

**FOAL: Friends Of A
Legacy—McCullough
Peaks Mustangs**

1019 Meadow Lane Ave.
Cody, WY 82414

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Terri A. Lorenzon, Director
Environmental Quality Council

September 27, 2006

Mark Gordan, Chairman
Environmental Quality Council of Wyoming
Herschler Building, 1 West
122 West 25th Street, Room 1714
Cheyenne, WY 82002

Dear Mr. Gordan:

Good day to you. I represent the non-profit organization, FOAL, which is the acronym for: Friends Of A Legacy—McCullough Peaks Mustangs. We are recognized by the State of Wyoming as a non-profit corporation, and we have achieved 501©3 status from the IRS. We are an advocacy group. FOAL's purpose, as stated in our by-laws, is to provide educational opportunities to the general public, to enhance the habitat for all creatures living within the McCullough Peaks Wild Horse Herd Area, and to assist the US Bureau of Land Management in managing the wild horses in the McCullough Peaks herd. In keeping with our purpose, I am writing you concerning proposed amendments to Appendix H of Chapter #2 of Water Quality Rules and Regulations for the State of Wyoming.

FOAL is strongly opposed to the amendments cited above, as they would apply to the Oregon Basin Oil Field operated by Marathon Oil Co. in Northwest Wyoming. Our opposition is based upon the following information, which we believe is truthful and accurate. The Dry Creek drainage meanders through the southerly edge of the McCullough Peaks Wild Horse Herd Management Area, beginning approximately 25 miles downstream from the Oregon Basin Oil Field surface discharges. Wild horses, pronghorn, mule deer, numerous species of birds, and domestic livestock drink from the water in Dry Creek, apparently with no ill effects. In recent drought years, the perennial water available in Dry Creek has become increasingly important to the creatures living within reach of it. Without the abundant and continual surface discharges from the Oregon Basin Oil Field, the water in the Dry Creek drainage would, in all likelihood, dry up in most years by mid-August, and would continue to be dry until replenished by rain, snow, or spring run-off. Current surface water discharges from the Oregon Basin Oil Field barely meet existing Effluent Limits standards. Marathon Oil has determined that it will be cost-prohibitive to treat discharge water from the Oregon Basin Oil Field in order to comply with the new standards being proposed. Marathon Oil plans to utilize a more cost effective option of injecting the water back into deep geologic formations, should the new standards be imposed. The net result from that scenario would be a degradation of the habitat in the McCullough Peaks Wild Horse Herd Management Area.

Another request in the petition to amend Appendix H of Chapter #2 addresses the quantity of water to be discharged, based upon what will be actually consumed by livestock and wildlife. Dry Creek runs for nearly fifty miles downstream from the Oregon Basin Oil Field. Regulating discharges to correspond with actual downstream use seems to be totally impractical in this instance.

Thank you for your time. Please feel free to contact me concerning this matter, if you wish.

Sincerely,

A handwritten signature in cursive script that reads "Marshall Dominick".

Marshall Dominick

President, FOAL

Cc

John Cora, Director, Water Quality Division, Dept. of Environmental Quality, Herschler Bldg. – 4W, Cheyenne, WY 82002

John Wagner, Administrator, Water Quality Division, D.E.Q., Herschler Bldg. – 4W, Cheyenne, WY 82002

Bill DiRienzo, Water Quality Division, D.E.Q., Herschler Bldg. – 4W, Cheyenne, WY 82002

Governor's Office, State Capitol, 200 West 24th Street, Cheyenne, WY 82002-0010

Kate Fox, Davis and Cannon Law Firm, P.O. Box 43, Cheyenne, WY 82003

Marvin Blakesley, Marathon Oil Co., 1501 Stampede Ave., Cody, WY 82414

Michael J. Blymyer, Field Manager, BLM—Cody Field Office, P.O. Box 518, Cody, WY 82414

Tricia Hatle, Wild Horse Specialist, BLM—Cody Field Office, P.O. Box 518, Cody, WY 82414

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