

**2012 Nationwide Permits  
Proposed Regional Conditions In The State of Wyoming  
Corps of Engineers, Omaha District**

**27(a). Wetlands Classified as Peatland**

Permittees must notify the Wyoming Regulatory Office (WRO) in accordance with General Condition 31 (Pre-Construction Notification) prior to undertaking any authorized activities in wetlands classified as peatland. Peatlands are saturated and inundated wetlands where conditions inhibit organic matter decomposition and allow for the accumulation of peat. Under cool, anaerobic, and acidic conditions, the rate of organic matter accumulation exceeds organic decay. Peatlands can be primarily classified into ombrotrophic bogs and minerotrophic fens; the latter subdivided into poor, moderate-rich, and extreme-rich fens, each with distinctive indicator species, community physiognomy, acidity, alkalinity, and base cation content.

**27(b). Waters Adjacent to Natural Springs**

Permittees must notify the WRO in accordance with General Condition 31 (Pre-Construction Notification) prior to undertaking any authorized activities within 100 feet of the water source in natural spring areas. For purposes of this condition, a spring source is defined as any location where there is artesian flow emanating from a distinct point source at any time during the growing season. Springs do not include seeps and other groundwater discharge areas where there is no distinct point source.

**27(c). Class 1 Waters**

Permittees must notify the WRO in accordance with General Condition 31 (Pre-Construction Notification) prior to undertaking any authorized activities in Class 1 waters.

Class 1 Waters in Wyoming are defined as:

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 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; and
17. Wetlands adjacent to the above listed Class 1 waters.

#### **27(d). Statewide Pre-Construction Notification**

Permittees must notify the WRO in accordance with General Condition 31 (Pre-Construction Notification) prior to undertaking any activities authorized by Nationwide Permits 23 and 27.

#### **27(e). Teton County Pre-Construction Notification**

Permittees must notify the WRO in accordance with General Condition 31 (Pre-Construction Notification) prior to undertaking any authorized activities in Teton County.

#### **27(f). Spawning Seasons**

The following is additional information on requirements of General Condition (GC) 3 (Spawning Areas) regarding trout species. However, this information does not diminish the scope of GC 3, which is applicable to all fish species.

Spawning seasons for common trout species are:

Rainbow and Cutthroat Trout - March 15 through July 31

Brown and Brook Trout - September 15 through November 30

Site specific information on spawning seasons and spawning areas for all fish species may be obtained from Fisheries Supervisors in Wyoming Game and Fish Department Regional Offices.

#### **27(g). Blue and Red Ribbon Trout Streams and Native Species Status 1, 2, and 3 Streams**

The Wyoming Game and Fish Department (WGFD) can provide information on Blue Ribbon and Red Ribbon trout streams or waters that contain State Wildlife Action Plan Native Species Status 1, 2, and 3 fish species. Potential effects on these important resources should be considered when formulating a project plan with the intent of minimizing adverse affects. Early coordination with Fisheries Supervisors in WGFD Regional Offices should be conducted prior to submitting a Pre-Construction Notification (PCN) for activities located in these waters. Otherwise, the WRO may

require project modifications to minimize adverse affects after receiving a PCN.

**27(h). Borrow Sites**

The permittee is responsible for ensuring that the Corps is notified of the location of any borrow site that will be used in conjunction with the construction of the authorized activity so that the Corps may evaluate the site for potential impacts to aquatic resources, historic properties, and endangered species. For projects where there is another lead Federal agency, the permittee shall provide the Corps documentation indicating that the lead Federal agency has complied with the National Historic Preservation Act and Endangered Species Act for the borrow site. The permittee shall not initiate work at the borrow site in conjunction with the authorized activity until approval is received from the Corps.

**Suitable Material**

Permittees are reminded of General Condition 6 which prohibits use of unsuitable material.

A list of materials prohibited or restricted as fill material in waters of the United States within Wyoming can be found at <http://www.nwo.usace.army.mil/html/od-rwy/pn/spn4Aug03.pdf>