

Comparison of State Oil and Gas Regulations and Local Ordinances Regarding Setbacks for the Intermountain West

State Setback Standards	Colorado	Wyoming	Utah	New Mexico	Montana	Alberta, Canada
Distance	At time of initial drilling, wellhead located 150 ft. or 1-1/2 times height of derrick, whichever is greater. A well shall be a minimum 150 ft. from a surface property line. ¹	Pits, wellheads, pumping units, tanks, and treaters shall be no closer than 350 ft. to places below. ²	No well with a surface location of 1 mile. ³	None at state level. See county-level regulations, below.	¼ mile – Any drilling activity or infrastructure - such as well pads, roads or traffic. ⁴	H ₂ S-dependent. Anywhere from 100 m (328 ft.) minimum to 1.5 km (~1 mile), depending on H ₂ S level. ⁵
Applies to	Any building unit, public road, major above-ground utility line, railroad. ⁶	Water supplies, residences, schools, hospitals, or other structures where people are known to congregate. ⁷	Boundary of a state or federal park, wildlife refuge, or waterfowl management area without consent of appropriate state or federal regulatory agency. ⁸		16 distinct leases abutting prized trout fishing waterways. ⁹	Potentially applies to individual permanent dwellings, public facilities, or urban centers, depending on H ₂ S level. ¹⁰

¹ 2 Colo. Code Regs. § 404-1 rule 603(a)(2) (2009).

² 055-000-003 Wyo. Code R. § 22(b) (Weil 2008), available at <http://soswy.state.wy.us/Rules/RULES/7188.pdf>.

³ Admin. Code r. 649-3-33(2.2) (2003), available at <http://www.rules.utah.gov/publicat/code/r649/r649-003.htm#T33>.

⁴ Scott Streater, *Energy Development: Mont. Plan to Protect Wildlife Sets Precedent for Setbacks*, Land Letter, Sept. 11, 2008, available at <http://www.eenews.net/ll/2008/09/11>.

⁵ Alberta Government Energy Resources Conservation Board, Directive 056, Table 5.5, available at <http://www.ercb.ca/docs/documents/directives/directive056.pdf>.

⁶ 2 Colo. Code Regs. § 404-1 rule 603(a)(2) (2009).

⁷ 055-000-003 Wyo. Code R. § 22(b) (Weil 2008), available at <http://soswy.state.wy.us/Rules/RULES/7188.pdf>.

⁸ Admin. Code r. 649-3-33(2.2) (2003), available at <http://www.rules.utah.gov/publicat/code/r649/r649-003.htm#T33>.

⁹ Scott Streater, *Energy Development: Mont. Plan to Protect Wildlife Sets Precedent for Setbacks*, Land Letter, Sept. 11, 2008, available at <http://www.eenews.net/ll/2008/09/11>.

¹⁰ Alberta Government Energy Resources Conservation Board, Directive 056, Table 5.5, available at <http://www.ercb.ca/docs/documents/directives/directive056.pdf>.

Local Government Setback Standards	New Mexico			
	Eddy County, NM ¹¹	Rio Arriba County, NM ¹²	Santa Fe County, NM ¹³	Valencia County, NM ¹⁴
Activity	- Oil and natural gas wells	- Oil & gas development prohibited	- No oil or gas facility shall be located closer than:	Extraction not to be conducted within 100 ft. of a zoning district boundary or 500 ft. of a well or road.
Distance from features	- 300 ft. from a residence, mercantile establishment, school or church without written consent of owner.	- In floodplains - 650 ft. from dwellings - 300 ft. from surface water - 200 feet from highways - 200 feet for wells used by less than 5 residents - 1000 ft. from wells used by five or more people	- 750 ft. from inhabited dwellings, building used as place of assembly, school, or institution - 400 ft. from non-residential use or building - 200 ft. from public road or highway - 1000 ft. from groundwater recharge area, alluvial aquifer, perennial, seasonal, or ephemeral water course, creek, arroyo, playa lake, or wetland as defined by the US Army Corps of Engineers - 500 ft. from 100 year floodplain line - 750 ft. from historic or archaeological resource - 200 ft. from county trail or designated open space - 250 ft. from parks, trails, and recreation areas.	Both extraction and processing are prohibited within 1000 ft. of schools and health care facilities.

¹¹ Eddy Cty., N.M., Ordinance no. 1975-5, available at <http://www.co.eddy.nm.us/Ordinance%20pdfs/oilandgasdrillingO-75-05.pdf>.

¹² Rio Arriba Cty., N.M., Ordinance no. 2009-01, § 6.2(d), available at http://www.rio-arriba.org/pdf/2009-01_rio_arriba_county_oil_and_gas_ordinance.pdf.

¹³ Santa Fe Cty., N.M., Ordinance no. 2008-19, § 11.26, available at http://www.santafecounty.org/oilandgas/documents/OILGASORDINANCE_NO2008-19.pdf.

¹⁴ Valencia Cty., N.M., Code of Ordinances, § 154.091(G)(1), available at

[http://www.amlegal.com/nxt/gateway.dll?f=id\\$id=Valencia%20County,%20NM%20Code%20of%20Ordinances%3Ar%3Ad8c\\$cid=new%20mexico\\$t=document-frame.htm\\$an=JD_154.091\\$3.0#JD_154.091](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Valencia%20County,%20NM%20Code%20of%20Ordinances%3Ar%3Ad8c$cid=new%20mexico$t=document-frame.htm$an=JD_154.091$3.0#JD_154.091).