FIRE MARSHALL
Park County Fire District #2
Cody, Wy 82414

FROM:

Wyoming Riverwalk Investment, LLC
Jon W. Sowerwine
P.O. Box 1
Wapiti, WY 82450
jwsowerwine@gmail.com

RE: Approval of Use as per ; A resolution approving a land use reclassification, dated 7/18/1996.

Dear Sam Wilde, Please review my request for a Flood Plain Permit and my "proposal of use" to install a non-exposed water collection system into the Shoshone River to Appropriate water per State permit No. 36701.

If you approve of the USE, as required by the terms of the properties LUC, please sign approval below.

Thank you, Jon W. Sowerwine. _____ May, 3, 2025

As required by Wyoming Riverwalk Investment, LLC's LUC on Property located at 4821 Yellowstone Avenue.

I Sam Wilde, Fire Marshall for Park County Fire District #2, hereby approve of the proposed use to install a non-exposed water collection system into the Shoshone River to Appropriate water per State Permit No. 36701 as requested in Floodplain Development Permit #2-25.

_____. DATE: May, 5, 2025.

SAM WILDE

Brian J. Edwards, P.E.
County Engineer

Louis "Chip" Ash
Cody District Road & Bridge Foreman

Delray Jones
Powell District Road & Bridge Foreman

PUBLIC WORKS DEPARTMENT
Park County, Wyoming

PARK COUNTY, WYOMING
ORGANIZED 1911
County Seat – Cody, Wyoming

Road & Bridge and Engineering
(307) 527-8520
www.parkcounty.us

May 5, 2025

Park County Planning & Zoning Department
Attn: Mrs. Joy Hill, Director
1002 Sheridan Avenue
Cody, Wy 82414

RE: Engineering Review of Floodplain Permit Application
Wyoming Riverwalk Investment, LLC – Shoshone River
PID# 06520207603006 – Park County, Wyoming

Joy:

The following information summarizes our review and comments as it relates to the referenced floodplain permit application and associated documents submitted by Wyoming Riverwalk Investment, LLC (Applicant) for planned sitework on property located just west of Cody off Wyoming State Highway 14/16/20 W.

Project Overview:

Per documents provided by the Applicant supporting the referenced application, we understand that the project generally involves the following:

1) Address previous work within the regulatory floodplain associated with the Shoshone River which borders the subject property to the North. Specifically, past activities have resulted in unauthorized and unpermitted placement of earthen fill material within the floodplain and presumably the river channel.

2) Install a water collection system pertaining to *Wyoming State Permit #36701*. It is understood that the "water collection system" will extend approximately 20 feet into the river channel with a trench extending across roughly 120' of the 100-year floodplain. It is understood that a submersible pump with associated wiring will be lowered down a 6" PVC pipe to a perforated section that is installed below the bed of the river. It is understood that future maintenance of the pump system will be from the top of the slope on the applicant's property where the pump and wiring could be pulled "similar to a well".

Findings:

1) Past activities at the site have resulted in weakening and apparent instability of the adjacent slope on the south side of the Shoshone River. These activities, including road construction and installation of a previous pump structure to access hot springs on the other side of the river, have resulted in excess fill material deposited within the regulatory floodplain limits. This includes what appears to be disturbance of the main river channel. It is unclear whether these activities have resulted in a net decrease in the flow carrying capacity of the channel. Typically, net increases of fill are not allowed within a regulatory floodplain unless it can be demonstrated that the action will not result in a net increase in the regulatory base flood elevation. It is understood from information provided by the Applicant that previous owners of the property engaged in the unpermitted activities in the floodplain.

2) It is understood that construction for the water collection system will essentially involve trenching and installation of a 6" PVC riser pipe that is perforated under the bed of the river. It is understood the piping outside the river channel will not be perforated. It is understood that once the pipe is installed, the excavated material will be used to backfill the trench, presumably resulting in no net increase in fill material to the floodplain/floodway.

3) It is understood that the Applicant is planning to construct the described water collection system within the floodplain and river channel in accordance with *Wyoming State Permit # 36701* as issued by the Wyoming State Engineers Office. The information provided indicates that the construction was to be completed by December 31, 2023. It is unclear whether or not the Applicant has requested an extension for this work.

4) The design of the pumping system and required operations/maintenance (O&M) is generally beyond the scope of this permit review. Specifically, this review is focused on the impact (if any) of the planned improvements as it relates to flood potential for the river and associated floodplain. Activities that result in instability of the river channel, adjacent slope stability, and the flood carrying capacity of the river channel are of primary importance as it relates to this review. The design and O&M effectiveness, are however, notable as it relates to the possibility for future impacts. For example, if the pump and perforated piping are regularly silted in (not uncommon) and the pump/carrier tubing/electrical power supply are not retrievable from the surface as contemplated. Additional work/maintenance within the river channel may be warranted further disturbing and weakening the channel and associated banks and side-slopes. The following design and O&M concerns are therefore worth noting in processing the referenced application.

    a. *It is unclear from the information provided as to how the 6" Schedule 40 PVC piping will be bedded if at all. The overburden over the piping appears to be at least 6 feet in places and as much as 10 feet in other places. It is presumed that much of the*

excavated trench material will be cobbles. Cobbles can make a decent bedding material if properly and carefully placed. If bedding material is imported any excess soils, removed in the trenching should be removed to outside the floodplain limits and preferably beyond the top of the slope to minimize the potential for soils becoming dislodged and entering the floodplain. It is unclear how or if the backfill material in the trenches will be compacted.

b. *It is unclear if consideration has been given to the potential for sediment/silt accumulation within the perforated section of the pipe. It is unclear if there will be a mechanism for backflushing the pump system. There is no indication of porous/clean gravel bedding around the perforated section or provisions for a filter fabric. There is no discussion or information provided regarding the size and number of perforations contemplated. Again, the concern is for failure of the system resulting in additional work (disturbance) within the floodplain in the future.*

c. *Pump systems that are extended down slopes as opposed to a more conventional vertical well pump do exist, but they do offer challenges particularly over the distances and elevations contemplated. These often require a specialty pump configuration with a bullet shaped casing or wheels to compensate for the friction in extending the carrier discharge tuping/pipe and cabling down the riser pipe. Any uneven joints, bends or elbows in the riser pipe can be problematic in setting and removing the pump, discharge tubing, and cabling. It is worth noting that Park County Public Works Department has experience with side slope riser pump systems in landfill applications. Even with wheeled sump drainers with 3" discharge inside an 18" HDPE side slope riser pipe (3:1 side slope), pump installation and retrieval is challenging. I have doubts that a 4" pump, carrier piping, electrical cabling and hopefully a pull cable will be able to fit easily down a 6" riser pipe considering the slope and distance.*

Conclusions and Recommendations:

1. It is clear that past activities (presumably by previous ownership) weakened the stability of the slope and riverbank and likely resulted in a net increase in fill material within the river channel and adjacent floodplain. Since the referenced permit application attempts to permit the past unauthorized work in the floodplain, additional information is warranted. Specifically, additional information is needed to determine how the flood carrying capacity and base flood elevations were altered (if at all). Specifically, it is recommended that a statement be provided by a Wyoming licensed professional engineer providing the following:

    a. An estimate of the net increase in fill material that was added to the river channel and adjacent floodplain shall be provided. Based on this estimate, the engineer shall provide his/her professional opinion as to whether or not the base flood elevations were adversely altered to a degree that could potentially impact upstream or downstream properties.

    b. The Engineer shall evaluate the relative stability of the adjacent riverbank and slope to assess impacts of past and proposed site activities as it relates

to the river channel and associated floodplain. Specifically, the potential for catastrophic slope or bank failure causing changes to the flood carrying capacity of the river should be addressed. Admittedly, much of the steep channel along this stretch of river is extreme and prone to sloughing naturally. The Engineer should assess whether the past and proposed activities further amplify the potential for catastrophic failure. Engineer should note any practical mitigation recommendations if warranted.

2. It is recommended that that the water collection system components and installation procedures within the floodplain be designed and certified by a Wyoming Licensed Professional Engineer. It is also recommended that the engineer review and certify that the system is installed as designed. If bedding material for the riser pipe needs to be imported, any excess material excavated from the trenches shall be placed outside the floodplain in a stable area.

3. It is understood that the riser, pump, and components will be under the riverbed. However, with the potential for erosion and hydraulic connectivity with the river itself, proper electrical installation including provisions for ground fault protection are recommended. Since the pump system is under a waterway that is regularly used for recreational purposes by the public, a licensed electrician shall oversee the installation of the electrical components of the system.

4. The permit from the State Engineer's Office stating that work was to be completed by December 31, 2023 shall be renewed/extended before initiating activities addressed in the referenced floodplain permit application.

I appreciate the opportunity to comment on the referenced application. Please feel free to call or email me if I can be of further assistance.

Sincerely,

_____

Brian Edwards, P.E. – Park County Engineer
Park County Public Works Department
bedwards@parkcounty.us
www.parkcounty.us or "like" us on Facebook

cc: Board of County Commissioners
Engineering Associates

From:	Utana Dye
To:	Joy Hill; Jennifer Cramer
Subject:	Fwd: [P&Z Contact] Concerns Regarding the Sowerwine Project and Unpermitted Activities
Date:	Monday, May 5, 2025 7:54:28 AM

This came to me instead of you.
Have a Marvelous day and week.

Utana Dye, GISP.
Community Development Director
City of Cody
P.O. Box 2200
1338 Rumsey Avenue
Cody, Wyoming 82414
307-527-7511
307-527-3482 direct
307-527-6532 fax
utanadye@codywy.gov

Office Hours
Monday-Thursday 7:30 A.M.- 5:00 P.M.
Friday 7:30 A.M. -11:30 A.M.

Please note that my email address has changed to utanadye@codywy.gov

---------- Forwarded message ---------
From: **Duncan Radakovich** <dgradakovich@gmail.com>
Date: Sun, May 4, 2025 at 1:25 PM
Subject: [P&Z Contact] Concerns Regarding the Sowerwine Project and Unpermitted Activities
To: <pandzcontact@codywy.gov>

Dear City of Cody Planning and Zoning Board,

I am writing to formally express my serious concerns regarding the Sowerwine Project and the associated gravel mining operations along the river rim. These activities appear to have been initiated without proper permitting or oversight from the appropriate regulatory agencies. Only after initial complaints were filed did agencies become involved, and even then, only to begin the process of requiring water rights applications and site planning.

This pattern of operating without authorization is not new for the individual involved and, if left unchecked, poses a direct threat to the river, surrounding lands, and public resources. I would like to highlight several specific concerns:

1. **Bank Stability and Geotechnical Risk**
   If a pond is constructed or water is used to irrigate the rim area, it may leach down to the

impermeable layer below, destabilizing the canyon walls and triggering landslides. There is no indication that the owner will be required to conduct geoengineering assessments or implement bank stabilization measures. Additionally, many tons of sediment—ranging from sand to pit-run rock—have already been pushed into the river and floodplain. The removal of native trees along the banks has further compromised soil stability.

2. **River Flow Disruption and Safety Hazards**
   The current site plan does not clearly depict any water intake structures, yet a house-sized boulder has already collapsed into the river bend, directly adjacent to where the access road reaches river level. Introducing additional infrastructure in that location could exacerbate flow restrictions and create dangerous conditions for recreational river users.
3. **Legacy Pollution from Previous Attempts**
   A previous water pumping attempt by the owner's father, using PVC pipes and a pump system to draw from hot springs across the river, was abandoned when it failed. These materials were left behind and have since entered the river, where they continue to pollute the waterway and create hazards for downstream users.
4. **Lack of Long-Term Accountability**
   The parcel is currently listed for sale, raising concerns about the enforceability of any mitigation requirements or permit conditions. A future owner could easily neglect or circumvent regulations, following the precedent of unpermitted activities already established. This lack of accountability sets a dangerous standard and raises questions about liability for ongoing and future damage.
5. **Need for Erosion Control and Site Remediation**
   If, despite these concerns, the project is allowed to proceed, it must at minimum be subject to strict erosion control measures during construction, including the use of silt fencing, booms, and post-construction slope remediation. The access road into the canyon should be decommissioned and removed to restore the floodplain. Steel posts that have been driven into the ground along the flood line also need to be removed, as they pose a serious threat to river users during high water events.

Thank you for your attention to this matter. I urge you to carefully evaluate the full environmental and safety impacts of this project and take appropriate action to prevent further degradation of this valuable public resource.

Sincerely,
Duncan Radakovich
Wild West Paddle Club
May 4, 2025

Park County Commissioners,

I am writing in opposition to Floodplain Permit #2-25 application by Jon Sowerwine to install a buried water collection/pipeline system into the Shoshone River. The planned construction is in the Shoshone Canyon, a corridor of high recreational and aesthetic value to Park County. While it is not as highly used as the commercially floated river sections downstream, this section of river sees daily use from residents of Park County and the Bighorn Basin and regularly draws paddlers from outside of the state. One of the unique features of this section is due to its proximity to Buffalo Bill Dam it is navigable almost all year long. It would be easy to estimate the number of user days of people floating this section of river into the high hundreds if not in the thousands annually. The Shoshone Canyon also offers visitors their first views of the ruggedness and beauty of Cody when entering from the East Gate and should be developed with these considerations in mind.

I am opposition to this project for several reasons:

- The permit application is requesting to utilize a previously unpermitted road into the flood plain to complete this project. The current landowner has claimed he had no part in the road's creation; however, this should not negate the fact that it was never permitted and now will be utilized for this project. This sets an unwanted precedent of being able to manipulate the county permit processes by doing work without a county permit and then simply transferring land to a family member to avoid needing to go through the proper process.
- The road and area for the planned project lack long term geologic stabilization as it cuts through conglomerated sandstone layers that are regularly sluffing from the canyon wall. Future excavation could lead to additional destabilization of the canyon wall and potential danger to river users or large rockfall or landslides into the river. The construction and excavation done on the property in the past in the flood plain and adjacent land to the river have not demonstrated long term sustainability nor regard for potential future effects on the canyon walls or river.
- There is no mention in the permit application or engineering documents provided of how the road, needed for trenching, will be stabilized both during the construction phase and post construction phase.
- Previous dirt work and excavation on the property have led to dangerous conditions for river users. One example of this occurred in July of last year where kayakers in the river had to avoid rockfall created from a bulldozer working on constructing a road on the canyon rim and pushed material in the river nearly hitting them with rock (Park County Sheriff Incident #2407200052).

- The landowner has shown a pattern in the past of intentionally putting material into the flood plain which has led to sediment in the river and loose material strown along the riverbank well below the flood plain.
- The project is to provide water for a retention pond created by a gravel mining and crushing operation which is under question if it is currently legal; the mining operation in question is creating a pit that will then be turned into the retention pond mentioned in the permit. On the 20th of May there is a hearing of appeal as the company performing the gravel mining and crushing operation on this piece of land is appealing the need for a permit. It is obvious that these two projects are tied together, and this project should not be approved before the proper permitting is completed with the mining operation.
- Filling a retention pond on the edge of a cliff above a river that is heavily relied on for the agricultural success of our basin should be well engineered. While perhaps it does not fall within the flood plain permit application scope, the commissioners should be absolutely certain that it is engineered in a way that water will not leach out and compromise the wall of the canyon which could result in a landslide. As one can imagine, this could have disastrous consequences if not done correctly.

The application is submitted with language implying there will be very little to no disturbance to the flood plain and river channel and no chance of human injury as result of the project. I would like to offer these rebuttals to the points made in the permit application:

- Part II 1. The existing unpermitted road and construction has created unstable conditions along the canyon wall resulting regular in sluffing and rock fall. I would argue that there is not a guarantee in its current state or with future excavation that it could not lead to hazardous conditions for those floating the river.
- Part II 3. With the nature of the geology in this section of the canyon and the lack of current stabilization of slopes in the plan I would argue that this point is not accurate. The canyon sees large rockfall without the influence of excavation. To guarantee that additional excavation will not lead to substantial movement of landfall or large material being swept into the river and downstream is not a guarantee. If an example is needed of the lack of natural stability in the canyon there is bus sized chunk of the canyon that fell into the middle at the bend where the project is proposed within the last 2 years.
- Part II 5. In order to currently maintain access to the road into the flood plain, the road has to be cleared due to the constant sluffing of material from the canyon wall. This has been done by pushing material off the road into the river or down into the

flood plain where it gets washed downstream when Buffalo Bill Dam needs to release higher than normal flows.

- Part II 7. I would argue that the statement "Very little excavation in Flood Zone" is not accurate. The permit requests trenching twenty feet into the river, under normal summer flows this would be 20 to 25% of the river channel. If it is done at low water, this is likely to increase to 40 to 50% of the river channel.
- Part II 8 and 9. If the landowner plans to commercially develop the property it seems like a more appropriate option instead of utilizing a newly acquired beneficial use permit of water from the state would be to require the landowner to tie into the Northwest Rural Water's existing structure.

If a decision is made to approve the permit, please consider including the following conditions to mitigate some of previously outlined concerns:

- The permit application implies that access will no longer be needed at river level to service the pump. Therefore, a condition of the permit should include once the project is completed that the unpermitted road should be recontoured, reclaimed, and abandoned to help restore stability to the canyon wall and river bank in a reasonable amount of time (2 years?).
- All stipulations, responsibilities, and liabilities of the permit and previously unpermitted work will be transferred if the land is sold to the new landowner as the land is currently listed for sale.
- A weed spraying plan shall be put in place on disturbed areas of land as well as those areas in the floodplain that were previously constructed without a permit.
- As this is done in conjunction with a gravel mine, all dirt disturbance should include a storm water prevention plan where legally applicable and required to help reduce the possibility of large sediment runoff into the river.
- Trenching in the flood plain should occur between the months of November and March when the river is at minimum flows. This will help with both potential conflicts with recreational users and minimize sediment transport in the river.
- At no time during construction or post construction should work create strainers or other dangerous obstacles that could entangle or trap and drown river users.
- Language should be included in the permit that stipulates that at no time, intentionally or unintentionally, should material be pushed off the road, cliff, banks, ect. into the river or banks for the safety passing recreationalist. Also, no uncompacted materials should be left within the floodplain to reduce the risk of sediment washing into the river.

In short, there is a large group of river users and advocates that want to continue to have an opportunity to float the Shoshone Canyon as safe as possible and continue enjoying the natural landscape if or when it is developed. The past several years of dirt work, mining, and construction both of permitted and unpermitted nature has made us question whether it will be feasible to do so in the future and are hoping it is taken into consideration before issuing this permit.

Regards,

Nathan Danforth

May 4th, 2025

From:	Nathan Danforth
To:	Planning; Scott Mangold; Kelly Simone; Dossie Overfield; Lloyd Thiel; Scott Steward
Cc:	Joy Hill
Subject:	Flood Plain Permit 2-25 Letter of Opposition
Date:	Sunday, May 4, 2025 4:13:35 PM
Attachments:	Danforth Opposition to Floodplain Permit 2-25.pdf

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Commissioners,

Please see the attached letter in opposition to Floodplain Permit 2-25 which will be discussed at the next regular meeting on Tuesday May 6th.

Thank you for your consideration in this matter.

Nathan Danforth

Taylor Hensen
Cody, Wyoming 82414
taylorhensen@gmail.com
(406) 491-4319

May 4, 2025

Planning and Zoning Committee/ Park County Commissioners
Cody, Wyoming 82414

RE: Strong Opposition to Floodplain Permit #2-25 – Sowerwine Project (Shoshone Canyon Water Pump Installation)

Dear Planning and Zoning Committee Members and Park County Commissioners,

I am writing to express my strong opposition to the application by Jon Sowerwine for Floodplain Permit #2-25, which proposes to install a buried water collection and pipeline system to divert water from the Shoshone River to fill a private pond.

This project poses serious threats to public safety, river health, environmental integrity, and recreational access. I urge you to consider the cumulative impact of the applicant's past unauthorized actions, the unstable geology of the site, the threat to downstream users, and the precedent such a permit would establish. Below are my primary concerns:

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1. Public Safety and River User Hazard

The Shoshone Canyon is an increasingly popular section of river, enjoyed by hundreds—if not thousands—of kayakers, rafters, anglers, and recreationalists each year. Its year-round floatability due to proximity to the Buffalo Bill Dam makes it a rare and valuable public resource. The site of the proposed intake system lies in a narrow bend already affected by a massive rockfall (a bus-sized boulder) within the last two years. Additional excavation could trigger further instability, putting river users directly at risk.

Of particular concern is the July 2024 incident in which kayakers narrowly avoided being struck by rocks bulldozed off the canyon rim by the landowner during unauthorized roadwork. This incident, logged under Park County Sheriff Incident #2407200052, illustrates the immediate danger of ongoing unpermitted and unregulated activities at the site.

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2. Unpermitted Work and Pattern of Regulatory Evasion

The landowner has a documented history of initiating major excavation and development without the proper permits. Roads have been bulldozed into the floodplain, large quantities of fill have

been pushed into the river corridor, and pipeline and pump parts from previous abandoned projects still pollute the banks and water. Only after public concern was raised did the permitting process begin—an alarming pattern of “build first, ask later.”

This disregard for legal oversight is deeply troubling and should not be rewarded with retroactive approval. It erodes public trust in the permitting process and encourages further violations.

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3. Geologic Instability and Environmental Harm

The canyon’s geology includes unconsolidated conglomerate layers that slough naturally. Excavating trench lines for pipeline installation will worsen this instability. The existing unpermitted road already suffers from constant sluffing and requires frequent clearing—often by pushing debris directly into the river or floodplain, contributing to sedimentation, erosion, and bank destabilization.

No erosion control measures, stabilization plans, or long-term reclamation strategies are outlined in the permit application. This is unacceptable given the scale of potential ecological harm.

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4. Misleading Permit Language and Understated Impact

The application downplays the project’s effects, stating “very little excavation in Flood Zone.” In fact, the planned trenching could impact 20–50% of the river’s width depending on flow levels. Statements implying “no chance of human injury” are demonstrably false given past rockfall incidents and known instability.

Furthermore, the project's purpose—pumping water to fill a retention pond for a gravel operation—raises further questions about the legality of the mining activity itself. This is not merely a benign landscaping project; it is industrial development disguised with misleading language.

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5. Ownership and Accountability Concerns

The property is currently listed for sale. There is no assurance that a future owner would maintain compliance or be held accountable for ongoing impacts. If the permit is approved, clear language must transfer all liabilities and conditions to future owners. Even so, this uncertainty makes the project an unacceptable risk.

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6. Violation of Public Interest and Precedent Setting

The Shoshone River is a public treasure, not a private water source. Approving this project for the benefit of a single landowner—at the cost of river health, public safety, and community trust—sets a dangerous precedent. Water diversion for non-essential private uses (like pond-filling) is contrary to responsible watershed management, especially in an arid region facing growing water security challenges.

Recommended Mitigation (If the Permit is Not Denied)

Should the Committee proceed despite the overwhelming concerns, the following must be mandated:

- Full reclamation and abandonment of the unpermitted road within two years.
- No work during high flow or peak recreational seasons (May–October).
- A stormwater prevention and erosion control plan for all disturbed areas.
- Strict prohibition of any material being pushed or dumped into the floodplain or river.
- Weed control and habitat restoration plan for all impacted zones.
- Legally binding transfer of responsibilities to future owners.

Final Appeal

The community of Park County and the greater Bighorn Basin values the Shoshone River for its beauty, ecology, and access. The Sowerwine Project, by its very nature and history, undermines those values. I respectfully urge you to deny Floodplain Permit #2-25 in full.

Thank you for your consideration of this critical matter.

Sincerely,

Taylor Hensen

From:	Taylor Hensen
To:	Joy Hill; Planning; Scott Mangold; Kelly Simone; Dossie Overfield; Lloyd Thiel; Scott Steward
Subject:	Opposition to Floodplain Permit Application 2 - 25
Date:	Monday, May 5, 2025 8:07:47 AM
Attachments:	Opposition Letter- TH.docx

Ms. Hill and Park County Commissioners,

Please see my attached letter in opposition to the floodplain permit application #2-25.

--

Taylor Hensen, M.Ed., M.S.

From: Kevin Kennedy
To: Planning; Joy Hill
Subject: Very opposed to Sowerwine Project
Date: Monday, May 5, 2025 12:02:14 PM

Dear Planning and Zoning Board,

I am writing to express my strong opposition to the Sowerwine Project and to call attention to the unacceptable pattern of disregard for permitting, environmental impact, and public safety that this project represents.

The fact that both the current project and the gravel mine were initiated without proper permits or approval from any relevant agencies is deeply troubling. It was only after members of the public raised concerns that agencies finally stepped in—after damage had already been done. This reactive approach cannot continue. The individual behind this project has repeatedly demonstrated a willingness to bypass legal and regulatory oversight, and unless this board acts decisively, irreparable harm to the river and its surrounding ecosystem is inevitable.

As someone who is arguably the most frequent user of this section of river—no one paddles it more than I do—I can say with firsthand authority that the Sowerwine Project presents serious environmental and recreational hazards. I urge the board to consider the following points with the gravity they deserve:

1. Destabilization of the riverbank: If the landowner fills a pond or irrigates with water that infiltrates down to the impermeable layer, it could destabilize the rim and lead to massive landslides. This isn't hypothetical—it's a known risk in geologically sensitive areas like this. Yet there has been no indication that he will be required to conduct geotechnical analysis or perform any kind of bank stabilization. He has already pushed enormous volumes of sediment into the river and floodplain and removed stabilizing vegetation. This is reckless and dangerous.

2. Hazards to river flow and recreation: The site plan conveniently omits critical details—like the house-sized boulder that has already collapsed into the river at the bend where the access road reaches water level. Any additional obstruction or intake infrastructure there will worsen a chokepoint and create a significant safety hazard for kayakers, rafters, and other river users. This alone should disqualify the project.

3. Legacy of pollution and negligence: The landowner's father attempted a similar ill-conceived project years ago, which failed. What remains is a legacy of pollution: discarded PVC pipe and pumping equipment littering the river, creating dangerous entrapment hazards and degrading the natural beauty and integrity of the river corridor. This is the precedent we're dealing with—failure followed by abandonment and zero accountability.

4. Precedent for future violations: This entire property is for sale. If this project moves forward, what is to stop the next owner from continuing this pattern of sidestepping regulation, damaging the river, and leaving the mess behind for others to deal with? By allowing this to proceed, the board would effectively be endorsing this kind of rogue development, setting a dangerous and irreversible precedent.

I urge you to reject this project in the strongest possible terms.

Sincerely,

Kevin Kennedy
kevin_kennedy1011@hotmail.com
+1 (307) 899-0691

May 3, 2025
Dear Board of County Commissioners,

I am writing to express my concerns regarding the Sowerwine water intake Project. This project and the gravel mine operating on the rim were both started without any sort of proper permitting or with the approval of any of the appropriate agencies. It was only after initial complaints that any agency did intervene and require the pursuit of water rights, site plans, etc. This individual has a history of operating in this manner, and if left unchecked, will undoubtedly cause harm to the river and degradation to a public resource. Here are a few of my concerns regarding this project:

1- If the owner fills a pond on the rim or uses the water to irrigate land, and the water leaches down to the impermeable layer, it will destabilize the banks and cause big landslides. Will the owner be required to provide geoengineering or do any bank stabilization? He has already pushed many tons of sediment, ranging from sand to pit run rock, into the river and all along the flood plain, and removed some trees that help to hold that loose layer of soil along the banks.

2- Any intake in the river that disrupts flow or is unsafe for recreational users in the river. His site plan doesn't show it, but a house-sized boulder has already fallen in the middle of the river right on the bend, where his road comes down to river level. Anything else at that spot would create a bigger bottleneck.

3- As the previous owner, his father, (Sowerwine) tried to pump water up from the hot springs across the river to the south rim. When this did not work, he abandoned the project, as well as all the PVC pipe and pump along the river. This has washed into the river and lodged between rocks all downstream from his project, polluting the river and creating dangerous barriers for river users.

4- Also, since this whole piece of land is for sale, what would stop a future owner from either neglecting the requirements placed on him for this project, or pursuing other projects without proper permitting, like he has done with this project, the gravel mine, etc.? IE This all sets a dangerous precedent, and he ends up not being liable for anything?

5- After looking more closely at the project description, it looks like it would be maintained like a well. If this does go through (Which I am opposed to), I would at least like to see him have to utilize all proper erosion control measures, (Like boom, silt fence, etc.,) while building and then remediate the slope after the trench is dug and reburied, and remove the road and all vehicular access to the bottom of the canyon. It looks like he has started driving some steel posts into the ground along the flood line. I'd like to see those go away, as they are a potential danger to river runners when the water is higher.

This section of the Shoshone River is an increasingly popular section for recreational boaters, given the consistent, season-long flows and quality of whitewater in such close proximity to town. It attracts visitors from all around the region and country, all of whom spend money in our community. Losing the character of this canyon would be a tragic and avoidable loss, not to mention making the area less safe for navigation. Please consider these options when issuing a decision.

Thank you all for your careful consideration on this matter.

Andy Quick
Gradient Mountain Sports
President, Wild West Paddle Club

From:	Andrew Quick
To:	Joy Hill
Subject:	Sowerwine/ River Walk floodplain permit#2-25
Date:	Monday, May 5, 2025 8:20:13 AM
Attachments:	Sowerweine project letter.pdf

Hi Joy,

Please find a letter of objection regarding the Sowerwine/ River Walk floodplain permit #2-25 attached

Thanks for your consideration,

Andy Quick
Gradient Mountain Sports
307-899-3900-mobile
ajquick_9@hotmail.com

From:	Thomas Sunderland
To:	Joy Hill
Cc:	Nathan Danforth
Subject:	opposition to Floodplain Development Permit at 4821 W. Yellowstone Ave.
Date:	Tuesday, May 6, 2025 10:07:14 AM

Park County Planning and Zoning Board,

I am writing to you regarding the upcoming review of the Floodplain Development Permit proposed by the property at 4821 W. Yellowstone Ave, Cody, WY. Specifically, I oppose the County's approval of the proposal submitted by the landowner to develop a buried pipe for water development within the Shoshone River. Development within the Shoshone River will impact an important waterway, exacerbate existing erosion/sedimentation caused by the constructed road, create unnecessary river hazards, and appears to require permitting by the U.S. Army Corps of Engineers (USACE).

The Shoshone River Canyon where the development is proposed is of high recreational value that sees hundreds if not thousands of user days a year. County and other Wyoming residents spend significant amounts of time in this canyon, primarily kayaking, and people are regularly drawn from the surrounding states to kayak here. The health of the river corridor itself is not only important to its recreational users, but also fishermen, the tourism industry, and greatly important to the downstream farmers and ranchers.

The river corridor at this location contains steep cliffs composed of terraced travertine deposits and poorly cemented alluvial gravel conglomerate overlying limestone, sandstone, and shale at the canyon bottom. Trenching as proposed will excavate large boulders that are not suitable as backfill on such steep slopes as proposed. The existing road, constructed without a permit, to the river bottom causes regular sloughing of boulders and sediments into the river channel, and additional excavation along this route will exacerbate this problem. In fact, the road requires stabilization and weeds treatment for continued use, not additional construction. In recent years, boulders as large as small houses have fallen into this river through natural processes providing evidence of the instability of this canyon. Erosion and sedimentation within the river corridor disturbs fish, impedes flow, and creates additional unnecessary river hazards.

Two to six feet of backfill composed of unconsolidated gravels within the proposed trench is not adequate to cover the PVC pipe and pump within an active river channel that regularly sees very high flows (up to 8000 cfs). The backfill material will wash away after several years and expose the pipe and pump creating an unnecessary hazard to river users. The existing road

The USACE requires permits for any work including construction in the Nation's navigable waters. Title 33 Code of Federal Regulations (CFR) Part 329 defines navigable waters, and the applicant or County should seek judicial interpretation by the USACE to determine navigability of the Shoshone River and determine which type of permit for the proposed activity is required. The application and related documentation provide no details about plans to obtain a USACE permit or adhere to the USACE Best Management Practices.

In summary, the proposed development within the Shoshone River and disturbance to the canyon walls is not within the county's best interest to ensure the health of the river, stability of the canyon, and safety of river users. The land owner has plenty of other, better options to obtain water such as utilizing the Northwest Rural Waters existing facilities, drill a well from the flat-lying property adjacent to existing facilities, pipe water from the river with a temporary pipeline along the existing road not requiring additional construction or disturbance within the river channel.

Sincerely,

Tom Sunderland /S/

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Tom Sunderland
Cell: 307-272-6034