

Rec 9-5-07  
at the prehearing

BEFORE THE  
WYOMING ENVIRONMENTAL QUALITY COUNCIL

**FILED**

SEP 05 2007

Terri A. Lorenzon, Director  
Environmental Quality Council

Wyoming Outdoor Council and )  
Powder River Basin Resource Council, )  
 )  
Petitioners, )  
 )  
vs. )  
 )  
Wyoming Department of Environmental )  
Quality, Water Quality Division, )  
 )  
Respondent. )

Docket No. 06-3804

PETITIONERS' AMENDED LIST OF WITNESSES

Comes now the Petitioners in this matter, Wyoming Outdoor Council and Powder River Basin Resource Council, by and through their attorney, Steve Jones, and hereby present their Amended List Of Witnesses as follows:

The Petitioners will call the following witnesses:

Bill DiRienzo  
Supervisor, Wyoming Pollutant Discharge Elimination System  
Department of Environmental Quality  
Water Quality Division  
122 W. 25th St.  
4th Floor West  
Cheyenne, WY 82002  
307-777-7781

Priscilla Welles  
P. O. Box 1037  
Buffalo, WY 82834  
307-758-4424

Mr. DiRienzo reviewed the Kennedy Oil petition for a change of classification for the three tributaries, and reviewed the UAA prepared by RETEC, on behalf of Kennedy Oil.

Mr. DiRienzo will be cross-examined regarding his knowledge and understanding of the Kennedy Oil petition, the UAA study, and whatever actions he took (or did not take) or additional investigation he made (or did not make) into the matter before concluding that the reclassification of the three tributaries was proper under state law.

Ms. Welles owns the land through which the three tributaries at issue in this matter flow. She has observed the three tributaries on many occasions over the last 5 to 10 years and will be able to testify about her observations and the presence or absence of aquatic life and vegetation in and around these three tributaries during various times of the year -- both wet and dry seasons.

The Petitioners may call the following witnesses:

Kimberly Dickerson  
U.S. Fish and Wildlife Service  
Ecological Services  
4000 Airport Parkway  
Cheyenne, WY 82001  
(307) 772-2374 ext. 230

Brian T. Kelly  
Field Supervisor, Wyoming State Office  
U.S. Fish and Wildlife Service  
Ecological Services  
4000 Airport Parkway  
Cheyenne, WY 82001  
(307) 772-2374 ext. 234

Nikki Lohse  
District Manager  
Lake DeSmet Conservation District  
760 W. Fetterman  
Buffalo, WY 82834  
(307) 684-2526 ext. 3

Dave Fraley  
Lake DeSmet Conservation District  
760 W. Fetterman  
Buffalo, WY 82834

(307) 684-2526

Phillip Gonzales  
National Resource Conservation Service  
621 W. Fetterman  
Buffalo, WY 82834  
(307) 684-2526 ext. 106

John Amos  
SkyTruth  
P.O. Box 3283  
Shepherdstown, WV 25443-3283  
304-260-8886  
John@skytruth.org

Ms. Dickerson and Mr. Kelly would be expected to testify, if called, about the information set forth in the comment letter of the U. S. Fish and Wildlife Service dated Dec. 12, 2005, concerning the reclassification of the three tributaries. More generally, they are expected to testify about the adequacy of the UAA to determine the presence or absence of aquatic life, and about whether these drainages are capable of supporting aquatic life.

Ms. Lohse is expected to testify, if called, about the information set forth in the comment letter of the Lake DeSmet Conservation District to DEQ/WQD dated Dec. 20, 2005, concerning the reclassification of the three tributaries. More generally, she is expected to testify about the adequacy of the UAA as a structured scientific study and whether adequate information was developed as part of that study, or whether more information is needed.

Mr. Fraley is expected to testify, if called, about the information set forth in the comment letter of the Lake DeSmet Conservation District to DEQ/WQD dated Dec. 20, 2005, concerning the reclassification of the three tributaries. More generally, he is expected to testify about the adequacy of the UAA as a structured scientific study about his concerns as a landowner with protecting the aquatic life values of tributaries to Crazy Woman Creek and the Powder River.

Mr. Gonzales is expected to testify, if called, about the adequacy of the UAA as a structured scientific study and whether adequate information was developed as part of that study, or whether more information is needed in the form of a survey, an inventory, on-site sampling, or other forms of information development and investigation. More generally he is expected to testify about the importance of protecting aquatic life values in the Powder River basin.

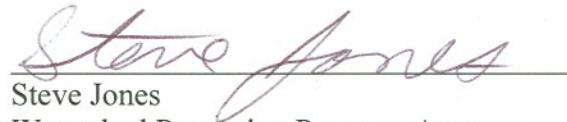
Mr. John Amos is an expert in remote sensing technology, aerial photography and remote mapping. He has a Bachelors of Science degree in Geological Sciences from Cornell University, and a Masters of Science degree in Geology and Geophysics from the University of Wyoming. He is expected to testify, if called, about aerial photographs which he has examined in the area of the three drainages and what it reveals in terms of

the presence or absence of aquatic life, and the need for a more detailed investigation of the area to determine the presence or absence of wetlands or other evidence of the ability of the 69 stream miles contained in three tributaries to support aquatic life.

Additionally, the Petitioners may call any witness listed by the DEQ/WQD, and may also call any witness that may be needed for rebuttal testimony, if allowed.

Dated this 5th day of September 2007.

Respectfully submitted,



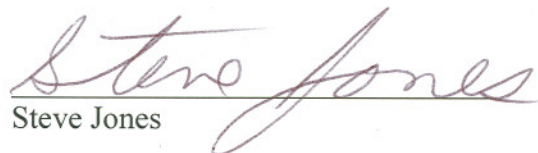
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### CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing Petitioners' Amended List of Witnesses, by personal service on the 5<sup>th</sup> day of Sept., 2007, to the following:

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Wyoming Attorney General's Office  
123 Capitol Bldg.  
Cheyenne, WY 82002  
jburbl@state.wy.us

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122 W. 25<sup>th</sup> St.  
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Steve Jones