



Written Statements Under Rule 510

Please use this form to submit all Rule 510 statements to the Colorado Oil and Gas Conservation Commission. Please fill out and make nine (9) copies and submit original and copies no later than the deadline for protests/interventions for the hearing on which this statement is being submitted (Rule 503.). These deadlines can be determined by accessing the appropriate hearing schedule from the home page. Statements received after the deadline will not be included in the record. Please mail your original statement and nine (9) copies to COGCC, Attention: Patricia Beaver, 1120 Lincoln Street, Suite 801, Denver, Colorado 80203. In order to meet deadline you may email to DNR.OGCC@state.co.us and in the subject line, type: Protest/Intervention, or fax to (303) 894-2109, however, you must also submit your original and 9 copies. Statements must be sworn by signing at the bottom of the page and shall not exceed 2 pages in length. Statements that are not properly sworn will not be included in the record.

Name: Tracy Dahl
Address: PO Box 160, Weston, CO, 81091
Phone Number: 719-859-4484
E-Mail Address: polarsolar@hughes.net
Cause Number: 1R: Noise Ruling
Docket Number: 0609-RM-02

Statement

Dear Colorado Oil and Gas Conservation Commissioners,

As a resident of rural Colorado in Las Animas County, I have been deeply concerned by the many issues related to the development of coal bed methane (CBM). The issues include numerous environmental impacts, loss of habitat for wildlife, devaluation of rural property following the industrial development, and the general impact to the quality of life for rural residents living in areas of CBM development. This letter specifically relates to the issue of noise.

I spoke before the commission in late 2005, urging more stringent regulations on noise. I speak as both an affected Landowner, and as someone who has specific technical knowledge in the area of noise abatement. I applauded the Commission's decision to lower nighttime noise levels to 45dBA, and extending that requirement to the rural areas. I guess it came as no big surprise when COGA challenged that well considered ruling. It pains me to have to pick up the argument again, as I'm sure it does you.

My wife and I moved to rural Las Animas County from Boulder County in 1995. We traded the hustle and bustle of the city for the peace and quiet of rural life. There were numerous trade-offs along the way, but the beauty of life in the mountains, with the sound of the birds and the breeze in the trees made it all worthwhile. Living the quiet life proved incredibly therapeutic. My blood pressure dropped along with my stress level.

Now however, we feel like we are under attack. The CBM industry is moving into our area and the noise and traffic are escalating. Already the noise level on a calm, windless day approaches and occasionally passes the 55dBA limit – and they are not even on our ranch yet! This is canyon country, and the noise travels far. Where once we had the songs of the birds in the trees, we now have the incessant sound of industrial engines and construction activity 24 hours a day.

Knowing we were in for a long road, our landowners association began negotiations with the two Operators having mineral rights under our land. These are Petrogulf Corporation and Pioneer Natural Resources. It took over a year and some \$50,000 in attorney fees to create two Surface Use and Easement Agreement's (SUEA). The fact that it took so much time and money to create these legally binding documents, and that there are significant differences between the two is quite telling. This is an incredibly under-regulated industry. Agreements of this type should be boilerplate, and they are not. We were lucky that we had adequate resources to aggressively pursue this, sharing the costs as well as the benefits among our constituency. Individual Landowners must bear it all. I digress.

In our SUEA's, we specifically address the issue of noise. After many heated discussions, Petrogulf agreed to a 42-47 dBA maximum, day and night, construction activities excluded. We also have written into our compensation schedule, the ability to fine them if they fail to come into compliance with the noise and other environmental issues in a reasonable amount of time. This is a somewhat more stringent level than that passed by the Commission last December. Clearly, this is a company that understands it will have no trouble meeting the requirement. Pioneer on the other hand, would only agree to make "best efforts" not to exceed these sound levels. We had no leverage to force the issue.

There is no question that it is technically and economically feasible to operate the machinery the industry uses at these lower sound intensity levels. In my work for the National Science Foundation as a Design Engineer, I have been called on to create remote power systems for deployment in sensitive environments. These systems typically utilize renewable energy power sources (wind and sun), in conjunction with diesel generator sets. Diesel engines are inherently louder than the spark ignited engines used by the industry. Still, it required relatively little engineering and materials to reduce noise levels below what the Commission passed in December. Noise attenuation is really pretty simple. The primary mechanisms are absorption and redirection. In my experience, the noise attenuation for a power system would typically add only a few thousand dollars to the overall cost of a project. Further, there would be an economy of scale were the industry forced to adopt more advanced sound attenuation technology. COGA's assertion that it is economically unfeasible to meet noise levels that don't drive local residents

crazy is simply not credible. Indeed, the argument should be structured quite the other way around. The sound levels that are acceptable for the health and well being of the residents should be established first, then the CBM Operators can make business decisions on whether it is cost effective to develop an area accordingly. I am certain that the industry would adapt and development would continue apace – albeit slightly less intrusively.

In closing, there are many issues attendant with CBM development. On our ranch, we have already had three domestic water wells adversely affected by drilling operations on adjacent state lands. We have also had our surface water polluted by surfactants from overflowing evaporation pits. Both of these are currently under investigation by the COGCC. In the face of environmental catastrophes such as these, the noise issue seems almost trivial, and yet it is very important and easy to address. We are going to have to live with these operations for up to 30 years – essentially forever from my perspective. I am incredibly tired of subsidizing this industry with my land, my water, my quality of life. There are many challenges to create a system of regulation acceptable to Landowners and the industry alike. I do not envy your task. Still, noise is one that is relatively easy to address, and a good place to start. Please hold firm with your ruling, or even make it a bit more stringent. Thank you for hearing my plea.

Sincerely,

Tracy Dahl

By signing this statement, I am verifying under oath that the information contained in it is true and correct.

Name:

Date: