



ENVIRONMENTAL  
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## **State Wetland Protection**

*Status, Trends, & Model Approaches*

*A 50-state study by the  
Environmental Law Institute*

*With support from the  
U.S. Environmental Protection Agency*

2008

# **Appendix: State Profiles**

# Wyoming

## I. Overview

Wetlands make up 1.25 million acres of the semi-arid state of Wyoming, approximately two percent of the state's surface area.<sup>1</sup> The greatest impacts to the state's wetlands have resulted from agriculture. In fact, Wyoming State Parks and Historic Sites estimates that 54 percent of all wetland loss between the mid-1970s and mid-1980s resulted from agriculture. Other major contributors to wetland loss include flood control, development, rerouting of streams, grazing, contamination from chemicals and oil/gas exploration, and irrigation system conversion. The state also has many man-made wetlands, some of which were created unintentionally through leakage from inefficient irrigation systems or by other means.<sup>2</sup>

Wetland protection by the State of Wyoming through regulatory means began in 1988 with the establishment of a Memorandum of Understanding (MOU) between the Wyoming Department of Transportation (WDT) and the Wyoming Game and Fish Department (WGFD) on wetland banking for highway projects. The Wyoming Wetlands Task Force was established in 1989 and the Wyoming Wetlands Act (WWA) was passed in 1991. The WWA, the Clean Water Act (CWA) §401/404 permitting process, land use planning by the U.S. Department of Agriculture (USDA) Forest Service and Bureau of Land Management, cooperative agreements among agencies, conservation easements, and land purchases are the primary ways Wyoming protects its remaining wetlands.<sup>3</sup>

## II. Regulatory Programs

### *Wetland definitions and delineation*

Wyoming defines "waters of the state" as "all surface and groundwater, including waters associated with wetlands, within Wyoming."<sup>4</sup> The Wyoming Water Quality Rules and Regulations define wetlands as "those areas in Wyoming having all of the following characteristics: (A) hydrophytic vegetation; (B) hydric soils; and (C) wetland hydrology."<sup>5</sup> "Hydrophytic vegetation,"<sup>6</sup> "hydric soils,"<sup>7</sup> and "wetland hydrology"<sup>8</sup> are further defined in the rules. Wetlands fall under a general water classification scheme that assigns waters to one of four categories of varying quality. Wetlands adjacent to classified waters are classified in the same category as the adjacent water. Wetlands are generally classified as Class 1, "Outstanding

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<sup>1</sup> Roberta H. Yuhas, U.S. Geological Survey, *Loss of Wetlands in the Southwestern United States (2003)*, available at <http://geochange.er.usgs.gov/sw/impacts/hydrology/wetlands/>.

<sup>2</sup> MANDY BINGAMAN, WYOMING STATE PARKS AND HISTORIC SITES. 2003 WYOMING STATEWIDE COMPREHENSIVE OUTDOOR RECREATION PLAN (2003), available at <http://wyoparks.state.wy.us/PlanningDocs/scorp.asp>.

<sup>3</sup> *Id.*

<sup>4</sup> WYO. STAT. ANN. § 35-11-103 (c)(vi).

<sup>5</sup> Ch. 1 of Wyoming Water Quality Rules and Regulations § 2(a)(xiii).

<sup>6</sup> Ch. 1 of Wyoming Water Quality Rules and Regulations § 2(b)(xxiii).

<sup>7</sup> Ch. 1 of Wyoming Water Quality Rules and Regulations § 2(b)(xxii).

<sup>8</sup> Ch. 1 of Wyoming Water Quality Rules and Regulations § 2(b)(cii).

Waters,” (the most strictly regulated category)<sup>9</sup> or Class 3 waters. Waters in this class by definition generally have wetland characteristics.<sup>10</sup> “Isolated” wetlands are classified in the same way as other open isolated water bodies.<sup>11</sup>

### ***Wetland-related law and regulation***

Wetland protection in Wyoming is primarily provided by under the state’s water quality laws and regulations and the Wetlands Protection Act. The Wyoming Department of Environmental Quality (WDEQ) administers both of these programs.

*Wyoming Wetlands Act.*<sup>12</sup> The Wyoming Wetlands Act is a notification program for draining wetlands over five acres. It applies to any “naturally occurring or man-made wetland, or any series thereof, which has an area comprising five acres or more.”<sup>13</sup> The act requires that a party wishing to drain a wetland submit the appropriate paperwork to WDEQ. There is no application or approval process. The act also established a mitigation banking program. If a party fails to comply with the notification requirement, he or she may not take advantage of the banking program.<sup>14</sup>

*§401 Certification.* Any actions that require a federal permit, license, or approval that result in a discharge into waters of the state, including §404 individual dredge and fill permits and nationwide permits, require state water quality certification. Section 401 certification is the primary form of state-level wetland regulation.<sup>15</sup> WDEQ makes approximately 50 certifications per year.<sup>16</sup> WDEQ does not typically waive certification, with the occasional exception for nationwide permits that may not be applicable. In general, WDEQ approves all certifications, but usually attaches conditions. Denial is rare.<sup>17</sup>

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<sup>9</sup> “Class 1 waters are those surface waters in which no further water quality degradation by point source discharges other than from dams will be allowed. Nonpoint sources of pollution shall be controlled through implementation of appropriate best management practices. Pursuant to Section 7 of these regulations, the water quality and physical and biological integrity which existed on the water at the time of designation will be maintained and protected. In designating Class 1 waters, the Environmental Quality Council shall consider water quality, aesthetic, scenic, recreational, ecological, agricultural, botanical, zoological, municipal, industrial, historical, geological, cultural, archaeological, fish and wildlife, the presence of significant quantities of developable water and other values of present and future benefit to the people.” Ch. 1 of Wyoming Water Quality Rules and Regulations § 4(a).

<sup>10</sup> Class 3 waters are defined as “intermittent, ephemeral or isolated waters and because of natural habitat conditions, do not support nor have the potential to support fish populations or spawning, or certain perennial waters which lack the natural water quality to support fish (e.g., geothermal areas). Class 3 waters provide support for invertebrates, amphibians, or other flora and fauna which inhabit waters of the state at some stage of their life cycles. Uses designated on Class 3 waters include aquatic life other than fish, recreation, wildlife, industry, agriculture and scenic value. Generally, waters suitable for this classification have wetland characteristics, and such characteristics will be a primary indicator used in identifying Class 3 waters.” Ch. 1 of Wyoming Water Quality Rules and Regulations § 4(c).

<sup>11</sup> Personal Communication with Bill DiRienzo, Wyoming Department of Environmental Quality (Jan. 30, 2006).

<sup>12</sup> WYO. STAT. ANN. § 35-11-308 (1991).

<sup>13</sup> WYO. STAT. ANN. § 35-11-310 (a) (1991).

<sup>14</sup> Personal Communication with Bill DiRienzo, Wyoming Department of Environmental Quality (July 21, 2006).

<sup>15</sup> DiRienzo, *supra* note 11.

<sup>16</sup> Personal Communication with Jeremy Lyon, Wyoming Department of Environmental Quality (February 3, 2006).

<sup>17</sup> DiRienzo, *supra* note 11.

<sup>19</sup> Lyon, *supra* note 16.

Section 401 certification decisions are based on a qualitative assessment of projects. WDEQ relies heavily on information submitted by the Corps. Projects proposed on Class 1 wetlands, the most protected waters, undergo a careful review that may include site visits. Projects on all other classes of wetlands are usually approved. WDEQ uses a similar system of stream classification to guide its stream permitting process, although site visits are rare. WDEQ usually conducts site visits if there is public concern about a proposed project.<sup>18</sup>

### *Organization of state agencies*

*Wyoming Department of Environmental Quality.* The WDEQ Watershed Management Section administers both the Water Quality Protection Program and the Wetlands Protection Act. WDEQ maintains regional offices in Sheridan, Lander, and Casper, as well as a headquarter office in Cheyenne. They also have three monitoring crews, each composed of two people, located around the state. At the WDEQ central office, two staff dedicate part of their time to wetlands, including administration of the §401 certification program, the Wyoming Wetlands Act, and the banking program.<sup>19</sup> Their combined work equals approximately one-half of a full-time equivalent (FTE).<sup>20</sup>

WDEQ spends approximately \$45,000 per year for the one-half FTE in the main office. The budget for the water quality monitoring program is separate. These funds come from general state allocations. A U.S. Environmental Protection Agency (EPA) 604(b) grant also supports §401 certification activities.<sup>21</sup>

*Other agencies.* WGFD and the Wyoming Division of State Parks and Historic Sites have developed a Statewide Comprehensive Outdoor Recreation Plan that includes a chapter on state wetlands acquisition priorities. WGFD has several employees that work part-time on wetlands issues: two waterfowl biologists that deal with waterfowl management, the regulatory process, and general wetland issues; two to three habitat extension biologists that occasionally deal with wetlands;<sup>22</sup> a non-game biologist involved with wetland restoration and creation for trumpeter swan habitat on public and private lands; and a habitat protection biologist who reviews WDEQ mine plans and who is actively involved in wetland planning and development on mined lands.<sup>23</sup> The department spends approximately \$1 million per year directly or indirectly on wetlands, the majority of which goes to personnel costs (such as time spent commenting on projects and maintenance for habitat units).<sup>24</sup> This represents approximately two to three percent of the agency's total annual budget. Most of this money comes from hunting or fishing license fees; a small portion comes from federal funds such as the Pittman-Robertson Wildlife Restoration Act, the Dingell-Johnson Sport Fish Restoration Act, and the Wallop-Breaux Aquatic Resources Trust Fund.<sup>25</sup> The department also receives some outside grants and assistance.<sup>26</sup>

### *Nationwide permits*

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<sup>20</sup> Personal Communication with Beth Pratt, Wyoming Department of Environmental Quality (October 9, 2006).

<sup>21</sup> *Id.*

<sup>22</sup> Personal Communication with Steve Tessmann, Wyoming Game and Fish Department (February 15, 2006).

<sup>23</sup> Personal Communication with Steve Tessmann, Wyoming Game and Fish Department (October 16, 2006).

<sup>24</sup> Tessmann, *supra* note 22.

<sup>25</sup> Personal Communication with Steve Tessmann, Wyoming Game and Fish Department (October 9, 2006).

<sup>26</sup> Tessmann, *supra* note 22.

WDEQ staff provide ongoing review of nationwide permits (NWP).<sup>27</sup> In 2002, the agency denied and conditioned numerous NWPs.<sup>28,29</sup> WDEQ's action on the 2007 NWPs could not be reviewed within the reporting period of this publication.

### ***Mitigation***

The Wyoming Wetlands Act established Wyoming's mitigation banking program. General standards for the program are included in the water quality rules and regulations<sup>30</sup> and in guidelines published by WDEQ.<sup>31</sup> WDEQ considers functions and values of impacted wetlands when determining adequate mitigation and allows for the option of wetland banking.<sup>32,33</sup> As described in WDEQ's banking guidelines, Wyoming uses the "open banking concept," i.e., anyone who voluntarily undertakes a wetland creation, restoration, or enhancement project can receive state credit. WDEQ records what and how much was built so that someone else can use the project to fulfill mitigation requirements in the future. Credits are tied to the property.<sup>34,35</sup> However, as of 2006, no mitigation banks have applied for state credit.<sup>36</sup> Thus, no Mitigation Banking Review Teams have been established in Wyoming.<sup>37</sup>

### ***Compliance and enforcement***

Wetland-related enforcement and compliance issues typically fall to the U.S. Army Corps of Engineers and U.S. Environmental Protection Agency (for violations to Clean Water Act §404).

### ***Tracking systems***

The state tracks all permits, including §404 permits from the Corps and §401 certifications, in a database.<sup>38</sup>

## **III. Water Quality Standards**

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<sup>27</sup> DiRienzo, *supra* note 11.

<sup>28</sup> WDEQ denied certification of the following 2002 NWPs: NWP 16: Return Water From Upland Contained Disposal Areas, NWP 17: Hydropower Projects, NWP 23: Approved Categorical Exclusion, NWP 27: Wetland and Riparian Restoration and Creation Activities, NWP 31: Maintenance of Existing Flood Control Facilities, NWP 40: Farm Buildings, NWP 43: Storm Water Management Facilities, and NWP 44: Mining Activities. WDEQ waived certification of the 2002 NWPs 1, 2, 4, 8, 9, 10, 11, 15, 19, 22, 24, 28, 34, and 35 because it determined that they either not involve discharges or have little or no application in the state. WDEQ approved certification of the 2002 NWPs 20, 21, and 38. WDEQ imposed further additional conditions on all 2002 NWPs.

<sup>29</sup> Letter from Dennis Hemmer, Director, Wyoming Department of Environmental Quality, to Matt Bilodeau, U.S. Army Corps of Engineers, Wyoming Regulatory Office (Mar. 14, 2002), *available at* <http://deq.state.wy.us/wqd/watershed/Downloads/401/2-1990-doc.pdf>.

<sup>30</sup> Ch. 1 of Wyoming Water Quality Rules and Regulations § 12.

<sup>31</sup> DiRienzo, *supra* note 14.

<sup>32</sup> DiRienzo, *supra* note 11.

<sup>33</sup> Ch. 1 of Water Quality Rules and Regulations, § 12.

<sup>34</sup> DiRienzo, *supra* note 11.

<sup>35</sup> Wyoming Department of Environmental Quality, *Wyoming Wetland Bank: Application for Credit*, [http://deq.state.wy.us/wqd/watershed/Downloads/Wetlands/wet\\_bankapp.pdf](http://deq.state.wy.us/wqd/watershed/Downloads/Wetlands/wet_bankapp.pdf) (last visited Aug. 1, 2007).

<sup>36</sup> One party did apply for credit, but later withdrew its application. Personal Communication with Beth Pratt, Wyoming Department of Environmental Quality (Oct. 10, 2006).

<sup>37</sup> Pratt, *supra* note 20.

<sup>38</sup> DiRienzo, *supra* note 111.

Wyoming water quality standards outline designated uses for waters of the state and associated water quality criteria. Surface standards consist of three parts: (1) surface water classes and associated uses; (2) numeric and narrative water quality criteria; and (3) antidegradation policy.<sup>39</sup> Wyoming has one narrative standard pertaining specifically to wetlands: “Point or non-point pollution shall not cause the destruction, damage or impairment of naturally occurring wetlands except when mitigated through an authorized wetlands mitigation process.”<sup>40</sup>

The narrative standard, combined with the isolated water rule in the Wyoming Water Quality Rules and Regulations, give WDEQ the authority to regulate activities on wetlands that fall outside the jurisdiction of the Corps. The isolated water rule requires parties who intend to fill a naturally occurring isolated wetland over one acre in size to apply for a permit.<sup>41</sup> A state general permit has been established to cover isolated wetlands, and a mitigation requirement is included in this general permit.<sup>42,43</sup>

WDEQ is considering the development of wetland-specific water quality standards as part of its plans to develop a wetland-specific monitoring and assessment program;<sup>44</sup> these would potentially include narrative or numeric standards.<sup>45</sup>

### ***Designated uses***

Wetlands fall under the general water classification scheme, and so the designated uses established for waters of the state apply to wetlands. Wyoming’s four categories for waters of varying quality are prescribed specific associated uses.

There are restrictions on discharges to Class 1 waters (the most strictly regulated wetlands). When designating Class 1 waters, “the Environmental Quality Council shall consider water quality, aesthetic, scenic, recreational, ecological, agricultural, botanical, zoological, municipal, industrial, historical, geological, cultural, archaeological, fish and wildlife, the presence of significant quantities of developable water and other values of present and future benefit to the people.”<sup>46</sup>

The regulations designate Class 3 waters for “Aquatic Life Other than Fish.” Designated uses for these waters include aquatic life other than fish, recreation, wildlife, industry, agriculture and scenic value.<sup>47</sup>

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<sup>39</sup> See generally Ch. 1 of Water Quality Rules and Regulations.

<sup>40</sup> Ch. 1 of Wyoming Water Quality Rules and Regulations § 12.

<sup>41</sup> Ch. 2 of Wyoming Water Quality Rules and Regulations § 4(m), “Application requirements for isolated wetlands” reads: “A notice of intent submitted for coverage of mitigation for activities that cause the destruction, damage or impairment of naturally occurring isolated wetlands shall contain the information as required in Section 7 (b) of these regulations.”

<sup>42</sup> Pratt, *supra* note 20.

<sup>43</sup> The state general permit for isolated wetlands is available at:

[http://deq.state.wy.us/wqd/WYPDES\\_Permitting/downloads/wetland\\_permit\\_signed\\_5\\_06.pdf](http://deq.state.wy.us/wqd/WYPDES_Permitting/downloads/wetland_permit_signed_5_06.pdf) (last visited Aug. 1, 2007).

<sup>44</sup> Personal Communication with Jeremy Zumberge, Wyoming Department of Environmental Quality (Feb. 13, 2006).

<sup>45</sup> Pratt, *supra* note 200.

<sup>46</sup> Ch. 1 of Wyoming Water Quality Rules and Regulations § 4(a).

<sup>47</sup> Ch. 1 of Wyoming Water Quality Rules and Regulations § 4(c).

### ***Anti-degradation standards***

Wyoming's anti-degradation policy applies generally to all water classes, including wetlands.<sup>48</sup>

## **IV. Monitoring and Assessment**

### ***Monitoring and assessment for wetlands***

WDEQ has developed a five-year water quality monitoring strategy. Wetland monitoring is one component of this strategy, but as of 2006, the agency does not operate a wetland-specific monitoring program. WDEQ assesses riparian wetlands as part of its stream and lakes monitoring program, which covers most wetlands in the state.<sup>49</sup>

WDEQ is developing a wetland-specific monitoring and assessment program which will be incorporated into a watershed-scale assessment approach that includes all water bodies.<sup>50</sup> The department is currently trying to assess all wetland assets (inventory) by completing the National Wetlands Inventory, for which it has already allocated funds. The inventory is scheduled to be completed by 2009. The process includes completing maps for some sections of the state, revising outdated maps for other sections, and digitizing all of the maps to make them usable.<sup>51</sup> WDEQ is also researching what other states are doing at the watershed level and identifying approaches that might work in Wyoming.<sup>52</sup>

### ***Monitoring and assessment for streams***

The WDEQ stream monitoring program collects and assesses water quality monitoring data to determine if a water body is fully supporting its designated uses.<sup>53</sup> WDEQ has developed a list of objectives for monitoring and assessment that include, but are not limited to, the basic objectives of the CWA, including: determining water quality standards attainment; identifying impaired waters; identifying causes and sources of water quality impairment; supporting the development and implementation of water quality standards and management programs; and supporting the evaluation of program effectiveness. In addition to these basic CWA objectives, WDEQ has set specific additional objectives, including: (1) collection of monitoring data to support National Pollution Discharge Elimination System permitting and compliance, and (2) evaluation of the effectiveness of watershed plans designed to improve water quality.

## **V. Restoration**

### ***Statewide wetland strategy***

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<sup>48</sup> Ch. 1 of Wyoming Water Quality Rules and Regulations § 8.

<sup>49</sup> Zumberge, *supra* note 444.

<sup>50</sup> Personal Communication with Jeremy Zumberge, Wyoming Department of Environmental Quality (Sept. 6, 2006).

<sup>51</sup> Pratt, *supra* note 20.

<sup>52</sup> Zumberge, *supra* note 444; Pratt, *supra* note 200.

<sup>53</sup> Wyoming Department of Environmental Quality, *Watershed Program*, <http://deq.state.wy.us/wqd/watershed/index.asp> (last visited Aug. 1, 2007).

WGFD is seeking funding for wetland protection in Wyoming, particularly through North American Wetland Conservation Act (NAWCA) joint venture funding. The agency is drafting a plan that focuses on inventorying existing wetlands and identification and prioritization of wetland projects.<sup>54</sup> The initiative will provide guidance for identification of future projects and funds.<sup>55</sup>

### ***Restoration programs***

WGFD operates two state restoration programs that may include wetland restoration, enhancement, and preservation projects. When identifying habitat protection opportunities, WGFD looks at wildlife benefits, the amount of acres potentially affected, landowner commitment, landowner willingness to work on a management plan, and requirements of the funding source.<sup>56</sup> All WGFD-sponsored restoration projects must complete a long-term habitat management plan and provide recreational access to the restored project area.<sup>57</sup> This applies to projects on private and public property. Limited permission for recreational access is a term of the agreement with a landowner. The term of this agreement is generally 10 to 15 years.<sup>58</sup> WGFD assesses projects' success visually after construction is complete.<sup>59</sup>

WGFD funds wetland construction projects through its Habitat Grant Program. Project proposals are assessed on a case-by-case basis. The department can also fund construction projects by applying for moneys from the Wildlife and Natural Resource Trust Account, which reserves a portion of the state's mineral royalties for wildlife habitat improvement. This is a general funding program to which state agencies, conservation organizations, and private landowners may apply, and it could be used for wetland projects. The primary purpose of both these programs is to maintain wildlife habitat.<sup>60</sup>

*Improving water delivery in southeast Wyoming.* WGFD created several habitat units in southeast Wyoming, including a number of wetlands, in the 1970s and 1980s. The agency has done little construction or enhancement on the sites since. For the past eight to ten years, many of these constructed wetlands have been dry from drought, and so WGFD is exploring ways to improve water delivery to the area. Some potential cooperators may include local irrigation districts, the State Water Development Commission (which funds irrigation and reservoir projects), NRCS, and Joint Ventures (Intermountain West and Northern Great Plains), which administer NAWCA grants. Potential funding sources include the Governor's Habitat Trust Account and energy development trust funds.<sup>61</sup>

*Federal programs.* WGFD is also involved in the administration of several federal wetland restoration programs, including the USDA Natural Resources Conservation Service's (NRCS)

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<sup>54</sup> Tessmann, *supra* note 222.

<sup>55</sup> Tessmann, *supra* note 255.

<sup>56</sup> Personal Communication with Ryan Amundson, Wyoming Department of Game and Fish (February 23, 2006).

<sup>57</sup> Personal Communication with Ryan Amundson, Wyoming Department of Game and Fish (October 9, 2006).

<sup>58</sup> *Id.*

<sup>59</sup> Tessmann, *supra* note 22.

<sup>60</sup> Amundson, *supra* note 577.

<sup>61</sup> Tessmann, *supra* note 22.

Wetland Reserves Program and the Federal Private Land-Wetlands Program, run by the U.S. Fish and Wildlife Service (FWS) and NRCS.<sup>62</sup>

## **VI. Public-Private Partnerships**

In addition to running its Habitat Grant Program to fund wetland restoration or creation, WGFD works with federal, state, and non-profit partners to help private landowners restore, enhance, or create wetlands.<sup>63</sup> WGFD staffs habitat extension biologists and habitat biologists to work with interested landowners on these projects.<sup>64</sup> The biologist typically conducts an initial site visit and assessment of the wetland in order to determine how to restore or enhance it. On this site visit, the biologist distributes a *Habitat Extension Bulletin* that explains the project process and outlines tips for restoration or mitigation projects, project goals, and management techniques and describes how water control structures function.<sup>65</sup> WGFD and its partners then coordinate on project design, oversee construction, and in some cases, assist with post-construction management.<sup>66</sup>

Common partners that WGFD works on landowners projects include NRCS (Wetland Reserve Program and Wildlife Habitat Incentive Program), FWS (Partners for Fish and Wildlife Program, Cooperative Landowner Wetland Program, and the Private Lands Wetland Program), Intermountain West Joint Venture, Northern Great Plains Joint Venture, and non-profit organizations (Ducks Unlimited and Pheasants Forever).

WGFD also works with the FWS Habitat Extension Program in its 50-50 cost-share program with NRCS. The program provides technical assistance and funds to landowners on habitat issues. In the western section of Wyoming, this often includes wetlands.<sup>67</sup>

WGFD occasionally coordinates with corporations on wetland restoration, enhancement, or creation projects.<sup>68</sup> In recent years, the department has added a coal bed natural gas coordinator and an oil and gas coordinator who work directly with industry. Potential wetland projects involve the oil and gas industry in western and northern Wyoming, where the coal bed methane industry is discharging water onto the ground. WGFD is exploring ways to use this water to create or enhance wildlife habitats where it is ecologically appropriate and when the water quality is suitable. In some cases, wetlands are being created.<sup>69</sup>

## **VII. Education and Outreach**

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<sup>62</sup> *Id.*

<sup>63</sup> Amundson, *supra* note 577.

<sup>64</sup> Tessmann, *supra* note 255.

<sup>65</sup> Amundson, *supra* note 577.

<sup>66</sup> *Id.*

<sup>67</sup> Tessmann, *supra* note 222.

<sup>68</sup> Amundson, *supra* note 577.

<sup>69</sup> Tessmann, *supra* note 255.

WDEQ does not have an outreach or education program dedicated to wetlands.<sup>70</sup> WGFD has department publications related to wetlands, including the Wyoming Wildlife Magazine (available by subscription), the Wyoming Wildlife News (which includes two to three articles per year on wetland management or wetland birds), and a habitat extension brochure on wetland management entitled *Habitat Extension Bulletin #8A: Wetland Wildlife Management*. WGFD also contributed to the book *Wetland and Riparian Areas of the Intermountain West: Ecology and Management* (edited by Mark C. McKinstry, Wayne A. Hubert, Stanley H. Anderson). The department also authored the technical chapter on *Management of Created Palustrine Wetlands*.<sup>71</sup>

### VIII. Coordination with State and Federal Agencies

WDEQ has a joint permitting agreement with the Corps. The agency attends quarterly meetings with the Corps, FWS, and WGFD to deal with §404-related permitting issues and to ensure that all agencies are coordinated and up to date.<sup>72</sup>

WDEQ also signed a wetland banking MOU with the U.S. Department of Transportation, Wyoming Department of Transportation, FWS, EPA, and Corps in 1993 to mitigate or correct problems associated with the disturbance of wetlands or other surface waters by highway projects. The group has not coordinated in several years, nor has the MOU been used on a Corps permit action;<sup>73</sup> however, it is still in effect.<sup>74</sup>

WGFD coordinates frequently with NRCS and FWS through its habitat extension biologists' and habitat biologists' work with private landowners on restoration, enhancement, and creation projects. Habitat extension biologists are housed in and provide direct technical assistance to the NRCS office and local conservation districts. WGFD works with NRCS to host local workgroup meetings to discuss wildlife and habitat priorities and coordinate with agricultural program goals.<sup>75</sup> WGFD also coordinates with the Bureau of Land Management, USDA Forest Service, Bureau of Reclamation, and National Park Service on numerous wetland development and enhancement projects on respective jurisdictional lands.<sup>76</sup>

Wyoming does not have a State Wetland Conservation Plan.<sup>77</sup> However, a wetlands working group organized by WGFD is currently developing a statewide wetland strategy. Representatives on the working group come from WGFD, FWS, Audubon Society, and The Nature Conservancy; interested private citizens also participate.<sup>78</sup>

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<sup>70</sup> DiRienzo, *supra* note 111.

<sup>71</sup> Tessmann, *supra* note 222.

<sup>72</sup> DiRienzo, *supra* note 111.

<sup>73</sup> Personal Communication with Matthew Bilodeau, U.S. Army Corps of Engineers (Sept. 7, 2006).

<sup>74</sup> DiRienzo, *supra* note 111.

<sup>75</sup> Amundson, *supra* note 577.

<sup>76</sup> Tessmann, *supra* note 255.

<sup>77</sup> DiRienzo, *supra* note 111.

<sup>78</sup> Personal Communication with Steve Tessmann, Wyoming Game and Fish Department (May 7, 2007).

## **IX. Acronyms and Abbreviations**

Corps – U.S. Army Corps of Engineers

CWA – Clean Water Act

EPA – U.S. Environmental Protection Agency

FTE – Full-time Equivalent

FWS – U.S. Fish and Wildlife Service

GP – Wyoming Regional General Permits

MOUs/MOAs – Memorandums of Understanding/Memorandums of Agreement

NAWCA – North American Wetland Conservation Act

NRCS – Natural Resources Conservation Service

NWPs - Nationwide Permits

USDA – United States Department of Agriculture

WDEQ – Wyoming Department of Environmental Quality

WGFD – Wyoming Game and Fish Department

WQS – Water Quality Standards

WRP – Wetlands Reserve Program

WWA – Wyoming Wetlands Act