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### **FORMS**

Sample Application
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## **INTRODUCTION**

This pamphlet is designed to assist you in applying for wetland mitigation credits under the Wyoming Statewide Wetland Mitigation Banking Program. The pamphlet is not intended to be a complete description of all aspects of the Wetland Bank, but will provide general program information and specific guidance on how to complete a permit application. Answers to technical questions and detailed information about special aspects of the program that pertain to your geographical area and your proposed activity may be obtained from:

Wetlands Program  
Wyoming Dept. of Environmental Quality  
Water Quality Division  
Herschler Building, 4th Floor West  
Cheyenne, WY 82002

Phone: (307) 777-7781

The application form has been purposely designed and formatted to imitate the section 404 permit application form used by the U.S. Army Corps of Engineers. In most instances, projects intended to create, restore or enhance wetlands are regulated under that program and will require authorization from the Corps. Because much of the information needed to qualify for banking credits is the same as is needed for 404 authorization, we hope to minimize duplication of effort by utilizing a similar form. Submission of this form, however, does not eliminate the need to submit a separate application to the Corps for 404 permitting purposes.

Part I of this pamphlet contains general information on the Wyoming Wetland Mitigation Banking Program. You should

review this section before completing your permit application.

Part II contains an application form, instructions for completing the application, and an example of a completed application.

## **PART I - GENERAL INFORMATION ON THE STATE WETLAND BANK**

### **GENERAL CONCEPTS**

Wetlands are aquatic habitats which are more vigorously protected under environmental laws than practically any other type of waterbody. Permits are usually required for any type of activity which will disturb or negatively affect a wetland. Because there are numerous regulations which apply to development in wetlands, there are various types of permits and authorizations that may be required depending upon the specific circumstances of the project. One common thread throughout all of the different regulatory programs is the use of mitigation to offset impacts to wetlands. Mitigation normally amounts to replacing wetlands which are damaged by a project with new or restored wetlands. Meeting mitigation requirements is often the most difficult and expensive environmental aspect of a project. Both land and water must be acquired and then the wetland must be designed and constructed. Wetland banking is a concept that addresses this problem by offering options that may reduce the cost of replacing wetlands while at the same time increase the likelihood that the mitigation wetland will endure.

Wetland banking is attracting an increased amount of interest nationally. It is a process

by which credits can be earned for voluntarily making wetland improvements such as creating new wetlands or restoring wetlands that were previously destroyed or degraded. These credits are recorded in a "wetland bank" and can be withdrawn to satisfy the wetland mitigation requirements under a variety of regulatory programs.

The Wyoming banking program was established for 2 basic purposes:

- 1.To provide incentives for landowners, industries and government agencies to voluntarily create, restore or enhance wetland habitats wherever it is reasonable to do so; and
- 2.To provide options for lessening the cost and regulatory burden of replacing wetlands when it is required under regulatory programs such as section 404 of the Clean Water Act or State mining regulations.

The state wetland bank was created by the enactment of the Wyoming Wetlands Act in 1991. This Act provides a general state wetland policy and directs the establishment of wetland banking guidelines. The Act was amended and refined in 1994 and the guidelines were finalized that same year. Those guidelines serve as the basis for this application form and are available upon request from the Department of Environmental Quality (DEQ).

It is important to understand that the Wyoming Wetland Bank is not regulatory. There are no requirements that force anyone to participate, and there are no compliance criteria or associated penalty provisions. As stated above, the idea is to institute options for

complying with mitigation stipulations that are commonly required under any number of other federal, state and local laws and ordinances.

The most stringent of these laws, section 404 of the Clean Water Act, has very specific mitigation requirements. The "Fish and Wildlife Coordination Act" requires that wildlife is given equal consideration to all other aspects of water related development projects involving federal agencies or federal funding. The "National Environmental Policy Act" (NEPA) directs federal managers to disclose the potential impacts of any federal action and to develop and select alternatives which will be "least damaging" to the human environment. Impacts to wetlands are always considered and mitigation prescribed in that process. Federal "Executive Order 11990" requires federal agencies to take actions to "minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands" in carrying out their missions and responsibilities. In Wyoming, almost all mitigation requirements are result of the aforementioned federal regulations, however, local county and municipal governments are also feeling pressures to consider wetlands in zoning and land use plans.

These regulatory programs are all administered independently of the wetland bank. In any single circumstance, the agency responsible for regulating an activity decides how much mitigation is necessary. In most instances, wetland credits should be approved by the federal agencies as meeting their mitigation requirements, however, the state cannot guarantee that credits will always be accepted to fulfill permit requirements. The Department of Environmental Quality will

negotiate with federal permitting agencies on behalf of a credit holder in all instances where the use of banked credits is determined to be sufficient and appropriate under the procedures established in the state guidelines.

Wetland banking offers several advantages over traditional project-by-project mitigation. One is that it can provide compensation for losses to small wetlands which are otherwise not mitigated because of logistic and economic constraints. Another is that banking provides compensation "up front" or before the impact occurs. This eliminates the temporary loss of resource that normally occurs in the time between the wetland impact and when the mitigation wetland is fully developed. Some of the guesswork is eliminated from mitigation planning because regulators do not have to estimate the probable success of a mitigation plan, but instead have an actual wetland whose values can be measured to some degree. There are also economic advantages to be gained from expedited permitting, consolidation of mitigation costs, and, by creating free market incentives for wetland creation and restoration.

## **DETAILS OF THE WYOMING BANK**

### **1. Wetland Credits**

Wetland credits are the currency of the wetland bank and are divided into two categories. "Creation/Restoration Credits" can be earned for creating new wetlands on previously dry sites or restoring wetlands on previously drained sites. "Enhancement Credits" can be earned by enhancing wetland function on sites which currently delineate as wetlands but are in a degraded condition.

Generally speaking, enhancement credits are less valuable than those earned for creating new wetlands because of additional limitations on their use.

The amount of credit earned will always be expressed in terms of acres. For newly created wetlands and restored wetlands, the amount of credit will represent the actual aerial extent of the creation or restoration. If you create 5 new acres of wetlands, you are awarded 5 acres of credit.

Credit earned by the enhancement of existing wetlands without actually increasing their size will also be expressed in acre-units. Enhancement credits will be equal to the percent increase in measurable functions multiplied by the number of acres enhanced. If, for example, habitat availability is increased by 30% on an existing 10 acre wetland, 3 acres of credit would be awarded.

A variety of evaluation techniques may be used to measure wetland functions and value. Some examples include the WET technique (Adamus et. al. 1987), developed and supported by the Corps of Engineers, the Wyoming Game & Fish Department's Superbog Model or Habitat Evaluation Procedure (HEP) Models developed by the U.S. Fish and Wildlife Service. Assessment modeling is also a very active area of wetland research and new techniques are continually being developed and refined. The actual assessment model used will be determined based upon site-and-project-specific circumstances. In no case will the amount of enhancement credit earned exceed 50% of the original wetland acreage. The use of enhancement credits as mitigation for project impacts is also more limited than the use of the other types of credit. In projects which

result in the loss of wetland acreage, only 25% of the total area lost can be mitigated with enhancement credits. The remaining 75% can only be mitigated with created or restored wetlands.

Wetland credits will also have modifiers relating to function, value and classification. An example of a credit account might read "4 acres of palustrine, seasonally flooded, emergent wetland".

## **2. Value of a Credit**

There is no intrinsic monetary value associated with a wetland credit. Each credit represents a specific wetland, located somewhere in Wyoming, and some credits will be much more valuable than others. The only use of a credit is to meet a legal requirement to mitigate a wetland loss, therefore, wetlands more likely to meet regulatory needs will be more valuable. Generally speaking, the most important factor affecting the value of a credit is its location. Wetlands located in watersheds undergoing industrial or urban development will probably be more valuable than wetlands in watersheds where there is little activity. Other factors are the type and the quality of the wetland. Wetlands that are physically and biologically diverse are generally more useful for mitigation than those that are geometrically simple and are dominated by few species of vegetation. Credits earned for creating or restoring new wetlands are more valuable than credits earned for enhancements to existing wetlands.

## **3. Who Should Participate in the Wetland Bank?**

Individuals, industries, organizations and

government agencies who know that they will be subject to regulatory mitigation requirements will be best served by the banking program. Some examples include mining companies, utilities, irrigation districts, road and bridge departments, land developers, city and county planning offices and public land management agencies. Basically, anyone who anticipates undertaking an activity which will affect existing wetlands may find advantages in earning wetland credits.

Individual landowners may find it beneficial to earn wetland credits even though they do not foresee any personal use for the credits. There is a potential to sell the use of credits to developers who may need or want them, and realize a profit in doing so. There is also the possibility that having wetland credits attached to a parcel of land may, in fact, increase the value of the land. These uses of the bank, however, are much more speculative and should be approached much more cautiously.

The Department of Environmental Quality does not recommend that anyone invest money in creating wetlands purely for speculative reasons. Future use of earned credits cannot be guaranteed and money invested is being placed at risk. However, the Department strongly advises anyone who is making wetland improvements on their land to apply for credit and have those improvements recorded in a permanent record. Since the activity is to be undertaken anyway, there is no harm in doing so, and there may be various benefits. Even though it may not be the landowner's intent to sell the credit in the future, that option would be preserved if a credit is awarded. More importantly, having a wetland improvement

recorded will help to preserve the landowner's private property rights and desired future uses of that piece of land. Under state law, the existence of banked wetlands is not protected unless the credit was used to mitigate damage to another wetland. Therefore, the decision to create the banked wetland in the first place is reversible. The State of Wyoming would not prohibit or hinder the landowner from undertaking any future development activity in the banked wetland under any permitting program administered by the state.

This is not the same for federally-administered, regulatory programs. The U.S. Army Corps of Engineers, for example, can exert jurisdiction on man-made wetlands whether they are banked for credit or not. If a wetland is recorded and credited in the State Wetland Bank, the State of Wyoming, through the Department of Environmental Quality, will negotiate with the federal regulatory agencies on behalf of the credit-holder in those circumstances where federal jurisdiction is being exerted on the banked wetland. If a man-made wetland is not recorded in the state bank, there will be no official documentation upon which to base a negotiation. The state cannot guarantee the outcome of a federal decision on matters of federal jurisdiction, and therefore, cannot guarantee that a landowner's future plans for a created wetland will be free from federal regulation. However, neglecting to "bank" these areas practically guarantees that they will not be.

#### **4. How to Earn Credit**

There are various requirements that must be met before wetland credits can be awarded. The first is that you must voluntarily make a wetland improvement either by creating new

wetlands or enhancing existing wetlands in a manner that is measurable. "Voluntary" means that the wetland improvement is not being required as a condition of a permit, enforcement action or court decree. The second requirement is that you own the land upon which the improvement is being made. All wetland credits are attached to the land and are under the control of the landowner subject to any third-party agreements that may be attached to the deed. You must also have a valid water right dedicated to the purpose of wetland creation or enhancement.

#### **Procedures:**

Application: The process begins when an application for credit is filed with the Department of Environmental Quality. Credit is not awarded automatically and only in exceptional circumstances can it be awarded after-the-fact. An application for credit must be submitted prior to beginning any on-the-ground construction to ensure that proper credit can be awarded.

Pre-Construction Evaluation: Once an application is received, an on-site pre-construction evaluation will be made by the Department or their designated representative. The purpose of this inspection will be to document the pre-project condition so a calculation of actual post-project credits can be made. Failure to complete the pre-project evaluation or to provide documentation which accurately describes the pre-project condition negates eligibility for deposit. A wetland delineation will be conducted at this time and data will be collected for qualitative assessment modeling if appropriate.

Post-Construction Evaluation: Once construction is complete, a post-construction

inspection will be made at the request of the applicant. The purpose of this inspection is to document the actual wetland improvements made. The amount of eligible credit will then be calculated and deposited in the bank.

Letter of Credit: After completion of the post-construction evaluation, a letter of credit will be issued to the landowner. The letter of credit will contain all of the relevant information associated with the credit such as the type and amount of credit, the baseline condition that must be maintained, a map showing the exact location of the credit, limitations which may apply to the use of the credit and information relating to the creditholder's rights and privileges.

## **5. Wetland Credits - Status**

The essence of a wetland credit is that it describes an area of wetlands that would not exist except for the actions of some person. Each credit represents a "net gain" in the resource. These "net gains" can be used to offset losses which occur through other activities to maintain a balance of "No Net Loss".

Any enhancements or newly-created or restored wetlands which have been recorded as credits are not required to be maintained under the state guidelines unless the credit is withdrawn for mitigation purposes. One of the goals of the State Bank is to provide an incentive for wetland creation, restoration or enhancement where there is no legal requirement to do so. If voluntary wetland creation becomes an irreversible decision, much of this incentive is lost. The areas will, however, be protected from discharges of pollutants or toxic substances as are any other waters of the state. Once a credit has been

used, though the wetland created is man-made, it will be treated as a "natural wetland" for all regulatory purposes.

## **6. Withdrawal (using the credit as mitigation)**

All wetland credits are attached to the land and credit can only be withdrawn from the bank by the landowner. If multiple parties have vested interests in any particular credits, private third-party agreements may also affect the conditions of withdrawal. The only reason to withdraw credits from the bank is to use them to meet some legal mitigation requirement. Credits will be withdrawn automatically if the landowner reverts the wetland back to its previous condition.

A final on-site inspection will be made with each request for withdrawal. The purpose of this inspection is:

- 1.To verify that the area has not been degraded since the time of deposit;
- 2.To assess additional credit which may have developed since the time of deposit;
- 3.To calculate the amount of credit remaining in the bank (if any) after withdrawal.

If withdrawal is being requested to meet a federal mitigation requirement, the Department of Environmental Quality will negotiate with the federal permitting agency on behalf of the credit holder for appropriate use of the credit.

Once credit has been withdrawn, the area will be treated as a "natural wetland" for all regulatory purposes.

## **7. Sale and Transfer of Credits**

Since the credits are attached to the land, the transfer of credit will occur automatically with land sales and property exchanges and in accordance with any third-party agreements and easements recorded on the deed.

It is anticipated that in many instances the credit holder will want to sell or transfer credits without selling his property. Likewise, there will be people who wish to buy or trade for credits without acquiring property. These types of transactions are possible only as private contractual matters between the buyers and sellers. The Department will not be party to any such transactions in which it is not either the buyer or seller.

The Department is only concerned with deposit/withdrawal transactions and all of these must be initiated by the property owner. It is incumbent upon the parties involved in any other type of transaction, or where the banked credits are for the use by those other than the landowner, to assure that their own interests are protected through third-party agreements.

The Department, however, will make available to all interested parties public information concerning the location and status of all banked wetlands. This includes all information which is not otherwise protected as confidential or proprietary by any other provision of state or federal law.

## **7. Records**

The DEQ will maintain records, in perpetuity, of all Wetland Bank accounts and credit transactions. These records will be public information and will be made available to any interested person upon request.

A separate account will be entered for each credit holder and each wetland site. Each account will contain all relevant information on the history and status of the credit.

## **PART II - APPLICATION FORM**

### **1. Instructions for completing the Application**

An application consists of a completed application form, attached narrative project description, maps, drawings and related information such as wetland delineation data sheets and wetland assessment information (*modeling results*). The following instructions, along with the sample application should help to complete an application. Please contact the Water Quality Division, Wetlands Program if you need further assistance.

**Block 1 - Application #:** Leave this block blank. The Department of Environmental Quality will assign an identification number which will be used for all future reference to the project. You will be informed of this number in an acknowledgement letter and can use it in future correspondence or inquiries regarding the application.

**Block 2 - Name and Address of Applicant:** In all cases, the applicant must be the owner of the land on which the project is taking place. Wetland credits are only awarded to landowners and this block must contain the name, address and phone number of the landowner. For public lands, lands owned by organizations or other lands held in trust, the application should be signed by the person with appropriate authority to make decisions regarding the use and management of the land. If an agent has been designated to

represent the landowner, include the name, address and phone number of this representative.

**Block 3 - Name and Address of Contributing Party:** In many instances, wetland improvement projects may have several contributing sponsors. For example, a landowner may give permission to the State Department of Transportation to construct wetlands on his property. The agency will do all of the actual construction and is only interested in the use of the wetland credits that will be accrued. Since these credits, however, will be owned and controlled by the landowner, a private agreement between the Dept. of Transportation and the landowner would probably be necessary to protect the interests of both parties.

If the project involves multiple parties, include the names and addresses of the other contributors in this block. If there are numerous sponsors, attach additional sheets with this information. Regardless of how many people are involved, the applicant (*block 2*) must be the landowner to whom all credit will be awarded. If multiple parties are not involved, leave this block blank.

**Block 4 - Has a formal agreement been signed?**

If multiple parties were entered in block 3, indicate in this block whether or not a formal agreement has been arranged among the parties regarding the use of any accrued credits. "Formal agreement" means a written contract, easement, covenant or other attachment to the property deed which may affect use or sale of the property or transfer of the wetland credits. If such an agreement exists, attach a copy to the application form.

It is not required that formal agreements be executed in multiple party projects, however, the DEQ strongly recommends that they be utilized. The existence or content of a formal agreement will not affect the award of credit. The Department, however, needs for its records all information which relates to special conditions or circumstances affecting the future use and status of all wetland credits.

**Block 5 - Detailed Description of Wetland Improvements:** The written description and the drawings are the most important part of the application. This section (*blocks 5a, 5b and 5c*) should be completed as thoroughly as possible.

**Block 5a. - Type of Improvement:** Place a check mark in the appropriate box indicating whether the planned wetland improvement is primarily a newly created wetland, a restored wetland or a wetland enhancement. In many instances, the difference between creation and restoration is simply a matter of perspective. Do not worry a great deal about which one to select. Selecting either one indicates that the project will result in increased wetland acreage where none currently exists.

Wetland Creation Box: Check this box if a wetland will be created on land that most probably never was wet. These projects usually involve the diversion of water onto dry land or the impoundment of existing streams which results in the flooding of land that was previously dry.

Wetland Restoration Box: Check this box if the project purpose is primarily to restore wetlands to an area which probably was at one time wetland but had since been drained, filled, farmed or otherwise modified so that wetland conditions do not currently exist.

Examples of restoration projects might be the re-establishment of flows in old oxbows and abandoned channels or grade control modifications in a degraded stream channel which will result in an expanded floodplain and adjacent wetland complex.

Wetland Enhancement: Check this box only if the wetland improvement project will not result in new wetland acres but is simply an improvement of an already existing wetland. Examples of enhancements include improving flow conditions or lengthening the period of inundation, construction of nesting islands or shoreline modifications and various forms of vegetation management. In order to qualify for enhancement credits, the enhancements must be measurable. Some sort of wetland assessment technique or modeling must be conducted before any improvements are made. If an assessment has already been done at the time of the application, attach an explanation and summary of the results.

Net Wetland Gain: If either the Creation or Restoration box was checked, enter the area in acres of new wetlands that are expected to be gained from the project. If the enhancement box was checked, leave this line blank and explain in the narrative what the expected enhancements will be.

**5b. - Location:** This information is used to locate the site. Whenever possible, locate the site by Quarter/Quarter, Section, Township, Range and County. If known, latitude and longitude coordinates are also useful. Also include the name of the stream, river, ditch, lake etc. in or along which the project will be built. On the last line of this block fill in the name of the USGS 7.5" quadrangle map(s) which cover the project area.

**5c. - Project Narrative:** This is the core of the application. Additional sheets must be attached which contain the information indicated by the check boxes in this block. At a minimum, the narrative description, vicinity map and drawings must be included with every application. Wetland delineation forms and qualitative assessment information may or may not be depending upon the type, scope and circumstances of the project.

Narrative description of the project: Explain as best you can, in common language, what you intend to do and how you intend to do it. The information contained in the narrative should support and explain all of the information entered in the previous boxes. Describe exactly what you intend to construct, how it will be constructed and what the expected results will be. Include a time frame for construction, methods for construction and any plans you may have for management or maintenance after construction. If the project is based upon previous studies, reports, or environmental assessments, you should include the appropriate sections of these documents or reference them if they are too large for inclusion.

Vicinity Map: A vicinity map must be included which will be used to locate the exact site of the proposed activity. At a minimum, a USGS 7.5 minute topographic map or National Wetland Inventory map (NWI) must be used as the vicinity map. Only the section of the map which covers the project area needs to be submitted and, if possible, should be cropped to an 8½ by 11 inch size. If not already shown on the map, add the following:

(a) Location of the activity site (*draw an arrow showing the exact location of the site*)

on the map);

- (b) Name of the associated waterbody;
- (c) Location of the project in relation to the nearest highway, town, community or other identifying feature;
- (d) Names or numbers of all roads in the vicinity of the site;
- (e) North Arrow

In addition to the required format, you may include any other type maps of any scale that are available to you and which you believe will help to clearly describe the project.

Drawings - Plan View: A plan view is also required in every application. The plan view shows the proposed activity as if you were looking straight down on it from above. The plan view should clearly show the following:

- (a) Name of any associated waterbody (*ditch, stream, lake etc.*);
- (b) Existing and projected shorelines;
- (c) Dimensions and location of existing wetlands (*if any*) and the planned wetland;
- (d) Location of structures (*if any*) in water and on shore adjacent to the proposed activity;
- (e) Scale or notation that the plan was not done to scale;
- (f) The drawing should show levees, dams, weirs, ditches and any other structures which will be used to retain, impound or direct the flow of water;

(g) North Arrow.

Elevation and or Cross Section View: If the project involves the construction of dams, dikes, levees or similar structures you should include an elevation or cross-section view. The elevation view is a drawing that shows the side, front or rear of the proposed activity. A cross-section view represents the proposed structure as it would appear if cut internally for display. Your drawing should clearly show the following:

- (a) Water elevations as shown in the plan view;
- (b) Ordinary high water and low water lines;
- (c) Water depth at the waterward face of the proposed structure, or if dredging is proposed, estimated dredging depths;
- (d) Cross section of excavation or fill
- (e) Principal dimensions of the activity (length, height, width).

Notes on Drawings: The following information should also be included on your drawings:

- (a) Property lines and names of adjacent property owners who may be affected. (*complete names and addresses should be shown in block 8 of the application form*).
- (b) Legal property description: quarter/quarter, section, township, and range, which may be available from the plot, deed, or tax assessment for the property. The name of the subdivision and block and lot number may be included if known.

*DRAWINGS SHOULD BE AS CLEAR AND SIMPLE AS POSSIBLE. PHOTOGRAPHS, ALTHOUGH NOT REQUIRED, MAY BE SUBMITTED AND ARE HELPFUL IN REVIEWING THE APPLICATION.*

Wetland Delineations: Wetland delineations are a basic requirement of every application for wetland credit. The purpose is to document the extent of wetlands which are already on the site before you begin your project. The amount of credit which will eventually be awarded will represent only the improvements that are made and credit cannot be given for any wetlands that are already on site. Do not complete delineation forms if you indicated in Block 5a. that wetlands do not currently exist on the project site.

If you indicated in Block 5a. that wetlands currently exist on the project site, a formal delineation must be performed before the application for credit will be considered complete. The delineation must be done in accordance with the latest federally approved method. You may contact the DEQ Water Quality Division for a list of private consultants who have stated that they have the capability of performing wetland delineations.

You may also request DEQ to perform the delineation. DEQ will perform delineations so far as reasonableness and budgets allow. In general, the Department will give priority to small projects, sponsored by private individuals or groups who do not have the necessary technical ability or resources available to perform or contract for delineation services. Because the agency's wetland program budget and staff is very limited, DEQ generally will not perform complex delineations or delineations on large projects. Furthermore, DEQ will only

delineate wetlands between the months May through August. DEQ will not automatically perform delineations for any project. If you need DEQ to perform the delineation, you should contact the Water Quality Division well in advance of any planned construction to get verification that the agency can, in fact, perform the service within your intended project time frame. Most requests for DEQ delineations received after August 1, will probably not be conducted until the following field season.

If you are submitting your own delineation information, you should complete and attach wetland delineation data forms and check the appropriate box in Block 5c. A single data form is included for your convenience. However, because an individual data sheet is required for each plot and in most instances a valid delineation consists of multiple plots, you will need to make copies of the blank form before beginning. Instructions for completing the data sheets are not included and delineations should only be performed by individuals specifically trained to do so. You must also include with the data sheets, a map which accurately identifies the boundaries of the wetland and the specific locations of the sample plots and soil pits.

In all instances, the wetland delineation will be verified on-site by DEQ during the pre-construction evaluation.

Qualitative Assessment: Qualitative assessments are required if the type of improvement is a wetland enhancement (*see discussion on "Wetland Credits" on page 3*). Place a mark in the checkbox if you have conducted a qualitative wetland assessment and are attaching the results. You should only attach wetland assessment information if it

has already been acquired for some other purpose, (e.g. *NEPA compliance or permit application*). In many cases, this information will be acceptable for wetland banking purposes. **However, do not conduct an assessment for the sole purpose of completing this application form.** After review of the application, DEQ will inform you if an assessment is required and what models are acceptable for your particular project or purpose. At a minimum, if there is a particular model that you would like to use, you should contact the DEQ Water Quality Division for prior approval to avoid the possibility of the results being rejected.

**Block 6. - Water Source:** Fill in the name of the stream, ditch, reservoir etc. from which water will be used to create the project wetland. The location information is meant to be the exact point of diversion if the water is being diverted from outside the project wetland boundaries. Location information should include the legal description, and any other information which helps to locate the site.

**Block 7. - Water Rights:** All water in Wyoming is the property of the State and a "water right" or permit must be obtained from the State Engineer before diverting or developing water for a beneficial purpose. In most cases, wetland improvement projects entail a consumptive use of water which must be specifically appropriated for that use. Wetland credits can not be awarded unless the applicant has a valid water right.

Wetland development and/or enhancement has been determined by the State Engineer to be a beneficial use. There are several ways to obtain a water right for these purposes. One is a "change of use". This option exists if you

already have a water right appropriated for some other purpose, such as irrigation or industrial use. It is possible to take all or a part of this water and change its appropriation from its original use to a wetland use. To do this, you must petition the State Board of Control. This will require the service of a professional engineer or surveyor, licensed in Wyoming, to prepare the petition, map and consumptive use report.

You can also apply for a new water right which grants use of otherwise unappropriated water. When a water right is granted, the date of acceptance of the application is set as the "priority date" for that right. In Wyoming, water is allocated under the concept of prior appropriation. If water availability is scarce in any particular season or year, those with the most senior rights have first use of the water. Water supply is not guaranteed with a water right and its availability is determined by priority dates and actual flow conditions. All applications for new water rights must be submitted to the State Engineer's Office in Cheyenne.

Wyoming water law is somewhat complex and there may be numerous other options available to you for legally obtaining water for your wetland project. Contacting the State Engineer's Office or local Board of Control water administration personnel early in the project planning process will help to identify and solve any potential water supply problems.

Complete all of the information requested in block 7. You may submit an application for credit even if you have not yet secured a valid water right. This will allow DEQ to begin processing the application and collecting the necessary pre-construction data. Credits,

however, will not be granted until the use of the water has been permitted and the associated information submitted.

**Block 8. - Names & Addresses of Adjoining Property Owners:** List the complete names, addresses, and zip codes of property owners whose land is adjacent to the project area or who might be affected by the project. This information is usually available at the local tax assessor office.

**Block 9. - Other Authorizations/Permits Applied For:** You may need approval or certification from other federal, interstate, state or local government agencies for the activity described in your application. Applications you have submitted, and approvals, certifications, or disapprovals that you have received should be recorded in Block 9. It is not necessary to obtain other Federal, State, and local permits before applying for wetland credit.

**Block 10. - Signature of applicant or agent.** The application must be signed in Block 10 by the person who was identified as the applicant in block 2. The signature will be understood to be affirmation that the applicant possesses the requisite property interest to undertake the proposed activity. If the applicant will be represented by an agent or a cooperating party for the processing of the wetland credit, the agent or cooperator should also sign.

**WYOMING STATEWIDE WETLAND BANK  
APPLICATION FOR WETLAND CREDIT**

<p><b>1. Application #</b> <i>(Will be Assigned by DEQ)</i></p>	<p><b>3. Name &amp; Address of Contributing Party</b></p> <p align="center">Atlas Land &amp; Livestock P.O. Box 5342 Manderson, WY 82432</p> <p>Contact: <u>Alex Miller</u>.</p> <p>Phone: (307) <u>568-0000</u>.</p>
<p><b>2. Name &amp; Address of Applicant</b></p> <p align="center">U.S. Bureau of Land Management Worland District 101 S. 23rd Worland, WY 82401</p> <p>Contact: <u>District Manager</u>.</p> <p>Phone: (307) <u>347-0000</u>.</p>	<p><b>4. Has a formal agreement been signed?</b></p> <p align="center">YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p><i>(If "Yes", include a copy of the agreement in the project narrative)</i></p>
<p><b>5. Detailed Description of Wetland Improvements</b></p>	
<p><b>5a. Type of Improvement:</b></p> <p><input checked="" type="checkbox"/> Wetland Creation      <input type="checkbox"/> Wetland Restoration      <input type="checkbox"/> Wetland Enhancement</p> <p>Wetlands on Site?    <input type="checkbox"/> No      <input checked="" type="checkbox"/> Yes    <u>1.0</u> acres</p> <p>Net Wetland Gain:    <u>8.3</u> acres <i>(explain in narrative)</i></p> <p><i>If a qualitative analysis (e.g. HEP, HQI, WET 2) has been conducted on the site please attach a brief summary of the existing conditions and projected enhancements to the project narrative.</i></p>	
<p><b>5b. Location</b></p> <p>Legal description: <u>SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, Section 20, Township 50N, Range 92W</u></p> <p>County: <u>Big Horn</u></p> <p>Waterbody: <u>Unnamed Drainage</u></p> <p>USGS 7.5" Topographic Map Name: <u>Manderson, Wyo.</u></p>	
<p><b>5c. Project Narrative: (see instructions for required content and attach additional sheets)</b></p> <p>Narrative description of the project<sup>1</sup> <input checked="" type="checkbox"/></p> <p>Vicinity Map<sup>1</sup> <input checked="" type="checkbox"/></p> <p>Drawings<sup>1</sup> <input checked="" type="checkbox"/></p> <p>Wetland Delineation Forms<sup>2</sup> <input type="checkbox"/></p> <p>Qualitative Assessment<sup>2</sup> <input type="checkbox"/> (Type:)</p> <p><sup>1</sup> required information <sup>2</sup> optional information</p>	

**6. Water Source**

Water Source: Unnamed tributary to Schoolhouse Gulch  
(Name of well, ditch, reservoir, stream etc.)

Location: Enlargement of the dam on an existing stock reservoir, NE¼, Sect. 20  
(Point of Diversion)

**7. Water Rights**

Permit Number: 11002R Name of Appropriator: U.S. BLM

Priority: 2/9/95 Facility Name: Wetland Enlargement Reservoir

Appropriation Amt.: 2.3 acre feet

Amount which will be used for the wetland improvement<sup>1</sup>: 100%

<sup>1</sup> Wetland credits cannot be awarded unless a valid water right is dedicated to this use. Please see the discussion for block 7 in the instructions.

**8. Names & Addresses of Adjoining Property Owners**

None, the project is entirely within BLM lands. Nearest adjacent property owner over 1 mile away.

**9. Other Related Authorizations/Permits Applied for:**

Issuing Agency Type Approval Identification No. App. Date Status

State Engineer Water Permit T.F. 28 6/2021/2/95 Pending  
Corps of Engineers 404 Permit 199440732 (NWP 26) 12/3/94 Issued

**10.** Application is hereby made for wetland credit to be awarded for the activities described above. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate. I further certify that I am the legal owner of the property upon which the activity will take place or I am acting as the duly authorized agent of the landowner.

District Manager

Applicant

1/5/95

Date

Alex Miller

Agent

1/15/95

Date

The application must be signed by landowner where the activity will take place (applicant) or by a duly authorized agent.

Section 35-11-901 of Wyoming Statutes provides that:

Any person who knowingly makes any false statement, representation, or certification in any application.... shall upon conviction be fined not more than \$10,000 or imprisoned for not more than one year, or both.

Mail this application to: Water Quality Division  
Department of Environmental Quality  
Herschler Building, 4th Floor West  
122 West 25th Street  
Cheyenne, WY 82002

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**6. Water Source**

Water Source: \_\_\_\_\_  
(Name of well, ditch, reservoir, stream etc.)

Location: \_\_\_\_\_  
(Point of Diversion)

**7. Water Rights**

Permit Number: \_\_\_\_\_ Name of Appropriator: \_\_\_\_\_

Priority: \_\_\_\_\_ Facility Name: \_\_\_\_\_

Appropriation Amt.: \_\_\_\_\_

Amount which will be used for the wetland improvement<sup>1</sup>: \_\_\_\_\_

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**8. Names & Addresses of Adjoining Property Owners**

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<u>Issuing Agency</u>	<u>Type Approval</u>	<u>Identification No.</u>	<u>App. Date</u>	<u>Status</u>

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