



**Oil & Gas
Accountability
Project**

A program of EARTHWORKS

January 11, 2006

County Planning and Zoning Commission
County Planning Office
311 West Main
Bozeman, MT 59715

Dear Commissioners,

On behalf of the Oil & Gas Accountability Project and the members that we represent, thank you for the opportunity to support the Bozeman Pass Zoning Regulation and provide comments.

The Oil & Gas Accountability Project (OGAP) works with communities throughout the United States and Canada to prevent and reduce the devastating environmental, social and fiscal impacts of irresponsible oil and gas development. Since our founding in 1999, OGAP has worked with oil and gas-field communities throughout the Western region of the U.S. to address oil and gas issues on the federal, tribal, state and local levels. OGAP has offices in Montana, Colorado and Washington, D.C., and our expertise in local oil and gas regulations includes working with counties, municipalities and citizens groups in Montana, Colorado, New Mexico, Alaska, Texas, and Oklahoma.

Here in the Rocky Mountains, we are in the midst of a coalbed methane boom. The challenge facing many western communities like Gallatin County now is not *whether* to increase coalbed methane or other gas and oil production – energy companies are already on a record-setting pace as the price of gas rises and development accelerates on our public and private lands. The challenge facing us today, rather, is *how* best to protect our clean water, air and soil, public health, heritage and communities in the face of this rapid energy development pressure.

In OGAP's experience, local oil and gas regulations have proven to be one of the most effective tools for communities across the U.S. to ensure that oil and gas activity occurs responsibly. We urge the Planning and Zoning Commission to move as quickly as possible to put into effect the Bozeman Pass Zoning Regulation, as drafted on June 1, 2005.

Bozeman Pass Zoning Regulation: A Necessary Step in Securing Gallatin County's Future in the Face of Oil & Gas Development

OGAP applauds the foresight of Gallatin County Commission and Planning Department, the Citizens' Advisory Committee and others who established the Bozeman Pass Zoning District and drafted the regulation. This regulation is comprehensive, balanced and anticipates many of the issues and conflicts that have arisen between large energy corporations and communities in other areas across the West. In many respects, the oil and gas portion of this regulation is comparable to local oil and gas ordinances in effect or being developed in places like La Plata, Ouray and San Miguel counties of Colorado, or Colfax County, New Mexico.

OGAP wishes to highlight below several provisions of the Bozeman Pass Regulation as necessary tools for protecting the health, safety and welfare of the district's citizens, protecting the district's environmental integrity, and minimizing conflict between landowners, and residents with mineral developers. Without these regulatory mechanisms in place, Bozeman Pass landowners and the public are left at the mercy of high natural gas prices and the annual plans of corporate gas companies. This is just too much uncertainty in a time when relatively small natural gas plays are becoming more and more economic for a variety of energy companies.

Critical Provisions for Bozeman Pass Residents and the Public

4.05.03 Final Application. In the face of oil and gas development, the Bozeman Pass Zoning Regulation provides comprehensive and reasonable mechanisms for establishing baseline data for property values, environmental and wildlife conditions, and for implementing third party certification and monitoring of these conditions. *Without this certified information, local governments', landowners' and citizens' consent to oil and gas development is nearly meaningless in that we have no way to judge the affect that this development is having on our communities and no way to work with companies to determine our future.*

4.05.4 Conditional Approval. As written, the Bozeman Pass Zoning Regulation contains a number of conditional uses that are critical to ensuring that oil and gas operators are responsible and respectful neighbors to surface owners, nearby landowners and residents. Specifically, OGAP notes the necessity in maintaining the ability to: (c) regulate hours of operations, (e) discharge of groundwater and surface water, (g) regulation of odors...dust, airborne particles, vibration, glare and noise emissions from point and non-point sources, (k) a schedule for effective monitoring of all development, and (m) the use of best available low-impact technologies. *Without these conditions, landowners and citizens across the West are experiencing avoidable and often times severe impacts to the every day conditions of their rural homes, health, agricultural operations, businesses, neighborhoods and landscapes.*

Once again, the Oil & Gas Accountability Project applauds Gallatin County's local officials, staff and citizens for the foresight and work that has gone into establishing the Bozeman Pass District and producing this draft regulation. It is our perspective that this regulation is a critical and necessary step in ensuring responsible oil and gas development

in Gallatin County, and we urge you to pass the regulation without compromising or weakening any of its substance.

Thank you for the opportunity to comment on and support this effort.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Goldman". The signature is written in a cursive, flowing style with a long horizontal tail extending to the right.

Jennifer Goldman
Public Health & Toxics Campaign Coordinator