

Statement from Robert A. Gorrell, 22 Montana del Sol, Placitas, NM
August 30, 2016 to PZ Meeting at Sandoval County Commission.

I have two comments as Vice-President of and on behalf of the Eastern Sandoval Citizens Association aka ES-CA that have been vetted through our membership, and five personal comments:

- The O&G Ordinance must require adequately informing the public of potential zoning change by posting highly visible proposed zoning change signs a minimum of 60 days prior to any zone change hearing at the gang mailbox nearest the applicant property and at the applicant property.
- ES-CA asked for a year moratorium not for the purpose of obstruction but for allowing adequate time to create a good O&G Ordinance.

Personal comments:

1. The current draft of the O&G is pretty thin except in some areas of prescriptive surface requirements. Nevertheless, as paragraph 1.5 in the Draft O&G Ordinance provides that the Precautionary Principle, in accordance with 2004 session SJM Bill 71, to be foundational for all O&G applications, and this could suffice as well as allow an agile process tailored to each application. The Precautionary Principle places the burden of proof of ensuring health, safety, public welfare, and environmental responsibility on the drilling applicant. However, this will require extraordinary due diligence of the P&Z staff and the consultant.
The P&Z Commission should require some evidence of the viability of this process by asking staff and its consultant to prepare two or three concept O&G applications. Detailed assertions of policy, practices, and safe-behavior should be demonstrated in the test applications. This review should demonstrate to governance and the public the sufficiency of the ordinance before recommending it to the Sandoval Commission.
2. The O&G Ordinance must require pre-development baseline measures of water, air, noise, etc.. Baseline measurements protect industry as well as the public from legal challenges if concerns of water cross contamination, air quality, or similar are detected.
3. The O&G Ordinance must require the completed application consultant report to be made public a minimum of 30 days prior to the first public hearing.
4. The O&G Ordinance must set limits on the number of active drilling operations in units per square mile and per section in order to manage the cumulative effect of multiple active drilling operations.
5. The O&G Ordinance must set more substantial enforcement than what is provided in paragraph 6.6 of the draft which refers to section 18(7) (correct section is 24) of the 2012 Sandoval County Planning and Zoning Ordinance which is totally inadequate. The O&G Ordinance should provide for both criminal penalties for egregious violations and for revocation of allowed use for repeating violations or obvious threats to the life safety, health, or general welfare of residents or for damage to the environment.