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Western Environmental Law Center

Defending the West Land, Sky, Water, Wildlife, Culture

June 13, 2005
FOR IMMEDIATE RELEASE

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Court Sends BLM Back to Drawing Board *BLM Must Protect Wildlife in CBM Development Planning*

(Billings, Montana) – For a third time, the U.S. District Court for the District of Montana has ruled that the Bureau of Land Management (BLM) violated the National Environmental Policy Act (NEPA), a bedrock federal environmental law, by failing to consider a phased development alternative to coal bed methane development in the Powder River Basin. The case brought by the Western Environmental Law Center on behalf of American Lands Alliance, Biodiversity Conservation Alliance, and Western conservation expert George Wuerthner, dealt with greater sage grouse and black-tailed prairie dog habitat, thus differentiating it from the preceding two cases similarly decided by the court.

“BLM shot itself in the foot and squandered the opportunity to thoughtfully develop domestic energy resources while protecting wildlife,” stated Erik Schlenker-Goodrich, an attorney with the Western Environmental Law Center who represented the plaintiffs in the lawsuit.

Erik Molvar, a wildlife biologist with the Biodiversity Conservation Alliance, added “these lands may hold major coal bed methane resources, but if the federal government is serious about keeping sage grouse off the Endangered Species Act list and protecting Montana’s wildlife legacy, they have to consider common-sense measures to control CBM development within reasonable limits. Here, quite simply, the Court agreed that the BLM failed to consider these common-sense measures.”

In February, the Court ruled that BLM violated NEPA for identical legal reasons in two companion cases brought by the Northern Plains Resource Council and the Northern Cheyenne. “These three cases demonstrate that however you look at it, BLM failed to account for wildlife, clean water and a healthy environment, and failed to respect tribal communities in its rush to pursue CBM drilling,” noted Mark Salvo with American Lands Alliance.

The BLM must now prepare a supplemental Environmental Impact Statement that considers a phased development alternative. The Court’s decision is likely to be appealed to the Ninth Circuit Court of Appeals.

The Western Environmental Law Center is a non-profit public interest environmental law firm that uses the tools of law to help protect and restore the environment, and to serve as an advocate for people, wildlife and communities throughout the West. For more information, visit: www.westernlaw.org.

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