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December 7, 2022

Colorado Oil and Gas Conservation Commission  
1120 Lincoln Street, Suite 801  
Denver, Colorado, 80203

RE: Docket # 220800233: Delta County Comments on Petition for Rulemaking to Adopt Rules To Evaluate and Address Cumulative Impacts

Dear Commissioners and Director Murphy,

We are writing to you to request that you withdraw from consideration and deem invalid the recent letter submitted by the Delta Board of County Commissioners dated November 30, 2022 regarding the Petition for Rulemaking to Adopt Rules To Evaluate and Address Cumulative Impacts. This comment letter was signed by Commissioner Wendell Koontz and was drafted in complete secrecy without benefit of public input or comment.

According to Colorado Open Meetings Law “no resolution, rule, regulation, ordinance, or formal action of a state or local public body shall be valid unless taken or made at a meeting that meets the requirements of [open meetings].”<sup>1</sup> Open meetings are required “where adoption of any proposed policy, position, resolution, rule, regulation, or formal actions might occur”.<sup>2</sup> In this case, one County Commissioner took formal action on behalf of the Delta Board of County Commissioners without holding a public meeting, by drafting and signing this letter in secret. Furthermore, that County Commissioner adopted a position on behalf of the County without an open meeting. No public discussion was held or action taken in either a regular or special Board of County Commissioner meeting. The letter dated November 30, 2022, and according to COGCC eFiling System Portal was submitted on December 5, 2022, past the December 2, 2022 deadline, still without any public notice or discussion. The letter was submitted in contravention of the Open Meetings Laws, and therefore an unlawful formal County action adopting a formal county position and should be deemed invalid in the eyes of the Commission.

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<sup>1</sup> CRS 24-6-402(8)

<sup>2</sup> CRS 24-6-402(2)(c)(I)

While Commissioner Koontz' letter parrots the comments raised by Garfield County, it does not represent the frontline community's position relative to oil and gas development in Delta County. The high-development potential for oil and gas in Delta County is in the upper North Fork Valley. The frontline community has been outspoken in opposition to new oil and gas development for over a decade. Most recently, in the first comprehensive survey conducted on Energy Development in the North Fork Valley, 93% of participants do not support new oil and gas development in the North Fork Valley. In addition, Delta County repealed its oil and gas regulations in September 2019, and has stated publicly at a Land Use Code work session on August 29, 2022 that it has no intention of adopting new oil and gas regulations. This letter comes on the heels of a community-driven climate action plan delivered to the Delta County Commissioners and does not represent the interests of the frontline community, which makes the Open Meetings Law violation that much more egregious.

We respectfully request that the Delta County comment letter dated November 30, 2022, submitted in violation of Colorado's Open Meetings Law, be removed from the record, and that it not be considered, nor given any weight by the Commission.

Sincerely,

A handwritten signature in blue ink, appearing to read 'N. Léger', with a stylized flourish at the end.

Natasha Léger  
Executive Director

CC: Robbie LeValley, Delta County Administrator  
Wendell Koontz, Delta County Commissioner District 3  
Mike Lane, Delta County Commissioner District 1  
Don Suppes, Delta County Commissioner District 2  
John Baier, Delta County Attorney