DEPARTMENT OF THE ARMY PERMIT

Permittee: GENERAL PUBLIC

Permit No.: 198225002, Version 5, GP 8202-05

Issuing Office: Omaha District, Wyoming Regulatory Office (CENWO-OD-RWY)

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

This permit allows for the construction of fish habitat enhancement and restoration features in creeks, streams, and rivers in the State of Wyoming.

See Appendix A for description of authorized activities.

See Appendix D for drawings of typical structures.

Project Location: Waters of the United States in Wyoming.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **July 31, 2015.** If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions: (Special Conditions are listed in Appendix B on pages 6, 7 and 8)

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

Further Information:

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

( ) Section 10 of the River and Harbors Act of 1899 (33 U.S.C. 403).

(**X**) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

DO NOT SIGN OR RETURN THIS FORM – REFER TO APPENDIX C FOR NOTIFICATION PROCEDURES

(PERMITTEE) *(DATE)*

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

Robert J. Ruch
(DISTRICT ENGINEER)
Colonel, Corps of Engineers

25 Aug 2010
(DATE)

By: Mary Hoffman
for MARTHA S. CHIEPLY
Chief, Regulatory Branch

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

(TRANSFEREE) *(DATE)*

*U.S. GPO: 1988-520-324

PERMITTEE: General Public
DA PERMIT NO.: 198225002 (GP 8202-05)

APPENDIX A
AUTHORIZED ACTIVITIES

All authorized activities are intended to create or enhance fish habitat components. See attached drawings for additional details associated with each feature.

1. Log/Timber Overpour Plunges: These features are used to provide additional pool habitat. A maximum of 50 cubic yards of material may be discharged and/or redistributed per feature.

2. Digger Logs: These features are used to provide additional cover and slack water areas for velocity protection, resting habitat, and minor scouring to create pools. A maximum of 50 cubic yards of material may be discharged and/or redistributed per feature.

3. Sills and weirs (cross vanes with and without headgates; diagonal, perpendicular, and trapezoidal weirs; J-hook vanes; K-sills; or W-weirs): These features are used to increase channel pool areas and assist in bank building. They provide additional holding, cover and resting habitat. A maximum of 50 cubic yards may be discharged and/or redistributed per feature.

4. Scattered Boulder and Cover Tree Placement: These features are used to provide slack water areas for velocity protection and resting areas. A maximum of 100 cubic yards of rock and trees may be discharged and/or redistributed per project.

5. Tree and/or Rock Revetments: These features are used for bank stabilization and to increase cover and resting habitat. A maximum of 1 cubic yard per lineal foot of fill may be discharged and/or redistributed per feature. A maximum of 1,000 lineal feet of channel may be modified per project.

6. Log/Timber Deflectors: These features are used for increased resting habitat. A maximum of 4 cubic yards of material may be discharged and/or redistributed per feature.

7. Spawning Gravels: These fills are used to create and enhance spawning areas. A maximum of 50 cubic yards of material may be discharged and/or redistributed per spawning bed.

8. Debris Catchers: These features are used to catch woody debris and provide cover habitat. They can result in grade control and allow for bank development that provides additional cover. Fills must include an upstream arch or "v" design. A maximum of 50 cubic yards of material may be discharged and/or redistributed per feature.

9. Fish Barriers: These features are used to produce controlled habitat areas, inhibit upstream or downstream migration of undesirable species, as well as provide grade control. A maximum of 50 cubic yards of material may be discharged and/or redistributed per feature.

APPENDIX A
AUTHORIZED ACTIVITIES (Continued)

10. Fish Bypass Structures: Used to facilitate upstream and downstream movement of fish around man-made barriers. Bypass structures will typically be cross-vanes with headgates and allow movement around irrigation diversion structures. A maximum of 50 cubic yards of material may be discharged and/or redistributed per feature.

11. Fish Ladders: Used to facilitate upstream and downstream movement of fish around man-made barriers. Can be one or more cross vane structures constructed in series, but other designs can be utilized if they meet the established criteria. A maximum of 50 cubic yards of material may be discharged and/or redistributed per section or "step" of the fish ladder. Maximum length of channel that can be modified is 1,000 lineal feet per project. No more than 1/3 acre of wetland can be filled per project. Project design must incorporate features that will result in wetland creation if more than 1/10 acre of wetland is impacted. Due to the number of designs for fish ladders, other than the diagram for cross vanes, no typical design has been provided with this document.

12. Fish Screens: Used to prevent fish from moving into irrigation canals and ditches. Constructed as part of headgates, or as a separate structure. A maximum of 50 cubic yards of material may be discharged and/or redistributed per feature. Due to the number of designs for fish screens, no typical design has been provided with this document.

13. Point Bar/Channel Constrictions with Associated Pools: These features are used to provide increased velocity and deeper water areas for increased spawning and holding habitat. Maximum length of channel that can be modified is 1,000 lineal feet per project. No more than 1/3 acre of wetland can be filled per project. Project design must incorporate features that result in wetland creation if more than 1/10 acre of wetland is impacted.

14. Excavation to Create Pools: These projects involve the excavation of pools and placement of some or all of the excavated material back into the stream in association with other authorized activities. The goal of these projects is often to restore to its former condition a stream reach that has degraded due to sedimentation. Filling of wetlands with excavated materials is not authorized. A maximum of 50 cubic yards of material may be excavated per pool. Due to need to design excavated pools specific to each project, no typical design has been provided with this document.

15. Temporary Access Roads: The construction of temporary access roads allowing access to project areas. The use of dredged material may be allowed if it will not cause more than minimal adverse effects on aquatic resources. Fill must be of materials, and placed in a manner, that will not be eroded by expected high flows. Temporary fill must be entirely removed to upland areas, or dredged material returned to its original location, following completion of the construction activity and the affected areas must be restored to the pre-project conditions. The notice of intent must include a restoration plan of reasonable measures to avoid and minimize adverse effects to aquatic resources. Due to need to design temporary access roads specific to each project, no typical design has been provided with this document.

PERMITTEE: General Public
DA PERMIT NO.: 198225002 (GP 8202-05)

APPENDIX B
SPECIAL CONDITIONS

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

1. Notification: All prospective permittees must submit a Notice of Intent (NOI) to the U.S. Army Corps of Engineers in accordance with the Notification Procedures described in Appendix C prior to initiating any activities that include discharges of dredged or fill materials into waters of the United States as described in Appendix A. The permittee shall not undertake any such activities until the Corps provides written verification that the proposed activities are authorized by GP 82-02. The Corps may withhold verification if it is determined that a standard (individual) Department of the Army permit is required in accordance with 33 CFR 325.2(e)(2).

2. Water Quality: The permittee must comply with any conditions established by the Wyoming Department of Environmental Quality's Water Quality Division or the United States Environmental Protection Agency in accordance with their authority under Section 401 of the Clean Water Act of 1972. See the 401 certification letters received from each agency attached to this permit for specific terms and conditions. Please note that project specific 401 certification must be obtained for any activities proposed in State Class I waters.

3. Historic Properties: No activity is authorized that would adversely impact sites included in the most current listing of the National Register of Historic Places or sites known to be eligible for such listing, sites included in the National Register of Natural Landmarks, or any other known historic, cultural, or archaeological sites, until the District Engineer has complied with the provisions of 33 CFR Part 325, Appendix C pursuant to the National Historic Preservation Act of 1966. The State or Tribal Historic Preservation Office will be consulted on individual NOIs as appropriate.

4. Threatened and Endangered Species: No activity is authorized that is likely to jeopardize the continued existence of threatened or endangered species, or their critical habitats, or those proposed for designation as threatened or endangered, pursuant to the Endangered Species Act of 1972. The Fish and Wildlife Service will be consulted on individual NOIs as appropriate.

5. Wetlands: Construction of point bar/channel constrictions and fish ladders are the only activities that can occur in wetlands. Fills cannot exceed 1/3 acre for an entire project.

6. Mitigation Plans: The permittee must implement compensatory wetland mitigation measures in accordance with a plan approved by the Wyoming Regulatory Office for all projects that result in filling 1/10 acre or more of wetland. Mitigation plans must satisfy the April 10, 2008 Compensatory Mitigation for Losses of Aquatic Resources: Final Rule as outlined in Components of Mitigation for Minimal Impact Projects, which can be found on the Wyoming Regulatory Office website under Mitigation Guidance.

APPENDIX B
SPECIAL CONDITIONS (Continued)

7. Equipment and Material Handling: Equipment used for the handling, conveying, and discharging of materials during construction shall be operated in such a way as to prevent dumping or spilling of the materials into waters of the United States except as approved herein. Only those materials identified in the project description are authorized to be discharged into waters of the United States.

8. Dredged and/or Excavated Material Handling: All dredged or excavated materials, with the exception of that authorized herein, will be placed on an upland site above the ordinary high water line in a confined area, to prevent the return of such materials to the waterway or wetland.

9. Erosion Protection Material: Only clean rock material from non-streambed sources will be utilized for erosion protection to avoid the percolation of fines, which would result in excessive local turbidity.

10. Protection of Fish and Wildlife Resources: When the District Engineer has been notified that a dredging or filling activity is adversely affecting fish or wildlife resources or the harvest thereof, and the District Engineer subsequently directs remedial measures, the permittee will comply with such directions. This includes suspension or modification of the activity to the extent necessary to mitigate or eliminate the adverse effect and all remedial actions as required.

11. Channel realignment: Channel realignment and channel relocation are not authorized under this general permit. Point bars/ channel constrictions, fish ladders and fish bypass structures must be constructed within the existing channel.

12. Tribal Rights: No activity is authorized that would impair reserved tribal rights, including, but not limited to, water, fishing, and hunting rights.

13. Suitable Fill Material: No discharge may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material discharged must be free from toxic pollutants in toxic amounts as required by Section 307 of the Clean Water Act. The Corps of Engineer's Omaha District issued a notice of prohibition against the use of certain materials as fill in a Public Notice dated August 4, 2003 which can be found on the Wyoming Regulatory Office website under Public Notices

14. Proper Maintenance: Any fill authorized must be properly maintained, including maintenance necessary to ensure public safety.

15. Water Supply Intakes: No discharge may occur in the proximity of a public water supply intake.

APPENDIX B
SPECIAL CONDITIONS (Continued)

16. Wild and Scenic Rivers: No discharge may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status, unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed discharge will not adversely affect the Wild and Scenic River designation, or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, Forest Service, Bureau of Land Management, Fish and Wildlife Service).

17. Restricted Waterways: This permit cannot be used in the Bear, Bighorn, Clarks Fork Yellowstone, Green, Gros Ventre, Laramie, Little Snake, North Platte, Shoshone (North Fork, South Fork, Main), Snake, and Wind Rivers, and their associated wetlands.

18. Stockpiling: Storage of excess soil, channel sediments, unwanted vegetation or other material in flowing water, or in such a way that it could enter a waterway or adjacent wetland is not authorized.

19. Minimization: Permittees are required to minimize adverse project effects by:

a) limiting the clearing of vegetation to that which is absolutely necessary for project completion;

b) reseeding and replanting upland vegetation areas disturbed by construction with vegetation indigenous to the area;

c) maintaining close coordination with downstream water users and advising them of any water quality changes to be caused by construction;

d) ensuring that construction debris, fill and other material deposited in uplands cannot enter a stream or wetland;

e) undertaking all work in a stream in a manner that limits increases in suspended particulates and turbidity;

f) ensuring that no petroleum products, chemicals or other deleterious materials are used, stored or disposed of in such a manner that they could enter a stream or a wetland.

20. Compliance Certification: The Corps will provide each permittee with a compliance certification form. Within 30 days of project completion, each permittee shall return the completed form to the Wyoming Regulatory Office certifying that the authorized work and any required mitigation were completed in compliance with the terms and conditions of the authorization.

PERMITTEE: General Public
DA PERMIT NO.: 198225002 (GP 8202-05)

APPENDIX C
NOTIFICATION PROCEDURE

All persons with a desire to construct habitat projects in accordance with GP 82-02 are required to submit a "**Notice of Intent**" (NOI) to the Corps at the following address at least 30 days prior to the anticipated start of construction: **U.S. Army Corps of Engineers, Wyoming Regulatory Office, 2232 Dell Range Blvd., Suite 210, Cheyenne, Wyoming 82009-4942.**

All NOIs must contain sufficient information for the Corps to determine if the project complies with the terms and conditions of GP 82-02. All NOIs must contain at a minimum the information described below. However, the Corps, WDEQ, or EPA may require more detailed information if necessary to ensure compliance. No discharge is authorized until a letter of authorization is provided by the Corps to the applicant.

1. Applicant: Name, address, and telephone number of applicant (landowner) and contact persons.

2. Adjacent Landowners: Name, address, and telephone number of adjacent property owners and a statement that they have been notified about the project.

3. Project Location: A legal description of the project location, including borrow and disposal sites, by quarter/quarter section, township, and range. An enlarged copy of the appropriate portion of the U.S. Geological Survey topographic map for the area is the preferred method of specifying location information.

4. Project Description: A brief written description of the project including primary purpose; composition and volume of fill material and areas of excavation; number and location of project features; area and depth of fills; wetland areas and an estimate of the total wetland area that will be affected by the project based on a wetland delineation (see item 6); length and width of stream (including ephemeral drainages) to be affected; types of construction equipment to be used; total area of surface disturbance, including uplands; and any other pertinent information. Any on or off site access roads to be constructed or borrow sites to be used must be identified so the Corps can determine if activities in those areas are in compliance with other federal laws and regulations including the National Historic Preservation Act and Endangered Species Act. If construction of a temporary road is required to access the project area, the NOI must include a plan for restoring wetlands and waterways filled during construction of the road to their previous condition.

5. Project Drawings: Drawings of the project, preferably on 11" x 17" paper. Drawings must include at least a plan view of the creek, stream or river with all project features easily discernible on it. For projects that involve the addition of fill into wetlands, a baseline wetland delineation map showing existing wetland boundaries and water features. Projects that involve construction of point bars/channel constrictions, and fish ladders or bypass structures must also include accurate channel width measurements with cross sections.

APPENDIX C
NOTIFICATION PROCEDURE (CONTINUED)

6. Wetland Delineation, Mitigation Plans, Monitoring and Channel Stability: Projects involving point bar/channel constrictions or fish ladders, where fill will be added to wetlands, must include a wetland delineation for the entire project area, including all areas that could be impacted, both temporarily and permanently. Delineations must be completed by qualified individuals in accordance with the U.S. Army Corps of Engineers Wetland Delineation Manual dated January 1987 and any updates and supplements thereto. A list of wetland delineation consultants and more detailed information on delineation requirements are available from the Wyoming Regulatory Office upon request and on our website. Delineation maps must show all areas that meet the definition of a wetland, as defined in the manual, and all other water features such as ditches, streams, ponds, and lakes. Projects that involve point bar/channel constrictions or fish ladders that adversely affect more than 1/10 acre of wetland must include a wetland mitigation plan. Mitigation plans must satisfy the April 10, 2008 Compensatory Mitigation for Losses of Aquatic Resources: Final Rule as outlined in Components of Mitigation for Minimal Impact Projects, which can be found on the Wyoming Regulatory Office website under Mitigation Guidance. Additionally, channel stability analysis and post-construction monitoring may be required for these types of actions.

7. Letter of Concurrence: NOIs for all projects occurring on non Tribal lands must include a letter from the Wyoming Game and Fish Department stating that they have reviewed the design and concur with the proposed habitat improvement project. The letter must state what species are intended to be affected by the project and how. It should also state which, if any, species will be adversely affected by the project.

8. Photographs: Applicants are encouraged to provide color photographs of the project area, especially where the structures will be constructed, pools will be excavated, fill materials will be added, and typical wetland/upland boundaries, in order to facilitate permit processing.

MB

Department of Environmental Quality

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

Dave Freudenthal, Governor

John Corra, Director

July 8, 2010

Mr. Matthew Bilodeau
US Army Corps of Engineers
Wyoming Regulatory Office
2232 Dell Range Blvd., Suite 210
Cheyenne, WY 82009

RE: Section 401 Certification of General Permit 198225002 (GP 82-02)

Dear Mr. Bilodeau:

In accordance with the provisions of the state certification program for activities requiring a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers, this office has reviewed the proposed general permit 198225002 (GP 82-02) and has made the following determinations:

1. Certification is denied for all projects on Class 1 waters. WDEQ will review each permit activity and issue a project-specific certification decision on each permit.

2. Certification is granted for projects on all Class 2, 3, and 4 waters (and associated subclasses), provided that all terms and conditions of the general permit and this certification are followed. Project –specific review and certification by WDEQ is not required

DENIAL OF CERTIFICATION ON CLASS 1 WATERS

Class 1 waters are defined by the state water quality regulations as those in which no further water quality degradation by point source discharges other than from dams will be allowed. Nonpoint source discharges will be controlled by the implementation of best management practices designed to maintain existing water quality and uses. Because of the high level of protection afforded to these waters by the regulations, WDEQ will review each permit activity and issue a project-specific certification decision on each permit.

A listing of current class 1 waters in Wyoming can be found in Chapter 1 of the Wyoming Water Quality Rules and Regulations, Appendix A (http://soswy.state.wy.us/Rules/RULES/6547.pdf).

ADDITIONAL CONDITIONS

The following conditions apply to all activities undertaken in a water of the State:

a. Construction equipment should not be operated below the existing water surface except as follows:

Fording the stream at one location is preferred, however, vehicles and equipment should not push or pull material along the streambed below the existing water level. Work below the water surface which is essential to the project is acceptable to the extent that it does not result in non-attainment of numeric and narrative standards outlined in Chapter 1 of Wyoming Water Quality Rules and Regulations or unnecessary stream channel disturbance. Frequent fording should not occur in areas where extensive turbidity will be created. In all cold water fisheries and drinking water supplies (Classes 1, 2AB, 2A and 2B) instream activities associated with this permit shall not increase turbidity by more than 10 nephelometric turbidity units (NTUs). In all warmwater or non-game fisheries (Classes 1, 2AB, 2A, 2B and 2C) in stream activities associated with this permit shall not increase turbidity by more than 15 NTUs.

In accordance with Section 23(c)(2) of the Chapter 1 Surface Water Standards, the administrator of the Water Quality Division may authorize temporary increases in turbidity above the numeric criteria in Section 23 (a) and (b) of Chapter 1 in response to an individual application for a specific activity. An application must be submitted and a variance approved by the administrator before any temporary increase in turbidity exceeds numeric limits.

b. Any temporary structures used during the period of construction should be designed to handle high flows that could be anticipated during the construction period. All structures should be completely removed from the stream channel at the conclusion of construction and the area restored to a natural appearance.

c. Stream channel disturbance shall be minimized. Streambank vegetation should be protected except where its removal is absolutely necessary for completion of the work.

Any vegetation, debris, or other material removed during construction must be disposed of at some location out of the stream channel or adjacent wetland areas where it cannot reenter the channel during high stream flow or runoff events.

All cut and fill slopes should be re-vegetated with appropriate plant species to prevent erosion and spread of invasive plant species.

d. All fill material should be placed and compacted and subsequently protected from erosion. Areas to be filled should be cleared of all vegetation, debris and other materials that may destabilize the fill.

e. The period and timing of construction should be adjusted as necessary to minimize conflicts with fish migration and spawning.

f. Care must be taken to prevent any petroleum products, chemicals, or other deleterious materials from entering the water. A spill contingency should be developed for all projects where a large amount of petroleum products or solvents will be stored on the project site, and must be prepared when storage of these materials exceeds the federal limits.

The following condition is specific to GP 82-02:

g. All authorized activities must enhance or restore existing or expected natural stable stream characteristics, and allow transport of stream flow and sediment while maintaining channel dimension, pattern, and profile, without excessive aggradation or degradation.

WDEQ reserves the right to modify, suspend or revoke this certification or any of its terms or conditions as may be appropriate or necessary to protect water quality and associated designated uses. Upon adoption of updated standards, this certification may be revoked and modified appropriately.

If you would like to discuss any part of this certification, please feel free to contact Jeremy ZumBerge of my staff at (307) 675-5638.

Sincerely,

(for)

John V. Corra
Director

JVC/JFW/JRZ/rm/10-0582

cc: John Emmerich, WY Game and Fish Dept., 5400 Bishop Blvd, Cheyenne, WY 82006
Julia McCarthy, US EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
http://www.epa.gov/region08

July 14, 2010

REF: 8EPR-EP

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

RE: GP 82-02 401 Certification
Wind River Indian Reservation

Dear Mr. Bilodeau:

We have reviewed the Corps public notice to reissue Regional General Permit 198225002 (GP 82-02), requesting certification pursuant to Clean Water Act §401 Certification within the boundaries of the Wind River Indian Reservation. In order to promote compliance with the 401 conditions and to protect the beneficial uses of the aquatic resources, we strongly urge the distribution of this certification to the applicable contractors involved in any authorized projects.

Certification is denied for all projects on Class 1 waters. EPA will review each permit activity and issue a project-specific decision on each permit due to the high level of protection afforded to these waters. Class 1 waters are defined by the state water quality regulations as those in which no further water quality degradation by point source discharges other than from dams will be allowed. Nonpoint source discharges will be controlled by the implementation of best management practices designed to maintain existing water quality and uses. A list of current Class 1 waters in Wyoming can be found in Chapter 1 of the Wyoming Water Quality Rules and Regulations, Appendix A (http://soswy.state.wy.us/rules/rules/6547.pdf).

In all other waters, it is hereby certified that the reissuance of GP 82-02, as described in the public notice should not result in violation of applicable water quality standards provided that all terms and conditions of the general permit and this certification are followed.

The following conditions apply when operating equipment or otherwise undertaking construction in Waters of the U.S:

A. Project proponent/contractor must have a copy of the appropriate USEPA Regional 401 certification conditions contained in this certification on site.

B. This certification does not allow conversion of one habitat type to another (e.g. wetlands to open water, woody vegetation to herbaceous).

C. This certification does not allow for the introduction of non-native flora or fauna.

D. All authorized activities must enhance or restore existing or expected natural stable stream characteristics, and allow transport of stream flow and sediment while maintaining channel dimension, pattern, and profile, without excessive aggradation or degradation.

E. Wetland mitigation for projects that involve fish ladders or point bar/channel constrictions and require wetland fills must be completed prior to, or concurrent with, the project impacts. Wetland mitigation should be in-kind and replacing native wetland plant communities lost from all project impacts.

F. Infestations of invasive plant species may result in increased erosion and/or pesticide applications, have the potential to reduce water quality, impact aquatic habitat, and impact designated water quality uses. This certification requires the use of certified weed-free hay/straw with any revegetation of project areas for authorized activities, the use of seed that contain no noxious weed seed and meets certified seed quality, monitoring for and control of invasive species during project construction if areas are disturbed and not immediately revegetated, and monitoring for and immediate control of invasive species after project completion through at least one growing season. A maximum goal of less than 10% weed-species plants should be set, unless local, State, Tribal, or USACE rules, ordinances or permit conditions require more stringent monitoring and response.

G. 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 allowed on the project. Leaks that occur after the equipment is moved to the project site will be fixed that same day or the next day or removed from the project area. The equipment is not allowed to continue operating once the leak is discovered.

H. Construction equipment should not be operated below the existing water surface except as follows: Fording the stream at one location is acceptable; however, vehicles and equipment should not push or pull material along the streambed below the existing water level. Frequent fording should not occur in areas where extensive turbidity will be created. Work below the water surface which is essential to the project is acceptable to the extent that it does not result in non-attainment of water quality standards or unnecessary stream channel disturbance.

I. Construction operations in the watercourse shall be restricted to areas (and conditions) specified in the GP 82-02 and all excess stockpiled, dredged, or excavated material shall be disposed of at an upland site, not into a wetland or watercourse. All measures and precautions shall be taken to prevent entry of construction debris, or other deleterious substances into the watercourse.

J. Best available technology and/or best management practices should be utilized to protect existing water uses and maintain turbidity and sedimentation at the lowest practicable level.

K. Any temporary crossings, bridge supports, cofferdams, or other structures that will be needed during the period of construction should be designed to handle high flows that could be anticipated during the construction period. All temporary structures should be completely removed from the stream channel at the conclusion of construction and the area restored to a natural appearance.

L. Care should be taken to cause only the minimum necessary disturbance. Streambank vegetation should be protected except where its removal is absolutely necessary for completion of the work. Any vegetation, debris, or other material removed during construction must be disposed of at some location out of the stream channel or adjacent wetland areas where it cannot reenter the channel during high stream flow or runoff events. Applicant should revegetate disturbed soil in a manner that optimizes plant establishment for that specific site. Revegetation may include topsoil replacement, planting, seeding, fertilization, liming, and weed-free mulching as necessary. Where practical, stockpile weed-seed-free topsoil and replace it on disturbed areas.

M. The period and timing of construction should be adjusted as necessary to minimize conflicts with fish migration and spawning.

N. All equipment that has been operated in waters of the US, with known invasive species infestation(s) is to be inspected and cleaned before entering waters of the U.S. for this permit. All equipment is to be inspected and cleaned after use.

This certification does not relieve project proponents/contractors of the responsibility to comply with applicable local, Tribal, or other Federal regulations or statutes. If you have any questions concerning the conditions of certification, please contact me at (303) 312-6153.

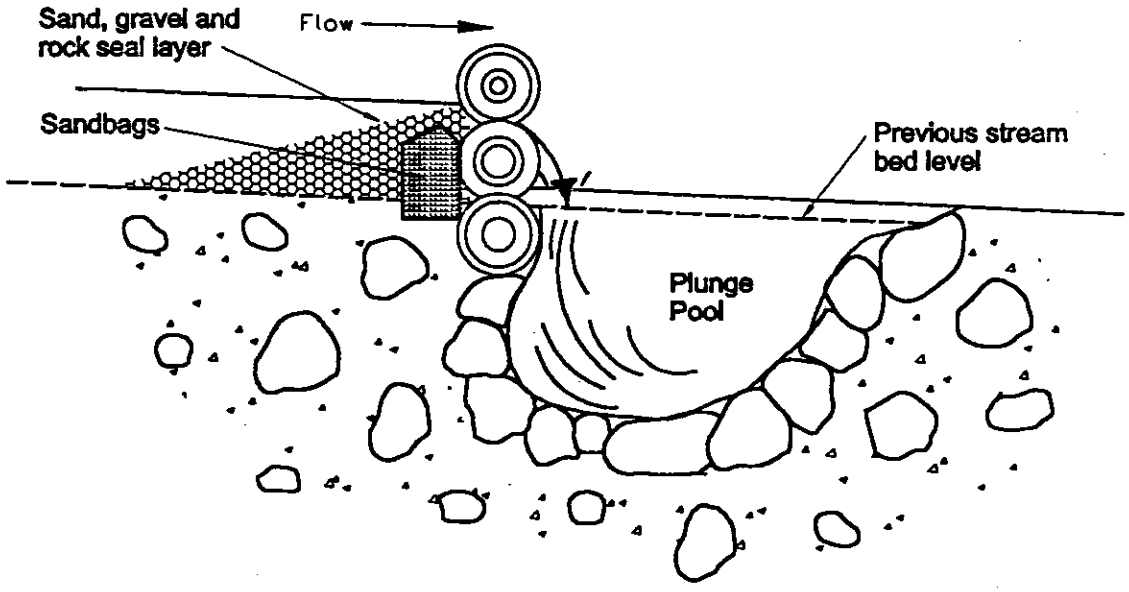
Sincerely,

Julia McCarthy
Wetlands and Tribal Unit
Ecosystems Protection Program

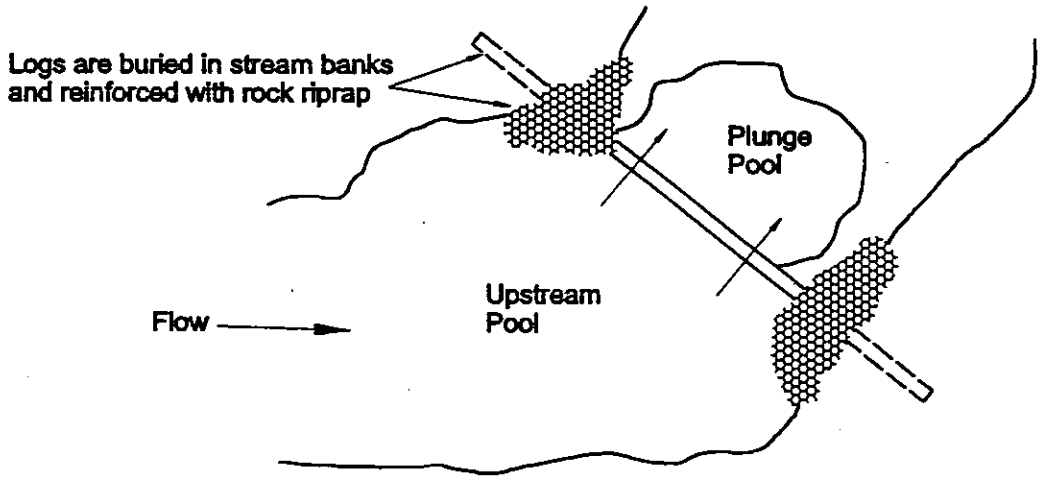
CC: Jeremy ZumBerge, Wyoming DEQ

Log/Timber Over pour Plunge Structure

Authorized Activity **1**



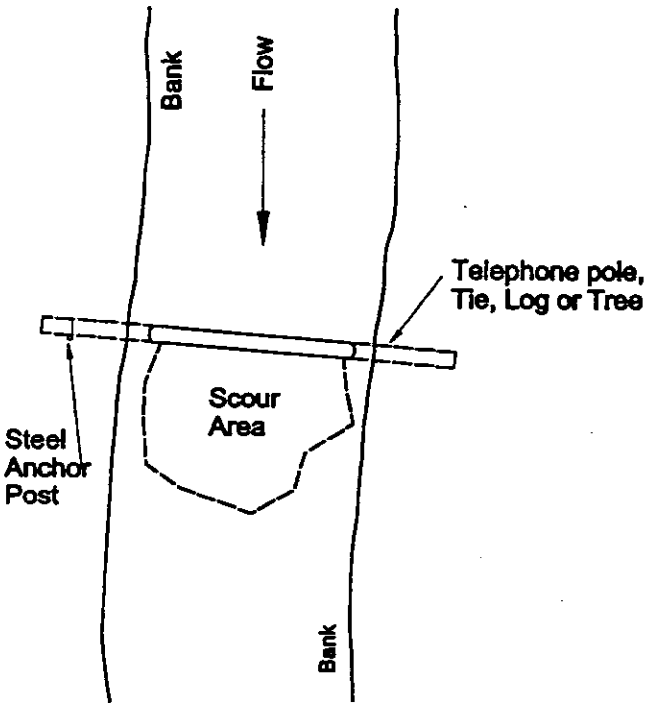
Section
Scale: None



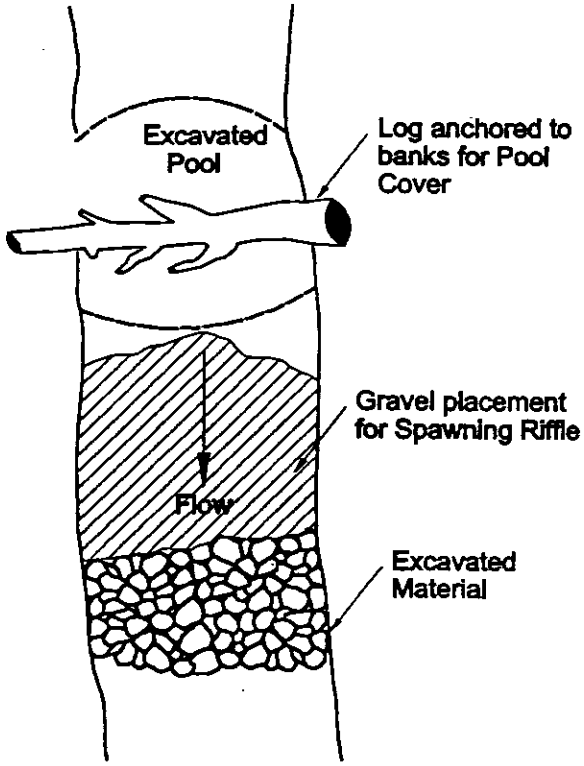
Plan
Scale: None

Digger Logs

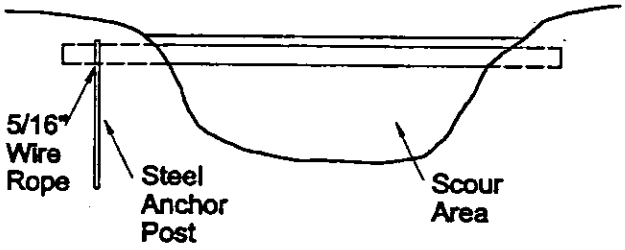
Authorized Activity **2**



Digger Log
Plan
Scale: None



Log Covered Pool
& Downstream Spawning Riffle
Plan
Scale: None



Section
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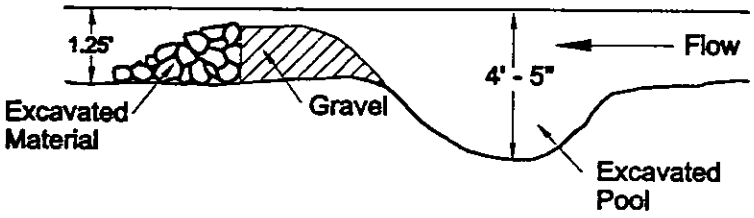
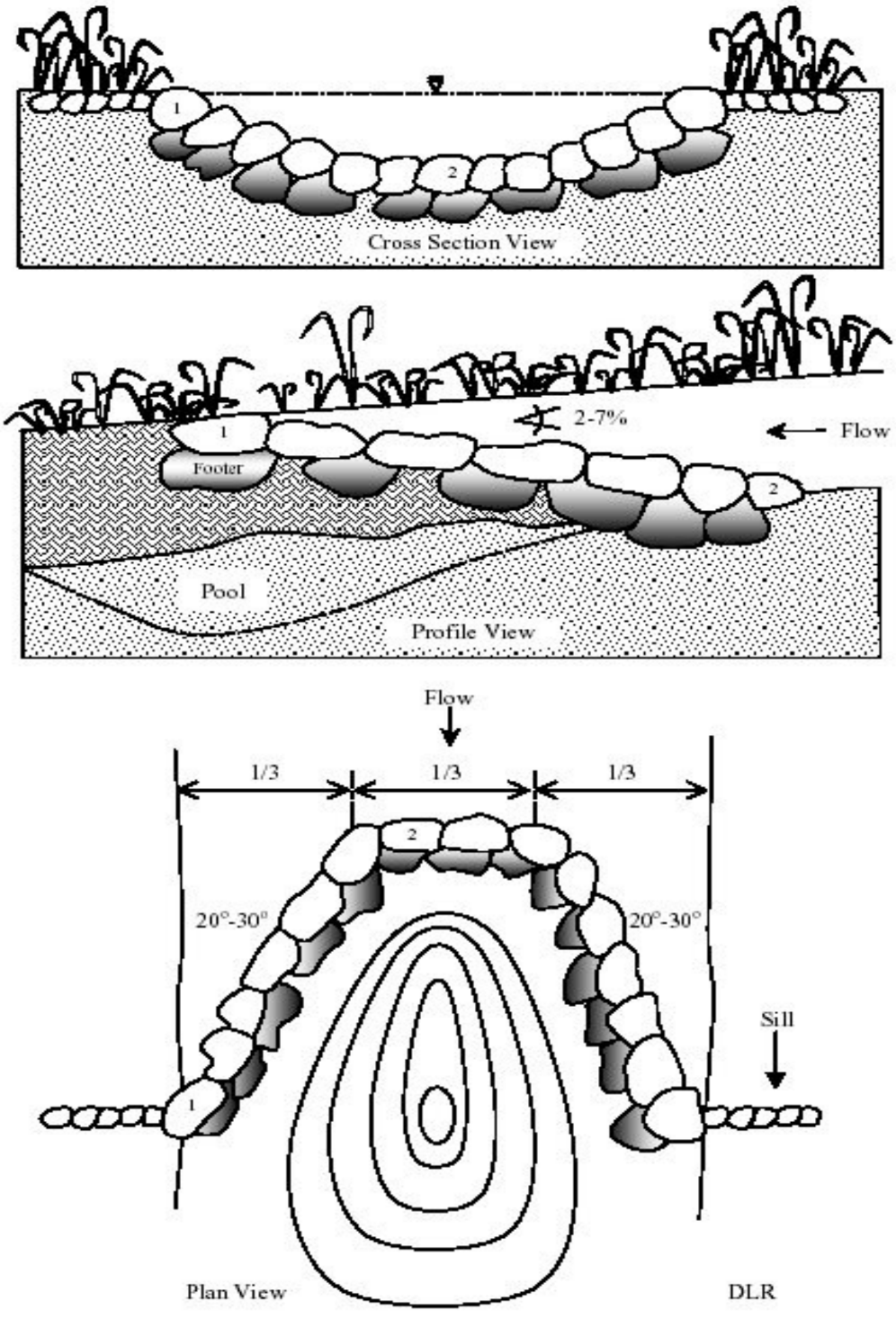


Section
Scale: None

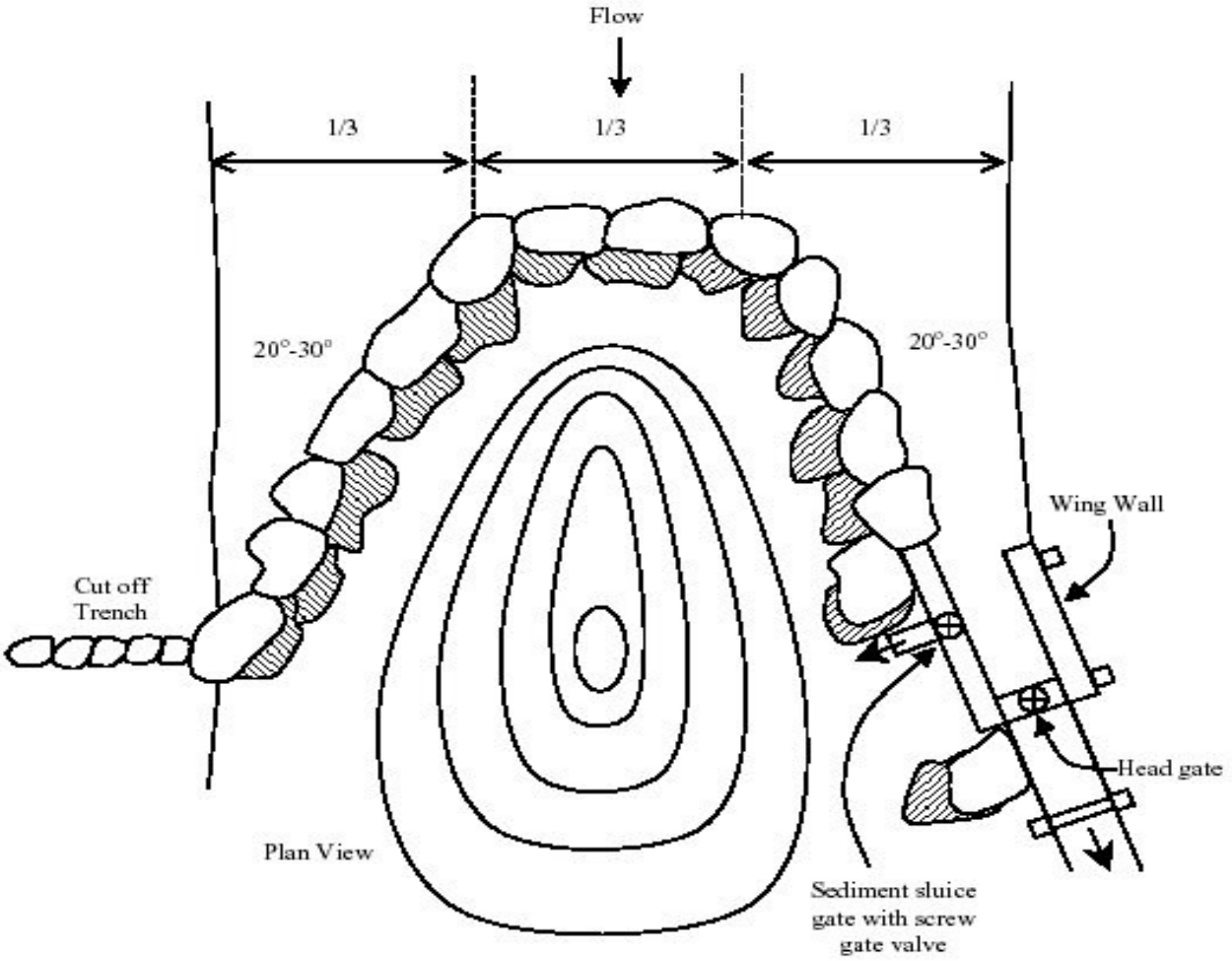
Cross Vanes

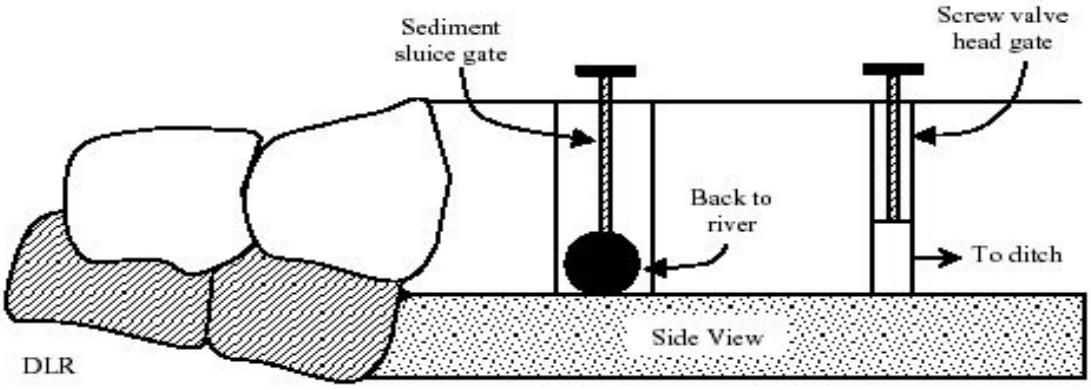
Authorized Activity **3**



Cross Vanes with Headgates

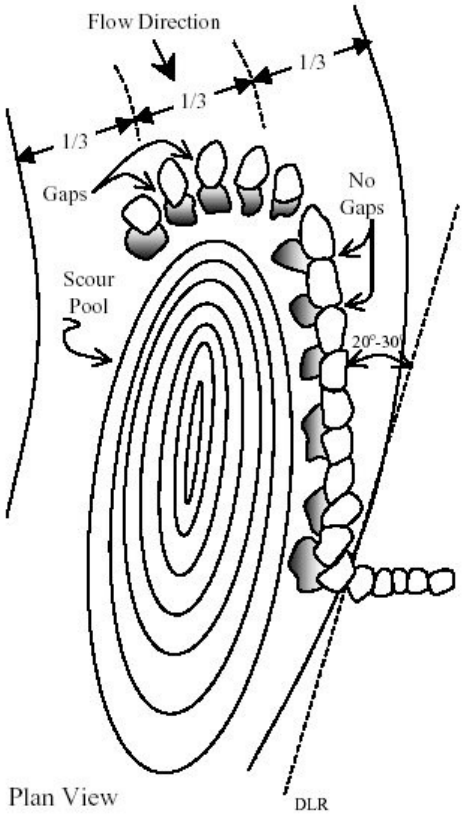
Authorized Activity **3**



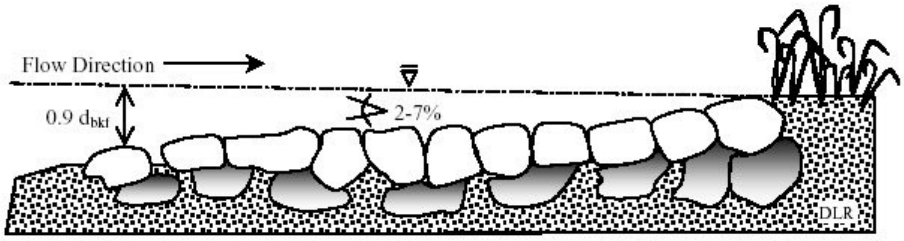


J Hook Vanes

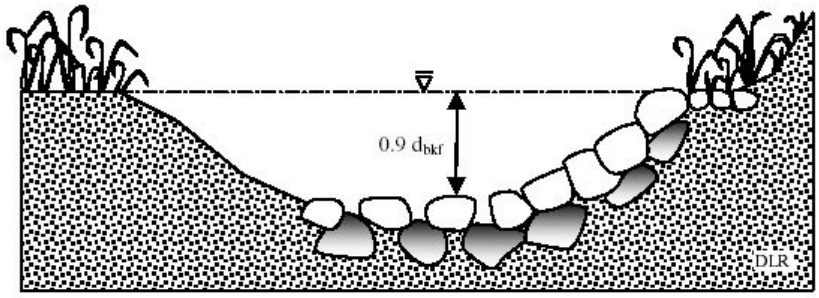
Authorized Activity **3**



Plan View



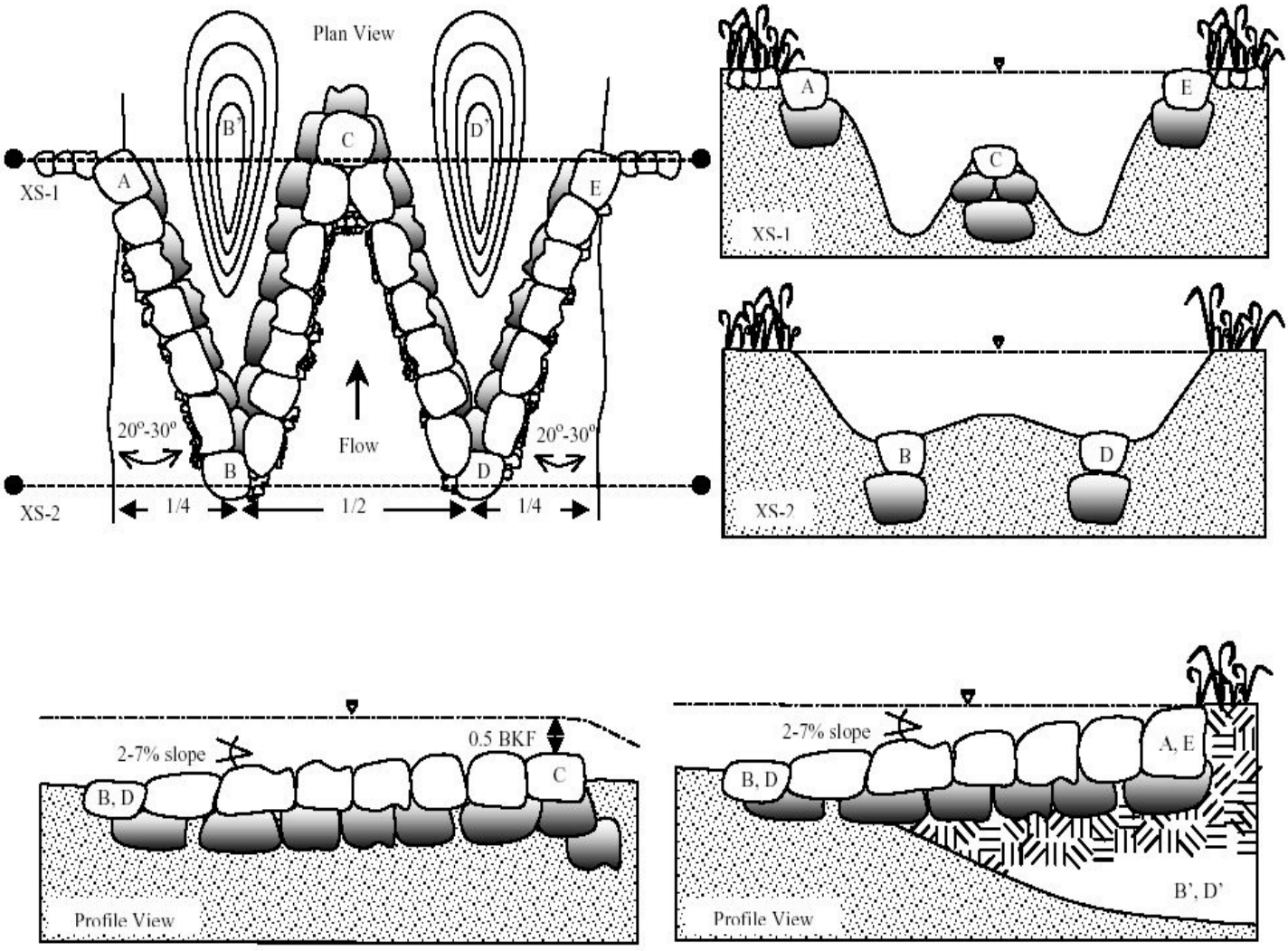
Profile View



Cross Section View

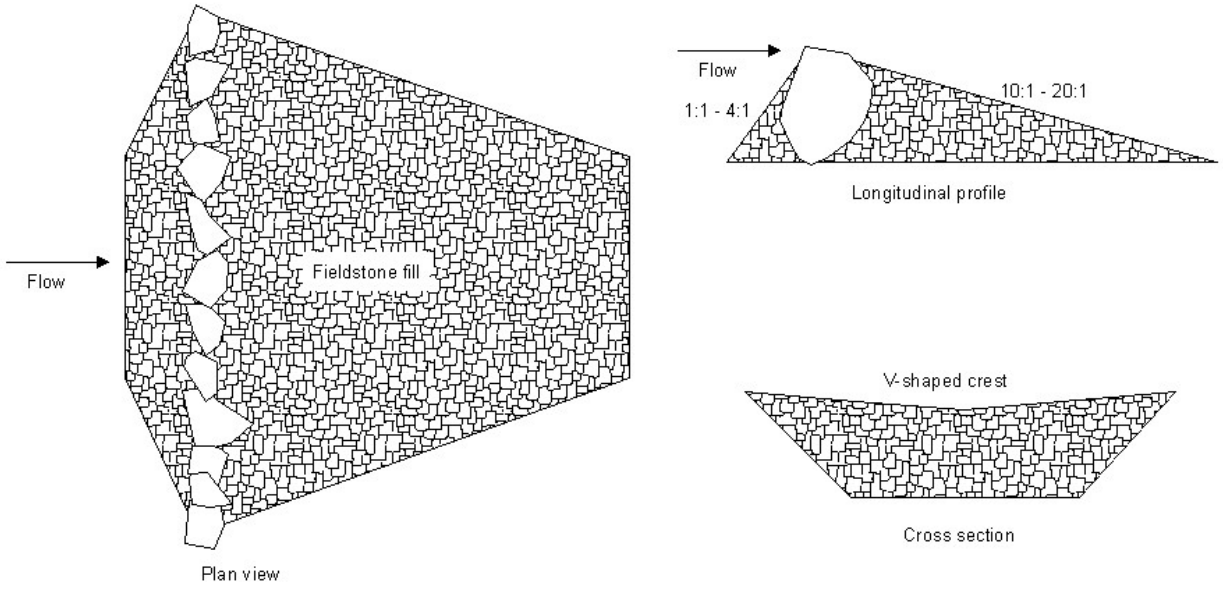
W Weir

Authorized Activity **3**



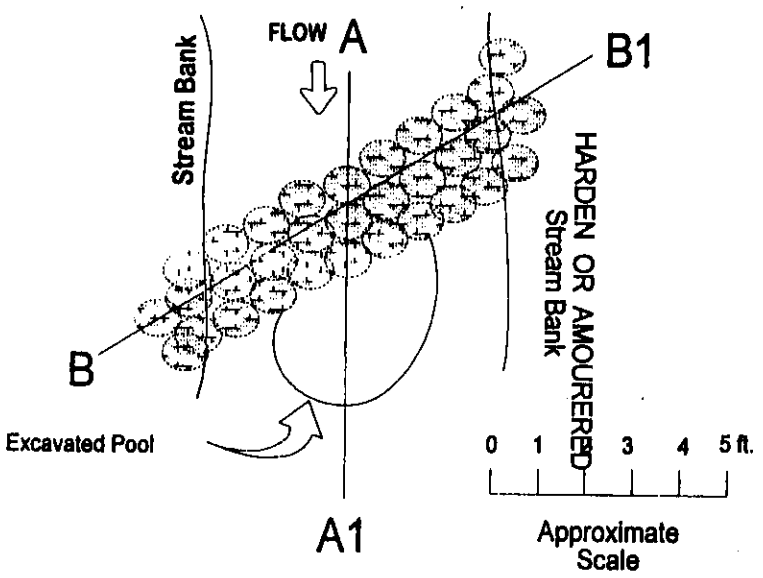
Trapezoidal Weir

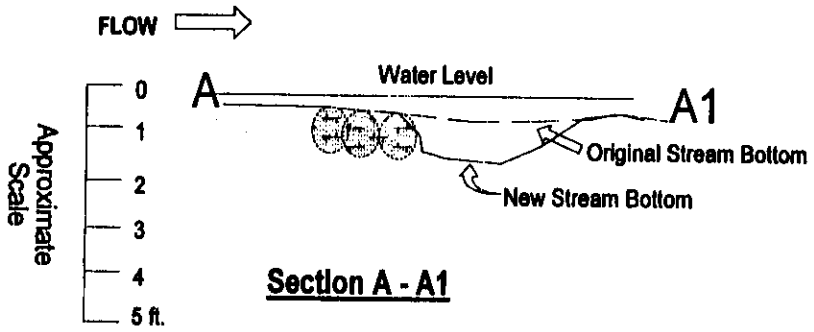
Authorized Activity **3**



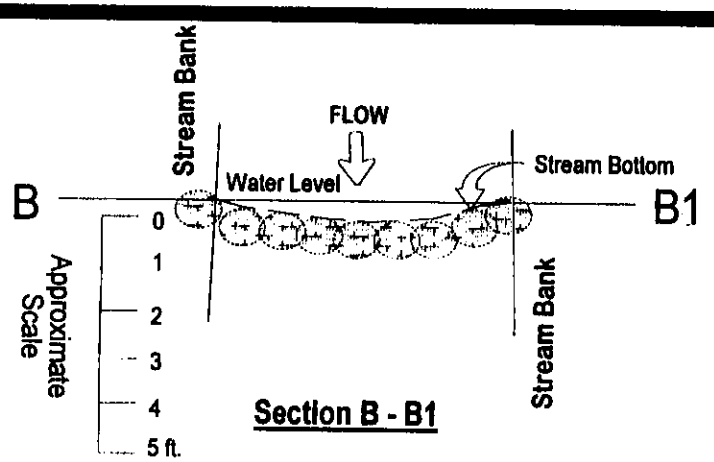
ROCK \ BOULDER SILL (Diagonal to Flow)

Plan View





Section A - A1



Section B - B1

DIAGIONAL SILL

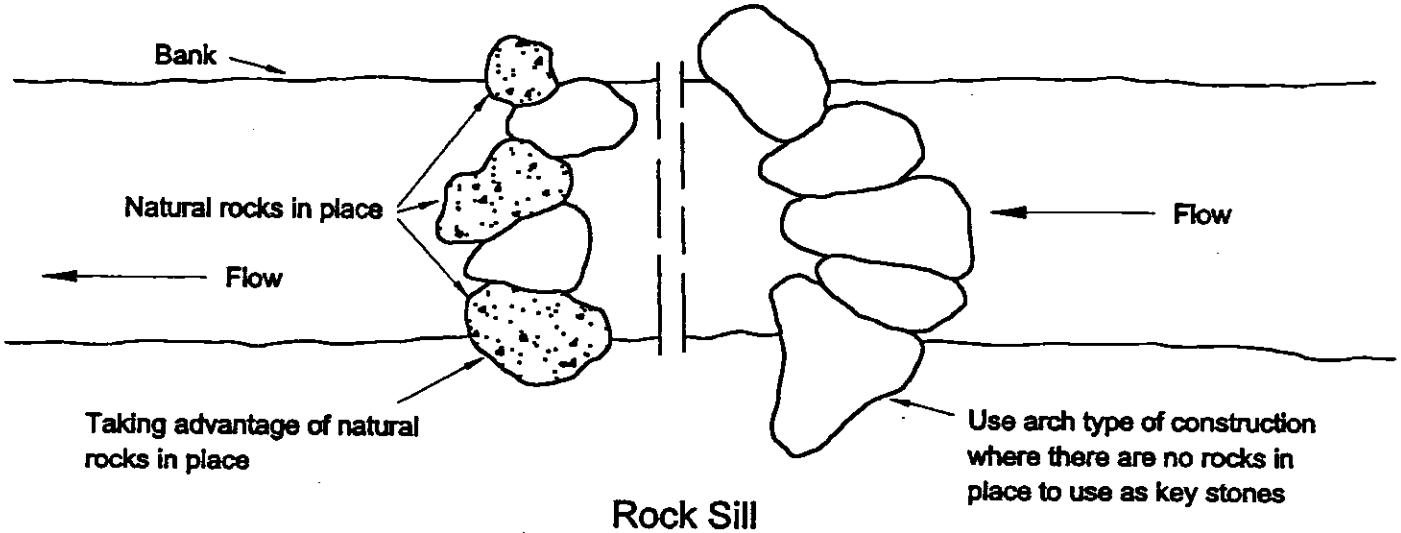
1. The DIAGIONAL SILL is always lower in the middle.
2. The rocks MUST slope down from the bank to the MID point.
3. Use the material excavated from the pool to fill the spaces between the rock.
4. Anchor the ends into the bank.
5. Try to confine the low flow to the middle 1/3 of the creek. The LOWEST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

SCALE TO SITE

Authorized Activity 3

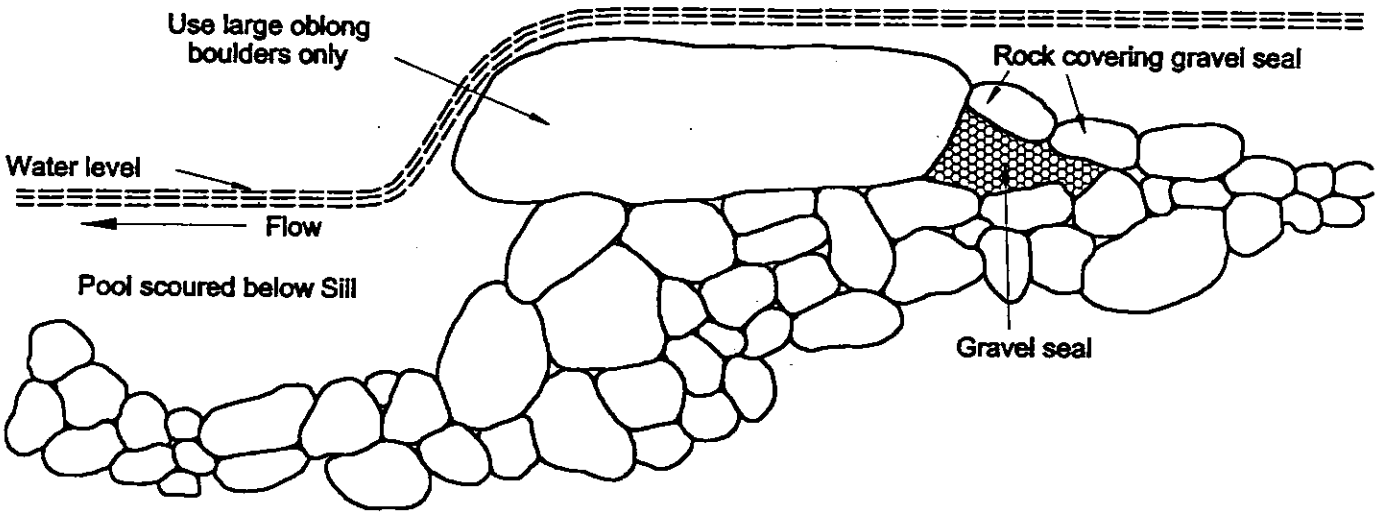
Rock Sill

Authorized 3
Activity



Rock Sill
Plan View

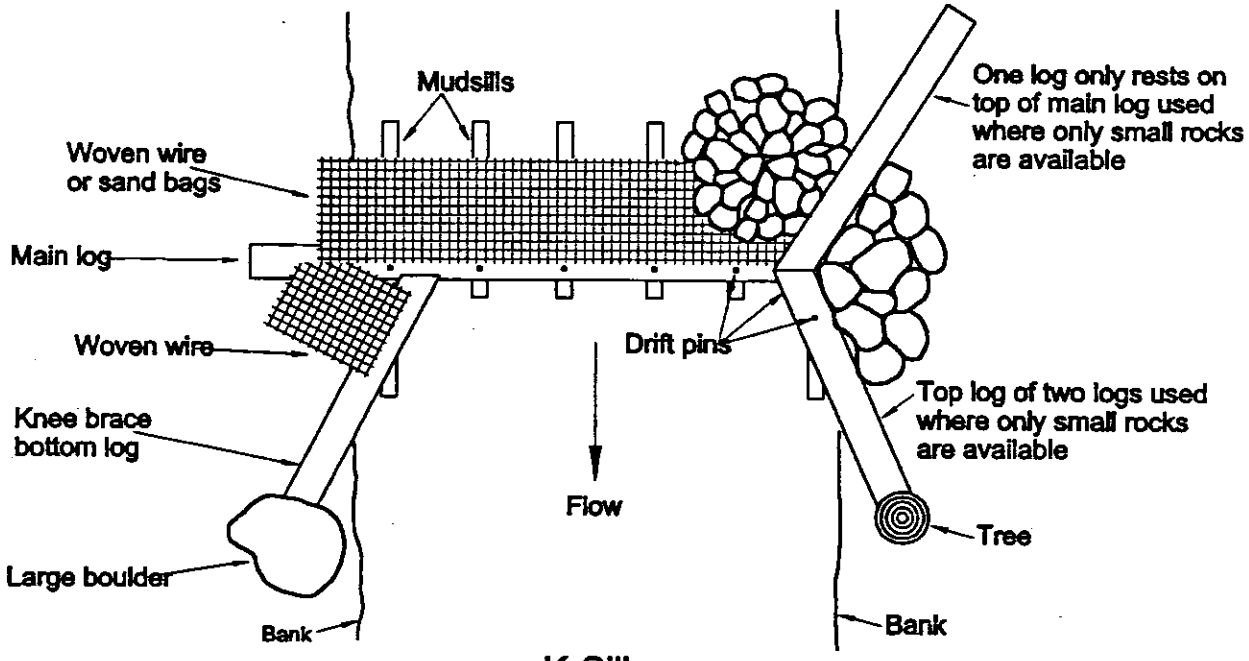
Showing construction under different conditions



Rock Sill
Cross Section

K Sill

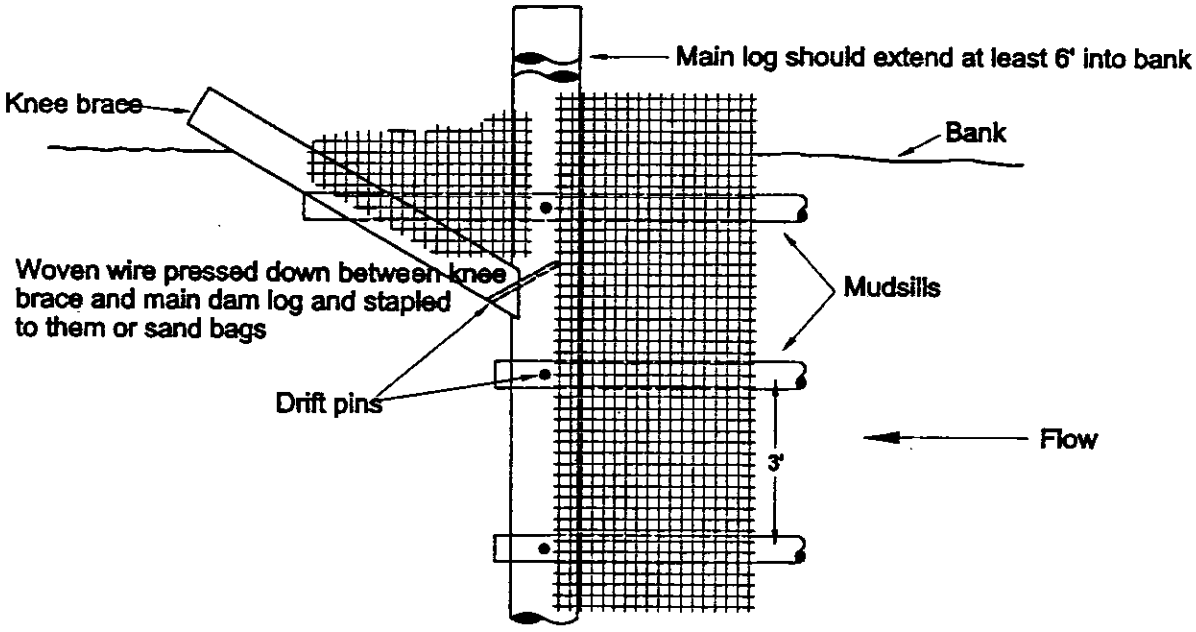
Authorized Activity **3**



K-Sill

Plan View

Showing one end and seal partly constructed



K-Sill Detail

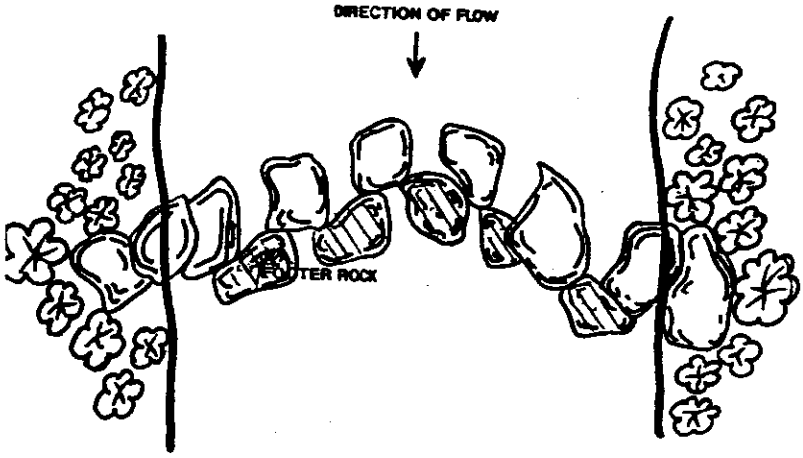
Plan View

Close up of one end with wire in place

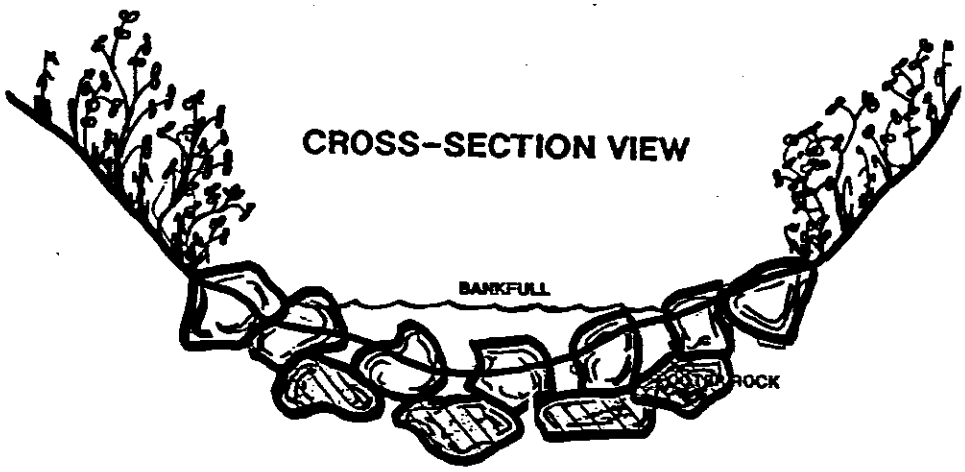
Rock/Boulder Sill (Perpendicular to Flow)

Authorized Activity **3**

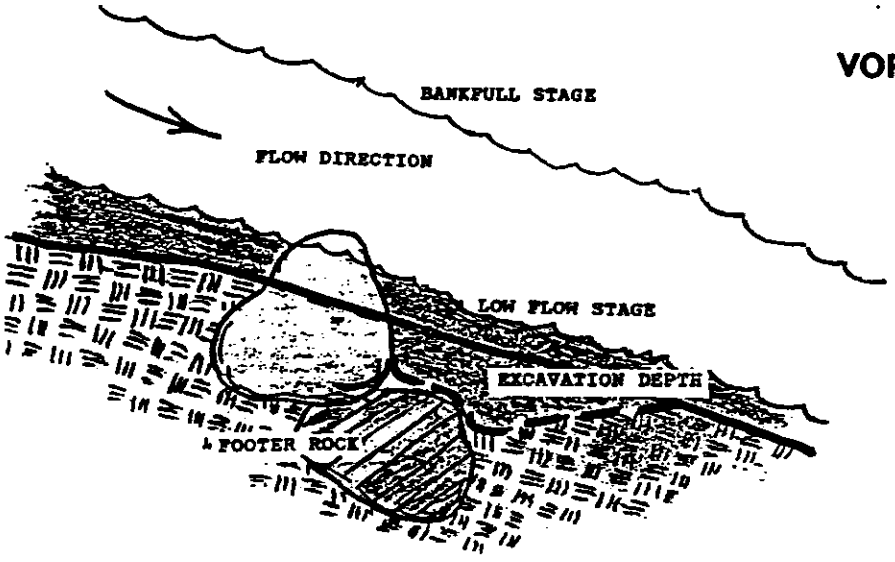
PLAN VIEW



VORTEX ROCK WEIR



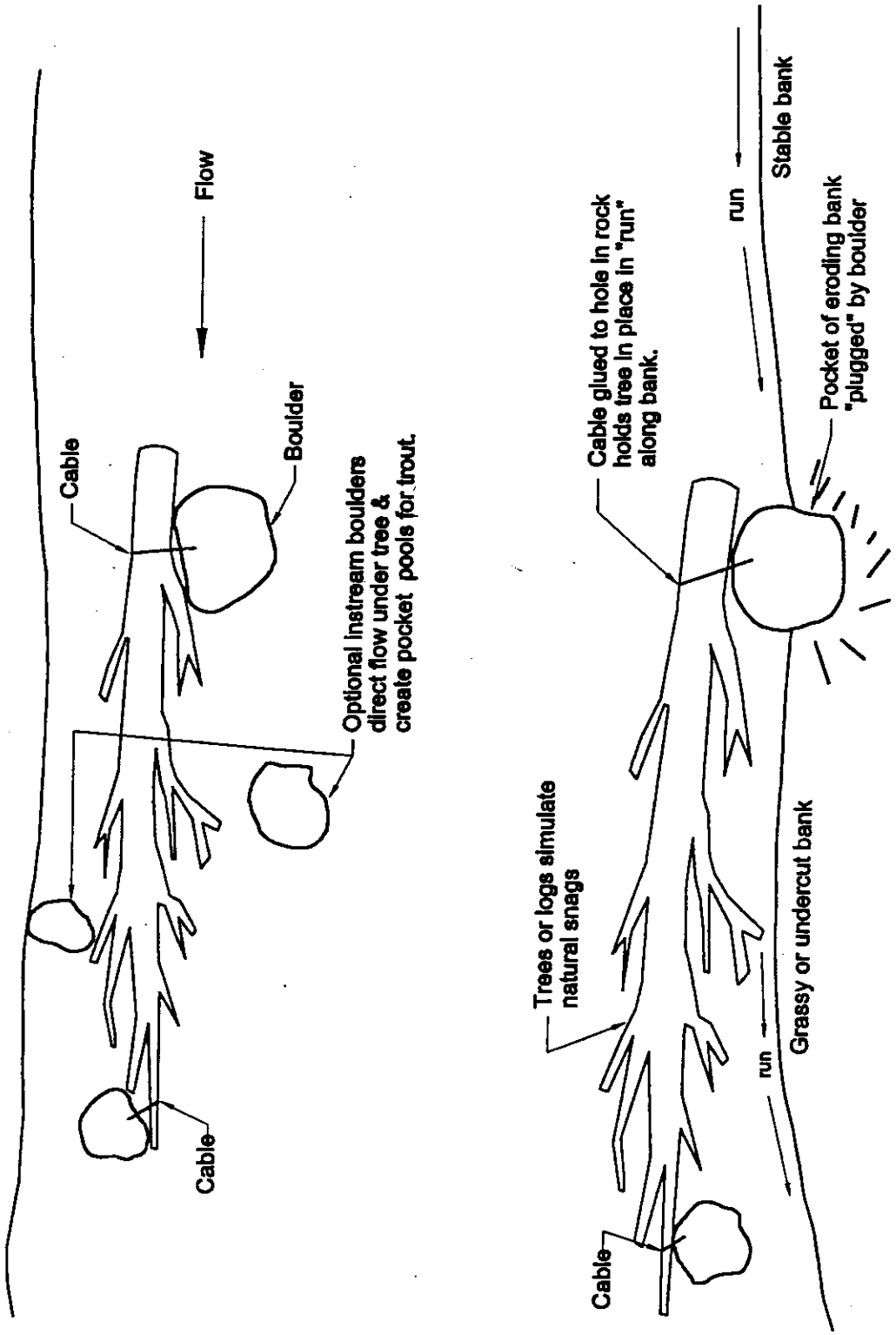
VORTEX ROCK WEIR



VORTEX ROCK WEIR
PROFILE VIEW

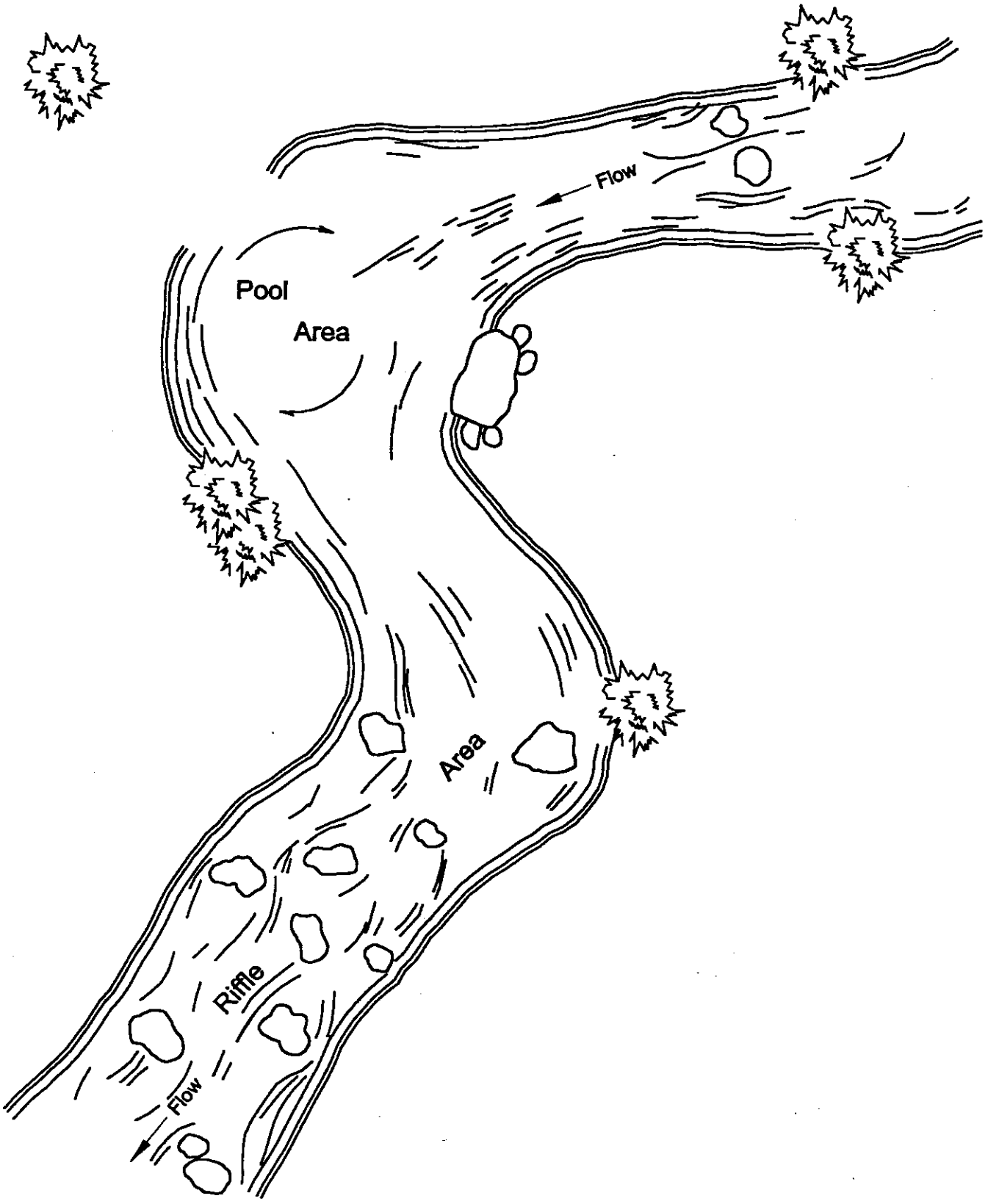
Scattered Boulder and Cover Trees

Authorized Activity **4**



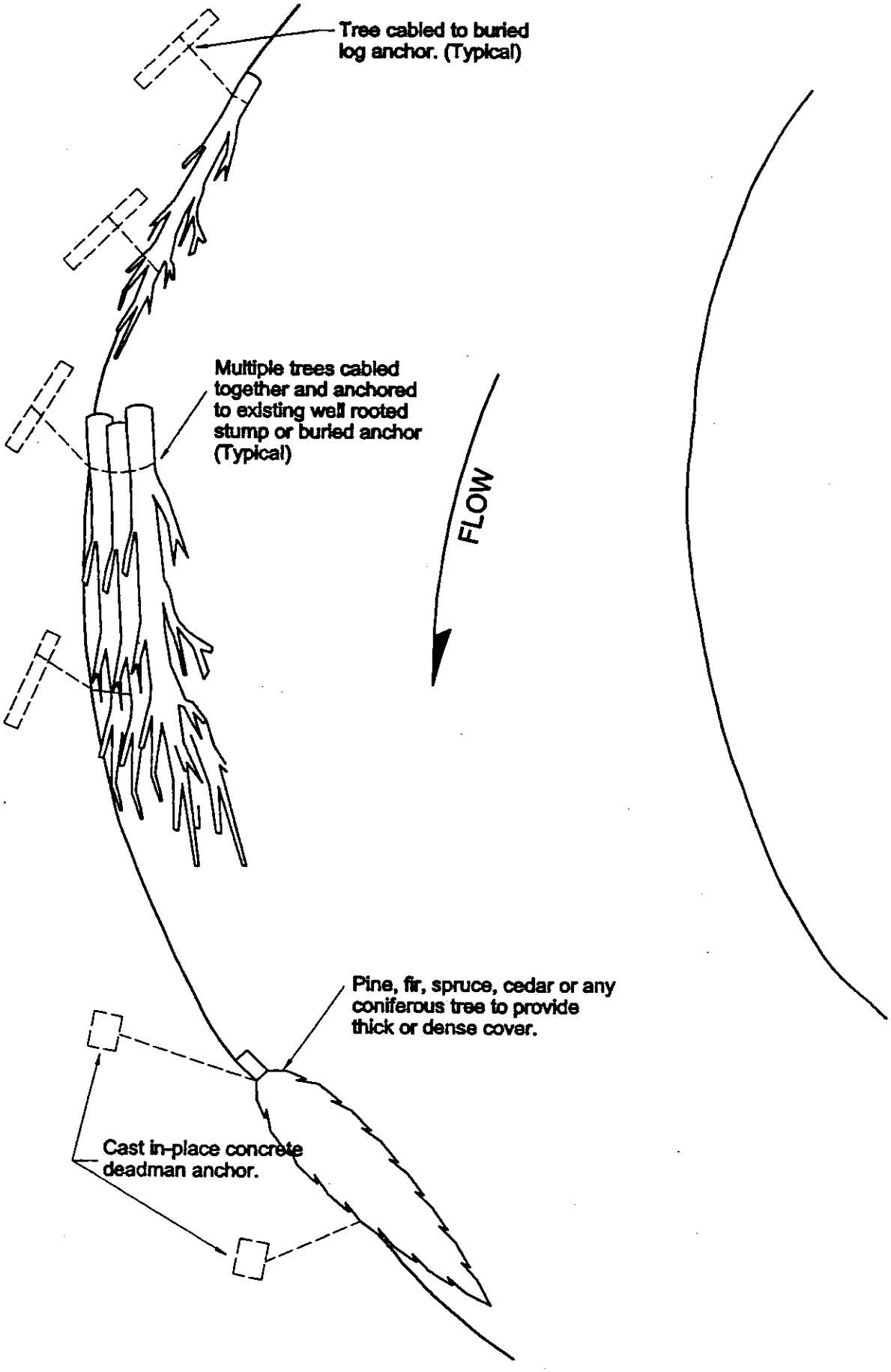
Random Boulder Placement

Authorized Activity **4**

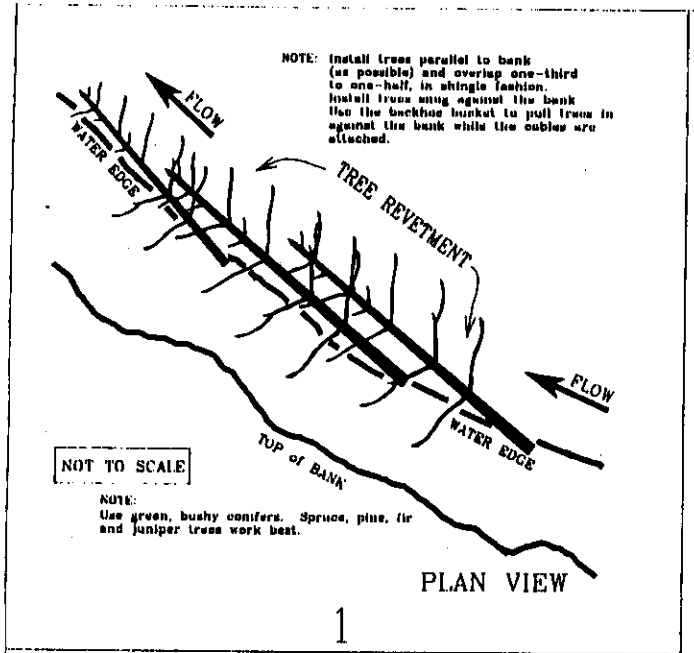


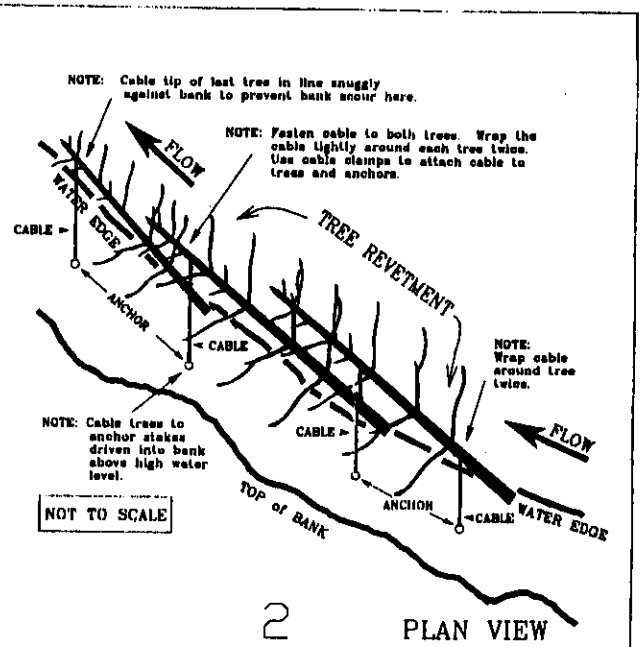
Tree Revetments & Crib Trees

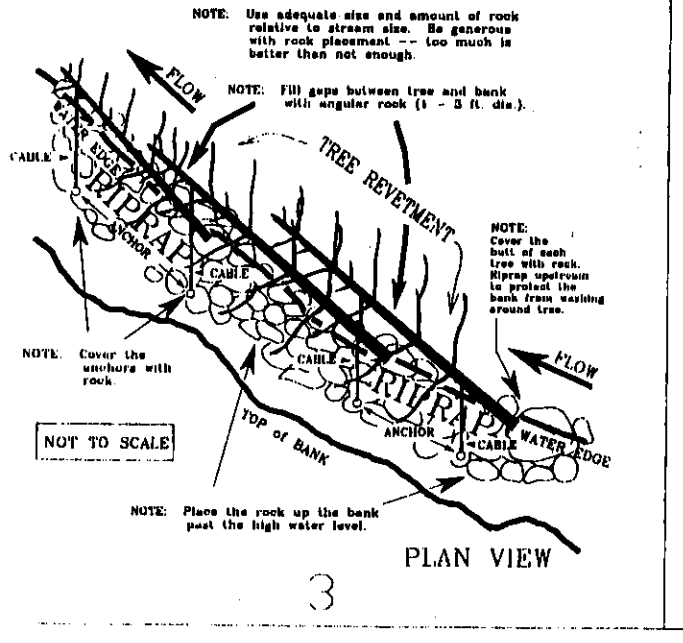
Authorized Activity **5**

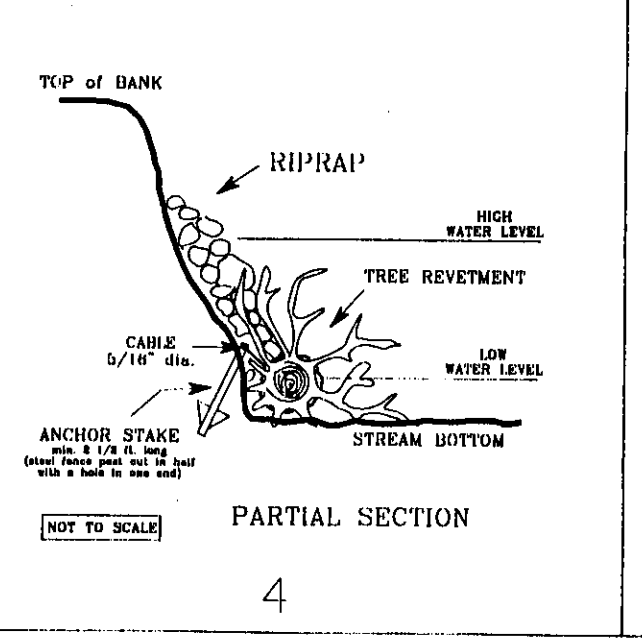


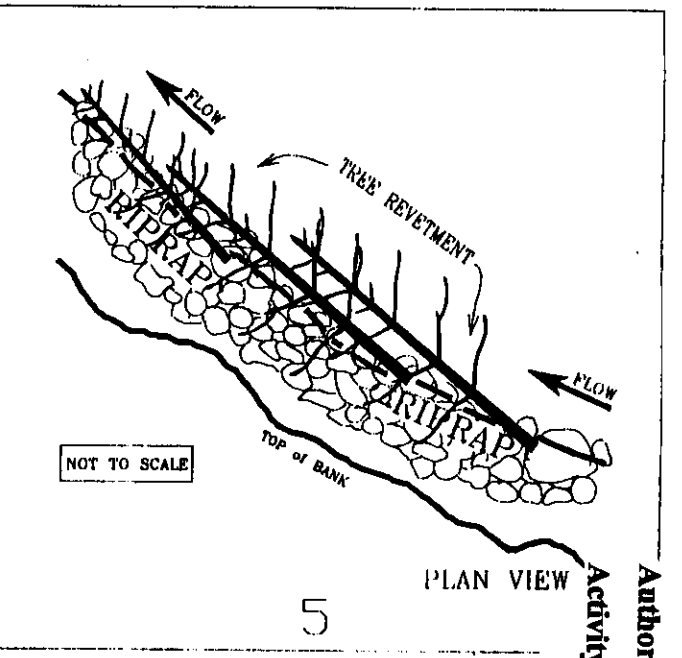
TREE AND ROCK REVETMENTS







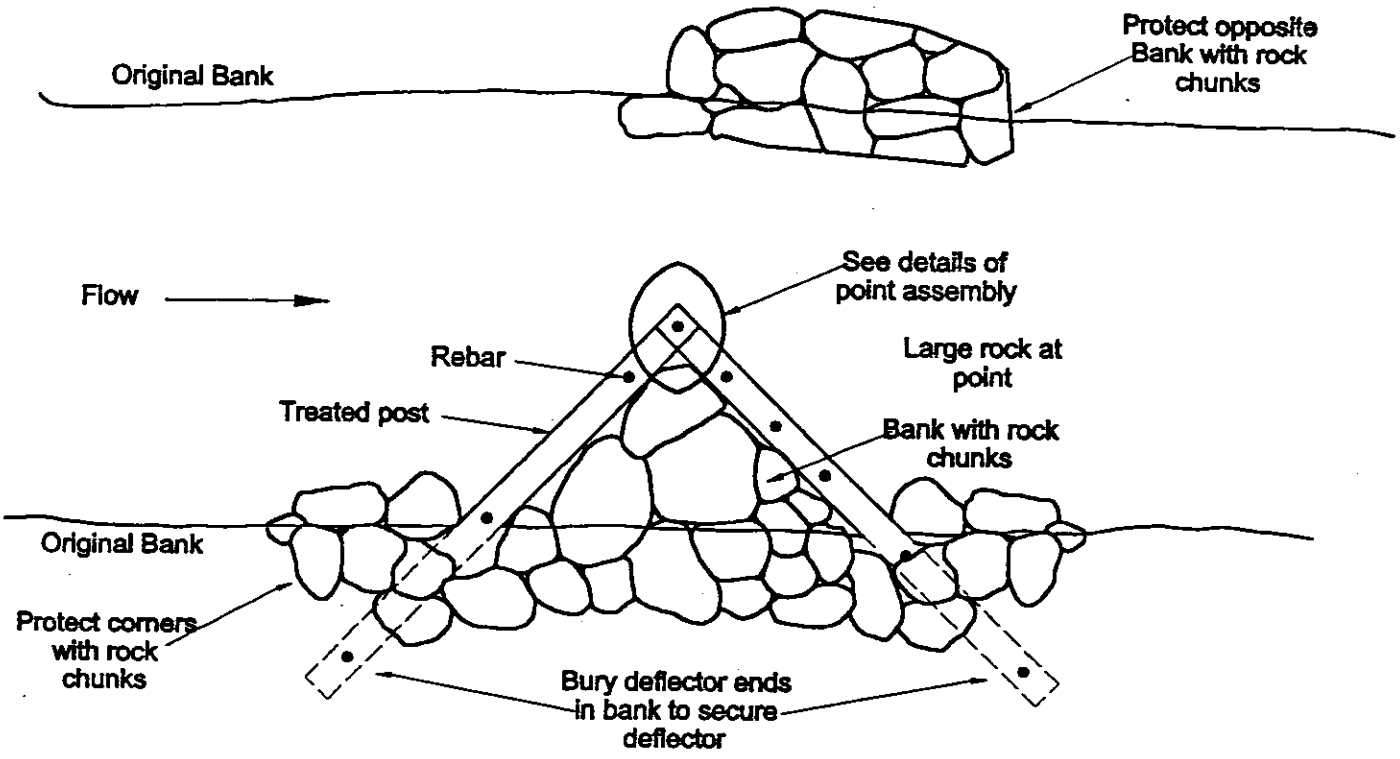




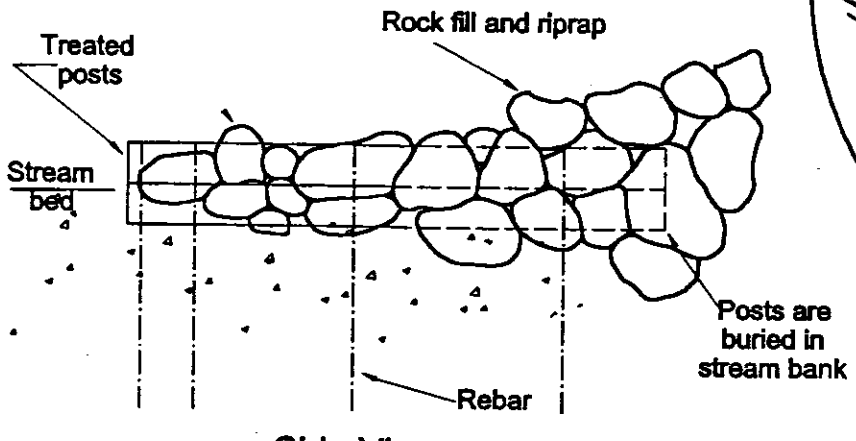
Log/Timber Deflector

(Perpendicular to Flow)

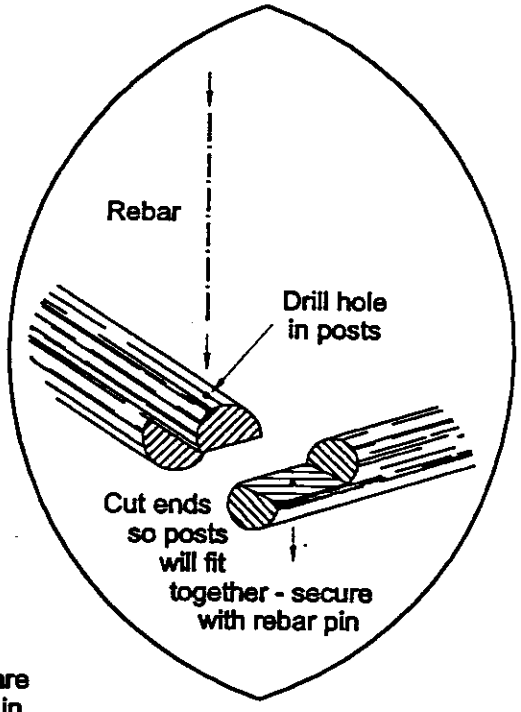
Authorized Activity **6**



Top View



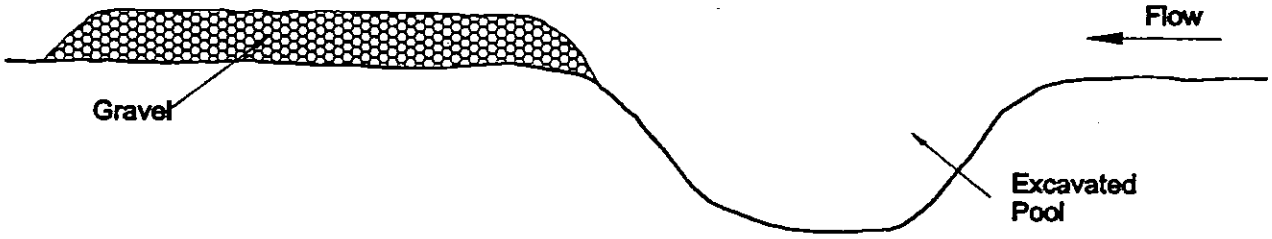
Side View



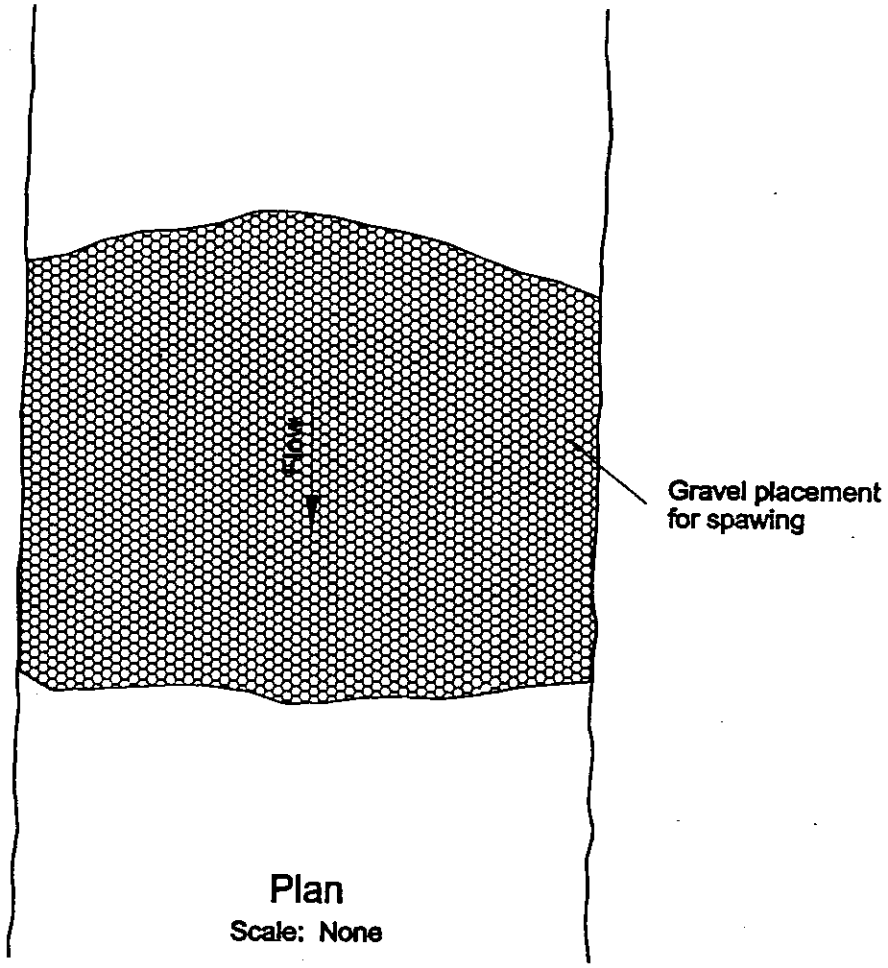
Details of Point Assembly

Spawning Gravels

Authorized Activity **7**



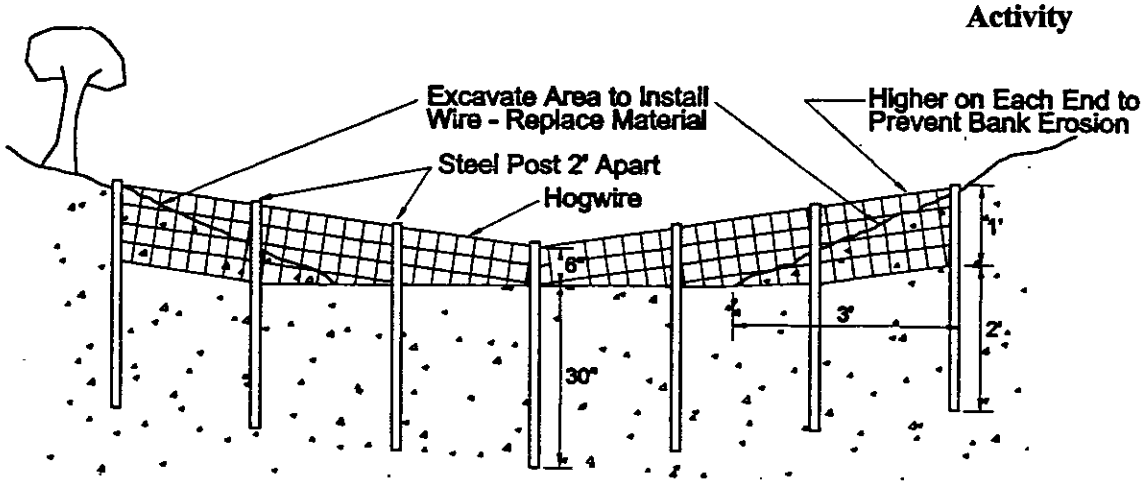
Section
Scale: None



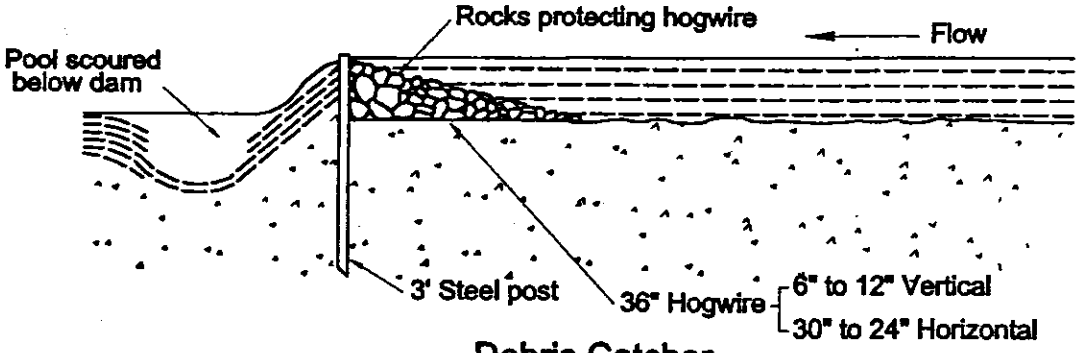
Plan
Scale: None

Debris Catcher

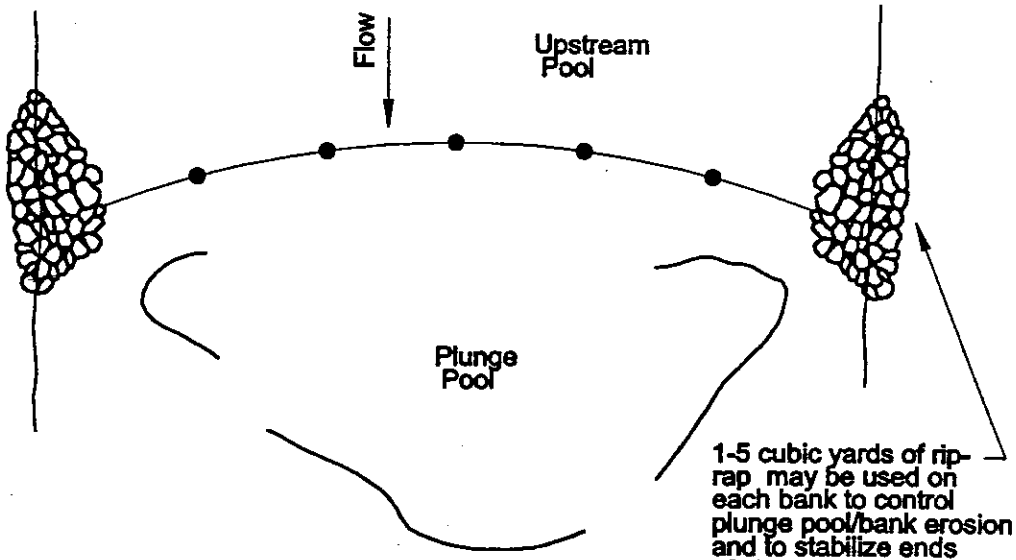
Authorized Activity **8**



Debris Catcher
Cross Section
Scale: None



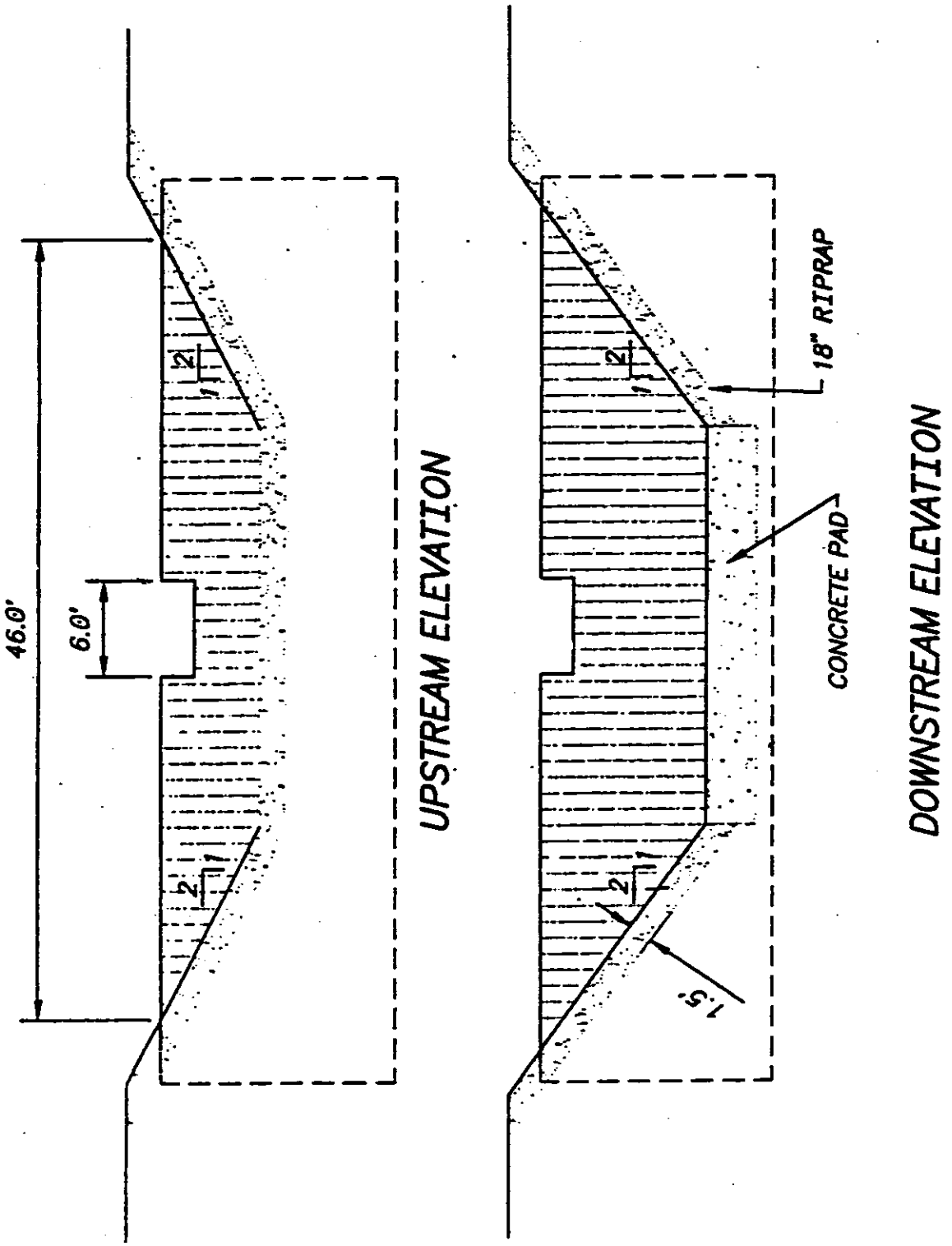
Debris Catcher
Longitudinal Section
Scale: None



Debris Catcher
Plan View
Scale: None

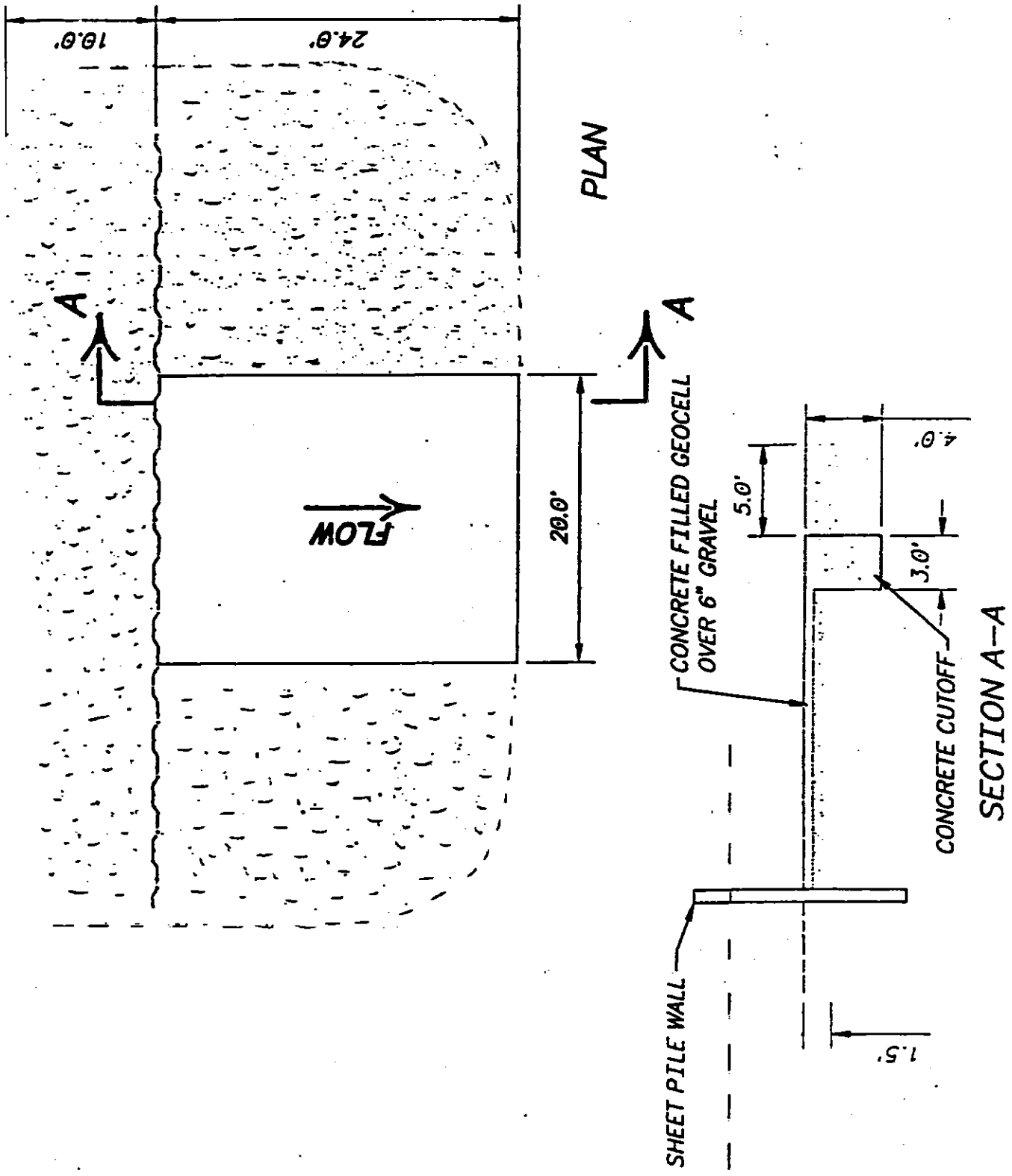
Typical Gabion Fish Barrier
(Modify to Site)

Authorized Activity **9**



Typical Gabion Fish Barrier
(Modify to Site)

Authorized Activity **9**

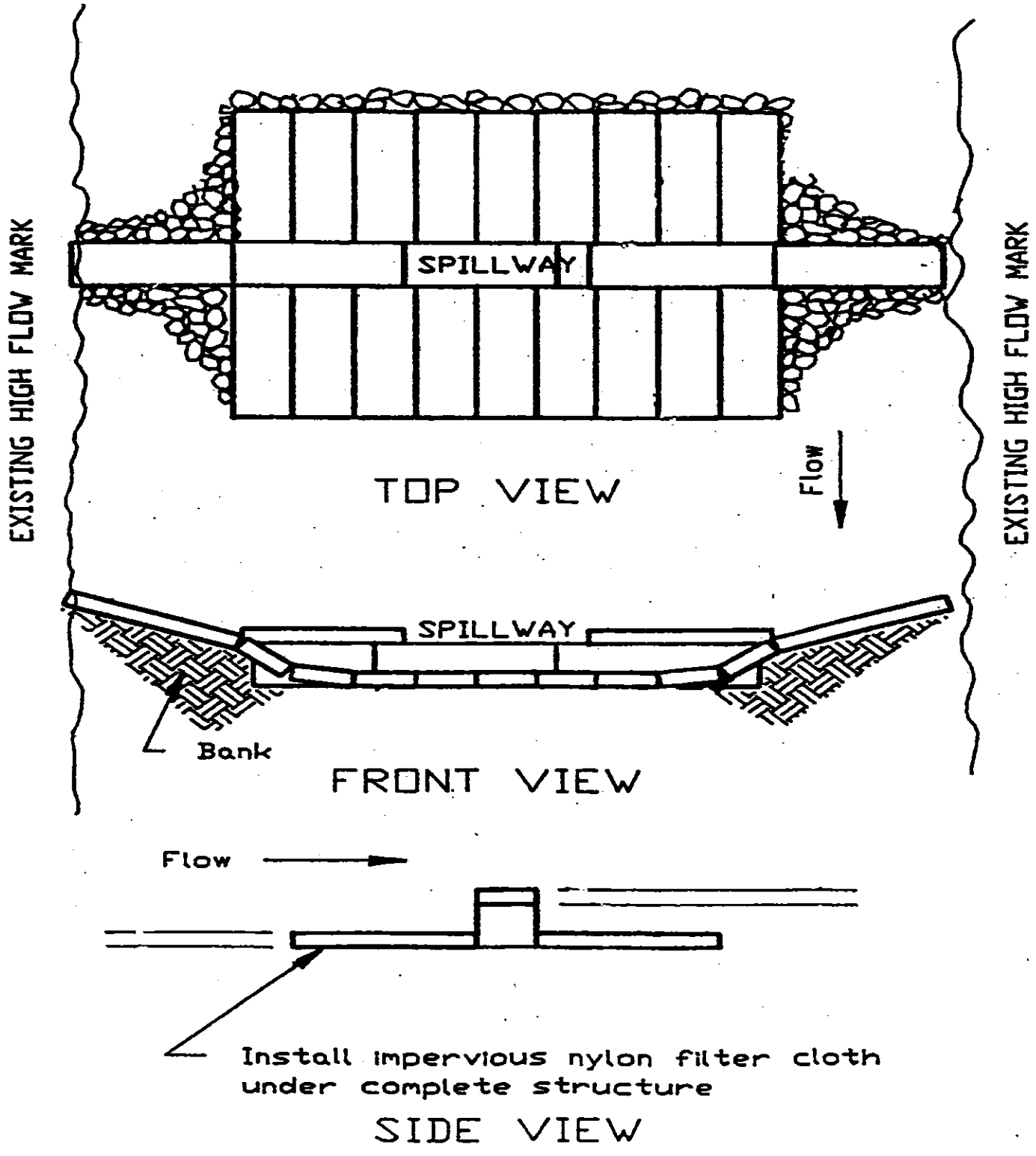


Typical Gabion Fish Barrier

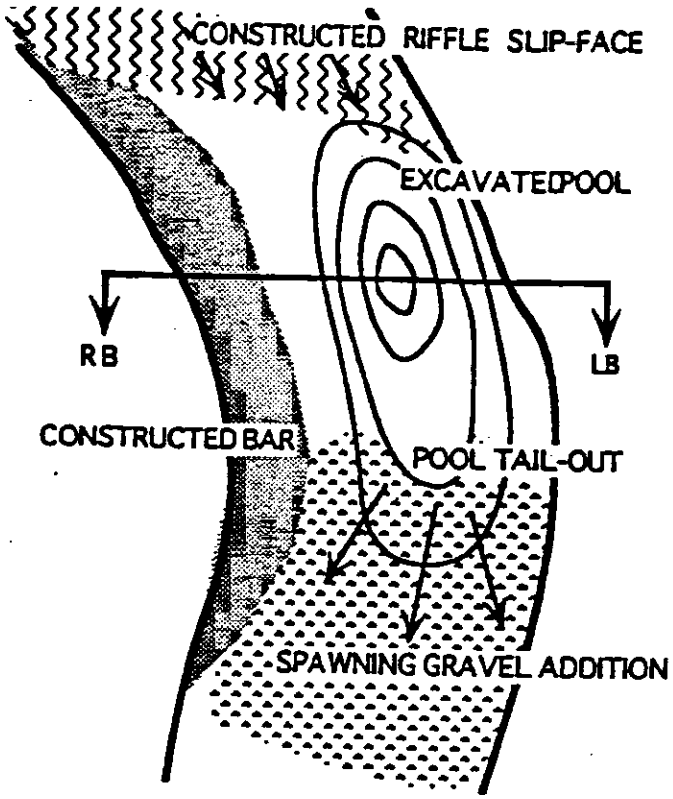
(Modify to Site)

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

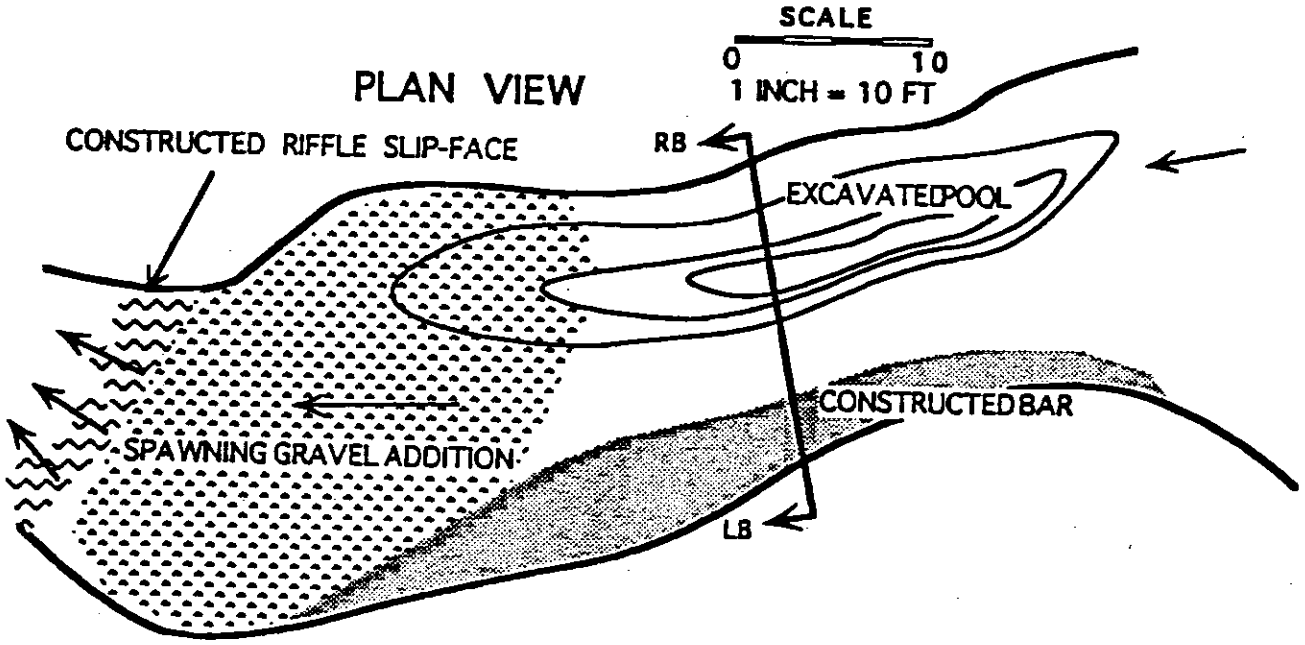
Authorized Activity **9**



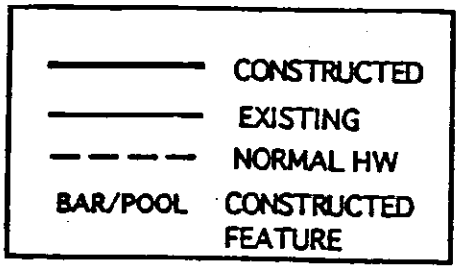
Plan View **Channel Constriction** **Authorized Activity** **13**

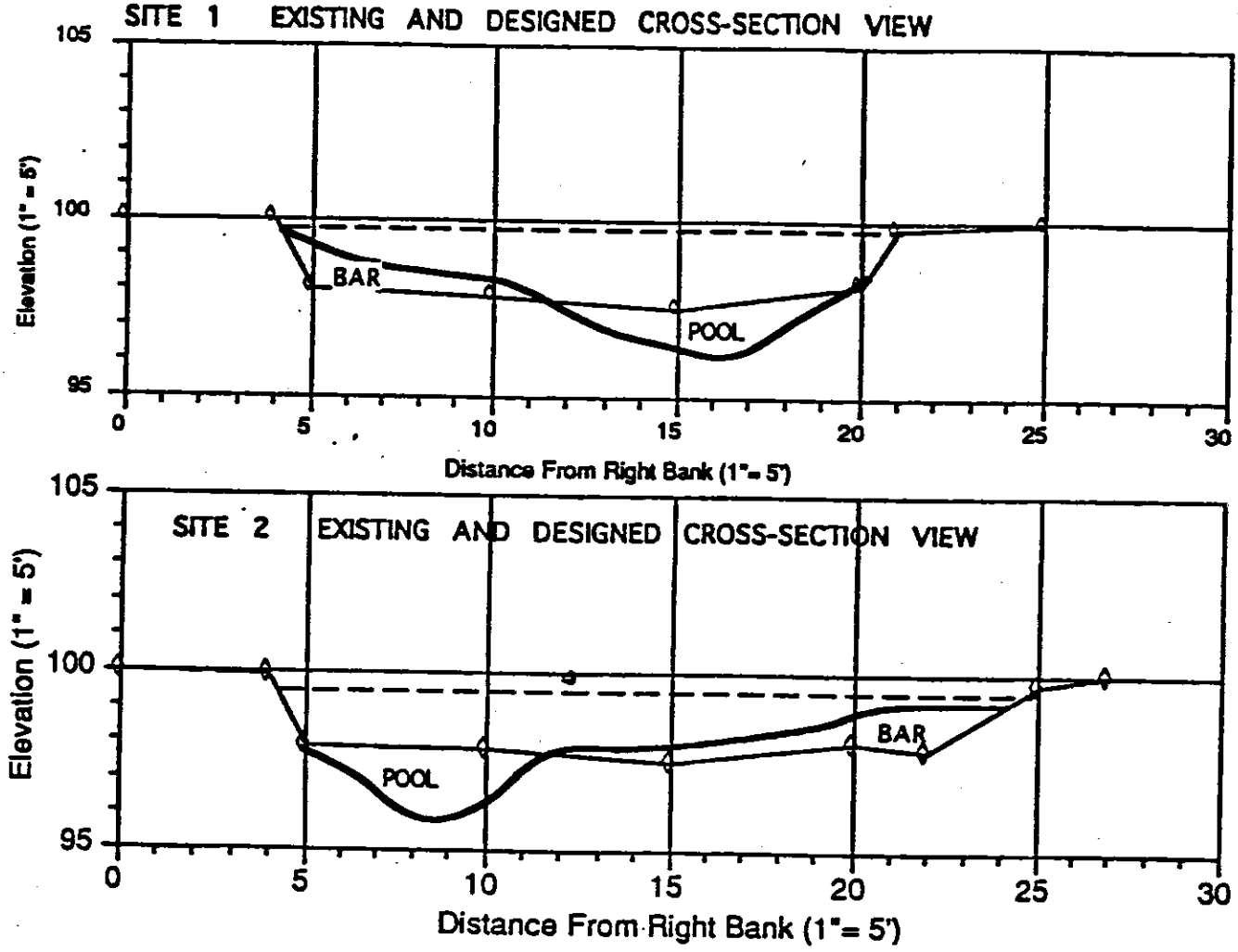


MATERIAL QUANTITIES: EXCAVATE 9.2 CU-Y POOL TO BUILD BAR AND RIFFLE. PLACE 8 CU-Y GRAVEL.



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


CONSTRUCTED
EXISTING
NORMAL HW
BAR/POOL CONSTRUCTED FEATURE


SITE 1 EXISTING AND DESIGNED CROSS-SECTION VIEW
Elevation (1" = 5')
105
100
95
0
5
10
15
20
25
30
BAR
POOL
Distance From Right Bank (1"= 5')
SITE 2 EXISTING AND DESIGNED CROSS-SECTION VIEW
Elevation (1" = 5')
105
100
95
0
5
10
15
20
25
30
POOL
BAR
Distance From Right Bank (1"= 5')