

# W O R C

## *Western Organization of Resource Councils*

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### **Support H.R. 4017**

### ***The Western Waters and Farm Lands Protection Act***

Many tout oil, gas and coal bed methane from the Rocky Mountain West as the answer to our short-term energy needs. Over 60,000 new coal bed methane wells are planned for the Powder River Basin in Montana and Wyoming alone, with tens of thousands of additional oil, gas and coal bed methane wells planned for Colorado, North Dakota, New Mexico, and other parts of the West. Irresponsible development of these resources brings substantial risks to the region's agricultural economy and environment.

Coal bed methane production involves drawing billions of gallons of groundwater from aquifers. This pumping lowers aquifer levels, produces saline water that can be toxic to crops and reduce soil productivity, and produces more water than can be consumed by livestock in many areas. Coal seams are often fractured with toxic chemicals to stimulate increased production, which may contaminate water supplies. What's more, millions of acres of land across the West will be disturbed by pipelines, roads, compressor stations, transmission lines, wastewater containment ponds and well pads – turning agricultural land into industrial sites.

WORC is not opposed to energy development, but we believe it can and must be done right. H.R. 4017 responds to this need. The bill, introduced by Representative Mark Udall (D-CO) will help assure that our precious water resources are safeguarded during the course of oil and gas development. The bill will also help reduce potential conflicts between the development of federally-owned oil and gas and the interests of those who own the surface estate, and provide for appropriate reclamation of affected lands.

#### **Title I—Protection of Water Resources**

H.R. 4017 requires that oil and gas operators developing federally-owned minerals:

- replace any water supplies lost or damaged as a result of development,
- ensure that any wastewater re-injected into the ground be reinjected into the same aquifer, or into an aquifer of equal or lesser quality, to prevent reinjected water from degrading higher quality aquifers, and
- submit a water management plan which details how they will protect the quality and quantity of surface and groundwater, provide alternate sources of water in cases when water is not protected, and assure protection of water rights.

#### **Title II—Surface Owner Protection**

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Much federal oil, gas and coal bed methane in the West lies beneath private land. Under current law, companies that lease federally-owned oil and gas have a legal right to extract their minerals, and landowners have only limited power to ensure responsible development on their land. Requirements that developers consult with landowners about the placement of roads, pipelines, power lines, and noisy compressor stations, and the disposal of millions of gallons of poor quality wastewater are weak and poorly enforced. Thus, families with several generations' worth of time, money, and labor invested in their farms and ranches face serious damages to their property and way of life.

H.R. 4017 will help ensure responsible oil and gas development by empowering landowners to have a real say in the course of mineral development on their land. The bill will:

- Prevent oil and gas development on split estate lands until the surface owner and mineral lessee have signed a surface use agreement. If an agreement cannot be reached through negotiation, the bill provides for an alternative dispute mechanism (arbitration) to ensure fairness.
- Require that surface use agreements allow for reasonable use of the site, accommodation of the surface owner, reclamation of the site, and compensation of the surface owner for damages.
- Allow the Secretary of Interior to issue permits without a surface use agreement should the dispute resolution process fail, but the permit would have to include the same protections required to be in a surface use agreement.
- Require the Secretary of Interior to notify surface owners of leasing decisions at least 45 days in advance of the sale, and to keep landowners informed of any activity on the lease.
- Ensure that surface owners have an opportunity to participate in bond proceedings and site inspections.

### **Title III—Reclamation and Bonding**

H.R. 4017 will ensure that land impacted by the development of federally-owned oil and gas is reclaimed by companies, and not taxpayers. The bill will:

- Require reclamation of land to a condition that it is capable of supporting the same uses of which it was capable before drilling.
- Require a detailed reclamation plan to be submitted with the plan of operations.
- Require a full bond to cover the costs associated with reclaiming all lands.

### **Title IV—Abandoned Wells**

H.R. 4017 will establish a program to clean up abandoned oil and gas wells on federal lands, as well as those on private lands overlying federal oil and gas.

### **Endorse the Western Waters and Farm Lands Protection Act**

To endorse H.R. 4017, contact the Western Organization of Resource Councils: Kevin Williams, 970-323-6849, [montrose@worc.org](mailto:montrose@worc.org) or Sara Kendall, 202-547-7040, [dc@worc.org](mailto:dc@worc.org).