

DEPARTMENT OF THE ARMY PERMIT

Permittee: General Public

Permit No.: 199222002, Version 4, GP 9202-04

Issuing Office: Omaha District, Wyoming Regulatory Office (CENWO-OD-RWY)

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: This general permit authorizes the construction of new boat ramps, the expansion, extension and modification of existing boat ramps, construction of transfer walls and docks to service boat ramps, and protective fills immediately adjacent to proposed and existing ramps. Permanent and temporary activities allowed in jurisdictional areas include, but are not limited to:

Boat Ramps. Placement of dredge and fill material into rivers, lakes, and reservoirs for the purpose of providing access to the waterbody by watercraft. Material may include soil, gravel, concrete, and rock, including wire baskets filled with rock (gabions). Excavation activities such as redistribution of bed material necessary to prepare the substrate prior to placement of other fill materials.

Erosion Protection. Placement of fill material to protect boat ramps and attendant features from damage due to wind and wave action. Erosion protection also includes stabilization of shorelines and stream banks within 100 feet on either side of boat ramps.

Walkways, Transfer Walls, and Docks. Walkways and other permanent features parallel to ramps that provide access to boat docks and other attendant features for pedestrians. Also includes boat docks and other attendant features in navigable waters subject to regulation under Section 10 of the Rivers and Harbors Act.

Temporary Cofferdams. Construction of temporary cofferdams formed by redistribution of bed material or use of imported suitable fill materials. Temporary is defined as six weeks or less with restoration of substrate contours and removal of all imported fill material.

See attached drawings of a typical single lane concrete boat ramp, double lane concrete boat ramp, and single lane gabion boat ramp.

Project Location: All waters of the U.S. in the State of Wyoming

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on November 30, 2013. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

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4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

(**General Conditions** are continued on page 4. **Special Conditions** are listed in **Appendix A** beginning on page 5.)

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - (X) Section 10 of the River and Harbors Act of 1899 (33 U.S.C. 403).
 - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

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5. **Reevaluation of Permit Decision.** This office may reevaluate its decision on this permit at any time circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. **Extensions.** General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

DO NOT SIGN OR RETURN THIS FORM – REFER TO APPENDIX B FOR NOTIFICATION PROCEDURES

(PERMITTEE)

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

David C. Press
Colonel, U.S. Army Corps of Engineers
Commander and District Engineer
Omaha District

20 November 2008

(DATE)

By: Martha S. Chieply

Martha S. Chieply, Chief
Regulatory Branch, Operations Division

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)

*U.S. GPO: 1988-520-324

General Conditions (continued from page 2)

- (7) That equipment for handling, conveying and discharging materials during construction shall be operated to prevent dumping or spilling the materials into waters of the U.S. except as approved herein. Only those materials identified in the Project Description are authorized to be discharged.
- (8) That all dredged or excavated materials, with the exception of that authorized herein, will be placed on an upland site above the ordinary high water line in a confined area, not classified as a wetland, to prevent the return of such materials to the waterway.
- (9) That all construction debris (which includes excess dredge and/or fill materials, wood, cleared vegetation, concrete, and all other materials not specifically addressed in the permit) will be disposed of on land in such a manner that it cannot enter a waterway or wetland.
- (10) That all work in the waterway is performed in such a manner so as to minimize increases in suspended solids and turbidity, which may degrade water quality and damage aquatic life outside the immediate area of operation.
- (11) That the clearing of vegetation will be limited to that which is absolutely necessary for construction of the project.
- (12) That all areas along the bank disturbed or newly created by the construction activity which will not be ripped, will be seeded with vegetation both in kind and quantity (this will include herbaceous and woody species) that are indigenous to the area for protection against subsequent erosion and to minimize adverse impacts to fish and wildlife resources. This may require maintenance such as reseeding, watering, implementation of grazing restrictions, fencing, etc., to ensure the survival of the replacement vegetation.
- (13) That the discharges will consist of suitable material free from toxic pollutants in toxic amounts.
- (14) That only clean rock material from a non-streambed source will be utilized for riprap or associated with the placement of riprap in order to avoid the percolation of fines which would result in excessive local turbidity.
- (15) That when the District Engineer has been notified that a dredging or filling activity is adversely affecting fish or wildlife resources or the harvest thereof and the District Engineer subsequently directs remedial measures, the permittee will comply with such directions as may be received to suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect as required.

Appendix A Special Conditions

All activities authorized under this permit must comply with the following special conditions:

- 1. Notification:** All prospective permittees must submit a Notice of Intent (NOI) to the U.S. Army Corps of Engineers in accordance with the notification procedure described in Appendix B prior to initiating any authorized activities in waters of the United States. The permittee shall not undertake any authorized activities until the Corps provides written verification that proposed activities are authorized by RGP 9202-04. The Corps may withhold verification by exercising discretionary authority and require application for a standard (individual) Department of the Army permit in accordance with 33 CFR 325.2(e)(2)

- 2. Length, Width, Area, and Volume Limits:** Maximum length of erosion protection structures along the shoreline or stream bank is 200 feet. Maximum length of boat ramps is 600 feet. Maximum width of boat ramps is 72 feet for all lanes combined which includes the travel surface only and does not include other features adjacent to the ramp. Maximum volume of permanent discharges of dredge and fill material into waters of the U.S. for a single and complete project is 4,000 cubic yards. Maximum filled area in waters of the U.S. for a single and complete project is 1.0 acre and loss of wetland cannot exceed 0.1 acre. A single and complete project includes all activities authorized at a single boat ramp location during the five year term of RGP 9202-04.

- 3. Suitable Fill Material:** No discharge may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, organic material, etc.) and material discharged must be free from toxic pollutants in toxic amounts as required by Section 307 of the Clean Water Act. The Omaha District issued a Special Public Notice on August 4, 2003, prohibiting use of certain materials as fill in waters of the U.S. within the regulatory boundaries of the Omaha District, which includes the State of Wyoming.

- 4. Best Management Practices:** Permittees are required to minimize adverse effects on the aquatic ecosystem by implementing the following measures whenever possible:
 - (a) Store all construction debris in a manner that prevents it from entering a waterbody or wetland.
 - (b) Operate equipment that conveys materials during construction to prevent dumping or spilling unauthorized materials into the waterbody or wetland.
 - (c) Perform activities in a manner that minimizes suspended solids and turbidity to prevent degradation of water quality and damage to aquatic life outside the immediate area of operation.
 - (d) Use only clean rock material from an upland source for erosion protection. Use of substrate materials for temporary cofferdams is allowed provided the material is returned to the source area and the bottom elevation is restored to near normal contours.
 - (e) Limit clearing of vegetation to the minimum necessary during construction.
 - (f) Coordinate with downstream water users advising them of any water quality changes that may occur during construction.
 - (g) Conduct operations on shore in a manner that controls soil erosion and sediment transport.
 - (h) Comply with remedial measures given by the District Engineer if notified that the authorized activity is adversely affecting fish or wildlife resources or the harvest thereof. This may include suspending or modifying the activity to the extent necessary to mitigate or eliminate adverse affects.
 - (i) Seed areas along banks or shorelines which were disturbed or cleared with plant species indigenous to the area.
 - (j) Ensure that petroleum products, chemicals, or other deleterious materials are not disposed of or allowed to enter the water by taking precautions to prevent accidental entry of such materials into the water.
 - (k) Properly clean construction equipment to prevent the movement of invasive seeds or plant material to or from the construction site.

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5. Water Quality Certification: Permittees must comply with all conditions established by the Wyoming Department of Environmental Quality, Water Quality Division under Section 401 of the Clean Water Act as specified in its certification letter issued September 23, 2008 (attached). Project specific 401 certification must be obtained from the EPA for any activities proposed for authorization under the GP on Tribal lands within the boundaries of the Wind River Indian Reservation. Permittees must also comply with all Section 401 conditions established by the U.S. Environmental Protection Agency if it provides water quality certification for specific activities on the Wind River Indian Reservation.

6. Fens: This permit is not applicable to activities that involve impacts to fens. Fens are defined as wetlands that contain (all or in part) soils classified as histosols or mineral soils with a histic epipedon.

7. Springs: This permit is not applicable to activities that involve impacts within 100 feet of the water source of natural spring areas. A spring area is defined as any location where there is an artesian flow of water emanating from a distinct point. Springs do not include seeps and other groundwater discharge areas where there is no distinct point source.

8. Spawning Areas: Discharge in spawning areas during the spawning seasons must be avoided to the maximum extent possible. General spawning seasons for common fish species in Wyoming are:

Rainbow and Cutthroat Trout - March 15 through July 31
Brown and Brook Trout - September 15 through November 30

Permittees are encouraged to obtain site specific information on spawning areas and seasons from Fisheries Supervisors in Wyoming Game and Fish Department Regional Offices.

9. Wild and Scenic Rivers: No discharge may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status; unless the appropriate federal agency, with direct management responsibility for such river, has determined in writing that the proposed discharge will not adversely effect the Wild and Scenic River designation, or study status.

10. Historic Properties: No discharge is authorized that would adversely affect sites included in the most current listing of the National Register of Historic Places or sites known to be eligible for such listing, sites included in the National Register of Natural Landmarks, or any other known historic, cultural, or archaeological sites until the District Engineer has complied with the provisions of 33 CFR Part 325, Appendix C pursuant the National Historic Preservation Act of 1966.

11. Threatened and Endangered Species: No discharge is authorized that is likely to jeopardize the continued existence of threatened or endangered species or that will result in the destruction or adverse modification of designated or proposed critical habitat pursuant to the Endangered Species Act (ESA) of 1973, as amended. Permittee's must comply with any special terms and conditions adopted by the Corps as a result of consultation with the U.S. Fish and Wildlife Service to avoid or reduce potential adverse affects on threatened and endangered species, or critical habitat.

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12. Tribal Rights: No discharge is authorized that would impair reserved tribal rights; including, but not limited to, water, fishing, and hunting rights.

13. Proper Maintenance: Boat ramps and other authorized attendant features must be properly maintained, including maintenance necessary to ensure public safety. Maintenance does not include dredging activities that result in unauthorized discharges.

14. Stockpiling: Storage of excess soil or unwanted vegetation in wetland areas is allowed on a temporary basis only, not to exceed the duration of construction. Stockpiling of materials is not allowed in flowing or standing water.

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APPENDIX B NOTICE OF INTENT (NOI) PROCEDURES

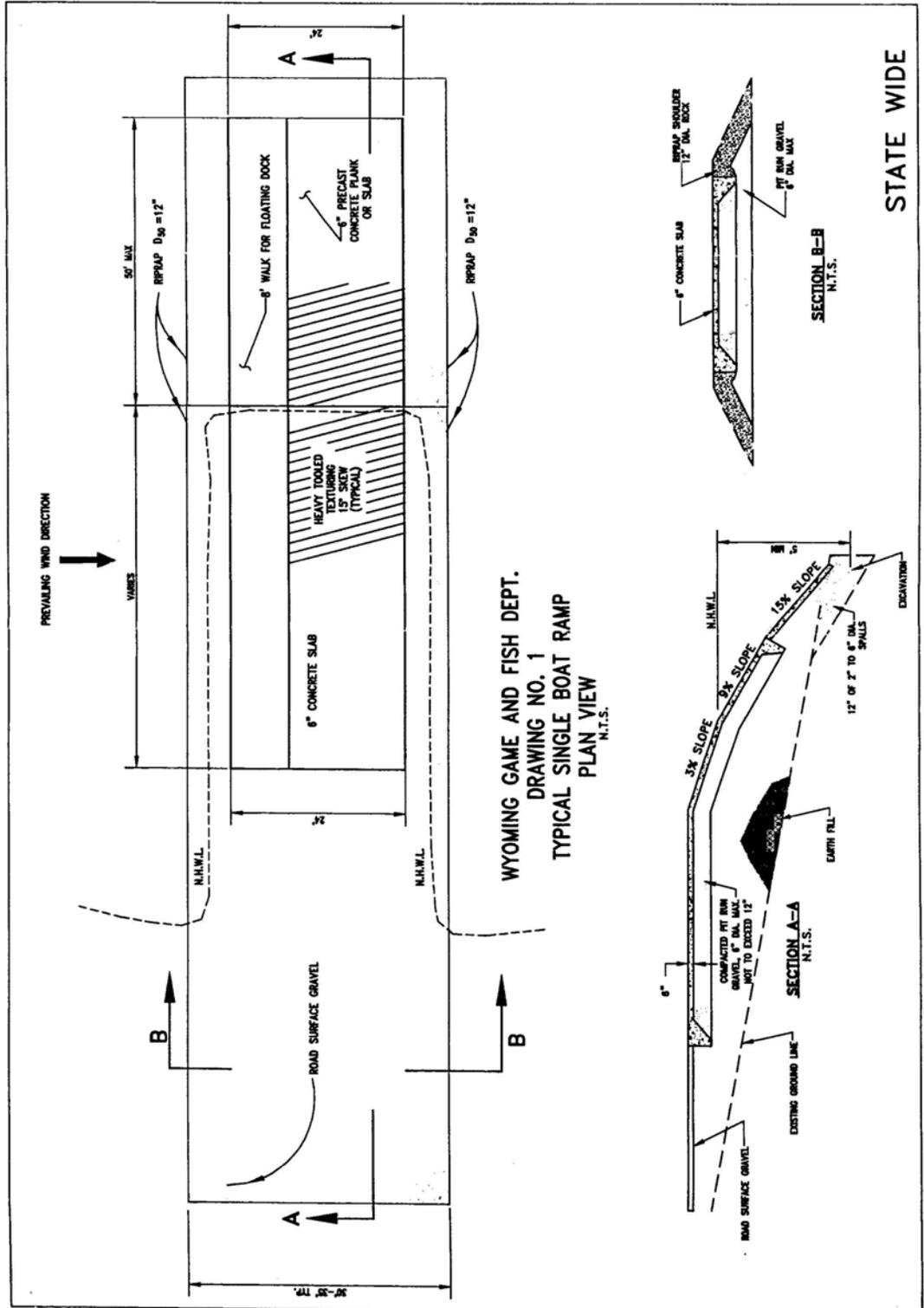
Prospective permittees are required to submit a Notice of Intent (NOI) as specified in Special Condition 1. The NOI's must contain sufficient information as defined below for the Corps to determine if a project complies with the terms and conditions of RGP 9202-04. However, the Corps or EPA may require additional information if necessary to ensure compliance. The permittee is not allowed to proceed with authorized activities until after receipt of a letter of verification from the Corps.

- 1. Applicant:** Name, address, and telephone number of the permittee (project proponent) and contact persons.
- 2. Project Location:** A legal description of the project location, including borrow and disposal sites, by quarter, section, township, and range. An enlarged copy of the appropriate portion of the U.S. Geologic Survey topographic map for the area is the preferred method of specifying the location.
- 3. Project Description:** A brief written description of all project features, including all dimensions; composition and volume (cubic yards) of all fill materials; filled area; and area of excavation. The NOI must include a wetland delineation map (see item 5 below) if wetlands would be filled. Also specify types and numbers of construction equipment to be used, total area of surface disturbance including upland; and any other relevant information that would facilitate processing the NOI.
- 4. Project Drawings:** Drawings of all project features, preferably on 11" by 17" paper, in both plan view and cross section. Plan view drawings must identify the stream, lake, or reservoir boundary as defined by the ordinary high water elevation in relation to all other project features. A wetland delineation map must also be provided showing existing wetland boundaries in addition to other water features if wetlands exist in the project area.
- 5. Wetland Delineation:** A wetland delineation must be completed in accordance with the U.S. Army Corps of Engineers Wetland Delineation Manual dated January 1987 and any current supplements for all wetland areas that could be affected by authorized activities. The Corps recently published supplements for the Arid West Region and Great Plains Region. A list of wetland delineation consultants and more detailed information on delineation requirements is available from the Wyoming Regulatory Office web site at <https://www.nwo.usace.army.mil/html/od-rwy/Wyoming.htm> Delineation maps must show boundaries of all areas that meet the definition of wetland and boundaries of all other water features in the project area such as ditches, streams, lakes, and reservoirs.
- 5. Photographs:** Photographs of the project area showing typical wetland boundaries and ordinary high water elevations are necessary to document site conditions.

The NOI must be mailed to the following address at least 30 days prior to the anticipated start of construction.

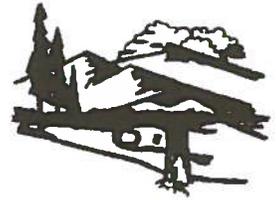
U.S. Army Corps of Engineers
Wyoming Regulatory Office
2232 Dell Range Boulevard, Suite 210
Cheyenne, Wyoming 82009-4142

Questions concerning the NOI procedure should be directed to Mr. Matthew Bilodeau by telephone at (307) 772-2300 or by electronic mail at Matthew.A.Bilodeau@usace.army.mil





Department of Environmental Quality



To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Dave Freudenthal, Governor

John Corra, Director

September 23, 2008

Matthew A. Bilodeau
Army Corp of Engineers
2232 Dell Range Boulevard, Suite 210
Cheyenne, WY 82009-4942

RE: Section 401 Certification of Department of the Army Regional General Permit 199222002, Version 4 for the construction and modification of boat ramps in Wyoming.

Dear Mr. Bilodeau:

In accordance with the provisions of the state certification program for the construction and modification of boat ramps in Wyoming, Version 4, this office has reviewed the proposed nationwide permits and has made the following determinations:

In view of the current state water quality standards and regulations, we have found that the regional permit is acceptable as amended with the stipulation that certification of permits within Class 1 waters must be deferred for agency review and public notice.

DEFERAL OF CERTIFICATION ON CLASS 1 WATERS

Class 1 waters are defined in Chapter 1 of the Wyoming Water Quality Rules and Regulations as those in which no further water quality degradation by point source discharges other than from dams will be allowed. Nonpoint source discharges will be controlled by the implementation of best management practices designed to maintain existing water quality. Because of the high level of protection afforded to these waters by the regulations, authorization of the activities covered by the above Nation Wide Permits (NWP) requires individual departmental review.

Therefore, 401 certification for construction and modification of boat ramps in Wyoming is deferred when operation occurs on Wyoming Class 1 waters. This nationwide permit is certified for use on Wyoming class 2, 3, and 4 waters (*all other waters*) provided that the general conditions, management practices, and other provisions of the nationwide program are strictly followed.

US Army Corps of Engineers
WY Regulatory Office
Received
7/26/08

Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7937 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-5973	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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The following is a listing of current class 1 waters in Wyoming:

1. All surface waters located within the boundaries of national parks and congressionally designated wilderness areas as of January 1, 1999;
2. The main stem of the Snake River through its entire length above the U.S. Highway 22 Bridge (Wilson Bridge);
3. The main stem of the Green River, including the Green River Lakes from the mouth of the New Fork River upstream to the wilderness boundary;
4. The Main Stem of the Wind River from the Wedding of the Waters upstream to Boysen Dam;
5. The main stem of the North Platte River from the mouth of Sage Creek (approximately 15 stream miles downstream of Saratoga, Wyoming) upstream to the Colorado state line;
6. The main stem of the North Platte River from the headwaters of Pathfinder Reservoir upstream to Kortez Dam (Miracle Mile segment);
7. The main stem of the North Platte River from the Natrona County Road 309 bridge (Goose Egg bridge) upstream to Alcova Reservoir;
8. The main stem of Sand Creek above the U.S. Highway 14 bridge;
9. The main stem of the Middle Fork of the Powder River through its entire length above the mouth of Buffalo Creek;
10. The main stem of the Tongue River, the main stem of the North Fork of the Tongue River, and the main stem of the South Fork of the Tongue River above the U.S. Forest Service Boundary;
11. The main stem of the Sweetwater River above the mouth of Alkali Creek;
12. The main stem of the Encampment River from the northern U.S. Forest Service boundary upstream to the Colorado state line;
13. The main stem of the Clarks Fork River from the U.S. Forest Service boundary upstream to the Montana state line;
14. All waters within the Fish Creek (near Wilson, Wyoming) drainage;
15. The main stem of Granite Creek (tributary of the Hoback River) through its entire length;
16. Fremont Lake;
17. Wetlands adjacent to the above listed Class 1 waters.

The Department also reserves the right to amend, modify, suspend or revoke this certification or any of its terms or conditions as may be appropriate or necessary to protect water quality and associated beneficial uses. Upon adoption of updated standards, this certification may be revoked or modified appropriately.

Please be aware that this letter constitutes state certification of this permit as required by Section 401 of the federal Clean Water Act. It does not provide an exemption from any other federal, state or local laws or regulations, nor does it provide exemption from legal action by private citizens for damage to property which the activity may cause.

If you have any questions or would like to discuss any part of this certification, please feel free to contact Jeff Clark of my staff at (307) 777-6891.

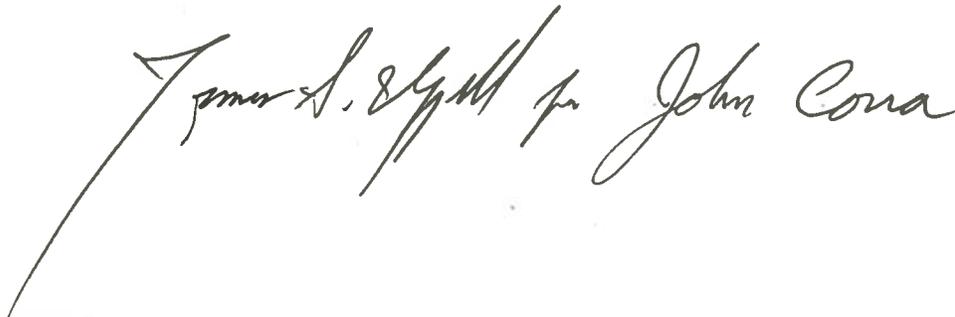
Sincerely,



John V. Corra
Director
Department of Environmental Quality

JVC/JFW/DHW/JAC/rm/8-0732

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James S. Elyett for John Corra