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Snake River Bend Ranch, LLC
SRS Club, LLC
3060 Peachtree Road NW
Suite 1080
Atlanta, GA 30305-2251

Sent via mail and email to: cswann@cygnuscaptial.com

January 28, 2019

PO Box 1727
200 South Willow Street
Jackson, Wyoming 83001

RE: *Notice of Violation: Sites #1,2,3: Floodplain Development violation on Snake River Bend Ranch (PIDN: 22-38-16-05-3-00-004) and Lot 116, Snake River Sporting Club (PIDN:22-38-16-08-1-03-014)*

ph: 307.733.3959

Dear Mr. Swann:

This Notice of Violation pertains to the unauthorized land development that has occurred on the Snake River Bend Ranch Property and SRS Club, LLC property on the east bank of the Snake River and is following the County's consideration of Floodplain Development Permits FPR2018-0008 & 0009. Planning and Engineering Staff have identified that the boulder trench, which was built without the proper floodplain development permits, does not comply with the Conditions of Approval from Development Permit, DEV2015-0002, as amended conditions of the original DEV2002-0024. In addition, the proposal from FPR2018-0009 has not had a Section 7 Review by the U.S. National Forest Service for compliance with Wild and Scenic River Regulations, and therefore the Floodplain Development Permit cannot currently be approved. The boulder trench is in violation of the following DEV2015-0002 Condition of Approval and Teton County Land Development Regulation:

DEV2015-0002 Condition #3.

No dike, levee or retaining wall shall be constructed in the Snake River, its floodway or floodplain for bank stabilization, erosion control, or other purpose, nor shall the bank height be altered. No bendway weir or other bank stabilization measure (but not dikes, levees or retaining walls) shall be used on the Snake River, its floodway, or floodplain unless authorized by the governmental entity having primary jurisdiction over the subject matter, or, by each governmental entity having concurrent jurisdiction over the subject matter, which includes Teton County.

Sec. 8.9.2.F. Violations. Activities that constitute a violation include, but are not limited to, the following:

4. Excavation, grading, cutting, clearing or undertaking any land disturbing activity without first obtaining all appropriate permits and development approvals, and complying with their terms and conditions.

FPR2018-0008 (Site 1)

It is our understanding that you are proceeding with a plan to reclaim this site to previous conditions and grades and with no stockpiles. Per the letter from Mary Moore, dated January 2, 2019, please supply all information requested by the USFS regarding Wild & Scenic River requirements as they relate to Site 1. Please supply an amended site plan demonstrating the now-anticipated proposed site conditions.

FPR2018-0009 (Sites 2 & 3)

As of January 22, 2019, the bridge has been removed from the site. While the bridge can be removed from the site plan, any reclamation work at site 2 should remain part of the floodplain permitting process. Please provide a copy of the mitigation plan to include within the revised floodplain permit documents. The mitigation plan is still subject to review by the U.S. Forest Service and any applicable conditions they may require.

Teton County Engineering was unable to approve FPR2018-0009 for site 3 as submitted since it is lacking the review and authorization of the National Forest Service for compliance with Wild and Scenic River Standards, and therefore is in violation of Condition #3 of DEV2015-0002. In addition, per the letter from Amy Ramage, Engineering Manager, dated 1/4/19, the submittal did not include current information regarding the Snake River Floodway.

The following actions are now required. An application for a Wild and Scenic River Section 7 Review shall be submitted to the US National Forest Service for any proposed work along the Snake River. In addition, you shall provide documentation regarding any U.S. Army Corps of Engineers and Wyoming DEQ permitting requirements for any previously unpermitted AND future proposed work. If any agency determines that a permit is not needed, please provide documentation of that determination. Upon receiving all applicable Federal and State permits and approvals you shall amend your floodplain development permits, FPR2018-0008 & -0009, to reflect a revised project in compliance with the Teton County Floodplain Resolution, LDRs and the aforementioned conditions of development. If found that your proposal meets the definition of a dike, levee, or retaining wall, you will need to amend DEV2015-0002 Condition of Approval #3 to allow such development. The project was originally exempt from requiring a Grading & Erosion Control Permit. Please be aware that depending upon the scope of your final proposal, a grading permit may become necessary if grading permit thresholds are met with your amended proposal. These actions shall be completed within the 180 days from original submission of FPR2018-0009 for which the floodplain development permit remains open, that date being March 26th, 2019.

Failure to comply with this notice will result in the immediate scheduling of a Hearing to Abate as described in Section 8.9.4. and may result in prosecution for a violation, as provided in Wyo. Stat. §18-5-204. The maximum penalty for a violation, as provided in Wyo. Stat. §18-5-206, shall be a fine of seven hundred and fifty dollars (\$750.00) for each offense. Pursuant to Wyo. Stat. §18-5-204 each day a violation continues to exist is a separate violation.



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Please keep our office informed of your progress while submitting to the appropriate government agencies. I can be reached at (307) 733-3959 or via email at cwindom@tetoncountyywy.gov.

Sincerely,

Chandler Windom
Code Compliance Officer

PO Box 1727
200 South Willow Street
Jackson, Wyoming 83001

ph: 307.733.3959

CC:

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