



**TOWN OF PAONIA**  
**MONDAY, JULY 15, 2019**  
**SPECIAL TOWN BOARD MEETING AGENDA**  
**6:00 PM**

**Roll Call**

1. Roll Call

**Approval of Agenda**

2. Approval of Agenda

**Unfinished Business**

3. Continued Discussion – Water System
4. CHC – Colorado Oil & Gas Conservation Commission – Rulemaking and Bureau of Land Management – Revised Master Plan – Draft Letter

**Adjournment**

5. Adjournment

I. RULES OF PROCEDURE

**Section 1. Schedule of Meetings.** Regular Board of Trustees meetings shall be held on the second and fourth Tuesdays of each month, except on legal holidays, or as re-scheduled or amended and posted on the agenda prior to the scheduled meeting.

**Section 2. Officiating Officer.** The meetings of the Board of Trustees shall be conducted by the Mayor or, in the Mayor's absence, the Mayor Pro-Tem. The Town Clerk or a designee of the Board shall record the minutes of the meetings.

**Section 3. Time of Meetings.** Regular meetings of the Board of Trustees shall begin at 6:30 p.m. or as scheduled and posted on the agenda. Board Members shall be called to order by the Mayor. The meetings shall open with the presiding officer leading the Board in the Pledge of Allegiance. The Town Clerk shall then proceed to call the roll, note the absences and announce whether a quorum is present. Regular Meetings are scheduled for three hours, and shall be adjourned at 9:30 p.m., unless a majority of the Board votes in the affirmative to extend the meeting, by a specific amount of time.

**Section 4. Schedule of Business.** If a quorum is present, the Board of Trustees shall proceed with the business before it, which shall be conducted in the following manner. Note that all provided times are estimated:

- (a) Roll Call - (5 minutes)
- (b) Approval of Agenda - (5 minutes)
- (c) Announcements (5 minutes)
- (d) Recognition of Visitors and Guests (10 minutes)
- (e) Consent Agenda including Approval of Prior Meeting Minutes (10 minutes)
- (f) Mayor's Report (10 minutes)
- (g) Staff Reports: (15 minutes)
  - (1) Town Administrator's Report
  - (2) Public Works Reports
  - (3) Police Report
  - (4) Treasurer Report
- (h) Unfinished Business (45 minutes)
- (i) New Business (45 minutes)
- (j) Disbursements (15 minutes)
- (k) Committee Reports (15 minutes)
- (l) Adjournment

\* This schedule of business is subject to change and amendment.

**Section 5. Priority and Order of Business.** Questions relative to the priority of business and order shall be decided by the Mayor without debate, subject in all cases to an appeal to the Board of Trustees.

**Section 6. Conduct of Board Members.** Town Board Members shall treat other Board Members and the public in a civil and polite manner and shall comply with the Standards of Conduct for Elected Officials of the Town. Board Members shall address Town Staff and the Mayor by his/her title, other Board Members by the title of Trustee or the appropriate honorific (i.e.: Mr., Mrs. or Ms.), and members of the public by the appropriate honorific. Subject to the Mayor's discretion, Board Members shall be limited to speaking two times when debating an item on the agenda. Making a motion, asking a question or making a suggestion are not counted as speaking in a debate.

**Section 7. Presentations to the Board.** Items on the agenda presented by individuals, businesses or other organizations shall be given up to 5 minutes to make a presentation. On certain issues, presenters may be given more time, as determined by the Mayor and Town Staff. After the presentation, Trustees shall be given the opportunity to ask questions.

**Section 8. Public Comment.** After discussion of an agenda item by the Board of Trustees has concluded, the Mayor shall open the floor for comment from members of the public, who shall be allowed the opportunity to comment or ask questions on the agenda item. Each member of the public wishing to address the Town Board shall be recognized by the presiding officer before speaking. Members of the public shall speak from the podium, stating their name, the address of their residence and any group they are representing prior to making comment or asking a question. Comments shall be directed to the Mayor or presiding officer, not to an individual Trustee or Town employee. Comments or questions should be confined to the agenda

item or issue(s) under discussion. The speaker should offer factual information and refrain from obscene language and personal attacks.

**Section 9. Unacceptable Behavior.** Disruptive behavior shall result in expulsion from the meeting.

**Section 10. Posting of Rules of Procedure for Paonia Board of Trustees Meetings.** These rules of procedure shall be provided in the Town Hall meeting room for each Board of Trustees meeting so that all attendees know how the meeting will be conducted.

## **II. CONSENT AGENDA**

**Section 1. Use of Consent Agenda.** The Mayor, working with Town Staff, shall place items on the Consent Agenda. By using a Consent Agenda, the Board has consented to the consideration of certain items as a group under one motion. Should a Consent Agenda be used at a meeting, an appropriate amount of discussion time will be allowed to review any item upon request.

**Section 2. General Guidelines.** Items for consent are those which usually do not require discussion or explanation prior to action by the Board, are non-controversial and/or similar in content, or are those items which have already been discussed or explained and do not require further discussion or explanation. Such agenda items may include ministerial tasks such as, but not limited to, approval of previous meeting minutes, approval of staff reports, addressing routine correspondence, approval of liquor licenses renewals and approval or extension of other Town licenses. Minor changes in the minutes such as non-material Scribner errors may be made without removing the minutes from the Consent Agenda. Should any Trustee feel there is a material error in the minutes, they should request the minutes be removed from the Consent Agenda for Board discussion.

**Section 3. Removal of Item from Consent Agenda.** One or more items may be removed from the Consent Agenda by a timely request of any Trustee. A request is timely if made prior to the vote on the Consent Agenda. The request does not require a second or a vote by the Board. An item removed from the Consent Agenda will then be discussed and acted on separately either immediately following the consideration of the Consent Agenda or placed later on the agenda, at the discretion of the Board.

## **III. EXECUTIVE SESSION**

**Section 1.** An executive session may only be called at a regular or special Board meeting where official action may be taken by the Board, not at a work session of the Board. To convene an executive session, the Board shall announce to the public in the open meeting the topic to be discussed in the executive session, including specific citation to the statute authorizing the Board to meet in an executive session and identifying the particular matter to be discussed "in as much detail as possible without compromising the purpose for which the executive session is authorized." In the event the Board plans to discuss more than one of the authorized topics in the executive session, each should be announced, cited and described. Following the announcement of the intent to convene an executive session, a motion must then be made and seconded. In order to go into executive session, there must be the affirmative vote of two thirds (2/3) of Members of the Board.

**Section 2.** During executive session, minutes or notes of the deliberations should not be taken. Since meeting minutes are subject to inspection under the Colorado Open Records Act, the keeping of minutes would defeat the private nature of executive session. In addition, the deliberations carried out during executive session should not be discussed outside of that session or with individuals not participating in the session. The contents of an executive session are to remain confidential unless a majority of the Trustees vote to disclose the contents of the executive session.

**Section 3.** Once the deliberations have taken place in executive session, the Board should reconvene in regular session to take any formal action decided upon during the executive session. If you have questions regarding the wording of the motion or whether any other information should be disclosed on the record, it is essential for you to consult with the Town Attorney on these matters.

## **IV. SUBJECT TO AMENDMENT**

**Section 1. Deviations.** The Board may deviate from the procedures set forth in this Resolution, if, in its sole discretion, such deviation is necessary under the circumstances.

**Section 2. Amendment.** The Board may amend these Rules of Procedures Policy from time to time.

AGENDA SUMMARY FORM



Roll Call

Summary:

Notes:

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

AGENDA SUMMARY FORM



Approval of Agenda

Summary:

Notes:

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

AGENDA SUMMARY FORM



Continued Discussion – Water System

Summary:

Notes:

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:



# After Action Report

2019 Paonia Water Supply Issue | CO-COEM-1057

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May 24, 2019

The purpose of this after action report is to share lessons learned from the Water Issues Incident involving the response of multiple agencies and disciplines. Notes were captured from the After Action Review meeting held in Paonia, Colorado on March 28, 2019. Items reviewed in this After Action Report are *not* listed in order of importance or impact to the Town of Paonia or Delta County.

# EVENT OVERVIEW

## Point of Contacts:

### TOWN OF PAONIA

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## BACKGROUND

On Thursday, February 14, 2019, the Town of Paonia was alerted by system alarms of dropping tank levels in the two-million gallon storage tank and water treatment plant. On Monday, February 18, 2019, President's Day, the tank reached a critical low level from demand for treated water exceeding supply being produced by the Town's springs. At this time, only the two-million gallon plant was online as the one-million gallon plant was off-line due to a new liner being installed in the storage tank and it had not been re-certified by the state. On February 18<sup>th</sup>, due to a loss of water pressure in the majority of the system, the Town was placed on a Boil Order by Colorado Department of Public Health and Environment (CDPHE). Due to the boil order and the outage affecting approximately 1,600 residents; the Town of Paonia requested assistance from Delta County and Emergency Management.

Mid-day on February 18, 2019, Mayor Charles Stewart and Administrator Ken Knight declared a local emergency and requested Delta County's assistance in hauling non-potable water to residents and assistance from Emergency Management and the Delta County Health Department in locating potable water sources, and technical expertise regarding the water issue. Delta County and regional emergency managers assisted Town staff in locating potable water for the Town of Paonia and the National Park Service agreed to provide a 3,000 gallon potable water tanker for use during the emergency.

Over the next few days, Paonia Public Works located two major leaks on West 4<sup>th</sup> Street along the North Fork of the Gunnison River underground. It was determined the water pipes under a fire hydrant had cracked and thousands of gallons of water were running underground through river rock into the North Fork of the Gunnison River; which was the reason it was not immediately noticeable. After repairing these leaks, a message of conservation was stressed to all residents and water pressure and volume in the two-million gallon storage tank started to re-fill. After reaching sufficient levels, water was turned back on to the system and the boil order remained in effect through Friday, February 22, 2019. During the boil order, the Health Department performed inspections at adult and child care facilities and all restaurants/food prep businesses affected by the boil order. Restaurants and food prep facilities were temporarily closed for the length of the

boil order per health code. Luckily, the week of February 18<sup>th</sup> was winter break for the Delta County School District and no school was in session, so the boil order and lack of water did not affect any of the schools. During this first week, the Town purchased and distributed bottled drinking water from the Town Hall and changed operating hours to 8am to 8pm until the boil order was lifted on February 22<sup>nd</sup>.

Over the weekend of February 23-24<sup>th</sup> and into Monday the 25<sup>th</sup>, Town staff monitored the water level in the two-million gallon tank and the level continued to drop and supply was not sufficient to keep up with demand. As school was now back in session and restaurants were open following the boil order the previous week, in an effort to maintain pressure at the schools and restaurants and prevent another system-wide boil order; Town Administrator Ken Knight made the tough decision of shutting off out-of-town residents to preserve water pressure to the central business district.

Emergency Management and Dispatch sent out CodeRED notifications to all affected residents via phone, text, TTY and email (if all services were subscribed to) and messages were distributed via multiple Facebook pages advising of the shut offs and to conserve water. Over the next few days, the water levels still were not recovering so additional water taps/zones located inside Town limits at the East end of town were shut off to conserve water. This additional shut-off affected Paonia Care & Rehab Center and Creek Vista Senior Apartments.

After water taps were turned off on Tuesday, February 26<sup>th</sup>, a coordination call was held on the morning of February 27<sup>th</sup> between Delta County officials, the Town of Paonia, regional and state partners. It was determined that the incident had expanded and was a Type III incident and the recommendation was made for Delta County to declare a County Emergency and for an incident management team to be brought in to handle the incident. Delta County administration was briefed and Delta County Commissioners later held an emergency meeting at which time a County emergency was declared. The Delta County Emergency Operations Center (EOC) was activated at the hospital and additional staff was brought in to assist with the incident. During additional communications and policy meetings between the Town of Paonia and Delta County, the Town of Paonia worked with Department of Homeland Security and Emergency Management (DHSEM) to request and activate an Incident Management Team (IMT).

On February 27, 2019, the Southwest Incident Management Team (SWIMT) was activated and arrived in Paonia the following morning. On February 28<sup>th</sup>, Governor Polis declared a verbal emergency declaration in support of the Paonia Water Supply Issue and technical assistance was requested from DHSEM for Water Quality representatives to respond to Paonia to help assess the water source and determine the cause for the low volume of water feeding the water treatment plant.

The focus at this time became providing not only potable drinking water but also non-potable water for flushing toilets and watering of pets, livestock and other domestic issues. SWIMT team members and West Region Emergency Managers then continued to assist the Town of Paonia in the management of the water emergency and distribution of water. A public meeting was held on the night of Thursday, February 28<sup>th</sup> at the Paonia Town Hall. The meeting had several hundred residents in attendance and exceeded the capacity of the Community Room at the Town hall with standing room only in the room and in the hallway. The meeting was also live-streamed via Facebook.

During this meeting, several key objectives were identified regarding what citizens needed and the major requests were: porta potties at the Trailer Park located on Peaceful and Shady Lanes; a recycling bin for plastic bottles at Town Hall, distribution of hand sanitizer and delivery of water to residents who couldn't leave their homes and the nursing facilities. These items were all later fulfilled by the SWIMT.

Through assistance of multiple agencies including the City of Westminster Public Works, City of Montrose Public Works, Denver Water and CDPHE Water Quality; another large leak was located under the Paonia Elementary school that was dumping thousands of gallons of water per day. After fixing this leak,

others in town and an issue with an air relief valve on the supply line leading from the springs to the storage tank; tank levels began to rebound and supply started exceeding demand.

During the first two weeks of March, CDPHE Water Quality and the Town of Paonia also developed a plan and negotiated an agreement with Mount Lamborn Ranches to use water from Roeber Reservoir and pipe it to the water treatment plant to increase water production and get the system online faster. This water was initially sent to the two-million gallon plant but due to the water being pulled from surface storage and not a natural spring; the water was too turbid and couldn't be processed by the plant. Water quality and the Town then devised a plan to pump the reservoir water to the one-million gallon plant which could handle the surface water and the plant was brought online and began processing water.

On Monday, March 4, 2019, the two-million gallon storage tank had reached its targeted volume of eight (8) feet of water out of 30 feet. The decision was then made to start pressurizing all zones slowly to return water to residents while monitoring for additional leaks. Emergency Management at this time facilitated a meeting between the Town of Paonia and all 27 water companies who purchase water from the town. The purpose of the meeting was to explain what had been done and the process for turning on all zones. After the meeting, Public Works began pressurizing the system and disinfecting lines. As water was restored, all residents who had been without water or lost pressure were placed on a boil order. Water was restored to all residents by March 6<sup>th</sup> and the boil order was lifted on Friday, March 8<sup>th</sup> and the Town of Paonia resumed normal operating procedures.

## **INCIDENT MANAGEMENT TEAM OBJECTIVES:**

1. The safety and well-being of residents, visitors, town staff and supporting cooperators will be the most important factor in determining actions and impacts.
2. Assist the town of Paonia with the distribution of potable water to residents.
3. Assist ongoing efforts in disseminating clear and uniform Public Information messaging.
4. Work with the town of Paonia and DHSEM in developing contingency and long-range plans to support the needs of the residents for the Town and surrounding areas.
5. Work with the Town of Paonia, Delta County and supporting entities in a financial accounting of true event costs.

## **PARTICIPATING AGENCIES**

- ***Town of Paonia:***
  - Administration/Clerk
  - Board of Trustees
  - Public Works
  - Police Department
  - Finance
- ***Delta County:***
  - Administration/Board of County Commissioners
  - Sheriff's Office/Emergency Management
  - Public Information Officer

- Health Department
- Road & Bridge
- Human Services
- Dispatch
- GIS
- Delta County Memorial Hospital
- Delta County School District
- Department Homeland Security & Emergency Management (DHSEM)
- Colorado Department of Public Health & Environment (CDPHE)
- Montrose County Emergency Management
- San Miguel County Emergency Management
- Gunnison County Emergency Management
- Hinsdale County Emergency Management
- Southwest Incident Management Team (SWIMT)
- Mesa County Public Health – Regional EPR Team
- Department of Local Affairs (DOLA)
- Department of Natural Resources
- National Park Service – Potable Water Tanker
- Delta County Civil Air Patrol Cadets
- Colorado Department of Transportation
- Hotchkiss Fire Protection District
- City of Montrose Public Works
- Westminster Public Works
- Denver Water
- Paonia Fire Department
- Delta County Ambulance District
- North Fork Ambulance Association

## **SUCCESSSES AND AREAS FOR IMPROVEMENT**

Discussion at the After Action Report (AAR) meeting centered on key issues that were identified in the AAR survey that went out to all agencies involved in the incident. The top areas identified by participants were: mapping, coordination, communication, and situational awareness. The following is a list of successes and areas for improvement as discussed at the AAR meeting by agency representatives.

Note - areas of improvement and successes are *not* listed by order of importance, but rather in the order that they were discussed by agency representatives. Best practices for water storage, delivery or infrastructure upgrades on behalf of the Town of Paonia or subsequent water systems were *not* discussed as part of the formal After Action Review and are *not* included in this document or the improvement plan.

## Mapping

### Successes:

- Consecutive water systems are located throughout the Town of Paonia. Many agency representatives reported the benefits to seeing the size of the service area on the map. The GIS map was helpful and used by Public Works Director Loberg and KC Kay with CDPHE Water Quality to determine areas on the system that may have water quality issues and where TC sampling should be performed for testing to lift the boil order.
- Paper and electronic maps created by Delta County GIS put the water issue and outage area into perspective for many of the involved agencies, personnel and the public alike; showing that the population and area serviced by Paonia's water treatment system is approximately twice the size of the town of Paonia itself.
- The maps were helpful for public meetings to explain the scope and size of the system – good visual representation. The public did like seeing the map – especially at the public meetings.
- GIS shapefiles of water districts were invaluable! Dispatch and Emergency Management were able to import them into CodeRed so they could send out public notices and boil order messages quickly and accurately.

### Areas for Improvements:

- Moving forward, the Town of Paonia, Delta County and Emergency Management expressed the need to map the Town of Paonia water system, both in-town and out-of town with GPS. This is especially critical for the 27+ water districts outside of town who provide domestic water to residents and have very outdated or no mapping of their water systems. Obtaining GPS mapping of the water lines is essential to maintaining critical infrastructure and having accurate mapping and alerting data for future water issues and planning/development.
- There was confusion by some agency representatives and the Town regarding the file types GIS can produce and how they work with other systems and what GIS' capabilities are regarding mapping. Representatives from several organizations requested additional training from GIS on what their capabilities are, and how maps can be utilized online and with social media in future incidents such as this and in day-to-day operations.
- Paonia administration expressed that they would like to work with a GIS firm and have each of the consecutive systems mapped, outlining which systems the town is responsible for and clearly define water company boundaries. This was also echoed by Delta County representatives. The current map boundaries just all residential water taps who receive water from the Town's treatment systems, not the different consecutive systems, valves and water companies who may be responsible for leaks outside of town limits.
- Delta County GIS reiterated the need for GPS mapping of the water system and lines for future incidents and said that it would be nice to get such detailed mapping completed for all water districts across Delta County.

## Coordination

### Successes:

- Once the command post was set up, relationships were built and for most of the incident there was good communication between Incident Command Post (ICP) at the Energy Tech Campus and the Town Hall. The Incident Commander (IC) agreed that day one is always a bit challenging but after day one, all went well.
- The Southwest Incident Management team had specific tasks/objectives related to potable and non-potable water distribution and volunteer management whereas, the Town of Paonia retained control over leak detection, line repairs and related public works issues. This worked well.

### Areas for Improvement:

- Some agency representatives felt that the Delta County Emergency Operations Center (EOC) should have been opened earlier as it takes a while to establish a battle-rhythm. Continual and on-going exercising of plans and roles for staff members at the EOC is needed to ensure this is a smooth process. Once the County EOC was activated, staff found there were duplicated efforts between them and the IMT in Paonia due to no single point of ordering and poor communications.
- Public Health partners felt this incident would have been a great opportunity for CDPHE to open their operations center to practice. State Public Health noted this would have been beneficial to open their EOC. Toward the end they did identify some roles and activate their EOC, however, should plan for activation related to incidents such as this in the future. The Paonia incident paralleled with a state-wide Hepatitis A incident, so many resources were already committed.
- For the people involved in the incident who do not deal with emergencies/incident management on a regular basis; it was difficult to understand the acronyms and relationships between agencies. The use of acronyms, referring to Incident Command Roles and agency specific terminology by responders often left local staff confused as to roles and how to request resources/assistance. The development of an Incident Command/Incident Management Team and acronym quick reference guide was recommended. It was also recommended that newly elected trustees and all town staff complete the G-402 Incident Command System for Elected and Appointed Officials training to help them understand emergency processes. DHSEM is also developing an elected official's guide.

## Communication

### Successes:

- Public Health thought the messaging was excellent, both frequent and accurate. Most felt it was good but sometimes there was a lag between what was happening in the field and everyone else getting the newest information, which is not unusual. Local jurisdiction agreed that the messaging went well and there was intent in spreading out the messaging throughout the day to make sure the info was more accurate.
- Town staff expressed they felt the Public Information Officers (PIO) help with communication during the incident, especially social media, was very valuable and greatly beneficial to the Town and residents. The PIO team from the SWIMT along with emergency management support, assisted the Town Clerk in distributing updates in a way that was consistent with how the community receives information. Town staff agreed that the use of a structured agenda and PIOs to facilitate the second public meeting was a great use of the resource and helped the tone of the meeting.

## Areas for Improvement:

- There were some challenges with the no-boil/boil order and communicating exact parameters to the public. The circumstances were dynamic and changed often, which caused confusion to the public.
- The incident started on a holiday. Contact lists were all office/business numbers and there is a need to develop and after-hours contact list for those that need to be reached.
- Throughout the incident, the Chief of Police and Emergency Management Coordinator often received multiple calls from incident personnel regarding the same issue so there was a lot of redundancy. Internal communications and chain of command needs to be improved and followed. This can be addressed by continual Incident Management System training and participation in exercises.
- Challenges existed when the Incident Management team tried to get through to the town from the Command Post on the phone. Team members advised they would get multiple people answering the phone, so it was confusing who was taking which calls. It was recommended that the Town establish a hotline of sorts to streamline calls from the Incident Management Team to Town Staff and establish a similar system for inquiries from the public and media.
- ReadyOP (mass communication system) was a challenge as there were limited personnel entered in the system at the start. The personnel roster needs to be built out in advance of other incidents.
- Rumor mill was a struggle for all – need to keep on top of that.
- Communications with Paonia FD was not good at first, but improved by the end of the incident.
- COWarn, an agreement amongst Colorado public works/utility companies is a tool that can be used to find assistance and resources from agencies across Colorado. Town staff identified and expressed they are making changes to how and when to activate resources from COWarn in the future based upon this incident. Based on this experience they can talk with other municipalities and water systems to anticipate what might occur and resources that could respond to assist. Finance Section Chief who assisted the Incident Management team recommended the Town review contracts and terms on COWarn on an annual basis from a finance perspective.
- Agency representatives expressed there is a need to establish information updates for internal staff members working at all levels (volunteers, cadets, etc.) as people see them as part of the incident and look to them for information. During this incident, some volunteers did not always have the latest information and this became confusing to the public. The suggestion was for official fact sheets to be developed and handed out to all staff working the incident.
- Need to utilize Public Information Officers better to implement traplines and public info boards so the public can come to official places for information. While all staff/volunteers tried to be helpful and share information, sometimes old info was provided to the public. Volunteers should be instructed to direct the public to official sites for answers since the incident was so dynamic.
- There was a need for twice as many Public Information Officers as were working the incident. Agency representatives also shared that some of the public information did not extend into the greater community in other parts of Delta County and the region, causing some regional partners and agencies to not be notified. It was recommended to include regional and county wide agencies on notification lists and to stress the publication of information beyond the local jurisdiction.
- Messaging for CodeRED (mass notification system). Agency representatives discussed who has the authority to draft the content of messages, determine geographical boundaries and authorize dispatch or emergency management to send out alerts? The Town of Paonia and Delta County need to make a plan for activation of Emergency Alerts and include in emergency operations plan with consequence management and follow up plan.

- Throughout the incident, many residents expressed they did not know what CodeRED was or how to sign up and that was part of the Public Information Campaign. There was also confusion over residents who switched residential phone service from TDS to Elevate or another VOIP service and the need to re-register their phones if they switched services. The Town and County acknowledged they need to do better about encouraging residents to sign up for CodeRED Messaging, train staff to assist in this process and have pre-defined areas where CodeRED alerts will go out for water issues and future incidents.

## **Situational Awareness**

### **Successes:**

- Overall things went well and the incident went as it was supposed to.
- It was a very collaborative effort and people filled roles as necessary. Right-sizing and flexibility was implemented.
- SWIMT felt it was an honor to work with Paonia and Delta County and would be happy to assist any time.
- Town public works staff collected all water samples and Mesa County Health Department performed water quality testing, leading to appropriate handling and testing of samples.
- Town of Paonia chose to run under their normal structure, which is acceptable; until they determined the need for an Incident Management Team.
- The Police Department went door to door to deliver boil order notices to all in-town residents. This ensured consistent delivery of the notification and was a great community outreach by the Town.
- The Incident Management Team brought in a Public Works Finance expert at the conclusion of the event to help with cost tracking and organization of finances. This afforded the town finance officer a greater understanding of what information needed to be gathered.
- The use of a local community member as a Volunteer Coordinator. It was discussed by many of how important it is to have a local involved, because they know the community and who needs to be reached out to within that community.
- Successful in that no lives were lost and no illnesses were attributed to the water outage/Boil Order.

### **Areas for Improvement:**

- There were challenges knowing what people's needs were if they weren't communicating directly with town hall via telephone or social media. There were many homebound people in the town and outlying areas, so it was difficult to know if toilets were working or if they had potable water or not. Home Health expressed that they were not immediately notified of the situation and had many patients affected in the area. They requested to be notified earlier of boil orders and water issues such as this so they can communicate with their patients and plan accordingly.
- Develop a voluntary Access and Functional Needs (AFN) list that identify the needs in the community and the Emergency Managers in the West Region will have this information. This is a recommendation of DHSEM and is a work in progress. There is a tool, CICO (Colorado Inclusion mapping), of where AFN, low income and other vulnerable populations reside. CICO Maps should be utilized in planning by both the Town and County.

- Communications needed to be better with AFN population. With Paonia being a small community, people know each other and the town relies on its community members to make sure their needs were being met but that was not communicated in this incident.
- Volunteer and donations management –there was a lag, however as time went on that gap was filled. Anticipate this for future incidents time and the Town and County should establish a plan.
- The Town felt there was two (2) separate incidents:
  1. Loss of pressure in the system causing a system wide boil water notice; and
  2. Continued issues and shutting of out-of town and some in-town residents completely off while fixing other leaks and restoring tank levels.
    - Public Information Officers and public messaging were brought in after the first week when things ratcheted up which helped calm the public’s concern and get consistent messaging out and alleviate stress on Town staff.
- Paonia Public Works received assistance from the City of Westminster, City of Montrose and Denver Water in locating leaks that never surfaced. Public works felt the leaks could have been located quicker they had the resources to find the leaks initially. The resources were available but were not implemented early enough.
- All participating agencies need to adopt and implement the State of Colorado’s credentialing system, Salamander, to better track personnel, hours, costs and equipment.
- In this incident, an effective method of communications and logistics would have been to merge Communications with Logistics and use Logistics as the Single Point of Ordering. This needs to be established and practiced so there are not multiple people ordering. Plan ahead for resource ordering and always maintain a single point.
- Plan for tracking costs more effectively/efficiently using that single point of ordering. Disaster Finance training should be conducted and more can be done with plans and processes for finance tracking. On future incidents, command should assign a finance tracking person at the onset of an incident and track in more detail.
  - Build checklists for Finance person to utilize during an incident. Review Paonia and Delta County purchasing guidelines to make sure they conform to FEMA standards and other federal standards. Review the policies/procedures as written to ensure they will work during emergencies locally and if not, the plans should be updated as necessary.
- Town and County administration and essential staff need to learn more about and understand Incident Management Teams, attend on-going trainings and build relationships with DHSEM, Emergency Management and neighboring jurisdictions/agencies.
- Develop an extended water outage/plant failure plan and include supply and distribution of potable water in plans for residents. Bottled water diminishes the liability; however, there is greater cost if it needs to be purchased. However, water is often donated by Walmart, City Market, and other businesses as was done in this incident. Water storage/distribution plans should document and consider the use of a potable water truck and if utilized, a water testing schedule and instructions for public on how to properly fill containers.
- There were some clunky moments when scaling down - people were taxing the IMT with things outside their mission, and sometimes coming in short does not allow the team to function at its fullest. Team did not have the members necessary. Needed more logistics people on the team.

- The Town of Paonia staff and Delta County staff need to attend Continuity of Operations Planning (COOP) training/workshop and develop a robust COOP plan for their respective jurisdictions that encompasses all departments and critical operations.
- Staff from all agencies involved need to complete continual Incident Command (ICS) training.
- Involve Regional Mental Health – need to reach out to make sure to offer their services for all incidents and this did not happen. They can assist and provide some debriefs. They can also alleviate fears and anxiety within the community.

## APPENDIX A: IMPROVEMENT PLAN

This Improvement Plan has been developed specifically for the 2019 Paonia Water Supply Issue and agencies who responded between February 28<sup>th</sup> and March 8, 2019. Items listed below are **not** listed in any order of importance or completion priority. Targeted start and completion dates are estimations only and contingent upon availability of training, finances, grant cycles, receipt of grants and other factors that can't be foreseen and are the best estimation by staff at the time of this plan.

Issue/Area for Improvement	Action List	Primary Responsible Organization	Individual(s) Responsible	Target Start Date	Target Completion Date
<b>MAPPING</b>	Training on GIS mapping capabilities, the file types and how to utilize interactive mapping online.	Delta County GIS	Carrie Derco Delta County GIS	12/1/2019	6/1/2020
	Hire a GPS firm to map water lines from the springs to water taps and infrastructure so Town and County have accurate maps of infrastructure and water system boundaries.	Town of Paonia	Ken Knight Paonia Town Administrator Travis Loberg Paonia Public Works Director	4/1/19	4/1/2020
	Outside water companies (27+) should work with firm to GPS map their water lines and boundaries to develop detailed maps of systems and boundaries to enable Delta County GIS to have accurate infrastructure maps.	Each water company outside town limits 27+ companies	Lead representative for each water company.	4/1/2019	4/1/2020
<b>COORDINATION</b>	Conduct ongoing Emergency Operations Center (EOC) training and exercises of plans and roles for the County EOC.	Emergency Management	Kris Stewart Delta County Emergency Management Coordinator	5/20/2019	Continual
	Develop a cheat sheet showing common acronyms, Incident Command System roles and Emergency Operations Center terms Town staff and agencies.	Emergency Management	Kris Stewart Delta County Emergency Management Coordinator	5/20/2019	5/20/2020
	Host G-402 regular Elected Officials Incident Command System overview training as continued training for newly Elected officials. Encourage newly elected officials staff to complete additional Incident Command Training.	Emergency Management  Town of Paonia	Kris Stewart Delta County Emergency Management Coordinator Corinne Ferguson Paonia Town Clerk	5/20/2019	Continual

**After-Action Report/  
Improvement Plan (AAR/IP)**

Issue/Area for Improvement	Action List	Primary Responsible Organization	Individual(s) Responsible	Target Start Date	Target Completion Date
<b>COMMUNICATION</b>	Develop an after-hours Contact List for critical Resources/Town employees and share with Emergency Management and Dispatch.	Town of Paonia	Corinne Ferguson Paonia Town Clerk	4/1/2019	5/20/2019
	Develop an After Hours Contact List for critical Resources, EOC staff and SMEs and put in ReadyOp.	Emergency Management	Kris Stewart Delta County Emergency Management Coordinator	6/1/2019	Continual
	Establish Plan for Hotline for calls to Town Hall in emergency.	Town of Paonia	Ken Knight Paonia Town Administrator	5/20/2019	5/20/2020
	Update ReadyOp, Salamander and WebEOC systems with staff and resources.	Emergency Management Town of Paonia	Kris Stewart Delta County Emergency Management Coordinator Corinne Ferguson Paonia Town Clerk	5/20/2019	12/31/2019
	Review/Update COWarn Contracts and policies.	Town of Paonia	Travis Loberg Paonia Public Works Director	4/1/2019	5/20/2019
	Work on Public Information plan in Town's Emergency Response Plan to incorporate trap lines and public info boards.	Town of Paonia	Corinne Ferguson Paonia Town Clerk	4/24/2019	10/24/2019
	Develop Emergency Alert System (EAS) plan and who has authority to draft and send out messaging to the public.	Emergency Management/Delta County	Kris Stewart Delta County Emergency Management Coordinator	5/20/2019	12/31/2019
<b>SITUATIONAL AWARENESS</b>	Establish a plan for volunteer and donations management in the Town's Emergency Response Plan.	Town of Paonia	Ken Knight Paonia Town Administrator Cindy Jones Paonia Finance Officer	4/1/2019	4/1/2020
	Establish a plan for Volunteer and Donation Management in the County Emergency Operations Plan.	Emergency Management	Kris Stewart Delta County Emergency Management Coordinator	5/20/2019	5/20/2020
	Host continuing Disaster Finance Workshop for newly elected local and county elected and appointed officials.	Emergency Management	Kris Stewart Delta County Emergency Management Coordinator	7/1/2019	7/1/2020
	Review/Update Town of Paonia Finance Policy to bring in line with Federal Purchasing and Disaster Finance recommendations and build checklists for Emergency Response.	Town of Paonia	Ken Knight Paonia Town Administrator Cindy Jones Paonia Finance Officer	4/1/2019	12/15/2019

Issue/Area for Improvement	Action List	Primary Responsible Organization	Individual(s) Responsible	Target Start Date	Target Completion Date
<b>SITUATIONAL AWARENESS</b>	Review/Update Delta County Finance Policy to bring in line with Federal Purchasing and Disaster Finance recommendations and build checklists for Emergency Response.	Delta County	Kris Stewart Delta County Emergency Management Coordinator. Margaret Davey Delta County Accounting	7/1/2019	12/15/2019
	Town of Paonia staff complete additional Incident Command System training and learn about Incident Management Teams and build relationships.	Town of Paonia	Ken Knight Paonia Town Administrator	4/24/2019	Continual
	Delta County Administration and essential staff complete on-going Incident Command training and learn about Incident Management Teams and build relationships.	Delta County	Robbie LeValley Delta County Administrator Kris Stewart Delta County Emergency Management Coordinator	4/24/2019	Continual
	Build an annex to the County Emergency Operations Plan regarding response to a Domestic Water outage and include health department considerations.	Emergency Management	Kris Stewart Delta County Emergency Management Coordinator	7/1/2019	7/1/2020
	Incorporate plan for domestic water extended outage/response in Town's Emergency Response plan. Include details about water distribution and health effects and coordination with Health Department and Regional Health Team.	Town of Paonia	Ken Knight Paonia Town Administrator  Travis Loberg Paonia Public Works Director	4/1/2019	4/1/2020
	Complete on-going Continuity of Operations Training (COOP) and develop COOP plan for Delta County.	Emergency Management	Kris Stewart Delta County Emergency Management Coordinator	5/20/2019	Continual
	Town staff complete Continuity of Operations Training (COOP) and develop COOP plan for Town of Paonia.	Town of Paonia	Ken Knight Paonia Town Administrator	5/20/2019	Continual
<b>WATER SYSTEM ASSESSMENT AND BASELINE DATA</b>	Complete a thorough assessment of water system pressures, raw water availability, raw water piping to the treatment plants, treatment capacity, and ability to deliver water throughout the system.	Town of Paonia	Travis Loberg Paonia Public Works Director  Ken Knight Paonia Town Administrator	4/1/2019	4/1/2021

**Minutes**  
**Special Town Board Meeting**  
**Town of Paonia, Colorado**  
**June 24, 2019**

**RECORD OF PROCEEDINGS**

**Roll Call**

1. Roll Call  
PRESENT  
Mayor Charles Stewart  
Mayor Pro-Tem Chelsea Bookout  
Trustee Mary Bachran  
Trustee William Bear  
Trustee Karen Budinger  
Trustee Dave Knutson  
  
ABSENT  
Trustee Samira Hart

**Approval of Agenda**

1. Approval of Agenda  
Motion to approve agenda as presented.  
Motion made by Trustee Bear, Seconded by Mayor Pro-Tem Bookout.  
Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger,  
Trustee Knutson

**Unfinished Business**

1. After Action Report and Water System Discussion  
Mayor Stewart provided an outline of the meeting as follows:  
Presentation of After-Action Report  
Staff Information  
Open Discussion

The expectation is that there will be multiple discussions over many meetings in the upcoming months. Mayor Stewart plans to limit the meeting to two (2) hours.

Administrator Knight presented information from the after-action report for the Board and community, beginning with the Incident Management Team Objectives.

Multiple successes and areas of improvement were provided from page five (5) through eleven (11). Appendix A is the improvement plan regarding all entities, including the Town of Paonia. Administrator Knight added that he believes Appendix A is the most important part of the after-action report.

#### MAPPING:

At the time of the water incident four (4) consecutive water systems were registered - per the State guidelines of 14 taps and/or 25 residents. Seven (7) additional consecutive water systems were identified and are working with CDPHE-WQCD and the Town to become registered and compliant systems.

A full mapping system, including consecutive water systems, location of waterlines, hydrants, pressure reducing vaults, treatment centers, storage tanks and master meters is a critical function needed and will begin with an RFP for engineering.

Motion made to direct staff to publish a RFP for GIS engineering firm to begin mapping of complete waterline system.

Motion made by Trustee Bear, seconded by Trustee Budinger. Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Knutson.

Administrator Knight noted that the Town would have to acquire the water company's permission to map their system. If a company denies access the Town could only map to the master meter.

Mike Drake - Stewart Mesa Water Company - Stewart Mesa Water has their system mapped and is willing to share with the Town.

Thomas Markle - suggested Town staff perform the GIS mapping.

Motion made to set RFP date of publication by the last meeting in July.

Motion made by Trustee Bear, seconded by Trustee Knutson. Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Knutson.

#### COORDINATION:

This section primarily outlines suggestions for Delta County but does include a training module for elected officials in emergency management training. Administrator Knight plans to coordinate training opportunities with Delta County.

Motion made to coordinate G-402 training for Town staff and officials and to invite other community officials.

Motion made by Trustee Bear, seconded by Trustee Knutson. Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Knutson.

#### COMMUNICATION:

This section identified the need for information contact sharing for after-hours for Board, staff, water companies, and other integral contacts.

Motion made to direct Administrator Knight to update the action-item complete dates. Motion made by Trustee Bear, seconded by Trustee Knutson. Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Knutson.

Administrator Knight stated staff is researching installation of a designated phone number, answered by the same person during an emergency. A plan will be implemented regarding the continuation of regular business during an emergency. Staff will work more diligently to keep the Board informed of developments as they occur.

Updating Co-WARN agreement and contact lists.

#### SITUATIONAL AWARENESS:

Discussion ensued regarding drafting the implementation of the plan in coordination with Delta County.

Working with Treasurer and Finance Department to update the Town purchasing policy to fit FEMA guidelines.

Finance Officer Jones provided an explanation of expenses for the water issue for Board and community.

Christina Patterson - suggested using some type of community/street "phone tree" system.

Administrator Knight added that in his opinion the final item on Appendix A as most important and suggested commissioning an updated water system analysis beginning at the springs for all users on Town water, adding that fresh eyes identifying the water potential for the full year to include:

What we can provide.

How we supply the demand year-round.

What reservoirs are adequate for the Town.

Open for Board Questions:

Trustee Bear stated he believes the incident should not have happened and that something failed in the Towns system and needs to be investigated by a non-related party.

Trustee Knutson added he was disappointed that the people who came in to assist such as Westminster were not included in the after-action report to give feedback on their opinions of the Town system.

Mayor Stewart added he does not believe the issue occurred due to a lack of water, but because of large water breaks and a malfunctioning valve. He believes discussions should resume with Arch Coal regarding the standby taps and land and water storage.

Clerk Corinne Ferguson provided information to the public and the Board that the incident was not one that could have been prepared for or prevented. The multiple events individually could have been resolved and business as usual resumed, without any issue, but it was the multiple individual events occurring at or around the same time that caused the major issues.

Administrator Knight provided information regarding change of protocols put in to place for preventative measures.

Trustee Bookout – added she is unclear of what agreements there are with the water companies - these need to be reviewed and updated.

Discussion ensued regarding:  
Conservation measures.  
Feasible tap sales data without additional storage

Community Discussion:

Barry Smith - Price Rd – Questioned if it was worth considering a moratorium on major subdivisions until other items suggested are dealt with.

Attorney Nerlin explained for public and to the Board that there would need to be a finding of a fact as to why a moratorium was needed and there would need to be clear evidence to support the moratorium.

Christina Patterson - Price Rd - Concerned with Riverbank subdivision taps. Questioned who approves tap sales.

Kris Kendall - Minnesota Creek Rd – Suggested that instead of worrying about Arch Coal - buy taps back from Arch and sell them to someone else. The Town created the water companies; the water companies should have a say.

Mike Drake – Believes the Town should form a water district.

Mary DiFranco – Agrees with the creation of a water district. As an owner of several properties close to Town how will she know she will be able to develop. She suggested the Town create a priority system to who Town sells taps to.

Thomas Markle – Stated the more strain on system the more delicate it becomes. He doesn't believe Town does not have baseline flow rates and questioned where the water reserve fund comes from, how much is in it, and how does the Town use it.

Mr. Markle added he finds it hard to believe the Board cannot require Arch Coal to pay stand-by fees like everyone else.

Bill Brunner – Urged the Town to utilize studies completed in the past and use WestWater Engineering, because they have a historical knowledge of the system.

Michelle Pattison - 2nd St - The current pricing structure does not encourage water conservation.

The Board directed Administrator Knight to bring a list of items for Board to assess regarding a study of the water system at a future meeting.

Motion made to set a follow-up special meeting for Monday, July 15, at 6pm to continue discussion.

Motion made by Trustee Bear, Seconded by Trustee Bachran. Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Knutson.

**Adjournment**

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J. Corinne Ferguson, Town Clerk

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Charles Stewart, Mayor

AGENDA SUMMARY FORM



CHC – Colorado Oil & Gas Conservation Commission – Rulemaking  
 CHC – Bureau of Land Management – Revised Master Plan

Summary:

Continued discussion and input for draft letter on behalf of the Town regarding rule-making/BLM RMP.

Notes:

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

[DRAFT]

To: Jamie Connell, BLM State Director  
From: Mayor Charles Stewart

Dear Director Connell,

The Town of Paonia submits this formal protest of the Final Environmental Impact Statement and Proposed Resource Management Plan for the Uncompahgre Field Office on behalf of the Town of Paonia and the Board of Trustees. Insert phone number and address for town

The Town of Paonia previously commented on the Draft EIS, in a letter submitted on October 27, 2016. In that comment, we expressed serious concerns with the draft EIS and the Preferred Alternative included therein, focusing on the issues of protections for the Town's source water and other domestic water supplies, impacts to Town infrastructure, health risks from natural gas development, adverse impacts to wildlife resources, and management of Jumbo Mountain. These are the issues that form the core of the Town of Paonia's protest. We also protest BLM's introduction of an entirely new Alternative E, without the proper public comment at the protest stage, which is radically different from the 4 alternatives that were the subject of the Draft EIS.

## ISSUES

### **Source Water Protections**

The Town of Paonia's original 2016 comment letter requested a ½ mile setback between oil and gas operations and the Town's source water supplies, which is consistent with the Town's Source Water Protection Plan. This ½ mile setback is necessary to ensure that the Town is able to continue providing high-quality drinking water to its residents. The Proposed RMP imposes significantly less-protective setbacks and is inconsistent with the Town's Source Water Protection Plan.

### **Town Infrastructure**

The Town of Paonia has severe concerns about the impact of oil and gas development on infrastructure the Town maintains. Delivery of drill rigs, as well as hauling necessary water, sand, and other materials requires hundreds to thousands of truck trips per well. As the water crisis highlighted, infrastructure is fragile, and the Town needs an RMP crafted with that in mind. The level of increased oil and gas development anticipated in this Proposed RMP would significantly exacerbate this already serious issue.

### **Health Risks**

As the Sixth Edition of Physicians for Social Responsibility's "Compendium of Scientific, Medical, and Media Findings Demonstrating Risks and Harms of

Fracking” and numerous other studies demonstrate, there are clear risks of living downstream of oil and gas development. Our 2016 comment letter made clear the concerns the Town has about protecting our air and water supplies, and the health of our community.

### **Wildlife Resources**

Wildlife and its habitat have both their own intrinsic value, and significant value to the Town of Paonia. In our 2016 comment letter, we were very clear that wildlife resources need protection from oil and gas development. The RMP radically reduces the protections for wildlife in the North Fork Valley area from that which was originally considered in the original 4 alternatives proposed in the Draft EIS.

### **Jumbo Mountain**

A Special Recreation Management Area designation for Jumbo Mountain is vital for the Town of Paonia. Maintaining the viability of the area for all forms of recreation within the Jumbo Mountain area is a key priority, and was ignored.

### PLAN SECTIONS UNDER PROTEST

- **Alternative E in its entirety**
- **Section 3.4.2 Public Health & Safety**
- **Section 4.3.1 Air Quality & Climate**
- **Section 4.3.2 Soils & Geology**
- **Section 4.3.5 Water Resources**
- **Section 4.4.3 Fish & Wildlife**

### CONCISE STATEMENT WHY STATE DIRECTOR’S DECISION IS WRONG

First, it is improper, and a violation of the National Environmental Policy Act for the BLM to publish an entirely new alternative here in this final proposed RMP. Alternative E, the proposed RMP, is wholly new. It has not been subject to any public comments or review. When the Town of Paonia commented on the Draft EIS for this RMP, we were unable to comment on Alternative E, because it did not exist. To offer a proposed RMP that has been subject to no public comment is unacceptable, doubly so when the new alternative is directly contrary to the comments submitted by over 40,000 members of the public, and the Town of Paonia.

The Final EIS ignores the input of the Town of Paonia across the board. The Final EIS downplays the significant health and environmental risks associated with oil and gas development, not to mention the impact on the local economy and offers 95% of the federal mineral estate to development, with no concern for Town of Paonia. The Town of Paonia requested a ½ mile setback to protect its water supply, and Alternative E minimizes the potential protections for springs, and

[DRAFT]

reduces the setback distances for the entire North Fork of the Gunnison Corridor (among other rivers).

The Town of Paonia supported Alternative B.1 that would have extensive No Surface Occupancy (NSO), Controlled Surface Use (CSU), and Timing Limitations (TL) areas to protect wildlife resources. Alternative E significantly reduces the amount of land area under those protective designations, in some cases eliminating them entirely, with no consideration for the wildlife resources. Finally, the Town requested a 5020-acre Jumbo Mountain Special Recreation Management Area (SMRA) with a fluid mineral withdrawal. The Proposed RMP cuts the acreage of the SMRA to less than 1,600 acres and eliminates any NSO, CSU, TL stipulations within the area. Oil and gas will therefore continue to threaten the future of Jumbo Mountain recreation.

Offering Alternative E at the protest stage, without public input is deeply flawed, and improper. Ignoring the input of the Town of Paonia and members of the public to create that alternative is also deeply flawed.

For these reasons, the Town of Paonia respectfully protests the Final EIS and Proposed RMP.

Sincerely,

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COGCC Proposed Rulemaking Calendar

	TASK TITLE	PHASE I					PHASE II										PHASE III			
		MAY 2019	JUNE 2019	JULY 2019	AUG 2019	SEPT 2019	OCT 2019	NOV 2019	DEC 2019	JAN 2020	FEB 2020	MAR 2020	APRIL 2020	MAY 2020	JUNE 2020	JULY 2020	AUG 2020	SEPT 2020	OCT 2020	
1	500 Series		June 17, 2019 Hearing																	
2	Alternative Site Analysis (CDPs)							November 20-21, 2019 Hearing (tentative)												
3	Local Government Provisions							November 20-21, 2019 Hearing (tentative)												
4	Technical Review Board							November 20-21, 2019 Hearing (tentative)												
5	Cumulative Impacts (CDPs)											March 25-26, 2020 Hearing (tentative)								
6	PHSWE (CDPs)												April 22-23, 2020 Hearing (tentative)							
7	Flowlines (inactive wells etc.)									February 26-27, 2020 Hearing (tentative)										
8	Application Fees																	Hearing between August 31 - September 10, 2020 (tentative)		
9	Financial Assurance																	Hearing between July 1-11, 2020 (tentative)		
10	Wellbore Integrity								January 29-30, 2020 Hearing (tentative)											
11	Worker Certification																	September 16, 2020 Hearing (tentative)		
12	Wildlife	TBD																		
13	Incorporate CDPHE rules as needed	TBD																		



July 2, 2019

Board of Trustees for the Town of Paonia  
P.O. Box 460  
214 Grand Avenue  
Paonia, CO 81428

Re: Colorado Oil and Gas Conservation Commission Rulemakings

Dear Trustees for the Town of Paonia,

In April 2019, Governor Polis sign SB 181 into law. This law is a sea change for the State of Colorado and the Colorado Oil and Gas Conservation Commission (COGCC). At its most fundamental level, it changes the mission of the COGCC from *fostering* oil and gas development to *regulating* oil and gas development. The law goes further. It mandates that the COGCC prioritize public health, safety, and welfare, the environment, and wildlife resources, and explicitly grants local jurisdictions the authority to regulate certain aspects of oil and gas activity.

To achieve that prioritization, and to implement the new mission, SB 181 directed the COGCC (and the Colorado Department of Public Health and Environment) to kick off a series of sweeping rulemaking efforts. These rulemakings will essentially result in the incremental overhaul of the entire COGCC rulebook.

**What Rules Are Being Amended?**

By the end of 2020, virtually every COGCC rule will have undergone some level of amendment. Attachment A to this letter is a draft schedule of the rulemakings from the COGCC. They will address 13 specific issues: 500 Series – Administrative Law Judges, alternative site analysis, local government provisions, a technical review board, cumulative impacts, defining “public health, safety, welfare, the environment, and wildlife (PHSWE), flowlines, application fees, financial assurances, wellbore integrity, worker certification, wildlife, and incorporating CDPHE rules as needed. In addition to these 13 categories, the COGCC has proposed an additional topic to implement the Agency’s mission change, making 14 categories total. The Director of the COGCC intends to complete all 14 of these rulemakings before the end of 2020.

### **What Does This Mean For Paonia?**

A lot. The Town's jurisdiction largely ends at its borders, but the oil and gas operations that impact the town are high in the watershed. SB 181 outlines a general intention to protect public health, safety, welfare, the environment, and wildlife resources. These rulemakings are how that will be achieved. SB 181 also describes an intention to empower local governments. The bill clearly grants local governments certain powers within their bounds, but it also clearly intends to grant other impacted jurisdictions more say in the application process. Several of these specific rulemakings will help define the rule of local governments in that regard. Specifically, the mission statement, Local Government Provisions, definitions, wildlife, and the CDPHE Rulemakings will all have significant impacts on the Town and its authority.

### **How Can The Town Engage?**

Like the RMP, there are several avenues for the Town to possibly engage in the rulemakings, either as an official party, with a 510 statement, or with public testimony at the start of the hearing.

**Party Status:** Becoming a party to a rulemaking is the most effective, but most time-consuming option. Stakeholder Party Status is an individual or group that has a stake or interest in the rule at hand. Party status in a stakeholder process or Rulemaking process means that you receive the statements, comments, and recommendations filed by all of the other parties involved. It also means that you will have the opportunity to provide your own feedback, statements, testimony and information regarding what you should believe should be in the rules being considered. It also guarantees that you will be allotted some amount of time during the hearing to present your arguments.

Party status does not create an obligation to do any of the above, and while it sounds like a highly legal process, you do not have to be represented by an attorney. Your participation as a party can include anything from drafting your own detailed statements and presenting testimony and questioning witnesses to simply concurring with other parties. Your time at a hearing can be used or allocated to a different group, at your discretion. In the one rulemaking hearing that has taken place so far, participation by various parties has varied greatly.

**510 Statements and public testimony:** Anyone who is NOT a party to the proceeding may submit a 510 statement or make public testimony at a rulemaking hearing. 510 statements are so-called because they are allowed under COGCC Rule 510. 510 Statements may be submitted in advance, but makers of such statements are not entitled to the same notice or service as formal parties. Likewise, every rulemaking hearing begins with time for public statements. These statements are generally very brief, and members of the public are not entitled to present witnesses or respond to the statements of parties.

### What's Next?

The draft schedule for the SB 181 mandated rulemakings has been attached here, but it is very much a draft. COGCC Director Robbins is holding a meeting in Thornton on July 18<sup>th</sup> to provide more information about the timeline and the COGCC's next steps. As of right now, no stakeholder processes or rulemaking have been formally engaged for any of the proposed subjects, so we must wait until that process begins. For now, we encourage you to review the draft schedule, and to begin considering which subjects would be the highest priorities for engagement.

Sincerely,



Andrew Forkes-Gudmundson



July 2, 2019

Board of Trustees for the Town of Paonia  
P.O. Box 460  
214 Grand Avenue  
Paonia, CO 81428

Re: Bureau of Land Management Resource Management Plan for the Uncompahgre Field Office

Dear Trustees for the Town of Paonia,

Citizens for a Healthy Community (CHC) is a 500+ member grassroots nonprofit organization dedicated to protecting the air, water and foodsheds of the North Fork Valley and the Delta County region. CHC has been involved in the federal land management process in the North Fork Valley as it relates to oil and gas activity since our inception ten years ago. Virtually the entire time this organization has been in existence, we have been engaged with the Bureau of Land Management as it works to revise its Resource Management Plan (RMP).

In 2016, the BLM released a Draft Environmental Impact Statement (EIS) for the RMP. After an extensive public review period that saw 53,000 total comments submitted, 42,000 of which asked the BLM to consider a “no-leasing” alternative. Now, nearly 3 years later, the BLM has released a Final EIS and a Proposed RMP. This final document is nearly 3,000 pages long, fills out four volumes, and despite all the public comments seeking increased protections, the BLM has recommended a new preferred alternative which is less protective than its original preferred alternative.

We respectfully request that you submit a protest letter to the BLM, and also submit a letter to Governor Polis requesting that the BLM revise the RMP to comply with Colorado law and policies, in particular Colorado’s new oil and gas reform act that mandates prioritizing public, health, safety, welfare, and the environment, and new aggressive greenhouse gas emissions reductions.

**What is the RMP and Why Is It Important to the Town?**

In general, the RMP describes the current condition of every resource under the BLM's jurisdiction within the planning area, and guides the agency's decision making for the next 20 years. In this case, the RMP governs the 675,800 acres of BLM-managed surface lands and 971,220 acres of federally-managed mineral acres in the Uncompahgre Field Office, spanning all or portions of Delta, Gunnison, Mesa, Montrose, Ouray, and San Miguel Counties.

The resources governed by the plan include fluid minerals (oil and gas), coal, fish and wildlife, uranium and other non-energy minerals, livestock grazing, and recreation resources. The average lifespan of an RMP is 20 years. This plan will affect the local environment and economy for at least the next twenty years, possibly many more. The current RMP is over thirty years old.

### **What's wrong with this proposal?**

In short, rather a lot. There are several sets of issues with this proposed RMP and Final EIS, both procedural and substantive. The primary procedural issues lie in the BLM's actions during the three years that passed between the Draft EIS and this Final EIS. The BLM used the time to draft and adopt as the proposed RMP an entirely new alternative. This alternative was not the subject of any comments or public review, and opens 95% of the available acreage in the UFO to oil and gas leasing, while eliminating many of the protections that had been included in the four previous alternatives, and dismissing public comment recommending increased protections.

Once again, the BLM has ignored the wishes of the frontline communities impacted by this decision. The elimination of previously proposed protections is the cause of many of the substantive issues with this Final EIS. The Proposed RMP is the most development-friendly of all the possible alternatives, and the least ecologically protective by a large margin.

### **Town of Paonia's Comments on the 2016 Draft EIS**

The Town of Paonia submitted extensive comments asking the BLM to address several issues related to oil and gas development with the UFO.

The high level issues the Town raised were:

- Source water protections,
- Infrastructure impacts,
- Health Risks from natural gas development, and
- Protections for wildlife resources.

This Proposed RMP and Final Environmental Impact Statement fell far short of addressing the concerns the Town raised. For example, the FEIS anticipates impacts, likely to be adverse, and several threatened or endangered wildlife species, including Gunnison Sage-Grouse, and didn't adopt the most protective alternative available for the Town's source water protection plan.

### **What Can The Town Do To Address These Issues With the RMP?**

The Town of Paonia has two avenues of potential recourse: filing a formal protest, and working with the Governor during his Consistency Review.

**Protest:** Any party who has previously engaged in the planning process for the RMP has standing to file a protest. A protest is a formal written statement to the BLM, and must comply with the Agency's strict rules in order to be considered by the Agency. From the agency's guidance documents:

- Only those who have previously participated in the planning process, and have an interest that may be harmed by the proposed RMP may protest. This means that in order to protest, you *must* have submitted a comment in some form in some other phase of this process. Any protest by someone who has not previously engaged will be dismissed out of hand by the Agency.
- The protest must be in writing, or submitted through the BLM's ePlanning page, and contain:
  - Name, mailing address, telephone, and interest of person filing the protest
  - A statement of the issues being protested,
  - A statement of parts of the plan being protested,
  - A copy of all documents addressing those issues and parts submitted during the planning process, and
  - A concise state explaining why the decision of the State Director is wrong.
- Only issues previously discussed in the planning process may be the subject of a protest.

The Town of Paonia has clear standing to submit a protest on the basis of your previous engagement on this issue. Once standing is established, a protestant can raise any issue that has previously been raised in the planning process, not just issues that party has addressed. The Town therefore has the ability to address any point of this proposed plan that you feel would adversely impact the Town's interest.

Once a protest has been submitted, and has been deemed to meet the Agency's requirements, the BLM must respond. However, just submitting a valid protest does not guarantee that the Agency will *grant* the protest. In fact, it is highly unlikely that the Agency will grant *any* of the protests submitted during this period. However, submitting a protest is still vital, if the party wants to maintain standing later in the process, especially if a party wants to join any forthcoming legal proceeds to address the BLM's failures here. We therefore strongly encourage the Town of Paonia to submit a formal protest on the basis that this Proposed RMP fails to protect the Town of Paonia, its residents, and its interests.

**Governor's Consistency Review:** Under federal law, every BLM RMP must undergo a review by the Governor of the State the field office is within, to ensure consistency with that State's policies and programs. Governor Polis is in the unique position of being able to review the first RMP of his administration, and the first RMP in Colorado following enactment of SB 181 and HB 1261, which both set high standards for oil and gas operations at the State. SB 181, which was signed into law on April 16, 2019 prioritizes protecting public health, safety, and welfare, the environment, and wildlife resources. HB 1261, which

was signed into law on May 30, 2019, sets targets for future greenhouse gas emissions reductions in the State.

The BLM, through its 2009 Memorandum of Understanding with the COGCC, has had a history of respecting and complying with local and state laws and regulations. This RMP is a sudden departure from that long-standing practice. This Proposed RMP is in direct opposition to both of these laws, and we would strongly encourage you to work with the Governor's Office, to demonstrate what prioritizing public health, safety, welfare, and the environment means in Paonia and the North Fork Valley and in turn, Colorado.

The State cannot prioritize the protection the health, safety, and welfare of us in the North Fork Valley if the BLM opens 95% of public lands to oil and gas leasing. Likewise for the environment and our wildlife resources. HB 1261 targets a 26% reduction in emissions by 2025, 50% by 2030, and 90% by 2050. More than 25% of all greenhouse gas emissions in the United States come for oil and gas operations on public lands, and the West Elk Coal Mine is the largest industrial emitter of methane in the State. This Proposed RMP would make the State's goals unattainable.

The goals of SB 181 and HB 1261 align with the positions the Town of Paonia has previously expressed. These new laws would also address a serious concern the Town has expressed with regards to its own jurisdiction. The Town of Paonia must necessarily rely on the State to protect the Town from impacts arising outside its jurisdiction, and SB 181 in particular works to do just that. In particular, SB 181 seeks to put local government and the public on a level playing with industry. Disregard for the issues raised by the Town of Paonia, the local government representing the frontline community, and disregard for the over 5,000 local citizens and 43,000 statewide citizens who cherish this area, is an affront to the local control and public participation intention of SB 181.

For the above mentioned reasons we strongly urge you to submit a protest letter to the BLM and send a letter to the Governor's office encouraging him to speak for the Town of Paonia and the North Fork Valley in his Consistency Review. Please do not hesitate to contact me with any questions.

Sincerely,



Andrew Forkes-Gudmundson  
Associate Program Director  
Citizens for a Healthy Community

# Final Proposed Resource Management Plan Bureau of Land Management, Uncompahgre Field Office Factsheet

## What is a Resource Management Plan?

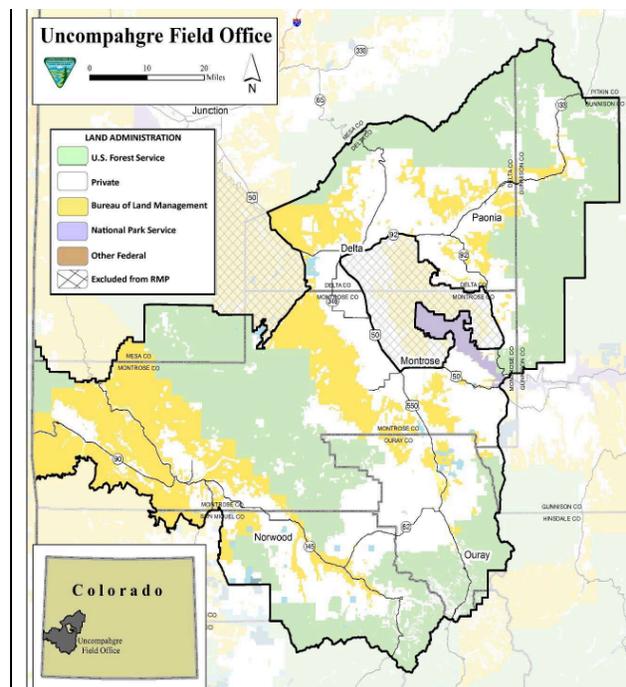
- The Resource Management Plan (RMP) guides the BLM's decision making on all resources under their jurisdiction. This includes everything from grazing to recreation, to hard rock minerals, and (most importantly for us) **oil and gas**. The Final RMP will guide oil and gas leasing in the Field Office for the next 20-30 years.
- The Draft RMP was released by the BLM for public comment on June 3, 2016. The BLM received 53,000 total comments, 42,000 of which requested the BLM consider a "No-Leasing" Alternative.
- This Proposed RMP and Final Environmental Impact Statement **did not** consider that "No-Leasing" alternative, nor did it consider many of the issues raised by the public. CHC and our friends are putting together a complete list of issues the BLM failed to address.
- This Proposed RMP developed a 5<sup>th</sup> alternative, not previously available for public comment, and represents the most development-friendly alternative of those proposed in the Final EIS, opening 95% of the available acreage to unfettered oil and gas leasing.

## Uncompahgre Field Office Statistics (in acres):

- Total Surface Acreage – 3,096,780
- Surface Administration:
  - US Forest Service – 1,248,390
  - Private Ownership – 1,125,350
  - **BLM – 675,800**
  - National Park Service – 27,130
  - State of Colorado – 20,110
- **Federally owned subsurface minerals: 971,220**

## Acres Open to Oil and Gas Leasing in Each Alternative:

- Alternative A – 871,810 (95%)
- Alternative B1 – 609,360 (67%)
- Alternative C – 871,810 (95%)
- Alternative D (BLM Draft EIS Preferred) – 867,970 (94%)
- **Alternative E – FEIS Proposed RMP – 871,810 (95%)**



**Issues with this RMP:** Not only does this RMP open up 95% of the planning area to oil and gas leasing it guts any semblance of public lands protections:

- Removes virtually all ecological emphasis areas.
- Removes proposed management direction for energy development in or near raptor or other special status species habitat.

- Significantly weakens protections within existing Areas of Critical Environmental Concern (ACECs), and eliminates or denies 12 existing or proposed ACECs
- May affect (with potential for “adversely affect”) numerous threatened and endangered species, including Gunnison sage-grouse.

### **Next Steps**

The final phase of the environmental review process for this RMP is a formal protest period. Federal law mandates a 30-day public protest period, and a 60-day governor’s consistency review.

### **Protest**

- The protest period started June 28, and will end July 29, 2019.
- Participation in the protest process is tightly regulated. According to federal rules:
  - Only those who have previously participated in the planning process, and have an interest that may be harmed by the proposed RMP may protest. This means that in order to protest, you **must** have submitted a comment in some form in some other phase of this process. Any protest by someone who has not previously engaged will be dismissed out of hand by the Agency.
  - The protest must be in writing, or submitted through the BLM’s ePlanning page, and contain:
    - Name, mailing address, telephone, and interest of person filing the protest
    - A statement of the issues being protested,
    - A statement of parts of the plan being protested,
    - A copy of all documents addressing those issues and parts submitted during the planning process, and
    - A concise state explaining why the decision of the State Director is wrong.
  - Only issues previously discussed in the planning process may be the subject of a protest. You cannot raise wholly new issues in a protest.
- CHC is working with our partner organizations to determine the best way for anyone who is either uncertain if they previously commented, or knows they have not participated, to engage in this protest period.

### **Governor’s Consistency Review**

This tool allows the governor to review the proposed RMP for consistency with existing state policies and programs. This proposed RMP is obviously at odds with both SB 181, the oil and gas reform bill, and HB 1261, the greenhouse gas emissions reductions bill, among several other policies.



AGENDA SUMMARY FORM



Adjournment

Summary:

Notes:

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart: