NOTICE OF INTENT

TO REQUEST
DISCHARGE AUTHORIZATION
FOR STORM WATER FROM
LARGE CONSTRUCTION ACTIVITIES
(Under Large Construction General Permit WYR10-0000)

Official Use Only
Date received:

✓	Please print or type.
✓	All items must be completed accurately and in their entirety or the NOI will be deemed incomplete and will be returned. A complete SWPPP must be submitted before the NOI will be processed.
✓	Storm water discharges are covered under the large construction general permit when the Administrator provides a letter of authorization (LOA) to the applicant (see Part 1.2.4 of the permit).
✓	Permit fees must be submitted with this NOI. See item 2 below.
✓	An original signature of the applicant is required. Faxes or emails cannot be accepted.

For Renewing Existing Coverage Only:

☐ Check here only if you are extending an early expiration date on existing coverage because your construction site is not "finally stabilized." Please provide your current authorization number. *Authorization WYR10*_____

1. Contact Information:

Permit Applicant			
Company Name:	Ames Construction		
Legally Responsible Person: (See Item 9 below for description)	◉ Mr. ○ Ms. Rob Wise		
Title:	Project Manager		
Mailing Address:	18450 E. 28th Ave.		
City, State, ZIP Code:	Aurora, CO, 80011		
Telephone:	303-882-0505	Email:	robwise@amesco.com

Local Facility Contact	**Same as Applicant** ☑		
Company Name:			
Local Contact Name:	○ Mr. ○ Ms.		
Title:			
Mailing Address:			
City, State, ZIP Code			
Telephone:		Email:	

2. WYPDES Permit Fee

Applications under the WYPDES program must include payment for permit fees with the application or notice of intent. See the WYPDES fee page at https://wywaste.wyo.gov/calc/wypdesfeecalc.html for more information and to find the fee calculator. Please provide the following information to verify your permit fee amount.		
NOI date (date you expect to submit the NOI):		02/01/2023
Month and year you wish coverage under the LCGP to expire (not to exceed 8/1/2025). *LCGP coverage must be maintained on this project until the project no longer requires permit coverage (i.e., the project reaches "finally stabilized" condition – see Part 2.9 in the permit for a definition). Permittee must renew coverage if the project is not "finally stabilized" by this date*:		8/1/2025
Submit NOI plus attachments and pay permit fee online at http://deq.wyoming.gov/wqd/ **OR** submit NOI and attachments by mail or in person and pay fees by check or cash (address below).	Amount remitted:	$1,000.00

3. Wyoming Conservation Executive Orders 2019-3 and 2020-1

See Part 8 of the LCGP for more information on how these Executive Orders may apply to your project and additional information regarding compliance and contacting the Wyoming Game and Fish Department with further questions.

Sage Grouse. Pursuant to the Wyoming Governor's Executive Order (EO) 2019-3, applicants must determine if any part of their project is in Sage Grouse Core Area (SGCA), Connectivity Area, Winter Concentration Area, or within two miles of a Non-core Area Sage Grouse Lek as determined under the Executive Order. If your project meets any of these conditions, the applicant must consult with the Wyoming Game and Fish Department (WGFD) and obtain a letter confirming consistency with the EO. That letter will be required to process your application.

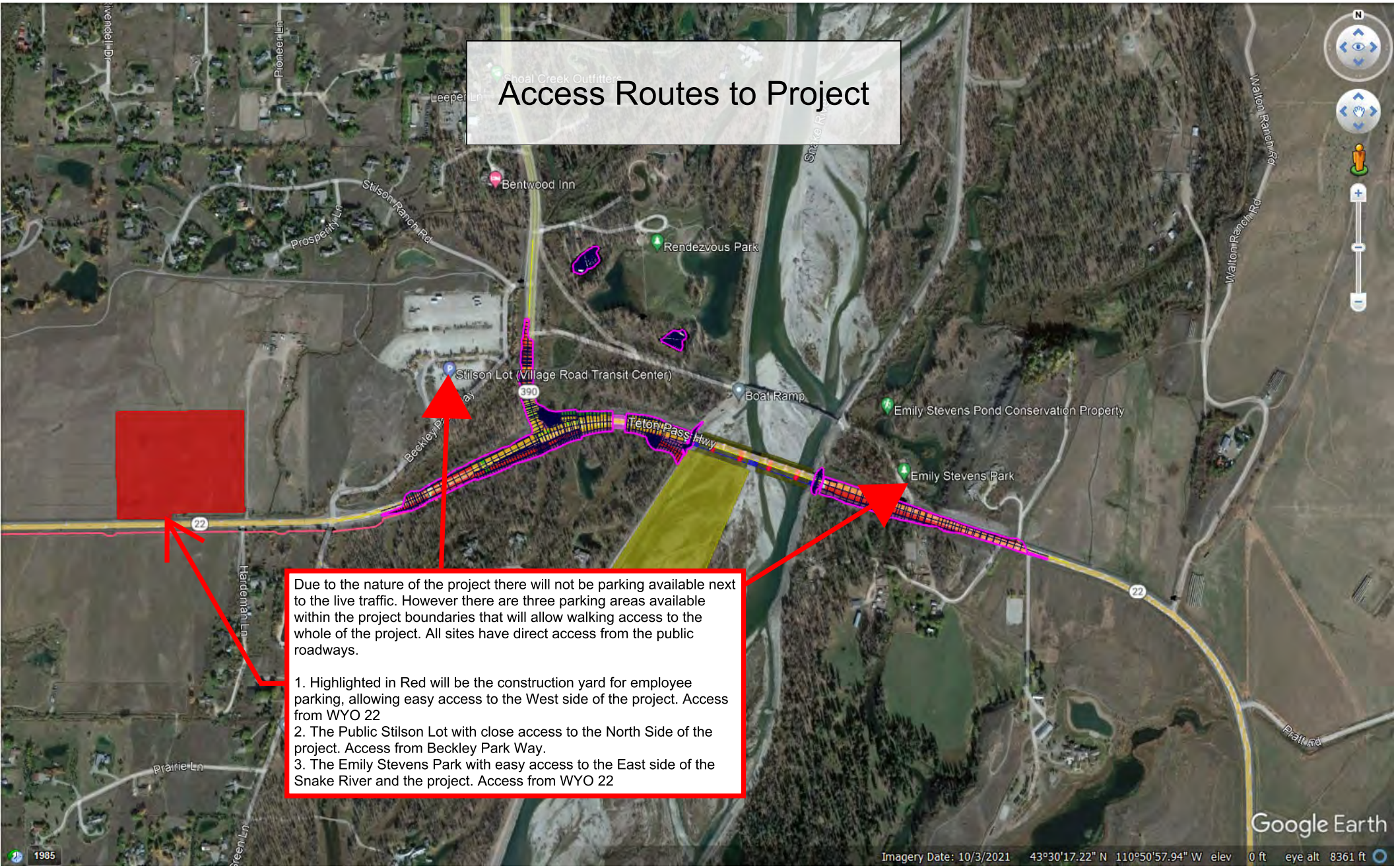
- ○ Some part of my project does fall within the area described and I contacted the WGFD for a consultation. A letter from the WGFD confirming consistency with Executive Order 2019-3 is attached.
- ◉ No part of my project falls within the described area → No additional requirements. Complete and submit your Notice of Intent.

Migration Corridors. Pursuant to Wyoming Governor's EO 2020-1, applicants must determine if any part of their project falls within a Migration Corridor designated under this EO. If your project does, you must consult with the Wyoming Game and Fish Department (WGFD) and obtain a letter confirming consistency with the EO. That letter will be required to process your application.

- ○ Some part of my project does fall within the area described and I contacted the WGFD for a consultation. A letter from the WGFD confirming consistency with Executive Order 2020-1 is attached.
- ◉ No part of my project falls within the described area → No additional requirements. Complete and submit your Notice of Intent.

4. Project Description:

Briefly describe the project:	WYDOT Project. Bridge replacement, grading, traffic control, surfacing, bituminous surfacing, surfacing(concrete), fencing and miscellaneous work on approximately 1.80 mile at various locations on WYO 22 & WYO 390 between Jackson and Wilson Road.		
Area that your project will disturb during construction in acres:	46	Total disturbed area of the "larger common plan of development or sale" (if applicable):	N/A
Date construction is planned to start:	02/01/2023	Date "final stabilization" is expected:	8/1/2025


Access Routes to Project
Bentwood Inn
Rendezvous Park
Stilson Lot (Village Road Transit Center)
Boat Ramp
Emily Stevens Pond Conservation Property
Emily Stevens Park
Teton Pass Hwy
Stilson Ranch Rd
Prosperity Ln
Pioneer Ln
Walton Ranch Rd
Beckley Park Way
Hardeman Ln
Prairie Ln
Pratt Rd
22
390
Due to the nature of the project there will not be parking available next to the live traffic. However there are three parking areas available within the project boundaries that will allow walking access to the whole of the project. All sites have direct access from the public roadways.
1. Highlighted in Red will be the construction yard for employee parking, allowing easy access to the West side of the project. Access from WYO 22
2. The Public Stilson Lot with close access to the North Side of the project. Access from Beckley Park Way.
3. The Emily Stevens Park with easy access to the East side of the Snake River and the project. Access from WYO 22
Google Earth
Imagery Date: 10/3/2021 43°30'17.22" N 110°50'57.94" W elev 0 ft eye alt 8361 ft

5. Project Information:

Project Name:	Jackson-Wilson Road Snake River Bridge HIP2000058 ARSCTWL32301 STP-2000062 ARSCT-2000A01 ARSCT-2000A02		
Project County(ies)	Teton County		
Project Location: Provide the location as either section, township and range OR a street address. For linear projects such as roads or pipelines provide the locations of the endpoints.			
Jackson/Wilson RD (WYO 22) Snake River Bridge. WYO 22 Begin STA 721+93 END STA 800+05. WYO 390 BEGIN STA 1+32 END STA 18+17			
If this is a linear project add ending location. If more space is needed attach additional sheet(s):			
Latitude and longitude to a minimum of 5 decimal places:	43°29'59.21"N 110°50'30.32"W	If this is a WYDOT project, list project number(s) and WYDOT project engineer:	HIP2000058 ARSCTWL32301 STP-2000062 ARSCT-2000A01 ARSCT-2000A02 Bob Hammond
Access to facility and map of access route(s): As part of its application, the applicant shall certify under penalty of perjury that the applicant has secured and shall maintain permission for Department of Environmental Quality personnel and their invitees to access the permitted facility, including **(i)** permission to access the land where the permitted facility is located, **(ii)** permission to collect resource data as defined by Wyoming Statute § 6-3-414, and **(iii)** permission to enter and cross all properties necessary to access the permitted facility if the facility cannot be directly accessed from a public road. ***A map of access route(s) to the facility shall accompany the Notice of Intent and SWPPP.***			

6. Receiving Waters and Municipal Storm Sewers:

Name(s) of the nearest defined drainage(s) which could receive runoff from the construction project, whether it contains water or not. Include bodies of water such as lakes and wetlands where applicable.	The nearest body of water is the North Platte River, approximately 1/2 mile away.
Will storm water discharge from the project enter a municipal storm sewer?	○ Yes ◉ No
If so, what municipality?	
To what water body does the storm sewer discharge?	Snake River
Identify all water bodies that are within 2000 feet the construction site and that may receive flow from the construction site that are: 1. Listed on the state's 303(d) report as impaired due to sediment, suspended solids or turbidity or 2. Have an approved TMDL for sediment, suspended solids or turbidity	N/A

7. Attachments (failure to provide required attachments will result in return of the application package):

For all projects:

- ☐ **A complete SWPPP** must be submitted with the NOI for **all** projects via the WDEQ upload link or via email
- ☐ **A map of access routes** to the project that comply with the access requirements as defined in item 5 above.
- ☐ **Fees must be paid at time of submission**. To determine the fee amount required for this application go to the fee calculator at https://wywaste.wyo.gov/calc/wypdesfeecalc.html. Payment may be online for uploaded applications or by check for mailed or delivered application packages. Make checks payable to the DEQ/WQD.

For any project that falls partly or completely within areas defined by EO 2019-3 (sage grouse) and/or EO 2020-1 (migration corridors):

☐ Provide letter(s) from the WGFD confirming consistency with the relevant Executive Order(s).

Alternative inspection plans *only*.

☐ Operators seeking approval for alternative inspection schedules at the beginning of their project must submit the project SWPPP *and proposed inspection plan* with their NOI. Approval for an alternative plan may also be requested later (see Part 10.5 in the permit).

8. Copy of General Permit.

A copy of the general permit may be downloaded at http://deq.wyoming.gov/wqd/storm-water-permitting/resources/construction-general-permits/

9. Certifications:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. Additionally, I certify that I have secured and shall maintain permission for Department of Environmental Quality personnel and their invitees to access the permitted facility, including (i) permission to access the land where the facility is located, (ii) permission to collect resource data as defined by Wyoming Statute § 6-3-414, and (iii) permission to enter and cross all properties necessary to access the facility if the facility cannot be directly accessed from a public road. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.
Additionally, I certify that I am aware of the terms and conditions of the large construction general permit and I agree to comply with those requirements and any additional sage grouse or migration corridor Executive Order stipulations and operating restrictions or recommendations provided by the Wyoming Game & Fish Department for activities in areas subject to either or both executive orders.

Authorized signatories for this notice of intent are the following "legally responsible persons:"	
For corporations:	*A principal executive officer of at least the level of vice president, or the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the overall operation of the facility from which the discharge originates.*
For partnerships:	*A general partner.*
For a sole proprietorship:	*The proprietor.*
For a municipal, state, federal or other public facility:	*Either a principal executive officer or ranking elected official.*

Rob Wise
Printed Name of "Legally Responsible Person"

Project Manager
Title

Signature of "Legally Responsible Person"

3/6/2023
Date

Section 35-11-901 of Wyoming Statutes provides that: "Any person who knowingly makes any false statement, representation, or

certification in any application . . . shall, upon conviction, be fined not more than ten thousand dollars ($10,000) per day for each violation or imprisoned for not more than one (1) year, or both."

Preferred submission method: Upload application to https://bit.ly/3dbcKyy Permit fee payment must be made online. **Optional submission method:** Mail this application to (payment by check or cash only): WYPDES Storm Water Section DEQ/WQD 200 West 17th Street Cheyenne, WY 82002	**DEQ use only:**	
	Date payment rec'd:	
	Payment amount:	
	Permit term:	
	Approval:	

NOI revised 9/20
c:\bsahl\storm_water\construction\cgp_2020\lcgp-final-docs\noi_lcgp_2020.doc

Reset Form

Casper Marginal I-25 over Walsh Dr.
STORM WATER POLLUTION PREVENTION PLAN

Project or Site Information:

Project/Site Name: Jackson-Wilson Road Snake River Bridge HIP2000058 ARSCTWL32301 STP-2000062 ARSCT-2000A01 ARSCT-2000A02

Project Location as either Quarter/Quarter, Section, Township, Range OR Street Address and City: Jackson/Wilson RD (WYO 22) Snake River Bridge. WYO 22 Begin STA 721+93 END STA 800+05. WYO 390 BEGIN STA 1+32 END STA 18+17 43°29'59.21"N 110°50'30.32"W

Permittee (Legally Responsible Entity) Information:

Company Name:	Ames Construction
Legally Responsible Person Name:	Rob Wise
Mailing Address:	18450 E. 28th Ave
City, State, ZIP Code:	Aurora, CO 80011
Phone Number:	303-882-0505

Permit Number: WYR10

Part 9.2.1 SWPPP - Administrator:

Company or Organization:	**Ames Construction**
Name:	**Rob Wise**
Title:	**Project Manager**
Phone #:	**303-882-0505**
Email:	**Robwise@amesco.com**

Part 9.2.2 – Site Description:

9.2.2.1

WYDOT Project. Bridge replacement, grading, traffic control, surfacing, bituminous surfacing, surfacing (concrete), fencing and miscellaneous work on approximately 1.80 mile at various locations on WYO 22 & WYO 390 between Jackson and Wilson Road.

9.2.2.2

The project will start with the construction of half of the new bridge as well as the detours and permanent roadway required to place traffic onto the new portion of bridge. The existing bridge will then be demolished to allow for the construction of the second half of the new bridge. Stabilization is expected to be 08/01/2025.

9.2.2.3

Estimate of total area of the site: **46 acres**

Estimate of total area of the site expected to undergo disturbance related to the construction activity including clearing, excavation, and grading as well as offsite borrow areas, access roads, areas for support activities and staging/storage areas. **46 acres**

9.2.2.4

Onsite aggregate will be taken from the river bed in a permited 14.4 acre area, South of the existing bridge. Aggregates will be purchased from an offsite supplier in Aspen Wyoming name Evans Concrete. Immediately West of the project is a 14 acre area to be used for staging and storage. Access roads will remain within the project boundaries.

9.2.2.5

Of the 46 acres in the project boundaries the approximately 50% of the site has vegetative ground cover. The 14 acres in the river bed borrow portion is less vegetative and is mostly rocks with various small trees and grasses. The 14 acres East of the road work is covered in trees and grass almost completely. The highway right of way area is approximately 45% grass covered.

9.2.2.6

Throughout the site the expected possible sources of pollutants are:

- Disturbed soils
- Aggregate and fill materials
- Tracking of sediment onto paved areas by vehicles
- Asphalt paving
- Vehicle fueling and equipment maintenance
- Concrete debris from bridge demolition
- Concrete washout from concrete pours.
- Portable toilets and construction trash

9.2.2.7a

Drainage will flow into the Snake River from the watershed.

9.2.2.7b

Not applicable, the project will have rain and snow water runoff into the watershed ultimately ending up in the Snake River in which the project surrounds.

9.2.2.8

Name of impaired water body: Not Applicable

Part 9.2.3 -Site Maps.

Part 9.2.4 – Best Management Practices (BMPs)


Construction Site Boundaries
Red Shading - Staging Area / Laydown Yard / Fueling
Red Outline - Roadway and Bridge Construction
Yellow Shading - Aggregate Removal Area
All exposed soil in the final configuration will recieve permanent seeding to mitigate sedimentation and erosion.

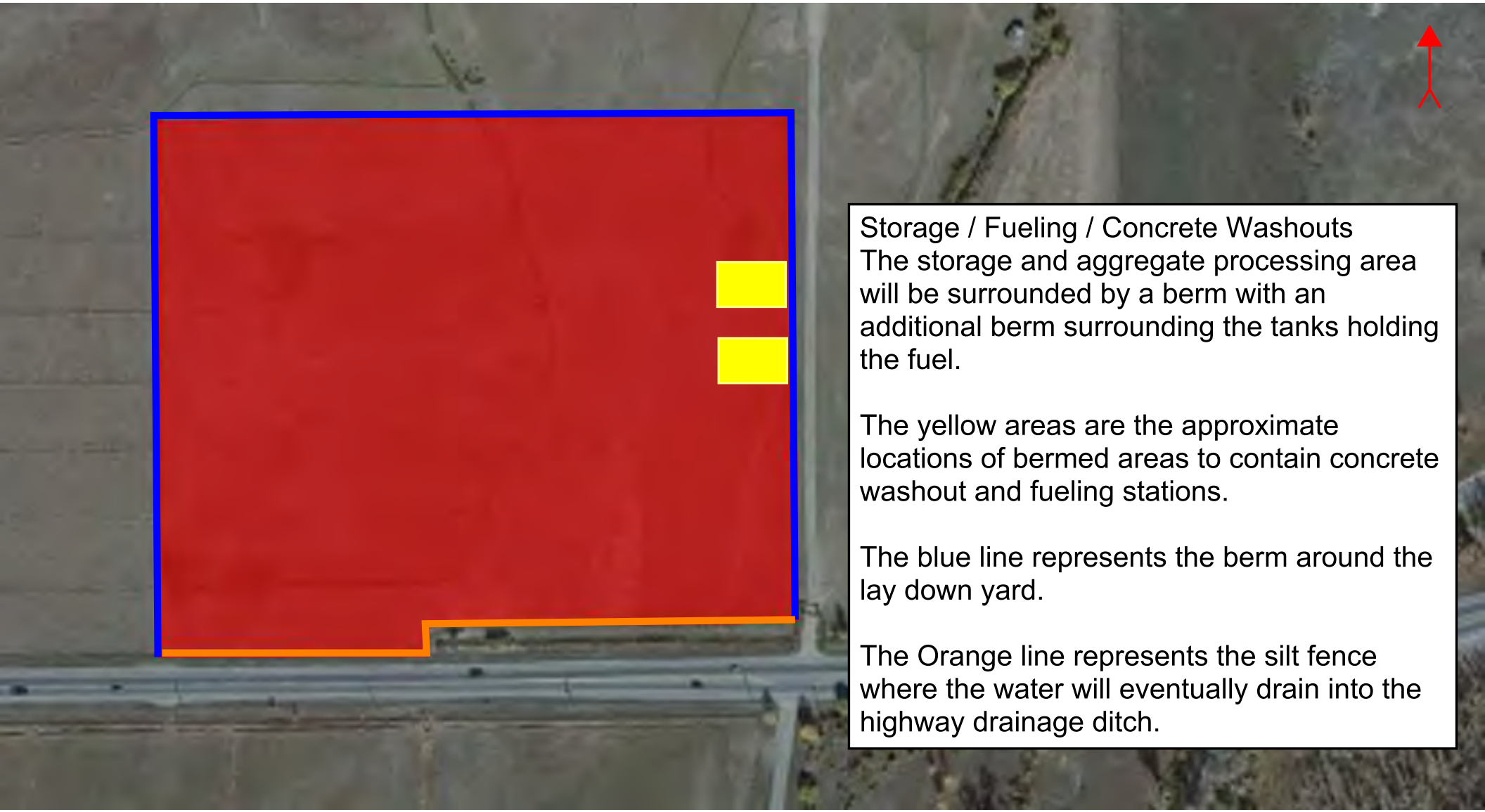

Construction Site Boundaries
Red Shading - Staging Area / Laydown Yard / Fueling
Red Outline - Roadway and Bridge Construction
Yellow Shading - Aggregate Removal Area


Construction Site Boundaries
Red Shading - Staging Area / Laydown Yard / Fueling
Red Outline - Roadway and Bridge Construction
Yellow Shading - Aggregate Removal Area


Areas Of Soil Disturbance
Throughout the duration of the project all of the shown areas are expected to experience soil disturbance.

Surface Waters of Wyoming

The river can be clearly seen in this image, however highlighted in blue is the possible meandering of the Snake River that could be experienced during the project.

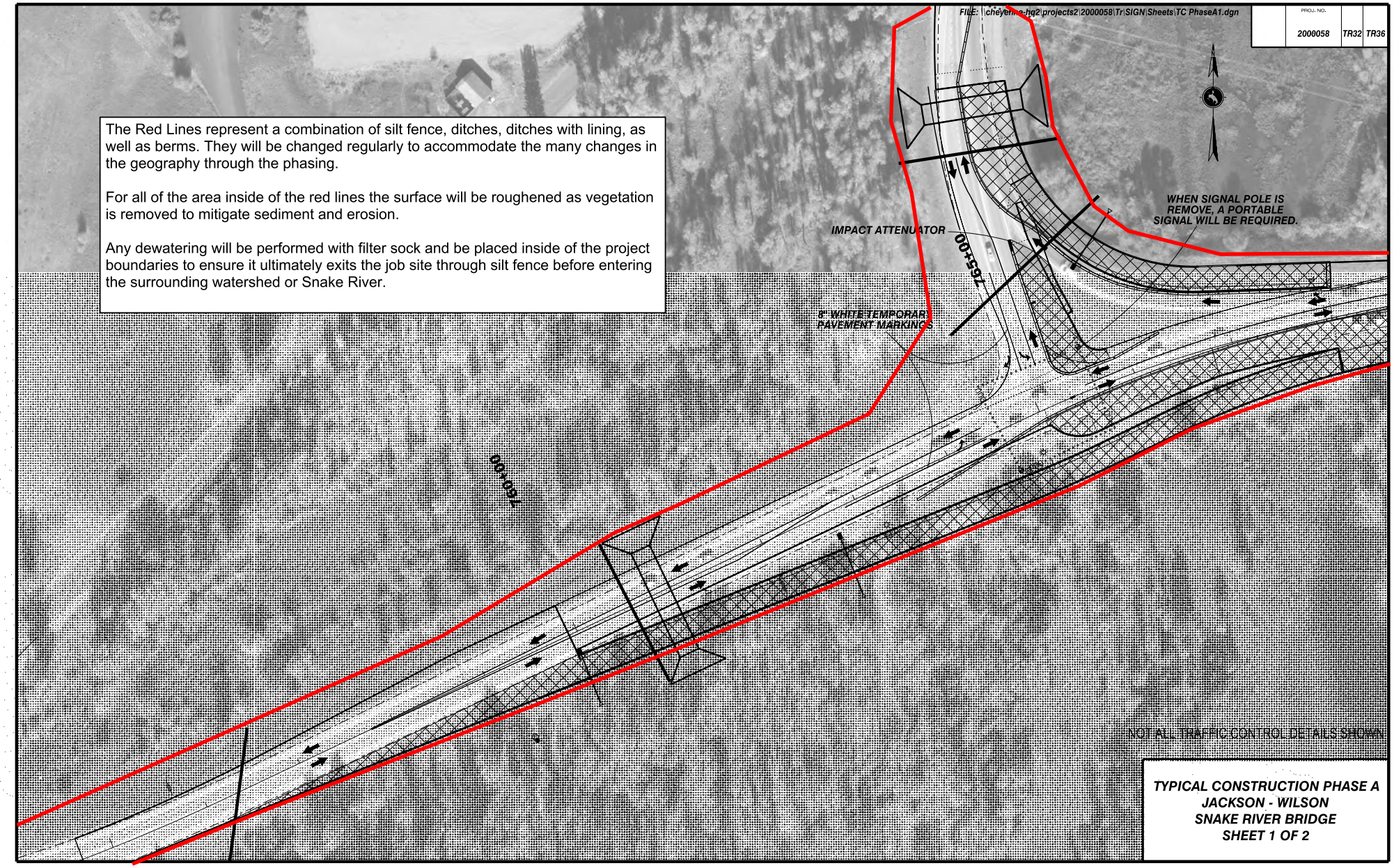


Storage / Fueling / Concrete Washouts
The storage and aggregate processing area will be surrounded by a berm with an additional berm surrounding the tanks holding the fuel.

The yellow areas are the approximate locations of bermed areas to contain concrete washout and fueling stations.

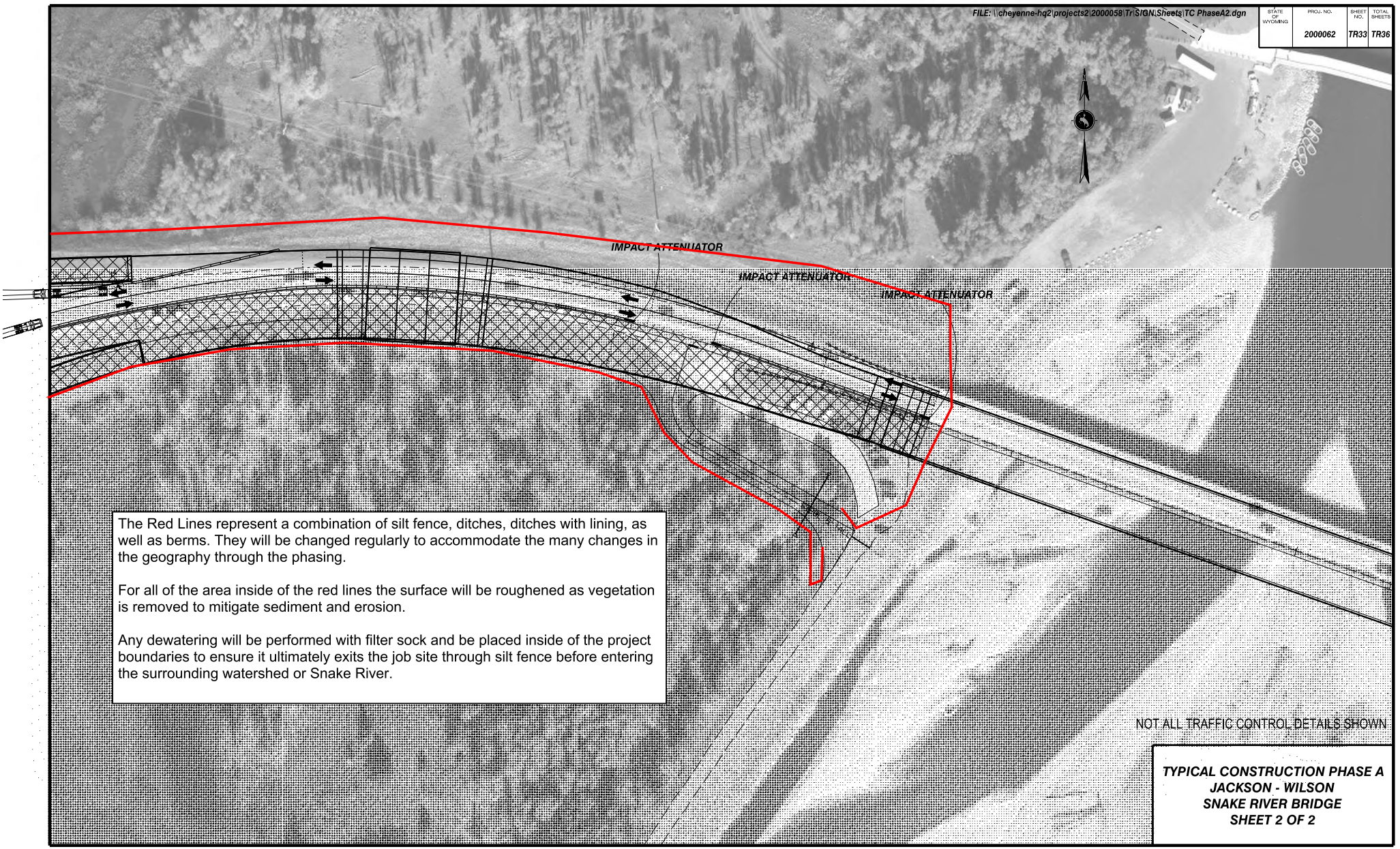
The blue line represents the berm around the lay down yard.

The Orange line represents the silt fence where the water will eventually drain into the highway drainage ditch.


FILE: \\cheyenne-hq2\projects2\2000058\Tr\SIGN\Sheets\TC PhaseA1.dgn
PROJ. NO.
2000058
TR32
TR36
The Red Lines represent a combination of silt fence, ditches, ditches with lining, as well as berms. They will be changed regularly to accommodate the many changes in the geography through the phasing.
For all of the area inside of the red lines the surface will be roughened as vegetation is removed to mitigate sediment and erosion.
Any dewatering will be performed with filter sock and be placed inside of the project boundaries to ensure it ultimately exits the job site through silt fence before entering the surrounding watershed or Snake River.
WHEN SIGNAL POLE IS REMOVE, A PORTABLE SIGNAL WILL BE REQUIRED.
IMPACT ATTENUATOR
765+00
8" WHITE TEMPORARY PAVEMENT MARKINGS
760+00
NOT ALL TRAFFIC CONTROL DETAILS SHOWN.
TYPICAL CONSTRUCTION PHASE A
JACKSON - WILSON
SNAKE RIVER BRIDGE
SHEET 1 OF 2

FILE: \\cheyenne-hq2\projects2\2000058\TrSIGN\Sheets\TC PhaseA2.dgn

STATE OF WYOMING	PROJ. NO.	SHEET NO.	TOTAL SHEETS
	2000062	TR33	TR36



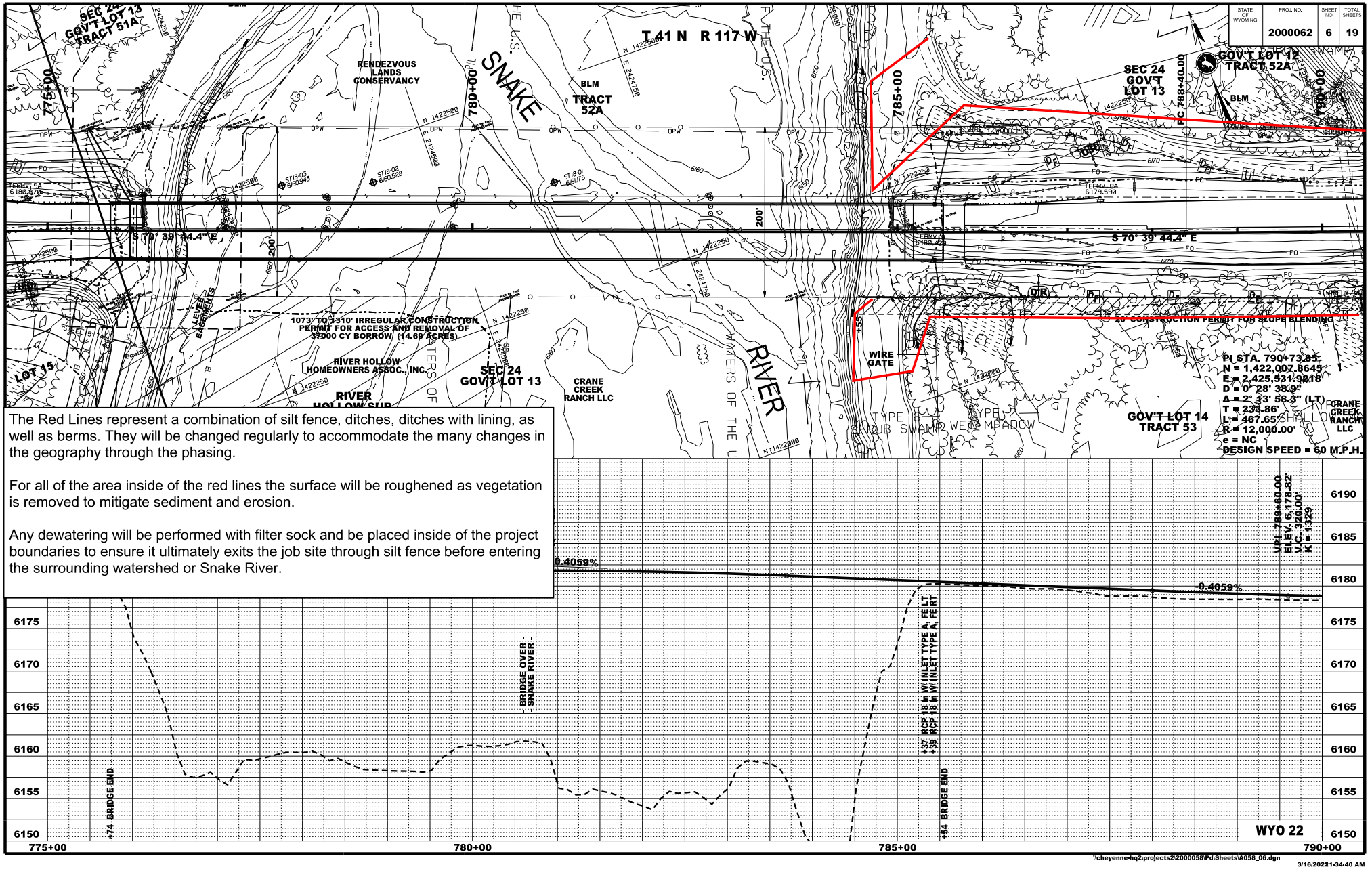
The Red Lines represent a combination of silt fence, ditches, ditches with lining, as well as berms. They will be changed regularly to accommodate the many changes in the geography through the phasing.

For all of the area inside of the red lines the surface will be roughened as vegetation is removed to mitigate sediment and erosion.

Any dewatering will be performed with filter sock and be placed inside of the project boundaries to ensure it ultimately exits the job site through silt fence before entering the surrounding watershed or Snake River.

NOT ALL TRAFFIC CONTROL DETAILS SHOWN

TYPICAL CONSTRUCTION PHASE A
JACKSON - WILSON
SNAKE RIVER BRIDGE
SHEET 2 OF 2



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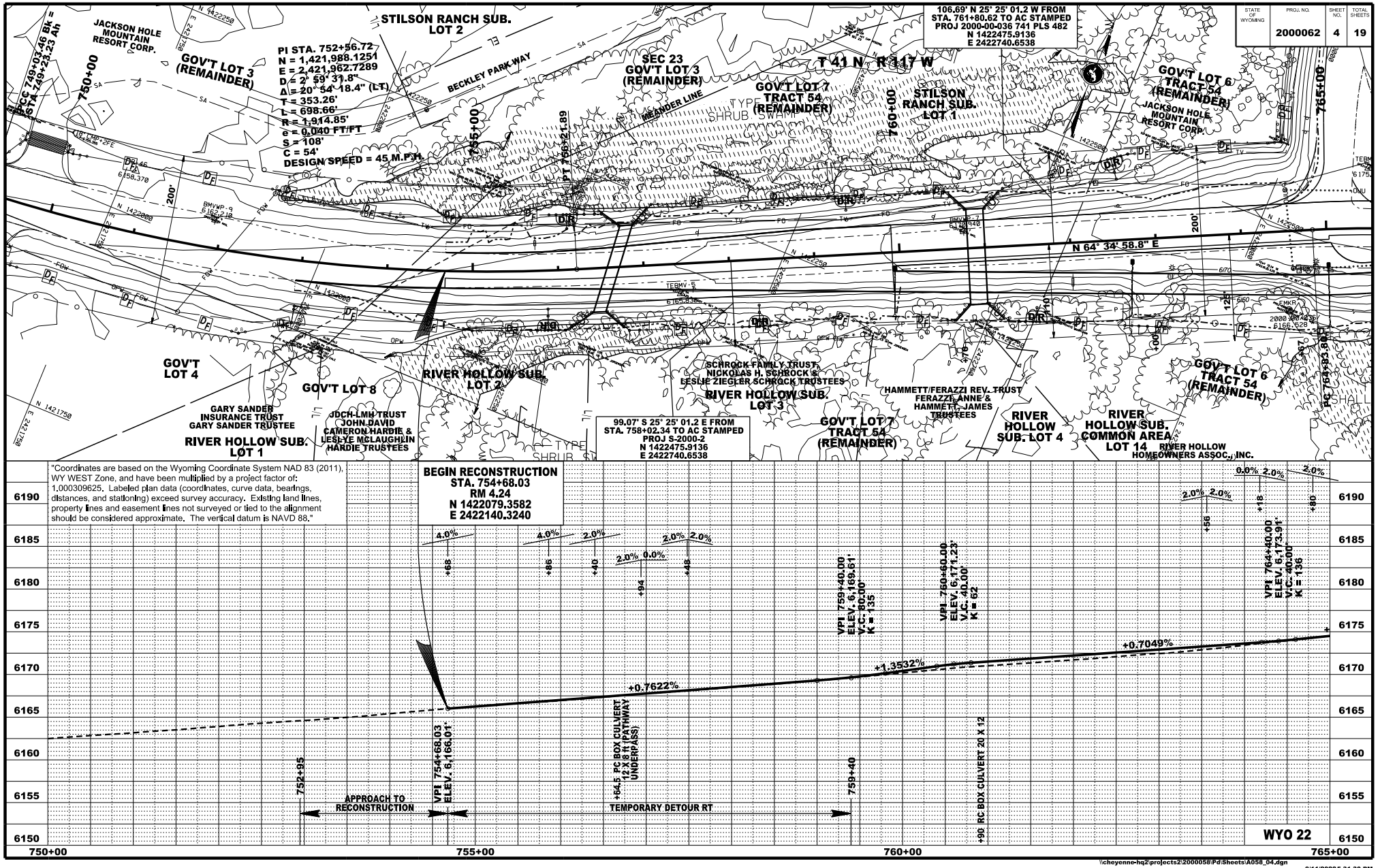
106.69' N 25° 25' 01.2 W FROM STA. 761+80.62 TO AC STAMPED PROJ 2000-000-036 741 PLS 482 N 1422475.9136 E 2422740.6538
STATE OF WYOMING
PROJ. NO. 2000062
SHEET NO. 4
TOTAL SHEETS 19
STILSON RANCH SUB. LOT 2
JACKSON HOLE MOUNTAIN RESORT CORP.
GOV'T LOT 3 (REMAINDER)
PI STA. 752+56.72
N = 1,421,988.1251
E = 2,421,962.7289
D = 2° 59' 31.8"
Δ = 20° 54' 18.4" (LT)
T = 353.26'
L = 698.66'
R = 1,914.85'
e = 0.040 FT/FT
S = 108'
C = 54'
DESIGN SPEED = 45 M.P.H.
BECKLEY PARK WAY
SEC 23 GOV'T LOT 3 (REMAINDER)
T 41 N R 117 W
MEANDER LINE
GOV'T LOT 7 TRACT 54 (REMAINDER)
STILSON RANCH SUB. LOT 1
GOV'T LOT 6 TRACT 54 (REMAINDER)
N 64° 34' 58.8" E
GOV'T LOT 4
GOV'T LOT 8
RIVER HOLLOW SUB. LOT 2
SCHROCK FAMILY TRUST NICKOLAS H. SCHROCK & LESLIE ZIEGLER SCHROCK TRUSTEES
RIVER HOLLOW SUB. LOT 3
HAMMETT/FERAZZI REV. TRUST FERAZZI, ANNE & HAMMETT, JAMES TRUSTEES
GOV'T LOT 7 TRACT 54 (REMAINDER)
RIVER HOLLOW SUB. LOT 4
RIVER HOLLOW SUB. COMMON AREA LOT 14
RIVER HOLLOW HOMEOWNERS ASSOC., INC.
GOV'T LOT 6 TRACT 54 (REMAINDER)
GARY SANDER INSURANCE TRUST GARY SANDER TRUSTEE
RIVER HOLLOW SUB. LOT 1
JDCH-LMH TRUST JOHN DAVID CAMERON HARDIE & LESLYE MCLAUGHLIN HARDIE TRUSTEES
99.07' S 25° 25' 01.2 E FROM STA. 758+02.34 TO AC STAMPED PROJ S-2000-2 N 1422475.9136 E 2422740.6538
"Coordinates are based on the Wyoming Coordinate System NAD 83 (2011), WY WEST Zone, and have been multiplied by a project factor of: 1.000309625. Labeled plan data (coordinates, curve data, bearings, distances, and stationing) exceed survey accuracy. Existing land lines, property lines and easement lines not surveyed or tied to the alignment should be considered approximate. The vertical datum is NAVD 88."
BEGIN RECONSTRUCTION STA. 754+68.03 RM 4.24 N 1422079.3582 E 2422140.3240
VPI 754+68.03 ELEV. 6,166.01
VPI 759+40.00 ELEV. 6,169.61 V.C. 80.00 K = 135
VPI 760+60.00 ELEV. 6,171.23 V.C. 40.00 K = 62
VPI 764+40.00 ELEV. 6,173.91 V.C. 40.00 K = 136
+0.7622%
+1.3532%
+0.7049%
+64.5 RC BOX CULVERT 12' X 8 ft (PATHWAY UNDERPASS)
+90 RC BOX CULVERT 20' X 12'
752+95
759+40
APPROACH TO RECONSTRUCTION
TEMPORARY DETOUR RT
WYO 22
750+00
755+00
760+00
765+00
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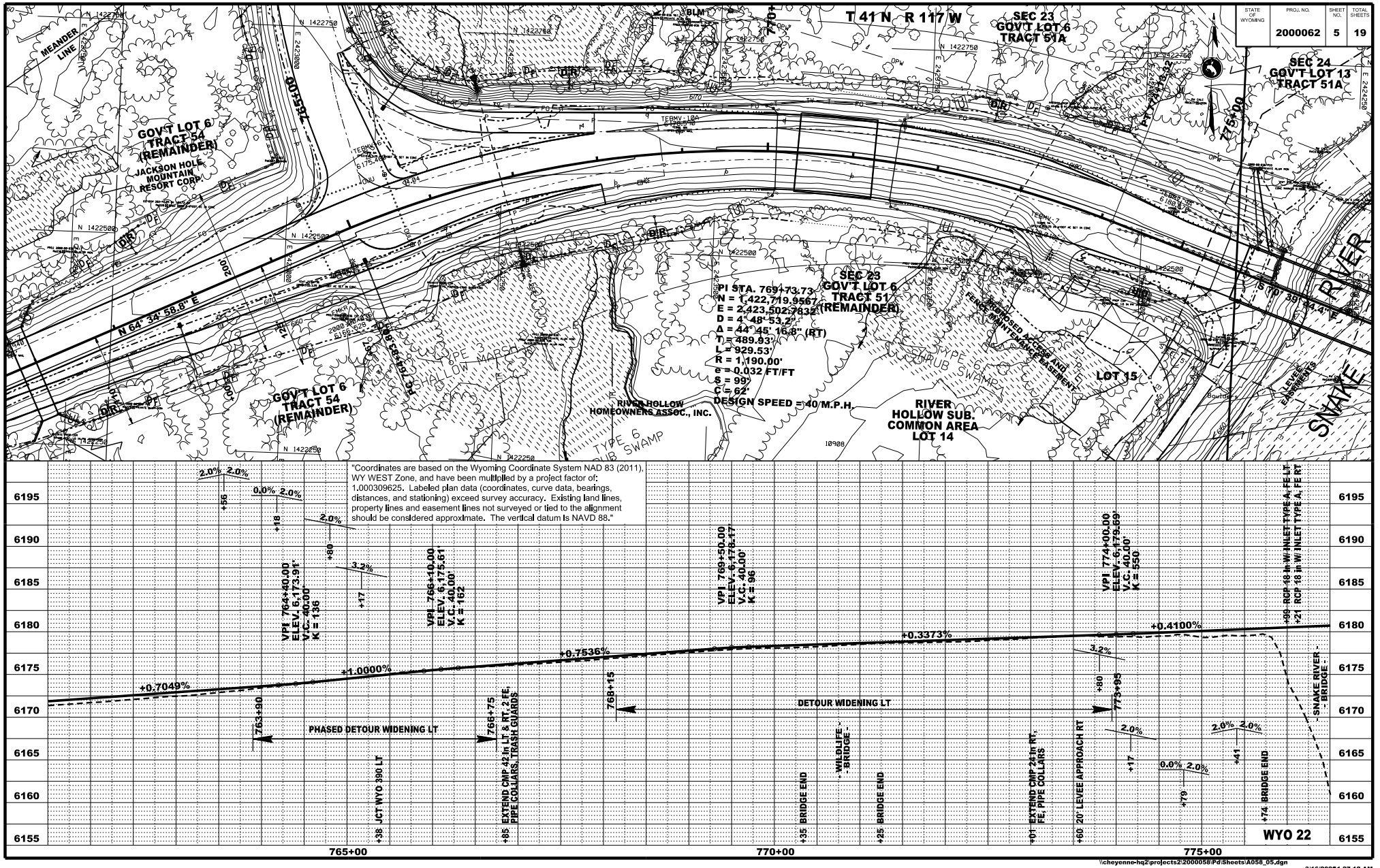

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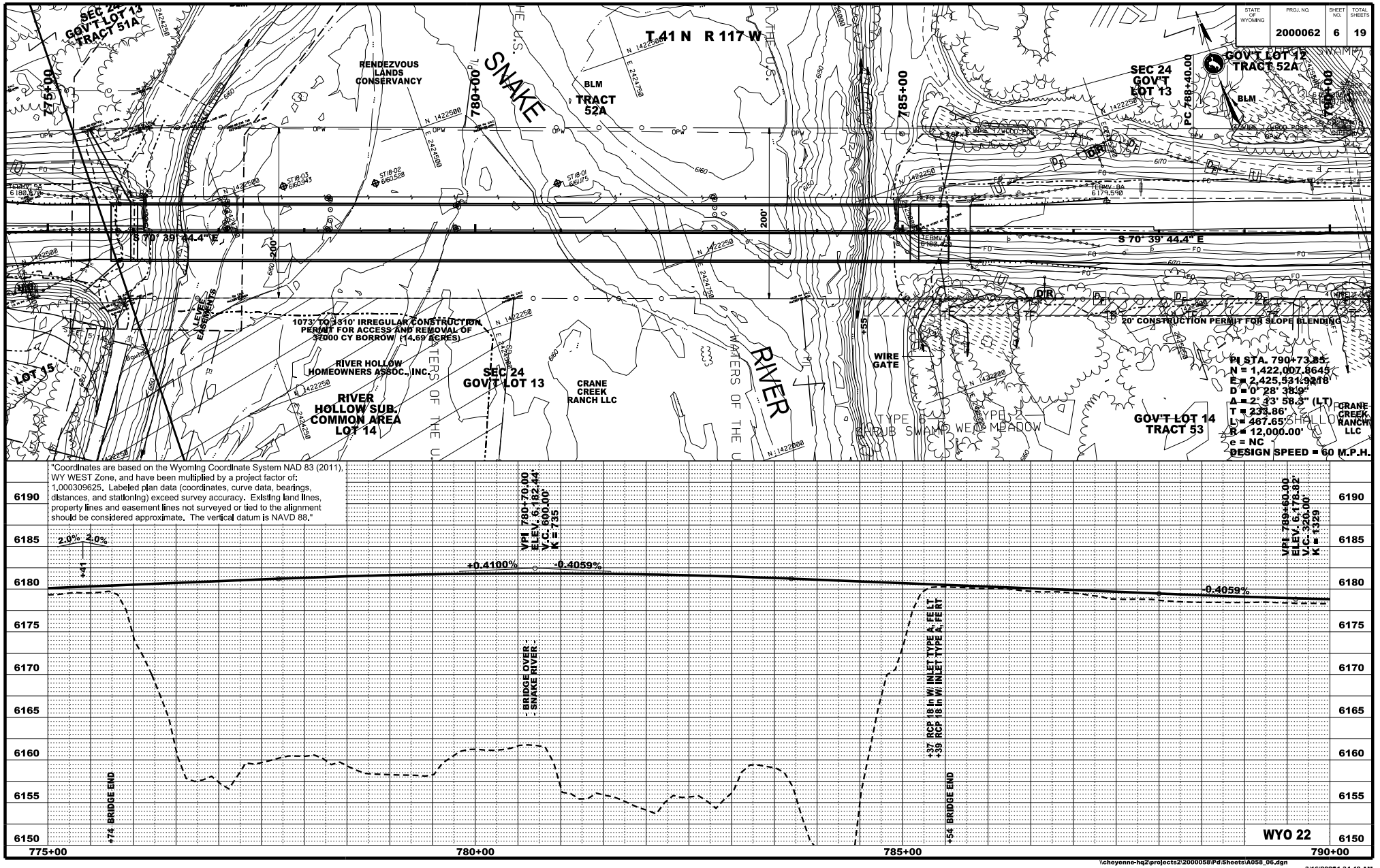
STATE OF WYOMING
PROJ. NO. 2000062
SHEET NO. 6
TOTAL SHEETS 19
T 41 N R 117 W
SEC 24 GOV'T LOT 13 TRACT 51A
RENDEZVOUS LANDS CONSERVANCY
SNAKE
BLM TRACT 52A
775+00
780+00
785+00
790+00
SEC 24 GOV'T LOT 13
GOV'T LOT 12 TRACT 52A
PC 788+40.00
S 70° 39' 44.4" E
200'
1073' TO 3310' IRREGULAR CONSTRUCTION PERMIT FOR ACCESS AND REMOVAL OF 37000 CY BORROW (14.69 ACRES)
20' CONSTRUCTION PERMIT FOR SLOPE BLENDING
LEVEE EASEMENTS
RIVER HOLLOW HOMEOWNERS ASSOC., INC.
RIVER HOLLOW SUB. COMMON AREA LOT 14
LOT 15
SEC 24 GOV'T LOT 13
CRANE CREEK RANCH LLC
WATERS OF THE U.S.
RIVER
WIRE GATE
TYPE 18 SHRUB SWAMP
TYPE WET MEADOW
GOV'T LOT 14 TRACT 53
PI STA. 790+73.85
N = 1,422,007.8645
E = 2,425,531.9218
D = 0° 28' 38.9"
Δ = 2° 33' 58.3" (LT)
T = 233.86'
L = 467.65'
R = 12,000.00'
e = NC
DESIGN SPEED = 60 M.P.H.
"Coordinates are based on the Wyoming Coordinate System NAD 83 (2011), WY WEST Zone, and have been multiplied by a project factor of: 1.000309625. Labeled plan data (coordinates, curve data, bearings, distances, and stationing) exceed survey accuracy. Existing land lines, property lines and easement lines not surveyed or tied to the alignment should be considered approximate. The vertical datum is NAVD 88."
2.0%
2.0%
+41
+0.4100%
-0.4059%
VPI 780+70.00
ELEV. 6,182.44'
V.C. 800.00'
K = 735
VPI 789+60.00
ELEV. 6,178.82'
V.C. 320.00'
K = 1329
-0.4059%
BRIDGE OVER SNAKE RIVER
+74 BRIDGE END
+37 RCP 18 in W/ INLET TYPE A, FE LT
+39 RCP 18 in W/ INLET TYPE A, FE RT
+54 BRIDGE END
6190
6185
6180
6175
6170
6165
6160
6155
6150
775+00
780+00
785+00
790+00
WYO 22
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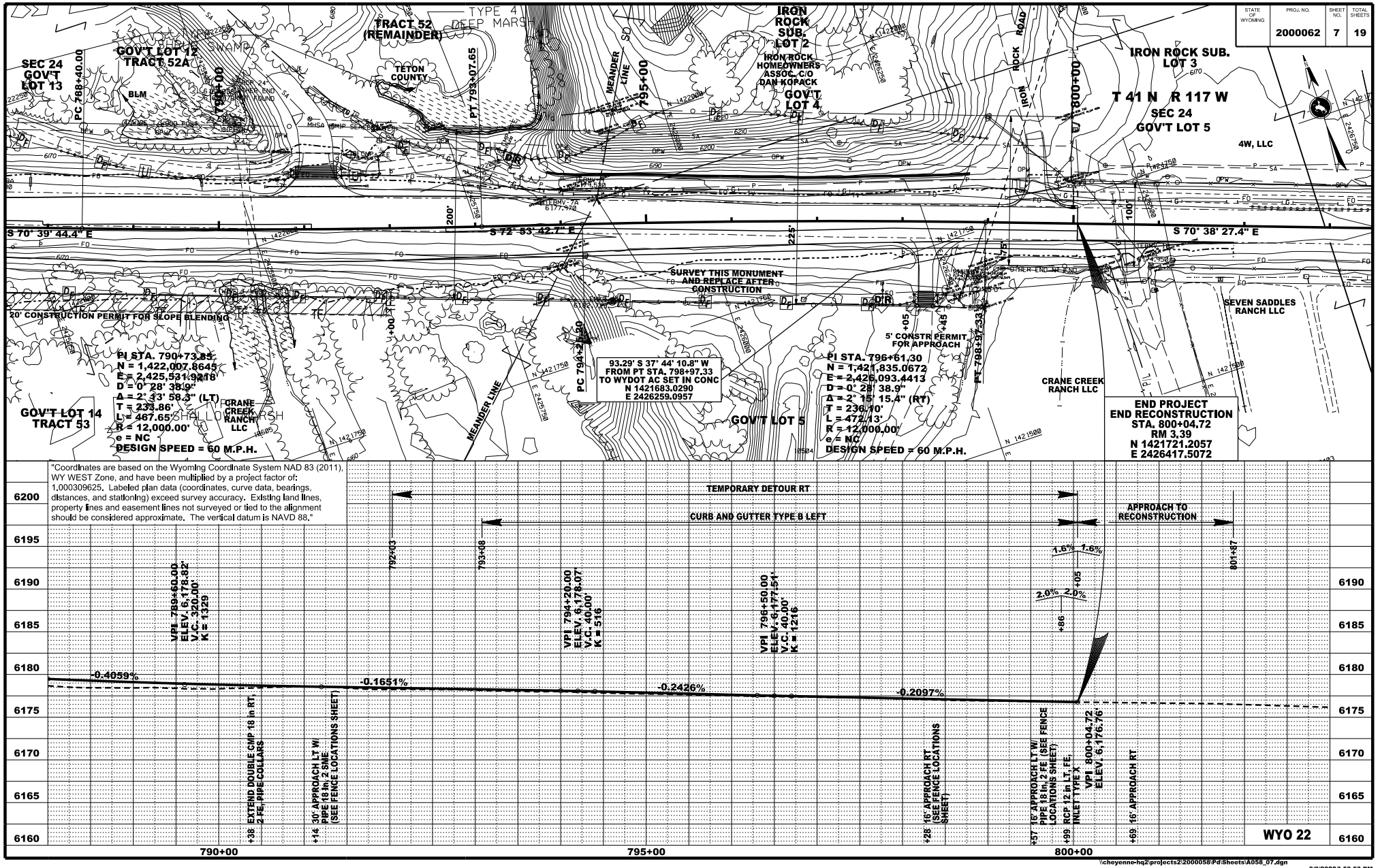
STATE OF WYOMING
PROJ. NO. 2000062
SHEET NO. 7
TOTAL SHEETS 19
SEC 24 GOV'T LOT 13
GOV'T LOT 12 TRACT 52A
TRACT 52 (REMAINDER)
IRON ROCK SUB. LOT 2
IRON ROCK HOMEOWNERS ASSOC. C/O DAN KOPACK
GOV'T LOT 4
IRON ROCK SUB. LOT 3
T 41 N R 117 W
SEC 24
GOV'T LOT 5
4W, LLC
SEVEN SADDLES RANCH LLC
CRANE CREEK RANCH LLC
GOV'T LOT 14 TRACT 53
GOV'T LOT 5
TETON COUNTY
BLM
MEANDER LINE
IRON ROCK ROAD
PC 788+40.00
PT 793+07.65
PC 794+27.50
PT 798+97.33
S 70° 39' 44.4" E
S 72° 53' 42.7" E
S 70° 38' 27.4" E
SURVEY THIS MONUMENT AND REPLACE AFTER CONSTRUCTION
20' CONSTRUCTION PERMIT FOR SLOPE BLENDING
5' CONSTR PERMIT FOR APPROACH
93.29' S 37° 44' 10.8" W FROM PT STA. 798+97.33 TO WYDOT AC SET IN CONC N 1421683.0290 E 2426259.0957
PI STA. 790+73.85
N = 1,422,007.8645
E = 2,425,531.9218
D = 0° 28' 38.9"
Δ = 2° 33' 58.3" (LT)
T = 233.86'
L = 467.65'
R = 12,000.00'
e = NC
DESIGN SPEED = 60 M.P.H.
PI STA. 796+61.30
N = 1,421,835.0672
E = 2,426,093.4413
D = 0° 28' 38.9"
Δ = 2° 15' 15.4" (RT)
T = 236.10'
L = 472.13'
R = 12,000.00'
e = NC
DESIGN SPEED = 60 M.P.H.
END PROJECT
END RECONSTRUCTION
STA. 800+04.72
RM 3,39
N 1421721.2057
E 2426417.5072
"Coordinates are based on the Wyoming Coordinate System NAD 83 (2011), WY WEST Zone, and have been multiplied by a project factor of: 1.000309625. Labeled plan data (coordinates, curve data, bearings, distances, and stationing) exceed survey accuracy. Existing land lines, property lines and easement lines not surveyed or tied to the alignment should be considered approximate. The vertical datum is NAVD 88."
TEMPORARY DETOUR RT
CURB AND GUTTER TYPE B LEFT
APPROACH TO RECONSTRUCTION
VPI 789+60.00
ELEV. 6,178.82'
V.C. 320.00'
K = 1329
VPI 794+20.00
ELEV. 6,178.07'
V.C. 40.00'
K = 516
VPI 796+50.00
ELEV. 6,177.51'
V.C. 40.00'
K = 1216
-0.4059%
-0.1651%
-0.2426%
-0.2097%
1.6%
1.6%
2.0%
2.0%
+38 EXTEND DOUBLE CMP 18 in RT. 2 FE, PIPE COLLARS
+14 30' APPROACH LT W/ PIPE 18 In, 2 SHE (SEE FENCE LOCATIONS SHEET)
+28 16' APPROACH RT (SEE FENCE LOCATIONS SHEET)
+57 16' APPROACH LT W/ PIPE 18 In, 2 FE (SEE FENCE LOCATIONS SHEET)
+99 RCP 12 in LT. F.E. INLET TYPE X
VPI 800+04.72
ELEV. 6,176.76'
+69 16' APPROACH RT
WYO 22
790+00
795+00
800+00
\\cheyenne-hq2\projects2\2000058\Pd\Sheets\A058_07.dgn
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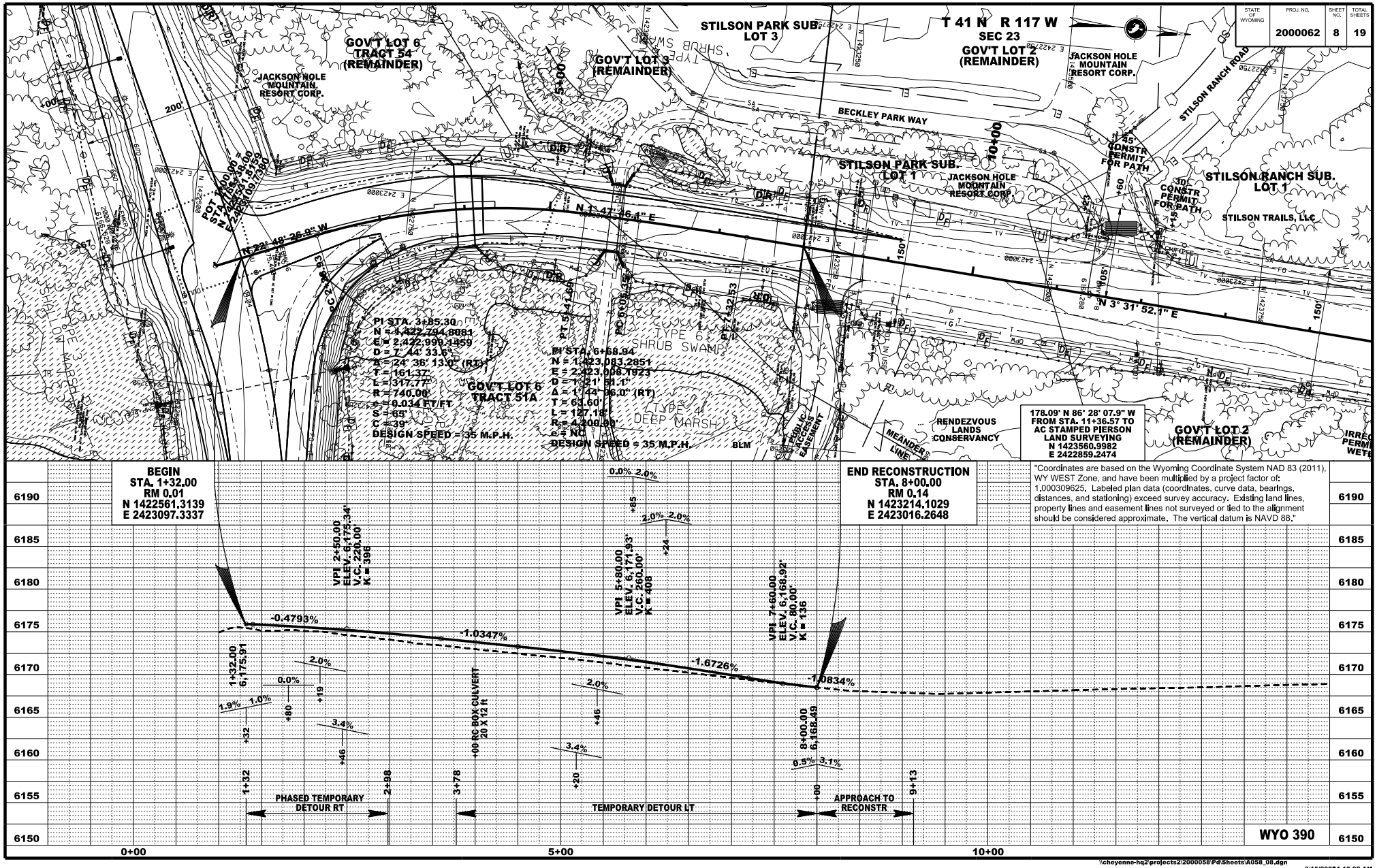

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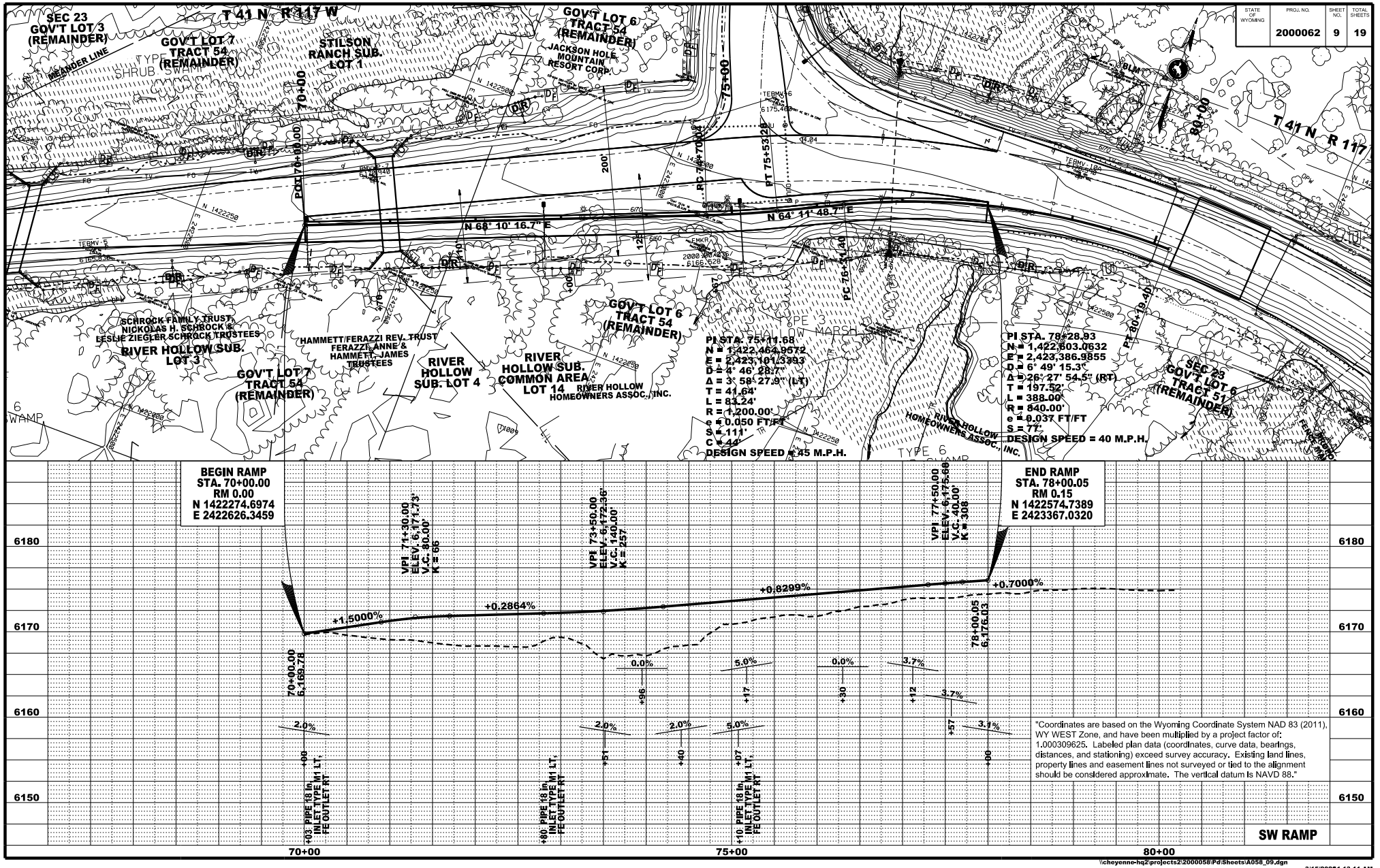

STATE OF WYOMING	PROJ. NO.	SHEET NO.	TOTAL SHEETS
	2000062	9	19

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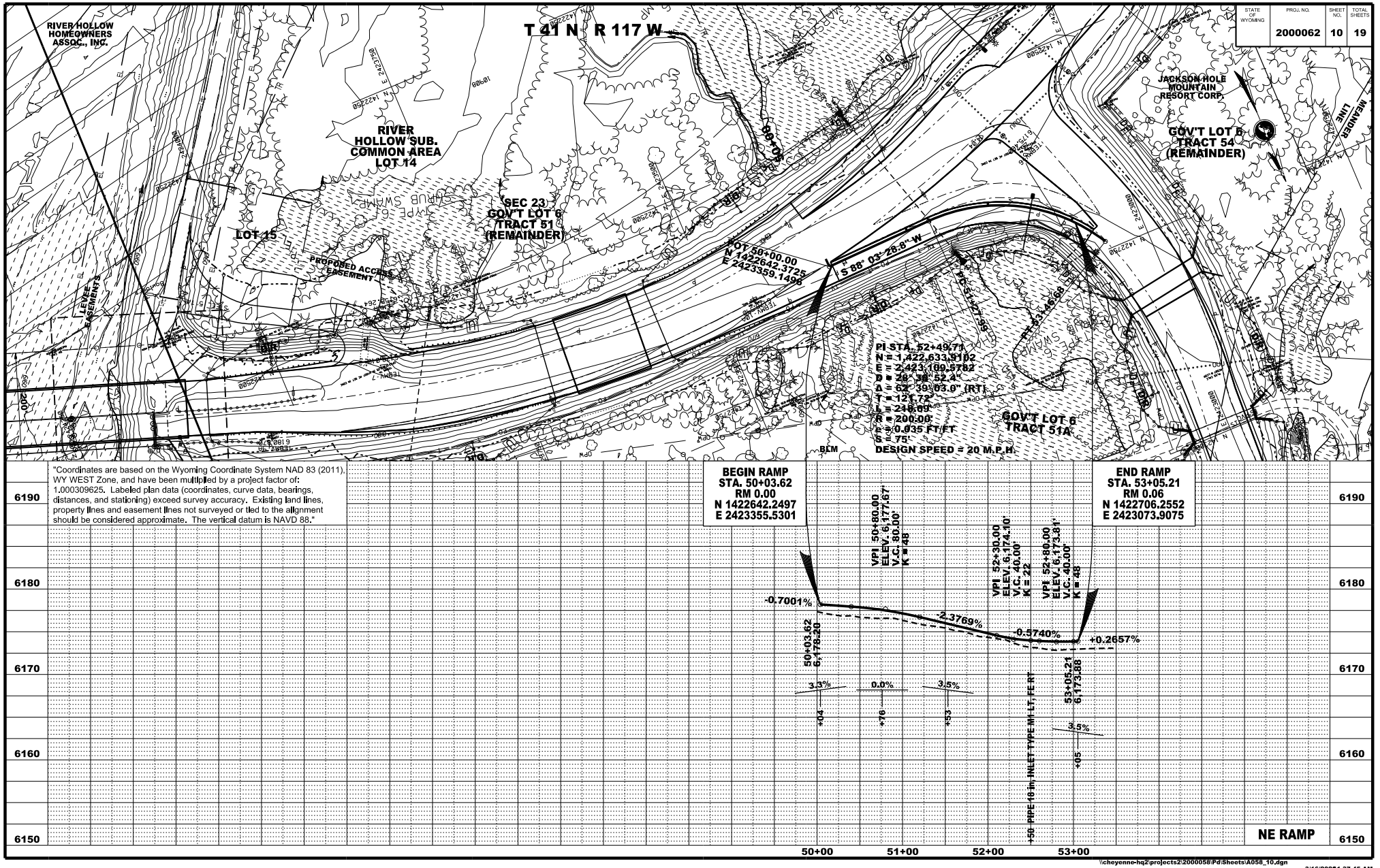

STATE OF WYOMING	PROJ. NO.	SHEET NO.	TOTAL SHEETS
	2000062	10	19

"Coordinates are based on the Wyoming Coordinate System NAD 83 (2011), WY WEST Zone, and have been multiplied by a project factor of: 1.000309625. Labeled plan data (coordinates, curve data, bearings, distances, and stationing) exceed survey accuracy. Existing land lines, property lines and easement lines not surveyed or tied to the alignment should be considered approximate. The vertical datum is NAVD 88."

BEGIN RAMP
STA. 50+03.62
RM 0.00
N 1422642.2497
E 2423355.5301

END RAMP
STA. 53+05.21
RM 0.06
N 1422706.2552
E 2423073.9075

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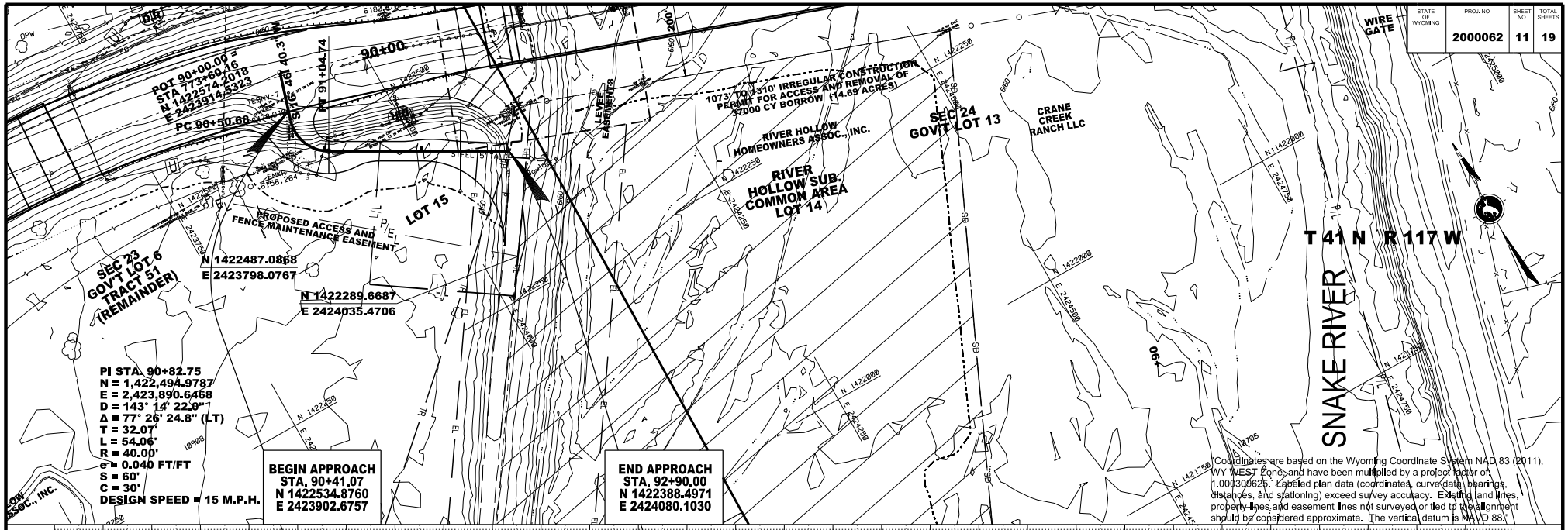

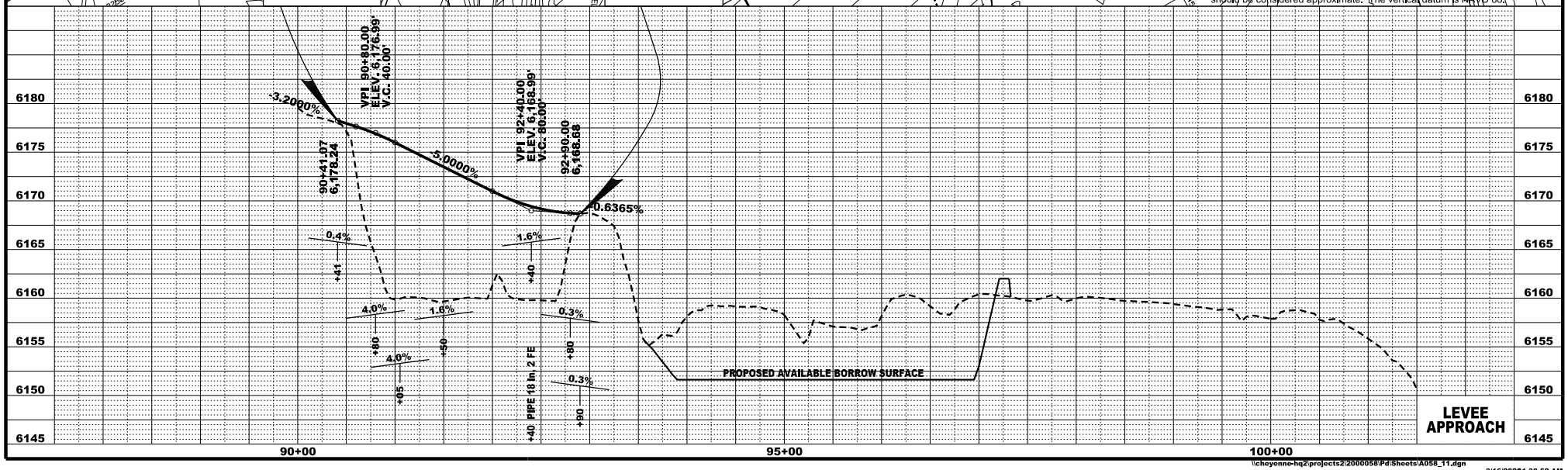

STATE OF WYOMING	PROJ. NO.	SHEET NO.	TOTAL SHEETS
	2000062	11	19

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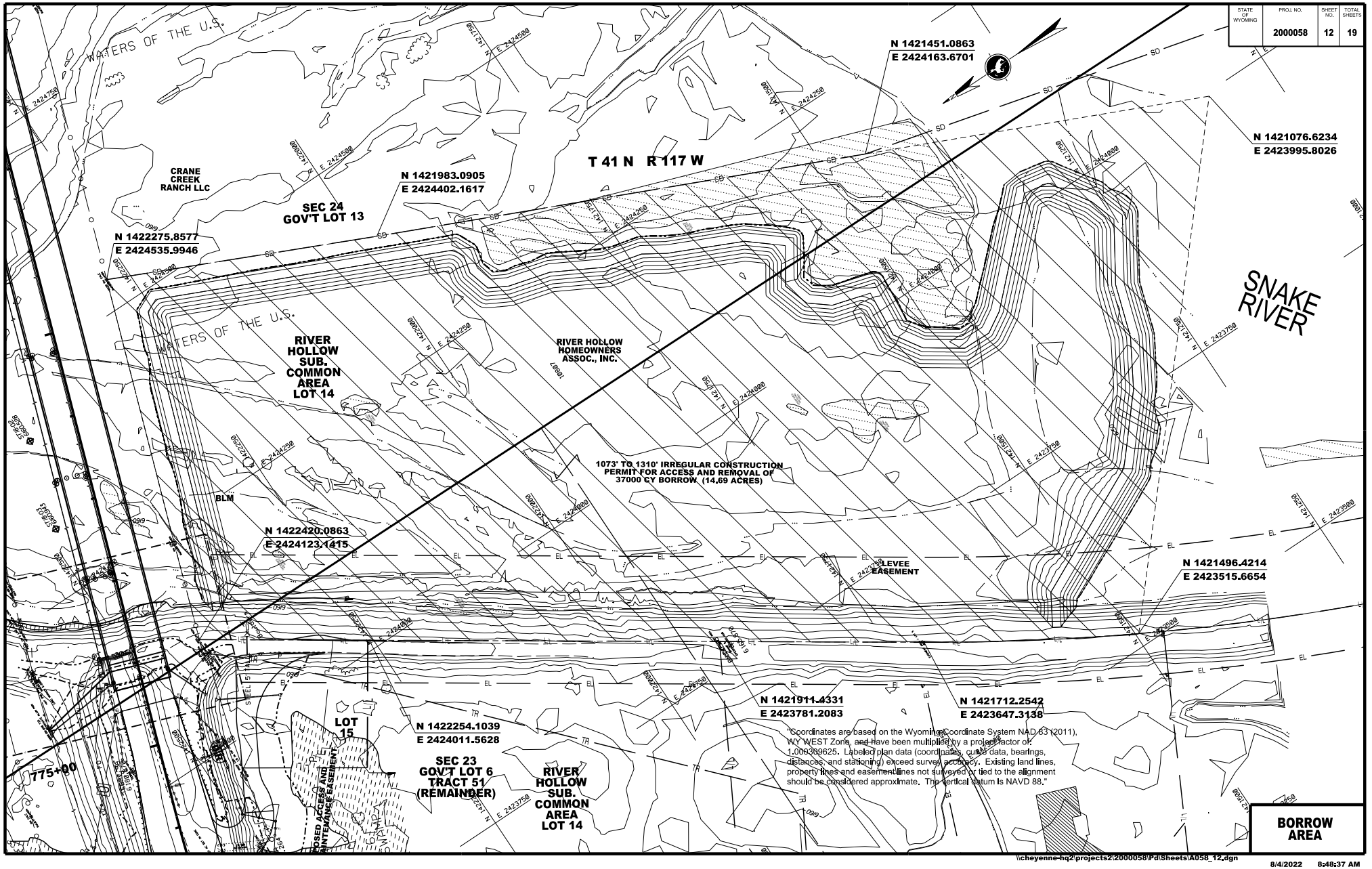
STATE OF WYOMING
PROJ. NO. 2000058
SHEET NO. 12
TOTAL SHEETS 19
WATERS OF THE U.S.
CRANE CREEK RANCH LLC
SEC 24 GOV'T LOT 13
N 1422275.8577
E 2424535.9946
N 1421983.0905
E 2424402.1617
T 41 N R 117 W
N 1421451.0863
E 2424163.6701
N 1421076.6234
E 2423995.8026
SNAKE RIVER
RIVER HOLLOW SUB. COMMON AREA LOT 14
RIVER HOLLOW HOMEOWNERS ASSOC., INC.
1073' TO 1310' IRREGULAR CONSTRUCTION PERMIT FOR ACCESS AND REMOVAL OF 37000 CY BORROW (14.69 ACRES)
BLM
N 1422420.0863
E 2424123.1415
LEVEE EASEMENT
N 1421496.4214
E 2423515.6654
N 1421911.4331
E 2423781.2083
N 1421712.2542
E 2423647.3138
LOT 15
N 1422254.1039
E 2424011.5628
SEC 23 GOV'T LOT 6 TRACT 51 (REMAINDER)
RIVER HOLLOW SUB. COMMON AREA LOT 14
775+00
"Coordinates are based on the Wyoming Coordinate System NAD 83 (2011), WY WEST Zone, and have been multiplied by a project factor of 1.000369625. Labeled plan data (coordinates, curve data, bearings, distances, and stationing) exceed survey accuracy. Existing land lines, property lines and easement lines not surveyed or tied to the alignment should be considered approximate. The vertical datum is NAVD 88."
BORROW AREA
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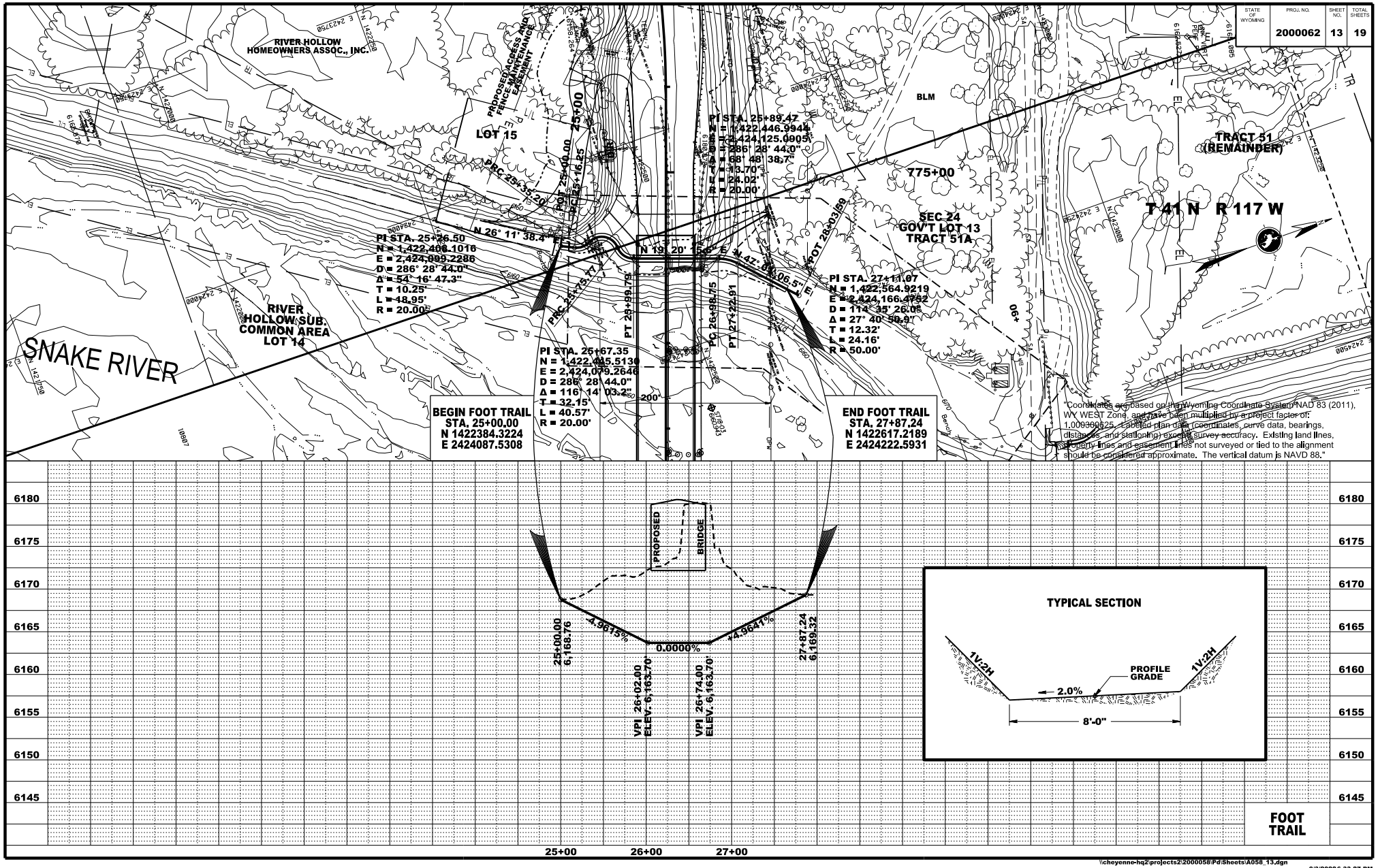
STATE OF WYOMING
PROJ. NO. 2000062
SHEET NO. 13
TOTAL SHEETS 19
RIVER HOLLOW HOMEOWNERS ASSOC., INC.
PROPOSED ACCESS AND FENCE MAINTENANCE EASEMENT
LOT 15
BLM
TRACT 51 (REMAINDER)
SEC 24 GOV'T LOT 13 TRACT 51A
T 41 N R 117 W
RIVER HOLLOW SUB. COMMON AREA LOT 14
SNAKE RIVER
PI STA. 25+26.50
N = 1,422,406.1016
E = 2,424,099.2286
D = 286° 28' 44.0"
Δ = 54° 16' 47.3"
T = 10.25'
L = 18.95'
R = 20.00'
PI STA. 25+89.47
N = 1,422,446.9944
E = 2,424,125.0905
D = 286° 28' 44.0"
Δ = 68° 48' 38.7"
T = 13.70'
L = 24.02'
R = 20.00'
PI STA. 25+67.35
N = 1,422,425.5136
E = 2,424,079.2646
D = 286° 28' 44.0"
Δ = 116° 14' 03.2"
T = 32.15'
L = 40.57'
R = 20.00'
PI STA. 27+11.07
N = 1,422,564.9219
E = 2,424,166.4752
D = 114° 35' 26.0"
Δ = 27° 40' 50.9"
T = 12.32'
L = 24.16'
R = 50.00'
BEGIN FOOT TRAIL STA. 25+00.00 N 1422384.3224 E 2424087.5308
END FOOT TRAIL STA. 27+87.24 N 1422617.2189 E 2424222.5931
"Coordinates are based on the Wyoming Coordinate System NAD 83 (2011), WY WEST Zone, and have been multiplied by a project factor of: 1.000300625. Labelled plan data (coordinates, curve data, bearings, distances, and stationing) exceeds survey accuracy. Existing land lines, property lines and easement lines not surveyed or tied to the alignment should be considered approximate. The vertical datum is NAVD 88."
PROPOSED BRIDGE
25+00.00 6,168.76
-4.9615%
0.0000%
+4.9641%
27+87.24 6,169.32
VPI 26+02.00 ELEV. 6,163.70
VPI 26+74.00 ELEV. 6,163.70
TYPICAL SECTION
1V:2H
PROFILE GRADE
2.0%
1V:2H
8'-0"
6180
6175
6170
6165
6160
6155
6150
6145
25+00
26+00
27+00
FOOT TRAIL
\\cheyenne-hq2\projects2\2000058\Pd\Sheets\A058_13.dgn
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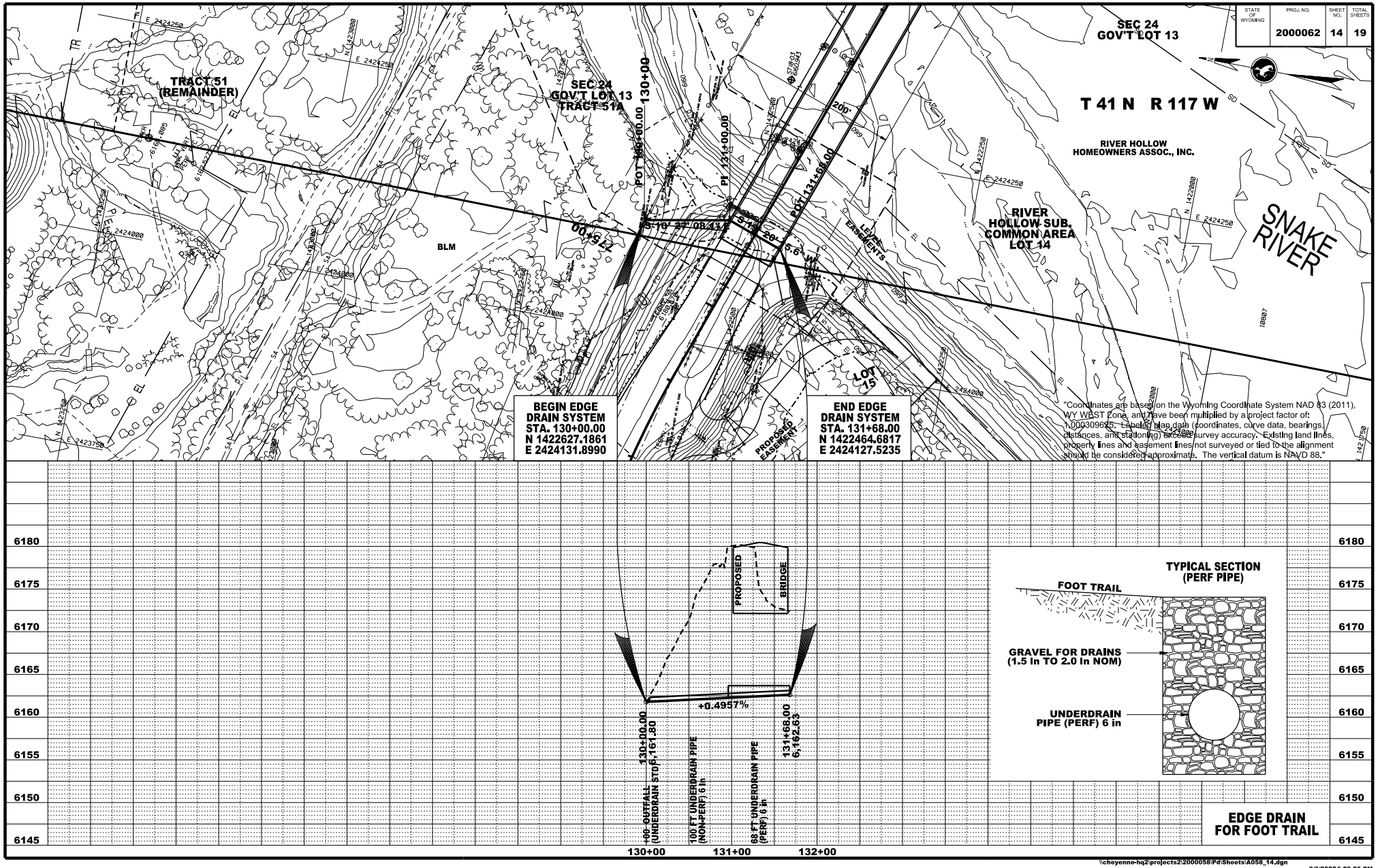

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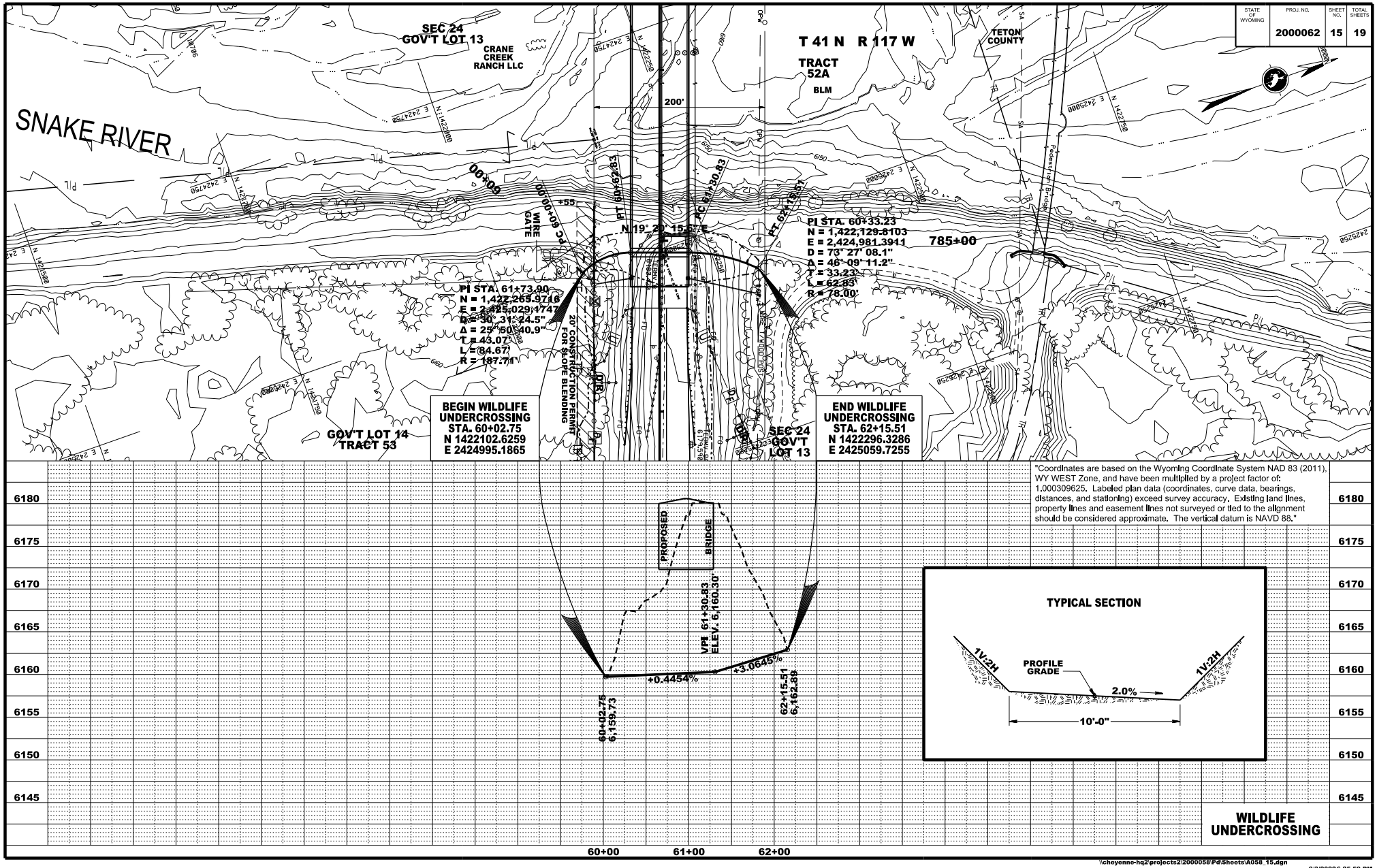

STATE OF WYOMING	PROJ. NO.	SHEET NO.	TOTAL SHEETS
	2000062	15	19

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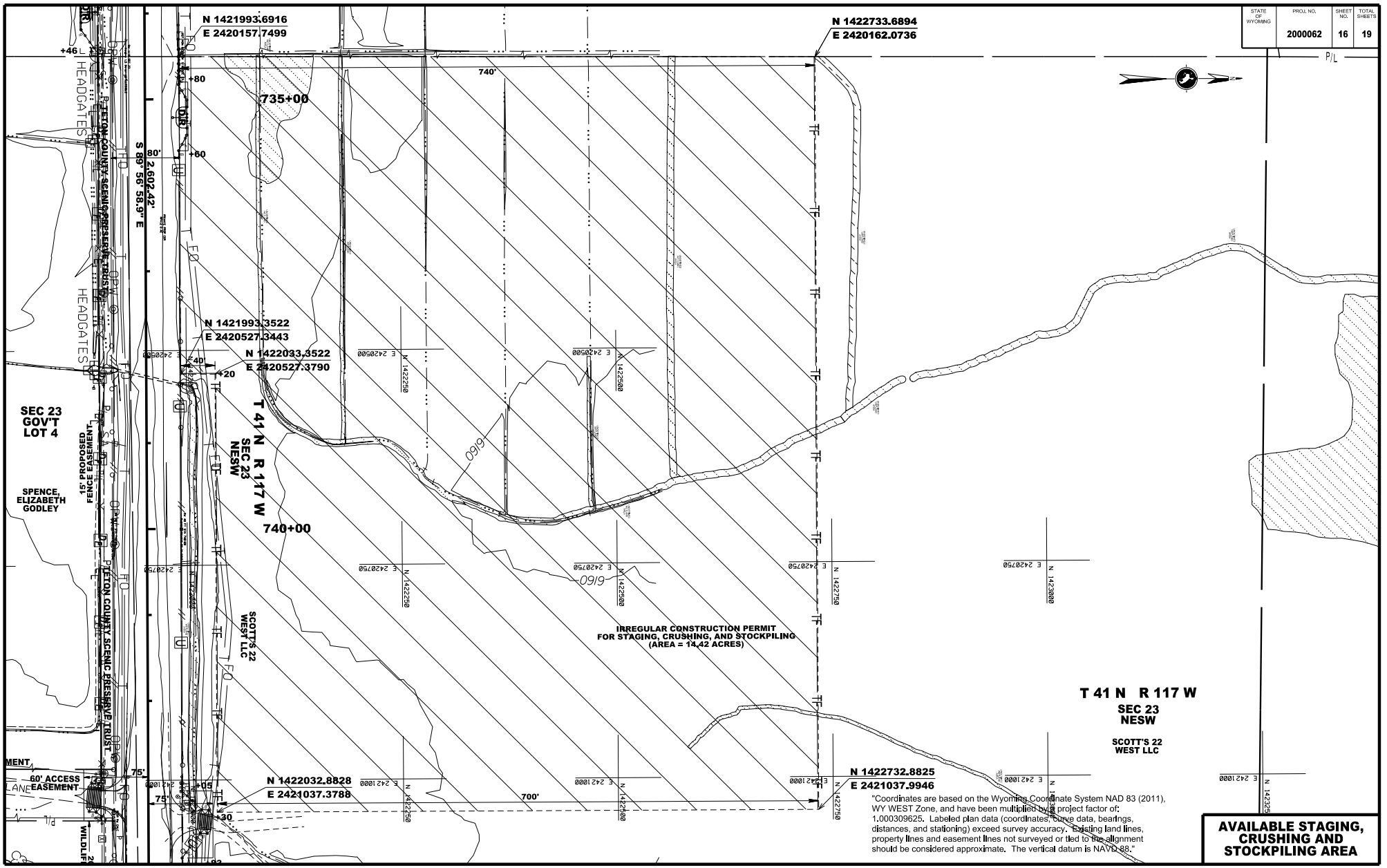


STATE OF WYOMING	PROJ. NO.	SHEET NO.	TOTAL SHEETS
	2000062	16	19

9.2.4.1 Erosion and sediment controls.

9.2.4.1a

We will be working for the following erosion and sediment controls. Please see attached approved WYDOT methods that may also be utilized.

- Preserving existing vegetation.
  - Vegetation and topsoil will only be removed up to the necessary limits for the pavement of the temporary roads. The only vegetative removal not to be paved will be the slopes of the roadways.
- Surface Roughening
  - The slopes of the temporary roadways will be compacted to reduce surface erosion.
- Storm water diversion
  - Drainage ditches along the slope will help reduce sheet flow and erosion along the temporary roads. Ditches to be lined with coconut fiber.
- Outlet protection
  - Utilizing rock rip rap to slow the discharge during the construction phases and the permanent condition.
- Permanent seeding
  - In its permanent configuration seeding will be used to prevent erosion on all slopes not paved.

9.2.4.1b

The following sedimentation controls will be utilized on the project. They can be found in the previous site maps. Please see attached approved WYDOT methods that may also be utilized.

- Entrance/Egress aggregate tracking controls
- Sediment Barriers (Silt Fences, Excelsior Sediment Logs, Straw Wattle, Gravel Berms, Coconut Fiber Ditch Lining)
- Storm Drain Inlet Protection
- Sediment Traps

9.2.4.1c

Temporary stabilization methods used for exposed areas will be preserving existing vegetation where possible, surface roughening, erosion ditch liners, and erosion control blankets when needed.

Permanent stabilization will be achieved with seeding.

9.2.4.2

Construction dewatering will occur with the use of rock rip rap, sand bags, coconut fiber ditch lining, filter socks for drainage hoses, or plastic liner. The device used will be determined by the proximity to the dewatering activity of access and rip rap.

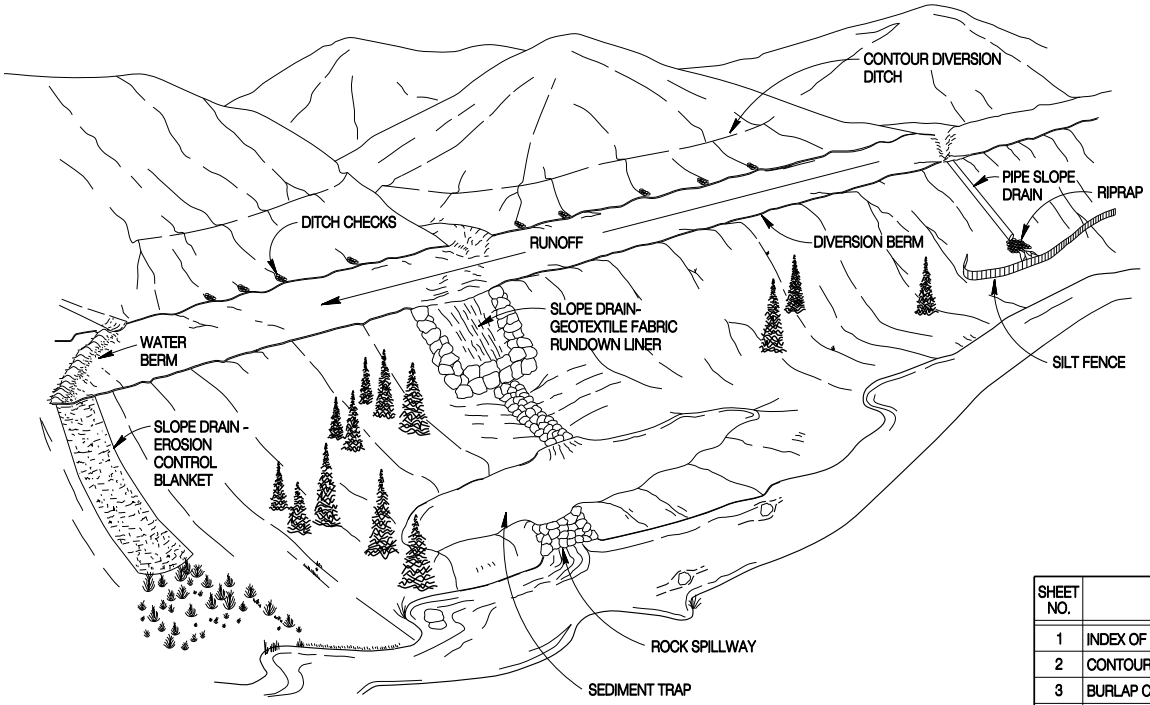
9.2.4.3 Operational Controls.

9.2.4.3a

- The project will maintain dumpster(s) onsite for all litter and debris to be removed at the end of every shift in every work area.
- Chemicals and fertilizers will be handled, stored, and disposed according to the manufacturer's recommendations.
- Port-a-lets will be cleaned weekly and kept available for all employees and subcontractors onsite.
- The street will be swept by hand or by machine if sediment is tracked out of the work site within 24 hours of the occurrence.

GENERAL NOTE

This standard plan includes some, but not all techniques for limiting erosion and pollution during construction operations. Limit size of areas to be disrupted to reduce the quantity of erosion control devices to be installed and maintained. Adhere to Best Management Practices (BMP) and project erosion control plan. Refer to specifications for detailed information not shown hereon.



BASIC EROSION CONTROL SYSTEM

Designed by: KBP
Drawn by: GLD
Checked by: WBW
Previous Dwg. No. 215-01C

INDEX OF SHEETS, GENERAL INFORMATION & BASIC EROSION CONTROL SYSTEM

Note: Units shown in brackets [ ] are metric and are in millimeters (mm) unless other units are shown.

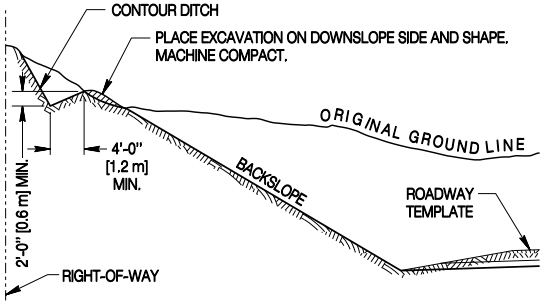
WYOMING DEPARTMENT OF TRANSPORTATION

TEMPORARY EROSION CONTROL MEASURES FOR STORM WATER POLLUTION PREVENTION

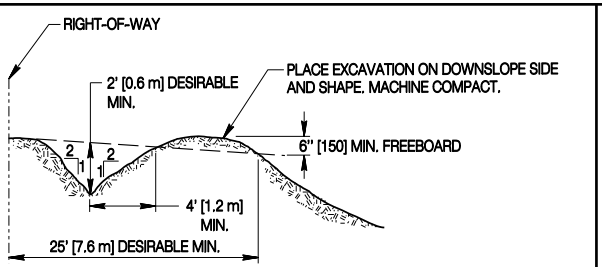
STANDARD PLAN

STANDARD PLAN NUMBER
215-1
SHEET 1 of 11
Issued by: ENGINEERING SERVICES
Date Issued: MARCH, 2004

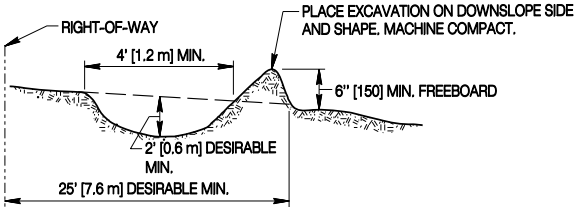
FILE: j:\Stan\Dual_Std\2151_01.dgn



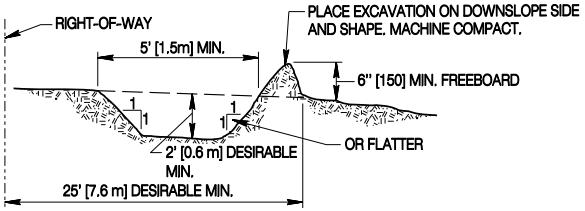
TYPICAL CONTOUR DIVERSION DITCH LOCATION



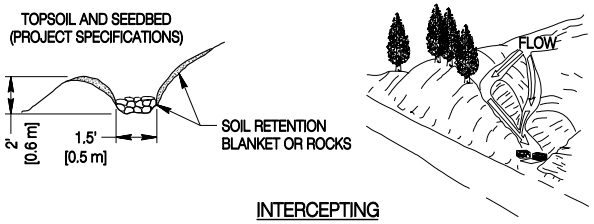
TRIANGULAR CONTOUR DIVERSION



PARABOLIC CONTOUR DIVERSION

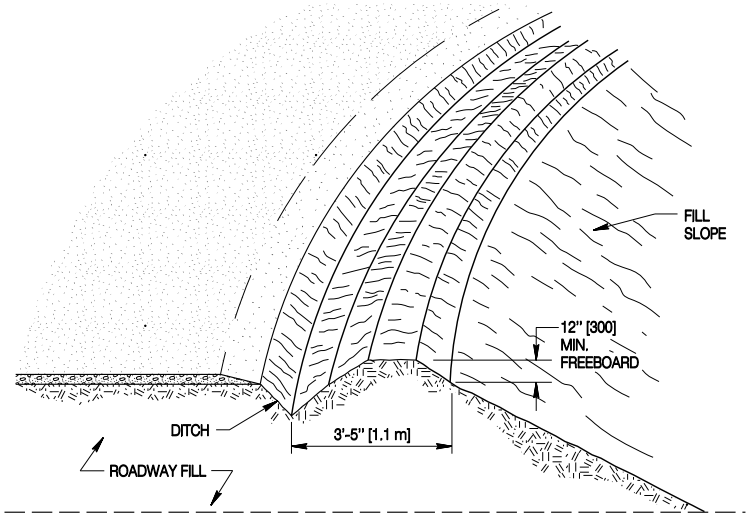


TRAPEZODIAL CONTOUR DIVERSION



INTERCEPTING

TYPES OF DITCHES



INTERIM EARTHWORK BERM

Determine height and width of temporary berms by the size of the run-off area. Compact berms with several passes of dozer or grader wheels as approved by the engineer.

Designed by: KBP Drawn by: GLD Checked by: WBW Previous Dwg. No. 215-01C	CONTOUR DIVERSION DITCHES AND ROADBED RUN-OFF BERMS	WYOMING DEPARTMENT OF TRANSPORTATION	TEMPORARY EROSION CONTROL MEASURES FOR STORM WATER POLLUTION PREVENTION STANDARD PLAN	STANDARD PLAN NUMBER 215-1 SHEET 2 of 11 Issued by: ENGINEERING SERVICES Date Issued: MARCH, 2004

Note: Units shown in brackets [ ] are metric and are in millimeters (mm) unless other units are shown.

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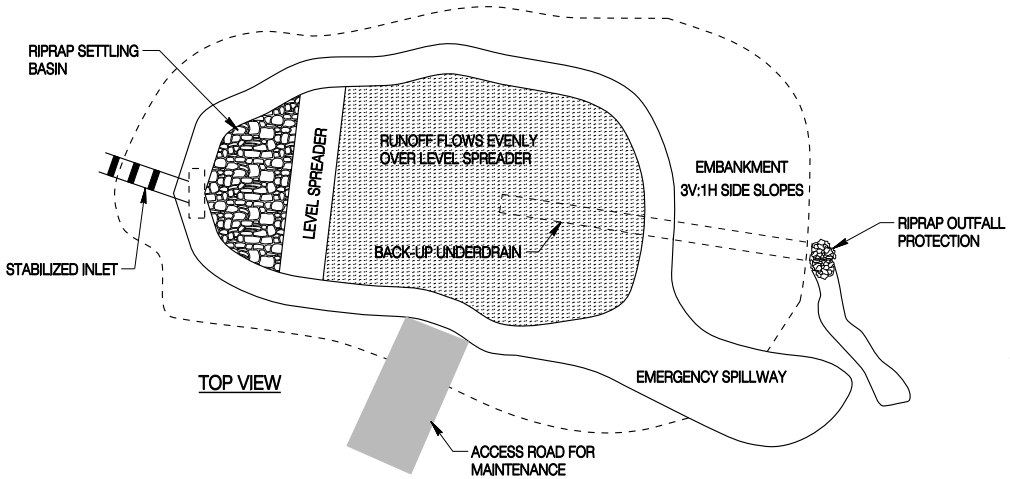

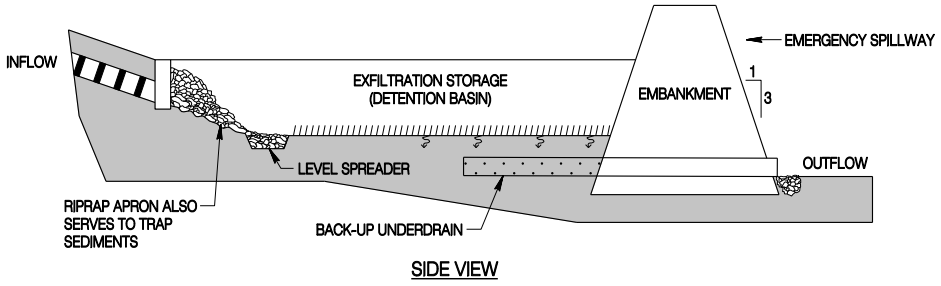

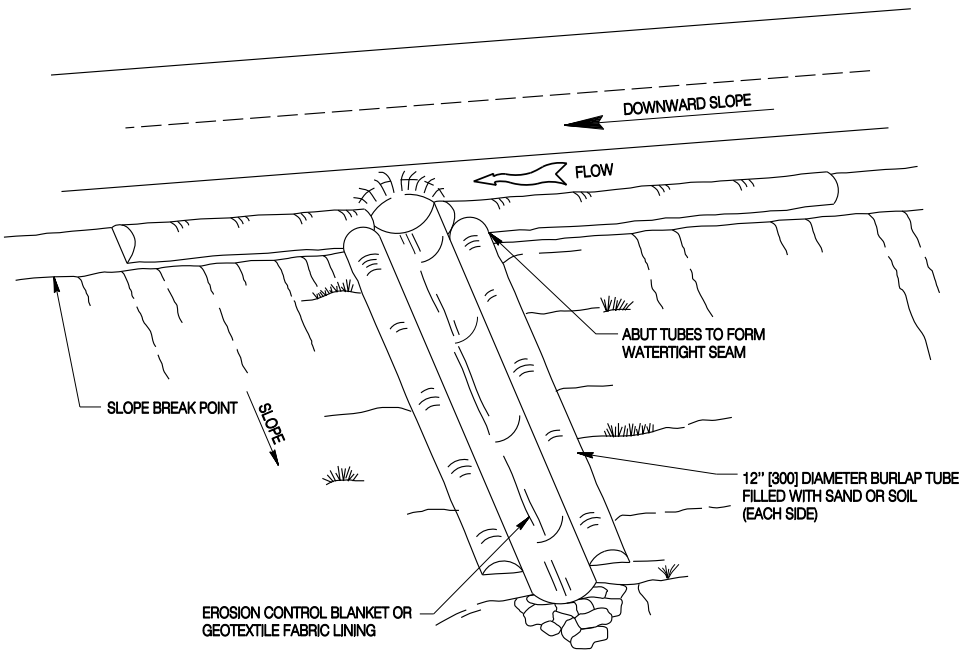

LEVEL SPREADER

Water may be diverted from a slope by one of the above ditches and then redistributed with a level spreader. The level spreader may be covered with geotextile fabric, erosion control blankets, or rock.

BURLAP TUBE DIVERSION DIKE

Construct temporary run-off diversions with burlap tubes, low berming, or by excavating and lining a shallow channel.

Designed by: KBP Drawn by: GLD Checked by: WBW Previous Dwg. No. 215-01C	BURLAP CURB DIVERSION DIKE FOR SLOPE DRAIN AND LEVEL SPREADER DETAILS	WYOMING DEPARTMENT OF TRANSPORTATION	TEMPORARY EROSION CONTROL MEASURES FOR STORM WATER POLLUTION PREVENTION STANDARD PLAN	STANDARD PLAN NUMBER 215-1 SHEET 3 of 11 Issued by: ENGINEERING SERVICES Date Issued: MARCH, 2004

Note: Units shown in brackets [ ] are metric and are in millimeters (mm) unless other units are shown.

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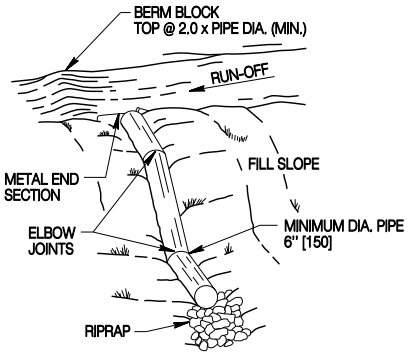
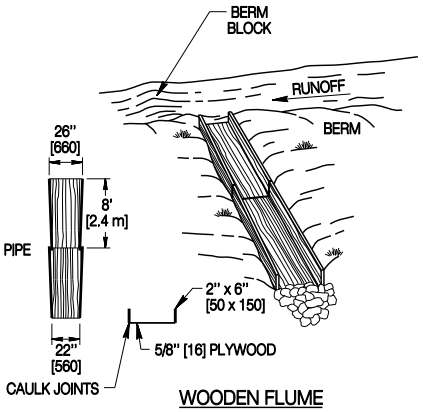
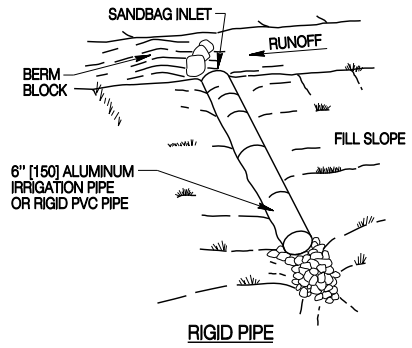


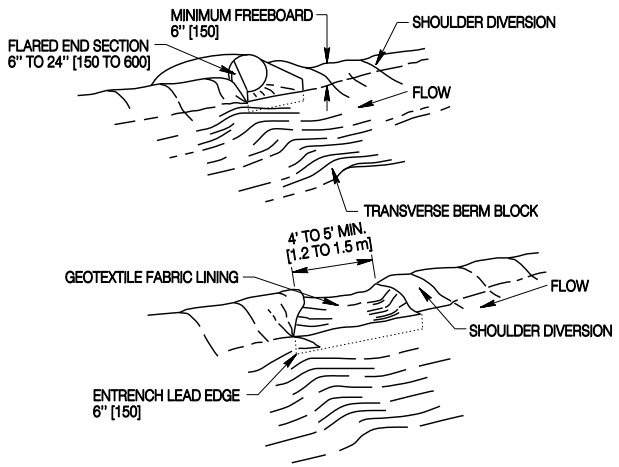
JOINTED PIPE



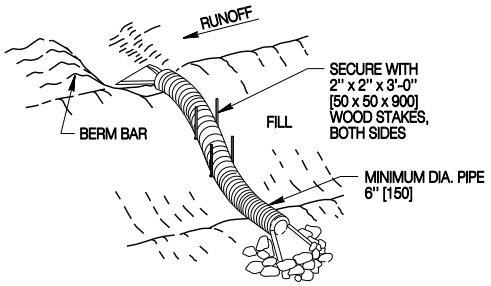
WOODEN FLUME



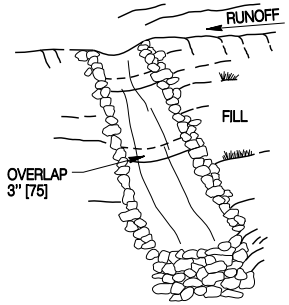
RIGID PIPE



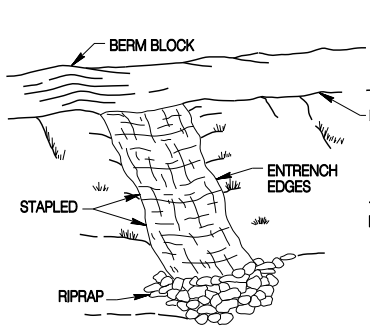
SLOPE DRAIN INLETS



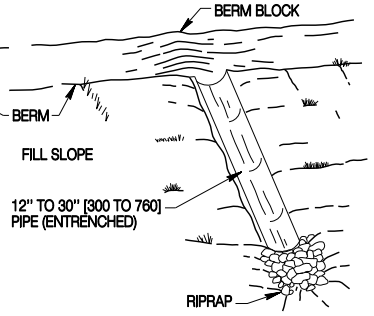
FLEXIBLE PIPE



GEOTEXTILE FABRIC
DITCH LINER



EROSION CONTROL
BLANKET RUNDOWN



HALF-ROUND PIPE

TYPES OF SLOPE DRAINS

Construct slope drains at frequent intervals along countinuous fill slopes and at low points on roadway grade.

Designed by: KBP Drawn by: GLD Checked by: WBW Previous Dwg. No. 215-01C	SLOPE DRAINS	WYOMING DEPARTMENT OF TRANSPORTATION	TEMPORARY EROSION CONTROL MEASURES FOR STORM WATER POLLUTION PREVENTION STANDARD PLAN

Note: Units shown in brackets [ ] are metric and are in millimeters (mm) unless other units are shown.

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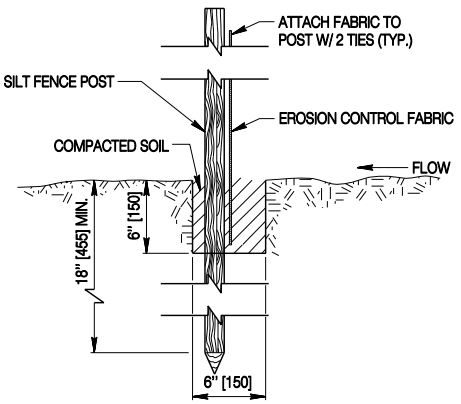
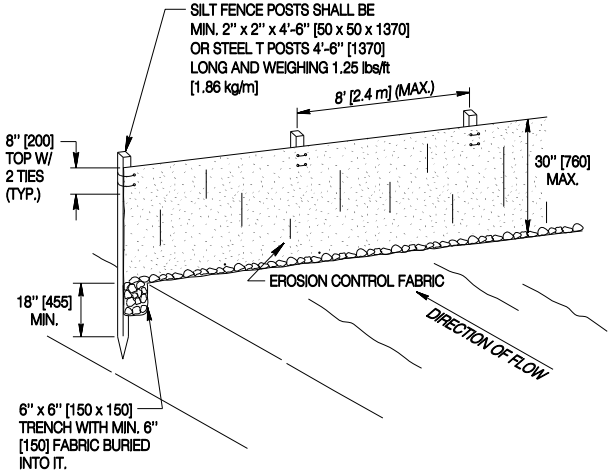
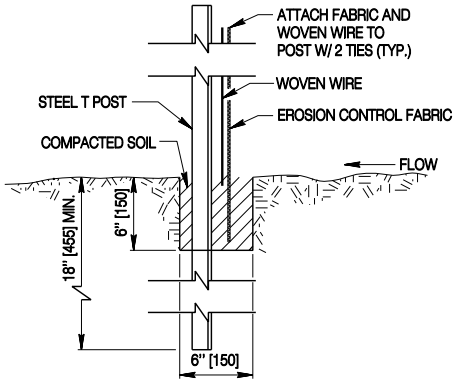
SHEET 4 of 11
Issued by: ENGINEERING SERVICES
Date Issued: MARCH, 2004
FILE: j:\0tsm\Dual_Std\2161_04.dgn



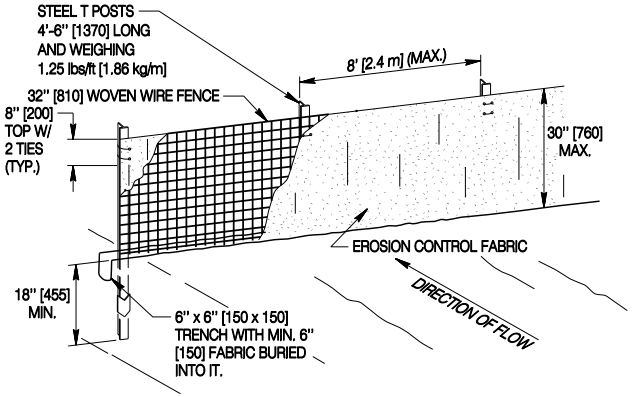
STANDARD SILT FENCE TRENCH DETAIL



STANDARD SILT FENCE



WIRE-REINFORCED SILT FENCE TRENCH DETAIL

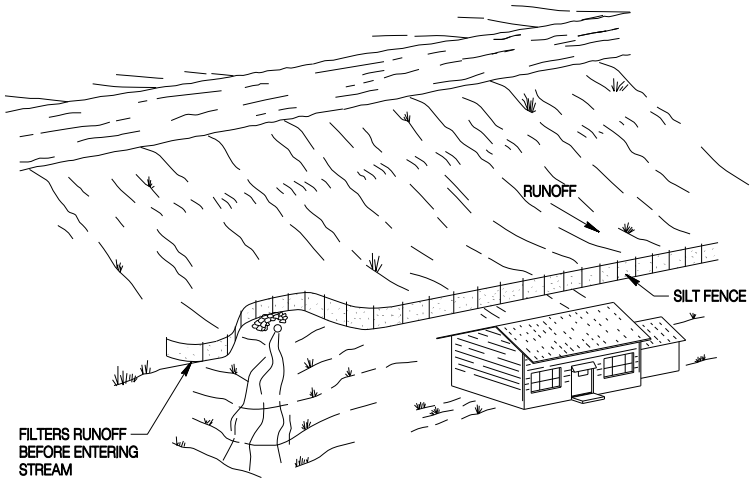


WIRE-REINFORCED SILT FENCE

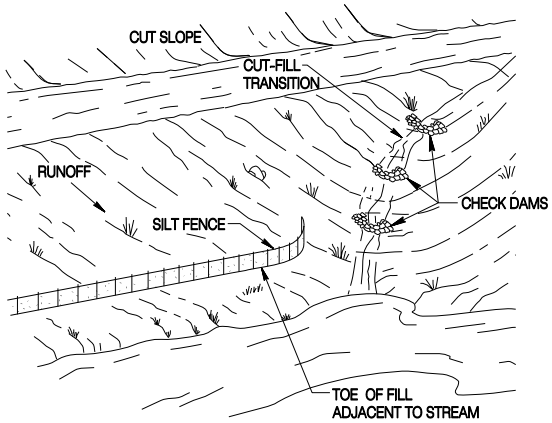
Usage: Place above WDEQ Class I waters and in severe snowfall or high wind areas.

Silt Fence Usage:

Place around inlets, across minor swales, and at the toe of fill slopes adjacent to developed property. Area to be handled shall not exceed 1000 ft² [93 m²] per 10 ft [3 m] of fence. Use caution on slopes in excess of 1V:1H when water flow rates exceed 1 cfs [.03 m³/s] per 10 ft [3 m] of fence.



PROTECTION OF ADJACENT PROPERTY



PROTECTION OF LIVE STREAM

SILT FENCE APPLICATIONS

Designed by: KBP Drawn by: GLD Checked by: WBW Previous Dwg. No. 215-01C	FILL SLOPE SHEET FLOW PROTECTION	WYOMING DEPARTMENT OF TRANSPORTATION	**TEMPORARY EROSION CONTROL MEASURES FOR STORM WATER POLLUTION PREVENTION** STANDARD PLAN

Note: Units shown in brackets [ ] are metric and are in millimeters (mm) unless other units are shown.

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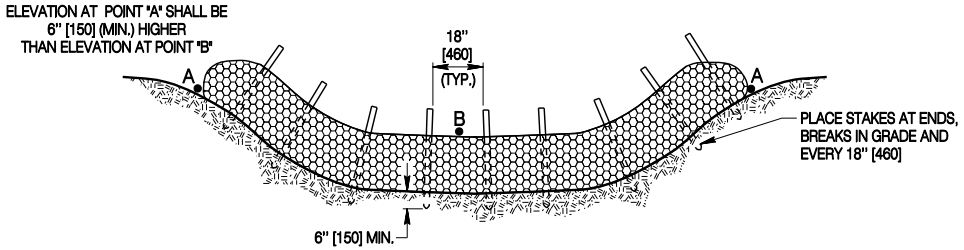
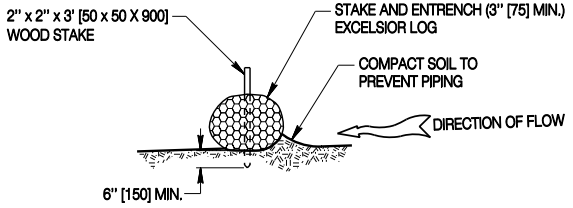
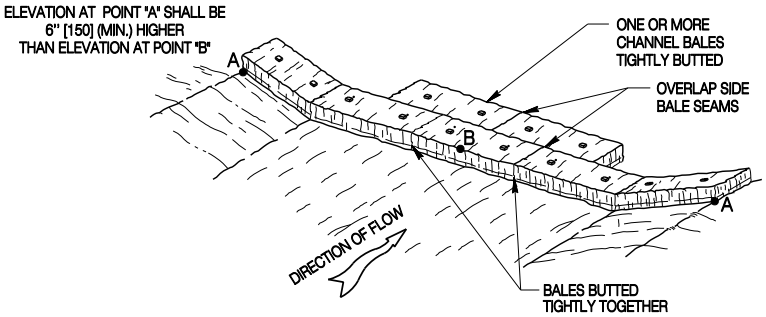


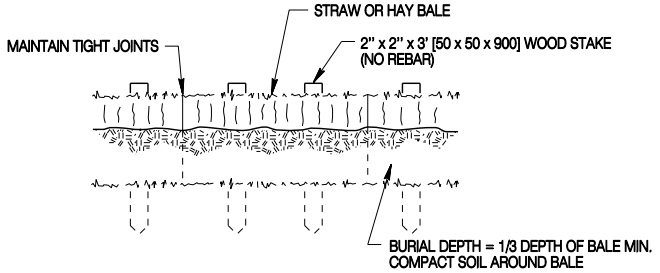
FRONT VIEW



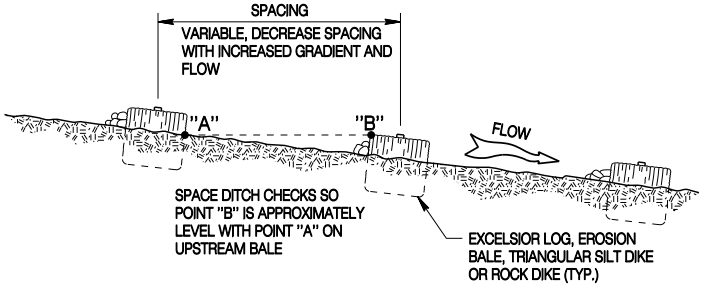
SECTION VIEW

EXCELSIOR LOG DITCH CHECK





EROSION BALE DITCH CHECK



GENERAL DITCH CHECK SPACING DETAIL

General Notes:

1. Place erosion bale check dams in a wide swale.
2. Where a high volume of run-off is expected, cover erosion bales with plastic 10 mil thick.
3. Place rock check dams in narrow ditches and gullies.
4. Concentrate the flow of water to the center of the channel.
5. Place ends of the check dam 6" [150] above the center and curve upstream to prevent flow around the ends.
6. Reduce water velocity and trap sediment by placing check dams more frequently as slope and flow increase.

Designed by: KBP Drawn by: GLD Checked by: WBW Previous Dwg. No. 215-01C	DITCH CHECKS - EXCELSIOR LOGS & EROSION BALES	WYOMING DEPARTMENT OF TRANSPORTATION	TEMPORARY EROSION CONTROL MEASURES FOR STORM WATER POLLUTION PREVENTION STANDARD PLAN	STANDARD PLAN NUMBER 215-1 SHEET 6 of 11 Issued by: ENGINEERING SERVICES Date Issued: MARCH, 2004

Note: Units shown in brackets [ ] are metric and are in millimeters (mm) unless other units are shown.

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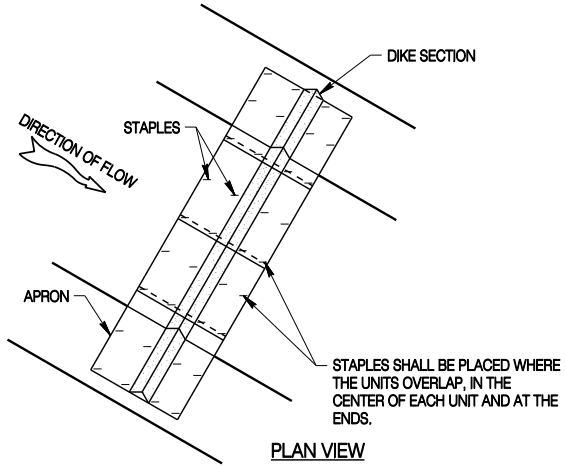
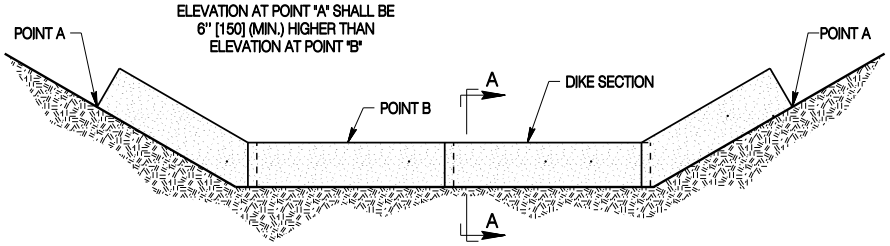
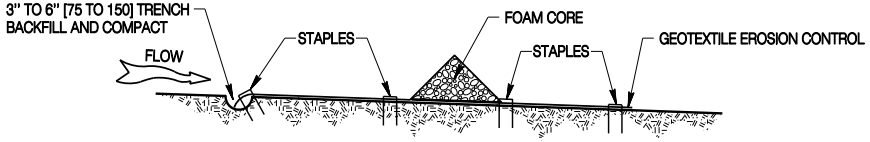


PLAN VIEW

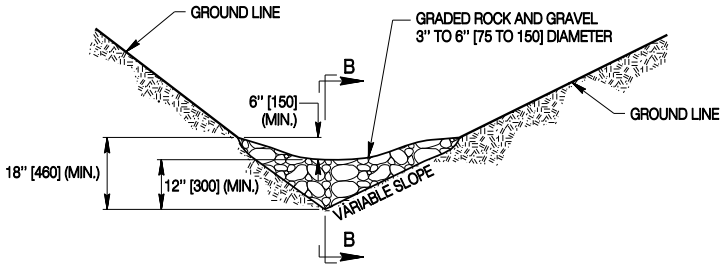


UP CHANNEL VIEW

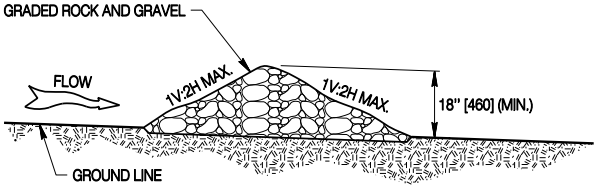


SECTION A-A

TRIANGULAR SILT DIKE (SYNTHETIC)



ELEVATION



SECTION B - B

ROCK CHECK DIKE

ROCK DITCH CHECKS WILL NOT BE ALLOWED WITHIN THE LIMITS OF THE CLEAR ZONE.

See sheet 6 for Ditch Checks notes and general details.

Designed by: KBP	DITCH CHECKS - TRIANGULAR SILT DIKES & ROCK CHECK DIKES
Drawn by: GLD	
Checked by: WBW	
Previous Dwg. No. 215-01C	

Note: Units shown in brackets [ ] are metric and are in millimeters (mm) unless other units are shown.

WYOMING DEPARTMENT OF TRANSPORTATION

TEMPORARY EROSION CONTROL MEASURES FOR STORM WATER POLLUTION PREVENTION

STANDARD PLAN

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Date Issued: MARCH, 2004

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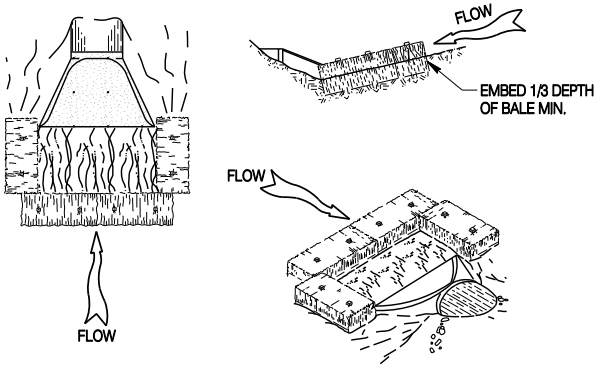
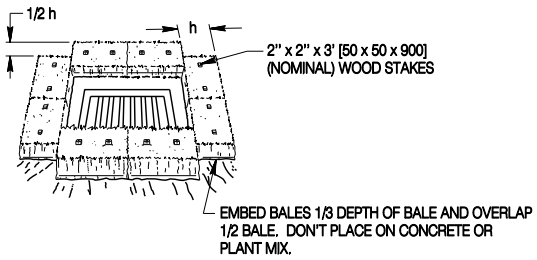


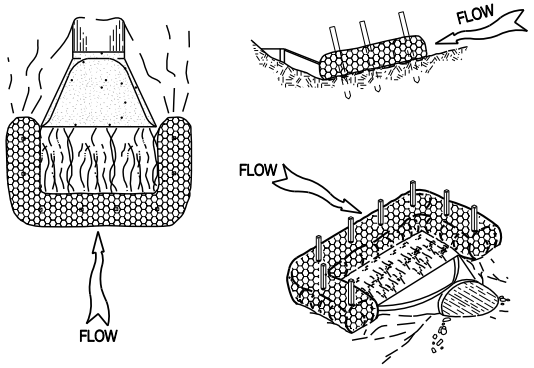
EROSION BALE CULVERT INLET TRAP FOR FLARED END INLETS



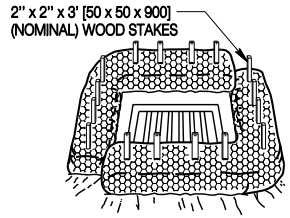
EROSION BALE INLET TRAP FOR M1 INLETS

Note:

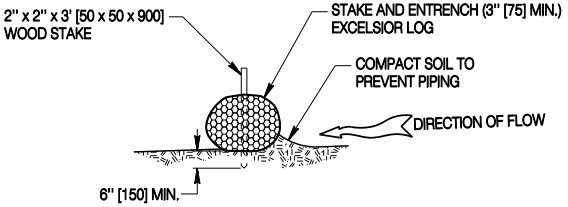
1. Limit use of erosion bales to situations where expected storm water flow volumes are low.
2. Install bales tightly and compact soil all around. Install so that water is not allowed to flow around, beneath or under bales.
3. When no longer needed, spread seed and mulch with the erosion bale.



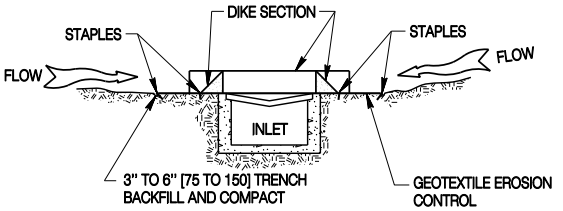
EXCELSIOR LOG CULVERT INLET TRAP FOR FLARED END INLETS



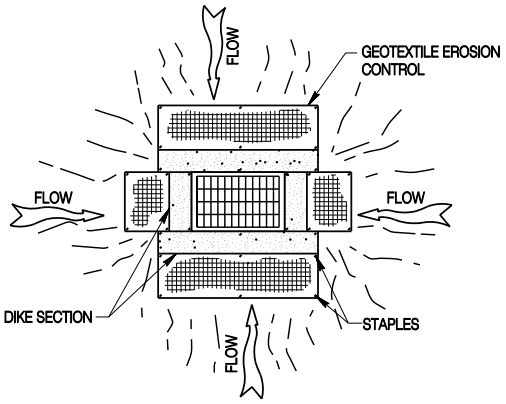
EXCELSIOR LOG INLET TRAP FOR M1 INLETS



SECTION VIEW



SECTION VIEW



SYNTHETIC TRIANGULAR INLET TRAP FOR M1 INLETS

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Drawn by: GLD	
Checked by: WBW	
Previous Dwg. No. 215-01C	

SEDIMENT TRAPS FOR INLET PROTECTION

Note: Units shown in brackets [ ] are metric and are in millimeters (mm) unless other units are shown.

WYOMING DEPARTMENT OF TRANSPORTATION

TEMPORARY EROSION CONTROL MEASURES FOR STORM WATER POLLUTION PREVENTION

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Date Issued:	MARCH, 2004

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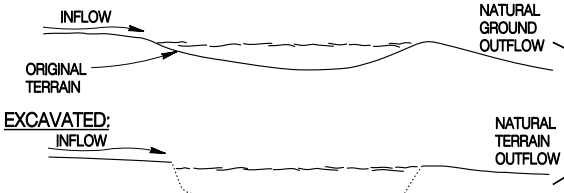
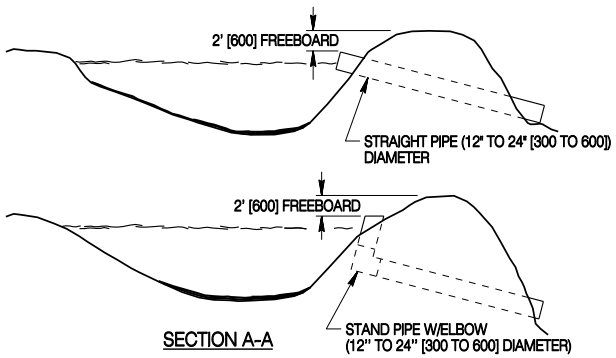
NATURAL DEPRESSION:



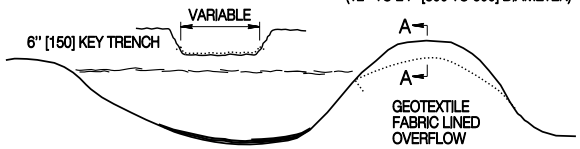
PROTECT OUTFLOW BY:
1. NATURAL VEGETATION
2. EROSION CONTROL BLANKETS
3. GEOTEXTILE FABRIC
4. ROCK RIP RAP

DAM EMBANKMENT:

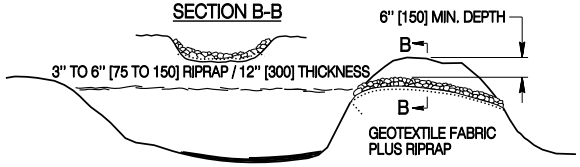
TYPES OF SEDIMENT TRAPS



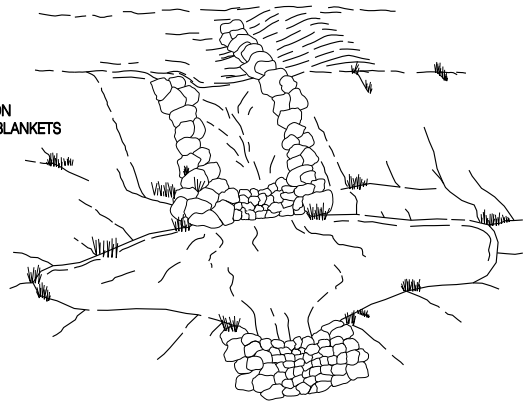
SECTION A-A



SECTION B-B



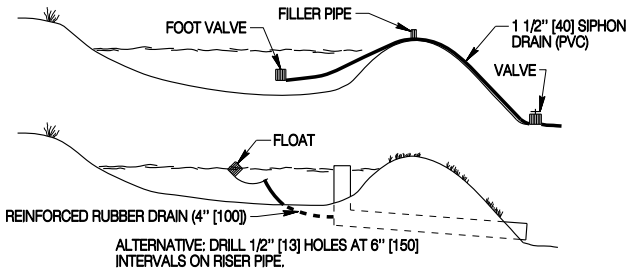
SEDIMENT TRAP OUTLETS

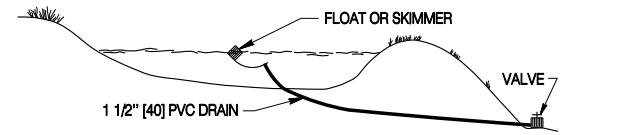


SEDIMENTATION TRAP

$$\text{APPROXIMATE VOLUME} = D\left(\frac{L_o W_o + L_i W_i}{2}\right)$$

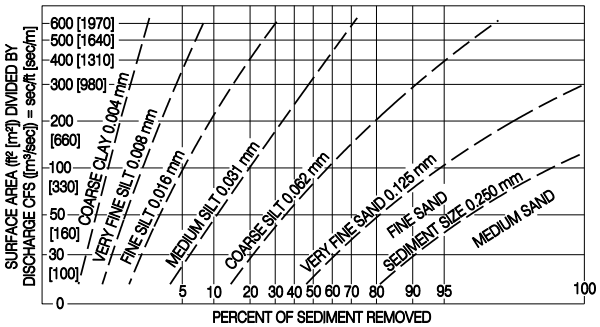
D = AVERAGE WATER DEPTH (MIDDLE OF POND)
W_o = WIDTH OF POND AT TOP (SURFACE)
W_i = WIDTH OF POND AT BOTTOM
L_o = LENGTH OF POND AT TOP (SURFACE)
L_i = LENGTH OF POND AT BOTTOM





ALTERNATIVE SEDIMENT TRAP DRAINS

CHART FOR DETERMINING SIZE OF SEDIMENT TRAPS



PERCENT OF SEDIMENT REMOVED FOR DIFFERENT BASIN SIZES, SEDIMENT SIZES, AND DISCHARGES.

Sediment Traps

Sediment traps are small water detention basins which allow sediment to settle out before the water is allowed to enter streams or ditches.

Determine size and percentage of particles. Remove ninety percent of all particles larger than fine sand. Remove silt and clay particles with trap, chemical system, or both, as approved by the engineer.

The required surface area of the trap is computed using the above chart. The horizontal scale shows the percent of sediment load removed and the vertical axis gives the ratio of the required surface area divided by the discharge.

Example:

Given: 1. Q_2 = 3 CFS [0.08 m³/sec.]
2. Must remove 90% of particles larger than course silt.

Solution: 1. Read up from 90% removal to the coarse silt curve.
2. Read across to the ratio of surface Area/Q = 280.
3. Use this number to compute the trap surface area. Surface area = 3 x 280 = 840 ft² [78 m²]
4. The trap dimensions may be any combination which give this surface area, 25 ft x 34 ft [7.6 m x 10.4 m] or 15 ft x 57 ft [4.6 m x 17.4 m]. The terrain generally controls these dimensions.

Construct depth of trap from spillway to low point not to exceed 3 ft [0.9 m].

Construct a geotextile lined overflow channel for small design flows up to 3 CFS [0.08 m³/sec] over low dam.

Add riprap for greater flows over higher dam embankments.

As approved by the engineer, place pipe outlets in overflow spillways.

Construct pipe outlet so that it provides a suitable freeboard to the dam crest and has suitable capacity to handle a two year frequency discharge.

Drain trap as approved by the engineer prior to storms that may inundate the trap system.

Designed by: KBP
Drawn by: GLD
Checked by: WBW
Previous Dwg. No. 215-01C

MISCELLANEOUS SEDIMENT TRAPS

Note: Units shown in brackets [ ] are metric and are in millimeters (mm) unless other units are shown.

WYOMING DEPARTMENT OF TRANSPORTATION

TEMPORARY EROSION CONTROL MEASURES FOR STORM WATER POLLUTION PREVENTION

STANDARD PLAN

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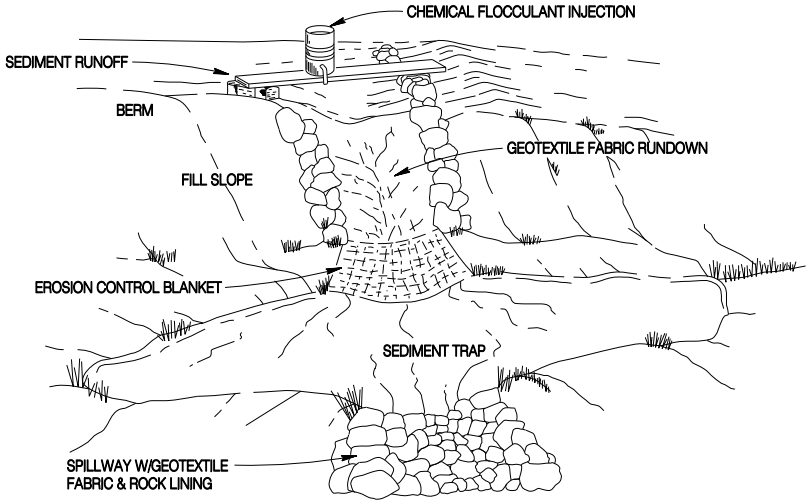
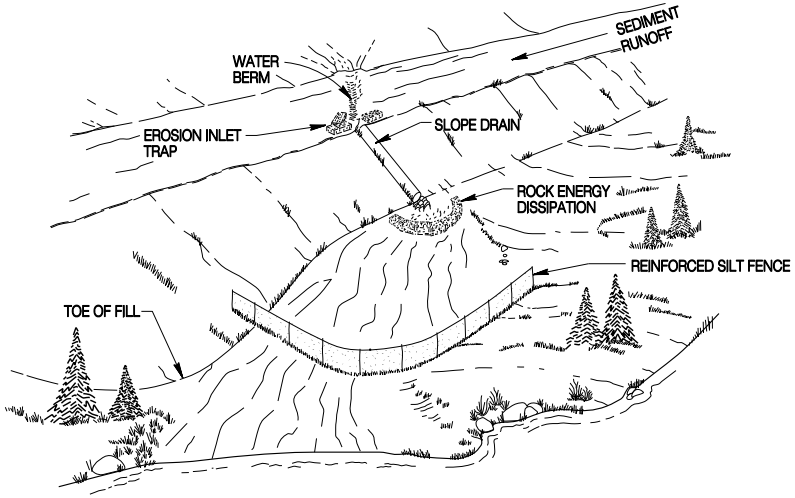
Date Issued: MARCH, 2004
FILE: j:\Stan\Dwg_Std\2151_09.dgn



CHEMICAL TREATMENT



DIRTY WATER TREATMENT SYSTEM

CHEMICAL WATER TREATMENT, DIRTY WATER TREATMENT SYSTEM

Chemical settling agents may be warranted where turbidity caused by fine silt particles (which pass through the other sediment control devices) cannot be tolerated.

Chemical settling agents form a nucleus which attracts small soil particles (flocculation). This heavier conglomerate of particles then can be trapped.

Add the chemical at the top of the slope rundown or at the entrance of the sedimentation pond to insure even mixing. The chemical is effective in the still or slow waters of the pond.

Use only non-toxic settling agents. Injection methods, concentration, and effective maintenance shall be as directed and according to the manufacturer's recommendation.

Designed by: KBP Drawn by: GLD Checked by: WBW Previous Dwg. No. 215-01C	CHEMICAL WATER TREATMENT	WYOMING DEPARTMENT OF TRANSPORTATION	TEMPORARY EROSION CONTROL MEASURES FOR STORM WATER POLLUTION PREVENTION STANDARD PLAN	STANDARD PLAN NUMBER 215-1 SHEET 10 of 11 Issued by: ENGINEERING SERVICES Date Issued: MARCH, 2004

Note: Units shown in brackets [ ] are metric and are in millimeters (mm) unless other units are shown.

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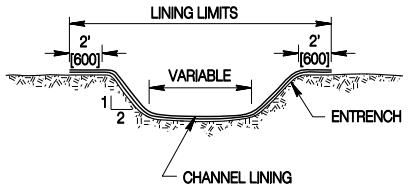
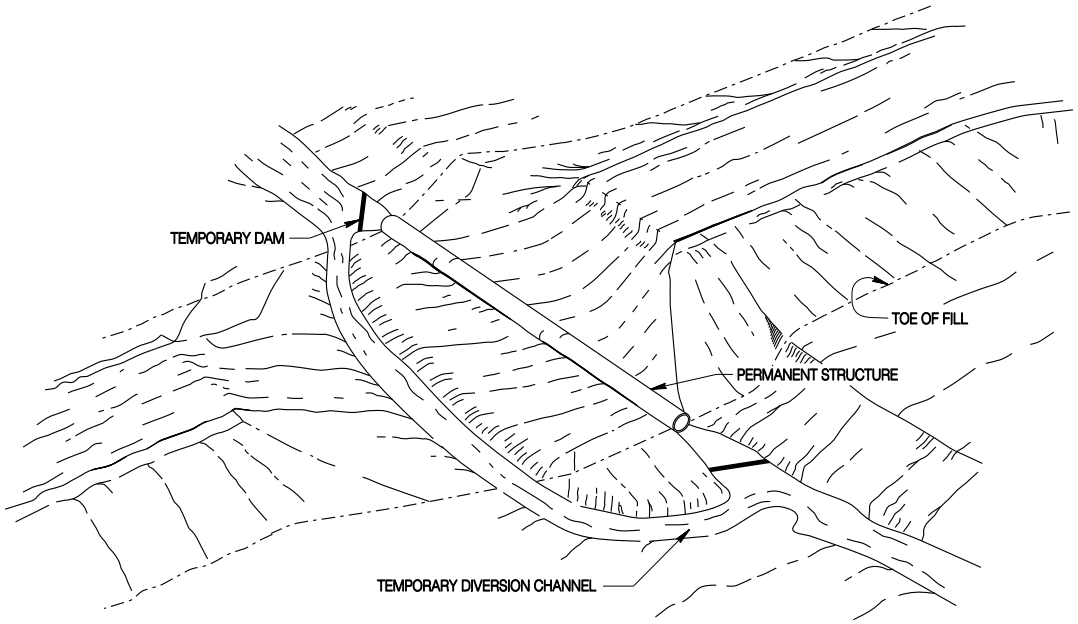




CHANNEL LINERS:
EROSION CONTROL BLANKET, ROCK, GEOTEXTILE FABRIC

TEMPORARY PIPE DIVERSION CHANNEL

Notes:

Construct temporary diversion channels to convey flows around a work site to keep the area dry while permanent drainage structures are being constructed.

Construct the following sequence:

1. Excavate and shape the diversion channel with a plug at both ends.
2. Install channel linings as specified.
3. Remove plugs and divert flow into diversion channel.
4. Construct permanent drainage structures.
5. Divert flow through the permanent structure.
6. Salvage material and obliterate temporary diversion channel.

Line temporary diversion channel with erosion control blankets when specified and as approved by the engineer.

When using erosion control blankets or geotextile fabric or rock, cover the entire structure.

Entrench the lining and anchor with rocks or soil.

Overlap 2 ft [600] and pin edges to the ground.

Use silt fence or berms as approved by the engineer parallel across the top of the channel to prevent sediment laden run-off from other construction from entering water sensitive areas.

Inspect temporary diversions, contour diversion ditches, berms and burlap tubes frequently to ensure that there are no breaks or underwashing of the structure.

9.2.4.3b

The project SPCC plans are attached for reference.

9.2.4.3c and d

There will be no dedicated batch plants covered under this permit.

The concrete washout from outside contractors will be washed out onsite in pits to dry and prevent spillage into any drainage system.

In the case of concrete grindings on the project they will be disposed of in accordance with WDEQ Solid and Hazardous Waste Division under a RCRA permit.

9.2.4.3e

Employee training will be administered to all new hires as well as weekly onsite meetings. The site superintendent will regularly review the work areas and the needed changes to the BMPs. These meetings will include all contractors and Ames personnel related to the project. Topics will cycle weekly from different housekeeping initiative and expectations as well as spill prevention protocols and BMP requirements in the work areas.

9.2.5 Maintenance

All control devices similar to silt fence or fiber rolls shall be repaired, replaced, or supplemented when they become nonfunctional, the sediment reaches 1/3 of the height of the device or as recommended in the manufacture's specification (if manufacturer's specifications are different, then a copy of the specifications shall be kept with the SWPPP).

Repairs and maintenance shall be made within the following time frames;

- Active construction locations: These repairs shall be made within 24 hours of discovery or as soon as field conditions allow access.
- Temporary and permanent sedimentation ponds or basins shall be drained and the sediment removed when the depth of sediment collected in the basin reaches 1/2 the sediment storage volume.

Drainage and removal shall be completed within the following time frames:

- Active construction location: Drainage and removal must be completed within 72 hours of discovery, or as soon as field conditions allow access.
- Construction site egress locations: Shall be inspected for evidence of sediment being tracked off-site by vehicles or equipment onto paved surfaces. Accumulations of tracked and deposited sediment shall be removed from paved surfaces within 24 hours. Vehicle tracking of sediment from the site shall be minimized by BMPs. Specifically aggregate surfacing at the access points and parking offsite when needed.

Vegetative buffers shall be inspected for proper distribution of flows, sediment accumulation and signs of rill formation. If a buffer becomes covered with sediment, develops rills, or is otherwise rendered ineffective, other control measures shall be implemented. Eroded areas shall be repaired and stabilized.

Repair and maintenance activities will be documented with the below information.

- Date and time of inspections
- Names of personnel conducting the inspection
- Findings of the inspectors including:
  - Locations of sediment of other pollutant discharges from the site.
  - Locations of BMPs that need to be maintained.
  - Locations of BMPs that failed to operate as designed or proved inadequate at controlling pollutants.
  - Locations where additional BMPs are needed or that were not in place at the time of the inspection.
- Corrective actions taken.
- Dates and amount of rainfall events greater than 0.5 inches in a 24 hour period.
- Documentation of any changes made to the SWPPP and SWPPP site map as a result of the inspection.
- When an inspection does not identify any incidents of non-compliance, the report shall contain a certification that the site is in compliance with the SWPPP and this permit.
- This record shall be certified and signed in accordance with Part 11.7 of the Large Construction General Permit.
- The inspection record shall be made available to the Administrator upon request.

9.2.6 Inspections

Inspections shall be conducted in 14 calendar day intervals and within 24 hours of any precipitation event which exceeds 0.5 inches. We will use the National Weather Service Station GHCND to monitor the weather events.

9.2.7 Signature and Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. In addition, I certify that I am aware of the terms and conditions of the large construction general permit and I agree to comply with those requirements.

Rob Wise
Printed Name of Person Signing

Project Manager
Title

Signature

3/6/2023
Date

303-882-0505
Telephone

2022 CGP Corrective Action Log
Project Name: _____
NPDES ID Number: _____

Section A – Individual Completing this Log	
Name:	**Title:**
Company Name:	**Email:**
Address:	**Phone Number:**
Section B – Details of the Problem (CGP Part 5.4.1.a) Complete this section within 24 hours of discovering the condition that triggered corrective action.	
Date problem was first identified:	**Time problem was first identified**:
What site conditions triggered this corrective action? *(Check the box that applies. See instructions for a description of each triggering condition (1 thru 6).)* ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5a ☐ 5b ☐ 6	
Specific location where problem identified:	
Provide a description of the specific condition that triggered the need for corrective action and the cause (if identifiable):	
Section C – Corrective Action Completion (CGP Part 5.4.1.b) Complete this section within 24 hours after completing the corrective action.	
For site condition # 1, 2, 3, 4, or 6 (those not related to a dewatering discharge) confirm that you met the following deadlines (CGP Part 5.2.1):	
☐ Immediately took all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events. **AND**	
☐ Completed corrective action by the close of the next business day, unless a new or replacement control, or significant repair, was required. **OR**	
☐ Completed corrective action within seven (7) calendar days from the time of discovery because a new or replacement control, or significant repair, was necessary to complete the installation of the new or modified control or complete the repair. **OR**	
☐ It was infeasible to complete the installation or repair within 7 calendar days from the time of discovery. Provide the following additional information: Explain why 7 calendar days was infeasible to complete the installation or repair:	

Provide your schedule for installing the stormwater control and making it operational as soon as feasible after the 7 calendar days:

For site condition # 5a, 5b, or 6 (those related to a dewatering discharge), confirm that you met the following deadlines:

- ☐ Immediately took all reasonable steps to minimize or prevent the discharge of pollutants until a solution could be implemented, including shutting off the dewatering discharge as soon as possible depending on the severity of the condition taking safety considerations into account.
- ☐ Determined whether the dewatering controls were operating effectively and whether they were causing the conditions.
- ☐ Made any necessary adjustments, repairs, or replacements to the dewatering controls to lower the turbidity levels below the benchmark or remove the visible plume or sheen.

Describe any modification(s) made as part of corrective action: (Insert additional rows below if applicable)	**Date of completion:**	**SWPPP update necessary?**	**If yes, date SWPPP was updated:**
1.		☐ Yes ☐ No	
2.		☐ Yes ☐ No	

Section D - Signature and Certification (CGP Part 5.4.2)

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

MANDATORY: Signature of Operator or "Duly Authorized Representative:"	
Signature:	**Date:**
Printed Name:	**Affiliation:**
OPTIONAL: Signature of Contractor or Subcontractor	
Signature:	**Date:**
Printed Name:	**Affiliation:**

General Instructions

This Corrective Action Log Template is provided to assist you creating a corrective action log that complies with the minimum reporting requirements of Part 5.4 of the EPA's Construction General Permit (CGP). For each triggering condition on your site, you will need to fill out a separate corrective action log.

The entire form must be completed to be compliant with the requirements of the permit. (Note: In Section C, if you do not need the number of rows provided in the corrective action log, you may delete these or cross them off. Alternatively, if you need more space to describe any modifications, you may insert additional rows in the electronic version of this form or use the bottom of the page in the field version of this form.)

If you are covered under a State CGP, this template may be helpful in developing a log that can be used for that permit; however, you will likely need to modify this form to meet the specific requirements of any State-issued permit. If your permitting authority requires you to use a specific corrective action log, you should not use this template.

Instructions for Section A

Individual completing this form Enter the name of the person completing this log. Include the person's contact information (title, affiliated company name, address, email, and phone number).

Instructions for Section B

You must complete Section B within 24 hours of discovering the condition that triggered corrective action. (CGP Part 5.4)

When was the problem first discovered?
Specify the date and time when the triggering condition was first discovered.

What site conditions triggered this corrective action? (CGP Parts 5.1 and 5.3)
Check the box corresponding to the numbered triggering condition below that applies to your site.

1. A stormwater control needs a significant repair or a new or replacement control is needed, or, in accordance with Part **Error! Reference source not found.**, you find it necessary to repeatedly (i.e., 3 or more times) conduct the same routine maintenance fix to the same control at the same location (unless you document in your inspection report under Part **Error! Reference source not found.** that the specific reoccurrence of this same problem should still be addressed as a routine maintenance fix under Part **Error! Reference source not found.**);
2. A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly;
3. Your discharges are not meeting applicable water quality standards;
4. A prohibited discharge has occurred (see Part 1.3);
5. During discharge from site dewatering activities:
   a. The weekly average of your turbidity monitoring results exceeds the 50 NTU benchmark (or alternate benchmark if approved by EPA pursuant to Part **Error! Reference source not found.**); or
   b. You observe or you are informed by EPA, State, or local authorities of the presence of any of the following at the point of discharge to a receiving water flowing through or immediately adjacent to your site and/or to constructed or natural site drainage features or storm drain inlets:
      - sediment plume
      - suspended solids
      - unusual color
      - presence of odor
      - decreased clarity
      - presence of foam
      - visible sheen on the water surface or visible oily deposits on the bottom or shoreline of the receiving water
6. EPA requires corrective action as a result of permit violations found during an inspection carried out under Part 4.8.

Provide a description of the problem (CGP Part 5.4.1.a)

Provide a summary description of the condition you found that triggered corrective action, the cause of the problem (if identifiable), and the specific location where it was found. Be as specific as possible about the location; it is recommended that you refer to a precise point on your site map.

Instructions for Section C

You must complete Section C within 24 hours after completing the correction action. (CGP Part 5.4)

Deadlines for completing corrective action for condition # 1, 2, 3, 4, or 6 (if not relating to a dewatering discharge) (CGP Part 5.2.1)
Check the box to confirm that you met the deadlines that apply to each triggering condition. You are always required to check the first box (i.e., Immediately took all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events.). Only one of the next three boxes should be checked depending on the situation that applies to this corrective action.

Check the second box if the corrective action for this particular triggering condition does not require a new or replacement control, or a significant repair. These actions must be completed by the close of the next business day from the time of discovery of the condition.

Check the third box if the corrective action for this particular triggering condition requires a new or replacement control, or a significant repair. These actions must be completed by no later than seven calendar days from the time of discover of the condition.

Check the fourth box if the corrective action for this particular triggering condition requires a new or replacement control, or a significant repair, and if it is infeasible to complete the work within seven calendar days. Additionally, you will need to fill out the table below the checkbox that requires:

1. An explanation as to why it was infeasible to complete the installation or repair within seven calendar days of discovering the condition.
2. Provide the schedule you will adhere to for installing the stormwater control and making it operational as soon as feasible after the seventh day following discovery.

Note: Per Part 5.2.1.c, where these actions result in changes to any of the stormwater controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within seven calendar days of completing this work.

Deadlines for completing corrective action for condition # 5a, 5b, or 6 related to a dewatering discharge (CGP Part 5.2.2)
These deadlines apply to conditions relating to construction dewatering activities. Check the box to confirm that you met the deadlines that apply to each triggering condition. You are required to check all of the boxes in this section to indicate your compliance with the corrective action deadlines.

List of modification(s) to correct problem
Provide a list of modifications you completed to correct the problem.

Date of completion
Enter the date you completed the modification. The work must be completed by the deadline you indicated above.

SWPPP update necessary?
Check "Yes" or "No" to indicate if a SWPPP update is necessary consistent with Part 7.4.1.a in order to reflect changes implemented at your site. If "Yes," then enter the date you updated your SWPPP. The SWPPP updates must be made within seven calendar days of completing a corrective action. (CGP Part 5.2.1.c)

Instructions for Section D

Each corrective action log entry must be signed and certified following completion of Section D to be considered complete. (CGP Part 5.4.2)

Operator or "Duly Authorized Representative" – MANDATORY (CGP Appendix G Part G.11.2 and CGP Appendix H Section X)
At a minimum, the corrective action log must be signed by either (1) the person who signed the NOI, or (2) a duly authorized representative of that person. The following requirements apply:

If the signatory will be the person who signed the NOI for permit coverage, as a reminder, that person must be one of the following types of individuals:

- *For a corporation*: By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- *For a partnership or sole proprietorship*: By a general partner or the proprietor, respectively.
- *For a municipality, State, Federal, or other public agency*: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a Federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

If the signatory will be a duly authorized representative, the following requirements must be met:

- The authorization is made in writing by the person who signed the NOI (see above);
- The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
- The signed and dated written authorization is included in the SWPPP. A copy must be submitted to EPA, if requested.

Sign, date and print your name and affiliation.

Contractor or Subcontractor - OPTIONAL
Where you rely on a contractor or subcontractor to complete this log and the associated corrective action, you should consider requiring the individual(s) to sign and certify each log entry. Note that this does not relieve you, the permitted operator, of the requirement to sign and certify the log as well. If applicable, sign, date, and print your name and affiliation.

Recordkeeping

Logs must be retained for at least 3 years from the date your permit coverage expires or is terminated. (CGP Part 5.4.4)

Keep copies of your signed corrective action log entries at the site or at an easily accessible location so that it can be made immediately available at the time of an on-site inspection or upon request by EPA. (CGP Part 5.4.3) Include a copy of the corrective action log in your SWPPP. (CGP Part 7.2.7.e)

Note

While EPA has made every effort to ensure the accuracy of all instructions contained in this template, it is the permit, not this template, that determines the actual obligations of regulated construction stormwater discharges. In the event of a conflict between this template and any corresponding provision of the CGP, you must abide by the requirements in the permit. EPA welcomes comments on this Corrective Action Log Template at any time and will consider those comments in any future revision. You may contact EPA for CGP-related inquiries at cgp@epa.gov

2022 Construction General Permit Dewatering Inspection Report

Project Name: _____
NPDES ID Number: _____

Section A – Dewatering Discharges (CGP Part 4.6.3) Complete this section within 24 hours of completing the inspection. (If necessary, complete additional inspection reports for each separate inspection location.)	
Inspector Information	
Inspector Name:	**Title:**
Company Name:	**Email:**
Address:	**Phone Number:**
Inspection Details	
Inspection Date:	**Inspection Location:**
Discharge Start Time:	**Discharge End Time:**
Rate of Discharge (gallons per day):	**Corrective Action Required?**[1] ☐ Yes ☐ No
Describe Indicators of Pollutant Discharge at Point of Dewatering Discharge:[1]	
Attach Photographs of: 1. Dewatering water prior to treatment by a dewatering control(s) and the final discharge after treatment; and 2. Dewatering control(s); and 3. Point of discharge to any receiving waters flowing through or immediately adjacent to the site and/or to constructed or natural site drainage features, storm drain inlets, and other conveyances to receiving waters.	

[1] If you observe any of the following indicators of pollutant discharge, you are required to take corrective action under Part 5.1.5.b:

- a sediment plume, suspended solids, unusual color, presence of odor, decreased clarity, or presence of foam; or
- a visible sheen on the water surface or visible oily deposits on the bottom or shoreline of the receiving water.

Project Name: _____

NPDES ID Number: _____

Section B – Signature and Certification (CGP Part 4.7.2)	
"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."	
MANDATORY: Signature of Operator or "Duly Authorized Representative:"	
Signature:	**Date:**
Printed Name:	**Affiliation:**
OPTIONAL: Signature of Contractor or Subcontractor	
Signature:	**Date:**
Printed Name:	**Affiliation:**

General Tips for Using This Template

This Dewatering Inspection Report Template is provided to assist you in preparing dewatering inspection reports for EPA's 2022 Construction General Permit (CGP). If you are covered under the 2022 CGP, you can use this template to create a dewatering inspection report form that complies with the minimum reporting requirements of Part 4.6.3 of the permit. Note that the use of this form is optional; you may use your own inspection report form provided it includes the minimum information required in Part 4.6.3 of the CGP.

This template is for dewatering inspections only. A separate site inspection report template that does not include dewatering inspections and complies with the minimum reporting requirements of Part 4.7 of the permit is available at https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates.

If you are covered under a State CGP, this template may be helpful in developing a report that can be used for that permit; however, it will need to be modified to meet the specific requirements of that permit. If your permitting authority requires you to use a specific inspection report form, you should not use this form.

The following tips for using this template will help you ensure that the minimum permit requirements are met:

- **Review the inspection requirements.** Before you start developing your inspection report form, read the CGP's Part 4 inspection requirements. This will ensure that you have a working understanding of the permit's underlying inspection requirements.
- **Complete all required blank fields.** Fill out all blank fields. Only by filling out all fields will the template be compliant with the requirements of the permit. (Note: Where you do not need the number of rows provided in the template form for your inspection, you may delete these as you see fit. Or, if you need more space to document your findings, you may insert additional rows in the electronic version of this form or use the bottom of the page in the field version of this form.)
- **Use your site map to document inspection findings.** In several places in the template, you are directed to specify the location of certain features of your site, including where stormwater controls are installed and where you will be stabilizing exposed soil. You are also asked to fill in location information for unsafe conditions and the locations of any discharges occurring during your inspections. Where you are asked for location information, EPA encourages you to reference the point on your SWPPP site map that corresponds to the requested location on the inspection form. Using the site map as a tool in this way will help you conduct efficient inspections, will assist you in evaluating problems found, and will ensure proper documentation.
- **Include the inspection form with your SWPPP.** Once your form is complete, make sure to include a copy of the inspection form in your SWPPP in accordance with Part 7.2.7.e of the CGP.
- **Retain copies of all inspection reports with your records.** You must also retain copies of all inspection reports in your records in accordance with the requirements in Part 4.7.3 of the CGP. These reports must be retained for at least 3 years from the date your permit coverage expires or is terminated in accordance with the requirements in Part 4.7.4 of the CGP.

Instructions for Section A

Inspector Name

Enter the name of the person that conducted the inspection. Include the person's contact information (title, affiliated company name, address, email, and phone number).

Inspection Date

Enter the date you performed the inspection.

Inspection Location

If your project has multiple locations where you conduct separate dewatering inspections, specify the location where this inspection is being conducted. Otherwise, you can enter "dewatering operation."

Discharge Start and End Times

Enter the approximate time the dewatering discharge started and ended on the day of the inspection.

Rate of Discharge
Enter the rate of discharge in gallons per day on the day of inspection.

To estimate the approximate discharge rate on the day of dewatering inspection, one approach is to use the manufacturer's design pump rating for the pump model in use. For example, a pump rated at 164 gpm (gallons per minute) by the manufacturer can be assumed to be discharging at 164 gpm in most cases. To convert to gallons per day, multiply the rate in gpm by the ratio of minutes in one-day (1,440 minutes per day), resulting in a discharge rate of 236,160 gallons per day.

In cases where the dewatering discharge is being pumped over long distances or a substantial distance uphill, which will result in a reduced pump rate relative to manufacturer's specification, the operator may improve the accuracy of the estimate by estimating the time required to fill a container of a known volume. For example, if it takes 60 seconds to fill an empty 55-gallon barrel, the estimated discharge rate is 55 gpm, or 79,200 gallons per day.

Indicators of Pollutant Discharge
For the point of discharge, describe any observed sediment plume, suspended solids, unusual color, presence of odor, decreased clarity, or presence of foam; and/or a visible sheen on the water surface or visible oily deposits on the bottom or shoreline of the receiving water.

Corrective Action Required?
Answer "Yes" if during your inspection you found any of the conditions listed above in the instructions for the Indicators of Pollutant Discharge section. If you answer "Yes," you must take corrective action and complete a corrective action log, found at https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates. Answer "No" if you did not observe any of the listed pollutant indicators.

Photographs
As required in CGP Part 8.2.1.a, attach photos of: (1) dewatering water prior to treatment by a dewatering control(s) and the final discharge after treatment; (2) the dewatering control(s); and (3) the point of discharge to any receiving waters flowing through or immediately adjacent to the site and/or to constructed or natural site drainage features, storm drain inlets, and other conveyances to receiving waters.

Instructions for Section B

Each inspection report must be signed and certified to be considered complete (CGP Part 4.7.2).

Operator or "Duly Authorized Representative" – MANDATORY (CGP Appendix G Part G.11.2 and CGP Appendix H Section X)
At a minimum, the dewatering inspection report must be signed by either (1) the person who signed the NOI, or (2) a duly authorized representative of that person. The following requirements apply:

If the signatory will be the person who signed the NOI for permit coverage, as a reminder, that person must be one of the following types of individuals:

- *For a corporation*: By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- *For a partnership or sole proprietorship*: By a general partner or the proprietor, respectively.

- *For a municipality, State, Federal, or other public agency*: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a Federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

If the signatory will be a duly authorized representative, the following requirements must be met:

- The authorization is made in writing by the person who signed the NOI (see above);
- The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
- The signed and dated written authorization is included in the SWPPP. A copy must be submitted to EPA, if requested.

Sign, date and print your name and affiliation.

Contractor or Subcontractor - OPTIONAL

Where you rely on a contractor or subcontractor to complete the dewatering inspection report, you should consider requiring the individual(s) to sign and certify each report. Note that this does not relieve you, the permitted operator, of the requirement to sign and certify the dewatering inspection report as well. If applicable, sign, date, and print your name and affiliation.

Note

While EPA has made every effort to ensure the accuracy of all instructions contained in this template, it is the permit, not this template, that determines the actual obligations of regulated construction stormwater discharges. In the event of a conflict between this template and any corresponding provision of the CGP, you must abide by the requirements in the permit. EPA welcomes comments on this Dewatering Inspection Report Template at any time and will consider those comments in any future revision. You may contact EPA for CGP-related inquiries at cgp@epa.gov

EPA Construction General Permit Routine Maintenance/Corrective Action Determination Guidelines

Introduction

EPA's Construction General Permit (CGP) requires construction operators to note conditions identified on the construction site that may require either "routine maintenance" or "corrective action" and fix the problems in accordance with the appropriate requirement. Inspectors or others may document these conditions during inspections and at other times during construction. Routine maintenance and corrective actions have separate triggers under the CGP, as well as differing timelines for completion and requirements for documentation.

Determining whether a specific condition requires routine maintenance or corrective action may be straightforward in some circumstances, however, in other circumstances, such as deciding whether a required repair is significant or minor, it will come down to the judgment of the construction operator. The questions presented in this document are intended to guide operators in both types of circumstances.[1]

CGP Requirements for Routine Maintenance and Corrective Actions

Routine maintenance, as described in CGP Part 2.1.4.b, is defined as "minor repairs or other upkeep performed to ensure the site's stormwater controls remain in effective operating condition, not including major repairs or the need to install a new or replacement control." CGP Part 2.1.4.b also requires routine maintenance to be initiated by the operator immediately and completed by the close of the next business day, unless the operator documents that this deadline is infeasible, in which case the work must be completed within seven (7) calendar days.

Corrective actions are triggered by one of several conditions described in CGP Part 5.1. These conditions involve problems that are typically more significant than the routine maintenance triggers. If the corrective action requires a new or replacement control or significant repair, CGP Part 5.2 requires the operator to complete the fix within 7 days, unless the operator documents that this deadline would be infeasible, in which case the work must be completed and the control made operational as soon as feasible after the 7-day timeframe. If the corrective action does not require a new or replacement control or significant repair, the operator must complete the fix by the close of the next business day.

These guidelines are limited to focusing on whether routine maintenance is required or whether one of the following conditions requiring corrective action is present:

- A stormwater control needs a significant repair (CGP Part 5.1.1);
- A new or replacement stormwater control is needed (CGP Part 5.1.1);
- The operator finds it necessary to repeatedly (i.e., 3 or more times) conduct the same routine maintenance fix to the same control at the same location (unless the operator documents in the inspection report that the specific reoccurrence of the same problem should still be addressed as a routine maintenance fix) (CGP Part 5.1.1); or
- A stormwater control necessary to comply with the permit was never installed or was installed incorrectly (CGP Part 5.1.2).

These guidelines do not address the other corrective action triggers listed in CGP Parts 5.1.3, 5.1.4, and 5.1.5.

[1] This document does not impose any new legally binding requirements on EPA, States, Tribes, territories, or the regulated community, and does not confer legal rights or impose legal obligations upon any member of the public. In the event of a conflict between this document and any statute, regulation, or permit, this document would not be controlling. Interested parties are free to raise questions and objections about the substance of this document, and about its applicability to a particular situation. EPA retains the discretion to adopt approaches on a case-by-case basis that differ from those described in this guide, where appropriate.

All findings of routine maintenance or corrective actions must be documented in the inspection report. Corrective actions must also be documented in a corrective action log.

Routine Maintenance or Corrective Action?

Use these questions to determine if a problem with a specific control requires corrective action or routine maintenance.

Question 1: Is this a control that is required under the CGP and:

- **was never installed; or**
- **was incorrectly installed?**

If yes to either, then corrective action is required. The triggering condition(s) and the actions taken to address it must be documented in a corrective action log entry in accordance with CGP Part 5.4.

If no, move to Question 2.

Examples:

- The control was never installed:
  - Inlet controls are included in the SWPPP but are not installed.
  - A spill kit is not available for a fuel storage area.
  - A sand pile has no evidence of cover or secondary containment.
- The installed control significantly departs from the design described in the SWPPP or applicable local design specifications, making the installed control ineffective:
  - The fence posts of a silt fence are installed on the wrong side (i.e., facing upgradient).
  - A stabilized construction entrance is shorter than the required length.
  - A sediment tank is missing a required filter.

Question 2: Does the control need to be replaced in its entirety?
Answer yes if either the control must be replaced with a different type of control because the existing control proved to be ineffective, or the control can be replaced with the same type of control because the original control failed but is still an appropriate control.

If yes, then corrective action is required. The triggering condition(s) and the actions taken to address it must be documented in a corrective action log entry in accordance with CGP Part 5.4.

If no, and the control can be repaired instead of being replaced, move to Question 3.

Examples:

- The original control has failed or is proving to be ineffective, and needs to be replaced with a different type of control:
  - Stabilization with blown straw and seeding on a disturbed slope has completely failed as evidenced by rill erosion and significant soil loss, because the slope is too steep for vegetation to establish without additional controls to keep the seeding in place.
  - A filter sock check dam needs to be replaced with a riprap check dam because it is not adequately slowing the flow of stormwater in a channel that discharges from the site, and there is evidence of scour and erosion at the outfall.

Examples (continued):

- The original control failed but is still an appropriate control:
  - An entire section of silt fence installed on the site perimeter has collapsed and been damaged beyond repair by construction equipment.
  - Gravel installed as inlet protection is clogged with sediment and is no longer filtering stormwater.
  - A new concrete washout pit needs to be installed because the existing washout pit is full and close to overflowing.

<u>Question 3:</u> If repairs are required, but the control does not need to be replaced in its entirety, does the control require significant repairs?

A "significant repair" is required if any of the following is true: the control must be temporarily taken offline, and/or major replacement parts, specialized equipment, materials, or personnel that are not regularly available to the operator are required. CGP Part 5.1.1.

Indicators of a non-significant or "minor repair" include that the equipment, materials, parts, and/or personnel necessary for the repair are regularly available to the operator, and the repair may be completed without taking the control offline.

If yes, then corrective action is required. The triggering conditions and the actions taken to address it must be documented in a corrective action log entry in accordance with CGP Part 5.4.

If no, treat this work as a minor repair, and move on to Question 4.

Examples of controls in need of significant repairs:

- A portion of the embankment of a sediment basin has washed out, and the basin needs to be temporarily taken offline and dewatered to repair the embankment.
- A major replacement part is needed for a dewatering system.
- An entire diversion berm is significantly eroded and needs to be regraded.
- Inlet protection controls have failed, and sediment needs to be cleaned out of a storm sewer system.

Examples of controls in need of minor repairs:

- Erosion control matting does not completely cover an area of exposed soil but can be easily moved or stretched over to cover the exposed area.
- There is accumulated or tracked out sediment on the surface of a road that can be swept up.
- A filter sock does not completely cover a curb cut opening or storm sewer inlet but can be easily shifted to the proper position.
- Chemical containers are not under cover but there is space available in a covered area on site.
- A portion of the filter fabric has detached from the metal fencing of a super silt fence and can be easily re-attached.

<u>Question 4:</u> Has the same minor repair been made to the same control at the same location three or more times?

If yes, then corrective action is required, and the triggering conditions and the actions taken to address it must be documented in a corrective action log entry in accordance with CGP Part 5.4, unless the operator documents in the inspection report why the specific reoccurrence of the same problem should still be addressed as routine maintenance in accordance with CGP Part 2.1.4.c.ii.

If no, then routine maintenance is required in accordance with CGP Part 2.1.4.b.

Bridger-Teton National Forest Order Number 04-6[illegible]30
Shoshone National Forest Order Number 16-001

United States Department of Agriculture
Forest Service
Rocky Mountain Region—Shoshone National Forest
Intermountain Region—Bridger-Teton National Forest

OCCUPANCY AND USE RESTRICTIONS

For the purpose of minimizing adverse interactions between bears and humans and pursuant to Title 36 Code of Federal Regulations (CFR), 261.50 (a) and (b), the following uses are restricted in those areas of the Shoshone National Forest and the Bridger-Teton National Forest as shown on the attached map (Exhibit B) and hereby made part of this Order. Also attached, and hereby made part of this Order, are Definitions (Exhibit A) of terms used in support of the restrictions. This Order is effective March 1 through December 1, annually, until rescinded.

1. Possessing or storing any food or refuse, as specified in the Order (36 CFR 261.58 (cc).
2. Possessing, storing, or transporting any bird, fish, or other animal, or parts thereof, as specified in the Order (36 CFR 261.58 (s).
3. Camping as specified in the Order (36 CFR 261.58 (e).

UNDER THIS ORDER IT IS REQUIRED THAT

1. All food and refuse must be acceptably stored or acceptably possessed during daytime hours.
2. All food and refuse must be acceptably stored during nighttime hours, unless it is being prepared for eating, being eaten, being transported, or being prepared for acceptable storage.
3. Any harvested animal carcass must be acceptably stored, unless the carcass is being field dressed, transported, being prepared for eating, or being prepared for acceptable storage.
4. Camping or sleeping areas must be established at least ½ mile from a known animal carcass or at least 100 yards from an acceptably stored animal carcass.

EXEMPTIONS

Pursuant to 36 CFR 261.50 (e) the following persons are exempt from this Order:

1. Persons with a permit issued by the Forest Supervisor specifically exempting them from the effect of this Order.
2. Persons in the act of placing black bear baits for the lawful purpose of hunting black bears under state law and regulation.
3. Any Federal or State officer placing baits to capture animals for research or management purposes as part of their official duties.

These restrictions are in addition to the general prohibitions in 36 CFR Part 261, Subpart A. This Order supersedes any previous Order prohibiting or restricting the same, or similar, acts in the above-described areas.

Done this day 14th of June, 2016.

JOSEPH G. ALEXANDER
Forest Supervisor
Shoshone National Forest

PATRICIA O'CONNOR
Forest Supervisor
Bridger-Teton National Forest

Any violation of these prohibitions is punishable by a fine of not more than $5,000.00 for an individual or $10,000.00 for an organization, and/or imprisonment for not more than six (6) months, or both (Title 16 USC 551, Title 18 USC 3571 (b)(6), Title 18 USC 3581 (b)(7)).

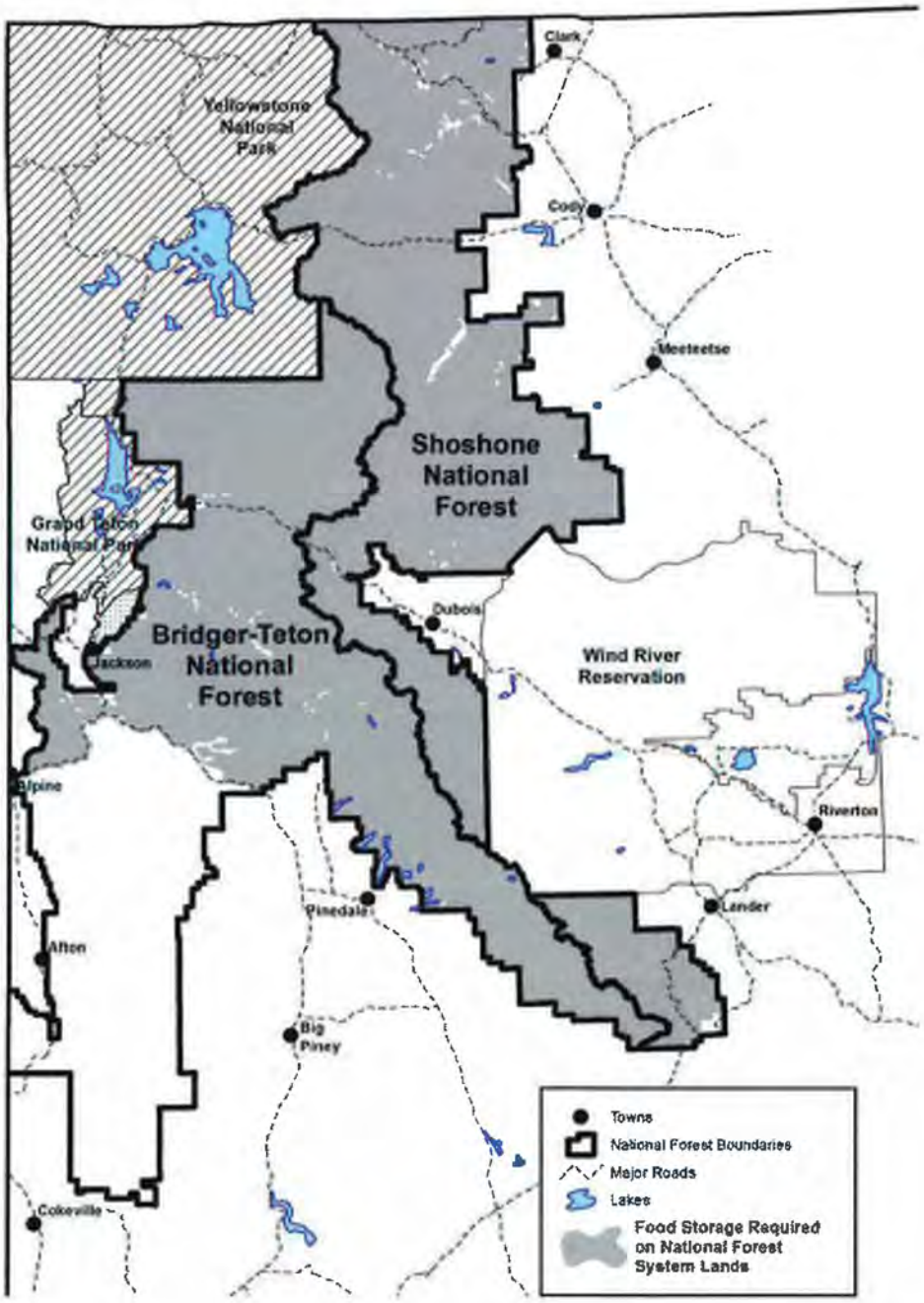
Exhibit A
Bridger-Teton National Forest Occupancy and Use Order No. 04-03-330
Shoshone National Forest Occupancy and Use Order No. 16-001
Special Order—Food Storage and Sanitation
Definitions

1. "Food and Refuse" means any substance, solid or liquid (excluding water, baled hay, or hay cubes without additives) or refuse, which is or may be eaten or otherwise taken into the body to sustain health or life, provide energy, or promote growth of any person or animal. Also includes items such as soft drinks, alcoholic beverages, canned foods, pet foods, processed livestock feed and grains, personal hygiene products, and empty food and beverage containers.
2. "Animal carcass" means the dead body or parts thereof, of any harvested mammal, bird, or fish, including the head or skull plate with antlers or horns and hide or cape of big game animals and any domestic livestock that may be found in the restricted area. Packaged or prepared animal carcass products transported into the restricted area for consumption, game birds, small mammals, or fish harvested for consumption in the restricted area are considered food under the previous definition.
3. "Acceptably stored" means:
   a. Stored in bear-resistant container certified through the Interagency Grizzly Bear Committee Courtesy Inspection Program. A container may be certified by the local district ranger or their designated representative(s) if it meets the IGBC criteria, or
   b. Stored in a closed vehicle where the storage compartment is constructed of solid, non-pliable material that, when secured, will have no openings, hinges, lids, or coverings that would allow a bear to gain entry by breaking, bending, tearing, biting, or pulling with its claws (any windows in the vehicle must be closed), or
   c. Suspended at least 10 feet clear of the ground at all points and four feet horizontally from any supporting tree or pole, or
   d. Stored within a hard-sided residence, building, or storage container subject to the terms and conditions of a special-use authorization or operating plan, or
   e. Stored by other methods approved in a permit issued by the forest supervisor responsible for the area where the method is proposed for use.
   f. For animal carcasses: stored as per 3. a-e when located from 100 yards to ½ mile of a camping or sleeping area or within 200 yards of a National Forest System Trail. Animal carcasses are not considered acceptably stored when within 100 yards of a camping or sleeping area or National Forest System Trail. Animal carcasses more than ½ mile from a camping area or sleeping area and more than 200 yards from a National Forest System Trail may be left on the ground.
   g. Animal carcasses killed or harvested (and parts thereof) within ½ mile of any established camping area or sleeping area must be acceptably stored, possessed, or moved to a distance beyond ½ mile from any such camp or sleeping area by the party(-ies) responsible for killing or harvesting such mammal.
4. "Acceptably possessed" means:
   a. Possessed or attended during daytime by a person(s) that is physically present within 100 feet and direct sight of the accessible food, or
   b. Possessed or attended by such a person(s) for the purpose of field dressing lawfully taken animal carcasses, transporting any food or animal carcass, preparing any animal carcass or food for eating, or eating any food.

5. "Camping/sleeping area" means National Forest System Lands temporarily used for the purpose of overnight occupancy without a permanently fixed structure or lands temporarily occupied by unattended camping equipment.
6. "Daytime" means ½ hour before sunrise to ½ hour after sunset, Mountain Time.
7. "Night time" means ½ hour after sunset to ½ hour before sunrise, Mountain Time.
8. "National Forest System Trail" means a trail wholly or partly within, or adjacent to, and serving a part of the National Forest System and which has been included in a forest recreation map.

Exhibit B

Bridger-Teton National Forest Occupancy and Use Order No. 04-03-330
Shoshone National Forest Occupancy and Use Order No. 16-001
Special Order—Food Storage and Sanitation
Area of Application



This food storage order applies to the entire Shoshone National Forest.

On the Bridger-Teton National Forest, the food storage order applies to all of the Blackrock, Jackson, and Pinedale Ranger Districts, and northern portions of the Big Piney and Greys River Ranger Districts described as follows:

WESTERN BOUNDARY: North from Alpine along divide of Snake River Range from Dry Gulch to Ferry Peak summit, along top of divide to Deadhorse Peak and north along Targhee-Bridger-Teton Forest boundary.

SOUTHERN BOUNDARY: The food storage boundary on the Bridger-Teton National Forest begins on the southwest at the south side of the confluence of the Snake and Greys Rivers. It then runs east and north along the Snake River corridor, including that area ½ mile south and east of the river itself, to the junction with the Hoback River. At Hoback Junction the area covered by the food storage order runs east along the Hoback River corridor, also including that area up to ½ mile south of the river, to where the Hoback River leaves U.S. 189/191. From there the food storage order applies north of the U.S.189/191 corridor, also including that area up to ½ mile south of the highway and running east to the Forest boundary in T37N, R111W, Section 32 (The Rim). From there the boundary runs northeast along the Forest boundary to the Green River, then southeast along the Forest boundary to the SW corner of Sec. 10, T29N, R102W. From there the boundary runs east along the Forest Boundary to the Shoshone National Forest.

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
WYOMING REGULATORY OFFICE
2232 DELL RANGE BOULEVARD, SUITE 210
CHEYENNE WY 82009-4942

August 31, 2017

Scott Gamo, PhD
Environmental Services Engineer
Wyoming Department of Transportation
5300 Bishop Boulevard
Cheyenne, Wyoming 82009-3340

Dear Mr. Gamo:

This letter is in response to a pre-construction (PCN) request we received on July 21, 2017, for a Department of the Army permit to widen and improve 9.25 miles of U.S. Highway 89 from Etna towards Alpine, affecting wetlands adjacent to Palisades Reservoir and tributaries to Salt River. (WYDOT Project #N103103, Thayne-Alpine Jct., Etna North, Lincoln County WY). The project begins in Section 10, Township 35 North, Range 119 West and ends in the Section 29, Township 37 North, Range 118 West, Lincoln County, Wyoming.

The U.S. Army Corps of Engineers regulates the placement of dredged and fill material into waters of the United States under Section 404 of the Clean Water Act (33 U.S.C. 1344). The Corps' regulations are published in the *Code of Federal Regulations* as 33 CFR Parts 320 through 332. Detailed information on Section 404 requirements in Wyoming can be obtained from our website: http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Wyoming.aspx

According to plans provided by WYDOT dated October 11, 2016, the proposed reconstruction involves road widening and general improvements to current design standards. This will result in permanent fill of 0.088 acre of Type 2, palustrine emergent (PEM) and Type 6, palustrine scrub-shrub (PSS) wetland associated with Palisades Reservoir and irrigation ditches that act as tributaries to Salt River. The project will also result in fill of 0.087 acre of permanent fill and 0.068 acre of temporary fill of irrigation ditches. The temporarily impacted wetland will be restored to the original cross-sections and re-vegetated according to WYDOT Best Management Practices.

Based on the information provided, it has been determined that the regulated activities described above are authorized by Nationwide Permit (NP) 14 as defined in the *Federal Register* published on January 6, 2017 (Vol. 82, No. 4). A copy of NP 14 is enclosed. Please take time to carefully review the terms and all of the General Conditions of NP 14, particularly those concerning temporary fills.

WYDOT is authorized to commence with the activities described above in accordance with NP 14. WYDOT is responsible for ensuring that all activities undertaken at the location specified above comply with all of the terms and conditions of NP 14. If a contractor or other authorized representative will be accomplishing any activities on behalf of WYDOT, it is

recommended that they be provided a copy of this letter and the attached permit so that they are also aware of the terms and conditions of NP 14. Any regulated activities that do not comply with NP 14 will be considered unauthorized and all responsible parties will be subject to appropriate enforcement action.

In a letter dated February 22, 2017, the Wyoming Department of Environmental Quality (WDEQ) certified that the use of NP 14 for activities such as those described above is acceptable provided that all of the terms and conditions of NP 14 are followed and that construction is conducted in a manner which does not result in a violation of any applicable water quality standard. A copy of the WDEQ's letter is enclosed. Please note that the WDEQ has added specific conditions to its certification and those conditions have been incorporated as regional conditions of NP 14.

Also enclosed is a Compliance Certification form. Please complete the form and return it to this office within 30 days after project completion as required by General Condition 30. The purpose of the form is to document which activities were actually completed and to certify that the activities were accomplished in compliance with the terms and conditions of NP 14.

Please be aware that issuance of a Department of the Army permit does not eliminate the requirement to obtain any other applicable federal, state, tribal or local permits. In addition, any deviations from the plans and specifications for the project, provided as of July 21, 2017, could require additional authorization.

This verification will be valid until the NP expires **March 18, 2022,** unless NP 14 is modified, suspended, or revoked prior to that date. Please contact me at (307) 772-2300 if you have any questions concerning this verification and reference file NWO- 2017-00617.

Sincerely,

Paige M. Wolken
Project Manager
Wyoming Regulatory Office

Enclosures

Copies Furnished:

Joseph Dailey
Federal Highway Administration
2617 East Lincolnway, Suite D
Cheyenne, Wyoming 82001

Eric Hargett
Wyoming Department of Environmental Quality
Water Quality Division
200 West 17th Street
Cheyenne, Wyoming 82002

The Omaha District, Regulatory Branch, Wyoming Regulatory Office is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete a Customer Service Survey found on our website: http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Wyoming.aspx

Nationwide Permit 14 – Linear Transportation Projects

Activities required for crossings of waters of the United States associated with the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge cannot cause the loss of greater than 1/ 3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre- construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) The loss of waters of the United States exceeds 1/10-acre; or (2) there is a discharge in a special aquatic site, including wetlands. (See general condition 32.)

Note 1: For linear transportation projects crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Linear transportation projects must comply with 33 CFR 330.6(d).

Note 2: Some discharges for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under section 404(f) of the Clean Water Act (see 33 CFR 323.4).

Note 3: For NWP 14 activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre- construction notification (see paragraph (b) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

(Sections 10 and 404)

Contents adapted from the Federal Register (Volume 82, Number 4) published on Jan. 6, 2017.

Nationwide Permit General Conditions

To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/ or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. **Navigation.**
   (a) No activity may cause more than a minimal adverse effect on navigation.
   (b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.
   (c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
2. **Aquatic Life Movements.** No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.
3. **Spawning Areas**. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.
4. **Migratory Bird Breeding Areas.** Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.
5. **Shellfish Beds.** No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.
6. **Suitable Material.** No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).
7. **Water Supply Intakes.** No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

Contents adapted from the Federal Register (Volume 82, Number 4) published on Jan. 6, 2017.

8. **Adverse Effects from Impoundments.** If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. **Management of Water Flows.** To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre- construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. **Fills Within 100-Year Floodplains.** The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. **Equipment.** Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. **Soil Erosion and Sediment Controls.** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. **Removal of Temporary Fills.** Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. **Proper Maintenance.** Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. **Single and Complete Project.** The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. **Wild and Scenic Rivers.**
(a) No NWP 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 affect the Wild and Scenic River designation or study status.
(b) If a proposed NWP activity will 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, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.
(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: http://www.rivers.gov/.

17. **Tribal Rights.** No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

Contents adapted from the Federal Register (Volume 82, Number 4) published on Jan. 6, 2017.

18. Endangered Species.

(a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which ''may affect'' a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If pre- construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district engineer will determine whether the proposed activity ''may affect'' or will have ''no effect'' to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non- Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have ''no effect'' on listed species or critical habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWPs.

(e) Authorization of an activity by an NWP does not authorize the ''take'' of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with ''incidental take'' provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where ''take'' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word ''harm'' in the definition of ''take'' means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section

7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.
(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their World Wide Web pages at www.fws.gov/ or www.fws.gov/ipac and http://www.nmfs.noaa.gov/pr/species/esa/ respectively.

19. **Migratory Birds and Bald and Golden Eagles.** The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. **Historic Properties.**
(a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.
(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.
(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre- construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4 (g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA:

no historic properties affected, no adverse effect, or adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed.

(d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/ THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. **Discovery of Previously Unknown Remains and Artifacts.** If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. **Designated Critical Resource Waters.** Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. **Mitigation.** The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both

temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre- construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre- construction notification, the district engineer may determine on a case-by- case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult- to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns.Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)).

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by

the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2- acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee- responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. **Safety of Impoundment Structures.** To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. **Water Quality.** Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. **Coastal Zone Management.** In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

Contents adapted from the Federal Register (Volume 82, Number 4) published on Jan. 6, 2017.

27. **Regional and Case-By-Case Conditions.** The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

The following regional conditions are applicable to all nationwide permit authorizations in the State of Wyoming to ensure projects result in less than minimal adverse impacts to the aquatic environment and to address local resources concerns.

(a) Wetlands Classified as Peatland. Permittees must notify the Wyoming Regulatory Office (WRO) in accordance with General Condition No. 32 (Pre-Construction Notification) prior to undertaking any authorized activities in wetlands classified as peatland. Peatlands are permanently or seasonally saturated and inundated wetlands where conditions inhibit organic matter decomposition and allow for the accumulation of peat.

(b) Waters Adjacent to Natural Springs. Permittees must notify the WRO in accordance with General Condition No.32 (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 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.

(c) Loss of Perennial Streams. Permittees must notify the WRO in accordance with General Condition No.32 (Pre-Construction Notification) prior to undertaking any authorized activities on perennial streams that result in a loss, such as channelization or relocation.

(d) Class 1 Waters. Permittees must notify the WRO in accordance with General Condition No. 32 (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 Kortes 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.

(e) Teton County. Permittees must notify the WRO in accordance with General Condition No. 32 prior to undertaking any authorized activities in Teton County.

(f) Spawning Areas. Activities in spawning areas during the spawning seasons listed below must be avoided to the maximum extent practicable.

Spawning seasons for common native species are:

-Chub, Leatherside: April 1 through August 15
-Chub, Roundtail: May 1 through July 15
-Sauger: May 1 through June 15
-Sturgeon: May 1 through June 15
-Sucker, Bluehead: May 1 through July 15
-Sucker, Flannelmouth: May 1 through July 15
-Trout, Bonneville Cutthroat: April 15 through July 31
-Trout, Colorado River Cutthroat: May 1 through July 31
-Trout, Snake River Cutthroat: March 15 through July 31
-Trout, Yellowstone Cutthroat: May 15 through July 31

Spawning seasons for common nonnative salmon and trout species are:

-Salmon, Kokanee: September 15 through November 30
-Trout, Brook: September 15 through November 30
-Trout, Brown: September 15 through November 30
-Trout, Rainbow: May 15 through July 31

*The timing of spawning seasons vary throughout the state. Permittees proposing to undertake activities within the spawning seasons identified above must first obtain site specific information on spawning seasons and spawning areas for indigenous fish species from Fisheries Supervisors in Wyoming Game and Fish Department Regional Offices and then contact WRO if any impacts will occur to spawning areas.

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 effects. Early coordination with Fisheries Supervisors in WGFD Regional Offices should be conducted prior to submitting a Pre-Construction Notification for activities located in these waters. Otherwise, the WRO may require project modifications to minimize adverse effects after receiving a Pre-Construction Notification.

*Additional information is available at: https://nrex.wyo.gov/

(g) Regional Additions to General Conditions. Permittees are reminded of General Condition No. 6 which prohibits use of unsuitable material. A list of materials prohibited or restricted as fill material in waters of the U.S. can be found at:
http://www.nwo.usace.army.mil/Media/FactSheets/FactSheetArticleView/tabid/2034/Article/12320/prohibited-restricted-materials.aspx

(h) Regional Conditions Applicable to Specific Nationwide Permits.

Nationwide Permit No. 23. Permittees must notify the WRO in accordance with General Condition No. 32 (Pre-Construction Notification) prior to undertaking any activities authorized by Nationwide Permit No. 23.

28. **Use of Multiple Nationwide Permits.** The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For

example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. **Transfer of Nationwide Permit Verifications.** If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

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

_____ _____

(Transferee) (Date)

30. **Compliance Certification.** Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:
(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;
(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and
(c) The signature of the permittee certifying the completion of the activity and mitigation. The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. **Activities Affecting Structures or Works Built by the United States.** If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre- construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission is not authorized by NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification

32. **Pre-Construction Notification.**
(a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective

Contents adapted from the Federal Register (Volume 82, Number 4) published on Jan. 6, 2017.

permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: (Available as a separate document)

Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

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Definitions

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term "discharge" means any discharge of dredged or fill material into waters of the United States.

Ecological Reference: A model used to plan and design an aquatic habitat and riparian area restoration, enhancement, or establishment activity under NWP 27. An ecological reference may be based on the structure, functions, and dynamics of an aquatic habitat type or a riparian area type that currently exists in the region where the proposed NWP 27 activity is located. Alternatively, an ecological reference may be based on a conceptual model for the aquatic habitat type or riparian area type to be restored, enhanced, or established as a result of the proposed NWP 27 activity. An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Ephemeral stream: An ephemeral stream has flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

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Independent utility: A test to determine what constitutes a single and complete non-linear project in the Corps Regulatory Program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

Intermittent stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. The loss of stream bed includes the acres or linear feet of stream bed that are filled or excavated as a result of the regulated activity. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.

Navigable waters: Waters subject to section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non- tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of "open waters" include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: An ordinary high water mark is a line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas.

Perennial stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre- construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be

voluntarily submitted in cases where pre- construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Protected tribal resources: Those natural resources and properties of traditional or customary religious or cultural importance, either on or off Indian lands, retained by, or reserved by or for, Indian tribes through treaties, statutes, judicial decisions, or executive orders, including tribal trust resources.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: Re- establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a course substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands next to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term ''single and complete project'' is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Contents adapted from the Federal Register (Volume 82, Number 4) published on Jan. 6, 2017.

Single and complete non-linear project: For non-linear projects, the term ''single and complete project'' is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of ''independent utility''). Single and complete non-linear projects may not be ''piecemealed'' to avoid the limits in an NWP authorization.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream's course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.

Tribal lands: Any lands title to which is either: (1) Held in trust by the United States for the benefit of any Indian tribe or individual; or (2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

Tribal Rights: Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWPs, a waterbody is a jurisdictional water of the United States. If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)). Examples of ''waterbodies'' include streams, rivers, lakes, ponds, and wetlands.

Contents adapted from the Federal Register (Volume 82, Number 4) published on Jan. 6, 2017.

February 22, 2017

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

RE: Section 401 Certification of Issuance and Reissuance of the 2017 Department of the Army Nationwide Permits in Wyoming.

Dear Mr. Happold,

In accordance with the provisions of Section 401 of the Clean Water Act, the Wyoming Department of Environmental Quality (WDEQ) has reviewed the Nationwide Permits that become effective March 19, 2017 and has made the following determinations:

1. Certification is denied for all Nationwide Permits where authorized activities would occur on Class 1 waters. Certification 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 also be found in Chapter 1 of the Wyoming Water Quality Rules and Regulations, Appendix A.

    i. All surface waters located within the boundaries of national parks and congressionally designated wilderness areas as of January 1, 1999;

    ii. The main stem of the Snake River through its entire length above the U.S. Highway 22 bridge (Wilson Bridge);

    iii. 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;

    iv. The main stem of the Wind River from the Wedding of the Waters upstream to Boysen Dam;

    v. 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;

    vi. The main stem of the North Platte River from the headwaters of Pathfinder Reservoir upstream to Kortes Dam (Miracle Mile segment);

    vii. The main stem of the North Platte River from the Natrona County Road 309 bridge (Goose Egg bridge) upstream to Alcova Reservoir;

    viii. The main stem of Sand Creek above the U.S. Highway 14 bridge;

ix. The main stem of the Middle Fork of the Powder River through its entire length above the mouth of Buffalo Creek;

x. The main stem of the North Fork of the Tongue River, the main stem of the South Fork of the Tongue River and the main stem of the Tongue River above the U.S. Forest Service boundary;

xi. The main stem of the Sweetwater River above the mouth of Alkali Creek;

xii. The main stem of the Encampment River from the northern U.S. Forest Service boundary upstream to the Colorado state line;

xiii. The main stem of the Clarks Fork River from the U.S. Forest Service boundary upstream to the Montana state line;

xiv. All waters within the Fish Creek (near Wilson, Wyoming) drainage;

xv. The main stem of Granite Creek (tributary to the Hoback River) through its entire length;

xvi. Fremont Lake

xvii. Wetlands adjacent to the above listed Class 1 waters

2. Certification is approved for Nationwide Permit #20 (Response Operations for Oil or Hazardous Substances) on all waters, including Class 1 waters.

3. Certification decisions for all Nationwide Permits where authorized activities would occur on non-Class 1 waters (all other waters) is shown in Table 1 of this document.

4. Some Nationwide Permits require additional permit-specific conditions to assure attainment of Wyoming water quality standards. Refer to Table 1 for permit-specific certification conditions.

5. In instances where the Corps is providing "after-the-fact" verification for completed activities authorized by Nationwide Permits that have been certified per determinations 2 and 3 of this letter; the WDEQ shall be notified of the Corps intent and provided an opportunity to propose special conditions to protect water quality as a part of the "after-the-fact" permit verification.

6. All certifications authorized under a Department of the Army Nationwide Permit include the following standard 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. Revegetation 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) 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.

c) Construction equipment should not operate 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 or banks below the existing water level. Impacts from fording must 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.

d) Activities associated with this certification shall not increase turbidity by more than 10 nephelometric turbidity units (NTUs) in all cold-water fisheries and/or drinking water supplies (Classes 1, 2AB, 2A and 2B) or by more than 15 NTUs in all warm water or nongame fisheries (Classes 1, 2ABww, 2Bww 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.

e) For activities that occur within ten stream miles of a downstream public water supply intake, the responsible parties for the public water supply intake shall be notified and all concerns addressed prior to the commencement of the activities. Documentation of this notification and how concerns were addressed shall be kept on file and be made available upon request.

f) Any temporary crossings, bridge supports, cofferdams or other structures must be designed to handle high flows/water anticipated to occur while these structures are present. All temporary structures must be completely removed from the waterbody at the conclusion of the permitted activity and the area restored to a natural appearance.

g) 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 or wetland during high water/flow events.

h) All fill material should be placed and compacted and subsequently protected from erosion. Where applicable, areas proposed for fill should be cleared of all vegetation, debris and other materials that may destabilize the fill.

i) The timing and duration of construction must minimize conflicts with fish spawning in accordance with Nationwide Permits General Condition #27.

j) 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 the WDEQ Stormwater Permitting Program 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 activities. The permit is required for the surface disturbances associated with construction of the project, access roads, construction of wetland mitigation sites, borrow and stockpile areas, and equipment staging and maintenance areas.

k) A WYPDES discharge permit from the 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. Please contact the WDEQ WYPDES Program at 307-777-7090 for additional information.

l) 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 (40 CFR 112). The Region 8 EPA office in Denver should be contacted for guidance.

This letter constitutes State certification of the 2017 Nationwide Permits that become effective March 19, 2017 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 WDEQ also reserves the right to amend this certification and any of its terms and conditions as may be appropriate or necessary to protect water quality and associated designated uses.

Please contact Eric Hargett at 307-777-6701 for further information.

Sincerely,

Todd Parfitt
Director
Department of Environmental Quality

TP/KF/EGH/rm/17-0120

cc: Kevin Fredrick – WDEQ Water Quality Division Administrator, Cheyenne
David Waterstreet – WDEQ Watershed Protection Program Manager, Cheyenne
Mary Flanderka, Wyoming Game & Fish Department, 5400 Bishop Blvd., Cheyenne, WY 82006
Paul Dey, Wyoming Game & Fish Department, 5400 Bishop Blvd., Cheyenne, WY 82006
Julia McCarthy, U.S. Environmental Protection Agency – Region 8, 1595 Wynkoop St., Denver, CO 80202

Table 1 - Wyoming 401 Certification of 2017 Nationwide Permits

Permit	Permit Name	2017 401 Certification ** (see footnote)	2017 Permit-specific 401 Certification Conditions
1	Aids to Navigation	Waived	
2	Structures in Artificial Canals	Waived	
3	Maintenance	Certified (non-Class 1 waters)	Removal of accumulated sediment should be limited to low-flow conditions, except in cases of emergency situations that threaten life or property.
4	Fish & Wildlife Harvesting, Enhancement, and Attraction Devices and Activities	Waived	
5	Scientific Measurement Devices	Certified (non-Class 1 waters)	Weirs and flumes may not prohibit upstream fish migration in Class 1, 2B, 2AB and 2C waters
6	Survey Activities	Certified (non-Class 1 waters)	Discharge of drilling fluids and cuttings to a water of the State must be authorized by a WYPDES permit. All temporary pits for holding drilling fluids and cuttings must be lined and all contents removed following completion of the activity authorized by the nationwide permit
7	Outfall Structures and Associated Intake Structures	Certified (non-Class 1 waters)	
8	Oil & Gas Structures on the Outer Continental Shelf	Waived	
9	Structures in Fleeting and Anchorage Areas	Waived	
10	Mooring Buoys	Waived	
11	Temporary Recreation Structures	Waived	
12	Utility Line Activities	Certified (non-Class 1 waters)	Culverted stream crossings must meet the following criteria : 1) culverts shall be placed in a relatively straight section of stream channel and outflows shall not be directed into a stream bank, 2) culvert dimensions shall not create water depths or velocities that prohibit upstream fish migration, 3) culvert slope shall be no steeper than the channel gradient immediately upstream and downstream of the culvert, and generally should match the overall channel gradient, 4) culvert outlet elevations or downstream bed scour shall not prohibit upstream fish migration, and 5) culverts shall be adequately sized to handle expected high flows.
13	Bank Stabilization	Certified (non-Class 1 waters)	Structures used for bank stabilization must meet the following criteria: 1) hydraulic drop over the structure crest should not exceed 0.5 feet to maintain fish passage, 2) where applicable header rocks should be spaced at least 1/4 to 1/3 of the average head rock diameter, 3) the tops of all in-stream structures should not exceed the bankfull elevation, 4) the tops of toe wood and vanes should intercept the bank at approximately 0.5 of the bankfull elevation, and 5) structure vane angles should not exceed 30 degrees as measured upstream from the vane arm to the tangent line where the vane intercepts the bank.
14	Linear Transportation Projects	Certified (non-Class 1 waters)	See Nationwide Permit #12 for culverted stream crossing criteria. Where applicable, see Nationwide Permit #13 for bank stabilization structure criteria.
15	U.S. Coast Guard Approved Bridges	Waived	
16	Return Water from Upland Contained Disposal Areas	Denied	
17	Hydropower Projects	Denied	
18	Minor Discharges	Certified (non-Class 1 waters)	
19	Minor Dredging	Waived	
20	Response Operations for Oil and Hazardous Substances	Certified (all waters)	
21	Surface Coal Mining Activities	Certified (non-Class 1 waters)	
22	Removal of Vessels	Waived	
23	Approved Categorical Exclusions	Denied	
24	Indian Tribe or State Administered Section 404 Programs	Waived	
25	Structural Discharges	Certified (non-Class 1 waters)	
27	Aquatic Habitat Restoration, Establishment, and Enhancement Activities	See Attachment 1 of this document	See Attachment 1-Nationwide Permit #27 certification and permit-specific conditions

Table 1 (cont.) - Wyoming 401 Certification of 2017 Nationwide Permits

Permit	Permit Name	2017 401 Certification ** (see footnote)	2017 Permit-specific 401 Certification Conditions
28	Modifications of Existing Marinas	Waived	
29	Residential Developments	Certified (non-Class 1 waters)	See Nationwide Permit #12 for culverted stream crossing criteria
30	Moist Soil Management for Wildlife	Certified (non-Class 1 waters)	
31	Maintenance of Existing Flood Control Facilities	Denied	
32	Completed Enforcement Actions	Denied	
33	Temporary Construction, Access, and Dewatering	Certified (non-Class 1 waters)	
34	Cranberry Production Activities	Denied	
35	Maintenance Dredging of Existing Basins	Certified (non-Class 1 waters)	
36	Boat Ramps	Certified (non-Class 1 waters)	
37	Emergency Watershed Protection and Rehabilitation	Certified (non-Class 1 waters)	Representative project area-wide pre- and post-construction photographs required for all PCNs
38	Cleanup of Hazardous and Toxic Waste	Denied	
39	Commercial and Institutional Developments	Certified (non-Class 1 waters)	See Nationwide Permit #12 for culverted stream crossing criteria
40	Agricultural Activities	Denied	
41	Reshaping Existing Drainage Ditches	Certified (non-Class 1 waters)	
42	Recreational Facilities	Certified (non-Class 1 waters)	See Nationwide Permit #12 for culverted stream crossing criteria
43	Stormwater Management Facilities	Denied	
44	Mining Activities	Denied	
45	Repair of Uplands Damaged by Discrete Events	Certified (non-Class 1 waters)	
46	Discharges in Ditches	Certified (non-Class 1 waters)	
48	Commercial Shellfish Aquaculture Activities	Waived	
49	Coal Remining Activities	Certified (non-Class 1 waters)	
50	Underground Coal Mining Activities	Certified (non-Class 1 waters)	
51	Land-Based Renewable Energy Generation Activities	Certified (non-Class 1 waters)	See Nationwide Permit #12 for culverted stream crossing criteria
52	Water-based Renewable Energy Generation Pilot Projects	Denied	
53	Removal of Low-Head Dams	Denied	
54	Living Shorelines	Waived	

** Certified: Categorical 401 Certification Granted for Specific Waters; Denied: Individual 401 Certification Required; Waived: No 401 Certification Required

COMPLIANCE CERTIFICATION

The purpose of this form is to document the completion of activities authorized under a Department of the Army Permit. Upon completion of the authorized activities and any mitigation required as a condition of the authorization, the permittee must complete and sign this form and return it to the following address within 30 days.

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

Please complete the following information:

1. Name of Permittee:
2. County:
3. File Number:
4. Date of Issuance:
5. Description of Authorized Activities:

6. Date Construction Began:
7. Name, address, and phone number of Contractor (if applicable):

8. Updates or unexpected modifications to original construction plan:

9. Date Construction Completed:
10. Was Mitigation Required (yes or no):
    If yes, Date Mitigation was Completed:
11. Optional, but requested - Are photographs of the project area enclosed (yes or no):

Please note that authorized activities are subject to inspection by a U.S. Army Corps of Engineers representative. Failure to comply with the terms and conditions of the permit could result in permit suspension, modification, or revocation.

I hereby certify that the activities authorized by the permit referenced above have been completed in accordance with the terms and conditions of the referenced permit and that all mitigation required as a condition of the permit was completed in accordance with the mitigation guidelines provided.

_____
Signature of Permittee

COE MEMORANDUM

TO: Bob Hammond, P.E.
Resident Engineer, Jackson

FROM: Deb Ferguson
Wetlands Specialist, Cheyenne

DATE: August 30, 2022

SUBJECT: **2000058 WYO 22 Jackson – Wilson, Snake River Bridge Replacement, Teton County**

Enclosed is the approved Nationwide Permit #14 for this project. *Please note the expiration date of March 14, 2026. If the project has been let to contract by the expiration date, the COE provides one additional year for completion of the authorized work.*

All of the attached permit conditions for Nationwide Permit #14 (including the enclosed DEQ stormwater certification) must be brought to the attention of the bidding and construction contractors, and WYDOT Specifications require contractors to comply with all applicable environmental laws.

If you have any questions regarding this permit, please give me a call at x4702.

Thanks!

DKF

cc: Peter Stinchcomb, P.E., Interim District Engineer, Rock Springs
Michael Menghini, P.E., State Bridge Engineer, Cheyenne
Jeff Brown, P.E., State Highway Development Engineer, Cheyenne
Meadow Ridley, P.E., Design Squad Leader, Cheyenne
Kevin Lebeda, Right-of-Way Administrator, Cheyenne
Bob Bonds, FHWA, Cheyenne
Wetland/COE File

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
WYOMING REGULATORY OFFICE
2232 DELL RANGE BOULEVARD, SUITE 210
CHEYENNE, WY 82009-4942

August 29, 2022

SUBJECT: Nationwide Permit 14 Verification, NWO-2020-02150, WYO 22 Jackson – Wilson – Snake River Bridge Replacement

Scott Gamo, PhD.
Wyoming Department of Transportation
5300 Bishop Boulevard
Cheyenne, Wyoming 82009

Dear Dr. Gamo:

This letter is in response to a Pre-construction Notification (PCN) we received on November 1, 2021, requesting Department of the Army (DA) Nationwide Permit (NWP) 14 verification for the above-referenced project. Walla Walla District provided 408 Permission on August 25, 2022. The project is located between Jackson and Wilson in Section 23, Township 41 North, Range 117 West, Teton County, Wyoming.

Proposed activities include removal and replacement of the WY22 bridge over the Snake River, road widening, installation of coffer dams for bridge work, and construction of temporary access roads. These activities will result in the excavation and redistribution of approximately 37,000 cubic yards (CY) of in-channel aggregate for use in construction in addition to 377 CY of imported fill for the new bridge abutments. Excavation of in-channel aggregate will only occur on dry gravel bars away from the active channel during low flow conditions. It is anticipated use of coffer dams will result in up to 1.174 acre of temporary in-channel impacts. The project will result in the permanent loss of approximately 0.342 acre of wetland, a value of 1.9 functional units.

The U.S. Army Corps of Engineers (Corps) regulates the discharge of dredged and fill material into waters of the United States under Section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344). The Corps' regulations are published in the *Code of Federal Regulations* at 33 CFR parts 320 through 332. NWPs are defined in the *Federal Register* published on December 27, 2021 (86 FR 73522). Based on a review of the information you furnished and available to us, we have determined the above referenced work requires DA authorization under Section 404 of the CWA.

Based upon the information you provided, we hereby verify that the work described above is authorized by NWP 14 for Linear Transportation Activities. Please note that deviations from the original plans and specifications of your project could require additional authorization from this office. This NWP and associated Regional and General Conditions are enclosed and can be accessed on our website at: *https://www.nwo.usace.army.mil/Missions/Regulatory-Program/Wyoming/*. Failure to

comply with the General and Regional Conditions of this NWP may result in the suspension or revocation of your authorization, and you may be subject to appropriate enforcement action. You shall comply with all terms and conditions associated with this NWP, including the following special conditions.

Special Conditions:

1. You shall comply with all terms and conditions of the enclosed January 7, 2022, Section 401 of the Clean Water Act Individual Water Quality Certification issued by the Wyoming Department of Environmental Quality (WDEQ).

2. Successful implementation of the *Aquatic Resources Mitigation Rehabilitation Plan, for WYDOT Project 200058 Jackson – Wilson, WYO 22,* prepared by WYDOT, dated August 10, 2022 (Mitigation Plan)

3. Successful creation of a minimum of 2.85 functional units is required at an off-site ratio of 1:1.5 to compensate for the loss of 1.9 functional units. In order to achieve this success, you are proposing to establish wetland resulting in the creation of an estimated 3.5 functional units. Functional units must be calculated using the Montana Wetland Assessment Method. Mitigation will take place in two locations within the nearby Rendezvous Park at Latitude 43.502754, Longitude -110.844455.

4. Monitoring reports are due in this office by December 31 each year that monitoring is conducted, until success is achieved as defined within the Mitigation Plan. The first report is due after the site has experienced a full growing season.

Unless this NWP is suspended, modified, or revoked, it is valid until **March 14, 2026**. It is incumbent upon you to remain informed of changes to this NWP. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization as per 33 CFR 330.6(b).

To assist in your compliance with NWP General Condition 30, enclosed is a "Compliance Certification" form, which shall be signed and returned within 30 days of completion of the project, including any required mitigation. Your signature on this form certifies that you have completed the work in accordance with the terms and conditions of the NWP. Activities completed under the authorization of an NWP which was in effect at the time the activity was completed continue to be authorized by that NWP.

Authorizations under this NWP does not relieve permittees from obtaining permits or other authorizations from any required federal, state, or local agency. If you have any questions, please contact Kevin Little via email at Kevin.C.Little@usace.army.mil or by phone at 307-772-2300.

Sincerely,

Michael T Happold

Michael T. Happold
Chief, Wyoming Regulatory Office

Enclosures

Electronic copy furnished:

Deb Ferguson, WYDOT
Michael Menghini, WYDOT
Eric Hargett, WDEQ – Water Quality Division
Amy Ramage, Teton County
Hannah Hadley, USACE-NWW
Kenneth Koebberling, USACE-NWW

COMPLIANCE CERTIFICATION

USACE File Number: NWO-2020-02150-RWY

Permit Type: NWP 14

Name of Permittees: Wyoming Department of Transportation

County: Teton County, Wyoming

Date of Issuance: August 29, 2022

Project Manager: Kevin Little

☐ Photographs of completed work are attached.
☐ Updates or unexpected modifications to original construction plan are attached.

Within 30 days of completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following:

Wyoming.Reg@usace.army.mil

OR

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

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the conditions of this permit, you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

_____
Signature of Permittee

_____
Date

The Omaha District, Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our website at: https://regulatory.ops.usace.army.mil/customer-service-survey/.

Mark Gordon, Governor

Department of Environmental Quality

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

DEQ

Todd Parfitt, Director

January 7, 2022

Scott Gamo
Wyoming Department of Transportation
5300 Bishop Blvd.
Cheyenne, Wyoming 82002

RE: Certification of Nationwide Permit #14, File NWO-2020-02150 for the Snake River Bridge Replacement Project that will impact the Snake River and adjacent wetlands near Wilson, Wyoming. The project area is located in Section 23, Township 41 North, Range 117 West, Teton County, Wyoming.

Dear Mr. Gamo,

In accordance with the provisions of Section 401 of the Clean Water Act, the Wyoming Department of Environmental Quality (WDEQ) has reviewed the Wyoming 401 Water Quality Certification Request and accompanying materials and hereby *grants certification with conditions* of Nationwide Permit #14 for this project. This certification reasonably assures that the discharge of dredged or fill material under this project will comply with Sections 301, 302, 303, 306 and 307 of the federal Clean Water Act; Wyoming Statute 35-11-302(a)(i) and (ii); and Wyoming Surface Water Quality Standards (Chapter 1, Wyoming Water Quality Rules); provided that the permittee complies with all 'Certification Conditions' described below.

Project Description

The purpose of the project is to replace the WY22 Highway bridge over the Snake River and upgrade adjacent sections of the WY22 and WY390 Highways near Wilson, Wyoming that will impact the Snake River and adjacent wetlands.

Proposed activities include removal and replacement of the WY22 bridge, road widening, installation of coffer dams for bridge work, and construction of temporary access roads. These activities will result in the excavation and redistribution of approximately 37,000 cubic yards (CY) of in-channel aggregate for use in construction in addition to 377 CY of imported fill for the new bridge abutments. Excavation of in-channel aggregate will only occur on dry gravel bars away from the active channel during low flow conditions. It is anticipated use of coffer dams will result in up to 1.174 acre of temporary in-channel impacts. These discharges will result in permanent impacts to 0.342 acre of wetland of which a combination of on-site and in-kind mitigation will be required.

Certification Conditions

Hazardous, Toxic and Deleterious Materials

1. This certification requires all equipment to be inspected daily 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.[1];

2. Equipment and machinery must not be located in a surface water of the state for refueling, repair and/or maintenance[1];

3. Petroleum products and hazardous, toxic and/or deleterious materials shall not be stored, disposed of, or accumulated adjacent to or in the immediate vicinity of a surface water of the state. Adequate measures and controls must be in place to ensure those materials will not enter a surface water of the state as a result of high water, precipitation runoff, wind, storage facility failure, or accidents in operation[1];

4. Emergency spill and release procedures shall be kept on the job-site and readily available for review. Appropriate emergency spill/release response materials (e.g. booms, pads, socks, absorbents, floats) shall be kept on the job-site at all times for the duration of project[1];

In-water Construction Activity

5. Construction equipment shall not operate below the existing water surface except as follows:
    a. Fording at one location is acceptable; however, vehicles should not push or pull material along the bed or banks below the existing water level. Impacts from fording must be minimized[2];

    b. Work below the waterline which is essential must be carried out in a manner which minimizes impacts to the aquatic system and water quality[2];

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[1] Petroleum products and hazardous, toxic or deleterious materials cannot be present in quantities or concentrations within surface waters of the state which would threaten or cause the non-attainment of Chapter 1 Wyoming Water Quality Rules §§ 12, 13, 15, 16, 17, 18, 19, 20, 21, 29 and 32.

[2] Ensures that discharges of dredge/fill material and associated construction-related activities in a surface water of the state do not result in detrimental physical and/or habitat conditions, elevated quantities and/or concentrations of suspended or floating sediment, or combinations thereof which would adversely affect fisheries, aquatic life other than fish, drinking water, recreational, agricultural, industrial, and/or wildlife uses of the water pursuant to Chapter 1 Wyoming Water Quality Rules §§ 12, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25 and 32.

6. Discharges and associated construction activities are not permitted during high flows/high water due to the elevated risk of degradation to aquatic habitat, water quality and physical conditions. Therefore, construction activities within a surface water shall take place only during periods of low flow or low water except for unique circumstances where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur if immediate action is not taken[3];

7. The timing and duration of construction must minimize disturbances to fish spawning. Site specific information on spawning seasons and spawning areas for all fish species can be obtained from fisheries supervisors at Wyoming Game and Fish Department (WGFD) Regional Offices[4];

8. Unless specifically authorized by the Wyoming Game and Fish Department, discharges of dredge or fill material, including in-stream structures, shall not prohibit movements of aquatic life indigenous to the waterbody or that are intentionally introduced, including those species that normally migrate through the project area[4];

9. Where applicable, stream channel enhancement/restoration and/or bank stabilization must be completed prior to returning water to a dewatered segment[5];

10. Excavation of in-channel aggregate for construction use shall only be performed in dry channel bars away from the active channel during low flow conditions to prevent sediments from entering the flowing portion of the Snake River. Entrance and exit routes for the excavation shall be located only in the dry[5];

11. Water pumped from de-watering areas (i.e., coffer dams) will not be allowed to reenter a surface water of the state unless authorized through a WDEQ Wyoming Pollutant Discharge Elimination System (WYPDES) Temporary Discharge Permit[5,6];

Surface Water Intakes

12. For activities that occur within ten stream miles of a downstream public water supply intake, the responsible parties for the public water supply intake shall be notified so that any preventative actions can be implemented to ensure discharges and associated construction activities do not adversely affect the quality of public drinking water. Documentation of this notification and how concerns were addressed shall be kept on file and be made available upon request[7];

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[3] Chapter 1 Wyoming Water Quality Rules §§ 12, 15, 16, 21, and 32.
[4] Chapter 1 Wyoming Water Quality Rules §§ 15, 16, 21, 23, 24, 25, and 32.
[5] Ensures that discharges of dredge/fill material and associated construction-related activities in a surface water of the state do not result in detrimental physical and/or habitat conditions, elevated quantities and/or concentrations of suspended or floating sediment, or combinations thereof which would adversely affect fisheries, aquatic life other than fish, drinking water, recreational, agricultural, industrial, and/or wildlife uses of the water pursuant to Chapter 1 Wyoming Water Quality Rules §§ 12, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25 and 32.
[6] Chapter 2 Wyoming Water Quality Rules §§ 2, 4, and 5.
[7] Chapter 1 Wyoming Water Quality Rules §§ 15, 16, 17 and 18.

Temporary Structures

13. Any temporary crossings, bridge supports, cofferdams or other structures must be designed and installed to accommodate all high flows/water anticipated to occur while these structures are present without degradation to aquatic habitat and water quality. All temporary structures and fills (e.g. construction pad, access ramp) must be completely removed from the waterbody at the conclusion of the permitted activity and the area restored. According to the project application, temporary coffer dams shall be used to de-water areas necessary for removal of the existing bridge and construction of the new bridge[8];

Stockpiling and Staging of Fill and Excavated Material

14. All excess stockpiled fill and excavated material shall be disposed of at an upland site, not in a surface water of the state. All measures and precautions shall be taken to prevent entry of said material into a surface water of the state during high water/flow events[9];

15. To the maximum extent practicable, all stockpiling and staging areas of fill or excavated material shall be placed at an upland site, not in a surface water of the state. All measures and precautions shall be taken to prevent entry of said material into a surface water of the state as a result of high water or precipitation events[9];

Erosion and Sediment Control

16. Adequate best management practices to prevent, control or reduce erosion and sediment entry from the project area into surface waters of the state is required. The project area encompasses the location(s) where discharges will occur along with the associated construction activities. Appropriate best management practices include but are not limited to those described in the WDEQ/WQD's Stream and Lake Best Management Practices Manual. This and other WDEQ/WQD BMP manuals can be found at https://deq.wyoming.gov/water-quality/watershed-protection/nonpoint-source/. Best management practices shall be properly installed, maintained, and functional at all times during project implementation. At a minimum, best management practices shall be inspected, maintained and evaluated for effectiveness daily during project implementation[9];

[8] Chapter 1 Wyoming Water Quality Rules §§ 12, 14, 19, 20, and 32.

[9] Ensures that discharges of dredge/fill material and associated construction-related activities in a surface water of the state do not result in detrimental physical and/or habitat conditions, elevated quantities and/or concentrations of suspended or floating sediment, or combinations thereof which would adversely affect fisheries, aquatic life other than fish, drinking water, recreational, agricultural, industrial, and/or wildlife uses of the water pursuant to Chapter 1 Wyoming Water Quality Rules §§ 12, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25 and 32.

17. Adequate stabilization and erosion control measures are required for all permanent structures and treatments to minimize erosion of these features during high flows or high water. Stabilization and erosion control measures shall include only native material where appropriate and feasible[10];

18. All construction debris shall be properly disposed of at an upland site in accordance with applicable state and federal regulations, not in a surface water of the state[11];

19. All fill material should be placed and compacted and subsequently protected from erosion. Where applicable, areas proposed for fill should be cleared of all vegetation, debris and other materials that may destabilize the fill. Maximum fill slopes shall be such that material is structurally stable once placed and does not slough into a surface water of the state during construction, during periods prior to revegetation, or after vegetation has established[10];

Vegetation Protection and Restoration

20. Vegetation must be protected except where its removal is absolutely necessary for completion of the work. Vegetation removal shall not cause in-channel or bank degradation beyond what existed prior to construction[10];

21. Re-vegetate disturbed soil in a manner that optimizes plant establishment for that specific site. Revegetation 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[10];

Culverted Crossings

22. Where applicable, culverted crossings of surface waters of the state must meet the following criteria:

    a. To prevent physical degradation, culverts shall be placed in a relatively straight section of stream channel and outflows shall not be directed into a stream bank[10];

    b. Culvert dimensions shall not create water depths or velocities that prohibit upstream fish migration[12];

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[10] Ensures that discharges of dredge/fill material and associated construction-related activities in a surface water of the state do not result in detrimental physical and/or habitat conditions, elevated quantities and/or concentrations of suspended or floating sediment, or combinations thereof which would adversely affect fisheries, aquatic life other than fish, drinking water, recreational, agricultural, industrial, and/or wildlife uses of the water pursuant to Chapter 1 Wyoming Water Quality Rules §§ 12, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25 and 32.

[11] Chapter 1 Wyoming Water Quality Rules §§ 12 and 14.

[12] Chapter 1 Wyoming Water Quality Rules §§ 15, 16, 21, 23, 24, 25, and 32.

c. Culvert slope shall be no steeper than the channel gradient immediately upstream and downstream of the culvert and generally should match the overall waterbody gradient to prevent physical degradation associated with channel scour, bank erosion and/or channel incision[13];

d. Culvert outlet elevations or downstream bed scour shall not prohibit upstream fish migration[13];

e. Culverts shall be adequately sized to accommodate all high flows/water anticipated to occur while these structures are present without degradation to aquatic habitat and water quality[14];

Other Pollutants

23. No activities authorized by this certification shall result in the discharge of substances in amounts, concentrations or combinations thereof into a surface water of the state which

a. Can settle to form sludge, bank or bottom deposits; or

b. Form floating or suspended solids; or

c. Produce color, odor, or other conditions; or

d. Are toxic to humans, animals, aquatic life, plants; or

e. Produce a predominance of undesirable aquatic life; or

f. Cause harmful accumulations of radioactivity in aquatic life, animals, plants; or

g. Cause harmful acute or chronic effects to aquatic life; or

h. Adversely alter the structure or function of indigenous or intentionally introduced aquatic communities; or

i. Which could result in degradation of the water quality necessary to support fisheries, aquatic life other than fish, drinking water, recreation, fish consumption, agricultural, industrial and/or scenic uses of the water[15];

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[13] Chapter 1 Wyoming Water Quality Rules §§ 15, 16, 21, 23, 24, 25, and 32.
[14] Ensures that discharges of dredge/fill material and associated construction-related activities in a surface water of the state do not result in detrimental physical and/or habitat conditions, elevated quantities and/or concentrations of suspended or floating sediment, or combinations thereof which would adversely affect fisheries, aquatic life other than fish, drinking water, recreational, agricultural, industrial, and/or wildlife uses of the water pursuant to Chapter 1 Wyoming Water Quality Rules §§ 12, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25 and 32.
[15] Chapter 1 Wyoming Water Quality Rules §§ 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 28, 30, and 32.

Other Water Quality Permitting Requirements

WYPDES Storm Water Permit

1. For activities that will clear, grade or otherwise disturb one (1) or more acres and there is a potential for discharge of storm water to surface waters of the state, coverage under a storm water permit must be obtained from the WDEQ. Disturbance includes construction of the project and associated access roads, construction of wetland mitigation sites, borrow and stockpile areas, and equipment staging and maintenance areas. The major requirements of a storm water permit pertain to the development and implementation of a pollution prevention plan along with regular inspection of pollution control activities. The Wyoming Pollutant Discharge Elimination System (WYPDES) Program should be contacted for guidance. More information can be found at https://deq.wyoming.gov/water-quality/wypdes/discharge-permitting/storm-water-permitting/;

WYPDES Temporary Discharge Permit

2. For any point source discharges to surface waters not related to storm water runoff or dredge/fill material such as discharges from gravel crushing and washing operations, cofferdam or site dewatering, vehicle or machinery washing, drilling fluids or cuttings, or other material processing operations, coverage under a WYPDES discharge permit may be required. 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. The WYPDES Program should be contacted for guidance. More information can be found at https://deq.wyoming.gov/water-quality/wypdes/discharge-permitting/;

Temporary Turbidity Waiver

3. Discharges and associated construction activities shall not increase turbidity by more than 10 nephelometric turbidity units (NTUs) in all cold-water fisheries and/or drinking water supplies (Classes 1, 2AB, 2A and 2B) or by more than 15 NTUs in all warm water or nongame fisheries (Classes 1, 2ABww, 2Bww and 2C). However, the WDEQ may authorize short-term increases in turbidity above the limits described on a case-by-case basis for construction related activities through the issuance of a temporary turbidity waiver. The application for a temporary turbidity waiver can be found at https://deq.wyoming.gov/water-quality/watershed-protection/cwa-section-401-turbidity-wetland/;

SPCC Plan

4. If above ground storage of petroleum products exceeds 1,320 gallons in total or more than 660 gallons in a single tank, development of a Spill Prevention Control and Countermeasures (SPCC) plan may be required pursuant to 40 CFR 112. The Region 8 EPA office in Denver should be contacted for guidance. More information can be found at https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/contact-us-about-oil-spill-prevention-and.

This letter constitutes state certification for the discharge of dredged or fill material from this project under Section 401 of the Clean Water Act and subject to the certification conditions contained herein. **Please be advised that this certification is not an authorization to begin construction.** 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 discharge and associated activity may cause. This certification does not relieve the permittee of any liability for damages to existing or designated uses that may result from failure to comply with the certification conditions. The WDEQ also reserves the right to amend this certification and any of its terms and conditions as may be appropriate or necessary to protect surface water quality and associated designated uses.

Sincerely,

for

Todd Parfitt
Director
Department of Environmental Quality

TP/JZ/DHW/EGH/CF

cc: Michael Stanley, USACE, 2232 Dell Range Blvd, Suite 210, Cheyenne, WY 82009
Deb Ferguson, WYDOT, 5300 Bishop Blvd., Cheyenne, WY 82002

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US Army Corps of Engineers
Omaha District

Wyoming Regulatory Office

Nationwide Permit 14 – Linear Transportation Projects

Activities required for crossings of waters of the United States associated with the construction, expansion, modification, or improvement of linear transportation projects (*e.g.*, roads, highways, railways, trails, driveways, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge of dredged or fill material cannot cause the loss of greater than 1/2 -acre of waters of the United States. For linear transportation projects in tidal waters, the discharge of dredged or fill material cannot cause the loss of greater than 1/3 -acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) The loss of waters of the United States exceeds 1/10 acre; or (2) there is a discharge of dredged or fill material in a special aquatic site, including wetlands. (See general condition 32.)

Note 1: For linear transportation projects crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Linear transportation projects must comply with 33 CFR 330.6(d).

Note 2: Some discharges of dredged or fill material for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4).

Note 3: For NWP 14 activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

(Sections 10 and 404)

Contents adapted from the Federal Register (Volume 86, Number 245) published on Dec. 27, 2021

Nationwide Permit General Conditions

To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/ or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. **Navigation.**
   (a) No activity may cause more than a minimal adverse effect on navigation.
   (b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.
   (c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his or her authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
2. **Aquatic Life Movements.** No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.
3. **Spawning Areas**. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (*e.g.*, through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.
4. **Migratory Bird Breeding Areas.** Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.
5. **Shellfish Beds.** No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.
6. **Suitable Material.** No activity may use unsuitable material (*e.g.*, trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

Contents adapted from the Federal Register (Volume 86, Number 8) published on Jan. 13, 2021

7. **Water Supply Intakes.** No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. **Adverse Effects from Impoundments.** If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. **Management of Water Flows.** To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. **Fills Within 100-Year Floodplains.** The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. **Equipment.** Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. **Soil Erosion and Sediment Controls.** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. **Removal of Temporary Fills.** Temporary structures must be removed, to the maximum extent practicable, after their use has been discontinued. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. **Proper Maintenance.** Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. **Single and Complete Project.** The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. **Wild and Scenic Rivers.**
(a) No NWP 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 affect the Wild and Scenic River designation or study status.
(b) If a proposed NWP activity will 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, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. Permittees shall not begin the NWP

activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.
(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (*e.g.*, National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: *http://www.rivers.gov/*.

17. **Tribal Rights.** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. **Endangered Species.**
(a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of "effects of the action" for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA section 7 regarding "activities that are reasonably certain to occur" and "consequences caused by the proposed action."
(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.
(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include the name(s) of the endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. For activities where the non-Federal applicant has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species (or species proposed for listing or designated critical habitat (or critical habitat proposed for such designation), or

until ESA section 7 consultation or conference has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation or conference with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWPs.

(e) Authorization of an activity by an NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (*e.g.*, an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at *http://www.fws.gov/* or http://www.fws.gov/ipac and http://www.nmfs.noaa.gov/pr/species/esa/ respectively.

19. **Migratory Birds and Bald and Golden Eagles.** The permittee is responsible for ensuring that an action authorized by an NWP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. **Historic Properties.**

(a) No activity is authorized under any NWP which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)(1)). If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The

district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: No historic properties affected, no adverse effect, or adverse effect.

(d) Where the non-Federal applicant has identified historic properties on which the proposed NWP activity might have the potential to cause effects and has so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed. For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or

affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. **Discovery of Previously Unknown Remains and Artifacts.** Permittees that discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by an NWP, they must immediately notify the district engineer of what they have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. **Designated Critical Resource Waters.** Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.
(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, 52, 57 and 58 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.
(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after she or he determines that the impacts to the critical resource waters will be no more than minimal.

23. **Mitigation.** The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:
(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (*i.e.*, on site).
(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.
(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.
(d) Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 3/100-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal,

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and provides an activity-specific waiver of this requirement. This compensatory mitigation requirement may be satisfied through the restoration or enhancement of riparian areas next to streams in accordance with paragraph (e) of this general condition. For losses of stream bed of 3/100-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (*e.g.*, conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. If restoring riparian areas involves planting vegetation, only native species should be planted. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (*e.g.*, riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f).)

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). If permittee-responsible mitigation is the proposed option, and the proposed

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compensatory mitigation site is located on land in which another federal agency holds an easement, the district engineer will coordinate with that federal agency to determine if proposed compensatory mitigation project is compatible with the terms of the easement.

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan needs to address only the baseline conditions at the impact site and the number of credits to be provided (see 33 CFR 332.4(c)(1)(ii)).

(6) Compensatory mitigation requirements (*e.g.*, resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state or federal, dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality.

(a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an NWP with CWA section 401, a CWA section 401 water quality certification for the proposed discharge must be obtained or waived (see 33 CFR 330.4(c)). If the permittee cannot comply with all of the conditions of a water quality certification previously issued by certifying authority for the issuance of the NWP, then the permittee must obtain a water quality certification or waiver for the proposed discharge in order for the activity to be authorized by an NWP.

(b) If the NWP activity requires pre-construction notification and the certifying authority has not

previously certified compliance of an NWP with CWA section 401, the proposed discharge is not authorized by an NWP until water quality certification is obtained or waived. If the certifying authority issues a water quality certification for the proposed discharge, the permittee must submit a copy of the certification to the district engineer. The discharge is not authorized by an NWP until the district engineer has notified the permittee that the water quality certification requirement has been satisfied by the issuance of a water quality certification or a waiver.
(c) The district engineer or certifying authority may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. **Coastal Zone Management.** In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). If the permittee cannot comply with all of the conditions of a coastal zone management consistency concurrence previously issued by the state, then the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by an NWP. The district engineer or a state may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. **Regional and Case-By-Case Conditions**. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

The following Nationwide Permit (NWP) regional conditions will be used in the State of Wyoming for NWP 12, 21, 29, 39, 40, 42, 43, 44, 48, 50, 51, 52, 55, 56, 57, and 58. Regional conditions are placed on NWPs to ensure projects result in no more than minimal adverse impacts to the aquatic environment and to address local resources concerns.

A. PRECONSTRUCTION NOTIFICATION REQUIREMENTS APPLICABLE TO ALL NWPs

For all NWPs, permittees must notify the Corps in accordance with General Condition 32 Preconstruction Notification (PCN) requirements for regulated activities located within or comprised of the following:

1. Wetlands Classified as Peatlands:

PCN required for any regulated activity in wetlands classified as peatlands. For purposes of this condition, peatlands are permanently or seasonally waterlogged areas with a surface accumulation of peat (organic matter) 30 centimeters (12 inches) or more thick. Under cool, anaerobic, and acidic conditions, the rate of organic matter accumulation exceeds organic decay. Any peat- covered areas, including fens, bogs, and muskegs, are all peatlands.

2. Waters Adjacent to Natural Springs:

PCN required for any regulated activity located within 100 feet of the water source in natural spring areas. For the purpose of this condition, a spring water source is defined as any location where there is 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 of waters. Springs do not include drain tile outlets.

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3. **Stream Channelization and Relocation Projects:**

PCN required for any regulated activity that involves permanent stream channelization or relocation of an existing perennial stream channel. For the purpose of this condition, stream channelization is defined as "the manipulation of a stream's course, condition, capacity or location that causes more than minimal interruption of normal stream processes." Examples of stream channelization include, but are not limited to straightening, relocating, shifting, tubing (i.e., placement of a culvert in an open channel for construction purposes).

4. **Specific Waterways:**

PCN required for any regulated activities in Class 1 waters.

a. Class 1 Waters in Wyoming are defined as:
   i. All surface waters located within the boundaries of national parks and congressionally designated wilderness areas as of January 1, 1999;
   ii. The main stem of the Snake River through its entire length above the U.S. Highway 22 Bridge (Wilson Bridge);
   iii. 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;
   iv. The main stem of the Wind River from the Wedding of the Waters upstream to Boysen Dam;
   v. 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;
   vi. The main stem of the North Platte River from the headwaters of Pathfinder Reservoir upstream to Kortes Dam (Miracle Mile segment);
   vii. The main stem of the North Platte River from the Natrona County Road 309 bridge (Goose Egg Bridge) upstream to Alcova Reservoir;
   viii. The main stem of Sand Creek above the U.S. Highway 14 bridge;
   ix. The main stem of the Middle Fork of the Powder River through its entire length above the mouth of Buffalo Creek;
   x. 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;
   xi. The main stem of the Sweetwater River above the mouth of Alkali Creek;
   xii. The main stem of the Encampment River from the northern U.S. Forest Service boundary upstream to the Colorado state line;
   xiii. The main stem of the Clarks Fork River from the U.S. Forest Service boundary upstream to the Montana state line;
   xiv. All waters within the Fish Creek (near Wilson, Wyoming) drainage;
   xv. The main stem of Granite Creek (tributary of the Hoback River) through its entire length;
   xvi. Fremont Lake; and

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xvii. Wetlands adjacent to the above listed Class 1 waters.

5. **Teton County:**

PCN required for any regulated activities in Teton County.

B. PRECONSTRUCTION NOTIFICATION REQUIREMENTS APPLICABLE TO SPECIFIC NWP

1. **NWP 23 – Approved Categorical Exclusions:**

In addition to PCN requirements identified in Regulatory Guidance Letter (RGL) 05-07 or the applicable Corps RGL, PCN is required prior to initiating any regulated activity under NWP 23 that would permanently impact an area greater than 1/2 an acre of waters of the United States. In addition to information required for PCN, the applicant must identify the approved categorical exclusion that applies in RGL 05-07 or the applicable Corps RGL and provide documentation that the project fits the categorical exclusion.

C. BEST MANAGEMENT PRACTICES

The following Nationwide Permit regional condition best management practices are required for Wyoming in the Omaha District. Regional conditions are placed on Nationwide Permits to ensure projects result in no more than minimal adverse impacts to the aquatic environment and to address local resources concerns.

1. **Suitable Material**

Permittees are reminded of General Condition No. 6 which prohibits use of unsuitable material. A list of materials prohibited or restricted as fill material in waters of the U.S. can be found at: http://www.nwo.usace.army.mil/Media/FactSheets/FactSheetArticleView/tabid/2034/Article/12320/prohibited-restricted-materials.aspx

2. **Spawning Areas:**

Spawning locations are defined as sites within stream networks where mature fish congregate to release gametes into the riverine environment.

Spawning periods are driven by a host of local environmental factors including elevation, day length and water temperature. As such, there is a high degree of variability in timing from one location to the next in the state. If a permittee is proposing to undertake regulated activities in spawning locations and within the spawning periods identified below, they must first obtain site-specific information from Fisheries Supervisors in Wyoming Game and Fish Department Regional Offices (WGFD). Additional information is available at:

https://wgfd.wyo.gov/Habitat/Habitat-Plans/Wyoming-State-Wildlife-Action-Plan

Activities in spawning locations during the periods listed below must be avoided to the maximum extent practicable.

Spawning seasons for common native species are:

i. Chub, Leatherside: April 1 through August 15
ii. Chub, Roundtail: May 1 through July 15

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iii. Chub, Hornyhead: June 1 through August 15
iv. Sauger: May 1 through June 15
v. Sturgeon: May 1 through June 15
vi. Sucker, Bluehead: May 1 through July 15
vii. Sucker, Flannelmouth: May 1 through July 15
viii. Trout, Bonneville Cutthroat: April 15 through July 31
ix. Trout, Colorado River Cutthroat: May 1 through July 31
x. Trout, Snake River Cutthroat: March 15 through July 31
xi. Trout, Yellowstone Cutthroat: May 15 through July 31

Spawning seasons for common nonnative salmon and trout species are:

xii. Salmon, Kokanee: September 15 through November 30
xiii. Trout, Brook: September 15 through November 30
xiv. Trout, Brown: September 15 through November 30
xv. Trout, Rainbow: May 15 through July 31

The 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 effects. If PCN is required, early coordination with Fisheries Supervisors in WGFD Regional Offices should be conducted prior to submitting a PCN for activities located in these waters. Otherwise, project modifications to minimize adverse effects after receiving a PCN may be required.

3. **Culvert Countersink Depth:**

For all NWPs in jurisdictional streams and a stable stream bed, culvert stream crossings shall be installed with the culvert invert set below the natural stream channel flow line according to the table below. This regional condition does not apply in instances where the lowering of the culvert invert would allow a headcut to migrate upstream of the project into an unaffected stream reach or result in lowering the elevation of the stream reach.

Culvert Type	Drainage Area	Minimum Distance Culvert Invert Shall Be Lowered Below Stream Flow Line
All culvert types	< 100 acres	Not required
Pipe diameter <8.0 ft	100 to 640 acres	0.5 ft
Pipe diameter <8.0 ft	>640 acres	1.0 ft
Pipe diameter > 8.0 ft	All drainage sizes	20% of pipe diameter
Box culvert	All drainage sizes	1.0 ft

a. The stream flow line shall be defined as the longitudinal average of the low flow stream channel.
b. The slope of the culvert should be parallel to the slope of the stream flow line.

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c. The culvert invert depression depth shall be measured at the culvert inlet for culverts installed at a slope less than the slope of the stream flow line.

d. Riprap inlet and outlet protection shall be placed to match the height of the culvert invert.

28. **Use of Multiple Nationwide Permits.** The use of more than one NWP for a single and complete project is authorized, subject to the following restrictions:
(a) If only one of the NWPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States cannot exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.
(b) If one or more of the NWPs used to authorize the single and complete project has specified acreage limits, the acreage loss of waters of the United States authorized by those NWPs cannot exceed their respective specified acreage limits. For example, if a commercial development is constructed under NWP 39, and the single and complete project includes the filling of an upland ditch authorized by NWP 46, the maximum acreage loss of waters of the United States for the commercial development under NWP 39 cannot exceed 1/2-acre, and the total acreage loss of waters of United States due to the NWP 39 and 46 activities cannot exceed 1 acre.

29. **Transfer of Nationwide Permit Verifications.** If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

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

_____ _____

(Transferee) (Date)

30. **Compliance Certification.** Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:
(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;
(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and
(c) The signature of the permittee certifying the completion of the activity and mitigation.

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The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. **Activities Affecting Structures or Works Built by the United States.** If an NWP activity also requires review by, or permission from, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission and/or review is not authorized by an NWP until the appropriate Corps office issues the section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. **Pre-Construction Notification.**

(a) *Timing.* Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

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(3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;
(4) (i) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures.
(ii) For linear projects where one or more single and complete crossings require pre-construction notification, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters (including those single and complete crossings authorized by an NWP but do not require PCNs). This information will be used by the district engineer to evaluate the cumulative adverse environmental effects of the proposed linear project, and does not change those non-PCN NWP activities into NWP PCNs.
(iii) Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (*e.g.*, a conceptual plan), but do not need to be detailed engineering plans);
(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial and intermittent streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45-day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;
(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

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(7) For non-federal permittees, if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;
(8) For non-federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;
(9) For an activity that will 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, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and
(10) For an NWP activity that requires permission from, or review by, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from, or review by, the Corps office having jurisdiction over that USACE project.

(c) ***Form of Pre-Construction Notification:*** The nationwide permit pre-construction notification form (Form ENG 6082) should be used for NWP PCNs. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) ***Agency Coordination:***
(1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.
(2) Agency coordination is required for: (i) All NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iii) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet

from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (*e.g.*, via email, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or email that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure that the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

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Nationwide Permit Definitions

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term ''discharge'' means any discharge of dredged or fill material into waters of the United States.

Ecological Reference: A model used to plan and design an aquatic habitat and riparian area restoration, enhancement, or establishment activity under NWP 27. An ecological reference may be based on the structure, functions, and dynamics of an aquatic habitat type or a riparian area type that currently exists in the region where the proposed NWP 27 activity is located. Alternatively, an ecological reference may be based on a conceptual model for the aquatic habitat type or riparian area type to be restored, enhanced, or established as a result of the proposed NWP 27 activity. An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Ephemeral stream: An ephemeral stream has flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places

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maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete non-linear project in the Corps Regulatory Program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. The loss of stream bed includes the acres of stream bed that are permanently adversely affected by filling or excavation because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters or wetlands for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.

Navigable waters: Waters subject to section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non- tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of ''open waters'' include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: The term ordinary high water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Perennial stream: A perennial stream has surface water flowing continuously year-round during a typical year.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

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Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: Re- establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a course substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands next to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term "single and complete project" is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large,

irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Single and complete non-linear project: For non-linear projects, the term "single and complete project" is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of "independent utility"). Single and complete non-linear projects may not be "piecemealed" to avoid the limits in an NWP authorization.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream's course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.

Tribal lands: Any lands title to which is either: (1) Held in trust by the United States for the benefit of any Indian tribe or individual; or (2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

Tribal Rights: Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWPs, a waterbody is a jurisdictional water of the United States. If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)).

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Mark Gordon
Governor

WYOMING Department of Transportation
"Providing a safe, high quality, and efficient transportation system"
5300 Bishop Boulevard, Cheyenne, Wyoming 82009-3340

K. Luke Reiner
Director

To: Tory Thomas, P.E., Interim District Engineer, WYDOT, Rock Springs
Peter Stinchcomb, P.E., District Construction Engineer, WYDOT, Rock Springs
Robert Hammond, P.E., Resident Engineer, WYDOT, Jackson
Meadow Ridley, P.E., Design Squad Leader, WYDOT, Cheyenne
Mark Wingate., State Planning Engineer, WYDOT, Cheyenne
Jeff Brown, P.E., State Highway Development Engineer, WYDOT, Cheyenne
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Jeff Sherman, Check Squad, WYDOT, Cheyenne
Bob Bonds, Environmental and Design Engineer, FHWA
Darin Martens, ASLA, RLA, Forest Service Liaison, Jackson
Amanda Losch, Habitat Protection Program Supervisor, WGFD

Date: 6/29/2021

Subject: CE No: 21-14
Project No: 2000058, 2000062, WL32301
Project Name: Jackson - Wilson - Snake River Bridge Reconstruction
County: Teton
Type of Work: Structure replacement and intersection improvement

Attached is the environmental clearance for the above referenced project.

Thank You
Casey Johnson
Environmental Services
777-3997

Mark Gordon
Governor

WYOMING Department of Transportation
"Providing a safe, high quality, and efficient transportation system"
5300 Bishop Boulevard, Cheyenne, Wyoming 82009-3340

K. Luke Reiner
Director

CATEGORICAL EXCLUSION

Project Number: 2000058, 2000062, WL32301	**CE Number:** 21-14	**Date:** June 29, 2021
Project Name: Jackson - Wilson - Snake River Bridge Reconstruction		
District: 3	**County:** Teton	
WYDOT CE Type: ❑ CE2 – WYDOT Approved CE ✓ CE3 – FHWA concurred CE *If CE3, provide explanation: The project considered Type 1 as defined by WYDOT's Noise Analysis and Abatement Policy		**CE Action per:** ✓ 23 CFR 771.117(c)(26) ❑ 23 CFR 771.117(d)(#)
Preparer: Casey Johnson, Environmental Services		

This document has been prepared pursuant to the National Environmental Policy Act (NEPA), 23 CFR 771.117, FHWA Technical Advisory T6640.8A, and the latest Programmatic Agreement between the Federal Highway Administration (FHWA) Wyoming Division and the Wyoming Department of Transportation (WYDOT) regarding the processing of actions classified as Categorical Exclusions for federal-aid highway projects. Additional resource-specific regulations are noted where applicable. The proposed project will have no significant impact on the quality of the human or natural environment provided stipulations identified during this analysis are met. Supporting documentation is available at WYDOT Environmental Services.

Scott Gamo 6/29/2021		
Scott Gamo, PhD Environmental Services Manager, WYDOT Bob Bonds Digitally signed by Bob Bonds Date: 2021.06.29 12:56:02 -06'00'	Date	For
Bryan Cawley, P.E. Wyoming Division Administrator, FHWA	Date	

Attachments:

- ✓ Project Location Map
- ✓ SHPO Concurrence Letter
- ✓ WGFD Comment Letter
- ✓ BLM Scoping Documentation

- ✓ Other: Public comments, stakeholder comments, public and stakeholder meeting dates, Snake River Fund letter, County Commissioners Conditional Use Permit, Wyoming Pathway comment letter, Local Stakeholder Letter, USFWS list of threatened and endangered species, Traffic Noise Analysis report, Stakeholder Group Charter, Public Meeting Sign In Sheets

Environmental Commitments Summary:

Environmental commitments for this project are incorporated into WYDOT's *Standard Specifications for Road and Bridge Construction* and Supplemental Specifications.

If any cultural materials are discovered during construction, work in the area should halt immediately, the federal agency and SHPO staff be contacted, and the materials be evaluated by an archaeologist or historian meeting the Secretary of the Interior's Professional Qualification Standards (48 FR 22716, Sept. 1983).

The following project-specific commitments shall be included in the final construction plans for the project:

- Wetland mitigation will consist of an expansion of existing wetlands at the adjacent Rendezvous Park in Wilson
- No instream construction is permitted from March 15 - July 31 to avoid spawning impacts.
- Access to Emily Stevens Park will be maintained during construction.
- The intent is to keep the pathways open during construction, unless it becomes unsafe for pathway users.

Project Location:

Project Location (Road Name): WYO 22 & WYO 390	LRS: ML2000B &ML2001
Reference Marker(s): WY 22 RM 3.03 - RM 4.86, WY 390 RM 0.01 - RM 0.33	
Nearest Town(s): Jackson / Wilson	
Does the project involve federally managed lands?	✓ Yes ❑ No

Identify land management agency and date(s) of other agency scoping, if applicable:

- ✓ *Bureau of Land Management; list BLM Field Office(s): February 25, 2020 and April 14, 2021
- ✓ *U.S. Forest Service; list Forest(s) April 19, 2021
  Ranger District(s) Jackson Ranger District
- ❑ *Bureau of Reclamation _____
- ❑ *National Park Service _____
- ❑ *U.S. Fish and Wildlife Service: _____
- ❑ *Wind River Reservation _____
- ❑ Wyoming Office of State Lands and Investments _____
- ❑ Wyoming State Parks _____
- ✓ Wyoming Game and Fish Department; WER #14169.00
- ✓ Teton County June 2, 2021

Scope of Work:

Purpose: Replace the existing bridge with a new structure that meets current standards and accommodates future needs of the corridor, and improve adjacent WY22/390 intersection.
Need: To address a bridge that does not meet current design and functional standards, address congestion, and improve safety. The Snake River Bridge is fracture critical, meaning if one structural member fails portions of the bridge would likely collapse. Therefore, the bridge is structurally deficient. The existing narrow bridge and adjacent out of date intersection (WY 22/390) experience heavy traffic volumes that cause substantial congestion, reduced emergency vehicle access, and increased safety concerns. This bridge is the only viable route across the river from Teton Village, Wilson, and Idaho communities to Jackson; it is a critical route for commuters, tourists, locals, and emergency responders.
The project vision and goals are compliant with the Planning and Environmental Linkages Study previously completed (completed January 2014).

There will also be the installation of four wildlife crossings and wildlife fencing to address safety concerns with heavy wildlife movement in the area.
Intersection improvements will include new traffic signals, lighting and other modifications.
Portions of the county pathway system will be re-routed to accommodate the new wildlife fencing. A new pathway from Wenzel Lane to Stilson, along with a pedestrian underpass will tie into the existing county pathway system. The county will be acquiring a pathway easement from private land owners for portions of this pathway outside of WYDOT ROW. There will be additional gates and cattle guards added to the pathway for the safety of wildlife and pathway users.

Additional Project Information:

- The Alpine State Pit is available for a plant site and/or staging.
- The borrow source will be the Snake River. Material for base, subase, plant mix, and concrete will come from the Bear Paw Pit of the Alpine State Pit. The Alpine State Pit can be used as a topsoil source. A COE permit will be required for removing borrow from the Snake River.
- Staging/plant site may also be possible on the Scott family property, with a portion of Stilson as a potential backup location.
- The Snake River will be used as the water source. A water use permit will be obtained.
- The haul route between plant site(s) and/or staging area(s) and the project may require minor maintenance to address the increased construction traffic impacts. Maintenance will be confined to the road surface and previously disturbed adjacent slopes.

AFFECTED ENVIRONMENT & IMPACT DETERMINATION

Cultural Resources:

Includes archaeological and historic resources protected under the National Historic Preservation Act (NHPA) of 1966, as amended.

Does the project have potential to cause effects to historic properties?	✓ Yes ❑ No

If yes, Historic properties are present in the Area of Potential Effect:

- ✓ The proposed project will have no effect on historic properties.
- ❑ The proposed project will have no adverse effect on historic properties.
- ❑ *The proposed project will have an adverse effect on historic properties,
- ❑ Special sites of concern are present (see below).

✓ SHPO/THPO Concurrence	Date of concurrence(s): December 28, 2011; November 3, 2017; March 8, 2021; and May 17, 2021.

WYDOT completed Class III cultural resource inventories of the areas of potential effect. The BLM commented that there are two to three non-eligible cultural sites in the project area. There will be no impact to any cultural sites. The Eastern Shoshone and Northern Arapaho THPOs were contacted to provide comments on the project. No response was received from either THPO after 30 days.

Section 4(f):

Includes significant historic sites, public parks/recreation areas, and wildlife/waterfowl refuges per Section 4(f) of the US Department of Transportation Act of 1966

Will the proposed project have a Section 4(f) "use"?	❑ Yes * ✓ No

A potential staging location (Stilson/Beckley Park)is designated as a park by the county. This park is not developed yet, and is not functioning as a park at this time. WYDOT may use this location as a staging area, if allowed.
A few locations of county pathways are outside the ROW. Impacts to these areas will be limited to minor adjustments around approaches.
A concurrence letter from Teton County, the owner of the park and pathway system, has been obtained.
Access to Emily Stevens park will be maintained during construction.

Water Resources:

Waters of the U.S., including Wetlands

Includes waters and wetlands regulated under Section 404 of the Clean Water Act (CWA)

Are waters of the U.S. (WUS), including wetlands, present in the project area?	✓ Yes ❑ No
Will any Wetlands be impacted by the proposed project?	✓ Yes ❑ No
Will any WUS be impacted by the proposed project?	✓ Yes ❑ No
Is mitigation required?	✓ Yes ❑ No
Is a Section 404 Permit Required? **If yes**, select permit type: ❑ Pre-authorized under Section 404 Nationwide Permit #3: Maintenance ❑ Pre-authorized under Section 404 Nationwide #14: Linear Transportation Projects ✓ 404 Nationwide Permit #___14_ _required ❑ *404 Individual Permit is required All conditions of the 404 Permit will be followed	✓ Yes ❑ No

There will be approximately 0.3 acres of permanent wetland impacts and less than 0.05 acres of permanent impacts to Waters of the US (Snake River). Temporary impacts to the Waters of the US, including wetlands, will occur.
A 404 Nationwide permit will be obtained from the COE Wyoming Division Office, in coordination with Wyoming Department of Environmental Quality and Wyoming Game and Fish.
Wetland impacts will be mitigated via expansion of existing wetlands at the adjacent Rendezvous Park. The mitigation area has also been environmentally cleared under this CE and will be designed in coordination with the Rendezvous Park Board.
Temporary impacts to the Snake River for excavation of aggregate materials will be restored when construction is complete. A 408 permit from the Walla Walla District will be required and must ensure there are no impacts to the levee system due to the project.
Wetland impacts in staging areas will be minimal and temporary, and wetlands will be restored when construction is complete.

Water Quality

Addresses discharge of pollutants or wastes into Waters of the State as regulated under Section 402 of the CWA and the Wyoming Pollutant Discharge Elimination System (WYPDES) Program

✓	There are Class I waters, per the Wyoming Surface Water Classification, in the project limits or proximity to receive runoff from the project.
❑	There are waters in the project limits or proximity that are listed on the Wyoming's 303(d) report as impaired.
There are Class I waters north of the bridge/highway ROW. Minor work is anticipated with minimal impacts north of the bridge/highway ROW. Further coordination with DEQ will occur.	

Floodplains

Includes floodplains identified on the National Flood Insurance Program (NFIP) maps produced by the Federal Emergency Management Agency

Is all or is a portion of the project within a NFIP mapped floodplain?	✓ Yes ❑ No
Will the project increase the floodplain area or cause negative impacts to the floodplain?	❑ Yes* ✓ No

Wild and Scenic Rivers

Includes portions of the Snake River Headwaters in Teton, Lincoln, and Fremont Counties that are designated Wild, Scenic, and Recreational under the Wild and Scenic Rivers Act of 1968

Is a designated Wild and Scenic River (WSR) located within or adjacent to the project?	✓ Yes* ❑ No
Is the project within ¼ mile of a Wild and Scenic River where Outstandingly Remarkable Views (ORV) need to be addressed?	❑ Yes ✓ No

The project area is upstream from a section of Wild and Scenic River. USFS determined that the proposed activity will not invade or unreasonably diminish the scenic, recreational, fisheries, or wildlife values of the Wild and Scenic River.

Biological Resources:

Wildlife and Habitat

Addresses compliance with the Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, Governor's Sage-Grouse Executive Order 2019-3, and recommendations from the Wyoming Game and Fish Department (WGFD)

Are raptor nests located within one mile of the project area? Determined from: ❑ Biological Inventory ✓ NREX or WISDOM Database ❑ Other	✓ Yes ❑ No ❑ Unknown
Is the project area located in designated big game crucial winter range? **If yes**, identify species and WGFD-recommended timing restrictions below.	✓ Yes ❑ No
Is the project located in designated sage-grouse core area?	❑ Yes ✓ No
If not in core area, are any occupied leks located within 2 miles of the project area?	❑ Yes ✓ No

There are two documented bald eagle nests near the project area. Both are greater than 0.5 miles from the project area. Based on past site visits, there are osprey nests much closer to the project, including one alongside WYO 390 at the intersection with WYO 22. A raptor nest survey was completed in May 2021. No evidence of eagle or other raptor nest use was seen in or near the project area. If any active raptor nests are found before construction within recommended nest protection buffer distances, WYDOT will evaluate the situation and implement appropriate mitigation measures during construction, if deemed necessary, in order to maintain compliance with the Migratory Bird Treaty Act.

The project is in spring, summer, and fall ranges for bighorn sheep, elk, moose, and mule deer; and also in yearlong/crucial winter range for moose. Borrow extraction and bridge foundation construction are likely to occur during the winter months. WGFD has no concerns about any impact to moose, during the winter months (via phone conversation on June 28, 2021).

No instream work should be completed from March 15 - July 31 to avoid the trout spawning period.

The project area is documented in the WYDOT Planning and Environmental Linkage study as a location for high wildlife crossings, and also identifies locations for wildlife crossings. This project location is also identified in the Teton County Wildlife Crossing Master Plan as their highest priority for wildlife crossings. This project will install four wildlife crossing underpasses. Three under Hwy 22 (one west of WY390, one between WY390 and the Snake River and one on the east bank of the Snake River.)

In a letter dated March 18, 2021, WGFD recommended additional deer escape ramps in a couple locations. They also expressed concerns regarding a steep hillside near Iron Rock Road and the proposed deer fence that may create a dangerous situation for wildlife on the outside of the fence. WYDOT and WGFD will continue to coordinate as this project progresses through the design process. Appropriate design changes will be made, as necessary.

Threatened and Endangered Species

Addresses compliance with the Endangered Species Act

Is project included in Appendix A of the final Programmatic Biological Assessment for WYDOT's program? ❑ No Effect ✓ May affect, not likely to adversely affect, species: yellow-billed cuckoo ❑ *May affect, is likely to adversely affect, species	✓ Yes ❑ No
Could federally-listed threatened, endangered, or proposed species occur at or near the project area and/or is critical habitat or proposed critical habitat present within or adjacent to the project area? **If yes**, indicate species and/or critical habitat below:	✓ Yes ❑ No

Does the project involve lands administered by federal agencies with agency-listed sensitive species? **If yes**, describe below:	✓ Yes ❑ No
The ESA-listed species list (attached) generated by the IPaC database indicates that Canada lynx, grizzly bear, North American wolverine, yellow-billed cuckoo, and whitebark pine may occur in the project area. There is a lack of suitable habitat in the project area for all of the species with the exception of the yellow-billed cuckoo. Canada lynx and grizzly bears could occasionally occur in the project area while passing through on their way to other areas with suitable habitat, but they are not expected to frequent the area. Wyoming Natural Diversity Database (WYNDD) lists a few yellow-billed cuckoo observations in the township that the project area is located in. Due to scope of work, this project has a not likely to adversely affect determination for the yellow-billed cuckoo. This project will have no effect on all other listed species.	

Soil and Vegetation

The project will have the following impacts to topsoil and/or existing vegetation: ✓ Temporary and/or minimal soil disturbance will occur. ✓ Topsoil will be salvaged. ✓ Disturbed areas will be re-vegetated with commercially-available species. ✓ Seed mix may include wildflowers and native species per WYDOT Operating Policy 20-1 to assist in promoting the health of honey bees and other pollinators.
Seeding will be done on all disturbed areas.

Air Quality:

Air quality is regulated under the Clean Air Act. The Upper Green River Basin Area is the only nonattainment area (for Ozone-8Hr) in Wyoming.

Is the project located in the Upper Green River Basin Region Ozone nonattainment area?	❑ Yes ✓ No
Will the project have long term negative effects on air quality.	❑ Yes ✓ No

Noise Analysis:

Addresses compliance with WYDOT's Noise Analysis and Abatement Policy dated July 13, 2011

Is the project considered Type 1 as defined by WYDOT's Noise Analysis and Abatement Policy?	✓ Yes* ❑ No
Is the project likely to have a long term increase in noise to sensitive noise receptors (e.g., church, school, residence, campground) near the project area?	❑ Yes ✓ No

A noise analysis was conducted. No sensitive receptors are projected to have noise levels approaching or exceeding the Noise Abatement Criteria. Noise levels at sensitive receptors are expected to increase less than 15 dBA over existing conditions. Noise abatement measures are not needed for this project, and were not evaluated.

Transportation:

Would the project have long term negative impacts to pedestrian and/or bicycle use?	❑ Yes ✓ No
Would the project have a long term negative impact on public transportation?	❑ Yes ✓ No
Are the following conditions met regarding traffic Disruptions? ● Provisions are made for access by local traffic and are posted; ● Through-traffic dependent businesses will not be adversely affected; ● Detour or ramp closure, to the extent possible, will not interfere with local events; ● Temporary road, detour or ramp closure will not substantially change the environmental consequences; ● No substantial controversy is associated with the temporary access, detour or ramp closure.	✓ Yes ❑ No*
The existing Teton County pathway system will have temporary impacts during construction near the northern Stilson approach and near the approach to Emily Stevens park. Other temporary minor impacts may be encountered during construction along the pathway in the WYDOT ROW. Once complete the pathway system will be improved with a new section of pathway from Wenzel Lane to Stilson with a new pedestrian underpass under Hwy 22. The access to the southern levi on the west end of the Snake River Bridge will be enhanced over what is currently there to better accommodate pedestrians. WYDOT, Teton County and both wildlife and pathway NGOs have worked together to accommodate pathway and wildlife fence crossings. These crossings will introduce a new feature to the pathway. WYDOT has provided two potential crossing options at these locations and Teton County may seek to improve these crossings at a later date.	

Social Resources and Right-Of-Way:

Acquisitions and relocations will comply with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (URA) and Executive Order 12898 regarding environmental justice

Will the project require permanent right-of-way acquisition?	✓ Yes ❑ No

Does the project require displacement of owners or tenants from residences, commercial, non-profit or farms?	❑ Yes* ✓ No
Would the project cause disproportionately high and adverse effects on minority and/or low income populations?	❑ Yes ✓ No
Does the project require a land use (special use) permit from a federal Agency?	❑ Yes* ✓ No
Will the project require temporary construction/access agreements?	✓ Yes ❑ No
A right-of-way acquisition will be required to re-align the levee access road on the southwest end of the bridge. Other minor acquisitions will be needed along the project for items like wildlife jump outs, cattle guards, and minor access road improvements. . Teton County will also acquire an easement for their new pathway from Wenzel lane to Stilson.	

Visual Resources:

Includes determination of project impacts to visual resources, such as the landscape's foreground and background

Is all or part of the project a designated scenic byway?	❑ Yes ✓ No
Is all or part of the project within land administered by a National Forest or the Bureau of Land Management where scenic integrity objectives or visual resource management apply?	❑ Yes ✓ No
Will the project have any long term major visual impacts?	❑ Yes ✓ No

Hazardous Materials and Contamination:

Includes hazardous materials and contamination located within or adjacent to the proposed project area

Is any known contamination or hazardous material present within or adjacent to the project?	❑ Yes ✓ No

Additional Resources Considered:

WYDOT created a stakeholder group with wildlife and transit sub-groups. Approximately 16 stakeholder meetings have been held. Two public meetings were held, and numerous comments were sent regarding this project. WYDOT worked closely with Teton County, Wyoming, Wyoming Game and Fish Department, and several non-profit organizations throughout project design. Stakeholder and public involvement information is attached in the appendix.

Other resource issues that apply to the project that are not addressed in the previous sections:

- ❑ Paleontological resources
- ❑ *Prime and Unique Farmland
- ❑ *Properties protected by Section 6(f) of the Land and Water Conservation Act
- ❑ Other

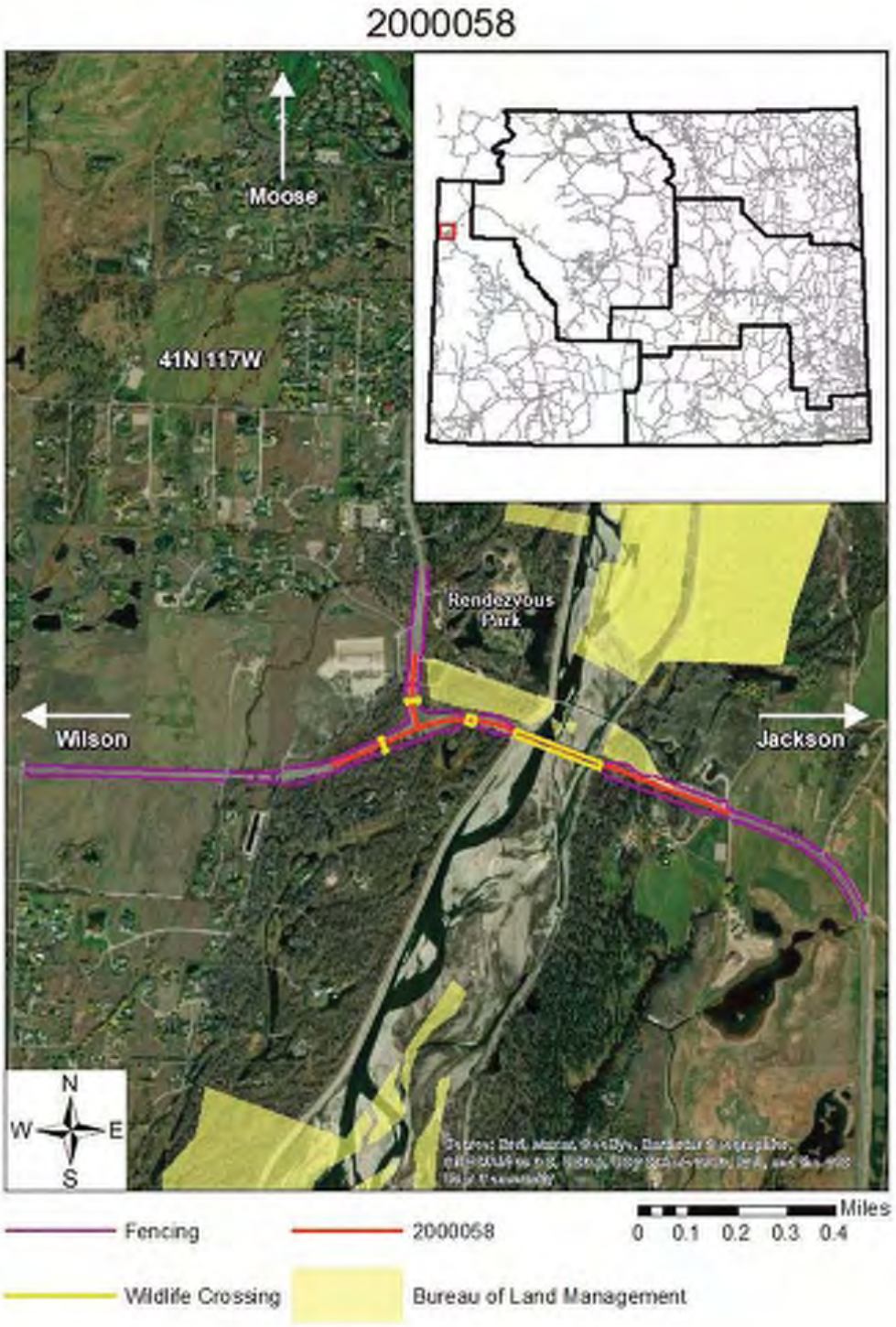


Figure 1 - Site Location Map

Agency letters

WYOMING GAME AND FISH DEPARTMENT
5400 Bishop Blvd. Cheyenne, WY 82006
Phone: (307) 777-4600 Fax: (307) 777-4699
wgfd.wyo.gov

GOVERNOR
MATTHEW H. MEAD
DIRECTOR
SCOTT TALBOTT
COMMISSIONERS
MARK ANGELO - President
DAVID RAE - Vice President
GAY LYNN BYRD
PATRICK CRANK
KEITH CULVER
PETER J. GUBE
MIKE SCHMID

October 31, 2018

WER 14169.00
Wyoming Department of Transportation (WYDOT)
Preliminary Plans
Project No. 2000058
Jackson to Wilson Road - Snake River Bridge
Teton County

Jeffrey Brown, P.E.
Highway Development Engineer
Wyoming Department of Transportation
5300 Bishop Blvd.
Cheyenne, WY 82009

Dear Mr. Brown,

The staff of the Wyoming Game and Fish Department (Department) has reviewed the proposed Preliminary Plans for Project No. 2000058 - Jackson to Wilson Road- Snake River Bridge located in Teton County. We offer the following comments for your consideration.

Terrestrial Considerations:

The Department's Jackson Region personnel have been working closely with WYDOT, Teton County officials, and local NGOs to evaluate and determine the most effective wildlife crossing measures to include as part of this project. These discussions are ongoing, and we appreciate the coordination efforts of Keith Compton, Ted Wells, Bob Hammond, and Scott Garno. We specifically appreciate funding WYDOT has provided to radio collar moose in the project area to gather a more detailed picture of current moose movements with respect to transportation issues and ultimately develop better mitigation measures. We look forward to continued coordination with WYDOT as this project moves forward, including participation in any local stakeholder group that is formed to address this extremely complicated effort to facilitate traffic flow, minimize wildlife mortality, preserve wildlife movement, and enhance the safety of motorists.

Aquatic Considerations:

Since the Department's Jackson Region Fish Division personnel have been working with WYDOT, and if this project follows the State's measures to prevent the spread of aquatic invasive species, we have no aquatic concerns pertaining to this project.

Thank you for the opportunity to comment. If you have any questions or concerns please contact Doug McWhirter, Jackson Region Wildlife Management Coordinator, at (307) 733-2321.

Sincerely,

Angi Bruce
Habitat Protection Supervisor

AB/aw/ml

cc: U.S. Fish and Wildlife Service
Rob Gipson, Wyoming Game and Fish Department
Aly Courtemanch, Wyoming Game and Fish Department
Gary Fralick, Wyoming Game and Fish Department
Doug McWhirter, Wyoming Game and Fish Department
Chris Wichmann, Wyoming Department of Agriculture
Scott Gamo, Wyoming Department of Transportation, Environmental Services Program

United States Department of the Interior
BUREAU OF LAND MANAGEMENT
High Desert District
Pinedale Field Office
1625 West Pine, P.O. Box 768
Pinedale, Wyoming 82941
www.blm.gov/wy

In Reply Refer To:
2800 (WYD01)

February 25, 2020

Mr. Jason Bogstie
Department of Transportation
5300 Bishop Boulevard
Cheyenne, WY 82009-3340

Re: 2000058 – Jackson – Wilson Bridge Replacement – Teton County

Dear Mr. Bogstie:

We received your letter of January 29, 2020, requesting scoping comments for the above referenced project from the Pinedale Field Office (PFO). The following are PFO comments:

Wildlife Comments: This project is in spring, summer and fall ranges for bighorn sheep, elk, moose and mule deer. The area is also crucial yearlong winter range for moose. The project area includes bald eagle and other raptors nesting and foraging habitat. The area is winter roost habitat for bald eagles. Enclosed is a list of threatened and endangered species that may occur/maybe affected in your project location.

Cultural Comments: There are two to three non-eligible cultural sites in the project area located near the underpass on the west side of the Snake River.

Lands Comments: If the pathway is relocated on the southern edge of Emily Stevens Park, Teton County will need to amend their right-of-way for that change.

If you have any questions concerning this letter, please contact Tracy Hoover at 307-367-5342.

Sincerely,

Acting Field Manager

Enclosure

Cc: Mr. Steve Ashworth
Teton County Recreation
PO Box 811
Jackson, WY 83001

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Wyoming Ecological Services Field Office
5353 Yellowstone Road, Suite 308a
Cheyenne, WY 82009-4178
Phone: (307) 772-2374 Fax: (307) 772-2358
http://www.fws.gov/wyominges/

In Reply Refer To:
Consultation Code: 06E13000-2020-SLI 0127
Event Code: 06E13000-2020-E-00408
Project Name: WYDOT Wilson Bridge

February 13, 2020

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (ES) of 1973, as amended (16 U.S.C. 1531 et seq.).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

Please feel free to contact us if you need more information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. We also encourage you to visit the Wyoming Ecological Services website at http://www.fws.gov/wyominges/species_endangered.php.

The purpose of the ESA is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the ESA and its implementing regulations (50 CFR 402 *et seq.*), federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered

species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at: http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF.

We also recommend you consider the following information when assessing impacts to federally listed species, as well as migratory birds, and other trust resources:

Colorado River and Platte River Systems: Federal agencies must consult with the Service under section 7 of the ESA for projects in Wyoming that may lead to water depletions or have the potential to impact water quality in the Colorado River system or the Platte River system, because these actions may affect threatened and endangered species inhabiting the downstream reaches of these river systems. In general, depletions include evaporative losses and/or consumptive use of surface or groundwater within the affected basin, often characterized as diversions minus return flows. Project elements that could be associated with depletions include, but are not limited to: ponds, lakes, and reservoirs (e.g., for detention, recreation, irrigation, storage, stock watering, municipal storage, and power generation); hydrostatic testing of pipelines; wells; dust abatement; diversion structures; and water treatment facilities. For more information on consultation requirements for the Platte River species, please visit https://www.fws.gov/platteriver/.

Migratory Birds: The Migratory Bird Treaty Act (16 U.S.C. 703-712; MBTA) prohibits the taking of any migratory birds, their parts, nests, or eggs except as permitted by regulations. Except for introduced species and some upland game birds, almost all birds occurring in the wild in the United States are protected (50 CFR 10.13). On December 22, 2017, the Department of the Interior Solicitor's Office issued an opinion that the MBTA's prohibitions on pursuing, hunting, taking, capturing, killing, or attempting to do the same apply only to affirmative actions that have as their purpose the taking or killing of migratory birds, their nests, or their eggs.

While the opinion (M-37050) states that the MBTA prohibition on the taking or killing of migratory birds applies only to deliberate acts, project activities should avoid, to the extent possible, sensitive periods and habitats to conserve healthy populations of migratory birds. See our website for more information and example conservation measures at https://www.fws.gov/wyominges/species_migratory.php. Guidance for minimizing impacts to migratory birds for projects that include communication towers can be found at https://www.fws.gov/birds/management/project-assessment-tools-and-guidance/guidance-documents/communication-towers.php.

The Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d; Eagle Act) prohibits knowingly taking, or taking with wanton disregard for the consequences of an activity, any bald or golden eagles or their body parts, nests, or eggs, which includes collection, molestation, disturbance, destruction, or killing. Eagle nests are protected whether they are active or inactive. Removal or destruction of nests, or causing abandonment of a nest could constitute a violation of the Eagle Act. Projects affecting eagles may require development of an eagle conservation plan (https://www.fws.gov/ecological-service/es-library/pdfs/Eagle_Conservation_Guidance-Module%201.pdf). Additionally, wind energy projects should follow the wind energy guidelines (https://www.fws.gov/ecological-service/energy-development/wind.html) for minimizing impacts to migratory birds and bats.

In addition to MBTA and the Eagle Act, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php.

We appreciate your concern for threatened and endangered species. The Service encourages federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the ESA. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Migratory Birds
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Wyoming Ecological Services Field Office
5353 Yellowstone Road, Suite 308a
Cheyenne, WY 82009-4178
(307) 772-2374

05/13/2020 Event Code: 06E13000-2020-E-00408 2

Project Summary

Consultation Code: 06E13000-2020-SLI-0127

Event Code: 06E13000-2020-E-00408

Project Name: WYDOT Wilson Bridge

Project Type: BRIDGE CONSTRUCTION / MAINTENANCE

Project Description: WYDOT is proposing to replace Wilson Bridge, reconstruct roadway, construct wildlife underpasses, and install wildlife exclusionary right-of-way fence.

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/43.499971088273906N110.84921815361119W

Counties: Teton, WY

Endangered Species Act Species

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Canada Lynx *Lynx canadensis* Population: Wherever Found in Contiguous U.S. There is **final** critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3652	Threatened
Grizzly Bear *Ursus arctos horribilis* Population: U.S.A., conterminous (lower 48) States, except where listed as an experimental population There is **proposed** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/7642	Threatened
North American Wolverine *Gulo gulo luscus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5123	Proposed Threatened

Birds

NAME	STATUS
Yellow-billed Cuckoo *Coccyzus americanus* Population: Western U.S. DPS There is **proposed** critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3911	Threatened

Conifers and Cycads

NAME	STATUS
Whitebark Pine *Pinus albicaulis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1349	Candidate

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle *Haliaeetus leucocephalus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Jan 1 to Aug 31
Cassin's Finch *Carpodacus cassinii* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9462	Breeds May 15 to Jul 15

NAME	BREEDING SEASON
Clark's Grebe *Aechmophorus clarkii* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Jan 1 to Dec 31
Golden Eagle *Aquila chrysaetos* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds Jan 1 to Aug 31
Long billed Curlew *Numenius americanus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/5511	Breeds Apr 1 to Jul 31
Olive-sided Flycatcher *Contopus cooperi* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3914	Breeds May 20 to Aug 31
Rufous Hummingbird *selasphorus rufus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8002	Breeds Apr 15 to Jul 15

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (i)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee

was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

Additional information can be found using the following links:

- Birds of Conservation Concern http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php
- Measures for avoiding and minimizing impacts to birds http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php
- Nationwide conservation measures for birds http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.
Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures and/or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?
The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the AKN Phenology Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?
The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets.

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?
To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: The Cornell Lab of Ornithology All About Birds Bird Guide, or (if you are unsuccessful in locating the bird of interest there), the Cornell Lab of Ornithology Neotropical Birds guide. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?
Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the tracking studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?
If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report
The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Wetlands

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

FRESHWATER EMERGENT WETLAND

- PEM1C
- PEM1Cx
- PEM1F
- PEM1Fx

FRESHWATER FORESTED/SHRUB WETLAND

- PSSC

FRESHWATER POND

- PABG
- PABGb

RIVERINE

- R3UBH
- R3USC
- R4SBC
- R5UBH

WYOMING STATE Historic Preservation OFFICE

Nov 3, 2017

Jason Bogstie
WYDOT Environmental Services
5300 Bishop Blvd.
Cheyenne, WY 82009-3340

re: Replacement of Structure BMV Spanning Snake River on WY 22 (SHPO File # 1117BA8002)

Dear Mr. Bogstie:

Thank you for consulting with the Wyoming State Historic Preservation Office (SHPO) regarding the above referenced undertaking. We have reviewed the associated report and find the documentation meets the Secretary of the Interior's Standards for Archaeology and Historic Preservation (48 FR 44716-42). We concur with your finding that Structure BMV (48TE1887) is not eligible for listing in the National Register of Historic Places and the undertaking will not affect any historic properties.

We recommend that the undertaking proceed in accordance with state and federal laws subject to the following stipulation:

If any cultural materials are discovered during construction, work in the area shall halt immediately, the federal agency and SHPO staff be contacted, and the materials be evaluated by an archaeologist or historian meeting the Secretary of the Interior's Professional Qualification Standards (48 FR 22716, Sept. 1983).

This letter should be retained in your files as documentation of a SHPO concurrence with your finding of no historic properties affected. Please refer to SHPO project #1117BA8002 on any future correspondence regarding this undertaking. If you have any questions, please contact me at 307-777-8594.

Sincerely,

Brian Beadles
Historic Preservation Specialist

STANDARD SIGNED NOTIFICATION DOCUMENTING NHPA COMPLIANCE

PROJECT REVIEW UNDER SECTION 106

DBW Number: DBW_WY_2017_974

Project Name: Wyoming Department of Transportation; Structure BMV, Jackson-Wilson, 2000058/PE21; Rosenberg Historical Consultants; RHC-2017-6
Agency Project No.: 2000058
Project Proponent: FHWA/WYDOT
Distinct Actions: 1

Legal Location

T41.00N R117.00W Sec. 24

Undertaking Name: Structure BMV, Jackson-Wilson, 2000058/PE21

Other Agency Nos: 2000058
DBI_WY_2017_455
Field Org. Project No.: RHC-2017-6

Brief Description: Federal-aid highway construction; The Wyoming Department of Transportation is proposing to replace Structure BMV, spanning the Snake River on WYO 22.

Associated Sites

Site Number	Site Type	Eligibility	Criteria	Impact	Effect Statement
48TE1887	Historic Structure	Not Eligible		Y	No Effect

Lead Agency Activities

Review Framework:
Interested Parties:
Time Frame: SHPO 30 Day Review

Date Accepted: 10/03/2017 **Fiscal Year:** 2018 **Date Printed:** 10/03/2017

Requirements and Stipulations

Stipulations: Standard.

Finding of Effect for Project

Lead Agency: No Effect

Notes:

Reviewer: Bogatie, Jason (Initials)

Certifying Official: Jason Bogatie

10/03/2017
Date Sent to SHPO (SHPO, Cheyenne)

ARTS. PARKS. HISTORY.
Wyoming State Parks & Cultural Resources

State Historic Preservation Office
Barrett Building, 3rd Floor
2301 Central Avenue
Cheyenne, WY 82002
Phone: (307) 777-7697
Fax: (307) 777-6421
http://wyoshpo.state.wy.us

December 28, 2011

Julie Francis, Archaeologist
Wyoming Department of Transportation
5300 Bishop Boulevard
Cheyenne, WY 82009-3340

re: Environmental Study Corridor along State Highway 22 Between Jackson and the Forest Service Lands West of Wilson, and State Highway 390 between State Highway 22 and Grand Teton National Park
Teton County, Wyoming (SHPO File # 0911LKN003)

Dear Dr. Francis:

Thank you for consulting with the Wyoming State Historic Preservation Office (SHPO) regarding the above referenced document. We realize that this document was done for planning purposes and look forward to future consultation on the eligibilities of the cultural resources and potential effects to those determined to be historic properties.

We concur with your determinations that properties 48TE1476, 48TE1205, and 48TE1706 are eligible for the National Register of Historic Places (NRHP).

We further concur with your determinations that properties 48TE1777, 48TE1769, 48TE1774, 48TE1775, 48TE1776, and 48TE1858 remain unevaluated for the NRHP.

We also concur with your determinations that properties 48TE1005, 48TE1772, 48TE970, 48TE1337, 48TE1770, and 48TE1773 are not eligible for the NRHP.

We do not concur with your determination that property 48TE1713, the Stagecoach Inn, is not eligible for the NRHP. The justification given was that the previous recorder called it not eligible. Upon reading the previous recording, "not eligible" was checked, however, "contributing" was also checked. Additionally, all of the information for an eligible property was completed, including a statement of significance, which is not required for a property that is not eligible. We recommend leaving this property unevaluated.

In the future, please include a justification under the *National Register of Historic Places Eligibility Recommendations* section of the Wyoming Cultural Property Form. Also, please do not include attachments to the WYCPF that are not applicable and are therefore blank.

Please refer to SHPO project #0911LKN003 on any future correspondence regarding this documentation. If you have any questions, please contact me at 307-777-6179.

Sincerely,

Laura Nowlin

Laura Nowlin
Historic Preservation Specialist

Matthew H. Mead, Governor
Milward Simpson, Director

WYOMING GAME AND FISH DEPARTMENT
5400 Bishop Blvd. Cheyenne, WY 82006
Phone: (307) 777-4600 Fax: (307) 777-4699
wgfd.wyo.gov

March 18, 2021

WER 14169.01
Wyoming Department of Transportation
Project 2000058
Jackson – Wilson Road
R/W and Utility Plans
Teton County

Jeffrey Brown, P.E.
Highway Development Engineer
Wyoming Department of Transportation
5300 Bishop Blvd.
Cheyenne, WY 82009
Jeff.brown@wyo.gov

Dear Mr. Brown,

The staff of the Wyoming Game and Fish Department (Department) has reviewed the R/W and Utility Plans for Project 2000058 located in Teton County. We offer the following comments for your consideration.

The Department's South Jackson and North Jackson Wildlife Biologists have participated on the Wyoming Department of Transportation's (WYDOT) stakeholder group for this project since 2018, and we appreciate the degree to which WYDOT has involved the Department in planning for this project. We feel that this project will be very successful in providing for the needs of wildlife movement and habitat connectivity. This has been a complex and high profile project for the local community involving many interests. We would like to commend you on the immense amount of work and dedication your staff has put toward meeting the needs of motorists, wildlife, and other community interests that have been part of this project. We offer the following recommendations regarding the right-of-way (ROW) and Utility Plans.

Deer Ramps

Due to the combination of multiple side roads, driveways, and pathways that cross the deer fence, as well as the relatively short overall length of deer fence for the project, we anticipate that animals will inevitably get into the road corridor more often than other projects like this in Wyoming. Therefore, we appreciate the frequency of deer ramps that WYDOT has incorporated in these plans to allow animals to exit the road ROW as quickly as possible. There are two sections of road where we recommend additional deer ramps:

1) Between Wenzel Lane and Hardeman Lane: We recommend two additional deer ramps in this area, one on the north and one on the south side of the road. Currently, the plans show several deer gates near 735+00. Unlike a passive exit point such as a deer ramp, these gates would require a person to open them when animals are in the road ROW. This can create a dangerous situation when it takes time for a person to respond to a call and animals are trapped in the roadway. Additionally, the gates would be very difficult if not impossible to open in the winter when snow is blocking them. We recognize that the limited width of ROW along this stretch leaves very little room for deer ramps; however, we are interested and willing to partner with WYDOT in exploring options and opportunities with private landowners, Jackson Hole Land Trust, and Teton County for building deer ramps outside of the right-of-way.

2) Between Iron Rock Road and Pratt Road: We recommend two additional deer ramps in this area, one on the north and one on the south side of the road. Currently, the plans show one deer gate near 805+00. This is a similar situation to that presented above where this gate will be very difficult to operate in the winter and will require a person to respond. We are unclear from the plans if the same right-of-way limitations exist in this area, but if they do, we would be interested and willing to participate in those conversations with private landowners.

Deer Fence

There is one section of deer fence between approximately 795+00 and Iron Rock Road that we recommend relocating, if possible. It appears that the fence is located halfway up a very steep hill that currently has a gabion sock wall installed on it. Depending on where the deer fence is located on the hillside, it could create a dangerous hazard for wildlife on the outside of the fence. Due to the very steep grade, animals could become trapped between the outside of the fence and the steep hillside. We would be interested in additional conversations with WYDOT to better understand this fence location.

Thank you for the opportunity to comment on these plans. Please contact Gary Fralick, South Jackson Wildlife Biologist at 307-883-2998, or Aly Courtemanch, North Jackson Wildlife Biologist at 307-730-2806 with any questions.

Sincerely,

Jeffrey Brown, P.E
March 18, 2021
Page 3 of 3 – WER 14169.01

Amanda Losch
Habitat Protection Supervisor

AL/mf/ct

cc: U.S. Fish and Wildlife Service
Aly Courtemanch, Wyoming Game and Fish Department
Gary Fralick, Wyoming Game and Fish Department
Doug McWhirter, Wyoming Game and Fish Department
Chris Wichmann, Wyoming Department of Agriculture
Scott Gamo, Wyoming Department of Transportation, Environmental Services Program

WYOMING

March 08, 2021

Stephanie Lowe

Wyoming Department of Transportation
5300 Bishop Blvd.
Cheyenne, WY 82009

re: Jackson-Wilson / Bridge Replacement / Wetlands, DHI_WY_2021_424, DHI_WY_2021_125, DHPR_WY_2021_142

Dear Ms. Lowe:

Thank you for consulting with the Wyoming State Historic Preservation Officer (SHPO) regarding the above referenced undertaking. We have reviewed the associated report and find the documentation meets the Secretary of the Interior's Standards for Archaeology and Historic Preservation (48 FR 44716-42). We concur with your finding that no historic properties, as defined in 36 CFR § 800.16(l)(1), will be affected by the undertaking as planned.

We recommend that the undertaking proceed in accordance with state and federal laws subject to the following stipulations:

If any cultural materials are discovered during construction, work in the area shall halt immediately, the federal agency must be contacted, and the materials evaluated by an archaeologist or historian meeting the Secretary of the Interior's Professional Qualification Standards (48 FR 22716, Sept. 1983).

This letter should be retained in your files as documentation of a SHPO concurrence with your finding of no historic properties affected. Please refer to SHPO project DHI_WY_2021_125 on any future correspondence regarding this undertaking. If you have any questions, please contact me at 307-777-8594.

Sincerely,

Brian Bradley

Section 7(a) Review and Determination
Structure No. BMV WYO 22 Bridge (Snake River Bridge) Repair
Prepared by the Wyoming Department of Transportation
April 19, 2021

A. River Description

The proposed project (Structure BMV) at MP 3.76 on WYO 22 is located on the Snake River, which is a tributary of the Columbia River. See Figure 1 for the project's location and project limits. The project is located approximately 17 miles upstream from a section of the Snake River with a Wild and Scenic designation.

A comprehensive description of the downstream, designated reach is available in the Snake River Headwaters Comprehensive River Management Plan (CRMP) (USFS, 2014).

B. Management Direction

The project is located within an area with a desired future condition that emphasizes backcountry big game hunting, dispersed recreation and provided wildlife security areas. A complete description of the management goals, objectives and applicable standards and guidelines of this area is found in the BTNF Land and Resource Management Plan (Forest Plan) (USFS, 1990).

The management prescription, standards and guidelines for the downstream, designated reach of the Snake River are described in the CRMP as well as the Forest Plan. Emphasis is placed in protection of enhancement of the river's free-flowing condition, water quality and ORVs.

The proposed project has been analyzed by an interdisciplinary team for NEPA compliance as well as for compliance with applicable management directions. The project has been found compliant with all management directions.

C. Proposed Action

The proposed action is to replace the Snake River bridge. The current structure is structurally deficient, and it will be replaced with a new structure meeting current design and functional standards. New piers will be installed with the new structure. The adjacent intersection at WYO 22 & WYO 390 will also be reconfigured as part of this project. The construction of a detour is not anticipated. Instream work is anticipated to last two low-water seasons (two years).

D. Evaluation (Analysis and Results)

The proposed action is located upstream of a designated section of the Snake River, therefore the evaluation standard used is "invade the area or unreasonably diminish scenic, recreation, fish or wildlife values" of the river.

1. Potential to invade, encroach or intrude upon the designated river.

The proposed action, bridge replacement, has no potential to invade, encroach or intrude, directly or indirectly upon the designated river. This is a routine bridge replacement and should not have any long term impact to the Snake River.

2. Potential to impact scenic, recreation, fisheries or wildlife values

The proposed action has no potential to impact the scenic, recreation, fisheries or wildlife values of the designated river. The proposed action works to maintain public access to upstream sections of the Wild and Scenic Snake River. There will be a temporary increase in sediment and turbidity due to construction activities, which may have a temporary impact on recreational fishing at the downstream designated reach. Routine sediment control BMPs as required by the WDEQ Turbidity permit will be in place to reduce these impacts to the extent possible. WYDOT will coordinate with the USFS and the public to inform river users of the onset of construction and any temporary river closures.

3. Conformance to management goals

This Section 7 analysis as well as associated NEPA analysis performed by an interdisciplinary team found the proposed action in conformance with management goals.

E. Determination and Rationale

The Snake River's Wild and Scenic River values will be unaffected by the proposed action. Replacing WYO 22 Bridge (Wilson Bridge) will not invade, encroach or intrude upon the downstream section of the designated river. Scenic, recreation, fisheries or wildlife values of the downstream designated river will not be impacted.

Based on the information contained in this report, it is determined that the proposed activity will not invade or unreasonably diminish the scenic, recreational, fisheries or wildlife values of the Wild and Scenic Snake River.

MARY MOORE

Mary Moore
Jackson District Ranger

4/19/21
Date

KEVIN KHUNG

Kevin Khung
Deputy Forest Supervisor

4/20/21
Date

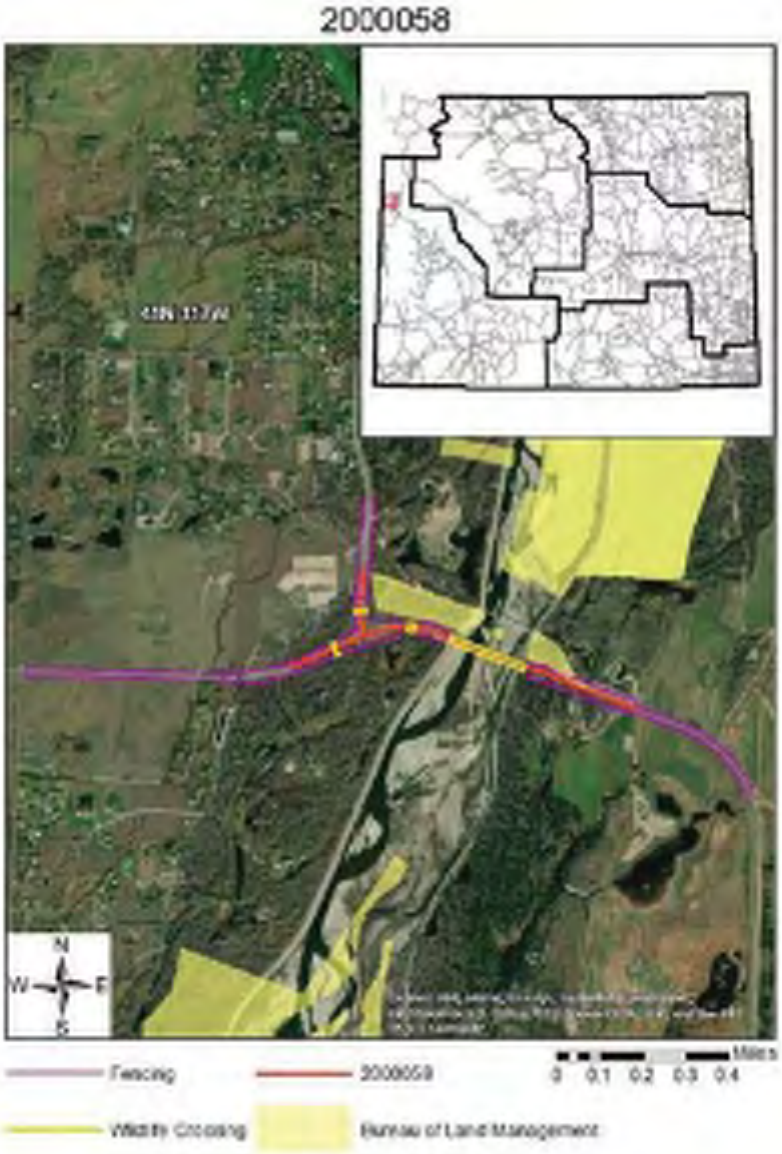


Figure 1. Project Location and Project Limit

Mark Gordon
Governor

WYOMING Department of Transportation
"Providing a safe, high quality, and efficient transportation system"
5300 Bishop Boulevard, Cheyenne, Wyoming 82009-3340

K. Luke Reiner
Director

June 2, 2021

Ms. Amy Ramage
Teton County Engineer
Teton County
P.O Box 937
Jackson, WY 83001

Dear Ms. Ramage,

Wyoming Department of Transportation (WYDOT) and the Federal Highway Administration (FHWA) are proposing to replace the Snake River Bridge, and make improvements to the adjacent intersection at WY 22/390 (including widening the intersection). Four wildlife crossings will also be installed, as well as wildlife fencing as part of the scope of the project. The Department of Transportation Act of 1966, Section 4(f) requires the Federal Highway Administration and WYDOT to consider impacts to parks, recreation lands (pathways), wildlife and waterfowl refuges, and historic sites during transportation project development. WYDOT has identified you as an official with jurisdiction over a Section 4(f) property within the proposed project limit. WYDOT would like to seek a determination of *de minimis* on the impacts to your property described below.

Emily Steven's Park
There will be work done along and to the entrance to Emily Steven's Park. The impacts will include replacement of the cattle guard to the entrance of the park, pathway improvements adjacent to the cattle guard, installation of a wildlife fence between the park and the road, and a pathway/fence crossing near the east end of the park. The work will occur in the ROW, however it is possible that there will be temporary impacts to park access during the cattle guard replacement and trail upgrades in this area. Park access will be maintained but will be limited to one way traffic and should not last longer than one day.. The associated work would not have any long-term negative impacts to the features of Emily Steven's Park and therefore would qualify as a Section 4(f) use of *de minimis* and/or temporary use.

Stilson/Beckley Park
A second location under the jurisdiction of the county would be the Stilson/Beckley Park. The decision to use this property is not final, and dependent on if the county will allow WYDOT to stage/stockpile at this location. However, WYDOT is seeking concurrence that if the location is utilized by WYDOT, it would be considered *de minimis* Section 4(f) use. WYDOT understands that the Stilson/Beckley Park is currently undeveloped, and not being used as a park at this time.

Stilson Ranch Road
A third location under the jurisdiction of the county is the pathway at the intersection of Stilson Ranch Road and WYO 390. The cattle guard will be installed outside of the existing ROW. To maintain pathway users safety the pathway will need to be moved. Details on the move are still being determined by the county. Whether the pathway adjustment is temporary or permanent, the pathway will be maintained and there will be no loss in function of the pathway. Due to the pathway being moved and no loss in function, the associated work would not have any long-term negative impacts to the pathway and therefore would have a Section 4(f) use of *de minimis*.

Section 4(f) *de minimis* Impact Determination [for temporary occupancy]
A determination of *de minimis* impact on parks, recreation areas, and wildlife and waterfowl refuges, may be made when all three of the following criteria are satisfied per 23 CFR 774.13:

1. The transportation use of the Section 4(f) resource, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f);
2. The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource; and
3. The official(s) with jurisdiction over the property are informed of U.S. DOT's intent to make the *de minimis* impact determination based on their written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f).

WYDOT believes there will be no long-term negative impacts to any of the locations above. Impacts are expected to last less than the duration of the overall highway project.

WYDOT has already conducted several public meetings about this project. If you have any questions or comments please contact our Environmental Coordinator, Casey Johnson by phone: (307) 777-4378 or email: casey.johnson@wyo.gov.

If you concur that the proposed work described above constitutes a determination of *de minimis*, please sign below and return the signed copy of this letter to me.

Sincerely,

Scott Gamo, Ph.D.

Environmental Services Manager

I concur that the proposed work as described above constitutes a determination of *de minimis*

PLEASE NOTE THAT SIGNATURE DOES NOT ALLOW PERMISSION TO USE STILSON PARK AS A STAGING AREA; SIGNATURE ON THIS LETTER IMPLIES THAT IF USE OF THE PROPERTY FOR WYDOT STAGING WERE APPROVED BY TETON COUNTY, THE IMPACT WOULD BE de MINIMUS.

Signature: Amy Ramage

Printed Name: AMY RAMAGE Date 6/10/2021

Title of Signatory: COUNTY ENGINEER

---

cc: Dustin Woods P.E., Federal Highway Administration
Ted Wells, P.E., WYDOT District Engineer
Peter Stinchcomb, P.E., WYDOT District Construction Engineer
Kevin Lebeda, WYDOT Right-of-Way
Bob Hammond P.E., WYDOT Resident Engineer

Public Comments

Stakeholder Public Comments Summary

Date Received	Comment	Comment Concern	Response	Response (Y/N)
2/11/19	Please leave the pathways open along Highway 22 during bridge construction. They are vital for many of us to get work,	Pathway	Thank you for taking the time to write with your concern. We will keep working with Teton County, County Pathways, and ITAP on this bridge project for pathway access. **Bob Hammond, P.E.** Resident Engineer	Y
2/11/19	Thank you for hosting yesterday's meeting which was informative. It was impressive that WYDOT had so many staff there, but it was challenging to ask questions and get meaningful responses with a lot of people milling around trying to get the attention of the individual subject matter experts on the slide of the presentation. I thought posing some questions to you, using this format might be easier. I thought I heard it said that last night's presentation was available online but wasn't on Friday 1 and Monday 4. Can you please direct me to where it will live it? I understand that there is a significant amount of traffic count data available for the bridge and intersection. Has this data been used to produce simulations of traffic patterns through the WY22/26 intersection and do it in both directions at various times of day after the project is complete? It really particularly the richness from the improved flow from a reconfigured intersection and a four lane bridge will be impacted by a merge into the existing two lanes of WY 22 E from the near bridge to the "Y". When the project is complete in 2021, will we have considered then a simply a mile further east? I am not a traffic engineer, but it is my belief that the Phase 1 currently proposed will not resolve the congestion problem particularly for SB T traffic headed over 22E. As the meeting it was said that multi grade options were not evaluated due to cost and footprint. This may very well prove to be penny wise and pound foolish. I urge you to reconsider. The south Park bridge replacement has been accompanied by a markedly reduction in the times all the way to town. Why is the WY 22 project being executed in a very different way? If the answer is a lack of State and Federal funds, I would ask if any have considered asking Teton County to contribute toward these improvements, perhaps funded by a SPET initiative? It is troubling that the individual improvements proposed by the PELS study are being implemented piecemeally, as individually "but of them makes a significant difference on their own. What other elements of the PELS study have been themselves in parallel execution? By reducing the WY/390 intersection with the bridge replacement, WYDOT has made it clear there is an understanding of this, and I commend you for taking this approach. What plans to down to accelerate some of the other elements of the plan that are clearly complementary? Last night it was said that planning for how traffic will be managed during the construction period is still in development. I fear that without some "out of the box" thinking this has the potential to be a nightmare. I urge you to consider how public transportation be employed to shuttle people back and forth from Teton Village and Wilson into Town so as to greater degree than now occurs to reduce individual vehicle trips during construction. Perhaps this could lead to a long term program that would continue post construction. I will look forward to your response to my questions and thank you for considering my comments. In closing, I am all like to compliment and thank you for the outstanding job you did managing the roadblock of 390 this past summer. It went very smoothly with minimal disruption to residents.	Congestion	Thank you for writing to us with your comments and questions. We appreciate your input. I have included Stephanie Hanlon (WYDOT PE) as she is collecting the comments. I will do my best to run through your questions. You asked for the link to the presentation. The presentation and PELS are available at www.dot.state.wy.us/snakeriver and we are working on a comment link. You asked about traffic counts and modeling. Our traffic counts are available online for all our permanent counters. Here is a link to that data: http://www.dot.state.wy.us/home/planning_projects/Traffic_Data.html We have not undertaken simulations on all the intersections types in the PELS. You asked how traffic will work going from 4 lanes over the bridge to 2 across towards town. This also ties into your concern that the projects in the PELS are not all being done at once. Yes, this will not alleviate the bottleneck but it is a step in the direction of more capacity on WY 22 to handle the near daily congestion issues. WYDOT funding is approximately $25M/yr per year (this is not exact and does vary but for this level of discussion it is adequate). It is spread out over the entire state. Realizing corridors are normally broken up into sections that keep individual projects manageable both economically and logistically. The Snake River Canyon work was broken up into 7 projects. This work from Hoback to Wilson was broken up into 4 projects. The WY 22 corridor started with the work at the Y on what we are considering a temporary fix) and is moving on to the bridge. At some point WYDOT will move on to the roadway section between the two projects. The SPET money should be used to ensure County and Town projects get funded as there are a lot of needs there. You asked about construction traffic issues. We will be looking at a variety of ways to keep people moving: traffic, cyclists, transit, etc. High volume roads such as this are always a challenge. Thank you for the compliment for the 390 this work recently completed. Thank you again for your questions and concerns. **Bob Hammond, P.E.** Resident Engineer	Y
2/27/19	Thank you for your prompt reply. I am already familiar with the PEL report having read it quite thoroughly. I would like to know if the simulations that have been run on the various intersection options are available to the public and if so how. How may we access? Does seeing the traffic counts and computer simulations of actual then or peak traffic hours to be more helpful in understanding what is ongoing. You indicated that you agree with me that the project as now envisioned for 2024-2027 will not alleviate the bottleneck on WY22. I will just reiterate it. I also encouraged your comments to imply that there is no current plan on any funds currently being dispersed for any of the other improvements set forth in the PEL study, although Teton County has contributed WY390/1 to subsidize the construction of "Initial Traffic Control and a County Project. Is WY390/1 so. The condition we now have will continue to get worse as traffic continues to increase at the reasonable rate of 2% annually or more. It will get even worse during the congestion/detention associated with delays long after, during as WY22 remains a two lane highway from the "Y to Wilson. It would seem likely that this will exceed by the 2026-27 time frame even the perceived approach you described. How we can get a focus on this and attention to accelerate the implementation of these various pieces in a coordinated manner working with local, state and federal funding sources? The current proposed approach is not something I believe people residing in the northeast section of Teton County are going to find acceptable and I am very surprised that the "Shared Use Study" has not explained this to WYDOT. Since this group is representing the public I would like to know if the minutes to these meeting are available and how they may be accessed. I am concerned that the Hybrid Y is not the best option for a reconfigured intersection. The comments in the PEL Study identify some concerns about mostly traffic turning left from WY 390 onto 22 E and through traffic on 22. The PEL report suggests the two lane traffic circle as an attractive option. At last session meeting I heard this option determined as too costly and carrying too large a footprint. I think this should be reconsidered. The multi-grade intersection was said to have not even been evaluated for these same reasons but I thank you mentioned as an option that this might be revisited if there was sufficient interest. I for one would like to see this done. If the entire intersection was relocated southeast of Best and the Gilbert parcel it could provide more space. It is more environmentally friendly area. Construction of the new intersection could take place with minimal disruption to the existing intersection while the bridge replacement takes place. An enhanced Gilbert Transportation Center might work nicely with the Teton County master system's.	Congestion/ Intersections	Sorry for the delay in responses as there have been many comments. The traffic simulation data is on a specific design software package which makes it difficult to share with the general public. However, on the project website (www.dot.state.wy.us/snakeriver) we have placeholders where simulations, Drive is for a roundabout and the other is for the preferred intersection – a Florida T. Both are set for summer drive based hour. Yes. This project will move the bottleneck to locations outside the project limits. Future projects will smoothen those bottlenecks. The PELS looked at the corridor as a whole and, in the end, will still need to be completed for the system to work better. I understand your desire to have this work done on the entire corridor as one project and as soon as possible. As I explained before, that is not how we do it. We break corridors down into logical sections to level single project costs for budget purposes as well as for keeping the length of construction projects acceptable for traffic. The section of highway from the Y to at least the 22/390 project has not been paid in our long-range plans as of yet. Budgeting and timing will be important for such an expensive project. WYDOT does recognize the issues to be done. The stakeholder group is a representative group chosen to help WYDOT in our process. Their role is not to approve or disapprove of specific items but to provide feedback and inputs to WYDOT. Ultimately, this highway system is our responsibility and we do everything we can to meet federal safety standards while incorporating local context sensitive design. There are no formal minutes from our stakeholder meetings but notes taken so that we may do our best to meet local needs. There are no votes. The retained intersection of a Hybrid Y as shown in the presentation and videos was chosen as it meets the capacity required for the design life and the level of service at the end of the design life, while minimizing environmental impacts such as wetlands, and open. All of these criteria were used to choose this intersection over the others in the PELS. Grade separation was not considered due to the high cost of construction and maintenance issues (both long term and winter maintenance). A roundabout failed to meet the above mentioned criteria. Please see the roundabout simulation on the web page www.dot.state.wy.us/snakeriver Relocating the southern end of WY 390 and changing the intersection location for WY 22/390 was not moved forward. The cost of the right of way land purchase alone makes it an unfeasible option. The freezing requirements would be the same. The intersection would then need to line up with Moose Ln and thus add another phase to the signal which would negatively impact efficiency. The bridge is not maintained more due to condition. It is monitored yearly instead of every other year due to the nature of the bridge. The structure is considered fracture critical due to its design of only two girders and a pin and hanger system. The pin and hanger system was modified long ago to have a redundant system but the pins are inspected annually. The two girder system means that it's critical to detect issues early before they become a problem. There is no redundancy in a two girder bridge thus making each girder critical. The bridge is entering the	Y

Date Recieved	Comment	Comment Concern	Response	Response (Y/N)
	[illegible] Thank you for your assistance.		[illegible] **Bob Hammond, P.E.** Resident Engineer	
1/21/19	[illegible] Thank you for your time.	Pathways	[illegible] **Bob Hammond, P.E.** Resident Engineer	Y
1/20/19	[illegible]	Pathways	[illegible] **Bob Hammond, P.E.** Resident Engineer	Y
1/15/19	[illegible] Thank you :)	Pathways	[illegible] **Bob Hammond, P.E.** Resident Engineer	Y
1/15/19	[illegible] Thank you!	Pathways	[illegible] **Bob Hammond, P.E.** Resident Engineer	Y
1/15/19	[illegible] **Thank you for your consideration.**	Pathways	[illegible] **Bob Hammond, P.E.** Resident Engineer	Y
1/21/19	[illegible]	Pathways	[illegible] **Bob Hammond, P.E.** Resident Engineer	Y
1/20/19	[illegible]	Pathways	[illegible] **Bob Hammond, P.E.** Resident Engineer	Y
1/20/19	[illegible] Thank you in advance.	Pathways	[illegible] **Bob Hammond, P.E.** Resident Engineer	Y
1/15/19	Comments: [illegible]	Pathways	None	N

Please keep the bike path open during construction. I commute these roads many times per week by bike

Date Recieved	Comment	Comment Concern	Response	Response (Y/N)
2/20/19	[illegible]	Pathway	Thank you for taking the time to write with your concern. We will keep working with Teton County, County Pathways, and FOP on this bridge project for pathway access. **Bob Hammond, P.E.** Resident Engineer	Y
2/21/19	[illegible]	Pathway	Thank you for taking the time to write with your concern. We will keep working with Teton County, County Pathways, and FOP on this bridge project for pathway access. **Bob Hammond, P.E.** Resident Engineer	Y
2/22/19	[illegible] Replacement of the bridge is necessary, of course, but I question the need for four lanes, instead of two. [illegible] But have the people of Teton County really agreed to, and signed off on, 4 lanes between Jackson and 390? [illegible]	Congestion	Thank you for taking the time to comment. [illegible] [illegible] **Bob Hammond, P.E.** Resident Engineer	Y
2/20/19	Hello, [illegible] Thank you for considering these items.	Transit/Wildlife/ Pathway	None	N
2/21/19	Greetings, I will not be able to attend the public input session this evening but wanted to add my comments in support of maintaining bicycle and pedestrian access on the bike path adjacent to the highway as well as the bike/ped bridge north of the subject bridge under discussion. This is a critical piece of local transportation infrastructure for residents and tourists, there is no alternate route, the path provides connectivity to parks, neighborhoods, commercial and educational services and provides recreation for tens of thousands of trail users annually. I strongly urge you to maintain this route throughout your demolition and construction projects and to do so in a safe and efficient way to avoid endangering users of this transportation infrastructure as well as costly repairs to this route caused by your contractors. Demo and rehab of this route would require closing it for long periods of time and there is no period throughout the year when it is not heavily used. Additionally, I strongly encourage you to help solve the wildlife/vehicle conflicts in this area by providing a sound wildlife crossing solution, arrived at through coordination with wildlife experts and the local community, as an integral component of the design and construction of this bridge project. Thank you for the opportunity to submit these comments for the record.	Wildlife/Pathway	None	N
2/22/19	Gentlemen, I'm writing to ask that you do all that you can to be sure that the pathway remains open during the highway 22 bridge construction over the snake. The pathway has moved way beyond a nice recreational amenity for our valley. My wife and I, along with many others use the pathway to avoid using our cars during the crowded summer months. 4 to 6 times a week during the summer we commute to Teton Village from our home in South Park using the pathway. This ride was a stressful and dangerous one before the completion of the pathway - especially the section at the village road and highway 22 intersection. Our bikes will undoubtedly become even more important during the construction when the traffic will undoubtedly be even worse at that bottleneck. I'm sure that we are not the only ones who will rely on our bikes to avoid the inevitable worse traffic that bridge construction will bring. Please do all you can to ensure our safe travel and encourage the use of the pathway as an alternative to driving during construction.	Pathway	Thank you for taking the time to write with your concern. We will keep working with Teton County, County Pathways, and FOP on this bridge project for pathway access. **Bob Hammond, P.E.** Resident Engineer	Y

Date Recieved	Comment	Comment Concern	Response	Response (Y/N)
[illegible]	[illegible]	Pathway	[illegible] Bob Hammond, P.E. Resident Engineer	Y
[illegible]	Comments: I'm a tourist that bikes often to West Bank. I'm hoping the pathways will not be interrupted during bridge construction	Pathway	None	N
[illegible]	[illegible]	Pathway	[illegible] Bob Hammond, P.E. Resident Engineer	Y
[illegible]	[illegible]	Pathway	[illegible] Bob Hammond, P.E. Resident Engineer	Y
[illegible]	[illegible]	Pathway	[illegible] Bob Hammond, P.E. Resident Engineer	Y
[illegible]	[illegible]	Pathway	[illegible]	Y
[illegible]	[illegible]	Pathway	[illegible] Bob Hammond, P.E. Resident Engineer	Y
[illegible]	Comments: [illegible]	Intersection Pedestrian	None	N
[illegible]	[illegible]	Pathway	[illegible] Bob Hammond, P.E. Resident Engineer	Y

I'm a tourist that bikes often to West Bank. I'm hoping the pathways will not be interrupted during bridge construction.

Intersection design should extend west on WYO 22 to include turn lanes and access into Wilson Park-n-Ride lot access and egress and Green Lane access safety. [illegible] traffic at [illegible] of vehicles heading west on WYO 22.
Please consider a signalized cross walk or [illegible] Restaurant to [illegible] housing to allow folks to cross highway to bike path.
Very Dangerous at this time

Date Recieved	Comment	Comment Concern	Response	Response (Y/N)
[illegible]	Comments: Looks good. Appreciate the open house. [illegible]	Transit/Pathway	None	N
[illegible]	[illegible]	Pathway	[illegible] Bob Hammond, P.E. Resident Engineer	Y
	[illegible]			

Looks good. Appreciate the open house. There are lots here to be excited about that will help our traffic congestions. I think the longer the right turn going south on [illegible] lanes gives the better traffic can flow. Right now everyone shortcuts on Beckley Parkway.

Currently going East on Highway 22 and taking a left is difficult. I'm not sure this plan will help this to much.
I live off of Green Lane, right now Beckley Parkway and Green Lane is a busy intersection. I encourage you to include this intersection. I also think neglecting the impact of the transit center on the intersection will mean we have to address this again. And please keep the bike paths as important part of our transportation model.

Date Recieved	Comment	Comment Concern	Response	Response (Y/N)
3/22/19	1) **At your public meeting in February, provide design options for the intersection and bridge that show a range of road types and development scenarios that are consistent with the guidance of the PEIS.** Please include a scenario where the bridge halves are separated (two minimum two-lane bridges) and where the bridge approaches are four-lane separated by a median. Presenting a range of options to the public, and asking for their feedback and opinions, will encourage better public support for this project and future WYDOT projects. Through our outreach, we have discovered it is impossible to focus the discussion only on the intersection and bridge without conversation leading to the expansion of the highway. TOP has collected different images that depict four-lane roads with a median (aka Parkways). These images (attached) are consistent with the recommendation offered in the PEIS for the segment from Hwy 390 to Broadway. (See Page 29 of the PEIS – "Recommended Cross-Section Alternatives."). Given that WYDOT has already stated in the PEIS that this is an appropriate design for HWY 22, it would be valuable for public understanding to have depictions of this type of option during the public scoping process. Thorough and transparent outreach will pay dividends for the successful completion of this project and future phases. Thank you for considering and addressing these concerns. TOP looks forward to working with WYDOT and the Stakeholder Advisory Group to develop the best possible outcomes for this critical travel corridor. Parkway Examples  Harder Parkway, Salinas, California, 12 ft. travel lane, 12 ft. right travel lane, 4' right shoulder, 8+ left shoulder, 14' grass median, 35 MPH speed limit  George Washington Parkway, 11' travel lanes, 2-2' shoulders, 12' grassy median, 40 MPH speed limit  Cave Haven Parkway Maryland, 11' travel lanes, 6' left shoulder, 8' right shoulder, 10' median, 45 MPH speed limit Concept road section - bridge approaches and surrounding area, for discussion:  This section is the same overall width as the WYDOT proposed section, however the pavement width is less - 68' vs. 76'. The median separating the travel lanes would provide many benefits including, increased safety for motorist and wildlife, space for left turn lanes at intersections, and a more visually pleasing roadway.	Environmental/ Miscellaneous	None	N

Date Received	Comment	Comment Concern	Response	Response (Y/N)
[illegible]	[illegible]	Pathway	[illegible] Bob Hammond, P.E. Resident Engineer	[illegible]
[illegible]	Comments: [illegible]	Pathway	None	[illegible]
[illegible]	[illegible]	Pathway	[illegible] Bob Hammond, P.E. Resident Engineer	[illegible]
[illegible]	[illegible]	Wildlife/ [illegible]	None	[illegible]
[illegible]	[illegible]	Pathway	[illegible] Bob Hammond, P.E. Resident Engineer	[illegible]
[illegible]	[illegible]	Pathway	[illegible] Bob Hammond, P.E. Resident Engineer	[illegible]
[illegible]	[illegible]	Pathway	[illegible] Bob Hammond, P.E. Resident Engineer	[illegible]
[illegible]	[illegible] [redacted] [illegible]	Pathway	[illegible] Bob Hammond, P.E. Resident Engineer	[illegible]
[illegible]	[illegible]	Pathway	[illegible] Bob Hammond, P.E. Resident Engineer	[illegible]
[illegible]	[illegible]	Pathway	[illegible] Bob Hammond, P.E. Resident Engineer	[illegible]
[illegible]	[illegible]	Pathway	[illegible] Bob Hammond, P.E. Resident Engineer	[illegible]

Date Received	Comment	Comment Concern	Response	Response (Y/N)
[illegible]	[illegible]	Pathway	[illegible] Bob Hammond, P.E. Resident Engineer	[illegible]
[illegible]	[illegible]	Pathway	[illegible] Bob Hammond, P.E. Resident Engineer	[illegible]
[illegible]	Comments: [illegible]	Pathway	None	[illegible]
[illegible]	[illegible]	Pathway	[illegible] Bob Hammond, P.E. Resident Engineer	[illegible]
[illegible]	[illegible]	Pathway	[illegible] Bob Hammond, P.E. Resident Engineer	[illegible]
[illegible]	Comments: [illegible]	Pathway	None	[illegible]
[illegible]	Comments: [illegible]	Pedestrian/ Congestion	None	[illegible]
[illegible]	[illegible]	Pathway	[illegible] Bob Hammond, P.E. Resident Engineer	[illegible]
[illegible]	[illegible]	Pathway	[illegible] Bob Hammond, P.E. Resident Engineer	[illegible]
[illegible]	[illegible]	Pathway	[illegible] Bob Hammond, P.E. Resident Engineer	[illegible]
[illegible]	Comments: [illegible]	Congestion/ Pathway	None	[illegible]

Date Received	Comment	Comment Concern	Response	Response (Y/N)
2/22/19	Good day Thank you for initiating the public engagement process on the Snake River Bridge/Hwy 22/89 intersection project last night. I was somewhat disappointed that the question portion of the evening was not a public process which would have allowed similar comments to be seen, recorded, and addressed at once. There also was no contact information shared to the public with which I could fill in this, provided to the presentation. It did not work. I had to track down your email addresses through a google search. I wanted to continue and go on record with a conversation I had with Keith after the talk. As chair of the START board it was dismayed that there was no mention of transit enhancement in the presentation. I have read through the PEL study, and the four areas of need identified were: • Mobility • Bicycle and Pedestrian Connectivity • Transit • Safety and Wildlife-Vehicle Collisions It appears from last night's presentation that the only needs not being addressed is that of transit, as quoted from the PEL's: "The community has identified that meeting transportation and preservation goals (which sometimes conflict) will require increased use of transit. ... However, buses can experience slow travel times due to congestion. Buses operate in mixed traffic on the WYO-22 and 390 corridors between Jackson and Teton Village. Travel data is often experienced at the intersections. ... Buses also have difficulty making left turns to and from the highway to access bus stops on the route between Jackson and Teton Village. To attract riders, buses need to maintain a competitive travel time with automobiles." The PEL's indicates the 2012 LOS rating for this intersection of "D" with a traffic volume of 25,000 VPD. With a traffic volume increase of 2% per year (which seems to be approximately in line with actual data gathered by Teton Village Associations), this rating has certainly gone down since the study. The LOS rating of Alternate 1 was an "F" in summer 2012 already. Projected VPD at 2% increase per year puts us at 39,500 in 2035, only 10 years after completion of this project. The proposed redesign of the intersection enhances mobility of motor vehicles but does not address improving mobility of transit vehicles to encourage ridership and reduce traffic at intersections and on highway. I am encouraged that a transit consultant has been hired to look at ways to give transit a boost at this intersection. I hope they will consider futuristic options such as bus pulse, rail lanes, and left turn enhancements to allow START buses easier access to bus stops. Perhaps the Stilson Ranch bus stop design needs to be reviewed in light of recent county discussions of building there. These improvements would encourage use of Stilson Ranch as a START hub, reducing traffic on the corridor leading in and outside keeping further into the future and ultimately saving WYDOT another redesign process soon after this one is completed. START would welcome the opportunity to host and engage the transit consultant when they visit our community. Keith mentioned that there is private sponsorship of some of the cost for wildlife crossings. I'm sure this helps to move it on the list. I am not aware of any [illegible] to [illegible]. This is an area for [illegible] funding sources if necessary to realize the vision of truly making Stilson Ranch a START hub to contribute to traffic reduction in this area. I also mentioned to Keith that I was disappointed that there was only one transit representative on the advisory committee while there were [illegible] representing wildlife. He indicated the meetings were "open to the public but not public meetings". I think that means I can't speak, but will try to attend and welcome such action at the meetings. There are many entities that will need to collaborate to make Stilson the first town hub in our START system — let's do it together!	Transit	Thank you for taking the time to write and share your thoughts and concerns following the presentation last week. I am sorry that you had a difficult time finding contact information. I will work with our team to get these contact emails up on the site so that others can comment. We do welcome all comments. I see in your comment that you were dismayed at the lack of transit enhancement material in the presentation. I also note that you heard that we are hiring a transit consultant to assist WYDOT. Those two go hand in hand in that we want to get the conclusion on board and get those recommendations from them prior to putting any enhancements on the plans. At this preliminary engineering plans stage, we do not have every item in the plans. They get developed over the next year into a plan set called Grading Plans which will include road items. I understand that you are disappointed in the number of transit representatives on the advisory committee. I feel Stantec is a good asset and represents transit very well. In addition, I believe that the members of the advisory committee do support transit and with such there is strong support for transit on the committee. It's not a vote type of committee with authority over project decisions. WYDOT is choosing to have expertise to ensure we have the proper input so that we may make the best decisions possible on a wide variety of topics - transit, wildlife, pathways, etc included. I am certain we will draw upon Stantec's knowledge and work with him when the transit consultant is on board. Thank you again for your comments. I have added Stephanie Harsha (WYDOT PR) to your email as she is collecting the comments. **Bob Hammond, P.E.** Resident Engineer	Y
2/20/19	I live in Wilson (fly and commute to Jackson daily on the 22 bike path. It is important to me that the pathway remains open during construction. Thank you.	Pathway	Thank you for taking the time to write with your concern. We will keep working with Teton County, County Pathways, and FOP on this bridge project for pathway access. **Bob Hammond, P.E.** Resident Engineer	Y
2/20/19	It would be great if we can work with Teton County Pathway team during the expansion. Our continuous pathway system is valuable and used by many residents.	Pathway	Thank you for taking the time to write with your concern. We will keep working with Teton County, County Pathways, and FOP on this bridge project for pathway access. **Bob Hammond, P.E.** Resident Engineer	Y
2/20/19	Good afternoon, I wanted to express my support for attempting to keep the bike path open during the very necessary bridge replacement project. It's clear that the impact of the project will be significant on valley traffic, but the bike pathway is very heavily used year round and is an important community asset. Traffic on the West side is going to be a nightmare because of the lane limits, and I would suggest either closing public parking on the South Levee, and moving the boat launch to the south side of the bridge, or negotiating with landowners to rent to have a temporary boat launch built there. The bike path would continue on that side to the underpass. Good luck!	Pathway	Thank you for taking the time to write with your concern. We will keep working with Teton County, County Pathways, and FOP on this bridge project for pathway access. **Bob Hammond, P.E.** Resident Engineer	Y
2/20/19	I am unable to attend the upcoming meeting on 2/21/19 regarding the Hwy 22 construction project. Please try to find a way to keep the pathway open during construction to allow cyclists and other users to get in and from the town of Jackson and elsewhere.	Pathway	Thank you for taking the time to write with your concern. We will keep working with Teton County, County Pathways, and FOP on this bridge project for pathway access. **Bob Hammond, P.E.** Resident Engineer	Y
2/20/19	Thank you both for your hard work making our roads safer! My family appreciates all you do. We are avid pathway users - my husband and two sons ride from the pathway, from riding about our setting in the offseason as we venture to the West Bank from town, and we ask that you please prioritize keeping Path 22 OPEN during construction of the Hwy 22 bridge. Thank you for your consideration,	Pathway	Thank you for taking the time to write with your concern. We will keep working with Teton County, County Pathways, and FOP on this bridge project for pathway access. **Bob Hammond, P.E.** Resident Engineer	Y

Date Received	Comment	Comment Concern	Response	Response (Y/N)	
[illegible]	Comments: [illegible]	Wildlife	None	N	Please consider the Teton County wildlife crossing master plan while plans advance. Traffic does not solve collision issue. Folks drive fast then pass others going the speed limit.
[illegible]	Comments: [illegible]	Pathway	None	N	I think the projects at the 22/390 intersection and Snake River bridge look good. My concern is for bicycle community. Will the pathway along Hwy 22 remain open during the entire project? Particularly the section near Emily's Pond where it is closed to the highway.
[illegible]	[illegible]	Pathway	Thank you for taking the time to write with your concern. We will keep working with Teton County, County Pathways, and FOP on this bridge project for pathway access. Bob Hammond, P.E. Resident Engineer	Y	
[illegible]	Please do not close the bike path down during construction, many people use the pathway to get to work, many of these people do not have cars. Thank you	Pathway	Thank you for taking the time to write with your concern. We will keep working with Teton County, County Pathways, and FOP on this bridge project for pathway access. Bob Hammond, P.E. Resident Engineer	Y	
[illegible]	[illegible]	Pathway	Thank you for taking the time to write with your concern. We will keep working with Teton County, County Pathways, and FOP on this bridge project for pathway access. Bob Hammond, P.E. Resident Engineer	Y	
[illegible]	Comments: [illegible] Thank you!	Congestion/ Pathway	None	N	I support a solution at the Highway 22 and 390 intersection that increases flow and provides a fix for current heavy traffic issues. I believe it is paramount that the pathway remain intact throughout the entire construction process. We currently see upwards of [illegible] people using the 22 pathway to town on busier summer days. I feel confident that number will only increase during construction. It's critical to provide people a pathway option from 390/Wilson to town. I urge you to consider your impact to the pathway and ensure that the connection remains intact throughout all 22 construction.
[illegible]	[illegible] [redacted]	Pathway	Thank you for taking the time to write with your concern. We will keep working with Teton County, County Pathways, and FOP on this bridge project for pathway access. Bob Hammond, P.E. Resident Engineer	Y	
[illegible]	[illegible]	Pathway	Thank you for taking the time to write with your concern. We will keep working with Teton County, County Pathways, and FOP on this bridge project for pathway access. Bob Hammond, P.E. Resident Engineer	Y	
[illegible]	[illegible]	Pathway	Thank you for taking the time to write with your concern. We will keep working with Teton County, County Pathways, and FOP on this bridge project for pathway access. Bob Hammond, P.E. Resident Engineer	Y	

Date Received	Comment	Comment Concern	Response	Response (Y/N)	
[illegible]	Comments: how much wetland loss w/ select intersection?	Environmental	None	N	How much wetland loss w/ selected intersection?
[illegible]	[illegible]	Pathway	Thank you for taking the time to write with your concern. We will keep working with Teton County, County Pathways, and FOP on this bridge project for pathway access. Bob Hammond, P.E. Resident Engineer	Y	
[illegible]	Comments: [illegible] Thank you	Pathway	None	N	Thank you for the investment in our community and for addressing this very big issue. Please plan for ?? Execute ?? To plan to keep the bike path open throughout the construction period with over [illegible] users (avg) per day in the summer months. Passing through the bike path section in the construction zone, this is an important issue for our community. Thank you
[illegible]	[illegible]	Pathway	Thank you for taking the time to write with your concern. We will keep working with Teton County, County Pathways, and FOP on this bridge project for pathway access. Bob Hammond, P.E. Resident Engineer	Y	
[illegible]	I am unable to attend the upcoming meetings, but would greatly appreciate efforts to keep the pathway open during construction. Thank you.	Pathway	Thank you for taking the time to write with your concern. We will keep working with Teton County, County Pathways, and FOP on this bridge project for pathway access. Bob Hammond, P.E. Resident Engineer	Y	
[illegible]	[illegible]	Pathway	Thank you for taking the time to write with your concern. We will keep working with Teton County, County Pathways, and FOP on this bridge project for pathway access. Bob Hammond, P.E. Resident Engineer	Y	
[illegible]	Comments: I'm not too informed, but please be sure to accommodate for wildlife + pedestrian/bike pathways. Thank you	Wildlife/ Pathway	None	N	I'm not too informed, but please be sure to accommodate for wildlife and pedestrian bike pathways.
[illegible]	[illegible]	Pathway	Thank you for taking the time to write with your concern. We will keep working with Teton County, County Pathways, and FOP on this bridge project for pathway access. Bob Hammond, P.E. Resident Engineer	Y	
[illegible]	[illegible] [redacted]	Pathway	Thank you for taking the time to write with your concern. We will keep working with Teton County, County Pathways, and FOP on this bridge project for pathway access. Bob Hammond, P.E. Resident Engineer	Y	

Date Reviewed	Comment	Comment Concern	Response	Response (Y/N)	
[illegible]	Comments: [illegible handwritten comment]	Wildlife/ Environmental/ Miscellaneous	None	N	1. Give the community the opportunity to change the [illegible] ... out of the river corridor away from the bridge and wetlands. [illegible] 2. I need to hear more about the geo physical concerns, [illegible] incorporated into the design of the bridge in that location. [illegible] Talk to us about how you are accounting for this river.
[illegible]	Please [redacted] [illegible] pathway open during construction on the Wilson Bridge. Thank you [redacted]	Pathways	[illegible] Bob Hammond, P.E. Resident Engineer	Y	
[illegible]	Thank you for the opportunity to [illegible] comments. [illegible]	Wildlife	Thank you for writing. [illegible] Bob Hammond, P.E. Resident Engineer	Y	
[illegible]	[illegible] Thank you!	Pathways	Thank you for taking the time to write with your concern. [illegible] Bob Hammond, P.E. Resident Engineer	Y	
[illegible]	Comments: Please keep the [illegible] open during construction. Thank you!	Pathways	None	N	
[illegible]	Dear WYDOT, [illegible]	Pathways	Thank you for taking the time to write with your concern. [illegible] Bob Hammond, P.E. Resident Engineer	Y	
[illegible]	Please help to keep the pathway open during the Wilson Bridge construction. This is critical to our community. Thank you.	Pathways	Thank you for taking the time to write with your concern. [illegible] Bob Hammond, P.E. Resident Engineer	Y	
[illegible]	I want the bike pathway to remain open during construction	Pathways	Thank you for taking the time to write with your concern. [illegible] Bob Hammond, P.E. Resident Engineer	Y	
[illegible]	[illegible]	Pathways	Thank you for taking the time to write with your concern. [illegible] Bob Hammond, P.E. Resident Engineer	Y	

Date Reviewed	Comment	Comment Concern	Response	Response (Y/N)	
[illegible]	[illegible] Thank you for your [illegible]	Pathways	Thank you for taking the time to write with your concern. [illegible] Bob Hammond, P.E. Resident Engineer	Y	
[illegible]	[illegible]	Pathways	[illegible]	Y	
[illegible]	[illegible]	Pathways	Thank you for taking the time to write with your concern. [illegible] Bob Hammond, P.E. Resident Engineer	Y	
[illegible]	Comments: [illegible handwritten comment] Thank you	Pathways	None	N	I would ask that WYDOT consider and accommodate keeping the pathway [illegible] throughout the course of this project. [illegible] Please keep the pathway [illegible] throughout the project.
[illegible]	Please Let Path 22 Remain Open During Construction	Pathways	Thank you for taking the time to write with your concern. [illegible] Bob Hammond, P.E. Resident Engineer	Y	
[illegible]	[illegible]	Pathways	Thank you for taking the time to write with your concern. [illegible] Bob Hammond, P.E. Resident Engineer	Y	
[illegible]	[illegible] Thank you	Pathways	Thank you for taking the time to write with your concern. [illegible] Bob Hammond, P.E. Resident Engineer	Y	
[illegible]	Comments: [illegible handwritten comment]	Wildlife/Pathways	None	N	Thank you for this open house. I appreciate the long term view that WYDOT is taking regarding infrastructure. [illegible] the proposed wildlife crossings. [illegible] the pathway remain safe and useable [illegible] during the construction process. [illegible] Thank you again for this opportunity to voice concerns and praise.

Date Received	Comment	Comment Concern	Response	Response (Y/N)
[illegible]	[illegible]	Wildlife	None	N
[illegible]	[illegible]	Pathway	[illegible] Bob Hammond, P.E. Resident Engineer	Y
[illegible]	Comments: [illegible]	Pathway	None	N
[illegible]	[illegible]	Pathway	[illegible] Bob Hammond, P.E. Resident Engineer	Y
[illegible]	Comments: Thank you for giving us this opportunity to give public comment. The main concern is that the pathway stays open during the entire construction process. That section of pathway along highway 22 is one of the most beloved and highly utilized sections in the whole valley. An average of [illegible] people use it everyday in the middle of the summer. It would be very dangerous to put all of these cyclists and pedestrians on the road especially during a big construction project. Public safety is my #1 concern!	Pathway	None	N
[illegible]	[illegible]	Wildlife	[illegible] Bob Hammond, P.E. Resident Engineer	Y
[illegible]	Comment: [illegible]	Miscellaneous	None	N

Please maintain our pathways (bikes, pedestrians, etc) During and after construction. The pathways are an incredible connector for our community. Thank you

Thank you for giving us this opportunity to give public comment. My main concern is that the pathway stays open during the entire construction process. That section of pathway along Highway 22 is one of the most beloved and highly utilized sections in the whole valley. An average of [illegible] people use it everyday in the middle of the summer. It would be very dangerous to put all of these cyclists and pedestrians on the roads especially during a big construction project. Public safety is my #1 concern.

Date Received	Comment	Comment Concern	Response	Response (Y/N)
6/26/19	Thank you for the time and attention that you and your team spent in Jackson working on the Snake River Bridge project. I very much appreciate WYDOT's effort to formulate a NEPA-like document that will be provided to the public via the project website, blending these items consolidated to one place will provide an improved framework for the stakeholders and the public. My request at the last meeting of the stakeholders was for a single document that states a vision, purpose and need, and goals for the project. The vision was already developed in the PEL (p.4), and I propose you use the same language that has been created as your starting point for your document vision. As for the purpose and need, I have pointed out multiple times, "replace the bridge" is not a sufficient purpose and need for the scope of this project. I suggest that the purpose and need could be stated as a primary purpose "replace the bridge" and a secondary purpose and need could be from the PEL - section 1.5. The document goals could be based upon Section 1.6 of the PEL, augmented with applicable sections from the Teton County Comprehensive Plan, specifically policy 3.1.c, 3.1.e, and 5.4.a. Please consider adding two additional goals: (1) continued public access to the southwest levy and (2) keeping Pathway open as much as possible during the construction period. These two items, though important, are not addressed in the seven-year old PEL. Because this intersection improvement project will close public access to the southwest levy from Highway 89, an alternative means of public access is needed. The reconnaissance report acknowledges this need as something to evaluate and build, if it can be done without adversely affecting wildlife movements and crossings. Because the wildlife crossing will be located away from the River, there will be space to accommodate people moving under the west buttress of the new bridge without adverse impacts to wildlife. As such, **please ensure sufficient and inviting public access from the west side of the Snake River Bike/Walk Bridge to the southwest levy**, designed in conjunction with Teton County and public input. The second goal suggestion stems from the majority of public comments you received that requested to **keep the pathway open during construction as much as possible**. While some closures are to be expected, they should be minimized through phases in the construction contract, perhaps stating that the pathway can be closed for a set number of days, with an incentive for days allowed but not used. You may consider asking Teton County to partner on any additional cost that this might entail. In regards to process, while it may be financially prudent and practical for WYDOT to undertake the highway corridor in small segments, the risk is that you have adverse cumulative impacts that aren't sufficiently addressed. A more global view of this process will help gain the public trust and potentially reduce public controversy. Please use the PEL and the Teton County Comp. Plan, vetted public documents, to guide your public outreach on this project and others. It's up to WYDOT to ensure the process is transparent. In light of the above suggestions, please consider starting the NEPA process on the widening of HWY 22 from the bridge to the Y intersection. You have an engaged and interested group of stakeholders who work well together and would be an asset to the WYDOT team as they begin what is likely to be a lengthy process to plan the next phase.	Inline/Easements/ Pathway	None	N
7/26/19	Re: Proposed Snake River Bridge Project/390-22 intersection Dear Mr. Compton and Mr. Hammond, We serve on the Board of Directors of the Gros Ventre North Homeowners Association and write concerning the proposed Snake River Bridge Project. Our neighborhood is comprised of 36 homes in which several hundred individuals live, as well as 14 as yet undeveloped lots. For egress to the town of Jackson, we rely exclusively on Pratt Road, as do our neighbors, the Gros Ventre West subdivision, who have a similar population as Gros Ventre North. The ability of our homeowners to leave the neighborhood and turn left onto Highway 22 from Pratt Road in order to reach Jackson has become increasingly difficult, even on low traffic days. Our access to Highway 22 is not just a matter of convenience, but also a safety issue, providing access to medical and related services that exist only in Jackson. We have reviewed the presentation on the Snake River Bridge Project that you recently made to the Teton County Board of Commissioners. The presentation states clear that "safety" and "functionality" are factors that you are considering in the project design. We understand that it is WYDOT's intent to replace the current intersection of Highway 390 and Highway 22 with a Florida-T intersection. Over the past month, one of our homeowners, Michele Gorman, has met with you to obtain additional information about the Continuous Intersection redesign. As you are aware, our neighborhood is located just east or downstream from the Snake River Bridge and 390/22 intersection. Our primary concern at this time is that WYDOT's proposed redesigned 390/22 intersection will have a significantly adverse impact on egress from Pratt Road eastbound onto Highway 22 towards Jackson. A Florida-T intersection will allow traffic heading east from Wilson on Highway 22 to flow non-stop through the junction with 390 without stopping at the light. This proposed change will cause the flow of traffic heading east past Pratt Road to likely be continuous and without breaks, depending on seasonality and time of day. It will exceedingly worsen our already compromised egress east towards town from Pratt Road. You should note, that with the recent addition of the bike path, the egress risks from Pratt Road eastbound onto Highway 22 now become very substantial, as we have to negotiate the bidirectional flow of bikers and the bidirectional flow of vehicular traffic.	Congestion/ Intersection	We have received the HOA's comment letter concerning the new intersection design at HY 22/390 and the concerns of the HOA. We are adding it to the other comments received on this project. WYDOT is reviewing the impacts of the intersection to the short term until full reconstruction of the highway can may happen in the future. It should be noted that the approach is difficult now. The highway is operating beyond its capacity and WYDOT does realize the volume of people using the system. A rough gaps analysis was performed and a quick analysis does not show the new intersection changing the way Pratt Lane operates due to the over capacity issues of the existing highway. We are reviewing this intersection and others along the route for interim solutions. Thank the HOA board for writing in their comment. **Bob Hammond, P.E.** Resident Engineer	Y

Date Received	Comment	Comment Concern	Response	Response (Y/N)
	We ask that you seriously and urgently consider measures to mitigate the adverse access and safety impacts this proposed change will have on our neighborhood and residents. For example, please consider adding a middle lane to Highway 22 at the intersection with Pratt Road to accommodate at least 1-2 cars turning left from Pratt Road that could wait to enter the Highway 22 roadway east. There is space and a hashed marking in the middle of the road already and that can easily be made into a "merge lane". Alternatively, please consider creating a legal U-Turn just west of Pratt Road and before the Snake River Bridge so that cars exiting our neighborhood and wishing to head towards town could turn right first and then use a U-turn to circle back towards Jackson. Another option could be to have "smart" flashing traffic signal which can turn active more to detects cars waiting for egress on Pratt Road for some amount of time. Due to the very significant adverse impacts that will be caused by the changes WYDOT proposes to make to the 390/22 intersection, we also ask that a representative of our neighborhood be invited to join the stakeholder committee working on the proposed redesign of this corridor and intersection. Thank you for considering our comments and concerns. Regards.			

Snake River Fund

PO Box 7033
Jackson, WY 83002
307-734-6773

snakeriverfund.org
info@snakeriverfund.org

October 25, 2020

Teton County Board of County Commissioners
(Electronic Delivery Only)

RE: Wyoming Highway 22 – Snake River Bridge/Southwest Levee Access

Dear Commissioners:

Tomorrow, Monday, October 26, 2020 the Board of County Commissioners (BCC) will be hosting a workshop with the Wyoming Department of Transportation (WYDOT) regarding the Wyoming Hwy 22, Hwy 390 & Snake River Bridge replacement project. The Snake River Fund respectfully requests that you advocate for adequate and continued public access to the southwest levee (river right, River Hollow Subdivison) along the Snake River. Accepting that user will be pushed into other areas without problems and conflict is sticking our heads in the sand. The Wilson Boat Ramp can't accommodate the increased use of river-users, R Park users, pathway users, and southwest levee users.

While a stakeholder group has been working to finding collaborative solutions for numerous issues in this corridor, there has been a consistent missing link between the stakeholders upholding the values of recreation and public access. Mixed messages continue to go back and forth from WYDOT, Teton County Engineering, Teton County Parks & Recreation Department, wildlife crossing advocates, pathway advocates, private property interests and more. The leadership and direction of the Board of County Commissioners is needed to bridge the gaps in the dialog and address real world situations.

Utilizing Teton County's GIS Map Server, parking and access has been occurring at the southwest levee since at least 1967 (somewhere between 1955 & 1967). Public recreational access to Snake River at BLM Parcel 15 began sometime in the 1950's (personal communications). Attached to this letter you will find several screen shots of the aerial photography of the site. Please note that since 1987, every shot has at least one vehicle parked at this site. The southwest levee is critical recreation infrastructure for the public. It has become part of our local recreation heritage. The public has the right to recreate (Recreational Easement attached) on the southwest levee from Highway 22 downstream for over 2 miles.

Yes, the parking falls on the Highway right of way. Yes, we understand that site will be utilized for the new Highway 22 Snake River Bridge landing. However, WYDOT should be asked to contribute to developing adequate and ample parking and public access to this site. There are certain requirements that WYDOT should follow NEPA and the 4(f) rules. Under the 4(f) rule WYDOT must address and mitigate for the elimination of public park access if

there is no feasible alternative. No alternatives have been reasonably considered or discussed. The BCC should push back on WYDOT's Categorical Exclusion.

Please direct Teton County staff (Planning, Engineering, Parks & Recreation) to develop a holistic vision for this site. The approved and signed 2017 Conditional Use Permit (CUP2016-0002 attached) for BLM Parcel 13 includes a non-commercial, non-trailered parking lot. Somewhere since 2017, staff has determined that parking lot to be void and unnecessary. Staff does not have that authority to ignore the terms of the CUP, perception is not adequate, legal guidelines must be followed, or altered through a public process. That has not happened.

Utilize the time and money afforded through the 2020 BUILD grant to develop a complete picture for the Highway 22/390 Snake River Bridge project. This includes public access at the Wilson Boat Ramp (BLM Parcel 13), adequately planned public access to the southwest levee, pathways, wildlife crossings, fences and Stilson Ranch Transit Center. WYDOT must follow the law, this project should not be allowed to move forward under a Categorical Exclusion.

70 years of public access cannot be ignored by Teton County or WYDOT.

Sincerely,

Jared Baecker
Executive Director

Attachments:

- 2020 Teton County Map Server aerial photograph
- 2015 Teton County Map Server aerial photograph
- 2011 Teton County Map Server aerial photograph
- 2005 Teton County Map Server aerial photograph
- 1999 Teton County Map Server aerial photograph
- 1967 Teton County Map Server aerial photograph
- CUP2016-0002 – BLM Parcel 13/Wilson Boat Ramp Conditional Use Permit
- Recreational Easement granting public access to Southwest Levee through River Hollow

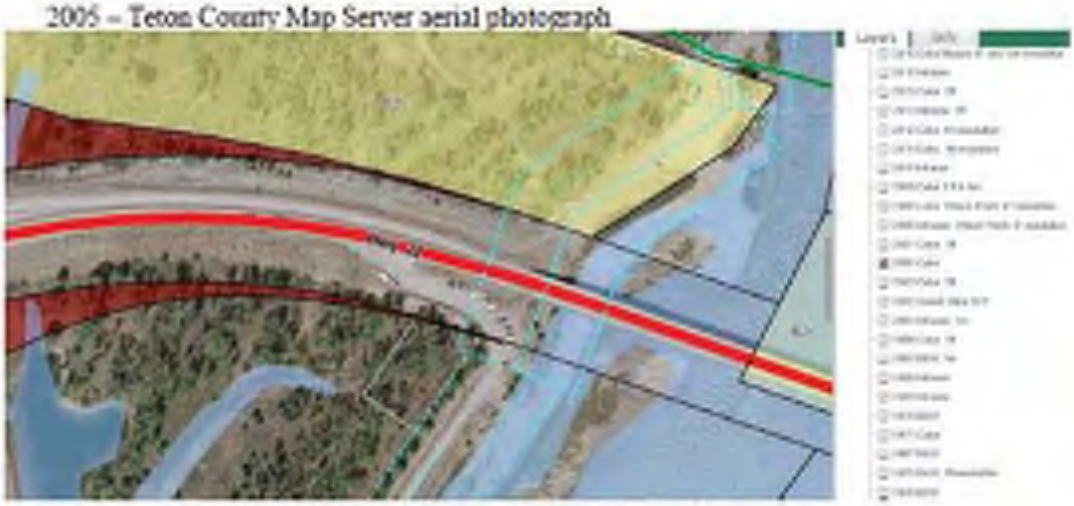
CC:
Scott Gamo, WYDOT
Nick Hines, WYDOT
Bob Hammond, WYDOT
Heather Overholser, Teton County Public Works
Amy Ramage, Teton County Engineering
Steve Ashworth, Teton County Parks and Recreation

2020 – Teton County Map Server aerial photograph

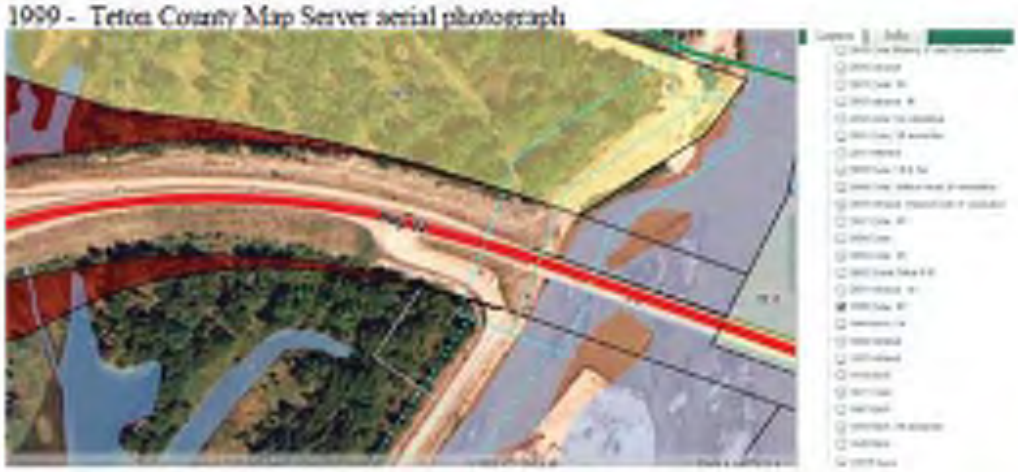
2015 – Teton County Map Server aerial photograph

2011 – Teton County Map Server aerial photograph

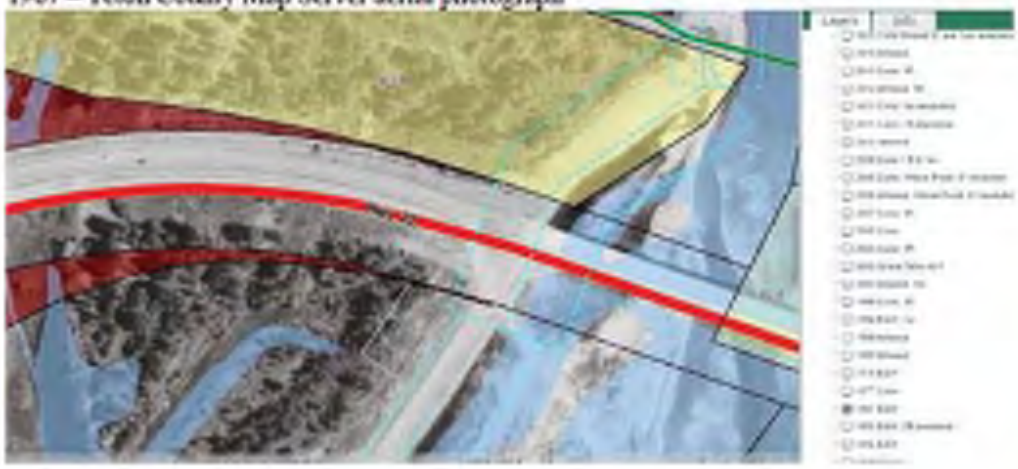
2005 – Teton County Map Server aerial photograph



1999 - Teton County Map Server aerial photograph



1967 – Teton County Map Server aerial photograph



BEFORE THE BOARD OF COUNTY COMMISSIONERS

TETON COUNTY, WYOMING

IN THE MATTER OF: Conditional Use Permit (CUP2016-0002)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING APPROVAL OF A CONDITIONAL USE PERMIT

THIS MATTER came before the Teton County Board of County Commissioners (hereafter "Board" or "Board of Commissioners") for initial public hearing on March 7, 2017, upon the application of Teton County Department of Parks and Recreation for a Conditional Use Permit, pursuant to Section 8.4.2. of the Teton County Land Development Regulations (LDRs). The Board considered a presentation from staff, heard from the applicant, considered written submissions and took public comment and approved CUP206-0002 with eight (8) conditions. On March 13, 2017, at a regular Voucher Meeting, the Board voted to reconsider CUP2016-0002 and scheduled the matter for reconsideration for the regular meeting of March 21, 2017. At the point of reconsideration the Board opened discussion on a motion, heard from the applicant, and took public comment. The Board of Commissioners, being fully advised herein, finds, concludes and orders as follows:

FINDINGS OF FACT

1. The property at issue is located at the intersection of Wyoming State Highway 22 and Wyoming State Highway 390 and is owned by the Bureau of Land Management. The property is commonly referred to as the "Wilson Boat Ramp" area. The Applicant is the Teton County Department of Parks and Recreation who holds a Federal Right-of-Way permit (WYW-181638) on the property. The property is zoned Public/Semi-Public – County (P/SP-TC) and is within the Natural Resources Overlay (NRO).

2. The Applicant has requested approval of a Conditional Use Permit (CUP), CUP2016-0002, to allow Outdoor Recreation in the P/SP-TC Zone, including the development of improvements to the Wilson Boat Ramp on the existing parcel owned by the Bureau of Land Management.

3. This application was brought before the Teton County Planning Commission on February 13, 2017, with a recommendation from Planning staff for

approval of CUP2016-0002 with nine (9) conditions. The Planning Commission was unable to make all of the findings for a CUP and the motion to approve the CUP failed with a vote of 2 to 3, with three Planning Commissioners opposed.

4. This application was brought before the Board of Commissioners on March 7, 2017.

5. All hearings of the Planning Commission and the Board of Commissioners were properly noticed pursuant to the provisions of LDR Section 8.2.14.C.

6. A staff report dated February 27, 2017, was submitted to the Board of Commissioners for review. This staff report details the outdoor recreational use and proposed boat ramp improvements. As set forth in the staff report, the recommendation of the Planning Director in this matter was for approval of the Conditional Use Permit with nine (9) conditions of approval.

7. On March 7, 2017, the Board first considered the matter and voted 4 to 1 for approval of the Conditional Use Permit (CUP2016-0002) with the following eight (8) conditions of approval.

   a. A Final Mitigation Plan designed in compliance with Section 5.1.1.D.3. will be required to be submitted with any application for physical development.
   b. Construction shall not occur between November 1 - May 15 to protect wintering wildlife.
   c. Signage shall be shown on the Grading and Erosion Control application that requires domestic pets to be leashed at all times.
   d. All access drive improvements shall be designed in compliance with Transportation Facility standards, and be approved by the Teton County Engineering Department prior to issuance of development permits.
   e. The proposed parking lot, one-way loop access road and existing levee access road may be gravel. The applicant may request approval by the Board of County Commissioners to pave portions of these areas at a later date if deemed necessary to address drainage, dust, maintenance, environmental impacts and other concerns.
   f. The applicant may remove the proposed 28 onsite non-commercial parking spaces from this application should these spaces be secured within the vicinity. The applicant is allowed to construct a minimum of 16 and a maximum 28 non-commercial parking spaces on site. Should the non-commercial parking lot be constructed it shall be closed to all

human activity from November 1 - May 15 to protect wintering wildlife.

g. Parking shall meet the Standards of Sec. 6.2.5.D.2, to a width of a 34' minimum on the 2-lane portion of the road where a parking aisle is provided, and 21' minimum on the one-way loop road where a parking aisle is provided.

h. The applicant shall be bound by the findings of the WYDOT Access Application and Traffic Impact Study review, to access road improvements, and or consolidation to a single point of access, if so directed by the State agency or the Planning Director.

8. The approval of CUP2016-0002 was reconsidered by the Board of Commissioners at its regular Voucher Meeting on March13, 2017. Commissioner Macker moved to reconsider CUP2016-0002 to clarify conditions related to closure of the boat ramp area, Commissioner Vogelheim seconded the motion and the motion for reconsideration passed 4 to 1. Commissioners Macker, Newcomb, Rhea and Vogelheim were in favor of the motion and Commissioner Epstein was opposed to the motion. The Board scheduled the reconsideration matter for the next regular Board meeting to occur on March 21, 2017.

9. On March 21, 2017, the Board had discussion on CUP2016-0002 and specifically regarding the parking lot and closure of the road and/or access to the Wilson Boat Ramp area during the winter months. The Board heard from the applicant, Teton County Parks and Recreation, opened the matter up for public comment, closed public comment, and entered into discussion among the Board.

10. Commissioner Vogelheim moved to amend the motion on the table, adding Condition #9: Winter closure dates shall be December 1st through March 15th. The method of closure shall be a permanent gate installed at the Northwest boundary of the BLM parcel barring vehicle access from US Highway 390 via the levee access road. The motion was seconded by Commissioner Macker. The Board had discussion on the motion. The Board voted on the motion to amend the motion on the table, with Commissioners Macker and Vogelheim in favor and Commissioners Epstein, Newcomb and Rhea opposed. The Motion failed by a vote of 2 to 3.

11. Commissioner Vogelheim moved to amend the motion on the table to add a new condition of approval. Commissioner Rhea seconded the motion. The Board voted 3 to 2 to amend CUP2016-0002 conditions of approval to include a new Condition (#9), with Commissioners Macker, Rhea and Vogelheim in

favor and Commissioners Epstein and Newcomb opposed, the condition to add as follows:

- *Winter vehicle closure of the levee access road from December 1st – March 15th.*

12. Then, on March 21, 2017, the Board voted on the motion on the table, to approve Conditional Use Permit (CUP2016-0002), with nine (9) conditions of approval. The Board voted to approve CUP2016-0002 with nine conditions of approval. Commissioners Macker, Rhea and Vogelheim were in favor of the motion and Commissioners Epstein and Newcomb were opposed to the motion. The motion passed 3 to 2. The following nine conditions of approval for CUP2016-0002 are as follows:

    1. A Final Mitigation Plan designed in compliance with Section 5.1.1.D.3. will be required to be submitted with any application for physical development.
    2. Construction shall not occur between November 1 - May 15 to protect wintering wildlife.
    3. Signage shall be shown on the Grading and Erosion Control application that requires domestic pets to be leashed at all times.
    4. All access drive improvements shall be designed in compliance with Transportation Facility standards, and be approved by the Teton County Engineering Department prior to issuance of development permits.
    5. The proposed parking lot, one-way loop access road and existing levee access road may be gravel. The applicant may request approval by the Board of County Commissioners to pave portions of these areas at a later date if deemed necessary to address drainage, dust, maintenance, environmental impacts and other concerns.
    6. The applicant may remove the proposed 28 onsite non-commercial parking spaces from this application should these spaces be secured within the vicinity. The applicant is allowed to construct a minimum of 16 and a maximum 28 non-commercial parking spaces on site. Should the non-commercial parking lot be constructed it shall be closed to all human activity from November 1 - May 15 to protect wintering wildlife.
    7. Parking shall meet the Standards of Sec. 6.2.5.D.2, to a width of a 34' minimum on the 2-lane portion of the road where a parking aisle is provided, and 21' minimum on the one-way loop road where a parking aisle is provided.
    8. The applicant shall be bound by the findings of the WYDOT Access Application and Traffic Impact Study review, to access road

improvements, and or consolidation to a single point of access, if so directed by the State agency or the Planning Director.

9. Winter vehicle closure of the levee access road from December 1st – March 15th.

CONCLUSIONS OF LAW

I. Based on the presentation and staff report of the Planning Department, the information presented by the applicant and their agent being the Teton County Department of Engineering, and response from the Planning Staff and the applicant, the Teton County Department of Parks and Recreation, the application for a Conditional Use Permit complies with all applicable provisions of the Jackson/Teton County Comprehensive Plan.

II. Based on the presentation and staff report of the Planning Department, the information presented by the applicant and their agent being the Teton County Department of Engineering, and response from the Planning Staff and the applicant, the Teton County Parks and Recreation, the application for a Conditional Use Permit complies with all applicable rules and regulations of the Teton County Land Development Regulations.

III. The Board concludes and hereby finds that the application for a Conditional Use Permit complies with each of the eight (8) findings for approval of a Conditional Use Permit, as set forth in Section 8.4.2.C. of the LDRs, and as outlined in the staff report, and specifically finds:

1. Is compatible with the desired future character of the area;

The standard is met as conditioned. The major riparian areas of Teton County within the River Bottom District represent the most important wildlife movement zones in the community. Future desired goals of the River Bottom District include maintaining or enhancing the district's wildlife habitat connections, and clustering development adjacent to existing development such that wildlife habitat and movement corridors are protected. Importantly, an emphasis for this District is also placed on management of public and commercial access to the levees, given that activities along the levee system allows for public engagement with this important resource which fosters appreciation for stewardship and conservation. The proposal provides for improvement of an existing, relatively unregulated access point to the Snake River that has significant public and commercial importance to the community. The site plan locates proposed development in a previously disturbed site, to maintain wildlife habitat quality and preserve permeability to wildlife movement through

proposing a minimized development footprint with the goal of reducing dispersed use within the parcel.

2. *Complies with the use specific standards of Division 6.1 Allowed uses and the zone;*

The standard is met. Outdoor Recreation is the use of land for passive or active recreational or athletic purposes that requires minimal permanent physical development relative to the open space. Pursuant to Div. 6.1.3.C., Wilson Boat Ramp improvement is an allowed use within the P/SP-TC Zone, as a park, given that approximately 6% of the overall acreage is proposed for conversion to impervious surface. Nearly half of the proposed development area is already disturbed and being used for unregulated parking and access. An Operations Plan was provided by the applicant, and was largely informed by the River Management Plan adopted by the Board of County Commissioners. The River Management Plan identifies extensive management actions necessary to comprehensively address the Standards of Div. 6.1.3.C.2.a., with the intent to minimize impacts of the use on natural resources and neighboring properties, to the greatest extent practicable. The Operations Plan provided by Parks and Recreation memorializes a defined management approach to mitigate the impact of the use on natural resources and neighboring properties.

3. *Minimizes adverse visual impacts;*

The standard is met. The proposed improvements are not within the Scenic Resources Overlay, and much of the highway frontage is heavily wooded and screened from view. The new loop road, parking facility, and service facilities (restroom, kiosk, and group meeting areas) are located either in wooded areas that provide concealment, or locations where these activities are already ongoing. The bathroom is relocated to a site that effectively reduces visibility, and the management of parking will reduce the overall visual impact of unregulated, dispersed parking around the boat launch area. Therefore, the permitted improvements will substantively improve visual impacts of the Wilson Boat Ramp usage.

4. *Minimizes adverse environmental impacts;*

The standard is met, as conditioned. The subject property is located within the Natural Resources Overlay (NRO). An Environmental Analysis (EA) was submitted on May 5, 2016 (EVA2016-0006). The EA compares the original boat ramp improvement concept design of 2013, with a refined site plan, and the outcome of this effort has resulted in a proposed development plan that has fewer impacts to wetlands, and improves the design for public access. The EA also provides a conceptual mitigation plan, such that those

unavoidable impacts are successfully mitigated to County standards. This includes the mitigation on a 2:1 basis for impacts to foraging habitat for moose within an area identified by the Wyoming Game and Fish Department as crucial winter yearlong range. The site plan as vetted through the EA process successfully minimizes adverse environmental impacts. Conditions of approval including seasonal closures, seasonal construction restrictions, and a domestic pet leash policy have been implemented to insure the minimization of environmental impacts standard has been met. Conditions were amended during the Board hearing, such that the proposal to develop a parking area of up to 28 spaces may be removed from this CUP application, should off-site parking be retained in the vicinity of the project area. Similarly, the Board found that the levee access road, internal one-way loop road, and parking area may remain as gravel, as a means to reduce impacts to wildlife and the natural setting of the facility.

5. *Minimizes adverse impacts from nuisances;*

The standard is met. Increasing and largely unregulated recreational use within the Snake River corridor and adjacent public lands was called out as a public concern in need of management action in this community. Degraded facilities and an inability to meet user demand result in nuisances, such as dispersed and unregulated parking, user conflicts, and damage to natural resources. Wilson Boat Ramp improvements are specifically called out in the Final River Management Plan, in a suite of management actions, intended to enhance the quality of recreation opportunities and other resource values in the Snake River corridor. Recycling receptacles will be provided on site and collected by Curbside Recycling. Park maintenance staff is responsible for collecting trash twice per day at peak season. All refuse and recycling containers will be bear proof type to avoid the attraction of wildlife to these containers.

6. *Minimizes adverse impact on public facilities;*

The standard is met. The application is not anticipated to contribute significantly to demands on roads, water/ sewer systems, parks, schools, police, fire and EMS. There are no proposed developments for water or sewer within the site. Stand alone, double-sided vault toilets will be relocated to a site 40-60 feet beyond the landward side of the levee, and are maintained through standard County Parks and Recreation facility maintenance. The applicant does not foresee generating new traffic through the improvement of the existing services that are currently provided on site.

7. *Complies with all other relevant standards of these LDRs and all other County Resolutions; and*

The standard is met, as conditioned. All relevant LDRs were reviewed, and the application was determined to be in compliance or conditioned to ensure compliance. See the "Applicable Regulations," Attachment 1 of this staff report.

8. *Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.*

Not applicable. There are no prior approvals associated with this property.

IV. The Board's decision that the application complies with each of the eight (8) findings for an approval of a Conditional Use Permit is based on the analysis of the findings set forth in the February 27, 2017 staff report, as well as the Board's analysis of the required findings that occurred at the March 7, 2017 and March 21, 2017 public hearings.

IT IS HEREBY ORDERED:

The Board **APPROVES CUP2016-0002**, to allow Outdoor Recreation in the P/SP-TC Civic Zone, including the development of improvements to the Wilson Boat Ramp on the existing parcel owned by the Bureau of Land Management, subject to the nine (9) conditions of approval:

1. A Final Mitigation Plan designed in compliance with Section 5.1.1.D.3. will be required to be submitted with any application for physical development.
2. Construction shall not occur between November 1 - May 15 to protect wintering wildlife.
3. Signage shall be shown on the Grading and Erosion Control application that requires domestic pets to be leashed at all times.
4. All access drive improvements shall be designed in compliance with Transportation Facility standards, and be approved by the Teton County Engineering Department prior to issuance of development permits.
5. The proposed parking lot, one-way loop access road and existing levee access road may be gravel. The applicant may request approval by the Board of County Commissioners to pave portions of these areas at a later date if deemed necessary to address drainage, dust, maintenance, environmental impacts and other concerns.

6. The applicant may remove the proposed 28 onsite non-commercial parking spaces from this application should these spaces be secured within the vicinity. The applicant is allowed to construct a minimum of 16 and a maximum 28 non-commercial parking spaces on site. Should the non-commercial parking lot be constructed it shall be closed to all human activity from November 1 - May 15 to protect wintering wildlife.
7. Parking shall meet the Standards of Sec. 6.2.5.D.2, to a width of a 34' minimum on the 2-lane portion of the road where a parking aisle is provided, and 21' minimum on the one-way loop road where a parking aisle is provided.
8. The applicant shall be bound by the findings of the WYDOT Access Application and Traffic Impact Study review, to access road improvements, and or consolidation to a single point of access, if so directed by the State agency or the Planning Director.
9. Winter vehicle closure of the levee access road from December 1st – March 15th.

DATED this ____ day of April, 2017.

BOARD OF COUNTY COMMISSIONERS
TETON COUNTY, WYOMING

BY: _____
Mark Newcomb, Chairman

ATTEST: _____
Sherry L. Daigle, County Clerk

CERTIFICATE OF SERVICE

This is to certify that on the ____ day of April, 2017, at Jackson, Wyoming, the Teton County Clerk served the FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING APPROVAL OF A VARIANCE by sending a true and correct copy thereof in the U.S. Mail, postage prepaid, addressed and/or emailed as follows:

Steve Ashworth, Director
Teton County/Jackson Parks and Recreation Department
P.O. Box 811
Jackson, WY 83001

Erin E. Weisman, Deputy County Attorney
Teton County Attorney's Office
P.O. Box 4068
Jackson, WY 83001
erin@tetoncountyattorney.com

_____
Sherry L. Daigle, County Clerk

Wyoming

Casey Johnson <casey.johnson@wyo.gov>

Re: Snake River Fund - Public Access Concerns - WYDOT Highway 22/390/Snake River Bridge project

Nick Hines <nick.hines@wyo.gov> Mon, Oct 26, 2020 at 9:12 AM
To: Jared Boecker <jared@snakeriverfund.org>
Cc: Teton County Commissioners <commissioners@tetoncountywy.gov>, Heather Overholser <hoverholser@tetoncountywy.gov>, Amy Ramage <aramage@tetoncountywy.gov>, Steve Ashworth <sashworth@tetoncountywy.gov>, Bob Hammond <bob.hammond@wyo.gov>, Scott Gamo <scott.gamo@wyo.gov>, Tory Thomas <tory.thomas@wyo.gov>, Darin Kaufman <darin.kaufman@wyo.gov>, Casey Johnson <casey.johnson@wyo.gov>, Martin Kidner <martin.kidner@wyo.gov>, "Fulton, Keith" <keith.fulton@wyo.gov>, Tom DeHoff <tom.dehoff@wyo.gov>, Stephanie Harsha <stephanie.harsha@wyo.gov>, Peter Stinchcomb <peter.stinchcomb@wyo.gov>

Good Morning Jared,
As you may recall I am facilitating the stakeholder group for the Snake River Bridge and 22/390 intersection. WYDOT will include your letter in the NEPA records for that project. As the facilitator of the stakeholder group I have some information that may be of use to you.

You are correct that the WYDOT Stakeholder group for the Snake River Bridge and 22/390 intersection has been working on some of the concerns in your letter. If I recall correctly you were at the last stakeholder group where many of your concerns were addressed. Below are some of WYDOT's responses to a previous letter that they had received which are applicable to many of your concerns too.

Snake River SW Levee Access: The parking at this location is an impromptu encroachment within the right of way that has evolved over time. This is not nor ever has been designated as an official parking area or trailhead. The access at this location is for the purpose maintenance
and operation of the levee system. The parking issue will be addressed with the Teton County Wilson Boat Ramp improvement project. The WYDOT roadway and bridge project will provide improved access underneath the new structure from the boat ramp to the levee. If a more robust
pathway is desired, Teton County may elect to provide one in the future.

NEPA and Engagement Process: The NEPA process has been discussed multiple times at stakeholder meetings. Federal Agencies are responsible for NEPA compliance. FHWA is the lead federal agency for this project and WYDOT is completing NEPA under their direction.
FHWA has concluded that a categorical exclusion is the appropriate level of NEPA documentation for this project and has complimented WYDOT on the public involvement and outreach during this project. WYDOT will update the webpage with all current information for members of the public to stay informed.

(Not previously provided by WYDOT, my interpretation of 4(f))
Section 4(f) of the DOT Act - The first step in evaluating if Section 4(f) applies is to see if the land is publicly owned and designated as a park, recreational areas, wildlife and waterfowl refuges, or public and private historical sites. I would say yes, the land is publicly owned, however this impromptu parking is not designated as one of the above categories. WYDOT ROW is designated for transportation use. Therefore Section 4(f) does not apply to WYDOT ROW. FHWA and WYDOT evaluate all federal aid projects for Section 4(f) and impacts to any areas outside the highway ROW that meet the above criteria.

If you have any further questions regarding Snake River Bridge and the 22/390 project, please feel free to reach out to myself or anyone at WYDOT.

Thank you
Nick

Nick Hines, CEP
Environmental Services - NEPA Management and Project Delivery Supervisor
Wyoming Department of Transportation
5300 Bishop Blvd., Cheyenne, Wyoming 82009-3340
Office (307) 777 4156
Fax (307) 777 4193

May 29, 2019

Dear Chairwoman Macker and Teton County Commissioners,

Summer is fast approaching, and that will draw attention to Jackson Hole's traffic challenges and how locals and visitors move around our valley.

As you know, the Wyoming Department of Transportation (WYDOT) is currently in the planning stages for a major highway reconstruction project to replace the Snake River Bridge and re-design the Hwy 390/Hwy22 intersection, with construction slated to begin in 2023.

While we concur with the need to replace the bridge, we are concerned over the lack of meaningful public involvement in the WYDOT planning process. As you may be aware, WYDOT intends to use the most basic level of NEPA compliance, a Categorical Exclusion, to finalize this major decision. **The public has not had an opportunity to comment on the project purpose and need, or to comment on alternatives, or to see an analysis of the impacts of the project, as is typically expected for such a major action by a public agency using federal transportation funds.**

It is vital that we as a community and its leaders have our voice heard, because the final designs and construction of the bridge and intersection will be in place for the next 50 years. We urge you to ask WYDOT to carry out a proper NEPA process, which will provide for a much more robust planning process, better take our community character and values into consideration, improve public engagement, which combined will result in a better project for all.

The 2015 Town/County ITP clearly states that what is in the best interest of our community and its future is integral communication and planning with local elected, WYDOT, stakeholders and a broad community engagement. According to our Integrated Transportation Plan (ITP):

- **Design of [the Y intersection and] WY-22/WY-390 intersection will include signal and/or lane prioritization for buses.** Implementation of this design feature will require coordination with WYDOT during project development of the Major Capital Projects.
- Interagency Coordination: Close cooperation and collaboration between the Partners will occur continuously from initial needs analysis, through capital programming (including the State Transportation Improvement Program), conceptual planning and design, final design, right of way acquisition and construction. This coordination among the partners will be facilitated by the formation of a Regional Transportation Planning Organization.
- Planning and conceptual design of this intersection will consider the feasibility of, and design requirements for, extending the BRT/HOV corridor from WY-22 to Teton Village.
- **All projects within Capital Project Groups 1, 2 and 4 will be planned and designed concurrently to ensure that each project is designed to account for the impacts and overlapping design details of all other projects within the group and within that part of the regional network.** Group 3 projects, however, will be studied and evaluated as potential alternatives. WYDOT will lead the design and construction of the major state highway projects, but project development will require a coordinated effort between Teton County, the Town of Jackson and WYDOT.

Our community has worked for many years to define a vision that integrates our goals and character with the need to provide infrastructure for a growing valley and its visitors. **We would like to see WYDOT actively engaged in that discussion and understanding our community values and what we are trying to accomplish are integral to public support for this project.**

We would request Teton County convey these priorities to WYDOT:

- Improve and be transparent with the NEPA process
- Integrate our ITP and community concerns into more of the design
- Preserve migration on the riparian corridor
- Commit to maintaining access to all pathways during construction
- Consider cumulative impacts. Holistically look at the future of Hwy 22 and how these designs with all work together, particularly when it comes to alternate transportation

We look forward to hearing from you and hope that we can all work together to make these infrastructure changes align with community goals.

Sincerely,
Seadar Rose Davis, START Board
Katherine Dowson, Friends of Pathways
Jessica Jaubert, Jackson Hole Working
Melissa Turley, Teton Village Association ISD
Tim Young, Wilson Advocacy Group

August 18, 2020

Nick Hines, CEP
Environmental Services
Wyoming Department of Transportation
5300 Bishop Blvd., Cheyenne, Wyoming 82009-3340 – *sent via email*

Subject: Comment on Jackson-Wilson Snake River Bridge and WY-22/390 Intersection Project

Dear Mr. Hines,

I am writing to provide public comment and recommendations for the Wilson Snake River Bridge WY22/390 Intersection Project. Thank you for the opportunity to provide input.

Wyoming Pathways is a statewide bicycle and pedestrian nonprofit user group. We support the proper study and inclusion of the needs of bicyclists and pedestrians in all relevant state highway planning and construction projects.

There are several specific issues that I would like to raise and request additional information on. But I would like to start with a general comment that the initial project scoping does not seem to have properly considered impacts and needs of bicycle and pedestrian modes of transportation. That is unfortunate. Planning for the bicycle and pedestrian modes is a key need identified in the PELS study, and proper consideration is an essential requirement in federal transportation policies and transportation law. To quote in part:

> **U.S. Department of Transportation Policy Statement**
> **On Bicycle and Pedestrian Accommodation**
> "The DOT policy is to incorporate safe and convenient walking and bicycling facilities into transportation projects. Every transportation agency, including DOT, has the responsibility to improve conditions and opportunities for walking and bicycling and to integrate walking and bicycling into their transportation systems. Because of the numerous individual and community benefits that walking and bicycling provide — including health, safety, environmental, transportation, and quality of life — transportation agencies are encouraged to go beyond minimum standards to provide safe and convenient facilities for these modes."
>
> **23 U.S.C.** "There must be exceptional circumstances for denying bicycle and pedestrian access either by prohibition or by designing highways that are incompatible with safe, convenient walking and bicycling' (23 U.S.C. 217(g)(1)).

Wyoming Pathways
PO Box 153 Wilson WY 83014

phone 307-413-8464
email tim@wypath.org

Snake River SW Levee Access. One of the key issues overlooked in this project is the extremely important access to the South West Snake River Public Access and Levee Trail. The elimination of SW Snake River Access Levee Trailhead parking for up to 30 cars at the Snake River Bridge will have major negative impact on public access to the Snake River, and this is clearly the type of impact considered under Section 4(f) that needs to be mitigated. The WYDOT project should include and pay for acceptable mitigation to minimize impacts to the Snake River Access and SW Levee Trail.


The SW Levee Trailhead will close 30 parking spaces, access for families to the Snake River.

This is a "constructive use", which occurs when the transportation project does not incorporate land from a Section 4(f) property, but the project's proximity impacts are so severe that the protected activities, features, or attributes that qualify the property for protection under Section 4(f) are substantially impaired.


Snake River Access is busy and vital to Wilson and important for millions of visitors.

With such limited land access to the Snake River throughout Jackson Hole, this impact should be better studied and mitigation should be included in the project. That pathway connection is so vital and it should have been incorporated from the very beginning in WYDOT's plans. The PEL5 identified Emily's Pond as a 4f, but failed to include the equally important SW Snake River Access and Levee Trail. That omission should be addressed in this project.

Unfortunately, design work for this missing pathway connector to the SW Levee has not been done. Due to the busy Wilson Boat Launch, the pathway will need to be located west of the river access. That may require wetland investigation and to explore if the pathway would

require significant fill to bring grades up closer to the levee top. Teton County has developed concepts for improving the Wilson River Access, circulation, and parking, paid with SPET funding approved ten years ago, which will also need to be factored into the planning.

To summarize, a paved ADA accessible pathway connection from Teton County's Path22 at R-Park, connecting under the new bridge to the SW Levee Trail will be necessary, including a well-engineered concrete section under the bridge to protect from future high-water events.

Wilson to Snake River Pathway - Green Lane to Snake River. To better mitigate the major impacts of the loss of SW levee trailhead river access, in addition to proper pathway access under the new Highway Bridge, the WYDOT project needs to include a pathway along the south side of WY-22, from the Green Lane Underpass directly east along the south side of WY22 to the new Snake River bridge, providing people that direct option if they are coming from the west.

The WYDOT Snake River Bridge 22/390 project needs to include a pathway 8-10' wide along the south side of WY-22, from the Green Lane underpass to the new Snake River bridge.

This pathway can be added without impact to the Wildlife Crossings by bringing the pathway over the top of the underpasses, in the clear zone between the highway shoulder and the wildlife fence, preventing any human access to the underpass areas. An 8' wide pathway would be sufficient. At the bridge there needs to be a safe fence gate to allow people access to the SW levee, not cattle guards. This pathway would serve biking and walking needs.

There is a compelling need for this pathway to connect directly to the Snake River. Once we have a safe pathway from Wilson to Green Lane on the south side, people all the way from Fall Creek Road, downtown Wilson, and especially hundreds of households that live on the south side of the Highway in the Wenzel Lane and Green Lane areas will use it.

On a personal note, I've lived on Wenzel Lane for the 30 years, and along with hundreds of neighbors, we have long needed safe and direct access the Snake River SW levee, and without the long detour through Stilson, R-Park, and the Wilson Boat Ramp. The need for that pathway was first identified in 1970, and Wyoming Highway Department District 3 Engineer Albert DiBernardi promised Wilson a pathway "from Wilson all the way to the Snake River" as part of the WY-22 Highway expansion approved in 1971. The pathway was further supported

in 1989 when the Teton County Commissioners approved a $500,000 investment with the JH Land Trust to protect the scenic resources of the Hardeman South property, including acquiring one mile of land in fee for the future pathway. The need for that pathway has only increased over time.

The proposed Wilson to Snake River Pathway south side of WY-22 to the Bridge

In my professional opinion, that pathway would not impact the wildlife crossing under the highway in any measurable way. I also inquired with a professional engineer with experience in this situation, and pathways like this have been implemented successfully. The pathway along US South 89 goes along the road in and outside of the fence with no wildlife problems. It's not reasonable to claim that adding a pathway 5' from the shoulder along a 4-lane highway with 30,000 cars and trucks a day would impact wildlife going under the highway and outside of an 8' fence preventing any human access.

Pathways along State Highways in Teton County have proven safe and effective.

I understand that some people on the Stakeholders group think that it's sufficient to detour the pathway around almost an extra mile to access the SW levee. I simply disagree, and many of my neighbors disagree as well. For one, it improves access to the SW Snake River Levee, severely impacted by the project. In addition, it will help relieve pressure on the already congested Path22 from Stilson to the Snake River Pathway Bridge, seen in the high count station reports. And third, it will provide a safe refuge for anyone walking or biking along this stretch of Highway 22, which is legal and commonly seen. I don't believe there is a full

understanding of the need and opportunity for this pathway. I request this issue be properly studied and additional information provided to the public. It has not been discussed in any substantive manner to date, another shortcoming of the planning process for this project.

To summarize, the WYDOT project needs to include a pathway 8-10' wide along the south side of WY-22, from the Green Lane underpass to the new Snake River bridge, providing people that direct option if they are coming from the west. This pathway can be added without impact to the Wildlife Crossings by running the pathway over the top of the underpasses, in the clear zone between the highway shoulder and the wildlife fence, which prevent any human access to the underpass areas. At the bridge there needs to be a safe fence gate to allow people access to the SW levee without crossing the cattle guards.

SW Levee ADA Parking Provision North of Bridge. It's a significant distance, over a half a mile, from the closest parking in Stilson to the SW Levee existing trailhead. The existing Wilson River access road parking is already busy, with parking all the way out to WY-390 observed on a regular basis. There is a need for people with disabilities to have safe access.

To address this, a small 5-10 spot ADA/SW Levee parking area should be added north of the WYDOT Bridge, there is a good spot there, sign it for SW Levee access only.

Location proposed for ADA/SW Levee parking area, between Bridge and River Launch. WYDOT should construct this as mitigation for 4F impacts to the SW Snake River Access and Levee trail.

NEPA & Public Engagement process. Transportation agencies are required to follow proper legal planning and NEPA compliance for major actions like this. There should be little question that for a major ~$30 million highway expansion project, from a 2 to 4-lane 800' bridge over a Wild and Scenic River, a 100 year investment, the proposed use of a Categorical Exclusion for NEPA compliance is inadequate; it's a major shortcoming of this project, and the lack of a meaningful public engagement process is telling, clearly evidenced by the public concerns expressed at the February 2019 WYDOT Open House and reported in the media.

Ironically, the PELS Study actually does identify the need for Bicycle and Pedestrian Connectivity, it is Need #2 of four, yet the issue has not been adequately considered in this project. The PELS lists the Snake River Bridge and WY 22-390 Intersection in "Table 2: Areas of Bicycle and Pedestrian Needs". The PELS states:

"1.5.1 Purpose …the purpose of the study is to establish a long-term transportation vision along the WYO 22 and 390 corridors between the Town of Jackson, Wilson, and Teton Village, and to identify and prioritize potential transportation improvements that address the identified needs…[including]

1.5.3 Need #2 Bicycle and Pedestrian Connectivity. "The community values bicycle and pedestrian mobility from both recreational and transportation standpoints. Bicycle and pedestrian facilities within the study area are discontinuous and safe crossing opportunities of the roadways limited. The WYO 22 and Broadway and WYO 22 and 390 intersections also present barriers to pedestrian and bicycle movement. Figure 2 shows the existing and potential bicycle and pedestrian facilities." PELS Goals include:

- Meet transportation safety needs of all modes – automobile, bus, pedestrian, bicycle, and truck;
- Encourage use of alternative modes;

Teton County and the public at large should have more access to information and better options to provide input into these major decisions being made for our highway system. It needs to be more than just staff and an WYDOT-appointed Stakeholder committee, with the public informed after the decisions have been made.

For example, just reviewing the WYDOT project website, there is no information on the August 20, 2020 meeting, supposedly open to the public. The next "Upcoming Meeting" listed already happened in 2019. The Environmental Process Timeline states "We are here, July 2019". The Purpose and Need does not address the PELS Need #2 at all. A separate Transit Study had to be specially requested and added last year due the fact Transit issues were not being considered, despite the proximity to the major Stilson Transit Center. No information is available on the highway bridge pathway under crossing. It is difficult to know what WYDOT is doing, what the Stakeholder group does, when meetings are, and how to provide meaningful comment. The only interests beyond highways that seems to have been accommodated is the Wildlife Crossing advocates and adjacent homeowners.

That's not how NEPA is supposed to work.

Thank you for considering our comments in the project.

Tim Young,
Executive Director

Technical Reports

Jacobs

Memorandum

717 17th Street, Suite 2750
Denver, Colorado 80202
United States
www.jacobs.com

Subject	Traffic Noise Analysis	Project Name	Jackson-Wilson Road, WYO 22, Bridge Replacement/Widening Project
Attention	Nick Hines, WYDOT	Project No.	2000058
From	Dana Ragusa		
Date	November 25, 2020		

1. Introduction

The purpose of this technical memorandum (memo) is to summarize the traffic noise analysis conducted for the Jackson-Wilson Road, Wyoming Highway 22 (WYO 22) Bridge Replacement/Widening Project (project). The Wyoming Department of Transportation (WYDOT) is proposing to reconstruct the existing bridge extending over the Snake River and portions of the Wyoming State Route 22 (WYO 22) roadway, including the intersection with Wyoming State Route 390 (WYO 390), which is approximately 4 miles west of the Town of Jackson in Teton County, Wyoming (refer to Figure 1).

The need for the project is driven by the structural deficiency of the existing bridge, crashes, increasing travel demands, and the support of Teton County's future development goals. The existing narrow structure is difficult to maintain due to heavy traffic volumes and the severe operational impacts that arise when any type of temporary traffic control is implemented on the structure. Maintaining continuous traffic on this route is critical for commuters, tourists, recreationalists, and emergency responders because this is the only bridge that crosses the Snake River in the area; there is not a corresponding redundant route.

The existing typical section consists of a two-lane roadway. Based on the 2019 WYDOT design, the existing highway alignment would be widened to accommodate one additional travel lane in each direction of travel through much of the project area. Since the proposed project would include the addition of travel lanes, this project would be considered a Type I project, and a noise analysis is required.

WYDOT is preparing a Categorical Exclusion for the project in compliance with the National Environmental Policy Act. This memo has been prepared in support of the Categorical Exclusion.

Figure 1: Project Location Map

2. Project Alternatives

WYDOT is evaluating two alternatives for this project, as described in the following sections.

2.1 No Build Alternative

The No Build Alternative maintains the existing highway configurations. Future improvements would be limited to routine maintenance, which would likely increase as the structures and pavement age.

2.2 Build Alternative

The Build Alternative includes the replacement of the WYO 22 bridge over the Snake River. The new bridge would include four travel lanes. Four lanes would continue for approximately 0.25 mile east of the bridge, and a new eastbound left-turn lane would be added to access Emily Stevens Park. Four lanes would also be built west of the bridge to the intersection with WYO 390. A second left-turn lane would be added to the southbound approach of the WYO 22/WYO 390 intersection, and eastbound through traffic would bypass the intersection entirely via a new dedicated lane. The proposed Build Alternative is shown on Figure 2.

3. Characteristics of Sound and Noise

Noise is generally referred to as unwanted sound. The terms noise and sound are used synonymously. Sound from highway traffic is generated primarily from a vehicle's tires, engine, and exhaust. It is commonly measured in decibels (dB).

Sound occurs over a wide range of frequencies, but not all frequencies are detectable by the human ear. For this reason, an adjustment is made to the high and low frequencies to approximate the way an average person hears traffic sounds. This adjustment is called A-weighting (dB[A]).

Traffic sound levels also vary based on the changing number, type, and speed of vehicles. To account for this variation, a single value (L_{eq}) is used to represent the average or equivalent sound level over a given time period.

In typical noisy environments, changes in noise of 1 to 2 dBA are generally not perceptible. However, it is widely accepted that people are able to begin to detect sound level increases of 3 dBA in typically noisy environments.

4. FHWA Noise Abatement Criteria

The Federal Highway Administration (FHWA) established Noise Abatement Criteria (NAC) for different types of land uses and human activities, as shown in Table 1. Table 1 depicts noise in dBA, which are sound levels that best approximate the human ear, over a specific period of time, indicated as the hourly equivalent sound level ($L_{eq}[h]$). Per WYDOT noise policy, highway traffic noise impacts occur when the predicted highway traffic noise levels approach (less than 1 dBA of the NAC) or exceed the NAC, or when the predicted highway traffic noise levels substantially exceed the existing highway traffic noise levels. WYDOT defines "substantially exceed" as an increase of at least 15 dBA.

Figure 2: Traffic Noise Analysis Map

Table 1: FHWA Noise Abatement Criteria, Hourly A-Weighted Sound Level Decibels (dBA)

Activity Category	Activity $L_{eq}(h)$	Evaluation Location	Description of Activities
A	57	Exterior	Lands on which serenity and quiet are of extraordinary significance and serve an important public need, and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.
B[1]	67	Exterior	Residential
C	67	Exterior	Active sport areas, amphitheaters, auditoriums, campgrounds, cemeteries, daycare centers, hospitals, libraries, medical facilities, parks, picnic areas, places of worship, playgrounds, public meeting rooms, public or nonprofit institutional structures, radio studios, recording studios, recreation areas, Section 4(f) sites, schools, television studios, trails, and trail crossings.
D	52	Interior	Auditoriums, daycare centers, hospitals, libraries, medical facilities, places of worship, public meeting rooms, public or nonprofit institutional structures, radio studios, recording studios, schools, and television studios.
E[1]	72	Exterior	Hotels, motels, offices, restaurants/bars, and other developed lands, properties, or activities not included in A through D or F.
F	N/A	N/A	Agriculture, airports, bus yards, emergency services, industrial, logging, maintenance facilities, manufacturing, mining, rail yards, retail facilities, shipyards, utilities (water resources, water treatment, electrical), and warehousing.
G	N/A	N/A	Undeveloped lands that are not permitted for development.

Source: Wyoming Department of Transportation, Noise Analysis and Abatement Policy, July 2011.

[1] Includes undeveloped lands permitted for this activity category.

5. Methodology

WYDOT has developed guidelines for the analysis and abatement of highway traffic noise in accordance with regulations developed by FHWA (23 CFR 772). These guidelines are set forth in the document entitled *Wyoming Noise Analysis and Abatement Policy* (July 2011). The methods employed for this analysis are consistent with both FHWA and WYDOT guidelines for analyzing traffic noise and include the following:

- Identify noise-sensitive receptors (discrete or representative locations of a noise-sensitive area) within the study area that are likely to be impacted by traffic noise.
- Determine existing noise levels using FHWA's *Noise Measurement Field Guide and Handbook* (2018).
- Analyze all alternatives for traffic noise impacts based on characteristics that would yield the worst traffic noise impact for the design year (in this case, 2040).
- Consider traffic noise abatement measures, if applicable.
- Evaluate noise abatement measures based on both feasibility and reasonableness (defined herein).

FHWA's approved Traffic Noise Model (TNM 2.5) was used for this analysis. The basic inputs to noise modeling include roadway network layout, site characteristics, traffic volume projections, fleet mix, and vehicular operating speeds. All TNM input/output files are included in Attachment 1.

6. Traffic and Speed Data

Average Annual Daily Traffic (AADT) volumes for existing (2016) and future (2040) traffic conditions, provided by WYDOT, were used to derive peak-hour volumes. WYDOT assumed no difference between the No Build and Build traffic volumes. Also, the peak-hour volumes were assumed to be 10 percent of the total AADT volumes. The vehicle mix was assumed 97.5 percent automobiles and 2.5 percent trucks on WYO 22 and 98 percent automobiles and 2 percent trucks on WYO 390. All trucks were assumed to be heavy to provide a conservative estimate of noise levels. The existing posted speed limit is 45 miles per hour (mph) within the project limits. The future posted speed limit is not expected to change. Table 2 summarizes the existing and future traffic data.

Table 2: Existing and Future Traffic Data

Roadway Station and Milepost (MP)	Roadway Segment	Vehicle Type	Existing Traffic Volumes (2016)		Future Traffic Volumes (2040)	
			AADT	Peak Hour	AADT	Peak Hour
WYO 22 (MP 8.9)	East of WYO 390	Cars	13,553	1,355	20,475	2,047
		Medium Trucks	0	0	0	0
		Heavy Trucks	348	35	525	53
		Totals	13,900	1,390	21,000	2,100
WYO 22 (MP 5.0)	West of WYO 390	Cars	10,969	1,097	17,550	1,755
		Medium Trucks	0	0	0	0
		Heavy Trucks	281	28	450	45
		Totals	11,250	1,125	18,000	1,800
WYO 390 (MP 0.1)	North of WYO 22	Cars	11,270	1,127	15,680	1,568
		Medium Trucks	0	0	0	0
		Heavy Trucks	230	23	320	32
		Totals	11,500	1,150	16,000	1,600

Note: All trucks were assumed to be heavy to provide a conservative estimate of noise levels.

7. Noise-sensitive Receptors

Noise-sensitive receptors are those areas where frequent outdoor human use would occur that may be impacted by future conditions. These receptors were identified within the study area, which is comprised of those areas where noise impacts may occur.

There are approximately 15 representative noise-sensitive receptors in the study area that were included in the noise model (refer to Figure 2). No category A land uses were identified. Most of the noise-sensitive receptors include residential development (category B) and recreational uses (category C). Category C land uses in the project area include Stilson Park (R1) Rendezvous 'R' Park (R6), Levy Trail (R7), and Emily Stevens Park (R8). Category D activities (indoor noise levels) were not considered because exterior outdoor uses exist on these properties (category C) that would be considered more noise sensitive. There

are no category E or G land uses within the study area. Agricultural land (category F) was identified within the study area, but noise analysis is not required for this category.

8. Traffic Noise Measurements and Model Validation

In July 2019, six noise measurements were taken within the study area to determine ambient noise levels. These measurements were used to validate the traffic noise model and ensure noise level predictions are as accurate as possible. Weather conditions were mostly clear with 0- to 10-mph winds. Highway pavement conditions were dry. Temperatures ranged from approximately 60 to 75 degrees Fahrenheit throughout the day. Noise monitoring was conducted using a Quest 2900 Type I sound level meter that meets American National Standards Institute (ANSI) standards. Meters were calibrated and placed 5 feet above ground surface, as this is the average height of the human ear. Each noise measurement was collected for approximately 15 minutes at each location, as called for by FHWA guidance. Traffic counts were collected by vehicle type simultaneously with the noise measurements. Operating speeds, existing geometry, and traffic counts were input into the FHWA-approved TNM 2.5 software for validation analysis. Field datasheets are included in Attachment 2.

Table 3 summarizes the field-recorded and TNM-predicted noise levels. Figure 2 depicts the locations of the noise monitoring locations (NML). The differences between the field recordings and the noise levels predicted by the model were within 3 dBA at each receptor, which is considered validated per FHWA guidance. Therefore, the model was considered an accurate representation of the existing conditions.

Table 3: Field-recorded and TNM-predicted Noise Levels

Noise Monitoring Location	Field-recorded Noise Levels	TNM-predicted Noise Levels	Difference L_{eq}
NML 1 (Single-family residential along River Hollow Road)	54.7	54.2	-0.5
NML 2 (Rendezvous 'R' Park/river access)	59.8	60.2	0.4
NML 3 (at WYO 22 and Iron Rock Road near multifamily residential)	70.8	69.0	-1.8

9. Existing and Future Noise Levels

Existing and future noise models were developed for all noise-sensitive receptors within the study area. All modeled noise-sensitive receptors are depicted on Figure 2. The modeled noise levels for existing, No Build, and Build conditions are summarized in Table 4. Noise receptors were sometimes grouped according to their activity category. For example, R9 represents six multifamily residential units because the noise levels and activities are similar for all of them.

Table 4: Existing and Future Noise Levels (dBA)[1]

Receptor Number	Receptor Description	No. of Receptors by Activity	NAC Category/ L_{eq}	2016 Existing Noise Levels	2040 No Build Alternative Noise Levels	2040 Build Alternative Noise Levels	Difference between Build and Existing	Build Alternative Impact?
R1	REC – Stilson Park	1	C/66	53	55	56	+3	No
R2	SFR – 4555 River Hollow Road	1	B/66	51	53	52	+1	No
R3	SFR – 4575 River Hollow Road	1	B/66	51	53	54	+3	No
R4	SFR – 4605 River Hollow Road	1	B/66	52	54	54	+2	No
R5	SFR – 4625 River Hollow Road	1	B/66	51	53	54	+3	No
R6	REC – R Park/River Access	1	C/66	58	61	60	+2	No
R7	REC – Levy Trail	1	C/66	56	58	57	+1	No
R8	REC – Emily Stevens Park	1	C/66	55	57	55	0	No
R9	MFR – 12 55 Iron Rock Road	5	B/66	57	58	57	0	No
R10	SFR – Crane Creek Ranch	1	B/66	51	54	53	+2	No

[1] REC = Recreational, SFR = Single-family residential, MFR= Multifamily residential

9.1 Existing Conditions

Under existing conditions, none of the noise-sensitive receptors within the study area would meet or exceed the NAC.

9.2 No Build Alternative

By the year 2040, none of the noise-sensitive receptors within the study area would meet or exceed the NAC. Noise levels at sensitive receptors would be 2 to 3 dBA higher than under existing conditions.

9.3 Build Alternative

In the design year 2040, under the Build Alternative scenario, none of the noise-sensitive receptors within the study area would meet or exceed the NAC. Noise levels at sensitive receptors would increase up to 3 dBA compared to those under existing conditions, and from 2 dBA lower to 1 dBA higher than those under the No Build Alternative.

10. Construction Noise

Construction activities associated with the proposed project would temporarily elevate noise levels in the proposed study area. Noise resulting from construction activities would depend on the different types of equipment used, the distance between construction noise sources and sensitive noise receptors, and the timing and duration of noise-generating activities. Construction activities would be temporary and would mostly occur during normal daytime hours.

Noise associated with the construction of the proposed project is difficult to predict. Heavy machinery, the major source of noise during construction, is constantly moving in unpredictable patterns. However, construction normally occurs during daylight hours when occasional loud noises are more tolerable. None of the receptors are expected to be exposed to construction noise for a long duration; therefore, any extended disruption of normal activities is not expected. If noise is a concern during construction, further assessment will be required to determine use of appropriate control measures in an effort to reduce temporary noise levels.

11. Conclusions and Recommendations

No sensitive receptors are projected to have noise levels approaching or exceeding the NAC. The Build Alternative is not expected to result in an increase of 15 dBA over existing conditions at any sensitive receptor. Therefore, noise abatement measures were not evaluated or recommended for this project. However, if substantial changes are made to this project's design elements, the noise analysis will need to be re-assessed to evaluate the impact of those changes.

Attachment 1
TNM input/output files – provided electronically to WYDOT

Attachment 2
Field Datasheets

Jackson Noise

Noise Measurement Data Sheet

Site: Meter 1 — Date: 7/18/17

Noise Meter Model — Response: Fast ☐ Slow ☐ — Weighting: A ☑ C ☐ — Battery*: 7.5 (*replace if below 50%)

Calibrator Model — Calibrator @ 114 dBA: Start — End

Weather Data: Temp 60 — Humidity — Wind Speed 2 mph — Notes

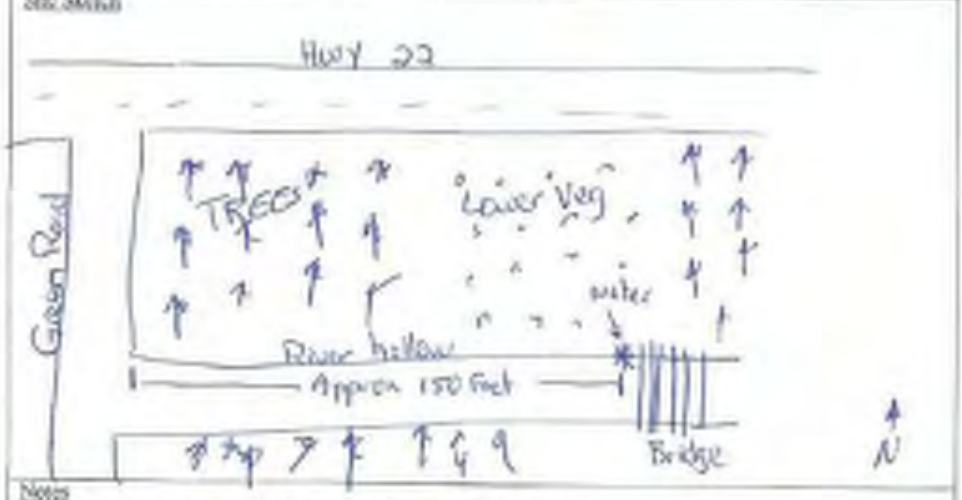
Measurement Data

Event	Begin Time	End Time	L_{eq} (dBA)	L_{max} (dBA)	L_{min} (dBA)
1	513	523	58.7	77.1	64.1
2	535	550	53.6	42.5	61.5

Traffic Data (Speed = mph)

Event	Direction	Autos	Medium Trucks	Heavy Trucks	Motorcycle	Buses
1	22 E/B	197	7	2	—	—
1	22 W/B	102	2	13	—	—
2	22 East	220	2	5	2	—
2	22 West	85	1	4	3	—

Site Sketch



Notes
(Major sources, background noise, unusual events, etc.)

During Event 1 → 3 vehicles passed by meter on River hollow
During Event 1 → 4 cars south / 3 cars north on Green Road

During Event 2 → 7 cars south / 7 cars / 1 mail truck north on Green

Jackson Noise

Noise Measurement Data Sheet

Site: Meter 2 Date: 7/15/19

Noise Meter Model	Response Fast ☐ Slow ☐	Weighting A ☑ C ☐	Battery* 7.9 *replace if below 50%
Calibrator Model	Calibrator @ 114 dBA Start	End	

Weather Data
Temp 65 Humidity Wind Speed (C) mph Notes

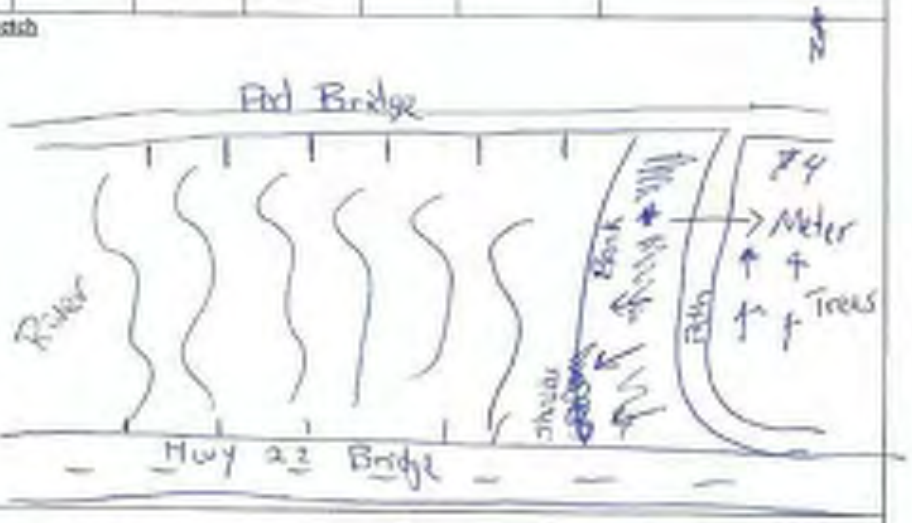
Measurement Data

Event	Begin Time	End Time	L_{eq} (dBA)	L_{min} (dBA)	L_{max} (dBA)
3	930	945	59.8	55.1	66.7
4	949	1004	59.3	52.6	66.2

Traffic Data (Speed = mph)

Event	Direction	Autos	Medium Trucks	Heavy Trucks	Motorcycle	Buses
3	22 East	246	8	3	1	—
3	22 West	173	7	4	1	2
4	22 East	217	4	3	2	—
4	22 West	206	11	5	2	1

Site Sketch



Notes
(Major sources, background noise, unusual events, etc.)
Bank slopes toward River, bank ~~muddy~~ sparse veg

Jackson Noise

Noise Measurement Data Sheet

Site: Meter 3 — Date: 7/13/16

Noise Meter Model: — Response: Fast ☐ Slow ☐ — Weighting: A ☐ C ☐ — Batteries:* (*replace if below 50%)

Calibrator Model: — Calibrator @ 114 dBA: Start — End

Weather Data: Temp 72 Humidity — Wind Speed 5-10 mph — Notes: wind gusty @ times

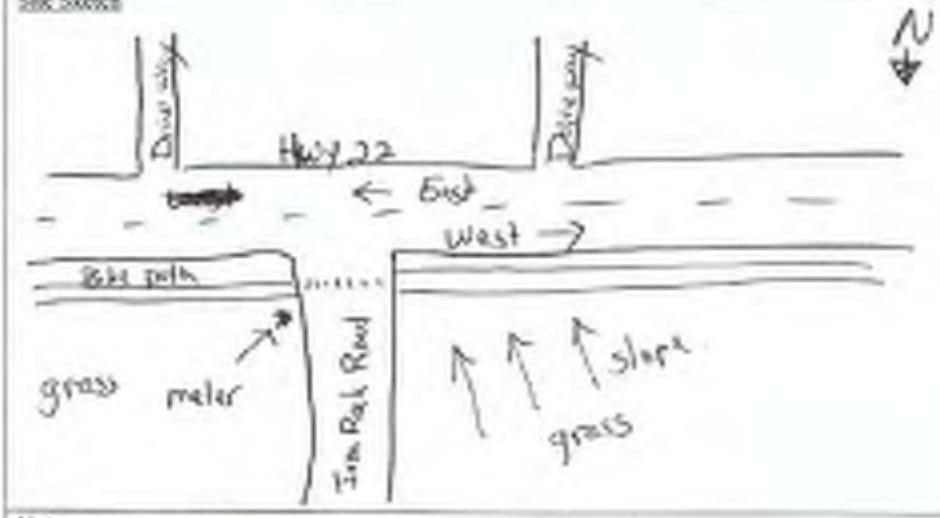
Measurement Data

Event	Begin Time	End Time	L_{eq}(dBA)	L_{min}(dBA)	L_{max}(dBA)
5	1036	1051	71.4	53.5	81.3
6	1053	1103	70.5	51.6	79.1

Traffic Data (Speed = mph)

Event	Direction	Autos	Medium Trucks	Heavy Trucks	Motorcycle	Buses
5	22 East	216	3	—	1	3
5	22 West	188	8	3	2	1
6	22 East	216	8	5	2	-
6	22 West	164	3	3	1	1

Site Sketch



Notes
(Major sources, background noise, unusual events, etc.)

Stakeholder Charter

Stakeholder Group Charter

Jackson - Wilson
Snake River Bridge

Purpose: The purpose of this Charter is to provide a framework for cooperation to establish a mutually agreeable process for soliciting input and coordinating matters throughout the full design process related to improvement of WYO Highway 22/390 and the Snake River Bridge between Jackson and Wilson, WY, hereinafter referred to as way. To facilitate this process WYDOT is forming a consensus based Stakeholder Group. This cooperation serves the mutual interest of the parties and the public, by establishing the responsibilities and operation of the Stakeholder Group.

Statement of Mutual Benefit and Interests

The signatories recognize the need for safety improvements to the Highway for the benefit of the traveling public. Furthermore, signatories recognize the vital role that the Highway corridor plays in the community and that this Highway is unique with regard to the natural environment, wildlife habitat, scenic characteristics and recreational opportunities. The utmost care should be taken to preserve these characteristics in the design and construction of the Highway. The Stakeholder Group shall provide input in these matters.

As a designated representative you shall serve on the Stakeholder Group. WYDOT shall be notified in a timely manner of a change in the designated representative. The WYDOT representative shall arrange and coordinate meetings of the Stakeholder Group.

Mission

The Stakeholder Group Charter provides recommendations on the road design that will positively affect safety, travel, economic, environmental and aesthetic considerations. The committee will reach consensus on recommendations by identifying and resolving the pertinent issues. The goal of the committee is for the completed highway to serve as a model in an environmentally sensitive and heavily traveled area.

Parties to this Charter Mutually agree that:

1. Members of the Stakeholder Group will review road design plans to ensure adherence to the 2014

Wyoming Highways 22 and 390 Planning and Environmental Linkages Study (PEL). 2. The Stakeholder Group will review design plans; recommendations and standards pertaining to roadside

safety features including clear safety zones and shoulders; retaining structures, if required; wildlife and fisheries concerns; wetland mitigation; construction controls to minimize disruption to wildlife,

1 of 3

recreational activities, and construction sequencing controls to minimize disruption to tourist, commuter and commercial traffic. Representatives will attend field inspections and reviews pertaining to the items aforementioned. Throughout the project development process, after each plan issuance, the Stakeholder Group will review the plans and provide comments. The Stakeholder Group will meet following the issuance of Preliminary plans, Grading plans and Right-of-way/Engineering plans. No meetings are planned after the issuance of Right-of-way/Utility plans and Final plans. If there are significant changes or modifications on Final Plans a meeting may be held at WYDOT or the Stakeholder Groups request. Comments can be sent to the Resident Engineer in the absence of a meeting. At a minimum of two weeks prior to the scheduled inspections, notification of the inspection and plans will be sent to each Stakeholder Group representative. Representatives agree to attend all the meetings as reasonably feasible. If attendance cannot be met a replacement representative may be sent in your place. To ensure a quality Stakeholder Group, consistent representatives at every meeting is imperative. The WYDOT Stakeholder Group Representative will relay to the project engineers forth through participation in the Stakeholder Group Subsequently, each Stakeholder Group member will receive a report describing how these concerns will be addressed. Stakeholder Group Representatives will inform the public and constituents of the progress of the project's development through the design

Signatories

Bob Hammond
Wyoming Department of Transportation

Sean O'Malley and Amy Ramage
Teton County

Gary Fralick and Aly Courtemanch
Wyoming Game and Fish Department

Darrin Brugmann
Transit

Jack Koehler
Friends of Pathways

Chris Colligan
Greater Yellowstone Coalition

David Hardie and Ross Mountain
Rivers Hollows Homeowners Association

Bill Schreiber
Jackson Hole Mountain Resort

Melissa Turley
Teton Village Association ~~Jackson Hole Mountain Resort~~ (SD)

Lynne Weiden
Community Representative

Public Meeting Materials

The Wyoming Department of Transportation,
(WYDOT) will be hosting a

PUBLIC MEETING

Snake River Bridge Replacement Project

February 21 • 5 p.m. to 7 p.m

SpringHill Suites Conference Room
150 W Simpson Avenue in Jackson

There will be a short presentation, followed by an open format for questions. For those wishing to see the presentation, it will begin at 5:15 p.m. All others are encouraged to drop by anytime until 7 p.m. The meeting will have information about WYDOT's plans to replace the Snake River Bridge and improve the intersection of WYO 22 and WYO 390.

WYOMING TRANSPORTATION DEPARTMENT

Snake River Bridge Project Meeting

Name	Adjacent Landowner?	Phone	Email Address	Race/ Ethnicity	Wish not to answer
Carol Harkness	No	733-5023	cjh@wyoming.com	white	
John Harkness	No	"	harkness@wyoming.com	"	
Tim Meehan	No	413 7335	[illegible]estate.com	"	✓
Dan Baker	No	40598592			✓
Pat Baker	No	—			✓
Tim Young	No		tim@wyopath.org		
Joe Albright	NO	734-7788	Joe@flatcreekranch.com	—	✓
Marcia Kunstel	No	200-1515	marcia@flatcreekranch.com	-	✓
Bob Diehl	No		robisdiehl@[illegible]		
Horst Spitzer		733-7974	POB 1307 Wilson 83014		✓
Leslie Petersen	No	733-2016	lesliepetersen@wyoming.com	white	

Snake River Bridge Project Meeting

Name	Adjacent Landowner?	Phone	Email Address	Race/ Ethnicity	Wish not to answer
Wendy Morgan	Game Park yes	413-6658	wmorgan@wyoming.com		
Greg Buckko	NO	413-3727	gbuckko@wyoming.com		
Leah Zanowski	no	307-733-9478	leah@jhalliance.org	W	
Tiana Mackintosh	STILSON	307-413-7428	tmackewyoming.com		
Kendall Senton	NO	307-699-7500	[redacted] nancysenton21@gmail.com		
Nancy Senton	no	307-699-8899	nancysenton21@gmail.com		
GREER FREED	NO	307-699-4692	greer_freed@tnc.org		
SHARON MADEN	NO	307-690-5245	SMADEN@WPCA.ORG		
Mac Dukart	ND	307-690-5729	Mdukart@hotmail.com		

Snake River Bridge Project Meeting

Name	Adjacent Landowner?	Phone	Email Address	Race/ Ethnicity	Wish not to answer
Cynthia Bardman	N	307 2742639	cb@summitec.net	White	
Lorna Miller	N	-	Lornamiller@live.com		
Jessica Jaubert		307 2036288	jessicajaubert@gmail.com	white	
Dr. David Waldman	N	610-212-1579	sugaree3755@hotmail	W	
[illegible]		307-690-0175	[illegible]	W	
JACK KOEHLER					
Hank Phibbs		690 5004	phibbslaw@[illegible].com	W	
Jim Terry		690-6455	jterrywyo@[illegible]		
KEVIN COCHARY	N	415-656-9883			
SANDY SHUPTRINE	No	307733[illegible]	sandyshuptrine@wyom.net		
[illegible]	N -	307 413 7336	[illegible]@mac.com	?/	

Snake River Bridge Project Meeting

Name	Adjacent Landowner?	Phone	Email Address	Race/ Ethnicity	Wish not to answer
Dick Shuptrine	Game Creek Yes	733-6371	dickshuptrine@wyom.net	W	
DAVID LANDES	NO	206 851 6100	skijackson@icloud.com		
R Swenef	no	609 865 4558	RSwendiz@gmail.ca	W	
Maria Wilson	No.	515 571 7137	maria@wildliane.org	W	
Bill McNamara	no	690-2799	wfmcnamara@gmail.com	W	
Tom Segerstrom	No	733-2110	Tom@tetonconservation.org	Teton Conservation District	
Patrick Domwick	No	7039275986	1PLDOM@GMAIL.COM		✓
Frank Brummer	No	217-343-9353	fbrummer@fornwell.com	✓	
Ashley Wald	No	699-4901	AshleyRWalton@gmail		
Julie Walker	No	699-1029	wywalkers@yahoo.com		✓

Snake River Bridge Project Meeting

Name	Adjacent Landowner?	Phone	Email Address	Race/ Ethnicity	Wish not to answer
Don Gervais	NO	9144335223	donaldgervais@gmail.com		
Robert Feagin	NO	307 690-4229	rf@aspentranch.com		
Jeff Rice	NO	307 690 7900	rice@pingoraholdings.com		

Snake River Bridge Project Meeting

Name	Adjacent Landowner?	Phone	Email Address	Race/ Ethnicity	Wish not to answer
Jon Mabeck	NO	307-739-0968	jon@jhwildlife.org	Caucasian	
DENNY EMORY	YES HOMEOWNER LA	307/733-3601	DENNYEMORY@EARTHLINK.NET	AMERICAN	

Snake River Bridge Project Meeting

Name	Adjacent Landowner?	Phone	Email Address	Race/ Ethnicity	Wish not to answer
DARREN BRUGMANN	NO	307 732 8610	DBRUGMANN@JACKSONWY.GOV	CAUCASIAN	
SUE LURIE	N/A		terra272@hotmail.com		
Susan Mick	STAFF Board	307 413 5066	Smickenator@gmail.com		
WILL BRADDY	NO	690 3777	harbertbiv@gmail.com	white	
JANICE SPROULE	NO	208 403 2333	janicesproule@yahoo.com		
TURNER ROSOR	NO	307 690 4118	TurnerRosa@gmail.com		
Bill Graham	YES	307-690-4123	13XGraham@AOL.com		
Amy PUCCIA	No		amy.puccia@gmail		
Bill Schreiber	NO BUT CLOSE	307-690-7623	bill.schreiber@jacksonhole.com		X
Andrew Whiteford	No	802 233-0723	awhiteford@gmail.com		

Public and Stakeholder Meetings

Meeting Type	Date	Location
Public Meeting	February 21, 2019	150 W. Simpson Ave., Jackson WY
Public Meeting	October 17, 2019	150 W. Simpson Ave., Jackson WY
Stakeholder Meeting	December 18, 2018	Teton County Public Works building
Stakeholder Meeting	January 29, 2019	Teton County Public Works building
Stakeholder Meeting	April 24, 2019	Teton County Public Library
Stakeholder Meeting	June 12, 2019	Teton County Public Library
Stakeholder Meeting	July 24, 2019	Teton County Public Library
Stakeholder Meeting	November 19, 2019	Teton County Public Library
Stakeholder Meeting	March 26, 2020	Webex
Stakeholder Meeting	August 20, 2020	Webex
Stakeholder Meeting	December 14, 2020	Webex
Transit Subgroup Meeting	June 12, 2019	Webex
Transit Subgroup Meeting	September 27, 2019	Webex
Transit Subgroup Meeting	December 5, 2019	Webex
Wildlife Subgroup Meeting	January 16, 2019	Teton County Public Works building
Wildlife Subgroup Meeting	April 25, 2019	Teton County Public Works building
Wildlife Subgroup Meeting	June 11, 2019	Teton County Public Library
Wildlife Subgroup Meeting	July 16, 2019	Teton County Public Library

Facility Description

Facility Name: Jackson-Wilson Road Snake River Bridge HIP2000058 ARSCTWL32301 STP-2000062 ARSCT-2000A01 ARSCT-2000A02

Facility Address: Jackson/Wilson RD (WYO 22) Snake River Bridge. WYO 22 Begin STA 721+93 END STA 800+05. WYO 390 BEGIN STA 1+32 END STA 18+17

City: Jackson State: Wyoming ZIP: 83014/83001

County: Teton Tel. Number: 303-363-1000

Owner or Operator Name: Rob Wise

Owner or Operator Address: 1265 3rd St

City: Wilson State: WY ZIP: 83014

County: Natrona Tel. Number: 303-882-0505

I. Self-Certification Statement (§112.6(a)(1))

I Rob Wise certify that the following is accurate:

1. I am familiar with the applicable requirements of 40 CFR part 112;
2. I have visited and examined the facility;
3. This Plan was prepared in accordance with accepted and sound industry practices and standards;
4. Procedures for required inspections and testing have been established in accordance with industry inspection and testing standards or recommended practices;
5. I will fully implement the Plan;
6. This facility meets the following qualification criteria (under §112.3(g)(1)):
   a. The aggregate aboveground oil storage capacity of the facility is 10,000 U.S. gallons or less; and
   b. There is no individual oil storage container at the facility with an aboveground capacity greater than 5,000 U.S. gallons.
7. This Plan and individual(s) responsible for implementing this Plan have the full approval of management and I have committed the necessary resources to fully implement this Plan.

I also understand my other obligations relating to the storage of oil at this facility, including, among others:

1. To report any oil or hazardous discharge to navigable waters or adjoining shorelines to the appropriate authorities. Notification information is included in this Plan.
2. To review and amend this Plan whenever there is a material change at the facility that affects the potential for an oil or hazardous discharge, and at least once every five years.

Signature: [signature] Title: Project Manager

Name: Rob Wise Date: 3/6/2023

II. Record of Plan Review and Amendments

Five Year Review (§112.5(b)):

Complete a review and evaluation of this SPCC Plan at least once every five years. As a result of the review, amend this Plan within six months to include more effective prevention and control measures for the facility, if applicable. Implement any SPCC Plan amendment as soon as possible, but no later than six months following Plan amendment. Document completion of the review and evaluation, and complete the Five Year Review Log in Attachment 1.1. If the facility no longer meets Tier I qualified facility eligibility, the owner or operator must revise the Plan to meet Tier II qualified facility requirements, or complete a full PE certified Plan.

Table G-1 Technical Amendments (§§112.5(a), (c) and 112.6(a)(2))	
This SPCC Plan will be amended when there is a change in the facility design, construction, operation, or maintenance that materially affects the potential for a discharge to navigable waters or adjoining shorelines. Examples include adding or removing containers, reconstruction, replacement, or installation of piping systems, changes to secondary containment systems, changes in product stored at this facility, or revisions to standard operating procedures.	☒

Any technical amendments to this Plan will be re-certified in accordance with Section I of this Plan template. *[§112.6(a)(2)]* **[See Technical Amendment Log in Attachment 1.2]**	☒

III. Plan Requirements

1. Oil Storage Containers (§112.7(a)(3)(i)):

Table G-2 Oil Storage Containers and Capacities		
This table includes a complete list of all oil storage containers (aboveground containers[a] and completely buried tanks[b]) with capacity of 55 U.S. gallons or more, unless otherwise exempt from the rule. For mobile/portable containers, an estimated number of containers, types of oil, and anticipated capacities are provided.		☒
Oil Storage Container *(indicate whether aboveground (A) or completely buried (B))*	**Type of Oil**	**Shell Capacity (gallons)**
A – Horizontal, single wall, cylindrical UL-142 steel tank #1 on saddles and pad	Diesel, off-road	1000
A – Horizontal, single wall, cylindrical UL-142 steel tank #1 on saddles and pad	Diesel, off-road	2000

Total Aboveground Storage Capacity [c] 3000 gallons
Total Completely Buried Storage Capacity 0 gallons
Facility Total Oil Storage Capacity 3000 gallons

[a] Aboveground storage containers that must be included when calculating total facility oil storage capacity include: tanks and mobile or portable containers; oil-filled operational equipment (e.g. transformers); other oil-filled equipment, such as flow-through process equipment. Exempt containers that are not included in the capacity calculation include: any container with a storage capacity of less than 55 gallons of oil; containers used exclusively for wastewater treatment; permanently closed containers; motive power containers; hot-mix asphalt containers; heating oil containers used solely at a single-family residence; and pesticide application equipment or related mix containers.

[b] Although the criteria to determine eligibility for qualified facilities focuses on the aboveground oil storage containers at the facility, the completely buried tanks at a qualified facility are still subject to the rule requirements and must be addressed in the template; however, they are not counted toward the qualified facility applicability threshold.

[c] Counts toward qualified facility applicability threshold.

2. Secondary Containment and Oil Spill Control (§§112.6(a)(3)(i) and (ii), 112.7(c) and 112.9(c)(2)):

Table G-3 Secondary Containment and Oil Spill Control	
Appropriate secondary containment and/or diversionary structures or equipment[a] is provided for all oil handling containers, equipment, and transfer areas to prevent a discharge to navigable waters or adjoining shorelines. The entire secondary containment system, including walls and floor, is capable of containing oil and is constructed so that any discharge from a primary containment system, such as a tank or pipe, will not escape the containment system before cleanup occurs.	☒

[a] Use one of the following methods of secondary containment or its equivalent: (1) Dikes, berms, or retaining walls sufficiently impervious to contain oil; (2) Curbing; (3) Culverting, gutters, or other drainage systems; (4) Weirs, booms, or other barriers; (5) Spill diversion ponds; (6) Retention ponds; or (7) Sorbent materials.

Table G-4 below identifies the tanks and containers at the facility with the potential for an oil discharge; the mode of failure; the flow direction and potential quantity of the discharge; and the secondary containment method and containment capacity that is provided.

Table G-4 Containers with Potential for an Oil Discharge

Area	Type of failure (discharge scenario)	Potential discharge volume (gallons)	Direction of flow for uncontained discharge	Secondary containment method[a]	Secondary containment capacity (gallons)
Bulk Storage Containers and Mobile/Portable Containers[b]					
2000 gal off-road diesel tank	Tank overfill, fitting leak, seam failure	10 – 2000	Radial	Concrete pad and earthen berm	13,464
1000 gal off-road diesel tank	Tank overfill, fitting leak, seam failure	10 – 1000	Radial	Concrete pad and earthen berm	13,464
Oil-filled Operational Equipment (e.g., hydraulic equipment, transformers)[c]					
None					
Piping, Valves, etc.					
Aboveground piping between diesel and gasoline tanks and dispensers	Fitting leak or failure	1	South East	Concrete pad and earthen berm	13,464
Motor, hydraulic, lubrication, and adjuvant oil dispensing hoses	Fitting leak or failure, hose failure	< 1	Radial	Spill kit	Absorbs up to 25
Product Transfer Areas (location where oil is loaded to or from a container, pipe or other piece of equipment.)					
Diesel fuel transfer area	Receiving tank overfill, fitting leak or failure, fuel transfer hose failure	1 – 15	Radial	Spill kit	Absorbs up to 25
Other Oil-Handling Areas or Oil-Filled Equipment (e.g. flow-through process vessels at an oil production facility)					
None					

[a] Use one of the following methods of secondary containment or its equivalent: (1) Dikes, berms, or retaining walls sufficiently impervious to contain oil; (2) Curbing; (3) Culverting, gutters, or other drainage systems; (4) Weirs, booms, or other barriers; (5) Spill diversion ponds; (6) Retention ponds; or (7) Sorbent materials.

[b] For storage tanks and bulk storage containers, the secondary containment capacity must be at least the capacity of the largest container plus additional capacity to contain rainfall or other precipitation.

[c] For oil-filled operational equipment: Document in the table above if alternative measures to secondary containment (as described in §112.7(k)) are implemented at the facility.

3. Inspections, Testing, Recordkeeping and Personnel Training (§§112.7(e) and (f), 112.8(c)(6) and (d)(4), 112.9(c)(3), 112.12(c)(6) and (d)(4)):

Table G-5 Inspections, Testing, Recordkeeping and Personnel Training	
An inspection and/or testing program is implemented for all aboveground bulk storage containers and piping at this facility. *[§§112.8(c)(6) and (d)(4), 112.9(c)(3), 112.12(c)(6) and (d)(4)]*	☒
The following is a description of the inspection and/or testing program (e.g. reference to industry standard utilized, scope, frequency, method of inspection or test, and person conducting the inspection) for all aboveground bulk storage containers and piping at this facility: 1) An assigned knowledgeable employee does periodic visual inspections of the aboveground oil storage container, including all aboveground container piping using Attachment 3.1 to document inspections; records of inspections consist of the monthly inspection checklist and the annual inspection checklist in the Steel Tank Institute (STI) SP001 inspection standard. Visual inspections of oil storage containers follow the inspection schedule in Attachment 3.2 of this plan. 2) The liquid level gauges on the off-road diesel, are also adjusted, tested, and inspected monthly following the gauge manufacturer's procedures by the assigned worker; Attachment 3.1 documents these inspections. 3) An assigned knowledgeable farm employee also visually inspects the dispensers at the Fuel Transfer Area for indications of deterioration and discharges, including the transfer hoses and fittings, at least monthly. 4) Workers inspect the earthen berm containments on a weekly basis for signs of deterioration, discharges (leaking tanks or piping), or accumulation of oil. In addition, farm workers inspect the berm containments after any heavy rainfall. These inspections are documented in Attachment 3.1. As the berm containments do not have drains, the collected rain is pumped from the berm containments by using a portable pump but only after the inspection shows that there is no oil or oil sheen present. If oil or oil sheen is detected on rainwater in the berm, then oily rainwater is pumped into the 250-gal waste oil tote for disposal by the waste oil hauler contractor or the contractor is requested to remove the oily rainwater in the berm contents for disposal. Each drainage activity is recorded in Attachment 3.3. Record keeping for disposal of waste oil or oil-contaminated water accumulated in the berm area is in Attachment 3.3 of this plan. 5) If employee encounters a spill during an inspection of the oil storage or transfer equipment, the employee will immediately take the necessary actions outlined in Table G-7.	
Inspections, tests, and records are conducted in accordance with written procedures developed for the facility. Records of inspections and tests kept under usual and customary business practices will suffice for purposes of this paragraph. *[§112.7(e)]*	☒
A record of the inspections and tests are kept at the facility or with the SPCC Plan for a period of three years. *[§112.7(e)]* **[See Inspection Log and Schedule in Attachment 3.1]**	☒
Inspections and tests are signed by the appropriate supervisor or inspector. *[§112.7(e)]*	☒
Personnel, training, and discharge prevention procedures [§112.7(f)]	
Oil-handling personnel are trained in the operation and maintenance of equipment to prevent discharges; discharge procedure protocols; applicable pollution control laws, rules, and regulations; general facility operations; and, the contents of the facility SPCC Plan. *[§112.7(f)]*	☒
A person who reports to facility management is designated and accountable for discharge prevention. *[§112.7(f)]* Name/Title: James Thompson / Project Superintendent	☒
Discharge prevention briefings are conducted for oil-handling personnel annually to assure adequate understanding of the SPCC Plan for that facility. Such briefings highlight and describe past reportable discharges or failures, malfunctioning components, and any recently developed precautionary measures. *[§112.7(f)]* **[See Oil-handling Personnel Training and Briefing Log in Attachment 3.4]**	☒

4. Security (excluding oil production facilities) §112.7(g):

Table G-6 Implementation and Description of Security Measures	
Security measures are implemented at this facility to prevent unauthorized access to oil handling, processing, and storage area.	☒

The following is a description of how you secure and control access to the oil handling, processing and storage areas; secure master flow and drain valves; prevent unauthorized access to starter controls on oil pumps; secure out-of-service and loading/unloading connections of oil pipelines; address the appropriateness of security lighting to both prevent acts of vandalism and assist in the discovery of oil discharges:

1) The project is visited daily and the tank is in sight and smell of the work zones. The traveling public will also be within sight and smell to report any spill.
2) Tank fill pipes are capped and locked when not in use; these tanks do not have drain valves.
3) Fuel dispensers and their pump control switches are locked when not in use.
4) Fuel truck with tank are locked when they are not in use.

5. Emergency Procedures and Notifications (§112.7(a)(3)(iv) and 112.7(a)(5)):

Table G-7 Description of Emergency Procedures and Notifications

The following is a description of the immediate actions to be taken by facility personnel in the event of a discharge to navigable waters or adjoining shorelines *[§112.7(a)(3)(iv) and 112.7(a)(5)]*:

1) Shutdown pumping in event of a spill during fuel transfer operation.
2) Eliminate potential sources of ignition such as open flames or sparks.
3) If possible, safe, and trained to do so, identify and secure source of the discharge and contain the discharge with sorbents, sandbags, or other material from the spill kits.

    a. The main spill kit is in the area opposite the fuel dispensers at the fuel storage and transfer area.

4) Contact regulatory authorities and other response personnel and organizations (see subsection 6).

6. Contact List (§112.7(a)(3)(vi)):

Table G-8 Contact List	
Contact Organization / Person	**Telephone Number**
National Response Center (NRC)	1-800-424-8802
Key Facility Personnel	
Designated Person Accountable for Discharge Prevention: Rob Wise, Project Manager	Office: 303-363-1000
	Emergency: 303-882-0505
James Thompson, Project Superintendent	Office: 303-363-1000
	Emergency: 720-270-1731
Ben Bacca, Project Engineer	Office: 303-353-1000
	Emergency: 720-731-3171
Tim Boetger, Regional Safety Manager	Office: 303-882-0505
	Emergency:
State Oil Pollution Control Agencies Wyoming Department of Environmental Quality WDEQ	370-777-7501
Local Fire Department	911
Local Police Department	911
Hospital St John's Health 624 E Broadway Ave, Jackson, WY 83001	307-733-3636

7. NRC Notification Procedure (§112.7(a)(4) and (a)(5)):

Table G-9 NRC Notification Procedure	
In the event of a discharge of oil to navigable waters or adjoining shorelines, the following information identified in Attachment 4 will be provided to the National Response Center immediately following identification of a discharge to navigable waters or adjoining shorelines **[See Discharge Notification Form in Attachment 4]**: *[§112.7(a)(4)]*	☒
• The exact address or location and phone number of the facility; • Date and time of the discharge; • Type of material discharged; • Estimate of the total quantity discharged; • Estimate of the quantity discharged to navigable waters; • Source of the discharge; • Description of all affected media; • Cause of the discharge; • Any damages or injuries caused by the discharge; • Actions being used to stop, remove, and mitigate the effects of the discharge; • Whether an evacuation may be needed; and • Names of individuals and/or organizations who have also been contacted.	

8. SPCC Spill Reporting Requirements (Report within 60 days) (§112.4):

Submit information to the EPA Regional Administrator (RA) and the appropriate agency or agencies in charge of oil pollution control activities in the State in which the facility is located within 60 days from one of the following discharge events:

A single discharge of more than 1,000 U.S. gallons of oil to navigable waters or adjoining shorelines or
Two discharges to navigable waters or adjoining shorelines each more than 42 U.S. gallons of oil occurring within any twelve month period

You must submit the following information to the RA (Region VI)

(1) Name of the facility;
(2) Your name;
(3) Location of the facility;
(4) Maximum storage or handling capacity of the facility and normal daily throughput;
(5) Corrective action and countermeasures you have taken, including a description of equipment repairs and replacements;
(6) An adequate description of the facility, including maps, flow diagrams, and topographical maps, as necessary;
(7) The cause of the reportable discharge, including a failure analysis of the system or subsystem in which the failure occurred; and
(8) Additional preventive measures you have taken or contemplated to minimize the possibility of recurrence
(9) Such other information as the Regional Administrator may reasonably require pertinent to the Plan or discharge

Table G-10 General Rule Requirements for Onshore Facilities		N/A
Drainage from diked storage areas is restrained by valves to prevent a discharge into the drainage system or facility effluent treatment system, except where facility systems are designed to control such discharge. Diked areas may be emptied by pumps or ejectors that must be manually activated after inspecting the condition of the accumulation to ensure no oil will be discharged. *[§§112.8(b)(1) and 112.12(b)(1)]*	☐	☒
Valves of manual, open-and-closed design are used for the drainage of diked areas. *[§§112.8(b)(2) and 112.12(b)(2)]*	☐	☒
The containers at the facility are compatible with materials stored and conditions of storage such as pressure and temperature. *[§§112.8(c)(1) and 112.12(c)(1)]*	☒	☐
Secondary containment for the bulk storage containers (including mobile/portable oil storage containers) holds the capacity of the largest container plus additional capacity to contain precipitation. Mobile or portable oil storage containers are positioned to prevent a discharge as described in §112.1(b). *[§112.6(a)(3)(ii)]*	☐	☒
If uncontaminated rainwater from diked areas drains into a storm drain or open watercourse the following procedures will be implemented at the facility: *[§§112.8(c)(3) and 112.12(c)(3)]*		
• Bypass valve is normally sealed closed	☐	☒
• Retained rainwater is inspected to ensure that its presence will not cause a discharge to navigable waters or adjoining shorelines	☒	☐
• Bypass valve is opened and resealed under responsible supervision	☐	☒
• Adequate records of drainage are kept **[See Dike Drainage Log in Attachment 3.3]**	☒	☐
For completely buried metallic tanks installed on or after January 10, 1974 at this facility *[§§112.8(c)(4) and 112.12(c)(4)]*:		
• Tanks have corrosion protection with coatings or cathodic protection compatible with local soil conditions.	☐	☒
• Regular leak testing is conducted.	☐	☒
For partially buried or bunkered metallic tanks *[§112.8(c)(5) and §112.12(c)(5)]*:		
• Tanks have corrosion protection with coatings or cathodic protection compatible with local soil conditions.	☐	☒
Each aboveground bulk container is tested or inspected for integrity on a regular schedule and whenever material repairs are made. Scope and frequency of the inspections and inspector qualifications are in accordance with industry standards. Container supports and foundations are regularly inspected. **[See Inspection Log and Schedule and Bulk Storage Container Inspection Schedule in Attachments 3.1 and 3.2]** *[§112.8(c)(6) and §112.12(c)(6)(i)]*	☒	☐
Outsides of bulk storage containers are frequently inspected for signs of deterioration, discharges, or accumulation of oil inside diked areas. **[See Inspection Log and Schedule in Attachment 3.1]** *[§§112.8(c)(6) and 112.12(c)(6)]*	☒	☐
For bulk storage containers that are subject to 21 CFR part 110 which are shop-fabricated, constructed of austenitic stainless steel, elevated and have no external insulation, formal visual inspection is conducted on a regular schedule. Appropriate qualifications for personnel performing tests and inspections are documented. **[See Inspection Log and Schedule and Bulk Storage Container Inspection Schedule in Attachments 3.1 and 3.2]** *[§112.12(c)(6)(ii)]*	☐	☒

Table G-10 General Rule Requirements for Onshore Facilities		N/A
Each container is provided with a system or documented procedure to prevent overfills for the container. Describe: Tank truck fuel delivery procedures: 1) Gauge AST and check the level gauge to prevent tank overfill. 2) Set parking brake and use chock blocks to prevent movement; inspect fittings and fueling hose for damage. 3) Place drip pans under valve-hose fitting connections. 4) Monitor the liquid level in the receiving tank during transfer to prevent tank overfill. 5) If an oil spill occurs, the spill kit will be used to contain the spill. Main spill kit is located opposite the fuel dispensers at the fuel storage and transfer area. Dispenser and mobile refueler fueling procedures: 1) Before filling motorized equipment, shutoff all engines and set parking brakes; do not leave filling operation unattended. 2) Do not top off tank after automatic shut-off. 3) If an oil spill occurs, the spill kit will be used to contain the spill. Transfers into waste oil tote: Transfer all waste oil into the tote fill port using a funnel. If an oil spill occurs, the spill kit in the shop will be used to contain the spill.	☒	☐
Liquid level sensing devices are regularly tested to ensure proper operation **[See Inspection Log and Schedule in Attachment 3.1]**. *[§112.6(a)(3)(iii)]*	☒	☐
Visible discharges which result in a loss of oil from the container, including but not limited to seams, gaskets, piping, pumps, valves, rivets, and bolts are promptly corrected and oil in diked areas is promptly removed. *[§§112.8(c)(10) and 112.12(c)(10)]*	☒	☐
Aboveground valves, piping, and appurtenances such as flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and metal surfaces are inspected regularly. **[See Inspection Log and Schedule in Attachment 3.1]** *[§§112.8(d)(4) and 112.12(d)(4)]*	☒	☐
Integrity and leak testing are conducted on buried piping at the time of installation, modification, construction, relocation, or replacement. **[See Inspection Log and Schedule in Attachment 3.1]** *[§§112.8(d)(4) and 112.12(d)(4)]*	☐	☒

ATTACHMENT 1 – Five Year Review and Technical Amendment Logs

ATTACHMENT 1.1 – Five Year Review Log

By signing below, I am certifying that I have completed a review and evaluation of the SPCC Plan for this facility, and will/will not amend this Plan as a result.

Table G-13 Review and Evaluation of SPCC Plan for Facility			
Review Date	Plan Amendment		Name and signature of person authorized to review this Plan
	Will Amend	Will Not Amend	
	☐	☐	
	☐	☐	
	☐	☐	
	☐	☐	
	☐	☐	
	☐	☐	
	☐	☐	
	☐	☐	
	☐	☐	
	☐	☐	

ATTACHMENT 1.2 – Technical Amendment Log

Any technical amendments to this Plan will be re-certified in accordance with Section I of this Plan template.

Table G-15 Description and Certification of Technical Amendments		
Review Date	Description of Technical Amendment	Name and signature of person certifying this technical amendment

ATTACHMENT 3.2 – Bulk Storage Container Inspection Schedule – onshore facilities (excluding production):

To comply with integrity inspection requirement for bulk storage containers, inspect/test each shop-built aboveground bulk storage container on a regular schedule in accordance with a recognized container inspection standard based on the minimum requirements in the following table.

Table G-17 Bulk Storage Container Inspection Schedule

Container Size and Design Specification	Inspection requirement
Portable containers (including drums, totes, and intermodal bulk containers (IBC)):	Visually inspect monthly for signs of deterioration, discharges or accumulation of oil inside containment pallets
55 to 1,100 gallons with sized secondary containment:	Visually inspect monthly for signs of deterioration, discharges or accumulation of oil inside bermed area plus any annual inspection elements per industry inspection standards
1,101 to 5,000 gallons with sized secondary containment and a means of leak detection[a]:	
1,101 to 5,000 gallons with sized secondary containment and no method of leak detection[a]:	Visually inspect monthly for signs of deterioration, discharges or accumulation of oil inside diked areas, plus any annual inspection elements and other specific integrity tests that may be required per industry inspection standards

[a] Examples of leak detection include, but are not limited to, double-walled tanks and elevated containers where a leak can be visually identified.

ATTACHMENT 3.3 – Dike Drainage Log

2

Table G-18 Dike Drainage Log

Date	Bypass valve sealed closed	Rainwater inspected to be sure no oil (or sheen) is visible	Open bypass valve and reseal it following drainage	Drainage activity supervised	Observations	Signature of Inspector
	☐	☐	☐	☐		
	☐	☐	☐	☐		
	☐	☐	☐	☐		
	☐	☐	☐	☐		
	☐	☐	☐	☐		
	☐	☐	☐	☐		
	☐	☐	☐	☐		
	☐	☐	☐	☐		

ATTACHMENT 3.4 – Oil-handling Personnel Training and Briefing Log

2

Table G-19 Oil-Handling Personnel Training and Briefing Log		
Date	**Description / Scope**	**Attendees**

Facility Name: Jackson Wilson Road Snake River