

JAN 27 2011

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Teton County Commissioners and Planning and Zoning Commission  
150 Courthouse Drive, Room 107  
Driggs, Idaho 83422

January 27, 2011

**Re: Teton Links RV Park Conditional Use Permit**

Please accept the following comments on the proposed Teton Links RV Park Conditional Use Permit on the behalf of Friends of the Teton River (FTR). FTR is a nonprofit organization dedicated to understanding and improving ground and surface water and fisheries resources in the Teton Basin, including the Teton River, its tributaries and wetlands. FTR furthers this mission by conducting scientific research about the Teton Watershed, using this research to enhance and protect local water resources, and communicating this information to the public.

The proposed project is located within a highly sensitive wetland area, where development actions may have significant impacts to water resources. Our comments below address the following specific concerns: 1) Potential impacts to ground (drinking) water quality; 2) Potential impacts to surface water quality; 3) Potential impacts to native Yellowstone cutthroat trout spawning and rearing habitat.

**1) Ground (Drinking) Water Quality**

Maintaining safe, high quality drinking water in Teton Valley is an area of strong concern to residents, visitors, natural resource experts, and governmental agencies. Data collected by the Idaho Department of Environmental Quality, Friends of the Teton River, and others indicate that surface and ground water in the area of the proposed project is close to or already in exceedance of acceptable thresholds for water quality, specifically for E. coli and nitrates. Additionally, the proposed development lies within the WW Wetland and Waterways Overlay Area (Section 8-5-1-D of Title 8), and there is evidence that ground water, at various times of the year, comes within ten feet of the ground's surface on the proposed development parcel. As a result, we are concerned that any storage and/or treatment of septic wastes associated with this project could cause a further increase in ground water quality pollutant loadings unless protective measures are implemented.

- **We recommend that the permit applicant contract a qualified Nutrient-Pathogen professional to conduct a detailed Nutrient-Pathogen study for any septic waste storage and/or treatment associated with this project, utilizing the criteria set forth by the Idaho Department of Environmental Quality and the Teton County Groundwater Protection Ordinance.**
- **We recommend that the permit applicant contract a qualified Nutrient-Pathogen professional to design a detailed emergency response and mitigation plan in the event of a septic waste spill from an individual vehicle, and/or in the event that the project's primary septic waste storage and/or treatment plan should fail.**

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- **If Nutrient-Pathogen contamination cannot be eliminated for the entire projected lifespan of this project, we recommend significant modification of the proposed project plan until this standard can be met.**

### **2) Surface (Stream) Water Quality**

Adverse changes in the water quality of the upper Teton River have been observed over the last several decades including increased siltation, hydrologic alteration, and elevated levels of nitrates and bacteria. These changes can impact human safety and recreation as well as fish and wildlife. In 1998, the U.S. Environmental Protection Agency designated the upper Teton River and many of its tributaries as not meeting water quality standards due to excessive nutrients, temperature and sedimentation under section 303(d) of the Federal Clean Water Act. Water quality testing by Friends of the Teton River (ongoing since 2001) and the Idaho Department of Environmental Quality (IDEQ) has continued to show high levels of water quality pollutants near the proposed project site; of particular concern are exceptionally high levels of *E. coli* bacteria in Woods Creek, and high nutrient levels in Woods Creek and the Teton River near the proposed project site. Because of these persistent surface water quality concerns, it has been recommended that the IDEQ continue to list the Teton River, from its headwaters to Bitch Creek, as an Impaired Stream, and continue to enforce Total Maximum Daily Load (TMDL) requirements. A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive from human-caused sources and still meet water quality standards.

Because the streams near the project area already exceed TMDL requirements, we are concerned that construction activities and roads associated with the proposed project may continue to increase sediment discharge and nutrient loading; that vehicle traffic and parking may increase urban runoff potential, adding additional pollutants to an already impaired system; and that increasing impervious surface area in the proposed project area may further alter the hydrology, resulting in erosion and thus increased sediment loading.

- **We recommend that the permit applicant work with a qualified contractor to design a construction plan that eliminates all sediment discharge into streams during construction activities, and a monitoring plan to ensure that this standard is met. If sediment discharge into streams cannot be eliminated during construction, we recommend significant modification of the proposed project plan until this standard can be met.**
- **We recommend that the permit applicant work with a qualified contractor to design a site plan that limits urban runoff and impervious surface area, and eliminates sediment discharge from roads/parking areas. This may include, but is not limited to, construction of retention ponds/swales, use of permeable parking surfaces, and protection and/or restoration of riparian vegetation buffer zones. If urban runoff and significant hydrologic alteration cannot be eliminated for the entire projected lifespan of the proposed project, we recommend significant modification of the project plan until this standard can be met.**

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## **3) Yellowstone cutthroat trout habitat**

Native Yellowstone cutthroat trout (YCT) populations in the Teton Watershed experienced a precipitous decline (95%) between 1999 and 2003. YCT are currently listed by Idaho Fish and Game as a species that is imperiled or at risk and vulnerable to range-wide extinction or extirpation. Since 2003, FTR has prioritized on-the-ground actions that will improve overall stream conditions. FTR has been working with a wide variety of partners<sup>1</sup> to restore stream banks, improve fish habitat, and restore stream flows and fish passage upstream and downstream of the proposed project area. Due in part to this comprehensive approach, the Bonneville Environmental Foundation (BEF) designated FTR as a recipient of their "Model Watershed" grant and has helped FTR to develop a 10-year (2010-2020) Watershed Restoration and Monitoring Plan for the Teton Watershed.

Research conducted by FTR, the Idaho Department of Fish and Game, and others indicates that many of the spring creeks in the wetlands between Highway 33 and the Teton River are highly productive YCT spawning and rearing habitat. These spring creeks/wetlands have the potential to play a significant role in the recovery of YCT in the Teton Watershed. The proposed project area is bisected by numerous small spring creeks which have not yet been studied to determine whether they are currently being utilized as spawning and/or rearing habitat by YCT. We are concerned that activities associated with the proposed project will impact habitat which may be critical to the survival and recovery of YCT in the Teton Watershed.

- **We recommend that, prior to approval of the project, the permit applicant contract a qualified fisheries professional to conduct a survey (at the appropriate time of year and using accepted methods) of all creeks, ponds, and other surface water bodies within the project area to determine whether there is evidence of YCT spawning redds and/or habitat utilization by YCT fry and/or adults.**
- **We recommend that, if the above-mentioned survey demonstrates usage of project-area streams by YCT, the permit applicant contract a qualified fisheries professional to ensure that the project does not cause any detrimental effects to YCT habitat in spring creeks within and downstream of the project area. Such methods may include, but are not limited to, implementation of Best Management Practices ("BMPs") which restrict the time frame in which construction work is performed in or near streams containing YCT.**

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<sup>1</sup> FTR's partners in YCT recovery in the Teton Watershed include, but are not limited to, the U.S. Forest Service, the Natural Resources Conservation Service, US Fish and Wildlife Service, the U.S. Army Corps of Engineers, the US Environmental Protection Agency, the Idaho Department of Fish and Game, the Wyoming Department of Fish and Game, the Idaho Department of Environmental Quality, the Idaho State Office of Species Conservation, Teton County, Idaho, Teton County, Wyoming, the City of Driggs, the City of Victor, the Teton Regional Land Trust, Trout Unlimited, the Bonneville Environmental Foundation, 1% for the Tetons, the Arthur B. Schultz Foundation, the Confluence Foundation, the Idaho Fish and Wildlife Foundation, the Laird Norton Foundation, the Maki Foundation, the National Forest Foundation, the National Fish and Wildlife Foundation, the Sand County Foundation, the Teton Springs Foundation, Jackson Hole One Fly, Orvis, Patagonia, Silverstar Communications, Grand Targhee Resort, Teton Springs Resort, M.D. Nursery, Aqua Terra, Mainstream Restoration, and more than 100 individual landowners.

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- We recommend that any/all plans for the “pond with fly-fishing pier” included on the site (including but not limited to plans for stocking, filling, dredging, enhancing and/or enlarging) be approved by the following agencies prior to project approval: the Idaho Department of Fish and Game; the U.S. Army Corps of Engineers; and the Idaho Department of Water Resources.
- Friends of the Teton River would be happy to work with the permit applicant to explore options for stream and riparian habitat restoration work on the site.

In conclusion, Teton Valley's water resources and Yellowstone cutthroat trout populations are in a threshold condition and in need of strong protective measures. The proposed Teton Links RV Park is located within a highly sensitive wetland area, where development actions may have significant detrimental impacts on our community's water resources. Because of the unique location of this project, we strongly encourage the Teton County Commissioners and Planning and Zoning Department to proceed with caution in approving this Conditional Use Permit. Additional study, performed by qualified professionals, is necessary to determine whether this project can be designed in a manner that protects our valley's valuable water resources. Please do not hesitate to contact us if you have any additional questions or need clarification on any of the above recommendations.

Sincerely,



Tom Fenger, Executive Director  
Friends of the Teton River

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