

February 14, 2007

Todd Merchen  
6410 Hudson Ave.  
Gillette, Wyoming 82718  
307-686-0692

**FILED**

FEB 14 2007

Terri A. Lorenzon, Director  
Environmental Quality Council

Mr. Mark Gordon, Chairman  
Wyoming Environmental Quality Council  
122 W. 25<sup>th</sup> St.  
Herschler Bldg, Room 1714  
Cheyenne, WY 82002

Re: Proposed Section 20, Appendix H – Agricultural Use Protection

Mr. Gordon:

I previously contacted you about Citizen Petition for Rulemaking – Powder River Basin Resource Council et al- WQD Chapter 2. That letter was dated January 26, 2007. As I stated in that letter, I live with my family in Gillette, Wyoming and am employed as a registered professional engineer and registered professional geologist by Lowham Engineering LLC. Gillette is our home and where we want to stay. My employment in the CBM industry is critical to supporting my family. The CBM industry is also critical to sustaining this community.

Last night I attended a meeting of concerned citizens about the proposed Section 20, Appendix H – Agricultural Use Protection rule making. I sat with several ranchers who depend on the CBM water to sustain their operation. These are folks I have worked with in the development of the gas and water resource and have become friends with. As I discussed in my previous letter, they are receiving a substantial benefit from these waters.

The rule, or fear of its implementation, has already impacted our business and has stymied development of one of our nation's critical natural resources.

There appears to be no scientific basis for the establishment of the 50 year event throughout the Powder River Basin as the controlling storm event to protect "Naturally Irrigated Lands". It is a lazy way, and deceptive way, of trying to cripple the industry. Some natural land use has been impacted because of irresponsible development, however, these impacts are localized and not basin wide. These should be addressed individually and not by a blanket rule that injures so many.

Please carefully consider this Ag Use Protection rule, it is too general, without scientific basis, and will likely injure many landowners in the guise of protecting a few.

Respectfully,



Todd Merchen PE, PG