

Prariana Farms
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February 12, 2007

Environmental Quality Council
C/O Mr. Bill DiRienzo
Department of Environmental Quality
122 West 25th Street
Herschler Building
Cheyenne, Wyoming 82001:

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Terri A. Lorenzon, Director
Environmental Quality Council

Members of the Environmental Quality Council:

The following are my comments on DEQ's Agricultural Protection Policy. Generally, this policy seeks to find ways to legalize pollution of our existing land and water resources, instead of preventing harm.

Limiting protection to 20 acres at least 50 ft wide

We have 1100 acres. About 260 are irrigated by Clear Creek and the remaining is upland forage. We have relatively steep narrow draws with broad sloping hillsides. The hillsides are covered with grasses that are very valuable to our ranching operation. As I read DEQ's draft policy, these hillsides will not be protected from CBM water of any quantity being released on our land at any time - summer or winter.

In addition, the draft policy will not protect our sub-irrigated draws. I measured our draws and none are over 50 feet wide, but range between 45 and 25 ft. Some may not add up to 20 acres. I realize that the draft policy has a process for the rancher to object to the DEQ determination, but is the 50 ft measurement flexible and if it is why institute this sort of limitation? Why allow land to be polluted based on how wide a certain draw is? Why not prevent harm instead? We believe that this is an unnecessary burden for landowners and does not protect our existing agricultural uses.

Protection at point-of-use not end-of-pipe.

We also have land irrigated from Clear Creek (a tributary to the Powder River). If DEQ controls the constituents in discharged water at the end-of-pipe, we cannot be assured that it will reach Clear Creek or our fields at that level. We know that

- 2

water picks up harmful salts in the soil as it travels over our grassland and down the watercourse. This draft policy ignores that problem. DEQ controls the effluent at the end of pipe not at the point of use. Isn't DEQ's mission to prevent pollution, rather than to control constituents at a specific point, while creating pollution downstream?

For example, DEQ in the Clear Creek Watershed draft permit is requiring CBM water to be treated at a certain level that is alleged to be protective of the ambient quality of Clear Creek. However, that level applies to direct discharge into Clear Creek; any discharge within a mile; any discharge over a mile but less than ten and any discharge more than ten miles from Clear Creek.

Irrigators who rely on the ambient quality of Clear Creek to water their crops may gain some protection if local methane operations use the direct discharge option, because the water is supposedly treated to ambient. However, we cannot rely on the quality of water that is allowed to flow over land, picking up salts and other constituents, and then dumping into Clear Creek. Therefore, DEQ in the draft general permit has failed to protect the ambient quality of Clear Creek, contrary to their stated policy. In addition, since DEQ insists they cannot regulate the quantity of water they allow to be discharged, and can regulate quality only at end-of-pipe, irrigators have no assurance that the ambient quality of Clear Creek water will not be degraded and thus not support the existing uses. Consequently, our ability to grow our most sensitive vegetable crops may be compromised or eliminated.

The failure of DEQ to protect existing agricultural uses by ignoring the quality of CBM water at the point of use is a grave problem to irrigators and grassland owners.

Under this current proposal, we believe that DEQ will be allowing pollution of our land and diminishing our existing agricultural protections. DEQ's definition of pollution states that "Pollution means contamination or other alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity or odor of the waters or any discharge of any acid or toxic material, chemical or chemical compound, whether it be liquid, gaseous, solid, radioactive or other substance, including wastes, into any waters of the state which creates a nuisance or renders any waters harmful, detrimental or injurious to public health, safety or welfare, to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses, or to livestock,

- 3

wildlife or aquatic life, or which degrades the water for its intended use, or adversely affects the environment."(emphasis added).

I believe that the policy as recommended by DEQ will directly contradict DEQ's stated mission by altering the chemical properties of discharge water by permitting it to spill over our forage land; picking up salts and becoming more detrimental to our crops and soil.

I believe the DEQ proposed policy will diminish existing protections and place the burden of proving the value of ranch forage land on the rancher.

I believe ranchers should not have the burden of proving what value our grasslands have to our operations. We believe DEQ should protect our existing agricultural uses and prohibit pollution of our grazing land.

I believe that **prevention of harm** should be the aim of DEQ when developing an agricultural protection policy. The burden of not doing harm should be squarely placed on industry and the government of Wyoming. These, after all, are the **primary** beneficiaries of CBM production. Our government should live by the adage "an ounce of prevention is worth a pound cure".

I believe DEQ must not place the burden of industrial development on the landowner, but rather must insist that water management practices do not pollute our environment or harm existing uses. Water can be beneficial, but some water can be harmful and the quantity of even good quality water can cause damage if not managed competently.

Thank you for your consideration of these comments.



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