

**PUBLIC COMMENT BY NEIL RAY, President
Colorado Alliance of Mineral and Royalty Owners**

**BEFORE THE SENATE STATE, VETERANS, & MILITARY AFFAIRS COMMITTEE
January 29, 2018**

SENATE BILL 18-048 CONCERNING THE ABILITY OF A LOCAL GOVERNMENT TO EXERCISE LAND USE AUTHORITY OVER OIL AND GAS FACILITIES USED IN OIL AND GAS OPERATIONS IN A MANNER ANALOGOUS TO THE SITING OF OTHER INDUSTRIAL FACILITIES, AND, IN CONNECTION THEREWITH, ENACTING THE "PROTECT ACT".

Madam Chair, and Committee members,

CAMRO, (Colorado Alliance of Mineral and Royalty Owners) does not support this bill.

Section 2 of this bill seeks to provide justification for granting local control of oil and gas development, but has not proven the need.

In Section 2, articles 3, 4, and 6 the phrases "may cause", "may aggravate", and "contribute to" lead us to believe that the sponsors of this bill have relied on evidence by citation of studies that have been widely debunked, or have not provided conclusive proof of their contentions.

Section 2, article 5 is the only factual statement in the section, and the Colorado Oil and Gas Conservation Commission is well situated as it always has been to protect the citizens of this state from risks associated with oil and gas development. Risk is the key word here, and no municipality, or county is better suited to the task. It seems likely as implied in the fiscal note that jurisdictions for monetary reasons will choose not to attempt regulation.

The bill is rife with operational conflict. For instance, CRS 24-65.5-101 et seq., otherwise known as the Surface Development Notification Act, which was passed in 2001. It requires that land developers notify mineral owners of the first planning and zoning public hearing. Then the body with planning and zoning authority must notify them of all subsequent hearings. Throughout this process developers are obligated to negotiate access and accommodation for mineral development before a plat can be accepted and approved. Furthermore this act has been harmonized with others under titles 31, and 10. Venue is provided for a mineral owner to seek compensation under title 24 if the act is not complied with.

Colorado Law recognizes mineral rights as a separate and valuable property interest. For over 100 years in this state mineral owners have sold surface and reserved the minerals for development. They expect to benefit from that ownership of their private property. This bill if enacted would lead to partial and full regulatory takings notwithstanding any contrary argument. This is not in the interest of the citizens of this state. Just compensation to mineral owners would be in un-imaginable amounts.