NM Oil And Gas Ban Provokes Protest

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ALBUQUERQUE, N.M. (AP) — A decision by one northern New Mexico county to prohibit oil and natural gas development has prompted a statewide industry group and three landowners to challenge the ban in federal court.

The case is being closely watched as Mora County was the first in the country to impose such a ban.

The lawsuit filed this week in Albuquerque by the Independent Petroleum Association of New Mexico and the landowners claims the ban is unconstitutional and violates state laws. The plaintiffs say the county lacks authority to pass such an ordinance, and it stands to effect property and due process rights as well as potential revenues that benefit New Mexico schools, universities and hospitals.

"These resources belong to the people of New Mexico, not to the commissioners of Mora County. This ordinance would in effect impact each and every citizen in the state," Richard Gilliland, president of the Independent Petroleum Association of New Mexico, said Wednesday.

County Commissioner John Olivas said several attorneys from across the country have already stepped up to help the county through what promises to be a long legal battle.

"It's very unfortunate that municipalities and communities cannot say no to corporations without getting sued," Olivas said. "But Mora County is up to the challenge. I think this was expected."

The state's other large industry group, the New Mexico Oil and Gas Association, calls the ordinance "bad public policy." Spokesman Wally Drangmeister said Wednesday the association was reviewing the case for possible action.

Tens of millions of barrels of oil and gas are produced in New Mexico each year. The hotbeds for development are in the southeastern and northwestern corners of the state, but some Mora County residents were concerned that companies might start to look elsewhere as technology improves.

Olivas maintains the ordinance — approved in April on a 2-1 vote — is aimed at protecting the county's natural resources and establishing a bill of rights affirming the county's right to local autonomy and self-governance.

The ordinance states any permits or licenses issued by either the federal or state government that would allow activities that would compromise the county's rights would be considered invalid.

The sparsely populated county spans more than 1,900 square miles of northern New Mexico. There are more than 120 leases on state land within the county's boundaries, but no active wells.

Gilliland said the ordinance has brought plans for exploration to a halt for those companies with leases and property owners have not been able to move forward with plans to lease their private land.

The lawsuit questions the "true purpose" of the ordinance as protecting natural resources and the county's rights. The plaintiffs argue the ordinance unfairly targets oil and gas exploration and the practice of hydraulic fracturing.

"If defendants' true goal was to protect surface and groundwater supplies within the county, the ordinance would address other industries that are known sources of water pollution, such as the agricultural industry," the lawsuit states.

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