AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Ratification of Correspondence; Congressman Scott

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Attached please find a letter to Congressman Tipton regarding the Proposed Western Colorado Lease Exchange and Conservation Act of 2016

Fiscal Impact: 0

Submitted by: Office of the County Attorney **Submitter's Email Address:** rmagruder@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok - gs

Reveiwed by: GUNCOUNTY1\gstuhr Discharge Date: 6/10/2016 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\khaase Discharge Date: 6/13/2016

◉ Consent Agenda ○ Regular Agenda ○ Worksession Time Allotted: 0

Agenda Date: 6/21/2016

Revised April 2015

Gunnison County
COLORADO

Gunnison County Board of County Commissioners
Phone: (970) 641–0248 • Fax: (970) 641–3061
Email: bocc@gunnisoncounty.org • www.GunnisonCounty.org

June 7, 2016
The Honorable Scott Tipton
United State House of Representatives
218 Cannon House Office Building
Washington, D.C. 20515

Re: Proposed Western Colorado Lease Exchange and Conservation Act of 2016

Dear Congressman Tipton:

The Gunnison County Board of Commissioners is charged with protecting the health, safety and welfare of our citizens; that goal includes the protection of our environment. Our regulations for Oil and Gas Operations were adopted to ensure that those goals are met while also providing the oil and gas industry with a set of standards in which responsible exploration and production of oil and gas resources could be permitted.

Over the past years, in collaboration with our neighbors located in Delta, Pitkin and Garfield Counties, we have supported the concept of a land exchange that would result in this type of responsible exploration while protecting the Thompson Divide area—an environmentally sensitive portion of our region.

However, as presented to us, the proposed Western Colorado Lease Exchange and Consultation Act of 2016 is not founded in our collaborative framework, does not fulfill the goal of responsible exploration informed by environmental protection, and violates the spirit—if not the letter—of basic federal procedural requisites.

We have participated in and continue to support the collaborative efforts that have been made to date, and believe that all of the stakeholders—including counties, towns, citizen groups and industry—are working toward a consensus supported solution. We continue to commend these efforts and urge that they be built upon as the basis for continued discussion. The proposed legislation, however, is neither the result of these community supported efforts, nor does the proposed legislation reflect the successful, collaborative efforts.

We are not in support of an isolated exchange bill for one party's lease exchanges. Rather, exchange of that party's leases should be a part of a large solution. Exchange, withdrawal, opportunity areas and no-surface-occupancy provisions are all tools to be used to meet the goals of a comprehensive and regional solution to the needs in this area. As we respectfully suggested in a correspondence to you in July, 2015, "(a)s a region, we have great momentum with our efforts and piece-mealing segmented out portions will become anti productive towards a holistic solution for the region."

We are significantly concerned that the proposed legislation would characterize its subject exchanges and assignment of leases—and issuance of new leases—as actions to be categorically excluded from the requirements for an environmental assessment or an environmental impact statement under NEPA. Pursuant to the proposed legislation, such a categorical exclusion would be magnified by a legislative determination that would, in essence, exempt the proposed exchanges and

assignment of leases from the analytic, community involvement, and land and resource regulatory requirements of the Federal Land Policy and Management Act of 1976.

As a consequence of the failure to develop the proposed legislation within an existing collaborative process, the failure of the proposed legislation to address more than one party's interests, and the potential of the legislation to thwart fundamental federal environment and land use review and safeguards, we cannot support its introduction or adoption.

Sincerely,

Paula Swenson, Chairperson Phil Chamberland, Vice Chairperson Jonathan Houck, Commissioner