


public comments by Jeff Silesky

Jeff Silesky <jeff@silesky.net>

Sun 10/21/2018 8:55 PM

To: Public Comment <PublicComment@sandovalcountynm.gov>;

 1 attachments (16 KB)

My name is Jeff Silesky.docx;

Please accept and post my attached letter as public comment concerning the Oil & Gas ordinance issue.
If you have any questions, please contact me at the number below

Thanks you

Sincerely
Jeff Silesky
(425) 830-7037

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Dear Commissioners and citizens of Sandoval County

I am a member of the CWG Oil & Gas Ordinance team.

For over 30 years, I have also been a real estate investor & developer building a wide range of commercial projects totaling over \$400Million in value. Over these many years, I have been required to pay millions of dollars in Mitigation fees

The purpose of these fees were to protect the public against any adverse effects of our projects both in and around each site. These requirements have included everything from water detention vaults to curbs, sidewalks and traffic lights

In each case, these impacts were different and were determined by specific factors unique to the kind of project we were building and the surrounding topography, soil conditions, as well as surrounding businesses, traffic patterns etc.

Site specific mitigation requirements are uniformly applied in every jurisdiction I am aware of throughout our country. They are site specific for obvious reasons. There impacts are generally localized.

The Oil and gas extraction industry, by its very nature, presents risks to property and natural resources reaching far beyond the immediate area of a typical development, especially regarding water resources.

It would be both reckless and ineffective for Sandoval Co to approve and implement any oil and gas drilling ordinance offering only general guidelines for this activity and failing to require that the "site specific parameters" uniquely impacting each proposed location be carefully considered and fully mitigated. The recent and detailed results of the NM Tech study will serve well as an important reference document as each site-specific proposal is considered.

The CWG draft ordinance is carefully designed to place all financial responsibilities for both determining and implementing appropriate site-specific mitigation requirements upon the applicant.

Secondly, regarding a recent posting by commissioner Holden Rhodes concerning the evolution of the Citizens Working Group "science team"

In all due respect, commissioner

You are entitled to your opinion regarding the quality of each ordinance but not the facts concerning how they were authored. You have the "Shoe on the wrong foot" asserting that our CWG "broke away" from the few folks who eventually created the so called "science team ordinance." In fact, these few individuals were the breakaway group evidentially dropping out because they believed that the rest of us were moving too slowly and lacked the expertise that they possessed.

Those of us on the CWG are the only individuals that have clearly and unequivocally answered the charge given to us by you all (the County commissioners) earlier this year. We have honored your requirement to seek and maintain consistent communication and feedback from a wide x-section of county residents including our native tribes

Although we collectively possessed a widest base of professional experience, we also recognized our limitations and over the last eight months we have reached out to various professionals with expertise covering a range of complex science, business and legal issues that needed to be accurately and thoroughly addressed.

As volunteers on the CWG we are proud of our collective effort and look forward having our work product advanced and implemented into public policy.

Sincerely,

Jeff Silesky
704 Grayhawk Dr. NE
Rio Rancho
(425) 830-7037

Sandoval County Oil and Gas Ordinances

Pam Cornell <pamcornell@gmail.com>

Tue 10/23/2018 11:24 PM

To: Public Comment <PublicComment@sandovalcountynm.gov>;

The Citizen Working Group Ordinance allows for adequate water protection, provides for public hearings throughout Sandoval County when an oil and gas operator applies for a drilling permit, and provides for notice, input and consultation.

I agree with the Citizen Working Group Ordinance and think the suggestions made should be used by Sandoval County in future plans for oil and gas ordinances. It is imperative that our groundwater, drinking water and ALL water be protected especially in our environment.

Regards,
Pamela Cornell
Jemez Springs.

Response to Commissioner H-R

donna dowell <dowelldirect@gmail.com>

Wed 10/24/2018 6:15 AM

To: Public Comment <PublicComment@sandovalcountynm.gov>;

Letter to My Neighbors 10/23/18

The Myth of the CWG 'Break-A-Way'

Commissioner Holden-Rhodes (H-R) posted a response to a letter I wrote to my neighbors about oil and gas regulation in Sandoval County. The Commissioner's post was titled "The Real Story", Oct. 17th Nextdoor. With all due respect to Commissioner H-R please allow me to dispel misinformation contained in his post. It is true that the Commissioner was instrumental in the origination of the Citizen's Working Group (CWG), a citizens group tasked by the Board of County Commissioners in March of 2018 to draft an oil and gas ordinance. The Commissioner's bold and persistent actions, along with the cumulative actions of many others, including the citizens of Sandoval County, convinced the Commission to wisely wait until more information could be considered before adopting a final ordinance.

Commissioner H-R stated that he kept the group "*purposefully small so as to insure a good product*". This statement seems in stark contrast to the spirit of the original proposal passed by the county commission for "maximum public participation". The Ordinance Team conducted listening meetings throughout the County to hear what residents thought should or should not be included in an ordinance.

The Commissioner stated that... "*Almost immediately, one of the members took it upon herself to "break-away" and form a separate group, consisting of approximately 25 people.*"

- History of the CWG Ordinance Team. On April 5th, 2018, at the first meeting of the CWG, the CWG appointed members voted unanimously to create an Ordinance Team (OT) tasked with drafting the ordinance. There was a strong consensus that the Team would be made up of appointed members of the CWG who felt drawn to this task as well as members of the public who reside in the county. There were indeed 25 members of the Ordinance Team formed at this first meeting of the CWG. Seven of the 25 were CWG members appointed by the County Commission; the remaining 18 were citizen volunteers.
- Three Civic Leaders Join the OT. Of the 7 CWG appointed members who agreed to serve on the Ordinance Team, three were P&Z Commissioners; current Chair Aparcio Herrera, current Commissioner Peter Adang, and former P&Z Chair John Arango. Mr. Arango had also been voted as Vice-Chair of the newly formed CWG.
- Three Break-Away from the OT. On April 19th 2018 these three appointed members of the CWG Ordinance Team (Mr. Herrera, Mr. Adang and Mr. Arango) left the Team to write an ordinance based on dividing the County into three districts, with a NW district allowing for permissive use. Permissive use, as defined in the Sandoval County Comprehensive Zoning Ordinance would not require public hearings on proposed drilling in that area. Though they chose to leave the Ordinance Team, they held their positions as CWG members while working on their ordinance apart from the efforts of the Ordinance Team. As stated in my previous post the majority of the CWG OT members, excepting these three individuals, were and still are concerned about the legal, cultural and lack of public hearing implications the "Science Team" draft ordinance proposes.

The Commissioner stated that ... *"Two hours before the P&Z Commission met on 9 Oct 18, the "break-away" group submitted their document."*

The OT draft was submitted on August 10th. Of the three drafts presented at the P&Z meeting (Oct 9, 2018) all had gone through revisions in preparation for this meeting. Both the Science Team and the OT submitted revised drafts within the required 72 hours of the meeting.

Commissioner H-R stated that ... *"The Science Team's document bifurcates the County allowing—with stringent requirements—traditional horizontal drilling in the northwest corner of the county..."* .

The Science Team ordinance does not require baseline testing of a sampling of offsite water wells - something that even the oil industry recognizes is important. It does not allow for the possibility of required onsite monitoring for leaks. And, the requirement that only vertical drilling is allowed in the ABQ Basin in no way assures that the aquifer will be protected. I would not consider the requirements of the Science Team draft 'stringent'.

Commissioner H-R stated that ... *"This Ordinance [Science Team's] provides maximum protection for our aquifer /source water."*

I respectfully disagree with the Commissioner. As stated in my previous post, worth repeating here,

"Site-Specific, as laid out in the OT Ordinance draft, would regulate specific well location based on surface geologic, hydrologic, and seismologic structural factors as well as cultural considerations and Tribal input. Site-Specific regulations cover well and bore location as they relate directly to ground water resources for each site proposed across the County. No other ordinance draft or state regulatory agencies such as OCD or the Environment Department look at site specific characteristics when permitting oil and gas drilling. A Site-Specific approach is more protective of all water resources throughout the County including the Rio Grande Basin."

And,

"Caution and debate at each step of the draft lead the OT to take a stance in favor of a Site-Specific approach, where in each applicant's proposed drilling site shall be characterized and approved or negotiated by expert consultants (including Tribal consultants), hired at industry expense, for its specific location, or 'site' within the County, not only in terms of science but, just as importantly, in terms of cultural preservation and respect, Tribal input and community right to know."

On October 18th Commissioner H-R posted a brief statement on Nextdoor before the County Commission Board meeting that night...

"All,

SC [Sandoval County] Agenda was changed to allow Pueblo Governors to speak BRIEFLY. Please rest assured that we have the the greatest confidence that the Science Team Ordinance will be the winner! I believe that the public will have the opportunity on the 8th to comment. Tune in tonite for more drama and trauma. I will be leading the fight!!! Semper Fi H-R"

I am saddened that the Commissioner sees this issue in terms of winners and losers. Oil and gas development changes communities in drastic and fundamental ways, we must address this issue together as a community.

Respectfully yours,

Donna Dowell

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Donna Dowell
505-250-9293