

Oil, gas extraction ban: Mora leaders push for 'sustainable' growth

Eric Heinz, Sangre de Cristo Chronicle | Posted: Sunday, May 19, 2013 12:00 pm

MORA — The Mora County Commission's April 29 ban on the extraction of oil and gas within its jurisdiction has raised some eyebrows around the industry and region.

Oil and gas companies seek access to once impenetrable geologic fortresses that guard precious domestic fuel deposits, and political heavyweights are forced to weigh in at local and federal levels.

Horizontal drilling and hydraulic fracturing (or "fracking") have been at the pinnacle of recent debates.

Claiming to be the "first county" in the nation to block oil and gas extraction, the Mora County Commission passed the ordinance titled the Mora "Community Bill of Rights" or "Mora County Community Water Rights Local Self-Governance."

Notably, a New York Court of Appeals case two weeks ago determined that municipalities within the state are allowed to ban hydraulic fracturing within their borders. The city of Pittsburgh banned oil and gas extraction in 2010.

Under the Mora County ordinance, all oil and gas extraction — not just hydraulic fracturing and horizontal drilling — is banned within the county borders.

Whether the push to keep oil and gas companies out of Mora ensures a more sustainable and fruitful growing season remains to be seen. National contenders continue to bout on the topics of hydraulic fracturing, mostly in regard to its opponents' theorized effects on the environment and groundwater.

Mora County Commission Chairman John Olivas said he believes local voters favor an agricultural economy without revenue based on fossil fuels. He said the voters showed that by voting for him and fellow commissioner Alfonso Griego, who ran platforms for sustainable and more environmentally friendly economic practices.

"What happened is Mora County is taking the initiative around sustainable economic development," Olivas said. "In November 2012, we put together an economic development committee, and their focus is sustainable agriculture, the second is business development and the third is eco-tourism. Mora has been known as a breadbasket of the southwest for years. There's no reason we can't get back to sustainable agriculture."

Ranching and farming practices have been part of Mora's history for centuries. Today there still are producers of meat and vegetables in the region, but turning a great part of the area back to agriculture will take some work.

"There's a major cross-section of the community that does (agriculture and ranching), and there will be people doing it especially if we're getting back to sustainable community," Olivas said.

Olivas said there were exploratory wells drilled in the 1970s that showed natural methane gas below the earth's surface, but the technology at the time did not allow for extraction.

Shell Oil Company media relations responded to calls but did not answer specific questions before press time Tuesday (May 14). Commissioner Paula García did not respond to phone calls before press time.

Organic chemistry

Anita LaRan, president of the Sangre de Cristo Livestock Growers, said she was in "total support" of the Mora County ordinance. LaRan said she believes allowing for any kind of oil and gas extraction would be a detriment to the projects she has been trying to fulfill because it could harm the water in the area.

"I am a native of Mora, and water has always been a precious commodity for us," LaRan said. "Back in the early 1990s, we had a very lengthy strategic planning process in the community of Mora. We had a lot of focus groups that we met with, and one of the major issues back then was protection of our water in the community and in our culture."

LaRan said there was a separate project in 2005 that tried to reinvigorate self-sustaining agricultural and growing processes.

Referring specifically to hydraulic fracturing, LaRan said, "if the oil and gas companies did not require as much water and did not inject pollutants, it would be a different story, but I don't personally think we need that in our aquifers."

Rodger Gonzales, president of the Los de Mora Local Growers Cooperative, said there are differing opinions among members as to whether to support the ordinance or not. "I can tell you I have some members who support the ordinance and some who do not," Gonzales said. "Our goal is to revitalize the community for small agriculture, but we haven't officially taken a stance because we don't want our parties to be distracted."

Gonzales said there are about 23 farms that are co-op members. He said this is the organization's first growing season in which it will try to network farmers with organic food distributors in the area. This year, Gonzales said, he hopes to get eight new farms in business with distributors.

Defense mechanisms

Thomas Linzey, executive director of the Community Environmental Legal Defense Fund, helped co-author the ordinance with the Mora County Commissioners who supported it.

"This process began about two years ago with a group of residents in (the town of) Mora and a group of people in Mora County," Linzey said. "These folks in Mora saw it coming and tried to work something preemptively."

Neighboring Colfax County and more counties have already allowed for oil and gas extraction

practices. As more oil and gas companies seemingly crept closer to Mora County, Linzey said, there were community members who banded to tailor the law passed in April. "This is indicative of other fights that will brew in the U.S. in the next 10 to 20 years," Linzey said.

During those two years of construction, Linzey said, the group tried to make it a legal hurdle for oil and gas companies to search for and extract oil. "It's protected by layers of law that makes it very difficult for the oil and gas companies to sue and win," Linzey said.

Linzey said Shell Oil Company has leased parts of Mora County for exploratory wells to find out what kind of fuel lies beneath the surface, if any. The size of land Shell Oil Company leases in the area, Olivas said, is about 100,000 acres. But because the leases are on private land, the exact acreage has not been determined.

"The fact is that the Mora ordinance is based on the right to local governance, and people should have the ability to say 'no' (to oil and gas extraction)," Linzey said. "It's very complex piece of machinery. It bans corporations from extracting oil and gas, and the ordinance strips corporations of constitutional rights to overturn the ordinance. It's a trap that assumes that oil and gas will challenge it and lays stuff into the ordinance."

It also prohibits companies from making claims of future lost profits. "Within the County of Mora, corporate claims to 'future lost profits' shall not be considered property interests under the law, and thus, shall not be recoverable by corporations seeking those damages," the ordinance states.

Mineral rights within the county could be a future discrepancy, as there are not many records of mineral rights holders not only in Mora County but all over New Mexico. "I think a lot of those issues have yet to be ferreted out," Linzey said. "Mineral rights can be owned by private landowners. But the law in New Mexico is so unknown it's going to be difficult, time-consuming and expensive to take a shot at Mora County. They have to build precedence from scratch, whereas in states like Pennsylvania the law has been scratched."

Wally Drangmeister, director of communications for the New Mexico Oil and Gas association, said he hasn't seen a challenge come up against the county's ordinance yet, but there may be some things within the ordinance, oil and gas companies may look at in the future.

"I guess it's one of those things we don't like what has come down," Drangmeister said. "We may have to look at other options we thought might be a win-win with Mora and the industry."

Drangmeister said the association's members are looking at compromises and possible solutions, but nothing has been brought forth yet.