



Board of County Commissioners

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April 27, 2020

To: Colorado Oil and Gas Conservation Commission

Dear Colorado Oil and Gas Conservation Commissioners and Staff,

We are writing in support of the work being done at the Colorado Oil and Gas Conservation Commission, and to encourage the Commission to continue its rulemaking efforts to develop meaningful regulations that protect all Coloradans, the air we breathe, and the environment in which we live and recreate. We understand that there are two overlapping and related external factors impacting the work of the Commission and staff: the COVID19 pandemic, and the collapse of the global oil and gas futures market, but we ask that as the rulemaking process moves forward, the voices of all Coloradans across the state continue to be heard.

Eagle County generally has a hands off approach to oil and gas matters. But in this case we believe it is important and appropriate to weigh in, because considering environmental and public health impacts when COGCC reviews energy development applications affects all Western Slope communities.

Our primary concern is the perception of a divide between the needs of rural and urban communities across the state. Every Coloradan deserves to be able to breathe clean air, drink clean water, and live, work, and recreate in a safe, healthy environment. SB181 expressly grants local governments the power to regulate oil and gas activity above and beyond the level of the state government. Contrary to arguments made elsewhere, this is an expansion of our authority as local elected officials, not a limitation. When paired with robust statewide rules from the COGCC, this will allow each and every local government in the state to adapt to the unique circumstances of our jurisdictions and truly protect our residents. The strong statewide floor we request here will also help local governments deal with the impacts of oil and gas operations in close proximity to, but outside, their jurisdiction.

The oil and gas industry has always been a volatile source of both revenue and jobs. According to staff reports, applications and approvals for new wells at the COGCC are down significantly from last year. Although SB181 recently celebrated its first birthday, virtually none of the required rulemakings have been completed. The ongoing crash of oil and gas markets is being caused by overproduction and greatly decreased demand as the result of the COVID19 crisis, not Colorado's nascent regulatory overhaul.

Pausing rulemaking efforts in Colorado cannot fix the structural decline of the oil and gas markets, nor would it address the burden placed on state, county, and municipal governments to clean up orphaned wells and locations left behind by distressed operators. Instead, such a delay would only continue to subject Coloradans across the state to more harmful air pollutants in the middle of a respiratory pandemic. This is not the solution. While we as elected officials from across the state are certainly feeling the impact of the COVID19 crisis on our capacity, we recognize that the work being done at the COGCC is vital to protecting our residents. The COGCC needs to develop regulations for an industry experiencing massive market volatility, not delay the development and implementation of rules to protect the health and safety of our constituents.



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Some argue that since air quality on the Front Range is worse than other regions of the State, those other regions should be exempted from regulations until their air quality is also failing. We do not believe that this argument is compelling, or appropriately protective of our residents' health and safety. Other issues in this proposed rulemaking beyond air quality, such as ground and surface water protections, protective setbacks, and cumulative impact assessments also require statewide application. Even with the expanded authority granted to local governments, robust statewide rules are essential. Residents in southern, western and eastern Colorado deserve the same protection and consideration as residents living on the Front Range.

This is the time to be proactive. What we need is a commitment to this process, strong rules, and statewide application. This is especially true as the Trump Administration works to undo decades of environmental regulations across the board and as the BLM continues to offer more and more Colorado lands up for oil and gas leasing. These federal policies are inconsistent with Colorado's goals for public health, the environment, and our climate, and leave Coloradans more reliant on state regulations than ever before. It is therefore vital that we as a state affirm our commitment to the goal of protecting our residents in as timely a fashion as possible.

Sincerely,

Eagle County Board of Commissioners

Jeanne McQueeney

Chair

Kathy Chandler-Henry

Commissioner

Matt Scherr

Commissioner