

To: Board of Park & Recreation Commissioners

From: C.H. Weston, Park Planner

Date: September 26, 2007

RE: South Boise Water Company Sand Removal Project @ Logger's Creek

### **Introduction**

BPR provides oversight to the City regarding Class A and B Lands and Water when a project adjoins park owned property. In this instance Loggers Creek adjoins Class A and B Lands and Waters within the 100 year floodplain at this site. The Watson Drain, a side channel of the Boise River, is considered an emerging wetland according to the Boise River System Ordinance. The proposed work area is adjacent to a Great Blue Heron Rookery but maintains a 300' setback. The area also adjoins the south Boise River Greenbelt.

The project area is situated within the Greenbelt Setback Area. Therefore, the project is subject to mitigation and enhancement measures. Maintenance of water quality will be an important aspect of the applicant's detailed plan. Other forthcoming considerations include a plan for construction noise, Greenbelt safety, rookery protection, conservation of aesthetic features, protection of Greenbelt view sheds and any other special and unique characteristics the Board considers appropriate. The project presents an opportunity to enhance trout spawning activity along the upper reaches of Logger's Creek while providing more consistent water delivery throughout the company's irrigation delivery system.

### **Project Analysis**

The objective of the Project is to capture sand and other sediments at a location where they are accessible and can be easily removed, before entering the South Boise Water Company system. Not doing so impedes the operation of irrigation and amenity waters including ParkCenter Pond, Logger's Creek proper and the facilities of the Boise Department of Parks and Recreation, Boise State University and others. Fish and wildlife habitat throughout the South Boise Water Company system is impacted by the sand and finer sediments. Due to development occurring in Southeast Boise since the improvement of Logger's Creek in the late 1980s, no accessible location exists on the Logger's Creek system to remove accumulated sediments.

The South Boise Water Company is seeking to construct a new, larger sand trap near the diversion from the Boise River into Logger's Creek. The sand trap needs to be sufficiently large to effectively capture river sediment while being capable of surviving Boise River floods (which overflow the banks into Logger's Creek at flows greater than 7000 cfs. Large quantities of sediment are conveyed by the Creek from the river. The sand trap must also be accessible to heavy equipment for convenient and economical cleaning.

Two locations were considered for the sand trap: Logger's Creek near the confluence with the Watson Drain, and beneath the East ParkCenter Bridge. The current bridge design does not allow sufficient space or overhead clearance at the latter site for the construction of the sand trap, leaving the proposed location as the only viable site.

The South Boise Water Company proposes to construct the sand trap immediately inside the diversion from the Boise River at the Chatburn Weir, extending the length of the pond and capturing the flow from the Watson Drain. The project will not impede the irrigation diversion into Bown Crossing, a South Boise Water Company shareholder. Construction is proposed during the Company's annual maintenance period in March of 2008. The surplus excavated material, about 4,000 cubic yards of sand and gravel, will be delivered to the site of the southern approach to the East ParkCenter Bridge, to be used as embankment fill during its construction, presently planned for May 2008. The topsoil realized from the construction of the sand trap will be used for revegetation of the excavated slopes.

The Company proposes to modify the ponds on the south side of Logger's Creek to handle the flood waters and to restore flow to the south channel to the west of the pond area. The levee between the pond and Logger's Creek will be removed; the levee between Wood Duck Island pond and Tiedemann Pond will remain intact. The riprap overflow section here was repaired by Boise Parks and Recreation several years ago. The new sand trap will receive Watson Drain flows directly, where sediment from that source can be captured and excavated together with Logger's Creek sediments received from the Boise River.

By capturing and removing sediments at this location, the irrigation and amenity water system downstream, including Park Center Pond and the fishery and other wildlife habitat in the Logger's Creek system will be protected from the incoming sediments.

**Action Required by the Board:**

Construction within the river setback area requires the applicant to obtain a Boise River Ordinance Systems permit. The Board of Park & Recreation Commissioners is required to provide a recommendation to Mayor and Council when an application for a Boise River System permit is received to determine what, if any, effect the request may have upon park related property. Based on site specific recommendations from the Board of Park & Recreation Commissioners setback requirements may be waived, reduced or increased by the Planning & Zoning Commission or City Council. The Board of Park & Recreation Commissioners shall set forth specific findings of fact supporting their recommendations.

**Findings of Fact:**

- *The project is located within both Class A & Class B Lands and Waters.*
- *The project will maintain water quality by obtaining all necessary permits required by federal, state and local authorities*

- *Reconstructed areas will provide, preserve and protect wetland and riparian functions and values such as waterfowl and wildlife habitat in the Logger's Creek system, including ParkCenter Pond.*
- *Riparian Setback Lands and Waters shall be preserved or created in accordance with Section 11-16-04.2D. E. (Removal of vegetation shall be confined to the minimum necessary, while still maintaining the natural riparian areas).*
- *Where side channels to the Boise River, including Loggers Creek, are identified by Idaho Fish & Game Department as trout spawning and/or rearing waters, development proposals shall be designed to protect and enhance such areas.*
- *The safety of the Greenbelt Corridor and pathway will be maintained at all times during construction during March 2008 by using appropriate signage and physical barriers as necessary.*
- *Consideration will be given to limiting noise impacts to the immediate and surrounding area.*
- *Bald Eagle perch trees shall not be affected by the project.*
- *Aesthetic features within the greenbelt Corridor (i.e. -setback area), as viewed from within the corridor, shall not be adversely affected by the project.*
- *Views of significant cultural or geologic landmarks as seen from within the Greenbelt Corridor shall not be adversely affected by the project.*
- *Any special and unique characteristics of the site shall be consistent with the purposes of the Boise River System Ordinance.*

*Boise Parks and Recreation (BPR) is one of South Boise Water Company's largest customers. It is in BPR's best interest to assist in accommodating the Company while making sure adequate protective measures are in place from construction through revegetation. Staff believes the sand trap will enhance irrigation delivery functions within the waterway while providing access for removal of sand and sediments. Concurrently, efforts to develop trout spawning capacity throughout the waterway will be enhance through better stream flow. Revegetation efforts will reduce the visual effects brought on by construction and eventually enhance wetland values now considered negligible. The following recommended conditions provide further assurance that the applicant fulfill adhere to provisions of the Boise River System Ordinance.*

**Recommended Conditions:**

1. Project areas within the 100 year floodplain shall be revegetated and preserved under the provisions of Class A Lands and Waters. A detailed revegetation plan shall accompany the detailed Boise River System Permit Plan. All disturbed areas shall be revegetated with a seed mix recommended or provided by Boise Department of Parks and Recreation, and preserved under the provisions of Class A Lands and Waters.
2. Where construction activities abut a riparian area, to prevent intrusion of construction activities or other impacts on the riparian area, construction fencing shall be installed before any grading or other construction activities commence.

3. Developer shall obtain a Construction Use license prior to any construction activity. The license will list detailed requirements outlining the parameters of the project including signage, construction fencing, ingress/egress of construction equipment, hours of construction, noise abatement, Greenbelt pathway alternatives and detouring, construction scheduling.
4. Developer shall work with Community forestry and qualified biologist to determine appropriate tree and riparian planting selections.
5. Surplus excavation materials will be made available to public agencies for their use, i.e., embankment-quality fill to ACHD for the East ParkCenter Bridge. Upon completion of project construction, these materials shall be stockpiled outside the 100-year inundation zone, as depicted on the appropriate FEMA FIRM.
6. Small-diameter trees will be salvaged from the excavation area and either be replanted around the completed excavation or made available to the Department for their use elsewhere.

## **ADDENDUM**

### **The Role of South Boise Water Company**

South Boise Water Company is a mutual non-profit irrigation ditch company that provides surface water for irrigation and amenity use to southeast Boise. Water is removed from the Boise River at the Chatburn Weir and travels down Loggers Creek. Shareholders, including Boise Parks, remove water from Loggers Creek. At the Larkey Dam in Loggers Creek some water is diverted into the Rossi Mill ditch which flows near Boise Avenue down to Protest. At Protest the excess water is sent to the C Drain Ditch, which provides water to Ann Morrison and Katherine Albertson Parks. The Parks Dept. also uses water from Loggers Creek to irrigate Baggly Park, ParkCenter Park and green areas in ParkCenter Blvd. and along the Greenbelt. In addition, Loggers Creek water is used for a constant flushing of ParkCenter Pond.

### **Existing Conditions**

In 1989, Logger's Creek was extended to the east as part of the development of the Spring Meadow Subdivision. The new route included the construction of sand traps, which were simply excavated holes in the channel, situated along the stream. The purpose of a sand trap is to capture sand and finer particles transported by the stream's current. The existing sand traps along Logger's Creek are full and are no longer accessible to the heavy equipment required to re-excavate them.

**Class A, B, & C Lands and Waters:** Class A, B, and C Lands and Waters are defined by the Boise River System Ordinance (Title 11, Chapter 16, Boise City Code) as the following:

- 1. Class A lands and waters are areas that provide extremely important habitats for fish and wildlife and for flood control and protection.*
- 2. Class B land and waters are areas that provide a good potential for Improvements to natural resource functions and values.*
- 3. Class C lands and waters are areas that are the least important for Preservation. They provide limited fish and wildlife habitat and there is limited potential for enhancement because of incompatibility with other uses.*

**Class A Land & Water Uses:** Class A Land and Water uses below are subject to the relevant Standards for Uses (Section 11-16-03.3) and Mitigation and Enhancement provisions (Sections 11-16-06 & 07) and shall require a Boise River System Development Permit (Section 11-16-05).

3. *Fish & wildlife habitat improvements;*
4. *Irrigation weirs, diversion dams, and inlets;*
9. *Bank and channel stabilization projects;*

***Setback Lands and Water:*** (Section 11-16-04) *Setback lands and waters are lands and water set aside for protection and preservation of the Greenbelt; Heron rookeries; eagle perching, feeding and loafing areas and Riparian areas.*

*Greenbelt Setback Lands and Waters:* *The Greenbelt Setback area is a minimum seventy foot (70') setback (measured landward) from the 6500 c.f.s. setback and reserved for Greenbelt purposes. These areas shall be maintained in the Boise River System to provide lands for protection of wildlife, for bank protection, a holding area for floodwaters, and protection of recognized natural resource functions and values.*

1. *Maintain water quality,*
2. *Maintain safety of the Greenbelt corridor and path,*
3. *Maintain noise impacts,*
4. *Protect Bald Eagle perch trees*
5. *Conserve aesthetic features within the greenbelt corridor as viewed from within the corridor,*
6. *Preserve views of significant cultural or geologic landmarks as seen from within the Greenbelt corridor,*
7. *Address other special and unique characteristics of the site or use consistent with the purposes of the Boise River System Ordinance.*

*Heron Rookeries Setback Lands and Water.* *The Great Blue Heron rookeries setback is 300'. An important rookery is located on adjacent property just over 300 feet distant from the furthest point of construction.*

*Eagle Perching, Feeding & Loafing Setback Lands & Water.* *The Eagle perching setback is 200' from the 6500' c.f.s. mark east of Phase 4 of River Run Subdivision along the south side of the Boise River. Known sites are located approximately 1200' upstream and downstream of the subject property.*

*Riparian Setback Land & Water.* *Riparian Setback Lands & Waters are land strips of rooted vegetation (trees, grasses and shrubs) used for protection of banks and/or wildlife habitat and shall be maintained where in existence or where was created when non existed. Loggers Creek is considered a Tier 2 Waterway with a channel width greater than 15 ft. The riparian setback here is not less than 25'.*

*Stabilization Measures.* *In situations where structural stabilization measure (rip-rap, drop structures, large cobble) are deemed necessary, the design of the structural stabilization measure shall include over-planting and trees and the deliberate enhancement of fish habitat.*

*Screening Requirements.* *Structures shall be screened from view from the Boise River Greenbelt and the Boise River with a landscaping screen.*

