

Groups appeal BLM's CBM document

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Several landowner and environmental groups joined to file an appeal of a federal document that opened the way for the coal-bed methane gas industry in the Powder River Basin.

They say the Bureau of Land Management failed to consider phased development, a management strategy that might save agricultural operations, wildlife habitat and reduce the volume of groundwater discharged on the surface.

"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," Sharon Buccino, Land Program Director, Natural Resources Defense Council, said in a prepared statement.

The Powder River Basin Oil and Gas Environmental Impact Statement finalized in 2003 allows for up to 51,000 oil and gas wells in the basin -- an action that the BLM estimates will transform much of the landscape into a "light industrial" area.

Nearly 30,000 coal-bed methane gas wells have been drilled so far.

This week Earthjustice filed an 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.

The groups are appealing a November 26 ruling by Wyoming District Judge Alan Johnson.

Wyoming BLM spokesman Roger Alexander said the mismatched ownership pattern in the basin, and the geology of the coal seams targeted for methane extraction prevent a phased development strategy.

In fact, 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 said. "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."

The environmental groups note that BLM's counterpart in Montana considered phased development for coal-bed methane on the Montana side of the basin. They claim that by not formally considering phased development in the EIS, the agency failed to adequately consider impacts to aquifers, groundwater, surface water, intermittent streams and wildlife habitat.

In fact, 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."

"This is just one example of the need to 'do it right' whenever we undertake mineral development," Steve Jones, attorney for Wyoming Outdoor Council, said in a prepared statement.

Jones said the Crazy Woman Creek and Clear Creek drainages, for instance, are predicted to receive huge amounts of coal-bed methane water. He said slowing the pace of development in such areas would greatly reduce the likelihood that the drainages are overwhelmed by the man-made water flows.

Cheryl Sorenson, vice president of the Petroleum Association of Wyoming, said the BLM's environmental analysis and subsequent oversight of the development provides adequate protections.

"With the United States striving to become independent of foreign minerals it is crucial that federal lands continue to be open to oil and gas development to increase our nation's supply," Sorenson said.

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