



Chaffee County Government

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Chaffee County Commercial Geothermal Regulations

SALIDA, CO - Chaffee County Government is issuing this statement in response to recent community discussions regarding possible development of a commercial geothermal energy production facility in Chaffee County.

The County has designated geothermal resource development for the commercial production of electricity as a matter of state interest, as authorized within Colorado Revised Statutes section 24-65-1.101 et seq, and established pursuant to County Resolution 2013-24. As such, the County formally regulates local commercial geothermal development through its 1041 Regulations permitting process. Related regulations and associated review processes were adopted through County Resolution 2013-33, which codified Chapter 10, "Guidelines and Regulations for the Use of Geothermal Resources for Commercial Production of Electricity" within the County 1041 Regulations, as of October 2013.

The County 1041 Regulations state, in part, "No person may engage in exploration for geothermal resources for commercial use without filing an Activity Notice under these Regulations." An Activity Notice filing to the County Planning Department is required for any commercial geothermal-related actions, regardless of the depth proposed for exploratory well drilling or other actions, including surface land-based activities, prior to any activity commencing. Depending upon the scope represented and the County's determination of possible or anticipated adverse impacts, an application for 1041 Permit may then be also required for any proposed geothermal project. If a 1041 Permit is required, a project proponent must submit full project details with its application and the County will then commence the associated public hearing process for the application's thorough review and consideration. Any 1041 Permit would cover the siting and drilling of geothermal well(s), the siting of power production facilities and operations, and all construction, site preparation, and related activities associated with development, as well as consider cumulative impacts of the proposed project and its operations.

To date, the County has not received an Activity Notice for geothermal exploration nor been provided any information on proposed exploration for geothermal resources that would prompt requirements for an Activity Notice, nor received any request for geothermal projects that may prompt requirements for a 1041 Permit application.

Because the Board of County Commissioners is the decision-making authority on 1041 Permits, there are limitations on the extent to which they can engage with and speculate about a prospective project prior to a formal application review and open public hearing. In order to preserve the integrity of procedural due process and maintain neutrality for

any quasi-judicial review that may be required, the BOCC intends to continue to keep separation from the geothermal topic if and until a formal Activity Notice and/or 1041 Permit application is submitted and triggers the respective regulatory process.

Additional details on the County's 1041 Regulations and geothermal-related regulatory oversight is available at www.chaffeecounty.org/Planning-and-Zoning-Land-Use-Code.