



The Battlement Mesa HIA
Roxana Witter, Colorado School of Public Health,
13001 E. 17th Place B119
Aurora, Colo. 80045

Re: WRA comments on HIA

Submitted via email to maperc@ucdenver.edu

Dear Ms. Witter:

Throughout the process, a fundamental concern goes to “The proximity of drilling and gas production to homes, recreational areas, and schools.” HIA Part One Page Five.

Colorado law provides that oil and gas development should be responsible and balanced, consistent with the protection of public health, safety and welfare, including protection of the environment. The full Legislative declaration provides as follows:

34-60-102. Legislative declaration. (1) It is declared to be in the public interest to foster encourage, and promote the responsible, balanced development, production, and utilization of the natural resources of oil and gas in the state of Colorado in a manner consistent with protection of public health, safety, and welfare, including the protection of the environment and wildlife resources; to protect the public and private interests against the evils of waste in the production and utilization of oil and gas; by prohibiting waste; and to safeguard, protect, and enforce the coequal and correlative rights of owners and producers in a common source or pool of oil and gas to the end that each such owner and producer in a common pool or source of supply of oil and gas may obtain a just and equitable share of production therefrom.

A central issue raised by the HIA is drilling setbacks from residences. Although it is difficult to say what minimum setback will achieve the responsible balance required by state law, greater setbacks obviously will result in less conflicts with residents and residences, and better meet the legal mandate to protect public health, safety and welfare in the conduct of operations.

If drilling plans for this landscape proceed, state law requires that the protection of health safety and welfare trumps the lessee’s interest in protecting against “the evils of waste” by fully recovering every last cubic foot of gas underlying this residential neighborhood. Accordingly, state regulatory bodies must put public health first, and not consider themselves compelled to approve operations that carry serious or unacceptable risks to local residents and the greater public welfare. If this means leaving some unrecovered gas under the ground, that is a small price to pay for ensuring the health of local residents.

Presently, several of the proposed pad locations appear too close to residences to adequately protect public health, safety and welfare. HIA Figure 1. Pads and other facilities should be proposed based on locations and distances judged adequate to address health concerns and avoid conflicts; rather than constrained by the operational preferences of the lessee.

Currently, the HIA proposes to address uncertainty in part by the following strategy: “Conduct sampling at multiple setbacks. Model resident exposures and validate models with field sampling.” HIA “Information Gaps,” Part One Page 11. It is unacceptable, and contrary to state law, to conduct experiments with the health of real people. Where there is doubt or uncertainty regarding the threats to public health, due to setback distances or exposure amounts, it must be resolved by erring on the side of protecting residents. Because of the high density of residents (including individuals in higher risk or more sensitive groups) near the proposed development, setbacks should be *at least* 1,000 feet if drilling proceeds in the proximity of the community.

Thank you for your attention to this comment, and please do not hesitate to contact me to discuss these issues. I look forward to seeing the final HIA and continuing efforts to ensure that public health concerns are addressed in the conduct of oil and gas operations in Colorado; and the day when HIAs are integrated into the planning process for all energy development projects.

Sincerely yours,



Mike Chiropolos
Lands Program Director