Colorado Ballot Initiatives, Including One to Establish an Environmental Bill of Rights and Another Which Would Have Withheld Revenues From Communities Banning Oil and Gas Drilling, Withdrawn in Compromise

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In an attempt to avoid a clash at the ballot box, **Governor John Hickenlooper** announced on August 6, 2013 a **delicately balanced compromise** on local control of oil and gas drilling that will remove all ballot initiatives regarding oil and gas drilling from the November ballot.

Congressman Jared Polis agreed to drop two measures he supported aimed at requiring drilling rigs to be set back 2,000 feet from homes and bolstering local control by adding an environmental bill of rights to the state constitution.

Industry supporters agreed to withdraw two of its own initiatives which would have withheld state oil and gas revenue from communities banning drilling and which would have required a fiscal impact note for all initiatives.

In exchange for withdrawals of the various ballot initiatives, the Governor agreed to appoint a commission to make recommendations to the legislature on ways "to minimize land-use conflicts that can occur when siting oil and gas facilities near homes, schools, businesses and recreational facilities."

While the deal was praised by both sides of the initiatives, including Noble Energy and Anadarko, the state's two largest energy producers, it was criticized by some grass roots grouped opposed to drilling.

The 18-member task force, which will make recommendations to the legislature — by a two-thirds vote, will be chaired by La Plata County Commissioner Gwen Lachelt and XTO Energy president Randy Cleveland.

Under the compromise, the Colorado Oil and Gas Conservation Commission will also drop its lawsuit against the city of Longmont over its oil and gas ordinance.

The ordinance includes a ban on drilling in residential areas, and the state sued in 2102 contending

that the city had overstepped its authority.

Finally, the state will also initiate a review of how its setback rule is implemented answering criticism that while the state's minimum setback for a drilling rig is 500 feet, the rules also state that multiple-well pads must be located "as far as possible" from buildings.

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