



# 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

May 20, 2024

Todd Stiles, District Ranger  
Jackson Ranger District  
ATTN: Cache Creek Trailhead Redesign Project  
Bridger-Teton National Forest  
PO Box 1689  
Jackson, WY 83001

Via: <https://www.fs.usda.gov/project/btntnproject=66077>

Re: Cache Creek Trailhead Redesign Project Scoping

Dear Mr. Todd Stiles,

The Wyoming Department of Environmental Quality Water Quality Division (WDEQ-WQD) has reviewed the US Forest Service's (USFS) scoping notice regarding the intent to analyze the effects of the proposed Cache Creek Trail Head Redesign Project. The proposed project will occur in Teton County with the Jackson Ranger District of the Bridger-Teton National Forest leading the project. Cache Creek is a well-known recreation starting point for many outdoor activities, including hiking, biking, dog walking, horseback riding, outfitted wagon rides, hunting, and various winter activities. The redesign project aims to improve the functionality of the Cache Creek Trailhead to accommodate the high volume of recreators that use the trailhead. Goals for the project include improving functional issues (parking, waste disposal, accessibility, and drainage); environmental issues related to user-created trails, water quality, invasive weeds, and wildlife; and social issues such as visitor conflicts. The notice requested that comments be received by May 21, 2024.

In accordance with Title 35, Chapter 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 WDEQ-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. In recognition of WDEQ-WQD and USFS responsibilities for protecting water quality, WDEQ and the USFS developed the 2021 Memorandum of Understanding (MOU), Management of Water Quality on National Forest System (NFS) Lands in Wyoming. 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 and the commitments outlined in the 2021 Memorandum of Understanding (MOU) between WDEQ and the USFS.

WDEQ-WQD's comments are not intended to be comprehensive and may not include all the water quality requirements, analyses, and permits necessary to complete the analysis. Therefore, WDEQ-WQD recommends the USFS conduct additional research to ensure the analysis sufficiently addresses water resources.

Project actions that may impact water quality in Cache Creek include road and parking lot improvements and relocating Hagen Trailhead. The proposed road and parking lot improvements include expansion where possible, improving drainage ditches, new culvert placement, and using magnesium chloride to address dust and stabilize the soils. The proposed Hagen Trailhead relocation includes moving the existing bridge on the trail so it is accessible from the parking lot. Thus, 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 specifically 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 project.

*Surface Waters.* Per the 2021 WDEQ-USFS MOU, the USFS committed to recognizing designated uses of Wyoming surface waters and ensuring attainment of Water Quality Standards on Forest Service lands. WDEQ-WQD identified Cache Creek and unnamed drainages in proximity to the project area that should be identified and evaluated in the analysis. Wyoming Water Quality Rules, Chapter 1, Surface Water Quality Standards classify Cache Creek 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. Unnamed drainages are classified as 3B waters 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 be protected. Additional Information can be found at <https://deq.wyoming.gov/water-quality/watershed-protection/surface-water-quality-standards/>.

*Priority Aquifer.* WDEQ-WQD's evaluation indicates that a priority aquifer is located in the project area. As such, WDEQ-WQD recommends that the project identify and minimize potential impacts to groundwater through measures such as the implementation of best management practices (BMPs) to prevent spills during construction activities. Additional information is available at <https://deq.wyoming.gov/water-quality/groundwater/>.

*Sole Source Aquifer.* WDEQ-WQD's evaluation indicates that the project area overlays the Eastern Snake River Plain Aquifer (SSA49b) that has been designated by the Environmental Protection Agency (EPA) as a sole source aquifer. Additional information about sole source aquifers can be viewed at <https://www.epa.gov/dwssa>.

WDEQ-WQD did not identify any waters that have been assessed in Wyoming's biennial Clean Water Act Section 305(b) and 303(d) Integrated Report, Wyoming Pollutant Discharge Elimination System (WYPDES) discharges, WDEQ monitoring points, or public water supplies in proximity to the project area.

In addition to the above recommendations, WDEQ-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 may be necessary to ensure that all applicable local, state, and federal permits are included in the analysis.

*Nonpoint Source (NPS) Pollution.* WDEQ-WQD encourages the Jackson Ranger District to minimize potential impacts to surface and groundwater quality by implementing best management practices (BMPs) for activities that do not require WDEQ-issued permits. Per the 2021 WDEQ-USFS MOU, the WDEQ-WQD supports implementation of the USFS's NPS strategy as compliance with the Wyoming NPS Management Program and approves the use of USFS's National Core BMPs as meeting the requirements of BMPs in the Wyoming NPS Management Plan. In addition, the USFS committed to recognizing the Wyoming NPS Program's objectives and is responsible for implementing NPS pollution controls consistent with the Program on National Forest Service lands in Wyoming. Further information about the Wyoming NPS Program can be found at <http://deq.wyoming.gov/wqd/non-point-source/>.

*Construction Stormwater Permits.* If construction activities, including associated access roads, borrow and stockpile areas, and equipment staging and maintenance areas associated with the project will cumulatively disturb one or more acres, a WYPDES stormwater discharge permit is required. Coverage under the Small Construction General Permit is required for construction activities that cumulatively disturb between one and five acres, and coverage under a Large Construction General Permit is required for construction activities that cumulatively disturb five or more acres. Additional information is available at <https://deq.wyoming.gov/water-quality/wypdes/discharge-monitoring-reports/storm-water-permitting/>.

*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 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 federal permit will comply with Wyoming's Water Quality Rules, Chapter 1, Wyoming Surface Water Quality Standards, and conditions of the 401 Certification are included as conditions of the federal permit. Additional information is available at <https://deq.wyoming.gov/water-quality/watershed-protection-2/cwa-section-401-turbidity-wetland/401-water-quality-certification/>.

*Spill Reporting.* Wyoming Water Quality Rules, Chapter 4, requires, unless specifically exempted, any person owning or having control over oil or a hazardous substance which, after release, enters, or threatens to enter waters of the state to immediately notify WDEQ-WQD of the type, quantity, and location of the release. Spills can be reported to WDEQ by phone at 307-777-7501 or online at <http://wyospills.org/>.

WDEQ/WQD appreciates the opportunity to participate in the scoping process for the Cache Creek Trailhead Redesign Project. Should you have any questions regarding our comments, please contact Tori Nye at [tori.nye@wyo.gov](mailto:tori.nye@wyo.gov) or 307-777-7050.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Zygmunt", written over a horizontal line.

Jennifer Zygmunt

Water Quality Division Administrator

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