

UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING

STATE OF WYOMING, et al.,)
)
Petitioners,)
)
v.)
)
UNITED STATES DEPARTMENT)
OF THE INTERIOR, et al.,)
)
Respondents,)
)
and) Civil Case No. 2:16-cv-00285-SWS
) [Lead]
WYOMING OUTDOOR COUNCIL,)
CENTER FOR BIOLOGICAL) [Consolidated With 2:16-cv-00280-
DIVERSITY, CITIZENS FOR A) SWS]
HEALTHY COMMUNITY, DINÉ)
CITIZENS AGAINST RUINING) Assigned: Hon. Scott W. Skavdahl
OUR ENVIRONMENT,)
ENVIRONMENTAL DEFENSE)
FUND, ENVIRONMENTAL LAW)
AND POLICY CENTER,)
MONTANA ENVIRONMENTAL)
INFORMATION CENTER,)
NATIONAL WILDLIFE)
FEDERATION, NATURAL)
RESOURCES DEFENSE COUNCIL,)
SAN JUAN CITIZENS ALLIANCE,)
SIERRA CLUB, THE)
WILDERNESS SOCIETY,)
WESTERN ORGANIZATION OF)
RESOURCE COUNCILS,)
WILDERNESS WORKSHOP, AND)
WILDEARTH GUARDIANS,)

Respondent-Intervenors.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

DECLARATION OF GWEN LACHELT
Submitted In Support of Respondent-Intervenors' Response to Motions for
Preliminary Injunctions

I, Gwen Lachelt, declare as follows:

1. I am a County Commissioner in La Plata County. La Plata is a largely rural county in southwestern Colorado with a population of approximately 56,000 residents. Since my election to the La Plata County Commission in 2012, I have deeply engaged in issues related to oil and gas development, including the county's efforts to conserve resources and minimize the environmental impacts of that development. For instance, as a Commissioner, I served as co-chair of Governor Hickenlooper's Oil and Gas Task Force, which focused on how to address land use issues in a way that protects communities while allowing reasonable access to private mineral rights. The Task Force was comprised of a wide range of stakeholders including local governments, industry representatives, and conservation groups. The group issued a final report in February of 2015 setting forth a number of recommendations to govern oil and gas development in the state. Prior to my time on the County Commission, I spent over 25 years working on issues related to the impacts of oil and gas development in various capacities,

including as the founder and director of Earthworks Oil & Gas

Accountability Project.

2. La Plata County and the surrounding areas in the San Juan Basin have significant oil and gas development, including extensive development on federal and tribal lands that lie within the county. La Plata County has over 3,000 oil and gas wells, with roughly 90% of wells and production in La Plata located on federal and tribal lands.¹ Royalties from oil and gas production on federal lands are an important source of revenue for La Plata County. In fiscal year 2016, La Plata County received \$994,392.20 and the La Plata School District received \$65,423.80 from Federal Mineral Lease distributions.² These royalties fund critical programs in the county, including education, public infrastructure investment for roads and bridges, and mitigation efforts to offset the impacts of energy development in our community.
3. This oil and gas production can also lead to a waste of natural resources. Lost gas from venting, flaring, and leakage from sources in La Plata County and elsewhere in the San Juan Basin, including in the neighboring state of New Mexico, has profound negative consequences for both La Plata County revenue and public health.

¹ Calculated from Drillinginfo and ICF International datasets.

² Colorado Department of Local Affairs, Federal Mineral Lease Distributions County Pool (FY 2016), <https://dola.colorado.gov/sdd/ddFMLTier1.jsf>.

4. The San Juan Basin, in which La Plata County is situated, has one of the highest rates of wasted gas and methane loss in the country, accounting for nearly 17% of U.S. methane losses.³ In 2014, NASA discovered a methane cloud the size of Delaware over the San Juan Basin.⁴ In a follow-up study released this year, NASA found that a significant portion of these methane losses were attributable to oil and gas sources in the Basin.⁵ In particular, the study identified 250 sites with very high loss rates, sometimes known as super-emitters.⁶ Approximately half of these super-emitter sites were in La Plata County on the Southern Ute Reservation, which is tribal land subject to the BLM Rule. The site with the greatest losses identified in the study was a gas processing plant on tribal land in La Plata County.
5. In addition to wasted methane, oil and gas sites in La Plata County and the San Juan Basin release dangerous pollutants such as benzene and ozone-forming pollutants that can lead to asthma attacks and worsen emphysema. This air pollution continues to be a regional public health hazard, and has contributed to La Plata County receiving a “D” grade for poor ozone air quality from the American Lung Association, based on the number of days

³ Conservation Economics Institute, *A Review of the Economic Factors Surrounding the Capture of Methane from Oil and Natural Gas Development on Federal Public Land* (April 22, 2016).

⁴ NASA news release, Oct. 9, 2014 available at <http://www.nasa.gov/press/2014/october/satellitedata-shows-us-methane-hot-spot-bigger-thanexpected/#.VLbQ0PnF9sE>.

⁵ Christian Frankenberg, et al., *Airborne methane remote measurements reveal heavy-tail flux distribution in Four Corners region*, Proceedings of the National Academy of the Sciences of the United States of America (June 17, 2016), available at <http://www.pnas.org/content/113/35/9734.full>.

⁶ *Id.*

where air quality was found to be unsafe for sensitive groups using EPA Air Quality System data.⁷

6. BLM's Waste Minimization Rule will establish uniform requirements across oil and gas sources on federal and tribal lands, increasing the volume of natural gas that companies are able to bring to market and boosting the royalties and severance taxes that fund public services in La Plata County. In addition to the waste prevention standards, the final rule's royalty provisions clarify when producers must pay royalties on gas and so will have near-term benefits for incentivizing additional capture and associated revenues for the County.
7. The Rule will have the added benefit of reducing harmful air pollution and improving air quality for the people of La Plata County and the San Juan Basin. This is particularly so because La Plata County is situated on the border of Colorado and New Mexico and so emissions from sources in both states impact the air we breathe. Although Colorado requirements address many sources of waste and reduce air pollution from the oil and gas sector, New Mexico largely lacks such measures. BLM's rule will help to provide important uniformity across state lines.

⁷ American Lung Association, *State of the Air Report Card: Colorado* (2016), <http://www.lung.org/our-initiatives/healthy-air/sota/city-rankings/states/colorado/>.

8. The Waste Minimization Rule is an important step forward to ensure operators on federal and tribal lands are deploying commonsense measures to capture additional gas. The Rule will benefit La Plata County by providing additional royalties that we can use to fund key County priorities—including infrastructure, roads, and education—while also helping to clean up the air in the San Juan Basin, which will have health benefits for our citizens.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in blue ink, reading "Gwen Lachelt", written over a horizontal line.

Gwen Lachelt

Dated December 14, 2016