

Public Hearing

March 1, 2005

The Board of County Commissioners, in and for the County of Otero, State of New Mexico, met in a Special Meeting at the Otero County Courthouse in Alamogordo, County and State aforesaid. Meeting called to order by the Chair person at 1:00 p.m., March 1, 2005; and she announced that reasonable notice for this meeting was given to the Alamogordo Daily News, and to Radio Stations, KPSA, KINN and KYEE.

Present:

Clarissa McGinn	Chair person
Doug Moore	Vice-Chairman
Michael Nivison	Absent
Ruth Hooser	County Manager
Ray Backstrom	Assistant County Manager
Dan Bryant	County Attorney
Lynn Estrada	Deputy Clerk

DRAFT

Michael Shinaberry gave the invocation. Commissioner McGinn led the Pledge of Allegiance and the Salute to the Flag of the State of New Mexico.

The purpose of this Public Hearing is to consider approval of Ordinance No.02-05 regarding the Otero County Interim Comprehensive Land Use Plan that contains specific stipulations and requirements for oil and gas production and exploration.

Commissioner McGinn is asking for public input from the citizens who submitted the ordinance, the oil and gas industry and other concerned citizens.

Bobby Jones and Bebo Lee were the two who brought this ordinance to the Commission for consideration. Commissioner McGinn requested Mr. Jones to give some background and why they feel the ordinance is important.

1. Bobby Jones stated that this ordinance is basically a ground water protection ordinance and it does have stipulations on oil and gas production and exploration through their process because that's generally where contamination occurs. They obtained an ordinance from Lovington and used a lot of the same language from their ordinance.

Commissioner McGinn stated that Mr. Jone's intent is not to close down oil and gas drilling on the Mesa but in essence to do so in a way within Otero County that protects the water that the citizens are using. Mr. Jones stated that this is correct. This ordinance is for all of Otero County not just for Otero Mesa.

2. Bebo Lee stated that they have brought forth to past Commissioners a number of items to put into the Comprehensive Land Use Plan on grazing and timber. This is just an extension of that. We believe that we need this ordinance. We believe this ordinance will give the BLM and OCD (Oil Conservation Division), some additional help if they need it. BLM has 1 inspector per 800 wells and OCD has 1 inspector per 1000. If production is started out on the Mesa, more manpower will be needed to oversee the operations.

Commissioner Moore stated that the thrust of this ordinance is to state any existing statutes that are either state or federal, and puts the County into the framework. Mr. Jones stated that their intent is to keep the County involved as a lead cooperative agent.

3. Ed Roberson and Armando Lopez from Bureau of Land Management (BLM) Las Cruces Division stated that they want to keep an open dialogue between the Ranchers, BLM and the County.

On the first page of the ordinance it solicits our assistance and the implementation of this ordinance. As a federal agency this is beyond the scope of what we would normally do. We don't endorse County ordinances and then go out and do our inspections based on those ordinances. When the permits to drill are submitted to us we know the industry will be complying with those state requirements and will provide us a permit application that has a drilling system. It's up to the state to enforce this because they passed the statute. We can't enforce it unless it becomes part of our regulatory authority.

Dan Bryant, County Attorney, asked what kind of training and education, where do we look for someone to help with monitoring, determine and verify? Are they engineers or what? Mr. Roberson stated that it's a combination of field engineers and geologists. Dan will contact Lovington to see what kind of people they have hired, job description and what kind of educational and training requirements they are using and the cost.

4. Leonard Carpenter, Harvey Yates Company, is concerned why the County thinks it can do a better job than BLM and OCD. They have geologists, archeologist and engineers on staff. Commissioner Moore stated that by just being there and overseeing the operations will help. Mr. Carpenter stated that most of the time nobody will be there. The point is he doesn't see the County doing a better job than BLM or the State. Mr. Carpenter feels that this deal is going to be bigger than what the County realizes. Commissioner Moore agreed that it will be big.

5. Seth Noriega, County Resident, is extremely concerned that people from the State are forgetting one basic rule. The Commission here is representing 65 thousand people that feel that they have to have a say. Once government people forget that little rule of who their boss is, they get a little arrogant. We all have to equally be diplomatic and concerned with Economic Development and the Environment side.

Commissioner McGinn stated that several concerned citizens of Otero County want to see drilling and oil and gas exploration continue. They do have some concerns about protecting any possible pollution of the water. As the County we have the ability and responsibility to look out for the citizens of the County. Commissioner McGinn would like to look further at the language in the ordinance.

Dan Bryant stated that we could use a Preliminary Engineering Report. We can get with some of the existing engineers that we have on staff with the County who have experience in the Oil and Gas Industry and ask them to give us an engineering report. They could tell us what kind of commitment in terms of time, staff and money are we looking at, and are there pieces of this ordinance that we wouldn't have to do because somebody else is doing it reliably. We ought to get this reviewed and back to us in a matter of 2 or 3 weeks. Commissioner Moore agreed that this would be the best thing to do right now and then have another Public Hearing after we get the report back.

Commissioner Moore made a motion to set another Public Hearing on Ordinance No.02-05 on March 23, 2005 at 1:00 pm. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously.

There being no further business before the Board, the Chair person adjourned the meeting at 3:05 p.m.

Clarissa McGinn, Chair person

ATTEST:

Robyn Silva, County Clerk