

OIL & GAS REGULATIONS



Oil and Gas Development in Colorado

- ▶ In recent years, oil and gas development activities (including hydraulic fracturing, “fracking”) have increased in Colorado and there has been an increase in the number of larger, consolidated facilities. Some local governments have tried to ban fracking and enacted moratoria in response.
- ▶ In 2016, the Colorado Supreme Court ruled that under then-existing state law a local government in Colorado could not ban or enact long-term moratoria for oil and gas development activities. State law regulated oil and gas development with a focus on fostering oil and gas development. Under the doctrine of preemption, local governments had very limited authority to regulate oil and gas development activities.
- ▶ On April 16, 2019, the Colorado Governor signed SB 19-181 into law. SB 19-181 changed the mission of state oil and gas regulations from fostering oil and gas development to regulating the use in a manner that protects public health, safety and the environment. This new law also gave local governments more authority to regulate surface impacts of oil and gas operations.

What is the City of Boulder doing?

- ▶ Consistent with the new State Law allowances, Boulder has a moratorium on accepting and processing any applications involving oil and gas extraction through December 31, 2020.
- ▶ City staff is closely reviewing Boulder County regulations and working with a consultant to create new, detailed oil and gas regulations for the City of Boulder aimed at protecting the public health, safety, welfare, the environment and wildlife resources as now allowed by State Law.
- ▶ Current zoning permits “Mining Industries” with Use Review approval (discretionary review) in one manufacturing/industrial zoning district and in the Agricultural zone.
- ▶ Today, the Land Use Code includes no specific zoning regulations for Mining Industries or oil and gas developments.

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www.bouldercolorado.gov/plan-develop/oilandgas-regulations

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Project Background

Why?

Oil and gas development activities (including hydraulic fracturing, “fracking”) along the Front Range, and in Boulder County and nearby counties, has increased significantly in recent years. These activities can pose dangers and risks including air and water (surface and groundwater) pollution, risks to human health, and ecosystem damage. The City of Boulder and Boulder County have for decades worked together to protect their residents and the valuable and fragile ecosystems of the Boulder Valley. Among those efforts is the City of Boulder’s acquisition and management of over 45,000 acres of open space purchased using public funds. The residents and ecosystems of the Boulder Valley, including the city’s Open Space, Utilities, Parks and Recreation, and planning reserve lands, are potentially placed at risk from oil and gas development activities.

Purpose

While there are limits on a city’s ability to regulate oil and gas activities, the city has determined that it is in the city’s interest, and within its authority, to revise its oil and gas regulations to respond to the risks summarized above

Project Scope (What may change?)

- ▶ Regulations administered by the Open Space Board of Trustees regarding oil and gas activities on Open Space land.
- ▶ Portions of the Boulder Revised Code (Title 9, Land Use Code), as part of the Use Review process, that govern oil and gas activities with the city.
- ▶ Regulations (currently there are none) pertaining to oil and gas activities on city park land.
- ▶ Development of a Watershed Protection District to protect the city’s watershed and city utility owned land.
- ▶ Exploration of intergovernmental agreements between the city and Boulder County and/or other counties in support of regulating oil and gas activities on City-owned land.
- ▶ Other tools as identified by this process.

What will this project aim to do?

- 1 Conduct a thorough assessment of the City and County regulatory tools and state and federal law governing local regulation of oil and gas activities and recommend a set of regulatory reforms that adequately protect (to the greatest degree possible under state and federal law) the interests of the city and its residents.
- 2 Prior to the expiration of the moratorium at the end of 2020, develop and seek approval for those regulatory reforms, which may include code amendments, intergovernmental agreements, and others.

WE ARE HERE!

Moratorium on oil & gas development in the City of Boulder expires 12/31/2020.

2020 Quarter 2

Public feedback & Board review of potential changes

Quarter 3

Council Consideration, Public Hearings, and Ordinance drafting

Quarter 4

Adoption of Code Changes

