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April 24, 2018

VIA EMAIL – NO ORIGINAL TO FOLLOW

City and County of Broomfield City Council
Randy Ahrens, Mayor
Bette Erickson, Mayor Pro Tem
David Beacom, Councilor
Guyleen Castriotta, Councilor
Kimberly Groom, Councilor
Stan Jezierski, Councilor
Kevin Kreeger, Councilor
Elizabeth Law-Evans, Councilor
Deven Shaff, Councilor
Mike Shelton, Councilor
Sharon Tessier, Councilor

City Hall
1 Descombes Drive
Broomfield, CO 80020

**RE: Colorado Oil & Gas Association – Comments to City and County of
Broomfield’s Ordinance No. 2067 Amending Certain Sections of the
Broomfield Municipal Code Concerning Broomfield Oil and Gas Regulations**

Dear City and County of Broomfield Council Members,

The Colorado Oil & Gas Association (“COGA”) respectfully submits comments to Broomfield City Council for consideration prior to the April 24th first reading, regarding the City and County of Broomfield’s proposed Oil and Gas Regulations (“Proposed Regulations”).

While it is clear that Broomfield has put great consideration into drafting these Proposed Regulations, COGA and its members believe there remain significant areas of concern. These concerns are specifically addressed in the attached redline.

Some of our key concerns are as follows:

- Portions of the proposed changes conflict with State regulations, and likely are operationally preempted either facially or on an as-applied basis;
- Inspection notice at the gate does not provide the Operator with meaningful notice. All site inspectors should be escorted while on premises;
- Providing that all special review requests are valid for only one (1) year from the approval date is unreasonable. Permitting timelines required by Broomfield alone are unlikely to fit within this approval time frame. The period for commencement of construction from special review request approval should be extended to five (5) years;
- Municipal governments cannot determine what constitutes Operational Conflict. This is an issue that only courts can decide; and
- These proposed changes pose an unreasonable and duplicative reporting burden on oil and gas companies attempting to operate within the city limits.

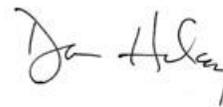
COGA and its members respectfully request that the City and County of Broomfield give due consideration to their reasonable and practical concerns regarding the Proposed Regulations and incorporate the attached redlines' recommendations.

COGA would appreciate the opportunity to work with the Council and staff as an engaged stakeholder. COGA encourages the city to keep in mind that local governments may not enact regulations that conflict with existing state statute or regulations, as the Colorado Supreme Court made clear in *City of Longmont v. Colorado Oil and Gas Association*, 369 P.3d 573 (Colo. 2006).

COGA's Community Outreach Coordinator will be reaching out to each of you to discuss these comments. Given the very tight time frame between publication of the latest version of these regulations and today's submittal deadline, COGA anticipates that additional comments on the Proposed Regulations will be forthcoming.

Thank you for your consideration of these comments.

Sincerely,



Dan Haley
President and CEO

Enclosures:

- Redline of Proposed Changes to Title 17 Zoning Code

cc: Tami Yellico – LGD, City and County of Broomfield
Elizabeth Paranhos – Broomfield counsel, Energy Innovation Partners
Julia Rhine & Mark Mathews – COGA counsel, Brownstein Hyatt Farber Schreck