



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

April 18, 2024

Shoshone National Forest, Wind River Ranger District
Attn: Tanner Shuler
1403 West Ramshorn
PO Box 186
Dubois, WY 82513

Via: <https://cara.fs2c.usda.gov/Public//CommentInput?Project=64775>

Re: Green Union Project Draft Environmental Assessment

Dear Mr. Shuler,

The Wyoming Department of Environmental Quality Water Quality Division (WDEQ-WQD) has reviewed the US Forest Service's (USFS) Green Union Project Draft Environmental Assessment (EA). Shoshone National Forest, Wind River Ranger District, is leading the project. The project proposes to decrease fuel loading and fire risk by manually and mechanically thinning and conducting prescribed burns on 9,683 acres of Forest Service Lands within the Dunior Fireshed near Dubois, WY. The project will also improve and restore watershed condition and function by installing beaver dam analogs where appropriate; decommissioning and rehabilitating unauthorized user-created routes; and improving stream crossing functionality on existing roads and trails. The Draft EA has a 30-day comment period that concludes on April 18, 2024.

The WDEQ-WQD requests that USFS consider the following comments when developing the Final EA.

Roads, Site Rehabilitation, and Beaver Dam Analogs (pg. 14). The Wind River Ranger District describes the use of beaver dam analogs (BDAs) but does not describe how the BDAs or other project activities will impact water quality or if a Clean Water Act (CWA) Section 404 permit and CWA Section 401 Certification will be necessary for the project. WDEQ-WQD recommends the EA clarify if any project activities will impact water quality within the project area and address applicable rules and requirements. In addition, the EA should identify if the project will require a Clean Water Act (CWA) Section 404 permit and CWA Section 401 Certification if a Water of the United States will be impacted. Such details help clarify how water quality will be protected.

Water Resources Section (pg. 29). The USFS used an in-house system to apply watershed classifications based on condition. Although this is a useful way to describe the existing condition of a waterbody, the USFS committed to "recognizing Wyoming's identified designated uses of water," per the 2021 Memorandum of Understanding (MOU) between the USFS and WDEQ-WQD. As such, WDEQ-WQD

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recommends the EA use a combination of the in-house classification system and designated uses identified in Wyoming Water Quality Rules, Chapter 1, Wyoming Surface Water Quality Standards. Describing the protections of designated uses within the project area will ensure the commitment identified in the MOU is met.

The EA identifies sediment loading as a potential water quality concern and includes strategies to address sediment loading. Although sediment loading is among the water quality concerns associated with the project, WDEQ-WQD recommends the EA also identify nutrient loading, thermal loading, and other potential water quality impacts from the project. To ensure the USFS fulfills its commitment to be “responsible for attaining water quality standards on NFS lands in Wyoming” per the 2021 MOU, WDEQ-WQD recommends the EA identify strategies to address other potential water quality impacts that may be associated with the project.

Clean Water Act, Safe Drinking Water Act, Forest Service Handbook 2509.25 Watershed Conservation Practices (pg. 68). The draft EA describes that “Forest Plan Standards and project design features would ensure consistency with the Clean Water Act (1972, as amended) and consistency with direction of Forest Service Handbook 2509.25.” Although consistency with the CWA should be included in the EA, the EA should also specify consistency with Wyoming Statutes and Wyoming Water Quality Rules. Wyoming’s Water Quality Rules not only implement portions of the CWA but also apply to all surface waters of the state.

Other. As described in the November 7, 2023 comment letter, WDEQ-WQD recommends the Wind River Ranger District add Wyoming Water Quality Rules, Chapter 4, Spills Reporting Requirements to the EA. Inclusion of the Spill Reporting requirements within the EA will help ensure WDEQ-WQD is notified in the event of a spill.

WDEQ/WQD appreciates the opportunity to provide comments for the Wind River Ranger District’s Draft EA for the Green Union Project. Should you have any questions regarding our comments, please contact Tori Nye at tori.nye@wyo.gov or 307-777-7050.

Sincerely,



Jennifer Zygmunt
Water Quality Division Administrator

cc: Ross Breedlove, WDEQ NEPA Coordinator
Keith Guille, WDEQ Outreach Coordinator