



**US Army Corps
of Engineers**
Omaha District

PUBLIC NOTICE

Application No: 200340098

Applicant: Wyoming Department of Transportation

Waterway: Hoback River and Wetlands

Issue Date: April 21, 2004

Expiration Date: May 20, 2004

30 DAY NOTICE

Wyoming Regulatory Office 2232 Dell Range Blvd., Suite 210 Cheyenne, Wyoming 82009

**JOINT NOTICE OF PERMIT PENDING
U.S. ARMY CORPS OF ENGINEERS
AND**

WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY

The application of the Wyoming Department of Transportation, 5300 Bishop Boulevard, Cheyenne, Wyoming, 82009, is being considered by the District Engineer, U.S. Army Corps of Engineers, Omaha, Nebraska, for approval of plans and issuance of a permit under the authority of the Secretary of the Army. A permit, if issued, will be under the provisions of Section 404 of the Clean Water Act of 1972, as amended.

The applicant has requested authorization to construct a road improvement project on two sections of U.S. Highway 189/191 in the vicinity of Bondurant between Daniel Junction and Hoback Junction known as the Dell Creek Section and Pfisterer Section (WYDOT Project Nos. 013-02[64] & 013-02[76]). The total length of the project is 11.3 miles. The purpose of the project is to correct roadway deficiencies and improve public safety.

The project would require widening the shoulders; improvement of clear zones; correction of horizontal and vertical alignment; and improvement of intersection alignments. As currently proposed, construction of the project would require filling wetlands at 79 locations and other waters of the U.S. at 11 locations. The Corps has determined that wetlands at 14 locations are not waters of the U.S. (non-jurisdictional). The total area of jurisdictional wetland that would be filled is 5.79 acres and 0.96 acre of non-jurisdictional wetland would be filled. The total volume of fill placed in other waters of the U.S., primarily for a minor encroachment and bank stabilization in the Hoback River, would be 642 cubic yards filling an area of 0.20 acre. Tables that describe wetland areas and other waters that would be affected at each location are attached. Detailed drawings of the project as proposed consist of 26 sheets and are too numerous to include in this notice. Copies of the project drawings are available for viewing at the Wyoming Regulatory Office.

The project begins at the northern end of the Dell Creek Section (Milepost 147.64) in the northwest quarter of Section 24, Township 38 North, Range 114 West and ends at the southern end of the Pfisterer Section (Milepost 136.33) in the southeast quarter of Section 20, Township 37 North, Range 112 West, Sublette County, Wyoming. Cover sheets from the project drawings that show locations of the Dell Creek and Pfisterer Sections are attached.

The applicant has submitted a plan for compensatory wetland mitigation by creation of wetlands adjacent to the Hoback River within the project area. The proposed site is located at the River Bend Ranch in the northeast quarter of the southeast quarter of Section 23, Township 37 North, Range 113 West, Sublette County, Wyoming. The plan includes creation of 6.56 acres of wetland, consisting of shrub swamp and wet meadow wetland types. Copies of drawings showing the proposed mitigation plan are attached. However, the Corps has not yet approved this or any other compensatory mitigation plan.

The U.S. Army Corps of Engineers is soliciting comments from the public; federal, state, and local agencies; Indian tribes; and other interested parties in order to consider and evaluate the impacts of the project. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental affects, and other public interest factors. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the project.

Any person may request, in writing and within the comment period specified in this notice, that a public hearing be held for the purpose of gathering additional information. Requests for public hearings must be identified as such and shall state specifically the reasons for holding a public hearing and shall identify what additional information would be obtained. The request must be submitted to the Corps at the following address:

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

Any interested party (particularly officials of any town, county, state, federal agency, or local association whose interests may be affected by the project) is invited to submit to this office written facts, arguments, or objections on or before the expiration date of this notice. Any agency or individual having an objection to the project should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this application. All replies to the public notice should be mailed to the address listed above. Mr. Thomas Johnson, telephone number (307) 772-2300, may be contacted for additional information.

The Wyoming Department of Environmental Quality (WDEQ), Water Quality Division, Herschler Building, 122 West 25th Street, Cheyenne, Wyoming 82002, will review the project with an intent to certify in accordance with provisions of Section 401 of the Clean Water Act of 1972, as amended. The certification, if issued, will express the state's opinion that the project will not result in a violation of applicable water quality standards. The WDEQ hereby incorporates this public notice as its own public notice and procedures by reference thereto.

The Corps has confirmed compliance with the National Historic Preservation Act of 1966. This project is partially funded by the Federal Highway Administration (FHWA). An Environmental Assessment (EA) for this project was completed by the FHWA and Wyoming Department of Transportation (WyDot) in January 2004. The EA addresses potential affects on cultural resources. In a letter dated January 17, 2003, the Wyoming State Historic Preservation Officer concurred with a determination that "no historic properties will be adversely affected". A copy of the EA is available from the WYDOT web site at http://dot.state.wy.us/web/e_docs/index.html

The Corps has confirmed compliance with the Endangered Species Act of 1973 (ESA). The FHWA has initiated formal consultation under Section 7 of the ESA and submitted a Biological Assessment to the U.S. Fish and Wildlife Service on January 23, 2004. More information on threatened and endangered species is provided in the EA and is available for the WYDOT web site.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the project on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife, flood plains, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, and considerations of property ownership. In addition, the evaluation will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404 (b) of the Clean Water Act of 1972, as amended (40 C.F.R.; Part 230).

Comments received after the close of business on the expiration date of this public notice will not be considered.

Public Notices issued by the Wyoming Regulatory Office can also be obtained by visiting its web site at <http://www.nwo.usace.army.mil/html/od-rwy/Wyoming.htm>.

WETLANDS AND WATERS OF THE U.S. IMPACT AREAS

WEST, Inc. Site Number	Station		Type	Permanent Impact Area	Volume of Fill	Comments
				(acres)	(cubic yards)	
21	9+95 - 10+40	Lt	Type 6- Shrub Swamp	0.005		Disturbance due to increased roadway width. (1) (2)
21	10+60 - 12+90	Lt	Type 6- Shrub Swamp	0.040		Disturbance due to increased roadway width. (1) (2)
1	13+15 - 13+60	Rt	Type 2- Wet Meadow	0.006		Alignment shifted to avoid slide area. Retaining wall added to reduce impacts to wetland and Hoback River. (2)
1	14+30 - 21+30	Rt	Type 2- Wet Meadow	0.215		Alignment shifted to avoid slide area. Retaining wall added to reduce impacts to wetland and Hoback River. (2)
—	19+35 - 21+00	Rt	Waters of the U.S.	0.051	164.6	
20	22+70 - 24+90	Lt	Type 6- Shrub Swamp	0.106		Disturbance due to increased roadway width. (2)
2	22+50 - 24+60	Rt	Type 6- Shrub Swamp	0.108		
20	25+25 - 25+80	Lt	Type 6- Shrub Swamp	0.016		
3	27+05 - 27+20	Rt	Type 3- Shallow Marsh	0.004		Wetland is associated with irrigation ditch that will be relocated outside of existing row. (2)
4	39+20 - 44+25	Lt	Type 2- Wet Meadow	0.349		Disturbance due to increased roadway width, cannot be avoided with steeper fill slopes. (2)
4	39+15 - 39+50	Rt	Type 2- Wet Meadow	0.004		Disturbance due to increased roadway width. (2)
18	44+40 - 55+60	Lt	Type 2- Wet Meadow	0.760		Disturbance due to increased roadway width, cannot be avoided with steeper fill slopes. (2)
5	47+10 - 47+90	Rt	Type 2- Wet Meadow	0.007		Alignment shift to north minimized impacts. (2)
5	48+25 - 50+40	Rt	Type 2- Wet Meadow	0.033		
5	51+15 - 52+80	Rt	Type 2- Wet Meadow	0.004		
5	53+15 - 55+00	Rt	Type 2- Wet Meadow	0.027		
5	55+05 - 55+80	Rt	Type 2- Wet Meadow	0.004		
6	70+00 - 71+40	Rt	Type 6- Shrub Swamp	0.013		Alignment shift to north minimized impacts. (2)
—	81+75 - 82+15	Rt	Waters of the U.S.	0.075	326.7	Disturbance due to increased roadway width and culvert installation. Associated with irrigation ditch that will be relocated. (1) (2)
—	82+70 - 83+00	Rt	Waters of the U.S.	0.010	43.6	
—	85+20 - 85+60	Lt	Waters of the U.S.	0.009	29.0	Wetland is associated with irrigation ditch that will be relocated outside of existing row. (1) (2)
—	132+70 - 132+90	Lt	Waters of the U.S.	0.003	2.4	Wetland is associated with irrigation ditch that will be relocated outside of existing row. (1) (2)
15	140+15 - 144+70	Lt	Type 2- Wet Meadow	0.069		
9	209+00 - 209+35	Rt	Type 6- Shrub Swamp	0.031		Disturbance due to increased roadway width and culvert installation. Alignment shift avoided wetland northeast of roadway. (2)
—	233+40 - 234+60	Lt	Waters of the U.S.	0.019	24.5	Disturbance due to increased roadway width and culvert installation. (2)

WETLANDS AND WATERS OF THE U.S. IMPACT AREAS

WEST, Inc. Site Number	Station		Type	Permanent Impact Area	Volume of Fill	Comments
				(acres)	(cubic yards)	
---	234+20 - 234+60	Rt	Waters of the U.S.	0.016	23.2	Disturbance due to increased roadway width and culvert installation. (2)
14	236+10 - 245+50	Lt	Type 2- Wet Meadow	0.470		Disturbance due to increased roadway width. Alignment cannot be shifted due to close proximity of Bondurant. (1) (2)
10	243+00 - 245+80	Rt	Type 6- Shrub Swamp	0.102		
14	245+60 - 246+75	Lt	Type 2- Wet Meadow	0.032		
10	246+60 - 247+10	Rt	Type 2 - Wet Meadow	0.002		
10	247+80 - 248+70	Rt	Type 2 - Wet Meadow	0.002		
10	250+15 - 251+00	Rt	Type 6- Shrub Swamp	0.015		
---	256+00 - 256+30	Lt	Waters of the U.S.	0.007	6.8	Disturbance due to increased roadway width and culvert installation. (1) (2)
11	256+00 - 256+35	Lt	Type 2- Wet Meadow	0.005		
11	256+60 - 256+80	Rt	Type 2- Wet Meadow	0.003		
---	256+60 - 256+85	Rt	Waters of the U.S.	0.003	9.7	
12	267+80 - 270+85	Rt	Type 2- Wet Meadow	0.058		Disturbance due to increased roadway width. Alignment cannot be shifted due to close proximity of Bondurant. (1) (2)
12	271+20 - 272+60	Rt	Type 2- Wet Meadow	0.015		
13	272+25 - 274+30	Lt	Type 2- Wet Meadow	0.020		
TOTAL IMPACT AREA				2.718	630.5	

- (1) Alignment in these locations is located on existing centerline.
 (2) Wetlands are located on both sides of roadway for some distance, shifting alignment to avoid wetlands is not possible.

NON-JURISDICTIONAL WETLAND AREAS*

WEST, Inc. Site Number	Station		Type	Permanent Impact Area (acres)
19	27+15 - 34+30	Lt	Type 2- Wet Meadow	0.221
17	62+10 - 63+55	Lt	Type 6- Shrub Swamp	0.046
16	93+05 - 93+25	Lt	Type 6- Shrub Swamp	0.002
8	137+50 - 138+45	Rt	Type 6- Shrub Swamp	0.027
8	138+65 - 140+30	Rt	Type 6- Shrub Swamp	0.024
TOTAL IMPACT AREA				0.320

* Areas Determined Non-Jurisdictional Per U.S Army Corps of Engineers Letter Dated July 31, 2003

TOTAL PERMANENT IMPACTS BY WETLAND TYPE

Wetland Type	Acres	Cubic Yards
Type 2 - Wet Meadow	2.085	
Type 3 - Shallow Marsh	0.004	
Type 6 - Shrub Swamp	0.436	
Waters of the U.S.	0.193	630.5
Total	2.718	630.5

SUMMARY OF REVISIONS

Date	Acres	Comment
03/06/03	3.811	Original calculation
06/30/03	3.359	Reduction in Slopes
1/5/2004	2.961	Corps jurisdictional determinations and design reductions
2/5/2004	3.016	Addition of impact area near retaining wall - Sta. 20+00
3/23/2004	2.718	Corps jurisdictional determinations and design revisions

WETLANDS AND WATERS OF THE U.S. IMPACT AREAS

WEST, Inc. Site Number	Station		Type	Permanent Impact Area	Volume of Fill	Comments
				(acres)	(cubic yards)	
22	281+20 - 283+70	Rt	Type 2 - Wet Meadow	0.061		Disturbance due to increased roadway width and culvert installation. (1) (2)
—	283+60 - 285+70	Lt	Type 2 - Wet Meadow	0.085		Disturbance due to increased roadway width and culvert installation. Wetland is associated with irrigation ditch that will be relocated outside of existing row. (1) (2)
47	287+00 - 287+30	Lt	Type 2 - Wet Meadow	0.002		Anticipate we can avoid this disturbance with final editing of cross section slopes.
47	288+50 - 289+70	Lt	Type 2 - Wet Meadow	0.072		Disturbance due to increased roadway width and culvert installation. (1) (2)
23	289+60 - 289+80	Rt	Type 2 - Wet Meadow	0.008		
—	298+85 - 298+95	Lt	Waters of the U.S.	0.002	7.4	Disturbance due to increased roadway width. Wetlands on either side leave a narrow corridor for the road. (1) (2)
—	298+80 - 299+00	Lt	Type 2 - Wet Meadow	0.003		
25	299+00 - 299+10	Rt	Waters of the U.S.	0.001	4.0	
25	298+95 - 299+15	Rt	Type 2 - Wet Meadow	0.002		
—	299+10 - 304+65	Lt	Type 2 - Wet Meadow	0.194		
25	303+25 - 306+00	Rt	Type 2 - Wet Meadow	0.072		
25	308+70 - 311+70	Rt	Type 2 - Wet Meadow	0.043		
26	318+90 - 319+20	Rt	Type 6 - Shrub Swamp	0.001		
26	319+60 - 320+30	Rt	Type 6 - Shrub Swamp	0.010		
—	320+30 - 321+15	Lt	Type 6 - Shrub Swamp	0.005		
26	323+50 - 324+25	Rt	Type 6 - Shrub Swamp	0.015		Disturbance due to increased roadway width and culvert installation. (1) (2)
45	324+00 - 326+30	Lt	Type 6 - Shrub Swamp	0.042		Disturbance due to increased roadway width and culvert installation. Wetland is associated with irrigation ditch that will be relocated outside of existing row. (1) (2)
44	361+50 - 361+90	Lt	Type 6 - Shrub Swamp	0.031		
28	419+70 - 420+50	Lt	Type 2 - Wet Meadow	0.071		
28	419+90 - 421+40	Rt	Type 2 - Wet Meadow	0.042		Alignment shifted to north to provide design speed curve. (2)
43	459+10 - 460+00	Lt	Type 2 - Wet Meadow	0.067		
29	460+05 - 461+05	Rt	Type 6 - Shrub Swamp	0.047		Disturbance due to increased roadway width and culvert installation. (2)
33	484+85 - 484+90	Lt	Type 2 - Wet Meadow	0.002		Anticipate possible disturbance from fills at existing box culvert.
33	484+50 - 484+80	Rt	Type 2 - Wet Meadow	0.001		
—	485+50 - 487+90	Lt	Type 6 - Shrub Swamp	0.069		Disturbance due to increased roadway width. Wetlands on either side leave a narrow corridor for the road. (2)
42	488+30 - 491+60	Lt	Type 6 - Shrub Swamp	0.180		
41	498+15 - 502+00	Lt	Type 6 - Shrub Swamp	0.097		
34	501+30 - 501+80	Rt	Type 6 - Shrub Swamp	0.002		

WETLANDS AND WATERS OF THE U.S. IMPACT AREAS

WEST, Inc. Site Number	Station		Type	Permanent Impact Area	Volume of Fill	Comments
				(acres)	(cubic yards)	
41	502+80 - 513+95	Lt	Type 6 - Shrub Swamp	1.152		Alignment was shifted to the north to avoid Fisherman Creek. (2)
35	510+85 - 511+15	Rt	Type 6 - Shrub Swamp	0.022		Disturbance due to increased roadway width and culvert installation. (2)
40	521+05 - 522+40	Lt	Type 12 - Woody Riparian Vegetation	0.045		Alignment shifted to the north to avoid Fisherman Creek. (2)
35	521+20 - 521+35	Rt	Type 6 - Shrub Swamp	0.005		
39	527+05 - 527+55	Lt	Type 6 - Shrub Swamp	0.008		
39	529+00 - 529+20	Lt	Type 6 - Shrub Swamp	0.002		
38	539+90 - 540+80	Lt	Type 2 - Wet Meadow	0.047		Disturbance due to increased roadway width. (2)
38	540+85 - 544+10	Rt	Type 6 - Shrub Swamp	0.136		Alignment shifted to the south to avoid slide area.
36	552+20 - 562+50	Rt	Type 6 - Shrub Swamp	0.647		
TOTAL IMPACT AREA				3.291	11.4	

(1) Alignment in these locations is located on existing centerline.

(2) Wetlands are located on both sides of roadway for some distance, shifting alignment to avoid wetlands is not possible.

NON-JURISDICTIONAL WETLAND AREAS*

WEST, Inc. Site Number	Station		Type	Permanent Impact Area (acres)
23	283+70 - 289+65	Rt	Type 2 - Wet Meadow	0.019
23	289+75 - 295+90	Rt	Type 2 - Wet Meadow	0.016
25	299+00 - 303+30	Rt	Type 2 - Wet Meadow	0.090
46	305+20 - 312+70	Lt	Type 6 - Shrub Swamp	0.137
31	469+25 - 470+05	Rt	Type 6 - Shrub Swamp	0.032
31	470+40 - 474+05	Rt	Type 6 - Shrub Swamp	0.130
32	475+90 - 482+40	Rt	Type 6 - Shrub Swamp	0.195
37	558+30 - 558+80	Lt	Type 6 - Shrub Swamp	0.006
37	560+00 - 560+60	Lt	Type 6 - Shrub Swamp	0.013
TOTAL IMPACT AREA				0.638

* Areas Determined Non-Jurisdictional Per U.S Army Corps of Engineers Letter Dated July 31, 2003

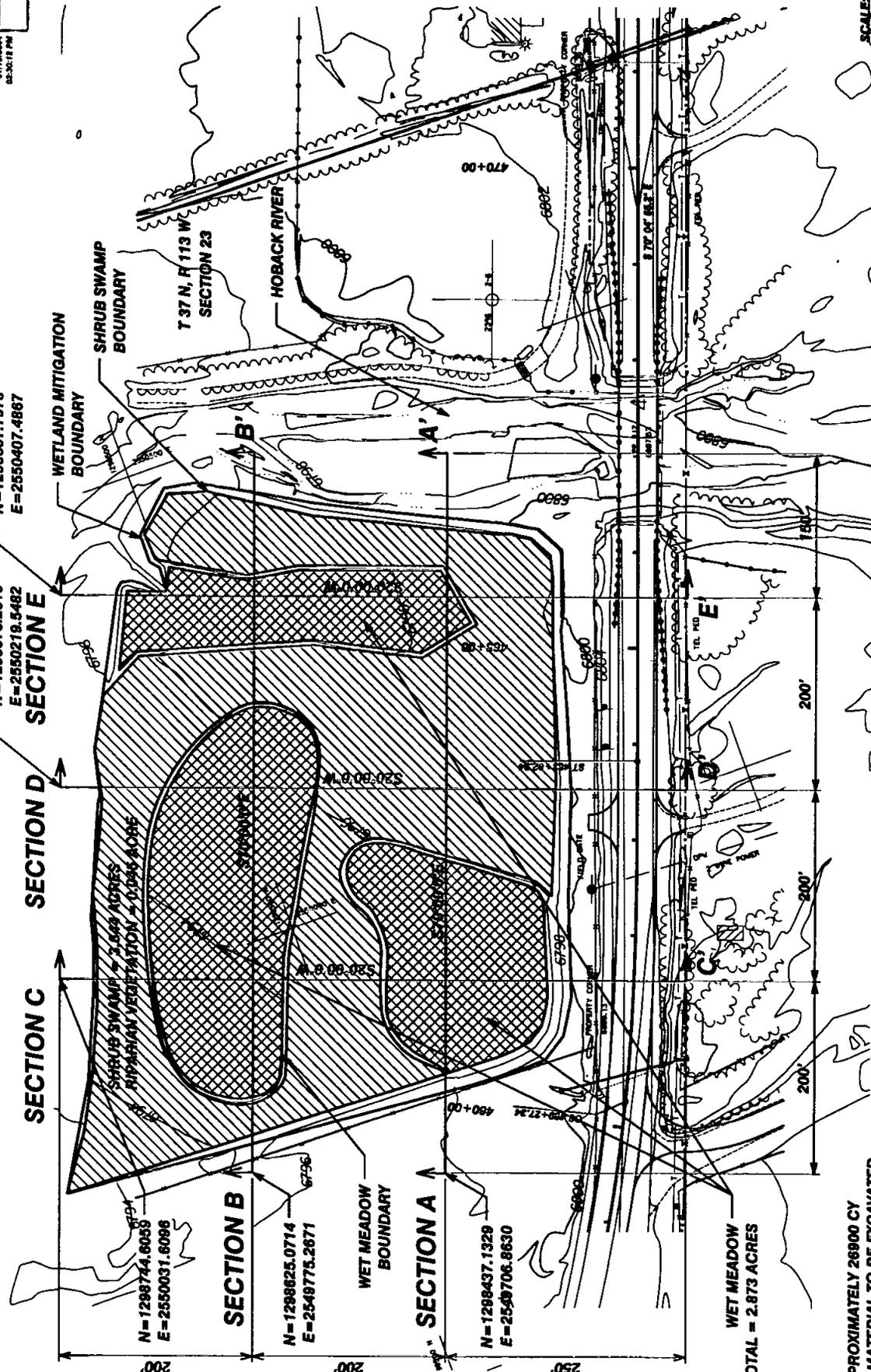
TOTAL PERMANENT IMPACTS BY TYPE

Type	Acreage	Cubic Yards
Type 2 - Wet Meadow	0.772	
Type 6 - Shrub Swamp	2.471	
Type 12 - Woody Riparian	0.045	
Waters of the U.S.	0.003	11.4
TOTAL IMPACT AREA	3.291	11.4

SUMMARY OF IMPACT REVISIONS

Date	Acreage	Comment
03/06/03	5.21	Original calculation
06/30/03	3.745	Reduction in Slopes
1/5/2004	3.289	Corps jurisdictional determinations and design reductions
3/24/04	3.291	Add Non-Jurisdictional areas to mapping and design revisions

PROJECT NO. 1298676.2019
 DATE 08/20/2024
 TIME 02:30:14 PM
 DRAWN BY JMS
 CHECKED BY JMS
 PROJECT NAME WETLAND MITIGATION FINISHED GROUND SHEET 2 OF 9

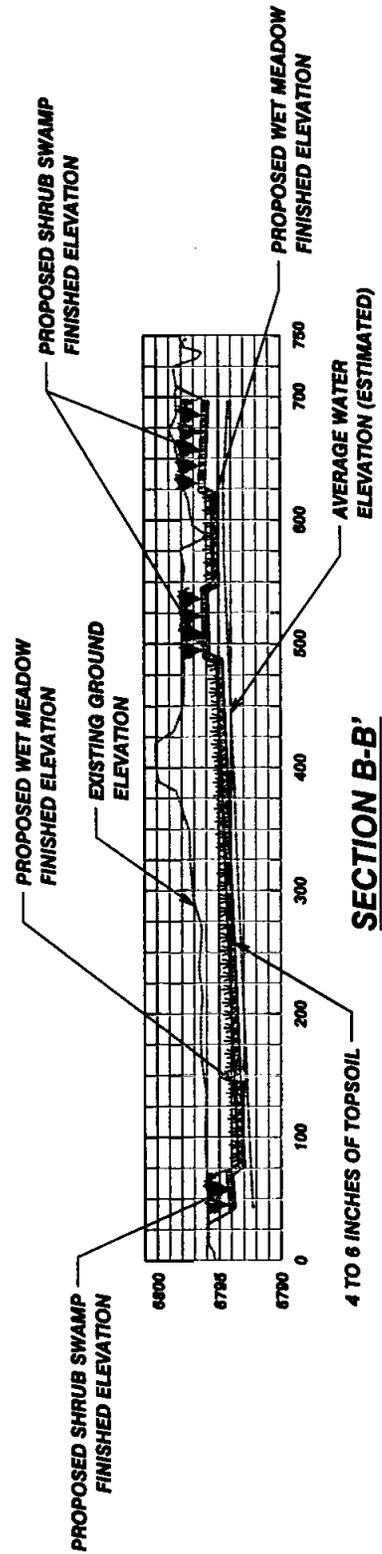
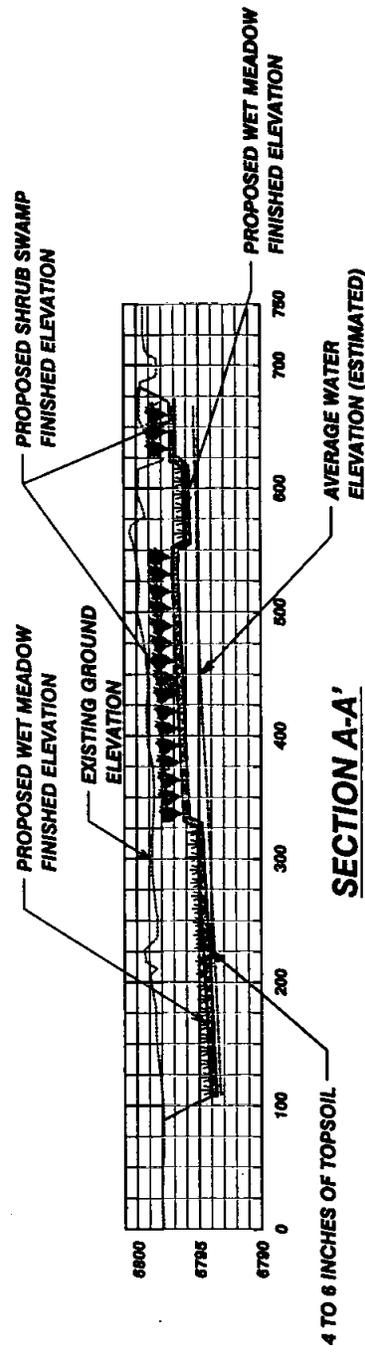


SCALE: 1" = 100'

WETLAND MITIGATION SITE
 FINISHED GROUND
 SHEET 2 OF 9

APPROXIMATELY 26900 CY
 OF MATERIAL TO BE EXCAVATED
 AND DISPOSED OF AT ENGINEERS
 DIRECTION

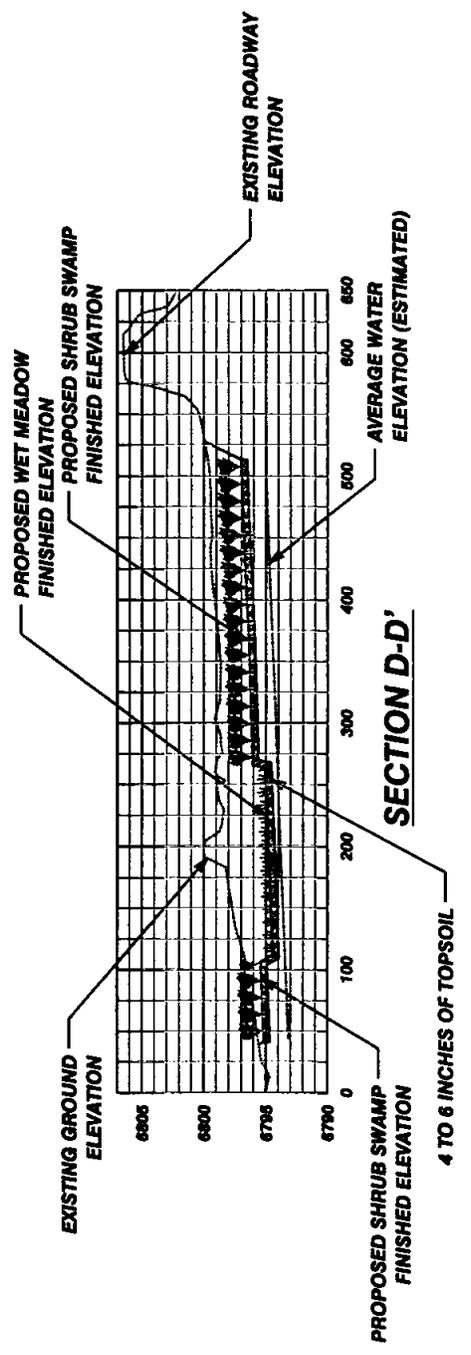
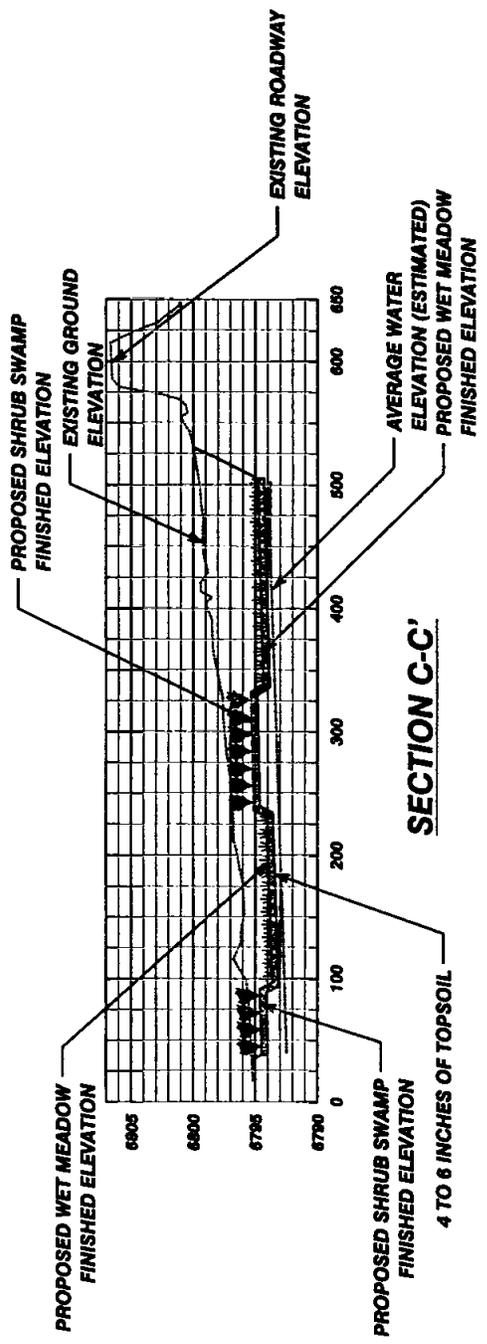
WET MEADOW
 TOTAL = 2.873 ACRES



SCALE
 H: 1" = 100'
 V: 1" = 10'

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DATE	BY	APP'D
07/11/2007	02/14/2008	
02/14/2008		



SCALE
 H: 1" = 100'
 V: 1" = 10'