



Planning and Zoning Commission
Canyon County Development Services Dept.
Conditional Use Permit: CU2023-0004

HEARING DATE: April 18, 2024

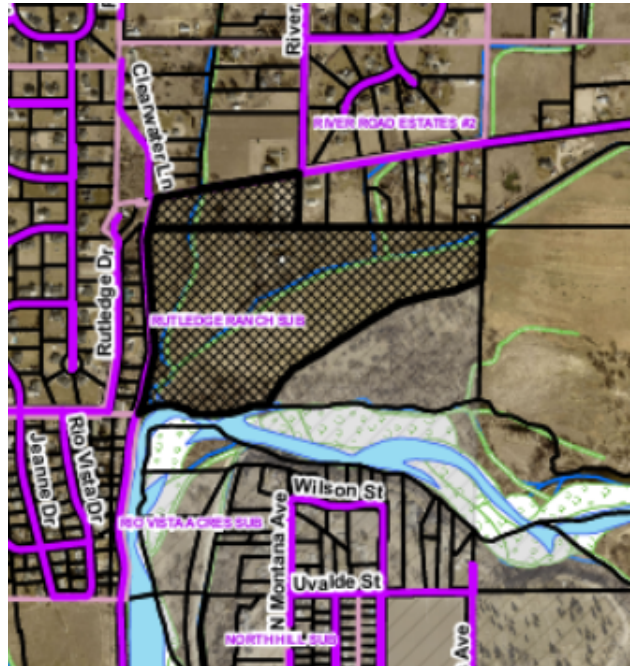
OWNER: Ag Equity Holdings, LLC

APPLICANT/REP: Jeff Bower/Kristen McNeill
Givens Pursley, LLP

PLANNER: Michelle Barron,
Principal Planner

CASE NUMBER: CU2023-0004

LOCATION: 14533 River Road
Parcel #: R34667011 & R34668



PROJECT DESCRIPTION:

- The applicant, Jeff Bower, representing Ag Equity Holdings, LLC, is requesting a Conditional Use Permit for long term mineral extraction, on parcels R34668 and R34667011, approximately 23.9 acres of the total 56.83 acres. The operator of the Mineral Extraction operation will be Premier, LLC.

PARCEL INFORMATION: Exhibit A (*Parcel Tool Info*)

Parcel R34667011 is 49.74 acres and Parcel R34668 is 7.09 acres. Both parcels are zoned Agricultural. The parcels are in the Middleton Area of City Impact, Canyon Highway District, Caldwell School District, Drain District #2, Middleton Fire District, and the Canyon Water District, and Middleton Mill Ditch Company.

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

- The applicant is seeking a conditional use permit for gravel extraction and processing, including crushing and screening, on the parcels for a period not to exceed 3 years (they propose 2.5 years once operations commence). (Exhibit C1 and C2)
- According to a supplemental statement (Exhibit C2), applicant proposes business operation (hauling) hours of Monday through Friday from 7 am to 5 pm. Crushing and gravel extraction operations are proposed to be Monday through Friday 7 am to 7 pm.
- On site crushing will be seasonal and is anticipated crushing will only occur 3-4 months out of the year. The crusher will be a mobile crusher that will be moved to the site of active excavation.
- Dust will be mitigated as necessary that includes spraying at the crusher, stockpiles and access roads as necessary.
- No blasting will occur on this site.
- Elevated berms are proposed to help mitigate noise.
- No mineral extraction or improvements will take place in the are of the property designated as floodway.
- To the extent water is removed from the ponds, it will first be pumped into temporary settling areas (outside the floodway) and then discharged into one of the two existing drains on the property. Applicant is working with the drainage district on this project.
- The applicant plans on retaining 2 ponds on site after reclamation to use as water features for a future residential development.

Existing Conditions:

- There is a home currently on parcel #R34667011 along with some out buildings. The home will be either removed, or demolished according to the applicant.
- There is a general-purpose building on parcel #R34668. It sits across the parcel boundary of R34667011. It appears that it could have previously been used as either a farm equipment and repair building or some type of business that was not permitted through the County.
- The parcels are zoned Agricultural and the Future Land Use is Rural Residential.
- The parcels are in the Middleton Area of City Impact. The designation in their Future Land Use Map is Residential Special Areas. (Exhibit D6)
- The parcels border the City of Caldwell to the south, even though the Area of City Impact doesn't encompass the subject parcels. (Exhibit D2)
- There are 38 subdivisions in the area to the North and to the West of this property in the County and to the South in the City of Caldwell. (Exhibit D11)
- There are some agricultural parcels to the East of the property. (Exhibit B, Attachment 2a)
- There is a City of Caldwell nature park across the river to the south. The City is planning on expanding and improving this park. (Exhibit E6)
- Parcel R34667011 is predominantly in the floodplain with a small part of the parcel in the floodway to the south. Parcel R34668 is partially in the floodplain. Mineral extraction activity is not proposed in the floodway. (Exhibit E11)
- The Canyon Soil Conservation District had no comments for this project. (Exhibit E3)

Surrounding Land Use Cases:

- Within the surrounding area there are thirty-eight approved subdivisions. Several of these subdivisions are older subdivisions that were approved by Conditional Use Permit.
- There are no Conditional Use Permits approved or active within one mile.
- There were 5 rezones and 2 subdivisions approved since 2018. (Exhibit D3)

Access and Traffic:

- The applicant states there will be approximately 40 trucks per day entering and exiting the site.
- Highway District No. 4 (Exhibit E2) states the parcels have access to River Road. A commercial approach permit from HD4 will be requires for a change of use of the property from agricultural to commercial. Expected to have the following requirements to be in place:
 - Construct a commercial approach onto River Road to serve the gravel mine operations.
 - Improve the pavement section of River Road from the access point to the River/Channel Rd intersection. Existing asphalt section on River Road is in very poor condition and will not support truck traffic. Improvements will require new aggregate base and plant mix pavement.
 - Restrictions on haul route to limit truck traffic to the use of River Rd east and north of the site only. No commercial truck traffic will be allowed on River Rd west of the access, or on Channel Rd.
 - Improvements to River Rd/SH 44 intersection as may be required by ITD.
 - Reserve property sufficient for future 40-foot right-of-way for River Rd during mining process.
 - Maintain drainage way for West Hartley Gulch drain such that no additional rise in flood elevation occurs at the River Rd crossing of the drainage.

- Per Highway District No. 4 Exhibit B, Attachment 3b, regarding trip generation, they state, 40 Commercial truck trips per day are anticipated from the site during the 3-year operations period. This is well below the threshold for requiring a Traffic Impact Study (TIS), and 80 additional trips per day (one in, one out per truck) will not significantly degrade the Level of Service of either River Rd or the River Rd/SH 44 intersection.
- Idaho Transportation Department has received information from the applicant regarding trip generation. They are still working on the analysis at this time. (Exhibit E14 and E15)

Facilities:

- The East Hartley Drain runs through this property. There is an existing crossing agreement per the applicant. Applicant has been working with Drain District #2 on any requirements. (Exhibit E9)
- The Canyon Water Company is working with the applicant and no changes to the current easement and delivery system of the CCW canal through this property is proposed. There will be no interruption or change to Canyon County Water flow, allow their water to continue to discharge at the end of the pipe. (Exhibit E4)
- The Idaho Department of Environmental Quality (DEQ) has several requirements that are listed in their letter dated May 25, 2023 of possible permits or applications that cover several situations. (Exhibit E8)
- A porta potty will be located at the site for the employees to utilize. There is an existing septic and well for the home.

Essential Services:

- The request is not found to create a negative impact on essential services, all essential services were noticed, and no comments were received regarding the application.

COMPREHENSIVE PLAN ALIGNMENT:

Chapter 1: Property Rights	
G1.01.00	Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.
P1.01.01	No person should be deprived of private property without due process of law.
Chapter 2: Population	
G1.02.00	Acknowledge the responsibilities of each property owner as a steward of the land, use their property wisely, maintain it in good condition, and preserve it for future generations without becoming a public nuisance.
G2.02.00	Promote housing, business, and service types needed to meet the demand of the future and existing population.
Chapter 3: Economic Development	
G3.01.00	Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.
P3.01.01	Direct business development to locations that can provide necessary services and infrastructure.

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.
Chapter 4: Land Use and Community Design	
P4.01.02	Planning, zoning, and land-use decisions should balance the community’s interests and protect private property rights.
P4.03.01	Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources.
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 some instances may require conditions of approval to promote compatibility.
P4.05.02	Consider development on poor soils (Class 4 or higher) that will not interfere with viable agricultural operations in the area.

The 2030 Comprehensive Plan Future Land Use Map designates the area as Rural Residential. (Exhibit D5) If rezoned to a Rural Residential zone in alignment with the future land use map, the proposed mineral extraction would not be a permitted use. The applicant plans to leave two (2) ponds on the property as part of the reclamation plan to incorporate into a residential subdivision at a later date.E10

Comprehensive Plan areas that may be *incompatible* are found in the Natural Resources and Hazards chapter:

Chapter 5: Natural Resources and Hazards	
G5.01.00	Protect, enhance, and steward natural resources.
P5.01.01	Protect and enhance waterways, groundwater, wetlands, wildlife habitat, air, soils, and other natural resources.
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.

POTENTIAL IMPACTS:

- Potential impacts of the request are noise, traffic, dust, potential impact to the adjacent waterways and wetlands, floodplain, and possible disruption of wildlife.

The applicant is proposing several mitigation measures to reduce the impact of these concerns. (Exhibit C1 and C2)

- Limited hours of operation: Business operation hours 7:00 am to 5:00 pm, Monday through Friday. Crushing and gravel extraction from 7:00 am to 7:00 pm, Monday through Friday.
- Intermittent processing, which means on-site processing will not be a daily occurrence. Processing will be done in batches to reduce the duration and frequency of processing. The crusher is mobile and will be located on the portion of the property where active excavation is

underway. The mobile crusher will be located at depth in the future ponds for additional sound mitigation.

- Dust will be mitigated through the use of Magnesium Chloride on all haul areas. Premier's processing equipment fully complies with the Idaho Department of Environmental Quality's Permit by Rule regulations and standards of performance, which regulates dust production.
- Noise will be mitigated through the use of elevated berms, limited operating hours, and modern excavation and processing equipment that uses white noise back up alarms. All of Premier's heavy equipment meets Tier 4 noise emission standards.
- The setbacks for the extraction operation will be significant from residences, with only 43% of the property and interior to the site as shown on the Site Plan. (Exhibit C3)
- The project is temporary in nature, 3 years or less.

COMMENTS:

- Agencies that responded were Army Corp of Engineers, Canyon Water Company, Canyon Highway District No. 4, Canyon Soil Conservation District, City of Caldwell, Idaho DEQ, Drain District #2, DSD Floodplain Administrator, Flood District #11, Idaho Department of Lands, and Idaho Transportation Department. (Exhibit E1-E15)
- Public: There were approximately 46 comments from the public. One was in support, the rest were in opposition due to traffic, noise, dust, water, wildlife and floodplain concerns. (Exhibit F1-F46)

RECOMMENDATION:

- Staff recommends the Planning and Zoning Commission open a public hearing and discuss the proposed Conditional Use Permit for a Long-Term Mineral Extraction.
- Staff is **recommending continuing the hearing to a date certain** to allow time for the staff, Commission and public to read, evaluate and comment on the additional studies that have been completed, but are considered late exhibits. Once the studies are received, they would be posted online and the public comment period opened to allow for comment on the additional application materials.

DECISION 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 on specific items

ATTACHMENTS/EXHIBITS:

Exhibit A: Parcel Tool Report

Exhibit B: Planning and Zoning Draft FCOs

Exhibit C: Submitted Application Materials

1. Letter of Intent
2. Supplemental information and questions answered
3. Site Plan
4. Land Use Worksheet
5. Initial Neighborhood Meeting Information
6. Second Neighborhood Meeting Information

Exhibit D: Maps

1. Aerial
2. Vicinity
3. Cases
4. Zoning
5. Canyon County Future Land Use
6. City of Middleton Future Land Use
7. Gravel Pits, Dairies, Feedlots
8. Soils
9. Prime Farm Land
10. Soils & Prime Farmland Report
11. Plats & Subs
12. Lot Report

Exhibit E: Agency Comments

1. Army Corp of Engineers
2. Canyon Highway District No. 4
3. Canyon Soil Conservation District
4. Canyon County Water Company
5. City of Caldwell dated 4/21/23
6. City of Caldwell dated 1/5/24
7. City of Caldwell dated 1/31/24
8. Department of Environmental Quality
9. Drain District No. 2
10. DSD Floodplain Manager 1/12/24 with floodplain map with site plan overlay
11. DSD Floodplain Manager 3/29/23
12. Flood District No. 11
13. Idaho Department of Lands – Reclamation plan application with approval
14. Idaho Transportation Department dated March 25, 2024
15. Idaho Transportation Department dated May 18, 2023

Exhibit F: Public Comments

1. Andrew Vincent
2. Bryan and Angella Stokke
3. Carin and Jim Olson
4. Carol Prentice
5. Carol Watkins

6. Craig Baltzer
7. Cressa Ferrer
8. Dan Bratlien
9. Danica Holladay
10. Daniel and Angela Clark
11. Doug and Jodi Miller
12. Duane and Sherilyn Tamura
13. Edward Swander
14. Emily Guernsey
15. Eric Prentice
16. Eva Lou and Boyd Diebel
17. Jake and Kim Grubbs
18. Jay Clark
19. Jessica and Collin Carter
20. John Snelling (support)
21. Kelly Mitchell
22. Lannie Hodges
23. Larry Elkins
24. Lila McGhee
25. Lon Saxton
26. Marcia and GW Morman
27. Michael Jensen
28. Michael Mitchell
29. Mike and Linda Saling
30. Mike Freemyers for Lannie Hodges
31. Mike Freemyers
32. Morrow & Fischer (Obendorf)
33. Renee Wardell
34. Ashley Ziem
35. Rio Vista Water Corp #3
36. Ronald L. Caudle
37. Ryan and TyAnn Mills
38. Sandee Vanderpool
39. Scott Jarrow
40. Sean and Melissa Hackett
41. Susan Cottrell
42. Timothy and Kimberly Vandeway
43. Tom and Jeanne Magan
44. Tony and Laverne Wieczorek
45. Trevor and Danica Holladay
46. Wesley and Renee Bettis

Exhibit G: Site Photos

R34667011 PARCEL INFORMATION REPORT

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PARCEL NUMBER: R34667011

OWNER NAME: AGEQUITY HOLDINGS LLC

CO-OWNER:

MAILING ADDRESS: PO BOX 265 GLENNS FERRY ID 83623

SITE ADDRESS: 14533 RIVER RD

TAX CODE: 0430000

TWP: 4N RNG: 3W SEC: 10 QUARTER: SW

ACRES: 49.74

HOME OWNERS EXEMPTION: No

AG-EXEMPT: Yes

DRAIN DISTRICT: DD2

ZONING DESCRIPTION: AG / AGRICULTURAL

HIGHWAY DISTRICT: CANYON HWY

FIRE DISTRICT: MIDDLETON FIRE

SCHOOL DISTRICT: CALDWELL SCHOOL

IMPACT AREA: MIDDLETON

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: MIDDLETON IRRIGATION ASSN INC \ CANYON COUNTY WATER CO LTD \ MIDDLETON MILL DITCH CO

FEMA FLOOD ZONE: X FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0233F

WETLAND: NOT In WETLAND

NITRATE PRIORITY: NO Nitrate Prio

FUNCTIONAL Classification: NOT In COLLECTOR

INSTRUMENT NO. : 2023008898

SCENIC BYWAY: NOT In Scenic Byway

LEGAL DESCRIPTION: 10-4N-3W SW A PORTION OF TX 22664 IN TCA 043-00 IN LTS 2 & 3 & IN NESW T77158

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.

R34668

PARCEL INFORMATION REPORT

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PARCEL NUMBER: R34668

OWNER NAME: AGEQUITY HOLDINGS LLC

CO-OWNER:

MAILING ADDRESS: PO BOX 265 GLENNS FERRY ID 83623

SITE ADDRESS: 0 BOISE RIVER RD

TAX CODE: 1990000

TWP: 4N RNG: 3W SEC: 10 QUARTER: NW

ACRES: 7.09

HOME OWNERS EXEMPTION: No

AG-EXEMPT: Yes

DRAIN DISTRICT: DD2

ZONING DESCRIPTION: AG / AGRICULTURAL

HIGHWAY DISTRICT: CANYON HWY

FIRE DISTRICT: MIDDLETON FIRE

SCHOOL DISTRICT: CALDWELL SCHOOL

IMPACT AREA: MIDDLETON

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: MIDDLETON IRRIGATION ASSN INC \ CANYON COUNTY WATER CO LTD \ MIDDLETON MILL DITCH CO

FEMA FLOOD ZONE: X FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0233F

WETLAND: Riverine

NITRATE PRIORITY: NO Nitrate Prio

FUNCTIONAL Classification: NOT In COLLECTOR

INSTRUMENT NO. : 2023008898

SCENIC BYWAY: NOT In Scenic Byway

LEGAL DESCRIPTION: 10-4N-3W NW A PORTION OF TX 22664 IN TCA 199-00 IN SWNW

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.
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PLANNING AND ZONING COMMISSION
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

AgEquity Holdings, LLC– CU2023-0004

The Canyon County Board of County Commissioners consider the following:

- Conditional Use Permit
For a long-term mineral extraction use within an “A” (Agricultural) Zoning District.

CU2023-0004, 14533 River Road, Caldwell. (Parcel Numbers: R34667011 and R34668), a portion of the NW¼ of Section 10, T4N, R3W, BM, Canyon County, Idaho

Parcel Size +/- 56 acres

Summary of the Record

1. The record is comprised of the following:
 - A. The record includes all testimony, the staff report, exhibits, and documents in CU2023-0004.
 - B. Findings of Fact, Conclusions of Law and Order signed by the Planning and Zoning Commission on April 18, 2024. (Exhibit B of the staff report)

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-07 (Conditional Use Permits), Canyon County Code §07-02-03 (Definitions), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Canyon County Code §07-14 (Use Standards), Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures), and Canyon County Code 09-11-25 (Area of City Impact Agreement).
 - a. Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509.
 - b. A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan. Idaho Code §67-6512.
 - c. Every use which requires the granting of a conditional use permit is declared to possess characteristics that require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance, or another detriment to persons or property in the vicinity. *See* CCZO §07-07-01.
 - d. Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those: (1) Minimizing adverse impact on other development; (2) Controlling the sequence and timing of development; (3) Controlling the duration of development; (4) Assuring that development is maintained properly; (5) Designating the exact location and nature of development;(6) Requiring the provision for on-site or off-site public facilities or services; (7) Requiring more restrictive standards than those generally required in an ordinance; (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision,

including school districts, providing services within the planning jurisdiction. *See* Idaho Code §67-6512, CCZO §07-07-17, and 07-07-19.

- e. Use Standards – Long Term Mineral Extraction: (1) If a condition use permit is required, the following standards shall apply: A. Setbacks: Front 30’, Side 30’, Rear 30’ and Corner 30’. 1. Front and corner setbacks shall be measured from the greatest of either the property line, right-of-way line, or road easement line of any local or private street. *See* CCZO §07-14-19.
- 2. The Board has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act (“LLUPA”) and can establish its own ordinances regarding land use. *See* I.C. §67-6504, §67-6512.
- 3. The Commission shall have those powers and perform those duties assigned by the board that is provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances CCZO §07-03-01 and §07-07-01.
- 4. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCZO §07-05-03.
- 5. There are no mandates in the Local Planning Act as to when conditional permits may or may not be granted, aside from non-compliance with the community master plan. I.C. § 67-6512. Chambers v. Kootenai Cnty. Bd. of Comm’rs, 125 Idaho 115, 117, 867 P.2d 989, 991 (1994).
- 6. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.
- 7. The County’s hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO §07-05-03(1)(I).

The application CU2023-0004 was presented at a public hearing before the Canyon County Planning and Zoning Commission on April 18, 2024. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Planning and Zoning Commission decides as follows:

FINDINGS OF FACT & CONCLUSION OF LAW

Criteria 1: Is the proposed use permitted in the zone by conditional use permit?

Conclusion: The subject parcels are zoned “A” (Agricultural). A mineral extraction (long-term) use is allowed in the “A” zone subject to conditional use permit approval.

- Findings:** (1) The subject property is zoned “A” (Agricultural) as evidenced by Exhibit 2d - Zoning Map.
- (2) Pursuant to CCZO Section 07-10-27: Land Use Matrix, a mineral extraction (long-term) use is allowed in the “A” Zone subject to conditional use permit approval.

07-10-27: LAND USE REGULATIONS (MATRIX):

This section lists uses within each land use zone: allowed uses (A), permitted uses through a conditional use permit (C), Director administrative decision (D), not applicable because covered by different use/section (n/a), or prohibited (-).

Zoning Classification	A	R-R	R-1	R-2	C-1	C-2	M-1	M-2	MU-A
Mineral extraction (long term)	C	-	-	-	-	-	A	A	-

- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0004.
- (4) Evidence includes associated findings and evidence supported within this document.

Criteria 2: What is the nature of the request?

Conclusion: The applicant is requesting a CUP for a long-term mineral extraction permit to include crushing, stockpiling and hauling on approximately 24 acres (more or less) of 56.83 acres in an “A” (Agricultural) zone for a period not to exceed three (3) years. The proposed business operation hours are 7:00 am to 5:00 pm, Monday through Friday, with gravel extraction and crushing from 7:00 am to 7:00 pm Monday through Friday. The property is located at 14533 River Road, Caldwell. (Parcel Numbers: R34667011 and R34668), a portion of the NW¼ of Section 10, T4N, R3W, BM, Canyon County, Idaho

- Findings:**
- (1) Applicant Letter of Intent and Supplemental Narrative (Exhibit B, Attachment 1a and 1b)
 - (2) Reclamation Plan as approved by the State of Idaho Dept. of Lands (Exhibit B, Attachment 3m)
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0004.
 - (4) Evidence includes associated findings and evidence supported within this document.

Criteria 3: Is the proposed use consistent with the comprehensive plan?

Conclusion: Although the proposed use is consistent with five (5) goals and six (6) policies from the 2030 Comprehensive Plan, there are a few components from Chapter 5: Natural Resources and Hazards that do not comply. The Future Land Use Map designates this area as Rural Residential. Mineral extractions are not an allowed use in the residential zones.

- Findings:**
- (1) The request is consistent with seven (5) goals and ten (6) policies from the 2030 Comprehensive Plan.

Chapter 1: Property Rights	
G1.01.00	protect the integrity of individual property rights while safeguarding public health, safety, and welfare.
P1.01.01	No person should be deprived of private property without due process of law.
Chapter 2: Population	
G1.02.00	acknowledge the responsibilities of each property owner as a steward of the land, use their property wisely, maintain it in good condition, and preserve it for future generations without becoming a public nuisance.
G2.02.00	promote housing, business, and service types needed to meet the demand of the future and existing population.
Chapter 3: Economic Development	
G3.01.00	promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.
P3.01.01	Direct business development to locations that can provide necessary services and infrastructure.

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.
Chapter 4: Land Use and Community Design	
P4.01.02	Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights.
P4.03.01	Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources.
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 some instances may require conditions of approval to promote compatibility.
P4.05.02	Consider development on poor soils (Class 4 or higher) that will not interfere with viable agricultural operations in the area.

(2) Comprehensive Plan areas that may be *incompatible* are found in the Natural Resources and Hazards chapter:

Chapter 5: Natural Resources and Hazards	
G5.01.00	Protect, enhance, and steward natural resources.
P5.01.01	Protect and enhance waterways, groundwater, wetlands, wildlife habitat, air, soils, and other natural resources.
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.

(3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0004.

(4) Evidence includes associated findings and evidence supported within this document.

Criteria 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: Without additional information, studies and plans regarding development in the floodplain/wetlands, traffic, wildlife habitat, potential adjacent historical site, and operations plan that demonstrates consistency with the 2030 Canyon County Comprehensive Plan and CCZO Section 07-14-19 (Use Standards – Mineral Extraction Long Term), the request will be injurious to the property within the immediate vicinity and negatively changes the essential character of the area.

Findings: (1) The parcels are located within a mapped floodplain and floodway (Exhibit E10 of the staff report). The proposed mineral extraction is shown to be located outside of the mapped floodway (Exhibit C3 of the staff report). No comments were received by Idaho Department of Water Resources for this application. The Development Services Department Floodplain Administrator will require additional information to complete her analysis. (Exhibit E10 of the staff report)

The applicant did provide further information on the settling areas being outside the floodway and that the on-site ponds will not discharge directly into the Boise River. (Exhibit C2 of the staff report)

Additionally, wetlands are shown on the subject parcels. No approval or comments were received from the Idaho Department of Water Resources (floodplain). The U.S. Army Corp of Engineers (USACE) did respond with possible permit requirements. The USACE commented

that the aquatic resources, including wetlands, may be considered waters of the United States and may be subject to regulation under section 404 of the Clean Water Act. (Exhibit E1 of the staff report)

The applicant did not provide any information regarding floodplain or wetland mitigation measures or approval from applicable agencies.

- (2) The Boise River provides habitat for fish and wildlife. The applicant did not provide any information regarding wildlife and habitat mitigation measures or review with applicable agencies.
- (3) There are residential properties that abut this property. There are many concerns about the impact on these residences. The applicant addresses compatibility with the area with the following measures:
 - The proposed duration of the operation after commencement is 2.5 years.
 - Mining approximately 24 of the 56-acre property. In most instances, the required setbacks will be exceeded.
 - The business operation (hauling) hours will be Monday through Friday 7:00 am to 5:00 pm. The crushing and gravel extraction will occur from 7:00 am to 7:00 pm Monday through Friday.
 - No blasting will be conducted.
 - Crushing for 3-4 months of the year. Use of a mobile crusher to reduce hauling on site. On site equipment will utilize white noise alarms to reduce noise generation
 - Wet dust suppression will be used on the property during the operation of all rock crushers. Water and/or magnesium chloride will be used on all haul roads to minimize fugitive dust.
 - Berms will be created all around the active mining and around the parcels to buffer the use from neighboring properties and roadways to reduce noise and sight impacts. These berms will be vegetated to prevent water and sediment from leaving the active project area (Exhibits C1, C2 and C3 of the staff report).
- (4) Notice of the public hearing was provided per CCZO §07-05-01. Property owners within 1,000 feet were noticed on January 25, 2024. A newspaper notice was published on February 2, 2024. A notice was posted on parcel R34668 along River Road on February 16, 2024 and new flyers with an anti-tampering notice were placed on March 21, 2024.

Opposition letters received (Exhibit F of the staff report) express the following concerns:

- Floodplain/wetland impact concerns
- Impacts on existing dwellings located near the proposal
- Gravel truck traffic and associated impacts such as road safety and degradation of roadways
- Wildlife habitat impacts
- Impacts on a potential adjacent historical site
- Impact to the City Park across the river
- Groundwater contamination
- Noise impacts
- Impacts to the existing scenery/character

One e-mail of support was received from John Snelling (Exhibit F20 of the staff report) finding that the project will be beneficial to the area and believes the project will be run within the parameters of the permit and operating guidelines.

- (5) Evidence includes findings and evidence in hearing criteria 1 and 7 in this document.

- (6) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0004.

Criteria 5. Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?

Conclusion: Adequate facilities and systems to accommodate the use can be provided before the commencement of use.

- Findings:**
- (1) No well or septic system is proposed. Porta-potties will be used on-site (location unknown). Irrigation facilities are on site. There are two (2) facilities on the property (West Hartley Gulch and East Hartley Gulch) that are under the jurisdiction of Drainage District 2 and Canyon Water Company. The applicant has been working with both of these entities. (Exhibit E4 and E9 of the staff report).
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. An initial notice was sent to affected agencies on April 21, 2023, with a hearing notice sent January 25, 2024.
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0004.

Criteria 6. Does legal access to the subject property for the development exist or will it exist at the time of development?

Conclusion: An approved access does exist onto River Road.

- Findings:**
- (1) Highway District No. 4 states that the parcels have access and/or frontage to River Road along the northerly boundary of Parcel R34668. A commercial approach permit from HD4 will be required for a change in use of the property.
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. An initial notice was sent to affected agencies on April 21, 2023, with a hearing notice sent January 25, 2024.
 - Idaho Transportation Department (ITD) requires more time to review the submitted traffic analysis. (Exhibit E14 of the staff report).
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0004.

Criteria 7. Will there be undue interference with existing or future traffic patterns?

Conclusion: It is unknown if there will be undue interference with existing or future traffic patterns. Idaho Transportation Department needs more time on the traffic analysis that was submitted from the applicant before they can determine if there will be undue interference and what mitigation might be needed.

- Findings:**
- (1) The applicant estimates approximately 40 trucks coming and leaving the site daily. (Exhibit C1 of the staff report)
 - (2) Canyon Highway District is requesting restrictions on the haul route to limit truck traffic to the use of River Road east and north of the site only. No commercial truck traffic will be allowed on River Road west of the access or on Channel Road. (Exhibit E2 of the staff report)
 - (3) They expect to add only about 10 new trips to SH44 during the peak hour. (Exhibit E14 of the staff report)
 - (4) Notice of the public hearing was provided per CCZO§07-05-01. An initial notice was sent to affected agencies on April 21, 2023, with a hearing notice sent January 25, 2024.
 - (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0004.

Criteria 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 long-term mineral extraction is not anticipated to impact essential services or require public funding to accommodate the use.

- Findings:**
- (1) Essential services in the area include Middleton Fire District, Caldwell School District, Canyon County Sheriff Department, and Canyon County Paramedic/EMT.
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. An initial notice was sent to affected agencies on April 21, 2023, with a hearing notice sent January 25, 2024.
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0004.

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 not compatible with the surrounding properties.

Finding: See findings and evidence within hearing criteria 3 and 4 for more information.

2. Duration of the proposed use;

Conclusion: The duration of the mineral extraction will be 2.5 years according to the supplemental narrative from the applicant. (Exhibit C2 from the 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.*” Commencement will be when all requirements are completed with proof given the Canyon County Development Services.

3. Setbacks from surrounding uses;

Conclusion: The minimum 30’ setback would be established around the property boundary. The site plan does not show the 30’ setbacks.

Finding: The letter of intent states a 30’ setback would be established around the property boundary (Exhibit C1 of the staff report). Berms will be created all around the parcel to buffer the use of neighboring properties and roadways. The berms will be stockpiled around the perimeter of the pit. These berms will be vegetated to prevent water and sediment from leaving the active project area.

However, the site plan does not show the 30’ setbacks. The plan does not state or demonstrate any setbacks from ditches or canals.

4. Reclamation plan as approved by Idaho Department of Lands;

Conclusion: An approved reclamation plan is approved as S603000 dated February 22, 2023.

Finding: The applicant has submitted a reclamation plan and S603000 (Exhibit E13 of the staff report) approved by Idaho Department of Lands.

5. The locations of all proposed pits and any accessory uses;

Conclusion: The applicant has provided a site plan (aerial) showing the locations of proposed pits and accessory uses. No floodplain development studies or information were submitted.

Finding: The applicant has provided a site plan (aerial) showing the locations of proposed pits and the location of the access, scale, and fuel storage.

The location of the crusher is not provided on the site plan.

The pit area is located in a mapped floodplain just outside of the mapped floodway (Exhibit C3 and E10 of the staff report). No floodplain development studies or information were submitted.

6. Recommendations from applicable government agencies

- Idaho Transportation Department (ITD) is concerned of the speed limit of SH-44 (55 MPH) at the intersection of River Road. They will require the applicant to provide a Traffic Distribution Report and a Turn Lane Warrant document to see if an eastbound acceleration lane and/or a center turn lane will be needed. They also want to ensure the radii is the proper width to ensure trucks will not drag debris onto roadway. (Exhibit E14 of the staff report). This application process has begun, but the analysis by ITD is not complete at this time.
- The Canyon County Development Services Department Floodplain Administrator recommends contacting Middleton Mill Ditch Company, Idaho Department of Water Resources and Army Corps of Engineers for review of the proposed mineral extraction. (Exhibit E11 of the staff report)

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **denies** Case #CU2023-0004, a conditional use permit for mineral extraction (long term) on Parcels R34667011 and R34668.

Under Idaho Code Section 67-6519, the following actions may be taken to obtain approval:

1. Submit a detailed operations plan and site plan better addressing the use standard requirements (CCZO Section 07-14-19) including the location and dimensions of berms, all irrigation ditches and setbacks from ditches, internal circulation, and parking, and plans to mitigate potential impacts such as noise, dust, groundwater contamination, and compatibility with the surrounding area.
2. Submit plans, reports and approval from FEMA, IDWR, and USACE for development in a floodplain/floodway and wetlands. Submit evaluation of the impact of the proposed mineral extraction and its potential impact on ground water quality.
3. Provide review by the U.S. Fish and Wildlife Service and Idaho Department of Fish and Game to learn of potential impacts to species and habitats and ways to avoid and/or minimize potential impacts, and the applicant incorporating guidelines and mitigation measures into their project plan.

Pursuant to Section 67-6535 of the Idaho Code, the applicant has 14 days from the date of the final decision to seek reconsideration before seeking judicial review.

DATED this _____ day of _____, 2024.

**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 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: _____

DRAFT

February 24, 2023

Canyon County Development Services Department
c/o Sabrina Minshall, Director
111 N. 11th Avenue, Room 310
Caldwell, Idaho 83605

RE: Canyon County Conditional Use Permit for Premier LLC

Dear Planning Staff and Planning & Zoning Commissioners:

We are pleased to submit this narrative in support of applicant, Premier LLC’s, application for a conditional use permit (“CUP”) for a mineral extraction and gravel processing facility (the “Project”) on approximately 56 acres, generally located at 14533 River Rd, in Canyon County, Idaho and identified as Canyon County parcel numbers R3466701100 and R3466800000 (collectively, the “Property”). Premier LLC owns and operates Premier Aggregates, a family run aggregate supplier with successful operations in Ada, Canyon, Boise, and Twin Falls Counties.

As discussed below, this Project meets all of the County’s CUP approval criteria, and we ask for approval from the Planning and Zoning Commission.

Property Information and Project Background

The Property is generally located south and east of River Road in Canyon County. The Property is approximately 1 mile from the I-84 and State Highway 26 interchange. The Property is zoned Agriculture (A) and the Future Land Use Map designates the Property as Rural Residential (R-R). The Property is not located within an overlay district. A map depicting the Property is attached as Exhibit A.

This application seeks a temporary CUP for gravel extraction and processing, including crushing and screening, on the Property for a period not to exceed 3 years. Gravel and its component parts are in very high demand in Canyon County to support current and future growth in the area. Once extraction is complete on the Property, it is anticipated the Property will be developed as a residential subdivision in conformity with the R-R Future Land Use Map designation. The eventual residential use of the Property is not the subject of this current application. A Site Plan for the Project is attached as Exhibit B.

Canyon County CUP Standards for Evaluation

Under Canyon County Code, mineral extraction for a three year period is considered Mineral Extraction Long-Term, which is conditionally allowed in the A zoning district subject to the Use Standards of Article 14 (Section 7-14-19). The Project meets all of the applicable criteria for approval from Canyon County Code § 7-7-1 *et. seq.*, as follows:

1. Is the proposed use permitted in the zone by conditional use permit:

Yes. Per the County's' Zoning and Land Use Matrix¹, Mineral Extraction (long term) is allowed with a CUP in the Agricultural (A) zone.

2. What is the nature of the request:

This application seeks approval of a three-year gravel extraction and processing operation on the Property. The specific use proposed is Mineral Extraction Long Term.² The Project complies with the Use Standards in Article 14 (Section 7-14-19) as follows:

- a. **The Project is compatible with the uses of the surrounding properties.** The properties to the north are also zoned Agricultural (A) in Canyon County and consist of single-family residences on large lots. The Project will construct berming around the Project area, including along the north boundary of the Property as shown in the Site Plan. The adjacent properties to the east, buffered by River Rd, are zoned R1 (Single Family Residential) in Canyon County and are within the City of Caldwell area of impact. The Property borders the Boise River and a wooded portion of the City of Caldwell's Curtis Park on the southern border. The Property to the east is unoccupied and zoned Agricultural (A) in Canyon County. Further discussion of the Project's compatibility with the surrounding properties is discussed below.
- b. **The Duration of the proposed use is limited.** The duration of the Project is three years with limited operating hours.
- c. **Setbacks from surrounding uses.** The Project will meet the required 30 foot front, side, rear, and corner setbacks as outlined in Canyon County Code § 07-14-19(1)(A). Only 24 acres of the 56-acre Property will be mined. Accordingly, there will be significant setbacks from extraction activities. These setbacks are shown on the Site Plan.
- d. **The Idaho Department of Lands has approved the Project's reclamation plan.** The Idaho Department of Lands approved the Project's reclamation plan on February 22, 2023. The Idaho Department of Lands approval letter is enclosed with this application.
- e. **The locations of all proposed pits and any accessory uses.** The Site Plan depicts the location of all proposed pits and accessory uses. The pit areas are located internal to the Property to minimize impacts. All accessory buildings, uses, and pits meet the required setbacks.

¹ Canyon County Code § 07-10-27

² Canyon County Code § 07-02-03 DEFINITIONS ENUMERATED - MINERAL EXTRACTION: The various activities associated with the extraction of mineral resources, including, but not limited to, gravel, from the ground.

f. **Recommendations from applicable government agencies.** Currently, the only agency that has reviewed the Project is the Idaho Department of Lands, who approved the reclamation plan.

3. Is the proposed use consistent with the Comprehensive Plan:

The Project is consistent with and supports the Canyon County Comprehensive Plan as detailed in the chart below:

Goal and/or Policy of Comprehensive Plan	Project Fulfillment
<p>G4.01.00 - <i>Support livability and high quality of life as the community changes over time</i></p> <p>P4.01.02 - Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights.</p>	<p>Allowing the temporary mining of gravel on the Property will protect private property rights, allow the fulfillment of the Idaho Constitution's protection of mining operations as a public use.³</p>
<p>G4.02.00 - <i>Ensure that growth maintains and enhances the unique character throughout the County.</i></p> <p>P4.02.01 - Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.</p>	<p>As indicated in Figure 1 below, the Property does not contain prime agricultural soils, and instead contains minerals valuable for mining. Consequently, mineral extraction is an appropriate use of the Property.</p>
<p>G4.03.00 - <i>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.</i></p> <p>P4.03.01 - Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources.</p>	<p>Though the Property would not make for good farming use, the presence of valuable minerals makes the Property useful for this three-year gravel mining operation, and the Project will make the property developable for low density residential uses in conformity with the Property's FLUM designation.</p>
<p>P4.03.03 - Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and</p>	<p>The applicant is willing to mitigate impacts on surrounding properties by restricting hours of operations, and placing intensive uses in the</p>

³ IDAHO CONST., ART I, § 14 defines as a public use "any other use necessary to the complete development of the material resources of the state," indicating the great importance of Idaho's mineral resources and their extraction to the economy and welfare of the state.

Goal and/or Policy of Comprehensive Plan	Project Fulfillment
co-exist in the same area and in some instances may require conditions of approval to promote compatibility.	interior of the site away from residences. Large setbacks and buffer areas are also provided.
<p>G4.05.00 - Support a diversity of agricultural uses to sustain the agricultural and agriculturally related economy.</p> <p>P4.05.02 - Consider development on poor soils (Class 4 or higher) that will not interfere with viable agricultural operations in the area.</p>	As indicated in Figure 1 below, the Property contains predominantly Class IV and V soils. Further, the Project will not interfere with any agricultural operations in the area. This is the proper area for development.

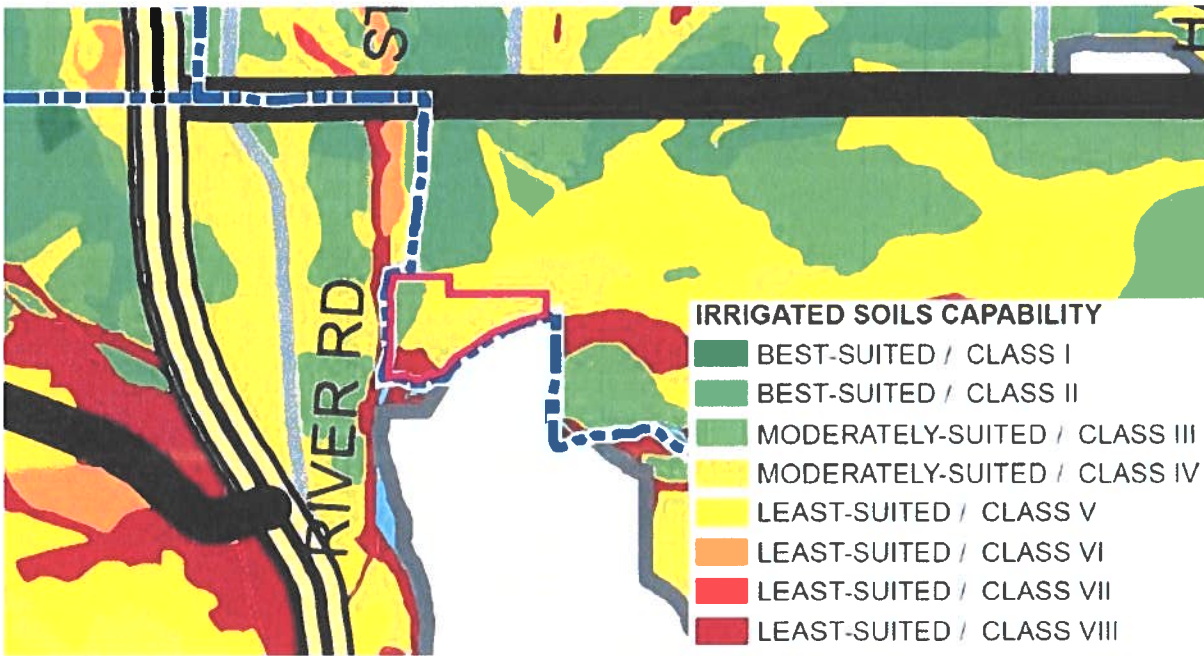


Figure 1 Area Soil Profile

4. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area:

The proposed use will not be injurious to other property in the immediate vicinity, nor will it negatively change the essential character of the area. First, as discussed above, this Project is temporary in nature, 3 years or less. The surrounding uses consist of agriculturally zoned large lot residential directly to the north, R-1 one-acre residential lots directly to the west, and vacant land zoned Agriculture to the east and northeast, with the Boise River and vacant land to the south. All of the surrounding uses are buffered by significant setbacks, and the Project will include a raised

berm surrounding the Property to act as a buffer. That the mineral extraction area is only 43% of the Property and interior to the site as shown on the Site Plan also makes the project compatible with the property in the vicinity.

Additional mitigation measures that will be employed by the Project include:

- Limited hours of operation; Monday through Saturday from 7am and 5pm for aggregate sales, and Monday through Saturday from 7am and 7pm for extraction operations.
 - Intermittent processing, which means on-site processing will not be a daily occurrence. Processing will be done in batches to reduce the duration and frequency of processing.
 - Dust will be mitigated through the use of Magnesium Chloride on all haul areas. Premier's processing equipment fully complies with the Idaho Department of Environmental Quality's Permit by Rule regulations and standards of performance, which regulates dust production.
 - Noise will be mitigated through the use of elevated berms, limited operating hours, and modern excavation and processing equipment that uses white noise back up alarms. All of Premier' heavy equipment meets Tier 4 noise emission standards
5. Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use:

The Property will be adequately served by public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, and water and sewer services.

6. Does legal access to the subject property for the development exist or will it exist at the time of development:

The Property is accessed from River Road on the north side of the Property, as indicated on the Site Map. This is the current legal access to the Property. With CUP approval, this access point will become a stabilized construction entrance to support activities under the CUP. The applicant is already coordinating with Canyon Highway District to construct a full commercial approach to Canyon Highway District's standards.

7. Will there be undue interference with existing or future traffic patterns: and

Traffic produced by the Project will be limited and existing roads have adequate capacity to accommodate the Project. The Property is well located for extraction uses because of its proximity to I-84 (approximately 1 mile). This will minimize truck traffic on local roads. Based on the size of the extraction area and the duration of the use, 40 trucks per day are anticipated.

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?

Essential services are available to accommodate this use. The mining extraction use will have no impact on local schools, and will have little to no impact on police and fire protection as well as irrigation. Adequate emergency medical services exist to serve this area, and the use will have little negative impact on public services generally.

Conclusion and Request

The conditional use requested will promote economic diversity in Canyon County, and will allow for the full use of the Property to extract gravel to support Idaho's unprecedented growth and development. Once mining operations cease in three years, we will return to Canyon County for approval of a proposed residential subdivision.

We appreciate your consideration of this request for a conditional use permit. If any additional information is required, please do not hesitate to contact us.

Thank you,

A handwritten signature in blue ink, appearing to read "Jeff Bower", with a stylized, cursive script.

Jeff Bower

EXHIBIT A
Property Map

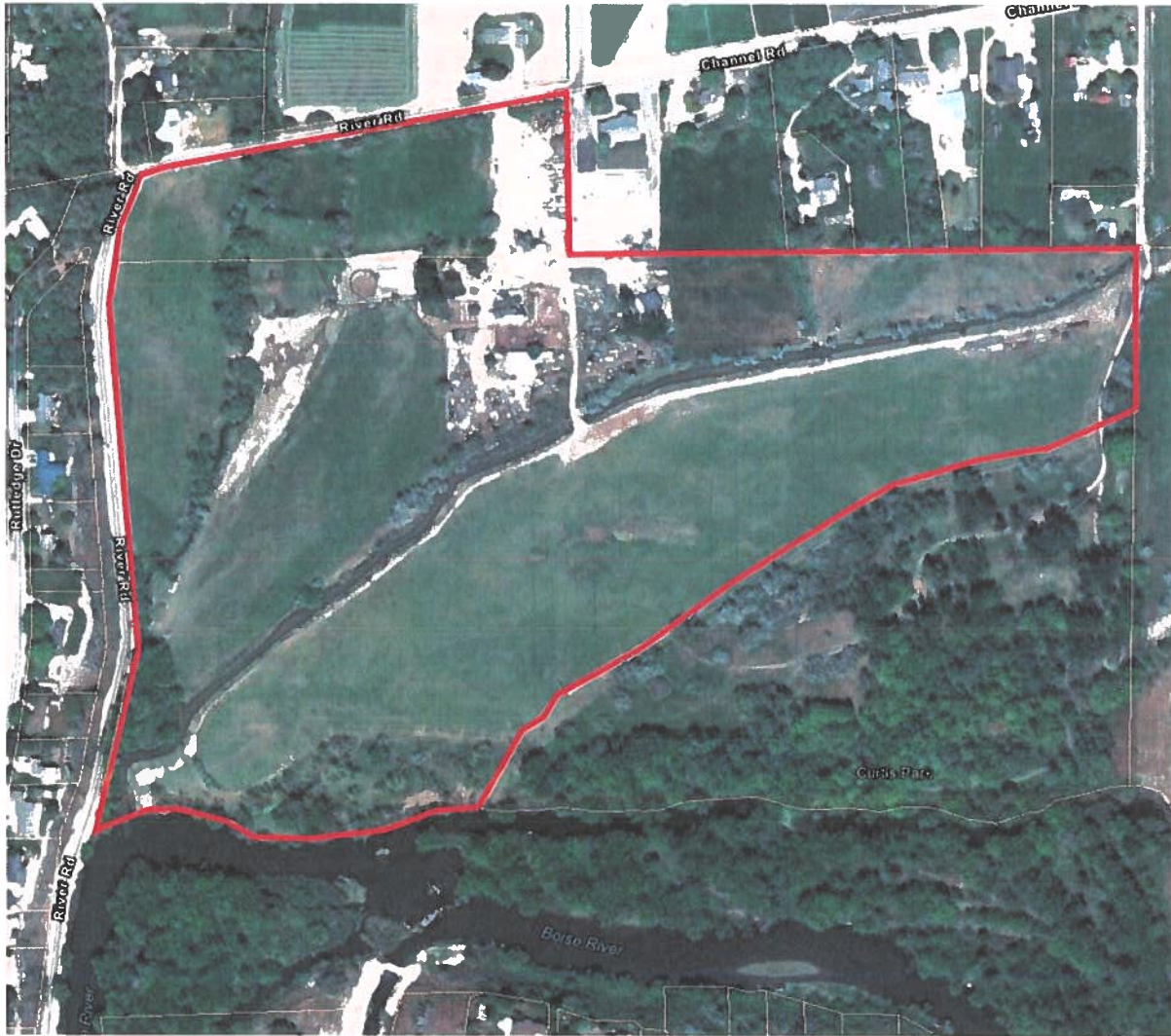
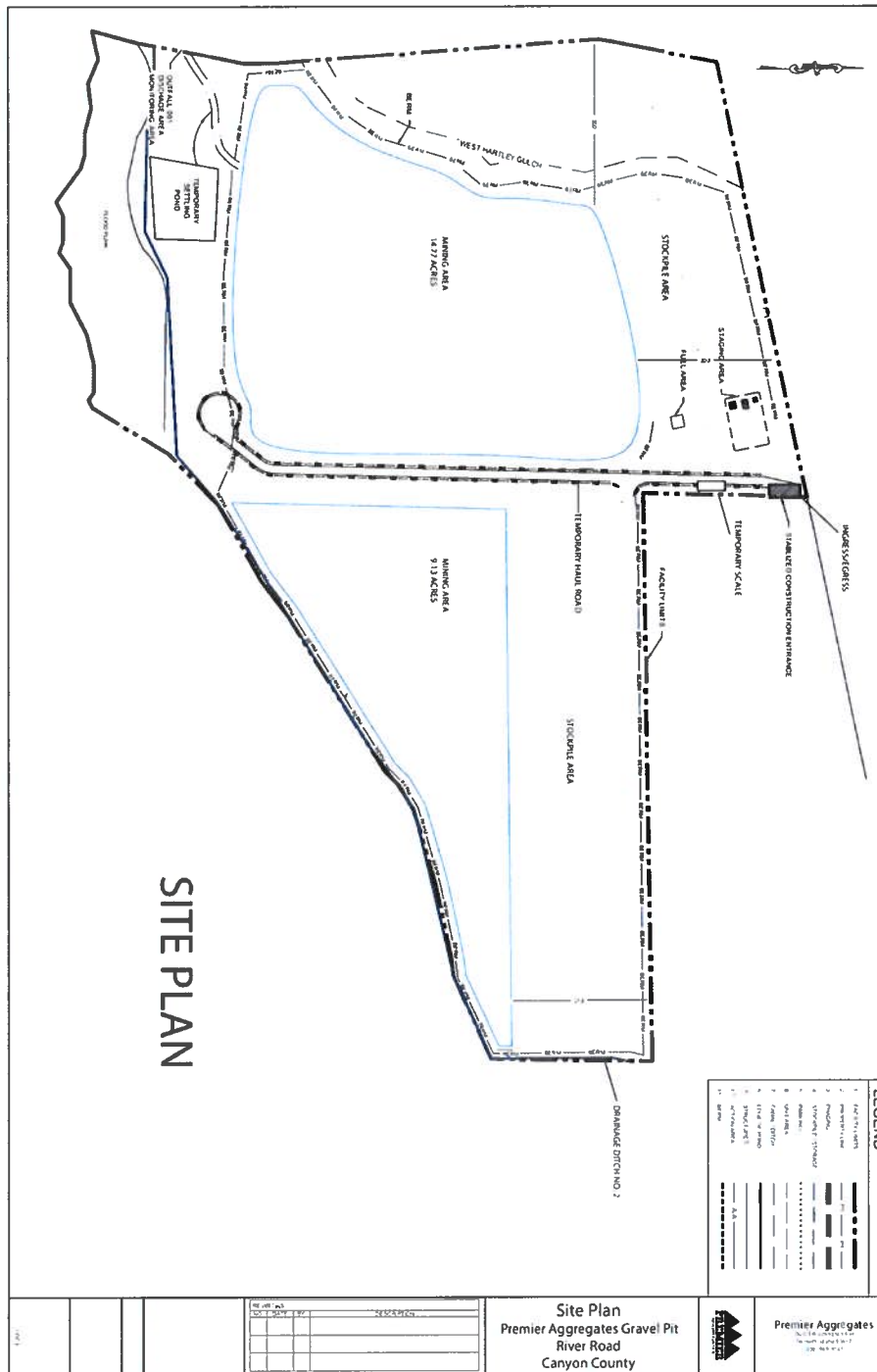


EXHIBIT B
Site Plan



Michelle Barron

From: Jeffrey W. Bower <jeffbower@givenspursley.com>
Sent: Thursday, March 28, 2024 4:58 PM
To: Michelle Barron; Kristen McNeill
Cc: Jon Brennan Ag Equity; Jim Herberd Ag Holding; Carl Anderson; 'Derek Kraft'; David Stephens; Michelle Tucker
Subject: RE: [External] CU2023-0004 Ag Equity Holdings LLC [GP-DMS.016623.0003.FID1052498]
Attachments: Supplemental Narrative CU2023-0004 _14533 [3-28-24]_18193312_4.pdf

Hi Michelle: Please see attached.

Thank you,
Jeff

Jeff Bower
GIVENS PURSLEY LLP
601 W Bannock St, Boise, ID 83702
208-388-1260
jeffbower@givenspursley.com

From: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>
Sent: Thursday, March 28, 2024 12:46 PM
To: Jeffrey W. Bower <jeffbower@givenspursley.com>; Kristen McNeill <kristenmcneill@givenspursley.com>
Cc: Jon Brennan Ag Equity <AgEquityLLC@gmail.com>; Jim Herberd Ag Holding <herbertj25@yahoo.com>; Carl Anderson <Carl.Anderson@canyoncounty.id.gov>; 'Derek Kraft' <dkraft@premierllc.net>; David Stephens <david.precisionx@gmail.com>
Subject: FW: [External] CU2023-0004 Ag Equity Holdings LLC [GP-DMS.016623.0003.FID1052498]

EXTERNAL

Good Afternoon Everyone!

Just a reminder that today is the deadline day for additional information. I would really love to have the answers to the questions that I had posed. They are very important to help determine if the criteria can be met for a Conditional Use Permit. If someone could please respond to these today, I would appreciate it.

Thank you,

Michelle Barron
Principal Planner
Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605
Direct Line: 208-455-6033
DSD Office Phone: 208-454-7458
Email: Michelle.Barron@canyoncounty.id.gov
Website: www.canyoncounty.id.gov

From: Michelle Barron
Sent: Friday, March 15, 2024 3:48 PM
To: 'Jeffrey W. Bower' <jeffbower@givenspursley.com>; Kristen McNeill <kristenmcneill@givenspursley.com>
Cc: 'agequityllc@gmail.com' <agequityllc@gmail.com>; 'Herbertj25@yahoo.com' <Herbertj25@yahoo.com>; Carl Anderson <Carl.Anderson@canyoncounty.id.gov>; Derek Kraft <dkraft@premierllc.net>
Subject: RE: [External] CU2023-0004 Ag Equity Holdings LLC [GP-DMS.016623.0003.FID1052498]

Jeff,

Thanks for letting me know. If you team could please get me the answers to the questions that I had previously posed by me along with the new neighborhood meeting. I have the Neighborhood Meeting info and sign in sheet that was sent to me, but still need those answers to help make the findings for the criteria for a Conditional Use Permit. I will need this information no later than the 28th of March.

Thanks for working with me to change the date.

Michelle Barron
Principal Planner
Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605
Direct Line: 208-455-6033
DSD Office Phone: 208-454-7458
Email: Michelle.Barron@canyoncounty.id.gov
Website: www.canyoncounty.id.gov

From: Jeffrey W. Bower <jeffbower@givenspursley.com>
Sent: Friday, March 15, 2024 2:14 PM
To: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>; Kristen McNeill <kristenmcneill@givenspursley.com>
Cc: 'agequityllc@gmail.com' <agequityllc@gmail.com>; 'Herbertj25@yahoo.com' <Herbertj25@yahoo.com>; Carl Anderson <Carl.Anderson@canyoncounty.id.gov>; Derek Kraft <dkraft@premierllc.net>
Subject: RE: [External] CU2023-0004 Ag Equity Holdings LLC [GP-DMS.016623.0003.FID1052498]

Hi Michelle:

I just spoke with Carl in your office and he asked that we respond to confirm that April 18th works for the applicant, which it does.

Thank you,
Jeff

Jeff Bower
GIVENS PURSLEY LLP
601 W Bannock St, Boise, ID 83702
208-388-1260
jeffbower@givenspursley.com

From: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>
Sent: Monday, March 11, 2024 5:02 PM
To: Jeffrey W. Bower <jeffbower@givenspursley.com>; Kristen McNeill <kristenmcneill@givenspursley.com>
Cc: 'agequityllc@gmail.com' <agequityllc@gmail.com>; 'Herbertj25@yahoo.com' <Herbertj25@yahoo.com>; Carl Anderson <Carl.Anderson@canyoncounty.id.gov>; Derek Kraft <dkraft@premierllc.net>
Subject: RE: [External] CU2023-0004 Ag Equity Holdings LLC [GP-DMS.016623.0003.FID1052498]

EXTERNAL

Jeff,

I am going to need to postpone the hearing in front of the Planning and Zoning Commission for Case CU2023-0004. I have been out of the office with a family emergency for the last 2 weeks. I was unable to perform a site visit and complete the Staff Report in time for posting. Please accept my apologies. I have rescheduled the hearing for April 18, 2024. That is the earliest possible date that is available. We will re-notice to make sure everyone knows that it has been rescheduled.

I have still not received the answers to the bullet list of questions that are below. I need to have that information by April 3rd so that I can add it to the file. At this point, I do not have the evidence needed to meet the required criteria. I heard from Michelle Tucker of Nexus Environmental that she has been in contact with the 2 irrigation districts and the Drain District. Any information regarding approvals or agreements with those entities would be helpful as well.

Thank you in advance,

Michelle Barron
Principal Planner
Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605
Direct Line: 208-455-6033
DSD Office Phone: 208-454-7458
Email: Michelle.Barron@canyoncounty.id.gov
Website: www.canyoncounty.id.gov

From: Jeffrey W. Bower <jeffbower@givenspursley.com>
Sent: Wednesday, February 21, 2024 2:48 PM
To: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>; Kristen McNeill <kristenmcneill@givenspursley.com>
Cc: 'agequityllc@gmail.com' <agequityllc@gmail.com>; 'Herbertj25@yahoo.com' <Herbertj25@yahoo.com>; Carl Anderson <Carl.Anderson@canyoncounty.id.gov>; Derek Kraft <dkraft@premierllc.net>
SubjectAt thi: RE: [External] CU2023-0004 Ag Equity Holdings LLC [GP-DMS.016623.0003.FID1052498]

Hi Michelle:

The neighborhood meeting was completed.

Attached is the final notice and the sign in sheet.

We will provide the info requested below shortly.

Thanks,
Jeff

Jeff Bower
GIVENS PURSLEY LLP
601 W Bannock St, Boise, ID 83702
208-388-1260
jeffbower@givenspursley.com

From: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>
Sent: Wednesday, February 21, 2024 2:33 PM
To: Jeffrey W. Bower <jeffbower@givenspursley.com>; Kristen McNeill <kristenmcneill@givenspursley.com>
Cc: 'agequityllc@gmail.com' <agequityllc@gmail.com>; 'Herbertj25@yahoo.com' <Herbertj25@yahoo.com>; Carl Anderson <Carl.Anderson@canyoncounty.id.gov>; Derek Kraft <dkraft@premierllc.net>
Subject: RE: [External] RE: CU2023-0004 Ag Equity Holdings LLC [GP-DMS.016623.0003.FID1052498]

EXTERNAL

Good afternoon,

Just checking on this to make sure that the new neighborhood meeting has been completed. I will need that documentation soon. Our deadline for comments on this application is March 2nd. I would like to have that information for the file. Also checking on answers to the bullet points below that I had sent on January 18, 2024.

Thanks,

Michelle Barron
Principal Planner
Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605
Direct Line: 208-455-6033
DSD Office Phone: 208-454-7458
Email: Michelle.Barron@canyoncounty.id.gov
Website: www.canyoncounty.id.gov

From: Jeffrey W. Bower <jeffbower@givenspursley.com>
Sent: Thursday, January 25, 2024 12:37 PM
To: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>; Kristen McNeill <kristenmcneill@givenspursley.com>
Cc: 'agequityllc@gmail.com' <agequityllc@gmail.com>; 'Herbertj25@yahoo.com' <Herbertj25@yahoo.com>; Carl Anderson <Carl.Anderson@canyoncounty.id.gov>; Derek Kraft <dkraft@premierllc.net>
Subject: [External] RE: CU2023-0004 Ag Equity Holdings LLC [GP-DMS.016623.0003.FID1052498]

Hi Michelle:

We are planning to address your first bullet point below by holding a second neighborhood meeting. Because this a second meeting, the County's form notice is not perfectly on point. Could you please review and approve the attached notice we have prepared from the form, but with modifications recognizing the application has already been filed? We are hoping to send this out tomorrow and hold the second neighborhood meeting on Monday the 5th or Tuesday the 6th.

We will also need an updated mailing list.

Thank you,
Jeff

Jeff Bower
GIVENS PURSLEY LLP
601 W Bannock St, Boise, ID 83702
208-388-1260
jeffbower@givenspursley.com

From: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>
Sent: Thursday, January 18, 2024 3:50 PM
To: Jeffrey W. Bower <jeffbower@givenspursley.com>; Kristen McNeill <kristenmcneill@givenspursley.com>
Cc: 'agequityllc@gmail.com' <agequityllc@gmail.com>; 'Herbertj25@yahoo.com' <Herbertj25@yahoo.com>; Carl Anderson <Carl.Anderson@canyoncounty.id.gov>
Subject: CU2023-0004 Ag Equity Holdings LLC

EXTERNAL

Good Afternoon,

As I was working through my Staff Report and FCOs, I have noticed that there is some missing information that I would need to make findings for this case.

- There is an issue with the notice for the required neighborhood meeting. In the meeting details, under property description it states "The applicant is proposing to dig 2 ponds for future development, approximately 12 to 15 lots." The project summary states: "2 proposed ponds to fill areas for future lots (approximately 12-15), excess material will be hauled/removed from the site." Those descriptions do not translate to the actual purpose of the application, which is a long-term mineral extraction. A new neighborhood meeting will need to be held with the actual purpose for the conditional use permit application.
- The site plan/letter of intent will need to be updated to show how long/how often crushing will occur and the location of the crusher. Will the crusher be watered to mitigate dust?
- Will there be blasting?
- Is the home on R34667011 going to be removed? Is the building on R34668 going to be removed?
- What kind of noise mitigation would be put in place for the neighboring property for the scale? It appears to be placed very near a residence.

- Will the berms be landscaped so as not to create a zoning violation for weeds/debris?
- Explanation of the discharge area and settling pond that is very near the floodway. (see letter from Development Services Floodplain Manager Stephanie Hailey)
- Do you have a crossing agreement from the Middleton Mill Ditch Co?

We need to postpone the scheduled hearing for February 1, 2024. At the very least, the neighborhood meeting needs to be corrected. The other items will make the application more complete and will provide evidence to support findings.

Thank you,

Michelle Barron

Principal Planner

Canyon County Development Services Department

111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-455-6033

DSD Office Phone: 208-454-7458

Email: Michelle.Barron@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

Office Hours:

Monday, Tuesday, Thursday and Friday 8am – 5pm

Wednesday 1pm – 5pm

**We will not be closed during lunch hour **

March 28, 2024

Michelle Barron
Principal Planner
Canyon County Development Services Department
111 N. 11th Ave., #310,
Caldwell, Idaho 83605
Michelle.Barron@canyoncounty.id.gov

Re: Supplemental narrative in support of CU2023-0004 /14533: 0 Boise River Road, Caldwell / Long-Term Mineral Extraction; Parcels R34667011 & R34668

Dear Ms. Barron,

In connection with the above application, we are providing the information below in support of our pending Conditional Use Permit (CUP) application for mineral extraction (long term). This supplemental narrative also responds to comments from the County Floodplain Manager's January 12, 2024 letter re: CU2023-0004.

The hours of business operation for the facility would be 7:00 am to 5:00 pm, Monday through Friday, with crushing and gravel extraction occurring from 7:00 am to 7:00 pm, Monday through Friday. No business operations or excavation will be conducted on Saturday or Sunday. On site crushing will be seasonal and it is anticipated crushing will only occur 3-4 months out of the year. Based on the hours of operation it is expected to take approximately 2.5 years to complete all gravel extraction, but it may be sooner based upon site and weather conditions. *We are proactively proposing a condition of approval that limits the duration of the CUP to no more than 2.5 years once operations commence.* No blasting will be conducted, and we would accept a condition of approval stating the same.

The moisture content of the excavated material is anticipated to be high (wet) and as such dust emissions are expected to be minor. However, all best practices will be followed to prevent fugitive dust from becoming airborne as required by Idaho Administrative Code 58.01.01 *Control of Fugitive Dust For Non-Metallic Mineral Processing Plants*, Sections 650 and 651. This includes spraying at the crusher, stockpiles, and access roads as necessary.

The crusher is mobile and will be located on the portion of the property where active excavation is underway. In addition to the proposed berming on the perimeter, using a mobile crusher located at depth in the future ponds provides additional sound mitigation. Using a mobile crusher also reduces equipment and hauling on site, which reduces noise and increases efficiency due to the proximity to the active excavation. All of the applicant's on-site excavation equipment will utilize white noise alarms to reduce noise generation.

To mitigate noise, the project proposes extensive berming as shown in the site plan submitted with the application. This includes an earthen berm that will be constructed along the property boundary between the Project site and the eastern neighbor (14499 Channel Road). All berms constructed on site in accordance with the site plan will be seeded with a grass and forb mix. The

applicant is amenable to revisions to the concept site plan submitted to better address sound mitigation, such as the relocation of the scale.

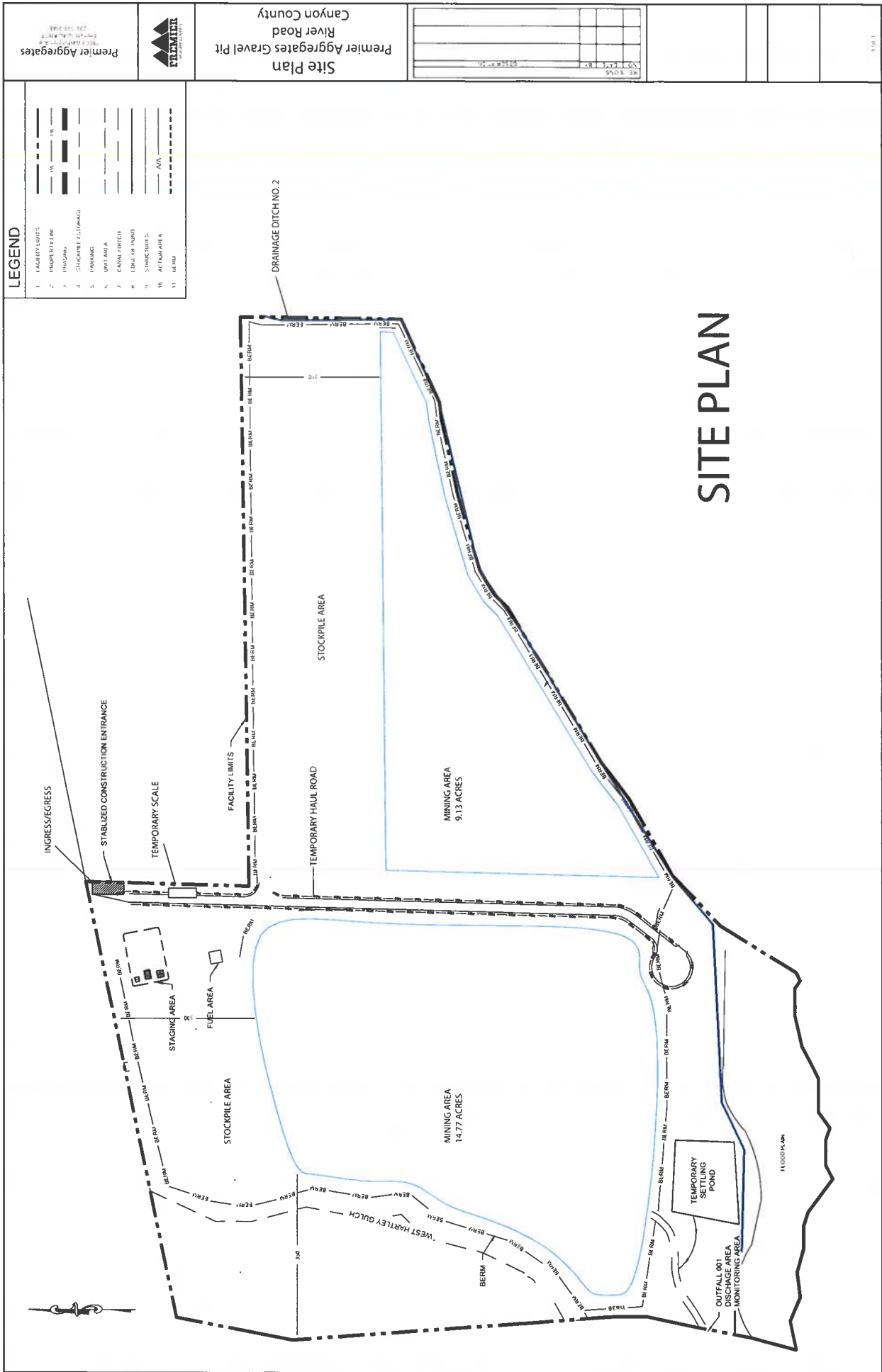
The residential improvements and the bulk of the outbuildings on the property are not occupied and are currently in the process of being removed. No mineral extraction or improvements of any kind will take place in the limited area of the property designated as floodway under this proposal. Further, no on-site ponds will discharge directly into the Boise River. To the extent water is removed from the ponds it will first be pumped into temporary settling areas (outside the floodway) and then discharged into one of the two existing drains on the property. We have been working closely with Drainage District 2 regarding the East Hartley Drain. There is an existing crossing over the East Hartley Drain that will be utilized for the project. Drainage District 2 is supportive the project.

If you have any additional questions or concerns, please let us know.

Thank you,

Jeff Bower

Cc: David Stephens - Precision Excavation & Construction
Derek Kraft - Premier Aggregates LLC
Jim Herbert - AgEquity Holdings LLC
Michelle Tucker – Nexus Environmental Consultants, Inc.



11/11/11

Premier Aggregates
11111 River Road
Canyon County, OR 97001
503-251-2000



Site Plan
Premier Aggregates Gravel Pit
River Road
Canyon County

NO. 1	DATE	BY

SITE PLAN



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: none
- How many Individual Domestic Wells are proposed? _____

- 2. SEWER (Wastewater)** Individual Septic Centralized Sewer system
- N/A – Explain why this is not applicable: temporary portable toilet

- 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:** none
- Public Private Road User's Maintenance Agreement Inst # _____

- 7. FENCING** Fencing will be provided (Please show location on site plan)
- Type: no fences Height: _____

- 8. STORMWATER:** Retained on site Swales Ponds Borrow Ditches
- Other: management per multi-sector general permit

- 9. SOURCES OF SURFACE WATER ON OR NEARBY PROPERTY:** (i.e. creeks, ditches, canals, lake)
- ditch

RESIDENTIAL USES

1. NUMBER OF LOTS REQUESTED:

- Residential _____ Commercial _____ Industrial _____
 Common _____ Non-Buildable _____

2. FIRE SUPPRESSION:

- Water supply source: _____

3. INCLUDED IN YOUR PROPOSED PLAN?

- Sidewalks Curbs Gutters Street Lights None

NON-RESIDENTIAL USES

1. SPECIFIC USE: Mineral Extraction - long term

2. DAYS AND HOURS OF OPERATION:

- Monday 7am to 7pm
 Tuesday 7am to 7pm
 Wednesday 7am to 7pm
 Thursday 7am to 7pm
 Friday 7am to 7pm
 Saturday _____ to _____
 Sunday _____ to _____

3. WILL YOU HAVE EMPLOYEES? Yes If so, how many? 5-8 temporary; 1 full-time No

4. WILL YOU HAVE A SIGN? Yes No Lighted Non-Lighted

Height: _____ ft Width: _____ ft. Height above ground: 4 ft

What type of sign: _____ Wall _____ Freestanding Other "Premier Aggregate"

5. PARKING AND LOADING:

How many parking spaces? 8-10

Is there is a loading or unloading area? No

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: _____

**Notice of Neighborhood Meeting
Conditional Use Permit
Pre-application requirement for a Public Hearing**

January 24 ,2023

Dear Neighbor,

We are in the process of submitting an application for a Conditional Use Permit to Canyon County Development Services (DSD). One of the requirements necessary prior to submitting the application is to hold a "neighborhood meeting" and provide information to our surrounding neighbors (Canyon County Zoning Ordinance § 07-01-15).

This meeting is for informational purposes and to receive feedback from you as we move through the application process. This is not a Public Hearing before a governing body of the County. Once our application has been submitted and processed, a public hearing date will be scheduled. Prior to the scheduled date you will receive an official notification from Canyon County DSD regarding the Public Hearing via postal mail, newspaper publication, and/or a display on the property for which the Conditional Use Permit is applied.

The Neighborhood Meeting details are as follows:

Date: February 7, 2023

Time: 5:30pm to 6:30pm

Location: 14533 River Road Caldwell, Id 83607

Property description: The applicant is proposing to dig 2 ponds for future development, approximately 12 to 15 lots.

The project is summarized below:

Site location: 14533 River Road Caldwell, Id 83607

Proposed access: Existing driveway on to River Road.

Total Acreage: 57.15


Proposed: 2 Proposed Ponds to fill areas for future Lots (approximately 12-15), excess material will be hauled/removed from the site.

We look forward to the neighborhood meeting and encourage you to attend. At that time, we will answer any questions you may have.

Please DO NOT call Canyon County Development Services regarding this meeting. This is a PRE-APPLICATION requirement and we have not submitted the application for consideration at this time. The County currently has no information on this project.

If you have any questions prior to the meeting, please contact me at (208)871-7020 or email steve@ateamboise.com.

Sincerely,



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: 14533 River Road

Parcel Number: R3466701100, R3466808000

City: Caldwell

State: Idaho

ZIP Code: 83607

Notices Mailed Date: 1/24/2023

Number of Acres: 57.2

Current Zoning:

Description of the Request: Long term mineral extraction. The applicant is proposing to dig pond to raise areas that can be subdivided into approximately 15 lots. A preliminary plat application will be submitted in the future.

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Evan Buchert

Company Name: Premier Aggregates Current address: 1500 S Washington Ave, Suite B, Emmett, Idaho 83617

City:

State: Idaho

ZIP Code:

Phone: 208-949-9043

Cell: 208-9499043

Fax:

Email: ebuchert@premierllc.net

MEETING INFORMATION

DATE OF MEETING: 2/7/2023

MEETING LOCATION: 14533 River Road

MEETING START TIME: 5:30 pm

MEETING END TIME: 6:30 pm

ATTENDEES:

NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. MIKE FREEMAN		14402 S ARMORE RIVER RD CALDWELL, ID 83607
2. MIKE JENSEN		14340 SALMON RIVER RD CALDWELL, ID 83607
3. Tom Mangan		22409 Clearwater Rd Caldwell
4. Larry Elkins		22702 Clearwater Rd. Caldwell 83607
5. Denise Clark		22356 Rutledge Dr 83607
6. Jay Clark		22356 Rutledge 83607
7. Hagen Wallace		14531 River Rd 83607
8. Evan Buchert		15670 Spring Creek Lane, Boyer
9. David Stephens		9160 v Chinden BLVD Meridian

10.	JEFF KATZ	22681 River Rd	jeff.katz.boi@gmail.com
11.	Todd Lowell & Nancy Lowell	22211 Rd U.37c	Tlowell99@gmail.com
12.	AUSTEN WILSON	14437 SILVER CRK RD	
13.	Susan Cottrell	14499 CHANNEL Rd	Susan.cottrell@comcast.NET
14.	Kari Stanley	22880 Channel Rd	chws@chws8386@yahoo.
15.	JASON Rippetoe	14339 CHANNEL RD	River@Rippetoe.com
16.	CHRIS BELL	22420 RUTLEDGE	
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):

Steve Arnold / Evan Buchert

APPLICANT/REPRESENTATIVE (Signature): Steve Arnold, EB

DATE: 2/7/2023

Notice of Second Neighborhood Meeting – February 12, 2024

January 31, 2024

Dear Neighbor:

We are in the process of applying for a Conditional Use Permit (CUP) application with Canyon County Development Services (DSD). The CUP application was filed in 2023 and is application number CU2023-0004. We are holding a second neighborhood meeting on this CUP application given the time that has passed since the first and to provide additional details for the proposed use. The neighborhood meeting is being held in accordance with Canyon County Zoning Ordinance § 07-01-15.

This meeting is for informational purposes and to receive feedback from you as we continue to move through the application process. This is not a Public Hearing before a governing body of the County. Once our application has been fully processed, a public hearing date will be scheduled. Prior to the scheduled public hearing date you will receive an official notification from Canyon County DSD regarding the Public Hearing via postal mail, newspaper publication, and/or a display on the property for which the CUP is applied.

The Neighborhood Meeting details are as follows:

- Purpose:** The purpose of the neighborhood meeting is to review the proposed project and discuss neighborhood concerns, if any
- Date:** February 12, 2024
- Time:** 5:30pm – 6:30pm
- Location:** The meeting will be held on site at 14533 River Road Caldwell, ID 83607
- Property Description:** The property is located at 14533 River Road, Caldwell, Idaho and is Canyon County Tax Parcel Nos. R3466701100 and R3466800000.

The project is summarized below:

- Project Description:** The applicant proposes a temporary (approximately 2.5 years) conditional use permit for a mineral extraction and gravel processing facility on the property.
- Site Location:** 14533 River Road, in Canyon County, Idaho and identified as Canyon County Tax Parcel Nos. R3466701100 and R3466800000.
- Proposed access:** The Property is accessed from River Road on the north side of the Property, and will become a stabilized construction entrance to support project activities.
- Total acreage:** Approximately 56 acres
- Proposed lots:** No subdivision is proposed as part of the CUP application.

We look forward to the neighborhood meeting and encourage you to attend. At that time we will answer any questions you may have. Please do not call Canyon County Development Services regarding this meeting. If you have any questions prior to the meeting, please contact Derek Kraft at dkraft@premierllc.net or (208) 901-8189.

Sincerely,
Derek Kraft, Premier Aggregates

NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #310, Caldwell, ID 83605

zoninginfo@canyoncounty.id.gov

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: 14533 River Rd	Parcel Number: R3466701100 and R3466800000	
City: Caldwell	State: Idaho	ZIP Code: 83607
Notices Mailed Date: February 1, 2024	Number of Acres: 56	Current Zoning: Agriculture
Description of the Request: Permit for gravel extraction with processing onsite.		

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Derek Kraft		
Company Name: Premier Aggregates		
Current address: 1500 S Washington Ave Suite B		
City: Emmett	State: Idaho	ZIP Code: 83617
Phone: 208-901-8189	Cell:	Fax:
Email: dkraft@premierllc.net		

MEETING INFORMATION

DATE OF MEETING: 2/12/2024	MEETING LOCATION: 14533 River Rd Caldwell, ID 83607
MEETING START TIME: 5:30 PM	MEETING END TIME: 6:30 PM

ATTENDEES:

NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. Ron Caudle	<i>Ron Caudle</i>	22260 Rutledge Dr Caldwell
2. Dana Dobson	<i>Dana Dobson</i>	22286 Rutledge Dr Caldwell
3. Jay Clark	<i>Jay Clark</i>	22356 Rutledge 83607
4. Wes Bertis	<i>Wes Bertis</i>	14602 RIVER RD 83607
5. Regina Maldve	<i>Regina Maldve</i>	22180 Red Rock Vista 83407
6. LeRae Saxton	<i>LeRae Saxton</i>	22307 Big Loon Wy 83607
7. Charles Franks	<i>Charles Franks</i>	2718 Hird Ave 83605
8. MIKE FREEMAN	<i>Mike Freeman</i>	14482 Salmon River Rd 83607
9. Ed & Kay Swander	<i>Ed Swander</i>	14299 Channel Rd 83607
Scott & Leslie Tarrow	<i>Scott J. Tarrow</i>	2230A Big Loon way 83607

Revised 6/9/22

10.	Sandra Donohue	Sandra Donohue	14335 channel rd
11.	Lenny & Tina Hunt	Jerry A. Hill	14337 channe Rd
12.	Mike & Linda Saling	Mike Saling	22073 Rio Vista Dr
13.	Ted Davis	Ted Davis	22610 Channel Rd.
14.	Vincent, Andrew		14139 HWY 44
15.	Tom		22144 Channel Rd
16.	Craig Baltzer	Craig Baltzer	22346 RAMSHORN WAY Caldwell.
17.	Marylin Riggs	Marylin Riggs	14251 Channel Rd Caldwell
18.	Bob Hann		22499 CHANNEL RD.
19.	Marta Rostock		1421 Wilson St. Caldwell 83605
20.	Jan DeneH		1405 Wilson St Caldwell 83605
	Jenny Mitchell		22101 Channel Caldwell 83607

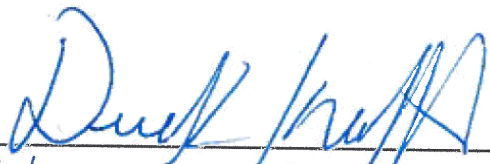
NEIGHBORHOOD MEETING CERTIFICATION:

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):

Derek Kraft

APPLICANT/REPRESENTATIVE (Signature):



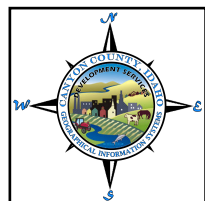
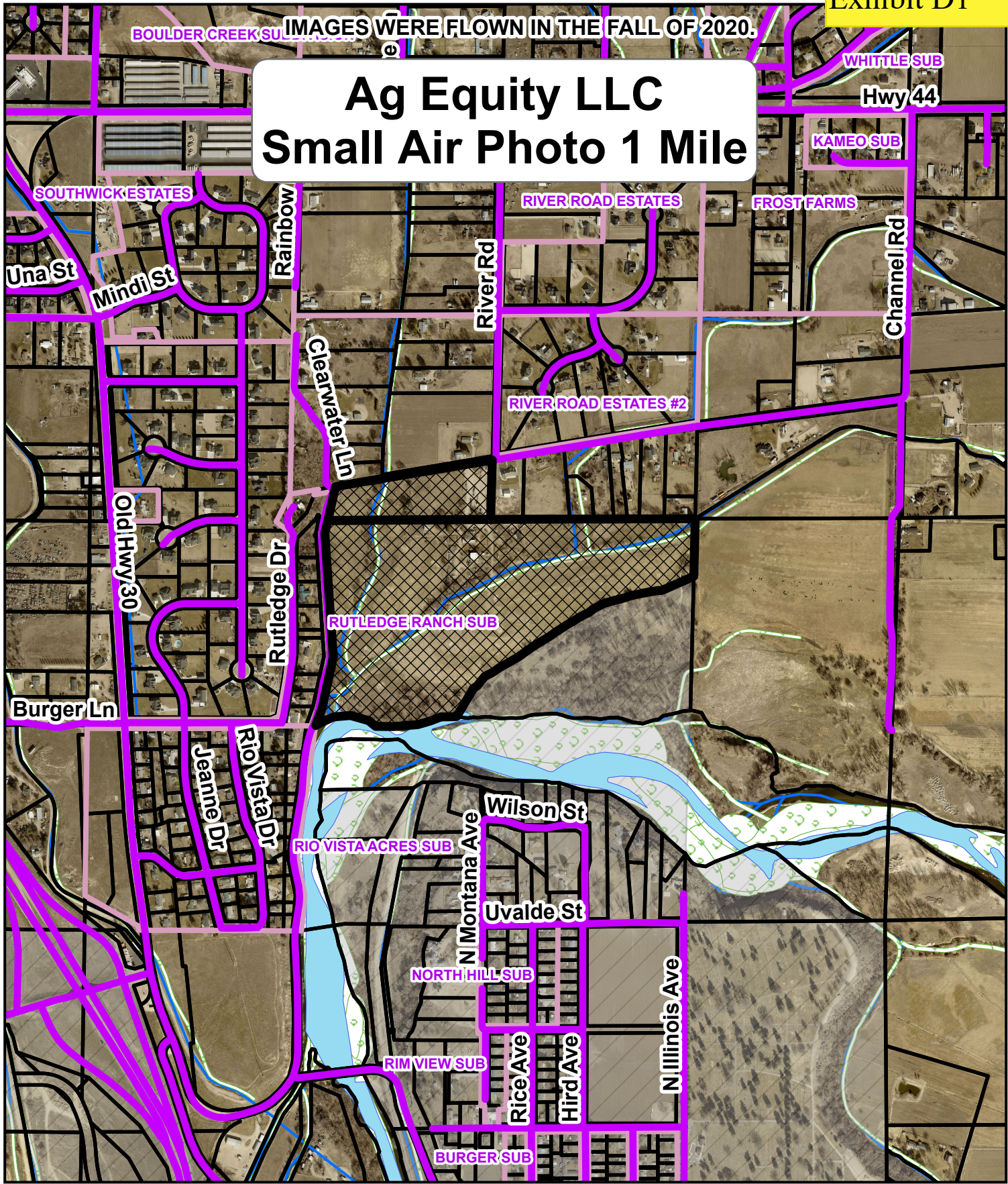
Jake Grubbs Kim Grubbs 14106 Channel Rd

DATE: 02 / 12 / 2024

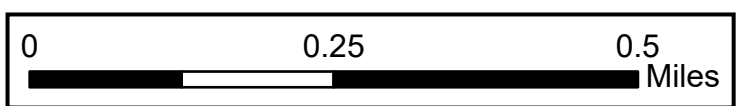
⑤. Sandy & Chris Bell 22420 Rutledge Dr Caldwell
 Trevor Holladay 22767 Channel Rd Caldwell
 Wardell

BOULDER CREEK SUB IMAGES WERE FLOWN IN THE FALL OF 2020.

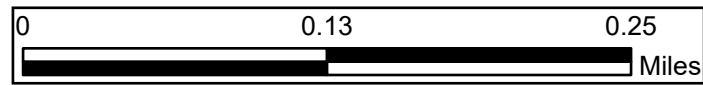
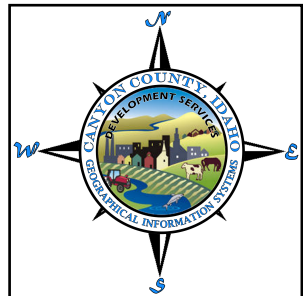
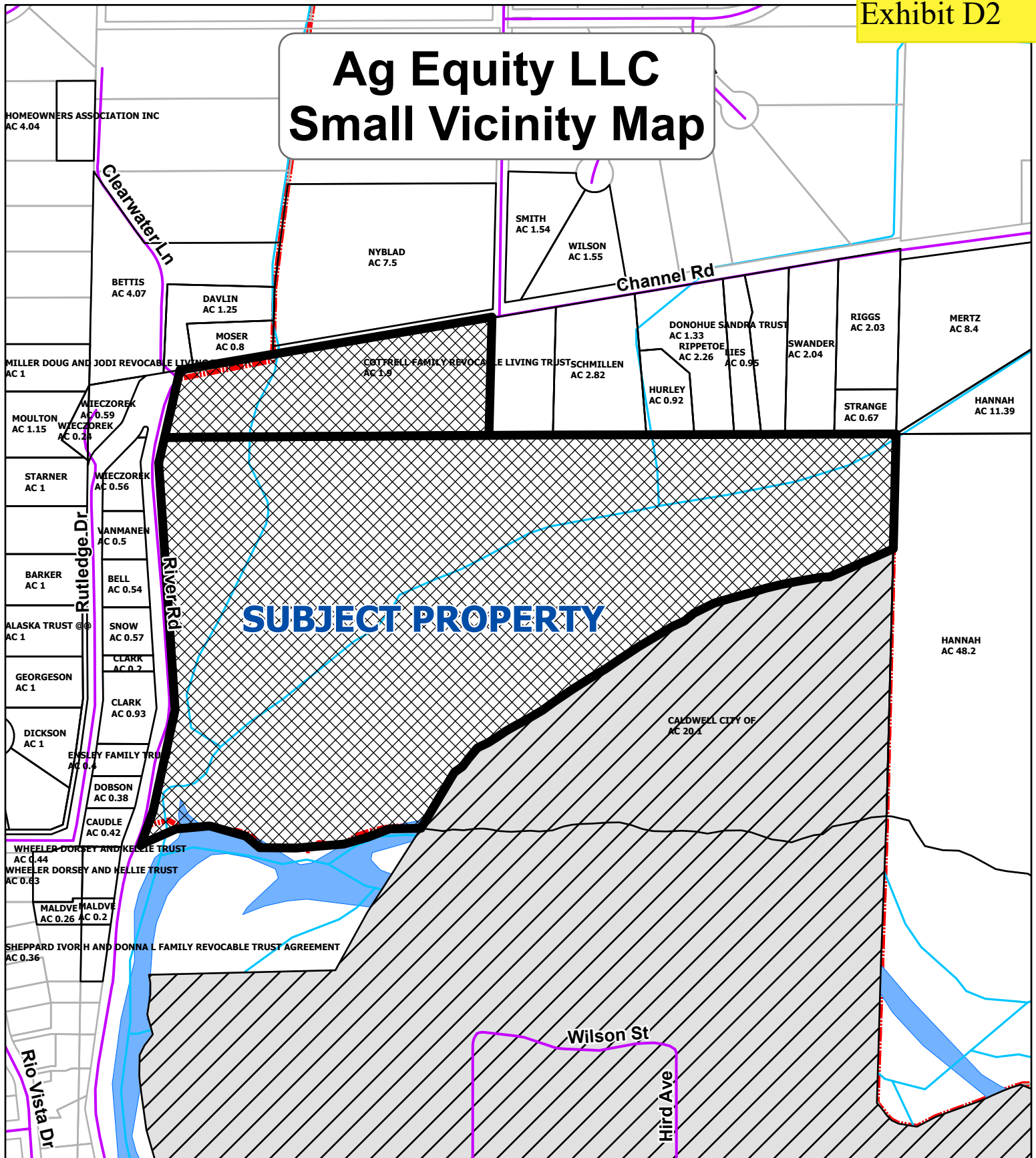
Ag Equity LLC Small Air Photo 1 Mile



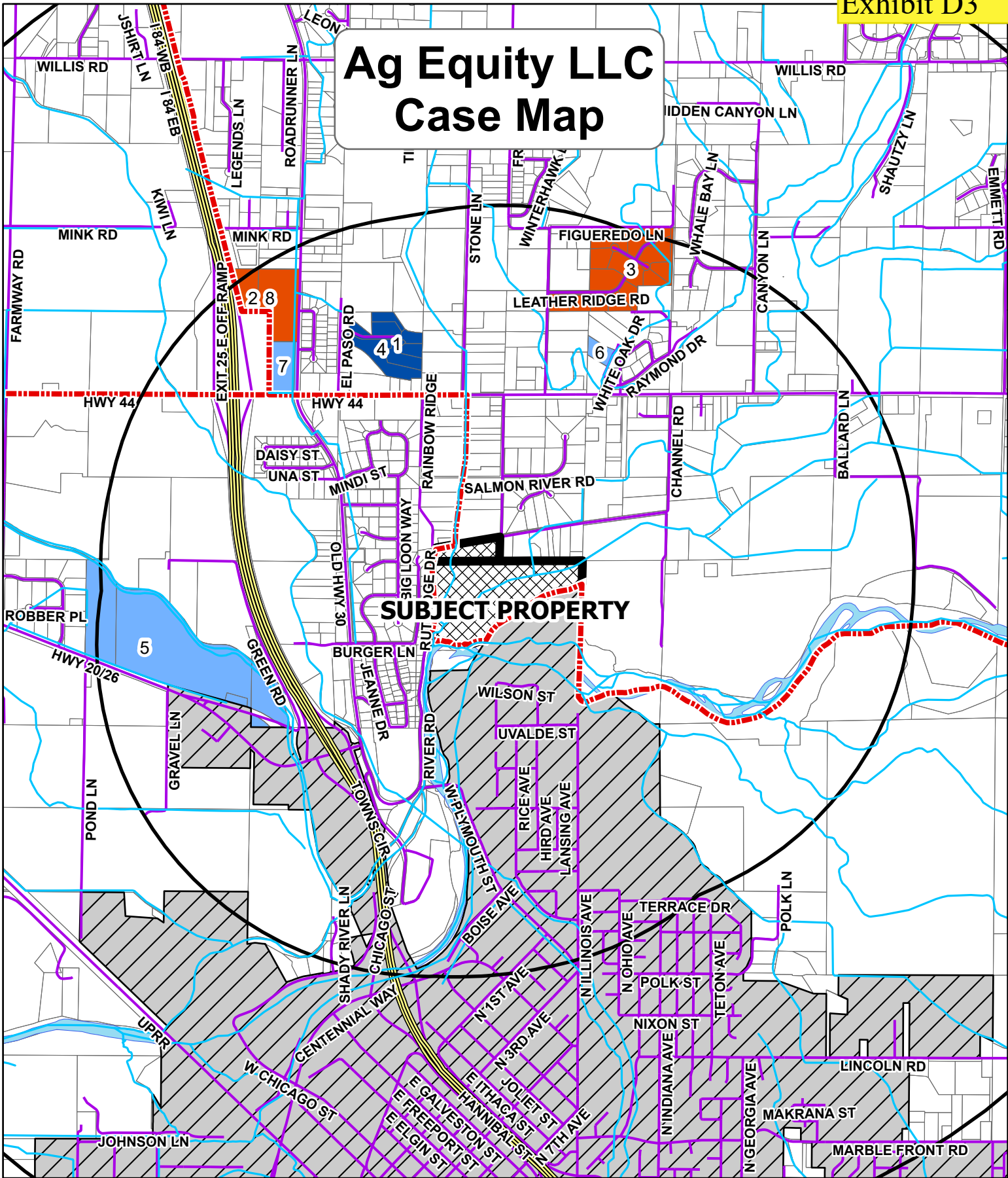
	City Limits
	Wetlands



Ag Equity LLC Small Vicinity Map



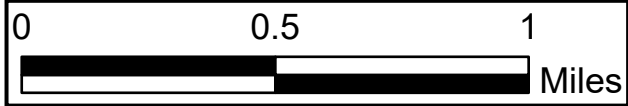
Ag Equity LLC Case Map



SUBJECT PROPERTY



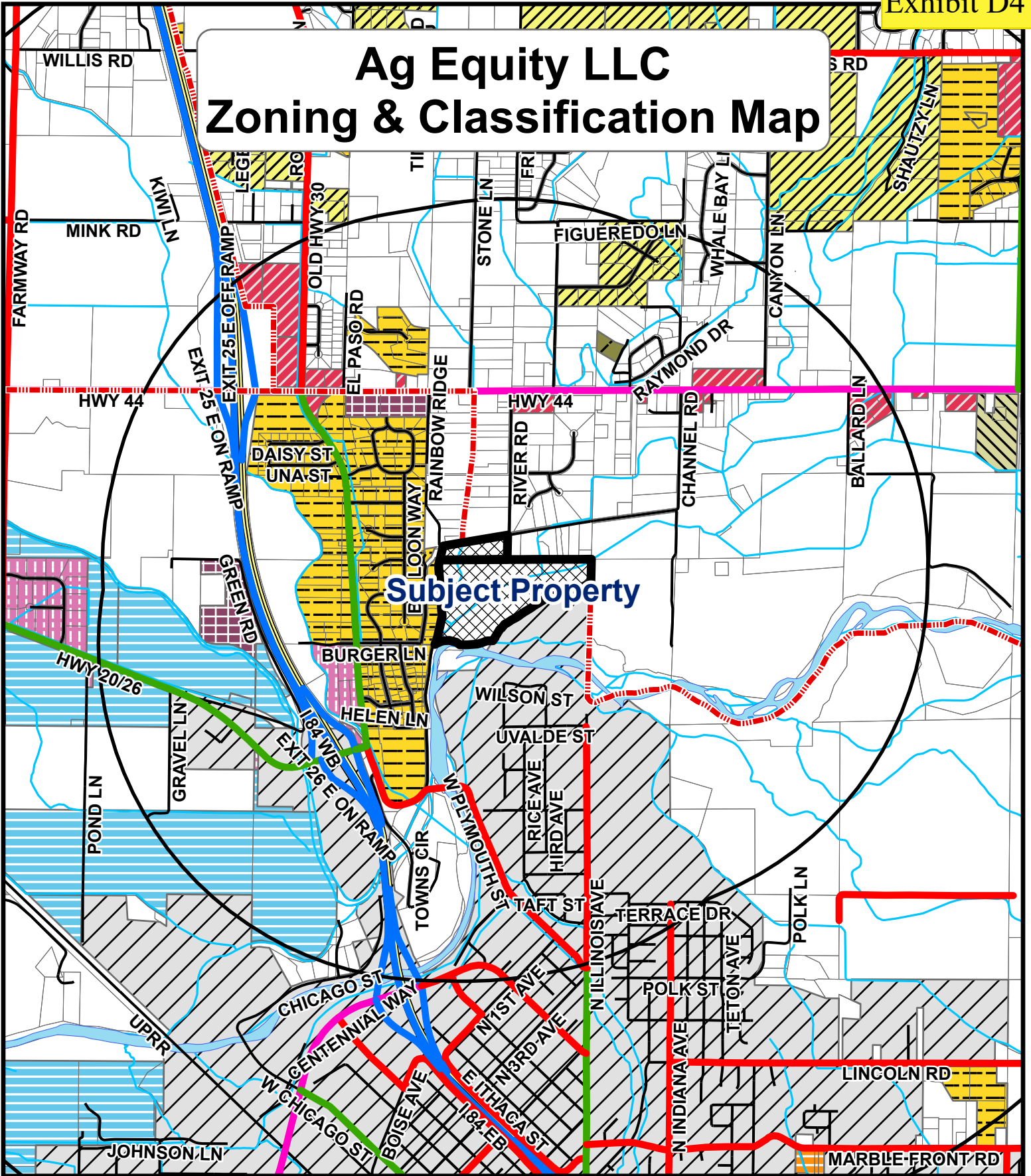
YEAR	
 2023	 2020
 2022	 2019
 2021	 2018



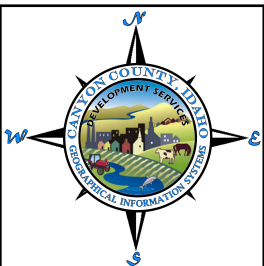
CASE SUMMARY

ID	CASENUM	REQUEST	CASENAME	FINALDECIS
1	PH2017-60	Rezone AG to R1 & Comp Plan Map Change Com to Res	EJ Lewis Trust	APPROVED
2	RZ2018-0040	Rezone AG to C1	BAAS Group LLC	APPROVED
3	SD2018-0015	Saddleback Ridge Estates	Saddleback Ridge Estates	APPROVED
4	SD2019-0004	Boulder Creek Sub	Boulder Creek Sub	APPROVED
5	RZ2021-0052	Rezone & Comp Plan Change to AG & Com to Ind	EL64, LLC	APPROVED
6	RZ2022-0006	Rezone AG to CR-R1	Phoenix	APPROVED
7	RZ2022-0009	Rezone AG to C1	Oregon Trail Church of God	APPROVED
8	CU2021-0009	Planned Unit Development	Sage Gate Storage & Business Park	DENIED

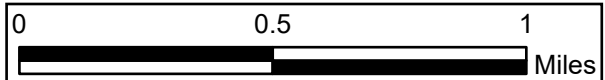
Ag Equity LLC Zoning & Classification Map



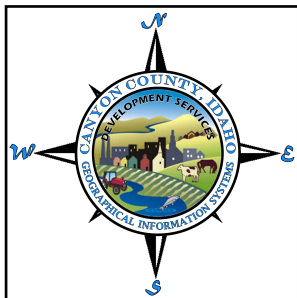
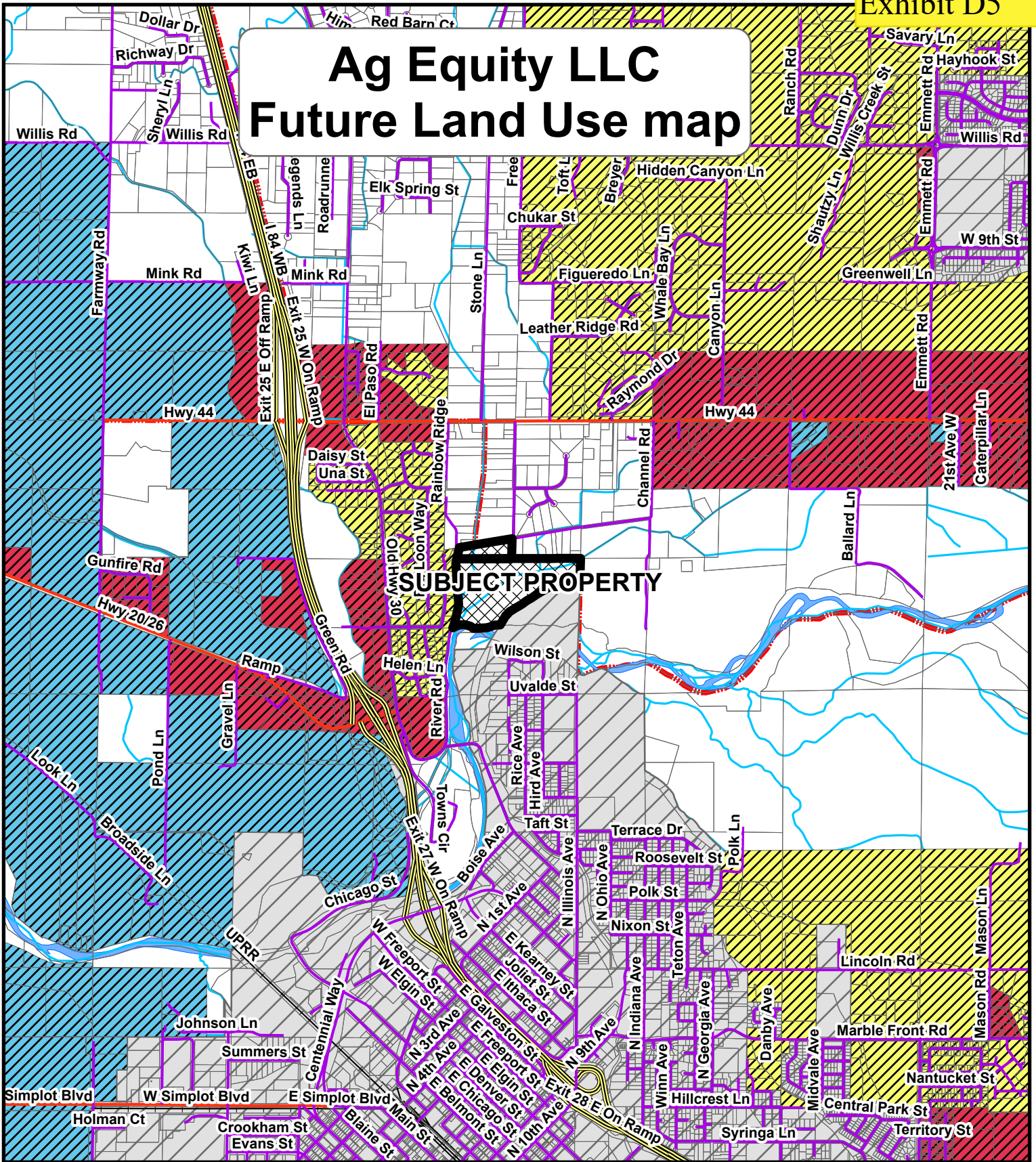
Subject Property



Current Zoning		ITD Functional Classification	
	RR		Interstate
	CR-RR		Major Collector
	R1		Minor Arterial
	CR-R1		Minor Collector
	R2		Other Principal Arterials
	C		AG
	C1		
	CR-C1		
	C2		
	CR-C2		
	M1		
	CR-M1		
	M2		



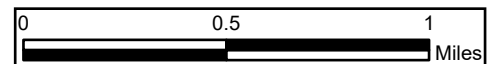
Ag Equity LLC Future Land Use map



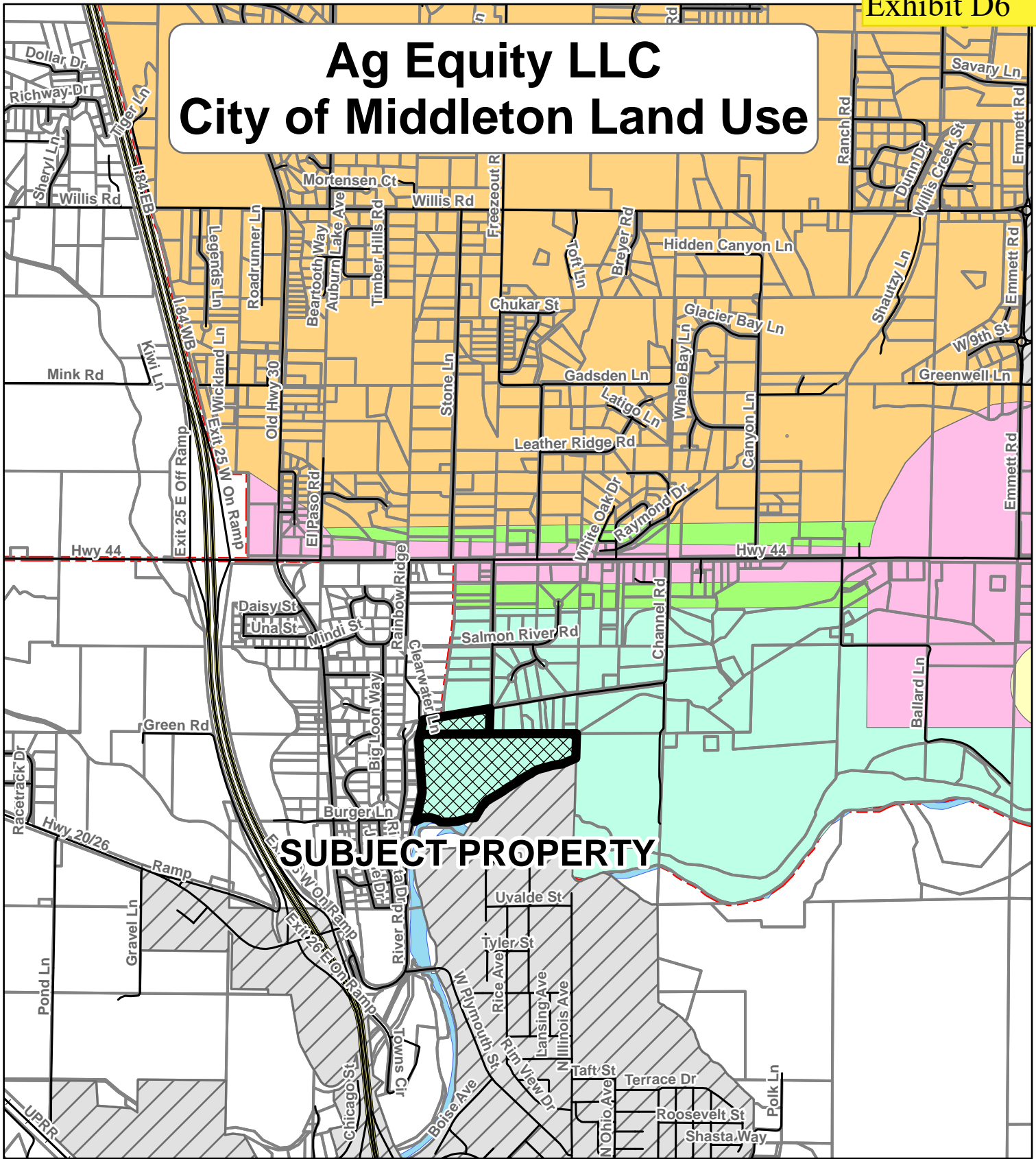
Legend

Future Land Use 2030

- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL



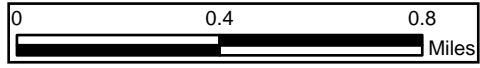
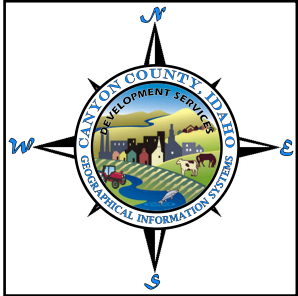
Ag Equity LLC City of Middleton Land Use



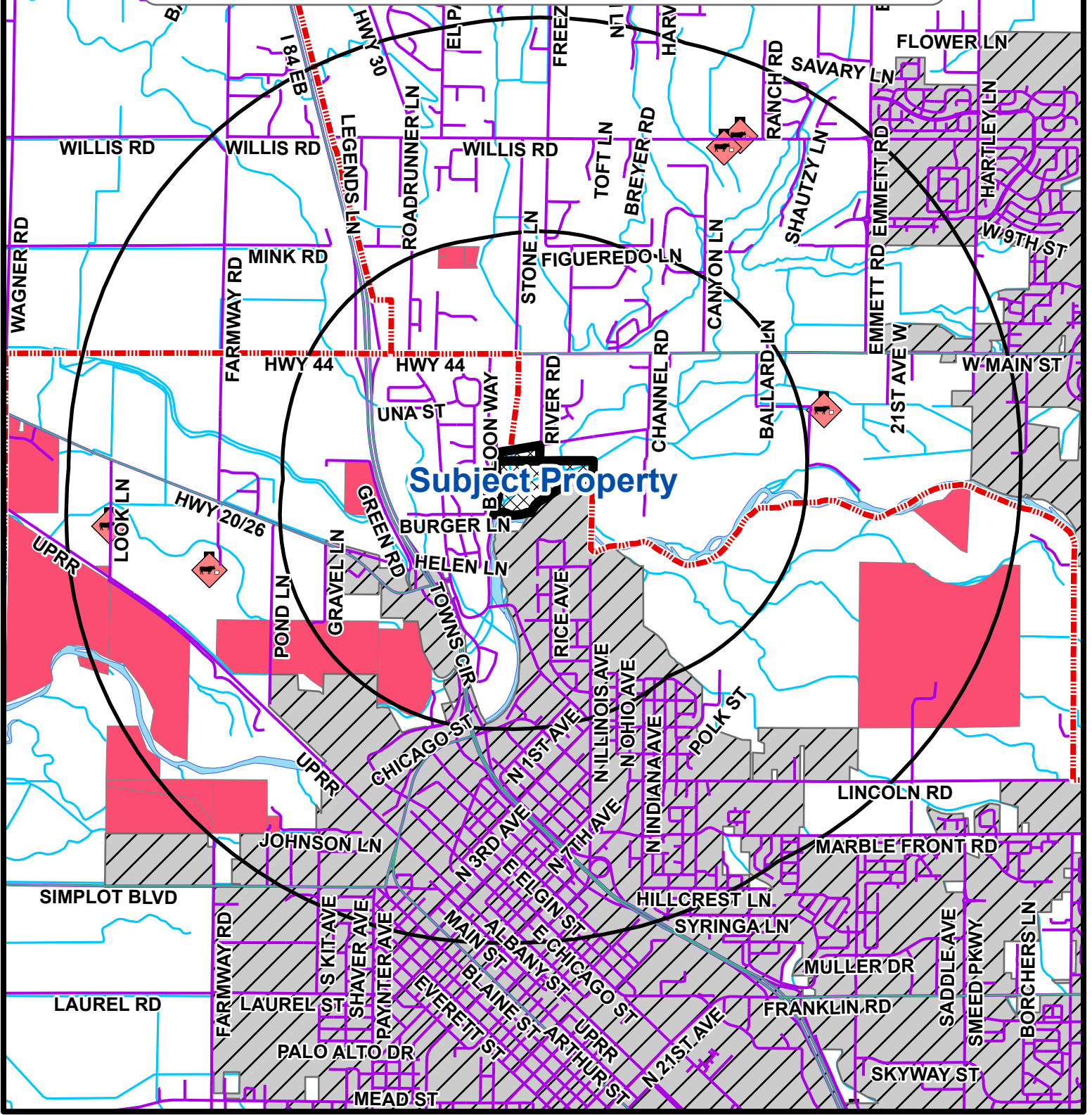
SUBJECT PROPERTY

MiddletonCompPlan

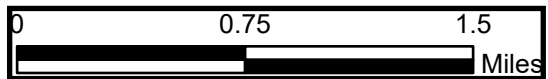
- Commercial
- Industrial
- Mixed Use
- Public
- Residential
- Residential Special Areas
- Transit Oriented



Ag Equity LLC Dairy, Feedlot, and Gravel Pit Map

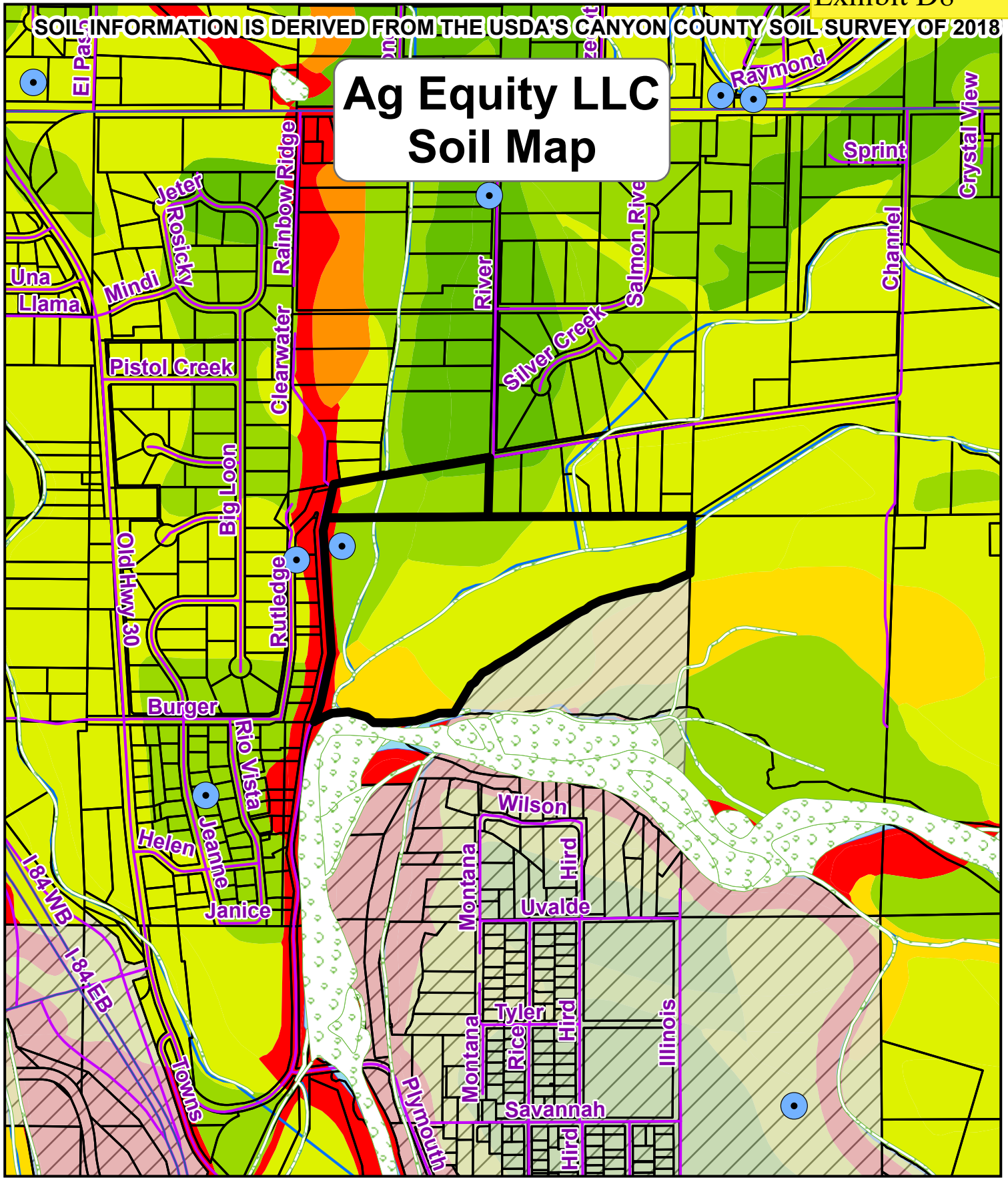


	FEEDLOTS
	DAIRIES
	GRAVELPITS








SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

Ag Equity LLC Soil Map

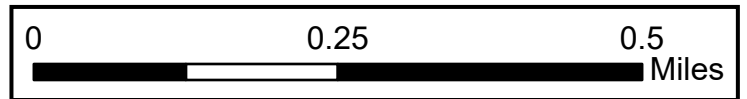


Nitrate Priority Wells

-  0.005000 - 2.000000
-  2.000001 - 5.000000
-  5.000001 - 10.000000
-  10.000001 - 49.800000

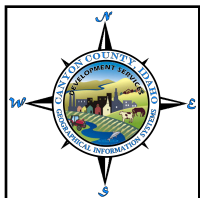
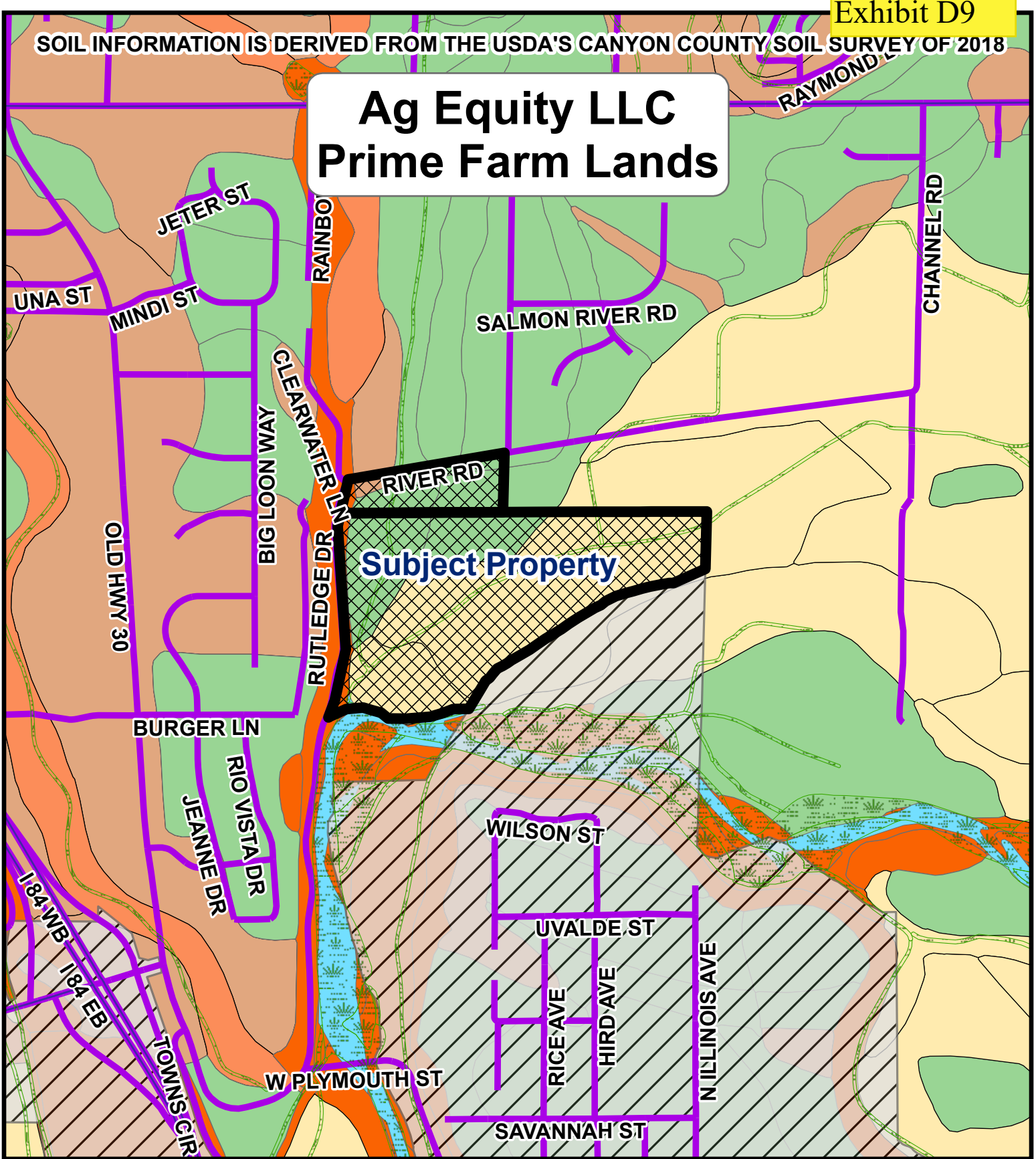
 IDWR_2C_Geothermal_

 Wetlands



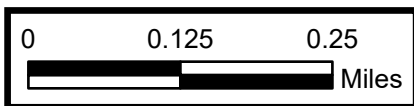
SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

Ag Equity LLC Prime Farm Lands



	TAXLOTS
	City Limits
	WETLANDS
	2C_Hydro

FARMLAND	
	Farmland of statewide importance
	Farmland of statewide importance, if irrigated
	Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
	Not prime farmland
	Water/Gravel Pit/ Rock outcrop/ Riverwash/ Terrace Escarpments
	Prime farmland if irrigated
	Prime farmland if irrigated and drained
	Prime farmland if irrigated and reclaimed of excess salts and sodium



SOIL REPORT

SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
3	MODERATELY SUITED SOIL	429066.00	9.85	17.33%
5	LEAST SUITED SOIL	291198.60	6.69	11.76%
8	LEAST SUITED SOIL	84114.36	1.93	3.40%
8	LEAST SUITED SOIL	174.24	0.00	0.01%
3	MODERATELY SUITED SOIL	320383.80	7.36	12.94%
2	BEST SUITED SOIL	26528.04	0.61	1.07%
4	MODERATELY SUITED SOIL	24916.32	0.57	1.01%
4	MODERATELY SUITED SOIL	1288461.24	29.58	52.05%
2	BEST SUITED SOIL	10585.08	0.24	0.43%
		2475427.68	56.83	100%

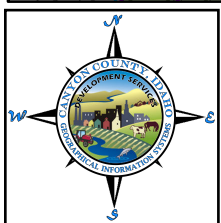
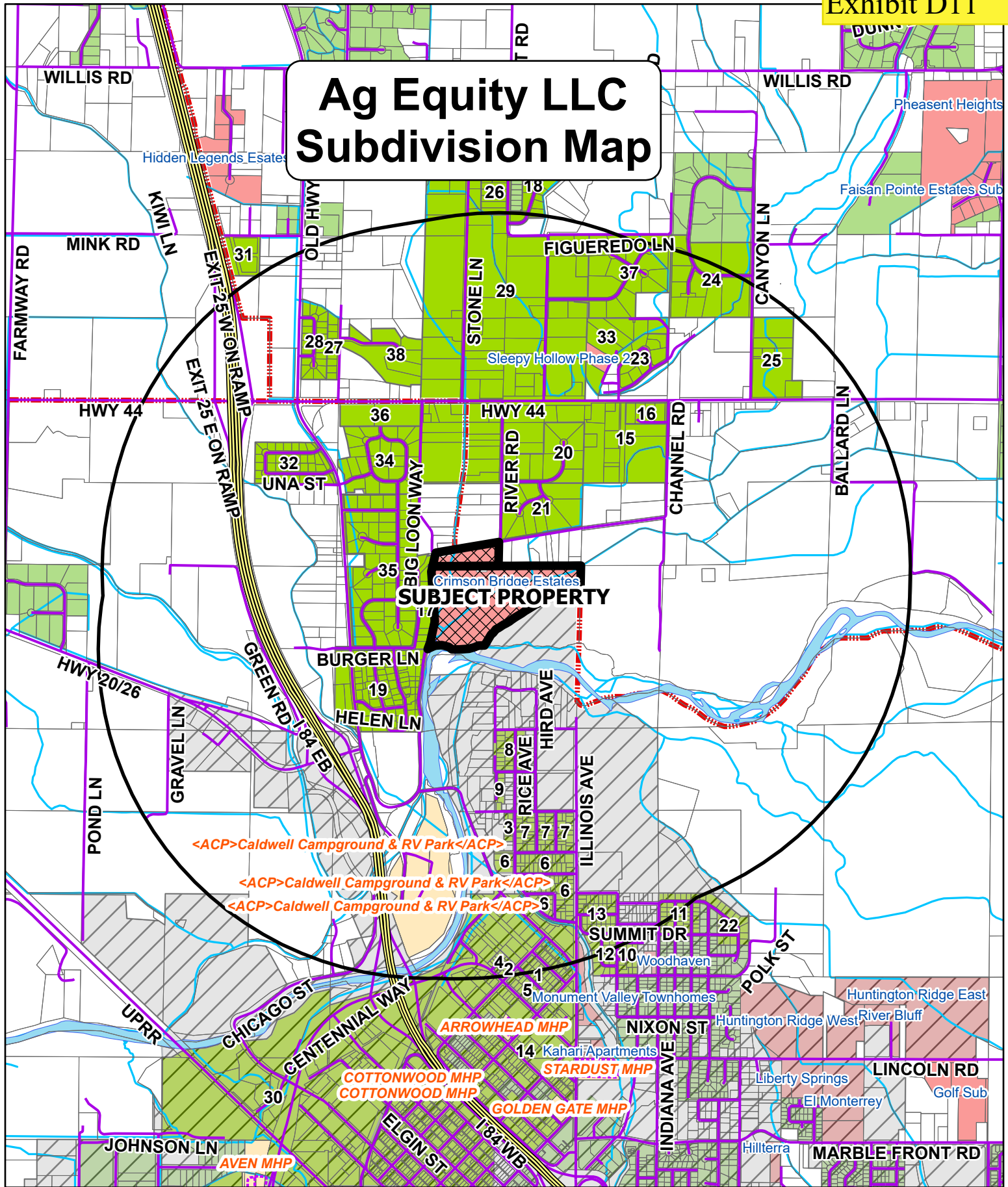
FARMLAND REPORT



SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
No	Prime farmland if irrigated	429066.00	9.85	17.33%
Ch	Prime farmland if irrigated and drained	291198.60	6.69	11.76%
Tc	0	84114.36	1.93	3.40%
W	0	174.24	0.00	0.01%
FaA	Prime farmland if irrigated	320383.80	7.36	12.94%
DrA	Prime farmland if irrigated	26528.04	0.61	1.07%
PhC	Farmland of statewide importance, if irrigated	24916.32	0.57	1.01%
MvA	Prime farmland if irrigated and drained	1288461.24	29.58	52.05%
DrB	Prime farmland if irrigated	10585.08	0.24	0.43%
		2475427.68	56.83	100%

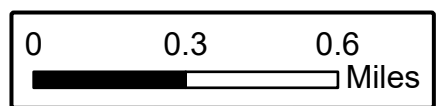
SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

GRADE	SOILTYPE
1	BEST SUITED SOIL
2	BEST SUITED SOIL
3	MODERATELY SUITED SOIL
4	MODERATELY SUITED SOIL
5	LEAST SUITED SOIL
6	LEAST SUITED SOIL
7	LEAST SUITED SOIL
8	LEAST SUITED SOIL
9	LEAST SUITED SOIL

Ag Equity LLC Subdivision Map



	SUBDIVISIONS
	PrelimSubs



SUBDIVISION & LOT REPORT				
NUMBER OF SUBS	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
38	1292.18	1367	0.95	
NUMBER OF SUBS IN PLATTING	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
0	0	0	0	
NUMBER OF LOTS NOTIFIED	AVERAGE	MEDIAN	MINIMUM	MAXIMUM
161	1.98	1.00	0.04	49.74
NUMBER OF MOBILE HOME PARKS	ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE	MAXIMUM
0	0	0	0	0

PLATTED SUBDIVISIONS							
SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF...	Year
BENITO JUAREZ SUB	1	4N3W15	4.53	18	0.25	CALDWELL (CITY)	1978
BENNETT ESTATES	2	4N3W15	0.68	5	0.14	CALDWELL (CITY)	1998
BURGER SUB	3	4N3W15	1.50	6	0.25	CALDWELL (CITY)	1977
COMMUTER ESTATES	4	4N3W15	1.63	10	0.16	CALDWELL (CITY)	2002
MADISON ESTATES	5	4N3W15	4.21	24	0.18	CALDWELL (CITY)	1997
MONTE VISTA ADD	6	4N3W15	18.31	75	0.24	CALDWELL (CITY)	1955
MEADOW VIEW ADD	7	4N3W15	11.51	59	0.20	CALDWELL (CITY)	1950
NORTH HILL SUB	8	4N3W15	7.81	25	0.31	CALDWELL (CITY)	1971
RIM VIEW SUB	9	4N3W15	2.26	6	0.38	CALDWELL (CITY)	1965
MANSELL SUB	10	4N3W15	5.00	19	0.26	CALDWELL (CITY)	1960
HIGHLAND PARK ADD	11	4N3W14	10.03	39	0.26	CALDWELL (CITY)	1956
CANYON HILL ADD #2	12	4N3W15	6.41	21	0.31	CALDWELL (CITY)	1955
CANYON HILL ADD	13	4N3W15	9.71	32	0.30	CALDWELL (CITY)	1950
GOLDEN GATE ADD	14	4N3W15	230.82	461	0.50	CALDWELL (CITY)	1907
FROST FARMS	15	4N3W10	53.58	20	2.68	COUNTY (Canyon)	1907
KAMEO SUB	16	4N3W10	5.09	4	1.27	COUNTY (Canyon)	2005
RUTLEDGE RANCH SUB	17	4N3W10	10.75	13	0.83	COUNTY (Canyon)	1965
RANCHETTE ESTATES	18	4N3W03	17.05	20	0.85	COUNTY (Canyon)	1972
RIO VISTA ACRES SUB	19	4N3W10	41.64	88	0.47	COUNTY (Canyon)	1961
RIVER ROAD ESTATES	20	4N3W10	21.39	10	2.14	COUNTY (Canyon)	2001
RIVER ROAD ESTATES #2	21	4N3W10	23.92	12	1.99	COUNTY (Canyon)	2003
TERRACE ADD	22	4N3W14	8.01	18	0.45	CALDWELL (CITY)	1960
WHITTLE SUB	23	4N3W03	11.42	10	1.14	COUNTY (Canyon)	1971
NORTHSLOPE ESTATES #2	24	4N3W02	37.37	12	3.11	COUNTY (Canyon)	2005
ATKINSON SUB	25	4N3W02	21.36	10	2.14	COUNTY (Canyon)	1971
BALE SUB	26	4N3W03	7.08	7	1.01	COUNTY (Canyon)	1990
FOREST HILLS ESTATES	27	4N3W04	4.82	9	0.54	COUNTY (Canyon)	1987
FOREST HILLS ESTATES #2	28	4N3W04	11.35	21	0.54	COUNTY (Canyon)	1996
FRUITDALE FARMS	29	4N3W03	273.92	83	3.30	COUNTY (Canyon)	1911
GOLDEN GATE SUB	30	4N3W21	228.92	81	2.83	CALDWELL (CITY)	1922
KABLE SUB	31	4N3W04	8.04	4	2.01	COUNTY (Canyon)	1966
MOUNTAIN GEM ESTATES	32	4N3W09	17.72	37	0.48	COUNTY (Canyon)	1996
SLEEPY HOLLOW SUBDIVISION	33	4N3W03	17.60	6	2.93	COUNTY (Canyon)	2005
SOUTHWICK ESTATES	34	4N3W09	29.57	24	1.23	COUNTY (Canyon)	2007
TAYLOR RIDGE SUBDIVISION	35	4N3W10	62.78	53	1.18	COUNTY (Canyon)	2007
TH SOUTHWICK COMMERCIAL SUBDIVISION	36	4N3W10	10.55	2	5.27	COUNTY (Canyon)	2017
T OF SADDLEBACK RIDGE ESTATES SUBDIVISION	37	4N3W03	35.81	16	2.24	CANYON COUNTY	2020
BOULDER CREEK SUBDIVISION	38	4N3W03	18.01	7	2.57	CANYON COUNTY	2020

MOBILE HOME & RV PARKS					
SUBDIVISION NAME	SITE ADDRESS	ACRES	NO. OF SPACES	UNITS PER ACRE	CITY OF...

Michelle Barron

From: Smith, Carolyn D CIV USARMY CENWW (USA) <Carolyn.D.Smith@usace.army.mil>
Sent: Friday, February 9, 2024 11:52 AM
To: Michelle Barron
Cc: Chase Cusack; Gibble, Katie
Subject: [External] RE: CU2023-0004 Ag Equity LLC Long term mineral extraction Conditional Use Application
Attachments: Master Application CU2023-0004.pdf

Good Morning Michelle,

Thank you for reaching out. We do our best to respond to requests for comments when applicable to our program, however we are not always able to respond. No comment from the Department of Army (DA) on a request for comments does not alleviate an applicant from needing to comply with Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors act as administered by the DA, US Army Corps of Engineers (USACE).

In the future, I would encourage you to submit your requests for comments to the regional email inbox associated with the county the work would occur in (updated regulatory map attached). For Canyon County, this would be: CENWW-RD-BOI-TV@usace.army.mil.

The following is in response to Canyon County Development Services January 9, 2024, email, requesting comments on the proposed AgEquity Holdings LLC gravel mining operation. Thank you for providing the Corps of Engineers the opportunity to provide comment. According to the information provided, the proposed project is to conduct sand and gravel mining operations on a 56-acre parcel bisected by the West and East Hartley Gulches, and adjacent to the Boise River. It is our understanding that the end-use state of the parcel would be single-family residential subdivision development. The project has been assigned DA file number: NWW-2023-00170, please refer and/or have the applicant refer to this reference number in all future correspondence with us concerning this project.

Review of the information provided indicates the presences of two perennial features bisecting the project area, as well as site adjacency to the Boise River. These aquatic resources, including wetlands, may be considered waters of the United States (WOTUS) and may be subject to regulation under section 404 of the Clean Water Act. If the proposed work would result in a discharge of dredged or fill material into these aquatic resources, an application for permit may be required. Generally speaking, during gravel mining activities, more than de minimus fall back occurs, along with grading and other mechanical manipulation to the existing substrate; these activities may constitute a discharge of dredged or fill material when occurring within and/or into WOTUS., and would likely require a 404 permit to complete. In this case, consultants associated with the proposed work have already been in contact with our office and we are continuing to work with them to ensure compliance with 404 permitting requirements.

The DA exerts regulatory jurisdiction over waters of the United States, including wetlands, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Section 404 of the Clean Water Act requires a DA permit to be obtained prior to discharging dredged or fill material into WOTUS, including wetlands.

The Corps is grateful for this opportunity to provide comment and will continue to work with the applicant and their agents in preparing a DA permit application should they move forward with any work impacting the aquatic resources, including wetlands, that may be jurisdictional under Section 404 of the Clean Water Act.

For informational purposes only I am cc'ing Chase Cusack, Idaho Department of Environmental Quality; and Katie Gibble, Idaho Department of Water Resources

Kind Regards,



Carolyn Smith (She/Her)
Environmental Resources Specialist, Regulatory
Division

DESK: (208) 433-4497
MOBILE: (208) 530-5115
EMAIL: Carolyn.D.Smith@usace.army.mil
WEB: <https://www.nww.usace.army.mil/Business-With-Us/Regulatory-Division/>
ADDRESS: 720 E. Park Blvd, Suite 245 | Boise, Idaho | 83712

I will be out of the office starting [Monday, March 4th](#). I will return to work on [Tuesday, March 12th, 2024](#). If you need immediate assistance during my absence, please contact [Nicole Deinarowicz](#) at (208) 433-4478; or [Tracy Peak](#) at (208) 433-4465; or the Regulatory Main Line at (208) 433-4464; or send an email to CENWW-RD@usace.army.mil.

From: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>
Sent: Friday, February 9, 2024 11:21 AM
To: Smith, Carolyn D CIV USARMY CENWW (USA) <Carolyn.D.Smith@usace.army.mil>
Subject: [Non-DoD Source] FW: CU2023-0004 Ag Equity LLC Long term mineral extraction Conditional Use Application

Good Morning Carolyn,

I had sent this out to a different address previously and hadn't received a response. I see that you had commented on another project for one of our planners and thought I would forward this message to you and see if you would like to respond, or if you know who I could send it to?

I have postponed the hearing in hopes to get more information from agencies and the applicant. The new deadline for comments is March 2nd.

Thanks for you help,

Michelle Barron
Principal Planner
Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605
Direct Line: 208-455-6033
DSD Office Phone: 208-454-7458
Email: Michelle.Barron@canyoncounty.id.gov
Website: www.canyoncounty.id.gov
Office Hours:
Monday, Tuesday, Thursday and Friday 8am – 5pm
Wednesday 1pm – 5pm
**We will not be closed during lunch hour **

From: Michelle Barron
Sent: Tuesday, January 9, 2024 4:02 PM

To: 'cenww-rd@usace.army.mil' <cenww-rd@usace.army.mil>; 'projectmgr@boiseriver.org' <projectmgr@boiseriver.org>; 'scott_sbi@outlook.com' <scott_sbi@outlook.com>

Subject: CU2023-0004 Ag Equity LLC Long term mineral extraction Conditional Use Application

Good Afternoon,

I am reaching out to make sure you have the opportunity to respond to this application. There is a deadline of January 13th, but if you need more time, please reach out and let me know.

Thanks,

Michelle Barron

Principal Planner

Canyon County Development Services Department

111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-455-6033

DSD Office Phone: 208-454-7458

Email: Michelle.Barron@canyoncounty.id.gov

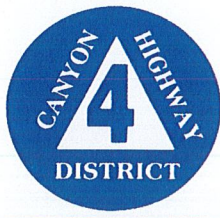
Website: www.canyoncounty.id.gov

Office Hours:

Monday, Tuesday, Thursday and Friday 8am – 5pm

Wednesday 1pm – 5pm

**We will not be closed during lunch hour **



May 22, 2023

Canyon County Board of Commissioners
and Planning & Zoning Commission
111 N. 11th Street
Caldwell, Idaho 83605

Attention: Samantha Hammond, Planner

Jeff Bower & Kristen McNeill, Applicants

**RE: CU2023-0004 Conditional Use Permit for Gravel Mine and Crushing Operation
Canyon County Parcels R34667011 and R34668 (approx. 56 acres)**

Dear Commissioners:

Canyon Highway District No. 4 (CHD4) has reviewed the application for a Conditional Use Permit to construct and operate a gravel mine and crusher on the above parcels, totaling approximately 56-acres. CHD4 offers the following comments on the proposed use:

General

The two parcels included in the application have access and/or frontage to only one public road, River Rd along the northerly boundary of Parcel R34668. River Rd is classified as a collector road on the functional classification maps adopted by CHD4 and Canyon County. Existing right-of-way width for River Rd varies along the property frontage. Ultimate right-of-way width for a collector road is a 40-foot half-width measured from the existing road centerline. It is CHD4's understanding that the property will be converted to a residential subdivision after mineral extraction is complete.

Access

A commercial approach permit from CHD4 will be required for a change in use of the property from agricultural to commercial (gravel mine).

A commercial access permit conditions agreement between the mine operator and CHD4 will be required to establish conditions for operations, improvements to public roads and/or intersections impacted by the use, and the timing of any necessary improvements.

CHD4 anticipates the following requirements will be a part of the commercial access agreement, to be finalized upon preparation of the agreement and approval by the CHD4 Board:

- Construct a commercial approach onto River Rd to serve the gravel mine operations.
- Improve the pavement section of River Rd from the access point to the River/Channel Rd intersection. Existing asphalt section on River Rd is in very poor condition and will not support truck traffic. Improvements will require new aggregate base and plant mix pavement.

- Restrictions on haul route to limit truck traffic to the use of River Rd east and north of the site only. No commercial truck traffic will be allowed on River Rd west of the access, or on Channel Rd.
- Improvements to River Rd/SH 44 intersection as may be required by ITD.
- Reserve property sufficient for future 40-foot right-of-way for River Rd during mining process.
- Maintain drainage way for West Hartley Gulch drain such that no additional rise in flood elevation occurs at the River Rd crossing of the drainage.

Traffic Mitigation and Impact Study

The Highway Standards and Development Procedures Manual (HSDP Manual) adopted by CHD4 requires mitigation of traffic impacts from development activities such as those proposed for the site. This requirement is typical for any commercial development, and is applied to any new or expanded gravel extraction operation.

A Traffic Impact Study (TIS) is required for development generating more than 500 trips/day or 50 trips in the peak hour, or for other uses that, in the opinion of the District, will impact traffic operations. The applicant has indicated that 40 commercial truck trips per day are anticipated from the site during the 3-year operations period. This is well below the threshold for requiring a TIS, and 80 additional trips per day (one in, one out per truck) will not significantly degrade the Level of Service of either River Rd or the River Rd/SH 44 intersection.

The 24 acres proposed to be mined would generate approximately 774,000 cubic yards assuming a 20-foot depth of usable material. This is equivalent to roughly 59,000 truck loads. Assuming 200-days per year of operation, approximately 100 trips per day is required to export all material from the mine area. This is still below the threshold which would require a TIS, and 10 additional trips during the peak hour are not anticipated to materially reduce the LOS at any affected intersections.

CHD4 requests that the Planning & Zoning Commission and Canyon County Commissioners consider these comments, and make all requirements provided above conditions of approval of this proposed conditional use. CHD4 does not otherwise oppose the requested land use changes. Please feel free to contact me with any questions on this matter.

Respectfully,



Chris Hopper, P.E.
District Engineer

File: Subdivision_River Rd- Crimson Bridge Sub & Gravel Mine

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

May 9, 2023

**To: Dan Lister Planner of Record
Canyon County Development Services**

From: Canyon Soil Conservation District (Canyon SCD)

Subject: P & Z Agency Notice

Thank you for sending Canyon Soil Conservation District (SCD) a zoning request.

The request is: CU2023-0004 Jeff Bower/Kristen McNeill.

Comments from Canyon SCD:

The acreage amounts on the maps are an estimate. Percentages of soils are rounded to a whole number.

CU2023-0004 Jeff Bower/Kristen McNeill is 1% Class 2, 30% Class 3, 54% Class 4, 11% Class 5 and 4% not rated. Canyon SCD has no comments.

Continued Partnership and Conservation.

Sincerely,

Rich Sims acting for:

Mike Swartz, Canyon SCD Chairman



United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for Canyon Area, Idaho

cu2023-0004 Jeff Bower Kristen
McNeill



May 5, 2023

Soil Information for All Uses

Suitabilities and Limitations for Use

The Suitabilities and Limitations for Use section includes various soil interpretations displayed as thematic maps with a summary table for the soil map units in the selected area of interest. A single value or rating for each map unit is generated by aggregating the interpretive ratings of individual map unit components. This aggregation process is defined for each interpretation.

Land Classifications

Land Classifications are specified land use and management groupings that are assigned to soil areas because combinations of soil have similar behavior for specified practices. Most are based on soil properties and other factors that directly influence the specific use of the soil. Example classifications include ecological site classification, farmland classification, irrigated and nonirrigated land capability classification, and hydric rating.

Irrigated Capability Class (CU2023-0004 Jeff Bower Kristen McNeill)

Land capability classification shows, in a general way, the suitability of soils for most kinds of field crops. Crops that require special management are excluded. The soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management. The criteria used in grouping the soils do not include major and generally expensive landforming that would change slope, depth, or other characteristics of the soils, nor do they include possible but unlikely major reclamation projects. Capability classification is not a substitute for interpretations that show suitability and limitations of groups of soils for rangeland, for woodland, or for engineering purposes.

In the capability system, soils are generally grouped at three levels-capability class, subclass, and unit. Only class and subclass are included in this data set.

Capability classes, the broadest groups, are designated by the numbers 1 through 8. The numbers indicate progressively greater limitations and narrower choices for practical use. The classes are defined as follows:

Custom Soil Resource Report

Class 1 soils have few limitations that restrict their use.

Class 2 soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices.

Class 3 soils have severe limitations that reduce the choice of plants or that require special conservation practices, or both.

Class 4 soils have very severe limitations that reduce the choice of plants or that require very careful management, or both.

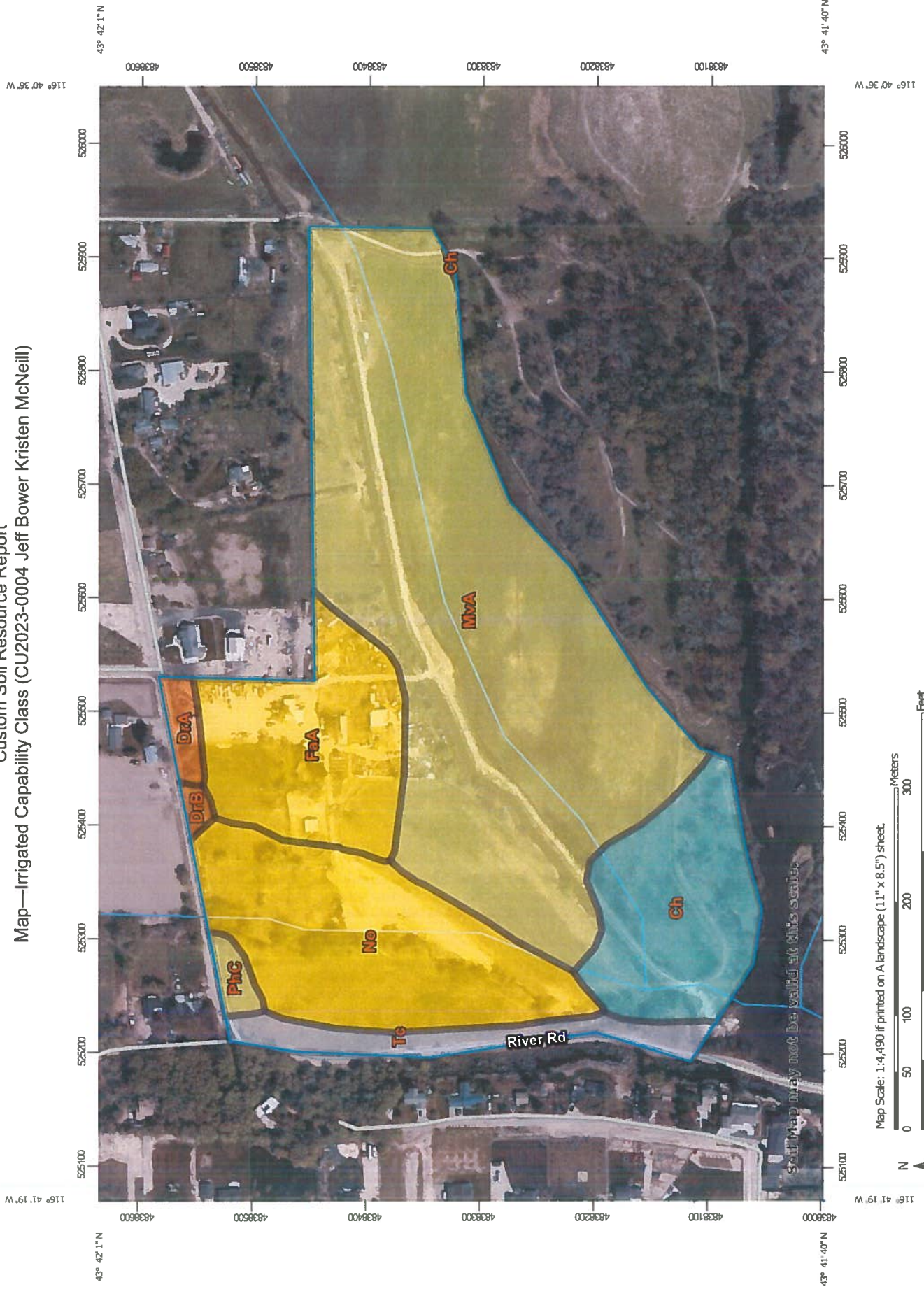
Class 5 soils are subject to little or no erosion but have other limitations, impractical to remove, that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

Class 6 soils have severe limitations that make them generally unsuitable for cultivation and that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.





































Class 7 soils have very severe limitations that make them unsuitable for cultivation and that restrict their use mainly to grazing, forestland, or wildlife habitat.

Class 8 soils and miscellaneous areas have limitations that preclude commercial plant production and that restrict their use to recreational purposes, wildlife habitat, watershed, or esthetic purposes.

Custom Soil Resource Report
 Map—Irrigated Capability Class (CU2023-0004 Jeff Bower Kristen McNeill)



MAP LEGEND

 Area of Interest (AOI)	 Capability Class - III
 Area of Interest (AOI)	 Capability Class - IV
Soils	 Capability Class - V
Soil Rating Polygons	 Capability Class - VI
 Capability Class - I	 Capability Class - VII
 Capability Class - II	 Capability Class - VIII
 Capability Class - III	 Not rated or not available
 Capability Class - IV	Water Features
 Capability Class - V	 Streams and Canals
 Capability Class - VI	Transportation
 Capability Class - VII	 Rails
 Capability Class - VIII	 Interstate Highways
 Not rated or not available	 US Routes
Soil Rating Lines	 Major Roads
 Capability Class - I	 Local Roads
 Capability Class - II	Background
 Capability Class - III	 Aerial Photography
 Capability Class - IV	
 Capability Class - V	
 Capability Class - VI	
 Capability Class - VII	
 Capability Class - VIII	
 Not rated or not available	
Soil Rating Points	
 Capability Class - I	
 Capability Class - II	

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Canyon Area, Idaho
 Survey Area Data: Version 19, Sep 2, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 19, 2021—Apr 21, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Custom Soil Resource Report

Table—Irrigated Capability Class (CU2023-0004 Jeff Bower Kristen McNeill)

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
Ch	Chance fine sandy loam	5	6.5	11.8%
DrA	Draper loam, 0 to 1 percent slopes	2	0.6	1.1%
DrB	Draper loam, 1 to 3 percent slopes	2	0.2	0.4%
FaA	Falk fine sandy loam, 0 to 2 percent slopes	3	7.0	12.7%
MvA	Moulton loam, 0 to 1 percent slopes	4	28.2	51.0%
No	Notus soils	3	9.8	17.8%
PhC	Power silt loam, 3 to 7 percent slopes	4	0.5	0.9%
Tc	Terrace escarpments		2.3	4.2%
Totals for Area of Interest			55.2	100.0%

Rating Options—Irrigated Capability Class (CU2023-0004 Jeff Bower Kristen McNeill)

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Michelle Barron

From: Dianne Secretary <irr.water.3@gmail.com>
Sent: Friday, March 22, 2024 10:44 AM
To: Michelle Barron
Subject: Re: [External] Re: CU2023-0004 Ag Equity

Michelle -

Here is the response from my board, concerning "comments for the **CU2023-0004 Ag Equity application**".

The Canyon County Water Company board has met with the representatives of AgEquity Holdings, LLC. AgEquity plans no changes to the current easement and delivery system of CCW canal through this property. There will be no interruption or change to Canyon County Water flow, allowing our water to continue to discharge at the end of the pipe.

**Dianne Foster, Secretary
Canyon County Water Company**

On Mon, Mar 18, 2024 at 3:39 PM Michelle Barron <Michelle.Barron@canyoncounty.id.gov> wrote:

Hello Dianne,

Does the Board have any comments on the application? I have rescheduled the hearing for later in April, but I would love to have their comments soon so I can add it to my Staff Report.

Thanks,

*Michelle Barron
Principal Planner
Canyon County Development Services Department*

111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-455-6033

DSD Office Phone: 208-454-7458

Email: Michelle.Barron@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

From: Dianne Secretary <irr.water.3@gmail.com>
Sent: Monday, March 11, 2024 4:34 PM
To: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>
Subject: Re: [External] Re: CU2023-0004 Ag Equity

Thank-you

Dianne Foster, Secretary

Canyon County Water Company

On Mon, Mar 11, 2024 at 12:09 AM Michelle Barron <Michelle.Barron@canyoncounty.id.gov> wrote:

Dianne,

I have forwarded this email to the owner of the parcel.

Thanks,

Michelle Barron

Principal Planner

Canyon County Development Services Department

111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-455-6033

DSD Office Phone: 208-454-7458

Email: Michelle.Barron@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

From: Dianne Secretary <irr.water.3@gmail.com>
Sent: Tuesday, March 5, 2024 12:09 PM
To: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>
Subject: [External] Re: CU2023-0004 Ag Equity

Michelle -

I have forwarded ALL this information to members of my board to review.

I do have a request. I have NOT yet received irrigation assessment for this property at 14533 River Road. Billing was mailed to this address in October 2023 and due on December 31, 2023.

I am in the process of preparing the delinquent bills.

Do you have a better address (or email) where I can send this notice? Unfortunately, the only contact information I have for this property is the address on River Road.

If you would like to give them my email address or have them contact me at 208-455-1735.

I would like to get this delinquent assessment taken care of as soon as possible.

Thank you,

Dianne Foster, Secretary

Canyon County Water Company

On Mon, Mar 4, 2024 at 3:18 PM Michelle Barron <Michelle.Barron@canyoncounty.id.gov> wrote:

Good afternoon,

I was just checking in to see if you needed any additional information on this proposed Mineral Extraction Conditional Use Permit request. I will attach a little more for you to evaluate and hopefully make comment on.

Thanks,

Michelle Barron

Principal Planner

Canyon County Development Services Department

111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-455-6033

DSD Office Phone: 208-454-7458

Email: Michelle.Barron@canyoncounty.id.gov

Website: www.canyoncounty.id.gov



CITY OF *Caldwell, Idaho*

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

April 21, 2023

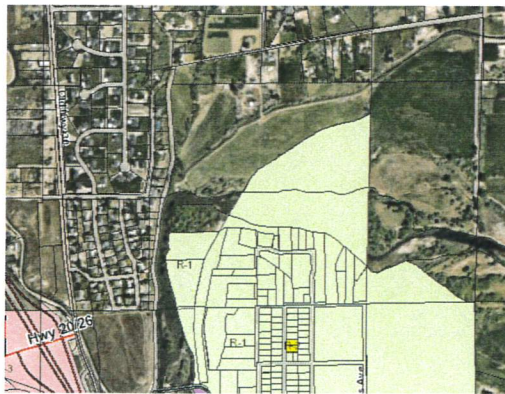
Samantha Hammond
Case Planner
Canyon County Development Services Dept.
111 North 11th Ave. Ste. 340
Caldwell, Idaho 83605

Re: Jeff Bower / Kristen McNeil
Mineral Extraction Use – CU2023-0004
14533 River Road
Caldwell, Idaho

Dear Ms. Hammond,

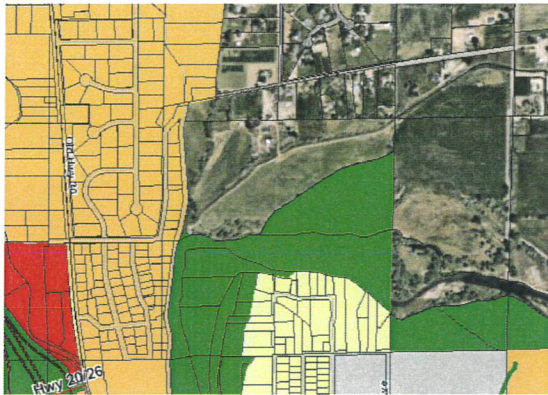
Our office received your letter regarding the conditional use application for a mineral extraction use on the property located at 14533 River Road in Caldwell, Idaho.

This parcel is not within the City of Caldwell’s Area of City Impact but is contiguous to the City of Caldwell incorporated area and is contiguous to the City of Caldwell’s Area of City Impact.



Zoning Map Legend:

Light Grey = Low Density Residential
Light Red = Service Commercial



Comprehensive Plan Map Legend:

Light Orange = Low Density Residential
Medium Orange = Residential Estates
Red = Commercial and Service
Green = Environmentally Sensitive
Grey = Public

Although this is not in the City of Caldwell's Area of City Impact, the City does have concerns about having a mineral extraction use next to residential zones. Mineral extraction activities can have adverse noise and vibration impacts on neighboring properties.

While we recognize that mineral extraction is a major resource activity that provides raw materials to support economic infrastructure; the pollution, erosion and sedimentation to surface water and groundwater is of concern. In addition, after the minerals are processed, the waste rock and mine tailings are usually stored in large aboveground piles and containment areas, which has a negative visual impact on surrounding neighborhoods, and also poses an environmental problem.

Therefore, the city feels this use would cause damage, hazards, nuisances and other detriments to persons or properties in the vicinity.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robin Collins', written over a white background.

Robin Collins

Director

City of Caldwell Planning and Zoning Department

Archived: Wednesday, January 17, 2024 7:51:39 PM

From: [Robin Collins](#)

Mail received time: Thu, 4 Jan 2024 17:21:37

Sent: Fri, 5 Jan 2024 00:21:26

To: [Jarom Wagoner](#) [Michelle Barron](#)

Cc: [Sabrina Minshall](#)

Subject: Re: [External] FW: proposed gravel pit

Importance: Normal

Sensitivity: None

Attachments:

[Image.jpeg](#) 

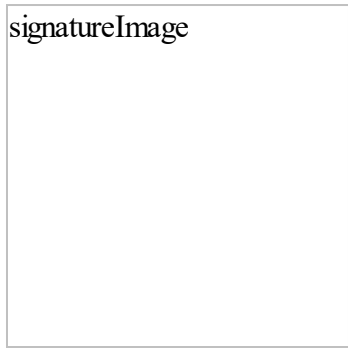
Michelle

This email is in follow up to our original agency comments dated April of 2023. \~

Although the city would ask for denial of this conditional use, If for some reason this was to get approved, the City would like to ensure the use would only be allowed for a maximum of three (3) years, and that there would be conditions put in place to address the adverse impacts of noise, traffic, and overall aesthetics.

Thank you

Robin



From: Robin Collins

Sent: Thursday, January 4, 2024 4:09:34 PM

To: Jarom Wagoner <jwagoner@cityofcaldwell.org>; Michelle Barron <Michelle.Barron@canyoncounty.id.gov>

Cc: Sabrina Minshall <Sabrina.Minshall@canyoncounty.id.gov>

Subject: RE: [External] FW: proposed gravel pit

\~

Michelle,

\~

After re-looking at this...I found that we did respond with agency comments back in April of 2023.\~\~ Attached is the letter that was sent.\~

Michelle Barron

From: Robin Collins <rcollins@cityofcaldwell.org>
Sent: Thursday, January 4, 2024 4:10 PM
To: Jarom Wagoner; Michelle Barron
Cc: Sabrina Minshall
Subject: RE: [External] FW: proposed gravel pit
Attachments: 14533 River Road_CU2023-0004_Mineral Extraction.pdf

Michelle,

After re-looking at this...I found that we did respond with agency comments back in April of 2023. Attached is the letter that was sent.



Director

621 Cleveland • Caldwell, Idaho 83605
www.cityofcaldwell.org • (208) 455-4664

From: Jarom Wagoner <jwagoner@cityofcaldwell.org>
Sent: Wednesday, January 3, 2024 5:33 PM
To: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>
Cc: Sabrina Minshall <Sabrina.Minshall@canyoncounty.id.gov>; Robin Collins <rcollins@cityofcaldwell.org>
Subject: RE: [External] FW: proposed gravel pit

Michelle,

Thank you so much for the information provided. It is extremely helpful. I have one last question, do you know if Idaho Fish & Game were notified of the application? I am curious if they had any input on potential short-term and long-term negative affects to the wildlife population in that area if this use was approved. I know there are several deer that live at Curtis Park and at the other city owned property on the south side of the river.

Thank you again for all the information.

Jarom



OFFICE OF THE MAYOR

Jarom Wagoner, AICP

Mayor

411 Blaine St. • Caldwell, Idaho 83605

www.cityofcaldwell.org • (208) 455-3011

From: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>

Sent: Wednesday, January 3, 2024 5:04 PM

To: Jarom Wagoner <jwagoner@cityofcaldwell.org>

Cc: Sabrina Minshall <Sabrina.Minshall@canyoncounty.id.gov>; Robin Collins <rcollins@cityofcaldwell.org>

Subject: RE: [External] FW: proposed gravel pit

Mayor Wagoner,

Sure, I am going to attach the original agency notice that was sent to the planning team back on April 21, 2023. (It is the application.) There is also a Preliminary Hearing Materials location on our website that would provide any additional comments that have been received prior to this most current noticing. If you go to the Land Hearings tab, it takes you here: <https://www.canyoncounty.id.gov/land-hearings/>, then just scroll down to the Planning and Zoning Commission February 1, 2024 hearing for CU2023-0004. The Preliminary Hearing Materials are in that location.

Let me know if you have further questions.

Thanks,

Michelle Barron

Principal Planner

Canyon County Development Services Department

111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-455-6033

DSD Office Phone: 208-454-7458

Email: Michelle.Barron@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

Office Hours:

Monday, Tuesday, Thursday and Friday 8am – 5pm

Wednesday 1pm – 5pm

**We will not be closed during lunch hour **

From: Jarom Wagoner <jwagoner@cityofcaldwell.org>

Sent: Wednesday, January 3, 2024 10:54 AM

To: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>

Cc: Sabrina Minshall <Sabrina.Minshall@canyoncounty.id.gov>; Robin Collins <rcollins@cityofcaldwell.org>

Subject: [External] FW: proposed gravel pit

Michelle,

I was hoping that you could provide me with some additional information regarding this application. This abuts a city nature park that we are in process of expanding and improving. This could cause significant harm to those properties depending on the overall proposals of the project.

Thank you for any information you can provide.

Sincerely,



411 Blaine St. • Caldwell, Idaho 83605
www.cityofcaldwell.org • (208) 455-3011

From: Chris Allgood <callgood@cityofcaldwell.org>

Sent: Saturday, December 23, 2023 10:15 AM

To: Robin Collins <rcollins@cityofcaldwell.org>; Jarom Wagoner <jwagoner@cityofcaldwell.org>

Subject: proposed gravel pit

The attachment is a notice I received in the mail Friday. This is a proposed gravel pit that borders both Curtis park, and the planned new park along the Boise river greenbelt extension. I am just letting you know in case we want to weigh in on the discussion.

Chris Allgood
Caldwell City Council
208-249-0876

Michelle Barron

From: Joe Dodson <jdodson@cityofcaldwell.org>
Sent: Wednesday, January 31, 2024 3:57 PM
To: Michelle Barron
Subject: [External] CU2023-0004

Hello,

In response to the agency notification letter for a Conditional Use Permit for a Mineral Extraction use, the City of Caldwell has the following comments:

1. Property is located outside of the Caldwell impact area but still has concerns as it is adjacent to Caldwell residents.
2. We'd implore the County to ensure adequate screening for any anticipated noise and light pollution.
3. Caldwell also recommends adequate visual screening along the public roadways (River Street) by way of landscaping and fencing (if applicable) to help mitigate this noxious use near exiting residential homes.

Thank you for allowing us to review and comment on these applications.



621 Cleveland Blvd. • Caldwell, Idaho 83605
www.cityofcaldwell.org • (208) 455-4523

1445 N. Orchard St.
Boise ID 83706 • (208) 373-0550



Brad Little, Governor
Jess Byrne, Director

May 25, 2023

Samantha Hammond, Planner
111 North 11th Ave.
Ste. 310
Caldwell, Idaho, 83605
samantha.hammond@canyoncounty.id.gov

Subject: AgEquity Holdings / CU2023-0004

Dear Ms. Hammond:

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

Boise Office

1101 W. River St.
Suite 110
Boise, Idaho 83702
Tel. (208) 629-7447

Challis Office

1301 E. Main Ave.
P.O. Box 36
Challis, Idaho 83226
Tel. (208) 879-4488

Twin Falls Office

213 Canyon Crest Drive
Suite 200
Twin Falls, Idaho 83301
Tel. (208) 969-9585

Fax (all offices)
(208) 629-7559



SAWTOOTH LAW OFFICES, PLLC

April 26, 2023

David P. Claiborne

S. Bryce Farris

Evan T. Roth

Daniel V. Steenson

Andrew J. Waldera

Kelsea E. Donahue

Brian A. Faria

Thomas M. Larsen

Patxi Larrocea-Phillips

John A. Richards

Katie L. Vandenberg-Van Vliet

James R. Bennetts *(retired)*

Samantha Hammond
Canyon County Development Services
111 North 11th Avenue, #140
Caldwell, ID 83605

Re: Case # CU2023-0004 - Property located at 14533 River Road, Caldwell, Idaho.

Dear Ms. Hammond:

Drainage District #2 has an easement that courses through or abuts this property. This easement is 100 feet, 50 feet each side of the centerline, for open drains and 50 feet, 25 feet each side of the centerline for piped or closed drains. The developer/owner must contact the District's attorney's, Sawtooth Law Offices, PLLC, for approval before any encroachment, change of easement, or drainage discharge into the District's facilities occurs. The District must review drainage plans and construction plans prior to any approval.

The District generally requires a License Agreement prior to any approval for the following reasons:

1. Relocation of a District facility which would also require a new easement and relinquishment of the old easement once the relocation has been completed.
2. Piping of District facility.
3. Encroachment on a District facility with gas, water and sewer lines, utility lines, roadways, bridges or any other structures.
4. Drainage discharges into District facilities.

Also, please be advised that the District does not approve of trees within the District's easement. Therefore, any existing trees within the District's easement will need to be removed. On occasion, the District may make exceptions on a case by case basis, which require the developers/owners obtain written permission from District for existing trees to remain.

Please contact me if you have any questions.

Yours very truly,

S. Bryce Farris

cc: DD#2 Board of Directors

www.sawtoothlaw.com

Attorneys licensed in Idaho, Montana, Oregon and Washington

RECEIVED
MAY 01 2023
RECEIVED



Canyon County, 111 North 11th Avenue, #310, Caldwell, ID 83605
▪ Engineering Division ▪

January 12, 2024

Re: CU2023-0004 /14533 & 0 Boise River Road, Caldwell / Long-Term Mineral Extraction
 Parcel No.'s R34667011 & R34668
 Applicant: AgEquity Holdings LLC

Michelle,

I have reviewed the application, letter of intent and site plan for the proposed long-term mineral extraction in the Special Flood Hazard Area (SFHA).

The master application and site plan indicate mineral extraction, stockpiling, ponding and staging area shall not take place in the regulatory floodway.

After reviewing the site plan I see that the access road and portions of the berm will cross over an existing irrigation ditch that feeds into the Boise River, it also shows a discharge area located in the Special Hazard Area Floodway that appears to discharge into the Boise River. It is unclear if the temporary settling pond will be discharging into or receiving flows from the Boise River.

Without specifics in relation to discharges/flows in out of the Boise River, and any potential floodway development, I am unable to complete my review. I will also require that affected agencies such as Middleton Mill Ditch Co., Idaho Department of Water Resources, and Army Corps of Engineers review the proposed mineral extraction and provide comment.

Sincerely,



Stephanie Hailey, CFM
 Engineering Coordinator
 Floodplain Manager
 Canyon County Development Services
Stephanie.hailey@canyoncounty.id.gov

Michelle Barron

From: Stephanie Hailey
Sent: Friday, January 12, 2024 12:47 PM
To: Michelle Barron
Subject: Site Plan/Floodplain & Floodway Overlay
Attachments: R34668SitePlan.pdf; R34668SitePlanFEMA.pdf

Michelle,

Looks like there's at least some issues in regards to the irrigation canal and their proposal...



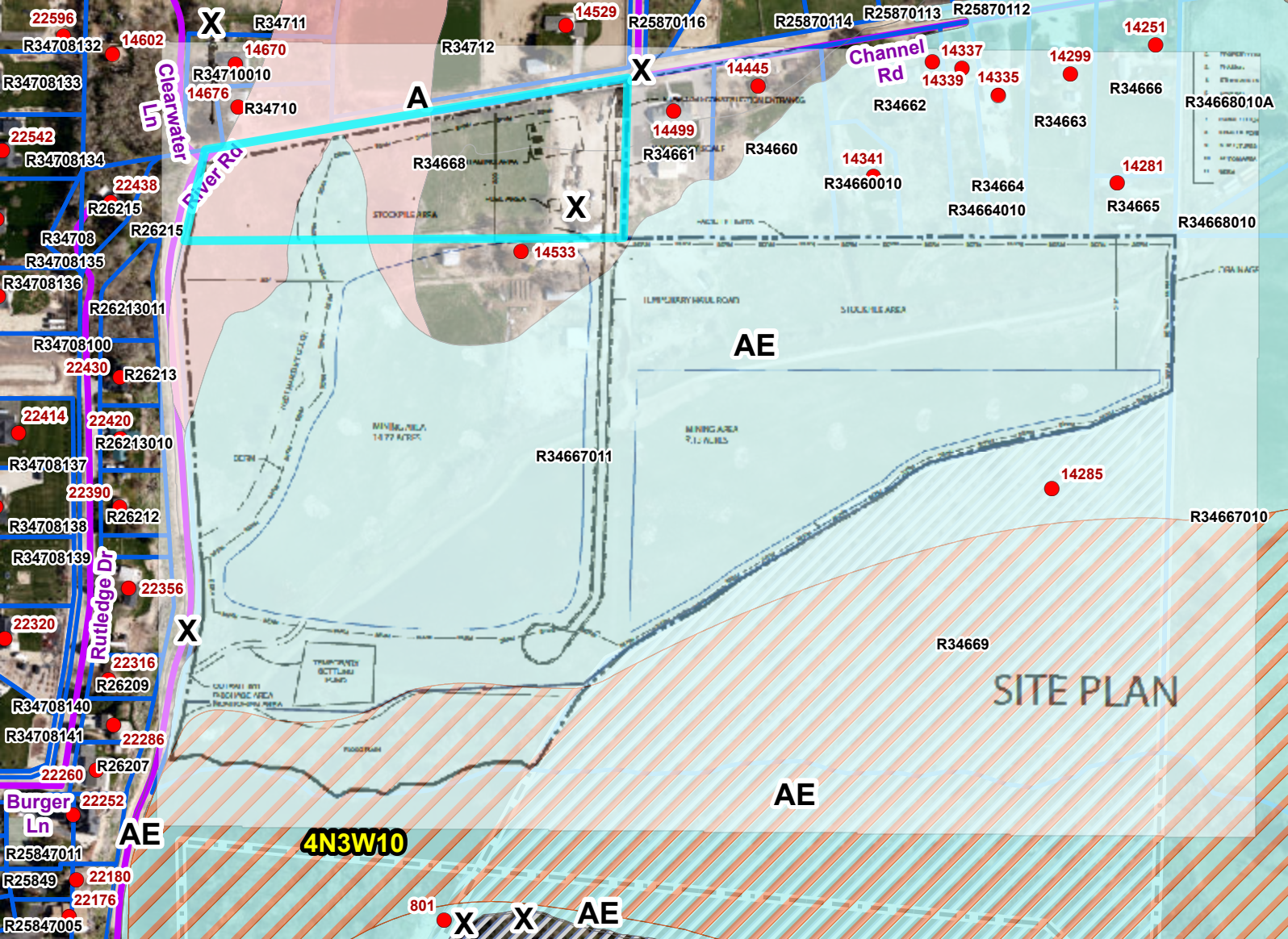
Stephanie Hailey, CFM
Engineering Coordinator
Floodplain Manager
Canyon County Development Services
P(208) 454-7254
stephanie.hailey@canyoncounty.id.gov

From: Tony Almeida <tony.almeida@canyoncounty.id.gov>
Sent: Friday, January 12, 2024 12:39 PM
To: Stephanie Hailey <Stephanie.Hailey@canyoncounty.id.gov>; Sage Huggins <Sage.Huggins@canyoncounty.id.gov>
Cc: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>
Subject: RE: Site Plan/Floodplain & Floodway Overlay

[Here you go. Let me know if these don't work.](#)

Tony

From: Stephanie Hailey
Sent: Friday, January 12, 2024 12:16 PM
To: Tony Almeida <tony.almeida@canyoncounty.id.gov>; Sage Huggins <Sage.Huggins@canyoncounty.id.gov>



22596

R34708132

14602

X

R34710

14670

R34712

14529

R25870116

R25870114

R25870113

R25870112

Channel Rd

14337

14339

14335

14299

14251

R34666

R34668010A

R34708133

22542

R34708134

22438

R26215

R34708

R34708135

R34708136

R26215

R26213011

R34708100

22430

R26213

22414

22420

R34708137

22390

R34708138

R34708139

R26212

22356

22320

22316

R26209

R34708140

R34708141

22286

22260

R26207

22252

R25847011

R25849

22180

22176

R25847005

Clearwater Ln

River Rd

Rutledge Dr

Burger Ln

A

X

X

X

X

X

AE

AE

AE

4N3W10

SITE PLAN

R34668

R34661

R34660

R34660010

R34664

R34664010

R34665

R34668010

14533

R34662

R34663

R34666

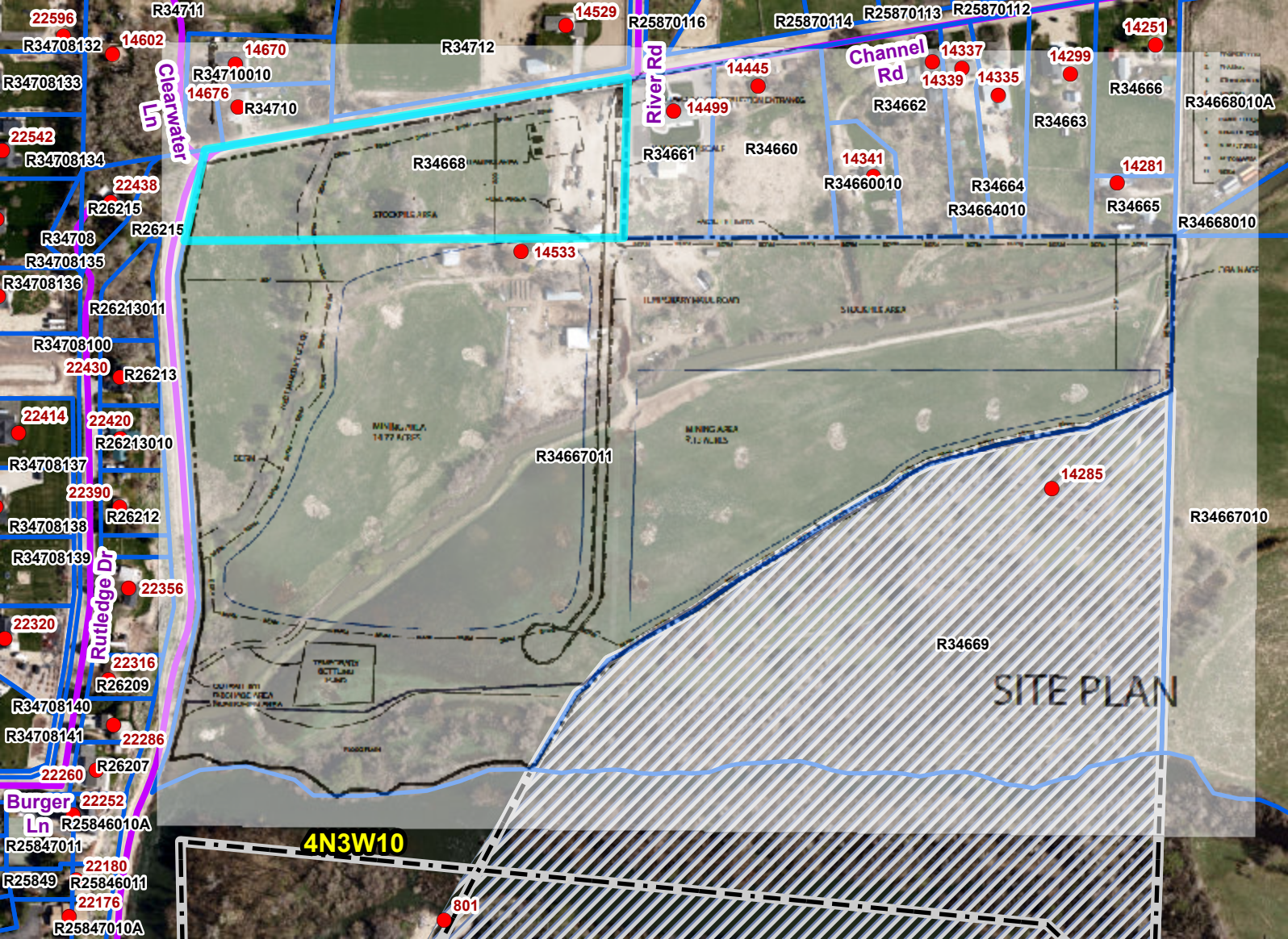
R34667011

14285

R34667010

R34669

801



22596

R34708132

R34708133

22542

R34708134

R26215

R34708

R34708135

R34708136

R26213011

R34708100

22430

R26213

22414

22420

R26213010

R34708137

22390

R26212

R34708138

R34708139

22320

22316

R26209

R34708140

R34708141

22286

22260

R26207

22252

R25846010A

R25847011

22180

R25846011

22176

R25847010A

R25849

R25846011

R25847010A

R34711

14602

14670

R34710010

14676

R34710

R34712

R34668

R34668

14533

R34667011

R25870116

R25870114

14445

14499

R34660

14341

R34660010

R25870113

14337

14339

14335

R34664

R34664010

R25870112

14299

R34663

14281

R34665

R34666

R34666

R34668010A

R34668010

R34668010

R34667010

R34669

SITE PLAN

4N3W10

801

Cc: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>

Subject: Site Plan/Floodplain & Floodway Overlay

Hi Tony & Sage,

Would it be possible for you to overlay the site plan for CU2023-0004 with the floodplain & floodway layer on the mapper? And then an overlay without the flood layers on?

I need the overlay's by mid-morning of Tuesday the 16th so I can have a comment letter to Michelle by end of day. Sorry for the late notice.

Best,



Stephanie Hailey, CFM
Engineering Coordinator
Floodplain Manager
Canyon County Development Services
P(208) 454-7254
stephanie.hailey@canyoncounty.id.gov



Canyon County, 111 North 11th Avenue, #310, Caldwell, ID 83605
▪ Engineering Division ▪

March 29, 2023

Re: CU2023-0004 /14533 & 0 Boise River Road, Caldwell / Long-Term Mineral Extraction
 Parcel No.'s R34667011 & R34668
 Applicant: AgEquity Holdings LLC

Sam Hammond,

I have reviewed the application, letter of intent and site plan for the proposed long-term mineral extraction in the Special Flood Hazard Area (SFHA).

The master application and site plan indicate mineral extraction, stockpiling, ponding and staging area shall not take place in the regulatory floodway. Application shall be made for a floodplain development permit prior to commencement of mineral extraction activities and other development within the AE & A Zone floodplains.

I have included a FEMA Firmette for both parcels outlining the floodplain and floodway boundaries.

CCO 07-10A-03

DEVELOPMENT ACTIVITY: Any activity defined as development which will necessitate a floodplain development permit; such as; the construction of buildings, structures, or accessory structures; additions or substantial improvements to existing structures; bulkheads, retaining walls, piers, and pools; the placement of mobile homes; or the deposition or extraction of materials; the construction or elevation of dikes, berms and levees.

Sincerely,

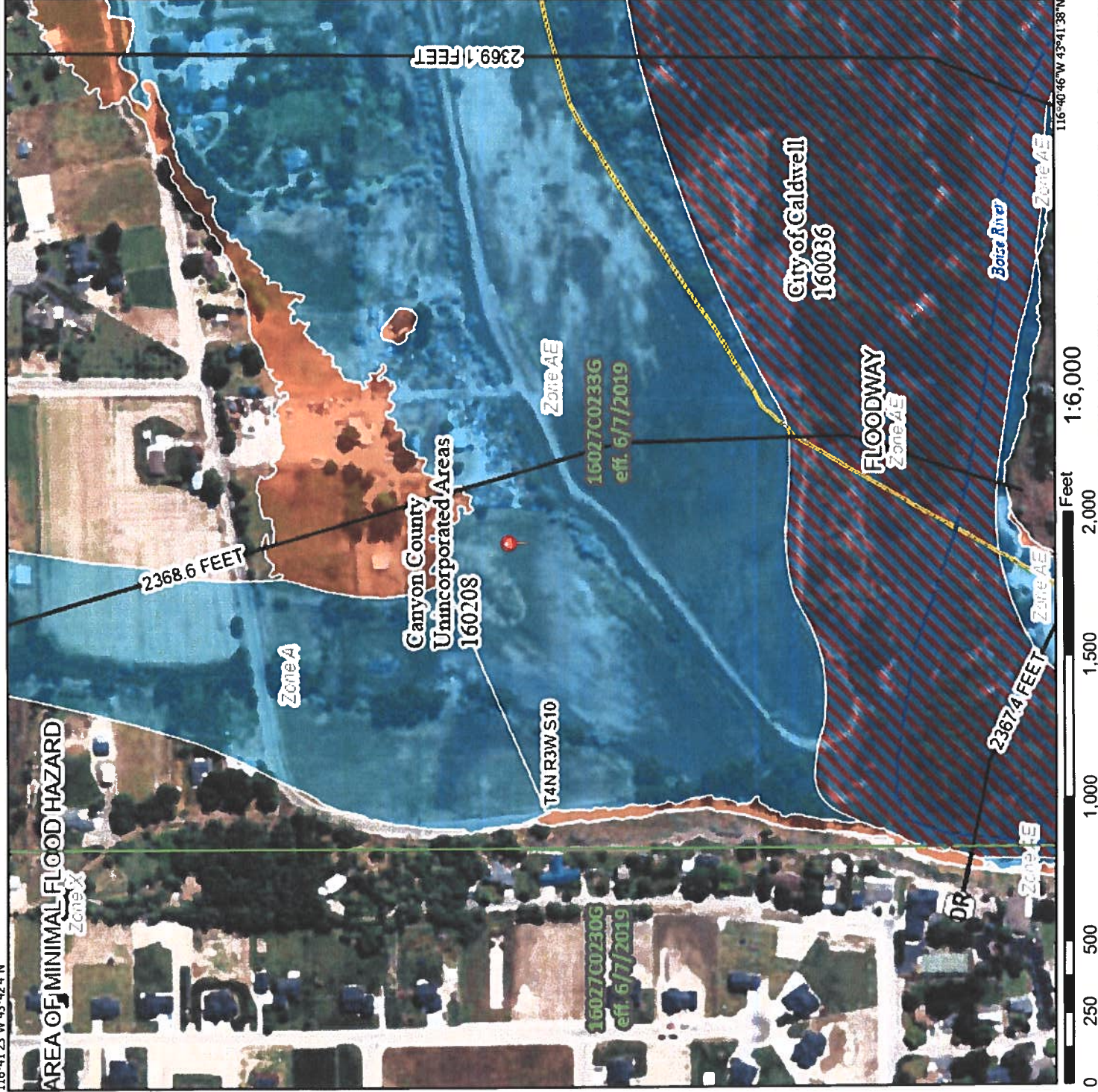


Stephanie Hailey, CFM
 Engineering Coordinator
 Floodplain Manager
 Canyon County Development Services
Stephanie.hailey@canyoncounty.id.gov

National Flood Hazard Layer FIRMette



116°41'23"W 43°42'4"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- SPECIAL FLOOD HAZARD AREAS**
 - Without Base Flood Elevation (BFE) Zone A, V, A99
 - With BFE or Depth Zone AE, AO, AH, VE, AR
 - Regulatory Floodway
- OTHER AREAS OF FLOOD HAZARD**
 - 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone A
 - Future Conditions 1% Annual Chance Flood Hazard Zone X
 - Area with Reduced Flood Risk due to Levee. See Notes, Zone X
 - Area with Flood Risk due to Levee Zone D
- OTHER AREAS**
 - NO SCREEN
 - Area of Minimal Flood Hazard Zone X
 - Effective LOMIRs
 - Area of Undetermined Flood Hazard Zone
- GENERAL STRUCTURES**
 - Channel, Culvert, or Storm Sewer
 - Levee, Dike, or Floodwall
- OTHER FEATURES**
 - Cross Sections with 1% Annual Chance Water Surface Elevation
 - 20.2
 - 17.5
 - 8
 - Coastal Transect
 - Base Flood Elevation Line (BFE)
 - Limit of Study
 - Jurisdiction Boundary
 - Coastal Transect Baseline
 - Profile Baseline
 - Hydrographic Feature
- MAP PANELS**
 - Digital Data Available
 - No Digital Data Available
 - Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 3/29/2023 at 1:17 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Archived: Wednesday, January 17, 2024 7:50:00 PM

From: [Scott Yekel](#)

Mail received time: Fri, 12 Jan 2024 10:14:22

Sent: Fri, 12 Jan 2024 17:14:16

To: [Michelle Barron](#)

Subject: [External] RE: CU2023-0004 Ag Equity LLC Long term mineral extraction Conditional Use Application

Importance: Normal

Sensitivity: None

Michelle,

~

This is outside of the boundaries for Flood Control District #11.

Thank you.

~

Scott Yekel

~

Secretary-Treasurer of the following:

Canyon County Drainage District #3

Canyon County Drainage District #4

Farmers' Co-Op Extension Ditch Association

Flood Control District #11

McConnell Island Ditch Co., Ltd.

Riverside Drainage District

Roswell Lateral Association

Washoe Irrigating & Power Company, Ltd.

President of the following:

Office Etc. Inc.

Seeman Bookkeeping, Inc.

~

PH: 208-722-5044

Website:~ www.canyoncounty.id.gov

Office Hours:

Monday, Tuesday, Thursday and Friday 8am – 5pm

Wednesday 1pm – 5pm

****We will not be closed during lunch hour ****

~

~

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
Phil McGrane, Secretary of State
Raúl R. Labrador, Attorney General
Brandon D. Woolf, State Controller
Brandon D Woolf, State Controller*

February 22, 2023

Crimson Bridge Holdings
9160 W Chinden Blvd.
Meridian, ID 83646

To whom it may concern,

This correspondence is notification that the following reclamation plan was approved on 02/14/2023:

PLAN NO.	ACRES	COUNTY	LEGAL DESCRIPTION
S603000	23.9	Canyon	T04N R03W Section 10, Pts. Gov. Lots 2 & 3

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. **In accordance with provisions of Idaho Code title 47, chapter 18, a prorated payment to the state reclamation fund of \$230 for up to 25 disturbed acres over the next 7 months shall be paid by April 24, 2023. This payment will constitute financial assurance in lieu of a reclamation bond. Approval of this reclamation plan is conditioned upon receipt of the above payment by the date shown and annual payments in accordance with Idaho Code title 47, chapter 18 and IDAPA 20.03.03..**

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 March 8, 2023, the stipulations will be considered as accepted.

If you have any questions, you may contact me at the above address or telephone number.

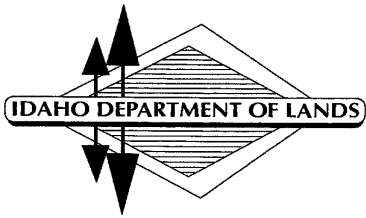
Sincerely,



Derek Kraft
Resource Supervisor
Lands and Waterways

Enclosure(s):

- 1) Bond Assurance Fund Acknowledgement Form



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.

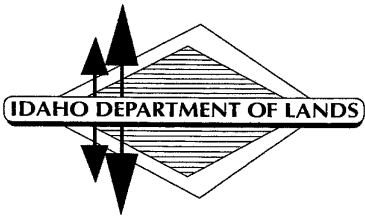
All reclamation plan applications will be processed in accordance with Section 080 of the Rules Governing Mined Land Reclamation (IDAPA 20.03.02) and applicable Memorandums of Understanding with state and federal agencies.

APPLICATION INFORMATION

1. NAME: _____ d/b/a: _____
2. ADDRESS: _____
CITY, STATE, ZIP CODE: _____
3. TELEPHONE and EMAIL: _____
(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')

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:

7. ACREAGE and COUNTY(ies): _____
(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: _____
10. SITE NAME OR MINE NAME (if any): _____
11. TYPE OF MINING: (check applicable) Surface Underground Both

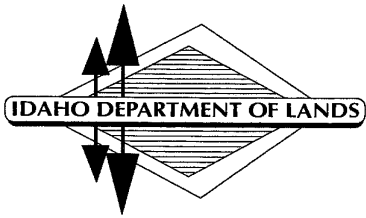


IDAHO DEPARTMENT OF LANDS

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:

DATE:



IDAHO DEPARTMENT OF LANDS

Application Fee Schedule

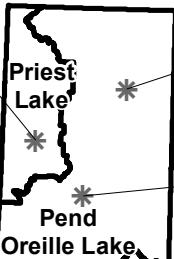
Acres are determined by the number entered in item 7 on the Application Form.

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



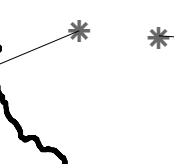
Ponderosa Supervisory Area
 3130 Highway 3
 Deary, ID 83823
 (208) 877-1121



Clearwater Supervisory Area
 10230 Highway 12
 Orofino, ID 83544
 (208) 476-4587



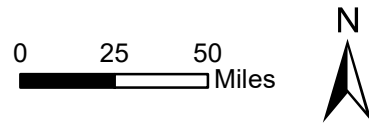
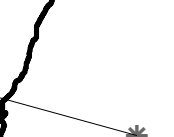
Craig Mountain Forest Protective District
 P.O. Box 68,
 014 East Lorahama
 Craigmont, ID 83523
 (208) 924-5571



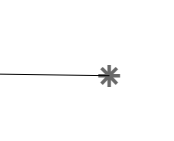
Maggie Creek Supervisory Area
 913 Third Street
 Kamiah, ID 83536
 (208) 935-2141

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



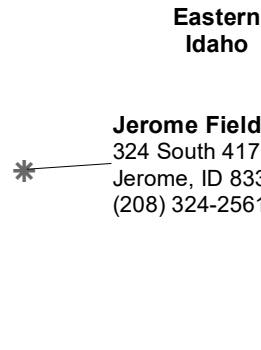
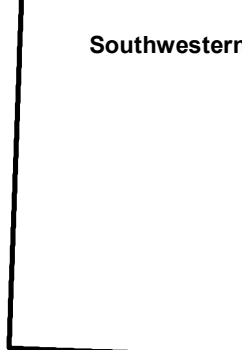
Southwest Supervisory Area
 8355 West State Street
 Boise, ID 83714
 (208) 334-3488



Eastern Supervisory Area
 3563 Ririe Highway
 Idaho Falls, ID 83401
 (208) 525-7167

Eastern Idaho

Jerome Field Office
 324 South 417 East, Suite 2
 Jerome, ID 83338
 (208) 324-2561



**Mineral Extraction Reclamation Plan
for
Operator: Premier, LLC DBA Premier Aggregates
Owner: Crimson Bridge Holdings, LLC**

Canyon County Parcel Numbers R34668 & R34667011

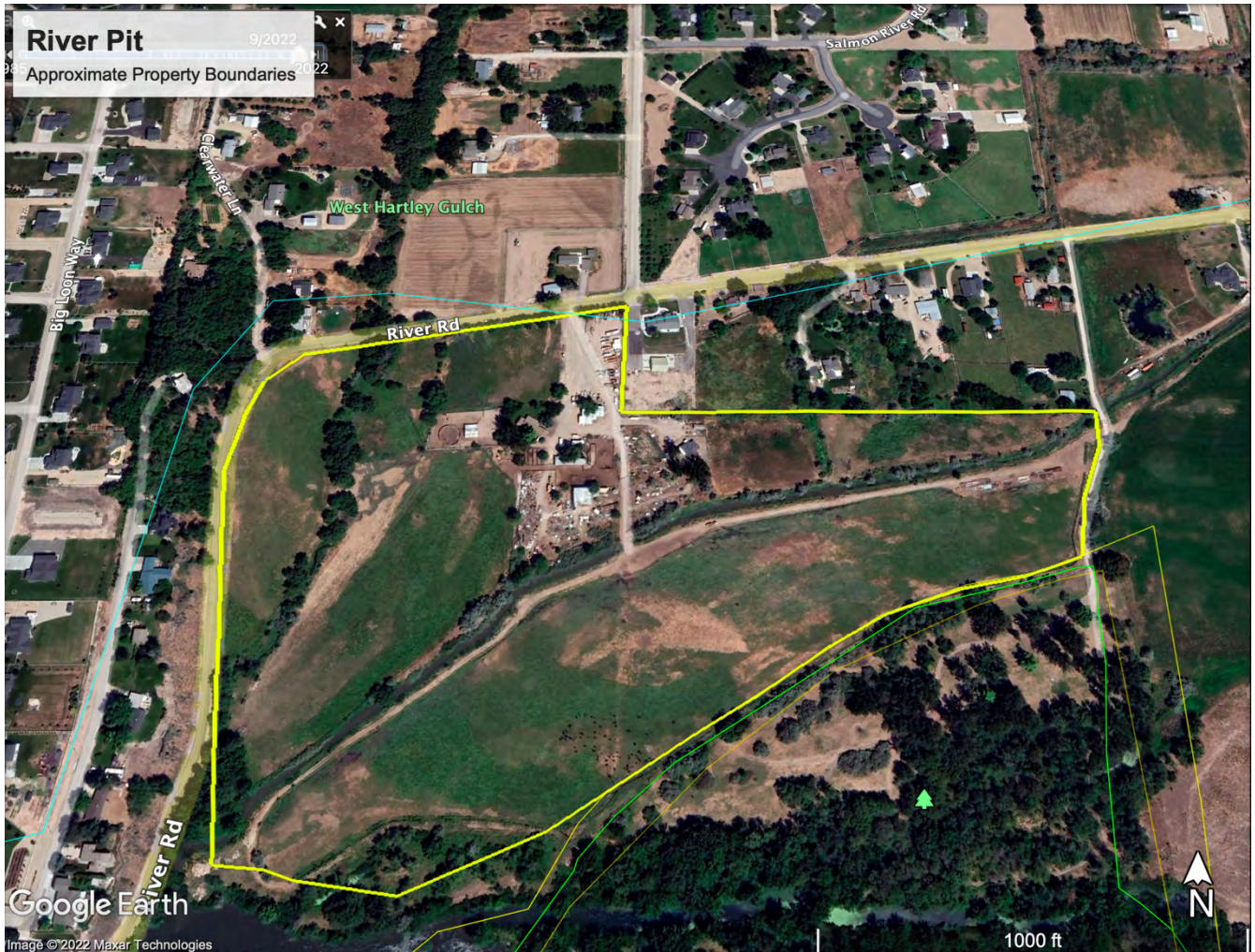


Table of Contents

- 1.0 Introduction**
- 2.0 Site Information/Location**
- 3.0 Reclaimed Topography**
- 4.0 Geologic/Soil Composition**
- 5.0 Water Resources/Irrigation**
- 6.0 Dust & Weed Control**
- 7.0 Road Reclamation**
- 8.0 Financial Assurance**
- 9.0 Project Contact Information**

1.0 Introduction

This Reclamation Document was prepared by Premier, LLC, in cooperation with Crimson Bridge Holdings, LLC as Owner for the mineral extraction sites in Canyon County. The Reclamation Document is required by the Idaho Department of Lands. The objective of this Reclamation Document is to provide the guidelines and data to aid in the successful restoration of the mineral extraction sites.

2.0 Site Information/Location

The subject property associated with this Reclamation Document is 56.26+/- acres on Crimson Bridge Holdings, LLC owned lands in Canyon County Parcel R34668 & R34667011. The location of the extraction site is on the Southeast corner of the intersection of River Road and Clearwater Lane, and North of the Boise River. The adjacent map indicates the location of the subject property and access. This area of Canyon County receives 8 to 11 inches of precipitation annually. Any fuel, maintenance products, wastes or chemicals will be stored onsite in the Northeastern portion of the property as shown on the attached maps. Berms will be built around fuel storage and chemicals and a plastic barrier will be placed underneath fuel tank/chemicals and overtop berms. This will serve as primary and secondary fuel and chemical containment system in case of leaks or spilling. Mining will occur East to West and until the source is depleted. Rock crushing will not occur on site. Topsoil and overburden will be stockpiled around the perimeter of the pit. Stockpiles, if any on the site, will be temporary and will be located on different areas of the property close to where mining activity is happening. The land that will ultimately be mined is approximately 23.9 acres. 23.9 acres of land is expected to be disturbed in the first year of operation.

3.0 Reclaimed Topography

Although a portion of the Crimson Bridge Holdings, LLC site may be actively used for mineral extraction, the reclamation of the property shall commence for the portions of the properties in which the extraction operation is complete. Pits will be approximately 40' deep, depending on actual source depth. Reclamation of pit walls will occur as sections of the pit reach final elevation. Reclamation will be concurrent as the pit is expanded, and includes final grading, haul road removal, and seeding. Final slope will be sloped 2:1 for pit walls 5' above water surface and 5' below water surface. Remaining pit walls will be sloped at 1:1. Pit floors and walls will be left reasonably smooth. Once the mineral extraction is complete and restoration is complete, ponds will be left on the property which will create new habitats, biodiversity, and real estate opportunities. During mining, berms will be created around the mining area. Upon reclamation, these berms will be removed. The pits life expectancy is 3 to 5 years. Upon reclamation, all temporary haul roads will be removed.

4.0 Geologic/Soil Composition

Geological/soil composition of the sites consists of a mix of competent pit run, sand, and clays. Prior to subsequent mineral extraction activity, the topsoil from the site will be removed and stockpiled for redistribution during the reclamation process. BMPs such as revegetation of native species matched for site drainage, climate, shading, and resistance to erosion, soil type, slope, aspect, and other similar practices will be implemented as formal mitigation and reclamation measures. The topsoil shall be spread out to a depth as provided by the available site soils, that are to be seeded. Generally, top soils in this region of Canyon County are shallow. In the event that no topsoil is present on the site, any growth medium to be used will be stockpiled and treated in the same manner as topsoil. After soil distribution on the disturbed areas, a native plant community will be established by using a seed mix recommended and approved by the Idaho Department of Lands. This recommended seed mix contains the following: *Artemisia tridentata* ssp. *Wyomingensis*, *Pseudoroegneria spicata* ssp. *Spicata*, *Achnatherum thurberianum*, *Poa Secunda*, and *Hesperostipa comata*. The mix will be applied at 25 lbs./acre tilled or 35 lbs. acre broadcasted. Seeding will be done late fall but before the ground freezes and snow falls. Because most of the disturbed area, once reclaimed, will be underwater, soil redistribution and reseeding will only occur at surface level areas. Seeding will only be done on areas disturbed by the mining operations.

5.0 Water Resources

The attached map shows the location of the Boise River, flowing West. No mining will occur within 350 feet of this waterway. All mining on the property will be done outside of the Floodway. The Boise River is situated south of the reclamation parcels and will not be impacted by the reclamation of the disturbed areas. State water quality standards will be maintained at all times during the reclamation process.

An irrigation ditch, managed by Drainage District No. 2, runs West to East on the property. This ditch will be rerouted around the South side of the East pond as part of a permanent fixture on the property.

Another irrigation ditch, known as Hartley Gulch, runs Norths and South through the West side of the property. This ditch will not be affected by mining operations.

Ground water is present in the area. If dewatering is required, sediment will be controlled in settling ponds so as to meet the requirements of the Clean Water Act prior to being discharged. Settling ponds will be constructed as necessary. A MSGP will be filed with the Department of Environmental Quality to ensure dewatering compliance is met.

Straw bales, waddles, gravel and other BMP devices may be used to contain sediment for any water that may potentially run off the property. This includes water from the back side of the berms. SWPPPS plan will be developed. BMPs will be utilized at all times when dealing with erosion and water discharge. Berms will be seeded to for additional stabilization and erosion control.

MSGP & SWPPPs Plan has been included in this plan, further addressing drainage control, site specific water impacts, and BMPs.

Upon ceasing operations, all ponds will become part of the permanent features of the property. The temporary settling pond will not be a permanent feature.

6.0 Dust & Weed Control

Dust will be always controlled using water obtained on site. Noxious weeds will be controlled chemically and by mowing during operation.

7.0 Road Reclamation

The Main access to the site is at an existing and private ingress/egress located on the North Side of the property, and adjoins to River Road. Haul roads will be created on the property as necessary and as mining progresses. Material for construction of haul roads will come from this source. Upon completion of this project, all non-used/non-permanent roads will be reclaimed such that it fits in with the final reclamation of the surrounding area. This includes temporary roads used for access to the pit areas. Base material will be removed, and the road will be converted to its new intended use, which may include residential home sites.

8.0 Financial Assurance

In accordance with Idaho Code § 47-1803 Reclamation Fund Created Financial Assurance, a payment to the state reclamation fund will be made as a financial guarantee that the required reclamation work will be completed (under the State Bond Assurance Fund (BAF)). The site in total is 56.26+/- . The total projected annual disturbance area is approx. 23.9 acres. See attached Reclamation Costs Worksheet for anticipated reclamation costs.

9.0 Project Contact Information

Contact information for the Operator and Owner is provided below:

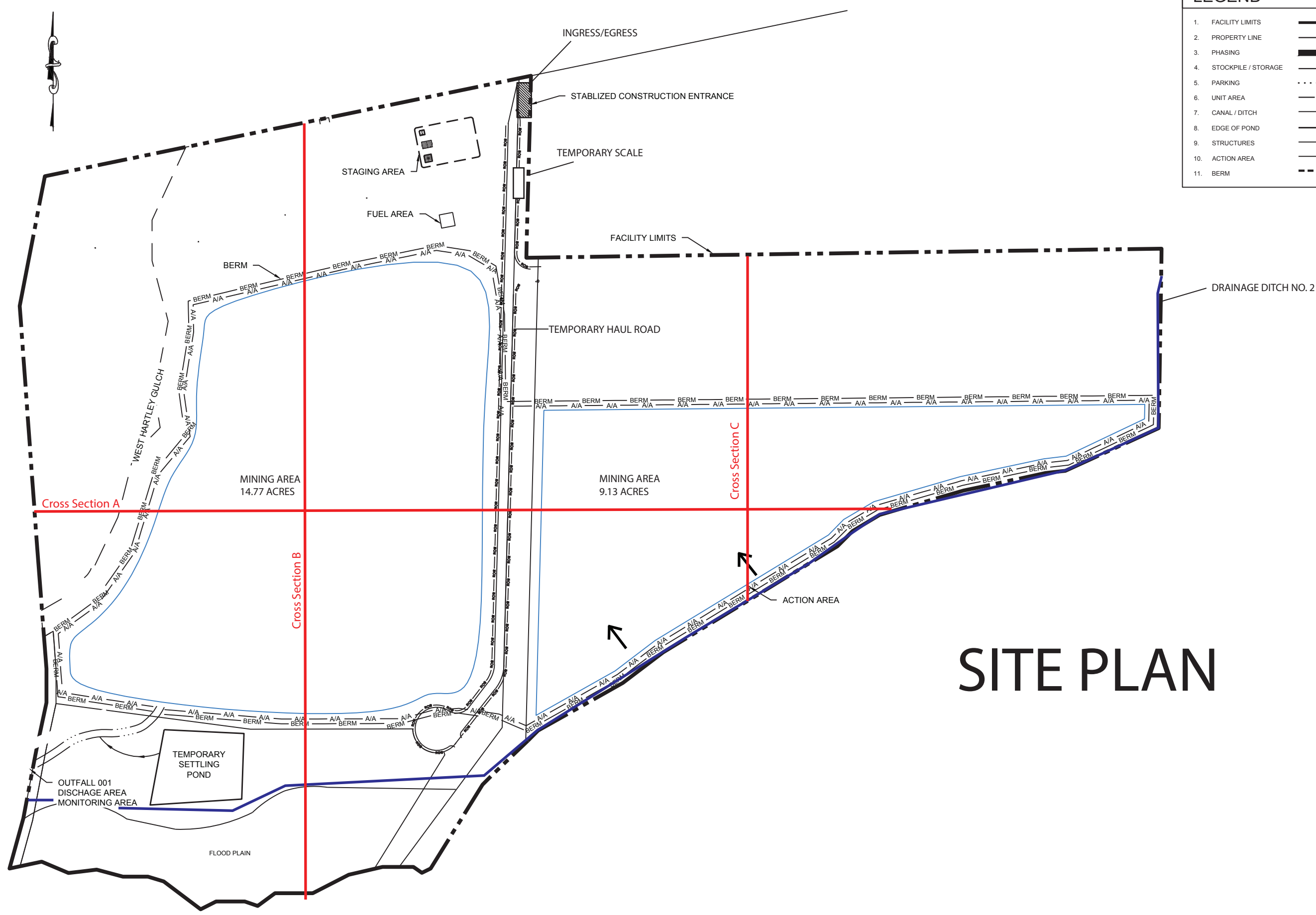
Operator;

Premier, LLC DBA Premier Aggregates
1500 S. Washington Ave. Suite B
Emmett, ID 83617
(208) 949-9043
ebuchert@premierllc.net

Owner;

Crimson Bridge Holdings, LLC
9160 West Chinden Blvd.,
Meridian, Idaho 83646

PLOTTED BY: ANDREA KARTCHNER DATE PLOTTED: 10/21/2022 4:36:33 PM PATH: M:\01_SYMAN\01_JOBS\ALEXIA\02_LANDED\221059-CRIMSON BRIDGE - PRECISION EXCAVATION\04_CAD\221059 - 06 - FC-101.DWG



LEGEND

1. FACILITY LIMITS	---
2. PROPERTY LINE	— P/L — P/L —
3. PHASING	— — — — —
4. STOCKPILE / STORAGE	— — — — —
5. PARKING
6. UNIT AREA	— — — — —
7. CANAL / DITCH	— — — — —
8. EDGE OF POND	— — — — —
9. STRUCTURES	— — — — —
10. ACTION AREA	— A/A —
11. BERM	— — — — —

SYMAN, LLC
 2101 Delta Drive
 Nampa, Idaho 83687
 Phone (208) 287-8420



FACILITY POLLUTION CONTROL PLAN
 CRIMSON BRIDGE ESTATES
 RIVER ROAD
 CANYON COUNTY CALDWELL, IDAHO
 PRECISION EXCAVATION & CONSTRUCTION, INC.

NO.	DATE	BY	DESCRIPTION

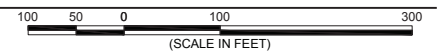
FILE NUMBER:
221059

DESIGNED BY:
A. BERLANDA
 DRAWN BY:
A. KARTCHNER
 DATE
October 2022

SHEET NUMBER:
FP-101
 1 OF 1

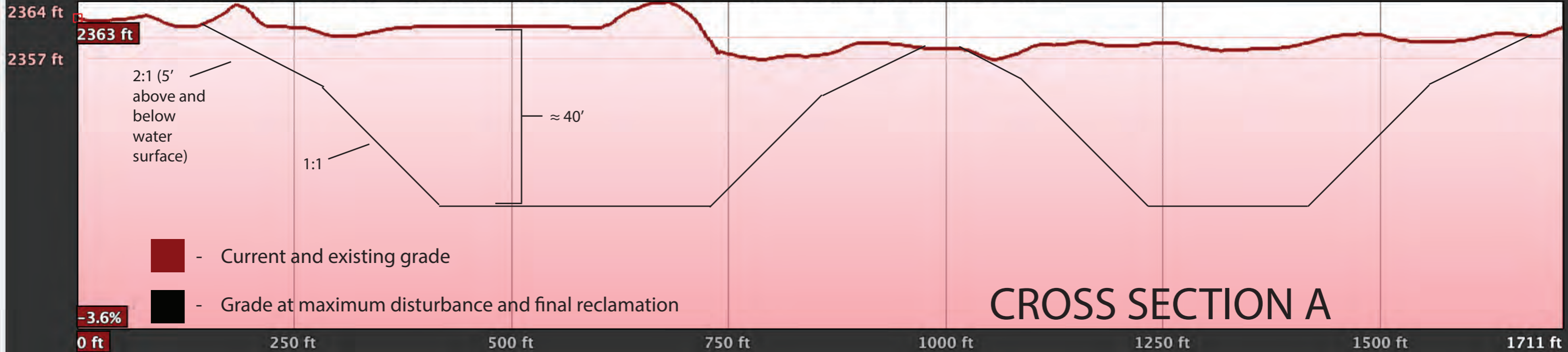
SITE PLAN

1:100 (22x34 FULL SIZE)



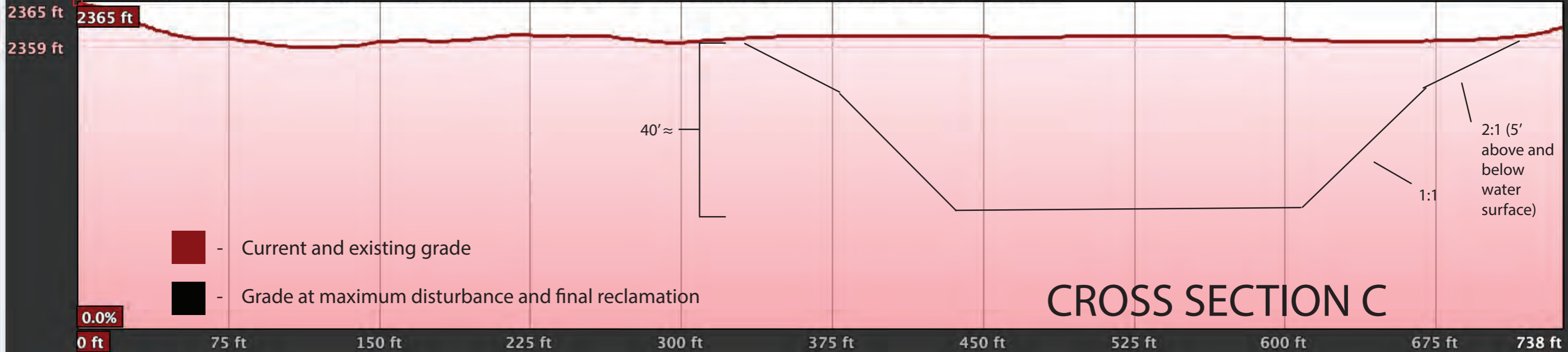
Graph: Min, Avg, Max Elevation: 2357, 2360, 2364 ft

Range Totals: Distance: 1711 ft Elev Gain/Loss: 17.0 ft, -18.2 ft Max Slope: 8.9%, -18.3% Avg Slope: 1.8%, -2.1%



Graph: Min, Avg, Max Elevation: 2359, 2360, 2365 ft

Range Totals: Distance: 738 ft Elev Gain/Loss: 4.27 ft, -7.28 ft Max Slope: 10.2%, -14.9% Avg Slope: 0.9%, -2.4%



JOB: River Pit Reclamation

Item	Total
Acres Total	24
Acres Reclaimed/Day	3
Total Reclamation Days	8.0
Mobilization Days	1.0
Total Days to Complete Job	9

Item	\$/hr	Type	Monthly Cost	Daily Rate Equivalent	Total Cost per Job
Dozer	NA	Direct	\$ 18,000	900.00	\$ 8,070
Motorgrader	NA	Direct	\$ 18,000	900.00	\$ 8,070
Dozer Fuel	\$ 100	Direct	\$ 16,000	800.00	\$ 7,173
Motorgrader Fuel	\$ 80	Direct	\$ 12,800	640.00	\$ 5,739
Dozer Labor	\$ 45	Direct	\$ 7,200	360.00	\$ 3,228
Motorgarder Labor	\$ 45	Direct	\$ 7,200	360.00	\$ 3,228
Seed Mix	NA	Direct	NA	NA	\$ 1,000
Seeding Labor	\$ 45	Direct	\$ 7,200	360.00	\$ 3,228
Mobilization	NA	Direct	NA	NA	\$ 3,000
Insurance	\$ 50	Indirect	\$ 8,000	400.00	\$ 3,587

Total Reclamation Cost	\$ 46,323
Third Party Profit	25% \$ 11,581
Total Reclamation Cost w/ Profit	\$ 57,903
10% Contingency	10% \$ 5,790.33
Total Reclamation Cost w/ Profit & Contingency	\$ 63,694
Total Cost/Acre	\$ 2,665

CRIMSON BRIDGE
LEGAL DESCRIPTION

A portion of Government Lots 2 and 3 and a portion of the SW quarter of the NW quarter of Section 10, T4N., R.3W., Boise Meridian, Canyon County, Idaho more particularly described as follows:

Beginning at a brass disk marking the center of said Section 10; thence on the east west quarter line N89°48'04"E a distance of 1,322.42 feet to the northeast corner of said Government Lot 2; thence on the east line of said government Lot 2 S01°39'06"W a distance of 479.42 feet to a point on the south right of way line of Boise Interurban Railway also being a point on the north line of that certain property as described in deed to the City of Caldwell recorded November 11, 1910 in Book 58 of Deeds Page 42; thence on said south right of way line a non-tangent curve to the left having a radius of 2,295.85 feet, a length of 1,638.24 feet and a chord bearing S59°57'19"W a distance of 1,603.71 feet to a point on the ordinary high water mark of the northerly bank of the Boise River; thence meandering along said northerly bank the following thirteen (13) courses:

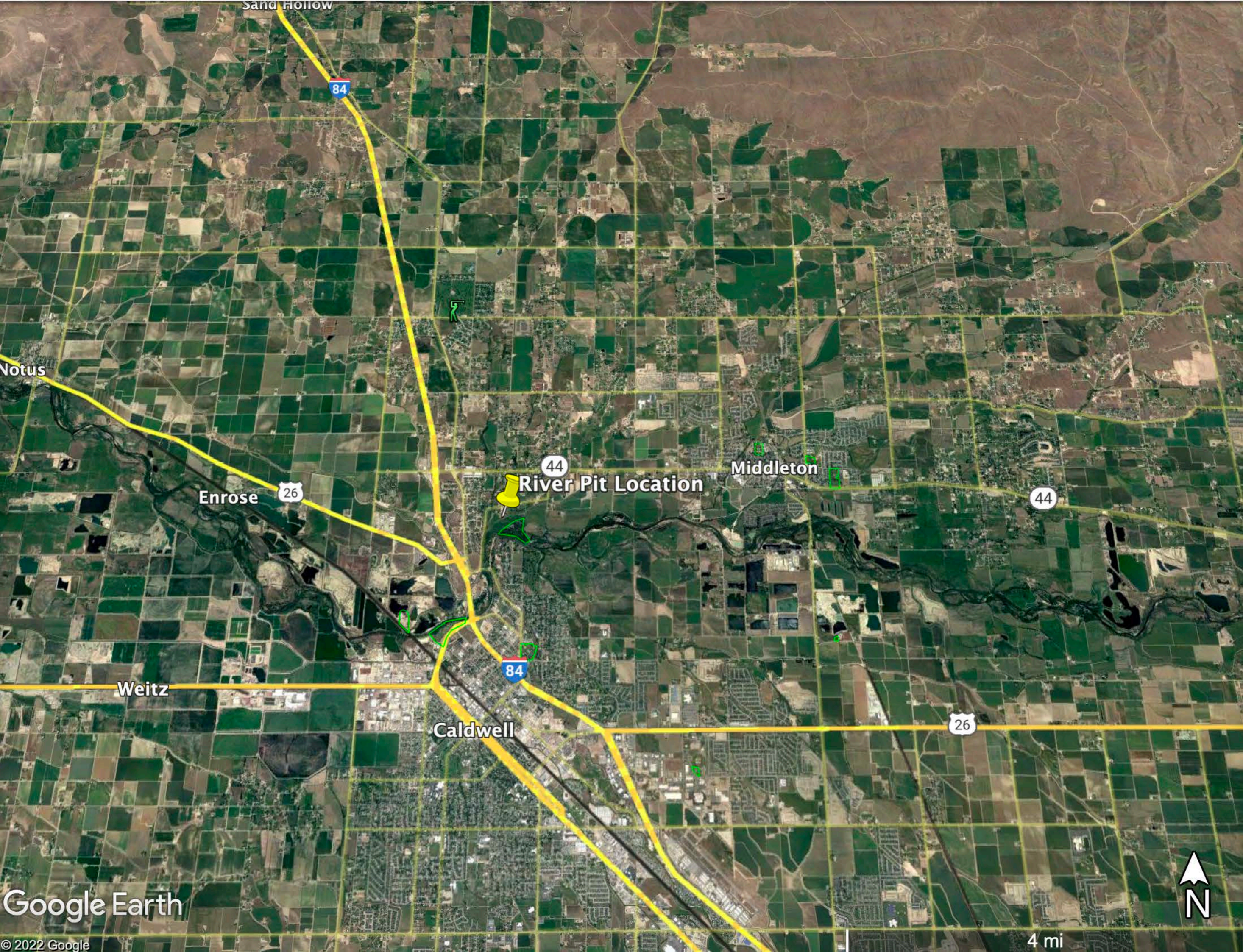
S84°13'47"W a distance of 59.02 feet; thence
S82°12'37"W a distance of 41.52 feet; thence
N71°20'10"W a distance of 40.44 feet; thence
S89°04'20"W a distance of 104.26 feet; thence
S68°57'49"W a distance of 74.52 feet; thence
S73°53'00"W a distance of 83.35 feet; thence
S85°22'25"W a distance of 155.45 feet; thence
N89°26'20"W a distance of 117.87 feet; thence
N50°32'58"W a distance of 58.77 feet; thence
N74°25'14"W a distance of 122.04 feet; thence
S85°02'27"W a distance of 109.58 feet; thence
S66°00'01"W a distance of 114.12 feet; thence
S53°29'22"W a distance of 16.83 feet to the easterly right of way line of River Road as shown on Plat of Rutledge Ranch Subdivision; thence on said easterly right of way line the following four (4) courses:

N20°00'17"E a distance of 124.15 feet; thence
N12°14'27"E a distance of 335.81 feet; thence
N03°43'13"W a distance of 801.70 feet; thence
N12°50'47"E a distance of 312.01 feet to a point on the centerline of River Road as shown on Record of Survey Instrument Number 2010025910; thence on last said centerline of River Road N80°29'31"E a distance of 1,027.47 feet to a point on the north south quarter line of said Section 10; thence on last said quarter line S01°29'34"W a distance of 383.97 feet to the Point of Beginning.

Excepting therefrom the portion of land as accreted through the natural movement of the Boise River since the dependent resurvey dated June 21, 1937.







Sand Hollow

84

Notus

Enrose

26

44

River Pit Location

Middleton

44

Weitz

84

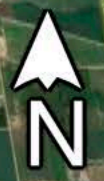
Caldwell

26

Google Earth

© 2022 Google

4 mi



Multi-Sector General Permit Stormwater Pollution Prevention Plan (SWPPP)

for:

Crimson Bridge Estates

14533 River Rd.
Caldwell, Canyon County, Idaho 83607

SWPPP Contact(s):

Precision Excavation & Construction, Inc.

David Stephens
9160 W. Chinden Blvd.
Meridian, Idaho 83646
Office: (208) 870-7035
Email: David.PrecisionX@Gmail.com

SWPPP Prepared by:



Syman, LLC
Alexia Berlanda
2101 Delta Dr.
Nampa, ID 83687
(208) 287-8420
A.Berlanda@SymanCompany.com
Syman File No. 221509

SWPPP Preparation Date:

October 17, 2022



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SECTION 1: FACILITY DESCRIPTION AND CONTACT INFORMATION

1.1 Facility Information.

Facility Information

Name of Facility: Crimson Bridge Estates

Street: 14533 River Rd.

City: Caldwell State: Idaho Zip Code: 83607

County / Govt. Sub: Canyon County

NPDES ID (i.e., permit tracking number): _____ (if covered under a previous permit)

Primary Industrial Activity SIC code, and Sector and Subsector (2021 MSGP, Appendix D and Part 8):

Sector J: Sub Sector, J1; Construction Sand and Gravel (SIC 1442)

Co-located Industrial Activity(s) SIC code(s), Sector(s) and Subsector(s) (2021 MSGP, Appendix D):

Sector J: Sub Sector; J2; Crushed Stone Manufacturing (SIC 1429)

Is your facility presently inactive and unstaffed and are there no industrial materials or activities exposed to stormwater? Yes No

Latitude/Longitude

Latitude: 43.6986 ° N (decimal degrees) Longitude: -116.6841 ° W (decimal degrees)

Method for determining latitude/longitude (check one):

USGS topographic map (specify scale: _____): GPS

Other (please specify): Google Earth

Horizontal Reference Datum (check one):

NAD 27 NAD 83 WGS 84

Is the facility located in Indian country? Yes No

If yes, provide the name of the Indian tribe associated with the area of Indian country (including name of Indian reservation, if applicable). N/A

Are you considered a “federal operator” of the facility?

Federal Operator – an entity that meets the definition of “operator” in this permit and is either any department, agency or instrumentality of the executive, legislative and judicial branches of the Federal government of the United States, or another entity, such as a private contractor, operating for any such department, agency, or instrumentality.

Yes No

Total facility acreage (to the nearest quarter acre):

56 acres



Estimated area of industrial activity at site exposed to stormwater (to the nearest quarter acre):
25 acres

Discharge Information

Does this facility discharge stormwater into a municipal separate storm sewer system (MS4)?
 Yes No

If yes, name of MS4 operator: N/A

Note: The access road to the site is gravel paved. Stormwater infiltrates into the ground. Any excess water flows into barrow ditches the run parallel to the road where it flows into vegetated areas.

Name(s) of surface water(s) that receive stormwater from your facility:

 East Hartley Gulch- Impaired for temperature, no TMDL completed

 West Hartley Gulch

 Boise River

Does this facility discharge industrial stormwater directly into any segment of an “impaired water” (see definition in 2021 MSGP, Appendix A)? Yes No

The project site will be surrounded by berms. Stormwater inside the berms where industrial activities are taking place will be directed to settling ponds that will be established.

If yes, identify name of the impaired water(s) (and segment(s), if applicable):

 Boise River

Identify the pollutant(s) causing the impairment(s):

 Flow regime modification, physical substrate habitat alterations, temperature, phosphorus, sedimentation/siltation, fecal coliform

Which of the identified pollutants may be present in industrial stormwater discharges from this facility?

 Sedimentation/siltation

Has a Total Maximum Daily Load (TMDL) been completed for any of the identified pollutants? If yes, please list the TMDL pollutants:

 Phosphorus, fecal coliform, sedimentation/siltation

Does this facility discharge industrial stormwater into a receiving water designated as a Tier 2, Tier 2.5 or Tier 3 water (see definitions in 2021 MSGP, Appendix A)?

Yes No



Are any of your stormwater discharges subject to effluent limitation guidelines (ELGs) (2021 MSGP Table 1-1)?

Yes No

If yes, see 3.2 for which guidelines apply

If yes, identify name of the impaired water(s) (and segment(s), if applicable):

East Hartley Gulch

Identify the pollutant(s) causing the impairment(s):

Temperature

Which of the identified pollutants may be present in industrial stormwater discharges from this facility?

N/A

Has a Total Maximum Daily Load (TMDL) been completed for any of the identified pollutants? If yes, please list the TMDL pollutants:

N/A

Does this facility discharge industrial stormwater into a receiving water designated as a Tier 2, Tier 2.5 or Tier 3 water (see definitions in 2021 MSGP, Appendix A)?

Yes No

Are any of your stormwater discharges subject to effluent limitation guidelines (ELGs) (2021 MSGP Table 1-1)?

Yes No

1.2 Contact Information/Responsible Parties

Facility Operator:

Company: Precision Excavation & Construction, Inc.
Contact: David Stephens
Address: 9160 W. Chinden Blvd.
Meridian, Idaho 83646
Office: (208) 870-7035
Email: David.PrecisionX@Gmail.com

Facility Owner:

Company: Crimson Bridge Estates, LLC
Contact: David Stephens
Address: 9160 W. Chinden Blvd.
Meridian, Idaho 83646



Office: (208) 870-7035
Email: Office.PrecisionX@Gmail.com

SWPPP Contact and 24-hour Emergency Contact:

Company: Precision Excavation & Construction, Inc.
Name: David Stephens
Office: (208) 870-7035
Email: David.PrecisionX@Gmail.com

SWPPP Preparation:

Company: Syman, LLC
Name: Alexia Berlanda
Office: (208) 287-8420
Fax: (208) 887-4927
Email: A.Berlanda@SymanCompany.com

Company: Syman, LLC
Name: Adam Lyman
Number: (208) 287-8420
Fax: (208) 887-4927
Email: A.Lyman@SymanCompany.com

1.3 Stormwater Pollution Prevention Team

The stormwater pollution prevention team is responsible for developing, implementing, and revising the facility’s SWPPP. The team will also maintain control measures/BMPs and take corrective actions where required. Each member of the stormwater pollution prevention team must have ready access to either an election or paper copy of applicable portions of the MSGP and this SWPPP. If the stormwater pollution prevention team changes or papers(s) are added to the team, update the table below.

Staff Names	Individual Responsibilities
Owner David Stephens Crimson Bridge Estates, LLC	The owner will oversee project planning, managing the site, and will be responsible for general oversight. They will retain operational control over the site, review the MSGP-SWPPP, any amendments, inspection reports, corrective actions, and changes to stormwater conveyance or control designs.
Facility Manager David Stephens Precision Excavation & Construction, Inc.	The site manager will implement and oversee the MSGP-SWPPP and oversee all activities on site; including excavation, crushing, screening, stockpiling, mobilization, and schedules. They will implement and maintain the best management practices (BMPs) specified, training, and address stormwater over the entire site, including all areas disturbed by site activities and areas used for materials storage.



Stormwater Management Alexia Berlanda Syman, LLC	Preparation of the Stormwater Pollution Prevention Plan and consulting as needed, as well as conducting site inspections and stormwater monitoring/testing.
Stormwater Consultation Adam Lyman Syman, LLC	Consultation as needed and calculations for stormwater retention and dispersion

1.4 Site Description

This site is located to the southeast of the bend on River Rd. in Caldwell, Idaho. At the time of this SWPPP preparation, part of the site is currently used for equipment storage and part of the site is open vegetated land.

Current activities associated with this site will be as follows.

1. Cleaning and stockpiling overburden silty and sandy loam soils.
2. Excavating and stockpiling sand and gravel materials.
3. Some materials are hauled away as raw sand and gravel sold as uncrushed pit-run aggregates.
4. Some materials are screened, sorted and crushed on site to create aggregates for road base, asphalt mixtures, concrete mixtures, drain rock and other similar materials.
5. Some aggregates are washed at the site and process water used in the wash plant is fully contained on-site.
6. The construction aggregate materials are hauled to job sites.

1.5 General Location Map

The general location map and site map for this facility can be found in Appendix A.

1.6 Site Map

The Site Map for this facility can be found in Appendix A.



SECTION 2: POTENTIAL POLLUTANT SOURCES

Portions of this facility will be exposed to stormwater at this site. As such, pollutants can be expected only at locations where mining activity will be performed.

This site’s industrial activity as follows:

The site will be composed of mining operations. The 56-acre site will be bermed along perimeter of the mining operations (retention basins). Mining locations will be grubbed and the overburden will be placed along the property lines to create berms to retain stormwater on site. After the topsoil has been grubbed, the area will be mined for sand and aggregate. The aggregate will be screened and sorted into final stockpiles. The materials from these stockpiles will be hauled off site to other construction projects.

During all activities at the site, stormwater will be controlled by BMPs, some of which are already in place. Stormwater will be retained on-site so that there are no discharges.

2.1 Potential Pollutants Associated with Industrial Activity

Industrial activities exposed to stormwater consists of handling construction aggregates and overburden soil at the site. There will be very little material stored at the site. Equipment and vehicle parking, fueling, and minor maintenance will take place at the site. Fuel and lubricating oils will be brought to the site on service vehicles as needed. Major maintenance and repairs will be done at the operator’s main yard. Equipment will not be cleaned on site and will be taken to the operator’s main site if necessary. Pollutants or pollutant constituents associated with these activities will be contained through active and passive measures as described in Section 2.2 below.

Industrial Activity	Associated Pollutants
Fueling area	Possible oil and fuel spill during transfer
Excavation of aggregates	Sediment from exposed soils Dust from exposed soil
Crushing and sorting aggregates	Dust from crushing activities
Stockpiling aggregates	Sediment from exposed soils
Stockpiling overburden/Berm construction	Sediment from exposed soils Dust
All activities	Possible oil and fuel from machinery
Fueling/maintaining equipment	Oil and fuel
Emissions from Baghouses	Particulates

If you are a Sector S (Air Transportation) facility, do you anticipate using more than 100,000 gallons of pure glycol in glycol-based deicing fluids and/or 100 tons or more of area on an average annual basis?

- Yes No Not Sector S



If you are a Sector G (Metal Mining) facility, do you have discharges from waste rock and overburden piles?

- Yes No Not Sector G

2.2 Spills and Leaks

The perimeter berms will prevent stormwater runoff from leaving the site and potentially discharging to the waters of the US. These perimeter berms will be inspected regularly, ensuring their integrity is not compromised. The perimeter berm areas are not highly exposed to the facility’s industrial activities and any stormwater discharges will be monitored.

Areas of Site Where Potential Spills/Leaks Could Occur

Location	Discharge Points
Equipment work area (equipment could malfunction or otherwise leak during normal operations)	Equipment work areas will be graded to contain stormwater on site.
Truck and equipment parking area	Areas will be graded to retain stormwater
Fuel storage	Bulk fuel tanks are inside secondary containment and fueling area is graded to retain stormwater
Fueling (equipment work areas)	Equipment work areas are graded to retain stormwater on site
Truck loading area (trucks could leak oil or fuel while being loaded)	Areas exposed to truck traffic are graded to retain water on site
Crushing and screening equipment leak	The crushing/screening area is graded to retain water on site.

Spill containment of possible pollutants described in Section 2.1 above consists of:

1. Portable spill prevention pads will be used to re-fuel and maintain equipment on site.
2. Major maintenance and repairs will be performed off site, at the operator’s main shop building where proper containment is available.
3. A spill kit is kept at each of the production/plant facilities to clean up spills from vehicles and equipment at the site.
4. Maintenance trucks have spill kits to clean up spills during minor maintenance or repairs.

Description of Past Spills/Leaks

There have been no known past spills or leaks at this site.

2.3 Unauthorized Non-stormwater Discharges Documentation

Description of this facility’s unauthorized non-stormwater discharge evaluation:



Date of evaluation:

The site has not yet had an evaluation. Any future description of this facility/s unauthorized non-stormwater discharge evaluation will be recorded as follows:

Description of the evaluation criteria used:

List of the drainage points that were directly observed during the evaluation:

Action(s) taken, such as a list of control measures used to eliminate unauthorized discharge(s), or documentation that a separate NPDES permit was obtained.:

-
-
-

2.4 Salt Storage

There is no salt storage on the site. Salts for de-icing will not be used at this facility.

2.5 Sampling Data Summary

There have been no storm events where a sample could be collected from runoff on the site.



SECTION 3: STORMWATER CONTROL MEASURES

The stormwater is controlled on the site through site grading with permanent and temporary ponds and berms. Before aggregate mining is started, the overburden soil will be removed and stockpiled around the perimeter of the ponds to act as a berm. The pit floors will be excavated in stages, so stormwater and groundwater are channeled to the lower parts of the pit throughout the mining operations. Excess water will be pumped into a temporary retention basin. Water will then be discharged directly into an irrigation ditch (see facility map). The soils in the pits are sand and gravel with high permeability, therefore, the water will infiltrate into the floor and there will be no leaching water offsite.

The BMPs listed below will be monitored as described unless the site is inactive. Active or in active status changes will be documented on the SWPPP Amendment log in Appendix F and the inactive and unstaffed site statement in Appendix E will be completed.

3.1 Non-numeric Technology-based Effluent Limits (BPT/BAT/BCT)

This site will comply with the following non-numeric effluent limits (except where otherwise specified in Part 8) as well as any sector-specific non-numeric effluent limits in Part 8.

3.1.1 Minimize Exposure

Portions of the site will have the topsoil removed, sand and gravel extracted, and then the topsoil replaced and seeded. This will help to minimize erosion at the site. The sand and gravel that is extracted are granular and not naturally erosive.

CLEARING LIMITS – BMP #1

BMP Description: Minimize the total amount of bare soil exposed to erosive forces by (1) controlling the amount of ground that is cleared and grubbed at one time in preparation for mining, and (2) limiting the amount of time that bare ground may remain exposed before topsoiling and vegetative stabilization are put into place. This measure, in conjunction with preservation of existing vegetation will help reduce the amount of soil lost to erosion on the project.

Site work: During construction, limit clearing of vegetated soils through the following

1. Use staking, coordination with project leaders, and existing fences to delineate areas off limits to equipment and materials that will cause soil disturbance.
2. Keep equipment as close to the excavation as possible.
3. Stage equipment at the designated staging area.
4. Uses temporary fence to delineate the edge of construction where needed.
5. Use existing areas stabilized with gravel and asphalt or concrete pavement whenever possible.

Installation Schedule:	Throughout the life of the facility.
Maintenance & Inspections:	Inspections shall occur at least quarterly. Conduct periodic inspections to check for unnecessary ground disturbance. Also check for clearing and grubbing beyond the contractor's authorization and progress in keeping grading and pollution



	control measures current (in accordance with accepted work schedule).
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3.1.2 Good Housekeeping

The site will be maintained by the site manager.

As part of site management, the following good housekeeping BMPs will be maintained:

1. Adequate storage for solid waste
2. Adequate haul roads to prevent tracking of soil off site.
3. Adequate storage areas for hazardous materials.
4. Adequate parking areas for equipment and vehicles.
5. Clean loading and unloading areas to facilitate safe transfer of materials.
6. Designated washout areas for cleaning and detention of sediment laden wash water.
7. Adequate and regularly maintained sanitary facilities for the workers in the mining and batch plant areas.

See Section 3.1.4 for handling, and storage of hazardous materials.

SANITARY / SEPTIC WASTE MANAGEMENT – BMP #2

BMP Description: Prevent the discharge of pollutants to stormwater from sanitary/septic waste by providing convenient, well-maintained facilities, and arrange for regular service and disposal. For specific installation and location information, please refer to the site maps and project schedule. Use staking or other methods to ensure temporary sanitary facilities will not tip in high wind events.

Installation Schedule:	Prior to any full time operations at the site. During some periods there will likely be no activity at the site. During periods of inactivity, the temporary sanitary facilities may be removed or maintained at less frequent intervals.
Maintenance & Inspections:	A portable toilet is at the site at all times and is maintained at least monthly (except when the site is inactive) and more often when more personnel are working at the site. Inspect facilities at least each quarter.
Responsible Staff:	David Stephens – Precision Excavation & Construction, Inc.

HAZARDOUS WASTE MANAGEMENT – BMP #3

BMP Description: This BMP entails meeting the regulatory requirements of hazardous waste management that includes hazardous waste determination, acquiring an EPA identification number, accumulation, record keeping reporting, and transportation manifesting. Good housekeeping will minimize the contribution of pollutants to stormwater discharges by handling and storing hazardous materials on site in a clean and orderly manner. See part 3.1.4 below for a complete description of procedures.

Installation Schedule:	Throughout the life of the facility.
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Maintenance and Inspection:	Inspect whenever fueling occurs. Document fueling activities during regular inspections. Inspect drip pans for the possibility of leaks in the pan itself. Also check for random leaking of equipment and irregular slow drips that increase in volume. If drip pans are being used, conduct inspections before forecasted rainfall events to remove accumulated materials. Empty accumulations immediately after each storm event.
Responsible Staff:	David Stephens – Precision Excavation & Construction, Inc.

VEHICLE FUELING AND MAINTENANCE – BMP #4

BMP Description: Several types of vehicles and equipment will be used on site. All major maintenance will be performed on site at the shop. Off-Road equipment and vehicle fueling will occur at the fueling area on site. Absorbent, spill-cleanup materials, drip pans, and spill kits will be available at the shop area.

Installation Schedule:	Throughout the life of the project.
Maintenance and Inspection:	Inspect whenever fueling occurs. Document fueling activities during regular inspections. Inspect drip pans for the possibility of leaks in the pan itself. Also check for random leaking of equipment and irregular slow drips that increase in volume. If drip pans are being used, conduct inspections before forecasted rainfall events to remove accumulated materials. Empty accumulations immediately after each storm event.
Responsible Staff:	David Stephens – Precision Excavation & Construction, Inc.

Sweeping, if needed, will be performed where the gravel road meets the paved road.

STREET SWEEPING – BMP #5

BMP Description: The contractor will perform street sweeping on paved roadways or parking areas. Sweeping may be accomplished manually or with a mechanical sweeper. The road may need to be moistened prior to sweeping to avoid generation of dust.

Installation Schedule:	Throughout the life of the project.
Maintenance and Inspection:	At least once every 7 days. Inspect for soil on roadways as well as fugitive dust. All materials collected during street sweeping will be disposed of at an off-site location by the contractor.
Responsible Staff:	David Stephens – Precision Excavation & Construction, Inc.

Currently the site does not have any storm drains. If plans change and storm drains are installed, the following will apply

SAND AND SILT COLLECTOR – BMP #6

BMP Description: Temporary and permanent Retention ponds will be used to trap stormwater and ground water that are present. Water will be channeled through a series of three settling



ponds where water will desilt. The upper cleanest portion of water will then be pumped into the adjacent irrigation ditch.

Installation Schedule:	Permanent BMP
Maintenance and Inspection:	Quarterly inspections and after every storm event. Make any repairs necessary to ensure the measure is in good working order. Remove accumulated sediment and restore the trap to its original dimensions when sediment has accumulated to half the designed depth of the trap. All sediment removed should be disposed of properly.
Responsible Staff:	David Stephens – Precision Excavation & Construction, Inc.

3.1.3 Maintenance

BMP Maintenance

The site will use several BMPs to control stormwater runoff and possible pollution in stormwater runoff. Each BMP will be inspected and maintained regularly, as described in the specific BMP descriptions found in Section 3. Remove any debris or sediment regularly.

Equipment Maintenance

Vehicle fueling and minor equipment maintenance will be done at the staging area. Equipment will undergo cleaning at the site to knock off larger mud accumulations. Equipment and vehicle washing will be done at designated locations in the yard. Pollutants or pollutant constituents associated with these activities will be contained through active and passive measures, as described below.

Spill containment of possible pollutants described in Section 2.1 consist of:

1. Portable spill prevention pads will be used in equipment fueling and maintenance on site
2. Major maintenance and repairs will be performed at the shop where proper containment is available on site.
3. A spill kit is kept at the shop for cleanup of spills from vehicles and equipment at the site.

Fueling and maintenance trucks have spill kits to clean up spills during maintenance, fueling, or repairs.

Schedule for maintenance and repairs:

- When equipment is active, equipment will be inspected for leaks daily during operations.
- During inspections, the equipment on site will be inspected for leaks or similar problems that need maintenance.
- If leaks are detected, any spilled oil will be cleaned up immediately and a drip pan will be used to collect leaking fluids until maintenance can be performed. If required, the equipment will be covered to prevent contamination of precipitation.

3.1.4 Spill Prevention and Response

Spill prevention and response procedures are outline in Section 4.3 of this plan.

3.1.5 Erosion and Sediment Controls

Aggregate stockpiles will be kept throughout the site, primarily at the property boundary and near the crusher

STOCKPILE MANAGEMENT – BMP #7

BMP Description: Stockpile management procedures and practices are designed to reduce or eliminate air and stormwater pollution from stockpiles of soil, aggregates, paving materials such as Portland Cement Concrete rubble, asphalt concrete, asphalt concrete rubble, aggregate base, aggregate sub-base, or pre-mixed aggregate. The stockpiles should be placed in an area where sediment from precipitation will not be discharged to waters of the US. Ensure that stockpiles are not placed in areas where runoff from the stockpiles can discharge beyond the site boundaries.

Stockpiles of the following materials are likely:

Stockpiles of overburden (topsoil): These stockpiles will be placed adjacent to the property lines as berms. Typically, these stockpiles will sit for more than 14 days without being actively worked. Topsoil will be seeded and tackified for stabilization until used.

Stockpiles of aggregates: These stockpiles will consist of aggregates such as sand and gravel for concrete batch manufacturing. These materials are less susceptible to erosion due to their granular nature and will be particularly less prone to dust. These aggregates will be brought or mined on site. These stockpiles will be created and then used in creating specified concrete mixes and hauled from the site. Because these stockpiles are less erodible and not prone to dust, they will not be stabilized except for being placed in areas where runoff from them will not discharge from the site.

To prevent stormwater pollution from stockpiles the following guidelines will be followed:

- Whenever possible, only stockpile materials that can be used within construction timelines.
- Never stockpile materials near or in a stormwater conveyance.
- Stockpile excavated materials up-slope of the excavation whenever possible.
- Excavate the site in stages to limit the size of overburden stockpiles.
- Apply dust control water regularly to stockpiles of materials susceptible to wind erosion.

Installation Schedule:	Throughout the life of the site. Stockpiles of topsoil must be stabilized no later than 14 days after the stockpile is no longer in use. Stabilization must consist of heavy poly sheeting secured with sandbags or covering with hydraulically applied mulch.
Maintenance and Inspection:	At least quarterly. Inspect and verify that BMPs are in place prior to the commencement of associated activities. While activities are associated with the BMPs are underway, inspect weekly during the rainy season and 2-week intervals in the non-rainy season to verify continued BMP implementation. Repair and/or replace perimeter controls to keep them functioning properly.



Responsible Staff:	David Stephens – Precision Excavation & Construction, Inc.
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STAGING AREAS – BMP #8

BMP Description: This BMP includes measures for collecting runoff from a staging area, materials storage site, or industrial activity area or for diverting water flow away from such areas so that pollutants do not mix with clean stormwater runoff. Staging areas will consist of stabilized parking areas and roadways used at the site. Roadways and parking areas will be stabilized with aggregates on site. Aggregates that are coarse and will limit sediment and tracking from the site will be used at the on-site roadways, areas around the crusher and scale or other areas accessed by vehicles that will be used off-site. Staging areas will be placed where stormwater will be diverted and prevented from discharging off site.

Installation Schedule:	Throughout the life of the project.
Maintenance and Inspection:	Inspections shall occur at least quarterly. Inspect unpaved, graded areas to check for gullies and other signs of erosion. Inspect paving regularly for areas that may allow fine grained soils to be tracked into the public right-of-way.
Responsible Staff:	David Stephens – Precision Excavation & Construction, Inc.

SEEDING – BMP #9

BMP Description: Permanent surrounding vegetation is already present. After mining operations are complete the mining pits will be turned into permanent aesthetic ponds. A residential community will be build around the ponds and additional permanent landscaping will be put in for the community.

Installation Schedule:	Portions of the site where construction activities have permanently ceased will be stabilized, as soon as possible but no later than 14 days after construction ceases.
Maintenance and Inspection:	Inspections shall occur at least quarterly. After mineral mining is completed at the site, permanently stabilized areas will be monitored until final stabilization is reached.
Responsible Staff:	David Stephens – Precision Excavation & Construction, Inc.

3.1.6 Management of Runoff

DITCHES & SWALES – BMP #10

BMP Description: Hartley Ditch currently runs along the north perimeter of where mining operations will take place. Other ditches or alterations to Hartley Ditch may be constructed at a later date after mining operations have ceased.

Installation Schedule:	Throughout the life of the project.
Maintenance and Inspection:	At least quarterly. All areas will be inspected during construction activities for failure after storm events. Inspect for



	blockage and erosion issues that can prevent the ditch from operating as intended.
Responsible Staff:	David Stephens – Precision Excavation & Construction, Inc.

BERMS – BMP #11

BMP Description: Berms will be constructed of on-site soils to contain stormwater and groundwater within the mining zone (mining pits). The areas surrounding the mining pits will remain stabilized with existing vegetation. Locations are shown on the site drawings and details can be found in Appendix A.

Installation Schedule:	Throughout the life of the project.
Maintenance and Inspection:	At least quarterly. All areas will be inspected during construction activities for failure after storm events. Check that berms/dikes are not breached, and that rill erosion is not developing.
Responsible Staff:	David Stephens – Precision Excavation & Construction, Inc.

PONDS – BMP #12

BMP Description: Permanent ponds will be constructed and serve to detain and settle both stormwater and runoff water before that water leaves the site. Locations of Ponds are shown on the site drawings. The ponds will be used as permanent BMP to collect, clean and infiltrate both stormwater and dewatering water. The site is graded to slope towards the ponds to control runoff from construction and urban areas.

The ponds are used as settling ponds. Water flows into one side of each pond and the water is allowed to cross the pond and flow into the second and third ponds where natural desilting takes place. After passing through the ponds, the water flows to a pump where it flows through an irrigation ditch. The water will then travel through the vegetated ditches (BMP #11) before it leaves the property boundary.

Installation Schedule:	Install during final reclamation.
Maintenance and Inspection:	At least every 14 days. All areas will be inspected during construction activities for failure after storm events. Check that ponds are maintaining their initial capacity and that stormwater runoff is being directed to the ponds.
Responsible Staff:	David Stephens - Precision Excavation & Construction, Inc.

3.1.7 Salt Storage Piles or Piles Containing Salt

There is no salt stored on the site. De-icing is not performed on site.

3.1.8 Dust Generation and Vehicle Tracking of Industrial Materials

Dust is controlled using water, applied with a water truck.



Typically, the sand and gravel mined from the pit are course materials that are not subject to air erosion unless disturbed. The material handling areas and haul and access roads are gravel paved to limit dust. When needed, roadways material handling areas and stockpiles are sprayed with the water truck.

DUST CONTROL – BMP #15

BMP Description: This BMP describes products and measures used for reducing or preventing wind erosion by protecting the soil surface, roughening the surface, and reducing the surface wind velocity. The site may be sprinkled with water until the surface is wet. Sprinkling is especially effective for dust control on haul roads and other traffic routes. During summer months, dust control will likely need to be applied daily and constant monitoring will be required. This BMP will be implemented across the entire site but particularly where fine grained soils are exposed, and areas exposed to vehicle traffic.

Installation Schedule:	Throughout the life of the project.
Maintenance and Inspection:	At least every 14 days. Dust control requires constant attention: it is not a one-time or once-in-a-while activity. Dust control sprinkling may have to be done several times a day during hot dry weather. Inspect dust control activities to ensure that dust control water is not creating non-stormwater discharges.
Responsible Staff:	David Stephens – Precision Excavation & Construction, Inc.

ELIMINATE TRACKING – BMP #16

BMP Description: The contractor will eliminate or control tracking of sediment from the site through implementation of the following:

- Establish stabilized staging areas
- Sweep hard surfaces exposed to cement products regularly (See BMP #7)
- Control construction traffic using project signs and coordination with project leaders.
- Always keep construction traffic on established roadways.
- If tires become excessively dirty, manually clean mud or dirt from tires with brooms and shovels prior to the equipment exiting the site.
- Only allow equipment and trucks on bare soil when necessary.
- Clean mud and/or dirt tracked into any roadway from the site daily.

Installation Schedule:	Throughout the life of the project.
Maintenance and Inspection:	At least quarterly. All materials collected during street sweeping will be disposed of at an off-site location by the contractor.
Responsible Staff:	David Stephens – Precision Excavation & Construction, Inc.

3.2 Numeric Effluent Limitations Based on Effluent Limitations Guidelines (ELGs)

There is no dewatering discharge at this site, therefore this site is not subject to the ELG category below.



This site is subject to the ELG categories found in the table below.

Regulated Activity	40 CFR Part/Subpart	Effluent Limit
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I	See Part 8.A.8
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Part 418, Subpart A	See Part 8.C.5
Runoff from asphalt emulsion facilities	Part 443, Subpart A	See Part 8.D.5
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C	See Part 8.E.6
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, or D	See Part 8.J.10
Runoff from hazardous waste landfills	Part 445, Subpart A	See Part 8.K.7
Runoff from non-hazardous waste landfills	Part 445, Subpart B	See Part 8.L.11
Runoff from coal storage piles at steam electric generating facilities	Part 423	See Part 8.O.8
Runoff containing area from airfield pavement deicing at existing and new primary airports with 1,000 or more annual non-propeller aircraft departures	Part 449	See Part 8.S.9

**See Section 3.4 for Water Quality-Based Effluent Limitations and Water Quality Standards.*

The procedures outlined in 3.1.6 Management of Runoff and 3.1.5 Erosion and Sediment Controls will be applied to the areas needing coverage, ensuring all contaminants are contained.

3.3 Water Quality-based Effluent Limitations and Water Quality Standards

The MSGP includes a pH range of 6.0-9.0 standard units, which does not comply with Idaho WQS (IDAPA 58.01.02.250.01.a. Therefore, numeric effluent limitations and benchmark monitoring concentrations for pH shall be 6.5-9.0 standard units.

3.4 Sector-Specific Non-Numeric Effluent Limits

Sector specific limits are generally described in section 3.1 of this plan. Non-Numeric effluent limits apply to clearing, grading, and excavation activities being conducted as part of the exploration and construction phase of mining activities. The following technology based effluent limits will be implemented as described in sections 8.D.2 & 8.J.4.1 of the MSGP.

1. Management Practices for Clearing, Grading, and Excavation Activities:

The BMPs described in sections 3.1.1, 3.1.2, 3.1.5, 3.1.6, & 3.1.8 will be implemented prior to clearing to control stormwater runoff from the site.

2. Selecting and installing control measures.

The BMPs described in sections 3.1.1, 3.1.2, 3.1.5, 3.1.6, & 3.1.8 will be implemented prior to clearing to control stormwater runoff from the site.

3. Good Housekeeping

Litter, debris, and chemicals must be prevented from becoming a pollutant source in stormwater discharges. See part 3.1.2 above for housekeeping BMPs.

4. Retention and Detention of Stormwater Runoff.

The drainage at this site serves more than one acre. Stormwater diversions are in place currently.

3.4.1 Requirements Applicable to Earth-Disturbing Activities

Stormwater discharges from earth-disturbing activities are covered under the 2021 MSGP. The following technology based effluent limits will be implemented as described in the MSGP.

1. Erosion and sediment control installation requirements:

All operational downgradient sediment controls will be installed prior to the commencement of construction activities. The BMPs described in Section 3.1.5 will be implemented and made operational as soon as conditions on each portion of the site allow.

2. Erosion and sediment control maintenance requirements:

All erosion and sediment controls will be maintained to remain in effective operation condition. Where a stormwater control needs maintenance to continue operation effectively, efforts to fix the problem will begin immediately and will be completed by the end of the next work day. When a stormwater control must be replaced or significantly repaired, the work must be completed within 7 days, unless infeasible. If 7 days is infeasible, the installation or repair will be completed as soon as practicable.

3. Perimeter controls:

Clearing limits will be established at the start of the project and will be maintained so that sediment does not accumulate.

4. Sediment track-out:

Access roads will serve as the site's stabilized entrance for all activities at the site. Additional controls to remove sediment from vehicle and equipment tire prior to exit, will be utilized as necessary. Sediment that is tracked out onto River Rd. will be removed by the end of the work day.

5. Soil or sediment stockpiles:

Sediment from stormwater that runs off stockpiles will be minimized by diverting flow around the stockpiles.

6. Minimize dust:

Dust will be minimized through the appropriate application of water or other dust suppression techniques that minimize pollutants being discharged to surface waters. See Section 3.1.8.

7. Restrictions of treatment chemicals:

The only treatment chemical used onsite are polymers, which are used as part of the aggregate crusher’s clarifier system and will not be used prior to active mining activities. All chemicals will be suited to the soil type, expected turbidity, pH, and flow rate.

8. Stabilization requirements:

Stabilization measures must be initiated immediately in portions of the site where earth-disturbing activities performed for purposes of mine site preparation have temporarily ceased, but in no case, more than 14 days after such activities have temporarily ceased.

3.4.2 Technology Based Effluent Limits

Employee training will be conducted at the site on an annual basis at the minimum.

Numeric Effluent Limitations Based on Effluent Limitations Guidelines

There will be no mine dewatering discharges at the site, therefore the effluent guideline below does not apply to this site.

Reference: MSGP Tables 8.D-3 & 8.J-2		
Industrial Activity	Parameter	Effluent Limit
Discharges from asphalt emulsion facilities	Total Suspended Solids (TSS)	23.0 mg/L. daily max
		15.0 mg/L. 30-day avg.
	pH	6.0 – 9.0 s.u.
	Oil and Grease	15.0 mg/L. daily max
10 mg/L. 30-day avg.		
Mine dewatering discharges at construction sand and gravel and crushed stone mining facilities (SIC 1442-1429)	pH*	6.5-9.0
Mine dewatering discharges at industrial sand mining facilities. (SIC 1446)	Total Suspended Solids (TSS)	25 mg/L, monthly avg.
		45 mg/L, daily maximum
	pH*	6.5-9.0

¹Monitor annually

There will be no mine dewatering discharges at the site, therefore the effluent guideline above does not apply to this site.

SECTION 4: SCHEDULES AND PROCEDURES

4.1 Good Housekeeping

See Section 3.1.2 for itemized good housekeeping procedures. In general, maintaining good housekeeping is an ongoing task that will require daily maintenance. The site superintendent will be responsible for monitoring trash bins and sanitary facilities for maintenance, as needed. All trash bins and sanitary facilities will be emptied in a timely manner. All drums, tanks, and containers on site will be inspected weekly for any potential deterioration or leaks.

4.2 Maintenance

Formal documented quarterly inspections and informal daily observations will determine the need for site maintenance. Maintenance procedures and responsible personnel are outlined in Section 3.1 of this plan.

4.3 Spill Prevention and Response Procedures

The Spill Prevention Response Plan goals are to minimize the potential for hazardous material spills or discharges; to minimize health, safety, and environmental impacts due to hazardous material releases; and to outline and define exact emergency measures to be implemented in the event of a hazardous material spill or discharge. The operator is responsible for administering the Spill Prevention Response Plan.

Hazardous materials are considered to include solid wastes (SW), toxic substance control act (TSCA) regulated materials, resource conservation recovery act (RCRA) wastes, comprehensive environmental response compensation liability act (CERCLA) substances, and petroleum products and wastes.

It is the responsibility of the facility operator to abide by all Occupational and Safety Hazard Administration (OSHA) rules with regards to the storage, application, and use of any hazardous material. OSHA requirements include notification to all emergency agencies and hospitals within the vicinity of the project of the types and amounts of hazardous materials that will be used and applied within the project. Emergency phone numbers will be provided on site and located as required by OSHA.

The objectives of the Spill Prevention and Response Plan are as follows:

1. Minimize hazardous material spill and discharge potential by adherence to state, federal, and local guidelines for hazardous material transportation, transfer, storage, application, and use.
2. Provide emergency information for personnel so that quick and decisive discharge response measures are understood and implemented.
3. Clearly define personnel responsibilities in the event of a spill or discharge and clearly outline notification procedures.
4. Implement spill or discharge response, containment, and clean-up practices to minimize environmental impacts.
5. Educate personnel as to the location and types of hazardous materials on site, demonstrate day-to-day safety procedures to be implemented to reduce spill or discharge potential, and educate personnel about recycling petroleum materials and other hazardous materials. The

use of Material Safety Data Sheets (MSDS) will be kept on site for reference and use. Currently, the facility does not store more than 1320 gallons of fuel on site and does not require a Spill Prevention Control and Countermeasure Plan (SPCCP) per the requirements of Title 40 CFR part 112.

HAZARDOUS MATERIAL MANAGEMENT PRACTICES

The primary spill or discharge hazards associated with transportation, transfer, storage, application, and usage of hazardous materials include, but are not limited to:

- Service truck or container distribution to equipment (i.e. mishandling)
- Service truck tank rupture
- Portable tank valve or hose failure
- Mishandling and misuse of common petroleum products
- Inadequate storage and containment parameters provided for hazardous materials
- Inadequate disposal of hazardous materials
- Petroleum products leaking from construction equipment
- Overall operator carelessness in hazardous material transfer, distribution handling, and usage in general; and poor housekeeping

All of which can result in an unwanted spill or discharge.

All hazardous materials transportation, transfer, storage, application, and usage will occur under the terms of this plan and utilize appropriate containment best management practices described herein. Portable fueling trucks or portable product containers will be compliant with state, federal, and local requirements and follow the manufacturer's specifications for transportation, transfer, and storage. When fueling or using other liquids that may be hazardous, spill kits (i.e. booms, absorbent rags, inert substances such as sand, perlite, zeolite, and/or drip trays) will be readily available in case of a spill. Hazardous material transfer will be completed in a manner that will minimize the potential for a spill or discharge. The following procedures will be followed prior to and during hazardous material transfer, distribution, handling, and usage:

1. All containers will be inspected prior to any use for ruptures, cracks, rust, evidence of leakage, or faulty seals.
2. All containers will be labeled properly to identify the contents and describe hazards as well as cleanup and handling procedures.
3. Transportation and transfer of products will require proper packaging, marking, labeling, and placarding identification.
4. All damaged, worn, or faulty parts will be repaired or replaced prior to using equipment that will be handling, transferring, or distributing the hazardous materials.
5. A tank valve and vent inspection will be completed on the tanker truck prior to transfer and departure, to assure no spills or discharges (including leaks) are present.
6. A tank hose disconnection and drain check will be completed prior to tanker transfer and departure from the fueling or dispensing site. Transfer hoses will be inspected for cracks and ruptures prior to use.
7. Hazardous materials (including portable services) will be dispensed directly to equipment or the intended purpose and will be completed according to state, federal, and the

manufacturer's guidelines. No transfer of hazardous materials to equipment will occur within 150 feet of any watershed, water feature (including irrigation amenities or domestic water sources), or area susceptible to storm water or surface water movement.

Spill containment of possible pollutants described in section 2.1 above consists of:

1. Portable spill prevention pads will be used to fuel and maintain equipment on site.
2. Major maintenance and repairs will be performed at the contractor's yard where proper containment is available and not on site.
3. A spill kit is kept inside the storage van for cleanup of spills from vehicles and equipment at the site.

The following procedures will be followed to ensure "good housekeeping" of all hazardous materials:

1. Only necessary quantities of hazardous materials (i.e. enough to do the job) will be brought to the facility. If a hazardous material is not needed, it will not be brought to the facility.
2. Hazardous materials on site will be stored in a neat and orderly fashion; kept in their original containers with the original manufacturer's label unless un-sealable; and enclosed or covered in a manner that eliminates to the maximum extent exposure to precipitation, storm water, and surface waters.
3. The contractor will inspect the hazardous material containment and spill kits area on a regular basis to ensure proper storage, use, and disposal of hazardous materials.
4. Hazardous materials will not be mixed with one another unless recommended by the manufacturer and will follow the manufacturer's specifications.
5. Whenever possible, all the product will be used up before disposing of containers. If the product cannot be used in entirety, the product will be recycled if possible. Hazardous wastes and unwanted hazardous materials will be disposed of or recycled at an approved licensed off-site hazardous material site in accordance with the manufacturer's specifications and all state and federal regulations.

*****Original labels, containers, and material safety data sheets will be retained for use in the event of an emergency.**

EDUCATION AND TRAINING

Any personnel working directly with hazardous materials, including transportation, transfer, storage, application, and usage of hazardous materials will meet federal training requirements. In addition, all personnel will be educated concerning potential areas where a spill or discharge could occur and drainage routes or air-borne routes that could facilitate transport.

Personnel will be trained on how to handle (e.g. safe storage and transfer of products), use/apply (e.g. manufacturers specifications), know the consequences of (e.g. all safety, health, and environmental concerns), and know what do (e.g. proper containment) if there is a discharge of hazardous materials they may use or come in contact with. Personnel will be certified and trained on proper discharge clean up procedures and where the location and types of discharge clean up equipment are stored (e.g. spill kits). The primary emphasis of training is the administration and implementation of safe working habits and skills with the goal of achieving no hazardous

material discharges and, if a discharge does occur, will accordingly lead to minimization of impacts.

EMERGENCY OPERATING PLAN PROCEDURES

The emergency operating plan procedures and SPCCP will follow the existing **local, state and federal guidelines**. All operating procedures from this plan will be enacted in the event of a hazardous material spill or discharge incident. The following is a brief synopsis of procedure and plan details:

1. Determine from a safe distance, the type of hazardous material that was spilled or discharged. Observe packaging, markings, labels, and placards if possible (binoculars may become helpful in such circumstances). Observe weather, topography, and wind directions in relevance to the discharge. Notate the distances between surface waters and nearby amenities such as dwellings, equipment, and buildings, etc.
2. If contaminated, stay away (remain a safe distance) from direct contact with people, equipment, or other amenities to ensure no one else will become contaminated. Communicate from a safe distance to those responsible for initiating containment, decontamination, and clean-up procedures.
3. Do not allow other people to enter an area of contamination. Only those who are trained and certified and who are immediately involved with containment and cleanup will be admitted to the discharge site.

REPORTING SPILL INCIDENTS:

Hazardous material spills will be documented and reported in an incident report to the appropriate local, state, and federal regulatory agencies. Any release of hazardous materials that exceeds standards for a 24-hour period as, set in accordance with the Federal Codes of Regulation, will be reported to the National Response Center (1-800-424-8802, when necessary), immediately upon discovery. The contacted emergency agencies will coordinate the necessary response parameters dependent upon the emergency level. If a spill of any size creates a visible sheen on a tributary to the waters of the US, the spill must be reported.

1. When reporting a spill, to the best of your ability, please be ready with the following information:
 - Where is the spill?
 - What spilled?
 - How much spilled?
 - How concentrated is the spilled material?
 - Who spilled the material?
 - Is anyone cleaning up the spill?
 - Are there resource damages (e.g. dead fish or oiled birds)?
 - Who is reporting the spill?
 - How can we get back to you?

If a cleanup contractor is required, call:

Master Environmental
P.O. Box 208

Meridian, ID 83680

Office: (208) 888-7979

24-Hour: (208) 490-8889

2. Until help arrives:

- It may be possible to safely conduct containment efforts once communication and assistance have been verified through the Idaho Emergency Management Division;
- Enter the incident area only when properly trained for the material spill (federal certification may be required) and equipped with appropriate protective clothing and equipment;
- Render first aid to victims only if the substance is known and safe for responders, or after decontamination has been completed. Be sure to notify medical personnel if any exposure to a hazardous material is suspected;
- Serve as an on-scene communication point and provide information to other incident responders.
- Relinquish incident command as soon as possible to the appropriate authorities.

3. Containment and neutralization of spill or discharge will only be done after following all previous emergency procedures.

4. Document through an Incident Report the following:

- Date and time of incident;
- Location/area of incident;
- Weather conditions—including wind direction and whether it is raining/snowing/sunny/cloudy;
- Description (types and amounts of hazardous materials released) and circumstances that lead to spill or discharge release;
- Identify the containment and clean up practices used
- Identify other pertinent information of the surrounding area such as adjacent residencies or discharge points to waters of the United States.

5. After the incident, reassess the emergency response procedures, refine this response plan, and implement better response measures after cleanup.

The SWPPP will be updated to ensure the incident report becomes a permanent part of the SWPPP. The SWPPP must be revised and adjusted within five calendar days of knowledge of the release to include measures and BMPs to prevent this type of spill or discharge from reoccurring and how to clean up the spill or discharge if there is another incident.

4.4 Erosion and Sediment Control

No polymers or other treatment chemicals will be used to manage erosion and sediment control.

4.5 Employee Training

Training should be performed at least annually. Training staff and subcontractors is an effective BMP. As with the other steps taken to prevent stormwater contamination at the site, document the training conducted for your staff, for those with specific stormwater responsibilities (e.g. installing, inspecting, and maintaining BMPs.)



Individual(s) Responsible for Training:

Name: David Stephens - Precision Excavation & Construction, Inc.
Address: 9160 W. Chinden Blvd.
City, State, Zip: Meridian, Idaho 83646
Telephone: (208) 870-7035
Email address: David.PrecisionX@Gmail.com

Training topics planned will include, but will not be limited to, the following:

1. Erosion control BMP installation and maintenance
2. Identifying potential for stormwater discharge
3. Non-stormwater discharges
4. Dust control practices
5. Spill prevention control and containment
6. Temporary and Final stabilization

Training activities will be recorded and kept as part of the SWPPP. Complete a Training Log located in Appendix G and keep completed Training Logs in same Appendix. Training Logs must include date of the training, number and names of attendees, subjects covered, and length of training.

4.6 Inspections and Assessments

Two types of inspections are required at the site:

- Routine Quarterly facility inspections (2021 MSGP, Part 4.6.1);
- Quarterly visual assessment of stormwater discharges (2021 MSGP, Part 4.6.2); and

Site inspections must be conducted by qualified personnel. At least one member of the site’s stormwater pollution prevention team must participate in each site inspection, either by performing the inspection personally or reviewing the sample results and filing the report. For this site, Syman, LLC will conduct all inspections.

Inspections during stripping must include all areas of the site disturbed by clearing, grading, and/or excavation activities and areas used for storage of materials that are exposed to precipitation. Implemented sedimentation and erosion control measures must be observed to ensure proper operation. Locations where vehicles enter or exit the site must be inspected for evidence of significant off-site sediment tracking.

For each inspection during stripping, you must complete an inspection report. At a minimum, the inspection report must include the information required in MSGP Part 3.1.

Inspections and maintenance of control measures, including any BMPs, associated with clearing, grading, and/or excavation activities being conducted as part of the exploration and construction phase of a mining operation must continue until final stabilization has been achieved on all portions of the disturbed area or until the commencement of the active mining phase for those areas that have been temporarily stabilized as a precursor to mining.

4.6.1 Routine Facility Inspections

Routine facility inspections of the site will be performed quarterly, unless otherwise directed by IDEQ or EPA Region 10. At least once each calendar year, the routine inspection must be conducted during a period when a stormwater discharge is occurring. The inspections will verify that all BMPs required in Section 2 and 3 are implemented, effectively minimizing erosion and preventing stormwater contamination from industrial activities. Perform a walk-through inspection prior to known storm events to be sure BMPs are properly installed prior to runoff resulting from the storm. After storm events, remove any accumulated sediment and assess if BMPs need to be modified prior to the next storm event.

If corrective actions are identified by site inspections, during the inspection the deficiency will be recorded and reported. The corrected deficiency will be noted on the subsequent quarterly inspection report. The addition or modification of BMPs must also be documented in a manner similar to the regular inspections.

If a site inspection finds deficiencies in the SWPPP and BMPs specified, then revisions or additions to the SWPPP must be made within 7 calendar days of the inspection. Modified BMPs need to be in place before the next storm event, or as soon as possible, and at least within 7 calendar days of the inspection.

A copy of the inspection form is in Appendix D.

In addition to inspection reports, the following documentation must be available in their entirety during normal business hours.

- The latest revision of this plan tailored to current site conditions.
- Documentation of inspections, including completed inspection report forms.
- Documentation identifying the person responsible for stormwater compliance at the site.

Inspection reports must be completed for each inspection conducted and include the following;

1. The date and time of the inspection.
2. Names, titles, and qualifications of the personnel making the inspection.
3. Weather information
4. All observations relating to the implementation of stormwater control measures at the facility, including:
 - a. A description of any stormwater discharges occurring at the time of the inspection;
 - b. Any previously unidentified stormwater discharges from and/or pollutants at the facility;
 - c. Any evidence of, or the potential for, pollutants entering the stormwater drainage system;
 - d. Observations regarding the physical condition of and around all stormwater discharge points, including any flow dissipation devices, and evidence of pollutants in discharges and/or the receiving water;

- e. Any stormwater control measures needing maintenance, repairs, or replacement;
 - f. Any additional stormwater control measures needed to comply with the permit requirements.
5. Any incidents of noncompliance observed.
 6. A statement, signed and certified in accordance with Appendix B, Subsection 11 of the MSGP.

4.6.2 Quarterly Visual Assessment of Stormwater Discharges

This facility has a concentrated discharge as a result of ongoing dewatering activities. This discharge point into the Farmer's canal southwest of the site will be the source for visual assessments. Additionally, some stormwater does discharge from the properties; however, the stormwater discharges through sheet flow and does not concentrate into a concentrated discharge that can be sampled. If the flow is too shallow to directly fill a collection bottle the operator will attempt to concentrate the sheet flow by doing one of the following.

- Concentrating the sheet flow by excavating a small depression in an existing ditch or other location where stormwater runoff flows
- Installing a trough, gutter, or ditch to intercept and concentrate stormwater flow.
- Installing "speed" bumps to convey and concentrate a large are of sheet flow.

These modifications will be made during a period when rain is not forecast so any pollutants generated can be cleaned up before a storm hits. All conveyance channels constructed to receive stormwater should be lined with concrete or plastic to avoid contaminating samples with sediment or other pollutants.

If the site does not have a discharge, the operator will be responsible for documenting that the site did not have a discharge during each quarter.

The monitoring procedures described below will apply to all outfalls.

Once each quarter for the entire permit term, you must collect a stormwater sample from each outfall (except as noted in MSGP Section 3.2.4) and conduct a visual assessment of each of these samples. These samples should be collected in such a manner that the samples are representative of the stormwater discharge.

The visual assessment must be made:

1. Of a sample in a clean, clear glass, or plastic container, and examined in a well-lit area;
2. On samples collected within the first 30 minutes of an actual discharge from a storm event. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample must be collected as soon as practicable after the first 30 minutes and you must document why it was not possible to take samples within the first 30 minutes. In the case of snowmelt, samples must be taken during a period with a measurable discharge from your site; and
3. For storm events, on discharges that occur at least 72 hours (3 days) from the previous discharge. The 72-hour (3-day) storm interval does not apply if you document that less

than a 72-hour (3-day) interval is representative for local storm events during the sampling period.

You must visually inspect the sample for the following water quality characteristics:

- Color
- Odor
- Clarity
- Floating solids
- Settled solids
- Suspended solids
- Foam
- Oil sheen
- Other obvious indicators of stormwater pollution

You must document the results of your visual assessments and maintain this documentation onsite with your SWPPP, as required in MSGP Section 6.5. You are not required to submit your visual assessment findings to EPA unless specifically requested to do so. At a minimum, your documentation of the visual assessment must include:

1. Sample location(s)
2. Sample collection date and time and visual assessment date and time for each sample;
3. Personnel collecting the sample and performing visual assessment and their signatures
4. Nature of the discharge (i.e., runoff or snowmelt)
5. Results of observations of the stormwater discharge
6. Probable sources of any observed stormwater contamination
7. If applicable, why it was not possible to take samples within the first 30 minutes
8. A statement, signed and certified in accordance with Appendix B, Subsection 11

Any corrective action required as a result of a quarterly visual assessment must be performed and documented.

Visual Assessment Information:

1. Person(s) responsible for assessments: Alexia Berlanda - Syman, LLC
2. Schedules for conducting assessments: Assessments will be conducted quarterly, with visual assessments conducted as necessary with irregular stormwater discharges.
3. Specific assessment activities:
 - a. Sampling equipment: Extech Instruments PH100.
 - b. Discharge Points: 001, southwest quadrant of the site, see Appendix A for details
 - c. Documentation: Any additional documentation can be found in Appendix D

4.6.3 Exception to Routine Facility Inspections and Quarterly Visual Assessments for Inactive and Unstaffed Sites

If you are invoking the exception for inactive and unstaffed sites relating to routine facility inspections and/or quarterly visual assessments, you must include documentation to support your claim that your facility has changed its status from active to inactive and unstaffed.



This site is inactive and unstaffed, and has no industrial materials or activities exposed to stormwater, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii) as signed and certified in Section 7 below.

4.7 Monitoring

Check the following monitoring activities applicable to your facility:

- Indicator monitoring
- Benchmark monitoring
- Effluent limitations guidelines monitoring
- State- or tribal-specific monitoring
- Impaired waters monitoring
- Other monitoring required by EPA
- Other monitoring required by IDEQ

The monitoring requirements begin in the first full quarter following the current date of discharge authorization, whichever date comes later. The monitoring quarters are defined as:

January 1st through March 31st

April 1st through June 30th

July 1st through September 30th

October 1st through December 31st

This SWPPP will include the following information for each monitoring checked above:

1. Sample Locations.
2. Pollutants Sampled.
3. Monitoring Schedules.
4. Numeric Limitations.
5. Procedures.

This site is inactive and unstaffed, and has no industrial materials or activities exposed to stormwater, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii) as signed and certified in Section 7 below.

- Location of SIDP:

- General industrial activities discharge:

- Control measures at discharge point:

- Pollutants from stormwater discharge:

- Runoff coefficient estimate of discharge (low= \leq 40%; medium=40-65%; High= \geq 65%):

- Why discharge is expected to be identical effluents:

4.7.1 Indicator Monitoring

Indicator monitoring is not required for the industrial activities at this site related to Sector J.

INDICATOR MONITORING	
Sample Location(s):	Indicator monitoring is not required for the industrial activities at this site. Should the activities change, and indicator monitoring be needed, the following will apply and this document will be updated.
Pollutants to Be Sampled:	Sector D: Polycyclic Aromatic Hydrocarbons (PAHs) Monitoring is required for the 16 individual PAHs identified in Appendix A to 40 CFR Part 423. naphthalene, acenaphthylene, acenaphthene, fluorene, phenanthrene, anthracene, fluoranthene, pyrene, benzo[a]anthracene, chrysene, benzo[b]fluoranthene, benzo[k]fluoranthene, benzo[a]pyrene, benzo[g,h,i]perylene, indeno[1,2,3-c,d]pyrene, and dibenz[a,h]anthracene. Samples must be analyzed using EPA Method 625.1, or EPA Method 610/Standard Method 6440B if preferred by the operator, consistent with 40 CFR Part 136 analytical methods.
Monitoring Schedule:	Indicator monitoring for PAH must be conducted bi-annually, in the first and fourth year of permit coverage as identified in MSGP Part 4.2.1. As described above, the indicator monitoring will be performed if a sample can be collected for that specific quarter.
Numeric Limitations:	Indicator monitoring parameters are “report-only” and do not have thresholds or baseline values for comparison.
Procedures:	<ol style="list-style-type: none"> 1. Select a point at the discharge location and collect water using the sample bottles issued by the analyzing laboratory. 2. Remove lid from container and fill. Replace lid tightly. Keep samples as cool as possible. 3. Fill out information form as completely as possible. Include the water system name, number, sample type. The location needs to be included for documentation in this SWPPP. 4. IMPORTANT: Deliver sample to the lab within 48 hours after sampling. If the sample exceeds 48 hours upon final arrival in the lab, the sample will be declared invalid and discarded.



	<p>5. Collect a sample in identical fashion for TSS analysis. Collect a separate sample in a separate jar or bottle for each test.</p> <p>Obtain Chain of Custody form and remit samples to: Analytical Laboratories, Inc. 10804 N. 33rd. St. Boise, Idaho 83703 Phone: 208-342-5515 Fax: 208-342-5591 <i>Note that the lab is not open on Sunday or Holidays.</i></p>
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4.7.2 Quarterly Benchmark Monitoring

QUARTERLY BENCHMARK MONITORING

Sample Location(s):	If there are discharge locations along the perimeter for the site, take discharge samples and note on the site plans in Appendix A the location of the discharge.
Pollutants to Be Sampled:	See 2021 MSGP Table 4-2 below
Monitoring Schedule:	<p>Benchmark monitoring must be conducted quarterly, as identified in MSGP Part 4.2.2, for 4 full quarters of year one permit coverage and 4 full quarters of year 4 of permit coverage. Facilities in climates with irregular stormwater runoff, as described in Part 4.2.2.4, may modify this quarterly schedule provided that this revised schedule is reported to EPA when the first benchmark sample is collected and reported, and that this revised schedule is kept with the facility's SWPPP as specified in the MSGP Part 6.</p> <p>If no sample can be collected, this needs to be documented and reported on the quarterly visual assessment form and routine facility inspection report.</p>
Numeric Limitations:	Benchmark thresholds are in 2021 MSGP Table 4-2 below
Procedures:	<ol style="list-style-type: none"> 1. Select a point at the discharge location and collect water using the sample bottles issued by the analyzing laboratory. 2. Remove lid from container and fill. Replace lid tightly. Keep samples as cool as possible. 3. Fill out information form as completely as possible. Include the water system name, number, sample type. The location needs to be included for documentation in this SWPPP. 4. IMPORTANT: Deliver sample to the lab within 48 hours after sampling. If the sample exceeds 48 hours

upon final arrival in the lab, the sample will be declared invalid and discarded.

5. Collect a sample in identical fashion for the other monitoring parameters. Collect a separate sample in a separate jar or bottle for each test if required by the laboratory.
6. Test the pH of one of the samples in the field at the time of sampling with a pH meter. Record the Temperature and pH.

Obtain Chain of Custody form and remit samples to:

Analytical Laboratories, Inc.

10804 N. 33rd. St.

Boise, Idaho 83703

Phone: 208-342-5515

Fax: 208-342-5591

Note that the lab is not open on Sunday or Holidays.

After collection of 4 quarterly samples, if the average of the 4 monitoring values for any parameter exceeds the benchmark, or if a single sample, or sum of samples, exceed the benchmark threshold by more than four times for a parameter, the Additional Implementation Measures (AIM) response procedures will be followed as listed in section 6.2 of this SWPPP.

If the average of the 4 monitoring values for any parameter has not shown an exceedance of the benchmark, benchmark monitoring may be discontinued until monitoring resumes in year 4 of permit coverage, or for the remainder of the permit if all benchmark monitoring has been fulfilled.



Reference: 2021 MSGP Table 4-2		
Pollutant		2021 MSGP Benchmark Threshold
Total Recoverable Aluminum (T)		1,100 µg/L
Total Recoverable Beryllium		130 µg/L
Biochemical Oxygen Demand (5-day)		30 mg/L
pH		6.0 – 9.0 s.u.
Chemical Oxygen Demand		120 mg/L
Total Phosphorus		2.0 mg/L
Total Suspended Solids (TSS)		100 mg/L
Nitrate and Nitrite Nitrogen		0.68 mg/L
Turbidity		50 NTU
Total Recoverable Antimony		640 µg/L
Ammonia		2.14 mg/L
Total Recoverable Cadmium	Freshwater ¹	1.8 µg/L
	Saltwater	33 µg/L
Total Recoverable Copper	Freshwater	5.19 µg/L
	Saltwater	4.8 µg/L
Total Recoverable Cyanide	Freshwater	22 µg/L
	Saltwater	1 µg/L
Total Recoverable Mercury	Freshwater	1.4 µg/L
	Saltwater	1.8 µg/L
Total Recoverable Nickel	Freshwater ¹	470 µg/L
	Saltwater	74 µg/L
Total Recoverable Selenium	Freshwater	1.5 µg/L for still/standing (lentic) waters 3.1 µg/L for flowing (lotic) waters
	Saltwater	290 µg/L
Total Recoverable Silver	Freshwater ¹	3.2 µg/L
	Saltwater	1.9 µg/L
Total Recoverable Zinc	Freshwater ¹	120 µg/L
	Saltwater	90 µg/L
Total Recoverable Arsenic	Freshwater ¹	150 µg/L
	Saltwater	69 µg/L



Total Recoverable Lead	Freshwater ¹	82 µg/L
	Saltwater	210 µg/L

4.7.3 ELG Monitoring

There will be no mine dewatering discharges at the site, therefore the effluent guideline does not apply to this site

If any effluent limitation monitoring value exceeds a numeric effluent limitation, the exceedance will be indicated with a “Change NOI” form using the NPDES eReporting Tool (NeT).

Additionally, the operator will conduct follow-up monitoring within 30 calendar days (or during the next qualifying runoff event, should none occur within 30 days) of implementing corrective action(s) taken per Part 5 of the 2021 MSGP.

If follow-up monitoring exceeds the applicable effluent limitation the operator will:

- Submit an exceedance report no later than 30 days after receiving laboratory results.
- Continue to monitor, at least quarterly, until the discharge is in compliance with the effluent limit or until EPA waives the requirement for additional monitoring. Once the discharge is back in compliance with the effluent limitation, it will be indicated on a “Change NOI” form.

4.7.4 State- or tribal-specific monitoring

At the time of writing this SWPPP, the state of Idaho does not require any additional monitoring to be performed and will defer to the 2021 MSGP.

This site will not affect any tribal lands and will not require any additional monitoring.

4.7.5 Impaired waters monitoring

At the time of writing this SWPPP, West Hartley Gulch is impaired for temperature.

IMPAIRED WATERS GUIDELINE MONITORING	
Sample Location(s):	The stormwater discharge will be directed to a settling pond, where it will allow the sediments to settle prior to discharging a concentrated flow into the Farmer’s Canal.
Pollutants To Be Sampled:	Temperature
Monitoring Schedule:	Impaired waters monitoring must be conducted annually, as identified in MSGP Part 4.2.5.1. If no sample can be collected, this needs to be documented and reported on in the Annual Report and routine facility inspection report.
Procedures:	1. Select a point at the discharge location and collect water using the sample bottles issued by the analyzing laboratory.



2. Remove lid from container and fill. Replace lid tightly. Keep samples as cool as possible.
3. Fill out information form as completely as possible. Include the water system name, number, sample type. **The location needs to be included for documentation in this SWPPP.**
4. **IMPORTANT:** Deliver sample to the lab within 48 hours after sampling. If the sample exceeds 48 hours upon final arrival in the lab, the sample will be declared invalid and discarded.
5. Before sealing the sample test the water for pH using a portable pH meter. Record the temperature and pH at the time of the test.

Obtain Chain of Custody form and remit samples to:

Analytical Laboratories, Inc.
10804 N. 33rd Street
Boise, Idaho 83703
Phone: 208-342-5515
Fax: 208-342-5591

Note that the lab is not open on Saturday, Sunday or Holidays.

SECTION 5: DOCUMENTATION TO SUPPORT ELIGIBILITY CONSIDERATIONS UNDER OTHER FEDERAL LAWS

5.1 Documentation Regarding Endangered Species

Criterion A - No listed species of critical habitat are in the action area.

Idaho Department of Fish and Game responded with “no comments on the proposal” when the project was being reviewed by the Idaho Department of Lands. Utilizing the Information for Planning and Consultation system, the United States Fish and Wildlife Service has the Slickspot Peppergrass listed as a critical habitat area, but due to past farming soil disturbances, the site has no affect. There are no other critical habitats within the area.

A Species Diversity Database Shape file was downloaded from the Idaho Fish and Wildlife Information System (IFWIS). This Shape file contains county/site-specific information on observed locations of species with special conservation status. An endangered/sensitive species map has been created showing the project site location. Also on this map, from the center of the site and out to a radius of one mile all noted species, (Species observed from current date to ten years back) from the IFWIS

The site’s action area is as follows:

The action area for this facility's stormwater discharges extends downstream from the discharge point(s) in the East Hartley Gulch. The downstream limit of the action area reflects the approximate distance at which the discharge and any pollutants would be expected to cause potential adverse effects to ESA-listed species and/or critical habitat because it is unlikely pollutants from this facility that may be in the discharge water could be detected over a mile from the site. A one-mile radius surface waters map in Appendix A shows the perimeter of all waterbodies within one mile of the site. The action area does extend to Boise River.

5.2 Documentation Regarding Historic Properties

Criterion B - Subsurface stormwater controls will not affect historic properties

SECTION 6: CORRECTIVE ACTIONS AND ADDITIONAL IMPLEMENTATION MEASURES

6.1 Corrective Actions

If any of the following conditions occur or are detected during an inspection, monitoring or other means, or EPA or the operator of the MS4 through which you discharge informs you that any of the following conditions have occurred, you must review and revise, as appropriate, your SWPPP (e.g., sources of pollution; spill and leak procedures; non stormwater discharges; the selection, design, installation and implementation of your stormwater control measures) so that this permit's effluent limits are met and pollutant discharges are minimized:

1. An unauthorized release or discharge (e.g., spill, leak, or discharge of non-stormwater not authorized by this or another NPDES permit to the water of the United States) occurs at your facility;
2. A discharge violates a numeric effluent limit;
3. Your stormwater control measures are not stringent enough for your stormwater discharge to be controlled as necessary such that the receiving water of the United States will meet applicable water quality standards or to meet the non-numeric effluent limits in this permit.;
4. A required control measure was never installed; was installed incorrectly, or not in accordance with Parts 2 and/or 8; or is not being properly operated or maintained.
5. Whenever a visual assessment shows evidence of stormwater pollution (e.g., color, odor, floating solids, settled solids, suspended solids, foam).

If construction or a change in design, operation, or maintenance at your facility occurs that significantly changes the nature of pollutants discharged via stormwater from your facility, or significantly increases the quantity of pollutants discharged, you must review your SWPPP (e.g., sources of pollution, spill and leak procedures, non-stormwater discharges, selection, design, installation and implementation of your stormwater control measures) to determine if modifications are necessary to meet the effluent limits in this permit.

6.1.1 Corrective Action Deadlines

Actions must be taken immediately to perform reasonable steps to minimize or prevent the discharge of pollutants until you can implement a permanent solution, including cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events.

If additional actions are necessary beyond those implemented pursuant to Part 5.1.3.1, you must complete the corrective actions (e.g., install a new or modified control and make it operational, complete the repair) before the next storm event if possible, and within 14 calendar days from the time of discovery that the condition in Part 5.1.1 is not met. If it is infeasible to complete the corrective action within 14 calendar days, you must document why it is infeasible to complete the corrective action within the 14-day timeframe. You must also identify your schedule for completing the work, which must be done as soon as practicable after the 14-day timeframe but no longer than 45 days after discovery. If the completion of corrective action will exceed the 45-day timeframe, you may take the minimum additional time necessary to complete the corrective action, provided that you notify the appropriate EPA Regional Office of your intention to exceed

45 days, your rationale for an extension, and a completion date, which you must also include in your corrective action documentation (see Part 5.3). Where your corrective actions result in changes to any of the controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within 14 calendar days of completing corrective action work.

6.2 Additional Implementation Measures (AIM)

If an annual average discharge samples exceeds an applicable benchmark threshold, either by an average sum of monitoring samples or a single sample exceedance, by more than four times for a parameter, the AIM requirements have been triggered for that benchmark parameter and the following AIM-level response procedures will apply in accordance with MSGP Parts 5.2.3, 5.2.4, 5.2.5, and 5.2.6.

- AIM Level 1:
 - Review the selection, design, installation, and implementation of all control measures to determine if modifications are necessary to meet the benchmark threshold for the applicable parameter.
 - Implement additional measures that would reasonable be expected to bring your exceedances below the parameter's benchmark threshold. If it is determined that nothing further needs to be done to the stormwater control measures, documentation must be included in the annual report as to why the existing control measures bring the exceedances below the parameter's benchmark for the next 12-month period.
 - Any additional control measures must be implemented within 14 days of receiving laboratory results. If a 14 day timeframe is infeasible, it must be documented why it is infeasible and be implemented within 45 days.
 - After responses above are completed and the exceedance has been reduced below the benchmark threshold, return to baseline status and quarterly benchmark monitoring. If the exceedance remains above the benchmark threshold, advance to AIM Level 2.
- AIM Level 2:
 - Review the SWPPP and implementation of additional pollution prevention/good housekeeping measures beyond what was done in AIM Level 1. Make modifications to meet the benchmark threshold for the applicable parameter.
 - Any additional control measures must be implemented within 14 days of receiving laboratory results. If a 14 day timeframe is infeasible, it must be documented why it is infeasible and be implemented within 45 days.
 - After responses above are completed, benchmark monitoring must be conducted for the next 4 quarters for the parameter that caused the AIM triggering event at all affected discharge points, beginning at the next full quarter after compliance. If the exceedance has been reduced below the benchmark threshold, return to baseline status and quarterly benchmark monitoring. If the exceedance remains above the benchmark threshold, advance to AIM Level 3.

- AIM Level 3:
 - Install permanent controls (e.g., permanent cover, berms, and/or secondary containment), and/or treatment controls (e.g., sand filters, hydrodynamic separators, oil-water separators, retention ponds, and infiltration structures) appropriate to the for the pollutants that triggered AIM Level 3.
 - Establish the schedule for installing appropriate structural source and/or treatment stormwater control measures within 14 days and install the selected measures within 60 days. If a 60 day timeframe is infeasible, it must be documented why it is infeasible and be implemented within 90 days. If the installation will take longer than 90 days, the EPA must be contacted for an extension.
 - After responses above are completed, benchmark monitoring must be conducted for the next 4 quarters for the parameter that caused the AIM triggering event at all affected discharge points, beginning at the next full quarter after compliance. If the exceedance has been reduced below the benchmark threshold, return to baseline status and quarterly benchmark monitoring. If the exceedance remains above the benchmark threshold, continue benchmark monitoring at AIM Level 3. If the exceedance continues, the EPA may require an individual permit.

In the event that the exceedance is triggered by one of the events in the list below and a review of the control measures is performed, documentation may be recorded and submitted as an AIM exemption and this site will not be required to comply with the AIM responses.

- Natural background pollutant levels exceed benchmark threshold.
- Run-on from a neighboring source is causing the exceedance.
- An abnormal event triggered the exceedance.
- Exceedance of benchmark threshold does not result in an exceedance of water quality standards.

6.3 Corrective Action and AIM Documentation

Documentation within 24 hours:

Document the existence of any of the conditions Corrective Actions that require SWPPP review and revision (MSGP 5.1.1) or AIM Level 1, 2, or 3 (MSGP 5.2.3, 5.2.4, or 5.2.5) within 24 hours of becoming aware of such condition. You are not required to submit this documentation to EPA, unless specifically required or requested to do so. However, you must summarize your findings in the annual report per Part 7.4. Include the following information in your documentation:

1. Description of the condition or event triggering the need for corrective action review and/or AIM response. For any spills or leaks, include the following information: a description of the incident including material, date/time, amount, location, and reason for spill, and any leaks, spills or other releases that resulted in discharges of pollutants to waters of United States, through stormwater or otherwise.
2. Date the condition/triggering event was identified
3. Description of immediate actions taken pursuant to Part 5.1.3.1 to minimize or prevent the discharge of pollutants. For any spills or leaks, include response actions, the date/time clean-up completed, notifications made, and staff involved. Also include any



- measures taken to prevent the reoccurrence of such releases (see Part 2.1.2.4); and
4. A statement, signed and certified in accordance with Appendix B, Subsection II.

Documentation within 14 days:

Document the corrective actions and/or AIM responses you took or will take as a result of the conditions listed in Part 5.1.1, 5.2.3, 5.2.4, and/or 5.2.5 within 14 days from the time of discovery of any of those conditions/triggering events. Provide the dates when you initiated and completed (or expect to complete) each corrective action and/or AIM response. If infeasible to complete the necessary corrective actions and/or AIM responses within the specified timeframe, per Parts 5.1.1, 5.2.3, 5.2.4, or 5.2.5, you must document your rationale

If a violation should occur at a substantially similar discharge location with reduced monitoring, a corrective action is required at each of the similar discharge locations.



SECTION 7: SWPPP CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: _____ Title: _____

Signature: _____ Date: _____



SECTION 8: SWPPP MODIFICATIONS

All SWPPP modifications will be tracked in Appendix F.



SECTION 9: SWPPP AVAILABILITY

The current SWPPP will be kept onsite, along with the current NOI, in a publicly accessible location.



SWPPP APPENDICIES

Appendix A – Site Maps

Appendix B – 2021 MSGP

Appendix C – Notice of Intent

Appendix D – Inspection Forms and Reports

Appendix E – EPA Annual Reporting Form

Appendix F – SWPPP Amendment Log

Appendix G – Training Log

Appendix H – Endangered Species / Cultural Resources



Appendix I – Environmental / Historical Documents

Appendix J – Additional MSGP Documentation



Appendix A – General Location and Site Maps

CRIMSON BRIDGE ESTATES

 Discharge Location / Outfall
 Project Location

SYMAN

2101 DELTA DRIVE
 NAMPA, IDAHO 83687
 PHONE (208) 287-8420



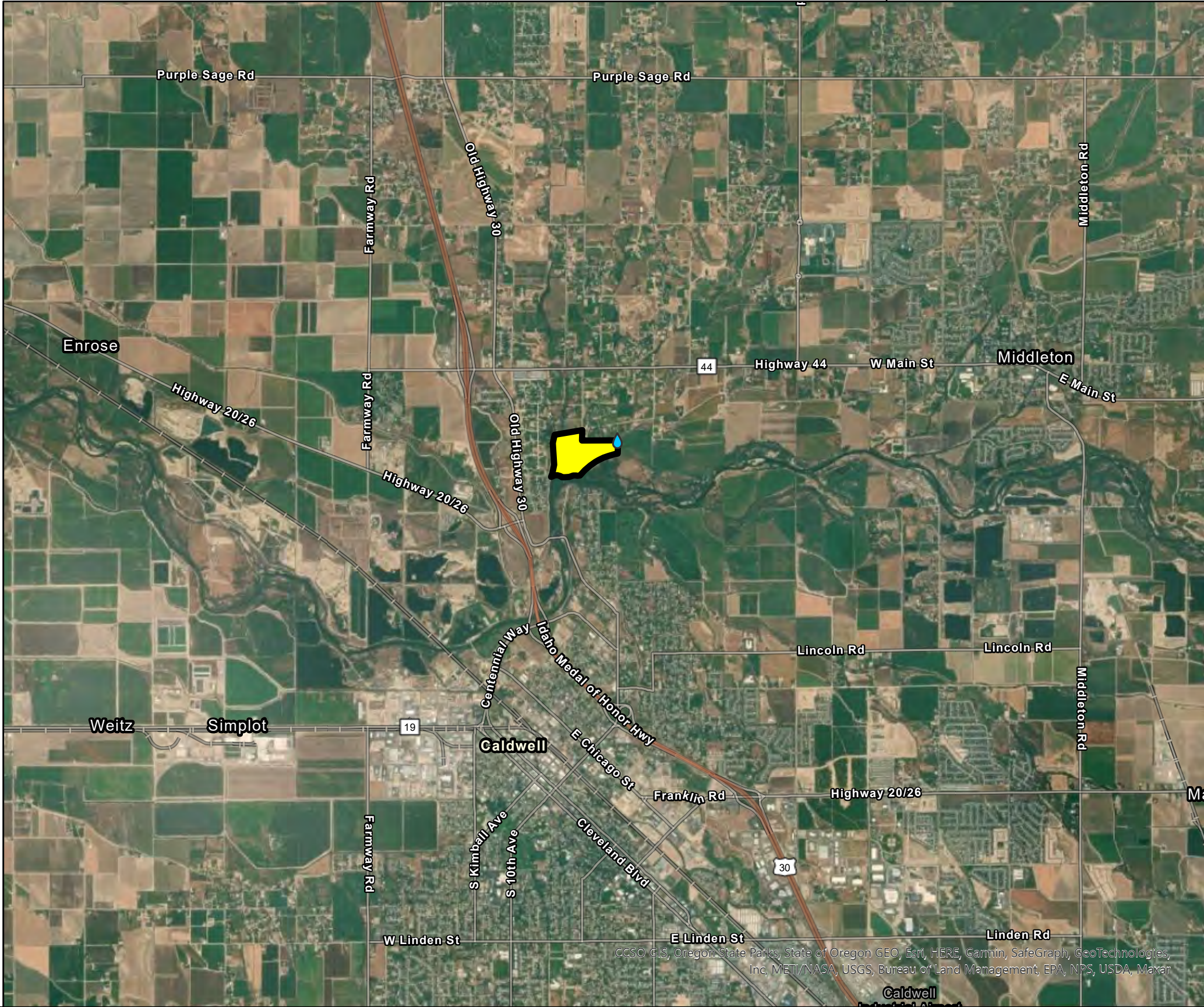
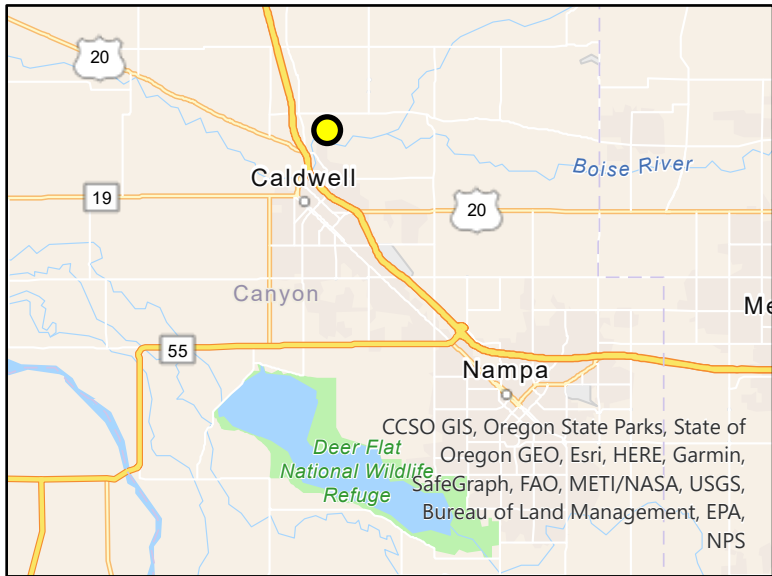
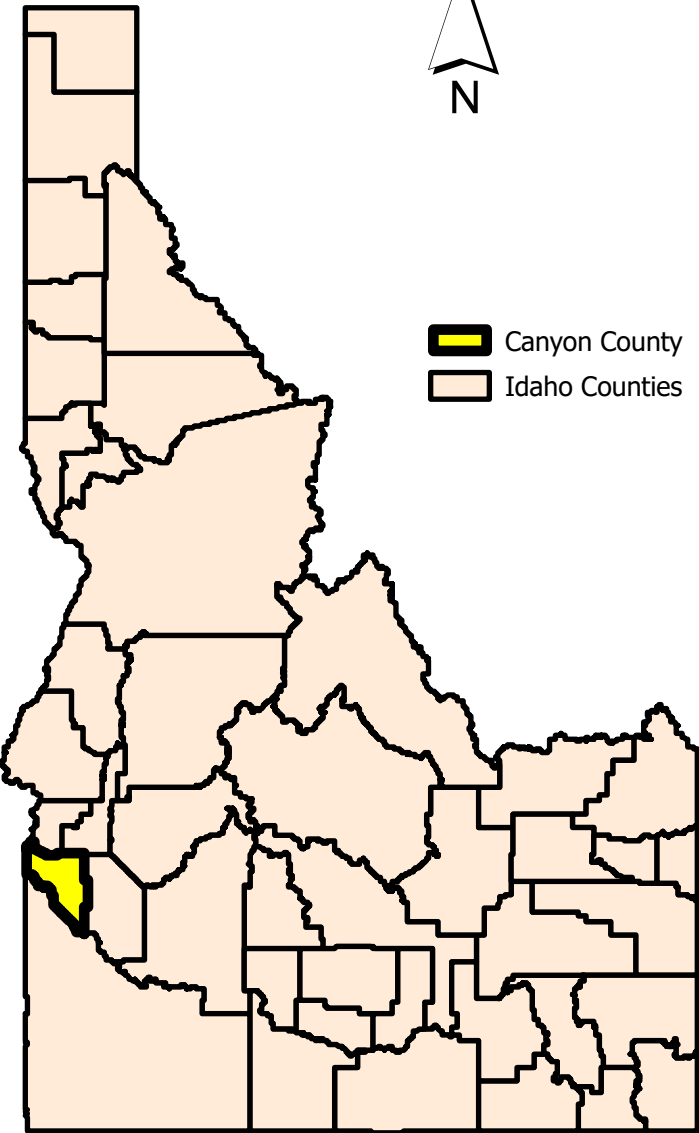
VICINITY MAP
 CRIMSON BRIDGE ESTATES
 14533 RIVER RD.
 CALDWELL, CANYON COUNTY, IDAHO
 PRECISION EXCAVATION & CONSTRUCTION, INC.

FILE NUMBER
 221059

DESIGNED BY:
 A. BERLANDIA
 CARTOGRAPHY BY:
 J. KELLEY
 DATE:
 OCTOBER 2022

FIGURE 1



1 OF 4

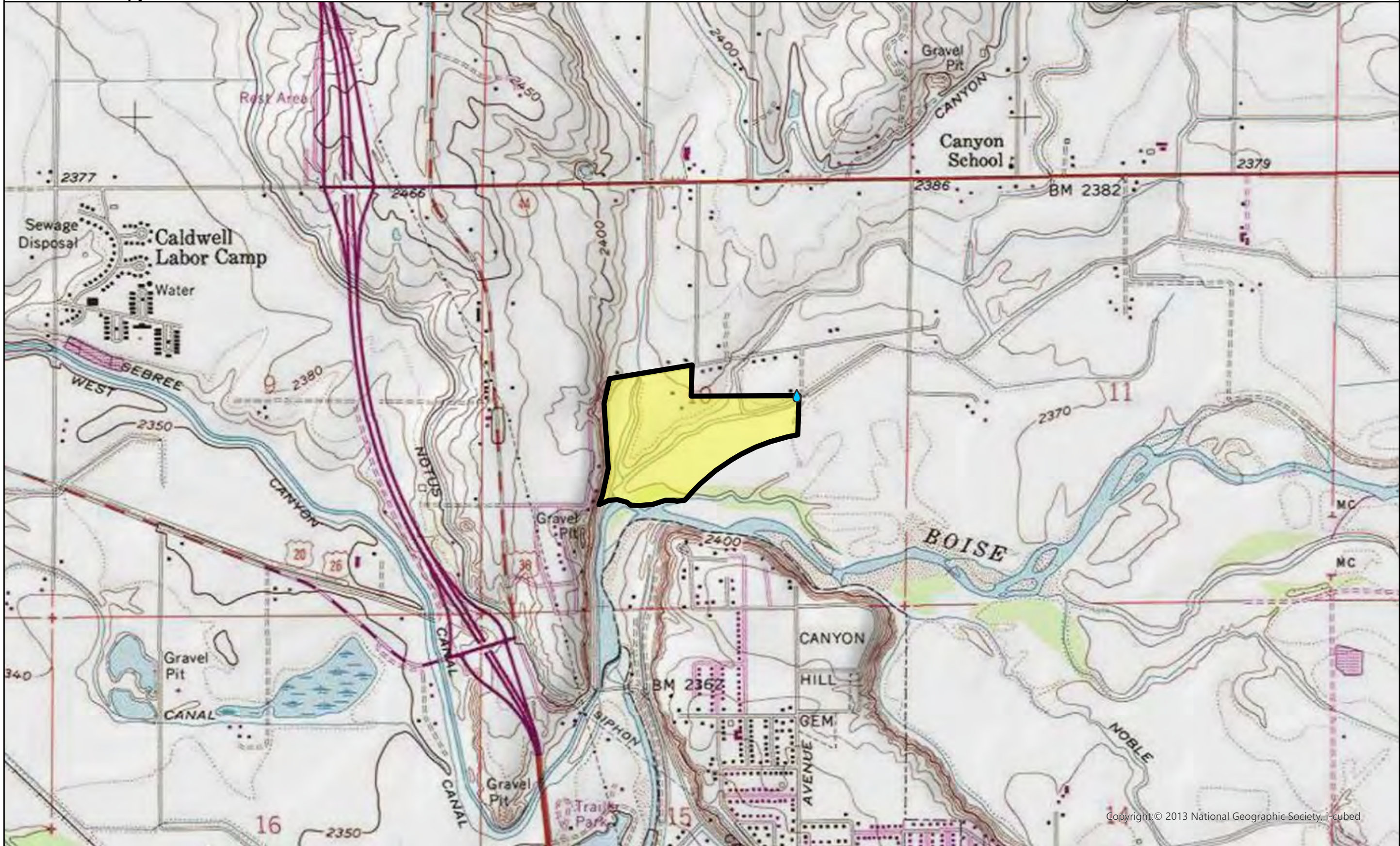


CCSO GIS, Oregon State Parks, State of Oregon GEO, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, Maxar



TOPOGRAPHIC MAP

-  Discharge Location / Outfall
-  Project Location



SYMAN

2101 DELTA DRIVE
NAMPA, IDAHO 83687
PHONE (208) 287-8420



TOPOGRAPHIC MAP

CRIMSON BRIDGE ESTATES

14533 RIVER RD.

CALDWELL, CANYON COUNTY, IDAHO

PRECISION EXCAVATION & CONSTRUCTION, INC.

FILE NUMBER
221059








DESIGNED BY:
A. BERLANDA
CARTOGRAPHY BY:
J. KELLEY
DATE:
OCTOBER 2022

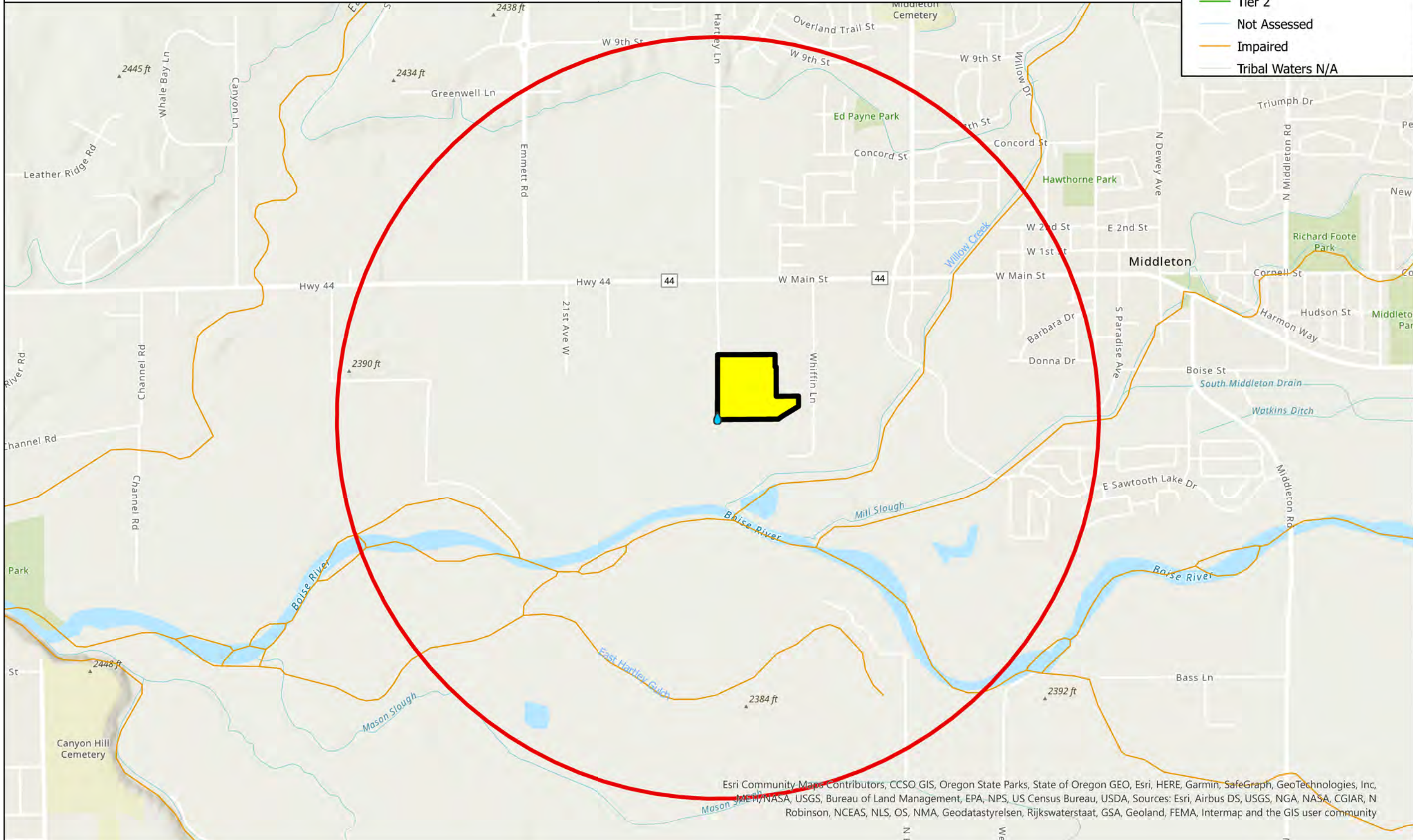
FIGURE 2

2 OF 4

ONE MILE RADIUS SURFACE WATERS MAP IDEQ FINAL 2022 §305(B) INTEGRATED REPORT



-  Discharge Location / Outfall
-  1-Mile Radius
-  Project Location
- Waterway Status**
-  Tier 2
-  Not Assessed
-  Impaired
-  Tribal Waters N/A



SYMAN
2101 DELTA DRIVE
Nampa, IDAHO 83687
PHONE (208) 287-8420



1-MILE RADIUS SURFACE WATERS MAP
CARLTON MEADOW SUBDIVISION NO. 2
651 WHIFFIN LN.
MIDDLETON, CANYON CANYON, IDAHO
ARRANO FARMS, LLC

FILE NUMBER
221088

DESIGNED BY:
A. CHILDS
CARTOGRAPHY BY:
J. KELLEY
DATE:
OCTOBER 2022



FIGURE 3

3 OF 4

Esri Community Maps Contributors, CCSO GIS, Oregon State Parks, State of Oregon GEO, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community



SITE MAP

 Discharge Location / Outfall
 Project Location

SYMAN

2101 DELTA DRIVE
 Nampa, IDAHO 83687
 PHONE (208) 287-8420



SITE MAP

CRIMSON BRIDGE ESTATES
 14533 RIVER RD.

CALDWELL, CANYON COUNTY, IDAHO
 PRECISION EXCAVATION & CONSTRUCTION, INC.

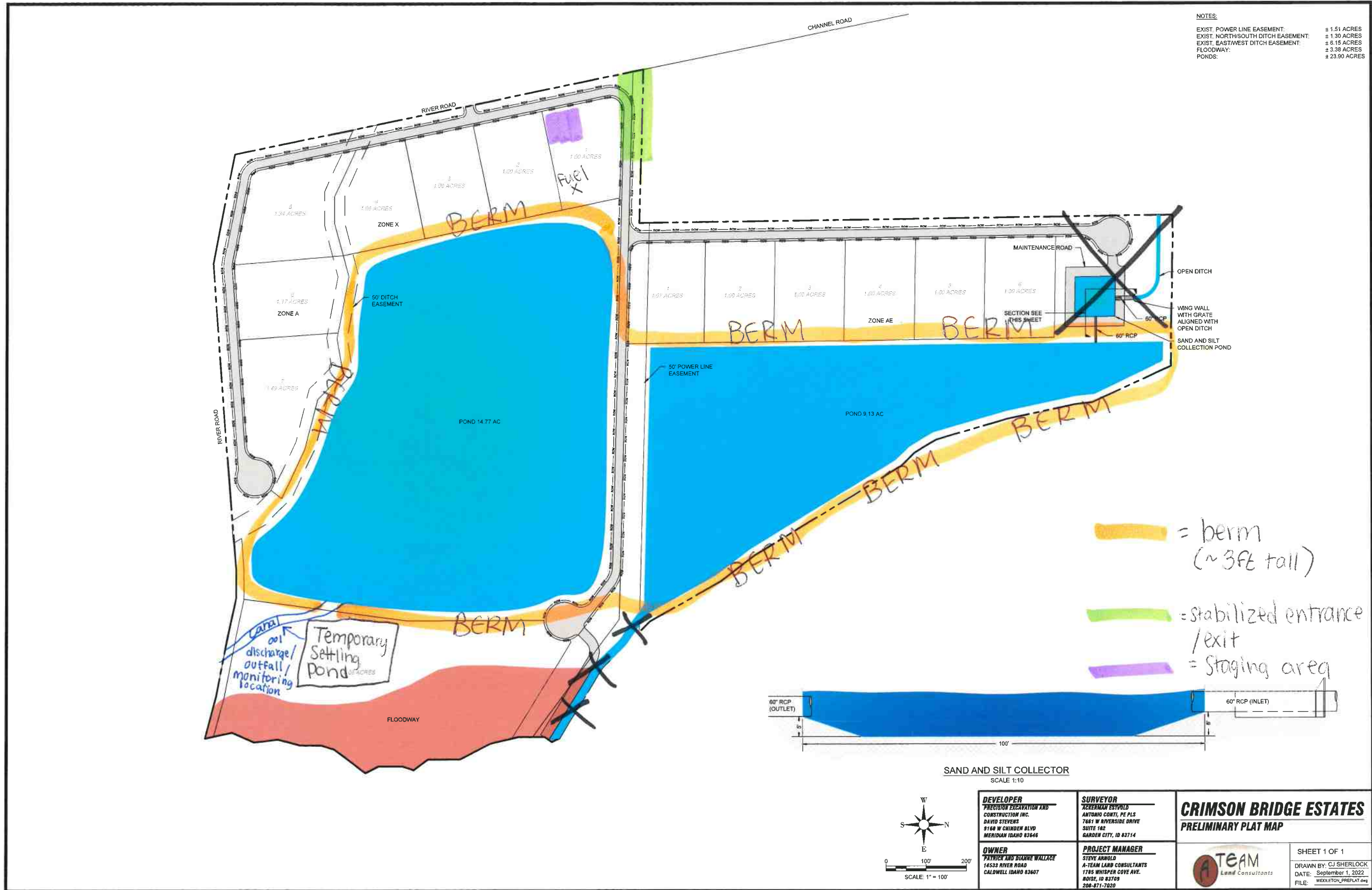
FILE NUMBER
 221059

DESIGNED BY
 A. BERLANDI
 CARTOGRAPHY BY
 J. KELLEY
 DATE:
 OCTOBER 2022

FIGURE 4

4 OF 4

Maxar, Microsoft, Esri Community Maps Contributors, CCSDO GIS, Oregon State Parks, State of Oregon GEO, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA



221059 - Crimson Bridge Estates



Appendix B – 2021 MSGP



2021 Multi-Sector General Permit (MSGP)





Appendix C – Notice of Intent



Appendix D – Inspection Forms and Reports



Stormwater Industrial Routine Facility Inspection Report

General Information			
Facility Name	Crimson Bridge Estates		
NPDES Tracking No.			
Date of Inspection		Start/End Time	
Inspector's Name(s)			
Inspector's Title(s)			
Inspector's Contact Information			
Inspector's Qualifications			
Weather Information			
Weather at time of this inspection?			
<input type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Rain <input type="checkbox"/> Sleet <input type="checkbox"/> Fog <input type="checkbox"/> Snow <input type="checkbox"/> High Winds <input type="checkbox"/> Other: _____ Temperature: _____			
Have any previously unidentified discharges of pollutants occurred since the last inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, describe:			
Are there any discharges occurring at the time of inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, describe:			

Control Measures

- Number the structural stormwater control measures identified in your SWPPP on your site map and list them below (add as many control measures as are implemented on-site). Carry a copy of the numbered site map with you during your inspections. This list will ensure that you are inspecting all required control measures at your facility.
- Identify if maintenance or corrective action is needed.
 - If maintenance is needed, fill out section B of this template
 - If corrective action is needed, fill out section G of this template

	Structural Control Measure	Control Measure is Operating Effectively?	If No, In Need of Maintenance, Repair, or Replacement?	Maintenance or Corrective Action Needed and Notes
1	CLEARING LIMITS	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	



	Structural Control Measure	Control Measure is Operating Effectively?	If No, In Need of Maintenance, Repair, or Replacement?	Maintenance or Corrective Action Needed and Notes
2	SANITARY / SEPTIC WASTE MANAGEMENT	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	
3	HAZARDOUS WASTE MANAGEMENT	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	
4	VEHICLE FUELING AND MAINTENANCE	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	
5	STREET SWEEPING	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	
6	Retention/Detention Basins	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	
7	STOCKPILE MANAGEMENT	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	
8	STAGING AREAS	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	
9	SEEDING	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	
10	DITCHES & SWALES	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	
11	BERMS	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	
12	PONDS	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	
15	DUST CONTROL	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	



	Structural Control Measure	Control Measure is Operating Effectively?	If No, In Need of Maintenance, Repair, or Replacement?	Maintenance or Corrective Action Needed and Notes
16	ELIMINATE TRACKING	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	

Areas of Industrial Materials or Activities Exposed to Stormwater

Below are some general areas that should be assessed during routine inspections. Customize this list as needed for the specific types of industrial materials or activities at your facility that are potential pollutant sources. Identify if maintenance or corrective action is needed. If maintenance is needed, fill out section B of this template. If corrective action is needed, fill out section G of this template.

	Area/Activity	Inspected?	Controls Adequate (appropriate, effective and operating)?	Maintenance or Corrective Action Needed and Notes
1	Material loading/unloading and storage areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2	Equipment operations and maintenance areas (Leaks or Spills)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3	Fueling areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4	Outdoor vehicle and equipment washing areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5	Waste handling and disposal areas. Residue or trash that could contact stormwater	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6	Erodible areas/construction	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7	Non-Authorized Non-stormwater/ illicit connections	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	



	Area/Activity	Inspected?	Controls Adequate (appropriate, effective and operating)?	Maintenance or Corrective Action Needed and Notes
8	Salt storage piles or pile containing salt	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9	Dust generation and vehicle tracking	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
10	Processing areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11	Areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
12	Immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
13	(Other)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
14	(Other)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Discharge Points

At discharge points, describe any evidence of, or the potential for, pollutants entering the stormwater drainage system. Also describe observations regarding the physical condition of and around all stormwater discharge points, including any flow dissipation devices, and evidence of pollutants in discharges and/or the receiving water. Identify if any corrective action is needed.



Discharges/ Pollutants

Describe any previously unidentified stormwater discharges from and/or pollutants:

Non-Compliance

Describe any incidents of non-compliance observed and not described above:

Additional Control Measures

Describe any additional control measures needed to comply with the permit requirements:

Notes

Use this space for any additional notes or observations from the inspection:

CERTIFICATION STATEMENT

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Print name and title: _____



Signature: _____ **Date:** _____



MSGP Quarterly Visual Assessment Form

(Complete a separate form for each outfall you assess)

Name of Facility: Crimson Bridge Estates IPDES Tracking No.
Outfall Name: "Substantially Identical Discharge Point"? [] Yes [] No
Person(s)/Title(s) collecting sample:
Person(s)/Title(s) examining sample:
Date & Time Discharge Began: Date & Time Sample Collected: Date & Time Sample Examined:

Substitute Sample? [] No [] Yes

Nature of Discharge: [] Rainfall [] Snowmelt

If rainfall: Rainfall Amount: _ Previous Storm Ended > 72 hours Before Start of This Storm? [] Yes [] No*

Pollutants Observed

Color [] None [] Other (describe):
Odor [] None [] Musty [] Sewage [] Sulfur [] Sour [] Petroleum/Gas [] Solvents [] Other (describe):
Clarity [] Clear [] Slightly Cloudy [] Cloudy [] Opaque [] Other
Floating Solids [] No [] Yes (describe):
Settled Solids** [] No [] Yes (describe):
Suspended Solids [] No [] Yes (describe):
Foam (gently shake sample) [] No [] Yes (describe):

Oil Sheen [] None [] Flecks [] Globs [] Sheen [] Slick [] Other (describe):

Other Obvious Indicators of Stormwater Pollution [] No [] Yes (describe):

* The 72-hour interval can be waived when the previous storm did not yield a measurable discharge or if you are able to document (attach applicable documentation) that less than a 72-hour interval is representative of local storm events during the sampling period.

** Observe for settled solids after allowing the sample to sit for approximately one-half hour.

Identify probably sources of any observed stormwater contamination. Also, include any additional comments, descriptions of pictures taken, and any corrective actions necessary below (attach additional sheets as necessary).

Certification Statement (Refer to MSGP Subpart 11 Appendix B for Signatory Requirements)

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

A. Name: B. Title:
C. Signature: D. Date Signed:



CONTROL MEASURE MAINTENANCE REPORT

Control Measure:

Regular Maintenance Activities:

Regular Maintenance Schedule:

Date of Maintenance Action:

Reason for Action:

Regular Maintenance

Discovery of Problem

If action was the result of a problem, provide a description of the required maintenance, the date control measures were returned to full function, and a justification for extended schedule if applicable:

Notes:

INDUSTRIAL EQUIPMENT AND SYSTEMS MAINTENANCE REPORT

Date of Maintenance Action:

Reason for Action:

Regular Maintenance

Discovery of Problem

If action was the result of a problem, provide a description of the required maintenance, the date control measures were returned to full function, and a justification for extended schedule if applicable:

Notes:



Corrective Action Report Form – Field Version

Purpose

This Corrective Action Report Form is designed to assist you in preparing corrective action reports for EPA’s 2021 Multi-Sector General Permit (MSGP). If you are covered under EPA’s 2021 MSGP, this form will enable you to create a corrective action report that complies with the minimum reporting requirements of Part 5 of the permit.

You are only required to fill out this form if one of the corrective action triggering conditions in Part 6.1 occurs on your site. Routine maintenance and repairs are generally not considered to be a corrective action triggering condition. Corrective actions are triggered only for specific, more serious conditions that are identified below in the “Overview of Corrective Action Requirements.”

If you are covered under a state MSGP, this form may be helpful in developing a report that can be used for that permit; however, it will need to be modified to meet the specific requirements of the permit. If your permitting authority requires you to use a specific corrective action report form, you should not use this form.

Notes:

While EPA has made every effort to ensure the accuracy of all instructions and guidance contained in the Corrective Action Report Form, the actual obligations of regulated construction activities are determined by the relevant provisions of the permit, not by the form. In the event of a conflict between the Corrective Action Report Form and any corresponding provision of the 2021 MSGP, you must abide by the requirements in the permit. EPA welcomes comments on the Corrective Action Report Form at any time and will consider those comments in any future revision of this document. You may contact EPA for MSGP-related inquiries at msgpesa@epa.gov.

Overview of Corrective Action Requirements

Construction operators covered under the 2021 MSGP are required to conduct corrective actions and report on progress made in correcting the problem condition(s) in accordance with the following requirements:

- An unauthorized release or discharge (e.g., spill, leak, or discharge of non-stormwater not authorized by this or another NPDES permit to a water of the U.S.) occurs at your facility.
- A discharge violates a numeric effluent limit.
- The control measures are not stringent enough for the discharge to meet applicable water quality standards or the non-numeric effluent limits.
- A required control measure was never installed, was installed incorrectly, or not in accordance with the 2021 MSGP Parts 2 and/or 8, or is not being properly operated or maintained.
- Whenever a visual assessment shows evidence of stormwater pollution (e.g., color, odor, floating solids, settled solids, suspended solids, and foam).
- If construction or a change in design, operation, or maintenance at this facility

significantly changes the nature of pollutants discharged in stormwater from the facility, or significantly increases the quantity of pollutants discharged, a thorough review of the selection, design, installation, and implementation of the control measures must be performed to determine if modifications are necessary to meet the effluent limits in this permit.

Deadlines for Completing Corrective Actions (Part 4)

You must complete corrective action (e.g., installing and making operational any new or modified control, correcting errors in installation, preventing, mitigating, or cleaning up spills or leaks making repairs) by no later than 14 calendar days from the time of discovery of the condition. If infeasible to complete the installation or repair within 14 calendar days, you must document why it is infeasible and document your schedule for completing the corrective action as soon as practicable.

Deadlines for Documenting Corrective Actions in a Report (Part 4)

You are required to complete a corrective action report for each of corrective action you take in accordance with the following deadlines.

- Within 24 hours of discovering the occurrence of a corrective action triggering condition, you must document the following:
 - The condition identified at your site;
 - The nature of the condition identified; and
 - The date and time of the condition identified and how it was identified
- Within 14 calendar days of discovering a triggering condition, you must document the following:
 - Any follow-up actions taken to review the design, installation, and maintenance of stormwater controls, including the dates such actions occurred;
 - A summary of stormwater controls modifications taken or to be taken, including a schedule of activities necessary to implement changes, and the date the modifications are completed or expected to be completed; and
 - Notice of whether SWPPP modifications are required as a result of the condition identified or corrective action.

Instructions for Using This Report Form

This Field Version of the Corrective Action Report Form is intended to be used in the field and filled out by hand.

The following tips for using this form will help you ensure that the minimum permit requirements are met:

- **Review the corrective action requirements.** Before you fill out this corrective action report form, read the MSGP's Part 5 corrective action requirements. This will ensure that you have a working understanding of the permit's underlying corrective action requirements.
- **Complete a separate report for each condition that triggers corrective action.** For each triggering condition on your site, you will need to fill out a separate corrective action report form.
- **Complete all required text fields.** Fill out all text fields. Only by filling out all fields will the form be compliant with the requirements of the permit. (Note: Where you do not need the number of rows provided in the corrective action report form, you leave those rows blank. Or, if you need more space to document your findings, you may add an additional sheet.)
- **Sign and certify each corrective action report.** Each corrective action report form must be signed and certified by the permittee to be considered complete. Where your corrective actions



are carried out by a contractor or subcontractor, it is recommended that you also have the form signed and certified by the inspector, in addition to the signature and certification required of the permitted operator. The form includes a signature block for both parties.

- **Include the corrective action report form with your SWPPP.** Once your form is complete, make sure to include a copy of the corrective action report form in your SWPPP in accordance with Part 6.5 of the 2021 MSGP.
- **Retain copies of all corrective action reports with your records.** You must retain copies of your corrective action reports in your records in accordance with the requirements in Part 6.5 of the 2021 MSGP. These reports must be retained for at least 3 years from the date your permit coverage expires or is terminated.



Section A – Initial Report			
(Complete this section <u>within 24 hours</u> of discovering the condition that triggered corrective action)			
Name of Project	Crimson Bridge Estates	CGP Tracking No.	Today's Date
Date Problem First Discovered		Time Problem First Discovered	
Name and Contact Information of Individual Completing this Form			
<p>What site conditions triggered the requirement to conduct corrective action (<i>check the box that applies</i>):</p> <p><input type="checkbox"/> An unauthorized release or discharge (e.g., spill, leak, or discharge of non-stormwater not authorized by this or another NPDES permit to a water of the U.S.) occurs at your facility.</p> <p><input type="checkbox"/> A discharge violates a numeric effluent limit.</p> <p><input type="checkbox"/> The control measures are not stringent enough for the discharge to meet applicable water quality standards or the non-numeric effluent limits.</p> <p><input type="checkbox"/> A required control measure was never installed, was installed incorrectly, or not in accordance with the 2021 MSGP Parts 2 and/or 8, or is not being properly operated or maintained.</p> <p><input type="checkbox"/> Whenever a visual assessment shows evidence of stormwater pollution (e.g., color, odor, floating solids, settled solids, suspended solids, and foam).</p> <ul style="list-style-type: none"> <input type="checkbox"/> If construction or a change in design, operation, or maintenance at this facility significantly changes the nature of pollutants discharged in stormwater from the facility, or significantly increases the quantity of pollutants discharged, a thorough review of the selection, design, installation, and implementation of the control measures must be performed to determine if modifications are necessary to meet the effluent limits in this permit. 			
Provide a description of the problem:			
Deadline for completing corrective action (<i>Enter date that is either: (1) no more than 14 calendar days after the date you discovered the problem, or (2) if it is infeasible to complete work within the first 14 days, enter the date that is as soon as practicable following the 14th day</i>):			
Section B – Corrective Action Progress			
(Complete this section <u>no later than 14 calendar days</u> after discovering the condition that triggered corrective action)			
Section B.1 – Why the Problem Occurred			
Cause(s) of Problem (Add an additional sheet if necessary)		How This Was Determined and the Date You Determined the Cause	
1.		1.	
2.		2.	



Section B.2 – Stormwater Control Modifications to be Implemented to Correct the Problem

List of Stormwater Control Modification(s) Needed to Correct Problem (Add an additional sheet if necessary)	Date of Completion	SWPPP Update Necessary?	Notes
1.		<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide date SWPPP modified:	
2.		<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide date SWPPP modified:	

Section C – Certification and Signature

Section C.1 – Certification and Signature by Contractor or Subcontractor

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Signature of Contractor or Subcontractor: _____

Date: _____

Printed Name and Affiliation: _____

Section C.2 – Certification and Signature by Permittee

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Signature of Permittee or “Duly Authorized Representative”: _____

Date: _____

Printed Name and Affiliation: _____



QUARTERLY BENCHMARK EXCEEDENCE REPORT		
Date:		
Pollutant Exceeded & Results:		
Quarter	Sample Date:	Result
Quarter 1		
Quarter 2		
Quarter 3		
Quarter 4		
Average Result:		
Benchmark Value:		

Document how benchmark exceedance(s) responded to:

Corrective action review completed (ensure documentation is included in section G of this Template)

Finding that the exceedance was due to natural background pollutant levels

Pollutant(s):

Attach data and/or studies that tie the presence of the pollutant causing the exceedance in your discharge to natural background sources in the watershed.

Determination from EPA Regional Office that benchmark monitoring can be discontinued because the exceedance was due to run-on

Pollutant(s):

Attach documentation from EPA Regional Office.

Finding that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice.

Pollutant(s):

Attach documentation supporting this finding.



Appendix E – EPA Annual Reporting Form



Appendix E – EPA Annual Reporting Form

Per MSGP Section 7.1, all NOIs, NOTs, NOEs, annual reports, discharge monitoring reports, and other reporting information will be submitted electronically to the EPA's electronic NPDES eReporting tool (NeT).

Annual Reporting Forms will be filled out electronically, printed, and filed annually in Appendix E the SWPPP.



Appendix F – SWPPP Amendment Log



Appendix F – SWPPP Amendment Log

No.	Description of the Amendment	Date of Amendment	Amendment Prepared by [Name(s) and Title]



Appendix G – Training Log



Stormwater Pollution Prevention Training Log

Project Name: Crimson Bridge Estates

Project Location: 14533 River Rd., Caldwell, Idaho 83607

Instructor's Name(s):

Instructor's Title(s):

Course Location: _____ Date: _____

Course Length (hours): _____

Stormwater Training Topic: (check as appropriate)

- Sediment and Erosion Controls
- Emergency Procedures
- Stabilization Controls
- Inspections/Corrective Actions
- Pollution Prevention Measures

Specific Training Objective: _____

Attendee Roster: (attach additional pages as necessary)

No.	Name of Attendee	Company
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		



Appendix H – Endangered Species/Cultural Resources



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Idaho Fish And Wildlife Office
1387 South Vinnell Way, Suite 368
Boise, ID 83709-1657
Phone: (208) 378-5243 Fax: (208) 378-5262

In Reply Refer To:
Project Code: 2023-0007546
Project Name: Crimson Bridge Estates

October 21, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Migratory Birds
 - Wetlands
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Idaho Fish And Wildlife Office

1387 South Vinnell Way, Suite 368

Boise, ID 83709-1657

(208) 378-5243

Project Summary

Project Code: 2023-0007546

Project Name: Crimson Bridge Estates

Project Type: Stormwater Discharge with NPDES Permit

Project Description: approximately 25 acres to be mined for aggregate, the excavation areas will then be filled with water for aesthetic ponds

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.69804555,-116.68424047081206,14z>



Counties: Canyon County, Idaho

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Flowering Plants

NAME	STATUS
Slickspot Peppergrass <i>Lepidium papilliferum</i> Population: There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/4027	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern \(BCC\) list](#) or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
American White Pelican <i>pelecanus erythrorhynchos</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/6886	Breeds Apr 1 to Aug 31
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Dec 1 to Aug 31

NAME	BREEDING SEASON
<p>Cassin's Finch <i>Carpodacus cassinii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9462</p>	Breeds May 15 to Jul 15
<p>Clark's Grebe <i>Aechmophorus clarkii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds Jun 1 to Aug 31
<p>Evening Grosbeak <i>Coccothraustes vespertinus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 15 to Aug 10
<p>Franklin's Gull <i>Leucophaeus pipixcan</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 1 to Jul 31
<p>Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679</p>	Breeds elsewhere
<p>Lewis's Woodpecker <i>Melanerpes lewis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9408</p>	Breeds Apr 20 to Sep 30
<p>Olive-sided Flycatcher <i>Contopus cooperi</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3914</p>	Breeds May 20 to Aug 31
<p>Rufous Hummingbird <i>selasphorus rufus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8002</p>	Breeds Apr 15 to Jul 15
<p>Western Grebe <i>aechmophorus occidentalis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/6743</p>	Breeds Jun 1 to Aug 31

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

■ probability of presence ■ breeding season | survey effort — no data

SPECIES JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC



Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of

certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

RIVERINE

- [Riverine](#)
-

IPaC User Contact Information

Agency: Syman, LLC

Name: Adam Lyman

Address: 2101 Delta Dr.

City: Nampa

State: ID

Zip: 83687

Email: designdepartment@symancompany.com

Phone: 2082878420



Appendix I – Environmental/Historical Documents



Appendix J – Additional MSGP Documentation



Deviations from Assessment or Monitoring Schedule

Date	Activity	Description of Deviation from Schedule	Reason for Deviation
	<input type="checkbox"/> Visual assessments <input type="checkbox"/> Monitoring		
	<input type="checkbox"/> Visual assessments <input type="checkbox"/> Monitoring		
	<input type="checkbox"/> Visual assessments <input type="checkbox"/> Monitoring		
	<input type="checkbox"/> Visual assessments <input type="checkbox"/> Monitoring		
	<input type="checkbox"/> Visual assessments <input type="checkbox"/> Monitoring		
	<input type="checkbox"/> Visual assessments <input type="checkbox"/> Monitoring		
	<input type="checkbox"/> Visual assessments <input type="checkbox"/> Monitoring		



Active/Inactive Status Change

Date	New Facility Status	Reason for Change in Status
	<input type="checkbox"/> Inactive and Unstaffed <input type="checkbox"/> Active	
	<input type="checkbox"/> Inactive and Unstaffed <input type="checkbox"/> Active	
	<input type="checkbox"/> Inactive and Unstaffed <input type="checkbox"/> Active	
	<input type="checkbox"/> Inactive and Unstaffed <input type="checkbox"/> Active	
	<input type="checkbox"/> Inactive and Unstaffed <input type="checkbox"/> Active	
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	<input type="checkbox"/> Inactive and Unstaffed <input type="checkbox"/> Active	

Michelle Barron

From: Michelle Barron
Sent: Monday, March 25, 2024 11:22 AM
To: 'Niki Benyakhlef'
Subject: RE: [External] 14533 River Rd

Thanks for the update Niki.

Michelle Barron
Principal Planner
Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605
 Direct Line: 208-455-6033
 DSD Office Phone: 208-454-7458
 Email: Michelle.Barron@canyoncounty.id.gov
 Website: www.canyoncounty.id.gov

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Monday, March 25, 2024 10:27 AM
To: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>
Subject: [External] 14533 River Rd

Hello Michelle –

I thought we were going to be able to get our review within a few days, however my engineer informed me it would be a few weeks. I'll keep you updated.



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: Niki Benyakhlef
Sent: Monday, March 25, 2024 8:53 AM
To: Chase Fuquay <cfuquay@kittelson.com>
Subject: RE: Project Inquiry

Hi Chase,

I thought we were going to be able to turn this around quickly for you, but it will take us a few weeks to get to it. Luke has some other larger projects with some deadlines he must meet with in the next few days. I will keep pestering him to see if we can sneak in some time to review it and get it back to you sooner rather than later.

Michelle Barron

From: Chase Fuquay <cfuquay@kittelton.com>
Sent: Thursday, March 14, 2024 11:04 AM
To: niki.benyakhlef@itd.idaho.gov; Derek Kraft
Cc: Sonia Daleiden; Michelle Barron; Brian Duran; Chris Hopper
Subject: [External] RE: Project Inquiry
Attachments: SH 44 & River Rd - Quarry Project.pdf

Hi Niki – I hope all is well with you.

I'm reaching out on behalf of Derek Kraft with Premier Aggregates on the 14533 River Road site and your highlighted comments below. Per the CUP application, the project is expected to add only about 10 new trips to the system during the peak hour. Of those new trips, ~3 are expected to be right-turns, and ~3 are expected to be left-turns from SH44 to River.

In response to your comments below, I pulled 24-hour counts for [SH-44](#) and [River Road](#) done by ITD in September 2023, estimated the turning movements, see attached aerial.

- **Right Turn Lane** - Based on the segment volumes, there are about 25 right-turns off SH44 on to River Road during the PM peak hour today, which meets ITD's right-turn-lane warrant **without the project in place**.
- **Left Turn Lane** – There are about 30 left-turns off SH44 on to River Road during the PM peak hour today. This volume of left-turns does not typically warrant a left-turn-lane and the WB through-left movement operates at LOS A.
- **Approach Radius** – See attached PDF for a truck turn template showing the right turns. The existing radius is about 55-ft and should be able to accommodate right-turning trucks without dragging debris on to SH-44.

Please review the attachment and bullets above and let us know if this email is sufficient to address ITD's concerns on the proposed quarry project. Or, let us know if you would like to see this formalized in a memo.

Thank you!

Chase Fuquay, PE

Engineer
(he/him)

[Kittelton & Associates, Inc.](#)

Transportation Engineering / Planning
208.472.9808 (direct)

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Monday, March 11, 2024 11:58 AM
To: Derek Kraft <dkraft@premierllc.net>
Cc: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>; Brian Duran <Brian.Duran@itd.idaho.gov>; Chris Hopper <CHopper@canyonhd4.org>
Subject: FW: Project Inquiry

Hello Derek!

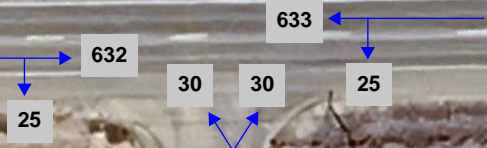
SH 44 & River Road

River Rd Quarry - Premier Aggregates
3-13-2024

I-84 ←

Middleton →

SH-44



River Road

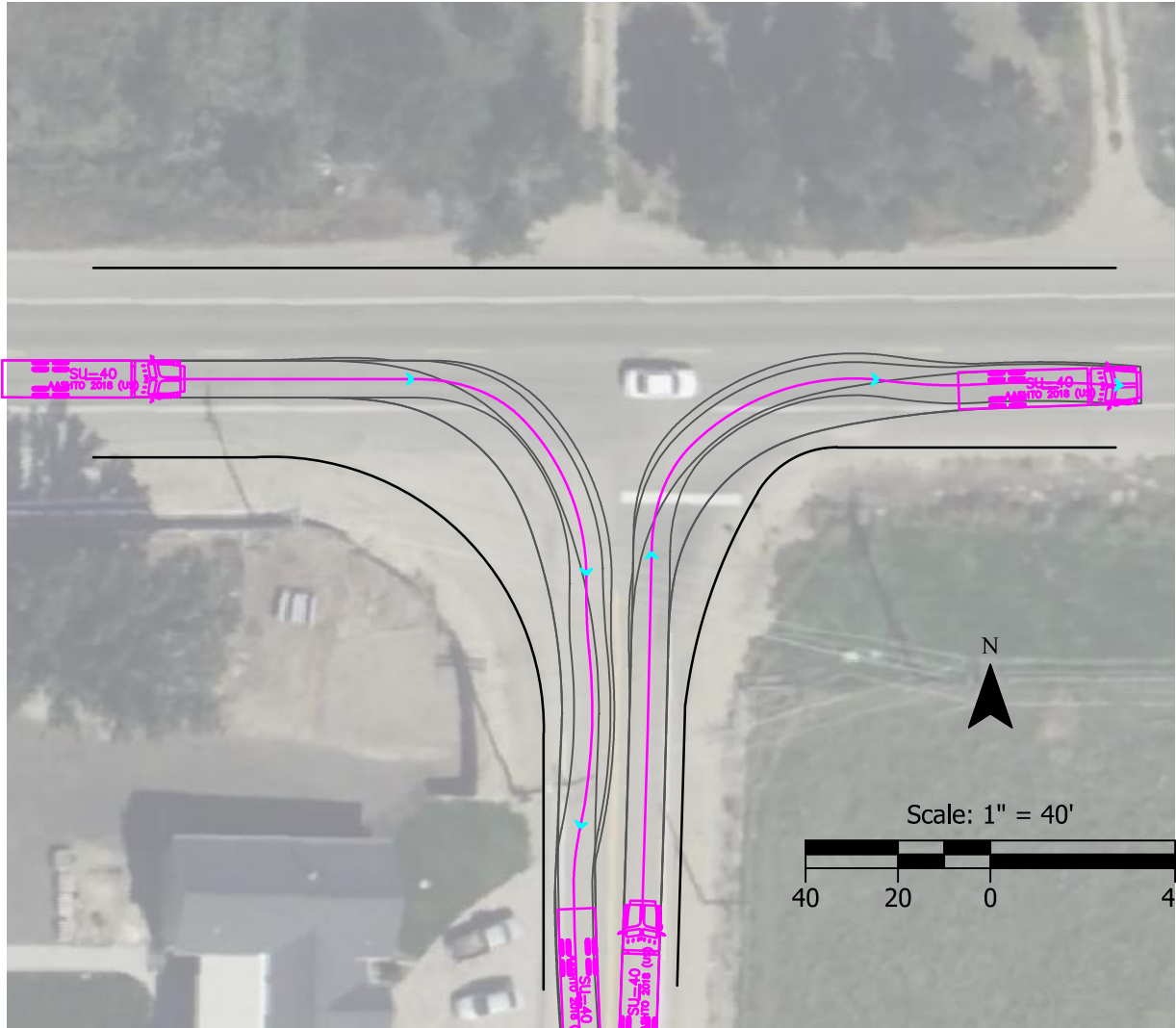
Proposed Quarry

Google Earth

Image © 2024 Airbus



200 ft



Thanks so much for getting back in touch with me so we can move forward with your projects. As we discussed on the phone ITD would like to review the following so we can

25706 Boise River Rd – Although ITD has no issues with the trips that the site will add to US-95 we are unsure where access will be taken onto our state facility. Please send a map so we can review access to US-95. The radii may need to be widened to ensure trucks (25ton) will not drag debris onto roadway.

14533 River Rd – We will forego our requirement of traffic generation numbers; however I am a bit concerned of the speed limit of SH-44 (55MPH) at the intersection of River Rd. I would like to see a Traffic Distribution Report and a Turn Lane Warrant document to see if an eastbound acceleration lane and/or a center turn lane will be needed. We also want to ensure the radii is the proper width to ensure trucks will not drag debris onto roadway.

Please let me know if you have any further questions.

Thanks!



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: Brian Duran <Brian.Duran@itd.idaho.gov>
Sent: Friday, February 23, 2024 5:01 PM
To: D3 Development Services <D3Development.Services@itd.idaho.gov>
Subject: Fw: Project Inquiry

Please reach out and assist Derek.

Thanks,

Brian Duran | Development Services Manager

Idaho Transportation Department | District 3

Work: (208) 334-8375 Cell: (208) 871-2842

Email: Brian.Duran@itd.idaho.gov | itd.idaho.gov

Enhancing quality of life through transportation

From: Derek Kraft <dkraft@premierllc.net>
Sent: Wednesday, February 14, 2024 12:49 PM
To: Brian Duran <Brian.Duran@itd.idaho.gov>
Cc: Mike Buck <mbuck@premierllc.net>; Connor MacMahon <cmacmahon@premierllc.net>
Subject: RE: Project Inquiry

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.

Hi Brian,
Here is a little more info regarding the two projects I was referring to:

Parma Source:

This would be a long term gravel source located along the Boise River just south of Parma, ID. The proposed access point into the source would be via Highway 95. I have attached a site plan of the proposed operation indicating the access points. This would be a phased operation with a duration in excess of 10 years.

Middleton Source:

This would be a temporary gravel source lasting approximately 3 years and located along the Boise River along River Road in Caldwell, ID. We have already reached out to CCHD4 and they provided a recommended route via River Road and Highway 44. I have attached the recommendation letter from CCHD4 and a site plan of the proposed project. We are looking for any feedback that ITD can provide or anything that ITD may require of us to move forward with the permitting process for these sources.

Appreciate your help with this.

Thanks,

DEREK KRAFT

RESOURCE DEVELOPMENT

Mobile: 208-249-7468

Email: dkraft@premierllc.net

Web: www.premierllc.net



Quality Products.

Superior Service.

From: Jason Brinkman <Jason.Brinkman@itd.idaho.gov>
Sent: Wednesday, February 14, 2024 10:48 AM
To: Derek Kraft <dkraft@premierllc.net>; Brian Duran <Brian.Duran@itd.idaho.gov>
Cc: Mike Buck <mbuck@premierllc.net>; Connor MacMahon <cmacmahon@premierllc.net>
Subject: RE: Project Inquiry

Derek,

Brian Duran and his team can assist you with this effort. I have copied him on this response.

Thanks,

Jason Brinkman

District Engineer

ITD District 3 – SW Idaho

From: Derek Kraft <dkraft@premierllc.net>
Sent: Wednesday, February 14, 2024 10:42 AM
To: Jason Brinkman <Jason.Brinkman@itd.idaho.gov>

Cc: Mike Buck <mbuck@premierllc.net>; Connor MacMahon <cmacmahon@premierllc.net>

Subject: Project Inquiry

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.

Hello Jason,

My company is looking into developing two new aggregate sources within Canyon County and looking for some guidance with the access points onto State Highway 95 in Parma and State Highway 44 in Middleton/Caldwell area. Is this something that you or one of your team members could assist us with?

Any info would be appreciated.

Thanks,

DEREK KRAFT

RESOURCE DEVELOPMENT

Mobile: 208-249-7468

Email: dkraft@premierllc.net

Web: www.premierllc.net



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Your Economic Opportunity**

IDAHO TRANSPORTATION DEPARTMENT
P.O. Box 8028 • Boise, ID 83707-2028
(208) 334-8300 • itd.idaho.gov

May 18, 2023

Samantha Hammond
Planner
Canyon County Development Services Department
111 North 11th Ave., Ste. 310
Caldwell, Idaho 83605

VIA EMAIL

Development Application	CU2023-0004
Project Name	AgEquity Holdings LLC
Project Location	14533 River Rd; Caldwell, Id – Approx. 0.5 miles south of SH-44 @ MP .9
Project Description	Mineral extraction and gravel processing facility
Applicant	Jeff Bowers

The Idaho Transportation Department (ITD) reviewed the referenced conditional use permit application and has the following comments:

1. This project does not abut the State Highway system.
2. Traffic generation numbers were not provided with this application. ITD needs more information on the trip generations to determine if turn lanes will need to be installed by the applicant. Proposed use of the parcel suggests that large vehicles and equipment will be turning onto the parcel from the highway, requiring applicant to show turning movements of the largest vehicle that will be accessing the site.
3. Any necessary mitigation for traffic impacts identified by the Traffic Impact Study shall be the responsibility of the applicant to install.
4. ITD reserves the right to make further comments upon review of any submitted traffic generation data or other documents.

If you have any questions, you may contact me at (208)334-8337.

Sincerely,

Niki Benyakhlef

Niki Benyakhlef
Development Services Coordinator
Niki.Benyakhlef@itd.idaho.gov

Michelle Barron

From: andrewvincent85 <andrewvincent85@gmail.com>
Sent: Sunday, March 3, 2024 3:29 PM
To: Michelle Barron
Subject: [External] Request extension for submission deadline - CU2023-004

Follow Up Flag: Follow up
Flag Status: Flagged

Greetings. I requested a public records review with IDEQ for the mentioned CU. This was submitted to their office February 20th. They have since notified me that their review will be complete NLT 6 March. Please accept this request in order to receive this valuable report from their office.

ANDREW R VINCENT
208-761-7705
Caldwell concerned citizen.

Michelle Barron

From: Angella Stokke <angistokke@yahoo.com>
Sent: Monday, January 15, 2024 8:01 PM
To: Michelle Barron
Subject: [External] Re: Case No. CU2023-0004 - Mineral Extraction on River Rd

To Whom it may Concern,

We are writing to you today to address the future proposed mineral extraction project on River in Canyon County. As long standing residents of the area, as well as homeowners who live less than a mile from the proposed site, we have great concerns over the project.

The first, and most pressing concern we have is the traffic problems that will result from a business such as this being located at the end of a small road. All of the houses on River and Channel roads are residential with families. The traffic on both of these roads is already congested, and trying to navigate onto Hwy 44 from either Channel or River is going to be further compromised as the trucks going to and from the job site create more issues. If the trucks avoid Hwy 44 and navigate toward exit 26 on River rd, a potentially dangerous situation will be created as the large trucks navigate around the tight curves along the river. That area already has low visibility and the traffic surrounding the stop sign by the steel bridge is already a hazard for the pedestrians attempting to walk and fish in that area.

Secondly, noise is a concern for those that live close to this location. Large equipment used to dig, crush, and move dirt and rock is very noisy and will disturb the residential neighborhood.

Lastly, the dust produced by these types of operations is a problem. I can't speak for all of the residents in the area, but our family is greatly affected by dust in the air. Members of our family suffer from asthma and allergies and excess dust exacerbates the symptoms and severity of the problems.

We write this letter to serve as our official opposition to the project. I understand the deadline to submit written objection was on the 13th, however, the signs announcing the project were just placed in our area yesterday, which was one day past your due date. We ask that you please accept this written notification and take it under consideration.

Thank you,
Bryan and Angella Stokke
22899 River Rd
Caldwell, ID 83607



Virus-free. www.avast.com

Michelle Barron

From: C Olson <carinmom@hotmail.com>
Sent: Saturday, March 2, 2024 3:28 PM
To: Michelle Barron; Canyon County Zoning Info
Subject: [External] Case No. CU2023-0004

To Whom it may concern

This letter is about the conditional use permit to allow a Long-Term Mineral Extraction (3 years) within an Agricultural Zoning District on approximately 56 acres to Jeff Bower and Kirsten McNeill representing AgEquity Holdings LLC. I am concerned that this large project will adversely affect the surrounding residents, homes, and neighborhoods. I live in the Taylor Ridge development which sits about 100' above the proposed site. If AgEquity is planning on drilling 60' below ground, it is possible that they might hit and break open the aquifer which provides water to our homes. If that occurs, it would cause considerable harm to all residents who depend on those wells. There is also the considerable additional noise and traffic associated with 40+ trucks daily driving in and out for 3 or more years.

I'm fervently asking the Canyon County Planning & Zoning Commission to deny this permit. Or if allowed then AgEquity must be held liable to pay for new wells and provide water to any resident affected by a breach of our aquifer.

Thank you for your consideration.

Carin & Jim Olson
22320 Rams Horn Way
Caldwell ID

Michelle Barron

From: Carol Prentice <picketpen@yahoo.com>
Sent: Wednesday, February 21, 2024 2:36 PM
To: Michelle Barron
Subject: Re: [External] Proposed gravel pit by AgEquity CU2023-0004

Michelle Barron
I see I made a locality error and said "Taylor Ridge subdivision on the plateau above the Boise River to the east of the proposed gravel pit." Well we are to the west of the proposed pit.

Carol Prentice

The road of life is paved with dead squirrels trying to make a decision.

On Wednesday, February 21, 2024 at 02:31:48 PM MST, Michelle Barron <michelle.barron@canyoncounty.id.gov> wrote:

Received. I will add this to the file.

Thanks,

Michelle Barron

Principal Planner

Canyon County Development Services Department

111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-455-6033

DSD Office Phone: 208-454-7458

Email: Michelle.Barron@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

From: Carol Prentice <picketpen@yahoo.com>
Sent: Friday, January 26, 2024 5:43 PM
To: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>
Subject: [External] Proposed gravel pit by AgEquity CU2023-0004

Michelle Barron

I am submitting testimony concerning:

Re: **AgEquity**

CU2023-0004

R34667011 & R34668

14533 River Rd.

I and my husband, Michael C. Prentice, reside in the Taylor Ridge subdivision on the plateau above the Boise River to the east of the proposed gravel pit. Three subdivisions are located on the basalt plateau above the river with other subdivisions immediately north of the fifty-six acres and more subdivisions across the river on the basalt plateau (which was a few thousand years past, once connected to our plateau on the opposite side of the river). The extraction would take place just below our subdivision. With subdivisions surrounding three sides of the proposed gravel pit and a city park immediately adjacent to the east and noise and dust generated from the gravel pit operations are not acceptable.

The city park, adjacent to the proposed gravel pit is a historical site, for the Oregon trail and designated a wilderness park. Also, two plant species have been documented in Curtis Park and are found nowhere else in Idaho, but are found back east.

Given the fact that the two basalt plateaus were once connected it would be prudent to determine the depth of the basalt ridge before developing large holes and diverting ground water adjacent to it. Some areas of the plateau seem to be ash deposits and are easily reworked by moving water.

The Boise River is a productive fishery and dust and disturbance adjacent to the flowing water could produce poor water quality.

Muddying the waters of the Boise River just before a main irrigation canal withdraws water is a really bad idea, it plays havoc with sprinkler systems and water pumps.

Please vote no to not permit the Mineral Extraction application.

Sincerely

Carol Prentice

14880 Dagger Falls Way

Caldwell, Idaho 83607

The road of life is paved with dead squirrels trying to make a decision.

Michelle Barron

From: Carol Prentice <picketpen@yahoo.com>
Sent: Friday, January 26, 2024 5:43 PM
To: Michelle Barron
Subject: [External] Proposed gravel pit by AgEquity CU2023-0004

Michelle Barron

I am submitting testimony concerning:

Re: AgEquity

CU2023-0004

R34667011 & R34668

14533 River Rd.

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Muddying the waters of the Boise River just before a main irrigation canal withdraws water is a really bad idea, it plays havoc with sprinkler systems and water pumps.

Please vote no to not permit the Mineral Extraction application.

Sincerely
Carol Prentice
14880 Dagger Falls Way
Caldwell, Idaho 83607

The road of life is paved with dead squirrels trying to make a decision.

Michelle Barron

From: Carol Watkins <cmwatkins12@gmail.com>
Sent: Friday, March 1, 2024 12:33 PM
To: Michelle Barron
Subject: [External] AgEquity Hearing on March 21

Michelle

We (residents) are doing our due diligence regarding this hearing. It has been postponed once. We still have more questions than answers

- 1) This appears to be contrary to the 2030 Comprehensive Plan concerning noise and dust. Therefore not compatible to the lives of the immediate area. It’s Residential Ag. There is a seed company directly across the road
- 2) There have been no updates on the website concerning the company’s plans
- 3) Canyon County District 4 has not been updated for almost a year. Much has changed. I am waiting for a return call
- 4) No written conclusion from COMPASS. This should include a decision from ITD regarding the HWY 44 widening or bypass. The decision should also reflect the timing. The number of trucks has increased. We are going to request a traffic impact study after the application is complete
- 5) DEQ report
- 6) Fish and Game. Protected turtles and flora
- 7) irrigation systems
- 8) Disturbing Curtis Park and enjoy of the public.
- 9) Will there be lights during the winter
- 10) Reclamation plan
- 11) Army Corps of Engineers letter needed

We will be adding information before the deadline March 3. I would appreciate a call as soon as possible to review the information. I understand the application process needs to be completed and added to the application by March 12

Thank you
Carol Watkins
1-208-249-9149

Michelle Barron

From: Craig Baltzer <cbaltzer52@gmail.com>
Sent: Sunday, March 3, 2024 4:07 PM
To: Michelle Barron
Cc: Canyon County Zoning Info
Subject: [External] Amended letter file Case CU2023-0004

Canyon County Development Services Department

111 North 11th Avenue Suite 310 Caldwell Idaho 83605

Case CU2023-0004

Property location 14533 River Road Caldwell Idaho parcels R34667011 and R34668

In response to the gravel pit proposal along river road.

As a resident of the subdivision directly above the site I find it interesting after attending the public meeting held at the gravel pit site. I have attended many types of meetings but I have never been to one where the staff on site were so confident in the pre approval of their proposal. Answers to questions were vague and incomplete.

In doing some research afterwards. The surrounding area is established subdivisions with families and houses and buildings, wet lands, a city park and the Boise River with two flowing creeks alongside and through the property.

It was stated by the group that the new owners could not get the property out of the agricultural zoning so they are going to mine the gravel and then after it's no longer viable to farm they are going to put a dozen houses on the property with two ponds.

Consumption water concerns

The excavation company said they are digging to 20 feet, is that 20 feet after the take away the top soil and vegetation or 20 feet in total from the existing level of the soils?

As there is no measure to where the aquifer is will removing 20 plus feet of soils and rock defeat the clay layer that is above the aquifer thus breaching it either now or at a later date?

This is quite interesting as local wells in the area are dug to 60 feet, wells dug on Taylor Ridge are dug to 160 feet. Taylor Ridge is 100 feet in elevation above the river flats. 60 feet down they draw the water from. It does not dictate the start of the aquifer nor the end as the heights/depths of the aquifer vary throughout the valley depending on the clay layer and the ground formation.

If the pit is dug to 20 feet and it punctured or defeated the layers of earth that protect the aquifer then surrounding houses will become worthless with no consumption water, and water contamination will occur from the pit, canal, and river.

The excavation company said they are going to divert the canal (creek) into the excavation. In reality it would be great cover for puncturing the aquifer.

If they don't hit the aquifer, that piece of property floods upward from the river each year without any breaching or over flowing from the spring freshets, pumps will be required to move that water.

They say they are going to pump it back into the canal that goes through the property. In reality it's not a canal it's a creek with trout in it. By pumping water back in the canal they avoid pumping it into the Boise River, which is directly adjacent to the said canal.

Road usage

They say there is going to be 40 trucks a day coming out of the site. When asked what roads are they using they stated the roads here are public roads.

12,160 truck movements minimum a year not including private sales over the adjacent roads.

40 trucks a day on a 12 day is a 18 minute turn around.

40 trucks a day on a 10 hour day is a 15 minute turn around.

As turning left onto Hwy 44 to take gravel to the new highway 84 construction site would be problematic. It comes to reason that turning onto river road left going under the ridge alongside the Boise river. These trucks could dump their load on highway 84 and return to the pit turning right onto river road off Highway 44.

Over the course of the project there would be 25,000 truck loads of material taken out of the site not including private sales. This would put 50,000 truck trips onto the roadway in 2.5 years (one empty one full) . The roadways in this area are not constructed for semi trucks to travel safely in their lane. Travel along Boise river is a windy narrow road with no shoulders and no room for large trucks to pass each other let alone cars and trucks. Is this road constructed in such a way it can withstand 25,000 trips of loaded gravel trucks.

Hours of operation

They state that they will start the gravel crusher and working on their site at 7 am each day. They stated the gravel crusher will work until 7 pm each night Six days a week. They say some nights especially in the summer they will run later.

They say there will be diesel pumps running to pump out the water from the ponds as they dig. These pumps will run 24 hours a day seven days a week for 2.5 years.

That's 9120 hours of noise in 2.5 years (12 hour days,six days a week, 304 days a year) not including the diesel pumps.

Most heavy truck business do maintenance on weekends as this site is working on Saturday this leaves Sunday for maintenance.

Questions.

Who is going to repair and clean the roads?

Who is going to reimburse people for loss of their well water? Is there a bond in place to have wells redug? Well companies have stated it's a two year wait and a cost of \$25,000.00 per well. Taylor Ridge Subdivision has 48 homes. (costs \$1.2 million) There is no way to know if new wells dug will be digging into contaminated water.

Who will reimburse homeowners for depreciation of their properties?

Who is the point of contact for complaining on excess working hours?

Who is the point of contact for Noise violations ?

Who is the point of contact for pollution?

Who will be the point of contact for private vehicle damage from rocks escaping from these loads onto the windy roadways?

Will there be tax breaks from Canyon County for home depreciation and noise pollution and loss of enjoyment of our own homes and yards?

In one year there is 8760 hours. 4380 Of those hours are daylight hours where people enjoy their yards and homes. This mine will pollute our daytime air with noise for minimum 3648 hours of that time in one year. (Not including the drone of diesel pumps pumping water 24 hours a day.)

I firmly hope that Canyon County will assess this mine and the damages and potential damages it could/would create.

I firmly hope that Canyon County will look at the totality of this mine and deny this application

Craig Baltzer
22346 Rams Horn Way
Caldwell Idaho



Aforementioned property spring 2017

Sent from Craig Baltzer

From: [Cressa Dennett](#)
Mail received time: Sat, 13 Jan 2024 09:24:49
Sent: Sat, 13 Jan 2024 09:24:32
To: [Michelle Barron](#)
Subject: [External] Case Number: CU2023-0004
Importance: Normal
Sensitivity: None
Archived: Wednesday, January 17, 2024 8:08:50 PM

Good Morning Mrs. Barron

I am writing in hopes that you can assist me in submitting my comments for the follow case number: CU2023-0004. Below are my comments. Thank you for your assistance with this. Please let me know if I need to forward my comments onto another party. Thank you.

What is the projected impact it will have on the local wildlife? In particular, the extensive assortment of wildlife that resides in Curtis Park such as deer, turkeys, osprey, bald eagles and other birds of prey, peacocks, a variety of rodents and amphibians, just to name a few. The noise pollution alone is sure to drive out a majority of the remaining wildlife in the park.

How high is the risk of polluting the Boise river considering its proximity? Where would the waste water be disposed of? A great portion of the subject property is located in the floodplain (which floods yearly) creating an additional risk of contaminating soil, groundwater and surface water. Ground and surface water which residents draw from to drink (via wells) and irrigate their properties (via water pumped from the Boise River). Water pollution circles back again to the potential devastating effects to the local ecosystem. The Boise River is the life blood of Curtis Park including additional parks down stream. Disrupt the river and the entire ecosystem of Curtis Park and surrounding areas will be negatively impacted for an extensive period of time if not permanently.

What sort of infrastructure is to be put in place to facilitate the transportation of heavy machinery and increased truck traffic?

Once the three years of mining draws to a close what plans have been put into place to restore and reverse damage done to the land and surrounding area? Donating the land to the City of Caldwell to expand Curtis Park should be considered.

~Cressa Ferrer

Michelle Barron

From: Dan Bratlien <dh.brat@yahoo.com>
Sent: Sunday, March 3, 2024 2:17 PM
To: Michelle Barron
Subject: [External] Attn: Michelle Barron Case No. CU2023-0004

Please consider my opposition response to this proposed project.

This project will generate excessive noise, potentially hazardous health dust and unmitigated traffic issues in an already untenable situation. Land use zoning and use permits are intended to protect us from this type of development approvals.

Excessive noise and dust from rock crushing and material screening equipment could have adverse consequences to 75+ home owners and their occupants who purchased their homes to be away from the dust and noise. Many of the home occupants in these homes are seniors. The dust could be potentially harmful and a health hazard to individuals with compromised breathing or lung issues.

Traffic is already an issue to access highway 44 and will be heavily impacted by the number of trucks transporting material, much less the egress from neighborhoods. The estimate is 40 loads a day, which equates to 80 additional truck trips each day. There appears to be no mitigation plan to solve this problem before start up.

Housing evaluations will be heavily impacted, if this potential project is approved. Who wants to move to a housing area affected by the above? Please address these issues.

Dan Bratlien
14442 Salmon River Rd.
Caldwell, Id 83607

[Sent from Yahoo Mail on Android](#)

Samantha Hammond

From: Dan Lister
Sent: Wednesday, March 8, 2023 5:28 PM
To: Samantha Hammond; Michelle Barron
Subject: FW: Contact from Website: Danica Holladay

Follow Up Flag: Follow up
Flag Status: Flagged

See comment letter for CU2023-0004 below.

Dan Lister, Planning Official

DSD Office: (208) 454-7458 - Direct Line: (208) 455-5959
Daniel.Lister@canyoncounty.id.gov

Development Services Department (DSD)

NEW Public office hours

Effective Jan. 3, 2023

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

**We will not be closed during lunch hour **

PUBLIC RECORD NOTICE: All communications transmitted within the Canyon County email system may be a public record and may be subject to disclosure under the Idaho Public Records Act and as such may be copied and reproduced by members of the public.

From: Leslie Jansen Van Beek <Leslie.JansenVanBeek@canyoncounty.id.gov>
Sent: Wednesday, March 8, 2023 4:57 PM
To: 'danica3417@aol.com' <danica3417@aol.com>
Cc: Sabrina Minshall <Sabrina.Minshall@canyoncounty.id.gov>; Dan Lister <Daniel.Lister@canyoncounty.id.gov>
Subject: RE: Contact from Website: Danica Holladay

Hi Danica,

I am in receipt of your email and the concerns you have raised regarding a land use decision. According to Idaho statute, the Board is required to comply with Idaho law (Chapter 65, Title 67) which includes the Local Land Use Planning Act. The 2023 Board of County Commissioners wishes to exhibit the highest level of integrity as decision makers in quasi-judicial proceedings. In order to ensure equity, impartiality and fairness for all parties, the Board of County Commissioners chooses to refrain from communication with all parties related to a particular case until the case is heard by all members of the Board at a properly noticed, public hearing. This will allow each Commissioner to participate in hearings without bias and continue as a member of the decision-making body.

We have forwarded your email to our Development Services Director. Development Services will keep the Board advised on the status of items you have submitted for consideration.

Thank you again for contacting our office. We value our citizens and make every effort to be responsive and meet the highest standards of integrity and honor when it comes to serving Canyon County residents.

Respectfully,
Commissioner Van Beek

From: Danica Holladay <noreply@canyoncounty.id.gov>

Sent: Wednesday, March 8, 2023 11:49 AM

To: Leslie Jansen Van Beek <Leslie.JansenVanBeek@canyoncounty.id.gov>

Subject: Contact from Website: Danica Holladay

Contact

District 1 - Van Beek

Name

Danica Holladay

Email

danica3417@aol.com

Message

Hello Commissioner Van Beek,
My name is Danica and I live in Caldwell in a somewhat rural area, near the Boise River. It has come to the attention of myself and some of our neighbors that an application for a gravel pit has been placed. Here is the information about this application that I have...
Canyon County
CU2023-004
03/02/2023
CUP for gravel pit and processing in AG zone.
Applicant: Givens Pursley LLC
Parcel: 14533 River Road, Caldwell
Staff Assigned: Sam Hammond

- Due to the close proximity of this address to the Boise River we are concerned about it's approval for a number of reasons.
1. How will this impact the wildlife that currently reside in that area? A large variety of birds inhabit this area. To name a few, wood ducks, migratory geese, quail, turkeys, and pheasants. This does not include any large animal like deer.
 2. Will this create a problem for the park that is located just behind this property? This area is used by the public, community groups, as well as provides additional habitat for wildlife.
 3. Based on my most recent findings, currently the proposed address is listed as ID Game Management Unit #38. What will the impact of removing this be?
 4. River road in itself is quite unsafe due to it being pushed up to a rock face on one side and the river on another. How will the road safety for my community be further impacted by a large scale operation going in at a place where the road may not be suit to manage such growth?
 5. How will the well and the irrigation that service our area be impacted by the increased water use of a gravel pit?

Also, I am curious how an approval of this gravel pit would or would not align with the future planning of Canyon County? At the last zoning and planning I attended in 2022 the representatives talked about keeping with agriculture and rural community values. I am having a hard time how a gravel pit, which would take over pasture land, in a mainly residential area would align with these values

If you are not the correct person to reach out to regarding these concerns I would appreciate any suggestions you have. Please feel free to reach out via email as well as by call or text on my cell phone, 509-475-8921.

Thanks for your time and consideration to this matter that is very important to my community!

Michelle Barron

From: angelakclark4@aol.com
Sent: Saturday, March 2, 2024 6:14 PM
To: Michelle Barron
Subject: [External] 3/1 Gravel Pit Mining Extraction Proposed Plan Response/Complaint Letter to Canyon County Planning & Zoning Due 3/3/24

Daniel and Angela Clark

22020 Rio Vista Dr., Caldwell, ID 83607
(303) 868-7595

TO: Michelle.Barron, Planner
Canyon County Planning & Zoning
Email: michelle.barron@canyoncounty.id.gov

Re: 3/1 Gravel Pit - Mining/Extraction Plant - Developer Proposal Plan

Dear Michelle,

This is to inform you that we have grave concerns regarding this proposed plan to allow a 3/1 Gravel Pit - Mining Extraction Plant that is in the works with Canyon County Building and Zoning. Here are our concerns:

The area in question is surrounded by homes on high bluffs on each side. There is concern that those homes will become unstable if the ground is being shaken day in and day out.

We are concerned about the noise level in this residential community. The equipment and machines will not just have a high decibel noise level, but the noise produced by this plant will be amplified by the surrounding rock walled canyon. The constant sound of trucks beeping all day as well as the noise will ruin our quality of life.

The area is located in a bird sanctuary as well as a place where there are two turtles that are on the endangered species list. These birds cannot withstand this constant noise and will disappear without a doubt. Again, leaving us with a lesser quality of life

River Road itself backs up to a rock wall (with homes just above) on one side. It cannot be widened, nor can it take the constant beating of the constant stream of heavy trucks. How will the road survive? Is the county prepared to shore up this road and with funds to do so? How do they propose to do it? This will cost millions, will it not? We enjoy River Road for our recreation - riding our motorcycles during the summer months - our very favorite place to ride! We are told that this road will be closed!!!! Beyond this, won't the load in those trucks create constant vibration that will be felt in our homes. Will the rocks that hold up these homes break down eventually and crumble with this constant land vibration?

We are concerned about the aquifer being damaged and cracked due to this digging. If the aquifer is cracked, the polluted water will eventually get into our wells and ruin our water quality! If homes are later built there, we may not have enough water either. If the aquifer is damaged, we will have to take special expensive measures to keep our water clean and it will not be natural as it is now - another quality-of-life issue.

We moved here and chose our property due to the serenity, the views of the river that we now enjoy as well as the bird sanctuary that we also enjoy daily. If the birds cannot withstand the noise, and they won't be able to, our quality of life is affected as well as the value of our property. Regarding property values, how could we possibly sell our home for a fair market price if we need to with that noise and rock crushing being heard constantly that permeates the atmosphere is constant. Obviously, our property values will be affected drastically. Not just our home, but all of the homes in this area, as this noise will permeate the atmosphere and be heard for a long distance from this proposed Mining Operation and where this land is situated. These trucks, we have been told, will also need to run on weekends following any down time as well as the plant operations and maintenance needs which are dealt with before the trucks and equipment start running again on Monday morning.

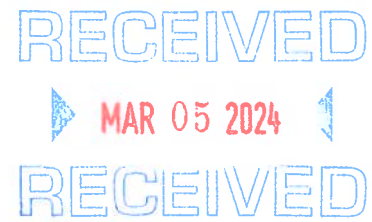
We have concerns that our neighborhood and property will be destroyed due to these issues that is what brought us here in the first place. This is a residential neighborhood and the land in question has always been agricultural land. We bought this home and land based on that situation. It is a place where we all live and sleep and enjoy a certain quality of life. I feel that this is a 1st Amendment issue and we want to see this stopped. It is altogether evil and wrong and is at the top of the greed list. It is stealing. It cannot be blessed.

Thank You,

Daniel and Angela Clark

Daniel and Angela Clark
Homeowners on Rio Vista Dr.

Doug & Jodi Miller
22542 Big Loon Way
Caldwell, ID 83607
208-850-8767



2/27/2024

Canyon County Development Services Department
111 North 11th Avenue, Suite 310
Caldwell, ID 83605

RE: CASE NO. CU2023-0004, R34708134, AgEquity Holdings, LLC, MINERAL EXTRACTION.

Dear Planning and Zoning Commission,

There is a case (CU2023-0004) coming before the P&Z March 21, 2024. I would like to make a few comments regarding the project.

Derek Kraft, of Premier Aggregates is applying for a conditional use permit to mine gravel from an area of land adjacent to our neighborhood. This is maybe several hundred feet away from some substantial established neighborhoods. The proposed site is next to the Boise River and sits below bench areas on both sides of the river. It is closest to the bench on its west side (see exhibit #1). There are three subdivisions on the west side.

There are certainly concerns about the volume and noise of truck traffic on River Road, and the noise produced by the mining operations, loading operations, and crusher machinery. I've worked at a gravel pit, and the noise factor is not something that is going to be solved. These would be factors that should by themselves exclude the permits. However, I believe there is one issue even worse; there is danger to the aquifer that provides water to all these neighborhoods.

The neighborhood at the south end of the west-bench, has more than 60 homes that get their water from a community well. Just north of Burger Lane is the Taylor Ridge neighborhood, with 46 homes, each with a private water well. To the north of Taylor Ridge is the Southwick neighborhood, with 24 homes, each with a private water well. There are also houses on the bluffs, and in the valley adjacent to the river, that would have these same concerns.

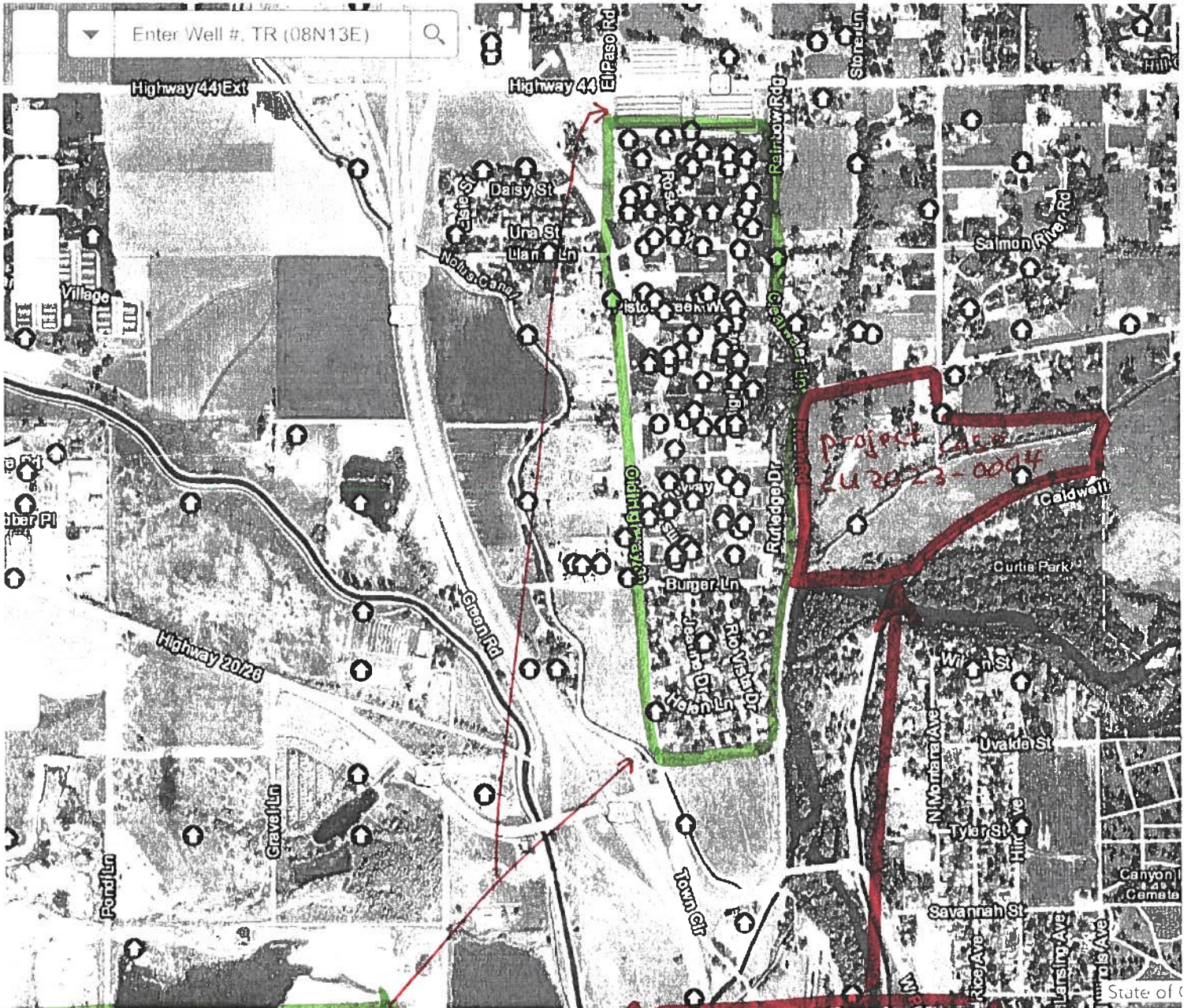
It is my understanding that the gravel pit is intended to be excavated to a depth of 60 feet below grade. The bench area to the west is roughly 100 feet higher than the proposed pit. Most of the wells in the Taylor Ridge subdivision are drilled between 160 and 180 feet. My fear is that the pit would be dangerously close to the depth of our aquifer. If the aquifer drains or gets polluted by mining operations, there are going to be big, big problems for a lot of people! A situation like that would be a disaster! It is my opinion that there are too many detriments to established neighborhoods for this mining operation to go ahead. This area is zoned agricultural, but there is now a substantial number of homes within the "danger zone". Please vote no for this case.

Regards,

Doug and Jodi Miller

Exhibit #1

IDWR Home IDWR Map Hub



Bench area homes

Project Case No.
CU2023-0004



Michelle Barron

From: Sawtooth 46 <sawtooth46@gmail.com>
Sent: Monday, February 19, 2024 7:31 PM
To: Michelle Barron
Subject: [External] Case #CU2023-0004

My wife and I live at 14335 Hwy 44 (Hwy 44 & Little Freezeout Rd. We have lived here since 1989. Having lived at this location for over 34 years, I can't think of anything worse to have within hearing distance than a gravel business. Noise is as noise does. It's a form of modern day pollution with regards to quality of life. The cliff wall of north Canyon Hill and the east cliff wall of the Rio Vista subdivision act as sound reflectors back towards us to the north. We can hear very clearly when law enforcement are shooting at their range just north of Rotary Pond off Chicago st. ext. We are one mile as the crow flies from the proposed site. The residents of Salmon River Run subdivision are directly across Channel Rd. from the proposed site. And then there is the traffic of those long heavy gravel trucks exiting and entering 44 from River Road. There are times that my wife and I sit in our driveway waiting to enter 44 to the point that we don't bother going anywhere at certain times of the day. Just because the area is zoned commercial, it does not give the green light for a business that would be so disruptive, add to the traffic hazzard and completely ruin the natural landscape of the Boise River bottom area. There are appropriate areas for gravel businesses that are far less populated. This is not one of them.
Duane & Sherilyn Tamura

Samantha Hammond

From: EDWARD SWANDER <ekswander@msn.com>
Sent: Wednesday, April 12, 2023 7:58 PM
To: Samantha Hammond
Subject: [External] Conditional use permit for 14533 River RD, Caldwell, Idaho

Follow Up Flag: Follow up
Flag Status: Flagged

My name is Kay Swander. I am submitting this correspondence for both myself and my husband, Ed Swander. I am writing with our concerns for a conditional use permit for a gravel pit at 14533 River Rd, Caldwell, ID. This property butts up to the back of our property. We live at 14299 Channel Rd. We purchased this proper in 2016, tore down the existing condemned house and built a new house in 2017. We moved out here from Boise for the quiet and solitude that this area provided. Because there was an existing house on the property there was also an existing shallow well which has been tested and is very good clean water. It is our understanding our well is artesian which comes from the aquifer. Because the water table is so high in this area the proposed gravel pit would be pumping the ground water which could not only pollute our drinking water but may cause our well to go dry. At present we use the overflow from the aquifer for livestock and our gardens, no pump required. What guarantees do we have that our water will not be affected?

Other concerns:

Noise pollution

Air pollution

Dangerous silica in the air

Heavy truck traffic

Lower property values

Lower quality of life

Reduced wildlife

Once issued a one to three year conditional use permit can be extended as long as the land continues to produce.

One issue that was not covered at the neighborhood meeting which we were not able to attend was if there will be blasting in the extraction of the rock. That would be another concern.

Below are some of the issues a short research of living near a gravel pit/quarry revealed:

What is the problem with gravel pits?

Pits and quarries **disrupt the existing movement of surface water and groundwater**; they interrupt natural water recharge and can lead to reduced quantity and quality of drinking water for residents and wildlife near or downstream from a quarry site.

Is it OK to live near a quarry?

Rock quarries create invisible dust particles proven to cause silicosis—a progressive, incurable lung disease. **Long-term exposure to particulate matter is strongly associated with heart disease, stroke, infertility, and pregnancy complications.**

Asbestos is just as lethal as silica dust. The dangers are the same, yet we cannot afford for the results of exposure to silica dust to be the same as what occurred with asbestos. Silica could be as lethal as asbestos, if not more so, with equally serious consequences.

What are 5 effects of quarrying?

Several serious environmental impacts related to quarrying activities on and near the river, such as **vibrations, land degradation, land subsidence and landslides, water pollution, occupational noise pollution, and air pollution**, will lead to health-related problems and loss of biodiversity.

How far away can you feel a quarry blast?

Is Rock Blasting Occurring Near My Property? Although the State of Florida has set regulations to ensure a safe use of explosives, most rock quarry blasts are still felt within a radius of approximately **three to four miles**.

If blasting is felt up to four miles away what kind structural damage can be done to the dwellings just a couple hundred feet away?

What are the disadvantages of living near a rock quarry?

People who live in close proximity to the quarry sites reported **exposure to dust at home (98%), land destruction (85%), plant leaves covered with dust (97%), and an inability to grow crops (92%)**. The exposed group reported significantly higher eye and nasal allergy

Thank you

Ed and Kay Swander

Michelle Barron

From: EDWARD SWANDER <ekswander@msn.com>
Sent: Sunday, March 3, 2024 3:07 PM
To: Michelle Barron
Subject: [External] CUP 2023-0004 14533 River Rd Caldwell

Michelle,

We are writing with concerns about the potential gravel pit that has been requested at 14533 River Rd, Caldwell.

A barbed wire fence is all that separates our property from the potential gravel pit; essentially it will be in our backyard. We moved here upon our retirement to escape the noise and hustle and bustle and enjoy the quiet life of this area. Since we are retired we are at home most days 24/7 and the crushing is going to run from 7am until 7pm six days a week and maybe longer during the summer, with the diesel pumps running nonstop. This reduces the quality of our lifestyle. It just doesn't feel right that someone can come here and upset all the residents that have lived here, some for decades, for the lifestyle.

Aside from that we have concerns about long term effects that a gravel pit would create.

First, we are concerned about how the pumping of groundwater and vibration of mining the minerals would affect our shallow wells and free flowing artisan water. We have excellent well water and don't want to lose the quality of our water or have our wells go dry. Is there a recourse if that happens? That can be very expensive to replace and if the natural artisan flow is disrupted it may never be repaired.

Second, flooding is a concern. The property in question has been underwater twice in the eight years we have been here. If a gravel pit is allowed to operate they plan to create a subdivision once the operation terminates. With this being in a flood plain there would need to be massive amounts of fill brought in to bring the houses above the flood plain. Where then will the flood waters go with no ground to accept it...to our existing homes? And if a subdivision is denied due to flooding concerns then we will be left with tailing piles and holes on what once was useful agricultural land, rendering it useless and unsightly and devaluing our property. While the developers indicate that this property is useless except for mining minerals we wholeheartedly disagree. This property has supported cattle for decades, providing enough food through the spring, summer and fall to support them. With the cattle removed the grass has grown enough to be cut and baled this last summer. And while the developers must feel raising cattle is useless, again we disagree since cattle are a major food source for both beef and dairy products.

Our third concern is the noise. While the developers feel a berm is the answer to lower the excessive noise we again disagree. At the neighborhood meeting the developers stated that the noise level would be between 100 and 170 decibels. A quick internet search reveals that 170 decibels is unacceptably loud and harmful. In addition, there is a bluff to the west and south of the property which would cause the noise to bounce off the bluffs and flow north and east to all the local residents. And while the developers indicate there is nothing to the south and west of the property that is not correct...there are people living on top of those bluffs that berms won't help. They will get the full effect of the noise, nightlights and view. Speaking of views, we all enjoy the wildlife that live in this area. Many of them reside in Curtis Park which also borders the potential gravel pit. The noise, the lights, the traffic will drive wildlife away.

While there are a number of other concerns the last one we will bring up here that could have a major long term effect is the concern about how the vibrations of removing minerals from the ground will affect our nearby foundations, again reducing the value of our property.

We just don't feel a gravel pit will benefit anyone but the developers.

Thanks for taking our concerns into consideration.
Ed and Kay Swander

Sent from my iPad

Michelle Barron

From: Emily Bowden <ebowden.eb@gmail.com>
Sent: Thursday, February 29, 2024 9:15 AM
To: Michelle Barron; Canyon County Zoning Info
Subject: [External] Fwd: Case No. CU2023-0004
Attachments: opposition letter.docx

Please see the attached letter.

Thank you,
Emily Guernsey

February 28, 2024

Canyon County Development Services Department

To Whom it may concern,

Re: Case No. CU2023-0004

This letter is about the conditional use permit to allow a Long-Term Mineral Extraction (3 years) within an Agricultural Zoning District on approximately 56 acres to Jeff Bower and Kirsten McNeill representing AgEquity Holdings LLC. I am concerned that this large project will adversely affect the surrounding residents, homes, neighborhoods and businesses. My home is in the Taylor Ridge development which sits about 100' above the proposed site. If AgEquity is planning on drilling 60' below ground, it is possible that they might hit and break open the aquifer which provides water to our homes. If that occurs, it would cause considerable harm to all residents who depend on those wells. There is also the considerable additional noise, traffic and debris associated with 40+ trucks daily driving in and out for 3 or more years. This will not only impact residents, but also wildlife at the nearby Boise River and also recreation at the Purple Sage golf course.

I'm fervently asking the Canyon County Planning & Zoning Commission to deny this permit.

Sincerely,

Gary and Emily Guernsey
14885 Dagger Falls Way, Caldwell, ID.

Michelle Barron

From: Eric PRENTICE <muleycrazy@msn.com>
Sent: Friday, March 1, 2024 10:59 AM
To: Michelle Barron
Subject: [External] Canyon County P&Z Letter

Sent from my Verizon, Samsung Galaxy smartphone

March 1, 2024
Canyon County Development Services Department
To Whom it may concern
Re: Case No. CU2023-0004

This letter is about the conditional use permit to allow a Long-Term Mineral Extraction (3 years) within an Agricultural Zoning District on approximately 56 acres to Jeff Bower and Kirsten McNeill representing AgEquity Holdings LLC. My family reside in the Taylor Ridge subdivision on the plateau above the Boise River to the west of the proposed gravel pit. Three subdivisions are located on the basalt plateau above the river with other subdivisions immediately north of the fifty-six acres, and more subdivisions are across the river on the basalt plateau (which was a few thousand years past basalt once connected to our plateau on the opposite side of the river). The extraction would take place just below our subdivision. With subdivisions surrounding three sides of the proposed gravel pit and a city park immediately adjacent to the east and noise and dust generated from the gravel pit operations are not acceptable.

The city park, adjacent to the proposed gravel pit is a historical site, for the Oregon trail and designated a wilderness park. Also, two plant species have been documented in Curtis Park and are found nowhere else in Idaho but are found in eastern states.

The Boise River is a productive fishery and dust and disturbance adjacent to the flowing water could produce poor water quality.

Muddying the waters of the Boise River just before a main irrigation canal withdraws water is a really bad idea, it plays havoc with sprinkler systems and water pumps.

I am concerned that this large project will adversely affect the surrounding residents, homes, and neighborhoods. I live in the Taylor Ridge development which sits about 100' above the proposed site. Given the fact that the two basalt plateaus were once connected it would be prudent to determine the depth of the basalt ridge before developing large holes and diverting ground water adjacent to it. Some areas of the plateau seem to be ash deposits and are easily reworked by moving water. If AgEquity is planning on drilling 60' below ground, it is possible that they might hit and break open the aquifer which provides water to our homes. If that occurs, it will cause considerable harm to all residents who depend on those wells. There is also the considerable additional noise and traffic associated with 40+ trucks daily driving in and out for 3 or more years.

I'm fervently asking the Canyon County Planning & Zoning Commission to deny this permit. Or if allowed then AgEquity must be held liable to pay for new wells and provide water to any resident affected by a breach of our aquifer.

Thank you,
Eric and Alicia Prentice
14880 Dagger Falls Way, Caldwell, ID.

Michelle Barron

From: Eva Lou Diebel <EvaLouCD@outlook.com>
Sent: Tuesday, February 27, 2024 7:18 PM
To: Michelle Barron
Subject: [External] Case No. CU2023-0004
Attachments: 14871 Velvet Falls Way.docx

Michelle, please see attached for Case No. CU2023-0004

Thank you,
Eva Lou and Boyd Diebel

14871 Velvet Falls Way
Caldwell, ID 83607

February 26, 2024

Re: Case No. CU2023-0004

To whom it may concern:

We have several concerns about the proposed mineral extraction within an Agricultural Zoning District at 14533 River Rd., Caldwell.

- 1) We purchased a new home in the Taylor Ridge Subdivision in 2019 with plans to retire here. We are now in our 80's and do not wish to move. Presently this is a pleasant somewhat secluded neighborhood. There are several other retirees in this subdivision.
- 2) Each home in this subdivision has a private well which taps into the aquifer. We are concerned that the proposed rock pit may infringe on the purity of the aquifer. If our wells were ruined who would pay for the damage? We believe the developers should be liable.
- 3) This proposed project would bring lots of noise and dust to our subdivision. Rock crushers and semi-truck loads of gravel are extremely noisy. This project would also produce a lot of dust and diesel fumes which would blow into our subdivision. This is not acceptable.
- 4) Treasure Valley is prime agricultural land which has many rivers providing a source of irrigation water. It would be sad and a terrible loss to future generations to see another tract of agricultural land destroyed so some developers and investors can make millions or even billions of dollars.
- 5) Taylor Ridge Subdivision and the adjoining housing areas could suffer a loss of property values due to this project. Who would pay for this financial loss? Probably it would fall on the backs of the ordinary citizens living here, not the developers and investors who make all of the profit from this project.
- 6) There are probably other arguments that could be considered for and against this project. We hope and pray that you will consider our arguments against this project.

Thank you for your consideration,

E. Boyd and Eva Lou C. Diebel

Jake & Kim Grubbs
14106 Channel Rd, Caldwell, ID 83607
208-989-4828
kgrubbs@caldwellschools.org

Samantha Hammond

RE: Givens Pursley LLC
Gravel Pit Application
CUP for gravel pit & processing in AG zone
CU2023-004
Parcel: 14533 River Road, Caldwell, ID

3/13/23

Dear Samatha:

I am writing this letter to voice my opposition to the gravel permit application on Channel Rd in Caldwell, ID. Our neighborhood is a peaceful rural residential neighborhood with a perfect setting near the Boise River. It is a place where residents can escape the noise and business of the city and relax in the tranquility of their properties. We bought property here 8 years ago because of the peaceful rural lifestyle in which we wanted to raise our family and eventually retire.

A gravel and sand pit right in the heart of the community would be devastating and ruin the quality of life that ourselves and our neighbors enjoy so much. I request you to hear my concerns and to take into careful consideration the enormous negative impact such an operation would have on the community and the environment in which we live.

My first concern is **traffic and public safety**. With the strange intersection of Channel and River, with one stop sign near their driveway. I can see the potential for accidents with gravel trucks pulling in and out their business. The roads are narrow with blind corners, very little room on the shoulder and several school bus stops. River road is already in rough condition and then add the size of the trucks driving on it every day, it a sign of disaster. Many residents and their children walk, run or bike on these roads at all times of the day.

With the proposed amount of gravel being extracted, it would means numerous trucks per day one way would be traveling on these same roads causing congestion, pollution, more wear and tear on the roads, and a greater potential for accidents.

My second concern is **noise, dust and pollution**. The noise, dust and pollution created by this proposal would adversely affect the entire. Imagine what the decibel

level will be if this gravel pit is allowed to operate in such close proximity to residential properties!

My third concern is **water**. The water table is extremely low in our neighborhood. The applicant proposes to excavate gravel, which would be below the water table and would have a negative impact on neighboring wells that are fed by the aquifers that flow through the property in underground streams. Water always follows the path of least resistance and any single, multiple or successive development or site alteration activities and would have an irreversible negative impact on community wells and important wetlands.

My next concern is **the wildlife**. We are lucky to be surrounded with amazing wildlife in our neighborhood. We have seen fox, massive amount of different species of birds, raccoons, and deer, not to mention the massive amount of fish in the river that will also be effected by this gravel pit. Not only does this area provide critical habitat for fish, birds and other wildlife, they help to minimize or remediate environmental problems and help regulate atmospheric gasses and climate cycles.

A gravel pit would have an enormous negative impact by adding to the sediment washing into the wetland from run off on the property. Airborne particulates as well as toxic emissions from trucks, equipment and machinery may seep into the ground and contaminate groundwater, which flows into the wetland and into neighboring wells.

In closing, I would like to say that a gravel and sand pit on Channel Rd would drastically affect our ability to enjoy our properties that we have invested so much money and time into, decrease our property values, and destroy the quiet, peaceful community in which we live. If a permit were granted, the negative impact that this pit would have on the environment and its inhabitants is irreversible. It would compromise the health and safety of our community and ruin the character of this unique place forever.

I thank you for taking the time to hear my concerns and hope you will consider them when making your decision about the future of our community.

Sincerely,

Jake and Kim Grubbs

To: Canyon County Development Services Department

111. N 11th Avenue Suite 310

Caldwell, Idaho 83605

208-454-7458

Emailing to: Michelle.barron@canyoncounty.id.gov

Re Case # CU2023-0004

Dear Commissioners and Staff,

My name is Jay Clark. I live at 22356 Rutledge drive. My property is located directly to the west and above the subject property. There are several omissions and or inaccuracies in the petitioner's application which cause concern. I will address those in the body of this communication as well as express other concerns. Understanding that several residents have already submitted detailed concerns, I will attempt to avoid redundancy other than an occasional reference.

While only a minor typo, the applicant states in 2.a. of the application that we are located to the east rather than the west. In section 4., the statement regarding one acre lots directly to the west is not entirely accurate as it disregards the smaller lots consisting of 8 homes in the Rutledge Ranch subdivision which are directly along the west side of the subject property and are only separated by River Road. What has not been referenced in the petition, is the topography. The homes in the Rutledge Ranch subdivision are on a ridge approximately 50' above river road. Also, there is no mention of the homes to the southeast on the adjacent ridge.

The ridge contains a lot of lava rock and river road has signs warning of falling rock. Although falling rock is rare, concerns of vibration from processing equipment, especially crushers, could induce higher incidences of falling rock.

Noise

Regardless of zoning, the area is a mix of residential and agricultural with some cattle. The majority of the time it is as quiet as one would expect of any residential neighborhood. The noise control efforts the applicant presents fall short of acceptable when considering current use, especially for the properties to the West and Southeast as they have a line-of-sight view of the applicant's entire property. Berms for noise mitigation would be ineffective as the berms would be well below the height of the ridge. Other concessions would be required to reduce the noise impact to an acceptable level.

The use of a crusher should not be approved in this area under any circumstances and should be specifically banned due to high and potentially health damaging dust emissions, high steady state noise and vibration concerns. Long term noise exposure over 70 decibels can cause hearing loss. OSHA mandates a hearing conservation program at or above 85 decibels averaged over 8 hours. It should be noted that crushers and other mining equipment can produce up to 90 decibel noise levels and the petitioner is planning on 12hr/day operations.

If the commission does approve the use of a crusher, water walls or some additional forms of dust control should be implemented, rubber or plastic coatings on the conveyors, shakers and separators to reduce sound and seismic damping to limit vibration. Finally, if use of a crusher or similar processing equipment is permitted, the processing should be limited to only the rock mined from the subject property with no importing and or of any type product from offsite.

Blasting has not been mentioned but should be banned outright. As to noise, the applicant purchased agricultural property in the midst of established residences. Despite noise control reduction efforts, the project will disturb the peace of the residents at the profit of the petitioner and not without cost to the residents, wildlife and the environment, at least for the duration of the project.

Dust

Dust is another concern in general but even more so with a crusher as it can release silica dust which can cause respiratory problems and silicosis. While the use of Magnesium Chloride is commonly used to control dust on haul areas it shouldn't be permitted in this case due to its close proximity to the river and high water table that has encouraged the use of shallow wells in the area.

Magnesium Chloride based products are considered better for the environment than sodium and calcium chloride-based products but all three are classified as hygroscopic. That means they absorb moisture from the air and pull moisture from the skin and vegetation. If chloride-based products leach into the river, they can reduce the waters available oxygen levels leading to death of aquatic life. This is of particular concern as nearly every spring, the Boise River that runs adjacent to the south of the property rises high enough to flood a significant share of the subject property. The risk for contamination cannot be underestimated as should the expectation of flood levels several feet high.

Finally, sufficient levels of Magnesium Chloride kicked up can cause respiratory issues in humans and animals. Due to its hygroscopic nature, it also has defoliant properties which can destroy trees and other vegetation.

Aesthetics/reclamation

It is understood that the eventual plan is to develop the property as a residential subdivision. Nevertheless, there are no guarantees that the gravel mine project (if approved) won't extend beyond 3 years or if abandoned, despite the reclamation bond, will never possess an acceptable aesthetic appearance as it does today.

I purchased this property nearly 6 years ago. I was struck by the view of the Boise River to the south and beautiful view of the acreages below that grew feed for the small herd of cattle that leisurely grazed throughout the day, wildlife including deer, foxes, waterfowl, birds of prey etc., all backdropped by the trees surrounding Curtis Park, then beyond to the foothills of Boise, Table Rock and Bogus Basin. Yes, there is a dollar value added with this view but more significantly, the peace and joy this property and corresponding view offer are profound.



Image captured from my balcony last Summer after mowing the hay. Now, imagine a gravel pit instead.

Comprehensive Plan Section 3

“G4.01.00 Support Livability and High Quality of Life”. Applicant responds, *“Allowing the temporary mining of gravel will protect private property rights”.* There are other gravel mining operations already in existence reasonably close in commercial districts therefore the need to protect mining operations at the proposed site lacks substance. If anything, a gravel mine at the proposed location violates private property rights of the local residents.

“G04.02.00 Ensure that growth maintains and enhances the unique character throughout the county”. Applicant responds, *“...Property does not contain prime agricultural soils.... Consequentially, mineral extraction is an appropriate use of the property”.*

and

“G4.03.00 Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses...”. Applicant responds, *“Though the property would not make for good farming use...”.* The soil may not be perfect for farming but had been farmed at least as far back as the 1950’s when Richard and Gay Rutledge purchased the subject land and farmed it. As one can tell from the above picture, the land was producing lush green feed for cattle last summer and has been farmed for decades.

“P4.03.03 Recognize that each land use application is unique and 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”. Applicant responds *“The applicant is willing to mitigate impacts on surrounding properties by restricting hours of operations and placing intensive uses in the interior of site away from residences. Large setbacks and buffer areas are also provided”.* The applicant’s willingness to mitigate impacts is appreciated but more needs to be done as noted throughout this document. Additionally, at the February 7, 2023 Neighborhood meeting, operational days were only proposed as Monday through Friday which are now increased from Monday through Saturday. Over half of the residents in the Rutledge Ranch subdivision are elderly and retired and though its difficult to speculate, a couple may not survive another 3 years. Surly, they deserve to live their last days in peace or at least as peacefully as practical.

Injury

“Section 4.0 asks if the proposed use would be injurious to other property.” The applicant states *“The proposed use will not be injurious to other property in the immediate vicinity, nor will it negatively change the essential character of the area”.* Not true. Clearly, it will have a negative impact going from a lush farmland to a gravel mine. They do state that it will be temporary in nature, 3 years or less but during those 3 years it will without question *“negatively change the essential character of the area”.* At the end of 3 years, will the land be aesthetically restored? Will the market allow them to make good on their proposed large lot single family dwellings?

The loss of a “view”, rather it be viewed from atop the ridge or the from the residences surrounding the gravel mine to be obscured by the berm represents injury, financially and emotionally. The noise and dust generated during the mining operation represent lowered property value and lower quality of life.

Conclusion

Realizing that growth is at times a setback for some, either temporarily or permanently. I would ask that if you haven’t yet, please come out and see the area first hand and ask yourself, what would you be willing to accept if you lived here. Personally, I do not like the idea of a gravel extraction process quite literally in my back yard. For the most part, this area has evolved into a quiet residential and small operation agricultural area and there is no reason it should be anything else.

The applicant knew this was not a commercially zoned property but purchased the land on speculation. With speculation comes all kinds of risk. The most immediate risk would be the outright denial of the CUP or the risk of significantly increased costs to substantially minimize the negative impacts associated with project. If approved, please bear in mind that the nearby residents will feel very negative impacts during the extraction period. How significant those negative impacts are will depend of the effectiveness of the noise, dust, containment and aesthetic mitigations adopted by the applicant, not only during the extraction process but for years to come afterwards.

Thank you for your time and consideration.

Sincerely,

Jay Clark

Michelle Barron

From: Jessica Brodie-Carter <jbrodiecarter@gmail.com>
Sent: Thursday, February 29, 2024 12:22 PM
To: Michelle Barron; Canyon County Zoning Info
Subject: [External] Case No. CU2023-0004
Attachments: Opposition Letter .pdf

To whom it may concern,

I am submitting this letter to oppose Case No. CU2023-0004.
Thank you for your consideration
Jessica and Collin Carter

February 28, 2024

Canyon County Development Services Department

To Whom it may concern

Re: Case No. CU2023-0004

This letter is about the conditional use permit to allow a Long-Term Mineral Extraction (3 years) within an Agricultural Zoning District on approximately 56 acres to Jeff Bower and Kirsten McNeill representing AgEquity Holdings LLC. I am concerned that this large project will adversely affect the surrounding residents, homes, and neighborhoods. I live in the Taylor Ridge development which sits about 100' above the proposed site. If AgEquity is planning on drilling 60' below ground, it is possible that they might hit and break open the aquifer which provides water to our homes. If that occurs, it would cause considerable harm to all residents who depend on those wells. There is also the considerable additional noise and traffic associated with 40+ trucks daily driving in and out for 3 or more years. I'm fervently asking the Canyon County Planning & Zoning Commission to deny this permit. Or if allowed then AgEquity must be held liable to pay for new wells and provide water to any resident affected by a breach of our aquifer.

Thank you for your consideration.

Collin & Jessica Carter
22363 Rams Horn Way, Caldwell, ID.

Michelle Barron

From: John Snelling <johnphilsjr@gmail.com>
Sent: Friday, January 12, 2024 3:25 PM
To: Michelle Barron
Subject: [External] Case Number CU2023-0004

To whom it may concern,

I am writing in support of the proposed project on the corner of Channel and River Roads. I live in River Road Estates subdivision at 14360 Salmon River Road. I also lease two small farm parcels for my business one on Channel Road and one directly across from the proposed project.

I have had numerous dealings with the new owner of the property, all of them have been positive. I do not feel the project will be problematic and in the long run will undoubtedly be beneficial to the area in terms of property values. I have every reason to believe the project will be run within the parameters set out by the permit and operating guidelines.

I also feel there are over blown fears from people who are generally opposed to any development, except for the development that they themselves already live in. The fact of the matter is that this area is no longer farm and ranch land, but rather a grown together semi-urban rural residential area.

I think Canyon County can do a much better job controlling urban sprawl and protecting agricultural lands from encroachment, but this project is not the area to be concerned with that in as much as it is already no longer useable in a normal agricultural way.

Best regards,

John P. Snelling Jr.
208-841-9969
14360 Salmon River Road
Caldwell, ID 83607

Michelle Barron

From: Michelle Barron
Sent: Monday, March 4, 2024 3:10 PM
To: 'Kelly Mitchell'
Cc: 'Renee Wardell'
Subject: RE: [External] CU2023-004

Kelly,

On February 27, 2024, Canyon County Water Company was noticed about the proposed project.

As far as having a blessing from anyone, I haven't seen that, but would be a Condition of Approval if the Conditional Use Permit was approved.

Thanks,

Michelle Barron
Principal Planner
Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605
 Direct Line: 208-455-6033
 DSD Office Phone: 208-454-7458
 Email: Michelle.Barron@canyoncounty.id.gov
 Website: www.canyoncounty.id.gov

From: Kelly Mitchell <kelly@eaceng.com>
Sent: Monday, March 4, 2024 10:05 AM
To: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>
Cc: Renee Wardell <reneewardell1@gmail.com>; irr.water.3@gmail.com
Subject: [External] CU2023-004

Good morning,

Michelle, I contacted Middleton Mill Irrigation district for Public information on the parcel concerning CU2023- 004 located at 14533 River road. The neighborhood is concerned since the aggregate company indicated during a meeting in February at the site they were moving ditches as part of their mineral extraction preparation and they had spoken to the irrigation company about it and received their blessing.

Middleton Mill notified me that I needed to contact Canyon County Water Co instead (see below).

Canyon County water is not listed as having been notified by the county regarding the project.

I am wondering who Premier Aggregate has gotten a blessing from to move those ditches and which ditches they plan to move. For those of who count on those ditches for our irrigation rights we need that information.

Also, I do not believe the correct irrigation entity has been lawfully notified.

Renee, I am copying you on this so you can keep the neighborhood group apprised as not to duplicate our findings to the county.

Thank you.

Kelly Mitchell

From: Gloria Stokes <irrigation.mm.mi@gmail.com>

Sent: Monday, March 4, 2024 8:00 AM

To: kelly Mitchell <kelly@eaceng.com>

Subject: Re: Public Information

Hi Kelly,

I believe you may be looking for Canyon County Water Co.: irr.water.3@gmail.com

Gloria Stokes, Secretary

Middleton Irrigation Association, Inc.

Middleton Mill Ditch Co.

P.O. Box 848

Middleton, ID 83644

Email: irrigation.mm.mi@gmail.com

Phone: 208-585-3207

On Sat, Mar 2, 2024 at 12:50 PM kelly Mitchell <kelly@eaceng.com> wrote:

Hello,

I was trying to locate how to request public information from the Middleton Mill Irrigation District. Specifically all correspondence and associated materials concerning Canyon County CU2023-004 located at 14533 River Road, Caldwell.

I see you were notified of the CUP but see not response in the Canyon County Public Information that I have received. The applicant stated in a public meeting at the site that there had been conversations with the Ditch company about moving the irrigation ditch that runs through the property. This is concerning to those of us who use that ditch. Please let me know if you are not the intended recipient for this request.

Please do not hesitate to contact me if you have any questions or concerns

Kelly Mitchell

22701 Channel Road, Caldwell

Michelle Barron

From: Kelly Mitchell <kelly@eaceng.com>
Sent: Tuesday, February 27, 2024 11:56 AM
To: Pam Dilbeck; Michelle Barron
Cc: michael@eaceng.com; Holladay, Danica; cmwatkins12@gmail.com
Subject: [External] CU2023-0004
Attachments: 2 Legal Notification AGENCY-CHECKLIST for File CU2023-0004 - PIN 34667011 0.pdf; Irrigation Organizations with Service Areas in Canyon County _ October 30, 2006 _ idwr.idaho.gov - 20061030-Irrigation-Map-Canyon-County.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning,

After reviewing some of the information I received this morning from my Public Information Request I notice that an agency has not been notified.

The river road property is in the same irrigation district as I am on Channel Road. We pay our irrigation fees to Canyon County Water Co. not Middleton Mill Ditch/irrigation

I noticed on the 2 legal notification that you did not notify the Canyon County Water CO. regarding this project. Since there is talk of moving the East Hartley Gulch and the drainage ditch they should have been notified.

I have left a message with them to see if that is the case but you should look into it as well.

Thank you
Kelly Mitchell
22701 Channel Road

From: Pam Dilbeck <Pam.Dilbeck@canyoncounty.id.gov>
Sent: Tuesday, February 27, 2024 9:49 AM
To: Kelly Mitchell <kelly@eaceng.com>
Subject: 2.24.24 public records request

Good morning,

Our office has gathered all the responsive documents to fulfill your February 24, 2024 public records request. The files are voluminous, and thus too large to send as attachments to you, so I will be sending them to you via our county's file transfer service. You will receive two separate emails from me in the next few minutes with the files accessible with a Password that I will provide you. You will have 2 weeks to download and save the files for your future reference. Please reach out after receiving the link to the files if you have any problems.

Thank you,



Pam Dilbeck

Sr. Administrative Specialist
Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-455-5964

Fax: 208-454-6633

Email: Pam.Dilbeck@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

Development Services Department (DSD)

NEW public office hours

Effective Jan. 3, 2023

Monday, Tuesday, Thursday and Friday

8am – 5pm

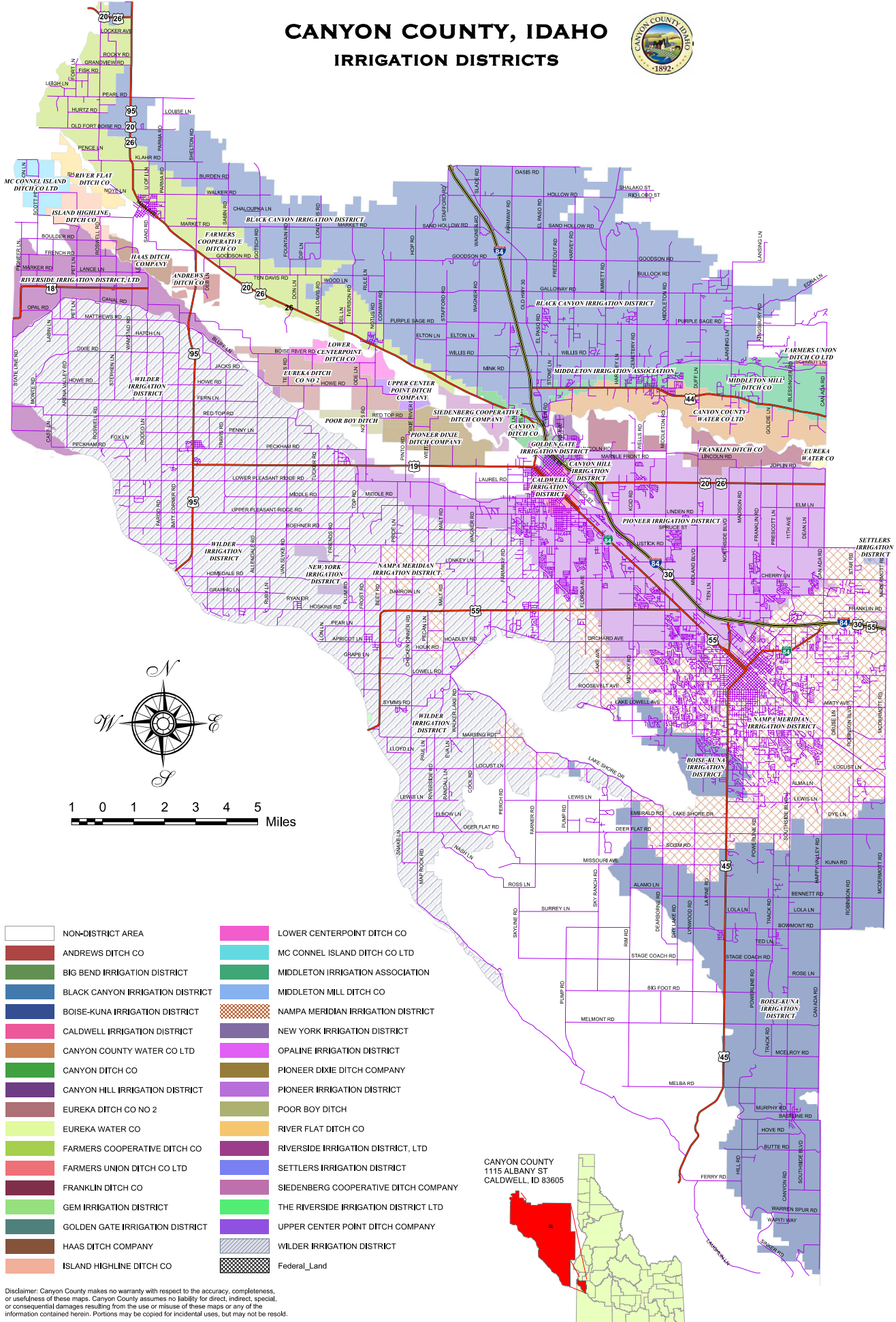
Wednesday

1pm – 5pm

**We will not be closed during lunch hour **

CANYON COUNTY, IDAHO

IRRIGATION DISTRICTS



- | | | | |
|--|----------------------------------|--|---------------------------------------|
| | NON-DISTRICT AREA | | LOWER CENTERPOINT DITCH CO |
| | ANDREWS DITCH CO | | MC CONNELL ISLAND DITCH CO LTD |
| | BIG BEND IRRIGATION DISTRICT | | MIDDLETON IRRIGATION ASSOCIATION |
| | BLACK CANYON IRRIGATION DISTRICT | | MIDDLETON MILL DITCH CO |
| | BOISE-KUNA IRRIGATION DISTRICT | | NAMPA MERIDIAN IRRIGATION DISTRICT |
| | CALDWELL IRRIGATION DISTRICT | | NEW YORK IRRIGATION DISTRICT |
| | CANYON COUNTY WATER CO LTD | | OPALINE IRRIGATION DISTRICT |
| | CANYON DITCH CO | | PIONEER DIXIE DITCH COMPANY |
| | CANYON HILL IRRIGATION DISTRICT | | PIONEER IRRIGATION DISTRICT |
| | EUREKA DITCH CO NO 2 | | POOR BOY DITCH |
| | EUREKA WATER CO | | RIVER FLAT DITCH CO |
| | FARMERS COOPERATIVE DITCH CO | | RIVERSIDE IRRIGATION DISTRICT, LTD |
| | FARMERS UNION DITCH CO LTD | | SETTLERS IRRIGATION DISTRICT |
| | FRANKLIN DITCH CO | | SIEDENBERG COOPERATIVE DITCH COMPANY |
| | GEM IRRIGATION DISTRICT | | THE RIVERSIDE IRRIGATION DISTRICT LTD |
| | GOLDEN GATE IRRIGATION DISTRICT | | UPPER CENTER POINT DITCH COMPANY |
| | HAAS DITCH COMPANY | | WILDER IRRIGATION DISTRICT |
| | ISLAND HIGHLINE DITCH CO | | Federal_Land |

CANYON COUNTY
1115 ALBANY ST
CALDWELL, ID 83605

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Michelle Barron

From: lannie hodges <hodgeslannie@gmail.com>
Sent: Sunday, March 3, 2024 1:59 PM
To: Michelle Barron
Subject: [External] Development of the Wallace property at the entrance to the Canyon

I am writing this in opposition to the proposed development of this property and the excavation thereof. My parents and me moved to the property 22924, where River Road meets Hwy 44. I live just around the so called corner on Hwy 44. My address is 14248 SH-44, Caldwell ID 83607. I have lived at my current address since 1978. When I moved to 22924 River Road with my parents it was 1963. My mother still lives there and I take care of the property. The argument that the the property to be developed was not useable as agriculture is untrue, for years used it has been used to raise corn, pasture and baled for hay. This was when the owners in the sixties, the Rutleges, used it this way. They also raised cattle as did the Wallace's, and they also used it for pasture and hay. Wallace's also had a company who had gravel pits throughout the valley, but never on this place where they lived. Historical matters come into view when wagon trains from the Oregon trail crossed over canyon hill where the cemetery is and came down near this property at the north end of canyon hill and crossed the Boise River at the old Iron Bridge, so they could be on the north side of the river. Thousands came through this canyon. Then we had a electric trolley company that traveled through the valley. Middleton, Star, Eagle, Caldwell, Nampa and back to Boise. This trolley crossed the Boise river on the west edge of Curtis Park. The concrete bridge abutments are still in the river and Caldwell a few years ago wanted to build a pedestrian bridge over the abutments to Curtis Park. The trolley continued on where the current green belt is going into Caldwell. Another thing that is historic is the Iron bridge put in the 1920s. This bridge was the only way west to Oregon and Washington from southern Idaho till the interstate went in in the sixties. Our Canyon County was named after this Canyon. As far as wildlife is concerned countless number of Canadian geese use this property to hatch and raise their young, you can see this from River Road each spring. Countless number of deer, racoons, skunks and many small animals live on this property for access to the river. For Centuries they have lived their. As a kid my brothers and me would explore the Canyon and the caves and cliffs there where we found many arrow and spear heads, that were from native Indians who at one time lived up a down the river and this canyon. It's too bad that this property can't be preserved by either the county or city of Caldwell to be used by the public and to preserve the history and the nature of this land. I hope this doesn't fall on deaf ears. For the developers are destroying the Boise valley with uncontrolled development turning farms into houses. Traffic is a big concern and my driveway empties onto Hwy 44. It will be years, before the State comes up with a good plan for Hwy 44. There is too much traffic right now before more homes are added, not to mention dump trucks tearing up the two roads surrounding this property. This becomes a cost to the county repairing and replacing the pavement. I not only speak in this matter for me, but for my mother who lives in the same place on River Road. I hope you read this and consider what I have written, thanks Lannie Hodges Sent from my iPhone

Samantha Hammond

From: Larry Elkins <l elk ins@ecsmithinc.com>
Sent: Tuesday, May 2, 2023 9:05 PM
To: Samantha Hammond
Subject: [External] Case # CU2023-0004, 14533 River Road, Caldwell

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Samantha:

I'll be providing several comments regarding why the referenced proposed gravel operation at 14533 River Road should be rejected in the future but I thought it would benefit you to visit the site now so you can see first hand one of the many concerns that will impact the river and our area. The Boise River isn't even at flood stage but your visit will show you how much of the river water is backed up into the project location. You will also see how the existing stream and drainage ditch is at capacity and will most likely be made worse by their proposed diversion and rechanneling. In the past, the water at times has actually covered the proposed gravel operations site all the way to River Road on the northside. You should also consider that filling the site to elevate the future building pads will displace the high water and flood water to other properties to be determined which would also have a big negative impact.

I strongly suggest you drive by the site while the water is flowing at its current levels. If you have any questions or require additional information, please feel free to call me.

Thanks,

Larry Elkins
(208) 899-6518
22702 Clearwater Drive
Caldwell, ID 83607

Archived: Wednesday, January 17, 2024 7:57:08 PM

From: [Larry Elkins](#)

Mail received time: Sun, 7 Jan 2024 16:37:24

Sent: Sun, 7 Jan 2024 23:37:15


To: [Michelle Barron](#)

Subject: [External] Larry Elkins Comments for Case No. CU2023-0004 - AgEquity

Importance: Normal

Sensitivity: None

Attachments:

[Public Comment-Case No. CU2023-0004 AgEquity-Elkins 1-7-24.pdf](#) 

Hi Michelle:

~

Please find attached my comments regarding the application for a use permit for the gravel extraction operations on River Road. I apologize for the length but found it necessary to convey some of the major issues with the project. I fear its length will discourage people from reading it, but I hope that is not the case. Please acknowledge receipt of my comments and that they will be included for consideration in the February 1st hearing. Unfortunately, I will be out of the state and won't be able to attend. Feel free to contact me if you have any question or comments.

~

Thanks,

~

~

Larry Elkins

(208) 899-6518

~

Lawrence Elkins
22702 Clearwater Dr.
Caldwell, ID 83607
(208) 899-6518

January 7, 2024

Canyon County Planning and Zoning Commission
Attn: Michelle Barron, Principal Planner
111 North 11th Avenue, #310
Caldwell, ID 83605

RE: County Case Number: CU2023-0004
Ag Equity Application for Use Permit

Dear Commissioners:

Please accept this letter as my request to permanently deny the use permit application referenced above for a gravel extraction operation at 14533 River Rd., Caldwell, ID. After attending the onsite meeting held on February 7, 2023 by the applicant, reviewing application and documents provided by various agencies, the following are reasons for this denial:

1. The gravel operation will create uncontrollable dust and noise. There is not a defined berm height on the plans and the proposed berm around the project will not mitigate dust or noise. We can currently hear the freeway, gun range and train from the other side of the bluff that are several miles away. The berm does not mitigate the noise to the nearby homes or the homes located on the bluffs above the site on each side of the river.
2. Dust is proposed to be mitigated by using magnesium chloride applied to their haul roads only. It's water soluble so when it rains, it degrades. It also breaks down with use. Who will enforce the continual application of this product? It will not be placed around the processing area so there will be no dust mitigation for material processing which is the largest generator of dust. It also won't mitigate the dust during the construction of the berms and other site improvements.
3. They propose limited operations for mining from 7:00 am to 7:00 pm, Monday through Saturday. This is not very limited. Finally, in the Land Use Worksheet, the box showing where water will be obtained from is left blank. Does this mean that they will not be using water for dust control or in their crushing operations? Will they be obtaining and discharging their water legally? This should be clarified.
4. They said at their required neighborhood meeting in February, 2023 that there would be up to 1,000 truck trips per day coming and going to the site up to six days per week for up to 3 years. This contradicts the claim of only 40 trucks per

day in the permit application. This could make one question whether the applicant has purposely understated the amount of truck trips to minimize the scrutiny of the damage they will do. Their calculations on the number of daily trucks is questionable. Their application claims the existing roads are adequate for the gravel pit operations. This claim is highly disputed. The letter from the Hwy District addresses these issues also. What's to stop them from running more than 40 trucks per day? There are no monitoring or enforcement measures in place.

- a. River Road and Channel Road are not designed to handle that amount of truck traffic. The Hwy district addressed this issue but inadvertently placed most of their emphasis on River Road. Channel Road should also be included in this assessment. Who's going to track and pay for the road damage caused by the gravel pit truck traffic?
 - b. Traffic impact on Hwy 44 with no turn lanes or signal will be very hazardous. The letter from IDT said several project details were not provided to them, therefore, they could not provide an assessment. The information they require needs to be provided to them so they can submit their traffic impact assessment of the intersections of River Road, Channel Road and Hwy 44. This should be a joint assessment between the Hwy District and IDT. At a minimum, this should be required to be submitted prior to any approval vote of this project.
 - c. The application states that the site is only 1 mile from I-84 which leads one to believe they intend to use River Road from to the south towards the old Hwy 30 bridge as one of their haul routes. The road is curvy and trucks will have to cross the double yellow lines to travel that direction. The Hwy District has recommended that no trucks be allowed to haul on this road which will have a much greater impact on River Road to the north and Channel Road.
 - d. Both River Road and Channel Road are frequented by pedestrian and bicycle traffic. The roads are narrow and have minimal or no shoulders. The trucks from the gravel operations will provide additional hazards for both pedestrians and bicyclists.
5. Their application claims there will be no negative impact on local schools, police and fire protection. The additional truck traffic will back up access to Hwy 44 at Channel and River Roads. The potential for accidents will greatly increase as slow trucks are entering 55 mph traffic on Hwy 44. In addition, trucks will be stopping in the lane to turn off of Hwy 44 onto River and Channel Roads leaving the potential for additional accidents. This could significantly delay school buses, police and fire protection vehicles.
 6. The project site is zoned agricultural which permits mining operations with a conditional use permit, but the adjacent properties are zoned residential (R1) which is not compatible to the operation. The surrounding neighborhood has evolved into a more residential area with several larger parcels with livestock and crop operations and is not suitable for the proposed gravel pit. Not just the River Road Estates but other houses on River Road, Channel Road and the houses on the bluffs on each side of the river will be impacted.

7. There is an existing house that is about 100 feet from the proposed scale. There are several others in very close proximity that will have unbearable impacts caused by the gravel pit.
8. The City of Middleton is already a traffic jam. What will an additional 40 trucks per day look like? Or the 1,000 trucks as stated by the applicant in February, 2003.
9. The project is adjacent to Curtis Park which will degrade the use of the park. Will the gravel operation be an attractive nuisance to the people including curious kids? How will the dust and noise impact the users of the park?
10. Gravel material will inherently fall off the loaded trucks in addition to mud and debris tracking down the road on their tires will be an issue. Their proposed entrance debris mitigation is minimally effective. For proof, drive by any existing gravel operation or construction site that has one in place to see what happens in real life. This is made worse when conditions are damp or wet during the winter months.
11. The proposed gravel extraction area is in the flood plain. The area has historically flooded all the way to River Road and even as recently as last spring, the Boise River water was well up into the project area even though the river never reached flood stage. Photos of the area from last spring are attached. The flood plain assessment completed by the County is incomplete and non-conclusive. The hearing letter states there is flood plain information attached to the letter but is not in the hearing package. It is also very vague and makes no findings or recommendations. It suggests that the study be performed after the project approval but before the beginning of excavation. At this point it is too late. A complete review by the Army Corp of Engineers and other independent agencies is in order to fully analyze the impact the project will have on the Boise River and the surrounding flood plain. Finally, the following items should be considered:
 - a. They're proposing approximately 500,000 CY of fill to elevate the proposed building sites. Where will the water that currently floods on the property be displaced to? Will it increase flooding in other areas up and down stream?
 - b. Will the weight of the 500,000 cy of fill displace the ground water and cause it to back up to a higher elevation on the adjacent properties. One gentleman at the meeting on February 7, 2023 said he lives just two parcels away and has a basement that is subject to flooding when the water table rises. Will this cause his basement to flood?
 - c. What if the area floods when there is equipment on site? Won't that cause petroleum, sediment and other pollution to enter the Boise River?
 - d. The proposed berm will not stop flooding. There are several drainages that travel through the property and discharge to the Boise River from the property. Those drainages cannot have berms placed across them so the water will back up onto the property at those points.
 - e. Will channelizing the Boise River with a berm accelerate the water during high river flows? Will that cause erosion on River Road as the river makes

the turn. Will the accelerated, displaced water cause additional damage and flooding on the other side of the river? How will it impact the nearby existing irrigation diversions? Will the berm construction material be washed into the river during high flows and clog the river? What other impact will it have?

12. They claim to be disturbing less than $\frac{1}{4}$ acre of wetlands but considering they are diverting the creek running through the property and other drainages, this estimate is likely to be low. Not to mention the swampy area closer to the river and other drainage areas. Just by observing the property from River Road, it is very easy to assume there is more than $\frac{1}{4}$ acres of wetlands that will be disturbed. One could reason that the applicant purposely underestimated the amount of wetlands being disturbed to avoid doing a wetlands study and avoiding permitting requirements by the agencies that regulate wetlands. A complete wetlands evaluation and study should be completed by an independent agency prior to any consideration for approving this project.
13. If the area does flood, will fuel, oil and other contaminants from the flooded equipment be spilled into the river?
14. Provided in the hearing information package, the Idaho Department of Lands has provided a letter conditionally approving the project reclamation plan. It's addressed to Crimson Bridge Holdings in Meridian. Is their approval intended for this project? The actual reclamation plan, if one was prepared, was omitted from the information package making it incomplete and not subject to public review. The Developer said at their February 7, 2023 meeting that they would be building houses around the ponds that will be remaining as a result of their excavation and suggested it would raise the adjacent property values. There is nothing in this application that would require the construction of any homes. The only residual infrastructure shown in their application will be the ponds, berms, diverted creek and other remnants of the gravel pit. The claim that their development would improve nearby property values is highly unlikely. The remaining ponds would most likely become stagnant which in itself could cause odor, mosquitos and other health hazards. There are no provisions for providing water circulation or anything else for the ponds. In other words, the ponds could become a public nuisance. A completed reclamation plan should be made part of the public hearing package so the public can have the opportunity to review and make comments. In addition, no approval of the project should be made without a thorough consideration of the plan or lack thereof.
15. They are requesting a permit for 3 years under this application, but there is nothing to prohibit requesting an extension of their permit if approved. Certainly an extension would be a much easier process to get approved considering the precedence the previous permit set. That could turn 3 years of the gravel operation into how many years?
16. The proposed gravel extraction, crushing and processing operations will significantly impact and degrade the quality of life of its neighbors for several miles surrounding the site. The requirement to only notify individuals living within 600 feet of this project and posting a small non-descript sign along the road is not adequate. A project of this magnitude and the truck traffic created by it

impacts the community for several miles around. The houses on the bluff above the project that are more than 600 feet away and don't drive on River Road very likely won't know about the project until their quality of life is greatly impacted by the dust and noise of the working gravel pit. People driving on Hwy 44 that don't drive down River Road would be greatly impacted without notice. Not to mention the people living on Hwy 44. It appears that the applicant has met the County notification requirements but in this case, they are very inadequate for a project impacting such a large geographical area.

17. According to the application, no fencing will be installed around the project site. This would be a safety issue because during the gravel excavation and after, the residual ponds left after the operation shuts down are a natural attractant to kids and adults alike. Being in the vicinity of Curtis Park and River Road that are both frequented by the general public will not have protection from the ponds. The ponds will most likely not have standard sloped banks. Steep banks don't allow for safe exit of animals or people creating a drowning hazard.
18. The original planner, Samantha Hammond, told me last spring that the project was located within the sphere of influence for the City of Middleton. In addition, the City of Caldwell was also in the area influenced by the project. There are comments from the City of Caldwell but not the City of Middleton. If Samantha Hammond provided incorrect information, wouldn't it be prudent to ask for the input from the City of Middleton anyway based on the traffic impact they will have from approval of this project? Was this an omission or were they given the opportunity to comment and failed to respond. A list of every agency that was notified and whether they responded or not should be an attachment to every use permit application.

Should you decide to approve this conditional use permit, the following requirements, at a minimum, should be included in the conditions of the permit:

1. Limit operations from 8:00 to 5:00, Monday through Friday.
2. Require the applicant to construct a signal at the intersection of River Road and Hwy 44.
3. Require the applicant to post a bond in the amount sufficient to cover the cost for the complete reconstruction of River Road and Channel Road. The actual amount of road repair required can be determined at the time the reclamation plan is implemented. The applicant should be required to fund the interim road repairs deemed necessary while the gravel operations are active and the needs should be closely monitored and dictated by the Hwy District and IDT.
4. The applicant should be required to submit reports on the actual number of daily truck trips and damages assessed if more than 40 trips per day occur.
5. A sound wall should be constructed between the neighbor adjacent to the scale and access road of the project and the scale.
6. All berms must be constructed higher than the tallest piece of machinery used on the site.
7. A safety fence should be installed around the entire operation.

8. Applicant should be required to clean River and Channel Road at a minimum of daily should any offsite tracking occur.
9. Army Corp of Engineering should review the project prior to any ground disturbance.

The application appears to be vague and several pieces of key information have been omitted, either on purpose or inadvertently. It also appears to understate several key components of the operation that would be detrimental to the surrounding community and circumvent the requirements for other jurisdictional reviews. Mineral extraction operations are important to the community, but the location of this project is not appropriate or a good choice. This project would benefit very few at the detriment and expense of the whole community. A conditional use permit for this project should be denied for the aforementioned reasons.

If you have any questions or require additional information, please contact me.

Regards,

Lawrence Elkins



Arrows show standing water in project area in April 2023 as seen from River Road. It is very likely that other standing water exists but was not visible without trespassing. Note that the Boise River was not at flood stage. Also note how flat the parcel is and is prone to further flooding as the river rises.

Dear Canyon County Planning Commission,

I would like to make a few comments regarding county case number 2023-0004. As a 6th grader living in Eagle I appreciate the quiet livestock neighborhood not too far away that I can take a break in (where my grandparents live) next to the gravel pit that is to be constructed, however, I fear the trucks (from the new gravel pit) will clog the roads and create lots of noise that will disrupt this calm, quiet, serene area. This disruption could make people angry enough to send many complaints to you. Furthermore, the agencies that are to investigate and inspect these areas are being told that there is less than one fourth an acre of wetland. This is a lie. The river annually swells and there is much more than one fourth of an acre during this season. Speaking of rivers and flooding, the gravel pit builders are going to divert the river away from the pit, but doing so may flood the neighborhood during springtime causing not only lots of problems for everyone living there, but also put animals and people's lives at stake. Another thing: The depletion of vegetation in the area will allow dust to spray consistently throughout Canyon County. Finally, there are many other places that will affect the environment and people much less that are also prime locations for a gravel pit. I respectfully ask you to look further into this matter and write to me about any conclusions you have come to. I live on 1037 N. Chastain Ln. Eagle, ID 83616.

Sincerely,

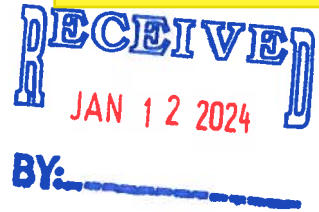
Lila McGehee

RECEIVED
▶ JAN 10 2024 ◀
RECEIVED

Michelle Barron

From: Lon Saxton <lonsaxton48@gmail.com>
Sent: Friday, March 1, 2024 8:04 PM
To: Michelle Barron
Subject: [External] Case #CU2023-0004

We are opposing the gravel pit project on River Road !! They will be drilling down 60ft , which will be getting into the same aquifer that our wells are in. Needless to say it could dry up our wells and we would have no water. We also don't like the idea of listening to pounding for 12 hours a day at 170 db, that will be loud. Also the amount of traffic they will be putting on the already busy highways !!! Lon&LaRae SAXTON 22307 Big Loon Way, Caldwell



Marcia Morman
22142 Jeanne Dr
Caldwell, ID 83697

RE: AgEquity Holdings, LLC
Conditional Use Permit
Gravel Extraction and Processing
14533 River Rd | Caldwell ID
R34667011 & R34668

Canyon County Board of Planning and Zoning,

Greetings,

Rio Vista Sub Division has 65 homes. Rio Vista is one of at least three sub-divisions that would be affected by a gravel extracting and crushing operation if allowed to activate on River Road. I live in Rio Vista sub division.

If it seems harsh of me, I apologize, but I don't want to listen to the grinding of gravel being extracted and crushed for three years. I don't want to have to breathe particulates from the stones and rocks for three years. I imagine everyone of my neighbors feels the same way.

I can think of one person who might disagree. Jon Brennon, listed on Idaho's Secretary of Business webpage as the principal of AgEquity Holdings, LLC. He lives in Glens Ferry, Idaho. Glens Ferry has a lot of rock in the surrounding area, but my guess is that Jon did not build his home next to a gravel crushing operation. I may be wrong, but I would bet I am right.

Consider our residents at Rio Vista subdivision, many are retired and are home all day long. Others work from home. A few are stay-at-home parents.

Mr. Brennan has graciously offered to extract rock only 6 days a week, 12 hours a day. One day every week, he sets aside. Magnanimously, we would be given a reprieve from all the noise and the dust on Sundays.

Mr. Brennan states in his application for a conditional use permit that he will mitigate the noise with berms.

Sound is a science unto itself. How can a "aloo" from a small child echo throughout a canyon?

Amphitheaters and buildings in Europe were built to capture sound and thrust it out so hundreds of people sitting to the left, to the right, and to the center of the orator could hear speeches and plays performed many yards distant.

My family lived in a house sitting on a bluff above Hwy 95. The sound from cars and trucks passing below boomed up the bluff and magnified into such a roar that in the summer time, if our windows were open, we couldn't hear each other talking.

And who hasn't sat in a boat on a lake and listened to strangers on the shore, many feet distant, converse?

All the residents in Rio Vista Sub Division can hear the shots from the Gun Range located several miles away. Inside and outside of our homes!

To think that berms, elevated or not, built within the 50 plus proposed acreage is going to keep the sound of raucous machinery and grinding rocks from carrying up the side of the granite bluffs that run along River Road and propell the noise into our neighborhoods is absurd.

We want to preserve our peace and quiet!

Dust, Dirt and Particulates

Many of our people have severe lung issues. As one ages, the lungs often degenerate. Why must we have to give up fresh air so that another party can profit from extracting and grinding gravel? Many people are still suffering from Long-Term COVID which damaged lungs. My daughter already had asthma before she got double pneumonia from COVID. Do we have to go three years before she can come for an extended visit because of one party that wants to make money extracting and grinding gravel?

The applicant has offered magnesium chloride as a mitigant. To think that the use of magnesium chloride, will eliminate all the nasties we will breathe from the **continuous** grinding and hauling of gravel, again, borders on the absurd.

In the application for the conditional use permit the applicant states that it will promote economic diversity in Canyon County. Further, he claims that the extraction of gravel will support Idaho's unprecedented growth and development. So, in other words, Mr. Brennan implies that it is good for Canyon County and it is good for Idaho.

I disagree.

If someone needs the gravel for a new home (new homes in Canyon County range from the low end of \$400,000 to a high end of several million) then they can buy gravel from a gravel pit located farther away from residential homes. They may have to pay a little more for the gravel to be hauled a longer distance, but their costs shouldn't be placed on our backs, sacrificing our peace and our health, for their savings.

The applicant does not satisfy the Goals and/or Policy of the Comprehensive Plan.

In each of the sections addressed by the applicant in the application, Mr. Brennan side steps the intention of the Comprehensive Plan by implying the issue of granting the conditional use permits hangs on the fact that the land in question is not the highest quality agricultural land – good agricultural land, but not the best. Therefore, in his opinion, the use permit should be granted.

Mr. Brennan completely sidesteps the meaning and goals of zoning as stated in each of the Sections G4.01.00; G4.02.00; G4.03.00 (and elsewhere) of Canyon County's Comprehensive Plan.

That goal is that the conditional use permit is granted if it is compatible with the current use.

This gravel pit proposal is not to locate in a wide open agricultural area.

The proposal drops an extraction and grinding operation in a populated residential area. Amongst people. Amongst people who will pay the price for the operation and gain nothing in return.

There are at the minimum three subdivisions that will be affected in addition to a smattering of individual homes.

Stated in the county's zoning plans is that conditional use must meet the county's goals within the proposed area including "protects public health and safety"; "ensures that growth maintains and enhances the unique character throughout the county"; "supports the livability and high quality of life as the community changes over time".

In other words, the goal of zoning is that all of the uses within a particular zone are similar and share the same values.

To grant a conditional use permit to a gravel extraction and grinding operation in our neighborhood will overlook all of the above compatibility goals of zoning: the goal to protect public health and safety; the goal "to support livability and high quality of life"; the goal of "develop land in a well organized and orderly manner while mitigating or avoiding incompatible uses"; the goal of "maintaining and enhancing the unique character" of our particular neighborhood; and the goal of "protecting (our) private property rights".

Mr. Brennan's LLC took the risk of purchasing property that isn't zoned for his intended purpose – but would require a conditional use permit. Businesses do take risks.

If AgEquity Holdings LLC is not granted a conditional use permit, then, more than likely, they will find another project. This surely is not the company's only project. Furthermore, it is not our responsibility to look after their company.

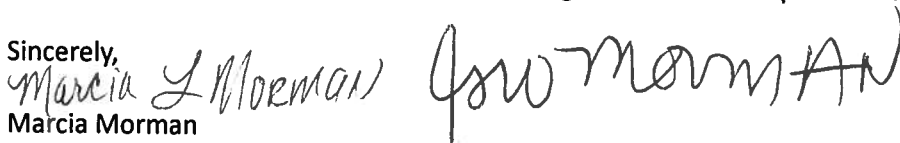
If they are granted conditional use permit, it's a different story for the community's residents. We cannot easily uproot our families, and pack our belongings to move to a safer (healthwise) and quieter community. And even if we could, the resale value of our home would be negatively affected by a gravel extraction operation in the neighborhood.

The neighbors quality of life and health would suffer if the conditional use permit is granted.

It seems rude to say, "We were here first." But, we were here first.

If a gravel extraction and crushing operation were here first, then many of us may have made a different choice about the homes we purchased. Now, we are here. To be made to swallow the consequences of one LLC's desires of turning a profit when we benefit so little and have to pay so much (in health, in giving up quiet and peace, and in home value), seems to me a lot to ask. So, my husband and I are asking that you deny the conditional use permit for a gravel extraction operation on River Road.

Sincerely,
Marcia Morman
Marcia Morman
22042 Jeanne Dr



Caldwell ID 83607
(208) 597-5409

GW Morman
22042 Jeanne Dr
Caldwell ID 83607



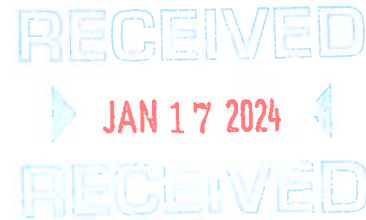
RE: Givens Pursley LLC

Gravel Pit Application

CUP for gravel pit & processing in AG zone

Case Number: CU2023-004

Parcel: 14533 River Road, Caldwell, ID



To: Michelle Barron, Principal Planner

I am writing in order to present questions and concerns in the matter of issuance of a conditional use permit for 14533 River Road, Caldwell, ID. - Case Number CU2023-0004

As a neighbor to the property of the proposed use permit, and having read the background to the application, I have the following questions:

1) can a traffic impact survey be required prior to issuance of the permit? The threshold (as I understand it) would be impact over 500 trips per day. The applicant states an anticipated use of 40 trips per day to/from the quarry. The nature of River Road and its entrance onto highway 44, as well as the likely total unusability of River Road for quarry truck (hauling) traffic to the south on River road, make the impact to River Road significant. Our subdivision (River Road Estates) has only one entry/exit and this is onto River Road. The volume of 40 trucks per day is probably not an issue for us in the subdivision except for the delays that will be likely in getting onto Highway 44 due to the amount of traffic on Highway 44 during most of the day, especially during weekdays. It is difficult for us (in our private use) to get onto Highway 44 when pulling a trailer. Wait times to turn west-bound can be up to 10 minutes. With large trucks and trailers, this will certainly (based on our 4 years experience) create significant difficulty in terms of backed-up traffic or foolish decisions due to frustration in getting onto the Highway by the applicant's truck drivers or private parties delayed so much by traffic.

2) how can the estimates of the applicant be monitored over the 3 year lifetime of the conditional use permit? Relatedly, if the truck traffic, noise reduction methods, air quality (dust abatement) and other remediations mentioned as considerations for granting the permit are not followed, underestimated, etc., what is the possible remediation? In the public meeting with representatives of the applicant last year, the traffic estimates provided were an order of magnitude higher than the 40 trip estimate in the conditional use permit request materials. Which is going to be more accurate?

3) if the conditional use permit is granted, can a development agreement be appended to ensure the state of the land affected by the operations of the quarry are stated and met? i.e. Guarantees of restoring the land via home development as stated by the applicant in the public meeting? Or restoring the land to pasture after operations have

completed? These should be necessary requirements of approving the conditional use permit in order to allay the concerns of so many potential problems from the use of this property as a gravel quarry/processing site.

There are other concerns regarding impact to the area's significant wildlife populations, impact to the Boise River (adjacent to the property of the conditional use permit), and noise impact to a rural residential adjacency. These issues are not addressed accurately or satisfactorily in the documents submitted by the applicants in my assessment.

I ask that these considerations be part of the process and I'm happy to bring them up at the public hearing. I understand that each participant will have limited time (3 min) to speak in the meeting. I ask that I be added to the agenda/list to speak in opposition to approval of the conditional use permit referenced in this letter and the subject line.

Thank you,

A handwritten signature in black ink that reads "Michael Jensen". The signature is written in a cursive style with a large, looping initial "M".

Michael Jensen
14340 Salmon River Road
Caldwell, ID 83607

January 13, 2024

Canyon County Development Services Department
Attn: Michelle Barron
Via Email: michelle.barron@canyoncounty.id.gov

RE: Case No. CU2023-0004

Michelle Barron;

I am writing in regards to the above referenced Case No. for a conditional use permit for long term mineral extraction at 14533 Channel Rd; Caldwell, ID 83607. I am a Canyon County resident located approximately ¼ mile from the proposed gravel pit site.

I apologize for my late submittal of comments, however, I was not able to obtain the project documents at the website noted on your project announcement flier. I did come by your office on Thursday this week to pick up copies of the project documents. To begin, I have several concerns with the project application paperwork that was submitted – there appears to be errors with this information and I believe your office needs to ensure that the project information is accurate prior to making a land use decision.

In the letter of support by Mr. Jeff Bower, the chart prepared to show that the project is consistent with and supports the Canyon County Comprehensive Plan indicates that the soils on the project site are not prime agricultural soils. I have attached two documents from the Natural Resources Conservation Service that indicate the soils are prime farmland soils and in fact are only fair sources of minerals for mining. In my experience, the Moulton Loam soil series, as I have on my property is an excellent soil for pasture or hay production.

The support letter goes on to mention that the “property would not make for good farming use”. I believe Mr. Bower is mistaken in this assumption, as the land has been utilized for productive agricultural uses for many years. The previous landowner ran a cow/calf herd on irrigated permanent pasture on this land. This land is currently and has historically been production agriculture land.

Mr. Bower’s support letter, in Section G4.05.00, states that the soils are poor for agriculture, referencing a large scale map in Figure 1. I believe that the site specific information that I have supplied here from the NRCS soil survey refutes the data that he utilized in his letter.

In the Project support letter, it is stated that “the proposed use will not be injurious to other property in the immediate vicinity, nor will it change the essential character of the area.” This does not appear to be a fair or scientifically backed assessment of the project effects on the immediate area.

On the Land Use Worksheet provided by the applicant it is marked “None” for irrigation water provided – the site does actually have surface irrigation water provided by the local irrigation district. For sources of surface water on or nearby property, the applicant marked ditch. I want to

be sure that County staff and officials understand that the site has an irrigation supply ditch, as well as East Hartley Gulch and West Hartley Gulch running through the property.

On the Site Plan there is a temporary scale shown. That scale has already been installed, which implies this project has received some type of county approval for the development of the site. If that is not the case, the Site Plan should be amended to indicate that the scale is existing. East Hartley Gulch is not shown on the Site Plan and should be identified as it is a significant waterway. East Hartley Gulch is actually the spill from the irrigation lateral, as well as field and subsurface drain water from the area NE of the project site.

I assume that the project applicant will be resubmitting amended project application documents to address some of these errors or oversites in the initial submittal. A postponement to allow the applicant to address these issues would then allow staff, elected officials and the public to make informed decisions related to this project.

When the applicant is resubmitting the documents, I have several concerns as a neighborhood resident that I would like to see addressed. Although the following is not an exhaustive list of my concerns with this project, I do believe that it will provide a basis for the applicant to begin addressing some of them.

Water quantity and quality will likely be affected by this project and I would like to know what mitigation measures Canyon County is proposing to require for this project. Myself and many of my neighbors utilize artesian water throughout the year, but especially during the winter months to supply freeze proof water systems for our livestock. In my case, this watering system was already installed when I moved to the neighborhood, although I have further modified the system. With the excavation of the pits for this project, will that in anyway effect the existing upstream artesian water supplies? This may be something that needs to be addressed by a private or state hydrogeologist but is certainly a big concern for those of us in the neighborhood. I am also concerned with the final disposition of East Hartley Gulch through this project site. If the applicant proposes to reroute such a significant drainageway, it seems that would have to have approval from our irrigation district, drainage district and the Army Corps of Engineers. If the applicant does not propose to reroute East Hartley Gulch, how do they propose to protect water quality in East Hartley Gulch through their project site? The site plan submitted by the applicant shows a discharge to the Boise River from the project site after a temporary settling pond. In Spring 2023, that area of the project site was under flood waters from the Boise River, it seems as if that treatment prior to discharge may not be adequate considering the site conditions.

I am concerned with the noise and traffic associated with the development of this project. I am concerned that the mining operation's noise, especially from the crushing and screening operations will have an effect on my family and livestock. The proposed berm construction mitigation measure will not adequately suppress the noise in the neighborhood, especially for the homes on the bluff south of the project site. Our neighborhood currently has the sound level associated with any other small acreage ag land. Currently the neighborhood noises consist of cows or horses wanting to get fed or a neighborhood dog excited about someone out for a walk. The sounds associated with a gravel pit, crushing aggregated and screening aggregate, as well as the truck and equipment noises don't belong in our neighborhood. Channel Road and River Road already have significant traffic levels with commuters bypassing busier routes to take the shortcut to Caldwell. The last thing we

need in our area is more traffic associated with a gravel pit. Other gravel pits in the area typically have approaches directly onto State Highways like 44 or 26, not rural roads in neighborhoods. The intersections at River Road and Channel Road with Highway 44 are already a little treacherous during commute hours – I can't imagine trying to consistently get gravel trucks onto and off of Highway 44 without turn lanes.

Many of the residents in our neighborhood have day jobs that they commute to or work at from home, but still try to supplement their incomes with ag enterprises. Our neighborhood has cattle, horse, poultry and hay operations all utilizing their land to produce ag commodities for sale in our community. The land associated with the project site has also been utilized to produce cattle on irrigated permanent pasture for many years. The Canyon County Comprehensive Plan 2030 is pretty clear that our citizens want to support and maintain the agricultural roots of our community.

P4.01.01 of the Comprehensive Plan states the policy is to maintain a balance between residential growth and agriculture that protects the rural character. Our neighborhood is the rural character this is trying to protect. Many of the parcels in our area are smaller, but we do still produce ag commodities for our community.

P4.02.01 – Consider the site capability and characteristics when determining the appropriate locations and intensities of various land uses. NRCS soil survey states the project site is Prime ag soils and only fair for mineral yield, the site has historically grown irrigated pasture to produce calves every year and the site currently contains several important agricultural surface and groundwater drains for the local ag land. The site is also in a flood zone, as shown on the attached FEMA Firmette.

P4.06.01 – Incorporate community design features that promote public health, safety and welfare. I don't believe this project in anyway supports this policy.

P4.07.01 – Plan land uses that are compatible with the surrounding community. Again, I don't believe the proposed project would be compatible with the ag land and residential land uses in the area.

P4.08.01 – Protect and enhance the rural landscape as an essential scenic feature of the County. The existing cattle and wildlife on the pasture of this site meet this policy, however, the proposed project would not. The irrigated pasture on the site provides foraging habitat for waterfowl, raptors and mammals and is a beautiful scenic feature directly adjacent to Curtis Park.

In Mr. Bower's letter of support, he mentions that the proposed project would be allowed through a Conditional Use in the Ag zone, which I understand. However, nearly everything surrounding the site is Rural Residential use and the long term mineral extraction is not allowed, even under conditional use, in those zones. Mr. Bower's support includes a statement that "Gravel and its component parts are in very high demand in Canyon County to support current and future growth in the area." which seems a noble gesture for Premier Aggregates to be willing to provide for the current and future aggregate needs of Canyon County. I do, however, have a concern that the mineral extraction nature of this project is simply a "strawman" maneuver to allow the applicant's final wish of a residential subdivision to be approved. He stated that a residential subdivision is anticipated to be the final outcome after mining. Based on his statement, I believe that staff and

elected officials need to be aware that an approval of the Conditional Use for the mineral excavation on production ag land is setting a precedent for the future approval of a residential development on prime ag land adjacent to the river. To be clear, that land is already providing ag commodities including beef cattle to Canyon County. Since this use is existing, it seems the citizens of Canyon County would be better served by retaining this land for production ag and expanding an existing riverbed pit west of 184 or east of Middleton to provide the needed aggregate resources for existing and future development in Canyon County.

Thank you for the opportunity to comment on the proposed project – Case No. CU2023-0004. I hope that the supplied comments will help staff and elected officials understand my concerns with this project.

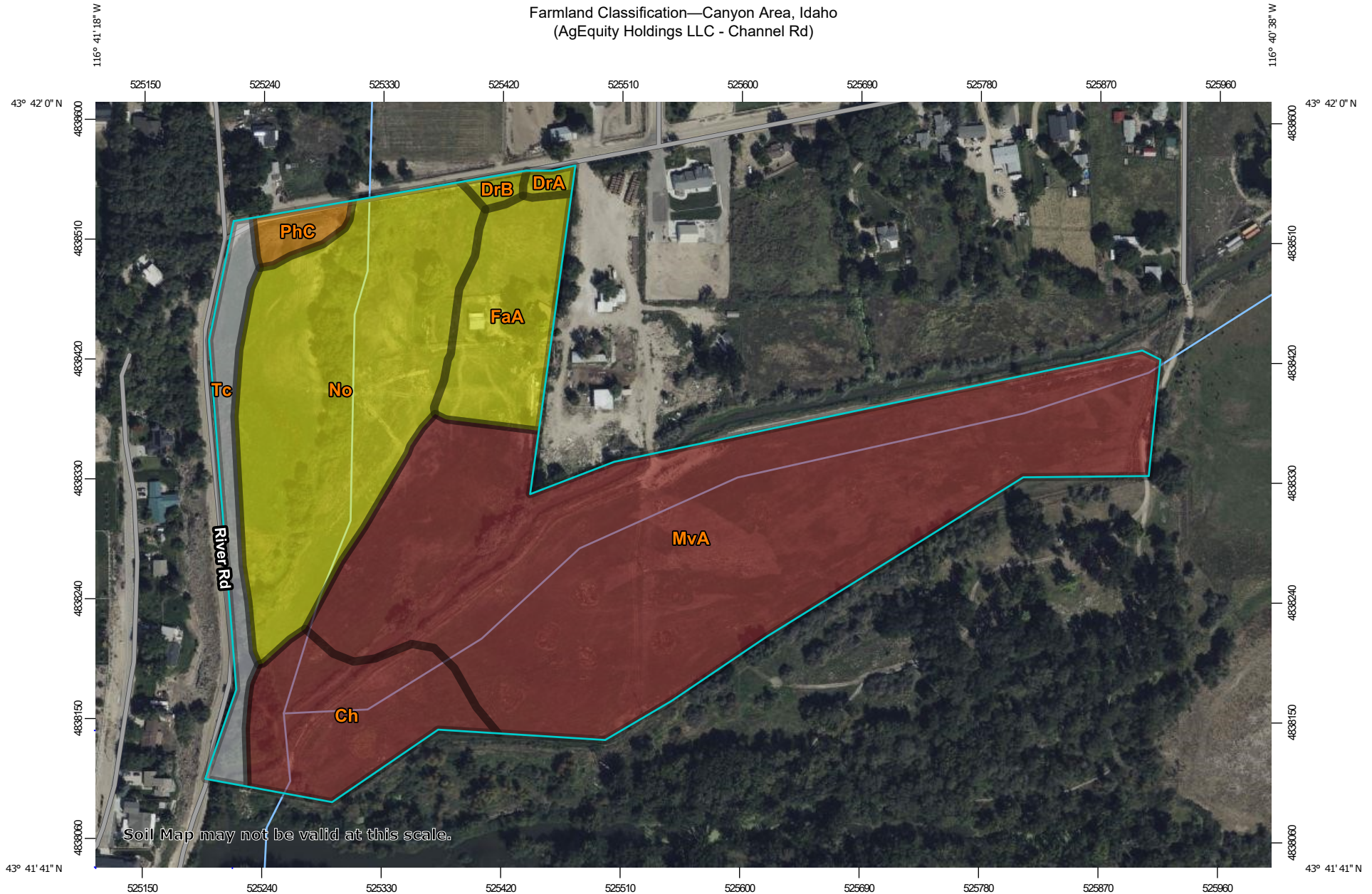
Sincerely,

A handwritten signature in black ink, appearing to read "Michael Mitchell". The signature is fluid and cursive, with the first name "Michael" and last name "Mitchell" clearly distinguishable.

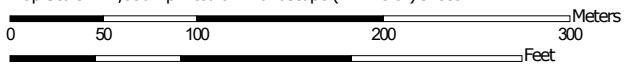
Michael Mitchell

mcmitchell45@gmail.com

Farmland Classification—Canyon Area, Idaho
(AgEquity Holdings LLC - Channel Rd)



Map Scale: 1:4,050 if printed on A landscape (11" x 8.5") sheet.




Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 11N WGS84



Farmland Classification—Canyon Area, Idaho
(AgEquity Holdings LLC - Channel Rd)









MAP LEGEND








Area of Interest (AOI)






 Area of Interest (AOI)







Soils



Soil Rating Polygons

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained
-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season









-  Prime farmland if subsoiled, completely removing the root inhibiting soil layer
-  Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
-  Prime farmland if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance
-  Farmland of statewide importance, if drained
-  Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if irrigated

-  Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if irrigated and drained
-  Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer
-  Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60




































-  Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if warm enough
-  Farmland of local importance
-  Farmland of local importance, if irrigated

-  Farmland of unique importance
-  Not rated or not available






















Soil Rating Lines

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained
-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season

Farmland Classification—Canyon Area, Idaho
(AgEquity Holdings LLC - Channel Rd)

	Prime farmland if subsoiled, completely removing the root inhibiting soil layer		Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium		Farmland of unique importance		Prime farmland if subsoiled, completely removing the root inhibiting soil layer
	Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60		Farmland of statewide importance, if irrigated and drained		Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season		Soil Rating Points Not prime farmland		Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
	Prime farmland if irrigated and reclaimed of excess salts and sodium		Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season		Prime farmland if drained		Prime farmland if irrigated and reclaimed of excess salts and sodium
	Farmland of statewide importance		Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer		Farmland of statewide importance, if warm enough		Prime farmland if protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance
	Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60		Farmland of statewide importance, if thawed		Prime farmland if irrigated		Farmland of statewide importance, if drained
	Farmland of statewide importance, if irrigated				Farmland of local importance		Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
					Farmland of local importance, if irrigated		Prime farmland if irrigated and drained		Farmland of statewide importance, if irrigated
							Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season		

Farmland Classification—Canyon Area, Idaho
(AgEquity Holdings LLC - Channel Rd)

<ul style="list-style-type: none">  Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season  Farmland of statewide importance, if irrigated and drained  Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season  Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer  Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60 	<ul style="list-style-type: none">  Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium  Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season  Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season  Farmland of statewide importance, if warm enough  Farmland of statewide importance, if thawed  Farmland of local importance  Farmland of local importance, if irrigated 	<ul style="list-style-type: none">  Farmland of unique importance  Not rated or not available <p>Water Features</p> <ul style="list-style-type: none">  Streams and Canals <p>Transportation</p> <ul style="list-style-type: none">  Rails  Interstate Highways  US Routes  Major Roads  Local Roads <p>Background</p> <ul style="list-style-type: none">  Aerial Photography 	<p>The soil surveys that comprise your AOI were mapped at 1:20,000.</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>Warning: Soil Map may not be valid at this scale.</p> <p>Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.</p> </div> <p>Please rely on the bar scale on each map sheet for map measurements.</p> <p>Source of Map: Natural Resources Conservation Service Web Soil Survey URL: Coordinate System: Web Mercator (EPSG:3857)</p> <p>Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.</p> <p>This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.</p> <p>Soil Survey Area: Canyon Area, Idaho Survey Area Data: Version 20, Aug 31, 2023</p> <p>Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.</p> <p>Date(s) aerial images were photographed: Sep 9, 2023—Sep 14, 2023</p> <p>The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.</p>
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Farmland Classification

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
Ch	Chance fine sandy loam	Prime farmland if irrigated and drained	3.7	9.0%
DrA	Draper loam, 0 to 1 percent slopes	Prime farmland if irrigated	0.2	0.4%
DrB	Draper loam, 1 to 3 percent slopes	Prime farmland if irrigated	0.2	0.5%
FaA	Falk fine sandy loam, 0 to 2 percent slopes	Prime farmland if irrigated	3.0	7.3%
MvA	Moulton loam, 0 to 1 percent slopes	Prime farmland if irrigated and drained	22.2	53.3%
No	Notus soils	Prime farmland if irrigated	9.8	23.6%
PhC	Power silt loam, 3 to 7 percent slopes	Farmland of statewide importance, if irrigated	0.5	1.3%
Tc	Terrace escarpments		1.8	4.4%
Totals for Area of Interest			41.5	100.0%

Description

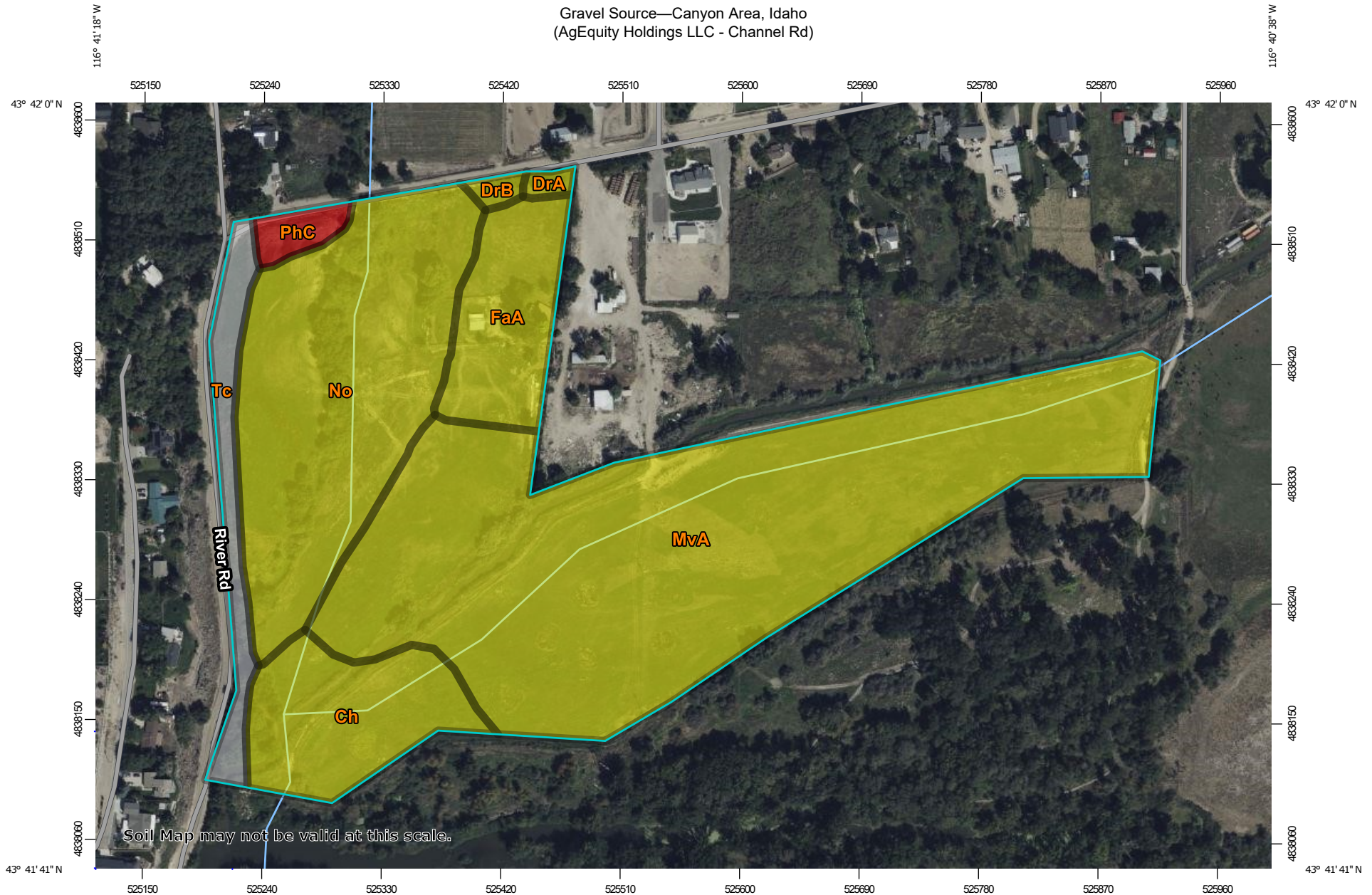
Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

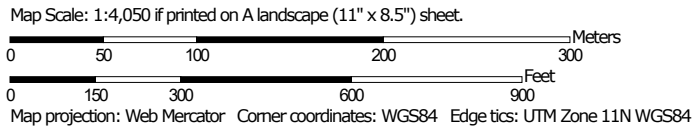
Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

Gravel Source—Canyon Area, Idaho
(AgEquity Holdings LLC - Channel Rd)




Soil Map may not be valid at this scale.




MAP LEGEND

Area of Interest (AOI)





 Area of Interest (AOI)

Background





 Aerial Photography

Soils





Soil Rating Polygons

-  Poor
-  Fair
-  Good
-  Not rated or not available


Soil Rating Lines

-  Poor
-  Fair
-  Good
-  Not rated or not available






Soil Rating Points

-  Poor
-  Fair
-  Good
-  Not rated or not available

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Canyon Area, Idaho
Survey Area Data: Version 20, Aug 31, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Sep 9, 2023—Sep 14, 2023

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Gravel Source

Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
Ch	Chance fine sandy loam	Fair	Chance (85%)	Thickest layer (0.00)	3.7	9.0%
				Bottom layer (0.25)		
DrA	Draper loam, 0 to 1 percent slopes	Fair	Draper (90%)	Thickest layer (0.00)	0.2	0.4%
				Bottom layer (0.25)		
DrB	Draper loam, 1 to 3 percent slopes	Fair	Draper (90%)	Thickest layer (0.00)	0.2	0.5%
				Bottom layer (0.25)		
FaA	Falk fine sandy loam, 0 to 2 percent slopes	Fair	Falk (85%)	Thickest layer (0.00)	3.0	7.3%
				Bottom layer (0.19)		
MvA	Moulton loam, 0 to 1 percent slopes	Fair	Moulton (90%)	Thickest layer (0.00)	22.2	53.3%
				Bottom layer (0.13)		
No	Notus soils	Fair	Notus (85%)	Thickest layer (0.00)	9.8	23.6%
				Bottom layer (0.25)		
PhC	Power silt loam, 3 to 7 percent slopes	Poor	Power (95%)	Bottom layer (0.00)	0.5	1.3%
				Thickest layer (0.00)		
Tc	Terrace escarpments	Not rated	Terrace escarpments (100%)		1.8	4.4%
Totals for Area of Interest					41.5	100.0%

Rating	Acres in AOI	Percent of AOI
Fair	39.2	94.3%
Poor	0.5	1.3%
Null or Not Rated	1.8	4.4%
Totals for Area of Interest	41.5	100.0%

Description

ENG - Engineering

Gravel consists of natural aggregates (2 to 75 millimeters in diameter) suitable for commercial use with a minimum of processing. It is used in many kinds of construction. Specifications for each use vary widely. Only the probability of finding material in suitable quantity is evaluated. The suitability of the material for specific purposes is not evaluated, nor are factors that affect excavation of the material.

The properties used to evaluate the soil as a source of gravel are gradation of grain sizes (as indicated by the Unified classification of the soil), the thickness of suitable material, and the content of rock fragments. If the bottom layer of the soil contains gravel, the soil is considered a likely source regardless of thickness. The assumption is that the gravel layer below the depth of observation exceeds the minimum thickness. The ratings are for the whole soil, from the surface to a depth of about 6 feet. Coarse fragments of soft bedrock, such as shale and siltstone, are not considered to be gravel.

The soils are rated "good," "fair," or "poor" as potential sources of gravel. A rating of "good" or "fair" means that the source material is likely to be in or below the soil. The bottom layer and the thickest layer of the soils are assigned numerical ratings. These ratings indicate the likelihood that the layer is a source of gravel. The number 0.00 indicates that the layer is a poor source. The number 1.00 indicates that the layer is a good source. A number between 0.00 and 1.00 indicates the degree to which the layer is a likely source.

The map unit components listed for each map unit in the accompanying Summary by Map Unit table in Web Soil Survey or the Aggregation Report in Soil Data Viewer are determined by the aggregation method chosen. An aggregated rating class is shown for each map unit. The components listed for each map unit are only those that have the same rating class as listed for the map unit. The percent composition of each component in a particular map unit is presented to help the user better understand the percentage of each map unit that has the rating presented.

Other components with different ratings may be present in each map unit. The ratings for all components, regardless of the map unit aggregated rating, can be viewed by generating the equivalent report from the Soil Reports tab in Web Soil Survey or from the Soil Data Mart site. Onsite investigation may be needed to validate these interpretations and to confirm the identity of the soil on a given site.

Rating Options

Aggregation Method: Dominant Condition

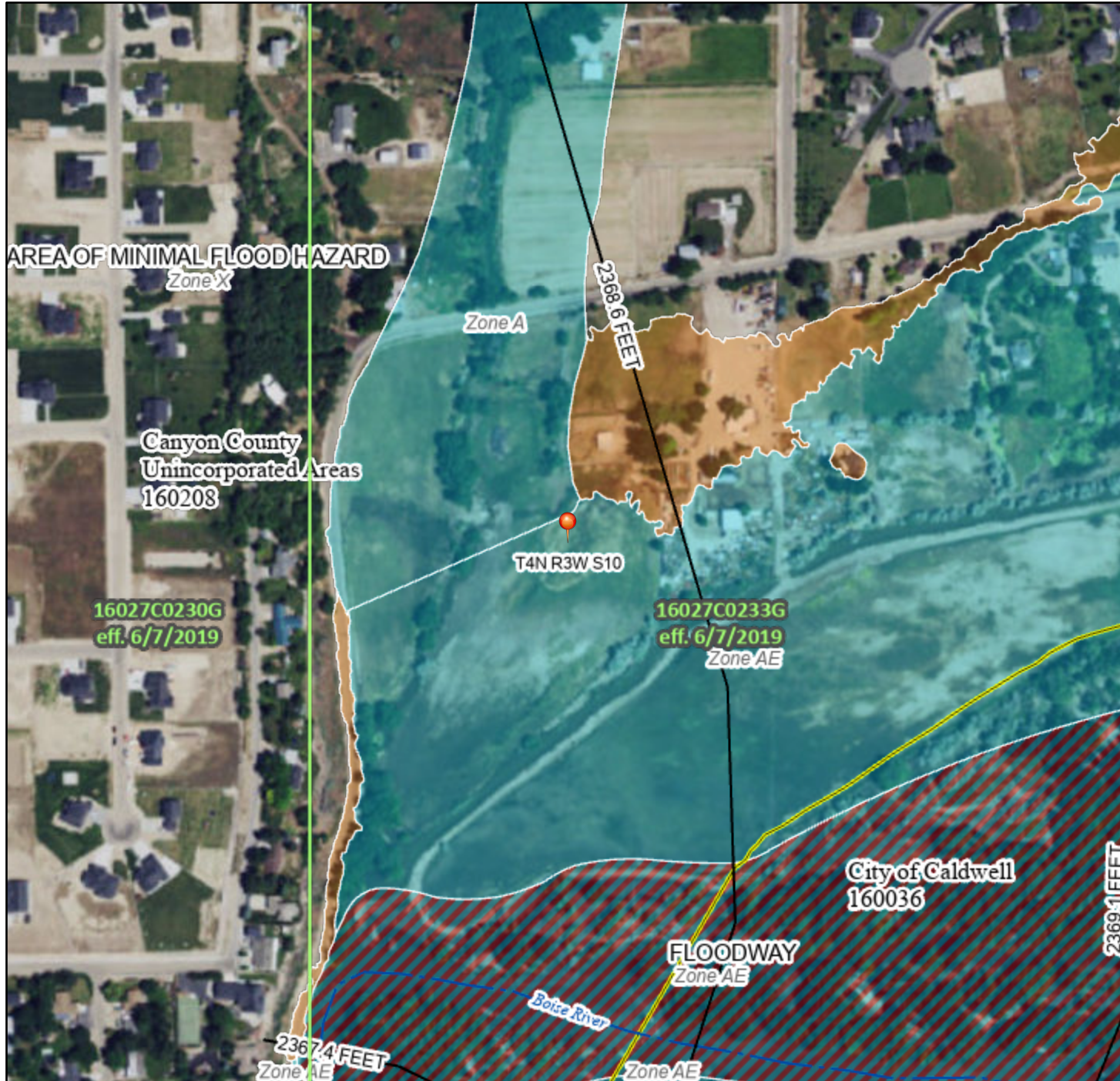
Component Percent Cutoff: None Specified

Tie-break Rule: Higher

National Flood Hazard Layer FIRMMette



116°41'25"W 43°42'6"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- | | | |
|------------------------------------|--|---|
| SPECIAL FLOOD HAZARD AREAS | | Without Base Flood Elevation (BFE)
Zone A, V, A99 |
| | | With BFE or Depth Zone AE, AO, AH, VE, AR |
| | | Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD | | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X |
| | | Future Conditions 1% Annual Chance Flood Hazard Zone X |
| | | Area with Reduced Flood Risk due to Levee. See Notes. Zone X |
| | | Area with Flood Risk due to Levee Zone D |
| OTHER AREAS | | NO SCREEN Area of Minimal Flood Hazard Zone X |
| | | Effective LOMRs |
| GENERAL STRUCTURES | | Area of Undetermined Flood Hazard Zone D |
| | | Channel, Culvert, or Storm Sewer |
| | | Levee, Dike, or Floodwall |
| OTHER FEATURES | | 20.2 Cross Sections with 1% Annual Chance |
| | | 17.5 Water Surface Elevation |
| | | Coastal Transect |
| | | Base Flood Elevation Line (BFE) |
| | | Limit of Study |
| MAP PANELS | | Jurisdiction Boundary |
| | | Coastal Transect Baseline |
| | | Profile Baseline |
| | | Hydrographic Feature |
| | | Digital Data Available |
| | | No Digital Data Available |
| | | Unmapped |
- The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 1/11/2024 at 1:30 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

0 250 500 1,000 1,500 2,000 Feet 1:6,000

116°40'48"W 43°41'40"N

Basemap Imagery Source: USGS National Map 2023

Michelle Barron

From: Mike and Linda SALING <mlsaling@msn.com>
Sent: Sunday, March 3, 2024 6:50 PM
To: Michelle Barron
Subject: [External] Case Number CU2023-0004
Attachments: CaseNo.CU2023-0004.docx

Our written testimony for Case Number CU2023-0004 is attached.

Regards,

Mike Saling

March 3, 2024

Canyon County
Development Services Department

Attention Michelle Barron

Case Number CU2023-004

To The Canyon County Planning & Zoning Commission,

My name is Mike Saling and my wife and I are residents of Canyon County at 22078 Rio Vista Drive. We are opposed to the approval of the proposed rock mining operation at 14533 River Road.

There are many considerations for why this operation should not move forward, such as, water, wild life, etc. Not to mention potential health hazards due to constant dust and noise. I will focus only on the noise aspect since many of the residents adjacent to the proposed site are retired spending a bulk of our time at home and would be affected by the noise level during hours of operation.

Idaho Statute Title 64 Chapter 18 states (1) Every person who maliciously and willfully disturbs the peace or quiet of any neighborhood, family or person, by loud or unusual noise, etc. is in violation. (A full copy of Title 18, Chapter 18 is listed below).

At the February 12, 2024 meeting held at the proposed site, we were told by a Premier Aggregates representative that the noise level of the rock crushing operation would produce a noise level of 170 dba. That is the equivalent standing on a flight deck of an air craft carrier while a jet plane is taking off. According to National Institute of Safety and Health, a division of CDC, that level of noise is beyond what is listed as acceptable exposure. According to the chart published on the CDC website 100 dba has a maximum exposure time of 15 minutes before hearing damage would occur. (See the following NIOSH chart). The Premier Aggregates representatives told the group that they would build a berm around the property to reduce noise BUT, that will do nothing for residents that live on the rim property above the site. If anything it will direct the noise upward and do nothing to reduce noise for bluff residents.

If this project moves forward with approval, we have another concern and that is traffic. We have been told prior to the February 12, 2024 meeting that truck traffic would be routed out to highway 44. However, at the February 12, 2024 meeting the representative from Premier Aggregates said they could not control which route the trucks would take to access and depart the proposed site and said they will probably travel the route of the truck operators choosing. I want to bring to your attention a key point that needs strong consideration and that is how narrow and windy River Road is along the Boise River. ITD has a truck restriction on certain narrow winding highways to control the off track of a truck trailer. (The ITD off track calculator is shown later for reference). I have included a map of the restricted state highways to make a point. Highway 95 from Council to Grangeville has an off track restriction of 5.5 feet due to the curves encountered on that section of highway. (I have included sections of the map and legend of the off track map with arrows pointing to key points). River Road along the Boise River has no shoulders and no guard rails like the section of Highway 95 mentioned. A truck tractor with a 240 inch wheelbase pulling a 45 foot rock trailer will have an off track of 6 feet and would not be allowed on Highway 95 from Council to Grangeville. Based on HD4 (formerly Canyon County Highway District 4) there were 990 cars per day traveling on River Road in a 2017 study and more now with the increase in population. There are very few cars/pickup that travel River Road that stay in their respective lane due to the river, cliff walls and no guard rails. I have included fifteen minutes worth of photos of car/pickup traffic to prove my point. Who would be liable for the first fatality on River Road? The truck operator, Premier Aggregates, AgEquity Holdings LLC, HD4, Canyon County or perhaps all actors in the play.

I encourage you not to move forward with this project.

Regards,

Mike Saling

TITLE 18
CRIMES AND PUNISHMENTS
CHAPTER 64

18-6409. DISTURBING THE PEACE. (1) Every person who maliciously and willfully disturbs the peace or quiet of any neighborhood, family or person, by loud or unusual noise, or by tumultuous or offensive conduct, or by threatening, traducing, quarreling, challenging to fight or fighting, or fires any gun or pistol, or uses any vulgar, profane or indecent language within the presence or hearing of children, in a loud and boisterous manner, is guilty of a misdemeanor.

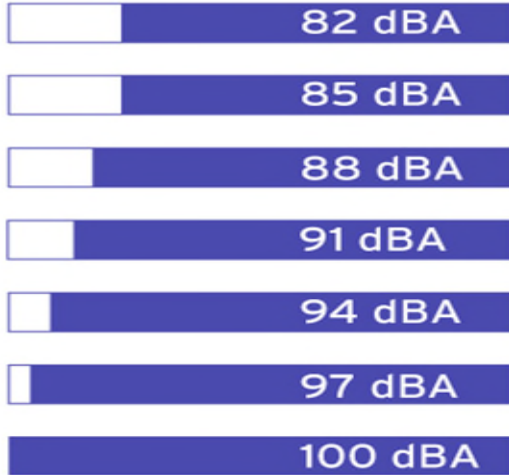
(2) Every person who maliciously and willfully disturbs the dignity or reverential nature of any funeral, memorial service, funeral procession, burial ceremony or viewing of a deceased person is guilty of a misdemeanor.

History:

[18-6409, added 1972, ch. 336, sec. 1, p. 965; am. 1972, ch. 381, sec. 14, p. 1102; am. 1994, ch. 167, sec. 4, p. 375; am. 2007, ch. 130, sec. 1, p. 387.]

Exposure Level per NIOSH REL

NIOSH recommends no more than this level of exposure (dBA = A-weighted decibels)



The allowable noise exposure time limit decreases by half for every 3 dBA increase in loudness



For this length of time



ITD off track calculator

Distance A: Inch to Decimal Conversion

Distance B: 1" = .08 ft

Distance C1: 2" = .17 ft

Distance D: 3" = .25 ft

Distance E: 4" = .33 ft

Distance C2: 5" = .42 ft

Distance F: 6" = .50 ft

Your Off-Track is:

Calculate

Note: Click on "Calculate" or press TAB after entering last number.

7" = .58 ft

8" = .67 ft

9" = .75 ft

10" = .83 ft

11" = .92 ft

TRUCKS WITH POINTS OF ARTICULATION

SPREAD AXLE

TRI-AXLE

THIS LINE GOES TO THE CENTER OF THE AXLE(S), NOT TO THE 5TH WHEEL.

IF VEHICLE OR VEHICLE COMBINATION HAS A SELF-STEERING AXLE (LIFTABLE OR NOT) DO NOT USE THAT AXLE(S) WHEN MEASURING FOR OFF-TRACK. WHEN AXLE(S) ARE NOT SELF STEERING DO INCLUDE THEM WHEN MEASURING FOR OFF-TRACK. SEE IDAHO CODE 49-1001(10) FOR VLS AXLE REQUIREMENTS.

EXAMPLES OF SELF STEERING AXLES

INDICATES STEERABLE AXLE

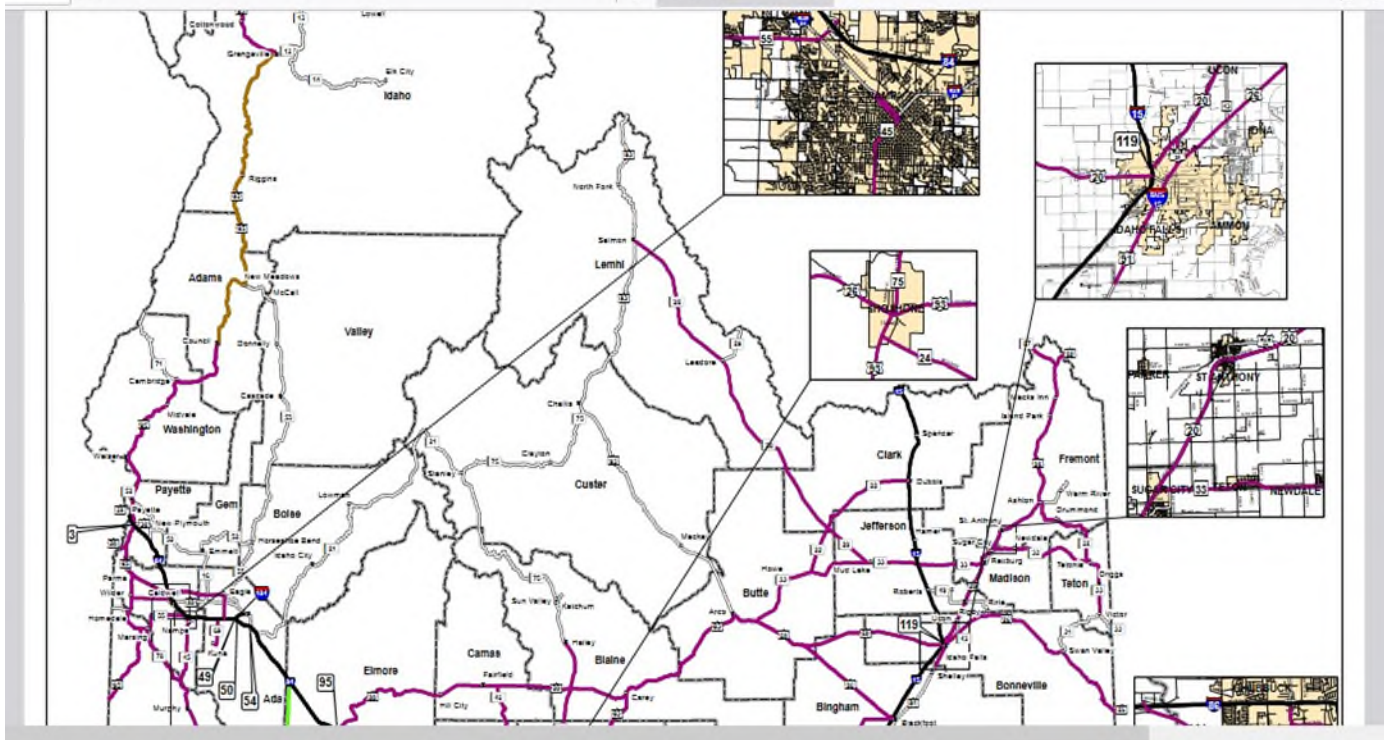
Designated Routes up to 129,000 Pounds Idaho State Highway System

Your Safety • Your Mobility
Your Economic Opportunity
March 20, 2019

Legend

- Designated routes for combinations of vehicles not exceeding one hundred fifteen (115) feet in overall length including load overhang (magenta-coded routes). A vehicle combination operating on routes designated for up to one hundred fifteen (115) feet shall be designed and assembled in a manner whereby its maximum off-tracking will not exceed six point five zero (6.50) feet.
- Designated routes for combinations not exceeding ninety-five (95) feet in overall length including load overhang (brown-coded routes). A vehicle combination operating on routes designated for up to ninety-five (95) feet shall be designed and assembled in a manner whereby its maximum off-tracking will not exceed five point five zero (5.50) feet.
- Local Routes
- Local Routes, must contact local jurisdiction for approval
- Non Designated 129K routes. Use Extra Length Map for operating requirements.
- Routes legal for a single trailer not exceeding 53 ft and double trailers not exceeding 68 ft (tip to tail). Extra length permit required if exceeding these dimensions and must not exceed 8.75 ft off-track and 115 ft overall length including load overhang. Vehicle configurations exceeding the 6.50 ft off-track are limited to the Interstate and specified interchanges providing satisfactory operations for such off-tracking characteristics and shall be limited to breakdown areas in the proximity of the Interstate system

Please Note: CARGO CARRYING UNITS FOR DOUBLES AND TRIPLES COMBINATIONS MAY NOT EXCEED 95 FT AND THE CARGO CARRYING UNITS FOR A FULL TRUCK AND TWO TRAILERS MAY NOT EXCEED 98 FT (INCLUDING THE CONNECTING DEVICES ON THE ABOVE).













Michelle Barron

From: Mike Freemyers <mike.freemyers@me.com>
Sent: Sunday, March 3, 2024 5:52 PM
To: Michelle Barron
Subject: [External] Case No. CU2023-0004. AgEquity Holdings LLC

Dear Michelle,

My neighbor forwarded a copy of this letter to you. He neglected to include the case number, so I am forwarded this to with the case number attached in the subject line.

Thank you for your consideration.

/ Mike

Begin forwarded message:

From: lannie hodes <hodgeslannie@gmail.com>
Date: March 3, 2024 at 5:35:29 PM MST
To: Mike Freemyers <mike.freemyers@me.com>
Subject: **Fwd: Development of the Wallace property at the entrance to the Canyon**

Sent from my iPhone

Begin forwarded message:

From: lannie hodes <hodgeslannie@gmail.com>
Date: March 3, 2024 at 2:10:37 PM MST
To: cmwatkins12@gmail.com
Subject: **Fwd: Development of the Wallace property at the entrance to the Canyon**

Sent from my iPhone

Begin forwarded message:

From: lannie hodes <hodgeslannie@gmail.com>
Date: March 3, 2024 at 1:59:04 PM MST
To: Michelle.Barron@canyoncounty.id.gov
Subject: **Development of the Wallace property at the entrance to the Canyon**

I am writing this in opposition to the proposed development of this property and the excavation thereof. My parents and me moved to the property 22924, where River Road meets Hwy 44. I live just around the so called corner on Hwy 44. My address is 14248 SH-44, Caldwell ID 83607. I have lived at my current address since 1978. When I moved to 22924 River Road with my parents it was 1963. My mother still lives there and I take

care of the property. The argument that the the property to be developed was not useable as agriculture is untrue, for years used it has been used to raise corn, pasture and baled for hay. This was when the owners in the sixties, the Rutleges, used it this way. They also raised cattle as did the Wallace's, and they also used it for pasture and hay. Wallace's also had a company who had gravel pits throughout the valley, but never on this place where they lived. Historical matters come into view when wagon trains from the Oregon trail crossed over canyon hill where the cemetery is and came down near this property at the north end of canyon hill and crossed the Boise River at the old Iron Bridge, so they could be on the north side of the river. Thousands came through this canyon. Then we had a electric trolley company that traveled through the valley. Middleton, Star, Eagle, Caldwell, Nampa and back to Boise. This trolley crossed the Boise river on the west edge of Curtis Park. The concrete bridge abutments are still in the river and Caldwell a few years ago wanted to build a pedestrian bridge over the abutments to Curtis Park. The trolley continued on where the current green belt is going into Caldwell. Another thing that is historic is the Iron bridge put in the 1920s. This bridge was the only way west to Oregon and Washington from southern Idaho till the interstate went in in the sixties. Our Canyon County was named after this Canyon. As far as wildlife is concerned countless number of Canadian geese use this property to hatch and raise their young, you can see this from River Road each spring. Countless number of deer, racoons, skunks and many small animals live on this property for access to the river. For Centuries they have lived their. As a kid my brothers and me would explore the Canyon and the caves and cliffs there where we found many arrow and spear heads, that were from native Indians who at one time lived up a down the river and this canyon. It's too bad that this property can't be preserved by either the county or city of Caldwell to be used by the public and to preserve the history and the nature of this land. I hope this doesn't fall on deaf ears. For the developers are destroying the Boise valley with uncontrolled development turning farms into houses. Traffic is a big concern and my driveway empties onto Hwy 44. It will be years, before the State comes up with a good plan for Hwy 44. There is too much traffic right now before more homes are added, not to mention dump trucks tearing up the two roads surrounding this property. This becomes a cost to the county repairing and replacing the pavement. I not only speak in this matter for me, but for my mother who lives in the same place on River Road. I hope you read this and consider what I have written, thanks Lannie Hodges Sent from my iPhone

Michelle Barron

From: Mike Freemyers <mike.freemyers@me.com>
Sent: Saturday, March 2, 2024 6:45 PM
To: michelle.barron@canyoncounty.id.gov.
Subject: [External] Case No. CU2023-0004. AgEquity Holdings LLC
Attachments: CU2023-0004 MCF Itr 240303.pdf

Dear Michelle,

The attached letter is my review of the subject project. Please take it under consideration, and include it with the proposed project file.

Very Respectfully

Michael C. Freemyers
President, River Road Estates Home Owners Association

14482 Salmon River Rd.
Caldwell, ID 83607

Canyon County Development Services Department
1N. TM1 Ave. Ste 310
Caldwell, Idaho 83605

attn: Michelle Barron, Case Planner

re: Case No. CU2023-0004. AgEquity Holdings LLC

Please consider my response to this case. I live near the proposed project site, and stand to be directly impacted by its operation. And I am opposed to it.

Summary. This proposal would insert a high noise, dust generating, industrial operation, with an associated high volume of truck traffic, into the heart of a quiet rural residential neighborhood. Land use zoning, and the conditional use permitting process, are specifically intended to protect us from this sort of exposure. We are counting on this protection.

Seventy six residences would be directly and adversely impacted.

- River Road: 33 residences
- Channel Road: 26 residences
- Rutledge Lane / Rio Vista Drive: 17 residences

Discussion. The application for conditional use permit dated February 24, 2024 contains numerous statements to which I take exception, and which I address below in the order presented.

Property Information and Project Background

The project duration is stated “not to exceed three years”. This timeline is only achievable through use of dump trucks larger than 15 CY in the most optimistic scenario. Schedule delays would then necessarily be met with: 1) extended operating hours, 2) use of larger trucks or more than 40 loads per day, and/or 3) extension of the three year operating window.

Once gravel extraction is complete, the site is anticipated to *“be developed as a residential subdivision ...”*. A conceptual grading plan for “Crimson Bridge Estates” was distributed at a neighborhood meeting in February 2023. The size and shape of the ponds shown then are smaller than those shown on the current excavation site plan. The excavation site plan shows water filled borrow pits remaining at the end of the project which would consume 43% of the property, and which significantly compromise the feasibility of “Crimson Bridge”.

a. The project is compatible with the uses of surrounding properties.

The application accurately describes the use and zoning of the adjacent neighborhood. However it fails to convey its residential, pastoral nature, and the actual number of affected Rural-Residential residences. How is a high noise, dust producing operation which generates a continuous stream of large truck traffic compatible with this neighborhood? The case is not made, and no quarry in Canyon County has ever been introduced into an established residential community in the past.

b. The Duration of the proposed use is three years with limited operating hours.

Three years is a best case scenario. Typical delays include weather, equipment availability, and market demand (see previous comments under Property Information and Project Background).

The case for “*limited operating hours*” is ludicrous. Operations conducted six days a week, with trucks operating ten hours a day and extraction operating twelve hours a day can hardly be considered “*limited operating hours.*” It would, in fact, consume 43% of all available hours (one week has only 168 hours). And the inclusion of Saturday operations is particularly offensive to residents seeking a quiet and customary weekend at home with family.

f. Recommendations from applicable government agencies.

The proposed site carries a complex regulatory overhead. And only one recommendation has been received: the proposed reclamation plan has been approved . So, what about responses from all of the other affected agencies? Where are evaluations regarding water quality, traffic, wildlife, environmental protection (air, water pollution, groundwater/aquifer exposure, noise, dust), historical sites, etc? This project must not move forward until all required regulatory agencies have responded, and their responses fully evaluated. Due diligence has simply not been performed.

3. Is the proposed use consistent with the Comprehensive Plan?

G4.01.00 Support liveability and high quality of life as the community changes over time. The response addresses only the private property rights of the project owner and not those of the adjacent community. And it completely fails to address the egregious degradation to liveability and life quality the local community stands to experience.

G4.02.00 Ensure that growth maintains and enhances the unique character throughout the County. The applicant argues that mineral extraction is really the only suitable use of the property, since soil quality is so poor. This argument is not supported by historical use. Please see the comment letter provided by Mr. Michael Mitchell which provides technical soil analysis.

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. The applicant states that the land is not really suitable for farming, yet this has been its historic use. And the applicant fails to show how conversion of 43% of the land into ponds enhances the property's potential for future residential development, or how it improves the general liveability of the surrounding community. During the February 2023 neighborhood meeting, the developers presentation linked future residential development to lot grade elevation necessary to mitigate flood plain exposure. This was to be done with gravel from the quarry operation. In fact, this was the original justification for the quarry. The current application addresses none of this, and raises serious doubts regarding the viability or commitment to future land development. And is, in fact, an "incompatible 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?

Actual maintenance of **dust** threshold levels appropriate for residential neighborhoods is not addressed. The applicant only cites equipment conformance with Idaho Department of Environmental Quality regulations and standards. Also note that the proposed site occupies a canyon created by two adjacent ridges, which will likely retain airborne dust.

" Noise will be mitigated through the use of elevated berms, limited operating hours, and modern excavation and processing equipment that uses white noise back up alarms. All of Premier's, heavy equipment meets tier 4 noise emission standards."

The actual effectiveness of the berms, monitoring plans, and how noise transmission will be mitigated to the residences on the elevated ridge line west of the site are not addressed. Also note that the proposed site occupies a "sound funnel" formed by two adjacent ridge lines. What if these measures are insufficient?

The applicant cites "Tier 4 noise emission standards". The applicant is requested to provide these standards to help our understanding of his intent. Research on "Tier 4 Standards" point only to EPA pollution standards. Please note that one residence in particular, 14499 Channel Rd., is very near the proposed project site and would surely suffer from industrial noise exposure. The additional noise burden from truck traffic through rural residential neighborhoods is nowhere addressed.

7. Will there be undo interference with existing or future traffic patterns:

" Traffic produced by the project will be limited and existing roads have adequate capacity to accommodate the project. The property is well located for extraction uses because of its proximity to I 84 (approximately 1 mile). This will minimize truck traffic on local roads. Based on the size of the extraction area and the duration of use, 40 trucks per day is anticipated."

The reality here is that local traffic is already stressed, and would be seriously impacted. A traffic impact analysis must be conducted before this project can be reasonably evaluated. And this analysis necessarily needs to consider the evolving future plans for Highway 44, as well as the West Plymouth Street bridge.

Proximity to the interstate has no bearing on impact to the local neighborhood. And does anyone really believe that 40 trucks per day (actually 80 trips counting return traffic - a truck passing every 7.5 minutes) added to the already stressed local traffic load would somehow be acceptable?

This would completely change River Road and Channel Road traffic patterns, severely impact local pedestrian traffic (children and equestrians also use these roads), jeopardize safe school bus operation, and would completely overwhelm the already overloaded intersections of these roads with Highway 44.

* * * *

All of these objections point to a common underlying theme: This project would create an intolerable general nuisance for the surrounding community:

TITLE 52

NUISANCES
CHAPTER 1
NUISANCES IN GENERAL

52-101. NUISANCE DEFINED. Anything which is injurious to health or morals, or is indecent, or offensive to the senses, or an **obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner**, of any navigable lake, or river, stream, canal, or basin, or any public park, square, **street**, or highway, is a nuisance.

It is clear that the applicant has failed to exercise due diligence in this project request. And more to the point, has misrepresented the impacts of this proposed operation to the surrounding neighborhood. This project must not be approved.

Thank you for taking my concerns into consideration.

Very Respectfully,

Michael C. Freemyers
President, River Road Estates Home Owners Association

Michelle Barron

From: miles@panicplastics.com
Sent: Wednesday, February 28, 2024 8:47 AM
To: Michelle Barron
Cc: Canyon County Zoning Info
Subject: [External] FW: Re: AgEquity_CU2023-0004_R34667011 & R34668_14533 River Rd.
Attachments: Canyon County DVS_Case Number CU2023-0004.pdf

michelle.barron@canyoncounty.id.gov

Re: AgEquity
CU2023-0004
R34667011 & R34668
14533 River Rd.

To whom it may concern:

Please find attached, our letter of opposition (Ag Equity_CU2023-0004, 14533 River Rd.) to be considered and presented during Planning and Zoning hearing on 3/21/24 at 6:30pm.

Please forward attached to the appropriate dept. and or individuals.

Thank you for your time.



Miles Bruce
President • Panic Plastics, Inc.
Phone: 208-739-9142 • **Fax:** 208-739-9079
Email: miles@panicplastics.com
1805 NE 10th Ave
Payette, ID 83661
www.panicplastics.com

Please note the information contained in this electronic mail message is confidential information intended only for the use of the individual or entity named above, and may be privileged. The information herein may also be protected by the Electronic Communications Privacy Act, 18 USC Sections 2510-2521. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this message in error, please contact the sender and delete the material from any computer. Thank you.

 **Please don't print this e-mail unless you really need to.**

February 28, 2024

Canyon County Development Services Department

Re: Case No. CU2023-0004

To Whom It May Concern:

I am writing to express my concern with the conditional use permit to allow a Mineral Extraction - Long Term (proposed 3 years) use within an "A" (Agricultural) Zoning District on approximately 56 acres to Jeff Bower / Kristen McNeill representing AgEquity Holdings LLC. Such a large project will cause great disruption to the surrounding residents, homes, and neighborhoods.

We live in the Taylor Ridge neighborhood which sits approximately 100' above the proposed site. Our concerns are that if AgEquity Holdings LLC is planning on drilling 60' below ground there is a strong possibility they could hit the aquifer which provides drinking water to our homes. This would cause considerable damage to all residents that rely on the water from the wells we have currently in place, that we rely on for drinking water, etc.

Another concern is the daily noise and considerable traffic from trucks driving in and out of the site all day long for the next 3 years. (Approximately 40 trucks a day, 1 truck every 20 minutes and thousands of trucks over the next 3 years)

We are asking the Canyon County Planning & Zoning Commission to deny this permit. If Canyon County does allow such a permit, that a stipulation be added that AgEquity be held liable should they break through the aquifer and be liable for the cost of new water wells having to be drilled for each resident because of their actions, and that a temporary water source be supplied to each household until new wells are established.

I hope you consider each resident in the area before permitting such a disruption and potential harm to our drinking water as well as the possible harm this permit/facility would cause to the Boise River behind it.

Sincerely,



Miles and Susan Bruce

14914 Pistol Creek Way, Caldwell, ID



MORROW & FISCHER

ATTORNEYS AT LAW

March 18, 2024

4 Ogden Ave.
Nampa, Idaho 83651
208-475-2200
Fax 208-475-2201
www.morrowfischer.com

Sent via Email: michelle.barron@canyoncounty.id.gov

Canyon County Commissioners
Canyon County Development Services
111 North 11th Avenue
Caldwell, Idaho 83605

Re: Case No. CU2022-0024

Dear Commissioners:

We are counsel for Greg Obendorf and are submitting the following comments in opposition to the above-referenced application. Specifically, Mr. Obendorf opposes BID, LLC and Premier, LLC's (collectively "Applicant") request for a conditional use permit for mineral extraction on Canyon County Parcel Nos. 390701101 and 39054010 (the "Subject Property").

By way of background, our client lives at 26496 Deb Lane in Parma, Idaho (the "Obendorf Property"). The Obendorf Property is north of the Subject Property. Applicant, BID, LLC also owns real property adjacent to and west of the Obendorf Property located at 26237 Deb Lane (Parcel No. 3902900). In 2019 the County issued a conditional use permit to Applicant allowing for mineral extraction (gravel operations) on BID's Deb Lane property (CU2018-0014). For ease of reference, a copy of the County's *Findings of Fact, Conclusions of Law, Conditions of Approval and Order* for CU2018-0014 is attached hereto as Exhibit A (the "Order").

There are a number of reasons Mr. Obendorf opposes the present application. However, for the purposes of this letter, Mr. Obendorf simply wishes to apprise the County of certain issues he has encountered as a neighboring property owner to Applicant's Deb Lane Gravel Pit. The point being, Applicant's management of the Deb Lane project is likely informative of how similar projects will be handled by BID, LLC and Premier, LLC.

More precisely, condition #5 in the Order states that the operator "shall maintain a 50 foot undisturbed perimeter along the external property boundaries...and 100 feet from any wetlands." The wetlands are in reference to a pond located east of the Applicant's Deb Lane property. Condition 5 further states that "Berms shall be constructed and maintained around all mineral extraction operations..."

Despite the County's directive, the Applicant did not leave an undisturbed perimeter around its mining operations and instead created berms in the area designated as the "undisturbed perimeter." The berms are not maintained, and instead are weedy and unattractive mounds of dirt surrounding the Subject Property.

On May 4, 2020, Mr. Obendorf caused our office to report the perceived violation to the County. A copy of the Public Complaint Form submitted on his behalf is attached hereto as Exhibit B. Although we do not know whether the County contacted the Applicant, no corrective action was ever taken by BID, LLC.

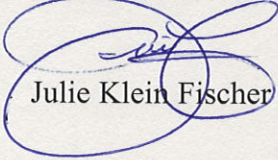
Additionally, and although not directly related to the Deb Lane mining operations, BID, LLC began draining its wintertime water right (No. 63-11617) through Mr. Obendorf's property thereby increasing the burden on his drains. Our review of the matter suggests that BID, LLC represented to the Department of Water Resources it would discharge back into the Boise River rather than through drains on Mr. Obendorf's property. Nonetheless, and despite Mr. Obendorf's repeated request that BID, LLC redirect the drainage, it has refused to do so.

In sum, Mr. Obendorf's experience with the Applicant (and its neighboring operations) has been less than positive. The Applicant has shown little interest in addressing Mr. Obendorf's concerns and appears to have flatly ignored conditions in the County's Order. Again, we believe the Applicant's conduct is informative regarding what can be expected if Applicant is allowed to conduct additional mining operations in Canyon County. Accordingly, Mr. Obendorf respectfully requests the present application be denied.

Thank you for considering Mr. Obendorf's position.

Sincerely,

MORROW & FISCHER, PLLC



Julie Klein Fischer

Enclosures
C: Greg Obendorf

Michelle Barron

From: Renee Wardell <reneewardell1@gmail.com>
Sent: Saturday, March 2, 2024 8:59 PM
To: Michelle Barron
Subject: [External] Case No. CU2023-0004. AgEquity Holdings LLC

TO: Michelle.Barron, Planner
Canyon County Planning & Zoning
Email: michelle.barron@canyoncounty.id.gov

Re: Gravel Pit - Mining/Extraction Plant - Developer Proposal Plan
Case No. CU2023-0004. AgEquity Holdings LLC

Please consider my response to this case. I live near the proposed project site, stand to be directly impacted by it's operation and am opposed to it for the following reasons:

- *Wildlife and Environmental concerns – loss of turkeys, deer, fox, birds. Damage to the river cause harm to the public who swim in the river a couple hundred feet downstream and loss of sportsman activities such as kayaking, canoeing, fishing. The consistently running diesel pumps & maintenance on hydraulic lifts significantly increases the danger to wildlife in the area & river due to contamination
- *Traffic concerns – many bicyclists & joggers use this route for exercise. There are school busses that run daily along this route, picking up/dropping off children. Developer proposed to use this site to resale product, increasing the potential for children and exercisers to be injured. The upkeep and repair to county & federal roads/bridge will be substantial with the addition of heavy trucks running daily. The increased traffic to HWY 44 will be substantial
- *Sheep Migration – The annual Sheep Migration with the Basque community goes right down River Road. This Sheep Migration has been grandfathered from ordinances to allow the continuation of their way of life and livelihood.
- *Property value – our property taxes have risen greatly. Having this loud, dirty activity will drive down our property values while we still have to pay the increased taxes.
- *Structural integrity of homes - I live on the cliff, which is a large basalt rock. The amount of constant pounding for this gravel pit is likely to cause fissures in the basalt rock, which in turn will cause instability to the communities home foundations which could create unsafe living conditions, increase home owners insurance, and increase the cost of home maintenance and repairs.
- *Aquifer concerns - The consistently running diesel pumps & maintenance on hydraulic lifts significantly increases the aquifer due to contamination. The constant pounding of gravel could cause cracking or damage to the aquifer, which is our communities only water source
 - Does the developer have bonds or plans in place to supply the community with water in case of aquifer damage? Does the developer have bonds or plans in place to repair the aquifer if damaged?
- *14th Amendment to the life, liberty and the pursuit of happiness – this amendment could be in violation as my right to pursue happiness is directly tied to my daily life at home. Having the constant traffic, noise, and pollution (water, air, noise) will interfere with my pursuit of happiness.

Thank you,
Renee Wardell

Michelle Barron

From: Michelle Barron
Sent: Thursday, January 4, 2024 9:32 AM
To: 'Ashley Ziem'
Cc: _My Love Dan Ziem
Subject: RE: [External] Questions Regarding Case No. CU2023-0004 (Time Sensitive)

Good Morning Ashley,

I am going to provide the link to the Preliminary Hearing Materials for this case. I believe it will give you some answers to your questions. <https://www.canyoncounty.id.gov/land-hearings/>
 Choose P&Z/HE Hearings and then scroll down to the February 1st hearing for Ag Equity.

Question 4 – The owner would have to reapply to extend the Conditional Use Permit if it is approved to begin with. This would require another public hearing.

Question 6 – The striped area on the map represents City properties.

Thanks,

Michelle Barron
Principal Planner
Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605
 Direct Line: 208-455-6033
 DSD Office Phone: 208-454-7458
 Email: Michelle.Barron@canyoncounty.id.gov
 Website: www.canyoncounty.id.gov
 Office Hours:
 Monday, Tuesday, Thursday and Friday 8am – 5pm
 Wednesday 1pm – 5pm
 **We will not be closed during lunch hour **

From: Ashley Ziem <ashleyziem@gmail.com>
Sent: Wednesday, January 3, 2024 9:30 AM
To: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>
Cc: _My Love Dan Ziem <emtpdz@gmail.com>
Subject: [External] Questions Regarding Case No. CU2023-0004 (Time Sensitive)

Good Morning Michelle,

We received the notice regarding the proposed conditional use permit submitted by AgEquity Holdings LLC for Mineral Extraction. As residents who live very close to the proposed location, we have several concerns and questions regarding their proposed activities. Are you able to shed some light on the following questions? If not, could you please direct us in the right direction so we may respond appropriately?

- 1 - We understand the project is "mineral extraction"; however, what types of minerals are being extracted. Where is the detailed information on the proposed project?
- 2 - What type of mining is it? Underground, surface, open pit, blast mining, etc?
- 3 - Are there any hazardous materials that will be exposed to the atmosphere?
- 4 - Is the 3 year term a hard stop, or can it be extended for any reason?
- 5 - What is the land use proposed to be once the mining is complete? Large pond, trash dumpsite, residential, etc?
- 6 - Lastly, could you please explain what the greyed, striped area represents on the map? Our home is located in this area so the unknown distinction is concerning. The legend only explains what the crosshatched area is, being the Subject Property.

Thank you so much for your time and information. We sincerely appreciate it!

Ashley Ziem

Licensed Realtor® | Transaction Management

208-803-1873 direct

ashleyziem@gmail.com

Silvercreek Realty Group

RECEIVED
▶ FEB 29 2024 ◀
RECEIVED

Rio Vista Water Corporation #3
P. O. Box 761
Caldwell, ID 83606

February 23, 2024

Canyon County Planning & Zoning
621 Cleveland Blvd.
Caldwell, ID 83605

Greetings Canyon County Board of Planning & Zoning:

The Board of Directors for Rio Vista Water Co. #3, of the Rio Vista Subdivision, are not in favor of a conditional use permit to allow mineral extraction at 14533 River Rd., Caldwell, ID, case #CU2023-0004.


Our concerns are possible adverse effects on the aquifer that provides water for the water wells in the Rio Vista Subdivision. The wells supply water to sixty-three property owners within the subdivision. The Rio Vista Subdivision is located one quarter mile west of the project in question. Rio Vista subdivision and the property at 14533 River Rd. share the same aquifer.

To mine rock from the property in question will require what is commonly called surface water, to be pumped out of the pits for the duration of the operation. Some of that water may feed the same aquifer previously mentioned.

The board members want to thank you for your serious consideration of this issue.

Sincerely,

Steve Hager 

Charles Sutherland 

Terry Fackrell 

Dearl Edwards 

Leo Lorta 

Dave Kosmiske 

Renee Wardell 

Michelle Barron

From: Ronald Caudle <RonCaudle@outlook.com>
Sent: Saturday, January 13, 2024 4:50 PM
To: Michelle Barron; bootleggerjay@gmail.com
Subject: [External] Mr. Ronald L. Caudle Re. CU2023-0004
Attachments: Canyon County CUP proposal for gravel pit.docx

To: Canyon County Development Services Department
Attn: Sabria Minshall, Director
111N 11th Ave Room 310
Caldwell, Idaho 83605
Mr Jay Clark
22356 Rutledge Dr, Caldwell, Idaho 83607

Reference Canyon County Conditional Use Permit for Premiere, LLC CU2023-0004
I am Mr. Ronald L. Caudle
22260 Rutledge Dr, Caldwell, Idaho 83607 roncaudle@outlook.com

My residence is located above the area proposed for a CUP proposed for mineral extraction and gravel processing on 56 acres located at 14533 River Road in Canyon County. I request that this letter be included with the presentation of Mr. Jay Clark at the public hearing on Feb 1, 2024, on case No CU2023-0004. Mr. Clark and several of our neighbors have discussed this case and have similar objections to this proposal. I have asked him to be my representative since I will not be in the state and not able to personally appear at the public hearing.

Notes and Objections to Conditional Use Permit (CUP) proposed by Premier LLC, owned and operated by Premier Aggregates;

Page 1. CPU permit checklist, item #(4) asks if proposal use will be “injurious to other property in the immediate vicinity and/or negatively change the essential character of the area;”3, chart item P4.03

Comment: This area is primarily residential with homes completely encircling the proposal area. Our Rutledge Subdivision has not been addressed anywhere in the proposal and being located on the rim above the proposed gravel extraction area will be exposed to all the operation noises on a continual basis. There is no way to mitigate the noise and I submit that the position of our homes will actually be subjected to amplified noise levels.

Paragraph 2, Nature of the request: The request is for mineral extraction long term but the extraction period is “limited” to 3 years. I submit that a 3 year limit is relative to those affected. I am 85 years old and three years of my peace and quiet is certainly relatively very important to this part of my life span. This is especially true considering “limited operating

hours” of a 6 day week, 12 hours a day. Would you appreciate this happening in your back yard?

Paragraph 3, chart item P4.01.02 reads that your Planning and Zoning and land use decisions should balance the Community’s interests and protect private property rights. I submit that approval of this project would result in my private property rights not being protected.

Paragraph 3, chart item P4.03.03. The applicant is willing to mitigate impacts on surrounding properties by restricting hours of operations and placing intensive uses in the interior of the site away from residences. Large setback and buffer areas are also provided. Due to the topography of the site and location of or homes it is not possible to mitigate sound projections to our subdivision residences.

Paragraph 3, P4.05.02. The project will not interfere with any agricultural operations in the area. The contractor indicates there are no possible agricultural uses for these class soils while I have personally observed the raising of grasses used for cattle grazing for the past 21k years.

Paragraph 4. The contractor indicates the project will not be injurious to other property nor change the essential character of the area. Not True! It appears all of the areas surrounding the project are mentioned in this paragraph EXCEPT Rutledge subdivision who will be the most injured of all. We will not only be subjected to excess noise the peaceful view we have enjoyed will become a construction catastrophe. There is no doubt of property values also being adversely affected.

Paragraph 4. “Dust will be mitigated through the use of Magnesium Chloride on all haul areas.” That appears to be a good thing and we appreciate the thoughtfulness. However, are there any long term studies to indicate the negative impact of this chemical for 3 years? How will it affect the adjacent forest and wildlife and will it have an affect from runoff into the adjacent Boise River?

Paragraph 5. “The property will be adequately served by public facilities and services, such as highways, streets, ect.” With a little math application I propose the existing roads will not stand up to the level of heavy traffic proposed. 40 trucks a day, 6240 a year, and 18,720 truck loads over 3 years. Assuming they are using only 10 ton trucks that is over 187,200 tons of haul on roads designed for residential use. Has the county/state Road District been involved in the planning and is their study material available?

CUP Conclusions and Request. “Once mining operations cease in three years, we will return to Canyon County for approval of a proposed residential subdivision.” What guarantee do we have that these actions will indeed happen? Should we not have a complete operations plan for approval at the same time?

NOTE OF INTEREST

A neighborhood meeting was held by the applicant with the Canyon County Services Department on 2/7/2023. The details presented at this meeting indicted proposing to dig 2 ponds for future development of approximately 12 to 15 lots. The summary of the proposal was “2 proposed ponds to fill areas for further lots (approximately 12 – 15), excess materials will be hauled/removed from the site.” This required meeting to inform the affected people in no way compares with the proposal for the Conditional Use Permit that has been subsequently

proposed. It went from digging two ponds for raising residential lots to mining a full blown gravel pit to operate for 3 years. I submit we have been subjected to a subterfuge that should be further addressed before any CUP be approved for this contractor.
Thank You for your consideration.

Ronald L. Caudle

Michelle Barron

From: Ryan Mills <rmills109@gmail.com>
Sent: Wednesday, February 28, 2024 6:39 PM
To: Michelle Barron; Canyon County Zoning Info
Subject: [External] AGEQUITY_CU2023-0004_R34667011 & R34668_14533 River Road
Attachments: Canyon County DVS_Case Number CU2023-0004 Mills Family.pdf

michelle.barron@canyoncounty.id.gov

Re: AgEquity

CU2023-0004

R34667011 & R34668

14533 River Rd.

To whom it may concern:

Please find attached, our letter of opposition (Ag Equity_CU2023-0004, 14533 River Rd.) to be considered and presented during Planning and Zoning hearing on 3/21/24 at 6:30pm.

Please forward attached to the appropriate dept. and or individuals.

Thank you for your time.

Ryan and TyAnn Mills

14878 Pistol Creek Way Caldwell, ID 83607

February 28, 2024

Canyon County Development Services Department

Re: Case No. CU2023-0004

To Whom It May Concern:

I am writing to express my concern with the conditional use permit to allow a Mineral Extraction - Long Term (proposed 3 years) use within an "A" (Agricultural) Zoning District on approximately 56 acres to Jeff Bower / Kristen McNeill representing AgEquity Holdings LLC. Such a large project will cause great disruption to the surrounding residents, homes, and neighborhoods.

We live in the Taylor Ridge neighborhood which sits approximately 100' above the proposed site. Our concerns are that if AgEquity Holdings LLC is planning on drilling 60' below ground there is a strong possibility they could hit the aquifer which provides drinking water to our homes. This would cause considerable damage to all residents that rely on the water from the wells we have currently in place, that we rely on for drinking water, etc.

Another concern is the daily noise and considerable traffic from trucks driving in and out of the site all day long for the next 3 years. (Approximately 40 trucks a day, 1 truck every 20 minutes and thousands of trucks over the next 3 years)

We are asking the Canyon County Planning & Zoning Commission to deny this permit. If Canyon County does allow such a permit, that a stipulation be added that AgEquity be held liable should they break through the aquifer and be liable for the cost of new water wells having to be drilled for each resident because of their actions, and that a temporary water source be supplied to each household until new wells are established.

I hope you consider each resident in the area before permitting such a disruption and potential harm to our drinking water as well as the possible harm this permit/facility would cause to the Boise River behind it.

Sincerely,

Ryan Mills

Ryan and TyAnn Mills

14878 PistolCreekWay, Caldwell, ID

Archived: Wednesday, January 17, 2024 8:13:59 PM
From: [Sandee Vanderpool](#)
Mail received time: Wed, 27 Dec 2023 11:47:46
Sent: Wed, 27 Dec 2023 18:47:41
To: [Michelle Barron](#)
Subject: Re: [External] Case No. CU2023-0004
Importance: Normal
Sensitivity: None

This is our objection. Thank you.

Sent from my iPhone

On Dec 27, 2023, at 11:21 AM, Michelle Barron <Michelle.Barron@canyoncounty.id.gov> wrote:

Good Morning,
\
Were you going to attach a letter, or does the email below represent your objection.
\
Thanks,
\
Michelle Barron
Principal Planner
Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID ~ 83605
Direct Line: ~ 208-455-6033 ~ ~ ~ ~ ~
DSD Office Phone: ~ 208-454-7458
Email: ~ Michelle.Barron@canyoncounty.id.gov
Website: ~ www.canyoncounty.id.gov
Office Hours:
Monday, Tuesday, Thursday and Friday 8am – 5pm
Wednesday 1pm – 5pm
**We will not be closed during lunch hour **
\
\

From: Sandee Vanderpool <sjvanderpool@msn.com>
Sent: Saturday, December 23, 2023 3:51 PM
To: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>
Subject: [External] Case No. CU2023-0004
\

Please accept this letter as our objection to the proposed mineral extraction case near our house.
\
Thank you,
Rick and Sandee Vanderpool
22311 Rams Horn Way
Caldwell ID 83607

360-661-9507

Michelle Barron

From: Scott Jarrow <sljarrow@msn.com>
Sent: Sunday, March 3, 2024 2:10 PM
To: Michelle Barron
Subject: [External] Modification of Original Email Sent to You on Thursday, February 29th, Titled "Local Resident Objection to the Conditional Use Permit (CUP) for 14533 River Road"

Original email had the distance to which the gravel pit would be dug to as "160 feet." This has been corrected to "120 feet" (highlighted in Para. 1) a. below) to reflect a change in the mining depth that was recently submitted by Premier Aggregates. The issue addressed in paragraph 1)a. regarding the potential for impact on our aquifer is still unchanged.

Ms. Michelle Barron (Case Planner),

Subject: Local Resident Objection to the Conditional Use Permit (CUP) for 14533 River Road, Caldwell

As you are aware, Jeff Bower/Kristen McNeill of AgEquity Holdings LLC have applied for a 3-year CUP to accomplish mineral extraction by Premier Aggregates of Emmett, ID. As residents of Taylor Ridge subdivision living at 22304 Big Loon Way, we are located directly west and above the canyon ridgeline. We are opposed to this project proceeding as described in the above-referenced Case Number. We attended the Public Hearing on February 22nd at 14533 River Road, Caldwell, and found that the Premier Aggregates representative, Evan Buchert, to be non-transparent about local residents' concerns. The three primary areas where Premier Aggregates failed to gain residents' confidence were: Water, Environmental Pollutants and Traffic Impact on quality of life for north Caldwell and west Middleton citizens around the proposed project.

- 1) Water – concerns were raised about how the mining operation to excavate ponds to a depth of 60 feet below the surface would impact water aquifers, local streams and the Boise River was not addressed adequately.
 - a. We were concerned about the aquifers being impacted, to which Mr. Buchert stated that most residential areas are moving away from aquifers to other water sources. The majority of households on both sides of the canyon are 100 feet above the proposed mining operation. Thus, at a distance of 120 feet above the level down to which the mining excavation will be dug to, there is the risk that if our aquifer will be interrupted or breached, and thus our drilled well water source will no longer be dependable to sustain our households. To provide documentation of a similar situation, we need go no further than a paper written by John A Welhan titled, "Ground Water Interactions Near the Highway Pond Gravel Pit, Pocatello Idaho", produced by the Idaho Geological Survey in Staff Report 01-3 in January of 2001. In the report, Mr. Welhan states:

"It has been known for some time that the [Highway] Pond represents the surface of the water table where the aquifer intersects the pit floor (Welhan and Meehan, 1994; Welhan et al.,1996; Figure 2); this area therefore is essentially an "open window" on the aquifer where the protective layer of low-permeability silt loam has been removed from the surface and excavation has exposed the aquifer." (See Attachment , page 6, Para. 2)

Furthermore, the Idaho Department of Environmental Quality states in its letter under Para. 5, "Ground Water Contamination", in the Case No. CU2023-0004 packet:

"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.'"

This situation, with the removal of the loam and Notus Soil covering the proposed gravel pit mining operation at 14533 River Road, will expose the aquifer that supplies drinking water to hundreds of homes in the immediate area of the gravel pit and threatens to contaminate our water supply. The CUP documentation shows what soil and loams are to be removed in the “Custom Soil Source Report for Canyon Area, Idaho cu2023-004 Jeff Bower Kristen McNeill.”

- b. We were also told (and the Case Document supports) that Premier Aggregates will utilize “ditch” water source to sustain their mining operation. At the meeting they stated that they will use “canal water” to divert in order to supply their mining operation. The property’s water-source is from two local “canals” (East Hartley Gulch and West Hartley Gulch – creeks, not canals) that sustains fish and wildlife in the area. Their plan calls to have a truck spraying Magnesium Chloride to mitigate all the dust created by their mining operation. This chemical would wash back into these canals and go directly into the Boise River. Mr. Burchert stated that the water would remain in their operating area “pond” and not wash into local water sources. Due to the sheer volume of water they plan to use in their operation, this cannot be true; a company representative stated that the water would just go back into their “canal.” However, these “canals” do not end at the property line – they flow into the Boise River.
- c. We are in agreement with Robin Collins, the Director of the City of Caldwell Planning and Zoning Department, who made clear her opposition to the proposed mining operation. She states:
“While we recognize that mineral extraction is a major resource activity that provides raw materials to support economic infrastructure, the pollution, erosion and sedimentation to surface water and ground water are of concern. In addition, after the minerals are processed, the waste rock and mine tailings are usually stored in large aboveground piles and containment areas, which has a negative visual impact on surrounding neighborhoods, and also poses an environmental problem.”

“Therefore, the City feels this use would cause damage, hazards, nuisances and other damage to persons or properties in the vicinity.”

- 2) Environmental Pollutants – concerns were raised about how the mining operation would substantially degrade the quality of life for local residents because of the noise and dust pollution generated by the 12-hours per day rock crushing machinery and the 24/7 pumping of water by diesel-driven pumps to keep water out of the excavation area.
 - a. We were informed that the mineral extraction would operate Monday through Saturday from 7 am to 7 pm for a period of three years. The machinery, according to the Public Hearing, generates a large amount of both air and noise pollution. Although the spraying of Magnesium Chloride would reduce some of the dust, much of it will still be released into the atmosphere around the gravel pit. The air pollution from the diesel pumping machines will increase the load of toxic gases, which are already experienced through our proximity to I-84. My wife and I suffer from bronchitis and I am borderline asthmatic. This will cause severe health stresses on our lungs.
 - b. During the mining operation, the gravel crushing machines will produce approximately 150-170 decibels of noise for a 12-hour period, Monday through Saturday, according to Premier Aggregates. Premier Aggregates has stated that they will construct berms around the site to minimize noise pollution to the surrounding area. Unfortunately, this will not significantly reduce noise to houses on both sides of the canyon because we will still be able to hear all sounds from the excavation site, since we are near line-of-sight to their operation. In addition, the noise of the 24/7 diesel pumps takes away our quiet, country feel and introduces a constant irritant. The fact that we can hear what goes on in the excavation property is proven by the fact that we could hear cattle lowing while the Wallace Farm still had cattle in the fields.
- 3) Traffic Impact – concerns were raised that trucks would travel to/from the gravel pit from 7 am to 5 pm Monday through Saturday. According to estimates in your Case Number, in order to move the amount of gravel estimated to be produced from the mining operation, there would be approximately 100 trips per day by gravel trucks. This equates to 10 trucks per hour, or a truck every 6 minutes commuting to/from the operation.
 - a. We are extremely upset at the increased traffic that will be overflowing onto our small, crowded rural roads. The documentation on their aggregate transport plan says that all trucks must exit out of the

gravel pit to the north and east, using either River Road on Channel Road to gain access to ID Hwy 44 and, subsequently, onto I-84. Everyone who lives locally knows that a left turn onto ID Hwy 44 from either of the two approaches is difficult, even on a “good” traffic day during non-peak hours. Thus, you will have gravel trucks trying to turn left on Hwy 44 and creating dangerous traffic conditions to people who live in Middleton and beyond trying to travel to/from I-84.

- b. We also realize that much of this mining operation will be taking place from 2024-2027. During this same time period, Idaho Department of Transportation will be upgrading interchanges and razing and reconstructing bridges across the Boise River and irrigation canal on I-84 and across the I-84 at both the ID Hwy 44 AND the Notus-Parma Hwy 20/26 exits. The construction on just ONE of these bridges will cause major delays and traffic problems WITHOUT the addition of 100 transits of gravel trucks in this already-congested area.
- c. Lastly, Mr. Burchert, when confronted at the Public Meeting with these problems made a statement to the effect, “Well, the gravel truck drivers will make the decision as to the best way to transport their loads to get onto I-84. River Road is a public road.” Translated: Mr. Burchert knows that a left turn onto ID Hwy 44 will be extremely difficult for the gravel trucks, and was therefore saying that the trucks can use River Road (south) to get to the Notus-Parma entry onto I-84. River Road south of the excavation site is not designed to handle the volume of traffic nor the truck loads that will inevitably be re-routed onto it. It is danger to drivers because it is a narrow, winding road - an accident waiting for a place to happen. Furthermore, it is clearly stated in the letter by the District Engineer, Chris Hopper, “No commercial truck traffic on River Rd west of the access, or on Channel Rd.”

At the end of the Public Hearing, my wife and I had more questions than answers from Premier Aggregates. Because of the increased risks to Canyon County citizens who will be directly and negatively impacted by this proposed Conditional Use Permit, we respectfully request that Canyon County Commissioners disapprove the granting of a mineral extraction permit. The mineral extraction operation is a threat to the health, welfare and quality of life for residents of north Caldwell and west Middleton, and the risks outweigh the benefits of such an operation.

Respectfully,

Scott and Leslie Jarrow

Ground-Water Interactions Near the Highway Pond Gravel Pit, Pocatello, Idaho

John A. Welhan

Staff Report 01-3
January 2001

Idaho Geological Survey
Morrill Hall, Third Floor
University of Idaho
Moscow, Idaho 83844-3014

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*Staff reports present timely information for
public distribution. This publication may
not conform to the agency's standards.*

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Ground-Water Interactions Near the Highway Pond Gravel Pit, Pocatello, Idaho

John A. Welhan¹

SUMMARY AND PURPOSE

Relevant information which bears on the physical context and possible impact of the Highway Pond gravel pit and water exposed therein on local ground water and domestic wells is assembled and reviewed for the purpose of assisting authorities in making informed decisions concerning environmental impacts on the water resource, future public access and recreational uses, and reclamation plans for the gravel pit. It is not the intent of this report to identify and evaluate all possible contamination sources which have adversely impacted the water quality of nearby domestic wells, but rather to identify and evaluate those factors which could contribute to the Pond's possible impact on ground-water quality.

INTRODUCTION AND BACKGROUND

GEOLOGIC BACKGROUND

The study area (Figure 1) is located south of the City of Pocatello's incorporated area, on the floor of the lower Portneuf River valley (LPRV), adjacent to and northwest of land recently annexed by the city for School District 25's Century High School. It comprises the area immediately surrounding the Idaho Transportation Department (ITD) gravel pit, and overlies the eastern portion of the gravel aquifer on which more than half of Pocatello's municipal wells draw their water.

¹ Idaho Geological Survey, Branch Office at Pocatello, Idaho State University, Pocatello

The geological setting of the Highway Pond has been described in detail by Welhan and Meehan (1994) and Welhan et al. (1996). Figure 2 shows the general configuration of coarse, relatively well-sorted, highly permeable gravel (Upper Gravels, of high permeability) overlying a deeper, poorly-sorted, silt- and clay-rich gravel (Tertiary Gravels) whose permeability is much lower. A layer of silt loam covers the valley floor to a depth of 5-40 feet. The upper gravel unit has been mined since the mid-1960s, and hosts the aquifer from which municipal and private wells draw water in the southern LPRV. The Highway Pond gravel pit is an area in which the protective, low-permeability silt loam unit has been removed to expose the underlying permeable gravels and the water table when it intersects the elevation of the gravel pit floor. The elevation of water in the pit mimics the elevation of water in nearby wells and is chemically very similar to local ground water. With one exception, all wells referenced in this study are completed in the shallow, upper aquifer gravel unit; only Hildreth Well 4 is completed in the deeper aquifer gravel unit.

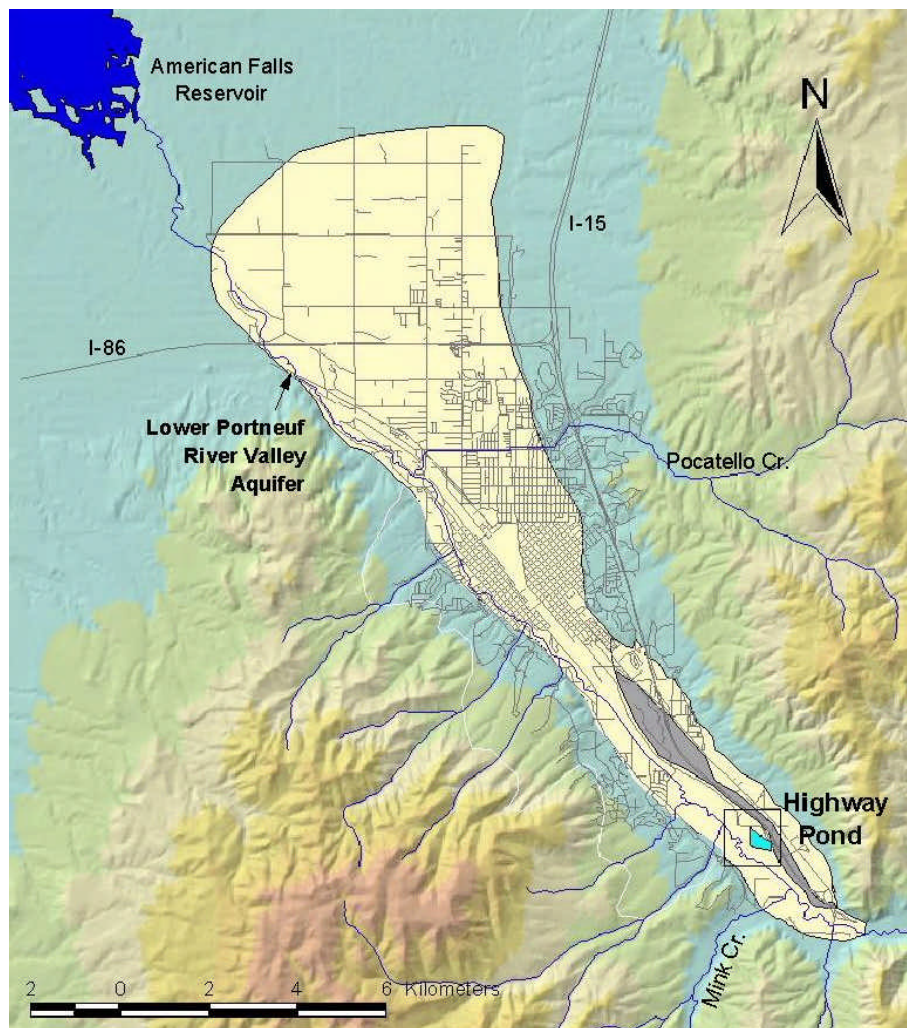


Figure 1. Location of the study area (rectangle) in the lower Portneuf River valley.

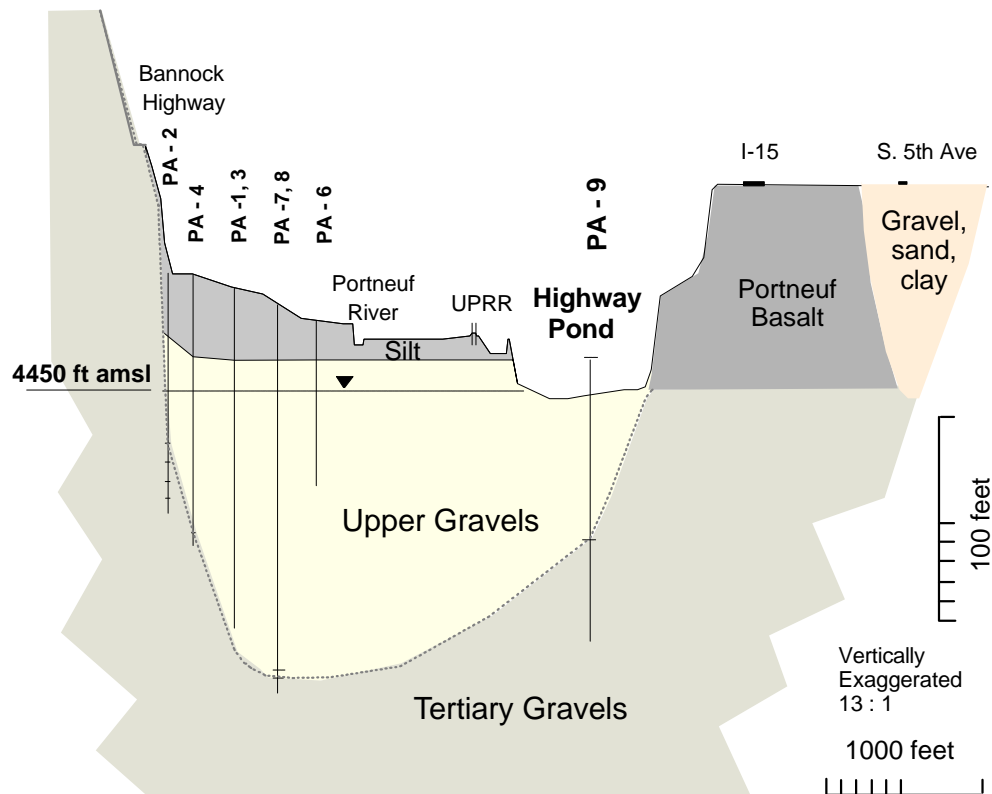


Figure 2. Geologic cross-section across the valley in the area of the Highway Pond, based on geologic information and cross-section in Welhan et al. (1996), developed from drilling data obtained by CH²M-Hill (1995) and elevation information in this report. Elevation of the water table based on well PA-9 agrees almost exactly with the elevation of Pond water in the gravel pit on May 9, 2000.

HISTORICAL SUMMARY

The Highway Pond gravel pit was first excavated during the construction of Interstate-15. Since then, one or more surface water bodies have existed at various times and to varying degrees in the gravel pit; this collection of water bodies has come to be known as the Highway Pond. Throughout this report, this water body will be referred to as the Highway Pond or simply, the Pond.

The U.S. Geological Survey 1:24,000 topographic map of the Pocatello-South quadrangle depicts the Highway Pond as one large, contiguous water body. The map represents features which existed at the time of compilation in 1971 and was photo-inspected in 1974 prior to publication, so it can be surmised that this extensive surface area of water-filled gravel pit known as the Highway Pond persisted during this period of time. In contrast, during the latter years of the drought of 1986-1993, the gravel pit was essentially empty.

The degree to which the gravel pit has been water-filled has varied over time: from completely dry in the last major drought (1986-1993), to completely full in the early 1970s and again in the mid-1980s. In mid-1996, the Pond was at its highest level in the past decade, with most of the floor of the gravel pit submerged. Since about mid-1998 and as of May, 2000, the gravel pit has contained no water except in an approximately one-acre area that was intentionally deepened in early 1996.

The Highway Pond has been a popular location for anglers since the Idaho Department of Fish and Game (IDFG) began stocking the Pond with trout fingerlings ca. 1977 (several years after a local resident, Mr. Bud Hildreth, demonstrated the feasibility of doing so). A portion of the gravel pit was intentionally deepened in 1996, with the intent of promoting a year-round stocked trout fishery. The Pond provides a recreational area conveniently close to the city for canoeists and kayakers, plus space and trails for off-road and all-terrain vehicle enthusiasts in the mined and unmined areas surrounding the Pond.

Public access to the Pond and gravel pit has not been regulated in the past, other than during gravel extraction and crushing operations. Thus, vehicles of all sorts, including cars and trucks, have driven to and parked at the water's edge, leaving litter, used motor oil, auto batteries, scrap metal and plastic, and assorted garbage in and around the pit; dog and gull feces are found over the entire pit area, and portable toilets installed by IDFG have been vandalized and on occasion overturned into the Pond. Dumping of refuse (domestic waste, raw sewage, hazardous materials, and plant and tree waste) and vandalism in and around the pit area (including signs posted by IDFG and ITD) has been a long-standing problem.

Since 1996, Mr. Hildreth has contended that coliform / e.coli bacterial contamination of his private well originates from the Highway Pond. Of seven samples of Pond water collected since September, 1997 from open water in the gravel pit, all have contained total coliform and six have had e. coli bacteria. A study commissioned by ITD (Rocky Mountain Environmental, 1997) did not rule out the Pond as a possible source of bacterial contamination in the well, and pointed out that other possible sources were present, including local seepage along an improper or nonexistent surface seal at the well in question.

Because of the exposure of the aquifer gravels due to removal of soil cover in the mined areas in the Highway Pond pit, the City of Pocatello has been concerned about the possible impact of the Pond on water quality in the aquifer. In particular, the City is concerned that uncontrolled public access to the Pond increases the risk of accidental or intentional releases of contaminants to the Pond and thence to the aquifer. Discussions between the City, ITD and IDFG over the possible risk posed by the Highway Pond commenced in late 1996. At the request of the City, a working group chaired by the Idaho Geological Survey was convened in 1999 to assess the situation and make recommendations. The working group included the original parties, Bannock Paving (a

private aggregate mining concern), Mr. Hildreth and concerned citizens, and various regulatory agencies, including District Health, Idaho Division of Environmental Quality, and Idaho Department of Lands (Minutes of Highway Pond Working Group, February - June, 1999). The working group chose not to focus on the causes of bacterial contamination alleged at the time but on the water quality risks posed by removal of soil cover, uncontrolled public access, and operating practices of mining and crushing conducted in the pits.

As a result, public access controls, enforcement of approved operating practices for contractors, and enhanced reclamation requirements following the cessation of mining were negotiated among the parties, including an agreement between IDEQ and IDL to develop coordinated guidelines for gravel mining management practices under conditions such as the Highway Pond. An agreement with ITD was reached to eventually cease gravel mining activities after 2003 and to reclaim and cover the pits, and the City of Pocatello subsequently purchased Bannock Paving's property interests immediately south of the ITD pit. Through a combination of grading, soil cover, and seeding, that property is being reclaimed to restore it to grassland conditions, albeit to elevations that are below the surrounding area where gravel was removed. In addition, ITD relocated a gravel stockpile from the center of its pit to the northern corner, in order to protect nearby private wells from future exposure to ground water which outcropped in that area of the pit.

In 1999 Mr. Hildreth initiated legal action against ITD, claiming the Pond was responsible for bacterial contamination of his drinking water well (Hildreth Well 2) and seeking compensation for a new domestic supply well he drilled in 1999 to replace the contaminated well. The new well was completed in the less permeable gravels beneath the shallow aquifer to ensure that any alleged contamination originating from the Pond via the shallow aquifer would not influence the replacement water well. Since it was disinfected and purged after drilling, this well (Hildreth Well 4) has tested clean for coliform bacteria. However, Hildreth Well 2 has not been resampled for coliform since August, 1999 when its pump was removed and installed in the new well. Thus, it is impossible to evaluate whether its coliform problem has responded to subsequent hydrologic changes and ITD's remediation activities in the northern corner of the gravel pit.

GROUND-WATER SOURCE OF THE HIGHWAY POND

The water in the Pond is chemically very similar to ground water in the shallow aquifer (Meehan and Welhan, 1994; Welhan et al., 1996). As shown in Table 1, the chemical composition of well water in Hildreth Well 2 reported by Rocky Mountain Environmental (1997) is also very similar to previous analyses from this and other wells around the Pond - and to the Pond itself. The exception is sulfate, whose concentration in Hildreth Well 2 was almost three times higher in June, 1994. Meehan and Welhan (1994) proposed and tested a chemical reaction model in which sulfate originating from a

Table 1. Hildreth Well 2 water quality comparison. Data (in mg/liter) are summarized from Rocky Mountain Environmental (1997) and Meehan and Welhan (1994).

Hildreth Well 2:					Katsilometes:	Hildreth Well 1:				
RME (1997): Meehan and Welhan (1994):					(upgradient)	(downgradient)				
	10/27/97	06/15/93	12/06/93	Average	06/15/93	06/15/93	12/06/93	Average		
pH	7.6	7.6	7.6	7.6	7.5	7.6	7.5	7.6		
Alkalinity as CaCO ₃	230	217.2	183.6	200.4	205.0	206.8	186.1	196.4		
Hardness as CaCO ₃	250	350.4	282.8	316.6	280.3	303.3	292.5	297.9		
Chloride	61	54.2	45.0	49.6	43.5	36.5	36.0	36.3		
Sulfate	46	127.0	60.0	93.5	44.0	53.0	43.0	48.0		
Nitrate as N	0.6 *	3.4	2.0	2.7	1.4	2.4	1.9	2.1		
Sodium	35	53.7	46.2	50.0	45.1	45.6	38.1	41.9		
Calcium	54	77.0	70.7	73.9	66.4	71.0	77.9	74.5		
Magnesium	27	38.4	25.8	32.1	27.8	30.6	23.8	27.2		
TDS	330									
*as NO ₃ +NO ₂ -N										
Highway Pond Water:										
North Pit:					South Pit:					
	06/04/93	06/21/93	12/06/93		06/04/93	06/21/93	12/06/93	Average		
pH	7.2	7.7	7.6		8.2	8.2	8.1	7.8		
Alkalinity as CaCO ₃	203.1	200.1	208.0		183.6	176.9	180.6	192.1		
Hardness as CaCO ₃	318.2	293.5	360.3		283.4	235.3	332.2	303.8		
Chloride	32.0	34.5	41.5		33.5	42.2	33.5	36.2		
Sulfate	42.0	44.0	39.0		42.0	44.0	38.0	41.5		
Nitrate as N	1.7	1.6	1.7		1.6	0.8	1.6	1.5		
Sodium	n.a.	36.1	43.5		n.a.	30.0	44.0	38.4		
Calcium	74.0	73.0	93.0		66.0	50.7	85.7	73.7		
Magnesium	32.4	27.0	31.1		28.8	26.4	28.7	29.1		
Portneuf River Water:										
Norvitch & Larson (1970):										
	04/14/60	08/03/60	06/21/93	12/06/93	Average					
pH	7.8	8.2	8.3	8.4	8.2					
Alkalinity as CaCO ₃	n.a.	n.a.	154.3	222.0	188.2					
Hardness as CaCO ₃	318.2	293.5	360.3	0.0	283.4					
Chloride	30.0	42.0	27.7	36.0	33.9					
Sulfate	34.0	39.0	27.0	45.0	36.3					
Nitrate as N	0.7	0.6	0.6	1.6	0.9					
Sodium	27.0	39.0	24.0	48.4	34.6					
Calcium	64.0	55.0	61.3	96.2	69.1					
Magnesium	25.0	31.0	20.8	38.7	28.9					
TDS	358	396.0								

stockpile of crushed aggregate situated across the road from the Hildreth well infiltrated to the water table directly upgradient of the well. The well's sulfate level appears to be significantly lower since this putative sulfate source was removed.

It has been known for some time that the Pond represents the surface of the water table where the aquifer intersects the pit floor (Welhan and Meehan, 1994; Welhan et al., 1996; Figure 2); this area therefore is essentially an "open window" on the aquifer where the protective layer of low-permeability silt loam has been removed from the surface and excavation has exposed the aquifer.

Pond water levels have fluctuated synchronously with the rise and fall of the aquifer's water table. Photos in Appendix I document the changes at different times as water table levels have varied. It has been observed that rising pond water level lags

rising river stage in the Portneuf River during spring runoff events (B. Brown, written communication, 2000), thus mimicking the local water table, which also lags spring runoff (Welhan et al., 1996). As documented below, ground-water levels in the LPRV aquifer fluctuate seasonally (reflecting summer pumping stress) as well as secularly (in response to long-term variations in Bannock Range precipitation and hence recharge).

Ground water in this area of the aquifer generally moves from southeast to northwest at rates of 10-40 feet per day (Welhan and Meehan, 1994; CH²M-Hill, 1995; Welhan et al., 1996). When the water table is high and the water table is exposed in the gravel pit, ground water would be expected to flow through the Pond, entering along its southern edge and exiting (reentering the aquifer) along its downstream side.

IMPACTS OF WATER TABLE EXPOSURE ON WATER QUALITY

If ground-water quality were unaffected by this subaerial emergence, then water reentering the aquifer at the north side of the Pond would have no impact on aquifer water quality. However, where ground water discharges into a surface water body it naturally undergoes a variety of chemical modifications aside from any changes induced by additions of foreign substances. For example, by its exposure to the atmosphere, the relatively high dissolved carbon dioxide content of ground water will be reduced, thereby raising the pH and promoting mineral precipitation. If the dissolved oxygen content of ground water has been lowered by chemical oxidation in the aquifer prior to its emergence, the oxygen content will increase upon exposure to air, also initiating a potential chain of chemical readjustments. Organic photosynthesis and respiration reactions due to surface water biota will similarly affect dissolved gas concentrations, organic matter content, metals uptake and mobility, nutrient levels and other chemical characteristics.

In addition to these and other natural chemical changes, accidental or intentional releases to the surface water body of fertilizers, pesticides, petroleum hydrocarbons, metals, sediment, and sewage or fecal waste will alter the chemistry of water reentering the aquifer. Regardless of the particular chemical changes, the impact of exposing the water table in a situation such as the Highway Pond is always to alter ground-water quality in the surface exposure and in the aquifer downgradient of the Pond. The chemical impact of surface water infiltration into an aquifer is well known; if these changes are minimal or of a nature that allows natural chemical reactions between ground water and the aquifer sediments to reestablish a new chemical equilibrium, then infiltrating surface water will have no impact. However, if water quality is altered in a way that natural chemical equilibrium cannot be reestablished then aquifer water quality can be detrimentally affected.

SCOPE OF THIS EVALUATION

This report has two objectives: 1) to assemble relevant background information on the Highway Pond in relation to the local water table, and 2) to evaluate the nature of

impacts on the aquifer due to the existence of a Pond. Background information and knowledge have been assembled from existing sources; new water level information was collected from five private wells north of the Pond; and the water level of the Pond itself was measured and evaluated in relation to the local water table. Because of the drawdown created by Pocatello Municipal Well 44 south of the Pond, the water level survey and this analysis were restricted primarily to the area of the Pond itself and wells immediately to the northwest.

DESCRIPTION OF METHODS

SURVEYING

An elevation and position survey was carried out April 18, 2000 by a registered land surveyor contracted by Mr. Bud Hildreth. Surveying of all wellhead measuring points and Pond water surface was performed with Trimble 4800 Global Positioning System (GPS) instrumentation, with a vertical accuracy of 1 cm. Results were summarized as a digital file of x, y, and z coordinates (D. Klatt, written comm., 2000) and provided to the IGS. A temporary benchmark was installed on the southern lip of the main ITD gravel pit as a reference point for monitoring future Pond water level changes. All location data were imported into ArcView GIS software for plotting and analysis.

WATER LEVEL MEASUREMENTS

Water levels in private wells were measured with a Solinst electrical water level tape graduated in 0.05-foot increments. Measurements were made 4/18, checked for reproducibility on 4/21, and again for short-term changes on 5/09; a spot measurement was also made in Hildreth Well 3 on 10/13. Neither Hildreth or Grady wells were affected by irrigation pumping at the time of the survey and none of the domestic wells were being pumped during either visit to the wells. Because of the very high permeability of this aquifer and the resultant rapid recovery rate of water levels in pumped wells (Welhan et al., 1996), all water level readings were considered to be static readings. Reading accuracy is +/- 0.025 ft; an estimate of measurement precision is provided by the degree of reproducibility attained in measurements at the same well taken three days apart and is less than 0.03 ft (rms difference).

Pocatello Municipal Well 28 in Ross Park is 2.5 miles directly downgradient of the Highway Pond. Water level data from Well 28 were collected from two sources: manual water levels collected monthly by City personnel from 1971 to 1993, and from a Unidata Macro data logger and pressure transducer installed in the well and recording at hourly intervals since 1993. Manual measurement precision is unknown but is likely better than 1 foot; data logger measurement precision is +/- 0.1 feet. All data for Well 28 have been reported relative to an assumed measurement point elevation of 4457 ft amsl; the City of Pocatello had the floor of Well 28's pump house surveyed in May, 2000 and its actual elevation is 4460.32 ft amsl. Therefore, water levels reported here should be

corrected by ca. +4 ft for absolute comparisons to other wells. However, for the purposes of this discussion it is the relative water level variation as recorded at Well 28 that is of greatest interest.

Although Well 28 is an active production well, its water level is still a useful gauge of static water level trends and for estimating year-to-year differences in water table elevations. This is because its maximum drawdown during pumping is less than 3 feet, and because its water level recovers very rapidly when pumping ceases. Only non-pumping measurements from the manually-collected water level data (pre-1993) are considered here; the automatically-recorded data (post-1993) include both pumping and non-pumping water levels.

POND AREA

A Trimble GeoExplorer II was used to survey the area of the currently exposed water table, the major low-lying areas of the gravel pit that have been inundated in the recent past (1996 to 1999), and the areal extent of gravel back-fill placed on another low-lying area in the northernmost corner of the pit¹. All GPS data were collected and differentially-corrected with base-station data logged at Idaho State University (<http://134.50.65.125/GPS/>); mean horizontal positional precision of the corrected coordinates varies between 5 and 10 feet.

RESULTS AND INTERPRETATION

Figure 3 shows salient features in the study area, including monitoring wells for which historic water table information is available, the locations of private wells surveyed in this study, and Pocatello Municipal Well 44. Table 2 summarizes the survey and water level data. The area of the ITD gravel pit is approximated by the areal extent of the Highway Pond shown on topographic maps (U.S. Geological Survey, 1974). The dark area within the pit is the currently exposed area of the water table; other irregular areas within the pit are low-lying areas that have been chronically submerged in the past six years, including the back-filled low area in the north corner of the pit.

WATER TABLE GRADIENT

Figure 4 depicts water level elevations in feet above a datum of 4440 ft (relative to mean sea level). Note that the water level in Hildreth Well 4 is not considered representative of the shallow aquifer in which all other measured wells are completed because this well is completed in and draws water from a deeper aquifer. The water levels in the shallow aquifer have been contoured manually and are shown in Figure 3 as solid lines extending between the rail line and the edge of the Portneuf basalt. The interpreted

¹ ITD voluntarily initiated this measure in mid-1999 to reduce possible risk to Hildreth Well 2 from ground water exposed in the northern corner of the gravel pit.

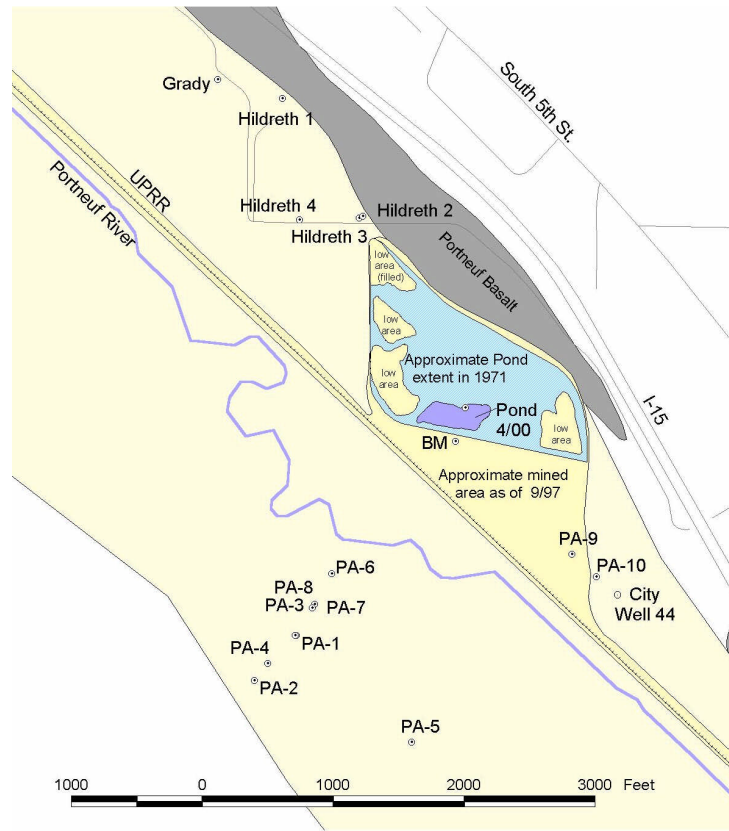


Figure 3. Study area showing relevant features. The area in blue represents the approximate extent of the gravel pit under totally submerged conditions shown in 1974 U.S. Geological Survey topographic map. Extent of mined area is from the geologic map of Othberg and Rodgers (1999). Dark area in gravel pit is exposed water as of May, 1999. Low-lying areas and area of back-filled gravel are also shown. PA-series wells are monitoring wells installed by CH²M-Hill (1995). Location of the cross-section shown in Figure 2 is along the line of wells from PA-2 to PA-6 extended across the valley to the gravel pit, with well PA-9 projected into the plane of the section.

Table 2 - Well survey and water level measurements

Name	Easting, ft	Northing, ft	Z (MP)	Location	Date of Measurement:					
					4/18/00		4/21/00		5/09/00	
					btc	swl	btc	swl	btc	swl
Hildreth 1 MP	596541.14	419703.66	4486.91	Hildreth domestic (rental well)	40.31	4446.60	40.35	4446.56	not meas.	-
Hildreth 2 MP	597152.10	418805.76	4493.10	Hildreth old domestic well	45.34	4447.76	45.38	4447.73	45.98	4447.12
Hildreth 3 MP	597126.69	418791.87	4491.78	Hildreth irrig'n well	not meas.	-	44.03	4447.76	not meas.	-
Hildreth 4 MP	596671.45	418779.19	4484.55	Hildreth new domestic well	37.15	4447.40	37.15	4447.40	not meas.	-
Grady MP	596047.66	419846.29	4467.00	Grady domestic/irrig'n well	21.00	4446.00	21.00	4446.00	not meas.	-
Pond Elev.	597935.28	417342.47	4448.91	Highway Pond surface		4448.91		-	not meas.	-
Well PA-9*	598749.75	416229.06	4481.10	Monitoring well		-		-	32.40	4448.70
Well PA-10*	598934.44	416057.28	4482.74	Monitoring well		-		-	34.50	4448.24
Well TH-5	not meas.	not meas.	(4481.9)	Monitoring well (approximate elevation)		-		-	37.05	4444.87
Bench Mark (temporary)	597861.62	417089.90	4476.12	Bench mark, top of pit, west side						

MP = measuring point
 btc = feet below top of casing
 swl = static water level, feet above mean sea level
 * = survey information from CH²M-Hill (1995)

flow net is discussed in a later section.

The water level in the Pond reflects the level of the local water table, albeit averaged over its length in the direction of the water table slope. It is well known that where a water table intersects the topographic surface so as to create a surface water body such as the Highway Pond, the elevation of the surface of the Pond will be slightly lower than the elevation of the water table at the upgradient edge of the Pond and slightly above the elevation of the water table at its downgradient edge. Thus, ground water flows from the aquifer into the Pond, and subsequently back into the aquifer. This is reflected in the localized warping of water table contours around the Pond (as described in a later section on Ground-Water Flow Direction).

The water table data are consistent with ground-water flow that is parallel to the edge of the Portneuf basalt. Hence, the water table elevation difference between Hildreth

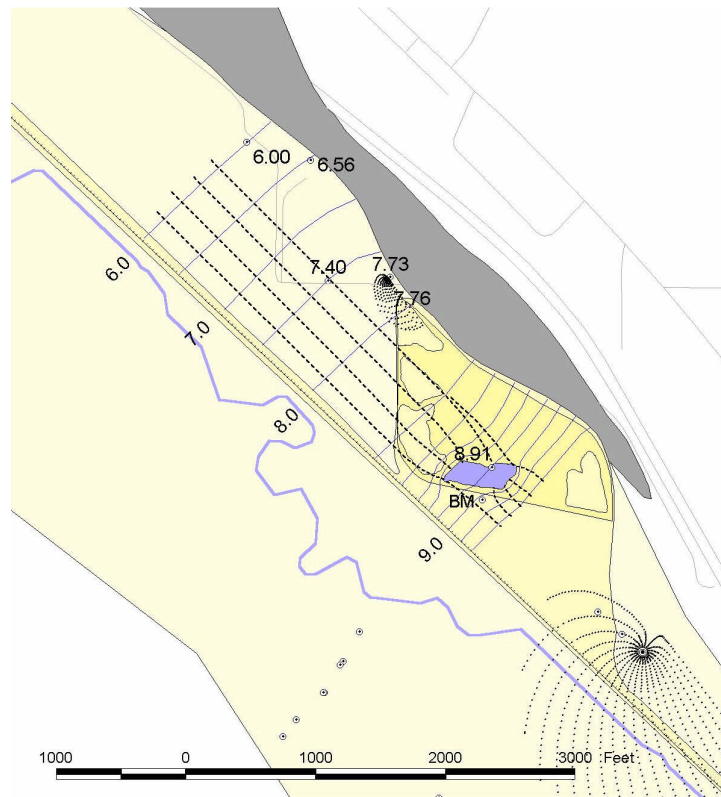


Figure 4. Representation of the ground-water flow field at low water table elevations (May, 2000), into and out of the Pond, together with predicted impacts of pumping wells. Water table elevation contours are shown labeled as feet above 4400 foot datum, with a variable contour interval to show effects near the Pond. Ground-water flow paths into and out of the Pond are shown as dashed lines. One-year capture zone shown for continuous pumping at Pocatello Well 44; six-month capture zone shown for Hildreth irrigation Well 3. Dotted lines indicate ground-water flow paths converging on the pumping wells.

Well 1 and Well 2 (1.16 ft) provides a good approximation of the hydraulic gradient (water table slope) between these wells (a distance of 1100 ft). The gradient so determined is 0.00105 or 0.11%; between Hildreth Well 2 and Grady's well, it is 0.00115. As discussed in the following section, the magnitude of these gradients is entirely consistent with previous water table interpretations based on more wells over a wider area of the aquifer (CH²M-Hill, 1995; Welhan et al., 1996).

The average gradient between the Pond and Grady's well is 0.00094, decreasing to the southeast from a high of approximately 0.0013 near Grady's well to ca. 0.0007 between the Pond and Hildreth Well 2. The decrease appears to be systematic and may be due to several factors: the complex three-dimensional hydraulic interaction between ground water and the surface water body through which it flows (Townley and Trefry, 2000), aquifer inhomogeneity (that is, permeability around the gravel pit differs from that beneath Grady's property), or the effect of Well 44's essentially continuous pumping since it was put into production in August, 1999. Of these possible effects, the latter is probably of greatest significance.

Well 44's zone of influence is distorted by its proximity to the aquifer boundary, but nevertheless the well's drawdown creates an artificial ground-water divide and flow reversal between the Pond and the well. Southeast of this divide, the slope of the water table and direction of ground-water flow is toward Well 44; at the divide, the hydraulic gradient is zero; and northwest of it, the gradient gradually steepens to the northwest. The capture zone shown in Figure 3 under-represents the actual extent of the well's impact on aquifer water levels; in particular, water levels northwest of the well would be reduced as the aquifer seeks a new quasi-equilibrium. Because Well 44 has been pumping continuously since coming on line in August, 1999 (F. Ostler, pers. comm., 2000), its hydraulic impact on the aquifer is assumed to have reached a quasi-steady state for the purposes of this analysis.

Water levels in Hildreth well 2 and monitoring wells PA-9 and PA-10 measured on May 9 (Table 2) corroborate the expected gradient reversal. The apparent hydraulic gradient between Hildreth well 2 and PA-9 is 0.0005 (sloping to the northwest), whereas between PA-9 and PA-10, it is reversed (sloping southeast) and much steeper (0.0018); the gradient at the production well exceeds 0.020 (based on well TH-5's water level relative to PA-10).

COMPARISON WITH PAST WATER TABLE VARIATIONS

Figure 5 summarizes water level data measured in a number of wells in the study area on May 12, 1994 (CH²M-Hill, 1995) prior to the installation of Pocatello Municipal Well 44. Water levels are shown relative to the 4440 ft datum. Contours of the water table indicate a general ground-water flow direction that is parallel to the valley axis and the aquifer's boundaries. This is consistent with historic water level records dating back to

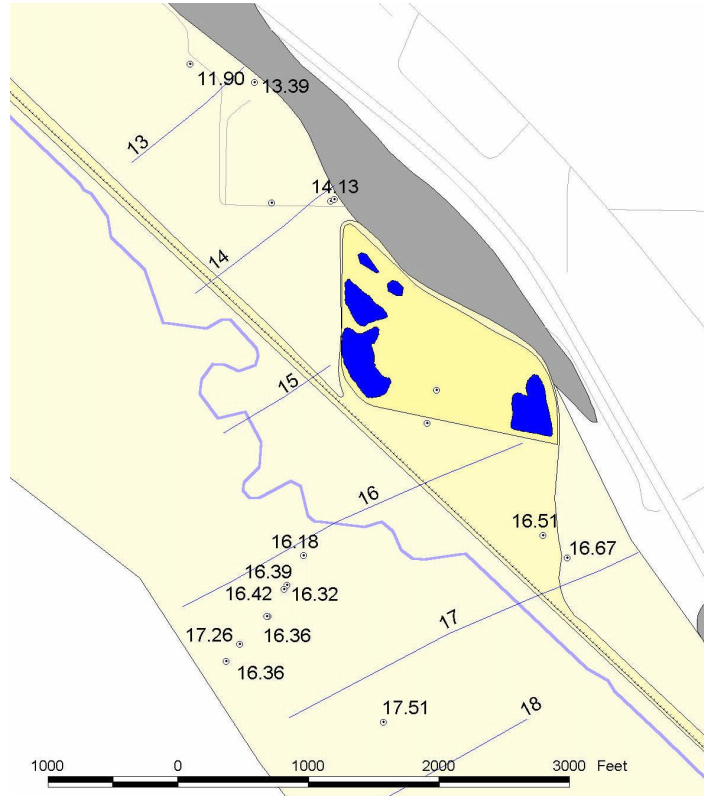


Figure 5. Water table elevations in wells relative to 4400 foot datum, as measured May 12, 1994 (CH²M-Hill, 1995). Contours have been simplified to reflect a hydraulic gradient that is predominantly along the axis of the valley. Dark blue areas in gravel pit represent approximate extent of areas submerged in 1994 (see photo D, Appendix I).

1981 (Welhan et al., 1996) and underscores the uniform nature of the water table in this portion of the valley in the absence of pumping disturbances. From the spacing of these water table contours, the average hydraulic gradient in this area of the aquifer is 0.00090. This is almost identical to the average hydraulic gradient of 0.00094 determined from the April, 2000 water level survey discussed above.

Figure 6 summarizes the water level record at Well 28 (measured when the well was not pumping), together with total annual precipitation recorded at the National Research and Conservation Service's SnoTel station on Wildhorse Divide in the Bannock Range, the aquifer's principal recharge area (Welhan et al., 1996). Well 28's response over three decades shows a consistent pattern of (a) pumping-induced drawdowns of the order of 1-2 feet at pump rates of 800-1200 gallons per minute, (b) a general summertime pumping period decline of the order of 5-10 feet, followed by (c) a post-pumping period of recovery and a variable amount of spring recharge-induced water level increase, and (d) a suggestion of a secular correlation between total precipitation (maximum available recharge) and aquifer water level. It is apparent that static water levels in the Ross Park

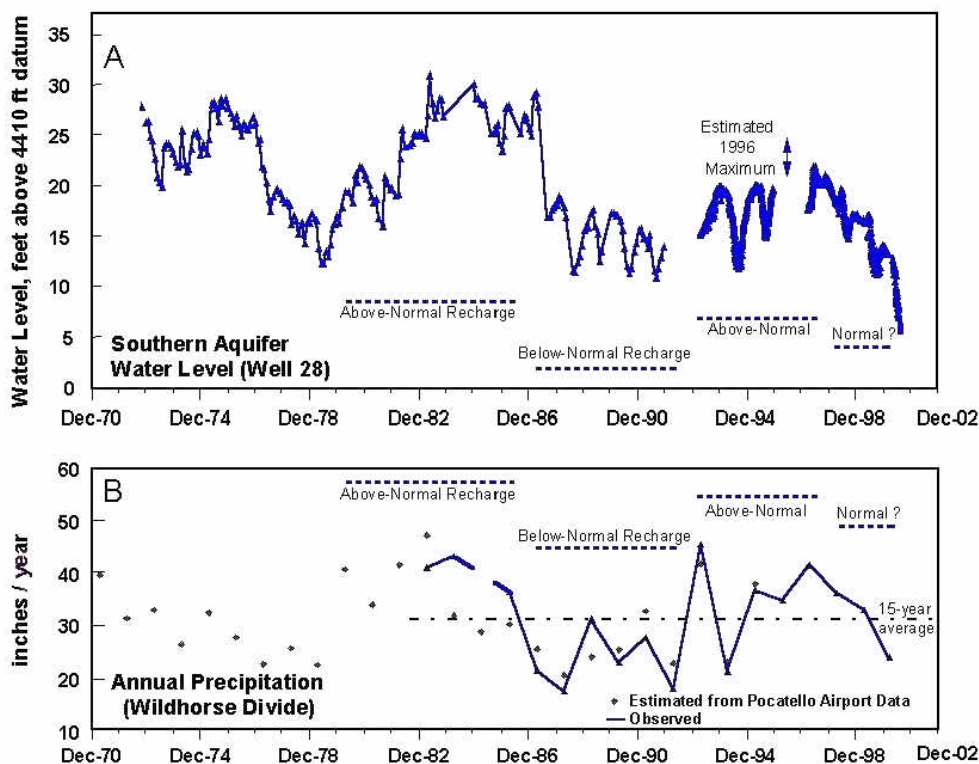


Figure 6. (A) Water levels in Municipal Well 28. (B) Total annual precipitation measured at Wildhorse Divide SnoTel station in the aquifer's principal recharge source area. No water level data are available for 1996 due to data logger battery failure; an approximate maximum range was estimated from a contemporaneous rise at the Highway Pond (compare photos for 1994 and 1996 in Appendix I).

area have varied significantly in the past. They have been almost 25 feet higher than current levels, notably during the early-1970s and mid-1980s.

A comparison of water level variations at Well 28 and in wells near the Highway Pond is illuminating. From photo documentation presented in Appendix I, the degree of inundation in the gravel pit correlates with long-term changes of water table elevation measured at Well 28. Measurements at Well 28 appear to provide a reasonable representation of changes in water table elevation in the vicinity of the Pond. Water levels measured 18 days apart (between April 21 and May 9, 2000) in Hildreth Well 2 and Well 28 showed very similar changes (declines of 0.61 and 0.72 feet, respectively), within the precision of the measurements. Between May 12, 1994 and April 21, 2000 (2171 days), water level in Hildreth Well 2 decreased by 6.40 feet; water levels in the Hildreth Wells 1 and 2 and the Grady well (compare Figures 3 and 4) decreased an average of 6.38 feet (range: 5.90 to 6.83 ft). In the same period, water level at Well 28 decreased 5.17 feet. The greater rate of decline in the Pond area may be a reflection of the proximity to Well 44, which has been pumping almost continuously since August, 1999.

Based on the above information, the conclusion is that Well 28's water level is a reasonable surrogate for relative water table fluctuations in the area of the Highway Pond.

IMPACTS OF THE POND ON LOCAL GROUND-WATER FLOW

To infer ground-water flow directions from the water level measurements on April 21, a flow net was created to approximate the two-dimensional areal nature of ground-water flow and the effect of the exposed water table. A flow net is a map showing contours of equal water table elevation and resultant ground-water flow directions. Because of the three-dimensional complexity of flow that arises around surface water bodies communicating with ground water (Townley and Trefry, 2000), the effect of aquifer inhomogeneity, and Well 44's known impact on ground-water elevations south of the Pond, an analytical model of the flow net was not computed. An approximate flow net was created manually using standard methods (Freeze and Cherry, 1979). The flow net interpretation was constrained by measured water levels, the exposed area of the Pond, and the assumptions of a homogeneous, isotropic porous medium, a hydrologic steady-state, and laminar (Darcian) flow. The adjacent aquifer boundary along the basalt was assumed to be impermeable.

The flow net shown in Figure 4 expresses the relationship between water table elevation and inferred ground-water flow direction arising from that water table configuration. Solid lines extending southwestward from the basalt are contours of equal water table elevation; dashed lines represent ground-water flow moving into and emanating from the Pond. Note that the flow net shown upgradient of the Pond is unconstrained because of the lack of measurements and the influence of Well 44.

The flow net analysis provides a visual approximation of the areas of the aquifer affected by infiltration of water from the Highway Pond. Currently, the area of impact is limited to the area directly downgradient of the exposed Pond. Thus, under such conditions, Hildreth Well 2 is not in the Pond's area of impact unless locally induced water table gradients distorted the flow lines shown in Figure 4.

Hildreth Well 3 is an irrigation well some 30 feet from Hildreth Well 2; during the growing season it pumps at more than 300 gallons per minute (B. Hildreth, pers. comm., 2000). Aquifer permeability has not been determined at this well, but is assumed to be similar to that at Well 44 (740 ft/day, unpubl. data and analysis). The dotted area shown in Figure 4 converging on Hildreth Well 3 represents a six-month capture zone for a continuous 30 gallons per minute pumping rate, approximately the maximum continuous pumping rate at which its capture zone would not intercept Pond-derived water. Since Hildreth Well 3 pumps substantially more than this during the irrigation season (ca. 300 gpm), its actual capture zone would encompass a much larger area. The implication is that Hildreth Well 3's pumping impact could draw Pond water toward Hildreth Well 2 even under the condition of a low water table and little exposed water in the gravel pit.

In the past, when the water table was considerably higher, a much larger area of the gravel pit was flooded. Although we do not have measurements of the Pond area or water level data to construct a flow net under such conditions, an approximate scenario can be evaluated. Based on photographs and personal visits to the Highway Pond following the rapid rise in Pond level in the spring of 1996, an essentially contiguous area spanning the length of the main pit was submerged through most of 1996 and 1997.

Figure 7 shows the approximate extent of the area submerged under moderate- to high-water table conditions. A larger area of the water table is exposed and the pattern of ground-water flow around the Pond is altered over a much larger area. Although this is an approximate representation of the ground-water flow net, constrained solely by the area of the exposed water table and previous assumptions, it represents the salient features of the ground-water flow field to be expected under these conditions. Note how the water table contours are warped immediately upgradient and downgradient of the Pond, thereby spreading water which seeps from the Pond over a much larger area of the aquifer (including areas west of the rail line). In comparison with the flow net of Figure 3, the

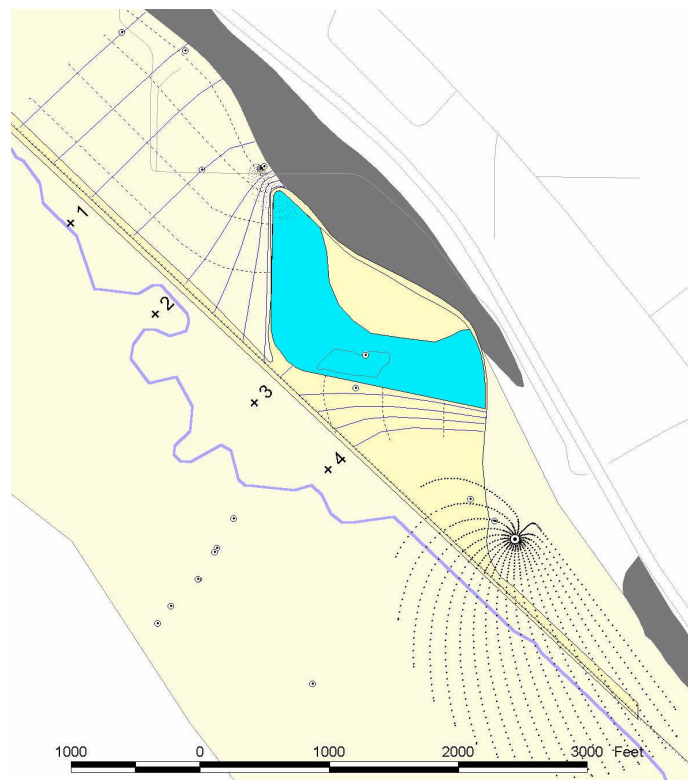


Figure 7. Representation of the ground-water flow field at moderately high water table approximating the 1996-97 level of the Pond (shown in blue; cf. Figure E in Appendix I). Well capture zones from Figure 3 are shown for reference. Water table elevations are shown as feet above 4400 datum, with a variable contour interval.

conclusion is inescapable that a larger pond surface area exposes a larger area of the aquifer to water that has resided in the Pond.

The preceding flow net analysis suggests that Hildreth Well 2 is more likely to be exposed to water seeping from the Highway Pond under high water table conditions (i.e. when the Pond surface area is large). However, under the influence of pumping at Hildreth Well 3, Pond water may be drawn toward Hildreth Well 2 under low water table conditions, as well.

BACTERIAL CONTAMINATION

Photographs (Appendix I) show that the main pit area was dry in 1992 and, based on past ground-water level variations (Figure 5), it was probably dry prior to 1990. Based on photographs and examination of the pit area in the past decade, the northern corner of the gravel pit is a low-lying area which has had water exposed in it for much of the time that water was exposed in other low-lying areas of the pit (Figure 2). The northern corner contained water in the spring of 1993 and retained it through at least 1994; it was entirely flooded in 1996-97, and held a diminishing pool of water before going dry sometime in 1998.

Thus, the water table was exposed in the northern corner of the gravel pit almost continuously for about four years (spring, 1993 - summer, 1998), directly upgradient of Hildreth Well 2. Thus, Hildreth Well 2 was continuously within about 500 feet of exposed water, and within about 200 feet when the water table was high in 1996-97. From the USGS topographic map, the northern corner of the pit is known to have been full in the early 1970s; from Well 28's record, it is probable that the water table was also exposed in this area of the pit during the mid-1980s.

Given Hildreth Well 2's location and proximity downgradient of exposed water in the pit, it is possible that water quality variations originating in the Pond have impacted the well. Previous studies of ground-water quality around the Pond (Meehan and Welhan, 1994) found elevated sulfate in Hildreth well 2 (60-127 mg/l) at a time when a stockpile of crushed slag on the asphalt-mixing tarmac adjacent to the north corner of the pit provided a source of readily leachable sulfate (Meehan and Welhan, 1994). After the stockpile was removed, sulfate levels in Hildreth Well 2 returned to normal levels of 40-50 mg/l (Rocky Mountain Environmental, 1997).

Table 3 shows coliform analyses of Pond and well water samples collected by Mr. Hildreth (summarized from District 6 Health Department laboratory reports). Coliform bacteria have been detected in the Pond since 1997 when the first samples were collected; six of seven samples contained e.coli bacteria. In contrast, coliform detection in wells on the Hildreth property has not been as consistent and e.coli detected less frequently.

E. coli are retarded relative to the flow rate of water through a porous medium, but are known to migrate rapidly where preferential flow paths such as root channels,

Table 3 - Coliform data summary. Samples collected by Bud Hildreth, results summarized from District 6 Health Department laboratory reports.

				1=Present; 0 = Absent		
Sample Location	Type	Date Coll'd	Analyzed	Tot.Coliform	E. Coli	Notes
Hildreth well 2 near residence and irrigation well						
8424 Hildreth Rd.	Outside faucet	05/20/96	05/21/96	1	0	
	Outside faucet	06/10/96	06/11/96	1	1	
	Outside faucet	08/19/96	08/20/96	1	0	
	Outside faucet	06/18/97	06/19/97	1	0	
	not specified	09/16/97	09/17/97	1	1	
	not specified	11/06/97	11/07/97	0	-	'-' = no analysis
	Outside faucet	04/29/98	04/30/98	0	-	
	Kitchen faucet	05/11/98	05/12/98	0	-	
	not specified	07/15/98	07/16/98	1	0	
	not specified	09/16/98	09/17/98	1	0	
	Outside faucet	11/17/98	11/18/98	1	0	
	not specified	12/04/98	12/07/98	1	0	
	Outside faucet	02/18/99	02/19/99	0	-	
	Outside faucet	03/25/99	03/26/99	0	-	
	Outside faucet	06/08/99	06/09/99	1	0	<- gravel stockpile has been moved into northern corner of pit
	Outside faucet	07/12/99	07/13/99	1	0	
Hildreth well 1, at rental house						
8498 Hildreth Rd.	not specified	05/23/96	not specified	1	0	
	Outside faucet	06/11/96	06/12/96	0	-	
	Outside faucet	04/29/98	04/30/98	1	0	
	not specified	05/11/98	05/12/98	1	0	
	Outside faucet	06/01/98	06/02/98	1	0	
	Outside faucet	07/15/98	07/16/98	1	0	
	not specified	09/16/98	09/17/98	1	0	
	Outside faucet	11/17/98	11/18/98	1	0	
	Outside faucet	02/18/99	02/19/99	0	-	
	Outside faucet	03/25/99	03/25/99	1	0	
	Outside faucet	06/08/99	06/09/99	1	0	<- gravel stockpile has been moved into northern corner of pit
	outside tap	07/12/99	07/12/99	0	-	
	Kitchen faucet	09/20/99	09/21/99	0	-	
	Kitchen faucet	10/15/99	10/15/99	0	-	
	Kitchen faucet	12/16/99	12/16/99	0	-	
	Kitchen faucet	03/06/00	03/06/00	0	-	
Hildreth well 3 (irrigation well)						
8424 Hildreth Rd.	not specified	08/09/99	08/10/99	1	0	
	not specified	10/15/99	10/16/99	1	0	
Hildreth well 4 (new well)						
8424 Hildreth Rd.	not specified	08/09/99	08/10/99	1	0	newly drilled well, prior to disinfecting 4 days after chlorine treatment
	Kitchen faucet	09/20/99	not specified	0	-	
	Kitchen faucet	10/15/99	not specified	0	-	
	not specified	12/16/99	not specified	0	-	
	Kitchen faucet	03/06/00	not specified	0	-	
Highway Pond,						
various locations	North corner of pond	09/16/97	not specified	1	1	
	North corner of pond	05/11/98	not specified	1	1	
	South end of pond; north is dry	03/25/99	not specified	1	1	
	not specified	07/12/99	07/12/99	1	0	<- gravel stockpile has been moved into northern corner of pit
	Main fishing hole, low water	08/09/99	08/09/99	1	1	
	Deepened area, south side of pit, otl	10/15/99	10/15/99	1	1	
	Deepened area, south side of pit, otl	04/25/00	04/25/00	1	1	
MISCELLANEOUS NOTES:						
Well at 8498 Hildreth Rd. started showing coliform later than at 8424 Hildreth Rd.						
After road aggregate was stockpiled above Hildreth well (no date known, but pre-1993), Hildreth recalls the water started to taste bad within ca. 3-4 years; Hildreth sampled wells for coliform at that time, and no bacteria were detected (although no records are available)						
Hildreth sampled annually after that, but analysis records were not retained until coliforms were first detected						
Previous chemical analyses showed that the road aggregate was a source of leachable sulfate (Meehan and Welhan, 1994); elevated sulfate concentrations in water impart a noticeable taste, suggesting that leachate from the aggregate moved rapidly to the well						
After the road aggregate stockpile was removed, well water taste has steadily improved (Hildreth's perception; appears to be corroborated by Rocky Mountain Environmental report's water quality analysis, showing sulfate has declined from 1994						
Since Hildreth drilled a new well and moved the pump out of the old well, bacterial analyses have been unavailable						

cracks, and macropores exist (McCurry et al., 1998). Macropores (or zones of enlarged pore diameter) provide less bacterial filtration capacity relative to smaller pores of fine-grained soil. Similarly, the relatively large pore throats characteristic of coarse, permeable gravels in the LPRV aquifer may offer little filtration capacity to retard bacterial migration. The effective grain size (defined as the size at which 10% by weight of a soil is finer) provides an estimate of the characteristic pore diameter (Freeze and Cherry, 1979). Based on sieve analyses (B. Brown, written comm., 1996), the effective grain size of Highway Pond gravels in the ITD gravel pit is of the order of 0.15 - 0.25 mm. In comparison, the effective grain size for silt loam soil is two orders of magnitude smaller (Pudney, 1994).

Tracer experiments in permeable aquifers demonstrate that bacteria can migrate rapidly when injected into flowing ground water. For example, in a sandy aquifer on Cape Cod where ground-water flow is more than ten times slower than in the Highway Pond aquifer, bacteria moved 30 feet in three weeks (Harvey and Garabedian, 1991). Where bacteria are transported in the aquifer together with dissolved or suspended organic matter to sustain their growth, bacterial migration in excess of 3000 feet from the source is possible (Harvey et al., 1989). Since water in the Highway Pond is visibly rich in organic matter (derived from a variety of sources, e.g., algal mats, fish, fish waste, gull and dog feces, food waste and garbage, etc.), conditions appear to be conducive for allowing bacteria originating in the Pond to survive and migrate through the aquifer over considerable distances from the Pond.

Although definitive proof is lacking, conditions in the Highway Pond area suggest that rapid bacterial migration in the Highway Pond gravels may be possible if their relatively large pore diameters promote bacterial mobility in a manner similar to macropore flow in structured soils. However, it is important to note that other possible sources for the coliform contamination observed in Hildreth Well 2 have not been ruled out, and that more than a single source of bacterial contamination may be responsible for the coliform detections in the Hildreth wells.

The northernmost corner of the gravel pit was back-filled with rejected gravel in mid-1999 to prevent exposure of the water table immediately upgradient of Hildreth Well 2 and as a precaution against the possible impact of this exposure on ground-water quality. Based on the results of the flow net analysis discussed above, this measure should afford a level of protection for Hildreth Well 2 in all but periods of very high ground water by minimizing the well's exposure to Pond water. However, the effect of Hildreth Well 3's pumping may be to exacerbate any Pond influence by inducing flow of Pond water toward Well 2. Also, if the Highway Pond rises at some point in the future as much as it has in the past (ca. 25 feet), the Pond would fill to within 5-10 feet of the southern lip of the gravel pit and submerge almost the entire pit area as it was in the early 1970s (USGS topographic map, 1974) and in 1984 (Appendix I). Under such circumstances, water would inundate the gravel back-fill in the northern corner of the pit and exposed ground water would infiltrate directly toward Hildreth Well 2.

IMPLICATIONS FOR FUTURE GRAVEL PIT RECLAMATION

The direct coupling between water level in the Highway Pond and aquifer water table variations has implications for future planning of alternative land uses in the gravel pit. As shown above, the water level record at Municipal Well 28 can be used as a surrogate indicator of water level variations in the Highway Pond. Given the magnitude of past water table fluctuations (a ca. 20 - 25 foot variation between high and low water levels) and the recurrence frequency of high water level conditions (e.g. the water table at Well 28 has been 15 feet or more above current low water levels during 5 out of 27 years of record), we can expect that such high water levels are not unusual and that the pit will refill with water whenever low-lying areas in the pit intersect the level of the future water table. For example, at 15 feet above May, 2000 levels the Pond would again be essentially full (approximating the area of open water in the 1974 topographic maps). As it did in 1996, ground-water level can rise very rapidly (within a few weeks) during large spring runoff events.

The impact of rapid rises in ground-water level should be considered in any future reclamation plan for the pit area (e.g., landscaping, soil cover, vegetation, engineering design of a wetland, etc.). Whether a decision is ultimately made to retain an open water area for aquatic recreation or to fill in the deepest mined areas and landscape the entire area, the impact of a rapid rise in the water table on the stability of landscaping and vegetation and on the manner in which the reclaimed area will be used will likely be an important factor in any future reclamation design.

SUMMARY OF CONCLUSIONS

WATER TABLE - POND LEVEL INTERPRETATION

Water table elevations were measured in five private wells immediately northwest of the Idaho Transportation Department's (ITD) Highway Pond gravel pit and related to the water level in the Pond. The survey was conducted April 18 and 21, 2000 prior to spring recharge. Although the operation of Pocatello Municipal Well 44 south of the gravel pit has affected the local water table gradient over a large area of the aquifer south of the Highway Pond, the water level survey shows that the Pond surface continues to reflect the elevation of the local water table. The uniform decrease in water table elevation northwestward from the Pond indicates that ground water continues to flow essentially parallel to the low-permeability boundary of the aquifer defined by the edge of the Portneuf basalt, as it did prior to Well 44's installation. This conclusion is consistent with previous interpretations of water table elevation and of the Pond being an area in which the water table has been exposed by gravel mining since the Highway Pond gravel pit was excavated in the mid-1960s.

GROUND-WATER FLOW DIRECTION

The specific direction of ground-water flow away from the Pond was inferred from the water level data. A small area of exposed water table (as it currently is) does not greatly alter the ground-water flow field and the aquifer is affected by infiltrating Pond water only in the area directly downgradient of the Pond; thus, under current low water table conditions the Pond does not affect the domestic well (Hildreth Well 2) thought to be contaminated by fecal bacteria originating from the Pond. However, when the water table is higher, a much larger area of the water table is exposed in the gravel pit and ground-water flow directions are substantially altered by the exposed water table.

ASSESSMENT OF HISTORIC WATER LEVEL DATA

Water level records from Pocatello Municipal Well 28 (Ross Park) show that the water table fluctuates on seasonal (due to pumping) and secular (due to variations in recharge) time frames. In the past, the water table has risen almost 25 feet above its present elevation, notably in the early 1970s and again in the mid-1980s. When the level in the Highway Pond rises by this much in future, the surface of the Pond will be less than 10 feet below the southern lip of the gravel pit, thereby submerging almost the entire pit area as it was in the 1974 topographic map. Under such conditions, the Pond would once again affect a much larger area of the aquifer down-gradient from the Pond, including Hildreth Well 2.

IMPLICATIONS FOR BACTERIAL CONTAMINATION

Since the spring of 1996 and through at least mid-1998, the low-lying northern corner of the gravel pit directly upgradient of Hildreth Well 2 contained exposed ground water. Bacterial analyses of Pond water collected since 1997 have shown coliform bacteria present in all samples and e.coli in six of seven samples, suggesting that a standing crop of coliform bacteria is to be expected under current access and land use conditions. Although bacteria are known to move rapidly in flowing ground water in permeable aquifers, further information linking the bacteria in the Pond to bacteria detected in Hildreth Well 2 is needed before a causal relationship can be demonstrated. However, the high permeability (740 ft/day), the coarse nature of the subsurface gravels, and the availability of organic matter to support microbial growth suggests that it may be possible for bacteria to migrate readily from the Pond in the shallow aquifer.

IMPLICATIONS FOR FUTURE RECLAMATION AND LAND USE

The response of the Highway Pond's water level to large water table fluctuations in the past has implications for future reclamation of the gravel pit. Given the frequency of past high water table excursions, and the possibility of rapid rise during Spring recharge, it is only a matter of time before high water levels in the gravel pit recur and threaten the stability and viability of any low-lying soil cover, vegetation, or engineered wetland area. Whether a decision is ultimately made to retain an open water area for

aquatic recreation or to fill in the deepest mined areas and landscape the entire area as parkland, the impact of water table rise on soil and vegetation stability and on the manner in which the reclaimed area can or will be used will have to be taken into account in future reclamation plans.

ACKNOWLEDGMENTS

The elevation survey was sponsored by Mr. Bud Hildreth. Mr. Hildreth and Mr. Maurice Grady kindly granted permission to access their wells for water level measurements; Mr. Hildreth also made available the bacterial analysis results on his wells and the Pond. Mr. Fred Ostler, City of Pocatello Water Superintendent, provided access to municipal wells for water level measurements and made city records available for analysis. I thank Jerome Hansen, Idaho Fish and Game, and Ed Bala and his staff at the Idaho Transportation Department for reviewing the draft report and providing many valuable comments and suggestions. A ground-water database created for Pocatello, Chubbuck, Bannock County, and Fort Hall was used to create supporting GIS coverages used in this analysis. Personnel in Idaho State University's Geology GIS computer laboratory and the GIS Training and Research Center provided access to GIS software and assistance with use of the database, GPS equipment, and GPS base station data.

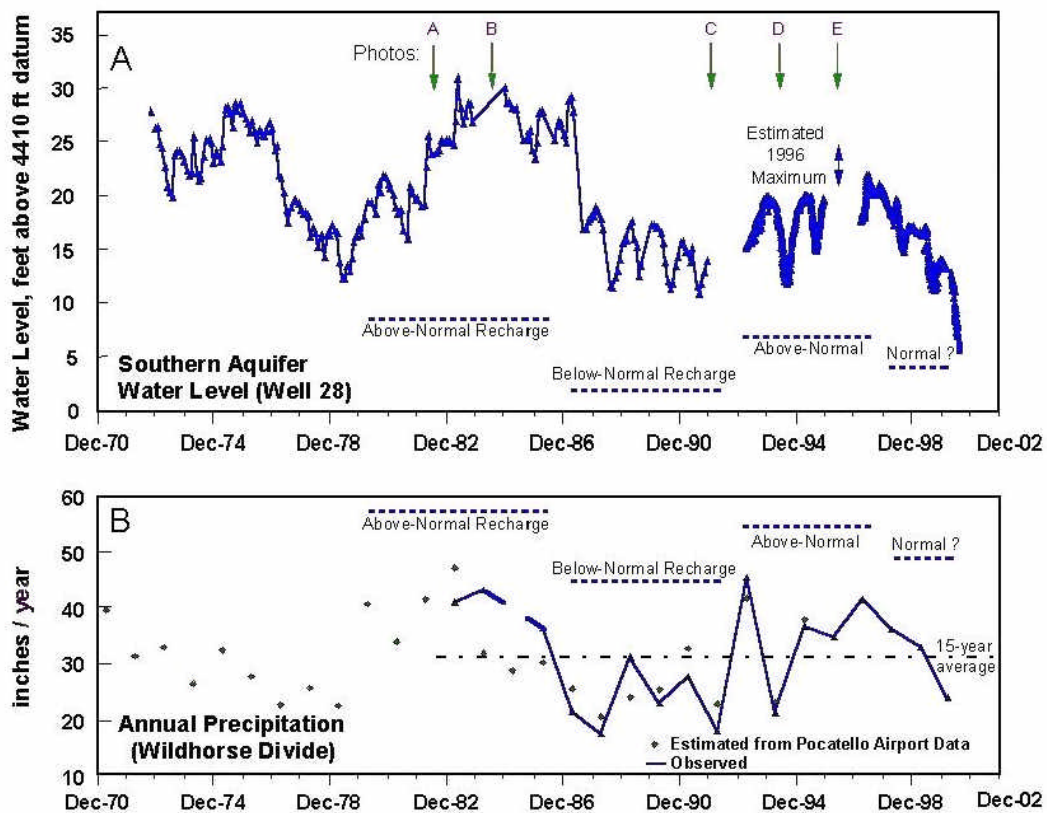
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Appendix I - Photographic Records of Highway Pond Water Levels

Figures A through E document the magnitude of changing water levels in the gravel pit and submerged areas. The approximate times at which the photos were taken are shown in the figure below, relative to periods of high and low ground-water levels recorded at Pocatello Well 28 and relative to extended periods of above- and below-normal recharge recorded at Wildhorse Divide in the Bannock Range aquifer recharge area.





1982 or 83

A.
1982 or
1983
Source:
Keith
Hildreth



1984

6-8-84

B.
Summer
1984
Source:
Bud
Hildreth



1992

C.
Winter
1991-92
Source:
Author



1994

D.
Spring
1994
Source:
Author



1996

E.
Summer
1996
Source:
Author

Appendix II - Summary of Available Lithologic Information

Available Lithologic Logs

PA-series Monitoring Wells

Purpose: characterize and monitor extent of trichloroethylene contamination

Source: CH²M-Hill (1995) geotechnical report

Thickness of Surface Silt Unit: 12 ft (PA-9), 11 ft (PA-10)

Depth to base of Upper Gravel: 98 ft (PA-9), >69 ft (PA-10)

Pocatello Test Drilling for Well 44 Siting

Purpose: locate sufficient saturated thickness for production well

Source: unpublished descriptive lithologic logs (IGS, Pocatello Branch Office)

Thickness of Surface Silt Unit: 5-8 ft (TH-3, 4) to 10-12 ft (TH-1, 2, 5, 6)

Depth to base of Upper Gravel: 29-32 ft (TH-1, 2, 3) to 64-74 ft (TH-4, 5, 6) bls

Hildreth Well 4

Purpose: replacement drinking water supply

Source: unpublished descriptive lithologic log (IGS, Pocatello Branch Office)

Thickness of Surface Silt Unit: 7 ft

Depth to base of Upper Gravel: 70-75 ft bls

Other Lithologic Data

ITD test borings in the Highway Pond gravel pit

Purpose: for gravel resource estimation, grain size analysis

Source: ITD Source Plat BK-142-S extraction plan (5/95)

Thickness of Surface Silt Unit: reported as thin (E. Bala, pers. comm., 1999)

Depth to base of Upper Gravel: n.a.

Appendix III - Unpublished Lithologic Logs

Well Logs for Pocatello City's Test Wells Drilled in the Siting of Well 44

Test holes were drilled by Vollmer Drilling Inc., using air rotary with foam additive and 6" casing
Lithology was logged by sampling cuttings during drilling
Bagged samples were collected every 5 ft, or where lithology changed significantly
Depth was estimated in feet below land surface to within 0.5 ft, considered accurate to within 1.5 ft
Logging personnel: J. Kaser (ISU), J. Welhan (IGS)

Note: Intervals not containing mention of fines in bold font appeared to be silt/clay-poor in bagged samples that were inspected after drilling

Note: all gravel/coarse sand clasts look to be of similar composition in all six test holes (mixed quartzite and metasediments; colors: pink, purple, green, white)

Test Hole 1 (TH-1)

0-10: Dark brown silt, silt clasts, dark brown silt loam
10-11: Dark sand
11-12: Dark gravel (rounded quartzite)
12-12.5: Dark gravel and sand
14-17: Dark gravel, found a white mollusk shell (fresh water oyster)
17-17.5: Dark sand and gravel, complete white gastropod shells
17.5-18.5: Dark gravel
20-29: Med.-coarse gravel, less silty Base of Upper Gravel
29-30: Very sudden transition into **silt-rich**, coarse gravel
30-32: **Silt-rich**, med.-coarse gravel
32-35: Cleaner, still **silty**, coarse gravel (again, with sudden transition)
35-38: Coarse, clean gravel, with some med.-coarse sand
38-40: Thin **clay** seam
40-45: **Silty** med. gravel
45-55: Relatively clean, med.-coarse gravel, with sand
57: Another **silt** layer, some clay, no sand or gravel
57-60: Grading back into **silty**, med.-coarse gravel
60: **Silty** med.-fine gravel, some sand

Test Hole 2 (TH-2)

- 0-12: Dark brown silt
- 12-15: Dark gravel and sand
- 15-19: Dark gravel
- 21-22: Brown silt and dark gravel
- 22-32: Dark gravel
- 32-36: **Brown clay** and sand
- 36-36.5: Dark sand
- 36.5-38: Gray **clay** and gravel
- 38-39: **Clay** color change to a deep brown, dark gravel
- 39-40: Sand, silty, clayey
- 40-43: Dark sand and gravel, some brown clay
- 43-47: **Brown clay** and gravel layers
- 47-49: **Brown clay** and dark gravel
- 49-51: **Brown clay**
- 51-53: Dark gravel and brown clay
- 53-55: Dark gravel and sand
- 55-56.5: **Brown clay**
- 56.5-57: Dark gravel
- 57-58: Dark sand with some gravel
- 58-58.5: Mostly dark sand and some dark gravel
- 59-59.5: Dark sand
- 59.5-60: Dark gravel and sand – water encountered
- 60-62: **Brown clay**. No water
- 62-63: Dark sand; drilling ceased at an obstruction at 63 ft, casing could not be advanced further.
Cuttings contain various clasts (gray mudstone, yellow and red-brown quartzite) mixed with sand.

Base of Upper Gravel

Test Hole 3 (TH-3)

- 0-2: Dark brown topsoil
2-5: Brown clay and dark gravel, white gastropod shells
5-10: Dark gravel, some complete white gastropod shells
10-13: Dark gravel and sand, white gastropod shells
13-14: Mostly dark sand with some dark gravel
14-18: Dark gravel and sand, white gastropod shells
18-19: Dark gravel and sand
19-23: Dark gravel and sand, white gastropod shells
23-25.5: Dark gravel, drill moving slowly through
25.5: Brown clay, dark gravel and sand
25.5-28: Mostly dark gravel with brown clay and some sand Base of Upper Gravel?
28-29: Brown clay with gravel and sand
29-29.5: Brown clay
29.5-30: Brown clay, gravel and sand
30-31: Conspicuous **brown silt, some clay**
31-33: Brown clay and dark gravel
33-35: Brown clay and dark sand
35-38: Brown clay with some dark sand
38-38.5: Brown clay (some clay chips found)
38.5-39: Dark sand with some dark gravel, sand is brown to dark red
39-41: Brown clay, brown to dark red sand, and dark gravel
41-43: Gravel, pink and dark red quartzites or granite with black basalt or mudstone
43-46: Brown clay, pink to dark red sand and dark gravel
46-49: **Brown silt/clay**, dark sand and dark gravel, several thin layers of brown clay
49-50.5: Gravel
50.5-51.5: **Brown clay** and dark gravel
51.5-52: Dark gravel and dark sand
52-53: **Brown clay**, dark gravel and dark sand
53-55: **Brown clay**, dark sand and dark gravel
55-57: **Brown clay**, dark gravel and dark sand
57-59: Brown clay with minor amounts of dark sand
59-62: Brown clay, dark sand and dark gravel
62-63: Brown clay
63-68: Brown clay, dark gravel and dark sand
69: Difficult drilling
69-71: Gravel 'hardpan' and sticky clay was penetrated with difficulty
71-72: Dark gravel
72-74: Brown clay and dark gravel
74-75: Brown clay and sand with minor amounts of gravel
75-77: Pink gravel (pink to red quartzites, some gray and black slate or mudstone) and coarse sand
77-79: Pink gravel and sand
79-99: Pink gravel and coarse sand (Note: Gravel from 75-100' looks clean, low silt/clay)

Test Hole 4 (TH-4)

- 0-3: Dark brown topsoil
3-8: Brown topsoil
8-10: Brown clay, and dark gravel
10-16: Dark gravel and sand, white shell fragments
16-20: Dark gravel and sand with white shell fragments
20-21: Dark gravel and sand with little amounts of clay
21-23: Dark gravel and sand
22-24: Brown clay, dark gravel and sand
24-26: Pink and red gravel
26-30: Pink and red gravel, pink and red coarse sand
30-30.6: Brown clay, pink-red gravel and sand
30.6-35: Pink and red gravel, pink and red coarse sand
35-36: Cobble or boulder obstruction. Broke through obstruction: gray slate- or mudstone-like.
36-37: Pink and red gravel, pink and red coarse sand.
37-38: Pink and red sand mostly, with minor amounts of pink and red gravel
38-39.6: Pink and red gravel, pink and red coarse sand, and **brown water**.
39.6-45: Pink-red, white, gray, and black gravel
45-47: Pink-red, white, gray, and black gravel and coarse sand
47-48: Dark brown clay, pink-red, white, gray, and black gravel and coarse sand
48-54: Pink-red, white, gray, and black gravel and coarse sand. Higher volume of dark brown water
54-55: Light brown-dark orange **silt, some clay** mixed with fine to coarse sand; no water.
55-55.5: Pink-red gravel and sand.
55.5-56: Some brown-orange clay stuck to pink-red gravel and coarse sand
56-59: Pink-red, white, and gray-black gravel (mostly quartzites) and coarse sand
59-62: Mostly coarse sand with some pink-red, white, and gray-black gravel
62-62.5: Orange-brown clay, coarse sand and some pink-red, white, and gray-black gravel, no water
62.5-64: Pink-red, white, and gray-black gravel and coarse sand (mostly pink-red quartzites)
64-65: Mostly coarse sand and some pink-red, white, and gray-black gravel
65-70: Pink-red, white, and gray-black gravel and coarse sand.
70-71: Brown clay, pink-red, white, and gray-black gravel and coarse sand; less water
71-72: Pink-red, white, and gray-black gravel and coarse sand; less water
72-74: Pink-red, white, and gray-black gravel and coarse sand; water (dark brown) is less dirty
74-74.5: Coarse dark sand Base of Upper Gravel
74.5-75: **Brown clay** and sand, no water
75-75.5: Pink-red, white, and gray-black gravel and coarse sand, some water
75.5-75.6: Brown clay, pink-red, white, and gray-black gravel and coarse sand
76-77: Pink-red, white, and gray-black gravel and coarse sand, some water
77-78: **Brown clay**, and coarse sand
78-79: Pink-red, white, and gray-black gravel and coarse sand
79-81: **Brown clay**, fine gravel and coarse sand, no water
81-84: **Brown clay** and gravel, no water
84-89: Pink-red, white, and gray-black gravel and coarse sand, no water
89-93: **Brown clay**, pink-red, white, and gray-black gravel and coarse sand
93-95: **Brown clay** and coarse sand, no water
95-99: Mostly coarse sand with some **brown clay**, and pink-red, white, and gray-black gravel
99-107: Some brown clay, fine pink-red, white, and gray-black gravel and coarse sand, no water
107-115: Pink-red, white, and gray-black gravel, coarse sand, no water
115-118: Fine pink-red, white, and gray-black gravel and coarse sand
118-119: More **clay**; mostly coarse sand and some fine pink-red, white, and gray-black gravel, no water

Test Hole 5 (TH-5)

Upper portion of hole was not logged; driller stated that topsoil extends to 10 ft bls and that cuttings from 10 to 59 ft bls were silt/clay gravel, with abundant water.

- 59-61: A lot of dark brown groundwater, silt/clay, dark gravel
- 61-64: Pink-red, gray-black fine gravel and coarse sand Base of Upper Gravel
- 64-65: **Brown clay** and coarse sand
- 65-67: Appearance of more pink-red gravel
- 67-69: Mostly coarse sand, some fine gravel, some brown clay.
- 69-71: Coarse dark sand and **brown clay**. No water
- 71-72: **Brown clay** and dark gravel. No water

Test Hole 6 (TH-6)

- 0-10: Dark brown topsoil
- 10-12: Dark gravel
- 12-16.5: Sand and brown clay, white shell fragments. Note: drilling is rapid to this point.
- 16.5-17: Brown clay and dark gravel
- 17-18: Dark brown clay and dark gravel.
- 18-19: Dark gravel.
- 19-23: Fine dark gravel and coarse sand.
- 23-24: Coarse sand and sand-sized gravel cuttings. Pink, white quartzite; gray, black slate or mudstone
- 24-29: Dark gravel and sand. No water
- 29-30: Dark gravel coarse to fine sand. Some water.
- 30-40: Pink-red, gray-black, and white gravel.
- 40-47: Pink gravel and coarse sand. Little water.
- 47-55: Coarse sand and fine red-pink, black-gray, and some white gravel.
- 55-65: Coarse sand, some gravel, with some brown clay.
- 65-66: Coarse sand, some gravel, with some hard brown clay clasts.
- 66-68: Coarse sand, fine gravel, and brown clay.
- 68-69: Fine gravel, with some coarse sand. Base of Upper Gravel
- 69-70: Coarse sand and fine gravel, and **brown clay**.
- 70-72: Fine gravel, with some coarse sand.
- 72-74: Coarse sand and fine gravel, and brown clay.
- 74-76: Fine gravel, with some coarse sand. **Some brown clay and clay balls.**
- 76-79: Pink, black-gray, and some white gravel, with some coarse sand. Little water.
- 79-92: Red-pink, black-gray, and some white gravel, with some coarse sand. No water.
- 92-98: Coarse sand and fine gravel.
- 98-99: Red-pink gravel with some coarse sand, and a thin layer of brown clay.
- 99-103: Red-pink, black-gray gravel, some coarse sand, and some **brown clay**. Note: 80-100 interval looks clean

Hildreth Well 4

Drilled by Cushman Drilling Inc.; bagged samples were collected by Monty Staples every 5 ft.

J. Welhan arrived when drill bit was at 165 ft bls.

Log is based on examination of bagged samples and driller's description of drilling conditions encountered.

1-7ft: Silt, topsoil
7-45: Fine-med. sand and gravel
45-55: Med.-coarse sand and gravel
55-75: Fine-med. sand and gravel
75: Hard drilling, **clay zone**, possibly indurated
75-90: Transition zone
90-120: **Silt-rich**, fine-med. sand and gravel
120-145: Med.-coarse gravel, **silt-rich**
145-165: Med.-coarse gravel with sand, much less silt and clay
165-215: Same as above

Note: water at ca. 30' bls

Base of Upper Gravel

Note: 10 ft discrepancy between bagged samples and driller's notes; depth of contact is approximate and gradational

Note: several clay zones 90-145 ft

Note: hole 90-200 ft stayed open overnight

IDWR lithology filed by Cushman Drilling for the same well:

0-5: Hard pan clay
5-10: Sandy clay and gravel
10-20: Sand and gravel
20-70: Sand and gravel
70-110: Compacted gravel
110-145: Clay and gravel
145-160: Clay and some gravel
160-170: Compacted gravel
170-174: Clay
174-200: Clay and gravel
200-215: Brown clay

Base of Upper Gravel

Archived: Wednesday, January 17, 2024 8:04:48 PM

From: [Sean Hackett](#)

Mail received time: Sat, 13 Jan 2024 13:40:53

Sent: Sat, 13 Jan 2024 20:40:30

To: [Michelle Barron](#)

Subject: [External] Case # CU2023-0004

Importance: Normal

Sensitivity: None

Regarding Mineral extraction site on River road.

~

To whom it may concern:

~

I am writing in response to the public notification about the proposed mineral extraction site on River Road, Caldwell.~ The area under consideration is just south of our property and home.~

~

This project will result in significant reduction in property value for the home owners in proximity to this project and will have a negative impact on the beauty of the wetlands surrounding the Boise river for both the short-term and long term.

~

The extraction itself will result in 3 years of mechanical noise, heavy dust and significant traffic increase in the area, most of which will be heavy equipment.~ These factors will affect daily living for my family and all other residence in the area.

~

The long term effect on the local environment will be profound.~ We enjoy the river and wetland beauty, the abundance of wildlife including, deer, ducks, geese, and swans.~ This project will negatively impact all of these species and our ability to enjoy them on a daily basis.

~

I strongly recommend this project not be approved for the reasons I listed above.~ There are numerous areas in the state for mineral extraction and it does not need to be areas where people have homes and where wildlife thrive.~

~

Thank you for your consideration,

~

Sean and Melissa Hackett

14446 Silver Creek

Caldwell, ID 83607

~

(208)602-7222

~

~

~

~

~



Sean Hackett

*Director of Operations, Primary
Care*

St. Luke's Health System

☎ ~ 208-602-7222

✉ ~ hacketts@slhs.org

~

~

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Michelle Barron

From: Sean Hackett <hacketts@slhs.org>
Sent: Saturday, January 13, 2024 1:41 PM
To: Michelle Barron
Subject: [External] Case # CU2023-0004

Regarding Mineral extraction site on River road.

To whom it may concern:

I am writing in response to the public notification about the proposed mineral extraction site on River Road, Caldwell. The area under consideration is just south of our property and home.

This project will result in significant reduction in property value for the home owners in proximity to this project and will have a negative impact on the beauty of the wetlands surrounding the Boise river for both the short-term and long term.

The extraction itself will result in 3 years of mechanical noise, heavy dust and significant traffic increase in the area, most of which will be heavy equipment. These factors will affect daily living for my family and all other residence in the area.

The long term effect on the local environment will be profound. We enjoy the river and wetland beauty, the abundance of wildlife including, deer, ducks, geese, and swans. This project will negatively impact all of these species and our ability to enjoy them on a daily basis.

I strongly recommend this project not be approved for the reasons I listed above. There are numerous areas in the state for mineral extraction and it does not need to be areas where people have homes and where wildlife thrive.



Thank you for your consideration,

Sean and Melissa Hackett
14446 Silver Creek
Caldwell, ID 83607

(208)602-7222



Sean Hackett
*Director of Operations, Primary
Care*
St. Luke's Health System

 208-602-7222
 hacketts@slhs.org

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strictly prohibited. If you have received this message by error, please notify us immediately and destroy the related message."

Samantha Hammond

From: susan.cottrell@comcast.net
Sent: Wednesday, April 12, 2023 11:45 AM
To: Samantha Hammond
Subject: [External] Conditional use permit for 14533 River Rd, Caldwell Id 83607

Follow Up Flag: Follow up
Flag Status: Flagged

Samantha,

My name is Susan Cottrell. My address is 14499 Channel Rd, Caldwell Id 83607. I own the property directly east of the property applying for the permit.

Their property surrounds me on 2 sides. I am the closest property and will be affected the most. When we purchased this property 10 years ago I never dreamed there could be a gravel pit in my surroundings.

We put considerable money into tearing down the old house and building a new house and shop in 2018.

Here is a list of my concerns should the conditional use permit be issued for a gravel pit at this property

1. First this will drastically lower my property value (who wants to live next to a gravel pit)
2. What will this do to my well water ?
3. Crystalline Silica dust will be continually released into the air and blown by the wind which can cause lung problems. And just plain more dust all the time.
4. Noise from the rock crusher 86.5 decibels And noise from all the equipment and trucks back up alarms!!
5. The scale they have placed for weighing the trucks is right next to my property line. My quiet afternoons of reading on my patio (and privacy) will be non existent.
6. They are asking for hours of operation 7am to 7pm Monday thru Saturday. Lights and noise
7. Truck traffic continually
8. And what about all the wildlife?

This is agricultural residential area. Not commercial and certainly not a gravel pit.

Will they be required to put a barrier between my property and their business for some privacy, dust control, and noise?

I know they are asking for a short term (3years) permit. I also know these permits can be extended once they are in there. What is our guarantee that this won't be indefinite?

Please let me know you received this.

Additionally, I would like a list of all the agencies that are being contacted for environmental impact reports.

Thank you for your time

Susan Cottrell
14499 Channel Rd
Caldwell ID 83607
(559)737-3044

From: [Sue Cottrell](#)
Mail received time: Wed, 10 Jan 2024 14:08:41
Sent: Wed, 10 Jan 2024 13:07:50
To: [Michelle Barron](#)
Subject: Re: [External] Conditional use permit
Importance: Normal
Sensitivity: None
Archived: Wednesday, January 17, 2024 7:58:35 PM

Michelle,

Thank you for your response..

I would definitely like the scales to be moved somewhere else, so that I do not have truck drivers staring at me all day long if I choose to sit on my patio and read a book. Dust abatement & noise? I don't know how these could be addressed satisfactorily .

Tall Landscaping around the property.... And I don't even know ;how the removal of all that rock will affect my property.... As I said unfortunately I cannot be there for the meeting.. I'm going to try to have someone there for the meeting so I know what is discussed.. will there be a minutes of the meeting?

Susan Cottrell
Sent from my iPad

> On Jan 10, 2024, at 10:25 AM, Michelle Barron <Michelle.Barron@canyoncounty.id.gov> wrote:

>

> Susan,

>

> I have received your comments.

>

> Since you will not be able to attend the hearing, I will ask you if this Conditional Use Permit happens to be approved, is there something that would help mitigate your concerns? I realize you would like for it not to be approved. Maybe asking for relocation of the scales away from your property? Request that the hours of operation be reduced? Dust abatement requirements? You don't have to respond to this if you don't want to, just thought I would give you the opportunity to respond to the questions that might be asked of you at the hearing.

>

> Thanks,

>

> Michelle Barron

> Principal Planner

> Canyon County Development Services Department

> 111 N. 11th Ave., #310, Caldwell, ID 83605

> Direct Line: 208-455-6033

> DSD Office Phone: 208-454-7458

> Email: Michelle.Barron@canyoncounty.id.gov

> Website: www.canyoncounty.id.gov

> Office Hours:

> Monday, Tuesday, Thursday and Friday 8am – 5pm

> Wednesday 1pm – 5pm

> **We will not be closed during lunch hour **

>

>

> -----Original Message-----

> From: Sue Cottrell <susan.cottrell@comcast.net>

> Sent: Tuesday, January 9, 2024 7:06 PM

> To: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>
> Subject: [External] Conditional use permit
>
> Case # CU2023-0004
> 14533 River Rd
> Caldwell ID 83607
>
> My name is Susan Cottrell. I live at 14499 Channel Rd. Caldwell 83607, the property directly adjacent to this 55 acres.
> We purchased this property in 2013 specifically because of the type of area it was for retirement... We invested a lot of money in tearing down old home and rebuilding new home and shop. We would never have done this if we knew a gravel pit could go in.
> This will destroy my property value, my privacy, and retirement...not to mention 1. The noise, lights, trucks going across scales placed right next to my property..
> 2. They are requesting this 6 days a week and hours 7am to 7pm.
> 3. The dust will be horrific and I have asthma
> 4. That is a flood zone now. What will happen when all the rock is removed?????
> 5. River road and 44 cannot handle this increased truck traffic.
> 6. What about the park and wildlife we enjoy? Will this affect my well???

>
>
> I am in California right now taking care of a sick family member and cannot attend this meeting.. I am asking that this conditional permit not be issued. It will destroy our whole neighborhood.
>
> Please acknowledge receipt of this email
>
> Susan Cottrell
> 559-737-3044
>
> Sent from my iPad

Michelle Barron

From: Mark Vandeway <markvandeway@hotmail.com>
Sent: Wednesday, February 28, 2024 11:32 AM
To: Michelle Barron; Canyon County Zoning Info
Subject: [External] Proposed Gravel Pit for AgEquity

February 28, 2024

Canyon County Development Services Department

To Whom it may concern

Re: Case No. CU2023-0004

This letter is about the conditional use permit to allow a Long-Term Mineral Extraction (3 years) within an Agricultural Zoning District on approximately 56 acres to Jeff Bower and Kirsten McNeill representing AgEquity Holdings LLC. I am concerned that this large project will adversely affect the surrounding residents, homes, and neighborhoods. I live in the Taylor Ridge development which sits about 100' above the proposed site. If AgEquity is planning on drilling 60' below ground, it is possible that they might hit and break open the aquifer which provides water to our homes. If that occurs, it would cause considerable harm to all residents who depend on those wells. There is also the considerable additional noise and traffic associated with 40+ trucks daily driving in and out for 3 or more years.

I'm fervently asking the Canyon County Planning & Zoning Commission to deny this permit. Or if allowed then AgEquity must be held liable to pay for new wells and provide water to any resident affected by a breach of our aquifer.

Thank you for your consideration.

Timothy and Kimberly Vandeway

14921 Dagger Falls Way, Caldwell, ID.

Michelle Barron

From: Michelle Barron
Sent: Wednesday, January 10, 2024 11:52 AM
To: 'Jeannie Magan'
Subject: RE: [External] CU2023-0004"

There is nothing attached to this email. Please resend.

Thanks,

Michelle Barron
Principal Planner
Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605 Direct Line: 208-455-6033 DSD Office Phone: 208-454-7458
Email: Michelle.Barron@canyoncounty.id.gov
Website: www.canyoncounty.id.gov
Office Hours:
Monday, Tuesday, Thursday and Friday 8am – 5pm Wednesday 1pm – 5pm **We will not be closed during lunch hour
**

-----Original Message-----

From: Jeannie Magan <jeanniemagan@yahoo.com>
Sent: Wednesday, January 10, 2024 11:40 AM
To: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>
Subject: [External] CU2023-0004"

Open my shared document
Sent from my iPad

1, 10, 2024

ATTN: MICHELE BARRON, PRINCIPAL PLANNER

GRAVEL PIT CONSIDERATIONS

CU 2023-0004

1. Unlimited dirty, loud, rock dropping gravel trucks on all roads around us. In meeting of Feb. 2023 regarding proposal, the representative stated 1,000 trucks daily Monday through Saturday. There is no limitation to the number of trucks that can carry loads out. Side note: Trucks are not liable for the rock and gravel dropped by them....you are supposed to stay far away from them on our already overcrowded roads. Fix your windshields and chipped paint on your own dime.
2. The wealthy corporation wanting to harvest these 56 acres is not liable for the breakdown of roads used by them to haul these heavy loads out. They say what is in place will be adequate for their proposal. LUCRATIVE FOR AgEquity, not so much for the taxpayer.
3. Traffic safety between Middleton and Highway 84 on Highway 44 is already compromised by growth. These trucks will be accessing 44 in this stretch further compromising it.
4. Never ending dust 24/7 and unacceptable noise levels for 72 hours a week. No mitigation will dampen a rock crushing pit directly across the street. Dust will fly forever unless vegetation covers it again.
5. This proposal of 56 acres is not in a blighted area. It is surrounded by bluffs on two sides, River Road Estates and Channel road. All built up with beautiful homes by hardworking taxpayers. If allowed, this gravel pit will blight the middle of this community.
6. Agencies that would review all aspects of this proposal are being circumvented by the claim of less than 1/4 acre involved being wetland. NOT ACCURATE but LUCRATIVE FOR AgEquity. Not alright for the Boise River and its boundaries but LUCRATIVE FOR AgEquity.
7. This area floods annually. Gravel pit proposal wants to divert the river around their work. Can't see anything going wrong there!
8. There are a lot of other areas of resource for rock and gravel with less environmental and community impact. Please find and use them.
9. It is ludicrous to believe a gravel pit in our midst will enhance and not devalue our properties. That is the line they want us to believe. It seems AgEquity's stance is:

Here's to you, and here's to me;
 And may we never disagree,
 But if we do, here's to me
 And ----you!

AgEquity stands to make a lot of money through this project and everyone in the community will have to put up and pay out to help them do it with nothing but serious problems in return. No thank you, very much.

In Sincere Trust,
Tom E. Geanne Magan

RECEIVED

JAN 16 2024

RECEIVED

✱ EMAILED TO PRINCIPAL PLANNER
 ON 1-10-24.

Canyon County Development Services Department
111 North 11th Ave, Suite 310
Caldwell Idaho 83605

March 1, 2024

Regarding Case No. CU2023-0004

RECEIVED

▶ MAR 01 2024 ◀

RECEIVED

To Whom It May Concern:

We are writing in opposition to the attempt requested in the above case to create massive gravel pits on 56 acres of farmland at 14533 River Road in Caldwell. There is no worse spot near Caldwell, in Canyon County, and perhaps in all of Idaho to dig these 20 foot deep gravel pits.

This property:

1. Has been grass meadows, pasture, and farmland continuously since the Treasure Valley was settled.
2. The property is bordered along its southern edge by the City of Caldwell's Curtis Park, which was donated to the City in perpetuity by the Curtis family who built a cabin and settled there in the Oregon Trail Era.
3. The property is almost completely surrounded by single family residences. Within a mile of the borders of this farm there are approximately **1200 private homes** with multi-person households.
4. We live over a mile as the crow flies from older gravel pits on the west side of Interstate 84. We could clearly hear the consistent noise of the gravel crushing operation whenever it was operating. In addition, the backup beepers on the gravel pit equipment have a typical volume of 97 to 112 decibels and are loud enough to damage hearing at the source. They can be clearly heard inside a home from thousands of feet away.
5. This farm contains 0.82 miles of East and West Hartley Creeks, which are year-round streams that connect directly to the Boise River at the southwest corner of the property. These waterways run through the heart of this pastoral landscape. The Boise developers of these gravel pits plan to permanently destroy these stream sections and their tree-lined corridors.
6. This farm has experienced and is regularly threatened by catastrophic flooding from the adjacent Boise River (Please note attached pictures of the flooding in 2017). We have lived near this property since 1984, and have personally witnessed at least 4 of these "hundred year floods."

7. Gravel extraction and processing can generate significant amounts of fine particulate matter dust, both from the very loud crushing operations as well as from the truck and vehicle traffic in and around the property. The mining and crushing of gravel creates and releases fine particulate dust which contains Crystalline Silica, which is a known carcinogen. **Sacajawea Elementary School is just 3/4 mile downwind (southeast) of the proposed pit site.**

8. Many of the homes near the property have residential wells. The proposal to dig massive holes 20 feet deep in the gravel layer below the top of the water table may disrupt or poison the drinking water for these homes.

Canyon County's Comprehensive plan for 2030 places this property in the "transition agriculture" zone. This agriculture zone is designed to "protect and stabilize" the county's agricultural economy by allowing farming-centric businesses while limiting other development. Section P12.01.01 of the Comprehensive Plan enjoins the County to "Preserve and maintain agriculturally designated lands for agricultural use."

These Boise developers want to be permitted to continuously destroy this property for at least 3 years, and possibly longer. Since they will affirm their operation will not cause noxious noise and dust, if the permit is allowed, it should be limited to 6 months. That will give everyone a real world test of the true impact of this permanently ruinous plan.

In conclusion, it's important to recognize that while destructive gravel mining may be permitted on this property, this case is a text-book example of why it should not be allowed on this property. For comparison, just because one may be permitted to carry a firearm, that does not mean that person is allowed to enter an elementary school and shoot dozens of children!

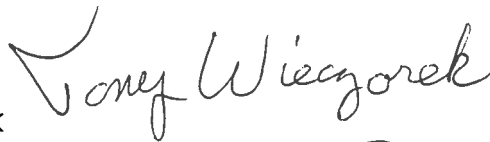
Sincerely,

Tony Wiczorek

LaVerne Wiczorek

22438 Rutledge Drive, Caldwell, Idaho, 83607

Phone 208-996-1170





BOISE RIVER FLOODING AT CONFLUENCE WITH
EAST AND WEST HARTLEY CREEKS ON PROPOSED
GRAVEL PIT SITE CASE NO. CU2023-0004.

MARCH 2017



FLOODING SEVERAL FEET DEEP ON ALL OF
SOUTHERN HALF OF FARM PROPERTY PROPOSED
FOR GRAVEL PITS CASE NO. CU 2023-0004.

MARCH 2017

Michelle Barron

From: Holladay <holladayhappening@gmail.com>
Sent: Sunday, March 3, 2024 8:21 PM
To: Michelle Barron
Subject: [External] Appeal letter in email and attached
Attachments: Letter to Canyon County .pdf

To: Canyon County Development Services Department
111 N. 11th Ave. Suite 310
Caldwell, Idaho 83605
208-454-7458
Emailing to: michelle.barron@canyoncounty.id.gov

Re: Case No. CU2023-0004

Dear Commissioners and Staff,

This letter is in regards to the gravel pit Premier Aggregates has proposed to our community and to you (case number referred above). This gravel pit will drastically change our relaxing and enjoyable lifestyle in this community. Many families in this community enjoy going on walks on Channel and River road. Whether it is walking or riding bikes to Curtis Park (adjacent to the proposed gravel pit) or riding horses or tractors to and from neighbors houses; these roads are used for more than just vehicle use. There are currently no sidewalks on these two roadways, so pedestrians are required to walk on the road or, when vehicles are coming from both directions, get off the road into the ditch area which can be marshy or nonexistent as they are not maintained. In the Canyon County Comprehensive Plan it states: (G8.02.00) Provide safe transportation improvements for all users and connections to adjacent areas. In this community we must remember that transportation can be defined as many different modes, to include both vehicle and foot traffic.

Premier Aggregates stated in their community meeting held on February 12th at the proposed site that there would be no more than 30 gravel trucks per day. When referencing their application I found that 40 commercial truck trips per day from the site are proposed. Due to the fact that this is a controlled number of vehicles they stated that a traffic impact survey was not required. They are also unsure if a turn lane will be needed, but they assumed that because there will be large vehicles and equipment turning onto the parcel from highway 44 it may be necessary. However, in another document they stated that the gravel pit will be open for retail purchases. With any retail business the amount of traffic it will produce is unknown. We are requesting a traffic impact survey be conducted so that The Idaho Department of Transportation can be given more exact amounts of traffic that would be generated on River Road due to this project. In addition to the unknown amount of traffic produced by retail sales, we are also not able to control the route the public will take. How will these additional cars impact not just River, but Channel road and the residents that live there.

My wife, 11 month old son, and myself enjoy walking every day to get out of the house and enjoy where we live. We see so much wildlife when we go on our walks. Hearing the geese in the fields, seeing the wood ducks on the river, and having valley quail run and fly all around is such an amazing sight to see. We need to protect these areas as stated in the Comprehensive Plan as well. There are three articles in this Plan stating the importance of the beauty and protection of wildlife. These articles are (G4.08.00) Maintain and enhance the aesthetic beauty of the County. (P4.08.01) Protect and enhance the rural landscape as an essential scenic feature of the County.(P5.01.06) Protect fish, wildlife, and plant habitat area and maintain contiguous wildlife habitats when possible. A gravel pit that will be conducting continuous crushing and fracking will diminish the beauty and remove the wildlife from this area.

Lastly, this area is known for agriculture. When you drive down River Road and Channel Road you will see many properties with horses, cattle, turkeys, chickens, goats and more. You will also see tilled up fields being worked or fields growing crops such as corn, alfalfa, or beans. Your plan states: (G4.07.00) Protect rural qualities that make the County distinct and conserve and enhance the elements contributing to a good quality of life. (P4.07.01) Plan land uses that are compatible with the surrounding community. (P4.07.02) Discourage

incompatible development near existing agricultural businesses that would cause the operator undue hardship through complaints, traffic, or other complications. This gravel pit would violate these three articles. There is a reason this community of people live where they do. The reason we live here is for the slower pace of life, rural setting, proximity to wildlife, the Boise river, as well as the opportunity to have livestock of our own. All of these reasons would be impacted by the addition of the gravel pit.

We ask that you take all these things into consideration and see the importance of denying the request from Premier Aggregates to place a gravel pit on the proposed property.

Sincerely,

Trevor and Danica Holladay
22767 Channel Road
Caldwell, ID 83607
holladayhappening@gmail.com

Michelle Barron

From: WESLEY WJR RENEE BETTIS <wrabettis@msn.com>
Sent: Saturday, March 2, 2024 12:08 PM
To: Michelle Barron
Cc: jeffbower@givenspursley.com; David Stephens; Michelle Tucker
Subject: [External] CUP Case No. CU2023-0004
Attachments: AgEquityCUP-011024-Rev_1.pdf

Michelle:

Please see that attached letter in regards to the above referenced CUP application. This letter is to replace the one that we forwarded to you dated January 10, 2024 for inclusion in the Public Comments for P&Z Commission review. We have now had the opportunity to attend a Neighborhood Meeting, meet with the Property Owner, Extraction Contractor and meeting with various neighbors to listen to their comments and concerns.

If you have any questions or require additional information, please contact us at your convenience.

Respectfully,

Wesley & Renee Bettis
wrabettis@msn.com
208.455.0219

Wesley & Renee Bettis
14602 River Rd
Caldwell, ID 83607-7833
208.455.0219

March 2, 2024

Via E-Mail: michelle.barron@canyoncounty.id.gov

Michelle Barron-Case Planner
CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT
111 North 11th Avenue, Suite 310
Caldwell, ID 83605

RE: Case No. CU2023-0004 AgEquity Holdings, LLC

This letter is in written response for inclusion in the public testimony in regards to the above referenced CUP application. Please note that both of us have a greater than average understanding of land use zoning, comprehensive land use planning and conditional use permit applications. Renee is a geologist who spent 16 years with Holladay Engineering, Inc. in Payette, ID working with land use applications for various small communities in SW Idaho and has spent the last 15 years with the Idaho Department of Lands as the Land Records Program Manager. Wesley is a licensed Construction Manager for Public Works in the State of Idaho with 40 years of Construction Management experience, including 10 years as the Chief Operating Officer for a small development company that constructed affordable housing communities in a five state region of the inland Northwest.

We have no record of receiving the notice for the first Neighborhood Meeting that addressed the complete project that included ponds and small residential subdivision. Since our land is across River Rd from the NW corner of the parcel, we appreciate receiving the notice and opportunity to attend the second meeting that was specific to the mineral extraction CUP and to learn more about the project in general and have our questions addressed by both the Extraction Contractor and the Property Owner.

In review of the documents that were printed off from the County Website, we note that the letter from Mr. Bower on behalf of Premier LLC dated February 24 2023 notes limited hours of operation including a six day per week schedule from 7 AM to 5 PM for sales and 7 AM to 7 PM for extraction activities. The Land Use Worksheet states days and hours of operation for 5-days per week activity for the hours of 7 AM to 7 PM. This discrepancy needs to be clarified as part of the final decision regarding this CUP.

We have lived in our home addressed on River Rd for 31 years as of this March. In that time we have watched the small farms that surrounded our 4.5 acres turn into well planned, constructed and maintained residential subdivisions, most with 1 acre lots. While we miss the rural agricultural flavor of the area, we do understand the growth and progress that has moved into Canyon County and appreciate the quality of these developments. What once was primarily agricultural use with residential is now primarily rural residential with almost no small farms left between Old Highway 30 to the West, Highway 44 to the North, the Boise River and Canyon Hill to the South and Middleton to the East. However, the property in the application was agricultural pasture and the home base of Wallace Brothers Excavation, including their offices, equipment yard and shop.

We acknowledge the right of AgEquity Holdings, LLC to apply for a CUP for the allowed use of mineral extraction from their property that is part of the design to create two small lakes that will provide flood energy relief from the Boise River and allow future development of a single family subdivision between these bodies of water and River Rd. In our understanding of the 2030 Canyon County Comprehensive Plan, this meets the intent of maintain the rural living experience in this area that is part of the Middleton City Impact area and bordered by the City of Caldwell Impact area, including our property.

Our primary concern is the current use of the surrounding properties that are predominantly residential and the ability of these home owners to enjoy their property without detrimental impact of this limited term operation. Since sound waves travel up, these operations will not only impact the residents on the valley floor but the homes along the rim of Canyon Hill, Rio Vista and Rutledge Rd Subdivisions. Extraction, crushing, and screening along with the loading equipment and trucks will be substantially noisier than a typical agricultural use and not consistent with the rural residential surrounding this site. To help mitigate the noise from this equipment, portable sound walls could be implemented to help preserve the rural environment.

We would ask, out of consideration for all of these homeowners and ourselves, that this gravel extraction, processing and sales operation be limited to no more than 5 days per week, Monday thru Friday and only occur between the hours of 8:00 AM and 4:30 PM with no retail sales to minimize the negative impact to the use and enjoyment of the existing, surrounding residences. We also have concern with the traffic on River Rd we understand that CCHD #4 will require all truck traffic to ingress and egress the site to Highway 44 to the North via River Rd with no truck traffic South on River Rd through the Canyon to Old Hwy 30. We also have a safety concern with access to Hwy 44 from River Rd that is already very congested during commuting hours.

Michelle Baron-Case Planner
Case No. CU2023-0004
Page 3-Rev-1

The fear of change can create emotional responses due to a lack of complete information and understanding. The applicant needs to address the legitimate concerns of the neighbors in detail to help this application move forward and to provide the P&Z Commission with the data to set reasonable conditions for this short term operation (2-3 years) to be a good neighbor and facilitate the next step in this project which is the residential lots that the Property Owner wants to develop that will enhance the area when complete.

Respectfully,

Wesley & Renee Bettis
wrabettis@msn.com
208.455.0219

C: jeffbower@givenspursley.com

C:Renee/Wes/BIDCO/ AgEquityCUP-011024-Rev_1

Site Photos from
March 27, 2024

Looking onto the property from across River Road



Looking West down River Road from
Channel Road





Looking Down River Road at Channel Road where it turns North



Looking East across River Road from the property towards Channel Road



Looking West from the East boundary of the property



Looking Southwest onto the property from the East boundary of parcel



Looking Southwest from the East boundary towards Curtis Park

Looking West down the East Hartley Drain from the East boundary





Looking Northwest across East Hartley Drain from the East boundary



Looking West from the center of the property



Looking East from the middle of the parcel



Looking South from the middle of the property, just across from the East Hartley Drain



Looking South towards the river and the park beyond the river