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Colorado Oil and Gas Task Force  
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*Submitted via email to: [ogtaskforce@state.co.us](mailto:ogtaskforce@state.co.us)*

### **Colorado Task Force regarding State and Local Regulation of Oil and Gas Operations**

To Colorado Oil and Gas Task Force Members:

The Western Landowners Alliance (WLA) is a network of landowners and advisors committed to advancing the health and prosperity of working lands. On behalf of our members who own and manage more than half a million acres in Colorado, WLA offers the following comments on energy planning to the Task Force regarding State and Local Regulation of Oil and Gas Operations.

#### The Problem:

Landowners are deeply vested in the landscape and in the outcomes of energy development. As major stakeholders, landowners must have an opportunity to participate in the planning process in a meaningful way and at a relevant scale. At present, comprehensive planning for energy development is inconsistent and often absent across non-federal lands. As a result, landowners and local governments are left to address energy development on a permit-by-permit basis, without opportunity to consider potential cumulative impacts, develop advance strategies for mitigation, or incorporate energy planning into other types of development and resource management plans.

#### Proposed Solution:

Most counties and municipalities have addressed conflicts and streamlined the process for residential, commercial and industrial development through comprehensive planning. Energy development has largely remained an exception. However, with advanced technologies and increasing ability to identify and map mineral resources, the opportunity now exists for improved planning. WLA is aware of several examples (one referenced below) of successful pre-planning and zoning for energy development on federal surface lands, as well as on some private lands, which demonstrate that it is possible and can provide for the orderly development of energy resources while protecting other important natural resources and community values.

### The Benefits:

Through advance planning at local, state and federal levels, communities, industry and governing bodies can prepare strategies for energy development and mitigation that can reduce impacts and conflicts, expedite permitting, and decrease costs on all sides. Advance planning enables the identification of sensitive areas and important values on the landscape where additional analysis and community input should be included. It also identifies areas where energy development could be a priority with fewer conflicts.

The transparency of the advance planning process can inform communities, landowners, prospective homebuyers and businesses where higher intensity energy development may occur, enabling them to make informed decisions in their own planning. The same transparency can help energy companies understand in advance where development is likely to generate greater concern, and require increased analysis and mitigation. In such areas, comprehensive drilling plans, host community benefits agreements and memorandums of understanding (MOUs) can be developed in advance to provide necessary protections while also expediting the permitting processes for individual wells.

### How it Works:

1. As part of their comprehensive planning process, counties and municipalities identify and prioritize community and natural resource values likely to be impacted by energy development. This process can incorporate data and plans from federal, state and local sources, as well as direct public input. Several models for this process exist and some are in development. One example is the pilot Community Values Mapping Project in Archuleta County, Colo. Here is a brief video explaining the method: <https://www.youtube.com/watch?v=Ta4P6sXWVbc&feature=youtu.be> This process enables community members and political leaders to identify and rank values of greatest concern to the community such as water resources, irrigated agricultural lands, cultural and historic sites, public safety, and areas of economic significance. Use of a standardized model and baseline data sets would reduce costs and create greater consistency in outcomes across counties.
2. The resulting community values data and maps are integrated as GIS layers into the local government's comprehensive plan and serve as the foundation for local planning and land use regulation.
3. Areas of high value or sensitivity, and/or where multiple community values accrue, are identified and highlighted on the map for special consideration in the planning and permitting process.
4. Strategies can be developed in advance to address potential conflicts and negotiated processes to address these, such as comprehensive drilling plans, MOUs or host community benefits agreements, can be provided for within the local government's comprehensive plan and land use codes.

Incorporating local, state and federal planning:

Comprehensive planning for energy development can be enacted through a framework that allows for nested inputs from different entities at varying scales.

- ❖ Federal: Federal surface lands and minerals
- ❖ State: Areas of regulatory authority and state interest (e.g. water, wildlife, air quality)
- ❖ Local: Areas of regulatory authority and local interest (e.g. land use, fiscal, economic, cultural/historic, health and environmental not addressed at state or federal levels)

Data collected at each level of planning can be shared and regularly updated to continually improve the collective data resources. Local input, provided through a standardized process, can provide valuable fine-scale information that is often lacking.

In Conclusion:

Advanced technology, including GIS, seismic exploration and horizontal drilling have created an opportunity for comprehensive energy planning that can resolve conflicts, reduce costs, and better protect other resource values as well as human and environmental health.

Planning mechanisms already exist, such as federal RMPs, master leasing plans, comprehensive drilling plans, local land use plans and conservation plans. These plans can be better integrated to close the existing planning gap and create greater consistency and predictability for communities and the energy industry.

The state can provide a planning framework, baseline data, planning tools and guidelines that provide for nested input at various levels from governing entities and stakeholders.

Successful planning for energy development will require that both the need to develop energy resources and the need to protect human health and other resource values are validated and provided for at every level of the planning process.

Thank you for your consideration of these perspectives.

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Chairman of the Board



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