



Wyoming Department of Agriculture

2219 Carey Ave., Cheyenne, WY 82002 ■ Phone: 307-777-7321 ■ Fax: 307-777-6593
E-mail: wda1@state.wy.us ■ Website: wyagric.state.wy.us

Dave Freudenthal, Governor

John Etchepare, Director

Board Members

District 1

Lee Otto

District 1

Jack Corson

District 3

Jim Mickelson

District 4

Helen Jones

District 5

Spencer Ellis

District 6

David J. Graham

District 7

Gene Hardy

October 14, 2005

Bill DiRienzo
Wyoming DEQ/WQD
Herschler Building, 4th Floor West
122 W. 25th St.
Cheyenne, WY 82002

Dear Mr. DiRienzo:

Following are the comments from the Wyoming Department of Agriculture (WDA) on the Proposed Reclassification of an Unnamed Tributary of Lodgepole Creek, Cheyenne River Basin, in Weston County, Wyoming.

Our comments are specific to our mission within state government which is to be dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. As this proposal will have major impacts upon our agriculture industry, our natural resources and the welfare of our citizens, we believe it's important that we be kept informed of proposed actions and decisions and that we continue to be provided the opportunity to express pertinent issues and concerns.

The Use Attainability Analysis (UAA) reclassification of the Unnamed Tributary of Lodgepole Creek (Tributary) from a 3B to a 4B, submitted by Maxim Drilling and Exploration, Inc., exhibits some benefits for livestock and wildlife. However, we do have concerns about the timing of the UAA, Maxim's claims of losses, mineral toxicity, vegetation conversion, and erosion.

We question the timing of the UAA. We understand the final draft of DEQ's Chapter 1 Implementation Policies for UAA is due in late 2005. We encourage DEQ to postpone the completion of UAA's from companies wishing to file a petition until the approval and implementation of Chapter 1. This delay will avoid any duplication. The UAA for the Tributary is asking for a change in class, but not until the implementation of secondary contact recreation into Chapter 1, primary contact recreation designation occurs.

According to the UAA, "To refuse to allow this permit would result in a substantial loss to the operator, Maxim Drilling and Exploration, Inc." We understand Maxim Drilling removes, trucks, and places water in a holding pond. Maxim has hauled this water at least since 1991 when the new classification from DEQ on this Tributary occurred. Therefore, the reclassification of the Tributary from 3B to 4B will decrease expenses, but a decline of the UAA will simply maintain Maxim's expenses.

10/14/2005

DEQ—Reclassification of Unnamed Tributary of Lodgepole Creek

Page 2

The lack of detail in the UAA by Maxim Drilling prevents us from making a strong supportive decision. Maxim says on page 2 of the UAA “The discharge of this water would provide a significant source of water for cattle and wildlife in this area.” While the agriculture industry can benefit in some cases from the discharged water, that water can also cause adverse impacts. We must know the levels of total dissolved solids (TDS) and minerals in the water. Maxim admitted the levels of chloride exceed DEQ’s acceptable level. According to the DEQ Implementation Policies for UAA, on page 53, maximum limits for safe drinking water for livestock are 5000 mg/L TDS, 3000 mg/L Sulfate, and 2000 mg/L Chloride.

An article titled “Variability of Water Composition and Potential Impact on Animal Performance” by Dr. Mike T. Socha et al. indicates “animals need a plentiful supply of good, clean water for normal rumen fermentation and metabolism, proper flow of feed through the digestive tract, good nutrient absorption, normal blood volume and tissue requirements.” The water discharged by Maxim Drilling may not “provide a significant source of water for cattle and wildlife in this area” if the water is poor quality, and not consistent. Maxim fails to indicate how often they plan to discharge and the volume and quality of the water released.

The amount of water Maxim plans to discharge may also create harmful effects to vegetation that is beneficial to livestock and wildlife. Existing grasses and forbs may be negatively affected and the higher water levels may actually create undesirable vegetation such as cattails and sedges. If the water creates frequent wetlands, the class 3B status should remain in place. The UAA proposal is based on current ephemeral status, but it should also consider the future developments given a significant increase in water quantity.

The pictures supplied by Maxim show a very small channel. However, the increased water quantity will increase erosion and sediment dispersal further downstream. We lack the information needed to make a sound decision on changing the Tributary from a class 3B to a 4B, given the provided UAA.

We support DEQ in the UAA process and readily accept additional water for irrigation and livestock use when the quality and quantity of the water will not create harmful results. We reiterate that the discharged water from the oil and gas industry must be an asset to the agriculture industry and used to increase quality forage and livestock growth performance.

Thank you for the opportunity to comment.

Sincerely,



John Etchepare
Director

10/14/2005

DEQ—Reclassification of Unnamed Tributary of Lodgepole Creek

Page 3

JE/jw

Cc: Governor's Planning Office
Wyoming Stock Growers Association
Wyoming Wool Growers Association
Rocky Mountain Farmers Union
Wyoming Association of Conservation Districts
Wyoming Farm Bureau Federation
Wyoming State Grazing Board
Wyoming Game and Fish Department