



June 22, 2018

Greg Larson
Uncompahgre Field Manager
Bureau of Land Management
2465 S. Townsend Ave.
Montrose, CO 81401

RE: North Fork Mancos Master Development Plan Preliminary EA Comments

Dear Mr. Larson,

I am writing to you to request that you withdraw from consideration and deem invalid the recent letter submitted by the Delta Board of County Commissioners dated June 7th, 2018 regarding the Preliminary Environmental Assessment (PEA) for the North Fork Mancos Master Development Plan (NFMMDP). This comment letter was presented to the public, for the first time, on June 11, 2018, two days after the comment period deadline, 4 days after the letter was submitted, and was done in complete secrecy without benefit of public input or comment.

Citizens for a Healthy Community is a grassroots nonprofit impacted citizens' organization located in Paonia with over 500 members. On several occasions, we have brought to your attention actions taken by the Delta Board of County Commissioners (BoCC) that do not represent the interests of the frontline community impacted by oil and gas development in the North Fork Valley. While Delta County's June 7, 2018 letter on the NFMMDP PEA which was due on June 9, 2018, raises some valid issues, it was submitted in violation of Colorado's Open Meetings Law, and does not represent the frontline community's position relative to the North Fork Mancos Master Development Plan. Invalid actions, such as comment letters by the Board of County Commissioners, which have long-term impacts on the community, should not be considered, nor given any weight by the BLM.

According to Colorado Open Meetings Law "no resolution, rule, regulation, ordinance, or formal action of a state or local public body shall be valid unless taken or made at a meeting that meets the requirements of [open meetings]."¹ Open meetings are required "where adoption of any proposed policy, position, resolution, rule, regulation, or formal actions might occur."² In

¹ CRS 24-6-401(8)

² CRS 24-6-401(2)(b)

this case, the BoCC took formal action without holding a public meeting. They drafted, approved and signed the letter in secret, then submitted it, still without any public notice or discussion on June 7th. The letter was then retroactively placed on the agenda for consideration at a public meeting held on June 11th. Placing the letter on the June 11th agenda, and the County Administrator's statement at the June 11th meeting that the letter was sent on June 7th, does not remedy the statutorily invalid action. The letter was submitted to the Bureau of Land Management in contravention of the Open Meetings Laws, and we request that it be considered invalid in the eyes of the agency.

Further, it is informative to draw a comparison between Delta County's non-transparent, legally-invalid approach to the letter the BLM received, and the Town of Paonia's open and transparent process in submitting its comment letter dated June 4, 2018. The Town of Paonia held a series of special meetings to discuss first whether the Town would comment at all, and if so, what the comment letter would include. The Town actively sought public input, and engaged in spirited, open, public discussion with nearly 50 residents. The Town of Paonia also published a draft of the proposed letter to enable informed discussion at the subsequent meeting where the Trustees voted to approve the letter. As stated above, at no point did Delta County solicit public input for its comment letter, and the decision to draft and send the letter was made in secret.

While Delta County's letter raises valid concerns, it does NOT reflect the frontline community's views on this project, or on oil and gas development in the upper North Fork Valley watershed. The County just completed a yearlong revision of its Master Plan. As a part of that revision process, the Delta County Planning Commission solicited public comments on a range of issues, including energy development. Over 90% of comments addressing energy development opposed new oil and gas development in Delta County, and specifically demanded the prioritization of public health, safety and welfare, and the protection of clean air, water and food when it comes to industrial and commercial development, including oil and gas. The commenters offered a wide range of reasons for this: concerns about health impacts, environmental contamination, air and water quality impacts, infrastructure costs, emergency management, and negative impacts to a local economy that depends upon clean air and water for agritourism, sustainable and organic agriculture, outdoor recreation, health and wellness businesses, and a thriving real-estate market driven by the North Fork Valley brand of lifestyle based on clean air, water and food. Specifically, nearly 100 comments were submitted on the Proposed Master Plan, and not a single one asked for more oil and gas development. At the hearing on May 9th on the Master Plan, over 50 residents attended, and only one person supported increased oil and gas activity in the County.

In supporting the NFMMDP and continued oil and gas activity in its letter, the County has taken a position that is in direct opposition to the stated interests of the frontline community in the North Fork Valley. This community has spoken out clearly and consistently against oil and gas development in its watershed. Including the NFMMDP, the Bull Mountain Master Development Plan, and the revision of the Uncompahgre Field Office's Resource Management Plan, residents of the North Fork Valley have submitted thousands of comments either opposing these specific developments and increased oil and gas development in general, requesting a no-leasing alternative, requesting an EIS, or requesting a moratorium due to regulatory gaps in protecting the community and the environment from the impacts of oil and

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gas development. Specifically, with respect to the NFMMDP, the BLM received 8,000 scoping comments opposing the NFMMDP or requesting an EIS; and comments from several organization and elected officials, as well as over 700 comments that we know of on the PEA requesting an EIS.

The lack of transparency and public process involved in Delta County's letter on the PEA is just another example of how the Delta County Commissioners do not represent the public and the frontline community in its actions on oil and gas.

The letter that merits the BLM's consideration and deserves proper weight is the letter submitted by the Town of Paonia, which was submitted openly and transparently, with the input of over 50 Town of Paonia residents; not the letter submitted by Delta County on June 7th.

Therefore, we respectfully request that your office remove the BoCC comment letter from consideration.

Sincerely,



Andrew Forkes-Gudmundson

CC: Niccole Mortenson, US Forest Service, GMUG
Stephanie Connolly, Bureau of Land Management, Southwest District Manager
Allen Crockett, Bureau of Land Management, CRVO
Robbie LeValley, Delta County Administrator
Mark Roeber, Delta County Commissioner District 3
Don Suppes, Delta County Commissioner District 2
Doug Atchley, Delta County Commissioner District 1
Ken Knight, Town of Paonia, Administrator
Rep. Millie Hamner, Colorado State House District 61
Sen. Kerry Donovan, Colorado State Senate District 5
Sen. Michael Bennet, US Senator for Colorado