

FILED

February 12, 2007

FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality CouncilEnviromental Quality Council
c/o Mr. Bill DiRienzo
Department of Enviromental Quality
122 West 25th Street
Herschler Building
Cheyenne, Wy 82001

RE: Chapter 1 Water Quality Rules & Regs Proposed Changes

Dear Council Members,

As a downstream landowner who had the most productive part of the ranch (the bottomlands) flooded for 3 months in 2003 by CBM discharges water , I appreciate this opportunity to comment on the proposed changes to Chapter 1 of the Water Quality Rules and Regulations.

Comments Regarding DEQ's Proposed Ag Protection Rule – Appendix H

On Page 1, in lines 38-44,

This policy needs to add language that requires protection of agricultural lands at both the "point of use" and "point of impact," as well as at the point of discharge of the water.

Page H-2, b, Livestock Watering

The water quality standards must be met at the "point of use".

Page H-3, line 3-6,ii. Livestock watering waiver.

A livestock producer may want to request use of the water and by doing so accept any potential risk to his livestock, however he should be required to confine all this water on his property. In the case that the water is to travel downstream, waivers should be secured from all potential impacted downstream landowners .

Page H-4, Lines 1-21.

Under this policy, the definition of agricultural lands which qualify for protection is too narrow and need to be expanded. All ephemeral draws and bottomlands should be protected since they are the most productive part of any ranch. The proposed policy which limits the protection to 50 foot wide and 20 acre in size is totally arbitrary.

Page H- 6, Lines 17-21

Defaults Limits am EC and SAR should be protective of agricultural uses. The State of Wyoming has a very good University with scientists that could provide conservative numbers that would ensure protection of vegetation and soils.

Page H-6, lines 30-36 should be deleted.

Pages H-7, Lines 10-31

If water quality limits are determined by using soils sampling, it should be done by an independent third party agreeable to the landowner and the DEQ. It should also be done under a strict protocol.

Page H- 10 line 17-27

This section of the policy is a blackmail clause that should be deleted.

I wish to thank you for taking the time to consider my comments.

Bernadette Barlow