

SANTA FE COUNTY

FORUM ON PROPOSED

OIL & GAS DRILLING

December 6, 2007

This special forum commenced at approximately 6:30 at Santa Fe High School, Santa Fe, New Mexico.

The following individuals sat on the panel:

County Commissioner Virginia Vigil, Chair
County Commissioner Jack Sullivan, Vice Chairman
County Commissioner Paul Campos
County Commissioner Mike Anaya
County Commissioner Harry Montoya
County Manager Roman Abeyta
County Attorney Steve Ross
City Mayor David Coss
State Representative Rhonda King
State Representation Peter Wirth
State Senator Phil Griego
Director of State Oil Conservation Division Mark Fesmire
State Land Office Representative John Bemis

WELCOME & INTRODUCTIONS

STATE REPRESENTATIVE RHONDA KING: At this time I would like to introduce the elected officials that are here as well as state representatives that are here to answer questions and give some brief comments before we open it up to the public. We have Commissioner Anaya, Representative Peter Wirth, unfortunately Secretary Prokup who was at the previous meeting had a conflict and was not able to be here, however, we have Mark Fesmire who is with the State Energy and Minerals and Natural Resource Division and he is the Director of Oil Conservation Division. Then we have John Bemis here who is a representative from the State Land Office. We have Commissioner Virginia Vigil. We have Commissioner Paul Campos. We have Commissioner Jack Sullivan and we have Commissioner Harry Montoya. Also, this evening we have Mayor David Coss with us.

Before we actually get started with the presentation I would like to give a brief overview of the format this evening. In order to cover information that has developed

since the last meeting as well as to provide as much time as possible for the public to provide comments, questions and information to the decision makers, we will not be discussing at length some of the issues that we discussed previously. For instance, the Surface Owner Protection Act that the legislature passed last year. We're not going to provide details on that. However, Representative Wirth and Senator Phil Griego who just arrived and myself will be here to answer questions. So, again, some of those items will not be discussed, however, if you go on the County's website you can see that last forum. So if you have questions about that act or if wanted to know what was discussed at the last forum and you weren't able to attend then you can go on the County website.

This evening we are focusing on two primary areas that are up for discussion permitting of oil and gas and then secondly, Steve Ross the county attorney, will be providing an overview of the moratorium that Santa Fe County has enacted as well as a brief overview of the process for the adoption of the new Santa Fe County Ordinance.

We wanted to let you know that tonight is not an official meeting on the ordinance. This is a public meeting but not an official meeting on the ordinance. The County will be having additional public meetings on the ordinance but Steve Ross is going to provide a brief overview as well as he is going to briefly answer the 10 most frequently asked questions of the county regarding the process. Hopefully, those are questions that people have this evening and we'll be able those answering and, again, that will allow additional time for individual to ask questions that maybe have not been addressed in the previous forum.

At that juncture then we will open it up for comments and questions by the public and individuals that attended the last meeting and were in line to speak and also gave their name to the County but weren't able to speak because of the time factor, will be allowed to go first at this meeting to make sure their voices and comments can be heard.

Again, I want to thank all of you for coming this evening. And I want to personally thank all the people who have contacted me either by phone or by email or sent me a letter about this. It is certainly very important and I appreciate all of you spending your evening here to let all of us know what are the issues that we need to address and what are your concerns.

So, again, thank you for being here tonight and at this juncture I'll go ahead and turn it over to Commissioner Anaya.

COMMISSIONER ANAYA: Thank you very much, Representative King and that you all for being here this evening. I just want to go over a few things here in the gymnasium. [Restrooms and exits were located, and prohibitions against standing on railing or within the aisles were expressed]

It took a lot of work to put this meeting together. I want to thank the public school and a lot of County staff. Jennifer Jaramillo did a lot of work along with the staff. This type of thing does not just happen. I want to thank our Sheriff's Department that is here and our Fire Department – just in case anyone faints we'll have Jim up there to help us out. So thank you all for being here.

The first person that I'd like to call up to speak to you this evening is our Mayor David Coss from Santa Fe. Mayor, could you come to this podium and address the audience.

MAYOR DAVID COSS: Thank you, Commissioner and my thanks to everyone who came tonight and to the County staff and our legislative delegation for

helping put this together. I was asked to come and speak to this but I want to assure the County I am not running for the mayor of Galisteo Basin. I'm the mayor of Santa Fe but I wanted to express the City of Santa Fe's support for good ordinance, for the moratorium and for the work that is going on. So that they can get to hear you, I'm going to be very brief. I apologize for having to leave. I'm trying to do about three events tonight.

But I also wanted to say that I worked for the Environment Department for 12 years. I worked for the New Mexico State Land Office for six years in field operation division and we tried to put oil and gas reclamation into effect. And I can just tell you from personal experience that it's really really hard. I can also tell you that your being gathered together tonight and there is work going on and what you're essentially challenging is what was good enough for Lea County and for Eddy County and for San Juan County – what we accept really every time we fill up our gas tank or heat our homes, what was good enough then, we're saying “that's not good enough.” So you're in a position kind of like where we were in the City with the living wage. We need to set a different standard. I worked in those areas and I have a lot of friends in the oil and gas industry. We've worked on wildlife habitat. We worked on water contamination – lots of issues and I would encourage all of us in Santa Fe County to reach out to everybody else in the state that deals with this issue. There's a saying in the southeast that says, “Marry a Hobbs girl because no matter how bad things get, she's seen worse.” So you have a lot of people who have lived with this industry a long time and I thought you were really really smart to bring down Tweeti from the northwest, is Tweeti here. I have to be careful, I worked with the Land Office for so long. I would say that there is invaluable expertise and experience there. The other people I would get a hold of is the Lea County Cattle Growers Association. We need to be in touch with all of those folks because the oil and gas industry is one of the most powerful industries in the world and especially in the state of New Mexico.

I know from my experience with the state that their impact on water quality and their impact on air quality is regulated at the state level and it's very certainly regulated at the state level. But I can tell you that Mr. Fesmire on the OCD, now they're criticizing him for trying to regulate oil and gas, but really in the 1970s when they passed the Water Quality Act they made very sure that oil and gas was not regulated by the New Mexico Environment Department and the Water Quality Control Commission, that it was regulated by Oil Conservation Divisions. So now when they try to regulate through the Oil Conservation Division, they don't like that either.

They also have a very strong state law that says air quality standards can not be any stronger than national air quality standards. So who runs the national government right now? You know, I think this is what we're up against. I can tell you from my experience that no industry wants to be regulated. The oil and gas industry did not want to be regulated when oil was \$10 a barrel and they don't want to be regulated when it's \$100 a barrel. But because of the legislature and because of some of the land use struggles that counties and cities have gone through, the authority does exist for local government to regulate land use and therefore to regulate the impact that oil and gas drilling could have in a community.

The last thing I want to say on this is that this is important to get it right and to take your time. You need to find those sufficient controls to minimize impacts to the range, the watershed, the wildlife and especially in the Galisteo Basin to the

archaeological resources. To make sure that happens we need to have sufficient financial incentive to finish the job because they're saying we'll pull the rigs and go to Texas. That can happen and that has happened. That does happen, it has happened, and I've seen it. But if they leave and the road and the pad and spills are not cleaned up a \$25,000 bond ain't going to get it cleaned up. That's not enough.

You've got a great team in the Richardson's Administration with JoAnna and Mark Fesmire. Work closely with OCD, because they're the ones that are going to protect the groundwater. Environment Department is going to protect the air quality.

In closing I would just say that Councilor Karen Heldmeyer introduced a resolution saying we support the three-month moratorium that the County passed and that will pass next Wednesday so the City will be on record. I personally as Mayor support Representative Wirth's call for a six-month moratorium. The oil resource that is apparently underneath us that is underneath all of us is not going anywhere. It's been there for millions of years and it will be more valuable, not less valuable, in the future. So I think Santa Fe County can really make it a positive future, which includes well-regulated energy production and I think if we do that then we're going to be helping the whole state and not just Santa Fe. Thank you.

COMMISSIONER ANAYA: Thank you, Mayor. I know you've got to take off, but thank you for those excellent comments. I would also like to recognize the Santa Fe Audio & Visual for providing all of our audio equipment and recording tonight. Desert Element and Voyageur 360 for their IT support streamline at this meeting live on Santafecounty.org. And, also, KSFR, Bill Dupree. Thank you all for being here.

We do have some draft ordinances that were at the front at the entrance when you walked in. They are walking around handing them out. We made about 1,000 copies and we want to make sure that you have one and can leave home with one so that you can look at it closely.

STATE ENERGY & MINERALS

DIRECTOR of OIL CONSERVATION DIVISION: Mark Fesmire

COMMISSIONER ANAYA: Our next speaker is with the State Energy and Minerals Director of Oil Conservation Division, Mark Fesmire is going to speak to us today.

MARK FESMIRE (Director Oil Conservation Division): I look down here and see a little piece of paper that says one minute. I hope that applies to me. For those of you that were here in the last meeting I'm going to apologize because I'm going to be a little bit redundant. The things that I have to say haven't changed much. We are the Oil Conservation Division. We're about 69 folks and it's our job to regulate the oil and gas industry in the State of New Mexico. Our mandate is basically three fold: to prevent waste, to protect what's called "correlative rights" and to protect human health in the environment. Now the first two parts of that mandate date from the 1935, the original Oil and Gas Act. In the late 60s, 70s and on into the 80s the latter part of that developed to protect human health and the environment. And that I think is of the most concern to the folks here. So I want to assure you that the Oil Conservation Division right now is trying to do that.

The oil and gas industry is a very big part of New Mexico and we can never forget that but the oil and gas is sort of New Mexico's present. Our water resources are our future and one of the things that the Oil Conservation Division is trying to do right now is to make sure that oil and gas operations don't pollute the water while they produce the oil and gas. And we are trying to do that. In the last four years we've introduced new rules on rulemaking so that they're much more inclusive so that everybody has a voice or at least has the opportunity to have a voice in OCD rulemaking. We've passed rules on enforcement. The enforcement rules that OCD uses right now were originally passed in 1935. In 1935 we could fine them \$1,000 a day for a violation or \$1,000 a day for an ongoing violation or \$1,000 for the violation itself. In 2007 if we have a violation we can fine the operator \$1,000 a day for an ongoing violation or \$1,000 for the violation. So one of the things that OCD did was we got to looking at the laws that allow us to operate and we found out that we could pass some rules that would help us enforce the law and one of the things that we did was to pass rules that allow us to prevent an operator from continuing to operate in some cases if they're not in conformance with our rules and regulations. And, that's been extremely effective.

We then started looking at the rules on surface waste management. We passed a series of rules on surface waste management. They have been appealed but so far we've won every decision on the appeal. And now we're in the process of trying to address one of the major causes of water contamination in oil and gas operations in the state and that is waste management. Some of you I recognize have been to those hearings. We've got a lot of good evidence coming out of those hearings. I don't know exactly how those rules are going to come out in their final version. The Commission has yet to deliberate and vote on them but we are making progress.

I can't say exactly what we're going to end up with in terms of rules on the pit, but I can tell you that whether or not we make real substantive changes we've got the oil and gas industry's attention because if they don't clean up their act everywhere they want to drill, they're going to end up greeted with these kinds of concerns. The kind of concerns that you all have here tonight. So what we're trying to do is to get them to recognize that they're on a cusp here and that they need to start paying attention to the water as much as they do to the oil and gas.

I'll be around after the meeting if anyone has any specific questions. But I really like getting a chance to talk to people who don't want to get me fired for a change [applause] and I thank you for that opportunity.

COMMISSIONER ANAYA: Thank you very much, Mark. We appreciate you being here and we appreciate the work that you do for the State of New Mexico.

OVERVIEW OF SANTA FE COUNTY DRAFT ORDINANCE

[Exhibit 1: Proposed Draft Ordinance]

COMMISSIONER ANAYA: Next up is Steve Ross our County Attorney and he's going to do an overview of the ordinance. And like I said earlier if you don't

have one, raise your hand we'll get one to you. Steve Ross is going to go over some questions, frequently asked questions that are on the back of the agenda.

STEVE ROSS (County Attorney): Thank you, Commissioner. For those of you who went to the Commission meeting on the 27th or watched it on TV, I gave a fairly lengthy explanation of the draft ordinance that went half-an-hour or 40 minutes. So when we thinking about how to approach such an overview at a meeting like this, we decided that it probably wasn't very practical. I was just talking to Commissioner Sullivan and to our manager we're going to post that explanation on the website of what it says.

As Commissioner Anaya said, what I'm going to do tonight is answer as sort of an overview of sorts of the ordinance, 10 questions that I get over and over and over again in my office. Now I should tell you that the ordinance itself, you have a hard copy of it here tonight, we've posted the ordinance on our website if you want to take a look at it: www.santafecounty.org, just look on the website and you can find the ordinance there and you will find the answers to the questions that I'm about to go into and they're also there. We'll try to keep that site current with the current information that is available and just keep checking back and you'll be on top of what's happening.

In order to answer the first question which is: Why don't we take more time with this? I think I'll just tell you where we are right now. When a county enacts an ordinance, the first thing a county has to do is do what we did on the 27th which is the Commission authorizes staff to publish title and general summary of that ordinance. That's what we did on the 27th. At that time, that starts the process and this is the first step or a step in that process. Ultimately, that process would culminate in two public hearings, because this is a zoning ordinance, that will be conducted as currently planned in January. We've had, like I said, the meeting on the 27th of November where the public was not permitted to comment when you're engaged in publication we generally don't take public comment. But tonight is one of your opportunities to comment as was the meeting we had a couple of weeks ago in Eldorado. We're planning a whole day, nine or ten hour meeting in January where you can comment on the record. We're trying to put the details of that together right now and we're thinking it might be January 7th. But like I said, watch the website and you'll understand what the schedule is looking like if you keep checking that.

As the schedule is currently constituted the ordinance would be up for adoption at the Commission's meeting on January 29th. Now that being said, we're getting a lot of comments that number one, the written comment period which currently is set from the 27th of November to December 21st we getting a lot of comments that that's too short. We'll keep on top of that and if we feel that's correct then watch the website and we'll extend it.

Also, we may consider if it seems appropriate relaxing the remainder of the schedule. Just watch the website, keep an eye on things, keep in touch, keep sending us your comments. That's the schedule that is currently in place.

Question number two, I get this question an awful lot: Why don't you as a County just ban oil and gas drilling in this county? [*applause*] That's a very, very, very difficult question. Let me tell you a little bit about counties. Counties are political subdivisions of the State of New Mexico and the State of New Mexico, the legislature and the governor, have defined the role of counties in statutes. Counties don't have authority under those

statutes to regulate oil and gas drilling, exploration, anything at all. But, counties do have the authority to regulate as a zoning body, and Santa Fe County has a zoning ordinance, it's the Land Development Code, we have numerous committees that process applications under that code and we feel like we have the authority to regulate zoning and to the extent it's permissible under the laws of this state we feel like we have the ability to regulate oil and gas drilling and exploration as a zoning matter. [applause] And that's – the ordinance you have in front of you is a zoning ordinance and that's why it is a zoning ordinance. It looks like a zoning ordinance and it fits into the Land Development Code just like any other zoning ordinance. And that's why it looks like that because that's where authority we're very secure in lies.

Now, let me circle back around to the initial question: can we under a zoning ordinance just outright ban oil and gas development? The answer to that is probably no but we can certainly regulated it very thoroughly and that's what the ordinance that we drafted is intended to do.

Question number three, and I get this one an awful lot: Why is the setback in the proposed ordinance between oil and natural gas facilities and a domestic water well only 200 feet? That's a question I get all the time. I've gotten hundreds of emails concerning that one issue alone. Now bear in mind the residential setback that's proposed in the ordinance is one-half mile. That was last in the ordinance to honor the setback that is in the current mining ordinance. The County also has existing setbacks in the Land Development Code and one of those setbacks concerns water wells and the Land Development Code will not permit things within 200 feet of a water well.

When we were debating the various setbacks we elected to, at least as a preliminary matter, put 200 feet in as a preliminary setback from a water well. I think you can understand that a water well is often located within a few feet of a house, so as a practical matter even as the ordinance is currently drafted the setback from a water well is also a half-mile. But we're looking at that very closely and understand the logic that is in a number of comments that is why not just make those two consistent and have a half-mile setbacks between water wells just like a [applause]

Question number four: Why does the new ordinance permit the operator to seek a variance from the setbacks? The reason that provision was inserted into the draft was because we selected one-half mile as the residential setback. Typically, setbacks from oil and gas wells in ordinances around the country are about 400 feet. Ninety percent of the ordinances that we looked at provide for a setback between 200 and 400 feet. Half a mile is a big setback and because it's such a large setback, it has the effect of restricting the ability of oil and gas operators to locate wells anywhere. Why that's important is because the US Constitution and the New Mexico Constitution provide that if an owner of property is denied all economically viable use of their property the government has to pay. So the reason a variance might be required under certain limited circumstances is to avoid that circumstance. But that being said, the intent of the language in the ordinance is to require that property, in this case a mineral interest owner or an operator of an oil and gas well, is going to have to jump through some pretty high hoops to even be entitled to a variance under the ordinance. And one of the things that they'd have to prove is that operation of this ordinance in conjunction with OCD rules, in conjunction with whatever factors that are relevant deny them all economically viable use of the underground resource. We think this situation is going to be rare.

Five, question five: Why was the review process set up to review each well separately instead of as a group of wells? I think this question originates from the fact that the current mining ordinance seems to provide a process that will evaluate an entire mining operation as a whole. But as I told you a minute ago, one of the things that we're trying to be very careful about is to insure that this is a zoning ordinance. Zoning pertains to a particular piece of land. By its very nature an oil and gas field is composed of, in this case it's eight oil and gas wells. They're not located on one piece of property like a mine is. They're located in a number of different locations and each one of those locations has to be zoned and the characteristics that make up that particular land have to be looked at independently and not necessarily as a group because each property has a different problem. For example, if one well is located next to church, another one might be located next to a floodplain, another well location might be located next to an area that is environmentally sensitive – the possibilities are endless. So we set up a procedure that each one of those places where the well is to be located has to be looked at separately.

Number six, Why was the Mining Plans Review Board not used to review applications under the proposed ordinance? Why were the CDRC and BCC not mentioned? The first question concerns the large mining plans review board that was established by the original mining ordinance back in the 80s. The reason we thought that it might be better to approach this problem by having a discrete oil and gas inspector rather than a large board just arises from what I mentioned a minute ago, that an oil and gas field is composed of numerous wells and an oil and gas well during its lifetime goes through hundreds of different types of operations any one of which might be scrutiny from the regulator. In this case if the regulator were a large board that had to be convened perhaps dozens of times each year, we thought that it wouldn't be as effective as if we got someone with expertise onboard either as a County employee or a contract employee and charged them with the responsibility of dealing with the oil and gas operations from cradle to grave.

The CDRC and BCC -- are of course, the members of the Board of County Commissioners as are seated here. The Development Review Committee is a review committee that looks at zoning applications that are in the process bound for final decision by the Board of County Commissioners. It's a part of our zoning process. Applications get filed. They're reviewed by staff. They're presented to the CDRC for a recommendation. The CDRC sends those recommendations to the Board of County Commissioners. Those were not mentioned in here because they're part of the process by which an application, any zoning application, are reviewed. So those two bodies are going to review any application for zoning on the part of oil and gas operators.

This is a question I get a lot: Why is there not a distinction drawn in the proposed ordinance between exploration activities and production activities? There's a difference between hard rock mining operations – open pit mines, and the likes, pits – those kinds of operations that we are used to having seen in the Ortiz Mountain area down by Silver City, those large operations. There's a difference between how those operations progress through their life cycle and oil and gas operations. When somebody drills an oil and gas well and they make a well in the sense that they find oil and gas as a result of their exploration activity, the very next thing they do is use that very same well for recovering the oil and gas. There is really no distinction between exploration and production. If there's oil found the product is recovered from the very well that is used for exploration.

It's not as true of mining and the old mining ordinance certainly established the distinction between the two activities.

There's a very different type of activity that goes on when you're looking to create a mine. There's a lot of preliminary activities that go on before you start getting out the dynamite and the trucks and the large machinery to carry rocks around. So that's why that distinction is blurred, it's because the industry is different and the regulatory environment to look at that industry is completely different.

Number eight, I get this question a lot: Why are the bonding requirements so low? What we have established in the proposed ordinance are essentially two techniques to assure that when oil and gas activities are done that the site is cleaned. That the area around the well is restored to its prior condition and that any pollution and/or degradation of water that may have resulted from the operations is dealt with. Dealt with effectively.

There are essentially two ways to do this. Bonding is certainly one route that can be taken but there's a reality that has existed since 9/11 that bonds, large surety bonds are getting increasingly difficult to get. So for example you'll see in the proposed ordinance that it is possible that we could require a bond for a single well between \$5,000 and \$25,000 [*audience booing*] or that – let me explain our reasoning. Let me just explain where we're at. We understand that bonds are getting increasingly difficult to get. So what we plan to use the bonds for are for are to insure that the surface clean up is done and that the site is remediated to the condition that it was in prior to the well drilling.

The other tool [*audience interruption*]

COMMISSIONER ANAYA: Would you let him finish, please. Thank you.

MR. ROSS: The other tool that is established in the ordinance for dealing with these problems is insurance and a lot of insurance. What we're requiring in the ordinance is that each operator have and maintain enforce at all times a \$10 million comprehensive general liability insurance policy and that that policy include coverage for pollution. So, if there is pollution that results from the activities of the oil and gas operator on the site, that insurance company as well as the company itself would have to answer and pay to clean up that stuff. [*disgruntled audience break out*]

COMMISSIONER ANAYA: Please, excuse me. You'll have your chance to ask questions. You will, so please quiet down.

MR. ROSS: We can talk about this for a long time. Let me move on to the rest of the questions and if we need to talk about this more, we will.

Number nine, Why is hydraulic fracturing not regulated? I get this question a lot and particularly in recent days. Hydraulic fracturing a lot of you may know is the process of pumping liquids down a well under extremely high pressure to break up rocks in the formation that is being explored. A lot of companies use different kinds of chemicals in these processes to ensure that the fractures work and that they operate as desired.

The ordinance does regulate hydraulic fracturing but we also are looking at this issue – we're taking another look at this issue. In the ordinance currently the operator must control their fracturing pressures strictly so as to prevent the resulting fractures from extending out of the formation in which they are working and particularly so that they don't extend into any adjoining fresh water zone.

The answer to the question is that we are planning to regulate it. We're going to charge the oil and gas inspector with the responsibility of insuring that any fractures that are done, are done responsibly and that they don't pollute.

Number 10, How will the County assure that the aquifer is not contaminated and what will you do if contamination does occur? On the first point, there are several tools in the ordinance that were established to address this issue. Number one, as a part of the application process for achieving zoning under the ordinance, the oil and gas operator of a proposed well is required to do a baseline survey of wells within a three-mile radius of their well. And then repeat that testing yearly, at least annually or more often if the oil and gas inspector requires it to determine whether the operations that are being conducted have affected the groundwater and if they are, this annually testing hopefully will enable the County and the OCD to address the problem with the operator soon after the problem occurs. Another important protection that is in the ordinance is the requirement that operators use closed loop drilling systems. In other words, no open pits even if they're lined may be used in drilling operations. These area typically used in New Mexico. Mr. Fesmire, the hearing that Mr. Fesmire is in concerns that issue and we don't even want to deal with it. We want the systems to be closed so that there can be no chance of contamination from those operations.

The third element that is included in the ordinance to prevent pollution is the requirement that waste products that are created on the site of the well may not be remediated or dumped on site, buried or whatever, they must be picked up and hauled to an OCD regulated facility by truck. That being said, even if all of those efforts fail – and I think I should point out the fourth leg to that stool is of course the oil and gas inspector who we propose to hire under the ordinance. This person is the eyes and ears of both us and the OCD at the well site to make sure that operators are behaving in a responsible manner at all times.

What will be do if contamination is detected? We will do a lot of things and it is really impossible to say what all of those things might be but at a minimum we would work together with the OCD to address whatever the problem is and insure that the problem is completely cleaned up. If that means suing the company, that's what that means. If it means invoking the company's insurance policy on behalf of the situation, that's what it means. If it means pulling their bonds, that's what it means. But probably the most important tool in my experience that has been effective is we'll make them shut all their wells down until the problem is resolved. Those kinds of tools, all of those kinds of tools, will be employed if we had an issue with contamination.

Those are quick answers to the ten questions. I intend to write these answers up and put them on the website tomorrow and try and post important information on the website. And if we get additional questions, if a lot of people tend to be asking the same question, we'll do exactly the same thing and endeavor to answer those questions right on the website so you can keep up to date of the questions that we're receiving and what we think the answers are. Thank you.

COMMISSIONER ANAYA: Thank you very much, Steve. We forgot to mention that our county manager, Roman Abeyta, is here. Roman, thanks for being here.

And there's two water fountains right behind you all in the corners. I'd also like to thank the Santa Fe High School Assistant Principal, Skip Hempley and Rose Lucero

and the Department of General Services for helping us set up. Michael Mills who helped us set this whole place up, thank you, Michael.

PUBLIC - QUESTIONS/COMMENTS

COMMISSIONER ANAYA: Now we're going to get into the questions and comments from the public and again I want to thank you all for being here. We do want to hear your comments and if we could just not feed off each other. Let's get the comments. We're going to write them down. So be as civil as we can, I would greatly appreciate it and so would the forum.

You will have – at our last meeting we had a two-minute period. We changed it to three minutes. Okay, so you'll have three minutes. But there were some people at the last meeting who didn't get to speak and we had them write their names down and I have them right here. We're going to call these names out first and they will speak first.

There will be a microphone set up here and one at the time. You can form a line after these people that I call out. So the 17 people that did sign up at the last meeting are Anji Estrellas, Carolyn Sigstedt, Sigmund Silber, Diantha McJilton, John Zellmer, David Bacon, Susan Stephens, Jocelyn Elder, Johnny Micou, Louise Baum, Jeremiah Weser, Bill Gilbert, Nicolas Frost, Tom Maguire, Alex Valenzuela, David Kitts, and Eduardo Krasilovsky.

Let me give some ground rules for the speakers: you will have three minutes. The ladies in the front of you will hold up a one-minute yellow card and then you will have one minute to complete your question. When your time expires, you'll have the red card and when your time expires we expect you to quite and if not, we'll turn the microphone off.

We're going to start down here with the people I called.

ANJI ESTRELLAS: My name is Anji Estrellas and I own a property in the City and also property in the County that is two miles from the Black Ferrill well. I'd like to start by thanking everybody tonight who made this meeting happen and for your time and everything that you've done so far and for making the venue bigger. We appreciate that. I think it is fitting that we're here in a high school because our high school serves our future, the children here in the city and the decisions we make in this process are going to affect our children.

My biggest concern is the water and keeping the water safe. I appreciated Steve's commonly asked questions but I had a couple of questions myself. Since we know contamination is very possible to happen, I am concerned that a year to test is way too long of a period. I would recommend monthly testing. We know that the oil and gas industry can afford it.

My other concern with the testing, I thought that I heard that it was the responsibility of the oil and gas industry to test. I would actually recommend that they pay an outside objective party to test. [applause] I don't believe that this specific point in the regulation is strong enough to protect our most important resource. We know that eventually that we will run out of oil but our planet, if we take care of it, will not run out of water to drink to drink that is clean and healthy and we have to protect ourselves, our children, our grandchildren and this most important resource.

I do my part by xeriscaping, no car washing, don't put chemicals down the drain, so if I'm doing my part I would expect that any industry must do their part. Thank you.

COMMISSIONER ANAYA: Thank you, Angie. Carolyn, if you could, state your name clearly so that we can get it.

CAROLYN STEVENSON: Actually, my name is Carolyn Stevenson now and I own the Mission Café and live in downtown Santa Fe but I lived 15 years in the Galisteo Water Basin and I know the water very well out there. It's a very delicate, fragile aquifer that is incredibly vulnerable and I too all my comments will relate to the water. For the past 12 years I have acted as a witness at County meetings mostly around the common good issues. Citizens' issues which in my opinion for the most part relate to water. Water is our life here and I try whenever possible to keep the County and the City conscious and serious about this fragile, finite resource. I want the County Commissioners to know that it was actually me that went to Frank Katz at the City and implored his to talk to the Mayor and the City Councilors about standing in solidarity with the resolution with the County. So it is citizens that are supporting you in this difficult work that you will need to do. And, as it was mentioned earlier, we are in a new era with gas and oil. This is happening all over the nation with gas and oil possibly going up to \$200/barrels when in fact that is not a sustainable future. We have renewable energy. *[Applause]*

We have to start to realize that we have to look at property rights in terms of the common good. They don't have the same values that they once had. We have to think of our neighbors.

I'm going to quickly read something that I wrote: An ounce of prevention is worth a pound of cure as the old saying has it. In those instances where cure may be impossible then prevention is essential. We now face such an instance in the Galisteo Water Basin where oil drilling threatens our groundwater, the only source of this precious element in the area. Before it is too late we need to insure that our County zoning and our land use ordinance – and that's all the County has – but I'm saying they have the ability to do stronger zoning than what's in the ordinance *[Applause]* and demand before it is too late, we need to insure that our County zoning and land use ordinances demand the strictest environmental protections. My solution is by declaring Critical Management Areas which is a zoning – *[microphone turned off]*

COMMISSIONER ANAYA: Carolyn, I'm sorry but you went over the three. If you want to finish that I need you to get behind the line. Those were good comments, Carolyn.

SIGMUND SILBUR: My name is Sigmund Silbur and I live next to the San Marcos Pueblo which is about one mile down the San Marcos Arroyo from one of the proposed well sites. I'm the Sierra Club's northern group water issues co-chair and the state chapter water chair.

We have issued a background document and position on oil and gas drilling and operations. There are copies of it upstairs and it's on the Sierra Club website. I'm going to read part of this document as far as I can get.

The Sierra Club wishes to improve the regulatory structure within which the very important economic sector operates. Organizations and individuals who wish to work with us on this are invited to contact the authors our email addresses are on the document upstairs.

The current version of SOPA, Surface Owners Protection Act, is a start but it is not strong enough. An appropriate state agency should be asked to monitor how this legislation is working and how it needs to be strengthened. The use of best available technology and best practices should be required. The entire community, not just impacted landowners, should be notified if there is planned oil and gas activity. The level of bonding needs to be greatly increased. The ability of cities and counties to protect their residents needs to be clarified and where necessary expanded. Responsibility for protecting groundwater resources from being harmed needs to be clarified and broadened to include local government and both the Office of the State Engineer and the New Mexico Department of the Environment so that the community's surface and groundwater water resources are protected.

It is important that no water resource is over-used by oil and gas exploration or production including the future but so far not discussed potential use of secondary and tertiary production techniques. There should be a web-accessible database of oil and gas rights ownership so that surface owners can attempt to purchase their oil and gas rights. [Applause]

Drilling results in Santa Fe County may be poor, which would most likely lead to the current interest fading, at least temporarily, but leaving behind considerable restoration requirements that may or may not be properly handled by the departing oil companies. But when one tabulates the amount of real estate which already has been or may easily be significantly devalued by the actual or feared oil and gas activity; when one considers the potential requirement for water to facilitate the oil and gas exploration activity and the potential damage to aquifers, wetlands, arroyos, and streams, when one considers the impact on wildlife migration corridors... [microphone turned off]

COMMISSIONER ANAYA: Thank you very much, Sigmund.

JOHN ZELLMER: My name is John Zellmer and I live near the gold mine. We seem to have a number of old exploratory holes in Santa Fe County. I've heard a number as high as 50. Each one of those was drilled in the bad old days when we had open pits. They've been buried and they are a ticking time bomb. We need to address this feature first before we can allow future drilling. [Applause] And there's another reason and it's a little more personal. I'd like to see this area preserves so that when my son comes back from Iraq he has something beautiful to see. [Applause]

DIANTHA MCJILTON: My name is Diantha McJilton and I wanted to thank you for having this meeting. I'm here as the president of the Cerrillos Hills Park Coalition. We're concerned because the Cerrillos Hills Historic Park is the largest of Santa Fe County's open space projects, a county park transitioning to become a New Mexico State Park and should be well protected. How the park is cared for and evolved will shape the opinions of many Santa Fe County residents about the effectiveness and value of open space. Counts of visitation are approximately 12,000 to 15,000 people per year. Approximately half these visits are thought to be by a local resident. The park, as visitation increases, will offer economic development opportunities to the villages in the surrounding areas. Clean recreational and commercial economic development in the Cerrillos, Galisteo Basin area will definitely be handicapped if hydrocarbon exploration and development is permitted in the area – subsurface impact due to drilling and frac'ing could result in the spoiling or depletion of the groundwater resources including the

sensitive riparian areas and springs within the park. Reality of the complex mineralogy in the area greatly increases the risk of water contamination issues.

We strongly recommend against any proposed zoning for oil and gas exploration on Cerrillos Hills Historic Park and its vicinity and denial of [*applause – inaudible testimony*] to initiate oil and gas around the park. We note that oil and gas activities outside the immediate area of the park and the noises [*inaudible*] buffered zone would necessarily compromise the mission of the park. Odors, toxic gases, residues from flaring, constant noise, dust and dirt, ground disturbances and damage to historic landmarks, traffic, light pollution, etc. would have a serious negative impact on the historical park and its surround and visitation.

We request that the negative impacts to this park be used to be considered as part an economic assessment of the impact of oil and gas activities in the Galisteo Basin. We recommend that recreation and tourism be fostered in this community for their long-term sustainable and economic and quality of life [*applause over speaker*] we recommend that whenever proposals affecting this area might come before agencies for consideration that the importance of this unique and irreplaceable cultural, historical and natural and recreational resource of Cerrillos Hills Historic Park be fairly represented for its value and importance in the community and all of New Mexico. Plus, I would like to say what happens when these companies decide to conveniently declare bankruptcy and dissolve and then reform as something else without any recourse for going after them for reclamation.

COMMISSIONER ANAYA: Thank you, very much. Sir, if you would state your name.

CONSTANTINE ALATZAS: I've been a resident in northern New Mexico for over 30 years.

COMMISSIONER ANAYA: Sir, you weren't part of the 17. If you find Eduardo, the last speaker, and get behind Eduardo and they we'll take your comments. Thank you.

TOM MAGUIRE: My name is Tom Maguire and I'm a resident of Eldorado and the senior planner at the City of Santa, the cultural, heritage and tourism. And I want to speak briefly very briefly about the devastating affect that uncontrolled drilling would have on tourism in Santa Fe. What are the reasons that people come here? They come for various reasons – excuse me, it's a time in my life where my curiosity has overcome my vanity, I'll wear my glasses. Among the main reasons people come to Santa Fe are art, culture, history and the unmatched natural beauty of this place.

The City of Santa Fe alone has over 200 art galleries. It is the third largest art market in the country. Why? Because artists have always been drawn here. They have been drawn because of the incredible light, the beautiful skies and the beauty of our natural surroundings. If we take that away we don't have what they want.

We have over 300 days of quality light, beautiful light in our community. We have over a million visitors a year. Will they still come? Will they come if this place is devoid of beauty because of uncontrolled drilling? Oil is a dirty, dirty business [*Applause*]. The arts, culture and art history are a clean business. Tourism is one of the cleanest businesses we could have. What is at stake? I'll tell you what is at stake. The arts and culture herd its tourism and the hospitality industry that it supports in Santa Fe and northern New Mexico is a \$1.1 billion industry per year. The cultural industries and

tourism industry provided \$606 million to Santa Fe County from other parts of the state, nation and the world. These are inflows, ladies and gentlemen, these are inflows of capital. These are inflows of monies. The oil and gas industry represents outflows. That's why it is called a extractive industry. You can't name a single place in the United States or any place in the world where oil and gas exists with culture, tourism, and all of those things that support it. We have become upset is reduced in our tourism. What would happen if 60 to 70 to 80 percent of our tourism went away?

Tourism pays for a lot of things. It's going to pay for a new civic center. We're not paying for it, the tourist are paying for it. In the case of oil drilling we pay for everything and they take our quality of life and move away. *[Applause]*

COMMISSIONER ANAYA: Thank you. Thank you for your comments.

DAVID BACON: My name is David Bacon. And I want to switch the discussion a little bit back to what's called democracy that the country was founded on. It wasn't founded on regulation. This country wasn't founded to regulate the British Empire; it was founded to get rid of it. *[Applause]* When Bob Gallagher speaks in the paper, he speaks as if he's a British monarch. He's telling us that we can go to DC if we have some problems. He's telling us to go to the Emerald City and speak to Oz because he's telling us we don't have democracy here. What chance do we have to go to DC and beseech them to do right by us? What chance do we have to go to the State which is saying over and over and over again this industry brings us \$1.5 billion end of story. We don't care about water. We don't care about rights. We don't care about any of that. We care about the money that oil and gas brings us right now. This industry in 1956, King Huber who was one of the greatest oil geologist said to this industry you're going to keep in death in oil productive in the U.S. in 1970. He has proven to be right almost to the mark. Now we have another man, Matt Simmons, who's talking about gas depletion in this country. This is an industry that is done. It's over *[Applause]*. There are two industries that aren't done. One you might call the industry of democracy. That's the right of the many over the tyranny of the few. The other industry that is not done is renewable energy. *[Applause]* When you look at the money that is in the investment capital – that's the smart money in this country – in 1999 2 percent was devoted to renewable energy. Right now it's gone up to 12 to 15 percent. Santa Fe County if it says no to oil and gas clearly says no, can then say yes to the future because renewable energy doesn't damage water, it doesn't damage air, it doesn't damage land and most of all it doesn't damage democracy. It doesn't get into the control of our democracy. So let's think about democracy for the future. *[Applause]*

COMMISSIONER ANAYA: Thank you very much, David. Thank you.

LOUISE BAUM: Hello, my name is Louise Baum. I live out on Route 14 on San Marcos Road West. I want to thank all the people here in the front. I want to thank the timekeeper, that's a hard job.

My feeling is that we really need more time to work on this ordinance. *[Applause]* We need time for the study that the first ordinance required. Deep studies on the hydrology which is very complex. Everybody is talking about that. We don't know where the water is. We don't know where the aquifer goes. We don't know how it connects. It's a very complex maze of – anyway, there it is. The aquifer is not easy to understand. We need some deep studies of it. We need some deep economic studies. The person who talked about tourism in my mind is right on. I belong to an art gallery.

People come here to see this beautiful place. If it's no longer beautiful they will not come.

We need health studies. The people who live near oil and gas wells have had horrendous health effects not only from polluted water but from polluted air. From the huge amount of noise it makes. We also need something more adequate about monitoring. I think one inspector – and who knows why this inspector gets chosen as our Mayor said the oil and gas industry has a lot of power in the legislature and the in the Governor's office. We want more monitoring not just one inspector. [Applause]

Another issue that I think that is a big issue is first responders. Today in the paper there was an article about a suit being brought by not the people who were injured in a horrific gas explosion near the Pecos River in Carlsbad. It was the people who responded to it. The first responders were so traumatized by the suffering, a lot of death occurred, a lot occurred later of the family who were peacefully camping and those first responders are horribly affected by it.

Another thing I want to mention is a letter from Bob Gallagher which was also in the paper today. This man is a bully. He lied. I was at the Santa Fe County meeting when Steve Ross said we have a right to have a emergency moratorium and he says in this article that the Commissioner did not listen to their attorney. I very clearly heard the attorney say that we have a right to this moratorium, we can extend the moratorium. We need more time for this ordinance. We need these deep studies so that we don't look back in a year and say, "Boy, we sure missed our chance. We really regret now that so much bad has happened because we didn't write this ordinance well enough." I think it's a good start but we have to [Applause]

COMMISSIONER ANAYA: Thank you very much.

JOHNNY MICOU: Hello, my name is Johnny Micou. I'm with Drilling Santa Fe. [Applause] I will be making the comments brief. I am ceding my time to Mr. Douglas Meiklejohn of the New Mexico Environmental Law Center. I just want to point out that Drilling Santa Fe was begun to protect the County, all its resources from the ever impacts of oil and gas activities. Those impacts could change the city different. I just want to point out and it should come as no surprise that the battle, the oil and gas battle in Santa Fe County will be "The Battle Different."

COMMISSIONER ANAYA: Thank you, Johnny.

DOUGLAS MEIKLEJOHN: My name is Douglas Meiklejohn. I'm a lawyer with New Mexico Environmental Law Center here in Santa Fe and we represent Drilling Santa Fe. [Applause] On behalf of the more that 1,200 members of Drilling Santa Fe we urge the Santa Fe County Commission to extend the deadline for commenting on this ordinance. As we outlined in the letter that we delivered to the County Commission today, and as you know, the ordinance is very complicated and analysis of it requires not only technical expertise, it requires comparing the ordinance to existing state and county law an ordinances and more time than December 21st is necessary to do that.

We therefore urge that the Commission extend the time period for commenting at least to and including February 15th of 2008. Thank you very much.

COMMISSIONER ANAYA: Thank you very much.

ALEX VALENZUELA: My name is Alex Valenzuela and I live in Pojoaque but I lived many years in Madrid and the Cerrillos area. I have land on Red

Rock Road which is near the Galisteo River. I just want to share some of my personal experiences because I also lived many years in Lindrith which is in the oil field north of Cuba. The drilling company up there, Conoco, was doing a process calling “swabbing” which is where they clean paraffin out of the well casings. And some kind of solvent leaked into our ground water. My mother and three of our neighbors all became very ill from their well water. My mom almost died. Her whole body was covered with sores. Her hair started falling out. I was really upset about that. She called the EPA and they came out with a representative from Conoco. They said your water is fine. There’s no problem. The 16-year old boy next door started breaking out in rashes as well. Everybody stopped drinking their well water and they’ve been fine since. But they said that the well water was fine. She has a filter on her well and I went to change the filter and there was blobs of grease on the top of the filter that smelled like axle grease.

There is crap getting into our water and they said everything is fine, just go on your merry way and drink it. I think that’s the way these people operate. They don’t care. [Applause] So if you’re talking – my mother was an accountant for Williams Oilfield Service, they have product safety data sheets that they give to the pumpers out there. The product safety data repeatedly over and over and over warned about the dangers of benzene. The ill that my mother had according to her doctors were the symptoms of benzene poisoning. So that’s a serious problem that should be considered.

Gas has leaked into peoples’ wells, not just the chemicals but the actual gas. One person’s well exploded. Their water well blew up and blew up their well house. My neighbor had a drilling rig set up 200 feet in front of his house they drilled a well. He was so pissed off he pulled a gun on the well drillers. He went to jail and they drilled the well and ruined his property.

One other thing I want to say is that you ought to go look at the crime rates in Farmington and Hobbs. Farmington has the highest incidence of rape in the United States because the use of methamphetamines is absolutely horrendous and it goes hand-in-hand with oil fields. [Applause] I have a lot of friends who are roughnecks, they work on drilling rigs and they’re all strung out on methamphetamines and all of your land is not only going to go down in value we’re going to move in mobile homes and you’re going to have a bunch of speed freak trailer trash moving into your place. [Applause]

COMMISSIONER ANAYA: Thank you, Alex.

NICOLAS FROST: Nicolas Frost, resident of Eldorado.

COMMISSIONER ANAYA: I’m sorry, your name again?

MR. FROST: Nicolas Frost.

COMMISSIONER ANAYA: Thank you, Nick.

MR. FROST: Section 6.b. of your proposal ordinance: “Drilling operations must be conducted in such a manner that surface water and ground water will not be degraded or polluted.” I content that prohibits expressly hydraulic fracturing as a technique. [Applause] It’s not something that can be remediated. So what’s missing in here is something along the lines of subsurface injection of toxic or hazardous chemicals is expressly prohibited.

In keeping with the synchronicity of the gentleman before me remarks, the EPA’s list of fracturing fluids, benzene he already mentioned and I’m only read nine of these: naphthalene 1-methylnaphthalene, 2-methylnaphthalene, chlorines, ethylenes, aromatics, those are all one linear chill delivery system. Where frost is incurred what I call at the

anti-freeze, animals drink it, they die. People drink it they die -- active corrosion inhibitor methanol.

So why is it permissible to inject things that are toxic and classified as hazardous waste into the ground when we get our water out of the ground? [*Applause*]

BILL GILBERT: Identified himself as a 29 year resident of Galisteo Basin and was troubled that it appeared the Santa Fe County Commission did not share the opinions of the residents they represent. He said it was important the community feels the Commission shares their concerns. [audio difficulties]

COMMISSIONER ANAYA: Thank you, Mr. Gilbert. I'm going to attempt to answer that question. I know in the last meeting I stood up and said our new ordinance is going to be tougher than the last one or the old one. I still believe that today. I know that we have a draft out there. This Commission has not voted on this ordinance yet. And I guarantee you that this is a great ordinance and it's going to be even better once we get more comments. I would say again, like I said in the last meeting, that it is going to be a stricter ordinance for oil and gas.

I was born and raised in the Village of Galisteo and if I wasn't a county commissioner I would be sitting with you all – but I'm a county commissioner and I have to listen to both sides and make a decision. And I know my late-father would say, "Mike, you do what you think is right." And I will.

I don't know if any other members of the Board want to speak on that, yes, Commissioner Montoya.

COMMISSIONER MONTOYA: I just want to say that in terms of philosophically I'm opposed to this drilling. We have to do it in terms of how we look at this ordinance like Commissioner Anaya said. But philosophically I can't support this for all the reasons that has been brought up in terms of the environment, the health and I'm not sure the economics are going to be worth the devastation that's going to be done to our – so certainly that's where I'm coming from. We have to for government reasons listen to both sides.

COMMISSIONER ANAYA: Thank you, Commission. Just go ahead, sir, state your name.

JEREMIAH WESER: My name is Jeremiah Weser and I live in Eldorado. Thank you for getting this together for us.

I'd like to make a statement that has come to mind here. The prospect of gas and oil extraction in my neighborhood is bringing into focus a whole host of observations I want to share with all of you. First of all I feel regret for my passivity as I traveled extensively in South and Central America over the last three decades and did not decry being more forward with the devastation, the stealing, the cheapening of the political process. The desecration of the poor and indigenous people. They had no protection and they had to endure and they were wiped out by big oil. Whole neighborhoods all through the southern half of our world.

Now it is next door. I'm saying this because what is about to happen here in Santa Fe must be seen in this broader context. Over the past century oil cartels have claimed the same privileges under the law of the land that you and I have as individual citizens. These guys are gaming the system. They are not lawful and yet they are playing like they have everything under their law. With this one maleficent legal maneuver they have gaming our system.

We are fortunate we have a few very high integrity people like yourselves, I just trust you're going to be here fighting for us – to protect us and our environment from a handful of individuals who dream that they really own everything. Unfortunately, many of our officials are afraid of these people. They are so permeated, so impregnated into just the whole culture of New Mexico that there's too many that I'm concerned will not say, "No, we know what your history is the last 100 year. Back off."

We must all be equal under the law. Surface right owners and mineral right owners must have the same rights. [Applause] In the eyes of the oil company we are the present, constantly being assured that we live in a democracy. Where in common law, common law serves the good of all as the law of the land. Quite clearly this is rhetoric. At this point in time it is clear that neither do we live in a democracy nor are we protected from the few who devote themselves and their lives to undermining the law of the land so they can rip off and intoxicate the earth, the atmosphere and our water. [Applause]

I'm asking that you really work to buy back the mineral rights that you gave away basically, 40, 50, 60 years ago.

I was born in Indiana where there are thousands of wells that were contaminated.

COMMISSIONER ANAYA: Thank you, Jeremiah.

EDUARDO KRASILOVSKY: My name is Eduardo Krasilovsky and I am living in Eldorado. I'm basing my comments on what I heard, what I read in the newspapers and emails. And I'm going to focus only on the few pieces of parcels or the problems that we confront today.

It is known that the County government is afraid of being sued. Your fear is expressed in the new ordinance you drafted so I want to say a few things about fear. I am also afraid of corporations but mainly because they are lifeless paper entities that happen to be [inaudible] they also have acquired considerable rights where there are no obligations or responsibilities under the constitution. Let's remember that paper entities cannot care about life that their only concern is about money. Therefore, our real problem today is uncontrolled corporate power even by the federal government – our problem is not oil and or water pollution [Applause] .

Let's take a look at what fear can do to us. Because of fear you gave up your right and obligation to protect our water as expressed in that draft regulation. You cannot protect our land. You don't protect our health and that of future generations. In addition you also failed to protect your planet from one of the main causes of global warming on a [inaudible] collapse. [Applause] We're about a 100-year for life of millions of people around the planet have been at the mercy of oil corporations and the governments that supported them. Today it is corporations that come back home. Is it now our turn to be at their mercy? It seems so to me because for all practical purposes you are abandoning us to their will. Do you realize that your fear has become our worst enemy? That because of fear you have given up the power of your office and thus you may render county citizens powerless [Applause] to protect themselves, their children and their grandchildren.

I have just two requests from you. First, to unconditionally protect our water. It has to be put on black and white in simple and clear terms. You need to pass legislation that will effectually protect our water against any activity by anybody or entity that could potentially contaminate it.

The fact is that we don't need to try for more oil or gas because we do have all the technological knowledge to begin right now to replace them with healthier renewable resources.

COMMISSIONER ANAYA: Thank you, Eduardo, thank you.

ALAN SOICE: My name is Alan Soice and I live in Santa Fe County and it's incomprehensible to me that anybody would go forward with rationed towards allowing drilling in Santa Fe County after hearing a lot of the statements that we've heard. I mean does anybody want to see their mother sick and dying from benzene poisoning? Is there any excuse for that?

You have heard overwhelmingly from the citizens, taxpayers and voters of Santa Fe County that we want stronger more protective regulations on drilling. As elected officials you're suppose to represent our interests not outside commercial interest.
[Applause]

It all comes down to our water. This is finite and not replaceable. There is no guarantee that drilling will not pollute our aquifer. If this happens you've effectively destroyed our lives and homes. Does the County and Tecton have any solutions for replacing our water after it has been wracked with carcinogenic pollutants?

We've already told you loudly and clearly in these meetings that since there is no guarantee of our invaluable water resources being protected from toxic contamination, we want no drilling. [Applause]

COMMISSIONER ANAYA: Thank you.

TRACY RAGEN: My name is Tracy Ragen. I live in Cerrillos and I'm a volunteer for Drilling Santa Fe. I'm going to give the front of the room a break for three minutes and I'm going to appeal to the back of the room.

COMMISSIONER ANAYA: No, please face us. Thank you.

MS. RAGEN: If you want to get more involved and I know for me I'm always wondering how can I help? What can I do to make a difference? There are some things that each one of us in the room, including anybody at the front of the room, can do to help. Number 1, we have a letter that we have prepared that urges the panel to extend the deadline from December 21st. Everybody in this room needs to go up to the front tables and sign that letter. We will turn that in to the Commissioners. In addition if you didn't want to stand in line like I did for the last two meetings, there's comment sheets that will not be reviewed by Tecton and instead will go directly to the Commissioners. We won't even read them. Please leave them in the boxes.

On December 8th we urge the entire panel up here to attend the December 8th peaceful march that will be happening I believe it is on Washington and Federal and 10 in the morning. And, finally, pick up as much information as you can. There is quite a bit of flyers up there that have really valuable information; how you can get involved, how you can donate funds to Drilling Santa Fe to help legal funds and other information that will be useful to keep you involved. Thank you. [Applause]

COMMISSIONER ANAYA: Thank you.

BARBARA BRIGGS: Good evening. My name is Barbara Briggs. I live off Goldmine Road or County Road 55 in Cerrillos and my questions are addressed to the County Commissioners. Are you aware that there are at least 630 permitted wells in the area under lease to Tecton Energy and that 265 of them are in the Galisteo Basin? I checked with the Office of the State Engineer and the area I was measuring was from CR

42 to the north, Madrid to the south, Highway 14 to the west and just short of Galisteo to the east. There are other sections that have been leased by Tecton but those records aren't available at the County offices perhaps because they have to do with leases between Tecton and BLM.

Are you also aware that a lease between Blue Door Inc., this is a Colorado corporation and Tecton Energy that lease I think pertains to land around County Road 55 B includes prospecting and drilling for and producing oil, gas, methane, coalbed methane and all gas originating or produced from coal seam to coal seam and that they assert not to develop a well within 500 feet of a dwelling or barn. Are the well figures not indicative of a populated area where there is no safe distance between oil and gas wells and water wells. And if the Galisteo Basin not deemed or zoned as a residential urban zone as indicated in your new ordinance, if so, this area is precluded from allowing oil and gas drilling.

I understand that in a residential urban zone there is no room for commercial oil and gas operations. Also, if all of us property owners choose to put our land in conservancies and I address this to Steve Ross, we are not trying to get out from paying our property taxes, but would that preclude any oil and gas drilling from any operations on the surface? Thank you.

COMMISSIONER ANAYA: Steve, or any member of the panel, the 360 permitted wells, I hadn't heard anything like that. Oh, you're talking water wells. And then tell me about the Blue Door Inc, in Colorado; have you heard anything on that?

MR. ROSS: Madam Chair, no I have not. But it's really common for operators to employ other companies to gather up oil and gas leases and put them together and then the company itself operates those leases.

COMMISSIONER ANAYA: Then the last question was the conservancy.

MR. ROSS: I didn't really understand that questions, Commission.

COMMISSIONER ANAYA: To put their land –

MS. BRIGGS: -- in a conservancy would that preclude any commercial surface operation?

COMMISSIONER ANAYA: We'll have to check into that one for you.

Thank you.

HEDY BURBIC: Hi, my name is Hedy Burbic and I live in Eldorado. I've been here 10 years and I moved here from the east coast. One of the reasons was the quality of life to get out of New Jersey. Now I'm going to say this is going to come to pass, this is reality – I don't want it to happen either but I have a specific question which is a take-off on a prior question. First of all, and if you don't have an answer then you don't tonight, but if you're going to have an oil and gas inspector how would you go about getting that individual?

[Ms. Burbic stressed her concern for the quality of life and health of the earth.]

[Audio lost when radio announcer left the air]

BETSY BRANDT: -- if they successfully have demonstrated that it is a non-commercial oil well. So I would like to ask you then, Steve, why you're so afraid of a taking lawsuit when no supply has been proven in this basin for 88 years? [Applause]

MR. ROSS: Ms. Brandt, I'm not afraid of a taking lawsuit.

MS. BRANDT: Is that why you got the well being drilled 200 feet away from our water wells?

MR. ROSS: Ms. Brandt I explained that earlier, we think that the effective setback for a water well given the residential setback is about half a mile.

MS. BRANDT: You made the statement that many wells are drilled very close to houses. In our area they're drilled 1,000 to 1,500 feet away in the arroyo so they're not necessary close to the house. And the only other thing that I would like to say is that we're already drinking water down to 1,000 feet and really our aquifer goes down to around 2,000 feet -- for the future we're already drinking at 1,000 -- where they're injecting at basically at 2600, they are very shallow formations so we don't have much space in between where our water that we're drinking and where they're actually trying to find water and it's very faulted and connected as well. So this is the concern, the connectivity and how close we are.

MARK MARQUEZ: Good evening. My name is Mark Marquez. I would also like to urge not just the County officials with the ordinance but the State officials and City officials to all get together and make this ordinance -- combined with all agencies. It's important. It's huge.

If we don't look at your footwork right now and your groundwork and how strict you can make it -- I live just two blocks that's City Council District 4 and County Commission District 4 -- I believe that if they do find the oil, which I hope they don't, they're not going to stop. They just started. What's going to happen next is we're going to start having oil wells in every single city district in every single county district. The stronger we can make this law, hopefully, the better for our future. Thank you.

COMMISSIONER ANAYA: Thank you, Mark.

PHILIP YOUNG: Good evening, thank you. I'm Philip Young. I'm an archaeologist with the State of New Mexico but tonight I'm here as a citizen of Santa Fe County. I want to speak on behalf of our cultural resources and heritage tourism which we've already heard a little bit about.

I've been active in a stewardship group that works in the Galisteo Basin and as many people know it took about 40 years to pass the federal Galisteo Basin Archaeological Sites Protection Act. There's about 25 sites already identified in that area pretty specific as far as their protection. What isn't well known is that some of the recently looted sites that have been vandalized with unauthorized excavations in the Galisteo Basin are on private lands and also on Santa Fe County Open Space land.

About seven years ago I retired from a 30-year career as a federal agent. I was the coordinator of an archaeological resource protection task force here in New Mexico and it was my experience as we also heard here that there's definitely a nexus with methamphetamines in the oil field areas that also bleeds over into the looting and archaeological thief area. Some of our undercover operations resulted in 12 indictments and convictions and 100 percent of the individuals were under the influence of methamphetamines, over half of them were oil and gas field workers here in New Mexico.

Because open space land here in Santa Fe County has had unauthorized excavations on them within the last few months, my question for the county is how are we going to plan to protect these unrenewable resources, sensitive heritage resources, from the future when they get hit in the future? Who is going to investigate them and who is going to protect them?

CHARLES STUP: My name is Charles Stup and I live in the subdivision of Rancho Viejo out in the Lone Butte area. I'm an engineer and I used to work in the oil

industry and did for a number of years. I tell you that to inform you that I don't have an inherent bias against the oil industry. I know as public officials you have the obligation to balance the various interests and we have that taking place at the national level that the balance of the oil industry and other interest and the state level. At the county level, at the local level, your electorate is those that you have an obligation to and only those. You have this group, I think it clearly does not represent a minority of your electorate.

The majority of the people in Santa Fe County are opposed to having long-spread oil and gas exploration and a threat of their tourism industry and the impact and harm. I know that you're limited to what you can do because things are regulated at the state level and the national level and as Mr. Ross said you're doing it as a zoning ordinance, then to me it's very clear that you have a mandate from your electorate to do everything in your power to make that as strong as you can to hinder to the limits of the law. That is the mandate. It should be the mandate and is clearly your mandate. If there are provisions within the current ordinance that are not contrary to the current law there is absolutely no reason to relax them. And if there are things that you can do to strengthen them within the power of the law, you should do that. That's what your electorate wants you to do.

I want to address one particular issue and that is the bond. I currently do a lot of work for bonding companies, cleaning up messes of people that they have bonded that haven't done their job properly. There is a big difference between a bond and insurance. A bond is for your site specifically. Insurance, a company has that and it's for every where in the whole country. You're sharing the same pool. If they have litigation, defense cost, the cost of attorneys comes out of your proceeds and you get what's left. On a bond it's all for you and your project and \$50,000 doesn't go very far. Maybe in 1935 it did. But it certainly doesn't in 2007. That limit is ridiculously low.

To get an insurance policy all you have to do is pay the premium. To get a bond you have to go through underwriting and to personally indemnify the bonding company. So if there's a loss you reimburse them. So there's a personal responsibility beyond corporate responsibility and that's really essentially in terms of people standing up and doing the right thing.

I have just two questions. One is – [time expires]

COMMISSIONER ANAYA: Thank you very much. Okay, it is 8:30. We were going to stop this meeting but I think what I would like to do, if it's all right with the panel, is to ahead and hear the rest until 9 o'clock. I'm going to give you two minutes because we all want to hear your concerns. Okay, please go ahead and it's two minutes.

DAVID ROTHMAN: Hi, my name is David Rothman. I'm a student here in Santa Fe. You know Santa Fe is our home as we all know that. I got to say that I've been really inspired by the people that are here today but also I feel like the place for this conversation really is that we need to look long-term. I'm 23 years old and I hope one day to have a family and raise my family here and hopefully my kids can have a family and if we start to look at the way we're handling internationally these kinds of decisions about oil, about gas and other development it's not sustainable. And when we talk about our own lives and what that really means it's serious.

I heard Santa Fe County attorney Ross speaking about the monies that will be set aside to clean up the aquifer if it's contaminated. What do you do to clean up an aquifer

if it's contaminated? [Applause] I would encourage our County Commissioners and everybody involved in this process to be as stringent as possible with these laws to make our community an example for communities all around the United States that are fighting this battle.

COMMISSIONER ANAYA: Thank you, David.

STEVE TAYLOR: My name is Steve Taylor from Cerrillos. I have a question on the setbacks. Currently Tecton is touting that they have this great drilling technology. They can use directional drilling. Because of that why are we just limiting them to half-mile setback? Shouldn't that be more like a mile or two miles back from a residence or a well? I think that that's something that they have the technology to do and I'd like to see that occur.

Also, on the ordinance, is this ordinance going to apply retroactively to Black Ferrill number one or are we kind a bound with having Black Ferrill number one around and running forever?

COMMISSIONER ANAYA: Steve, the first question was the setback?

MR. TAYLOR: Yes, for the setback can we make it stronger instead of half-mile make it one mile?

COMMISSIONER ANAYA: Because you talked about directional drilling?

MR. TAYLOR: Yes, because of the technology that Tecton has. And then the second question was having to do with Black Ferrill number one, if this ordinance is going to apply to Black Ferrill?

COMMISSIONER ANAYA: Steve, do you want to tackle that one?

MR. ROSS: Commissioner Anaya, I think we have to ask Tecton or some firm or perhaps it would be OCD about the limits of directional drilling. I know there are limits. You can't drill here in the gym and reach down to Galisteo for example. I know that there are limits but I'm not familiar with what they are. We're going to have to get some advice if we look at increasing setbacks on that basis.

The Black Ferrill well, we've taken the position that that is essentially grandfathered because of the zoning that it achieved not under the current land development code and not under the predecessor of the land development code but on the predecessor of that code that has well has been producing continuously from that time. So I think they could argue that that well isn't going to be subject to some of these regulations.

But these folks up here have certainly not been shy during the permitting process to ask developers and folks asking for permits for things to make exceptions to those rules and I'm certain that they're going to be asked that question: Whether they will voluntarily place the Black Ferrill well under the current ordinance?

MR. TAYLOR: I have some more time. Just another – before Betsy Brandt talked about the existing 44 wells that are out there, does this ordinance apply to those old wells that are considered dead?

MR. ROSS: Steve, those wells are plugged and abandoned. We've been taking the position that reentry of a plugged and abandoned well for the purposes of the County ordinance is creating a new well and those wells would come under the new ordinance.

GREG BERGBARK: My name is Greg Bergbark and I'm relatively new to this basically heard about it, it must have been three weeks ago on the radio. But I have one comment that hasn't already been more than adequately and well said.

Have all the Commissioners been to the Artesia/Hobbs/Carlsbad region? Have you been down there?

COMMISSIONER ANAYA: Yes. I believe so.

MR. BERGBARK: I worked down there in 2004 and I noticed that basically the air even in Carlsbad which is a fair distance even away from the Artesia oil field has a noticeable odor. You're about 15 miles away from the Galisteo Basin here in Santa Fe, I just – oh, I'll read this one paragraph since almost everything else has been covered.

Is there anything about the fact available right now in Artesia, Hobbs and Carlsbad area that indicates the development of oil and gas in the Galisteo Basin won't yield the same or different odiferous noxious result for Santa Fe and its environment and it's close approximately 15 miles the crow flies and the prevailing winds actually come from the south and will eventually – it'll probably take a lot of time but what's to say there won't be a refinery built also.

COMMISSIONER ANAYA: Thank you, Greg.

FRANK HERDMAN: My name is Frank Herdman. I'm an attorney here in Santa Fe and I represent two of the property owners whose properties will be directly affected by the proposed exploratory wells.

I also as part of my law practice – a significant portion of my law practice is devoted to zoning and land use matters. I represent private individuals but I also represent one of your neighboring counties to the north, Rio Arriba County as well as the Town of Taos. I represent those entities in preparing, adopting and enforcing ordinances including Rio Arriba County's sand and gravel mining ordinance as well as the adoption, enforcement and extensions of moratoriums. So I'm very much familiar with the law as it applies to moratorium.

I have a lot of comments and I have a lot of concerns about this ordinance but time does not permit me to address a single one of them. Instead I have this to say: The time lines that you have adopted are far too aggressive and unrealistic for this [*Applause*] for this to be done right. Take it from someone who does it for a living, it cannot be done. It cannot be done well. It could not be done under the best of circumstances. It cannot be done during a holiday season. In addition, as I'm sure your competent attorney Steve Ross has told you, the law of moratoriums in New Mexico is very much on your side. Do not be kowtowed or influenced by veil threats from Tecton and its attorney. [*Applause*]

I know, Steve Ross know, that the moratorium you adopted could be extended for an additional three months easily, if not more. We would all request of you that you extend that moratorium. Do so now to send a strong message to Tecton and this community that you're going to do this right and extend the public comment period until at least February 15th. [*Applause*]

COMMISSIONER ANAYA: Jan, please go ahead.

JAN WILLEM-JANSENS: My name is Jan Willem-Jansens and I am executive director of Earthworks Institute. I have been a resident in Santa Fe County for 14 years and I've been working on the Galisteo Watershed on watershed restoration for

the last 10 years. I want to speak here on behalf of the riparian areas, plants, animals, water and soil. There is a weakness in the proposed ordinance that it only focuses on wetlands as defined by the Army Corps of Engineers and that is extremely limited. The Bush Administration has reverted a lot of the definition of wetlands under the Army Corps and it basically excludes most of the wetland and riparian zones in the Galisteo Watershed. The problem is that we actually need to focus on what the US EPA and NMED define as watershed or wetland and riparian areas and then we see that many more areas in the Galisteo watershed should be protected.

In the Galisteo watershed we're looking at four eco regions of New Mexico coming together with all their wildlife going back and forth and that is not something to be overlooked because basically it connects the northern mountain area with the southern sky islands and the eastern plateaus of the Rio Grande Basin. Most of the wells are in or close to the riparian zones and wetland areas or there are wet meadows adjoining them.

Like the railroad 100 to 120 years ago which was the major last destruction source of the riparian zone we're still working on restoring that impact. If we are looking at the impacts of oil and gas do we want to work another 100 or 200 years? We have been looking at \$1 million more just in the last 10 years of federal and state funding that we have received. Many millions have been invested by private landowners and Santa Fe County for the protection of open space and riparian areas and those things in the Galisteo Watershed. There will be totally undermined if the oil and gas development continues.

COMMISSIONER ANAYA: Thank you, and we thank you for the work that you do on the watershed. Carolyn, you made it back up.

CAROLYN STEVENSON: Carolyn Stevenson. By declaring critical management areas strictly limiting oil drilling and other wrongful uses we insist upon the primary importance and value of clean water sources for our very lives. With these protections based on water availability and quality we send a strong message that we're really serious about our water here.

The new pressure from oil and gas exploration endangers the way we have lived in this region for the last 400 years. The impact of drought and roads are a reality. Should we be adding new industrial water burdens to an area where the demand already exceeds the available supply especially when those burdens are known to carry the risk of contamination of existing aquifers. While oil exploration companies may claim that our aquifers are not threatened by contamination from oil protection, Lea County is an example to the contrary in our own state. Our local governments have shown the ability to take the action to protect and promote the public good even when that action may have adverse effects on some individual property rights. Example of this range from the closing of liquor drive-up windows sales to escarpment construction restrictions. Despite the powerful lobbying efforts of the vested interest, courageous citizens prevailed. Not only did no harm ensue but also every one has benefited from this higher quality of life that has resulted.

I just one to add one thing regarding the bonding because I think it's really a huge issue. Bonding is a claim and that is immediate – insurance [time expires]

COMMISSIONER ANAYA: Thank you, Carolyn. Thank you.

JERRY HELD: My name is Jerry Held. I'm a physician and I live in Santa Fe. I work for Presbyterian Health Care in Española. I wanted to thank the County

board for extending such an open invitation to Tecton and the Tectonites to come to Santa Fe County.

I went to medical school a number of years ago and when I went to medical school my major goals were to make a lot of money and see a lot of disease. A lot of blood, a lot of cancer, a lot of asthma, a lot of M-stage disease in families and children. I wanted them all to come to my office cause I just love to pathology in people. I've had the good fortune over the past 15 years that I've worked as a doctor to benefit from the oil companies, from the gas companies and the mining and uranium companies. I've worked in southern California heard their promises coming to drilling just outside the coast and their promises not to cause any harm. I've been lucky enough to see all the young children with leukemia, the 30-year old women and girls with breast cancer, the young 50 year olds with colon cancer and lymphomas and I've been able to make a lot of money from that. And I appreciate that.

Then I was able to go to Arizona, northern Arizona, and work on an Indian Reservation where the company's gun came in and said, 'Uranium drilling it was bad in the past but now we have cleaned up our act.' And, again, I was fortunate enough to see leukemia's, cancers, and lung cancers – oh, so many terrible things come into my office. I again thank you.

Then I was able to work again in Hobbs and – [time expires]

COMMISSIONER ANAYA: Thank you, Jerry.

ANDY BRAMBLE: My name is Andy Bramble. I have a few questions. What sort of provisions do you have for heavy truck traffic should it come to that? How can you regulate with that in a zoning ordinance? That's for the County attorney.

MR. ROSS: Briefly, there are a number of provisions in there that talk about roads and transportation. If heavy truck traffic is required, we want to know what traffic – what kinds of trucks are going to be used; how heavy they are; how they are permitted and if they're going to damage roads they need to deal with that in the sense that if a road needs to be improved, they need to improve it and if it's damaged, they need to fix it.

MR BRAMBLE: Is there a limit? Is there a limit on how many trucks can go through?

MR. ROSS: The limit would be established in the permitting process. Yes, there would be a limit.

MR. BRAMBLE: My other question is about the Oil and Gas Association, Bob Gallagher who other people have talked about here tonight has been blowing a lot of steam in the papers here lately. First of all, if the Oil and Gas Association is threatening or in any way coming down heavy on any of the officials here we want you to know that we will support you against them. [Applause] Bob Gallagher has made it quite clear that he doesn't care about us. What I want to know is, is there any possibility that the Oil and Gas Association could eviscerate OCD? Or in some way bypass local zoning laws?

MR. ROSS: I doubt it.

RON STRAUSS: My name is Ron Strauss and I live in Eldorado and I work with water and wastewater and soil remediation. My concern is with the water supply and that's what it comes down to. I think that your job is to represent us and have

the strength, the imagination, the commitment to come through for us. You are our representatives and that's the important part.

I think water law trumps money completely. *[Applause]* It's older and more basic. If we ruin the water we're gone. It doesn't matter how much water there is there.

COMMISSIONER ANAYA: Thank you, Ron.

CRAIG WINGATE: Hi, my name is Craig Wingate. I live at 3261 Highway 14 just north of Cerrillos. I am loosely affiliated with every grassroots organization fighting this so you can list them all.

I have a primary concern which is the water. I have brought a map here in support of the one that Betsy Brandt showed a little earlier. This map comes from *Oil and Gas Exploration in the Santa Fe, Galisteo, Hagan area of New Mexico*, written by Bruce Black. We all know Bruce the original Shell geo-hydrologist, the current consultant to Tecton, the original owner of Black Oil, the original driller of Black Ferrill 1, 2, 3, etc. Bruce Black has identified this geologic formation as being in red – I have only one minute left so I will speak very quickly.

[Using a map] Unfortunately, this issue has been covered in the press and has been localized by many to be focused in the Galisteo Basin. Here is the Galisteo Basin right here. The formation that Bruce Black identified in published in the *New Mexico Geological Society Guidebook* and has authored multiple articles since that time up to the year 2000, indicates that this is the geological formation. He did not go any further north than Santa Fe. The black marks are his. This is in Bruce Black's own hand. This is the area that is at risk. The strategy to open up initial test wells down here, to local it and say it's only Galisteo Basin that is at risk and have a small amount of people – *[time expires]*

COMMISSIONER ANAYA: Thank you.

LEE CORRALES: My name is Lee Corrales and I've lived in the Galisteo Highway my whole life, second-generation gringo native. And listening to everyone here tonight we've all chosen the same road. It seems like we have two roads ahead of us. One is death and we choose life. Clearly, oil and gas is creating death throughout all of us and I have one thing that I care about and that's my children's future. Consciously in your hearts as our elected officials and commissioners, how can you consciously choose to go for this drilling when you know that it is creating havoc on our land and on the water and for our future and your future.

I am asking you to stand up and say no to these big boys. For once, be the leader that you are and create the future that we have in renewable energy, solar, wind and other technologies and stand up for your rights. Let them sue us. It's our money anyway. We are the people. We give you the money because we are the people. So listen to us right now and I hope that you look into your hearts and make the right decision.

CONSTANTINE ALATZAS: My name is Constantine Alatzas. I have a business here in Santa Fe called the Institute for Creative Evolution. I want to follow up on what that gentleman just said. I grew up in a large community in a neighborhood called Elmhurst. In 1960 all the elm trees that were the namesake of that town started dying. By 1970 there wasn't one left. These were hundreds of years old trees.

I don't know why we are still considering proposals like that. Yes, a tax base, but we need a new tax base. This, again, this is about death and destruction. Our trees lead the way and all the other species that we have left behind lead the way. We understand this very clearly. How come, this is the question, how come – have you been asleep?

What is happening is cataclysmic. Let's start a new direction. There are some bold communities in the United States that are facing it: Berkeley is offering solar systems to all of the city residents and they're financing solar systems for all the residents of Berkeley. The incentives that Minnesota gives are incredible for a system that would cost \$20,000 the end result for the consumer is only \$5,000 for tax rebates and outright money given to those people.

I am very grateful to the turnout today. We need to stand united. We need to vote. We need elected officials that are not in bed with the industry. [Applause]

MARIANNA HATTEN: My name is Marianna Hatten and I live near Cerrillos. For all of the listeners on the radio and the TV that are not present to be counted tonight as constituents, as concerned, as opposed to this oil and gas development I urge you to call that station that you're listening to after the program tonight or tomorrow and let them count the number of additional people that heard this meeting tonight. Also if you haven't yet written, please, let our elected officials hear from you. If you need to know more information, tonight was a good start. There are a lot of other resources such as Drillingsantafe.org; Santa Fe Not Oil and they have wonderful resources on their website.

Now my question, we're spending a tremendous amount of time and energy not to mention money comes into play at some on an ordinance to try to minimize the impacts of something we don't want anyway. Something that is incompatible with a rural residential area. It's incompatible with the map that Craig just showed. It is incompatible of \$1 billion tourism industry and I beg you to just say no. My question what would it take to write the zoning ordinance to zoning does not permit oil and gas development in this area? [Applause]

COMMISSIONER ANAYA: Steve, would you like to answer that question?

MR. ROSS: Commissioner, I thought I answered the question before – it's highly doubtful that the County could outright ban this industry from the county.

MS. HATTEN: I could not hear your question because of the boos and hissing – I mean your answer. Could you please repeat it, Mr. Ross.

COMMISSIONER ANAYA: I believe what he said Marianna was that the County cannot outright ban oil and gas. The County is the regulators of oil and gas.

MS. HATTEN: Then make the hurdles even harder.

COMMISSIONER ANAYA: I hear you. We have time for one more person to speak and then we're going to wrap this up.

ROSEMARY STRUNK: My name is Rosemary Strunk. I'm an attorney. I've spent my whole life dedicated to actually doing a good job. I have worked within many industries and generally in-house, inside the companies. I've had the pleasure to work for companies who care about their employees, who care about the business and the community in which they are. Some of those companies have been large and some of them have been small and international. The point I have here is that we're dealing with an industry that doesn't give a shit. They have demonstrated that over and over again, over decades. The meth use is high. We have no regulatory environment within the state to deal with it very well through OSHA. Having served in the capacity as the lawyer for OSHA for a time period. I've had the pleasure of serving in the capacity of the Realtors

Association's attorney statewide and now I do business and commercial law in Albuquerque but I live in Santa Fe.

The property I have is on 55 B. It's two miles from the Ferrill well. It has Pueblo and Native American ruins from 900 AD to about 1500 when it was abandoned. I have building sites specifically archaeologically surveyed so I don't disturb any ruins, burial grounds, etc. This is our time to say no. I invite you – you know I want you to know that I have the personal pleasure and experience of knowing some of the different commissioners and I thank them for their public service. They are not doing it for the money that we pay. We pay them about 5-cents for their time.

COMMISSIONER ANAYA: Rosemary, thank you very much.

We're going to wrap this up and I want to thank you all for coming this evening. I'd like to thank County staff. What I'd like to do is that the people who weren't heard we'll write your names down and on January 7th that's the first public hearing, we'll take you first.

I want to thank the panelist for answering questions and please have a safe drive home.

ADJOURNMENT

Commissioner Anaya declared this forum adjourned shortly after 9 p.m.

Approved by:

Board of County Commissioners

ATTEST TO:

VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Respectfully submitted:

Karen Farrell, Wordswork
227 E. Palace Avenue
Santa Fe, NM 87501