



Local Regulation of Oil & Gas Activity

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Windsor Town Board

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Local Regulation of Oil & Gas

LOCAL LAND USE REGULATIONS CANNOT INVADE THE AUTHORITY OF THE COLORADO OIL AND GAS CONSERVATION COMMISSION (“COMMISSION”)

- §34-60-106 (2) authorizes the Commission to regulate :
 - The **drilling, producing, and plugging of wells and all other operations for the production of oil or gas**;
 - The shooting and **chemical treatment of wells**;
 - The **spacing of wells**; and
 - Oil and gas operations so as to **prevent and mitigate significant adverse environmental impacts** on any air, water, soil, or biological resource resulting from oil and gas operations to the extent necessary to protect public health, safety, and welfare, including protection of the environment and wildlife resources, taking into consideration cost-effectiveness and technical feasibility.



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EXCEPTIONS, OPPORTUNITIES FOR LOCAL REGULATION

- Local regulations may apply in areas **where the local regulations can be harmonized with State regulations**, particularly in the following areas:

Protection of **public water supplies; Soil Erosion; Wildlife and Vegetation; Livestock; Geologic Hazards; Cultural and Historic Resources; and Recreation Resources**



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CONCLUSIONS, CAUTIONS:

- This is **not an entirely open door**, but gives us some measure of greater regulatory control if we can tie our regulations to these areas AND our regulations can be “harmonized” with state regulations.
- **A matter of degree - - we can go too far**; if the applicant objects, we may wind up in court arguing over whether we have gone outside of permissible local concerns or our regulations cannot be harmonized with the state’s requirements.