

[the following caveat was included with the original report] This 30 page report represents months of research conducted by myself and many others. The information herein has been corroborated to the greatest extent possible in light of the critical time constraints placed upon land owners by an industry largely unrestrained by what I and many others see as a lack of suitable regulations and altogether lack of public input. Although believed to be accurate to the best of this author's ability, it is intended to be an educational tool with the understanding that it may contain flaws, and will be updated as new and evidentiary information is brought to bear. For now, let it serve as a point of departure upon which the concerned citizen may take further steps to verify accuracies and conduct their own research. I present this report to my friends and neighbors as a means of keeping open the critical channels of communication at a time when, without adequate opportunity to exchange opinion and ideas, we all stand to lose so much. Thanks to everyone for their input, let's keep the information rolling! New information will be added with an asterisk and date of addition, while also being presented as extracted material at the bottom of the report.

[Note: 10-02-07] There are several dated references in the following text: such as state and local government structure; regulatory changes, improvements to best practices, and changes in industry leadership and community relations initiatives. I will make every effort to draft an update as soon as I am able. For now, this can be considered a historical account. It is interesting to see how things have developed since I wrote this report.

**Citizen's Resource Report on Oil and Gas Development in Western Garfield County and
The Greater Rocky Mountain Region.**

"Guess who showed up in my backyard for dinner? And guess who they're having."

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As a Real Estate Broker and land owner in this valley, I was and still am increasingly appalled by what can only be seen in my eyes as complete and total disregard for land owner's rights. Not to mention human rights, by an industry who seems all set to bust the proverbial cookie jar on the floor and gobble up all the cookies for themselves. Having seen hopes set before me by individuals scrimping and saving and sometimes only able to dream of buying a place in the country, and some succeeding, I feel a deep responsibility to share what I have, in recent weeks, been horribly fortunate enough to discover. I say horribly, because what I have seen is so utterly depressing - but, I say fortunate, because given what I can only thus far perceive as layers of bureaucratic double speak and legalese, given the fractured nature of regulatory authority and my own level of ignorance as a professional, I am unendingly grateful for those few who have been willing to point me the way. Grateful am I, also, for the stream of materials I've been able to gather and the plethora of information available on-line by grassroots organizations taking a stand against what many see as overwhelming industrial abuses. I shudder to think of what first-time home buyers, and even seasoned investors may not know... since we often don't know enough to even know what to ask.

An Introduction It is now relatively common knowledge that our public lands are essentially under siege by an aggressive, pro-industry approach to a national energy policy forwarded by the current administration in Washington, D.C. Under the common perception of an evolving energy crisis in the United States, even benchmarks in preservation, such as the National Environmental Protection Act; The Clean Air Act; the Clean Water Act; and, the Endangered Species Act stand vulnerable to attack in the flurry of what appears to

be corporate treasure hunting. Currently, it seems every conceivable and often unconscionable 'regulatory' effort is made to protect the financial interests of the mineral owner and industry operator - sadly, however, at what many have perceived to be the overwhelming disregard for every other living, breathing entity. Fortunately, many non-profit organizations and private citizens are taking up this charge - diligently, and with some very hard-fought progress.

What is not so commonly known, is that lands held under private ownership by citizens are being seen by many as being threatened as well. Unfortunately, these lands seem, to many, largely unprotected, and further largely unqualified for protection, except for private law-suit, which is sadly, in the face of this massive and entrenched industry, far beyond the reach of the average citizen - particularly should such activity happen to occur in less affluent counties.

The private lands I am referring to, are those which are identified as being physically located within a "Federal Unit". If you have recently discovered that your property - whether 1 acre, 2 acres, fifty acres - exists within a Federal Unit, you may be particularly interested in the information provided below.

From all sources I and others have consulted with, the underlying presumption seems to begin with the fact that all lands in the U.S. were once owned by the federal government. Any other type of ownership or interest either had to be gained through a patenting process or a leasing process from the federal government. Early in the 1800's, mining claims were filed by those seeking to develop mineral interests beneath the surface. Some minerals were, and still are, referred to as locatable, leaseable and saleable. Locatables might include coal, gold, silver or similar vein deposits. Leaseables may be minerals such as oil and gas and others. Saleables might be considered rock or similar aggregates. In fulfilling a national policy of land disposal, securing an early mining claim for sub-surface resources often meant procurement of the surface as well. In some cases, some oil and gas deposits were granted to private parties. In other cases, the state claimed certain rights. In most cases, however, oil and gas reserves were reserved by the federal government. Apparently, even in private ownership situations, a certain percentage of royalty is obtained through a leasing process by the federal government in the form of a federal lease. It is important, at this point, to realize that the nature of oil and gas resources remain largely irregular and sometimes unfixed, within boundaries which are not easily drawn on a map - especially in the early 1800's.

While mountain men and miners began to speculate on the riches of the west, the north and the south struggled with slavery issues, fueling militia and building greater infrastructure. Indian wars went on the back burner and mineral wealth continued to be exploited throughout the west.

Later, after the Civil War, during Abraham Lincoln's term as president, western lands became acquired through the Homestead Act of 1863. This Act allowed people to file on quarter sections of free land under certain stipulations intended to prove homestead use: fencing, occupation for five years, building a home, etc. 'Westward Expansion', and the big land grab which accompanied it, led to the establishment of farms and ranches. Throughout time, various entities, such as the federal government, state governments, and private owners (either as human entities or corporate entities) came to possess the wealth both above the ground and beneath it. Conflicts increased as subdivision of the surface began to occur. Today, ownership continues to transfer as new sub-surface resources are located and/or identified as technologically feasible for extraction and consumption. In addition, ownership continues to transfer as surface acreages are subdivided and re-combined.

Again, to illustrate the complexity of this issue, we must recall that reservoirs of "resource" (that is, in this case, oil or gas) create its own natural boundaries beneath the man-made boundaries of the mineral ownership and on top of that, overlay the man-made boundaries of the surface owner - which, over time, increased in number as parcels were divided smaller and smaller. Suddenly a parcel of land may embrace a number of owners and often conflicting interests. This has led to a volatile situation equal to or greater than that of water wealth - an incidentally related issue by implication due, in part, to its extraction during certain drilling procedures.

It can be surmised, that as the federal government sought to industrialize the east and build greater infrastructure, mineral discovery and development were paramount issues- surpassing that of populating the "wild" west. From a domestic policy point of view, populating the west with adventurous pioneers could help insure the continual flow of mineral resource back east. For a while, as 'taming' the west remained a priority for 1) the government seeking mineral development and transport 2) a railroad - seeking wealth and hanging on the coat-tails of expansion, and 3) pioneers seeking inexpensive or free land - this interdependent system supported one another's interests.

Once land acquisition became more wide-spread; the railroad finally crossed the country shore to shore; and, major mineral deposits had been secured and developed, the mineral patenting system began to be abused and utilized as a means of securing surface estate through mineral patent acquisition. Laws allowing what was once considered a valuable enterprise, now began to allow for misuse. This, unfortunately and historically is often the case with many antiquated laws.

Over a hundred and fifty years have since passed, and with it, a new national dynamic has arisen. Today, with public lands reduced to isolated pockets often open to multiple uses including industrial exploit; with private ownership proliferating throughout the American interior; Native Americans contained within a sprinkling of reservations and every form of activity and inventory, from people to wildlife falling beneath some regulating/governing body, our priorities and national needs have become redefined. Today, our government is no longer eager to dispose of surface lands as a freebie 'bonus' associated with sub-surface discovery. And, as surface owners, we certainly don't acquire it as such.

As usual, an early government eager for revenue and population expansion, got a little over-zealous; and, what began as a policy to alleviate the effects of slavery and reduce the Native American threat of resistance to European settlement has become an opportunity for, yet again, even in this modern era, what many have come to view as unchecked pillage.

Mining laws, dating as early as 1866 and including the Mining Law of 1872, the Mineral Leasing Act of 1920, the Colorado Oil and Gas Act, and all their many amendments addressing support of the oil and gas industry - have, unfortunately, and in many opinions, not kept up with the times. As such, all seem grossly inadequate to meet the needs of our current social responsibilities and evolving priorities.

Since the ecological movement of the 1970's, Americans have gained awareness of the devastating potential of unchecked industrial wastes in land, air and water-ways. Our own and Amazonian rain forest destruction have taught us to value our forests over the short-term economics of clear-cutting. And likewise, we now recognize the destructive capacity of strip-mining. Though we often perceive ourselves as an advanced culture of the 21st century, current federal law seems to be opening the gateway to exploitation of our Western Rocky Mountain region, becoming the potentially irrecoverable ecological inheritance of our children five, ten or twenty years from now.

The Bureau of Land Management is the federal agency tasked, through the U.S. Secretary of the Interior, with the management of mineral resource owned by the federal government, as well as certain surface acreage. The BLM currently manages over 262 million surface acres of federal lands and more than 700 million subsurface acres, more than any other federal agency. And yet, so much of the discretionary authority to properly balance and encourage the multiple-use mission set before the BLM, rests with one individual, the authorizing officer or (A.O.) within a given field office. Currently, of the lands under management by the BLM in the state of Colorado, an estimated 1,236,405 "case acres" as defined by a serial number ending in "x" lie within "federal units" or are, in other words, "unitized lands". Unitized lands may encompass any number or combination of ownership situations.

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The easiest way I can think of to describe some of the issues surrounding a federal unit, within my limited base of understanding, is to simply list them. Obviously, many questions arise with each. Please realize that these same issues may apply in a broader sense to exploration and recovery of resources on public lands. Some specifics about federal units (unitized lands), below:

1) A federal unit is created based upon underlying mineral resources of oil or gas deposits (a formation), which create their own boundaries, with natural disregard to man-made lines and legal descriptions. It is my understanding that a federal unit may be created for the benefit of extracting certain other "leasable" resources as well. The lands [surface/ mineral] fitted within a federal unit may consist of any number of ownership configurations, such as:

- [Private (or Fee) "A" - Surface/ Private (or Fee) "A" - Mineral (same private owner)]
- [State - Surface/ State - Mineral]
- [Fee "B" - Surface/ Federal - Mineral]
- [Federal - Surface/ Federal - Mineral]
- [State - Surface/ Federal - Mineral]
- [Fee "C" - Surface/ Fee "D, E, F and G" - Mineral (different private owners)].

These lands may reside beside one another according to legal description, and be owned (surface and mineral) by a number of different parties. **[11-04-07 Note: the capital letters simply represent a specific owner]**

2) The federal Unit is implemented via a bidding process, in which a mineral tract is offered by the BLM for lease, and "unit operators" or drilling companies bid on the right to host drilling operations within the unit. Current bids run around two dollars per acre. Once a federal unit lease is secured, an operator must diligently pursue operations and pay the federal government a royalty, based on extraction. In the absence of diligent extraction, a rental fee is exacted. Royalties are currently around twelve and one half percent, based on extraction, a portion of which, end up back in county coffers.

Theoretically, the federal unit is created as a means of unifying mineral interests, allowing for participation in the collection of the resource and therefore royalties associated with its extraction, which are then distributed to participating mineral owners. The creation of a federal unit also, theoretically, dramatically reduces the 'need' for more wells in order to achieve extraction, thereby reducing potential surface owner conflicts and surface impacts. Its creation also allows an operator some flexibility in 'diligent pursuit', since an entire lease area (federal unit area) is able to be secured, without worry of diligently pursuing multiple wells on multiple surface sub-leases, which, regardless, may actually be in effect and still lie within a federal unit.

3) To aid in comprehension of this unusual configuration of ownerships and interests, visualize a jelly doughnut. Imagine score marks around the doughnut, and a center impression as if you were to share four pieces with friends, reserving the center for yourself. You now have a total of five possible pieces.

The doughnut itself represents land (surface) - theoretically encompassing the whole doughnut around any mineral resources, which in this case, is the filling... or natural gas. (In 'reality', you can only own a wedge shaped piece of land all the way to the center of the Earth, but for purposes of visualization, let's just keep it simple, forget for a moment about the other side of the globe, and focus on the doughnut.)

Remember that mineral ownership can be severed from the surface, and so may be owned separately as in a [Fee "B" - Surface/ Fee "C" - Mineral] situation, or [Fee "A" - Surface/ Fee "A" - Mineral] situation. Let's suppose that the filling (and we all know this happens) only extends so far into the doughnut. Somebody is not going to get any jelly filling.

Let's suppose that one fifth around the edge of the doughnut is owned this way: [Fee "D" - Surface/ Federal - Mineral].

Let's suppose that the next segment around the edge is thus comprised: [Federal - Surface/ Federal -

The third segment is: [Federal - Surface/ Federal - Mineral].

The fourth segment is: [Fee "F" - Surface/ Fee "F" - Mineral].

You own the center surface estate, but Fee "G" owns the mineral wealth beneath.

The BLM oversees the creation of a federal unit and certain activities having to do with a federal unit, particularly anywhere federal minerals are involved. If the jelly or natural gas reserve is owned by the federal government, a federal lease can be formed and whether you like it or not, you're in the middle - and, unless you are also the mineral owner - will likely not be informed of a lease being formed, and as things currently stand, have little influence - if any - when a derrick is set up in the middle of the doughnut to extract all the jelly beneath. Even though oil and gas reserves beneath two parts of the doughnut are owned by Fee "F" and Fee "G", they will likely participate in the federal unit extraction, because, otherwise all the jelly is going to be tapped out and they will be left with zip.

[Note added: 11-23-07] [For a visual representation of federal unit and split estate structure, please click here.](#)

4) Prior to the BLM authorizing a lease, two primary documents are consulted. These are the Resources Management Plan (which the public may choose to participate in the development of), and the area's subsequent Environmental Impact Statement. Both are designed to show proposed land use allowances and their associated potential impacts to an area through foreseeable use. Together, these documents form the basis of what is considered a "stipulation" to the lease; or special drilling and production requirements. Most of these documents are revised only on a ten year +/- rotation, unless by special and formal request. This is generally attributable to insufficient BLM staff and budgetary constraints.

5) The BLM and other Federal agencies rely upon certain indicators of foreseeable use, among them, an "operator's" Annual Operating Plan. These are difficult to obtain by the public as they may contain proprietary information as well as 'trade secrets', which the BLM is under a legislative responsibility not to disclose. Since the information (both drilling operations and overall intended use for an area) is combined, and the BLM does not possess ready resources to extract and categorize the information for public redistribution; and, without a special and time-consuming formal request based upon the Freedom of Information Act, the public must guess at what an operator has in mind with regard to development of a federal unit, within which the surface owner may reside. Given the vague and grossly inadequate nature of an Annual Operating Plan (according to what I've learned from a number of sources), and given the fact that the plan can change at any time, for apparently any reason (upon approval) throughout the year, this would seem a very poor tool to utilize as an indicator of potential or foreseeable impacts.

6) Other federal units may occur within the original federal unit, each created for the purpose of developing a separate underground resource which may lay above, below or beside an existing identified resource already within a federal unit.

7) Within the federal units, lay "participating areas". Participating areas are those which are apparently comprised of a certain percentage of mineral owners who are invited to 'participate' in an overall extraction of resource. Again, recall that boundaries of a resource 'pool' may extend beyond a single owner's legal boundaries, therefore, participation is encouraged, so as to avoid a resource which may lay within their mineral estate ownership being extracted from the point of another surface location and eventually becoming depleted.

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- 8) Only a certain percentage of mineral owner's acceptance is required to establish a federal unit. In other words, a federal unit may be created even without the consent of various mineral owners.
- 9) A federal unit is a governmental lease, which may effect an encumbrance against the property as a whole, including the surface estate, and for which the surface owner is, to some extent, responsible and accountable.
- 10) Surface owners, who do not own the mineral estate or at least a portion thereof, are apparently not notified of the intent to create a federal unit or participation area, nor are they consulted, nor are they notified of the federal unit's eventual creation or expiration.
- 11) The boundaries of the original federal unit may be static for a certain period (from 5 to 10 years +/-) during which time it must be "proven" or diligently developed in a manner prescribed by the lease and in a manner which yields sufficient profitable product. Although relatively fixed for a predetermined period of time, the federal unit may contract or expand at given times, under certain circumstances, as may the boundaries of participating areas.
- 12) Once a Federal Unit is established, under the authority of the BLM, it may or may not be 'locally' recorded, or otherwise made a matter of public record in the county in which the property is located. This can create a serious situation for a buyer or seller/owner of surface property, who may proceed essentially unaware of such a possible encumbrance, which may affect future buyers/sellers. Mortgage lenders, title insurance and home owner's insurance providers may likewise be affected.
- 13) The lease, on occasion, will list stipulations which govern how the recovery of underground resource may be obtained.
- 14) There is wide discretionary latitude for the BLM field office Authorizing Officer to waive certain stipulations or otherwise allow for broad variances within the terms of the federal lease in the event an operator demonstrates operational or other factors which contribute to a need for such a waiver or variance.
- 15) Because of statutory 'dominance', a mineral owner cannot be kept from developing their mineral resource, and therefore the expense and wealth associated with it. Degrees of technological feasibility associated with recovery, such as directional drilling have been thusly imposed by concerned and sometimes opposing interests. There is a broad range of what is thought to be 'reasonable' impact to the surface, by as many surface owners who have requested (some successfully, some not so) a no-surface occupancy in their surface use agreement. This type of arrangement is complex and is still being argued in the courts. Historically, the push onto surface estate has been aggressively pursued by the oil and gas industry. Recently, however, as issues of health, safety and habitat impact become more widely known, surface owners are taking a more defiant and unified stand against such apparent transgressions. The average cost of a well can vary by surface constraints and subterranean conditions, but estimates have put the cost to drill into the Mesa Verde formation in the Western Garfield County region at around one million dollars. Conversely, a well, over its lifetime, may produce as much as seventy-eight million dollars. At an investment/yield ratio of even 1:50, most investors would be drooling. And they are.
- 16) Should the surface owner not wish to allow the development of resource extraction (wells) on the surface, there is some argument as to the authority of the operator for pursuing such endeavors. Although encouraged by the Colorado Oil and Gas Commission a 'surface use agreement' with the surface owner is not apparently required. An operator may, instead of such an agreement, post a \$25,000 blanket bond, issued for state-wide operations which is supposedly intended to provide for surface damage reclamation in the event the operator fails to do so. There is frequent discussion among resident surface owners regarding historic insufficient reclamation of surface acreage. Abandoned wells are an increasing occurrence, the burden of which falls to the state to reclaim. There is a \$250,000 fund earmarked for environmental repair and reclamation of

victim to fickle market fluctuations, leaving a wake of unchecked development in their path. As well as a wake, equal in breadth and depth, of environmental degradation.

17) A surface owner pays an approximate average of nearly 98% of the taxes on their property, maintains mortgage payments, and is required to maintain insurance on the property - only in so far as required by the mortgage institution. A surface owner further maintains and invests in surface improvements, often with the desire to preserve the ability to potentially resell the property.

18) Given the recoverable longevity of certain resources (even if only at a trickle), reclamation may not occur for as long as half a century or more. Generations can pass without benefit of surface use or enjoyment and without what some surface owners argue is proportionate compensation (excepting that associated with 'crop loss'). Once early profitable extraction takes place, the well interest may be sold to a company with less ability to manage the long term recoverability of the resource, encouraging poor reclamation practices. Meanwhile, the surface area has been essentially lost to the surface owner, for use by a corporate entity seeking profit from its use, while the surface owner continues to pay taxes while potentially being subjected to a number of impacts to they and their family's health and safety.

19) Within a federal unit, there appear to be no surface well density spacing restrictions, other than perhaps those imposed through possibly waived lease stipulations, so as to afford an operator every flexibility to extract a resource as profitably as possible. Therefore, on a tract of 40 acres, a pad site, housing multiple wells, could conceivably be drilled every ten acres or so. Compound this loss of land with road construction; and, a surface owner could be left with a very limited number of acres for his/her own use (presumably a distance equal to one and a half times the height of the derrick around their residence.) This rule was established by the Colorado Oil and Gas Commission purportedly in the event that should the derrick (rig) fall over, the residence would be spared. This situation is compounded by diminished enjoyment due to potential emissions, visual impact, noise pollution, vibratory pollution, dust and emissions pollution which could contribute to a direct threat to the health and safety of the owner.

There is on-going and often heated debate taking place on the lands of the surface owner, in the offices of oil and gas companies and within the court system regarding who has dominance over land use - the surface owner(s), or the mineral owner(s).

The Question of Inconsistency and a Perceived Lack of Public Representation Why is it that a residential or commercial land developer must go through a lengthy, county-level, public-input approval process in order to propose less or at least equal impact to the environment and roads and infrastructure than oil and gas development; yet, the oil and gas industry has only to communicate with a limited number of offices (possibly removed from the interests of one another) and so much authority lies with the authorizing officer of the BLM to authorize broad discretionary authority over waiving various stipulations, even written within the body of a federal unit lease itself. One person. Far removed from you or I.

This type of seemingly unbalanced federal protection given to the holders of the mineral estate, who may be absentee owners (and sometimes the operators themselves) and operators who commercially extract said wealth, seems contrary to even Articles Six and Seven of the Bill of Rights of the United States, which guarantee every American:

Article the sixth [Amendment IV] ["The right of the people to be secure in their persons, houses, papers, and effects,....."]

Article the seventh [Amendment V] ["..... nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."]

compensation."]

And let us not forget the Preamble to the Constitution of the United States:

"We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

Current laws and regulations also seem in direct conflict with title 42 (the federal code title which protects human health and safety), as well as other titles regulating the protection of wildlife and the environment. This does not even begin to address potential conflicts between these mining acts and state statutes regarding title ownership and land use. Usually, if it looks like a slap in the face, and it feels like a slap in the face, it's because it is. And somewhere, if it's contrary to the laws of humankind, it is written as such. Such actions simply have rarely been challenged. Until now. Currently, a multitude of citizens and several counties who serve them are standing up and asking for moratoriums until laws can be sorted out, asking that the rules be more clearly written - and determining that the apparent plunder of our environment and broad disregard for the rights of private property owners and their properties cannot be conducive to the health, welfare and stability of our ecology, societies and economies.

The Colorado Oil and Gas Commission (COGCC) will be quick to tell you that they are not in the business of protecting ways of life or property values. Well, yes, that much is clear - but many realize, that such factors fall together with the protection of our health and safety and welfare, and that of the environment. The material issued from the COGCC regarding their duties and obligations of "conservation" of resources illustrates a general tendency to facilitate economic and fruitful extraction for the the producer or operator. Considering that a gas well in Western Colorado can cost around a million dollars to develop, together with 80 trips up and back of diesel-fired 75,000 to 150,000 pound (only when empty) rigs, 160,000 gallons of water to 'stimulate' per occurrence - (perhaps requiring 6 or more), one would think that even in terms of industrial bottom-line corporate decision-making, the fewer wells to construct, the better. Why would a corporation make a decision to create denser well spacing? Only if doing so was made economically viable, and even encouraged by tax benefits and laws written overwhelmingly in favor of their exploration, exploitation and production.

There is one prevailing reason for introducing more and more wells upon the surface. Money. There is a factor known as "Time-Value" which is brought to bear in aggressive markets. Why wait forty years for one well to extract the wealth, when the money is hot and four wells can extract the same and greater volume in one quarter the time. This seems the only corporate justification for turning a blind eye to unwarranted destruction of the environment for an undetermined and unforeseeable period of hot market gains. Federal units, could be utilized as a means of reducing surface impact. Now, the laws which once seemed to encourage this type of conservation seem directly facilitating private, commercial gain at the expense of other, environmental and private property ownership considerations, as reflected by permitted activity allowed by the BLM and the Colorado Oil and Gas Conservation Commission.

One Garfield County commissioner recently acknowledged that the oil and gas industry will be with us for the next forty or fifty years. I think a more accurate prediction might be this: The first wave of corporate exploitation is upon us. EnCana, Williams and others have come to drill and in-fill in an effort to capitalize immediately on what many land owners perceive to be lax and inappropriate regulation. They will be diligently working to tap off the bulk of resource and gaining high returns while the market is hot. Later, in perhaps two to three years, relatively marginal interests may be resold to lesser players, who may then continue such activities until perhaps forced to resell or abandon efforts due to financial constraints. This could leave a devastated environment to the tax payers of Garfield County. The effects of which, if less than fifty years, would be a relative blessing.

Public relation representatives often tout the surface advantages of directional drilling. True, this technique

injection, and the toxic pit waste accumulation with the numbers above, and what might you have? Devastation. The unknown effects of which could last, perhaps, forever.

We are not all that far removed bureaucratically from 1863, westward expansion, and plans for western land disposal. As far as I've been able to find, few politicians and even regional, non-specialized attorneys know what to make of all this mess. One look in the local papers will tell you that it's a situation finding its way to court, or worse. Discovering lines of jurisdictional authority can be very difficult, and may require weeks and months of research that most of us don't have the resources to pursue. Even if we did, many of us don't possess the technical knowledge to broadly comprehend the fragmented information we may find. (I am certainly a party of this majority).

What Might Be In Store? I believe there is a place for industry, but not at the expense of remaining Rocky Mountain wild lands and critical ecologic integrity. I believe there is a place for profit, but not at the expense of health and safety. As current state and federal law seem to allow for and even encourage broad disregard for surface owner's rights, we must be diligent in our pursuit of knowledge and strive to contemplate the potential future of our county. Only then can we affect educated and meaningful involvement. As a friend of mine stated recently: "We do not wish to stop oil and gas development altogether, we only wish to shape it." As residents and land owners, I feel that this is a serious and shared responsibility.

Gwyn Morgan is CEO of Encana, a Canadian corporation with an enterprise value of around 30 billion dollars, which has centered one quarter of its assets around the growth of its North American, Rocky Mountain "play". EnCana and its people have this to say about the American Rocky Mountains: [note: these statements are cited directly from EnCana's website at <http://www.encana.com> and reflect "forward-looking" statements as disclosed within the meaning of the United States Private Securities Litigation Reform Act of 1995. For more information regarding these regulatory requirements and more "forward-looking" statements, please visit [encana.com](http://www.encana.com).]

2002 News Releases - Title: EnCana expands production and land base in U.S. Rockies - 500 billion cubic feet of natural gas equivalent reserves acquired "The U.S. Rockies are a major component of our North American natural gas growth strategy and this acquisition solidifies our position as a leading producer in the region," said Randy Eresman, President of EnCana's Onshore North American division. "This acquisition is of a similar character to our previous U.S. Rockies acquisitions. In-fill drilling and further exploitation have the potential to triple production from this property in the next three years," said Roger Biemans, President of EnCana Oil and Gas (USA) Inc."

2002 News Releases - Title: EnCana increases position in U.S. Rockies "As an acquisition of an operated asset, this transaction represents an excellent consolidation and further solidifies EnCana's position as a leading producer in the region," said Roger Biemans, President of EnCana USA. "We now have a greater interest in a world class asset and greater influence over how it will be developed."

"Through predecessor companies, EnCana first became involved in the Jonah in 2002, with the acquisition of McMurry Oil Company et al. At that time, the company's production from the field was approximately 135 million cubic feet per day; in recent months it has averaged approximately 270 million cubic feet per day."

"EnCana is driven to be the industry's best-in-class benchmark in production cost, per-share growth and value creation for shareholders." *Home > Operations and Projects > Onshore North America* by Randy Eresman, President, Onshore North America: "We have become the most successful exploration and producer operator in the U.S. Rocky Mountains and Western Canada through our large, concentrated land blocks, high working interests, low operating costs, low royalties and well-developed infrastructure." "We're also accelerating EnCana's knowledge and capture of North American coal bed methane opportunities, both within and in addition to our current operating regions."

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In a September 04, 2002 letter to The Right Honourable Jean Chretien, P.C., M.P., Prime Minister of Canada, arguing for what can be surmised as the abstainment from the Kyoto Accord, Gwyn Morgan CEO of EnCana states: "The creation of EnCana exemplifies the terminology used in a recent speech by your Deputy Prime Minister, John Manley: "If we want to become the northern dynamo, we've got to be not only as good as the U.S., but better. Another challenge is to build global enterprises with a Canadian base."

In a July 16, 2002 statement from Rebecca W. Watson, Assistant Secretary for Land and Mineral Management, United States Department of the Interior, she states, [note: EIA refers to the United States Energy Information Administration. "Tcf" commonly refers to trillion cubic feet.] "The Rocky Mountain states of New Mexico, Utah, Colorado, Wyoming and Montana hold an estimated 30 to 48 Tcf of undiscovered natural gas resources associated with coal. This represents the second largest gas resource in the United States behind the Gulf of Mexico. The EIA refers to this area as a 'possible Persian Gulf for natural gas' While many areas of the U.S. are experiencing declining natural gas reserves, the Rocky Mountain resources are largely untapped and the amount of newly discovered gas in the area is increasing on a daily basis. The majority of coalbed methane in is the federal mineral estate. As good stewards of these domestic natural gas resources, we should develop these resources in an environmentally-responsible manner to sustain our nation's quality of life in the face of our increasing demand for natural gas." Some of us, consider ourselves "stewards" of our many and finite natural resources without having to extract, pollute and destroy everything around us. Apparently it is under the auspice of compliance with the "Clean Air Act" that all of this scramble toward natural gas is occurring now, as coal plants switch to natural gas for the bulk of their production. Natural gas is often touted as a cleaner fuel. And, perhaps in comparable combustibility, it burns cleaner than coal. However, after one factors in the environmental destruction levied for its extraction and production, the idea of and argument for "clean" largely disappears.

The Broad and Complex Economics of Extraction According to a study produced by the EPCA, an estimated 138.5 trillion cubic feet of gas lay beneath the Rockies. What is not as commonly discussed, however, is the economic recoverability of these resources. How technically feasible, in other words, is it to extract gas from pockets which are largely fragmented and require special stimulation in the form of hydraulic fracturing of substrata (the negative effects of which are currently hotly debated). If money were no object, and I think everyone can agree that it is - even with the federal government wanting to award thirteen billion dollars in tax credits and other incentives to the already arguably fat-cat oil and gas industry, it is estimated that the most gas recoverable - both known and undiscovered - would last America six and a half years. Experts, however, argue that the actual, economically recoverable amount would be more in line with only twenty percent.

Over ninety-five percent of BLM lands in Colorado, Montana, New Mexico, Utah and Wyoming are available for oil and gas leasing, including, importantly, split-estate lands (lands where the surface is owned separately from the mineral estate). 8.3 million subsurface acres in Colorado, alone, are open for mineral development. It has been debated at the highest levels of the federal infrastructure, that BLM has woefully insufficient manpower to manage this enormous task, given to them by the Department of the Interior.

It is estimated that by 2015, natural gas energy usage, and therefore demand, will increase to 31 trillion cubic feet per year. Based on this presumption (and ruling out any advancement toward alternate, clean and renewable sources such as solar and hydrogen), it is estimated that our currently available resources, estimated at 1,351 trillion cubic feet, already tapped and draining, would leave us with nearly forty years of supply. So then, why the urgency? Could it be that industry sees a political situation worth exploiting? An 'energy crisis', spurred by media and public perception in the Persian Gulf? The new U.S. energy plan? Insufficient manpower at the discretionary level? State regulatory authority which seems to favor industry needs? A lack of public knowledge and access to information? Antiquated and weak laws perhaps worth and ready for the tweaking? Can one really blame the actions of a profit-oriented industry for striking while the iron is hot, when billions in revenue strut around like blind chickens in the corporate courtyard?

Natural gas prices are way up - and the outlook by economic forecasters point to the sky. The four largest factors, in order of least purported importance are as follows: 4) It's winter and the temperatures are cold. This is simply a seasonal fluctuation, an appetizer, if you will. The entrée is yet to come. 3) Venezuelan oil workers have gone on strike - Venezuela being the United States' 4th largest oil supplier. This has a heart-

prices shot up in 2001/02. Like any opportunist, the natural gas market trails close beside the oil market: In the event oil prices rise and all the teeth fall out of the oil market, the natural gas market stands ready to cull the herd. Now, are you ready for the thing that makes mouths water? 1) War in the Mid-East, of course. Any kind of political unrest is played in the market to its maximum leverage. The stage seems set to devour the west.

What effect might this feast have upon the rest of us?

The Under-Factored and Undisclosed Costs A review of air emissions and other pollutants associated with this industry will lead one to the Environmental Protection Agency (EPA) which produces a list of volatile organic compounds (about fifty-nine "thane's", "thene's" and "zene's") released in pounds per year and which are listed under the "Toxic Release Inventory". Looking at emission maps of the United States, one cannot see the underlying Earth under most of the Eastern and Midwestern states. California and coastal areas are nearly as solid in overlying red indicators. Proliferation of emissions-producing facilities are beginning to populate the West. Evidence of it can be seen like a slow spreading pox across the interior, encroaching gradually upon, and already covering areas of the Rocky Mountains. Gas producing wells fall within a class which notes potentially uncontrolled emissions of less than 100 tons per year. I'm slightly comforted by that. Especially so, given EnCana's recent announcement in the Grand Junction Sentinel (dated 02-01-03) of only 200 new wells intended for 'my backyard'. Not to be outdone, Williams recently announced plans for 500 new wells. *[it is rumored that EnCana is working to acquire Williams].

There are currently around 4500 wells located in Northwestern Colorado, and a total of two individuals are assigned the arduous task of inspection via the Colorado Oil and Gas Conservation Commission. On average, one-thousand wells out of the lot are inspected each year. One could reasonably presume, then, that, without the addition of new wells, each existing well is inspected on about a four year rotation. In 2002, of the 1000 inspected or so, there were around 40 reports of violations, including illegal dumping. There is, in my estimation, a fairly broad latitude given to operators and otherwise environmentally untrained employees and contractors in reporting certain spills, particularly those in an amount under five barrels and further ascertaining potential negative impacts to wildlife or their habitat. These are individuals who are exposed on a daily basis to the grit, grime and potential toxicity associated with these endeavors. These are the individuals deciding, based on the scope of their knowledge, whether a 'minor' spill poses any real threat. Given the nature of the potential for industrial pollution in stream beds, water sheds and other sensitive wildlife areas, I, personally, take little comfort in the process of inspection and self-reporting.

In Wyoming, the discharge of subsurface waters, often saline and containing other compounds, have increased dramatically in recent years with an estimated billions of gallons tapped and discharged from coal bed methane (CBM) wells. What is a CBM well? Gas deposits are recovered from coal bed seams and must be separated from the vast sources of under-ground water in order to be recovered. Compared to traditional or conventional methods, the industry admits that CBMs volumetrically and economically pale. Yet, at a typically lesser drilling depth, these wells are being pursued. Yet, at what cost?

Not only must we consider the potential for coal-seam fires, the likes of which ravaged Glenwood Springs in 2002; and, the potential for surface collapse into sub-surface, water-depleted (and thus de-pressurized and un-supported) caverns disrupting watershed areas and riparian (wetland) zones; but, The United States Geologic Survey is concerned for the health and sustainability of our ground water supplies, in the Western United States. In an on-line Connections publication titled Geological Mapping the USGS states: "Rapid population growth and urbanization in the Desert Southwest has resulted in the region's ground water resources being among the most overused resource in the United States. Much of the Southwest depends on ground water for municipal, industrial, and agricultural supplies. Natural recharge to the aquifers is low and pumping in many areas has resulted in lowering of water tables. The consequences of large-scale removal of water from storage are becoming increasingly evident. These include subsidence, loss of springs, streams, wetlands and associated habitat; and degradation of water quality. Ground water also supports diverse riparian zones that are highly valued. Riparian habitats have been disappearing in the Southwest as a result of human influence since the turn of the century. Residents and natural resource managers are now seeking better ways to manage ground water resources."

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How healthy can the draw-down of billions of gallons in sub-strata be? How long will it last? This is a terrifying spectacle which reaches across all socio-economic lines. As one resident recently stated when an oil and gas employee noted that gas was more important than water: "What good is being warm, when you are dead from dehydration?"

There is also common concern for the practice of re-injecting drawn-off waters, along with introduced drilling contaminants (which the Safe Drinking Water Act was ironically designed, in part, to protect against) back into subsurface water formations. How much can we really, feasibly, currently, technically know about what we cannot 'see'. Even a "play" on an oil and gas resource is considered a reasonable guess. With an increase in discharge onto surface areas or through evaporative ponds (presuming that salinity is not a factor), one cannot help but logically question the potential threat of West Nile Virus, a disease advanced through the populating of mosquitoes and increasingly finding its way into our Rocky Mountain states. Perhaps it is only coincidental that Weld county, Colorado, blotted under from red well indicators on a map, had the highest incidence of the virus in 2002. Should we spray, as some towns and counties would suggest, more harmful petro-chemicals around our homes to control the spread of the infectious insects. Colorado is now the 2nd largest producer of CBM wells in the nation. Natural gas production from federal lands in Colorado has increased six fold in the past 25 years. Based on these numbers, industry appears to have every intention of exploiting this new-found method.

Public health concerns are not limited to those issues mentioned above. We must consider, also, the often down-played issues of erosion and other soil disruptions which contribute to the spread of noxious (or invasive) non-native weeds. These weeds threaten the bio-culture by edging out native species which then threaten the stability of interdependent plant and animal species. The 1994 Colorado Weed Law makes private property owners liable for the proliferation of noxious weeds on their property. Industrial truck traffic contributes to the spread of these weeds, as seed is carried in on tires from other contaminated areas. Soil disruption is fertile ground upon which these weeds may spread.

Another threat is that of Valley Fever - a respiratory disease most notably found in arid soils of the Southwestern United States. The disease is brought about by an air-borne fungus, released via disruption of soils and has been found to be generally treatable, both in humans and in pets and livestock; however, the very young, the elderly, certain ethnic groups, and anyone with a history of respiratory illness could be at added risk. As asthma grows to become a largely misunderstood, yet epidemically national concern [in 2002, 17.7 million adult sufferers alone, with 4,487 deaths, as reported by the Center for Disease Prevention and Control], compounded by increasing nation-wide toxic air emissions, we should be aware of the incredible amounts of dust introduced by industrial activities, including pad site and road construction and traffic. Once the well is in place and the traffic slows to a minimum or stops altogether, does anyone suppose that the area will continually be maintained to control dust or other migratory (fugitive) particulate pollution? Unfortunately, this industry has repeatedly shown itself to be less than concerned with the process of proper reclamation - leaving those in its wake to correct, manage or live with such oversights.

The 2002 wildfire season, directly attributable to one of the worst droughts in history, was, also, one of the worst on record for Colorado and, indeed, much of the entire Western United States. A depletion of the water table which could threaten the availability of aquifers could directly impact our ability to fight fires. The practice of flaring wells, introduces an open flame above the ground. During drought conditions last year, Governor Owens periodically exempted the oil and gas industry from these burns, although the rest of us, understandably, could not even light the grill. What happens if a dry branch from a nearby cedar snaps off in high winds and blows across a flare, landing in a nearby grassland or wooded area? Lightning is enough of a threat, without the opportunity of exacerbating already budget-suffering infrastructure supports and first-responder units with increased danger. Huge fuel storage tanks - containing upwards of 2,000 gallons of volatile, combustible compounds - allowed to accompany other well infrastructure near homes and children, may be especially prone to disaster. What would happen if a fire were to sweep through a rural area before emergency crews could respond - especially if crews were already working a higher priority fire? What threat

spacing - that is un-manned fuel storage tanks every ten acres or so, in rural residential areas. Just a few years ago, surface spacing was one well every 640 acres. Then it became one well every 320 acres. Now it is one well every 40 acres (generally). In a federal unit, an operator is allowed to cluster development in a much higher capacity.

As we approach an era of what many experts predict to be global warming, and the frequency of El Niño increases to once every other year or so, we must also be aware of the danger we may face with regard to climate change and fire potential. Last year saw the continuance of an emerging pattern of unusually high winds, drought conditions and more pronounced seasonal and heavy monsoonal rains. The practice of maintaining/reclaiming drilling waste pits (the contents of which seem to be officially, largely unknown) near well sites and often residential occupancy poses a potential threat to human health and safety; for, what, if anything, can be done about degraded liners, overflow or leaching from monsoonal rains? Where will the overflow go? Into the yard? Onto the ground? There is a reason that these pits are lined, yet often left, after production, to be buried beneath soil. Under current law, land owners can be held responsible for clean-up of toxic pollution occurring on their property - even if the source is far removed. A land-owner can apply for funds under the federal 'superfund' program; however, if the type of pollution is exempted (and it is my understanding that these pit wastes may be exempted), the land owner may end up paying the cost of clean-up which can run into hundreds of thousands of dollars. How reasonable is that? Especially if such activity is unwanted and unauthorized by the land owner, who is typically in no financial position to reciprocate.

How many citizens realize that pipelines (or gathering lines, as they are referred to in the industry) are largely unregulated as they cut through or are simply strung across miles of open ground? The Public Utilities Commission is involved to some vague degree, but, only as far as I've been able to ascertain, there seems to be no one greatly accountable for these activities. Although presumably outfitted with some degree of safety measure, pipelines are pressurized and have the potential for gradual structural decay. Should one fracture or break apart, and the winds and barometric pressure are just so, an inversion could occur, trapping gases in a valley pocket. This type of event happened in India and killed hundreds of people. On some winter days, you can look up and down the valley and see smoke, from fireplaces and wood stoves, gathered between the ridges of nearby mountains. These types of weather conditions occur. Let's just hope not together with a break in a line or explosion. As I recall, the Rifle area is relatively near a seismic zone. It isn't all that difficult to look around and find pipeline, sometimes quite a lot of it, exposed above the ground in this area. Think that's in anyone's best interest? At least as far as the health and safety of citizens?

It is my opinion that the single most comprehensive threat to our bio-diversity of contiguous lands, both private and public is the largely unchecked development of oil and gas. The US Fish and Wildlife Service estimates that half of the species listed as federally endangered or threatened have eighty percent or more of their habitat on private lands. It is the goal of federal agencies tasked with the protection of these species to encourage their conservation in an effort to keep them off of the endangered or threatened lists, by enlisting the assistance of the private land owner, and in such a cooperative manner, encouraging their proliferation. There are programs available through the federal government to aid in the implementation of this goal. As with most efforts aimed at the protection of a species, however, there are exceptions allowing for "permitted taking" or the killing of species. The arid region of the western United States, with scarce surface water and thin, poor topsoil is still a diverse area; but, one which recovers slowly, when at all. The footprint of industry doesn't only leave an impression; it has the high potential to devastate wherever it may fall. Current and proposed oil and gas exploration and extraction directly threatens overdue, critical, base-line environmental studies. As the bio-diversity of our once beautiful homeland becomes segregated and pocketed into tiny "national treasures", entire species face the threat of genetic endangerment, through the isolation of populations, which weaken genetic diversity. Without in-house filtration, wildlife suffers directly from the pollution of both air and water, including a reduction of ground water sources. Acid rain is thought responsible for changing metabolic absorption of essential nutrients, leading to die-offs of once strong populations. Threats of wild fire and surface collapse; bisected migratory routes; disturbed nesting areas, winter range and calving grounds, noise pollution; tactile or vibratory pollution; dust; all of these dangers which we can hide from, for a while, in our homes and offices directly, right now, imperil entire species of plants and animals. These beings need the protection of wild places. Our children deserve and need the protection of these wild places. So do we all. In the words of conservationist, Aldo Leopold: "I am glad I shall never be young without wild country to be young in. Of what avail are forty freedoms without a blank spot on the map?" We must ask ourselves, what kind of legacy are we leaving?

never be young without wild country to be young in. Of what avail are forty freedoms without a blank spot on the map?" We must ask ourselves, what kind of legacy are we leaving?

It is estimated that the tourism and recreational industry contributes a whopping seventeen billion per year to the economies of the western states. You can bet that most of this revenue is a result of direct application to multiple land uses and all the many and varied ancillary activities which accompany them. The multiple land-use concept is one which BLM and other federal agencies are supposed to be providing for and advancing. Some bold strokes have been made in the protection of species and habitat; but, they are typically isolated events brought about by far-seeing visionaries who have, in some cases paid for their actions in ways which seem to have affected their career longevity. Let me state here and now, that there is a clear sense of genuine fear for job security pervading every industry and sector into which I and others have made inquires (including that of oil and gas), and it is for this reason that many of my statements are not referenced with a source. I feel a deep obligation toward each of these individuals and a gratitude as well. Many employees in the field or behind a desk are simply trying to make a living like anyone else. They, too, see an imbalance in this system, and are quietly rooting for change. They, too, have families and share this planet and its future with us all. This should give any industry pause. The foundations of any sustainable system must be solid, not ruled by fear, but encouraged and nurtured by justice and ethical actions. If wildlife and unspoiled scenic areas disappear, tourism may disappear, and with it - tourism related industry and jobs. Industry, residential growth and wildlife cannot co-exist with one unfettered at the expense of the others.

Aggressive oil and gas development introduces enormous impacts upon infrastructure, including roads, emergency response and social services. Oil and gas field workers tend to 'run with the operation' and typically rent until they move on to a new field, or 'play'. This leaves a gap in property tax revenues. While the money may flow to various establishments frequented by contract laborers or employees, much of it goes back to the state in which the employee or contractor's family resides. Certainly, the profits of multi-national corporations are dispersed back to the country of headquarter operations. This creates a locally de-centralized economy, during which time, locals bear litter along the roadways, pollution, crime and infrastructure strain. All this, while the money trickles - for maybe ten or fifteen years. After the operations move to a new play, it is still the locals who may be left holding a big, dirty bag of clean-up costs and possibly, a ruined ecology. Wyoming is a state, not unlike our own; and, it is one the oil and gas industry seems rather proud to have ravaged and scarred. In a corporate sense, Perhaps this type of opportunistic activity is supposed to show prowess. I see it as the pillage of a politically undefended environment.

Responsible development of all available resources, while protecting the last remaining vestiges of wild lands, and the rights of private land owners - upon whose property they sometimes occur - is a paramount task.

Without reform, as things currently stand, we seem to face a choice. Either take a stand for proper development of natural mineral resources, or allow the possible displacement of wild-lands, tourism and residential development for their benefit. Agriculture possesses inherent concern for the regenerative properties of the environment. Residential development and a tourism-based economy has what I would consider the second greatest interest in preservation. Extractive mineral industries, have the least interest in maintaining ecological integrity. I believe that a balance exists. I know it does. But we must possess the willingness to find it; and, like the natural laws we seek to control and manipulate, continually re-assess it.

Our Government Has A Handle On All Of This.. Right? Doubtless, many people point to the efficiency of regulatory energy, environmental and human resources agencies to oversee this daunting task. I have found, however, these agencies and their mandates amount to what seems like a broad collection of fractured regulatory authority and management with insufficient funds and personnel. With the nearly exponential growth of our government in the last two-hundred, plus years, a new body of legislation introduced every two years, and existing and newly created commissions, agencies and offices faced with sometimes conflicting missions, responsibilities and methodologies, it is easy to understand how so much has gone astray of perhaps its original intent. This is the climate in which big industry flourishes. Doubtless, within the oil and gas industry, there are a majority of companies which operate under ethical mandate. However, what about those opportunists which don't? In a competitive economic environment, there is much opportunity for debate over whether evolving 'ethical' operations outweigh or even compare with operations just within the limits of

I don't believe that it is the intent of regulatory bodies to be evasive or deceitful; but sometimes, simply by composition, the opportunity for abuse can occur. The Colorado Oil and Gas Conservation Commission is the state agency which issues permits to drill. Essentially, a permit is filled out by an operator, who then submits it. It is reviewed, and then issued. Or not. Except no one in recent memory can recall one being rejected. The seven members of the Commission are legislatively appointed by the Governor, who are then ratified by the state senate. Of the seven, five must be individuals with substantial experience in oil and gas industry and who, when possible "shall be appointed taking into account the need for geographical representation of other areas of the state with high levels of oil and gas activity or employment." The legislative regulations go on to say that no more than four out of seven can be members of the same political party. A number of citizens have voiced concern that this type of arrangement simply does not seem conducive to a healthy system of checks and balances.

Currently the burden of proof of damage or harm, in protesting a proposed well, rests with the public - a public generally far removed from any actual technical knowledge of either drilling operations and/or environmental dangers. Helpful governmental guides are printed, however to assist the questioning public. As printed in the COGCC's publication titled: *Typical Questions From The Public About Oil and Gas Development in Colorado* published April 9, 1999:

"Page 4, Question 2.b: "Why doesn't the COGCC prevent or mitigate environmental impacts by requiring companies to spend more money for special equipment and technology such as directional drilling or pitless drilling systems?";

Answer 2.b.: "The law empowers the COGCC "to regulate oil and gas operations so as to prevent and mitigate significant adverse environmental impacts... resulting from oil and gas operations to the extent necessary to protect public health, safety and welfare, taking into consideration cost-effectiveness and technical feasibility." Because of the statutory requirement that the COGCC take into consideration cost-effectiveness and technical feasibility the COGCC has to consider the costs of any condition imposed for environmental purposes. In some rare instances the COGCC has required directional drilling or pitless drilling systems. Generally, the COGCC does not impose these requirements because there has been no showing that the requested method is cost-effective, technically feasible, and necessary to protect the public health, safety and welfare. A surface owner may file an application for Commission hearing to make a showing that directional drilling or pitless drilling systems are necessary to protect the public health, safety and welfare taking into consideration cost-effectiveness and technical feasibility."

Now, I ask you.. Why should the burden of protecting one's own safety fall to the individual to prove technical feasibility and cost-effectiveness, when even corporations employ huge divisions of employees and bastions of attorneys to determine such things? The time-frame within which notice to drill is received, and such an application must be discovered as a remedy, let alone filed and physically heard, coupled with the inability of the average citizen to attend distant hearings; obtain information which may be considered at least partially trade information; interpret this information; possess the capacity to even investigate the discovery process on their own, or be able to afford an attorney or attorneys for the purpose of such research illustrates how this industry and its supposedly governing regulatory agencies inadvertently operate to remove the average citizen as far as possible (or legally permissible) from the ability to become effectively involved in a process that clearly, in every way, affects their well being. The COGCC, in the same publication, however, goes on to reassure us at the bottom of page 8:

"Moreover, cases of public safety impacts from oil and gas operations are extremely rare and generally non-existent in Colorado." and, on at the top of page 10:

"Compared to other forms of land use, such as rural residential development, oil and gas development is relatively benign in its impact on wildlife and agriculture."

A *Public Land Management* report published in 1991 by the United States General Accounting Office, for the Honorable Alan Granston, U.S. Senate notes historic deficiency in resources allocated for the protection of wildlife regarding considerations of land use. Under Principal Findings, the report, in effect, points out that legislation does not specify a level of consideration for wildlife, or any other use, that would be considered appropriate - leaving, then, each agency broad discretionary authority to assign priorities among various uses, provided that they not authorize levels of use which permanently degrade the land's capacity to provide for future generations. There is hope that these trends will eventually turn around; however, the flexible discretion afforded to mineral estate holders beneath privately held surface lands corralled within federal units as established by BLM, and which seem to enjoy little or no protection with regard to surface well density or county zoning, seem to point to here-to-fore lacking requirements which would further the protection of bio-diverse species (including human habitat) within a broad area, of both private, and perhaps state or federally owned lands.

The Colorado Department of Natural Resources - the Executive Director of which is appointed by the Governor - is the state agency which oversees a number of other state agencies, boards and commissions, some of which are listed below (again, many members or directors of which are appointed by the Governor - a former oil and gas industry lobbyist): Colorado Division of Wildlife / Colorado Division of Forestry / Colorado State Parks / Colorado State Land Board / Board of Parks and Outdoor Recreation / State Trails Committee / Colorado Wildlife Commission / Wildlife Public Education Advisory Council / Colorado Ground Water Commission / Colorado Water Conservation Board / Colorado Oil and Gas Conservation Commission / Colorado State Land Board / Colorado Mined Land Reclamation Board / Minerals, Energy and Geology Advisory Board / Coal Mine Board of Examiners / Colorado Natural Areas Council / Colorado River Advisory Council / Colorado Water Resources and Power Development Authority / State Board of the Great Outdoors Colorado Trust Fund. Based on comments from a recent Glenwood Springs Post Independent letter to the Editor, by a former Division Of Wildlife employee, there seem to be strong differences in management opinion at the state level between various agencies, with potentially conflicting missions and goals, which are attributable, perhaps to appointments to office which may seem to, in the end, simply further political interests to the eventual detriment of otherwise balanced governance.

Allowed to progress, unchecked; it only takes one rotten apple to spoil the proverbial bushel. Think any rotten apples in the oil and gas industry care about you or me, or anyone but their shareholders? Check out the plethora of human rights and environmental violations which have occurred in recent months in Ecuador; and, how citizens, there, view the loving arms of corporate concern. The International Association of Oil and Gas Producers, of which a number of our own American corporations are members, recently produced a handy report titled

Firearms and the Use of Force (report No. 6.94/320 August 2001), which outline rules of engagement and other considerations for security personnel including body-guards. Of course in and among the disclaimers and urgings of restraint, we can be further comforted by these statements: "Although companies should try to avoid the need for employees or security contractors to be armed, there are situations where firearms are appropriate. In such circumstances, it is important that clear instructions are given on how firearms and force should be used." and "The use of firearms should be exceptional, and proportionate to the legitimate object to be achieved." Regarding an industry who has expressed collective concern over encouraging its own ethical behavior in countries where laws are lax, the very existence of this report speaks volumes.

It is my opinion, that in America - a modern, globally influential, super-power - many of our mining laws, through a lack of prudent and timely re-assessment, have become woefully and frighteningly lax, leaving many western land owners feeling, in many ways, as vulnerable as any citizen of a third world country.

I am only grateful that we have simply been thus far spared a catastrophe of our ignorance. We are ignorant no more, at least as far as the potential, serious and comprehensive threat to our well being and that of our environment is concerned. This much has become genuinely evident.

contrary to commonly embraced corporate philosophies which essentially stand to prevent socio- and environmental responsibility due to the corporation's often perceived conflicting fiduciary duty to shareholders to pinch pennies and earn more profit. This good-looking press candy seems to stand contrary to the way in which our own laws seem to be twisted against their presumed intention to protect public health and welfare, while allowing and even unintentionally encouraging extraction at what a perilous cost to our thin and fragile, interdependent crust. One could argue that it is not they, meaning industry, who should be expected to be 'ethical', when such behavior may be considered, by some, to be contrary to the now-time, narrow vision of quarterly gain: It is we, as citizens, who should be vigilant in our law-making, visionaries in anticipation of hawkish corporate behavior: It is we who must prevent the plunder of private property and national treasures through our demand for responsible governmental regulation and enforcement. If it is genuinely clean energy that we desire, let us pursue genuine alternatives to finite fossil fuels.

So, What Choices Are Available For Us And Industry? One new means of alternative energy is 'hydrogen cell technology' initiated by the tiny unassuming algae plant. It has been reported that one small pond can fuel up to ten cars. And all this without harming the algae. How does it work? The algae plant is deprived of sulfur and oxygen to create a normal, alternate, metabolic reaction which then produces hydrogen rather than oxygen, the only by-product being pure H₂O, which can then be recycled in order to proliferate more algae. After the hydrogen is spent from the plant, the sulfur and oxygen-rich environment is re-introduced, allowing the plant to implement its initial metabolic reaction of releasing oxygen - thereby restoring itself for later hydrogen production.

Let's talk about good old solar technology; as in the new-style, and truly much improved "roof tile technology". According to Solar Energy International: "each day more solar energy falls to Earth than the total amount of energy the planet's 5.9 billion inhabitants would consume in 27 years." Photovoltaic cells can now be manufactured in a roof tile format, with greater efficiency than ever before, and in a way which can be connected to a conventional grid, contributing to electricity caches. Roof-tile projects are underway around the world to install and observe the productivity of this type of solar collection. The United States has announced plans to implement the system atop 1,000,000 roofs. At last, a little good news.

Even without the broad immediate embrace and application of alternative energies, there is much which the oil and gas industry can do to become more responsible co-tenants of our planet. There exist a number of implemented measures (which are not widely advertised) designed to mitigate impact. Here, then, is a brief list:

- 1) Submerged or recessed drilling operations. This technique amounts to placing well pad sites and associated operations into an excavated area beneath the ground surface. Initially conceived over thirty years ago, these types of techniques can be found in use in areas of California and even Northwestern Colorado. The cost of implementing the added measure of excavation can run around \$250,000 (Two-hundred and fifty thousand dollars). The benefits of reduced visual, noise and vibratory or tactile impact are vast. The premier advantage of containment in the event of an industrial catastrophe is priceless. Compared to the expected yields of product over the life of a well - the costs are negligible.

- 2) Noise is an immense environmental impact, easily overlooked except by those in proximity. The effects of prolonged noise pollution upon human beings, pets and wildlife are still under study. It is important to note residential reports of vibrating walls and rattling windows during drilling and even sustained pump and compression activities. An aid to the mitigation of noise pollution involves the use of containment mufflers (as used on jet engines) and berms.

- 3) Open venting systems, on natural gas wells, contribute to the death of protected migratory birds and ecologically critical bats (both declining without adequate known cause). This can be partly mitigated by simply screening the open cavities (which may only intermittently be flared) preventing the nesting, or 'huddling' during cold weather, of these birds in the seemingly opportune cavities.

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4) Surface occupancy of a well pad site can be mitigated by implementing the often heralded method of "directional drilling". While it is true that directional drilling reduces surface occupancy, all other associated impacts remain the same and multiply with each new well introduced from the same pad.

5) Currently, technology is available to dramatically curtail the occurrence of flaring practices.

6) Currently, 'pitless' technology is available to reduce or eliminate the need for drilling wastes. In the event a "pit" is used to contain wastes, a land owner would be prudent to request that the materials, along with the pit liner be removed from the site upon completion of actual drilling activities. Additionally, secondary containment measures should be implemented whenever pits are used.

7) As a means of curtailing the deadly threat in tapping an H₂S (of hydrogen sulfide) pocket, a vessel (similar in concept as an in-line fuel filter) can be installed. The vessel amounts to a large tube packed with fine iron wire (like a gigantic, dense, metal kitchen scrubbie pad). Apparently, the gas makes contact with the iron, creating a chemical reaction which converts hydrogen sulfide to common iron pyrite. (A pretty clever and inexpensive means of control.)

*[04-23-03] 8) Pipelines, which are often absent from operations - leading to the use of fuel storage tanks - can be utilized to eliminate a need for combustible, condensate tank storage, and road transportation of such fluids. [11-04-07 Note: This is a tremendous advantage since condensate tanks emit VOCs or Volatile Organic Compounds - many of which are extremely toxic.]

8) [added 06-06-08] Though they are not in use in Western Colorado, EnCanais using giant mats on pads sites in their Jonah Field, Wyoming play. The mats can be removed and taken to the next pad when site development is finished - all of this helps limit disturbance to soils like the proliferation of invasive seeds, protecting the soils from spills and preserving the integrity of microbial life.

Doubtless, there are other technological advancements I am simply not privy to. One such innovation should be the ability to bury or at least recess fuel or 'condensate' storage tanks underground, separate from static interference of other operations [11-04-07 as a fire safety measure]. Equally, a secondary containment measure should be implemented around the tanks to catch overflow. Pipelines also, contribute to an elimination of this important safety issue. Students are often encouraged to develop new techniques - which, in practice, may never be implemented; and, industry awards are annually presented to innovative applications of socio-ecologically friendly techniques - although in practice minimally implemented. Our knowledge of these innovations is critical in consumer demand for compliance with law.

Added Consumer Issues of Zoning, Title Insurance and Home Owner's Insurance If you've read this far, and I congratulate you on possessing the fortitude to do so, you may be thinking that you are afforded some protection at least under your zoning or perhaps title policy.

Zoning regulations are intended to unify land use for specific purposes, presumably diverse and contributory toward a healthy community and local economy. These regulations are set forth by local governing bodies, populated by local residents and professionals. As such, they are a first defense in maintaining the holistic socio-economic and environmental sustainability of a region, varying from towns and cities to entire counties. Multiple factors and changing patterns are brought to bear when contemplating the construction and amending of these types of regulations, and although subject to change over time, or be variant in their occasional application, a citizen should reasonably expect some degree of protection of land-use enjoyment

within a zoning of ARRD or Agricultural / Rural / Residential Density. Even on smaller acreage, you may still reside within this type of zoning. Go on-line to our county website at www.garfield-county.com and check what types of activities may be allowed under this type of zoning. You'll see that "extractive activities" fall under a special permitting process. Not, however, according to the Planning and Zoning Department, if you live within a Federal Unit. Does your zoning allow for the storage of fuel tanks and potentially toxic refuse pits nearby? Do you find that your zoning allows for drilling rigs to reside within fifty or so yards of your home? If you happen to also reside within a federal unit - this is apparently allowed, as evidently, county authority holds no dominance over existing, seemingly skewed and antiquated state and federal laws. And if this is the case, it all the more points to the desperate need for immediate county regulatory authority due to the fact that only the county and cities are aware of the impacts and counter productivity and economic threat posed by uses conflicting with their own master plans.

Check your title policy. Look at Schedule B. Now look for the "exception" (meaning, insuring against damages, except for...) 1. "Rights or claims of parties in possession not shown by the public records." And 2) "Easements, or claims of easements, not shown by the public records." Your title policy may read slightly different, but it probably carries the same effect. Extended coverage may insure against these exceptions. You need to be very familiar with the scope of protections you are afforded under your title policy, with regard to potentially locally non-recorded federal units. You may wish to contact the issuing authority, reference the policy number and ask to what extent you may be protected against such issues. If you do not have a copy of your title policy, contact your mortgage lender and request a copy, chances are you paid to have one completed at some point during your financing process. Equally, you should also be familiar with your homeowner's insurance, and how industrial activities, with or without your authorization may effect your insurance - particularly since such activities may occur without apparent regard for current zoning regulations.

As I believe any reasonable person can see, the actions of this industry have been allowed to potentially place, not only the surface owner's health and safety and environment in peril, but the stability of other industries as well. The simple solution, short of any actual industrial constraints, would seem to be full disclosure; however, when so many specialized professionals are distant from the complex and often seemingly contradictory facts - even full knowledge can seem very difficult. If full disclosure were achievable, our county officials must ask themselves how likely it would be for a land purchaser, desiring a home in a peaceful rural setting to invest in the high price of rural acreage in order to end up possibly living, largely unprotected by local regulation, among industrial activities.

Often title companies are at the fore in this disclosure. Mortgage lenders and insurers are largely dependent on the findings of the title companies in order to determine certain lending and insuring criteria. Any glitch in the system raises a red flag. Any situation which points to possible litigation raises a number of red flags. Title companies may contract with third party researchers to interpret a federal lease situation, who may then appoint independent researchers to scour the public room of the BLM office in Denver in order to uncover truths. What average buyer, however, (now, four times removed), has the knowledge or resources to even comprehend the need behind this type of discovery? When federal units overlay federal units, and are in a state of potentially perpetual redefinition, and may or may not be locally recorded (in the county of and at the time of purchase), how can the average citizen even begin to grasp the process of discovery? Even many of the government officials I've spoken to don't fully understand (within the scope of their expertise) the full function of a federal unit. I, myself am still trying to figure it all out. Fortunately, real estate sales contracts, authorized by the Colorado Real Estate Commission, now contain a standard language title advisory which discloses to a residential buyer that a mineral estate may be severed from a surface estate, and encourages, as always, the buyer to seek legal counsel, further noting that: ... "other matters not reflected in the Title Documents may affect the title, ownership and use of the Property, including without limitation boundary lines and encroachments, area, zoning unrecorded easements and claims of easements, leases and other unrecorded agreements, and various laws and governmental regulations concerning land use, development and environmental matters." The difficulty arises in the general lack of awareness of federal units, among real estate professionals and even some local legal authorities. The operation of a federal unit seems to be, largely, a matter of private, mineral ownership agreement and BLM function, the existence or scope of which may not be readily discoverable by citizen inquiry.

be readily discoverable by citizen inquiry.

It is strictly my personal opinion that many mineral owners (especially those who are corporate in nature or absentee- i.e. residing elsewhere) are very ready to argue their interpretation of dominance over the surface estate; however, this is a very questionable argument given the following complicating issues: 1) surface owners (unless they happen to own the mineral wealth, beneath) are excluded from what may be interpreted as constructive and even, later, locally recorded notice of a possible encumbrance being created against their property; 2) the encumbrance could potentially, eventually affect their various rights and/or abilities to sell or lease; 3) it could further affect their surface use for which they continue to make tax and possibly insurance payments - all this without arguably due, actual compensation or due process. While there are many vested interest parties participating in land and mineral-holding affairs, the benefits of ownership are tipped far in favor of mineral interests - and the industry that pursues them. There certainly appear to be a number of unresolved legal questions surrounding the issue of "land ownership" in Western Colorado, and perhaps the entire Western United States. A moratorium; therefore, against any newly proposed drilling operations seems the first prudent step toward equitable resolution.

I am, by no means, an expert in this field of endeavor, only an impacted resident, interested observer and concerned real estate professional. I invite a willing authority to stand up and correct me - with proof to the contrary - regarding any of the above referenced statements; because, it is this type of hoped-for protection upon which I and so many other land-owning, tax paying citizens must depend. If the industry has our best interests at heart, and the law is there to encourage such a philosophy - then please, let this be known. But I'm afraid, that the phrase commonly echoed by land-owners: "They said I couldn't do anything about it, so I had to let them come in with wells" is the overlying banter of what this industry appears to be standing upon.

This locally, rapidly-expanding, and largely under-regulated industry poses what I consider to be a direct and daily implemented threat to public health, safety and welfare, to our culture, heritage and future, and to the very sustainability of our life-dependent eco-system. I feel that this issue is far larger than disagreements between our ranching, developing, governmental and environmental selves. I believe that it is a threat which overshadows us all. And exclusive meetings, as have recently occurred in Garfield County, between large operators and elected officials, without public questioning, or even observance is unpalatable.

What Role Are Counties Playing? Our own Garfield County is a member of the National Association of Counties (NACo) - whose official platform to congress states in the *2001-2002 Resolutions - Agricultural and Rural Affairs / Resolution* to encourage the exploration and development of fossil fuel supplies on federal lands. Re: Adopted Policy "NACo urges Congress and the Administration to reduce America's dependence on foreign oil and increase domestic oil, gas, and coal production by opening more public lands to the exploration and development of fossil fuels reserves on federal lands in an environmentally sensitive manner. All affected federal agencies who provide administration and stewardship of federal lands should streamline their permitting process to prevent any unnecessary delays." Re: Fiscal/Urban/Rural Impacts "Increased exploration and development of domestic fuels on federal lands will provide economic benefits to both our rural and urban areas. Exploration and development will provide economic stabilization and growth in rural areas..." "...Increased production on federal lands will provide added mineral royalties to the U.S. Treasury, part of which is distributed back to affected counties."

Although the NACo did argue, to some degree, for more authority at the county level as well as county participation in National energy policy - given the threat our federal lands are facing under the apparent dismantling of regulations designed to protect its longevity; given the federal jurisdiction surrounding private land ownership fitted within a federal unit - this type of policy seems to be an authorization for less regulation and more pillage of our private and federal lands.

Our counties must take a stronger stand, an immediate stand, and we must, as citizens show our concern and support for the preservation of the very infrastructure upon which we physically depend: Our sources of clean air, clean water and the sanctity of the ground on which we stand. Delta County, Gunnison County, La Platta county have all taken some kind of stand against this type of disregard for local authority.

participation at the county level in the permitting process. An ultimate concern, of course as citizens, is for greater input between ourselves and the counties who represent us - this in addition to a newly proposed, formalized process between our counties and the state. The new regulations are due out March 30th. We'll see what kind of progress is made. We can all take heart, however, that this is yet another small step in the actualization of land owners rights, thanks in no small part to a collection of strong, organized and verbal citizens, as well as bold commissioner's seeking to truly and more equitably represent the citizens who elected them to office. I, among many, herald your efforts!

It seems clear that as a renowned environmental and land use attorney, out of Denver, remarked in a forum last Summer, a coalition of oil and gas producing counties is in full order. Full scale regional Resource Management Plans and Environmental Impact Statements from the Bureau of Land Management are also in order, as are socio-economic studies of rural regions.

There are a number of law suits in the Colorado court system which beg to further define the "reasonable access" aspect of the Magnus Decision: a recent Colorado Supreme Court case which found both the surface owner and the mineral owner equal in their ownership interests.

As the issue of surface versus mineral ownership grows more intense, some operators are purchasing critical and strategically located properties - some citizens feel, in an effort to gain access to private roads or across other properties. One saving grace for those residents who reside within a subdivision which maintains a Home Owner's Association is the Colorado Common Interest Ownership Act. This act allows for fairly broad discretionary authority in determining what actions are appropriate for land-owners within the subdivision. This Act may be beneficial in terms of controlling or mitigating road and other impacts which are not acceptable to the association.

In a recent move to purportedly jointly inform both the county commissioners and citizens at large, Garfield County has voted to initiate an LGD (local government designee) position. Although citizens maintain high hopes that this individual will take over the responsibilities which now rest with the Planning and Zoning Department, the appointed position of this individual who largely has little to no authority, and without capabilities to investigate on-site situations may unfortunately, devolve rather quickly. Still, for all it's possible pitfalls - Garfield County, we salute your efforts!

It has historically been the decision of the court system to find in favor of a lower government when higher authorities are silent or insufficient in their administration of controls. The intent, then, one would presume seem to be the protection of the spirit of the law in its efforts to protect the common public good. If public good can be construed to mean energy independence, can the specter of billions in corporate profits from multi-national interests compare with the need to pursue alternate and environmentally friendly, sustainable sources of energy, while maintaining the ability to simultaneously protect an environment upon which we all depend?

Counties may enjoy revenues generated by oil and gas activities and federal disbursement from royalties, but how well will trickling commercial revenue handle the kind of immediate infrastructure demands placed upon our roads, and emergency response teams - that demand alone is incredible. Although stated on Garfield County tax notices, how many citizens realize that out of about \$1,000.00 property taxes paid, the road and bridge department receives only \$13.00 or so, which then must be divided among other municipalities. Our county roads are NOT up to standard to deal with this kind of traffic. Blind corners, blind hills, narrow widths, steep edges, no shoulders.. this is common throughout many Colorado counties. At the time of this report, oil and gas interests are pressing for greater weight allowances on portions of a number of Garfield County roads (331, 324, 311, 320) (*[04-23-04] Permission granted.) I express grave concerns for the school children riding buses (without seat belt restraints) as they travel to and from school, and the dangers that they may encounter when meeting enormous, poorly marked, and often out-of-state drilling rigs and ancillary vehicles. In light of the comprehensive impacts from oil and gas exploration and development, targeted counties, particularly less affluent counties, must assign review committees from multiple sectors and make use of proper and responsible operator's annual operations plans, in order to best determine how well

ancillary vehicles. In light of the comprehensive impacts from oil and gas exploration and development, targeted counties, particularly less affluent counties, must assign review committees from multiple sectors and make use of proper and responsible operator's annual operations plans, in order to best determine how well proposed development compliments their master plan - weighing the prospect of revenue with socio-economic, cultural and environmental risk. Many rural land owners, who do not happen to own the mineral wealth beneath their lands, perceive themselves as targets of 'divide and conquer' techniques which many perceive to have been implemented by oil and gas companies. Without the benefit of a home owner's association, the rural land owner relies upon residential protection from county zoning regulations. Without county zoning regulations, the land owner may begin to feel understandably helpless, and frustrated. Urban environments have the numbers and density to afford some degree of residential protection. Rural landowners, an independent lot by nature, do not. To my knowledge, there is not an association of rural land owners in place to encourage our county governments to demand greater authority over and encourage enforcement of current rural land planning directives.

How Can This Be Happening? I'm going to digress just a bit, as I am reminded of a cartoon I've not yet drawn. The first frame shows a picture of a Native American standing on the ground with his hand around a spear. He is looking at a cowboy astride his horse, and saying with a sweep of his hand... "We are a proud and independent people; and, this is our land." to which the cowboy just grins and says.. "mm hmm." The next frame shows a cowboy atop his horse looking at a developer sitting in an S.U.V. The cowboy says.. "I am a rancher. We are a proud and independent bunch. I own this land." To which the developer (while on his cell-phone) grins and says.. "mm hmm." The next frame shows a developer and his sales-lady standing in front of a sign which says "Welcome to Shmuckville" They are facing a giant front-end loader with this burly-sort of guy, with an oil rig tattooed on his head, kind of leaning out with his cigar. The developer (still holding his cell-phone) says.. "I'm a developer. We are a proud and independent Association; and, I own this subdivision." To which the heavy equipment operator grins and replies.. "mm hmm." [End Strip] See, this is our greatest challenge here in the 'West'. Do we ever see ourselves as united beyond our next acquisition? Well, for the benefit of future generation, we'd better start looking at things a little differently than we have over the past hundred and thirty or so years.

Most people involved in the recent citizen's movement toward better regulatory control over the oil and gas industry are not those who normally think of themselves as 'activists'. In fact, many are simply seeking more balanced representation and safe methods of extraction. The current apparent imbalance of rights, power and political representation is so extreme, however, as to make reasonable requests seem as equally extreme - in the opposite direction. Many of us are not roundly opposed to oil and gas extraction, given our national dependence upon the resource. However, many of us seek not only development of alternative, renewable, Earth-friendly sources of energy; but, also, innovative, Earth-friendly methods of resource extraction - so long as we are bound to it. If activists this makes us, by caring and creating greater awareness of this ugly situation, then activists we are.

There are a number of non-profit environmental organizations fighting to protect our public lands - and they are a long way from adequately protected. But, those of us in a "Federal Unit" seem to be largely on our own. As concerned participating citizens and grass-roots organizations - most notably, Western Colorado Congress and Grand Valley Citizen's Alliance, work to draft proposed rule changes (at the state level) for oil and gas activity in Colorado, those of us in a federal unit, may not enjoy any implemented changes until they are addressed at the federal level.

Recall that federal units are fluid concepts which can be formed in an effort to conserve a particular resource, and have the theoretically intended potential to eliminate a need for well spacing density, thereby curtailing conflict between land owners, mineral owners, and industry; yet, seem to be currently misused and abused in what appears to be the interest of corporate and shared mineral ownership gain. For those of us who are attempting to comprehend how federal units are allowed to affect our use and enjoyment of our rural land, we recognize that we are struggling to protect more than our lands and ourselves. We are protecting not just a quality of life, but a way of life which should ensure the protection and proliferation, not of a finite, wealth-belt of belching oil and gas wells, but a diverse and fragile, never-more-vulnerable, life yielding legacy for our children. It is strictly my opinion, that though we may share use of our rural lands with mineral estate holders and industry, this is still our country, our county, and our homes - and our concerns deserve to be

An aggressive push for dense oil and gas development, and a seeming lack of regulatory control and protection for surface owners in this county and many other Colorado counties has driven this issue to the fore, demanding the attention of our citizens, business owners and political representatives.

To quote a visionary and drafter of the Declaration of Independence, Thomas Jefferson:

"Rightful liberty is unobstructed action according to our will within limits drawn around us by the equal rights of others. I do not add 'within the limits of the law,' because law is often but the tyrant's will, and always so when it violates the rights of the individual."

Though I and many others feel that there is a gross lack of representation for rural land owners who happen to reside within a federal unit, I am enough of an idealist, perhaps naively so, to believe that such an imbalance in moral integrity within our legal system is not intentional - but simply overlooked. I am enough of a capitalist to believe that these industrial actions are not sinister - only leveraged and allowed. But, I am enough of a humanitarian and scientifically and aesthetically slanted conservationist to realize that, without immediate action to halt this degree of devastation until some balance can be found - we risk losing our very humanity and the substance of ourselves.

Nothing so protects truth than the sharing of it with others. Take ten minutes and tell someone - who you've elected and are paying to listen - how you feel.

Lisa Bracken