

Environmental Quality Council
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Department of Environmental Quality
122 W. 22nd Street
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August 26, 2008

TO: Environmental Quality Council
RE: Ag Protection Policy Appendix H

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Jim Ruby, Executive Secretary
Environmental Quality Council

This current version of the Agriculture Protection Policy stands relatively unchanged from many past versions. Additionally, it remains unacceptable in performing its function to truly protect production agriculture, rangelands and critical soil and water components of this industry which is essential to Wyoming.

Arid rangelands throughout Wyoming are located on dissected and irregular topography. Rangelands and especially lowland draws are critical for grazing/ranching operations. Lowlands are critical in providing high quality forage for livestock and wildlife, especially when the higher quality spring forage produced there serves to support lactating livestock as well as wildlife. Many small, unchanneled draws collectively compose a grazing system for operations across the state. In good precipitation years, these areas may be hayed. To place an irrational and unrealistic 20 acre limit to define significance is not in accord with how ranches operate in Wyoming. Range lowlands and bottomland draws are all collectively significant for the continuation of production agriculture. Limits on SAR and EC should be applied to all "naturally irrigated lands" as well as areas under irrigation or crop production.

The Tier 2 process outlined in rules and as currently practiced serves as an escape clause for unhindered discharge of low quality, land destructive effluent. Tier 2 studies should be applied infrequently and with much more scientific credibility. The use of averaging with soil samples, especially with deeper samples from the soil profile, arrives at the lowest common denominator for "representative" SAR and EC. High quality and productive soils are thus targeted for flooding by low quality discharge waters. The loss of soils and vegetative productivity facilitated by this tier process of biased studies cannot continue as currently practiced and described in proposed rules. Limits on artificially and naturally irrigated lands should be truly protective. An EC not to exceed 1,500 and SAR no greater than 5 should be the uppermost limits to functionally protect soils, vegetation and productive capacity.

Water quality limits should be applied all year long, not just during the growing season. Water is retained in soils and in mass bank storage along drainages during the non-growing season. The impacts of low quality water on soils and plants will be obvious during the following growth periods.

The recent University of Wyoming study has shown the ranges for acceptable quality on livestock water sources. I do not know why this information has not previously been incorporated into standards for livestock and wildlife water quality limits. Appendix H standards should be made in accord with the UW study: Sulfate <1,000 mg/l; Total Dissolved Solids < 500 mg/l; Fluoride should not exceed 2,000 ug/l and Sodium should be less than 1,000 mg/l (dissolved) to avoid livestock health problems. Other specific water chemistry listings should be listed for livestock watering purposes.

The use of unrestricted irrigation or other waivers for the use of discharge water must never allow downstream landowners to be the receivers of unwanted discharges. If the DEQ cannot guarantee that use of effluent will cease at the property line covered by a waiver, no waiver should be issued. Further, if each and every landowner in a particular drainage does not agree to the conveyance and trespass of discharges covered by the waiver, no waiver should proceed.

The principals of private property rights so valued in Wyoming should not be violated by any rules which threaten to deny protective standards. As a land owner and ag operator I choose who is allowed access to my lands. Truly protective standards must be applied to range and farm lands impacted by energy development, irregardless if access is permitted.



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