

# Colorado Surface Owner Protection Act

## **National Precedent Set by Landowner Protection Bill Signed into Law by Colorado Governor Ritter Effective September 1, 2007**

*New statute will more responsibly balance landowner rights vs. oil & gas drilling.*

(Glenwood Springs, May 29) -- Today Colorado Governor Bill Ritter will sign House Bill 1252, precedent-setting legislation that is one of the most powerful state laws in the nation in terms of protecting landowners rights and the environment.

This is a brilliant piece of legislation that gives landowners a powerful tool to negotiate with companies and it requires industry to use state-of-the-art technologies to prevent and reduce damages, said Oil & Gas Accountability Project member Jim Fitzgerald, a rancher from Bayfield, CO. There is no other law in the nation that balances the rights of landowners to protect their land with the rights of industry to develop their oil and gas.

Representatives Ellen Roberts (R-Durango), Kathleen Curry (D-Gunnison) and Senator Jim Isgar (D-Hesperus) championed the precedent-setting legislation. The bill requires, for the first time, that oil and gas companies --

- \* Consider the rights of landowners;
- \* Minimize intrusion upon and damage to the land;
- \* Use alternative means of operation to prevent impacts;
- \* Failing to minimize their intrusion upon the surface give a landowner a cause of action (to bring a lawsuit); and
- \* Bear the burden of proof in any litigation! not landowners! when it comes to demonstrating their reasonable use of the surface.

According to prominent Denver oil and gas attorney Lance Astrella, landowners can now require directional drilling of multiple wells from one pad. This alone can reduce surface impact by 80% in areas like Colorado's northern Front Range, stated Astrella. In other areas where emissions from oil and gas operations are causing health concerns, landowners can also require operators to place adequate pollution controls on equipment, to use green fracturing procedures to protect soil and groundwater, and to use pitless/closed loop drilling systems.

Furthermore, HB 1252 is complimentary to the Governor's reform bill (HB 1341) because it deals with operational issues on a case-by-case basis and encourages negotiation between the landowner and operator, ultimately reducing disputes that can overburden courts and governmental agencies, said Astrella.

The Oil & Gas Accountability Project was founded in 1999 to work with communities to prevent and reduce the impacts caused by oil and gas development. OGAP was instrumental in writing HB 1252 and working with Representatives Roberts and Curry and Senator Isgar to promote its passage. OGAP, a program of EARTHWORKS, has 5,000 members and offices in Durango, Bozeman and Washington, D.C.

## FOR MORE INFORMATION

- \* [Read](#) the OGAP brochure on the CO Surface Owner Protection Act
- \* House Bill 07-1252: select HB 1252, select All Versions , click on 1252enr.pdf  
<http://www.leg.state.co.us/Clics/Clics2007A/csl.nsf/BillFoldersHouse?openFrameset>
- \* Oil & Gas Accountability Project: [http://www.earthworksaction.org/oil\\_and\\_gas.cfm](http://www.earthworksaction.org/oil_and_gas.cfm)
- \* Oil & Gas at Your Door? A Landowner's Guide to Oil and Gas Development:  
<http://www.earthworksaction.org/LOguidechapters.cfm>

## Local Contacts

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