

**BLAINE COUNTY BOARD OF COMMISSIONERS**  
**PUBLIC HEARING on April 4, 2023 at 3:00 p.m.**

<b>REGARDING AN APPLICATION OF:</b> Flood Control District #9 for a Stream Alteration Permit (SAP) on the Big Wood River.	<b>Staff Report</b> Kristine Hilt Dated March 28, 2023
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**REQUESTED ACTION:** Public hearing and consideration of an application by Flood Control District #9 for work within the Big Wood River. The proposal includes the removal of gravel upstream and directly under the bridge in an effort to increase water conveyance and decrease pressure to an actively eroding streambank. The project area encompasses three properties, which are zoned Residential/Agricultural District (R-5) and Productive Agricultural (A-20) with areas of Floodplain Overlay (FP), Floodway (FW) and Riparian Setback (R) Districts and are located at 25 Glendale Road within Lot 2 of Armstrong Ranch Sub and Tax Lots 7277, 7278, 7279, also known as T1N, R18E, SEC 13, B.M., Blaine County.

**PROPERTY OWNERS/APPLICANTS:** Flood Control District #9 (Applicant)  
Blaine County, Swiftsure Ranch Therapeutic Equestrian Center, LLC,  
Lakeside Industries (Wood River Ranch) (Owners)

**REPRESENTATIVE:** Bryan Dillworth, Flood Control District #9

**NAME/REACH OF STREAM:** Big Wood River

**PROPERTY LOCATION:** Lot 2 of Armstrong Ranch Sub and Tax Lots 7277, 7278, and 7279  
(T1N, R18E, SEC 13, B.M., Blaine County)

**APPLICABLE REGULATIONS:** Title 9 (Zoning Regulations): 5, 7, & 17  
Title 8 (Comprehensive Plan)

**I. APPLICATION, NOTICE, EXHIBITS & GENERAL FACTS**

**1. Application:** Blaine County Stream Alteration Permit Application received March 13, 2023 and certified as generally complete that same day.

**2. Notice:** Public notice for this application was as follows:

- A. Legal notice was published in the Idaho Mountain Express on March 22, 2023.
- B. Notice was mailed on March 22, 2023 to all Blaine County political subdivisions.
- C. Notice was mailed on March 22, 2023, surrounding landowners within 300' of the exterior boundaries and 1,000' downstream of the project site;
- D. An on-site notice was posted on or by April 1, 2023, as supported by affidavit on file;

► **Motion:** Upon motion by Commissioner \_\_\_\_\_, second by Commissioner \_\_\_\_\_, and by a vote of \_\_\_ to \_\_, the Board finds notice to be adequate.

**3. Any disclosures** (i.e. conflicts of interest, site visits or *ex parte* communications)?

**4. Exhibits:** Attached to this report are the following exhibits:

**Exhibit A—Application Materials**

All application materials were received on March 13, 2023, unless indicated otherwise.

- A-1:** Blaine County SAP Application
- A-2:** Vicinity Map/Property Owners Map
- A-3:** Project Narrative and responses to standards of evaluation
- A-4:** Access Map
- A-5:** Joint Application for State and Federal Permits
- A-6:** Swiftsure Ranch Written Authorization for work

**Exhibit B—Agency Comments**

- B-1:** Department of the Army (USACE): No Permit Required
- B-2:** Idaho Dept. of Water Resources (IDWR): Pending
- B-3:** County Engineer Comments; Pending
- B-4:** Idaho Dept. of Fish & Game; Pending

**Exhibit C—Blaine County Supplemental Documents**

- C-1:** Site Visit Photos 03-30-23

**Exhibit D—Public Comments**

- D-1:** Wood River Land Trust 03-29-23

**5. Summary:** According to Exhibit A-3, Narrative, the applicant is requesting authorization to remove gravel and cobble to maintain the primary Big Wood River channel. In this reach, the Big Wood River is low gradient and drops bed load (e.g. sand, cobble, cobble) during receding high flows. Some of this deposition of materials is directly upstream and underneath the Glendale Road bridge. The deposition of sediment in this location is causing lateral channel movement which is resulting in active erosion of the western riverbank. This is concerning since the western bridge abutment is now exposed and at threat of circumvention.

Glendale Road is a heavily used thoroughfare. Several light industrial, heavy industrial, commercial, agricultural, and residential uses are located west of this bridge, and it would be a catastrophe should the bridge be compromised during a flooding event. The excavation and removal of the sediments is anticipated to alleviate pressure on the eroding western bank. The gravel will be removed using a loader, excavator, and dump trucks. No gravel will be pushed in the river with a dozer. The gravel will be excavated and immediately hauled to stockpile locations in upland areas outside of the floodplain.

Brockway Engineering is currently working on a bank stabilization design to address the eroding bank using rock riprap. This design and permit package is anticipated in late March or early April 2023 and will be submitted to Blaine County, Idaho Department of Water Resources (IDWR), US Army Corps (USACE), Idaho Dept. of Fish & Game (IDFG), and Idaho Dept. of Lands (ILD) for review.

**II. STREAM ALTERATION PERMIT APPLICATION (SAP): STANDARDS OF EVALUATION**  
**Blaine County Code §9-17-11D**

1. *The applicant has applied for permits from the Army Corps of Engineers and the Idaho Department of Water Resources. If the watercourse runs through a neighboring city, they shall be sent a copy of the application, at the direction of the Administrator, to notify them of possible stream alterations. Copy shall be sent if the project is within one thousand feet (1,000') downstream or one mile upstream.*

➤ **APPLICANT COMMENT: A joint application for permits has been submitted.**

2. *Other Property Not Adversely Affected: The proposed stream alteration shall have no adverse impact on the property of another person or entity, including the areas upstream, downstream and across the stream. "No adverse impact" means that the proposed use or activity will not have any deleterious impacts in terms of increased flood peaks, flood stage, flood velocity, erosion and sedimentation, or water quality or that such impacts have been identified and mitigated to the maximum extent feasible.*

➤ **APPLICANT COMMENT: This project is not anticipated to create adverse impacts to downstream or adjacent property owners. Excavation will be limited to the existing channel and is anticipated to reduce overall water height and velocity. The work will not disturb upland vegetation beyond the river channel. Access to the channel will be from the east along existing travel ways both upstream and downstream of the bridge. A constant gradient will be created to prevent fish entrapment in low areas when the river is diverted into the bypass canal for irrigation season (late June/early July). The maximum depth of excavation is anticipated to be five feet (5') to match the adjacent stream bed elevation. Where possible, a 3:1 or 2:1 slope will be constructed along the riverbank to match existing grades and provide a stable bank system.**

3. *The stream alteration desired will not involve placing an encroachment, structure, fill, deposit, obstruction, storage of materials or equipment in the floodway, all of which are prohibited by subsection 9-17-5B3 of this Chapter, unless certification by a registered engineer is provided and accepted by the County Engineer, demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the 100-year flood discharge and other standards of this Section are met.*

➤ **APPLICANT COMMENT: The extraction of sediments will not impact the regulatory floodway and a no-rise analysis is not required. There will be no discharge of fill material below the ordinary high-water mark.**

4. *The stream alteration desired shall not have any adverse impacts or go against the stated purposes of the Floodplain Management District (Section 9-17-2) and the Stream Alteration Permit program (subsection 9-17-11A of this Chapter).*

**Floodplain Management District: 9-17-2**

A. *Protect members of the public and public resources and facilities from injury, loss of life, property damage or financial losses due to flooding or erosion;*

B. *Protect and restore unique, fragile and valuable elements of floodplain and riparian areas including wildlife habitat;*

- C. Mitigate avoidable impacts to aquatic systems by regulating alterations in and adjacent to riparian areas;
- D. Prevent cumulative adverse environmental impacts to water availability, water quality, wetlands and streams;
- E. Augment the requirements of the National Flood Insurance Program (NFIP) and maintain the County as an eligible community for Federal flood insurance benefits;
- F. Alert members of the public, such as appraisers, owners, real estate companies, individuals, potential buyers or lessees, to the development limitations of riparian areas and floodplains;
- G. Provide County officials with sufficient information to protect floodplains, watercourses and riparian areas;
- H. Implement the County comprehensive plan, as amended, and all County functional and community plans;
  - I. Minimize prolonged adverse impacts due to flooding and post-flood recovery;
  - J. Minimize the need for, and excessive costs borne by, rescue and emergency services associated with flooding;
  - K. Ensure that property owners within areas of special flood hazard are held accountable for the impacts from their private development; and
  - L. Ensure that all development is reasonably safe from flooding.

**Stream Alteration Program** 9-17-11: *The Board of County Commissioners hereby finds that in order to more adequately control hazards from flooding existing lands within the Floodplain Overlay District, to ensure that the important environmental features of the State and localities are protected and enhanced, to protect life and property in areas subject to natural hazards at flooding, to protect, preserve and enhance fish, wildlife habitat and recreation resources, to avoid undue water and air pollution, to ensure that residents of the County continue to qualify for the national flood insurance program and to ensure that all persons desiring to undertake any stream alteration are afforded equal protection and procedural due process of law, this section is adopted establishing a formal stream alteration permit system and establishing appropriate standards and criteria to govern the issuance or denial of such permits.*

- **APPLICANT COMMENT:** This application for removal of sediments complies with the purposes of these programs by reducing the necessity of emergency work which is costly, time consuming and typically results in greater potential adverse impacts to the river, floodplains and adjacent property owners.

5. *Local Public Interests: The proposed application (use) does not conflict with the local public interest, i.e., the affairs of the people in the area directly affected by the proposed use. This includes, but is not limited to, property values, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, water quality or an impact upon a locally important factor. The burden of proof always rests with the applicant.*

- **APPLICANT COMMENT:** This application does not conflict with the local public interest. This application includes work to protect critical infrastructure. Further, this reach of the Big Wood River has not been favored by salmonids as spawning grounds. Regardless, care will be taken to isolate the work area from live water and minimize impacts to water quality by use of concrete barriers and coffer dams.

6. *The following extraordinary circumstances may favor the granting of a stream alteration permit:*
- a. *If the river tries to change to a channel outside of the floodway.*
  - b. *If the viability of an irrigation structure or water delivery system is threatened.*
  - c. *If a road or bridge which provides access to homes or businesses is threatened.*
  - d. *If an existing home or building envelope in a platted subdivision is threatened.*
  - e. *If severe erosion or severe sedimentation of land is threatened.*
  - f. *If a public facility (sewer plant, school, etc.) and/or any other use which would affect the chemical quality of the river is threatened.*

- **APPLICANT COMMENT: Glendale Road and this bridge provide access to homes and businesses and is actively threatened.**

7. *If the applicant or landowner with respect to an application for a stream alteration permit under this chapter is the State of Idaho, or any agency, board, department, institution, or district thereof, the Commission or the Board, in addition to all other applicable standards and criteria hereunder, shall take into account the plans and needs of the State, or any agency, board, department, institution or district thereof, as required by Idaho Code §67-6528.*

- **APPLICANT COMMENT: The Flood Control District is authorized by the Idaho Department of Water Resources. Their Statutory responsibilities include the maintenance of all levees and critical infrastructure within the Big Wood River.**

### III. DECISION OPTIONS AND CONDITIONS

► **Suggested Motion:** I move to approve with conditions (or) deny the application by the Flood Control District #9 for a Stream Alteration Permit (SAP) on the Big Wood River adjacent to the Glendale Road Bridge within Township 1 North, Range 18 East, Section 13, finding the proposal complies (or) does not comply with the applicable criteria set forth under Title 9, Chapter 17, Floodplain Overlay District and Riparian Setback District, subject to the following conditions:

Possible conditions of approval:

1. The project shall comply with Idaho Department of Water Resources (IDWR), US Army Corps of Engineers (USACE), Department of Environmental Quality (DEQ), Blaine County and applicant's specifications, conditions and standards. The work shall be done by appropriate construction equipment according to conditions placed on the State and Federal permits. Copies of all approved permits shall be provided to the Land Use & Building Services Department prior to start of work. This includes NPDES Stormwater Permit, as required.
2. The work shall be done as specified in application; no work outside that applied for and approved under this permit shall be done.
3. The applicant shall notify the County's Floodplain Manager prior to start of work.
4. All fuel, oil, and other hazardous materials shall be stored in upland areas, and equipment should refueled away from the stream channel to ensure that a spill will not enter the waterway. Equipment must be free of fuel and lubricant leaks. The operator shall have spill control materials available at all times during this project.
5. Extraction shall be performed in low water to avoid impacts to spawning salmonids.
6. Instream turbidity shall be monitored as required by IDEQ.