

Court Orders Feds to Halt Wyoming Coalbed Methane Permit Program

*Court finds coalbed methane damages **not adequately addressed***

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Casper, WY— In a stunning victory for Wyoming ranchers, a federal judge ruled that a Clean Water Act permit for coalbed methane operations in Wyoming is illegal. The unlawful permit allows CBM operators to dump millions of gallons of polluted water into the Powder River and its tributaries. The court was amazed that the Army Corps of Engineers issued this expansive permit without considering its impact on landowners, ranchers and Wyoming's natural environment. Due to the permit, ranchers have had their lands flooded, their water rights eliminated and their fields poisoned. As a result of the ruling, operators cannot build new dams and reservoirs until the Corps corrects its permits approval process. The ruling comes in a case brought by Earthjustice on behalf of the Wyoming Outdoor Council, the Powder River Basin Resource Council and Biodiversity Conservation Alliance.

The suit challenged the Corps' general permit that governs the construction of dams and reservoirs to dispose of wastewater from coal bed methane production wells. These dams and reservoirs are built in channels of seasonal streams. The reservoirs eventually leak the water downstream. The Wyoming Department of Environmental Quality recently declared CBM wastewater toxic. An estimated 12,000 to 15,000 producing gas wells in Wyoming won't be affected by the ruling but plans for an additional 35,000 wells could be.

"We applaud Judge Downes for recognizing how critical it is that oil and gas development be done in a responsible manner," said Powder River Basin Resource Council chair and rancher, Bernadette Barlow. "As a downstream landowner we have suffered the damages to the soil and vegetation on our ranch from CBM in-channel water pits, so we're relieved that the Corps of Engineers is going to have to review this permit. We hope it will help stop the irresponsible development of coalbed methane," concluded Barlow.

Federal District Judge William Downes ruled that the federal government failed to consider cumulative impacts multiple reservoirs had on non-wetland resources. He also found the Corps failed to consider the impacts to private ranchers. The judge admonished the federal government saying, "Mineral resources should be developed responsibly, keeping in mind those other values that are so important to the people of Wyoming such as preservation of Wyoming's unique natural heritage and lifestyle."

The ruling continued, "This Court will not rubberstamp an agency determination that fails to consider cumulative impacts, fails to realistically assess impacts to ranchlands, and relies on unsupported, unmonitored mitigation measures."

Coalbed methane is natural gas that is trapped in the fissures and fractures of underground coal beds by overlying water in underground aquifers. The gas is released when the water is pumped to the surface at a rate of up to one hundred, gallons a minute. This wastewater has been found to contain high levels of sodium, arsenic, iron, barium and manganese.

Since 2001, billions of gallons have been pumped from underground aquifers to free up the coalbed methane gas. Much of this water, while suitable for livestock and wildlife, can be harmful when discharged onto clay soils and native grasses.

"Judge Downes' decision is an important victory for Wyoming," said Powder River's past chair, Nancy Sorenson. "We're glad to see that Judge Downes recognized the severity of the impacts and has taken action to balance the interests of the minerals industry with the needs of Wyoming's ranchers and our other critical resources."