



Department of Environmental Quality

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



Mark Gordon, Governor

Todd Parfitt, Director

February 21, 2023

Curtis Canyon Road and Campground Project
Bridger-Teton National Forest-Jackson Ranger District
P.O. Box 1689
Jackson, WY 83001

Via: <https://www.fs.usda.gov/project/?project=63443>

Re: Curtis Canyon Road and Campground Project

To Whom It May Concern,

The Wyoming Department of Environmental Quality Water Quality Division (WDEQ/WQD) has reviewed the Curtis Canyon Road and Campground Project Scoping Document, which outlines the United States Forest Service's (USFS) plans to analyze the effects of five proposed projects in the Curtis Canyon area on the Jackson Ranger District, Bridger-Teton National Forest, about 6 miles northeast of Jackson, WY. The USFS invited comments to identify any issues or concerns with the projects to inform their analysis. In accordance with the National Environmental Policy Act, if the analysis finds no significant adverse effect to "extraordinary circumstances" and no significant issues arise, the proposed projects are expected to be categorically excluded from documentation in an Environmental Assessment or Environmental Impact Statement.

Project 1 proposes the repair of Curtis Canyon Road in 3 segments. Segment 1 (National Elk Refuge boundary to Curtis Canyon Campground) includes re-establishing the drainage ditches, replacing 6 culverts, cutting back brush to improve sight distance, adding structural fill and gravel, and implementing regular magnesium chloride treatment to stabilize the road surface. Segment 2 (Curtis Canyon Campground to Goodwin Lake Road junction) includes re-establishing drainage ditches, replacing 7 culverts, clearing brush, and patching rutted sections. Segment 3 (Goodwin Lake junction to end of road) includes maintenance of drainage features that would use native surface to create a passable but rougher surface.

Project 2 proposes the expansion of Curtis Canyon campground, adding approximately 22 sites and another vault toilet. Expanding the campground would also include construction of about 0.25 miles of a new road to create a loop.

Project 3 proposes to decommission Goodwin Lake Road and to relocate Goodwin Lake trail and trailhead. The USFS would close and restore to natural condition one mile of road and 0.7 miles of trail. The closed road and trail would be replaced by a new trailhead, located along the main Curtis

Canyon road, and 1.56 miles of new trail to provide access to the Gros Ventre Wilderness. The new trailhead would be built to accommodate about 12 vehicles.

Project 4 proposes to install interpretive signs at the Curtis Canyon overlook and at the Sheep Mountain overlook.

Project 5 proposes road spur and campsite repairs. The USFS would focus on drainage repairs to improve the sustainability of existing spur roads. Priority sites include road #30444 and the spur road accessing the Sheep Mountain overlook. The USFS would also install rock barriers to confine vehicle use around campsites and at the two overlooks. Restoration of closed routes at campsites 3 and 10 and the Curtis Canyon overlook would also occur with this project.

In accordance with Title 35, Section 11 of the Wyoming Statutes and Wyoming's Water Quality Rules, the WDEQ/WQD is responsible for the protection and restoration of the quality of waters of the state. The WQD also implements portions of the federal Clean Water Act, including development of surface water quality standards, identification of impaired waters, and development of total maximum daily loads for impaired waters under Section 303; inventorying water quality under Section 305; discharge permitting under Section 402; water quality certifications under Section 401; and addressing nonpoint sources of pollution under Section 319. As such, WDEQ/WQD is providing the following comments to help facilitate the review of potential impacts to water quality and ensure the project analysis adequately reflects and adheres to Wyoming's Water Quality Rules. The comments are not intended to be comprehensive and likely do not include all of the water quality requirements, analyses, and permits necessary to complete the projects. Therefore, WDEQ/WQD recommends the applicant conduct additional research and coordinate with the WQD to ensure all applicable requirements are met.

WDEQ/WQD recommends the analysis identify surface and ground waters in proximity to the project area, evaluate potential impacts to the quality of those waters, and identify steps to minimize potential impacts. The analysis should explain how groundwater and surface waters will be protected from the release of chemicals, petroleum products, produced water, and any other hazardous substances, should any of these be associated with the projects. Potential impacts from the projects to water quality include: (1) erosion and introduction of sediment, metals, and other pollutants associated with the construction of roads and drainage features, replacement of culverts, and expansion of the campground; (2) application of magnesium chloride to roads that may runoff into nearby surface waters of the state; and (3) introduction of pollutants from the proposed vault toilet.

WDEQ/WQD encourages projects to minimize the potential impacts to surface and ground water quality by implementing best management practices (BMPs) for activities that do not require WDEQ-issued permits. These include, but are not limited to, practices associated with stream and lakeshore restoration; road construction and maintenance; rangeland management; wildland fire; silviculture; recreation management; and vegetation and mineral management. WDEQ/WQD recommends that the analysis identify the BMPs that will be used in road construction and maintenance to minimize nonpoint source pollution. Additional information on nonpoint source pollution and recommended best management practices is available at the following link: <http://deq.wyoming.gov/wqd/non-point-source/>.

WDEQ/WQD identified Sheep Creek, North Twin Creek, Twin Creek, South Twin Creek and Nowlin Creek in proximity to the project area that should be identified and evaluated in the analysis. South Twin Creek, Nowlin Creek, and a section of Sheep Creek are Class 1, Outstanding State Resource Waters, where surface water quality and associated uses are to be maintained and protected. A section of Sheep Creek is classified as a 2AB water, designated for drinking water, cold-water game fish, nongame fish, aquatic life other than fish, recreation, agriculture, industry, wildlife, and scenic value uses. Twin Creek and North Twin Creek are classified as 3B waters, which are designated for aquatic life other than fish, recreation, agriculture, industry, wildlife, and scenic value uses. Wyoming's Water Quality Rules, Chapter 1, Surface Water Quality Standards include information regarding designated uses, water quality criteria, and antidegradation protections for surface waters of the state, including Section 8(a), which requires existing uses of surface waters to be protected. The Wyoming Surface Water Classification List identifies designated uses assigned to particular waterbodies. Additional information on Wyoming Surface Water Quality Standards is available: <https://deq.wyoming.gov/water-quality/watershed-protection-2/surface-water-quality-standards/>.

WDEQ/WQD did not identify any assessed waters in Wyoming's Integrated 305(b) and 303(d) Water Quality Report, WQD monitoring sites, nonpoint source pollution reduction projects, public water supply intakes, public water supply source water areas, Wyoming Pollutant Discharge Elimination System (WYPDES) outfalls, or priority aquifers in proximity to the project area.

The WDEQ/WQD has identified that the project area overlays an aquifer that has been designated by the Environmental Protection Agency (EPA) as a sole source aquifer (Eastern Snake River Plain Sole Source Aquifer). Additional information about sole source aquifers can be viewed at <https://www.epa.gov/dwssa>. Sole source aquifers should be protected from contamination, and, if the project will be federally funded and has the potential to contaminate the aquifer, a review by EPA may be required. We recommend contacting EPA Region 8 for more information if this project requires such a review. EPA contacts by region may be found at <https://www.epa.gov/dwssa/sole-source-aquifer-contacts-epas-regional-offices>.

In addition to the above recommendations, WQD would also like to highlight the following permits and requirements that may apply to the project and should be noted in the analysis, depending on the eventual scope of the project. The permits identified below are not intended to be a comprehensive list. Additional research will be necessary to ensure that all applicable local, state, and federal permits are included.

Spill Reporting. Wyoming Water Quality Rules, Chapter 4, requires that the WQD be notified of any oil or hazardous substances which have been released and which enter, or threaten to enter, waters of the state. Spills can be reported to WDEQ by calling 307-777-7501 or through the following website: <http://wyospills.org/>

Clean Water Act Section 401 Water Quality Certifications. If the project will result in the discharge of dredge and fill into Waters of the United States that will require a Clean Water Act Section 404 Dredge and Fill permit issued by the United States Army Corps of Engineers, the project will also require a Clean

Water Act Section 401 Water Quality Certification from WDEQ/WQD. The 401 Certification ensures that the Clean Water Act Section 404 Dredge and Permit will comply with Wyoming's Water Quality Rules, Chapter 1, Wyoming Surface Water Quality Standards, and the conditions of the 401 Certification will be included as conditions of the federal permit. Additional information is available:

<http://deq.wyoming.gov/wqd/401-certification/>.

Point Source Discharge Permits. If the project will result in the point source discharge of pollution into surface waters of the state, including those associated with stormwater discharges, pesticide applications, temporary discharges associated with construction activities, discharges to and mitigation for isolated wetlands, or other long-term discharges, the project will require a Wyoming Pollutant Discharge Elimination System (WYPDES) Program permit consistent with Wyoming's Water Quality Rules, Chapter 2, Permit Regulations for Discharges to Wyoming Surface Waters. WYPDES permits contain limitations and conditions to assure that Wyoming Water Quality Rules, Chapter 1, Wyoming Surface Water Quality Standards are met.

Storm Water Permits. If construction activities associated with the project will cumulatively disturb one or more acres, a WYPDES storm water discharge permit is required. A Large Construction General Permit is required for construction activities that cumulatively disturb five or more acres, and a Small Construction General Permit is required for construction activities that cumulatively disturb between one and five acres. Additional information is available: <http://deq.wyoming.gov/wqd/storm-water-permitting/>.

Chapter 3 Permit to Construct. If the project involves construction, upgrading, or modification of any part of a public water supply system, wastewater system, disposal system, biosolids management, treated wastewater reuse, or other similar facilities, a Water and Wastewater Permit to Construct (Water Quality Rules, Chapter 3 Permit) is required. Additional Information is available: <https://deq.wyoming.gov/water-quality/water-wastewater/permitting/>

Small Wastewater Systems. If the project will require the installation, repair, or replacement of individual or commercial sewage disposal systems that treat less than 2,000 gallons of domestic sewage per day, a septic system permit, or Small Wastewater Facility General Permit, is required. WDEQ is the permitting authority for the construction of small wastewater facilities located in Carbon, Niobrara, Platte, and Weston Counties. In all other counties, the county is the permitting authority and may require different forms or additional information. Additional information is available: <http://deq.wyoming.gov/wqd/permitting-2/resources/small-wastewater-systems/>.

Should you have any questions regarding our comments please contact Madeleine Hamel at madeleine.hamel@wyo.gov or 307-777-7050.

Sincerely,



Jennifer Zygmunt
Water Quality Division Administrator