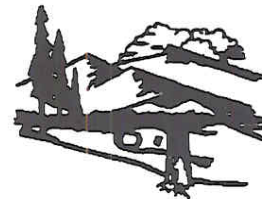




# Department of Environmental Quality

5th by Sunday 5.



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 28, 2008

Ms. Sadie Hoskie  
US Environmental Protection Agency  
1595 Wynkoop Street  
Denver, CO 80202-1129



RE: Section 401 Certification of Proposed Large Vessel and Proposed Recreational Vessel permits in Wyoming

Dear Ms. Hoskie:

In accordance with the provisions of the state certification program for boating activities and discharges incidental to the normal operation of vessels, this office has reviewed the proposed nationwide permits and has made the following determinations:

In view of the current state water quality standards and regulations, we have found that the nationwide permits are acceptable as written with the stipulation that certification of permits for eligible large (over 79 feet in length) and commercial vessels operating within Class 1 waters must be deferred for agency review and public notice. For all eligible small recreational vessels and those large and commercial vessels operating outside of Class 1 waters, we waive our right to individually certify.

## DEFERAL OF CERTIFICATION ON CLASS 1 WATERS

Class 1 waters are defined in Chapter 1 of the Wyoming Water Quality Rules and 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. Because of the high level of protection afforded to these waters by the regulations, authorization of the activities covered by the above Nation Wide Permits (NWP) requires individual departmental review.

Therefore, 401 certification for NWP, Vessel General Permit for Discharges Incidental to the Normal Operation of Commercial Vessels and Large Recreational Vessels (VGP) is deferred when operation occurs on Wyoming Class 1 waters. This nationwide permit is certified for use on Wyoming class 2, 3, and 4 waters (*all other waters*) provided that the general conditions, management practices, and other provisions of the nationwide program are strictly followed.

Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7937 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-5973	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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The following is a listing of current class 1 waters in Wyoming:

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 stream miles downstream of Saratoga, Wyoming) upstream to the Colorado state line;
6. The main stem of the North Platte River from the headwaters of Pathfinder Reservoir upstream to Kortez Dam (Miracle Mile segment);
7. The main stem of the North Platte River from the Natrona County Road 309 bridge (Goose Egg bridge) upstream to Alcova Reservoir;
8. The main stem of Sand Creek above the U.S. Highway 14 bridge;
9. The main stem of the Middle Fork of the Powder River through its entire length above the mouth of Buffalo Creek;
10. The main stem of the Tongue River, the main stem of the North Fork of the Tongue River, and the main stem of the South Fork of the Tongue River above the U.S. Forest Service Boundary;
11. The main stem of the Sweetwater River above the mouth of Alkali Creek;
12. The main stem of the Encampment River from the northern U.S. Forest Service boundary upstream to the Colorado state line;
13. The main stem of the Clarks Fork River from the U.S. Forest Service boundary upstream to the Montana state line;
14. All waters within the Fish Creek (near Wilson, Wyoming) drainage;
15. The main stem of Granite Creek (tributary of the Hoback River) through its entire length;
16. Fremont Lake;
17. Wetlands adjacent to the above listed Class 1 waters.

## WAIVED 401 CERTIFICATION

State Certification of General Permit for Discharges Associated with Recreational Vessels is waived. The Wyoming Department of Environmental Quality certifies that these permits are acceptable as described above. The Department also reserves the right to amend, modify, suspend or revoke this certification or any of its terms or conditions as may be appropriate or necessary to protect water quality and associated beneficial uses. Upon adoption of updated standards, this certification may be revoked and modified appropriately.

Please be aware that this letter constitutes state certification of these permits as required by Section 401 of the federal Clean Water Act. It 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 which the activity may cause.

If you have any questions or would like to discuss any part of this certification, please feel free to contact Jeff Clark of my staff at (307) 777-6891.

Sincerely,



John V. Corra  
Director  
Department of Environmental Quality

JVC/JFW/DHW/rm/8-0565