



September 27, 2022

Dear Madame Chairwoman and Teton County Board of County Commissioners,

Protect Our Water Jackson Hole is a 501(c)(3) nonprofit organization dedicated to serving Teton County, WY as powerful advocates for restoring and protecting the surface- and groundwaters in our watershed. We are writing in response to the proposed development on Fish Creek Road: DEV2022-0002: One Wildlife Ranch, Rural-Planned Residential Development.

Besides being a prized coldwater fishery and popular recreation destination for locals, all waters within the Fish Creek drainage, together with all adjacent wetlands, have been designated as Class 1 surface waters by the Wyoming Department of Environmental Quality (WDEQ). The Class 1 designation affords the highest level of protection under the Wyoming Environmental Quality Act and the federal Clean Water Act, which refers to such waters as “Outstanding National Resource Waters.” See 40 CFR §131.12 (“Where high quality waters constitute an outstanding National resource, such as waters of National and State parks and wildlife refuges and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected”). Thus, in accordance with Chapter 1 of Wyoming Water Quality Rules and Regulations, water quality of Wyoming’s Class I streams must be maintained and protected. This is achieved, in part, by a prohibition against new and expanded point source discharges, as well as a variety of regulatory provisions contained in WDEQ’s water quality rules. One such requirement is found in the WDEQ’s stormwater regulations for large construction projects which, among other things, may require a pre-authorization DEQ site visit to facilities/sites that discharge to Class 1 surface water.¹

Several elements of this proposed development threaten surface- and groundwater resources within the Fish Creek watershed.

To begin, we are concerned about potential impacts to the spring located south of the historic cabin on the site. While it appears that the required setbacks were met, there is the matter of the water rights application for the water bubbling out of Vandewater Spring. Though this potential water source appears to be used as a supplemental resource for the property, the final purpose for this surfacewater withdrawal is still not determined. How can we ensure that no ecosystem function will be lost from the spring and its associated wetlands if this water source is to be tapped and potentially depleted by a development of yet-to-be-determined size?

Next, the impacts of increased stormwater resulting from excavation, construction, land alteration, and the resultant reduction in natural land cover within this plot must be carefully addressed in any future authorization. Per Section 5.7.1 (A) of Teton County’s LDR’s, “it has

¹ It is unclear to us whether the project proponent has obtained the necessary authorizations required by WDEQ’s stormwater regulations.



been determined that runoff (stormwater) from construction sites carries a significant amount of sediment and other pollutants to the waters of the State of Wyoming and the County.” In addition, pollutants like de-icing agents applied to the access road and other surfaces, lawn fertilizer, pet waste, and pest-/herbicides will likely be used or generated on the development site and now have a direct route down the slope into Fish Creek. In light of these factors, we request that the issue of stormwater and erosion control be thoroughly vetted by the BCC, regardless of how this proposed development takes shape (particularly regarding WDEQ’s stormwater permitting requirements).

Finally, the nature of this land parcel presents several challenges related to septic infrastructure. To begin with, per the Staff Report, “Water supply & Wastewater disposal demonstration consistent with Ch.23 Subdivision review Rules, as required by S.S. 18-5-301—315 was not provided with this application.” Beyond this gap in the planning process, this parcel contains (at best) limited suitable ground to house necessary water and wastewater facilities (per the County’s SWF Regulations). How do we know that the necessary setbacks for a domestic well can be met in coordination with the percolation rate requirements for proposed leech field (especially one located on a slope)? What’s more, it is unclear whether there is sufficient space for a supplementary leech field to be utilized should the first one fail. The same space and redundancy concerns exist regarding the other proposed building sites as well.

As noted above, Fish Creek is a Class 1 surfacewater that is already impaired by E. Coli contamination. Based on recent studies, we now understand that this contamination is coming from human wastewater that enters the groundwater from leech fields along/above the creek. What evidence can be provided to ensure that the water and wastewater impacts from the proposed development do not put even more degradative pressure on our precious Fish Creek?

Sincerely,

Matt Bambach
Water Quality Advocate