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**From:** Mike Neas <mikneas@aol.com>  
**Sent:** Monday, November 13, 2017 10:23 AM  
**To:** Sidney Hill  
**Subject:** "Comments on the Proposed Sandoval County Oil and Gas Ordinance"  
**Attachments:** An Arbitrary Decision SCC and NM Tech 11 12 17.docx

Please include these comments for the Record on proposed Stoddard Ordinance being considered by the County Commission of 11/16/17.

## An Arbitrary Decision to Exclude the only Commissioned Scientific Study in the Ordinance Process

The Sandoval County Commission has not adequately addressed and assessed all aspects of future oil and gas development in the County prior to voting on an oil and gas ordinance. And they blatantly ignore the only scientific study they have commissioned at a taxpayer cost of \$62,007.09. The study's projected completion date is May of 2018, while the County Commission Vote is scheduled 11/16/17.

On June 2, 2016 the Sandoval County Commission voted to enter into a Professional Service Agreement with New Mexico Tech for Geological/Mineral Resources Services and all Subsequent Amendments. The source of funding would be the Water Fund/Escrow Account. An attachment from New Mexico Tech is listed on the Agenda, but is yet to be provided to the public along with all information regarding the Water Fund.

County Commissioner Chapman's comments at the meeting, 6/2/16, included:

See <http://sandovalcountynm.swagit.com/play/06022016-888> Item 10A starting at 18:00 mark.

- *"Commission does want to make an informed decision."*
- *"We don't want that decision to be effected by a lack of the facts. This is critical."*
- *"The way I see it...any decent energy policy is all encompassing."*
- *"It can't just be one facet of the spectrum."*
- *"And I know nothing about the Albuquerque Basin and what's down there."*
- *"Proud to be part of the shepherding that's informed and based on data and something that the Public can sign off on."*
- *"We are going to protect our most precious resources out there, particularly the ground water."*
- Addressing NM Tech Personnel, *"We look forward to getting this thing done with your help."*

A summary as to Why the Action Is Necessary included in the Agenda Packet states: "Planning and Zoning Staff's research on oil and gas regulations currently in effect in other areas of the State has revealed a high level of regulatory complexity that necessitates expert assistance." The Action Item 10A passed unanimously.

The resulting Sandoval County/NM Tech contract dated 7/13/16 includes and specifies,

1. Scope of work .

- A. The County requires on-demand Geological /Mineral Resources Services and advising services to include the following:
1. Provide geologic and mineral resource analysis of areas in which oil and gas wells are drilled or proposed to be drilled.
  2. **Provide geological information that contributes toward the development of public policy by the County.**
  5. **Provide assistance to county in understanding the managing water resource issues particularly focusing on water quantity and quality.**
  6. Provide assistance to the County in assessing, documenting and understanding mineral resources within the County as part of County wide inventory.

2. Compensation.

A. “ **County shall pay the Contractor in full for services satisfactorily performed as set forth in the Task Order/Work Order agreements.** Payment is subject to availability of funds pursuant to Appropriations Paragraph set forth below and to any negotiations between the parties...”

4. Termination

B. Termination for Lack of Appropriations: The terms of this agreement are contingent upon sufficient appropriations and authorizations being made by the Sandoval County Board of County Commissioners, or Governing Body, for the performance of this Agreement. If sufficient appropriations and authorizations are not made by the Sandoval County Board of Commissioners, or Governing Board, this Agreement shall terminate immediately upon written notice being given by the County to the Contractor. The County’s decision as to whether sufficient appropriations are available shall be accepted by the contractor and shall be final.

To date after numerous and explicit IPRA Requests, the County has failed to produce a contract required work order and has only provided the public with a New Mexico Tech Proposal for an Oil and Gas Assessment dated 7/17/17 and assumed to have been produced pursuant to a work order.

**The NM Tech, Bureau of Geology and Mineral Resources, Oil and Gas Resource assessment of Sandoval County and Relationship of Potential Resources to Ground Water Summary states clearly that the entire County will be assessed regarding relation of resources to ground water.**

**Pertinent aspects of aquifers, including the distribution of aquifers prevalent in the County and depth to base of the aquifer interval, will also be mapped in reconnaissance manner, this in conjunction with projected depth to potentially productive oil and gas reservoirs, will allow for assessment of the effect of oil and natural gas production on aquifers. Also evaluated in this regard will be the effect of modern drilling and well technologies on oil and natural gas production and potential effects of modern drilling and production technologies on aquifers.**

**A list of missing, but requested items pertinent to the Public Need To Know include: all NM Tech/NMOCD comments regarding any version of the Stoddard Ordinance, all information regarding the Water Fund/Escrow Account which is the funding source for all NM Tech Contract work, the NM Tech Agenda attachment to the 6/2/16 County Commission Agenda. And the Sandoval County Work Order required by the original NM Tech Contract defining and requesting NM Tech services.**

**\*The County has not addressed the discrepancies in the 100 year proof of water standard in the CZO.**

**\*The County CZO RRA designation was never intended for a heavy industry such as oil and gas and a Permissive Use designation under RRA would violate the public’s trust in their current Commission and P and Z Dept.**

**\*[Comprehensive Zoning Ordinance - Document #2010028894 \(PDF\)](#) page 10.**

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