AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: North Fork Mancos Master Dev. Comments

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Comments to USFS and BLM re EA for North Fork Mancos Master Development Plan

Fiscal Impact:

Submitted by: Cathie Pagano **Submitter's Email Address:** cpagano@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:

Reveiwed by: GUNCOUNTY1\mhoyt Discharge Date: 9/13/2019 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 9/13/2019

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 10

Agenda Date: 9/17/2019

Revised April 2015

September 17, 2019

Nicole Mortenson

Grand Mesa, Uncompahgre and Gunnison National Forests

2250 South Main Street

Delta, CO 81416

BLM Colorado River Valley Field Office

2300 River Frontage Road

Silt, CO 81652

Re: Comments on the North Fork Mancos Master Development Plan

Dear Ms. Mortensen,

The Gunnison County Board of Commissioners has reviewed the Final Environmental Assessment for the North Mancos Master Development Plan (NFMMDP) and respectfully submits the following comments.

Gunnison County has adopted the Gunnison County *Regulations for Oil and Gas Operations* and regulates the development of such resources on public and private lands within Gunnison County. Pursuant to Senate Bill 19-181 and settled case law Gunnison County has the authority to regulate oil and gas operations. The NFMMDP does not mention or acknowledge the existence of Gunnison County *Regulations for Oil and Gas Operations (the Regulations)* nor does it state that the proposed activities in the NFMMDP shall comply with the *Regulations.* Neither Sections 1.4: *Authorities* nor 1.6: *Conformance with Applicable Land Use Plans* of the NFMMDP EA mention the *Regulations* nor Gunnison County's authority to regulate oil and gas operations.

Some of the proposed activities in the NFMMDP are currently in the county permit review process, other activities have already been permitted, and some activities have not been permitted at all.

Activities that have submitted an Oil and Gas permit application but have not yet been issued a County Oil and Gas permit:

- Freshwater pipeline that will carry water from the North Fork of the Gunnison River near Somerset to the Iron Point project area. The public comment period recently ended and public comments included concern from Somerset residents about the potential impacts to their water supply. The applicant has submitted a response to those concerns and County staff is evaluating that response (OG-19-00004).

- Federal 30-4 well recompletion. An updated agreement between the County and Gunnison Energy, LLC is required for road maintenance (OG-19-00005).

Activities for which a County permit has been issued (this list may not be comprehensive but attempts to include the activities identified in the NFMMDP):

- Expansion of the Trail Gulch Unit 1090 #30 Well Pad to allowing up to six wells (OG-19-00003)

- Hotchkiss Water Storage Facility (OG-11-00005)

- Spadafora Well Pads (multiple permits)
- Henderson Well Pad (OG-16-00002)
- Sheep Bull Connector Pipeline (OG-10-00007)

Activities which have not applied for or been issued a County permit:

- Sheep Park II well pad
- Deadman Gulch well pad

Please note the proposed activities that have not received a Gunnison County Oil and Gas permit are required to apply for and receive a permit prior to construction and/or commencement of the activity. Gunnison County urges the USFS and BLM to include language in the EA reflecting the regulatory authority and permitting requirements of Gunnison County.

Colorado Parks and Wildlife (CPW) has submitted comments dated April 1, 2019 regarding, "Revised Preliminary Environmental Assessment DOI-BLM-CO-N040-2017-050-EA; North Fork Mancos Master Development Plan for Oil and Gas Exploration and Development, Gunnison and Delta Counties," signed by Jon Holst for J Wenum, Area Wildlife Manager. CPW has recommended the prohibition of construction, drilling, and completion activities from August 15 to December 1 each year to avoid impacts to big game hunters and hunting opportunities. The EA states, "…development would occur at only one location at a time within the nearly 35,000 acre (54 square mile) area, leaving most of the area relatively unaffected during a given hunting season."

Gunnison County requests clarification on the statement "development would occur at only one location at a time…." This statement appears in conflict with the intent of the proponent to work on multiple sites at a time. If activities occur at more than one location at a time it seems reasonable to consider the recommendations from CPW for limitations to avoid impacts to big game hunters and hunting opportunities.

Gunnison County supports the lease stipulation prohibiting construction, drilling, or completion from December 1 to April 30 and will also include that as a condition of approval in County Oil and Gas permits for these activities.

We appreciate the opportunity to comment. Thank you for your consideration.