

CYNTHIA H. COFFMAN
Attorney General
DAVID C. BLAKE
Chief Deputy Attorney General
MELANIE J. SNYDER
Chief of Staff
FREDERICK R. YARGER
Solicitor General



STATE OF COLORADO
DEPARTMENT OF LAW

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000

Office of the Attorney General

January 26, 2017

VIA E-MAIL AND FEDERAL EXPRESS

Commissioner Cindy Domenico
Commissioner Deb Gardner
Commissioner Elise Jones
1325 Pearl Street, Third Floor
Boulder, Colorado 80302
Via e-mail: commissioners@bouldercounty.org

RE: Boulder County's Moratorium on Oil and Gas Development

Dear Honorable Commissioners:

For the past five years, since February 2, 2012, Boulder County has prohibited new oil and gas development within its borders. It has done so through multiple and continuous "temporary" moratoriums. The latest, which was announced on December 13, 2016, extends through at least May 1, 2017. But, consistent with past practice, there is reason to suspect that the County will continue its pattern of extending its "temporary" prohibition beyond even that date.

The County's continuous five-year ban on oil and gas development violates state law. In two decisions issued just last year, the Colorado Supreme Court made clear that local governments may not prohibit oil and gas development at the local level. *City of Fort Collins v. Colo. Oil & Gas Ass'n*, 369 P.3d 586 (Colo. 2016); *City of Longmont v. Colo. Oil & Gas Ass'n*, 369 P.3d 573 (Colo. 2016). Neither permanent nor temporary bans are allowed. In *City of Fort Collins*, the Court struck down a five-year moratorium, explaining that the temporary ban undermined the State's interest in the efficient and responsible development of oil and gas resources and "deleteriously affect[ed] what is intended to be a state-wide program of [oil and gas] regulation." Boulder County's ban on oil and gas development from February 2012 through May 2017, and perhaps longer, exceeds the five-year moratorium the Colorado Supreme Court struck down in *City of Fort Collins*. The County's ban is clearly unlawful.

If Boulder County does not rescind its ban on oil and gas development by February 10, 2017, or if the County takes other steps to impede the efficient and responsible

development of oil and gas resources, my office will take appropriate legal action consistent with the recent opinions of the Colorado Supreme Court.

Sincerely,

A handwritten signature in black ink, appearing to read "Cynthia H. Coffman". The signature is fluid and cursive, with a large initial "C" and "H".

Cynthia H. Coffman
Colorado Attorney General

cc: Ben Pearlman, Esq.
Boulder County Attorney
1325 Pearl Street, Fifth Floor
Boulder, CO 80302
Via e-mail only: bpearlman@bouldercounty.org