

Marvin Blakesley Comments
EOC Hearing November 6, 2008

My name is Marvin Blakesley. I am providing testimony as a citizen of Wyoming and a lifelong resident of the Big Horn Basin. I have lived around produced water discharges for my entire life.

Mr. Chairman and members of the Council – I appreciate the opportunity to offer comments on the Sec. 20 – Agriculture Protection Rule.

I want to emphasize to the Council, the importance of produced water for agricultural and wildlife benefits in the Big Horn Basin and the rest of Wyoming.

- I am an avid sportsman. I hunt along the produced water discharges in the Big Horn Basin, because that is where the wildlife lives.
- These discharges and the associated agricultural lands support herds of deer, antelope, pheasants, chukar, Hungarian partridge, ducks, sage grouse, and a myriad of other wildlife.
- The discharges support areas of critical sage grouse habitat across the interior of the arid Big Horn Basin, especially in the Cottonwood, Gooseberry, and Dry Creek Drainages. These benefits were well demonstrated when John Corra, John Wagner, and Bill DiRenzio toured the Hamilton Dome/Cottonwood Creek, and North Sunshine/Gooseberry watersheds in the summer of 2006.
- Produced water discharges provide ribbons of life, wetlands, and riparian areas across the interior of the Big Horn Basin.
- Many ranches' economic viability and value are directly tied to the presence of surface water discharges. Many ranches have filed water rights on surface discharge water.

I support the rule as recommended to the EQC by the WWAB and the DEQ.

I am opposed to any changes from the current livestock drinking water standards of 5,000 mg/l TDS, 3,000 mg/l Sulfate, and 2,000 mg/l chloride.

- These standards have served us well for over 30 years and there is no demonstrated need for any changes.
- The rule calls for no measurable decrease in livestock or crop production. If the livestock limits are lowered or new standards put in place, this will cause a measurable decrease in livestock and crop production.
- Through over regulation, the Council has the ability to protect many livestock operations right out of business.

I am concerned that the Council will lower the livestock watering limits and rely on the Grandfather Provision to save all pre-1998 discharges.

- This is a very high stakes game of poker. The lower the proposed limits – the higher the stakes.
- DEQ's own limited data set shows that approximately 37% of conventional discharge permits would not meet the UW recommended limit of 1,000 mg/l sulfate.
- Another 23% of conventional discharge permits would not meet the UW recommended sodium limit of 1,000 mg/l.
- Some permits might fail for both sodium and sulfate. Others would fail for either sodium or sulfate.
- Hence if the limits for sodium and sulfate are set at the UW recommended levels, and the Grandfather Provision does not hold; somewhere between 37% and 60 % of conventional discharge permits would go away.
- This would be an economic and ecologic disaster for the Big Horn Basin and other areas of Wyoming.

Wyoming Rules should reflect Wyoming conditions and the wishes of the majority of residents.

- The current livestock standards have served us well.

- Public comments to the DEQ, WWAB, and EQC have been overwhelmingly in favor of no changes from the current standards.
- The UW recommendations are over conservative, based on feedlot conditions, and not representative of Wyoming open range conditions and Wyoming ranching experience.
- The DEQ and WWAB have made the correct recommendations to the EQC – no changes from the current livestock drinking standards.

I also support the current rule as it pertains to the irrigation standards.

- The 3 tiered approach is an appropriate means of setting effluent limits.
- Tier 1 is very conservative, but acceptable as long as the Tier 2 and Tier 3 alternatives are left in place.
- Tier 2 and tier 3 provide an opportunity for landowners and operators to make the best use of discharge water, based on site specific conditions.
- I am concerned that misuse of the term naturally irrigated lands, will result in lost opportunity for many ranchers to utilize discharge water for livestock drinking purposes.
- Ranchers should have the opportunity to determine the best use of water for their operations. This opportunity should not be lost due to misuse of naturally irrigated lands.

Thank you again for the opportunity to comment.