

JOINT APPLICATION FOR PERMITS

U.S. ARMY CORPS OF ENGINEERS - IDAHO DEPARTMENT OF WATER RESOURCES - IDAHO DEPARTMENT OF LANDS

Authorities: The Department of Army Corps of Engineers (Corps), Idaho Department of Water Resources (IDWR), and Idaho Department of Lands (IDL) established a joint process for activities impacting jurisdictional waterways that require review and/or approval of both the Corps and State of Idaho. Department of Army permits are required by Section 10 of the Rivers & Harbors Act of 1899 for any structure(s) or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for the discharge of dredged or fill materials into waters of the United States, including adjacent wetlands. State permits are required under the State of Idaho, Stream Protection Act (Title 42, Chapter 38, Idaho Code and Lake Protection Act (Section 58, Chapter 13 et seq., Idaho Code). In addition the information will be used to determine compliance with Section 401 of the Clean Water Act by the appropriate State, Tribal or Federal entity.

Joint Application: Information provided on this application will be used in evaluating the proposed activities. Disclosure of requested information is voluntary. Failure to supply the requested information may delay processing and issuance of the appropriate permit or authorization. **Applicant will need to send a completed application, along with one (1) set of legible, black and white (8½"x11"), reproducible drawings that illustrate the location and character of the proposed project / activities to both the Corps and the State of Idaho.**

See Instruction Guide for assistance with Application. Accurate submission of requested information can prevent delays in reviewing and permitting your application. Drawings including vicinity maps, plan-view and section-view drawings must be submitted on 8-1/2 x 11 papers.

Do not start work until you have received all required permits from both the Corps and the State of Idaho

FOR AGENCY USE ONLY										
USACE NWW-	Date Received:			<input type="checkbox"/> Incomplete Application Returned			Date Returned:			
Idaho Department of Water Resources No.	Date Received:			<input type="checkbox"/> Fee Received DATE:			Receipt No.:			
Idaho Department of Lands No.	Date Received:			<input type="checkbox"/> Fee Received DATE:			Receipt No.:			
INCOMPLETE APPLICANTS MAY NOT BE PROCESSED										
1. CONTACT INFORMATION - APPLICANT Required:					2. CONTACT INFORMATION - AGENT:					
Name: Brian Fraiz					Name: Jeffrey Klausmann					
Company:					Company: Intermountain Aquatics, Inc.					
Mailing Address: 11005 Pleasantview Drive					Mailing Address: PO Box 1115					
City: Carmel			State: IN	Zip Code: 46033		City: Driggs			State: ID	Zip Code: 83422
Phone Number <small>(include area code)</small> : 317-213-3604		E-mail: brianfraiz@gmail.com			Phone Number <small>(include area code)</small> : 208-354-3690		E-mail: jeff@intermountainaquatics.com			
3. PROJECT NAME or TITLE: Fraiz Residence					4. PROJECT STREET ADDRESS: TBD, Teton County Road W 5000 S					
5. PROJECT COUNTY: Teton County, ID		6. PROJECT CITY: Unincorporated (near Victor)			7. PROJECT ZIP CODE: 83422		8. NEAREST WATERWAY/WATERBODY: Fox Creek / Teton River			
9. TAX PARCEL ID#: RP04N45E290050		10. LATITUDE: 43°38'58.18"N LONGITUDE: 111° 9'43.43"W		11a. 1/4: NE	11b. 1/4: NE	11c. SECTION: SEC 29		11d. TOWNSHIP: T 4N	11e. RANGE: R 45E	
12a. ESTIMATED START DATE: October 2023		12b. ESTIMATED END DATE: Dec 2025			13a. IS PROJECT LOCATED WITHIN ESTABLISHED TRIBAL RESERVATION BOUNDARIES? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES Tribe:					
13b. IS PROJECT LOCATED IN LISTED ESA AREA? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES					13c. IS PROJECT LOCATED ON/NEAR HISTORICAL SITE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES					
14. DIRECTIONS TO PROJECT SITE: Include vicinity map with legible crossroads, street numbers, names, landmarks. From Highway 33 travel west on Rd W 5500 S 3.1 miles. The road turns north and then west again several times and ends at the IDFG Fox Creek East public access on Rd W 5000 S. The Fraiz property is directly before and southeast of the public access parking lot. The entrance to the proposed development site is 1/4 mile east of the parking lot.										
15. PURPOSE and NEED: <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Public <input checked="" type="checkbox"/> Private <input type="checkbox"/> Other Describe the reason or purpose of your project; include a brief description of the overall project. Continue to Block 16 to detail each work activity and overall project. The purpose of this project is to construct a residence, driveway, and associated accessory buildings, landscaping, and utility/sanitation infrastructure on the project property and install a power line to the property.										

16. DETAILED DESCRIPTION OF EACH ACTIVITY WITHIN OVERALL PROJECT. Specifically indicate portions that take place within waters of the United States, including wetlands: Include dimensions; equipment, construction, methods; erosion, sediment and turbidity controls; hydrological changes: general stream/surface water flows, estimated winter/summer flows; borrow sources, disposal locations etc.:

Permanent impacts for residential development and utilities will be 0.5 acres in existing PEM wetlands. Dimensions and locations for specific activities below are estimated from engineer's and architect's preliminary site plans and proposed power line route map.

- 1) Place gravel and earth fill for driveway & shoulders: 6000 sq ft.
- 2) Excavate and place concrete and earth fill for residence and other buildings: 8000 sq ft.
- 3) Place soil fill for landscaping, screening berm, and other minor improvements: 7740 sq ft.
- 4) Excavate and backfill utility trenches for power, water, and septic outside of building footprint: 800 sq ft, all within the three areas listed above.
- 5) Electrical transformer and junction box pads along cable route off of property: 40 sq ft.

Work will use conventional residential, road, utility, and landscaping construction equipment and methods. Sediment from the construction site will be minimized and contained using conventional stormwater BMPs and limiting run-on from irrigation on adjacent property with a temporary barrier.

Mitigation work will involve 0.5 acres of excavation in uplands to lower grade and establish wetland hydrology followed by revegetation. Excavated soil will be spoiled in adjacent uplands with no fill in wetlands. The mitigation site is bordered by wetlands and is near Fox Creek. The disturbed area will be enclosed with straw wattles, silt fence or other BMPs to contain sediment until the site is stabilized. Wetlands crossed for access will be protected from damage by working in dry and/or frozen conditions, using low-ground-pressure equipment, and placing swamp mats or other stabilization if needed. Mitigation work will occur before or concurrent with residential development. The tentative schedule calls for most development work to be done in 2024, mitigation grading and temporary stabilization in 2023, and mitigation site revegetation in 2024.

See accompanying Mitigation Plan and Aquatic Resource Inventory for vicinity map, site plan, and other supporting information.

17. DESCRIBE ALTERNATIVES CONSIDERED to AVOID or MEASURES TAKEN to MINIMIZE and/ or COMPENSATE for IMPACTS to WATERS of the UNITED STATES, INCLUDING WETLANDS: See Instruction Guide for specific details.

The development site was chosen to avoid and minimize impacts. The 40-acre property has 33 acres of wetlands and streams and 7 acres of uplands as 20 small patches, mostly inaccessible. The proposed development uses the largest upland patch next to road W 5000 S plus a nearby 0.2-acre upland patch for the driveway entrance, parking, propane tank, storage, and primary and reserve septic drainfield sites. The part of the development site in wetlands is some of the lowest quality wetlands on the property on higher ground with marginal wetland hydrology, outside the 100-year/1%AEP floodplain, with vegetation dominated by pasture grasses and degraded by decades of livestock grazing. Development avoids streams and streamside areas and lower, higher quality floodplain wetlands dominated by sedges and other obligate wetland plants. Impact and mitigation sites are not in a floodway. The power line route follows the existing, already disturbed road right of way. Trenching impacts will be minor and temporary. Horizontal boring will avoid stream channel alteration.

Proposed mitigation to compensate for the 0.5 acre of wetland impacts will establish 0.5 acres of new, higher quality PSS wetlands 700-900 ft from the impact site in an upland patch within the Fox Creek floodplain and above the ordinary high water mark. The proposed location and topography will support wetland hydrology with minor grading, and willow plantings will improve wildlife habitat. Compared to the impact site, the mitigation wetland will have more favorable hydrology and be more isolated from the road and human activity.

18. PROPOSED MITIGATION STATEMENT or PLAN: If you believe a mitigation plan is not needed, provide a statement and your reasoning why a mitigation plan is NOT required. Or, attach a copy of your proposed mitigation plan.

Proposed mitigation to compensate for the 0.5 acres of impacts will be through 0.5 acres of PSS wetland creation from uplands. A mitigation plan is submitted with this application. Mitigation work will involve (1) shallow excavation (average 0.5 ft depth of cut) in a marginal upland patch surrounded by wetlands and near Fox Creek to create wetland hydrology, (2) planting of willows and seeding with native herbaceous wetland species, and (3) temporary fencing for protection from moose and other herbivores. The functional assessment shows that replacing degraded, marginal PEM wetlands on high ground next to the road with the proposed near-stream PSS wetlands will result in significant functional lift. Mitigation site placement ensures favorable hydrology and maximizes functional benefits and odds of short- and long-term success.

19. TYPE and QUANTITY of MATERIAL(S) to be discharged below the ordinary high water mark and/or wetlands:

Dirt or Topsoil:	3,125	cubic yards
Dredged Material:		cubic yards
Clean Sand:		cubic yards
Clay:		cubic yards
Gravel, Rock, or Stone:	450	cubic yards
Concrete:	120	cubic yards
Other (describe):		cubic yards
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TOTAL: 3,695 cubic yards

20. TYPE and QUANTITY of impacts to waters of the United States, including wetlands:

Filling:	0.5	acres		sq ft.	1,770	cubic yards
Backfill & Bedding:		acres	13,800	sq ft.	2,045	cubic yards
Land Clearing:		acres		sq ft.		cubic yards
Dredging:		acres		sq ft.		cubic yards
Flooding:		acres		sq ft.		cubic yards
Excavation:	0.82	acres		sq ft.	2,325	cubic yards
Draining:		acres		sq ft.		cubic yards
Other:		acres		sq ft.		cubic yards

TOTALS: 1.32 acres 13,800 sq ft. 6,140 cubic yards

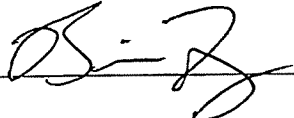
21. HAVE ANY WORK ACTIVITIES STARTED ON THIS PROJECT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES If yes, describe ALL work that has occurred including dates.				
22. LIST ALL PREVIOUSLY ISSUED PERMIT AUTHORIZATIONS: None				
23. <input type="checkbox"/> YES, Alteration(s) are located on Public Trust Lands, Administered by Idaho Department of Lands				
24. SIZE AND FLOW CAPACITY OF BRIDGE/CULVERT and DRAINAGE AREA SERVED: <u>1.22</u> Square Miles				
25. IS PROJECT LOCATED IN A MAPPED FLOODWAY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES If yes, contact the floodplain administrator in the local government jurisdiction in which the project is located. A Floodplain Development permit and a No-rise Certification may be required.				
26a WATER QUALITY CERTIFICATION: Pursuant to the Clean Water Act, anyone who wishes to discharge dredge or fill material into the waters of the United States, either on private or public property, must obtain a Section 401 Water Quality Certification (WQC) from the appropriate water quality certifying government entity. <u>See Instruction Guide for further clarification and all contact information.</u>				
The following information is requested by IDEQ and/or EPA concerning the proposed impacts to water quality and anti-degradation: <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES Is applicant willing to assume that the affected waterbody is high quality? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES Does applicant have water quality data relevant to determining whether the affected waterbody is high quality or not? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES Is the applicant willing to collect the data needed to determine whether the affected waterbody is high quality or not?				
26b. BEST MANAGEMENT PRACTICES (BMP's): List the Best Management Practices and describe these practices that you will use to minimize impacts on water quality and anti-degradation of water quality. All feasible alternatives should be considered - treatment or otherwise. Select an alternative which will minimize degrading water quality The development site is on higher ground that can be isolated from runoff. It is on a slight rise at the toe of an alluvial fan with a topographic contributing area of 2.5-3 acres and outside the active floodplain. Overflow from a neighbor's irrigation ditch sometime contributes water. Natural runoff and irrigation overflow can readily be diverted with a berm or other barrier. Stormwater, erosion, and sediment will be controlled with standard construction site BMPs such as wattles, silt fence, track-out grates, mulching, and seeding. If dewatering is required during excavation, water will be pumped to a densely vegetated upland. Construction equipment will operate mainly in uplands or the permitted impact area. If operation in adjacent wetlands is necessary, damage will be minimized using a combination of low-ground-pressure equipment, stabilization with geotextiles or swamp mats, and work during drier and/or frozen conditions, and any damage will be corrected with ripping, grading, and/or native revegetation as appropriate. To minimize surface damage and potential sediment export, excavation for mitigation will be done in late-summer, fall or winter when stream and groundwater levels are low and soils are firm or frozen. Wetlands crossed for temporary access or equipment operation will also be protected by using low-ground-pressure tracked equipment and, if needed, swamp mats or other stabilization. The mitigation and adjacent upland spoil site are surrounded by nearly flat ground with dense vegetation that, combined with straw wattles or silt fence, will contain sediment effectively. Excavation and spoil will be kept >40 ft from Fox Creek. All equipment fueling, maintenance, staging, and storage will be in uplands away from surface water and use approved fuel tanks and spill containment systems. All excavated material not backfilled in its original place will be used on building sites, hauled to uplands, or trucked off site. Disturbed areas outside the permitted impact site, including wetlands and uplands, will be revegetated with native plants. Power line trenching will be done in fall or winter when conditions are relatively dry (not during rainstorm or snowmelt runoff). Excavated material will be temporarily stockpiled in the road right of way next to the trench and used to backfill the trench after cable is laid. Conventional BMPs such as silt fence or wattles will be used as needed to prevent sediment runoff, including to separate horizontal boring work areas from the stream. Through the 401 Certification process, water quality certification will stipulate minimum management practices needed to prevent degradation.				
27. LIST EACH IMPACT to stream, river, lake, reservoir, including shoreline: Attach site map with each impact location.				
Activity	Name of Water Body	Intermittent Perennial	Description of Impact and Dimensions	Impact Length Linear Feet
No direct impacts	Unnamed Fox Creek tributary	Perennial	Horizontal boring under channel avoids any impacts	0
TOTAL STREAM IMPACTS (Linear Feet):				0
28. LIST EACH WETLAND IMPACT include mechanized clearing, fill excavation, flood, drainage, etc. Attach site map with each impact location.				
Activity	Wetland Type: Emergent, Forested, Scrub/Shrub	Distance to Water Body (linear ft)	Description of Impact Purpose: road crossing, compound, culvert, etc.	Impact Length (acres, square ft linear ft)
Residential development	PEM	0	Construct dwelling, driveway, accessory structures, utilities.	0.5
Power line trenching	PEM	0-10	Install electrical power to project site (6500 linear ft X 2 ft wide)	0.3
TOTAL WETLAND IMPACTS (Square Feet):				0.8

29. ADJACENT PROPERTY OWNERS NOTIFICATION REQUIREMENT: Provide contact information of ALL adjacent property owners below.

<p>Name: Idaho Fish and Game</p> <p>Mailing Address: Attn Tom Parker / PO box 25</p> <p>City: Boise State: ID Zip Code: 83707</p> <p>Phone Number (include area code): E-mail:</p>	<p>Name: Williams Survivors Trust</p> <p>Mailing Address: 5360 Willowbend Drive</p> <p>City: Victor State: ID Zip Code: 83455</p> <p>Phone Number (include area code): E-mail:</p>
<p>Name: Fox Creek LLC</p> <p>Mailing Address: C/O Alonzo Huntsman 511 E 11th Ave</p> <p>City: Salt Lake City State: UT Zip Code: 84103</p> <p>Phone Number (include area code): E-mail:</p>	<p>Name: Dennington, Clayton</p> <p>Mailing Address: PO Box 809</p> <p>City: Dermott State: AR Zip Code: 71638</p> <p>Phone Number (include area code): E-mail:</p>
<p>Name: BTM Investment Holdings LLC</p> <p>Mailing Address: 6164 Old Orchard Lane</p> <p>City: Holladay State: UT Zip Code: 84121</p> <p>Phone Number (include area code): E-mail:</p>	<p>Name:</p> <p>Mailing Address:</p> <p>City: State: Zip Code:</p> <p>Phone Number (include area code): E-mail:</p>
<p>Name:</p> <p>Mailing Address:</p> <p>City: State: Zip Code:</p> <p>Phone Number (include area code): E-mail:</p>	<p>Name:</p> <p>Mailing Address:</p> <p>City: State: Zip Code:</p> <p>Phone Number (include area code): E-mail:</p>

30. SIGNATURES: STATEMENT OF AUTHORIZATION / CERTIFICATION OF AGENT / ACCESS

Application is hereby made for permit, or permits, to authorize the work described in this application and all supporting documentation. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein; or am acting as the duly authorized agent of the applicant (Block 2). I hereby grant the agencies to which this application is made, the right to access/come upon the above-described location(s) to inspect the proposed and completed work/activities.

Signature of Applicant:  Date: 10/30/23

Signature of Agent:  Date: 10/30/23

This application must be signed by the person who desires to undertake the proposed activity AND signed by a duly authorized agent (see Block 1, 2, 30). Further, 18 USC Section 1001 provides that: "Whoever, in any manner within the jurisdiction of any department of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both".