

Saguache County Board of Commissioners met in regular session  
Wednesday, January 2, 2007 with the following present:

Mike Spearman, Chairman  
Linda Joseph, Vice Chairman  
Sam Pace, Commissioner  
Ben Gibbons, County Attorney  
Wendi Maez, Co-Administrator  
Melinda Myers, Secretary and Clerk to the Board

Meeting called to order by Chairman Spearman at 9:03 A.M.

Under Additions or Deletions to the Agenda:

1. Add: SLV Water Preservation Coalition – Matthew Crowley at 1:30.

**Pace moved to approve the agenda as amended. Joseph seconded the motion. The vote was three Ayes.**

Reading and approval of minutes:

**Pace moved to approve the minutes of December 18, 2007 as amended. Spearman seconded the motion. The vote was three Ayes.**

**Ben Gibbons - Attorney Report**

- According to Gibbons' research, an Oil and Gas moratorium would not apply to existing or pending permits. Any moratorium would have to have a stated purpose, such as creating time needed to complete and implement County oil and gas regulations.
- Contacts were made over the last couple months with various attorneys and consultants with expertise, who offered to review and comment on Saguache County's O&G regulations draft when completed by Saguache County Planning Commissions. Given that the PCs are volunteers, mostly without prior experience in these issues, Commissioner Joseph suggested that sending the draft as is now, would give the PCs expert guidance to focus their work on completing the O&G regulations perhaps provide the needed information to do so, Gibbons sent the regulations during the meeting to the following attorneys and experts to review and send in comments and recommendations:

Council for the Oil & Gas Accountability Project

Travis Stills, Energy Minerals Las Center

David Baumgarten, Gunnison County attorney

Rio Grande Water Conservation District

Gibbons will review and present responses received to the Board.

Review of Mail:

**Pace moved to renew the membership in the Colorado Field Institute for \$100.00. Joseph seconded the motion. The vote was three Ayes.**

1. **Jerrilyn M. Wueste**, Chairman Colorado Field Institute, sent a letter inviting Saguache County to renew the Annual Business Membership for 2008. Last years membership help promote stewardship of the natural and cultural resources in the San Luis Valley. (12/13/07)
2. **Helen Molonphy**, of Crestone, sent a letter requesting the county become an official cooperative agent with the U.S. Fish and Wildlife Service in the NEPA process and to impose a six month moratorium on oil and gas development in Saguache County. (12/18/07)
3. **Dan S. Dallas**, Forest Supervisor/Center Manager Rio Grande National Forest, sent a letter to notify interested parties that the Bureau of Land Management is considering a proposal to exchange up to 10 parcels of federal land totaling approximately 2693 acres in Rio Grande County to acquire up to 189.8 acre feet of water annually from the Anderson Ditch located near Monte Vista. The proposed exchange is to acquire a permanent source of augmentation water for the Blanca Wildlife Habitat Area. The Notice of Exchange Proposal and a project map are attached. (12/19/07)
4. **Eleanor G. West** sent two flyers for upcoming AgrAbility workshop to be held Tuesday, January 29 at the SLV Information Center in Monte Vista. This workshop will be dealing with Knee, Hip and Joint problems and is designed to offer assistance to farmers and ranchers who have disabilities but still want to be involved in agriculture. (12/19/07)
5. **Jim Guthrie**, Fishing Is Fun Program Administrator sent a letter with information concerning the opening of the 2008 Fishing Is Fun program grant cycle. The deadline for applications is February 29, 2008. Attached is information on the Fishing Is Fun program and examples of recent projects. (12/24/07)
6. **Colorado Open Landscapes** sent the Fall 2007 edition of A Newsletter of Colorado Open Lands. (12/26/07)
7. **Charles Johnson**, Unit Leader Solid Waste Unit Hazardous Materials and Waste Management Division sent a copy of a letter that was sent to John and Catherine Baxter and also E. Nelson Fleming concerning Compliance Order NO. 07-12-12-01. (12/26/07)

**Introduction of Guests:** Kimberly Bryant - OEM; BLM - Andrew Archuleta, Mark Spinney, Dario Archuleta; Citizen for SLV Water Preservation Collation – Matthew Crowley, Tamar Ellentuck; CBPC – Lisa Cyriacks, Christian Dillo; SCPC - Don Geddes; SLVCA - Richard Enzer; Dale and May Engquist, Kathryn Van Note, Kelsey Hauch, Aurrella Andhara, Chuck and Esther Grant, Lorraine Cazier, Janet Martinez, Robert Demko, Kyle and Janet Andersen, Matie Lakish and Pavita Decorah; Eric Karlstrom – Water Watch Alliance; JoAnne Kiser – Crestone Baca Land Trust; Lorraine Davis – Rediscovery; Steve Smilack; Peter Schlegel; Jo Carroll Hann; William Porter; Thomas Ontko; Charlotte Bobicki – Senator Salazar representative; Erin Minks – Congressman Salazar representative; Ruth Heade – Valley Courier; Matt Hildner – Pueblo Chieftain.

#### **Commissioners' Reports-Updates of Meetings:**

**Linda Joseph** reported:

- December 18 - Attended the Master Plan Citizen Advisory Council meeting and dinner, presented by Rock Creek Studios Consults.

- December 19 - Attended the presentation by NEPA Experts from U.S. Environmental Protection Agency in Denver - Joyel Dhieux, NEPA Specialist in Oil and Gas Issues and Dick Clark, NEPA Specialist for National Park Lands. In accordance with EPA "Section 309", the EPA is an independent, objective reviewer, providing comments during NEPA through the same comment channels as everyone else. They are mainly active in EIS processes, and in those cases provide a rating on a scale from no objections to violation of environmental protection. They are getting involved in the Baca Refuge during the EA, so their rating procedure does not apply. The aspects they look at, among other things:
  1. Air Quality, which is a particular concern, due to the Class 1 status of the Dunes, which requires maximal protection.
  2. Water quality standards
  3. Context and Intensity - the purpose and need for the project and effects on the locale
  4. Degree of human health and safety impacts.
  5. Proximity to ecologically critical area.
  6. The potential for cumulative and future impacts.
  7. Uncertain, unique and unknown risks.
  8. Violation of law.
  9. Endangered species or historical resource significance.
  10. Level of controversy.
  11. Alternatives to ensure preferred scenarios and best mitigation.
- December 20 - Attended the Gunnison County Emergency Management sponsored meeting to address hazmat transport on Highway 114. The CDOT restrictions dating back to 1987 and those of Saguache County are in compliance conflict and this needs to be corrected. The mechanism identified is a petition to Colorado State Patrol (CSP). Key points:
  1. The CDOT restrictions DO allow for local delivery and Ag traffic.
  2. Bringing Saguache County into alignment with CDOT/CSP's compliance requirements, does NOT affect loads under 500 gallons, or other potentially toxic materials that are not listed as Hazmat.
  3. Main fuel suppliers apparently don't routinely use this route, and the increased distance of using Route 50 is negligible, relative to the entire travel route from supplier to delivery.
  4. Increasing amounts of wide load traffic - often without required pilot cars are using Hwy 114 and there are questions of Road width adequacy.
  5. Enforcement could be improved by CSP and local officers spending more time at either end of Hwy 114.
  6. There are inadequate resources to do a full study (1 week, 24 hours) to know what the traffic patterns really are.
  7. Better signage and enforcement of the use of placards might help.
  8. Pull outs on HWY 114, for enforcement and for emergencies could be considered.
- December 21 - Attended the Road & Bridge Christmas Dinner.

- County Website – [www.saguachecounty.net](http://www.saguachecounty.net), the current host has just completed the process of moving to a server in Arizona. We had significant problems, mostly resolved now, in that transition.
- The Tourism Council would like to move ahead to ensure a quality, dynamic web presence for the next tourist season. Time is available on the 1/15 BOCC agenda to discuss synchronizing pursuit of internet services for Tourism and the County website as a whole - bids, costs, etc.

**Joseph moved to adopt a resolution to petition the Colorado State Patrol to bring Saguache County Hazardous Material Route Designations into compliance with those of C-DOT, CSP and Gunnison County. Pace seconded the motion. The vote was three Ayes.**

**Sam Pace** reported:

- Attended a session on the 19th with EPA reps Joyel Dhieux and Dick Clark on what their involvement can and might be in the NEPA process with the Fish & Wildlife Environmental Assessment on the Lexam drilling. They will weigh in at the last moment possible before the deadline. Wetlands, Corps of Engineers involvement, timelines and many other things were discussed.
- Attended South Central Seniors meeting on 20<sup>th</sup> and decided to restore ½ of funding for meal site that were scheduled to lose funding. None of the sites are in Saguache County. We are part of region 8 and any SLV county has to work through South Central Seniors in order to get federal and state funds, to change this would require an extensive process.
- Attended Road & Bridge Christmas party, there was good food and fun.

**Mike Spearman** reported:

- Attended Road & Bridge Christmas party.
- Attended the Master Plan meeting.
- Has been visiting with constituents who are in favor of oil and gas development in Saguache County as a form of economic development.

**Wendi Maez** - CO-Administrators:

- Board signed the Veteran's report for December.
- Vouchers for refund of County Sales Tax erroneously collected in January were approved.

**Joseph moved to appoint Rebe Collins as the interim County representative to the Colorado River Water Conservation District Board. Pace seconded. The vote was three Ayes.**

- Received a request for re-appointment of Rebe Hazard to the Colorado River Water Conservation District Board. The letter states that this appointment must be made at the first meeting of 2008.

**Pace moved to renew the contract with the Conour SLV Animal Shelter. Joseph seconded the motion. The vote was three Ayes.**

- Conour SLV Animal Shelter has sent their contract for 2008, they have signed the contract. The amount for their services is \$110/mo for a total of \$1320 for the year.
- We did not receive any bids in the heating system for the courthouse. Bid requests were advertised for 3 weeks and we got no responses. Pete Garcia has talked to Vendola, who is interested but very busy at this time.
- The hole in the ceiling on the top floor has been repaired. The windows have been installed and a big difference has been made in the heating of the building. There are a couple of things they still need to complete the window installation
- 2008 Agenda changes-  
Land Use, Commissioner Reports and the Attorney report will be in the morning session and the Road and Bridge report will move to the afternoon with the other department head reports.

Break

**Randal Arredondo** – Road & Bridge Supervisor:

- Discussion on whether or not there would be Title III funds coming in for 2008 and how that will effect the department budget.
- Reviewed the Road Impact Fees for Rio Blanco County and found many areas which need to be updated in the Saguache County regulations. Has researched the actual traffic involved in creating a well site and the continuing production.
- Road and Bridge report will move to the afternoon session, right after lunch.
- Open house for the new Road and Bridge office - scheduled 1/15/08 at 4:30 pm.
- Arredondo will fill out the CSP petition for Saguache County to resolve the compliance conflicts in Highway 114 hazmat restrictions. Joseph will notify the parties in attendance at the meeting Gunnison County hosted on this topic.

**Randal Arredondo** - Land Fill Supervisor:

- Changed the part time employee to full time in order to better comply with state mandates.
- Compared bids on scrape metal haulers.

**Pace moved to enter into Executive Session at 11:28 A. M. for personnel purposes under CRS 24-6-402(4)(f)(i). Joseph seconded the motion. The vote was three Ayes.**

**Pace moved to return to regular session at 11:59 A. M. Joseph seconded the motion. The vote was three Ayes.**

The meeting was adjourned at 12:00 P.M. for Lunch.

The meeting was reconvened at 1:05 P.M.

**Donna Newsom** - Nursing Director

SCPH continues to work toward completing our agency goals for 2008. Some of the goals we are hoping to achieve during 2008 include:

\*COMMUNITY/COUNTY EMPLOYEE WELLNESS PROGRAM. Saguache County Public Health is in the process of reviewing a wellness program(s) sponsored by Welcoa. (See handout). Presently there are 6 Colorado counties that provide wellness initiatives for county employees through Welcoa. The cost of an annual membership is \$365.00.

\*PUBLIC HEALTH FITNESS FACILITY OPEN IN SPRING 2008. (UPDATE)

\*ALL PCP STAFF/ PUBLIC HEALTH STAFF CPR CERTIFIED IN 2008.

\*ALL PCP CLIENT'S WILL HAVE AN OPERABLE SMOKE/CO2 ALARM IN 2008 (GRANT FUNDING).

2. The PCP agency currently has a client base of 110 clients. This includes private pay as well as Medicaid clients. The average billing continues at approximately \$40k monthly. The denials are minimal.
3. The STEPP grant renewal is due January 23. Donna Newsom and Ileen Rivale attended the STEPP grant workshop in Denver in December. One of the changes in our grant will be the addition of the disparate population outreach through LSTPN. This is the Latino outreach coalition in Colorado.
4. Flu shots are continuing as long as we have vaccine. There is no charge for the shots.
5. The Mass Vaccination clinic held on November 17th was by all standards a success. Our numbers were down from previous years however CDPHE recognizes that this was due in part at the late timing of the event. We successfully vaccinated 460 clients. This number did not include the shots that were provided to walk-ins and various businesses and departments within the county. Much appreciation goes to Donald Newsom for his dedicated involvement in making this effort successful. The volunteers that again came forward demonstrate the effectiveness that Saguache County can obtain by working together toward a common goal. Thank you to the volunteers and county employees that gave unselfishly of your time to help our county "Be Prepared".
6. Epidemiology Report: Influenza has reached the SLV. We have reports of scattered flu in the valley. The highest incidence is on the Front Range.

**Joseph moved to enter into Executive Session at 1:29 P. M. for personnel purposes under CRS 24-6-402(4)(f)(i). Spearman seconded the motion. The vote was three Ayes.**

**Pace moved to return to regular session at 1:48 P. M. Joseph seconded the motion. The vote was three Ayes.**

**Mathew Crowley - SLV Water Preservation Coalition:**

- Presented a letter from the Coalition to address several points regarding the proposed Lexam drilling and oil and gas exploration in general. Complemented the Commissioners on their hard work on this very complex issue. Clarifications made:

The County has been pursuing Cooperating Agency status with USFWS, and to date has received no response. Community members wishing to support the County in receiving this designation should direct their comments to USFWS.

Erin Minks and Rep. John Salazar are being copied on County correspondence on State and Federal jurisdictional issues, and are apprised of progress, and, lack thereof.

There are already MOUs between the County and Lexam addressing road and waste issues. These allow for adjustment, as agreed by the parties. Research is underway on costs and best practices.

Regarding the request for a consultation by Colorado Natural Heritage Program – Joseph pointed out that an extensive inventory was done by CNHP several years ago for the region, and subsequently provided the following reference:

**<http://cnhp.colostate.edu/reports.html>**

Scroll down to "1998 Documents and Reports". There are 2 reports there. Here are the citations:

Saguache County, Closed Basin Biological Inventory Volume I: A Natural Heritage Assessment (PDF 40.2 mb). Rondeau, R. J., D. Sarr, M. B. Wunder, P. M. Pineda, and G. M. Kittel

Saguache County, Closed Basin Biological Inventory Volume II: A Natural Heritage Assessment of Wetlands and Riparian Areas in the Closed Basin, Colorado Final Report (PDF 28.7 mb). Sarr, D. and J. Sanderson

**Andrew Archuleta** – Forest Service/BLM, noxious weeds, road and maintenance:

- The biggest threat to the Valley ecosystem is invasive plant species. Millions of dollars are lost from noxious weed encroachment – losses on rangeland for livestock and wildlife.
- Road maintenance and other ground disturbance activities need to be mitigated to discourage weed growth.
- Would like to report to the BOCC every month on the on going issues of the Public lands.

**Mark Swinny** – Forest Service/BLM:

- Gave history of invasive weeds on public lands in other parts of the West.
- Spoke of combined efforts with the Counties.

**Dario Archuleta** - Forest Service/BLM:

- Wants to set up a workshop with FS/BLM, NRCS, SLV Weed Board, Center Conservation District and Saguache County BOCC sometime in February.
- Topics would include weeds, productivity, and water conservation to name a few.

**Wendi Maez - Land Use Administrator:**

- Planning Commission Oil & Gas moratorium request. Clarification on details of a moratorium, current court action and jurisdictional clarifications were made for the audience. The Board updated the crowd on the work that has already been done, including sending the draft Oil and Gas regulations to the outside experts, earlier today. Members of the public made comments on the Lexam wells, oil and gas exploration in general and the moratorium.

**Pace moved to have Attorney Gibbons draft a resolution for a moratorium for a period no greater than six months or such lesser time that oil and gas regulations are adopted by the County. The purpose is to prohibit the issuance of a conditional use or other permit by the County for oil and gas operations until the adoption of oil and gas regulations are completed. Joseph seconded the motion. The vote was two Ayes and one Nay.**

- Pace summarized that the Board had requested the COGCC honor the NEPA process before permitting Lexam Well Permit #7 and they have referred the question to the Attorney General. Meanwhile, the County had a deadline of Dec 31 to request a hearing and did so. The County also sent comments on COGCC's current 18 conditions on Lexam's #7 permit. Even though State and Federal decisions "trump" County powers in many important areas, it is important for the county to have strong regulations that protect surface rights and the health and safety of Saguache county residents. Also that he could support a moratorium if it did not delay the adoption of these regulations.
- Joseph pointed out that with the time restrictions on moratoriums, it is important to consider when to apply this useful tool most strategically, to give the maximal time to addressing the concerns raised in completion of the O&G regulations. Having the responses of the expert comments requested will help define the scope of work to be done to finish up the draft regulations.
- Spearman stated concern that the moratorium was taking private property rights away from individuals or entities without just compensation. He also stated that he felt adopting Oil and Gas regulations sooner rather than later is the best way to protect the County's interest, since there are currently no existing rules and regulations. The regulations could always be improved by future amendments.

**Pace moved to adjourn at 5:09 P.M. Joseph seconded. The vote was three Ayes.**

Respectfully Submitted,  
Melinda Myers Secretary to the Board of County Commissioners

Minutes Approved January 8, 2007

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Chair

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Attest

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Commissioner

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Commissioner