

Federal CBM document faces second appeal

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For the second time in two weeks, conservation groups have filed an appeal of the Bureau of Land Management's Powder River Basin Oil and Gas Environmental Impact Statement.

The document, issued in 2003, opened the region up to more than 51,000 coal-bed methane gas wells, an action that the BLM estimates will transform much of the landscape into a "light industrial" area.

This week the Biodiversity Conservation Alliance and nature photographer George Wuerthner filed an appeal to the Tenth Circuit Court of Appeals, seeking to overturn a November ruling by Judge Alan Johnson of the U.S. District Court of Wyoming.

The groups seek to protect sage grouse and black-tailed prairie dogs, alleging the BLM failed to consider phased development, which would presumably shrink the active footprint of the industry on the landscape, according to the appellants.

"We've seen dramatic declines in sage grouse and prairie dog populations symptomatic of a broader ecosystem collapse that affects all native wildlife," said Erik Molvar, wildlife biologist for the Biodiversity Conservation Alliance.

Peer-reviewed wildlife studies issued in 2007 cited the pace of coal-bed methane gas development in the basin was devastating sage grouse populations "over and above those of habitat loss caused by wildfire, sagebrush control, or conversion of sagebrush to pasture or cropland."

Contacted Thursday afternoon, Wyoming BLM officials said they had just learned about the appeal and were not prepared to comment at the moment.

In an identical case brought by the same groups regarding coal-bed methane development on the Montana side of the Powder River Basin, the Montana BLM was forced to go back to the drawing board and consider phased development.

"We see no reason why Wyoming should be turned into a sacrifice zone for energy development when common sense solutions were required just across the border in Montana," said Western Environmental Law Center attorney Erik Schlenker-Goodrich, who is representing the conservation groups.

Last week, Earthjustice filed an appeal regarding the same BLM document 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, seeking to turn over an identical ruling by Wyoming District Judge Alan Johnson.

Those groups are asking for the same "phased development" consideration. In response to that suit, Wyoming BLM spokesman Roger Alexander told the Star-Tribune the mismatched ownership pattern in the basin, and the geology of the coal seams targeted for methane extraction, prevents a phased development strategy.

Alexander noted that the industry tends to follow the geology of the coal resource from the shallow formations in the eastern side of the basin to the deeper coal formations to the west.

"So the BLM believes we do have phased development in the basin," Alexander told the Star-Tribune last week. "We own about 60 percent of mineral, and way less than that of the surface, so a mandated phased development would be impractical and insufficient."

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