

Wednesday June 18, 2025



Heather Overholser
Director of Public Works, Teton County
320 S King St.
Jackson, WY 83001

Re: FY2026 Engineering Permit Fees

Dear Director Overholser,

On behalf of Protect Our Water Jackson Hole (POWJH), we are happy to submit comments on the above-referenced rulemaking proposal. POWJH is a nonprofit organization dedicated to serving as a powerful advocate and catalyst to protect and restore Teton County's water resources. Teton County is home to irreplaceable and internationally-treasured water resources. We have the most National Wild and Scenic River miles of any County in the country, we're home to endemic Snake River Finespotted Trout, and we sit at the headwaters of the Snake River: one of the most important rivers for recreation and irrigation in the western US. It is the character of our environment that gave rise to what Teton County is today.

Despite the grandeur of our home, water quality problems persist in our community. Fish Creek and Flat Creek are both impaired by the Environmental Protection Agency and Wyoming Department of Environmental Quality by excess *E. coli* bacteria (both) and altered habitat due to excess algae and sedimentation (respectively). There are also pockets of our community with unsafe drinking water due to contamination from wastewater and surficial pollutants. It is clear: we need rules and regulations that protect the water resources that allow our community to thrive if we are to continue to do so in the future.

POWJH supports policies that protect the health of our water, and a well-designed engineering permit fee structure is key to that goal. Such a structure should both cover county administrative costs and promote compliance with permitting requirements. Proper permitting ensures that construction and other activities—especially in sensitive habitats—are carefully reviewed and approved to minimize environmental harm. To uphold these standards, it's also important that the fee system includes a way to recover the costs of bringing unpermitted work into compliance.

Teton County's Water Quality Management Plan (WQMP) calls for an update to Title IX: the County's small wastewater facility (septic system) regulations. This update to the engineering fee structure calls for new compliance fees for failing to obtain a permit when installing and/or working on septic facilities. As the process to update Title IX unfolds, this update presents another opportunity to further mitigate the detrimental impacts of septic systems on our water resources.

We have the following comments:

1- Support for Updating Permit Fees

We commend the County for updating the permit fee structure to more accurately reflect the administrative costs associated with reviewing and enforcing development-related permits. The current fees are relatively low and have not kept pace with the true cost of processing and oversight. Updating these fees ensures that the financial burden is fairly shifted away from the

general taxpayer and onto the private entities initiating development. This approach is equitable, efficient, and necessary to sustain quality service delivery.

2- Support for Compliance Fees with Recommendation to Strengthen Enforcement

We also support the addition of compliance fees to Site Work, Grading and Erosion Control (GEC), and Live Waterbody permits. The inclusion of a compliance fee equal to double the original permit cost offers a clear and administratively simple way to address unpermitted work. However, we have concerns that this amount may not sufficiently deter willful noncompliance, especially in cases where the violations are egregious and the cost of retroactive compliance far exceeds the doubled permit fee.

We recommend consideration of a tiered or escalating compliance fee structure. This would ensure:

- Full cost recovery in cases where bringing work into compliance requires significant staff time or environmental remediation.
- A stronger deterrent against undertaking work without required permits.

This could be modeled as an additional surcharge or violation penalty for major offenses, creating a clear incentive to follow procedures from the outset.

Teton County is home to some of the most iconic and ecologically sensitive watersheds in the Rocky Mountain region. While the scenery is stunning, it belies the growing impact of nutrient and waste pollutants entering our water systems, particularly from aging or noncompliant septic infrastructure. This fee structure update is not just about internal cost recovery—it represents an important step in reinforcing the legal and ethical standards our community has embraced to protect public health and the environment. Strengthening compliance and enforcement mechanisms will help ensure that our land use regulations reflect the seriousness of these challenges and the community's commitment to long-term sustainability.

POWJH is grateful for our relationship with Teton County. Along with meaningful contributions from other community partners, we are taking tangible steps towards a future with clean water for all. Thank you for the opportunity to comment on this project: while it may seem like a small fish to fry, it's just one step closer to realizing our shared goal to protect and restore the water resources that give life to all that call this valley home.

Sincerely,



Johnny McCarthy
Summer Intern



Matthew Bambach
Water Resources Program Manager