

DEPARTMENT OF THE ARMY PERMIT

Permittee: GENERAL PUBLIC

Permit No.: 198226002, Version 6, GP 8202-06

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:

The permittee is authorized to construct fish habitat enhancement and restoration features in creeks, streams, and rivers in the State of Wyoming. See Appendix A for description of authorized activities and representative drawings.

Project Location: Waters of the United States in Wyoming

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **December 31, 2019**. 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. (Time extensions for this permit cannot be granted beyond December 31, 2020)
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.

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.

Special Conditions: (Special Conditions are listed in Appendix B on pages 6 and 7)

After a detailed and careful review of all of the conditions contained in this permit, the permittee acknowledges that, although said conditions were required by the U.S. Army Corps of Engineers, nonetheless the permittee agrees to comply fully with all of the permit conditions.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

() 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.

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 C FOR NOTIFICATION PROCEDURES

(PERMITTEE)

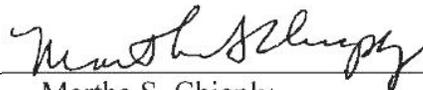
(DATE)

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

John W. Henderson
Colonel, Corps of Engineers
Commander and District Engineer
Omaha District

15 Aug 2015

(DATE)

By: 

Martha S. Chieply
Chief, Regulatory Branch

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)

APPENDIX A AUTHORIZED ACTIVITIES

Authorized activities are intended to restore, enhance, or establish physical habitat. Representative drawings are provided at the end of this appendix for illustrative purposes only. Permittees must develop their own design criteria based on site specific habitat conditions in coordination with the Wyoming Game and Fish Department. Multiple activities can be combined for a single project.

- 1. Log/Timber Overpour Plunges** - These features are used to provide aeration combined with pool habitat. A maximum of 50 cubic yards of material may be discharged per structure.
- 2. Digger Logs** - These features are used to provide cover. A maximum of 50 cubic yards of material may be discharged per structure.
- 3. Vanes, Weirs, and Sills** - These features are used to stabilize bed elevations upstream of pools and assist in bank protection. They can also serve as a replacement of diversion structures used for irrigation. They provide additional holding cover and resting habitat. A maximum of 50 cubic yards of material may be discharged per structure.
- 4. Scattered Boulders and Trees** - These features are used to provide slack water areas for refuge and resting areas. A maximum of 100 cubic yards of material may be discharged per structure.
- 5. Tree and Rock Revetments** - These features are used to prevent bank erosion while providing cover and resting habitat. A maximum discharge of 1 cubic yard per lineal foot on average per structure and 1,000 lineal feet of bank can be treated per project.
- 6. Log/Timber Deflectors** - These features are used for increased resting habitat. A maximum of 5 cubic yards of material may be discharged per structure.
- 7. Spawning Gravel** - These fills are used to create and enhance spawning areas. A maximum of 50 cubic yards of material may be discharged per spawning bed.
- 8. Debris Catchers** - These features are used to catch wood debris and provide cover habitat. They can result in grade control and allow for bank development, which provides additional cover. Fills must include an upstream arch or "v" design. A maximum of 50 cubic yards of material may be discharged per structure.
- 9. Migration Barriers** - These features are used to produce controlled habitat areas and inhibit upstream migration of undesirable species as well as provide grade control. A maximum of 100 cubic yards of material may be discharged per structure.
- 10. Bypass Structures** - These features are used to facilitate upstream and downstream movement of fish around manmade barriers. Bypass structures will typically be cross vanes with head gates and allow movement around irrigation diversion structures. A maximum of 50 cubic yards of materials may be discharged per structure.

11. Ladders – These features are used to facilitate upstream and downstream movement of fish around manmade barriers. They can include one or more cross vane structures constructed in series, but other designs can be utilized if they meet the established criteria. A maximum of 50 cubic yards of material may be discharged per structure or “step” of the fish ladder. Maximum length of the channel that can be modified is 1,000 feet per project. No typical design or drawings are provided.

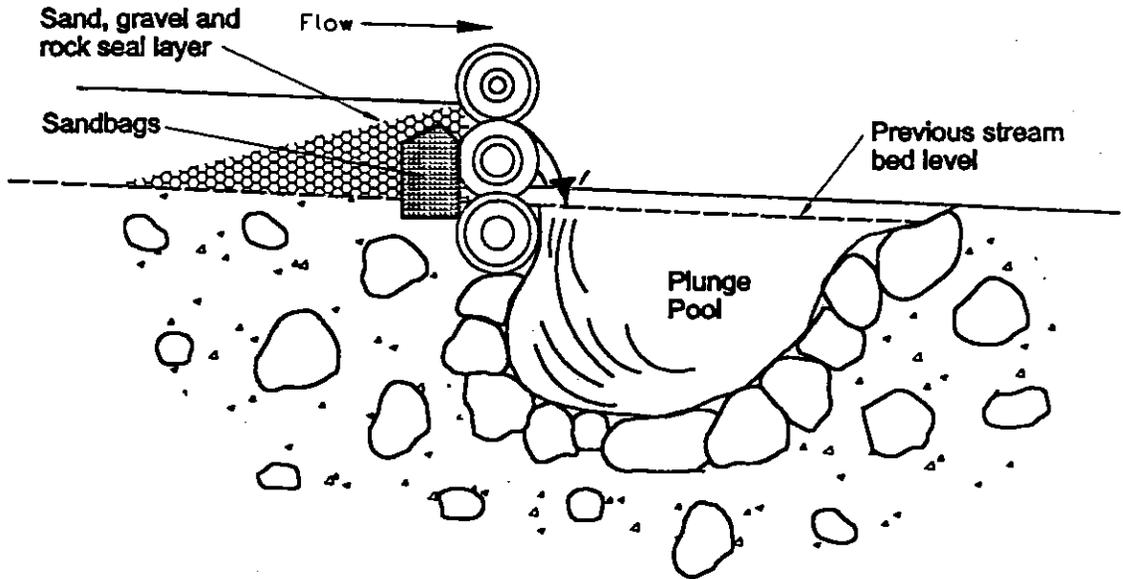
12. Screens – These features are used to prevent fish from moving into irrigation canals and ditches. They are constructed as part of head gates or as a separate structure. A maximum of 50 cubic yards of material may be discharged per structure. No typical design or drawings are provided.

13. Plan Form - This activity involves excavation of the stream bank and use of imported fill material to improve channel dimensions and sinuosity through enhancement of meanders, point bars, floodplain benches, and similar features. Maximum length of channel that can be modified is 1,000 lineal feet for all activities combined, including bed form features. No typical design or drawings are provided.

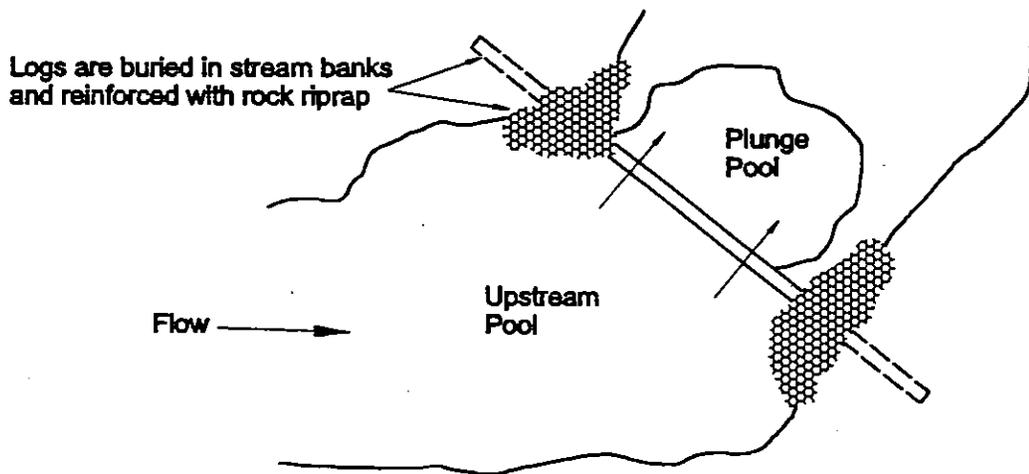
14. Bed Form – This activity involves dredging of the stream bed and redistribution of dredged alluvium within the channel to enhance diversity of pools, point bars, floodplain benches, and similar features. It also includes redistribution of alluvium associated with installation of other authorized structures. Maximum length of channel that can be modified is 1,000 lineal feet for all activities combined, including plan form features. No typical design or drawings are provided.

15. Temporary Roads – Construction of temporary roads that allow access to project areas. Fill must be suitable material and placed in a manner that will not be eroded by expected high flows. Temporary fills must be removed entirely following completion of construction activities and affected areas must be restored to its pre-project condition. The NOI must include a restoration plan identifying reasonable measures to avoid and minimize adverse effects on aquatic resources. Due to the need to design temporary roads to address individual site conditions, no typical design or drawings are provided.

Log/Timber Over pour Plunge Structure Authorized **1** Activity



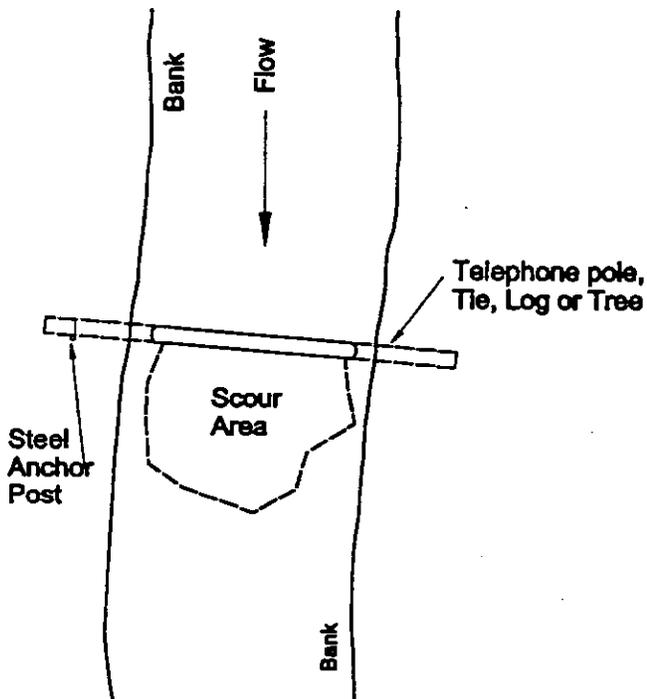
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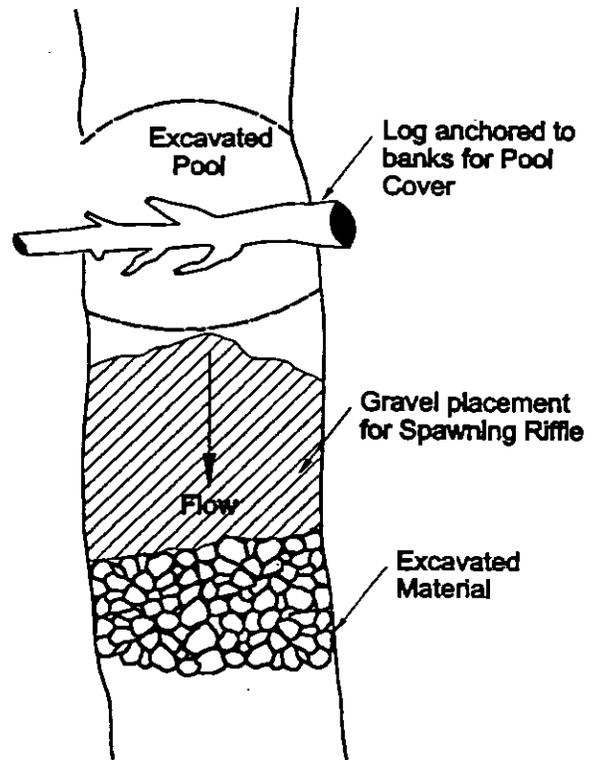
Plan
Scale: None

Digger Logs

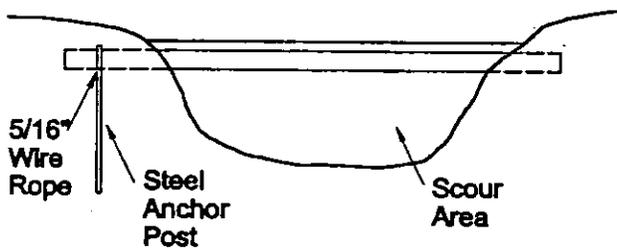
Authorized **2**
Activity



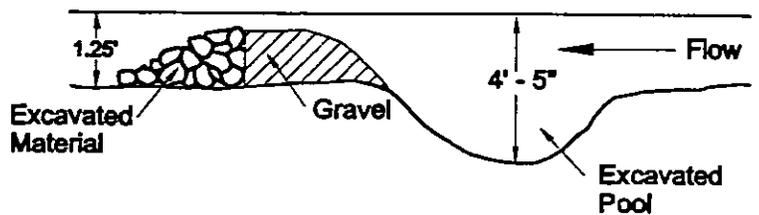
Digger Log
Plan
Scale: None



Log Covered Pool
& Downstream Spawning Riffle
Plan
Scale: None

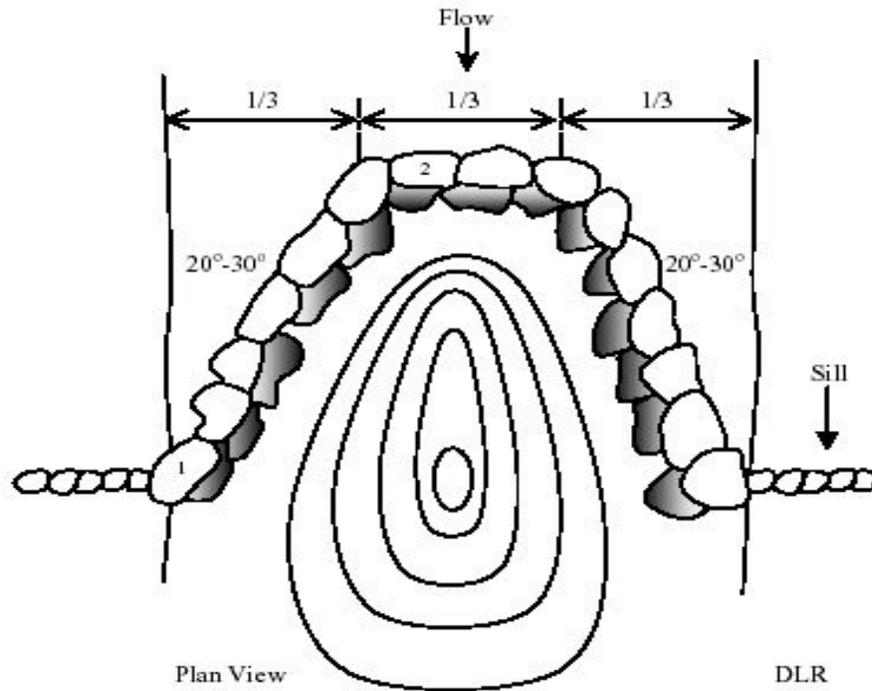
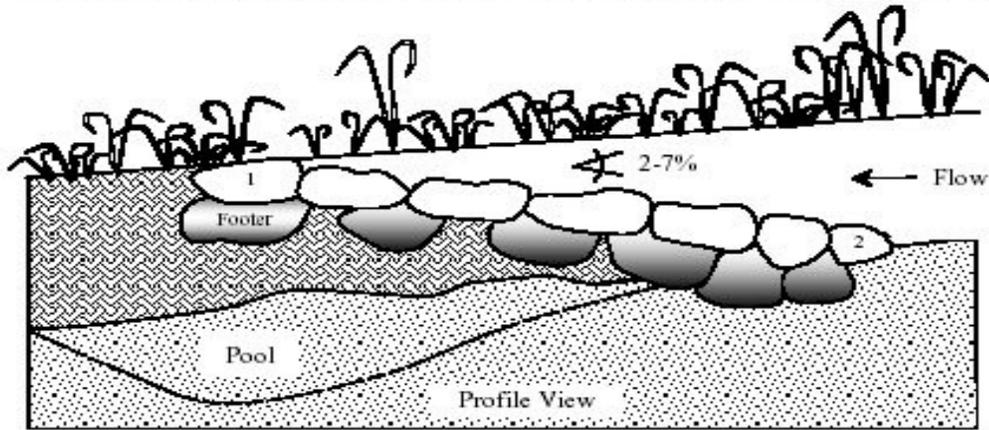
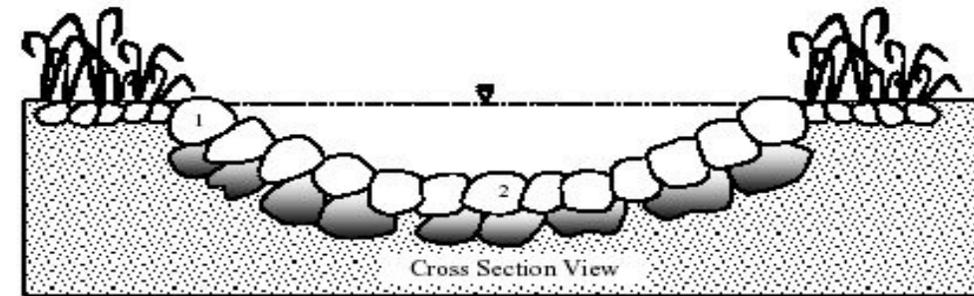


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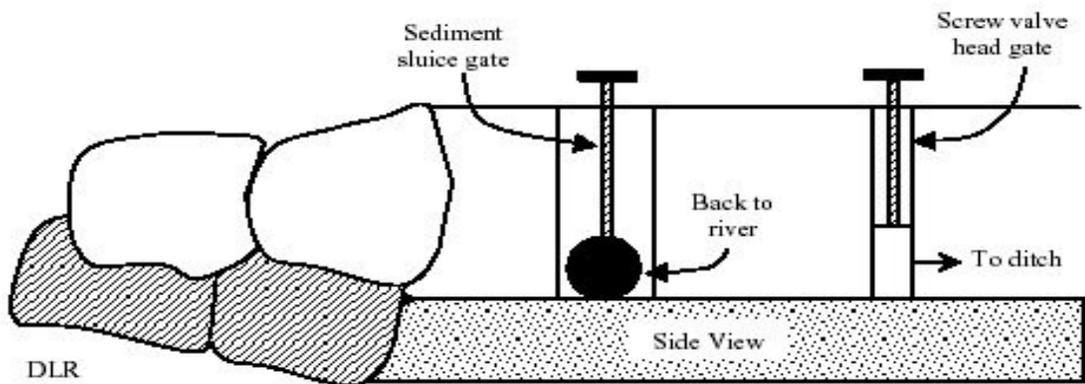
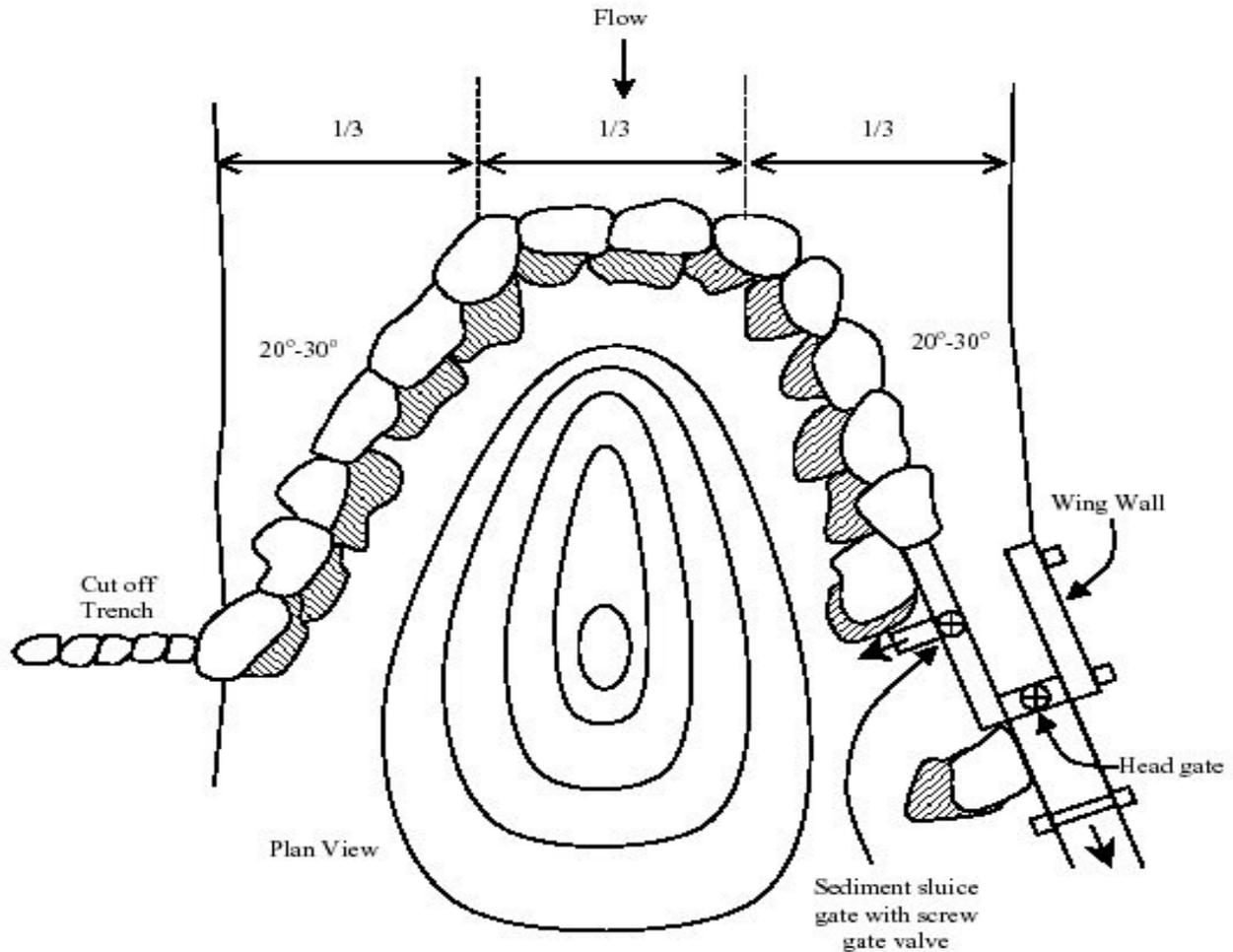


Section
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Cross Vanes



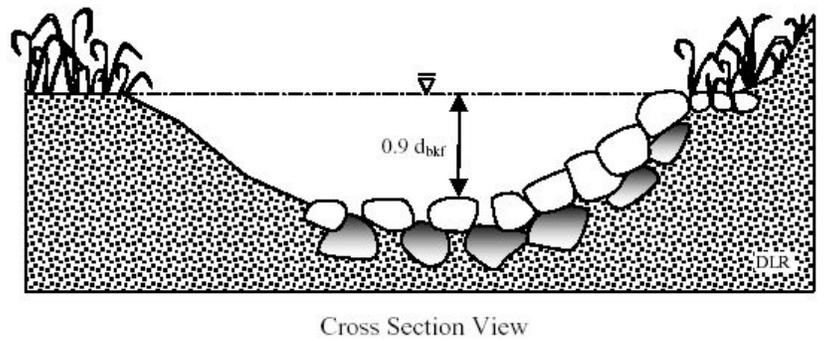
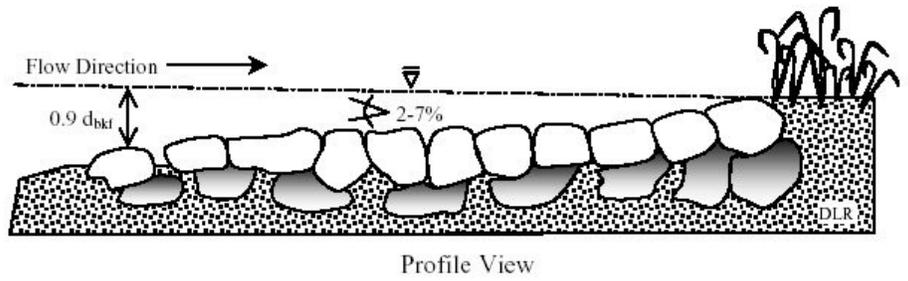
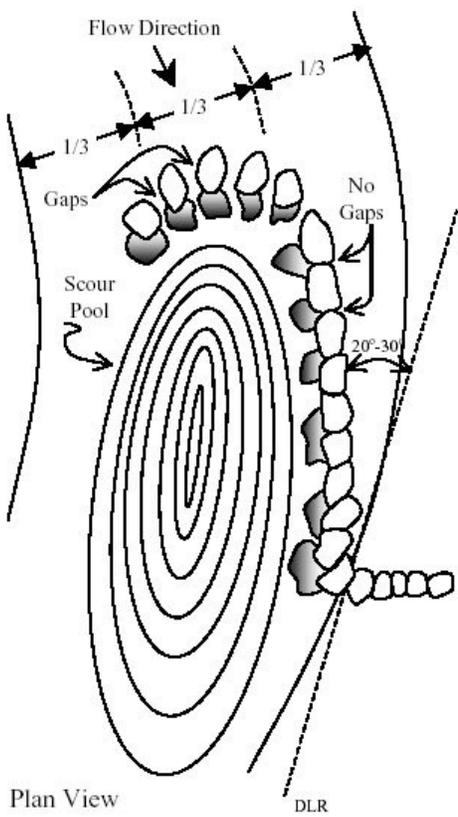
Cross Vanes with Headgates



DLR

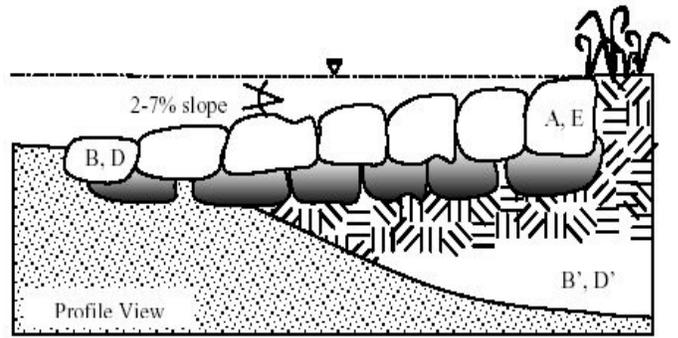
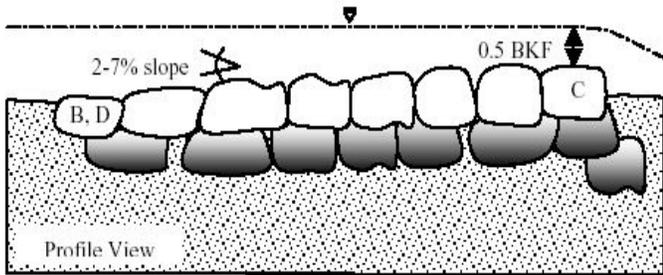
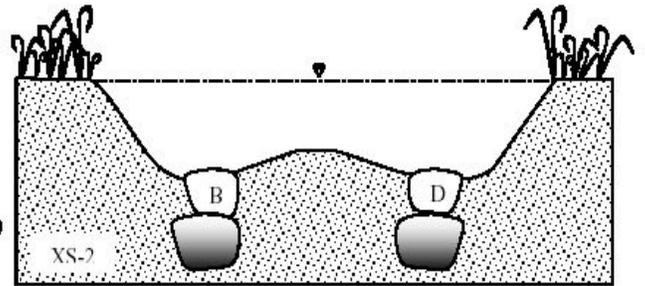
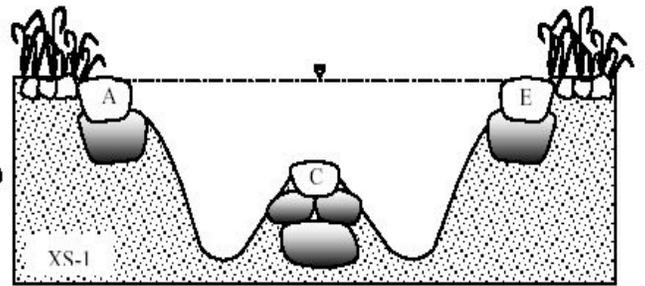
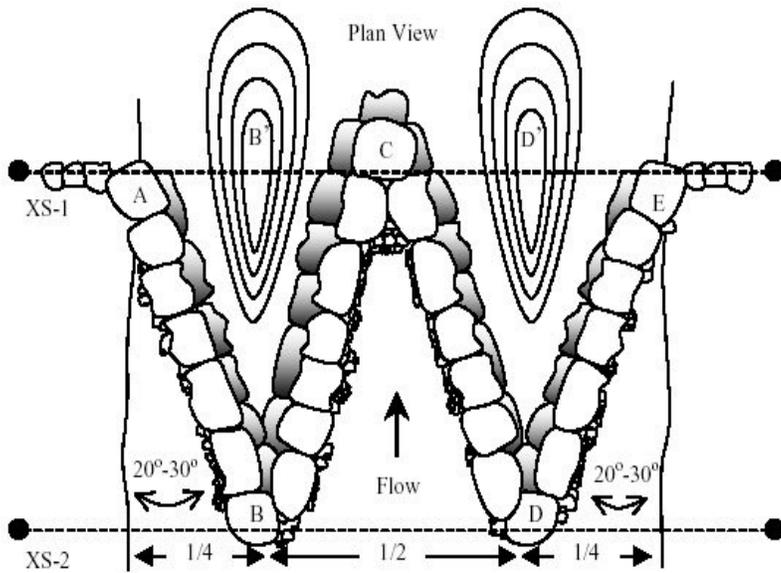
J Hook Vanes

Authorized **3**
Activity



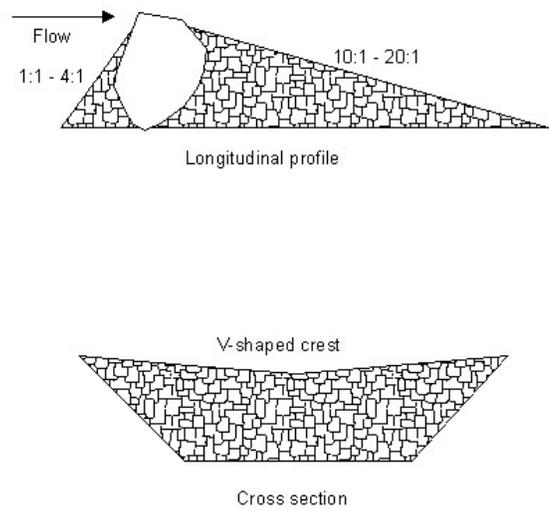
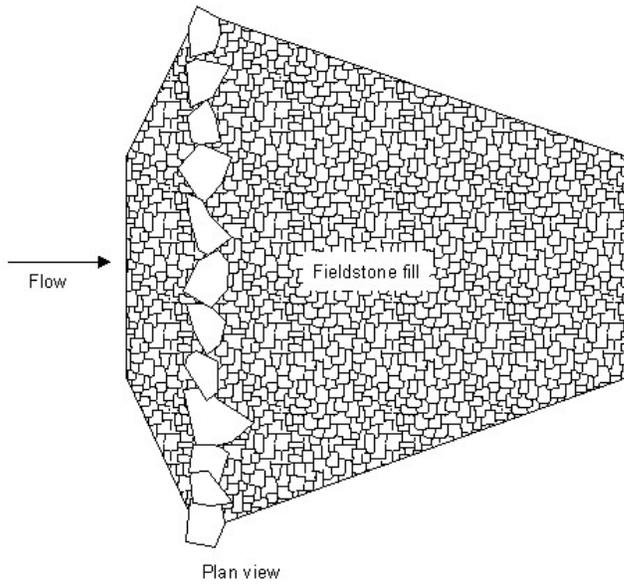
W Weir

Authorized **3**
Activity



Trapezoidal Weir

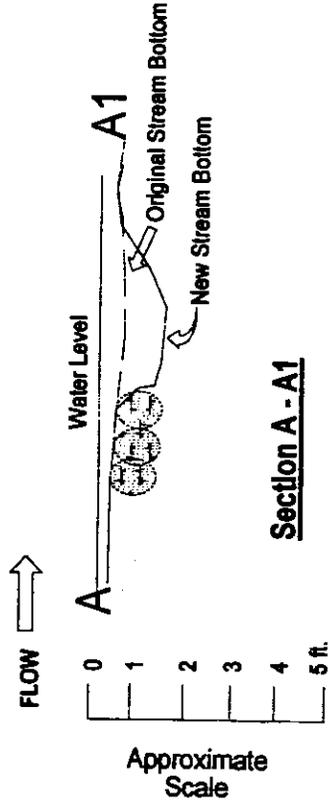
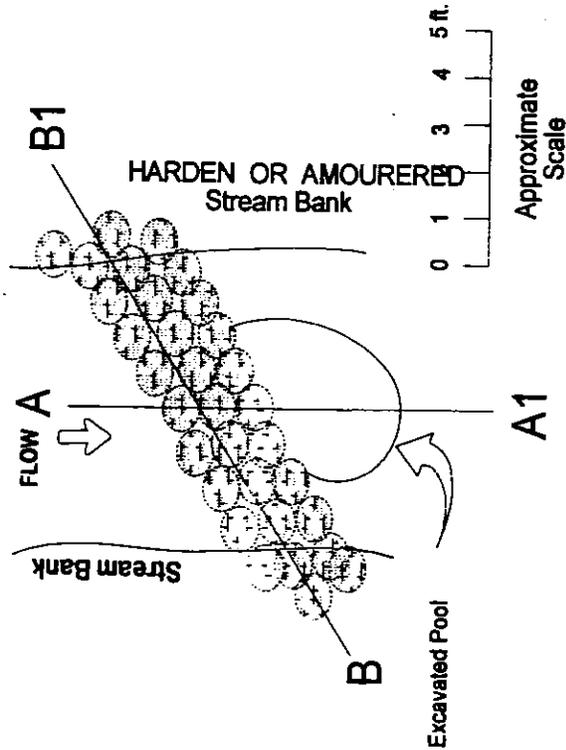
Authorized **3**
Activity



ROCK \ BOULDER SILL

(Diagonal to Flow)

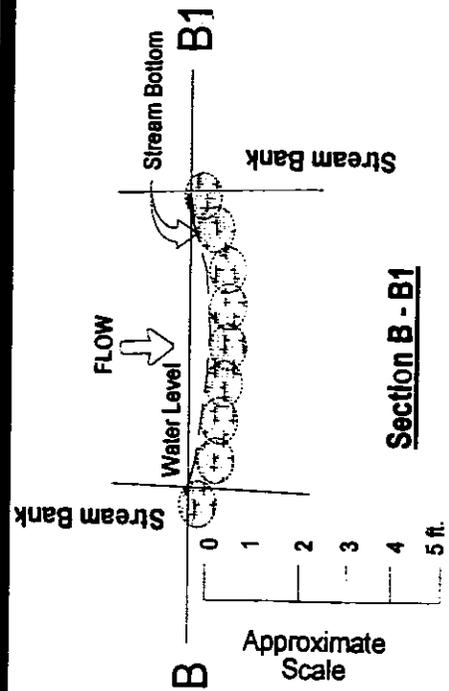
Plan View



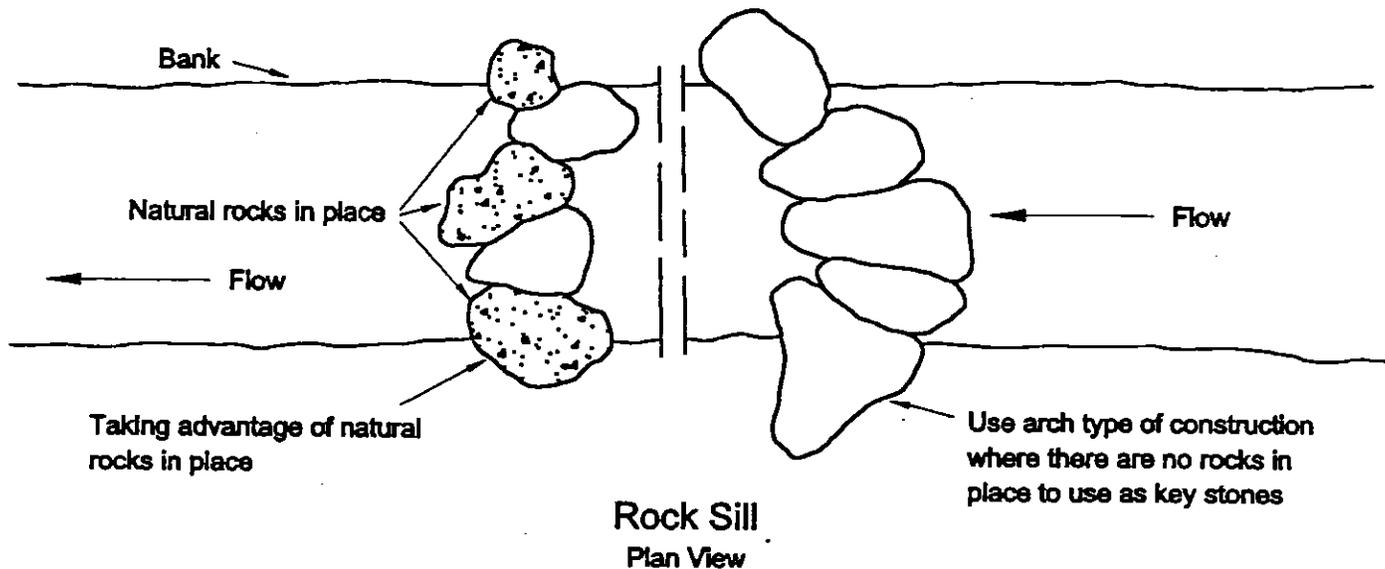
DIAGONAL SILL

1. The **DIAGONAL SILL** is always lower in the middle.
2. The rocks **MUST** slope down from the bank to the **MID** point.
3. Use the material excavated from the pool to fill the spaces between the rock.
4. Anchor the ends into the bank.
5. Try to confine the low flow to the middle 1/3 of the creek. The **LOWEST POINT** may be placed at any point to move the current from side to side.
6. Amour the banks with rip-rap where needed to protect banks.

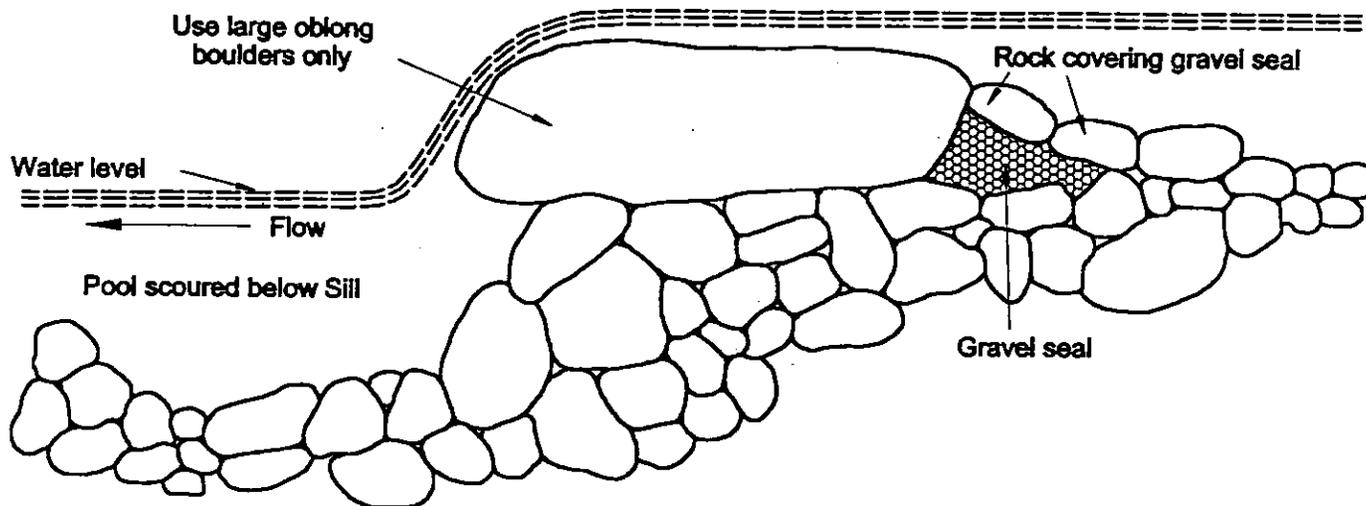
SCALE TO SITE



Rock Sill



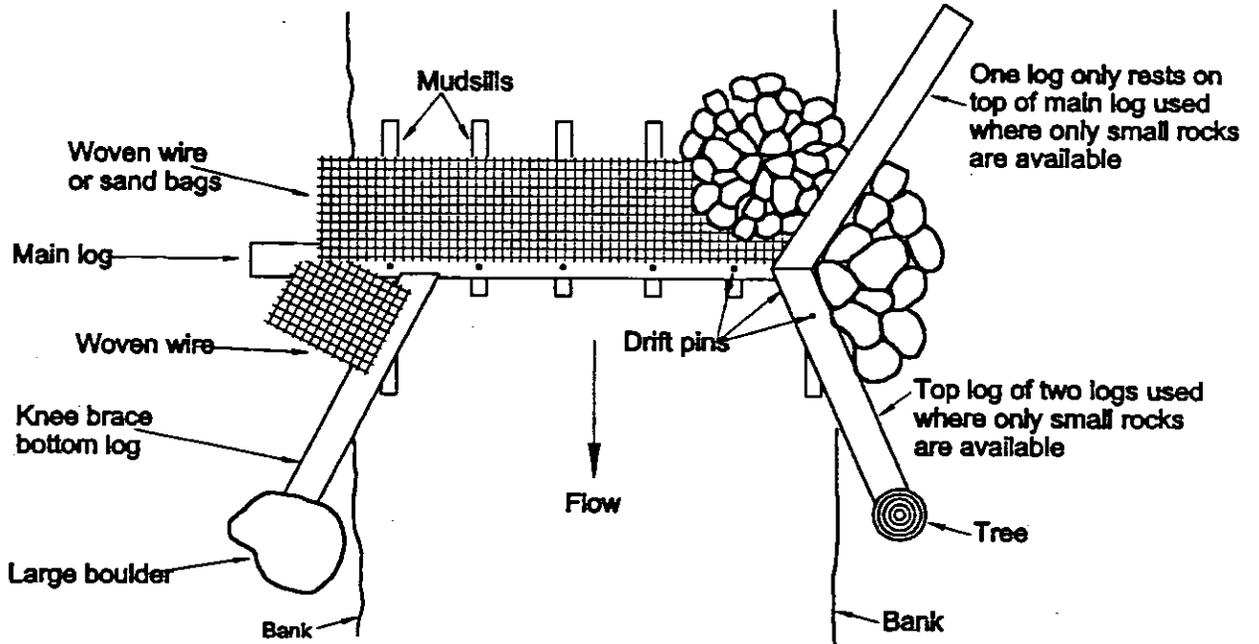
Showing construction under different conditions



Rock Sill
Cross Section

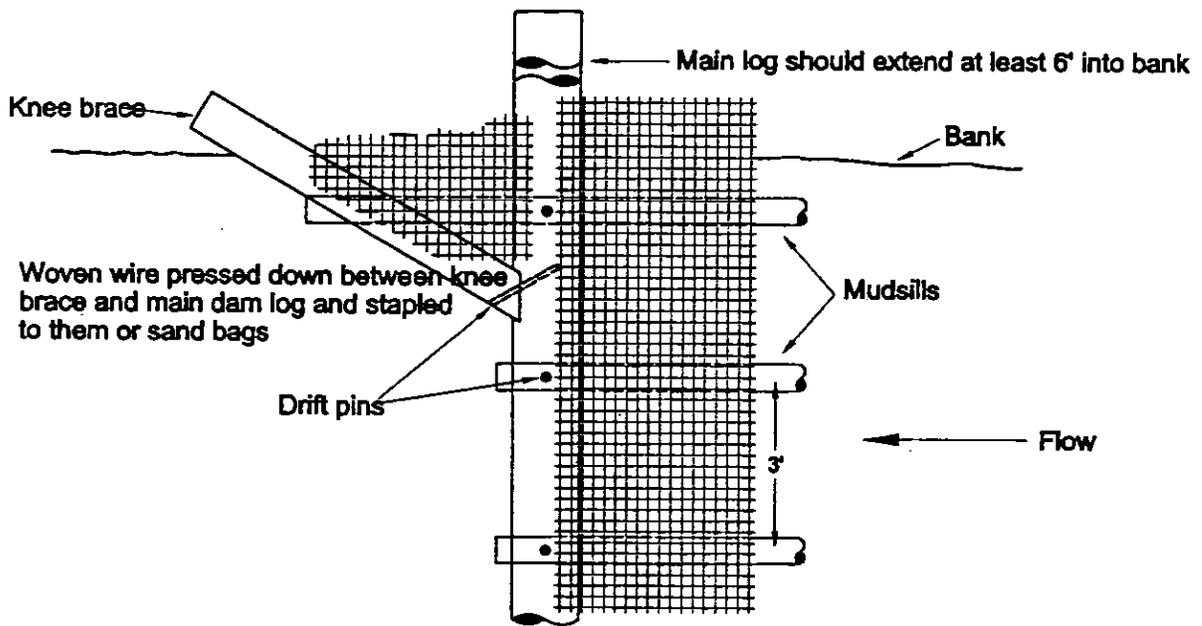
K Sill

Authorized **3**
Activity



K-Sill
Plan View

Showing one end and seal party constructed



K-Sill Detail
Plan View

Close up of one end with wire in place

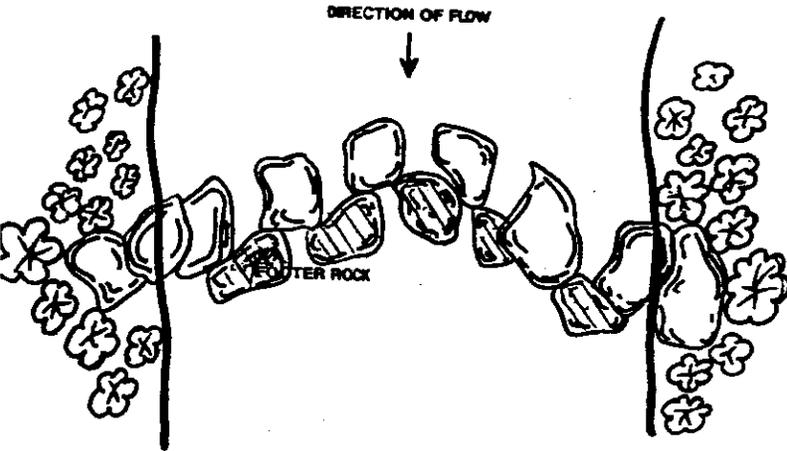
Rock/Boulder

Sill

Activity

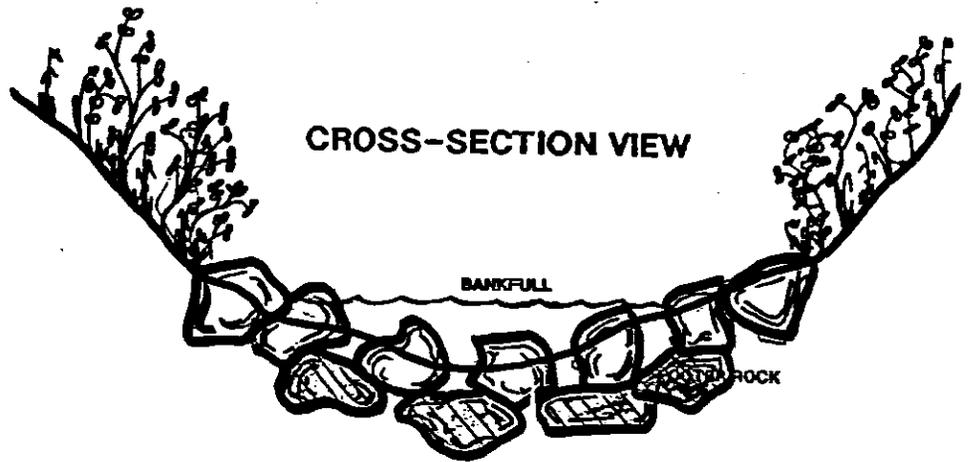
(Perpendicular to Flow)

PLAN VIEW



VORTEX ROCK WEIR

CROSS-SECTION VIEW



VORTEX ROCK WEIR

BANKFULL STAGE

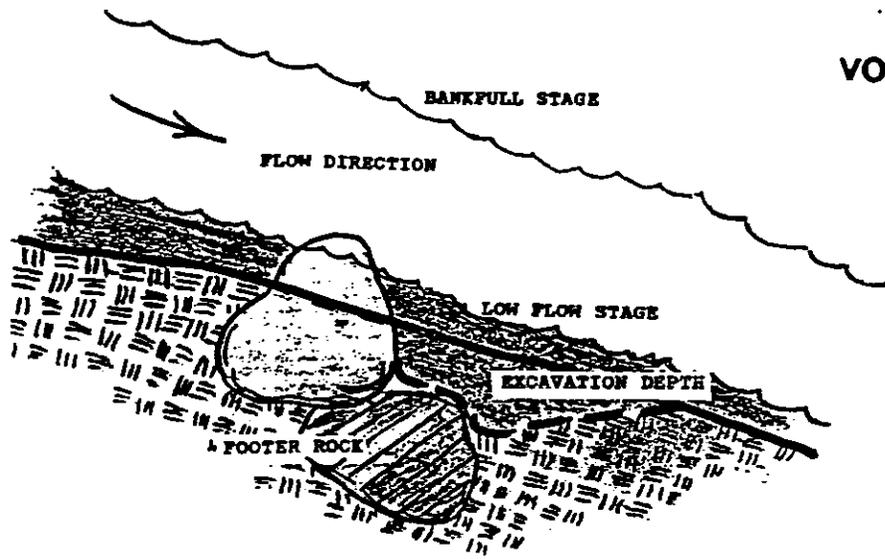
FLOW DIRECTION

LOW FLOW STAGE

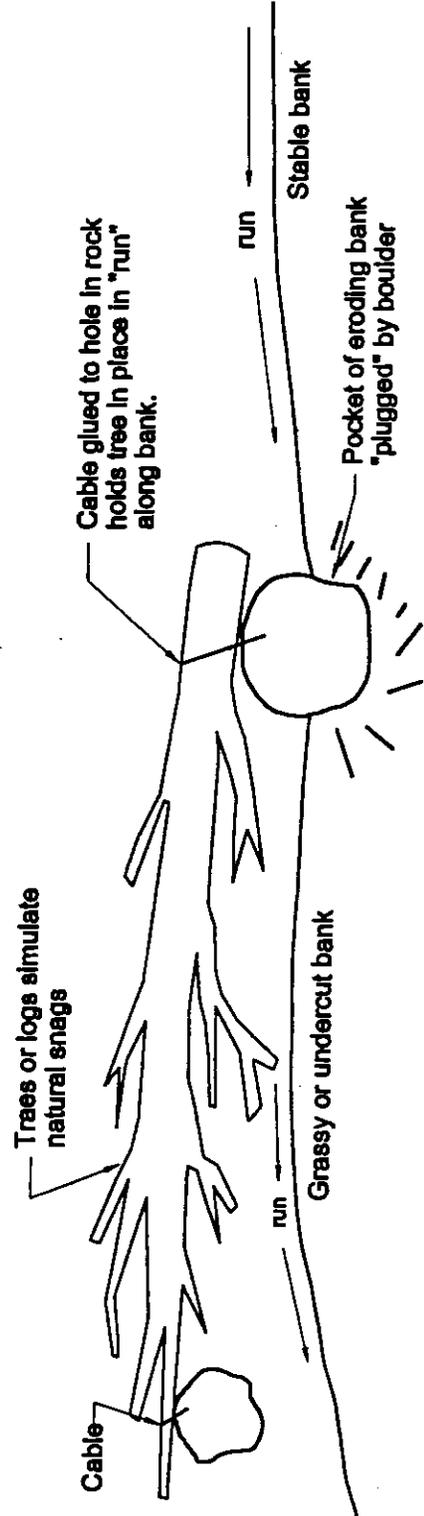
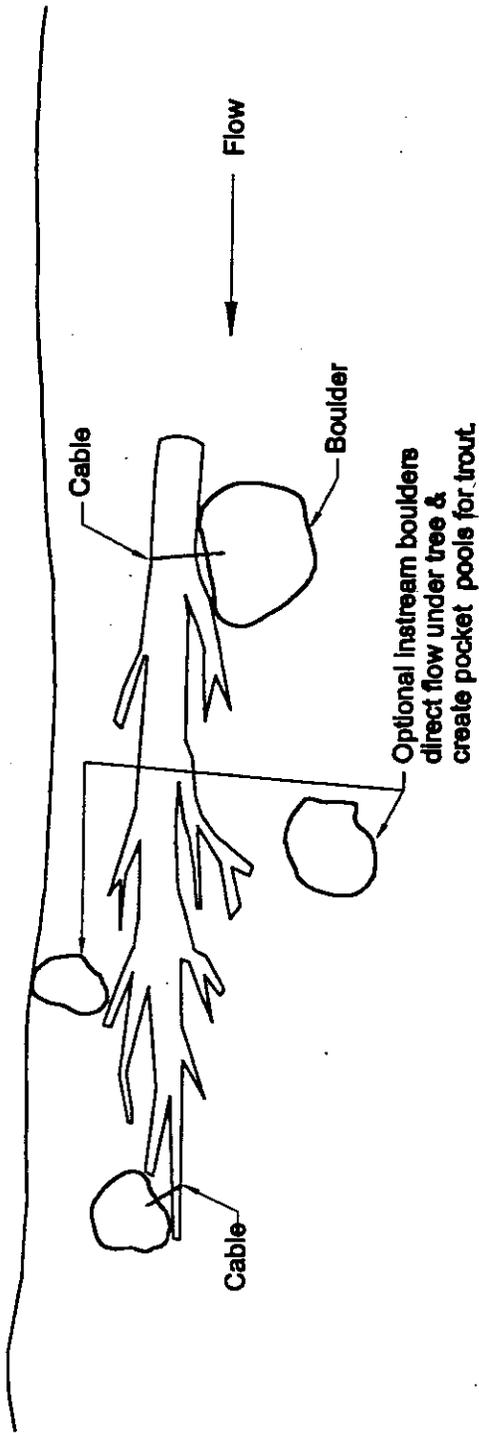
EXCAVATION DEPTH

FOOTER ROCK

VORTEX ROCK WEIR
PROFILE VIEW

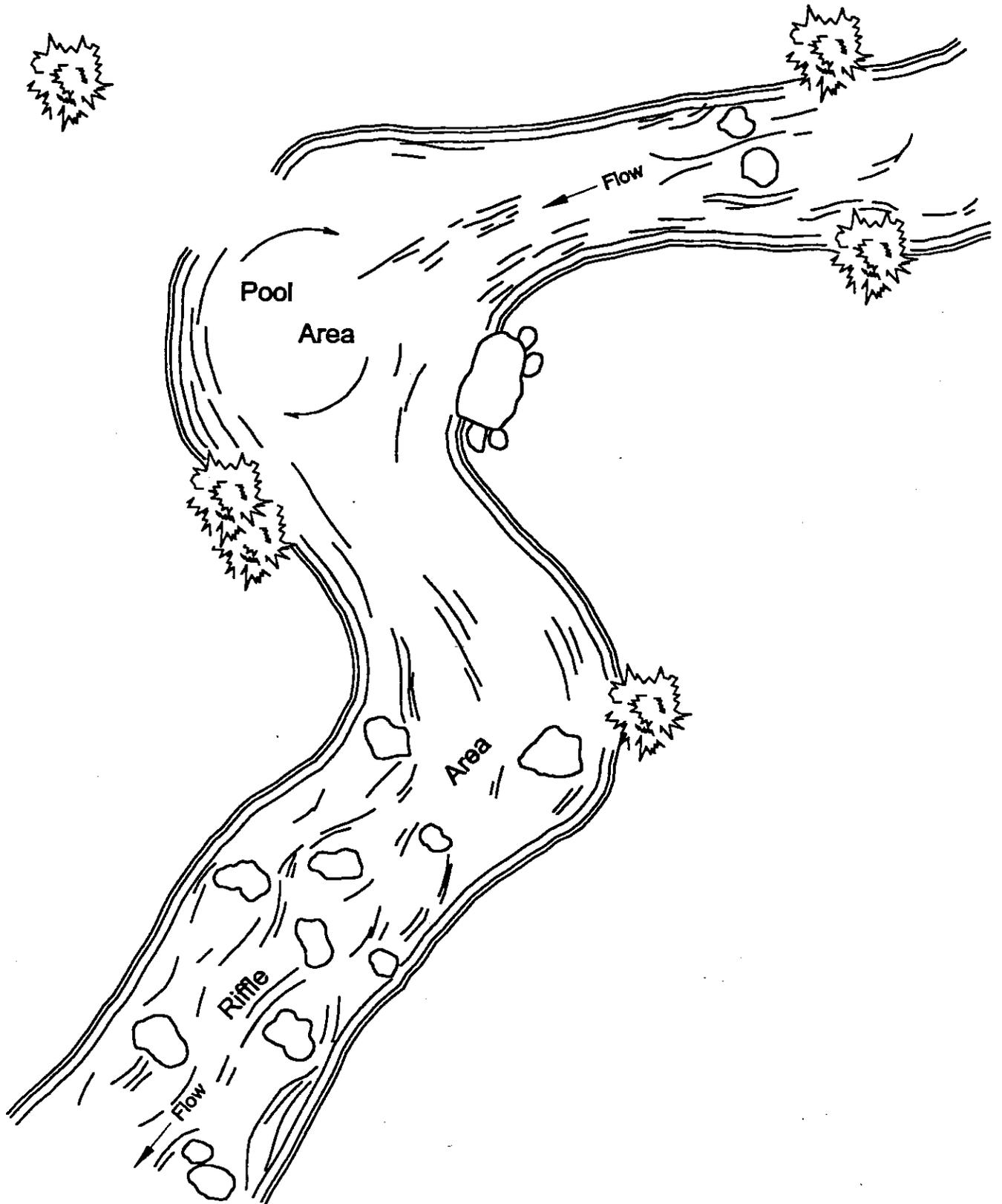


Scattered Boulder and Cover Trees

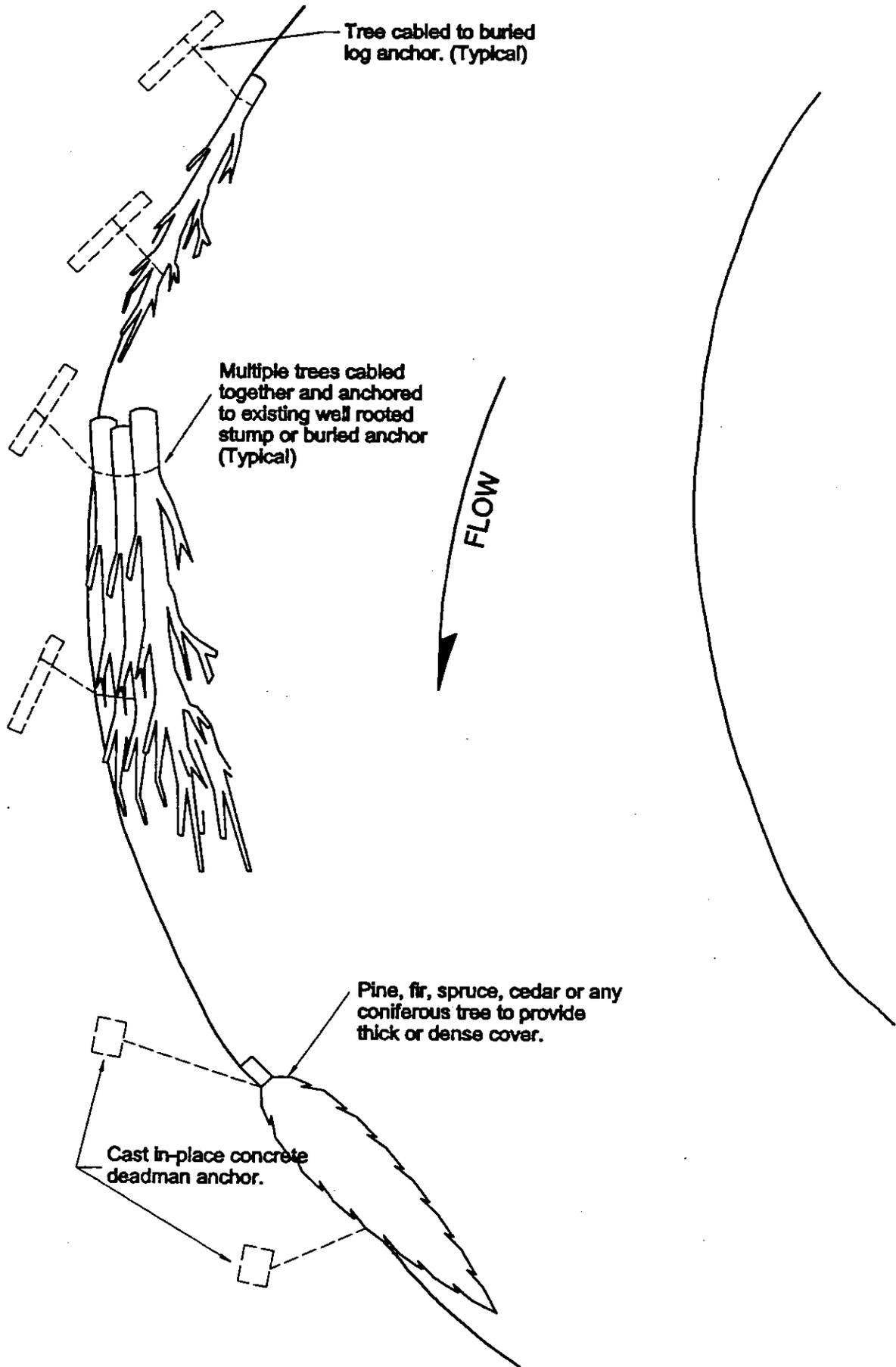


Random Boulder Placement

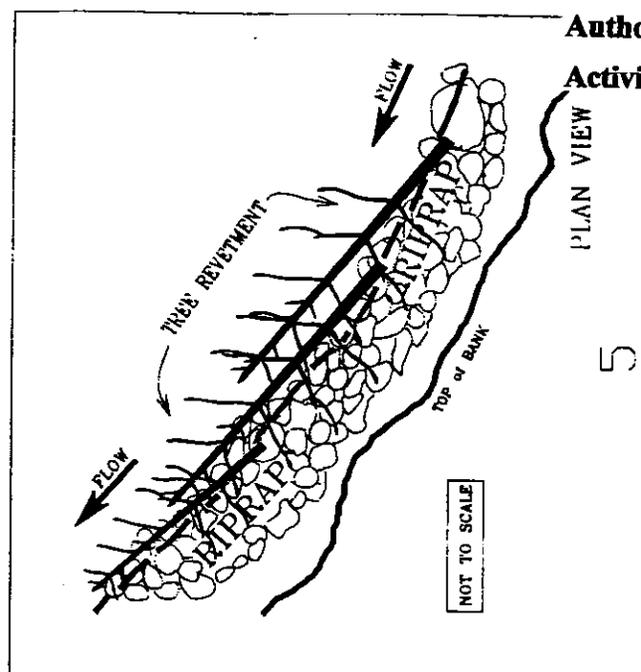
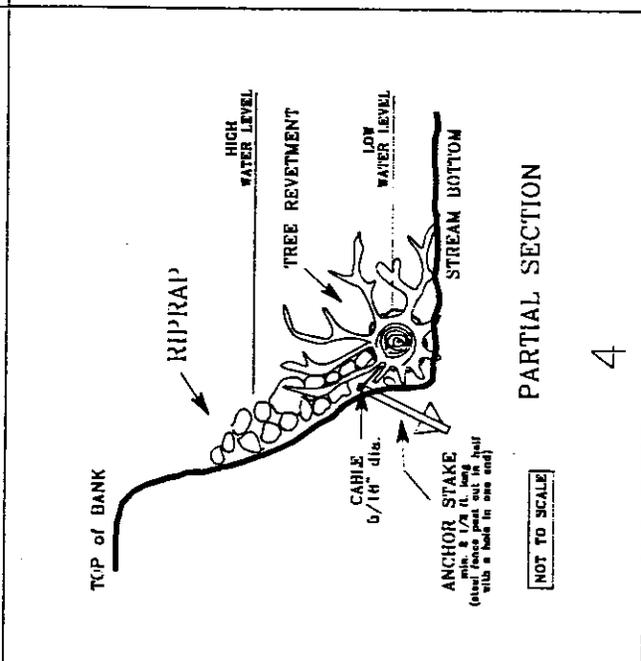
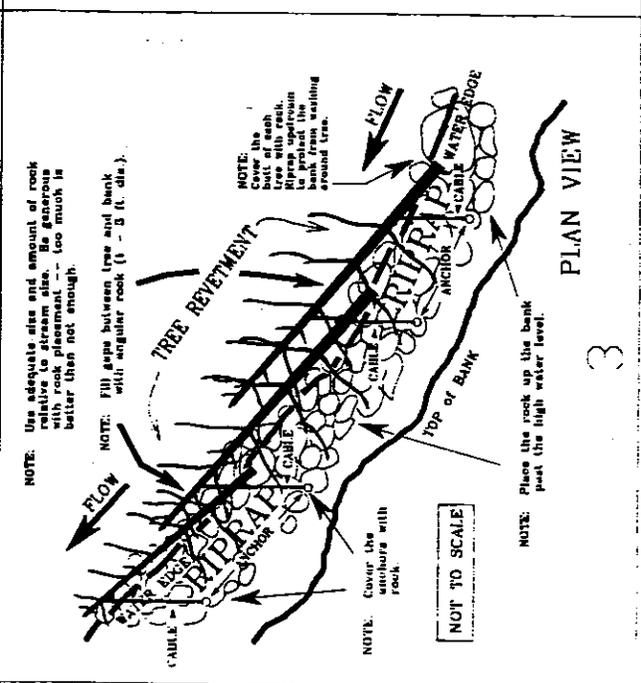
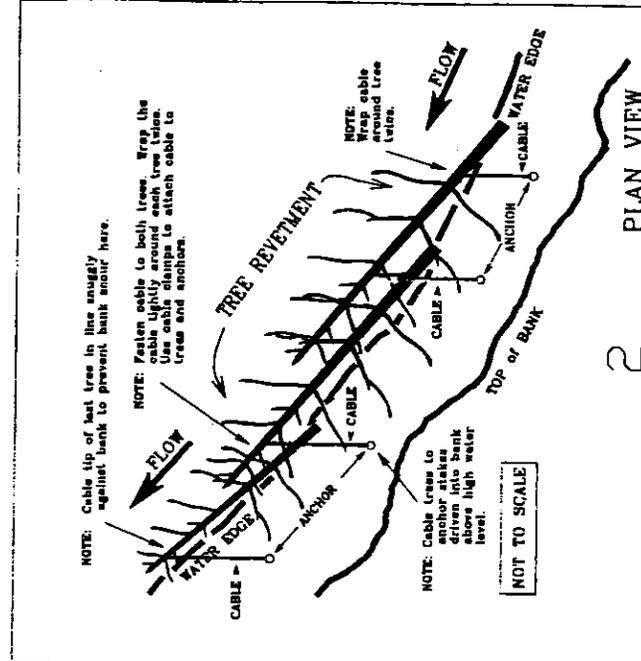
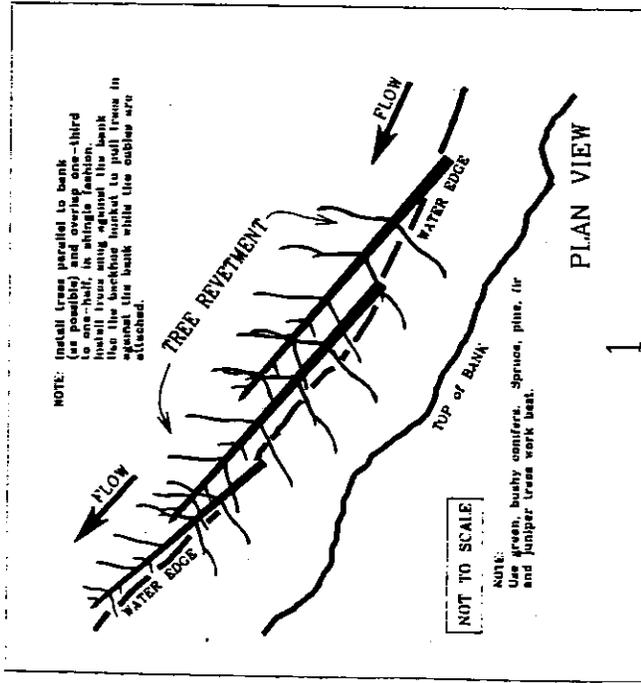
Authorized **4**
Activity



Tree Revetments & Crib Trees

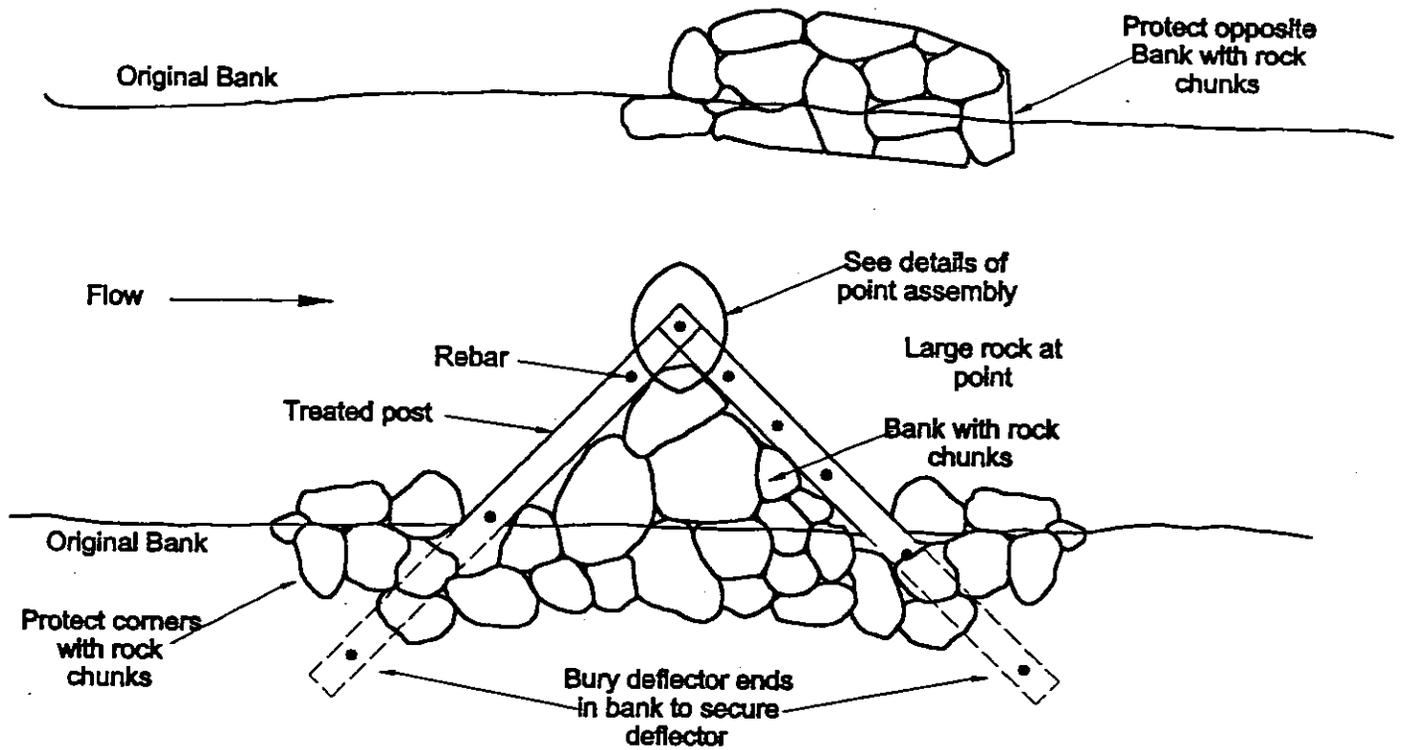


TREE AND ROCK REVETMENTS

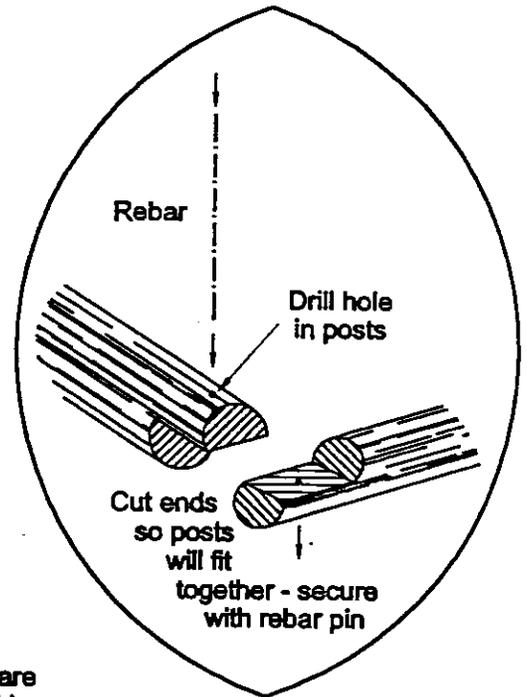


Log/Timber Deflector (Perpendicular to Flow)

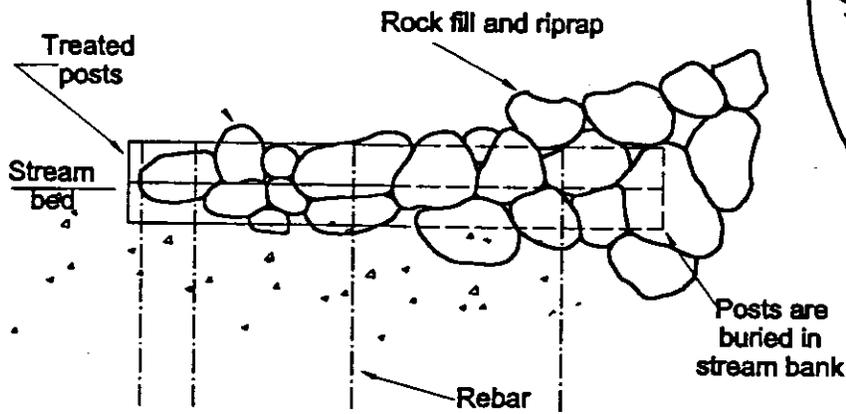
Authorized **6**
Activity



Top View



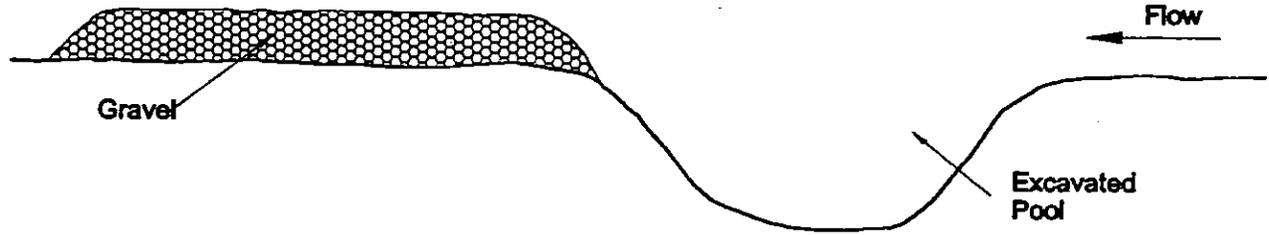
Details of Point Assembly



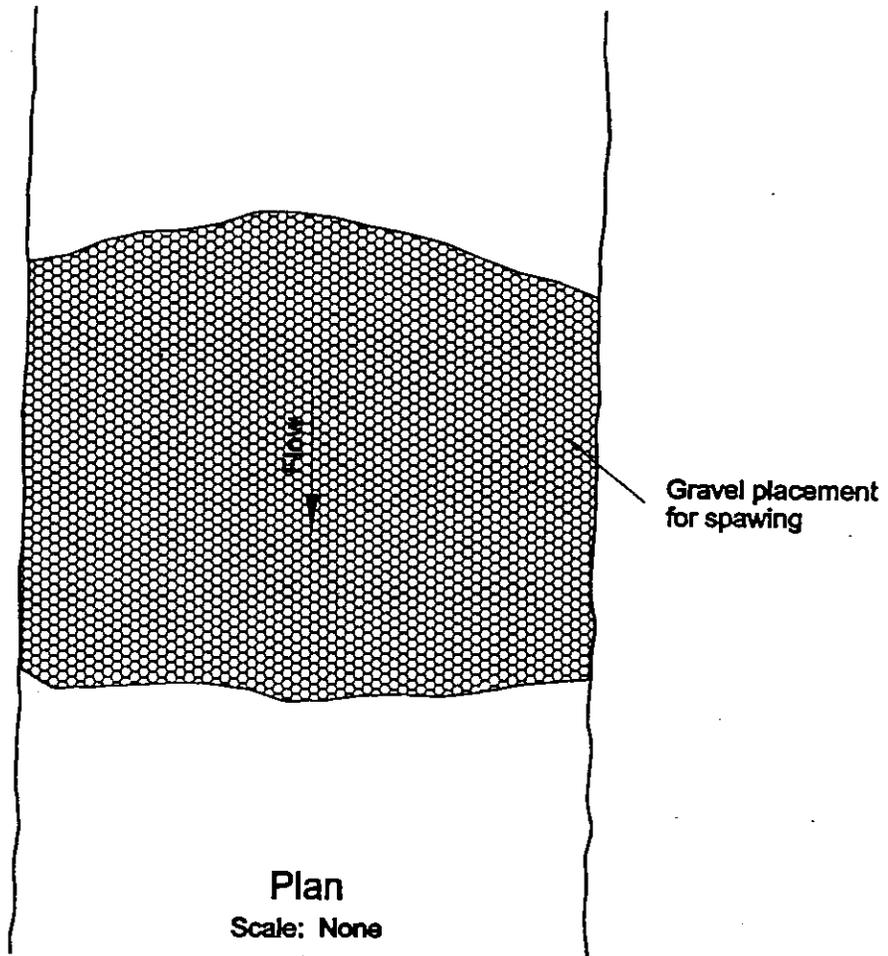
Side View

Spawning Gravels

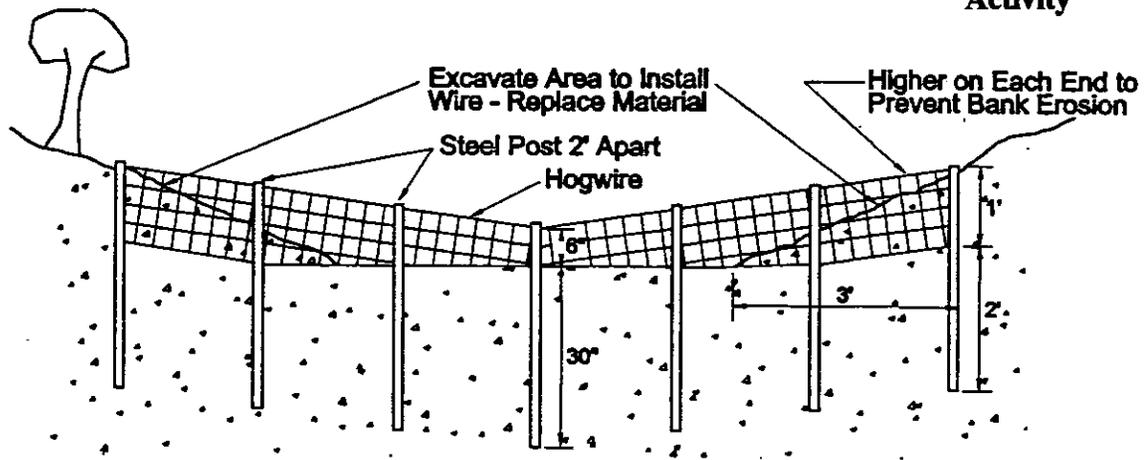
Authorized **7**
Activity



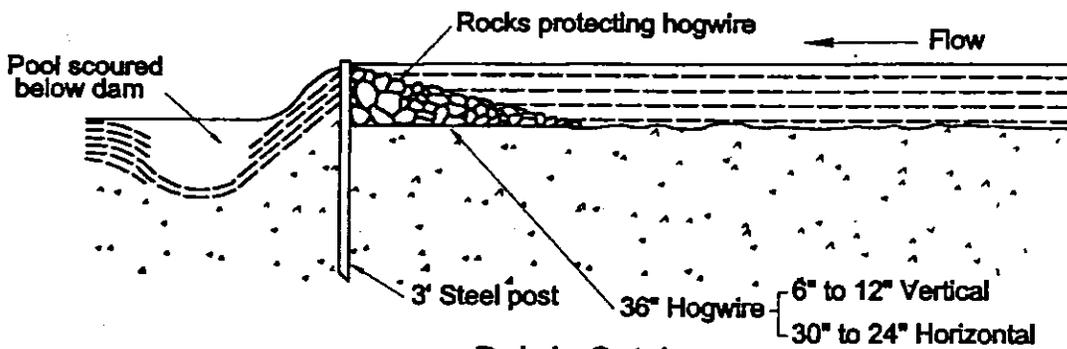
Section
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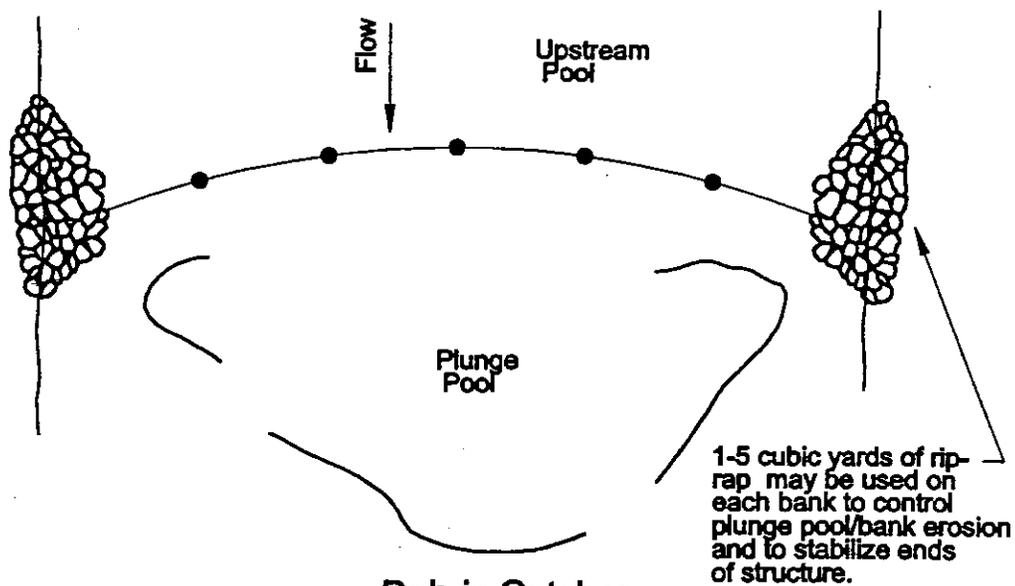
Plan
Scale: None



**Debris Catcher
Cross Section**
Scale: None

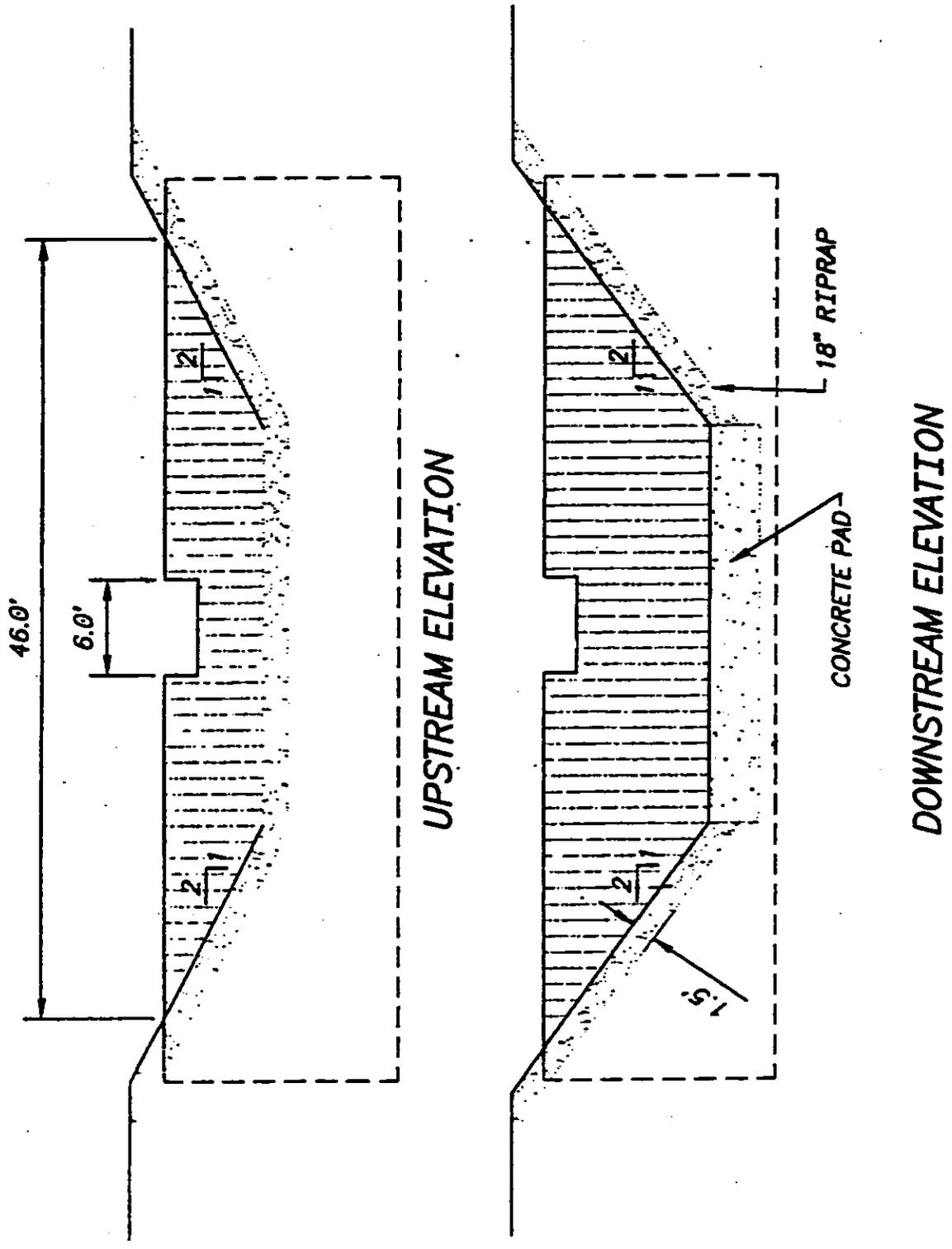


**Debris Catcher
Longitudinal Section**
Scale: None



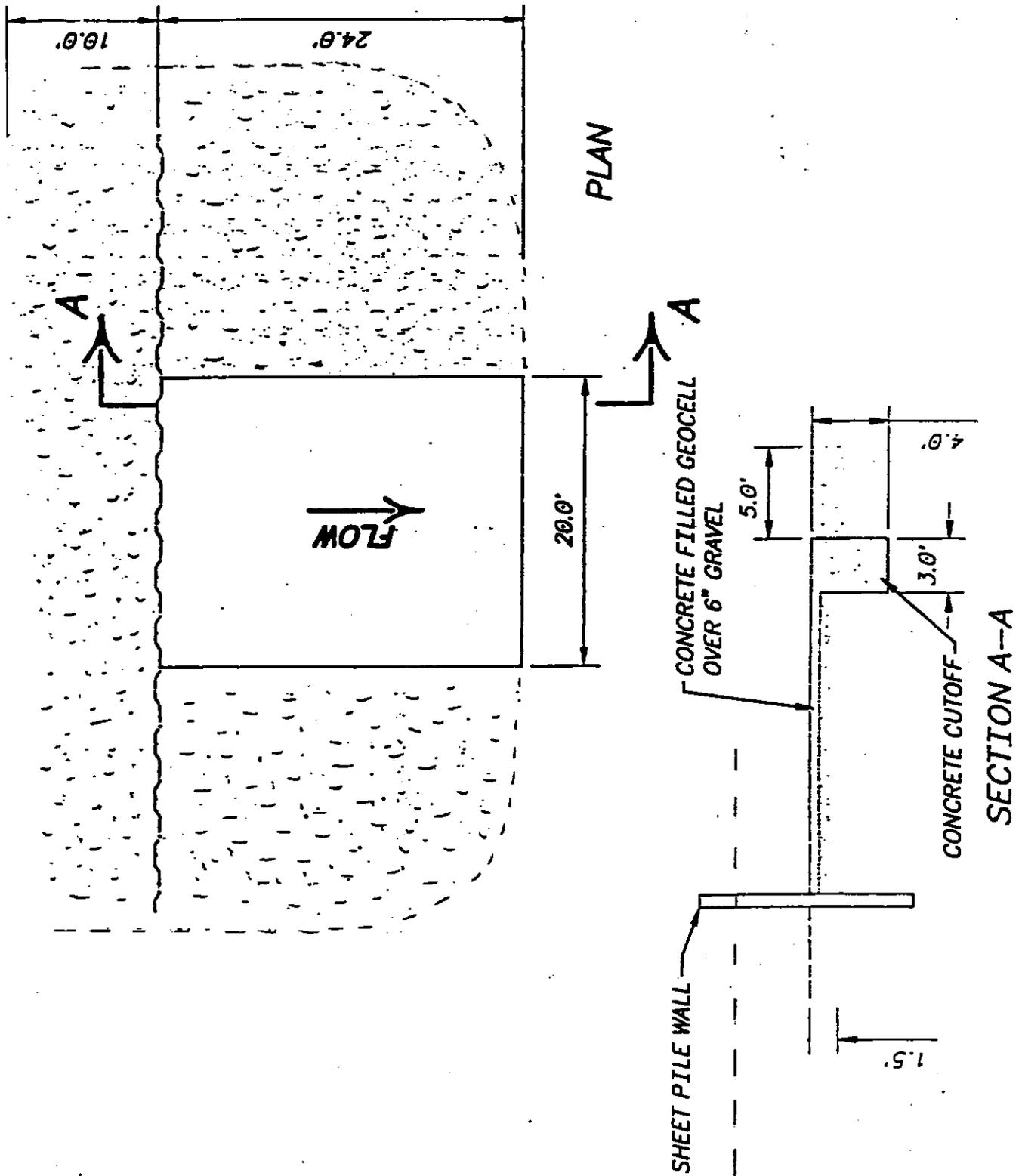
**Debris Catcher
Plan View**
Scale: None

Typical Gabion Fish Barrier (Modify to Site)



Typical Gabion Fish Barrier (Modify to Site)

Authorized **9**
Activity



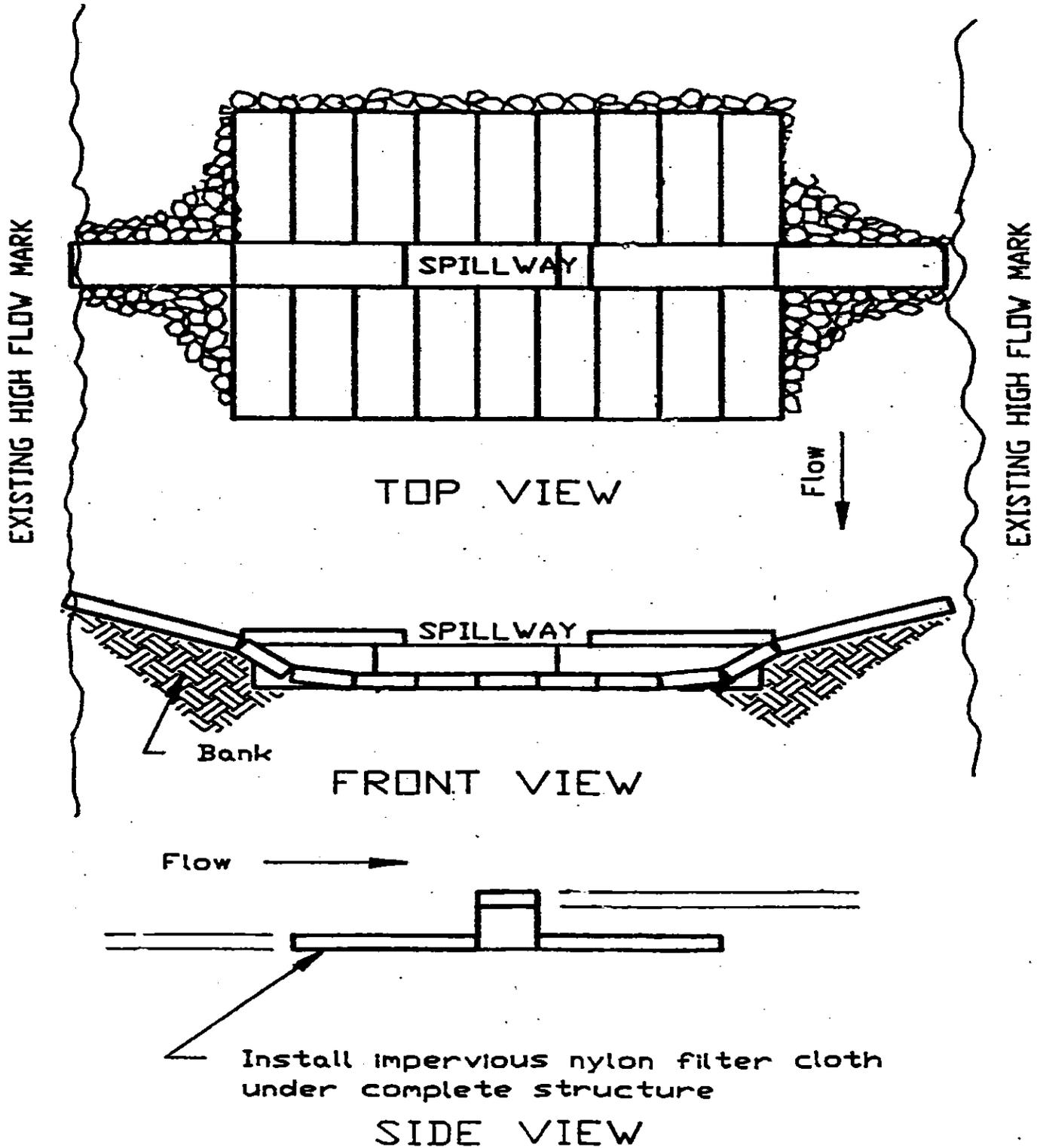
Typical Gabion Fish Barrier

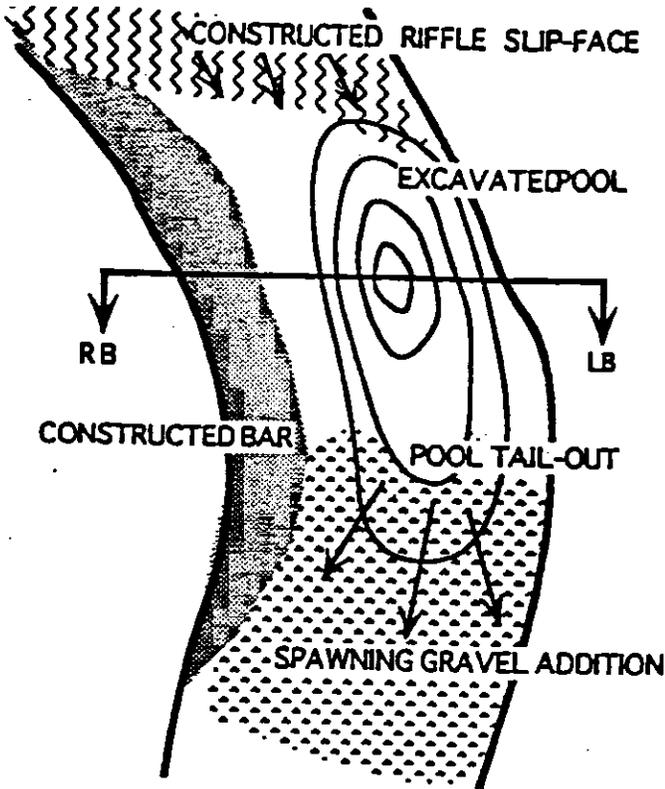
Authorized **9**

(Modify to Site)

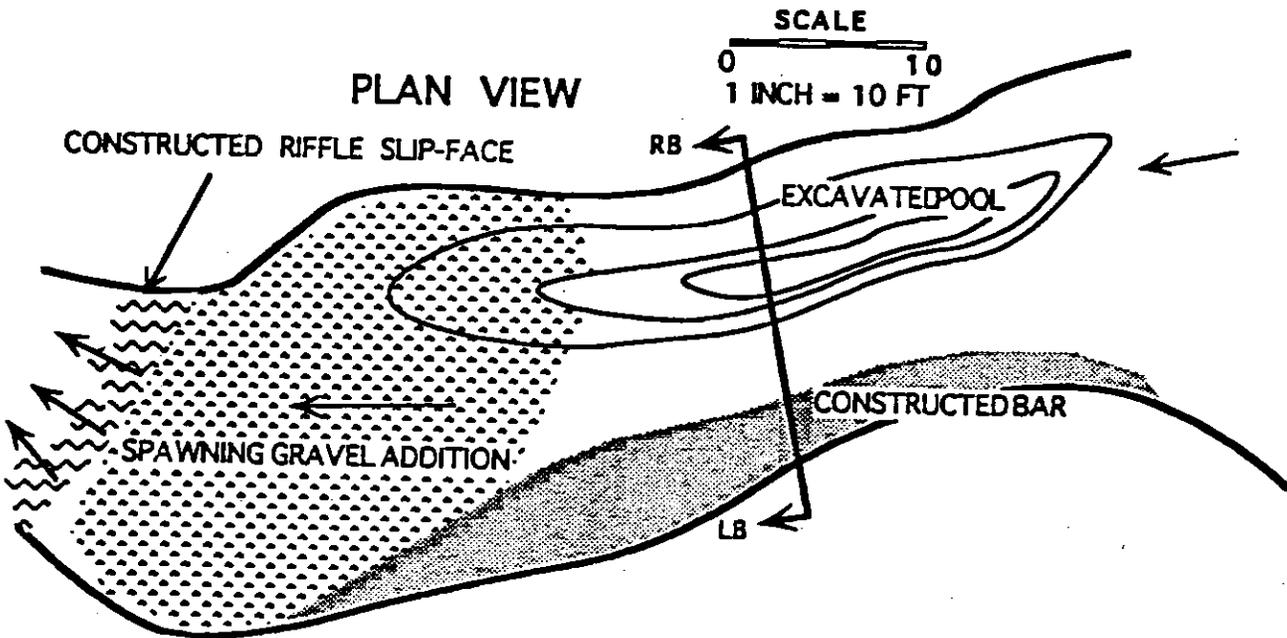
Activity

Large rock on corners to prevent high water from cutting around structure

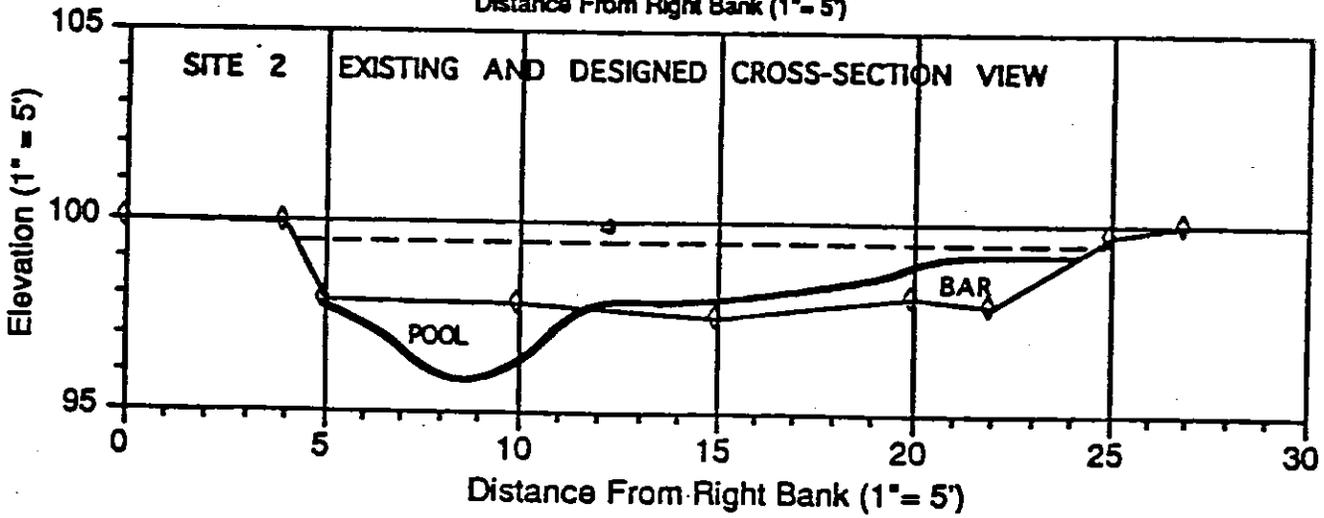
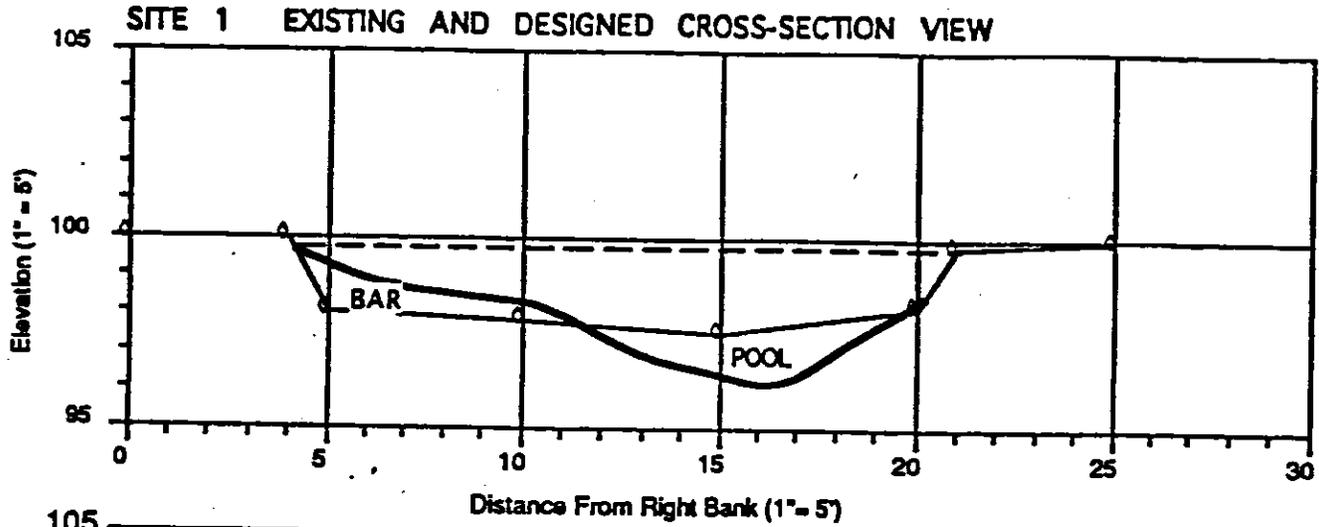
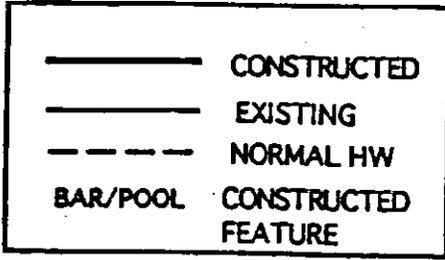




MATERIAL QUANTITIES: EXCAVATE 9.2 CU-Y POOL TO BUILD BAR AND RIFFLE. PLACE 8 CU-Y GRAVEL.



MATERIAL QUANTITIES: EXCAVATE 8.5 CU-Y POOL TO BUILD BAR AND RIFFLE. PLACE 8 CU-Y GRAVEL.



PERMITTEE: General Public
DA PERMIT NO.: 198226002

APPENDIX B SPECIAL CONDITIONS

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

- 1. Notification:** Prospective permittees must submit a Notice of Intent (NOI) to the U.S. Army Corps of Engineers in accordance with Notification Procedures described in Appendix C prior to initiating any activities described in Appendix A. The permittee shall not undertake any such activities until the Corps provides written verification that proposed activities defined in the NOI are authorized by GP 8202-06. The Corps may withhold verification if it is determined that a standard (individual) Department of the Army permit is required in accordance with 33 CFR 325.2(e)(2).
- 2. Water Quality:** The permittee must comply with all conditions established by Wyoming Department of Environmental Quality and the U.S. Environmental Protection Agency in accordance with their authority under Section 401 of the Clean Water Act.
- 3. Historic Properties:** No discharge is authorized that would adversely affect sites listed in the National Register of Historic Places, National Register of Natural Landmarks, or sites known to be eligible for such listing unless consultation with the Wyoming State Historic Preservation Office pursuant to Section 106 of National Historic Preservation Act of 1966 has been completed.
- 4. Threatened and Endangered Species:** No discharge is authorized that is likely to jeopardize the continued existence of species, or their critical habitats, designated as threatened or endangered unless consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of Endangered Species Act of 1972 has been completed.
- 5. Wetlands:** No discharge is authorized that would result in a loss of more than 0.50 acre of wetland. Projects must be designed with features that would result in wetland establishment to replace all wetland losses on-site.
- 6. Tribal Rights:** No discharge is authorized that would impair reserved tribal rights including, but not limited to, water, fishing, and hunting rights.
- 7. Suitable Fill Material:** No discharge may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, 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 has issued a notice of prohibition against the use of such unsuitable materials as fill in waters of the United States.
- 8. Proper Maintenance:** Authorized structures must be properly maintained, including maintenance necessary to ensure public safety. Maintenance does not include routine dredging or redistribution of alluvium within a stream channel.
- 9. Water Supply Intakes:** No discharge may occur in the proximity of a public water supply intake.

10. 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 (National Park Service, Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service) has determined in writing that the proposed discharge will not adversely affect the Wild and Scenic River designation or study status.

11. Stockpiling: Storage of excess soil, channel sediments, unwanted vegetation or other material in flowing water is not authorized. Excess dredged material must be disposed of in an upland location where it cannot return to a stream or adjacent wetlands during rainfall and runoff events.

12. Minimization: Permittees are required to minimize adverse effects by:

- limiting the clearing of vegetation to that which is absolutely necessary for construction purposes;
- reseeded and replanting upland areas disturbed by construction with vegetation indigenous to the area;
- maintaining close coordination with downstream water users, advising them of any potential water quality changes that could result from the construction;
- ensuring that all construction debris, fill, and other materials deposited in upland areas cannot enter a waterway or wetland;
- undertaking all work in a waterway in such a manner so as to limit increases in suspended solids and turbidity;
- ensuring that no petroleum products, chemicals, or other deleterious materials are used, stored or disposed of in such a manner that they could enter a waterway or a wetland.

13. Compliance Certification: The Corps will provide each permittee with a compliance certification form. The permittee must return the completed form to the Wyoming Regulatory Office within 30 days after project completion, certifying that the authorized work was completed in accordance with terms and conditions of the authorization.

PERMITTEE: General Public
DA PERMIT NO.: 198226002

APPENDIX C NOTIFICATION PROCEDURE

All persons wishing to complete fish habitat enhancement features in accordance with GP 8202-06 are required to submit a Notice of Intent (NOI) to the Corps at the following address at least 45 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 82009-4942.**

All NOIs must contain sufficient information for the Corps to determine if the project would comply with terms and conditions of GP 8202-06. The NOI must contain all of the documentation described below. However, more detailed information may be requested if necessary to ensure minimal impacts. The permittee cannot undertake any proposed activities until the Corps issues a letter verifying that the project is authorized.

- 1. Permittee:** Name, address and telephone number of the permittee (landowner) and contact persons.
- 2. Adjacent Landowners:** Name, address, and telephone number of adjacent property owners (upstream and downstream) and a statement that they have been notified of the project.
- 3. Project Location:** A legal description of the project location, including borrow and disposal sites, by quarter/quarter section, township, and range. An enlarged copy of the appropriate portion of the U.S. Geological Survey topographic map for the area is the preferred method of identifying the project location.
- 4. Project Description:** A brief written description of the project including:
 - project purpose;
 - number of authorized activities or structures and specific site locations for each;
 - type and volume of dredged or fill material to be discharged at each site;
 - dimensions of each structure, excavation or fill area;
 - length, bankfull width and bankfull depth of the stream;
 - location of wetlands, total wetland area that would be affected (see item 6), and proposed wetland establishment areas to demonstrate no net loss;
 - types of construction equipment to be used;
 - any other pertinent information about the stream.
- 5. Project Drawings:** Drawings of the project, preferably on 11" x 17" paper. Drawings must include a plan view and typical cross sections of the stream with locations of all project features and appropriate dimensions identified. For projects that affect wetlands, a delineation map showing existing wetland boundaries and proposed wetland establishment areas must be provided.
- 6. Aquatic Resources Inventory:** Projects that could affect wetlands must include an aquatic resources inventory for the project area, including all wetlands that could be affected. Wetland delineations must be completed by qualified individuals in accordance with the *U.S. Army Corps of Engineers Wetland Delineation Manual* and appropriate regional supplement. Delineation maps must show all areas that meet the definition of a wetland, and all other water features such as ditches, streams, ponds, and lakes. Projects must be designed to result in no net loss of aquatic habitat, including wetlands.

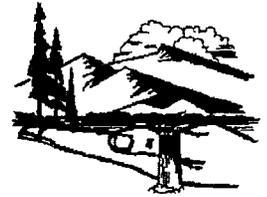
7. Letter of Concurrence: A letter from the Wyoming Game and Fish Department (WGFD) stating that they have reviewed the design and concur with proposed habitat improvement features. The purpose of the letter is to document coordination between the project proponent and the WGFD during development of the project design not as a post-design analysis so early coordination with the WGFD is a prerequisite. The letter must state what aquatic species would benefit from the proposed habitat restoration or enhancement and the relative extent of those benefits. It should also state which, if any, aquatic species could be adversely affected.

8. Photographs: The NOI should include color photographs of the project area, especially typical treatment sites, in order to facilitate processing.



Department of Environmental Quality

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



Matthew H. Mead, Governor

Todd Parfitt, Director

June 29, 2015

Mr. Mike Happold
U.S. Army Corps of Engineers
Wyoming Regulatory Office
2232 Del Range Blvd., Suite 210
Cheyenne, WY 82009

RE: Section 401 Certification of Department of the Army Regional General Permit 198226002, Version 6 (RGP 8202-06) for fish habitat restoration and enhancement in Wyoming.

Dear Mr. Happold,

The Department of the Army Regional General Permit 198226002 (RGP 8202), Version 1 was originally issued in June 1982 for authorization of small-scale fish habitat restoration and enhancement projects in Wyoming. Since that time, RGP 8202 has been re-authorized four times. The current version of this general permit (RGP 8202-05) will expire on July 31, 2015.

In accordance with the provisions of Section 401 of the Clean Water Act, the Wyoming Department of Environmental Quality (WDEQ) has reviewed Department of Army Regional General Permit 198226002, Version 6 (RGP 8202-06) and has made the following determinations:

1. Based on the current Chapter 1 of the Wyoming Water Quality Rules and Regulations, we have found that certification is approved on all Class 2, 3 and 4 waters.
2. Certification is denied where authorized activities would occur on Class 1 waters. Certification of this permit for activities on Class 1 waters must be deferred to the WDEQ for individual 401 certification and public notice. The following list of Class 1 waters in Wyoming can be found in Chapter 1 of the Wyoming Water Quality Rules and Regulations, Appendix A (<http://soswy.state.wy.us/Rules/RULES/9176.pdf>).

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

ADMIN/OUTREACH (307) 777-7758 FAX 777-7682	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 list of Class 1 waters in Wyoming:

- a. All surface waters located within the boundaries of national parks and congressionally designated wilderness areas as of January 1, 1999;
- b. The main stem of the Snake River through its entire length above the U.S. Highway 22 Bridge (Wilson Bridge);
- c. 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;
- d. The main stem of the Wind River from the Wedding of the Waters upstream to Boysen Dam;
- e. 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;
- f. The main stem of the North Platte River from the headwaters of Pathfinder Reservoir upstream to Kortess Dam (Miracle Mile segment);
- g. The main stem of the North Platte River from the Natrona County Road 309 bridge (Goose Egg bridge) upstream to Alcova Reservoir;
- h. The main stem of Sand Creek above the U.S. Highway 14 bridge;
- i. The main stem of the Middle Fork of the Powder River through its entire length above the mouth of Buffalo Creek;
- j. 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;
- k. The main stem of the Sweetwater River above the mouth of Alkali Creek;
- l. The main stem of the Encampment River from the northern U.S. Forest Service boundary upstream to the Colorado state line;
- m. The main stem of the Clarks Fork River from the U.S. Forest Service boundary upstream to the Montana state line;
- n. All waters within the Fish Creek (near Wilson, Wyoming) drainage;
- o. The main stem of Granite Creek (tributary to the Hoback River) through its entire length;

- p. Fremont Lake;
 - q. Wetlands adjacent to the above listed Class 1 waters.
3. All certifications authorized under Department of the Army Regional General Permit 198226002, Version 6 (RGP 8202-06) include the following standard general conditions:
- a. Vegetation must be protected except where its removal is absolutely necessary for completion of the work. Re-vegetate disturbed soil in a manner that optimizes plant establishment for that specific site. Re-vegetation may include topsoil replacement, planting, seeding, fertilization, and weed-free mulching as necessary. Native material shall be used where appropriate and feasible. Re-vegetate cut and fill slopes with appropriate species to prevent erosion.
 - b. All excess stockpiled, dredged or excavated material shall be disposed of at an upland site, not in a wetland or watercourse. All measures and precautions shall be taken to prevent entry of said material into a watercourse during high stream flow or runoff events.
 - c. This certification requires all equipment to be inspected for oil, gas, diesel, anti-freeze, hydraulic fluid and other petroleum leaks. All such leaks will be properly repaired and equipment cleaned prior to being brought on-site. Leaks that occur after the equipment is on-site will be repaired within one day or removed from the project area. The equipment is not allowed to continue operating upon discovery of a leak. In addition, compliance with all State and Federal requirements for storage of petroleum products and solvents is required.
 - d. Construction equipment should not be operated below the existing water surface except as follows:
 - i. Fording at one location is acceptable; however, vehicles should not push or pull material along the bed, banks or shoreline below the existing water level. Impacts from fording should be minimized.
 - ii. Work below the waterline which is essential must be carried out in a manner which minimizes impacts to the aquatic system and water quality.
 - e. Activities associated with this certification shall not increase turbidity by more than 10 nephelometric turbidity units (NTUs) in all cold water fisheries and drinking water supplies (Classes 1, 2AB, 2A and 2B) or by more than 15 NTUs in all warm water or nongame fisheries (Classes 1, 2AB, 2B and 2C). However, in accordance with Section 23(c)(2) of Chapter 1 of the Wyoming Water Quality Rules and Regulations, the administrator of the Water Quality Division may authorize temporary increases in turbidity above the limits described above in response to an individual application for a waiver. The waiver must be approved before the authorized activity may elevate turbidity above these limits.

- f. Any temporary crossings, cofferdams or other structures should be designed to handle high flows/water anticipated to occur while these structures are present. All temporary structures shall be completely removed from the waterbody at the conclusion of the permitted activity and the area restored to a natural appearance.
- g. All fill material should be placed and compacted and subsequently protected from erosion. Areas proposed for fill should be cleared of all vegetation, debris and other materials that may destabilize the fill.
- h. Adequate stabilization and erosion control measures are required for all areas of bank stabilization, bankfull benches, floodplain creation or similar treatments to minimize erosion of these enhancements during high flows. Stabilization and erosion control measures shall include only native materials where appropriate and feasible.
- i. Tops of point or lateral bars, rock structures, log revetments, cross/rock/log vanes, benches, boulders or any other similar treatments shall not exceed the bankfull elevation.
- j. Placement of boulders or logs in the channel shall be done in a way that minimizes lateral convergence scour on streambanks and bar formation.
- k. The period and timing of construction must avoid conflicts with fish spawning. Site specific information on spawning seasons and spawning areas for all fish species may be obtained from the Wyoming Game and Fish Department.
- l. All authorized activities must enhance or restore existing or expected natural stable stream characteristics and allow for effective transport of stream flow and sediment while maintaining a stable channel dimension, pattern and profile without excessive aggradation or degradation.
- m. A WYPDES storm water permit for construction activities is required from the Wyoming Department of Environmental Quality (WDEQ) before any surface disturbance takes place for any project that will clear, grade, or otherwise disturb **one or more acres**. A general permit has been established for this purpose and either the project sponsor or general contractor is responsible for complying with the provisions of the general permit if total disturbance exceeds one acre, and for filing a Notice of Intent (NOI) if total disturbance exceeds five acres. The NOI should be filed no later than 30 days prior to the start of construction activity. Please contact Barb Sahl at 307-777-7570 for additional information.

The major requirements of the storm water general permit pertain to the development and implementation of a pollution prevention plan along with

regular inspection of pollution control facilities. The permit is required for the surface disturbances associated with construction of the project, access roads, construction of wetland mitigation sites, borrow and stockpiling areas, and equipment staging and maintenance areas.

- n. A WYPDES discharge permit from WDEQ may be required for point source discharges to surface waters not related to storm water runoff such as discharges from gravel crushing and washing operations, cofferdam or site dewatering, vehicle or machinery washing, or other material processing operations if they are conducted. Depending on the type of operation, the length of operation, and the type of discharge either a general temporary discharge permit or an individual discharge permit may be required. Please be advised that if an individual permit is required, processing will require at least 90 days. Contact Roland Peterson at 307-777-7090 for additional information.
- o. If above ground storage of petroleum products exceeds 1,320 gallons in total or more than 660 gallons in a single tank a Spill Prevention Control and Countermeasures plan may have to be developed as provided for in the Environmental Protection Agency's Oil Pollution Prevention regulations (40CFR112). The Region 8 EPA office in Denver should be contacted for guidance.

This letter constitutes State certification of this permit as required by Section 401 of the Clean Water Act. This letter 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 that the activity may cause. The Department also reserves the right to amend this certification and any of its terms or conditions as may be appropriate or necessary to protect water quality and associated designated uses.

Sincerely,



Todd Parfitt
Director
Department of Environmental Quality

TP/KF/EGH/rm/15-0568

cc: Paul Dey, Wyoming Game and Fish Department, 5400 Bishop Blvd., Cheyenne, WY
82006