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Groups seek review of phased development for coalbed methane in Powder River Basin

Sheridan, Wyo. – Landowner and environmental groups are asking the federal government to use phased development as a means to lessen the impacts of oil and gas development on water, farmers and ranchers, and wildlife. The groups filed an appeal today to a recent court decision on coalbed methane development (CBM) in the Powder River Basin.

The U.S. Bureau of Land Management (BLM) projected that as many as 51,000 wells would be drilled and up to one trillion gallons of groundwater could be pumped out of the aquifer, much of which has already happened. The groups want BLM to evaluate phased development as a means of controlling the damage, number of wells drilled, and amount of salty water discharged.

The groups are appealing a November 26, 2008 ruling by District Judge Alan Johnson of Wyoming affirming the BLM's Final Environmental Impact Statement (EIS) on the Wyoming portion of the basin. The groups filed the initial lawsuit in 2003, and thousands of CBM wells have been drilled in the basin since the suit was filed.

“While we waited for the opinion in this case, a Montana judge ordered BLM to consider phased development in exactly the same kind of case,” said Bob LeResche, Chair of the Powder River Basin Resource Council. “BLM has already looked at phased development in Montana and in other land use plans in Wyoming, so we know they can do it. We’d just like the BLM to set a sensible pace of development to protect water, ranches, and wildlife.”

Earthjustice filed the appeal on behalf of the Powder River Basin Resource Council, Wyoming Outdoor Council, Natural Resources Defense Council, and the Western Organization of Resource Councils. The appeal was filed with the U.S. Court of Appeals for the Tenth Circuit.

“BLM claimed that it lacks the legal authority to require phased development,” said Earthjustice attorney Meg Parish. “This is flatly incorrect as a legal matter. The government, in fact, already has been required to evaluate phased development for the portion of the Powder River Basin across the state line in Montana.”

In 2005, Montana District Judge Richard Anderson reviewed an identical EIS for Montana and required the Montana BLM to consider phased development as an alternative that could reduce and prevent impacts.

“Judge Johnson’s ruling to reject analysis of phased development is impossible to reconcile with BLM’s preparation of a supplemental EIS in Montana that evaluated phased development of CBM resources,” LeResche said.

In approving this development, BLM violated the National Environmental Policy Act by failing to consider adequately impacts on the aquifer, groundwater, surface water, ephemeral and intermittent streams, soil and vegetation, as well as environmental issues, and did not consider reasonable alternatives such as phased development that would help mitigate impacts.

"Wise water use is critical to the economy and the quality of life in the West. We need to plan energy development in a way that conserves – rather than depletes – the West's invaluable water resources," said Sharon Buccino, Land Program Director, Natural Resources Defense Council.

"This is just one example of the need to ‘do it right’ whenever we undertake mineral development,” added Steve Jones, Watershed Protection Program Attorney for Wyoming Outdoor Council. “The Crazy Woman Creek and Clear Creek drainages, for instance, are now predicted to have huge amounts of water discharged for every thousand cubic feet of gas produced. Slowing the pace of development in such areas would greatly reduce the likelihood that the environmental impacts to the Powder River Basin will be overwhelming,"

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