

TECHNICAL NOTES

U.S. DEPARTMENT OF AGRICULTURE STATE OF WYOMING NATURAL RESOURCES CONSERVATION SERVICE

BIOLOGY TECHNICAL NOTE NO. 46

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To: All Field and Area Offices

From: Brian Jensen, State Biologist

Wetland Determinations, Corps of Engineers Notification, and Nationwide Permits for Spring Developments

A certified wetland determination will always be required, as per NRCS national policy. This bulletin clarifies the planning steps pertaining to the US Army Corps of Engineers (USACE). When planning a spring development, use the following protocol:

1. Review the USACE “Nationwide Permits” (NP) and “Nationwide Permit Regional Conditions for Wyoming”, paying special attention to NP 12 and regional conditions 27(a) and (b) at the following link: <http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Wyoming.aspx>
2. According to the USACE, most spring developments and related activities are authorized by NP 12, “Utility Line Activities”. A pre-construction notification (PCN) is always required when the site is within 100 feet of a “natural spring”. These are defined as any location where there is an artesian flow emanating from a distinct point source at any time during the growing season. A PCN is also required if the site contains peatlands, such as fens.
3. If it appears that a PCN is required, take pictures of the site, develop maps of the area, and provide to your Area Resource Conservationist (ARC) for initial email coordination with the USACE. Such situations may require a formal jurisdictional determination and a wetland delineation must be completed if the USACE confirms that a PCN is required. Planners should anticipate project delays to complete that process as well as any additional coordination and mitigation.
4. If developing the more common spring developments associated with “seeps” without any unusual construction activities that would alter the “pre-construction contours”, a PCN is not required. With the exception of Teton County, NP 12 authorizes trenching and pipeline construction associated with collecting seep water and piping it to a livestock watering facility.
5. When a PCN is required, the certified wetland delineation will be completed by personnel with wetland delineation approval authority.