

**Planning Commission Meeting Minutes**  
**June 12, 2019**

Planning Commission Members in Attendance: Angela Mackey, Kim Shay, Tate Locke, Steve Shea, Steve Schrock, Layne Brones, Tom Kay, Jacob Gray

Associate Members: Eli Wolcott, Dick Gilmore

Absent Members: Lucinda Stanley

Planning Staff in Attendance: Economic & Community Development Director, Elyse Casselberry, Current Planning Manager, Kelly Yeager; Planning Tech, Jeanie McCulloch.

Chair: Angela opened the meeting at 5:30 with introductions and procedures of the meeting.

**Item #1: Approve Previous Meeting Minutes for May 22, 2019**

**Motion: Kim** moves to approve minutes as presented with typo corrections.

Pg 3 - Uncompaghre spelled wrong

Steve Shea is spelled wrong on the last page

Page 18 last paragraph ad as in advertisement has two 'd's

**Second: Layne**

**Motion carries**

Minutes Approved

**Item #2: SUB-19-015 Hanning Subdivision- Continued from 5/22/19 Meeting**  
**Landowners: Christopher & Anael Rebekah Hanning**

**Rebekah Hanning is present and is representing the subdivision**

Planner Yeager read the motion by Jacob Gray for continuation from the last meeting to gather info on: • Fire mitigation of \$1500 • Taps available confirmed • Legitimate road maintenance agreement confirmed • Confirmation of UVWUA about head gate issue • Three separate road maintenance fees, if they are in the HOA, • City conversation on Growth Management Area.

- Fire Mitigation Fee of \$500/lot will be paid at final plat for total of \$1500.
- Three (3) Tri County Domestic Water taps are confirmed. One tap has been purchased and the other two taps will be purchased at Final Plat. Letter Attached.
- A Riverbend Subdivision Right of Way Maintenance Agreement was recorded on 04/08/1998 (copy attached). Riverbend Subdivision was approved and the documents recorded on 4/8/1998 including the Right of Way Maintenance Agreement. To our knowledge there is no documentation in the Riverbend Subdivision file. It is hard to believe Lot 6 would be involved since it was a working gravel pit for 20 years it was in operation.
- Confirmation UVWUA about head gate issue
- 3 separate road fees, if they are in the HOA. We are unable to find any documentation Lot 6 ever contributed to the Road Maintenance fund since it was designated a gravel pit.
- City Conversation on Growth Management Area. Riverbend Subdivision received final plat approval on 4/8/1998. A notice was sent to the City of Delta and no comment was received (notices attached).

A plat note on the final plat of Riverbend Subdivision; "There is no water tap required for Lot 6, Lot 6 will remain as a gravel pit and on other type of use or development will be permitted unless approved by the Board of County Commissioners". The restriction was released by the Board of County Commissioners on 16th day of July, 2018. Commissioner Suppes made a motion that the board change the land use for Lot 6 for Riverbend Subdivision land owners Greg and Julie Fedler to residential use and that there be a notation that the purchaser of this property acknowledges the currently operational gravel pit to the south. Chairman Atchley stepped down and seconded the motion. Motion carried by a vote of 2 to 0.

The State of Colorado Division of Reclamation, Mining and Safety (DRMS) approved the Amendment application submitted to the Division on July 23, 2018 addressing the following: Changing the Post Mining Land Use to General Agriculture. DRMS released Lot 6 from reclamation; no more ties to Reclamation and the Board of County Commissioners have full authority to approve the Residential land use. The question is was Lot 6 part of the Riverbend HOA when it was designated and used as a gravel pit and until the request was presented to the

Board of County Commissioners in 2018 to change the land use? The original Riverbend Final Plat showed no access from Townsend Road at its present location. The internal access road did not cross Lot 6. It shows an access on the south side of the gravel pit and bordering the gravel pit on the west side. The vacation and the re-establishment of the easement was completed and recorded on 3/23/2006. So Lot 6 was not involved in the road Maintenance Agreement since when the final plat and documents were recorded there was not a 60' wide road platted.

Find peculiar is that lot 6 address is 1348 F Road, Delta. The rest are addressed on 1400 Rd. The land has irrigation water supplied by UVWUA in the name of Riverbend Subdivision.

Rebekah tried to address all the issue last time.

Tri-County recommends homeowners install pressure regulators to lower the pressure to the household for the recommended use of about 50-60 psi.

Rebekah did a subdivision irrigation water division plan and she said the headgate is on the south west corner. Rebekah has tried to address all the issues from last time.

Kelly read the comments received from the Engineering Office.

Rebekah agreed to dedicate the area at the top of the hill, the east side for the cul-de-sac.

Proponents: none

Opponents: none

**Questions to Planning Staff & Applicant from Planning Commission Members:**

Q) Is Delta County going to put the cul-de-sac in? A) This was on the memo from the last meeting. Rebekah will pay to have the survey done and Road & Bridge, Larry will pay to have the gravel put on Townsend Road.

Q) No continued maintenance commitment on the road by the county? A) No, it's a private road. Delta County requested the cul-de-sac. Rebekah donated the land and agreed to do the survey and R&B will supply the gravel for the cud-de-sac.

Q) Are you comfortable with all the recommendations from the County Engineers? A) In regards to the HOA road maintenance, the engineers are referring to the page that indicates it is not the duty of the county or Lot 6 to maintain.

Q) Confused by labeled Lot 6 of the subdivision. A) It was labeled Lot 6 when it was formed and created in 1998 and was permitted by the GRMS as a gravel pit. The pit was there for 20 yrs. Lot 6 was part of the original subdivision.

Q) Everything else about the HOA is their private business? A) It's functioning and is something Rebekah will work on for final plat.

C) Sometimes when a cul-de-sac is surveyed and staked out doesn't mean gravel will get there right away, sometimes it's an official deeding that someday if someone really wants it they can build it.. A) Road & Bridge didn't specify but requested when the subdivision came up, they wanted a place to turn around for the county, road grader and mailman to turn around. R&B didn't give a date. Assume will be soon.

Q) In the Hanning water division plan, it indicates lots 1, 2 & 3. Which lot are you in within this agreement? A) It's all within this subdivision, Lot 6 is being split into 3 lots.

**Motion:** Steve Schrock moves that the PC recommend approval of SUB19-005 Hanning Subdivision with the conditions of approval as outlined by County Staff in the staff report dated May 22 2019, The concept of the sketch plan appears feasible, and with the conditions of approval appears it can comply with subdivision standards outlined in Article II Section 2.7 of the Subdivision regulations.

**Second:** Kim Shay

Approved unanimously.

**Motion carries**

To BoCC: June 25, 2019 @ 10:00 a.m.

**Item #3: SD19-006 Gunnison Energy- Exploration Oil & Gas Wells**  
**Landowner: Hotchkiss Ranches, Inc.**  
**Applicant: Gunnison Energy, LLC**  
**Representatives: Jessica Donahue & Neal Pederson**

Director Casselberry opened her presentation and went over a couple of the Specific Development Regulations. Article II Section 4.1, Oil and Gas is required by the Specific Development to go through the Specific Development process and get a development agreement. Section 4.2 states that oil and gas operations or related facilities should be reviewed per Appendix 1. Appendix 1 states that following Appendix 1 is in lieu of Article 6 under performance standards, so oil and gas have own set of performance standards. This is an oil and gas well so Appendix 1A that you are looking at for the performance standards. This is an expansion of an existing pad identified as 13-024 of Hotchkiss Ranch and previously approved in 2010. It was done administratively. Article 2 Section 4.3 allows an oil and gas well that has just one well on it to be review administratively. This application has 6 wells and requires full review. The next issue is with Senate Bill 181 and how it affects everything. Senate Bill 181 does not create an oil and gas moratorium in the state. It does give local governments, that want to, greater latitude in their ability to regulate oil and gas that has been previous available to local governments. It takes the issue of preemption off of the table and gives greater flexibility. The County can decide if they want to take the advantage of that greater flexibility. The state has begun implementing 181 for that portion that impacts the state and includes very extensive rule making process that they have just begun and indicate it will take a couple of years to get through. Have had opportunity for several conversations with the COGCC and they have made very clear that local governments have the flexibility to decide what they want to do. Asked for clarification whether 181 impacts current regulations and have no indications with any issues and moving forward with current projects under the current regulations. Over time as the state does their rule making, we may need to make adjustments to our regulations to reflect those changes. Or may not, depending on what those changes are. This application was submitted on April 10<sup>th</sup> prior to Senate Bill 181 being implemented.

Tony Vervloet is introduced as the County representative for the COGCC.

Director Casselberry introduced the Application and read the staff report to include explanation of the Performance Standards, Requirements and Staff Recommendations. This application includes an expansion of wells on an existing oil & gas well pad.

#### Staff Findings:

1. This application is for approval of an oil and gas well and well site in accordance with Appendix 1A of the Delta County Specific Development Regulations.
2. Goal 7.0 of the Delta County Master Plan states "Facilitate responsible, beneficial energy development in order to promote the wise use of natural resources, while also working with energy businesses, land and mineral management agencies, and neighboring county governments to eliminate or mitigate, to the maximum extent feasible within the County's jurisdiction, both on and off site impacts of energy development activities to the environment, water resources, communities, public infrastructure, surrounding land uses, and public health, safety, and welfare within." Master Plan strategy 7.0.0 states "Ensure that energy development pays for its impact to County infrastructure, facilities and services, and reclamation needed to serve business operations and facilities."
3. The applicant proposed to expand a current well pad by adding up to six new wells.
4. Staff has identified a number of conditions of approval in its analysis. These are outlined below, but are subject to change as additional information becomes available.
5. This application requires approval by the State of Colorado Oil and Gas Conservation Commission (COGCC). That approval has not yet been obtained. Any approvals by Delta County do not become effective until such as time as the applicant receives approval from the COGCC. Any approvals by Delta County are not "final" until a development agreement has been entered into AND all conditions of approval have been met.

6. Additional information is needed to assess the timing of the project, how long it will take to drill each well, a more realistic start date, and completion date, and correlated impacts to county roads.

7. Given the amount of truck traffic identified by GELLC, a traffic study is necessary evaluating both heavy and light traffic routes to help determine impacts to those portions of road that will be utilized within Delta County. Bonding may be required to address any impacts identified.

8. Given the scope of this project, GELLC shall develop an operations and well drilling plan that outlines a start date, the timing for completion of each well, the staging and phasing plan for well drilling, and an anticipated completion date, the daily heavy truck traffic anticipated, the daily light traffic, total number of employees, etc. The operational plans shall also address company policies such as designated smoking areas, no smoking areas, consequences for tickets/moving violations by employees and subcontractors, consequences for not reporting accidents/incidents.

9. GELLC has submitted an application for a pipeline to move water to this project. That project is SD19-007. SD19-006 cannot begin operations until SD19-007 has received all necessary state, federal, and local approvals.

#### Staff Recommendation:

Staff recommends approval of the project with Appendix 1. A identifies the performance standards that oil and gas related projects comply with. Appendix 1 A states in the intent section that "A facility's compatibility with land uses in the surrounding area, which the Board finds will be affected by its operation, shall be determined by the operator's ability to mitigate the impacts which it generates". Staff recommends approval of the project with the following conditions of approval that address and mitigate the potential impacts from expansion of the well pad identified as #13-24 located on Hotchkiss Ranch in accordance with the performance standards identified in Appendix 1A.

Proponents: None

Opponents:

- Natasha Leger – Executive Director for CHC based in Paonia.  
Wants to talk about process and procedure and relative to what Elyse brought up on SB181. SB181 is a public health, safety, environment and welfare law where that comes first. Delta County Specific Development Regulations are focused on mitigation. Those regulations were drafted at a time when there was a cloud of preemptions over the county and state. From CHC perspective this application should be put on hold so the County and Planning Commission has opportunity to evaluate how the regulations put public health, safety, welfare and environment first. Mitigation comes second, third or last. There is no way to evaluate whether the regulations are putting public health, safety and welfare first. In the introduction to the oil and gas regulations it says nothing that the public health, safety and welfare and environment, it specifically states these are the oil and gas regulations. Would like to remind the Planning Commission that in the master plan, one of the goals was for Delta County to be a leader in clean air, water and healthy communities and is the piece we don't hear anymore. Hear the goals about facilitating and fostering oil and gas development. SB 181 changed the state mission away from fostering to regulating. From a notice perspective, SB 181 was also about increased public participation. The regulations don't distinguish between complete and adequate in terms of when the application is put forward. The public gets to see an application that is not adequate for review. Tonight we heard there was a new staff report that was issued to the planning commission. The public has not had the opportunity to look at any of the information in it to meaningfully comment. Have requested in the past that those regulations be changed because of SB 181 and HB1261 which is the greenhouse emissions bill that the county needs to take into consideration relative to new applications.
- Millicent Young – lives in Paonia. The former vice president of mobile oil said that although we've been fracking for maybe 60 years, today the volume, chemical and pressure and amount of water is between 50 and 100 times what it was when they started doing this. He resigned in 2000 because he said there is no way to make fracking

- safe. Hear about homes blowing up, people getting sick and very concerned about clean water. Recently had a water emergency in town and people got to feel what it's like not to have clean water. Have many people in circle of friends getting cancer. The environmental impacts from dirty air, water and food do add up. Sickness doesn't just come from one thing. We are destroying the environment, you hear about it everywhere. Third graders will tell you, they know and feel like it is their responsibility. But it's not, it's our responsibility to do something about it today. One in six well bores fail as they are put in and the timeline is very fast. The faster you do these things the more accidents happen. Are already subject to the methane leak from Oxbow, from the West Elk mine, practically whole life. It's very toxic.
- Patrick Dooling- Executive Director from the Western Slope Conservation Center Feels while the project is to take place on private property, there is potential for significant onsite impacts that may impact the public. In this application there are too many unknowns to approve the project at this time. Appreciates GE's attempts to minimize surface disturbance, using pad drilling and utilizing existing roads. However there's too many unknowns related to the timing of operations, impacts to wildlife and recreation opportunities, traffic and water quality and quantity. Encourage the planning department to consider the cumulative impacts of this proposal and other oil and other gas development proposals currently in process that will impact the region. Best can tell there's no realistic time line for when these wells will be drilled and completed. Six additional wells, 25 days to drill; that puts out about 5 months and gets into hunting season and winter. The comments received from CPW share many of the same concerns. CPW has raised concerns for oil and gas operations during hunting season and have asked for moratorium on activities related to construction, drilling and completion and use on roads that support these activities from August 15<sup>th</sup> to Dec 1<sup>st</sup> to avoid adverse impacts to big game hunters and hunting and fishing opportunities. Afraid is don't start heeding the concerns from the wildlife experts from the state may have major issues, not just for wildlife but also the economy. Prior to approval of the project, thinks a traffic study is necessary that takes into account cumulative impacts of the oil and gas developments in this region and analyzed before approving the project. The application states the completion of well may require upwards of 900 truckloads throughout the course of completion. Concerns around water quality and quantity in general. Conservation Center has concerns about oil and gas developments within 1000' of water sources in order to protect the quality surface and ground water sources. Pad is located approximately 380' from Cottonwood Creek and the increased operations from the six new wells propose additional risks that were not considered at the time of the original pad. No mention of what would happen with produced water nor mention of the quantity of water that will be used.

The applicant's response to the opponents:

- First they are asking for six well pads. Current plans are to drill two wells, mobilize off of the pad and in few years after see results, come back and finish drilling the pad. The timeframes are laid out in the North Fork Mancos EA. It is part of the analysis the Federal Government has done.
- Sluice water will be stored on the Hotchkiss Property in Gunnison County sluice water ponds. There are about 4 or 5 hundred thousand barrels that are being stored there. Previous Gunnison team had constructed and operated the water storage ponds for the purpose of being able to store produced water and recycle it into operations to lessen the use of fresh water.
- Wildlife studies were done as required by BLM. There were no known nest or dangers to habitat.
- Will implement best management practices and containment for the creek and bermed to make sure there are no impacts to the creek.
- Working on scheduling meetings with CPW to mitigate concerns about recreation and hunting in the area.

- Director Elyse –addresses SB181 discussion- 181 changes the state mandate for the states previous oil and gas regulations. The mandate was to facilitate the development of resources. That is changing to regulation of oil and gas resources with emphasis on health, safety and welfare. What it does for local governments is it gives a greater flexibility but does not prevent from following their current regulations. Can't follow other regulations at this time than what is currently in place. The state is continuing to review applications as well even with 181 in place even though their process has changed they are doing that at the same time they are in this rule making process and adjusting their procedures based on the complexity of the project. At this point in time the county is required to give the applicants due process to the current application that has been submitted whether or not the applicants have been able to comply with the performance standards. The current regulations are built around mitigating impacts.
- Tony Vervloet -The COGCC continues to approve and review APD's and various approval processes. Over 6000 applications have crossed their desk since 181 was passed. Intent is to process all. Will take those within the scope of 181 and move them forward. Those questionable will be set aside and give further review.
- Tony was asked since he has experience at the site, how has the applicant been doing at the site and are there any issues or concerns on air, water, reclamation etc. at that site. Tony said, no, He has recently been to the site. They are currently doing 3D seismic. That was the most recent trip. This will be the third year to go up and review operations for GE and SG Interests.(SGI) At least once this spring and once further in the year will arrange a fieldtrip to review the operation. Have visited the site about a year or year and half ago and no indication of cause for concern. Feel confident after talking with them, their engineers, environmental people. They are a good operator. Feel comfortable.

**Question from Planning Commission to Applicants:**

- Q) What issues have arisen with GE or SGI in the county or adjacent areas to the county?
- A) Most recent was a spill in Gunnison County and that was reported via the process the COGCC has accepted and was reported to Gunnison County. Have since talked to GE and if there is a spill or something worse in Gunnison County and it's in our watershed, that Delta County be notified. Have since talked with them and are in their notification process whether it's in Gunnison County, Mesa County or Delta County. Will be informed of what's going on. Intend to do same with SGI.
- Q) Is that the only spill or issues?
- A) SGI has a spill last year doing phone drilling in Gunnison County. Delta County being downstream we want to know what's going on.
- Q) In staff report, it says no visual impacts identified. Has a view shed analysis been done?
- A) From driving up there the site is tucked in. You might be able to see down into the site from higher ground. No visual analysis has been done, since being tucked back and in a remote area. It's also down below grade.
- Q) What kind of lighting impact?
- A) The site has to be well lit for safety during drilling. Depending on the size of the rig the mast will stick up in the air about 30'. You may be able to see a glow depending on where you are. Safety is first priority but light can be tilted downward as much as possible so it focuses on the well pad.
- C) Mentioned in presentation it's not in big game habitat which seems to be in conflict with the CPW comments.
- A) It's in viable hunting territory but it's not a wintering and calving area. CPW's letter is not necessarily about this one project it's more about the bigger picture.
- Q) Re staff recommendations, Conditions of approval 9 & 10 looking at possible spills from truck traffic in ditches and other water ways they may impact. Why doesn't this apply to #6 & 7 where you would be looking at the same impacts if there was an onsite spill? Security bonding?
- A) Do have it addressed, on the actual well pad. It's the secondary containment and designed to handle any spills onsite. We've requested a drainage plan for storm water. There is a berm that surrounds the entire pad. The transport between the staging area

- and the pad that is the traffic component if something were to happen in that stretch between the two pads.
- Q) Have there been failures in these types of containment berms? Would be interested in seeing what would be the impacts in case of failure and looking at security conditions, bonding.
- A) Nothing is 100% effective. Have not researched offsite berms. Confident that the containment site is sufficient to keep the footage contained. You will have to look at scope and severity. Can't say what is the worst thing that could happen. One of the performance standards is looking at emergency response. That is the "what if". That's why have the requirements for training, fire response orientation, equipment on hand to address those issues to be prepared.
- Q) When well is producing will need pipeline to carry that gas away?.
- A) There is an existing pipeline. 12" line runs north. 6" Sister water line can utilize as well.
- Q) Is there an existing engineering plan and emergency response plan.
- A) Will double check and update it with current information.
- Q) Any other offsite impacts that come along with this kind of thing, ie: safety equipment anywhere else?
- A) Everything will be on the adjacent pad.
- Q) Traffic, train track use and possible additional cars?  
Traffic –when mobilizing the rig, its one trip in and one trip out. There will be about 25 trucks per day over a 3 day period to move the rig and support equipment. \_\_\_\_ Rig will be 10 trips over a period of 6 days to bring in. Once complete all the walls for the year then move the rig out.
- Q) How long will the rig be there?
- A) Depends on the drilling plan. Anticipate May 1<sup>st</sup> at the soonest, more likely June when it dries out to be able to move equipment in, with the goal of being done drilling by mid-summer. Most employees will carpool.
- Q: Notices to adjacent land owners, are they just looking at adjacent to the pad or adjacent to this horizontal drilling?
- A: From the property boundaries it is a 1000' notice requirement. Also a published notice is put the paper and posted notice on the property. There isn't a lot of properties there. Mostly US Forest Service lands
- Q) Pipeline and pond would be part of the existing emergency response plan?
- A) An emergency response plan is required. They are in process of updating that now.
- Q) Procedurally, SB181 is something that cannot be considered because this county hasn't adopted related to it.
- A) Correct,
- Q) Will you define produced water?
- A) There are three main types of water oil and gas deals with. Fresh water, produced water- which is what the well pull out formation and is usually salty brine water, and flowback water which is what comes back 30 days or so after initial fruition.
- Q) Is the water that is piped down to Hotchkiss, is it potable?
- A) No, it's brackish water.
- Q) There is currently two wells there, has GE identified any additional risks by adding additional wells?
- A) No, multi-well pads are common all over Western Colorado. More efficient for operations to have everything in one spot.
- Q) Has the county identified all the increased risks?
- A) That is part of the purpose of this process, to see if they've been identified.
- Q) Has the county identified any benefits by adding these two wells?
- A) Generally the county will see a little revenue from the permit fees for the state which comes back in two ways. Federal mineral lease and severance taxes and then as they start producing they pay taxes to the state and royalties to the government and the counties receives a little bit from that. And the County's property tax assessment of production. Jobs are created.
- Q) Can GE analyze any increased benefits?

- A) GE engineer and general manager are working to supply to the county to show additional benefits of having the two additional wells in the county.
- Q) What other fluids are at risk of spill?
- A) Potentially if operation is happening on a well pad and chemicals are brought in then potentially those chemicals are at risk for spill. Typically they are already in their own containment in addition to the berm that goes around the wall. Diesel to run the engines will be onsite.
- Q) How many barrels of spill were involved in the last two years?
- A) For SGI, 10 barrels, working from memory. GE spill was estimated between 5 and 35 barrels.
- Q) What happens with the spills is soil collected and incinerated?
- A) Sampled the soils and they came back a little salty but no other concerns were over COGCC limits.
- Q) So the acidity wouldn't be more than that of the alkali that occurs all over the county?
- A) It's a little elevated.
- C) Heard of an amoeba that Wyoming is producing to use for spills and it makes the water potable.
- A) Haven't heard about that, will have to check into it.
- Q) Very little hazardous materials hauled off from this site as far as the water, sand?
- A) The sand will be trucked out.
- Q) Where is sand trucked to?
- A) The fracking company will truck it to their central location.
- Q) Is it considered hazardous material and something you train the Delta County Response team for?
- A) Produced fluids are normally treated as a hazardous material. Hazardous meaning not a common everyday something used to seeing. It is not nuclear waste, but it is salt water.
- Q) Wondering how far it travels and how much the Emergency teams are taught to deal with that?
- A) Requiring that there will be that orientation and training.
- Q) Only saw it with Delta County and Paonia Emergency and would like clarification on what the Delta County Emergency team is.
- A) Hotchkiss and City of Delta have a hazmat team. Delta County Emergency Management is the coordinator.
- Q) Majority of the stuff goes via Pipeline over the hill to the north. If all six wells are operating at one time, will that pipeline that is in place be able to handle that?
- A) Have capacity.
- Q) How much of this stuff is stored before it is sent up the hill, produce water or oil and gas?
- A) It is separated out. It isn't stored there.
- Q) Would you explain what the North Fork Mancos EA is?
- A) The North Fork Mancos EA has 5 wells pads in it. One in Delta County and 4 in Gunnison County. The Delta County pad is no disturbance, the one in Gunnison County is an expansion of an existing pad and 3 new well pads proposed. Each one has between 5-8 wells proposed, all horizontal drilling. Project was originally proposed in 2017. Went through public comment this last spring. Doing final analysis to determine if significant impact is warranted.
- Q) What reservoir was mentioned?
- A) Believe it's called pilot cave 11?
- Q) It's not an irrigation reservoir?
- A) Don't believe so.
- Q) How close is the nearest residence?
- A) Closest is a mile.
- Q) Are you going to be doing more ponds?
- A) Still evaluating. Want to be sure to have adequate storage. Prefer to be able to recycle as much water as possible. Every pad has a few tanks on it for storage.
- Q) With the two wells that are operating how close have you been to capacity?
- A) Not close at all. Have more capacity than what we can produce.

- Q) Is there a study for ground water?  
A) When it comes to water and water quality, it isn't one of the performance standards. It is under the state's jurisdiction.
- Q) This well pad is approximately two acres or less.  
A) Yes, about 1 ½ acres
- Q) How far is it in miles or time travel from Hwy 133 into the well pad.  
A) About 30-35 mins or if you go up Bear Creek Road probably 15 – 20 minutes.
- Q) Where are you from?  
A) Denver office.
- Q) In 2007 there was notification for the property owners within 1000' and the administrative review. Was the same notification sent out for this?  
A) Yes, this is almost entirely surrounded by forest service.
- Q) Does the property owner own the mineral rights?  
A) Due to the length of the well bore, where the well pad is located is owned by Hotchkiss Ranches. Both surface and minerals.
- Q) Water reservoir structure, you don't know who owns it and what it's used for?  
A) No
- Q) Has GE agreed to all the staff recommendations?  
A) Not all of them. There are few things to discuss and clarify.
- Q) Was there any consideration for hours of operations?  
A) Operations are 24 hours operations.
- Q) Pipelines were mentioned for water/gas, are they all subsurface or are no surface mounted pipelines?  
A) All the pipelines currently have are buried.
- Q) What's the rule of the COGCC for that?  
A) They recommend you follow API best practice.
- Q) There was a conversation about lighting, when the drill is drilling there are lights, what other lights remain?  
A) Once drilling is done the lights will be taken away. Monitor wells remotely and pumpers go check them daily.
- Q) Response to Natasha's question about process and procedures, the staff report is different than the one in the packet. It's redline which is helpful but for others how is it handle as far as procedure.  
A) This is an iterative process from start to finish and things change as information is gathered and understand more of what needs to do. The staff report did change. The current version will be part of the BoCC packet so the public has from now until the commissioners hearing to evaluate and comment.
- Q) If there are changes in Conditions, this isn't something that will come back to the PC for consideration, if it isn't tabled?  
A) One of things that creates confusion for the public is that there are Federal processes involved that have lengthy comment periods built in that are part of the environmental assessments. The county's land use process is not built that way. This meeting and the BoCC meeting and everything in between is the opportunity for the public to participate.
- Q) To Tony, are you aware of any sanctions or violations against this group on any of the well drilling they've done?  
A) Not aware of any. GE responded, no to sanctions or violations.
- Q) Patrick, Natasha and Tony are all members of the Oil and Gas advisory group, is that correct?  
A) Correct
- Q) Is it true the Planning Commission is not under any advisement or recommendations of the advisory group?  
A) The oil and gas group is working. They pass along broad recommendations and are now working through more specific recommendations about process and how we review these projects.
- Q) The working group gets to the point of making recommendations about the performance of the Specific Development Regulations and performance standards, etc. is that correct?

- A) Yes,
- Q) Does the new conditional approval replace the existing conditions for the existing well?
- A) No, those conditions still apply.
- Q) In the original discussion there was an oil and gas performance standard and at that point had a geologic hazard and a bunch was preempted. Did that mean the state has some rights that the county did not?
- A) Yes, part of the state review process looks at hazards. County doesn't have as a performance standard in the oil and gas regulations.
- Q) Under the county oil and gas regulations we do not have the authority to look at seismic or any other kinds of impacts. Is that because the state has had that role in respect to geological hazard?
- A) Yes.
- Q) Can we expect the state to take a special interest in this project in respect to geologic hazards?
- A) I can't answer that,
- Q) Can we suggest to the state to do that?
- A) The geologic you may be concerned with would be fractures. Seismic is not geologic hazards. Seismic is a means if there is a geologic hazard.
- Q) Should we ask the State for an environmental study?
- A) That is something we can look into. Not sure how far the state authority is over geologic issues, not sure how in depth they are looking.
- Q) You said something about performance bonding, is it only for roads?
- A) No, it could be used for other things.
- Q) Could we make recommendations that growth pays its own way so everything Delta County Staff is working on these types of projects they are collecting fees from the business enterprise.
- A) Yes.
- Q) How many man hours to make this presentation available?
- A) Whatever is necessary, months.
- Q) Any potential impacts to air quality?
- A) Air quality was analyzed in the EA studies and found to be within the standards.
- Q) Is there access for recreation?
- A) No, it's private land. Forest Service employees use a private access through the property to access BLM.
- Q) Talked about 15,000' horizontal bore, Terror Creek is within 8000' of drilling?
- A) Not drilling in that direction.
- Q) What specific conditions of approval does GE want to negotiate with the county?
- A) Clarify some of the language- When work out agreements with CPW, what heavy traffic during hunting season really means. Discussing in more detail, fire suppression, what type of equipment will be kept in the GE vehicles. Road Bonding?
- Q) Don't see bonding for reclamation discussed and what does reclamation mean? Is reclamation at the pad site when done and moved out? Could there be bonding approval for wild fire?
- A) Do have as a condition of approval in the event that they cause a fire, they are responsible for the cost.
- Q) How many years in the future could it be till reclamation?
- A) A good well can operate up to 30 yrs.
- Q) For emergency crews, is there a list of what is required to be on site supplied to the county or emergency crews?
- A) The sites will all have safety data sheets.
- Q) Does reclamation include all the roads and access roads?
- A) Required to reclaim all roads, should they no longer be necessary. But if the landowner opts to keep the roads for access to their property, then they are left in place.
- Q) Is there a difference for reclaiming forest service roads?

- A) Essentially the same kind of process. If the public land wants to keep the road for access then the road is left in place. If they want it reclaimed, then dirt and boulders are used to make a natural barrier.

Deliberations of the Planning Commission:

- In regards to the state wide referendum on setbacks of oil and gas development and what Delta County Citizens did in that vote is really advisory in Delta County in regards to oil and gas. The stats from the Clerk's Office on 112, the no's were 66%, the yeses were 34%, 2-1 in favor of not passing 112. This is an advisory bit of information for the Planning Commission as part of the Master Plan. Never had a conclusive indicator of what people felt about oil and gas. 51% of the North Fork precinct voted against it. Referendum 112 – was for a 2500' setback.
- At the same time the master plan which was developed with community input does call for Delta County to be a leader of better air and water and to the maximum extent possible feasibility of our environmental protection. They both should be discussed.
- What are people feeling about this? What is the goal?
- Lacking information about comparability. Regulation Appendix 1 paragraph 2, is read for compatibility.
- It is an existing use and compatible.
- Think we're missing a lot of info. Don't know what the emergency response plan is, there hasn't been studies to show the impacts of spills, or view shed impacts review, security bonding or traffic studies, economic impacts yet.
- They can't move forward with some of these until we move forward. We can't ask them to do all those studies without some approval of moving forward.
- We are being asked to approve the concept of the feasibility of the project. Then all the information comes.
- It's 5 miles to Paonia as the crow flies.
- What kind of negative impacts will it have on Paonia?
- View shed, lights, 150' towers sticking up.

**Motion:** Tom Kay moves that the Planning Commission recommend approval of SD19-006 Gunnison Energy-Hotchkiss Ranches, with the conditions of approval as outlined by County staff in the staff report dated June 11, 2019. These conditions of approval identify appropriate mitigation to potential impacts from the drilling of six additional wells in accordance with the performance standards identified in Appendix 1A of the Specific Development Regulations. In addition to the conditions of approval outlined in the staff report to appropriately mitigate impacts: geologic hazards studies,

**Second:** Jacob Gray

Jacob Gray would like to amend the motion to add recommendations: Seismic Impact Study, an economic and risk study, Recommends that the BoCC take special notice of a hazmat emergency fund, A limit on hours of concentrated truck traffic per the traffic study and that GE pay its own way by paying staff and purchasing emergency equipment.

Tom Kay moves to approve the motion with the amendments and recommendations to the Board of County Commissioners.

Kim Shay seconds the amended motion.

Approved unanimously  
Motion Carries.

To BoCC July 02, 2019 10:00 a.m.

Item #3: New Business:

With the concerns raised by the Concerned Citizens, for next meeting would like to talk about a moratorium of oil and gas development until can work with the oil and gas working group to get some regulations in place and discuss what next step is.

Meeting adjourned at: 9:15 p.m.

Respectfully submitted by:  
Jeanie McCulloch