



Meeteetse Conservation District

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February 14, 2007

Mr. Bill DiRienzo
Wyoming DEQ/WQD and EQC
Herschler Bldg., 4th Floor West
122 W.25th Street
Cheyenne, WY 82002

FILED

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Terri A. Lorenzon, Director
Environmental Quality Council

RE: Comments on EQC Draft Chapter 1, December 2006 – Section 20, Agricultural Use Protection Policy

Dear Mr. DiRienzo and Wyoming EQC:

The Meeteetse Conservation District (MCD) appreciates the opportunity to provide additional comment on the proposed revisions to Chapter 1, Section 20 - Agricultural Use Protection Policy

As local government, the Meeteetse Conservation District recognizes and appreciates the effort expended by DEQ-WQD in the field visits to discharge sites and affected waterbodies, as well as in conducting the public meeting in Worland.

COMMENT (1): The current revision of Chapter 1 should proceed with the revision of Section 20 set aside. This would allow the remaining provisions of Chapter 1 to be implemented in a timely manner.

COMMENT (2): The MCD is opposed to the revised Section 20 as written.

COMMENT (3): Now, more than ever, the MCD believes that the draft revised Section 20 threatens the future ability to use water produced and discharged in conjunction with extraction of hydrocarbons. Section 20 must provide local flexibility to develop and utilize future water resources associated with mineral development.

COMMENT (4): Local soil and vegetative conditions coupled with the ambiguity and subjectivity of determining and defining measurable decrease in crop production on "naturally irrigated lands" will lead to a myriad of lawsuits and will also lead to a game of controlling watersheds through control of strategic land parcels. This will be exacerbated by the ability of unaffected third parties to sue on behalf or against public land management agencies. Effects on "naturally irrigated lands" must be determined in some other manner with the ability for local considerations to be incorporated.

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COMMENT (5): Public review of Section 20 needs to be extended. The ability of Wyoming residents to actively participate on a statewide basis has been limited. The process used by the EQC has not properly satisfied the requirements of Wyoming Statute 35-11-302 requiring the state to consider and evaluate social and economic impacts of proposed rules or regulations to wit (Statute citations);

(vi) In recommending any standards, rules, regulations, or permits, the administrator and advisory board shall consider all the facts and circumstances bearing upon the reasonableness of the pollution involved including:

- (A) The character and degree of injury to or interference with the health and well being of the people, animals, wildlife, aquatic life and plant life affected*
- (B) The social and economic value of the source of pollution*
- (D) The technical practicability and economic reasonableness of reducing or eliminating the source of pollution*

Comment (6): The proposed revisions are very important and, while revision may be needed to ensure practical water quality management, Chapter 20 as written falls short of protecting the agricultural industry and actually jeopardizes agricultural producers on a local basis.

The MCD appreciates the opportunity to comment on Chapter 1 Water Quality Rules and Regulations, Section 20 - Agricultural Use Protection Policy.

Respectfully submitted,



Steve Jones

Resource Management Coordinator
Meeteetse Conservation District