

FRIDAY'S FORECAST



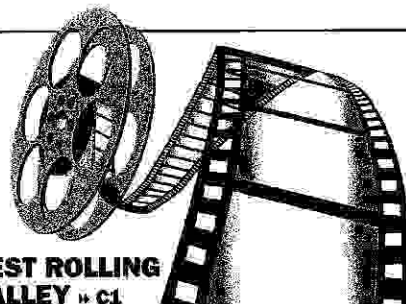
LAST WEEK'S WEATHER INSIDE ▶ C6

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# GUNNISON COUNTRY TIMES



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## Championships in the crosshairs



After years of playing catch-up, Mountaineer runners enter XC season with targets on their backs

Matt Smith  
Times Staff Writer

**WSC Cross Country** — Their patience is wearing as thin as the cool Gunnison air they breathe.

What would satiate the desires of most collegiate cross country programs across the nation, won't cut it on the campus of Western State (WSC). Entering a new campaign, the Mountaineers' quest is to be the best. They won't settle for anything less.

"There is that sense of urgency," said head coach Jen Michel, who begins her sixth season at the helm of both WSC squads, after taking over for the legendary Duane Vandenburg. "We haven't finished that high in years and they still weren't satisfied. They know they can do even better."

Michel was referring to the Mountaineers' sweep of second place team finishes at the 2010 NCAA Div. II National Championships.

In 2011, WSC has their sights firmly set on returning to the championship glory that prevailed in the earlier parts of the past decade.

The WSC men are looking for their first team title since 2005, when they won their second straight and fifth in six years. The women's team hasn't touched gold since three-peat in 2002.

"I think about it every night," said



**TOP:** Coach Jen Michel is looking to lead her troops to the first national title under her tenure.  
**BOTTOM:** The Western State women's cross country team enters the season ranked No. 1 in Div. II and looking to win their first national title since 2002.

Courtesy photos

senior Lauren Kleppin. "I can't really speak for all the other girls, but they seem focused, so I imagine it's just the same for them."

Kleppin will be a major factor in the Mountaineer women's mission after taking third place overall at last year's national meet. Four other scoring members from the 2010 runner-up squad, including fellow All American Sarah Lyle, return to lead the charge.

Cross country ▶ A10

## County's oil, gas regs upheld

Judge's order, however, calls out 'condition' for pit inspections

Will Shoemaker  
Times Editor

Gunnison County's ability to regulate oil and gas operations through a set of rules originally enacted nearly a decade ago has been upheld.

District Court Judge J. Steven Patrick delivered a ruling last week on some matters raised in a lawsuit against Gunnison County filed earlier this year by a local natural gas operator.

Largely, the county's current regulations — their validity thrown into question by the lawsuit — were deemed valid.

However, Judge Patrick ruled that one condition of approval

Oil & gas ▶ A11

## White Pine community rallies against mine

Exploration not so much the problem; it's 'what comes next' that is

Chris Dickey  
Times Publisher

For two-and-a-half hours last Friday, part-time residents and landowners in White Pine made impassioned pleas to the Gunnison County Planning Commission to protect their tiny, remote community that sits at 9,700 feet in elevation near the Continental Divide.

A Canadian company has purchased mining claims there and wants to do what other outfits have done since the 1950s — see if there's enough mineral resource (primarily copper) in the ground to

White Pine ▶ A12

## Free bus service back this winter

Winter 2011-12 bus schedule

Leaving Gunnison Community School	Leaving Mt. Crested Butte Transit Center for Gunnison
6:45 a.m.	8 a.m.
7:15 a.m.	8:30 a.m.
8:15 a.m.	9:30 a.m.
10:45 a.m.	12 p.m.
2 p.m.	3:15 p.m.
3 p.m.	4:15 p.m.
4 p.m.	5:15 p.m.
6 p.m.	7:15 p.m.

For the full schedule, visit [gunnisonvalleyrta.org](http://gunnisonvalleyrta.org).

RTA also boosts round trips to eight per day

Will Shoemaker  
Times Editor

Cost cutting in recent years has allowed the Gunnison Valley Rural Transportation Authority (RTA) to regain its financial footing.

As a result, RTA leaders opted last Friday to again implement free bus service between Gunnison and Mt. Crested Butte for the coming winter tourism season.

At the same time, the local sales-tax funded transportation entity is aiming to grow both its airline program and cash reserves — all while actually budgeting lower revenues

for next year.

"It's a result of some pretty serious austerity measures we put in place two years ago," RTA Executive Director Scott Truex explained. "We got into a situation where our fund balance was too low and we had to make some pretty serious cuts. We're looking at ... sales tax as being relatively flat."

The RTA board voted unanimously (5-0) this past Friday to approve a revised 2011 budget, in addition to next year's budget. Board members Chris Morgan, William Buck and Bill Nesbitt were absent.

Under the new financial plan,

ground service will return to eight round trips daily this coming November, through next April.

In recent years, the RTA has reduced both its contributions to the winter airline program and the number of trips per day for the bus program — from 10 round trips daily in 2009-10 to just six last winter season.

Six round trips per day meant that RTA could have faced the prospect of squeezing about the same number of riders into fewer buses, resulting in overcrowded buses or

Bus service ▶ A12

# Oil & gas

► from page A1

al required by the county for "flowback pits" earlier this year was not in accordance with state law.

SG Interests, a Texas limited partnership, is currently operating natural gas wells in the North Fork Valley. The company filed suit against the county in June, claiming that local rules overstep the county's legal bounds for regulating oil and gas operations.

The complaint called for numerous requests for relief from the court — which spanned from a declaration that the county's oil and gas regulations are invalid to SG being freed from a requirement to pay inspection fees.

County leaders originally adopted the "Temporary Regulations for Oil and Gas Operations" in 2003. Since then, Gunnison County's ability to regulate oil and gas operations has been a source for legal wrangling.

A 2004 court decision stripped some aspects of county control, saying that the state preempted local authority.

However, in 2006, a Colorado Court of Appeals decision sided largely with Gunnison County, reaffirming much of its ability to minimize impacts from oil and gas extraction — as long as the county's regulations don't directly conflict with the state's.

In a meeting Tuesday among county leaders, Barbara Green, a Boulder-based land use regulation attorney who is serving as special counsel for the county, told the commissioners that they scored an important victory in the ruling, by Patrick determining that the county's regulations, on their face, are valid.

SG challenged the rules' validity, saying among other things that because they were called "temporary" they no longer remain in effect.

"We went into this proceeding not knowing whether the court would agree with us that

**"I think a fair reading of the judge's order says that the county can not charge money for the inspections, but it doesn't say that we can not conduct the inspections."**

David Baumgarten  
County Attorney

our regulations are valid on their face," Green said.

She also noted that Patrick decided that case law determined by the previous Court of Appeals case involving Gunnison County is still viable, despite oil and gas law in Colorado having been amended since that ruling was made.

However, Patrick determined that a condition of agreement imposed on SG earlier this year for approval of an application was in conflict with the "roles, responsibility and determination" of the Colorado Oil and Gas Conservation Commission (COGCC).

"While the county contends that its efforts are part of land use permit conditions," the court concludes that they go to the operations and technical aspects of the oil and gas permit, not land use," he wrote in his order.

The issue came to a head during review of applications for flowback pits — used for storing water between hydraulic fracturing operations — earlier this year.

SG argued in its complaint that the county delayed acting on the pit applications by raising technical issues over matters that are "extensively regulated by the COGCC and over which the county lacks regulatory jurisdiction."

SG Vice President Robbie Guinn said this week that it was that disagreement that largely fueled the decision to file the lawsuit.

"We think that it's a long-standing law that the counties can not regulate the technical aspects of oil and gas operations," he said.

COGCC had previously approved the pits, but the

county's condition of approval required SG to pay for the hiring of an inspector.

"We don't have a problem with the county inspecting," Guinn added. "We just don't want to pay for it, and they were telling us how to build the pits."

The commissioners went into executive session Tuesday for the purpose of receiving legal advice about matters related to the lawsuit.

"I think a fair reading of the judge's order says that the county can not charge money for the inspections, but it doesn't say that we can not conduct the inspections," County Attorney David Baumgarten told the commissioners Tuesday, prior to the executive session.

He noted that in a separate application — by another operator, Gunnison Energy Corp., for similar flowback pits — the company has already paid the county for the inspections.

Following the closed-door meeting, the County Commissioners directed staff and the attorneys to request from Judge Patrick to remand the decision made by the commissioners earlier this year approving the flowback pits to re-address the inspection condition. They also voted to refund Gunnison Energy for the inspection fees (\$20,000) that have been paid.

At least some matters raised in the lawsuit have yet to be fully resolved. A status conference is planned between county leaders, SG officials and Judge Patrick tomorrow.

(Will Shoemaker can be contacted at 970.641.1414 or editor@gunnisontimes.com)

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**POKER/TOY RUN**  
**SAURDAY, SEPTEMBER 24TH**

Draw 1 card at each establishment.  
Draw 2 cards at establishment of your choice. Each person has a total of five cards. \$10 per person for each hand. Number of places determined by number of participants. 100% pay-out.

**10:00am**  
Sports Center Lounge  
1410 Valley View Dr Ste 196  
Delta, CO 81416  
970.874.3031

**11:00am**  
Sam's Tavern  
35 N. Cascade Ave  
Montrose, CO 81401  
970.240.9120

**1:00pm**  
The Last Chance  
620 S. 9th Street  
Gunnison, CO 81230  
970.209.7246

**3:00pm**  
Shooterz & Shooterz  
9522 Fruited Mesa Rd.  
Crawford, CO 81415  
970.921.5362

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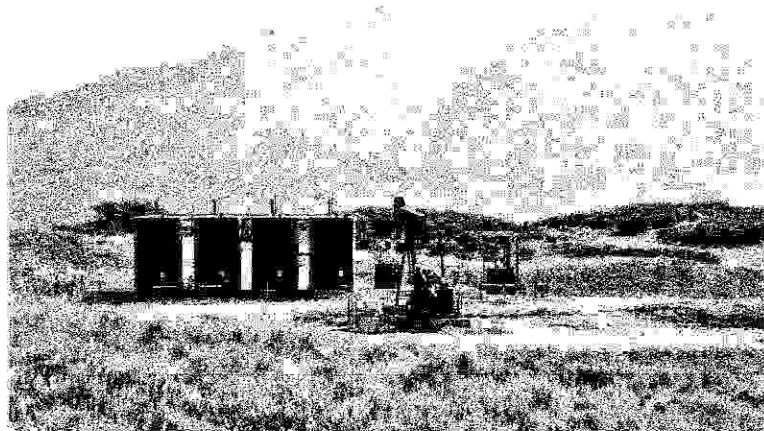
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Above is the "Federal 11-90-26 No. 1" natural gas well operated by SG Interests in the North Fork Valley. The company filed a lawsuit against Gunnison County in June, requesting numerous claims for relief and arguing that the county is overstepping its regulatory authority.

Photo: Will Shoemaker

**FRESH PRODUCE!**

ENJOY FALL SATURDAYS AT THE MARKET!

**Gunnison Farmers Market**

THE MARKET WILL MOVE TO FRED HELD MULTIPURPOSE BUILDING ON OCT. 15

FRESH LOCAL ORGANIC PRODUCE  
MEAT EGGS  
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LOCAL HANDMADE ARTS CRAFTS AND JEWELRY

KIDS ACTIVITY  
MAKE GARDEN-FRESH SALSA

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**9:30 AM - 1:30 PM**  
June 25 through October 8

Downtown Gunnison at the intersection of Main & Virginia in Gunnison  
[www.gunnisonfarmersmarket.com](http://www.gunnisonfarmersmarket.com)