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Wyoming Ranchers Enter Federal Court Battle to Protect Land

Earthjustice represents landowners threatened with water pollution

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CASPAR, WY — A coalition of western ranchers, farmers and rural landowners filed a motion in U.S. District Court today that seeks to uphold an April Department of Interior ruling that protects their land from water pollution associated with coal bed methane gas development. The case calls into question a cornerstone of the Bush Administration's National Energy Policy.

The Wyoming Outdoor Council, the Powder River Basin Resource Council, the Natural Resources Defense Council and Defenders of Wildlife, represented by Earthjustice, are fighting the oil and gas industry over a decision by the Interior Board of Land Appeals (IBLA) that halts gas development on three federal mineral leases. The groups want DOI's Bureau of Land Management to conduct new environmental studies that consider the water quality impacts of CBM development.

According to the U.S. Environmental Protection Agency, the BLM's plans for 51,000 CBM gas wells in Wyoming won't protect crops and soils from the billions of gallons of salt-laden wastewater that accompany CBM.

"My family has invested five generations in protecting our land and our way of life," says Eric Barlow, a rancher near Gillette, Wyoming. "The gas companies

could ruin it all for a few years' worth of profits."

This spring, the EPA ruled that BLM's environmental review of CBM development in Wyoming was "unsatisfactory," and called for new environmental studies. According to ranchers in the region, water from existing CBM wells has already damaged crops and riparian areas in the Powder River Basin, a 10-million-acre expanse of rolling hills and pastureland in northeastern Wyoming and southeastern Montana.

Most of the CBM deposits in the Powder River Basin lie beneath privately owned ranch and farmland. Hundreds of Wyoming ranchers fear that their soil could be permanently damaged by CBM-produced water.

A brief chronology of events leading up to today's filing:

- In April, following a two-year legal battle, an independent, two-judge IBLA panel sided with ranchers and determined that the BLM's 1985 land use plan for the region failed to address the impacts of CBM development. The ruling halted activity on three federal CBM leases in Wyoming.

- In June, Pennaco Energy, Inc., a subsidiary of Houston-based energy giant Marathon Oil Co. and the firm that holds the gas leases in question, filed suit to overturn the IBLA decision.

- Also in June, DOI's top lawyers sided with industry, and asked the IBLA panel to reverse its ruling.

- The motion to intervene, filed today, asks the District Court to grant the ranchers standing in the Pennaco case so that they can defend the IBLA

decision.

"This case is off to an interesting start," says Tom Darin, staff attorney for the Wyoming Outdoor Council. "The Department of Interior is trying to overturn a decision that it's supposed to be defending in court – this is not something you see every day."

Part of the problem, Darin notes, is that many of the DOI officials who handle natural gas production on public lands are former employees of the firms developing gas in Wyoming and elsewhere. DOI ethics officials have reviewed the case for potential conflicts, but have taken no action to date.

Any ruling by the District court will have broad implications for millions of acres of CBM gas leases on public and private lands throughout the interior West.

The Bush Administration's National Energy Policy relies heavily on CBM from the Powder River Basin to provide fuel for gas-fired power plants and home heating throughout the nation. Ranchers from the region say they aren't completely opposed to CBM development. "We just want to make sure that these energy companies behave responsibly, and don't dump all this polluted water on our land," Barlow says.

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