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For Immediate Release

LANDOWNER GROUP WON'T APPEAL JUDGE'S RULING
Powder River Basin Resource Council Will Redouble Efforts to Stop the Waste of Groundwater and Land Damage from CBM Development

The Powder River Basin Resource Council announced today that they will not further appeal a Wyoming District Court's decision to dismiss their challenge of Governor Freudenthal's veto of important water quality rules relating to coalbed methane operations.

The rule was approved by the Environmental Quality Council (EQC) in February after extensive public input, and was intended to improve the Department of Environmental Quality's regulation of CBM water discharges. The governor—who appointed the members of the citizen body—overrode the EQC's decision and voided the rule. Powder River had appealed that decision to the District Court.

Judge Grant dismissed the group's appeal on November 6 on narrow technical grounds. Powder River had hoped that the Court would address the merits of the Governor's decision, but the Judge instead ruled the Governor's decision was not subject to review by the court.

"Our people followed the procedures for citizen rulemaking, retaining expert scientists and devoting a year and a half to getting the EQC to promulgate a rule that would begin to address the water quality issues that the DEQ has been neglecting," said Bob LeResche, Powder River's Chair. "We didn't get everything we asked for from the EQC, but the rule they finally did approve would have brought significant improvements to today's sorry lack of regulation.

The rulemaking was initiated in December of 2005 by Powder River landowners who were fed up with the DEQ's practice of issuing CBM discharge permits that consistently caused adverse water quality impacts on their lands or on the lands of their downstream neighbors.

"This rulemaking process was true grass roots democracy," said Steve Adami, a landowner in Johnson County who sits on Powder River's board. "We petitioned our government to address the problem, and they responded. The rulemaking process involved an enormous amount of effort on behalf of a lot of landowners and industry representatives who repeatedly traveled to hearings and submitted written comments. We are extremely disappointed that all of that effort was wiped out in the end by one man, the Governor, whose decision is apparently the last, word allowed."

The organization pointed out that the rulemaking process was a perfect example of the sometimes messy participatory process that defines American democracy. "This process was a culmination of public testimony based on real experience of landowners and experts, legal opinions provided by the Attorney General, expertise of the Department of Environmental Quality and hard work on the part of EQC members," said Powder River member and Gillette businessman Phil Hoy.

"Together our efforts produced a rule change that would have directed DEQ to issue water quality permits closer to the intent of the Environmental Quality Act," he continued, "Which would have been a good thing for Wyoming and its citizens. In my book our efforts reflected what our founding fathers meant by government of the people by the people and for the people. Unfortunately we don't have that in Wyoming."

"We believe the rulemaking process worked until the very end, when the Governor rendered everyone's efforts futile," said LeResche. "We have pursued this particular rulemaking as far as it will go," he added "But we will continue to challenge permitting practices that damage Wyoming's public and private lands, our water, our air, our fish and wildlife—and that place the cost of oil and gas development on the backs of citizens and other valuable resources. We are killing the goose that lays the golden egg in Wyoming, by depleting our water and soil resources forever for the sake of short-term revenue for the state government and profits for corporations."