

P.O. Box 13
Banner, WY 82832

Fax to: 777-5973

August 25, 2008

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Jim Ruby, Executive Secretary
Environmental Quality Council

Environmental Quality Council
c/o DEQ Water Quality Division
Attn: David Waterstreet
122 West 25th Street
Herschler Bulding - 4W
Cheyenne, WY 82002

RE: Comments on DEQ Proposed Ag Protection Policy

Dear Council Members:

Thank you for the opportunity to present comments on DEQ's proposed Ag Protection Policy regarding the permitting of discharge waters that could potentially impact my agricultural operations.

I hope that you will look carefully at this policy and implement a revised version that will actually protect my agricultural uses and private property rights. DEQ's proposed policy recommends only partial and limited protections for my ag operations.

1. Please explain why DEQ is not following the recommendations for livestock and wildlife water quality standards recommended by the UW study? We should follow what the UW study recommends as safe levels for water quality that is discharged by the oil and gas industry and adopt these standards for sulfate, fluoride, TDS and sodium which are recommended in the literature. The oil and gas industry in Wyoming is obligated to bring its operations up to these higher standards.
2. Please explain why bottomlands are not protected in this policy if they are below 20 acres or 50 feet wide? These bottomlands are the most valuable grazing areas and the most productive on my place and should be protected regardless of size. Most of my bottoms are ephemeral and either too small or too narrow to qualify under this definition, but would still be adversely affected. How did DEQ arrive at this arbitrary size?
3. Please provide protective limits for sodium and salinity that are truly protective of soil and vegetation. The proposed Tier 2 soil analysis opens the door for all sorts

of manipulation of data that is and will result in high EC and SAR numbers that will cause long term and irreversible damage to our soils and vegetation. Keep it simple and limit industry to an SAR of 4 and an EC of 1500. We should follow the example in Montana where ephemeral and perennial drainages are protected with low EC and SAR numbers. Industry is not above everyone else and should not be allowed to push poor quality water and associated mitigation and legal costs off on downstream landowners.

4. Please do not permit discharges that exceed protective limits that will damage downstream landowners, irrigation waivers of limits simply set up this type of situation. Though I rarely have the opportunity to use it, I hold the senior water right on East Cat Creek and will vigorously defend that right if it is interfered with. And I know my neighbors also consider their water rights to be sacrosanct.
5. I as a property owner have the right to permit or deny access to my property for soil sampling. I should have the right to choose who I want to do that sampling on my property and not be denied protection for my land for rejecting industry's choice of soil scientists.

I look forward to your improvement of this Ag protection policy and to the implementation of a policy that views landowners with equal importance as the industry. Please stop pushing industry's damaging water off onto our lands.

Thank you for your attention.

Sincerely,



Dave Clarendon