

Energy Battles: Local Land Use Authority vs. State and Federal Programs, Regulations and Permitting

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The Quest for a Responsible Balance

- 
- Reconfiguration of the COGCC
 - Legislative Mandates for new COGCC rule making

•Local Gov't has the authority to determine how industrial, commercial, and residential development occurs in their jurisdiction. Local Officials believe the same should be true for the oil and gas drilling process because the impacts are local impacts. Local Officials understand the unique challenges of growth and development in their county and region.

- Should State Rules represent the baseline for drilling activity in Colorado?
- Should Local Authority be expanded and not preempted?

WILDLIFE, WATER AND AIR QUALITY ARE MAJOR ENVIRONMENTAL CONCERNS



•Impacts to Wildlife Migration Routes, Critical Winter Range & Nesting Areas



•Increased human / wildlife conflicts due to activity in wildlife's habitat



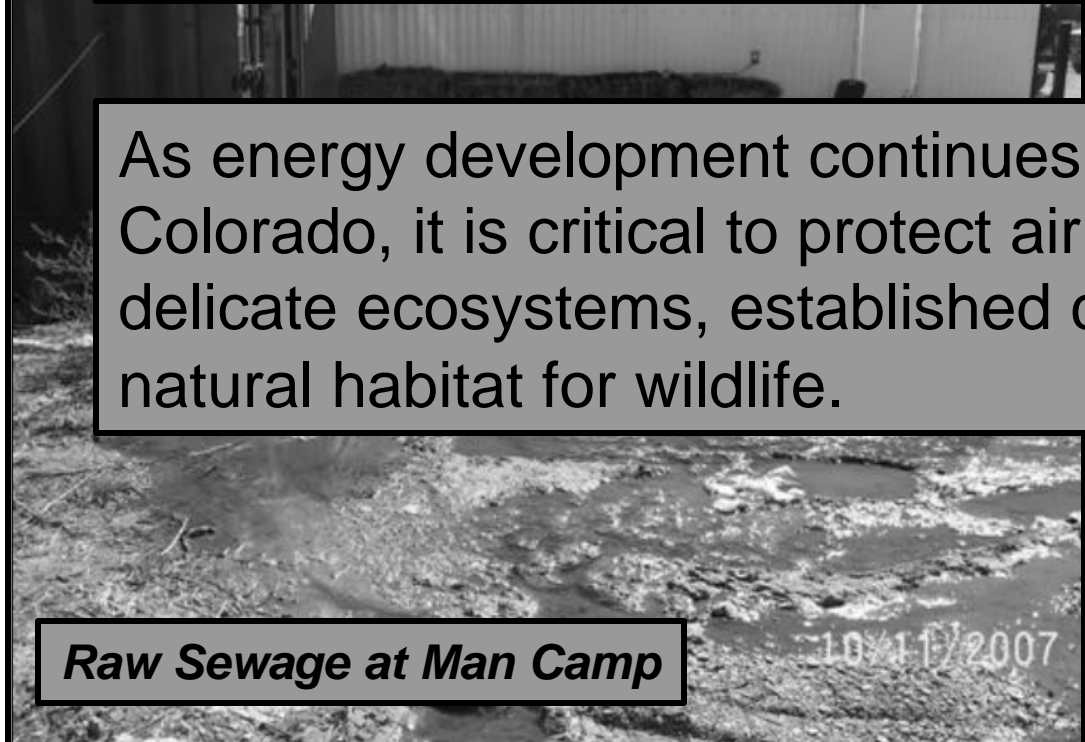
•Contaminated Water Wells and Surface and Groundwater

•Air Pollution created by increased industrial activity including truck traffic



Regardless of how well the Industry mitigates the impact of energy development, the reality is that there will always be a significant disturbance to the area where extraction is taking place leaving behind a longer term footprint

As energy development continues to increase throughout Colorado, it is critical to protect air and water quality, delicate ecosystems, established communities as well as natural habitat for wildlife.



Raw Sewage at Man Camp

10/11/2007

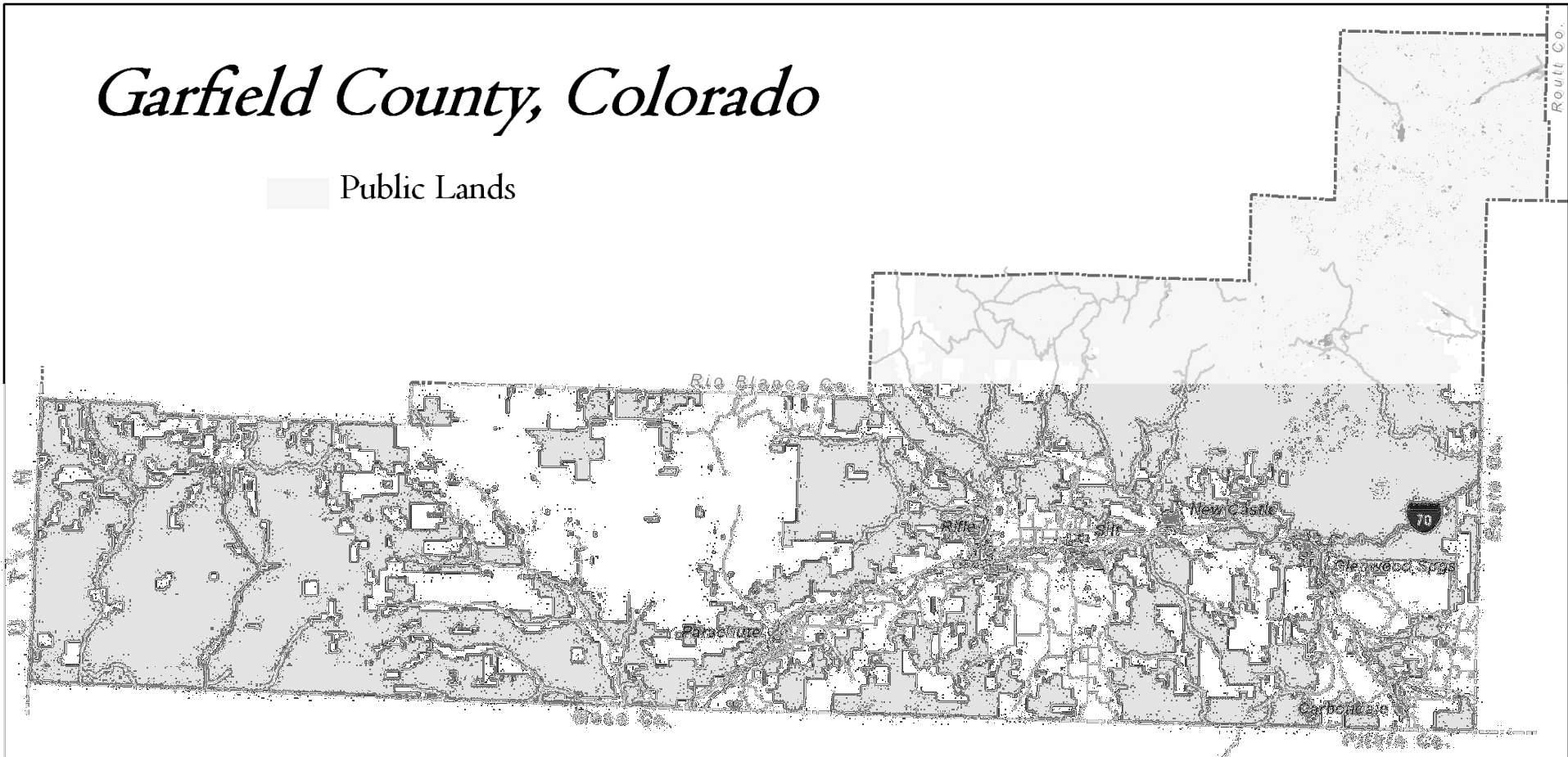


16 year old "Reclaimed" Pipeline

Geologic “Underlay Zoning” vs. Traditional Euclidean Surface Zoning

Garfield County, Colorado

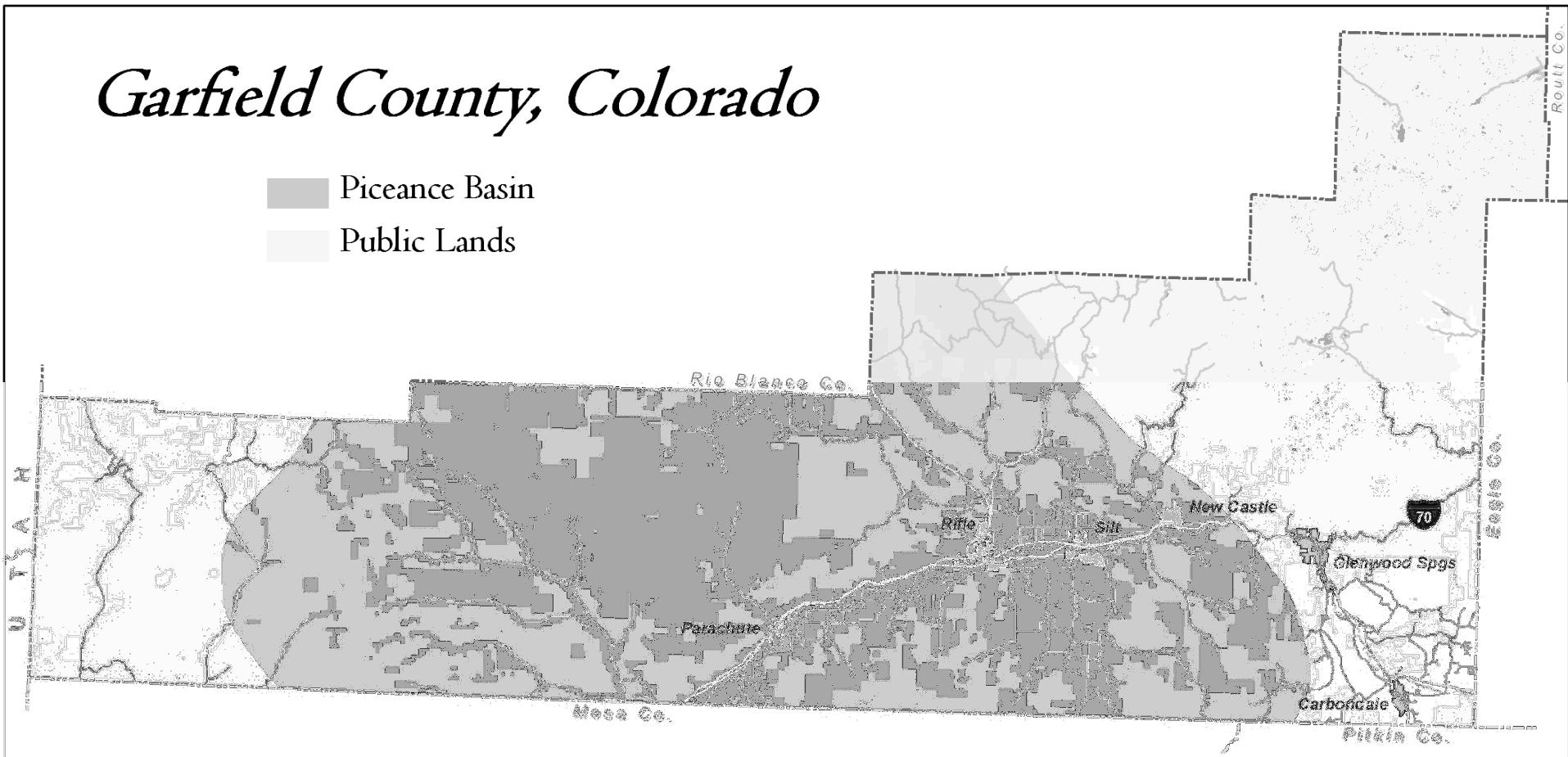
Public Lands



Geologic “Underlay Zoning” vs. Traditional Euclidean Surface Zoning

Garfield County, Colorado

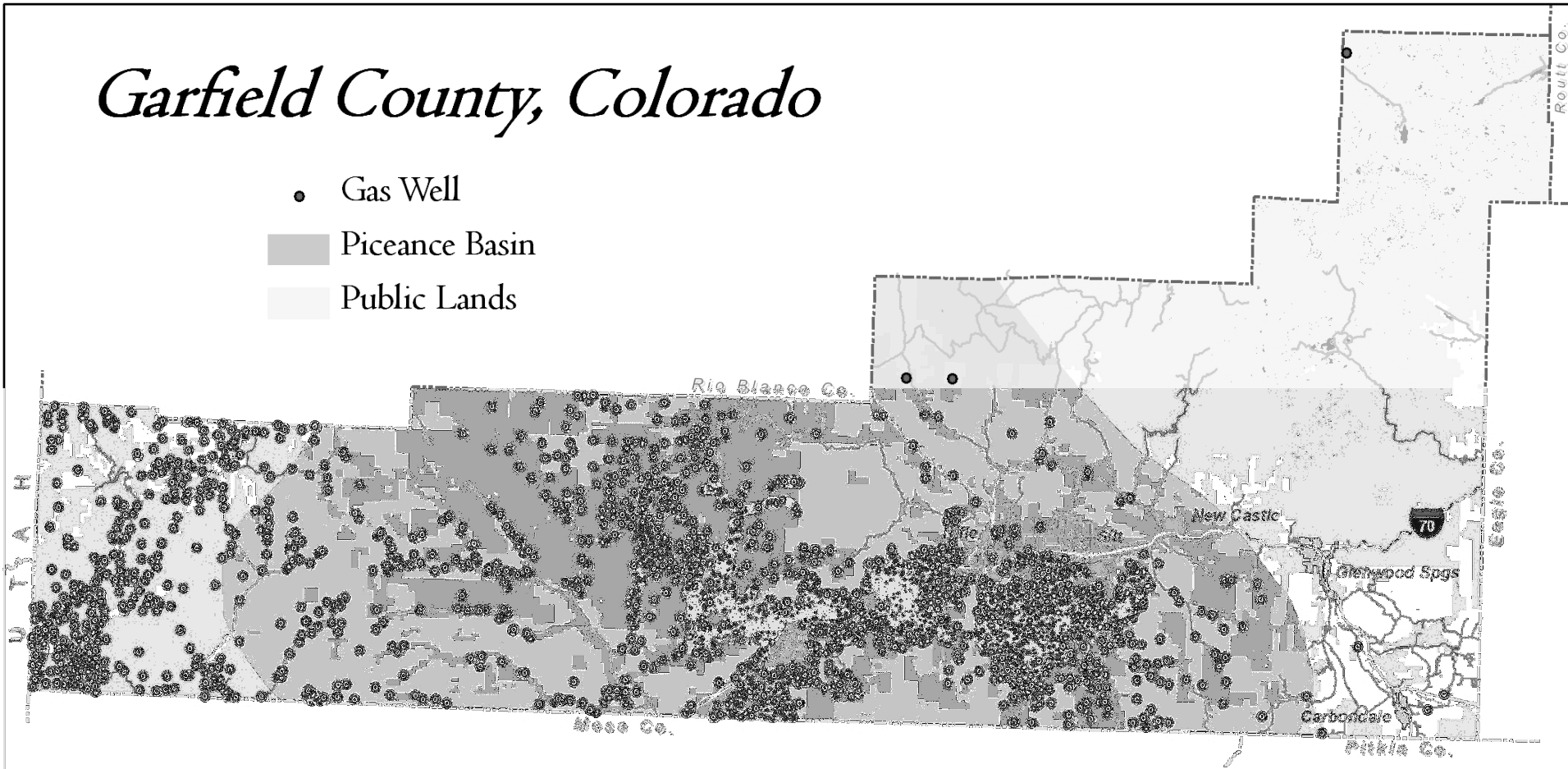
-  Piceance Basin
-  Public Lands



Geologic “Underlay Zoning” vs. Traditional Euclidean Surface Zoning

Garfield County, Colorado

- Gas Well
- Piceance Basin
- Public Lands



Local Land Use

- Agriculture

- Residential – Rural and Urban

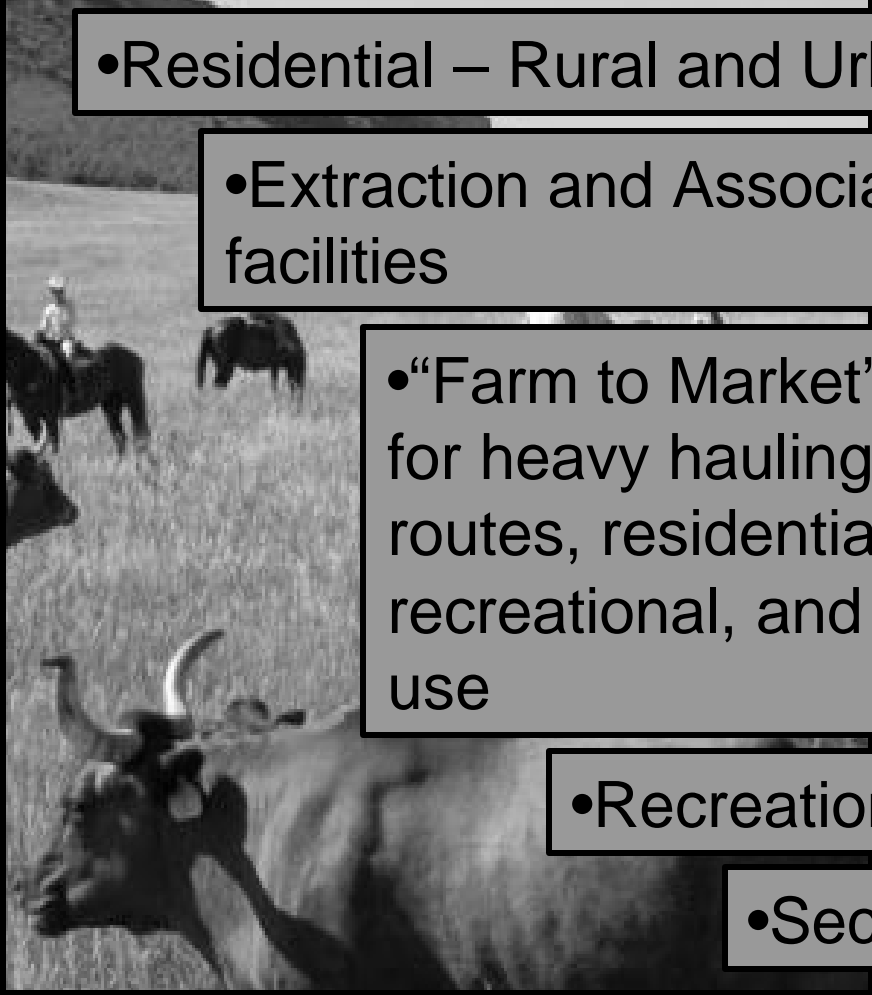
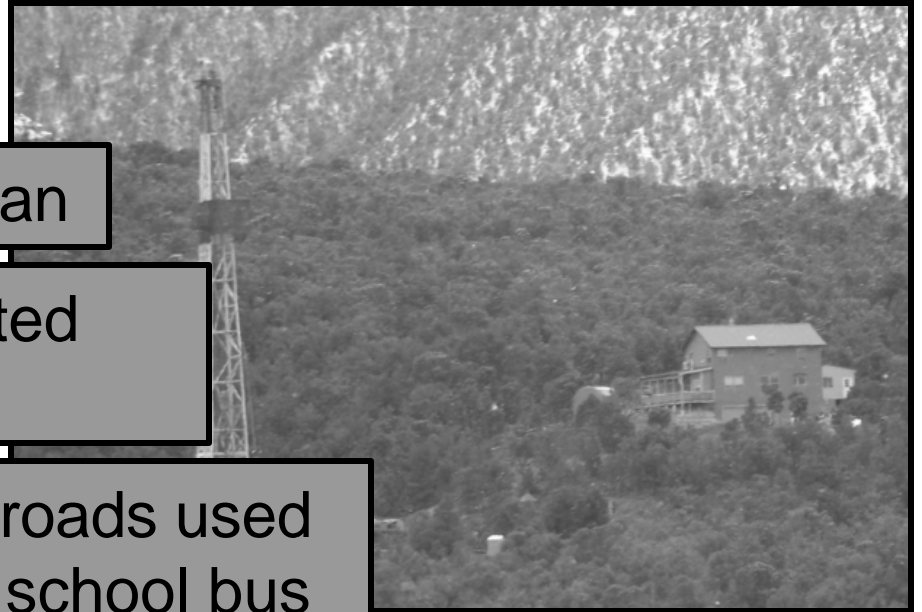
- Extraction and Associated facilities

- “Farm to Market” roads used for heavy hauling, school bus routes, residential, recreational, and agricultural use

- Recreation / Tourism

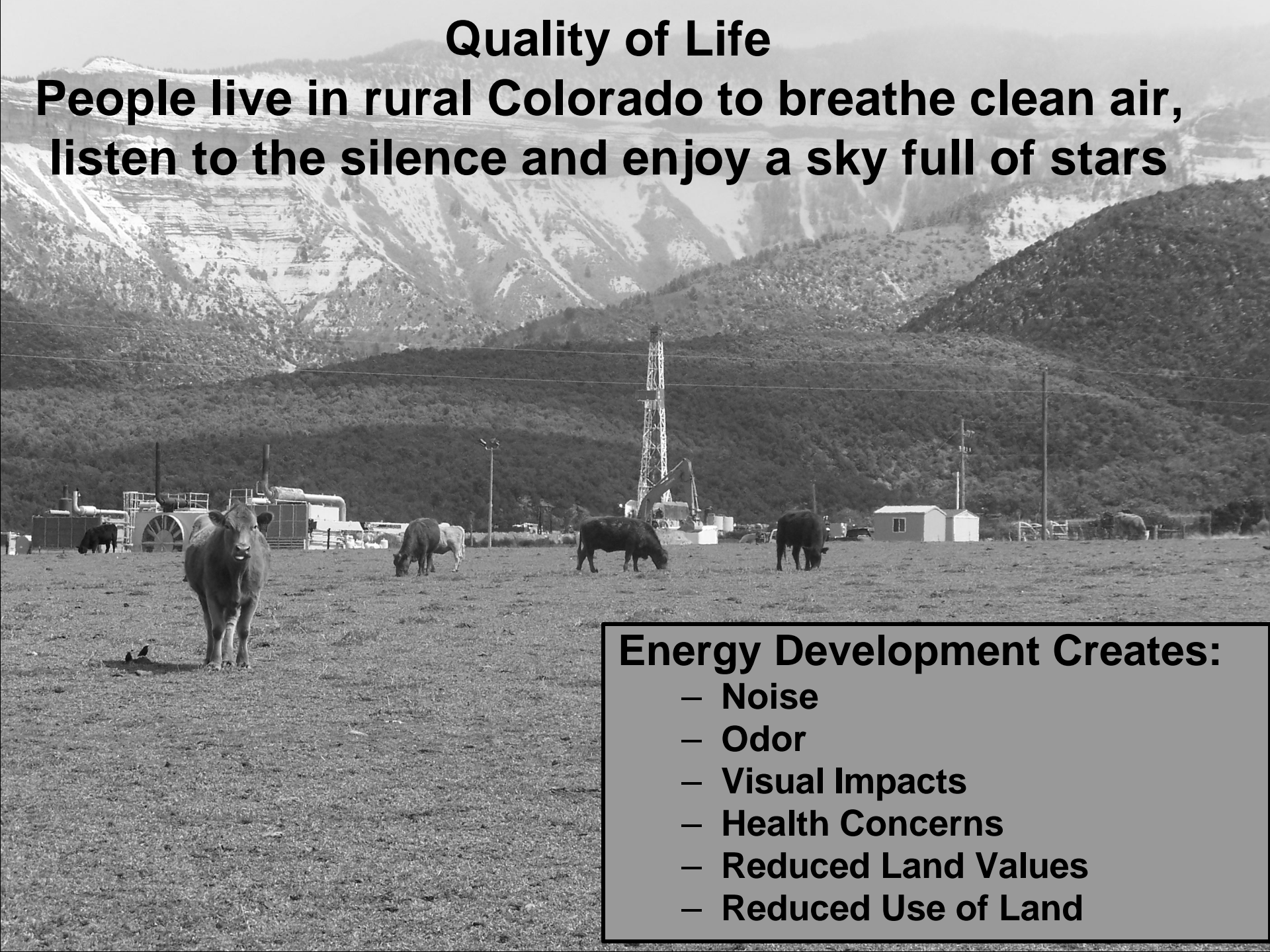
- Second Homes

- Hunting and Fishing



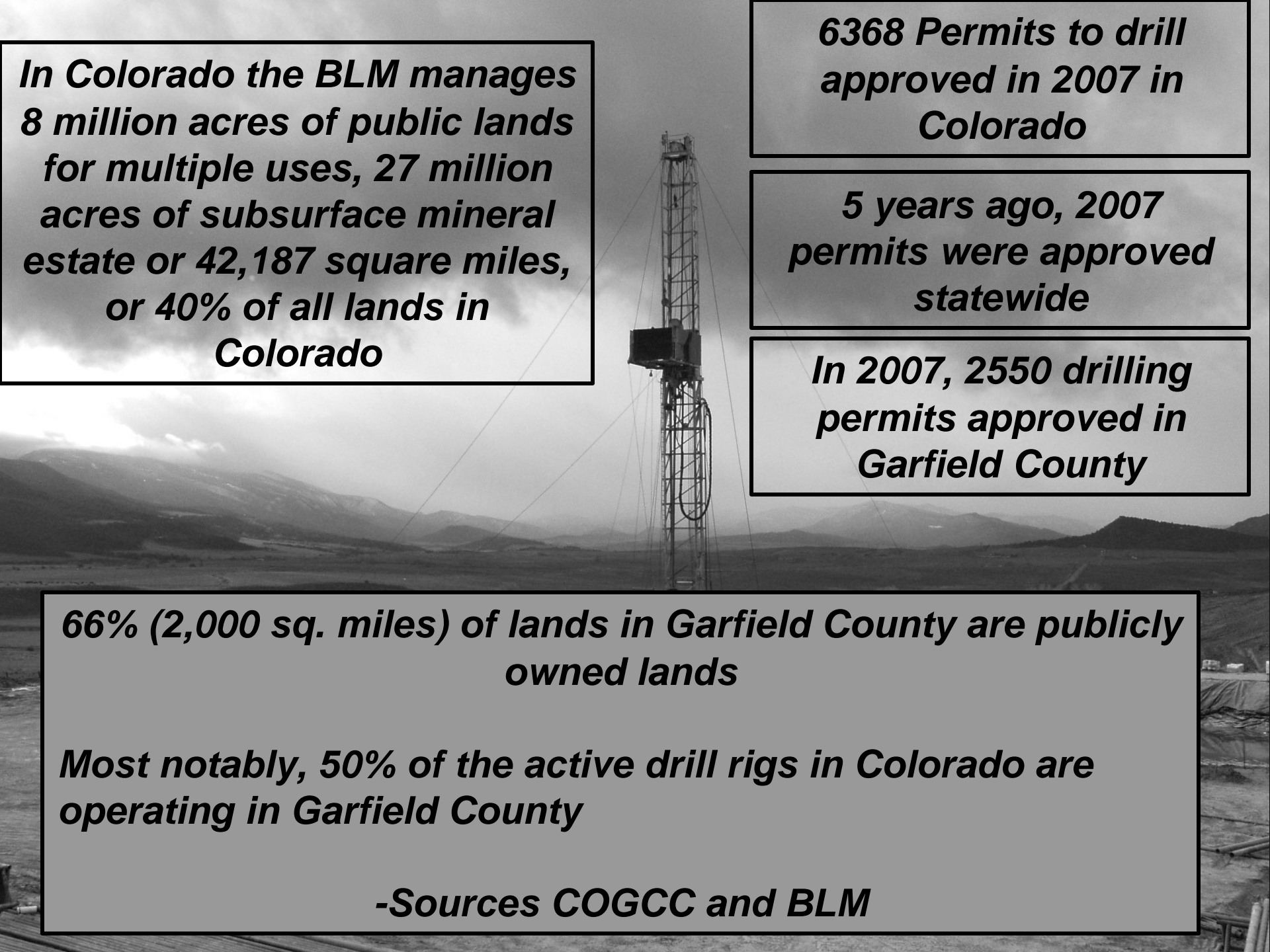
Quality of Life

**People live in rural Colorado to breathe clean air,
listen to the silence and enjoy a sky full of stars**



Energy Development Creates:

- Noise**
- Odor**
- Visual Impacts**
- Health Concerns**
- Reduced Land Values**
- Reduced Use of Land**



In Colorado the BLM manages 8 million acres of public lands for multiple uses, 27 million acres of subsurface mineral estate or 42,187 square miles, or 40% of all lands in Colorado

6368 Permits to drill approved in 2007 in Colorado

5 years ago, 2007 permits were approved statewide

In 2007, 2550 drilling permits approved in Garfield County

66% (2,000 sq. miles) of lands in Garfield County are publicly owned lands

Most notably, 50% of the active drill rigs in Colorado are operating in Garfield County

-Sources COGCC and BLM

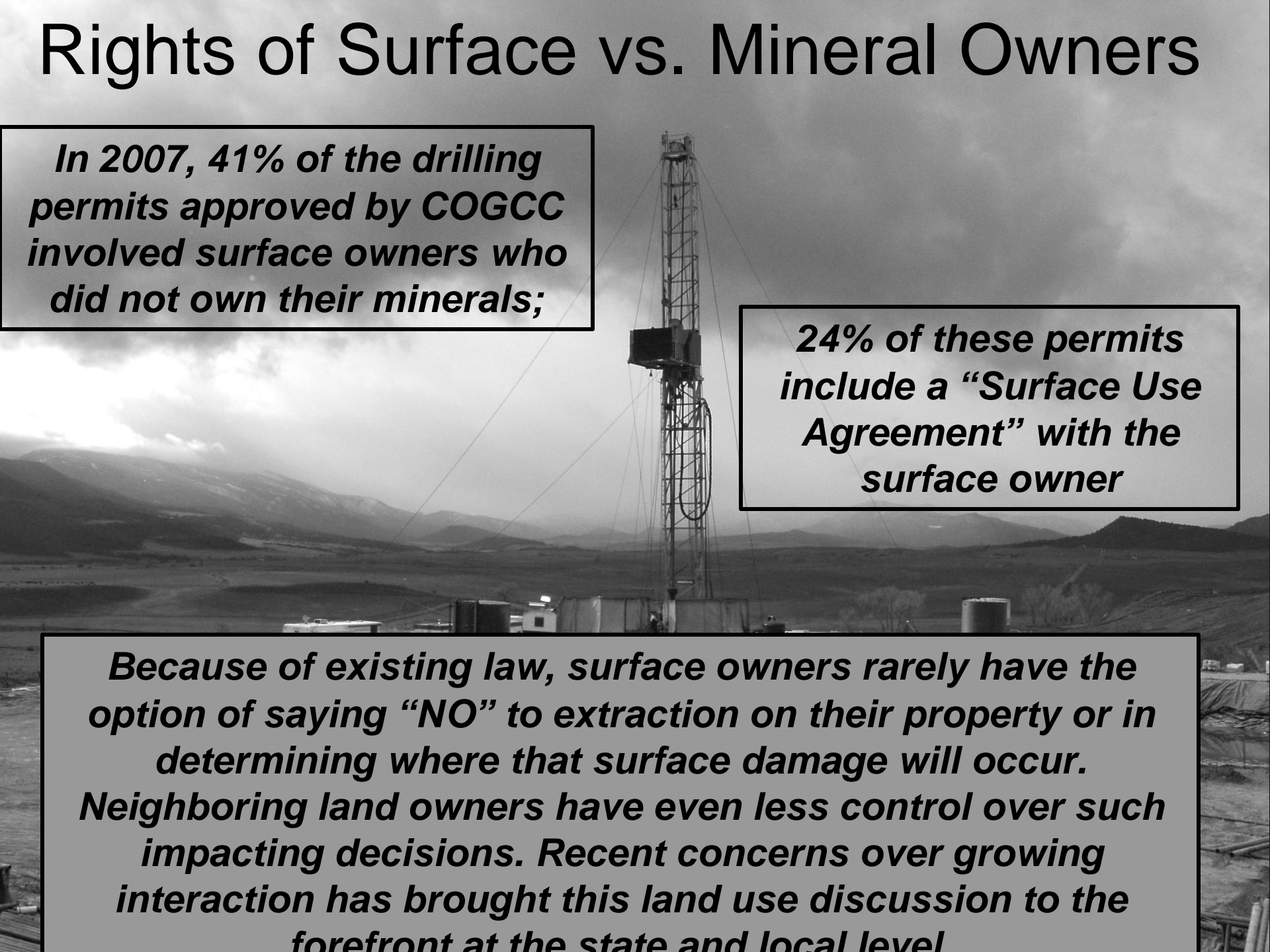
Federal, State, Local Land Use Debate

Public lands have multiple uses and resources. The reliance on these lands by the public for recreating, enjoyment of nature, fishing and hunting are not always compatible with the desire of the federal government to lease subsurface mineral interests.

The State and Local governments often find themselves unable to effect the determination on what is leased by the Federal Government; either because of **interpretation of the intended use of the land, mineral ownership, or political will.**

Some recent examples of where the debate is occurring include the **Roan Plateau** in Garfield County, **Baca Wildlife Refuge** in Saguache County, **Vermillion Basin** in Moffat County, **Garfield Creek State Wildlife Area** in Garfield County. Another well publicized debate was between the **City of Grand Junction** and Federal Agencies on leases that would interfere with the City's water shed.

Rights of Surface vs. Mineral Owners

A black and white photograph of an oil drilling rig in a mountainous landscape. The rig is a tall, lattice-structured derrick with various cables and equipment. In the background, there are rolling hills and mountains under a cloudy sky. The foreground shows some industrial equipment and structures.

In 2007, 41% of the drilling permits approved by COGCC involved surface owners who did not own their minerals;

24% of these permits include a “Surface Use Agreement” with the surface owner

Because of existing law, surface owners rarely have the option of saying “NO” to extraction on their property or in determining where that surface damage will occur. Neighboring land owners have even less control over such impacting decisions. Recent concerns over growing interaction has brought this land use discussion to the forefront at the state and local level

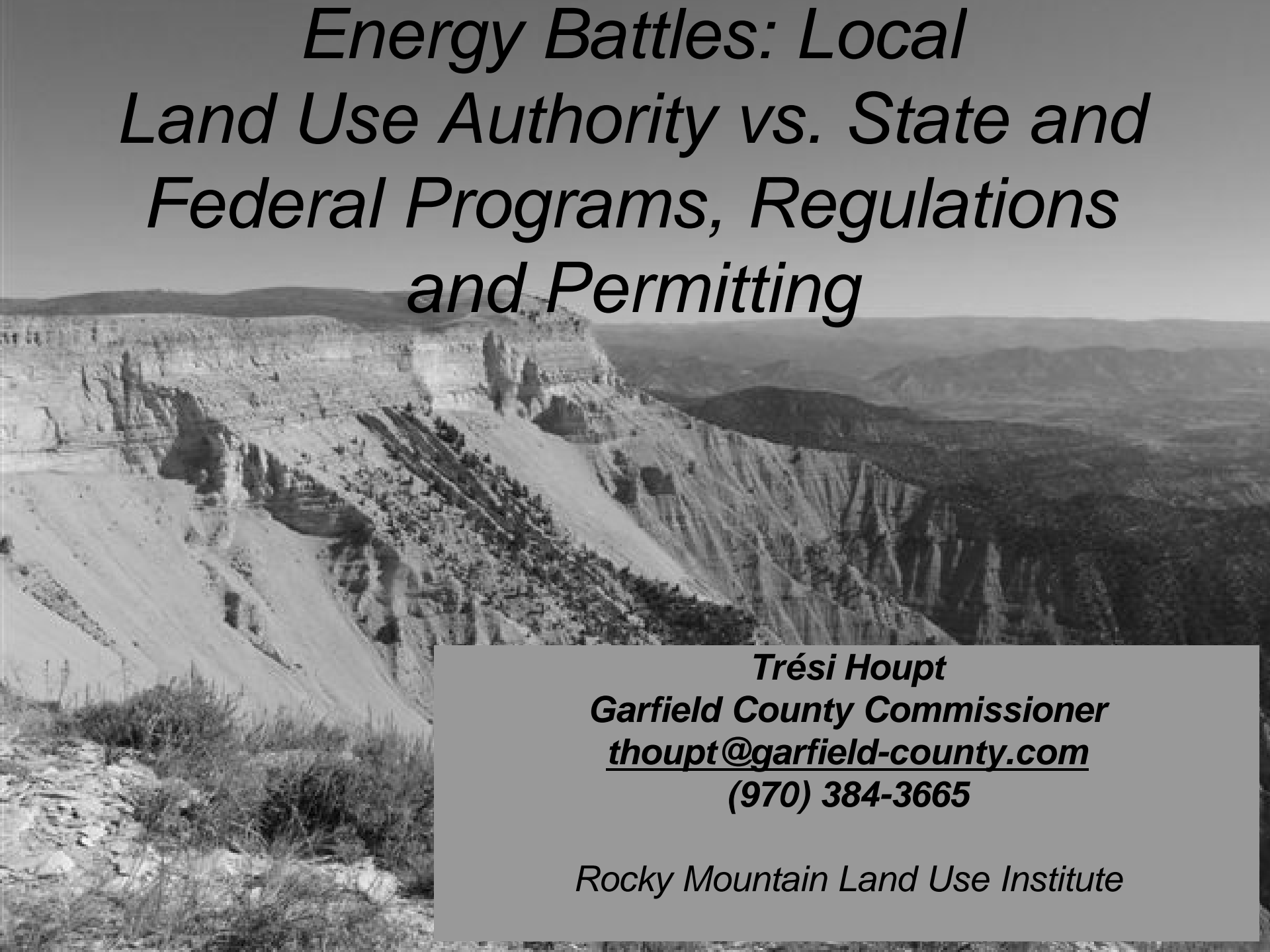
Quantifying Baselines / Studying Socio Economic, Environmental & Fiscal Impact



- Socio Economic Study
- Land Values Study
- Hydro-geologic Characterization Study
- Regional Cumulative Socioeconomic Impact Study
- Ambient Air Quality Study
- Human Health Risk Assessment

Why Local Gov't Should be at the Table?

- *Local Elected Officials are charged with:*
 - *Protecting the health, safety, and welfare of residents;*
 - *Land Use Policy Development;*
 - *Building and Maintaining County Infrastructure*
 - *Economic Development*
- *Local Officials understand the unique challenges of growth and development in their county and region;*
- *Local Gov't has the authority to determine how industrial, commercial, and residential development occurs in their jurisdiction. The same should be true for the oil and gas drilling process, because the impacts are local impacts; and*
- *Better decision making occurs when Federal, State, and Local governments work together.*



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