

# ALL PUEBLO COUNCIL OF GOVERNORS

Officers:  
E. Paul Torres, Chairman  
Governor J. Michael Chavarria, Vice Chair  
Governor Val Panteah, Sr., Secretary

Acoma November 21, 2018

Cochiti Dear Chairman Heil and Commissioners,

Isleta On behalf of the All Pueblo Council of Governors (“APCG”), enclosed is a copy of  
Jemez APCG Resolution No. APCG 2018-28, adopted November 15, 2018, Requesting that any  
Laguna Sandoval County Oil and Gas Ordinance Contain Tribal Protections and Adequate Tribal  
Notification and Consultation.

Nambe As you are aware, on November 5, 2018 the Pueblo of San Felipe hosted a meeting  
Ohkay Owingeh attended by Commissioner Eichwald and Chairman Heil. Our APCG Executive Director,  
Picuris Staff and Citizen’s Working Group Representatives were also in attendance. At that  
Pojoaque November 5<sup>th</sup> meeting, the tribal representatives present expressed to the commissioners,  
Sandia our concerns of the lack of outreach and tribal consultation with the pueblo communities  
San Felipe regarding the proposed Sandoval County Oil and Gas Ordinance. In response, the  
San Ildefonso Commissioners expressed their perspective regarding the lack of a uniform definition for  
Santa Ana tribal consultation amongst the Pueblos, specifically amongst the Pueblos whose lands  
Santa Clara are located within Sandoval County. In response to the Commissioners’ comments,  
Santo Domingo Pueblo of San Felipe Governor Ortiz offered to provide the Commission tribal  
Taos consultation language which would identify minimum requirements for notifying and  
consulting with the affected Pueblos to include in any draft aquifer protection and oil and  
gas exploration ordinance. As a result of the November 5<sup>th</sup> meeting, APCG adopted  
Resolution No. APCG 2018-28 which outlines specific government-to-government  
consultation language. The attached Resolution also identifies a number of specific  
concerns with the proposed ordinance that are common to all the Pueblos whose lands are  
located within Sandoval County. APCG fully supports the Pueblos’ ongoing efforts to  
protect their interests and to assure that meaningful notice and consultation are made a  
necessary part of any final Sandoval County Aquifer Protection and Oil and Gas  
Exploration and Development Ordinance (“Aquifer Protection and Oil and Gas  
Ordinance” or "Ordinance").

Tesuque Despite year-long efforts made by many of the Pueblos located within Sandoval  
Ysleta del Sur County, the current draft Aquifer Protection and Oil and Gas Ordinance still fails to  
Zia protect Pueblo interests and utterly fails to require and provide for meaningful tribal  
consultation. Additionally, there remain substantial technical errors as well as  
Zuni inconsistencies with timeline and deadlines throughout the draft Ordinance. As such, it  
simply is not appropriate to take any final action or a vote on the proposed Ordinance  
until these errors are corrected and until the Pueblos’ concerns identified in the APCG  
resolution are resolved. Thus, the APCG asks the Commission to properly address these  
important matters prior to any final action.



Finally, APCG has been made aware that on November 20, 2018, the County Commissioners extended an invitation to the individual tribes and Pueblos within Sandoval County to meet on November 28, 2018, one day before the County Commission's November 29<sup>th</sup> meeting. Many of the Pueblo leadership are committed to previously-scheduled meetings, tribal consultations with the State and conferences that have been set months in advance of the County's recent invitation. While some Pueblos may be able to send representatives to the requested November 28<sup>th</sup> meeting, on behalf of the Sandoval County Pueblos who are not able to participate, we ask the County Commission to schedule a subsequent meeting and to do so with adequate notice and proper consideration of leadership schedules. Please contact our Executive Director, Alicia Ortega at 505.470.1732 and/or [APCG@indianpueblo.org](mailto:APCG@indianpueblo.org) if you have any questions or comments. Thank you.

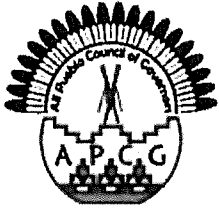
Sincerely,



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E. Paul Torres, APCG Chairman





ALL PUEBLO  
COUNCIL OF  
GOVERNORS

Officers:  
E. Paul Torres, Chairman  
Governor J. Michael Chavarria, Vice Chair  
Governor Val Panteah, Sr., Secretary

**RESOLUTION**

**ALL PUEBLO COUNCIL OF GOVERNORS**

**RESOLUTION NO. APCG 2018- 28**

**REQUESTING THAT ANY SANDOVAL COUNTY OIL AND GAS  
ORDINANCE CONTAIN TRIBAL PROTECTIONS AND  
ADEQUATE TRIBAL NOTIFICATION AND CONSULTATION**

Acoma

Cochiti

Isleta

Jemez

Laguna

Nambe

Ohkay Owingeh

Picuris

Pojoaque

Sandia

San Felipe

San Ildefonso

Santa Ana

Santa Clara

Santo Domingo

Taos

Tesuque

Ysleta Del Sur

Zia

Zuni

**WHEREAS**, the All Pueblo Council of Governors (APCG) is comprised of the Pueblos of Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia and Zuni, and one pueblo in Texas, Ysleta Del Sur, each having the sovereign authority to govern their own affairs;

**WHEREAS**, the purpose of the APCG is to advocate, foster, protect, and encourage the social, cultural and traditional well-being of the Pueblo Nations; and

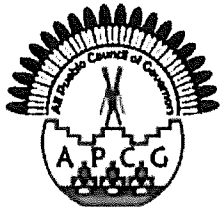
**WHEREAS**, through their inherent and sovereign rights, the APCG will promote the language, health, economic and natural resources, and educational advancement of all Pueblo people; and

**WHEREAS**, the 20-member Pueblos of APCG possess inherent government authority and sovereignty over their lands and natural resources, which includes the protection of their language, culture and traditions intricately connected with the land and natural resources; and

**WHEREAS**, there are 10 Pueblos within Sandoval County comprising 15% of the County's population and approximately half of the County's land base: The Pueblos of Cochiti, Jemez, Laguna, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo and Zia; and

**WHEREAS**, the Pueblos have used the land and waters of the area now known as Sandoval County from time immemorial, and the Pueblos have an enduring obligation to protect the land, cultural resources, cultural sites, wildlife, air and water now and into the future; and

**WHEREAS**, the Sandoval County Commission proposes to enact an oil and gas ordinance which will affect the Pueblos and Tribes of Sandoval County, the Pueblos downstream of Sandoval County, and those with ancestral land and cultural resources within Sandoval County; and



# ALL PUEBLO COUNCIL OF GOVERNORS

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Governor Val Panteah, Sr., Secretary

Acoma

**WHEREAS**, some of the Pueblos within Sandoval County have developed and implemented comprehensive water quality monitoring programs, water quality ordinances, and tribal and EPA-approved water quality standards; conduct and report on water quality assessments; identify non-point sources of pollution to our waterways; and have implemented wetlands protection programs; and

Cochiti

Isleta

Jemez

**WHEREAS**, there are cultural sites and burial grounds of our ancestors throughout all the state of New Mexico, both registered with the State Historic Preservation Office and those that remain known to and protected by Tribal Historic Preservation Offices or other similar offices, established by each respective Pueblo; and

Laguna

Nambe

**WHEREAS**, the Pueblos within Sandoval County must have adequate opportunity to meaningfully consult on any oil and gas ordinance posted for final action by the Sandoval County Commission.

Ohkay Owingeh

Picuris

**NOW THEREFORE, BE IT RESOLVED**, that APCG requests the Sandoval County Commission ensure any oil and gas ordinance considered for final posting include protections for tribal lands, cultural resources, water, air and wildlife.

Pojoaque

Sandia

**THEREFORE, BE IT FURTHER RESOLVED**, that APCG requests any Ordinance considered for final action by the Sandoval County Commission include provisions to protect tribal interests including:

San Felipe

San Ildefonso

1. Written notice to all Pueblos within Sandoval County and to the APCG with an opportunity for meaningful and timely government-to-government consultation regarding proposed applications for oil and gas exploration, development and permitted activities, and any other potential ground disturbing activities related to oil and gas activity.

Santa Ana

Santa Clara

Santo Domingo

2. Public hearings for exploratory or production well drilling permit or use applications.

Taos

Tesuque

3. Protections for the environment and the public from toxins and byproducts of oil and gas activities.

Ysleta Del Sur

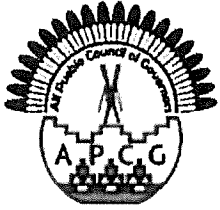
4. Hydrological and geological analysis which demonstrates surface and aquifer water protection.

Zia

5. Noise and light levels which are protective of human health and wildlife.

Zuni

6. Baseline air and water quality information, with ongoing monitoring.



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Acoma

Cochiti

Isleta

Jemez

Laguna

Nambe

Ohkay Owingeh

Picuris

Pojoaque

Sandia

San Felipe

San Ildefonso

Santa Ana

Santa Clara

Santo Domingo

Taos

Tesuque

Ysleta Del Sur

Zia

Zuni

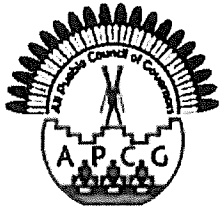
7. Setbacks from tribal lands as established by each Pueblo.
8. Evidence that there is no encroachment onto tribal land or tribal mineral rights from wells, including horizontal drilling.
9. Proof of easements through any tribal lands and as verified by each Pueblo.
10. Compliance with tribal environmental standards for those Pueblos with treatment as state status as approved by the U.S. Environmental Protection Agency to manage water and air quality on their lands.
11. Evidence of consultation and agreement with each individual Pueblo, including Tribal Historic Preservation Offices or other similar offices, concerning how activities affecting tribal historic and cultural properties should be identified, considered, and managed.

**THEREFORE, BE IT FURTHER RESOLVED**, government-to-government consultation must be conducted on land use matters with at least the 10 Pueblos with lands in Sandoval County.

**THEREFORE, BE IT FURTHER RESOLVED**, any ordinance posted for final vote must have a period for government-to-government consultation with each Pueblo of not less than thirty (30) days.

**THEREFORE, BE IT FINALLY RESOLVED**, that for the sake of clarity and this Resolution, "government-to-government consultation" with each Pueblo includes, but is not limited to, the following:

- a. Identifying and notifying the Pueblos located wholly or partially within Sandoval County, and their leadership or official designees, regarding proposed applications for oil and gas exploration, development and permitted activities, and any other potential ground disturbing activities related to oil and gas activity.
- b. Conferring with the tribal council or appropriate tribal officials or their designees, consistent with each Pueblo's internal law, and soliciting their views on land use proposals, changes in ordinances, rules or regulations, policies and initiatives, or other Sandoval County actions in connection with oil and gas permitting and operation that might affect tribal cultural resources or practices, natural resources, economic development, access to valued locations, or other aspects of tribal life.
- c. Treating information and preferences of the Pueblos within Sandoval County as a necessary factor in defining the range of acceptable oil and gas permitting and operation options; and



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Governor J. Michael Chavarria, Vice Chair  
Governor Val Panteah, Sr., Secretary

Acoma

d. Creating and maintaining a permanent record to show how tribal information was obtained and used in Sandoval County's decision-making process.

Cochiti

Isleta

Jemez

Laguna

Nambe

Ohkay Owingeh

Picuris

Pojoaque

Sandia

San Felipe

San Ildefonso

Santa Ana

Santa Clara

Santo Domingo

Taos

Tesuque

Ysleta Del Sur

Zia

Zuni

## CERTIFICATION

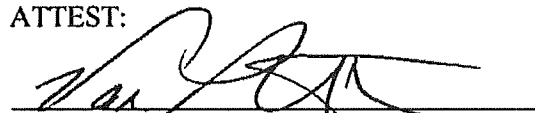
We, the undersigned officials of the All Pueblo Council of Governors hereby certify that the foregoing Resolution No. APCG 2018-28 was considered and adopted at a duly called council meeting held on the 15<sup>th</sup> day of November 2018, and at which time a quorum was present and the same was approved by a vote of 13 in favor, 0 against, 0 abstain, and 7 absent.

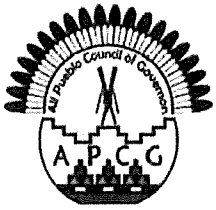
## ALL PUEBLO COUNCIL OF GOVERNORS

By:

  
APCG Chairman E. Paul Torres

ATTEST:

  
Governor Val Panteah, APCG Secretary



**ALL PUEBLO  
COUNCIL OF  
GOVERNORS**

Officers:  
E. Paul Torres, Chairman  
Governor Val Panteah, Sr., Vice Chair  
Governor J. Michael Chavarria, Secretary

**RESOLUTION**

**ALL PUEBLO COUNCIL OF GOVERNORS**

**RESOLUTION NO. APCG 2017-16**

**DEMANDING TRIBAL CONSULTATION WITH SANDOVAL COUNTY  
COMMISSION REGARDING PROPOSED OIL AND GAS ORDINANCE**

Acoma

Cochiti

Isleta

Jemez

Laguna

Nambe

**WHEREAS**, the All Pueblo Council of Governors is comprised of the Pueblos of Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia and Zuni, and one pueblo in Texas, Ysleta Del Sur, each having the sovereign authority to govern their own affairs; and

Ohkay Owingeh

**WHEREAS**, the purpose of the All Pueblo Council of Governors is to advocate, foster, protect, and encourage the social, cultural and traditional well-being of the Pueblo Nations; and

Picuris

Pojoaque

**WHEREAS**, through their inherent and sovereign rights, the All Pueblo Council of Governors will promote the language, health, economic and natural resources, and educational advancement of all Pueblo people; and

Sandia

San Felipe

**WHEREAS**, the 20 Pueblos possess inherent government authority and sovereignty over their lands, which includes the protection of their language, culture and traditions; and

San Ildefonso

Santa Ana

**WHEREAS**, the Pueblos of Cochiti, Jemez, Laguna, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo and Zia are within Sandoval County, comprise 15% of the County's population and nearly half of the County's land base; and

Santa Clara

Santo Domingo

**WHEREAS**, the Sandoval County Commission proposes to vote on and pass an Oil and Gas Ordinance on November 16, 2017, that will affect the Pueblos and Tribes of Sandoval County, even though the County has failed to meaningfully recognize, consult with, or include in the Ordinance concerns of Pueblos within the County; and

Taos

Tesuque

Ysleta Del Sur

**WHEREAS**, the Sandoval County Commission has ordered a study by New Mexico Institute of Mining and Technology (NM Tech) to evaluate the effects of modern drilling and well completion technologies, such as horizontal drilling and hydraulic fracturing on aquifers, to be completed in the spring of 2018; and

Zia

Zuni

**WHEREAS**, Pueblos have used the surface and ground waters of the area now known as Sandoval County since time immemorial, and the Pueblos have an enduring obligation to their people to protect surface and ground water into the future, and the information in this study should be considered and included in the Ordinance; and

**WHEREAS**, there are registered tribal cultural properties of the Pueblos on state, federal and private lands, and state law suggests that counties should consult with Indian tribes on land use matters; and

**WHEREAS**, other concerns such as emergency response, setbacks from tribal boundaries, and recognition of enforceable tribal water quality standards should be recognized by the County and incorporated into the proposed ordinance before a vote is considered.

**NOW, THEREFORE, BE IT RESOLVED** the All Pueblo Council of Governors requests the vote on the Sandoval County Oil and Gas Ordinance be tabled until such time as the technical study is completed and findings regarding aquifer and surface water protections are incorporated into the ordinance.

**BE IT FURTHER RESOLVED**, the All Pueblo Council of Governors requests any vote on the Sandoval County Oil and Gas Ordinance be tabled until tribal consultation with the 12 tribes within Sandoval County is commenced and completed so that adequate recognition and inclusion of protections for the County's tribal communities is ensured prior to any vote on an oil and gas ordinance.


**NOW FINALLY BE IT RESOLVED**, that Sandoval County and its Commission, working with cooperation of the Pueblos and Tribes within the County, forthwith create and implement a Tribal Consultation Policy to ensure this oversight of the Pueblos and Tribes within the County does not happen again.

#### CERTIFICATION

We, the undersigned officials of the All Pueblo Council of Governors hereby certify that the foregoing Resolution No. APCG 2017-16 was considered and adopted at a duly called council meeting held on the 16th day of November 2017, and at which time a quorum was present and the same was approved by a vote of 15 in favor, 0 against, 0 abstain, and 5 absent.

#### ALL PUEBLO COUNCIL OF GOVERNORS

By:   
APCG Chairman E. Paul Torres

ATTEST:  
  
Governor J. Michael Chavarria, APCG Secretary



# Protect Sandoval County from Oil & Gas!

seisselenm@gmail.com@mg.gospringboard.io on behalf of  
Sabine Eissele <seisselenm@gmail.com>

Mon 11/26/2018 4:43 PM

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

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

Reject the Science Ordinance which provides little to no protection for public health, air quality or water contamination. Go back to the Citizens Working Group Ordinance which has all of these protections and more.

We urge you to move toward to a just transition to renewable energy that will create environmentally sustainable and culturally appropriate economic development. We can bring jobs through some of the fastest growing sectors such as wind and solar. We're not willing to risk our precious little water for an industry that is on its way out.

The potential for negative impacts on any citizens' health or drinking water is unacceptable. Please oppose putting any of the county's lands, aquifers, air or people at risk of contamination!

Sincerely,

Sabine Eissele  
6964 Corrales Rd  
Corrales NM, 87048-9015

# Protect Sandoval County from Oil & Gas!

[jsefick@earthlink.net](mailto:jsefick@earthlink.net) on behalf of John Sefick <[jsefick@earthlink.net](mailto:jsefick@earthlink.net)>

Mon 11/26/2018 5:11 PM

To: Public Comment <[PublicComment@sandovalcountynm.gov](mailto:PublicComment@sandovalcountynm.gov)>;

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

Reject the Science Ordinance which provides little to no protection for public health, air quality or water contamination. Go back to the Citizens Working Group Ordinance which has all of these protections and more.

We urge you to move toward to a just transition to renewable energy that will create environmentally sustainable and culturally appropriate economic development. We can bring jobs through some of the fastest growing sectors such as wind and solar. We're not willing to risk our precious little water for an industry that is on its way out.

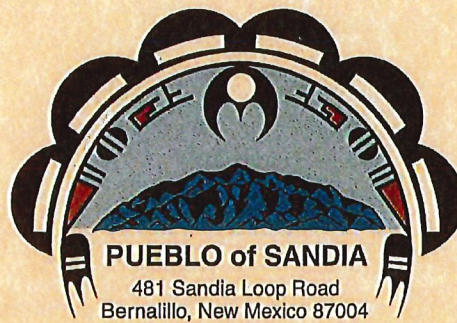
The potential for negative impacts on any citizens' health or drinking water is unacceptable. Please oppose putting any of the county's lands, aquifers, air or people at risk of contamination!

Sincerely,

John Sefick  
1355 Meadowlark Ln SE  
Rio Rancho NM, 87124-0935

James Richard Bernal  
Governor

Scott Paisano  
Lt. Governor



(505) 867-3317  
Fax (505) 867-9235  
www.sandiapueblo.nsn.us

VIA E-mail ([PublicComment@sandovalcountynm.gov](mailto:PublicComment@sandovalcountynm.gov))/1<sup>st</sup> Class Mail

November 26, 2018

Sandoval County Board of Commissioners  
1500 Idalia Road  
Bernalillo, New Mexico 87004

**Re: Proposed Oil and Gas Ordinance No. 11-29-18.7B**

Dear Chairman Heil and Commissioners Block, Chapman, Eichwald and Holden-Rhodes:

As part of our efforts to meaningfully participate in the County Commission's public process, please accept these comments and suggested revisions to the Proposed Oil & Gas Ordinance No. 11-29-18.7B set for a final vote on November 29, 2018. The Pueblo recognizes the substantial amounts of time and effort extended by you and the County staff, as well as the Tribal Officials and staff of the Pueblos, cities, towns, and citizens of Sandoval County.

While the Pueblo of Sandia (Pueblo) continues to question the risk/reward ratio for promoting extractive industries, we appreciate the willingness shown by members of the Commission to engage the Pueblo on these important matters of mutual concern. Our natural resources and our cultural resources are priceless and irreplaceable. We are stewards of both the land and water. We as Pueblo people have a responsibility to be stewards of those precious resources for generations yet to come. The exploration, production, and disposal activities of oil and gas extraction can have devastating effects on tribal interests for which the Pueblo will remain vigilant. The Tribal Council recognizes the inherent duty to safeguard the water both on and beneath the earth's surface and, in the process, safeguard the rights of the Pueblo of Sandia and the rights of the ecosystems of which the Pueblo is a part.

The Pueblo's comments reflect ways in which we believe the draft ordinance could be improved. In summary, there are key areas for which the Pueblo must insist you take up further consideration during the November 29<sup>th</sup> meeting. More specifically –

1. Consultation. The draft ordinance contains no consultation provisions for exploration or drilling applications, development and permitted activities, or any other potential ground disturbing activities that might affect tribal cultural resource or practices, natural resources, economic development, access to valued locations, or other aspects of tribal life.

Proper, complete, and meaningful consultation with the Pueblos and Tribes is an essential matter of good government relationships.

2. Setbacks. The final ordinance must include a provision allowing for proper setbacks from Pueblo lands.
3. Inter-governmental Coordination. Tribal and Pueblo communities use waters from both the San Juan Basin and the Rio Grande Basin within Sandoval County. We believe the ordinance must contain a recognition of the need for inter-governmental coordination in addressing issues such as emergency response, compliance with tribal water quality standards, and protection of cultural resources.

The Pueblo has used the waters of the Middle Rio Grande since time immemorial, and we have an enduring obligation to our people to protect our waters into the future. Please let us know if you have any comments or questions about our proposed revisions.

Sincerely,



Scott Paisano  
Lt. Governor

\SC

Cc: Steffani Cochran, Pueblo of Sandia General Counsel (via e-mail)  
File

## SANDOVAL COUNTY PROPOSED OIL & GAS ORDINANCE

Pueblo of Sandia Written Comments

November 26, 2018

### Art. I, Section (B)(2) – Authority, Application.

PAGE 1: The Pueblo holds a mixture of title to lands, some in restricted fee status and some in trust status. In order to accurately recognize all lands owned by the Pueblos, not just lands held in trust, we request that subsection (2) be amended as follows:

(2) any ~~tribal trust~~ lands owned by the Jicarilla Apache Nation . . . the Pueblo of Sandia, . . .”

### Art. II, Section (B) – Amendment.

PAGE 4: Please add the following new language the end of the subsection:

Prior to amendment, the County Commission shall make a reasonable and good faith effort to consult with the pueblo or tribal governments, wholly or partially located within the county, in order to take into account the effect of changes to this Ordinance and its related rules or regulations, policies and initiatives, or other Sandoval County actions in connection with oil and gas permitting and operation that might affect access to or preservation of tribal cultural resources or practices, natural resources, economic development, or other aspects of tribal life.

### Art. III, Section (B) – Definitions.

PAGE 5: While the definition of “*Cultural Resource*” is consistent with a National Park Service definition, it fails to connect places and resources of both past and present significance to tribal communities. We therefore request the definition in the draft ordinance be stricken in its entirety and replaced with the following:

Any man-made or associated prehistoric, historic, architectural, sacred, or traditional cultural property and associated objects and documents that are of interest to archaeology, anthropology, history, or other associated disciplines. Cultural resources include archaeological resources, historic properties, traditional cultural properties, sacred sites, and cultural landscapes of significance to a group of people traditionally associated with it.

PAGE 9: Please amend the definition of “*Pueblo or Tribe*” as follows:

A federally recognized tribe wholly or partially within Sandoval County, or having ancestral land, cultural and historic sites within Sandoval County.

PAGE 10: The draft Ordinance uses “*work day*” throughout, which is currently not a defined term. We request that a new definition be added to eliminate interpretations that vary by area and entity:

**Work Day. Any weekday other than a Saturday, Sunday, or a legal holiday recognized by Sandoval County which falls on a day other than a Saturday or Sunday.**

**Art. IV, Section (A) – Referrals.**

PAGE 10 – TOP OF PAGE 11: We request a new sentence be inserted before the last sentence:

No later than seven (7) work days after an application for any permit or use is received, the Director or the Planning and Zoning Commission shall refer said application to other government agencies, cities, counties, or entities having a statutory or regulatory interest in the matter, or are otherwise affected by the application, including pueblo or tribal governments, wholly or partially located within the county and experts from municipalities, and State and Federal agencies for review and comment. **The County shall respond to all requests to confer by a pueblo or tribal government upon referral of an application by the Director or the Planning and Zoning Commission.** The Director shall further notify the same entities and experts if Applicant makes any substantial changes in its application.

We also note there is no definition for “work day” in the Ordinance and have provided comment above.

**Art. V, Section (D)(5) – Application Process for Exploration Permit.**

PAGE 13: There are sites not in the NMCRIS but which constitute tribal cultural resources. Also, “cultural site” is listed in the draft provision but there is no mention of “cultural resource”, which is a defined term. Our proposed definition for cultural resource would include cultural sites. We request the following amended language to the first sentence of this subsection.

Identification of steps that will be taken to protect ~~historical, archeological or~~ cultural **resources sites**–identified by consultants **or by government agencies, cities, counties or entities identified in Article IV.A.** or listed in the Register of Cultural Properties . . .

**Art. V, Section (F)(1) – Review Process and Criteria for Exploration Permits.**

PAGE 13: In order to ensure that a 30 day comment period is afforded as provided in the draft ordinance, we request this section be amended as follows:

After an application is complete, the Director shall decide whether to approve or deny an Exploration Permit application **no less than 30 calendar days and** no later than 60 calendar days after the application is determined to be complete.

**Art. V, Section (H)(1)(a) – Exploration Report on Completion of Exploration.**

PAGE 14: We believe this section should be consistent with the requirements contained in Section (D) relating to the application process for an exploration permit and request this section be amended as follows:

The map must show the location of any ~~historical, archeological or~~ cultural resources sites identified by consultants or by government agencies, cities, counties or entities identified in Article IV.A, or listed in the New Mexico Cultural Resources Information System (NMCRIS) and the Register of Cultural Properties of the New Mexico Historic Preservation Division;

**Art. V, Section (H)(3) – Exploration Report on Completion of Exploration.**

PAGE 14: “Interested parties” is not a defined term and is a subjective reference. In order to provide greater clarity to the P&Z Department and to avoid indiscriminate determinations, we request the following new language:

The Applicant’s Exploratory Report shall be maintained as a public record in the Planning and Zoning Department and as such is public information available to all interested parties and to government agencies, cities, counties or entities identified in Article IV.A.

**Art. VI, Section (H)(2)(a) – Approval or Denial of District A Permit.**

PAGE 17: We request the following new language for clarity and certainty:

- a. The health, safety and general welfare of residents of Sandoval County, including the residents of the pueblos or nations within the County.

**Art. VII, Section (E)(1) – Onsite Visit.**

PAGE 18: We believe the P&Z Commission’s obligation to consider the impacts of oil and gas exploration and/or extraction found in Article VII(H)(2) can be strengthened (and the potential for conflict reduced) by giving the pueblos and tribes an advance opportunity to consider the site where it is known or reasonably should be known to be an area containing cultural resources. We therefore request this section be amended to include a new sentence at the end:

1. All conditional use applications require an onsite visit to be arranged with the Director and conducted by the Applicant prior to any consideration of the application. If the area is known, or reasonably should be known, to contain cultural resources, the Pueblos and Tribes shall be notified of the onsite visit, and provided an opportunity to attend.

**Art. VIII, Section (A)(4) – General Information.**

PAGE 21: We recommend the following amendment to subsection (A)(4):

- a. A report describing existing historical . . . listed in the New Mexico Cultural Resources Information System (NMCRIS) or Register of Cultural Properties of the New Mexico Historic Preservation Division or as otherwise provided by a Pueblo or Tribe, or Tribal Historic Preservation Office and recommending \* \* \*

**Art. VIII, Section (K)(4) – Emergency Services Plan.**

PAGE 25: The Pueblo maintains an emergency services plan. We request an amendment to subsection (4) to reflect a change in terminology in the emergency services field:

4. Contains the appropriate ~~a Materials~~-Safety Data Sheets (~~M~~SDS).

We also encourage the inclusion of two new provisions requiring the P&Z Director to provide ESPs to neighboring pueblos and tribes and delineating an Emergency Planning Zone (“EPZ”) or a designated area to be used for the anticipatory protective actions for the public during an emergency either at the well site or while in-transport, particularly while in rural areas or across Indian lands. Based on national standards, we recommend the following:

5. The Director shall provide Emergency Services Plans to Pueblos and Tribes within 50 miles of the proposed well pad(s).

**Art. VIII, Section (L)(1) – Emergency Services Approval.**

PAGE 25: Consistent with FEMA’s whole community approach to emergency management activities, we recommend the following amendment to subsection (L)(1):

1. The Director shall send the Emergency Services Plans to the County Fire Chief for review. The Fire Chief shall review the plans using the health, safety and general welfare standards in the CZO. The Fire Chief ~~may choose to~~ shall obtain comments on the plans from municipalities, pueblos, and/or tribes and other sources of assistance within at least fifty (50) miles of the well pad(s).

**Art. VIII, Section (O) – Air Quality Plan.**

PAGE 26: We request the following new language at the end of the first sentence:

. . . Air Quality Bureau of the New Mexico Environment Department, and those standards of Pueblos or Tribes with TAS for Air Quality. The Director and the Pueblos or Tribes within 20 miles of the proposed well site will have the opportunity to request baseline and on-going air quality monitoring.

**Art. VIII, Section (R) – Water Usage and Sources Plan.**

PAGE 27: Please include the following new sentence at the end of this Section:



The Director shall provide such results to interested parties and to government agencies, cities, counties or entities identified in Article IV.A.

**Art. VIII, Section (P) – Water Usage and Source Plan Approval.**

PAGE 27: Please amend the first sentence to provide:

The Director shall, after reviewing input from Pueblos and Tribes with TAS for Clean Water Drinking Water, accept or deny \* \* \*

**Art. IX, Section (B) – Setbacks.**

PAGE 30: Please amend subsection (5) as follows and include a new section at the end providing for setbacks from tribal lands where requested:

5. Distance from a cultural, historic, or archaeological resource as designated by State Historic Preservation Register, a Pueblo or Tribe, or Tribal Historic Preservation Office: 2500 feet.

\* \* \*

8. Distance from any lands owned by a Pueblo or Tribe, as requested: 2500 feet.

# Protect Sandoval County from Oil & Gas!

[bertgoodrich11@hotmail.com](mailto:bertgoodrich11@hotmail.com)@mg.gospringboard.io on behalf of

[Bert Goodrich <bertgoodrich11@hotmail.com>](mailto:bertgoodrich11@hotmail.com)

Mon 11/26/2018 5:18 PM

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

Dear ,

Not only is the "science friendly" ordinance weak, it is climate change denial at work, on the heels of the latest indictment of the fossil fuel industry, the U.S. Govt. Fourth National Climate Assessment. The people who live here want the maximum protections from the fossil fuel fools.

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

Reject the Science Ordinance which provides little to no protection for public health, air quality or water contamination. Go back to the Citizens Working Group Ordinance which has all of these protections and more.

We urge you to move toward to a just transition to renewable energy that will create environmentally sustainable and culturally appropriate economic development. We can bring jobs through some of the fastest growing sectors such as wind and solar. We're not willing to risk our precious little water for an industry that is on its way out.

The potential for negative impacts on any citizens' health or drinking water is unacceptable. Please oppose putting any of the county's lands, aquifers, air or people at risk of contamination!

Sincerely,

Bert Goodrich  
520 Los Ranchos Rd  
Los Ranchos NM, 87107-6520

# Protect Sandoval County from Oil & Gas!

[ltcaudill=comcast.net@mg.gospringboard.io](mailto:ltcaudill=comcast.net@mg.gospringboard.io) on behalf of  
Larry Caudill <[ltcaudill@comcast.net](mailto:ltcaudill@comcast.net)>

Mon 11/26/2018 5:22 PM

To: Public Comment <[PublicComment@sandovalcountynm.gov](mailto:PublicComment@sandovalcountynm.gov)>;

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

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The potential for negative impacts on any citizens' health or drinking water is unacceptable. Please oppose putting any of the county's lands, aquifers, air or people at risk of contamination!

Sincerely,

Larry Caudill  
4915 Watercress Dr NE  
Albuquerque NM, 87113-2229

# Protect Sandoval County from Oil & Gas!

[junipermoon=fastmail.fm@mg.gospringboard.io](mailto:junipermoon=fastmail.fm@mg.gospringboard.io) on behalf of  
Tami Linder <[junipermoon@fastmail.fm](mailto:junipermoon@fastmail.fm)>

Mon 11/26/2018 6:21 PM

To: Public Comment <[PublicComment@sandovalcountynm.gov](mailto:PublicComment@sandovalcountynm.gov)>;

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

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Sincerely,

Tami Linder  
3750 Desert Pinon Dr NE  
Rio Rancho NM, 87144-2543

# Protect Sandoval County from Oil & Gas!

[pcv60=comcast.net@mg.gospringboard.io](mailto:pcv60=comcast.net@mg.gospringboard.io) on behalf of Roger Finzel <[pcv60@comcast.net](mailto:pcv60@comcast.net)>

Mon 11/26/2018 6:40 PM

To: Public Comment <[PublicComment@sandovalcountynm.gov](mailto:PublicComment@sandovalcountynm.gov)>;

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

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Sincerely,

Roger Finzel  
PO Box 6401  
Albuquerque NM, 87197-6401

# Protect Sandoval County from Oil & Gas!

[sydney=swcp.com@mg.gospringboard.io](mailto:sydney=swcp.com@mg.gospringboard.io) on behalf of Sydney Danziger <[sydney@swcp.com](mailto:sydney@swcp.com)>

Mon 11/26/2018 7:16 PM

To: Public Comment <[PublicComment@sandovalcountynm.gov](mailto:PublicComment@sandovalcountynm.gov)>;

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

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The potential for negative impacts on any citizens' health or drinking water is unacceptable. Please oppose putting any of the county's lands, aquifers, air or people at risk of contamination!

Sincerely,

Sydney Danziger  
243 Piñon Trail  
Cedar Crest NM, 87008-9464

# Protect Sandoval County from Oil & Gas!

[jimandpatmoran91@gmail.com](mailto:jimandpatmoran91@gmail.com)@mg.gospringboard.io on behalf of  
James+ Patricia Moran <[jimandpatmoran91@gmail.com](mailto:jimandpatmoran91@gmail.com)>

Mon 11/26/2018 7:26 PM

To: Public Comment <[PublicComment@sandovalcountynm.gov](mailto:PublicComment@sandovalcountynm.gov)>;

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels. We DO NOT want your weak terrible ordinance!  
GO SOMEWHERE ELSE!

Reject the Science Ordinance which provides little to no protection for public health, air quality or water contamination. Go back to the Citizens Working Group Ordinance which has all of these protections and more.

We urge you to move toward to a just transition to renewable energy that will create environmentally sustainable and culturally appropriate economic development. We can bring jobs through some of the fastest growing sectors such as wind and solar. We're not willing to risk our precious little water for an industry that is on its way out.

The potential for negative impacts on any citizens' health or drinking water is unacceptable. Please oppose putting any of the county's lands, aquifers, air or people at risk of contamination!

Sincerely,

James+ Patricia Moran  
872 Campfire Rd SE  
Rio Rancho NM, 87124-6107

# Protect Sandoval County from Oil & Gas!

[halderson=thuntek.net@mg.gospringboard.io](mailto:halderson=thuntek.net@mg.gospringboard.io) on behalf of  
Karen Halderson <[halderson@thuntek.net](mailto:halderson@thuntek.net)>

Mon 11/26/2018 7:29 PM

To: Public Comment <[PublicComment@sandovalcountynm.gov](mailto:PublicComment@sandovalcountynm.gov)>;

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

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We urge you to move toward to a just transition to renewable energy that will create environmentally sustainable and culturally appropriate economic development. We can bring jobs through some of the fastest growing sectors such as wind and solar. We're not willing to risk our precious little water for an industry that is on its way out.

The potential for negative impacts on any citizens' health or drinking water is unacceptable. Please oppose putting any of the county's lands, aquifers, air or people at risk of contamination!

Sincerely,

Karen Halderson  
3301 Monroe Street, NE  
Albuquerque NM, 87110-1860



# Protect Sandoval County from Oil & Gas!

[stavride@hotmail.com](mailto:stavride@hotmail.com)@mg.gospringboard.io on behalf of  
ALEX STAVRIDES <[stavride@hotmail.com](mailto:stavride@hotmail.com)>

Mon 11/26/2018 7:58 PM

To: Public Comment <[PublicComment@sandovalcountynm.gov](mailto:PublicComment@sandovalcountynm.gov)>;

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

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The potential for negative impacts on any citizens' health or drinking water is unacceptable. Please oppose putting any of the county's lands, aquifers, air or people at risk of contamination!

Sincerely,

ALEX STAVRIDES  
11600 Academy Rd. NE, Apt. 3822  
ALBUQUERQUE NM, 87111-7522

# Protect Sandoval County from Oil & Gas!

[jrh714=comcast.net@mg.gospringboard.io](mailto:jrh714=comcast.net@mg.gospringboard.io) on behalf of Jean HARRIS <[jrh714@comcast.net](mailto:jrh714@comcast.net)>

Mon 11/26/2018 8:34 PM

To: Public Comment <[PublicComment@sandovalcountynm.gov](mailto:PublicComment@sandovalcountynm.gov)>;

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

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Sincerely,

Jean HARRIS  
187 Tierra Encantada  
Corrales NM, 87048-6811

# Protect Sandoval County from Oil & Gas!

[pooka1953@msn.com](mailto:pooka1953@msn.com) on behalf of  
Susan Alles <[pooka1953@msn.com](mailto:pooka1953@msn.com)>

Mon 11/26/2018 8:53 PM

To: Public Comment <[PublicComment@sandovalcountynm.gov](mailto:PublicComment@sandovalcountynm.gov)>;

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

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Sincerely,

Susan Alles  
208 Utah St NE, Apt B, 09  
ALBUQUERQUE NM, 87108-2428

# Protect Sandoval County from Oil & Gas!

[dklaus6@gmail.com@mg.gospringboard.io](mailto:dklaus6@gmail.com@mg.gospringboard.io) on behalf of Deborah Klaus <[dklaus6@gmail.com](mailto:dklaus6@gmail.com)>

Mon 11/26/2018 9:30 PM

To: Public Comment <[PublicComment@sandovalcountynm.gov](mailto:PublicComment@sandovalcountynm.gov)>;

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

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Sincerely,

Deborah Klaus  
121 1/2 Lansing Dr SW  
Albuquerque NM, 87105-2951

# Protect Sandoval County from Oil & Gas!

[offi.kathva@gmail.com](mailto:offi.kathva@gmail.com)@mg.gospringboard.io on behalf of LeRoy W <[offi.kathva@gmail.com](mailto:offi.kathva@gmail.com)>

Tue 11/27/2018 3:18 AM

To: Public Comment <[PublicComment@sandovalcountynm.gov](mailto:PublicComment@sandovalcountynm.gov)>;

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

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The potential for negative impacts on any citizens' health or drinking water is unacceptable. Please oppose putting any of the county's lands, aquifers, air or people at risk of contamination!

Sincerely,

LeRoy W  
P.O. Box 2111  
Tijeras NM, 87059-2111

# Protect Sandoval County from Oil & Gas!

[randydiner50@gmail.com](mailto:randydiner50@gmail.com)@mg.gospringboard.io on behalf of  
Randy Diner <[randydiner50@gmail.com](mailto:randydiner50@gmail.com)>

Tue 11/27/2018 6:35 AM

To: Public Comment <[PublicComment@sandovalcountynm.gov](mailto:PublicComment@sandovalcountynm.gov)>;

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

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Sincerely,

Randy Diner  
632 Turner Dr NE  
Albuquerque NM, 87123-2279

# Protect Sandoval County from Oil & Gas!

[novakcm@gmail.com](mailto:novakcm@gmail.com)@mg.gospringboard.io on behalf of  
Martha Novak <[novakcm@gmail.com](mailto:novakcm@gmail.com)>

Tue 11/27/2018 7:25 AM

To: Public Comment <[PublicComment@sandovalcountynm.gov](mailto:PublicComment@sandovalcountynm.gov)>;

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

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The potential for negative impacts on any citizens' health or drinking water is unacceptable. Please oppose putting any of the county's lands, aquifers, air or people at risk of contamination!

Sincerely,

Martha Novak  
329 Sierra Pl NE  
Albuquerque NM, 87108-1138

# Comment on the Ordinance

Karen Hipscher <karen.hipscher@gmail.com>

Tue 11/27/2018 7:40 AM

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

Dear Sandoval County Commission,

I urge you to vote against the proposed ordinance. Any ordinance that allows fracking in the Rio Grande Basin is too risky to adopt, and it would be better to adopt the Science Committee Ordinance as it was proposed to you, without amendments that allow fracking and weaken regulation. You keep talking about money spent if a lawsuit is brought against the County, but what happens when the oil and gas wells inevitably leak and the County has to pay for the cleanup. As we know, New Mexico Tech concluded that the area has moderate to high risk and susceptibility for water contamination, so it seems to be only a matter of time until that happens. If you spend your money on protecting our right to clean drinking water, I think that would be money well spent.

Thank you very much.



# Protect Sandoval County from Oil & Gas!

[icaskellie@gmail.com](mailto:icaskellie@gmail.com)@mg.gospringboard.io on behalf of Susan Kellie <[icaskellie@gmail.com](mailto:icaskellie@gmail.com)>

Tue 11/27/2018 9:14 AM

To: Public Comment <[PublicComment@sandovalcountynm.gov](mailto:PublicComment@sandovalcountynm.gov)>;

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

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We urge you to move toward to a just transition to renewable energy that will create environmentally sustainable and culturally appropriate economic development. We can bring jobs through some of the fastest growing sectors such as wind and solar. We're not willing to risk our precious little water for an industry that is on its way out.

I am concerned that these decisions are being made at the county level while the impacts will occur at the state level. This commission needs to defer to the incoming administration at the state level. The potential for liability is huge. Who will pay when whole communities have to go on bottled water? The County Commission? Sandoval county taxpayers? The geology does not support an extension of activity into the Rio Grande Basin.

The potential for negative impacts on any citizens' health or drinking water is unacceptable. Please oppose putting any of the county's lands, aquifers, air or people at risk of contamination!

Sincerely,

Susan Kellie  
163 Camino Alto  
Corrales NM, 87048-7513

# Protect Sandoval County from Oil & Gas!

aleia144=icloud.com@mg.gospringboard.io on behalf of  
Pamela Aleia Ruth <aleia144@icloud.com>

Tue 11/27/2018 9:35 AM

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

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

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Sincerely,

Pamela Aleia Ruth  
520 Los Ranchos Rd NW  
Los Ranchos NM, 87107-6520

# Protect Sandoval County from Oil & Gas!

[cathylmo@icloud.com](mailto:cathylmo@icloud.com) on behalf of  
Cathy Morrison <[cathylmo@icloud.com](mailto:cathylmo@icloud.com)>

Tue 11/27/2018 9:37 AM

To: Public Comment <[PublicComment@sandovalcountynm.gov](mailto:PublicComment@sandovalcountynm.gov)>;

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

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Sincerely,

Cathy Morrison  
11100 Gibson Boulevard, SE k234  
Albuquerque NM, 87123-3439

# Protect Sandoval County from Oil & Gas!

leahnm1=peoplepc.com@mg.gospringboard.io on behalf of  
Leah Garcia <leahnm1@peoplepc.com>

Tue 11/27/2018 9:38 AM

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

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

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Sincerely,

Leah Garcia  
7204 Mojave Street, NW  
Albuquerque NM, 87120-2923

# Protect Sandoval County from Oil & Gas!

mzhermit=icloud.com@mg.gospringboard.io on behalf of  
Deborah L. Hall <mzhermit@icloud.com>

Tue 11/27/2018 9:39 AM

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

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

Reject the Science Ordinance which provides little to no protection for public health, air quality or water contamination. Go back to the Citizens Working Group Ordinance which has all of these protections and more.

We urge you to move toward a just transition to renewable energy that will create environmentally sustainable and culturally appropriate economic development. We can bring jobs through some of the fastest growing sectors such as wind and solar. We're not willing to risk our precious little water for an industry that is on its way out.

The potential for negative impacts on any citizens' health or drinking water is unacceptable. Please oppose putting any of the county's lands, aquifers, air or people at risk of contamination!

Sincerely,

Deborah L. Hall  
4405 Karrol SW  
Albuquerque, NM, 87121-6296

# Protect Sandoval County from Oil & Gas!

mzhermit@icloud.com@mg.gospringboard.io on behalf of  
Deborah L. Hall <mzhermit@icloud.com>

Tue 11/27/2018 9:39 AM

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

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

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The potential for negative impacts on any citizens' health or drinking water is unacceptable. Please oppose putting any of the county's lands, aquifers, air or people at risk of contamination!

Sincerely,

Deborah L. Hall  
4405 Karrol SW  
Albuquerque, NM, 87121-6296

# Fracking

David Robertson <robertson.david51@gmail.com>

Tue 11/27/2018 7:58 PM

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

Stop fracking in Sandoval County! Do not approve the zoning ordinance. Do not accept funding from the oil and gas industry - that is reprehensible and does not represent the interests of the citizens of Sandoval County.

Sent from my iPhone

# Ordinance for Fracking

Nancy Handmaker <nancyhandmakerphd@gmail.com>

Wed 11/28/2018 4:22 PM

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

Cc: Nancy Handmaker, <nancyhandmakerphd@gmail.com>;

Dear Sandoval County Commission,

I am a resident of Corrales. I am deeply concerned about the potential for water pollution and other contamination hazards associated with the proposed ordinance. I understand that voting may take place today in Sandoval County for a proposed ordinance to allow fracking. Further I understand that the State has inadequate regulations to protect the health and welfare of citizens associated with fracking. I urge you to vote against the proposed ordinance.

I am aware that New Mexico Tech concluded that the area has moderate to high risk and susceptibility for water contamination. This is a very serious risk. A risk that is greater than the potential benefits of wealth for oil and gas companies and their investors or continued reliance on fossil fuels for energy when climate science concludes that is a doomed proposition.

As you are aware, property paid for over the course of 30 years or more is the largest asset for most of us. Fracking and related water contamination will be disastrous for our citizens. We cannot recover from water pollution. Already, we know that water is a valuable commodity given projections due to climate change and demand.

Please do not pass the proposed or any ordinance for fracking.

Sincerely,

Nancy Handmaker



# Comments on Proposed Oil and Gas Ordinance

[Bill Honker <bhonker@gmail.com>](mailto:bhonker@gmail.com)

Wed 11/28/2018 5:37 PM

To: James Holden-Rhodes <jholden-rhodes@sandovalcountynm.gov>; Jay Block <jblock@sandovalcountynm.gov>; Don Chapman <dchapman@sandovalcountynm.gov>; Dave Heil <dheil@sandovalcountynm.gov>; Kenneth Eichwald <keichwald@sandovalcountynm.gov>;

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

Commissioners,

I offer my comments regarding the proposed oil and gas ordinance which you will be considering for adoption at your November 29, 2018 Commission meeting. I submitted more extensive comments on August 8, 2018 on an earlier draft of an ordinance, and, since that time, have been advising the Ordinance Team on their version of the draft ordinance, which, unfortunately, is not the version you are considering for adoption.

As I mentioned in my August 8 comments, during my 42-year career with the U.S. Environmental Protection Agency (EPA), I had extensive experience in overseeing investigations of alleged instances of groundwater contamination from oil and gas production operations, particularly in areas where horizontal drilling and hydraulic fracturing were occurring. Probably the most notable of these cases was contamination of private water wells in Parker County, TX (Barnett Shale), but I also dealt with various issues in the Eagle Ford, Haynesville, Fayetteville, and Woodford shale play areas. Due to the importance of this issue nationally, EPA formed a national work group of political appointees, senior managers, and technical experts in EPA Headquarters and other EPA Regions who were dealing with similar issues. Through my service on this group, I gained familiarity with other high-profile contamination cases such as Dimock Township, PA, and Pavillion, WY.

Your proposed ordinance includes the creation of Districts A and B, with a prohibition of horizontal drilling and unconventional oil and gas development in District B. As a resident of Placitas and a user dependent on Albuquerque Basin groundwater, I support that type of approach to protect the critical groundwater resources of the Albuquerque Basin. However, I am also aware of the legal questions raised by the Ordinance Team on such an approach and that oil and gas industry representatives have already signaled possible litigation if the County adopts such an approach.

If, based on public comment and further consideration, you, as Commissioners, consider retreating from the District B prohibition at your November 29 meeting, I urge you to delay any final decision on an ordinance and allow time for a rework of the proposal. The Ordinance Team presented some alternative approaches to protect groundwater, particularly in the Albuquerque Basin, which should be more thoroughly considered before any final decisions are made.

In addition to this critical issue of how to best protect Albuquerque Basin groundwater resources, I also note that the proposed ordinance you are considering requires baseline monitoring of public drinking water wells within a mile of the proposed oil and gas development, but has no requirement for baseline monitoring of private water wells in such an area. The vast majority of alleged contamination incidents with which I am familiar involved alleged contamination of private water wells, not public

wells. Therefore, I urge you as Commissioners to consider including baseline monitoring of some or all private water wells near proposed oil and gas development. This is an approach which would not be overly costly for the applicant and would provide both water well owners and the industry with good background data against which any changes in water quality can be compared.

Lastly, my reading of the proposed ordinance you are considering shows a lack of details and specifications in many areas. My experience as a long-time regulator has shown me that details matter, and more general requirements often result in confusion, inconsistent application, and frequent challenges by applicants. Therefore, if you do vote to adopt the ordinance as proposed, I suggest the Commission consider modifications to it in the future, especially once it has been implemented for a few months.

Thank you for your consideration of my perspective and for your efforts to protect the citizens and resources of Sandoval County while promoting wise development of energy resources.

William K. Honker, P.E.  
[bhonker@gmail.com](mailto:bhonker@gmail.com)

# Protect Sandoval County from Oil & Gas!

heatherlyn\_armstrong@hotmail.com@mg.gospringboard.io on behalf of  
Heatherlyn Armstrong <heatherlyn\_armstrong@hotmail.com>

Wed 11/28/2018 6:59 PM

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

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

Reject the Science Ordinance which provides little to no protection for public health, air quality or water contamination. Go back to the Citizens Working Group Ordinance which has all of these protections and more.

We urge you to move toward to a just transition to renewable energy that will create environmentally sustainable and culturally appropriate economic development. We can bring jobs through some of the fastest growing sectors such as wind and solar. We're not willing to risk our precious little water for an industry that is on its way out.

The potential for negative impacts on any citizens' health or drinking water is unacceptable. Please oppose putting any of the county's lands, aquifers, air or people at risk of contamination!

Sincerely,

Heatherlyn Armstrong  
309 Sundt Court NE  
Rio Rancho NM, 87124-4881

# Public Comment on Fracking Ordinance

Grady Macklin <macklin.grady@gmail.com>

Wed 11/28/2018 7:06 PM

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

Dear Sandoval County Commission,

I urge you to vote against the proposed ordinance. Any ordinance that allows fracking in the Rio Grande Basin is too risky to adopt, and it would be better to adopt the Science Committee Ordinance as it was proposed to you, without amendments that allow fracking and weaken regulation. You keep talking about money spent if a lawsuit is brought against the County, but what happens when the oil and gas wells inevitably leak and the County has to pay for the cleanup. As we know, New Mexico Tech concluded that the area has moderate to high risk and susceptibility for water contamination, so it seems to be only a matter of time until that happens. If you spend your money on protecting our right to clean drinking water, I think that would be money well spent.

Thank you very much.

Grady

# I would like to comment on the fracking ordinance

M Chambers <meghanchambers8@gmail.com>

Wed 11/28/2018 7:09 PM

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

Dear Sandoval County Commission,

I urge you to vote against the proposed fracking ordinance.

Any ordinance that allows fracking in the Rio Grande Basin is too risky to adopt due to the active plate formation in the basin. It would be better to adopt the Science Committee Ordinance as it was proposed to you, without amendments that allow fracking and weaken regulation. You keep talking about money spent if a lawsuit is brought against the County, but what happens when the oil and gas wells inevitably leak and the County has to pay for the cleanup? That will cost much more than the lawsuit. As we know, New Mexico Tech concluded that the area has moderate to high risk and susceptibility for water contamination, so it seems to be only a matter of time until that happens. If you spend your money on protecting our right to clean drinking water, I think that would be money well spent.

Thank you very much.

Meghan

# Oil and Gas Ordinance

grayce schor <graycewschor@gmail.com>

Wed 11/28/2018 8:51 PM

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

Dear Commissioners,

My husband and I are very unhappy with the current proposed citizens ordinance in its diminished state. In fact, after comparing the two citizens ordinances which you have had in your possession since August, we are incredulous that you have chosen to put forth the Science team version considering that it will open the door to a lawsuit against the county among other oversights.

There seems to be a rush to have an ordinance finished by the end of this year. May we ask why? Permitting wide spread Oil and Gas exploration and drilling in Sandoval county without proper regulations and protections to our precious air, water and land is critical.

Please, there needs to be further considerations taken and the time to do so is now. The taxpayers of Sandoval County deserve this.

Sincerely,  
Grayce Schor  
Bruce Schor  
15 Sunset Blvd.  
Placitas, NM 87043

From Casa Graciela

# Protect Sandoval County from Oil & Gas!

[raquelff8@msn.com](mailto:raquelff8@msn.com)@mg.gospringboard.io on behalf of Raquel Fontes <[raquelff8@msn.com](mailto:raquelff8@msn.com)>

Wed 11/28/2018 8:57 PM

To: Public Comment <[PublicComment@sandovalcountynm.gov](mailto:PublicComment@sandovalcountynm.gov)>;

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

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We urge you to move toward a just transition to renewable energy that will create environmentally sustainable and culturally appropriate economic development. We can bring jobs through some of the fastest growing sectors such as wind and solar. We're not willing to risk our precious little water for an industry that is on its way out.

The potential for negative impacts on any citizens' health or drinking water is unacceptable. Please oppose putting any of the county's lands, aquifers, air or people at risk of contamination!

Sincerely,

Raquel Fontes  
7312 Teypana rd  
Albuquerque NM, 87114-4561

# Protect Sandoval County from Oil & Gas!

[ssebin@hotmail.com@mg.gospringboard.io](mailto:ssebin@hotmail.com) on behalf of  
Susan Selbin <[ssebin@hotmail.com](mailto:ssebin@hotmail.com)>

Wed 11/28/2018 9:19 PM

To: Public Comment <[PublicComment@sandovalcountynm.gov](mailto:PublicComment@sandovalcountynm.gov)>;

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects.

We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

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The potential for negative impacts on any citizens' health or drinking water is unacceptable. Please oppose putting any of the county's lands, aquifers, air or people at risk of contamination!

Sincerely,

Susan Selbin  
2209 Via Granada Pl. NW  
Albuquerque NM, 87104-5502



# Protect Sandoval County from Oil & Gas!

[ritaphillips82@gmail.com](mailto:ritaphillips82@gmail.com)@mg.gospringboard.io on behalf of  
[joe kenna <ritaphillips82@gmail.com>](mailto:joe kenna <ritaphillips82@gmail.com>)

Thu 11/29/2018 12:03 AM

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

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

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The potential for negative impacts on any citizens' health or drinking water is unacceptable. Please oppose putting any of the county's lands, aquifers, air or people at risk of contamination!

Sincerely,

joe kenna  
7112 pan american east freeway n.e. lot 65  
Albuquerque NM, 87109-4211

# Protect Sandoval County from Oil & Gas!

[cherazi25@gmail.com](mailto:cherazi25@gmail.com)@mg.gospringboard.io on behalf of Cheryl Azi <[cherazi25@gmail.com](mailto:cherazi25@gmail.com)>

Thu 11/29/2018 1:13 AM

To: Public Comment <[PublicComment@sandovalcountynm.gov](mailto:PublicComment@sandovalcountynm.gov)>;

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

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The potential for negative impacts on any citizens' health or drinking water is unacceptable. Please oppose putting any of the county's lands, aquifers, air or people at risk of contamination!

Sincerely,

Cheryl Azi  
6102 La Paz Rd., NE  
Rio Rancho NM, 87144-6553

# Re: A Solution and Public Comments Nov 29th O&G Ordinance

Elaine Cimino <[ecimino10@gmail.com](mailto:ecimino10@gmail.com)>

Thu 11/29/2018 11:58 AM

To: Public Comment <[PublicComment@sandovalcountynm.gov](mailto:PublicComment@sandovalcountynm.gov)>; Dave Heil <[dheil@sandovalcountynm.gov](mailto:dheil@sandovalcountynm.gov)>; Kenneth Eichwald <[keichwald@sandovalcountynm.gov](mailto:keichwald@sandovalcountynm.gov)>; James Holden-Rhodes <[jholden-rhodes@sandovalcountynm.gov](mailto:jholden-rhodes@sandovalcountynm.gov)>; Don Chapman <[dchapman@sandovalcountynm.gov](mailto:dchapman@sandovalcountynm.gov)>; Jay Block <[jblock@sandovalcountynm.gov](mailto:jblock@sandovalcountynm.gov)>;

IPO please see that all attachments and email are submitted in whole into the record for Public comments

On Thu, Nov 29, 2018 at 11:35 AM Elaine Cimino <[ecimino10@gmail.com](mailto:ecimino10@gmail.com)> wrote:

Dear Commissioners,

We are offering a solution to the ongoing oil and gas ordinance process. In our past comments submitted on the County website, we gave you contact information to the Frellich Planning Group to vet and revise the current ordinance. I have had a conversation with Kate Frellich last year and they offered to help. I think you need this help now. It comes down to spending millions on lawsuits or vet and revise the current ordinance.

You are also tasked with tribal consultation and removing the tribal language in the ordinance is a bad move on the part of the County. You are trying to separate tribal consultation on this ordinance and it is not appropriate for you to do so. It shows systemic racism, whether intentional or not, that we are all trying to avoid in this matter. You have 12 tribes to consult with, all different, and it is not an easy task, it is also a matter that no other county has as a requirement with this many tribes. Historically Sandoval has suppressed the voting rights of indigenous people and so now you are tasked with having to overcome that stigma.

The agenda is getting better but we are still not there yet.

We hope that you take to heart the issues outlined in our comments and address them at tonight's meeting. If you continue down this path it will be a great cost to taxpayers because of the issues we have outlined in our comments that are left undone in this matter.

We look forward to your drafted findings to all our comments and to the 2 Citizen working group ordinances in this matter prior to final approval of the Sandoval County Oil and Gas Ordinance.

We still have work to do,  
Elaine Cimino  
907 Nyasa RD SE Rio Rancho, NM 87124  
Common Ground Community Trust  
a Citizens Group in Sandoval County

--

*"Nothing is more perishable than our relationship with the Earth."*

*"In a time where every living system is declining and the rate of decline is accelerating, we must figure out what it means to be a human on Earth and remain humane in the process."-Elaine Cimino*

*"Our lives begin to end the day we become silent about things that matter."*

-Martin Luther King Jr.

--

*"Nothing is more perishable than our relationship with the Earth."*

*"In a time where every living system is declining and the rate of decline is accelerating, we must figure out what it means to be a human on Earth and remain humane in the process."-Elaine Cimino*

*"Our lives begin to end the day we become silent about things that matter."*

-Martin Luther King Jr.

Sandoval County Commission  
1500 Idalia Rd Bldg D  
Bernalillo, NM 87004

November 29, 2018

Dear Sandoval County Commissioners,

For the past 3 years we have been following the oil and gas ordinance process from Sandridge, to the Stoddard ordinance, and now the Heil/Thrust Energy amended CWG Science Ordinance.

1. We have witnessed questionable open meetings act violations, rolling quorums and disingenuous behavior by the Commission. The County has quashed public comment until ready pass a very bad ordinance and lacks transparency and an open governmental process. Ongoing problems that still need to be addressed:
  - a. The County is throwing in with a corporation that caused great financial hardship to many landowners and homeowners in Sandoval County and Rio Rancho, who is under court order to cease development, Yet Commissioner Heil and the Board has edited the ordinance to favor speculative oil and gas drilling to the objections of several group in Sandoval County which smack of state capture and corruption.
  - b. The County Commission is giving this corporation permission to regulate their own industry and have no accountability to foul the water and air and bring health impacts to the surrounding community.
  - c. The County provides districting that segregates the County into districts A & B designating a no fracking district, yet made allowance for Thrust and AMREP allow fracking in the 'ban fracking buffer zone' areas. Yet have not figured out what to do with the disparate impacts of permissive use on low income and people of color in Sandoval County by further marginalizing their redress of grievances.
  - d. The County is engaging in a taking of the right of a notice of application, public hearing and right to comment in a public hearing, which is allowed to County residents under 'Special Use' permitting currently.
  - e. The County is pushing a very dark side of this industry, crime, drugs, human trafficking, prostitution, murder and missing indigenous women, where the county has refused to acknowledge these issues, yet is allowing this ongoing assault on people of the County.
  - f. **There has been no Cost -Benefit analysis** on this industry impacts and health risks, road degradation on the siting of heavy industrialization with a potential of 1000 or more wells in the 6-square mile zone of units 1,2,3,4,5,6 of Rio Rancho Estates. This was an 11 hour blindside of the citizens participating in this process. Unit 6 has open space dedicated and there is no buffer zone on the Arroyo Calabacitas, which is a main aquifer recharge vadose zone for Rio Rancho groundwater drinking water in this area.
  - g. Many people living in RRE are Spanish speaking and there has been no attempt to have a community meeting education and notifying on the last

minute floor amendment added by commissioner Heil. The same applies to the Navajo and Pueblo communities this ordinance will impact.

- h. There has been no air and water quality baselines taken to show at least one iota of concern for public health, so when the aquifer is contaminated the County and taxpayers has recourse in district court.
- i. The aquifer contamination of a jet fuel plume is still going to impact the municipal water supply you cannot remediate a blown apart aquifer on 4 earthquake faults.
- j. The County has offered no resolution regarding what the County could do with a good land use ordinance on oil and gas of which you have on file 3 years of comments from our citizens groups throughout the county.
- k. There has been no cost benefit on the contribution of emissions the County is contributing in the face of the dire consequences of climate change and the Siting of a heavy industrialization of RRE and the NW area of the County which is not zone and the variances and changes made over the last 2 years have not been given proper notification to Non English speaking residents and residents who live off -grid in these areas.

2. **We are requesting that the County submit findings in the case of the final O&G ordinance published. *The County defaults on the quasi-legislative rule making procedures when citizens have the right to redress of their grievances in district court.*** These findings under law will be made available on the website 3 days prior to the final vote on the oil and gas ordinance.

The requests for findings are:

- 1. To take the 2 citizens' science ordinance and the Citizens working group ordinance and to say why items were accepted or rejected. The County did not upload the Thrust Energy edits online prior to publishing of the ordinance.
- 2. To state the reasons for the ordinance process to disallowed public hearings and comments with a revision of the open meetings act in July 2018, the reason that **NO** Cost -Benefit (CB) analysis was done on.
- 3. Road degradation across the county on the siting of heavy industrialization in Rio Rancho Estates and in the Northwest portion of the County.
- 4. A CB analysis on the cost of the waste stream of the brine water, of any supplemental water well, produced water and fracking operations.
- 5. An emergency response plan, which the all hazards plan is inadequate and does not address specific issues on pipeline safety and oil and gas production and transmission operations.

6. Elaine Cimino and the local citizens group Common Ground Community Trust/ [www.commongroundrising.org](http://www.commongroundrising.org) submitted language for pipeline safety, land use for street closures and other online public comments that we request findings on why the items submitted were rejected or accepted.
  7. The findings on why there is no Emergency Response Safety Plan which the “all hazards plan” does not specifically or adequately address oil and gas issues and public safety.
3. In the matter of the ordinance approval there are potential groups threatening to sue the County and the Open Meetings Act violations pending. This ordinance look like it will cost hundreds or thousands of dollars to fight in NM District Court and the NM Supreme Court and perhaps you may even end up in federal court. Your staff and county attorney does not have the capacity to do what your are asking.

Our solution moving forward follows:

- Vote down the bad ordinance
- Vote on hiring the Ferlic Planning group, who wrote the Santa Fe County O&G ordinance and now the Mora County O&G ordinance and have these attorneys vet and revise the (2) citizens’ working group land use and science ordinances. Ferlic shall enter into tribal consultation on the oil and gas ordinance. The County is looking at \$60,000 - \$100,000+ an amount which they have already paid NM Tech.
- Vote on a resolution for a moratorium for One Year.
- Develop a plan for tribal consultation and implement it.

We are looking forward to your response.

Elaine Cimino  
907 Nyasa Road SE  
Rio Rancho, NM 87124  
505 604-9772  
[ecimino10@gmail.com](mailto:ecimino10@gmail.com)

Common Ground Community Trust  
Citizens group  
[www.commongroundrising.org](http://www.commongroundrising.org)

## Why Oil's Crash Will Cause A Shale Energy Bust

Published on November 23, 2018 Jesse Colombo



Despite this being a low-volume holiday week, crude oil continues to plunge. West Texas Intermediate (WTI) crude oil is down \$3.69 or 6.75% and Brent crude oil is down \$3.60 or 5.75% today alone, which further confirms the concerns I had when I wrote the article [“Is A Crude Oil Liquidation Event Ahead?”](#) on November 6th. In that piece, I warned that WTI crude oil’s technical breakdown below its key \$65 level would likely lead to even more bearish action, which could then cause speculators or the “dumb money” to violently liquidate their large bullish position of nearly 500,000 net futures contracts. In today’s update, I will show the next key technical levels to watch and discuss the economic implications of crude oil’s crash of the past two months. The daily chart shows how WTI crude oil fell by over \$26 per barrel or 34% since early October:

Brent crude oil fell by over \$28 per barrel or 33% since early October:





WTI crude oil keeps slicing below important technical levels: \$60, \$55, and the uptrend line that began in early-2016, which represents a very important and concerning technical breakdown. The next major support level to watch is \$50; if WTI crude oil breaks below \$50 in a convincing manner, it will likely try to gun for \$40, then \$30, and so on.

Brent crude oil sliced below its \$70 and \$60 support levels along with the uptrend line that started in early-2016, which is a very bad omen that increases the probability of further bearish action provided it isn't negated by a close back above this level.

As I've been pointing out since the start of this year, crude oil futures speculators or the "dumb money" (the red line under the chart) have built a massive long position in WTI crude oil of just under 500,000 net futures contracts. There is a very real risk that these speculators will be forced to liquidate if the sell-off continues, which would greatly exacerbate the sell-off.

Why is crude oil selling off so sharply? There are a number of reasons, but the core reason is that global recession risk is rising (which is why

the stock market is selling off along with oil). According to the Ned Davis Research chart below, global recession risk is now above 70.

What does that mean?

*“Readings above 70 have found us in recession 92.11% of the time (1970 to present). Several months ago, the model score stood at 61.3. It has just moved to 80.04. Expect a global recession. It either has begun or will begin shortly. Though no guarantee, as 7.89% of the time since 1970 when the global economic indicators that make up this model were above 70, a recession did not occur.” – Stephen Blumenthal*

In September, I wrote a popular *Forbes* piece called [“How Interest Rate Hikes Will Trigger The Next Financial Crisis”](#) in which I showed how historic recessions, banking, and financial crises have occurred after interest rate hike cycles (the chart below is from that piece). I believe that dangerous bubbles have formed in emerging markets, U.S. stocks, the shale energy industry/energy junk bonds, tech startups, and other industries and countries after the Great Recession, and that rising interest rates are going to pop those bubbles and cause yet another financial and economic crisis.

I am particularly worried about plunging oil prices because I believe that it is going to pop the shale energy bubble that I have been warning about for years.

Here’s what [I wrote](#) in *Forbes* in 2014:

*I am also growing increasingly concerned that the U.S. shale energy boom is actually another post-2009 economic bubble (it would be a part of the commodities bubble). In a zero-percent interest rate environment like we are currently experiencing, any economic boom can devolve into a bubble. Shale energy extraction is a very capital-intensive business that relies heavily on cheap credit to survive. Shale oil wells experience much faster decline rates than conventional oil wells, which means that energy companies must keep drilling at a furious pace just to maintain their production – a very costly proposition that is typically funded by copious amounts of debt.*

Here's what [I wrote](#) in *Forbes* in September 2018, when I summarized the shale energy bubble:

*U.S. shale energy boom/energy junk bonds: This boom/bubble is closely related to the corporate debt bubble discussed above. Extracting oil and gas from shale via fracking is extremely capital-intensive and would not be feasible in a normal interest rate environment. Thanks to the artificially low interest rate environment since the Great Recession, the shale energy industry's net debt surged to \$200 billion in 2015 – a 300% increase from 2005. Rising interest rates and the bursting of the corporate debt/junk bond bubble will cause a major bust in the shale energy industry.*

The oil price plunge and overall rising interest rate environment is causing high yield or “junk” bonds to sink. The chart below shows that the HYG high yield corporate bond ETF recently broke below a key technical level known as a neckline, which is a signal that further bearish action is likely ahead (which means that junk bond yields will rise). I believe that this is yet another sign that the shale energy bubble is at risk of popping.

Fund manager Jeff Gundlach said that he expected that the Fed would raise rates “until something breaks.” **There is a good chance that one of the first things that broke and continues to break is crude oil prices and the shale energy bubble.** This has very serious implications because it is one of the most important drivers of economic activity and job creation in the U.S. since the Great Recession. Society is going to be taught the lesson that cheap credit and flooding the economy and financial system with liquidity leads to bubbles rather than sustainable economic booms.

Please follow me on [LinkedIn](#) and [Twitter](#) to keep up

# Roadway Degradation Costs Due to Mass Fracking Industrialization

By Brent Ritzel [brent@siu.edu]

## Focus of Fracking in Illinois has been on Selling Benefits

On May 31, 2013, the Illinois Senate passed SB1715, the Hydraulic Fracturing Regulation Act, by a vote of 52-3, the day after it passed the House by a vote of 108-9. The passage of this bill, signed by Governor Pat Quinn into law on June 17, 2013, will open the doors to massive fracking industrialization of Southern Illinois once regulations and the regulatory infrastructure are in place. Draft fracking regulations, which were drafted without the benefit a single scientific study, are currently in the public comment part of the process, which ends on January 3, 2014.

While the potential benefits of mass fracking industrialization for Southern Illinois have been frequently highlighted by the oil & gas industry, Illinois politicians, and mainstream media (jobs, lease fees, severance tax revenues, energy independence, etc.), the potential negative impacts of mass fracking industrialization on Southern Illinois have been at best de-emphasized, and at worst completely denied. This politically facilitated industry-driven initiative does not particularly have popular public support either in Southern Illinois, with 40.7% supporting it, 39.7% opposed, and 19.6% no opinion (Leonard, 2013) or nationwide, with 44% favoring increased fracking and 49% being opposed. In the six-month period from March to September, 2013 public opposition to fracking grew by 11% (Pew Research Center, 2013).



## Fracking's Liabilities

This shift is at least in part due to increased public awareness of the many potential negative impacts that accompanies mass fracking industrialization, which include (but are not limited to): air pollution due to methane leakage and industrial equipment operation; water contamination from methane migration and leaks, spills and intentional dumping of frack fluid; toxic and radioactive fracking flowback and produced water; fracking wastewater disposal induced earthquakes; infrastructure destruction and roadway degradation; increased greenhouse gas emissions; habitat segmentation and ecosystem degradation; permanent destruction of water; social ills including increased crime, drugs, prostitution, homelessness; and the most dangerous workplace in the United States.

Though readily monetizable, general efforts to attach price tags to these various economic, environmental and social ills have lagged immensely behind efforts to project potential revenues from mass fracking industrialization. However, several state departments of transportation have more recently raised important concerns regarding damage to infrastructure, and roadway degradation in particular, due to the immense drilling and fracking-related truck traffic.

The issue of roadway degradation touches upon a number of extremely important public interests, including economic concerns (are taxpayers responsible for road repairs and reconstruction in generally rural counties with relatively small road budgets?), safety concerns (dangerous degraded roadway and bridge conditions, along with an increasing gravelization of rural U.S.) and quality of life concerns (dust, traffic, noise and air pollution). As mass fracking industrialization continues to proliferate around the United States, these concerns are starting to become more and more of an issue nationwide.

## Scale of Mass Fracking Industrialization

The most comprehensive list of total HVHF (fracking) wells by state has been compiled by Ridlington and Rumpler (2013), who found that between 2005 and 2012 more than 82,000 fracking wells were drilled or permitted in 17 states, with 22,326 fracking wells being drilled in 2012, 13,540 of which were drilled in Texas.

Current industry plans for continued mass fracking industrialization nationwide includes the drilling of one to two million wells over the next 10 to 20 years, with production at each well running for approximately 30 years. Estimated total projected wells for individual states include 100,000 in Pennsylvania (Yeoman, 2013), 50,000 in North Dakota (Scheyder, 2013), and 40,000 for the State of New York (Kennedy & Gally, 2012). In terms of total fracking wells already drilled, Texas has more than 33,000 wells, followed by Colorado with in excess of 18,000, and Pennsylvania with nearly 7,000 (Ridlington and Rumpler, 2013).

With more than \$250 million invested in buying up drilling leases on a half million acres of private land in southeastern Illinois (Yeagle, 2013), the oil and gas industry is planning on fracking 50,000 to 100,000 wells in a 19-county area of state's southeast corner including Jasper, Crawford, Clay, Richland, Lawrence, Wayne, Edwards, Wabash, Franklin, Hamilton, White, Williamson, Saline, Gallatin, Johnson, Pope, Hardin, Pulaski and Massac Counties (Bleneman, 2013).

## High Density of Well Placement

The cause of greatest harm is not particularly the high volume hydraulic fracturing (HVHF) or fracking technology itself, as it is the scale of industrialization required to engage in this form of fossil fuel extraction. As Columbia University's Dr. Anthony Ingraffea relates, the problem with shale gas and oil is that it is fundamentally distributed everywhere equally throughout a shale play, which means that the industry has to drill *everywhere* to access it.

*Everywhere* can mean a five to fifteen-acre drilling pad, with each one supporting six to twelve wells and spacing of one well for every 40 (in the Marcellus Shale Play) to 65-acre (in the Eagle Ford Shale Play) area in a given county to be fracked. With the industry standard of fracking 70% of targeted counties, individual rural counties in southeastern Illinois in the *sweet spot* of the New Albany Shale Play could conservatively be looking at upwards of 3,500 wells each. This total is based upon one well for every 65-acres, clustered in 6-well drilling pads over 70% of a county, with an average of 14 townships per county and each township averaging 36 square miles in area (Podulka & Podulka, 2010).

## Intensity of Fracking-Related Truck Traffic

The amount of truck traffic required to service each individual fracking well is immense. Podulka and Podulka (2010) estimate that it takes between 1,760 and 1,904 truck trips hauling equipment, materials and water to build, drill and high volume hydraulically fracture a single well. A typical Marcellus fracked well requires 5.6 million gallons of water during the hydraulic fracturing of the shale, of which approximately half returns to the surface as flowback and produced wastewater, which is summarily shipped away in tanker trucks to disposal wells. Currently more than 95% of fracking wastewater produced in the United States is injected into deep disposal wells (Clark and Veil, 2009).

Moss (2008) estimates that it can require more than 3,000 truck trips to bring water to and remove waste from a single typical fracking well, with an additional 220 to 364 trips being necessary for hauling equipment, materials and employees. The New York State Department of Transportation (2011) found that while the drilling phase can require 290 truck trips over a 28 day period, due to total water and waste needs the hydraulic fracturing of a single well can require more than 2,300 truck trips in just a 3 day period. The New York State Department of Environmental Conservation [NYDEC] estimates a single well requires 1,800 to 2,600 total truck drive-bys (truck trips) through all phases, with an 8 well site requiring 14,400 to 20,800 total truck trips.

A comprehensive study prepared by Underbrink (2012) for the DeWitt County Texas Commissioners utilized Equivalent Axle Load Factors (EALF), roughly equivalent to both a truck trip and an Equivalent Single Axle Load (ESAL), to define traffic demand in the Eagle Ford Shale region. A typical county year will last about twenty years when being subjected to about 500 EALF's per road, requiring reconstruction after a total of 10,000 EALF's. Underbrink estimates that the total EALF's in the first year of a single fracking well's development and production is 2,430, with annual EALF total of 1,250 thereafter, for a total of 26,680 for one single well in production over 20 years.

## Known Roadway Degradation Costs Due to Mass Fracking Industrialization

The New York State of Transportation estimated that the total road maintenance costs to mitigate impacts from truck traffic to 40,000 proposed wells across New York State would total as much as \$378 million annually. This total is based upon state roads having an estimated cost between \$90 million and \$156 million per year, and local roads and bridges having an estimated cost between \$121 million to \$222 million per year (Barth, 2013; Kennedy and Gally, 2012; New York State Department of Transportation, 2011).

Arkansas estimates that the costs from road damage due to fracking truck traffic are \$450 million, finding that roads designed to last 20 years require major repairs after only 5 years due to fracking's constant stream of overweight vehicles ferrying water and equipment to and from well sites (Heinberg, 2013; Rogers, 2013).

According to David Flynn, the Director of the University of North Dakota Bureau of Business and Economic Research, North Dakota allocated nearly \$1 billion for infrastructure, primarily for roads damaged by heavy energy-related truck traffic (Gunderson, 2012; White, 2013). Alan Dybing, a researcher at the Upper Great Plains Transportation Institute, states, "Simply put, the roads are falling apart in many cases," as each new well requires more than 2,000 truck trips, and the massive trucking rigs are demolishing the state's roadways (Holeywell, 2011).

Pennsylvania Department of Transportation officials reported that in 2010 more than \$265 million was needed to repair roads damaged due to Marcellus Shale drilling (Christie, 2010; Dutzik et al., 2012). Additionally, state officials reported that as their rural roads were not designed to withstand the volume or weight of the level of truck traffic, they have sometimes been degraded into impassability (Randall, 2010). By 2013, the state estimated that it would cost \$3.5 billion just to maintain the states existing roadway assets, and an additional \$8.7 billion for necessary bridge repairs (Rogers, 2013), with fewer than 7,000 existing wells.

An engineering study from the Eagle Ford Shale Task Force regarding anticipated fracking-related truck traffic in DeWitt county Texas indicated that with an estimated 3,250 wells that will be accessed by county roads, the total cost for DeWitt County to provide a road system (331 miles) to meet projected industry and public needs would be approximately \$432 million, or almost \$133,000 per well (Underbrink, 2012).

The Texas Department of Transportation [TDOT] has estimated that the cost of maintaining the roadway infrastructure degraded by the fracking traffic statewide is \$4 billion a year (Heinberg, 2013; Rogers, 2013). That includes \$1 billion for farm-to-market roads, \$1 billion for local roads, and \$2 billion for interstate and state highways (Barth, 2013). TDOT additionally estimates that \$2 billion of that total is road damages to the East Ford Shale region of South Texas alone (Remington, 2013). Due to the overwhelming extent and expense of the destruction in that area, the TDOT plans to convert at least 83 miles of asphalt roads into gravel roads in those areas experiencing increased fracking-related truck traffic (Batheja, 2013).

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# Protect Sandoval County from Oil & Gas!

[karen-miller=pinewoodpreschool.com@mg.gospringboard.io](mailto:karen-miller=pinewoodpreschool.com@mg.gospringboard.io) on behalf of  
Karen Miller <[karen-miller@pinewoodpreschool.com](mailto:karen-miller@pinewoodpreschool.com)>

Thu 11/29/2018 12:29 PM

To: Public Comment <[PublicComment@sandovalcountynm.gov](mailto:PublicComment@sandovalcountynm.gov)>;

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

Reject the Science Ordinance which provides little to no protection for public health, air quality or water contamination. Go back to the Citizens Working Group Ordinance which has all of these protections and more.

We urge you to move toward a just transition to renewable energy that will create environmentally sustainable and culturally appropriate economic development. We can bring jobs through some of the fastest growing sectors such as wind and solar. We're not willing to risk our precious little water for an industry that is on its way out.

The potential for negative impacts on any citizens' health or drinking water is unacceptable. Please oppose putting any of the county's lands, aquifers, air or people at risk of contamination!

Sincerely,

Karen Miller  
2750 Pinewood Dr SE  
Rio Rancho NM, 87124-3918

# Protect Sandoval County from Oil & Gas!

[don=pinewoodpreschool.com@mg.gospringboard.io](mailto:don=pinewoodpreschool.com@mg.gospringboard.io) on behalf of  
Donald Miller <[don@pinewoodpreschool.com](mailto:don@pinewoodpreschool.com)>

Thu 11/29/2018 12:32 PM

To: Public Comment <[PublicComment@sandovalcountynm.gov](mailto:PublicComment@sandovalcountynm.gov)>;

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

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Sincerely,

Donald Miller  
2750 Pinewood Dr SE  
Rio Rancho NM, 87124-3918



# Protect Sandoval County from Oil & Gas!

[cwright=cybermesa.com@mg.gospringboard.io](mailto:cwright=cybermesa.com@mg.gospringboard.io) on behalf of  
Carla Wright <[cwright@cybermesa.com](mailto:cwright@cybermesa.com)>

Thu 11/29/2018 12:33 PM

To: Public Comment <[PublicComment@sandovalcountynm.gov](mailto:PublicComment@sandovalcountynm.gov)>;

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

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Sincerely,

Carla Wright  
537 Mission Valley Rd  
Corrales NM, 87048-7815

# Protect Sandoval County from Oil & Gas!

[freeform67@gmail.com](mailto:freeform67@gmail.com)@mg.gospringboard.io on behalf of  
John Stearns <[freeform67@gmail.com](mailto:freeform67@gmail.com)>

Thu 11/29/2018 12:56 PM

To: Public Comment <[PublicComment@sandovalcountynm.gov](mailto:PublicComment@sandovalcountynm.gov)>;

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

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The potential for negative impacts on any citizens' health or drinking water is unacceptable. Please oppose putting any of the county's lands, aquifers, air or people at risk of contamination!

Sincerely,

John Stearns  
35 freeform way  
Placitas NM, 87043-9510

# Protect Sandoval County from Oil & Gas!

[Paul.Falardeau.1970@gmail.com](mailto:Paul.Falardeau.1970@gmail.com) on behalf of  
[Paul Falardeau <Paul.Falardeau.1970@gmail.com>](mailto:Paul.Falardeau.1970@gmail.com)

Thu 11/29/2018 1:33 PM

To: Public Comment <[PublicComment@sandovalcountynm.gov](mailto:PublicComment@sandovalcountynm.gov)>;

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

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The potential for negative impacts on any citizens' health or drinking water is unacceptable. Please oppose putting any of the county's lands, aquifers, air or people at risk of contamination!

Sincerely,

Paul Falardeau  
5478 Salem ct ne  
Rio Rancho NM, 87144-6372

# Protect Sandoval County from Oil & Gas!

[srussell=live.com@mg.gospringboard.io](mailto:srussell=live.com@mg.gospringboard.io) on behalf of Sheryl Russell <[srussell@live.com](mailto:srussell@live.com)>

Thu 11/29/2018 3:13 PM

To: Public Comment <[PublicComment@sandovalcountynm.gov](mailto:PublicComment@sandovalcountynm.gov)>;

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

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The potential for negative impacts on any citizens' health or drinking water is unacceptable. Please oppose putting any of the county's lands, aquifers, air or people at risk of contamination!

Sincerely,

Sheryl Russell  
2313 Desert View Rd NE  
Rio Rancho NM, 87144-2635

# Oil and Gas Ordinance Comments

Kathleen Groody <kathleengroody@yahoo.com>

Thu 11/29/2018 3:51 PM

To: Dave Heil <dheil@sandovalcountynm.gov>; James Holden-Rhodes <jholden-rhodes@sandovalcountynm.gov>; Jay Block <jblock@sandovalcountynm.gov>; Don Chapman <dchapman@sandovalcountynm.gov>; Kenneth Eichwald <keichwald@sandovalcountynm.gov>; Public Comment <PublicComment@sandovalcountynm.gov>;

Dear Commissioners, Sandoval County Planning and Zoning Staff:

First of all, let me offer congratulations for drafting an Ordinance that is vastly superior to the Stoddard Ordinance and is more protective of the citizens of Sandoval County, the tax base, and the Rio Grande Watershed.

That being said, I notice two very glaring errors in the thinking and planning of this Ordinance:

1) Reliance on Federal Environmental laws and therefore inspections (ie: The Clean Air Act) has not protected the air quality in the Councilor area of Sandoval County. Much anecdotal evidence was provided to the Commission over the last year during public comment. Additionally, there is a 2,500-square-mile methane cloud hovering over the four corners area. This is the largest area of elevated methane concentration ever measured in the U.S. It is so big scientists can spot it from space. It is more than mere coincidence that the San Juan Basin is one of the most productive natural gas fields in North America, and that oil and gas development is the leading industrial cause of methane emissions nationally. <sup>1</sup> Just last year, the Bureau of Land Management and the Environmental Protection Agency announced they would put a hold on implementing national standards that aim to reduce oil and gas methane emissions.<sup>1</sup>

So, it is folly for the County to rely on the Federal Government Regulations to enforce air quality standards.

2) Article X Administration; Section D. Relief.

There is no justification offered for why Rio Rancho Estates Units 1,2,3,4,5, and 6 may request relief from Article VI. Since there is no stated scientific or environmental reason to offer relief, it becomes apparent that the unstated reason is political. The public deserves a written explanation for this exemption. Surely exempting one energy company to the exclusion of the others will not stand up in a court of law and I presume the taxpayers will stuck

funding the legal fees for the defense of the County. On this basis alone, I request that you make a motion to vote this version of the Ordinance down.

Sincerely,

Kathleen Groody

82 Sile Rd

Pena Blanca, NM

kathleengroody@yahoo.com

<sup>1</sup>New study confirms (again): New Mexico's methane hot spot largely tied to oil and gas pollution. By Jon Goldstein / Published: June 15, 2017

# Protect Sandoval County from Oil & Gas!

[info=newdealfilms.com@mg.gospringboard.io](mailto:info=newdealfilms.com@mg.gospringboard.io) on behalf of  
Mary Lance <[info@newdealfilms.com](mailto:info@newdealfilms.com)>

Thu 11/29/2018 3:59 PM

To: Public Comment <[PublicComment@sandovalcountynm.gov](mailto:PublicComment@sandovalcountynm.gov)>;

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

Please REJECT the so-called "Science Ordinance" which provides little to no protection for public health, air quality or water contamination. PLEASE go back to the Citizens Working Group Ordinance which has all of these protections and more.

We urge you to move toward to a just transition to renewable energy that will create environmentally sustainable and culturally appropriate economic development. We can bring jobs through some of the fastest growing sectors such as wind and solar. We're not willing to risk our precious little water for an industry that is on its way out. Thank you.

The potential for negative impacts on any citizens' health or drinking water is unacceptable. Please oppose putting any of the county's lands, aquifers, air or people at risk of contamination!

Sincerely,

Mary Lance  
PO Box 2953  
Corrales NM, 87048-2953

# Protect Sandoval County from Oil & Gas!

[lucyjel=comcast.net@mg.gospringboard.io](mailto:lucyjel=comcast.net@mg.gospringboard.io) on behalf of Lucy Hays <[lucyjel@comcast.net](mailto:lucyjel@comcast.net)>

Thu 11/29/2018 4:19 PM

To: Public Comment <[PublicComment@sandovalcountynm.gov](mailto:PublicComment@sandovalcountynm.gov)>;

Dear ,

Oil and gas development in Sandoval County could put the drinking water of nearly a million people at risk, and divides our communities into zoning districts for destructive fossil fuel projects. We must protect residents from oil and gas activity and preserve a clean environment. We should be working on developing clean energy alternatives, NOT more fossil fuels.

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The potential for negative impacts on any citizens' health or drinking water is unacceptable. Please oppose putting any of the county's lands, aquifers, air or people at risk of contamination!

Sincerely,

Lucy Hays  
374 W Meadowlark  
Corrales NM, 87048-9666