



Planning and Zoning Commission
Canyon County Development Services Dept.

Addendum - Case #CU2023-0008

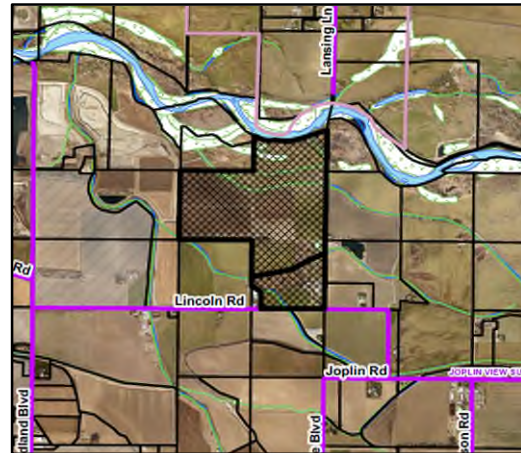
HEARING DATE: April 4, 2024

OWNER: Nampa Paving

APPLICANT/REP: Quadrant Consulting, Inc.

PLANNER: Dan Lister, Principal Planner

CASE NUMBER: CU2023-0008 (Amending CU2022-0033)



ADDENDUM:

On January 4, 2024, Case No. CU2023-0008 was heard by the Planning and Zoning Commission at a duly noticed public hearing. After reviewing the staff report and public testimony, the Planning and Zoning Commission continued the hearing to a date uncertain to allow the applicant time to provide proof of approval from the Idaho Department of Water Resources (IDWR) and the U.S. Army Corp of Engineers (USACE) regarding the expansion of the mineral extraction including wetland restoration and mitigation (Exhibit 8).

On January 18, 2024, the applicant submitted approval from IDWR which determined a Steam Channel Alteration permit was not required for the proposed activity. The applicant must meet applicable Clean Water Act local floodplain requirements and standards (Exhibit 9).

The IDWR approval did not include USACE approval. Therefore, the hearing scheduled for March 21, 2024, was continued to April 4, 2024. USACE approval was submitted on March 27, 2024 (Exhibit 10). Adherence to the permit and conditions have been applied as conditions of approval.

Revised FCOs are provided updating the findings and conditions based on the new information (Exhibit 11).

EXHIBITS:

See January 4, 2024, staff report for exhibits 1-7

8. P&Z Minutes – 1/4/2024
9. IDWR approval
10. USACE approval
11. Revised FCOs



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, January 4, 2024
6:30 P.M.

1ST FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

Commissioners Present : Robert Sturgill, Chairman
Brian Sheets, Commissioner
Miguel Villafana, Commissioner
Patrick Williamson, Commissioner
Harold Nevill, Commissioner
Geoff Mathews, Commissioner

Matt Dorsey, Commissioner joined the hearing at 7:21 PM

Staff Members Present: Sabrina Minshall, Director of Development Services
Carl Anderson, Planning Supervisor
Michelle Barron, Principal Planner
Dan Lister, Principal Planner
Hether Hill, Principal Planner
Amber Lewter, Hearing Specialist

Chairman Sturgill called the meeting to order at 6:32 p.m.

Commissioner Villafana read the testimony guidelines and proceeded to the first business item on the agenda.

Director of Development Services, Sabrina Minshall, requested an amendment to the agenda as follows:
1). move action item no. 4 to number 2 and 2). CU2023-0014, York will be 3rd in the order.

MOTION: Commissioner Williamson moved to amend the agenda as requested. Motion seconded by Commissioner Sheets. Voice vote, motion carried.

Item 1A:

Case No. CR2023-0008 – Zion Ventures LLC - Approval of revised FCO’s.

MOTION: Commissioner Nevill moved to approve & sign the revised Findings of Facts. Motion seconded by Commissioner Mathews. Voice vote, motion carried.

Item 1B:

Case No. RZ2021-0030 & SD2021-0018 – LGD Ventures / Goldberg / Lewis Heights – Approval of revised FCO’s.

MOTION: Commissioner Nevill moved to approve & sign the revised Findings of Facts. Motion seconded by Commissioner Mathews. Voice vote, motion carried.

Item 2A: DIRECTOR, PLANNER, COMMISSION COMMENTS:

Director of Development Services Sabrina Minshall introduced some new employees. The new Planning Supervisor Carl Anderson and the new Principal Planner Hether Hill. Planning Supervisor Carl Anderson introduced himself and provided a brief background. He is coming from Pocatello and is a Boise state

graduate. Graduated with a Masters in Community Regional Planning. Has worked with the City of Ketchum, after that worked with the City of Pocatello for the past 6 years. Planner Hether Hill introduced herself and gave a brief background. She is coming from Bend, Oregon during her time there she did some land use planning for the County and project management for the City of Bend. She has a background in environmental management in forestry and natural resources planning.

Item 3A:

Case No. SD2020-0023- Kelly Ridge: A request has been submitted by Robert and Jeanne Kelly for approval of a **Preliminary Plat and Irrigation & Drainage Plan** for the Kelly Ridge Subdivision. The development consists of 9 residential lots and 1 private road lot. The subject property, Parcel No. 38157011 is located on the south side of Purple Sage Road, approximately 680 ft. west of the intersection of Freezeout Rd., and Purple Sage Rd., Caldwell, Idaho, in a portion of the NW 1/4 of Section 34, T5N, R3W, BM. Canyon County, Idaho.

Planner Michelle Barron reviewed the Staff report for the record.

Commissioner Williamson asked if the ditch along the northern boundary will be piped. Planner Michelle Barron advised part of the ditch runs off of their property so it will not all be piped. Black Canyon Irrigation did recommend that the southern part of the parcel not be piped and that is the one that runs through the back lots but they do recommend covering the ones that run up along Purple Sage.

Commissioner Nevill asked if they received any information regarding firefighting water. Planner Michelle Barron advised they didn't receive anything specific and the Fire Department did not respond. There is a condition to follow the International Fire Code as administered through the Fire District.

Chairman Sturgill stated in exhibit 3D it suggested there would be individual storm water retention ponds but didn't see any on the plat, it was asked if there has been any discussion where those would be in terms of the individual lots. Planner Michelle Barron advised she isn't sure and originally there was a different surveyor involved, the one that is actively involved now is present at the hearing and would be better able to address the questions.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Robert Kelly (Applicant) – IN FAVOR – 14715 Purple Sage Rd, Caldwell, ID, 83607

Mr. Kelly stated this has been a long journey that is going on 5 years. At the beginning they had a different surveyor and now they have Mr. Wellington. Mr. Kelly advised Mr. Dingeldein has some property along side his property and is requesting Mr. Kelly to give him access to his non-buildable lot. Mr. Kelly advised he is not going to give Mr. Dingeldein access to the lot.

Commissioner Williamson stated there are two lots with an open ditch on the lower side and the Irrigation District will require a crossing over to the other easement. Commissioner Williamson asked what the plan is for the piece on the west side of the canal. Mr. Kelly stated his son and a friend are going to take those two lots and put horses down there, that will keep that side of the ditch clean, and will be fenced off.

Commissioner Nevill stated staff had 8 original conditions of approval and is now adding a 9th condition to require a road users maintenance agreement. Commissioner Nevill confirmed Mr. Kelly agrees to all 9 conditions. Commissioner Nevill stated Black Canyon Irrigation District recommends fencing of the canal

lateral, he asked which part of the lateral do they want the fence. Mr. Kelly provided the location pointing to the location on the screen. Commissioner Nevill confirmed that Mr. Kelly is going to fence the canal lateral as recommended by the Black Canyon Irrigation District. Commissioner Nevill asked what the plan is for firefighting water. Mr. Kelly stated everyone is on an individual well, there is a proposed irrigation plan where there is a pond with a pressurized system that is going down to each one of the lots for irrigation water and that is what will be the firefighting water. Commissioner Nevill asked if it is one pump that will provide both irrigation and firefighting and if it will be on all the time. Mr. Kelly stated it is one pump and it will not be on all the time, you have to flip a switch. Commissioner Nevill asked if there is a fire they have to go turn on the pump. Mr. Kelly stated that was correct. Commissioner Nevill asked for clarification on the concern for Mr. Dingeldein's property. Mr. Kelly pointed out the location of the property. Commissioner Nevill confirmed it is outside Mr. Kelly's property line but inside where the canal sweeps around it. Mr. Kelly advised there is no access to Mr. Dingeldein's property and he has asked Mr. Kelly several times for access through his property. Mr. Kelly is not going to give him access. Mr. Kelly stated that the irrigation road goes through there and perhaps they will give Mr. Dingeldein access if he contacts them.

Steve Wellington – IN FAVOR – PO BOX 702, Meridian, ID, 83680

Mr. Wellington introduced himself as the surveyor and stood for question.

Commissioner Williamson asked for clarification where or how the storm water is going to be retained on each individual lot. Mr. Wellington stated he isn't the engineer who did the drainage and irrigation plan. He indicated that the private roads will have ditches along both sides to collect drainage. There will be some historical drainage the irrigation district will allow into their ditch anything excess must be retained on site. Commissioner Williamson asked if these are custom built homes where each property owner will have to get an engineer to design drainage for each lot. Mr. Wellington stated that is his understanding.

Commissioner Nevill asked if Mr. Wellington can describe the pump for the firefighting water and irrigation water. Mr. Wellington advised he isn't the engineer for the project and cannot provide details in regard to the pump.

Commissioner Sheets asked for clarification when it comes to outside parcels if there is any preexisting easements or roadways that are not on the plat. Mr. Wellington advised there is not.

John Dingeldein – IN OPPOSITION – 2021 Interlachen, Meridian, ID, 83646

Mr. Dingeldein stated he would just like access to his property. Mr. Dingeldein stated he feels there can be some remedy in the situation seems the parcels are getting subdivided, there could be a private road going to his property. What Mr. Dingeldein understands by the Sheriff's office is that Mr. Kelly has to file something to keep him off the land to stop Mr. Dingeldein from getting to his property. Mr. Dingeldein has materials on the property and hasn't been able to get to them.

Commissioner Williamson asked for clarification on where Mr. Dingeldein's property is located. Mr. Dingeldein pointed out the location on the screen. Commissioner Williamson asked if he is able to get to his property going along the canal road. Mr. Dingeldein advised he would have to put a covert in and drive over the top of it but that is a possibility.

Chairman Sturgill asked how big the lot size is. Mr. Dingeldein advised it is three quarters of an acre.

Commissioner Nevill asked what Mr. Dingeldein's business is. Mr. Dingeldein advised he is a masonry contractor, entertainer, songwriter and singer. Commissioner Nevill asked if what Mr. Dingeldein needs

access to is part of his masonry. Mr. Dingeldein confirmed that is correct. Mr. Nevill asked if the property is land locked. Mr. Dingeldein stated he wouldn't call it land locked but he will need to go through Black Canyon Irrigation and Black Canyon Highway District to gain access, he is willing to go that route he was just hoping Mr. Kelly could provide access to his property. Mr. Nevill confirmed that the private road that is proposed currently does not give him access. Mr. Dingeldein stated Mr. Kelly has denied him access to get to his property so when he goes to his property he has to go hop the ditch and go down ditch rider's road.

Robert Kelly (Applicant) – REBUTTAL – 14715 Purple Sage Rd, Caldwell, ID, 83607

Mr. Kelly stated he allowed Mr. Dingeldein access to his property for about 3 years but once others started gaining access without Mr. Kelly's knowledge is when he put a stop to Mr. Dingeldein getting to his property through Mr. Kelly's property. Mr. Kelly stated that Mr. Dingeldein can go through the correct channels.

Planner Michelle Barron stated all the irrigation and drainage has been approved through the County's engineer according to their standards. There is a plat note, number 5, which covers storm water and that it needs to be kept onsite. With fire suppression is handled under the condition for International Fire Code that is administered through the fire district. Chairman Sturgill asked if Mr. Dingeldein's property is a buildable lot. Planner Michelle Barron advised that is outside of this application and hasn't looked into that property. If Mr. Dingeldein files a parcel inquiry they will be able to answer that question.

MOTION: Commissioner Sheets moved to close public testimony on Case SD2020-0023, seconded by Commissioner Villafana, voice vote, motion carried.

DELIBERATION:

Commissioner Sheets stated they do not have the jurisdiction to put access to an outside parcel for this particular case, even if the property is land locked that is a matter for litigation. Commissioner Sheets is in favor for adding condition 9 but would also add a condition 10 stating prior from final plat the applicant shall indicate the final plat compliance with plat note number 5. It would be indicating the drainage and containment areas.

MOTION: Commissioner Williamson moves to approve Case SD2020-0023 based upon the Findings of Facts and Conclusions of Law and conditions of approval with the addition of conditions 9 and 10 and recommends approval to the Board of County Commissioners. Seconded by Commissioner Sheets.

Discussion on the Motion:

Chairman Sturgill confirmed Planner Michelle Barron was able to capture the additional conditions. Planner Michelle Barron advised she had condition 9 already typed up and for condition 10 she has prior to final plat applicant should indicate on the final plat compliance with plat note number 5 for drainage plans.

Commissioner Nevill stated he agrees with the additional conditions of 9 and 10. He also strongly suggest further conversation by Mr. Dingeldein and DSD to gain further knowledge into the situation.

Roll call vote: 6 in favor, 0 opposed, motion passed.

Item 3B:

Case No. CU2023-0008- Nampa Paving: The applicant, Quadrant Consulting, Inc., representing Nampa Paving, is requesting a conditional use permit modification to Case No. CU2022-0033 regarding a long-

term mineral extraction use on parcels R34061 & R34144. The modification updates the site plan increasing the footprint of gravel extraction areas. The subject properties, approximately 138.9 acres, is located at 9016 Lincoln Road, Caldwell, also referenced as a portion of the SE¼ of Section 16, T4N, R2W and a portion of the NE¼ of Section 21, T4N, R2W, BM, Canyon County, Idaho.

Commissioner Dorsey arrives at 7:21 PM. Chairman Sturgill swore Commissioner Dorsey in.

Planner Dan Lister viewed the Staff report for the record.

Chairman Sturgill affirmed the witnesses to testify.

Commissioner Nevill asked for clarification with how much the acreage will increase to with the Conditional Use Permit. Planner Dan Lister advised it will increase to 73 acres, that is coming from reclamation plan that was approved by the Idaho Department of Lands. Commissioner Nevill asked if they can move ahead with approval without the final answer from Army Corps of Engineers because conditions 8 and 9. Planner Dan Lister stated that is correct, the DSD Engineering Coordinator has worked with the applicant and discussed this item with the members of FEMA to come up with those conditions.

Testimony:

Nick Kraus (Representative) – IN FAVOR – 1442 S Tanager Way, Boise, ID, 83709

Mr. Kraus introduced himself as the engineer on the project. Mr. Kraus stated the owner has been working with the corps of engineers in length largely regarding a small wetlands area that he has offered to mitigate. While they were waiting on that they applied to the County for the expansion. Mr. Kraus stated they agree with the conditions and will not move ahead until they have worked with the corps for the permitting process.

Commissioner Williamson asked if the Army Corps of Engineers comes back and says no, will they go back to the default approval. Mr. Kraus stated that is correct.

Commissioner Nevill asked if Mr. Kraus agrees with conditions 8 and 9. Mr. Kraus stated they worked with staff and the County Engineer with those conditions and agrees with them. Commissioner Nevill asked if those conditions effect the reclamation plan. Mr. Kraus stated the reclamation plan is tied to what pit is getting developed.

Randy Wood – IN FAVOR – 11505 Bass Lane, Caldwell, ID, 83605

Mr. Wood stood for questions.

Chairman Sturgill asked how many months Nampa Paving has been in operation with the current footprint. Mr. Wood advised around 6 months. Chairman Sturgill asked if during that time have they had any complaints. Mr. Wood stated they haven't.

MOTION: Commissioner Williamson moved to close public testimony on Case CU2023-0008, seconded by Commissioner Mathews, voice vote, motion carried.

DELIBERATION:

Commissioner Nevill stated he is pleased they took the time to work out the conditions with all the parties.

MOTION: Commissioner Nevill moves to approve Case CU20233-0008 based on the Findings of Fact and Conclusions of Law and conditions of approval. Seconded by Commissioner Mathews.

Discussion on the Motion:

Commissioner Sheets stated he isn't a fan of "conditional" conditions and believes the timing is off without knowing with the Corps of Engineers is going to approve or disapprove of the expansion. Commissioner Sheets would not like to have County authorization out there that is dependent on others, he believes they should be the last stop. Commissioner Sheets is not in favor without the information.

Chairman Sturgill asked if Commissioner Sheets would recommend a continuance or a denial. Commissioner Sheets stated he would recommend to continue to a date uncertain because they are waiting for the Corps of Engineers.

Roll call vote: 3 in favor, 4 opposed, motion failed.

MOTION: Commissioner Sheets moves to continue Case CU20233-0008 to a date uncertain. Seconded by Commissioner Williamson.

Roll call vote: 6 in favor, 1 opposed, motion passed.

Item 3C:

Case No. CU2023-0014- York: The applicant, Riley Planning Services LLC representing James York, is requesting a conditional use permit to allow a group home on Parcel R28994011. The use will provide managed living amenities for up to 30 residents. The vacant 5.41-acre parcel is located south of 8979 Robinson Road and 5093 Deer Flat Road, Kuna, parcel R28994011, also referenced as a portion of the NE ¼ of Section 19, T2n, R1W, Canyon County, Idaho.

Planner Dan Lister viewed the Staff report for the record.

Commissioner Sheets asked for clarification on the access to the parcel from the easement from the parcel from the north. Planner Dan Lister advised when it got approved, the land division had to establish access so it wasn't land locked when they figured out they couldn't gain access from Robinson Rd. A 28' easement was created. The 28 ft access came with an approval for a reduction from 60 ft to 28 ft and as part of that they require a road users maintenance agreement. The owners at the time submitted a road users maintenance agreement but what is being disputed is not all owners were part of that. The code doesn't state all owners have to be a part of that the code states whoever is going to be responsible for the road needs to sign it. The property to the north is the one that created that division, they are the ones that created the easement and created the document. Commissioner Sheets stated that Staff has the paperwork whether or not it is valid is not Staff's concern. Planner Dan Lister advised it meets the letter of the code in the sense that it identifies who is taking access and who is taking maintenance.

Commissioner Williamson addressed exhibit 4A page 3 for Kuna Fire Districts comment, the image has a conflicting access point. Commissioner Williamson asked if at the time that was submitted had the fire district not said anything yet. Planner Dan Lister advised that prior to submittal they go to those agencies so a lot of those comments that are seen from Southwest District Health and the fire department those are before the application is submitted. The comments are based off an old conceptual plan, they did not comment back for the new conceptual plan and allowed Staff to use those comments as their response.

Chairman Sturgill asked if Planner Dan Lister can characterize the difference between the conceptual plan that they received agency comments from and the conceptual plan that is present today. Planner Dan Lister advised the building hasn't changed, the parking location changed, and the access is moved closer to the west side of the property. Chairman Sturgill asked if there is any public transportation or plans for public transportation in the near future. Planner Dan Lister stated they did not receive comments from VRT for their plans for public transportation. With the area being a rural location, it isn't likely to have public transportation. Chairman Sturgill asked with Staff recommending denial if Planning and Zoning head in that direction who provides action of approval. Planner Dan Lister stated Staff provides way to gain approval such as buffering, offering a site plan and operations plan, fencing and landscaping, reducing light pollution as well as establishing a single-family residence on the location first or demonstrate how that layout can be converted into a residential if it ceases to exist.

Chairman Sturgill emphasized that they cannot consider the individuals that will occupy the facility they will discuss the facility and the impact it will have on the area.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

William Dean (Representative) – IN FAVOR – 5700 E Franklin Rd, Suite 250, Nampa, ID, 83686

Mr. Dean expressed his surprise of denial from Staff because they are missing information. Mr. Dean stated the operation plan and mitigation plan were both submitted June 14th and isn't sure why it is not included in the staff report. Mr. Dean stated that when Ms. York comes up to testify she is going to go over the points for both the operational and mitigation plan. Mr. Dean asked for the Commissioners to keep in mind that it is the stated policy of Idaho to provide treatment for the types of residence that would be using the facility, citing the alcoholism and intoxication treatment act Idaho Code 39.300, "It is the policy of the state that alcoholics and intoxicated persons or drug addicts will not be subjected to criminal prosecution or incarceration solely based because of their consumption of alcoholic beverages or addiction to drugs but rather should be afforded treatment in order they may lead normal lives as productive members of society". Mr. Dean stated that the conditional use permit with reasonable conditions is compatible with Idaho Stated Policy, it is compatible with the County's comprehensive plan, and that there is a shortage of facilities. Mr. Dean stated the parcel is not an Ag parcel although zoned Ag. There has been acknowledgement from opposition and with an Administrative Decision from a year or two ago that the parcel has not been used for farming operations or Ag purposes for years. Mr. Dean believes the highest and best use for this land is what the applicant intends to use it for. Mr. Dean stated the applicant wants to better the community and it will be an immediate disqualifier to get into the facility if they are coming out of prison or sex offenders. Mr. Dean stated the conditions to do a test run in a residential home and to provide a plan to repurpose the building if the group home ceases to exist is to burdensome. Proposing conditions that are to burdensome and unreasonable can be a discrimination and a violation of the Fair Housing Act. People with the diseases that will be at the facility meet the legal definition of handicap and disabled under the Federal law. Mr. Dean concludes by saying they agree to reasonable conditions such as mitigating the light pollution, having a buffering arrangement of landscape or fencing, perhaps a combination of the two. They do not agree to having a strict condition that they fence the whole perimeter of the property and landscape it. Mr. Dean stated there is a canal that runs through the property and it is his understanding that the irrigation district has easement rights even when going through private property which they cannot encroach with fencing.

Commissioner Nevill asked for explanation on how they plan to mitigate and prevent the impact for the surrounding agricultural operations. Mr. Dean stated Ms. York would better answer that question.

Commissioner Sheets stated there is specific things on the Fair Housing Act they are not allowed to consider so asked Mr. Dean why he brought them up. Mr. Dean stated he wasn't saying that to be intimidating it was brought up to emphasize the importance. He wants to balance the interest of all parties including the Counties duty to provide reasonable commendations and access to affordable housing to these class of persons. Commissioner Sheets agrees that unreasonable and unrelated conditions can violate FHA along with other laws. Commissioner Sheets stated the nature of the clientele of the facility will not be considered when the Commissioners make their decision because it is irrelevant for this Conditional Use Permit the criteria doesn't speak on the character of the people.

Commissioner Williamson asked Planner Dan Lister about the ditch Mr. Dean testified on if it is under jurisdiction of any ditch company. Planner Dan Lister stated it is within Boise Kuna Irrigation District, they just didn't submit any comments. Commissioner Williamson stated the building plan has a touch of a rustic look but it looks like a commercial building and one of the comments from staff was if the building could look more residential. Mr. Dean stated that topic came up earlier and the applicants are open minded and going to go speak to the architect to see if there is anything that can be done with the look. Commissioner Williamson addressed the fire access, Kuna Fire District asked for the access to be on Robinson Road, the present conceptual plan is showing the access on Deer Flat, in the packet there is a contradicting conceptual plan. Commissioner Williamson asked for clarification. Mr. Dean stated Mr. or Ms. York can better answer that question. Commissioner Williamson asked about the administrative split. Mr. Dean stated he referenced that to emphasize this particular lot although zoned Ag that isn't the best use and is reflected in the administrative decision. Commissioner Williamson asked why this location is more preferable over being closer to the City with closer services. Mr. Dean stated this location is desirable because part of the plan is to have gardening, equestrian facilities, and other items that you cannot get closer to the City. Mr. Dean stated the capacity request is to have 30 residents but they are not all going to have vehicles so the traffic isn't going to be a 1:1 ratio.

Commissioner Villafana stated for a facility this large he saw Southwest District Health talked about the anticipated outflow and asked what kind of permit is required from the State of Idaho for a well that at any given day and what is the max that will be able to be pumped. Mr. Dean stated the standard is .5 CSF for domestic use and 1.04 Ag use during irrigation season. Mr. Dean believes the standard would be sufficient to meet the water needs for this facility. Commissioner Villafana addressed the comment on exhibit 2A-4 that states the applicant went through the process of visiting with the irrigation district and the water master indicated they would be able to get water delivered to the parcel. Mr. Dean advised that would be a question for Mr. York.

Penelope Constantikes – IN FAVOR – PO BOX 405, Boise, ID, 83701

Ms. Constantikes wanted to clear up that no zone change is being submitted or requested. Ms. Constantikes advised that she spends a lot of her professional time doing traffic impact work and both of the roads Deer Flat and Robinson Road near the property are classified roads and neither roads are running at capacity, therefore she doesn't believe there will be a traffic impact. Ms. Constantikes addressed the concerns of the fire access having two different layouts in the application. She explained they thought Robinson Road would be a better place to have access so she went to the fire department first but Nampa Highway District Number 1 declined access to Robinson Road, which is the reasoning for two different access points. Deer Flat Road does meet the International Fire Code and has sufficient right-of-way so having the fire access there should not be a problem. Ms. Constantikes stated the mitigation with the CAFCO operation doesn't need to happen because the Right to Farm protects the CAFCO and mitigates all concerns. Ms. Constantikes stated the property does have water rights and there is an easement. Ms. Constantikes mentioned that Canyon County has the dark sky provision so providing light

to the site that is appropriate without creating light pollution won't be a problem.

Commissioner Nevill stated the right to farm act will protect the farms in the surrounding area but he usually sees they need to mitigate things such as trash flying into the farmers land. Commissioner Nevill asked for clarification that Ms. Constantikes doesn't believe they need to do any mitigation due to the right to farm act. Ms. Constantikes stated that is partially correct, the discussion for landscaping Ms. Constantikes believes there is great drought resist plants that she would be willing to put up for mitigation. Ms. Constantikes stated that maintenance of the property will be conducted and is willing to put that into the site operation plan reading that the property will be policed carefully and regularly for any kind of debris that might blow over into the adjacent properties. Commissioner Nevill asked for clarification that a condition can be made for landscaping and it wouldn't be an over burdensome condition. Ms. Constantikes stated the over burdensome is when it is excessive and doing some landscape or fencing in certain locations is an acceptable condition. Commissioner Nevill asked how the water rights would get access. Ms. Constantikes stated the irrigation easement is in between the two parcels along Deer Flat Road her understanding is there an easement that is recorded.

Commissioner Dorsey asked why this location when it is right next to a composting yard. Ms. Constantikes stated it is her understanding that you need the people in these group homes in stable low-key environments.

Chairman Sturgill asked with the residence not all having vehicles when it comes to foot traffic and bike traffic, they are going to have needs such as meals, medical, shopping, employment, visiting friends and family, recreation, all these things require the residence to go outside the facility. Chairman Sturgill is concerned with them walking on rural roads without sidewalks or cycling without adequate lighting. Chairman Sturgill asked how they can mitigate those concerns for traffic and access. Ms. Constantikes stated there is commercial operators that provide transport and the groceries for meal preparation will be an organized activity that will happen once a week. Ms. Constantikes believes there is good quality options for residents to be able to get to work.

Commissioner Williamson asked if the 20-space parking lot will be mostly for the employees and caretakers. Ms. Constantikes stated she believe that is correct as well as the facility will have parking requirements for the residents to use spaces.

James York – IN FAVOR – 243210 Bay York, Nampa, ID, 83686

Mr. York addressed the traffic concerns stating most of the residence will not have vehicles. They will be providing them transportation to and from the grocery store, most of the residents will not be working but who does will carpool with others to their place of employment, they only have the ability to leave the facility 4 hours a day, and the residence keys, wallets and drivers licenses are kept by staff. Mr. York discussed the water easement stating there is a 5.14-acre field of water easement between the two neighbors and he is working with the water master to get a head gate on the property.

Commissioner Williamson asked about the residents that do have vehicles. Mr. York stated there is parking spaces for them. Commissioner Williamson clarified the vehicles are parked and the keys are locked up. Commissioner Williamson inquired if there will be enough parking spaces with staff and resident's vehicles. Mr. York stated they haven't had a chance to work with staff and is open to adding more parking and mitigating with reasonable conditions. Commissioner Williamson asked if they went back to the fire district with the new fire access plan after the Highway District declined access off Robinson Road. Mr. York advised they went to the Highway District first and the fire department has the correct plan which they approved saying the road needs to be 28 ft wide and have a turning radius in sync

with the highway districts requirements. Commissioner Williamson asked with being next to the composed if dust is a concern for the wellbeing of the residence. Mr. York stated he doesn't believe so because the majority of the day the residents are inside the house.

Commissioner Sheets asked if this facility is associated with other facilities or groups. Mr. York advised that they are a single associated treatment facility. Commissioner Sheets asked what kind of experience will the potential staff have. Mr. York stated that is what they do for a living. Mr. Sheets asked if Mr. York is part of that. Mr. York advised that his sister is, she is a registered nurse for 25 years and his role is the land owner, builder and running part of the business end.

Commissioner Nevill asked how many staff they are intending to have. Mr. York stated Ms. York will better be able to answer but the full staff will be about 15 people throughout the 24-hour period.

Commissioner Villafana stated trespassing has become a concern in this area and asked how they plan on ensuring the residents will not trespass into others properties without the landscaping and fencing. Mr. York stated the residents at the facility will want to follow the rules because the alternative is going to jail.

Commissioner Dorsey asked if they are privately funded or government funded. Mr. York stated they are privately funded. Commissioner Dorsey asked with it being a residential home but a business, why did they choose this location. Mr. York stated for the serenity and quiet atmosphere. He stated the property meets what they want to do with it. For example, with the creek they want to have a nice picnic area. The location is in the County and they do not want to be in the City. They want a location they can have horses, chickens and a garden. Commissioner Dorsey asked for clarification because the residents will only be allowed to be outside for 4 hours a day so how will they have time to do activities. Mr. York stated the residence have to do 24-30 hours of group in a week and then they have 1-2 hours a week for private one on one counseling which leaves time in the day to complete the yardwork around the house and outside activities. Mr. York expressed they are trying to teach the residents what it is like to live in a regular household with regular duties and chores.

Sherryl York – IN FAVOR – 48 N Granite Falls Dr, Nampa, ID, 83651

Ms. York stated she will answer the questions that have been brought up. Beginning with the question of why this location and the answer is, if not here than where, the City doesn't want the facility there because it would require a rezone plus they would like to have the horses, chickens and garden which was already discussed and the location is affordable. Ms. York explained the residence are at the facility for 30, 60 or 90 days and in that time frame she doesn't believe that manure dust will have any affects to their health. Ms. York stated it will be a 13-bedroom home with a community of people where they are understood and are there to help them get to the bottom of their trauma, the facility will also be a partial hospitalization program. Ms. York stated they have to get certified and follow strict guidelines. Without an address they are not able to proceed further. Ms. York's 3-minute testimony time ended she requested an additional 3 minutes.

Motion: Commissioner Williamson moved to grant an additional 3 minutes of testimony time. Seconded by Commissioner Mathews. Voice vote, motion carried

Ms. York continued testimony. Ms. York stated once they get certified by Medicaid then they get credentialed through Optum, Jayco and other governing boards. Ms. York stated they are under strict guidelines under Substance Abuse and the Mental Health Administration. Ms. York stated that she and Mr. York are negotiable to make the facility more home looking, they felt it was with the front porch and one door, they did a flat roof so they could put solar panels. Ms. York provided her experience as a

registered nurse that included several years of inpatient and outpatients that struggle with chemical dependency. Mr. York is registered as a general contractor in multiple states and has completed large projects in the past. Ms. York stated that not everyone they get will be from jail and they will have a forever pass to come back for counseling services after they graduate. Ms. York stated they are the first of their kind because they are merging counseling and sober living together. The compensation they receive will be put back into the program. The facility will be staffed 24/7 with high surveillance camera's inside and outside with limited visitation rights. Ms. York concluded that what sets them apart is they are going to integrate the residence into the community at a higher rate because they are going to hire specialist to teach if there is interest in a specific profession, they aren't going to stop at identifying mental illness, they are going to continue the progression to making them healthy members of the community.

Commissioner Williamson asked if the operating hours are going to be 24/7. Ms. York stated they will be staffed 24/7 so the clients are never alone and there will be quiet hour starting at 10 pm, lights out at 11 pm and between 7 am – 8 am they will wake up. They will have breakfast and then head to group. They will be in group until 4 or 5 PM. Commissioner Williamson asked about the recommendation from staff asking if the business model doesn't work out if they could show a conversion getting this large of a building back to residential use being over burdensome. Ms. York stated they constructed the inside of the facility as a 13-bedroom home, with dining rooms, meeting rooms, and a big kitchen, that way it is no different from a 3,000 sq. ft home. They are willing to change how the outside looks to make it look more like a home but she doesn't believe it is reasonable to ask for them to say they will take the roof off, cut it in half, etc. to change it if it doesn't work out.

Commissioner Mathews asked what kind of equestrian activities are they planning on having. Ms. York stated they would like to have a couple of horses, they know that horses and animal therapy have a calming effect. The residence will be caring for the horses and all the responsibilities, good and bad, if they want to ride the horse.

Commissioner Nevill asked if the goal is integration into the community why are they not closer to the community. Ms. York stated it is easier to teach them skills in a rural area, the land is affordable, and will have less impact for the surrounding area. Commissioner Nevill confirmed that they are going to bring in instructors to teach and bring their own equipment if they are teaching a trade.

Commissioner Sheets asked if Ms. York has the operational plan with her. Ms. York stated she does have the plan with her and available if the Commissioner's would like it.

Commissioner Dorsey stated the problem he is having with the proposal is it isn't a compatible use in an Ag zone and asked if they are going to try and sell the facility as a business. Ms. York stated she is confused on why it isn't compatible in an Ag zone. Commissioner Dorsey stated he is a farmer and the public and farming don't usually co-exist well together and the facility is really a business, it is a business of taking care of and rehabilitating in an Ag zone. Commissioner Dorsey asked if the business ceases to exist if the facility would be sold as a business or a home. Ms. York stated it could be sold as a home.

Chairman Sturgill stated he hasn't heard testimony that has convinced him with the traffic concern for example 30 people who are reliant on carpools, commercial transportation, walking or cycling on a rural road. His concern is a year from now they hear reports that someone got hit walking because they wanted a candy bar. Ms. York stated she is concerned about that too and they can make a rule or guideline that says you are not allowed to walk down the road, they will give them alternative ways of access and can put in a small convenience store in one of the storage rooms in the home. The medications will be provided for the residence and many appointments can be done via telehealth.

Tyler Reynolds – IN OPPOSITION – 4028 Bennett Rd, Kuna, ID, 83634

Mr. Reynolds stated he is a neighbor that farms adjacent to the property and has a similar facility within an eighth of a mile to his house. The facility doesn't have a permit and doesn't need one due to there being a total of 8 beds at the facility. Mr. Reynolds stated that the 8 beds total to 25 people walking down the road in front of his dairy anytime of the day, approaching cattle and children in their yards. Mr. Reynolds would like to know how you can put a 13-home house on an Ag exclusion land without getting rezoned. Mr. Reynolds stated the facility next to his house has eight beds yet there are 25-30 cars in and out all day and night.

Chairman Sturgill asked for clarification on the math when there are 8 beds but 25 people walking down the road. Mr. Reynolds stated the facility doesn't need a permit because there is 8 or less beds. Chairman Sturgill asked if he has seen a group of 25 people. Mr. Reynolds confirmed he has seen them walking down the road and that they live at the facility. Chairman Sturgill clarified they are all together.

Grant Lovett – IN OPPOSITION – 1030 S McDermott, Kuna, ID, 83634

Mr. Lovett advised he agrees with Mr. Reynolds testimony. Mr. Lovett stated one of the guys at the facility got kicked out and he asked his wife for a ride to Boise, when his wife went to go talk to the facility a man ordered her off the premises. Mr. Lovett stated that they are parking along the street and when winter hit they got stuck and hit some irrigation equipment, causing damage. After the guy asked his wife for a ride, shortly after someone loosened all the lug nuts off his wheels. Mr. Lovett's 3-minute testimony time ended, he requested an additional minute of testimony time.

Motion: Commissioner Nevill moved to grant an additional minute of testimony time. Seconded by Commissioner Sheets. Voice vote, motion carried.

Mr. Lovett continued testimony stating emergency services from Canyon County and Ada County are called at least every 1.5 weeks, the coroner has been there twice and the cops present every 1.5 months.

Scott Burn – IN OPPOSITION – 4747 W Deer Flat, Kuna, ID, 83634

Mr. Burn stated it is an admirable project but the decision that needs to be made is based on the rules. Mr. Burn stated he agrees with the previous testimony in opposition. He has driven down the road with a one-ton baler and have almost ran people over, his concern is the safety of the community. This year he has counted six wrecks within the current population in the area. Mr. Burns stated the applicants do not understand the way they live for example the creek they speak of is the waste water ditch from his irrigation. Mr. Burns stated he isn't saying not to have the facility he is saying this location is not the current place, they need to be closer to town and closer to resources. Mr. Burns suggests the project get declined.

Michael Fast – IN OPPOSITION – 8979 Robinson Rd, Kuna, ID, 83634

Mr. Fast stated he is representing 40 households from the surrounding area. Mr. Fast stated the operation plan was not submitted before the deadline and is important to view. Mr. Fast would like clarification if people from the jail or felons will be accepted into the facility. Mr. Fast stated the property is zoned Ag with an approved building lot for residential home and a 30-bed commercial facility does not meet the requirement for a residential home. Mr. Fast agrees that horses are therapeutic but states they are also dangerous. Mr. Fast states the plan does not fit into the comprehensive plan. He is concerned with the lack of detail that has been provided. Mr. Fast's 3-minute testimony time ended. Another 3 minutes of testimony time was requested.

Motion: Commissioner Williamson moved to grant an additional 3-minutes of testimony time. Seconded by Commissioner Mathews. Voice vote, motion carried.

Mr. Fast continued testimony providing examples of how the project does not fit the comprehensive plan for example policy 4:72 discourages incompatible development near Agriculture businesses. Mr. Fast stated water is an issue with residence having scarcity issues that have required deeper wells to be put in. Mr. Fast stated without transportation the residence will have a difficult time getting to appointments, buying groceries and getting to a job because the roads are not suitable to walk or bike on. Mr. Fast believes that although chores are good that doesn't provide the same connection to the community as a job would. Mr. Fast spoke with Lieutenant Chad Harrold of the Canyon County Sherriff's office regarding active patrols in the south Nampa / Melba area, he mentioned there is 2 deputies on patrol at any given shift. Mr. Fast stated the location is on the border of Canyon County and Ada County with a Kuna address, this has created complexity and confusion when calling emergency services, which has in turn caused response times to be 30 minutes more in the past.

Commissioner Williamson confirmed with Mr. Fast that part of the water concerns is that Southwest District Health is requiring a large well that meets City standards and the draw would be larger than a residential well.

Ronald Plummer – IN OPPOSITION – 5093 W Deer Flat Rd, Kuna, ID, 83634

Mr. Plummer advised his lawyer sent a letter stating there is no easement on the property. When he bought the property in 2013 a title search was completed and there were no easements. Mr. Plummer stated Steve Coulson whom he has never met came into DSD with a letter saying Mr. Plummer was allowing an easement onto his property. Mr. Plummer stated there is a dust problem in that area. Mr. Plummer believes that a fence around the proposed property would be needed for security to keep the residents from trespassing into others property. The concern with the kind of draw a facility with 30 residence and 15 employees would take on the water is a legitimate concern. Mr. Plummer's 3-minute testimony time ended, he requested an additional minute of testimony time.

Motion: Commissioner Sheets moved to grant an additional minute of testimony time. Seconded by Commissioner Villafana Voice vote, motion carried.

Mr. Plummer continued his testimony stating the proposed facility is going to dry up the surrounding wells. Mr. Plummer is concerned with the safety of the area with having an empty field nearby if any of the resident's smoke and the field catches fire, services would not be able to get there in time to put the fire out.

Josh Plummer – IN OPPOSITION – 709 Tallulah, Kuna, ID, 83634

Mr. Plummer stated he reached out to law enforcement to see how many calls have been made to the similar facilities in the past year. In the past 14 months they have had 61 calls for emergency services at one location. In another location since 2021 they have had 66 calls. There are only 2 sheriffs' patrolling the area and response times are bad as a result. The fire department is 14.9 miles away about 22 minutes away. Paramedics are 11.3 miles away which is 19 minutes. The Canyon County Sheriff's are 25 miles away which is 36 minutes away. Mr. Plummer does not believe this project would be considered a house.

Bethany Rogers – IN OPPOSITION – 7041 Red Sky Ln, Nampa, ID, 83686

Ms. Rogers stated her husband works in law enforcement and understands the drain on government resources with these types of establishments. Ms. Rogers believes the facility needs to be closer to resources that they require.

William Dean (Representative) – REBUTTAL – 5700 E Franklin Rd, Suite 250, Nampa, ID, 83686

Mr. Dean stated the common theme from those in opposition was based on negative experiences with these types of facilities in the past. There are also concerns with the water, safety and security. Mr. Dean stated generalizing an experience with one facility to all of them is not evidence that the previous experience will translate into the next. Mr. Dean stated a condition can be added stating that the applicant will be in compliance with Department of Health and Welfare standards for private treatment facilities. Mr. Dean believes that will alleviate a lot of the concerns with safety and security. Mr. Dean addressed the water concern and noticed that the applicant has to get a permit from Idaho Department of Water Resources. Mr. Dean requested approval and if the Commissioners are considering not approving the conditional use permit to continue the case to a date certain to give the applicant time to provide more information.

Commissioner Williamson asked what a date certain would work best with the group of applicants. Mr. Dean stated 45 days. Commissioner Williamson asked if there is a concern with the residents getting hit by traffic. Mr. Dean stated conceptually that is a concern but to mitigate that they will have rules set in place, carpooling and the Health and Welfare standards. Mr. Dean does not believe there will be a lot of foot traffic by the residents or the staff members.

Commissioner Villafana asked Planner Dan Lister if Mr. Coulson granted himself an easement. Planner Dan Lister advised that will need to be investigated further.

Commissioner Williamson asked Planner Dan Lister if the condition Mr. Dean had stated could be added with the Health and Welfare guidelines and would that be enforceable. Planner Dan Lister advised a standard condition is they have to meet all federal, state, local ordinances and standards so the Health and Welfare would fall under that condition.

MOTION: Commissioner Williamson moved to close public testimony on Case CU2023-0014, seconded by Commissioner Mathews, voice vote, motion carried.

DELIBERATION:

Commissioner Nevill stated he agrees that there is a need for facilities such as the one being proposed but based on the evidence the facility could adversely affect the agricultural operations in this area. According to 87% of Canyon County residents the highest and best use for any parcel in the County is to aid in the preservation of agricultural operations and the agricultural way of life. Commissioner Nevill sees this project in direct conflict of the Ag operations and agrees with staff's recommendation of denial. Commissioner Nevill asks staff to review the incompatibility with ongoing Ag operations, looking specifically into traffic concerns, complaints, and water. Commissioner Nevill expressed his concern with the easement issue.

Commissioner Sheets stated when viewing criteria number 6, "does the legal access to the subject property exist or will it exist at the time of development." In the staff report, exhibit 2E, which is the maintenance agreement that references potential easement and then exhibit 7 is the DSD Director's Administrative Decision and that has some references but nothing definitive saying the access is there. Commissioner Sheets stated the instrument that shows the access exists needs to be present, without it he isn't able to say there is legal access to the development. Commissioner Sheets stated he finds the project in conflict with the comprehensive plan and will negatively impact the area. Commissioner Sheets believes it is too far away from services and resources that they need. Commissioner Sheets agrees with the staff's report with the exception of number 6.

Commissioner Williamson agrees with Commissioner Sheets and Commissioner Nevill, he likes the idea and concept because it is something that is needed but he is not sure with this location that this is the best use. Commissioner Williamson stated there was some conflicting testimony and information regarding the fire access, he would like to see proof the easement exists and that the fire department is ok with that location. Commissioner Williamson stated if they were to deny the case having condition 1 stating fencing and landscape could be a burden so would look into putting and/or.

Commissioner Mathews stated the issue for him is the location of the property and having a continuance wont fix that.

Commissioner Williamson stated he is leaning towards continuance although Commissioner Mathews makes a good point.

MOTION: Commissioner Sheets moves to deny Case CU2023-0014 to modify findings of fact number 6 to state that based upon testimony and the evidence of the record it is unclear to the extent of legal access to the parcel. Commissioner Nevill Seconded.

Discussion on the Motion:

Commissioner Nevill stated he would like staff to review the exhibits and testimony and see if they can improve the issue of incompatibility. Planner Dan Lister advised the hearing is a documented and a recorded item so it would be part of the record. Commissioner Sheets stated he agrees with the staff's report.

Roll call vote: 7 in favor, 0 opposed, motion passed.

ACTION ITEM – ELECTION OF PLANNING & ZONING COMMISSION OFFICERS

Chairman:

Commissioner Sheets nominated Chairman Sturgill for Chairman. Chairman Sturgill accepts nomination.

Commissioner Williamson nominated himself for Chairman.

Roll call vote: 5 in favor for Chairman Sturgill, 2 in favor for Commissioner Williamson, motion passed for Chairman Sturgill to remain as Chairman.

Vice Chairman:

Commissioner Nevill nominated Commissioner Sheets for Vice Chairman. Commissioner Sheets accepts nomination.

Commissioner Williamson nominated himself for Vice Chairman.

Roll call vote: 4 in favor for Chairman Sheets, 3 in favor for Commissioner Williamson, motion passed for Commissioner Sheets to remain as Vice Chairman.

Secretary:

Commissioner Nevill nominated Commissioner Villafana for Secretary. Commissioner Villafana accepts nomination.

Commissioner Sheets nominated Commissioner Williamson for Secretary. Commissioner Williamson declines nomination.

Roll call vote: 7 in favor for Commissioner Villafana, motion passed for Commissioner Villafana to remain as Secretary.

ADJOURNMENT:

MOTION: Commissioner Sheets moved to adjourn, seconded by Commissioner Villafana. Voice vote, motion carried. Hearing adjourned at 10:59 PM.

An audio recording is on file in the Development Services Departments' office.

Approved this 1st day of February, 2024

A handwritten signature in blue ink, appearing to read "Robert Sturgill", written over a horizontal line.

Robert Sturgill, Chairman

ATTEST

A handwritten signature in blue ink, appearing to read "Amber Lewter", written over a horizontal line.

Amber Lewter – Hearing Specialist



322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

January 18, 2024

Cache Wood
Nampa Paving and Asphalt
444 W. Karcher Rd.
Nampa, Idaho 83687

RE: Joint Application for Permit No. S63-21089
Boise River – Gravel Pit

Dear Mr. Wood,

The Idaho Department of Water Resources (IDWR) has reviewed your attached Joint Application for Permits, received October 3, 2023, including diagrams. Project activities include the excavation of approximately 66.2 acres of gravel, impacting approximately 0.42 acres of wetlands adjacent to the Boise River. The proposed project is located in Section 16, Township 04 North, Range 02 West, Canyon County, Idaho. It has been determined that an IDWR Stream Channel Alteration Permit will not be required for this activity as provided for within Sections 42-3802 (d), Idaho Code.

This does not relieve you of the responsibility to obtain any other local, state or federal permits that may be required, such as those required under the Clean Water Act or local ordinances required to meet federal flood insurance guidelines.

Please contact Katie Gibble at (208) 287-4823 or katie.gibble@idwr.idaho.gov if you have any questions regarding this matter.

Sincerely,

Katie Gibble
Stream Channel Protection
Idaho Department of Water Resources

cc: Nicholas Kraus, Quadrant Consulting Inc., Boise
Stephanie Hailey, Canyon County
Dean Johnson, Idaho Department of Lands, Boise
Brandon Flack, Idaho Department of Fish & Game, Boise
Chase Cusack and Lance Holloway, Department of Environmental Quality, Boise
US Army Corp of Engineers, Boise
Aaron Golart, Idaho Department of Water Resources, Boise

OCT 04 2023

OCT 03 2023

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 (8 1/2"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

Table with 4 columns: Agency Name, Date Received, Fee Received (checkbox), Date Returned. Includes entries for USACE NWW, Idaho Department of Water Resources (No. 63-21089, Date 10-3-23), and Idaho Department of Lands.

INCOMPLETE APPLICATIONS MAY NOT BE PROCESSED

Form sections 1-13: CONTACT INFORMATION - APPLICANT, CONTACT INFORMATION - AGENT, PROJECT NAME or TITLE, PROJECT STREET ADDRESS, PROJECT COUNTY, PROJECT CITY, PROJECT ZIP CODE, NEAREST WATERWAY/WATERBODY, TAX PARCEL ID#, LATITUDE, LONGITUDE, ESTIMATED START/END DATE, IS PROJECT LOCATED WITHIN ESTABLISHED TRIBAL RESERVATION BOUNDARIES?, IS PROJECT LOCATED IN LISTED ESA AREA?, IS PROJECT LOCATED ON/NEAR HISTORICAL SITE?

14. DIRECTIONS TO PROJECT SITE: Include vicinity map with legible crossroads, street numbers, names, landmarks. Take Highway 26 from Interstate I-84 east to N. Midland Blvd. Head north (left) on N. Midland Blvd. to E. Lincoln Rd. Head east (right) approximately 0.4 miles on E. Lincoln Rd. and cross Fifteen Mile Creek. Entrance is on left immediately after crossing Fifteen Mile Creek. Vicinity map is provided on drawings.

15. PURPOSE and NEED: [X] Commercial [] Industrial [] Public [] Private [] 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 project is the proposed expansion of an existing gravel pit mining operation and associated access roads adjacent to the Boise River and partially located within the Boise River Floodplain.

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, turbidity controls; hydrological changes: general stream/surface water flows, estimated winter/summer flows; borrow sources, disposal locations etc.:

The project consists of the development of two gravel extraction areas as a part of a larger gravel mining operation already functioning in the area. The gravel extraction pits are proposed to be located within the Boise River regulatory floodplain and will vary in size and configuration as gravel is extracted over time. The proposed maximum pit extents is depicted on the Drawings. The gravel extraction will be an ongoing operation with a maximum time frame of 20 years. Ancillary to the development of the gravel pits, the owner will construct perimeter access roads for site access. No fill will be placed in the adjacent regulatory Boise River floodway as a part of the project.

Upon completion of the gravel extraction process, the site will be reclaimed according to the approved Reclamation Plan on file with the Idaho Department of Lands. To mitigate for potential flood hazards to adjacent properties, the access roads around the pits will be graded above Base Flood Elevations and will route flood waters away from the pits to limit the opportunity for pit inundation and the potential for pit capture by the Boise River. The access roads are planned to be permanent as a part of the flood mitigation plan for the site.

The project impacts a total of approximately 0.42 acres of areas identified as wetlands in the Wetland Delineation Supplemental by Lemhi Environmental Consulting dated October 28, 2022 and the U.S. Army Corps of Engineers Jurisdictional Determination dated November 18, 2022. These areas are identified on the Drawings. However, the identified wetland areas have no significant nexus to waters of the United States. Therefore, no mitigation is being proposed for this project.

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.

This area of the Boise River has several gravel pit operations in close vicinity, and the Owner is currently operating a mining operation adjacent to this location. The expansion of the operation to this location is highly practical as it will allow for the existing site entrances and operations infrastructure to remain in use as gravel extraction expands onto this property. The design and locations of the gravel pits have been optimized to minimize potential hazards from flood events. Flooding impact to the gravel pits has been mitigated by the placement and grading of access roads above the Base Flood Elevation in key areas around the pits. The access road grading design will decrease the likelihood of a pit capture event and a rerouting of the Boise River channel into the pits.

No work is being proposed below the ordinary high-water mark of the Boise River. A larger footprint for the gravel pit operations was previously considered that would have extended the pits to the north and closer to the Boise River and within the regulatory floodway. This design was evaluated and considered to be too impactful to existing wetlands and increased flood risks to an undesirable level. Therefore, the proposed project has been reduced in size to limit impacts to wetlands and flood flow conveyance.

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.

The limited wetlands being impacted by the project have no significant nexus to water of the United States. Therefore, no mitigation is being proposed for this project.

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

Dirt or Topsoil: _____ cubic yards
 Dredged Material: _____ cubic yards
 Clean Sand: _____ cubic yards
 Clay: _____ cubic yards
 Gravel, Rock, or Stone: _____ 0 cubic yards
 Concrete: _____ cubic yards
 Other (describe): _____ : _____ cubic yards
 Other (describe): _____ : _____ 0 cubic yards
 TOTAL: _____ 0 cubic yards

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

Filling: _____ acres _____ sq ft. _____ cubic yards
 Backfill & Bedding: _____ acres _____ sq ft. _____ cubic yards
 Land Clearing: _____ acres _____ sq ft. _____ cubic yards
 Dredging: _____ acres _____ sq ft. _____ cubic yards
 Flooding: _____ acres _____ sq ft. _____ cubic yards
 Excavation: _____ acres _____ sq ft. _____ cubic yards
 Draining: _____ acres _____ sq ft. _____ cubic yards
 Other: _____ : _____ acres _____ sq ft. _____ 0 cubic yards
 TOTALS: _____ acres _____ sq ft. _____ 0 cubic yards

21. HAVE ANY WORK ACTIVITIES STARTED ON THIS PROJECT? NO YES If yes, describe ALL work that has occurred including dates.

22. LIST ALL PREVIOUSLY ISSUED PERMIT AUTHORIZATIONS:

Canyon County Conditional Use Permit, dated November 7, 2022.

23. 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: _____ Square Miles

25. IS PROJECT LOCATED IN A MAPPED FLOODWAY? NO 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.
See Instruction Guide for further clarification and all contact information.

The following information is requested by IDEQ and/or EPA concerning the proposed impacts to water quality and anti-degradation:

- NO YES Is applicant willing to assume that the affected waterbody is high quality?
- NO YES Does applicant have water quality data relevant to determining whether the affected waterbody is high quality or not?
- NO 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

BMP's will be followed to minimize impacts on water quality during gravel pit operations. The gravel pits are proposed to be at least 600' from the Boise River and a minimum of 50' from any other watercourses at the site. Any activities proposed to occur in the special flood hazard area shall not occur without first obtaining a floodplain development permit and completing all required studies in accordance with federal regulations and Canyon County Code. Upon completion of the gravel extraction activities the site will be reclaimed in accordance with the approved Reclamation Plan on file with the Idaho Department of Lands.

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
None				
TOTAL STREAM IMPACTS (Linear Feet):				

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, cuivert, etc.	Impact Length (acres, square ft linear ft)
None				
TOTAL WETLAND IMPACTS (Square Feet):				

29. ADJACENT PROPERTY OWNERS NOTIFICATION REQUIREMENT

Provide contact information of ALL adjacent property owners below

<p>Name: Roger Rosdahl</p> <p>Mailing Address: 9490 Lincoln Road</p> <p>City: Caldwell State: Idaho Zip Code: 83605</p> <p>Phone Number (include area code): _____ E-mail: _____</p>	<p>Name: Brandon D. Lantz</p> <p>Mailing Address: 8992 Lincoln Road</p> <p>City: Caldwell State: ID Zip Code: 83605</p> <p>Phone Number (include area code): _____ E-mail: _____</p>
<p>Name: Bishop Ranches Inc.</p> <p>Mailing Address: 9107 Lincoln Road</p> <p>City: Caldwell State: ID Zip Code: 83605</p> <p>Phone Number (include area code): _____ E-mail: _____</p>	<p>Name: State of Idaho Department of Lands</p> <p>Mailing Address: 300 N. 6th Street, Suite 103</p> <p>City: Boise State: ID Zip Code: 83702</p> <p>Phone Number (include area code): 208 334 0200 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>	<p>Name:</p> <p>Mailing Address:</p> <p>City: State: Zip Code:</p> <p>Phone Number (include area code): _____ E-mail: _____</p>

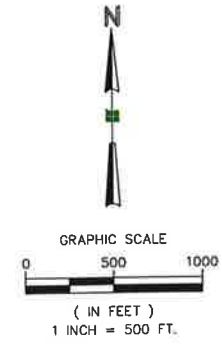
30. SIGNATURES: STATEMENT OF AUTHORIZATION / CERTIFICATION OF AGENT / ACCESS

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: Cache Wood Date: 9/19/2023

Signature of Agent:  Date: 9/28/23

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".



INDEX OF SHEETS	
SHEET NO.	DESCRIPTION
C1	TITLE SHEET
C2	EXISTING SITE CONDITIONS
C3	OVERALL SITE IMPROVEMENT AREA
C4	OVERALL SITE IMPROVEMENTS AREA SECTION VIEW
C5	PROPOSED PIT ONE AREA PLAN
C6	PROPOSED PIT TWO AREA PLAN
C7	ACCESS ROAD WITH EMBANKMENTS PROFILES
C8	ACCESS ROAD WITH EMBANKMENT PROFILES
C9	DETAILS
C10	HYDRAULIC MODEL EXHIBIT

APPROXIMATE GPS SITE COORDINATES
 LATITUDE: 43° 40' 45.63" N LONGITUDE: 116° 34' 38.71" W

CONSTRUCTION NOTES

- CONTRACTOR SHALL LOCATE ANY UTILITIES ON-SITE PRIOR TO CONSTRUCTION. CONTACT DIGLINE AT 1-800-342-1585 TO MARK OUT PRECISE LOCATION IN FIELD. ANY UTILITIES DAMAGED DURING CONSTRUCTION SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
- THE "OWNER" OF THE PROJECT, AS REFERENCED IN THESE SPECIFICATIONS IS NAMPA PAVING AND ASPHALT COMPANY.
- THE CONTRACTOR SHALL NOT REMOVE TREES AND SHRUBS IN EXISTING RIPARIAN AND WETLAND AREAS UNLESS OTHERWISE NOTED ON THESE PLANS.
- ALL WORK PERFORMED AND MATERIALS INSTALLED SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS, AND ORDINANCES.
- THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK USING THE BEST SKILLS AND ATTENTION. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES FOR COORDINATING ALL PORTIONS OF THE WORK UNDER THIS CONTRACT.
- THE CONTRACTOR SHALL KEEP THE JOB SITE CLEAN AND HAZARD FREE. CONTRACTOR SHALL DISPOSE OF ALL DIRT, DEBRIS, AND RUBBISH FOR THE DURATION OF THE WORK. UPON COMPLETION OF WORK, CONTRACTOR SHALL REMOVE ALL MATERIAL AND EQUIPMENT NOT SPECIFIED AS REMAINING ON THE PROPERTY.
- NOTES AND DETAILS ON THE PLANS SHALL TAKE PRECEDENCE OVER GENERAL NOTES HEREIN.
- DIMENSION CALLOUTS SHALL TAKE PRECEDENCE OVER SCALES SHOWN ON THE PLANS.
- EQUIPMENT REFUELING AREAS SHALL BE A MINIMUM OF 150 FT AWAY FROM SURFACE WATERS AND/OR WETLANDS UNLESS CONTAINED WITHIN EXTENTS OF THE GRAVEL EXTRACTION AREA.

PERMIT NOTES

- ALL WORK SHALL BE IN COMPLIANCE WITH PERMIT CONDITIONS ISSUED BY THE U.S. ARMY CORPS OF ENGINEERS, IDAHO DEPARTMENT OF WATER RESOURCES, IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY, AND CANYON COUNTY. IT IS THE OWNER'S RESPONSIBILITY TO HAVE COPIES OF ALL PERMITS ON THE JOB SITE AND UNDERSTAND AND COMPLY WITH ALL PERMIT CONDITIONS.
- ALL ACTIVITIES THAT INVOLVE WORK ADJACENT TO OR WITHIN THE WETLANDS OR WETTED CHANNEL SHALL, AT ALL TIMES, REMAIN CONSISTENT WITH ALL APPLICABLE WATER QUALITY STANDARDS, EFFLUENT LIMITATION AND STANDARDS OF PERFORMANCE, PROHIBITIONS, PRETREATMENT STANDARDS, AND MANAGEMENT PRACTICES ESTABLISHED PURSUANT TO THE CLEAN WATER ACT OR PURSUANT TO APPLICABLE STATE AND LOCAL LAW.
- PROJECT IS AN EXPANSION OF ADJACENT EXISTING OPERATION PREVIOUSLY APPROVED BY CONDITIONAL USE PERMIT CU2018-0015.
- PROPERTY IS LOCATED IN ZONE AE OF BOISE RIVER FLOODPLAIN DETAILED BY FIRM PANEL 16027C0262G EFFECTIVE DATE OF 6/7/2019.
- PROJECT IS CURRENTLY A PART OF A CLOMR APPLICATION APPLICATION CASE NO. 22-10-0727R, DATED JUNE 3 2022.
- CONCEPT DESIGN BASED ON PUBLICLY AVAILABLE LIDAR DATA FROM 2019. ONSITE SURVEY HAS BEEN PERFORMED IN THE AREA OF THE PROPOSED WETLAND MITIGATION AND HAS BEEN USED FOR THE PROPOSED WETLAND AREA GRADING DESIGN. ALL BOUNDARY DEPICTIONS ARE APPROXIMATE.
- ALL EXCAVATED AREAS SHALL BE DEWATERED IN ACCORDANCE WITH APPLICABLE STATE AND FEDERAL REGULATIONS.
- PROJECT SHALL COMPLY WITH REQUIRED COUNTY SETBACKS.
- RECLAMATION PLAN HAS BEEN SUBMITTED WITH APPLICATION. ONCE MINING HAS BEEN COMPLETED, PROPERTY IS INTENDED TO BE A FUTURE RESIDENTIAL DEVELOPMENT, WITH THE GRAVEL PITS SERVING AS FUTURE AMENITY PONDS.
- ACCESS WILL BE PROVIDED FROM LINCOLN ROAD VIA THE EXISTING ACCESS TO THE ADJACENT GRAVEL PITS.
- TOPSOIL AND OVERBURDEN FROM ACTIVE MINE WORKING AREA SHALL BE STOCKPILED ALONG SOUTHERN PERIMETER AND OUTSIDE THE REGULATORY FLOODWAY EXTENTS TO PRODUCE SITE AND SOUND BERMS THAT WILL REMAIN IN PLACE UNTIL MINING IS COMPLETED.
- AGGREGATE STOCKPILES WILL PRIMARILY BE LOCATED WITHIN THE ACTIVE MINING AREA.
- SITE WILL BE MINED FOR GRAVEL TO AN APPROXIMATE DEPTH OF 20 FEET BELOW GROUND SURFACE. OPERATIONAL SLOPES SHALL BE GRADED AT 2 TO 1 MAXIMUM.
- STORMWATER SHALL BE RETAINED ON SITE AND WILL BE CONTROLLED USING A VARIETY OF BEST MANAGEMENT PRACTICES (BMPs). BMPs WILL FOLLOW THE GUIDELINES OF IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY (IDEQ) CATALOG OF STORMWATER BMPs FOR CITIES AND COUNTIES.
- UPON COMPLETION OF MINING ACTIVITIES, AREA SHALL BE RE-VEGETATED PER THE RECLAMATION PLAN.
- NORMAL BUSINESS HOURS OF OPERATION SHALL BE MONDAY THROUGH SATURDAY 7:00 AM TO 7:00 PM. TEMPORARY 24 HOUR PER DAY SEVEN DAYS PER WEEK OPERATIONS MAY BE CONDUCTED AS REQUIRED BY PROJECTS MANDATING NIGHTTIME DELIVERY OF MATERIALS. NO CRUSHING OF MATERIALS SHALL OCCUR AFTER 7:00 PM OR PRIOR TO 7:00 AM. THE DURATION OF 24 HOUR OPERATIONS SHOULD BE TEMPORARY.
- NOISE EMISSIONS SHALL FOLLOW THE REGULATIONS AND STANDARDS OF OSHA AND MSHA.

GENERAL NOTES

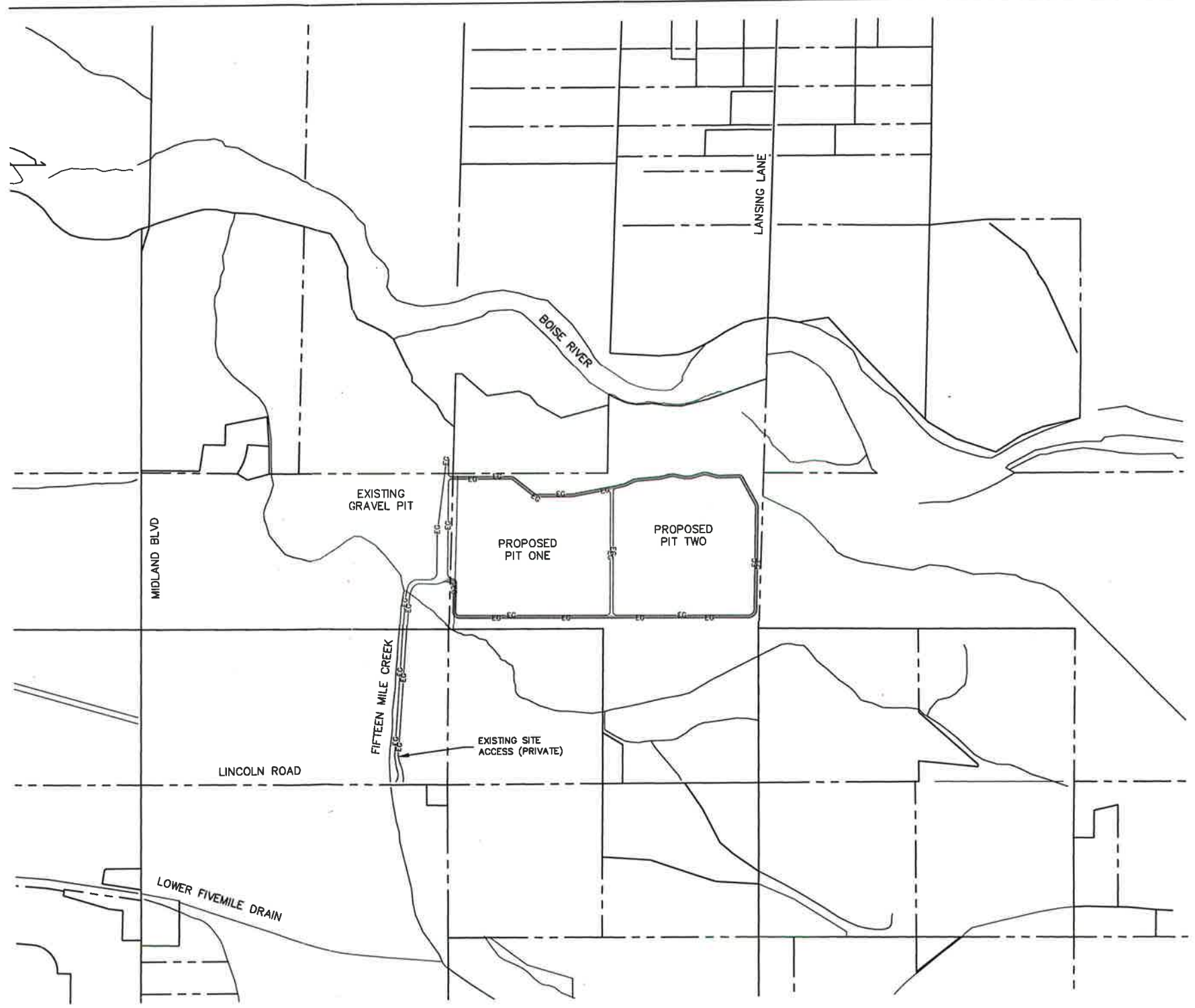
- THE PROPERTY LINES DEPICTED ON THESE DRAWINGS ARE BASED ON PUBLICLY AVAILABLE RECORD DATA. NO BOUNDARY SURVEY WORK HAS BEEN COMPLETED.

FEMA SPECIAL FLOOD HAZARD AREA NOTES

- THIS PROJECT IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA ZONE AE FOR THE BOISE RIVER AS DEPICTED ON FEMA FLOOD INSURANCE RATE MAP 16027C0262G EFFECTIVE 6/7/2019. THE DESIGN ELEMENTS DEPICTED ON THESE DRAWINGS COMPLY WITH FEMA NATIONAL FOOD INSURANCE PROGRAM REGULATIONS AND ARTICLE 10A OF CANYON COUNTY, IDAHO CODE (FLOOD HAZARD OVERLAY ZONE).

BISHOP PROPERTY NAMPA PAVING GRAVEL EXTRACTION AND MITIGATION SITE PLAN

VICINITY MAP



IDAHO
 CANYON COUNTY
 PROJECT NO. 441-05
 SCALE: 1"=500'
 BISHOP PROPERTY
 TITLE SHEET

CHECKED BY: NIK	DATE: 9/29/23
DESIGNED BY: ESP	DATE:
DRAWN BY: ESP	DATE:
DATE:	DESCRIPTION:

SHEET
C1

USER: ESPTITLE: LOCATION: C:\Users\espt\Desktop\BISHOP PROPERTY NAMPA PAVING GRAVEL EXTRACTION AND MITIGATION SITE PLAN\ALTERNATE_10.DWG



EXISTING GRAVEL PIT
PARCEL NO. R3406201100
33± ACRES

STATE OF IDAHO
NOT A PART
PARCEL NO.
R3406101000

NAMPA PAVING &
ASPHALT CO.
PARCEL R3406100000
114.72 ACRES

WL005

WL006

WL003

WL003

WL003

WL008

EXISTING MAIN DITCH
WETLAND FRINGE

WL001

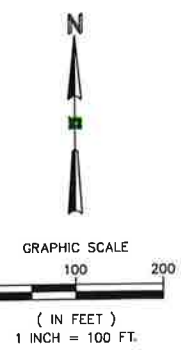
WL001

STEVEN D & LAURA S WILDER
FAMILY TRUST
PARCEL NO. R3405900000
16.42 ACRES

EXISTING IRRIGATION DRAIN
RETAIN & PROTECT

EXISTING IRRIGATION DITCH
RETAIN AND PROTECT


DONOVAN & JANET LANITZ
TRUST PARCEL NO.
R3405800000 39.49 ACRES




EXISTING WETLAND AREAS TO BE RE-ADJUDICATED UNDER REVISED 2023 GUIDELINES

WETLAND AREA SUMMARY	
NON-JURISDICTIONAL AREA INDICATOR	ACREAGE
WL001	0.42
WL003	0.15
WL005	0.32
WL006	0.13
DITCH WETLAND FRINGE	0.97
TOTAL EXISTING WETLANDS	1.99

REFER TO WETLAND DELINEATION SUPPLEMENTAL BY LEMHI ENVIRONMENTAL CONSULTING DATED 10/28/22 AND U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL DETERMINATION DATED 11/18/22 FOR MORE INFORMATION.





NAMPA PAVING GRAVEL EXTRACTION SITE
EXISTING SITE CONDITIONS

CANYON COUNTY

SCALE: 1"=100'

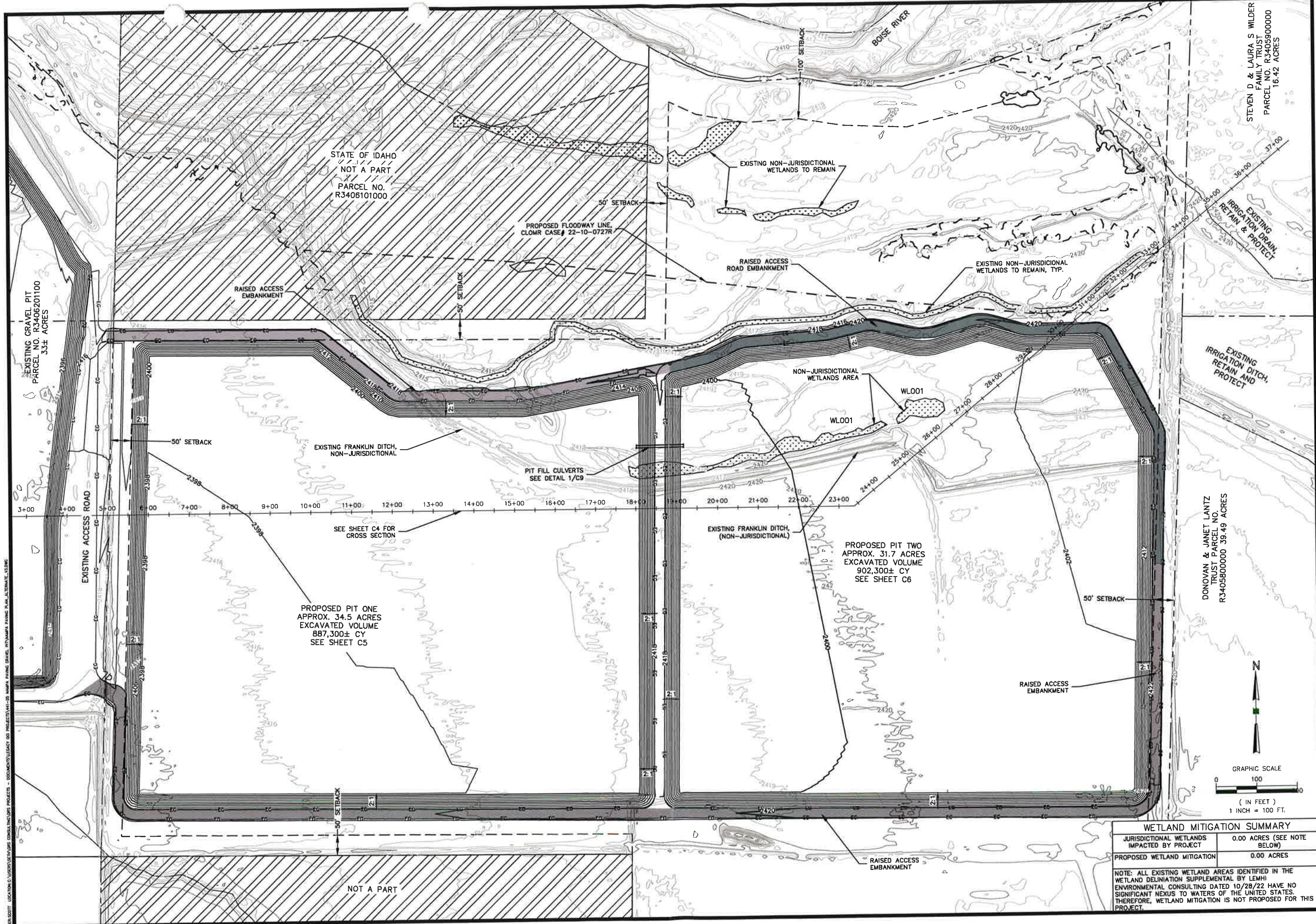
PROJECT NO. 441-05

DESIGNED BY: RSP

DRAWN BY: RSP

DATE: 9/29/23

SHEET
C2



NAMPA PAVING GRAVEL EXTRACTION SITE
OVERALL SITE IMPROVEMENT AREA

CANYON COUNTY IDAHO
 PROJECT NO. 441-05
 SCALE: 1"=100'

CHECKED BY: NK
 PLOT DATE: 9/29/23

DATE	DESCRIPTION

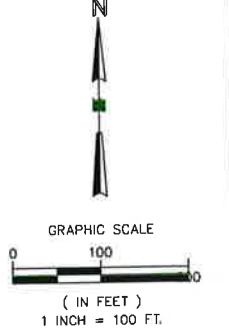
DESIGNED BY: RSP
 DRAWN BY: RSP

SHEET
C3

WETLAND MITIGATION SUMMARY

JURISDICTIONAL WETLANDS IMPACTED BY PROJECT	0.00 ACRES (SEE NOTE BELOW)
PROPOSED WETLAND MITIGATION	0.00 ACRES

NOTE: ALL EXISTING WETLAND AREAS IDENTIFIED IN THE WETLAND DELINEATION SUPPLEMENTAL BY LEHHI ENVIRONMENTAL CONSULTING DATED 10/28/22 HAVE NO SIGNIFICANT NEXUS TO WATERS OF THE UNITED STATES. THEREFORE, WETLAND MITIGATION IS NOT PROPOSED FOR THIS PROJECT.



USER:30077 LOCATION: C:\Users\jv\OneDrive\Documents\Projects - Documents\LEHHI\05 NAMPA PAVING GRAVEL EXTRACTION PAVING PLAN ALTERNATE 30077

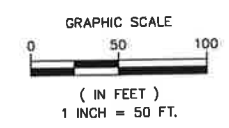
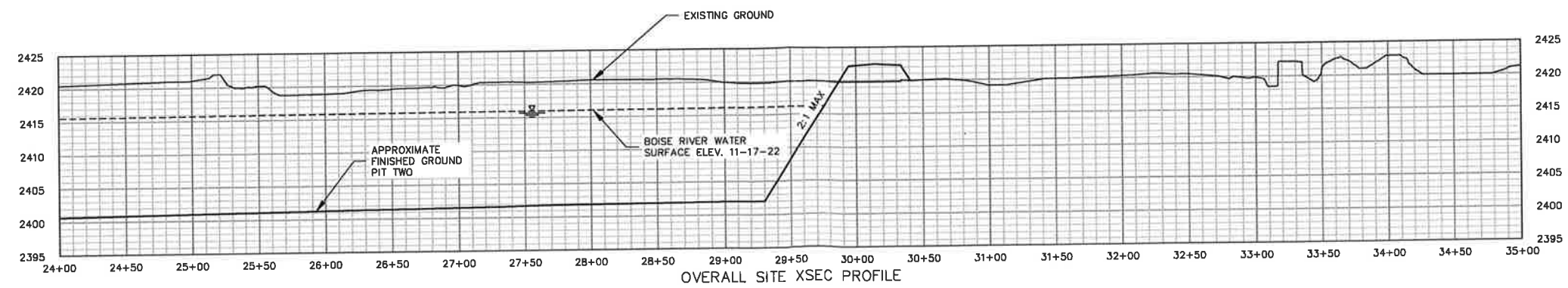
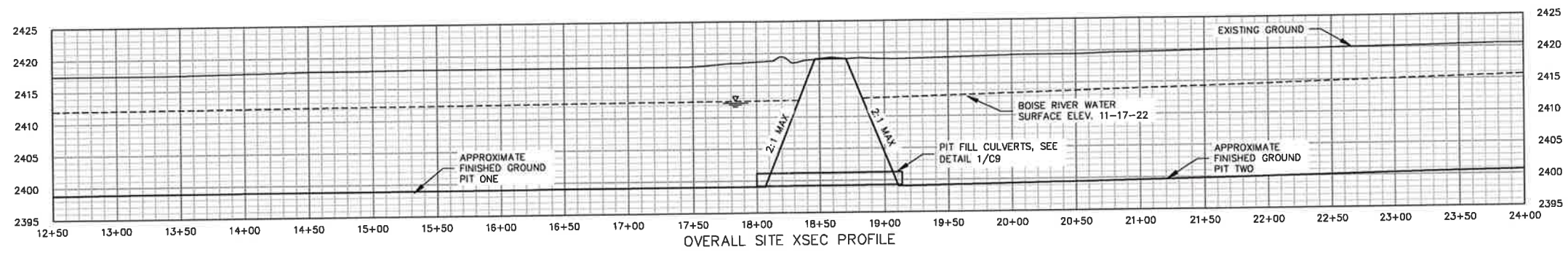
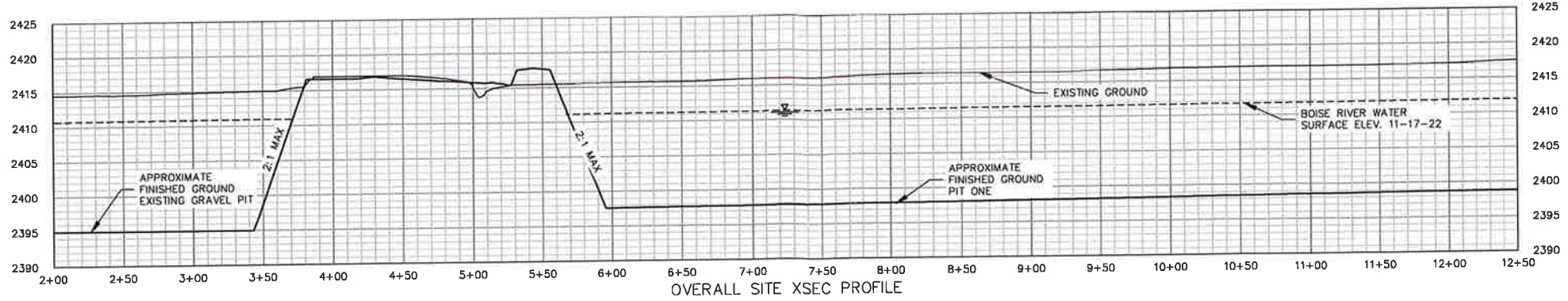


NAMPA PAVING GRAVEL EXTRACTION SITE
OVERALL SITE IMPROVEMENT AREA-SECTION VIEW

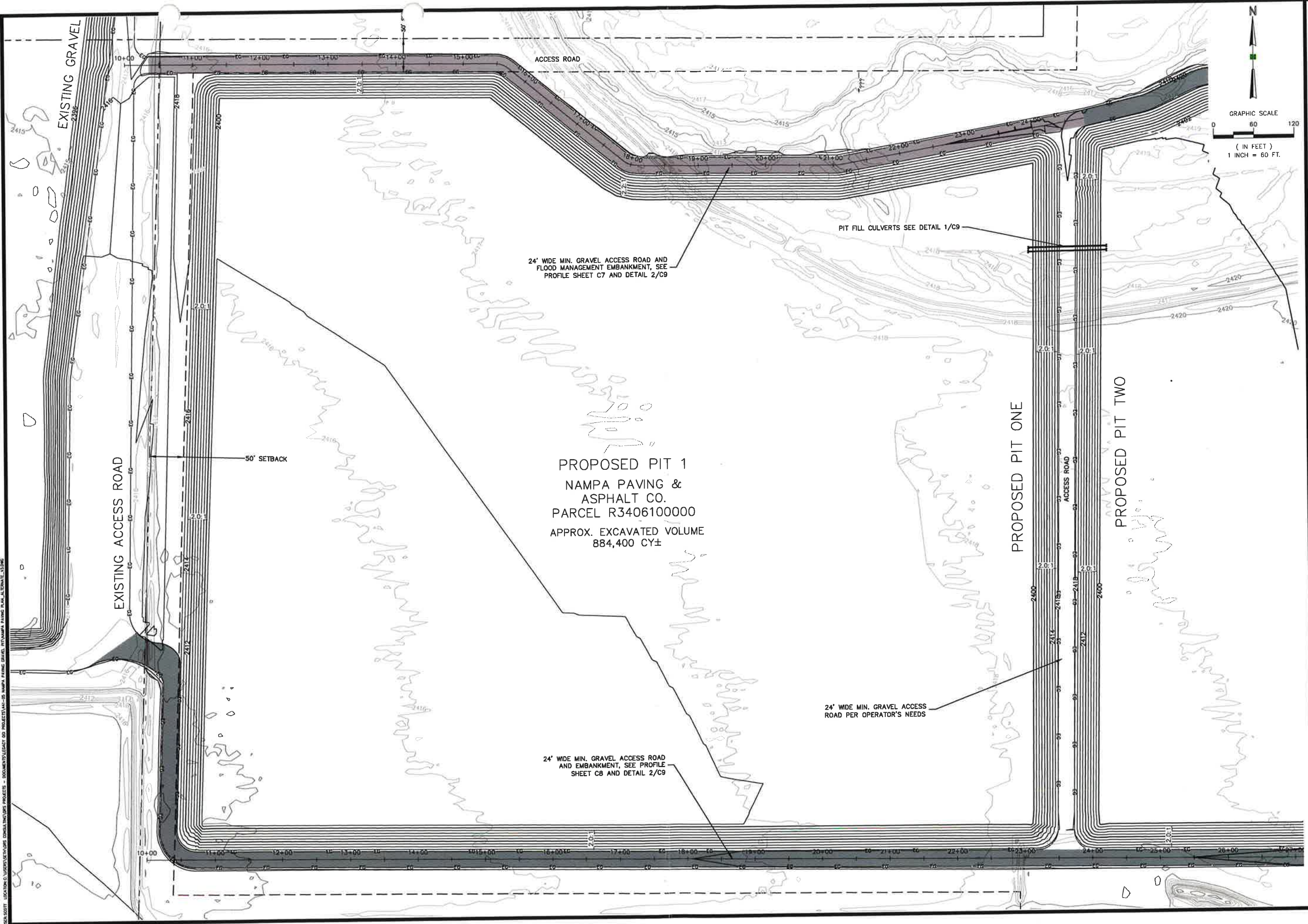
CANYON COUNTY IDAHO
SCALE: 1"=50'
PROJECT NO. 441-05

CHECKED BY: RSP	DATE: 9/29/23
DRAWN BY: RSP	
DATE:	
DESCRIPTION:	

SHEET
C4



USER:SP01 LOCATION: C:\WORK\2023\09\CONSULTING\PROJECTS - DOCUMENTS\441-05 NAMPA PAVING GRAVEL EXTRACTION SITE\NAMPA PAVING GRAVEL EXTRACTION SITE\ALTERNATE\05.DWG



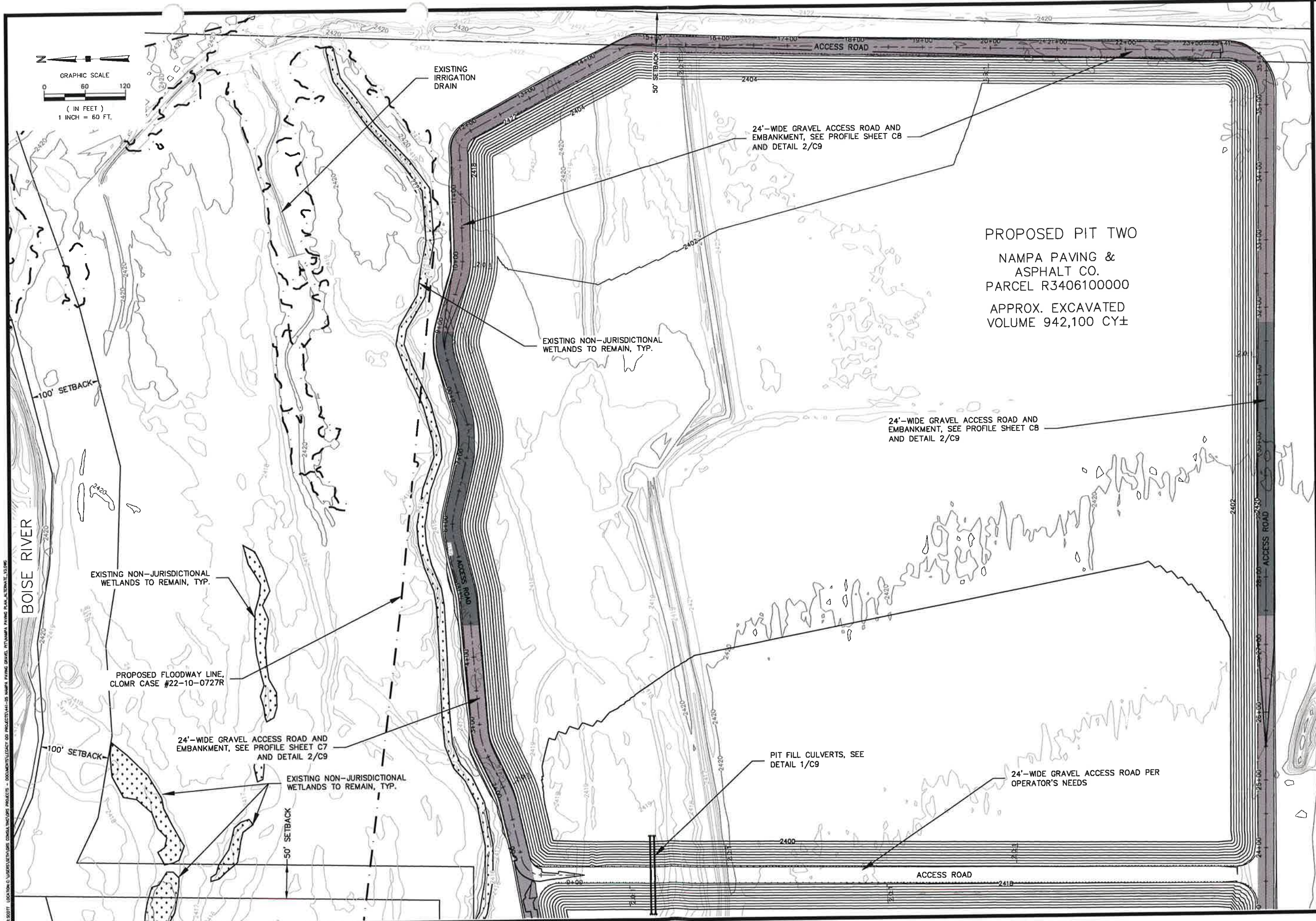
IDAHO

NAMPA PAVING GRAVEL EXTRACTION SITE
PROPOSED PIT 1 AREA PLAN

CANYON COUNTY PROJECT NO. 441-05
 SCALE: 1"=60'

CHECKED BY: NK PLOT DATE: 9/29/23	DESIGNED BY: RSP DRAWN BY: RSP
DATE: _____ DESCRIPTION: _____	SHEET C5

USER:SCOTT LOCATION: C:\WORK\PROJECTS\CONSULTING\PROJECTS\DOCUMENTS\CLIENTS\PROJECTS\NAMPAS PAVING GRAVEL EXTRACTION PLAN ALTERNATE 33.DWG



PROPOSED PIT TWO

NAMPA PAVING &
ASPHALT CO.
PARCEL R3406100000

APPROX. EXCAVATED
VOLUME 942,100 CY±

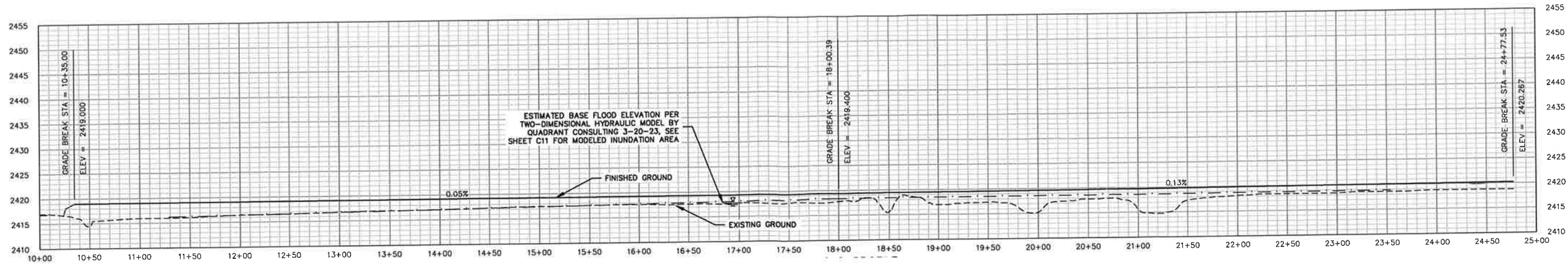


**NAMPA PAVING GRAVEL EXTRACTION SITE
PROPOSED PIT 2 AREA PLAN**

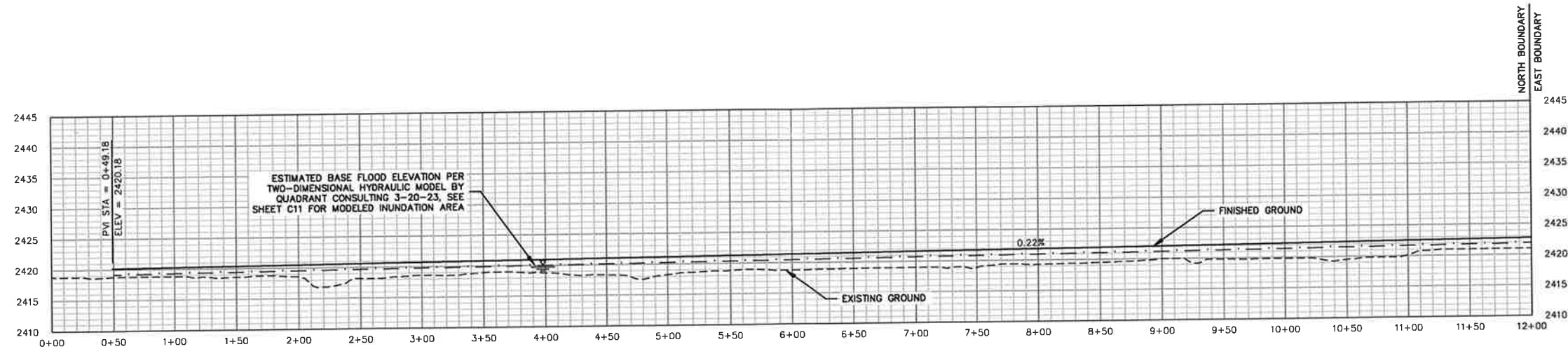
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DRAWN BY: RSP	PLOT DATE: 9/29/23
DATE:	DESCRIPTION:

SHEET
C6

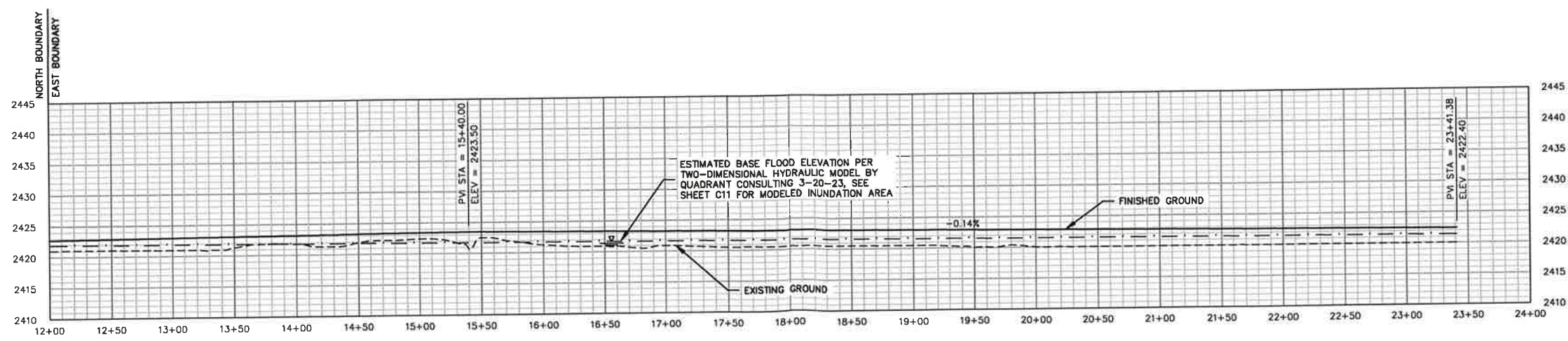
CANYON COUNTY PROJECT NO. 441-05
SCALE: 1"=60'
ID#10



PIT 1 NORTH BOUNDARY ACCESS ROAD/EMBANKMENT



PIT 2 NORTH BOUNDARY ACCESS ROAD/EMBANKMENT



PIT 2 EAST BOUNDARY ACCESS ROAD/EMBANKMENT



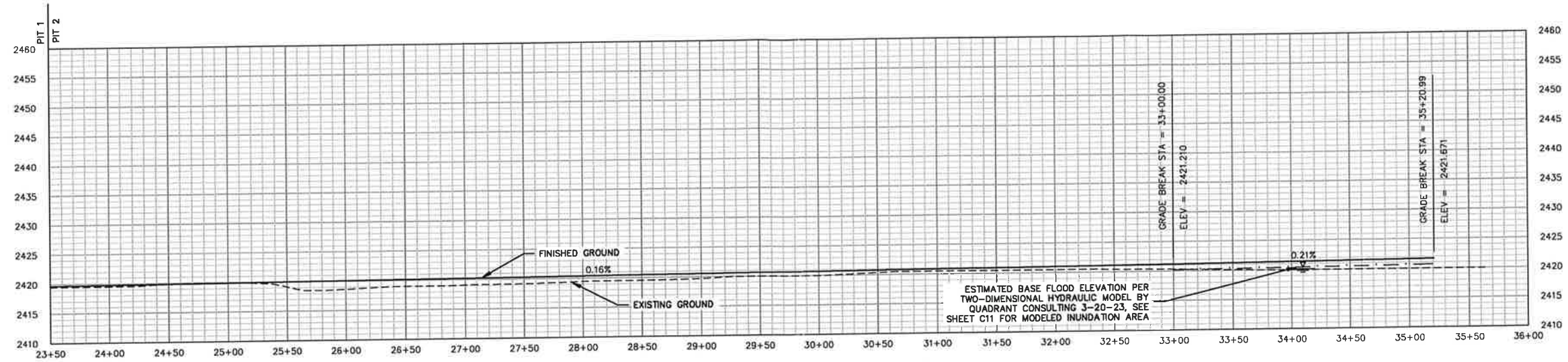
NAMPA PAVING GRAVEL EXTRACTION SITE
ACCESS ROAD WITH EMBANKMENT PROFILES

CANYON COUNTY IDAHO
PROJECT NO. 441-05
SCALE: 1"=50'

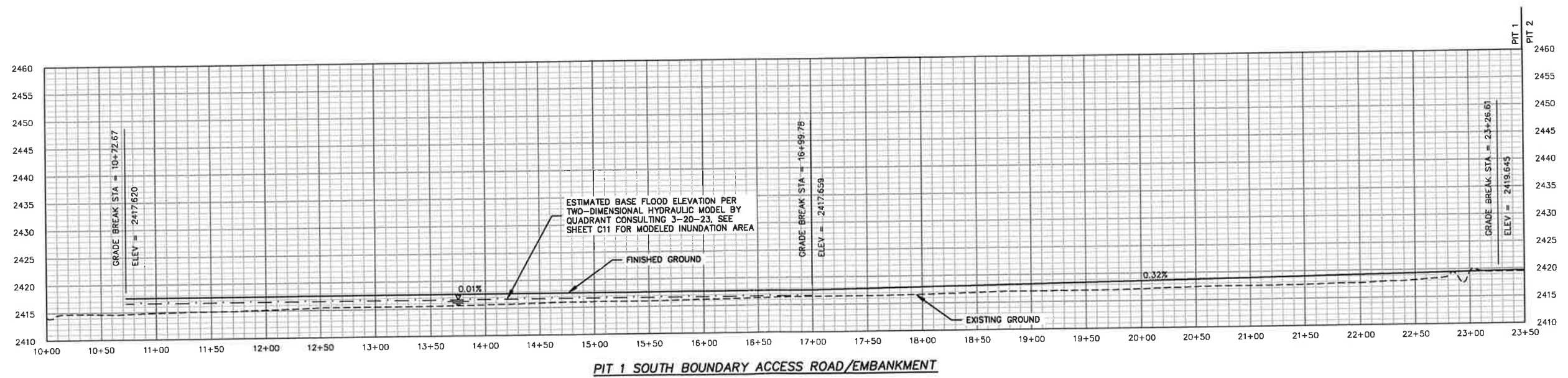
DESIGNED BY: RSP	DATE:
DRAWN BY: RSP	DESCRIPTION:
CHECKED BY: MK	PLOT DATE: 9/29/23

SHEET
C7

USER: SOTT; LOCATION: C:\WORKSPACE\PROJECTS\DOCUMENTS\441-05\PROJECTS\441-05\NAMP\GRAVEL\NAMP_GRAVEL_EXTRATION_PROFILE_PLAN_ALTERNATE_V3.DWG



PIT 2 SOUTH BOUNDARY ACCESS ROAD/EMBANKMENT



PIT 1 SOUTH BOUNDARY ACCESS ROAD/EMBANKMENT



NAMPA PAVING GRAVEL EXTRACTION SITE
ACCESS ROAD WITH EMBANKMENT PROFILES

IDAHO

PROJECT NO.
441-05

CANYON COUNTY
SCALE:
1"=50'

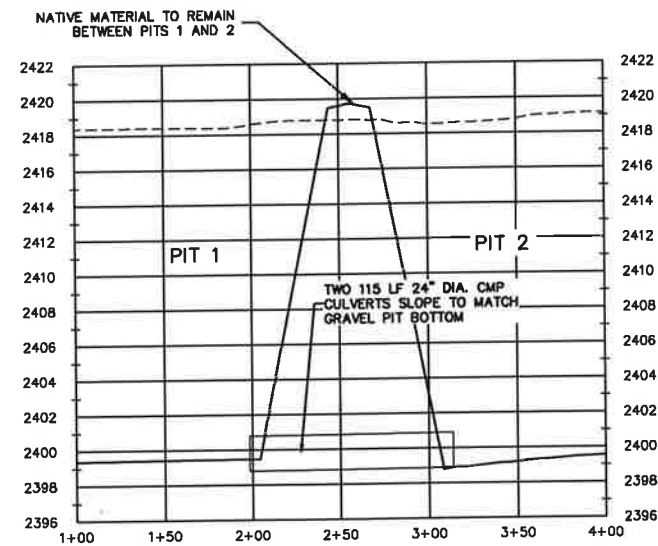
CHECKED BY: RSK
PLOT DATE: 9/29/23

DESIGNED BY: RSP
DRAWN BY: RSP
DATE

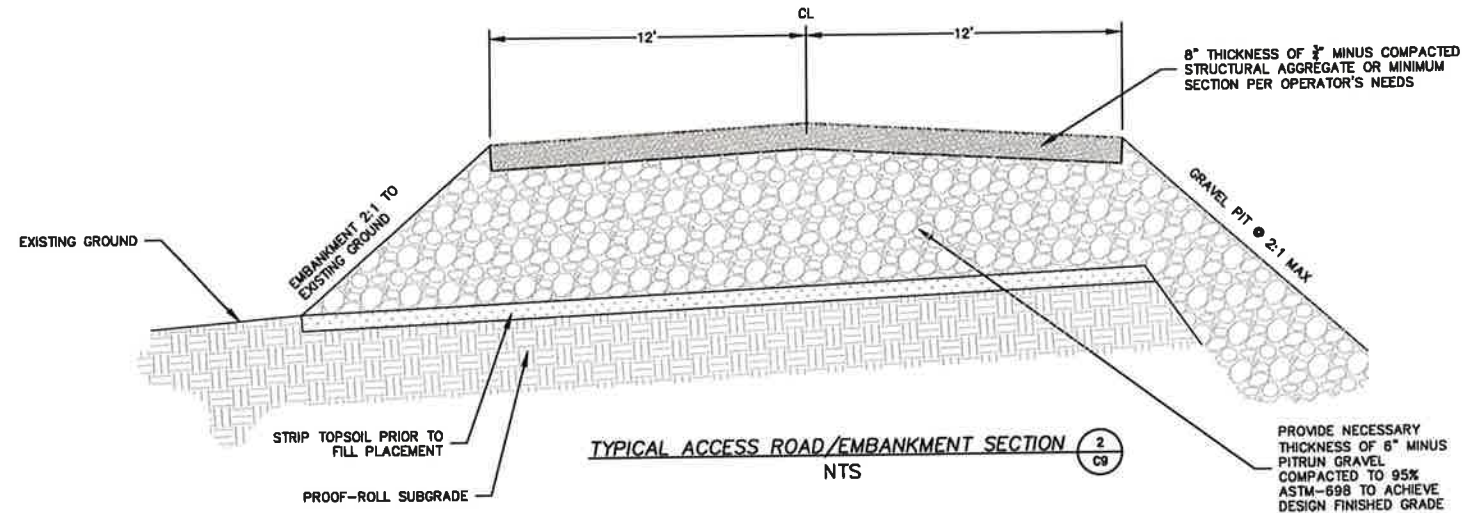
DESCRIPTION

SHEET
C8

GRS CONSULTING, INC. 1000 N. 10TH ST. BOYD, IDAHO 83725-1000
 PROJECT: Nampa Paving Gravel Extraction Site, Nampa, IDAHO
 SHEET: NANTA PAVING PLAN, ALTERNATE, 03.DWG



PIT FILL CULVERTS
NTS



TYPICAL ACCESS ROAD/EMBANKMENT SECTION
NTS



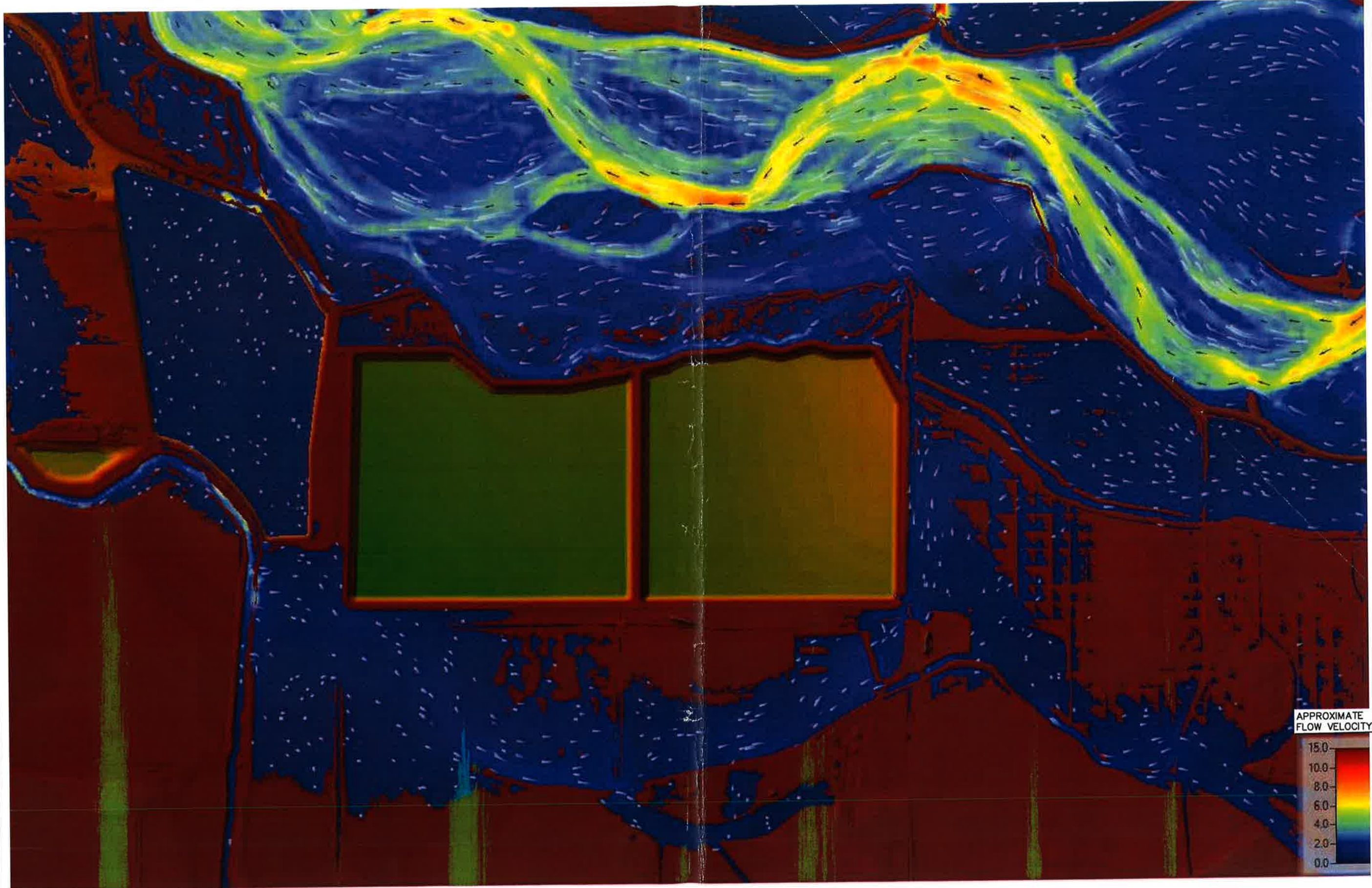
NAMPA PAVING GRAVEL EXTRACTION SITE
DETAILS

DESIGNED BY: RSP	CHECKED BY: INK
DRAWN BY: RSP	PLOT DATE: 9/29/23
DATE	DESCRIPTION

SHEET
C9

IDAHO PROJECT NO. 441-05
CANYON COUNTY SCALE: NTS

WORKSHEET LOCATION: C:\WORKSHEETS\CONSTRUCTION\PROJECTS - DOCUMENTS\LOCAL\PROJECTS\441-05 NAMPA PAVING GRAVEL EXTRACTON SITE\441-05 NAMP PAVING PLAN ALTERNATE.DWG



NOTE: THIS EXHIBIT DEPICTS THE ESTIMATED Q100 INUNDATION AREA AND FLOOD FLOW FOLLOWING COMPLETION OF PITS ONE AND TWO.



NAMPA PAVING GRAVEL EXTRACTION SITE
HYDRAULIC MODEL EXHIBIT

DESIGNED BY: RSP	CHECKED BY: MK
DRAWN BY: RSP	PLOT DATE: 9/29/23
DATE	DESCRIPTION

SHEET
C10

CANYON COUNTY IDAHO
SCALE: NTS
PROJECT NO. 441-05

Idaho Department of Water Resources Receipt

Receipt ID: W051563

Payment Amount \$20.00 Date Received 10/3/2023 Region WESTERN
Payment Type Check Check Number 003255
Payer QRS CONSULTING LLC
Comments JOINT APPLICATION FOR PERMIT FOR CACHE WOOD

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$20.00	STREAM CHANNEL PROTECTION FEES	62123	0229	21		1155



Signature Line (Department Representative)



DEPARTMENT OF THE ARMY
 U.S. ARMY CORPS OF ENGINEERS
 BOISE REGULATORY OFFICE
 720 EAST PARK BOULEVARD, SUITE 245
 BOISE, IDAHO 83712-7757

March 26, 2024

WALLA WALLA DISTRICT
 REGULATORY DIVISION

SUBJECT: NWW-2022-00275, Nampa Paving, Gravel Pit Mine, Boise River

Cache Wood
 Nampa Paving and Asphalt
 444 W. Karcher Road
 Nampa, Idaho 83687

Dear Mr. Wood:

We have determined that your proposed project Nampa Paving, Gravel Pit Mine, Boise River is authorized in accordance with Department of the Army (DA) **Nationwide Permit (NWP) No. 44: Mining Activities and NWP 46: Discharges in Ditches**. This project is located within Section 16, of Township 4 North, Range 2 West, near coordinates 43.680° N latitude, and -116.574° W longitude, in Caldwell, Canyon County, Idaho. Please refer to File Number NWW-2022-00275 in all future correspondence with our office regarding this project.

Project activities include the discharge of fill material within the Franklin Ditch, and unnamed wetlands adjacent to the Boise River, which are waters of the United States. The purpose of the proposed work is to expand an existing gravel pit mining operation to support increased reclamation and industry demand for gravel products. Work will entail construction of two gravel pits that are cumulatively 61.8 acres in size and will be used for gravel pit mining operations for up to 20 years. Project activities will result in the excavation, mechanical land clearing and manipulation, and the permanent loss of 0.45 acres of the Franklin Ditch (authorized under Nationwide Permit 46: Discharges in Ditches), and 0.42-acres of jurisdictional, palustrine emergent wetlands (authorized under Nationwide Permit 44: Mining Activities). All work shall be done in accordance with the enclosed drawings, titled: *Nampa Paving Gravel Extraction Site, dated February 16, 2024*.

DA permit authorization is necessary because your project may involve the discharge of dredged and fill material into waters of the U.S. This authorization is outlined in Section 404 of the Clean Water Act (33 U.S.C. 1344).

You must comply with all general, regional, and special conditions, for this

verification letter to remain valid and to avoid possible enforcement actions. The general and regional permit conditions for *NWP No. 44: Mining Activities, and NWP No. 45: Discharges in Ditches* are attached and also available online¹. In addition, you must also comply with the special conditions listed below.

The following Special Conditions include:

- 1) Permittee shall mitigate for the permanent loss of 0.45 acres of the Franklin Ditch and 0.42 acres of Palustrine Emergent (PEM) wetlands by creating at least 1 acre of PEM, or higher quality, wetlands and relocating approximately 1,930 linear feet of the Franklin Ditch in accordance with the approved mitigation plan titled "Bishop Property Project, Nampa Paving Gravel Extraction, Wetlands Mitigation Plan" dated February 16, 2024, and according to the drawings dated February 16, 2024. The mitigation work must be implemented prior to or concurrent with the discharge of fill material authorized by this permit and all ground disturbance within aquatic resources associated with the mitigation plan shall be completed prior to the expiration of this permit.
- 2) Permittee shall submit an annual wetland mitigation report to the District Engineer by December 31 of each year, for a minimum of 3 years following the establishment of the mitigation area, or until the Corps has determined the mitigation site has met its performance standards as described in the approved mitigation plan titled "Bishop Property Project, Nampa Paving Gravel Extraction, Wetlands Mitigation Plan", dated February 16, 2024. The report shall describe completed mitigation measures, vegetation planted, percent cover of each vegetation community, acreage of wetlands within the mitigation site, and shall address each of the mitigation success criteria. The report shall include photographs from fixed reference points of the mitigation area to compare mitigation success from year to year. Photographs shall be taken from the same location and same orientation each year. The report shall identify any failure of the mitigation success criteria and shall describe measures needed to bring the site into compliance with the mitigation plan.
- 3) Deed restrictions, covenants or other mechanisms to protect the mitigation site in perpetuity must be recorded with the county recorder and submitted to the Corps of Engineers within 30 days of the date of this permit. The document must prohibit dredge or fill activities in the mitigation site and prohibit domestic livestock grazing, burning, wholesale spraying of herbicides, mowing, and tree and shrub cutting other than selective pruning. The document must also identify a group or entity that agrees to enforce these prohibitions and protect the mitigation site.

¹ <http://www.nww.usace.army.mil/Business-With-Us/Regulatory-Division/Nationwide-Permits/>

- 4) Permittee is responsible for all work done by any contractor. Permittee shall ensure any contractor who performs the work is informed of and follows all the terms and conditions of this authorization, including any Special Conditions listed above. Permittee shall also ensure these terms and conditions are incorporated into engineering plans and contract specifications.

You must also comply with the conditions detailed in the attached Section 401 Water Quality Certification (WQC) issued by the Idaho Department of Environmental Quality (IDEQ) on December 11, 2020. If you have any questions regarding the conditions set forth in the WQC, please contact IDEQ directly at 208-373-0550, Boise Regional Office.

Attached to this verification is our Approved Jurisdictional Determination (Approved JD) form showing that Waters of the United States, including wetlands and/or navigable Waters of the United States are located within your project area. This Approved JD is valid for a period of five (5) years from the date the AJD was completed, unless new information supporting a revision is provided to this office before the expiration date.

Nationwide Permit General Condition 30 (Compliance Certification) requires that every permittee who has received NWP verification must submit a signed certification regarding the completed work and any required mitigation. This Compliance Certification form is enclosed for your convenience and must be completed and returned to us within 30 days of your project's completion.

This letter of authorization does not convey any property rights, or any exclusive privileges and does not authorize any injury to property or excuse you from compliance with other Federal, State, or local statutes, ordinances, regulations, or requirements which may affect this work.

This verification is valid until **March 14, 2026**, unless the NWP is modified, suspended or revoked. If your project, as permitted under this NWP verification, is modified in any way you must contact our office prior to commencing any work activities. In the event that you have not completed construction of your project by March 14, 2026, please contact us at least 60-days prior to this date. A new application and verification may be required.

We actively use feedback to improve our delivery and provide you with the best possible service. If you would like to provide feedback, please take our online survey². If you have questions or if you would like a paper copy of the survey, please contact the

² <https://regulatory.ops.usace.army.mil/customer-service-survey/>

Walla Walla District Regulatory. For more information about the Walla Walla District Regulatory program, you can visit us online³.

If you have any questions or need additional information about this permit authorization, you can contact me by phone at (208) 433-4497, by mail at the address in the letterhead, or email at Carolyn.D.Smith@usace.army.mil. For informational purposes, a copy of this letter has been sent to: Chase Cusack, Idaho Department of Environmental Quality; Katie Gible, Idaho Department of Water Resources; Mekayla Layne, Idaho Department of Lands; and Nick Kraus and Scott Prillaman, Designated Agents.

Sincerely,



Carolyn Smith
Project Manager, Regulatory Division

Encls

Transfer of Nationwide Permit Form
Compliance Certification Form
Maps and Drawings: *Nampa Paving Gravel Extraction Site, dated February 16, 2024*
Approved Jurisdictional Determination, dated November 18, 2022
Wetland Mitigation Plan, dated February 16, 2024
Nationwide Permit 44 Conditions
Nationwide Permit 46 Conditions
IDEQ General Water Quality Certification, dated December 11, 2020

³ <http://www.nww.usace.army.mil/Business-With-Us/Regulatory-Division/>

TRANSFER OF NATIONWIDE PERMIT

When the structures or work authorized by this Nationwide Permit, **NWW-2022-00275, Nampa Paving, Gravel Pit Mine, Boise River**, are still in existence at the time the property is transferred. The terms and conditions of this Nationwide Permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this Nationwide Permit, the associated liabilities and compliance with the terms and conditions the transferee must sign and date below.

Name of New Owner:

Street Address:

Mailing Address:

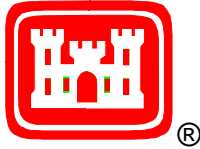
City, State, Zip:

Phone Number:

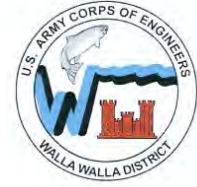
Signature of TRANSFEREE

DATE

COMPLIANCE CERTIFICATION



US Army Corps of Engineers
Walla Walla District



Permit Number: NWW-2022-00275

Name of Permittee: Nampa Paving

Date of Issuance: March 26, 2024

Upon completion of the activity authorized by this permit and any mitigation required by the permit, please sign this certification and return it to the following address:

U.S. Army Corps of Engineers
Walla Walla District
Boise Regulatory Office
720 East Park Blvd., Suite 245
Boise, Idaho 83712-7757

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with all terms and conditions of this permit, the permit is subject to suspension, modification, or revocation and you are subject to an enforcement action by this office.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit. The required mitigation was also completed in accordance with the permit conditions.

Signature of PERMITEE

DATE

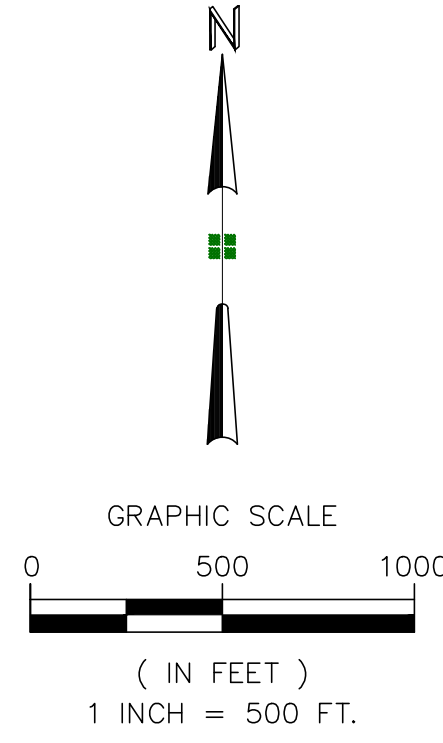
BISHOP PROPERTY NAMPА PAVING GRAVEL EXTRACTION AND MITIGATION SITE PLAN

VICINITY MAP



INDEX OF SHEETS

SHEET NO.	DESCRIPTION
C1	TITLE SHEET
C2	EXISTING SITE CONDITIONS
C3	OVERALL SITE IMPROVEMENT AREA
C4	OVERALL SITE IMPROVEMENTS AREA SECTION VIEW
C5	PROPOSED PIT ONE AREA PLAN
C6	PROPOSED PIT TWO AREA PLAN
C7	PROPOSED WETLAND MITIGATION AREA
C8	ACCESS ROAD WITH EMBANKMENTS PROFILES
C9	ACCESS ROAD WITH EMBANKMENT PROFILES
C10	DETAILS
C11	HYDRAULIC MODEL EXHIBIT



APPROXIMATE GPS SITE COORDINATES
 LATITUDE: 43° 40' 45.63" N LONGITUDE: 116° 34' 38.71" W

CONSTRUCTION NOTES

- CONTRACTOR SHALL LOCATE ANY UTILITIES ON-SITE PRIOR TO CONSTRUCTION. CONTACT DIGLINE AT 1-800-342-1585 TO MARK OUT PRECISE LOCATION IN FIELD. ANY UTILITIES DAMAGED DURING CONSTRUCTION SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
- THE "OWNER" OF THE PROJECT, AS REFERENCED IN THESE SPECIFICATIONS IS NAMPА PAVING AND ASPHALT COMPANY.
- THE CONTRACTOR SHALL NOT REMOVE TREES AND SHRUBS IN EXISTING RIPARIAN AND WETLAND AREAS UNLESS OTHERWISE NOTED ON THESE PLANS.
- ALL WORK PERFORMED AND MATERIALS INSTALLED SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS, AND ORDINANCES.
- THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK USING THE BEST SKILLS AND ATTENTION. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES FOR COORDINATING ALL PORTIONS OF THE WORK UNDER THIS CONTRACT.
- THE CONTRACTOR SHALL KEEP THE JOB SITE CLEAN AND HAZARD FREE. CONTRACTOR SHALL DISPOSE OF ALL DIRT, DEBRIS, AND RUBBISH FOR THE DURATION OF THE WORK. UPON COMPLETION OF WORK, CONTRACTOR SHALL REMOVE ALL MATERIAL AND EQUIPMENT NOT SPECIFIED AS REMAINING ON THE PROPERTY.
- NOTES AND DETAILS ON THE PLANS SHALL TAKE PRECEDENCE OVER GENERAL NOTES HEREIN.
- DIMENSION CALLOUTS SHALL TAKE PRECEDENCE OVER SCALES SHOWN ON THE PLANS.
- EQUIPMENT REFUELING AREAS SHALL BE A MINIMUM OF 150 FT AWAY FROM SURFACE WATERS AND/OR WETLANDS UNLESS CONTAINED WITHIN EXTENTS OF THE GRAVEL EXTRACTION AREA.

PERMIT NOTES

- ALL WORK SHALL BE IN COMPLIANCE WITH PERMIT CONDITIONS ISSUED BY THE U.S. ARMY CORPS OF ENGINEERS, IDAHO DEPARTMENT OF WATER RESOURCES, IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY, AND CANYON COUNTY. IT IS THE OWNER'S RESPONSIBILITY TO HAVE COPIES OF ALL PERMITS ON THE JOB SITE AND UNDERSTAND AND COMPLY WITH ALL PERMIT CONDITIONS.
- ALL ACTIVITIES THAT INVOLVE WORK ADJACENT TO OR WITHIN THE WETLANDS OR WETTED CHANNEL SHALL, AT ALL TIMES, REMAIN CONSISTENT WITH ALL APPLICABLE WATER QUALITY STANDARDS, EFFLUENT LIMITATION AND STANDARDS OF PERFORMANCE, PROHIBITIONS, PRETREATMENT STANDARDS, AND MANAGEMENT PRACTICES ESTABLISHED PURSUANT TO THE CLEAN WATER ACT OR PURSUANT TO APPLICABLE STATE AND LOCAL LAW.
- PROJECT IS AN EXPANSION OF ADJACENT EXISTING OPERATION PREVIOUSLY APPROVED BY CONDITIONAL USE PERMIT CU2018-0015.
- PROPERTY IS LOCATED IN ZONE AE OF BOISE RIVER FLOODPLAIN DETAILED BY FIRM PANEL 16027C0262G EFFECTIVE DATE OF 6/7/2019.
- PROJECT IS CURRENTLY A PART OF A CLOMR APPLICATION CASE NO. 22-10-0727R, DATED JUNE 3 2022.
- CONCEPT DESIGN BASED ON PUBLICLY AVAILABLE LIDAR DATA FROM 2019. ONSITE SURVEY HAS BEEN PERFORMED IN THE AREA OF THE PROPOSED WETLAND MITIGATION AND HAS BEEN USED FOR THE PROPOSED WETLAND AREA GRADING DESIGN. ALL BOUNDARY DEPICTIONS ARE APPROXIMATE.
- ALL EXCAVATED AREAS SHALL BE DEWATERED IN ACCORDANCE WITH APPLICABLE STATE AND FEDERAL REGULATIONS.
- PROJECT SHALL COMPLY WITH REQUIRED COUNTY SETBACKS.
- RECLAMATION PLAN HAS BEEN SUBMITTED WITH APPLICATION. ONCE MINING HAS BEEN COMPLETED, PROPERTY IS INTENDED TO BE A FUTURE RESIDENTIAL DEVELOPMENT, WITH THE GRAVEL PITS SERVING AS FUTURE AMENITY PONDS.
- ACCESS WILL BE PROVIDED FROM LINCOLN ROAD VIA THE EXISTING ACCESS TO THE ADJACENT GRAVEL PITS.
- TOPSOIL AND OVERBURDEN FROM ACTIVE MINE WORKING AREA SHALL BE STOCKPILED ALONG SOUTHERN PERIMETER AND OUTSIDE THE REGULATORY FLOODWAY EXTENTS TO PRODUCE SITE AND SOUND BERMS THAT WILL REMAIN IN PLACE UNTIL MINING IS COMPLETED.
- AGGREGATE STOCKPILES WILL PRIMARILY BE LOCATED WITHIN THE ACTIVE MINING AREA.
- SITE WILL BE MINED FOR GRAVEL TO AN APPROXIMATE DEPTH OF 20 FEET BELOW GROUND SURFACE. OPERATIONAL SLOPES SHALL BE GRADED AT 2 TO 1 MAXIMUM.
- STORMWATER SHALL BE RETAINED ON SITE AND WILL BE CONTROLLED USING A VARIETY OF BEST MANAGEMENT PRACTICES (BMPs). BMPs WILL FOLLOW THE GUIDELINES OF IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY (IDEQ) CATALOG OF STORMWATER BMPs FOR CITIES AND COUNTIES.
- UPON COMPLETION OF MINING ACTIVITIES, AREA SHALL BE RE-VEGETATED PER THE RECLAMATION PLAN.
- NORMAL BUSINESS HOURS OF OPERATION SHALL BE MONDAY THROUGH SATURDAY 7:00 AM TO 7:00 PM. TEMPORARY 24 HOUR PER DAY SEVEN DAYS PER WEEK OPERATIONS MAY BE CONDUCTED AS REQUIRED BY PROJECTS MANDATING NIGHTTIME DELIVERY OF MATERIALS. NO CRUSHING OF MATERIALS SHALL OCCUR AFTER 7:00 PM OR PRIOR TO 7:00 AM. THE DURATION OF 24 HOUR OPERATIONS SHOULD BE TEMPORARY.
- NOISE EMISSIONS SHALL FOLLOW THE REGULATIONS AND STANDARDS OF OSHA AND MSHA.

GENERAL NOTES

- THE PROPERTY LINES DEPICTED ON THESE DRAWINGS ARE BASED ON PUBLICLY AVAILABLE RECORD DATA. NO BOUNDARY SURVEY WORK HAS BEEN COMPLETED.

FEMA SPECIAL FLOOD HAZARD AREA NOTES

- THIS PROJECT IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA ZONE AE FOR THE BOISE RIVER AS DEPICTED ON FEMA FLOOD INSURANCE RATE MAP 16027C0262G EFFECTIVE 6/7/2019. THE DESIGN ELEMENTS DEPICTED ON THESE DRAWINGS COMPLY WITH FEMA NATIONAL FOOD INSURANCE PROGRAM REGULATIONS AND ARTICLE 10A OF CANYON COUNTY, IDAHO CODE (FLOOD HAZARD OVERLAY ZONE).

USER: SCOTT LOCATION: C:\VIBERA\SENIORS\CONSULTING\IDRPS PROJECTS - DOCUMENTS\LEGACY CO PROJECTS\44-03 NAMPA PAVING GRAVEL PIT\NAMPA PAVING PLAN ALTERNATE 1.DWG



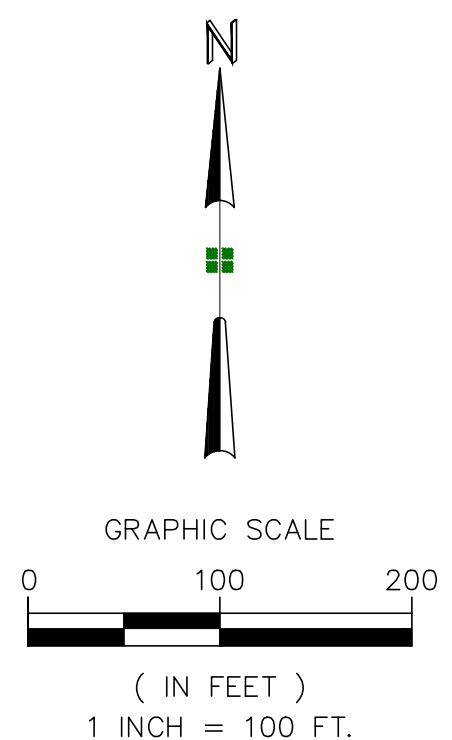
EXISTING GRAVEL PIT
PARCEL NO. R3406201100
33± ACRES

STATE OF IDAHO
NOT A PART
PARCEL NO.
R3406101000

NAMPA PAVING &
ASPHALT CO.
PARCEL R3406100000
114.72 ACRES

DONOVAN & JANET LANTZ
TRUST PARCEL NO.
R3405800000 39.49 ACRES

STEVEN D & LAURA S WILDER
FAMILY TRUST
PARCEL NO. R3405900000
16.42 ACRES



WETLAND AREA SUMMARY	
WETLAND AREA	ACREAGE
WL001	0.42
WL003	0.15
WL005	0.32
WL006	0.13
DITCH WETLAND FRINGE	0.97
TOTAL EXISTING WETLANDS	1.99

REFER TO WETLAND DELINEATION SUPPLEMENTAL BY LEMHI ENVIRONMENTAL CONSULTING DATED 10/28/22 AND U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL DETERMINATION DATED 11/18/22 FOR MORE INFORMATION.

DESIGNED BY: RSP
DRAWN BY: RSP
DATE: _____

CHECKED BY: NK
PLOT DATE: 2/16/24

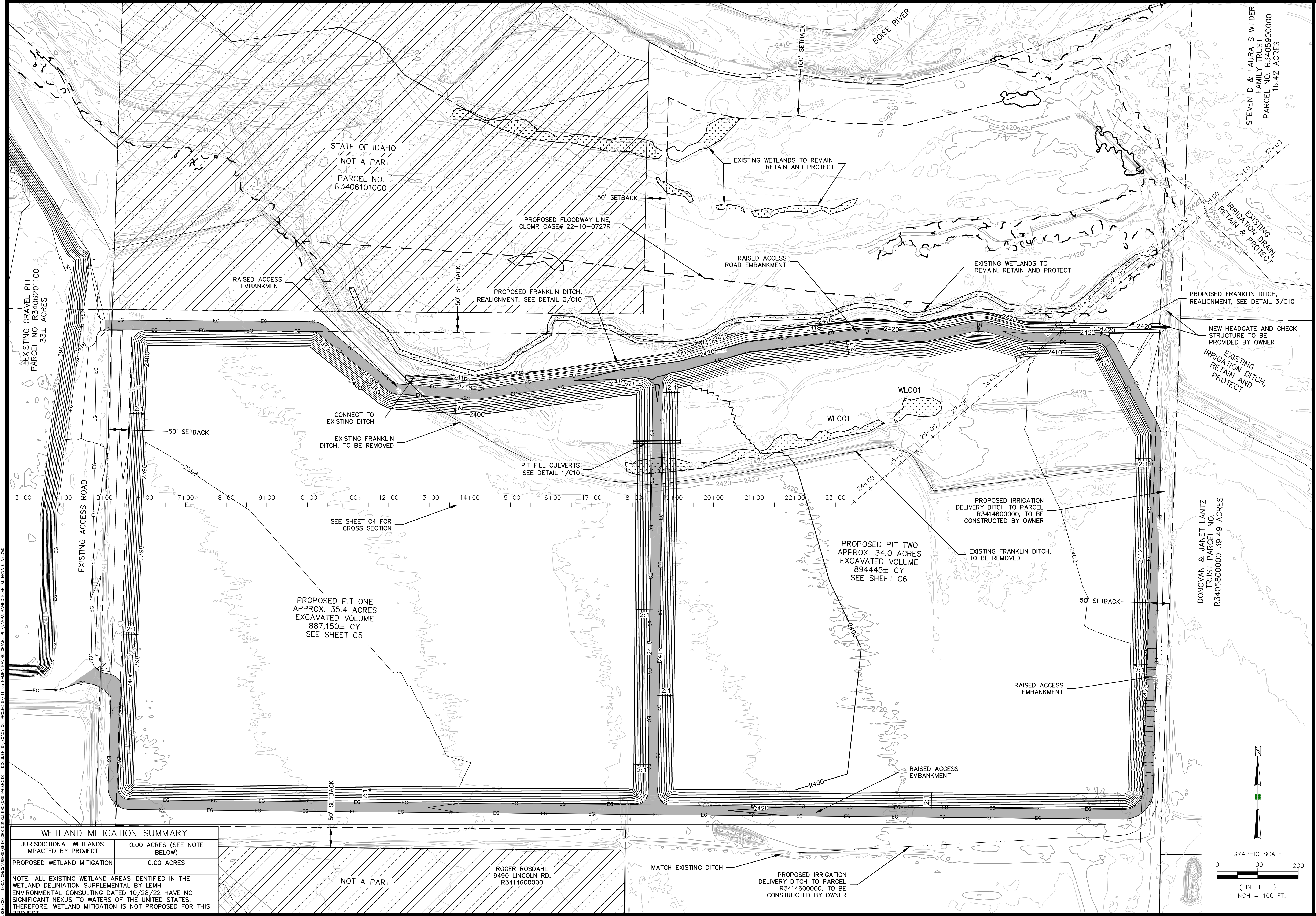
PROJECT NO. 441-05

SCALE: 1"=100'

CANYON COUNTY IDAHO

NAMPA PAVING GRAVEL EXTRACTION SITE
EXISTING SITE CONDITIONS

SHEET
C2



USER: SCOTT LOCATION: C:\USERS\SCOTT\WORK\PROJECTS\2024\Nampa Paving Gravel Pit\Nampa Paving Plan\ALTERNATE_V02.DWG

WETLAND MITIGATION SUMMARY	
JURISDICTIONAL WETLANDS IMPACTED BY PROJECT	0.00 ACRES (SEE NOTE BELOW)
PROPOSED WETLAND MITIGATION	0.00 ACRES

NOTE: ALL EXISTING WETLAND AREAS IDENTIFIED IN THE WETLAND DELINEATION SUPPLEMENTAL BY LEMHI ENVIRONMENTAL CONSULTING DATED 10/28/22 HAVE NO SIGNIFICANT NEXUS TO WATERS OF THE UNITED STATES. THEREFORE, WETLAND MITIGATION IS NOT PROPOSED FOR THIS PROJECT.

NOT A PART

ROGER ROSDAHL
9490 LINCOLN RD.
R3414600000

IDAHO

NAMPA PAVING GRAVEL EXTRACTION SITE

OVERALL SITE IMPROVEMENT AREA

CANYON COUNTY

SCALE: 1"=100'

PROJECT NO. 441-05

DESIGNED BY: RSP

CHECKED BY: NK

PLOT DATE: 2/18/24

DRAWN BY: RSP

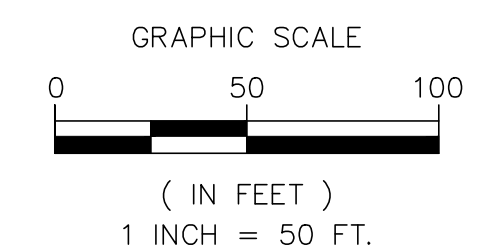
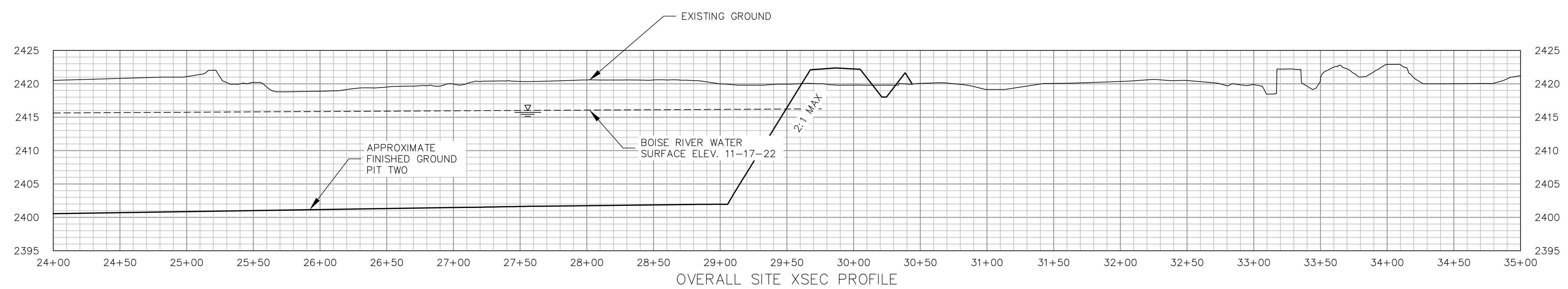
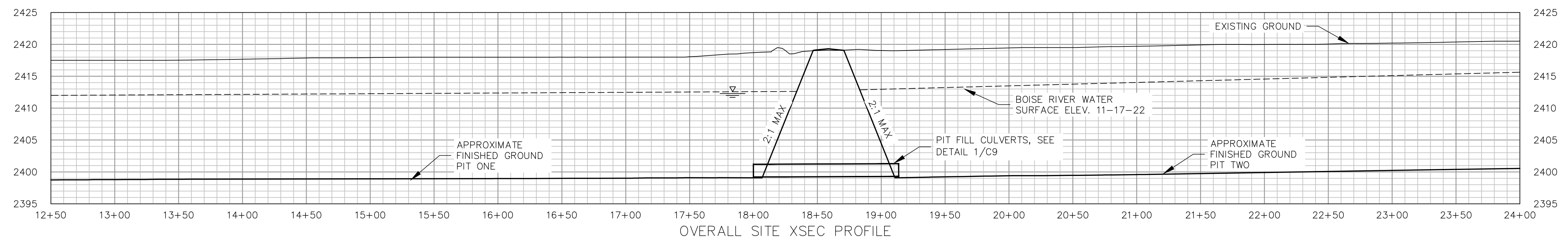
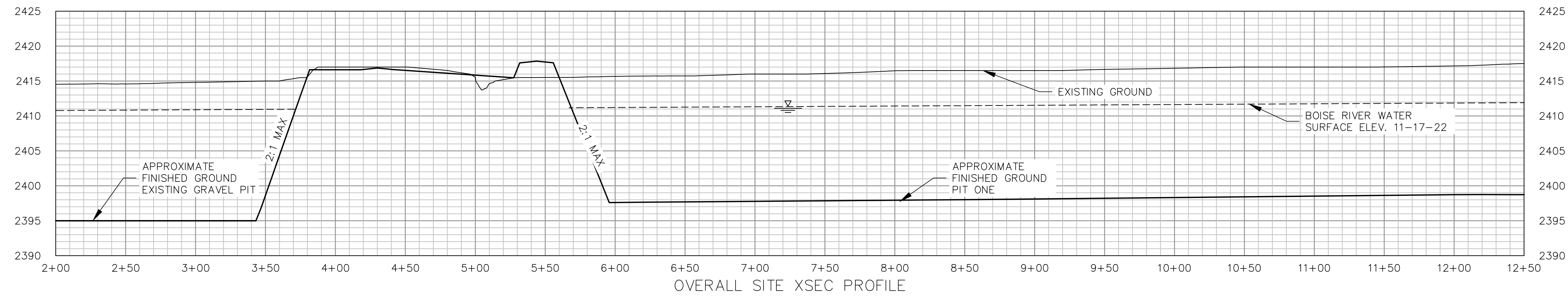
DATE

DESCRIPTION

SHEET

C3

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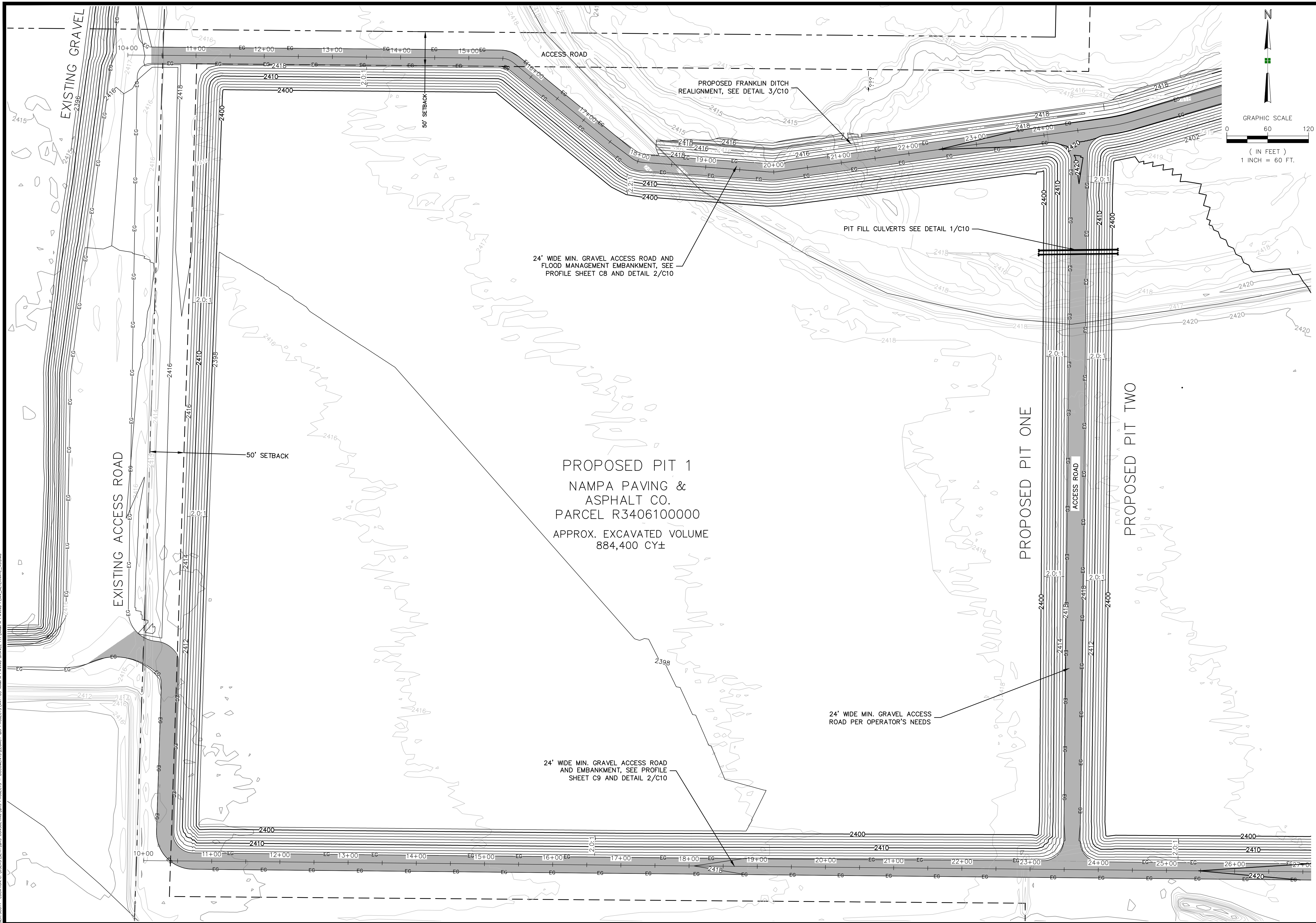


IDAHO
 CANYON COUNTY
 NAMPA PAVING GRAVEL EXTRACTION SITE
 OVERALL SITE IMPROVEMENT AREA - SECTION VIEW
 SCALE: 1"=50'
 PROJECT NO. 441-05

CHECKED BY: NK	DATE: 2/14/24
DESIGNED BY: RSP	
DRAWN BY: RSP	
DATE	DESCRIPTION

SHEET
C4

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PROFESSIONAL ENGINEER
REGISTERED
10969
STATE OF IDAHO
NICHOLAS A. KRUS
2-16-24

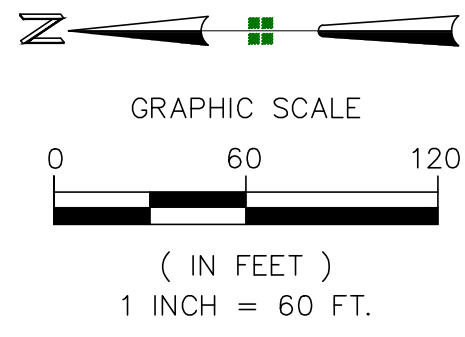
IDAHO

NAMPA PAVING GRAVEL EXTRACTION SITE
PROPOSED PIT 1 AREA PLAN

CANYON COUNTY SCALE: 1"=60' PROJECT NO. 441-05

DESIGNED BY: RSP	CHECKED BY: NK
DRAWN BY: RSP	PLOT DATE: 2/16/24
DATE	DESCRIPTION

SHEET
C5



PROPOSED FRANKLIN DITCH REALIGNMENT, SEE DETAIL 3/C10

24'-WIDE GRAVEL ACCESS ROAD AND EMBANKMENT, SEE PROFILE SHEET C8 AND DETAIL 2/C10

PROPOSED PIT TWO

NAMPA PAVING & ASPHALT CO.
PARCEL R3406100000

APPROX. EXCAVATED VOLUME 942,100 CY±

EXISTING WETLANDS TO REMAIN, TYP.

24'-WIDE GRAVEL ACCESS ROAD AND EMBANKMENT, SEE PROFILE SHEET C9 AND DETAIL 2/C10

EXISTING IRRIGATION DRAIN

PROPOSED WETLAND MITIGATION AREA, SEE SHEET C7 FOR MORE INFORMATION

EXISTING WETLANDS TO REMAIN, TYP.

PROPOSED FLOODWAY LINE, CLOMR CASE #22-10-0727R

24'-WIDE GRAVEL ACCESS ROAD AND EMBANKMENT, SEE PROFILE SHEET C8 AND DETAIL 2/C10

EXISTING WETLANDS TO REMAIN, TYP.

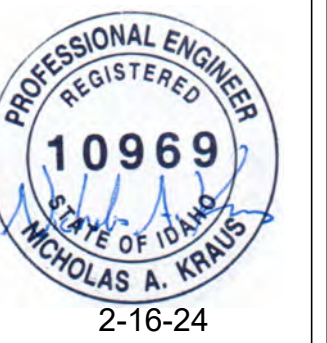
PROPOSED FRANKLIN DITCH REALIGNMENT, SEE DETAIL 3/C10

PIT FILL CULVERTS, SEE DETAIL 1/C10

24'-WIDE GRAVEL ACCESS ROAD PER OPERATOR'S NEEDS

BOISE RIVER

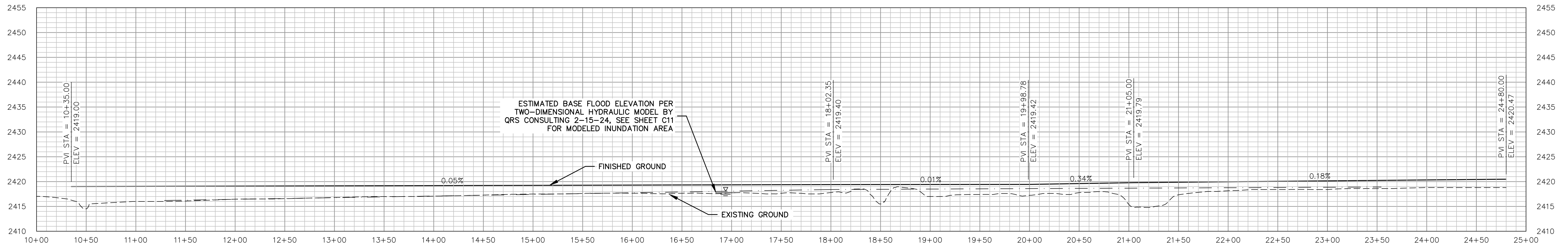
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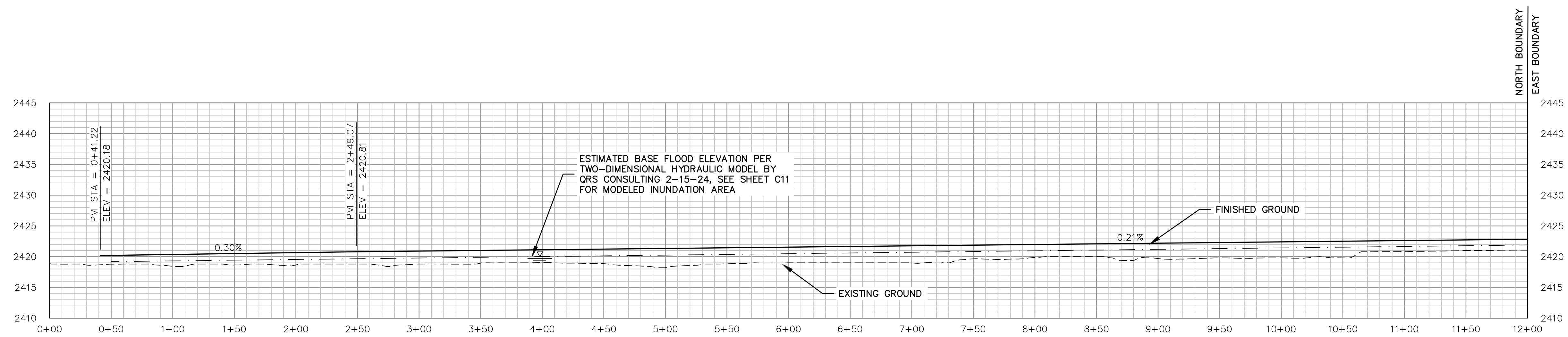
PROPOSED PIT 2 AREA PLAN
NAMPA PAVING GRAVEL EXTRACTION SITE
CANYON COUNTY IDAHO
SCALE: 1"=60'
PROJECT NO. 441-05

DESIGNED BY: RSP	CHECKED BY: NK
DRAWN BY: RSP	PLOT DATE: 2/18/24
DATE	DESCRIPTION

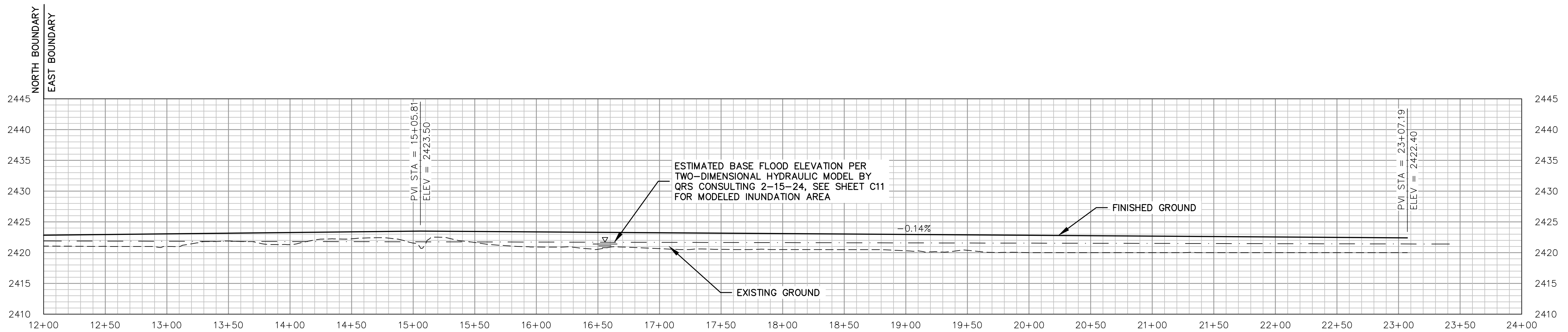
SHEET C6



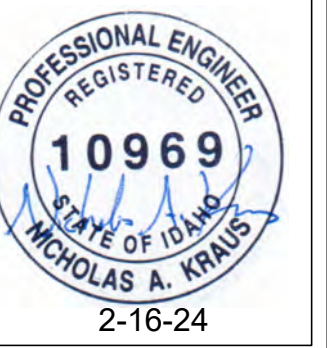
PIT 1 NORTH BOUNDARY ACCESS ROAD/EMBANKMENT



PIT 2 NORTH BOUNDARY ACCESS ROAD/EMBANKMENT



PIT 2 EAST BOUNDARY ACCESS ROAD/EMBANKMENT



NAMPA PAVING GRAVEL EXTRACTION SITE
ACCESS ROAD WITH EMBANKMENT PROFILES

CANYON COUNTY IDAHO

SCALE: 1"=50'

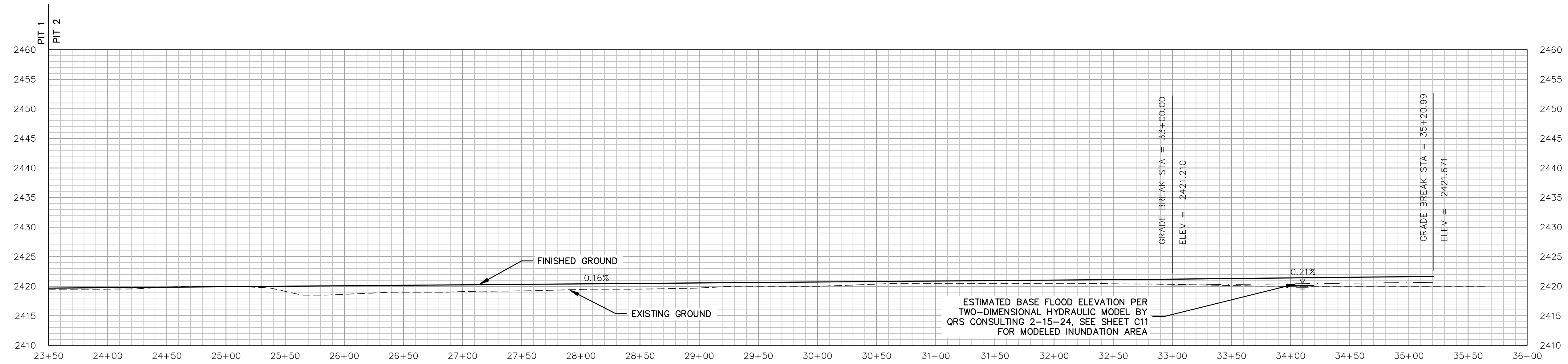
PROJECT NO. 441-05

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DATE	DESCRIPTION

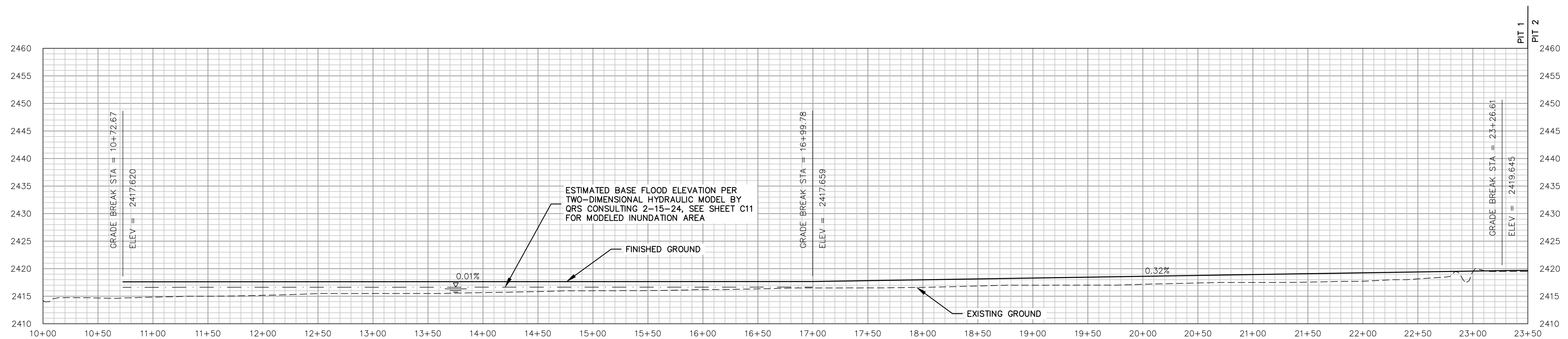
SHEET C8

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PIT 2 SOUTH BOUNDARY ACCESS ROAD/EMBANKMENT



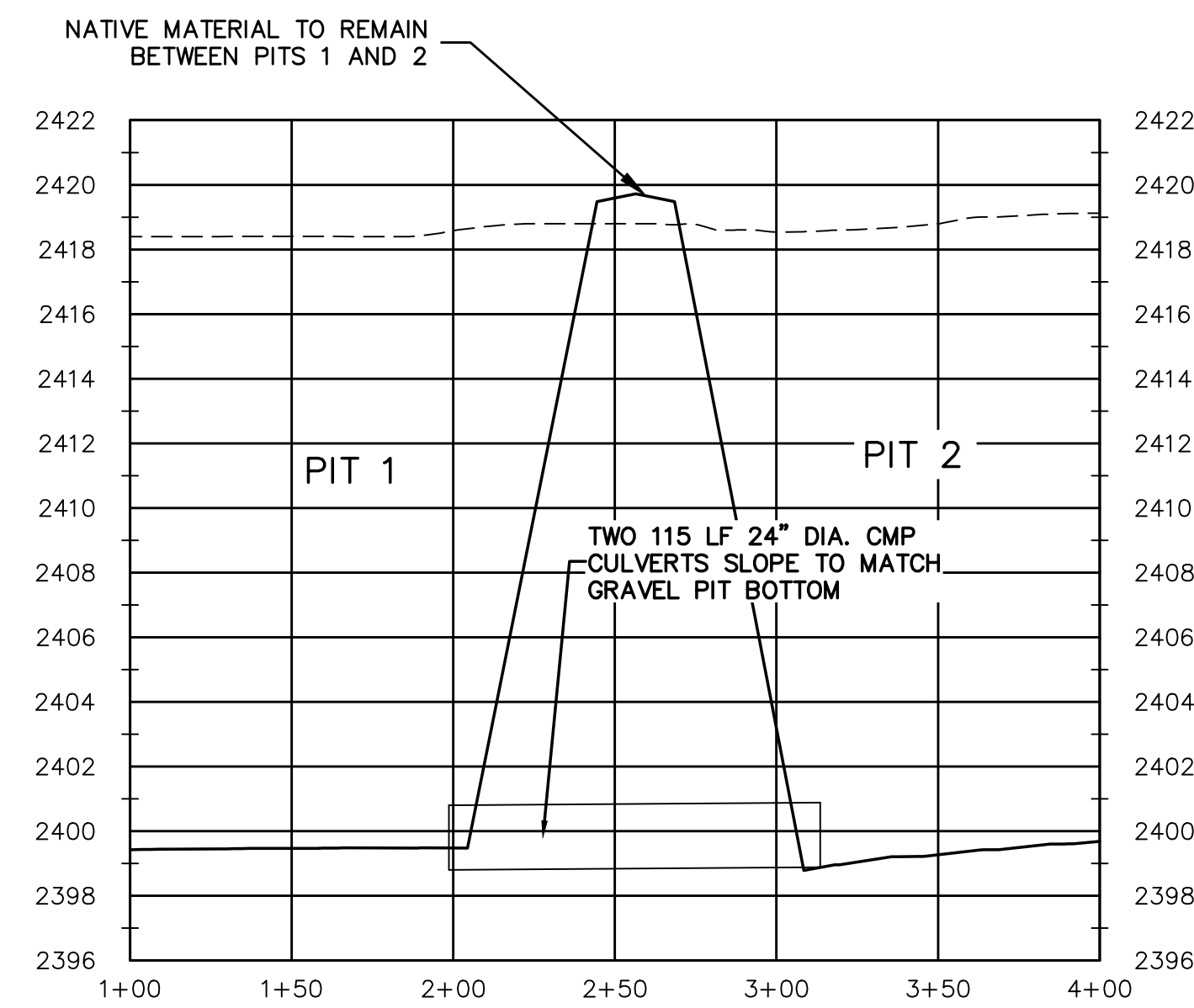
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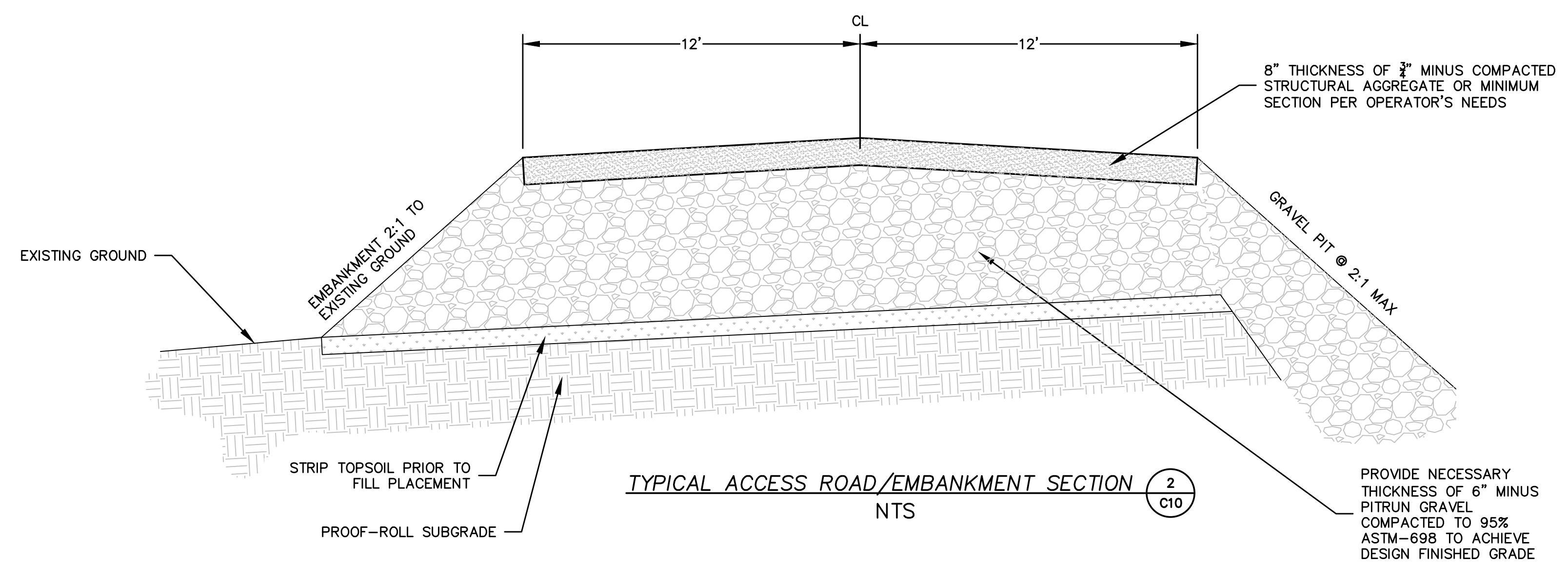
NAMPA PAVING GRAVEL EXTRACTION SITE
ACCESS ROAD WITH EMBANKMENT PROFILES
CANYON COUNTY IDAHO
SCALE: 1"=50'
PROJECT NO. 441-05

DESIGNED BY: RSP	CHECKED BY: NK
DRAWN BY: RSP	PLOT DATE: 2/15/24
DATE	DESCRIPTION

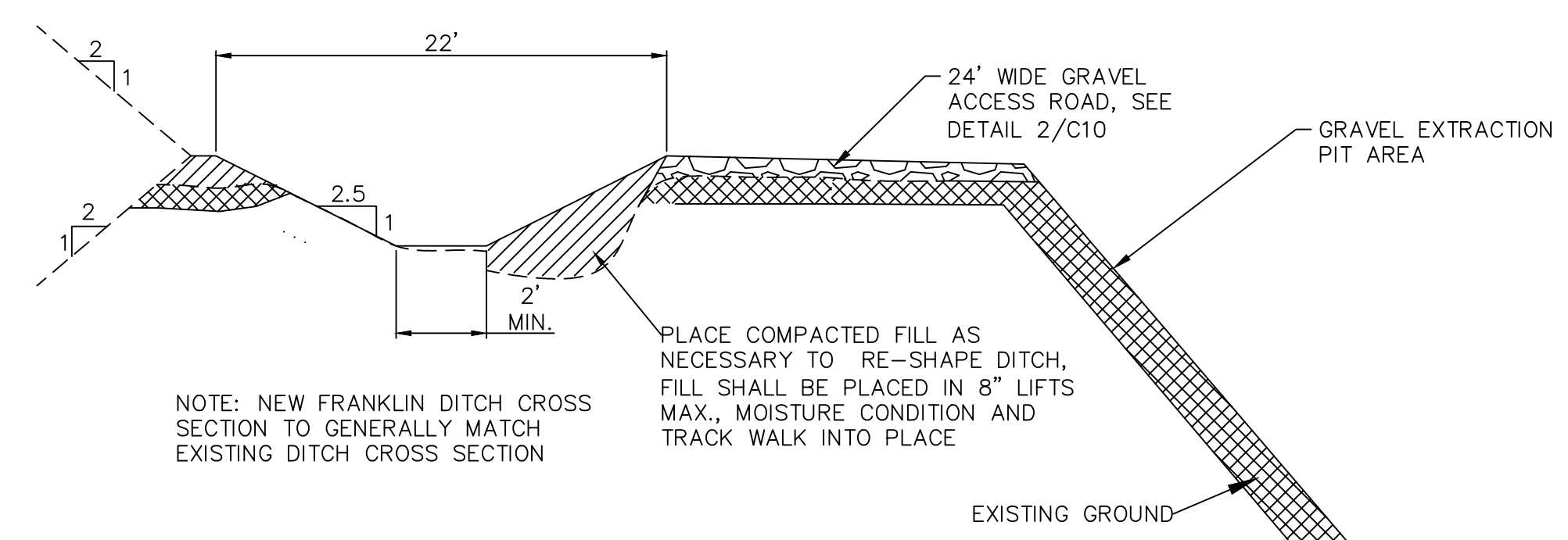
SHEET
C9



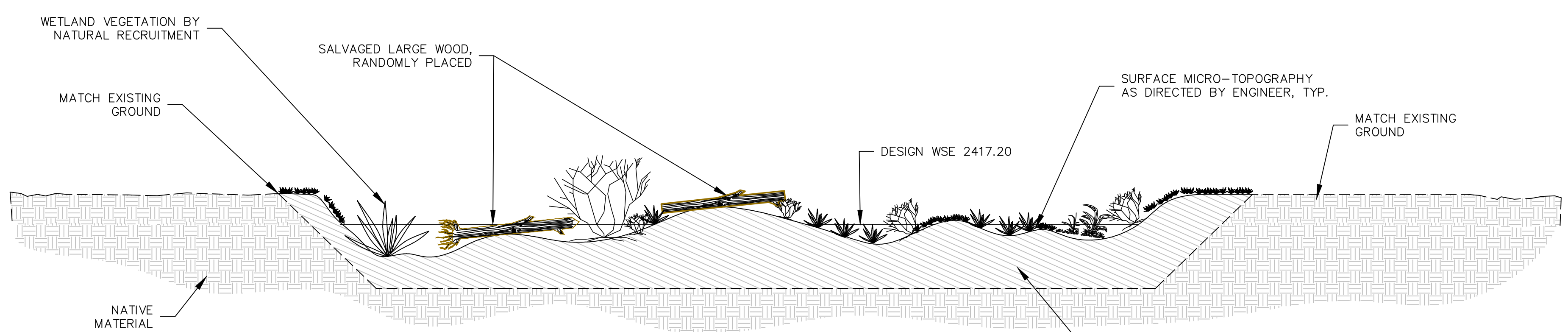
PIT FILL CULVERTS 1
NTS C10



TYPICAL ACCESS ROAD/EMBANKMENT SECTION 2
NTS C10



FRANKLIN DITCH REALIGNMENT SECTION 3
NTS C10



TYPICAL WETLAND CROSS SECTION D-D 4
NTS C10



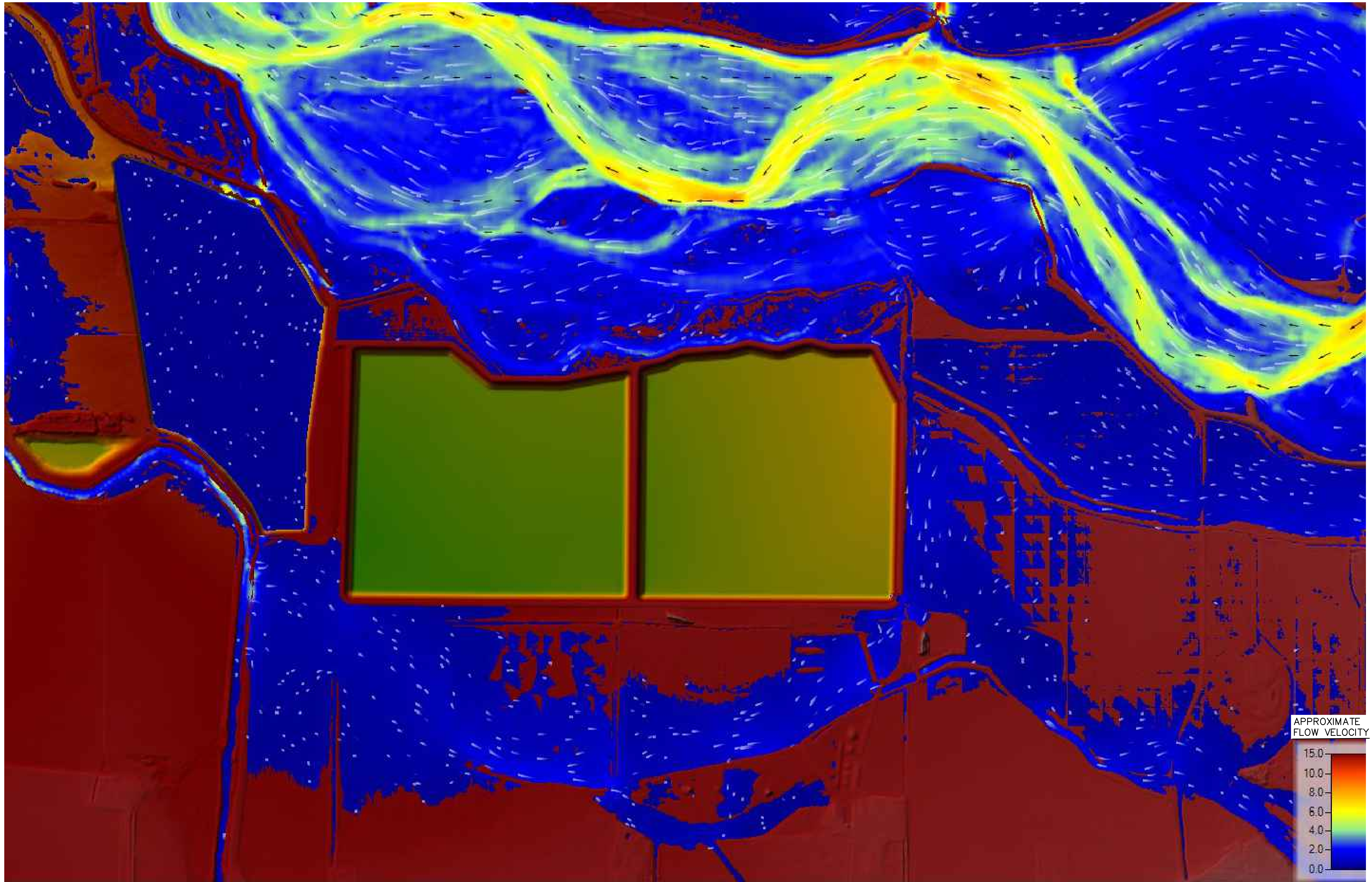
NAMPA PAVING GRAVEL EXTRACTION SITE
 DETAILS
 IDAHO
 CANYON COUNTY
 PROJECT NO. 441-05
 SCALE: NTS

DESIGNED BY: RSP	CHECKED BY: NK
DRAWN BY: RSP	PLOT DATE: 2/16/24
DATE	DESCRIPTION

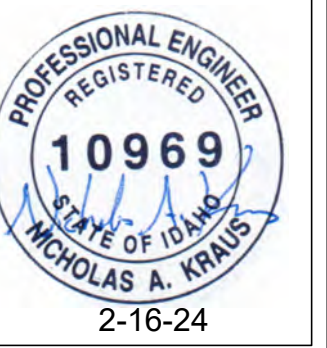
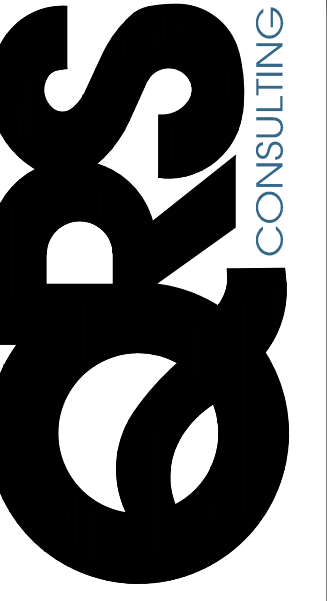
SHEET
C10

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USER: SCOTT LOCATION: C:\USERS\SCOTT\WORKSPACE\CONSULTING\PROJECTS - DOCUMENTS\LEGACY CO\PROJECTS\44-03 NAMPA PAVING GRAVEL\NAMPA PAVING PLAN ALTERNATE 1.DWG



NOTE: THIS EXHIBIT DEPICTS THE ESTIMATED Q100 INUNDATION AREA AND FLOOD FLOW FOLLOWING COMPLETION OF PITS ONE AND TWO.



NAMPA PAVING GRAVEL EXTRACTION SITE
HYDRAULIC MODEL EXHIBIT
CANYON COUNTY IDAHO
SCALE: NTS PROJECT NO. 441-05

DESIGNED BY: RSP	CHECKED BY: NK
DRAWN BY: RSP	PLOT DATE: 2/14/24
DATE	DESCRIPTION

SHEET C11

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in
Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): November 18th, 2022

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Walla Walla District; NWW-2022-00275; Nampa Paving, Jurisdictional Determination Request, Boise River

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Idaho County/parish/borough: Canyon City: Caldwell
Center coordinates of site (lat/long in degree decimal format): 43.680° Lat. -116.574° Long.
Universal Transverse Mercator: Zone 11, Northing 4836503.265, Easting 534314.705
Name of nearest waterbody: Boise River
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Boise River
Name of watershed or Hydrologic Unit Code (HUC): 17050114
 Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
 Check if other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination. Date: November 10th, 2022
- Field Determination. Date(s): June 20th, 2022

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

- Waters subject to the ebb and flow of the tide.
- Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **are** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- Non-RPWs that flow directly or indirectly into TNWs
- Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- Impoundments of jurisdictional waters
- Isolated (interstate or intrastate) waters, including isolated wetlands

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters:

Unnamed "main irrigation ditch" 1,893 linear feet; 12 width (ft.) and 0.52 acres.

Franklin Ditch 1,967 linear feet, 10 width (ft) and 0.45 acres

Wetlands:

Palustrine Emergent Wetland, wetland fringe, "main irrigation ditch", 0.52acres.

Portions of WL001 west of the upland break/constructed crossing, WL003, WL005 & WL006, Palustrine Emergent Wetland, abutting, Boise River, 0.749 acres.

Portions of WL001 east of the upland break/constructed crossing, WL002, WL004, WL007 and WL008, 0.59 acres

WL008 was originally included in the delineation, but the entirety of this feature is outside of the project review area,

c. Limits (boundaries) of jurisdiction based on 1987 Manual

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: The review area encompasses a portion of a property which has historically been flood-irrigated and utilized for agriculture purposes.

Unnamed Irrigation Ditches: Approximately 4,752 linear feet of local flood irrigation ditches have been, constructed in uplands within the site. These ditches are "feeder lines" which terminate across the property and are manually controlled by backing up water from the primary irrigation features. These features are proposed to be abandoned upon development. These "secondary lateral" ditches are considered non-tidal drainage and irrigation ditches excavated on dry land and are non-jurisdictional features.

Irrigation Induced Wetlands: Portions of WL001, and the entirety of WL002, WL004, WL007 and WL008 and the delineated wetland fringe along Franklin Ditch within the review area were determined upon review of all available information, including a site visit conducted on June 20th, 2022, to be irrigation induced features. USGS soils data and maps suggest that the predominant soil composition in these areas is Moulton fine sandy loam which are considered non-hydric. Portions of the property that are of similar elevation and geomorphic position are uplands, and it was confirmed on site the hydrology is exclusively sustained by the flood irrigation practices within these areas. In consideration of this information, we have determined that the Portions of WL001 east of the constructed upland crossing, WL002, WL004, WL007 and WL008 and the wetland fringe along Franklin Ditch are artificially irrigated areas which would revert to upland if the irrigation ceased, and therefore we have determined that these wetlands are considered non-jurisdictional features.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only, if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: Boise River

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent":

³ Supporting documentation is presented in Section III.F.

Wetlands 003, 005 and 006 are comprised of 0.33 acres, collectively, of Freshwater Emergent (PEM) wetlands that abut the Boise River. The Boise River is a perennial traditionally navigable waterway which is located adjacent too, but outside the review area. National Wetland Inventory (NWI) map, aerial imagery, and observation during a site visit identified Freshwater Forested/Shrub (PFO) wetlands abutting (bordering and contiguous) the Boise River which connect to the Freshwater Emergent (PEM) wetlands. Field Verification of the delineation observed these to be a contiguous drainage with two forks which combine and are directly connected to the Boise River.

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions: The project area has been manipulated by historical agricultural practices and is bisected and bound by constructed and manipulated features to the east and south. The RPW being assessed is an old overflow channel of the Boise River called the “main irrigation ditch”, which is primarily utilized to convey irrigation water. These features flow unconfined to the west to join the greater Boise River Channel.

- Watershed size: <1 square mile
- Drainage area: <1 square mile
- Average annual rainfall: 10 inches
- Average annual snowfall: 16 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

- Tributary flows directly into TNW.
- Tributary flows through **0** tributaries before entering TNW.
- Project waters are **1 (or less)** river miles from TNW.
- Project waters are **1 (or less)** river miles from RPW.
- Project waters are **1 (or less)** aerial (straight) miles from TNW.

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

Project waters are **(1 or less)** aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: The unnamed "main irrigation ditch" does not cross the Idaho State boundary.

Identify flow route to TNW⁵: The unnamed "main irrigation ditch" generally flows in an east to west orientation across the project area for 0.54 river miles until it converges with the Boise River beyond the western-most boundary of the review area.

Tributary stream order, if known: The unnamed "main irrigation ditch" is a primary tributary which flows directly into the Boise River.

(b) General Tributary Characteristics (check all that apply):

Tributary is: Natural. The tributary is an old overflow channel within the greater Boise River floodplain. Evidence of natural inundation and backwater influence was observed through aerial imagery.
 Artificial (man-made). Explain:
 Manipulated (man-altered). Explain: The property has historically been utilized for agricultural purposes. There are several constructed irrigation features that run along the southern and southeastern borders of the review area as well as several constructed user ditches that terminate within the review area. A portion of the Franklin Ditch connects to and provides irrigation water to the eastern extent of the unnamed "main irrigation ditch" and likely a portion of the eastern reach of that feature has been manipulated to facilitate flood irrigation throughout the property.

Tributary properties with respect to top of bank (estimate):

Average width: **10 feet**

Average depth: **2 feet**

Average side slopes: **2:1**

Primary tributary substrate composition (check all that apply):

Silts Sands Concrete

Cobbles Gravel Muck

Bedrock Vegetation. Type/% cover:

Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Tributary has been maintained for agricultural uses and to ensure flows are unobstructed through connected irrigation features. Tributary appears incised with stable banks.

Presence of run/riffle/pool complexes. Explain: N/A

Tributary geometry: **Relatively Straight**

Tributary gradient (approximate average slope): 2 %

(c) Flow:

Tributary provides for: **Seasonal flow, and backwater influence during high flow events.**

Estimate average number of flow events in review area/year: **1**

Describe flow regime:

Other information on duration and volume:

Surface flow is: **Confined**. Characteristics:

Subsurface flow: **Unknown**. Explain findings:

Dye (or other) test performed:

Tributary has (check all that apply):

Bed and banks

OHWM⁶ (check all indicators that apply):

- | | |
|---|---|
| <input checked="" type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> the presence of litter and debris |
| <input type="checkbox"/> changes in the character of soil | <input checked="" type="checkbox"/> destruction of terrestrial vegetation |
| <input type="checkbox"/> shelving | <input type="checkbox"/> the presence of wrack line |

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

- vegetation matted down, bent, or absent
- leaf litter disturbed or washed away
- sediment deposition
- water staining
- other (list):
- Discontinuous OHWM.⁷ Explain:
- sediment sorting
- scour
- multiple observed or predicted flow events
- abrupt change in plant community:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- High Tide Line indicated by:
 - oil or scum line along shore objects
 - fine shell or debris deposits (foreshore)
 - physical markings/characteristics
 - tidal gauges
 - other (list):
- Mean High Water Mark indicated by:
 - survey to available datum.
 - physical markings.
 - vegetation lines/changes in vegetation types.

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain: Unknown
Identify specific pollutants, if known: Unknown

(iv) Biological Characteristics. Channel supports (check all that apply):

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics: Common Emergent Wetland plants.
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings:

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size: 0.939 acres

Wetland type. Palustrine Emergent wetlands abutting "main irrigation ditch" 0.939 (including western portion of WL001.

Explain: PEM wetland are contiguous to the "main irrigation ditch". WL001 is a branch of the overall drainage which makes up the main irrigation ditch. The upper extent has been bisected by upland fills and is at a higher elevation and are not included in this section.

Wetland quality. Explain: Wetland consist of common emergent wetlands, with monotype vegetation which has been degraded by agricultural uses, specifically grazing.

Project wetlands cross or serve as state boundaries. Explain: N/A

(b) General Flow Relationship with Non-TNW:

Flow is Perennial. Explain: Hydrology is provided through connection to the Boise River on the western extent. Aerial imagery shows at least some flows year-round throughout the full extent of the feature.

Surface flow is: **Discrete and Confined**

Characteristics: The wetland fringe along the unnamed "main irrigation ditch" is confined to the banks of the feature. There is a wetland finger which extends to the southeast and is contiguous and neighboring to the unnamed "main irrigation ditch".

Subsurface flow: **Unknown**. Explain findings: N/A

⁷Ibid.

Dye (or other) test performed: N/A

(c) Wetland Adjacency Determination with Non-TNW:

- Directly abutting
 - Palustrine Emergent wetlands abutting “main irrigaiton ditch” 0.064 acres.
- Not directly abutting
 - Discrete wetland hydrologic connection. Explain:
 - Ecological connection. Explain:
 - Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are **1 (or less)** river miles from TNW.
 Project waters are **1 (or less)** aerial (straight) miles from TNW.
 Flow is from: **Wetland to navigable waters.**
 Estimate approximate location of wetland as within the demarcated floodway and **100-year** floodplain.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: Unknown
 Identify specific pollutants, if known: Unknown

(iii) Biological Characteristics. Wetland supports (check all that apply):

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain:
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings:

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: **2**
 Approximately 0.064 acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)
Y	0.52		
Y	0.419		

Summarize overall biological, chemical, and physical functions being performed: Common floodplain functions and minor habitat characteristics.

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than

a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

**D. DETERMINATIONS OF JURISDICTIONAL FINDINGS
THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):**

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
 TNWs: linear feet; width (ft); or, acres.
 Wetlands adjacent to TNWs: 0.33 acres.
2. **RPWs that flow directly or indirectly into TNWs.**
 Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: The Main Irrigation ditch, receives water from irrigation facilities, during the irrigation season, is influenced by a shallow water table relative to depth, and received backwater inundation during high flow events.
 Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: The Franklin Ditch is an Irrigation Supply and Return Ditch, which borders the southern portion of the review area. The Franklin Ditch receives irrigation water throughout the water year from the Boise River and returns water back to the Boise River April through October.
 Provide estimates for jurisdictional waters in the review area (check all that apply):
 Tributary waters: 2314 linear feet; 10 width (ft).
 Other non-wetland waters: acres.

Identify type(s) of waters:

3. Non-RPWs⁸ that flow directly or indirectly into TNWs.

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C. Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: linear feet; width (ft).
- Other non-wetland waters: acres.

Identify type(s) of waters:

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
 - Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: The wetlands fringe abutting the Main Irrigation Ditch and Portions of WL001 which are a contiguous drainage to the Main Irrigation Ditch.

- Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

- Wetlands adjacent to such waters and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. Impoundments of jurisdictional waters.⁹

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or
- Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED WATERS [INTERSTATE OR INTRA-STATE], INCLUDING ISOLATED WETLANDS THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain:
- Other factors. Explain:

Identify water body and summarize rationale supporting determination:

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet; width (ft).
- Other non-wetland waters: acres.
Identify type(s) of waters:
- Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS

(check all that apply):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in “SWANCC,” the review area would have been regulated based solely on the “Migratory Bird Rule” (MBR).
- Waters do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction.
Explain:
- Other: (explain, if not covered above): Portions of WL001, WL002, WL004, WL007, WL008 and the delineated wetland fringe along the Franklin Ditch identified within the review area are artificially irrigated and would revert to upland if the irrigation ceased.

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet; width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource:
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet; width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource:
- Wetlands: acres.

SECTION IV: DATA SOURCES

A. SUPPORTING DATA

Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: May 2022 Delineation Report, July 2022 Supplemental Report, and November 2022 Supplemental Corrections
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report. The Corps concurs with the identification of aquatic resources and the general character and location of resources within the site.
 - Office does not concur with data sheets/delineation report. A segment of the western portions of WL001 is identified as non-wetland drainage connecting delineated wetlands with the “Main Irrigation Ditch” and it’s abutting wetlands. The Area has been heavily altered and soil pits/sample points were not completed at this segment. Review of historical imagery, elevation topography and geomorphic position does not support a change in character between the delineated wetlands on either side of this segment and therefore the Corps considers all this section of WL001 to be a contiguous wetland.
- Data sheets prepared by the Corps:
- Corps navigable waters’ study:
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.

- U.S. Geological Survey map(s). Cite scale & quad name: USGS Quad Map 1:24K Middleton, ID
- USDA Natural Resources Conservation Service Soil Survey. Citation: USDA Web Soil Survey
- National wetlands inventory map(s). Cite name: USFWS Online Wetland Mapper
- State/Local wetland inventory map(s):
- FEMA/FIRM maps: Canyon County Flood Zones Map
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Google Earth (May 1992; July 1999; October 2002; June 2005; June 2007; July 2010; April 2013; April 2016; June 2017; August 2017; May 2020; August 2021); Digital Globe (April 2022; May 2022; July 2022)
or Other (Name & Date):
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify): 2017 High resolution IR, Lidar, USACE

B. ADDITIONAL COMMENTS TO SUPPORT JD: The review area encompasses a lower bench of the Boise River Floodplain. The property and adjacent areas have historically been utilized for agriculture, and canals, drains, and feeder ditches have been constructed and maintained along the southern and eastern boundary as well as throughout the property. Delineated wetlands were located within prominent drainage patterns at lower relative elevations, or within low depressional areas. Delineated wetlands not abutting the drainage patterns were observed to be receiving irrigation sheet flow, and adjacent grounds not receiving irrigation water of a similar elevation and geomorphic position were uplands. These features were determined to be irrigation induced and not jurisdictional. Additionally, the delineated wetland fringe along the Franklin Ditch is also determined to be irrigation induced and not jurisdictional. The delineation occurred during a generally low water year, although during the growing season. Irrigation had already been turned on, and cattle had influenced vegetation and created hummocky breaks within the drainages. Jurisdictional features were determined to be limited to natural drainage patterns which contiguously connect to the Boise River, and informed by the delineation, site visit, and use of air photo interpretation, Lidar, and Infrared Flyover.

Bishop Property Project Nampa Paving Gravel Extraction Wetlands Mitigation Plan

(1) Mitigation Goals and Objectives

The purpose of the proposed mitigation is to provide wetland habitat in the vicinity of the Boise River to replace wetland areas lost due to the development of a gravel extraction operation. The new wetland area will replace the area lost to the project at a minimum of a two to one ratio. The site is heavily influenced by flood irrigation and has several major drainage ditches along with a variety of smaller irregular drain channels leading across the property towards the Boise River. The flow of irrigation tailwater across the property influences the generation of multiple delineated wetland habitats across the site. Backwater from the Boise River at high flows also influences the generation of wetland vegetation on the site. The impacted wetland area is designated WL001 on the approved wetland delineation map, attached as Exhibit A. Wetland WL001 is inside the proposed gravel pit boundary and will subsequently be removed by the pit development. The total area of the impacted wetland area WL001 is 0.42 acres per the approved delineation map.

A new wetland area will be constructed north of the proposed gravel pits as shown on the attached Drawing Sheets C6, C7, and C10, and will mitigate for the lost WL001 area. The new mitigation area will encompass at least 1.0 acres, making it 2.38 times the size of WL001 area lost to the proposed gravel pits. Irrigation drainage water will be routed to this new wetland area to encourage plant growth and generation of wetland habitat. The overall watershed will be improved due the construction of additional wetland habitat in excess of the existing wetlands currently located in the watershed.

In addition, approximately 1,930 LF of the existing Franklin Ditch will be relocated as a part of the project development effort. The loss of the existing ditch alignment will be mitigated by constructing a parallel ditch outside of the project footprint similar in size to the existing ditch cross section as shown on the attached Drawing Sheets C3, C5, C6, and C10.

(2) Mitigation Site Selection and Justification

The new site was selected based on its close proximity to the existing wetlands that will not be impacted by the project and the availability of an irrigation drainage water supply to foster and nourish the proposed wetland mitigation area. The success of the proposed mitigation is highly likely due to the similar nature of the proposed mitigation site and the existing adjacent wetlands. The existing wetlands are the product of excess irrigation tailwater flowing across various areas of the property and subsequently generating wetland habitat. The proposed wetland mitigation habitat is expected to self-generate from the excess water present on the site that will be routed through the new wetland mitigation area. Once established the new wetland area should be

easily maintained by the perpetual irrigation drain water flowing through the site to the Boise River. The proposed site is located within the regulatory floodway of the Boise River, precluding any future surrounding development. Once established the proposed mitigation area is expected to provide quality wetland habitat well in excess of the areas lost to the gravel pit operation.

(3) Site Protection Instruments

The mitigation site is located within the Boise River regulatory floodway, which should preclude any future development impacting the proposed mitigation area. Once the wetland mitigation area is established, the presence of perpetual irrigation drain water is expected to provide a continual water source to maintain project success.

(4) Baseline Information for Impact and Proposed Mitigation Sites

The proposed impacted site sits at an elevation of 2,405 feet above sea level and is relatively flat terrain directly south of the Boise River. The area is currently used for cattle grazing and farming and has numerous flood irrigation ditches flowing across the property that eventually drain to the Boise River. The irrigation water has induced a variety of wetland habitats across the property.

Vegetation: Upland vegetation is predominately agricultural grass, and wetland areas are primarily cattails, knotweed, sedge, and rush, with a few larger willows.

Hydrology: The site is heavily influenced by flood irrigation diverted to the property. The impacted area is a drainage ditch that allows irrigation tailwater to drain to the Boise River, influencing and creating a variety of wetland habitats.

Soils: Soils in the impacted area are primarily rated as Moulton fine sandy loam by National Resource Conservation Service (NRCS). The area is primarily floodplain with irrigation induced sediments.

(5) Performance Standards-Credit Determination Methodology

Project success will be achieved by the generation of wetland habitat equal to or higher in quality to the lost WL001 areas. The new wetlands will be at least twice as large and of similar habitat type as to the areas lost. The new area is expected to be of higher quality than the existing wetland areas WL001 due to the directed flow of irrigation drainage water to the proposed habitat, whereas the WL001 wetland areas were isolated from a continual water source. Other than a net increase in total wetland acreage the soil, vegetation and general hydrologic characteristics will remain the same. This is due to the close proximity of the proposed mitigation site to the impacted WL001 areas.

(6) Mitigation Work Plan

The proposed mitigation area will be located to the north of the proposed gravel pits and the existing impacted wetland areas WL001. Irrigation tail water will be routed to the proposed wetland mitigation area to allow for the generation and sustainment of the wetland habitat. Existing topsoil, salvageable vegetation, and seed base from the wetland area excavation will be stripped from the proposed wetland footprint and salvaged to allow for it to be replaced once wetland area excavation is complete. The underlying inorganic gravel and sand subgrade soils at the mitigation site will be over-excavated by a minimum of 12 inches and disposed off-site in an upland area outside of the regulatory Boise River floodway. The previously salvaged topsoil and vegetation will then be placed over the wetland area to ensure a minimum 12-inch thickness of native wetland soils on the surface to maximize the opportunity for mitigation success.

The wetland area will be graded in such a way to maintain water flow through the mitigation area at a rate that limits erosion and provides standing water at various depths for a variety of habitats. Once water is routed through the proposed wetland area, naturally occurring wetland habitat is expected to generate due to the close proximity to other adjacent wetlands at the site.

In addition, salvaging existing vegetation to the extent practical and re-using on-site native soils with an already-present seed base will help ensure native plant recruitment once water is routed into the proposed wetland area. If wetland vegetation is not established naturally within an acceptable time frame, plantings can be provided to better establish the mitigation area. Wetland mitigation area grading details are provided on Sheet C10 of the attached drawings.

(7) Site Protection and Maintenance

The overall responsibility for the protection and maintenance of the proposed mitigation site will fall to Nampa Paving & Asphalt Company, the owner and operator of the gravel pit operation. The proposed wetland area is located within the Boise River regulatory floodway so future development of the site is unlikely and the new habitat should remain in a perpetual natural state. The site will be monitored annually to ensure irrigation discharge continues to flow through the site and to maintain the habitat. Non-desirable plant species will be removed, and excessive site degradation will be repaired on an annual basis until the mitigation area is fully established and naturally self-sustaining.

(8) Ecological Performance Standards

The proposed wetland mitigation area will be deemed successful once wetland habitat of equal quality and characteristics to the surrounding wetland areas is established at a minimum size of 1.0 acres or more.

(9) Monitoring Plan

Monitoring will occur at least annually by the permittee to ensure the mitigation project is proceeding as intended. A report will be submitted to the USACE annually from the permittee summarizing the progress of the wetland mitigation project. Assessment will involve comparison with other adjacent wetland habitat to verify the satisfactory development of the mitigation area. Monitoring will occur for at least five years or until satisfactory wetland habitat is deemed to be established by the USACE.

(10) Long Term Management Plan

The wetland mitigation area will be monitored annually to identify any issues related to habitat development and water flow. The site shall be maintained to provide continual flow of irrigation drain water through the mitigation area to ensure success of the wetland habitat.

(11) Adaptive Management Plan

Potential challenges to the proposed mitigation plan include flood damage and excess water present at the site. The proposed mitigation site is located within the Boise River regulatory floodway and could possibly become inundated during a flood event. However, based on hydraulic modeling, the wetland mitigation area should not become inundated by the Boise River until flows are in excess of 15,000 cfs. A more likely issue would be an excess of irrigation water flowing into the proposed mitigation area, leading to excessive sedimentation or drowning out of some plant species. This can be remedied by the management of upstream irrigation control structures to regulate the flow into the mitigation area to acceptable levels to induce and maintain the appropriate wetland habitat.

Drought or lack of water is not expected to be an issue as the irrigation drainage water being routed through the mitigation area is delivered by an established and significant ditch system.

Because of the relatively small size of the mitigation area, any required maintenance to remove invasive species, or placement of additional plantings will be easily achievable.

In the event that the mitigation measures do not meet the performance criteria, a series of steps can be taken to remedy the lack of performance. Water flows to the wetland area can be varied with check structures, additional plantings can be provided, or additional wetland mitigation areas could be constructed to ensure the required mitigation size is met. There is ample land area and source water available at the site to provide for additional wetland habitat.

If the mitigation project is exceeding the performance standards, the water supply can also be reduced to vary the size and characteristics of the habitat if necessary.

(12) Financial Assurances

The party responsible for the wetland mitigation is the property owner and project operator, Nampa Paving & Asphalt Company. A performance bond can be issued for the estimated cost of wetland mitigation construction. This bond could be put in place prior to construction of the wetland mitigation area and would remain in place until the wetland area is deemed a success. The small size of the site and an expected monitoring period of only five years should preclude the need for a reevaluation of the bond value due to changed economic factors over time.

NATIONWIDE PERMIT 44

Mining Activities:

Discharges of dredged or fill material into non-tidal waters of the United States for mining activities, except for coal mining activities, provided the activity meets all of the following criteria:

(a) For mining activities involving discharges of dredged or fill material into non-tidal jurisdictional wetlands, the discharge must not cause the loss of greater than 1/2-acre of non-tidal jurisdictional wetlands;

(b) For mining activities involving discharges of dredged or fill material in non-tidal jurisdictional open waters (e.g., rivers, streams, lakes, and ponds) or work in non-tidal navigable waters of the United States (i.e., section 10 waters), the mined area, including permanent and temporary impacts due to discharges of dredged or fill material into jurisdictional waters, must not exceed 1/2-acre; and

(c) The acreage loss under paragraph (a) plus the acreage impact under paragraph (b) does not exceed 1/2-acre.

This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) If reclamation is required by other statutes, then a copy of the final reclamation plan must be submitted with the pre-construction notification. (Authorities: Sections 10 and 404)

WATER QUALITY CERTIFICATION, NWP 44:

Agency responsible for administration of water quality, based on project location is listed below. If **DENIED**, then an Individual Water Quality Certification or Waiver of Certification is required, prior to the commencement of any work activities and/or issuance of a DA verification, authorization and/or permit.

State of Idaho: PARTIALLY DENIED;

Activities Denied Certification:

- activities resulting in loss in excess of 300 linear feet of streambed
- activities resulting in a loss in excess of ½ acre of jurisdictional wetlands

Coeur d'Alene Tribal Lands: DENIED

Shoshone-Bannock Tribal Lands: DENIED

U.S. Environmental Protection Agency for all other Tribal Lands: DENIED

**2021 Nationwide Permits
Regional Conditions
Walla Walla District Regulatory Division (State of Idaho)**

March 15, 2021

The following Nationwide Permit (NWP) regional conditions are required in the state of Idaho and apply to all 2021 NWPs¹. Regional conditions are established by individual Corps Districts to ensure projects result in no more than minimal adverse impacts to the aquatic environment and to address local resources concerns. This document also includes regional additions to the NWP General Conditions, notification procedures pertaining to certain NWP's, and regional additions to the definitions.

REGIONAL CONDITIONS

A. Watersheds Requiring Pre-Construction Notification, Specific to Anadromous Fish

This Regional Condition applies to all 2021 NWPs.

- Pre-construction notification (PCN) will be required for the above listed nationwide permits in the geographic area as shown on Figure 1: *Watersheds Requiring Pre-Construction Notification*, dated January 6, 2021.

B. Vegetation Preservation and Replanting

- To avoid impacts to aquatic habitat and to reduce sedimentation and erosion, permittee shall avoid and minimize the removal of vegetation in waters of the U.S. to the maximum extent practicable. Areas subject to temporary vegetation removal in waters of the U.S. during construction shall be replanted with appropriate native² species by the end of the first growing season, unless conditioned otherwise. Permittee shall avoid introducing or spreading noxious or invasive plants³.
- Replanted vegetation that does not survive the first growing season shall be replanted before the end of the next growing season. Re-plantings shall continue to occur until desired vegetation densities are achieved. Re-vegetation densities should be based on reference conditions.

¹ For the list of 2017 Nationwide Permits please see: <https://www.nww.usace.army.mil/Business-With-Us/Regulatory-Division/Nationwide-Permits/>

² Idaho Department of Transportation, Native Plants for Idaho Roadside Restoration and Revegetation Programs: https://itd.idaho.gov/wp-content/uploads/2016/06/RP171Roadside_Revegetation.pdf

³ U.S. Department of Agriculture, Natural Resource Conservation Service Plant Database of introduced, invasive, and noxious plants for Idaho: <https://plants.usda.gov/java/noxious?rptType=State&statefips=16>.

C. De-watering & Re-watering (as applicable)

- Cofferdams shall be constructed of non-erosive material such as concrete jersey barriers, bulk bags, water bladders, sheet pile, and other similar non-erosive devices. Cofferdams may not be constructed by using mechanized equipment to push streambed material through flowing water.
- Diversion channels constructed to bypass flow around the construction site shall be lined with plastic, large rock, pipe or otherwise protected from erosion prior to releasing flows into or through the diversion channel.
- Water removed from within the coffered area shall be pumped to a sediment basin or otherwise treated to remove suspended sediments prior to its return to the waterway.
- To prevent unwanted passage of state or federally-protected fish, if present, from the coffered area, Water pipe intakes shall be screened with openings measuring < 3/32 inch to prevent entrainment of fish trapped in the coffered area.
- Should fish be present within the coffered areas contact your local Idaho Department of Fish and Game (IDFG) office prior to performing fish removal or salvage. Fish shall be collected by electrofishing, seining or dip net, or otherwise removed and returned to the waterway upstream of the project area. If electrofishing is used, the National Marine Fisheries Service (NMFS) guidelines for electrofishing should be followed⁴, unless conditioned otherwise.
- Stream channels that have been dewatered during project construction shall be re-watered slowly to avoid lateral and vertical erosion of the de-watered channel, prevent damage to recently reclaimed work areas and/or damage to permitted work.
- Temporary stockpiles in waters of the United States shall be removed in their entirety so as not to form a berm or levee parallel to the stream that could confine flows or restrict overbank flow to the floodplain.

D. In-Water Structures and Complexes

- PCN notification in accordance with General Condition 32 is required for all non-federal applicants with activities involving gabion baskets placed below the ordinary high water mark.
- Stream meanders, riffle and pool complexes, pool stream structures, rock/log barbs, rock J-hooks, drop structures, sills, engineered log jams or similar structures/features when used shall be site specifically designed by an appropriate professional with experience in hydrology or fluvial geomorphology.

⁴ Guidelines for Electrofishing Waters Containing Salmonids Listed Under the Endangered Species Act (June 2000)
https://archive.fisheries.noaa.gov/wcr/publications/reference_documents/esa_refs/section4d/electro2000.pdf

E. Temporary Sidecasting

- Materials from exploratory trenching and installation of utility lines may be temporarily side cast into a de-watered coffered area for up to 30 days but not within flowing waters. Material from exploratory trenching and installation of utility lines in wetlands may be temporarily side cast for up to 30 days.

F. Suitability of Sediments for Open Water Disposal and us as Fill

- Sampling for determination of suitability of sediments for open water disposal or for use as fill, must comply with the Sediment Evaluation Framework for the Pacific Northwest (SEF)⁵.

G. Avoidance and Minimization

- In addition to information required under General Condition 32(b), the applicant shall include information about previous discharges of fill material into waters of the United States within the project area. This is only for non-federal applicants where a PCN is required.
- Discharges of dredged or fill material into waters of the U.S., including wetlands, to meet set back requirements are not authorized under NWP.

H. Erosion Control

- Erosion control blanket or fabric used in or adjacent to waters of the U.S. shall be comprised of biodegradable material, to ensure decomposition and reduced risk to fish, wildlife and public safety, unless conditioned otherwise. If the applicant proposes to use materials other than as indicated above they must demonstrate how the use of such materials will not cause harm to fish, wildlife and public safety.

I. Reporting Requirement for Federal Permittees

- Federal Agencies with projects that require compensatory mitigation for loss of waters of the U.S. and who propose to purchase credits from an approved wetland and/or stream mitigation bank must provide proof of purchase within 30 days of when the credits were purchased. Purchase of credits from an approved mitigation bank must be IAW the Mitigation Banking Instrument of Record.

⁵ Northwest Regional Sediment Evaluation Team (RSET) 2016. Sediment Evaluation Framework for the Pacific Northwest. Prepared by the RSET Agencies, July 2016, 160 pp plus appendices. <http://nwd.usace.army.mil/Missions/Civil-Works/Navigation/RSET/SEF>

REGIONAL ADDITIONS TO THE GENERAL CONDITIONS

General Condition 4. Migratory Bird Breeding Areas. Regional Addition: For additional information please contact the US Fish and Wildlife Service at the following field office locations: State Office (Boise) at (208) 387-5243; Northern Idaho Field Office (Spokane) at (509) 891-6839; or the Eastern Idaho Field Office (Chubbuck) at (208) 237-6975.
<https://www.fws.gov/idaho/promo.cfm?id=177175802>

General Condition 6. Suitable Material. Regional Addition: Erosion control blanket or fabric used in or adjacent to waters of the U.S. shall be comprised of biodegradable material, to ensure decomposition and reduced risk to fish, wildlife and public safety, unless conditioned otherwise. If the applicant proposes to use materials other than as indicated above they must demonstrate how the use of such materials will not cause harm to fish, wildlife and public safety.

General Condition 9. Management of Water Flows. Regional Addition: To obtain information on State of Idaho definition of high water refer to Idaho Department of Water Resources (IDAPA 37.03.07. Rule 62.03.04.a). For culverts or bridges located in a community qualifying for the national flood insurance program, the minimum size culvert shall accommodate the 100-year flood design flow frequency (IDAPA 37.03.07. Rule 62.03.04.c).

General Condition 12. Soil Erosion and Sediment Controls. Regional Addition: For additional information refer to the Idaho Department of Environmental Quality Catalog of Stormwater Best Management Practices for Idaho Cities and Counties, available online at: <https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/guidance/>.

General Condition 18. Endangered Species. Regional Addition: For additional information on ESA listed species in north Idaho please contact the US Fish and Wildlife Service (USFWS) Northern Idaho Field Office (Spokane) at (509) 893-8009, for all other counties in Idaho contact the USFWS State Office (Boise) at (208) 378-5388.

General Condition 20. Historic Properties. Regional Addition: Property is generally considered "historic" if it is at least 50 years old, and is not limited to buildings. For additional information on the potential for cultural resources in proximity to the project site, contact the Idaho State Historic Preservation Office at (208) 334-3847 located in Boise, Idaho.

NOTIFICATION PROCEDURES BY THE CORPS FOR CERTAIN NATIONWIDE PERMITS

Waivers: For nationwide permits with a waiver provision, District coordination with Idaho Department of Environmental Quality (IDEQ) and Environmental Protection Agency (tribal lands) will be conducted prior to the District Engineer making a waiver determination to ensure the proposed activity is in compliance with Section 401 Water Quality Standards.

Select Waters and Wetlands: The Corps will coordinate with the Idaho Department of Fish and Game (IDFG) for activities in the following waters and wetlands that require notification and are authorized by NWP:

- Waters: Anadromous waters as shown on Figure 1: *Watersheds Requiring Pre-Construction Notification*, dated January 6, 2021; Henry's Fork of the Snake River and its tributaries; South Fork Snake River and its tributaries; Big Lost River and its tributaries upstream of the US 93 crossing; Beaver, Camas, and Medicine Lodge Creeks; Snake River; Blackfoot River above Blackfoot Reservoir; Portneuf River; Bear River; Boise River including South Fork, North Fork and Middle Fork; Payette River including South Fork, North Fork and Middle Fork; Coeur d'Alene River, including the North Fork; St. Joe River; Priest River; Kootenai River; Big Wood River; and Silver Creek and its tributaries.
- Wetlands identified in Idaho Department of Fish and Game, Wetland Conservation Strategy as Class I, Class II and Reference Habitat Sites⁶.
- Wetlands identified in the Idaho Wetland Conservation Prioritization Plan-2012⁷.

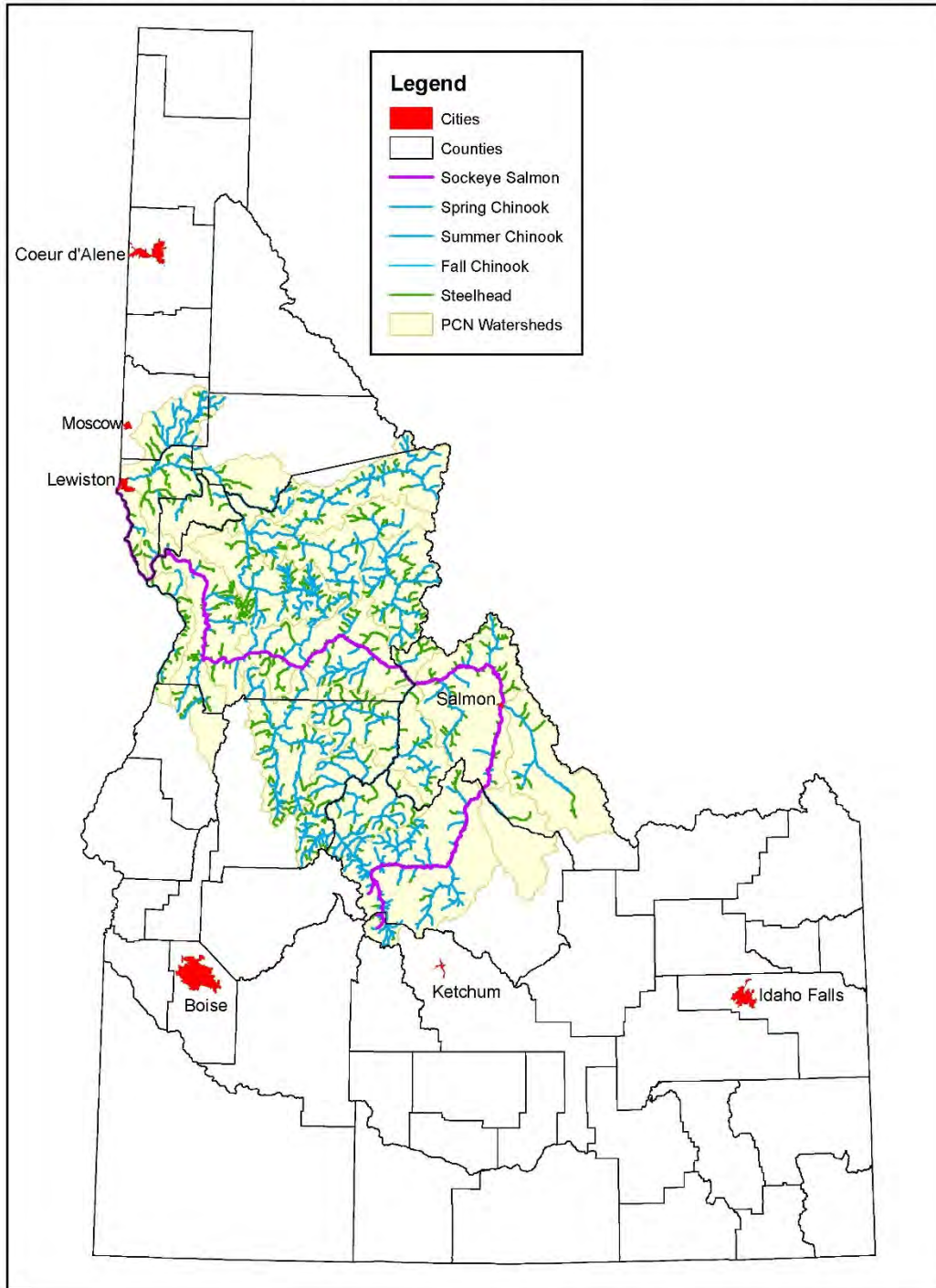
⁶ Idaho Department of Fish and Game (IDFG) Wetland Conservation Strategies have been developed for the Henrys Fork Basin, Northern Idaho, Big Wood River, Southeast Idaho, East-Central Idaho and Spokane River Basin, Middle and Western Snake River and tributaries, and the Upper Snake River-Portneuf Drainage, Weiser River Basin, and West Central Mountain Valleys and adjacent wetlands. Closed basins of Beaver-Camas Creeks, Medicine Lodge Creek, Palouse River and lower Clearwater River sub-basins, Middle Fork and South Fork Clearwater Basins and Camas Prairie in northern Idaho. Refer to the internet site at: <http://fishandgame.idaho.gov/content/page/wetlands-publications-idaho-natural-heritage-program#reports>

⁷ Murphy, C., J. Miller and A. Schmidt. 2012. <https://idfg.idaho.gov/species/bibliography/project/wetlands>

Figure 1



Watersheds Requiring Pre-Construction Notification



6 January 2021

2021 Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. Navigation

(a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his or her authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements

No activity may substantially disrupt the necessary life

cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. Spawning Areas

Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas

Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds

No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material

No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. Water Supply Intakes

No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments

If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows

To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains

The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment

Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls

Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Structures and Fills

Temporary structures must be removed, to the maximum extent practicable, after their use has been discontinued. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance

Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district

engineer to an NWP authorization.

15. Single and Complete Project

The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers

(a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency

with direct management responsibility for that river. Permittees shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

17. Tribal Rights

No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. Endangered Species

(a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a

species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of "effects of the action" for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA section 7 regarding "activities that are reasonably certain to occur" and "consequences caused by the proposed action."

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate

documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include the name(s) of the endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) that might be

affected by the proposed activity. The district engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps’ determination within 45 days of receipt of a complete pre-construction notification. For activities where the non-Federal applicant has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have “no effect” on listed species (or species proposed for listing or designated critical habitat (or critical habitat proposed for such designation), or until ESA section 7 consultation or conference has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation or conference with the FWS or NMFS the district engineer may add species-specific

permit conditions to the NWP.

(e) Authorization of an activity by an NWP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word “harm” in the definition of “take” means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should

provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at

<http://www.fws.gov/> or
<http://www.fws.gov/ipac>
and
[http://www.nmfs.noaa.gov/
pr/species/esa/](http://www.nmfs.noaa.gov/pr/species/esa/) respectively.

19. Migratory Birds and Bald and Golden Eagles

The permittee is responsible for ensuring that an action authorized by an NWP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties

(a) No activity is authorized under any NWP which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own

procedures for complying with the requirements of section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)(1)). If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the

potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)).

Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect.

(d) Where the non-Federal applicant has identified historic properties on which the proposed NWP activity might have the potential to cause effects and has so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed. For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106

consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects

properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts

Permittees that discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by an NWP, they must immediately notify the district engineer of what they have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters

Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment,

additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, 52, 57 and 58 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after she or he determines that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation

The district engineer will consider the following

factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-

construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 3/100-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. This compensatory mitigation requirement may be satisfied through the restoration or enhancement of riparian areas next to streams in accordance with paragraph (e) of this general condition. For losses of stream bed of 3/100-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. Compensatory mitigation for losses of

streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. If restoring riparian areas involves planting vegetation, only native species should be planted. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a

riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)).

However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f).)

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14)

must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). If permittee-responsible mitigation is the proposed option, and the proposed compensatory mitigation site is located on land in which another federal agency holds an easement, the district engineer will coordinate with that federal agency to determine if proposed compensatory mitigation project is compatible with the terms of the easement.

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan needs to address only the baseline conditions at the impact site and the number of credits to be provided (see 33 CFR 332.4(c)(1)(ii)).

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of

components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no

mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures

To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state or federal, dam safety criteria or have

been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality

(a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an NWP with CWA section 401, a CWA section 401 water quality certification for the proposed discharge must be obtained or waived (see 33 CFR 330.4(c)). If the permittee cannot comply with all of the conditions of a water quality certification previously issued by certifying authority for the issuance of the NWP, then the permittee must obtain a water quality certification or waiver for the proposed discharge in order for the activity to be authorized by an NWP.

(b) If the NWP activity requires pre-construction notification and the certifying authority has not previously certified compliance of an NWP with CWA section 401, the proposed discharge is not authorized by an NWP until water quality certification is obtained or waived. If the certifying authority issues a

water quality certification for the proposed discharge, the permittee must submit a copy of the certification to the district engineer. The discharge is not authorized by an NWP until the district engineer has notified the permittee that the water quality certification requirement has been satisfied by the issuance of a water quality certification or a waiver.

(c) The district engineer or certifying authority may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management.

In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). If the permittee cannot comply with all of the conditions of a coastal zone management consistency concurrence previously issued by the state, then the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence

in order for the activity to be authorized by an NWP. The district engineer or a state may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions

The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its CWA section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits

The use of more than one NWP for a single and complete project is authorized, subject to the following restrictions:

(a) If only one of the NWPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States cannot exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated

bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

(b) If one or more of the NWPs used to authorize the single and complete project has specified acreage limits, the acreage loss of waters of the United States authorized by those NWPs cannot exceed their respective specified acreage limits. For example, if a commercial development is constructed under NWP 39, and the single and complete project includes the filling of an upland ditch authorized by NWP 46, the maximum acreage loss of waters of the United States for the commercial development under NWP 39 cannot exceed 1/2-acre, and the total acreage loss of waters of United States due to the NWP 39 and 46 activities cannot exceed 1 acre.

29. Transfer of Nationwide Permit Verifications

If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached

to the letter, and the letter must contain the following statement and signature:

“When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

(Transferee)

(Date)

30. Compliance Certification

Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of

ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory

mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States

If an NWP activity also requires review by, or permission from, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission and/or review is not authorized by an NWP until the appropriate Corps office issues the section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification

(a) *Timing.* Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined

to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

- (1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or
- (2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that

listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) *Contents of Pre-Construction Notification:*
The PCN must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed activity;
- (3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;
- (4) (i) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of

the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures.

(ii) For linear projects where one or more single and complete crossings require pre-construction notification, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters (including those single and complete crossings authorized by an NWP but do not require PCNs). This information will be used by the district engineer to evaluate the cumulative adverse environmental effects of the proposed linear project, and does not change those non-PCN NWP activities into NWP PCNs.

(iii) Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually

clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial and intermittent streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45-day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining

why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-federal permittees, if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on,

determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the “study river” (see general condition 16); and

(10) For an NWP activity that requires permission from, or review by, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request

for section 408 permission from, or review by, the Corps office having jurisdiction over that USACE project.

(c) *Form of Pre-Construction Notification:* The nationwide permit pre-construction notification form (Form ENG 6082) should be used for NWP PCNs. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) *Agency Coordination:* (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity’s compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity’s adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iii)

NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's

compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure that the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery

Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

NATIONWIDE PERMIT 46

Discharges in Ditches:

Discharges of dredged or fill material into non-tidal ditches that are

- (1) constructed in uplands,
- (2) receive water from an area determined to be a water of the United States prior to the construction of the ditch,
- (3) divert water to an area determined to be a water of the United States prior to the construction of the ditch,
and
- (4) determined to be waters of the United States.

The discharge of dredged or fill material must not cause the loss of greater than one acre of waters of the United States. This NWP does not authorize discharges of dredged or fill material into ditches constructed in streams or other waters of the United States, or in streams that have been relocated in uplands. This NWP does not authorize discharges of dredged or fill material that increase the capacity of the ditch and drain those areas determined to be waters of the United States prior to construction of the ditch.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authority: Section 404)

WATER QUALITY CERTIFICATION, NWP 46:

Agency responsible for administration of water quality, based on project location is listed below. If **DENIED**, then an Individual Water Quality Certification or Waiver of Certification is required, prior to the commencement of any work activities and/or issuance of a DA verification, authorization and/or permit.

State of Idaho: ISSUED, with exception: IDEQ denies certification for any activities authorized by this NWP that may result in a discharge to an “outstanding resource water”

Coeur d’Alene Tribal Lands: DENIED

Shoshone-Bannock Tribal Lands: DENIED

U.S. Environmental Protection Agency for all other Tribal Lands: PARTIALLY DENIED: EPA denies certification for any activities that result in

- Greater than 1/10 acre of impacts to waters of the U.S.; or
- Greater than 300 linear feet of impacts to waters of the U.S.

**2021/2022 Nationwide Permits
Regional Conditions
Walla Walla District Regulatory Division (State of Idaho)**

January 13, 2021

The following Nationwide Permit (NWP) regional conditions are required in the state of Idaho and apply to all 2021/2022 NWPs¹. Regional conditions are established by individual Corps Districts to ensure projects result in no more than minimal adverse impacts to the aquatic environment and to address local resources concerns. This document also includes regional additions to the NWP General Conditions, notification procedures pertaining to certain NWP's, and regional additions to the definitions.

REGIONAL CONDITIONS

A. Watersheds Requiring Pre-Construction Notification, Specific to Anadromous Fish

This Regional Condition applies to all 2021/2022 NWPs.

- Pre-construction notification (PCN) will be required for the above listed nationwide permits in the geographic area as shown on Figure 1: *Watersheds Requiring Pre-Construction Notification*, dated January 6, 2021.

B. Vegetation Preservation and Replanting

- To avoid impacts to aquatic habitat and to reduce sedimentation and erosion, permittee shall avoid and minimize the removal of vegetation in waters of the U.S. to the maximum extent practicable. Areas subject to temporary vegetation removal in waters of the U.S. during construction shall be replanted with appropriate native² species by the end of the first growing season, unless conditioned otherwise. Permittee shall avoid introducing or spreading noxious or invasive plants³.
- Replanted vegetation that does not survive the first growing season shall be replanted before the end of the next growing season. Re-plantings shall continue to occur until desired vegetation densities are achieved. Re-vegetation densities should be based on reference conditions.

¹ For the list of 2021/2022 Nationwide Permits please see: <https://www.nww.usace.army.mil/Business-With-Us/Regulatory-Division/Nationwide-Permits/>

² Idaho Department of Transportation, Native Plants for Idaho Roadside Restoration and Revegetation Programs: https://itd.idaho.gov/wp-content/uploads/2016/06/RP171Roadside_Revegetation.pdf

³ U.S. Department of Agriculture, Natural Resource Conservation Service Plant Database of introduced, invasive, and noxious plants for Idaho: <https://plants.usda.gov/java/noxious?rptType=State&statefips=16>.

C. De-watering & Re-watering (as applicable)

- Cofferdams shall be constructed of non-erosive material such as concrete jersey barriers, bulk bags, water bladders, sheet pile, and other similar non-erosive devices. Cofferdams may not be constructed by using mechanized equipment to push streambed material through flowing water.
- Diversion channels constructed to bypass flow around the construction site shall be lined with plastic, large rock, pipe or otherwise protected from erosion prior to releasing flows into or through the diversion channel.
- Water removed from within the coffered area shall be pumped to a sediment basin or otherwise treated to remove suspended sediments prior to its return to the waterway.
- To prevent unwanted passage of state or federally-protected fish, if present, from the coffered area, Water pipe intakes shall be screened with openings measuring < 3/32 inch to prevent entrainment of fish trapped in the coffered area.
- Should fish be present within the coffered areas contact your local Idaho Department of Fish and Game (IDFG) office prior to performing fish removal or salvage. Fish shall be collected by electrofishing, seining or dip net, or otherwise removed and returned to the waterway upstream of the project area. If electrofishing is used, the National Marine Fisheries Service (NMFS) guidelines for electrofishing should be followed⁴, unless conditioned otherwise.
- Stream channels that have been dewatered during project construction shall be re-watered slowly to avoid lateral and vertical erosion of the de-watered channel, prevent damage to recently reclaimed work areas and/or damage to permitted work.
- Temporary stockpiles in waters of the United States shall be removed in their entirety so as not to form a berm or levee parallel to the stream that could confine flows or restrict overbank flow to the floodplain.

D. In-Water Structures and Complexes

- PCN notification in accordance with General Condition 32 is required for all non-federal applicants with activities involving gabion baskets placed below the ordinary high water mark.
- Stream meanders, riffle and pool complexes, pool stream structures, rock/log barbs, rock J-hooks, drop structures, sills, engineered log jams or similar structures/features when used shall be site specifically designed by an appropriate professional with experience in hydrology or fluvial geomorphology.

⁴ Guidelines for Electrofishing Waters Containing Salmonids Listed Under the Endangered Species Act (June 2000)
http://www.westcoast.fisheries.noaa.gov/publications/reference_documents/esa_refs/section4d/electro2000.pdf

E. Temporary Sidecasting

- Materials from exploratory trenching and installation of utility lines may be temporarily side cast into a de-watered coffered area for up to 30 days but not within flowing waters. Material from exploratory trenching and installation of utility lines in wetlands may be temporarily side cast for up to 30 days.

F. Suitability of Sediments for Open Water Disposal and us as Fill

- Sampling for determination of suitability of sediments for open water disposal or for use as fill, must comply with the Sediment Evaluation Framework for the Pacific Northwest (SEF)⁵.

G. Avoidance and Minimization

- In addition to information required under General Condition 32(b), the applicant shall include information about previous discharges of fill material into waters of the United States within the project area. This is only for non-federal applicants where a PCN is required.
- Discharges of dredged or fill material into waters of the U.S., including wetlands, to meet set back requirements are not authorized under NWP.

H. Erosion Control

- Erosion control blanket or fabric used in or adjacent to waters of the U.S. shall be comprised of biodegradable material, to ensure decomposition and reduced risk to fish, wildlife and public safety, unless conditioned otherwise. If the applicant proposes to use materials other than as indicated above they must demonstrate how the use of such materials will not cause harm to fish, wildlife and public safety.

I. Reporting Requirement for Federal Permittees

- Federal Agencies with projects that require compensatory mitigation for loss of waters of the U.S. and who propose to purchase credits from an approved wetland and/or stream mitigation bank must provide proof of purchase within 30 days of when the credits were purchased. Purchase of credits from an approved mitigation bank must be IAW the Mitigation Banking Instrument of Record.

⁵ Northwest Regional Sediment Evaluation Team (RSET) 2016. Sediment Evaluation Framework for the Pacific Northwest. Prepared by the RSET Agencies, July 2016, 160 pp plus appendices. <http://nwd.usace.army.mil/Missions/Civil-Works/Navigation/RSET/SEF>

REGIONAL ADDITIONS TO THE GENERAL CONDITIONS

General Condition 4. Migratory Bird Breeding Areas. Regional Addition: For additional information please contact the US Fish and Wildlife Service at the following field office locations: State Office (Boise) at (208) 387-5243; Northern Idaho Field Office (Spokane) at (509) 891-6839; or the Eastern Idaho Field Office (Chubbuck) at (208) 237-6975.
<https://www.fws.gov/idaho/promo.cfm?id=177175802>

General Condition 6. Suitable Material. Regional Addition: Erosion control blanket or fabric used in or adjacent to waters of the U.S. shall be comprised of biodegradable material, to ensure decomposition and reduced risk to fish, wildlife and public safety, unless conditioned otherwise. If the applicant proposes to use materials other than as indicated above they must demonstrate how the use of such materials will not cause harm to fish, wildlife and public safety.

General Condition 9. Management of Water Flows. Regional Addition: To obtain information on State of Idaho definition of high water refer to Idaho Department of Water Resources (IDAPA 37.03.07. Rule 62.03.04.a). For culverts or bridges located in a community qualifying for the national flood insurance program, the minimum size culvert shall accommodate the 100-year flood design flow frequency (IDAPA 37.03.07. Rule 62.03.04.c).

General Condition 12. Soil Erosion and Sediment Controls. Regional Addition: For additional information refer to the Idaho Department of Environmental Quality Catalog of Stormwater Best Management Practices for Idaho Cities and Counties, available online at: <https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/guidance/>.

General Condition 18. Endangered Species. Regional Addition: For additional information on ESA listed species in north Idaho please contact the US Fish and Wildlife Service (USFWS) Northern Idaho Field Office (Spokane) at (509) 893-8009, for all other counties in Idaho contact the USFWS State Office (Boise) at (208) 378-5388.

General Condition 20. Historic Properties. Regional Addition: Property is generally considered "historic" if it is at least 50 years old, and is not limited to buildings. For additional information on the potential for cultural resources in proximity to the project site, contact the Idaho State Historic Preservation Office at (208) 334-3847 located in Boise, Idaho.

NOTIFICATION PROCEDURES BY THE CORPS FOR CERTAIN NATIONWIDE PERMITS

Waivers: For nationwide permits with a waiver provision, District coordination with Idaho Department of Environmental Quality (IDEQ) and Environmental Protection Agency (tribal lands) will be conducted prior to the District Engineer making a waiver determination to ensure the proposed activity is in compliance with Section 401 Water Quality Standards.

Select Waters and Wetlands: The Corps will coordinate with the Idaho Department of Fish and Game (IDFG) for activities in the following waters and wetlands that require notification and are authorized by NWP:

- Waters: Waters: Anadromous waters as shown on Figure 1: *Watersheds Requiring Pre-Construction Notification*, dated January 6, 2021; Henry's Fork of the Snake River and its tributaries; South Fork Snake River and its tributaries; Big Lost River and its tributaries upstream of the US 93 crossing; Beaver, Camas, and Medicine Lodge Creeks; Snake River; Blackfoot River above Blackfoot Reservoir; Portneuf River; Bear River; Boise River including South Fork, North Fork and Middle Fork; Payette River including South Fork, North Fork and Middle Fork; Coeur d'Alene River, including the North Fork; St. Joe River; Priest River; Kootenai River; Big Wood River; and Silver Creek and its tributaries.
- Wetlands identified in Idaho Department of Fish and Game, Wetland Conservation Strategy as Class I, Class II and Reference Habitat Sites⁶.
- Wetlands identified in the Idaho Wetland Conservation Prioritization Plan-2012⁷.

NWP 27-Aquatic Habitat Restoration, Establishment, and Enhancement Activities

Prior to verification, the Corps will coordinate the project with the Idaho Department of Fish and Game for activities in perennial, fish bearing streams.

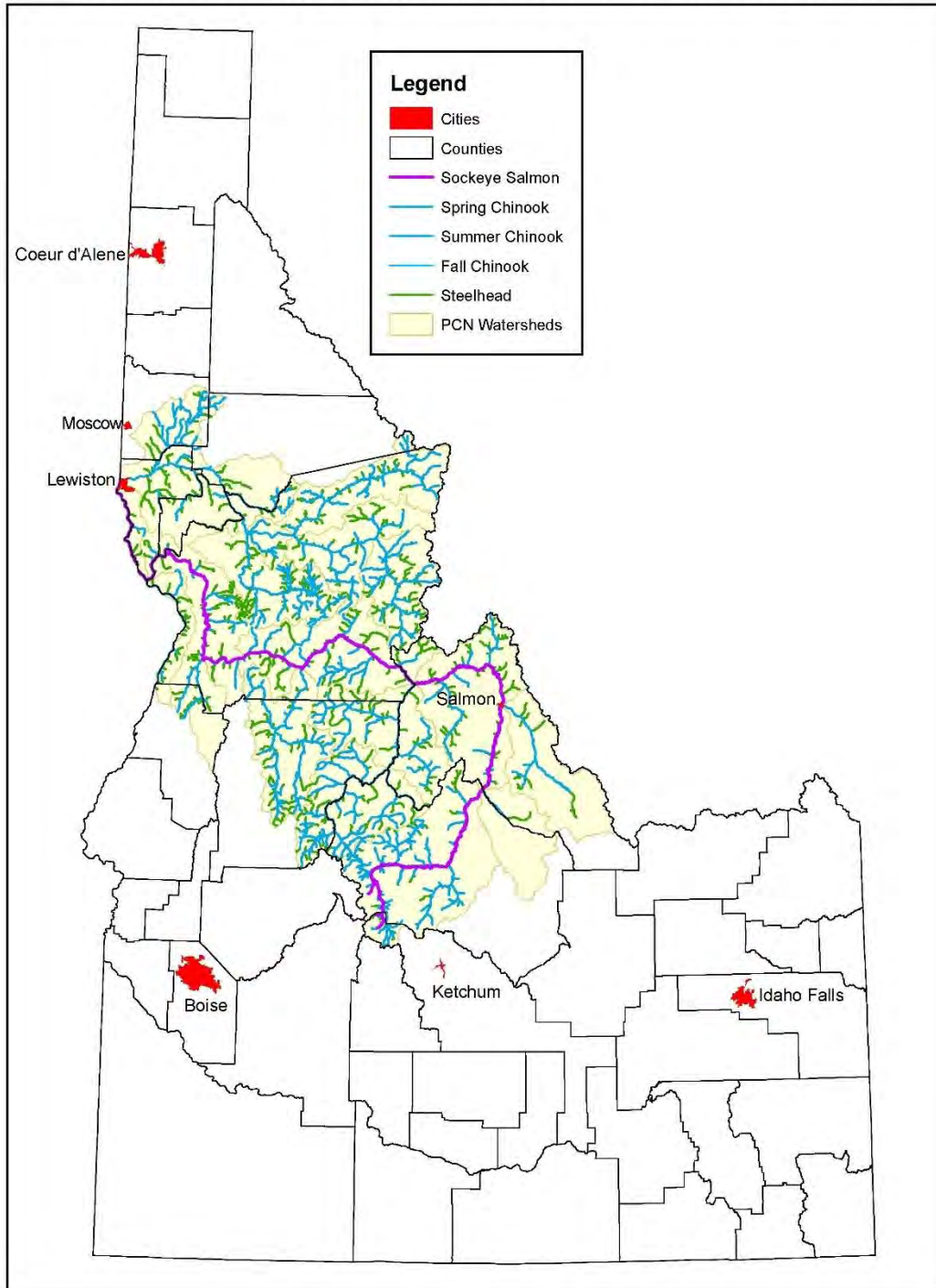
⁶ Idaho Department of Fish and Game (IDFG) Wetland Conservation Strategies have been developed for the Henrys Fork Basin, Northern Idaho, Big Wood River, Southeast Idaho, East-Central Idaho and Spokane River Basin, Middle and Western Snake River and tributaries, and the Upper Snake River-Portneuf Drainage, Weiser River Basin, and West Central Mountain Valleys and adjacent wetlands. Closed basins of Beaver-Camas Creeks, Medicine Lodge Creek, Palouse River and lower Clearwater River sub-basins, Middle Fork and South Fork Clearwater Basins and Camas Prairie in northern Idaho. Refer to the internet site at: <http://fishandgame.idaho.gov/content/page/wetlands-publications-idaho-natural-heritage-program#reports>

⁷ Murphy, C., J. Miller and A. Schmidt. 2012. [https://parksandrecreation.idaho.gov/sites/default/files/uploads/documents/SCORTP/Update/Appendix%20-%20Wetlands%20Priority%20Plan%20\(Part%20I\)%20Compressed1.pdf](https://parksandrecreation.idaho.gov/sites/default/files/uploads/documents/SCORTP/Update/Appendix%20-%20Wetlands%20Priority%20Plan%20(Part%20I)%20Compressed1.pdf)

Figure 1



Watersheds Requiring Pre-Construction Notification



6 January 2021

2021 Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. Navigation

(a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his or her authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements

No activity may substantially disrupt the necessary life

cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. Spawning Areas

Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas

Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds

No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material

No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. Water Supply Intakes

No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments

If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows

To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains

The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment

Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls

Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Structures and Fills

Temporary structures must be removed, to the maximum extent practicable, after their use has been discontinued. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance

Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district

engineer to an NWP authorization.

15. Single and Complete Project

The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers

(a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency

with direct management responsibility for that river. Permittees shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

17. Tribal Rights

No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. Endangered Species

(a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a

species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of "effects of the action" for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA section 7 regarding "activities that are reasonably certain to occur" and "consequences caused by the proposed action."

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate

documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include the name(s) of the endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) that might be

affected by the proposed activity. The district engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps’ determination within 45 days of receipt of a complete pre-construction notification. For activities where the non-Federal applicant has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have “no effect” on listed species (or species proposed for listing or designated critical habitat (or critical habitat proposed for such designation), or until ESA section 7 consultation or conference has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation or conference with the FWS or NMFS the district engineer may add species-specific

permit conditions to the NWP.

(e) Authorization of an activity by an NWP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word “harm” in the definition of “take” means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should

provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at

<http://www.fws.gov/> or
<http://www.fws.gov/ipac>
and
[http://www.nmfs.noaa.gov/
pr/species/esa/](http://www.nmfs.noaa.gov/pr/species/esa/) respectively.

19. Migratory Birds and Bald and Golden Eagles

The permittee is responsible for ensuring that an action authorized by an NWP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties

(a) No activity is authorized under any NWP which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own

procedures for complying with the requirements of section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)(1)). If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the

potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)).

Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect.

(d) Where the non-Federal applicant has identified historic properties on which the proposed NWP activity might have the potential to cause effects and has so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed. For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106

consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects

properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts

Permittees that discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by an NWP, they must immediately notify the district engineer of what they have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters

Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment,

additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, 52, 57 and 58 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWP 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after she or he determines that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation

The district engineer will consider the following

factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-

construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 3/100-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. This compensatory mitigation requirement may be satisfied through the restoration or enhancement of riparian areas next to streams in accordance with paragraph (e) of this general condition. For losses of stream bed of 3/100-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. Compensatory mitigation for losses of

streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. If restoring riparian areas involves planting vegetation, only native species should be planted. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a

riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)).

However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f).)

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14)

must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). If permittee-responsible mitigation is the proposed option, and the proposed compensatory mitigation site is located on land in which another federal agency holds an easement, the district engineer will coordinate with that federal agency to determine if proposed compensatory mitigation project is compatible with the terms of the easement.

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan needs to address only the baseline conditions at the impact site and the number of credits to be provided (see 33 CFR 332.4(c)(1)(ii)).

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of

components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no

mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures

To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state or federal, dam safety criteria or have

been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality

(a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an NWP with CWA section 401, a CWA section 401 water quality certification for the proposed discharge must be obtained or waived (see 33 CFR 330.4(c)). If the permittee cannot comply with all of the conditions of a water quality certification previously issued by certifying authority for the issuance of the NWP, then the permittee must obtain a water quality certification or waiver for the proposed discharge in order for the activity to be authorized by an NWP.

(b) If the NWP activity requires pre-construction notification and the certifying authority has not previously certified compliance of an NWP with CWA section 401, the proposed discharge is not authorized by an NWP until water quality certification is obtained or waived. If the certifying authority issues a

water quality certification for the proposed discharge, the permittee must submit a copy of the certification to the district engineer. The discharge is not authorized by an NWP until the district engineer has notified the permittee that the water quality certification requirement has been satisfied by the issuance of a water quality certification or a waiver.

(c) The district engineer or certifying authority may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management.

In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). If the permittee cannot comply with all of the conditions of a coastal zone management consistency concurrence previously issued by the state, then the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence

in order for the activity to be authorized by an NWP. The district engineer or a state may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions

The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its CWA section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits

The use of more than one NWP for a single and complete project is authorized, subject to the following restrictions:

(a) If only one of the NWPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States cannot exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated

bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

(b) If one or more of the NWPs used to authorize the single and complete project has specified acreage limits, the acreage loss of waters of the United States authorized by those NWPs cannot exceed their respective specified acreage limits. For example, if a commercial development is constructed under NWP 39, and the single and complete project includes the filling of an upland ditch authorized by NWP 46, the maximum acreage loss of waters of the United States for the commercial development under NWP 39 cannot exceed 1/2-acre, and the total acreage loss of waters of United States due to the NWP 39 and 46 activities cannot exceed 1 acre.

29. Transfer of Nationwide Permit Verifications

If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached

to the letter, and the letter must contain the following statement and signature:

“When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

(Transferee)

(Date)

30. Compliance Certification

Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of

ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory

mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States

If an NWP activity also requires review by, or permission from, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission and/or review is not authorized by an NWP until the appropriate Corps office issues the section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification

(a) *Timing.* Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined

to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

- (1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or
- (2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that

listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) *Contents of Pre-Construction Notification:*
The PCN must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed activity;
- (3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;
- (4) (i) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of

the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures.

(ii) For linear projects where one or more single and complete crossings require pre-construction notification, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters (including those single and complete crossings authorized by an NWP but do not require PCNs). This information will be used by the district engineer to evaluate the cumulative adverse environmental effects of the proposed linear project, and does not change those non-PCN NWP activities into NWP PCNs.

(iii) Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually

clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial and intermittent streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45-day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining

why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-federal permittees, if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on,

determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the “study river” (see general condition 16); and

(10) For an NWP activity that requires permission from, or review by, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request

for section 408 permission from, or review by, the Corps office having jurisdiction over that USACE project.

(c) *Form of Pre-Construction Notification:* The nationwide permit pre-construction notification form (Form ENG 6082) should be used for NWP PCNs. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) *Agency Coordination:* (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity’s compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity’s adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iii)

NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's

compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure that the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery

Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1410 N Hilton Street, Boise, ID 83706
(208) 373-0502

Brad Little, Governor
Jess Byrne, Director

December 4, 2020

Kelly J. Urbanek, Chief
U.S. ACOE Regulatory Division
Walla Walla District
720 East Park Boulevard, Suite 245
Boise, Idaho 83712-7757

Subject: Final §401 Water Quality Certification for 2020 Nationwide Permits in Idaho

Dear Ms. Urbanek:

Enclosed please find the Idaho Department of Environmental Quality (DEQ) final water quality certification for the 2020 Nationwide Permits in Idaho. DEQ offered a 21-day public comment period, beginning on November 2, 2020, and ending on November 23, 2020.

DEQ received a single comment letter. After review of the comments received, minor modifications were made to the final certification in order to provide additional clarity.

If you have any questions or concerns regarding this certification, please contact Jason Pappani at (208) 373-0515 or via email at jason.pappani@deq.idaho.gov.

Sincerely,

A handwritten signature in blue ink that reads "Mary Anne Nelson".

Mary Anne Nelson, PhD
Surface and Wastewater Division Administrator

MAN:JP:lf

cc: Jason Pappani, DEQ State Office
DEQ Regional Administrators
James Joyner, ACOE Walla Walla District
Brent King, Idaho Attorney General's Office



Idaho Department of Environmental Quality Final §401 Water Quality Certification

December 4, 2020

2020 U.S. Army Corps of Engineers §404 Nationwide Permits (NWP)

Pursuant to the provisions of Section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act), as amended; 33 U.S.C. Section 1341(a)(1); and Idaho Code §§ 39-101 et seq. and 39-3601 et seq., the Idaho Department of Environmental Quality (DEQ) has authority to review activities receiving Section 404 dredge and fill permits and issue water quality certification decisions.

Based upon its review of the proposed 2020 Nationwide Permits published in the Federal Register on September 15, 2020, DEQ certifies that if the permittee complies with the terms and conditions imposed by the permits, including the Regional Conditions set forth by the Army Corps of Engineers (ACOE), along with the conditions set forth in this water quality certification, then activities will comply with the applicable water quality requirements of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, the Idaho Water Quality Standards (WQS) (IDAPA 58.01.02), and other appropriate water quality requirements of state law.

This certification does not constitute authorization of the permitted activities by any other state or federal agency or private person or entity. This certification does not excuse the permit holder from the obligation to obtain any other necessary approvals, authorizations, or permits, including without limitation, the approval from the owner of a private water conveyance system, if one is required, to use the system in connection with the permitted activities.

1 Antidegradation Review

The WQS contain an antidegradation policy providing three levels of protection to water bodies in Idaho (IDAPA 58.01.02.051).

- **Tier I Protection.** The first level of protection applies to all water bodies subject to Clean Water Act jurisdiction and ensures that existing uses of a water body and the level of water quality necessary to protect those existing uses will be maintained and protected (IDAPA 58.01.02.051.01; 58.01.02.052.01). Additionally, a Tier I review is performed for all new or reissued permits or licenses (IDAPA 58.01.02.052.07).
- **Tier II Protection.** The second level of protection applies to those water bodies considered high quality and ensures that no lowering of water quality will be allowed unless deemed necessary to accommodate important economic or social development (IDAPA 58.01.02.051.02; 58.01.02.052.08).

- Tier III Protection. The third level of protection applies to water bodies that have been designated outstanding resource waters and requires that activities not cause a lowering of water quality (IDAPA 58.01.02.051.03; 58.01.02.052.09).

DEQ is employing a water body by water body approach to implementing Idaho's antidegradation policy. This approach means that any water body fully supporting its beneficial uses will be considered high quality (IDAPA 58.01.02.052.05.a). Any water body not fully supporting its beneficial uses will be provided Tier I protection for that use, unless specific circumstances warranting Tier II protection are met (IDAPA 58.01.02.052.05.c). The most recent federally approved Integrated Report and supporting data are used to determine support status and the tier of protection (IDAPA 58.01.02.052.05).

1.1 Pollutants of Concern

The primary pollutant of concern, for projects permitted under the 2020 NWP's administered by the ACOE, is sediment. In locations where heavy metals are present due to mining activities, or where high concentrations of nutrients may be associated with sediments, additional considerations may be necessary. If the project reduces riparian vegetation, then temperature (thermal loading) may also be of concern.

The procedures outlined in the Sediment Evaluation Framework for the Pacific Northwest¹ may be applied to assess and characterize sediment to determine the suitability of dredged material for unconfined aquatic placement, to determine the suitability of post dredge surfaces, and to predict effects on water quality during dredging (See Section 2.4 for more details).

As part of the Section 401 water quality certification, DEQ is requiring the applicant to comply with various conditions to protect water quality and to meet Idaho WQS, including the criteria applicable to sediment.

1.2 Receiving Water Body Level of Protection

The ACOE NWP's authorize construction activities in waters of the United States. In Idaho, jurisdictional waters of the state can potentially receive discharges either directly or indirectly from activities authorized under the NWP's. DEQ applies a water body by water body approach to determine the level of antidegradation protection a water body will receive. (IDAPA 58.01.02.052.05).

All waters in Idaho that receive discharges from activities authorized under a NWP will receive, at minimum, Tier I antidegradation protection because Idaho's Tier I antidegradation policy applies to all state waters (IDAPA 58.01.02.052.01). Water bodies that fully support their aquatic life or recreational uses are considered *high quality waters* and will receive Tier II antidegradation protection (IDAPA 58.01.02.051.02). Because of the statewide applicability, the antidegradation review will assess whether the NWP permit complies with both Tier I and Tier II antidegradation provisions (IDAPA 58.01.02.052.03).

Although Idaho does not currently have any Tier III designated outstanding resource waters (ORWs), it is possible for a water body to be designated as an ORW during the life of the NWP's.

¹ Northwest Regional Sediment Evaluation Team (RSET). 2018. Sediment Evaluation Framework for the Pacific Northwest. Prepared by the RSET Agencies, May 2018, 183 pp plus appendices.

Because of this potential, the antidegradation review also assesses whether the permit complies with the outstanding resource water requirements of Idaho’s antidegradation policy (IDAPA 58.01.02.051.03).

To determine the support status of the receiving water body, the most recent EPA-approved Integrated Report, available on Idaho DEQ’s website, is to be used:

<http://www.deq.idaho.gov/water-quality/surface-water/monitoring-assessment/integrated-report/>. (IDAPA 58.01.02.052.05).

High quality waters are identified in Categories 1 and 2 of the Integrated Report. If a water body is in either Category 1 or 2, it is a Tier II water body.

Unassessed waters are identified in Category 3 of DEQ’s Integrated Report. These waters require a case by case determination to be made by DEQ based on available information at the time of the application for permit coverage (IDAPA 58.01.02.052.05.b). For activities occurring on unassessed waters under this certification, DEQ has determined that complying with the conditions of the NWP, the regional conditions, and this certification will ensure the provisions of IDAPA 58.01.02.052 are met.

Impaired waters are identified in Categories 4 and 5 of the Integrated Report. Category 4(a) contains impaired waters for which a TMDL has been approved by EPA. Category 4(b) contains impaired waters for which controls other than a TMDL have been approved by EPA. Category 5 contains waters which have been identified as “impaired”, for which a TMDL is needed. These waters are Tier I waters, for the use which is impaired. With the exception, if the aquatic life uses are impaired for any of these three pollutants—dissolved oxygen, pH, or temperature—and the biological or aquatic habitat parameters show a healthy, balanced biological community, then the water body shall receive Tier II protection, in addition to Tier I protection, for aquatic life uses (IDAPA 58.01.02.052.05.c.i).

DEQ’s webpage also has a link to the state’s map-based Integrated Report which presents information from the Integrated Report in a searchable, map-based format:

<http://www.deq.idaho.gov/assistance-resources/maps-data/>.

Water bodies can be in multiple categories for different causes. If assistance is needed in using these tools, or if additional information/clarification regarding the support status of the receiving water body is desired, please feel free to contact your nearest DEQ regional office or the State Office (Table 1).

Table 1. Idaho DEQ Regional and State Office Contacts

<i>Regional Office</i>	<i>Address</i>	<i>Phone Number</i>	<i>Email</i>
Boise	1445 N. Orchard Rd., Boise 83706	208-373-0550	kati.carberry@deq.idaho.gov
Coeur d'Alene	2110 Ironwood Parkway, Coeur d'Alene 83814	208-769-1422	chantilly.higbee@deq.idaho.gov
Idaho Falls	900 N. Skyline, Suite B., Idaho Falls 83402	208-528-2650	troy.saffle@deq.idaho.gov
Lewiston	1118 "F" St., Lewiston 83501	208-799-4370	sujata.connell@deq.idaho.gov
Pocatello	444 Hospital Way, #300 Pocatello 83201	208-236-6160	matthew.schenk@deq.idaho.gov
Twin Falls	650 Addison Ave. W., Suite 110, Twin Falls 83301	208-736-2190	balthasar.buhidar@deq.idaho.gov
State Office	1410 N. Hilton Rd., Boise 83706	208-373-0502	jason.pappani@deq.idaho.gov

1.3 Protection and Maintenance of Existing Uses (Tier I Protection)

A Tier I review is performed for all new or reissued permits or licenses, applies to all waters subject to the jurisdiction of the Clean Water Act, and requires demonstration that existing uses and the level of water quality necessary to protect existing uses shall be maintained and protected (IDAPA 58.01.02.051.01; 052.01 and 04). The numeric and narrative criteria in the WQS are set at levels that ensure protection of existing and designated beneficial uses.

Water bodies not supporting existing or designated beneficial uses must be identified as water quality limited, and a total maximum daily load (TMDL) must be prepared for those pollutants causing impairment (IDAPA 58.01.02.055.02). Once a TMDL is completed, discharges of causative pollutants shall be consistent with the allocations in the TMDL (IDAPA 58.01.02.055.05). Prior to the completion of a TMDL, the WQS require the application of the antidegradation policy and implementation provisions to maintain and protect beneficial uses (IDAPA 58.01.02.055.04).

The general (non-numeric) effluent limitations in the NWP's and associated Regional Conditions for the ACOE Walla Walla District address best management practices (BMP's) aimed at minimizing impacts to the aquatic environment, especially sediment and turbidity impacts including: vegetation protection and restoration, de-watering requirements, erosion and sediment controls, soil stabilization requirements, pollution prevention measures, prohibited discharges, and wildlife considerations. Although the NWP's do not contain specific (numeric) effluent limitations for sediment or turbidity, the conditions identified in the permits and in this water quality certification will ensure compliance with DEQ's water quality standards, including the narrative sediment criteria (IDAPA 58.01.02.200.08) and DEQ's turbidity criteria (IDAPA 58.01.02.250.02.e).

In order to ensure compliance with Idaho WQS, DEQ has included a condition requiring the permittee(s) to comply with Idaho's numeric turbidity criteria, developed to protect aquatic life

uses. The criterion states, “Turbidity shall not exceed background turbidity by more than 50 nephelometric turbidity units (NTU)² instantaneously or more than 25 NTU for more than 10 consecutive days” (IDAPA 58.01.02.250.02.e). DEQ is requiring turbidity monitoring when project activities result in a discharge to waters of the United States that causes a visible sediment plume (IDAPA 58.01.02.054.01) (See Section 2.5 for more details).

If an approved TMDL exists for a receiving water body that requires a load reduction for a pollutant of concern, then the project must be consistent with the provisions of that TMDL (IDAPA 58.01.02.055.05).

For authorized activities requiring a pre-construction notification (PCN), the Corps will have the opportunity to evaluate the NWP activities on a case by case basis to ensure that the activity will not cause more than a minimal adverse environmental effect, individually and cumulatively. The Corps has agreed to forward the verification letters to the appropriate DEQ regional office (Table 1) for all authorized activities including the NWP activities that require a PCN. This will better inform DEQ of the authorized activities that are occurring throughout the state and determine if additional conditions will need to be implemented when the ACOE reissues the NWPs.

1.3.1 DEQ’s Determination

DEQ concludes that, given the nature of the activities authorized by the 2020 NWPs, such activities will comply with Idaho’s Tier I requirements under IDAPA 58.01.02.051.01 and 58.01.02.052.07, provided the permitted activities are carried out in compliance with the limitations and associated requirements of the 2020 NWPs, Regional Conditions, and conditions set forth in this water quality certification.

1.4 Protection of High-Quality Waters (Tier II Protection)

Water bodies that fully support their beneficial uses are recognized as high-quality waters and will be provided Tier II protection in addition to Tier I protection (IDAPA 58.01.02.051.02; 58.01.02.052.05.a). Water quality parameters applicable to existing or designated beneficial uses must be maintained and protected under Tier II, unless a lowering of water quality is deemed necessary to accommodate important economic or social development (IDAPA 58.01.02.051.02; 58.01.02.052.08).

The ACOE does not authorize projects with more than minimal individual and cumulative impacts on the aquatic environment under a NWP (33 U.S.C.A. § 1344(e)). As required by the National Environmental Policy Act (NEPA) the Corps has analyzed the individual and cumulative effects for the NWP activities. DEQ recognizes that short term changes in water quality may occur with respect to sediment as a result of the authorized activities, but has determined that adherence to the terms and conditions imposed by the permits, including the Regional Conditions set forth by the Army Corps of Engineers (ACOE or Corps), along with the conditions set forth in this water quality certification will ensure that there are no long-term adverse changes to water quality or beneficial use support as a result of any activity authorized under this certification (IDAPA 58.01.02.052.03). As a general principle, DEQ believes degradation of water quality should be viewed in terms of permanent or long-term adverse

²NTU is a unit of measure of the concentration of suspended particles in the water (turbidity). It is determined by shining a light through a sample and measuring the incident light scattered at right angles from the sample.

changes. Short-term or temporary reductions in water quality, if reasonable measures are taken to minimize them (such as the certification conditions in Section 2), may occur without triggering a Tier II analysis (IDAPA 58.01.02.052.03; 080.02).

To ensure proposed regulated activities will not cause more than minimal individual and cumulative impacts on the aquatic environment, certain NWP's require project proponents to notify district engineers (in the form of a PCN) of their proposed activities prior to conducting regulated activities. This level of review gives the district engineer the opportunity to evaluate activities on a case by case basis to determine whether additional conditions or mitigation requirements are warranted to ensure that the proposed activity results in no more than the minimal individual and cumulative impacts on the aquatic environment.

DEQ has denied certification for NWP 16, NWP 23, and NWP 53 (see Section 3.1); and for certain activities associated with NWP 3, NWP 12, NWP 13, NWP 14, NWP 21, NWP 29, NWP 39, NWP 40, NWP 42, NWP 43, NWP 44, NWP 50, NWP 51, NWP 52, NWP C, NWP D, and NWP E (see Section 3.2). Projects seeking coverage under these NWP's will need to request individual certification from DEQ. DEQ will consider any additional conditions or denial of certification if necessary to ensure no lowering of water quality occurs for any of these projects proposed on Tier II water.

Additionally, if an authorized project causes a visible sediment plume then turbidity monitoring is required (see Section 2.5 for more details).

1.4.1 DEQ's Determination

DEQ concludes that the activities authorized by the 2020 NWP's and this certification will comply with Idaho's Tier II requirements under IDAPA 58.01.02.051.02 and 58.01.02.052.08 providing permitted activities are carried out in compliance with the limitations and associated requirements of the 2020 NWP's, Regional Conditions, and conditions of this water quality certification.

1.5 Protection of Outstanding Resource Waters (Tier III Protection)

Idaho's antidegradation policy requires that the quality of outstanding resource waters (ORWs) be maintained and protected from the impacts of point and nonpoint source activities (IDAPA 58.01.02.051.03). No water bodies in Idaho have been designated as ORWs to date. Because it is possible waters may become designated during the term of the 2020 NWP's, DEQ has evaluated whether the NWP's comply with the ORW antidegradation provision.

DEQ has denied certification for any activities on any Outstanding Resource Water (ORW) (see Section 3) and is requiring that any activities proposed on an ORW apply for individual certification (see Section 2.3).

1.5.1 DEQ's Determination

DEQ concludes that the activities authorized by the 2020 NWP's and this certification will comply with Idaho's Tier III requirements under IDAPA 58.01.02.051.03 providing permitted activities are carried out in compliance with the limitations and associated requirements of the 2020 NWP's, Regional Conditions, and conditions of this water quality certification.

2 Conditions Necessary to Ensure Compliance with Water Quality Standards or Other Appropriate Water Quality Requirements of State Law

For all activities covered under this certification, the following conditions are necessary to ensure that permitted projects comply with water quality requirements.

2.1 *Design, Implementation, and Maintenance of Appropriate Best Management Practices*

Best Management Practices (BMPs) must be designed, implemented, and maintained by the permittee to fully protect and maintain the beneficial uses and ambient water quality of waters of the state and to prevent exceedances of WQS (IDAPA 58.01.02.350.01.a).

BMPs must be selected and properly installed. Proper installation and operation of BMPs are required to ensure the provisions of IDAPA 58.01.02.052 are met. In order to ensure that BMPs are operating properly and to demonstrate that degradation has not occurred, the permittee must monitor and evaluate BMP effectiveness daily during project activities to assure that water quality standards are being met.

Approved BMPs for specific activities (mining, forestry, stream channel alteration, etc.) are codified in IDAPA 58.01.02.350. Additionally, DEQ provides a catalog of storm water best management practices, available at: <http://www.deq.idaho.gov/media/60184297/stormwater-bmp-catalog.pdf>. This catalog presents a variety of BMPs that can be used to control erosion and sediment during and after construction. Other sources of information are also available and may be used for selecting project appropriate BMPs.

This condition is necessary meet the following water quality requirements:

Control of erosion, sediment, and turbidity to maintain beneficial use support and compliance with the following water quality standards:

- General Surface Water Criteria for Sediment (IDAPA 58.01.02.200.08)
- Numeric Turbidity Criteria for Aquatic Life (IDAPA 58.01.02.250.02.e)
- Numeric turbidity criteria for protection of domestic water supply (IDAPA 58.01.02.252.01.b)
- Point source wastewater treatment requirements (IDAPA 58.01.02.401.02)

2.2 *TMDL Compliance*

If there is an approved or established TMDL, then the permittee must comply with the established loads in the TMDL. Approved TMDLs can be found on DEQ's website (<https://www.deq.idaho.gov/water-quality/surface-water/tmdls/table-of-sbas-tmdls/>) or by contacting the appropriate regional office contact (Table 1).

This condition is necessary to meet the following water quality requirements:

Ensure projects are consistent with waste load and load allocations established in approved TMDLs (IDAPA 58.01.02.055.04 and .05).

2.3 Outstanding Resource Waters

If waters become designated as ORWs during the term of the NWP, a permittee proposing a project on an ORW must contact the appropriate DEQ regional office and apply for individual certification.

This condition is necessary to meet the following water quality requirements:

Ensure there is no lowering of water quality in any ORW as required by the Idaho Antidegradation Policy (IDAPA 58.01.02.051.03).

2.4 Fill Material

Material subject to suspension, including suspended dredge material, shall be free of easily suspended fine material. The fill material to be placed in waters of the United States shall be clean material only. If dredged material is proposed to be used as fill material and there is a possibility the material may be contaminated, then the permittee must apply the procedures in the *Sediment Evaluation Framework for the Pacific Northwest* (RSET, 2018) to assess and characterize sediment to determine the suitability of dredged material for unconfined-aquatic placement; determine the suitability of post dredge surfaces; and to predict effects on water quality during dredging.

This condition is necessary to meet the following water quality requirements:

Prevent suspension of fine sediment and turbidity in order to provide beneficial use support and compliance with the following water quality standards:

- General Surface Water Criteria for Sediment (IDAPA 58.01.02.200.08)
- Numeric Turbidity Criteria for Aquatic Life (IDAPA 58.01.02.250.02.e)
- Numeric turbidity criteria for protection of domestic water supply (IDAPA 58.01.02.252.01.b)
- Point source wastewater treatment requirements (IDAPA 58.01.02.401.02)

Prevent suspension of hazardous, toxic, or deleterious materials or other pollutants that may be associated with fill material in order to ensure beneficial use support and compliance with the following water quality standards:

- General Surface Water Criteria for hazardous materials (IDAPA 58.01.02.200.01), toxic substances (IDAPA 58.01.02.200.02), deleterious materials (IDAPA 58.01.02.200.03), excess nutrients (IDAPA 58.01.02.200.06), or oxygen demanding materials (IDAPA 58.01.02.200.09)
- Numeric toxics criteria for aquatic life and human health (IDAPA 58.01.02.210)

2.5 Turbidity

If no visible sediment plume is present, it is reasonable to assume that there is no potential violation of the water quality criteria for turbidity (IDAPA 58.01.02.250.02.e). Therefore, turbidity monitoring is only required when activities cause a visible sediment plume.

A properly and regularly calibrated turbidimeter is required for measurements analyzed in the field, but grab samples may be collected and taken to a laboratory for analysis. When monitoring is required a sample must be taken at an undisturbed area immediately up-current from in-water disturbance or discharge to establish background turbidity levels. Background turbidity, latitude/longitude, date, and time must be recorded prior to monitoring down-current. Then a sample must be collected immediately down-current from the in-water disturbance or point of discharge and within any visible sediment plume. The turbidity, latitude/longitude, date, and time must be recorded for each sample. The downstream sample must be taken immediately following the upstream sample in order to obtain meaningful and representative results.

Results from the down-current sampling point must be compared to the up-current or background level to determine whether project activities are causing an exceedance of state WQS. If the downstream turbidity is 50 NTUs or more greater than the upstream turbidity, then the project is causing an exceedance of the WQS (IDAPA 58.01.02.250.02.e).

Any exceedance of the turbidity standard must be reported to the appropriate DEQ regional office (Table 1) within 24 hours.

The following steps should be followed to ensure compliance with the turbidity standard:

1. If a visible plume is observed, collect turbidity measurements at 1) an upstream location; and, 2) from within the plume, and compare the results to Idaho's instantaneous numeric turbidity criterion (50 NTU over background).
2. If turbidity in the plume is less than 50 NTU instantaneously over the background turbidity continue monitoring as long as the plume is visible. If turbidity exceeds background turbidity by more than 50 NTU instantaneously then stop all earth disturbing construction activities immediately and proceed to Step 3. If turbidity exceeds background turbidity by more than 25 NTU, or if a visible plume is observed for more than 10 consecutive days, then stop all earth disturbing construction activities and proceed to Step 3.
3. Notify the appropriate DEQ regional office within 24 hours of any turbidity criteria exceedance. Take action to address the cause of the exceedance. That may include inspecting the condition of project BMPs. If the BMPs are functioning to their fullest capability, then the permittee must modify project activities and/or BMPs to correct the exceedance.
4. Earth disturbing activities may continue once turbidity readings return to within 50 NTU over background instantaneously; or, if turbidity has exceeded 25 NTU over background for more than ten consecutive days, once turbidity readings have no longer exceeded 25 NTU over background for at least 24 consecutive hours.

Copies of daily logs for turbidity monitoring must be available to DEQ upon request. The report must describe all exceedances and subsequent actions taken, including the effectiveness of the action.

This condition is necessary to meet the following water quality requirements:

Ensure that activities do not impair beneficial uses, and ensure and document compliance with the following water quality standards:

- General Surface Water Criteria for Sediment (IDAPA 58.01.02.200.08)
- Numeric Turbidity Criteria for Aquatic Life (IDAPA 58.01.02.250.02.e)
- Numeric turbidity criteria for protection of domestic water supply (IDAPA 58.01.02.252.01.b)

2.6 Mixing Zones

No mixing zones are authorized through this certification. If a mixing zone, or alternatively, a point of compliance, is desired, the permittee must apply for an individual certification and must contact the appropriate DEQ regional office (Table 1) to request authorization for a mixing zone.

This condition is necessary to meet the following water quality requirements:

Ensure any mixing zone is properly authorized in accordance with the Idaho Mixing Zone Policy (IDAPA 58.01.02.060).

2.7 Culverts

To prevent road surface and culvert bedding material from entering a stream, culvert crossings must include best management practices to retain road base and culvert bedding material. For perennial waters, the permittee should consider the Idaho Stream Channel Alterations rules (IDAPA 37.03.07). Another source of BMPs for culvert installation can be found in the Idaho Forest Practices Act (IDAPA 20.20.01). Examples of best management practices include, but are not limited to: parapets, wing walls, inlet and outlet rock armoring, compaction, suitable bedding material, anti-seep barriers such as bentonite clay, or other acceptable roadway retention systems.

This condition is necessary to meet the following water quality requirements:

Control of erosion, sediment, and turbidity to provide beneficial use support and compliance with the following water quality standards:

- General Surface Water Criteria for Sediment (IDAPA 58.01.02.200.08)
- Numeric Turbidity Criteria for Aquatic Life (IDAPA 58.01.02.250.02.e)
- Numeric turbidity criteria for protection of domestic water supply (IDAPA 58.01.02.252.01.b)

2.8 Wood Preservatives

DEQ's [Guidance for the Use of Wood Preservatives and Preserved Wood Products In or Around Aquatic Environments](#) must be considered when using treated wood materials in the aquatic environment. Within this guidance document DEQ references the [Best Management Practices](#)

[*for the Use of Treated Wood in Aquatic and Wetland Environments*](#)³. This document provides recommended guidelines for the production and installation of treated wood products destined for use in sensitive environments.

This condition is necessary to meet the following water quality requirements:

Ensure that toxic chemicals are not introduced into waters and to ensure compliance with the following water quality standards:

- General Surface Water Criteria for hazardous materials (IDAPA 58.01.02.200.01), toxic substances (IDAPA 58.01.02.200.02), and deleterious materials (IDAPA 58.01.02.200.03)
- Numeric toxics criteria for aquatic life and human health (IDAPA 58.01.02.210)

2.9 Reporting of Discharges Containing Hazardous Materials or Deleterious Materials

All spills of hazardous material, deleterious material or petroleum products which may impact waters (ground and surface) of the state shall be immediately reported. Call 911 if immediate assistance is required to control, contain or clean up the spill. If no assistance is needed in cleaning up the spill, contact the appropriate DEQ regional office in Table 2 during normal working hours or Idaho State Communications Center after normal working hours. If the spilled volume is above federal reportable quantities, contact the National Response Center.

For immediate assistance: Call 911

National Response Center: (800) 424-8802

Idaho State Communications Center: (800) 632-8000

Table 2. Idaho DEQ regional contacts for reporting discharge or spill of hazardous or deleterious materials.

<i>Regional Office</i>	<i>Toll Free Phone Number</i>	<i>Phone Number</i>
Boise	888-800-3480	208-373-0550
Coeur d'Alene	877-370-0017	208-769-1422
Idaho Falls	800-232-4635	208-528-2650
Lewiston	877-541-3304	208-799-4370
Pocatello	888-655-6160	208-236-6160
Twin Falls	800-270-1663	208-736-2190

³ Western Wood Preservers Institute, [Wood Preservation Canada](#), [Southern Pressure Treaters' Association](#), and [Southern Forest Products Association](#). 2011. "Best Management Practices: For the Use of Treated Wood in Aquatic and Wetland Environments" Vancouver, WA: Western Wood Preservers Institute.

This condition is necessary to meet the following water quality requirements:

Ensure compliance with the following water quality standards:

- Hazardous Material Spills (IDAPA 58.01.02.850)
- Petroleum release reporting, investigation, and confirmation (IDAPA 58.01.02.851)
- Petroleum release response and corrective action (IDAPA 58.01.02.852)

2.10 Other Conditions

This certification is conditioned upon the requirement that if there are material modifications of the NWP or the permitted activities—including without limitation, significant changes from the draft NWP to final NWP, or significant changes to the draft Regional Conditions, then DEQ must re-evaluate the certification to determine compliance with Idaho WQS and to provide additional certification pursuant to Section 401.

This condition is necessary to ensure that DEQ can evaluate any material modification to ensure it meets water quality requirements and complies with the Idaho antidegradation policy (IDAPA 58.01.02.051) and its implementation (IDAPA 58.01.02.052), general surface water quality criteria (200), numeric toxics criteria for aquatic life and human health (IDAPA 58.01.02.210), numeric criteria for aquatic life (IDAPA 58.01.02.250), recreation (IDAPA 58.01.02.251), and water supply uses (IDAPA 58.01.02.252).

3 Projects for Which Certification Is Denied

DEQ cannot certify that the following activities will comply with water quality requirements, including State WQS and other appropriate requirements of state law, and is therefore denying certification for the activities listed below.

For activities for which certification has been denied, the applicant will be required to request an individual certification before the activity can be conducted. Individual certification requests will provide DEQ with the opportunity to review project details and determine if additional conditions are necessary to ensure that water quality requirements will be met.

Upon review and evaluation of individual certification requests, DEQ may 1) certify without condition, 2) provide individual certification with conditions necessary to ensure water quality requirements will be met, or 3) deny certification for projects that will not meet water quality requirements.

3.1 NWP denied

DEQ denies certification for all activities proposed to occur on waters designated as ORWs during the term of the permit. This denial is necessary to ensure compliance with the water quality requirements of Idaho's antidegradation policy (IDAPA 58.01.02.051.03) and implementation procedures (IDAPA 58.01.02.052.09.g).

In addition, the following NWP's are denied certification for all Idaho waters. Projects seeking coverage under these NWP's must request individual certification from DEQ.

NWP 16 - Return Water from Upland Contained Disposal Areas

Basis for denial:

Return water from upland disposal areas has the potential to contribute turbidity, sediment, and other toxic and non-toxic pollutants to receiving waters.

To ensure that discharge from upland contained disposal areas meets water quality requirements, DEQ must evaluate the quality of the return water and evaluate the potential pollutants associated with return water on a case-by-case basis to determine compliance with general surface water quality criteria (IDAPA 58.01.02.200); numeric toxics criteria for aquatic life and human health (IDAPA 58.01.02.210); and use specific criteria for aquatic life (IDAPA 58.01.02.250), recreation (IDAPA 58.01.02.251), and water supply uses (IDAPA 58.01.02.252).

NWP 23 - Approved Categorical Exclusions

Basis for denial:

DEQ is unable to determine that meeting the requirements for categorical exclusion under the National Environmental Policy Act will meet state water quality requirements.

DEQ will evaluate categorically excluded activities on a case-by-case basis to determine compliance with general surface water quality criteria (IDAPA 58.01.02.200); numeric toxics criteria for aquatic life and human health (IDAPA 58.01.02.210); and use specific criteria for aquatic life (IDAPA 58.01.02.250), recreation (IDAPA 58.01.02.251), and water supply uses (IDAPA 58.01.02.252).

NWP 53 – Removal of Low-Head Dams

Basis for denial:

Material released from the removal of low head dams has the potential to contribute turbidity, sediment, and other toxic and non-toxic pollutants to receiving waters.

In order to ensure that release of materials from the removal of low head dams meets water quality requirements, DEQ must evaluate the potential pollutants associated with this release on a case-by-case basis to determine compliance with general surface water quality criteria (IDAPA 58.01.02.200); numeric toxics criteria for aquatic life and human health (IDAPA 58.01.02.210); and use specific criteria for aquatic life (IDAPA 58.01.02.250), recreation (IDAPA 58.01.02.251), and water supply uses (IDAPA 58.01.02.252).

3.2 NWP's partially denied

The following activities have the potential to disturb significant areas and could disturb a significant fraction of entire Assessment Units, causing permanent and significant impairment of designated and existing beneficial uses. The conditions associated with the NWP, regional conditions, and the conditions associated with this certification are not sufficient to provide DEQ with assurance that projects of this magnitude would not result in impairment of existing or

designated beneficial uses in all waters, and potentially increase degradation in high quality (Tier II) waters.

In order to meet the requirements of Idaho's antidegradation implementation procedures (IDAPA 58.01.02.052), ensure that beneficial uses are not impaired, and ensure compliance with general surface water quality criteria for sediment (IDAPA 58.01.02.200.08), DEQ must evaluate these projects on a case-by-case basis and provide individual certification where applicable.

3.2.1 NWPs 3, 13, and 14

The 2020 NWPs 3, 13, and 14 require preconstruction notification (PCN) for certain activities when it is necessary for the district engineer to review activities to ensure only minimal adverse environmental effects.

While the additional district engineer review is intended to ensure that activities will cause only minimal adverse environmental effects, it is not reasonable to expect that the district engineer review will consider the requirements of Idaho's antidegradation implementation procedures (IDAPA 58.01.02.052) when making their determination. Consequently, DEQ cannot certify that activities requiring PCN under these NWPs would not cause degradation of water quality, and therefore cannot certify that these activities would meet Idaho's antidegradation implementation procedures (IDAPA 58.01.02.052).

Therefore, DEQ is denying certification for the following activities that require PCN under the proposed 2020 NWPs:

NWP 3 – Maintenance

Activities Denied Certification

- Activities authorized by paragraph (b) of NWP 3

NWP 13 – Bank Stabilization

Activities Denied Certification:

- activities involving discharge into special aquatic sites;
- activities in excess of 500 linear feet;
- activities that involve discharge of greater than one cubic yard per running foot measured along the length of the treated bank below the plane of the ordinary high water mark

NWP 14 – Linear Transportation Projects

Activities Denied Certification:

- activities resulting in the loss of waters of the United States in excess of 1/10 acre;
- discharge in a special aquatic site, including wetlands

3.2.2 NWPs 12, C, and D

The 2017 NWP 12 included activities proposed to be permitted under the 2020 NWPs C and D.

The 2017 NWP 12 required PCN for activities that, among other thresholds, involved mechanized clearing in forested wetlands, exceeded 500 linear feet, or that resulted in loss of greater than 1/10 acre of waters of the United States. The 2020 NWP proposes removal of these thresholds for PCN, and does not require additional review from the ACOE district engineer to ensure only minimal adverse environmental effects.

Without the requirement for PCN and additional review from the district engineer, DEQ cannot certify that these activities will not result in degradation. Therefore, DEQ is denying certification for the following activities:

NWP 12 – Oil or Natural Gas Pipeline Activities

Activities Denied Certification:

- activities that involve mechanized clearing of a wooded wetland;
- oil or natural gas pipelines in waters of the United States that exceed 500 linear feet or that run adjacent to a water body for greater than 500 linear feet;
- activities where discharge will result in loss of greater than 1/10-acre, as determined by ACOE, of waters of the United States

NWP C – Electric Utility Line and Telecommunications Activities

Activities Denied Certification:

- activities that involve mechanized clearing of a wooded wetland;
- electric utility line and telecommunications activities in waters of the United States that exceed 500 linear feet;
- activities where discharge will result in loss of greater than 1/10-acre, as determined by ACOE, of waters of the United States

NWP D – Utility Line Activities for Water and Other Substances

Activities Denied Certification:

- activities that involve mechanized clearing of a wooded wetland;
- utility line activities in waters of the United States that exceed 500 linear feet;
- activities where discharge will result in loss of greater than 1/10-acre, as determined by ACOE, of waters of the United States

3.2.3 NWPs 21, 29, 39, 40, 42, 43, 44, 50, 51, 52, and E

The 2017 NWPs for the following activities had a 300 linear foot limit for losses of stream bed. The 2020 NWP proposes removal of the 300 linear foot limit for losses of stream bed and instead rely solely on the ½ acre limit.

The median bankfull width measured from 48 wadeable streams monitored in 2010 as part of DEQ's Beneficial Use reconnaissance Program (BURP) was 19.7 feet. A loss of ½ acre at this stream width would correspond to 1,105 linear feet of loss, or the equivalent of 0.2 miles of stream. DEQ cannot certify that losses of this magnitude of stream bed, or that losses of stream

bed based solely on the ½ acre limit, would not result in permanent degradation. Therefore, DEQ is denying certification for the following activities that exceed the 300 linear foot limit previously imposed by the 2017 NWP:

NWP 21 – Surface Coal Mining Activities

Activities Denied Certification:

- activities resulting in loss in excess of 300 linear feet of streambed
- activities resulting in loss in excess of ½ acre of jurisdictional wetlands

NWP 29 – Residential Developments

Activities Denied Certification:

- activities resulting in loss in excess of 300 linear feet of streambed
- activities resulting in loss in excess of ½ acre of jurisdictional wetlands

NWP 39 – Commercial and Institutional Developments

Activities Denied Certification:

- activities resulting in loss in excess of 300 linear feet of streambed
- activities resulting in loss in excess of ½ acre of jurisdictional wetlands

NWP 40 – Agricultural Activities

Activities Denied Certification:

- activities resulting in loss in excess of 300 linear feet of streambed
- activities resulting in loss in excess of ½ acre of jurisdictional wetlands

NWP 42 – Recreational Facilities

Activities Denied Certification:

- activities resulting in loss in excess of 300 linear feet of streambed
- activities resulting in loss in excess of ½ acre of jurisdictional wetlands

NWP 43 – Stormwater Management Facilities

Activities Denied Certification:

- activities resulting in loss in excess of 300 linear feet of streambed
- activities resulting in loss in excess of ½ acre of jurisdictional wetlands

NWP 44 – Mining Activities

Activities Denied Certification:

- activities resulting in loss in excess of 300 linear feet of streambed
- activities resulting in loss in excess of ½ acre of jurisdictional wetlands

NWP 50 – Underground Coal Mining Activities

Activities Denied Certification:

- activities resulting in loss in excess of 300 linear feet of streambed
- activities resulting in loss in excess of ½ acre of jurisdictional wetlands

NWP 51 – Land Based Renewable Energy Generation Facilities

Activities Denied Certification:

- activities resulting in loss in excess of 300 linear feet of streambed
- activities resulting in loss in excess of ½ acre of jurisdictional wetlands

*NWP 52 – Water-Based Renewable Energy Generation Pilot Projects***Activities Denied Certification:**

- activities resulting in loss in excess of 300 linear feet of streambed
- activities resulting in loss in excess of ½ acre of jurisdictional wetlands

*NWP E – Water Reclamation and Reuse Facilities***Activities Denied Certification:**

- activities resulting in loss in excess of 300 linear feet of streambed
- activities resulting in loss in excess of ½ acre of jurisdictional wetlands

4 Right to Appeal Final Certification

The final Section 401 Water Quality Certification may be appealed by submitting a petition to initiate a contested case, pursuant to Idaho Code § 39-107(5) and the “Rules of Administrative Procedure before the Board of Environmental Quality” (IDAPA 58.01.23), within 35 days of the date of the final certification.

Questions or comments regarding the actions taken in this certification should be directed to Jason Pappani, State Office IDEQ, at (208) 373-0515 or via email at jason.pappani@deq.idaho.gov.



Mary Anne Nelson, PhD

Surface and Wastewater Division
Administrator



MEMORANDUM

TO: James Joyner, Chief, Upper Snake and Idaho Panhandle Branch, U.S. Army Corps of Engineers

FROM: Mary Anne Nelson, Surface and Wastewater Division Administrator of the Department of Environmental Quality

DATE: 01/10/23

SUBJECT: 2020 Final § 401 Water Quality Certification Contact and Hyperlink Updates

The Department of Environmental Quality (DEQ) is submitting an update for agency contacts and hyperlinks to be included as an attachment to the § 401 Water Quality Certification dated December 4, 2020, upon authorization of a federal permit or license.

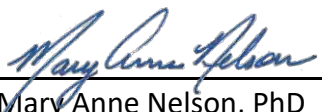
Table 1. DEQ state and regional office contacts.

Regional Office	Address	Phone Number	Email
Boise	1445 N. Orchard St., Boise, ID 83706	(208) 373-0490	chase.cusack@deq.idaho.gov
Coeur d'Alene	2110 Ironwood Parkway, Coeur d'Alene, ID 83814	(208) 666-4605	chantilly.higbee@deq.idaho.gov
Idaho Falls	900 N. Skyline, Suite B., Idaho Falls, ID 83402	(208) 528-2679	alex.bell@deq.idaho.gov
Lewiston	1118 "F" St., Lewiston, ID 83501	(208) 799-4874	sujata.connell@deq.idaho.gov
Pocatello	444 Hospital Way, #300 Pocatello, ID 83201	(208) 239-5007	matthew.schenk@deq.idaho.gov
Twin Falls	650 Addison Ave. W., Suite 110, Twin Falls, ID 83301	(208) 737-3877	sean.woodhead@deq.idaho.gov
State Office	1410 N. Hilton St., Boise, ID 83706	(208) 373-0570	tambra.phares@deq.idaho.gov

Table 2. Updated hyperlinks.

Section	Hyperlink
1.2	Integrated Report
1.2	Final 2022 Integrated Report Interactive Mapper
2.1	Catalog of Storm Water Best Management Practices
2.2	Approved TMDLs
2.8	Guidance for the Use of Wood Preservatives and Preserved Wood Products In or Around Aquatic Environments
2.8	Best Management Practices for the Use of Treated Wood in Aquatic and Wetland Environments

Please direct questions or comments about the actions taken in the 2020 Final § 401 Water Quality Certification to Tandra Phares, State Office DEQ, (208) 373-0187, or email at tandra.phares@deq.idaho.gov.

APPROVAL:  _____ 01/10/2023
Mary Anne Nelson, PhD Date
Department of Environmental Quality
Surface and Wastewater Division Administrator



Planning and Zoning Commission
Nampa Paving and Asphalt Co. – CU2023-0008

Development Services Department

Findings of Fact, Conclusions of Law, Conditions of Approval, and Order

Nampa Paving and Asphalt Co. – CU2023-0008 (Amending CU2022-0033)

Findings of Fact

1. Nampa Paving & Asphalt Co., represented by Quadrant Consulting, Inc., is requesting a conditional use permit modification to Case No. CU2022-0033 regarding a long-term mineral extraction use on parcels R34061 & R34144. The request revises the approved site plan showing an increase in the footprint of the extraction area.
2. On October 21, 2022, a conditional use permit was approved with 13 conditions of approval for the following: *Use Permit to allow a long-term mineral extraction use on Parcels R34061 and R34144 (approximately 136.9 acres total) to include sand and gravel extraction, staging, and crushing. The proposed mineral extraction will expand an existing approved operation (CU2018-0015) and will be tied to the conditions of that approval requiring operations to cease by November 3, 2037. See Exhibits 4, 5 & 6 of the Staff Report.*
3. The parcels are zoned “A” (Agricultural). The Future Land Use Map within the 2030 Canyon County Comprehensive Plan designates the parcels as “Agriculture”.
4. The subject properties are located within Caldwell’s Area of City Impact.
5. The subject properties are located within Canyon Highway District No. 4, Caldwell Rural Fire District, Vallivue School District, and Franklin Ditch Company jurisdiction.
6. A neighborhood meeting was conducted in accordance with CCZO §07-01-15 on May 2, 2023.
7. Notifications were made in accordance with CCZO §07-05-01. Affected agencies were noticed on October 3, 2023, and November 15, 2023. JEPA notice sent October 3, 2023, per CCCO Section 09-01-17(3). A newspaper notice was published on November 24, 2023. Property owners within 600’ were notified by mail on November 15, 2023. The property was posted on December 1, 2023.
 - a. On January 4, 2024, the Planning and Zoning Commission continued the hearing of Case CU2023-0008 to a date uncertain to give the applicant time to get the pit expansion into wetlands approved by the Idaho Department of Water Resources and U.S Army Corp of Engineers (Exhibit 8, Staff Report).
 - i. Case CU2023-0008 was scheduled for the March 21, 2024 hearing. Notifications were made in accordance with CCZO §07-05-01. Affected agencies were noticed on February 6, 2024. A newspaper notice was published on February 9, 2024. Property owners within 600’ were notified by mail on February 6, 2024. The property was posted on February 14, 2024.
 - b. On March 21, 2024, the hearing of Case CU2023-0008 was continued by the Planning and Zoning Commission to a date certain, April 4, 2024.
8. The record includes all testimony, staff reports, exhibits, and documents in the Case File. CU2023-0008.

Conclusions of Law

For case file CU2023-0008 amending CU2022-0033, the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for Conditional Use Permit (§07-07-05).

1. Is the proposed use permitted in the zone by conditional use permit?

Conclusion: The subject property is zoned “A” (Agricultural). Long-term mineral extraction and associated uses are allowed by conditional use permit (CUP) in the agricultural zone

(CCZO §07-10-27).

Finding: Canyon County Zoning Ordinance, §07-10-27 allows the proposed use as a conditional use permit in accordance with Use Standards §07-14-19 Mineral Extraction Long Term in the “A” (Agricultural) zone. The subject property is zoned “A” (Agricultural; Page 50 of Exhibit 5, Staff Report).

2. What is the nature of the request?

The approval of CU2022-0033 allowed Nampa Paving and Asphalt Co to establish a long-term mineral extraction permit with mining, excavation, staging, access, and stockpiling to occur on approximately 52 acres of approximately 114-acre subject properties (Exhibit 4 & 5, Staff Report). The proposed modification expands the gravel extraction from 52 acres to 74 acres (Attachment A). The applicant is proposing the following:

- Site Facilities: Site facilities would include a parking area and fuel storage. An existing scale from the adjacent operation will be utilized for the use.
- Duration: Not to exceed 15 years (November 3, 2037, CU2022-0033 – Exhibit 4 of the Staff Report).
- Employees: Up to 15 employees during peak operations.
- Hours of Operation:

<i>Normal Operations</i>	7 a.m. to 7 p.m. Monday through Saturday
<i>Temporary Operations</i>	24 hour per day seven days per week operations as required by projects that require nighttime delivery of materials.
<i>Crushing Operations</i>	Restricted to between 7 a.m. through 7 p.m.
- Access and Hauling: Lincoln Road will be utilized for access with internal roadways serving the site. The access was approved for the operation of the adjacent site (CU2018-0015 & CU2022-0033).
- Dust Control: Regular watering is proposed to minimize dust on haul roads. Due to the high water table, the material being removed will be wet.
- Reclamation Plan: A reclamation plan was approved by the Idaho Department of Lands on June 20, 2023 (Attachment B).
- Floodplain: Per Exhibit 3a, mineral extraction expansion activities are depicted in the master application site plan as, Pit 1 and Pit 2. FEMA-approved CLOMR Case No. 23-10-0172X, and Conditional LOMR Case No. 22-10-0727R (Exhibit 2e, Staff Report), indicate Pit 1 and Pit 2, are located outside of the SFHA floodway. County floodplain development permits shall be issued before Pit 1 and Pit 2 extraction commencement. Upon completion of mineral extraction activities and reclamation, an approved Letter of Map Revision (LOMR) shall be provided to Canyon County Development Services. Mineral extraction activities shall take place outside the SFHA floodway boundary.

The proposed wetland mitigation/restoration plan is located within the SFHA floodway boundary. Application has been made and has been approved, subject to conditions, by the U.S Army Corp of Engineers (USACE) and the Idaho Department of Water Resources (IDWR, Exhibit 2f, 9 & 10, Staff Report). The proposed No-rise Certification for the floodway encroachment meets Federal and County floodplain regulations. CCO 07-10A-11(4)(A)(1) 44CFR 60.3(d)(3).

The No-rise Certification, hydrology data, and floodplain development permit application for the wetland mitigation shall be provided to the Canyon County Floodplain Manager before the floodway encroachment. All required outside agency approvals shall also be included with the

floodplain development permit application. CCCO 07-10A-09(1)(G) & 44CFR 60.3(a)(2). See Amended Conditions of Approval 8 & 9

3. Is the proposed use consistent with the Comprehensive Plan?

Conclusion: The proposed use is consistent with the 2030 Canyon County Comprehensive Plan.

Finding: The Future Land Use designation for the area is Agricultural. The proposed use is consistent with multiple goals and policies of the Comprehensive Plan including but not limited to:

- *G3.05.00: Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.*
- *G4.03.00: Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning.*
 - *P4.03.03: Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility.*
- *G5.03.00: Support the conservation of productive mineral lands and discourage incompatible uses upon or adjacent to these lands.*
- *P5.03.01: Sand and gravel mining operations should be located to avoid adverse impacts to the river channel and promote compatibility with adjacent uses.*

4. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?

Conclusion: As conditioned, the proposed use will not change the essential character of the area. The primary land uses in the area are mineral extraction and agricultural crop production. Noise, dust, and traffic are associated with mining operations and can have a negative impact on properties in the immediate vicinity but will not change the character of the area.

Finding: The subject parcels and surrounding area are zoned “A” (Agricultural). The majority of land in the immediate area is used as agricultural land, mineral extraction, and sporadic homesites. The use is consistent with the essential character of the area. Nampa Paving and Asphalt Co. and/or any future operator must meet all federal, state, and local permitting requirements for the proposed uses on the property including mineral extraction and crushing operations. (Condition 1, 10, and 12)

5. Will adequate water, sewer, irrigation, drainage, and storm water drainage facilities, and utility systems be provided to accommodate the use?

Conclusion: Adequate facilities for sewer, irrigation, drainage, stormwater drainage facilities, and utility systems will be required at the time of development. The applicant shall comply with all federal, state, and local jurisdiction rules, regulations, and permitting requirements and the applicant shall not disrupt the irrigation structures, canals, or ditches on the property and shall not affect the upstream and downstream users of those systems as conditioned herein.

Finding: There are irrigation structures and ditches that are located on the subject properties and these structures shall remain undisturbed by the mining operations. Modifications of any irrigation structures, ditches, and drainages shall be in accordance with irrigation district permitting requirements and without disruption to water users. The applicant shall comply with all federal, state, and local permitting requirements concerning human-generated waste, dewatering, and mitigation of environmental contamination. (Condition 1, 5, and 11).

6. Does legal access to the subject property for the development exist or will it exist at the time of development?

Conclusion: Legal access to the subject properties currently exists.

Finding: Lincoln Road will be utilized for access with internal roadways serving the site. The access was approved for the operation of the adjacent site (CU2018-0015). The operator shall comply with Canyon Highway District No. 4 requirements (Condition 1).

7. Will there be undue interference with existing or future traffic patterns?

Conclusion: No evidence has been provided that the mining of the subject properties will create undue interference with existing or future traffic patterns.

Finding: The proposed haul route is Lincoln Road. Nampa Paving and Asphalt shall comply with the requirements of Canyon Highway District 4 (Conditions 1 and 13). Idaho Transportation Department (ITD) finds the expansion of the pit will not increase trips; and therefore, will not trigger a Traffic Impact Study (TIS). Therefore, ITD has no concerns (Exhibit 3b, Staff Report).

8. Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?

Conclusion: Essential Services are available in the area and the proposed use will not impact existing services.

Finding: Agencies were notified of the intended use. No comments were received indicating that services would not be provided or negatively impacted by this application.

Additional Standards Canyon County Code §09-01-21 (Area of City Impact Agreement)

Conclusion: Notice of the public hearing was provided per CCZO §07-05-01. The property is located within the Caldwell Area of City Impact. A notice was sent to the City on October 3, 2023, per Canyon County Code Section 09-01-21.

Finding: The subject property is located in the Caldwell Area of City Impact.

Section 09-01-21 of the Ordinance states: *All proposed amendments to the text and/or map of the Canyon County zoning ordinance or subdivision regulations, which may relate to the Caldwell area of city impact, shall be referred by the county to the city of Caldwell in the same manner as provided for in subsection 09-01-17(3) of this article. Any recommendation of the city of Caldwell shall be considered in the same manner as provided for in subsection 09-01-17(3) of this article.* A comment letter from the City of Caldwell received and reviewed as part of CU2022-0033 designated the properties as “Residential Estates” in the City’s future land use map. Due to the parcels being

located in a floodplain and adjacent to similar uses, the City did not oppose the request (Page 57 of Exhibit 5, Staff Report).

Pursuant to Section 09-01-17(3) of the Ordinance, notice shall be provided to the City of Caldwell at least 30 days prior to the first public hearing. An official notice was provided on October 3, 2023. A hearing notice was provided on November 15, 2023. No comments were received from the City of Caldwell regarding the requested modification.

Additional Standards §07-14-19 Mineral Extraction Long-Term

When deciding on a conditional use permit for the use, the decision-making body shall consider the following:

1. The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses;

Conclusion: The use is compatible with the surrounding properties.

Finding: The primary use of the surrounding properties is mineral extraction and agricultural production. The property is currently approved for mineral extraction (CU2022-0033; Exhibit 4, Staff Report). Four approved mineral extraction sites are located in the immediate vicinity of the subject parcels: Canyon Highway District No. 4 (R34069-010, CU2002-1), Idaho Materials/Oldcastle MMG Inc. (R3467010 & R34071, CU2003-284), Sunroc Corporation (R34067, PH2016-66), and Nampa Paving and Asphalt (R34063010, R34063010A, R34063011, R34062011, R34164011, CU2018-0015).

2. Duration of the proposed use;

Conclusion: The proposed duration of the operation is no more than 15 years (November 3, 2037) as approved via CU2022-0033 (Exhibit 4, Staff Report).

Finding: According to CCZO 07-07-23: Provisions for Land Use Time Limitations; “gravel pits are exempt from commencement and time completion requirements. The presiding party has the discretionary power to establish commencement and completion requirements as specific conditions of approval for gravel pits.” The applicant is requesting a permit to operate for a duration of fifteen years on the subject properties. (Condition 6)

3. Setbacks from surrounding uses;

Conclusion: The applicant shall comply with CCZO §07-14-19 standards. A greater setback has been applied as proposed by the applicant and conditioned.

Finding: A 50-foot undisturbed perimeter along the external property boundaries other than a permitted approach to public roads. A minimum 50-foot undisturbed buffer along both sides of Fifteen Mile Creek. All ditches, canals, laterals, and rights of ways shall not be disturbed, re-routed, or changed without proper permitting and agreements with the appropriate irrigation company/associations. Franklin Ditch Company is an affected entity. (Condition 4 and 5)

4. Reclamation plan as approved by Idaho Department of Lands;

Conclusion: An updated reclamation plan was approved as S602993 dated June 20, 2023.

Finding: The applicant has submitted an updated reclamation plan approved by the Idaho Department of Lands (Attachment B). A condition of approval has been applied to

ensure all conditions required by the Idaho Department of Lands are met (Condition 7).

5. The locations of all proposed pits and any accessory uses;

Conclusion: The applicant has provided a site plan showing the location of proposed pits and operations (Attachment A).

Finding: The applicant has provided an updated site plan showing the location of proposed pits and operations. No mining or construction of mitigation measures in the floodplain special flood hazard area and no mining, stockpiling, or construction shall occur in the regulated floodplain without first obtaining a DSD Floodplain Development permit and completing required studies in accordance with federal regulations and Canyon County Code. (Condition 1, 2, 5, and 9). Future proposed pit and accessory uses not included in the site plan will require a modification to the conditional use permit.

6. Recommendation from applicable government agencies

- The Department of Lands approved the Reclamation Plan on June 20, 2023, with the required conditions (Condition 7 & Attachment B).
- U.S. Army Corp of Engineers (USACE) has authorized mining activities and discharge in ditches permit (NWP No. 44, NWW-2022-00275, Exhibit 10, Staff Report). Adherence to the USACE permit is required per Condition No 7a.

Conditions of Approval

Nampa Paving and Asphalt Co. Long Term Mineral Extraction - Parcels R34061 and R34144

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use. (Unchanged from CU2022-0033).
2. The operator shall be in substantial conformance with the proposed site plan and mining area extents attached hereto as Attachment A; the intended expansion of the operation shall require a modification to this conditional use permit. The operation permitted is for mineral extraction and processing which includes mining activities comprised of excavations, staging, access, and stockpile areas with gravel resources processed onsite. There will be employee and mining equipment parking and fuel storage located on the site. A scale on the adjacent operation will be utilized. (Unchanged from CU2022-0033).
3. The operator shall maintain a minimum 50-foot undisturbed perimeter along the external property boundaries other than the permitted approach to public roads. There shall be a minimum 50-foot undisturbed buffer along both sides of Fifteen Mile Creek. (Unchanged from CU2022-0033).
4. Development shall not impede, disrupt, or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way. Any alteration of irrigation structures located on the properties shall be conducted with written approval from Franklin Ditch Company. The alterations shall not impede or affect water delivery to adjacent properties/water users. (Unchanged from CU2022-0033).
5. Water surface and groundwater, shall be discharged in accordance with state, federal, and local standards and/or regulations. (Unchanged from CU2022-0033).
6. The duration of the proposed operation on the subject properties shall be 15 years (November 3, 2037). The properties shall be operated as conditioned. (Unchanged from CU2022-0033).

7. The properties shall be mined as conditioned and reclaimed in accordance with reclamation plan S602993 (or as amended) attached hereto as Attachment B and in accordance with federal and county special flood hazard regulations for floodplain and floodway encroachment.
 - a. Mining and reclamation shall adhere to the requirements and conditions of the Nationwide Permit (NWP) issued by the U.S. Army Corp of Engineers (Permit #NWW-2022-00275; Exhibit 10, Staff Report)
8. A No-rise Certification, hydrology data, and a floodplain development permit application for the wetland mitigation shall be provided to the Canyon County Floodplain Manager prior to the floodway encroachment. All required outside agency approvals shall also be included with the floodplain development permit application. If No-rise Certification cannot be achieved, an approved CLOMR and Conditional LOMR shall be submitted to the County Floodplain Manager prior to the commencement of the wetland restoration portion of this project (Exhibit 3a, Staff Report).
9. Operator shall comply with floodplain and floodway regulations in effect at the time of completion (on or before November 3, 2037) of the mineral extraction operations on the approximate 137-acre subject properties. Upon completion of mineral extraction activities and reclamation, an approved Letter of Map Revision (LOMR) shall be provided to Canyon County Development Services. Mineral extraction activities shall take place outside the SFHA floodway boundary (Exhibit 3a, Staff Report).
 - a. Chain-link or net fencing shall be placed along the northern boundary of Pit 1 and Pit 2 to prevent extraction encroachment into the floodway (Exhibit 3a, Staff Report).
10. Normal business hours of operation shall be Monday through Saturday 7:00 a.m. to 7:00 p.m. Temporary 24 hours per day seven days per week operations may be conducted as required by projects mandating nighttime delivery of materials. No crushing of materials shall occur after 7:00 p.m. or prior to 7:00 a.m. The duration of 24-hour operations should be temporary. (Unchanged from CU2022-0033).
11. The storage of diesel fuel, petroleum products, and any other hazardous materials must meet the standards set forth by the applicable agencies. (Unchanged from CU2022-0033).
12. Noise emissions shall follow the regulations and standards of OSHA and MSHA. (Unchanged from CU2022-0033).
13. Commercial truck traffic shall not travel eastbound on Lincoln Road from the property access point on Lincoln Road. (Unchanged from CU2022-0033).

Order

Based upon the Findings of Fact and Conclusions of Law, and Conditions of Approval contained herein, the Planning and Zoning Commission **approves** Case CU2022-0008, amending the approval (CU2022-0033) of a conditional use permit for long-term mineral extraction on parcels R34061 and R34144.

APPROVED this _____ day of _____, 2024.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

Rob Sturgill, Chairman

State of Idaho)

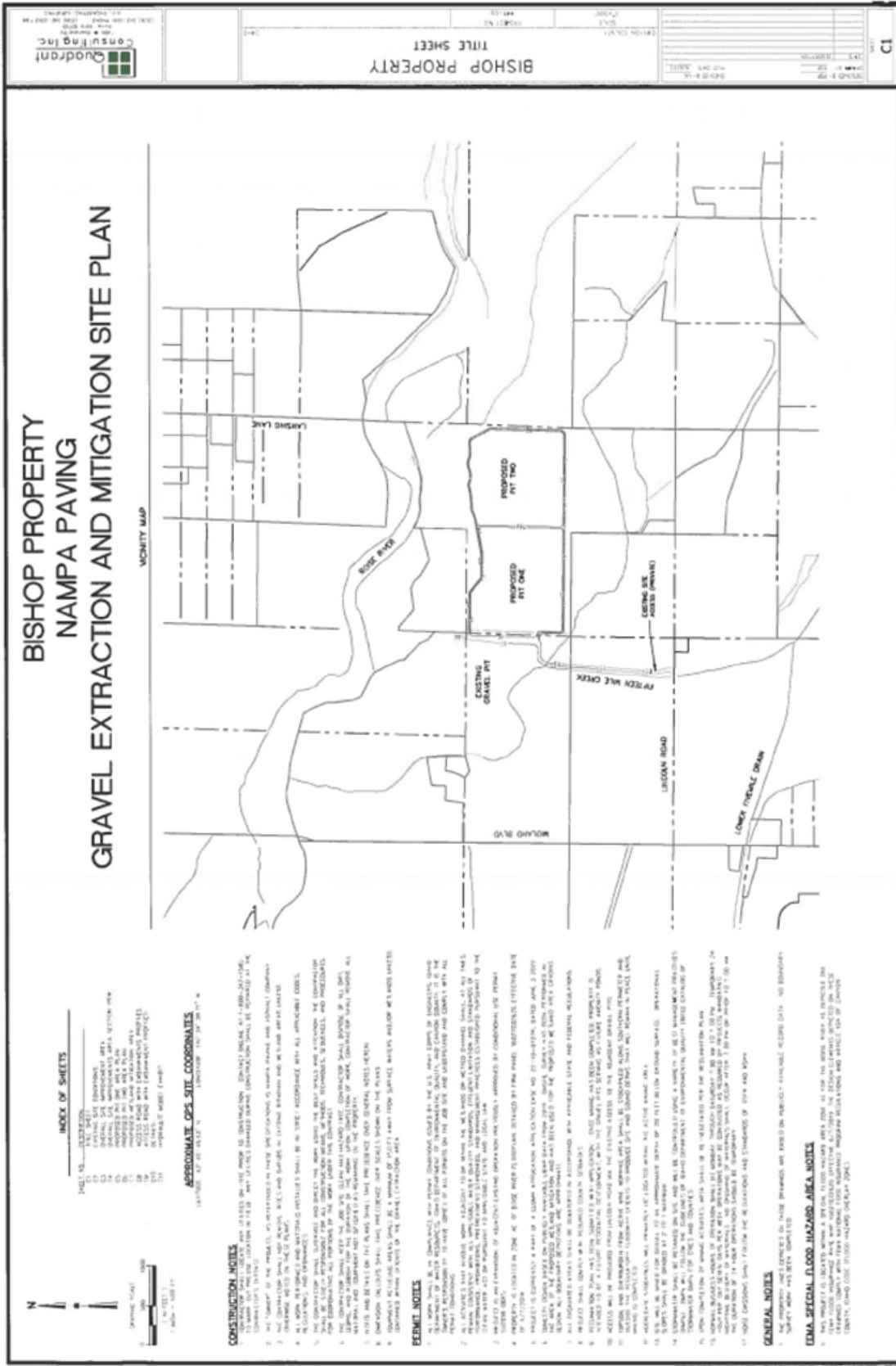
SS

County of Canyon County)

On this day of _____, in the year 2024, before me _____, a notary public, personally appeared _____, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

Notary: _____

My Commission Expires: _____



**BISHOP PROPERTY
NAMPA PAVING
GRAVEL EXTRACTION AND MITIGATION SITE PLAN**

INDEX OF SHEETS

SHEET NO.	DESCRIPTION
11	ALL SHEET EXISTENCE
12	EXISTING SITE LAYOUT AND UTILITIES
13	PROPOSED PAVING AND MITIGATION
14	PROPOSED PAVING AND MITIGATION
15	PROPOSED PAVING AND MITIGATION
16	PROPOSED PAVING AND MITIGATION
17	PROPOSED PAVING AND MITIGATION
18	PROPOSED PAVING AND MITIGATION
19	PROPOSED PAVING AND MITIGATION
20	PROPOSED PAVING AND MITIGATION

APPROXIMATE GPS SITE COORDINATES

UTM ZONE 18Q UTM EASTING: 650,000.00
UTM NORTHING: 6,500,000.00

CONSTRUCTION NOTES

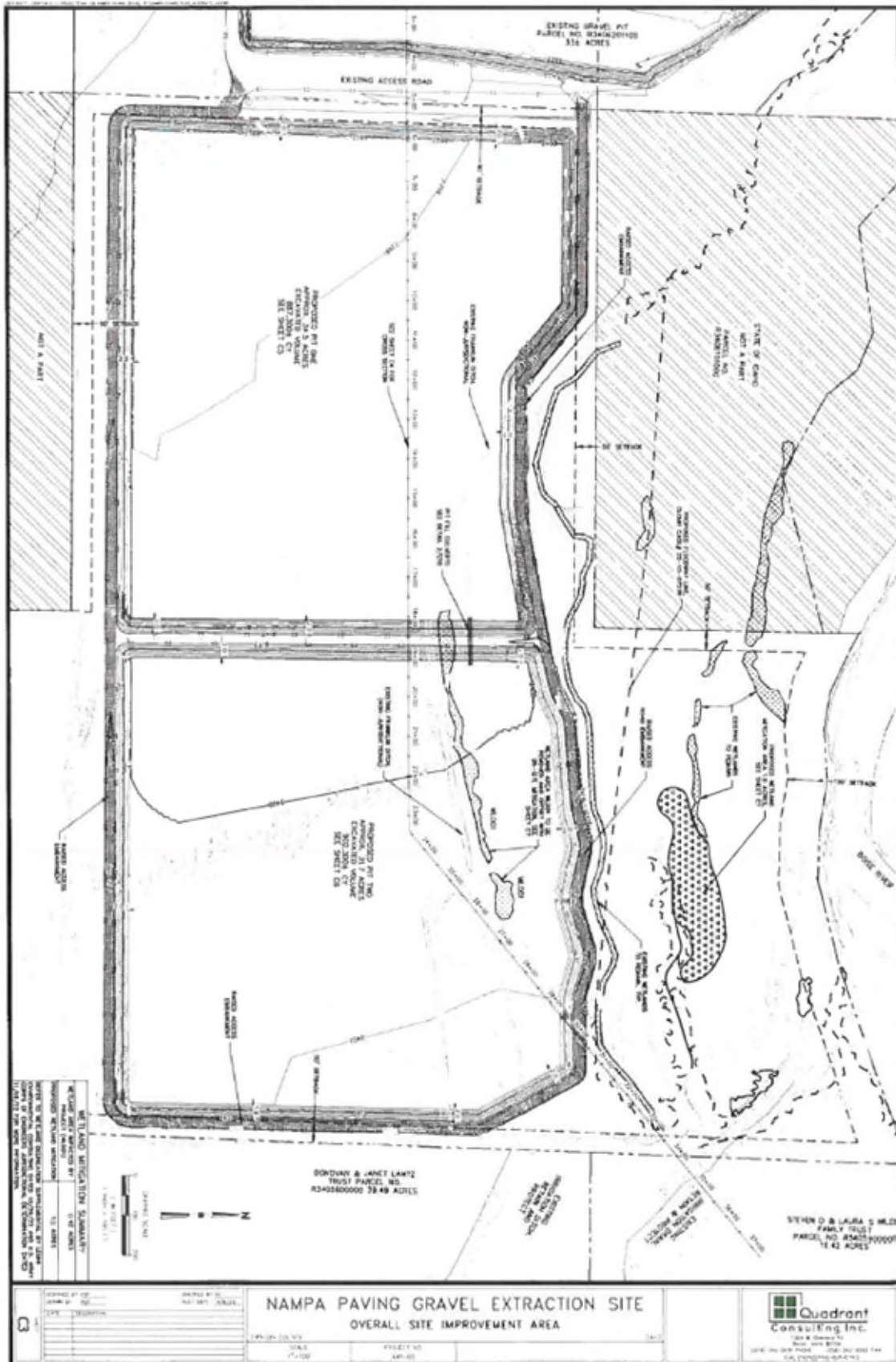
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF NAMPA, IDAHO, AND THE STATE OF IDAHO.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NAMPA, IDAHO, AND THE STATE OF IDAHO.
3. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
4. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED BUDGET.
5. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED QUALITY STANDARDS.
6. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED SAFETY STANDARDS.
7. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED ENVIRONMENTAL STANDARDS.
8. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED HEALTH AND SAFETY STANDARDS.
9. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED COMMUNITY STANDARDS.
10. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED LEGAL STANDARDS.

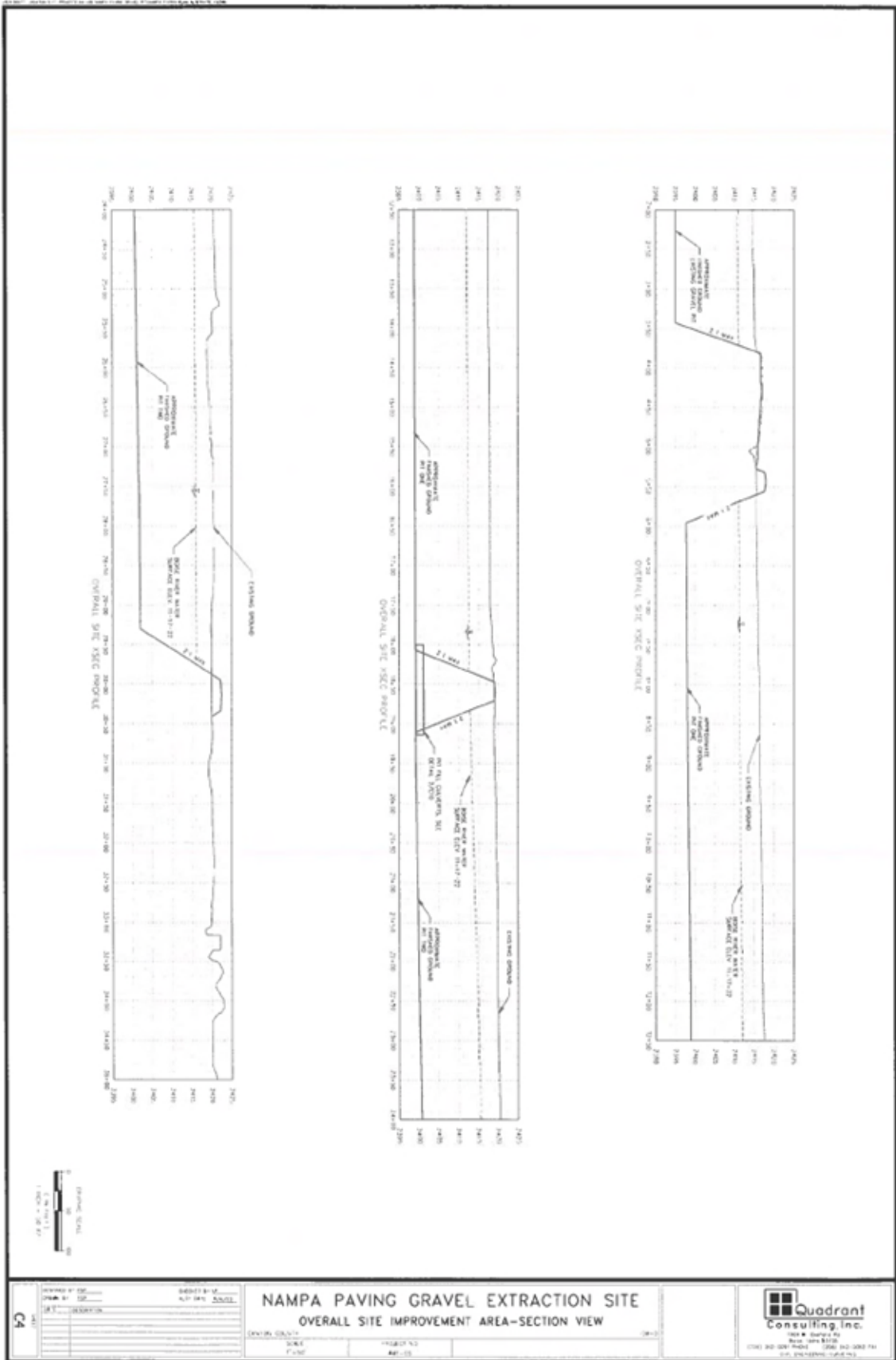
PERMIT NOTES

1. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED PERMITTING REQUIREMENTS.
2. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED PERMITTING DEADLINES.
3. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED PERMITTING FEES.
4. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED PERMITTING CONDITIONS.
5. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED PERMITTING MONITORING REQUIREMENTS.
6. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED PERMITTING REPORTING REQUIREMENTS.
7. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED PERMITTING RECORD KEEPING REQUIREMENTS.
8. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED PERMITTING CLOSURE REQUIREMENTS.
9. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED PERMITTING REPAIR REQUIREMENTS.
10. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED PERMITTING RESTORATION REQUIREMENTS.

GENERAL NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NAMPA, IDAHO, AND THE STATE OF IDAHO.
2. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
3. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED BUDGET.
4. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED QUALITY STANDARDS.
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10. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED PERMITTING REQUIREMENTS.



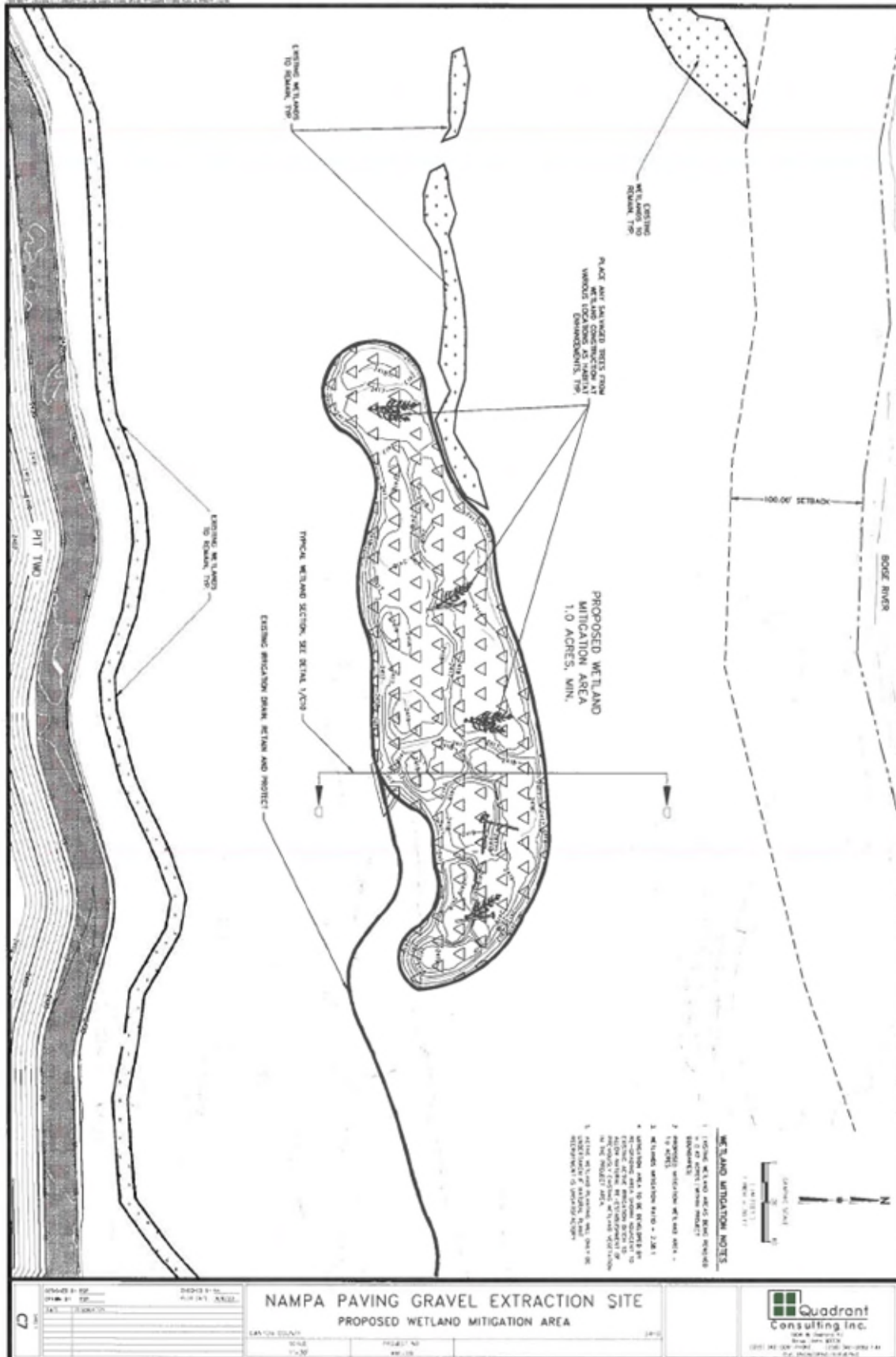


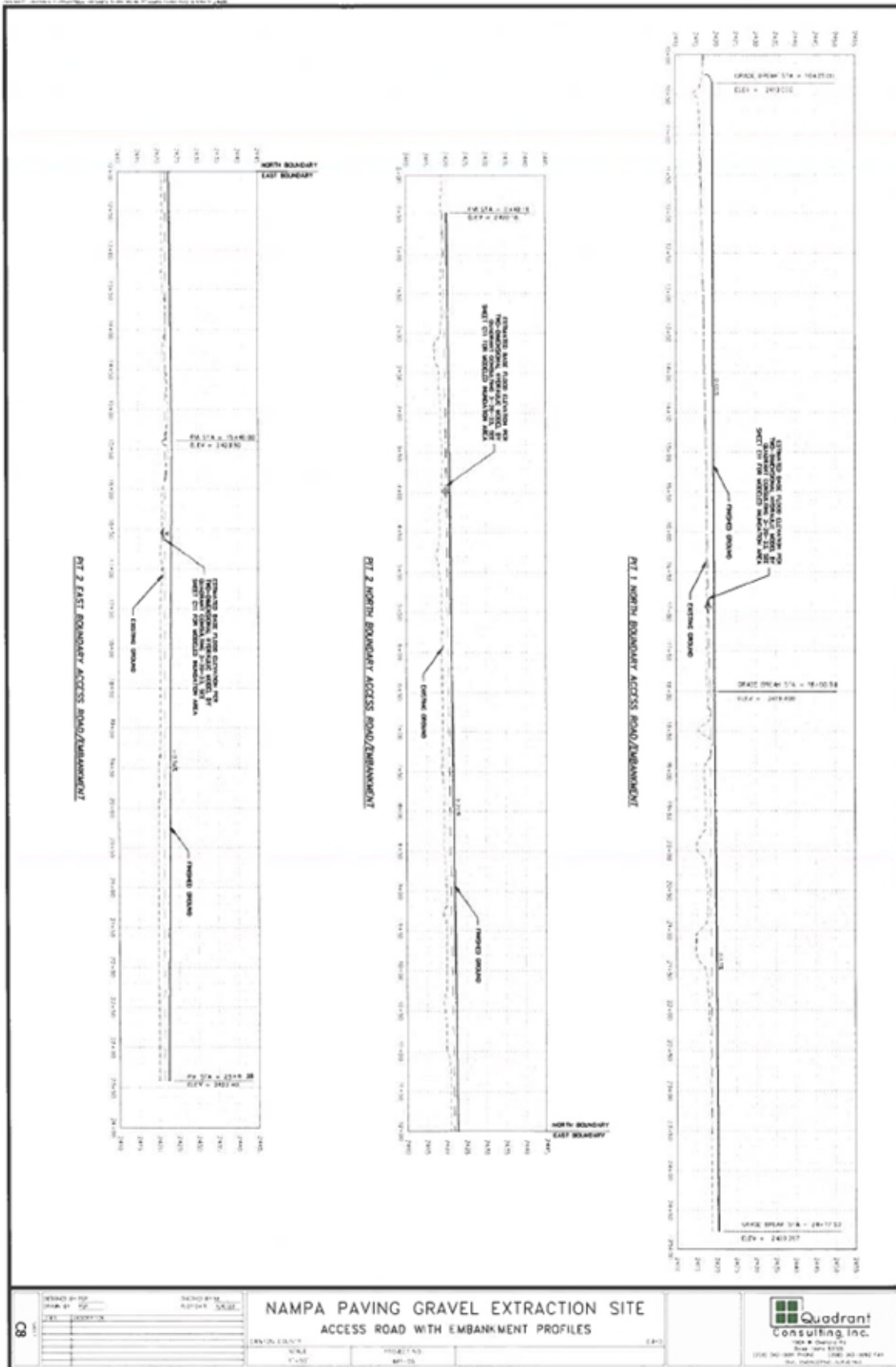
C4	DATE: 08/11/2023	PROJECT: NAMA PAVING GRAVEL EXTRACTION SITE
	DRAWN BY: [Name]	CHECKED BY: [Name]
DESCRIPTION: OVERALL SITE IMPROVEMENT AREA - SECTION VIEW		

NAMA PAVING GRAVEL EXTRACTION SITE
OVERALL SITE IMPROVEMENT AREA - SECTION VIEW

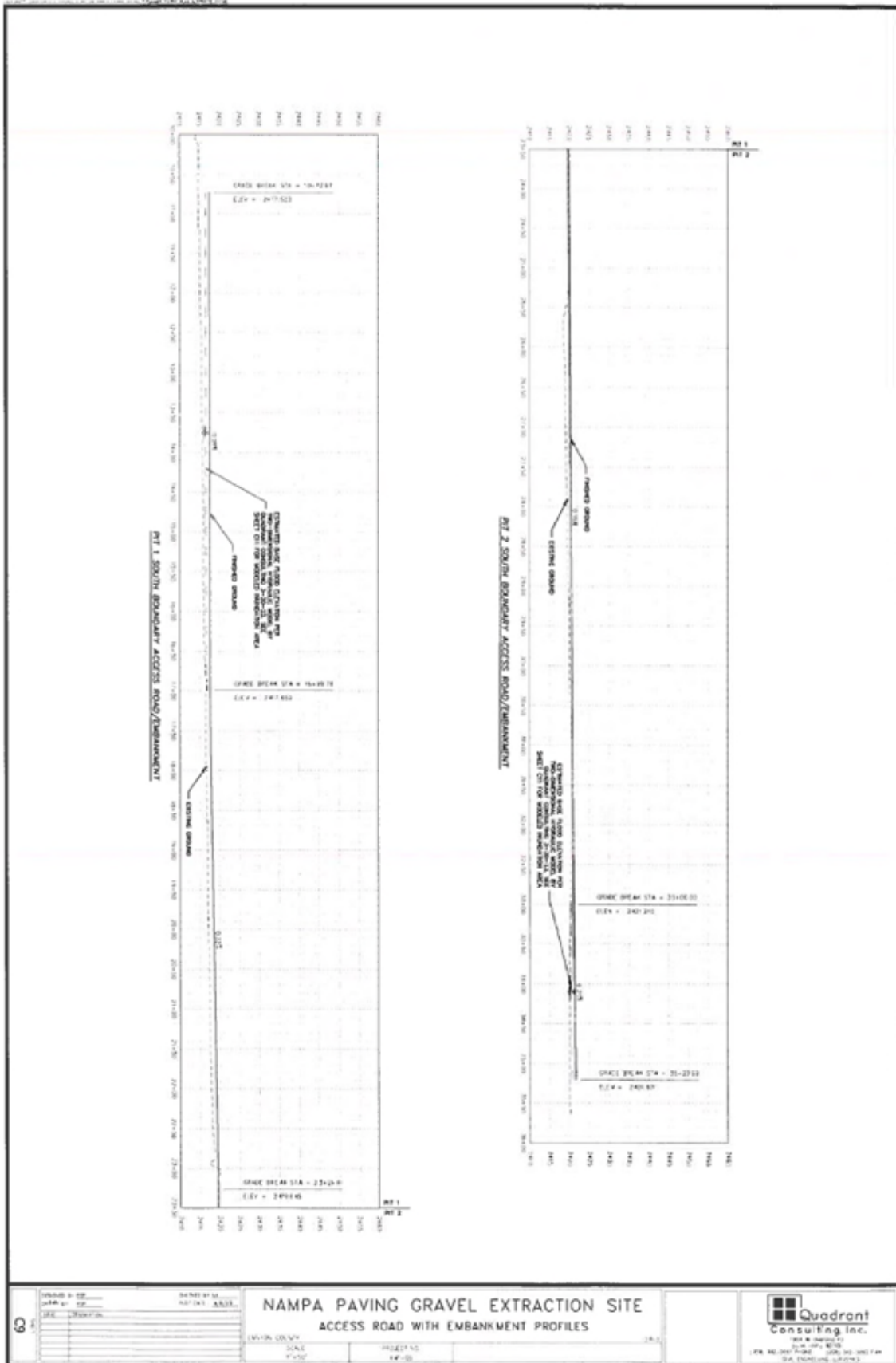
SCALE: 1" = 100'
 PROJECT NO: 2023-008

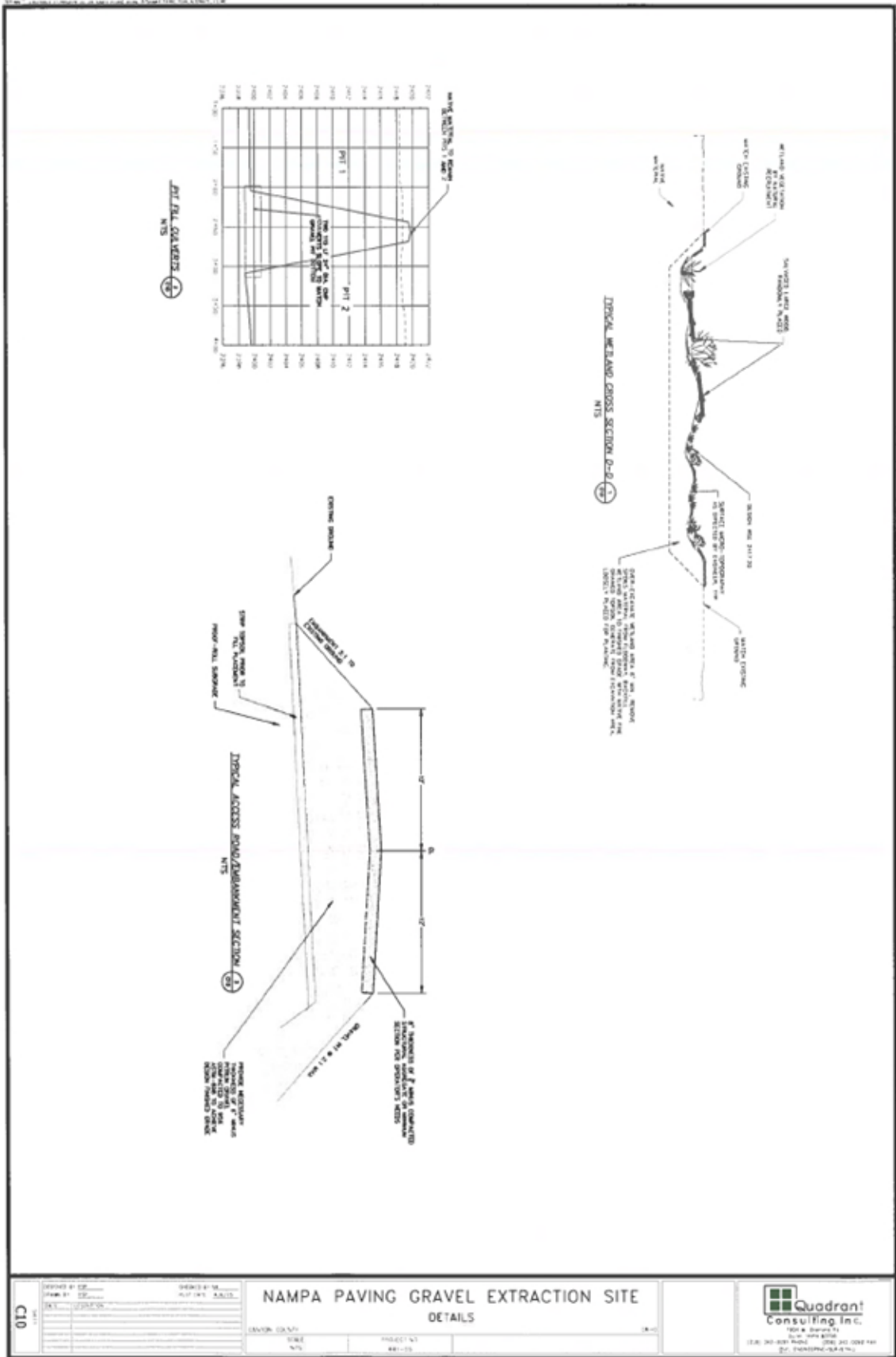
1000 N. [Address]
 [City, State, Zip]
 (714) 940-1000 (Fax) (714) 940-1000
 WWW.QUADRANTCONSULTING.COM





<p>80</p>	<p>DESIGNED BY: J.P. ... DRAWN BY: J.P. ... CHECKED BY: J.P. ... DATE: 05/20/2023</p>	<p>NAMPA PAVING GRAVEL EXTRACTION SITE ACCESS ROAD WITH EMBANKMENT PROFILES</p> <p>SEVEN COUNTY PROJECT NO. 23-01</p> <p>SCALE 1" = 10'</p> <p>PROJECT 8/17/23</p>	<p>23-01</p>
		<p>Quadrant Consulting Inc.</p> <p>1000 W.</p>	





ATTACHMENT B

SOUTHWEST SUPERVISORY AREA
8355 West State Street
Boise ID 83714-6071
Phone (208) 334-3488
Fax (208) 853-6372



STATE BOARD OF LAND COMMISSIONERS
Brad Little, Governor
Phil McGrane, Secretary of State
Raúl R. Labrador, Attorney General
Brandon D. Woolf, State Controller
Debbie Critchfield, Sup't of Public Instruction

June 20th, 2023

Nampa Paving and Asphalt Company
444 W. Karcher Rd
Nampa, ID 83687

To whom it may concern,

This correspondence is notification that the following reclamation plan was approved on 5/8/2023:

PLAN NO.	ACRES	COUNTY	LEGAL DESCRIPTION
S602993	114.72	Canyon	T04N R02W Section 16

The plan was granted approval subject to the following terms and conditions:

1. All refuse, chemical and petroleum products and equipment shall be stored and maintained in a designated location, 100 feet away from any surface water and disposed of in such a manner as to prevent their entry into a waterway.
2. State water quality standards will be maintained at all times during the life of the operation. Should a violation of water quality standards occur, mining operations will cease immediately, corrective action will be taken, and the Department of Environmental Quality will be notified.
3. Erosion and non-point source pollution shall be minimized by careful design of the site access and implementing Best Management Practices, which may include, but are not limited to:
 - a. Diverting all surface water flows around the mining operation.
 - b. Removing and stockpiling vegetation and slash, except merchantable timber, for use in erosion control and reclamation;
 - c. Removing and stockpiling all topsoil or suitable plant growth material for use in reclamation.
4. **An initial reclamation bond in the amount of \$83,648.21 for up to 30 acres of disturbance will be submitted to and maintained with the Idaho Department of Lands prior to conducting surface mining operations.**

5. If the reclamation plan is not bonded within 18 months of approval, or if no operations are conducted within three years, the department may withdraw this plan. This shall not prevent the operator from re-applying for reclamation plan approval.

6. Acceptance of this permit does not preclude the operator from obtaining other necessary permits and approvals from state and federal authorities, i.e. Storm Water Pollution Prevention Plan (SWPPP), waste water generation and/or air quality permits, consultation with the National Oceanic and Atmospheric Administration Fisheries, U.S. Army Corps of Engineers 404 Permit and Stream Channel Alteration Permits for each production process.

8. At the beginning of each calendar year the operator or plan holder shall notify the director of any increase in the acreage of affected lands which will result from the planned surface mining activity within the next twelve (12) months. A correlative increase in the bond will be required for an increase in affected acreage.

Please note -- pursuant to Idaho Code section 47-1512(a), operations cannot commence until the bond established in Stipulation No. 4 is submitted to this department. Failure to submit payment before mining commences may subject you to legal action by the state pursuant to Idaho Code section 47-1513(d), which may include issuance of an order by the district court to temporarily restrain your mining operations without prior notice to you.

If the department does not receive a written notice of objection from you regarding these stipulations by July 11, 2023, the stipulations will be considered as accepted.

If you have any questions, you may contact me at the above address or telephone number.

Sincerely,



Connor MacMahon
Lands Resource Specialist—Minerals



Planning and Zoning Commission
Canyon County Development Services Dept.

Case #CU2023-0008

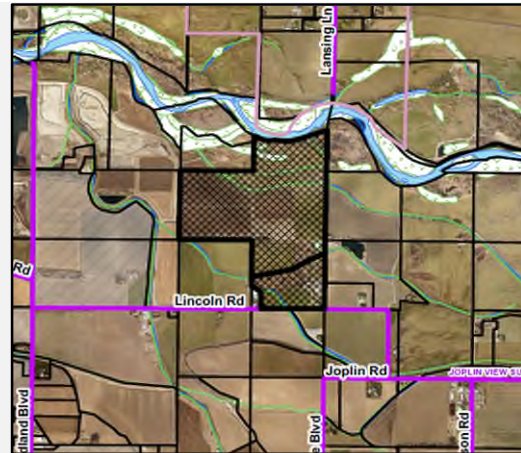
HEARING DATE: January 4, 2024

OWNER: Nampa Paving

APPLICANT/REP: Quadrant Consulting, Inc.

PLANNER: Dan Lister, Principal
Planner

CASE NUMBER: CU2023-0008 (Amending
CU2022-0033)



PROJECT DESCRIPTION:

The applicant, Quadrant Consulting, Inc., representing Nampa Paving, is requesting a conditional use permit modification to Case No. CU2022-0033 regarding the approved long-term mineral extraction use on parcels R34061 & R34144. The request includes a revised site plan showing an increase in the mineral extraction areas from 52 acres to 74 acres.

CU2022-0033 is described as follows: *Conditional Use Permit to allow a long-term mineral extraction use on Parcels R34061 and R34144 (approximately 136.9 acres total) to include sand and gravel extraction, staging, and crushing. The proposed mineral extraction will expand an existing approved operation (CU2018-0015) and will be tied to the conditions of that approval requiring operations to cease by November 3, 2037.*

The subject properties, approximately 136.9 acres, is located at 9016 Lincoln Road, Caldwell, also referenced as a portion of the SE $\frac{1}{4}$ of Section 16, T4N, R2W and a portion of the NE $\frac{1}{4}$ of Section 21, T4N, R2W, BM, Canyon County, Idaho.

PROJECT INFORMATION: (See Exhibit 1 for Parcel Information)

On October 21, 2022, a conditional use permit was approved by the Planning and Zoning Commission allowing a long-term mineral extraction use on the subject parcel (amending CU2018-0015) subject to 13 conditions of approval (CU2022-0033) See Exhibit 4 for the signed FCOs.

APPLICABLE CODE:

07-07-05 HEARING CRITERIA

The presiding party shall consider each conditional use permit application by finding adequate evidence to answer the following questions in its FCOs:

- (1) Is the proposed use permitted in the zone by conditional use permit;*
- (2) What is the nature of the request;*
- (3) Is the proposed use consistent with the comprehensive plan;*
- (4) Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area;*
- (5) Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use;*

- (6) *Does legal access to the subject property for the development exist or will it exist at the time of development;*
- (7) *Will there be undue interference with existing or future traffic patterns; and*
- (8) *Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?*

07-07-17: SPECIAL CONDITIONS:

Special conditions may be attached to a conditional use permit including, but not limited to, conditions which:

- (1) *Minimize adverse impact, such as damage, hazard, and nuisance, to persons or the subject property or property in the vicinity;*
- (2) *Control the sequence and timing of development;*
- (3) *Control the duration of development;*
- (4) *Designate the exact location and nature of development;*
- (5) *Require the provision for on site or off-site public facilities or services;*
- (6) *Require more restrictive standards than those generally required in this chapter; or*
- (7) *Mitigate the negative impacts of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the county.*

07-14-19(2): MINERAL EXTRACTION LONG TERM

When making a decision for a conditional use permit for the use, the decision-making body shall consider the following:

- (A) *The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses;*
- (B) *Duration of the proposed use;*
- (C) *Setbacks from surrounding uses;*
- (D) *Reclamation plan as approved by Idaho Department of Lands;*
- (E) *The locations of all proposed pits and any accessory uses; and*
- (F) *Recommendations from applicable government agencies.*

PROJECT OVERVIEW

Per the applicant's letter of intent and submittal information (Exhibit 2a), the requested amendment to CU2022-0033 is to provide for approval a revised site plan showing an increase in the size of the gravel extraction locations (Exhibit 2b). The footprint expansion is based on the updated Conditional Letter of Map Revision (CLOMR) approved by FEMA (Exhibit 2e). The updated site plan also includes a wetland mitigation area currently being reviewed through a joint application to the US Army Corp of Engineers and IDWR (Exhibit 2f). The revised reclamation plan for the increased mineral extraction area is approved by the Idaho Dept. of Lands (Exhibit 2g & 2h).

The requested amendment does not modify setbacks, duration, number of employees, hours of operation, access and hauling, dust control methods, or conditions of approval reviewed and approved with case CU2022-0033. *See Exhibit 5 for the staff report for CU2022-0033.*

COMPREHENSIVE PLAN ALIGNMENT:

The original conditional use permit was found to be generally consistent with the 2020 Canyon County Comprehensive Plan which designated the future land use of the properties as “agriculture” (Exhibit 4).

The amendment must be generally consistent with the 2030 Canyon County Comprehensive Plan. The future land use designation is “agriculture”. See Exhibit 7 for general consistency with the 2030 Plan.

POTENTIAL IMPACTS:

Upon review by the DSD Floodplain Administrator (Exhibit 3a), the CLOMR (Exhibit 2e) adequately addresses that mineral extraction will be located outside of the floodway but does not include the wetland mitigation area located in the floodway. The applicant is still working with IDWR and US Army Corp of Engineers regarding a no-rise study for the wetland area.

- *See Exhibit 7 for Amended Conditions 8 & 9 based on Exhibit 3a.*

COMMENTS:

- Public: No comments from the public were received.
- Agencies: See Exhibit 3 for all agency comments.

RECOMMENDATION:

The modification does not significantly alter the approval for CU2022-0033 including the required findings (CCZO Section 07-07-05), Use Standards (CCZO Section 07-14-19), and conditions as recommended (Exhibit 4 & 5). Therefore, the staff recommends approval of the request (Exhibit 7).

DECISION OPTIONS:

The Planning and Zoning Commission has the following decision options:

- Approve the request with recommended or amended conditions of approval;
- Deny the request and direct staff to return to the next available meeting with revised FCOs; or
 - o Denial does not change the approval of Case CU2022-0033.
- Continue the hearing to a later date for the staff or the applicant to provide additional information.

EXHIBITS:

1. Parcel Information
2. Application Submittal
 - a. Letter of intent
 - b. Site Plan
 - c. Land Use Worksheet
 - d. Neighborhood Meeting
 - e. CLOMR 22-10-0727R
 - f. IDWR Joint Application
 - g. Reclamation Plan
 - h. Dept. of Land Updated Reclamation Plan Approval
3. Comments
 - a. DSD Floodplain
 - b. ITD
 - c. DEQ
 - d. Canyon Soils Conservation District
 - e. Flood District 10
4. CU2022-0033 – FCOs
5. CU2022-0033 – Staff Report with all exhibits
6. CU2022-0033 – P&Z Minutes
7. CU2023-0008: Draft FCOs

R34061**PARCEL INFORMATION REPORT**

12/22/2023 10:44:07 AM

PARCEL NUMBER: R34061**OWNER NAME: NAMPA PAVING AND ASPHALT CO****CO-OWNER:****MAILING ADDRESS: 444 W KARCHER RD NAMPA ID 83687****SITE ADDRESS: 0 LINCOLN RD****TAX CODE: 1130000****TWP: 4N RNG: 2W SEC: 16 QUARTER: SE****ACRES: 114.72****HOME OWNERS EXEMPTION: No****AG-EXEMPT: Yes****DRAIN DISTRICT: NOT In Drain Dist****ZONING DESCRIPTION: AG / AGRICULTURAL****HIGHWAY DISTRICT: CANYON HWY****FIRE DISTRICT: CALDWELL RURAL FIRE****SCHOOL DISTRICT: VALLIVUE SCHOOL DIST****IMPACT AREA: CALDWELL****FUTURE LAND USE 2011-2022 : AG****FLU Overlay Zone Desc 2030:****FLU RR Zone Desc 2030: RURAL RESIDENTIAL****FUTURE LAND USE 2030: RURAL RESIDENTIAL \ AG****IRRIGATION DISTRICT: FRANKLIN DITCH CO****FEMA FLOOD ZONE: X FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0262F****WETLAND: NOT In WETLAND****NITRATE PRIORITY: NO Nitrate Prio****FUNCTIONAL Classification: NOT In COLLECTOR****INSTRUMENT NO. : 2021010655****SCENIC BYWAY: NOT In Scenic Byway****LEGAL DESCRIPTION: 16-4N-2W SE TX 18651 IN SE & IN 21-4N-2W NENE****PLATTED SUBDIVISION:****SMALL CITY ZONING:****SMALL CITY ZONING TYPE:****DISCLAIMER:**

1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS. POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED WETLAND.
4. COLLECTORS AND ARTERIALS ARE BASED ON THE SHERIFFS CENTERLINE WITH AN ADDITIONAL 100 FOOT BUFFER.

CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.

R34144

PARCEL INFORMATION REPORT

12/22/2023 10:44:55 AM

PARCEL NUMBER: R34144

OWNER NAME: NAMPA PAVING AND ASPHALT CO

CO-OWNER:

MAILING ADDRESS: 444 W KARCHER RD NAMPA ID 83687

SITE ADDRESS: 9016 LINCOLN RD

TAX CODE: 1130000

TWP: 4N RNG: 2W SEC: 21 QUARTER: NE

ACRES: 22.18

HOME OWNERS EXEMPTION: No

AG-EXEMPT: Yes

DRAIN DISTRICT: NOT In Drain Dist

ZONING DESCRIPTION: AG / AGRICULTURAL

HIGHWAY DISTRICT: CANYON HWY

FIRE DISTRICT: CALDWELL RURAL FIRE

SCHOOL DISTRICT: VALLIVUE SCHOOL DIST

IMPACT AREA: CALDWELL

FUTURE LAND USE 2011-2022 : AG

FLU Overlay Zone Desc 2030:

FLU RR Zone Desc 2030: RURAL RESIDENTIAL

FUTURE LAND USE 2030: RURAL RESIDENTIAL \ AG

IRRIGATION DISTRICT: FRANKLIN DITCH CO

FEMA FLOOD ZONE: X FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0262F

WETLAND: NOT In WETLAND

NITRATE PRIORITY: NO Nitrate Prio

FUNCTIONAL Classification: Major Collector

INSTRUMENT NO. : 2021010655

SCENIC BYWAY: NOT In Scenic Byway

LEGAL DESCRIPTION: 21-4N-2W NE TX 18652 IN NENE

PLATTED SUBDIVISION:

SMALL CITY ZONING:

SMALL CITY ZONING TYPE:



DISCLAIMER:

1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS. POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED WETLAND.
4. COLLECTORS AND ARTERIALS ARE BASED ON THE SHERIFFS CENTERLINE WITH AN ADDITIONAL 100 FOOT BUFFER.

CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.



May 4, 2023

Canyon County Development Services
111 North 11th Ave., #140
Caldwell, Idaho 83650

Re: Nampa Paving Application for Modifications to Approved CUP-2022-0033

Dear Development Services,

I am writing on behalf of my client Nampa Paving & Asphalt Co. We are requesting a modification to the existing approved conditional use permit ("CUP") CU2022-0033. The request for modification is due to an updated site plan for the gravel extraction area. The site plan has been updated to increase the area of gravel extraction to approximately 52 acres of the 114-acre site. The pit footprints were expanded to reflect an update to the regulatory floodway boundaries submitted to FEMA as a Conditional Letter of Map Revision ("CLOMR") No. 22-10-072R. The updated CLOMR has been included with the application for modification to the CUP.

There has also been an addition of a wetland mitigation area to the site plan. This proposed wetland area is to offset any impacts to the existing wetland areas at the site by the gravel pit operations. We are currently working with the United States Army Corps of Engineers ("USACE") and Idaho Department of Water Resources ("IDWR") on a joint application to mitigate for these impacts. We have included a copy of the joint application as a part of this submittal.

The majority of the information and design concept for the project remain the same outside of the update site plan/project footprint. As such, we have resubmitted a majority of the original application materials with the updated materials for consideration. If you have any questions or require any additional material as a part of this application, please feel free to contact me at scott@quadrant.cc or at 208-342-0091.

Best regards,

Scott Prillaman

BISHOP PROPERTY NANPA PAVING GRAVEL EXTRACTION AND MITIGATION SITE PLAN

VICINITY MAP



INDEX OF SHEETS

SHEET NO.	DESCRIPTION
C1	EXISTING SITE CONDITIONS
C2	OVERALL SITE IMPROVEMENT PLAN
C3	PROPOSED NANPA PAVING SECTION VIEW
C4	PROPOSED PIT ONE AREA PLAN
C5	PROPOSED PIT TWO AREA PLAN
C6	PROPOSED WETLAND MITIGATION AREA
C7	ACCESS ROAD WITH EMBANKMENT PROFILES
C8	DELTAES ROAD WITH EMBANKMENT PROFILES
C9	HYDRAULIC MODEL (EMPH)
C10	
C11	

APPROXIMATE GPS SITE COORDINATES

EASTING: 432,401.45 ± 0.3' N LONGITUDE: 710,347.38 ± 0.1' W

CONSTRUCTION NOTES

- CONTRACTOR SHALL LOCATE ANY UTILITIES ON-SITE PRIOR TO CONSTRUCTION. CONTACT DISHNET AT 1-800-342-1584 FOR LOCATION OF UTILITIES. ANY UTILITIES DAMAGED DURING CONSTRUCTION SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
- THE "OWNER" OF THE PROJECT, AS REFERENCED IN THESE SPECIFICATIONS IS NANPA PAVING AND ASPHALT COMPANY.
- THE CONTRACTOR SHALL NOT REMOVE TREES AND SHRUBS IN EXISTING BIRCHBARK AND WETLAND AREAS UNLESS OTHERWISE NOTED ON THESE PLANS.
- ALL WORK PERFORMED AND MATERIALS INSTALLED SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES.
- THE CONTRACTOR SHALL SURVEY AND PLOT THE WORK USING THE BEST SKILLS AND ATTENTION. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEASUREMENTS, TECHNIQUES, SEQUENCES, AND PROCEDURES FOR COORDINATING ALL PORTIONS OF THE WORK UNDER THIS CONTRACT.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL CITY, COUNTY, AND STATE AGENCIES. THE CONTRACTOR SHALL REMOVE ALL MATERIAL AND EQUIPMENT NOT SPECIFIED AS REMAINING ON THE PROPERTY.
- NOTES AND DETAILS ON THE PLANS SHALL TAKE PRECEDENCE OVER GENERAL NOTES HEREIN.
- CONSTRUCTION DETAILS SHALL TAKE PRECEDENCE OVER SCALES SHOWN ON THE PLANS.
- EQUIPMENT RADIATING AREAS SHALL BE A MINIMUM OF 150 FT AWAY FROM SURFACE WATER AND/OR WETLANDS UNLESS OTHERWISE NOTED ON THESE PLANS.

PERMIT NOTES

- ALL WORK SHALL BE IN COMPLIANCE WITH PERMIT CONDITIONS ISSUED BY THE U.S. ARMY CORPS OF ENGINEERS, IDAHO DEPARTMENT OF WATER RESOURCES, IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY, AND CANYON COUNTY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN ALL NECESSARY PERMITS FROM ALL APPLICABLE AGENCIES.
- ALL ACTIVITIES THAT INVOLVE WORK ADJACENT TO OR WITHIN THE WETLANDS OR WETLAND CHANNEL SHALL, AT ALL TIMES, REMAIN CONSISTENT WITH ALL APPLICABLE WATER QUALITY STANDARDS, EFFLUENT LIMITATION AND STANDARDS OF CANYON COUNTY, IDAHO, AND FEDERAL WATER ACT OF 1972. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM ALL APPLICABLE STATE AND LOCAL AGENCIES.
- THIS PROJECT IS AN EXPANSION OF AN EXISTING OPERATION APPROVED BY CANYON COUNTY PERMIT C0208-10015.
- THE PROJECT IS LOCATED IN ZONE A-C OF BOISE RIVER FLOODPLAIN DETAILED BY FIRM PANEL 10072020205 EFFECTIVE DATE OF 07/17/2010.
- PROJECT IS CURRENTLY A PART OF A CROWN APPLICATION CASE NO. 22-10-02798, DATED APRIL 3, 2022.
- CONCEPT DESIGN BASED ON PUBLICLY AVAILABLE LIDAR DATA FROM 2010. ON-SITE SURVEY HAS BEEN PERFORMED IN THE AREA OF THE PROPOSED WETLAND MITIGATION AND HAS BEEN USED FOR THE PROPOSED WETLAND AREA GRADING DESIGN. ALL BOUNDARY BENCHMARKS AND APPROXIMATE COORDINATES WITH APPLICABLE STATE AND FEDERAL REGULATIONS.
- ALL EXISTING UTILITIES SHALL BE PROTECTED AND MAINTAINED THROUGHOUT THE PROJECT.
- RECLAMATION PLAN HAS BEEN SUBMITTED WITH APPLICATION. ONCE WORKING HAS BEEN COMPLETED, PROPERTY IS INTENDED TO BE A FUTURE RESIDENTIAL DEVELOPMENT, WITH THE GRAVEL PITS SERVING AS FUTURE AMENITY PONDS.
- ACCESS WILL BE PROVIDED FROM LINCOLN ROAD VIA THE EXISTING ACCESS TO THE ADJACENT GRAVEL PITS.
- TOPSOIL AND OVERBANK FROM ACTIVE MINE WORKING AREA SHALL BE STOCKPILED ALONG SOUTHERN PERIMETER AND USED FOR FLOODPLAIN MITIGATION. STOCKPILE SHALL BE COVERED WITH GEOTEXTILE AND GRAVING SHALL OCCUR AFTER 7:00 PM OF PROBE TO 7:00 AM UNTIL WORKING IS COMPLETED.
- ADJACENT WETLANDS WILL PRIMARILY BE LOCATED WITHIN THE ACTIVE MINING AREA.
- SITE WILL BE WEDGED FOR GRAVEL TO AN APPROXIMATE DEPTH OF 20 FEET BELOW GROUND SURFACE. OPERATIONAL SLOPES SHALL BE GRADED AT 2:1H:1V MINIMUM.
- STORMWATER SHALL BE RETAINED ON-SITE AND WILL BE CONTROLLED USING A VARIETY OF BEST MANAGEMENT PRACTICES. STORMWATER SHALL BE STORED IN A DRAINAGE BASIN. IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) CHANGES TO THE WETLAND WATER BURN FOR CITIES AND COUNTIES.
- UPON COMPLETION OF MINING ACTIVITIES, AREA SHALL BE RE-VEGETATED PER THE RECLAMATION PLAN.
- NON-PAID BUSINESS HOURS OF OPERATION SHALL BE MONDAY THROUGH SATURDAY 7:00 AM TO 7:00 PM, TEMPORARY 24 HOUR OPERATION SHALL BE IN EFFECT FROM 7:00 PM TO 7:00 AM ON MONDAY THROUGH SATURDAY. OPERATIONS SHALL OCCUR AFTER 7:00 PM OF PROBE TO 7:00 AM. THE DURATION OF 24 HOUR OPERATIONS SHOULD BE TEMPORARY.
- NOTE: EMISSIONS SHALL FOLLOW THE REGULATIONS AND STANDARDS OF OSHA AND MSHA.

GENERAL NOTES

- THE PROPERTY LINES DERIVED ON THESE DRAWINGS ARE BASED ON PUBLICLY AVAILABLE RECORD DATA. NO BOUNDARY SURVEY WORK HAS BEEN COMPLETED.

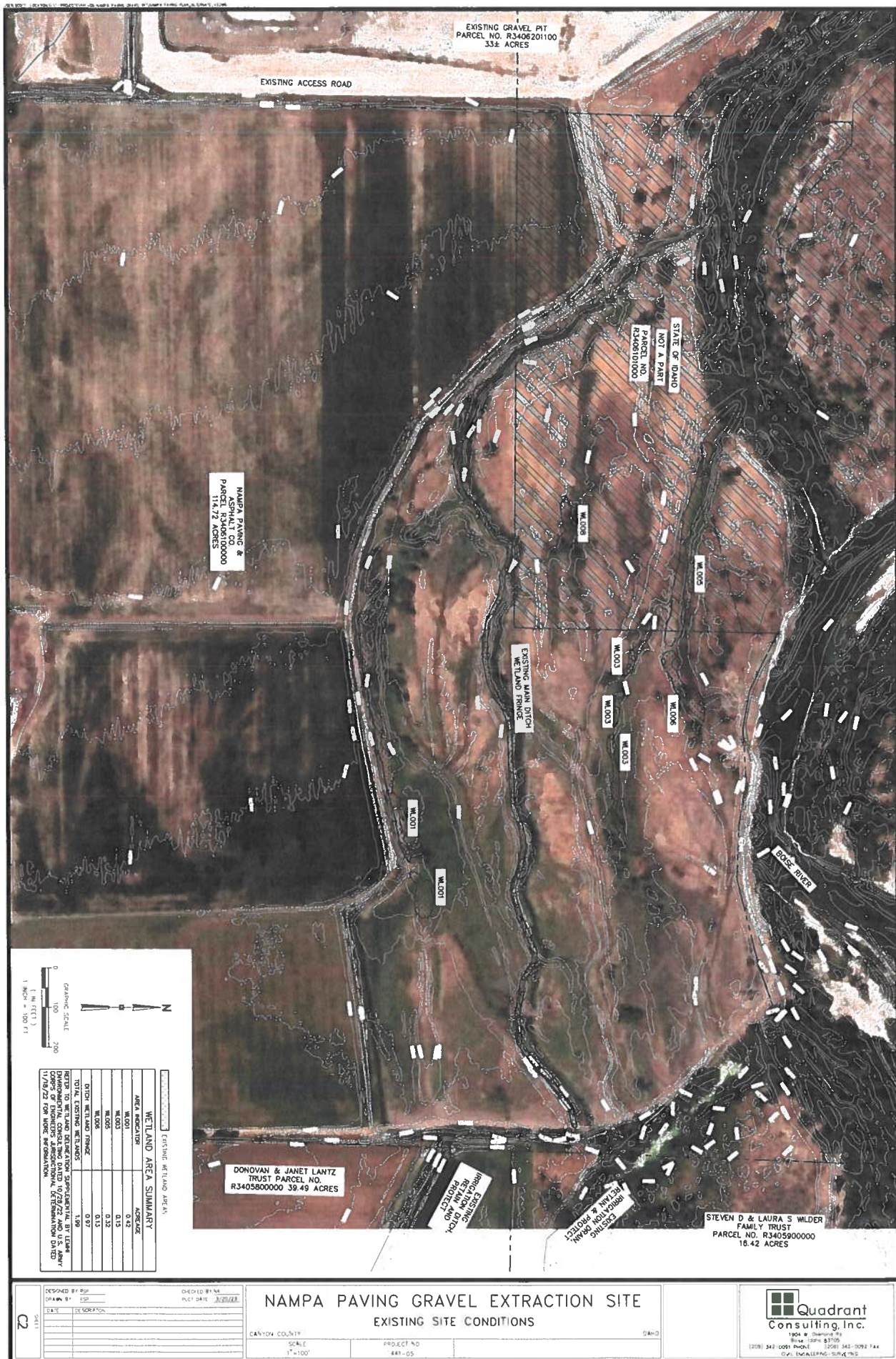
FEMA SPECIAL FLOOD HAZARD AREA NOTES

- THIS PROJECT IS LOCATED WITHIN A FEMA SPECIAL FLOOD HAZARD AREA. FOR THE BOISE RIVER AS RECORDED ON THESE PLANS, THE SPECIAL FLOOD HAZARD AREA IS ZONE A-C. THE DISSECTION LINES SHOWN ON THESE PLANS ARE IN ACCORDANCE WITH FEMA NATIONAL FLOOD INSURANCE PROGRAM REGULATIONS AND ARTICLE 104 OF CANYON COUNTY, IDAHO CODE (FLOOD HAZARD OVERLAY ZONE).

Quadrant Consulting Inc.
 208 N. 10th St., Suite 200
 Boise, ID 83725
 Phone: 208-333-1111
 Fax: 208-333-1112
 Email: info@quadrantinc.com

PROJECT: BISHOP PROPERTY
 SHEET: C1
 DATE: 04/17/23
 DRAWN BY: [Name]
 CHECKED BY: [Name]

CANYON COUNTY
 TITLE SHEET
 SCALE: 1"=500'
 PROJECT NO: 22-10-02798



EXISTING GRAVEL PIT
PARCEL NO. R3406201100
33± ACRES

EXISTING ACCESS ROAD

STATE OF OREGON
NOT A PART
PARCEL NO.
R3406101000

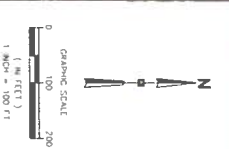
NAMPA PAVING &
ASPHALT CO.
PARCEL R3406100000
114.72 ACRES

EXISTING MAIN DITCH
WETLAND FRINGE

ROSE RIVER

DONOVAN & JANET LANTZ
TRUST PARCEL NO.
R3405800000 39.49 ACRES

STEVEN D & LAURA S WILDER
FAMILY TRUST
PARCEL NO. R3405900000
16.42 ACRES



EXISTING WETLAND AREA

WETLAND AREA SUMMARY	
AREA ABBREVIATION	ACRES
M1001	0.32
M1002	0.13
M1003	0.32
M1004	0.13
M1005	0.32
M1006	0.13
M1007	0.32
M1008	0.13
TOTAL EXISTING WETLANDS	1.99

NOTE: TO BE USED IN CONJUNCTION WITH THE "WETLANDS AND WETLAND FRINGE" MAPS OF ENGINEERS JASON STRAIN, DETERMINATION DATED 11/15/22 FOR MORE INFORMATION.

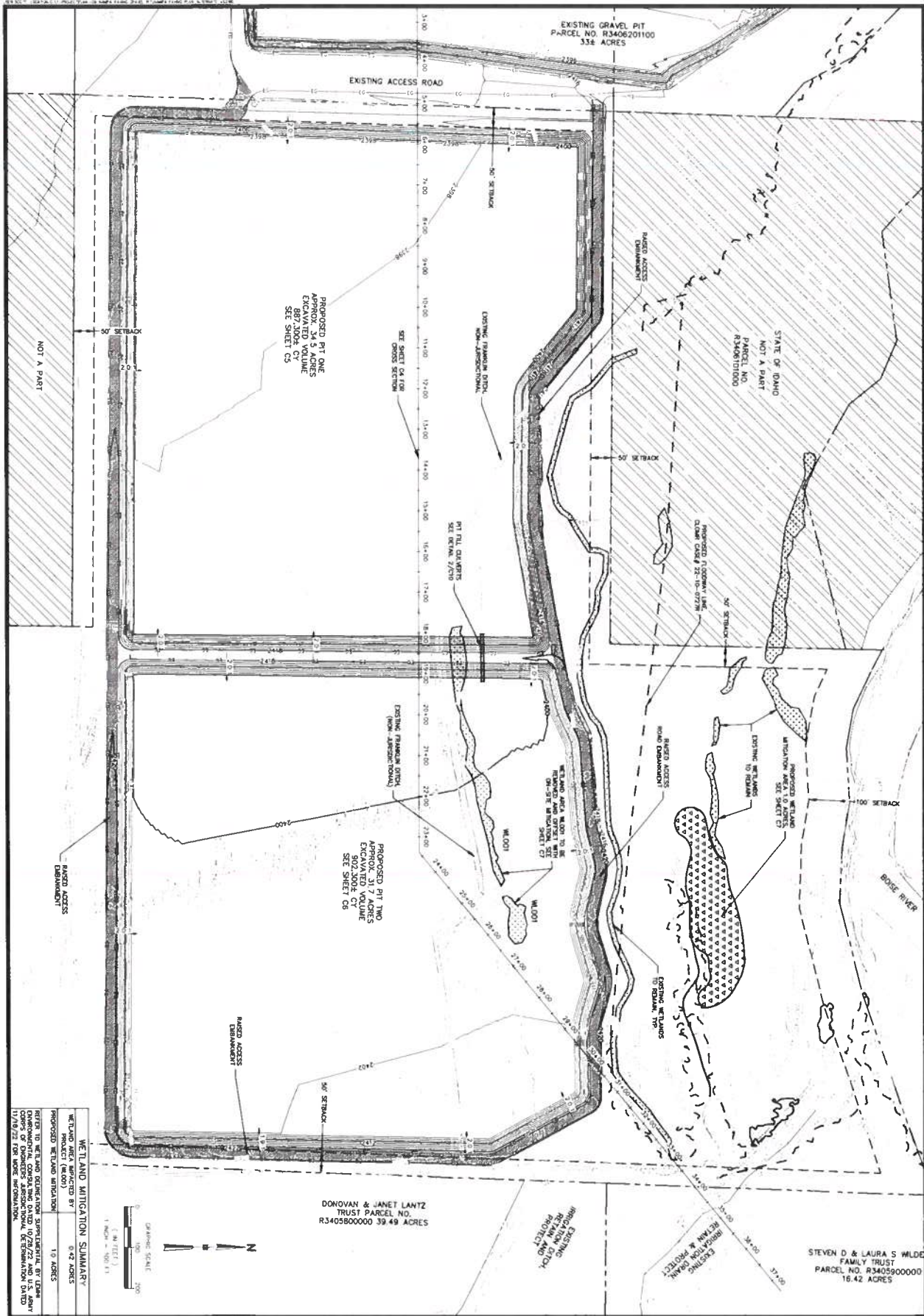
DESIGNED BY: []	CHECKED BY: []
DRAWN BY: []	PLOT DATE: []
DATE: []	DESCRIPTION: []

NAMPA PAVING GRAVEL EXTRACTION SITE
EXISTING SITE CONDITIONS

CANYON COUNTY PROJECT NO. 441-05

SCALE 1"=100'

Quadrant Consulting, Inc.
1000 W. Commercial St.
Boise, ID 83702
(208) 343-0091 PHONE (208) 343-0092 FAX
CIVIL ENGINEERING/SURVEYING



WETLAND MITIGATION SUMMARY

WETLAND PRODUCT (MCOI)	0.72 ACRES
PROPOSED WETLAND MITIGATION	1.0 ACRES

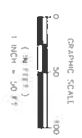
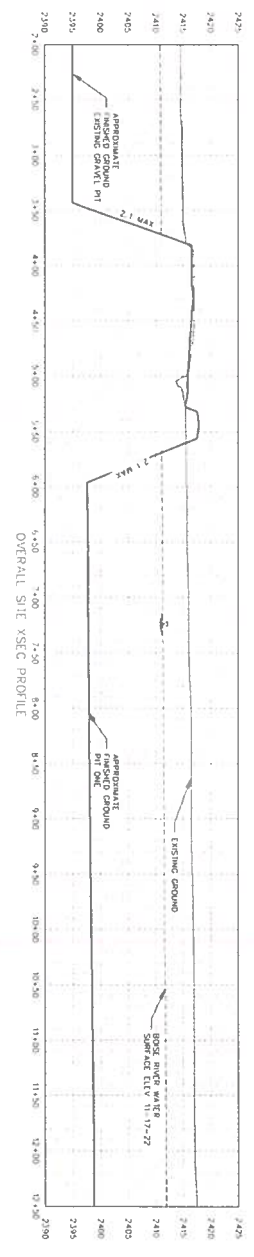
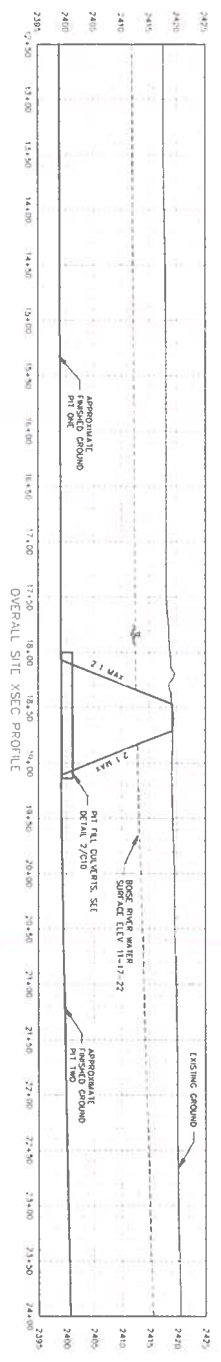
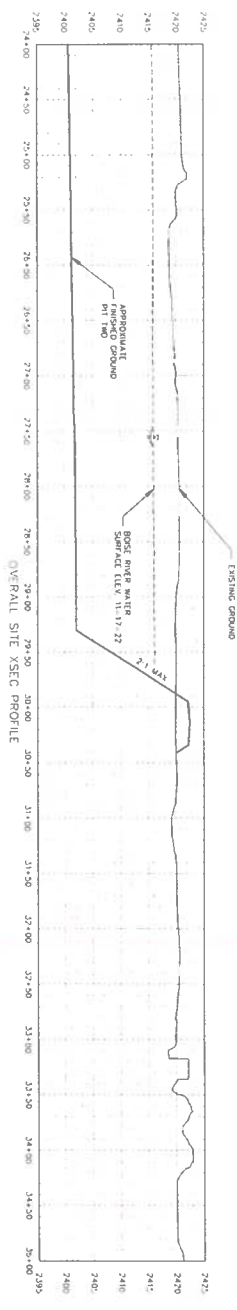
REFERS TO WETLAND Delineation Supplemental by US Army Corps of Engineers and DNR 10/29/22 and U.S. Army 11/14/22 FOR MORE INFORMATION.



**NAMPA PAVING GRAVEL EXTRACTION SITE
OVERALL SITE IMPROVEMENT AREA**

DATE	11/14/22
BY	11/14/22
PROJECT NO.	441-05
SCALE	1"=100'
CANV. CO. DTY.	24-D

Quadrant Consulting, Inc.
1308 E. Grand St.
Boise, ID 83702
TEL: 208-341-0012 FAX: 208-341-0012
S.A. ENGINEERS-SURVEYORS

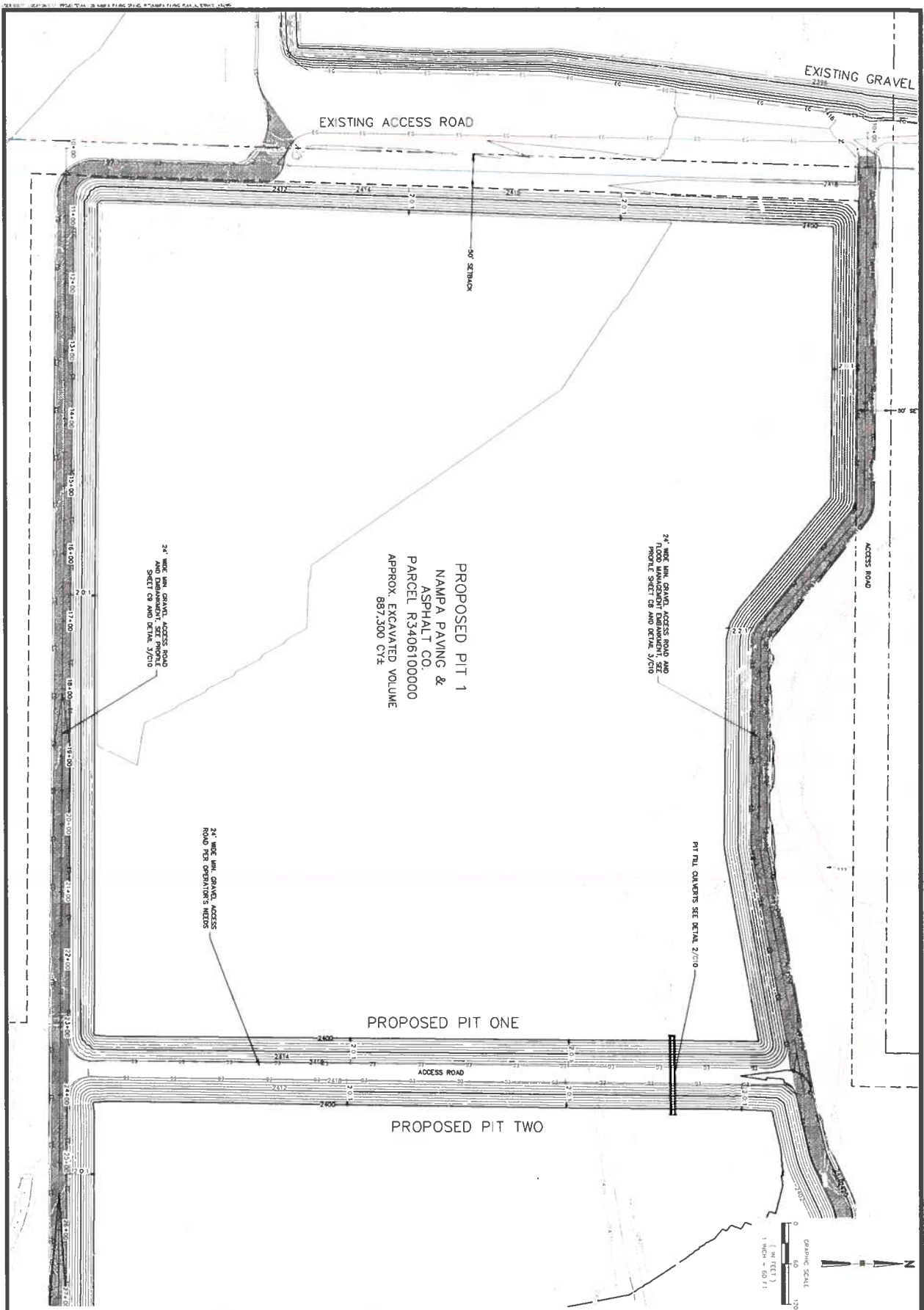


DESIGNED BY: []	CHECKED BY: []
DRAWN BY: []	DATE: 5/9/21
DATE: []	DESCRIPTION: []

NAMPA PAVING GRAVEL EXTRACTION SITE OVERALL SITE IMPROVEMENT AREA-SECTION VIEW

CITY OF COLORADO	PROJECT NO. 481-05
SCALE 1"=50'	DATE 5/9/21

Quadrant Consulting Inc.
 1304 W. Denver St.
 Suite 1000 83205
 (703) 342-0081 PHONE (703) 342-0082 FAX
 DIV. ENGINEERING-SURVEYING



DESIGNED BY: ESP	CHECKED BY: MM
DRAWN BY: ESP	PLOT DATE: 03/23
DATE: _____	DESCRIPTION: _____

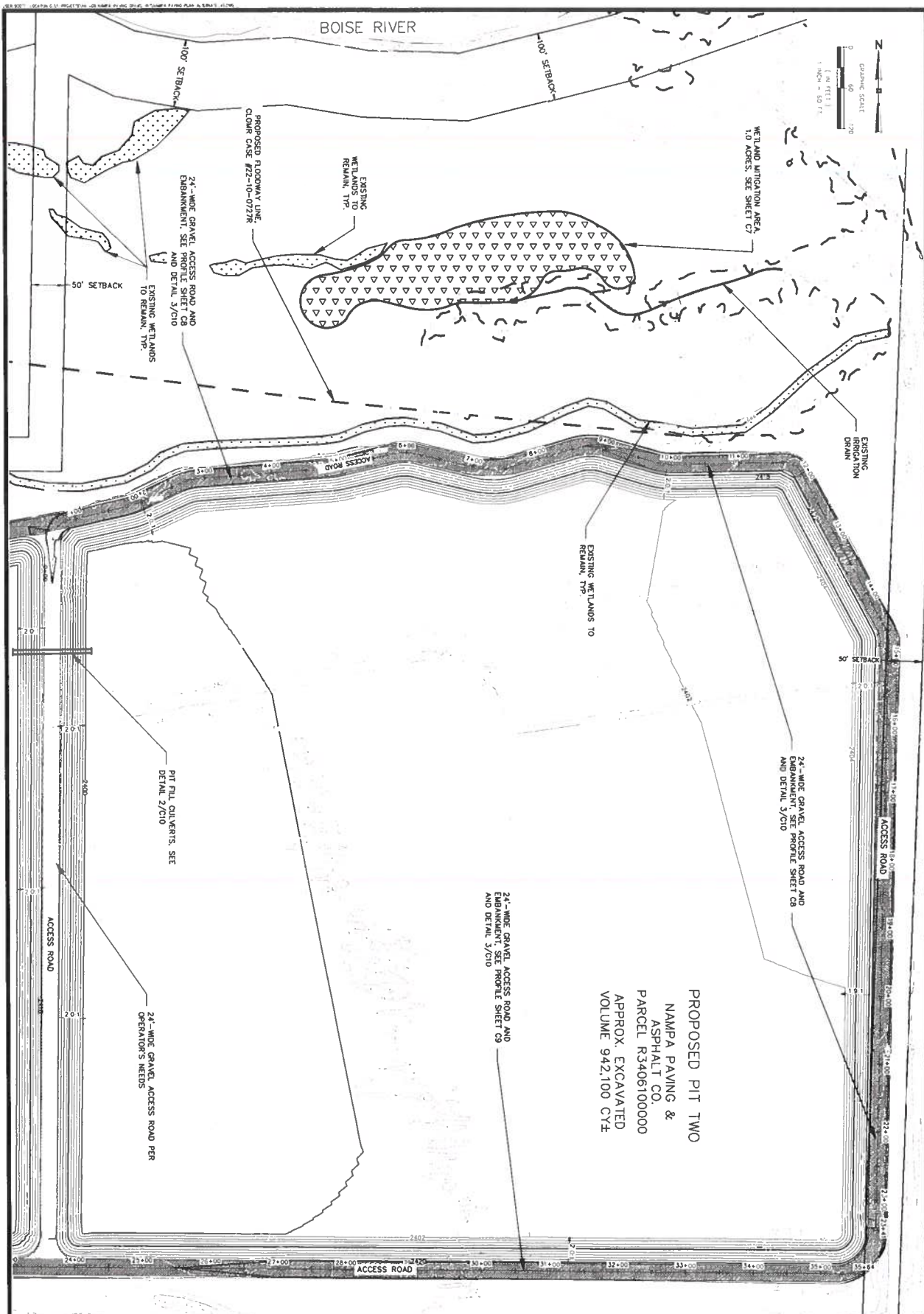
NAMPA PAVING GRAVEL EXTRACTION SITE
PROPOSED PIT 1 AREA PLAN

CANYON COUNTY PROJECT NO. 441-05

SCALE: 1"=50'

Quadrant Consulting, Inc.

1904 Quondra St.
 Boise, Idaho 83725
 (208) 342-0299 PHONE (208) 342-0292 FAX
 Q.C. ENGINEERING-SUBSIDIARY



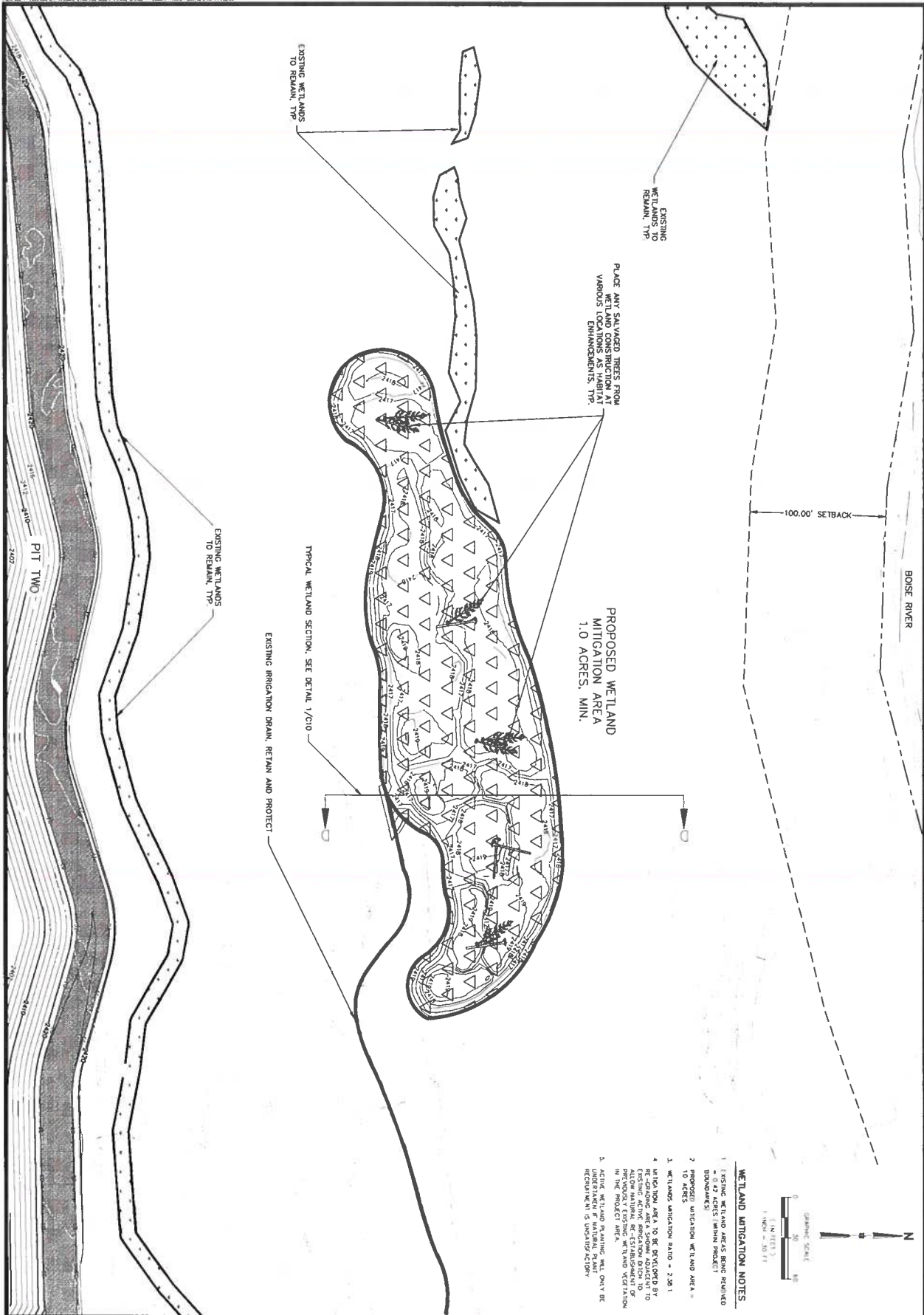
PROPOSED PIT TWO
 NAMPA PAVING &
 ASPHALT CO.
 PARCEL R3406100000
 APPROX. EXCAVATED
 VOLUME 942,100 CY#

DESIGNED BY: SSP	CHECKED BY: ME
DRAWN BY: SSP	PLAT DATE: 2/8/22
DATE: 2/8/22	DESCRIPTION:
66	

NAMPA PAVING GRAVEL EXTRACTION SITE
 PROPOSED PIT 2 AREA PLAN

CANYON COUNTY PROJECT NO. 04-0
 SCALE 1"=50' PROJECT NO. 841-05

Quadrant Consulting, Inc.
 1808 • Overlook Dr
 Boise, Idaho 83725
 (208) 342-0091 • FIDELITY 342-0092 FAX
 CIVIL ENGINEERING-SURVEYING



PLACE ANY SALVAGED TREES FROM WETLAND CONSTRUCTION AT VARIOUS LOCATIONS AS HABITAT ENHANCEMENTS, TYP.

PROPOSED WETLAND MITIGATION AREA 1.0 ACRES, MIN.

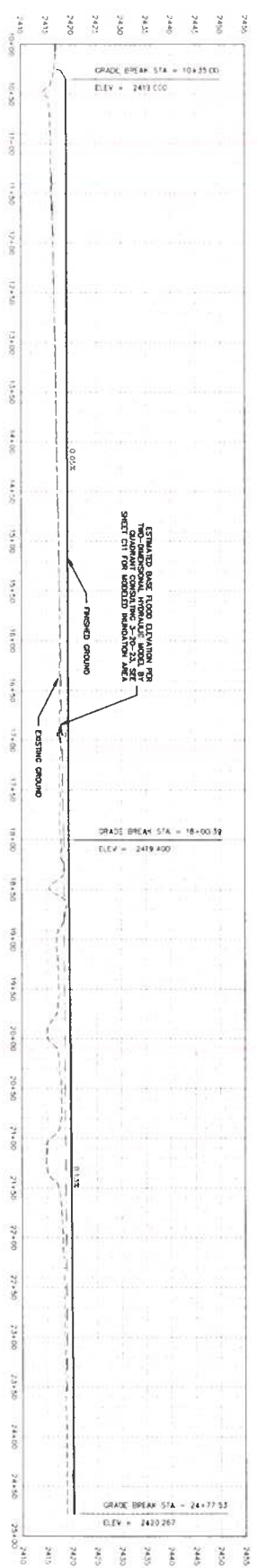
- WETLAND MITIGATION NOTES**
1. EXISTING WETLAND AREAS BEING REMOVED = 0.47 ACRES (MINIMUM PROJECT BOUNDARIES)
 2. PROPOSED MITIGATION WETLAND AREA = 1.0 ACRES
 3. WETLANDS MITIGATION BANDO = 2.38 1
 4. MITIGATION AREA TO BE DEVELOPED BY EXISTING ACTIVE PRODUCTION DITCH TO ALLOW NATURAL RE-ESTABLISHMENT OR IN THE PROJECT AREA.
 5. ACTIVE WETLAND PLANTING SHALL ONLY BE RECOMMENDED IF NATURAL PLANT RECOVERY IS UNSATISFACTORY.

DESIGNED BY: ESP	CHECKED BY: SS
DRAWN BY: ESP	PLotted DATE: 12/22/22
DATE: _____	DESCRIPTION: _____
SHEET 7	

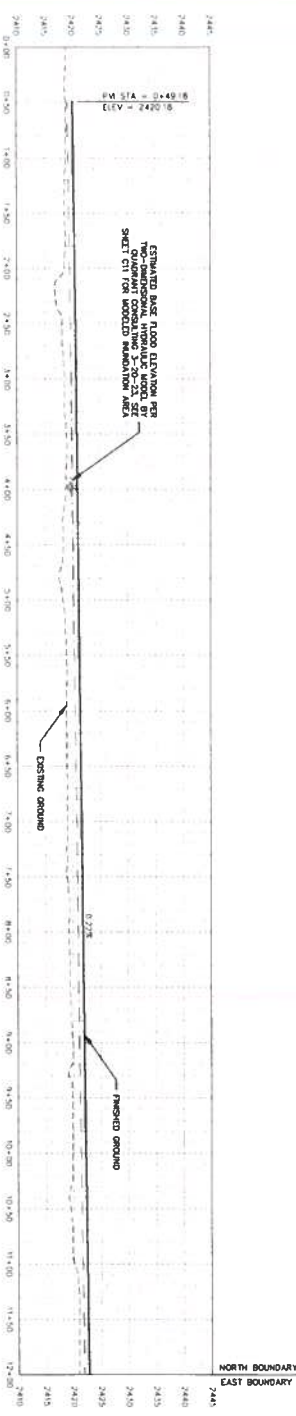
NAMPA PAVING GRAVEL EXTRACTION SITE
PROPOSED WETLAND MITIGATION AREA

EAGLE COUNTY PROJECT NO. 441-05 SCALE 1"=30'

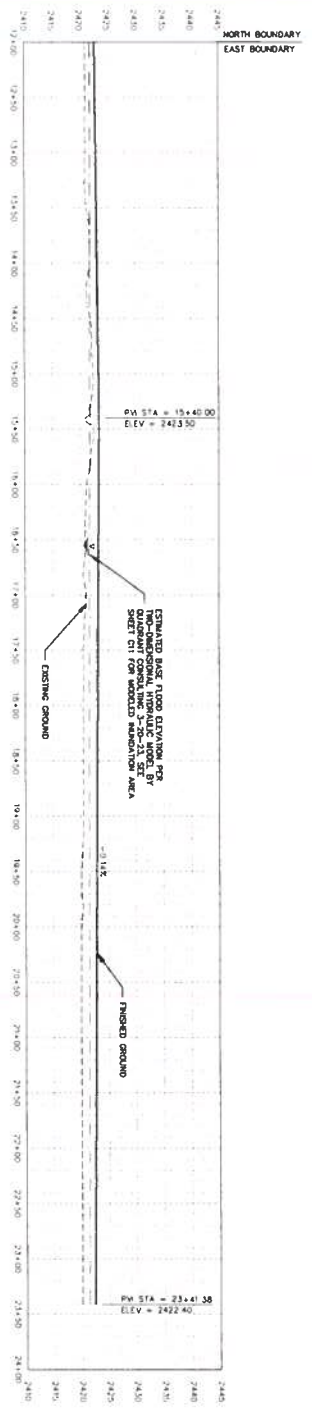
Quadrant Consulting, Inc.
 304 • Suite 100
 1200 S. 10th Street, Suite 100 • Boise, ID 83725
 (208) 343-0800 • FAX (208) 343-0802 • WWW.QUADRANTCONSULTING.COM



PT 1 NORTH BOUNDARY ACCESS ROAD/EMBANKMENT



PT 2 NORTH BOUNDARY ACCESS ROAD/EMBANKMENT



PT 2 EAST BOUNDARY ACCESS ROAD/EMBANKMENT

DESIGNED BY: SP	CHECKED BY: ML
DRAWN BY: SP	NOT DATE: 5/8/22
DATE: _____	DESCRIPTION: _____
C8	

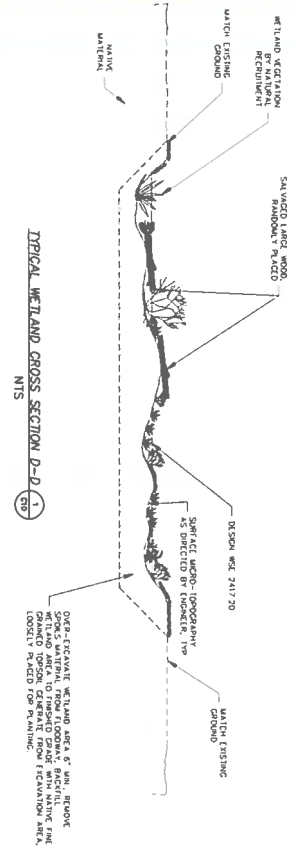
NAMPA PAVING GRAVEL EXTRACTION SITE
ACCESS ROAD WITH EMBANKMENT PROFILES

CREATION COUNTY PROJECT NO. 481-05

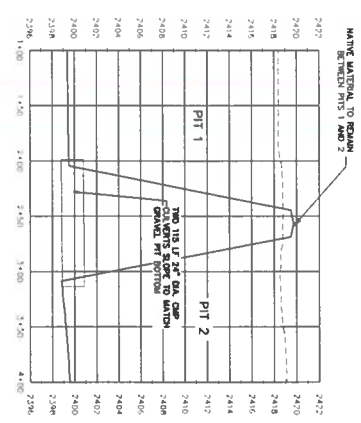
SCALE: 1"=50'

Quadrant Consulting, Inc.

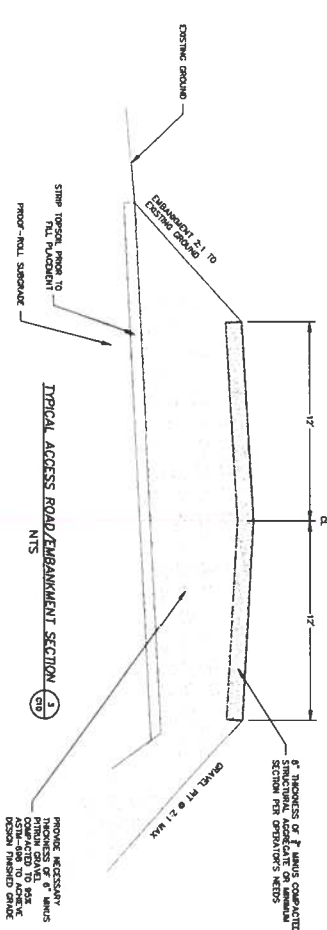
1904 • Denver, CO
 (303) 442-3099 PHONE (303) 442-3092 FAX
 CIVIL ENGINEERING SURVEYING



TYPICAL WETLAND CROSS SECTION D-D
NTS



PIT FILL CULVERTS
NTS



TYPICAL ACCESS ROAD/EMBANKMENT SECTION
NTS

DESIGNED BY: BSP DRAWN BY: BSP DATE: 05/28/10 SHEET NO.: 11 TOTAL SHEETS: 11	CHECKED BY: LA PLOT DATE: 05/28/10	NAMPA PAVING GRAVEL EXTRACTION SITE DETAILS		24-0 1904 W. Oyster Bay Suite 1000 #3700 (281) 342-0091 Fax: (281) 342-0092 444 Dr. ENGINEERING-SURVEYING
	SCALE: NTS	PROJECT NO: 481-05		

LAND USE WORKSHEET

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



Required for Conditional Use Permit, Comprehensive Plan and Zoning Ordinance Amendment Applications

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

GENERAL INFORMATION

1. DOMESTIC WATER: Individual Domestic Well Centralized Public Water System City
 N/A – Explain why this is not applicable: There will be no residential use
 How many Individual Domestic Wells are proposed? _____

2. SEWER (Wastewater) Individual Septic Centralized Sewer system
 N/A – Explain why this is not applicable: There will be no residential use

3. IRRIGATION WATER PROVIDED VIA:
 Surface Irrigation Well None

4. IF IRRIGATED, PROPOSED IRRIGATION:
 Pressurized Gravity

5. ACCESS:
 Frontage Easement Easement width _____ Inst. # _____

6. INTERNAL ROADS:
 Public Private Road User's Maintenance Agreement Inst # _____

7. FENCING Fencing will be provided (Please show location on site plan)
 Type: _____ Height: _____

8. STORMWATER: Retained on site Swales Ponds Borrow Ditches
 Other: _____

9. SOURCES OF SURFACE WATER ON OR NEARBY PROPERTY: (i.e. creeks, ditches, canals, lake)

RESIDENTIAL USES

1. NUMBER OF LOTS REQUESTED:

- Residential _____ Commercial _____ Industrial _____
 Common _____ Non-Buildable _____

2. FIRE SUPPRESSION:

- Water supply source: Lake

3. INCLUDED IN YOUR PROPOSED PLAN?

- Sidewalks Curbs Gutters Street Lights None

NON-RESIDENTIAL USES

1. SPECIFIC USE: Gravel Extraction

2. DAYS AND HOURS OF OPERATION:

- Monday _____ to _____
 Tuesday _____ to _____
 Wednesday _____ to _____
 Thursday _____ to _____
 Friday _____ to _____
 Saturday _____ to occasional
 Sunday _____ to _____

3. WILL YOU HAVE EMPLOYEES? Yes If so, how many? 3-6 No

4. WILL YOU HAVE A SIGN? Yes No Lighted Non-Lighted

Height: _____ ft Width: _____ ft Height above ground: _____ ft

What type of sign: _____ Wall _____ Freestanding _____ Other

5. PARKING AND LOADING:

How many parking spaces? 4/10

Is there is a loading or unloading area? See Reclamation Plan: Letter of Intent

ANIMAL CARE RELATED USES

1. MAXIMUM NUMBER OF ANIMALS: _____

2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION?

Building Kennel Individual Housing Other _____

3. HOW DO YOU PROPOSE TO MITIGATE NOISE?

Building Enclosure Barrier/Berm Bark Collars

4. ANIMAL WASTE DISPOSAL

Individual Domestic Septic System Animal Waste Only Septic System

Other: _____



April 20, 2023

Dear Neighbor,

On behalf of Randy Wood and Nampa Paving, I would like to invite you to a meeting to discuss the modification to an existing conditional use permit (CUP) application they plan to submit to Canyon County. They already have an existing CUP for a gravel pit operation on the properties shown on the attached map and are seeking a modification to the existing permit based on a new site plan for the proposed operation. The entire property is approximately 137 acres north of Lincoln Road and the modified CUP proposes an approximate 52-acre gravel pit operation for the site.

The address of the subject property is 9016 Lincoln Road, Caldwell. Nampa Paving is currently operating on their other property adjacent to this site and this CUP will allow them to expand their operations in the future when needed. There are also numerous other gravel pits operating in this area. Randy Wood and his company, Nampa Paving, have a good track record as responsible operators. The site has already been approved for this use by Canyon County under CU2022-0033, but they are applying for a modification to the approved CUP based on a new site plan for the gravel and sand mining operation.

We will be conducting a neighborhood meeting in Mr. Wood's shop located at 11505 Bass Lane, Caldwell, ID 83605. The meeting will be held at 6 PM on May 2nd. We will be happy to answer any questions you may have at the time, or you may also contact me with your questions.

Sincerely,

Scott Prillaman

enclosure

EXHIBIT 2d - 1

NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



NEIGHBORHOOD MEETING SIGN UP SHEET
CANYON COUNTY ZONING ORDINANCE 607-01-15

Applicants shall conduct a neighborhood meeting for any proposed comprehensive plan amendment, zoning map amendment (rezone), subdivision, variance, conditional use, zoning ordinance map amendment, or other requests requiring a public hearing.

SITE INFORMATION

Site Address: 9016 Lincoln Rd

Parcel Number: R34061

City: Caldwell

State: ID ZIP Code:

Notices Mailed Date:

Number of Acres: 137 +/- Current Zoning:

Description of the Request:

Amend Existing C.U.P

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Cache Wood

Company Name: Nampa Paving

Current address: 444 W. Karsher Rd

City: Nampa

State: Id

ZIP Code: 83678

Phone: 208-695-4142

Cell: →

Fax:

Email:

11505 Bass Ln Caldwell.

MEETING INFORMATION

DATE OF MEETING: 5-2-23

MEETING LOCATION: Caldwell.

MEETING START TIME: 6:00 P.M.

MEETING END TIME: 6:30 P.M.

ATTENDEES:

NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. <u>Jan Lantz</u>	<u>Jan Lantz</u>	<u>8770 Lincoln Rd, Caldwell</u>
2. <u>Randy Wood</u>	<u>Randy Wood</u>	<u>11505 Bass Lane Caldwell 83605</u>
3. <u>Delia Swindlehurst</u>	<u>Delia Swindlehurst</u>	<u>2057 White Pine Dr. Middleton.</u>
4.		
5.		
6.		
7.		
8.		
9.		

10.
11.

12.
13.
14.
15.
16.
17.
18.
19.
20.

NEIGHBORHOOD MEETING CERTIFICATION:

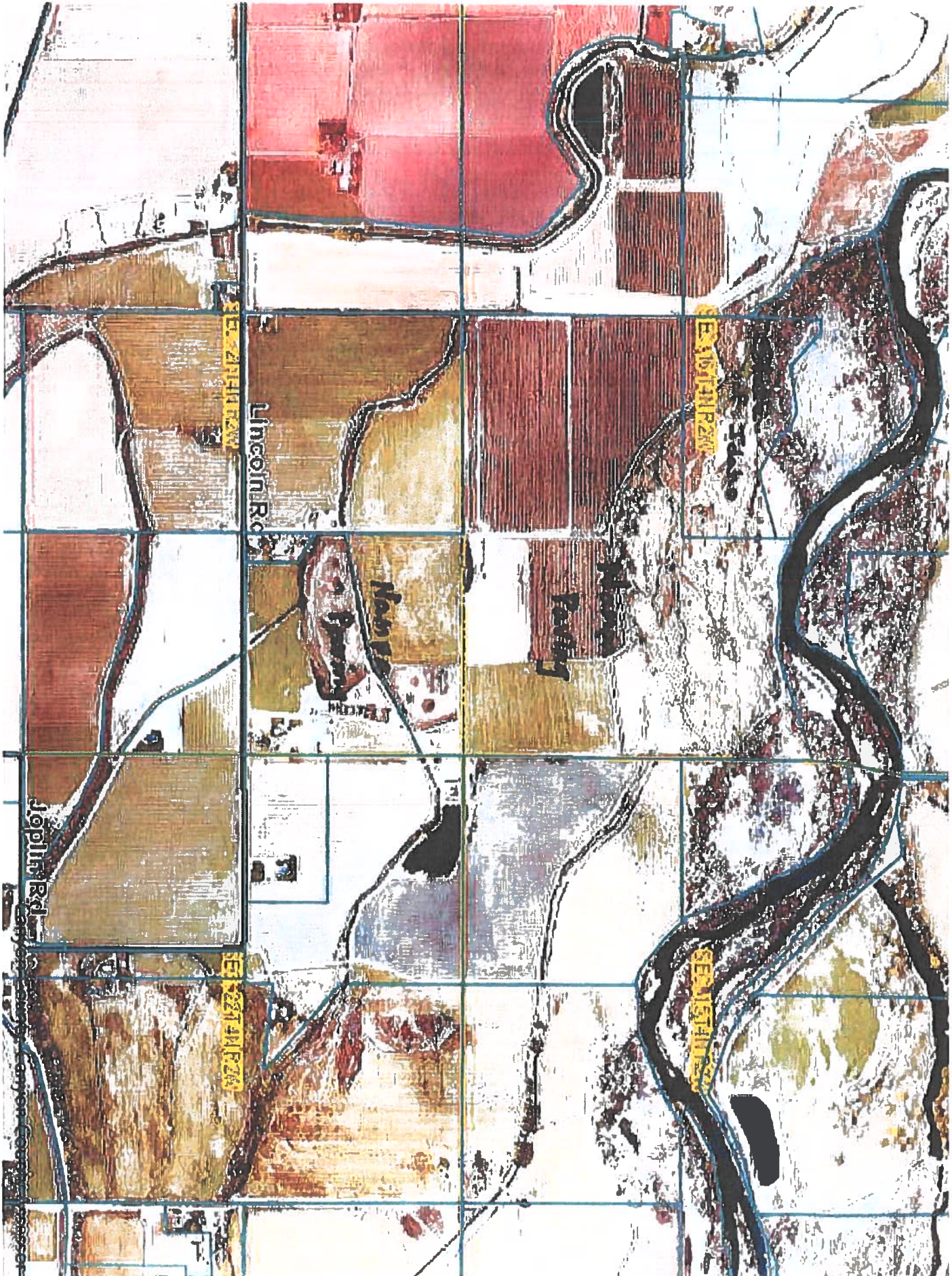
I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accordance with Canyon County Zoning Ordinance § 07-01-15.

APPLICANT/REPRESENTATIVE (Please print):

Randy Wood

APPLICANT/REPRESENTATIVE (Signature): Randy Wood

DATE: 5 / 2 / 23





Federal Emergency Management Agency

Washington, D.C. 20472

November 14, 2022

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Commissioner Keri Smith
District 2, Canyon County
1115 Albany Street Room 101
Caldwell, ID 83605

IN REPLY REFER TO:

Case No.: 22-10-0727R
Community Name: Canyon County, ID
Community No.: 160208

Dear Commissioner Smith:

We are providing our comments with the enclosed Conditional Letter of Map Revision (CLOMR) on a proposed project within your community that, if constructed as proposed, could revise the effective Flood Insurance Study report, and Flood Insurance Rate Map for your community.

If you have any questions regarding the floodplain management regulations for your community, the National Flood Insurance Program (NFIP) in general, or technical questions regarding this CLOMR, please contact the Director, Mitigation Division of the Federal Emergency Management Agency (FEMA) Regional Office in Bothell, WA at (425) 487-4543, or the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA (MAP)). Additional information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.

Sincerely,

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration

List of Enclosures:

Conditional Letter of Map Revision Comment Document

cc: The Honorable Garret Nancolas
Mayor
City of Caldwell

Maureen O'Shea, AICP, CFM
State NFIP Coordinator
Idaho Department of Water Resources

Stephanie Hailey
Floodplain Manager
Canyon County Development Services

Delfo Swindlehurst
Project Manager
Nampa Paving

Devin Krasowski
Associate Engineer
Canyon County Development Services

Karl Gebhardt, P.E.
Hydrologist/Environmental Engineer
Resource Systems, Inc.

Ashley Newbry, P.E., CFM
Assistant City Engineer
City of Caldwell



Federal Emergency Management Agency

Washington, D.C. 20472

CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT

COMMUNITY INFORMATION		PROPOSED PROJECT DESCRIPTION	BASIS OF CONDITIONAL REQUEST
COMMUNITY	Canyon County Ohio (Unincorporated Areas)	EXCAVATION	1D HYDRAULIC ANALYSIS FLOODWAY UPDATED TOPOGRAPHIC DATA
	COMMUNITY NO.: 160208		
IDENTIFIER	Bishop CLOMR	APPROXIMATE LATITUDE & LONGITUDE: 43.684, -116.573 SOURCE: OTHER DATUM: NAVD 88	
AFFECTED MAP PANEL			
TYPE: FIRM*	NO.: 16027C0254G DATE: June 7, 2019	* FIRM - Flood Insurance Rate Map	
TYPE: FIRM	NO.: 16027C0262G DATE: June 7, 2019		

FLOODING SOURCE AND REACH DESCRIPTION

Boise River - from approximately 168,510 feet above confluence with Snake River to approximately 172,110 feet above confluence with Snake River

PROPOSED PROJECT DESCRIPTION

Flooding Source	Proposed Project	Location of Proposed Project
Boise River	Grading/Excavation	Approximately 171,400 feet above confluence with Snake River

SUMMARY OF IMPACTS TO FLOOD HAZARD DATA

Flooding Source	Effective Flooding	Proposed Flooding	Increases	Decreases
Boise River	BFEs*	BFEs	None	Yes
	Floodway	Floodway	None	Yes

* BFEs - Base (1-percent-annual-chance) Flood Elevations

COMMENT

This document provides the Federal Emergency Management Agency's (FEMA's) comment regarding a request for a CLOMR for the project described above. This document is not a final determination; it only provides our comment on the proposed project in relation to the flood hazard information shown on the effective National Flood Insurance Program (NFIP) map. We reviewed the submitted data and the data used to prepare the effective flood hazard information for your community and determined that the proposed project meets the minimum floodplain management criteria of the NFIP. Your community is responsible for approving all floodplain development and for ensuring that all permits required by Federal or State/Commonwealth law have been received. State/Commonwealth, county, and community officials, based on their knowledge of local conditions and in the interest of safety, may set higher standards for construction in the Special Flood Hazard Area (SFHA), the area subject to inundation by the base flood). If the State/Commonwealth, county, or community has adopted more restrictive or comprehensive floodplain management criteria, these criteria take precedence over the minimum NFIP criteria.

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA-MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional information about the NFIP is available on the FEMA website at <https://www.fema.gov/flood-insurance>.

Patrick "Rick" F. Sacbbit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration

22-10-0727R 104



Federal Emergency Management Agency
Washington, D.C. 20472

**CONDITIONAL LETTER OF MAP REVISION
COMMENT DOCUMENT (CONTINUED)**

COMMUNITY INFORMATION

To determine the changes in flood hazards that will be caused by the proposed project, we compared the hydraulic modeling reflecting the proposed project (referred to as the proposed conditions model) to the hydraulic modeling used to prepare the Flood Insurance Study (FIS) (referred to as the effective model). If the effective model does not provide enough detail to evaluate the effects of the proposed project, an existing conditions model must be developed to provide this detail. This existing conditions model is then compared to the effective model and the proposed conditions model to differentiate the increases or decreases in flood hazards caused by more detailed modeling from the increases or decreases in flood hazards that will be caused by the proposed project.

The table below shows the changes in the BFEs:

BFE Comparison Table

Flooding Source: Boise River		BFE Change (feet)	Location of maximum change
Existing vs. Effective	Maximum increase	0.00	N/A
	Maximum decrease	0.24	Approximately 169,290 feet above confluence with Snake River
Proposed vs. Existing	Maximum increase	0.00	N/A
	Maximum decrease	0.01	Approximately 171,480 feet above confluence with Snake River
Proposed vs. Effective	Maximum increase	0.00	N/A
	Maximum decrease	0.24	Approximately 169,290 feet above confluence with Snake River

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA-MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on the FEMA website at <https://www.fema.gov/flood-insurance>.

Patrick "Rick" F. Sacbbit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT (CONTINUED)

COMMUNITY INFORMATION (CONTINUED)

DATA REQUIRED FOR FOLLOW-UP LOMR

Upon completion of the project, your community must submit the data listed below and request that we make a final determination on revising the effective FIRMs, and FIS report. If the project is built as proposed and the data below are received, a revision to the FIRMs and FIS report would be warranted.

- Form 1, entitled "Overview & Concurrence Form". Detailed application and certification forms must be used for requesting final revisions to the maps. Therefore, when the map revision request for the area covered by this letter is submitted, Form 1 must be included. If as-built conditions differ from the proposed plans, please submit new forms, which may be accessed at <https://www.fema.gov/flood-maps/change-your-flood-zone/paper-application-forms/mt-2>, or annotated copies of the previously submitted forms showing the revised information.
- Form 2, entitled "Riverine Hydrology & Hydraulics Form."
- Form 3, entitled "Riverine Structures Form."
- Hydraulic analyses, for as-built conditions, of the base flood; the 10-percent, 2-percent, and 0.2-percent-annual-chance floods; and the regulatory floodway, together with a topographic work map showing the revised floodplain and floodway boundaries. Please ensure that the revised information ties in with the current effective information at the downstream and upstream ends of the revised reach.
- Annotated copies of all the FIRMs, at the scale of the effective FIRM, that shows the revised floodplain and floodway boundary delineations shown on the submitted work map and how they tie into the floodplain and floodway boundary delineations shown on the current effective FIRM at the downstream and upstream ends of the revised reach.
- As-built plans, certified by a registered professional engineer, of all proposed project elements.
- A copy of the public notice distributed by your community, stating its intent to revise the regulatory floodway, or a signed statement by your community that it has notified all affected property owners and affected adjacent jurisdictions.

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA-MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on the FEMA website at <https://www.fema.gov/flood-insurance>.

A handwritten signature in black ink, appearing to read "Patrick F. Sacbibit".

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT (CONTINUED)

COMMUNITY INFORMATION (CONTINUED)

- A letter stating that your community will adopt and enforce the modified regulatory floodway, OR, if the State/Commonwealth has jurisdiction over either the regulatory floodway or its adoption by your community, a copy of your community's letter to the appropriate State/Commonwealth agency notifying it of the modification to the regulatory floodway and a copy of the letter from that agency stating its approval of the modification.
- FEMA's fee schedule for reviewing and processing requests for conditional and final modifications to published flood information and maps may be accessed at <https://www.fema.gov/flood-maps/change-your-flood-zone/status/flood-map-related-fees>. The fee at the time of the map revision submittal must be received before we can begin processing the request. Payment of this fee can be made through a check or money order, made payable in U.S. funds to the National Flood Insurance Program, or by credit card (Visa or MasterCard only). Please forward the payment, along with the revision application, to the following address:

LOMC Clearinghouse
3601 Eisenhower Avenue, Suite 500
Alexandria, VA 22304-6427

After receiving appropriate documentation to show that the project has been completed, FEMA will initiate a revision to the FIRM and FIS report. Because the flood hazard information (i.e., base flood elevations, base flood depths, SFHAs, zone designations, and/or regulatory floodways) will change as a result of the project, a 90-day appeal period will be initiated for the revision, during which community officials and interested persons may appeal the revised flood hazard information based on scientific or technical data.

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA-MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on the FEMA website at <https://www.fema.gov/flood-insurance>.

A handwritten signature in black ink, appearing to read "Rick F. Sacbibit".

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT (CONTINUED)

COMMUNITY INFORMATION (CONTINUED)

COMMUNITY REMINDERS

We have designated a Consultation Coordination Officer (CCO) to assist your community. The CCO will be the primary liaison between your community and FEMA. For information regarding your CCO, please contact:

Kristen Meyers
Director, Mitigation Division
Federal Emergency Management Agency, Region X
Federal Regional Center
130 228th Street, Southwest
Bothell, WA 98021-8627
(425) 487-4543

Although a portion of the revision area is shown within the City of Caldwell on the FIRM, Canyon County has annexed the entire revision area.

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA-MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on the FEMA website at <https://www.fema.gov/flood-insurance>.

A handwritten signature in black ink, appearing to read "Rick Sacbibit".

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



NATIONAL FLOOD INSURANCE PROGRAM
FEMA PRODUCTION AND TECHNICAL SERVICES CONTRACTOR

July 27, 2022

Delfo Swindlehurst
Nampa Paving
444 West Karcher Road
Nampa, ID 83687

IN REPLY REFER TO:
Case No.: 22-10-0727R
Communities: City of Caldwell, and Canyon
County, ID
Community Nos.: 160036 and 160208

316-AD

Dear Delfo Swindlehurst:

This responds to your request dated June 3, 2022, that the Department of Homeland Security's Federal Emergency Management Agency (FEMA) issue a conditional revision to the Flood Insurance Rate Map (FIRM) for Canyon County, Idaho and Incorporated Areas. Pertinent information about the request is listed below.

Identifier:	Bishop CLOMR
Flooding Source:	Boise River
FIRM Panels Affected:	16027C0254G, and 0262G

The data required to complete our review, which must be submitted within 90 days of the date of this letter, are listed on the enclosed summary.

If we do not receive the required data within 90 days, we will suspend our processing of your request. Any data submitted after 90 days will be treated as an original submittal and will be subject to all submittal/payment procedures, including the flat review and processing fee for requests of this type established by the current fee schedule. A copy the current fee schedule is available for your information on the FEMA Web site at <https://www.fema.gov/flood-map-related-fees>.

FEMA receives a very large volume of requests and cannot maintain inactive requests for an indefinite period of time. Therefore, we are unable to grant extensions for the submission of required data/fee for revision requests. If a requester is informed by letter that additional data are required to complete our review of a request, the data/fee **must** be submitted within 90 days of the date of the letter. Any fees already paid will be forfeited for any request for which the requested data are not received within 90 days.

LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426 PH: 1-877-FEMA MAP

STARR II, under contract with the FEDERAL EMERGENCY MANAGEMENT AGENCY, is a
Production and Technical Services Contractor for the National Flood Insurance Program

EXHIBIT 2e - 7

If you have general questions about your request, FEMA policy, or the National Flood Insurance Program, please call the FEMA Mapping and Insurance Exchange (FMIX), toll free, at 1-877-FEMA MAP (1-877-336-2627). If you have specific questions concerning your request, please contact your case reviewer, Mr. Ibrahim Sabit, by e-mail at Ibrahim.Sabit@stantec.com or by telephone at (240) 542-3185, or the Revisions Coordinator for your request, Ms. Sonal Kulkarni, at sonal.kulkarni@stantec.com or at (240) 542-3102.

Sincerely,



Alex Haptemariam, P.E., CFM
MT-2 Process Manager
STARR II

cc: Stephanie Hailey
Floodplain Manager
Canyon County

Maureen O'Shea, AICP, CFM
State NFIP Coordinator
Idaho Department of Water Resources

Karl Gebhardt, P.E.
Resource Systems, Inc.



NATIONAL FLOOD INSURANCE PROGRAM

FEMA PRODUCTION AND TECHNICAL SERVICES CONTRACTOR

Summary of Additional Data Required to Support a Conditional Letter of Map Revision (CLOMR)

Case No.: 22-10-0727R

Requester: Delfo Swindlehurst

Communities: City of Caldwell, and Canyon County, ID

Community Nos.: 160036 and 160208

The issues listed below must be addressed before we can continue the review of your request.

1. Our review of your request revealed that the City of Caldwell is also affected by this revision. Please provide community acknowledgment in the form of a letter stating that the community has reviewed the revision request and understands the effects of the revision on flooding conditions in the community, and that any existing or proposed structures to be removed from the Special Flood Hazard Area (SFHA), the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), are reasonably safe from flooding. Alternatively, please submit Application/Certification Form 1, entitled “Overview & Concurrence Form,” signed by a community official.
2. The submitted topographic work map does not provide essential information required to complete our review of this request. Please submit a revised topographic work map that shows all applicable items listed in Section C of Application/Certification Form 2, entitled “Riverine Hydrology & Hydraulics Form,” including the following information:
 - a. Boundary delineations of the post-project conditions base (1-percent-annual-chance) floodplain, 0.2-percent-annual-chance floodplain, and regulatory floodway;
 - b. Boundary delineations of the existing base floodplain, 0.2-percent-annual-chance floodplain, and regulatory floodway;
 - c. Logical tie-ins between the revised and effective flood hazard boundary delineations;
 - d. Topographic contour information used for the boundary delineations of the base floodplain, 0.2-percent-annual-chance floodplain, and regulatory floodway;
 - e. Locations and alignments of all cross-sections used in the hydraulic model;
 - f. The flow line used in the hydraulic model;
 - g. Label of all the roads within and around the revision area;
 - h. Certification by a registered professional engineer; and
 - i. Reference to a datum, such as the National Geodetic Vertical Datum of 1929.

Please provide digital GIS data for the above-referenced topographic work map. Please ensure the digital data are spatially referenced and cite what projection (coordinate system, example: UTM/State Plane) was used, so that the data may be used for accurate mapping. Please also ensure the consistency between the work map and hydraulic model about- (i) the topwidths of all cross sections, and (ii) the channel distance between the cross sections.

LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426 PH: 1-877-FEMA MAP

3. Please resubmit annotated Flood Insurance Rate Maps (FIRMs), at the scale of the effective FIRM, that shows the revised boundary delineations of the base floodplain shown on the submitted work map and how they tie into the boundary delineations shown on the effective FIRM at the downstream and upstream ends of the revised reach.
4. If there are any increases in width and/or shifting of the base floodplain and/or increase in BFEs, please submit documentation of the individual legal notices that were sent to all affected property owners. Legal notice may take the form of certified mailing receipts or certification that all property owners have been notified, with an accompanying mailing list and a copy of letter sent. Examples of individual notices can be found in Figure 5 on page 23 of the instructions for the MT-2 application/certification forms, which may be accessed at https://www.fema.gov/sites/default/files/documents/fema_mt-2-instructions-2022.pdf
5. Please submit copies of the public notices distributed by City of Caldwell, and Canyon County stating their intent to revise the floodway or provide statements by your communities that they have notified all affected property owners, in compliance with NFIP regulation Subparagraph 65.7 (b)(1). These notices must include the extent of revision, the changes to the floodway, and contact information for any interested parties.
6. The CLOMR request will be processed by FEMA only after FEMA receives documentation from the requestor that demonstrates compliance with the Endangered Species Act (ESA). For projects that are not constructed, funded or permitted by a federal agency, the requestor must demonstrate ESA compliance by submitting to FEMA written justification that a "Take," meaning to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct, has no potential to occur to threatened and endangered species present in the county as a result of the project. If a project has the potential to "Take" listed species, an Incidental Take Permit may be submitted with justification that the project is the subject, or is covered by the subject, of the permit.

For projects with federal construction, funding, or permitting, a "not likely to adversely affect" determination with concurrence from the Services, a "No Effect" determination from the federal action agency, or other approval from the Services is acceptable documentation of ESA compliance. This documentation must be coordinated by the federal agency engaging in the construction, funding, or permitting of the project and the Services, as appropriate.

The submitted information for your case did not provide an ESA report and clearly state a determination for listed endangered and threatened species consistent with the above terminology. Please provide information for your case which should include project location, authorization, and species list, as well as the clear determination for listed endangered and threatened species consistent with the above terminology.

Please send the required data directly to us at the address shown at the bottom of the first page attention to Mr. Ibrahim Sabit, STARR II. For identification purposes, please include the case number referenced above on all correspondence.

316-AD



322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

July 5, 2023

Cache Wood
Nampa Paving and Asphalt
444 W. Karcher Rd.
Nampa, Idaho 83687

RE: Joint Application for Permit No. S63-21063
Boise River – Gravel Pit

Dear Ms. Schuster,

The Idaho Department of Water Resources (IDWR) has reviewed your attached Joint Application for Permits, received March 27, 2023, including diagrams. Project activities include the excavation of approximately 61.8 acres of gravel, impacting approximately 0.42 acres of wetlands adjacent to the Boise River. The proposed project is located in Section 16, Township 04 North, Range 02 West, Canyon County, Idaho. It has been determined that an IDWR Stream Channel Alteration Permit will not be required for this activity as provided for within Sections 42-3802 (d), Idaho Code.

This does not relieve you of the responsibility to obtain any other local, state or federal permits that may be required, such as those required under the Clean Water Act or local ordinances required to meet federal flood insurance guidelines.

Please contact Katie Gibble at (208) 287-4823 or katie.gibble@idwr.idaho.gov if you have any questions regarding this matter.

Sincerely,

Katie Gibble
Stream Channel Protection
Idaho Department of Water Resources

cc: Nicholas Kraus, Quadrant Consulting Inc.
Stephanie Hailey, Canyon County
Dean Johnson, Idaho Department of Lands, Boise
Brandon Flack, Idaho Department of Fish & Game, Boise
Chase Cusack and Lance Holloway, Department of Environmental Quality, Boise
US Army Corp of Engineers, Boise
Aaron Golart, Idaho Department of Water Resources, Boise

JOINT APPLICATION FOR PERMITS

RECEIVED

MAR 27 2023

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

WESTERN REGION

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 (8 1/2"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. 63-21063	Date Received: 3.27.23	<input type="checkbox"/> Fee Received DATE: 3-27-23	Receipt No.: WDS1101
Idaho Department of Lands No.	Date Received:	<input type="checkbox"/> Fee Received DATE:	Receipt No.:

INCOMPLETE APPLICATIONS MAY NOT BE PROCESSED

1. CONTACT INFORMATION - APPLICANT Required:			2. CONTACT INFORMATION - AGENT:		
Name: Cache Wood			Name: Nicholas Kraus, PE		
Company: Nampa Paving and Asphalt			Company: Quadrant Consulting Inc.		
Mailing Address: 444 W. Karcher Raod			Mailing Address: 1904 W. Overland Road		
City: Nampa	State: ID	Zip Code: 83687	City: Boise	State: ID	Zip Code: 83705
Phone Number (include area code): 208 466 4051	E-mail:		Phone Number (include area code): 208 342-0091	E-mail: nick@quadrant.cc	
3. PROJECT NAME or TITLE: Bishop Property Gravel Extraction & Mitigation Site			4. PROJECT STREET ADDRESS: Parcel# R3406100000 (no address)		
5. PROJECT COUNTY: Canyon		6. PROJECT CITY: Caldwell		7. PROJECT ZIP CODE: 83605	
8. NEAREST WATERWAY/WATERBODY: Boise River		9. TAX PARCEL ID#:		10. LATITUDE: 43d 40' 45.63" N LONGITUDE: 116d 34' 38.71"W	
11a. 1/4:		11b. 1/4:		11c. SECTION: 16	
12a. ESTIMATED START DATE: Spring 2023		12b. ESTIMATED END DATE: Winter 2024		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. Take Highway 26 from Interstate I-84 east to N. Midland Blvd. Head north (left) on N. Midland Blvd. to E. Lincoln Rd. Head east (right) approximately 0.4 miles on E. Lincoln Rd. and cross Fifteen Mile Creek. Entrance is on left immediately after crossing Fifteen Mile Creek. Vicinity map is provided on drawings.					
15. PURPOSE and NEED: <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Public <input 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. Project is the proposed expansion of an existing gravel pit mine operation adjacent to the Boise River and partially located within the Boise River Floodplain. Existing wetland areas will be impacted by the proposed expansions so a new constructed wetland area within the project is being proposed as mitigation for the impact. The proposed wetland mitigation area will be more than twice the size of the existing impacted wetlands.					

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MAR 29 2023
DEPARTMENT OF
WATER RESOURCES

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.:

A new wetland area will be constructed in the northeast area of the site to mitigate for the loss of existing impacted wetlands. The area of impacted wetlands has been determined to be 0.42 acres based on a Wetland Delineation Study performed by Lemhi Environmental Consulting, dated July 22, 2022. The new wetland area shall be at minimum 1.0 acres in extent to satisfy a 2:1 mitigation ratio. The proposed wetland area shall be graded to provide a variety of micro habitats. The proposed wetland area will only be seeded if natural plant recruitment is unsatisfactory. Water will be delivered to the proposed wetland area via an existing irrigation drain/delivery ditch with perennial flows through the site. Outflow from the proposed wetland area shall flow to an existing wetland area and irrigation ditch that discharges to the Boise River. This drain is a part of the existing wetland system at the site so outflows will serve to maintain the already existing wetlands.

Gravel extraction pits are also proposed for the site. These pits are proposed to be located within the Boise River regulatory floodplain and will vary in size and configuration as gravel is extracted. The proposed maximum pit size is depicted on the drawings. The gravel extraction will be an ongoing operation with a maximum time frame of 20 years. Upon completion of the pit mining operation the site will be reclaimed according to the approved Reclamation Plan on file with the Idaho Department of Lands. To mitigate for potential flood hazards, access roads and pits will be graded above Base Flood Elevations and will route flood waters away from the pits to limit the opportunity for pit inundation and the potential for pit capture by the Boise River.

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.

Other alternatives for gravel pit locations were not considered. This area of the Boise River has several gravel pit operations in close vicinity, and Nampa Paving is currently operating a pit mining operation adjacent to this location. The expansion of the operation to this location is highly practical as it will allow for the existing site entrances and operations infrastructure to remain in use as the gravel extraction expands onto this property. The design and locations of the pits have been optimized to minimize potential hazards from flood events. Flooding impact on the gravel pits has been mitigated by the placement and grading of access roads above the Base Flood Elevation in key areas around the pits. The access road grading design will decrease the likelihood of a pit capture event and a rerouting of the Boise River channel. A new wetlands area will be constructed to mitigate for the existing wetland areas lost to the project. The new wetland habitat shall be at least twice the size of any habitat lost to the project and will be contiguous in nature as opposed to the variety of ditches and low elevation areas currently classified as wetlands at the project site. No work is proposed below the ordinary high water mark of the Boise River.

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.

A new wetland area shall be constructed in the northeastern area of the site and is proposed to be approximately 1.0 acres in size. The new wetland area will mitigate for the 0.42 acres of existing wetland that will be lost to the project. The proposed wetland area will be supplied with water from an existing irrigation drain ditch that delivers perennial flows to the property. The wetland area will be graded to provide a variety of suitable conditions for a diverse habitat. The wetland area will only be seeded if natural plant recruitment is unsuccessful. Tailwater from the proposed wetland will flow from the outlet to an existing wetland area and a variety of existing ditches on the property that eventually drain to the Boise River. These existing ditches are a part of the existing wetland on the project so outflow from the proposed wetland will serve to maintain a portion of the already existing wetlands at the site.

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

Dirt or Topsoil: _____ cubic yards
 Dredged Material: _____ cubic yards
 Clean Sand: _____ cubic yards
 Clay: _____ cubic yards
 Gravel, Rock, or Stone: _____ cubic yards
 Concrete: _____ cubic yards
 Other (describe): _____ : _____ cubic yards
 Other (describe): _____ : _____⁰ cubic yards
 TOTAL: _____⁰ cubic yards

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

Filling: _____ acres _____ sq ft. _____ cubic yards
 Backfill & Bedding: _____ acres _____ sq ft. _____ cubic yards
 Land Clearing: _____ acres _____ sq ft. _____ cubic yards
 Dredging: _____ acres _____ sq ft. _____ cubic yards
 Flooding: _____ acres _____ sq ft. _____ cubic yards
 Excavation: 0.42 acres _____ sq ft. 18300 cubic yards
 Draining: _____ acres _____ sq ft. _____ cubic yards
 Other: _____ : _____ acres _____ sq ft. _____⁰ cubic yards
 TOTALS: 0.42 acres _____⁰ sq ft. 18300 cubic yards

21. HAVE ANY WORK ACTIVITIES STARTED ON THIS PROJECT? NO YES If yes, describe ALL work that has occurred including dates.

22. LIST ALL PREVIOUSLY ISSUED PERMIT AUTHORIZATIONS:

Canyon County Conditional Use Permit, dated November 7,2022.

23. 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: _____ Square Miles

25. IS PROJECT LOCATED IN A MAPPED FLOODWAY? NO 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. **(Wetland Mitigation Area Only)**

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. See Instruction Guide for further clarification and all contact information.

The following information is requested by IDEQ and/or EPA concerning the proposed impacts to water quality and anti-degradation:

- NO YES Is applicant willing to assume that the affected waterbody is high quality?
 NO YES Does applicant have water quality data relevant to determining whether the affected waterbody is high quality or not?
 NO 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

BMP's will be followed to minimize impacts on water quality during gravel pit operations and during construction of the proposed wetlands. The gravel pits are proposed to be at least 600' from the Boise River and a minimum of 50' from any other watercourses at the site. Any activities proposed to occur in the special flood hazard area shall not occur without first obtaining a floodplain development permit and completing all required studies in accordance with federal regulations and Canyon County Code. Construction of new wetland areas will improve the quality of the water entering the Boise River from the existing irrigation drain. Upon completion of the gravel extraction activities the site will be reclaimed in accordance with the approved Reclamation Plan on file with the Idaho Department of Lands.

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
None				
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)
Gravel Pit Development	Scrub/Shrub-cattails, knotweed, sedge, rush, willows	250	Wetland will be permanently removed by pit construction.	18300
TOTAL WETLAND IMPACTS (Square Feet):				18300

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

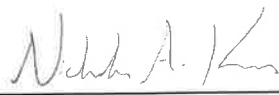
<p>Name: Roger Rosdahl</p> <p>Mailing Address: 9490 Lincoln Road</p> <p>City: Caldwell State: Idaho Zip Code: 83605</p> <p>Phone Number (include area code): E-mail:</p>	<p>Name: Brandon D. Lantz</p> <p>Mailing Address: 8992 Lincoln Road</p> <p>City: Caldwell State: ID Zip Code: 83605</p> <p>Phone Number (include area code): E-mail:</p>
<p>Name: Bishop Ranches Inc.</p> <p>Mailing Address: 9107 Lincoln Road</p> <p>City: Caldwell State: ID Zip Code: 83605</p> <p>Phone Number (include area code): E-mail:</p>	<p>Name: State of Idaho Department of Lands</p> <p>Mailing Address: 300 N. 6th Street, Suite 103</p> <p>City: Boise State: ID Zip Code: 83702</p> <p>Phone Number (include area code): E-mail: 208 334 0200</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>	<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: Cache Wood

Date: 3/22/2023

Signature of Agent: 

Date: 3/23/23

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".

RECEIVED

Mar 31, 2023

DEPARTMENT OF
WATER RESOURCES

Bishop Property, Canyon County, Idaho

Wetland Delineation Supplemental



Prepared for:

Nampa Paving
444 W. Karcher Rd.
Nampa, ID. 83687

Prepared by:

Lemhi Environmental Consulting
12131 W. Precept
Kuna, Idaho 83634

July 22, 2022

*Updated November 4, 2022 to correct Geographic Information System (GIS) calculation errors.

INTRODUCTION

This supplemental wetland information is provided following a site visit conducted by the ACOE, Regulatory Division, Boise Office. On June 20, 2022, the ACOE, the project proponent and Lemhi Environmental Consulting (LEC) reviewed the wetland delineation conducted on April 18 of the same year (NWW-2022-00275). The review team concluded that some features that did not readily express in April may indicate a broader wetland presence at the site. Based on this site visit the ACOE requested that LEC re-examine two wetland areas and provide the OWHM width and wetland fringe for the two large irrigation channels in the northern part of the parcel (Figure 1).

This supplemental wetland delineation was conducted on behalf of Nampa Paving for property located in Canyon County, Idaho (Bishop Property; **Figure 1-3**). This delineation utilizes the methods outlined in the U.S. Army Corps of Engineers (ACOE) Manual (Environmental Laboratory 1987) and the ACOE Regional Supplement for the Arid West (Version 2, 2008). This study is intended to provide baseline data to enable Nampa Paving to develop interests at the Bishop Property.

PROJECT LOCATION

The study area lies in Township 4 North, Range 2 West, Section 16, Boise Prime Meridian (**Figure 1**). It lies south of the Boise River on property that has traditionally been used for agricultural purposes.

Direction to the site via Interstate 84 are as follows: Traveling west from Boise, take the Northside Boulevard exit and head north for approximately five miles. Veer west on Northside Boulevard for 0.5 miles and turn left (north) on Lincoln Road for 0.5 miles. The study area is on the right (east) down a farm access road.

STUDY AREA DESCRIPTION

The study area is 2,405 feet above sea level and is relatively flat to low terrain. It lies within the floodplain, directly south of the Boise River. The Boise River is a managed system with three upstream dams controlling flow to the valley. Annual average rainfall is 11.6 inches with approximately 86 annual precipitation days. The growing season is typically May 16 through September 30 (Nampa 2022).

Cattle grazing and farming are currently conducted within the study area. Flood irrigation from the Boise River supplies water to the property via a system of main, secondary, and lateral ditches (**Figure 2**). Place of Use records are deeded to the Franklin Ditch Company (Water Right Number 63-167B). Idaho Department of Water Resources indicate the irrigation season typically runs from March 15 through November 15. The study area hosts a complex system of secondary lateral ditches (many no longer in use) that terminate internally, as well as two main irrigation channels that convey water via a system of headgates.

METHODS

This wetland assessment utilized the three standard diagnostic indicators of vegetation, soils, and hydrology as technical criteria for wetland delineation. Methodology was based on the best information available to the field inspectors, interpreted considering professional experience and knowledge of the ecology of wetlands in the region. Lemhi Environmental Consulting (LCE) visited the site on April 18, 2022. Flood irrigation was in use and cattle were present in the northern half of the property. All data and photo points were recorded with a resource grade GPS device. These

spatial data were processed using ArcGIS software.

Flood irrigation was active during the July 20, 2022, site visit. Given the amount of water at site, access was limited, and many upland sites were being flooded. In April, cattle were on site and vegetation was just emerging from winter dormancy, the primary vegetative indicator was cattail (*Thypha* sp.) and sedge (*Carex* sp.) which could be identified even though the stalks were typically grazed to 1-4 inches above ground or dormant. In July, cattle were still present and the dominant and readily identifiable species in all wetlands were curlytop knotweed (*Persicaria lapathifolium*), cattail (*Thypha* sp.) and strawberry clover (*Tripholium fragiferum*). LEC visited previously identified wetlands (April) and confirmed boundaries by walking their perimeter where accessible. In some cases, boundaries were adjusted based on vegetative cover where facultative wetland plants (curlytop knotweed) occurred.

SUPPLEMENTAL FINDINGS

The area considered by these supplemental findings focuses on the northern portion of the original site presented for a jurisdictional determination on May 2, 2022 (**Supplemental Figure 4**). The following information is provided for this northern site only.

WETLANDS

This area presents problematic conditions as defined by the Arid West Supplement (ACOE 2008) for all three wetland indicators:

Vegetation: Vegetation is considered naturally problematic due to use as pasture and for farming, as well as the conversion of the property to agriculture from what was likely historic riparian habitat and upland sage steppe. The area has been utilized for cattle grazing for some time. Cattle tend avoid or trample through wetter areas, and graze and loaf in the upland areas. Upland vegetation was predominantly agricultural grass, likely seeded or established from adjacent fields. Wetland areas were primarily cattails, knotweed, sedge, and rush, with a few larger willows.

Hydrology: Hydrology is considered problematic due to the use of flood irrigation and overall water management of the Boise River system. Water from the Franklin Ditch, fed by the Caldwell High Line Canal is derived from the Boise River at a Point of Diversion approximately 4.7 miles upstream (**Supplemental Figure 5**). The northern area was likely a channel of the Boise River at one time, as it moved laterally across the floodplain, before the area was developed and the dams upstream constructed.

Soil: Soils in the study area are primarily rated as Moulton fine sandy loam (not hydric) by the National Resource Conservation Service (NRCS) Canyon Area Soil Survey for Canyon County, Idaho (NRCS 2021; **Attachment C** original submission). The Moulton, fine sandy loam series consists of very deep, poorly drained soils that formed in alluvium dominantly from granitic material. Moulton soils are found on flood plains, low terraces and low alluvial fans and are typically cultivated (NRCA 2001).

Soil test pits found upland soils that are typically sandy loam with a deep layer of 10YR 3/2 matrix over sand. It is assumed that flooding and irrigation have served to move sediment over the area that provides a deeper layer of loam and mineral soil over remnant floodplain soils. These drier soils possess relict redoximorphic features or pure sand at deeper levels. Hydric soils present redox concentrations higher in the soil profile and showed a slightly lower chroma than dry soils.



WETLAND 006 (JULY 2022) – WEST VIEW SHOWING FLOOD IRRIGATION WATER AND THE EMERGENCE OF KNOTWEED



WETLAND 007 (JULY 2022) – NORTHEAST VIEW SHOWING INLET FROM IRRIGATION WATER



WETLAND 007 (JULY 2022) – WEST VIEW SHOWING IRRIGATION WATER FLOW TOWARD WETLAND 005.

IRRIGATION CANALS

At the request of ACOE, the site visit included consideration of the two main irrigation canals that supply water to the northern site, the Franklin Ditch and a main irrigation ditch that conveys water to secondary lateral channels.

The Franklin Ditch runs to the property and has a headgate that controls flow at the eastern edge of the property, along the access road, before it returns to the Boise River. This channel is 15-20 feet wide, dependent on irrigation practices, with a wetland fringe of five feet on either side of the ditch. Length of channel through the property = 2,715 feet (Supplemental Figure 4 and 5).

A main irrigation ditch flows west through the property, fed by the Franklin Ditch, below the main headgate. This channel is 10 feet wide with an average wetland fringe of six feet on either side of the ditch. Length of channel through the property is 2,850 feet

Supplemental Note 110422: Length of irrigation canals in project area were miscalculated (measured to complete return to river). Stopping these ditches at the property boundary, length of Franklin Ditch = 1,967 feet, length of Main Ditch = 1,893. Supplemental Figure 2 provides updated data.



FRANKLIN DITCH (APRIL 2022) – WEST VIEW DEPICTING BOUNDARY BETWEEN NORTH AND SOUTH AREAS.



FRANKLIN DITCH (JULY 2022) – NORTH TOWARDS HEADGATE AND BOISE RIVER FROM ACCESS ROAD AND PARCEL BOUNDARY.



FRANKLIN LATERAL IRRIGATION DITCH (JULY 2022) – WEST VIEW FROM ACCESS ROAD.



ACCESS ROAD SOUTH TOWARD HEADGATE SHOWING FLOOD IRRIGATION ACROSS ROADWAY.



LATERAL IRRIGATION DITCH WEST VIEW FLOWING THROUGH UPLAND HABITAT TOWARD WETLAND O05.

SUMMARY

The U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory indicates that the northern portion of the study area supports riverine, freshwater forested (riparian), and freshwater emergent wetlands (**Figure 2** and **3**). The field review concurred with these findings but found the wetland areas are much reduced from those indicated by the USFWS.

In April, a total of 1.1 wetland acres were delineated. It was clear that irrigation and seasonal high water backing from the river are the key influence on these wetlands. Should the irrigation water be discontinued, most of these sites would likely convert to upland.

During July, LEC revisited the site and delineated a total of **1.7 wetland acres**. The site was being heavily flood irrigated and standing water was present throughout the site, particularly in low lying areas. The distinguishing feature for the increase in wetlands was primarily due to the presence of knotweed, a facultative wet species that had not emerged in April. In addition, LEC was able to obtain updated LIDAR imagery of the project area (**Supplemental Figure 8**). This, and aerial imagery from 2003 through present were heavily relied upon to understand water persistence and vegetative cover.

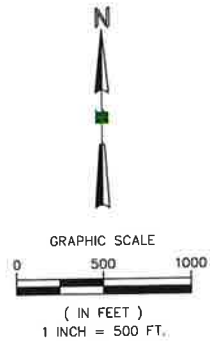
Supplemental Note 110422: Wetlands outside the project area were erroneously included in calculations. Total wetlands in the project area = 1.34 acres, irrigation ditch wetland fringe = .97 acres, **Supplement Figure 2**.

REFERENCES

- Environmental Laboratory, 1987. Corps of Engineers Wetlands Delineation Manual. Technical Report Y- 87-1.
U.S. Army Engineer Waterways Experiment Station.
- Nampa. 2022. Economic Development. Climate. Accessed 2 May 2022.
<https://www.cityofnampa.us/909/Climate>
- Natural Resources Conservation Service (NRCS). 2021. Web Soil Survey. Accessed April 28, 2022.
<http://www.websoilsurvey.sc.egov.usda.gov>.
- Natural Resources Conservation Service (NRCS). 2001. Moulton Soil Series.
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<https://www.epa.gov/wotus>.
- U.S. Fish and Wildlife Service, 2021. National Wetlands Inventory (NWI). Accessed 10 June 2021.
<https://www.fws.gov/wetlands/data/Mapper.html>.



BISHOP PROPERTY NAMPA PAVING GRAVEL EXTRACTION AND MITIGATION SITE PLAN



INDEX OF SHEETS	
SHEET NO.	DESCRIPTION
C1	TITLE SHEET
C2	EXISTING SITE CONDITIONS
C3	OVERALL SITE IMPROVEMENT AREA
C4	OVERALL SITE IMPROVEMENTS AREA SECTION VIEW
C5	PROPOSED PIT ONE AREA PLAN
C6	PROPOSED PIT TWO AREA PLAN
C7	PROPOSED WETLAND MITIGATION AREA
C8	ACCESS ROAD WITH EMBANKMENTS PROFILES
C9	ACCESS ROAD WITH EMBANKMENT PROFILES
C10	DETAILS
C11	HYDRAULIC MODEL EXHIBIT

APPROXIMATE GPS SITE COORDINATES
 LATITUDE: 43° 40' 45.63" N LONGITUDE: 116° 34' 38.71" W

CONSTRUCTION NOTES

- CONTRACTOR SHALL LOCATE ANY UTILITIES ON-SITE PRIOR TO CONSTRUCTION. CONTACT DIGLINE AT 1-800-342-1585 TO MARK OUT PRECISE LOCATION IN FIELD. ANY UTILITIES DAMAGED DURING CONSTRUCTION SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
- THE "OWNER" OF THE PROJECT, AS REFERENCED IN THESE SPECIFICATIONS IS NAMPA PAVING AND ASPHALT COMPANY.
- THE CONTRACTOR SHALL NOT REMOVE TREES AND SHRUBS IN EXISTING RIPARIAN AND WETLAND AREAS UNLESS OTHERWISE NOTED ON THESE PLANS.
- ALL WORK PERFORMED AND MATERIALS INSTALLED SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS, AND ORDINANCES.
- THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK USING THE BEST SKILLS AND ATTENTION. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES FOR COORDINATING ALL PORTIONS OF THE WORK UNDER THIS CONTRACT.
- THE CONTRACTOR SHALL KEEP THE JOB SITE CLEAN AND HAZARD FREE. CONTRACTOR SHALL DISPOSE OF ALL DIRT, DEBRIS, AND RUBBISH FOR THE DURATION OF THE WORK. UPON COMPLETION OF WORK, CONTRACTOR SHALL REMOVE ALL MATERIAL AND EQUIPMENT NOT SPECIFIED AS REMAINING ON THE PROPERTY.
- NOTES AND DETAILS ON THE PLANS SHALL TAKE PRECEDENCE OVER GENERAL NOTES HEREIN.
- DIMENSION CALLOUTS SHALL TAKE PRECEDENCE OVER SCALES SHOWN ON THE PLANS.
- EQUIPMENT REFUELING AREAS SHALL BE A MINIMUM OF 150 FT AWAY FROM SURFACE WATERS AND/OR WETLANDS UNLESS CONTAINED WITHIN EXTENTS OF THE GRAVEL EXTRACTION AREA.

PERMIT NOTES

- ALL WORK SHALL BE IN COMPLIANCE WITH PERMIT CONDITIONS ISSUED BY THE U.S. ARMY CORPS OF ENGINEERS, IDAHO DEPARTMENT OF WATER RESOURCES, IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY, AND CANYON COUNTY. IT IS THE OWNER'S RESPONSIBILITY TO HAVE COPIES OF ALL PERMITS ON THE JOB SITE AND UNDERSTAND AND COMPLY WITH ALL PERMIT CONDITIONS.
- ALL ACTIVITIES THAT INVOLVE WORK ADJACENT TO OR WITHIN THE WETLANDS OR WETTED CHANNEL SHALL, AT ALL TIMES, REMAIN CONSISTENT WITH ALL APPLICABLE WATER QUALITY STANDARDS, EFFLUENT LIMITATION AND STANDARDS OF PERFORMANCE, PROHIBITIONS, PRETREATMENT STANDARDS, AND MANAGEMENT PRACTICES ESTABLISHED PURSUANT TO THE CLEAN WATER ACT OR PURSUANT TO APPLICABLE STATE AND LOCAL LAW.
- PROJECT IS AN EXPANSION OF ADJACENT EXISTING OPERATION PREVIOUSLY APPROVED BY CONDITIONAL USE PERMIT CU2018-0015.
- PROPERTY IS LOCATED IN ZONE AE OF BOISE RIVER FLOODPLAIN DETAILED BY FIRM PANEL 16027C0262G EFFECTIVE DATE OF 6/7/2019.
- PROJECT IS CURRENTLY A PART OF A CLOMR APPLICATION APPLICATION CASE NO. 22-10-0727R, DATED JUNE 3 2022.
- CONCEPT DESIGN BASED ON PUBLICLY AVAILABLE LIDAR DATA FROM 2019. ONSITE SURVEY HAS BEEN PERFORMED IN THE AREA OF THE PROPOSED WETLAND MITIGATION AND HAS BEEN USED FOR THE PROPOSED WETLAND AREA GRADING DESIGN. ALL BOUNDARY DEPICTIONS ARE APPROXIMATE.
- ALL EXCAVATED AREAS SHALL BE DEWATERED IN ACCORDANCE WITH APPLICABLE STATE AND FEDERAL REGULATIONS.
- PROJECT SHALL COMPLY WITH REQUIRED COUNTY SETBACKS.
- RECLAMATION PLAN HAS BEEN SUBMITTED WITH APPLICATION. ONCE MINING HAS BEEN COMPLETED, PROPERTY IS INTENDED TO BE A FUTURE RESIDENTIAL DEVELOPMENT, WITH THE GRAVEL PITS SERVING AS FUTURE AMENITY PONDS.
- ACCESS WILL BE PROVIDED FROM LINCOLN ROAD VIA THE EXISTING ACCESS TO THE ADJACENT GRAVEL PITS.
- TOPSOIL AND OVERBURDEN FROM ACTIVE MINE WORKING AREA SHALL BE STOCKPILED ALONG SOUTHERN PERIMETER AND OUTSIDE THE REGULATORY FLOODWAY EXTENTS TO PRODUCE SITE AND SOUND BERMS THAT WILL REMAIN IN PLACE UNTIL MINING IS COMPLETED.
- AGGREGATE STOCKPILES WILL PRIMARILY BE LOCATED WITHIN THE ACTIVE MINING AREA.
- SITE WILL BE MINED FOR GRAVEL TO AN APPROXIMATE DEPTH OF 20 FEET BELOW GROUND SURFACE. OPERATIONAL SLOPES SHALL BE GRADED AT 2 TO 1 MAXIMUM.
- STORMWATER SHALL BE RETAINED ON SITE AND WILL BE CONTROLLED USING A VARIETY OF BEST MANAGEMENT PRACTICES (BMPs). BMPs WILL FOLLOW THE GUIDELINES OF IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY (IDEQ) CATALOG OF STORMWATER BMPs FOR CITIES AND COUNTIES.
- UPON COMPLETION OF MINING ACTIVITIES, AREA SHALL BE RE-VEGETATED PER THE RECLAMATION PLAN.
- NORMAL BUSINESS HOURS OF OPERATION SHALL BE MONDAY THROUGH SATURDAY 7:00 AM TO 7:00 PM. TEMPORARY 24 HOUR PER DAY SEVEN DAYS PER WEEK OPERATIONS MAY BE CONDUCTED AS REQUIRED BY PROJECTS MANDATING NIGHTTIME DELIVERY OF MATERIALS. NO CRUSHING OF MATERIALS SHALL OCCUR AFTER 7:00 PM OR PRIOR TO 7:00 AM. THE DURATION OF 24 HOUR OPERATIONS SHOULD BE TEMPORARY.
- NOISE EMISSIONS SHALL FOLLOW THE REGULATIONS AND STANDARDS OF OSHA AND MSHA.

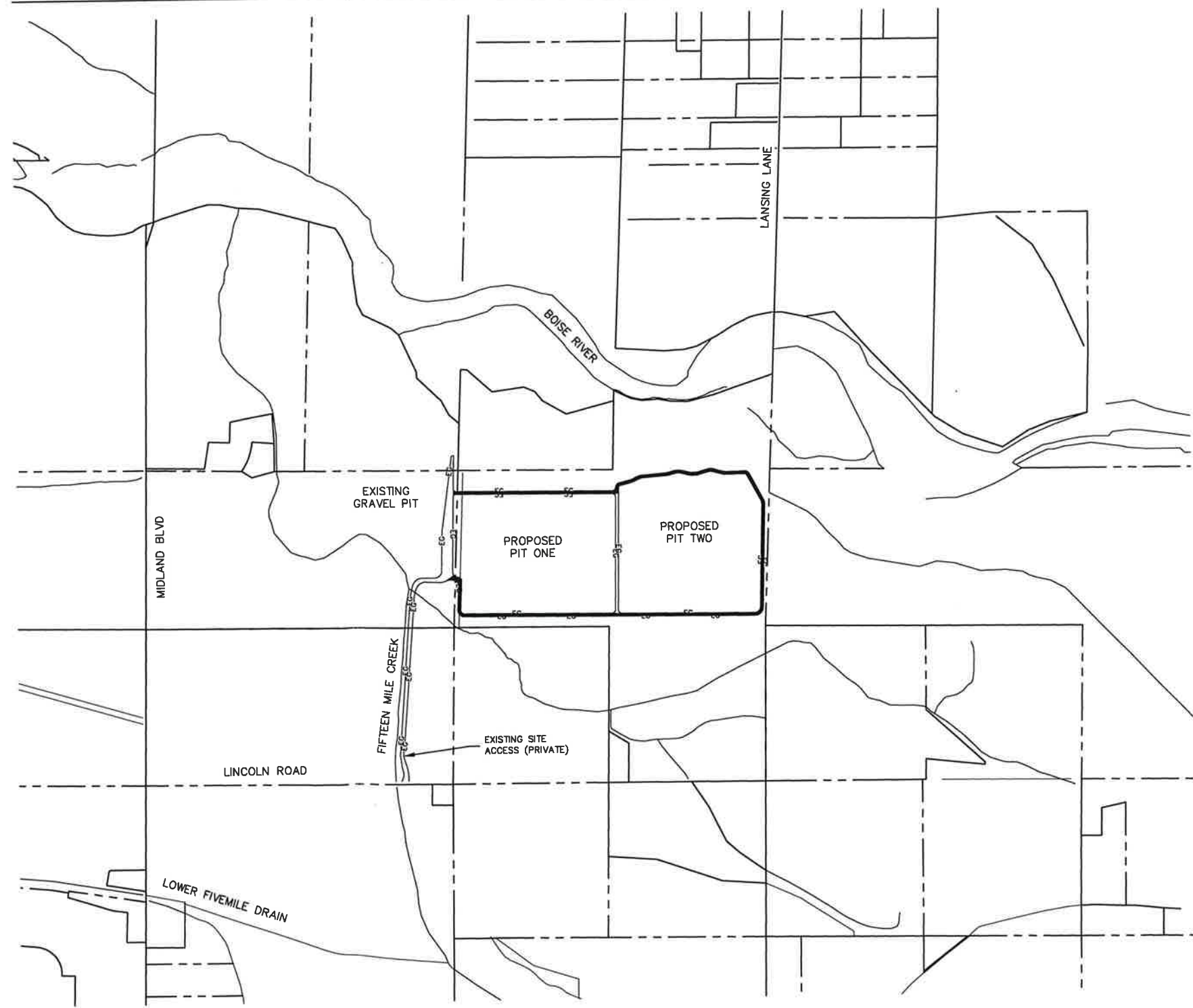
GENERAL NOTES

- THE PROPERTY LINES DEPICTED ON THESE DRAWINGS ARE BASED ON PUBLICLY AVAILABLE RECORD DATA. NO BOUNDARY SURVEY WORK HAS BEEN COMPLETED.

FEMA SPECIAL FLOOD HAZARD AREA NOTES

- THIS PROJECT IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA ZONE AE FOR THE BOISE RIVER AS DEPICTED ON FEMA FLOOD INSURANCE RATE MAP 16027C0262G EFFECTIVE 6/7/2019. THE DESIGN ELEMENTS DEPICTED ON THESE DRAWINGS COMPLY WITH FEMA NATIONAL FLOOD INSURANCE PROGRAM REGULATIONS AND ARTICLE 10A OF CANYON COUNTY, IDAHO CODE (FLOOD HAZARD OVERLAY ZONE).

VICINITY MAP



Quadrant Consulting, Inc.
 1904 W. Overland Rd.
 Boise, Idaho 83725 | 342-0992 FAX
 (208) 342-0992 | CIVIL ENGINEERING-SURVEYING

PROFESSIONAL ENGINEER
 REGISTERED
10969
 STATE OF IDAHO
 NICHOLAS A. KRASO
 3-23-23

IDAHO
BISHOP PROPERTY
 TITLE SHEET

CANYON COUNTY PROJECT NO. 441-05
 SCALE: 1" = 500'

DESIGNED BY: RSP
 DRAWN BY: RSP
 DATE: 3/20/23

CHECKED BY: RSP
 PLOT DATE: 3/20/23

DATE DESCRIPTION

SHEET
C1



EXISTING GRAVEL PIT
PARCEL NO. R3406201100
33± ACRES

EXISTING ACCESS ROAD

STATE OF IDAHO
NOT A PART
PARCEL NO.
R3406101000

NAMPA PAVING &
ASPHALT CO.
PARCEL R3406100000
114.72 ACRES

WL005

WL006

WL003

WL003

WL003

WL008

EXISTING MAIN DITCH
WETLAND FRINGE

WL001

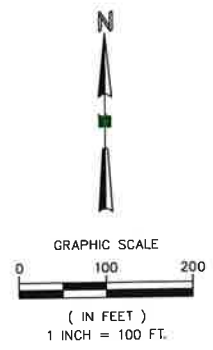
WL001

DONOVAN & JANET LANITZ
TRUST PARCEL NO.
R3405800000 39.49 ACRES

STEVEN D & LAURA S WILDER
FAMILY TRUST
PARCEL NO. R3405900000
16.42 ACRES

EXISTING IRRIGATION DRAIN
RETAIN & PROTECT

EXISTING DITCH,
RETAIN AND
PROTECT



EXISTING WETLAND AREAS

WETLAND AREA SUMMARY	
AREA INDICATOR	ACREAGE
WL001	0.42
WL003	0.15
WL005	0.32
WL006	0.13
DITCH WETLAND FRINGE	0.97
TOTAL EXISTING WETLANDS	1.99

REFER TO WETLAND DELINEATION SUPPLEMENTAL BY LEMHI ENVIRONMENTAL CONSULTING DATED 10/28/22 AND U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL DETERMINATION DATED 11/18/22 FOR MORE INFORMATION.

DESIGNED BY: BSP
DRAWN BY: BSP
DATE: 3/20/23

CHECKED BY: RPK
PLOT DATE: 3/20/23

PROJECT NO. 441-05

CANYON COUNTY

SCALE: 1"=100'

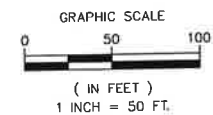
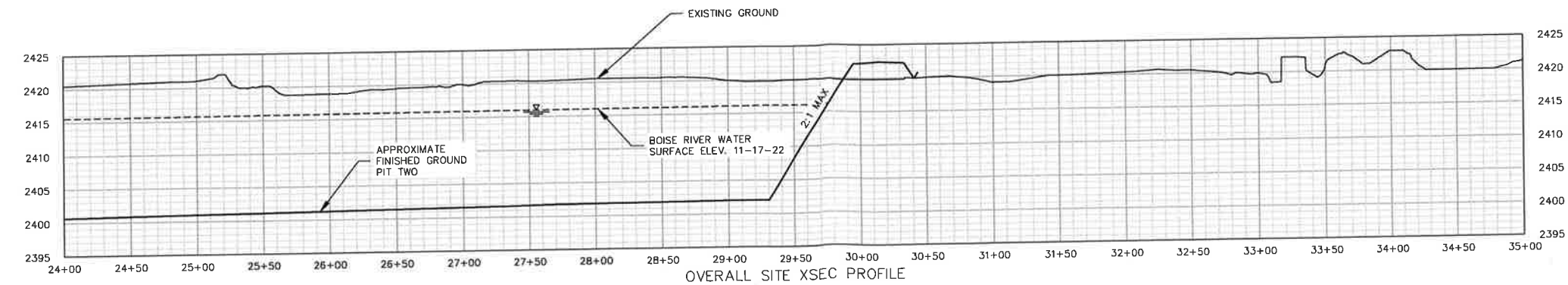
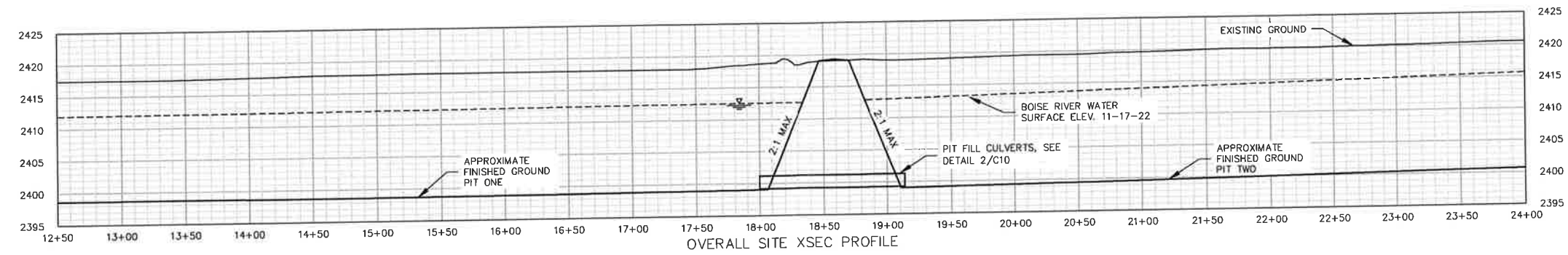
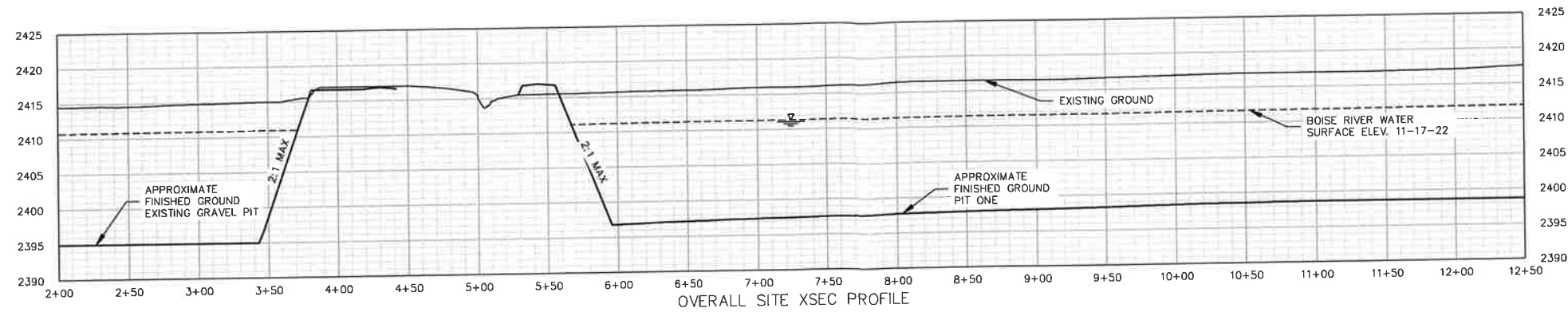
IDAHO

NAMPA PAVING GRAVEL EXTRACTION SITE
EXISTING SITE CONDITIONS

Quadrant Consulting, Inc.
1904 W. Overland Rd.
Boise, Idaho 83725
(208) 343-0891
CIVIL ENGINEERING-SURVEYING

PROFESSIONAL ENGINEER
REGISTERED
10969
STATE OF IDAHO
NICHOLAS A. KRAS
3-23-23

SHEET
C2



NAMPA PAVING GRAVEL EXTRACTION SITE
OVERALL SITE IMPROVEMENT AREA-SECTION VIEW

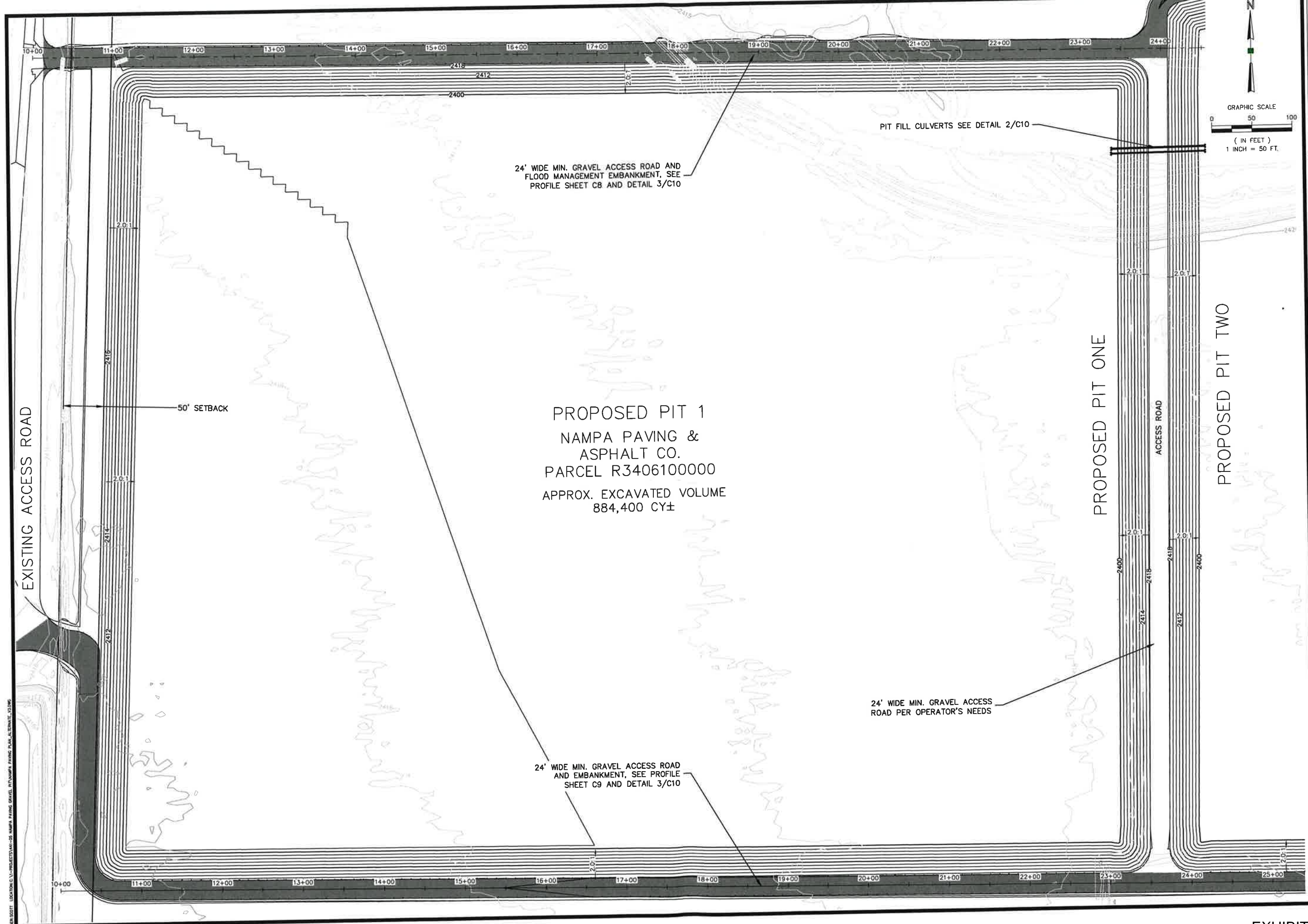
Quadrant Consulting, Inc.
 1904 W. Overland Blvd
 Boise, Idaho 83705
 (208) 342-0091 PHONE (208) 342-0092 FAX
 CIVIL ENGINEERING-SURVEYING



IDAHO PROJECT NO. 441-05
 SCALE: 1" = 50'
 CANYON COUNTY

CHECKED BY: BSE	DATE: 3/20/23
DRAWN BY: BSE	
DATE	DESCRIPTION

SHEET
C4



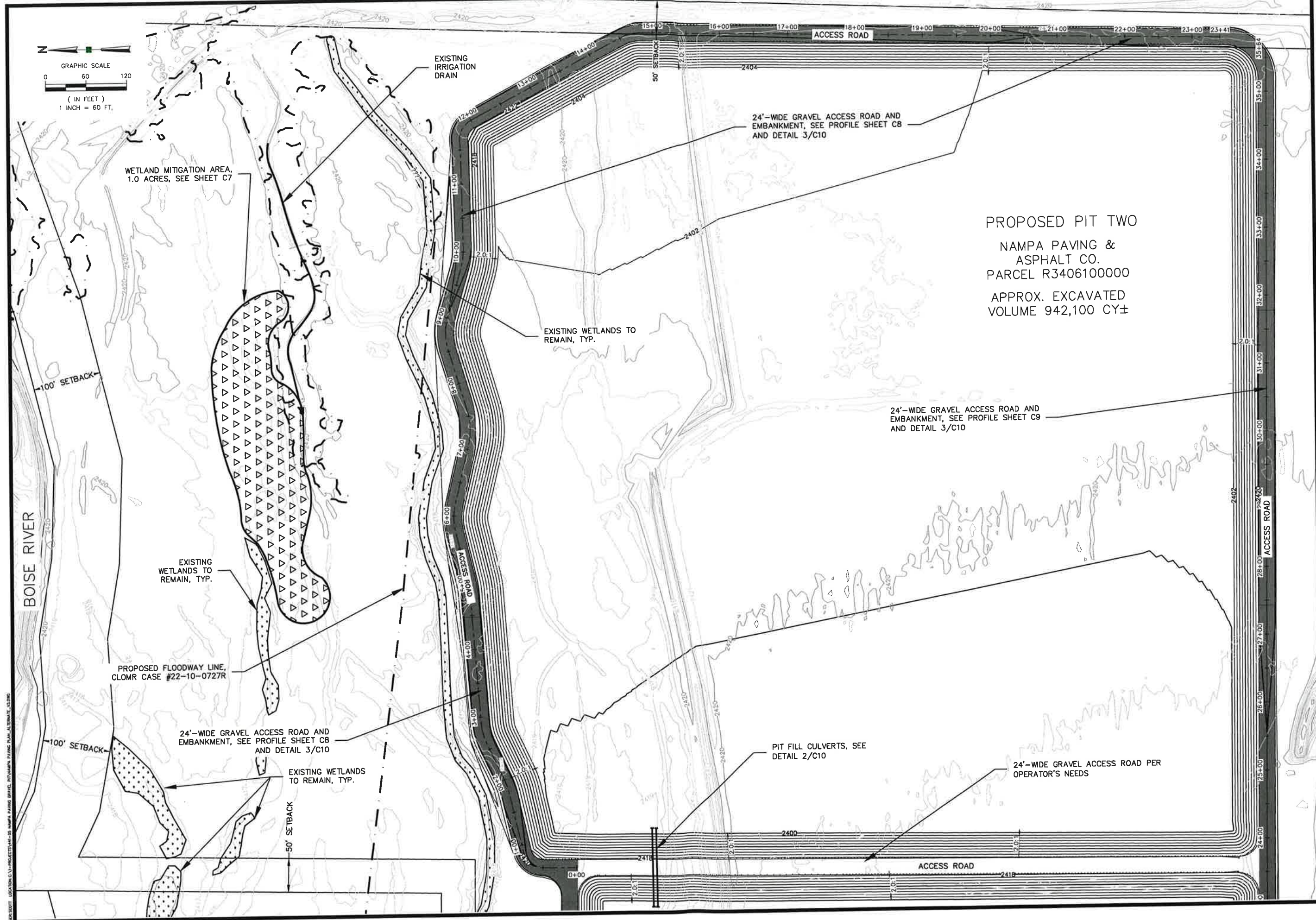
Quadrant Consulting, Inc.
 1804 W. Center Rd.
 Boise, Idaho 83705
 (208) 442-0091 PHONE (208) 442-0092 FAX
 CIVIL ENGINEERING-SURVEYING

PROFESSIONAL ENGINEER
 REGISTERED
10969
 STATE OF IDAHO
 NICHOLAS A. KRANS
 3-23-23

IDAHO
NAMPA PAVING GRAVEL EXTRACTION SITE
 PROPOSED PIT 1 AREA PLAN
 CANYON COUNTY SCALE: 1"=50'
 PROJECT NO. 441-05

DESIGNED BY: RSP	CHECKED BY: RSP
DRAWN BY: RSP	DATE: 3/20/23
DATE:	DESCRIPTION:

SHEET
C5



Quadrant Consulting, Inc.
 1804 W. Overland Rd.
 Boise, Idaho 83725
 (208) 342-0081 PHONE (208) 342-0082 FAX
 CIVIL ENGINEERING - SURVEYING

PROFESSIONAL ENGINEER REGISTERED
10969
 STATE OF IDAHO
 NICHOLAS A. KRUIS
 3-23-23

NAMPA PAVING GRAVEL EXTRACTION SITE
PROPOSED PIT 2 AREA PLAN

CANYON COUNTY SCALE: 1"=60'

PROJECT NO. 441-05

IDAHO

DESIGNED BY: RSP
 DRAWN BY: RSP
 DATE: 3/20/23

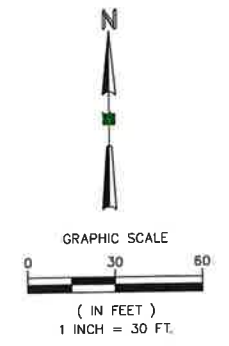
CHECKED BY: NK
 PLOT DATE: 3/20/23

DESCRIPTION

SHEET **C6**

BOISE RIVER

100.00' SETBACK



WETLAND MITIGATION NOTES

1. EXISTING WETLAND AREAS BEING REMOVED = 0.42 ACRES (WITHIN PROJECT BOUNDARIES).
2. PROPOSED MITIGATION WETLAND AREA = 1.0 ACRES.
3. WETLANDS MITIGATION RATIO = 2.38:1.
4. MITIGATION AREA TO BE DEVELOPED BY RE-GRADING AREA SHOWN ADJACENT TO EXISTING ACTIVE IRRIGATION DITCH TO ALLOW NATURAL RE-ESTABLISHMENT OF PREVIOUSLY EXISTING WETLAND VEGETATION IN THE PROJECT AREA.
5. ACTIVE WETLAND PLANTING WILL ONLY BE UNDERTAKEN IF NATURAL PLANT RECRUITMENT IS UNSATISFACTORY.

PLACE ANY SALVAGED TREES FROM WETLAND CONSTRUCTION AT VARIOUS LOCATIONS AS HABITAT ENHANCEMENTS, TYP.

PROPOSED WETLAND MITIGATION AREA
1.0 ACRES, MIN.

TYPICAL WETLAND SECTION, SEE DETAIL 1/C10

EXISTING IRRIGATION DRAIN, RETAIN AND PROTECT

EXISTING WETLANDS TO REMAIN, TYP.

EXISTING WETLANDS TO REMAIN, TYP.

EXISTING WETLANDS TO REMAIN, TYP.

PIT TWO

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 1904 W. Overland Rd.
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 CIVIL ENGINEERING-SURVEYING

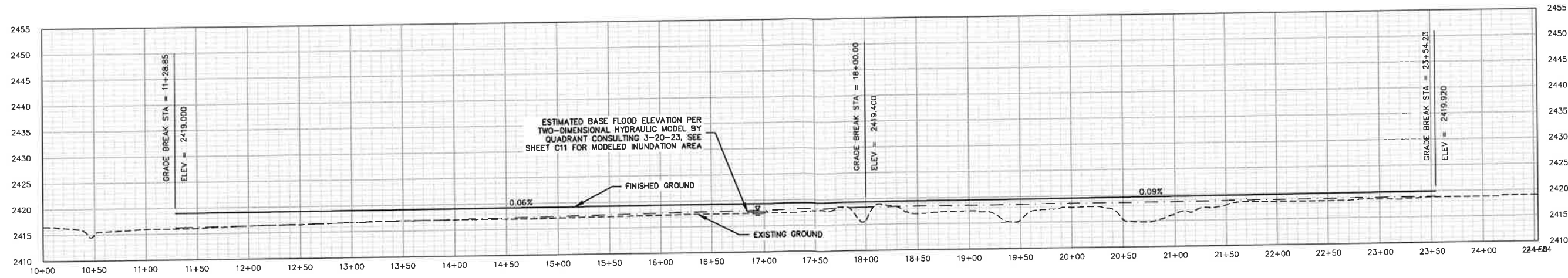


NAMPA PAVING GRAVEL EXTRACTION SITE
PROPOSED WETLAND MITIGATION AREA

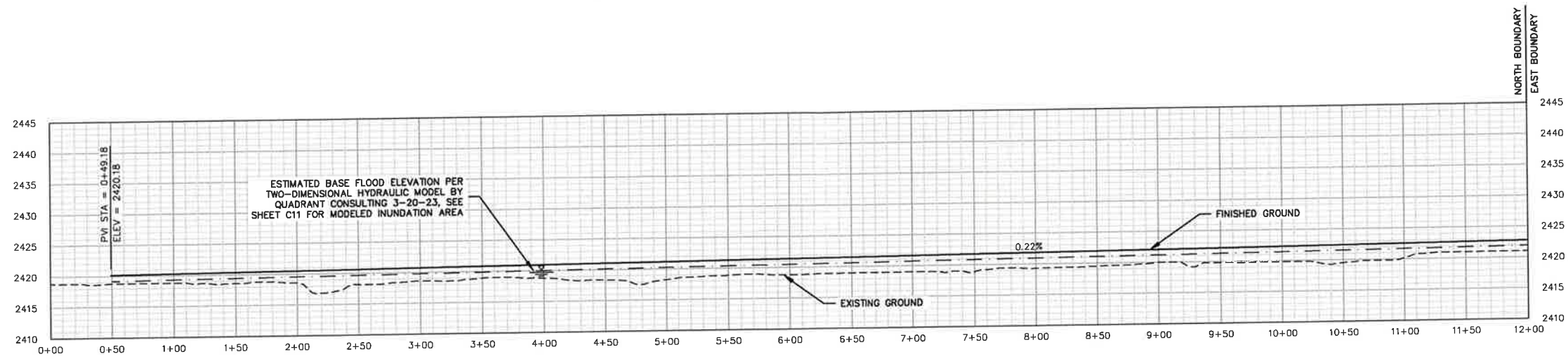
CANYON COUNTY IDAHO
 SCALE: 1" = 30'
 PROJECT NO. 441-05

CHECKED BY: RSK
 PLOT DATE: 3/29/23
 DESIGNED BY: RSK
 DRAWN BY: RSK
 DATE: _____

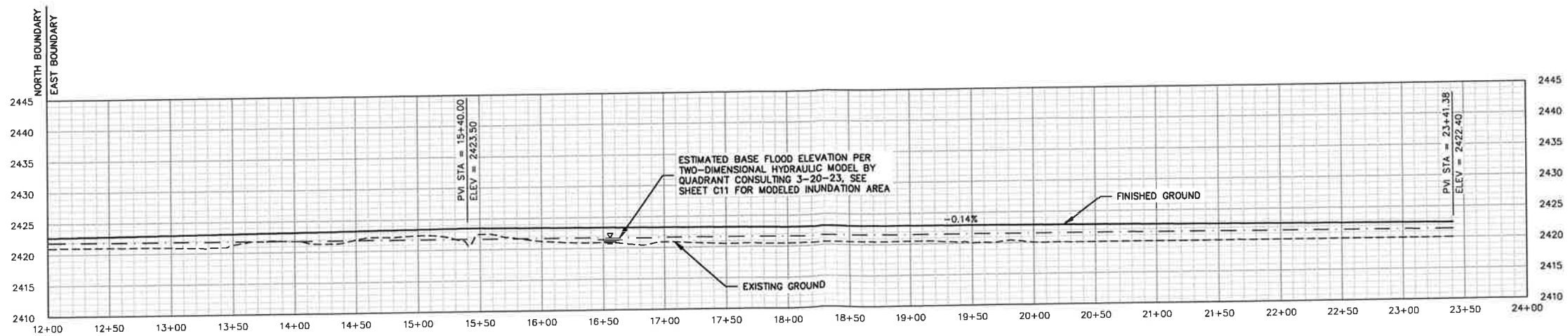
SHEET C7



PIT 1 NORTH BOUNDARY ACCESS ROAD/EMBANKMENT



PIT 2 NORTH BOUNDARY ACCESS ROAD/EMBANKMENT



PIT 2 EAST BOUNDARY ACCESS ROAD/EMBANKMENT

CHECKED BY: RJK	PLOT DATE: 3/29/23
DESIGNED BY: RSP	
DRAWN BY: RSP	
DATE	DESCRIPTION

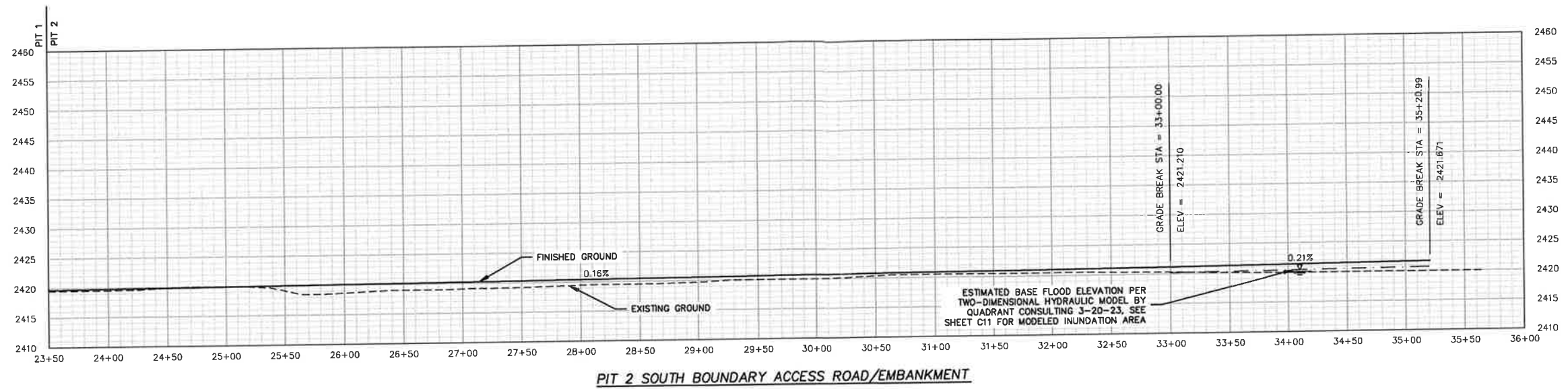
NAMPA PAVING GRAVEL EXTRACTION SITE
 ACCESS ROAD WITH EMBANKMENT PROFILES

CANYON COUNTY PROJECT NO. 441-05
 SCALE: 1"=50'

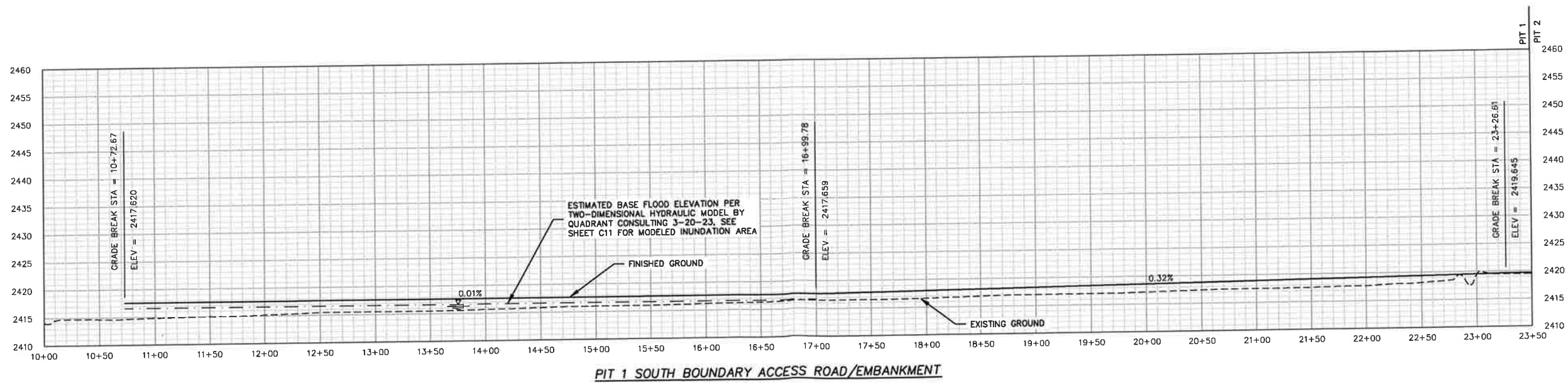
CHECKED BY: JMK
 PLOT DATE: 3/20/23

DESIGNED BY: RSP	DATE	DESCRIPTION

SHEET
C9

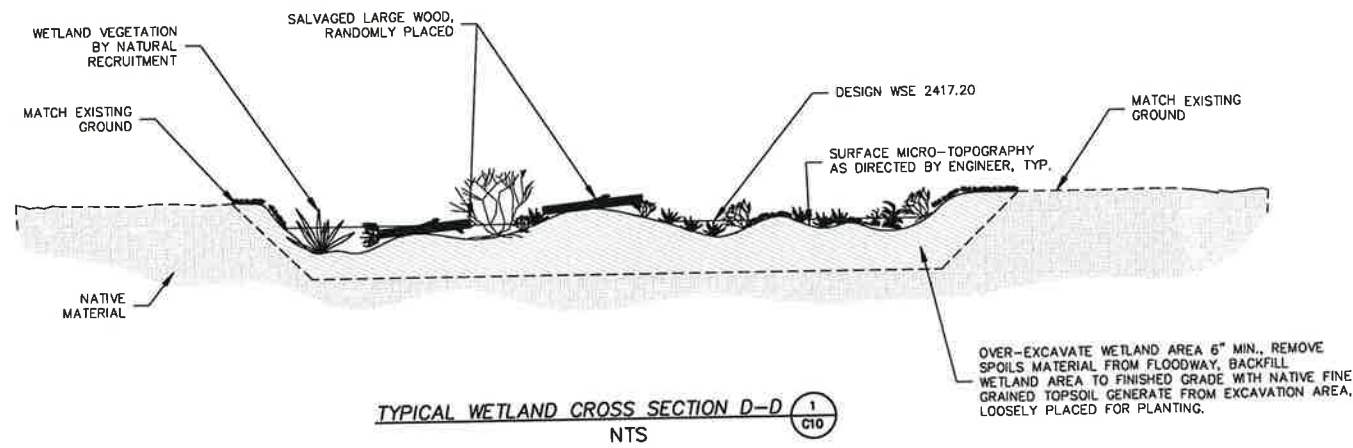


PIT 2 SOUTH BOUNDARY ACCESS ROAD/EMBANKMENT

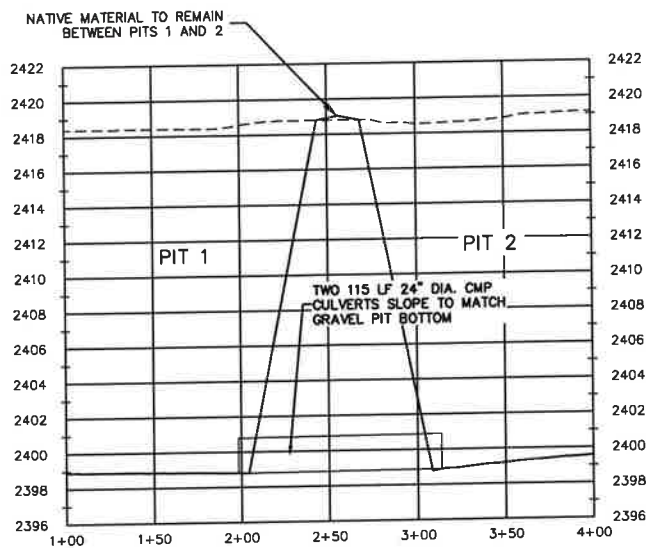


PIT 1 SOUTH BOUNDARY ACCESS ROAD/EMBANKMENT

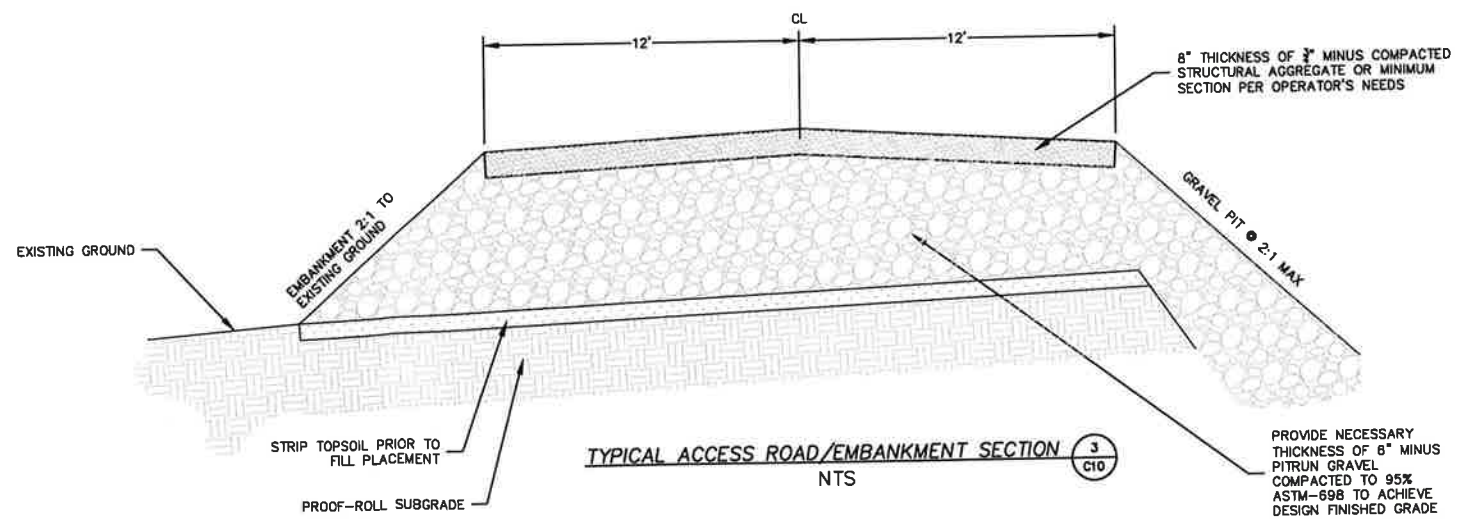
USER: SCOTT LOCATION: V:\PROJECTS\441-05 NAMPA PAVING GRAVEL EXTRACTION SITE\NAMPA PAVING GRAVEL EXTRACTION SITE.DWG



TYPICAL WETLAND CROSS SECTION D-D
NTS (1)
C10



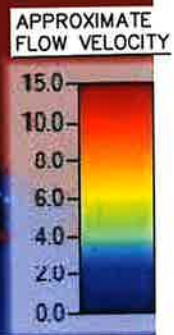
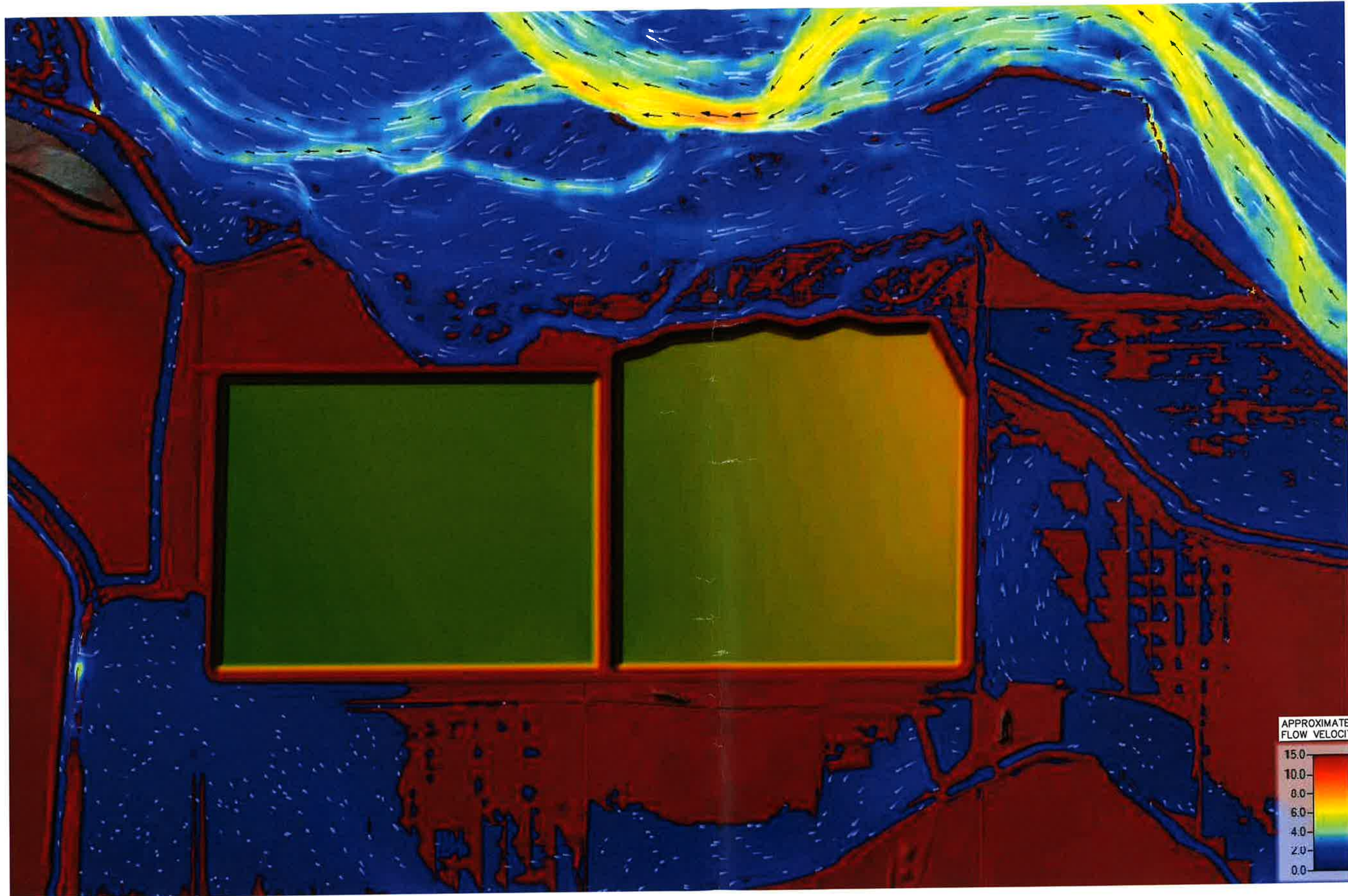
PIT FILL CULVERTS
NTS (2)
C10



TYPICAL ACCESS ROAD/EMBANKMENT SECTION
NTS (3)
C10

DESIGNED BY: RSP	CHECKED BY: RSP
DRAWN BY: RSP	PLOT DATE: 3/20/23
DATE	DESCRIPTION

10000 SCOTT LOCATION 11-11-2013 Nampa Paving Gravel, IDAHO PAVING PLAN ALTERNATE 103.DWG



NOTE: THIS EXHIBIT DEPICTS THE ESTIMATED Q100 INUNDATION AREA AND FLOOD FLOW FOLLOWING COMPLETION OF PITS ONE AND TWO.

DESIGNED BY: BSP	CHECKED BY: NIK
DRAWN BY: RSP	PLOT DATE: 3/27/23
DATE:	DESCRIPTION:

SHEET C11

NAMPA PAVING GRAVEL EXTRACTION SITE
HYDRAULIC MODEL EXHIBIT

CANYON COUNTY
SCALE:
NTS

PROJECT NO.
441-05

IDAHO



Quadrant Consulting, Inc.
1904 W. Overland Rd.
Boise, Idaho 83705
(208) 342-0991 PHONE (208) 342-0952 FAX
CIVIL ENGINEERING-SURVEYING

RECEIVED

MAY 08 2023

Idaho Dept. of Lands
SWI

IDAHO DEPARTMENT OF LANDS

APPLICATION FOR RECLAMATION PLAN APPROVAL

Reclamation Plan Number: 8602993**GENERAL INFORMATION**

The Idaho Mined Land Reclamation Act, Title 47, Chapter 15, Idaho Code requires the operator of a surface mine, a new underground mine, or an existing underground mine that expands the July 1, 2019 surface disturbance by 50% or more to obtain an approved reclamation plan and financial assurance. Fees are charged as shown on the attachment.

When an applicant is mining on lands administered by the U.S. Forest Service or Bureau of Land Management, it is necessary to obtain the proper federal approvals in addition to the Department of Lands. Each agency's application requirements are similar, but not exactly the same. Please review both state and federal application requirements, and develop one plan which meets the requirements of all the agencies involved.

If ponds or lakes are created during the mining process and will remain after reclamation is completed, the Idaho Department of Water Resources (IDWR) requires the operator or landowner to obtain a water right. If a water right cannot be obtained prior to a plan being submitted, then the reclamation plan must include backfilling to an elevation above the local ground water table. Bond calculations must include those backfilling costs.

After the reclamation plan has been finalized, an electronic copy or five (5) hard copies of the application package must be submitted to the appropriate Area office of the Idaho Department of Lands. When the application is received, the appropriate federal or state agencies will be notified of the application. The department shall deliver to the operator, if weather permits and the plan is complete, the notice of rejection or notice of approval of the plan within sixty (60) days after the receipt of the reclamation plan or amended plan.

All reclamation plan applications will be processed in accordance with Section 080 of the Rules Governing Mined Land Reclamation (IDAPA 20.03.02) and applicable Memorandums of Understanding with state and federal agencies.

APPLICATION INFORMATION

1. NAME: Nampa Pavig and Asphalt Co. d/b/a: NA
2. ADDRESS: 444 W. Karcher Road
CITY, STATE, ZIP CODE: Nampa, Idaho 83687
3. TELEPHONE and EMAIL: 707-921-9914 delfo@nampapaving.com
(000-000-0000) (e.g. john.doe@email.com)
4. DESIGNATED IN-STATE AGENT AND ADDRESS: (if Company's main place of business is 'out of state')
NA
5. PROOF OF BUSINESS REGISTRATION (if applicable): If applicant is a business, please attach proof of registration with the Idaho Secretary of State.
6. LEGAL DESCRIPTION (Section, Township, and Range) TO THE QUARTER-QUARTER SECTION:
Section 16, T 4N, R 2W
7. ACREAGE and COUNTY(ies): 114.72 Canyon
(Acres) (e.g. Ada through Washington)
8. OWNERSHIP: (check applicable)
 Private U.S. Forest Service Bureau of Land Management Idaho Department of Lands
9. COMMODITY TYPE, PROPOSED START-UP DATE: Sand and Gravel
10. SITE NAME OR MINE NAME (if any): Bishop Property
11. TYPE OF MINING: (check applicable) Surface Underground Both

Fee: See Attached Schedule

IDL RPM0001. (07/19)
Page 1 of 2



IDAHO DEPARTMENT OF LANDS

12. Please provide the following maps of your mining operation (Subsections 069.04 or 070.03 of IDAPA 20.03.02):
- a. A vicinity map prepared on a standard USGS 7.5' quadrangle map or equivalent.
 - b. A site map which adequately shows the location of existing roads, access roads, and main haul roads which would be constructed or reconstructed for the operation. Also, list the approximate dates for construction, reconstruction, and abandonment.
 - c. On a site location map, show the following:
 - i. The approximate location and names, if known, of drainages, streams, creeks, or bodies of water within 1,000 feet of the surface mining operation.
 - ii. The approximate boundaries and acreage of the lands:
 1. That will become affected by the mining operation.
 2. That will be affected during the first year of operations.This map must be of appropriate scale for boundary identification.
 - iii. The planned configuration of all pits, mineral stockpiles, overburden piles, topsoil stockpiles, sediment ponds, and tailings facilities that will be developed by the mining operation.
 - iv. Location of all underground mine openings at the ground surface, if any.
 - v. The planned location of storage for fuel, equipment maintenance products, wastes, and chemicals utilized in the surface mining operation.
 - d. A surface and mineral control or ownership map of appropriate scale for boundary identification.
 - e. Scaled cross-sections of the mine showing surface profiles prior to mining, at maximum disturbance, and after reclamation.
13. A reclamation plan must be developed and submitted in map and narrative form (Subsections 069.05 or 070.04 of IDAPA 20.03.02). The reclamation plan must include the following information:
- a. On a drainage control map show and list the best management practices which will be utilized to control erosion on or from the affected lands.
 - b. A description of foreseeable, site specific water quality impacts from mining operations and proposed water management activities or BMPs to comply with water quality requirements.
 - c. A description of post-closure activities, if any, such as water handling and treatment.
 - d. Which roads will be reclaimed and a description of the reclamation.
 - e. A revegetation plan which identifies how topsoil or other growth medium will be salvaged, stored and replaced in order to properly revegetate the area. Identify soil types, the slope of the reclaimed areas, and precipitation rates. Based on this information, identify the seed species, the seeding rates, the time and method of planting the soil, and fertilizer and mulch requirements.
 - f. Describe and show how tailings facilities and process or sediment ponds will be reclaimed.
 - g. Dimensions of underground mine openings at the surface and description of how each mine opening will be secured to eliminate hazards to human health and safety.
 - h. For operations over five (5) acres, estimate the actual cost of third party reclamation including direct and indirect costs for mobilization, re-grading, seed, fertilizer, mulch, labor, materials, profit, overhead, insurance, bonding, administration, and any other pertinent costs as described in IDAPA 20.03.02.120.

APPLICANT SIGNATURE: _____

DATE: _____

Fee: See Attached Schedule

IDLRPM0001. (07/19)
Page 2 of 2

EXHIBIT 2g - 2

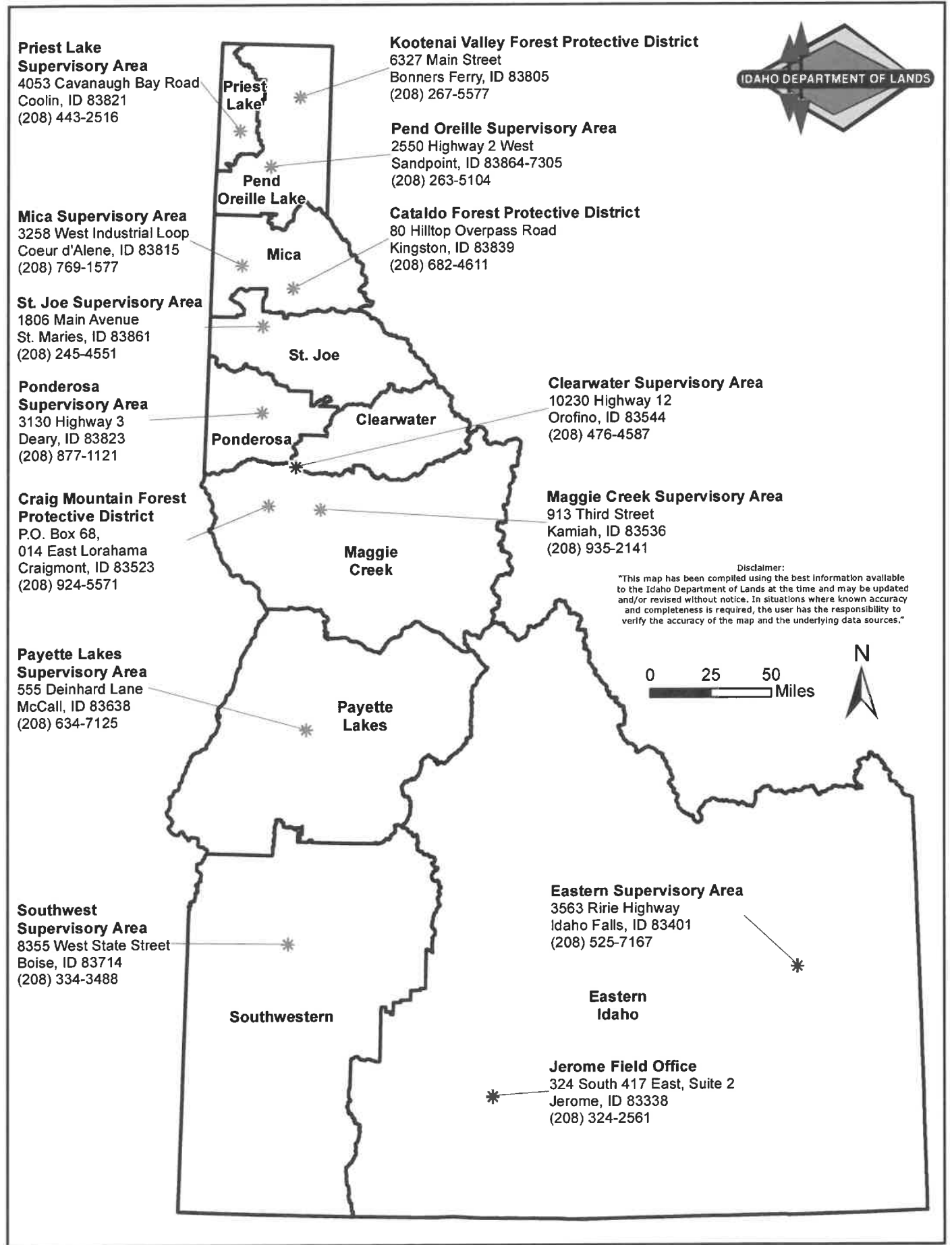


IDAHO DEPARTMENT OF LANDS

Application Fee Schedule

Acres are determined by the number entered in item 7 on the Application Form.

Type of Plan	Fee (Dollars)
Section 069* of IDAPA 20.03.02, Reclamation Plan 0 to 5 acres	Five hundred (\$500)
Section 069 of IDAPA 20.03.02, Reclamation Plan >5 to 40 acres	Six hundred (\$600)
Section 069 of IDAPA 20.03.02, Reclamation Plan over 40 acres	Seven hundred fifty (\$750)
Section 070** of IDAPA 20.03.02, Reclamation Plan 0 to 100 acres	One thousand (\$1,000)
Section 070 of IDAPA 20.03.02, Reclamation Plan >100 to 1000 acres	One thousand five hundred (\$1,500)
Section 070 of IDAPA 20.03.02, Reclamation Plan >1000 acres	Two thousand (\$2,000)
* Section 069 is for gravel pits, quarries, decorative stone sources, and simple industrial mineral mines	
** Section 070 is for hardrock, phosphate, and underground mines, and complex industrial mineral mines	





April 11, 2023
Syman Project No. 211864

Idaho Department of Lands
ATTN: Derek Kraft
8355 W. State St.
Boise, ID 83714

SUBJECT: Reclamation Plan Amendment – Bishop Property
9016 Lincoln Road
Caldwell, Idaho

Operations Description:

This scope of work serves as an amendment to the existing reclamation plan on file. The operations covered in the original reclamation plan have begun. During permitting and floodplain management design, the cost of permanent BMPs was shown to impact the project and therefore the operations were revised to accommodate the location of wetlands to be mitigated and revising the floodway limits. The area excavated was subsequently revised to extend farther south from the original plans and encompass some areas previously avoided in the floodways. The operations are still confined to the original property boundaries. The previous narrative described about 52 acres involved in the mining activities. The current plan is to mine two pits with a combined footprint of about 63 acres. About 73 acres will be involved in the mining activities.

Other activities such as, haul routes, buffers, and operations will remain the same, only the areas mined has changed. To facilitate the smaller work space south of the mining, we will stockpile materials in the bottom of the pits for processing and hauling off the site. If more space is needed for stockpiling overburden, we will place these stockpiles in the neighboring property west of the scales show on the attached drawings.

Best Management Practices:

The best management practices will remain the same as described in the reclamation plan. The Multi-Sector General Permit Site plans have been updated with the new drawings.

Receiving Waters:

The receiving waters have not changed. Dewatering will take place as described in the original reclamation plan.

Road Reclamation:

Reclamation activities will remain unchanged, except for a larger footprint, the revised reclamation estimate is attached. Because there will be a larger area of roads around the perimeter and a larger area of shoreline to shape, but smaller stockpile areas, we measured the areas disturbed and areas requiring regrading. The total acres involved in the mining is 74 acres. 6 acres will be preserved as setbacks and preserved riparian areas. About 63 will be disturbed to excavate the ponds. Of the 63 acres about 46 acres will be ponds. We estimate with the pond banks included up to about 22 acres will need to be re-graded.



This is less acres that will need to be regraded and topsoiled after completion of the project. For this reason, we did not increase the quantities on the reclamation estimate.

Re-Vegetation Plan:

Re-Vegetation activities will remain the same. We did not increase the area to be re-seeded as the area included in the reclamation estimate is 40 acres, The area for routes around the pits and parking areas have been increased slightly but the areas for stockpiles have been decreased as explained above. In addition, more of the site will ultimately be pond areas that do not require seeding. 40 acres will be more than adequate for reclamation seeding the revised mining activity area.

ATTACHMENTS:

Expense Estimation

Revised Reclamation Plan Drawings: FC-101 and FC-102

Dewatering Plan Drawings: DW-101 and DW-102

Client: Nampa Paving and Asphalt Co.

444 W. Karcher Rd.
Nampa, ID. 83687



Quotation

Project Number: 211864

Estimator: Lorelei Adams
Estimator Phone: (208) 287-8420
Estimator Email: a.lyman@symancompany.com

Bid Date: 4/11/2023

Project Name: Bishop Property
Project Location: Lincoln Road East of Midland Road, Caldwell, Idaho

Scope of Work: The total acres involved in the mining is 74 acres. 6 acres will be preserved as setbacks and preserved riparian areas. About 63 will be disturbed to excavate the ponds. Of the 63 acres 46 acres will be ponds. We estimate with the pond banks included up to about 22 acres will need to be re-graded.

ITEM	QUANTITY	UNITS	DESCRIPTION	UNIT PRICE	TOTAL
Re-Grading	26	Days	Flatten existing stockpiles and spread topsoil over disturbed areas	\$ 4,500.00	\$ 117,000.00
Mobilization	2	LS	Mobilize equipment to the site	\$ 1,500.00	\$ 3,000.00
Clean Up	2	LS	Remove debris or equipment left by operation	\$ 850.00	\$ 1,700.00
Seeding	40	Acre	Apply noxious weed free native seed blend at 21 lb/acre with fertilizer per acre	\$ 890.00	\$ 35,600.00

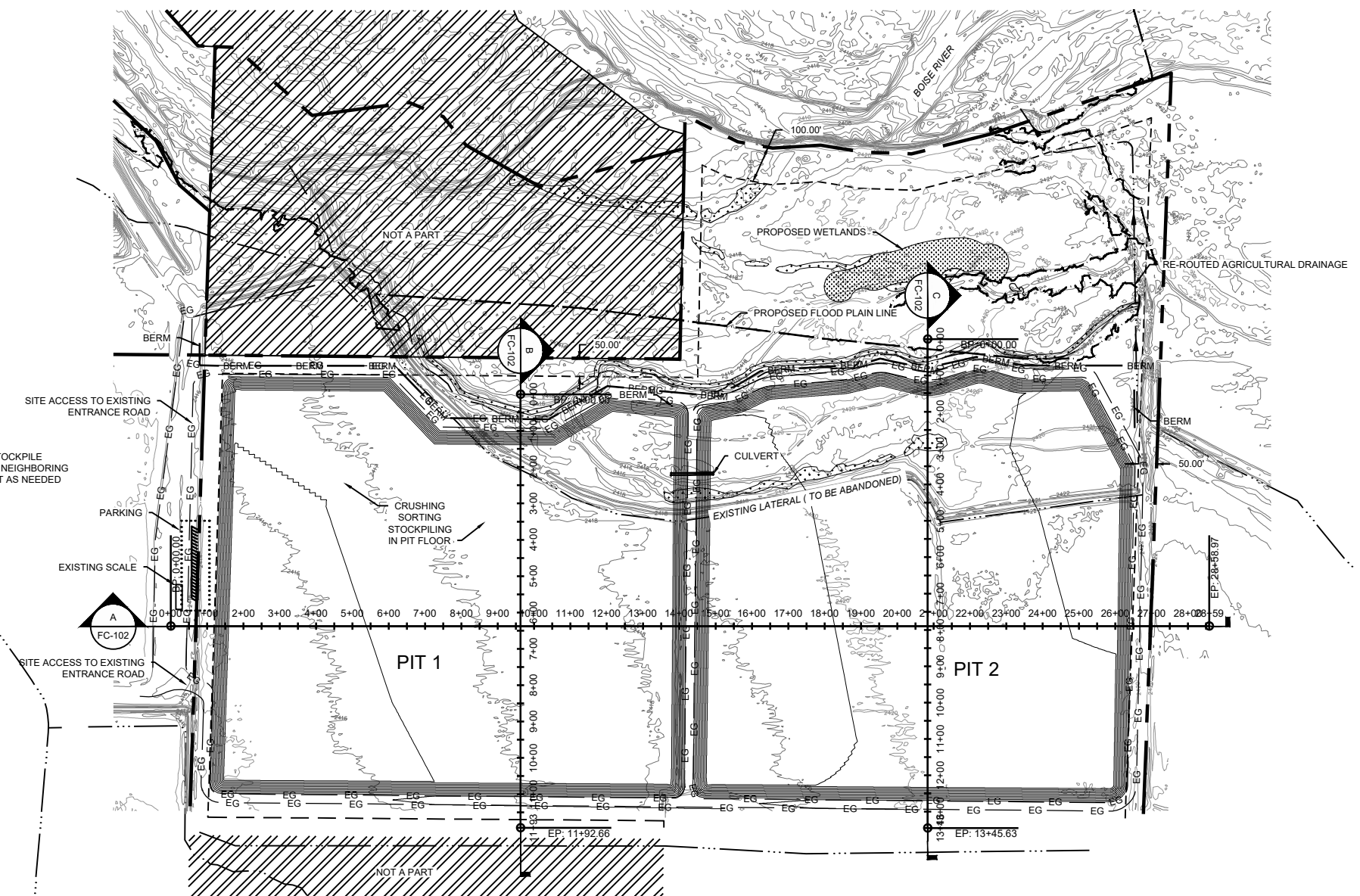
MATERIAL TOTAL \$ 157,300.00

1. Re-grading includes flatten stockpiles, grade site near to pre-development elevations, spread topsoil over disturbed areas up to the edge of water, and drill seed the topsoiled areas with native grass seed.

END OF QUOTATION

EXHIBIT 2g - 7

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LEGEND	
1. FACILITY LIMITS	
2. STOCKPILE / STORAGE	
3. PARKING	
4. PROPOSED FLOODPLANE	
5. CANAL / DITCH	
6. WETLANDS	

SYMAN, LLC
 2101 Delta Drive
 Nampa, Idaho 83887
 Phone (208) 287-8420

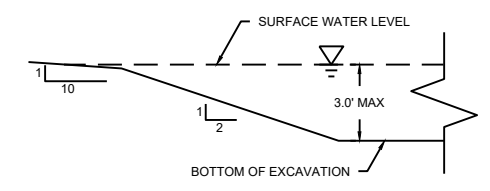
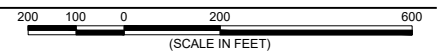


RECLAMATION PLAN
 BISHOP PROPERTY
 LINCOLN ROAD
 CANYON COUNTY
 NAMPA, IDAHO
 NAMPA PAVING

NO.	DATE	BY	DESCRIPTION

FACILITY PLAN

1:200 (22x34 FULL SIZE)



TYPICAL EXCAVATION CROSS SECTION

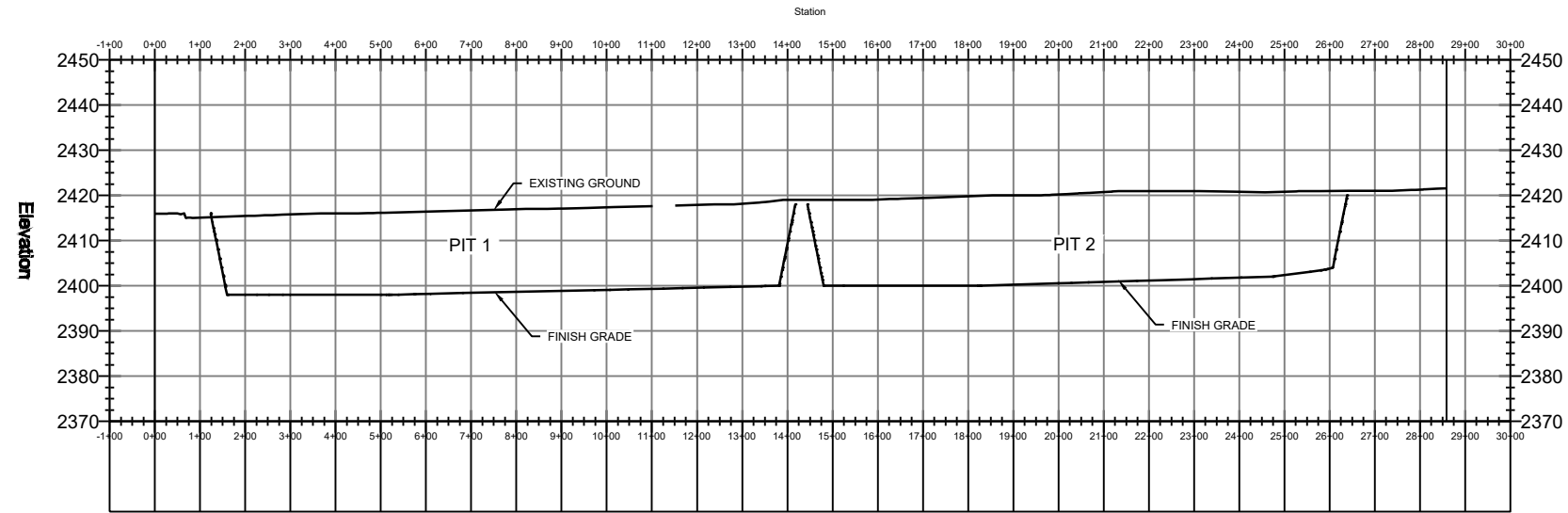
NTS

FILE NUMBER:
 211864
 DESIGNED BY:
 A. LYMAN
 DRAWN BY:
 J. MATTHEWS
 DATE
 April 2023

SHEET NUMBER:
FP-101

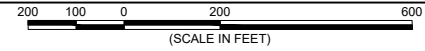
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A PROFILE

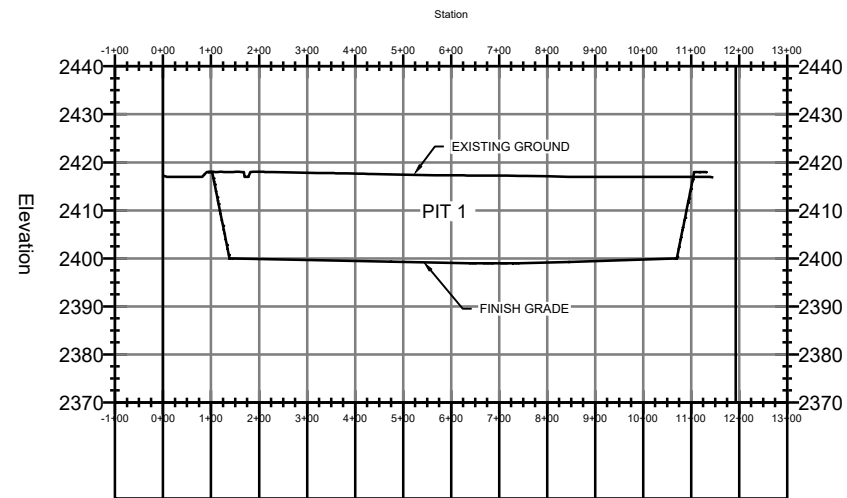


CROSS SECTION A

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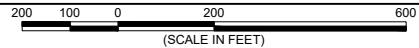


B PROFILE

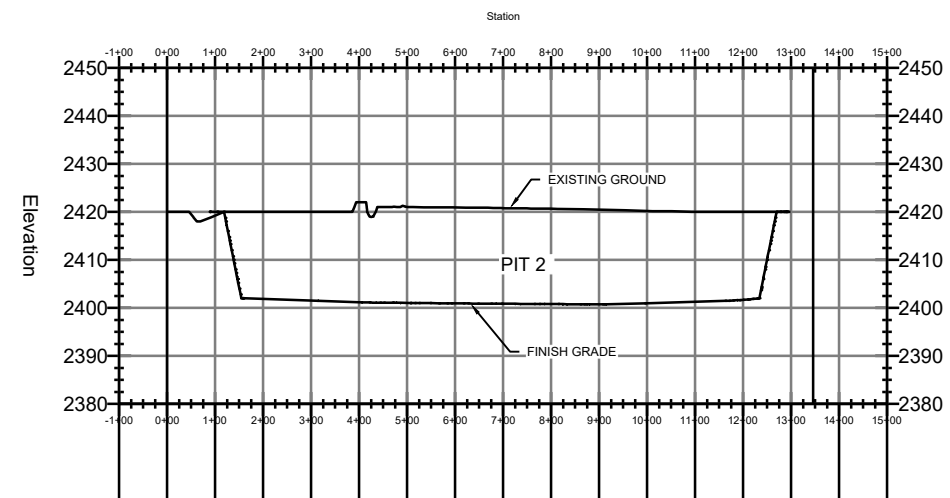


CROSS SECTION B

1:200 (22x34 FULL SIZE)



C PROFILE



CROSS SECTION C

1:200 (22x34 FULL SIZE)



SYMAN, LLC
 2101 Delta Drive
 Nampa, Idaho 83687
 Phone (208) 287-8420



RECLAMATION PLAN SECTIONS
 BISHOP PIT
 LINCOLN ROAD
 CANYON COUNTY
 NAMPA, IDAHO
 NAMPA PAVING

NO.	DATE	BY	DESCRIPTION

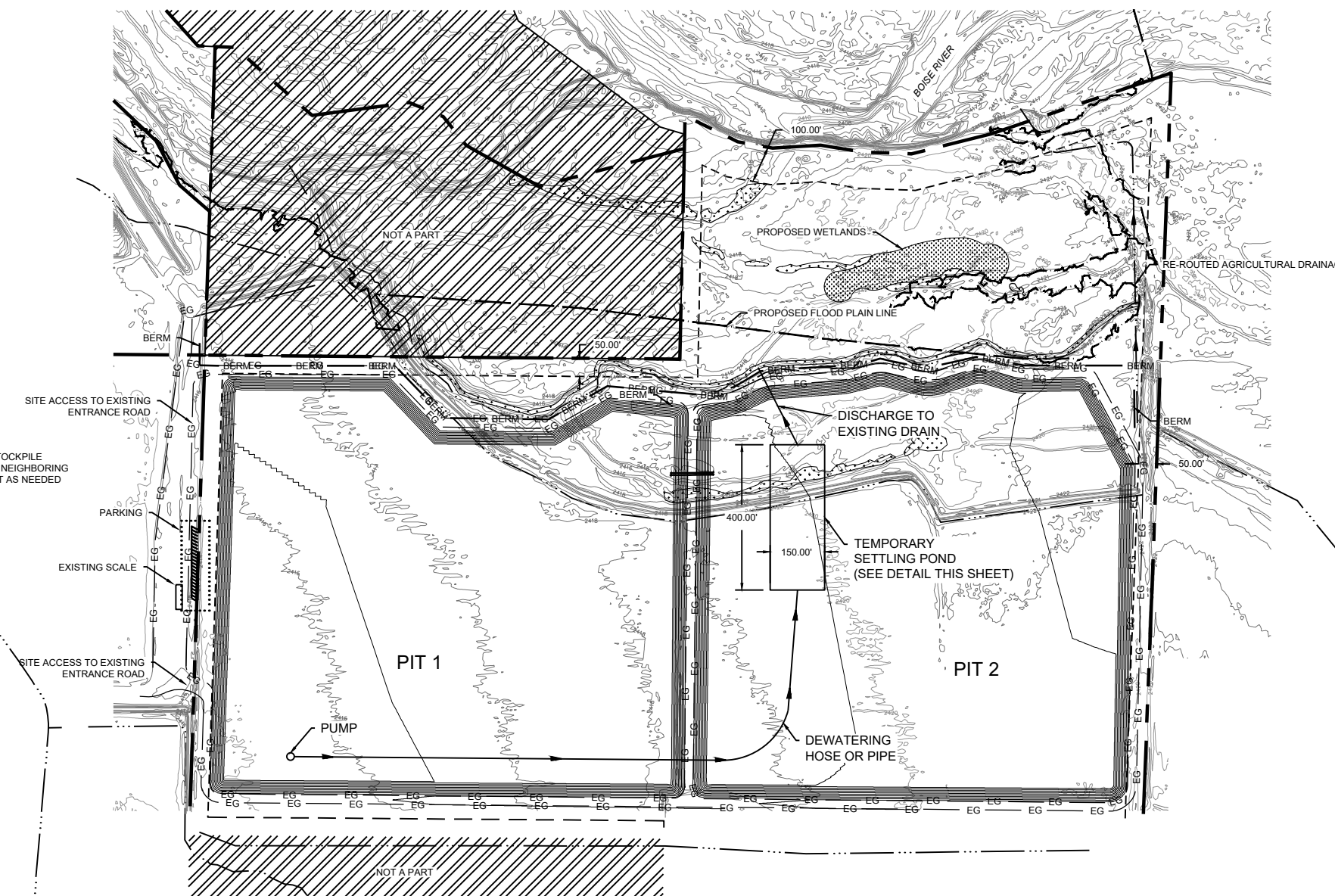
FILE NUMBER:
211864

DESIGNED BY:
 A. LYMAN
 DRAWN BY:
 J. MATTHEWS
 DATE
 April 2023

SHEET NUMBER:

FP-102

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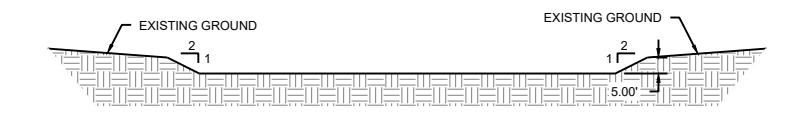
LEGEND	
1. FACILITY LIMITS	
2. STOCKPILE / STORAGE	
3. PARKING	
4. PROPOSED FLOODPLANE	
5. CANAL / DITCH	
6. WETLANDS	

SYMAN, LLC
 2101 Delta Drive
 Nampa, Idaho 83887
 Phone (208) 287-8420

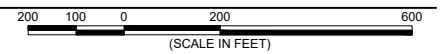


DEWATERING PLAN PHASE 1
 BISHOP PROPERTY
 LINCOLN ROAD
 CANYON COUNTY
 NAMPA, IDAHO
 NAMPA PAVING

NO.	DATE	BY	DESCRIPTION



TEMPORARY SETTLING POND CROSS-SECTION
 NTS

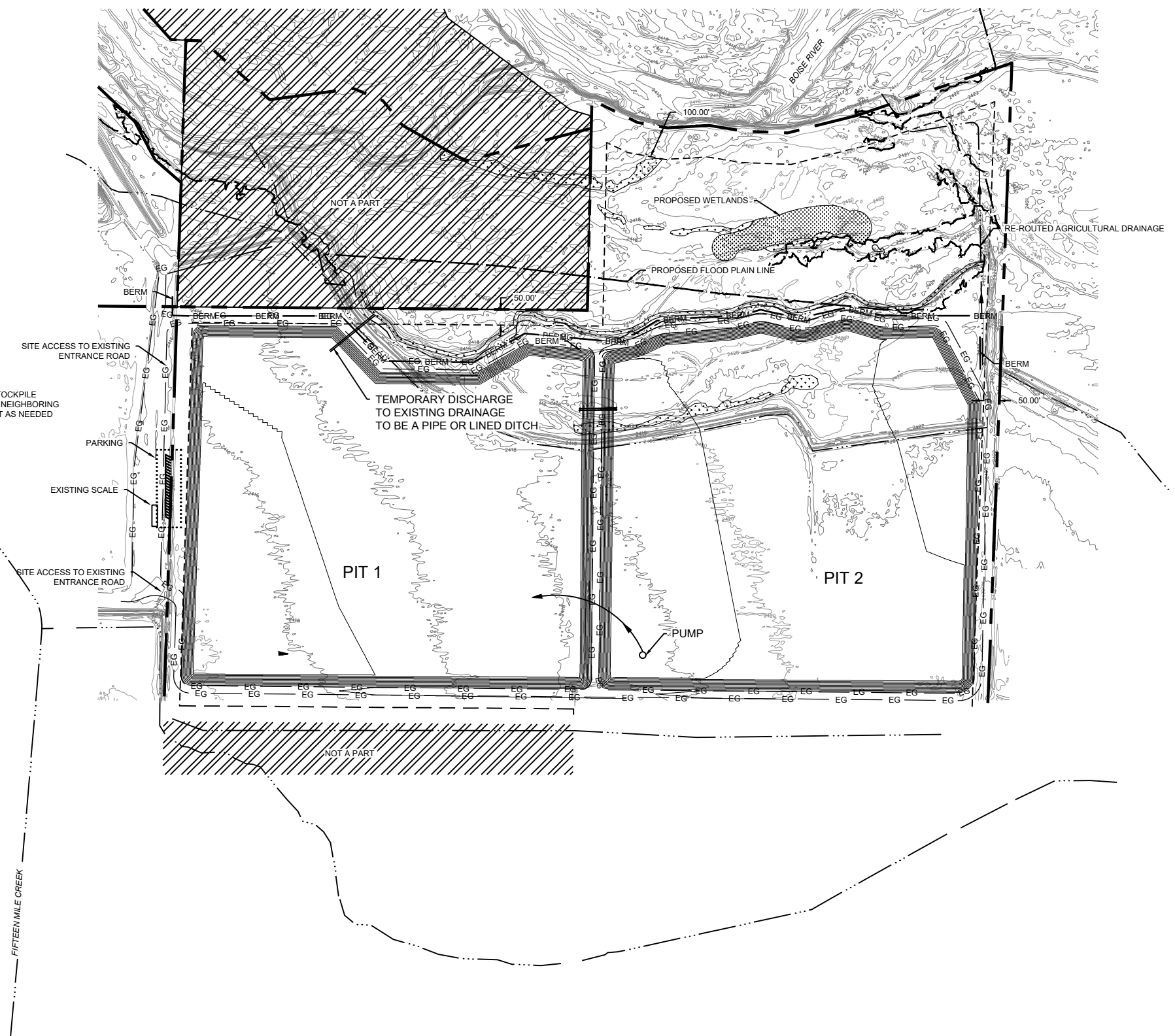


DEWATERING PLAN - PHASE 1
 1:200 (22x34 FULL SIZE)

FILE NUMBER:
 211864
 DESIGNED BY:
 A. LYMAN
 DRAWN BY:
 A. KARTCHNER
 DATE
 April 2023

SHEET NUMBER:
DW-101

PLOTTED BY: ANDREA KARTCHNER DATE PLOTTED: 4/12/2023 1:10:45 PM PATH: M:\01_SYMAN\01_JOBS\JACK02_LANDED\211864-BISHOP PROPERTY (263 PIT PHASE 2 NAMPA PAVING)\04_CAD\211864-06-DW-102.DWG



LEGEND

1. FACILITY LIMITS	---
2. STOCKPILE / STORAGE	----
3. PARKING
4. PROPOSED FLOODPLANE	-----
5. CANAL / DITCH	-----
6. WETLANDS	[Dotted Pattern]

SYMAN, LLC
 2101 Delta Drive
 Nampa, Idaho 83887
 Phone (208) 287-8420



DEWATERING PLAN PHASE 2
 BISHOP PROPERTY
 LINCOLN ROAD
 CANYON COUNTY
 NAMPA, IDAHO
 NAMPA PAVING

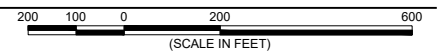
NO.	DATE	BY	DESCRIPTION

FILE NUMBER:
211864

DESIGNED BY:
A. LYMAN
 DRAWN BY:
A. KARTCHNER
 DATE
April 2023

SHEET NUMBER:
DW-102
2 OF 2

DEWATERING PLAN - PHASE 2
 1:200 (22x34 FULL SIZE)



SOUTHWEST SUPERVISORY AREA

8355 West State Street
Boise ID 83714-6071
Phone (208) 334-3488
Fax (208) 853-6372

**STATE BOARD OF LAND COMMISSIONERS**

Brad Little, Governor
Phil McGrane, Secretary of State
Raúl R. Labrador, Attorney General
Brandon D. Woolf, State Controller
Debbie Critchfield, Sup't of Public Instruction

June 20th, 2023

Nampa Paving and Asphalt Company
444 W. Karcher Rd
Nampa, ID 83687

To whom it may concern,

This correspondence is notification that the following reclamation plan was approved on 5/8/2023:

PLAN NO.	ACRES	COUNTY	LEGAL DESCRIPTION
S602993	114.72	Canyon	T04N R02W Section 16

The plan was granted approval subject to the following terms and conditions:

1. All refuse, chemical and petroleum products and equipment shall be stored and maintained in a designated location, 100 feet away from any surface water and disposed of in such a manner as to prevent their entry into a waterway.
2. State water quality standards will be maintained at all times during the life of the operation. Should a violation of water quality standards occur, mining operations will cease immediately, corrective action will be taken, and the Department of Environmental Quality will be notified.
3. Erosion and non-point source pollution shall be minimized by careful design of the site access and implementing Best Management Practices, which may include, but are not limited to:
 - a. Diverting all surface water flows around the mining operation.
 - b. Removing and stockpiling vegetation and slash, except merchantable timber, for use in erosion control and reclamation;
 - c. Removing and stockpiling all topsoil or suitable plant growth material for use in reclamation.
4. **An initial reclamation bond in the amount of \$83,648.21 for up to 30 acres of disturbance will be submitted to and maintained with the Idaho Department of Lands prior to conducting surface mining operations.**

5. If the reclamation plan is not bonded within 18 months of approval, or if no operations are conducted within three years, the department may withdraw this plan. This shall not prevent the operator from re-applying for reclamation plan approval.

6. Acceptance of this permit does not preclude the operator from obtaining other necessary permits and approvals from state and federal authorities, i.e. Storm Water Pollution Prevention Plan (SWPPP), waste water generation and/or air quality permits, consultation with the National Oceanic and Atmospheric Administration Fisheries, U.S. Army Corps of Engineers 404 Permit and Stream Channel Alteration Permits for each production process.

8. At the beginning of each calendar year the operator or plan holder shall notify the director of any increase in the acreage of affected lands which will result from the planned surface mining activity within the next twelve (12) months. A correlative increase in the bond will be required for an increase in affected acreage.

Please note -- pursuant to Idaho Code section 47-1512(a), operations cannot commence until the bond established in Stipulation No. 4 is submitted to this department. Failure to submit payment before mining commences may subject you to legal action by the state pursuant to Idaho Code section 47-1513(d), which may include issuance of an order by the district court to temporarily restrain your mining operations without prior notice to you.

If the department does not receive a written notice of objection from you regarding these stipulations by July 11, 2023, the stipulations will be considered as accepted.

If you have any questions, you may contact me at the above address or telephone number.

Sincerely,

A handwritten signature in black ink, appearing to read "Connor MacMahon". The signature is fluid and cursive, with a large initial "C" and "M".

Connor MacMahon
Lands Resource Specialist—Minerals



Canyon County, 111 North 11th Avenue, #310, Caldwell, ID 83605
▪ Engineering Division ▪

December 18, 2023

Re: CU2023-0008- Mineral Extraction Expansion (Previous Case No. CU2022-033)
 Parcel No.'s R34061 & R34144
 Applicant: Nampa Paving

Dan,

I have reviewed the application, letter of intent, and site plan for the proposed expansion to the existing mineral extraction and wetland mitigation plan located in the Special Flood Hazard Area (SFHA) floodplain and floodway.

Mineral extraction expansion activities are depicted in the master application site plan as, Pit 1 and Pit 2. FEMA approved CLOMR Case No. 23-10-0172X, and Conditional LOMR Case No. 22-10-0727R, indicate Pit 1 and Pit 2, are located outside of the SFHA floodway. County floodplain development permits shall be issued prior to Pit 1 and Pit 2 extraction commencement. Upon completion of mineral extraction activities and reclamation, an approved Letter of Map Revision (LOMR) shall be provided to Canyon County Development Services. Mineral extraction activities shall take place outside the SFHA floodway boundary.

The proposed wetland mitigation/restoration plan is located within the SFHA floodway boundary. Application has been made and is under review with the Corps of Engineers (USACE), and the Idaho Department of Water Resources (IDWR). The proposed No-rise Certification for the floodway encroachment meets Federal and County floodplain regulations. [CCO 07-10A-11\(4\)\(A\)\(1\)](#) [44CFR 60.3\(d\)\(3\)](#)
 If No-rise Certification cannot be achieved, an approved CLOMR and Conditional LOMR, shall be submitted to the County Floodplain Manager prior to commencement of the wetland restoration portion of this project. [07-10A-11\(4\)\(A\)\(1&2\)](#)

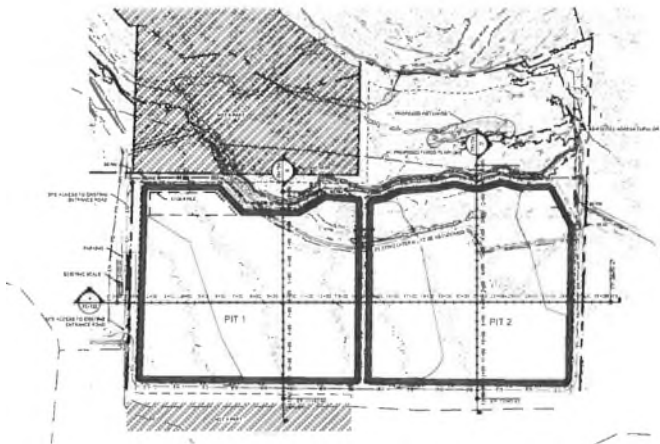
The No-rise Certification, hydrology data and floodplain development permit application for the wetland mitigation, shall be provided to the Canyon County Floodplain Manager prior to the floodway encroachment. All required outside agency approvals shall also be included with the floodplain development permit application. [CCO 07-10A-09\(1\)\(G\)](#) [44CFR 60.3\(a\)\(2\)](#).

Conditions of Approval for CU2023-0008:

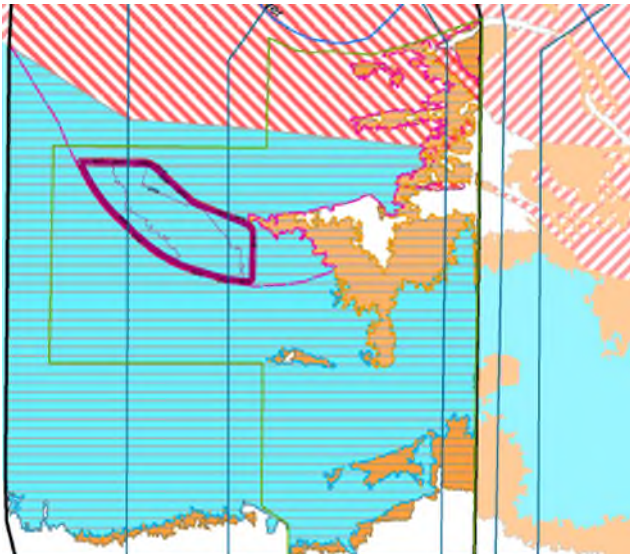
- *County floodplain development permits shall be issued prior to Pit 1 and Pit 2 extraction commencement. Upon completion of mineral extraction activities and reclamation, an approved Letter of Map Revision (LOMR) shall be provided to Canyon County Development Services. Mineral extraction activities shall take place outside the SFHA floodway boundary.*
- *The No-rise Certification, hydrology data and a floodplain development permit application for the wetland mitigation, shall be provided to the Canyon County Floodplain Manager prior to the floodway encroachment. All required outside agency approvals shall also be included with the floodplain development permit application. If No-rise Certification cannot be achieved, an approved CLOMR and Conditional LOMR, shall be submitted to the County Floodplain Manager prior to commencement of the wetland restoration portion of this project.*

- Chain-link or net fencing shall be placed along the northern boundary of Pit 1 and Pit 2, to prevent extraction encroachment into the floodway.

Site Plan



CLOMR/LOMR



Sincerely,



Stephanie Hailey, CFM
Engineering Coordinator
Floodplain Manager
Canyon County Development Services
Stephanie.hailey@canyoncounty.id.gov

Dan Lister

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Wednesday, October 11, 2023 7:36 AM
To: Dan Lister
Subject: [External] FW: Agency Notification / Nampa Paving - CU2023-0008
Attachments: Agency Response Requested Notification Form 2-23.pdf

Good Morning,

After careful review of the transmittal submitted to ITD on October 3, 2023 regarding Nampa Paving – CU2023-0008, the Department has no comments or concerns make at this time. This application is proposing on extending the existing footprint of the mineral extraction which should not increase trips enough to trigger the necessity of a TIS. Also, with the US20/26 widening project, the intersection of Northside and US20/26 will be signalized, therefore any impact should be minimal.

Thank you,



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services

O: 208.334.8337 | C: 208.296.9750

Email: niki.benyakhlef@itd.idaho.gov

Website: itd.idaho.gov

From: Jennifer Almeida <Jennifer.Almeida@canyoncounty.id.gov>

Sent: Tuesday, October 3, 2023 3:31 PM

To: 'lisa.boyd@vallivue.org' <lisa.boyd@vallivue.org>; 'joseph.palmer@vallivue.org' <joseph.palmer@vallivue.org>; 'jenny.titus@vallivue.org' <jenny.titus@vallivue.org>; 'Irichard@cityofcaldwell.org' <Irichard@cityofcaldwell.org>; 'aperry@cityofcaldwell.org' <aperry@cityofcaldwell.org>; 'chopper@canyonhd4.org' <chopper@canyonhd4.org>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'shayne.watterud@ziply.com' <shayne.watterud@ziply.com>; 'wilders04@msn.com' <wilders04@msn.com>; 'projectmgr@boiseriver.org' <projectmgr@boiseriver.org>; 'scottsbi@outlook.com' <scottsbi@outlook.com>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; Brian Crawford <Brian.Crawford@canyoncounty.id.gov>; 'mstowell@ccparamedics.com' <mstowell@ccparamedics.com>; 'cenww-rd@usace.army.mil' <cenww-rd@usace.army.mil>; 'lori.kent@id.nacdnet.net' <lori.kent@id.nacdnet.net>; Eric Arthur <Eric.Arthur@canyoncounty.id.gov>; Stephanie Hailey <Stephanie.Hailey@canyoncounty.id.gov>; 'jshoemaker@blm.gov' <jshoemaker@blm.gov>; 'MGRodriguez@usbr.gov' <MGRodriguez@usbr.gov>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'john.graves@fema.dhs.gov' <john.graves@fema.dhs.gov>; 'westerninfo@idwr.idaho.gov' <westerninfo@idwr.idaho.gov>

Subject: Agency Notification / Nampa Paving - CU2023-0008

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

1445 N. Orchard St.
Boise ID 83706 • (208) 373-0550



Brad Little, Governor
Jess Byrne, Director

October 6, 2023

Daniel Lister, Assistant Planning Manager
111 North 11th Ave.
Ste. 310
Caldwell, Idaho, 83605
Daniel.Lister@canyoncounty.id.gov

Subject: Case No. CU2023-0008 / Quadrant Consulting, Inc.

Dear Mr. Lister:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at:
<https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/>.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

1. AIR QUALITY

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).

For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

- IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

2. WASTEWATER AND RECYCLED WATER

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.

- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

3. DRINKING WATER

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: <https://www.deq.idaho.gov/water-quality/drinking-water/>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Construction General Permit from DEQ may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
 - For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
 - If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
 - The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at:
<https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
 - The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.
- For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.

- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Rebecca Blankenau, Waste & Remediation Manager, at (208) 373-0550.

6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website <https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/> for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,



Aaron Scheff
Regional Administrator

c:

2021AEK

CANYON SOIL CONSERVATION DISTRICT



2208 E. Chicago, Suite A
Caldwell, ID 83605
Phone 208-779-3443
Fax 1-877-504-6752

SUPERVISORS: Mike Swartz, Chairman; Rex Runkle, Vice Chairman; Robert McKellip, Secretary/Treasurer;
Chris Gross, Supervisor, Brad McIntyre, Supervisor & Clay Erskine, Supervisor
ASSOCIATE SUPERVISORS: Tom Johnston, Rich Sims & Matt Livengood

SOIL CONSERVATION DISTRICT STAFF: Lori Kent; Administrative Assistant & Stan Haye, Soil Conservation Technician

October 17, 2023

To: Dan Lister Planner of Record
Canyon County Development Services

From: Canyon Soil Conservation District (Canyon SCD)

Subject: P & Z Agency Notices

Thank you for sending Canyon Soil Conservation District (SCD) several zoning requests.

They are: CU2023-0008, Quadrant Consulting, CU2023-0014 Penelope Constantikes, CU2022-0036 AK Feeders LLC and CR2022-003 Shawn and Rae Lynn Kelly

Comments from Canyon Soil Conservation District:

The acreage amounts on the maps are an estimate. Percentages of soils are rounded to a whole number.

CU2023-0008, Quadrant Consulting is 23% Class III, 74% Class IV and 3% other. The SCD has no comments.

CU2023-0014 Penelope Constantikes. The SCD has no comments.

CU2022-0036 AK Feeders LLC is 4% Class II, 21% Class III and 75% Class IV. The SCD has no comments related to the Land Class. There is one item we think should be addressed. In the application the applicant stated they have an active nutrient management plan. If the applicant plans to increase the population of cattle, a new nutrient management plan is needed to address the additional animal waste.

CR2022-003 Shawn and Rae Lynn Kelly. The SCD has no comments.

Continued Partnership and Conservation.

Sincerely,

Rich Sims acting for:

Mike Swartz, Canyon SCD Chairman

All programs and services of the Canyon Soil Conservation District are offered on a nondiscriminatory basis without regard to race, color, national origin, religion, sex, age, disability, marital or familial status, and political beliefs.

Dan Lister

From: Amber Lewter
Sent: Tuesday, November 28, 2023 8:51 AM
To: Dan Lister
Subject: FW: [External] Re: Agency Notice CU2023-0008 Nampa Paving

From: Project Manager <projectmgr@boiseriver.org>
Sent: Tuesday, November 28, 2023 8:49 AM
To: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Cc: rcollins@cityofcaldwell.org; P&Z@cityofcaldwell.org; dgeyer@cityofcaldwell.org; jenny.titus@vallivue.org; lisa.boyd@vallivue.org; joseph.palmer@vallivue.org; lrichard@cityofcaldwell.org; aperry@cityofcaldwell.org; chopper@canyonhd4.org; lriccio@canyonhd4.org; brandy.walker@centurylink.com; eingram@idahopower.com; easements@idahopower.com; mkelly@idahopower.com; monica.taylor@intgas.com; jessica.mansell@intgas.com; shayne.watterud@ziply.com; wilders04@msn.com; mitch.kiester@phd3.idaho.gov; anthony.lee@phd3.idaho.gov; Stephanie Hailey <Stephanie.Hailey@canyoncounty.id.gov>; scott_sbi@outlook.com; D3Development.services@itd.idaho.gov; niki.benyakhlef@itd.idaho.gov; Brian Crawford <Brian.Crawford@canyoncounty.id.gov>; mstowell@ccparamedics.com; lori.kent@id.nacdnet.net; Code Enforcement <CodeEnforcement@canyoncounty.id.gov>; jshoemaker@blm.gov; mgrodriguez@usbr.gov; BRO.Admin@deq.idaho.gov; john.graves@fema.dhs.gov; westerninfo@idwr.idaho.gov
Subject: [External] Re: Agency Notice CU2023-0008 Nampa Paving

Amber,

Flood Control District 10 has no objections, but must meet all floodplain requirements with Canyon County.

Regards,

Mark Zirschky
 Flood Control District 10
 208-861-2766

On Wed, Nov 15, 2023 at 12:19 PM Amber Lewter <Amber.Lewter@canyoncounty.id.gov> wrote:

Dear Agencies:

Please see the attached agency notice regarding the scheduled Planning and Zoning hearing on this project. We had previously requested your agency provide comments for the noticed land use application and if any agency comments were received, they were included in the Staff report. No response is required unless there is an update to your original comments. This is the notification that a hearing date of January 4, 2024 at 6:30 pm has been set for this case along with a final deadline of December 17, 2023 for agency comments. Any written testimony or exhibits received after the agency comment deadline will need to be brought to the public hearing and read into the record by the person submitting the information. If it is a large document that can't easily be read into the record, the hearing body will determine if they will accept it as a late exhibit.



Planning and Zoning Commission
Nampa Paving and Asphalt Co. – CU2022-0033

Development Services Department

Findings of Fact, Conclusions of Law, Conditions of Approval, and Order

Nampa Paving and Asphalt Co. – Conditional Use Permit for Mineral Extraction Use

Findings of Fact

1. Nampa Paving & Asphalt Co., represented by Borton-Lakey Law, is requesting a Conditional Use Permit to allow a long-term mineral extraction use on Parcels R34061 and R34144 (approximately 136.9-acres total) to include sand and gravel extraction, staging, and crushing. The proposed mineral extraction will expand an existing approved operation (CU2018-0015) and will be tied to the conditions of that approval requiring operations to cease by November 3, 2037. The properties are located at 9016 Lincoln Road, Caldwell; also referenced as a portion of Section 16 and 21-4N-2W, BM; Canyon County, Idaho.
2. The subject properties are zoned “A” (Agricultural). The Future Land Use Map within the 2020 Canyon County Comprehensive Plan designates the parcels as “Agriculture”.
3. The subject properties are located within Caldwell’s Area of City Impact.
4. The subject properties are located within Canyon Highway District No. 4, Caldwell Rural Fire District, Vallivue School District, and Franklin Ditch Company jurisdiction.
5. A neighborhood meeting was conducted in accordance with CCZO §07-01-15 on March 18, 2022.
6. Notifications were made in accordance with CCZO §07-05-01. Notifications were mailed to the applicant and property owners within 1,000 feet on October 14, 2022. The legal notice was published to the Idaho Press Tribune on October 16, 2022. Affected agencies and full political notice were notified on September 9, 2022. The property was posted on October 25, 2022.
7. The record includes all testimony, staff reports, exhibits, and documents in Case File. CU2022-0033.

Conclusions of Law

For case file CU2022-0033, the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for Conditional Use Permit (§07-07-05).

1. Is the proposed use permitted in the zone by conditional use permit?

Conclusion: The subject property is zoned “A” (Agricultural). Long term mineral extraction and associated uses are allowed by conditional use permit (CUP) in the agricultural zone (CCZO §07-10-27).

Finding: Canyon County Zoning Ordinance, §07-10-27 allows the proposed use as a conditional use permit in accordance with Use Standards §07-14-19 Mineral Extraction Long Term in the “A” (Agricultural) zone. The subject property is zoned “A” (Agricultural).

2. What is the nature of the request?

Nampa Paving and Asphalt Co is requesting to establish a long-term mineral extraction permit with mining, excavation (at least three (3) ponds), staging, access, and stockpiling to occur on approximately 52 acres of approximately 114-acre subject properties. The applicant is proposing the following:

- Site Facilities: Site facilities would include a parking area and fuel storage. An existing scale from the adjacent operation will be utilized for the use.
- Duration: Not to exceed 15-years.

- Employees: Up to 15 employees during peak operations.
- Hours of Operation:

<i>Normal Operations</i>	7 a.m. to 7 p.m. Monday through Saturday
<i>Temporary Operations</i>	24 hour per day seven days per week operations as required by projects that require nighttime delivery of materials.
<i>Crushing Operations</i>	Restricted to between 7 a.m. through 7 p.m.
- Access and Hauling: Lincoln Road will be utilized for access with internal roadways serving the site. The access was approved for the operation of the adjacent site (CU2018-0015).
- Dust Control: Regular watering is proposed to minimize dust on haul roads. Due to the high-water table the material being removed will be wet.
- Reclamation Plan: A reclamation plan was approved by Idaho Department of Lands on August 22, 2022 (Attachment B).

3. Is the proposed use consistent with the Comprehensive Plan?

Conclusion: The proposed use is consistent with the 2020 Canyon County Comprehensive Plan.

Finding: The Future Land Use designation for the area is Agricultural. The proposed use is consistent with multiple goals and policies of the Comprehensive Plan including but not limited to:

Chapter 4. Economic Development

Goal 1. To diversify and improve the economy of Canyon County in ways that are compatible with community values.

Goal 4. Provide an economically viable environment that builds and maintains a diverse base of business.

Goal 5. To ensure that land use policies, ordinances and processes allow for a viably economic environment for development.

Chapter 5. Land Use

Goal 2. To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surrounding area.

Goal 5. Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.

Chapter 6. Natural Resources

Mineral Resources Section 47-701, Idaho Code, the term "salable minerals," means a mineral substance that can be taken from the earth and that has a value in and of itself separate and apart from the earth and includes, but is not limited to, building stone, cinders, pumice, scoria, clay, diatomaceous earth, sand, gravel, quartz, limestone and marble.

Policy 1. Sand and gravel mining operations should be located to avoid potential adverse impacts to the river channel.

Policy 2. Encourage measures to provide for future use of an excavated site such as, but not limited to industrial, commercial, and residential development.

Policy 3. Encourage mineral-extraction site design and operation so as to minimize noise, dust and increased truck traffic to the extent reasonably practical.

Policy 4. Consideration should be given, but not limited to the following impacts: economic value of the ground, access to the ground, compatibility with surroundings, noise, traffic, visual aesthetics and flooding.

Policy 5. Encourage sand and gravel extraction and associated uses to mitigate adverse impacts on surrounding land uses and natural resources.

Policy 6. Mineral extraction sites should be designed to facilitate their reclamation for future use.

4. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?

Conclusion: As conditioned, the proposed use will not change the essential character of the area. The primary land uses in the area is mineral extraction and agricultural crop production. Noise, dust, and traffic are associated with mining operations and can have a negative impact on properties in the immediate vicinity but will not change the character of the area.

Finding: The subject parcels and surrounding area are zoned “A” (Agricultural). The majority of land in the immediate area is used as agricultural land, mineral extraction, and sporadic homesites. The use is consistent with the essential character of the area. Nampa Paving and Asphalt Co. and/or any future operator must meet all federal, state, and local permitting requirements for the proposed uses on the property including mineral extraction and crushing operations. (Condition 1, 10, and 12)

5. Will adequate water, sewer, irrigation, drainage and storm water drainage facilities, and utility systems be provided to accommodate the use?

Conclusion: Adequate facilities for sewer, irrigation, drainage and storm water drainage facilities, and utility systems will be required at the time of development. Applicant shall comply with all federal, state and local jurisdiction rules, regulations and permitting requirements and the applicant shall not disrupt the irrigation structures, canals, ditches on the property and shall not affect the upstream and downstream users of those systems as conditioned herein.

Finding: There are irrigation structures and ditches that are located on the subject properties and these structures shall remain undisturbed by the mining operations. Modifications of any irrigation structures, ditches, drainages shall be in accordance with irrigation district permitting requirements and without disruption to water users. The applicant shall comply with all federal, state and local permitting requirements with regards to human generated waste, dewatering, and mitigation of environmental contamination. (Condition 1, 5, and 11).

6. Does legal access to the subject property for the development exist or will it exist at the time of development?

Conclusion: Legal access to the subject properties currently exists.

Finding: Lincoln Road will be utilized for access with internal roadways serving the site. The access was approved for the operation of the adjacent site (CU2018-0015). The operator shall comply with Canyon Highway District No. 4 requirements (Condition 1).

7. Will there be undue interference with existing or future traffic patterns?

Conclusion: No evidence has been provided that the mining of the subject properties will create undue interference with existing or future traffic patterns.

Finding: The proposed haul route is Lincoln Road. Nampa Paving and Asphalt shall comply with the requirements of Canyon Highway District 4 (Condition 1 and 13)

8. Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?

Conclusion: Essential Services are available in the area and the proposed use will not impact existing services.

Finding: Agencies were notified of the intended use. No comments were received indicating that services would not be provided or negatively impacted by this application.

Additional Standards §07-14-19 Mineral Extraction Long Term

When making a decision for a conditional use permit for the use, the decision-making body shall consider the following:

1. The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses;

Conclusion: The use is compatible with the surrounding properties.

Finding: The primary use of the surrounding properties is mineral extraction and agricultural production. Four approved mineral extraction sites are located in the immediate vicinity of the subject parcels: Canyon Highway District No. 4 (R34069-010, CU2002-1), Idaho Materials/Oldcastle MMG Inc. (R3467010 & R34071, CU2003-284), Sunroc Corporation (R34067, PH2016-66), and Nampa Paving and Asphalt (R34063010, R34063010A, R34063011, R34062011, R34164011, CU2018-0015).

2. Duration of the proposed use;

Conclusion: The proposed duration of the operation is no more than 15 years.

Finding: According to CCZO 07-07-23: Provisions for Land Use Time Limitations; “gravel pits are exempt from commencement and time completion requirements. The presiding party has the discretionary power to establish commencement and completion requirements as specific conditions of approval for gravel pits.” The applicant is requesting a permit to operate for a duration of fifteen years on the subject properties. (Condition 6)

3. Setbacks from surrounding uses;

Conclusion: The applicant shall comply with CCZO §07-14-19 standards. A greater setback has been applied as proposed by the applicant and conditioned.

Finding: A 50-foot undisturbed perimeter along the external property boundaries other than permitted approach to public roads. A minimum 50-foot undisturbed buffer along both sides of Fifteen Mile Creek. All ditches, canals, laterals and rights of ways shall not be disturbed, re-routed, changed without proper permitting and agreements with the appropriate irrigation company/associations. Franklin Ditch Company is an affected entity. (Condition 4 and 5)

4. Reclamation plan as approved by Idaho Department of Lands;

Conclusion: A reclamation plan is approved as S602993 dated August 26, 2022.

Finding: The applicant has submitted a reclamation plan approved by Idaho Department of Lands (Attachment B). A condition of approval has been applied to ensure all conditions required by Idaho Department of Lands are met (Condition 7).

5. The locations of all proposed pits and any accessory uses;

Conclusion: The applicant has provided a site plan showing location of proposed pits and operations (Attachment A).

Finding: The applicant has provided a site plan showing the location of proposed pits and operations. No mining or construction of mitigation measures in the floodplain special flood hazard area and no mining, stockpiling, construction shall occur in the regulated floodplain without first obtaining a DSD Floodplain Development permit and completing required studies in accordance with federal regulations and Canyon County Code. (Condition 1, 2, 5, and 9). Future proposed pit and accessory uses not included in the site plan will require a modification to the conditional use permit.

6. Recommendation from applicable government agencies

- Department of Lands approved Reclamation Plan with required conditions (Condition 7).

Conditions of Approval
Nampa Paving and Asphalt Co. Long Term Mineral Extraction
Parcels R34061 and R34144

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the subject property and the proposed use.
2. The operator shall be in substantial conformance with the proposed site plan and mining area extents attached hereto as Attachment A; the intended expansion of the operation shall require a modification to this conditional use permit. The operation permitted is for mineral extraction and processing which includes mining activities comprised of excavations, staging, access, and stockpile areas with gravel resources processed onsite. There will be employee and mining equipment parking and fuel storage located on the site. A scale on the adjacent operation will be utilized.
3. The operator shall maintain a minimum 50-foot undisturbed perimeter along the external property boundaries other than the permitted approach to public roads. There shall be a minimum 50-foot

undisturbed buffer along both sides of Fifteen Mile Creek.

4. Development shall not impede, disrupt or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way. Any alteration of irrigation structures located on the properties shall be conducted with written approval from Franklin Ditch Company. The alterations shall not impede or affect water delivery to adjacent properties/water users.
5. Water: surface and groundwater, shall be discharged in accordance with state, federal, and local standards and/or regulations.
6. The duration of the proposed operation on the subject properties shall be 15 years (November 3, 2037). The properties shall be operated as conditioned.
7. The properties shall be mined as conditioned and reclaimed in accordance with reclamation plan S602993 (or as amended) attached hereto as Attachment B and in accord with federal and county special flood hazard regulations for floodplain and floodway encroachment.
8. Prior to commencing operation in a portion of the property currently designated as being in the floodway, a copy of the approved CLOMR must be provided to the Canyon County Floodplain Admin at the time of Floodplain Development permitting for that portion of the property.
9. Operator shall comply with floodplain and floodway regulations in effect at the time of completion (on or before November 3, 2037) of the mineral extraction operations on the 137-acre subject properties. Upon completion of mineral extraction operations and reclamation of the site, the operator shall provide to the Development Services Floodplain Administrator required Flood Hazard Area documentation in accordance with Federal Regulations and Canyon County Ordinance requirements for floodplain and floodway encroachments in the mapped flood hazard area. *Note: Currently (2022) a Letter of Map Revision (LOMR) is required upon completion of the mineral extraction operations reflecting changes to the mapped flood hazard areas on the subject properties.* A LOMR shall be completed within one year of the completion of mining. (Ord. 19-038, 8-30-2019)
10. Normal business hours of operation shall be Monday through Saturday 7:00 a.m. to 7:00 p.m. Temporary 24 hours per day seven days per week operations may be conducted as required by projects mandating nighttime delivery of materials. No crushing of materials shall occur after 7:00 p.m. or prior to 7:00 a.m. The duration of 24-hour operations should be temporary.
11. The storage of diesel fuel, petroleum products, and any other hazardous materials must meet the standards set forth by the applicable agencies.
12. Noise emissions shall follow the regulations and standards of OSHA and MSHA.
13. Commercial truck traffic shall not travel eastbound on Lincoln Road from the property access point on Lincoln Road.

Order

Based upon the Findings of Fact and Conclusions of Law, and Conditions of Approval contained herein, the Planning and Zoning Commission **approves** Case CU2022-0033, for long-term mineral extraction on parcels R34061 and R34144. The operation shall include mining activities including excavations, staging, access, and stockpile areas.

APPROVED this 3 day of NOVEMBER, 2022.



PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

[Signature]
Robert Sturgill, Chairman

State of Idaho)

SS

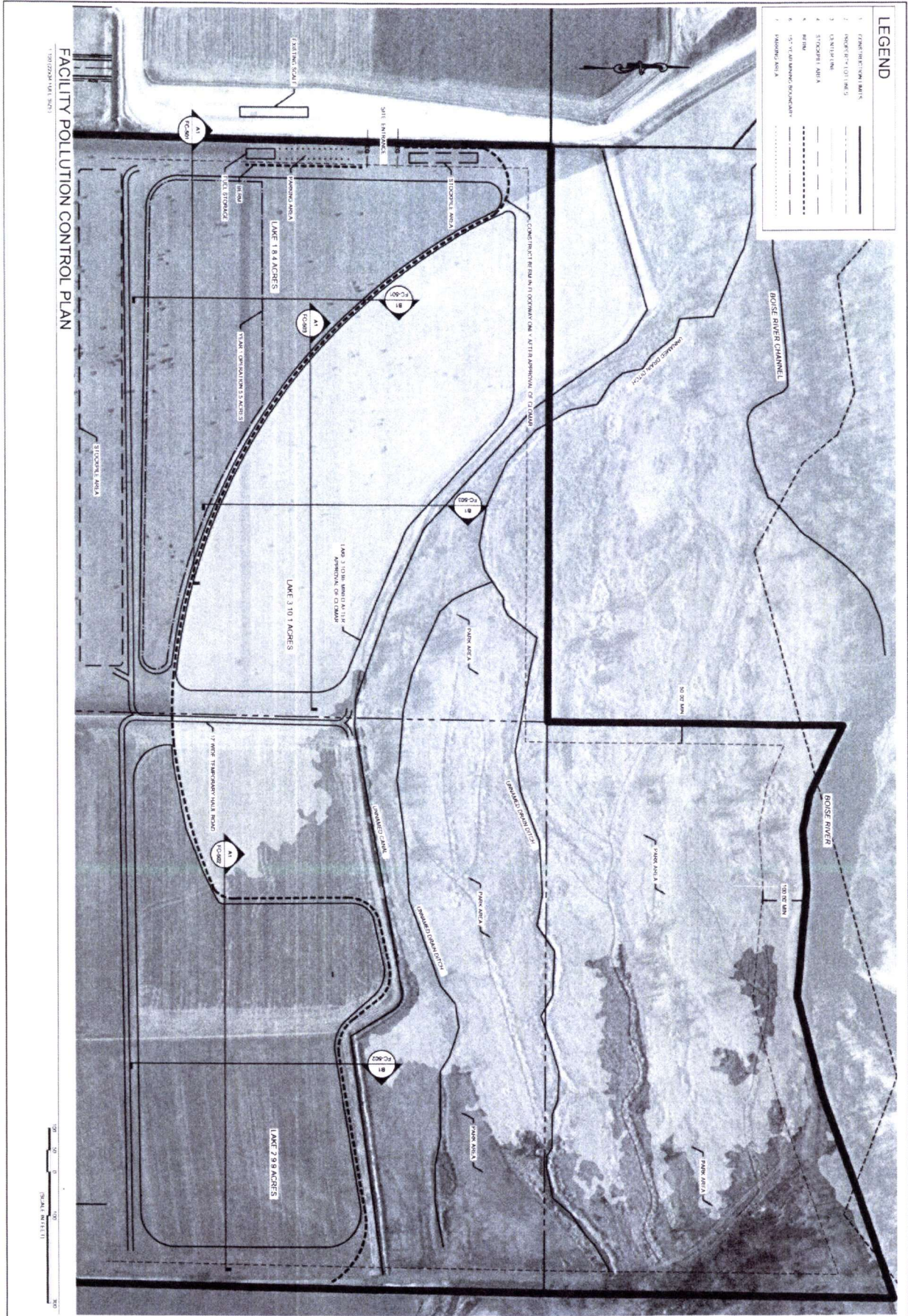
County of Canyon County)

On this day of 3rd November in the year 2022, before me Bonnie Puleo, a notary public, personally appeared Robert Sturgill, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

Notary: Bonnie C. Puleo
My Commission Expires: 12/10/2027

Attachment A

PLOTTED BY: JIM MATTHEWS DATE PLOTTED: 4/30/2022 2:45 PM PATH: M:\01_SYMAN\21_JOB\ALEXIA\2 LAND\22-1364-203\111 PHASE 2_NAMPA PAVING\04 CAD\2-1364 PARCEL_DWG22-1364_08 FC-101.DWG



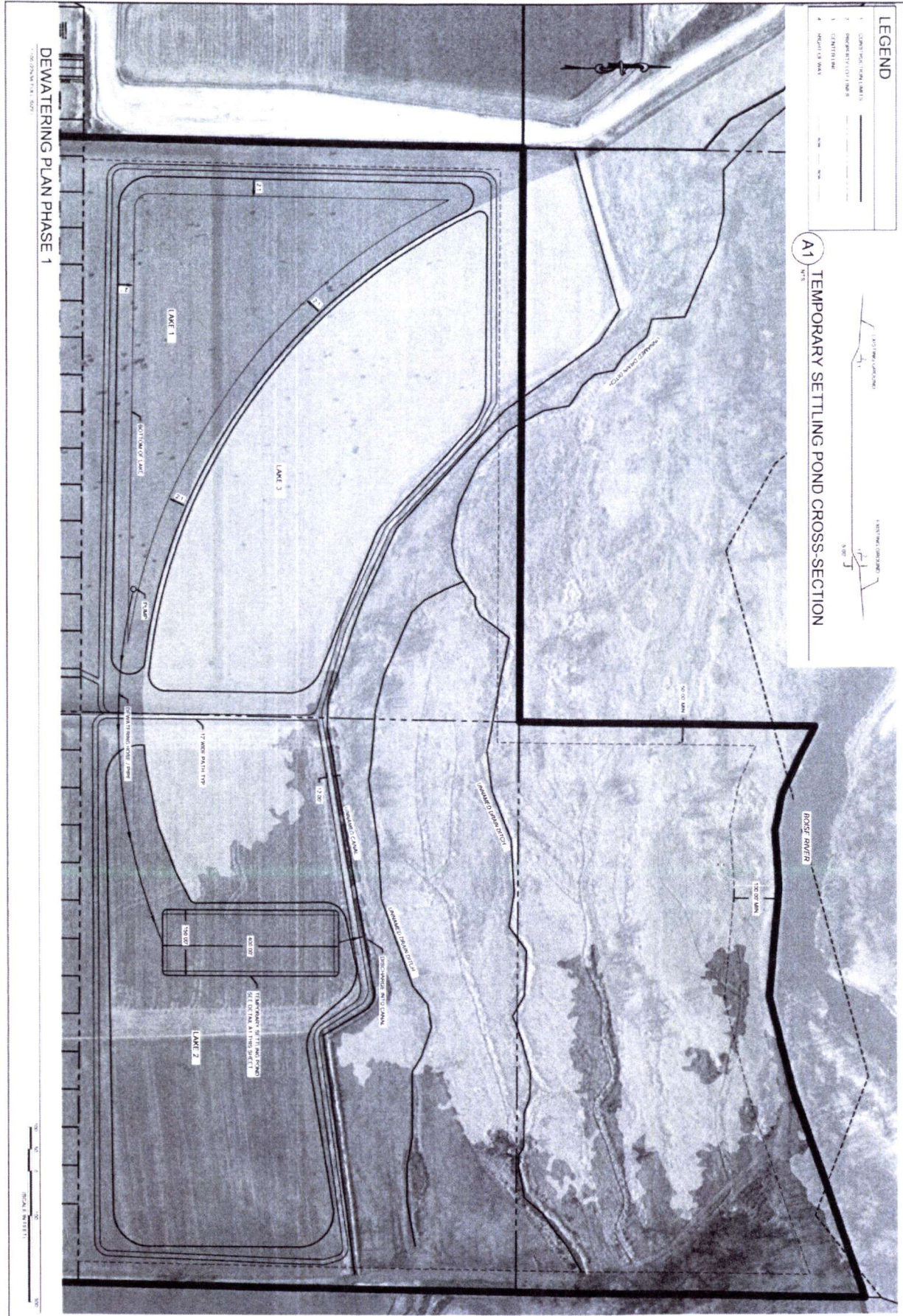
FACILITY POLLUTION CONTROL PLAN

SCALE: 1"=100'

LEGEND

1	TREATMENT LANE 1	—————
2	TREATMENT LANE 2	—————
3	TREATMENT LANE 3	—————
4	TREATMENT LANE 4	—————
5	STORAGE AREA
6	PARKING AREA
7	BOISE RIVER CHANNEL
8	BOISE RIVER

<p>FC-101</p>	<p>SYMAN, LLC 2101 Delta Drive Nampa, Idaho 83687 Phone (208) 287-6420</p>	<p>FACILITY POLLUTION CONTROL PLAN BISHOP PROPERTY LINCOLN ROAD CANYON COUNTY, NAMPA, IDAHO NAMPA PAVING</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	BY	DESCRIPTION												
NO.	DATE	BY	DESCRIPTION																



DEWATERING PLAN PHASE 1



LEGEND

1	PROPERTY LINE	---
2	PROPERTY LINE	---
3	PROPERTY LINE	---
4	PROPERTY LINE	---

A1

TEMPORARY SETTLING POND CROSS-SECTION



DW-101

DATE	BY	APP'D
3/1/2022	J.M.	A.S.
3/1/2022	J.M.	A.S.

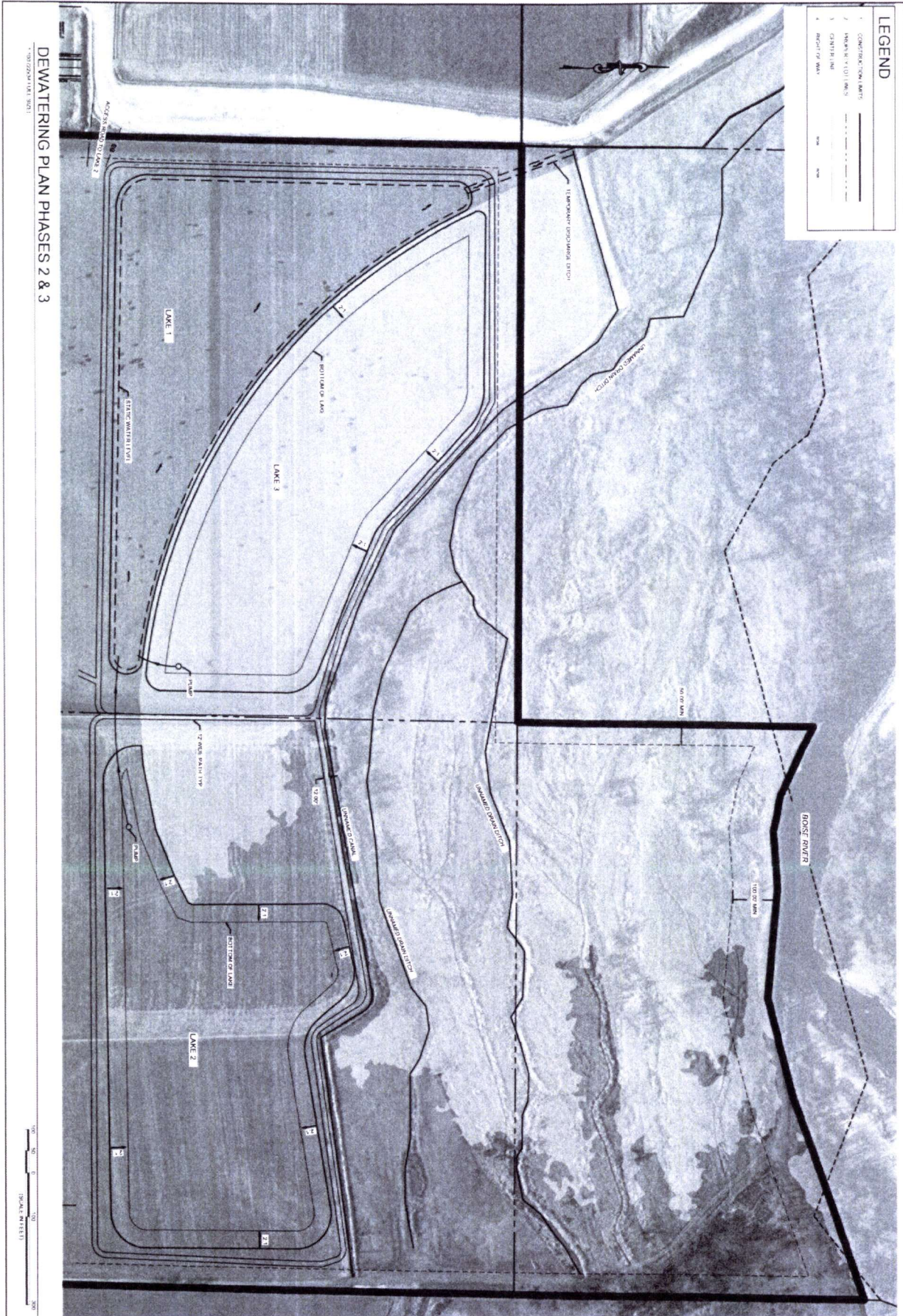
NO.	DATE	BY	APP'D

NO.	DATE	BY	APP'D

DEWATERING PLAN PHASE 1
 BISHOP PROPERTY
 LINCOLN ROAD
 CANYON COUNTY, IDAHO
 NAMPA PAVING



SYMAN, LLC
 2101 Delta Drive
 Nampa, Idaho 83687
 Phone: (208) 287-8420



LEGEND

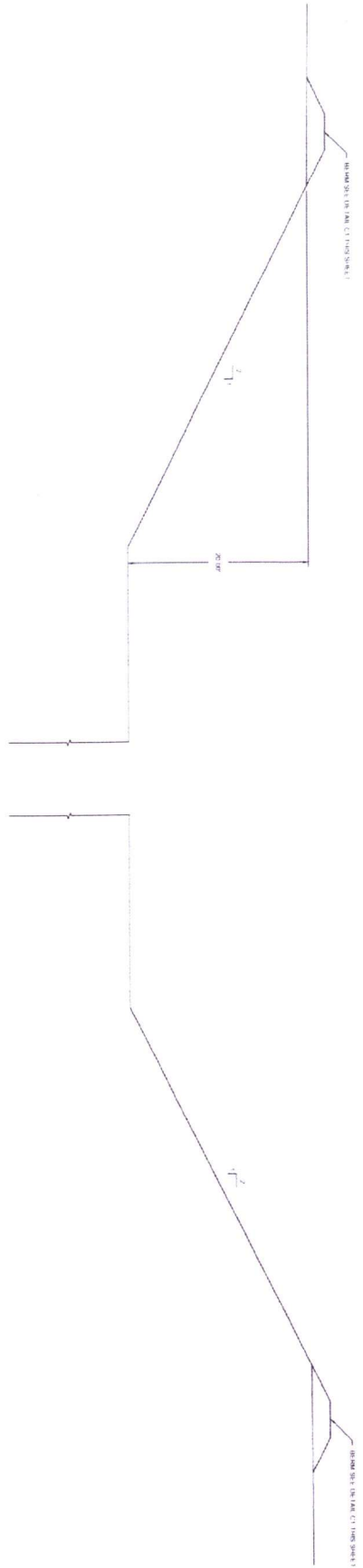
- 1 CONSTRUCTION LIMITS
- 2 EXISTING WATER LINE
- 3 CENTERLINE
- 4 RIGHT OF WAY

DEWATERING PLAN PHASES 2 & 3

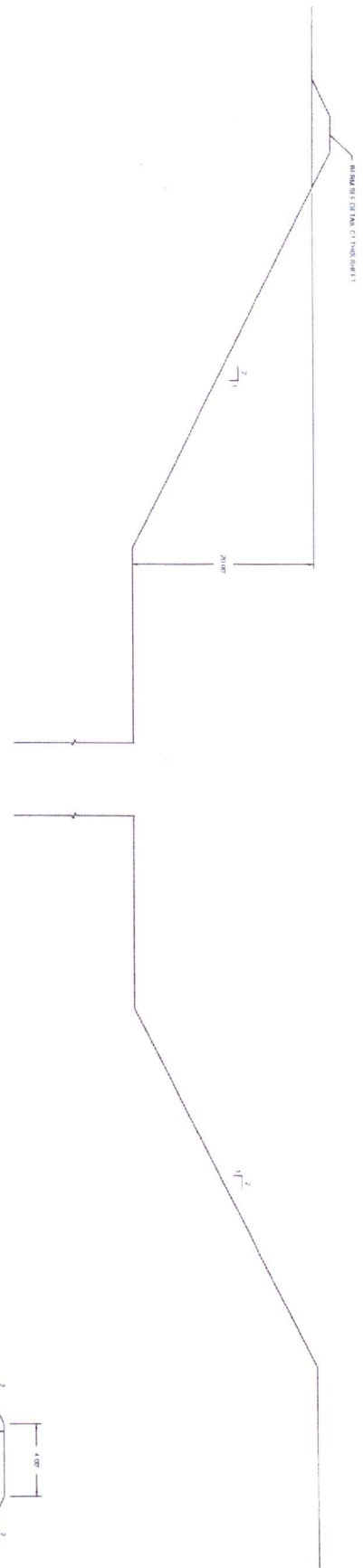


<p>DW-102</p>	<p>SYMAN, LLC 2101 Delta Drive Nampa, Idaho 83687 Phone (208) 287-8420</p>	<p>DEWATERING PLAN PHASES 2 & 3 BISHOP PROPERTY LINCOLN ROAD CANYON COUNTY NAMPA IDAHO NAMPA PAVING</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	DATE	BY	DESCRIPTION																
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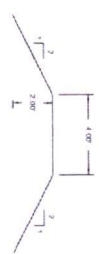
A1
MIN
LAKE 1 CROSS SECTION



B1
MIN
LAKE 1 CROSS SECTION



C1
MIN
MINIMUM BERM DETAIL



REVISIONS			
NO.	DATE	BY	DESCRIPTION

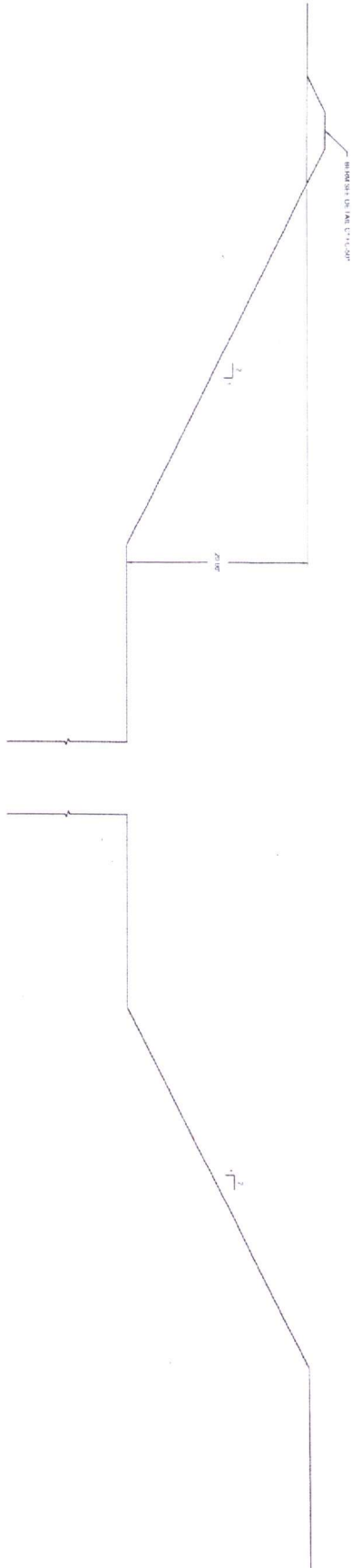
FACILITY POLLUTION CONTROL PLAN DETAILS
 BISHOP PROPERTY
 LINCOLN ROAD
 CANYON COUNTY NAMPA, IDAHO
 NAMPA PAVING



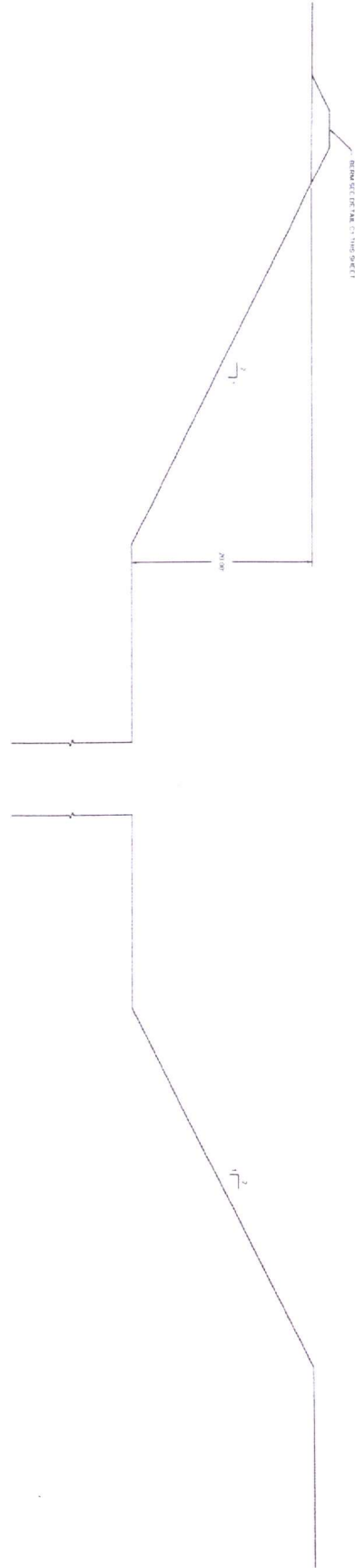
SYMAN, LLC
 2101 Delta Drive
 Nampa, Idaho 83687
 Phone: (208) 287-8420

FC-501

B1
LAKE 1 CROSS SECTION

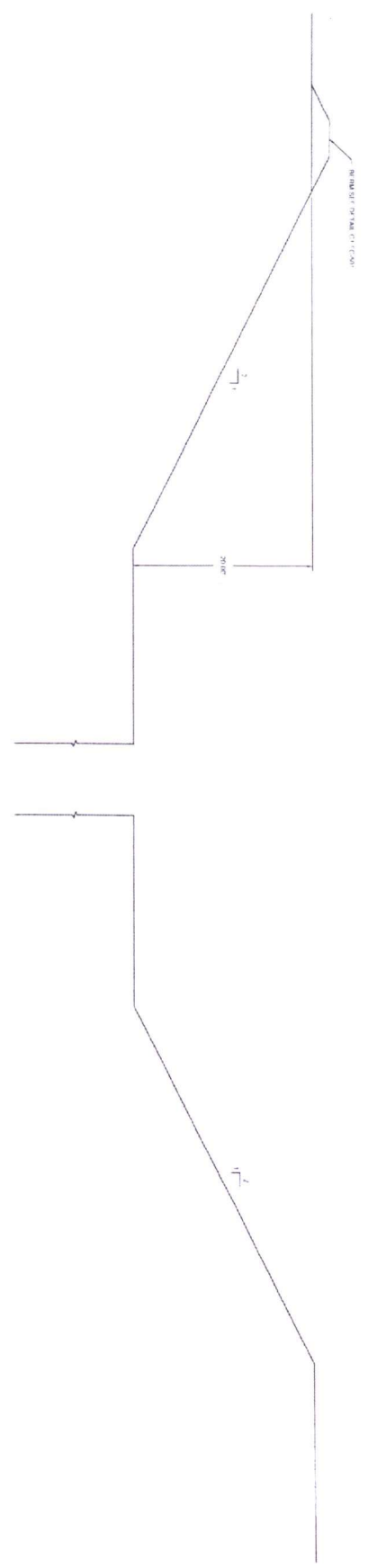


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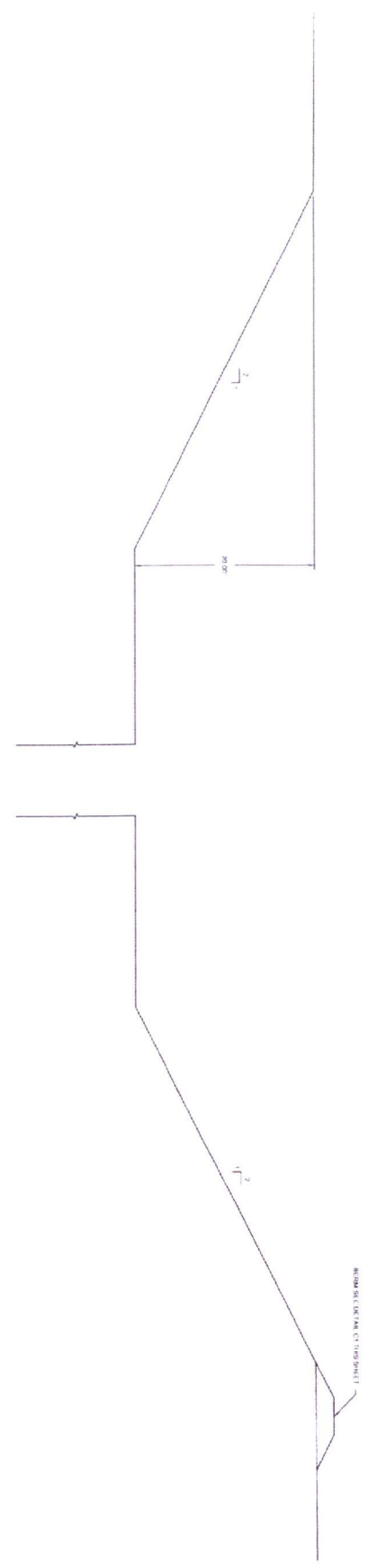


FC-502	DESIGNED BY J. MATTHEWS APR 2022	CHECKED BY J. MATTHEWS APR 2022	DATE 2/1/2024	REVISIONS <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	DATE	BY	DESCRIPTION													FACILITY POLLUTION CONTROL PLAN DETAILS BISHOP PROPERTY LINCOLN ROAD CANYON COUNTY NAMPA, IDAHO NAMPA PAVING		SYMAN, LLC 2101 Delta Drive Nampa, Idaho 83687 Phone (208) 287-8420
NO.	DATE	BY	DESCRIPTION																				

B4
LAKE 1 CROSS SECTION



A1
LAKE 1 CROSS SECTION



<p>FC-503</p>	<p>SYMAN 2171 S. Main Street Nampa, ID 83687 Phone: (208) 297-8420</p>	<p>SYMAN, LLC 21701 Delta Drive Nampa, Idaho 83687 Phone (208) 297-8420</p>	<p>FACILITY POLLUTION CONTROL PLAN DETAILS BISHOP PROPERTY LINCOLN ROAD CANYON COUNTY NAMPA IDAHO NAMPA PAVING</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">REVISIONS</th> <th style="text-align: left;">NO.</th> <th style="text-align: left;">DATE</th> <th style="text-align: left;">BY</th> <th style="text-align: left;">DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	REVISIONS	NO.	DATE	BY	DESCRIPTION															
REVISIONS	NO.	DATE	BY	DESCRIPTION																				

Attachment B

SOUTHWEST SUPERVISORY AREA
8355 West State Street
Boise ID 83714-6071
Phone (208) 334-3488
Fax (208) 853-6372



DUSTIN MILLER, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF LAND COMMISSIONERS
Brad Little, Governor
Lawrence E. Denney, Secretary of State
Lawrence G. Wasden, Attorney General
Brandon D. Woolf, State Controller
Sherri Ybarra, Sup't of Public Instruction

August 26, 2022

Nampa Paving and Asphalt Co.
444 W. Karcher Rd.
Nampa, ID 83687

To whom it may concern,

This correspondence is notification that the following reclamation plan was approved on 08/22/2022:

PLAN NO.	ACRES	COUNTY	LEGAL DESCRIPTION
S602993	114.72	Canyon	T04N R02W Section 16

The plan was granted approval subject to the following terms and conditions:

1. All refuse, chemical and petroleum products and equipment shall be stored and maintained in a designated location, 100 feet away from any surface water and disposed of in such a manner as to prevent their entry into a waterway.
2. State water quality standards will be maintained at all times during the life of the operation. Should a violation of water quality standards occur, mining operations will cease immediately, corrective action will be taken, and the Department of Environmental Quality will be notified.
3. Erosion and non-point source pollution shall be minimized by careful design of the site access and implementing Best Management Practices, which may include, but are not limited to:
 - a. Diverting all surface water flows around the mining operation.
 - b. Removing and stockpiling vegetation and slash, except merchantable timber, for use in erosion control and reclamation.
 - c. Removing and stockpiling all topsoil or suitable plant growth material for use in reclamation.
4. **An initial reclamation bond in the amount of \$53,000 for up to 19 acres of disturbance will be submitted to and maintained with the Idaho Department of Lands prior to conducting any surface mining operations.**

5. If the reclamation plan is not bonded within 18 months of approval, or if no operations are conducted within three years, the department may withdraw this plan. This shall not prevent the operator from re-applying for reclamation plan approval.

6. Acceptance of this permit does not preclude the operator from obtaining other necessary permits and approvals from state and federal authorities, i.e. Storm Water Pollution Prevention Plan (SWPPP), waste water generation and/or air quality permits, consultation with the National Oceanic and Atmospheric Administration Fisheries, U.S. Army Corps of Engineers 404 Permit and Stream Channel Alteration Permits for each production process.

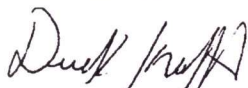
7. At the beginning of each calendar year the operator or plan holder shall notify the director of any increase in the acreage of affected lands which will result from the planned surface mining activity within the next twelve (12) months. A correlative increase in the bond will be required for an increase in affected acreage.

Please note -- pursuant to Idaho Code section 47-1512(a), operations cannot commence until the bond established in Stipulation No. 4 is submitted to this department. Failure to submit payment before mining commences may subject you to legal action by the state pursuant to Idaho Code section 47-1513(d), which may include issuance of an order by the district court to temporarily restrain your mining operations without prior notice to you.

If the department does not receive a written notice of objection from you regarding these stipulations by September 9, 2022, the stipulations will be considered as accepted.

If you have any questions, you may contact me at the above address or telephone number.

Sincerely,



Derek Kraft
Resource Supervisor
Lands and Waterways

Enclosure(s):

- 1) IDL Bond Information Packet



**PLANNING AND ZONING COMMISSION
DEVELOPMENT SERVICES DEPARTMENT
STAFF REPORT – CONDITIONAL USE PERMIT**

Staff: Elizabeth Allen, Planner III, elizabeth.allen@canyoncounty.id.gov **Date:** October 21, 2022

Case Number and Name

CU2022-0033 Nampa Paving

Application/Property Owner

Nampa Paving & Asphalt Co.

Public Hearing Date Submittal Date

November 3, 2022 May 29, 2022

Representative

Borton-Lakey Law

Brief Summary of Request

Nampa Paving & Asphalt Co., represented by Borton-Lakey Law, is requesting a Conditional Use Permit to allow a long-term mineral extraction use on Parcels R34061 and R34144 (approximately 136.9-acres total) to include sand and gravel extraction, staging, and crushing. The proposed mineral extraction will expand an existing approved operation (CU2018-0015) and will be tied to the conditions of that approval requiring operations to cease by January 3, 2039.

Property Address/Location

The properties are located at 9016 Lincoln Road, Caldwell; also referenced as a portion of Section 16 and 21-4N-2W, BM; Canyon County, Idaho.

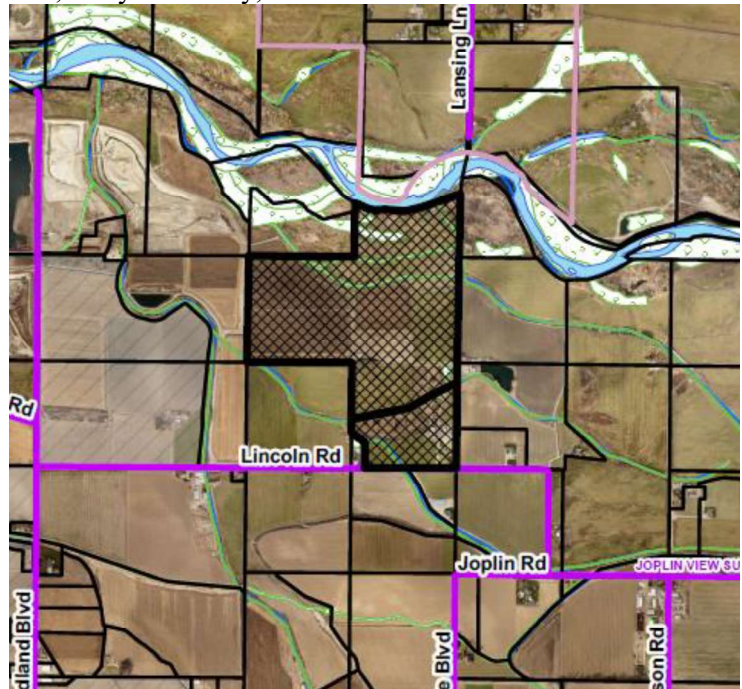
Background

R34061

Based on assessor record the subject property has been utilized for irrigated agricultural production and dry grazing.

R34144

Based on assessor records a 1974 single family home exists on the property. The property is also used for irrigation agricultural production and dry grazing.



Existing Zoning	Existing Land Use	Future Land Use	Size of Property	AOCI
Agricultural	Farmland	Agricultural	Approx. 136.9 acres	Caldwell

Agricultural	Farmland	Agricultural	Approx. 136.9 acres	Caldwell
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STAFF RECOMMENDATION

Staff is recommending **APPROVAL** of the request as conditioned.

COMPATIBILITY with the COMPREHENSIVE PLAN

The proposed use is compatible with the 2020 Comprehensive Plan.

COMPATIBILITY with the EXISTING AREA

The proposed use is compatible with the existing area that consists of mineral extraction operations, productive agricultural land, and sporadic homesites.

Attachments

- 1. FCOs
 - a. Site Plan
 - b. Reclamation Plan Approval
- 2. Application Documents
- 3. Maps
 - a. Aerial
 - b. Vicinity
 - c. Zoning
 - d. Future Land Use
 - e. Soils & Farmland
 - f. Caldwell Future Land Use Map
- 4. Agency Comments
 - a. Idaho Transportation Department
 - b. City of Caldwell

Notification

Agencies: September 9, 2022
 Property Owners (1,000’):
 October 16, 2022
 Publication: October 16, 2022
 Posting: October 25, 2022

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CRITERIA CHAPTER 7 ARTICLE 7 CANYON COUNTY CODE

07-07-05 HEARING CRITERIA

The presiding party shall consider each conditional use permit application by finding adequate evidence to answer the following questions in its FCOs:

- (1) Is the proposed use permitted in the zone by conditional use permit;
- (2) What is the nature of the request;
- (3) Is the proposed use consistent with the comprehensive plan;
- (4) Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area;
- (5) Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use;
- (6) Does legal access to the subject property for the development exist or will it exist at the time of development;
- (7) Will there be undue interference with existing or future traffic patterns; and
- (8) Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use? (Ord. 16-001, 1-8-2016)

07-07-17: SPECIAL CONDITIONS:

Special conditions may be attached to a conditional use permit including, but not limited to, conditions which:

- (1) Minimize adverse impact, such as damage, hazard, and nuisance, to persons or the subject property or property in the vicinity;
- (2) Control the sequence and timing of development;
- (3) Control the duration of development;
- (4) Designate the exact location and nature of development;
- (5) Require the provision for on site or off site public facilities or services;
- (6) Require more restrictive standards than those generally required in this chapter; or
- (7) Mitigate the negative impacts of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the county. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

07-14-19(2): MINERAL EXTRACTION LONG TERM

- 2. When making a decision for a conditional use permit for the use, the decision making body shall consider the following:
 - (A) The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses;
 - (B) Duration of the proposed use;
 - (C) Setbacks from surrounding uses;
 - (D) Reclamation plan as approved by Idaho Department of Lands;
 - (E) The locations of all proposed pits and any accessory uses; and
 - (F) Recommendations from applicable government agencies.

PROJECT AND SITE INFORMATION

PROPOSAL/SUMMARY

Nampa Paving & Asphalt Co., represented by Borton-Lahey Law, is requesting a Conditional Use Permit to allow a long-term mineral extraction use on Parcels R34061 and R34144 (approximately 136.9-acres total) to include sand and gravel extraction, staging, and crushing.

The applicant is proposing the following on Parcel R34061:

- **Mining Operation:** approximately 114-acres that includes the excavation of at least three (3) ponds. 52 acres for mining activities including excavations, staging, access, and stockpile areas.
- **Duration:** Not to exceed 15-years.
- **Employees:** Up to 15 employees during peak operations.
- **Hours of Operation:**

<i>Normal Operations</i>	7 a.m. to 7 p.m. Monday through Saturday
<i>Temporary Operations</i>	24 hour per day seven days per week operations as required by projects that require nighttime delivery of materials.
<i>Crushing Operations</i>	Restricted to between 7 a.m. through 7 p.m.
- **Signage:** none proposed.
- **Access and Hauling:** Lincoln Road will be utilized for access with internal roadways serving the site. The access was approved for the operation of the adjacent site (CU2018-0015).
- **Dust Control:** Regular watering is proposed to minimize dust on haul roads. Due to the high-water table the material being removed will be wet.
- **Reclamation Plan:** A reclamation plan was approved by Idaho Department of Lands on August 22, 2022 (Exhibit 1b).

The operations are proposed primarily in the central portion of Parcel R34061. The applicant is anticipating to apply for a modification to the operation in the northern portion of the site in the future (including an updated reclamation plan and CLOMR).

See Exhibit 2 for more details.

SPECIAL FLOOD HAZARD AREAS

Parcel R34061 is partially located in the “AE” and “X” flood hazard area and Floodway. A portion of parcel R34144 is located within the “AE” and “X” flood hazard area. Mining is proposed to occur within the designated as “AE” and “X” flood hazard area and Floodway.

Flood Plain Development Permits issued by the DSD Floodplain Coordinator are required for all excavation and structural work within a designated Special Flood Hazard Areas. Any development (mining/excavation/placement of berms, counter measures, etc.) within the regulatory Floodway requires that a Hydrologic and Hydraulic (H&H) study and Conditional Letter of Map Revision (CLOMR) be completed prior to development in the regulatory floodway. A condition has been added regarding County, State, and Federal requirements regarding floodway/floodplain areas.

ZONING AND CHARACTER OF SURROUNDING AREA

Surrounding Uses

The subject parcels and surrounding area are zoned “A” (Agricultural, Exhibit 3c). The table below is an analysis of the surrounding area and zoning within one (1) mile of the site.

Existing Conditions within approximately 1-mile.		Zoning
N	Boise River, active farmland, and sporadic homesites.	A
E	Active farmland and sporadic homesites.	A, R-R

S	Active farmland, sporadic homesites, The Haunted World, Walter G. Perry Gravestone Historical Landmark, Franklin Community Church.	A, CR-R1, City Limits
W	Active farmland and residential uses. A (Agricultural), R-R (Rural Residential), R-1 (Single-Family Residential), C-1 (Neighborhood Commercial), C-2 (Service Commercial), M-1 (Light Industrial), CR (Conditional Rezone).	A, City limits

The site photos below were taken by staff on a site visit on October 21, 2022.



Image 1. West from the western boundary of R34061.



Image 2. North from the western boundary of R34061.



Image 3. South from the western boundary of R34061.



Image 4. North northeast from the western boundary of R34061.



Image 5. Northwest from the eastern boundary of R34061.



Image 6. South from the eastern boundary of R34061.

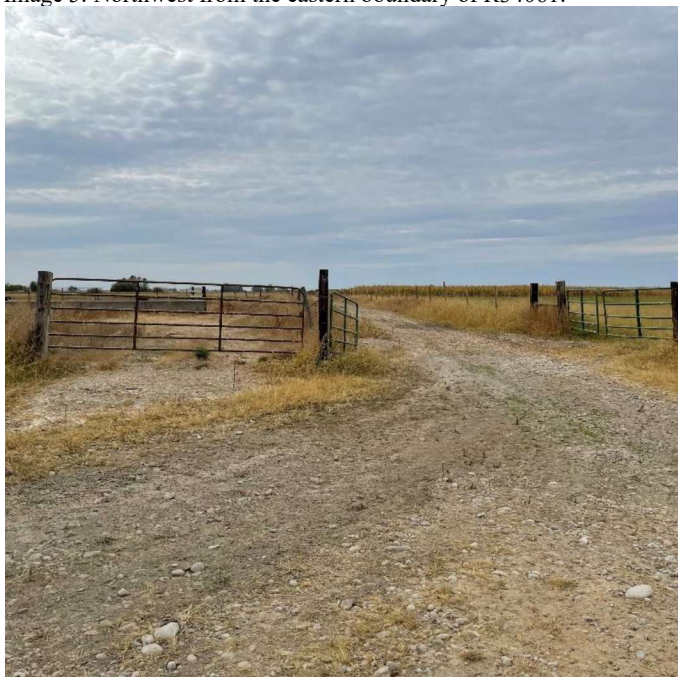


Image 7. West from the eastern boundary of R34061.

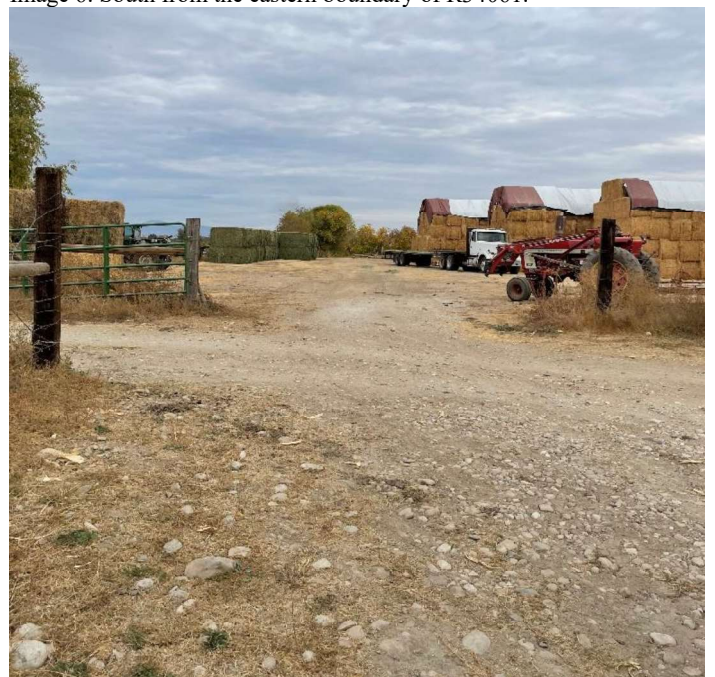


Image 8. East from the eastern boundary of R34061.

Comprehensive Plan

The 2020 Canyon County Comprehensive Plan Future Land Use Map designates the subject properties as Agricultural. The proposal aligns with the following goals and policies.

Chapter 4. Economic Development

Goal 1. To diversify and improve the economy of Canyon County in ways that are compatible with community values.

Goal 4. Provide an economically viable environment that builds and maintains a diverse base of business.

Goal 5. To ensure that land use policies, ordinances and processes allow for a viably economic environment for development.

Chapter 5. Land Use

Goal 2. To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surrounding area.

Goal 5. Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.

Chapter 6. Natural Resources

Mineral Resources Section 47-701, Idaho Code, the term "salable minerals," means a mineral substance that can be taken from the earth and that has a value in and of itself separate and apart from the earth and includes, but is not limited to, building stone, cinders, pumice, scoria, clay, diatomaceous earth, sand, gravel, quartz, limestone and marble.

Policy 1. Sand and gravel mining operations should be located to avoid potential adverse impacts to the river channel.

Policy 2. Encourage measures to provide for future use of an excavated site such as, but not limited to industrial, commercial, and residential development.

Policy 3. Encourage mineral-extraction site design and operation so as to minimize noise, dust and increased truck traffic to the extent reasonably practical.

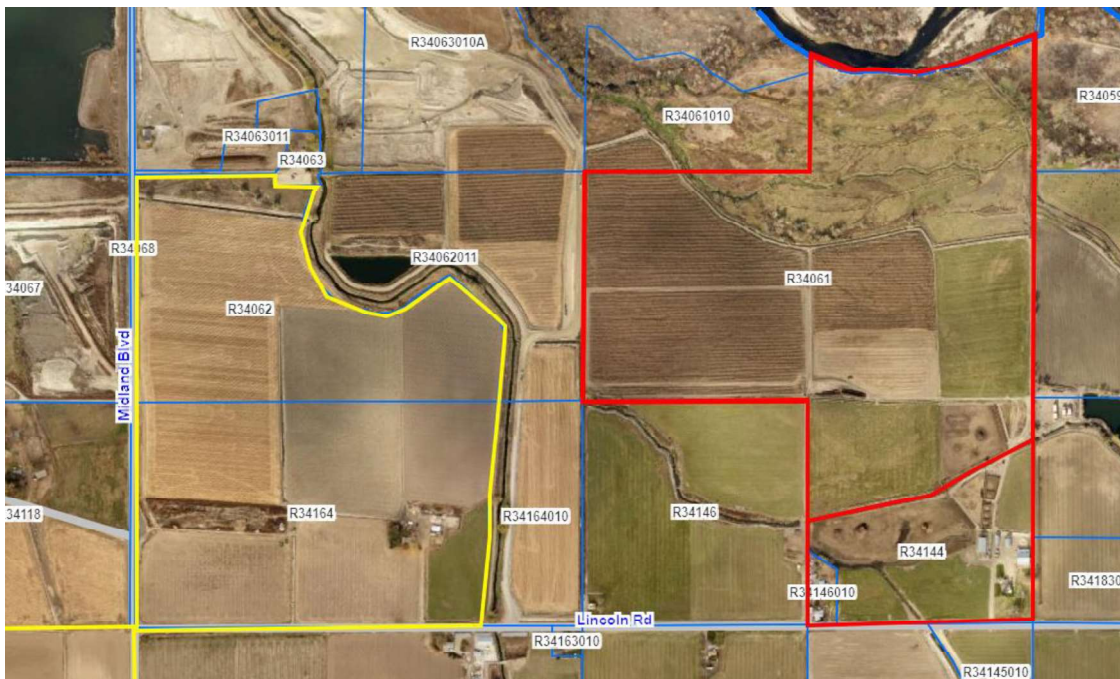
Policy 4. Consideration should be given, but not limited to the following impacts: economic value of the ground, access to the ground, compatibility with surroundings, noise, traffic, visual aesthetics and flooding.

Policy 5. Encourage sand and gravel extraction and associated uses to mitigate adverse impacts on surrounding land uses and natural resources.

Policy 6. Mineral extraction sites should be designed to facilitate their reclamation for future use.

Caldwell Area of City Impact

The subject properties are located with the Caldwell Area of City Impact. The City Comprehensive Plan Future Land Use Map designates the northern portion of the site along the river as Environmentally Sensitive and the remainder of the site as Residential Estates (Exhibit 3f). City limits are located approximately 500-feet from the western boundary of parcel R34061 where the City zoning is Semi-Rural Residential 1. Based on aerial photography the area within City limits is used as productive agricultural land (see image below, city limits in yellow). On September 13, 2022 the City of Caldwell responded with no objections to the approval of the conditional use permit for a mineral extraction operation (Exhibit 4b).



B. COUNTY CODE REQUIREMENTS

Chapter 7 Article 14 Section 19 (1)(3) Mineral Extraction Long Term

30' setbacks on all sides of the use shall apply if approved. For mineral extraction in a floodway: gravel and sand and their subsequent extraction on lands within the special flood hazard area that encroach into regulated floodways shall meet the requirements of subsection 7-10A-11(4) of this chapter. A Reclamation LOMR shall be completed within one year of the completion of mining. (Ord. 19-038, 8-30-2019)

C. COMMENTS

Public Comments

At the time this staff report was written no public comments had been received.

Agency Comments

All affected agencies were notified on September 9, 2022. The following agencies responded:

- Idaho Transportation Department (Exhibit 4a): Responded with no comments or concerns.
- City of Caldwell (Exhibit 4b): Responded with no objections to the approval of the Conditional Use Permit.

D. STAFF ANALYSIS

Benefits of the Proposed Use

The proposed use will provide natural resource materials that are needed for construction and infrastructure in Canyon County and the greater Treasure Valley. Nampa Paving and Asphalt Co. is a locally owned business that provides jobs and other benefits to the economy.

Potential Negative Impacts

Dust, noise from extraction, crushing, and back-up alarms, and odor are of primary concern with mineral extraction operations, as well as potential environmental contamination from vehicles and fuel and oil sources. There are also irrigation structures and Fifteen Mile Creek which flows to the river. Negative impacts will be mitigated through federal, state, and local permitting requirements in addition to the conditions of approval.

Character of the Area

The area is characterized by mineral extraction operations, productive agricultural land, sporadic homesites, and the Boise River. The proposed use will not negatively impact the character of the area.

Conformance to the 2020 Comprehensive Plan

The proposal is in conformance with the 2020 Comprehensive Plan. The Plan designates properties as Agriculture on the Future Land Use Map. The proposal aligns with several goals and policies in the Plan.

Suitability of the Proposal

Based on the analysis above the proposed use as conditioned is suitable on the subject properties.

DECISION OPTIONS AND STAFF RECOMMENDATION

Commission Options

- Planning and Zoning Commission may **approve** the Conditional Use Permit with conditions; or
- The Planning and Zoning Commission may **deny** the Conditional Use Permit and direct staff to make findings of fact to support this decision; or
- The Planning and Zoning Commission may **continue the discussion** and request additional information of specific items.

Recommendation

Staff recommends the Planning and Zoning Commission open a public hearing and discuss the proposed Conditional Use Permit for mineral extraction.

Staff is **recommending approval** of the request as provided in the draft Findings of Fact, Conclusions of Law, and Order found in Exhibit 1.



Findings of Fact, Conclusions of Law, Conditions of Approval, and Order

Nampa Paving and Asphalt Co. – Conditional Use Permit for Mineral Extraction Use

Findings of Fact

1. Nampa Paving & Asphalt Co., represented by Borton-Lakey Law, is requesting a Conditional Use Permit to allow a long-term mineral extraction use on Parcels R34061 and R34144 (approximately 136.9-acres total) to include sand and gravel extraction, staging, and crushing. The proposed mineral extraction will expand an existing approved operation (CU2018-0015) and will be tied to the conditions of that approval requiring operations to cease by January 3, 2039. The properties are located at 9016 Lincoln Road, Caldwell; also referenced as a portion of Section 16 and 21-4N-2W, BM; Canyon County, Idaho.
2. The subject properties are zoned “A” (Agricultural). The Future Land Use Map within the 2020 Canyon County Comprehensive Plan designates the parcels as “Agriculture”.
3. The subject properties are located within Caldwell’s Area of City Impact.
4. The subject properties are located within Canyon Highway District No. 4, Caldwell Rural Fire District, Vallivue School District, and Franklin Ditch Company jurisdiction.
5. A neighborhood meeting was conducted in accordance with CCZO §07-01-15 on March 18, 2022.
6. Notifications were made in accordance with CCZO §07-05-01. Notifications were mailed to the applicant and property owners within 1,000 feet on October 14, 2022. The legal notice was published to the Idaho Press Tribune on October 16, 2022. Affected agencies and full political notice were notified on September 9, 2022. The property was posted on October 25, 2022.
7. The record includes all testimony, staff reports, exhibits, and documents in Case File. CU2022-0033.

Conclusions of Law

For case file CU2022-0033, the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for Conditional Use Permit (§07-07-05).

1. Is the proposed use permitted in the zone by conditional use permit?

Conclusion: The subject property is zoned “A” (Agricultural). Long term mineral extraction and associated uses are allowed by conditional use permit (CUP) in the agricultural zone (CCZO §07-10-27).

Finding: Canyon County Zoning Ordinance, §07-10-27 allows the proposed use as a conditional use permit in accordance with Use Standards §07-14-19 Mineral Extraction Long Term in the “A” (Agricultural) zone. The subject property is zoned “A” (Agricultural).

2. What is the nature of the request?

Nampa Paving and Asphalt Co is requesting to establish a long-term mineral extraction permit with mining, excavation (at least three (3) ponds), staging, access, and stockpiling to occur on approximately 52 acres of approximately 114-acre subject properties. The applicant is proposing the following:

- **Site Facilities:** Site facilities would include a parking area and fuel storage. An existing scale from the adjacent operation will be utilized for the use.
- **Duration:** Not to exceed 15-years.
- **Employees:** Up to 15 employees during peak operations.
- **Hours of Operation:**

<i>Normal Operations</i>	7 a.m. to 7 p.m. Monday through Saturday
<i>Temporary Operations</i>	24 hour per day seven days per week operations as required by projects that require nighttime delivery of materials.
<i>Crushing Operations</i>	Restricted to between 7 a.m. through 7 p.m.

- **Access and Hauling:** Lincoln Road will be utilized for access with internal roadways serving the site. The access was approved for the operation of the adjacent site (CU2018-0015).
- **Dust Control:** Regular watering is proposed to minimize dust on haul roads. Due to the high-water table the material being removed will be wet.
- **Reclamation Plan:** A reclamation plan was approved by Idaho Department of Lands on August 22, 2022 (Attachment B).

3. Is the proposed use consistent with the Comprehensive Plan?

Conclusion: The proposed use is consistent with the 2020 Canyon County Comprehensive Plan.

Finding: The Future Land Use designation for the area is Agricultural. The proposed use is consistent with multiple goals and policies of the Comprehensive Plan including but not limited to:

Chapter 4. Economic Development

Goal 1. To diversify and improve the economy of Canyon County in ways that are compatible with community values.

Goal 4. Provide an economically viable environment that builds and maintains a diverse base of business.

Goal 5. To ensure that land use policies, ordinances and processes allow for a viably economic environment for development.

Chapter 5. Land Use

Goal 2. To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surrounding area.

Goal 5. Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.

Chapter 6. Natural Resources

Mineral Resources Section 47-701, Idaho Code, the term "salable minerals," means a mineral substance that can be taken from the earth and that has a value in and of itself separate and apart from the earth and includes, but is not limited to, building stone, cinders, pumice, scoria, clay, diatomaceous earth, sand, gravel, quartz, limestone and marble.

Policy 1. Sand and gravel mining operations should be located to avoid potential adverse impacts to the river channel.

Policy 2. Encourage measures to provide for future use of an excavated site such as, but not limited to industrial, commercial, and residential development.

Policy 3. Encourage mineral-extraction site design and operation so as to minimize noise, dust and increased truck traffic to the extent reasonably practical.

Policy 4. Consideration should be given, but not limited to the following impacts: economic value of the ground, access to the ground, compatibility with surroundings, noise, traffic, visual aesthetics and flooding.

Policy 5. Encourage sand and gravel extraction and associated uses to mitigate adverse impacts on surrounding land uses and natural resources.

Policy 6. Mineral extraction sites should be designed to facilitate their reclamation for future use.

4. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?

Conclusion: As conditioned, the proposed use will not change the essential character of the area. The primary land uses in the area is mineral extraction and agricultural crop production. Noise, dust, and traffic are associated with mining operations and can have a negative impact on properties in the immediate vicinity but will not change the character of the area.

Finding: The subject parcels and surrounding area are zoned “A” (Agricultural). The majority of land in the immediate area is used as agricultural land, mineral extraction, and sporadic homesites. The use is consistent with the essential character of the area. Nampa Paving and Asphalt Co. and/or any future operator must meet all federal, state, and local permitting requirements for the proposed uses on the property including mineral extraction and crushing operations. (Condition 1, 10, and 12)

5. Will adequate water, sewer, irrigation, drainage and storm water drainage facilities, and utility systems be provided to accommodate the use?

Conclusion: Adequate facilities for sewer, irrigation, drainage and storm water drainage facilities, and utility systems will be required at the time of development. Applicant shall comply with all federal, state and local jurisdiction rules, regulations and permitting requirements and the applicant shall not disrupt the irrigation structures, canals, ditches on the property and shall not affect the upstream and downstream users of those systems as conditioned herein.

Finding: There are irrigation structures and ditches that are located on the subject properties and these structures shall remain undisturbed by the mining operations. Modifications of any irrigation structures, ditches, drainages shall be in accordance with irrigation district permitting requirements and without disruption to water users. The applicant shall comply with all federal, state and local permitting requirements with regards to human generated waste, dewatering, and mitigation of environmental contamination. (Condition 1 and 5).

6. Does legal access to the subject property for the development exist or will it exist at the time of development?

Conclusion: Legal access to the subject properties currently exists.

Finding: Lincoln Road will be utilized for access with internal roadways serving the site. The access was approved for the operation of the adjacent site (CU2018-0015). The operator shall comply with Canyon Highway District No. 4 requirements (Condition 1).

7. Will there be undue interference with existing or future traffic patterns?

Conclusion: No evidence has been provided that the mining of the subject properties will create undue interference with existing or future traffic patterns.

Finding: The proposed haul route is Lincoln Road. Nampa Paving and Asphalt shall comply with the requirements of Canyon Highway District 4 (Condition 1 and 13)

8. Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?

Conclusion: Essential Services are available in the area and the proposed use will not impact existing services.

Finding: Agencies were notified of the intended use. No comments were received indicating that services would not be provided or negatively impacted by this application.

Additional Standards §07-14-19 Mineral Extraction Long Term

When making a decision for a conditional use permit for the use, the decision-making body shall consider the following:

1. The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses;

Conclusion: The use is compatible with the surrounding properties.

Finding: The primary use of the surrounding properties is mineral extraction and agricultural production. Four approved mineral extraction sites are located in the immediate vicinity of the subject parcels: Canyon Highway District No. 4 (R34069-010, CU2002-1), Idaho Materials/Oldcastle MMG Inc. (R3467010 & R34071, CU2003-284), Sunroc Corporation (R34067, PH2016-66), and Nampa Paving and Asphalt (R34063010, R34063010A, R34063011, R34062011, R34164011, CU2018-0015).

2. Duration of the proposed use;

Conclusion: The proposed duration of the operation is no more than 15 years.

Finding: According to CCZO 07-07-23: Provisions for Land Use Time Limitations; “gravel pits are exempt from commencement and time completion requirements. The presiding party has the discretionary power to establish commencement and completion requirements as specific conditions of approval for gravel pits.” The applicant is requesting a permit to operate for a duration of fifteen years on the subject properties. (Condition 7)

3. Setbacks from surrounding uses;

Conclusion: The applicant shall comply with CCZO §07-14-19 standards. A greater setback has been applied as proposed by the applicant and conditioned.

Finding: A 50-foot undisturbed perimeter along the external property boundaries other than permitted approach to public roads. A minimum 50-foot undisturbed buffer along both sides of Fifteen Mile Creek. All ditches, canals, laterals and rights of ways shall not be disturbed, re-routed, changed without proper permitting and agreements with the appropriate irrigation company/associations. Franklin Ditch Company is an affected entity. (Condition 4 and 5)

4. Reclamation plan as approved by Idaho Department of Lands;

Conclusion: A reclamation plan is approved as S602993 dated August 26, 2022.

Finding: The applicant has submitted a reclamation plan approved by Idaho Department of Lands (Attachment B). A condition of approval has been applied to ensure all conditions required by Idaho Department of Lands are met (Condition 8).

5. The locations of all proposed pits and any accessory uses;

Conclusion: The applicant has provided a site plan showing location of proposed pits and operations (Attachment A).

Finding: The applicant has provided a site plan showing the location of proposed pits and operations. No mining or construction of mitigation measures in the floodplain special flood hazard area and no mining, stockpiling, construction shall occur in the regulated floodplain without first obtaining a DSD Floodplain Development permit and completing required studies in accordance with federal regulations and Canyon County Code. (Condition 1, 3, 5, and 9). Future proposed pit and accessory uses no included in the site plan will require a modification to the conditional use permit.

6. Recommendation from applicable government agencies

- Department of Lands approved Reclamation Plan with required conditions (Condition 8).

Conditions of Approval
Nampa Paving and Asphalt Co. Long Term Mineral Extraction
Parcels R34061 and R34144

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the subject property and the proposed use.
2. The operation permitted is for mineral extraction and processing on approximately 114-acres to include mining activities including excavations, staging, access, and stockpile areas with gravel resources processed onsite. There will be employee and mining equipment parking and fuel storage located on the site. A scale on the adjacent operation will be utilized. The operator shall be in substantial conformance with the proposed site plan and mining area extents attached hereto as Attachment A.
3. The operator shall maintain a minimum 50-foot undisturbed perimeter along the external property boundaries other than permitted approach to public roads. There shall be a minimum 50-foot undisturbed buffer along both sides of Fifteen Mile Creek.
4. Development shall not impede, disrupt or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way. Any alteration of irrigation structures located on the properties shall be conducted with written approval from Franklin Ditch Company. The alterations shall not impede or affect water delivery to adjacent properties/water users.
5. Water: surface and groundwater, shall be discharged in accordance with state, federal, and local standards and/or regulations.
6. The duration of the proposed operation on the subject properties shall be 15 years (April 7, 2037). The properties shall be operated as conditioned.
7. The properties shall be mined as conditioned and reclaimed in accordance with reclamation plan S602993 (or as amended) attached hereto as Attachment B and in accord with federal and county special flood hazard regulations for floodplain and floodway encroachment.
8. A Floodplain Development permit shall be obtained from Canyon County Development Services Department Floodplain Administrator prior to commencement of operations, including excavation of overburden materials,

in the designated special flood hazard areas. Prior to commencing operation, a copy of the approved CLOMR must be provided to the Canyon County Floodplain Admin at the time of Floodplain Development Permitting.

- 9. Operator shall comply with floodplain and floodway regulations in effect at the time of completion (on or before November 3, 2037) of the mineral extraction operations on the 137-acre subject properties. Upon completion of mineral extraction operations and reclamation of the site, the operator shall provide to the Development Services Floodplain Administrator required Flood Hazard Area documentation in accordance with Federal Regulations and Canyon County Ordinance requirements for floodplain and floodway encroachments in the mapped flood hazard area. *Note: Currently (2022) a Letter of Map Revision (LOMR) is required upon completion of the mineral extraction operations reflecting changes to the mapped flood hazard areas on the subject properties.* A LOMR shall be completed within one year of the completion of mining. (Ord. 19-038, 8-30-2019)
- 10. Normal business hours of operation shall be Monday through Saturday 7:00 a.m. to 7:00 p.m. Temporary 24 hour per day seven days per week operations may be conducted as required by projects mandating nighttime delivery of materials. No crushing of materials shall occur after 7:00 p.m. or prior to 7:00 a.m. The duration of 24-hour operations should be temporary.
- 11. The storage of diesel fuel, petroleum products, and any other hazardous materials must meet the standards set forth by the applicable agencies.
- 12. Noise emissions shall follow the regulations and standards of OSHA and MSHA.
- 13. Commercial truck traffic shall not travel eastbound on Lincoln Road from the property access point on Lincoln Road.

Order

Based upon the Findings of Fact and Conclusions of Law, and Conditions of Approval contained herein, the Planning and Zoning Commission **approves** Case CU2022-0033, for long term mineral extraction on approximately 114 acres on parcels R34061 and R34144. The operation shall include mining activities including excavations, staging, access, and stockpile areas.

APPROVED this _____ day of _____, 2022.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

Robert Sturgill, Chairman

State of Idaho)
 SS
County of Canyon County)

On this _____ day of _____, in the year 2022, before me _____, a notary public, personally appeared _____, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

Notary: _____

My Commission Expires: _____

**ATTACHMENT A
SITE PLAN**

**ATTACHMENT A
SITE PLAN**

LEGEND

- 1 CONSTRUCTION LIMITS
- 2 PROPERTY LOT LINES
- 3 CENTERLINE
- 4 STORMWATER AREA
- 5 RETAIN
- 6 SET BACK/PAVING BOUNDARY
- 7 PAVING AREA



FACILITY POLLUTION CONTROL PLAN



FC-101

DATE: 4/20/2022

DESIGNED BY: J. MATTHEWS

CHECKED BY: J. MATTHEWS

REVISIONS			
NO.	DATE	BY	DESCRIPTION

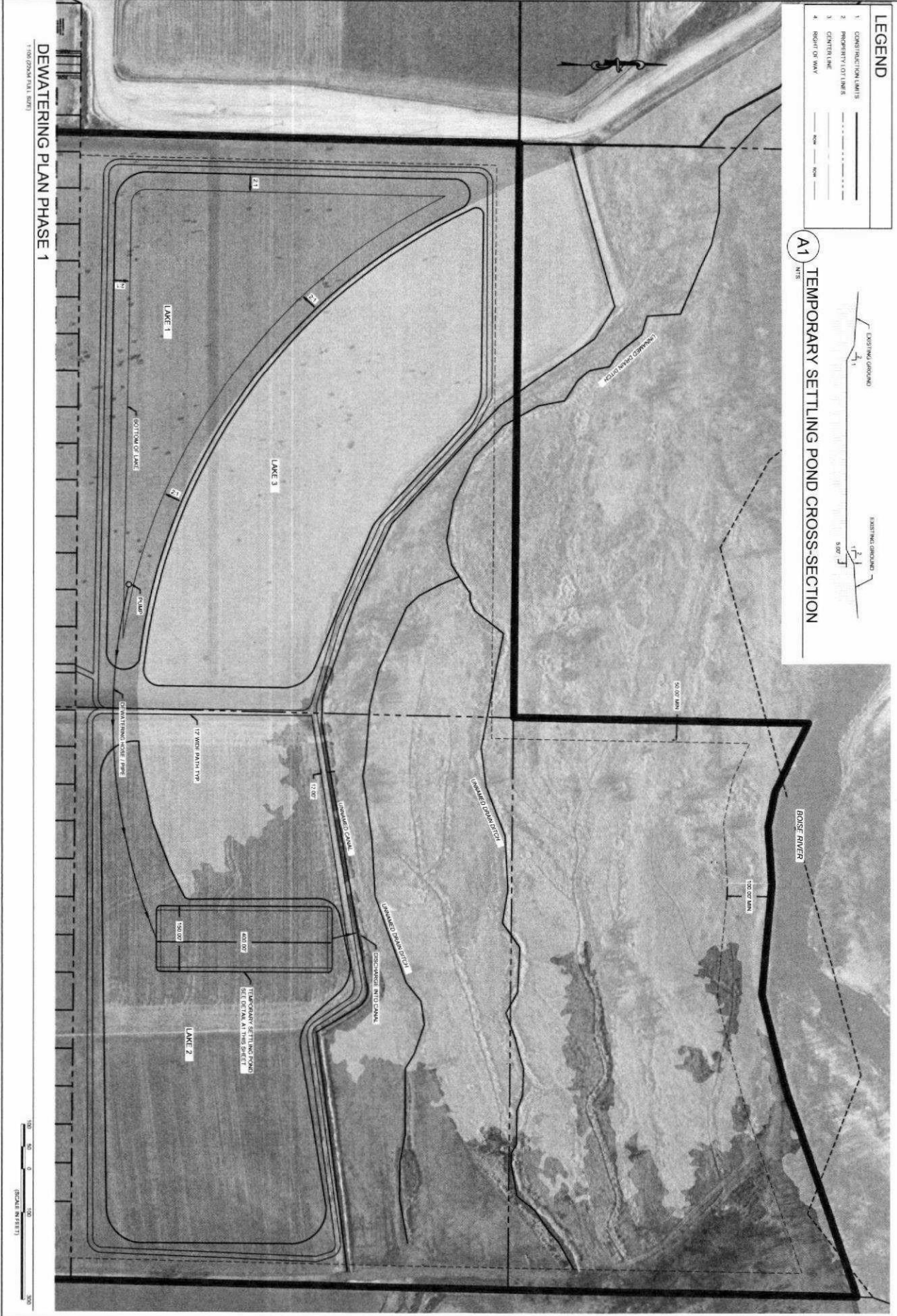
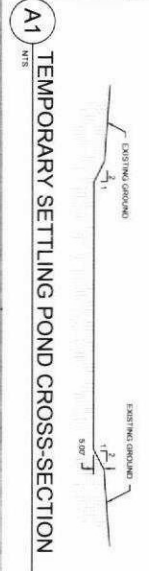
FACILITY POLLUTION CONTROL PLAN
 BISHOP PROPERTY
 LINCOLN ROAD
 CANYON COUNTY NAMPA, IDAHO
 NAMPA PAVING

SYMAN, LLC

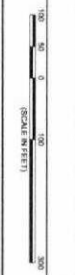
2101 Delta Drive
 Nampa, Idaho 83687
 Phone (208) 287-8420

LEGEND

1. CONSTRUCTION LIMITS
2. PROPERTY LOT LINES
3. CENTERLINE
4. RIGHT OF WAY



DEWATERING PLAN PHASE 1
7:00 (25MM) EQUAL SCALE



REVISIONS

NO.	DATE	BY	DESCRIPTION

7:00 (25MM) EQUAL SCALE
DATE PLOTTED: 4/29/2022 1:22:06 PM
A. L'AMMAN
J. MATTHEWS
April 2022
DW-101

DEWATERING PLAN PHASE 1
BISHOP PROPERTY
LINCOLN ROAD
CANYON COUNTY NAMPA, IDAHO
NAMPA PAVING



SYMAN, LLC
2101 Delta Drive
Nampa, Idaho 83687
Phone (208) 287-8420

LEGEND	
1	CONSTRUCTION LIMITS
2	PROPERTY LOT LINES
3	CENTERLINE
4	RIGHT OF WAY



DEWATERING PLAN PHASES 2 & 3
 1"=100' (APPROX. TOTAL SIZE)



DW-102 SHEET NUMBER	DATE: 21/04/2022 DRAWN BY: J. MATTHEWS CHECKED BY: J. MATTHEWS DATE: 20/04/2022
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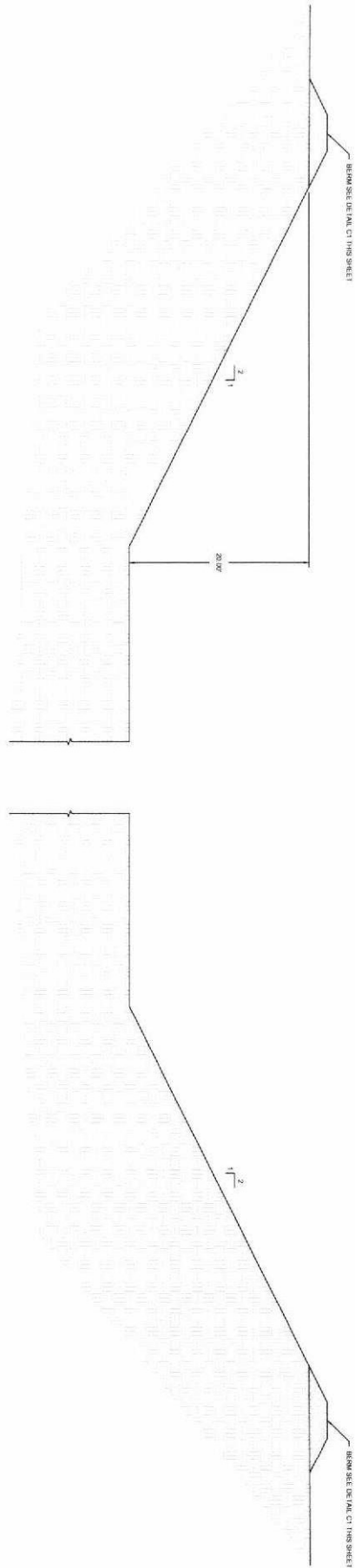
REVISIONS			
NO.	DATE	BY	DESCRIPTION

DEWATERING PLAN PHASES 2 & 3
 BISHOP PROPERTY
 LINCOLN ROAD
 CANYON COUNTY NAMPA, IDAHO
 NAMPA PAVING

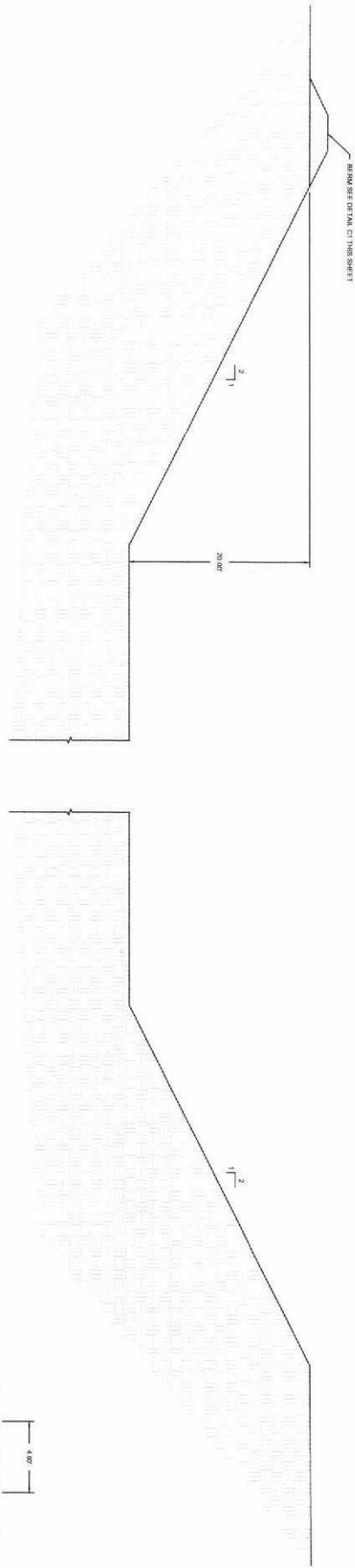


SYMAN, LLC
 2101 Delta Drive
 Nampa, Idaho 83687
 Phone (208) 287-8420

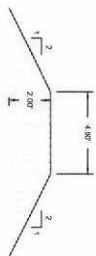
A1
MIN
LAKE 1 CROSS SECTION



B1
MIN
LAKE 1 CROSS SECTION



C1
MIN
MINIMUM BERM DETAIL



FC-501

DATE: 4/23/2022
 DRAWN BY: J. MATTHEWS
 CHECKED BY: A. SYMAN
 DESIGNED BY: J. MATTHEWS
 DATE: 4/23/2022

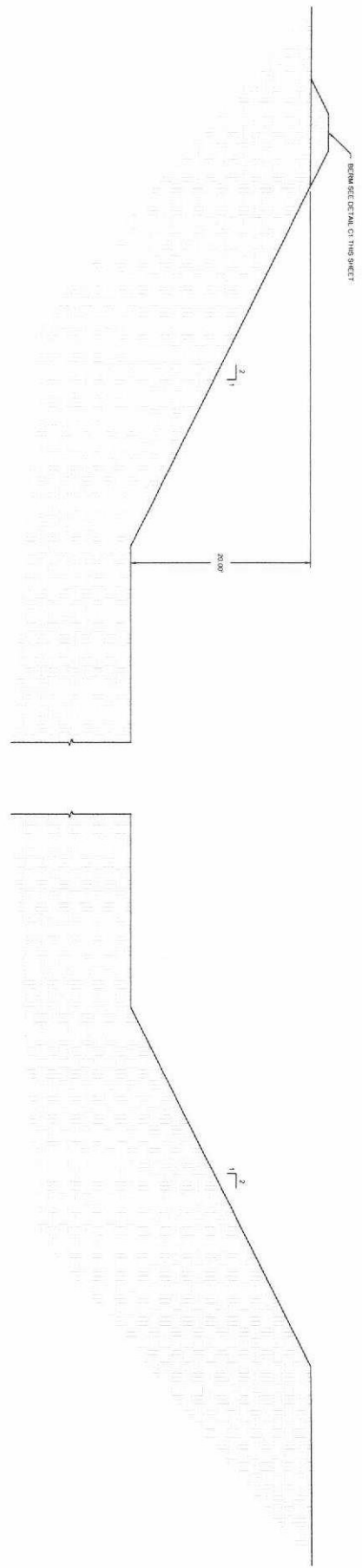
REVISIONS			
NO.	DATE	BY	DESCRIPTION

FACILITY POLLUTION CONTROL PLAN DETAILS
 BISHOP PROPERTY
 LINCOLN ROAD
 CANYON COUNTY NAMPA, IDAHO
 NAMPA PAVING

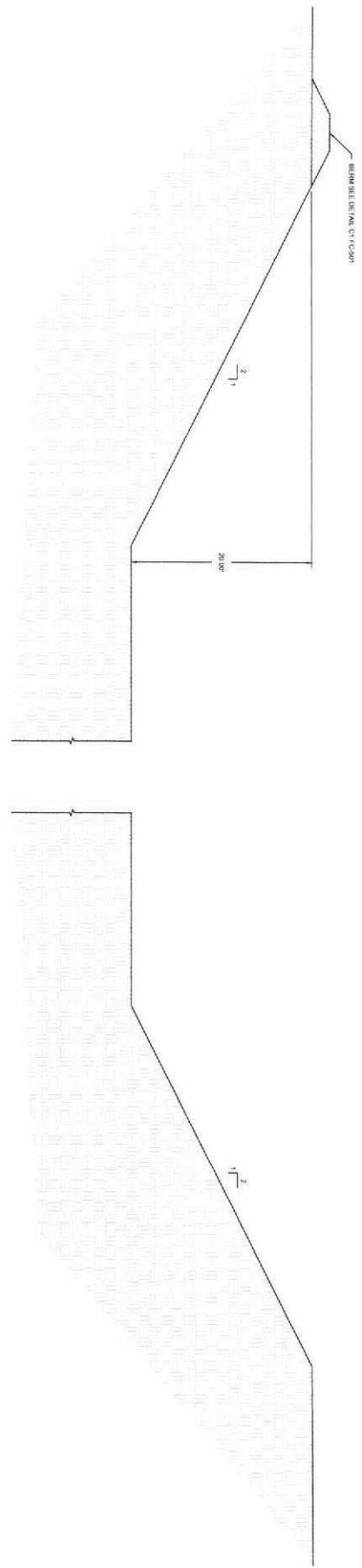


SYMAN, LLC
 2101 Delta Drive
 Nampa, Idaho 83687
 Phone (208) 287-8420

A1
N/A
LAKE 1 CROSS SECTION

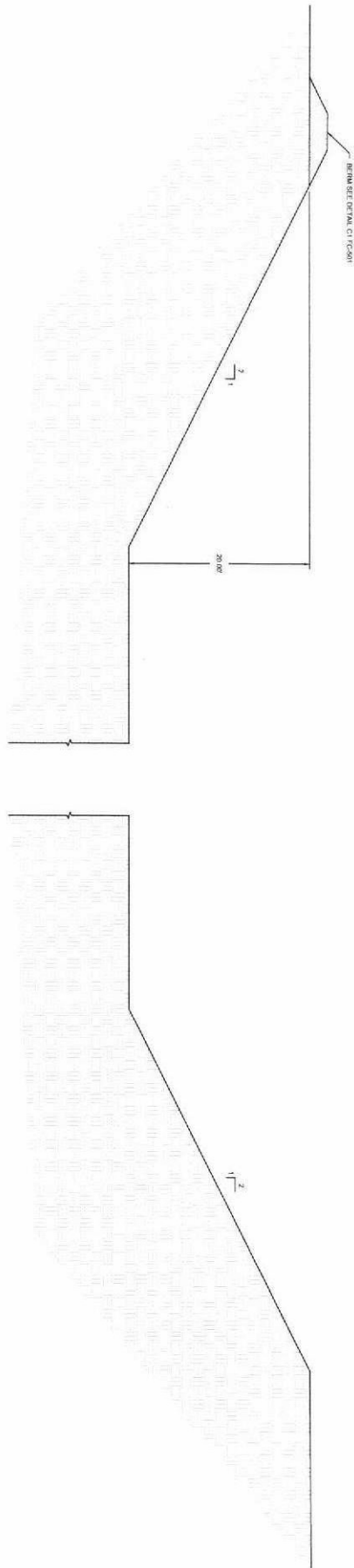


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N/A
LAKE 1 CROSS SECTION

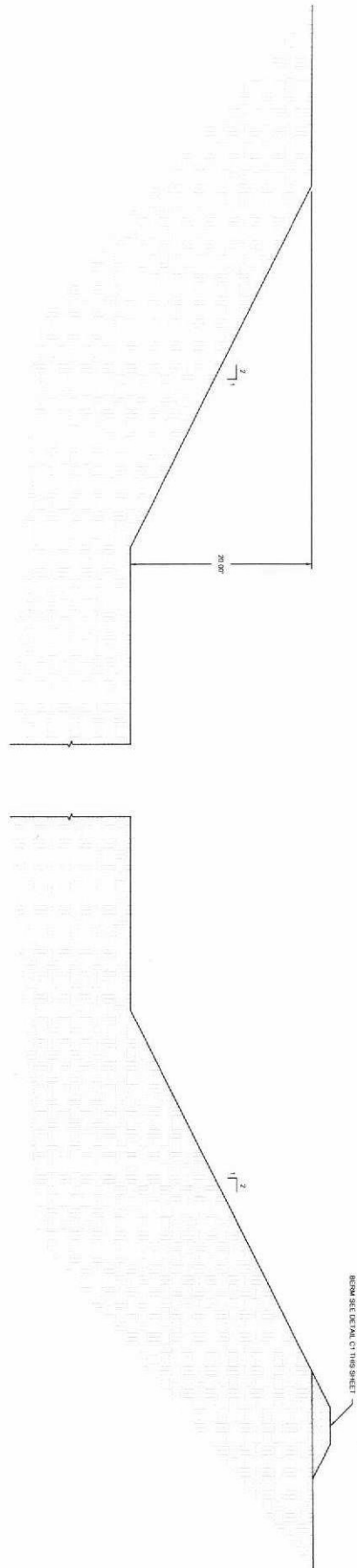


<p>FC-502</p>	<p>SYMAN, LLC 2101 Delta Drive Nampa, Idaho 83687 Phone (208) 267-8420</p>		<p>FACILITY POLLUTION CONTROL PLAN DETAILS BISHOP PROPERTY LINCOLN ROAD CANYON COUNTY NAMPA, IDAHO NAMPA PAVING</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="4">REVISIONS</th> </tr> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	REVISIONS				NO.	DATE	BY	DESCRIPTION												
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LAKE 1 CROSS SECTION



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LAKE 1 CROSS SECTION



FC-503
REVISION NUMBER
DATE
BY
DESCRIPTION
 A. SYMAN
 J. MATTHEWS
 APRIL 2022

NO.	DATE	BY	DESCRIPTION

FACILITY POLLUTION CONTROL PLAN DETAILS
 BISHOP PROPERTY
 LINCOLN ROAD
 CANYON COUNTY NAMPA, IDAHO
 NAMPA PAVING



SYMAN, LLC
 2101 Delta Drive
 Nampa, Idaho 83687
 Phone (208) 287-8420

**ATTACHMENT B
RECLAMATION PLAN**

SOUTHWEST SUPERVISORY AREA
8355 West State Street
Boise ID 83714-6071
Phone (208) 334-3488
Fax (208) 853-6372



DUSTIN MILLER, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF LAND COMMISSIONERS
Brad Little, Governor
Lawrence E. Denney, Secretary of State
Lawrence G. Wasden, Attorney General
Brandon D. Woolf, State Controller
Sherri Ybarra, Sup't of Public Instruction

August 26, 2022

Nampa Paving and Asphalt Co.
444 W. Karcher Rd.
Nampa, ID 83687

To whom it may concern,

This correspondence is notification that the following reclamation plan was approved on 08/22/2022:

<u>PLAN NO.</u>	<u>ACRES</u>	<u>COUNTY</u>	<u>LEGAL DESCRIPTION</u>
S602993	114.72	Canyon	T04N R02W Section 16

The plan was granted approval subject to the following terms and conditions:

1. All refuse, chemical and petroleum products and equipment shall be stored and maintained in a designated location, 100 feet away from any surface water and disposed of in such a manner as to prevent their entry into a waterway.
2. State water quality standards will be maintained at all times during the life of the operation. Should a violation of water quality standards occur, mining operations will cease immediately, corrective action will be taken, and the Department of Environmental Quality will be notified.
3. Erosion and non-point source pollution shall be minimized by careful design of the site access and implementing Best Management Practices, which may include, but are not limited to:
 - a. Diverting all surface water flows around the mining operation.
 - b. Removing and stockpiling vegetation and slash, except merchantable timber, for use in erosion control and reclamation.
 - c. Removing and stockpiling all topsoil or suitable plant growth material for use in reclamation.
4. **An initial reclamation bond in the amount of \$53,000 for up to 19 acres of disturbance will be submitted to and maintained with the Idaho Department of Lands prior to conducting any surface mining operations.**

5. If the reclamation plan is not bonded within 18 months of approval, or if no operations are conducted within three years, the department may withdraw this plan. This shall not prevent the operator from re-applying for reclamation plan approval.

6. Acceptance of this permit does not preclude the operator from obtaining other necessary permits and approvals from state and federal authorities, i.e. Storm Water Pollution Prevention Plan (SWPPP), waste water generation and/or air quality permits, consultation with the National Oceanic and Atmospheric Administration Fisheries, U.S. Army Corps of Engineers 404 Permit and Stream Channel Alteration Permits for each production process.

7. At the beginning of each calendar year the operator or plan holder shall notify the director of any increase in the acreage of affected lands which will result from the planned surface mining activity within the next twelve (12) months. A correlative increase in the bond will be required for an increase in affected acreage.

Please note -- pursuant to Idaho Code section 47-1512(a), operations cannot commence until the bond established in Stipulation No. 4 is submitted to this department. Failure to submit payment before mining commences may subject you to legal action by the state pursuant to Idaho Code section 47-1513(d), which may include issuance of an order by the district court to temporarily restrain your mining operations without prior notice to you.

If the department does not receive a written notice of objection from you regarding these stipulations by September 9, 2022, the stipulations will be considered as accepted.

If you have any questions, you may contact me at the above address or telephone number.

Sincerely,



Derek Kraft
Resource Supervisor
Lands and Waterways

Enclosure(s):

- 1) IDL Bond Information Packet

BORTON - LAKEY

LAW AND POLICY

141 E. CARLTON AVE., MERIDIAN, IDAHO 83642
(208) 908-4415 (OFFICE) (208) 493-4610 (FAX)

June 29, 2022

Canyon County Development Services
111 North 11th Ave., #140
Caldwell, ID 83605

Re: Nampa Paving Application for CUP – Gravel Operations

Dear Development Services,

I am writing on behalf of my client, Nampa Paving & Asphalt Co. We are requesting a conditional use permit (“CUP”) to operate a gravel pit on approximately 114 acres of the approximately 137 acre subject property. This is an expansion of their adjacent existing operation which was approved by conditional use permit in 2019 (CU2018-0015). With all the growth and construction gravel extraction from that adjacent existing site is nearing completion. Randy Wood and members of the Wood family own and operate Nampa Paving. The subject property is located adjacent to the East of the property approved for a gravel CUP in 2019. This CUP will utilize the same existing access and scales on the adjacent property and is proposing to be subject to the same operational conditions as the 2019 CUP. This is a continuation of those operations which will commence when the gravel is extracted from the property subject to the 2019 CUP. As a continuation of the current operations this will not increase traffic or other impacts. The applicant has submitted the reclamation plan for the proposed site.

There are numerous historic and current gravel operations in the area. In addition to the existing Nampa Paving 2019 CUP, Idaho Materials and Construction and Sunroc operate gravel pits immediately adjacent to the West and there are current and historic operations extending further West. This is a natural extension of those uses. The character of the area consists primarily of rural pasture and agricultural uses and gravel mining and processing operations. The site for the gravel operations is buffered by the Boise River corridor to the North. There are larger agricultural and pasture parcels to the East and other historic and current gravel operations to the north on the other side of the Boise River.

A large portion of the site has historically been used as pasture land and as it contains significant gravel resources it is not best suited for crop production. The area has a relatively high water table so the applicant will be removing wet material which means the mining will generate less dust than dry gravel pits. The applicant will be regularly watering the internal haul roads to minimize dust as part of its best management practices. The excavated areas will be

EXHIBIT 2

dewatered in accordance with applicable state and federal regulations. As the owner the Wood family envisions that the gravel site will be reclaimed into ponds that will serve as amenities for the high quality low density residential development that will occur on the remainder of the property sometime in the future. Most of that potential residential property remains in the City of Caldwell and is used for agricultural production.

The standard hours of operation for Nampa Paving under the existing CUP are 7 a.m. to 7 p.m. Monday through Saturday. However occasionally there are limited times where 24/7 operations are required based on the conditions imposed on specific construction projects to minimize the impacts on the public using the roads. Agricultural operations in the area are also not limited to regular business hours. Based on the character of the area with its existing large gravel operations, the agricultural operations and the existing CUP which has operated compatibly in the area we are requesting the same language from the existing CUP be used for this operation which states: "Normal business hours of operation shall be Monday through Saturday 7:00 am to 7:00 pm. Temporary 24 hour per day seven days per week operations may be conducted as required by projects mandating nighttime delivery of materials. No crushing of materials shall occur after 7:00 pm or prior to 7:00 a.m. The duration of 24 hour operation should be temporary." The operation will include crushing but not a batch plant. At most Nampa Paving anticipates up to fifteen employees at peak times. There is adequate space for parking currently at the within the site and at parking areas utilized under the current CUP. There will be times when there are no employees on the property. We are requesting that the CUP be approved for a period of 15 years. Additional operation details are described in the narrative for the reclamation plan which is included with these materials.

The applicant will comply with the required county setbacks. Setbacks will be maintained as noted in the reclamation plan. The operation is designed to avoid adverse impacts to the Boise River channel. I have submitted the reclamation plan submitted to the Idaho Department of Lands with this application. There is no need for additional required buffering or berming as the use is compatible with adjacent and nearby gravel and agricultural uses. There are minimal residences in the area. The applicant will continue to use best practices to control dust on haul roads.

This application conforms well with the comprehensive plan. The following Goals and Policies of the 2020 Comprehensive Plan support our application:

Economic Development

Goals 1 Create new jobs that are sustainable and lasting.

Goal 4 Provide an economically viable environment that builds and maintains a diverse base of business.

Policy 2. Support existing business and industry in the county.

Mineral Resources Policies

1. Sand and gravel mining operations should be located to avoid potential adverse impacts to the river channel.

2. Encourage measures to provide for future use of an excavated site such as, but not limited to industrial, commercial, and residential development.

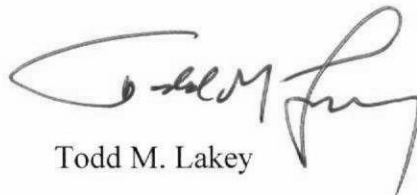
3. Encourage mineral-extraction site design and operation so as to minimize noise, dust and increased truck traffic to the extent reasonably practical.
4. Consideration should be given, but not limited to the following impacts: economic value of the ground, access to the ground, compatibility with surroundings, noise, traffic, visual aesthetics and flooding.
5. Encourage sand and gravel extraction and associated uses to mitigate adverse impacts on surrounding land uses and natural resources.
6. Mineral extraction sites should be designed to facilitate their reclamation for future use.

This property is part of one of the needed sources for sand and gravel in Canyon County. It is an appropriate site for mineral extraction to occur. This is where gravel resources are located in the county, there are other gravel operations existing and approved adjacent to this property and in the immediate area. The existing agricultural operations are compatible and there are still few residences in the area. The property will provide material that is highly needed for growth and development in Canyon County. Nampa Paving currently operates the adjacent gravel pit to the West. They are a local family owned business and have an excellent reputation as a responsible operator in the area and the community. Their business is growing and this site will allow them to continue to provide existing and new jobs for Canyon County residents as well as supporting other construction and infrastructure related employers. Canyon County has experienced and continues to experience exceptional growth and the mineral resources from this site are needed to support that growth.

We would respectfully request the County's approval of this conditional use permit. Please do not hesitate to contact me if you have any questions or if you need additional information.

Sincerely,

BORTON-LAKEY LAW AND POLICY



Todd M. Lakey

NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



NEIGHBORHOOD MEETING SIGN UP SHEET CANYON COUNTY ZONING ORDINANCE §07-01-15

Applicants shall conduct a neighborhood meeting for any proposed comprehensive plan amendment, zoning map amendment (rezone), subdivision, variance, conditional use, zoning ordinance map amendment, or other requests requiring a public hearing.

SITE INFORMATION

Site Address: ⁹⁰¹⁶ Lincoln Rd	Parcel Number: R 34061
City: Caldwell	State: ID ZIP Code:
Notices Mailed Date: 3/5/22	Number of Acres: 137+/- Current Zoning:
Description of the Request: Gravel Extraction Operation	

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Todd Lakey - Borton-Lakey Law
Company Name: Nampa Paving
Current address: Representative: 141 E. Carlton Ave
City: Meridian State: ID ZIP Code: 83642
Phone: 208-908-4415 Cell: 208-989-4252 Fax:
Email: todd@borton-lakey.com

MEETING INFORMATION

DATE OF MEETING: 3-18-22	MEETING LOCATION: Woods Shop: 11505 Bass Ln. Caldwell
MEETING START TIME: 6:00pm	MEETING END TIME: 7:00pm

ATTENDEES:

NAME (PLEASE PRINT)	SIGNATURE	ADDRESS:
1. Todd Lakey	<i>Todd Lakey</i>	12905 Venezia Ct. Nampa ID 83605
2. Irene Wayne Bishop	<i>Irene Wayne Bishop</i>	9107 Lincoln Rd. Caldwell ID
3. Janet Lantz	<i>Janet Lantz</i>	8770 Lincoln Rd, Caldwell ID
4. Laura Wilder	<i>Laura Wilder</i>	8450 Joplin Rd, Caldwell ID 83605
5. Steve Wilder	<i>Steve Wilder</i>	8450 Joplin Rd, Caldwell 83605
6.		
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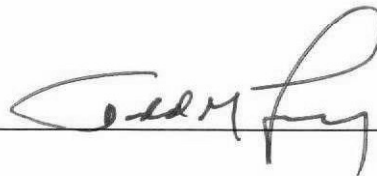
NEIGHBORHOOD MEETING CERTIFICATION:

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accordance with Canyon County Zoning Ordinance § 07-01-15.

APPLICANT/REPRESENTATIVE (Please print):

Todd Lakey

APPLICANT/REPRESENTATIVE (Signature):



DATE: 6 / 29 / 22

BORTON - LAKEY
LAW AND POLICY

141 E. CARLTON AVE., MERIDIAN, IDAHO 83642
(208) 908-4415 (OFFICE) (208) 493-4610 (FAX)

March 5, 2022

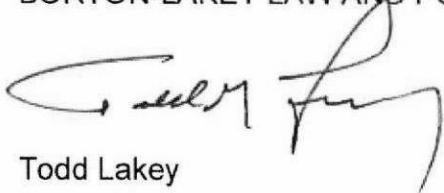
Dear Neighbor,

On behalf of Randy Wood and Nampa Paving, I would like to invite you to a meeting to discuss the conditional use permit (CUP) application they plan to submit to Canyon County. They own approximately 137 acres north of Lincoln Road and south of the Boise River. The State of Idaho also owns approximately 18 landlocked acres north of the Nampa Paving property that may be included in the CUP. The address of the subject property is 9016 Lincoln Rd., Caldwell and I have attached a map showing the property with this letter. We are planning to submit an application to Canyon County for a conditional use permit to conduct sand and gravel operations on the noted property. Nampa Paving is currently operating on their other property adjacent to this site and this application is for future use when needed. There are various gravel pits in the area. Rand Wood and his company, Nampa Paving, have a good track record as responsible operators.

We will be conducting the neighborhood meeting in Mr. Wood's shop located at 11505 Bass Lane, Caldwell, ID 83605. The meeting will be held at 6:00 p.m. on Friday March 18th, 2022. We will be happy to answer any questions you may have at that time, or you may also contact me if you have any questions. Thank you.

Sincerely,

BORTON-LAKEY LAW AND POLICY



Todd Lakey

Enclosure



LAND USE WORKSHEET

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



LAND USE WORKSHEET

Required for Conditional Use Permit, Comprehensive Plan and Zoning Ordinance Amendment Applications

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

GENERAL INFORMATION

1. DOMESTIC WATER: Individual Domestic Well Centralized Public Water System City

N/A – Explain why this is not applicable: There will be no residential use

How many Individual Domestic Wells are proposed? _____

2. SEWER (Wastewater) Individual Septic Centralized Sewer system

N/A – Explain why this is not applicable: There will be no residential use.

3. IRRIGATION WATER PROVIDED VIA:

Surface Irrigation Well None

4. IF IRRIGATED, PROPOSED IRRIGATION:

Pressurized Gravity

5. ACCESS:

Frontage Easement Easement width _____ Inst. # _____

6. INTERNAL ROADS:

Public Private Road User's Maintenance Agreement Inst # _____

7. FENCING

Fencing will be provided (Please show location on site plan)

Type: _____ Height: _____

8. STORMWATER:

Retained on site Swales Ponds Borrow Ditches

Other: _____

9. SOURCES OF SURFACE WATER ON OR NEARBY PROPERTY: (i.e. creeks, ditches, canals, lake)

RESIDENTIAL USES

1. NUMBER OF LOTS REQUESTED:

- Residential _____ Commercial _____ Industrial _____
 Common _____ Non-Buildable _____

2. FIRE SUPPRESSION:

- Water supply source: LAKES

3. INCLUDED IN YOUR PROPOSED PLAN?

- Sidewalks Curbs Gutters Street Lights None

NON-RESIDENTIAL USES

1. SPECIFIC USE: Gravel Extraction

2. DAYS AND HOURS OF OPERATION: See Letter of Intent

- Monday _____ to _____
 Tuesday _____ to _____
 Wednesday _____ to _____
 Thursday _____ to _____
 Friday _____ to _____
 Saturday _____ to OCCASIONAL
 Sunday _____ to _____

3. WILL YOU HAVE EMPLOYEES? Yes If so, how many? 3-6 No

4. WILL YOU HAVE A SIGN? Yes No Lighted Non-Lighted

Height: _____ ft Width: _____ ft. Height above ground: _____ ft

What type of sign: _____ Wall _____ Freestanding _____ Other

5. PARKING AND LOADING:

How many parking spaces? +-10

Is there is a loading or unloading area? SEE RECLAMATION PLAN AND Letter of Intent

ANIMAL CARE RELATED USES

1. MAXIMUM NUMBER OF ANIMALS: _____

2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION?

Building Kennel Individual Housing Other _____

3. HOW DO YOU PROPOSE TO MITIGATE NOISE?

Building Enclosure Barrier/Berm Bark Collars

4. ANIMAL WASTE DISPOSAL

Individual Domestic Septic System Animal Waste Only Septic System

Other: _____



IDAHO DEPARTMENT OF LANDS

APPLICATION FOR RECLAMATION PLAN APPROVAL

Reclamation Plan Number: _____

GENERAL INFORMATION

The Idaho Mined Land Reclamation Act, Title 47, Chapter 15, Idaho Code requires the operator of a surface mine, a new underground mine, or an existing underground mine that expands the July 1, 2019 surface disturbance by 50% or more to obtain an approved reclamation plan and financial assurance. Fees are charged as shown on the attachment.

When an applicant is mining on lands administered by the U.S. Forest Service or Bureau of Land Management, it is necessary to obtain the proper federal approvals in addition to the Department of Lands. Each agency's application requirements are similar, but not exactly the same. Please review both state and federal application requirements, and develop one plan which meets the requirements of all the agencies involved.

If ponds or lakes are created during the mining process and will remain after reclamation is completed, the Idaho Department of Water Resources (IDWR) requires the operator or landowner to obtain a water right. If a water right cannot be obtained prior to a plan being submitted, then the reclamation plan must include backfilling to an elevation above the local ground water table. Bond calculations must include those backfilling costs.

After the reclamation plan has been finalized, an electronic copy or five (5) hard copies of the application package must be submitted to the appropriate Area office of the Idaho Department of Lands. When the application is received, the appropriate federal or state agencies will be notified of the application. The department shall deliver to the operator, if weather permits and the plan is complete, the notice of rejection or notice of approval of the plan within sixty (60) days after the receipt of the reclamation plan or amended plan.

All reclamation plan applications will be processed in accordance with Section 080 of the Rules Governing Mined Land Reclamation (IDAPA 20.03.02) and applicable Memorandums of Understanding with state and federal agencies.

APPLICATION INFORMATION

1. NAME: Nampa Paving and Asphalt Co. d/b/a: NA
2. ADDRESS: 444 W. Karcher Road
CITY, STATE, ZIP CODE: Nampa, Idaho 83687
3. TELEPHONE and EMAIL: 707-921-9914 delfo@nampapaving.com
(000-000-0000) (e.g. john.doe@email.com)
4. DESIGNATED IN-STATE AGENT AND ADDRESS: (if Company's main place of business is 'out of state')
NA
5. PROOF OF BUSINESS REGISTRATION (if applicable): If applicant is a business, please attach proof of registration with the Idaho Secretary of State.
6. LEGAL DESCRIPTION (Section, Township, and Range) TO THE QUARTER-QUARTER SECTION:
Section 16, T 4N, R 2W
7. ACREAGE and COUNTY(ies): 114.72 Canyon
(Acres) (e.g. Ada through Washington)
8. OWNERSHIP: (check applicable)
 Private U.S. Forest Service Bureau of Land Management Idaho Department of Lands
9. COMMODITY TYPE, PROPOSED START-UP DATE: Sand and Gravel
10. SITE NAME OR MINE NAME (if any): Bishop Property
11. TYPE OF MINING: (check applicable) Surface Underground Both



IDAHO DEPARTMENT OF LANDS

12. Please provide the following maps of your mining operation (Subsections 069.04 or 070.03 of IDAPA 20.03.02):
- A vicinity map prepared on a standard USGS 7.5' quadrangle map or equivalent.
 - A site map which adequately shows the location of existing roads, access roads, and main haul roads which would be constructed or reconstructed for the operation. Also, list the approximate dates for construction, reconstruction, and abandonment.
 - On a site location map, show the following:
 - The approximate location and names, if known, of drainages, streams, creeks, or bodies of water within 1,000 feet of the surface mining operation.
 - The approximate boundaries and acreage of the lands:
 - That will become affected by the mining operation.
 - That will be affected during the first year of operations.This map must be of appropriate scale for boundary identification.
 - The planned configuration of all pits, mineral stockpiles, overburden piles, topsoil stockpiles, sediment ponds, and tailings facilities that will be developed by the mining operation.
 - Location of all underground mine openings at the ground surface, if any.
 - The planned location of storage for fuel, equipment maintenance products, wastes, and chemicals utilized in the surface mining operation.
 - A surface and mineral control or ownership map of appropriate scale for boundary identification.
 - Scaled cross-sections of the mine showing surface profiles prior to mining, at maximum disturbance, and after reclamation.
13. A reclamation plan must be developed and submitted in map and narrative form (Subsections 069.05 or 070.04 of IDAPA 20.03.02). The reclamation plan must include the following information:
- On a drainage control map show and list the best management practices which will be utilized to control erosion on or from the affected lands.
 - A description of foreseeable, site specific water quality impacts from mining operations and proposed water management activities or BMPs to comply with water quality requirements.
 - A description of post-closure activities, if any, such as water handling and treatment.
 - Which roads will be reclaimed and a description of the reclamation.
 - A revegetation plan which identifies how topsoil or other growth medium will be salvaged, stored and replaced in order to properly revegetate the area. Identify soil types, the slope of the reclaimed areas, and precipitation rates. Based on this information, identify the seed species, the seeding rates, the time and method of planting the soil, and fertilizer and mulch requirements.
 - Describe and show how tailings facilities and process or sediment ponds will be reclaimed.
 - Dimensions of underground mine openings at the surface and description of how each mine opening will be secured to eliminate hazards to human health and safety.
 - For operations over five (5) acres, estimate the actual cost of third party reclamation including direct and indirect costs for mobilization, re-grading, seed, fertilizer, mulch, labor, materials, profit, overhead, insurance, bonding, administration, and any other pertinent costs as described in IDAPA 20.03.02.120.

APPLICANT SIGNATURE: *Pamela Wood*

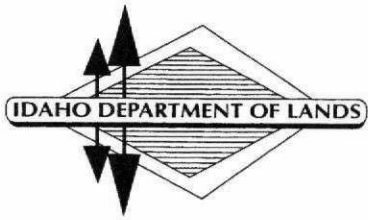
DATE: April 25, 2022

Fee: See Attached Schedule

DLRPM0001. (07/19)

Page 2 of 2

EXHIBIT 5 - 37



IDAHO DEPARTMENT OF LANDS

Application Fee Schedule

Acres are determined by the number entered in item 7 on the Application Form.

Type of Plan	Fee (Dollars)
Section 069* of IDAPA 20.03.02, Reclamation Plan 0 to 5 acres	Five hundred (\$500)
Section 069 of IDAPA 20.03.02, Reclamation Plan >5 to 40 acres	Six hundred (\$600)
Section 069 of IDAPA 20.03.02, Reclamation Plan over 40 acres	Seven hundred fifty (\$750)
Section 070** of IDAPA 20.03.02, Reclamation Plan 0 to 100 acres	One thousand (\$1,000)
Section 070 of IDAPA 20.03.02, Reclamation Plan >100 to 1000 acres	One thousand five hundred (\$1,500)
Section 070 of IDAPA 20.03.02, Reclamation Plan >1000 acres	Two thousand (\$2,000)
* Section 069 is for gravel pits, quarries, decorative stone sources, and simple industrial mineral mines	
** Section 070 is for hardrock, phosphate, and underground mines, and complex industrial mineral mines	



Priest Lake Supervisory Area
 4053 Cavanaugh Bay Road
 Coolin, ID 83821
 (208) 443-2516

Kootenai Valley Forest Protective District
 6327 Main Street
 Bonners Ferry, ID 83805
 (208) 267-5577



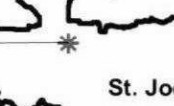
Pend Oreille Supervisory Area
 2550 Highway 2 West
 Sandpoint, ID 83864-7305
 (208) 263-5104

Mica Supervisory Area
 3258 West Industrial Loop
 Coeur d'Alene, ID 83815
 (208) 769-1577

Cataldo Forest Protective District
 80 Hilltop Overpass Road
 Kingston, ID 83839
 (208) 682-4611

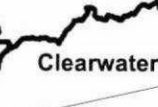


St. Joe Supervisory Area
 1806 Main Avenue
 St. Maries, ID 83861
 (208) 245-4551



Ponderosa Supervisory Area
 3130 Highway 3
 Deary, ID 83823
 (208) 877-1121

Clearwater Supervisory Area
 10230 Highway 12
 Orofino, ID 83544
 (208) 476-4587



Craig Mountain Forest Protective District
 P.O. Box 68,
 014 East Lorahama
 Craigmont, ID 83523
 (208) 924-5571

Maggie Creek Supervisory Area
 913 Third Street
 Kamiah, ID 83536
 (208) 935-2141



Disclaimer:
 "This map has been compiled using the best information available to the Idaho Department of Lands at the time and may be updated and/or revised without notice. In situations where known accuracy and completeness is required, the user has the responsibility to verify the accuracy of the map and the underlying data sources."

Payette Lakes Supervisory Area
 555 Deinhard Lane
 McCall, ID 83638
 (208) 634-7125



Southwest Supervisory Area
 8355 West State Street
 Boise, ID 83714
 (208) 334-3488



Eastern Supervisory Area
 3563 Ririe Highway
 Idaho Falls, ID 83401
 (208) 525-7167



Southwestern

Eastern Idaho

Jerome Field Office
 324 South 417 East, Suite 2
 Jerome, ID 83338
 (208) 324-2561





April 12, 2022
Syman Project No. 211864

Idaho Department of Lands
ATTN: Derek Kraft
8355 W. State St.
Boise, ID 83714

SUBJECT: Reclamation Plan – Bishop Property
9016 Lincoln Road
Caldwell, Idaho

Operations Description:

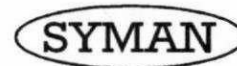
The parcel is not currently undergoing any mining activities. Nampa Paving and Asphalt Plans to excavate at least 3 ponds on the property. The property is just larger than 114 acres. About 52 acres will be involved in the mining activities, including the excavations, staging, access and stockpile areas. The gravel resources will be processed on-site and will be sold commercially or used in Nampa Paving's construction projects. Upon completion of the mineral extraction, topsoil will be used as a soil medium for final reclamation vegetation. The overburden will also be used to backfill construction slopes and create the uneven pond banks. The intent of the reclamation is to create amenity ponds for a future residential development.

A minimum 50-foot undisturbed buffer will be maintained around all sides of the property boundaries. The 50-foot buffer will be used for access and stockpiling during construction of the ponds. The facility will be accessed from Lincoln Road that is about 2,000 feet south of the proposed ponds. The access to Lincoln Road is also owned by Nampa Paving and Asphalt. The existing scale installed in the access road will be used for the operations of this facility. There is an access road to existing sand and gravel mining activities at this location adjacent to the west property boundary. The existing access will be used. Additional access roads and haul routes may be constructed, with gravel to limit dust, within the property as work progresses. During dry months, roads will be watered to minimize dust.

The site will be mined by stripping available topsoil and overburden from the active mine working area. The topsoil and overburden will be stockpiled along the south perimeters of the site to produce sight and sound berms that will remain in place until mining is completed. The stockpiles will be shaped and seeded to minimize erosion until they are needed for reclamation. Some topsoil and overburden soil will be used to construct berms around the downslope parts of the ponds that will act as erosion control protections. Aggregate stockpiles will primarily be located within the active mining area.

The site will be mined to remove a gravel layer located approximately up to about 20 feet below the existing surface. Based off the surrounding area, it is thought that the gravel layer will be between 10 and 30 feet below the surface. The operational slopes during mining will range between the soil's natural angle of repose at a ratio of 2 to 1.

Aggregate processing equipment will be on site continuously. Processing equipment will consist of mechanical screens, a crusher, and multiple conveyors. Dozers, and loaders, and excavators will also operate at the site as needed to move the in-situ aggregates to the processing equipment and load trucks at



the site. Aggregates will be delivered offsite with trucks. Employee parking will be on site, typically within the 50-foot buffer between the ponds and the excavation.

Operational hours will occur according to the Gem County conditional use permit.

Best Management Practices:

This site operator will obtain coverage under the EPA's NPDES Multi-sector General Permit (MSGP) for stormwater discharges associated with industrial activity. A Stormwater Pollution Prevention Plan (SWPPP) will be written in compliance with the MSGP Sector J: Mineral Mining and Dressing and the SWPPP will be modified as needed during the mining operations. Regular inspections of the site and, specifically, stormwater discharges, will be performed as required by the MSGP. Any potential discharges will be sampled and tested for water quality, as required by the MSGP's Sector J as applicable.

There is an unnamed ditch just north of the proposed mining activities. The ditch discharges into the Boise River within about 500 feet of the facility. This ditch appears to fill with river water or groundwater seepage. The site of the mining facilities slopes toward the ditch. The

Mining operations will use a variety of Best Management Practices (BMPs). BMPs will follow the guidelines of the Idaho Department of Environmental Quality (IDEQ) Catalog of Stormwater BMPs for Cities and Counties. After removing topsoil, topsoil stockpiles will be constructed around the perimeter of the site and seeded to form earthen berms. Much of the operations will take place below the surrounding existing surfaces and stormwater will flow into the site and the gravel mining operations. In addition, BMPs will be used to keep stormwater from mining activities contained on the site. BMPs are shown on the design drawings.

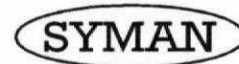
Fugitive dust will be controlled by regular watering of in-pit roads, access roads, and active work areas. Watering will be completed with water trucks, sprinklers, and sprays. Stockpiles of overburden material will be kept outside the mined area. After initial clearing and grubbing, the perimeter berms, which will be composed of topsoil, could contribute sediment through dust or stormwater discharges. The berms will be temporarily seeded to stabilize the soil after excavation.

Hazardous waste including refuse, trash, and solids will not be burned, buried, or stored on site. A dumpster will be maintained on site for containment of waste and will be disposed of at the permitted landfill facility. Petroleum products will be stored on the site for fueling and maintaining equipment. The fueling area will have BMPs in place to retain all petroleum products from entering any open waterway and from leaving the active site.

Future operations may utilize an existing building for maintenance and storage of fuels and oils. A spill prevention and control countermeasure plan will be established and maintained on site for such operations when applicable.

Receiving Waters:

Berms will be used to prevent water from running off site from the mining activities, however the shallow groundwater will need to be dewatered to extract the gravel. Some runoff may be able to discharge from the haul roads that access Lincoln Road. Wetting of the haul roads and keeping equipment from area where tires can be covered with mud will minimize tracking of soil off-site.



Dewatering will be performed in two phases. Phase 1 dewatering will be completed to facilitate initial mining and the excavation of a permanent pond. A temporary settling pond will be constructed to allow sediment sufficient time to settle out before discharging to the unnamed retention pond ditch to the north of the site.

In future Phase 2 and 3 mine dewatering will be completed by pumping water from the active mine working area to the permanent sediment removal pond excavated during the first year of operations. From the pond, water will be discharged through a temporary ditch that will allow the clean water to discharge to the north into the existing drainage ditch. The operator will monitor the water to ensure the discharge is compliant with state water quality standards.

Road Reclamation:

The existing roadways and haul routes will be improved and any new access roads from Lincoln Rd., to the mining area will be created and the design drawings will be updated. The new road will remain until mining activities have ceased. Roads between the ponds will be converted into pathways for future development or the compacted soil will be ripped, covered with topsoil and seeded. The road into the site will then be removed and all subgrade soils will be ripped and re-vegetated.

Re-Vegetation Plan:

At the completion of mining activities, the perimeter of the pit will be blended into the surrounding grades to eliminate straight lines and abrupt changes in vegetation patterns or soil types. The pond is intended to serve as a recreational pond for future development. Portions of the pond reclamation process will consist of preparing access points such as boat access and beaches.

The pit reclamation will consist of

- 1) Grading the pit floor to an approximately smooth surface.
- 2) Grading the pit slopes
- 3) Spreading salvaged topsoil on the disturbed area
- 4) Seeding the areas reclaimed

Salvaged topsoil will be stored in perimeter berms on the site. The berms will be vegetated during the mining activities. The stockpiled soil will be distributed over the re-shaped surfaces prior to re-seeding.

The seed will be spread over the surface at a rate of 16 pounds of pure live seed per acre. The seeding will take place between September 1 and March 15. The seed will be spread over the new topsoil with a mechanical spreader and harrowed into the soil or will be applied to the soil with the use of a seed drill. The seed used in the reclamation will be the following seed mix:

<u>Grasses</u>	<u>PLS Lbs/Acre</u>
Bluebunch Wheatgrass	4
Thickspike Wheatgrass	3
Big Bluegrass	2
Sandberg Bluegrass	2
Idaho fescue	2
<u>Forbs</u>	<u>PLS Lbs/Acre</u>
Bottlebrush Squirreltail	1
Western Yarrow	0.25



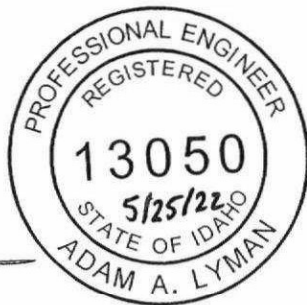
Fernleaf Biscuitroot	1
Blanket flower	0.75

All seed will be certified noxious weed free and will be inspected before application to be free of mold. It is recommended that the seed be less than one-year-old. Reclamation activities will be completed within 8 months of final mining activities.

Reclamation of tailings, process, or sediment pond reclamation:

All aggregates will be removed from the site or blended into the grading activities prior to placing any topsoil. Stockpiles of reject sand or other aggregates will be similarly incorporated into the final grading. Any temporary ponds (sediment ponds) that are not part of the final pond area will be filled prior to grading slopes.

If you have any questions about the work performed, please contact Adam Lyman or Alexia Berlanda at (208) 287-8420.



Adam Lyman, PE, CPESC
Design and Manager/Owner

Alexia Berlanda, QSP, CESSWI, MSHA
MSGP Project Manager

ATTACHMENTS:

- Topography Map, Figure 11 x 17
- Vicinity Map, 11 x 17
- Canyon County Assessors Map, 8 ½ x 11
- Canyon County Assessors Information, 8 ½ x 11
- Expense Estimation
- Reclamation Plan Drawings:
 - Concept Plan, CS-100 11x17
 - Facility Plans FC-101-FC 503, 11 x 17
 - Dewatering Phasing DW-101 and 102, 11 x 17

SYMAN, LLC
 2101 DARA DRIVE
 Nampa, Idaho 83897
 Phone (208) 287-8420



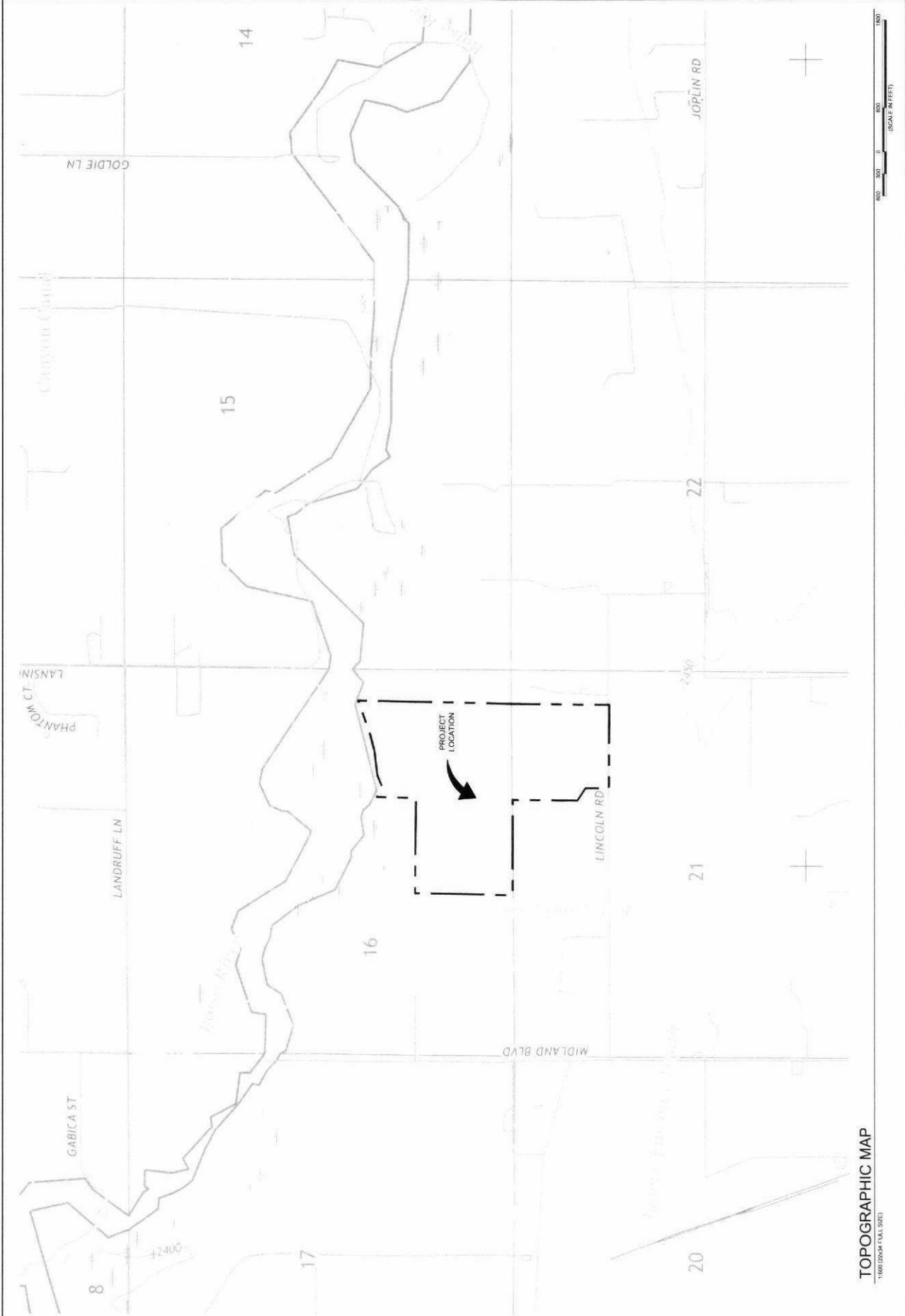
TOPOGRAPHY MAP
 BISHOP PROPERTY
 LINCOLN ROAD
 NAMPA, IDAHO
 CANYON COUNTY
 NAMPA PAVING

NO.	DATE	BY	DESCRIPTION

PROJECT NUMBER
 210004
 DRAWN BY
 A. LYMAN
 CHECKED BY
 J. MATTHEWS
 DATE

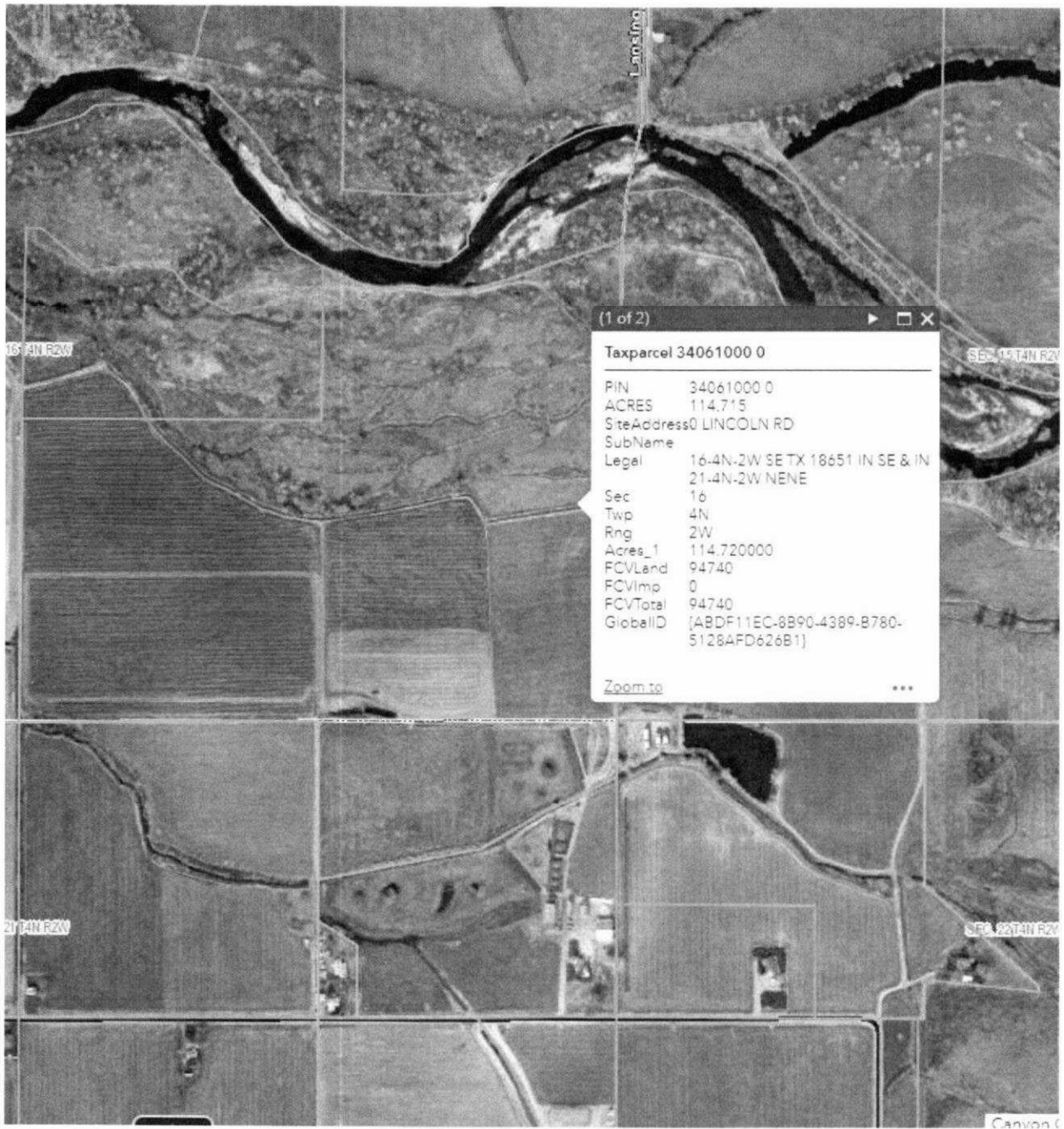
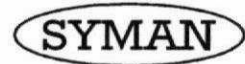
SHEET NUMBER

FIGURE 2



TOPOGRAPHIC MAP
 1:800 (250'x 250' FULL SIZE)





Canyon County, Idaho

generated on 4/19/2022 12:13:15 PM EST

Parcel

Parcel Number	Site Address	Current Total Assessed Value
34061000 0	0 LINCOLN RD, CALDWELL	\$94,740

Owner Information

Owner Name	NAMPA PAVING AND ASPHALT CO
Mailing Address	444 W KARCHER RD NAMPA ID 83687
Transfer Date	02/12/2021
Document #	2021010655
Deed Book/Page	

Location / Description

Tax District	113-00	Legal Desc.	16-4N-2W SE TX 18651 IN SE & IN 21-4N-2W NENE
Parcel Situs Address	0 LINCOLN RD, CALDWELL		
Deeded Acreage	114.7200		

Parcel Type

Property Class Code	101 Irrigated Ag Land Vacant
Neighborhood Code	210000

Assessment Information

Current Land Value	\$94,740	Residential Land	\$0	Adjustment Factor	0.00
Current Imp. Value	\$0	Residential Imp.	\$0	Average Value / Acre	\$0
Current Total Assessed Value	\$94,740	Residential Total	\$0	Appraisal Date	12/9/2021
Commercial Land	\$0	Non-Res Land	\$0	Reason For Change	02
Commercial Imp.	\$0	Non-Res Imp.	\$0	Prior Land Value	\$89,780
Commercial Total	\$0	Non-Res Total	\$0	Prior Imp. Value	\$0
Dwelling Value	\$0	Classified Land Value	\$0		
Farmland Value	\$0	Homesite Value	\$0		

IMAGES WERE FLOWN IN THE FALL OF 2020. RES SUBDIVISION

GABICA SUBDIVI

EAGE

Nampa Paving Mineral Extraction Small Air Photo 1 Mile

LEMP PARK URBAN TRACTS

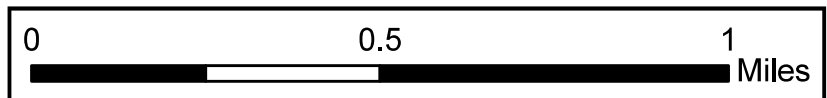
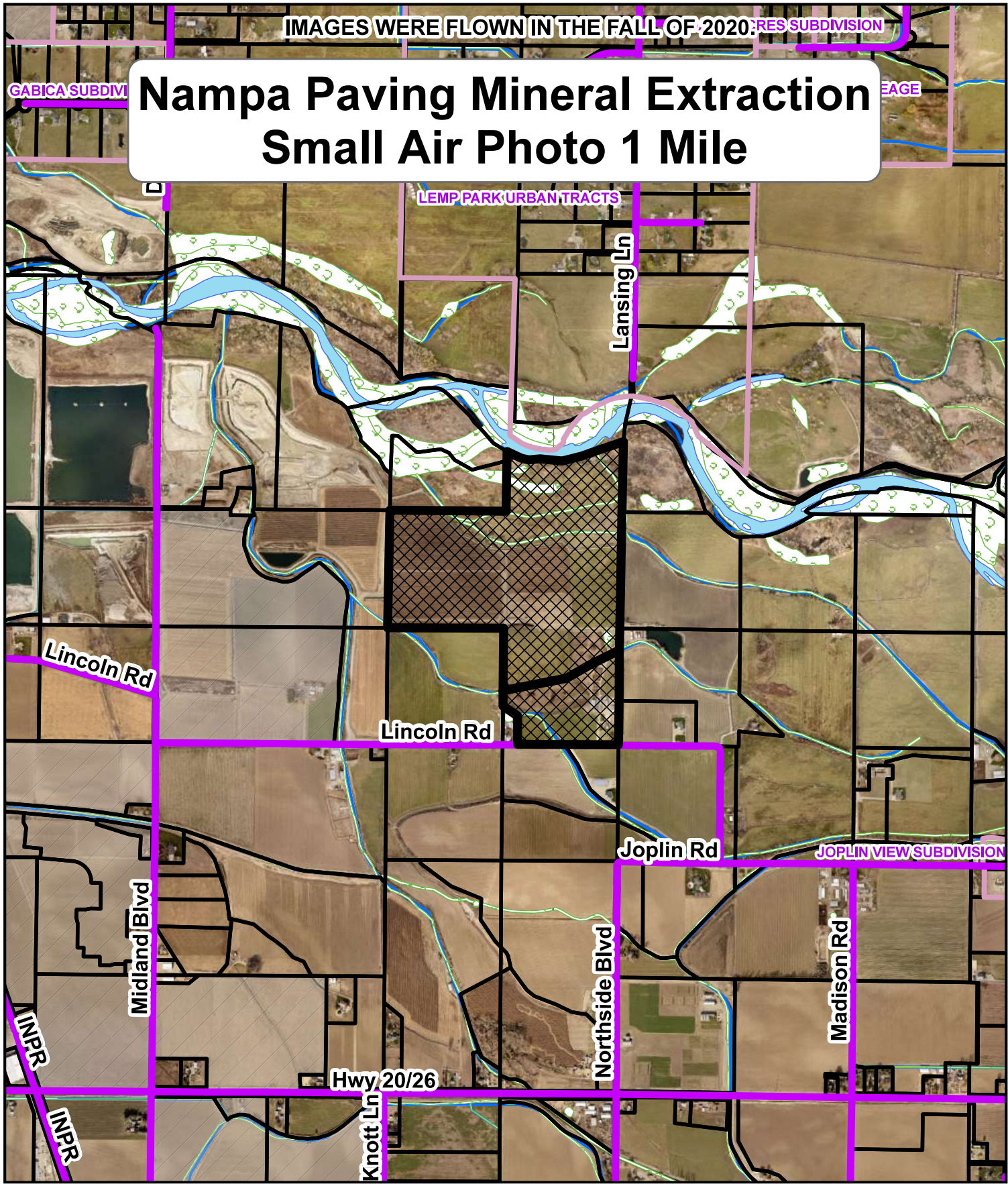


EXHIBIT 3a

Gabica St

Duff Ln

Nampa Paving Mineral Extraction Small Vicinity Map

Lan

NAMPA PAVING AND ASPHALT CO
AC 37.58

STATE OF IDAHO
AC 18.65

WILDER, STEVE
AC 16.41

AND LAURAN FAMILY TRUST

NAMPA PAVING AND ASPHALT CO
AC 33.47

SUBJECT PROPERTY

LANTZ DONAVON AND JANET TRUST
AC 39.47

Lincoln Rd

NAMPA PAVING AND ASPHALT CO
AC 16.33

LANTZ DONAVON AND JANET TRUST
AC 8.51

Lincoln Rd

KLINGIN SMITH
AC 1.46

LANTZ
AC 10

BISHOP
AC 6.17

ROSDAHL
AC 39.43

BISHOP RANCHES INC
AC 16.29

BISHOP RANCHES INC
AC 30.49

Joplin Rd

Midland Blvd

Northside Blvd

Madison Rd

Hwy 20/26

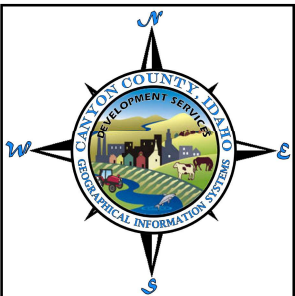
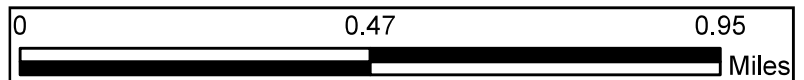
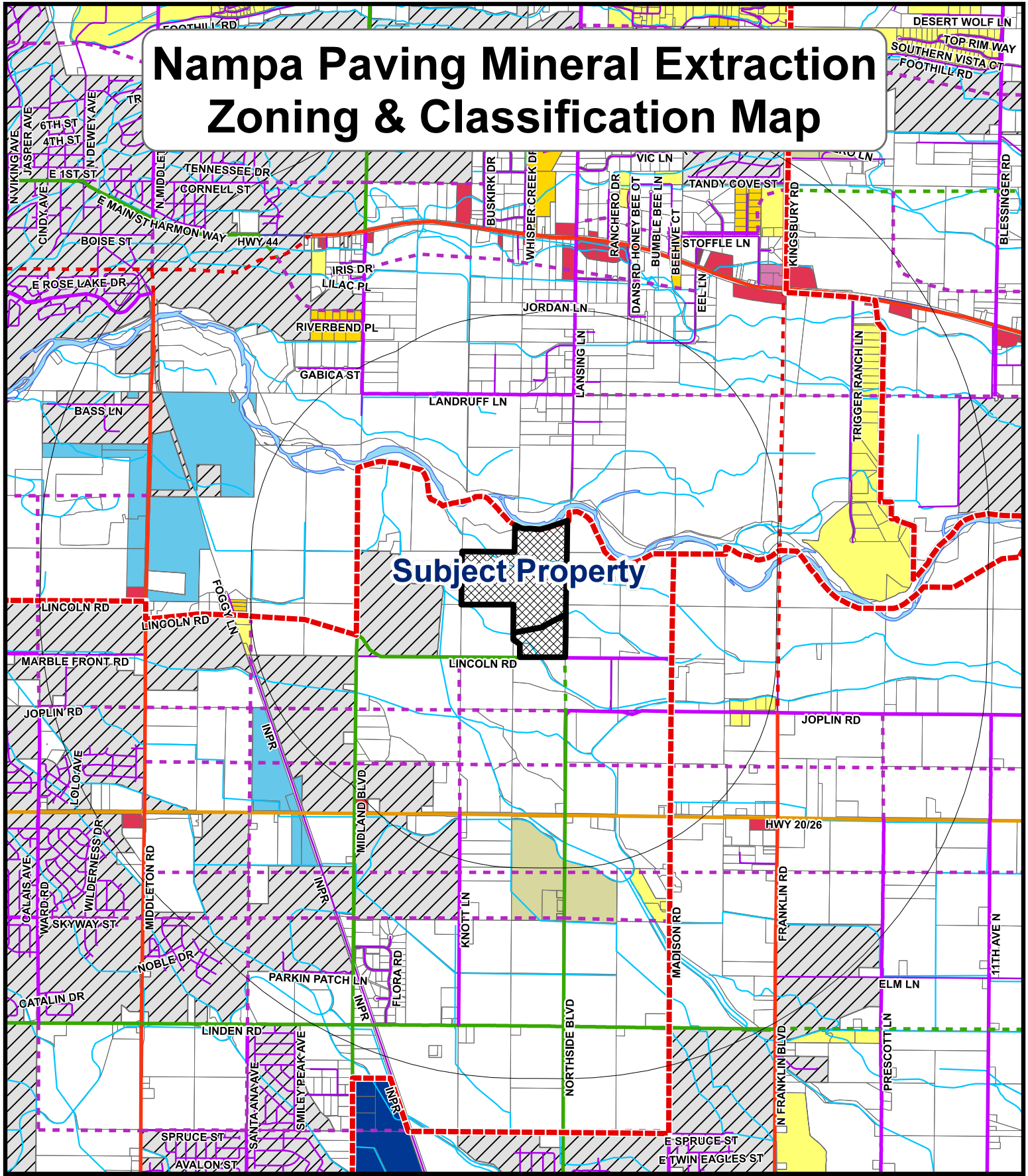


EXHIBIT 3b
EXHIBIT 5 - 49



Nampa Paving Mineral Extraction Zoning & Classification Map

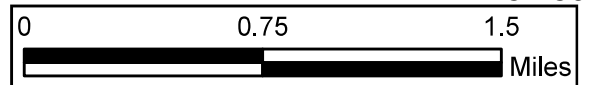


Subject Property

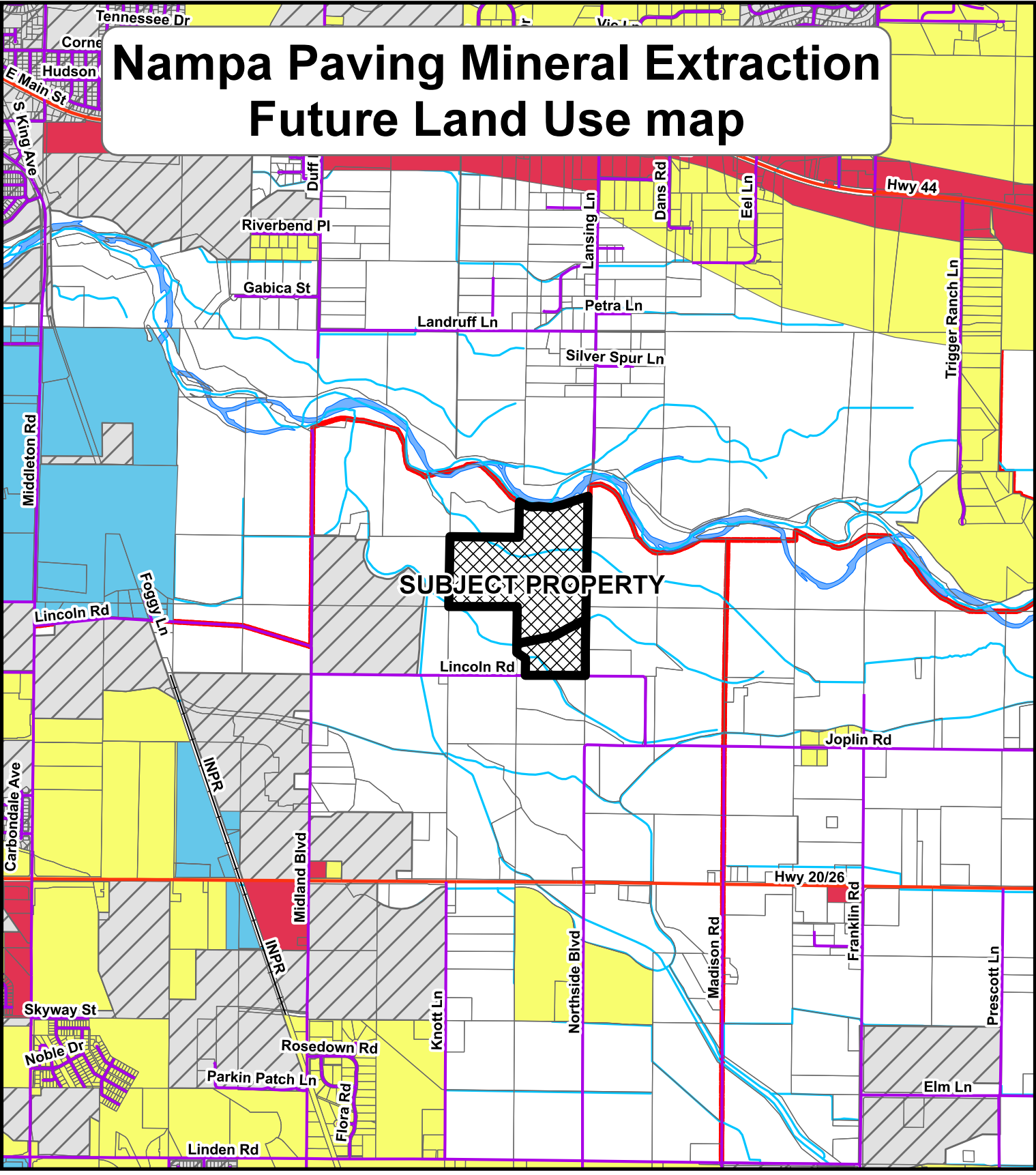


ZONING		
RR	C1	M1
CR-RR	CR-C1	CR-M1
R1	C2	M2
CR-R1	CR-C2	AG
R2	C	

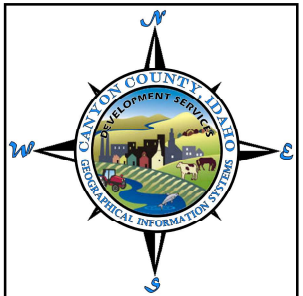
EXHIBIT 3c
EXHIBIT 5 - 50



Nampa Paving Mineral Extraction Future Land Use map



SUBJECT PROPERTY



Legend

- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL
- Scenic_Byway

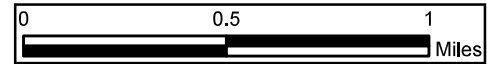
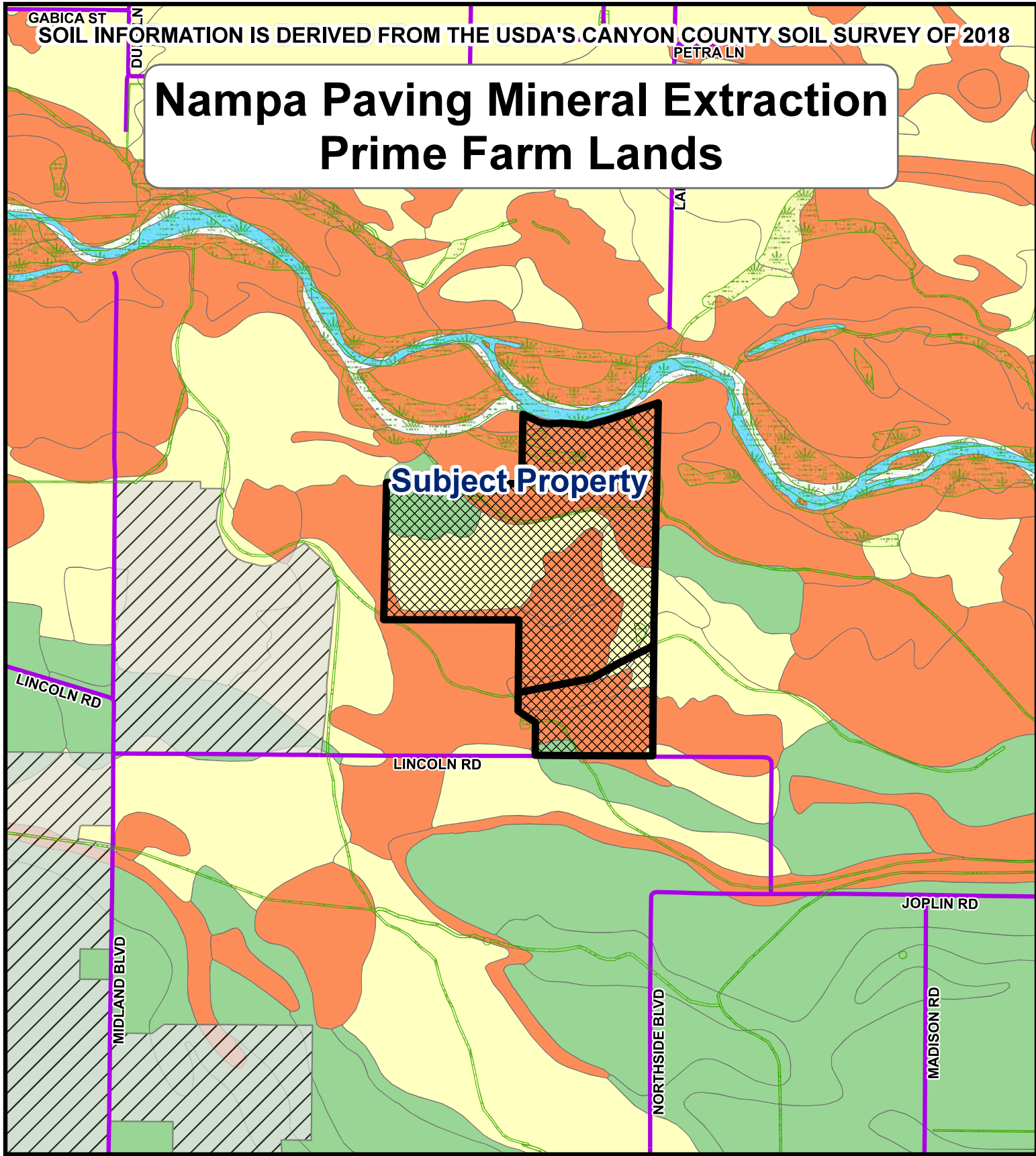


EXHIBIT 3d

Nampa Paving Mineral Extraction Prime Farm Lands



Subject Property

LINCOLN RD

LINCOLN RD

MIDLAND BLVD

NORTHSIDE BLVD

JOPLIN RD

MADISON RD



- TAXLOTS
- City_Limits
- WETLANDS
- 2C_Hydro

- NOT PRIME FARMLAND
- PRIME FARMLAND IF IRRIGATED
- PRIME FARMLAND IF IRRIGATED AND DRAINED

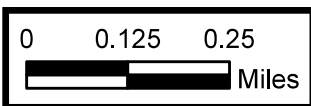


EXHIBIT 3e

SOIL REPORT

SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE
3	MODERATELY SUITED SOIL	275647.68	6.33
3	MODERATELY SUITED SOIL	43.56	0.00
3	MODERATELY SUITED SOIL	99926.64	2.29
4	MODERATELY SUITED SOIL	1263806.28	29.01
3	MODERATELY SUITED SOIL	51313.68	1.18
4	MODERATELY SUITED SOIL	1341168.84	30.79
3	MODERATELY SUITED SOIL	418480.92	9.61
4	MODERATELY SUITED SOIL	472103.28	10.84
8	LEAST SUITED SOIL	132030.36	3.03
3	MODERATELY SUITED SOIL	5967.72	0.14
3	MODERATELY SUITED SOIL	425668.32	9.77
4	MODERATELY SUITED SOIL	1476727.56	33.90
		5962884.84	136.89

FARMLAND REPORT

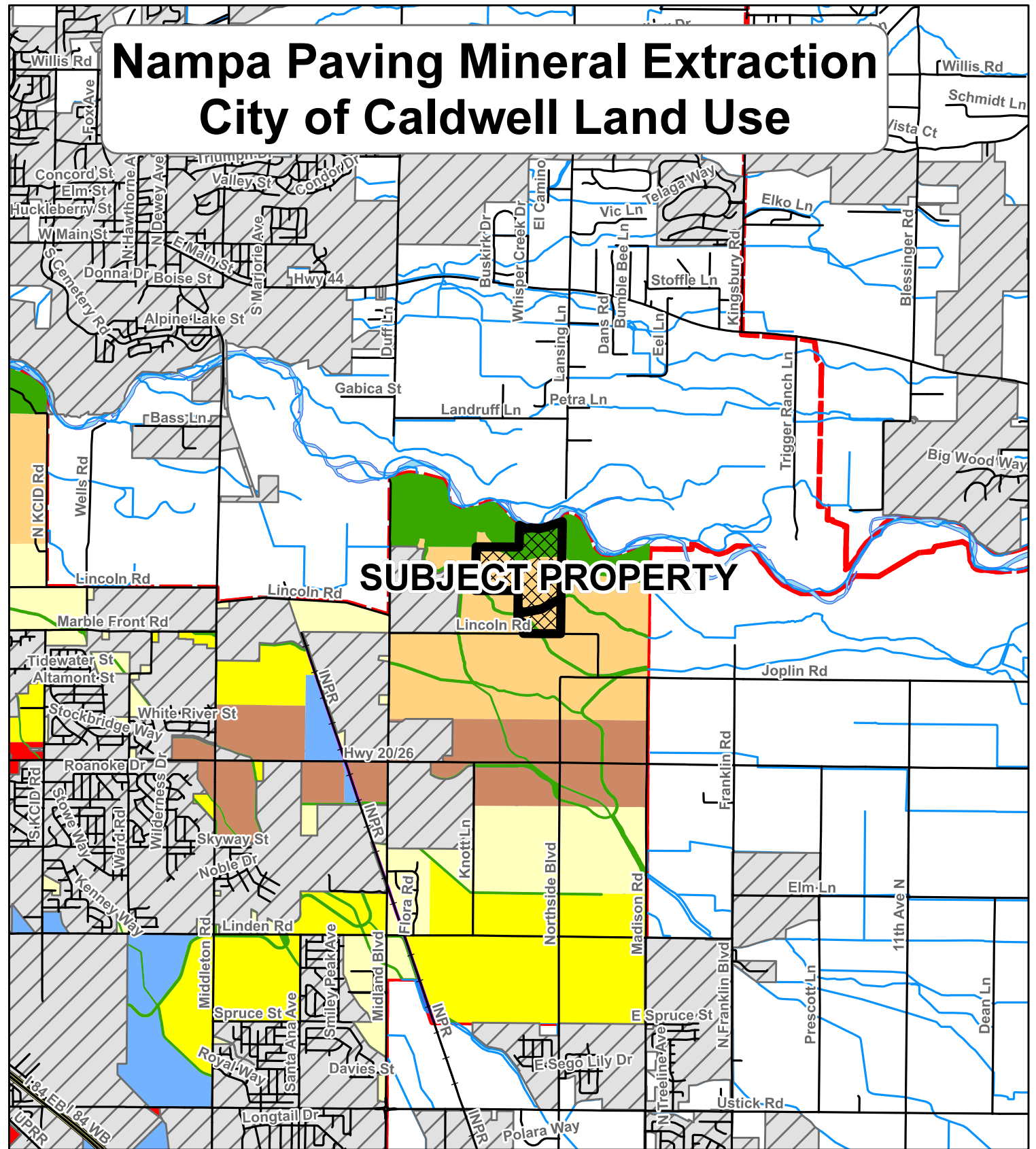
SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE
No	Prime farmland if irrigated	275647.68	6.33
FaA	Prime farmland if irrigated	43.56	0.00
OgA	Prime farmland if irrigated	99926.64	2.29
MVA	Prime farmland if irrigated and drained	1263806.28	29.01
FaA	Prime farmland if irrigated	51313.68	1.18
MwA	Prime farmland if irrigated and drained	1341168.84	30.79
BdA	Prime farmland if irrigated and reclaimed of excess salts and sodium	418480.92	9.61
MuA	Prime farmland if irrigated and drained	472103.28	10.84
Re	0	132030.36	3.03
BdA	Prime farmland if irrigated and reclaimed of excess salts and sodium	5967.72	0.14
FaA	Prime farmland if irrigated	425668.32	9.77
MuA	Prime farmland if irrigated and drained	1476727.56	33.90
		5962884.84	136.89

SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

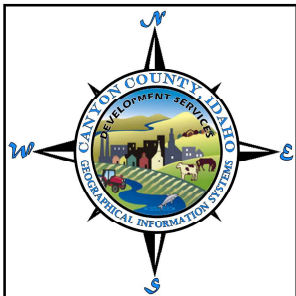
PERCENTAGE
4.62%
0.00%
1.68%
21.19%
0.86%
22.49%
7.02%
7.92%
2.21%
0.10%
7.14%
24.77%
100%

PERCENTAGE
4.62%
0.00%
1.68%
21.19%
0.86%
22.49%
7.02%
7.92%
2.21%
0.10%
7.14%
24.77%
100%

Nampa Paving Mineral Extraction City of Caldwell Land Use



SUBJECT PROPERTY



Cald Comp Plan	
	Residential Estates
	Low Density Residential
	Medium Density Residential
	High Density Residential
	City Center
	Institutional
	Business
	Commercial & Service
	Traditional Neighborhood
	Highway Corridor
	Manufacturing & Production
	Industrial
	Rail Facilities
	Public
	Environmentally Sensitive
	Open Space

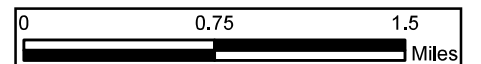


EXHIBIT 3f

Elizabeth Allen

From: Bonnie Puleo
Sent: Wednesday, October 12, 2022 2:56 PM
To: Elizabeth Allen
Subject: FW: [External] FW: Agency Notice Nampa Paving / CU2022-0033
Attachments: Nampa Paving CU2022-0033.pdf

For your file.....



Bonnie Puleo
Sr. Administrative Specialist
Canyon County Development Services
111 No 11th Ave. Suite 310
Caldwell, ID 83605
bonnie.puleo@canyoncounty.id.gov
(208) 454-6631 *direct*
(208) 454-6633 *fax*

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From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Wednesday, October 12, 2022 2:50 PM
To: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>
Subject: [External] FW: Agency Notice Nampa Paving / CU2022-0033

Good afternoon, Bonnie –

After careful review of the transmittal submitted to ITD on September 9, 2022 regarding Nampa Paving, the Department has no comments or concerns to make at this time.

Thank you!



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services
O: 208.334.8337
C: 208.296.9750
Email: niki.benyakhlef@itd.idaho.gov
Website: itd.idaho.gov

From: Vincent Trimboli <Vincent.Trimboli@itd.idaho.gov>
Sent: Monday, September 12, 2022 5:20 AM
To: Victoria Skomarokha <Victoria.Skomarokha@itd.idaho.gov>
Subject: Fwd: Agency Notice Nampa Paving / CU2022-0033

EXHIBIT 4a



CITY OF
Caldwell, Idaho

September 13, 2022

JAROM WAGONER
Mayor

208.455.3011
(f) 208.455.3003

City Hall
411 Blaine Street
Caldwell, Idaho 83605

Post Office Box
P.O. Box 1179
Caldwell, Idaho 83606

For a list of the City
Council members, visit:
Website
www.cityofcaldwell.org

Canyon County Development Services Dept.
111 North 11th Ave.
Ste. 140
Caldwell, Idaho 83605

RE: City Impact Area, Joint Exercise of Power Agreement Public Agency Notice
Case No. **CU2022-0033**

Dear Canyon County Commissioners,

The City of Caldwell Planning and Zoning Office received a public agency notice regarding 9016 Lincoln Rd., Caldwell, ID (R34144 and R34061). Nampa Paving & Asphalt Co. is requesting a Conditional Use Permit to allow for an expansion of a long-term mineral extraction use. This property is designated as Residential Estate on our future land use map. However, given that the subject parcels are located in a flood plain and are adjacent to another long-term mineral excavation operation the proposed use seems more appropriate. Given this, the City does not have any objections to the approval of this Conditional Use Permit.

Sincerely,

Katie Wright
Associate Planner
City of Caldwell Planning and Zoning

"The Treasure of the Valley"

EXHIBIT 4b

EXHIBIT 5 - 57



CANYON COUNTY PLANNING & ZONING COMMISSION
 MINUTES OF REGULAR MEETING HELD
 Thursday, November 3, 2022
 6:30 P.M.

1ST FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

Commissioners Present : Robert Sturgill, Chairman
 Patrick Williamson, Vice Chairman
 Brian Sheets, Commissioner
 Ron Amarel, Commissioner
 Harold Nevill, Commissioner
 Miguel Villafana, Commissioner

Staff Members Present: Dan Lister, Planning Official
 Jenna Petroll, Planner
 Bonnie Puleo, Recording Secretary

Chairman Robert Sturgill called the meeting to order at 6:42 p.m. due to problems with the audio recording system in the Administration Hearing Room which were resolved.

Commissioner Sheets read the testimony guidelines and proceeded to the first business item on the agenda.

- **Case No. SD2021-0040/Red Cow Fold Subdivision:** The applicant, Skinner Land Survey, is requesting approval of a Preliminary Plat and Final Plat for Red Cow Fold Subdivision. The development consists of one (1) lot in an "R-R" (Rural Residential) zone. The subject property (R30588) is approximately 2.47-acres and is located approximately 1,315-feet south of East Airport Road and approximately 1,342-feet east of North Robinson Boulevard, Nampa, ID, in a portion of the SW ¼ of Section 20, T3N, R1W, BM, Canyon County, Idaho.

Planner Dan Lister reviewed the Staff report for the record including late exhibits.

Chairman Robert Sturgill entered the late exhibits into the record and affirmed the witnesses to testify.

Testimony:

TJ Wellard – Applicant (Representative) – IN FAVOR – 17842 Sand Hollow Road Caldwell ID 83607

Mr. Wellard said he appreciates Dan Lister's work on this application: they have been through 3 or 4 planners through this two year endeavor. He said it has been tedious to get 1 building permit for the 1 lot. He wanted to address some of the things that were discussed with previous planners, the new conditions which just came up as the hearing was starting and some of the Commissioners' concerns. He does not know the details about the litigation. He said the owners can address those but there is a recorded easement to the property. Mr. Wellard said they will fulfill all the requirements for the County. It still remains a 2 acres even they have to trade a road lot. Question from Commissioner Nevill: if we take action on this either way, not knowing what the litigation is about and if the litigation does something, could we end up back here, hearing this again because the situation on the ground has changed? Mr. Wellard

replied unless the litigation takes away the legal access, which is highly unlikely, there is no question on access to the property. He said as far as the Commission approving the layout for the one lot subdivision, that shouldn't bring the case back in front of them. In response to Commissioner Nevill's question on water rights, Mr. Wellard said that the property has surface water rights for irrigation; the well is for domestic water. Chairman Sturgill asked, given the challenge with respect to the potential for a road lot, had they ever considered R1 zoning? Mr. Wellard said he doesn't believe they did because they were only trying to get the one building permit. He did the calculations and even if they did have to create a road lot, the lot will exceed the 2 acres. He assumes they are still using 'average lot size' and if you add both lots, they still come out as 2 acres. Chairman Sturgill asked that Mr. Wellard write out those calculations, present them during rebuttal and provide them as a late exhibit.

Colleen Clark – IN FAVOR – 3589 S. Gekeler Lane Boise ID 83716

Ms. Clark said she is a native Idahoan; their family is mostly farmers and medical providers. They want to move onto her parents' property to help with the farm as they age and also for help with their children. When this process started and the notice was sent out, there was a conflict between the Keisters who own the easement and the neighbors down the road. The Clarks and Ms. Clark's parents are not involved in the litigation. She said they started this process before that (conflict) began. One of the other things that came up at the last Commission hearing was the dust and the Commission determined that issue was a moot point because either way, the Clarks would be living on her parent's property. They want a designated plot but if not approved, they would be living on the property anyway and their vehicles would be coming down the lane no matter what. She wanted to discuss how the process was going. She felt there should be a determination for Idahoans that comes from the Commission: they meet those (requirements) and they can move forward. That happened at the last meeting. Then they came forward with the approvals and were contacted one business day before the hearing by the prior planner and told they were going to need get private road access. As a result, they were going to be taken off the docket. After that, they jumped through hoops and submitted their forms.

MOTION: Commissioner Nevill motioned to grant 3 more minutes of testimony to Colleen Clark, seconded by Commissioner Amarel. Voice vote, motion carried.

Ms. Clark continued:

They met those requirements, submitted them to the planner and was told they needed to submit it to the City of Nampa. The City of Nampa confirmed they had right of way to the easement. The City didn't want to name the private road until the neighbors had resolved their litigation but said they would recommend the County move forward. After tonight's hearing started, they were informed of additional last minute changes. She said they are told here are the rules, this is what you need to do, they meet those requirements and then they are asked to do it again and again. She knows many issues have played a role in all the changes, but this is hard for them as an Idaho family when they just want to do it the right way. When asked by Commissioner Nevill about the Conditions of Approval that staff submitted and whether she agreed with them, she stated she would need time to review and approve them. She believes some were conditions the prior planner initially had told them they needed but the City of Nampa said they didn't need and the prior planner then agreed. Now those conditions are coming up again. She requested a handout to look them over. Commissioner Nevill said there was a requirement for a road users' agreement; Ms. Clark said the City of Nampa told them they have the right of way for easement, they were going to wait until the neighbors' litigation was resolved and they didn't need to do that. She said the County staff agreed and the application was put back on the docket. Planning Official Dan Lister explained if the City of Nampa waives the private road requirements, it would default to county requirements which require less. He didn't see that evidence in the packet; he saw the addressing person saying they are holding off on the street naming. The City of Nampa's engineer only stated in an email

that it didn't need curb, gutter, sidewalks and streetlights. Both the City of Nampa and the County require a road users' maintenance agreement. Commissioner Williamson asked about potential commercial use. Ms. Clark said there will be no commercial use on the property, it is just residential. She said she will get all the documentation on what has been said in the past to the new planner.

Connie Hill Bruin – IN FAVOR – 6627 Airport Road Nampa ID 83687

Ms. Bruin said her daughter Colleen purchased the lot after the rezone. They have been working on it since November 2020. She felt there had been a lot of poor communication. She thought they were ready to go until the Keisters complained; then they were told 24 hour before the hearing that it has been tabled. She said there has been no communication from the planners. They found out, after doing a lot of work, that it all the paperwork and documents had to go to the City of Nampa. She said they have a well-documented right of way which has always been used for agriculture. The road has been there for 90 years. Ms. Bruin said they will do what is necessary; they have invested a lot and will continue to invest more. Their attorney said they (the County) can't keep adding something and that is what is getting frustrating. She explained what happened with the shed and why it has to be a separate parcel. She said it had to do with the State of Idaho and the fact that parcel belongs to the Kuna tax zone. It had to have a separate ID but it stayed with the property.

MOTION: Commissioner Williamson motioned to grant 3 more minutes of testimony to Connie Bruin, seconded by Commissioner Nevill. Voice vote, motion carried.

Ms. Bruin continued: She explained the fence was on a 30-foot easement on her daughter's property. Her daughter owns all the road that goes to Arabian Way in front of their house. She owns all that road, on both sides, all the way to the grass at the neighbor's house. They do have a road users' agreement which was drawn up by an attorney. She reiterated that they are not part of the litigation. She said the Keisters harassed the neighbors, who then offered the Kiesters some money to stop the harassment. She saw the counter offer and said it was tantamount to extortion. She said Carolyn Kiester, who should be addressing any concerns, has not said a word to them about this. Commissioner Williamson asked about Arabian Way; Ms. Bruin said the Kiesters have been adamant that no one can use that road, however they do use the Bruin's easement which is mainly used by pedestrians and bicycles. She said they are billed for both tax areas (Kuna and Nampa). She said an engineer drew the lines for the parcels because you can't sell half a shed. It was all drawn out by Planning and Zoning and added to their property. It only has its own number because it is in the Kuna tax district.

Matthew Ineck – IN OPPOSITION – 55 S. Pit Lane Nampa ID 83687

Mr. Ineck has cared for Mrs. Kiester's property for approximately 5 years. During that time, he has seen an increase in dust and dirt nuisance from the traffic along the easement Red Cow Fold is proposing to use on Ms. Kiester's property. He said they are not against the Red Cow Fold subdivision but want it to be done in a responsible manner and according to County rules and regulations. The roadway crossing Ms. Kiester's property currently serves 4 residences is not constructed to those standards. The road is also used as a residential and agricultural access by those living south of Ms. Kiester's property. It is also occasionally used by the Lexington Meadows subdivision; primarily by bicycles and pedestrians. The Red Cow Fold would be the fifth residence using the access point. It is a lot of traffic and is increasing the dust, especially during the drier summer months. Her home is only about 60 feet from the access road. She is directly affected by the dust nuisance which could have been addressed and controlled by the current users if the access road had been designed according to Canyon County private roadway standards. She suffers from the dust and dirt nuisance created by the increased traffic on that dirt access lane that passes through her property. It has happened because Canyon County never received a proper maintenance agreement from any users accessing that portion of the roadway. It has not been developed or maintained

with a 6 inch layer of gravel or proper drainage; it is simply a dirt road that gets graded from time to time. It does not have the proper base/sub-base to meet the public safety standards or provide protection to Ms. Kiester's health and property. He is unable to identify in the staff report where the County is requiring the applicant to bring the access road going through the Kiester's property up to the private roadway standard. The proposed maintenance agreement is not sufficient and is not addressed by all residents using the road.

MOTION: Commissioner Nevill motioned to grant 2 more minutes of testimony to Matthew Ineck, seconded by Commissioner Amarel. Voice vote, motion carried.

Mr. Ineck continued:

He reiterated that the proposed maintenance agreement is not sufficient and is not addressed by all residents using the road and not agreed on by Ms. Kiester. He thinks the Red Cow Fold should be required to bring the entire easement they are requesting to use up to Canyon County private road standards and any future residents accessing the road should have to agree to maintain those standards. The current users of the access lane agreed to maintain the road and signed the final plat acknowledging acceptance of those standards and they failed to meet those requirements. Since there was no maintenance agreement clearly outlining the responsibilities, the users chose not to build the road to a standard protecting Ms. Kiester from the dust and nuisance created by their use of the road. He asked before they approve the application, the current applicant should have to bring any access roads to their property into compliance with the private road standards along with signing a road user's maintenance agreement covering the entire length of the access. In response to Commissioner Sheets' question about what specific issues he has with the current road user's agreement, Mr. Ineck said the current road users' maintenance agreement doesn't cover a specific portion of the road and everyone using the road would benefit from upgrading this portion of the road. Mr. Ineck said he wanted the entire road brought up to Canyon County private road standards. Commissioner Williamson asked what Mr. Ineck thought would mitigate the dust. Mr. Ineck said maybe some crushed asphalt for the first 500 feet; it should at least be brought up to the minimum standard. There was a discussion about private road requirements and what proportional shares are of a road maintenance agreement.

Mitch Kiester – IN OPPOSITION – 2941 East Springwood Drive Meridian ID 83642

Mr. Kiester is Carolyn Kiester's son and a licensed environmental health specialist. He was there to voice concerns about past and potential future use on his mother's road. He explained, according to the EPA, vehicles driving on unpaved roads causes 5 times as much particulate matter as construction activities and wind erosion. He explained the hazards of dust and particulate matter, the definition of air pollution and the health effects of dust. Mr. Kiester said Canyon County clearly delineates the standards for roads. He said the standard of the road running through his mother's property is not being maintained. There is evidence that the current users know the minimum standards and are choosing to ignore it. He said he only asks that until a maintenance agreement is obtained and agreed upon by all users, the decision for this development be held off. Commissioner Sheets asked about the litigation. Mr. Kiester said the litigation is between the Schwisows and the Kiesters. He said attorneys are involved but it is not an active court case. Litigation has been threatened but is not ongoing. When asked if it affects the plan for Red Cow Fold Subdivision, Mr. Kiester replied yes, because it involves discussions about the roadway. He just wants the roadway brought to a proper standard so his mother doesn't have to incur the health effects of the dust. He said the Schwisows were supposed to provide a proper maintenance agreement but they only have a maintenance agreement for their own subdivision. Their plat said they were supposed to bring 6 inches of gravel and it never happened. He is asking for a proper maintenance agreement for everyone moving forward. He asked who is going to keep it up and if people move, who will be responsible? Commissioner Amarel asked if packed, graded rock would meet his standards? He responded it should be

gravel or asphalt. He asked again who is going to keep up the road. He is just asking for some respect for the roadway and as long as dust and nuisances are abated, that would meet their standard. Planning Official Dan Lister said the Schwisow's subdivision was approved in 2006 and he would have to look at see if that condition was on the plat.

TJ Wellard – Applicant (Representative) – REBUTTAL – 17842 Sand Hollow Road Caldwell ID 83607

Mr. Wellard said the opposition's testimony has been addressed through the conditions of approval. He reminded the Commissioners that this is a preliminary plat and the property has already been rezoned; it has this right to it. As long as the plat meets County ordinance for platting, the Commission can't deny it. He did the calculation for both 50 and 60 foot road lots and it still meets the Rural Residential zoning and the 2 acre minimum. He also has the record of survey that was done to adjust the property line that was not approved through the County and that has been submitted. Commissioner Nevill said to clarify, the road user's agreement covers the two properties but doesn't cover the Kiester's property. Mr. Wellard said he is not an attorney and can't interpret legal documents. He said the exhibit the two owners signed does not cover the additional easement but the survey shows the additional easement. Commissioner Nevill said he is trying to figure out if the entire length of the driveway is covered by the road user's agreement or if the road user's agreement would require modification. There is no legal description in the document that defines what that agreement is for but it shows a survey which shows the easement access. He believes it might have to be added to the conditions. Mr. Wellard said the County requires the road user's maintenance agreement but there is no enforceability to require the other land owners using it to agree to it also.

MOTION: Commissioner Sheets moved to close public testimony on Case SD2021-0040, seconded by Commissioner Williamson. Voice vote, motion carried.

DELIBERATION:

Commissioner Sheets said that he was glad it came out during public testimony that there is an issue with the road maintenance agreement. He sees the two parties that have signed it and he knows who is not party to the agreement. Commissioner Sheets said the County requires a road users' agreement and we have one. It meets the requirements. Based on the County's requirements and the conditions here, he will probably be voting in favor of this application. Commissioner Williamson asked if they were going to be given amended conditions of approval? Planning Official Dan Lister replied he was just correcting some small errors. Commissioner Nevill said he does not think the road users' maintenance agreement meets the intent. He thinks all parties should be party to the road maintenance agreement. Without a comprehensive road users' agreement, he doesn't think he can vote for this application. He said it seems like the Clarks/Bruins have been delayed through no fault of their own and that is unfortunate, but he doesn't think he can go along with it without a more comprehensive road users' agreement. Commissioner Williamson asked besides having a more comprehensive road users' agreement, he suggested prior to signing a final plat, the applicant could provide a more comprehensive road users' maintenance agreement? Commissioner Nevill was not sure how that condition would be worded: a "road users' agreement that includes all those who can access that road"? It would then require all the players to get involved. Planning Official Dan Lister explained Canyon County code. If the applicants want to be designated the responsible parties and sign and record it, then that's on them. He said one of the legal descriptions does include that 50 feet of roadway. It doesn't draw it out completely in Exhibit C but does show the distance of the easement. He said they could add to the conditions saying there needs to be more detail in that but it does meet the requirements of the road users' agreement. Exhibit B talks about the rights to use that right of way of 50 feet which describes that easement. Commissioner Nevill asked if those two parties sign the agreement, are they are responsible for all of it? Mr. Lister said that was correct. Planning Official Dan Lister reviewed the procedures associated with road users'

agreements and how they would eventually catch the other owners who didn't sign the initial agreement.

MOTION: Commissioner Sheets moved to approve Case SD2021-0040 including the Findings of Facts, Conclusions of Law and amended Conditions of Approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Amarel. Roll call vote: 5 in favor 1 opposed, motion passed.

- **Case No. CU2022-0033/Nampa Paving & Asphalt:** Nampa Paving & Asphalt Co., represented by Borton-Lakey Law, is requesting a Conditional Use Permit to allow a long-term mineral extraction use on Parcels R34061 and R34144 (approximately 136.9-acres total) to include sand and gravel extraction, staging, and crushing. The proposed mineral extraction will expand an existing approved operation (CU2018-0015) and will be tied to the conditions of that approval requiring operations to cease by January 3, 2039. The properties are located at 9016 Lincoln Road, Caldwell; also referenced as a portion of Section 16 and 21-4N-2W, BM; Canyon County, Idaho.

Planner Jenna Petroll reviewed the Staff report for the record including late exhibits.

Chairman Robert Sturgill entered the late exhibits into the record and affirmed the witnesses to testify.

Testimony:

Todd Lakey – Applicant (Representative) – IN FAVOR – 12905 Venezia Court Nampa ID 83651

Mr. Lakey was appearing on behalf of Nampa Paving. He thanked staff for the recommendation of approval and said they agree with the analysis and the conditions of approval. Mr. Lakey said Nampa Paving is a longtime, multi-generational local business. In 2018, they applied for a conditional use permit on the adjacent property and thought that would keep the business going but after 4 years they are almost done. They need to extend that adjacent operation. They are not increasing or intensifying the use; they are just moving their operations to the adjacent property. They will be using the existing access and the scales on the current property. They propose to use same Conditions of Approval as the other conditional use permit. Mr. Lakey said the Comprehensive Plan and zoning ordinance support this application. This will allow Nampa Paving to continue to operate and provide employment. Nampa Paving provides jobs and critical resources for infrastructure and development in Canyon County. They are asking for a 15-year conditional use permit although the length of time is market dependent. Mr. Lakey said they are using the same conditions that they currently responsibly operate under. The area is mostly agricultural and gravel operations; there are few sporadic homes. He said agriculture and gravel are reasonably compatible; they have similar impacts and they have quality gravel here. Mr. Lakey showed the maps from the 2018 application and one from the current timeframe/view. He reviewed the maps showing the current operations and the uses on surrounding properties and he talked about the flood plain and working with Federal Emergency Management Agency. They plan on staying out of the floodway. Some of their property to the north is in the floodway and they are talking to FEMA to ask for their consideration of a map revision. He said they don't plan on going into the southern part of the property but if they did, that would require an amendment to the Conditional Use Permit and they would come before the Commission again. Mr. Lakey showed the site plan and access to the property under the current conditional use permit. He said the wide, paved road goes back into the property. Nampa Paving is a responsible operator and their access road goes above and beyond (requirements). The paved road goes back into the property and they also have paved approaches to the scales. Mr. Lakey said it is not viable farm ground from their perspective; a lot of it is pasture. They are not taking active farm ground out of production. He reviewed

the conditions of approval and said they reflect the adjacent operations and the operations in the general area. They are required to have a flood plain development permit from the county before they can proceed but current proposed operations are outside the floodway. The hours of operation will be 7 am to 7 pm, Monday through Saturday. There is an option for 24-hour operation as needed. Mr. Lakey said they do not have truck traffic that goes to the east; it turns to the west leaving the property. This is a good location and a responsible operator with a proven history and reputation in the area. Commissioner Nevill asked was the 4 years it took to get through the current conditional use permit, was that because of demand? Mr. Lakey replied, yes. We asked for a 20 year approval but because of the growth, infrastructure and construction needs in Canyon County it was used up that fast. They have an approved reclamation plan from the Department of Lands. Future plans for the site are for a residential amenity: lakes with nice homes. He pointed out a letter in their packet that said there haven't been any significant concerns over the past 4 years. Chairman Sturgill asked why the reclamation plan doesn't have information on the future residential plans? Mr. Lakey replied the Idaho Department of Lands is focused on the mining itself; what you are mining and bonding requirements. The applicant's reclamation plans involve sloping the sides, spreading out the overburden and planting the area around it.

Randy Wood – IN FAVOR – 11505 Bass Lane Caldwell ID 83605

Mr. Wood said Nampa Paving & Asphalt has been in business for 39 years. It is a family owned business and he employs about 100 people. It is important to have gravel to keep his employees working. He discussed the lack of opposition to the current gravel pit. He said he takes a lot of pride in trying to take care of people and tries to be a good neighbor. The farming in the southeast section is a feed lot with some row crops and row pasture grass. The north side is an area they refer to as "the jungle" which is river bottom stuff for grazing. In response to a question from Commissioner Williamson, he explained they have a year left on the old permit. The crusher will remain in the old hole until the new pit is created and then they will move it so he is not a nuisance to the neighbors. He said demand has been huge. He showed a map of the site and explained where the ponds and scales are and where they will start mining on the new property. Commission Sheets asked how long a time period did they run 24-hour operations? Mr. Wood said he doesn't believe they ever ran a 24-hour operation. Once they ran their operations on a Sunday to meet a deadline for a freeway contract so the employees could have Thanksgiving and the following Friday off. He reiterated he doesn't think they ever ran 24-hour operations. He said they don't like that kind of work: they would prefer working during the day.

Alan Mills – IN FAVOR – PO Box 206 Middleton ID 83644

Mr. Mills said he agrees with what has been said. These always have pros and cons. As a taxpayer, he always appreciates having materials in close proximity to the project. He spoke about the Idaho Transportation Department and how they are working on a 4 year project improving Midland and Highway 20/26. He said all projects are bid based on costs and where the material is and you can't haul gravel a long way at an efficient cost. Mr. Mills said this site is well located and has really good quality gravel which meets State standards. He said one thing that contributed to the acceleration of material use was Federal Emergency Management Agency (FEMA). A few years back they moved their maps so people began building up out of the flood plain. FEMA isn't pulling back and they have created this market. He said people build up to avoid having to purchase flood insurance. He has worked with Nampa Paving for 40 years; they are a quality organization. Commissioner Nevill asked if the future homes have to be built on pads? Mr. Mills said yes, if you don't want to pay flood insurance.

Frank Stutzman – IN FAVOR – 21250 Midland Blvd Caldwell ID 83605

Mr. Stutzman is surrounded on three sides by Nampa Paving's current operation. There is a lot of dust, noise and truck traffic. He said it sounds like he is opposed to it but far from it. Before he bought his place two years ago, he contacted Randy and talked to him about his plans. Mr. Stutzman said he has been

terrific to work with. Water trucks are run frequently to keep the dust down from operations. Operations end at 5:00 pm and they go home. It's quiet.

Roger Rosdahl – IN NEUTRAL – 20485 Madison Road Caldwell ID 83605

Mr. Rosdahl owns a 40-acre parcel on Lincoln Road surrounded on three sides by Nampa Paving. He said Randy is a great operator and a good person. He has not seen the irrigation plan for his 40 acres and both his irrigation heads come through Randy's properties. The head in the back is 3/8ths of a mile and will go through those ponds. Mr. Rosdahl wants it on the record that he is looking for answers. He is the farmer who runs Randy's farm with cattle, corn and hay. There are two checks at the Big Slough that he irrigates out of and he will need to maintain access. Randy has to come up with a plan to get him water. He said you couldn't have picked a better operator; he is great for that. He has always been fair and honest. Mr. Rosdahl said the farmland is somewhat marginal but is excellent cattle country. There have always been cattle on it and it can grow decent crops. He said as a farmer and rancher, there is a huge chokehold on us just to keep going. He is sure they are going to approve this application and that's fine. We need gravel, but where are you going to get your food? Cattle take space. Where are you going to get your farmers? The best farmers aren't able to keep up with costs. He said we have to protect the food supply. Commissioner Nevill pointed out Condition of Approval #4 which states he must preserve and maintain the irrigation rights which is the way the County is trying to protect his water rights. Mr. Rosdahl said Randy isn't going to steal his water, he just doesn't have a plan on how he is going to get it there yet. He just doesn't know where or how the water will be delivered. He believes he will come through, but there is no answer yet.

Richard Porter – IN OPPOSITION – 21578 Lansing Lane Middleton ID 83644

Mr. Porter didn't come to dispute this; he knows Mr. Mills and Mr. Lakey and they have spoken highly of Nampa Paving. He has 515 acres directly across the river from Nampa Paving. He has been offered tens of millions of dollars to build homes on his land and if there is a gravel pit with a rock crusher, he will lose a lot of value. His house is by other gravel pits. He has been listening the rock crushers and the beeping of the trucks for 23 years. They are a nuisance; he can't go out during the day and sit out on the patio. He doesn't think anything is going to change tonight but he was there first. Hopefully he will live many more years but a 16-year permit is the rest of his life. He put granite rock in the river so it doesn't wash out and so they could build homes. Nobody is going to buy that property across from a gravel pit. Mr. Porter said it's one man's gain and another man's loss. It's the narrow part of the river. He knows they are reputable but you can't stop the noise and dust. There has to be some consideration for people who have been living there for 20 years. He wanted to go on the record saying it's wrong. In response to Commissioner Williamson's question, he said there are no guarantees that it will stop sooner than the 20 years. He believes based on what the Chairman of the Fed said, interest rates will put the brakes on a lot of that stuff. He doesn't care what someone does on their own property but when it affects someone else's property, that's when he thinks someone needs to draw the line. Commissioner Nevill asked Mr. Porter to show his property on the map and the land he owns. Mr. Porter said he doesn't understand why we must dig up the river and ruin the habitat. Why don't we move away from the river; there is plenty of gravel elsewhere. The value of the land he owns on the river is already there but high end homes (after the gravel pit closes) wouldn't hurt it.

Janet Lantz – IN OPPOSITION – 8770 Lincoln Road Caldwell ID 83605

Ms. Lantz owns the property immediately to the east of Nampa Paving. Her land has been in her family since 1873. She hates to see all the beautiful river bottom ground being dug up for gravel pits. It was beautiful, pristine pasture and farm ground and it seems there should be some other place they could go to find the gravel. She knows Mr. Woods is a fine person and a good operator but she is worried about the value of the property.

Todd Lakey – Applicant (Representative) – REBUTTAL – 12905 Venezia Court Nampa ID 83651

Mr. Lakey said it is important to consider they are a quality operator. The people who live right next to Mr. Woods’ operations have talked about he is a quality operator. He read from a letter in support, marked as exhibit 5A; he has never seen a letter like this for his gravel pit clients. Mr. Lakey said this will be a wet gravel pit: Mr. Woods doesn’t operate a surface operation. There are very few residences in the area and there is significant barrier and buffer with the Boise River corridor. He showed that gravel pits and homes surround the area and they haven’t affected the value of potential housing development in the area. It is a good location; gravel pits have existed there historically and it is compatible with the agricultural operations. It has consistently supplied employment to people in Canyon County and provided a resource for that’s needed for infrastructure and development. Commissioner Williamson brought up Mr. Rosdahl’s testimony and the questions around the irrigation plan. Mr. Lakey said Mr. Woods hasn’t worked out the plan for irrigation yet but Randy will provide the water. It’s Mr. Rosdahl’s water. He showed on the map where and how the water might be delivered. He said they will make sure the water is delivered. In response to Commissioner Nevill’s question about how close to the main floodway they will be mining, Mr. Lakey said in the past, they did follow the floodway line but stayed out of the floodway. They plan on staying out of the floodway for this phase too. He said if they change their plan, they would have to come back and re-apply to mine in the floodway.

MOTION: Commissioner Williamson moved to close public testimony on Case CU2022-0033 seconded by Commissioner Sheets. Voice vote, motion carried.

DELIBERATION:

Commissioner Nevill said there are valid concerns raised by some of the testimony but in his mind, they have been answered by the conditions imposed and the safeguards to due process rights. If they change their plan, the Commission will have to hear it again. He is satisfied that all his concerns have been answered. Commissioner Sheets said the short term discussion is aggregate but the long term discussion is development which will be annexed into Middleton. In the short term, the plan is aggregate and he thinks the conditions temper the activities there but he wants everyone to understand the long term plan. Chairman Sturgill clarified that once approved, it will never be agriculture again. Commissioner Sheets agreed. Commissioner Amarel agreed that we need to support agriculture but they are in the rock business and they need to be where the rocks are. He is in favor of this application.

MOTION: Commissioner Nevill moved to approve Case CU2022-0033 including the Findings of Facts, Conclusions of Law and Conditions of Approval. Motion seconded by Commissioner Sheets. Roll call vote: 6 in favor 0 opposed, motion passed.

- **Case No. CU2022-0015/David & Jamie Wood - Riley Planning Services:** The applicant, Riley Planning Services, LLC representing David and Jamie Wood, is requesting a conditional use permit to allow a Special Event Facility use within an “A” (Agricultural) Zoning District. The use includes weddings, community events, vendor events, pumpkin patch, harvest related activities and other agricultural activities. The subject property is located at 18659 Houk Rd, Caldwell (Parcel R33499); also referenced as a portion of the SE ¼ NW ¼ of Section 24, Township 3N, Range 4W; BM; Canyon County, Idaho.

Planner Jenna Petroll reviewed the Staff report for the record including late exhibits.

Chairman Robert Sturgill entered the late exhibits into the record and affirmed the witnesses to testify.

Testimony:

Penelope Constantikes – Applicant (Representative) – IN FAVOR – PO Box 405 Boise ID 83701

Ms. Constantikes wanted to go through her information quickly to give the Woods as much time as possible to present their vision. She reminded the Commissioners that they have submitted an alternative Condition of Approval #9 for their consideration. The Woods are multi-generational Canyon County farm family. She said the application is for a conditional use permit; there is no land use change being proposed for the site. The Soil Conservation District was in error when they talked about a land use change; there is no zone change being proposed. Southwest District Health does not have any additional testing requirements. She said the Board of Control easement is incorporated into the site plan but the applicant will work closely with them if there are additional requirements. The letter of intent was written very early in the process, so the 350 guest count is the one they are basing their testimony and approval on. Ms. Constantikes said Canyon Highway District makes trip counts available online and they have less than 400 trips on Chicken Dinner Road and Malt. She said none of the roads are anywhere near their capacity for trip counts. They believe this use is compatible with the area and she provided some examples of other similar venues in the area. There are other venues available in the general area, but this venue is intended for people who want to be in an agricultural setting. It will take up a very small portion of the parcel and restated that no formal land use change is being proposed with their application. The service access for employees is close to the canal. She said they will work with the Highway District to make sure they have access for the guests at a location that meets the Highway District requirements. There is parking for 45 spaces next to the venue and their overflow parking is anticipated to be located at the southeast corner of the site. Ms. Constantikes said this supports Canyon County agritourism and it's being operated by an active farm family. They feel condition of approval #9 is unnecessarily restrictive in that it doesn't allow for a variety of events like bridal showers at night. Other than condition #9, they agree with the rest of the conditions of approval. They will have night sky protective lighting. Commissioner Williamson asked Planner Jenna Petroll about an alternative condition of approval #9. They discussed how to keep any visitors out of the canal. Ms. Constantikes' proposal was to install chain link fencing along the canal. Commissioner Sheets asked about the size of the event center, which Ms. Constantikes said will be 5500 square feet.

Jamie Wood – IN FAVOR – 18674 Houk Road Caldwell ID 83607

Ms. Wood thanked the planner and staff for all their work on this application; it has been a long process. She said Wood Farms has a long history of use and possession of the land. She said her husband and her son still farm some of the original ground that his great-grandfather farmed. They have been there for over 80 years and Wood Farms has adapted with the changes over time which has been done through hard physical work, sweat and sacrifice. For about 50 years they had a feed lot which created some additional income. In the 1980's, they were running about 1000-1600 head of cattle which was a lot of work. When the cattle market changed, they got out of the feed lot business and added some new seed crops and mint. The proposed venue is a new adaptation of their business into agritourism. Ms. Woods said anyone in agriculture will say you must continually adapt and look for new and creative ways to have an income source. She said it is getting more and more difficult to make a living, especially with a small family farm. They are excited about the opportunities this event center will bring. It will enable them to preserve the rest of their farm ground and have another income source. The farm has been a great gift to multiple generations and she couldn't have asked for a better location or way of life to raise her children.

MOTION: Commissioner Amarel motioned to grant 3 more minutes of testimony to Jamie Wood seconded by Commissioner Nevill. Voice vote, motion carried.

Ms. Woods continued: It will still be a working farm but now they will share a little piece of that lifestyle

with others. She addressed the changes they wanted in condition of approval #9; the hours and days of operation. It is an important piece to them because it will become the primary way to make an income for their family. She asked that condition of approval #9 be changed to 'Events shall begin no earlier than 8 am and shall end no later than 11 pm, Monday through Sunday and shall be by reservation only.' She did not foresee many events would be over 300 people: most weddings would be under 200. Their event center has the capacity to hold 350, but will also have smaller rooms for smaller groups and events. She listed all the other events they want to hold including some that are so small they could be held at a private residence. She said they don't anticipate having events every day but don't want to be limited. The business model that allows for various sizes of events will allow them to transition the family farm into an agritourism business. Commissioner Williamson asked if they planned on having events 12 months of the year as it wasn't stated in the conditions and she replied their hope is not to do too many events during Christmas and in January. She said they are okay with having amplified music off by 10 pm when using speakers outside. When Commissioner Williamson asked about kids near the canal and would she be willing to have a condition that states they must put up a barrier along the canal. Ms. Wood replied that is not a place people will be and it could get complicated with the Irrigation District. The venue will be a distance from the canal. She agreed with having the condition say, "Some sort of barrier". She was asked by Commissioner Williamson how a wedding venue is tied to agritourism? She said they plan on having a huge garden and doing a number of Farm to Table dinners. She wanted to be clear that they would be taking reservations and these would all be prearranged, pre-planned events. Commissioner Amarel asked to confirm what the square footage of the building was and said he thought it wasn't big enough for 350 people. Ms. Woods said the occupancy number came from the builder and was dictated by building code. Commissioner Villafana said that integrating agritourism and the garden into the event center would only take a few months of the year. How is this not just a building in the country for the other 8 months? Ms. Woods said they will have pictures and the history of the farm will be told in the event center. She said when you look at the view from the new event center to the east, there will be lots going on spring through the fall harvest in the fields next to them. Commissioner Sheets asked about additional conditions to restrict canal access; would she object to adding 'take reasonable measures to limit access to the canal'? Ms. Wood said she would not object to including that language. When asked by Commissioner Williamson about the site map and incorporating other adjacent parcels, she replied 'no', they wouldn't be including those other parcels. Commissioner Amarel asked if harvesting hay on the parcel next to the venue would be an issue, Ms. Wood said they will plan accordingly and those fields are far away.

Hailey Laub – IN FAVOR – 18748 Houk Road Caldwell ID 83607

Ms. Laub showed family photos from the site including the proposed building elevation and design. She said this will be a traditional farmhouse style that feels like it belongs on the land, designed to capture the view in all spaces and will have high end finishes and building materials. Within the event space, they plan on displaying art and informational pieces with the story and the history of the family and land. She said the goal is to evolve in order to preserve. This business is their next step. Using a picture of the building elevation, Ms. Laub explained the layout of the building, different room sizes and the one section that will have a second story. She also showed where the commercial kitchen will be. Catering will be done using this kitchen. Commissioner Nevill talked about Lake Lowell and providing information on the irrigation system in the area. In response to a question from Commissioner Nevill, Ms. Laub explained the change in placement of the building and how to protect the canal with fencing, stones and landscaping. Commissioner Williamson asked about farm equipment on the road, especially during planting and harvesting season. Ms. Laub said they plan on putting up road signage explaining what is happening during specific seasons and advising that there will be farm equipment in the area. They also own all the land around the venue and can plan accordingly.

Mike Mussell – IN FAVOR – 9747 Riverside Road Caldwell ID 83607

Mr. Mussell is their neighbor and owns 40 acres off Lewis Lane and Riverside. He is looking forward to this. He built a venue site for a lavender farm on the other side of the lake and it has been quite a success. Mr. Mussell spoke about other venues in the area and how well they work with the community with regards to making sure the equipment and events are controlled. He also discussed how to protect the canals from children. He owns an excavation company and they just put in the well. They have a fire protection plan with holding tanks.

Theresa Bradford – IN FAVOR – 28876 Crossfire Trail Caldwell ID 83607

Ms. Bradford said this will be a great addition to our county and will keep the agricultural feel of the county.

Nikki Van Lith – IN FAVOR – 18252 Chicken Dinner Road Caldwell ID 83607

Ms. Van Lith said the Wood family has farmed this land for decades and is proud to be Idahoans and preserving the land. She believes this venue will be under great care and responsibility by the family. They are living onsite and when you live onsite you take care of it in a way no one else would. People want to shop local and are very excited about being a part of this community. She believes this event facility would bring an even greater connection to the community.

Shawna Hines – IN FAVOR – 23113 Blessinger Road Star ID 83669

Ms. Hines is there in support of Wood Farms. She owns her own business doing hair and makeup for about 14 years. She has become aware that there is a need for more event centers in the area. She finds herself heading to McCall and Sun Valley to work weddings because of the lack of venues here. There are less venues in this area (Canyon County) and she feels there is a need for more venues that cater to weddings. She agrees there needs to be a change to condition of approval #9 because they need to be able to host events on more than just the weekends. 30% of her weddings in the past year have been on Wednesdays or Thursdays because there aren't enough venues in the area for weddings or of this size. Ms. Hines said a lot of wedding venues in the valley don't have space on site for her to provide her services so she is having to go to AirBnB's and then has to travel to the venue.

David Stattner – IN FAVOR – 19823 Apricot Lane Caldwell ID 83607

Mr. Stattner lives across the field on Sunny Slope and has lived in this area his entire adult life. He came to support the Woods. As a realtor, in the last 10 years, there has been a big influx of city people or from out of state who would enjoy getting out there and appreciating the countryside.

MOTION: Commissioner Sheets moved to close public testimony on Case CU2022-0033, seconded by Commissioner Nevill. Voice vote, motion carried.

DELIBERATION:

Commissioner Nevill suggested changing condition #9 to include 'amplified exterior music off by 10 pm', and add verbiage to condition #16 to say "reasonable measures will be taken to limit access to the canal"; adopting the split of condition #18 to #18 and #19 (included in the staff report). There was discussion about the wording "by reservation only" and it was decided they were comfortable leaving that wording in. Commissioner Nevill also wanted to add verbiage to finding #4 that acknowledged the Soil Conservation's concerns about changing the land use but recognizing that this use is not that much of a change.

MOTION: Commissioner Nevill moved to approve Case CU2022-0033 including the Findings of Facts, Conclusions of Law and revised Conditions of Approval. Motion seconded by Commissioner Amarel. Roll call vote: 6 in favor 0 opposed, motion passed.

APPROVAL OF MINUTES:

MOTION: Commissioner Nevill moved to approve the minutes from 10/6/2022, seconded by Commissioner Sheets. Voice vote, motion carried.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

Planning Official Dan Lister wanted to be sure Commissioner Nevill had the approval of his re-appointment to the Planning and Zoning Commission. He also asked that since there was a new finding on the last case, should it be brought back to the next hearing or would they be comfortable that staff could capture their intent and have the Chairman sign the FCO's. Chairman Sturgill said he wanted to be sure Chairman Nevill saw the new (added) finding to confirm it reflected what he wanted it to say. Planning Official Dan Lister also said he is writing an interpretation to help staff determine what cases can be heard by the Hearing Examiner and which cases should go to the full Planning and Zoning Commission. He listed the kinds of cases that would be heard by each body and there was discussion about what kind of criteria should be used to determine the path of each case. Chairman Sturgill requested the Planning Official send the criteria he had drawn up via email as they wanted to spend some time reviewing the proposal to make sure no applicant could 'game' the system. Mr. Lister also said that some applicants are bringing additional information to the Board of County Commissioners after the Planning and Zoning Commission hearing to try to reverse the decision made by the Planning and Zoning Board. Currently, this is causing extra hearings for the Board. Mr. Lister said they are going to start promoting the policy that if it is a material change from what the Planning and Zoning Commission has seen, it will be sent back to the Planning and Zoning Commission for another hearing. He said the proposal shouldn't change from the Planning and Zoning's review to the Board of County Commissioners' hearing. They are trying to close some of the loopholes. He said the whole idea is that they are supposed to provide a complete application and it appears the Board of County Commissioners will be supportive of that change.

ADJOURNMENT:

MOTION: Commissioner Williamson moved to adjourn, seconded by Commissioner Sheets. Voice vote motion carried. Hearing adjourned at 11:26 pm.

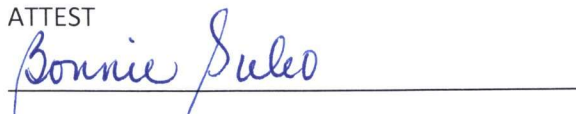
An audio recording is on file in the Development Services Departments' office.

Approved this 1st day of December, 2022



Robert Sturgill, Chairman

ATTEST



Bonnie Puleo, Recording Secretary



Planning and Zoning Commission
Nampa Paving and Asphalt Co. – CU2023-0008

Development Services Department

Findings of Fact, Conclusions of Law, Conditions of Approval, and Order

Nampa Paving and Asphalt Co. – CU2023-0008 (Amending CU2022-0033)

Findings of Fact

1. Nampa Paving & Asphalt Co., represented by Quadrant Consulting, Inc., is requesting a conditional use permit modification to Case No. CU2022-0033 regarding a long-term mineral extraction use on parcels R34061 & R34144. The request revises the approved site plan showing an increase in the footprint of the extraction area.
2. On October 21, 2022, a conditional use permit was approved with 13 conditions of approval for the following: *Use Permit to allow a long-term mineral extraction use on Parcels R34061 and R34144 (approximately 136.9 acres total) to include sand and gravel extraction, staging, and crushing. The proposed mineral extraction will expand an existing approved operation (CU2018-0015) and will be tied to the conditions of that approval requiring operations to cease by November 3, 2037. See Exhibits 4, 5 & 6 of the Staff Report.*
3. The parcels are zoned “A” (Agricultural). The Future Land Use Map within the 2030 Canyon County Comprehensive Plan designates the parcels as “Agriculture”.
4. The subject properties are located within Caldwell’s Area of City Impact.
5. The subject properties are located within Canyon Highway District No. 4, Caldwell Rural Fire District, Vallivue School District, and Franklin Ditch Company jurisdiction.
6. A neighborhood meeting was conducted in accordance with CCZO §07-01-15 on May 2, 2023.
7. Notifications were made in accordance with CCZO §07-05-01. Affected agencies were noticed on October 3, 2023, and November 15, 2023. JEPA notice sent October 3, 2023, per CCCO Section 09-01-17(3). A newspaper notice was published on November 24, 2023. Property owners within 600’ were notified by mail on November 15, 2023. The property was posted on December 1, 2023.
8. The record includes all testimony, staff reports, exhibits, and documents in the Case File. CU2023-0008.

Conclusions of Law

For case file CU2023-0008 amending CU2022-0033, the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for Conditional Use Permit (§07-07-05).

1. Is the proposed use permitted in the zone by conditional use permit?

Conclusion: The subject property is zoned “A” (Agricultural). Long-term mineral extraction and associated uses are allowed by conditional use permit (CUP) in the agricultural zone (CCZO §07-10-27).

Finding: Canyon County Zoning Ordinance, §07-10-27 allows the proposed use as a conditional use permit in accordance with Use Standards §07-14-19 Mineral Extraction Long Term in the “A” (Agricultural) zone. The subject property is zoned “A” (Agricultural; Page 50 of Exhibit 5, Staff Report).

2. What is the nature of the request?

The approval of CU2022-0033 allowed Nampa Paving and Asphalt Co to establish a long-term mineral extraction permit with mining, excavation, staging, access, and stockpiling to occur on approximately 52 acres of approximately 114-acre subject properties (Exhibit 4 & 5, Staff Report). The proposed modification expands the gravel extraction from 52 acres to 74 acres (Attachment A). The applicant is

proposing the following:

- **Site Facilities:** Site facilities would include a parking area and fuel storage. An existing scale from the adjacent operation will be utilized for the use.
- **Duration:** Not to exceed 15 years (November 3, 2037, CU2022-0033 – Exhibit 4 of the Staff Report).
- **Employees:** Up to 15 employees during peak operations.
- **Hours of Operation:**

<i>Normal Operations</i>	7 a.m. to 7 p.m. Monday through Saturday
<i>Temporary Operations</i>	24 hour per day seven days per week operations as required by projects that require nighttime delivery of materials.
<i>Crushing Operations</i>	Restricted to between 7 a.m. through 7 p.m.

- **Access and Hauling:** Lincoln Road will be utilized for access with internal roadways serving the site. The access was approved for the operation of the adjacent site (CU2018-0015 & CU2022-0033).
- **Dust Control:** Regular watering is proposed to minimize dust on haul roads. Due to the high-water table, the material being removed will be wet.
- **Reclamation Plan:** A reclamation plan was approved by the Idaho Department of Lands on June 20, 2023 (Attachment B).
- **Floodplain:** Per Exhibit 3a, mineral extraction expansion activities are depicted in the master application site plan as, Pit 1 and Pit 2. FEMA-approved CLOMR Case No. 23-10-0172X, and Conditional LOMR Case No. 22-10-0727R (Exhibit 2e, Staff Report), indicate Pit 1 and Pit 2, are located outside of the SFHA floodway. County floodplain development permits shall be issued before Pit 1 and Pit 2 extraction commencement. Upon completion of mineral extraction activities and reclamation, an approved Letter of Map Revision (LOMR) shall be provided to Canyon County Development Services. Mineral extraction activities shall take place outside the SFHA floodway boundary.

The proposed wetland mitigation/restoration plan is located within the SFHA floodway boundary. Application has been made and is under review with the Corps of Engineers (USACE), and the Idaho Department of Water Resources (IDWR, Exhibit 2f, Staff Report). The proposed No-rise Certification for the floodway encroachment meets Federal and County floodplain regulations. CCO 07-10A-11(4)(A)(1) 44CFR 60.3(d)(3).

The No-rise Certification, hydrology data, and floodplain development permit application for the wetland mitigation shall be provided to the Canyon County Floodplain Manager before the floodway encroachment. All required outside agency approvals shall also be included with the floodplain development permit application. CCCO 07-10A-09(1)(G) & 44CFR 60.3(a)(2). *See Amended Conditions of Approval 8 & 9*

3. Is the proposed use consistent with the Comprehensive Plan?

Conclusion: The proposed use is consistent with the 2030 Canyon County Comprehensive Plan.

Finding: The Future Land Use designation for the area is Agricultural. The proposed use is consistent with multiple goals and policies of the Comprehensive Plan including but not limited to:

- *G3.05.00: Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.*
- *G4.03.00: Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning.*
 - *P4.03.03: Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility.*
- *G5.03.00: Support the conservation of productive mineral lands and discourage incompatible uses upon or adjacent to these lands.*
- *P5.03.01: Sand and gravel mining operations should be located to avoid adverse impacts to the river channel and promote compatibility with adjacent uses.*

4. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?

Conclusion: As conditioned, the proposed use will not change the essential character of the area. The primary land uses in the area is mineral extraction and agricultural crop production. Noise, dust, and traffic are associated with mining operations and can have a negative impact on properties in the immediate vicinity but will not change the character of the area.

Finding: The subject parcels and surrounding area are zoned “A” (Agricultural). The majority of land in the immediate area is used as agricultural land, mineral extraction, and sporadic homesites. The use is consistent with the essential character of the area. Nampa Paving and Asphalt Co. and/or any future operator must meet all federal, state, and local permitting requirements for the proposed uses on the property including mineral extraction and crushing operations. (Condition 1, 10, and 12)

5. Will adequate water, sewer, irrigation, drainage, and storm water drainage facilities, and utility systems be provided to accommodate the use?

Conclusion: Adequate facilities for sewer, irrigation, drainage, and stormwater drainage facilities, and utility systems will be required at the time of development. Applicant shall comply with all federal, state and local jurisdiction rules, regulations and permitting requirements and the applicant shall not disrupt the irrigation structures, canals, ditches on the property and shall not affect the upstream and downstream users of those systems as conditioned herein.

Finding: There are irrigation structures and ditches that are located on the subject properties and these structures shall remain undisturbed by the mining operations. Modifications of any irrigation structures, ditches, drainages shall be in accordance with irrigation district permitting requirements and without disruption to water users. The applicant shall comply with all federal, state and local permitting requirements with regards to human generated waste, dewatering, and mitigation of environmental contamination. (Condition 1, 5, and 11).

6. Does legal access to the subject property for the development exist or will it exist at the time of development?

Conclusion: Legal access to the subject properties currently exists.

Finding: Lincoln Road will be utilized for access with internal roadways serving the site. The access was approved for the operation of the adjacent site (CU2018-0015). The operator shall comply with Canyon Highway District No. 4 requirements (Condition 1).

7. Will there be undue interference with existing or future traffic patterns?

Conclusion: No evidence has been provided that the mining of the subject properties will create undue interference with existing or future traffic patterns.

Finding: The proposed haul route is Lincoln Road. Nampa Paving and Asphalt shall comply with the requirements of Canyon Highway District 4 (Conditions 1 and 13). Idaho Transportation Department (ITD) finds the expansion of the pit will not increase trips; and therefore, will not trigger a Traffic Impact Study (TIS). Therefore, ITD has no concerns (Exhibit 3b, Staff Report).

8. Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?

Conclusion: Essential Services are available in the area and the proposed use will not impact existing services.

Finding: Agencies were notified of the intended use. No comments were received indicating that services would not be provided or negatively impacted by this application.

Additional Standards Canyon County Code §09-01-21 (Area of City Impact Agreement)

Conclusion: Notice of the public hearing was provided per CCZO §07-05-01. The property is located within the Caldwell Area of City Impact. A notice was sent to the City of October 3, 2023 per Canyon County Code Section 09-01-21.

Finding: The subject property is located in the Caldwell Area of City Impact.

Section 09-01-21 of the Ordinance states: *All proposed amendments to the text and/or map of the Canyon County zoning ordinance or subdivision regulations, which may relate to the Caldwell area of city impact, shall be referred by the county to the city of Caldwell in the same manner as provided for in subsection 09-01-17(3) of this article. Any recommendation of the city of Caldwell shall be considered in the same manner as provided for in subsection 09-01-17(3) of this article.* Comment letter from the City of Caldwell received and reviewed as part of CU2022-0033 designated the properties as “Residential Estates” in the City’s future land use map. Due to the parcels being located in a floodplain and adjacent to similar uses, the City did not oppose to the request (Page 57 of Exhibit 5, Staff Report).

Pursuant to Section 09-01-17(3) of the Ordinance, notice shall be provided to the City of Caldwell at least 30 days prior to the first public hearing. An official notice was provided on October 3, 2023. A hearing notice was provided on November 15, 2023. No comments were received from the City of Caldwell regarding the requested modification.

Additional Standards §07-14-19 Mineral Extraction Long Term

When deciding for a conditional use permit for the use, the decision-making body shall consider the following:

1. The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses;

Conclusion: The use is compatible with the surrounding properties.

Finding: The primary use of the surrounding properties is mineral extraction and agricultural production. The property is currently approved for mineral extraction (CU2022-0033; Exhibit 4, Staff Report). Four approved mineral extraction sites are located in the immediate vicinity of the subject parcels: Canyon Highway District No. 4 (R34069-010, CU2002-1), Idaho Materials/Oldcastle MMG Inc. (R3467010 & R34071, CU2003-284), Sunroc Corporation (R34067, PH2016-66), and Nampa Paving and Asphalt (R34063010, R34063010A, R34063011, R34062011, R34164011, CU2018-0015).

2. Duration of the proposed use;

Conclusion: The proposed duration of the operation is no more than 15 years (November 3, 2037) as approved via CU2022-0033 (Exhibit 4, Staff Report).

Finding: According to CCZO 07-07-23: Provisions for Land Use Time Limitations; “gravel pits are exempt from commencement and time completion requirements. The presiding party has the discretionary power to establish commencement and completion requirements as specific conditions of approval for gravel pits.” The applicant is requesting a permit to operate for a duration of fifteen years on the subject properties. (Condition 6)

3. Setbacks from surrounding uses;

Conclusion: The applicant shall comply with CCZO §07-14-19 standards. A greater setback has been applied as proposed by the applicant and conditioned.

Finding: A 50-foot undisturbed perimeter along the external property boundaries other than a permitted approach to public roads. A minimum 50-foot undisturbed buffer along both sides of Fifteen Mile Creek. All ditches, canals, laterals, and rights of ways shall not be disturbed, re-routed, or changed without proper permitting and agreements with the appropriate irrigation company/associations. Franklin Ditch Company is an affected entity. (Condition 4 and 5)

4. Reclamation plan as approved by Idaho Department of Lands;

Conclusion: An updated reclamation plan was approved as S602993 dated June 20, 2023.

Finding: The applicant has submitted an updated reclamation plan approved by the Idaho Department of Lands (Attachment B). A condition of approval has been applied to ensure all conditions required by the Idaho Department of Lands are met (Condition 7).

5. The locations of all proposed pits and any accessory uses;

Conclusion: The applicant has provided a site plan showing the location of proposed pits and operations (Attachment A).

Finding: The applicant has provided an updated site plan showing the location of proposed pits and operations. No mining or construction of mitigation measures in the floodplain special flood hazard area and no mining, stockpiling, or construction shall occur in the regulated floodplain without first obtaining a DSD Floodplain Development permit and completing required studies in accordance with federal regulations and Canyon

County Code. (Condition 1, 2, 5, and 9). Future proposed pit and accessory uses not included in the site plan will require a modification to the conditional use permit.

6. Recommendation from applicable government agencies

- The Department of Lands approved the Reclamation Plan on June 20, 2023, with the required conditions (Condition 7 & Attachment B).

Conditions of Approval

Nampa Paving and Asphalt Co. Long Term Mineral Extraction - Parcels R34061 and R34144

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use. (Unchanged from CU2022-0033).
2. The operator shall be in substantial conformance with the proposed site plan and mining area extents attached hereto as Attachment A; the intended expansion of the operation shall require a modification to this conditional use permit. The operation permitted is for mineral extraction and processing which includes mining activities comprised of excavations, staging, access, and stockpile areas with gravel resources processed onsite. There will be employee and mining equipment parking and fuel storage located on the site. A scale on the adjacent operation will be utilized. (Unchanged from CU2022-0033).
3. The operator shall maintain a minimum 50-foot undisturbed perimeter along the external property boundaries other than the permitted approach to public roads. There shall be a minimum 50-foot undisturbed buffer along both sides of Fifteen Mile Creek. (Unchanged from CU2022-0033).
4. Development shall not impede, disrupt, or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way. Any alteration of irrigation structures located on the properties shall be conducted with written approval from Franklin Ditch Company. The alterations shall not impede or affect water delivery to adjacent properties/water users. (Unchanged from CU2022-0033).
5. Water: surface and groundwater, shall be discharged in accordance with state, federal, and local standards and/or regulations. (Unchanged from CU2022-0033).
6. The duration of the proposed operation on the subject properties shall be 15 years (November 3, 2037). The properties shall be operated as conditioned. (Unchanged from CU2022-0033).
7. The properties shall be mined as conditioned and reclaimed in accordance with reclamation plan S602993 (or as amended) attached hereto as Attachment B and in accord with federal and county special flood hazard regulations for floodplain and floodway encroachment. (Unchanged from CU2022-0033).
8. A No-rise Certification, hydrology data, and a floodplain development permit application for the wetland mitigation shall be provided to the Canyon County Floodplain Manager prior to the floodway encroachment. All required outside agency approvals shall also be included with the floodplain development permit application. If No-rise Certification cannot be achieved, an approved CLOMR and Conditional LOMR shall be submitted to the County Floodplain Manager prior to the commencement of the wetland restoration portion of this project (Exhibit 5a, Staff Report).
9. Operator shall comply with floodplain and floodway regulations in effect at the time of completion (on or before November 3, 2037) of the mineral extraction operations on the approximate 137-acre subject properties. Upon completion of mineral extraction activities and reclamation, an approved Letter of Map Revision (LOMR) shall be provided to Canyon County

Development Services. Mineral extraction activities shall take place outside the SFHA floodway boundary (Exhibit 5a, Staff Report).

- a. Chain-link or net fencing shall be placed along the northern boundary of Pit 1 and Pit 2 to prevent extraction encroachment into the floodway (Exhibit 5a, Staff Report).
- 10. Normal business hours of operation shall be Monday through Saturday 7:00 a.m. to 7:00 p.m. Temporary 24 hours per day seven days per week operations may be conducted as required by projects mandating nighttime delivery of materials. No crushing of materials shall occur after 7:00 p.m. or prior to 7:00 a.m. The duration of 24-hour operations should be temporary. (Unchanged from CU2022-0033).
- 11. The storage of diesel fuel, petroleum products, and any other hazardous materials must meet the standards set forth by the applicable agencies. (Unchanged from CU2022-0033).
- 12. Noise emissions shall follow the regulations and standards of OSHA and MSHA. (Unchanged from CU2022-0033).
- 13. Commercial truck traffic shall not travel eastbound on Lincoln Road from the property access point on Lincoln Road. (Unchanged from CU2022-0033).

Order

Based upon the Findings of Fact and Conclusions of Law, and Conditions of Approval contained herein, the Planning and Zoning Commission **approves** Case CU2022-0008, amending the approval (CU2022-0033) of a conditional use permit for long-term mineral extraction on parcels R34061 and R34144.

APPROVED this _____ day of _____, 2024.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

Rob Sturgill, Chairman

State of Idaho)

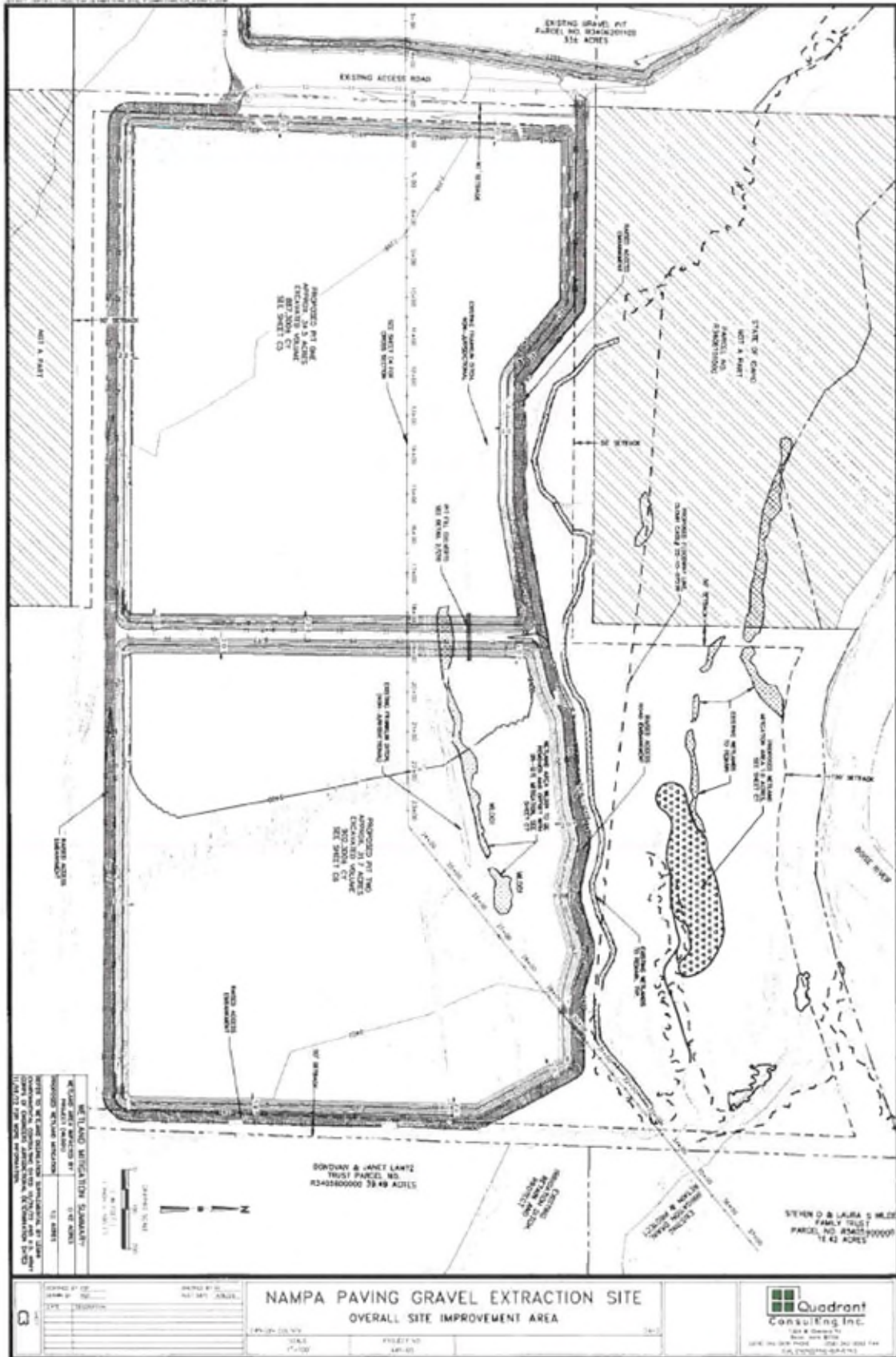
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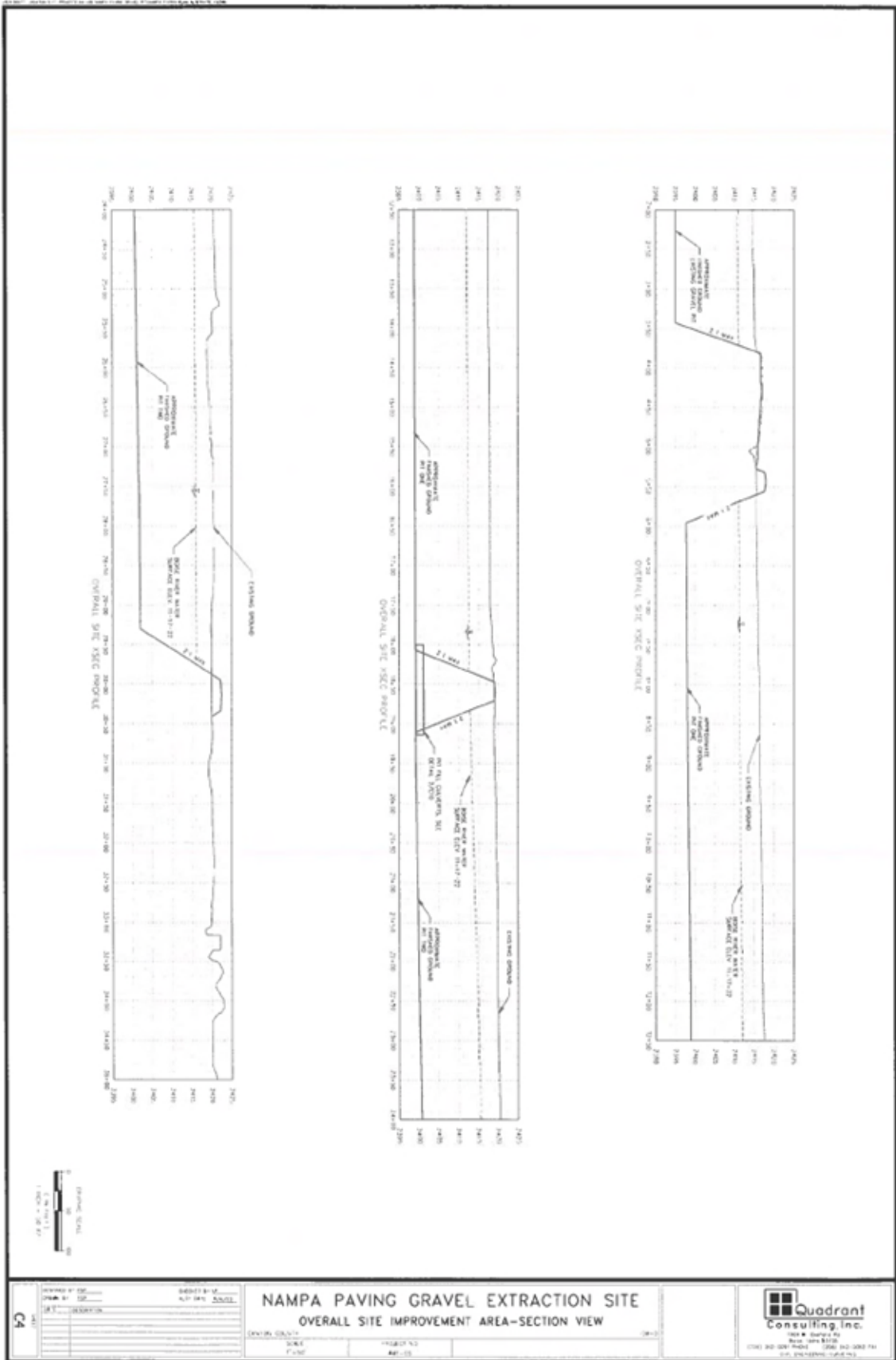
County of Canyon County)

On this day of _____, in the year 2024, before me _____, a notary public, personally appeared _____, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

Notary: _____

My Commission Expires: _____

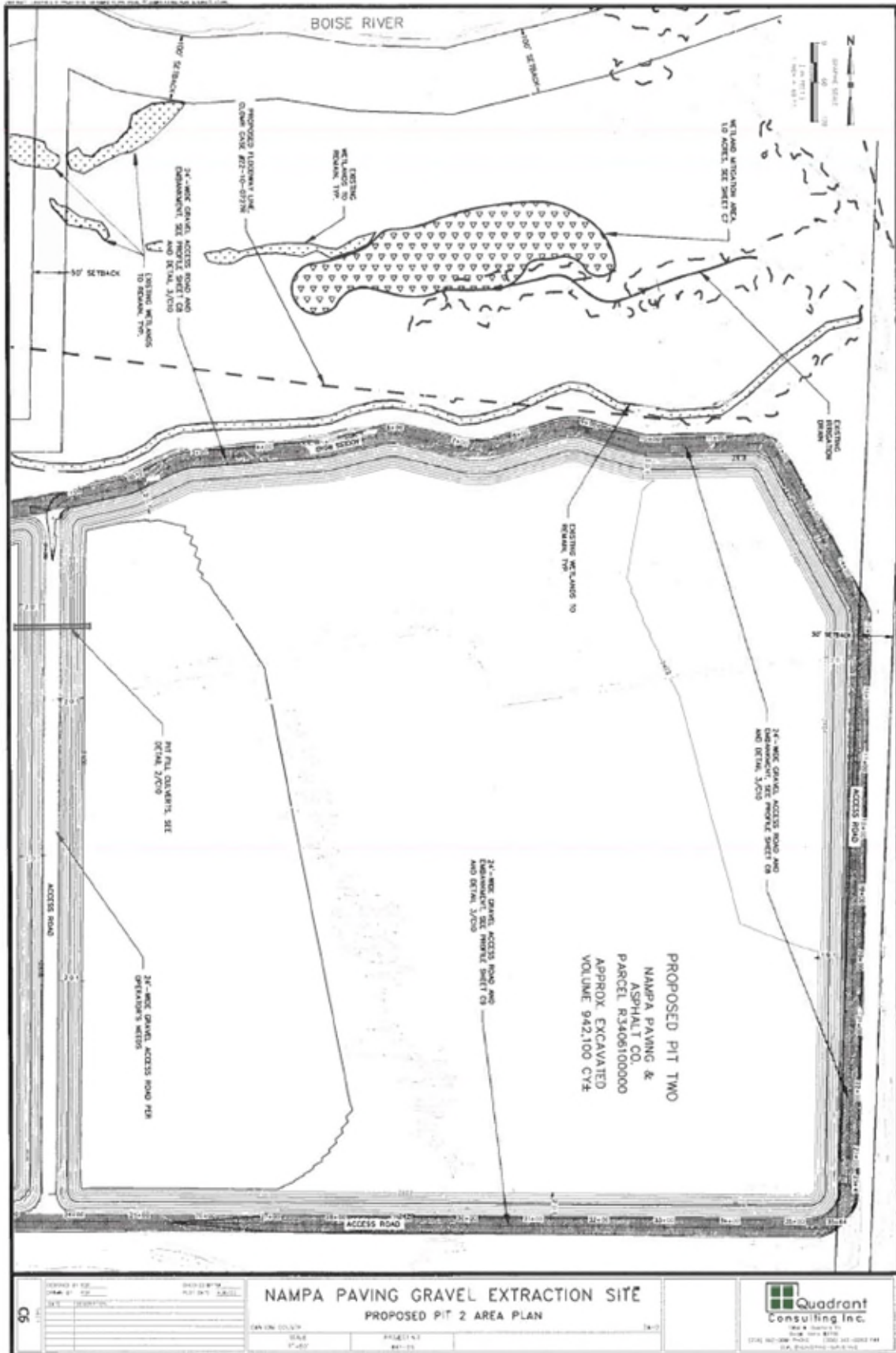


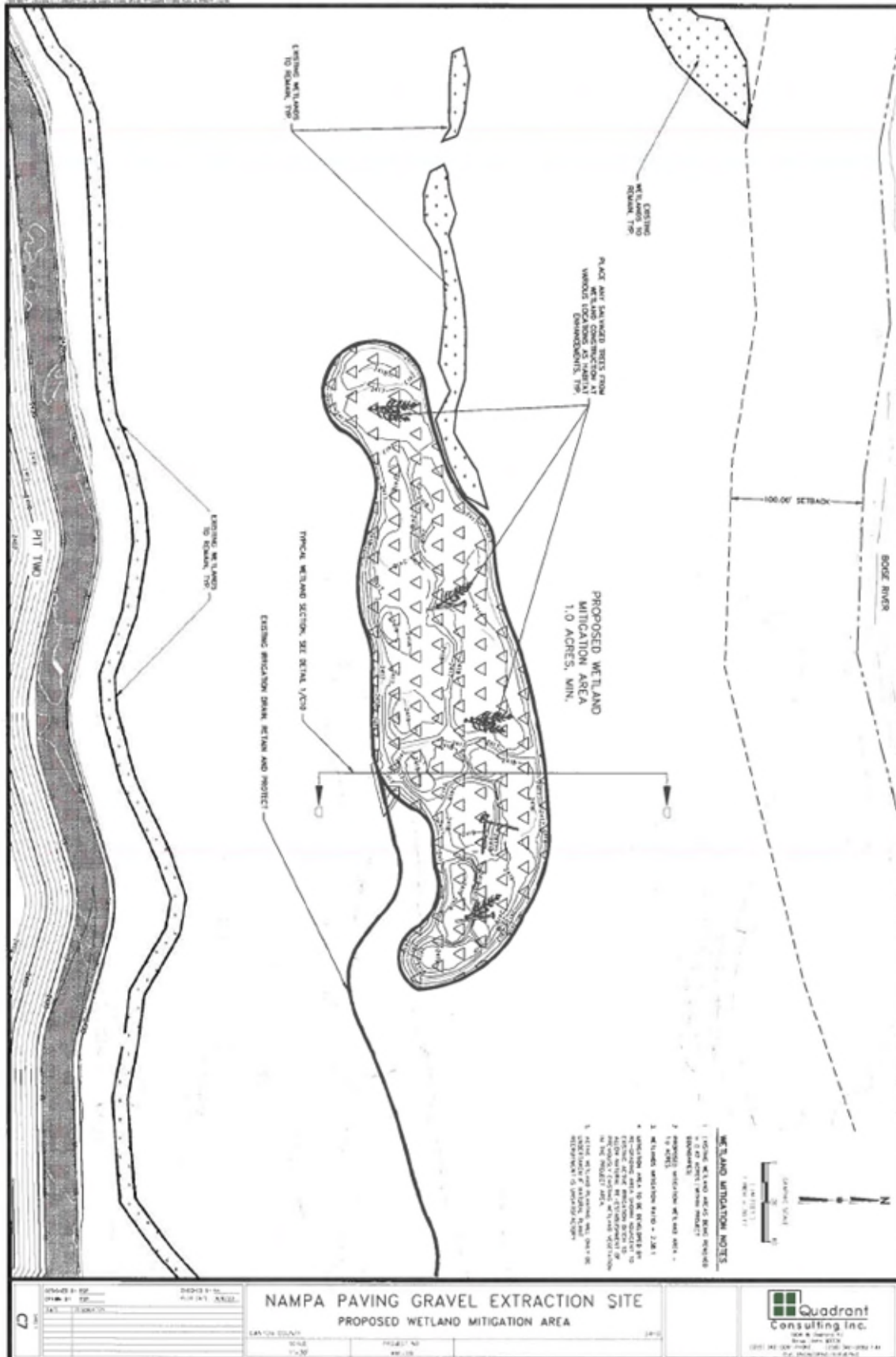


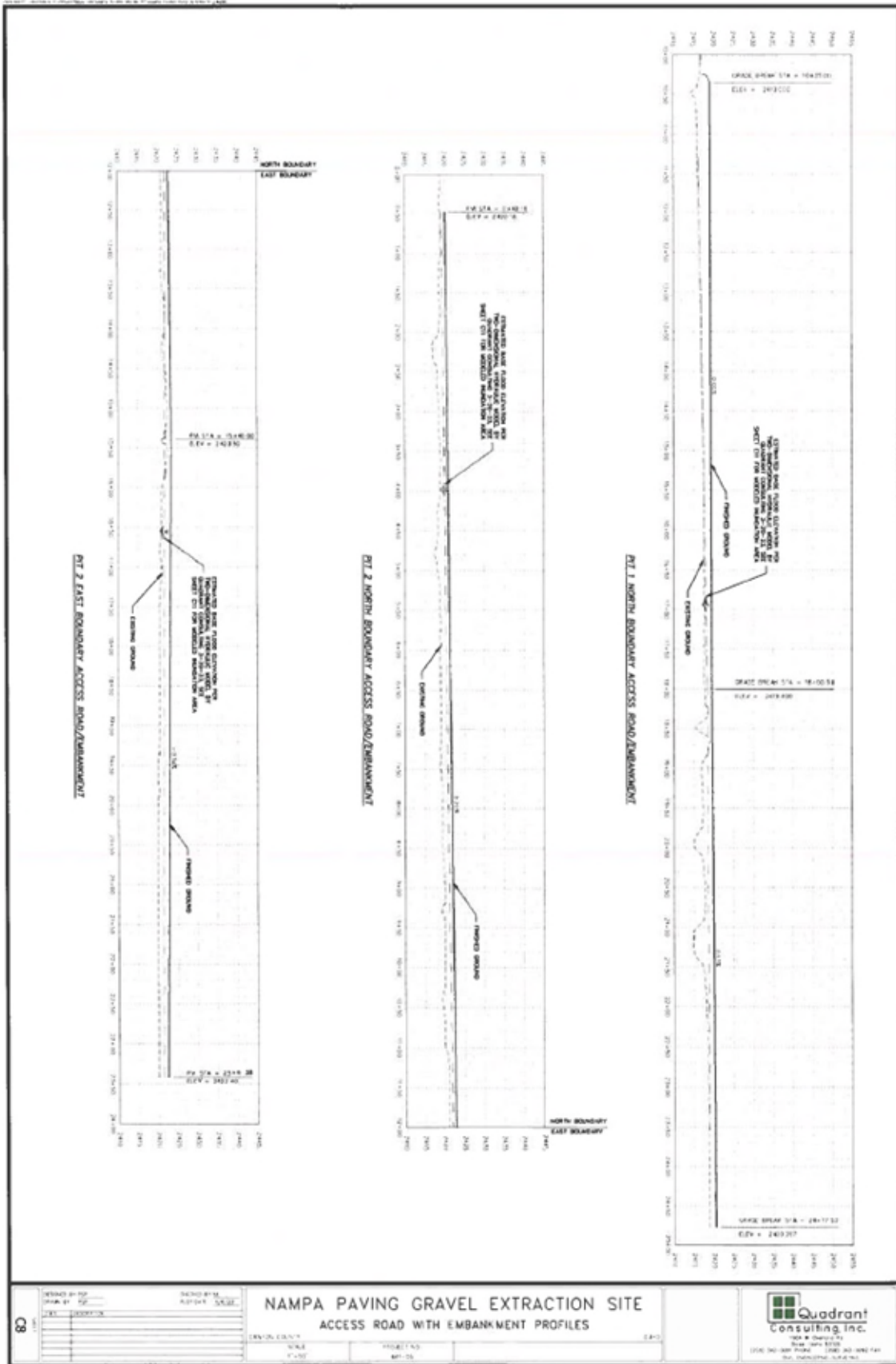
C4	DATE: 08/11/2023	PROJECT: N-12
	SCALE: 1" = 20'	PROJECT NO: 847-113

NAMPA PAVING GRAVEL EXTRACTION SITE
OVERALL SITE IMPROVEMENT AREA-SECTION VIEW

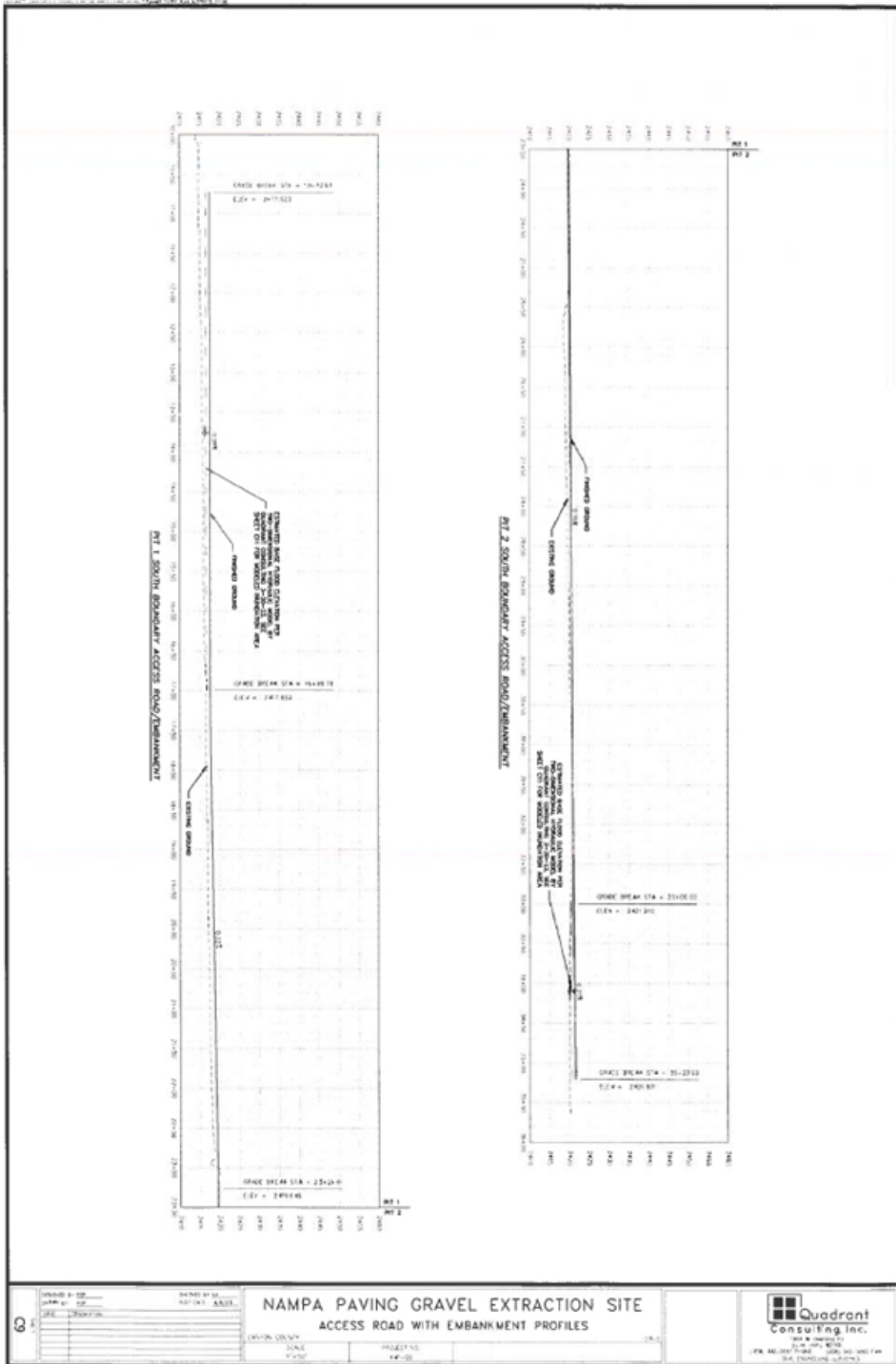

 1000 N. 10th Street
 Suite 1000
 Denver, CO 80202
 (303) 733-1111 (303) 733-1112 (303) 733-1113
 WWW.QUADRANTCONSULTING.COM

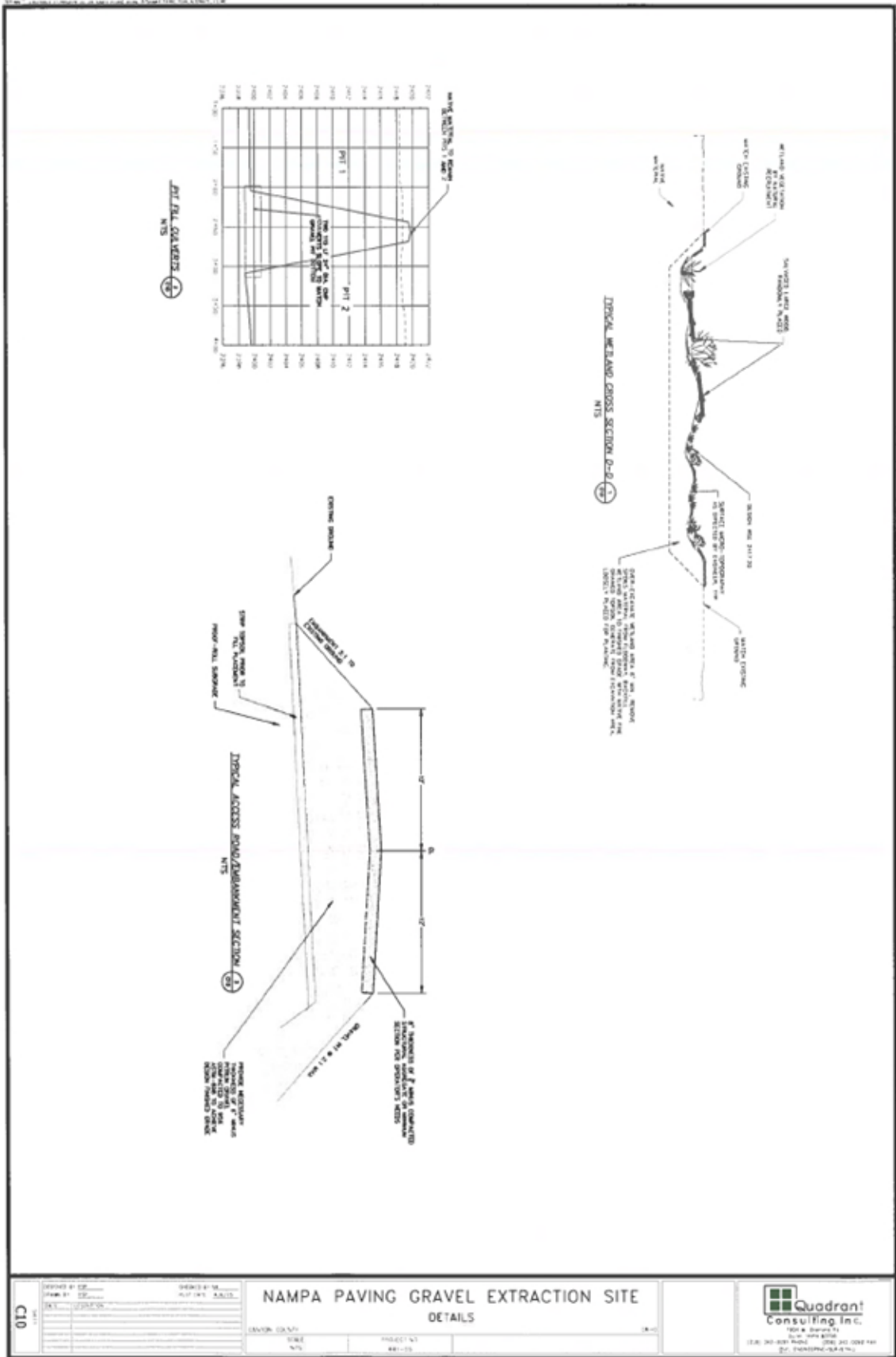






80 REVISIONS NO. DATE BY 1 10/15/2023 JKL	DRAWN BY: JKL CHECKED BY: MNO	NAMPA PAVING GRAVEL EXTRACTION SITE ACCESS ROAD WITH EMBANKMENT PROFILES	SHEET NO. 2-3 OF 2
	DESIGN COUNTY: IDAHO SCALE: 1"=10' PROJECT NO.: 2023-008		
QUADRANT CONSULTING INC. 1000 N. GARDEN ST. BOISE, IDAHO 83725 TEL: 208.333.7777 WWW.QUADRANTCONSULTING.COM		QUADRANT CONSULTING INC.	





ATTACHMENT B

SOUTHWEST SUPERVISORY AREA

8355 West State Street
Boise ID 83714-6071
Phone (208) 334-3488
Fax (208) 853-6372



STATE BOARD OF LAND COMMISSIONERS

Brad Little, Governor
Phil McGrane, Secretary of State
Raúl R. Labrador, Attorney General
Brandon D. Woolf, State Controller
Debbie Critchfield, Sup't of Public Instruction

June 20th, 2023

Nampa Paving and Asphalt Company
444 W. Karcher Rd
Nampa, ID 83687

To whom it may concern,

This correspondence is notification that the following reclamation plan was approved on 5/8/2023:

PLAN NO.	ACRES	COUNTY	LEGAL DESCRIPTION
S602993	114.72	Canyon	T04N R02W Section 16

The plan was granted approval subject to the following terms and conditions:

1. All refuse, chemical and petroleum products and equipment shall be stored and maintained in a designated location, 100 feet away from any surface water and disposed of in such a manner as to prevent their entry into a waterway.
2. State water quality standards will be maintained at all times during the life of the operation. Should a violation of water quality standards occur, mining operations will cease immediately, corrective action will be taken, and the Department of Environmental Quality will be notified.
3. Erosion and non-point source pollution shall be minimized by careful design of the site access and implementing Best Management Practices, which may include, but are not limited to:
 - a. Diverting all surface water flows around the mining operation.
 - b. Removing and stockpiling vegetation and slash, except merchantable timber, for use in erosion control and reclamation;
 - c. Removing and stockpiling all topsoil or suitable plant growth material for use in reclamation.
4. **An initial reclamation bond in the amount of \$83,648.21 for up to 30 acres of disturbance will be submitted to and maintained with the Idaho Department of Lands prior to conducting surface mining operations.**

5. If the reclamation plan is not bonded within 18 months of approval, or if no operations are conducted within three years, the department may withdraw this plan. This shall not prevent the operator from re-applying for reclamation plan approval.

6. Acceptance of this permit does not preclude the operator from obtaining other necessary permits and approvals from state and federal authorities, i.e. Storm Water Pollution Prevention Plan (SWPPP), waste water generation and/or air quality permits, consultation with the National Oceanic and Atmospheric Administration Fisheries, U.S. Army Corps of Engineers 404 Permit and Stream Channel Alteration Permits for each production process.

8. At the beginning of each calendar year the operator or plan holder shall notify the director of any increase in the acreage of affected lands which will result from the planned surface mining activity within the next twelve (12) months. A correlative increase in the bond will be required for an increase in affected acreage.

Please note -- pursuant to Idaho Code section 47-1512(a), operations cannot commence until the bond established in Stipulation No. 4 is submitted to this department. Failure to submit payment before mining commences may subject you to legal action by the state pursuant to Idaho Code section 47-1513(d), which may include issuance of an order by the district court to temporarily restrain your mining operations without prior notice to you.

If the department does not receive a written notice of objection from you regarding these stipulations by July 11, 2023, the stipulations will be considered as accepted.

If you have any questions, you may contact me at the above address or telephone number.

Sincerely,



Connor MacMahon
Lands Resource Specialist—Minerals