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Coalbed Methane Development in the  
Intermountain West (April 4-5)

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### Concluding Comments

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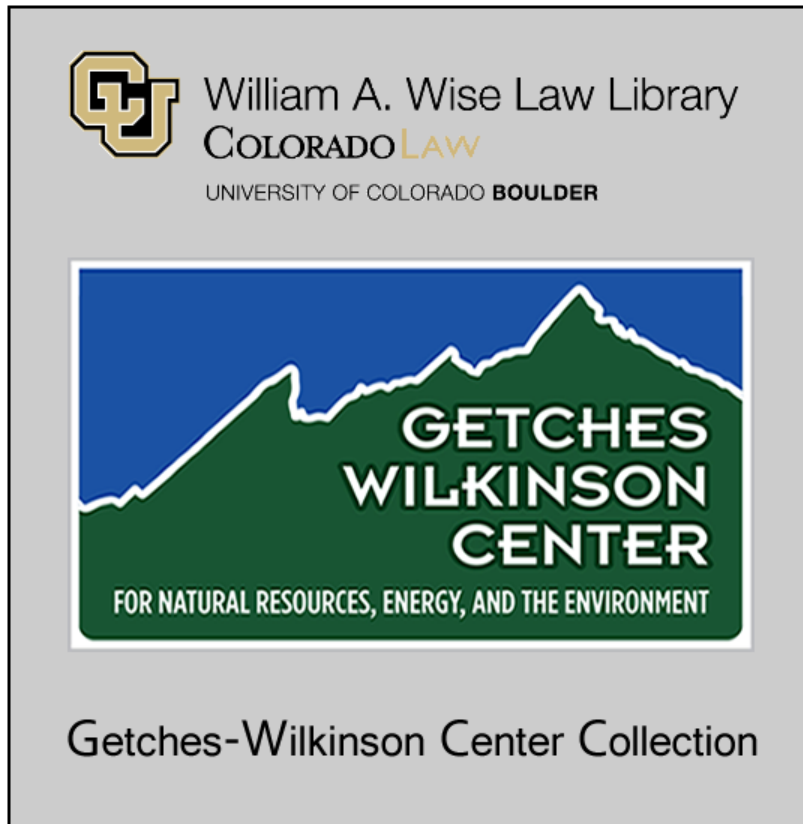
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Michael Reisner, *Concluding Comments, in* COALBED METHANE DEVELOPMENT IN THE INTERMOUNTAIN WEST (Natural Res. Law Ctr., Univ. of Colo. Sch. of Law 2002).

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I work for Northern Plains Resource Council. We are a grassroots organization of conservationists, farmers, and ranchers located in eastern Montana. The last couple of years, our group has come full circle. We started 30 years ago in the coal fights in the 1970s, with the Reclamation and Control Act, which industry said would put them out of business. As far as I know, they're still doing fine. Now, the coalbed methane companies have come to the Powder River Basin. Before talking about where we need to go, I want to talk about where we're at with coalbed methane in Montana. We only have one producing field in Montana. And production is at a 250-well field, tapping federal and private minerals. Because of the Board of Oil and Gas in Montana, we have a moratorium on additional producing wells until EIS is complete.

As we heard yesterday, or earlier today, there are no discharges into the river. One of the problems in Montana, as we heard yesterday, is the water quality of the discharges gets worse as you go from the southwest part of the basin to the northwest part of the basin. For example, the average SAR is 39, and the Tongue River's baseline water quality at the border is somewhere less than one. Contrary to what we heard this morning, there are discharges into the Tongue River. The Fidelity Project began in approximately 1989, where water was discharged into the Tongue River and it's contributing without a permit under the Clean Water Act. When they finally got a permit, they violated that permit 13 separate times in 2000 and 2001. And in addition, in 2001, they discharged over 1,000 gallons of water.

Last summer during the irrigation season, the SAR on the Tongue River immediately below the discharges exceeded three. Above their discharges, it was less than one. So we have discharges from 250 wells. And just to remind everyone that BLM's estimate for the Powder River Basin is 77,000 wells by 2010, 26,000 in Montana, and approximately 51,000 in Wyoming. For this project in November of 2000, approximately 18 months ago, the BLM determined that it decided on EIS for this project. Despite the fact that some of these wells have been drilled, they have not produced a single NEPA document for this project.

So basically, where do we want to go from here? The first thing we need to do is to address the split estate issue, which we've heard a lot about during the past cou-

ple of days. We need to make sure that surface owners above these Federal minerals are protected and to ensure coalbed methane development does not destroy their farm, their ranches, and their way of life. The Powder River Basin is incredible. The BLM owns approximately 10 percent of the surface, but much more of the mineral resources depending on the area you're in. One would think that when the BLM controlled this amount of resource, based on basic rules of fairness and fair play, they would have made sure to include these farmers and ranchers to participate in those decisions before leasing resources under their farms and ranches. The BLM hasn't done this. They have leased over 380,000 acres in 370-some separate leases with no landowner participation. The BLM isn't giving them the chance to participate and without completing an EIS prior to leasing. This behavior is not only illegal, it's unfair. And another wake up call to industry, it's exacerbated by the split estate problem.

So basically, what do we need to do to remedy this? We need BLM to step up to the plate and give lip service to the four Cs we heard yesterday, and put their money where their mouth is. The BLM needs to develop new lease stipulations, development, and it needs to review and update its existing lease stipulations, most of which are about 15 years old, and modify them, if needed. It needs to even the playing field with public participation, including the surface owners, on the controversial parts. It needs to retroactively put these stipulations on the leases they've issued to reduce the surface mineral/owner tensions, which are only going to build as development moves north in the basin.

The second thing we need to do is to address the damage caused by discharges of untreated waters to the surface waters. Yesterday we heard that . . . percent of the basin is discharged untreated, either to the surface water, ephemeral streams, or into unlined pits which flow north into Montana. So we get those impacts as well. The recently released EISs says as a result of Wyoming discharges the water will be rendered unsuitable for irrigation. . . . It is both unfair and illegal to pass these costs onto downstream water users. The solutions to these are, one, existing and anticipated beneficial uses, and two, soils in the basin. Basin soils are moderate to high susceptibility to salt problems, and they need to protect the most sensitive crops in the

watersheds. And third, we need to allocate to meet the TMDLs and divide it between the states of Montana, Wyoming, the Crow Indian Tribe, and the Cheyenne Indian agreement. Fourth, we need to accomplish a reasonable monitoring plan, and it needs to be funded by industry, and we need to start collecting the data now; little, if any, data has been collected for any resource. Finally, discharges should be authorized in an individual MPDS permit not a general discharge permit.

We need to minimize surface impacts. Right now we're talking about 25,000 miles of new road and 47,000 miles of new pipelines in the Powder River Basin. These impacts, among others, will disrupt wildlife populations and result in increased erosion. The solutions to these are: first, where companies are required to share pipelines, where possible, to minimize surface impacts; second...we need to require adequate funding for disturbed lands. That's what the Montana Constitution says. It needs to be guaranteed to restore all the roads, all the well padding and present some unique reclamation concerns and mitigation when we're done. We should not be left with the clean-up bill when development disappears from the basin....The Montana EIS admits that these things and wells are going to be impacted. It wouldn't for some of these resources in heavily impacted areas. Some solutions are to, first, phase in development instead of all at once—that way it would be as development proceeds; second, we need a registered inventory of the groundwater resources and a regional to get that in place today and start collecting baseline data before develop-

ment proceeds. We need to have water bonding similar to the Surface Reclamation Control Act. And the final bond isn't leased until the aquifers recover. And if the spring or well is impacted, industry must not only replace that resource, but it's got to cover the increased cost of maintaining the increased cost until the aquifer is covered . . .

In Montana, there's an EIS looking at the environmental impacts of 26,000 wells. In Wyoming, the BLM is looking at the impacts of 51,000 wells, and the Federal is right now looking at the proposed grass lands, which is 40 miles long, to service the northern portion of the basin in a totally separate environmental impact statement. The contradictions raised by the BLM . . . when you look at the EISs is fairly staggering. A few examples are, in terms of the produced water by each well, Montana says 2.5 gallons per minute, Wyoming says 1.7 per minute. In terms of the life of the well, Montana says 10 years, Wyoming says 7 years. . . . Coalbed methane development and the geology of the basin does not change magically at the border. The solution is . . . complete EISs for the basin, looking at the EISs of the 77 wells, including connected actions, and they need to address the impacts from projects by the Federal and state agencies.

Thanks.

MARK PEARSON, *San Juan Citizens Alliance*

**M**y presentation doesn't include any graphs, charts, figures, cartoons, tables, or equations; and it doesn't have any photos of drill ranges or mud pits or resting barrels or soil. It only has pictures of places, and it's my place. It's the place of the San Juan Basin, San Juan National Forest. [35mm slides shown at the conference are not available here]. And I think what it highlights is that the discussions we've had the last couple of days come down to a clash of values. And those of us who are residents of the places where the development is targeted value our place. And whether their place is a 40,000

acre roadless area on the forest or a 1,000 acre ranch in the Powder River Basin or a retirement home in LaPlata County, when those places are invaded by industrial development, people have a very strong reaction and it creates a lot of conflicts. All of these pictures you'll see that I'm showing are the before pictures. Industry plans call for 300 new coalbed methane wells and associated roads and compressor stations and injection wells and pipelines and power lines laid on this landscape here, which is a significantly different landscape than perhaps a lot of what we're talking about in the San Juan Basin