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DEPT. OF WATER RESOURCES  
EASTERN REGION

May 28, 2025

*Via certified mail, return receipt requested and Email*

Good Timber Ranch, LLC  
Nathan Godfrey, Manager and 5% owner  
of Good Timber Ranch LLC  
1300 Good Timber Ranch Road  
Victor, Idaho 83455  
nathan@coldewaterpaint.com

Cloud Peak Law, LLC  
% Andrew Pierce  
Agent for Good Timber Ranch LLC  
1095 Sugar View Drive  
Suite 500  
Sheridan, WY 82801  
reports@cloudpeaklaw.com

Jared Smith, Trustee  
JARED SMITH  
REVOCABLE LIVING TRUST  
u/d/t/ June 9, 2020  
95% Owner of Good Timber Ranch LLC  
412 Olive Ave, suite 490  
Huntington Beach, CA 92648  
jared@totallysmith.com

**Re: Notice of intent to sue Good Timber Ranch LLC, Nathan Godfrey, Jared Smith, and the Jared Smith Revocable Living Trust over violations of the Clean Water Act and their Nationwide Permit #27 at Good Timber Ranch in Victor, Idaho.**

Dear Mr. Smith and Mr. Godfrey:

I represent a group of seven landowners abutting your property known as Good Timber Ranch in Victor, Idaho. The group includes owners of Snowdrift Farm, Canewater Farm, and three other abutting downstream property owners. For brevity, I'll refer to them as "the Good Neighbors." I have made an effort to ensure that both of you personally received this notice so you both will have the full understanding of the issues at stake here.

With this letter, the Good Neighbors hereby give you notice, pursuant to Section 505 of the Federal Water Pollution Control Act (CWA), 33 U.S.C. § 1365, of our intent to initiate a federal court lawsuit against you to enforce provisions of the CWA, 33 U.S.C. §§ 1311 & 1342. These violations stem from ongoing unauthorized discharges of pollutants into waters of the United States without a permit, and repeat violations of the terms and conditions of your Nationwide Permit #27 (NWP 27), issued by the U.S. Army Corps of Engineers (USACE).

You were issued NWP 27 on June 21, 2022 for construction of an artificial 3.94-acre lake ("Lake Washakie") and associated wetland restoration efforts. However, to date, 13.9 acres of land, including 1.8 acres of wetland, and 2,310 feet of spring creek stream channels are scraped away, permanently impacted, with inadequate, and failing Best Management Practices (BMPs). You dug, scraped, and removed these stream channels and wetlands over a period of approximately two weeks last summer, with no BMPs in place, sending a large bolus of sediment and debris down Little Warm Creek. Even though construction activity at Good Timber has been

halted since last August, fines and materials from last summer still continue to impact downstream reaches of Little Warm Creek, and your discharges leaving the Good Timber property still remain at or above the permitted impacts under Section 404 of the CWA. Little Warm Creek and the entire Warm Creek watershed **is also a 303(d) listed stream** that is impaired for cold water aquatic life, Salmonid spawning, and secondary contact recreation.<sup>1</sup> A foot of sediment now sits in the reaches of Little Warm Creek downstream from your property.<sup>2</sup>

Attached to this letter is a May 21, 2025 Memo from Biota Research & Consulting Inc. which details the high quality fens once located on Good Timber Ranch that were likely destroyed by your excavators last July, and the current non-compliant condition of Good Timber Ranch and ongoing discharges.<sup>3</sup> Biota has also documented an average increase of **4.2 NTUs** downstream from your property throughout this (unusually slow) spring run off. Unless you take the steps necessary to remedy the ongoing CWA violations and restore Little Warm Creek, we intend to file suit in the U.S. District Court for Idaho following the expiration of the 60-day statutory notice period, seeking injunctive relief, civil penalties, and other relief for any additional similar violations we identify subsequently. We are also poised to file a separate Trespass with Damages action to recover for the harm done to the Good Neighbors' properties.

### Location of Violations

The violations are occurring and have occurred at Good Timber Ranch located at 1300 Good Timber Ranch Road, outside of Victor, Idaho 83455. Specifically, the affected waterbodies include Little Warm Creek, the Warm Creek watershed, Alder Spring Creek, Thoughtful Spring Creek, Forgotten Spring Creek, Big Spring Creek and all its associated wetlands and its associated wetlands, which are waters of the United States.

### Parties Giving Notice

The Good Neighbors are downstream property and farm owners, whose land has been physically damaged by the ongoing downstream discharges caused by Good Timber's noncompliant scraping, bulldozing and lack of effective BMPs. Their full names and addresses are as follows:

Sue Miller & Gregory Collins  
Owners of Snowdrift Farm  
10435 South 1750 West  
Victor, Idaho 83455  
suebemm11@gmail.com  
gcollins@wyoming.com

Rafe & Ansley Rivers  
Owners of Canewater Farm  
1566 West 10250 South  
Victor, Idaho 83455  
raferivers@gmail.com  
ansleywest@gmail.com

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<sup>1</sup> Warm Creek - source to mouth Assessment Unit ID: ID17040204SK034\_02 has been listed as 303(d) impaired in 2016, 2020, 2022, and 2024.

<sup>2</sup> [Click to view](#) photo and video documentation of ongoing sedimentation from May 2025.

<sup>3</sup> See, Attachment A to this letter: *Good Timber Ranch LLC Site Condition Assessment* by BIOTA Research & Consulting Inc. dated May 21, 2025.

Georgie Stanley  
PO Box 928  
Jackson, Wyoming 83001  
georgiews4@gmail.com

Brian & Elizabeth Maguire  
10165 West 10250 South  
Victor, Idaho 83455  
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elizabethmaguire85@gmail.com

Collectively, the Good Neighbors own approximately 85 acres of land directly downstream from Good Timber Ranch. Some of them depend on their land for their livelihood. They have suffered harm and ongoing damages in the form of degraded streams and springs traversing their properties - namely Little Warm Creek which once ran clear and carried cutthroat trout through their lands and holding ponds, and eventually on to the Teton River. Now, these streams and interconnected holding ponds are full of deep sediment, debris, and absolutely choked with algae. The fish are gone. They have culinary wells that once ran clear which are now turbid and unusable - even for washing crops.

As for future harm, both [Canewater Farm](#) and [Snowdrift Farm](#) (click to view) are small organic farms sitting in the crosshairs for herbicide and pesticide contamination from Good Timber Ranch. Their crops directly abut the 13.9 acres of scraped earth on Good Timber Ranch that is now a veritable sea of invasive weeds. Unless swift action is taken by you to resolve this issue, it seems likely that reclamation of Good Timber will not be possible without the large-scale application of herbicides, which will then drift onto their crops, contaminating them.

### Summary of Violations

You were issued a NWP 27 on June 21, 2022, and the purported justification for your project was “habitat restoration and enhancement” of what you claimed were degraded wetlands located onsite. Right from the start, the NWP 27 required Good Timber to comply with all state and local permitting requirements prior to any earthwork. Yet, Good Timber took all of the destructive actions documented in the Biota Memo without a Stream Channel Alteration Permit (I.C. § 42-3803 ), without a Teton County Grading and Excavation Permit (Teton County Land Development Code 5-2-1), and without the appropriate water rights to fill their Lake Washakie. (I.C. § 42-222(1)). The public record shows that county and state agents repeatedly reported in emails that Good Timber’s representative Nathan Godfrey had told them he had these permits, when in fact he did not.

No BMP’s were in place at the time of Good Timber’s scraping and excavation work, sending a massive bolus of sediment and debris downstream, where it is still discharging and damaging Little Warm Creek and private property even today. On information and belief, you had no BMPs in place for at least 11 days last July, and very likely longer.<sup>4</sup> A July 26, 2024 [field report](#) from the Idaho Department of Environmental Quality detailed turbidity levels at 80FNU immediately downstream from you. Teton County Planner Torin Bjorklund reported on

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<sup>4</sup> The Good Neighbors have [video documentation from July 18, 2024](#) (click link to view) that shows extensive earthwork was already well underway at this time. DEQ Water Quality Analyst Cherie Windsor sent an email communication to USACE indicating that she inspected the newly placed BMPs on July 29, 2024.

that same day you denied county and DEQ field agents access to investigate:

*The applicant and excavation owner called their attorney when we were on site. They suggested that they may be "incriminating themselves" by allowing us to take photos of the silt screens that were just installed. The waddles will be completed on Monday and they told us to come back then.<sup>5</sup>*

Minimal BMPs were observed the following Monday, July 29, 2024 by DEQ field agents. As demonstrated in the Biota Memo, these BMPs were ineffective to begin with, and have been neglected, left to break-down and degrade over the winter, allowing even more discharges. The sedimentation of Little Warm Creek is ongoing. Spring runoff has been unusually slow this year, and yet, there is still an average increase of 4.2 NTU's immediately downstream from the Good Timber property due to the lack of erosion control.

The Biota Memo also details the specific manner in which your excavators scraped, pushed, and bulldozed 13.9 acres, caused severe damage to 1.8 acres of wetland and obliterated 2,310ft spring creek stream channels, leaving them not able to be readily reclaimed. These are permanent impacts, far in excess of the treatment areas proposed and permitted in your March 8, 2022 Joint Application for Permits. You took an exceedingly blunt approach to this excavation work, with no attention towards your claimed goal of wetland enhancement. The end result of this overly aggressive excavation work is a swath of permanent impacts that far exceed the terms of your NWP 27. You permanently impacted **1.8 acres** of wetland when your Joint Application materials proposed a permanent impact of only **0.81 acres** of wetlands, of which 0.28 acres would be emergent wetlands and 0.53 acres would be scrub-shrub wetlands. You razed **2,310 ft** of spring creek stream channels when the permit allowed for **1,904 ft**. These are unacceptable overages that severely damaged surface water, a 303(d) listed stream, and abutting wetlands.

A Notice of Intent to Enforce was issued against Good Timber Ranch on August 6, 2024. However, a compliance determination letter was then issued on December 10, 2024.

### Nature of CWA Violations

You are in violation of Sections 301(a) and 404 of the CWA, 33 U.S.C. §§ 1311(a) and 1344, by discharging pollutants into waters of the United States in excess of the limits and conditions of your NWP 27. Based on our many observations and available information, it appears that your activities at Good Timber Ranch which were purportedly for aquatic habitat restoration, establishment, and enhancement repeatedly violated the terms of your Nationwide Permit by causing permanent destructive impacts. These violations include, but are not limited to, the following:

- 1. Excessive dredging and scraping:** The extensive and aggressive scraping and filling of Alder Spring Creek, Thoughtful Spring Creek, Forgotten Spring Creek, Big Spring Creek and all its associated wetlands have resulted in the fundamental alteration and

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<sup>5</sup> July 26, 2025 Torin Bjorklund [email](#) to state and federal agencies.

degradation of the entire natural stream system, which collects and flows off Good Timber Ranch via Little Warm Creek. This is not a "minimal" effect; it is a profound and lasting environmental impact. 13.9 acres have been totally cleared away, completely destroying 2,310 ft of spring creek stream channels, and impacting 1.8 acres of wetland.

2. **Using heavy machinery in the riparian zone and stream channel with no BMPs:** The use of heavy machinery (e.g., excavators, bulldozers) within the riparian zone and directly in the wetted channel without adequate erosion control measures has resulted in substantial sediment runoff into Little Warm Creek. This sediment is a pollutant as defined by the CWA and is significantly degrading water quality throughout the Little Warm Creek system. Downstream reaches of Little Warm Creek now carry a foot of sediment on the bottom.
3. **Altering the natural flow of spring creek stream channels:** Your purported restoration activities have involved the total destruction of several stream channels, significantly altering the natural flow of Alder Spring Creek, Thoughtful Spring Creek, Forgotten Spring Creek, Big Spring Creek in violation of the requirement that NWP 27 activities result in "overall improvements to aquatic resources." There are no improvements here; the water resources have been totally destroyed.
4. **No establishment of appropriate native vegetation:** Your activities have not ensured the establishment of appropriate native vegetation to stabilize disturbed areas, leading to continued erosion and sedimentation, contrary to the objectives of NWP 27. Vegetation has not been preserved, or temporarily impacted to the minimum extent feasible. Instead, it has been totally scraped away. No effort was made to preserve or minimize impacts to wetlands and riparian vegetation.
5. **Ongoing sediment discharges into a 303(d) listed creek due to a lack of BMPs.** Your current BMPs and erosion control measures are inadequate or simply missing around the massive stockpiles of soils, fines, and debris throughout your property. Straw waddles and screens have quickly degraded and broken down due to a lack of maintenance. As a result you have created two types of unpermitted discharges into Little Warm Creek: (1) the bolus of sediment you released last summer which is still moving downstream, and (2) the ongoing discharges from Goods Timber Ranch due to lack of effective erosion control which average 4.2 NTUs higher than background levels.

These activities have resulted in the unauthorized discharge of pollutants, including but not limited to, dredged material, fill material, and sediment, into waters of the United States. Such discharges are unlawful without a valid Section 404 permit or if they exceed the conditions of an existing permit.

### **Failure to Comply with Specific NWP 27 Regional Conditions**

The activities at Good Timber Ranch demonstrate an ongoing failure to comply with the region specific conditions of your permit. The NWP 27 permit is specifically designed to cover aquatic restoration and enhancement activities - but that is not what has happened here.

1. **Direct Channelization/Alteration in Violation of Regional Conditions C and D:** The explicit conversion of the onsite natural stream channels into a uniform, straightened ditch violates the spirit and letter of NWP 27 - which is intended to focus on restoration, not conversion or destruction of waterways. The documented destruction of natural riffle-pool sequences, channelization, and the filling of wetlands represent a loss of aquatic functions and services, directly contradicting the "net increases" requirement of NWP 27 and exceeding the minimal impact threshold.
2. **Lack of Effective Erosion and Sediment Controls in Violation of Regional Addition 12:** The continuous discharge of sediment into Little Warm Creek due to inadequate BMPs is a clear violation of Regional Addition 12 and constitutes unauthorized pollution under the CWA.
3. **Lack of Stabilization and Establishment of Native Vegetation in Violation of Regional Conditions B, H, and Regional Addition 12:** Good Timber's failure to effectively stabilize disturbed areas, preserve vegetation as much as possible, and timely establish native vegetation has ensured the ongoing erosion. Without these stabilizing measures in place, successful restoration is not possible, nor has it even been attempted here.
4. **Failure to Achieve Restoration Goals in Violation of Regional Condition B:** The activities at Good Timber have not resulted in "aquatic habitat that resembles an ecological reference" nor have they led to "net increases in aquatic resource functions and services." The work plan presented in Good Timbers' March 8, 2022 Joint Application for Permits laid out a plan for minimal impacts wherever possible. Instead, you have caused large losses of riparian and wetland habitat types. No restoration work has been done; your impacts are permanent.

### **Environmental Harm Caused Your Activities At Good Timber Ranch**

The noncompliance at Good Timber Ranch has caused, and continues to cause, severe environmental harm, including:

1. **Loss of Functional Wetlands:** The scraping and filling of wetlands has eliminated critical filtration, flood storage, and wildlife habitat.
2. **Degradation of Stream Ecosystem:** Channelization of Big Spring Creek, combined with excessive continued sedimentation, and the dramatic alteration of flow regimes have reduced macroinvertebrate populations, and negatively impacted fish habitat.
3. **Impaired Water Quality:** Increased turbidity and sediment loads from the Good Timber property have significantly reduced water quality, affecting aquatic life and downstream users. The Good Neighbors' downstream reaches of Little Warm Creek have suffered significant sedimentation, loss of fish, and large algae blooms. This injury is ongoing as last summer's sedimentation continues to mobilize downstream, and the Good Timber

property is also still discharging. Moreover, both Canewater and Snowdrift are small organic farms sitting in the crosshairs for high levels of herbicide and pesticide contamination. Their crops directly about the 13.9 acres of scraped earth on Good Timber Ranch that is now a veritable sea of invasive weeds. It seems likely that reclamation of Good Timber will not be possible without the large-scale application of herbicides that will drift onto their crops.

4. **Loss of Riparian Buffers:** The total removal of native riparian vegetation along 2,310 ft of spring creek stream channels exacerbates erosion, increases water temperatures, and diminishes terrestrial habitat value. Little Warm Creek is a 303(d) listed stream; these buffers were a last line of defense to reduce sedimentation and temperature increases.

### Relief Requested

There are two potential tracks here: the relief the Good Neighbors ask from you in order to settle this dispute, versus the relief the Good Neighbors will seek if forced to bring suit in the Federal District Court of Idaho for violating the CWA coupled with a separate action for trespass, damages, attorney fees, and punitive damages.

**Track 1:** In order to settle this dispute outside of litigation, the Good Neighbors request the following, to be resolved in further detail, and formalized in a stipulated settlement agreement:

1. Remediate the entire Little Warm Creek watershed from Good Timber Ranch down through the Maguire property. Good Timber must develop and implement a comprehensive, USACE-approved plan for the full restoration and remediation of the entire Little Warm Creek system and adjacent wetlands. This plan must prioritize returning the affected areas to a natural, functioning condition, which means Good Timber must fix the habitat destruction, channelization, and sediment issues they have created. Biota is currently designing a comprehensive restoration plan which we will share with you as soon as it is finalized. Good Timber must stabilize and fix the entire system that it damaged.
2. No lake Washakie. This is a fragile, unique spring system that has been upended by your excavation work last summer. Implement a USACE-approve plan to restore the springs, wetlands and stream channels onsite.
3. Timely commit to organic remediation in order to not contaminate neighboring crops.
4. Move the proposed Godfrey Residence outside of the wetland setbacks.
5. Bring the proposed Godfrey Residence into compliance with Teton County's dark skies ordinances. (Teton County Land Development Code 5-8)
6. Plant a vegetation border between Good Timber Ranch, Canewater Farm, and Snowdrift Farm. Vegetation type and size can be determined on mutual agreement of all parties.
7. Pay for costs and attorney fees incurred by the Good Neighbors in issuing this complaint.

**Track 2:** On the other track, pursuant to 33 U.S.C. § 1365(a), the Good Neighbors can to seek the following relief in a civil action if the violations are not cured within sixty (60) days of your receipt of this notice:

1. A declaratory judgment that Good Timber Ranch LLC has violated and continues to violate the Clean Water Act.
2. Injunctive relief, including but not limited to, an order requiring Good Timber Ranch to immediately cease all unauthorized discharges and activities, and to undertake comprehensive restoration and remediation of the affected waters and wetlands to their original condition or to a condition that fully complies with the CWA and the intent of NWP 27.
3. The assessment of civil penalties against Good Timber Ranch LLC for each violation of the CWA, for each day of violation, as provided in 33 U.S.C. § 1319(d) and adjusted for inflation pursuant to 40 C.F.R. Part 19.
4. An order requiring Good Timber Ranch to pay all litigation costs, including reasonable attorneys' fees, expert witness fees, and other costs, incurred by the Good Neighbors in pursuing this enforcement action, pursuant to 33 U.S.C. § 1365(d).
5. Any other relief as the Court deems appropriate.

In addition to the federal CWA action, Good Neighbors are poised to promptly file a separate action against you for Civil Trespass and Civil Trespass with Damages to their properties. They will seek to recover not only the costs to remediate their property, attorneys fees, but they will also seek punitive damages in this case. We have co-counsel lined up and are readily prepared to take this step, if necessary. Pursuing this second track will delay all construction at Good Timber Ranch, potentially drag out this conflict for several more years, and cost significantly more money for you.

### **Conclusion**

Mr. Smith and Mr. Godfrey, we believe that the ongoing damage to Little Warm Creek and the Good Neighbor's property is not going away unless you take action to resolve these issues. All of the ongoing harm was easily preventable here. It is time to turn your attention towards mitigating damages and fixing this mess - which is what the Good Neighbors desire most of all. We believe our claims are vetted and meritorious with a high potential for success - including and especially, an award of punitive damages against you given the extensive documentation that we have.

If, during the 60-day notice period, you would like to discuss any aspect of this notice or explore options for resolving the issues described herein, please contact me (contact info below). We do not presently intend to delay the filing of a lawsuit past the end of the 60-day notice period—even if settlement negotiations are in progress at that time. Any interest in such discussions should be communicated at your earliest possible convenience.

I look forward to hearing from you. Respectfully,



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Anna R. Trentadue Esq.  
Trentadue Law Office  
anna@trentaduelawoffice.com  
*Attorney for the Good Neighbors*

ATTACHMENTS:

A- *Good Timber Ranch LLC Site Condition Assessment* by BIOTA Research & Consulting Inc. dated May 21, 2025.

*CC Via Certified Mail, Return Receipt Requested and Email:*

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Environmental Protection Agency  
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# ATTACHMENT A

## MEMO FROM



P. O. Box 8578, 140 E. Broadway, Suite 23, Jackson, Wyoming 83002; voice: (307) 733-4216

**To: Anna Trentadue**

**Date: May 21, 2025**

**Re: Good Timber Ranch LLC Site Condition Assessment**

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The content of this memo is intended to summarize the findings of multidisciplinary assessment efforts completed to evaluate recent development activities on the Good Timber Ranch LLC property in Teton County, Idaho.

### REMOTE SENSING ANALYSES

Aerial imagery from multiple sources (Google imagery from July 2024 and drone imagery from May 2, 2025) was obtained and georeferenced for use in a Geographic Information System (GIS) platform. The area of site disturbance associated with recent vegetation removal, grading, stockpiling of materials was delineated (attached Sheets 1 and 2). The estimated locations of discrete springs, the alignments of spring creek stream channels, and the extents of pre-disturbance wetlands were also mapped in the GIS. The analysis indicates that recent grading activities impacted a total area of about 13.9 acres (attached Sheet 3). The analysis also indicates that recent grading activities impacted approximately 1.8 acres of wetlands, and recent grading, dewatering, and channel realignment activities have impacted approximately 2,310 ft of spring creek stream channels.

The applicant's Joint Application for Permit supporting materials suggest that the project proposed to permanently impact 0.81 acres of wetlands, of which 0.28 acres would be emergent wetlands and 0.53 acres would be scrub-shrub wetlands. The impacts document during the remote sensing analysis indicate approximately 1.8 acres of wetland impacts. The observed impacts are mostly associated with scraping, pushing material, bulldozing, and removing native soil and vegetation in these areas. These types of impacts are severe and are not expected to be able to be readily reclaimed.

The applicant's Joint Application for Permits supporting materials also suggest that the project proposed to permanently impact 1,904 ft of spring creek stream channels. The impacts documented during the remote sensing analysis indicate that approximately 2,310 ft of spring creek stream channels have been impacted, through a combination of bulldozing, pushing material, scraping, and diverting instream flows. (Note that the diversion of instream flows appears to have occurred only after initial construction activities were halted due to regulatory agency involvement.) The impacts to stream channels appear to be at or above the permitted impacts to Waters of the United States, which are regulated by the U.S. Army Corps under Section 404 of the Clean Waters Act. These impacts to stream channels have not been permitted through the Idaho Department of Water Resources in conjunction with the Idaho Stream Channel Protection Act.

## IMPACTED WETLANDS

The wetlands that were impacted on the subject property were comprised of emergent, scrub-shrub and forested wetlands. The wetlands received hydrologic support from discrete springs and spring-fed creek channels. Based on Biota's experience with similar wetlands in the vicinity, the emergent wetlands appear to have been dominated by various native herbaceous species including Nebraska sedge (*Carex nebrascensis*), water sedge (*Carex aquatilis*), dagger-leaf rush (*Juncus ensifolius*), fowl mannagrass (*Glyceria striata*), fringed willow herb (*Epilobium ciliatum*), and yellow monkey flower (*Mimulus guttatus*). The scrub-shrub wetlands appear to have been dominated by willows (*Salix* spp.), red osier dogwood (*Cornus sericea*), wild black currant (*Ribes americanum*), and mountain alder (*Alnus incana*) in the shrub layer, with an understory similar to that of the emergent wetlands. The forested wetlands appear to have included a quaking aspen overstory with a shrub and understory composition similar to that of the scrub-shrub wetlands.

The wetlands that existed on the subject property appear to have had a relatively high functional value, due to their landscape position, consistent hydrologic regime, and structurally complex vegetation communities. Spring-fed wetlands (or fens) are ecologically valuable and limited resources in Teton Valley. Fens are biodiversity hotspots that provide habitat for a diverse array of flora and fauna (including that are rare or endemic), perform many ecosystem services, and maintain perennial base flows for streams even during dry periods. An example of the pre-disturbance project area wetlands is depicted below (Figure 1).



Figure 1. Photographic example of pre-disturbance wetlands on the subject property.

The loss of functioning and diverse wetlands on the subject property, in addition to the dramatic alteration of the spring creek stream channel drainage pattern, have degraded aquatic resources in the headwaters of the Teton River drainage.

### **CONSTRUCTION BEST MANAGEMENT PRACTICES**

Photographic documentation collected downstream of the Good Timber Ranch LLC property in the spring of 2025 characterize several aspects of both on-site and off-site ecological degradation and the continued lack of project area Best Management Practices (BMPs). These conditions include the apparent recent mobilization of fine sediments (silt) from the subject property to downstream surface water receiving areas, as evidenced by the presence of recently formed (unvegetated and loose) silt deposits in eddy and backwater areas of spring creek stream channels on downstream properties. A downstream on-channel water feature has widespread evidence of the recent mobilization and deposition of fine sediments, including a plume of silt that has recently formed where the spring creek enters the pond. The fine sediments that have been mobilized into spring creeks and water features downstream of the subject property are not contained or stabilized. These fine sediments will continue to be mobilized to receiving waters, especially during seasonal periods of elevated flows. The continued mobilization and dispersal of the fine sediments released from the Good Timber Ranch LLC property represent an ongoing and continuing discharge of fine sediments into Waters of the United States that is, and will continue to, adversely impact aquatic resources downstream of the subject property.

The noted inadequate BMPs include the reliance on dilapidated straw wattles that were installed to slow surface flows as they leave the subject property. Many of those straw wattles were in place over the course of the winter and are now disintegrated and inadequate. In addition, large expanses of disturbed ground (bare soils) and numerous large stockpiles of loose dirt located on the subject property lack any silt fence or other containment devices to prevent the additional mobilization of fine sediments into local waterways. Photographic documentation of these observations is presented below.



Figure 2. Photographic example of silt deposit in a backwater within downstream receiving spring creek stream channel, April 23, 2025.



Figure 3. Photographic example of silt deposit in an eddy within downstream receiving spring creek stream channel, April 23, 2025.



Figure 4. Photographic example of a deposited silt plume that has recently formed at the inlet to an on-channel water feature downstream of the subject property, May 20, 2025.



Figure 5. Photographic example of dilapidated straw wattles and the wooden stakes that used to hold them in place, at a location where surface waters exit the subject property within an altered spring creek stream channel, April 23, 2025.



Figure 6. Photographic example of dilapidated straw wattles and the wooden stakes that used to hold them in place, at a location where surface waters exit the subject property within an altered spring creek stream channel, April 23, 2025.



Figure 7. Photographic example of dilapidated straw wattles at a location where surface waters exit the subject property within an altered spring creek stream channel, April 23, 2025.



Figure 8. Photographic example of large expanse of disturbed ground and numerous stockpiles of loose soil that lack silt fence or other devices to prevent additional mobilization of fines from the subject property, April 23, 2025. The photograph also depicts some of the stockpiles of the woody vegetation that was removed from riparian and wetland areas.



Figure 9. Photographic example of a loose soil stockpile that lacks silt fence or other devices to prevent additional mobilization of fines from the subject property, April 23, 2025. Note the photograph does depict about 20 ft of straw wattles installed at the base of the soil stockpile, but that wattle does not encircle the stockpile nor does it extend along the entire down-gradient extents of the stockpile.



Figure 10. Photographic example of loose soil stockpiles in the background that lack silt fence or other devices to prevent additional mobilization of fines from the subject property, April 23, 2025.



Figure 11. Photographic example of loose soil stockpiles and extensive area of vegetation removal and site disturbance that lack silt fence or other devices to prevent additional mobilization of fines from the subject property, April 23, 2025.

## TURBIDITY

The presence of increased turbidity is a clear indication that fine sediment has been mobilized within surface waters, and that downstream aquatic ecological integrity has been degraded. The Department of Environmental Quality (DEQ) and Teton County staff visited the subject property on July 26, 2024 while site disturbance was ongoing. A report generated by the DEQ in conjunction with that site visit and downstream field assessment documented increased surface water turbidity of up to as much as 80 Nephelometric Turbidity Units (NTUs). Idaho Water Quality Standards for permitted and authorized aquatic resource projects allow an increase in background turbidity of up to 25 NTUs for not more than 10 consecutive days. The Water Quality Standards also prohibit the increase of background turbidity by more than 50 NTUs at any time. A photograph depicting downstream significantly increased turbidity (of approximately 80 NTUs) on July 26, 2024 is presented below (Figure 12, courtesy of DEQ).



Figure 12. Photographic documentation of increased turbidity (of approximately 80 NTUs) on downstream property on July 26, 2024 (courtesy of DEQ).

Turbidity monitoring of surface water downstream of the subject property was performed on multiple occasions in the spring of 2025 using grab samples and a portable turbidity meter. Instantaneous turbidity readings were recorded during each analysis event. The complex network of spring creek stream channels that conveyed surface waters from the subject property to downstream receiving waters prior to site disturbance originated at approximately 20 distinct springs, all of which were located on the subject property. It was not possible to access these springs due to land ownership, so it was not possible to collect background turbidity measurements (or turbidity readings upstream of the expansive disturbance areas). However, a spring creek stream channel (referred to as the West Fork) located west of the disturbance area was sampled and used as a surrogate for background turbidity levels because it is in a similar landscape position and setting as the more easterly springs that discharge into the expansive disturbed areas and it was not visibly disturbed or impacted by the recent site alterations.

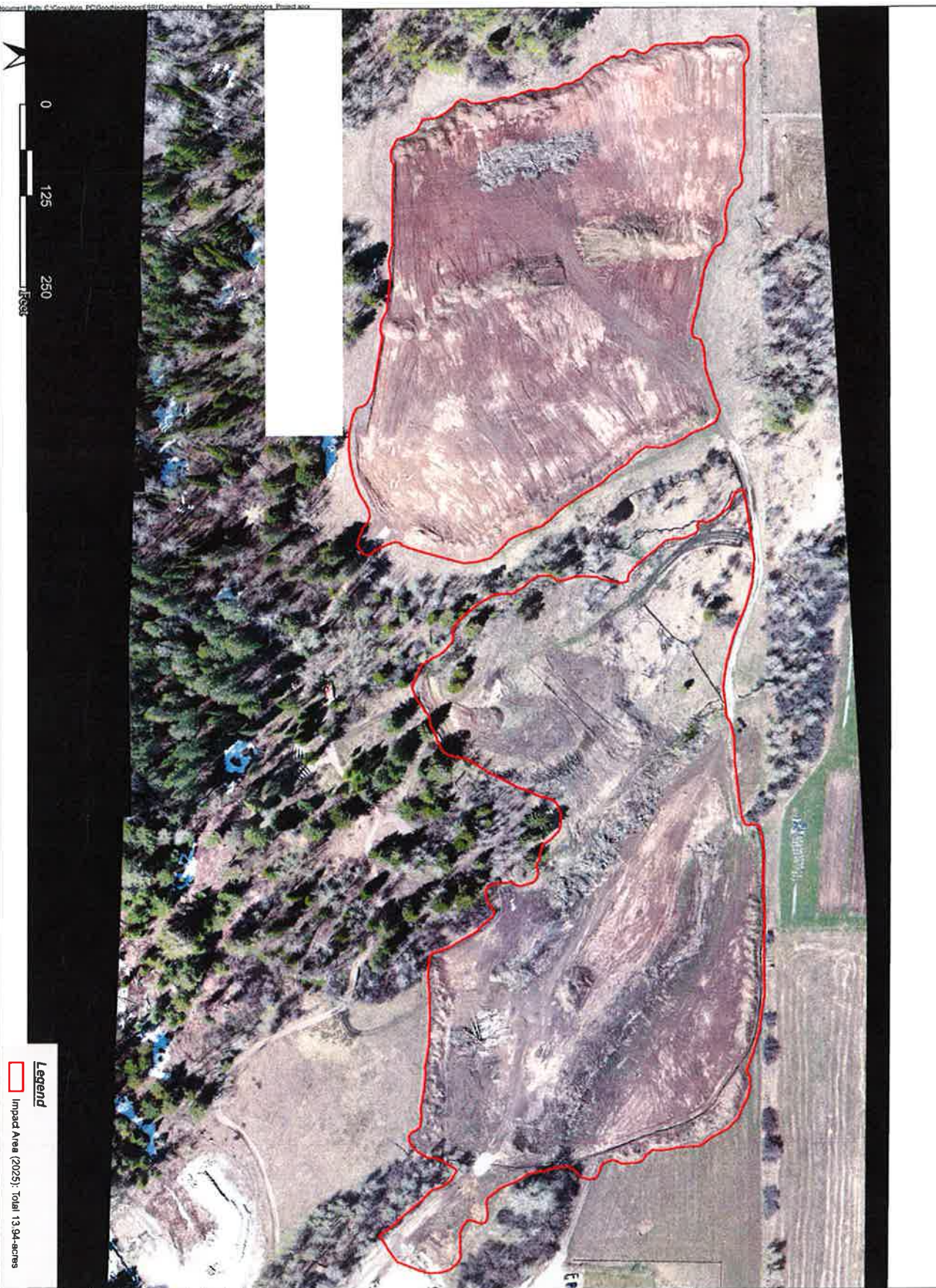
Monitoring documented turbidity downstream of the disturbance area that was consistently elevated over surrogate background levels. Turbidity increases during the 6 sample events ranged from 1.7 NTUs (minimum) to 9.7 NTUs (maximum) with an average increase of 4.2 NTUs. Turbidity monitoring data are depicted below in Table 1.

Table 1. Turbidity monitoring results from sample events in the spring of 2025.

| Date / Time    | Turbidity Reading, NTU | Sample Location                                                                   | Net NTU Difference | Notes                           |
|----------------|------------------------|-----------------------------------------------------------------------------------|--------------------|---------------------------------|
| 4/24/2025 2:30 | 4.1                    | West Fork, above confluence with combined spring creek stream channel             |                    | Surrogate for background levels |
| 4/24/2025 2:30 | 5.8                    | Combined spring Creek stream channel downstream of Good Timber Ranch LLC property | 1.7                | Downstream of disturbance area  |
| 5/1/2025 12:00 | 5.7                    | West Fork, above confluence with combined spring creek stream channel             |                    | Surrogate for background levels |
| 5/1/2025 12:00 | 9.9                    | Combined spring Creek stream channel downstream of Good Timber Ranch LLC property | 4.2                | Downstream of disturbance area  |
| 5/6/2025 12:30 | 15.6                   | West Fork, above confluence with combined spring creek stream channel             |                    | Surrogate for background levels |
| 5/6/2025 12:30 | 19.1                   | Combined spring Creek stream channel downstream of Good Timber Ranch LLC property | 3.5                | Downstream of disturbance area  |
| 5/7/2025 3:45  | 4.6                    | West Fork, above confluence with combined spring creek stream channel             |                    | Surrogate for background levels |
| 5/7/2025 3:45  | 6.5                    | Combined spring Creek stream channel downstream of Good Timber Ranch LLC property | 1.9                | Downstream of disturbance area  |
| 5/18/2025 4:45 | 4.6                    | West Fork, above confluence with combined spring creek stream channel             |                    | Surrogate for background levels |
| 5/18/2025 4:45 | 8.8                    | Combined spring Creek stream channel downstream of Good Timber Ranch LLC property | 4.2                | Downstream of disturbance area  |
| 5/20/2025 1:45 | 8.2                    | West Fork, above confluence with combined spring creek stream channel             |                    | Surrogate for background levels |
| 5/20/2025 1:45 | 17.9                   | Combined spring Creek stream channel downstream of Good Timber Ranch LLC property | 9.7                | Downstream of disturbance area  |

## SUMMARY

Remote sensing analysis indicates that recent earthwork activities on the Good Timber Ranch LLC property have disturbed approximately 13.9 acres of ground that previously supported functional wetlands and spring creek stream channels. Approximately 1.8 acres of wetlands were impacted, and approximately 2,310 ft of spring creek stream channel were impacted. The loss of functional emergent, scrub-shrub, and forested wetlands, and the alteration of the spring creek stream channel network, have impacted aquatic resources in the headwaters of the Teton River. Field observations indicate that fine sediments have been mobilized from the subject property and have impacted downstream aquatic resources. Field observations also indicate that BMPs are either dilapidated, inadequate, and absent on the subject property. Field monitoring of surface water turbidity suggests that downstream impacts may still be occurring even though active construction activities appear to be on hold on the subject property.



**Legend**  
☐ Impact Area (2025): Total 13.94-acres

**SHEET 1**

UNITS: US FOOT  
 BASEMAP SOURCE:  
 DRONE IMAGERY May 2, 2025

| REV | DATE       | BY | DESC.   |
|-----|------------|----|---------|
| A   | 05-14-2025 | CK | IMPACTS |
|     |            |    |         |
|     |            |    |         |
|     |            |    |         |
|     |            |    |         |
|     |            |    |         |
|     |            |    |         |
|     |            |    |         |
|     |            |    |         |
|     |            |    |         |

## IMPACT AREA OVERVIEW

GOOD TIMBER RANCH  
 TETON COUNTY, IDAHO

FOREST & WILDLIFE TEAM, INC.

PO Box 8578, 140 E. Broadway, Suite 23 Jackson, WY 83102



**Legend**  
 [Pink Box] Impact Area (2025): Total 13.94 acres

**SHEET 2**

| REV. | DATE       | BY | DESC.   |
|------|------------|----|---------|
| A    | 05-14-2025 | CK | IMPACTS |
|      |            |    |         |
|      |            |    |         |
|      |            |    |         |
|      |            |    |         |
|      |            |    |         |
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|      |            |    |         |
|      |            |    |         |

UNITS: US FOOT  
 BASEMAP SOURCE:  
 2024 GOOGLE EARTH

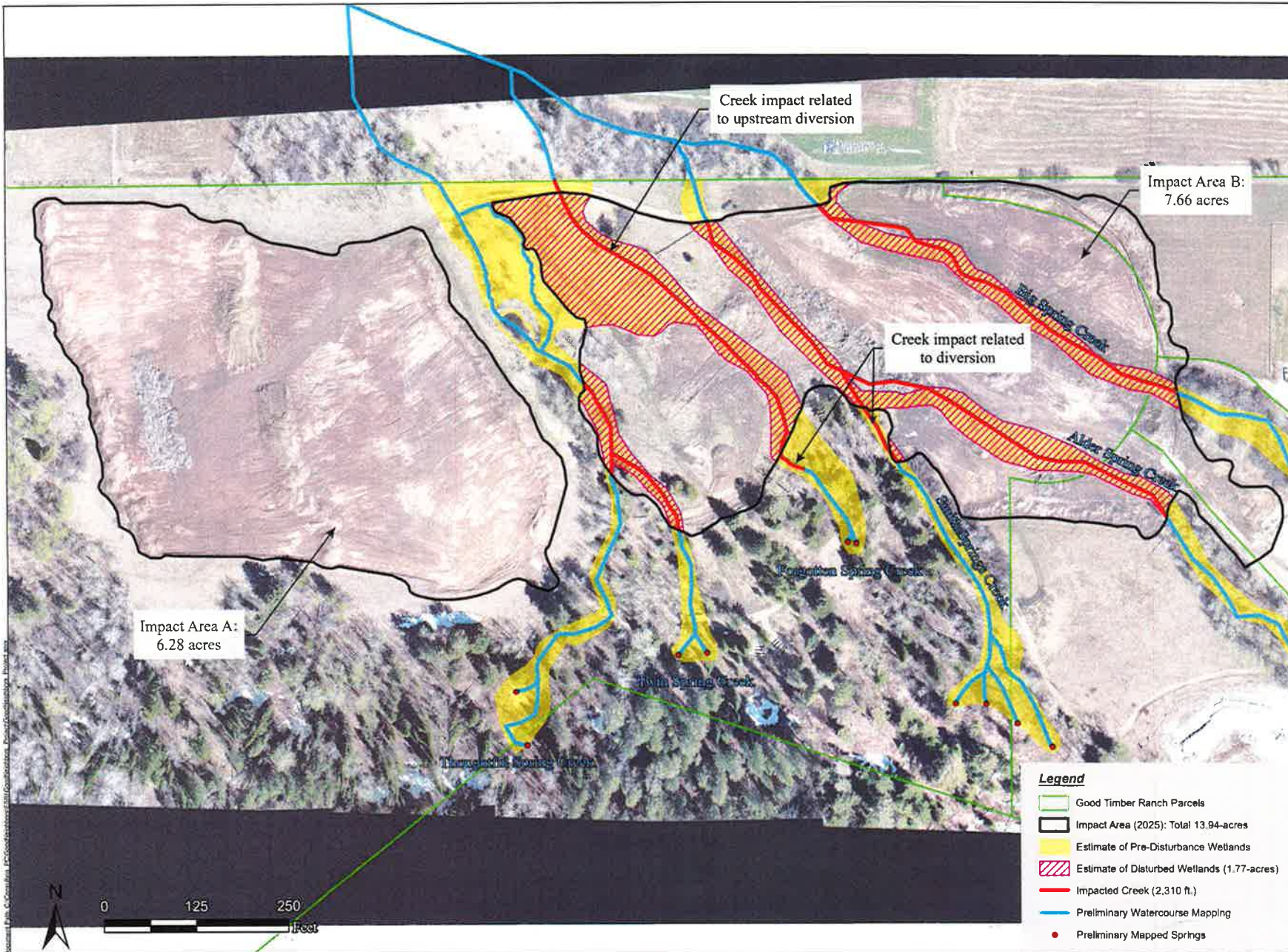
## IMPACT AREA OVERVIEW

GOOD TIMBER RANCH  
 TETON COUNTY, IDAHO

DESIGNED & CONSULTING LLC



PO Box 8578, 140 E. Broadway, Suite 23 Jackson, WY 83002



PO Box 8578, 140 E. Broadway, Suite 23 Jackson, WY 83002

# GOOD TIMBER RANCH IMPACT ANALYSIS

GOOD TIMBER RANCH  
TETON COUNTY, IDAHO

| REV. | DATE       | BY | DESC.   |
|------|------------|----|---------|
| A    | 05-14-2025 | CK | IMPACTS |
|      |            |    |         |
|      |            |    |         |
|      |            |    |         |

UNITS: US FOOT  
BASEMAP SOURCE:  
DRONE IMAGERY May 2, 2025