

THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY

ORDINANCE NO. ~~2007~~-14

AN ORDINANCE DECLARING A THREE MONTH MORATORIUM ON
APPLICATIONS TO DRILL AN OIL OR NATURAL GAS WELL,
DECLARING AN EMERGENCY

WHEREAS, exploration for crude oil and natural gas occurred in the 1980s in the Galisteo Basin in Santa Fe County, where sixteen oil wells were drilled;

WHEREAS, although most of the sixteen wells were plugged and abandoned many years ago, one still active well was reworked in February 2007 by an oil and gas operator who has plans to drill at least eight additional wells;

WHEREAS, the only source of County regulation of oil and gas exploration and production is found in Article III Section 5 of the Land Development Code, a section that governs mining in general but does not contain specific provisions that address oil and natural gas exploration and production;

WHEREAS, it is imperative that applications to drill wells, explore and produce crude oil and natural gas be addressed under a modern, complete, specific and effective zoning and development ordinance;

WHEREAS, County staff has prepared such an ordinance that draws on ordinances in place in numerous counties and cities throughout the United States;

WHEREAS, the draft ordinance has had only limited public input thus far and will require an extensive public process before it is ready for public hearings and adoption, and a schedule for that public process has been promulgated that includes two public meetings, a period for written comments from the public, a full day public hearing, and a second public hearing and possible adoption of the ordinance in late January;

WHEREAS, an oil and gas operator has publicly stated that it will file eight applications to drill new oil and gas wells within the Galisteo Basin;

WHEREAS, if such applications were filed prior to enactment of a specific oil and gas ordinance, confusion would result over whether the pending applications should be processed under the existing ordinance or the new ordinance;

WHEREAS, it is critical to the health, safety and welfare of citizens of the Galisteo Basin who are about to be impacted by oil and natural gas drilling that the process for adopting a new ordinance be allowed to run its course, without being affected by concerns over the effect of eight applications on the County's current or future regulatory authority;

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WHEREAS, allowing an application to be processed under the circumstances could result in significant irreparable damage to the human and natural environment; and

WHEREAS, new applications for oil and gas should not be accepted until the County's regulatory authority over oil and natural gas exploration, drilling and production has been clarified in a new ordinance.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY:

1. A three-month moratorium on applications to drill an oil or natural gas well is hereby imposed. No application to drill an oil or natural gas well will be accepted or processed until the three month waiting period has passed.

2. An ordinance governing oil and natural gas exploration, drilling and production shall be presented to the Board of County Commissioners for consideration and adoption prior to the expiration of this moratorium.

3. An emergency is hereby declared because of the stated intent of an oil and gas operator to file eight applications to drill new oil and gas wells within the Galisteo Basin and the need for the County to enact an ordinance that directly governs oil and natural gas production.

4. It is necessary for the protection of the public health, safety and welfare that this ordinance take effect immediately upon recordation.

5. This ordinance will cease to be of effect three months from the date of recordation.

PASSED AND ENACTED THIS 27th DAY OF NOVEMBER, 2007.

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, NEW MEXICO

By Virginia Vigil
Virginia Vigil, Chair

ATTEST:
Valerie Espinoza
Valerie Espinoza, County Clerk



Approved as to form:



Stephen C. Ross, County Attorney



COUNTY OF SANTA FE) BCC ORDINANCE
STATE OF NEW MEXICO) ss PAGES: 3

I Hereby Certify That This Instrument Was Filed for
Record On The 4TH Day Of December, A.D., 2007 at 08:57
And Was Duly Recorded as Instrument # 1508281
Of The Records Of Santa Fe County

Deputy Marcello Salazar Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM