

# ALASKA PROPERTY OWNERS' BILL OF RIGHTS

**WHEREAS**, Alaskans cherish their private property rights;

**WHEREAS**, coalbed methane (shallow gas) development threatens the rights of private property owners to enjoy the fruits of their labors;

**WHEREAS**, state law currently fails to adequately protect private property owners from the threats of coalbed methane development;

**WHEREAS**, Alaskans rely on public lands and waters for subsistence, recreation, and the operation of businesses that depend on the health of those lands and waters; and

**WHEREAS**, many Alaskans live adjacent to public and private lands that have been leased for coalbed methane development;

**NOW, THEREFORE, BE IT RESOLVED WE ALASKANS DEMAND THE ADOPTION OF AN ALASKA PROPERTY OWNERS' BILL OF RIGHTS TO PROTECT OUR CLEAN AIR, PURE WATER, PLENTIFUL FISH AND WILDLIFE RESOURCES, AND QUALITY OF LIFE FOR FUTURE GENERATIONS; AND**

**BE IT FURTHER RESOLVED THAT IN ORDER TO PRESERVE AND SUSTAIN THESE VALUES AND OUR PRIVATE PROPERTY RIGHTS THE LEGISLATURE MUST ADOPT STATEWIDE LEGISLATION THAT INCLUDES ALL OF THE FOLLOWING PROTECTIONS:**

- 1) PROPERTY OWNER CONSENT:** Property owners must have the legal right to say if, when, where and how anyone comes onto their private property to explore, develop and/or produce the subsurface mineral estate. The state must provide a legal fund which surface owners can access to hire legal counsel. Private property owners must also be protected from retaliatory lawsuits from developers.
- 2) BUYBACK & MORATORIUM:** The state must buy back all coalbed methane leases already let, and halt all further coalbed methane leasing until all the provisions of this Property Owners' Bill of Rights are enacted.
- 3) PROPER NOTICE:** The state must provide all landowners within five (5) miles of a proposed coalbed methane lease with ninety (90) days actual written notice before a best interest finding process begins. Notice by registered mail must also be provided to local, municipal, and tribal entities with jurisdiction within the proposed lease areas. Notice by publication must also be provided at local post offices, in a local newspaper and a newspaper of statewide circulation. All notices described above must include, among other things, a detailed map of the affected area proposed for lease.

4) **BEST INTEREST FINDING:** Prior to issuing any leases, the state must conduct a best interest finding process to analyze the economic, environmental, and social costs and benefits of potential coalbed methane operations, including but not limited to the potential diminution in value to private and public properties.

5) **BASELINE STUDIES & BURDEN OF PROOF:** The state must measure baseline water quality and quantity in all areas proposed for leasing prior to granting any lease application, including all surface and well waters that may be affected. Prior to granting any lease application, the state must also measure baseline conditions for methane seepage, as well as for hydrological and geological conditions in all areas proposed for leasing. Finally, the state must conduct baseline inventory studies of existing fish and wildlife populations to identify sensitive or critical wildlife areas to be excluded from coalbed methane leasing. If a property owner's water quality or quantity diminish during or within five (5) years after coalbed methane operations on or around his/her property, there shall be a presumption such operations caused such diminishment or pollution, and the coalbed methane operator shall carry the burden of proving otherwise.

6) **LOCAL CONTROL:** The state must ensure local governmental entities have maximum powers of self government that enable them to regulate coalbed methane development to protect the health, safety, general welfare, and quality of life for local residents.

7) **PROTECT CRITICAL HABITAT & RECREATIONAL LANDS:** The state must identify and implement "no drill" zones, and prohibit coalbed methane leasing and development in sensitive or critical wildlife areas, particularly those areas used for subsistence, hunting, fishing and recreational activities.

8) **WATER PROTECTION:** The state must prohibit coalbed methane water extraction in groundwater aquifers that are the source of existing or future water wells, and prohibit the use of toxic or hydraulic fracturing fluids. Furthermore, the state must require the deep-well underground reinjection of all liquids and wastes produced and used during coalbed methane development, and it must ensure there is no hydrological connection between the waste injection zones and present or future drinking water sources.

9) **PROPERTY OWNER SAFEGUARDS:** The state must promulgate by December 2004 enforceable minimum statewide regulations that require best available technology and practices to ensure the health and safety of citizens on the issues of noise, air and water quality, setbacks, use and disposal of any toxics, and surface restoration and reclamation. New standards must also be established that increase the statewide and per incident bond requirement for all coalbed methane operators and developers to ensure full restoration of the surface. These amounts must be sufficient to provide the full pre-leasing fair market value of any property or business damaged by coalbed methane development.

10) **COMPETITIVE BIDDING:** In order to maximize the benefit of our natural gas resources, the state must re-institute a competitive bidding process for all coalbed methane (shallow gas) leases.

**Submitted this 18<sup>th</sup> day of March, 2004, to all Alaskans and the Alaska Legislature.**