

Technical Meeting

May 18, 2005

The Board of County Commissioners, in and for the County of Otero, State of New Mexico, met in a Technical Meeting at the Otero County Courthouse in Alamogordo, County and State aforesaid. Meeting called to order by the Chair person at 1:30 p.m., May 18, 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	Member
Ruth Hooser	County Manager
Ray Backstrom	Assistant County Manager
Bobbie Reyes	Department Assistant
Lynn Estrada	Deputy Clerk

DRAFT

The purpose of this meeting is to discuss Ordinance No. 02-05, enacting an addition to the Otero County (Interim) Comprehensive Land Use Plan that contains specific stipulations and requirements for oil and gas production and exploration on lands within the political boundaries of Otero County, for the purpose of protecting the fresh water aquifers and watersheds from pollution.

Present were:

Joe Torres- BLM

Leonard Carpenter- Harvey Yates Company

Ned Farquhar- Governor's Office, Policy Advisor

Bobby Jones

Bob Jones

Commissioner McGinn stated that we have received some comment on the proposed ordinance from the Environment Department, G D Ceivas, P.H.D., Debra Seligman, New Mexico Oil and Gas Conservation Division, The City of Lovington and BLM.

Debra Seligman could not attend the meeting today but she did forward the Conservation Division Rule Book and New Mexico Statutes to us.

Mr. Carpenter stated that since Commissioner McGinn has reviewed the OCD rules and the BLM rules. Does the Commission still feel that it is necessary to have an ordinance duplicating the rules that are already in place or should the County just have an ordinance of just oversight coming out and viewing, rather than placing rules and regulations on industry. Commissioner McGinn stated that what she has read from legal opinion, is that the County has policing power, regulatory power, for anything that is not addressed within current rules and regulations. Mr. Carpenter stated that a lot of what is in the proposed ordinance is already addressed by both. Commissioner McGinn agrees, but the main thing that came out of the last Public Hearing was the concerns of the public that there may not be enough staffing to monitor situations. This is where the County is within making this ordinance. To be notified, be a part of bonding issues, consultants and personnel were discussed to be available for oversight purposes.

The Commission and all present went through the ordinance comparing the language with the OCD and BLM rules. All the rules of BLM and OCD will be adopted within Ordinance No. 02-05. Commissioner McGinn stated that some changes had been accomplished and several things will be looked at for more information for our next meeting. Dan Bryant stated that he will have a draft ready by June 1st and it will

also be posted on the County's website. Commissioner McGinn stated for the records that staff has been

directed to: a. check with State Land to see if there is any drilling permitted on FEMA designated flood plains

b. Maximum amount of fee or fine can be awarded by Magistrate Court

c. Get legal opinion on Section 4E

d. what constitutes Brine

e. check OSHA language for what is on the MSD

f. OCD definition for waste

g. add definition of fresh water after we check with State Engineer for their definition

Commissioner Moore stated that Ruth will get with David Chase from Sandia Labs to try and acquire a copy of Sandia's geo-hydrological data to be forwarded to the BLM District Office. The next Technical Meeting will be held June 8, 2005 at 1:30 p.m.

There being no further business before the Board the Chair person adjourned the meeting at 5:05 p.m.

APPROVED:

Clarissa McGinn, Chair person

ATTEST:

Robyn Silva, County Clerk

Technical Meeting June 18, 2005