

WYOMING

Wetland Definition

“Waters of the state” are defined by Wyoming regulations (Definitions ENV-WAT-1 § 2.) to include:

“Waters of the state” means all surface and groundwater, including waters associated with wetlands, within Wyoming.”

“Surface waters of the state” are defined to include:

““Surface waters of the state” means all perennial, intermittent and ephemeral defined drainages, lakes, reservoirs, and wetlands which are not man-made retention ponds used for the treatment of municipal, agricultural or industrial waste; and all other bodies of surface water, either public or private which are wholly or partially within the boundaries of the state....”

“Adjacent wetlands” are defined to include:

(W)etlands that are connected by a defined channel to a surface tributary system or are within the 100 year flood plain of a river or stream, or occupy the fringe of any still water body which is connected by a defined channel to a surface tributary system.

“Wetlands” are defined to include:

“Wetlands” means those areas in Wyoming having all three (3) essential characteristics:
(A) Hydrophytic vegetation;
(B) Hydric soils; and
(C) Wetland hydrology. “

Wetland Water Quality Standards

Wyoming provides some measure of protection for wetlands by several statutes including the water quality protection program and a wetland act requiring state notification for certain drainage activities and authorizing mitigation banks. See <http://soswy.state.wy.us/Rules/RULES/6547.pdf>

See WS 35-11-301 to WS 35-11-313. There is a also a state notification program for draining wetlands over 5 acres.

Designated Uses

Wyoming surface water quality standards (ENV-WAT-1 § 3. Water Uses) establish a number of designated uses which apply to wetlands and other waters including agriculture, fisheries, industry, drinking water, recreation, scenic value, aquatic life other than fish, wildlife, and fish consumption.

Narrative and/or Numeric Criteria

Damage to wetlands must be mitigated. See antidegradation policy below.

Wyoming regulations establish four classes of waters with a combination of numeric and general narrative standards for each class. Wetlands are included in all four classes because regulations provide that (see Appendix B, Wyoming Surface Water Classifications):

“(iii) Wetlands. All adjacent wetlands shall have the same classification as the water to which they are adjacent.”

Antidegradation Policy

Wyoming establishes an antidegradation policy for all waters which includes (in part) wetlands. Wyoming Surface Water Quality Standards, Section 8 provides:

(a) Water uses in existence on or after November 28, 1975 and the level of water quality necessary to protect those uses shall be maintained and protected. Those surface waters not designated as Class 1, but whose quality is better than the standards contained in these regulations, shall be maintained at higher quality. However, after full intergovernmental coordination and public participation, the Wyoming Department of Environmental Quality may issue a permit for or allow any project or development which would constitute a new source of pollution or an increased source of pollution to these waters as long as the following conditions are met....”

Section 12 of the Wyoming Surface Water Quality Standards (ENV-WAT-1 § 12. Protection of Wetlands.) provides, more specifically, in part:

“Section 12. Protection of Wetlands. Point or nonpoint sources of pollution shall not cause the destruction, damage or impairment of naturally occurring wetlands except when mitigation through an authorized wetland mitigation process. When approving mitigation, the department may consider both the ecological functions and the wetland value of the disturbed wetland.

This section does not apply to wetlands created by point or nonpoint sources; nor are such wetlands required to be maintained through continuation of such discharges. Similarly, any man-made wetlands or enhancements which have been credited in the state wetland banking program are not required to be maintained under the credit is used for mitigation purposes. These areas will, however, be protected from discharges of wastes, toxic substances or chemical pollutants as are any other waters of the state.”