

**STATEMENT OF MARJORIE WEST
ON BEHALF OF THE POWDER RIVER BASIN RESOURCE COUNCIL
and
WESTERN ORGANIZATION OF RESOURCE COUNCILS
HEARING ON
ENVIRONMENTAL IMPACTS OF U.S. NATURAL GAS SUPPLY
SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
US SENATE**

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Mr. Chairman and members of the committee, my name is Marjorie West. Thank you for the opportunity to address this committee regarding the environmental impacts of natural gas production. My husband and I own a ranch on Spotted Horse Creek in the Powder River Basin of Wyoming, where we grow dry land wheat and raise cattle. We have lived on this land for 50 years. The ranch was homesteaded by my husband's father and expanded by the family over the generations. As a landowner, farmer and rancher, I want to share with you what is happening on the ground in Wyoming and in other parts of the West, and talk about what it will take for the oil and gas industry to develop natural gas responsibly or as we say, "Do It Right."

I am here today representing two non-profit organizations that have fought for responsible energy development in the West for more than 30 years – the Powder River Basin Resource Council (PRBRC) and the Western Organization of Resource Councils (WORC). PRBRC is a grassroots organization dedicated to good stewardship of Wyoming's natural resources, and the preservation of the state's agricultural heritage. WORC is a network of grassroots organizations from seven western states that include 8,250 members and 48 local community groups. About a third of WORC's members are family farmers and ranchers, many of whom are directly impacted by natural gas development.

Mr. Chairman, I want you to know that the organizations I represent here today support responsible natural gas development. But our ability to be good stewards of the land and earn a living is threatened by irresponsible gas development practices. For several years now, we have been asking industry, state and federal agencies and Congress to develop natural gas responsibly and "Do It Right." I wish I could say they are listening.

The sheer magnitude of the natural gas development being planned for the West is unprecedented. Over 60,000 new coalbed methane wells are planned for the Powder River Basin in Montana and Wyoming alone (compared with approximately 16,000 current wells), with tens of thousands of additional gas and coalbed methane wells planned for Colorado, North Dakota, New Mexico and other parts of the West.

My first-hand experience with coalbed methane, and accounts I have heard from other westerners indicate that the current pace and direction of natural gas development in this country is resulting in serious damage to land and water resources and private property rights.

The last five years have been the most difficult and destructive years we've ever experienced. We've been through droughts, grasshopper invasions and bad wheat and cattle prices on the ranch but nothing holds a candle to the stress and the damages brought upon us by irresponsible coalbed methane gas development. Over the last five years we have lost all three of our artesian wells and our domestic water well due to groundwater dewatering. This is presently and will continue to be a long term problem for us. For now, we are using some of the coalbed methane water that is being pumped out to water our livestock, but that will be gone in a few years and then what? The company has told us outright that they do not intend to leave us with an operating livestock well when they are finished developing the gas.

After six or seven months of hauling our household water, the coalbed methane company finally drilled us a 1300-foot household water well. We could not drink this water without getting diarrhea, and I could not wash clothes without having them turn orange

from the high iron content. This is not the good water we had before coalbed methane drilling destroyed our well. We now have two water treatment systems: Reverse osmosis for drinking water, and an iron treatment system for the rest of our household needs. Our electricity costs for pumping the deep well have doubled, and the first time we had the treatment system serviced we were charged three hundred dollars. We should not have to bear these additional costs.

For the past four years, another company has been discharging coalbed methane water upstream of us into Spotted Horse Creek, which is an ephemeral creek that formerly ran only during spring melt or heavy summer rain events. This CBM water has a high "sodium adsorption ratio" (a ratio of sodium to calcium and magnesium) which over time will destroy soils, crops and native vegetation. This water flooded Spotted Horse Creek the entire winter of 2000/2001, icing over and flowing out on either side of our hay meadow, and destroying all the native vegetation in our creek. So much salt was deposited on the soil and leached out of the clay soils that nothing but weeds will grow. This past year we had an impressive crop of fireweed which is very salt tolerant, but cattle will not eat it.

The worst tragedy for us was that it drowned and killed over two hundred of our beautiful hundred-year-old cottonwood trees that lined that creek. These were our best hay meadows. Now they grow only weeds. This stretch of Spotted Horse Creek looks nothing like it did five years ago. The discharge of CBM water into ephemeral creeks all over the Powder River Basin is destroying soil and vegetation and changing these streams, probably forever.

We've spent thousands of dollars on legal fees trying to get the problems addressed. We've made agreements with these companies only to have the companies fail to live up to their agreements, thus forcing us to spend more money and time on lawyers. Out of six companies, not one has lived up to its word or its agreement. These are not just small operators, several are large well established oil and gas companies. They are Devon, Marathon-Pennaco, Yates, Williams, CMS, Lance and Redstone.

The so-called "regulators" have not only allowed the damages to occur without intervention or penalty, but they continue to permit activities that are in violation of their own regulations. Industry has been given license to destroy our property, our soil, our grass, our land, our creek, our solitude.

Our experiences are not isolated and they are becoming more widespread. There are many other landowners that have lost water wells, have had companies come on their land without an agreement and cause numerous damages by building roads and well pads or discharging water that has killed soil and vegetation. Landowners also experience reduced property values, lost income, seepage of methane into drinking water wells and under homes, introduction and spread of noxious weeds, the death of livestock and noise from compressor stations, generators, traffic and drilling.

While we may be luckier than some landowners because we do own a percentage of our minerals, our lives have been turned upside down and our health has deteriorated. My husband, Bill, now takes high blood pressure medication and I take a prescription medication for severe headaches. I cannot prove that the methane industry has caused these conditions, but it certainly has not helped. We spend our days fighting with companies to develop coalbed methane in a responsible manner. Although one company has a successful reinjection site for CBM water on our ranch, another company has come on our land without an agreement for development, after making many false promises. We no longer have time for the ranching and farming that we love.

I am here to ask you not to further weaken environmental laws, nor to further assist industry in rushing carelessly forward to develop natural gas on our lands. I am asking you to take some decisive leadership and require oil and gas companies to develop this gas responsibly.

The energy bill that failed to pass the U.S. Senate in December, and the new version of that bill that was introduced by Senator Domenici in February (S. 2095) both take us in

the wrong direction by failing to provide desperately needed new protections and weakening current environmental and procedural safeguards. For example, S. 2095:

- Threatens clean water by: 1) exempting hydraulic fracturing from federal safe drinking water standards, potentially resulting contamination of drinking water supplies by diesel fuel and other hazardous chemicals, and 2) exempting oil and gas construction activities from the Clean Water Act's pollution controls, resulting in unregulated discharges of chemicals into rivers, streams and other water bodies.
- Requires the U.S. Bureau of Land Management to approve gas drilling permits within a matter of days, leaving impacted landowners and communities with limited opportunities to review applications and offer the benefit of their considerable knowledge and experience and attempt to protect their property, health and economic well being.

Congress can and should do better. Natural gas development is important to the nation, and in appropriate places and under the right conditions can and should be developed for the benefit of the country. But it has to be balanced with protections for other resources – especially water – and other uses of the land involved. We need laws that require companies to negotiate agreements with landowners; and then they must be required to live up to those agreements. Instead of tax credits to speed development, we need increased bonding to ensure that our land will not be left a scarred battlefield. Citizens and taxpayers should not be left with the burden of cleaning up after oil and gas companies. But at the rate we're going I can assure you that is the direction we are headed.

PRBRC and WORC have endorsed a responsible "doing it right" approach that contains six platforms:

1. Effective monitoring of coalbed methane or deep gas development, and active enforcement of existing laws to protect private property rights and natural resources.
2. Surface owner consent, and surface use agreements that help landowners better protect their property rights.
3. Use of aquifer recharge, clustered development, mufflers for compressor stations and other low-impact, best available technologies to minimize impacts on underground water, rivers, streams and surface resources.
4. Collection of thorough fish, wildlife and plant inventories before development proceeds to protect habitat, followed by phased-in development to diffuse impacts over time.
5. Meaningful public involvement in the decision-making process.
6. Complete reclamation of all disturbed areas, and bonding that protects landowners and taxpayers from all cleanup liability costs.

In the House of Representatives, Representatives Mark Udall and Tom Udall have introduced a bill (H.R. 3698) that would assure that our precious water resources are safeguarded during the course of oil and gas development, reduce potential conflicts between oil and gas operators and surface owners, and provide for appropriate reclamation of affected lands. This bill provides a necessary balance to the gas permitting and production rush that is underway, and I am submitting a copy for the record.

In closing, I invite each and every one of you to visit my ranch and see for yourselves the damages that have occurred. We are willing to make the sacrifice of living with responsible coalbed methane development in order for this country to have natural gas. However, we are not willing to make a complete and total sacrifice of our land, our water, our property rights, and our children's future. Nor should we have to. These

companies are making very good profits; they can well afford to be environmentally responsible.

I never thought this kind of damage could be brought upon citizens of this country by this government and this industry. I was naive. My only hope is that lawmakers such as yourselves, the honorable members of this committee, will realize what is happening to us at the hands of the powerful oil and gas industry, and change it, to make the system just, fair and equitable. We require our coal mining industry in Wyoming and this country to live up to very high standards for permitting, bonding, landowner consent, water well replacement and many other things – we should expect nothing less of the oil and gas industry. They must be required to “Do it Right.” Thank you very much for your time and concern.