically holds approximately 900 calves. The calves are supplied water by the wells designated "WD1" and "WD2". The location of the wells are depicted on Figures 2A and 2B; well specifics for WD1 are presented in Table 1.

Well BIF-430 was constructed and is proposed to be used under the livestock exemption provided as part of the Groundwater Permit Exemption (RCW 90.44.050). Some water will be used for mixing and cleaning of new-born formula and feedings equipment. This accessory use of water related to watering livestock is

claimed to be part of stock watering purposes. Water withdrawals are anticipated to be approximately 30 ac-ft per year (approximately 25,000 gpd), at an average anticipated pumping rate of 18 gpm.

(30 acre-foot/year = 26,782.4 gallon/day)

2017: On behalf of Yakima County, the WA State Dept. of Ecology performed a Technical Review of the EIS Report²⁰. Ecology found:

Groundwater Source Review

The Inland Earth Sciences (IES) report provides a general overview of the hydrogeology of the existing and proposed sites. Wells for the existing operations and the new well for the proposed CAFO were identified. All the existing wells are completed into an unconsolidated alluvial aquifer. The proposed well is completed into a confined basalt (Saddle Mountains) aquifer. These two aquifers are considered to be separate bodies of public groundwater (aquifers).

²⁰ Fryslan Ecology Technical Review [Fryslan 2017 1_Ecology_Technical_Memo.PDF](#)

Potential for Impacts to Groundwater Users

The IES report describes the current and proposed water uses and attempts to quantify the water needs for the animals. Current water use estimates along with local hydrogeologic conditions were considered in an evaluation of potential pumping impacts to neighboring groundwater users. IES suggests that pumping interference is expected to be approximately 5 feet or less to nearby groundwater users. This analysis did not include all water uses for the project, only the water needed for direct animal consumption.

The IES report states that the proponent wishes to consolidated and move four existing operations. These operations apparently utilize the permit-exemption under RCW 90.44.050. There is no direct legal mechanism to transfer water use established under the permit-exemption. Water use would stay appurtenant to the current properties, similar to a domestic home using the same permit-exemption authority. In other words, the authorization to use water would remain even if the ownership changes. If the current operations were to relocate, a clear path would be left for the water use to continue at the existing facilities/properties under new ownership. This would result in a negative impact to the total water supply available in the Yakima River Basin.

If the proponent wishes to be net neutral with respect to the total water supply available in the Yakima River Basin, mitigation from or a transfer of a suitable existing right would be necessary. For instance, the proponent could fully estimate the consumptive water needs of the proposed CAFO including stock water, industrial, husbandry, dust control, and domestic needs, etc. and provide an equal amount under a water right transfer or mitigation plan.

To the best of our knowledge there are no mitigation agreements in place that address impacts on the Yakima River. Fryslan did not fully estimate the consumptive needs of the proposed CAFO including stock water, industrial, husbandry, dust control, domestic needs, etc. Fryslan did not obtain a water right transfer and did not offer a mitigation plan.

Yakima County issued a Mitigated Determination of Non-Significance.²¹ A Yakima County Hearings Examiner upheld the MDNS and CUP²², and this was confirmed by the Yakima County Commissioners.

The Hearings Examiner found that:

2. LOCATION AND PARCEL NOS.

The three subject parcels are located on and accessed off of Glade Road, also known as Mabton-Bickelton Road, and approximately 2 miles southeast from the City of Mabton. (Parcel Nos. 230817-21001, 230808-33001 and 230808-34001.

²¹ Fryslan MDNS [Fryslan 2017 4 MDNS.pdf](#)

²² Fryslan Hearing Examiner Decision [Fryslan 2017 8 Hearing Examiner Decision II.pdf](#)

Fryslan proposes to establish a new 30-acre "calf yard" located within the three adjoining parcels in the Agriculture (AG) zoning district. Access is off of Glade Road, a County rural major collector. The total acreage of the three parcels is 258 acres more or less. The new facilities would include: 16 acres of corrals, 4 acres of hutch yard with about 1500 calf hutches, one to four buildings totaling 15,000 square feet or less to house various support functions, and a 5 Mg lined waste water pond. The calf population is proposed to be about 1300 animal units. The calf yard would allow relocation of young and elementary-age calves from three current calf operations that supply cows to four dairies owned by Windmill Estates, LLC. The dairies each operate on an approved Dairy Nutrient Management Plan (DNMP).

Per the application narrative and site plan, the hutch yard would hold 1500 0 to 3-month-old calves averaging 150 pounds each. The corrals would hold 1200 3 to 5-month-old calves averaging 300 pounds each, except a set of larger corrals would hold 2000 5 to 10-month old calves averaging 400 pounds each. The estimated number of calves is consequently approximately 4700 calves. This is roughly consistent with the 1300 animal unit population estimate. The applicant indicates that the new facility allows the relocation of young calf (70-150 lb range) and elementary calf (150-350 lb range) raising operations from locations at parcels on Stover Road and Forsell Road.

Tim Bardell's comments on behalf of Fryslan at the hearing indicate that the project will employ the existing well developed into the Saddle Mountain Basalt aquifer. The hydrogeologic study provided in response to the Planning Division's request for additional information indicates that, based on conservative assumptions, drawdown at the Saddle Mountain Basalt well would produce drawdown of 2.19 feet on average at a distance of 1 ½ miles from the well. The hydrogeological report also indicates that the probability of any interference with wells completed into the aquifers stratigraphically above and below the Saddle Mountain Basalt aquifer is low. Mensonides indicated generally that its well acquired from DNR was not accounted for, but does not suggest that significant drawdown potential for the well is indicated. The City of Mabton's plans for additional well development are reported to rely on the Wanapum aquifer, and such a well does not appear likely to be affected from the Saddle Mountain Basalt well based on the hydrogeological desktop study. The adequacy of the hydrogeological report's well interference analysis was affirmed in a technical memorandum from the Department of Ecology.

Consequently, if the Saddle Mountain Basalt well is used to provide water for the calf yard, and stockwater use is discontinued at the other Fryslan properties in accordance with the Deed Restriction, the water quantity-related potential for adverse community impact does not appear substantial.

In fact, Mabton Wells 4, 5, and 6 are drilled into the Saddle Mountain aquifer. Mabton Well Number 4 failed in 2013 and restoration efforts were only partially successful. Well Number 6 began pumping sand six months after it was drilled in 2016.

Please note that the Hearings Examiner ignored the Hydrogeological estimate that 8,200 calves would be relocated to the Fryslan Calf Ranch. 8,000 calves consuming 4 gallons of water per day per calf would require 32,000 gallons per day of groundwater and this does not include water for cleaning and flushing.

IV. DECISION.

The Conditional Use Permit application by Tim Bardell on behalf of Fryslan for a calf yard as set out in the application materials (County File No. CUP2016-00019 is APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

1. The owner and operator of the Fryslan Ranch calf yard shall substantially comply with the site plan and narrative of operations plans included in the application materials for CUP2016-00019 and subsequent submittals required by the Planning Division, as may be amended by the following conditions of approval.

With respect to the site plan and narrative FOTC believes that Fryslan has:

1. Exceeded the estimated amount of proposed water withdrawals
2. Exceeded the number of planned calf hutches – aerial photos show around 7,000 hutches
3. Exceeded the number of proposed calves in corrals
4. Exceeded the proposed acreage
5. Supplied false information in dust control plans that have not been approved²³
6. Not provided a nutrient management plan²⁴
7. Failed to provide mitigation documents for taking of shrub steppe land

We find no evidence of:

8. WSDA inspections²⁵
9. That the Lower Yakima Valley Groundwater Management Area has addressed this facility or nearby CAFOs
10. Mitigation to compensate for reduced replenishment of the Yakima River²⁶

In addition:

11. The Fryslan Calf Ranch does not have an NPDES permit²⁷
12. Fryslan appears to have graded more shrub steppe land at the ranch's south boundary²⁸

²³ Communication with the Yakima Regional Clean Air Agency - See Attachment 1

²⁴ Communication with the WA State Dept. of Agriculture – See Attachment 2

²⁵ Communication with the WA State Dept. of Agriculture – See Attachment 2

²⁶ Public Records Requests and Communication with Yakima County

²⁷ WA Ecology PARIS Data Base at [Paris - Permit Lookup](#)

²⁸ See aerial photos of Fryslan Calf Ranch

2021: Fryslan Calf Ranch submitted a Verification of Compliance document²⁹ that stated:

Calf Relocation

The *Declaration of Well Monitoring Covenant* recorded March 29, 2019, under Yakima County Auditor's File No. 8010841 (the "Well Covenant Properties") required that FRH transfer the calves located on Yakima County Parcel (YCP) Nos. 230909-33001, 230917-21001, and 230918-34001 to the FRCY. FRH represents that:

- 500 Animal Units (AU) were removed from YCP No. 230918-34001 (referred to as the "Walters" parcel), located at 3721 Forsell Road in Sunnyside;
- 500 AU were removed from YCP No. 230917-21001 (referred to as the "Wasson" or the "Commodity Barn" parcel), located at 180 Wasson Road in Grandview, and;
- 3,500 AU were removed from YCP 230909-32001 (referred to as the "Home Place" parcel), located at 771 Hornby Road in Grandview.

A total of 4,500 AU were transferred to the FRCY. No calves remain at any of the three parcels.

Does this report confuse animal units with animal numbers? Clarification is in order. If there are two calves per animal unit, then Windmill transported 9,000 calves to Fryslan Calf Ranch. If there are three calves per animal unit then Windmill transported 13,500 calves to Fryslan Calf Ranch. Aerial photos indicate there are now as many as 14,000 calves at the site.

²⁹ Fryslan Verification of Compliance [Fryslan 2021 7 Verification_of_Compliance.pdf](#)







Water Usage Monitoring

Primarily due to the unforeseen circumstance caused by the COVID-19 pandemic, especially as related to skilled labor and material shortages, implementation of water usage monitoring as required by the *Declaration of Well Monitoring Covenant* for wells located on YCP Nos. 230918-34001, 230917-21001, and 230909-32001 did not begin until 2021. This delay was further exacerbated by the deferral of transferring of calves from the parcels to the FRCY. At this time, FRH represents that water meters are installed at the three wells associated with the parcels as follows:

- One well is present at the Walters parcel (YCP No. 230918-34001) located at 3721 Forsell Road in Sunnyside. The well is equipped with the following meter:
 - Product Recovery Management, Model No. WM125VX, Serial No. 17000083, installed on 5/17/21 with an initial reading of 00000.
- One well is present at the Wasson parcel (YCP No. 230917-21001) located at 180 Wasson Road in Grandview. The well is equipped with the following meter:
 - Product Recovery Management, Model No. WM125VX, Serial No. 17000087, installed on 5/19/21 with an initial reading of 00000.
- One well is present at the Home Place parcel (YCP 230909-32001) located at 771 Hornby Road in Grandview. The well is equipped with the following meter:
 - Product Recovery Management, Model No. WM125VX, Serial No. 17000086, installed on 5/24/21 with an initial reading of 00000.

This does not correlate with Tables 1 & 2 from the Hydrogeological Assessment Report that lists a fourth well at the Van Boven Feedlot at 731 Den Boer Road.

Table 1 Current Use Wells

Hydrogeological Impact Study
 Fryslan Ranch Calf Yard
 Wind Mill Estates
 Mabton, Washington

WELL IDENTIFIER	YAKIMA COUNTY PARCEL No.	ADDRESS	PLS LOCATION
CRW	230909-32001	Hornby Rd., Grandview	NW¼, SW¼, S. 9, T. 9N, R. 23E W.M.
CBW	230917-21001	180 Wasson Rd., Grandview	NW¼, NW¼, S. 17, T. 9N, R. 23E W.M.
VBFL	230918-42001	731 Den Boer Rd., Grandview	NW¼, SE¼, S. 18, T. 9N, R. 23E W.M.
WD1	230918-34001	3761 Forsell Rd., Grandview	SE¼, SW¼, S. 18, T. 9N, R. 23E W.M.
WD2	230918-34001	3761 Forsell Rd., Grandview	SE¼, SW¼, S. 18, T. 9N, R. 23E W.M.

Table 2 Water Use from Current Wells

Hydrogeological Impact Study
 Fryslan Ranch Calf Yard
 Wind Mill Estates
 Mabton, Washington

WELL IDENTIFIER	Number of Calves	Typical Consumption per Calf (gallons per day)		Typical Use Per Day (gallons)		Typical Pumping Rate (gallons per minute)		Typical Consumption (gallons)		Typical Annual Consumption	
		Summer	Winter	Summer	Winter	Summer	Winter	Summer	Winter	(gallons)	(acre-feet)
CRW	5,000	4	3	20,000	15,000	14	10	3,650,000	2,737,500	6,387,500	19.6
CBW	800	4	3	3,200	2,400	2	2	584,000	438,000	1,022,000	3.1
VBFL	1,500	4	3	6,000	4,500	4	3	1,095,000	821,250	1,916,250	5.9
WD1 & WD2	900	4	3	3,600	2,700	3	2	657,000	492,750	1,149,750	3.5
TOTALS	8,200			32,800	24,600	23	17	5,986,000	4,489,500	10,475,500	32.1

The IES study added estimated withdrawals from four wells at four sites to conclude that the calves consumed 32-acre feet per year north of the river. But Windmill is only required to cap and monitor withdrawals from three of the wells. The omitted, unmonitored well typically withdraws 5.9-acre feet per year.

Based simply on an estimated pumping rate of 18 gallons per minute at the Fryslan site, IES stated that consumption would decrease to 30-acre feet per year south of the river. This still exceeds the 25,000 gallons-per-day predicted in Windmill’s second application for a conditional use permit. To achieve 25,000 gallons per day Fryslan would have to reduce consumption to 28-acre feet per year. Fryslan simply cannot do this and maintain the health of 8,200 calves or more.

Dust Control Plan Fryslan Ranch LLC

Introduction

The goal for our facility is to prevent and reduce fugitive dust emission through following the Best Management Practices (BMP's) that appertain to Fryslan Ranch LLC. These BMP's are listed by the YRCAA in the Fugitive Dust Control Guidelines, section X. We use BMPs two through seven as explained in the upcoming paragraphs. Fryslan Ranch LLC is a heifer raising facility located at 610 Christenson Road Mabton, Washington. This facility stretches out over 25 acres with single calf hutches and dry lot pens. We currently have 4500 animal units with a capacity for 5000. Our heifers at this facility range from day old to about 10 months, or 600 pounds. All of our calves are in single calf hutches for 100 days. Straw is added to each hutch for bedding. The older heifers are all kept in dry lot pens. All weaning pens are hard packed and cleared out a few times a year to prevent excess manure build up. We have our own well along with a pond that we use to collect water used for washing out equipment. There aren't any limitations on this water as we have to be able to wash out bottles and the milk mixer in order to keep it clean and properly feed our babies.

Best Management Practices

X.2 Mobile Water Application – Water Trucks

We use water trucks all over our facility during dry months. All of our main roads are gravel, while others are dirt with hop waste covering it. Our water truck driver pulls up to our pond, turns on the pump and fills his truck. He then sprays water while driving to spread it equally all over the ground to avoid and puddles or run off.

X.3 Pen Maintenance

We remove all excess manure from corrals as needed. The bigger corrals are scraped weekly, while smaller weaning pens are completely cleared out a few times a year to prevent manure build up. Alleys are cleaned with a honey vac twice a week to keep all alleys clear. When it is very dry, we add moisture to corrals along with the scraping to control dust. We compost all manure removed from pens offsite.

X.4 Surface Amendments/Applications.

Along with watering roads, we use hop waste on all of the dirt roads and in between calf hutches to help control the dust. Hop waste is a mixture of chopped up vines and small ropes that is left over after getting all hops off of the plant. We have also spread hop waste in a few open areas that aren't in use. The main roads are all graveled with the water added as needed.

Dust Control Plan Fryslan Ranch LLC

X.5 Wet Manure/Mound Management

We use mound management in our all of our corrals except for weaning pens. Most pens are scraped twice a week unless pens are too wet for the scraper to get in. Then we add straw to keep heifers dry. Once the pens start to dry out corrals are scraped and excess manure and straw is removed from the pen.

X.6 Windbreaks

In each row of weaning pens, we have windbreak walls. These walls were added to block wind for the calves and pen. Our weaning pens are smaller and are not scraped as often as the larger pens. The wall helps control any dust being blown out of the pens.

X.7 Feed Processing and Handling

All of our feed is brought into this location premixed and is put on concrete slabs. Most of our feed is in a protected feed bay. We have a grain truck that one guy loads using a loader, then scoops grain out of it and into buckets for the calves. Our older heifers are fed a pre mixed ration by a tractor pulled mixer wagon.

Operational Plan

Reducing fugitive emissions is very important to our facility and we do so by following a few of the BMPs given to us by the Yakima Regional Clean Air Agency. Our method for determining which BMPs would be best for us is to simply drive around and observe where our practices might be lacking. The first step to improvement is knowledge. We believe all employees should have an understanding of dust control and be aware of the best management practices to reduce emissions in each of their jobs. We have Standard Operating Protocols for each job at our facility so everyone does things in a way that is safe and prevents fugitive emissions the best we can. Our manager, Ruurd Veldhuis, is in charge of driving around to make sure our management practices are being followed properly. He also decides if anything extra besides our normal day to day practices are needed.

Fryslan Ranch LLC retains the right to modify the plan as long as the effectiveness of the plan is not compromised. We will notify the YRCAA of any modification in the plan or changes in application of the plan. The YRCAA will notify Fryslan Ranch LLC if they have any concerns, issues and/or modifications regarding our plan.

Repeated Public Requests to the Yakima Regional Clean Air Agency found this document that was submitted unchanged to the YRCAA by Fryslan Calf Ranches in 2018, 2020, 2021, 2022, 2023, and 2024. There is no documentation to show that this dust control plan has ever been approved by the YRCAA, has been updated as calf and heifer numbers have changed, or that the YRCAA has even once inspected the facility.

The acreage in this dust control plan is about 25% of the actual acreage.

If there are 4,500 animal units, this equates to 27,000 calves weighing 150 lbs. or 7,600 heifers weighing 600 lbs. which far exceeds the numbers of animals Fryslan Calf Ranch committed to in the facility's CUP.

There is no estimate of the amount of water required for dust control. If water for dust control exceeds 5,000 gallons per day, Ecology requires a special use permit.

The YRCAA Fugitive Dust Control Guidelines and Best Management Practices for Confined Heifer Replacement Feeding Operations is available at [Microsoft Word - policy_Confined Heifer Replacement_2009.doc](#)

That policy requires Fryslan Calf Ranch to:

- Obtain YRCAA approval for facility dust plans
- Include a map or drawing of the operation in the dust control plan
- Describe any permit or other limitations which would impact the operation's ability to employ water application as a BMP
- Notify the YRCAA of changes in the operation

Fryslan has not complied with these requirements.

Attachment 2

WA Department of Agriculture Public Records Request

about a month ago



Completed

R003334-112624

Since 1/1/2021 to 11/26/2024, I write to request access to, and copies of: • An AGID number for Castle Grove Dairy located at 8053 W Wapato Rd, Wapato WA 98951 • WSDA inspection reports for the Castle Grove Dairy • WSDA inspection reports for the Geertsma Dairy located at 685 Florence Rd, Mabton WA 98935 • WSDA inspection reports for the Southside Dairy located at 301 Foster Rd, Toppenish, WA 98948 • AGID number for the Fryslan Calf Ranch located at 1423 Glade Road, Mabton, WA 98935 • AGID number for the Van Boven Calf Ranch located at 1111 Glade Road, Mabton, WA 98935 • Documentation that proves Fryslan Calf Ranch has a nutrient management plan • Documentation that proves the Van Boven Calf Ranch has a nutrient management plan • WSDA inspection reports for the Fryslan Calf Ranch • WSDA inspection reports for the Van Boven Calf Ranch I am aware that WSDA has recently provided inspection reports for Washington dairies, but these operations were not included in the material I received.

Status : No Records Exist



Mrs. Jean Mendoza