

Todd Hubbard, P.E.

1407 W Charles St
Spearfish, SD 57783

PH 605-722-2151
E-Mail tandc@rushmore.com

January 22, 2007

Bill DiRienzo
Wyoming DEQ/WQD
Herschler Building - 4th Floor West
122 W 25th St
Cheyenne, WY 82002

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**Terri A. Lorenzon, Director
Environmental Quality Council**

Dear Mr. DiRienzo:

I'm writing to you in regards to the proposed Chapter 1 rule revision of the Wyoming Surface Waters Quality Standards. You have solicited comments for the triennial review of Wyoming surface water standards. I wish to comment on the Class 1 designation of Sand Creek, upstream of the U.S. Highway 14 bridge in Beulah, WY.

When information was obtained in 1995 & 1996 from the Wyoming DEQ and US Army Corps of Engineers, the Class 1 portion of Sand Creek was listed in all available printed information as follows:

Class 1 Waters

H. The stem of Sand Creek from the U.S. Highway 14 bridge upstream to the lowermost boundary of the U.S. Fish and Wildlife Service Fish Genetic Laboratory;

During the summer of 1996, it was discovered after 2 recreational dredging and 2 small scale placer mining exploration permits were filed, that the Class 1 designation of Sand Creek read as follows:

Class 1 Waters

H. The stem of Sand Creek from the U.S. Highway 14 bridge upstream;

In researching this issue and discussing it with you, this stemmed from the Wyoming DEQ and Wyoming Environmental Quality Council (EQC) triennial review of Class 1 waters in 1990. The draft form of the Class 1 regulations for the 1990 triennial review show the original Sand Creek description. In reviewing the Wyoming Environmental Quality Council meeting minutes from the May 31, 1990 meeting held in Casper, WY, the Wyoming DEQ and EQC makes no comment about changing the Class 1 designation of Sand Creek.

The Class 1 designation of Sand Creek was somehow modified to delete the second half of the draft description, as shown above, after this review period. The document

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then went on to be signed into law by the governor, with no one recognizing this error.

Because there were no changes of Sand Creek's description in the draft form and the lack of any comment on Sand Creek in this document, it is my contention that neither the Wyoming DEQ nor EQC wanted to change Sand Creek's classification. Any issue as important as Class 1 reclassification would most surely be noted by some discussion during the proceedings. It was even noted later on page B1 of the Casper Star Tribune, September 22, 1998 that this error was a "typo" and Sand Creek should be reclassified. My most direct comment about this error is to correct the "typo" mistake by reclassifying the Class 1 portion of Sand Creek back to the original description.

With this I close and look forward to the final draft of Class 1 waters for the State of Wyoming to reflect this change.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Hubbard". The signature is written in a cursive, flowing style.

Todd Hubbard