

# Conflict erupts over plan to detail Lower Valley dairy settlement

Ross Courtney, Yakima Herald Republic, June 17, 2015

YAKIMA, Wash. — Logistical and cultural hurdles have long dogged efforts to distribute clean water to residents with polluted wells in the Lower Valley.

The latest effort has struck some political speed bumps, leaving a few of the people involved holding two competing meetings tonight at roughly the same time in the same building.

As part of a U.S. District Court lawsuit settlement, environmental groups and the three Lower Valley dairies that were defendants agreed to hire a neutral third party to organize and administer a program to get clean water to people who need it.

They also agreed to seek help from the advisory committee of the Lower Valley Groundwater Management Area — or GWMA — a group of representatives from farming, regulatory agencies, elected officials and environmental groups designed to seek long-term solutions to the nitrate problem with input from all sides.

The attorneys, Charlie Tebbutt and Brendan Monahan, who represent environmentalists and dairies respectively, had actually discussed the idea of asking for the GWMA's help before the settlement was final. Those preliminary discussions took place with Jim Davenport, the neutral facilitator of the GWMA.

Davenport was receptive. "I thought it was in the public interest that they get their lawsuit settled," Davenport said.

However, he did not promise the group would say yes.

After the May settlement, which mentions the GWMA as a possible third-party administrator for water distribution, Davenport invited the attorneys to present details at the group's planning meeting, scheduled for 5 p.m. Thursday at Radio KDNA in Granger. The group meets every two months.

But when the GWMA agenda was published last week with the presentation scheduled, a few members objected that they had not been given a chance to weigh in as a group on whether to have the presentation.

"I would not say no at this time, but I just want to understand what the rationale is and what we want to accomplish by hearing what they have to say," said Steve George, a committee member representing the Yakima County Farm Bureau. George also works as a consultant for the Washington State Dairy Federation.

Davenport first tried rescheduling for an hour before the meeting, giving members the option to attend, similar to the way they handled a disputed EPA presentation a few months ago, Davenport said. However, they ran into scheduling conflicts with the attorneys so he and Chairman Rand Elliott removed them from the agenda, suggesting they wait until the group's next meeting two months from now.

Both attorneys were surprised by the cancellation. "(It is) entirely unprofessional and does a disservice to the people of the Lower Yakima Valley," Tebbutt said.

To counter the cancellation, another member of the GWMA committee representing an environmental

group called Friends of Toppenish Creek, booked her own public presentation for the lawyers at 5:15 p.m. Thursday in the room next door. Jean Mendoza plans to skip the GWMA meeting because she considers the settlement speech a “priority,” she said.

Tebbutt accepted Mendoza’s offer, while Monahan declined, calling the second meeting a “contrived sideshow.”

The GWMA committee members have a history of political conflict, disagreeing in the past about everything from meeting locations to which members are allowed to field news media questions.

Tebbutt, a Eugene, Ore., attorney, represents the Community Association for the Restoration of the Environment, or CARE, one of the plaintiff environmental groups. Monahan represents the families that own the dairies, the Dolsens, the Bosmas and the DeRuyters.