

SJCA
EXHIBIT
A

Affidavit of F. Don Schreiber in Support of San Juan Citizens Alliance's Opposition to Oil Conservation Commission Case Number 16403

The Affiant

My name is F. Don Schreiber. I am over 21 years of age and of sound mind, and I have personal knowledge of the facts stated below. I am a member of the San Juan Citizens Alliance and this statement was given on November 8, 2018. This is my statement, written in good faith, and under penalty of perjury, of sincere belief and personal knowledge that the following matters, facts, and things set forth are true and correct, to the best of my knowledge:

Personal information:

1) I am a member of the San Juan Citizens Alliance ("SJCA") because:

- a) SJCA's mission to address the immediate and perceived threats to our air, water and land from the impacts of oil and gas development and production in the San Juan Basin caused me to join SJCA 17 years ago at their first New Mexico organizing meeting in Aztec.
- b) SJCA has been dedicated to helping individuals like me speak out about state and federal policies that are harmful to my health and environment and are often the only local organization willing to take action to protect me, my family and my friends and neighbors.
- c) Beyond advocacy, SJCA has put my concerns into action and we have worked together in New Mexico to get a Pit Rule, a Surface Owners Protection Act, to stop drilling in the Tierra Amarilla watershed, and nationally on the methane waste rule and EPA air quality rules.

2) I have a property interest related to the Blanco-Mesaverde Gas Pool:

- a) Jane Schreiber and I are the owners of the Devil's Spring ranch (Ranch) in the former ranching community of Gobernador, Rio Arriba County, New Mexico. The Ranch constitutes approximately 3,200 acres of private and federal grazing land and lies within the boundaries of the Open Space Pilot Project (OSPP).
- b) OSPP was established in 2008 as a joint project between Devil's Spring ranch, the Bureau of Land Management (BLM), Burlington Resources (BR)/ConocoPhillips (CoP), and Holistic Management International to address anticipated additional drilling of the BMV and other formations in the area. The boundaries of the OSPP are described as Sections 15, 16, 17, 20, 21, 22, 27, 28, 29, Township 28N, R6W, Rio Arriba County, New Mexico, and contains the Ranch (3,200 acres) plus adjacent federal grazing lands (2,550 acres). There are no private minerals within the OSPP and no state lands.
- c) In December, 2007 BLM generated a map of the OSPP area identifying 33 BMV wells. As part of a 44 well drilling program agreed to by the Ranch, BLM and CoP approximately 10 additional BMV wells were drilled by October, 2011. The BMV underlies every section of the OSPP as it does in every section adjacent to the OSPP.

- d) The OSPP contains approximately 86 well pads, 122 producing wells, 29 miles of oilfield roads and 33 miles of pipeline.

Injury as a result of oil and gas drilling:

- 1) Ways in which my lease or property has been injured as a result of oil and gas drilling, operation, and production.**
- a. Surface Destruction: Our deeded land, federal grazing permit and adjacent lands have sustained irreparable harm and loss of sustainable natural function as a result of the 86 well pads, 29 miles of roads, approx. 33 miles of pipeline within the OSPP;
 - b. Contamination: I fear for my own health as I experience the known and unknown effects of soil surface & sub-surface contamination through leaking equipment and spills at various sites including the San Juan 28-6 Unit 61 (API No.30-039-07348) historic spill discovered October 20, 2008 requiring 933 yards of excavation; as well as continuous contamination of OSPP and adjacent property through direct discharge of drilling waste into earthen pits until 2008. My fears extend to my family, friends, workers and others who reside on or visit the Ranch;
 - c. Water Loss: I have extreme concern that oil and gas drilling, operation and production has caused, and continues to cause, irretrievable water loss to the OSPP area of approximately 43 million gallons per year. Each gallon of water lost for the beneficial use of plant communities, wildlife, livestock and domestic purposes renders the multi-use nature of the area less viable and our ranching and living possibilities less likely;
 - d. Erosion: The loss of topsoil due to severe erosion from both water and wind at each and every point of oil and gas surface impact is another constant fear I experience given the fragile nature of the soluble soils present. Without both topsoil and water, the productivity of the land is threatened and natural systems, including our Ranch, will collapse. A glaring example is erosion in front of Ranch residence from San Juan 28-6 Units 124, 63, 462 (API Nos 30-039-08115;07336;25037) and connecting roads that USDA measured at 13' and extends over one-half mile;
 - e. Rangeland Health: I have watched with mounting concern as approximately 36 wells have been drilled within the OSPP, each well, road and pipeline making ranching and living within the OSPP increasingly difficult due to surface destruction, contamination, water loss and erosion. An OSPP field survey of reclamation results for all well pads in 2008 show 79% bare ground and nonbeneficial species. Noxious weeds introduced by oil and gas development, such a Russian Spotted Knapweed, whorled milkweed, hoary cress, Canada/Bull thistle, Russian olive and salt cedar reduce both forage and water available for livestock. Our Ranch is penalized for forage loss due to surface impacts of drilling and production by suspensions of Animal Units Months (AUMs) as determined by the BLM on our federal grazing allotment No.05098.

2) Ways in which I fear my property will be further injured as a result of increased oil and gas development if this application to double well density is approved.

- a. Surface Destruction: My greatest fear is that new and recompleted well impacts will tip the already stressed landscape into a mono-culture suitable only for oil and gas drilling, operation and production, such as has occurred in the Permian Basin and elsewhere. New well pad sizes have doubled within OSPP and recompleted wells re-disturb mature and existing reclamations and double the negative impacts of drilling and production wastes, compaction by vehicles and heavy equipment;
- b. Contamination: Every new well and well recompletion within the OSPP presents additional leak and spill opportunities that are unavoidable and are both a clear and present danger to me and my family, and, when un-clear, present the possibility of cumulative contamination that may be impacting me, my family, friends, workers and visitors.
- c. Water Loss: It is with rising daily concern that I monitor drought conditions for this region which NOAA has listed as both Extreme and Exceptional. The forecast is for drought conditions to persist and each new well and road within the OSPP prevents over a million gallons of water from beneficial use in the natural landscape annually. Recompleted wells create 100% bare ground on the pad with no beneficial water use possible; both new well and recompleted wells are fractured using ground water from the Ojo Alamo aquifer, the same that we use for our ranching and domestic activities. I fear as well that our well water availability will be adversely affected as to both quality and quantity and possibly render our ability to live here infeasable;
- d. Rangeland Health: Daily I fear that the loss of water, loss of topsoil and increase of bare ground with new wells or recompletion further stress existing rangeland plant communities. Climate change favors woody plants and makes reclamation even more difficult, rendering the continuance of our lives as ranch operators here more and more tenuous.

3) Ways in which my health has been negatively impacted by oil and gas operations.

- a. I fear for my safety, and that of my family, friends, workers and visitors from the immediate and repeated threat to our health from oncoming off-highway oilfield traffic within the boundaries of the OSPP and adjacent properties;
- b. I fear for my safety, and that of my family, friends, workers and visitors from the immediate and continuous threats to our health as we are subject to exposed pipelines and electrical lines as we go about our daily ranching and domestic activities within the boundaries of the OSPP and adjacent properties;
- c. I fear for my safety, and that of my family, friends, workers and visitors from the continuous threat to our health as we are exposed to benzene, toluene, xylene and other toxic pollution from individual wells as we go about our daily ranching and domestic activities within the boundaries of the OSPP. In 2014, I was diagnosed

with congestive heart failure and am at greater risk to oil and gas pollution as are elderly and younger members of my family.

4) Ways in which I fear my health will be further impacted by oil and gas development if this application to double well density is approved.

- a. As a former risk manager, I am acutely aware that each new well or recompletion doubles our exposure to oncoming off-highway oilfield traffic. As area traffic increases due to oilfield activity, so do the near misses we experience;
- b. As a former risk manager, I am acutely aware that each new well or recompletion creates new opportunity for exposed pipelines and electrical lines;
- c. As a former risk manager, I am acutely aware that each new well or recompletion increases our exposure to benzene, toluene, xylene and other toxic pollution.

5) Ways in which the environment around me will continue to be negatively impacted by oil and gas development if this application to double well density is approved.

- a. Of great and personal concern to me is that the natural, beneficial plant community within the OSPP is in decline due, in part, to oil and gas drilling, operation and production's interruption of natural water sheetflow within the local watershed and dust from unreclaimed surface disturbance continually stressing an already stressed local environment;
- b. Of great and personal concern to me is the loss of area spring viability, and other stream bank water storage through failure by operator to construct and maintain roads, pipelines and sediment traps suitable to the brittle landscape present to prevent runoff and irreplaceable loss of available rainfall and snowmelt continually stressing an already stressed local environment;
- c. Of great and personal concern to me is the decrease of the natural wildlife population and diversity through (1) fragmentation by constant oilfield related traffic, compressor noise, activities and, (2) overhunting due to vehicular access to wildlife areas using oilfield roads and well pads continually stressing an already stressed local environment;;
- d. Of great and personal concern to me is the decrease in viability of livestock operations due to loss of forage and naturally occurring water sources due to failure by operator to properly locate, construct and maintain oil and gas facilities; failure by operator to follow a plan of development to eliminate unnecessary surface disturbance; failure by operator to protect livestock ingestion of toxic substances, such as methanol, resulting in livestock miscarry, blindness and death; loss of livestock weight gain due to constant oilfield related traffic, compressor noise and activities;
- e. Of great and personal concern to me is the failure of operator to properly capture natural gas toxic pollution through a green completion process for both new well and recompleted wells and exposing residents, workers, visitors, wildlife, and livestock to such chemicals as benzene, toluene and xylene.

6) Ways in which the environment around you will continue to be negatively impacted by oil and gas operations.

- a. As a full time resident within the OSPP for 20 years, I have experienced and am acutely aware of the negative consequences of changes in well density here. Each new well adds (1) surface destruction, (2) contamination, (3) water loss, including by fracking, and, (4) erosion. Each recompleted well creates (1) an additional waste stream, (2) additional fragmentation for wildlife and livestock, (3) additional contamination through leaks, vents, flares and spills and, (4) if gas is not captured in the recompletion process, then additional exposure to toxics such as benzene, toluene and xylene will occur. Each new well and each recompleted well causes me to fear for the ability of the natural environment to sustain itself and not be pushed into collapse into a monoculture of oil and gas drilling, operation, and production.

I affirm, under penalty of perjury under the laws of the State of New Mexico, that the statement is true and correct.



F. Don Schreiber
Member, San Juan Citizens Alliance
9610 U.S. 64
Blanco, NM 87412
(505) 320-0032

State of Colorado County of La Plata ss)
On this 8 day of Nov 20 18.
before me the undersigned notary public, personally appeared
F Don Schreiber

personally known or proved to me through satisfactory evidence of identification, to be the person(s) whose name(s) is/are signed on the preceding or attached document and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.


Notary Public - State of Colorado

BRIAN A MOORE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174050885
MY COMMISSION EXPIRES DEC. 12, 2021

SJCA
EXHIBIT
B

Affidavit of Michael A. Eisenfeld in Support of San Juan Citizens Alliance's Opposition to Oil Conservation Commission Case Number 16403

The Affiant

My name is Michael A. Eisenfeld. I am over 21 years of age and of sound mind, and I have personal knowledge of the facts stated below. I am a member of the San Juan Citizens Alliance and this statement was given on November 9, 2018. This is my statement, written in good faith, and under penalty of perjury, of sincere belief and personal knowledge that the following matters, facts, and things set forth are true and correct, to the best of my knowledge:

Personal information:

1) I am a member of the San Juan Citizens Alliance ("SJCA") because:

- a. The mission advocating for clean air, pure water, and healthy lands is very important to me. Extensive oil and gas infrastructure in northwestern New Mexico is intertwined within our communities, in parks, next to schools and generally in every direction from where I live in Farmington. San Juan Citizens Alliance works to protect communities impacted by fossil fuel development, including identifying exposure to impacts from oil and gas.

2) I have a property interest related to the Blanco-Mesaverde Gas Pool:

- a. I own 2.5 acres of property over the gas pool, located in the Foothills area of Farmington, New Mexico; I live adjacent to Federal land managed by the Department of the Interior, Bureau of Land Management for multiple use; Approximately 36 natural gas wells are located within one-mile of my property in Farmington, New Mexico; my property is adjacent to land where oil/gas wells are currently located and extracting from the Blanco-Mesaverde gas pool, located on BLM and split estate land. Hilcorp Energy Maddox Federal wells are located approximately 750 feet from my home on Federal land.

Injury as a result of oil and gas drilling:

1) Ways in which my lease or property has been injured as a result of oil and gas drilling, operation, and production.

My property has already been harmed by oil and gas operations by the pollution, noise, dust, poor quality of roads and the disturbance of adjacent open space. Oil and gas activities overwhelm recreational opportunities for hiking, biking and utilization of trails. My property is impacted from exposure to emissions (including Volatile Organic Compounds (VOCs) such as benzene, toluene, ethylbenzene and xylene (BTEX)) from natural gas wells, extensive vehicular traffic, soil erosion and land disturbance, un-reclaimed pipeline right-of-ways serving natural gas facilities and from compressor noise associated with natural gas wells.

1) Ways in which I fear my property will be further injured as a result of oil and gas drilling, operation, and production if this application to double well density is approved:

I fear that an increase in well density – either by the creation of new wells or recompletion of existing wells – will create more air quality emissions, more exposure to air toxics including VOCs and BTEX, more land disturbances and sediment transfer, less opportunity for multiple use management of Federal land and increase industrialization adjacent to my property. Even if the application only results in recompletions near my property, this could limit new well pad disturbance but could still result in multiple formations in a well bore contributing to increased air emissions. I also fear that granting increased well density in this pool will cause immense problems in the future due to drilling/operation impacts including noise, emissions, land disturbance, produced water generation and disposal, and increased traffic. This increased well density would further adversely impact public health and the environment with known future risks including exposure to air toxics.

2) Ways in which my health has been negatively impacted by oil and gas operations.

- a. I've been exposed to BTEX and VOCs emitted by natural gas facilities in the air we breath in our neighborhood due to drilling/operation of natural gas facilities. I know that this elevates my risk of cancer, heart disease, COPD, asthma and strokes. I also know VOCs are associated with ozone, and a study in San Juan County by the New Mexico Department of Health in 2007 correlated high ozone days with increased emergency room (medical) visits. In addition, many of the natural gas wells in our neighborhood are designed to vent methane due to pressure build up on well sites. We are impacted by the cumulative and constant air quality emissions from the operation of over 36 natural wells within 1-mile of our property – many of these wells have been drilled and put into operation after I moved to my property in 2001.

3) Ways in which I fear my health will be further impacted by oil and gas operations, if this application to double well density is approved:

A doubling of Mesa Verde/Blanco wells by adding potentially adding 4 new wells per 320-acre section could dramatically increase BTEX and VOC exposure associated with and increased risk of cancer, COPD, heart disease strokes and asthma. We are already surrounded by existing natural gas facilities including wells, pipelines, compressors, separators/dehydrators, and Central Delivery Points that have known and leaking natural gas emissions.

4) Ways in which the environment around me has been negatively impacted by oil and gas operations.

- a. Our community is within the region identified as the Methane Hotspot where approximately 249 of the 250 known super-emitters of methane are natural gas facilities (including processing plants). I have read many reports, including from the National Oceanic and Atmospheric Administration and the National Aeronautics and Space Administration, describing our community as within the methane hotspot. Our community has degraded air quality, potential contamination of water resources, negative impacts on recreation, negative impacts on wildlife and biodiversity, adverse on the aesthetic quality of the physical environment, public health and safety issues in being in proximity to industrial facilities with emissions, venting and moving pump jacks), and fenced off well locations in the middle of areas where people recreate. I know this based on my observations, participating in procedural permitting processes and reading reports. The aggregate and ancillary impacts of the 36 wells within 1-mile of my property include a network of eroded dirt roads (many of which are natural gas pipeline rights-of-way), compressors (with commensurate 24 hour noise), and electricity lines (to serve the wells) which hurts the environment with sediment transfer, noise and traffic problems.

5) Ways in which the environment around me will continue to be negatively impacted by oil and gas operations, if this application to double well density is approved:

- a. Our community is already overrun by individual facility and cumulative natural gas infrastructure and industrialization of the landscape with many known sources of air pollution. The negative impacts on water, air and public health evident; multiple use of adjacent public lands is becoming increasingly difficult and opportunities to diversify the economy are marginalized by oil and gas operations that dominate. I fear greatly that an increase in well density will render the landscape scarred with increasing areas of land scraped away for well pads, resulting in loss of vegetation, loss of ecological diversity, invasive weed proliferation, increased air emissions. Even recompletions could still be significant to air, land, water and public health.

I affirm, under penalty of perjury under the laws of the State of New Mexico, that the statement is true and correct.



My Commission Expires:

OFFICIAL SEAL
Alexander Natonabah
NOTARY PUBLIC
STATE OF NEW MEXICO
02/03/2018

STATE OF

New Mexico

COUNTY OF

San Juan

SUBSCRIBED AND SWORN TO BEFORE ME

THIS

DAY OF

November 2018

BY

Michael A. Eisenfeld

NOTARY PUBLIC

Michael A. Eisenfeld

Michael A. Eisenfeld
Member, San Juan Citizens Alliance
8200 San Lucas Court,
Farmington NM 87402
505 360-8994

SJCA
EXHIBIT
C

**Affidavit of Michael A. Eisenfeld, Energy and Climate Program Manager, on
Behalf of San Juan Citizens Alliance, in Opposition to Oil Conservation
Commission Case Number 16403**

The Affiant

My name is Michael A. Eisenfeld. I am over 21 years of age and of sound mind, and I have personal knowledge of the facts stated below. I am the Energy and Climate Program Manager in Farmington, New Mexico for SJCA. I have authority to speak on behalf of the organization. My pertinent educational/professional credentials include a B.A. in History from Bates College and an M.A. in Environmental Policy and Management from the University of Denver. This statement was given on November 9, 2018. This is my statement, written in good faith, and under penalty of perjury, of sincere belief and personal knowledge that the following matters, facts, and things set forth are true and correct, to the best of my knowledge:

- 1) My history of involvement with San Juan Citizens Alliance ("SJCA") includes working for the organization in New Mexico since 2006. I work on natural resource issues including oil and gas, coal, public lands and air quality.
- 2) SJCA has existed since 1986.
- 3) As an organization, SJCA's mission is to advocate for clean air, pure water and healthy lands – the foundations of resilient communities, ecosystems and economies in the San Juan Basin.
- 4) My expertise and training involves 12 years of working for SJCA in northwestern New Mexico on oil and gas, coal and air quality issues and projects. Prior to working for SJCA, I worked as an environmental consultant in northwestern New Mexico specializing in regulatory oversight including the National Environmental Policy Act, Federal Land Policy and Management Act, Clean Air Act and Clean Water Act. I have experience with both state and federal regulatory agencies and have worked in New Mexico on the Pit Rule and the Surface Owners Protection Act rule-makings before the New Mexico Oil Conservation Division (NMOCD).
- 5) I have personally used my expertise to contribute to the protection and public health and the environment by providing declarations and bringing litigation related to the impacts of oil and gas development (including the Department of the Interior, Bureau of Land Management Farmington oil and gas leases and specific challenges to natural gas well), by participating in stakeholder and public hearing processes (including the Four Corners Air Quality Working Group designed to reduce air emissions and methane/regional haze/ozone hearings), and by preparing/filing detailed technical comments related to oil and gas impacts (numerous projects filed on behalf of SJCA). I have presented technical comments on rule-makings before the Department of the Interior, BLM, Environmental Protection Agency (EPA), NMOCD and the State of New Mexico legislature. Technical comments include the need to reduce impacts from oil and gas facilities, information on the front-end impacts of natural gas and natural gas processing, and advocacy for multiple use and diversification of the economy. I contribute to technical permitting and regulatory oversight of fossil fuel projects

in northwestern New Mexico, including providing factual information to SJCA members and the public.

- 6) Other SJCA members have substantially contributed to the protection of public health by participating in public processes and commenting on oil and gas topics/projects including the State of New Mexico Pit Rule, Surface Owner Protection Act, Hydraulic Fracturing, Ozone and well density issues. SJCA members are involved with ozone, methane, and regional haze rule-making proceedings as well as Mercury and Air Toxic Standards (MATS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS). SJCA members have documented the impacts of living in the San Juan Gas Field, including a power-point presentation of "living in the patch," where exposure to toxic air emissions from the proliferation of oil and gas facilities is common. Recent SJCA rule-making participation include EPA and BLM methane rules, and Clean Air Act rule making on regional haze.
- 7) In the past, SJCA has received recognition for expertise in providing input on public health and environmental issues. SJCA has long participated in the stakeholder Four Corners Air Quality Working Group to find mitigation measures in reducing air quality impacts in the Four Corners region. We have submitted comments in ongoing EPA and BLM methane rule making, have commented on Environmental Impact Statements including the BLM Farmington's Mancos Shale Gallup Formation EIS and have litigated/submitted declarations on numerous oil and gas lease sales in northwestern New Mexico. We regularly submit comments on oil and gas projects, provide declarations to secure standing in litigation, and are party to settlements with government agencies responsible for managing public lands (including the BLM).
- 8) If granted intervenor status in Hilcorp's application to the Oil Conservation Commission SJCA members will substantially contribute by providing factual information that informs the Oil Conservation Commission about harms to public health and the environment in northwestern New Mexico that would result from well density changes. SJCA members are well informed about oil and gas processes and procedures within the larger context of balancing out oil and gas and other considerations, including public health and safety. I fear that without SJCA intervenor status in Hilcorp's application we will see further degradation of air quality, more severe public health impacts, and devaluation of property in northwestern New Mexico.

I affirm, under penalty of perjury under the laws of the State of New Mexico, that the statement is true and correct.



OFFICIAL SEAL
Alexander Natonabah
NOTARY PUBLIC
STATE OF NEW MEXICO

My Commission Expires:

02/03/2019

STATE OF New Mexico
COUNTY OF San Juan
SUBSCRIBED AND SWORN TO BEFORE ME
THIS 9 DAY OF November, 2018.
BY Michael A. Eisenfeld
NOTARY PUBLIC

Michael A Eisenfeld

Michael A. Eisenfeld
Energy and Climate Program
Manager, San Juan Citizens Alliance
P.O. Box 6655
Farmington, New Mexico
505 360-8994

SJCA
EXHIBIT
D

**Affidavit of Jack W. Scott in Support of San Juan Citizens Alliance's
Opposition to Oil Conservation Commission Case Number 16403**

The Affiant

My name is Jack W. Scott. I am 69 years of age and of sound mind, and I have personal knowledge of the facts stated below. I am a member of the San Juan Citizens Alliance and this statement was given on November 9, 2018. This is my statement, written in good faith, and under penalty of perjury, of sincere belief and personal knowledge that the following matters, facts, and things set forth are true and correct, to the best of my knowledge:

Personal information:

1) I am a member of the San Juan Citizens Alliance ("SJCA") because:

- a. I was one of the original members when SJCA was formed nearly 30 years ago. It is the premier organization in the San Juan Basin to serve as a watchdog and to help owners of property (both surface and subsurface) in protecting their rights and ownership. Their concerns for clean air and water and proper stewardship of all of our resources is of utmost importance to me and my extended family. I served for 8 years as a city commissioner in Aztec so I have experience with the complexity of oil and gas operations in the public domain.

2) I have a property interest related to the Blanco-Mesaverde Gas Pool:

- a. I, as well as other members of my family, own over 880 acres over the natural gas pool, including an eighty acre irrigated farm located on the city limits of Bloomfield, New Mexico. There were 4 wells on this property as well as the related gathering lines, roads, multiple locks of the gates and numerous changes in ownership of these wells along with the new personnel this new ownership created. As a result of natural gas production around my property and the Blanco-Mesaverde Gas Pool, I noticed leaking of gas, fumes, distillate tank emissions and compressor emissions that I fear have impacted my public health. Fumes from the open waste pits and waste products going into drainage and irrigation ditches have been a problem I have noticed over the years.

The 800 acres owned by my family are in two locations between the Cities of Bloomfield, Aztec, and Farmington. Historically there were several wells on these properties. A large compressor is now operating near one of these wells. The constant turn over of ownership and operators here has created a litany of problems – including air emission pollution and leaking equipment. I fear that a grant of Hilcorp's application will result in these problems continuing/becoming worse because of increased sources of harmful emissions including hydrocarbons and volatile organic compounds. My experience on our ranch has been that when natural gas wells become less productive they are sold and leave property owners at a loss of whom to contact if there are problems. I fear that Hilcorp's application will increase adverse financial and environmental impacts and decrease value to my properties in San Juan County

A small acreage owned by family is within the City limits of Aztec. Four wells in the City of Aztec are in the process of being dual completed by Hilcorp to the Blanco-Mesa Verde much to the dismay of adjoining property owners. One, a historic problem well is next to McCoy Elementary School. One well is 100 feet from a homeowner's back door. Many of the Blanco-Mesaverde vertical wells have played out and have been plugged in this Pool. I fear that Hilcorp's application will increase adverse financial and environmental impacts to my property in Aztec.

Injury as a result of oil and gas drilling:

1) Ways in which my property has been injured as a result of oil and gas drilling, operation, and production:

I experience injury as a result of natural gas pipelines on my property as it negatively affects my ability to farm and ranch. Pipelines on my property for natural gas include both gathering and transmission lines that have created significant adverse impacts including subsidence; reduced acreage suitable for farming, vegetative production and ranching; and have resulted in rocks brought up and left on the surface negatively influencing management, operation, and production and damaging equipment.

2) Ways in which I fear my property will be further injured as a result of oil and gas drilling, operation, and production if this application to double well density is approved:

An increase in well density by either recompletion of existing wells or new wells being drilled will exacerbate the impacts to surface owners and the general public. I fear that new roads, new gathering pipelines, more gas field traffic with heavy trucks and service vehicles, increased pad size or new well pads will disturb or take more land and destroy irrigation practices on my property. Abandonment of irrigation water can occur in these disturbed areas if the water cannot be applied and used for a period of four or more years. The lack of maintenance on existing gas field roads in the San Juan Basin is atrocious. Increasing or doubling density will double the impact and probably require even more natural gas transmission pipelines. We now have eleven (11) natural gas transmission pipelines across our farm in Bloomfield—two 36-inch lines and various smaller ones. I fear that increased Hilcorp well density in the Blanco-Mesaverde formation will further diminish my ability to farm and ranch on our property due to more land disturbance, ancillary equipment and associated impacts.

3) Ways in which the environment around me has been negatively impacted by oil and gas operations:

I grew up on our property with leaking wells, tanks that vented continuously, and the unhealthy fumes and odors were avoided when possible. Leaks happen, venting happens. It is unhealthy. I'm concerned that doubling the well spacing will double the problems with leaks and venting, and the unhealthy fumes and odors that result.

I affirm, under penalty of perjury under the laws of the State of New Mexico, that the statement is true and correct.



OFFICIAL SEAL
Alexander Natonabah
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 02/03/2019

STATE OF New Mexico
COUNTY OF San Juan
SUBSCRIBED AND SWORN TO BEFORE ME
THIS 27 DAY OF November 2018.
BY Jack W. Scott
NOTARY PUBLIC

A handwritten signature in cursive script, reading "Jack W. Scott".

Jack W. Scott
Member, San Juan Citizens Alliance
P.O. Box 1149
Aztec, New Mexico 87410
505 320-4548

SJCA
EXHIBIT
E

STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION COMMISSION

IN THE MATTER OF THE HEARING CALLED BY)
THE OIL CONSERVATION COMMISSION FOR THE)
PURPOSE OF CONSIDERING:)
IN THE MATTER OF THE PROPOSAL OF)
THE OIL CONSERVATION COMMISSION,)
ON ITS OWN MOTION, TO AMEND OIL)
CONSERVATION DIVISION RULES 1201,)
1203 THROUGH 1205, 1207, 1208,)
1211, 1212, 1214 AND 1220)

CASE NO. 13,482

ORIGINAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS

COMMISSION HEARING

BEFORE: MARK E. FESMIRE, CHAIRMAN
JAMI BAILEY, COMMISSIONER
FRANK T. CHAVEZ, COMMISSIONER

2005 SEP 1 AM 7 36

August 18th, 2005
Santa Fe, New Mexico

This matter came on for hearing before the Oil Conservation Commission, MARK E. FESMIRE, Chairman, on Thursday, August 18th, 2005, at the New Mexico Energy, Minerals and Natural Resources Department, 1220 South Saint Francis Drive, Room 102, Santa Fe, New Mexico, Steven T. Brenner, Certified Court Reporter No. 7 for the State of New Mexico.

* * *

1 MS. LEACH: This is -- they want to comment on a
2 case that's already existing.

3 CHAIRMAN FESMIRE: What is the feeling of the
4 Commission on adding B?

5 MS. LEACH: Mr. Chairman --

6 COMMISSIONER CHAVEZ: I wouldn't mind -- Go
7 ahead.

8 MS. LEACH: -- I was --

9 COMMISSIONER CHAVEZ: -- I wouldn't mind changing
10 the wording of the "in the public interest" to the -- "the
11 interest of efficient" -- or -- making a good decision,
12 coming out with a good --

13 (Laughter)

14 COMMISSIONER CHAVEZ: -- the words here, but if
15 the intervenor can add substance to the case, that helps
16 the Examiner or the Commission come to a better decision,
17 it -- when they have something to add that's substantive,
18 and I just don't know how to word that.

19 We may have the same issue here that I brought up
20 earlier. It has to be substantive to what we're here
21 for --

22 CHAIRMAN FESMIRE: Uh-huh.

23 COMMISSIONER CHAVEZ: -- prevention of waste,
24 protection of correlative rights and --

25 CHAIRMAN FESMIRE: "...find that the

1 participation of the intervenor is substantially -- "

2 If they find that the participation of the
3 intervenor contributes or can -- will contribute
4 substantially to the prevention of waste?

5 COMMISSIONER CHAVEZ: Or just the disposition of
6 the case, or -- maybe we don't have to go too long with it,
7 or something along those lines.

8 COMMISSIONER BAILEY: Well, I think it's a good
9 idea to reiterate what the Commission responsibilities are.

10 CHAIRMAN FESMIRE: ...to the prevention of waste,
11 protection of correlative rights --

12 COMMISSIONER CHAVEZ: -- and the protection of
13 public health and the environment.

14 CHAIRMAN FESMIRE: -- or the protection. "Or".

15 COMMISSIONER CHAVEZ: Okay.

16 CHAIRMAN FESMIRE: Okay. So B, we would make the
17 standing change in A and the standing change in what will
18 now be D, so that the whole thing will read, starting from
19 A: "Any person with standing with respect to the case's
20 subject matter may intervene by filing a written notice of
21 intervention with the division or commission clerk, as
22 applicable, at least one day before the date for filing a
23 prehearing statement. Notice of intervention shall include
24 the intervenor's name, the intervenor's address, or the
25 address of the intervenor's attorney, including an e-mail

1 address and fax number if available, the nature of the
2 intervenor's interest in the application and the extent to
3 which the intervenor opposes issuance of the order
4 applicant seeks.

5 "B. Where an intervenor's standing is disputed,
6 the division examiner or commission chairman may, at their
7 discretion, permit the intervention if they find that the
8 participation will contribute substantially to the
9 prevention of waste, protection of correlative rights, or
10 the protection of public health and the environment."

11 MS. LEACH: Mr. Chairman --

12 CHAIRMAN FESMIRE: Yes, ma'am.

13 MS. LEACH: -- I have a little trouble, and I
14 should have brought this up, if I'd thought about it, when
15 Ms. Belin was here. That whole part, proposed new B,
16 starts, "Where an intervenor's standing is disputed..."
17 That's really not what I think you're looking at, because
18 anybody can dispute anything.

19 What you're really looking at is a situation
20 where the proposed intervenor does not have standing, you
21 still may want him to participate because it would
22 contribute substantially to the Commission's understanding
23 of the issues, is what I'm hearing you say.

24 So I would propose that basically instead of
25 saying where an intervening standing is disputed, that you

1 Say the "show" part again, Mr. Chairman.

2 CHAIRMAN FESMIRE: Okay. " -- unless intervenor
3 shows that intervention will contribute substantially to
4 the prevention of waste, protection of correlative rights
5 or the protection of public health and the environment".

6 COMMISSIONER BAILEY: Is that going to contradict
7 any test there is for standing?

8 CHAIRMAN FESMIRE: No, this is absolutely -- By
9 the time we get to this part, we've already determined that
10 they don't have standing. The only way they can get in
11 under this if they show that the intervention will
12 contribute substantially to the prevention of waste -- "

13 COMMISSIONER BAILEY: Then do we need this?

14 CHAIRMAN FESMIRE: The reason that I think we do
15 is in the case that they're talking about, somebody who,
16 you know, believes they have standing but -- you know, have
17 been shown not to have standing but would like to
18 participate. We can allow them to participate if they will
19 -- if their participation will help us prevent waste,
20 protect correlative rights or -- public health.

21 COMMISSIONER BAILEY: Are we opening it up for
22 citizen suits again, doing that?

23 MS. LEACH: I don't think this -- It wouldn't be
24 like a true citizen suit, because they couldn't initiate
25 the suit. They would participate in this case -- there

1 would be potentially a broader participation in a case that
2 was already ongoing than you would have by normal standing
3 rules.

4 I'm not sure how much of a difference it really
5 makes, but it does let more people potentially come in, but
6 it's still controlled by the Commission or by the Hearing
7 Examiner, because this is a discretionary thing, because
8 you would have to find something about -- Okay, first, I
9 think standing is pretty broad. Second, even if you find
10 out that they don't meet the standing test, then you would
11 have to find that there was still some sort of significant
12 contribution this person could bring in order to let them
13 proceed with intervening. So it would be controlled by the
14 Commission.

15 COMMISSIONER CHAVEZ: I move we adopt that
16 language.

17 CHAIRMAN FESMIRE: Is there a second? Well, I'll
18 second it.

19 COMMISSIONER BAILEY: Okay.

20 CHAIRMAN FESMIRE: All those in favor?

21 COMMISSIONER CHAVEZ: Aye.

22 CHAIRMAN FESMIRE: Aye. The motion carries.

23 MS. LEACH: This is one of those where you may
24 want to explain on the record why you did what you did.

25 CHAIRMAN FESMIRE: Right. The 1206 -- I'm sorry,

1 I've got the wrong paper here. No wonder it didn't --

2 MS. LEACH: 1209.

3 CHAIRMAN FESMIRE: 1209.A, the first part, shall
4 read, "Any person with standing with respect to the case's
5 subject matter...", and 1209.C shall read, "The Division
6 Examiner or the Commission Chairman may strike a notice of
7 intervention on a party's motion if the intervenor fails to
8 show that the intervenor has standing to intervene, unless
9 intervenor shows that that intervention will contribute
10 substantially to the prevention of waste, protection of
11 correlative rights or the protection of public health and
12 the environment".

13 Is that your intention, Commissioner?

14 COMMISSIONER CHAVEZ: Yes, it is.

15 CHAIRMAN FESMIRE: Commissioner Bailey, are you
16 still --

17 COMMISSIONER BAILEY: I'm thinking.

18 (Laughter)

19 CHAIRMAN FESMIRE: My reasoning for this is that
20 it broadens -- while I too believe that the concept of
21 standing is broad enough to provide meaningful public
22 participation from most of the citizens of New Mexico, that
23 if there is a reason based in the mandates that the
24 Legislature has given the Oil Conservation Division to
25 include people in the process who would not have standing

1 under our definition, that this will allow them to
2 participate meaningfully in the process, while at the same
3 time providing the Director and the Hearing Examiner with
4 enough control to ensure that the process itself is
5 adequately protected.

6 COMMISSIONER CHAVEZ: I agree that it also gives
7 the intervenor the opportunity to show why their
8 intervention is important, in relationship to the mandate
9 that the Commission has.

10 COMMISSIONER BAILEY: My hesitation comes from
11 the question of whether or not we are absolutely doing away
12 with the question of standing and allows anybody from
13 anywhere, for any purpose, because the jurisdiction over
14 waste, correlative rights, human health, protection of the
15 environment, is so broad that I'm thinking that we have
16 just eliminated any standing requirements by adding that
17 phrase, and that's why I'm hesitant to support that.

18 COMMISSIONER CHAVEZ: If it was more specific to
19 the case at hand -- is this what -- I hope -- I'm trying to
20 understand what you're trying to say here, that initially
21 we talked or brought up the idea that it had to deal
22 specifically with that case as part of protecting
23 correlative rights.

24 And I think that this language still allows that,
25 that it's not that an intervenor can come in for a broad --

SJCA
EXHIBIT
F

**STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION COMMISSION**

**APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION FOR
REPEAL OF EXISTING RULES 709, 710 AND 711 CONCERNING SURFACE
WASTE MANAGEMENT AND ADOPTION OF NEW RULES GOVERNING
SURFACE WASTE MANAGEMENT**

**CASE NO. 13586
ORDER NO. R-12460-B**

ORDER OF THE OIL CONSERVATION COMMISSION

BY THE COMMISSION:

THIS MATTER came before the Oil Conservation Commission ("the Commission") for consideration on April 20 and 21, May 4, 5 and 6 and May 18 and September 21 and 22, 2006; and the Commission, having carefully considered the evidence, the pleadings, comments and other materials submitted in support of and in opposition to the proposal, now, on this 19th day of October, 2006,

FINDS THAT:

1. NMSA 1978 Sections 70-2-11 and 70-2-12(B) grant that the Oil Conservation Division (Division) authority to implement regulations to carry out the purposes of the Oil and Gas Act, Chapter 70, NMSA 1978 Article 2 (the Act). NMSA 1978 Section 70-2-6(B) provides that the Oil Conservation Commission (Commission) shall have concurrent jurisdiction or authority with the Division to the extent necessary for the Commission to perform its duties. Generally, the Commission adopts rules, the Division implements those rules and the Commission hears any final administrative adjudicatory proceedings.

2. This is a **rulemaking** proceeding the Division initiated on its own motion for the purpose of the repeal of existing Rules 709, 710 and 711 [19.15.9.709 NMAC, 19.15.9.710 NMAC and 19.15.9.711 NMAC] concerning surface waste management and adoption of new rules governing surface waste management.

3. Notice was given of the application and the hearing of this matter, and the Commission has jurisdiction of the parties and the subject matter herein.

4. Notice requirements were met and sworn testimony and exhibits concerning notice were presented to the Commission on April 20, 2006. At the conclusion of the **hearing**, on September 21 and 22, 2006, the Commission deliberated in open session by reviewing the proposed rules and voted to accept the rules with certain

13. Controlled Recovery, Inc. presented the testimony of I. Keith Gordon, an engineer with specialized expertise in landfills. Mr. Gordon testified concerning the management of gases in landfills.

14. The NMCCAW presented the testimony of Dr. Donald Neeper who, *inter alia*, described extensive research he had done regarding chloride and hydrocarbon contamination issues.

15. NMOGA presented the testimony of Yolanda Perez, senior regulatory specialist for ConocoPhillips and chair of NMOGA's Regulatory Affairs Committee, who testified as an expert in oil and gas industry regulatory matters.

16. The particulars of the testimony, to the extent necessary to explain the Commission's conclusions, are set forth separately in connection with the discussion of each proposed rule section and subsection.

The Task Force Process

17. Following the conclusion of the hearing, the Secretary of Energy, Minerals and Natural Resources appointed a task force (the Task Force) to review the proposals and evidence and make recommendations to the Commission regarding the provisions that it should adopt based upon the testimony and evidence presented during the hearing. The Task Force consisted of the following persons:

Alan Alexander - Burlington Resources/ConocoPhillips
John Byrom - D.J. Simmons, Inc.
Carl Chavez - Division Staff
Bill Marley - Gandy Marley, Inc.
Raye Miller - Marbob Energy Corp.
Donald Neeper (John Bartlit) - New Mexico Citizens for Clean Air & Water
Dennis Newman - Occidental Permian Ltd.
Terry Riley - Theodore Roosevelt Conservation Partnership
Glenn von Gonten - Division Staff

18. On September 1, 2006 the Task Force published its report, including recommended changes to the Division's June 5 draft.

19. The Division adopted the Task Force Report as a Division proposal and urged the Commission to adopt the changes recommended by the Task Force.

20. The particular recommendations of the Task Force are discussed separately in connection with the discussion of each proposed rule section and subsection.

General Findings and Conclusions

21. The Commission and the Division have the authority, pursuant to NMSA 1978 Section 70-2-12.B (15), as amended, to regulate the disposition of produced water, and, pursuant to Section 70-2-12.B (21) and (22), to regulate the disposition of **nondomestic** wastes resulting from oil and gas industry operations, to protect fresh water, public health and the environment. Rules 709, 710 and 711 were adopted pursuant to this authority, and the Commission has authority to amend these rules in such manner as it **determines** to be necessary and appropriate for the protection of fresh water, public health and the environment.

22. Protection of the environment is not limited to protection of fresh water and prevention of human exposure to toxic agents, but also includes protection of soil stability and productivity, agriculture, wildlife, biodiversity and, in appropriate circumstances, the aesthetic quality of the physical environment.

23. Pursuant to NMSA 1978 Section 74-6-12.G, as amended, The New Mexico Water Quality Act (NMSA 1978 Sections 74-6-1 through 74-6-17, as amended) "does not apply to any activity or condition subject to the authority of the oil conservation commission pursuant to provisions of the Oil and Gas Act . . ."

24. Although the Commission and the Division have authority pursuant to NMSA 1978 Section 70-2-12.B (22), as amended, to apply the Water Quality Act to certain oil and gas industry operations, that authority is included within, and does not limit, the general authority of the Commission and the Division to regulate the disposition of oil and gas industry wastes under the Oil and Gas Act, without reference to the Water Quality Act.

25. Rule 1204.C of the Commission's procedural rules addresses proposed changes to a rulemaking proposal before the Commission. It states, in material part:

Modifications to proposed rule changes.

(1) Any person, *other than the applicant or a commissioner*, recommending modifications to a proposed rule change shall, no later than 10 business days prior to the scheduled hearing date, file a notice of recommended modifications with the commission clerk.
[Emphasis added]

Consistently with this rule, commissioners or the applicant (in this case the Division) could propose modifications to the Original Proposal at any time during the hearing process, until adoption of a final order by the Commission, and the Commission has power to consider all such proposed changes.

26. Rule 1205.E(3) states, in material part:

(3) The commission shall issue a written order adopting or refusing to adopt the proposed rule change, or adopting the proposed rule change in part. . .

SJCA
EXHIBIT
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**STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION COMMISSION**

**IN THE MATTER OF THE PROPOSAL OF THE OIL CONSERVATION
COMMISSION, ON ITS OWN MOTION, TO AMEND OIL CONSERVATION
DIVISION RULES 1201, 1203 through 1205, 1207, 1208, 1211, 1214 and 1220.**

**CASE No. 13482
Order No. R-12327-A**

ORDER OF THE COMMISSION

BY THE COMMISSION:

This matter having come before the Commission for consideration at the regular meeting of the Commission on August 18, 2005 the Commission now, on this fifteenth day of September, 2005,

FINDS THAT:

1. Section 70-2-7 NMSA 1978 provides that the Oil Conservation Division shall prescribe by rule its rules of procedure in hearings and other proceedings. Section 70-2-6B NMSA 1978 provides that the Oil Conservation Commission (Commission or OCC) shall have concurrent jurisdiction or authority with the Division to the extent necessary for the Commission to perform its duties.
2. The Commission initiated this rulemaking effort on September 9, 2004 by appointing a committee to review the existing rules for procedures for hearings and related activities. The committee submitted recommendations to the Commission on January 13, 2005. The Commission raised additional issues and directed the committee to present additional recommendations on March 8, 2005.
3. The Commission issued an order establishing a timeline, notice requirements and comment periods for the proposed rule changes prior to hearing.
4. Notice requirements were met and sworn testimony and exhibits were presented to the Commission on August 18, 2005. At the conclusion of the hearing the Commission deliberated in open session by reviewing the proposed changes to the draft prepared by counsel and voting on each one separately and then voting on the entire package of rule changes as one unit. The following Statement of Reasons

indicates the Commission's analysis of certain key provisions and of the entire package. Additional reasons are included in the transcript of the hearing.

STATEMENT OF REASONS

5. The rule changes are designed to have the ultimate goal of improving the hearings before the Division and the Commission so that ultimately better orders result. By resolving ambiguity and committing prior practice to written rule the rule changes provide the public a better understanding of their participation in the hearing process. The rule changes allow for a more effective and efficient operation. Standards are set for hearing participation rather than relying on differing interpretations as in the past. The new rules will assist the Commission and the Division in efficiently regulating the oil and gas industry and more effectively protect the water resources of New Mexico.

6. Between the time the rules were originally proposed and the time of the hearing the objections of many stakeholders were resolved and the new rules reflect that process. Nevertheless, at the time of the hearing a number of issues still required discussion by the Commission.

7. One of the more controversial subjects concerned who could participate in cases before the Commission and Division. Some participants at the hearing wanted the Commission to allow all participants who had a substantial interest in the subject matter. The Commission did not adopt this standard because it would have to be interpreted and then perhaps reinterpreted by the courts in order to provide guidance to someone who wanted to initiate a case. The Commission determined that "standing" would be required to initiate a case. No definition of the term was provided, because court decisions continue to refine the term and should be relied upon to define standing requirements. Some participants in the rulemaking hearing argued that anyone should be able to bring a case. This proposal was rejected because it would in effect create a citizens' lawsuit provision and that was not provided for in the statutes defining the Commission's powers.

8. "Standing" is also required to intervene in a case, but in the event a person wanting to participate in a case was found not to meet the requirements for "standing" then the person could ask the Commission to be allowed to intervene in the case if the person requesting intervention could show the Commission the intervention was important to the mandates of the Commission. To be permitted to intervene the person would have to show they had ~~special expertise or interest~~ the Commission determines would be helpful to its decision-making process. The Commission, exercising its discretion, would make this determination on a case-by-case basis.

9. Notice periods were expanded in order to allow would-be participants longer to learn of a pending case, decide if they want to participate, and to prepare their

presentations. If emergency circumstances require a shorter time frame, then emergency rules could be used to shorten the notice periods.

10. Timelines were set in terms of business days if the time frames were less than eleven days in order to comply with current statutes and to give a clear understanding of the deadlines.

11. A distinction was made in the new rules between adjudicatory hearings and rulemaking hearings. This adds clarity to the two types of hearings.

12. Clear direction was given for those wanting to participate in an adjudicatory case as a party so their participation and interest would be known and not a surprise to other parties.

13. Prehearing statements are required of all those wanting to testify at a hearing. All those testifying at a hearing are subject to cross-examination by any person filing a prehearing statement. This clarifies who may cross-examine witnesses and the new rule goes on to limit the cross-examination to the subject and matter of the direct testimony. This is in accord with the current practice of the Commission.

14. The Commission established a process of requesting continuances by motion in advance of a hearing so that other participants would not appear only to learn a case had been continued. The Commission retained its authority to continue a case once it had started without giving additional notice so that a case in progress could continue the next day or later and the time, place and date would be announced at the hearing.

15. The Commission established a process for commenting on proposed rules and expanded the methods of filing such rules so they may be presented in writing and by electronic and facsimile means in order to facilitate the participation of the public.

16. The Commission decided to retain its present numbering system for the rules because it is familiar to many people. For this reason the Commission directed staff to request State Records and Archives to allow the definitions in the proposed rule changes to be incorporated within the existing part of the rules addressing definitions.

IT IS THEREFORE ORDERED THAT:

1. Oil Conservation Division Rule 19.15.14 NMAC is repealed as indicated in Exhibit A to this Order;
2. New Oil Conservation Division Rule 19.15.14 NMAC is adopted as indicated in Exhibit B to this Order; and

3. Oil Conservation Division Rule 19.15.1.7 NMAC is amended as indicated in Exhibit C to this Order.
4. Oil Conservation Division staff is instructed to secure prompt publication of the referenced rule amendments in the New Mexico Register.
5. The Commission retains jurisdiction of this matter for entry of such further orders as may be necessary.

DONE at Santa Fe, New Mexico, on the day and year hereinabove designated.

STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION




MARK E. FESMIRE, P.E., CHAIR


JAMI BAILEY, CPG, MEMBER


FRANK T. CHAVEZ, MEMBER

SEAL

SJCA
EXHIBIT
H

Congress of the United States
Washington, DC 20515

October 5, 2018

Mr. Brian Steed
Deputy Director, Policy and Programs
Exercising Authority of the Director
Bureau of Land Management
1849 C Street, NW, Room 5655
Washington, DC 20240

Dear Mr. Steed:

The attached letter was sent to us by Mr. Michael Eisenfeld of the San Juan Citizens Alliance in Farmington, New Mexico. The letter is in regard to an application currently pending in the New Mexico Oil Conservation Commission to amend the allowed density of wells in the Blanco-Mesaverde Gas Pool in Rio Arriba and San Juan Counties (Case No. 16403).

In his letter, Mr. Eisenfeld seeks clarification of the Bureau of Land Management's (BLM) oversight responsibility of oil and gas development of federal lands and the potential impact on public health and the environment of the proposed increase in well density in the San Juan Basin of New Mexico. The alliance's letter also poses a number of specific questions about how the application would comply with the Federal Land Policy and Management Act, the Endangered Species Act, the Clean Water Act, the Clean Air Act, the National Environmental Policy Act of 1969, National Historical Preservation Act, and other applicable laws, Executive Orders, and BLM management policies. He also asks that you assure that any increase in well density is in full compliance with the BLM Farmington Field Office's 2003 Resource Management Plan.

Given the significant public interest in these matters, we respectfully ask that you carefully review Mr. Eisenfeld's letter and respond fully to each of the issues and questions. The State of New Mexico is set to rule on issues related to these matters by November 19, 2018. Therefore, a response is requested as soon as possible, but no later than November 1, 2018.

Sincerely,



TOM UDALL
United States Senator



MARTIN HEINRICH
United States Senator



BEN RAY LUJÁN
Member of Congress



PO Box 6655
Farmington, NM 87499
505.325.6724
sanjuancitizens.org

October 1, 2018

The Honorable Martin Heinrich, United States Senate
303 Hart Senate Office Building
Washington, D.C. 20510
(202) 224-5521

The Honorable Tom Udall, United States Senate
531 Hart Senate Office Building
Washington DC, 20510
(202) 224-6621

The Honorable Ben Ray Luján, United States House of Representatives
2231 Rayburn HOB
Washington, D.C. 20515
(202) 225-6190

Dear Senators and Representative Luján,

Oil and gas companies in San Juan and Rio Arriba counties in Northwestern New Mexico have made clear the intention to downspace oil and gas drilling operations that could significantly impact federal lands (federal minerals and surface). Of particular note is the recent Hilcorp application to change the well density of Blanco-Mesaverde wells before the New Mexico Oil Conservation Commission (NMOCC) from the current 8 wells per section to 16 wells per section in San Juan and Rio Arriba counties. This could result in approximately 7,500 new natural gas wells in a region that already has significant oil and gas development.

At a September 13, 2018 hearing before the New Mexico Oil Conservation Commission (NMOCC), Hilcorp stated that the Bureau of Land Management (BLM) has been supportive of this proposed well density change. Hilcorp has also portrayed this application as a means for recompletion of wells. The hearing has been continued before the NMOCC to November 19, 2018.

The purpose of this letter is to gain clarity on BLM's oversight responsibilities pertaining to proposed oil and gas well density changes ensuring that energy development and production of our non-renewable resources are done carefully and in compliance with all federal rules designed

to protect the health and environment of New Mexico citizens and multiple use provisions for public land.

We would like to know if BLM has been formally presented with and /or notified about Hilcorp's proposal to downspace Blanco-Mesaverde drilling from the current 8 wells per section to 16 wells per section in San Juan and Rio Arriba counties? If so, we ask to be notified of the formal BLM response, and of what measures the BLM will take to evaluate impacts on federal subsurface minerals and the impacts well density changes will have to federal resources, including, but not limited to, air/water/climate. In addition, we ask if BLM has assessed how this proposed well density change would or would not conform with the existing 2003 Resource Management Plan for the BLM Farmington Field Office?

BLM Planning Criteria that must apply to the well density changes proposed by Hilcorp for the Blanco-Mesaverde formation include:

- Compliance with the Federal Land Policy and Management Act, the Endangered Species Act, the Clean Water Act, the Clean Air Act, the National Environmental Policy Act of 1969, National Historical Preservation Act, and all other applicable laws, Executive Orders, and BLM management policies.
- Conformance with the existing reasonable foreseeable development scenario to predict future levels of development in the BLM Farmington Field Office.
- Coordination with federal, state, and local agencies and tribal governments in the process to achieve consistency with existing plans and policies.
- Recognition of special importance of public lands to people who live in communities surrounded by public lands and the importance of public lands to the nation as a whole.
- Broad-based public participation requirements and responsibilities. Decisions in any applicable plan will strive to be compatible with the existing plans and policies of adjacent local, state, federal, and tribal agencies as long as the decisions are consistent with the purposes, policies, and programs of federal law and regulations applicable to public lands.
- The BLM is required to update management actions that are no longer adequate to address unforeseen impacts of additional oil and gas development within proposed actions that are not accounted for in the current RMP.
- BLM is required to enforce Environmental Protection Agency (EPA) standards for recompletions if EPA has no state authority for compliance.

Please reply in writing by November 1, 2018 as to how BLM intends to respond to the Hilcorp proposal for well density changes within the Farmington Field Office. If BLM is unable to address the questions above prior to the November 19th, 2018 hearing of Hilcorp before the NMOCC, we believe it would be appropriate for BLM to request a further continuance of the hearing until a thorough understanding of how this proposal would impact federal lands, and whether Hilcorp's proposal is in compliance with the Federal Land Policy and Management Act,

the Endangered Species Act, the Clean Water Act, the Clean Air Act, the National Environmental Policy Act of 1969, National Historical Preservation Act, and all other applicable laws, Executive Orders, and BLM management policies.

Sincerely,

A handwritten signature in cursive script that reads "Michael Eisenfeld".

Michael Eisenfeld
Energy and Climate Program Manager
office: 505.325.6724
mobile: 505.360.8994
sanjuancitizens.org

SJCA EXHIBIT I



Rio Arriba
Board of County Commissioners

Doc Id: 2019-028 Erik
Meeting Date: 10/25/2018
Receipt #: 45044 Page 1 of 2 Doc Code: RES
Linda J Padilla County Clerk & Recorder Rio Arriba, New Mexico



Resolution No. 2019-028

COMMISSIONERS
Barney Trujillo
Chairman
District I

Alex M. Naranjo
District II

Danny J. Garcia
District III

COUNTY MANAGER
Tomas Campos III

DEPUTY COUNTY
MANAGER
Leo R. Marquez

Resolution No. 2019-028

**Declaring the Rio Arriba County Commission's Support for the
Federal Congressional Delegation's Request that the BLM and the EPA Ensure
that the Air and Water Quality in Rio Arriba County and the Region are
Protected**

WHEREAS, the northwestern portion of Rio Arriba County lies within the San Juan Basin, an oil and gas-producing area with tens of thousands of active oil and gas wells; and

WHEREAS, this region relies substantially on the oil and gas industry for its economic well-being, and major public and private investment has been made over the years; and

WHEREAS, the Rio Arriba County Commission has come to learn of an application currently pending in the New Mexico Oil Conservation Commission to amend the allowed density of oil and gas wells in the Blanco-Mesaverde Gas Pool of the San Juan Basin, which is located partially in Rio Arriba County; and

WHEREAS, the Rio Arriba County Commission has come to learn that the following members of the federal Congressional delegation, Senator Tom Udall, Senator Martin Heinrich and Congressman Ben Ray Lujan have recently sent letters to the Deputy Director of the Bureau of Land Management (BLM) and the Assistant Administrator of the Environmental Protection Agency (EPA) requesting that their respective agencies review and determine whether an increase in the density of wells in the Blanco-Mesaverde Gas Pool will negatively affect the air and water quality in the region, or violate existing environmental protection laws and regulations; and

WHEREAS, the Rio Arriba County Commission is an elected body that represents the citizens of the County including the northwestern portion of Rio Arriba County; and

WHEREAS, the Rio Arriba County Commission is committed to fighting for its constituents' rights to clean air and water, and to balance the interests between economic growth and negative environmental impacts; and


WHEREAS, the Rio Arriba County Commission hereby declares its support for the federal Congressional delegation's request that the BLM and the EPA ensure that the air and water quality in Rio Arriba County and the northwestern New Mexico region are protected.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Rio Arriba County that:

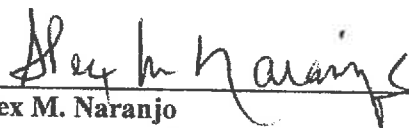
1. The Rio Arriba County Commission formally requests that the BLM and the EPA comply with the request from the above-mentioned Congressional delegation and review and determine whether an increase in the density of wells in the Blanco-Mesaverde Gas Pool will negatively affect air and water quality in Rio Arriba County and the region.

SIGNED, ADOPTED AND APPROVED THIS 25th DAY OF OCTOBER 2018.

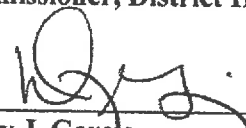
**BOARD OF COUNTY COMMISSIONERS
RIO ARRIBA COUNTY, NEW MEXICO**



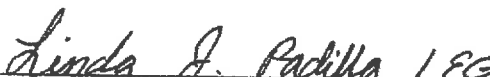
Barney Trujillo, Chairman
Commissioner, District I



Alex M. Naranjo
Commissioner, District II



Danny J. Garcia
Commissioner, District III

ATTEST: 

Linda J. Padilla, Rio Arriba County Clerk



Doc Id: 2019-028 Erik
Meeting Date: 10/25/2018
Receipt #: 45044 Page 2 of 2 Doc Code: RES
Linda J. Padilla County Clerk & Recorder Rio Arriba, New Mexico

SJCA
EXHIBIT
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SJCA EXHIBIT I