

**BLAINE COUNTY BOARD OF COMMISSIONERS
PUBLIC HEARING on April 11, 2023 at 3:30 p.m.**

REGARDING AN APPLICATION OF: Flood Control District #9 for a Stream Alteration Permit (SAP) on the Big Wood River.	Staff Report Kristine Hilt Dated April 5, 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 bank stabilization of the western upstream bank to protect the exposed bridge abutment. The property is 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 is located at 25 Glendale Road within Lot 2 of Armstrong Ranch Sub and Tax Lots 7277, 7278, and 7279 (T1N, R18E, SEC 13, B.M., Blaine County).

PROPERTY OWNERS/APPLICANTS: Flood Control District #9 (Applicant)

Blaine County, Swiftsure Ranch Therapeutic Equestrian Center, LLC,
(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 April 5, 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 4, 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 April 5, 2023, unless indicated otherwise.

- A-1:** Blaine County SAP Application
- A-2:** Vicinity Map/Property Owners Map
- A-3:** Project Narrative
- A-4:** Design Sheets
- A-5:** No Rise Certification
- A-6:** Joint Application for State and Federal Permits

Exhibit B—Agency Comments

- B-1:** Department of the Army (USACE): Pending
- B-2:** Idaho Dept. of Water Resources (IDWR): 04-05-23
- B-3:** 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 stabilize an eroding streambank with rock riprap within the 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 has historically led to 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 currently ongoing and is anticipated to alleviate pressure on the eroding western bank. The proposed bank stabilization design will halt the erosion and protect the bridge. Refer to Exhibit A-4, Design sheets and details for more information. Staff has also provided photos of the site, Exhibit C-1.

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.

- **STAFF COMMENT:** A joint application for permits has been submitted, Exhibit A-6. The Idaho Department of Water Resources Permit was received on April 5, 2023. The Army Corps permit is pending as of the date of this permit. There are no cities to be noticed of this project.

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.*

- **STAFF COMMENT:** The purpose of this project is to protect the Glendale Road Bridge abutment from further erosion and potential failure. The riprap will be keyed into the riverbed to prevent erosion of the “toe” of the bank. The riprap will be placed at a 3:1 slope to match existing onsite conditions. The rock will extend from the abutment upstream approximately 215 linear feet to address the actively eroding streambank. Smaller cobble and gravel will fill the gaps between the rock to further strengthen the artificial bank. Due to the location of this work and its proximity to the Heavy Industrial Zoning District, this project is not anticipated to create adverse impacts to downstream or adjacent property owners.

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.*

- **STAFF COMMENT:** The applicant has provided a No Rise Certification with supporting engineering and documentation, Exhibit A-5. The County Engineer has reviewed this information and has not alerted staff to issues with the engineering.

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.*

- **STAFF COMMENT:** **This application for bank stabilization 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.*

- **STAFF 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. The water may be relocated to the recently excavated portion of the river channel to avoid water quality impacts.**

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.*

- **STAFF 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.

- **STAFF 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 shall be 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. Bank stabilization shall be performed in low water to avoid impacts to spawning salmonids.
6. Instream turbidity shall be monitored as required by IDEQ.
7. All disturbed areas, including access roads, shall be reseeded with native vegetation and weeds shall be monitored for a period of no less than three (3) years.