



BOARD OF YAKIMA COUNTY COMMISSIONERS

Regular Meeting

Work Session

Monday, August 29, 2022, at 9:00 am

BOCC Conference Room, Room 232, 128 N 2nd Street, Yakima, WA 98901 or Zoom

Yakima County Welcomes You to Join Our Open Public Meeting In-Person or Virtually.

Meeting Link:

<https://us06web.zoom.us/j/84767080878?pwd=MjBKcjFsRmpWYik1NW9qU1V4VnVFdz09>

Meeting ID:

847 6708 0878

Meeting Passcode:

352892

Meeting Phone Number:

1-206-337-9723 (ID & Passcode Above)

1. CALL TO ORDER

2. PUBLIC COMMENT

If you would like to speak during Public Comment, please raise your hand or if on Zoom type your name in the chat box and the Commissioner will call on you in order.

3. AGENDA ITEM REVIEW (30 Minutes)

Review of all Agenda items Submitted for Tuesday's Regular Agenda Meeting.

4. SOLAR ENERGY MORATORIUM (15 Minutes)

5. FARM BUREAU REQUEST FOR COMMISSIONER LETTER OF SUPPORT FOR CAFO POSITION (15 Minutes)

Presenting: Mark Herke, Farm Bureau

Documents:

[YAKIMA THURSTON ET AL CAFO COMMENTS AS SUBMITTED.PDF](#)

6. YAKCORPS YCIC RADIO STUDY REPORT PRESENTATION (45 Minutes)

Presenting: Televate & Yakima County Sheriff's Office

7. COMMISSIONER UPDATES/ GENERAL DISCUSSION

- o Forest Service FY 2022 SRS Payments to States Title Election Form
- o Jbell Agricultural Tourist Operation - Commissioner Linde

8. CLOSED SESSION (60 Minutes)

The Board will meet in closed session as allowed by RCW 42.30.110 (1)(i) and RCW 42.30.140 (4)(a).

9. NEW BUSINESS

10. ADJOURN

All work sessions are recorded and will be available to view on the BOCC website at <https://www.yakimacounty.us/AgendaCenter/Board-of-Commissioners-2>

Public Comment Form

[1 Comment](#)[2 Review](#)[3 Your Copy](#)

Your comment has been submitted.

Thank you for your comments on the Concentrated Animal Feeding Operation (CAFO) General Permits Reissuance Public Comment Period.

Contact Information

First Name: Mark

Last Name: Herke

Address: 19201 Ahtanum Rd

City: Yakima

State: Washington

ZIP: 98903

Email: mherke@mail.com

Submitted By: Collection of County Farm Bureaus

Concentrated Animal Feeding Operation (CAFO) General Permits Reissuance Public Comment Period

August 16, 2022

Chelsea Morris
Washington State Department of Ecology
PO Box 47696
Olympia, WA 98504-7696

RE: Concentrated Animal Feeding Operation (CAFO) General Permits Reissuance

Dear Ecology,

We wish to submit the following comments on behalf of the members of Yakima-Klickitat, Thurston, Okanogan, Benton and Grant County Farm Bureaus.

In reviewing the updated CAFO documents we support the Washington State Dairy Federation and the Washington Farm Bureau comments calling out concerns related to implementation standards for CAFOs that rely on unproven, flawed, or irrelevant scientific standards. This includes concerns over post-harvest testing required beginning October 1, changes to testing standards such as reversion to the TKN standard, general application of T-Sum 200 statewide, and reliance on large, no-touch buffers (big dumb buffers) not based on science.

This program and associated permit requirements should stay focused on water quality and must not become a forum or tool to address other desired, but unrelated, public policy issues. A number of new requirements (as addressed specifically by the Dairy Federation) include policy recommendations that go beyond the direct impact of livestock operations. Ecology should resist including additional regulations beyond the direct focus of the CAFO program.

We now wish to focus on a major flaw in the CAFO program. Specifically related to small CAFOs. Ecology should rewrite section S1 of the CAFO General Permit to eliminate the small CAFO designation or at least better define what a small CAFO is and how Ecology determines if an operation is a significant contributor of pollutants to surface water.

This provision should be eliminated due to Ecology's own finding that application of CAFO standards to small operations has a "disproportionate expense" to those farms. (Economic Impact Analysis 2017 and 2022)

Additionally, the definition of small CAFO (less than the number of animals for a regular CAFO), is overly broad and not understood as to the significant implications on Washington rural residents. The predominant understanding is that the CAFO designation applies to feedlots and larger operations that concentrate significant numbers of animals. Few outside of large commercial operations are aware of the Small CAFO provisions, let alone the fact that they could apply to a "herd" of just one animal as well as to animals not specifically listed in the permit language. We believe significant public outreach and communication must take place (including greater emphasis on public comment) to ensure landowners are aware of these provisions.

This confusion and lack of knowledge is further compounded by the fact that Ecology discretion determines if an operation is "a significant contributor of pollution," triggering the costly CAFO permit for small operations. Lack of a clear definition of "significant contributor" means animal owners do not have a clear standard to meet, but are completely subject to the discretion of Ecology staff.

When the significance of penalties is added into this equation, we reach the level of greatest concern. Violations of the act are subject to penalties of up to \$10,000 per violation per day, plus costs of prosecution, or imprisonment at the discretion of the court.

We believe that application of CAFO standards puts small farming operations, especially backyard farmers who raise a few animals to feed their family and neighbors, at great risk. The permit does not provide additional, scientifically proven benefit to clean water. Rather, it threatens local food production and places our overall food security at risk. All of this is based on broad discretion by Ecology staff as to what constitutes pollution.

In recent months, we have seen how devastating interruptions in the supply chain can be. Delays, cost increases, and empty shelves were clearly visible. Local food production helps blunt these impacts. Eliminating or discouraging small scale agriculture will exacerbate the problem.

Rural landowners need to be fully informed of these impacts and significant outreach and public education must be delivered prior to consideration of extension of these regulations to small operations. The good news is there is already a process making great strides in this area.

We strongly recommend Ecology change course. The answer is not the current approach but providing a robust technical assistance effort and relying on proven ways to reach compliance. We have an excellent option for 27 counties in the state- the Voluntary Stewardship program (VSP). For the other counties, conservation districts are designed to deal with these issues through technical assistance and the development of farm plans as appropriate. The demonstrated success of VSP turns on community outreach and strong landowner technical support.

Now is the time for Ecology to rethink this process and move forward with an alternative, collaborative program that ensures effective environmental protection, respects the rights of private landowners, and focuses on voluntary measures to achieve desired goals while also ensuring local food security. Directly connecting with VSP will help guarantee success.

For more information contact Mark Herke at mherke@mail.com.

Sincerely,

Yakima-Klickitat County Farm Bureau
Thurston County Farm Bureau
Okanogan County Farm Bureau
Benton County Farm Bureau
Grant County Farm Bureau

 Yakima Thurston CAFO comments finaldocx.pdf