

**For Immediate Release**  
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## **FEDS SEEK TO REMOVE MOST WESTERN STREAMS FROM CLEAN WATER ACT**

**New rulemaking could interfere with pollution control for coalbed methane wells**

**Laramie, WY**—A coalition of groups working on responsible energy development has filed comments protesting an Environmental Protection Agency and Army Corps of Engineers' proposal to potentially withdraw "isolated waters," including wetlands and intermittent streams, from federal jurisdiction. This proposed rulemaking may remove these waters from protection under the Clean Water Act. Because most Western streams are seasonal, some states would see as much as 96% of their waterways removed from protection. The coalition filed comments with the Army Corps and the EPA late last week, stressing the implications of the rulemaking for managing the damaging effects of coalbed methane production.

"We simply could not let this proposal go unanswered," said Melinda Harm Benson, Wyoming Representative for the Land and Water Fund of the Rockies. "The federal agencies are looking to create a new category called 'isolated waters.' Because these waters do not typically flow year round, the Bush Administration may try to remove them from the definition of 'waters of the United States' and place them under state rather than federal protection."

"The push by these federal agencies to essentially dump responsibility for protecting critical wetlands and stream corridors throughout the West is sobering in its scope," said Steve Jones, Watershed Protection Program Attorney, Wyoming Outdoor Council. "Here in the West, our watersheds utterly depend on what are known as intermittent or ephemeral streams—waterways that carry spring run-off into major river systems but are otherwise dry during much of the year. Indications are that, under the proposed new rulemaking, nearly all intermittent and ephemeral waterways, as well as all waters flowing in the Great Divide Basin, could be removed from federal protections."

The groups are especially concerned about the effect this rulemaking would have on efforts to control the water quantity and quality impacts of the coalbed methane (CBM) development currently underway across the Interior West. The 9<sup>th</sup> Circuit Court has recently found that CBM discharges are pollution. A typical CBM well in Wyoming's Powder River Basin will discharge around 21,000 gallons of water per day. "Multiply that by the roughly 51,000 wells projected for just that area by 2010, and you can see the need for consistent, national level regulation of the water impacts on local streams and wetlands," said Jones.

"New Mexico, Colorado, Utah, Wyoming, and Montana are facing huge increases in CBM development, so a state-by-state approach will not produce consistent protections," Jones continued. "What's more, states are already overburdened with environmental protection responsibilities and won't be able to manage the monitoring and enforcement necessary with CBM development on this scale."

“One of the flaws in the agencies’ logic is the notion that there can be ‘isolated waterways,’” noted Benson. “There is really no such thing as an ‘individual watercourse.’ We all know that water runs downhill, and all small streams feed into larger ones. As water supplies grow more scarce, we have to be all the more careful with our existing water supplies—and the complex drainage systems that feed them. Even in areas unaffected, as yet, by CBM development, Westerners should be deeply concerned with any movement to reduce protections on our water quality.”

Groups signing on to the comments submitted by the Land and Water Fund and Wyoming Outdoor Council include Biodiversity Conservation Alliance, Californians for Western Wilderness, Center for Native Ecosystems, Oil and Gas Accountability Project, Powder River Basin Resource Council, Juan Citizens Alliance, Southern Utah Wilderness Alliance, Western Organization of Resource Councils, and Western Slope Environmental Resource Council.

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