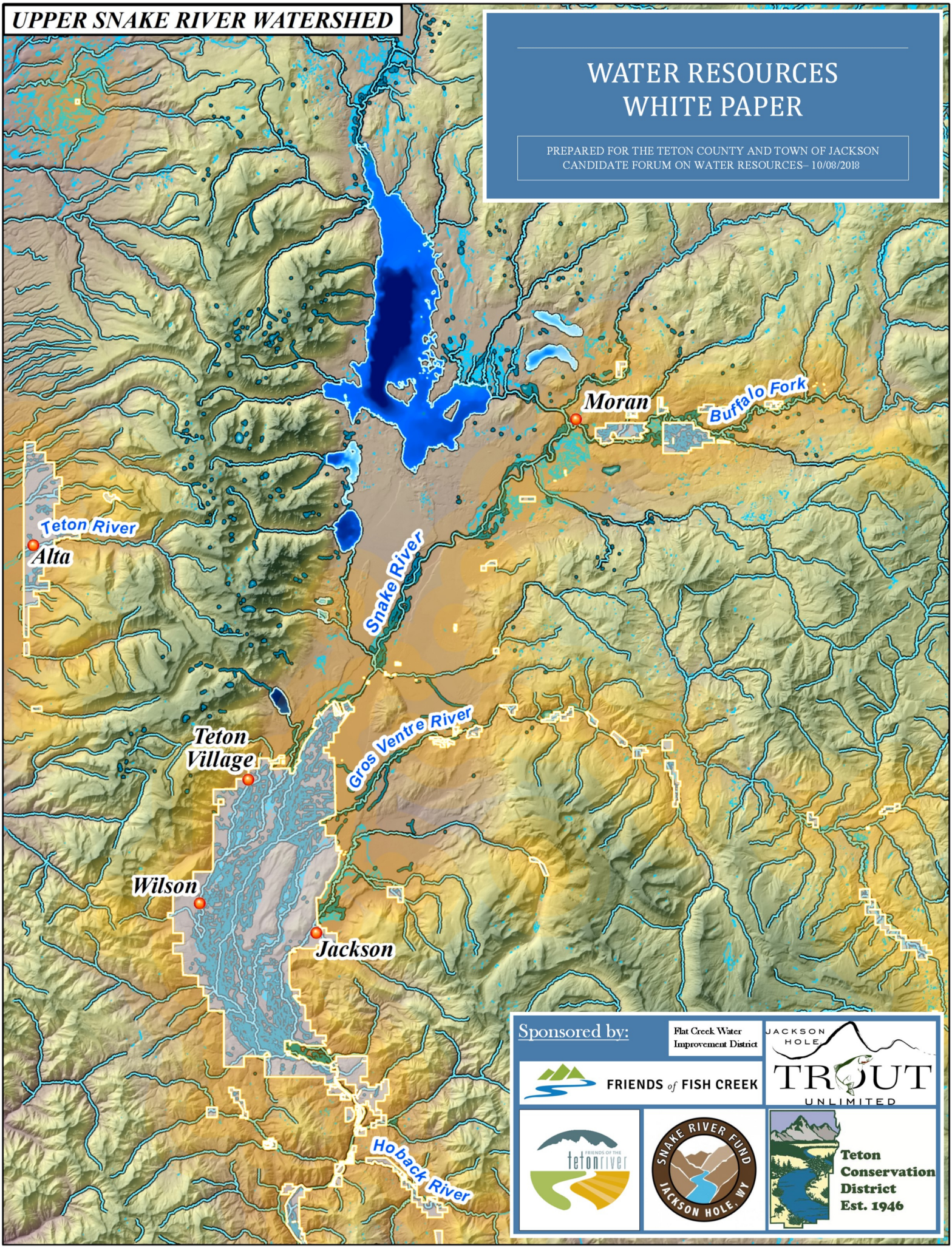
UPPER SNAKE RIVER WATERSHED

WATER RESOURCES WHITE PAPER

PREPARED FOR THE TETON COUNTY AND TOWN OF JACKSON
CANDIDATE FORUM ON WATER RESOURCES– 10/08/2018



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Flat Creek Water Improvement District

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SNAKE RIVER FUND JACKSON HOLE, WY

Teton Conservation District Est. 1946

Water Resources White Paper

Event: Teton County and Town of Jackson Candidate Forum on Water Resources
Date & Time: Monday, October 8, 2018 @ 6:00 pm to 8:00 pm
Location: Grand Teton Room, Snow King Resort
Contact: Carlin Girard, Water Resource Specialist, Teton Conservation District (307-733-2110)
Participating Water Resource Interest Groups:

Friends of Fish Creek & Teton Conservation District
Jackson Hole Trout Unlimited
Snake River Fund
Flat Creek Watershed Improvement District
Friends of the Teton River

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Although world-wide fresh water is by far the most precious natural resource, we in Jackson Hole take it for granted far too often, especially when it comes to long-range planning. Long-term water resources planning is a political exercise. Our location at the headwaters of the Snake River provides us with an ample supply of clean water, but it is the distribution of that water around the valley and the ways we have chosen to utilize and interact with that water which require our attention. In this synopsis, we hope to familiarize candidates with these issues, particularly in regard to human health, wildlife habitat, agriculture, recreation, and infrastructure.

Water Supplies

Potable water in the valley (except that imported in bottles) is typically derived from groundwater wells, either as individual residential wells or as part of community water systems. In rare cases, surface waters are used for drinking water following treatment. All groundwater and surface water are property of the State of Wyoming. The State Engineer's Office issues permits for their use. While some parts of the valley, such as the West Bank, receive significant groundwater recharge from the Snake River, other areas east of the river do not. North of town, Ditch Creek and the Gros Ventre River provide minimal aquifer recharge. South of town, Flat Creek and Spring Creek similarly appear to be only partially connected with the groundwater.

It is common practice for water wells to be drilled to a significant depth below the water table. This is done primarily to accommodate seasonal water table fluctuations and vertically separate water intake from septic system effluent. It is also done to avoid layers of glacial silt which would cause excessive sediment in the drinking water. South Park possesses copious amounts of this silt, and wells there often require additional filtration.

Some of the most productive local aquifer material is glacial outwash which consists mostly of coarse gravels and cobbles. As opposed to fine-grained lake sediments, these allow much more storage capacity and permeability, allowing faster well recharge. On the West Bank there may be up to 1,000 feet of outwash materials. Glacial outwash is, however, poor at protecting drinking water resources from surface contaminants.

Another good aquifer is fractured or karstified limestone, where solutional cavities and cave systems provide for water storage and transport. Vertical limestone strata may provide the main pathway for groundwater flowing into South Park from mountains to the east. Subdivisions above the valley floor, such as Indian Paintbrush or those on the Gros Ventre Buttes, also tend to tap these limestones for their water supplies.

Instead of glacial outwash, the Town of Jackson appears to be underlain primarily by fine-grained pre-glacial lake deposits. At greater depths there are no limestone layers, only impermeable shales. Providing for future water needs may require drilling wells at substantial distances from the town.

Perhaps the most important thing to remember concerning surface water flowing through Jackson Hole is that all of it has been "spoken for", i.e. it is subject to water rights granted by the State of Wyoming or governed by interstate compacts. Much of this flow (e.g. the contents of Jackson Lake) is "owned" by irrigators in Idaho who built the original Jackson Lake Dam. Water

rights specify the point of diversion, amount diverted, and the land parcel where the water is to be used, usually for purposes of irrigation or stock watering.

The means of surface water conveyance is less specified and can be by man-made ditches, canals or pre-existing natural streams. For instance, a significant amount of the flow in Fish and Lake Creeks derives from the Granite Creek Diversion off the Snake River. Diversions off the Gros Ventre River supply much of the flow in Flat and Spring Creeks. Over time, the distinction between "natural" streams and irrigation ditches has become less clearly defined.

Permits can also be obtained from the State to expand a ditch to create a reservoir. Most of the landscaping ponds in the valley were formed in this fashion. Other ponds can be supplied by a State-permitted well or built via a County permit for excavation of material. Ponds which have been improperly designed, built or maintained can pose problems for downstream water right holders.

Irrigation in Teton County has traditionally been in the form of flood irrigation, where water is diverted from streams or rivers and directed to flow onto pastures or hay meadows. Much of this water seeps into the ground and serves locally to recharge the ground water aquifer. Recently, more ranchers have been converting to sprinkler irrigation which draws from groundwater wells or surface reservoirs. This method uses water more efficiently, which can translate to more water left instream for fish and other aquatic organisms. However, in some instances, such as in Teton Valley, flows in springs have decreased as this conversion to sprinklers has occurred. Fish- and flow-related benefits from flood and sprinkler irrigation are dependent on a number of variables, including lag time on return flows and whether or not return flows are intercepted.

In recent years, water rights have been granted for the production of wells to feed artificial stream features. The current stream and waterbody regulations were not designed to manage such waterways.

The use of natural stream courses for transporting diverted water increases the flow levels of these streams beyond the normal peak period. Similarly, irrigation run-off, especially from flood irrigation, can increase water in streams and associated wetlands. Theoretically, this effect is more pronounced in parts of the valley cut off from seasonal flooding by levees along the Snake River.

Water Quality

Where used for potable water, groundwater in Teton County must adhere to federal drinking water standards (see Table 1, full list at http://soswy.state.wy.us/Rules/RULES/9176.pdf). Groundwater may be degraded below those standards within a property (i.e. proximal to the discharge of a residential or municipal sewer facility) as long as those standards are met at adjacent points of use (i.e. drinking water wells). When a violation does occur, however, it is often difficult to determine conclusively the source of the pollutants due to the complexity of the aquifer.

Unlike many other drinking water aquifers, the aquifer in Jackson Hole is not confined by impermeable strata. Laterally extensive glacial silt layers can vertically separate portions of the aquifer. For the most part, however, the drinking water aquifer is in full communication with the shallow groundwater and is vulnerable to contamination by many human activities. To a great extent, the rapid movement of water through shallow portions of the aquifer serves to dilute pollutants before contamination of lower portions can take place. However, high flow rates are not universal, and almost nothing is known about flow rates at greater depths.

Table 1. Select pollutants and associated Wyoming drinking water criteria

Priority Pollutant	Drinking Water Micrograms/L
Benzene	2.2
Chrysene (PAH)	0.0038
Anthracene (PAH)	8300
Fluorene (PAH)	1100
Pyrene (PAH)	830
Toluene	1000
Trichloroethylene	2.5
Antimoy	5.6
Arsenic	10
Asbestos	7000000 fibers/L
Beryllium	4
Cadmium	5
Chromium (III)	100 (total)
Chromium (VI)	100 (total)
Copper	1000
Cyanide (free)	200
Lead	15[9]
Mercury	0.050
Nickel	100
Selenium	50
Thallium	2.4
Zinc	5000
Dioxin (2,3,7,8-TCDD)	0.000000005

Non-Priority Pollutant	Drinking Water Micrograms/L
Alachlor	2
Atrazine	3
Barium	2000
E. coli	Information in text
Diquat	20
Fluoride	2000
Glyphosate	700
Iron	300
Manganese	50
Nitrite (as N)	1000
Nitrates (as N)	10000
Nitrite+Nitrate (both as N)	10000

Surface water quality in Wyoming is administered separately from groundwater, primarily by means of stream classification (see Table 2). Many streams in the valley are Class 1 (see Table 2)

and, therefore, can receive no direct discharges. However, degrading discharges can be made into the groundwater directly adjacent to such streams. Several studies on Fish Creek (a Class 1 stream) have demonstrated that a significant amount, at times the majority, of its flow is derived from the groundwater.

Streams are also classified according to recreational use, depending on whether recreational use is expected to result in immersion or ingestion (primary contact) or not (secondary contact).

Table 2. Wyoming's surface water classification (far left column) and designated uses (top row). For each surface water class, a Yes indicates that a designated use is protected, while a No indicates that a use is not protected.

	Drinking water	Cold water game fish	Warm water game fish	Nongame fish	Fish consumption	Aquatic life other than fish	Recreation[2]	Wildlife	Agriculture	Industry	Scenic value
1	*Yes*[1]	*Yes*[1]	*Yes*[1]	*Yes*[1]	*Yes*[1]	*Yes*	Yes	Yes	Yes	Yes	Yes
2AB	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2A	Yes	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
2B	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2C	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2D	No	If present	If present	If present	Yes	Yes	Yes	Yes	Yes	Yes	Yes
3A	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
3B	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
3C	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
3D	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
4A	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
4B	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
4C	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes

[1] Class 1 waters are not necessarily protected for all uses (indicated by an italicized "*Yes*") in all circumstances. For example, all surface waters in National Parks and Wilderness Areas are Class 1; however, all such waters are not necessarily managed for fisheries or aquatic life other than fish uses (e.g. hot springs, ephemeral waters and wet meadows).
[2] Wyoming's recreational designated use is subdivided into primary and secondary recreational uses, but WDEQ uses only a single recreational designated use in assigning surface water classifications.

E. coli bacteria levels in primary streams may not exceed a 60-day average of 126 colony forming units (cfu) per 100 milliliters. The limit for secondary streams is 630 cfu. *E. coli* is not necessarily harmful in and of itself but is used as an indicator that other harmful pathogens might be present, such as Giardia, Shigella, Hystolytica, Campylobacter, and *E. coli* strain 0157:H7. *E. coli* in streams can originate from the digestive tract of humans or other warm-blooded animals. Some of these, including cattle, can be hosts for some human pathogens. Many others do not appear to be significant sources, especially those that spend considerable time in the water and thus contribute the majority of *E. coli* in streams, such as beavers, muskrats, and waterfowl.

Other non-biological parameters such as nitrates and phosphates can affect water quality and aquatic ecosystems. At high levels they can pose human health problems, but even at levels below drinking water standards they can promote excessive aquatic plant growth which in turn

can have serious impacts on aquatic insects and fish. Such excessive algae growth has been observed in Fish Creek over many years, and nutrient input from numerous sources is thought to be the cause. The US Geological Survey has recently completed a study which attempts to quantify the relative magnitude of sources such as domestic septic systems, waste treatment plants, fertilizer run-off from lawns and golf courses, agricultural run-off, etc. (Figure 1). In 2016, elevated levels of river bottom algae have been described in the Snake River which may also be due to upstream nutrient inputs. Underlying geology also increases localized concentrations of problematic chemicals in groundwater, such as sulfur, fluorides, and arsenic.

Wastewater (i.e., sewage) represents one, if not the largest, source of pollution in Teton County, WY. Residents and tourists produce wastewater directly proportional to the total population, and growing residential and tourist populations corresponds to an increase in wastewater generation.

The Town of Jackson owns and operates the largest municipal wastewater treatment plant in Teton County. This plant uses a series of lagoons to break down waste with chemical and biological agents, prior to UV disinfection and surface discharge to the Snake River. The Jackson Wastewater Treatment Plant is permitted to treat and discharge up to 5 million Gal/day, and currently reaches 3.5 million Gal/day during peak season in mid-summer.

The Town of Jackson Wastewater Treatment Plant also services numerous 'at-large' areas outside of the Town's municipal boundary. Special Districts, such as the Wilson Sewer District, own and operate sewer infrastructure which discharges to the Jackson Sewer lines, prior to treatment at the Jackson Plant. These special Districts operate throughout the County and oversee themselves, but pay for treatment services occuring at the Jackson Plant. In addition, the plant receives all the highly concentated sewage pumped from domestic septic tanks in the valley.

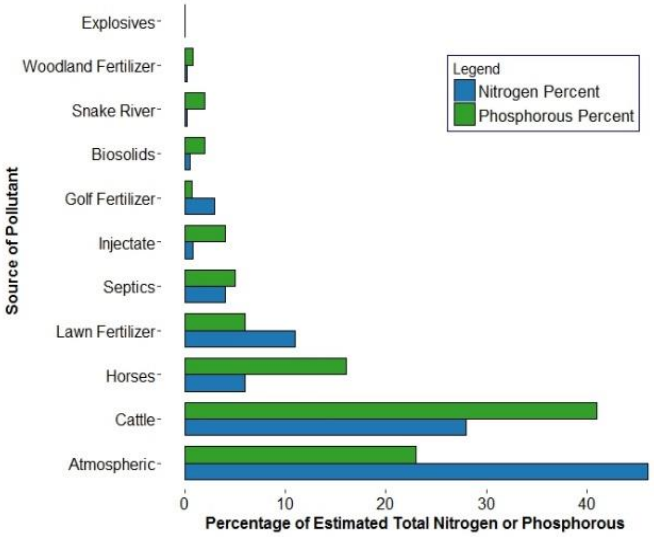


Figure 1. Estimated nutrient loading in the Fish Creek Watershed, per the 2016 USGS report. Estimates do not include potential uptake, fate or transport.

For proper functioning, all septic tanks should be periodically pumped and inspected. In many instances, however, this is not done, causing the system to fail. Failure is ussually obvious and is

then remedied. Where failure is not obvious or where high ground water prevents proper functioning of the leach field, serious degradation of groundwater quality can continue unnoticed for years.

Two other sizable wastewater treatment plants are operated in Jackson Hole: the Teton Village Water and Sewer District (permited for 800,000 Gal/day) and Aspens/Pines Water and Sewer District (permitted for 400,000 Gal/day) tertiary treatment and injection facilities. These facilities have excellent treatment capacity, and are designed to bring effluent to drinking water standards prior to groundwater injection. Teton Village injects effluent to depths between 6 and 50 feet, while Aspen/Pines injects to depths between 20 and 100 feet. Current wastewater treatment and discharge practices occuring at these locations are the result of political and public pressure.

In 2018, a study was completed that consolidated all available sewer line infrastructure data found in Teton County, WY. The final product is intended to assist in planning and development that incorperates the best wastwater treatment options possible.

Fisheries

Teton County, Wyoming hosts some of the finest native, naturally reproducing fish populations in the United States. Most of the rivers, streams and lakes in Teton County still maintain the array of native fish species historically present. This is actually rare throughout the United States and is the result of good management practices, fortuitous stocking history combined with resilient native species, and relatively low levels of human disturbance to our waterways as a result of a high percentage of public land ownership.

Our unique native cutthroat trout fishery is an important part of the local economy and culture.

Yellowstone and Snake River cutthroat trout are icons of the Greater Yellowstone Region. The cutthroat trout found in this region have been classified by the Federal Government as being Yellowstone cutthroat trout; however, Snake River cutthroat trout are recognized as a sub-species of cutthroat trout, native to the portion of Teton County within the Snake River drainage (i.e. Jackson Hole).

Cutthroat trout are known for their affinity for feeding on the surface during the summer months. This propensity makes them particularly fun to fish for using fly patterns mimicking winged, adult aquatic invertebrates (midges, mayflies, caddisflies and stoneflies) or terrestrial invertebrates (grasshoppers, ants, etc), generally referred to as dry flies. Local fishing ethics that began in the guiding community have prevailed, and most people use catch and release when

fishing for cutthroat. When fishing for dinner, locals often target non-native lake trout and brook trout, which are often thought to taste better than cutthroat trout.

The cutthroat trout in the Upper Snake River have been shown to use a wide variety of habitat types throughout the year, making them susceptible to fish passage issues like dams and entrainment in irrigation systems during their migrations. As spring spawners, these trout migrate from winter habitat (deep, slow moving water) into spring-fed creeks, tributaries, and side channels, where male and female trout excavate nests in gravel substrate and deposit and fertilize eggs that hatch within weeks to months depending on water temperatures. The Upper Snake River has many protections afforded to it because of the high percentage of public land ownership in Teton County as well as Wild and Scenic and wilderness designations. However, habitat fragmentation and degradation nevertheless pose threats to the health of the fishery and watershed, especially in areas of the valley that have been developed. Culverts, dewatered stream reaches, and diversions in tributaries cut off connectivity and migration routes for fish. Impaired water quality, stream function (see Snake River Flood Prevention section below) and stream habitat (such as warm temperatures, shallow and wide stream reaches, lack of instream cover, lack of habitat diversity) also threaten the long-term resilience of native fish populations that are adapted to cold, clean water. Federal, state, and local fish and land management agencies; non-profit partners like Trout Unlimited and Friends of the Teton River; and private landowners collaborate on habitat reconnection and restoration projects to benefit the fishery and watershed.

Through competition, predation and genetic hybridization, non-native fish have decimated native fish populations throughout Wyoming and the United States. In the Upper Snake River drainage, East of the Teton Range in Jackson Hole, native fish species have maintained robust populations despite the presence of non-native fish species. However, examples do exist in Teton County where non-native trout (lake, rainbow, brook, and brown trout) have significantly altered aquatic systems. In Yellowstone Lake, due to predation, non-native lake trout have crippled what was once an unparalleled “keystone” Yellowstone cutthroat trout fishery. In the Teton River drainage on the West side of Tetons, interbreeding between native cutthroat trout and non-native rainbow trout is seriously threatening the long-term persistence of cutthroat trout. In Game Creek, south of Jackson, WY, non-native brook trout have outcompeted native cutthroat, and cutthroat are no longer present upstream of Hwy 89. These examples have resulted in management actions by fishery managers that seek to preserve our relatively intact native fishery out of recognition of its uniqueness.

Recently, local research has been conducted to measure the amounts of microplastics in various waterways. These are small plastic particles from deteriorating garbage and from various cosmetic products which appear to have deleterious effects on fish.

Temperature tolerances for all life stages of cutthroat trout are relatively narrow compared with most other fish species. They require cool water and high levels of dissolved oxygen, which decreases as water temperatures rise.

Rising stream water temperatures, which can be attributed to large-scale climate change as well as low instream flows, sunlight-warmed ponds that discharge to streams, or removal of shade vegetation from stream banks, are therefore of concern to the long-term health of our

fishery. Warmer water holds less oxygen and can be more amenable to fish parasites. For cutthroat trout a water temperature of 73° F is considered lethal. Warm water conditions are stressful to fish and associated fish kills have recently been encountered in regional streams, prompting fishing closures in Montana and special angling recommendations in Wyoming. This serves as a reminder that the health of our watershed has the potential to impact our recreation-based economy.

Riparian Habitat

In addition to fish, almost all other species of animals in the valley depend on waterways and their adjacent riparian lands to some extent. Besides being a source of water for consumption, these habitats provide food, shelter, and migration corridors. For example, waterfowl, beavers, amphibians, moose, songbirds and eagles all utilize these areas throughout large portions of the year. In fact, riparian habitats are probably more important to the variety of species in the valley than all other habitat types combined, yet efforts to protect them have been piecemeal at best.

Snake River Flood Prevention

Prior to the construction of levees on the Snake River in the 1950's and 1960's, the river routinely overflowed its banks during spring runoff, inundating large amounts of adjacent lands, especially on the West Bank, where the valley floor is tilted towards the west. The town of Wilson lies approximately 7 feet below the river's average water level and was thus very vulnerable to these floods.

While the levees have been successful in preventing these floods, they have also had deleterious effects. Cut off from annual floodwaters and accompanying sediment, many seasonal wetlands and riparian habitats have disappeared. Moreover, the river has been confined to a relatively narrow corridor and no longer functions fully as a multi-channeled braided stream. Islands and their associated vegetation have shorter lifespans due to more frequent channel shifting and, therefore, no longer provide the same riparian habitat they once did.

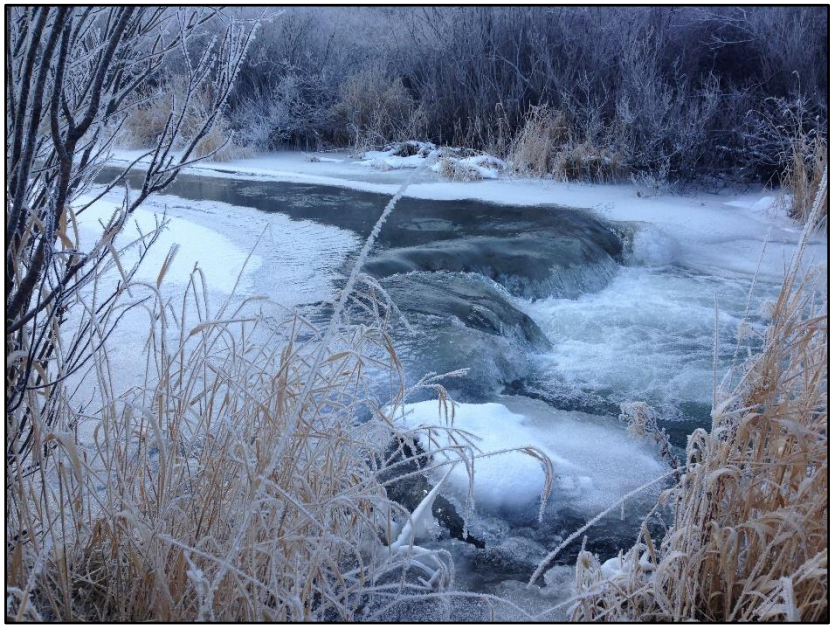
Finally, narrowing the river has also increased water velocity, which increases sediment transport. Recent studies suggest this may be responsible for the removal of many feet of material from the river bed in the leveed section and its deposition downstream below the levees. The deposition has affected flows leading to increased bank erosion. The downcutting threatens to eventually undercut the base of the levees.

In recent years, Teton County and Teton Conservation District (TCD) have partnered with the Army Corps of Engineers to mitigate some of these effects, primarily attempting to protect islands between the levees. The Army Corps is currently evaluating the potential to partner on levee setback projects, which could bring some undeveloped pubic lands back under the influence of the active river channel.

Flat Creek Flood Prevention

Historically, where it passes through the Town of Jackson (ToJ), Flat Creek has been subject to winter flooding in periods of extreme cold during winter. The conditions cause the super cooling of water, which results in a type of rapid ice formation referred to as frazil ice. When frazil ice binds to the stream bed, it displaces water, and at times moves the stream outside of its banks. As a result, some locations experience wintertime flooding that regularly threatens homes, causes property damage, and floods streets and public pathways.

Frazil ice formation is not totally uncommon in the west, but it is rare to have these conditions in an area with relatively dense, streamside residential development. Residential development, prior to stream setback regulations, has historically occurred within 16 feet of the creek banks. More recently stream setback variances have been granted by the ToJ from time to time. Over the past few decades, the TCD and the ToJ, have spent hundreds of thousands of mill levy and sales tax dollars (staff time and projects) combatting the flooding that continues to threatened a couple dozen homes.



Flood mitigation efforts have included the installation of wells with electric pumps and even altering the shape of the creek to reduce frazil ice formation. The physical removal of ice obstructions from the stream while flooding is occurring during the dead of winter is dangerous, costly, difficult to coordinate with private property owners, and is ecologically disruptive. Professionally recommended “thaw wells”, owned and operated by the ToJ, that discharge warmer ground water into the creek have been installed. However, their deployment is difficult to time in relation to ice formation, expensive to run, requires Wyoming Department of Environmental Quality monitoring, and can actually contribute to flooding in certain locations.

Professionally designed ice control rock structures funded jointly by the ToJ and TCD have been installed to mitigate ice formation. Modifications to those structures continues today. The thaw well and rock weir projects have costed hundreds of thousands of tax dollars, and have had varied levels of effectiveness.

During the process of flood fighting and stream alteration projects, communicating with and developing consensus among the affected property owners has been very difficult and time-consuming, creating further tax dollar expenditures. In addition, there have been refusals by property owners to grant access for control measures in the face of imminent flooding, including threats of legal action against both the ToJ and TCD.

In 2014, the ToJ reached a point of no longer providing flood fighting services. The TCD found the potential liability ramifications of acting alone unacceptable. TCD offered to oversee the creation of a Flat Creek Watershed Improvement District (FCWID) to specifically address the numerous challenges of this issue. The intent in doing so was several fold:

1) To create a unified entity that could communicate with and coordinate the many property owners and stakeholders needed to build long-term solutions;
2) To enable the affected parties to contribute funding for the planning, communication, and flood fighting, in addition to funding from general mill levy and sales tax revenues;
3) To enable decision-making authority of affected property owners in regard to appropriate flood prevention and flood fighting projects;
4) To create an entity that can obtain grants, or develop a special assessment process focused on those benefiting from flood mitigation efforts, thus decreasing the tax burden from unaffected citizens; and,
5) To further clarify liabilities stemming from flood fighting and prevention efforts.

The FCWID was established by vote and consists of a five-member elected Board with taxing authority. The initial formation of the FCWID was financially and administratively supported by the ToJ and TCD, to assure proper public notice of activities including supervisor elections according to state statutes. The TCD along with the TOJ provided funds for “start-up” administrative costs and provide staff time assistance to the FCWID, as well as review their budget and proposed projects.

The FCWID currently receives tax revenues via a flat fee to the 183 landowners (including the ToJ) within the established boundaries of the FCWID through the Teton County Assessor’s office. The revenues are dedicated to providing for the administration costs of the FCWID, such as election, recordkeeping, communication, grant writing, stream ice research, and ice and flood mitigation efforts.

To date, the FCWID has created a website for communication with constituents, developed and implemented a research project to monitor stream conditions and ice formation, and contracted for analysis of this data. They have developed an operational framework for mechanical flood mitigation communication during flood events, and a system of communication during flood events. Based upon recommendations from research and data collection, specific proactive flood mitigation projects have been identified and are being pursued.

Recreation

Recreation Topic 1 of 3: BLM Snake River Riparian Parcel Transfer of Ownership from the USA to Teton County, Wyoming

Local citizens now have recreational access to an exceptional series of riparian tracts of land along the Snake River between Moose and South Park Landing. Many people value this access, and many people treasure the natural resource vitality of these remarkable parcels of public land.

The future of the ownership and management of these parcels of land is a current topic of interest and action. There is anticipated federal legislation to transfer title of ~940 acres on ~ 20 diverse parcels of federal BLM Snake River riparian land between Moose, Wyoming and the South Park Landing boat access site to ownership and management by the government of Teton County, Wyoming (Figure 3, Table 3). The BLM has made it clear they do not have the administrative capacity to manage these parcels. The BLM wants to divest them out of their portfolio into the hands of Teton County while permanently protecting recreational access, open space, and wildlife habitat. A Memorandum of Understanding between the USDI-BLM Pinedale Field Office, USDA-Forest Service (Bridger-Teton National Forest & Jackson Ranger District), Teton County, The State of Wyoming – Game and Fish Commission & Department, Jackson Hole Land Trust, and the Snake River Fund, and a concurrent 112-page (plus Appendices A-D) Snake River Corridor Management / Ownership Transfer Plan has helped to guide this discussion to where it is now. This MOU may expire this year if the original signatories do not seek an extension. The transfer process of lands may occur in one of two ways; 1. Recreation & Public Purposes Act (administrative) or 2. Legislative Action.

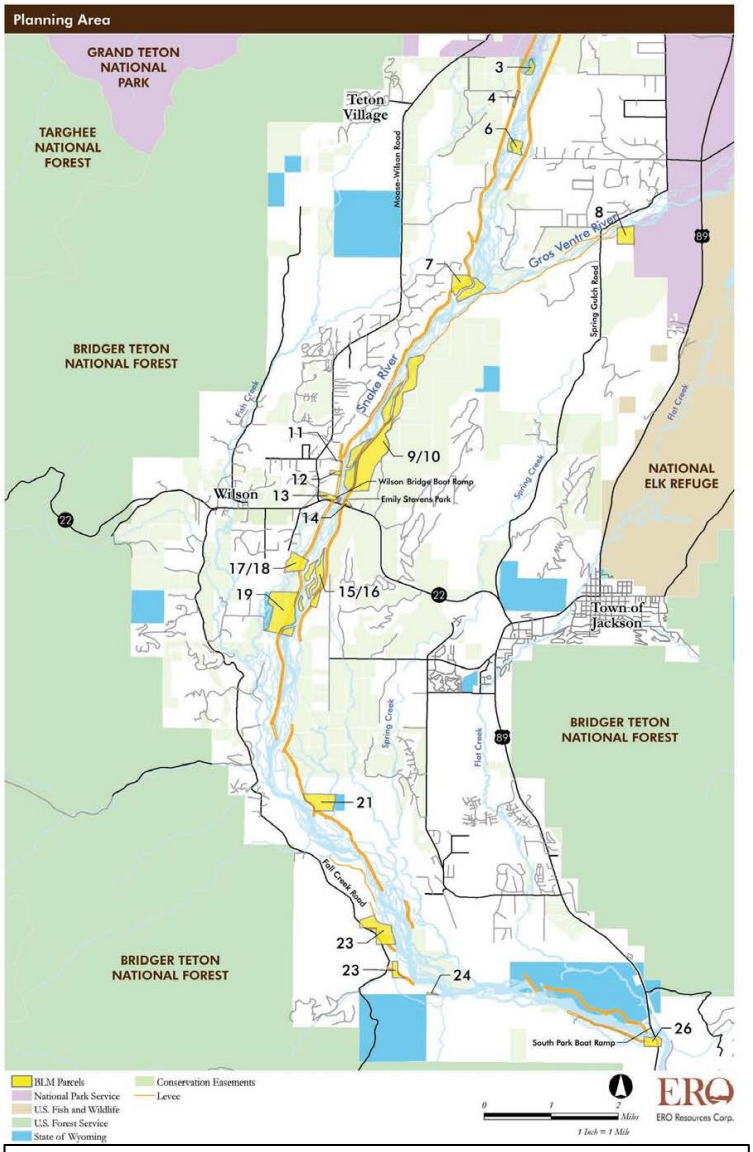


Figure 2. Snake River bottom BLM parcels slated for transfer to Teton County Ownership.

Several Parcels (13, 14, 26) are currently going through the process of being transferred to Teton County, Wyoming ownership through the Recreation and Public Purposes Act. Teton County is currently in the scoping phase to determine the public desire for future uses and amenities on BLM Parcel 9/10. County elected officials have the authority to determine whether it is appropriate to seek the ownership of Parcel 9/10 through administrative transfer or legislative action.

The prospect of using federal legislation to transfer some parcels to Teton County, Wyoming has now come to the fore. This is because other seemingly available administrative solutions to the problem of transferring ownership have been deemed ill-suited to the task. That is the essence of the July 22, 2016 letter from BLM Pinedale Field Office Manager Caleb Hiner to Jackson-Teton County Parks & Recreation Director Steve Ashworth (Appendix 1). Following receipt and consideration of Mr. Hiner's letter, the Teton County Commissioners sent a letter dated August 29, 2016 seeking guidance from U.S. Senator John Barrasso (R-Wyo.) (Appendix 2). The August 29, 2016 letter helps set the foundation for a cooperative legislative campaign between the government of Teton County and the offices of Senator Barrasso.

Table 2. Snake River bottom BLM Parcel transfer information.

Parcel	Acres	Management Emphasis	Ownership	Resource Management
3	12	Habitat conservation, public use, and Snake River camp pilot program	Bridger-Teton National Forest *with a* Reversionary Clause	▪ River camp monitoring ▪ Signage ▪ Noxious weeds ▪ Habitat management ▪ Incompatible uses
4	5	Public river access	Teton County *with a* Reversionary Clause	▪ Monitoring
6	25	Habitat conservation, public use, and Snake River camp pilot program	Bridger-Teton National Forest *with a* Reversionary Clause	▪ River camp monitoring ▪ Signage ▪ Noxious weeds ▪ Habitat management ▪ Encroachment/ Incompatible use ▪ Public use
7	78	Habitat conservation, public use, and Snake River camp pilot program	Bridger-Teton National Forest *with a* Reversionary Clause	▪ River camp monitoring ▪ Signage ▪ Noxious weeds ▪ Habitat management ▪ Encroachment ▪ Public use
8	41	Habitat management	Wyoming Game and Fish Department *with a* Reversionary Clause and Conservation Easement	▪ Dump cleanup ▪ Noxious weeds ▪ Habitat management ▪ Grazing ▪ Fencing and vehicle access ▪ Signage ▪ Public access ▪ Incompatible uses
9/10	320	Public use and habitat management	Teton County *with a* Reversionary Clause and Conservation Easement	▪ Public use facilities ▪ Signage ▪ Grazing ▪ Habitat conservation ▪ Gravel mining area ▪ Noxious weeds ▪ Master/Management planning
11	<1	Short-term monitoring	Disposal to adjacent private landowner	▪ Monitoring
12	6	Habitat monitoring	Teton County *with* language allowing transfer to private property	▪ Monitoring
13	11	Public use and habitat management	Teton County *with a* Reversionary Clause and Conservation Easement	▪ Signage ▪ Camping ▪ Noxious weeds ▪ Habitat management ▪ Master/Management planning
14	5	Habitat buffer	Teton County *with a* Reversionary Clause and Conservation Easement	▪ Monitoring
15/16	72	Habitat conservation	Wyoming Game and Fish Department *with a* Reversionary Clause and Conservation Easement	▪ Monitoring
17/18	44	Habitat conservation	Wyoming Game and Fish Department *with a* Reversionary Clause and Conservation Easement	▪ Monitoring ▪ Signage
19	144	Habitat conservation	Wyoming Game and Fish Department *with a* Reversionary Clause and Conservation Easement	▪ Monitoring ▪ Signage
21	61	Habitat conservation	Wyoming Game and Fish Department *with a* Reversionary Clause and Conservation Easement	▪ Monitoring ▪ Signage
23	89	Public use and habitat management	Wyoming Game and Fish Department *with a* Reversionary Clause and Conservation Easement	▪ Public access ▪ Signage ▪ Noxious weeds ▪ Habitat management ▪ Grazing ▪ Maintenance and law enforcement
24	2	Limited monitoring	Bureau of Land Management	▪ Periodic monitoring
26	23	Public recreation area and Snake River management	Teton County *with a* Reversionary Clause and Conservation Easement	▪ Monitoring ▪ Signage

Recreation Topic 2 of 3: Wild & Scenic Rivers – Snake River Headwaters

Teton County is fortunate to have the largest single designation of Wild and Scenic Rivers in the lower 48 states. On March 30, 2009, the Craig Thomas Snake River Headwaters Legacy Act of 2008 added 414 miles of protected rivers to the national system. The Snake River Headwaters Act was unique in that it encompassed much of entire watershed instead of the individual river segment approach that has been used for the last 50 years. The Snake River Headwaters flows across numerous jurisdictions of the National Park Service, U.S. Forest Service, and U.S. Fish & Wildlife Service as well as numerous state and private lands parcels. Due to the size of this designation, the system is managed by both Bridger-Teton National Forest and the National Park Service.

The heart of the Wild and Scenic Rivers Act is to provide for the protection of the free-flowing character, water quality, and outstandingly remarkable values (ORVs) of the river. The Wild and Scenic Rivers Comprehensive River Management Plans created by the U.S. Forest Service and the National Park Service:

- Document river boundaries and segment classifications (as wild, scenic, or recreational)
- Provides a clear process for protection of the free-flowing condition of the river in keeping with section 7 of the Wild and Scenic Rivers Act
- Clearly describes the rivers outstandingly remarkable values which are river-related or river dependent
- Establishes a management program in the river corridors that protects the outstandingly remarkable values, free-flowing condition, and water quality
- Determines the appropriate types and levels of development within the river corridors
- Addresses user capacity, establishing the kinds and amounts of visitor use appropriate in the river corridor consistent with agency mandates

According to the Wild and Scenic Rivers Act, free-flowing is defined as "flowing in a natural condition without impoundment, diversion, straightening, riprapping, or other modification of the waterway."

Teton County is facing its first major challenge to the Wild and Scenic Rivers Act protection granted by the Snake River Headwaters designation.

Recreation Topic 3 of 3: Chronic Underfunding of BTNF River & Other USFS Recreation Resource Assets and Local Government's Role in Potential Mitigation

Chronic underfunding occurs with respect to recreation management on the Bridger-Teton National Forest by the US Forest Service's Intermountain Region in Ogden, Utah. One of the underfunded elements of the BTNF's recreation management programs is river recreation. With 1,363,200 acres, the US Forest Service is the largest landowner in Teton County, Wyoming. USFS lands occupy 50% of Teton County. Recreation is the dominant Teton County area use of

BTNF lands. There is a generally agreed-upon system[1] for distributing recreation management monies from US Forest Service Intermountain Regional office in Ogden to each of the twelve different units that the Regional Forester administers. You do not have to learn anything more about the funding model than you want to. It is important that you know a standard budget allocation model exists for use among national forests in the Intermountain Region. It is also important to know that the Intermountain Region leadership staff, including the directors of planning, budget, recreation, engineering, and other leaders, is comprised of sophisticated, cordial, decent, and dedicated public servants. This is not a "bad guys" story. It is a "bad outcomes" story.

Recreation funding on the BTNF can be made better. Informed local leadership and the development of a deeper working partnership with our county's principal land manager are essential to motivate necessary changes. Some western towns and counties and their leaders make the effort to understand and advocate for their federal agency partners at the gritty, material level of annual budgets for federal recreation facilities and support personnel. Some do not. The Town of Jackson and Teton County are among those western jurisdictions who currently do not routinely engage with the Intermountain Region of the USFS on behalf of a key element of stewardship enabling support during annual recreation management and resource stewardship budgets.

Teton County is 97% public land. Our economy is powerfully linked to recreational activity on federal lands, including on BTNF and Caribou-Targhee National Forest lands. Sustainably connecting people to nature is an essential part of Jackson Hole's identity. Expertly guided river travel for fishing, adventure, and relaxation are valuable services to the nation and the world. Private, personal, and non-commercial angling and river recreation are important activities for many local residents. That's the fun part.

Recreation and facility management, and natural resource protection, are the stewardship parts of this equation. That's the day-in, day-out support part. If we do not improve the working support systems for USFS recreation management that are now not adequately designed and funded, our general economy, our recreation assets, and our standing as diligent stewards of world-class natural resources will all suffer. One way to improve our community's federal lands

[1] The most current iteration of the USFS Intermountain Region Budget Model for annually allocating recreation management dollars among the Region's twelve National Forests is called the "Intermountain RHWR Budget Model 1.30.2012."

stewardship engagement is to follow the money. When we do that, the journey leads to difficult but workable destinations.

Getting the Standard Recreational Management Funding Model to Work Better

When following the money, an initial destination is the space of zero-sum competition for limited financial resources with other national forests in the Intermountain Region. For example, between FY2010 and FY2016, the Bridger-Teton recreation budget experienced a 29.65% decline. In last year's real dollar terms, if the BTNF had received the share of recreation management dollars that the Intermountain Region's standard funding model indicates was appropriate, the BTNF would have seen an annual increase of $890,067. Securing those dollars in the future is possible. It is probably difficult too. If this was easy, it wouldn't be the challenge that it is.

But that's not the end of the Jackson Hole – US Forest Service recreation and resource protection funding support journey. There are also viable opportunities for basic funding paradigm adjustments. That's where informed local leadership can make a real difference.

In June, 2016, the BTNF staff developed three recreation budget support documents. All of those may be found under the "Resources" tab on the Snake River Fund's website. On June 16, 2016, a team of leaders from the Snake River Fund, Wyoming Pathways, the Backcountry Horsemen of America, and Friends of Pathways traveled to Ogden, Utah to hand-deliver these three support documents to appropriate leaders of the Intermountain Region. These three documents warrant your attention. Some highlights from them are:

* In 2014, recreation fee generating activity on the BTNF earned ninety percent (90%) of the $2,639,942 in BTNF gross receipts.
* Water-based recreation, particularly through the 150,000 annual rafting and kayaking visitors in the Snake River Canyon, is a substantial part of that.
* Visitors to the BTNF spend more than $94 million each year bolstering neighboring economies.
* 82% of the BTNF trail system falls below a basic standard of sustainability.
* Both of the Snake River Canyon's principal boat ramps (West Table and Sheep Gulch) are beyond their useful lifespan. They are undercut by erosion and at risk of being destroyed by the next high-water event. Repair costs for those two essential ports of entry to the river are estimated at $522,895 (2014 dollars).
* From FY 2010 to FY 2016, the BTNF recreation budget has seen a 29.65% decline in appropriated dollars.

The BTNF is not receiving its objective, model-derived share of the annual pool of Intermountain Region recreation management funding. Respectful local elected leadership support for our BTNF partners could make a substantial difference. The goal should be securing for the BTNF's recreation management program – its most important annual funding requirement – an equitable share of the fixed sum of available dollars. These financial allocations are the responsibility of the federal land managers, not local officials. However, local elected officials are, by both law and custom, welcome and highly regarded partners and cooperators with federal land managers.

Making More Widespread Use of User Fee Systems for Key Developed Recreation Sites

Viable opportunities for basic USFS, BTNF funding paradigm adjustments include further implementation of user fees for public use of developed recreation sites, (no fees for dispersed recreation access). This may be done under the terms of the already available, partially deployed Federal Lands Recreation Enhancement Act (FLREA) system. A user fee system for specific, developed recreation sites, (e.g. West Table and Sheep Gulch boat ramps and related facilities) is now under consideration by both the BTNF and the Intermountain Region. Informed local elected leadership for further use of FLREA, in respectful cooperation with the BTNF and the Intermountain Region, could accelerate more widespread use of this readily available revenue-generating tool. The revenue generating potential of an expanded FLREA user fee program in the Snake River Canyon is not yet precisely forecast, but rough estimates have suggested an annual increase in support of several hundred thousand dollars.

Avoiding the Destabilizing and De-Funding Consequences of Fire Borrowing

A limited re-assignment of Forest Service firefighting costs to the Federal Emergency Management Agency's account could end the current $700 million/year (forecast to grow to $1.8 billion by 2025) USFS program of "fire borrowing" from operations budgets to fight extreme forest fires. The option of better firefighting budgeting is on the table before the US Congress, (see, e.g., https://www.congress.gov/bill/114th-congress/house-bill/167). H.R. 167 has 148 co-sponsors (81 Democrats, 67 Republicans), but it, or something like it, might not get passed without informed local support. Snake River recreation management and resource stewardship (and all other forms of USFS recreation asset management) routinely suffer because of fire borrowing. There's a place for informed local elected leaders in cooperating with Wyoming's two U.S. Senators and our lone U.S. Representative in helping to shift extreme wildfire emergency response expenses out of the regular operations budgets of the federal land management agencies and into our nation's already-developed FEMA model for paying for major natural disasters.

In a national context, Jackson Hole is a major US Forest Service stakeholder community. When it comes to knowledgeably advocating for the basic unit of stewardship that the BTNF needs, recreation management and resource protection money, including its river management program, we are not yet there. Jackson Hole's elected leaders could become better informed and then appropriately participate in discussions in Ogden Utah, and in Washington, D.C., to follow the money and help the right sums reliably and equitably arrive in the right places.

Who Regulates What

Surface water (streams, lakes and rivers) quality is regulated under the Clean Water Act. The Environmental Protect Agency (EPA) is charged with administering the Clean Water Act; however, it is the policy of Congress to allow oversight of water quality protection by States. In Wyoming, the Water Quality Division of the Wyoming Department of Environmental Quality (WDEQ) administers surface water quality regulations based upon its water quality regulations, which are primarily based upon Federal guidance. Surface waters are regulated according to their specific management goals and expectations, described as Designated Uses. Designated Uses in the State of Wyoming included: drinking water, fisheries, aquatic life other than fish, fish consumption, recreation, wildlife, agriculture, industry, and scenic value. Water bodies

throughout the state are categorized according to those designated uses (Classes 1-4, highest and lowest water quality respectively) they are expected to support (Table 2).

The Clean Water Act, Section 305(b) requires that on even years, states prepare and submit a biennial report to the EPA. This report outlines the status of water bodies and their designated uses, and includes explanations of water quality issues, and the process in place to mitigate these issues. Section 303(d) of the Clean Water Act further requires states to list water bodies that do not meet their designated uses. This list is often referred to as the "impaired stream list." WDEQ combines these two reporting requirements and publishes a biennial 'Wyoming Integrated 305 (b) and 303 (d) Report'.

The assessment process by which rivers, streams and lakes are determined to not meet their Designated Uses is not trivial. There are numeric criteria for pollutants that must be met (e.g., nitrate must be below 10 mg/L), but stream health impairment and Designated Use determinations can also be made using aquatic macroinvertebrate or fish population health, as well as physical conditions such as riparian vegetation and stream bank stability. From the north boundary of the Town of Jackson to its confluence with the Snake River, Flat Creek is identified on the WDEQ impaired stream list as "threatened" due to municipal stormwater discharges into the creek. Large-scale mitigation by the Town of Jackson with support from TCD and WDEQ has included adding sediment collection bays within the stormwater system, street sweeping, and the Karns Meadow Stormwater Treatment Wetland.

WDEQ also regulates discharge into surface waters. This practice requires permitting and monitoring is subject to meeting the requirements of the receiving water's Designated Uses.

Wetland dredging and filling is regulated at a national level by the Army Corps of Engineers (ACE), per Section 404 of the Clean Water Act. Permitting through ACE is required for alteration of wetlands. Teton County also regulates wetland alteration according to their Land Development Regulations. Teton County requires that wetland loss or alteration is mitigated on a 2 to 1 basis (i.e. two acres of wetlands must be created for every one lost).

Surface and ground water rights are regulated in Wyoming by the State Engineers Office (SEO). Water right permits can be applied for at the SEO, but are subject to pre-existing water rights on that water body by priority date and in a downstream direction. Interstate compacts provide a framework by which water rights are maintained across state boundaries.

Regulatory floodways are overseen by the Federal Emergency Management Agency (FEMA). Regulatory floodways are those water bodies that must be reserved in order to discharge the base flood (100-yr flood) without cumulatively increasing surface water elevations above a certain height (its base flood elevation). Base flood elevation (BFE) for a watercourse is often determined according to measurement and calculation of the FEMA 100-yr flood, which is the largest modeled discharge of a watercourse expected to occur on a 100-yr reoccurrence interval. BFE's are used to delineate the area where flood insurance is required to be purchased, and how new development proceeds.

Fisheries resources are managed and regulated by the Wyoming Game and Fish Department (WGFD). Locally, WGFD has maintained a strong native fish initiative and very little human augmentation of fish populations. Their mandate is to provide recreational opportunities, as well as preserve important fisheries resources. WGFD receives most of its funding for fisheries work from license fees, and thus they need to be accountable to this group. In Yellowstone National Park, the Park Service has stronger management of fisheries within its boundaries compared with Teton Park, where State control was given as a part of the negotiation to establish it as a National Park.

Snake River flows are regulated at Jackson Lake Dam. This dam is managed and operated by the Bureau of Reclamation in accordance with water right holders, natural resource interests, and flood risk. Although Jackson Lake is a natural water body that is over 400' deep, the top 30' is controlled by the Jackson Lake Dam, with the primary purpose of managing flows for irrigation in tandem with the other large dams found along the Snake River.

Mosquito Control

Teton County Weed and Pest provides environmentally sound management of mosquitoes to enhance human and animal health and well-being. Given landowner permission, parcels producing or harboring mosquito species are offered free surveillance and control measures regardless of private or public ownership. This program incorporates larval, adult and disease surveillance; local and area-wide cultural, biorational and chemical control measures; and education. However, 90% of their time is spent applying a biorational pesticide to control mosquito larvae. Mosquito larvae are aquatic and occupy diverse environments in Teton County, including flood-irrigated pasture and hayfields, seasonal snowmelt pools, and naturally flooded stream banks and marshes. Once the initial mosquito population has emerged from snowmelt and other areas of pooling water, subsequent generations are driven by new pulses of water. In Teton County floodwater mosquito species are found throughout the summer as fields are flooded and water is diverted to new areas.

Many areas in Teton County are routinely surveyed for mosquito larvae throughout the spring and summer. When mosquito larvae are found, the area is treated with a solution containing a bacterial protein. The protein is fatal to mosquito larvae, but innocuous to most other aquatic invertebrates. Teton County Weed and Pest treated approximately 1,428 acres with larvicide in 2018.

Local Water Issues

Although water quality is generally good in Jackson Hole and surrounding areas, there are areas that have serious drinking water supply and stream health issues (Table 4).

Table 4. List of select water quality issues in Teton County, WY.

Issue	Implications	Solutions
Hoback Junction- Nitrates, E. coli, Sulfur, water availability, soil instability.	Numerous water quality issues occur here, and at times drinking water exceeds criteria. Safe and palatable water is hard to find in most locations.	Regularly test drinking water. Inspect septic system connections for leaks. Protect existing drinking water sources. Community infrastructure.
Squaw and Porcupine Creek subdivisions- Water quantity is lacking due to geology.	New building is contingent on water availability. Homeowners need to be cognizant of water use.	Many homeowners use water district water supply. Explore other water sources.
Throughout Jackson Hole- Naturally occurring arsenic.	Presents serious health hazards.	Expensive but capable treatment. Try new well.
Areas of shallow groundwater- Susceptible to septic system contamination.	Human waste from septic systems can enter groundwater, contaminating water wells.	Maintain septic systems, use raised systems if groundwater is 4' or less. Maintain wellhead protection, and assure well is at suitable depths.
Town of Jackson drinking water- Benzene found in Karns Well.	A newly identified contaminant in Town water, although detection was below EPA drinking water threshold.	Continue to monitor closely, consider alternative water source that exists outside of development influence.
Flat Creek- The only current EPA impaired stream in Teton County, due to stormwater. E. coli levels above recommended use standards for submersion contact.	Stormwater runoff degrades Flat Creek aquatic life. E. coli indicates fecal contamination, and potential for pathogen ingestion.	Improve Town stormwater runoff treatment, and reduce runoff where possible. Explore E. coli sources to determine management actions. Consider risk of ingestion.
Fish Creek- Being evaluated by WY Dept. Of Env. Quality as impaired stream due to nutrients. E. coli levels above recommended use standards for submersion contact.	Nutrients from many sources feed plants and algae, degrading aquatic life. E. coli indicates fecal contamination, and potential for pathogen ingestion.	Use community awareness and best management practices to avoid regulatory obligations and improve conditions. Explore E. coli sources to determine management actions. Consider risk of ingestion.
Snake River- Raft guides complained of foot rashes from contact with water summer of 2016.	Inconclusive investigation by Wy Dept. of Env. Quality.	Unknown
Kelly, WY- Nitrates in drinking water.	Human health issues	Community wastewater systems, drinking water testing.

Appendix 1. Letter written to Steve Ashworth from BLM regarding parcel transfer to Teton County

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
High Desert District
Pinedale Field Office
1625 West Pine, P.O. Box 768
Pinedale, Wyoming 82941
www.blm.gov/wy

In Reply Refer To:
2800 (WYD01)

JUL 22 2016

Steve Ashworth, Director
Teton County/Jackson Parks and Recreation Department
PO Box 811
Jackson, Wyoming 83001

Dear Mr. Ashworth:

Thank you for contacting the Bureau of Land Management (BLM) Pinedale Field Office concerning the disposition of the Snake River BLM land parcels. The Snake River Resource Management Plan (RMP) is one of two RMPs providing management direction for the BLM Pinedale Field Office and covers the land parcels in question. The intent of the Snake River RMP is to dispose of remnant parcels of land managed by the Pinedale Field Office, but still provide for open space. Efforts to dispose of the parcels via the Recreation and Public Purposes (R&PP) Act and/or a Federal Land Policy and Management Act (FLPMA) land sale have been pursued where appropriate. BLM understands that Teton County, Wyoming is the one remaining entity interested in all remaining parcels identified for disposal in the Snake River RMP/Record of Decision (ROD).

The R&PP Act authorizes the sale or lease of public lands for recreational or public purposes. Only the amount of land required for efficient operation of the project (e.g. schools, landfills, parks, municipal facilities, etc.) should be described in an applicant's development plan and also applied for. Lands applied for must be needed for a specific project that serves a specific need. The R&PP Act is not intended to be used to preserve open space. This conflicts with the management direction for parcel disposal in the Snake River RMP/ROD.

FLPMA Section 203 requires that the sale of public lands shall be made at a price not less than fair market value. A FLPMA sale is a no conditions attached transaction; therefore, we cannot require a conservation easement be placed on a parcel of land before or after the patent. This also conflicts with the management direction for parcel disposal in the Snake River RMP/ROD.

So although patent through the R&PP Act or disposal through a FLPMA sale are both available to transfer ownership of the Snake River parcels to Teton County, they are in contradiction with the management objective of the Snake River RMP/ROD. The R&PP Act is not entirely applicable because it is not intended to be used to preserve open space and a FLPMA sale has limited applicability because the fair market value of the public parcels is likely too high for the one remaining interested entity.

Since the ROD for the Snake River RMP was signed, the following actions have been completed:

- One land parcel was patented to Teton County under the R&PP Act, for expansion of the Teton County landfill in June 2008.
- Two unintentional occupancy trespasses were resolved via FLPMA sales in April 2014. The two parcels consist of 0.82 acres and 0.13 acres.
- One un-manageable parcel has been sold via FLPMA sale to the adjacent land owner in February 2014.

As all land parcels that can be disposed of via the R&PP Act and FLPMA sales have been processed, the Pinedale Field Office has exhausted available options for additional parcel disposal.

If you have any additional questions, please feel free to contact me at 307-367-5302.

Sincerely,

Caleb M. Hiner
Field Manager

Appendix 2. Letter written to Senator Barrasso from Teton County Commissioners regarding legislative action for BLM parcel transfer to Teton County.

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TETON COUNTY WYOMING

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August 29, 2016

The Honorable John Barrasso
307 Dirksen Senate Office Building
Washington, DC 20510

Re: BLM Snake River Resource Management Plan Parcels

Dear Sen. Barrasso:

In the spring of 2004, the Bureau of Land Management issued its Snake River Resource Management Plan, calling for the disposal of 24 remnant parcels scattered along the Snake River from the southern boundary of Grand Teton National Park to the South Park Bridge south of the Town of Jackson. The plan calls for the parcels to be transferred to other public agencies for recreational access, open space and wildlife habitat.

In the ensuing 12 years, a multi-agency task force, which includes Teton County and the BLM, has explored appropriate public ownership of the parcels. Teton County emerged as the sole suitable local, state or federal entity willing and able to assume ownership of the remaining parcels in accordance with the intentions of the Resource Management Plan. The task force and Teton County worked diligently and collaboratively, and we strongly believe this direction is in the best interest of the public.

When possible, parcel transfers or sales have been pursued under the Recreation and Public Purposes Act and the Federal Land Policy Management Act. However, the requirements of land use under those acts make them inappropriate vehicles for many of the parcels, particularly those intended to be maintained as open space. The attached letter from the High Desert District of the BLM describes in more detail the options that have been explored. The letter concludes that the BLM's Pinedale Field Office "has exhausted available options for additional parcel disposal."

At this time -- having spent more than a decade involved in the BLM Parcels transfer process -- Teton County would like to respectfully request the advice and assistance of your office in determining how our community might continue to move forward, either through legislative actions or other methods as deemed appropriate.

Thank you in advance for your time and help in this matter. Please don't hesitate to contact us with questions.

Best regards,

Barbara Allen
Teton County Commission, Chair

Sherry L. Daigle
Teton County Clerk

CC: Sen. Mike Enzi, Rep. Cynthia Lummis