

Mesa County Energy Master Plan

Open House

Summary

July 31, 2007

Palisade Community Center 4:30 – 7:00 PM

Introduction

Keith Fife introduced the purpose of the open house to present the draft Energy Master Plan, take comments on phase one - focused on natural gas exploration and development in Plateau Valley and the east end of the county, and present the “Energy Policy Opportunity Map” – an interactive GIS map on the Mesa County website (www.mesacounty.us/epom). Specific comments on suggested mitigation measures related to various land features and sensitivities were solicited and will be accepted through the month of August.

Energy Policy Opportunity Map (EPOM)

Matt Heller with the Mesa County Geographic Information System (GIS) staff presented a PowerPoint slide show illustrating the how the interactive map functions and it’s general utility to landowners, energy industry interests, the public, and county staff.

Overview of Plan and Purpose:

Kurt Larsen reiterated the purpose of the plan and tonight’s open house.

Public Comments:

- Any plans for Code regulations with teeth? *The County Attorney will address this.*
- Is this an advisory or regulatory document? This will be a political decision.
Commissioner Acquafresca: This is a planning tool. One use could be regulatory. Regulations are one tool to encourage/ensure compatible development. We want to work with surrounding counties. We rely on the County Attorney for direction on the Gunnison County court case – which may provide areas open to County regulations. Mesa County uses land use planning for all types of development including energy development.
- Great first step – tool.
- What rules are Mesa County considering for development in watersheds?
- Impressed with data and GIS tool.
- Will Mesa County follow-suit and regulate like other counties, Palisade, and Grand Junction.
- We have seen changes in state and federal governments recently and now is the time to be proactive.
- All parties – the public, government and the industry - need to show mutual respect for each position and interest. *Commissioner Acquafresca: County wants to be responsive and not to duplicate regulations of the state or federal governments. This GIS tool may not satisfy those wanting more regulation.*
- Last night Grand Junction adopted watershed regulations that require water quality baseline studies by third party experts. Includes the right-to-know what materials are being used in the watershed and requires bonding for potential clean-up of spills, etc.
- Where was Mesa County after the recent gas industry spill near Vega Reservoir (State Park)? County should follow the lead of the municipalities.

Mesa County Energy Master Plan

Open House

Summary

July 31, 2007

Palisade Community Center 4:30 – 7:00 PM

- Grand Junction as home rule has more flexibility than Mesa County. It is not as easy for counties to regulate.
- Need simple enforceable regulations.
- Do not overlook public health issues – not up to the State of feds entirely.
- *Lyle Dechant – County Attorney* – gave a history of Colorado state and county authority and case law related to natural gas. Counties have a right and duty to palna dn regulate land uses which doesn't necessarily mean to prohibit uses but to enact reasonable and locally acceptable land use plans and regulations – designed to address specific local issues and needs. He discussed pre-emption by federal and state agencies ofver local regulations. He addressed the recent Gunnison County court case which reflects a change in the approach the courts have taken historically by applying an “operational conflict” analysis. Concluded there are at leaset 8 areas(portions of Gunnison Counties regs) that may be appropriate only if they do not create operational conflicts. He has concluded that we don't know exactly what will be upheld by the courts and in his analysis if Mesa County adopts regulations are we are challenged we'll need to defend the regs based on operational conflict analyses. The Board of County Commissioners are committed to approaching the issue in a manner that will benefit the community. Does the Mesa County minor site plan for gas drilling include public notice? *Randy Price: Mesa County Local Governmental Designee (LGD) : No public notice is required in the Mesa County Land Development Code for minor site plans.*
- *Lyle Dechant – County Attorney – Colorado Oil and Gas Conservation Commission (COGCC) requires consultation with the landowner.*
- Federal permits require a longer up-front review than COGCC 9 Plan of Development for a field of wells).
- Is there any provision for an APD going to a County Commissioner public hearing? *Lyle Dechant – County Attorney The legislature has given drilling permit authority to the State, so counties cannot deny a state APD (Application for a Permit to Drill) unless the State delegates that authority to the counties.*
- Has the LGD ever taken an APD to a COGCC hearing? *Not sure, but the LGD can request a 30 day extension for review of an APD.*
- County does regulate ancillary facilities – compressor stations, production facilities, transmission pipelines, etc.
- LGD can request an on-site inspection by the COGCC staff prior to approval of APD. But not aware of State ever denying an APD.
- What about waste disposal? *County has authority to issue certificate of designation for waste sites.*
- *Commissioner Acquafresca: We have not received any complete applications for pits, yet. County is having discussions with BLM and congressional delegation on potential of using federal lands or remote private/industry lands for disposal away from residences.*
- Need specific standards for evaporation pits facilities such as the Black Mountain site.

Mesa County Energy Master Plan Open House

Summary

July 31, 2007

Palisade Community Center 4:30 – 7:00 PM

Commissioner Rowland: Mesa County is investigating the Black Mountain facility with the state and we support requiring synthetic liners.

Jon Peacock, County Administrator: Mesa County insists on monitoring wells for testing ground water and monitoring for potential off-site impacts of pits. We have some results from the Black Mountain site tests which indicate some contaminants are at levels just below the maximum regulated level and are insisting on more testing and monitoring.

Commissioner Acquafresca: County is having discussions with BLM and congressional delegation on potential of using federal lands or remote private/industry lands for disposal produced water from drilling. We are awaiting an answer from the BLM state office – although they appear to be “cool” to the idea.

- Will the county review all APDS including those in the municipal watersheds? *Jon Peacock, County Administrator: Mesa County will use the Municipal Watershed Plan as part of our review of APDs. We have a memorandum of understanding with Grand Junction to notify the City of any activity in their watershed requiring a Mesa County permit.*
- Does the plan address wildlife – DOW offered to meet with County and suggest additional layers for the GIS tool. (Dean Riggs – DOW).
- Wildlife is a great gauge for health issues.
- Is there potential for commercial wind and solar generation in Mesa County?
- A great tool – too bad Garfield County didn't have this long ago.
- Need adequate staffing levels to keep-up with the APDs.