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## Groups file another appeal over CBM development in elk habitat

By *BRANTLEY HARGROVE, News-Record Writer*

In response to federal approval of a new cluster of coal-bed methane wells near a herd of rare and sensitive prairie elk, eight conservation groups have filed another appeal to the Interior Board of Land Appeals.

The Bureau of Land Management approved the newest industry plan of development in the Fortification Creek area — an erosive series of draws and ridges — that would include five new coal-bed methane wells and five reservoirs for storage of produced water.

Conservationists had already appealed four other development plans for 92 wells and 18 produced water reservoirs, charging that further development of Fortification Creek would damage the isolated herd of prairie elk that live there.

They are also taking issue with BLM's method of gauging the impact on the land and the elk — gauging the effects for each plan of development without looking at the cumulative impact.

It's an approach that has been likened to assessing the impact of a fence, board by board, rather than the fence as a whole.

“The analysis is being done in a POD (plan of development) by POD, piecemeal fashion when development comes into the elk herd from all directions,” said Mark Winland of the Wyoming Wildlife Federation, one of the appealing parties.

The future predicted for the elk herd by a preliminary BLM study isn't rosy. As much as 75 percent of effective elk habitat could be lost with full development of the proposed development plans.

The full study has yet to be released, but the BLM had forwarded the study to the Solicitor's Office and has received the study with suggestions they have addressed. The author of the study, BLM environmental coordinator for Fortification Creek Tom Bills, said he understands the piecemeal argument, which is why he says the elk study was conducted. The revised study, he says, “tells the same story” as the preliminary findings.

But he said the environmental impact statement conservationists have been calling for — a more complete and cumulative analysis of development's effect on the area — could be a wasted effort because of litigation from conservation groups.

Bills is still waiting for coal-bed methane companies to come forward with their own concrete proposals to reduce the impact on the elk herd.

“It’s pretty much in their ballpark right now,” he said. “They still haven’t come through with an actual proposal.”

The state plot at the center of the most sensitive and valuable area in Fortification Creek has been leased by Yates Petroleum Corp. The company has applied to the BLM for a right-of-way through the middle of the area to get to that parcel.

Now, Bills said they’re trying to determine just what that access will entail.

“We have to give them access, but the question is what kind of access — to fly over with a helicopter or build a road,” he said. “It will probably be somewhere in between.”

The appealing conservation groups — among them the Powder River Basin Resource Council, Wyoming Wildlife Federation and the Sierra Club, to name a few — have consolidated their appeals to all of the approved plans of development and have asked the Interior Board of Land Appeals to expedite their appeal.

“We’re not asking for no development,” Winland said.

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