

Jon Brady, Hearing Examiner  
Environmental Quality Council  
122 W. 25th St., Rm. 1714  
Cheyenne, WY 82002

Oct. 24, 2006

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Terri A. Lorenzon, Director  
Environmental Quality Council

Dear Mr. Brady;

Thank you for the professional manner in which you conducted our hearing before your council. Your attention and courtesy were certainly appreciated. However, I am wondering if there isn't some other way of handling this sort of thing. All we wanted was a chance to voice our concerns about CBM water discharges before a group of citizens appointed to hear these concerns. The rigamarole of depositions, stipulations, conference calls, gathering of evidence, etc., only serves to discourage the people on the land from bringing their concerns to the attention of your board. The very fact that most participants in this hearing were surprised that we did not have legal council only proves that coming before the EQC is considered a momentous step--one that can not be taken easily by everyday folks. We certainly did not realize that the process would be so long and drawn out. In my opinion, most CBM discharge permits should be protested, but the experience we, as well as others who have contested these, have had will make most potential protesters fail to act. That is too bad, as the chance of irreversible damage from some of these is very real. I still feel that the death of our cottonwood trees may be attributed to water from CBM wells meandering down here underground. We, however, do not have the time and/or resources to protest all the discharges that are currently permitted or will be permitted in the future.

If you have any suggestions on what direction we could take to try to protect our ground water supply as well as surface water, they would be appreciated.

Sincerely,



Jean Harshbarger  
1162 Lynch Road  
Newcastle, WY 82701

I have several concerns regarding permits to release CBM water into any points upstream of our ranch, which is on the Cheyenne River just downstream from the Converse County-Weston County border.

The main ones are as follows:

1. Degradation of our meadows from irrigating with water which has CBM water intermingled with it.
2. Loss of flora along the Cheyenne River, particularly Plains Cottonwood, Peachleaf Willow, Narrowleaf Willow, Chokecherry, which all have zero tolerance to salinity, Cattails, which have a low tolerance and Yellow Sweet Clover, with a medium tolerance. This might also encourage the growth of Salt Cedar, which is a noxious weed.
3. Inability to construct the sand dam that diverts water into our irrigation ditch because of longer flows of water. This dam must be put in when the river bed is dry.
4. Inability to cross the river if it should have a year-round flow or if it was flowing in the winter.
5. Even if there is not above ground flow, what about the sub-surface stream? Are the trees that have recently died linked to that?
6. What happens to the heavy metals and toxins in the water? If it evaporates they will still be somewhere.
7. If we are forced to adapt to a changed situation, will we have to readapt when these waters are no longer there?

These are all matters of "what if" or "maybe". However, according to my interpretation of Wyoming Water Law it is not our duty to prove these things will happen, it is the responsibility of the entity wishing to discharge these waters to prove they will not occur. Bob has spent countless hours researching and collating data which should have been the job of those applying for discharge permits.