

US EPA ARCHIVE DOCUMENT

WATERSHED-BASED WYPDES PERMITTING

for the

POWDER RIVER BASIN, WYOMING

Annual Report

for

U.S. EPA Environmental Policy and Innovation Grant

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Environmental Policy and Innovation Grant

Watershed-based WYPDES Permitting for the Powder River Basin, Wyoming

INTRODUCTION

The Water Quality Division (WQD) of the Wyoming Department of Environmental Quality (WDEQ) received a Grant Award from the U.S. Environmental Protection Agency (USEPA), Office of Environmental Policy and Innovation, for a grant covering the time period June 17, 2005 to June 30, 2008 to develop and implement a watershed-based WYPDES permitting process for the Powder River Basin (PRB) in northeastern Wyoming. This progress report presents a summary of project related activity from January 1, 2006 until August 31, 2006.

PROJECT ACTIVITY

1) Pumpkin, Willow, and Fourmile Creeks

The Pumpkin Creek and Willow Creek General permits and the Fourmile Creek Permitting Plan were advertised in Public Notice February 16, 2006 until April 3, 2006. Extensive comments from the stakeholder committees were received.

Meetings (6th in this series) were held in Sheridan, Wyoming to apprise stakeholder committee members of the number and types of comments received on the General Permits/Permitting Plans. The Pumpkin/Fourmile Creek meeting was held on April 12, 2006, and the Willow Creek meeting was held on April 11, 2006. All of the meetings were preceded by a public notice stating the dates, times, places, and purpose for the meetings.

Based upon the comments received during the public notice and the post-PN stakeholder committee meetings, the permits/plan were revised. The General Permits/Permitting Plan were issued September 11, 2006, and have been posted on the WDEQ website,
http://deq.state.wy.us/wqd/WYPDES_Permitting/WYPDES_cbm/Pages/CBM_Watershed_Permitting/CBM_watershed_permitting.asp.

2) Clear Creek and Fence Creek

For the Clear Creek and Fence Creek watersheds, the following meetings have been held since January 1, 2006-

Clear Creek
4th meeting – January 17, 2006
5th meeting – March 9, 2006

Fence Creek
4th meeting – January 18, 2006
5th meeting – March 8, 2006

6th meeting – June 14, 2006

6th meeting – June 15, 2006

All of the meetings, except for the 5th meeting of for both Clear Creek and Fence Creek, were held in Buffalo, Wyoming. The 5th meeting for both Clear Creek and Fence Creek was held in Sheridan, Wyoming. All of the meeting dates, times, places, and the purpose of the meetings were advertised in public notice.

The Clear Creek and Fence Creek General permits were advertised in Public Notice April 15, 2006 until May 31, 2006. Extensive comments from the stakeholder committees were received. No comments from persons outside of the stakeholder committees were received.

WDEQ is in the process of evaluating the comments at this time, and has not determined a timeline for issuance of the General Permits. The WDEQ has completed evaluating comments received during the public notice process, and has completed final general permit edits resulting from these comments. The WDEQ expects to issue these permits within the next two or three weeks.

As part of the Fence Creek watershed permitting process, a channel survey was conducted. Requests for proposal were solicited, and a contractor was selected May 19, 2006. The final report/information was submitted to the WDEQ on July 31, 2006.

A channel survey was deemed unnecessary in the Clear Creek watershed permitting process by the watershed permitting committee.

3) **Lower Tongue River**

Since the last report period, the WQD has initiated a third set of watershed meetings – the Lower Tongue River. This watershed includes:

Prairie Dog Creek and tributaries thereof,
Hanging Woman Creek and tributaries thereof,
Badger Creek and tributaries thereof,
Big Goose Creek and tributaries thereof,
Ash Creek and tributaries thereof, and
Fool Creek and tributaries thereof

For the Lower Tongue River watershed, the following meetings have been held:

1st meeting: April 26-27, 2006

2nd meeting – June 8, 2006

3rd meeting – July 26, 2006

All of the meetings were held in Sheridan, Wyoming. All of the meeting dates, times, places, and the purpose of the meetings were advertised in public notice. The WQD anticipates that two general permits will be issued to cover CBM discharges within

the Lower Tongue River watershed, one for discharges into the Prairie Dog Creek sub-basin, and another to cover discharges into the remaining sub-basins, which differ from Prairie Dog Creek in that they are all intermittent, ephemeral class 3 drainages, while Prairie Dog Creek is a perennial class 2AB drainage.

The WQD sent out a request for proposal (RFP, # 0468-N) to hire a contract agent to perform channel surveys within the drainage with the intent of mapping possible constriction points (locations that may be restricted in the amount of additional flow that can be handled without causing undue erosional or other damage), the opening date for the RFP was July 17, 2006. Interviews were held with the three companies that submitted bids on August 4, 2006. The bid from Ayres Associates was selected to perform the Lower Tongue River watershed channel survey assessment on August 4, 2006. Total costs from the channel survey will be \$124,997.00. The WQD is currently in the process of performing an evaluation of aerial photography and color infrared imagery in order to select the locations of possible constriction points within the Lower Tongue River drainage. This selection process should be complete by September 5, 2006.

The Lower Tongue River channel survey is approximately two-thirds complete. At this time, further work on the Lower Tongue River channel survey has been delayed due to heavy snow and large amounts of ice in the stream channels of interest. If current weather conditions hold, work is expected to resume within the next three to five weeks. Further stakeholder committee meetings and progress on the general permit for the Lower Tongue River drainage await completion of the channel surveys.

4) Crazy Woman and Dead Horse Creek

The WDEQ has begun watershed permitting in the Crazy Woman and Dead Horse Creek drainages. Stakeholder meetings have been held on the following dates in Buffalo, Wyoming:

October 10, 2006	Preliminary interest/information meeting for both drainages
November 8, 2006	1 st Dead Horse Creek stakeholder committee meeting
November 9, 2006	1 st Crazy Woman Creek stakeholder committee meeting
January 3, 2007	2 nd Dead Horse Creek stakeholder committee meeting
January 4, 2007	2 nd Crazy Woman Creek stakeholder committee meeting

All meetings were preceded by public notice advertisements in the local newspapers.

A third meeting of the Crazy Woman Creek stakeholder committee is scheduled for March 15, 2007. At this meeting, the WDEQ expects to make the final decision regarding the need for a channel survey in this drainage, and could potentially present a draft permit to the stakeholder committee.

A third meeting of the Dead Horse Creek stakeholder committee is tentatively scheduled for the middle of April, numerous scheduling conflicts have yet to be resolved. A channel survey has already been completed for this drainage, the WDEQ hopes to present a draft general permit at this meeting for committee review.

- 5) The WDEQ is in the process of evaluating/estimating needs related to ArcHydro implementation. The WDEQ expects to complete this process within the next 6-8 weeks. This portion of the watershed permitting process is the portion that the WDEQ expects to utilize the funds associated with this grant.

6) **Additional Information:**

Additional information related to the meetings, channel surveys, draft general permits, public notices, and other items mentioned above may be located on the WQD website at

http://deq.state.wy.us/wqd/CBM_watershed_permitting.asp

- 7) The project is on schedule.
- 8) No funds from the Grant have been spent to date.
- 9) *Financial information removed by EPA as confidential business information.*

NEXT STEPS

The WDEQ plans to initiate channel surveys for the next series of general permits – Wild Horse Creek, Bitter Creek, and West Side, Powder River within the next month. This group of channel surveys includes the following drainages:

Wild Horse Creek	Bitter Creek	LX Bar Creek
SA Creek	Flying E Creek	Indian Creek
Kinney Draw	Coal Gulch	Deadhorse Creek
numerous small, ephemeral tributaries of the Powder River		

The WDEQ has developed a draft RFP for this proposal, it is currently in the review process. The WDEQ estimates that the RFP will go out for bids within the next month. Once the channel surveys are well on their way to being completed, the WDEQ will begin planning the next series of stakeholder committee meetings for these drainages.

Complete evaluation/estimation of ArcHydro implementation.

Complete Lower Tongue River Channel Survey.

Complete watershed permitting process for the Lower Tongue River.

Issue general watershed permits for Clear Creek and Fence Creek.