

The following Op-Ed was submitted by several Powder River members and published in the Casper Star Tribune on Sunday, February 11. We expect a decision on our rulemaking petition in the Council's public meeting this Friday.

Take Politics, Proganda out of CBM Water Dispute

If there's one thing we've learned after filing a citizen petition to tighten Wyoming's rules for managing coalbed methane discharge water, it's this: The CBM industry can move fast when it wants to. If it had reacted just half as effectively when our pastures and calving grounds were being destroyed by those discharges, all of us-including the industry itself-would be better off.

Instead, the gas companies have mobilized lawyers, lobbyists and public relations agents for a smear-and-fear campaign that has pitted neighbor against neighbor throughout the Powder River Basin, needlessly stirred up ranchers and farmers on the other side of the Big Horns, alarmed contractors and crews with dire warnings about their future and subverted state officials into spinning an overblown doomsday scenario.

And it was all so unnecessary.

When the Powder River Basin Resource Council and a score of us ranchers launched this effort in late 2005, we thought it was a fairly straightforward proposition. We had no illusions that industry interests would promptly sign on with us, but we hoped and expected to see a meaningful debate on the merits of our proposal.

That proposal we made to the state's Environmental Quality Council was basic: Ranchers should be protected against massive quantities of CBM water being dumped on our land that kill and drown our most valuable cattle forage and calving areas. Some of that water contains too many salts and other pollutants but as one of our petitioners put it, even holy water causes serious damage when it pours down in vast enough volumes to turn a pasture into a swamp.

We said that Wyoming's water quality watchdogs, who permit these discharges, should have the authority to set limits on that flow when it causes damage to soil, vegetation and aquatic life. Ranchers and farmers who are using the produced water should be able to continue using it, we agreed, but the water should not be allowed to damage others.

But instead of joining us in considering how property owners' rights could be honored and the productivity of ranches protected, the gas industry took a different tack. It cried that requiring responsible water management equals the death of the CBM industry.

Individually and in groups, the coalbed methane companies hired a battery of lawyers to file ream upon ream of disparaging comment. The industry fired up the presses to question the legal grounds and the effectiveness of our proposed rule-not to mention our motives.

Gas company officials threw lavish dinners for landowners who are using CBM water or earning CBM royalties, warning them that our rule would mean an end to both and signing them up for all-expense-paid trips to Cheyenne to lobby against our petition.

Ranchers and farmers in the Big Horn Basin, where produced water from oil operations would not be affected by our rule, were deceived in the same way.

In late January, with time running out to comment on our rule, the gas companies summoned their contractors and employees to a bar in Gillette and told them that if our rule were to pass, they'd all be out of a job. "Gas production occurs elsewhere," said Tim Barber of Yates Petroleum.

Threatening us with making rules to protect everybody apparently means the gas industry will pack their bags and leave.

On top of all this, industry persuaded state officials to sign on to its disinformation campaign. As head of the state's Water Quality Division, John Wagner is the state's chief permit-writer-and he should be playing an honest role balancing needs on both sides of the equation. Instead, he swallowed industry's end-of-the-world view. "This language would have the effect of prohibiting most if not all coalbed methane discharges to the surface," he declared, without explanation

For the record, it would not.

Our rule would require that CBM discharge water be managed in such a way that it doesn't destroy the land and livelihoods of ranchers whose families have worked the Powder River Basin for decades.

That water currently flows at a rate of about two million barrels a day, or nearly 200 gallons for every man, woman and child in Wyoming. It could be piped around the threatened ranches, or reinjected back into the ground. Thirsty, fast-growing cities might be interested in that water. Engineers could no doubt come up with lots of ways to hold downstream ranchers harmless, if they'd only put their minds to it.

Instead, industry has chosen the doom-and-gloom response. As ranchers and a petitioners, we are grateful to the Environmental Quality Council for taking the broader view-and the better route. We ask only that they look at the facts and the law, and have faith they will cull the politics and propaganda.

Bernadette Barlow is one of several Wyoming ranchers who petitioned the Environmental Quality Council to revise its coal-bed discharge water rules