GUERNSEY HYDRAULIC STUDY

LEVEL II

October 30, 2003

TECHNICAL ADDENDUM II
Environmental Impact Report

Submitted by:
TST INC. OF DENVER
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INTRODUCTION

The Wyoming Water Development Commission (WWDC) has conducted a Level II Hydraulic Study for the Town of Guernsey, Wyoming. The study was initiated after a recent inspection found corrosion on the inside of the Town’s only finished water storage tank. In addition, on August 25, 2003 the U.S. EPA issued an Administrative Order (Docket No. SDWA-08-2003-45, PWS ID # 5600023) for the following:

- Exceeding the Maximum Contaminant Level (MCL) for Total Coliform bacteria four times since 1999
- Failure to conduct follow-up sampling (5 routine samples) in the month after the MCL was exceeded
- Failure to conduct monitoring for radioactivity at Well #4 after it became a new source in 2001
- Failure to notify the public of the above listed violations
- Failure to notify EPA regarding 2, 3 and 4 above

Guernsey is located just north of the North Platte River in Platte County, Wyoming about 80 miles north of the state capital (Cheyenne) at 42.26 degrees north latitude and 104.74 degrees west longitude (figure 1). To the west is Guernsey Reservoir, a main stem impoundment on the North Platte River and the location of a popular Wyoming State Park that draws a large number of recreational visitors each summer. A large National Guard training facility, Camp Guernsey, is located immediately east of the town and a large railroad switching yard is located north and east of the residential neighborhoods and the central business district. With a population of approximately 1155 (2000 census), Guernsey is the second largest incorporated municipality in Platte County. About 574 families reside within the corporate limits.

The Town of Guernsey operates a public water system that pumps groundwater from three wells that have been determined not to be under the influence of groundwater. Much of the water system (finished water reservoir, wells 2 and 3, the transmission and distribution piping) was constructed prior to 1980. In addition, two other wells serve an industrial park near the rail yard and the golf course located south of Town across the North Platte River.

There are 4” water mains connected to 6” fire hydrants in the distribution network. The 4” mains restrict fire flows in the center of town. Deliveries to water customers are made directly from wells 2, 3, and 4 with surplus water piped to the 750,000 gallon storage tank during non-peak flow hours to meet peak demands.

In 1995, TST Inc. of Denver prepared a Level I Master Plan for the Town of Guernsey. Some of the recommendations listed in the plan have been implemented. At that time the entire water system was evaluated and recommendations were made to improve the water supply, distribution system and install meters. The 1995 master plan concluded:

- A regional system between Guernsey and Hartville was not feasible
- The Camp Guernsey water systems could provide redundancy to both entities but approval of the interconnection could be and back would be politically difficult.
In 1999, the Town of Guernsey and the State of Wyoming (Abandoned Mine Lands Program) hired JFCo who teamed with TST to provide engineering services to upgrade the Guernsey wastewater system. TST served as the wastewater process and regulatory compliance engineer for the project. The project was completed in 2000.

Also in the late 1990’s, a new well (Well #4) was constructed, meters were installed on all service connections and improvements to a portion of the distribution system were completed. At that time, a wellhead protection plan was prepared by Weston Engineering, Inc.

Prior to the 1995 TST study, the 750,000 gallon finished water storage tank had been inspected and structure was found to be in good condition and free of sediment, solids and corrosion. In 2002, Guernsey again inspected the tank. A video was made and an inspection report was completed. The inspection showed:

- Corrosion on the supports above the normal water level
- Corrosion on the sheet metal with obvious bleeding/oxidation staining
- Bubbling/blistering under paint below the water line
- Minor exterior corrosion and bleeding along some of the supports

1.0 PURPOSE AND NEED FOR THE PROJECT

1.1 Project Description

The primary focus of the proposed project is the paint the 750,000 gallon tank. The tank will need to be sand blasted and re-coated. Improvements to safety and security features of the tank are also planned along with improvements to the supervisory control and data acquisition (SCADA) system. The proposed SCADA improvements will update and improve the controls that operate the tank and the three groundwater wells that comprise Guernsey’s water supply. This routine maintenance is needed and cannot be deferred.

Alternatives for providing fire flows during rehabilitation of the Town’s 750,000 gallon storage tank include:

- Connection to the Camp Guernsey water system
- Pressurizing hydrants
- Using the old, underground tank for temporary fire flow storage
- Using a temporary storage reservoir to provide temporary fire flow storage
- Re-coating the tank without draining the water in the reservoir
- Maximizing the pumping capacities of the wells to meet fire flow demands.

The tank has not been tested for the presence of lead paint. If the existing coatings contain lead, the residue from the blasting/cleaning process will be contained, stored in appropriate containers and disposed of at an approved hazardous waste facility.

In addition, the following water system improvements are also being considered by the Town of Guernsey:

- Improved fire flows within the Guernsey service area are needed to meet current standards. Presently, fire flows are constrained by undersized distribution system piping. Approximately 1850 feet of 6” transmission main is proposed to replace existing 4” lines
- Install chlorination equipment at wells 2 and 3
• Replace ninety-five (95) feet of 8” discharge piping from well #4 to the distribution system with 24” line to achieve adequate chlorine mixing and contact time
• The town is in the process of annexing 53 acres of land into their corporate limits that is located on the west side of the North Platte River and immediately north of U.S. Highway 26. A new 10” water line is proposed to attach to the bridge across U.S. Highway 26 that crosses the North Platte River. The proposed pipeline will connect to the existing water transmission system on the east side of the river near Whalen Street, cross the North Platte River attached to the Hwy 26 bridge, and terminate on the west side of the river immediately after the crossing is completed
• Construct 1600’ of new 2” transmission main from the potable well at the golf course to serve the RV camping area immediately north of the golf course
• A new 6” distribution system will be constructed in a currently undeveloped 7 acre parcel immediately south of wells 3 and 4. Approximately 2400 feet of new pipeline will be constructed to serve this area.

A map showing the service area for the Guernsey water supply system and general location of the proposed improvements is presented in figure 2. Exhibits 7.11 – 7.14 provide additional details of the proposed improvements.

1.2 Purpose and Need for the Project

• The project purpose has been described in Section 1.1 Project Description. The need to clean, blast and re-coat the 750,000 gallon finished water storage tank is the primary focus of the proposed project. This routine maintenance can no longer be deferred. This work is needed to prevent structural deterioration, upgrade the safety and security of the water system, minimize the potential for contamination and improve the efficiency of the well and tank operation.
• Connecting the Town of Guernsey water system with the Camp Guernsey system would provide reliable redundancy for both systems.
• Increasing the capacity of existing undersized transmission and distribution lines is needed to provide adequate chlorine contact time and to meet fire flow requirements.
• Constructing the new transmission mains will enable the city to provide service to lands within the service area that currently do not have access to the municipal water system.

2.0 ALTERNATIVES TO THE PROPOSED ACTION

Several alternatives to the proposed project were considered. Table 1 presents the various project components and the alternatives considered for each component. In all cases, the No Action Alternative would maintain the status quo and no improvements to the Guernsey water system would be made. In the case of some project components, there were no alternatives to the proposed action. In all cases, the alternatives were evaluated based upon their technological feasibility, cost, and environmental impacts. Except for the No Action Alternative, the Preferred Alternative is the least environmentally damaging of all of the alternatives considered and would result in the least environmental damage to terrestrial and aquatic resources. In addition, the preferred alternative would result in the least disruption to the human environment and would benefit all of the citizens of Guernsey.
The Preferred Alternative combines the beneficial aspects of Alternatives 2 and 3. The individual project components and a comparison of alternatives are shown in Table 1.

Table 1. Comparison of alternatives for meeting the Purpose and Need for the Guernsey Hydraulics Study.

<table>
<thead>
<tr>
<th>Preferred Alternative</th>
<th>Alternative 1</th>
<th>Alternative 2</th>
<th>No Action</th>
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</thead>
<tbody>
<tr>
<td>Clean &amp; re-coat tank. Improve SCADA system and improve safety and security</td>
<td>Clean &amp; re-coat tank. Improve SCADA system and improve safety and security</td>
<td>Clean &amp; re-coat tank. Improve SCADA system and improve safety and security</td>
<td>No improvements to the tank or SCDA system</td>
</tr>
<tr>
<td>Replace 1,850’ of 4” distribution pipes with 6” lines to improve fire flows</td>
<td>Replace 1,850’ of 4” distribution pipes with 6” lines to improve fire flows</td>
<td>Replace 1,850’ of 4” distribution pipes with 6” lines to improve fire flows</td>
<td>No improvements to the distribution system</td>
</tr>
<tr>
<td>Install chlorination equipment at wells 2 &amp; 3</td>
<td>Install chlorination equipment at wells 2 &amp; 3</td>
<td>Chlorinate at the tank or directly into a dedicated raw water line into the tank</td>
<td>No new chlorination facilities added</td>
</tr>
<tr>
<td>Replace 95 feet of 8 inch transmission line from well 4 with 24 inch transmission line to meet requirements for chlorine contact time</td>
<td>Replace 95 feet of 8 inch transmission line from well 4 with 24 inch transmission line to meet requirements for chlorine contact time</td>
<td>Provide dedicated raw and treated water transmission lines from all three wells to the 750,000 gallon tank</td>
<td>No upgrades to the transmission or storage system to improve chlorine contact time</td>
</tr>
<tr>
<td>Provide a connection between Town of Guernsey and Camp Guernsey</td>
<td>Provide a connection between Town of Guernsey and Camp Guernsey</td>
<td>Provide a connection between Town of Guernsey and Camp Guernsey</td>
<td>Do not connect Town of Guernsey and Guard Camp water systems</td>
</tr>
<tr>
<td>Construct 1600 feet of 2” and 3” water main from the potable well at the golf course to serve the RV camping area north of the golf course</td>
<td>Construct 1600 feet of 2” and 3” water main from the potable well at the golf course to serve the RV camping area north of the golf course</td>
<td>Construct a transmission line from the primary Guernsey water system to the RV park</td>
<td>Do not provide a potable water supply to the RV Park</td>
</tr>
<tr>
<td>Construct a 12 inch water transmission line from the Guernsey Water Transmission System across the North Platte River to serve a 47 acre tract being annexed into the Town - Bridge attached</td>
<td>Construct a 12 inch water transmission line from the Guernsey Water Transmission System across the North Platte River to serve a 47 acre tract being annexed into the Town – Trenched across the river</td>
<td>Construct a 12 inch water transmission line from the Guernsey Water Transmission System across the North Platte River to serve a 53 acre tract being annexed into the Town – Bored under the river</td>
<td>Do not construct a water transmission line across the North Platte River to provide water to a 53 acre tract being annexed into the town</td>
</tr>
</tbody>
</table>
Implementation of the Preferred Alternative will improve system reliability, reduce vulnerability, minimize potential risks to human health and provide service to areas without municipal water service.

3.0 AFFECTED ENVIRONMENT/ENVIRONMENTAL CONSEQUENCES

3.1 LAND USE

3.1.1 Affected Environment

The proposed project will be constructed on previously disturbed lands within the corporate limits or water planning boundaries of the Town of Guernsey. Guernsey is located just north of the North Platte River in Platte County, Wyoming about 80 miles north of the state capital (Cheyenne) at 42.26 degrees north latitude and 104.74 degrees west longitude. The site of the Guernsey water tank also serves as a recycling facility for yard and garden waste. The other project components are located in areas previously disturbed by previous land development or agricultural activities.

3.1.2 Environmental Consequences

Under the preferred alternative, installation of the new waterlines, connection to Camp Guernsey, and replacement of undersized 4 inch distribution lines will cause temporary disturbance to vegetation, soil and transportation (construction will require trenching in existing streets). No permanent impacts to soil and vegetation are expected. Disturbed areas will be returned to their previous condition after construction of all the facilities is completed. Soils in the project area are classified fine sandy loam on floodplains and river terraces. Vegetation in the project area consists of a willow and cottonwood riparian community adjacent to the river. Upland areas are dominated by various species of grasses and forbs. Within the Town of Guernsey, the uplands outside the riparian corridor have been landscaped with non-native and native grasses, forbs and shade and ornamental trees. There are no important farmlands, prime forest or rangelands, or formally classified high value agricultural lands with the project area. The project will not directly affect current land use or zoning within the corporate limits of Guernsey.

3.1.3 Mitigation

Reclamation of disturbed areas with native plant species adapted to the site will begin as soon as possible during and/or following construction to reduce the possibility of erosion and invasion of noxious weeds and to replace vegetation impacted by construction. Appropriate erosion and siltation controls will be used and maintained in effective operating condition during construction.

3.2 FLOODPLAINS

3.2.1 Affected Environment

The affected environment includes the floodplain associated with the North Platte River in the project area.
3.2.2 Environmental Consequences

According to the National Flood Insurance Program Community Panel Number 5600860012 A, none of the facilities will be placed within the 100-year floodplain of the North Platte River. Under the Preferred Alternative, activities within the floodplain would be avoided because there would be no stream crossings that would require excavation in the North Platte River floodplain. The Platte County Commissioners, the Platte County Engineer (Exhibit 7.1), and the Mayor of Guernsey had no comment regarding potential impacts to floodplains.

3.2.3 Mitigation

Any excess material excavated during construction will not be placed within the floodplain. Proper erosion control methods will be observed within the floodplain. Disturbed areas within the floodplain will be reclaimed and returned to their pre-construction condition.

3.3 WETLANDS

3.3.1 Affected Environment

There are no wetlands present within the project area that would be affected by the proposed project. Wetlands in the project area exist as narrow fringes adjacent to the North Platte River. The wetlands are classified as seasonally flooded lower perennial riverine wetlands on unconsolidated shore.

3.3.2 Environmental Consequences

Wetlands may be temporarily disturbed during construction of the new water line across the North Platte River only if the Preferred Alternative is not selected. If the Preferred Alternative is constructed, no impacts to wetlands or riparian habitats will occur. The U.S. Army Corps of Engineers (ACOE) regulates the placement of dredged and fill material into wetlands and other waters of the United States. Mr. Matt Bilodeau of the ACOE Wyoming Regulatory Office was contacted regarding the project. He reviewed the project and determined that the project will not require processing of an individual permit because impacts to wetlands and waters of the U.S. would be minor no matter what alternative is constructed (Exhibit 7.2). The activities qualify for authorization under Nationwide Permit (NWP) 12 as defined in Part III of the Federal Register published on March 9, 2000 (Volume 65, No. 47). Authorization under NWP 12 assumes full compliance with the permit conditions (Exhibit 7.3).

3.3.3 Mitigation

All activities undertaken to construct the project must comply with the General Conditions described in the attached NWP 12 fact sheet (Exhibit 7.3). To further minimize any temporary impacts to wetlands, all disturbed areas will be re-seeded with native wetland seed and/or plants adapted to the site.
3.4 CULTURAL RESOURCES

3.4.1 Affected Environment

The affected environment includes the corporate limits of the Town of Guernsey and all areas of surface disturbance and appropriate buffer areas around ground disturbance activities. All of the project area has previously been disturbed.

3.4.2 Environmental Consequences

Historic/Prehistoric Resources

In correspondence dated October 15, 2003 (Exhibit 7.4), the State Historic Preservation Office (SHPO) reviewed the project and determined that no archeological or historic sites are known to exist in the proposed project area. The SHPO letter also stated that the area has been surveyed for cultural resources, but the proposed project is in a previously disturbed area and the probability of locating surface archeological or historic manifestations is low. The SHPO has concluded that No Class III cultural resource survey is warranted.

Visual Aesthetics

There are no visually sensitive areas in the project area. No new buildings or other structures capable of significantly changing the aesthetics of the project area have been proposed as part of the project. Some minor short-term visual impacts will result from ground disturbance associated with construction; however, successful reclamation and repaving of disturbed areas will remove these visual impacts.

3.4.3 Mitigation

If any archeological/cultural resources are uncovered during construction, work in the area will halt immediately and the RUS staff and SHPO staff must be contacted. Work in the area may not resume until the materials have been evaluated and adequate measures for their protection or collection have been taken. All disturbed areas will be reclaimed using native vegetation as soon as practical following construction.

3.5 BIOLOGICAL RESOURCES

3.5.1 Affected Environment

The affected environment includes plants and wildlife within or adjacent to the project area.
3.5.2 Environmental Consequences

Threatened and Endangered Species

According to U.S. Fish and Wildlife Service correspondence (Exhibit 7.5), threatened, endangered and proposed species occurring in Plate County include bald eagle, black-footed ferret, mountain plover, and blowout penstemon. New water depletions also may impact several species of birds and one species of fish within the Platte River system downstream of the project area, including pallid sturgeon. Black-footed ferrets inhabit prairie dog towns, which do not exist on or near the project area. Mountain plover inhabit grasslands with flat topography and the North Platte River riparian corridor does not provide suitable habitat. The project is not likely to adversely affect any of the terrestrial threatened or endangered animals and plants occurring in Platte County.

Any projects that result in depletions of water to the Platte River system may impact the listed fish species occurring downstream. The Town of Guernsey has water rights to wells that are not tributary to the North Platte River Guernsey. The existing wells are sufficient to serve the Town’s needs. The current population of Guernsey is 1155. The planning period for this project is 30 years, or out to the year 2030. Therefore, no new impacts to threatened and endangered fish species within the Colorado River System will occur as a result of this project.

Fish and Wildlife Resources

On a scale of 1 to 5, with one being the best, the North Platte River within the project area is classified as a Class 4 trout stream. This classification means that the North Platte River near Guernsey is a low production trout water with fisheries frequently of local importance, but generally incapable of sustaining substantial fishing pressure (WGFD 1991). The North Platte River immediately below Guernsey Reservoir to the confluence with the Laramie River is impacted by severe de-watering in the winter as water is stored in Guernsey and other upstream reservoirs for use during the irrigation season. Although impacts to the river channel may occur if the preferred alternative is not selected, no impacts to the stream channel or riparian habitats will occur if the Preferred Alternative is selected.

Riparian habitats are used by many species of wildlife, especially migratory songbirds. Impacts to fish and wildlife are expected to be minor, and the Wyoming Game Fish Department has stated that they have no terrestrial or aquatic concerns associated with the project (Exhibit 7.6). No significant impacts to wildlife are anticipated for any of the alternatives considered.

Vegetation

The riparian vegetation plains adjacent to the North Platte River will and in the project area is dominated by plains cottonwood trees with an understory of several species of willow, grasses and forbs. Upland areas are grassland with a mixture of forbs, juniper, ponderosa pine, sagebrush and rabbitbrush. Impacts to vegetation will be minor where work will occur to upgrade or maintain existing facilities such as pipelines, the water tank, and chlorination upgrades. Likewise, even where construction of new pipelines is planned, impacts to vegetation will be minimal. No work is planned in areas previously
undisturbed by man. Most impacts to vegetation will be associated with construction of the new water lines.

Vegetation impacts would be less with the No Action Alternative because no new water lines would be built.

3.5.3 Mitigation

Proper site management will be used to prevent petroleum products and/or sediment-laden water from entering the North Platte River. If an alternative other than No Action or the Preferred Alternative is selected, any disturbance to stream banks will be reclaimed. All areas of disturbance, especially within the riparian zone, will be limited to the minimum area required to meet project objectives. The areas of disturbance will be reclaimed and reseeded with native plant species immediately following construction. Construction may occur during the winter to minimize any impacts to the North Platte River.

3.6 WATER QUALITY ISSUES

3.6.1 Affected Environment

The affected environment is that portion of the North Platte River within and downstream of the project area.

3.6.2 Environmental Consequences

There is the potential to impact water quality in the North Platte River if construction related sediment-laden runoff or petroleum products enter the drainage. Stream disturbances may also occur if the Preferred Alternative is not selected. All equipment staging areas will be located at least 150 feet away from the North Platte River to reduce the potential for fuel spills to enter the river. Provided the proper site management is employed to prevent sediment-laden water from entering the drainage, minimal water quality impacts are expected.

Potential impacts to water quality would be less under the Preferred Alternative because the construction would not occur in the river and no water line would be built. Potential effects on water quality would be similar between the preferred alternative and Alternative 2.

3.6.3 Mitigation

Mitigation will include implementation of standard erosion control measures where practical, including (1) sediment detention ponds intercepting discharges where construction related sediment-laden runoff will occur, (2) timely reclamation of disturbed areas, and (3) compliance with all pertinent permits. According to the Wyoming, DEQ Water Quality Division (Exhibit 7.7), three Water Quality Division permits may be required. A Temporary Discharge Permit is required for any discharges to “waters of the state.” These discharges are permitted under the National Pollution Discharge Elimination System (NPDES). If the project will result in clearing, grading, or otherwise disturbing five or more acres, a Storm Water Associated with Construction Activities permit will be required. Finally, any time a public water or waste system is constructed,
installed or modified, a Permit to Construct is required. Adherence to required permits will minimize any impacts on water quality.

3.7 COASTAL RESOURCES

There are no coastal resources in the project area.

3.8 SOCIO-ECONOMIC/ENVIRONMENTAL JUSTICE

3.8.1 Affected Environment

The affected environment includes the Town of Guernsey and all residents served by the Guernsey municipal water supply system.

3.8.2 Environmental Consequences

All residents of Guernsey are beneficiaries of the proposed project. Improvement of the water supply will improve the quality of life for all residents served by the Town’s water supply. No known business or industrial expansion is expected as a result of the project. The mayor of the Town of Guernsey has reviewed the project and stated that the Town has no environmental or other concerns with the proposal. The Guernsey water supply project has been authorized by the Wyoming Water Development Commission (WWDC) and the state legislature. The project is authorized under the Water Development Program for the purpose of improving a sponsor’s water supply. The WWDC has stated that this project does not compete with any other WWDC projects that are in progress in the North Platte River.

3.8.3 Environmental Justice Considerations

President Clinton issued Executive Order 12989 on February 11, 1994, requiring federal agencies to incorporate environmental justice considerations into the NEPA process. The purpose of this order was to ensure that low-income households, minority households, and minority businesses do not experience a disproportionate share of adverse environmental effects resulting from any given federal action. There are no known minority households, minority businesses, or low-income households which would be disproportionately affected by the proposed action. The proposed project will benefit all citizens of the Town of Guernsey served by the municipal water supply.

3.8.4 Mitigation

No mitigation is required for socio-economic or environmental justice issues in the proposed project area.

3.9 MISCELLANEOUS ISSUES

3.9.1 Affected Environment

The affected environment includes the project construction area and nearby areas within the Town of Guernsey.
3.9.2 Environmental Consequences

Air Quality

Air quality will be lowered slightly in the project area during construction due to dust and exhaust from construction equipment. These impacts should be short term and localized and are dependent on weather conditions during the construction period. After construction, air quality is expected to return to pre-construction levels. The Air Quality Division of the Wyoming Department of Environmental Quality has reviewed the proposed project and noted that three sections of the Wyoming Air Quality Standards and Regulations (WAQSR) apply to the listed projects. These sections are WAQSR Chapter 3, Section 2(f) regarding fugitive dust control, Chapter 3, Section 8 regarding asbestos removal, and Chapter 10, Section 2 regarding open burning.

Transportation

No public roads pass through the project area. During construction, traffic on local roads may be increased slightly. The project will not have any impacts on transportation.

Noise

Noise impacts in the project area will be temporary and will consist of increased noise levels associated with construction activities. Regular maintenance and upkeep of construction equipment will minimize noise impacts. After construction is complete, noise levels are expected to return to pre-construction levels.

Solid Waste Management

Solid waste resulting from the project is expected to consist of normal construction debris and must be disposed of in the approved landfill operated by the Town of Guernsey.

3.9.3 Mitigation

Mitigation for temporary air quality impacts during construction will include (1) spreading water on work areas and other areas of exposed soil to suppress fugitive dust emissions, (2) maintenance of construction equipment and heavy machinery to minimize exhaust emissions, and (3) revegetation of disturbed areas as soon as practical. Solid waste accumulated as a result of the construction process must be contained in covered containers on site and removed to an approved landfill upon completion of the project. Impacts from noise, especially to nearby residents, can be alleviated if construction work is conducted during normal working hours.
4.0 SUMMARY OF MITIGATION

Land use- Reclamation of disturbed areas with native plant species adapted to the site will begin as soon as possible during and/or following construction to reduce the possibility of erosion and invasion of noxious weeds and to replace vegetation impacted by construction. Appropriate erosion and siltation controls will be used and maintained in effective operating condition during construction.

Floodplains- Materials excavated during the construction will not be placed within the floodplain. Proper erosion control methods will be observed within the floodplain. Disturbed areas within the floodplain will be reclaimed and returned to their pre-construction condition.

Wetlands- All activities undertaken to construct the project must comply with the General Conditions described in the attached NWP 12 fact sheet. To further minimize temporary impacts to wetlands, all disturbed areas will be re-seeded with native wetland seed, and/or plants adapted to the site.

Cultural Resources- If any archeological/cultural resources are uncovered during construction, work in the area will halt immediately and the RUS staff and SHPO staff must be contacted. Work in the area may not resume until the materials have been evaluated and adequate measures for their protection or collection have been taken. To reduce impacts to aesthetics, all disturbed areas will be reclaimed using native vegetation as soon as practical following construction.

Biological Resources- Proper site management will be used to prevent petroleum products and/or sediment-laden water from entering the North Platte River. Fish passage will be maintained at all times during construction so as to not disturb spawning or other fish movements. Any disturbance to stream banks will be reclaimed. All areas of disturbance will be limited to the minimum area required to meet project objectives. The areas of disturbance will be reclaimed and reseeded with native plant species immediately following construction.

Water Quality Issues- Mitigation will include implementation of standard erosion control measures where practical, including (1) sediment detention ponds intercepting discharges where construction related sediment-laden runoff will occur, (2) timely reclamation of disturbed areas, and (3) compliance with all pertinent permits. According to the Wyoming, DEQ Water Quality Division, three Water Quality Division permits may be required. A Temporary Discharge Permit is required for any discharges to “waters of the state.” These discharges are permitted under the National Pollution Discharge Elimination Systems (NPDES). If project will result in clearing, grading, or otherwise disturbing five or more acres, a Storm Water Associated with Construction Activities permit will be required. Finally, any time a public water or waste water system is constructed, installed or modified, a Permit to Construct is required.

Air Quality Issues- Fugitive dust will be controlled per DEQ requirements. If asbestos concrete pipe is found in the distribution system, the pipe will be left in the ground and larger pipe will be installed at a reasonable offset to avoid breaking the pipe during removal.
**Socioeconomic/Environmental Justice Issues** - No mitigation measures are required for socioeconomic or environmental justice issues in the proposed project area.

**Miscellaneous Issues** - Mitigation for temporary air quality impacts during construction will include (1) spreading water on work areas access roads, haul roads, gravel processing sites, and areas of exposed soil to suppress fugitive dust emissions, (2) maintenance of construction equipment and heavy machinery to minimize exhaust emissions, and (3) revegetation of disturbed areas as soon as practical. Solid waste accumulated as a result of the construction process must be contained in covered containers on site and removed to an approved landfill upon completion of the project. Impacts from noise can be alleviated if construction work is done during normal working hours.

### 5.0 CORRESPONDENCE AND COORDINATION

Initial consultation letters requesting comments relating to environmental concerns related to the proposed project were sent to the state, federal, and local government agencies listed on the following pages. The general form of the letter is presented in Exhibit 5.11.

Of the 16 agencies contacted, 8 responded with specific concerns that have been addressed in this document. Agencies not responding include the U.S. Environmental Protection Agency (EPA), Platte County Commissioners, and the Wyoming State Lands and Investment Board. Each of these agencies was contacted by phone to determine if they intended to respond and no further response was received.

Agencies to that were notified of the project on August 3, 2003 and were requested to provide their input are listed below. Agencies that responded are shown in **Bold**.

<table>
<thead>
<tr>
<th>Division of Cultural Resources</th>
<th>U.S. Fish and Wildlife Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wyoming State Historic Preservation Office</td>
<td>Ecological Services</td>
</tr>
<tr>
<td>2301 Central Ave.</td>
<td>4000 Airport Parkway</td>
</tr>
<tr>
<td>Barrett Bldg. 3rd Floor</td>
<td>Cheyenne, WY 82001</td>
</tr>
<tr>
<td>Cheyenne, WY 82002</td>
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<th>State Conservationist</th>
<th>Habitat Protection Program</th>
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<td>USDA-NRCS</td>
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<tr>
<td>Federal Bldg.</td>
<td>5400 Bishop Blvd.</td>
</tr>
<tr>
<td>100 East B Street, Room 3124</td>
<td>Cheyenne, WY 82006</td>
</tr>
<tr>
<td>Casper, WY 82601</td>
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<tr>
<th>Wyoming Department of Environmental Quality</th>
<th>Emergency Management Director &amp; Platte County Commissioners</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Quality Division &amp; Air Quality Division</td>
<td>Platte County Courthouse</td>
</tr>
<tr>
<td>Herschler Bldg. 4-W</td>
<td>P.O. Box 728</td>
</tr>
<tr>
<td>122 West 25th Street</td>
<td>Wheatland, WY 82201</td>
</tr>
<tr>
<td>Cheyenne, WY 82002</td>
<td></td>
</tr>
</tbody>
</table>
6.0 REFERENCES


7.0 EXHIBITS

7.1 Letter from Platte County Commissioners
7.2 Letter from U.S. Army Corps of Engineers
7.3 Nationwide Permit 12 and Permit Conditions
7.4 Letter from Wyoming SHPO
7.5 Letter from U.S. Fish and Wildlife Service
7.6 Letter from Wyoming Game and Fish Department
7.7 Letter from Wyoming Department of Environmental Quality, Water Quality Division
7.8 Letter from Wyoming Department of Environmental Quality, Air Quality Division
7.9 Letter from Natural Resources Conservation Service
7.10 Letter from Wyoming State Engineers Office
August 20, 2003

Mr. Mike Carnevale  
Environmental Services Manager  
TST Inc. of Denver  
9222 Teddy Lane  
Lone Tree, CO 80124

Dear Mr. Carnevale:

We are in receipt of your letter dated August 15, 2003, regarding the Wyoming Water Development Commission study for a water project within the corporate limits of Guernsey, Wyoming. The Platte County Engineer, Kenneth Kennedy and the Platte County Planner, Marlin Johnson, have reviewed your letter; and advised the Board of County Commissioners that we do not have a comment on this proposed project.

Thank you for the opportunity to comment.

Sincerely,

Aiden H. Prosser, Chairman  
Platte County Commissioners
Wyoming Regulatory Office

Honorable Joe Hahnhold
Mayor of Town of Guernsey
P.O. Box 667
Guernsey, Wyoming 82214

Dear Mayor Hahnhold:

This is in response to a letter dated August 15, 2003, that we received from Mr. Mike Carnevale, Environmental Services Manager with TST, Inc., of Lone Tree, Colorado. In his letter, Mr. Carnevale described a study funded by the Wyoming Water Development Commission (WWDC) to assess environmental impacts of proposed improvements to the Town of Guernsey's water supply system.

Proposed Guernsey water system improvements include replacement of existing water lines under the town's streets with larger diameter service lines, connecting an existing transmission main to the distribution system on the south side of the North Platte River, the rehabilitation of a 750,000 gallon finished water tank, construction of dedicated raw-water lines to the water storage tank, a dedicated treated water line from the tank to the distribution system and replacement of surface piping and adding chlorination to well #2. Mr. Carnevale asked us to review the project relative to Corps authorities. The project is located in Section 2, Township 26 North, Range 66 West and Section 35, Township 27 North, Range 66 West, Platte County, Wyoming.

The U.S. Army Corps of Engineers regulates the placement of dredged and fill material into wetlands and other waters of the United States as authorized primarily by Section 404 of the Clean Water Act (33 U.S.C. 1344). The term "waters of the United States" has been broadly defined by statute, regulation, and judicial interpretation to include all waters that were, are, or could be used in interstate commerce such as rivers, streams (including ephemeral streams), reservoirs, and lakes as well as wetlands adjacent to those areas. The Corps regulations were published in the November 13, 1986, edition of the Federal Register (Vol. 51, No. 219) at 33 CFR Parts 320 through 330. Information on Section 404 program requirements in Wyoming can be obtained by visiting our web site at http://www.nwo.usace.army.mil/html/od-rwy/Wyoming.htm.

Wetlands are defined as areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands are characterized by growth of vegetation such as bulrush, cattails, rushes, sedges, and willows. Wetlands not only provide wildlife habitat but also improve water quality by holding sediment and taking up nutrients. In many cases, wetlands decrease flooding by storing surface water and recharging ground water in flood plains.
Based on the information provided, it has been determined that the only portion of the project which may require authorization is the proposed connection of the existing water transmission main to the distribution system on the south side of the North Platte River. Fills, including temporary fills such as cofferdams, associated with the construction of the waterline across the North Platte River as well as any other creeks and waterways in the area will require authorization. If the water line is installed by spanning or directionally drilling under all waterways and care is taken not to locate fills in waters of the U.S., including wetlands, Corps authorization will not be required for the project.

Otherwise, the potential construction activities proposed may qualify for authorization under Nationwide Permit No. 12 (NWP 12) for “Utility Line Activities” and Nationwide Permit No. 33 (NWP 33) for “Temporary Construction Access and Dewatering.” Information on NWP 12 and NWP 33 can be obtained by visiting our web site at the location described above. We would encourage you to provide us with project specific information in accordance with the Preconstruction Notifications procedure for NWPs described on our web site when a decision is made to proceed with the project.

This determination does not eliminate the requirement to obtain any other applicable federal, state, tribal, or local permits that may be required. If you have any questions regarding this determination, please contact me at (307) 772-2300 and reference file No. 200340176.

Sincerely,

Matthew A. Bilodeau
Program Manager
Wyoming Regulatory Office

Copy Furnished:

✓ Mike Carnevale
   Environmental Services Manager
   TST, Inc. of Denver
   9222 Teddy Lane
   Lone Tree, Colorado 80124
EXHIBIT 7.3

12. Utility Line Discharges. Discharges of dredged or fill material associated with excavation, backfill or bedding for utility lines, including outfall and intake structures, provided there is no change in preconstruction contours. A "utility line" is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquefiable, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone and telegraph messages, and radio and television communication. The term "utility line" does not include activities which drain a water of the United States, such as drainage tile; however, it does apply to pipes conveying drainage from another area. This NWP authorizes mechanized landclearing necessary for the installation of utility lines, including overhead utility lines, provided the cleared area is kept to the minimum necessary and preconstruction contours are maintained. However, access roads, temporary or permanent, or foundations associated with overhead utility lines are not authorized by this NWP. Material resulting from trench excavation may be temporarily sidecast (up to three months) into waters of the United States, provided that the material is not placed in such a manner that it is dispersed by currents or other forces. The DE may extend the period of temporary side-casting not to exceed a total of 180 days, where appropriate. The area of waters of the United States that is disturbed must be limited to the minimum necessary to construct the utility line. In wetlands, the top 6" to 12" of the trench should generally be backfilled with topsoil from the trench. Excess material must be removed to upland areas immediately upon completion of construction. Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line. (See 33 CFR part 322).

Notification: The permittee must notify the district engineer in accordance with the "Notification" general condition, if any of the following criteria are met:

(a) Mechanized landclearing in a forested wetland;
(b) A Section 10 permit is required for the utility line;
(c) The utility line in waters of the United States exceeds 500 feet; or,
(d) The utility line is placed within a jurisdictional area (i.e., a water of the United States), and it runs parallel to a streambed that is within that jurisdictional area. (Sections 10 and 404)
C. Nationwide Permit Conditions

General Conditions

The following general conditions must be followed in order for any authorization by a NWP to be valid:

1. Navigation: No activity may cause more than a minimal adverse effect on navigation.
2. Proper Maintenance: Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.
3. Erosion and Siltation Controls: Appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date.
4. Aquatic Life Movements: No activity may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including those species which normally migrate through the area, unless the activity's primary purpose is to impound water.
5. Equipment: Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.
6. Regional and Case-by-Case Conditions: The activity must comply with any regional conditions which may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state or tribe in its section 401 water quality certification.
7. Wild and Scenic Rivers: No activity may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status; unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely effect the Wild and Scenic River designation, or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service.)
8. Tribal Rights: No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
9. Water Quality Certification: In certain states, an individual Section 401 water quality certification must be obtained or waived (see 33 CFR 330.4(c)).
10. Coastal Zone Management: In certain states, an individual state coastal zone management consistency concurrence must be obtained or waived (see Section 330.4(d)).
11. Endangered Species:
   (a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the critical habitat of such species. Non-federal permittees shall notify the District Engineer if any listed species or critical

EXHIBIT 7.3

habitat might be affected or is in the vicinity of the project, and shall not begin work on the activity until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized.

(b) Authorization of an activity by a nationwide permit does not authorize the "take" of a threatened or endangered species as defined under the Federal Endangered Species Act. In the absence of separate authorization (e.g., an ESA section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, both lethal and non-lethal "takes" of protected species are in violation of the Endangered Species Act. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. Fish and Wildlife Service and National Marine Fisheries Service or their worldwide web pages at http://www.fws.gov/r9endspp/endspp.html and http://kingfish.spp.nmfs.gov/tmcintyr/prot_res.html#ES and Recovery, respectively.

12. Historic Properties: No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the DE has complied with the provisions of 33 CFR part 325, appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)).

13. Notification:
   (a) Timing: Where required by the terms of the NWP, the prospective permittee must notify the District Engineer with a Pre-Construction Notification (PCN) as early as possible and shall not begin the activity:
      (1) Until notified by the District Engineer that the activity may proceed under the NWP with any special conditions imposed by the District or Division Engineer; or
      (2) If notified by the District or Division Engineer that an individual permit is required; or
      (3) Unless 30 days (or 45 days for NWP 26 only) have passed from the District Engineer's receipt of the notification and the prospective permittee has not received notice from the District or Division Engineer. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).
   (b) Contents of Notification: The notification must be in writing and include the following information:
      (1) Name, address and telephone numbers of the prospective permittee;
      (2) Location of the proposed project;
      (3) Brief description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), regional general permit(s) or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity; and
      (4) For NWPs 14, 18, 21, 26, 29, 34, and 38, the PCN must also include a delineation of affected special aquatic sites, including wetlands (see paragraph 13(f));
      (5) For NWP 21--Surface Coal Mining Activities, the PCN must include an OSM or state approved mitigation plan.
      (6) For NWP 29--Single-Family Housing, the PCN must also include:
         (i) Any past use of this NWP by the individual permittee and/or the permittee's spouse;
         (ii) A statement that the single-family housing activity is for a personal residence of the permittee;
         (iii) A description of the entire parcel, including its size, and a delineation of wetlands. For the purpose of this NWP, parcels of land measuring 0.5 acre or less will not require a formal on-site delineation. However, the applicant shall provide an indication of where the wetlands are and the
amount of wetlands that exists on the property. For parcels greater than 0.5 acre in size, a formal 
wetland delineation must be prepared in accordance with the current method required by the Corps. (See 
paragraph 13(f));

(iv) A written description of all land (including, if available, legal descriptions) owned by the 
prospective permittee and/or the prospective permittee's spouse, within a one mile radius of the parcel, 
in any form of ownership (including any land owned as a partner, corporation, joint tenant, co-tenant, or 
as a tenant-by-the-entirety) and any land on which a purchase and sale agreement or other contract for 
sale or purchase has been executed;

(7) For NWP 31--Maintenance of Existing Flood Control Projects, the prospective permittee must 
either notify the District Engineer with a Pre-Construction Notification (PCN) prior to each maintenance 
activity or submit a five year (or less) maintenance plan. In addition, the PCN must include all of the 
following:

(i) Sufficient baseline information so as to identify the approved channel depths and 
configurations and existing facilities. Minor deviations are authorized, provided that the approved flood 
control protection or drainage is not increased;

(ii) A delineation of any affected special aquatic sites, including wetlands; and, 

(iii) Location of the dredged material disposal site.

(8) For NWP 33--Temporary Construction, Access, and Dewatering, the PCN must also include a 
restoration plan of reasonable measures to avoid and minimize adverse effects to aquatic resources.

(c) Form of Notification: The standard individual permit application form (Form ENG 4345) may be 
used as the notification but must clearly indicate that it is a PCN and must include all of the information 
required in (b) (1)-(7) of General Condition 13. A letter may also be used.

(d) District Engineer's Decision: In reviewing the pre-construction notification for the proposed 
activity, the District Engineer will determine whether the activity authorized by the NWP will result in 
more than minimal individual or cumulative adverse environmental effects or may be contrary to the 
public interest. The prospective permittee may, optionally, submit a proposed mitigation plan with the 
pre-construction notification to expedite the process and the District Engineer will consider any optional 
mitigation the applicant has included in the proposal in determining whether the net adverse 
environmental effects of the proposed work are minimal. If the District Engineer determines that the 
activity complies with the terms and conditions of the NWP and that the adverse effects are minimal, the 
District Engineer will notify the permittee and include any conditions the DE deems necessary.

Any mitigation proposal must be approved by the District Engineer prior to commencing work. If the 
prospective permittee elects to submit a mitigation plan, the District Engineer will expeditiously review 
the proposed mitigation plan, but will not commence a second 30-day (or 45-day for NWP 26) 
notification procedure. If the net adverse effects of the project (with the mitigation proposal) are 
determined by the District Engineer to be minimal, the District Engineer will provide a timely written 
response to the applicant stating that the project can proceed under the terms and conditions of the 
nationwide permit.

If the District Engineer determines that the adverse effects of the proposed work are more than 
minimal, then he will notify the applicant either: (1) That the project does not qualify for authorization 
under the NWP and instruct the applicant on the procedures to seek authorization under an individual 
permit; (2) that the project is authorized under the NWP subject to the applicant's submitting a 
mitigation proposal that would reduce the adverse effects to the minimal level; or (3) that the project is 
authorized under the NWP with specific modifications or conditions.

(e) Agency Coordination: The District Engineer will consider any comments from Federal and State 
agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and 
the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

(i) For NWP 14, 21, 26 (between 1 and 3 acres of impact), 29, 33, 37, and 38. The District Engineer 
will, upon receipt of a notification, provide immediately, e.g., facsimile transmission, overnight mail or 
other expeditious manner, a copy to the appropriate offices of the Fish and Wildlife Service, State 
natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO), and, if
EXHIBIT 7.3

appropriate, the National Marine Fisheries Service. With the exception of NWP 37, these agencies will then have 5 calendar days from the date the material is transmitted to telephone or fax the District Engineer notice that they intend to provide substantive, site-specific comments. If so contacted by an agency, the District Engineer will wait an additional 10 calendar days (16 calendar days for NWP 26 PCNs) before making a decision on the notification. The District Engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency. The District Engineer will indicate in the administrative record associated with each notification that the resource agencies' concerns were considered. Applicants are encouraged to provide the Corps multiple copies of notifications to expedite agency notification.

(ii) Optional Agency Coordination. For NWPs 5, 7, 12, 13, 17, 18, 27, 31, and 34, where a Regional Administrator of EPA, a Regional Director of USFWS, or a Regional Director of NMFS has formally requested general notification from the District Engineer for the activities covered by any of these NWPs, the Corps will provide the requesting agency with notification on the particular NWPs. However, where the agencies have a record of not generally submitting substantive comments on activities covered by any of these NWPs, the Corps district may discontinue providing notification to those regional agency offices. The District Engineer will coordinate with the resources agencies to identify which activities involving a PCN that the agencies will provide substantive comments to the Corps. The District Engineer may also request comments from the agencies on a case by case basis when the District Engineer determines that such comments would assist the Corps in reaching a decision whether effects are more than minimal either individually or cumulatively.

(iii) Optional Agency Coordination, 401 Denial. For NWP 26 only, where the state has denied its 401 water quality certification for activities with less than 1 acre of wetland impact, the EPA regional administrator may request agency coordination of PCNs between 1/3 and 1 acre. The request may only include acreage limitations within the 1/3 to 1 acre range for which the state has denied water quality certification. In cases where the EPA has requested coordination of projects as described here, the Corps will forward the PCN to EPA only. The PCN will then be forwarded to the Fish and Wildlife Service and the National Marine Fisheries Service by EPA under agreements among those agencies. Any agency receiving the PCN will be bound by the EPA timeframes for providing comments to the Corps.

(f) Wetlands Delineations: Wetland delineations must be prepared in accordance with the current method required by the Corps. For NWP 29 see paragraph (b)(6)(iii) for parcels less than 0.5 acres in size. The permittee may ask the Corps to delineate the special aquatic site. There may be some delay if the Corps does the delineation. Furthermore, the 30-day period (45 days for NWP 26) will not start until the wetland delineation has been completed and submitted to the Corps, where appropriate.

(g) Mitigation: Factors that the District Engineer will consider when determining the acceptability of appropriate and practicable mitigation include, but are not limited to:

(i) To be practicable, the mitigation must be available and capable of being done considering costs, existing technology, and logistics in light of the overall project purposes;

(ii) To the extent appropriate, permittees should consider mitigation banking and other forms of mitigation including contributions to wetland trust funds, "in lieu fees" to organizations such as The Nature Conservancy, state or county natural resource management agencies, where such fees contribute to the restoration, creation, replacement, enhancement, or preservation of wetlands. Furthermore, examples of mitigation that may be appropriate and practicable include but are not limited to: Reducing the size of the project; establishing wetland or upland buffer zones to protect aquatic resource values; and replacing the loss of aquatic resource values by creating, restoring, and enhancing similar functions and values. In addition, mitigation must address wetland impacts, such as functions and values, and cannot be simply used to offset the acreage of wetland losses that would occur in order to meet the acreage limits of some of the NWPs (e.g., for NWP 26, 5 acres of wetlands cannot be created to change a 6-acre loss of wetlands to a 1 acre loss; however, 2 created acres can be used to reduce the impacts of a 3-acre loss.).

14. Compliance Certification: Every permittee who has received a Nationwide permit verification from the Corps will submit a signed certification regarding the completed work and any required
mitigation. The certification will be forwarded by the Corps with the authorization letter and will include: a. A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions; b. A statement that any required mitigation was completed in accordance with the permit conditions; c. The signature of the permittee certifying the completion of the work and mitigation.

15. Multiple Use of Nationwide Permits: In any case where any NWP number 12 through 40 is combined with any other NWP number 12 through 40, as part of a single and complete project, the permittee must notify the District Engineer in accordance with paragraphs a, b, and c on the "Notification" General Condition number 13. Any NWP number 1 through 11 may be combined with any other NWP without notification to the Corps, unless notification is otherwise required by the terms of the NWPs. As provided at 33 CFR 330.6(c) two or more different NWPs can be combined to authorize a single and complete project. However, the same NWP cannot be used more than once for a single and complete project.

Section 404 Only Conditions

In addition to the General Conditions, the following conditions apply only to activities that involve the discharge of dredged or fill material into waters of the U.S., and must be followed in order for authorization by the NWPs to be valid:

1. Water Supply Intakes: No discharge of dredged or fill material may occur in the proximity of a public water supply intake except where the discharge is for repair of the public water supply intake structures or adjacent bank stabilization.

2. Shellfish Production: No discharge of dredged or fill material may occur in areas of concentrated shellfish production, unless the discharge is directly related to a shellfish harvesting activity authorized by NWP 4.

3. Suitable Material: No discharge of dredged or fill material may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

4. Mitigation: Discharges of dredged or fill material into waters of the United States must be minimized or avoided to the maximum extent practicable at the project site (i.e., on-site), unless the District Engineer approves a compensation plan that the District Engineer determines is more beneficial to the environment than on-site minimization or avoidance measures.

5. Spawning Areas: Discharges in spawning areas during spawning seasons must be avoided to the maximum extent practicable.

6. Obstruction of High Flows: To the maximum extent practicable, discharges must not permanently restrict or impede the passage of normal or expected high flows or cause the relocation of the water (unless the primary purpose of the fill is to impound waters).

7. Adverse Effects From Impoundments: If the discharge creates an impoundment of water, adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized to the maximum extent practicable.

8. Waterfowl Breeding Areas: Discharges into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.
9. Removal of Temporary Fills: Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.
October 15, 2003

Mr. Mike Carnevale
TST Inc. of Denver
9222 Teddy Lane
Lone Tree, CO 80124

Re: Guernsey Water Supply Project (SHPO File # 0903SES014)

Dear Mr. Carnevale:

Sara Sheen of our staff has received information concerning the aforementioned project. Thank you for allowing us the opportunity to comment.

A file search by our staff on 10/15/03 shows no archaeological or historic sites are known to exist in the proposed project area. The area has not been surveyed for cultural resources, but the proposed project is in an area where the probability of locating surface archeological or historic manifestations is low. There is a possibility that buried prehistoric or historic materials may exist and may be uncovered during project construction.

We recommend you incorporate the following stipulation in the project permit: if any cultural materials are discovered during construction, work in the area should halt immediately and your staff and SHPO staff must be contacted. Work in the area may not resume until the materials have been evaluated and adequate measures for their protection or collection have been taken.

This letter should be retained in your files as documentation of our determination that no historic properties will be affected by this project.

Please refer to SHPO project control number 0903SES014 on any future correspondence dealing with this project. If you have any questions, contact Sara Sheen at 307-777-7498 or me at 307-777-6311.

Sincerely,

Judy K. Wolf
Review and Compliance Program Manager
In Reply Refer To:
ES-6141/W.31/WY7540

Mr. Mike Carnevale
TST Inc. of Denver
Environmental Services
9222 Teddy Lane
Lone Tree, CO 80124

Dear Mr. Carnevale:

The U.S. Fish and Wildlife Service (Service) received your letter dated August 15, 2003, requesting threatened and endangered species information for the proposed Water Supply Improvement Project in the Town of Guernsey located in Platte County, Wyoming. The proposed project consists of: (1) draining, cleaning, blasting, and re-coating the interior and exterior of the existing 750,000 gallon finished water tank; (2) replacing undersized distribution mains with larger pipe; (3) connecting an existing transmission main to the distribution system on the south side of the North Platte River; (4) constructing dedicated raw-water transmission lines to the existing 750,000 gallon finished water tank from the Towns’ wells and a dedicated treated water line from the finished tank to the distribution system; and (5) replacing surface piping and add chlorination to Well #2. The Service is providing the following comments for consideration during project planning.

In accordance with section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.), my staff has determined that the following threatened or endangered species, or species proposed for listing under the Act, may be present in the project area.

**Listed and Proposed Species**

<table>
<thead>
<tr>
<th>Species</th>
<th>Status</th>
<th>Expected Occurrence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preble's meadow jumping mouse</td>
<td>Threatened</td>
<td>Riparian habitats east of Laramie Mts. and south of the N. Platte River</td>
</tr>
<tr>
<td><em>(Zapus hudsonius preblei)</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ute ladies'-tresses</td>
<td>Threatened</td>
<td>Seasonally moist soils and wet meadows of drainages below 7000 feet elevation.</td>
</tr>
<tr>
<td><em>(Spiranthes diluvialis)</em></td>
<td></td>
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Preble’s meadow jumping mouse
The Preble’s meadow jumping mouse (Preble’s) is a small rodent in the family Zapodidae and is 1 of 12 recognized subspecies of the species Z. hudsonius, the meadow jumping mouse. Preble’s occurs in low undergrowth consisting of grasses, forbs, or a mix of both, in wet meadows and riparian corridors, or where tall shrubs and low trees provide adequate cover. Preble’s exhibits a preference for lush vegetation along watercourses or herbaceous understories in wooded areas within close proximity to water. In Wyoming, Preble’s has been recently documented in four counties, Albany, Laramie, Platte, and Converse and may also occur in Goshen County.

Preble’s are known to inhabit lushly vegetated riparian or streamside areas, and may be found up to 120 meters outward from the actual stream segment. Preble’s are primarily nocturnal or crepuscular, but have been observed active during daylight. Nests are made of grass, leaves, or woody material excavated several centimeters below ground level. The diet of Preble’s consists of seeds, fruits, fungi, and insects. Preble’s hibernates from October to May in small underground burrows it excavates. If the proposed project will result in a disturbance to suitable habitat within the species current or historic range, the Service recommends surveys be conducted prior to any action. Due to the difficulty in identifying Preble’s in the field, surveys should be conducted by knowledgeable biologists trained in conducting Preble’s surveys.

Ute ladies’-tresses
Ute ladies’-tresses is a perennial, terrestrial orchid with stems 2 to 5 dm tall, narrow leaves, and flowers consisting of few to many small white or ivory flowers clustered into a spike arrangement at the top of the stem. Ute ladies’-tresses is endemic to moist soils near wetland meadows, springs, lakes, and perennial streams. It occurs generally in alluvial substrates along riparian edges, gravel bars, old oxbows, and most to wet meadows at elevations from 4,200 to 7,000 feet. This orchid colonizes early successional riparian habitats such as point bars, sand bars, and low lying gravelly, sandy, or cobbly edges, persisting in those areas where the hydrology provides continual dampness the root zone through the growing season.

Ute ladies’-tresses seems generally intolerant of shade and is found primarily in open grass and forb-dominated sites where vegetation is relatively open and not dense or overgrown. Plants usually occur as small scattered groups. Ute ladies’-tresses blooms from late July through August, however, depending on location and climatic conditions, orchids may bloom in early July or still be in flower as late as early October. If the proposed project will result in a disturbance to suitable habitat, the Service recommends surveys be conducted for Ute ladies’-tresses during its flowering period. Due to the fact that similar looking plant species (i.e., Spiranthes romanzoffiana) may exist within the project area, the Service recommends surveys be conducted by knowledgeable botanists trained in conducting rare plant surveys.
Bald Eagle
While habitat loss still remains a threat to the bald eagle's full recovery, most experts agree that its recovery to date is encouraging. Adult eagles establish life-long pair bonds and build huge nests in the tops of large trees near rivers, lakes, marshes, or other wetland areas. Although bald eagles may range over great distances, they usually return to nest within 100 miles of where they were fledged. During winter, bald eagles gather at night to roost in large mature trees, usually in secluded locations that offer protection from harsh weather. Bald eagles often return to use the same nest and winter roost year after year.

In order to reduce potential adverse effects to the bald eagle, a disturbance-free buffer zone of 1-mile should be maintained around eagle nests and winter roost sites. Activity within 1 mile of an eagle nest or roost may disturb the eagles and result in take. If a disturbance-free buffer zone of 1-mile is not practicable, then the activity should be conducted outside of February 15 through August 15 to protect nesting birds and November 1 through April 15 to protect roosting birds.

The Service is not aware of any bald eagle roosts or nests sites within 1-mile of the proposed project area. However, the North Platte River adjacent to the Town of Guernsey has been designated as crucial wintering habitat for the bald eagle. Any potential nesting or roosting sites discovered should be reported to the Service’s Wyoming Field Office in Cheyenne.

Platte River species
Since 1978, the Service has consistently taken the position in its section 7 consultations that Federal agency actions resulting in water depletions to the Platte River system may affect the endangered whooping crane (Grus americana), endangered interior least tern (Sterna antillarum), threatened piping plover (Charadrius melodus), endangered pallid sturgeon (Scaphirhynchus albus), threatened bald eagle (Haliaeetus leucocephalus), endangered Eskimo curlew (Numenius borealis) and the threatened western prairie fringed orchid (Platanthera praecclara). In addition, water depletions may contribute to the destruction or adverse modification of designated critical habitat for the whooping crane, and proposed critical habitat for the northern Great Plains breeding population of the piping plover.

In general, water depletions include evaporative losses and/or consumptive use, often characterized as diversions from the Platte River or its associated tributaries less return flows. Project elements that could be associated with depletions to this river system include, but are not limited to, ponds (sediment detention/recreation/irrigation storage/stock watering), lakes (recreation/irrigation storage/municipal storage/power generation), reservoirs (recreation/irrigation storage/municipal storage/power generation), created or enhanced wetlands, hydrostatic testing of pipelines, wells, diversion structures, dust abatement, sediment control basins, soil compaction, and water treatment facilities.

Any actions that may result in a water depletion to the Platte River system should be identified. The environmental document should also include an estimate of the amount and timing (by month) of average annual water depletion (both existing and new depletions), and describe methods of arriving at such estimates. The lead Federal agency will need to consult with the Service’s Wyoming Field Office if a water depletion to the Platte River system is anticipated.
Migratory Birds
Please recognize that consultation on listed species may not remove your obligation to protect the many species of migratory birds, including eagles and other raptors protected under the Migratory Bird Treaty Act (MBTA) and Bald and Golden Eagle Protection Act (BGEPA). The MBTA, 16 U.S.C. 703, enacted in 1918, prohibits the taking of any migratory birds, their parts, nests, or eggs except as permitted by regulations and does not require intent to be proven. Section 703 of the MBTA states, "Unless and except as permitted by regulations ... it shall be unlawful at any time, by any means or in any manner, to ... take, capture, kill, attempt to take, capture, or kill, or possess ... any migratory bird, any part, nest, or eggs of any such bird..." The BGEPA, 16 U.S.C. 668, prohibits knowingly taking, or taking with wanton disregard for the consequences of an activity, any bald or golden eagles or their body parts, nests, or eggs, which includes collection, molestation, disturbance, or killing.

Work that could lead to the take of a migratory bird including an eagle, their young, eggs, or nests should be coordinated with our office before any actions are taken. Removal or destruction of such nests, or causing abandonment of a nest could constitute violation of one or both of the above statutes. Removal of any active migratory bird nest or nest tree is prohibited. For golden eagles, inactive nest permits are limited to activities involving resource extraction or human health and safety. Mitigation, as determined by the local Service field office, may be required for loss of these nests. No permits will be issued for an active nest of any migratory bird species, unless removal of an active nest is necessary for reasons of human health and safety. Therefore, if nesting migratory birds are present on, or near the project area, timing is a significant consideration and needs to be addressed in project planning.

If nest manipulation is proposed for this project, the project proponent should contact the Service’s Migratory Bird Office in Denver at 303-236-8171 to see if a permit can be issued for this project. No nest manipulation is allowed without a permit. If a permit cannot be issued, the project may need to be modified to ensure take of a migratory bird or eagle, their young, eggs or nest will not occur.

Wetlands/Riparian Areas
Wetlands associated with the North Platte River may be impacted by the proposed project. Wetlands perform significant ecological functions which include: (1) providing habitat for numerous aquatic and terrestrial wildlife species, (2) aiding in the dispersal of floods, (3) improving water quality through retention and assimilation of pollutants from storm water runoff, and (4) recharging the aquifer. Wetlands also possess aesthetic and recreational values. The Service recommends measures be taken to avoid and minimize wetland losses in accordance with Section 404 of the Clean Water Act and Executive Order 11988 (floodplain management) as well as the goal of "no net loss of wetlands." If wetlands may be destroyed or degraded by the proposed action, those wetlands in the project area should be inventoried and fully described in terms of their functions and values. Acreage of wetlands, by type, should be disclosed and specific actions should be outlined to avoid, minimize, and compensate for all unavoidable wetland impacts.

Riparian or streamside areas are a valuable natural resource and impacts to these areas should be avoided whenever possible. Riparian areas are the single most productive wildlife habitat type in
North America. They support a greater variety of wildlife than any other habitat. Riparian vegetation plays an important role in protecting streams, reducing erosion and sedimentation as well as improving water quality, maintaining the water table, controlling flooding, and providing shade and cover. In view of their importance and relative scarcity, impacts to riparian areas should be avoided. Any potential, unavoidable encroachment into these areas should be further avoided and minimized. Unavoidable impacts to streams should be assessed in terms of their functions and values, linear feet and vegetation type lost, potential effects on wildlife, and potential effects on bank stability and water quality. Measures to compensate for unavoidable losses of riparian areas should be developed and implemented as part of the project.

Plans for mitigating unavoidable impacts to wetland and riparian areas should include mitigation goals and objectives, methodologies, time frames for implementation, success criteria, and monitoring to determine if the mitigation is successful. The mitigation plan should also include a contingency plan to be implemented should the mitigation not be successful. In addition, wetland restoration, creation, enhancement, and/or preservation does not compensate for loss of stream habitat; streams and wetlands have different functions and provide different habitat values for fish and wildlife resources.

Best Management Practices (BMPs) should be implemented within the project area wherever possible. BMPs include, but are not limited to, the following: installation of sediment and erosion control devices (e.g., silt fences, hay bales, temporary sediment control basins, erosion control matting); adequate and continued maintenance of sediment and erosion control devices to insure their effectiveness; minimize the construction disturbance area to further avoid streams, wetlands, and riparian areas; locate equipment staging, fueling, and maintenance areas outside of wetlands, streams, riparian areas, and floodplains; and re-seeding and re-planting riparian vegetation native to Wyoming in order to stabilize shorelines and streambanks.

Construction Plans
The Service is concerned about construction activities taking place within the 100-year floodplain of the North Platte River. Please provide the Service with a copy of construction plans for the proposed project, particularly in areas that are within or adjacent to the North Platte River.

Thank you for the opportunity to review the proposed project. Please keep this office informed of any developments or decisions concerning this project. If you have any questions regarding this letter or your responsibilities under the Act, please contact Melissia Carter of my staff at the letterhead address or phone (307) 772-2374, extension 29.

Sincerely,

Brian T. Kelly
Field Supervisor
Wyoming Field Office

cc: WGFD, Cheyenne, Statewide Habitat Protection Coordinator (T. Collins)
    WGFD, Lander, Non-Game Coordinator (B. Oakleaf)
August 29, 2003

WER 10658
TST Inc. of Denver
Wyoming Water Development Commission
Guernsey Water Supply Project
Platte County

Mike Carnevale
Environmental Services Manager
TST Inc. of Denver
9222 Teddy Lane
Lone Tree, CO 80124

Dear Mike:

The staff of the Wyoming Game and Fish Department has reviewed the information you provided concerning the Guernsey Water Supply Project. We have no terrestrial wildlife or aquatic concerns with this proposed project, and the Department has no permit requirements relative to this project.

Thank you for the opportunity to comment.

Sincerely,

Thomas C. Collins
Coordinator
Office of Director
Habitat Protection Program

TC:as
September 18, 2003

Mike Carnevale
TST Inc. of Denver
9222 Teddy Lane
Lone Tree, CO 80124

re: Guernsey Water Supply Project

Dear Mr. Carnevale:

I received a request for an agency review of the proposed project for activities that may fall under the Department of Environmental Quality Water Quality Division’s (WQD) jurisdiction.

There are three WQD permits that may apply to this project. Any or all of them may apply depending on the eventual scope of the projects.

- **Temporary Discharge Permit.** Any discharges to “waters of the state” must be permitted under the National Pollutant Discharge Elimination System (NPDES) program. This program is part of the federal Clean Water Act, but is administered by the WQD. Coverage is required for discharges from cofferdam dewatering, discharges from hydrostatic pipeline testing, or discharge of other waste waters to waters of the state. For clarification waters of the state include rivers, streams, dry draws, wetlands, lakes, reservoirs and even stock ponds. The type of activity proposed can most likely be covered under the general permit for temporary discharges. This permit will require some sampling and will incorporate effluent limits for any constituents of concern. Roland Peterson (307-777-7090) can provide additional information.

- **Storm Water Associated with Construction Activities.** This permit is required any time a project results in clearing, grading, or otherwise disturbing one or more acres. The disturbed area does not need to be contiguous. The permit is required for surface disturbances associated with construction of the project, access roads, construction of wetland mitigation sites, borrow and stockpiling areas, equipment staging and maintenance areas and any other disturbed areas associated with construction. A general permit has been established for this...
purpose and either the project sponsor or general contractor is responsible for filing a Notice of Intent (NOI) and complying with the provisions of the general permit. The NOI should be filed no later than 30 days prior to the start of construction activity. Please contact Barb Sahl at 307-777-7570.

- **Permit to Construct.** Any time a public water or waste water system is constructed, installed, or modified a permit to construct is required. The program is handled out of our Cheyenne office for the Southeast portion of the State. Please contact Lou Harmon at 307-777-7088 for more detailed information.

- **Section 404.** While not a state permit, this project may require a section 404 permit from the US Army Corps of Engineers. Any time work occurs within waters of the US a 404 permit may be required. Please contact the Corps (307-772-2300) for specific information regarding jurisdiction and requirements.

These are the permits most likely to affect this project. Also, every effort to prevent erosion of any kind should be taken. Any sediment taken away due to runoff and collection by the storm drainage system can effect the water quality of the receiving water. If you have any questions please contact the persons listed above or me at 307-777-7588.

Sincerely,

Jeremy Lyon
Environmental Senior Analyst
Water Quality Division
Mr. Mike Carnevale  
Environmental Services Manager  
TST Inc. of Denver  
9222 Teddy Lane  
Lone Tree, CO 80124  

RE: Wyoming Water Development Commission (WWDC) Guernsey Water Supply Project

Dear Mr. Carnevale:

The Division has reviewed your letter submitted August 15, 2003 regarding an improvement project by the Wyoming Water Development Commission. From your letter, the Division understands the following improvements will be completed in the Town of Guernsey.

- Drain, clean, blast, and re-coat the interior and exterior of the existing 750,000 gallon finished water tank.
- Replace undersized distribution mains with larger pipe to improve fire flows.
- Connect an existing transmission main to the distribution system on the south side of the North Platte River that serves a city park, golf course, and recreational vehicle park.
- Construct dedicated raw-water transmission lines to the existing 750,000 gallon finished water tank from the town’s wells and a dedicated treated water line from the tank to the distribution system.
- Replace surface piping and add chlorination to Well #2

Based on the information contained in your letter, three sections of the Wyoming Air Quality Standards and Regulations (WAQSR) apply to the listed projects. These sections are WAQSR Chapter 3, Section 2(f) regarding fugitive dust control, Chapter 3, Section 8 regarding asbestos removal, and Chapter 10, Section 2 regarding open burning.

Chapter 3, Section 2(f) requires persons engaged in clearing or leveling of land, earthmoving,
excavation, movement of trucks or construction equipment over access roads or cleared land, and
demolition activities to control fugitive dust emissions using frequent watering and/or chemical
stabilization of the affected areas. Applications of water should be made as necessary, typically
every one to two hours, to control fugitive dust from any cleared areas. This section also requires
prompt removal of earth or other materials from paved streets. As long as such control measures are
taken during completion of the proposed projects, the Division expects the impact on ambient air
quality from fugitive dust emissions should be minimal.

Chapter 3, Section 8 requires an initial work-site inspection prior to any demolition or renovation
activities at a facility. This includes a thorough inspection of the affected facility or part of the
facility where the demolition or renovation will occur for the presence of asbestos. This section also
contains specific notification requirements and procedures for asbestos emissions control which may
be applicable. Please contact Mr. Gerald Blackwell at 777-7394 or Mr. Robert Rodriguez at 777-
7584 prior to conducting work on the pipes.

Chapter 10, Section 2 prohibits the disposal of any trade wastes, including wood, construction
materials, or other discarded materials, by open burning. All such materials generated by the project
should be disposed of by an alternative means.

Should you have any questions or comments concerning this matter, please contact me at 307-777-
3771.

Sincerely,

Justin Silovich
Environmental Analyst
Air Quality Division

cc:  Dan Olson, Air Quality Division Administrator
     Bob Gill, SSC Program Manager
     Glenn Spangler, District Engineer
     Platte County Compliance File
Dear Mr. Carnevale

We are in receipt of your letter requesting review of the Guernsey Water Supply Project. In your letter you have stated that the project will fall entirely within the corporate limits, water planning boundaries, and existing rights-of-ways. With this being the situation, the USDA-NRCS does not have any comments on this project.

If you have any questions, or need to discuss this comment with us, please contact this office.

Sincerely,

Ed Burton
LINCOLN "ED" BURTON
State Conservationist
September 4, 2003

TST Inc. of Denver
9222 Teddy Lane
Lone Tree, CO 80124

Attention: Mr. Mike Carnevale

Subject: Guernsey Water Supply Project

Dear Mike:

In response to your request for review of the above referenced project and to supplement John Barnes’ letter of August 15, 2003, the State Engineer’s Office would offer the following comment:

- The Town of Guernsey should review its water right permits to assure that the listed Areas of Use coincide with the actual lands to be served. If the community is now serving or as part of this project plans to serve lands outside of the identified Areas of Use, the Town should seek a modification to the Area of Use from the State Engineer’s Office.

If you should have any questions, feel free to contact me.

Respectfully,

[Signature]
Harry C. La Bonde
Deputy State Engineer

Cc: WWDC
SEO – Groundwater Division

Surface Water (307) 777-6475
Ground Water (307) 777-6163
Board of Control (307) 777-6178