



November 18, 2014

For Immediate Release

## Landowners Outraged at Wyoming's Proposed Oil and Gas Setback

At their monthly meeting in Casper, Wyoming today, the Wyoming Oil and Gas Conservation Commission (WOGCC) passed up the opportunity to become a national leader in balanced and responsible energy development by failing to establish an effective and even minimally protective setback distance between homes and oil and gas wells. Set decades ago, Wyoming's current setback distance of 350 feet is now one of the smallest in the nation, and landowners and citizens have called on the Commission to increase the distance in the face of new industrial scale horizontal oil wells. Today's proposal increases the distance by a mere 150 feet to 500 feet from both vertical and horizontal wells. The proposal falls woefully short of the quarter mile setback (1,320 feet) put forward by the Powder River Basin Resource Council and other landowner groups in a citizen rulemaking petition submitted to the Commission in May of 2013 and again this October.

In rejecting the citizen petition, the Commission argued that leadership should come from government, not citizens. According to a May 2013 Wyofile article, when asked for his reaction to the citizens' petition, Governor Matt Mead responded, "My view is changes in rules and regulations should be driven by the commission, or by this office." Mead added that citizens have an opportunity to comment on any rule changes, but that the changes should be driven by state officials.

Citizens groups who submitted the petition say today's proposal from the Commission falls far short of the leadership the Governor promised. "Wyoming needs balanced development that respects the rights and priorities of its citizens. Unfortunately, it appears that the setback distance proposed today was determined by what is most expedient for industry – not what is best for the citizens of Wyoming," said Gillian Malone, Chair of Powder River Basin Resource Council. "We're greatly concerned that this minimal well setback proposal is in fact the same as the Petroleum Association of Wyoming's proposal [as explained early this month to the Converse County Commission](#)."

The Commission's rejection of a greater setback distance for oil and gas wells runs counter to the growing body of science documenting impacts to health, safety and property values in locations where wells are located close to where people live. Studies around the country show that residents living in close proximity to oil and gas facilities experience more health problems than those living farther away. Researchers from Yale University found that individuals living near natural-gas wells were more than twice as likely to report upper-respiratory and skin problems. The citizens groups argue that a greater setback distance can mitigate some of these negative health impacts by preventing unsafe levels of air pollution from reaching nearby homes, schools, and hospitals.

The proposed Wyoming 500 foot setback is much smaller than setbacks of 1,000 to 1,500 feet recently enacted in communities in Texas, the largest oil and gas producing state in the U.S. And at the federal level, the Bureau of Land Management has a 1,320 foot setback as a condition in their leases across the West, including in Wyoming.

The proposed rule, which is available for public comment through early February, also requires oil and gas operators to notify landowners located within 1,000 feet of a drilling structure. However, the landowner notification is required only after the application for a permit to drill (APD) has been approved – too late for homeowners, who are then too late to request a greater setback distance. "Essentially, this part of the rule is form without substance," said Marilyn Ham, a Laramie County landowner and Secretary of the Resource Council.

“Homeowners like me deserve a seat at the table. We need notice that will allow us to participate in the process and allow our concerns to be considered.”

While measures to mitigate the impacts of noise and light have been included in the draft rule for homeowners within 1000 feet of a well, they in no way ameliorate the risks posed to health and safety or to the quiet enjoyment of one’s private property from unbridled oil and gas development. In addition to air pollution, oil and gas production brings with it increased noise, traffic, and light pollution – any of which can significantly impact nearby residents by decreasing their quality of life and the value of their property.

Teresa Massey a Cheyenne area landowner living near oil drilling said, “Ever since the drilling started sleep is a problem due to the high volume of traffic and noise from the drilling. I also don’t want to be breathing in chemicals emitted by the development since I am asthmatic. I challenge anyone of the Commissioners voting on this setback rule to live within 500 feet of one of these wells.”

A study conducted by researchers at the University of Denver found that the vast majority of 550 people surveyed would not buy a home near drilling operations. For the homes that do sell, a five-to-fifteen percent reduction in bid values occurs for homes in proximity to drilling sites. Drilling in close proximity to a home can also impact a homeowner’s ability to properly insure the home. An insurance company recently rewrote homeowners’ policies in Cheyenne to exclude impacts related to “hydraulic fracturing.”

“This new type of drilling creates numerous significant impacts to neighboring property owners and compromises our quality of life,” said Ham. “It has no place near homes. The size of these well pads, which can be 10 acres with 16 or more wells on a pad, come with associated facilities, infrastructure, and truck traffic that effectively industrialize a residential area. The activity runs relentlessly 24 hours a day.”

Ham and landowners like her are also concerned that when wells are located too close to where people live, those people are in the zone that will be affected by any accident at the well location. “Oil and gas development has one of the highest incidents of accidents of any industry in Wyoming. We frequently hear of fires, spills, and other problems at wells across the region, and I greatly worry about those types of accidents happening near my home,” said Ham.

Barry Bruns vice-president of the Laramie County Surface Owners Association said, “The oil and gas industry is getting a free ride compared to other industries in the state. Platte County requires a 1,320 foot setback for wind turbines.” He added that, “The 500 foot setback from occupied structures pales in comparison to the setback granted to sage grouse. No oil and gas development is allowed within 0.6 miles of a lek within sage grouse core areas, which is 6 times greater than the setback from human homes. I don’t understand why sage grouse have greater protections in Wyoming than taxpaying, voting, citizens.”

Industry representatives claim that a setback distance greater than 500 feet would prevent development of all the oil, thereby resulting in “waste.” Bob LeResche, a landowner from Clearmont, Wyoming, said, “I am incredulous that the Commission argues they need this miniscule setback to prevent “waste” at the same time they are approving permits to actually waste large amounts of Wyoming’s natural gas resources through flaring.” He added, “Regulators have a lot of discretion – and in fact have a duty -- to add conditions to development to protect the health and safety of citizens. The Commission needs to take this part of its job seriously and strike the regulatory balance citizens need and deserve.”

###