

Eastern Sandoval Citizens Association

Minutes of March 5, 2018 Board Meeting

1. Meeting called to order at 6:00 pm by President George Franzen (GF) at the Placitas Community Library (PCL).
2. Roll Call was conducted by John McNerney (JM). Present: JM, GF; Christopher Daul (CD); Dick Ulmer (DU); Richard Rief (RR); Jim Harre (JH); Diane Pellechio (DP); and Susan Fullas (SF). Absent: Lynn Koch (LK).
3. Acceptance of Minutes. One item was corrected by SF. Last month included an expenditure that was not completed until this month (ie, the check had not cleared). It was the payment in the amount of \$300 to the Placitas Volunteer Fire Brigade (PVFB) in appreciation of the use of the Fire House as a meeting place last year. That item was moved to the March report. Minutes accepted as amended.
4. Guests introduced themselves and were recorded in the sign-in sheet. They were Jodilynn Ortiz (JO); Kathy Bruch (KB); Erica Wendel-Oglesby (EW); Jacque Moise (JM2); Alan Stephanie (AS); Sandy Johnson (SJ); Mike Neas (MN); and Tony Pellechio (TP).

Out of order: JO was offered to give her presentation out of order since she was a guest and had her grandchild with her. Her presentation is included in several documents she sent in an email the day after the meeting. She is working to form a Contingency Committee of stakeholders to address the pipeline and hopes that ES-CA will support it to the extent that someone from ES-CA would be on the committee. She additionally submitted some model legislation. They are attached, along with the email.

5. Monthly Reports:

- a. Treasurer's Report: SF had the Monthly Report, she reported that as of 2/28/2018 ES-CA had a balance of \$25,597.11 after dues for 22 members and a donation of \$400 for \$1447.16, and interest of \$0.94 for total income of \$1448.10. Expenses include \$100.00 for a donation to Watermelon Mountain Ranch animal shelter in the name of Ed Majka and \$300.00 to PVFB as noted above. LPT has a balance as of 2/28/18 of \$33,436.95 including interest of \$1.28, and no reported expenses. A corrected report for February was also submitted, attached along with the detailed transaction and summary reports for this month. -CLOSED-
- b. Membership: JH reports that there are 216 members, 131 paying, 4 joint memberships, 85 past due. -CLOSED-
- c. IT: JH reported that with the new software, MembershipWorks, is working well, there have been several online uses of it by the membership. -OPEN-
- d. BLM: RR reported on the Placitas Recreation Steering Committee about the use of the Buffalo Tract. Attached. -OPEN-
- e. Watchdogs Report: SF discussed business cards. LK has many cards with a generic face which could have personal contact information placed on the back by way of a label. It's an Avery label. Many Board Members would prefer to do their own. -OPEN-
- f. LPT Report: DU reports. See attachment -CLOSED-

6. Old Business:

- g. Office Guidelines and Policy for ESCA: A draft proposal was circulated for comments. SF and RR are working on it.-OPEN-
- h. Policy: What materials can be sent to members. A draft was circulated for comments. -OPEN-

- i. HOA Coalition: RR has a memo to circulate for comment by the Board, he will circulate it. -OPEN-
 - j. E-Vote for Memorial Funds: An email vote was held, \$100 was approved for a memorial in Ed Majka's name to Watermelon Mountain animal shelter. -CLOSED-
 - k. Chamber of Commerce: CD reported that we are a non-profit association. His report is attached.
 - l. East Mountain is in District 4: ESCA received a resume from Jacques Wenner Ramey, an East Mountain resident, who has an interest in Director. It is attached. Currently, there is no vacancy on the Board, but GF reports that LK has been thinking of resigning her At-Large Board position. If this happens, Mr Ramey would be considered as a Director. -OPEN-
7. New Business:
- a. Internal Financial Review: As a non-profit association, we should have our books reviewed periodically. Karen Cox has been recommended as an accountant who might do such a review. RR will approach. -CLOSED-
8. OPEN DISCUSSION:
- The bio of the possible new member has been discussed above, it is attached. -CLOSED- LPA has submitted an Energy Corridor letter, attached. The Board discussed the possibility of submitting something similar of our own. We will survey the membership. GF will write it. -OPEN- Our Position on Oil & Gas Ordinance is tabled until next month. -OPEN- MN reported that he's been to County Commission Meetings, in his opinion they are being held outside of the rules, the Chairman Don Chapman (DC) disrupts the meetings using various tactics, for example, holding the items that generate the most interest until very late, sometimes after midnight, after many interested citizens have gone home. MN reports that a citizens working group is being established to work specifically on O&G ordinances. DC wants to include oil people on that committee, even though they are not citizens of Sandoval County. Outside of the county, in City of Albuquerque and Bernalillo County, there is a Water Protection Advisory Board which has an environmental enforcement arm, after seeing Don Philips' presentation voted to strengthen and reissue a position letter to Sandoval County, Valencia County, and the Pueblos. -OPEN- The water fund (O&G connected) is funding the NM Tech study due out this summer, which many interested stakeholders are waiting for. -CLOSED- Concerning the County Right-to-Work ordinance passed by the County: Sandoval County has obtained the services of an outside attorney connected to Koch Industries to defend any lawsuits, which will certainly be filed. -OPEN- First time Guest AS addressed the Board. He's from Rio Rancho, concerned with the aquifer, representing the group Common Ground Rising, a new group of concerned citizens of Sandoval County. The Board asked him to send us information.
9. Next Meeting: Monday April 2, 2018 at the Placitas Public Library, 6:00pm.-CLOSED-
10. Adjournment: Meeting adjourned 8:00pm. -CLOSED-

Respectfully submitted,
John McNerney, Secretary

Placitas Recreation Steering Committee

The Placitas Recreation Steering Committee (Committee) was established at the behest of the Bureau of Land Management (BLM) Rio Puerco Field Office (RPFO) for the purpose of forming a community-wide steering committee to develop recommendations regarding recreational opportunities on BLM lands in the Placitas area, specifically the Buffalo Tract. The recommendations are based on the more than 10,000 comments from the Resource Management Plan for these lands. The committee members represent various interests, including hiking, equestrian riding, mountain biking, and wildlife and flora conservation. Also present are personnel from the Albuquerque Open Space Division.

Issues that have been identified and need to be addressed by the committee proposal include trails (hiking, cattle, game), dedicated areas for sport shooting, use of off-highway vehicles (OHV), youth and education activities, Americans with Disabilities Act (ADA), facilities (trash, fencing, signage, gates, parking), enforcement, volunteers and grant funding, and wildlife. In addition, facilities and processes that would be needed to support and maintain the implemented plan were also identified.

Members of the committee and volunteers from the Rocky Mountain Youth Corps have been mapping existing trails in the Buffalo tract using GPS. Possible trails and special use areas have been identified, and the committee will determine which trails may be used for specific purposes. Once these recreation features have been specified, the plan will be sent through the National Environmental Policy Act (NEPA) process, which includes a thirty-day period for public comment.

Right now, the Buffalo Tract is open to any activity, including mining and oil and gas exploration. The committee expressed opposition to these uses and is endeavoring to have a plan in place that will limit Buffalo Tract usage to those recreational activities specified in the plan. One activity already begun is the removal of dumped trash in the eastern end of the Buffalo Tract.

Report prepared by Richard Reif

STREET OPENING MODEL ORDINANCE

Note: This free-standing ordinance is intended to be enacted as part of a County Code of Ordinances. It could also be incorporated into a County's Subdivision/ Land Development Ordinance. While not directly related to pipeline infrastructure, this ordinance is intended to regulate any street openings or road crossings on municipal roads, including those commonly attributable to pipeline crossings.

AN ORDINANCE PURSUANT TO SECTION _____ OF THE SECOND CLASS COUNTY CODE, AS AMENDED, PROVIDING FOR THE REGULATION OF STREET OPENINGS AND INSTALLATIONS AND PROVIDING FOR THE REGULATION OF DRIVEWAYS WITHIN SANDOVAL COUNTY, EFFECTIVE FIVE DAYS FROM ENACTMENT.

Section 1. **Title.** This ordinance shall be cited to as the “Sandoval County Street Opening Ordinance”.

Section 2. **Permit Required.** No opening, cutting, excavating, grading, boring, crossing, installation or disturbance of any kind shall be allowed upon, in, under, or across any portion of a County road or any County road right of way without a Road Occupancy permit granted by the County for each separate undertaking. A permit shall not be immediately required for emergencies provided the applicant adheres to the requirements of Section 36. Permit applications are not required for accessing utility facilities through a manhole.

Section 3. **Application for Permit; Fee.** The application for a permit shall be on a form provided by the County and submitted to the County in triplicate. The County Public Works Director or his designee shall be responsible for review and administration of the permit. The application shall be accompanied by a fee for processing the application in accordance with the County Schedule of Fees adopted from time to time by the Board of Supervisors for street occupancy permits and restoration charges, and another fee for review by the County Engineer and for making inspections, if needed. In addition, the applicant shall submit three copies of a sketch showing the location of the intended work, width of the traveled roadway (cartway), right-of-way lines, an address, and a dimension to the nearest intersecting road or other nearby landmark, so as to ascertain the location of the work. Permits will only be issued to public utility companies or contractors registered to do business in the County.

Applicants shall be responsible for all costs and expenses incident to or arising from the permitted work, including the prescribed fees for the same, the cost of making and maintaining temporary restoration of the disturbed areas and making permanent restoration.

Section 4. **Decision on the Permit.** The permit application shall be approved or denied within 30 calendar days of submission of a complete application to the County. If the application and required documents do not conform to the requirements of this Ordinance and

applicable ordinances, rules, and regulations, the County Engineer shall either issue a correction notice listing the deficiencies that must be corrected, or deny the application in

writing, stating the reasons. If the County Engineer is satisfied that the proposed work conforms to the aforesaid requirements, the County Engineer shall issue a permit.

Section 5. **NM 811 One-Call.** At least 3 working days prior to the proposed start of work, the applicant or his representative shall contact the NM 811 One-Call system at 1-800-242-1776, report the proposed work, and obtain a serial number, and provide such serial number to the County. No work shall begin until such date and time as authorized by NM 811 One-Call.

Section 6. **Maintenance of Traffic.** At least one lane of traffic shall be maintained at all times. The applicant shall comply with the provisions of **NMDOT Publication 203, "Work Zone Traffic Control"**.

Section 7. **Detours.** Under extremely unusual circumstances, the County may allow a road to be closed and traffic to be detoured. No road shall be closed without giving the County at least 72 hours prior notice, to allow time to notify 911, police, fire departments, emergency services and school districts. No road shall be closed without the applicant submitting a detour plan to the County and having it approved by the County. No road shall be closed without proper detour signs, as approved by the County, having been provided and installed by the applicant. All detour signs shall be maintained for the entire work period.

Section 8. **Erosion Control.** All proper erosion control measures shall be taken to ensure compliance with applicable laws. If necessary, the applicant shall obtain erosion and sedimentation control plan approval from the County Water Conservation District prior to starting work. NOT to interfere with Land Grant Water Rights. Or Private water right authority certifications to be consulted with all entities.

Unless specifically authorized by the permit, applicants shall not alter the existing drainage pattern or the existing flow of drainage water. In addition, applicants are not permitted to direct, divert or otherwise drain surface waters onto any property without the consent, permission or other authorization from the property owners. Applicants are responsible for any damage caused to public or private property as a result of the work undertaken by the permit.

Unless specifically authorized by the permit, applicants shall not cut, remove or destroy trees or shrubbery within the right-of-way.

Section 9. **Trenching.** In situations where drilling, dry boring, driving or tunneling are not feasible, applicants may be authorized under their permit to trench across improved areas.

Trenching may be authorized across improved areas under the following conditions:

1. Subsurface material is solid rock;
2. Other facilities are located longitudinally under the improved area and the location of such precludes methods other than trenching;
3. Adjacent development in very congested urban settings makes tunneling or boring impracticable;

4. The Public Works Director or his designee determines that the disruption to traffic and length of exposure will be minimal.

When utility facilities are to be placed across a street in one piece, the following method shall be used:

1. Traffic shall be routed over one-half (1/2) the pavement width;
2. The closed half of the pavement shall be opened to the required depth and bridged with steel plates;
3. Traffic shall be shifted to the bridged half of the pavement;
4. The remaining half of the pavement shall be opened to the required depth;
5. The facility shall be placed full width;
6. The open trench shall be backfilled and restored half-width in accordance with this chapter;
7. Traffic shall be shifted to the restored half of the pavement;
8. The bridging shall be removed and the remaining half of the trench shall be restored in accordance with this chapter.

Section 10. OSHA Requirements. The applicant shall comply with all OSHA safety requirements and procedures, including without limitation all enclosed space requirements. All excavation or trenching shall comply with the most recent Federal, State and local regulations regarding safety at a construction site.

Section 11. Notification. The applicant shall notify the County 24 hours in advance of starting work and upon completion of temporary restoration and permanent restoration for a field inspection of the work.

Section 12. Backfill. All backfill within the County right-of-way shall be 2A Modified crushed stone of optimum moisture content. There shall be a minimum two (2) inches of bedding under the pipe or utility line. Crushed stone backfill shall be mechanically compacted in maximum six (6) inch lifts. Where work is done outside the paved cartway or shoulder, the last six (6) inches of backfill shall be topsoil.

Section 13. Overnight Requirements. If the work cannot be completed in one work-day, proper barricades, flashing lights, steel plates or other methods shall be used to secure the site and insure the safety of travelers on the roads in the County until the next workday. The applicant shall comply with the provisions of NMDOT, "Work Zone Traffic Control".

Section 14. **Clean-up.** The work area shall be swept clean, cleaned of debris and otherwise policed at the end of each workday and at the end of the project. Mud shall not be tracked onto the streets at any time. All mud shall be cleaned up within one (1) hour of verbal or written notice from the County or its agents. All loads shall be tarped.

Section 15. **Installation.** Conduits and pipes shall be installed with a minimum of eighteen (18”) inches of cover. In no case shall conduits or pipes be allowed to be placed within six (6) inches of the bottom of the roadway or driveway paving cross-section, which includes all courses of screenings, base stone, binder and bituminous or concrete wearing surface. Separation shall be obtained by at least six (6) inches of screenings, to allow paving to be milled in the future without damage to utilities.

Section 16. **Temporary Restoration.** The last two (2) inches of the excavation shall be backfilled with compacted “cold patch” or similar asphalt material to prevent dust and stone chip nuisances. All excavations shall be temporarily restored prior to allowing traffic on them. All settlement shall be brought back to grade within twenty-four (24) hours of verbal or written notice from the County or its agents. The temporary restoration shall remain in place for a minimum of two (2) months to allow for final settlement to occur through the actions of rain and traffic, but in no case shall it remain in place more than four (4) months. The person issued the permit shall send a postcard to the County indicating the date of completion of the temporary restoration.

Section 17. **Permanent Restoration.** All ragged or broken edges and undermined areas shall be saw-cut straight; the minimum cutback shall be one (1) foot and the minimum depth shall be six and one half (6½) inches. Permanent restoration shall match existing thicknesses and materials, except in the case of asphalt paving where the minimum requirements shall be five (5) inches of 25-mil Superpave and two (2) inches of 9.5-mil Superpave. All edges shall be sealed a minimum of six (6) inches wide with PG64-22 liquid asphalt. All non-paved areas shall be restored with six (6) inches of topsoil, seed and straw mulch cover, but with curlex blanket applied to all disturbed roadside swale areas in accordance with Sandoval County Conservation District practices. Permanent restoration shall be scheduled to occur during the spring, summer or fall seasons when proper bituminous paving can be completed. The person issued the permit shall send a postcard to the County indicating the date of completion of the permanent restoration.

Section 18. **Additional Restoration.**

1. All disturbed portions of a street, including all appurtenances and structures, such as but not limited to guardrail or drain pipes, shall be restored to a condition equal to or better than that which existed before the start of any work authorized by the permit.

2. When both longitudinal and traverse trench openings are made in the street pavement, regardless of the age of the wearing course, the County may require the applicant to overlay all traffic lanes in which such openings were made, for the entire length of the street that was opened, if the Public Works Director or his designee determines that the serviceability of the street has been impaired by the openings.

3. Any lawn area disturbed as part of the work shall be restored to the condition that existed prior to the start of work. At a minimum, the following standards shall be met:

a. A minimum of six (6) inches of screened topsoil shall be placed at all locations of lawn restoration.

b. Disturbed areas shall be permanently stabilized with a quality seed mixture and straw mulch. The seed mixture used shall match the existing grass type.

c. Erosion control blanket shall be placed on all slopes that are 3:1 or greater. Blankets must be placed on all areas where erosion occurs or as specified by the Public Works Director or his designee.

d. All wheel ruts or other construction damage created by the applicant shall be restored to a condition equal to or better than that which existed before the start of any work authorized by the permit.

Section 19. Identification. All excavations shall be marked after both temporary and permanent restoration. Where a pipeline crosses a public road, the location of the pipeline shall be marked by appropriate posts over the center of each pipeline. The posts shall be placed on both sides of the roadway on or one-foot inside the right-of-way line and shall contain all information required by federal regulations with, as a minimum, the name and local address of the pipeline company offices and a phone number to call that will provide immediate response in the event of an emergency.

Section 20. Guarantee. All work shall be guaranteed for a period of one (1) year from the date of final inspection and certification by the County Engineer that the work has been completed in accordance with the permit. All defects shall be corrected by the applicant within twenty-four (24) hours of verbal or written notice from the County or its agents.

Section 21. Security Deposit and/or Bonding. Except for public utility corporations operating under a franchise covering an area in whole or in part within the County, projects in excess of \$25,000 shall deposit with the County financial security in an amount equal to 110% of the cost of completion of the work required to comply with this chapter, estimated as of 90 days following the date scheduled for completion, provided the cost exceeds \$25,000. The form, amount and administration of the financial security shall be in accordance with **Section** of the New Mexico Municipalities Planning Code, 53 P.S. §10509. The financial security shall be held by the County until the end of a 1-year guarantee period and shall be used by the County as liquidated damages in case of default or non-performance by the applicant.

Public utility corporations operating under a franchise covering an area in whole or in part within the County shall have on file with the County a bond in the amount of \$10,000 or as may be established by resolution of the Board of Supervisors with a surety that is licensed to transact such business in the State of New Mexico, which bond shall be renewed annually, covering the cost of all inspections made by the Public Works Director or his designee pertaining

to all openings or excavations made or to be made in a calendar year or shall furnish a bond in the amount determined by the Public Works Director or his designee covering the aforesaid costs pertaining to proposed openings or excavations set out in the application. The aforesaid bonds shall have either corporate surety or other surety approved by the County Solicitor and shall be conditioned to indemnify the County in the event of any loss, liability or damage that may result or accrue from or be due to the making, existence or manner of guarding or constructing any opening or excavation during the term of said bond.

Section 22. Prohibited Locations. No utilities, except for transverse laterals, shall be placed in the planting area between the face of curb and the sidewalk, or within five (5) feet of the edge of cartway or paved shoulders. This area is reserved for County use for storm sewers, traffic signs, streetlights, etc.

Section 23. Recently-Paved Streets. Except for emergencies, excavations will not be permitted in streets that have been built or overlaid within the previous three (3) years, unless the applicant agrees to overlay the full width of the street with one and one half (1½) inches of 9.5 mm Superpave for a distance of ten (10) feet on either side of the extreme edges of the disturbed paving measured along the length of the road. Overlays shall be placed within one (1) week of permanent restoration of the excavation.

Section 24. Driveway Permits. Permits shall be required for all new or widened driveways within the County. Driveway permits for County roads shall be obtained from the County. The application shall be accompanied by a fee in accordance with the County Schedule of Fees adopted from time to time by the Board of Supervisors. Driveway permits for State roads shall be obtained from NMDOT. The provisions of **Section**, security deposit, and Section 33, insurance, shall not apply to an applicant for a driveway permit serving an existing single family residence.

Section 25. Driveway Dimensions. The minimum width of a driveway shall be nine (9) feet. In areas where a driveway is approved for access to multiple lots or uses, the minimum width of the driveway shall be sixteen (16) feet; where it can be shown to the satisfaction of the County that sufficient pull-offs are provided for access to multiple lots or uses, the minimum width may be reduced to nine (9) feet. The maximum width of residential driveways shall be twenty (20) feet. The maximum width of commercial and industrial driveways shall be determined by engineering analysis. Driveways shall provide four (4) foot paved radius tapers (turning widths) where the driveway meets the cartway edge of a County road; regardless of width, should turning movements onto or off of driveways result in damage to the cartway edge of a County road, property owners shall be liable for repairs to the County road.

Section 26. Driveway Locations. The centerline of driveways shall be located at least fifty (50) feet from the continuation of the right-of-way line of the closest intersection, or directly across from 3-way intersections.

Section 27. Number of Driveways. Not more than two (2) driveways shall be permitted to any single property, tract or business establishment. Residential lots and lots with frontages of one hundred (100) feet or less shall be limited to one driveway.

Section 28. Visibility. All driveways shall meet the visibility requirements of PennDOT Chapter 201. The clear-sight triangle shall be maintained clear of all obstructions at all times.

Section 29. Drainage. Driveways shall be depressed to match the existing roadside swale or shoulder so as to allow above-ground drainage over the driveway and to direct driveway runoff into said swale or shoulder. Pipes shall not be installed under driveways, except under unusual circumstances and with prior County approval.

Section 30. Grades. The portion of a driveway within the street right-of-way shall not exceed four (4) percent grade. The remainder of the driveway shall not exceed fifteen (15) percent grade. Driveways shall be paved from the cartway to a minimum of twenty-five (25) feet back from the right-of-way line. Paving shall consist of six (6) inches of 2A crushed stone and two (2) inches of ID-2 per **NMDOT Publication _____**, latest edition. The remainder of the driveway may be constructed of any suitable stone, paver or paved surface.

Section 31. Erosion. Driveways shall be designed to avoid erosion and excessive runoff by grading, interception swales and/or drainage systems. If erosion products are deposited on the cartway, shoulders or swales, the property owner shall remove them within four (4) hours of verbal or written notice from the County or its agents. In addition, the property owner shall take necessary measures to avoid reoccurrence of the problem.

Section 32. Private Streets. Driveways serving as private streets shall not be dedicated to the County nor does the County assume any responsibility for their maintenance.

Section 33. Flag Lots. When flag lots abut each other at a common street line, or in other situations considered appropriate by the Board of County Commissioners, a common driveway shall be utilized for access to the lots.

Section 34. Unnatural Water Sources. Discharge from any roof drains, downspouts, sump pumps, foundation drains, disposal fields, etc., shall not be permitted onto a right-of-way or onto a driveway or driveway drainage system that directs runoff toward a street. Such discharge may be connected to underground drainage systems in the street if available, preferably into an inlet for accessibility.

Section 35. Insurance. As part of the permit application, the applicant shall provide the County with insurance certificates for the following policies of insurance in full force and effect with an insurance company(ies) admitted by the New Mexico Insurance Commissioner to do business in the State of New Mexico and rated not less than A in Best Insurance Key rating Guide:

1. Commercial general liability insurance, including property damage liability and personal injury liability of not less than \$1,000,000 for each occurrence and a \$2,000,000 minimum aggregate amount.

2. Automobile bodily injury liability insurance of not less than \$500,000 each person; \$500,000 each occurrence.

3. Statutory Workman's Compensation and employer's liability insurance.

All policies of commercial general liability insurance required hereunder shall name the County, its supervisors, engineer and employees as additional insureds. Specifically, commercial general liability insurance policy shall name the County, its officers, agents, supervisors, elected officials and employees as an additional insured under ISO endorsement CG 20 26 07 04 or non ISO equivalent. Any policy or policies of insurance shall be primary and non-contributory to insurance coverage maintained by the County. Certificates of insurance shall state that coverage shall not be cancelled by either party except after thirty (30) days' prior to written notice by U.S. certified mail, return receipt requested, has been given to the County. In addition, the applicant shall indemnify and hold harmless the County and shall assume the defense and all costs of lawsuits and awards.

Section 36. Emergencies. In the case of emergencies threatening property or lives, the applicant may proceed with the work after notifying the County and 911. The applicant shall still be responsible for applying and obtaining the permit and satisfying all requirements. The application shall be made within twenty-four (24) hours of the verbal or written notice to the County and 911. If the County Administrative Office is closed, the applicant shall notify the County Police Department. Information communicated shall include: 1. the date and time the emergency work is started; 2. the location of the emergency work site; and 3. a description of the emergency work.

Section 37. Equipment Damage to Streets or Sidewalks. All equipment shall have rubber wheels or runners and shall have rubber, wood, or similar protective pads between the outriggers and the surface unless otherwise authorized by the permit. Where other than rubber-equipped machinery is authorized, pavement, sidewalks and shoulders shall be protected by the use of matting wood, or other suitable protective material having a thickness of four (4) inches (unless the permit indicates that the applicant plans to repave the full width of the roadway). Should damages occur, pavement, shoulders and sidewalks shall be restored to their formal condition at the applicant's expense.

Section 38. Other Regulations. In addition to the requirements of this Ordinance, all work is subject to all applicable federal, state and local laws, ordinances and regulations.

Section 39. Violations and Penalties. Any person or utility which shall violate or permit the violation of the provisions of this ordinance shall, upon being found liable therefore in a criminal enforcement proceeding, pay a fine of not more than \$1,000 nor less than \$25, together with court costs and reasonable attorney fees, and may be incarcerated for a period not exceeding 90 days. Such fines, costs, attorney fees and incarceration, after being reduced to a final, unappealed judgment, shall be enforced by the County pursuant to the applicable rules of criminal procedure. Each day of violation shall constitute a separate violation.

Section 40. **Definitions.** As used in this ordinance, the following terms shall have the meanings indicated:

CARTWAY -- The portion of a street or alley, right-of-way, paved or unpaved, customarily used by vehicles in the regular course of travel over the street.

PERSON -- Any natural person, municipal authority, corporation, partnership, joint venture, sole proprietorship, firm, association and any other entity of whatever type.

RIGHT-OF-WAY -- The total width of any land reserved or dedicated as a street, alley or crosswalk, or for any other public or private purpose.

Section 41. **Severability.** If any provision, paragraph, word, section or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

Section 42. **Effective date.** This ordinance shall be effective five (5) days from the date of enactment.

ES-CA Communications/Political Report

March 4, 2018

- No Signpost Article – no new issues or updates. Do not want to take advantage of Signpost in giving us free publicity.

- Sandoval County Commission
 - Detention Center in need of major repairs - \$5.1 million
 - Library bond issue to go before the voters this year
 - Pipelines
 - County requesting information from companies, State and Fed govt per LPA letter
 - Oil and Gas
 - Creation of Citizens Working Group tabled until next meeting
 - Proposal to increase size with additional appointments by Comm. Chapman
 - Any proposed ordinance would first be reviewed and approved by P&Z

- New Mexico
 - NMED hosted a hearing on 2/12 about proposed changes to O&G construction permits
 - Feds have been lessening regulations over the past 13 months
 - Cutting Methane regs
 - Cutting public review time periods

- Pipelines
 - Per my conversation with Senator Udall's office, they are going to schedule an inspection by Fed DOT and invite all pertinent groups to attend – SCC, PRC, LPA, ESCA, Andeavor, Enterprise, Kinder Morgan.

- Meeting with Bernalillo Mayor Jack Torres
 - Rt. 550 construction is ahead of schedule
 - Bosque Brewery to create approx. 70 new jobs

ES-CA Transaction Report - February 2018 (corr.) - Last month
 2/1/2018 through 2/28/2018

3/5/2018

Date	Description	Memo	Category	Amount
INCOME				1,448.10
Uncategorized				0.94
2/28/2018	Interest	US Bank.com.		0.94
Dues				300.00
2/7/2018	Dues	2 memberships	Dues	100.00
2/27/2018	Dues	4 memberships	Dues	200.00
Individual Contribution				400.00
2/27/2018	Donations	Donation	Individual Contribut...	400.00
PayPal				507.37
2/6/2018	Dues	2 memberships	PayPal	96.80
2/26/2018	Dues	6 memberships	PayPal	314.07
2/28/2018	Dues	2 memberships	PayPal	96.50
Stripe				239.79
2/26/2018	Dues	2 memberships	Stripe	70.77
2/28/2018	Dues	4 memberships	Stripe	169.02
EXPENSES				-400.00
Gifts & Donations				-100.00
2/20/2018	Watermelon Ranch	Memorial gift - Ed Majka	Gifts & Donations	-100.00
Meeting Expenses				-300.00
2/1/2018	PVFB	Meeting expenses - rental for 2017	Meeting Expenses	-300.00
OVERALL TOTAL				1,048.10

PBF v

to total

2018 February ESCA Summary Report - Last month

2/1/2018 through 2/28/2018

3/5/2018

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Date	Account	Description	Memo	Category	Amount
BALANCE 1/31/2018					24,549.01
2/28/2018	Checking ...Interest		US Bank.com.		0.94
2/7/2018	Checking ...Dues		2 memberships	Dues	100.00
2/27/2018	Checking ...Dues		12 memberships	Dues	600.00
2/6/2018	Checking ...Dues		2 memberships	PayPal	96.80
2/26/2018	Checking ...Dues		6 memberships	PayPal	314.07
2/28/2018	Checking ...Dues		2 memberships	PayPal	96.50
2/26/2018	Checking ...Dues		2 memberships	Stripe	70.77
2/28/2018	Checking ...Dues		4 memberships	Stripe	169.02
2/20/2018	Checking ...Watermelon Ranch		Memorial gift - Ed Majka	Gifts & Donations	-100.00
2/1/2018	Checking ...PVFB		Meeting expenses - rental for 2017	Meeting Expenses	-300.00
2/1/2018 - 2/28/2018					1,048.10
 BALANCE 2/28/2018					 25,597.11
TOTAL INFLOWS					1,448.10
TOTAL OUTFLOWS					-400.00
NET TOTAL					1,048.10

2018 February LPT Summary Report - Last month

2/1/2018 through 2/28/2018

3/5/2018

Page 1

Date	Account	Description	Memo	Category	Amount
BALANCE 1/31/2018					33,435.67
2/28/2018	ES-CA LPT...	Interest	US Bank.com.		1.28
2/1/2018 - 2/28/2018					1.28
BALANCE 2/28/2018					33,436.95
TOTAL INFLOWS					1.28
TOTAL OUTFLOWS					0.00
NET TOTAL					1.28

Subject: Re: Presentation for SCC Mtg 1Feb

From: Jodilynn Ortiz <jodilynnortiz@yahoo.com>

Date: 3/8/2018 11:02 AM

To: Christopher Daul <daulcl8@gmail.com>

CC: Dick Ulmer <lpt.es-ca@comcast.net>, Lisa Franzen <geolisafranzen@aol.com>, Irene Gale <irene_gale@comcast.net>, Jim Harre <jim@tweech.com>, John McNerney <john@mcnerney.org>, Judy Labovitz <labovitzj6@gmail.com>, Lynn Koch <lynn@lapuertallc.com>, Richard Reif <studmufn@nmia.com>, Susan Fullas <sfullas@msn.com>, Tony Pellechio <tpellechio@comcast.net>, "lasplacitas@gmail.com" <lasplacitas@gmail.com>

Dear ESCA group,

Thank you for having me for the Monday, ESCA monthly meeting. I am following up as, stated I would.

I stated many plans for the future of NM, regarding the Pipeline issues. I would like to pass the ordinances over to your group for discussion and possible movement as, suggested at the meeting. This plan is something worth moving forward with and working as a community is very important for this issue, the pressure needs to be set-in-motion. I hope you all agree, and will push the efforts that I have suggested and will help with prevention and mitigation for our states safety and future.

These ordinances as mentioned came from the Coalition out of Pennsylvania, where they have modeled this approach and have made significant changes in the state, as I would like to move our state. Please, read and discuss as, a group for changes in wording that fits the area, I changed a few things, but they are drafts and this is a community effort.

I am very pleased, that Sandi, from Las Placitas Association was in attendance, and hope again that we all work as Constituents in this. (I cc'd las placitas association in this email, also.)

Please, if any one has interest in who would be a good representative to sit on the Contingency Committee for the state, please, let me know. I will be working with Eleanor on this and hopefully, we will have this organized and formed soon.

Hope to hear back and if there are any questions, please contact me at any-time.

Best day,

Jodilynn Ortiz
Consulting - USA; LLC
505-307-2395

On Saturday, January 20, 2018, 11:01:26 AM MST, Christopher Daul <daulcl8@gmail.com> wrote:

Everyone. ESCA has had the pipeline companies come to meetings and has had PRC Commissioner Valerie Espinoza as well as staff come to meetings. Paterson has made proposals in the past for monitoring wells and called

for the companies to relocate the lines.

Bottom line is that the jurisdiction lies with the Fed DOT and there is no requirement to replace lines for any reason. Failure only requires repair not full replacement. The County has no authority on this issue.

Certainly would help to have the County push our Fed legislators on legislation but I doubt anything would get thru this Congress.

On Sat, Jan 20, 2018 at 7:49 AM, geolisafranzen@aol.com <geolisafranzen@aol.com> wrote:

Chris, Thank You, good update on the current situation. Chris who are you referring to when you say "We" have been discussing, LPT, LPA, ESCA and Jodilynn Just for my info George

-----Original Message-----

From: Christopher Daul <daulcl8@gmail.com>

To: geolisafranzen@aol.com

Cc: Dick Ulmer <lpt.es-ca@comcast.net>; Susan Fullas <sfullas@msn.com>; Lynn Koch <lynn@lapuertalco.com>; John McNerney <john@mcnerney.org>; Jim Harre <jim@tweech.com>; Tony Pellechio <tpellechio@comcast.net>; Richard Reif <studmufn@nmia.com>; Irene Gale <irene_gale@comcast.net>; Judy Labovitz <labovitzj6@gmail.com>; Jodilynn Trujillo-Ortiz <jodilynnortiz@yahoo.com>

Sent: Sat, Jan 20, 2018 7:38 am

Subject: Re: Presentation for SCC Mtg 1Feb

George,

We have been discussing this issue for years and it is the crux of the work Jodilynn has been doing. We had developed working relationships with the 3 companies whose pipelines pass thru the area and they are in compliance with the current regulations. The issue, as detailed by Jodilynn, is the age of the pipelines. Of course, their location is also an issue but they were placed before any major residential development occurred in the Placitas area. Ideally, relocation of the pipelines is the best outcome with replacement of current in place lines is 2nd.

All but one pipeline is under Federal jurisdiction. While the State could lobby to have Federal power delegated to them, it would require legislative action and funding for inspections.

Jodilynn's bill would require aging pipelines to be replaced.

Public presentations are good in helping to get residents informed and energized to put pressure on our elected officials.

Chris

On Fri, Jan 19, 2018 at 11:48 AM, geolisafranzen@aol.com <geolisafranzen@aol.com> wrote:

Dick and Board, This the briefing I mention at our meeting. It will be the first time this problem has gone public. I should be a must hear brief either in person or live streaming.

Georege

-----Original Message-----

From: James Holden-Rhodes <reconman@swcp.com>

To: Dianne Maes <dmaes@sandovalcountynm.gov>; DAVID HEIL <daveheil16@msn.com>

Sent: Fri, Jan 19, 2018 11:22 am

Subject: Presentation for SCC Mtg 1Feb

Chairman Heil

County Manager Maes

I am requesting placement on the agenda for the SCC Mtg on 1 Feb 18.

Topic of the presentation—to be delivered by Dwight Patterson, Las Placitas Association—is the status of the pipelines that run through the village.

Title: A Clear and Present Danger: Placitas Pipelines

We are sending out invitations to representatives from each of the 4 pipeline companies as well as the US Department of Transportation, BLM, Senator Udall's office, NMPRC and others.

The presentation graphically depicts the rapidly deteriorating, dangerous situation in Placitas.

Please give me a heads up, soonest.

Having been repeatedly “sand-bagged” by the previous Chair, hopefully now I can expect—finally, with a new leader at the helm—to be treated in a more professional manner....

Semper Fi

H-R

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Chris Daul

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Chris Daul

— image.png —



— Attachments: —

CGCT SANDCO StreetOpeningOrd - 2018 ver.docx	56.6 KB
SAND CO Surface Land Uses Affiliated With Pipeline Utilities - march 2018 draft.docx	31.0 KB
New Development Stds - March 2018.docx	31.6 KB
image.png	22.2 KB

Board Member at-large

I am not sure what you want in the way of a bio, but here goes. I was born & raised in Ohio. My formal education was done there. I graduated from Upper Sandusky High School in 1975. I then spent the next 14 years of my life getting a college education. BA biology Univ, Toledo 1979, followed by a MS 1982 & PhD 1986 both in Physiology, then my MD 1989, all at the Univ of Cincinnati College of Medicine. I did a 4 year, residency in OB/GYN & a 2 year fellowship in Reproductive Endocrinology in Virginia. While in Virginia I met my wife, Jayne McCormick, who was doing here residency in General Surgery there. After completing our training, we moved to Omaha NE, in 1995 where we both started practicing medicine. Around this time, we had our 2 children, Shannen & Sean. In Omaha, Jayne, started out in private practice & I took an academic position at the Univ of NE, College of Medicine, Dept. of OB/GYN, as a reproductive endocrinologist. I was full time faculty for around 6 years. My partner & I decided to leave the university & went into private practice in 2001. We started the Heartland Center for Reproductive Medicine. But we still maintained a close relationship with the university after leaving the college of medicine, having part time clinical teaching appointments in the dept. of OB/GYN. Jayne accepted a position at Presbyterian Healthcare Services in 2011. I retired from clinical medicine the end of 2014, after getting our children through high school, & joined Jayne in NM. The whole time we live in Omaha, I did volunteer work at, Omaha's, Henry Doorly Zoo, which is often ranked as one of the best, if not the best zoo, in the country. Since moving to NM, I have been doing volunteer work at the, New Mexico Museum of Natural History, for the last 3 years & I sit on the volunteer board there. I am also in my second year of volunteering as a board member in our community of San Pedro Creek Estates.

at-large

Jacques Wenner Ramey
San Pedro Creek Estates.

East Mountain

a member of our East Mt HSA



The Las Placitas Association

Preserving and Protecting the Quality of Life in the Placitas Area

PO Box 888, Placitas, NM 87043 www.lasplacitas.org

A tax-exempt organization under the Internal Revenue Code 501(c)(3)

The Las Placitas Association is a twenty-year-old organization in Placitas organized to protect open space, restore riparian watersheds, promote educational, recreational activities, and to engage the community in appreciating the rich environment and culture of the area. We thank you for the opportunity to comment on the Programmatic Environmental Impact Statement (PEIS), Designation of Energy Corridors on Federal Land in the 11 Western States.

Placitas has been continuously inhabited for thousands of years, Placitas is the site of a 250-year-old land grant and a residential community that has grown from 400 to 5,000 households since the early 80's. It is ideally located between Albuquerque and Santa Fe and has become a prime residential area consisting predominantly of middle and upper middle-class homes overwhelmingly occupied by retirees from outside New Mexico. There are few communities like Placitas in New Mexico where the residents bring out of state monies in to the state.

Ten years ago, LPA commented on the proposed corridor in opposition to connecting any segments through Placitas. To our relief the corridor revisions map indicates that the specific section showing revisions appears to have been removed and we wish that the part stays that way to protect the entire community.

http://corridoreis.anl.gov/eis/documents/fpeis/maps/part_6/Part_6_WWEC_Final_PEIS_Corridor_Revisions.pdf

Segments 80-271, 81-272, 89-271 and 81-213 show sections of corridors, not complete corridors, leaving uncertainty regarding where and how the designated corridor may affect the community. That uncertainty renders public comments inadequate to address an "actual" plan.

Given that Placitas is off the table, we still urge caution connecting the dots because the state's population is concentrated in this area and subject to adverse effects from corridors that will NOT benefit the local population.

The impact of siting in this area would be significant and adverse, damaging property values and eroding the very fabric of the surrounding residential and pueblo communities. These negative impacts are completely inconsistent with urban interface existing in the community and the entire Albuquerque/Santa Fe populations.

In conclusion, the PEIS is incomplete because of its fragmented approach to corridor identification.

Respectfully submitted,
Sandra Johnson
Board President

Mining Activity

- Message last week from Barbara Goodrich-Welk:
“Am remembering the request to start working on the visualization graphics for the folks that border the property on the east side. I am hopeful I can get that started in the next couple of months.”
- Yesterday (Sunday 3/4/18) wind event did not turn into a dust bowl as frequently happened with Lafarge
 - Vulcan seems to manage the topography of the operation to minimize exposed top soil most prone to be kicked up by the winds

SURFACE LAND USES AFFILIATED WITH TRANSMISSION PIPELINES

Note: This ordinance is intended to be enacted as part of a Municipality's Zoning Ordinance, preferably within a "Supplementary Regulations" section.

**AN ORDINANCE PURSUANT TO ARTICLE ____ OF
THE COUNTY PLANNING CODE, AMENDING CHAPTER ____**

**OF THE CODE OF ORDINANCES OF _____ COUNTY,
BEING THE ZONING ORDINANCE BY PROVIDING FOR THE
REGULATION OF SURFACE LAND USES AFFILIATED WITH
TRANSMISSION PIPELINES. EFFECTIVE FIVE DAYS FROM
ENACTMENT.**

Section 1. The Code of the COUNTY of _____, Chapter ____ thereof, being the _____ COUNTY Zoning Ordinance, as amended (the "Zoning Chapter"), Article ____, Supplementary Regulations, Section ____, is amended by adding a new section , to read as follows:

- A. Surface Land Uses Affiliated with Transmission Pipelines. The purpose of this section shall be to:
- (1) Accommodate the need for surface land uses affiliated with transmission pipelines consistent with the desire to protect the health, safety and welfare of the citizens of the Township.
 - (2) Minimize aesthetic, nuisance and visual impacts of surface land uses affiliated with transmission pipelines through proper design, siting and vegetative screening.
 - (3) Ensure the location of surface land uses affiliated with transmission pipelines in compliance with applicable industry standards and requirements, among them the Federal Energy Regulatory Commission (FERC), and the New Mexico Oil and Gas Act.
 - (4) Preserve the rural, suburban and urban character of neighborhoods adjacent to surface land uses affiliated with transmission pipelines.

B. Use provisions.

- (1) Surface land uses affiliated with transmission pipelines shall be permitted as a principal use by right in the *Industrial or Community District Overlay* where underground pipelines exist or are proposed. Such uses shall meet the dimensional

requirements, including but not limited to area and bulk standards, of the *Industrial District or Community District Overlay* . Applicants are required to demonstrate to the satisfaction of the Township that the requirements

of Section C, Standards for surface land uses affiliated with transmission pipelines, can be met.

Note: Counties may wish to designate other areas where surface uses are permitted by right, such as zoning districts within which existing pipeline corridors already exist, or other special use districts appropriate for such uses.

(2) Except as otherwise designated in Subsection (3) below, surface land uses affiliated with transmission pipelines shall be permitted as a principal use in all other zoning districts where underground pipelines exist when authorized as a conditional use pursuant to Section C, Standards for surface land uses affiliated with transmission pipelines and (*insert reference to municipal Conditional Use Approval Standards*). In addition, such uses shall meet the dimensional requirements, including but not limited to area and bulk standards, of the underlying district.

(3) Surface land uses affiliated with transmission pipelines shall be prohibited in the *Historic Preservation Overlay District*.

Note: Counties may also wish to prohibit such uses in other special districts such as scenic corridor overlay districts or Water protection overlay districts, etc.

(4) All other uses ancillary to surface land uses affiliated with transmission pipelines are prohibited unless otherwise permitted in the zoning district in which the use is located.

C. Standards for surface land uses affiliated with transmission pipelines. The following standards will be considered by the County prior to permitting surface land uses affiliated with transmission pipelines:

(1) Setbacks. Unless otherwise approved by the Board of County Commissioners upon recommendation of the County Planning Commission, the applicant shall demonstrate that the setbacks for surface land uses affiliated with transmission pipelines and all supporting equipment and structures to any property line or right-of-way shall be consistent with the minimum setback in the underlying zoning district. In addition, surface land uses affiliated with transmission pipelines and all supporting equipment and structures shall be setback a minimum of Seven Hundred Fifty (750) feet from residential buildings and all commercial, industrial and institutional uses or a minimum of Seven Hundred Fifty (750) feet from the nearest lot line, whichever is greater, unless waived by the owner of the adjoining property (in which case a Seven Hundred Fifty (750) foot minimum setback from the nearest lot line shall be required).

Setbacks may be increased by the County pursuant to the type of material being managed at the surface land use affiliated with transmission pipelines and whether the use is adjacent to areas of high on-site population. The County shall, on a

case-by-case basis determine if increased setbacks are warranted consistent with the “Potential Impact Radius” (PIR), defined by the relationship between the diameter of the adjacent pipeline (and appurtenances) and its maximum operating pressure (see Exhibit 1), whether high on-site populations are located in close proximity, and whether more than one transmission pipeline (such as coupled lines) will be managed at the surface land use affiliated thereto. The PIR approach is applicable only to surface land uses affiliated with “gas” or “petroleum gas” transmission pipelines as defined by Title 49, Code of Federal Regulations, Section 192.3. Surface land uses affiliated with transmission pipelines carrying "hazardous liquids", as defined by Title 49, Code of Federal Regulations, Section 195.2, shall adhere to the setback standards contained in this subsection.

Note: Although setbacks were 750 feet from compressor stations, the Act also provided NM ENV and or NM PRC latitude to reduce such setbacks if waived by the owner of adjacent buildings or adjoining lots. Municipalities wishing to consider larger setbacks for surface land uses affiliated with petroleum or other hazardous liquid pipelines should only do so if they believe they can justify the need for larger setbacks to protect High Consequence Areas (areas with high on-site populations) or Unusually Sensitive Areas (areas with unique natural resource constraints). Any increase or decrease in setbacks should be reviewed by the municipal solicitor. The municipality should consider retaining special counsel to present the case for larger setbacks during the conditional use proceedings.

- (2) Landscaping. The applicant shall provide a plan prepared by a landscape architect licensed in New Mexico showing landscaping proposed to be installed to screen and buffer surface land uses affiliated with transmission pipelines. The landscape plan shall incorporate the use of an eight-foot decorative fence surrounded by a mix of native vegetation, including evergreens, shrubbery and trees, which shall not be less than the height of the fence and shall be of sufficient density to screen the facility. Existing vegetation in proximity to surface land uses affiliated with transmission pipelines shall be preserved to the greatest extent possible. All proposed landscaping shall comply with the requirements of the Township's Subdivision and Land Development Ordinance (*or substitute the location of any landscaping provisions of the County Code*). Applicants shall submit a visual survey from mutually agreed upon vantage points in order to support the proposed landscaping plan's mitigation of visual impacts.
- (3) Noise. Sound produced by the surface land use affiliated with transmission pipelines shall not result in noise or vibration clearly exceeding the average intensity of noise or vibration occurring from other causes at the property line; in no case shall the sound pressure level exceed 55 dB(A) (according to the American National Standards Institute (ANSI) “a” weighted scale) at the property line closest to the land use.
- (4) Odors. Odor, vapors or particulate matter produced by the surface land use affiliated with transmission pipelines shall not exceed the average emission of

such substances occurring from other causes at the property line. Specific contaminants shall be regulated by NM Code, Title___, Environmental Protection, Part___, Subpart____, Article, Air Resources.

- (5) Signage. All signs, other than utility identification signs, appropriate warning signs, or owner identification signs, shall be prohibited. There shall be no antennae, advertising, or other items or material affixed to or otherwise placed on surface land uses affiliated with transmission pipelines, except as permitted by the County.
- (6) Parking. If the surface land use affiliated with transmission pipelines is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of parking spaces shall be equal to the number of people on the largest shift. Parking spaces shall be located within the decorative fence and landscape buffer area so they are substantially concealed when viewed from surrounding properties.
- (7) Lighting. No surface land use affiliated with pipeline utilities shall be artificially lighted except as required for emergency night time access. Any such lights shall be shielded so as to prevent intrusion upon nearby properties.
- (8) Engineered drawing submission. Applications for a land use affiliated with pipeline utilities shall be accompanied by engineering drawings prepared by an engineer licensed in Pennsylvania. The applicant shall show that all applicable Commonwealth of Pennsylvania and U.S. standards for the construction, operation, and maintenance of the proposed facility have been met.
- (9) Design. The applicant proposing a surface land use affiliated with transmission pipelines must demonstrate that the structure has been designed to blend in with or mimic existing structures in the landscape such as residential outbuildings, farm structures, or other uses permitted in the underlying districts.
- (10) Visual impact. Any surface land use affiliated with transmission pipelines shall be designed and constructed so as to mitigate the visual impact from public roads and nearby uses. In addition, the color and other visual features of the land use affiliated with pipeline utilities shall be designed and installed in such a manner so as to create the least visual impact practicable. The applicant shall demonstrate compliance with this section, by among other things, providing photographic perspectives of the proposed site from all sides of the property, adjacent road ways and neighboring properties (with permission of the owners).
- (11) Need. The applicant for a surface land use affiliated with transmission pipelines is required to demonstrate, using scientific and technological evidence, that the facility must be located where it is proposed in order to satisfy its function in the company's pipeline system and demonstrate that there is a need for this facility at the location where it will be located.

- (12) State and Federal Regulation. All applicants, whether commercial pipeline companies or otherwise, must demonstrate the submission of sufficient filings and/or receive sufficient approvals, as required, through the Federal Energy Regulatory Commission (FERC), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the State of New Mexico [the New Mexico Department of Environmental Protection (NMENV) and/or the New Mexico Public Regulation Commission (NMPRC)]. Such documentation is not required as part of the initial application to the County, but must be included with the final as-built plans submitted upon approval by the County.
- (13) Removal of surface land uses affiliated with transmission pipelines. Any surface land uses affiliated with transmission pipelines that are no longer licensed and active shall be removed and the site restored to its original condition at the owner's expense within 60 days of the last date that the facility was licensed by the NM ENV, NM PRC and FERC. A bond or escrow account shall be posted with the County in an amount sufficient to ensure such removal and site restoration prior to the construction of the facility. The applicant shall have prepared and submit to the County to accompany the bond or escrow account, an estimate of the cost necessary to remove the surface land use facility associated with the pipeline and restore the site to its preconstruction condition.

Section 2. The Code of the County of _____, Chapter _____ thereof, being the _____ County Zoning Ordinance, as amended (the "Zoning Ordinance"), Article _____, Section _____, Definitions, is amended by adding the following terms and definitions therefore in the correct alphabetical sequence:

Pipeline – As defined by Title 49, Code of Federal Regulations, Sections 195.2 and 192.3.

Surface land uses affiliated with transmission pipelines – Above-ground transmission pipeline facilities including, but not limited to, compressor stations, pumping stations, regulator stations, launcher/receiver stations, and other surface pipeline appurtenances.

Transmission Pipelines – Transmission pipelines include, but are not limited to, pipelines designed for the transmission of a "gas" or "petroleum gas", except a "service line", as those terms are defined by Title 49, Code of Federal Regulations, Section 192.3; also included are pipelines designed for the transmission of a "hazardous liquid", as defined by Title 49, Code of Federal Regulations, Section 195.2.