

## DEPARTMENT OF THE ARMY PERMIT

Permittee GENERAL PUBLIC

Permit No. 199820008 (General Permit 98-08)

Issuing Office OMAHA DISTRICT, CORPS OF ENGINEERS

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:

General Permit (GP) 98-08 authorizes activities associated with Oil and Gas Exploration and Development in the State of Wyoming where those activities require discharges of fill material into waters of the United States, including wetlands. Authorized activities include surveys, roads, utilities, reservoirs, erosion control, and hazardous waste cleanup. See Appendix A for a detailed description of authorized activities. All activities must be accomplished in accordance with the permit general conditions and special conditions contained in Appendix B.

Prospective permittees must submit a Pre-Construction Notification (PCN) to the Corps and receive written verification of the applicability of GP 98-08 prior to undertaking any activities on **non-federal land with non-federal minerals** that require filling more than 0.10 acre of wetland except for hazardous waste cleanup. See Appendix C for the notification procedure.

Verification under GP 98-08 can be obtained from the U.S. Bureau of Land Management (BLM) or the U.S. Forest Service (FS) for all projects located on **federal land or land with federal minerals** without prior notification of the Corps. However, the permittee must submit a Statement of Compliance to the Corps within 30 days after completion of authorized activities that are approved by the BLM or FS and for hazardous waste cleanup projects. See Appendix D for compliance procedure.

### Project Location:

Waters of the United States in Wyoming.

### Permit Conditions:

#### General Conditions:

1. The time limit for completing the work authorized ends on June 30, 2005. 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.

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:

See Appendix B

Further Information:

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

( ) Section 10 of the Rivers 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 the 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.

\_\_\_\_\_  
 (PERMITTEE) \_\_\_\_\_  
(DATE)

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

MARK E. TILLOTSON  
 (DISTRICT ENGINEER)  
 COLONEL, CORPS OF ENGINEERS

6/24/00  
 \_\_\_\_\_  
 BY:  (DATE)  
 PAUL R. WEMHOENER, P.E., CHIEF  
 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)

## APPENDIX A

### AUTHORIZED ACTIVITIES

The following activities qualify for authorization under GP 98-08. Each activity may be implemented individually or in combination with another activity. All authorized activities must comply with conditions listed in Appendix B.

1. **Surveys:** The purpose of these activities is to gather relevant information about an area prior to development. Surveying activities include core sampling, seismic exploratory operations, plugging of seismic shot holes and other exploratory-type bore holes, soil survey and sampling, and historic resources surveys. Plugging of test wells for oil and gas explorations may also be necessary. The width of all surface disturbance in wetland areas is limited to 30 feet and all disturbed areas must be restored to pre-project conditions. Restoration includes reestablishing natural ground contours and replacement of wetland soil in disturbed wetland areas. No permanent above ground fills are authorized. The discharge of drilling mud and cuttings may require a separate permit under Section 402 of the Clean Water Act.
2. **Roads:** The purpose of this activity is to provide either temporary or permanent access to a well location. Road crossings of waters of the U.S. must be culverted, bridged, or otherwise designed to allow passage of expected high flows. Crossings that are designed to function as fords are acceptable. A single road crossing cannot fill more than 0.10 acre of waters of the U.S., including wetlands, and the cumulative wetland area filled for a single road project cannot exceed 0.30 acre for all fills both temporary and permanent.
3. **Pads:** The purpose of this activity is to create a suitable platform for well drilling and production facilities. A single pad cannot fill more than 0.30 acre of wetland for all fills both temporary and permanent. Pads are not authorized in open water areas, including perennial stream channels. However, construction of pads may require relocation of small stream channels to accommodate the pad. Stream channel alterations are authorized on ephemeral streams only and a single pad cannot relocate more than 300 linear feet of a stream. All stream channels that are filled must be replaced by constructed stream channels that conform to the geometry of the natural stream channel and provide a continuous channel section that has at least the same length as the channel section filled.
4. **Utilities:** The purpose of these activities is to link wells with utilities such as electrical power, telecommunications, and pipelines that transport oil and gas products to storage and processing facilities or pipelines that transport produced water. Pipelines include local gathering systems and main transmission lines as well as intake and outfall structures. Construction of pipelines may include temporary fills for access roads and cofferdams. For linear projects (including temporary roads and cofferdams), the width of all surface disturbance in wetland areas is limited to 30 feet and all disturbed areas must be restored to pre-project conditions. Restoration includes reestablishing natural ground contours and replacement of wetland soil in the upper 12 inches of the trench and in all disturbed areas. Temporary sidelaying of excavated material for less than 90 days is authorized but no permanent above ground fills are authorized except for intake and outfall structures. The volume of fill for those structures is limited to 30 cubic yards. Pipeline projects must also be designed to prevent the trench and bedding material from acting as a sub-surface drain in wetlands. It may be necessary to install ditch plugs or collars to prevent drainage. Directional drilling at stream crossings is encouraged and may be required in some cases to avoid other adverse environmental consequences.

## APPENDIX A

### AUTHORIZED ACTIVITIES (continued)

5.       Reservoirs: The purpose of this activity is to construct new earthen dams or rehabilitate existing dams to impound water produced by Coal Bed Methane wells. Construction of reservoirs for containing petroleum products other than produced water is not authorized. However, produced water may contain minor amounts of petroleum products provided the reservoir complies with Wyoming Water Quality Rules and Regulations, Chapter 1, Section 29, concerning oil and grease accumulation. Dams cannot exceed 20 feet in height and cannot fill more than 0.30 acre of wetland.
6.       Erosion Control: The purpose of these activities is to construct structures to prevent erosion of stream channels due to discharges of water produced by Coal Bed Methane wells. Erosion control structures include revetments, stream barbs, and various grade control structures. The volume of fill cannot exceed 1 cubic yard per linear foot for revetments and 30 cubic yards per structure for stream barbs and grade control structures.
7.       Hazardous Waste Cleanup: The purpose of these activities is to effect the containment, stabilization or removal of hazardous or toxic waste materials that are performed, ordered, or sponsored by a government agency with established legal or regulatory authority. Court ordered remedial action plans or related settlements are also authorized. Containment and cleanup activities may include temporary berms, pits, or ditches to control spills as well as temporary access roads and pipelines. **The establishment of new disposal sites or the expansion of existing sites used for the disposal of hazardous or toxic waste is not authorized.** Authorization under Section 404 of the Clean Water Act is not required for activities undertaken entirely on a CERCLA site by authority of CERCLA as approved or required by the U.S. Environmental Protection Agency.
8.       Mitigation. The purpose of this activity is to replace wetlands and other waters adversely effected by construction of other authorized activities. Most forms of compensatory mitigation do not require additional authorization, such as wetland creation in upland areas. However, there are situations where construction of a mitigation area requires filling existing waters of the U.S., such as expansion of an existing wetland or reservoir. Wetland mitigation activities cannot fill more than 0.10 acre of wetland at each mitigation site and all wetland areas filled must also be included in the mitigation requirement.

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## APPENDIX B

### SPECIAL CONDITIONS

1. **Notification:** For projects on non-federal land with non-federal minerals, the prospective permittee or a designated agent for the permittee must notify the U.S. Army Corps of Engineers (Corps) with a Pre-Construction Notification (PCN) in accordance with the Notification Procedure described in Appendix C. A PCN is required prior to initiating any project that includes activities subject to regulation under Section 404 of the Clean Water Act which requires filling more than 0.10 acre of wetland except for hazardous waste cleanup. The permittee shall not undertake any such activities unless and until the Corps provides written confirmation that the project is authorized under GP 98-08. The Corps may determine that a standard (individual) Department of the Army permit is required in accordance with 33 CFR 325.2(e)(2). **Prospective permittees can obtain authorization under GP 98-08 from the U.S. Bureau of Land Management (BLM) or U.S. Forest Service (FS) for all projects located on federal land or land with federal minerals without prior notification of the Corps. However, the notification requirement described above would apply in those areas if the BLM or FS declines.**

2. **Compliance Certification:** For projects that are authorized by the BLM or FS and for hazardous waste cleanup projects, the permittee must submit a Statement of Compliance to the Corps within 30 days after completion of authorized activities as described in Appendix D.

3. **Water Quality:** The permittee must comply with all conditions issued in accordance with water quality certifications under Section 401 of the Clean Water Act (see 33 CFR Part 330.4(c)). The Wyoming Department of Environmental Quality (WDEQ) issued water quality certification with conditions for activities in the State of Wyoming outside the boundaries of the Wind River Indian Reservation and a copy of the certification letter is attached. **Please note that the WDEQ has not approved the use of GP 98-08 in Class 1 waters and waters requiring a TMDL in Tables A and C of the 303(d) list. A listing of those waters is included in the WDEQ's certification letter. Individual certification from the WDEQ is required prior to undertaking any activities in those waters.**

The U.S. Environmental Protection Agency (EPA) has not approved the use of GP 98-08 for any activities within the boundaries of the Wind River Indian Reservation. **Individual certification from the EPA is required prior to undertaking any activities on Tribal lands.**

4. **Best Management Practices:** Permittees are required to conduct authorized activities according to the following guidelines in order to avoid and minimize adverse effects on water quality and the aquatic environment.

- (a) Control the storage and disposal of petroleum products, chemicals, or other deleterious materials in such a way that it cannot enter waters of the U.S., including wetlands;
- (b) Control all construction debris, fill, and other materials disposed on upland in such a way that it cannot enter waters of the U.S., including wetlands;
- (c) Undertake all work in such a manner so as to limit increases in suspended solids and turbidity;
- (d) Limit the clearing of vegetation to that which is absolutely necessary for construction;
- (e) Maintain appropriate erosion and siltation controls in effective operating condition during construction, stabilize all exposed soil and any disturbed areas at the earliest practicable date; and
- (e) Advise downstream water users of any adverse water quality changes caused by construction.

## APPENDIX B

### SPECIAL CONDITIONS (continued)

5. **Suitable Fill Material:** No discharge may consist of unsuitable materials (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.
6. **Stockpiling:** Storage of excess soil or unwanted vegetation in waters of the U.S., including wetlands, outside of approved areas is not authorized.
7. **Scrub-Shrub and Forested Wetlands:** No activity is authorized that would impact more than 0.10 acre of scrub-shrub and forested wetland combined as identified under the Cowardin classification system. Any areas identified on a National Wetland Inventory map with a "PSS" or "PFO" classification are likely to be scrub-shrub or forested wetlands.
8. **Organic Soils:** No activity is authorized that would impact more than 0.10 acre in wetland areas with organic soils that have at least 8 inches of peat at the surface (Histic epipedon) and in some cases more than 16 inches of peat (Histosols).
9. **Springs:** No activity is authorized within 100 feet of the source in natural spring areas. For purposes of this condition, a spring source is defined as any location where there is natural artesian flow emanating from a distinct point at any time during the growing season. Springs do not include seeps and other groundwater discharge areas where there is no distinct point source.
10. **Wetland Mitigation:** All projects must be designed to avoid wetlands and minimize adverse effects on wetlands that cannot be avoided. Wetlands that are temporarily filled (less than 90 days) must be restored. Restoration includes reestablishing natural ground contours and replacement of wetland soil in disturbed wetland areas. Wherever possible fill should be removed from wetlands if it is not absolutely necessary, such as reducing the size of a well pad after the drilling operation is complete. Projects that permanently fill more than 0.25 acre of wetland for all activities combined must be designed to restore or create similar wetland (in-kind) elsewhere, preferably near the project area (on-site), at a minimum replacement ratio of 1:1 for all wetland areas that are permanently filled. **This mitigation requirement does supersede or prevent any other federal, state, or local agency with jurisdiction over the project from imposing additional mitigation and on some projects a lower threshold and higher ratios may be required.** Construction of the mitigation area must be concurrent with construction of the project and must be completed when the project is completed. Mitigation must be successful based upon plant species and composition. There must be at least 60 percent plant coverage over the entire mitigation area with a dominance of hydrophytic plant species within 3 years after construction. Annual monitoring reports may be required to document mitigation results. If mitigation is unsuccessful, the permittee will be required to mitigate the project's wetland impacts by implementing another method to be approved by the Corps and other federal agencies, if applicable.
11. **Historic Properties:** No activity 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.

## APPENDIX B

### SPECIAL CONDITIONS (continued)

12. **Threatened and Endangered Species:** No activity is authorized that is likely to jeopardize the continued existence of species, or critical habitats, designated or proposed for designation as threatened or endangered pursuant to the Endangered Species Act of 1972. Therefore, prospective permittees must notify the Corps prior to undertaking any activities on non-federal lands with non-federal minerals in the following areas:

- a. Perennial and ephemeral streams and associated wetlands between 4,000 and 7,000 feet mean sea level (msl) in Converse, Goshen, Laramie, Platte, and Niobrara Counties and in the Green River basin.
- b. Within 0.5 miles of and including the Hutton Lake and Mortenson Lake National Wildlife Refuges and all sections in Township 15 North, Range 75 West, Albany County.
- c. Wetland areas located in a floodplain below 8,100 feet msl within the North Platte River, South Platte River, and Lodgepole Creek Basins east of the crest of the Laramie Mountains in Albany, Converse, Goshen, Laramie, and Platte Counties.
- d. Areas within 1 mile of an active bald eagle nest site.
- e. Riparian wetland areas from 6,000 to 11,000 feet msl in the Medicine Bow Mountains, Wind River Range, Gros Ventre Range, Absaroka Range, and Bighorn Mountains.
- f. All of northwestern Wyoming west of U.S. Highways 120 and 789; and north of the 9th Standard Parallel North, excluding the Wind River Indian Reservation.
- g. All areas in the Platte River and Green River basins when the activity would cause new water depletions or allow the continuation of historic water depletions. Water depletions include changes in timing of flows, evaporative losses, and consumptive uses.

13. **Wild and Scenic Rivers:** No activity 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 activity will not adversely effect the Wild and Scenic River designation, or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, U.S. Bureau of Land Management, U.S. Fish and Wildlife Service).

14. **Tribal Rights:** No activity is authorized that would impair reserved Tribal rights; including, but not limited to, mineral, water, fishing, and hunting rights.

15. **Spawning Areas and Aquatic Life Movement:** No activities are allowed in active spawning areas during the spawning season of fish and other aquatic life indigenous to the waterbody and no activity may substantially disrupt the movement of species indigenous to the waterbody, including migratory species, unless the activities purpose is to impound water. General spawning seasons for the most common fish species in Wyoming are listed below:

- |                             |                                    |
|-----------------------------|------------------------------------|
| 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 active spawning areas from Fisheries Supervisors in the Wyoming Game and Fish Department's Regional Offices.

PERMITTEE: General Public  
DA PERMIT NO.: 199820008

## APPENDIX C

### PRE-CONSTRUCTION NOTIFICATION

For projects located on non-federal lands with non-federal minerals, the producer (applicant) or a designated agent for the applicant must notify the U.S. Army Corps of Engineers with a Pre-Construction Notification (PCN) as early as possible and prior to initiating any activities under General Permit (GP) 98-08 that would require filling more than 0.10 acre of wetland except for containment and cleanup of hazardous waste. All PCN's must be in writing and must include project specific information as described in Items 1-6 below. The standard permit application form (Form ENG 4345) may be used for the notification, but must clearly indicate that it is a PCN for GP 98-08.

1. Name, mailing address, contact person, and telephone number(s) of the applicant.
2. Names, mailing addresses, and telephone number(s) of adjacent property owners (neighbors) and a statement that they have been notified in advance and given an opportunity to comment on projects that include a reservoir.
3. Copy of the appropriate portion of a U.S. Geological Survey map with the project location labeled.
4. Brief project description including the well name and information on all activities to be authorized.
5. Project drawings with appropriate dimensions of lengths and areas for all activities to be authorized.
6. Wetland delineation for the entire project area. Delineations must be prepared in accordance with Corps Wetland Delineation Manual dated January 1987. A PCN is not considered to be complete until the Corps receives an acceptable wetland delineation. The applicant may hire a qualified consultant to complete a delineation and a list of consultants is available.
7. Mitigation plan for all projects that would permanently impact more than 0.25 acre of wetland. The plan must include a complete description of soil and water manipulation techniques, revegetation techniques, plan view and cross-sectional drawings, and a map that shows the mitigation area location.
8. Photographs of the project area and proposed mitigation area.

All Pre-Construction Notification's must be sent to:

U.S. Army Corps of Engineers  
Wyoming Regulatory Office  
2232 Dell Range Boulevard, Suite 210  
Cheyenne, Wyoming 82009-4942

Questions concerning PCN procedure should be directed to the Wyoming Regulatory Office at the above address or by telephone at (307) 772-2300.

PERMITTEE: General Public  
DA PERMIT NO.: 199820008

## APPENDIX D

### STATEMENT OF COMPLIANCE

For projects verified by the U.S. Bureau of Land Management (BLM) or U.S. Forest Service (FS) under General Permit (GP) 98-08 or for hazardous waste cleanup projects, the permittee must submit the following information as a Statement of Compliance for projects that require filling more than 0.10 acre of wetland. The purpose is to document activities authorized under GP 98-08. The permittee must submit the information requested below within 30 days after completion of authorized activities.

1. Full name, mailing address, contact person, and telephone number of the permittee.
2. Copy of the appropriate portion of a U.S. Geological Survey map with the project location labeled.
3. Brief project description including the well name and information on all authorized activities.
4. Project drawings with appropriate dimensions of lengths and areas for all authorized activities.
5. Date construction began.
6. Date construction was completed.
7. The following information must be obtained from the BLM or FS Environmental Assessment for road crossings, pads, and reservoirs:
  - a. Name, mailing address, and telephone number of the BLM or FS office that issued the verification.
  - b. Area of wetland filled for each activity.
  - c. Length of stream channel filled if applicable.
8. Description of mitigation strategy for projects that permanently impact more than 0.25 acre of wetland, including a map showing the mitigation area location.
9. Date mitigation was completed.
10. Photographs of the project area and mitigation area.
11. The following statement:

I hereby certify that the activities described above were completed in accordance with the terms and conditions of GP 98-08 and that all mitigation required as a condition of the permit was completed in accordance with appropriate mitigation guidelines. I understand that authorized activities are subject to inspection by a U.S. Army Corps of Engineers representative and that failure to comply with the terms and conditions of the permit could result in permit suspension, modification, or revocation.

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Signature of Permittee

All Statements of Compliance must be sent to:

U.S. Army Corps of Engineers  
Wyoming Regulatory Office  
2232 Dell Range Boulevard, Suite 210  
Cheyenne, Wyoming 82009-4942



The State of Wyoming



# Department of Environmental Quality

Jim Geringer, Governor

Herschler Building • 122 West 25th Street • Cheyenne, Wyoming 82002

ADMIN/OUTREACH 307-777-7758 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 777-6937	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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April 7, 1999

Tom Johnson  
U.S. Army Corps of Engineers  
2232 Dell Range Blvd., Suite 210  
Cheyenne, WY 82009

**RE: Section 401 Certification of pending Corps of Engineers General Permit 98-08 authorizing Oil and Gas activities in Wyoming.**

Dear Mr. Johnson:

According to the provisions of the State certification program for activities requiring dredge and fill permits from the U.S. Army Corps of Engineers, this office has reviewed the proposed General Permit and presents the following conditions for the proposed permit:

**Activities Requiring Individual 401 Certification:**

1. Class 1 Waters - Individual review and certification by the State is required on all permit applications occurring on waters of the State designated as Class1 as listed in Appendix A of Chapter 1 of the Water Quality Rules and Regulations.
2. Waters requiring a TMDL - Individual review and certification by the State is required on all permit applications occurring on waters of the State which are listed on Table A and Table C of the 303(d) list. These waters have been identified as requiring a Total Maximum Daily Load (TMDL). Table descriptions are provided below:

Table A: Waterbodies requiring TMDLs for which there is credible data that indicates that the reach does not support all its designated uses.

Table C: Waterbodies requiring TMDLs for which there is data indicating trends away from supporting beneficial use and where there are improvement plans or other corrective actions in progress.

RECEIVED  
4/15/99

The DEQ produces the 303(d) list and is available via our website at [deq.state.wy.us/wqd/98303dlt.htm](http://deq.state.wy.us/wqd/98303dlt.htm). Copies of tables A and C are also enclosed for your convenience.

**General Conditions for Authorized Activities:**

1. Road Construction - No additional conditions are needed.
2. Reservoir Construction - No additional conditions are needed.
3. Pipeline Construction - Every authorization for pipeline construction by the Corps which is not subject to an individual 401 certification must include the following language:
  - a. Directional drilling should be considered when crossing perennial streams. When directional drilling is utilized, drilling pits should be located far enough back from the channel that stream bank stability is not reduced.
  - b. Where pipeline crossings of streams will be done by trenching, stream banks should be restabilized with large angular rock or wire enclosed riprap. Substrate layers should be replaced in the same order that they are removed. Pipeline crossings of riparian areas and streams should be at right angles to minimize area of disturbance.
  - c. The line should be installed below the streambed to a depth which will prevent erosional exposure of the line to free flowing water. In areas of high stream velocity where scouring may occur, the pipe should be encased in concrete or covered with rock riprap to prevent the pipeline from becoming exposed.
  - d. The joints should be welded, glued, cemented, or fastened together in a manner to provide a durable water tight connection. Whenever possible, the stream should be spanned by a single unjointed section of pipe.
  - e. For pipelines carrying toxic or hazardous material, crossings of live streams should be protected by automatic shutoff valves.
  - f. When corrosive materials are transported across a water of the state, pipelines should be of non-corrodible material to prevent leakage.
  - g. Construction methods should provide for eliminating or minimizing discharges of turbidity, sediment, organic matter, or toxic chemicals. A settling basin or cofferdam may be required for this purpose.
  - h. Special consideration should be given to pipeline crossings in the vicinity of public water supply intakes. The operation should be timed and designed so as not to interfere with the use of the water by the water supplier.

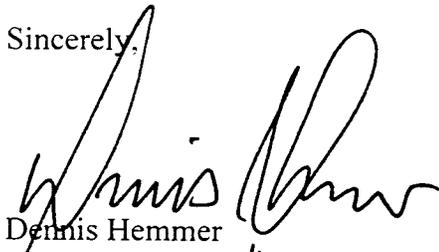
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- i. Upon completion, the streambed should be returned to its original elevation and configuration. All temporary fills must be removed in their entirety.
- j. Streambanks should be returned to a stable condition and revegetated with appropriate endemic species.

4. Mitigation - No additional conditions are needed.

The Wyoming Department of Environmental Quality certifies this General Permit is acceptable providing that federal implementation is in accordance with the above stated conditions. This letter satisfies the requirements of Section 401 of the Federal Clean Water Act for all covered activities within the State of Wyoming excluding federal trust lands located on the Wind River Indian Reservation. 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.

Sincerely,



Dennis Hemmer  
Director  
Department of Environmental Quality

DH/GB/CA/bb/90765.ltr

Enclosures

cc: Tom Collins, Wyoming Game and Fish, Cheyenne w/enclosures  
Dave Ruitter, EPA, Denver (8 EPR-EP) w/enclosures  
Michael Long, US FWS, Cheyenne w/enclosures

Wyoming Department of Environmental Quality  
Class 1 Waters

- a. All surface waters located within the boundaries of national parks and congressionally designated wilderness areas;
- 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 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 boundary of the Wind River Indian Reservation upstream to Boysen Dam;
- e. The main stem of the North Platte River from the Mouth of Sage Creek (approximately 15 miles below 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 Kortés Dam;
- 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 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 of the Hoback River) through its entire length;
- p. Fremont Lake;
- q. All streams that are tributary to the above listed waters and are otherwise unlisted in Chapter 1, Appendix A of the Wyoming Water Quality Rules and Regulations; and
- r. Wetlands adjacent to Class 1 waters are also treated as Class 1.

**1998 303(d) List of Impaired or Threatened Waterbodies  
occurring on Table A or Table C**

<i>Basin Name</i>	<i>HUC</i>	<i>Location</i>	<i>Class</i>	<i>Credible Impairments</i>
BF BELLE FOURCHE	10120201	Exceedences measured below Hulett. Impairment unknown distance above and below.	2WW	FECAL
BF BELLE FOURCHE	10120201	Exceedences measured below Moorcroft. Impairment unknown distance above and below.	2WW	FECAL
BF GILLETTE FISHIN	10120201	Gillette Fishing Lake.	2WW	SILT PHOSPHATE
BH OCEAN LAKE	10080005	Ocean Lake.	2WW	SILT
BR BRIDGER CR	16010101	Utah line upstream.	2	SILT
GR GREEN R E FK S	14040107	From confluence with West Fork to Utah Line.	2	SILT
GR GREEN R HAMS	14040107	Exceedences measured at Diamondville. Impairment unknown distance above and below.	2	pH
GR GREEN R W FK S	14040107	Between East Fork and Utah Line.	2	SILT
GR REARDON DRAW	14040101	Lower 3 miles from confluence with Green River.	4	PHYSICAL DEGRADATION
GR WILLOW CR	14040107	Between Black's Fork and Utah Line	2	SILT
LS HAGGARTY CR	14050003	From Ferris-Haggarty Mine an unknown distance below Highway 70.	2	SILVER LEAD COPPER CAD
LS LITTLEFIELD CR	14050004	All above Muddy Creek.	2	SILT
LS LOCO CR	14050003	Above confluence with West Fork Loco Creek.	2	SILT NUTRIENTS TEMP
LS LOCO CR	14050003	Below confluence with West Fork Loco Creek.	2	SILT NUTRIENTS TEMP
LS LOCO CR W FK	14050003	All above Loco Creek.	2	SILT NUTRIENTS TEMP

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occurring on Table A or Table C**

<i>Basin Name</i>	<i>HUC</i>	<i>Location</i>	<i>Class</i>	<i>Credible Impairments</i>
LS	MCKINNEY CR 14050004	All above Muddy Creek.	2	SILT
LS	MUDDY CR 14050004	West of State Hwy 789.	3	SILT SAL/TDS
LS	MUDDY CR 14050004	Above Alamosa Gulch.	2	SILT
LS	SAVERY CR 14050003	Between Little Sandstone Cr and North Fork Savery Ck.	2	SILT
NP	CROOKS CR 10180006	From SW NE S18 T28N R92W unknown distance downstream.	2	OIL DEPOSITS
NP	MCMASTERS RE 10150002	McMasters Reservoir Niobrara County	2	FISH KILLS
NP	N PLATTE R 10180007	Exceedences measured at Casper. Impairment from Kendrick return unknown distance downstream.	2	SELENIUM
NP	SAGE CR 10180002	From confluence with North Platte River to State Hwy 71.	4	PHYSICAL DEGRADATION
NP	WHEATLAND CR 10180011	Exceedences measured below Wheatland. Impairment unknown distance above and below.	3	NH3
PR	CRAZY WOMAN 10090205	Reaches within T49N R82W.	2	SILT NUTRIENTS TDS
PR	HUNTER CR 10090206	S10 T50N R84W	2	HEAVY SILTATION FROM R
PR	POWDER R 10090202	Exceedences measured at Sussex. Impairment unknown distance above and below.	2WW	CHLORIDE
PR	SALT CR 10090204	USGS near Sussex. Impairment in Powder R.	4	OIL SPILLS, TDS
SP	CROW CR 10190009	Exceedences measured near Archer. Impairment unknown distance above and below.	3,4	CADMIUM NH3 FECAL
SR	SPREAD CR N F 17040101	1 mile reach in S13&14 T44N R111W.	2	SILT

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occurring on Table A or Table C**

<i>Basin Name</i>	<i>HUC</i>	<i>Location</i>	<i>Class</i>	<i>Credible Impairments</i>
TR BIG GOOSE CR	10090101	Exceedences measured near Sheridan. Impairment unknown distance above and below.	2	FECAL
TR LITTLE GOOSE C	10090101	Exceedences measured at Sheridan. Impairment unknown distance above and below.	2	FECAL
YR SQUAW CR	10070006	Reach in S28,29&33 T57N T106W.	2	SILT
YR YELLOWSTONE	10070006	Exceedences measured at Montana border. Impairment unknown distance below.	1	COPPER (FROM MONTANA)