

Thoughts on Oil & Gas Well Setbacks from a Local Government Designee's Perspective
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From my perspective as a Local Government Designee for Arapahoe County, a number of factors contribute to the setback issue. Some of these are unique to local government and some are not. I would like to share some thoughts on two of these factors.

Many counties in Colorado have been dealing with oil and gas issues for a number of years, including Arapahoe County. For some 40 years small vertical oil and gas wells were drilled in eastern Arapahoe County in predominantly rural areas without any obvious issues or problems. However within the last few years, Niobrara oil and gas plays have operators drilling with larger and more extensive equipment for horizontal fracturing in Arapahoe County near an area I will term the urban-rural interface. More Arapahoe County citizens are closer to oil and gas operations and this new industry is perceived as threatening to their water and quality of life. A number of other Front-range counties face this same phenomenon.

The foremost issues for local governments are nuisances that can include noise, light, dust, and smells from the oil and gas drilling. The natural response to expressed citizen concerns is to increase the distance between the nuisance and the individual. In fact, land-use planning and zoning in the United States were originally initiated for this very purpose - to separate noxious and nuisance land use activities from the general public. Additionally, the segregation of noxious land uses and the associated setbacks of land-use planning and zoning may possibly be so naturally ingrained in many people's psyche that they just take it for granted. As a result some people have the expectation that a setback is a solution to a noxious or nuisance problem, while other factors may come into play.

The second and somewhat obvious factor is "Politics", particularly an elected official's response to the hue and cry of citizens. This response is particularly important at a local government level as the officials are the closest to those they represent. If an elected official does not respond to their citizens, especially when a large number of their citizens are focused on the same issue, then it is likely that person may not be re-elected. There are always exceptions, but in Arapahoe County, issues that are raised by citizens need to be addressed in some way or else that elected officials could obtain a label of not being responsive to the people that elected them.

The media has raised the attention on oil and gas since it is closer to Front Range communities. As a result, citizens have gone to local government officials seeking relief from fear their future will be dominated by oil and gas impacts. Quite often the public is frustrated when they discover local governments are limited by state law and case law as to what kind of regulations they can enact on the local level. This frustration leads to a desire to revise state oil and gas regulations.

As this stakeholder group considers all of the factors related to setbacks and oil and gas operations, I hope that the local government's perspective will be taken into account and a balanced, specific solution can be found.