

From: [Hoefler, Gabi](#)
To: [Nanner Fisher](#); [Boulder County Board of Commissioners](#)
Cc: [Haverfield, Carrie](#); [Milmoie, Pam](#)
Subject: RE: 11890 Niwot Road / Encana
Date: Friday, November 16, 2012 4:31:58 PM

Mrs. Fisher,

In response to your updated complaint below regarding the bright red flame and monitoring of the stack. This well site is controlled and the bright red flame you are seeing would be the flare from the combustor/emissions control unit. If it is visible, then you know the system is operating. Here is the response from Paul Buck at Encana,

"From reading the complaint, it sounds like Ms. Fisher is writing about the enclosed flares on site. We are monitoring these 24/7 through our data acquisition system. The bright red that she is seeing is the flame in the stacks or reflection of the flame in the bird screens on top of the flares. We replaced the previous enclosed flares on site a few weeks ago in response to her noise concerns. The flares that we currently have on site are high capacity and are quieter than the previous flares. We will submit appropriate APENs to the state when they are due. Please let me know if you have any questions or if I can provide more detail. Thank you, Paul."

If you have further questions, feel free to contact me,
Gabi Hoefler
Boulder County Public Health

From: Milmoie, Pam
Sent: Friday, November 16, 2012 12:09 PM
To: Nanner Fisher; Boulder County Board of Commissioners
Cc: Haverfield, Carrie; Hoefler, Gabi
Subject: RE: 11890 Niwot Road / Encana

Hi Nanner,

We are still waiting on some additional information from Encana and are continuing to pursue the investigation from 9/15. Thank you for the additional information about your concerns about the operation of the well. We will investigate these concerns as well and get back to you with this additional information.

Pam

*Pam Milmoie
Air Quality and Business Sustainability Coordinator
Boulder County Public Health
3450 Broadway
Boulder, CO 80304
303-441-1189 p
303-441-1468 f*

Our Vision: To be trusted advisors who cultivate a healthy, sustainable community through positive partnerships and exceptional customer service.

From: Nanner Fisher [mailto:nanfish5@gmail.com]
Sent: Friday, November 16, 2012 12:00 PM
To: Milmoie, Pam; Boulder County Board of Commissioners
Subject: Fwd: 11890 Niwot Road / Encana

Ms. Milmoie and County Commissioners,

In response to your email below (Pam), I received 1 phone call from Gabi Hoefler. She was pathetically inadequate in her responses to my questions and said she may or may not get back to me with more information on the well. Of course, I have never heard another word from her. I am appalled at the complete lack of concern that the Boulder County Health Department is showing over this incident and am looking into further actions to protect myself, my family and my neighbors. Yesterday, I sent an email requesting a "victims meeting" with the commissioners to discuss this further but, of course, I have not heard back from them. I am not going to just let this go.

I would also like to add an update complaint about the well site at 11890 Niwot Road. The state has a Form 18 for complaints, do you have any such form? I haven't found one on your website so I will just tell you in this email. There is an obvious problem with the emissions and stacks at this well. Encana is monitoring them 24/7, they are burning bright red 24/7 and, at one point, they were completely removed and replaced. Has anyone from Boulder County been monitoring this? Are you even aware of it? This is outrageous and my family and neighbors are potentially paying a life-threatening price at your negligence. I would like to know what you plan to do about it. Please respond to me as soon as possible. Thank you,

Nanner Fisher
12476 Niwot Road
Longmont, CO 80504
720-771-7823

Begin forwarded message:

From: "Milmoie, Pam" <pmilmoie@bouldercounty.org>
Subject: Re: 11890 Niwot Road / Encana
Date: October 1, 2012 10:37:40 AM MDT
To: Nanner Fisher <nanfish5@gmail.com>

Hello Nanner,

Thank you for forwarding these photographs. It really helps us to respond when we can see what you are seeing and so we can investigate, and follow up with the responsible party and with you.

I have asked Gabi Hoefler on my team to investigate this issue and to get back with you when she has some information.

One issue that occurs to me from looking at the photographs, and that she may discuss with you, is how dust or opacity is assessed visually. Gabi is certified to visually "measure" dust or opacity. In doing this we do take into account the effect of the sun shining on air borne particles that can make these particles look more dense than air quality monitors would indicate.

Thank you again for taking and sending these photographs and for alerting us to this issue so we can investigate.

Pam

Sent from my Verizon Wireless 4G LTE DROID

Nanner Fisher <nanfish5@gmail.com> wrote:

Ms. Milmoie,

As per your conversation with Rod Brueske, he asked me to send you the pictures I took from my back door on 9/15/12 of the Encana well site silica cloud at 11890 Niwot Road. My husband and I noticed a lot of white dust spewing out of the site right before sunset. The cloud continued to grow and spread for about an hour and a half. We called Encana and, of course, had to leave a message (they did call back the next day to ask about what we had seen, etc.). We also called the Sheriff but it took them almost the whole time to get back to us to tell us to call 911. By that time, the cloud was dissipating and we didn't think they would be able to do anything about it. However, for the duration of the 'accident' (as the Encana spokesperson Wendy Weidenbeck called it) the air was thick and I'm quite sure unsafe to breath. We still have dust settled on shelves in the barn and garage. I was obviously concerned about myself, my family and my animals but I was even more concerned about the workers who were in the midst of it. Ms. Weidenbeck said the incident would be investigated and they would take all measures to be sure it wouldn't be repeated but I would appreciate any action that is taken by you to be sure this doesn't happen again. I have to say I am deeply disappointed that the state and local departments of health do not appear to be very concerned about the health of the people they are supposed to be protecting. I asked Kent Kuster (Oil and Gas Liaison with CO Dept of Health) when he was at my house after the 'accident, why these wells were not required to have emissions testing done. His reply? "It would cost hundreds of dollar per well." So what, Encana is making millions on them! I think they can afford a few hundred dollars for emission testing! I am required to have my car emissions tested and I can't burn wood in my fireplace, but Encana can emit UNIDENTIFIED gases 24/7 and they aren't tested? There is definitely something wrong with that! I think it is your job, and the Boulder County Department of Health, to make some serious changes around this problem and to start protecting the people, not the oil and gas companies.

Thank you,

Nanner Fisher
12476 Niwot Road
Longmont, CO 80504
720-771-7823





From: [Neshama Abraham](#)
To: [Boulder County Board of Commissioners](#)
Subject: DVD of Bioneers fracking plenary talk
Date: Friday, November 16, 2012 4:43:59 PM
Attachments: [Fracking DVD Note to Boulder County Commissioners.doc](#)

Hi Will, Cindy and Deb,
When I spoke before you on Nov. 13 at the County Commissioner's public hearing about fracking. I mentioned a Bioneers plenary talk "[The Whole Fracking Enchilada](#)" by biologist Sandra Steingraber. I think you'll find this 25 minute talk valuable. I've made copies for each of you of the DVD, however there isn't quite enough time for me to drop it off tonight before your office closes, so I'll get it to you on Monday. In the meantime, attached is a copy of the letter I've tucked inside the DVD envelope for you.

I am strongly opposed to fracking in Boulder County. Thank you for all your time and work in service to our community.
Sincerely,
Neshama

P.S. If you show the fracking talk and you have teenagers in the room it would be fine. However the next presentation after Sandra's is an intense artistic interpretation with strong language that I would not show to a child and didn't want you to go there next on the DVD by mistake.

Neshama Abraham
President, [Abraham Paiss & Associates, Inc.](#)
Marketing Communications for Sustainable Businesses since 1996
(303) 413-8066 • Boulder, CO
neshama@abrahampaiss.com

P Please consider the environment before printing this email

Friday, November 16, 2012

For: Commissioners Toor, Domenico and Gardner
From: Neshama Abraham
Re: Bioneers Fracking DVD

Dear Will, Cindy and Linda,

Thank you for the time you are investing to learn about the fracking issue to make a well-informed decision for Boulder County. I spoke at the public meeting on November 13, and mentioned a national plenary session I attended at the Bioneers Conference last weekend given by biologist and author Sandra Steingraber. I found this presentation - "The Whole Fracking Enchilada" - highly informative and I believe it will give you new and important information on the subject.

You can read about the speaker and the talk at this link:

http://store.bioneers.org/product_p/2012-steingraber.htm?1=1&CartID=0

With this note, I am providing each of you with a copy of the DVD which contains Sandra's 25-30 min. presentation, the first talk from the Sunday Bioneers presentations.

I hope you find this useful as you make this important decision for Boulder County. As I stated in my public remarks, I hope that you will not allow fracking on our public land and will continue the moratorium on fracking.

Thank you again for your service to our community.

Neshama Abraham
1460 Quince Ave., #102
Boulder, Colorado 80304
(303) 413-8252

From: [carl.mc.williams](#)
To: [Boulder County Board of Commissioners](#)
Subject: FRACKING & BOULDER COUNTY
Date: Saturday, November 17, 2012 7:11:50 AM

COMMISSIONER WILL TOOR

Carl Mc Williams of Garfield County sent you the link to this article.

[http://glenwoodspringspostindependent.co.newsmemory.com/loadPage.php?
token=1sDK0eXQ5c3Rr7XV29DJ09fUwsnI3NWlm5FxdJKjk5ydyJ%252BEnJDV0d%252BWknFzmKSSlqCWolWSl6KOqZuZbXaUq5GV](http://glenwoodspringspostindependent.co.newsmemory.com/loadPage.php?token=1sDK0eXQ5c3Rr7XV29DJ09fUwsnI3NWlm5FxdJKjk5ydyJ%252BEnJDV0d%252BWknFzmKSSlqCWolWSl6KOqZuZbXaUq5GV)

From: [carl.mc.williams](mailto:carl.mc.williams@bouldercounty.gov)
To: [Boulder County Board of Commissioners](mailto:carl.mc.williams@bouldercounty.gov)
Cc: [Carl Mc Williams](mailto:carl.mc.williams@bouldercounty.gov)
Subject: COGCC & BOULDER COUNTY -
Date: Saturday, November 17, 2012 7:56:11 AM

Commissioner Will Toor
Boulder County, Colorado

My name is Carl Mc Williams. I live in Garfield County, Colorado and I read the 11/17/12 article (link below) on the legal controversy between the COLORADO OIL & GAS CONSERVATION COMMISSION (COGCC) and BOULDER COUNTY and CITY OF LONGMONT.

In GARFIELD COUNTY, (where there are 9,500 producing natural gas wells), local citizens have been fighting against the COGCC for the past four years and investigative reporter John Colson of the POST INDEPENDENT is an excellent source for accurate information should you desire background on what has taken place in Garfield County.

That said, I assert the time is ripe for challenging the very constitutionality of the COGCC itself. To reiterate; it is my layman's opinion the legislative statutes that created the COLORADO OIL & GAS CONSERVATION COMMISSION are unconstitutional and will never stand constitutional muster in federal district court. I have extensive experience in California (2000-2003) as the "Lead Representative Plaintiff" in a federal class action, not unlike this "Constitutional Controversy" with the COGCC. Based upon that experience, I believe that the only strategy that has a chance of success is to challenge the constitutionality of the COGCC statues in federal district court. [NOTE: FEDERAL DISTRICT COURT, NOT COLORADO STATE COURT.]

Here is the COGCC statute that I hold is unconstitutional:

C.R.S. 34-60-105; Powers of COGCC commission

"(1) The commission has jurisdiction over all persons and property, public and private, necessary to enforce the provisions of this article, and has the power to make and enforce rules, regulations, and orders pursuant to this article, and to do whatever may reasonably be necessary to carry out the provisions of this article. Any delegation of authority to any other state officer, board, or commission to administer any other laws of this state relating to the conservation of oil or gas, or either of them, is hereby rescinded and withdrawn and such authority is unqualifiedly conferred upon the commission, as provided in this section. Any person, or the attorney general on behalf of the state, may apply for any hearing before the commission, or the commission may initiate proceedings upon any question relating to the administration of this article, and jurisdiction is conferred upon the commission to hear and determine the same and enter its rule, regulation, or order with respect thereto."

As you know: Within the preamble of the July 4, 1776 Declaration of Independence, the legal doctrine of "Consent of the Governed" is established. Therefore, as you read (above) the unfettered legal and political powers "the commission has jurisdiction over all persons and property, public and private to enforce the provisions of this article" granted by an act of the state legislature to the COGCC, without a vote of the people of Colorado (Consent of the Governed) it becomes obvious where the unconstitutionality of the COGCC is found.

Certainly, this legal action must start with competent counsel: I suggest the legal strategy is structured as a "Constitutional Controversy-Class Action" seeking temporary injunctions halting all existing and future COGCC permitted drilling activities until the constitutional controversy is settled. Use federal class actions (FRCP #23 (b) (2)) and 28 USCS, Sec. 1331-1332, (et seq). to frame the case. [NOTE: It is extremely important to choose legal counsel who is an expert in federal rules of civil procedure, (FRCP) and that the original complaint is "well-pleaded".

The "class certification" is absolutely dependent on a "well-pleaded-complaint".]

Moreover, I hold the controlling precedent that will prevail in a federal constitutional challenge to the COGCC statutes is: MARBURY V. MADISON(1803) [US SUPREME COURT] Chief Justice John Marshall: "An act of the legislature that is repugnant to the constitution is void". *** Furthermore, a Colorado case that will concur is: SPEER V. PEOPLE ex rel, Rush, 52 Colo, 325, 122 P. 768 (1912) "A change in the plan of government-power is granted only to the people". [NOTE: If properly pleaded SPEER, (which is unequivocally Colorado black letter common law) will make apparent during the class certification phase that C.R.S. 34-60-105; (Powers of COGCC commission) "changed the plan of government and that power is held only by the people".

Therefore, please consider forwarding this email to the Boulder County Attorney's Office for their perusal.

Carl Mc Williams

Silt, Colorado (970) 987-5185

*** MARBURY V. MADISON: In the framing of the class action/constitutional controversy "well pleaded complaint" against the COGCC, it is essential that John Marshall's most eloquent opinion be paraphrased to mirror the constitutional controversy at bar: "Supposed to be long and well established"....."The powers of the legislature are defined and limited; and that those limits may not be mistaken, or forgotten, the constitution is written."....."Those, then, who controvert the principal that the constitution is to be considered, in court, as the paramount law, are reduced to the necessity of maintaining that courts must close their eyes to the constitution and see only the law."....."This doctrine would subvert the very foundation of all written constitutions."....."It would be giving to the legislature a practical and real omnipotence"....."The constitution is superior to any ordinary act of the legislature".

PS: There is an attorney in Gunnison, Colorado, Luke Danielson, who has considerable experience against the COGCC in high profile cases. Make no mistake, the trial lawyers dream of litigating a high profile case such as this.

Furthermore, one day third year law students will study this case. Therefore, choose your trial lawyers well, a master of FRCP is essential. CLM

Carl Mc Williams of Garfield County sent you the link to this article.

<http://glenwoodspringspostindependent.co.newsmemory.com/loadPage.php?token=1sDK0eXQ5c3Rr7XV29DJ09fUwsnI3NWlM5FxdKjk5ydyJ%252BEnJDV0d%252BWknFzmKSSlqCWoIWSl6KQoZuZbXaUq5GV>

From: [Jodee Brekke](#)
To: [Boulder County Board of Commissioners](#); john.hickenlooper@state.co.us
Cc: bfinley@denverpost.com; matt.lepore@state.co.us
Subject: Boulder County Commissioners meeting with Governor
Date: Monday, November 19, 2012 4:54:17 PM

Dear Governor and Boulder County Commissioners

Today we learned from a Longmont Times-Call article by John Fryar that the Governor and the Boulder County Commissioners plan to meet tomorrow, Tuesday, Nov. 20th. regarding Boulder County's oil and gas regulations. BE THE CHANGE is a grassroots organization concerned with documented risks to public health resulting from oil and gas drilling.

Under Colorado law, this meeting must be open to the public. Therefore please respond to me with the location and time so that we, BE THE CHANGE may send a representative to voice our concerns with the public health risks caused by the oil industry.

Jodee Brekke,

Be The Change

303.591.5721

From: [Amanda Papich](#)
To: [Boulder County Board of Commissioners](#)
Subject: 11/20/12 Meeting with Governor Hickenlooper and Boulder County Commissioners
Date: Tuesday, November 20, 2012 1:46:35 PM

Dear Governor Hickenlooper and Boulder County Commissioners: Will Toor, Deb Gardner, Cindy Domenico,

Citizens are aware that Governor Hickenlooper has requested to have a "chat" with Boulder County Commissioners on Nov. 20, 2012 in Denver regarding Boulder County oil and gas regulations specifically around fracking. We, the citizens of Boulder County, do not support the Governor having closed door meetings with Boulder County Commissioners on a matter that directly affects the safety and health of Colorado citizens. Our Colorado Constitution states all individuals have 'the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property, and of seeking and obtaining their safety and happiness,' Article II, Section 3. Our community right to defend our environmental quality should supersede any oil and gas development wants of the State, Governor Hickenlooper or the COGCC. Legal precedent DOES NOT "preempt" local citizens' rights. Discouraging local regulations to protect citizens is a violation of our civil rights and our state constitutional rights. Governor, your actions are giving the wrong message to the people. From my perspective as a concerned citizen, you are beginning to be perceived as more concerned about the interests of the oil and gas companies than about the health and well being of Colorado citizens that elected you. Many thousands of citizens are much more concerned over the environmental quality issues of fracking rather than the short term jobs and income, and will be evaluating your actions accordingly.

Regards,

Amanda Papich

324 Jasper Peak Ct.

Lafayette, CO 80026

303-775-5776

mandi.papich@gmail.com

From: [Bob Ross](#)
To: [Boulder County Board of Commissioners](#)
Subject: 11/20/12 Meeting with Governor Hickenlooper and Boulder County Commissioners
Date: Wednesday, November 21, 2012 8:31:57 AM

Dear Governor Hickenlooper and Boulder County Commissioners: Will Toor, Deb Gardner, Cindy Domenico,
Citizens are aware that Governor Hickenlooper has requested to have a "chat" with Boulder County Commissioners on Nov. 20, 2012 in Denver regarding Boulder County oil and gas regulations specifically around fracking. We, the citizens of Boulder County, do not support the Governor having closed door meetings with Boulder County Commissioners on a matter that directly affects the safety and health of Colorado citizens. Our Colorado Constitution states all individuals have 'the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property, and of seeking and obtaining their safety and happiness,' Article II, Section 3. Our community right to defend our environmental quality should supersede any oil and gas development wants of the State, Governor Hickenlooper or the COGCC. Legal precedent DOES NOT "preempt" local citizens' rights. Discouraging local regulations to protect citizens is a violation of our civil rights and our state constitutional rights. Governor, your actions are giving the wrong message to the people. From my perspective as a concerned citizen, you are beginning to be perceived as more concerned about the interests of the oil and gas companies than about the health and well being of Colorado citizens that elected you. Many thousands of citizens are much more concerned over the environmental quality issues of fracking rather than the short term jobs and income, and will be evaluating your actions accordingly.

Regards,
Robert Ross
904 Rex St
Louisville, CO 80027

From: [Ginger Ikeda](#)
To: [#LandUsePlanner](#)
Subject: Stand strong against fracking!
Date: Wednesday, November 21, 2012 7:39:43 PM

Dear Planners and Commissioners:

I saw this quote in the Times Call: (http://www.timescall.com/news/longmont-local-news/ci_22038228/oil-gas-commission-chief-critical-some-proposed-boulder)

"But Toor said during Tuesday's meeting with Hickenlooper that a fracking prohibition such as Longmont's probably also would pass in a similar election anywhere in Boulder County where drilling might occur. "

This is certainly correct, and I for one will vote for a fracking prohibition.

I was sorely disappointed in the presentation of planning committee to the commissioners the other afternoon. I understand you were working hard and diligently within the parameters of your charge. However, you seemed happy to defend your recommendations. Remember the classic Milgram's psych experiment about deliberately causing pain to someone, because "you were supposed to"? Sorry, but the "obedience" factor in the face of toxic and destructive fracking just doesn't fly. We must legislate, if the laws are the problem.... and they are.

A couple of news items you may or may not be aware of:

This is happening in Utah: <http://www.desmogblog.com/2012/11/20/second-us-tar-sands-mine-owned-former-exxonmobil-and-chevron-exec-approved-utah>

And this is happening:
<http://www.guardian.co.uk/environment/2012/nov/20/global-investors-call-for-action>

Boulder must stand up with others who are standing up. We in Boulder are forward-thinkers, and it's clear that we must move in this direction.

Thank you,

--
Ginger

SHARE THE ROAD :)

Riders: Be Bright and Be Seen; Rules of the Road

Drivers: Put down the @%\$ cell phone and Save a Life; 3 Feet Between; Pass <15 mph above bike's speed. THANKS!

"Unless someone like you cares a whole awful lot, nothing is going to get better. It's not!"

Dr. Seuss

From: [Neshama Abraham](#)
To: [Boulder County Board of Commissioners](#)
Cc: [Neshama Abraham](#)
Subject: Please Don't Allow Fracking in Boulder County
Date: Friday, November 23, 2012 4:02:35 PM
Importance: High

Hi Will, Cindy and Linda,

I hope you are enjoying the Thanksgiving holiday. I went down to the County Commissioners office today to drop off two DVD's for each of you from the 2012 Colorado Bioneers Conference sponsored by the CU Boulder Environmental Center. Unfortunately, your office was closed. I will go back again on Monday and leave these DVDs for you at the front desk. However, I'm writing in case you are checking email over the holiday as I wanted to pass on several resources where you can learn more about fracking per your upcoming decision re Boulder County land.

Biologist and author **Sandra Steingraber** created the organization [New Yorkers Against Fracking](#) that is supported by a broad-based coalition including citizen groups, neighborhood organizations, scientists, physicians, politicians, teachers, faith leaders, performers, artists, and business groups. Their website is worth visiting for reports and background on the issue, including their [facts page](#). As you read the section, "A Threat to New York's Drinking Water," consider substituting "Boulder County, Colorado" for "New York." Sandra's 30-min. talk, "**The Whole Fracking Enchilada**," is on one of the DVD's I've made for you.

The second DVD contains the Bioneers presentation, "**The Climate Fight Just Got Hotter**," by **Bill McKibben**, environmental journalist and founder of [350.org](#). As you may know, Bill is working globally to help prevent our planet from getting one degree hotter, which science and our weather is now showing will have catastrophic effects on society (e.g. Storm Sandy). Bill's 30-min. talk discusses the latest on the state of our climate. FYI, he will be coming to speak at [CU Boulder on December 2 at 7 pm in the UMC](#), Glen Miller Ballroom.

I'm doing my best to learn more about fracking and this week I did an in-person interview with a former engineer who used to work in the field for a world-wide oil & gas drilling company. She gave me an insider view of how wells are drilled, how engineers determine where the shale and hydrocarbons are located, how they place explosives, and a list of carcinogens that are used. I'm now even more convinced that hydrolic fracking is being pushed hard by the oil & gas industry for financial gain despite the risks to the environment or to the general public's health and safety.

To paraphrase the New Yorkers Against Fracking [Pledge](#), I believe:

- that high-volume horizontal hydraulic fracking is an accident-prone, inherently dangerous industrial process with risks that include catastrophic and irreparable environmental damage;
- that these risks cannot be properly resolved, nor can they be mitigated through regulation by any government agency, in working with the gas industry in creating rules that attempt to regulate fracking;
- that hydraulic fracking poses many dangers to our health, safety, property

values, peace of mind and to the climate itself;

- that it is wrong to shatter the bedrock of Boulder County, Colorado and inject it with toxic chemicals.

I urge you to protect our land, our people and our families and not allow fracking in Boulder County.

Thank you for your service to our community.

Neshama Abraham, 16-year Boulder resident
1460 Quince Ave., #102
Boulder, Colorado 80304
(303) 413-8252

From: carolynbninski@gmail.com on behalf of [Carolyn Bninski](#)
To: [Boulder County Board of Commissioners](#)
Subject: comments on fracking in Boulder County
Date: Sunday, November 25, 2012 11:37:09 PM
Attachments: [Commissionerstestimony.docx](#)

11/13/12

Testimony to the Boulder County Commissioners on Fracking:

Carolyn Bninski, Rocky Mountain Peace and Justice Center.

303-444-6981 ext. 2; carolynbn@earthlink.net

These are the RMPJC's top five reasons to ban fracking:

- 1) The State of Colorado promotes oil and gas production, and does not protect the public health, our air, water, or environment. It is not on the side of the public on this issue. Instead it works hand in glove with the oil and gas industry. In fact, the state sues communities that step in and try to protect its people. The state's actions are a very serious violation of the public trust and cannot be supported regardless of their claims that they have the authority to pre-empt local authority.
- 2) The Colorado Constitution clearly states that final governing authority rests with the people, not with the state government or with the oil and gas industry. For this reason, you must represent the interests of the people, not be intimidated by lawsuits by the state.
- 3) Fracking endangers the public health, air and environment. Chemicals used in fracking cause cancer, immune and endocrine disorders, and many other illnesses. If we pollute our air and water, we destroy essential elements for a healthy and happy life. We cannot allow the oil and gas industry to destroy our health and environment for their profits.
- 4) We know what's happening above the ground and it's not good for our community. But what about what's happening below? We're supposed to believe that cement casings are going to protect our ground water, reservoirs and aquifers. How long will these casings last? Who will see them when they break and leak into our limited water sources? Will we know only when we start to get sick? Anyone who has ever walked on a sidewalk knows that cements cracks-from pressure, cold, heat, etc. And what about the earthquakes that have been already caused by fracking?
- 5) Finally, your first responsibility is to the people of Boulder County, and to future generations that will live here, not to the state. We're here today to ask you to represent us, not to bend to the false claims of preemption by the state. You can do this by putting a referendum on the ballot for home rule for Boulder County so that the people can speak on this issue. You can ban fracking and stand as a bulwark against illegitimate state authority, and you can join the citizens of

Longmont in leading the way for all of Colorado on this issue.

11/13/12

Testimony to the Boulder County Commissioners on fracking:

Carolyn Bninski, Rocky Mountain Peace and Justice Center.

303-444-6981 ext. 2; carolynbn@earthlink.net

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From: [Don Barshay](#)
To: council@bouldercolorado.gov; [Boulder County Board of Commissioners](#)
Subject: Boulder --- progressive?
Date: Wednesday, November 28, 2012 8:17:35 AM

from a news item: "Fortunately, Coloradoans are fighting back. Loveland passed a moratorium on fracking, Erie implemented stricter regulations, and, in a landslide victory, Longmont voters passed a permanent ban on fracking."

From: [Ginger Ikeda](#)
To: [#LandUsePlanner](#)
Subject: Water protection
Date: Wednesday, November 28, 2012 3:53:53 PM

Hello,
May I call your attention to this: <http://ecowatch.org/2012/fracking-public-lands/>

Thanks,

--

Ginger

SHARE THE ROAD :)

Riders: Be Bright and Be Seen; Rules of the Road

Drivers: Put down the @%\$ cell phone and Save a Life; 3 Feet Between; Pass <15 mph above bike's speed. THANKS!

"Unless someone like you cares a whole awful lot, nothing is going to get better. It's not!"

Dr. Seuss

From: [Suzanne Duarte](#)
To: [Boulder County Board of Commissioners](#)
Subject: Ban Fracking Now
Date: Thursday, November 29, 2012 7:31:09 AM

Dear Boulder County Commissioners,

Hydraulic fracturing (fracking) can contaminate our drinking water and harm our communities. Furthermore, the proposals to allow Boulder County Open Space to be fracked are inappropriate on land purchased with tax payer funds to be preserved for public recreation and the environment.

As your constituent, I urge you to impose a moratorium on fracking in Boulder County, so that you can investigate all options to place a permanent ban on fracking.

Suzanne Duarte
1567 Twin Sisters Rd
Nederland, CO 80466

From: [Carbone Kathleen](#)
To: [Boulder County Board of Commissioners](#)
Subject: Fracking for water not oil
Date: Thursday, November 29, 2012 8:29:17 AM

Hi there, Commisioners,
I signed a petition to ban fracking in Boulder County.
Then I remembered a friend of mine telling me she was considering fracking her water well to produce more water.
Now I'm wondering, is all fracking equally as environmentally disturbing?
If there is a difference I'd like to know.
Thanks for your time and service to our community.
Kate

Kathleen Carbone, R.R.T.
Boulder Community Hospital
kcarbone0@gmail.com
(303)447-9003
Minister, The StarHouse
<http://www.thestarhouse.org/>

From: [Nancy Hall](#)
To: [#LandUsePlanner](#)
Subject: Draft oil and gas regulations -- air quality monitoring and enforcement
Date: Thursday, November 29, 2012 5:30:56 PM

To: County Commissioners, Planners

From: Nancy Hall

Re: Draft oil and gas regulations -- air quality monitoring and enforcement

Date: 11/24/12

After conversations with some friends over the holiday, one of whom is an environmental engineer, another of whom is a personally-affected and concerned citizen, this question arose:

If air-quality monitoring is to use a mobile lab, what is to prevent an operator from circumventing monitoring by throttling back production of (effectively shutting in) a well or set of wells when the mobile lab is nearby? If the wells are remotely-managed these days, it seems that this would be very easy to do. My engineer friend said that current technology, to his knowledge, would permit this; whether any given operator uses this technology is another matter. It seems that enforcement would require that an operator have 24/7 monitoring equipment in place, with real-time reporting that is accessible to the enforcer in real time.

While the above scenario might seem far-fetched, I have heard from one person who lives within sight of flare stacks that the flaring changes dramatically according to the clock; increasing significantly in the wee hours and mid-day, when few people can see it, and throttled back during early-evening and early-morning hours. I have no personal experience to back this up, but it seems that this is something worth investigating in light of the fact that putting together an air-quality monitoring program is a significant effort, and if it might for naught for lack of enforcement capability, we need to address the latter.

Perhaps you have already considered this in your planning for AQ monitoring. I submit these comments in the spirit of not leaving stones unturned.

As always, my thanks to all county personnel working on this difficult problem.

From: [Nancy Hall](#)
To: [#LandUsePlanner](#)
Subject: latest edits to draft oil and gas regulations
Date: Thursday, November 29, 2012 6:33:52 PM

To: Planners, County Commissioners
Re: Recent changes to draft regs in staff report for Dec 4 hearing, concerning enforcement
From: Nancy Hall

I am distressed that the latest edits remove any chance of enforcement whatsoever by removing the financial assurance requirements. It renders all this work for naught.

As you surely know, the state's financial assurance is anything but. The performance bonds are absurd. The taxpayers fork over \$10K to over \$100K to plug an abandoned well, but ask \$2K to \$5K for a bond to cover a well. And then the state allows blanket bonds that reduce the per-well amount further. Finally, the state reduces the blanket bonds further for some operators, contrary to all common sense and contrary to the interests of the people or the government.

This is a perfect example of a case in which the safety of the people in the county relies on the county acting because the state fails in its duty and the state cannot claim operational conflict. Bonding has nothing to do with well operations, so increasing bonding requirements is not in conflict with the state; to the contrary: the state's interest is served by bonding requirements that might actually have some effect.

I had been under the impression that citizens' comments regarding enforcement had been heard and that the staff and the planning commission shared the public's concern. What on earth would cause you to remove the financial assurance requirements?

A related issue is the change from "operator" to "applicant" in many places. It is an invitation to operators to use subcontractors or to avoid commitments through other devious means, including pedantic interpretation of the rules. If "applicant" is defined to include all assigns, subcontractors, etc. it would appear stronger than before, but as it stands, it now appears to undermine enforcement.

From: [Teresa Foster](#)
To: [Boulder County Board of Commissioners](#)
Subject: Docket DC-12-0003: Amendments to Oil and Gas Development Regulations
Date: Thursday, November 29, 2012 9:55:50 PM
Attachments: [Human and Ecological Risk Assessment On Gas Production 12-5-2011.pdf](#)
[Implications11-13-12.pdf](#)
[HERA12-137NGAirQualityManuscriptforwebwithfigures-2.pdf](#)
[Health-Report-Full-FINAL-sm.pdf](#)
[Fracking Our Food Supply.pdf](#)

Dear Commissioners Domenico, Gardner and Toor,

Re BOCC's November 15th motion:

4. 500' vs. 1000' setback from occupied structures in Expedited DPR process – The BOCC is still considering what the appropriate setback from occupied structures should be in the Expedited DPR siting eligibility requirement. Although the Board understands that the setback needs to be accommodating enough to allow for the Expedited DPR process to be viable, they are concerned with the distance being adequate enough to mitigate potential impacts as well as the message that will be sent to the broader community in selecting the specific setback. The BOCC would like to keep both 500' and 1000' options alive at this point for further consideration. Commissioner Gardner requested that staff quantify what the differences would be on the ground for 500 foot, 750 foot, and 1000 foot setbacks.

Since when was 500' or 1000' considered a safe setback? Based on the recently released public health reports from Theo Colborn, et al. (An Exploratory Study of Air Quality near Natural Gas Operations), and from Earthworks (Gas Patch Roulette - How shale gas development risks public health in Pennsylvania), science disproves these **meager** setbacks as being safe. Being 500' or 1000' away from an unconventional oil and gas well is hazardous to all life forms, especially children, those with compromised immune systems and the elderly. (Both reports and supplement material attached for the public record - please read and have your staff read).

Furthermore, having unconventional oil and gas operations anywhere near where our food is grown or where livestock is grazing, imperils our food supply - see: Fracking our Food Supply, <http://www.thenation.com/article/171504/fracking-our-food-supply#> (also attached in PDF - please read and have your staff read)

Re: More information was requested regarding the cost and scope of an air monitoring study.

Shouldn't the industry be required to pay for monitoring the air? Once again, you are asking **the people** to pay for an industry that wants to use our air as a sewer! They need to be responsible for this. Make **them** pay.

Furthermore . . .

Regulations only regulate **the amount of harm done to us!** (for your clarification, Democracy School explains it all: <http://www.celdf.org/section.php?id=110>)

REGULATIONS DO NOT PROTECT THE PEOPLE AND IT ONLY SERVES THE CORPORATIONS THAT WISH TO CONTROL US!

These multinational corporations will take the profits while raping and pillaging Boulder County. They don't care about us, nor does COGCC or COGA or ANGA. It's about the money and the shareholders.

Allowing the fox into the hen house is sure to cause trouble in our beautiful county. Your decision will determine whether or not we will be poisoned and have our water stolen in order to export the natural gas overseas where these greedy multinational companies will make huge profits!!! China already has a stake in owning wells in Adams and Weld County! (<http://oilprice.com/Energy/General/Chinas-Purchase-of-U.S.-Fracking-Company-will-give-it-Advanced-Technology.html>)

Nov 1, 2012: Under the terms of the deal, Lanzhou Haimo Technologies Co. will acquire roughly 6,000 acres, or about 210 square miles, of territory located primarily in Colorado's Weld and Adams counties in as well as associated infrastructure, including oil and gas wells, according to a statement filed to the Shanghai Stock Exchange. Carrizo, which holds approximately 60,000 acres in the Niobrara basin, currently produces 1,850 barrels per day (bpd).

This madness has to stop. You can vote to stop it - and I urge you to follow your hearts and create a legacy for a **clean** Boulder County.

Teresa Foster
712 Thornwood Way
Longmont, CO 80503
303-827-3268

From: bmueser@comcast.net
To: [Boulder County Board of Commissioners](#)
Subject: Proceedings of the National Academy of Sciences: Geochemical evidence for possible natural migration of Marcellus Formation brine to shallow aquifers 2012
Date: Thursday, November 29, 2012 10:41:27 PM

Board of County Commissioners,

This study appeared in the PNAS and it bears heavily on the impact of geochemicals to ground water. It is crucial to take this study into consideration to make responsible decisions regarding the impacts that Oil and Gas drilling (hydrological fracturing) on our Colorado ground water and aquifers. Your decision will impact our future, our water supplies and our health. There are many of us in the county who are on groundwater wells for our homes and farms, livestock and ag.

From the study:

"The occurrences of saline water do not correlate with the location of shale-gas wells and are consistent with reported data before rapid shale-gas development in the region; ***however, the presence of these fluids suggests conductive pathways and specific geostructural and/or hydrodynamic regimes in northeastern Pennsylvania that are at increased risk for contamination of shallow drinking water resources, particularly by fugitive gases, because of natural hydraulic connections to deeper formations.***"

Geochemical evidence for possible natural migration of Marcellus Formation brine to shallow aquifers in Pennsylvania

<http://www.pnas.org/content/early/2012/07/03/1121181109.abstract>

Published online before print July 9, 2012, doi: 10.1073/pnas.1121181109
PNAS July 9, 2012

This article contains supporting information online at
www.pnas.org/lookup/suppl/doi:10.1073/pnas.1121181109/-/DCSupplemental

Thank you for your time and service to your constituents, and for listening and representing your fellow county residents. Please keep Boulder County safe from any future drilling and contamination.

Barbara Mueser

7275 Terrace Place

Boulder, CO 80303

Whatever lofty things you might accomplish today, you will do them only because you first ate something that grew out of dirt. -- Barbara Kingsolver

From: [Pops](#)
To: [Boulder County Board of Commissioners](#)
Subject: Ban on Gas Development in Colorado
Date: Friday, November 30, 2012 10:53:20 AM

My name is Robert Winkler. I am a risk management professional of 40 years who has supported many multi-national organizations in risk mitigation studies and programs. Our family's live in Weld County Colorado. Home of 19,000 poorly regulated gas and oil wells. We are contacting you because of concerns about the effects on our health, the environment and our property values from the irresponsible gas and oil industry.

One doesn't need to look far to discover the consequences of living in an industrialized area. Early this year the National Oceanic & Atmospheric Agency stated that well pad equipment leaked or vented an estimated 4 percent of natural gas produced to the atmosphere. On closer examination of the Colorado Oil and Gas Conservation Commission's database we discovered 60 of the 1,000 spills reported in Weld county last year were comprised of 824,000 gallons of spilled and "unrecovered" oil, 383,000 gallons of "spilled" and "unrecovered" water and up to 547,000 gallons of "spilled" and "unrecovered" "Other" substances including fracking fluids. Recent real estate data also states that property values in and around oil fields typically depreciates 25% to 75% once completely industrialized.

Is this what we entrusted our elected officials to monitor, oversee and regulate. Yet they turn a deaf ear to any of our requests to represent our concerns?

This is clearly not a government of the people, by the people or for the people because the laws do not protect all the people. The Colorado Oil and Gas Conservation Commission, cares little about the results of gas industry operations. I've seen the results of an industry in search of quick profits with little regard for its citizens only its shareholders. We have petitioned our elected officials to institute regulations to protect the citizens. Surface owners have no rights. Clearly the officials are for the industry, who, have grossed billions this year and have been subsidized by us the taxpayers.

With that said, I believe the following be considered to make Colorado a healthier and safer place to live in the now & in the future and are reasonable to protect all of its citizens.

1. Institute a moratorium on drilling until health & environmental impact assessments, are performed by independent and government agencies. Evaluate those impacts of the industry on humans and animals and prove it safe to the citizens of our community.

2. Include the Gas & Oil industry in federal policies of the **Safe Drinking Act, Clean Water Act, Clean Air Act, National Environmental Policy Act, Super-Fund Act, Comprehensive Environmental Response, Compensation, and Liabilities Act (CERCLA), Resource Conservation and Recovery Act, Toxic Release Under Emergency Planning and Community Right To Know Act** and **the repeal the 2005 energy policy act "Halliburton Loophole"**.
3. Ban all toxic chemicals from drilling, fracking and development operations.
4. Retain independent inspectors to monitor the operations for abuses. Fines need to be substantial with criminal prosecution for offenders to avoid cost of doing business scenarios.
5. Change the setback distance to residences or existing water wells to at least one half mile. Three hundred feet is unacceptable.
6. Monitor, report, & repair all leaks in the transportation gas network immediately.
7. Regulate and control the complete filtration and disposal of fluids and mud's used in drilling and extraction of resources for contaminants.
8. Institute closed systems for all fluids used in hydraulic fracturing and drilling operations.
9. Install Vapor Recovery Units (VRU's) and monitor for Volatile Organic Compounds (VOC's) toxic vapor leakage in & around well sites with infrared photography.
10. Assure adequate fire protection and mitigation resources are in place and rehearsed regularly to respond quickly to chemical & other disasters related to the industry's activities.
11. Monitor operations for Occupational Health & Safety Administration (OSHA) compliance including: night lighting, excessive noise, chemical exposure, etc.
12. Compensate for lost property values especially for those who have their mineral rights severed by issuing bonds.
13. Initiate impact fees to have independent company's test all wells for aquifer depth bore seal integrity, and water quality before, during and for a minimum of five years after the well has been drilled and fracked.
14. Purchase insurance policies for future health concerns of those working in the industry and living near gas and oil fields.
15. Hold accountable gas & oil industry for construction, maintenance of roads and bridge infrastructure. Not the taxpayers.
16. Monitor the truck traffic and the behavior of transient workers employed and associated with the industry by local, county, and state law enforcement.

For the sake of our family and the countless others who have become ill, had their lives needlessly disrupted, or died I ask you to visit our county of 18,000 wells and little concern if any for human health to those who live here. We need national awareness of what is happening in our county and towns across Colorado and our nation. I hope you consider meeting with us to support our struggle for democracy in our community.

Respectfully,

Robert (Bob) Winkler, CDRP

International Institute for Risk Management

Washington University

St. Louis, MO

Thanks for your support in preserving the precious clean air we breathe, water we drink, good health we take for granted, and property values of where we choose to live and make our homes...



From: [Bevin Gumm](#)
To: [Boulder County Board of Commissioners](#)
Subject: Please put a referendum on the ballot for home rule
Date: Friday, November 30, 2012 3:49:35 PM

Dear County Commissioners,
I hope that you will vote to keep fracking out of our county. Due to my work schedule, I can not attend the hearing on Tuesday but wanted to voice my opinion that I am against fracking.

Thank you,
Bevin Gumm

From: [Cyndi Nusbaum](#)
To: [Boulder County Board of Commissioners](#)
Subject: Spam: Fracking
Date: Friday, November 30, 2012 8:20:22 PM

<http://en.m.wikipedia.org/wiki/Eco-terrorism>

Sent from Yahoo! Mail on Android

From: Crankbite@aol.com
To: [Boulder County Board of Commissioners](#)
Subject: Fracking ban
Date: Saturday, December 01, 2012 3:44:39 PM

Please don't allow all the fracking chemical leaks and byproducts and "accidental" spills and "unrecovered" chemical stew to spew all over Boulder county.

Please

Paul Howes

From: ecerb@indra.com
To: [Boulder County Board of Commissioners](#)
Subject: hydraulic fracturing in Boulder County
Date: Saturday, December 01, 2012 3:47:06 PM

Dear Commissioners:

I want to thank you all for all the hard work you have put in to help make Boulder a special place to live. Boulder County has a unique and high quality of life that is such because of the values we have placed on keeping the area special.

I write today to ask you to continue the county wide moratorium on hydraulic fracturing. While I understand the urge to develop more local energy sources, I do not believe this is appropriate technology. On the one hand there are many unknowns including what chemicals are used and what the impacts are on local air and water quality. How can we know when the industry is not even subject to the Clean Air and Clean Water acts?

There have been far too few studies on areas before and after fracking for there to be the solid evidence we desire to make good quality decisions. And yet the number of cases of poisoned water, methane emissions, and subsidence in impacted areas is high enough to warrant further study. Similarly, the number of earthquakes happening in areas of fracking is frightening!

We are well aware in this area of the importance of a healthy water cycle. I am appalled that the industry's answer to dealing with contaminated water is to pump it far underground "where it won't be a threat." Earth's water cycle is essentially a closed system. We have no business contaminating water then removing it from that system.

Boulder has made great strides in improving local energy production through solar technology and conservation. We must push back against the energy industry which is trying to take more from us than they give back. We must demand more study and improved safety before allowing fracking in Boulder.

Sincere thanks,
Elaine C. Erb
Niwot, CO

From: [Peter Korba](#)
To: [Boulder County Board of Commissioners](#)
Subject: home rule
Date: Saturday, December 01, 2012 7:32:24 PM

Dear Commissioners of Boulder County,
Please seriously consider a referendum to create HOME RULE, and to STOP FRACKing!!

Thanks!
Peter Korba
South 46th st
Boulder city

From: [Coco](#)
To: [Boulder County Board of Commissioners](#)
Subject: Fracking
Date: Saturday, December 01, 2012 9:07:12 PM

Dear Boulder County Commissioners

Please put a referendum on the ballot for home rule and stand up to illegitimate state authority. Please ban fracking altogether.

Coco
Boulder

From: [Cyndi Nusbaum](#)
To: [Boulder County Board of Commissioners](#)
Subject: How Long...
Date: Sunday, December 02, 2012 6:53:45 AM

are you going to try to negotiate, with Big Oil & Gas? Every second you consider regulations on Fracking, in Boulder County... I hope you know, the citizens that depend on you, to protect them from harm, are seeing 'Who you stand with'.. and it's Not "The People" that voted for you'. You are not doing your job by honoring The Big Oil & Gas Industry &/or 'Above the Law' Corporations. The people have clearly spoken- how can you Not Listen? Getting Sued for not complying to thee 'irreversible, consequential hazards- locally, nationally & ultimately planetary. Species extinctions, from climate change melting of glaciers, Co2 emissions from the polar tundra, the temperature of the oceans & lakes are rising.. Fracking is a contributor factor to much of what ails our planet. Science may soon prove it is contributing to; sinkholes & earthquakes.

I personally believe this planet is experiencing some very strong changes. Solar events are causing neighboring planets & moons in our solar system, to heat up and form their own atmosphere. We have the real 'magnetic' & physical 'pole shifts', showing increasing havoc building and are, beginning to test us. With all the strong natural forces placing threats on the existence of living creatures, how can you even consider, shaking the hands of the Devil Himself, by trying to prop-up an industry, that represents an Un-Natural Threat, to all creation??

The ramifications of 'Going Along to Get Along' is not the smart or logical approach. It's matter of common sense to stop playing games here & stand-up for our future.. This denial of smarter & cleaner energy existing, has got be challenged. The technology for safe energy is being suppressed. Just because Big Oil & Gas does not want to be removed from their throne... does not give cities & municipalities, the option to say no, to the Evil King. "Hear ye, Hear ye... The People say 'No.'" Representing The People is your job. Please do your job.

The US dollar is dying & in the name of Energy Independence, those with the true power- owners of World Banks, have made this harmful industry, the catalyst for propping up the dying US dollar. There is a currency war going on. Countries have stopped buying goods & services with the US dollar. By means of extreme extraction of oil & gas in America, they will try to extend their greedy prominence & financial fortune, a little longer. They are worthy for us dying, for their greed.

Fracking & extraction of oil, is high on the list of psychopathic technologies. It's on the list with, storing nuclear waste in caves and/or underground, with putting all energy controls online, without proper EMP or Solar Flare protections and with no real long-term back-plan, to nuclear energy plants, if the energy grid is taken out. Yes, this industry is direly unsafe.

All we ask is for you to say No to Big Oil & Gas... Let the chips fall where the may & move onto the next course of action. It may be legally but- in a day where truth is more horrific than fiction, we need to be strong and resist the status-que, for the greater good. We will support you for saying, 'Our lives, future & ultimate best interest is saying, "No" to Big Oil & Gas in Boulder County.' What are you waiting for? Stop the negotiations & take a firm stand here. The time for games are over. You know what needs to be done. We expect you to do the honorable thing here. Common sense over greed is needed. Thank you.

Sincerely-
Cyndi Nusbaum

From: [Mike Taylor](#)
To: [Boulder County Board of Commissioners](#)
Date: Sunday, December 02, 2012 9:11:13 AM

Boulder County Commissioners,

It is imperative that you do not make decisions concerning fracking in Boulder County based upon fear of a lawsuit. Your vision statement includes several passages devoted to health, safety, and representing the citizens who elect you to office. The Colorado Constitution allows for health of the citizens of the state. And the mission statement of the Colorado Oil and Gas Commission calls for health of all citizens of Colorado. There are only 17 inspectors for the entire state. Take a few minutes to read the history of the Rider Well 1 in Longmont for evidence of how much protection and help you can expect from the state. The history is available on the web site for the COGC.

The science studying fracking is proving many times and beyond a doubt that there are many harmful effects to human health, the environment, and wildlife health. As Boulder County Commissioners, it is your job to protect the health the humans living in Boulder County as well as the environment and the wildlife. I think it is obvious that the majority of citizens of Boulder County want to see an outright ban on fracking. Do not lose your moral compass because of threats from the state and big oil. There is a huge and rapidly growing anti-fracking sentiment nationwide. There are even some bills being introduced on a national level to reign in fracking. You must vote for the people, the environment, and the wildlife of Boulder County. Once the drill bits touch the ground they will never be gone.

I'm sure you are worried about the financial burden of a lawsuit against the county. There are several things to think about here. First, the state can't sue everyone in the state. They know they will be voted out of office. There are other counties and cities that will follow the lead from Longmont and hopefully Boulder County. Second, allowing fracking will cost the county an unknown amount of dollars fixing the damage that can be fixed (knowing that some damage will exist forever!!!!). Roads and land will be ruined, surface water will be contaminated, air quality will be impaired by the release of VOCs and just the dust raised from so much truck traffic. Once a well is closed the oil companies will simply leave and it will be up to the county to repair the site (again Rider Well 1 in Longmont). Third, when Boulder County becomes the next Weld County the tax base will be greatly minimized due to lowered property values and the simple fact that no one will want to live in Boulder County. The standard and quality of living will decline forcing retail businesses to close their doors as well. It is all an easily documented downward spiral.

If I had your position as a Boulder County commissioner, I would resign my seat before I could vote to harm the citizens, environment, and wildlife of Boulder County. Do not allow fracking in beautiful Boulder County!!

Sincerely,

Michael Taylor

1512 Bluefield Ave

Longmont, CO 80504

From: [Betsey Jay](#)
To: [Boulder County Board of Commissioners](#)
Subject: No fracking, please
Date: Sunday, December 02, 2012 10:32:08 AM

Dear Commissioners,
Thank you for your service to our community.
I am a longtime Boulder resident and hope you will maintain the long view for the health of our region by adopting policies that protect our land and water.
Fracking is a short-term energy fix with long term devastating consequences. Water is a precious resource in Colorado. The amounts needed for fracking are wasteful not to mention the associated potential for ruining water sources and aquifers.
Please protect our lands and water.
Betsey Jay
Boulder, Colorado

From: bart@axiomaction.com
To: [Boulder County Board of Commissioners](#)
Subject: Limit Fracking
Date: Sunday, December 02, 2012 3:06:32 PM

Hello Commissioners,

I hope that as you deliberate in advance of the end of the year-long fracking moratorium that you'll decide to extend it.

I came away from the evening at Shine with the impression that the oil folks seem to be saying to show up at the regulatory level and if you remain dissatisfied then vote. Well, showing up at the regulatory body hasn't changed anything materially, and we voted for...you.

Bottom line for me is that I don't trust a wealthy industry that clamors for and clings to backroom blanket exemptions from environmental regulation (I'm thinking Cheney, EPA and I am assuming a trickle down to the state and county fracking level -- not to be cute about punning). They say they go deeper than the water table; they say they reuse the water. I don't have the personal bandwidth to parse it all but when it comes to using, risking or wasting water out west I urge extreme caution. That, plus my belief that we need to move more aggressively to renewables and storage of renewably-created power.

Bart Windrum
Boulder Colorado

From: [Barbara Hanst](#)
To: [Boulder County Board of Commissioners](#)
Subject: Ban fracking altogether!
Date: Sunday, December 02, 2012 3:38:47 PM

Dear Commissioners,

I have some friends in PA whose lives have been GREATLY disrupted by fracking near them. PLEASE be gutsy and don't allow the State to dictate to us in Boulder County. There are too many negative side effects to fracking.

At the very least please put this to a referendum. We need home rule! I don't trust the state government.

Thanks for giving this SERIOUS consideration!

Barbara Hanst
2946 Kalmia Ave.#53
Boulder, CO 80301
303-443-1397

From: [Patricia Kay Youngson](#)
To: [Boulder County Board of Commissioners](#)
Subject: "fracking"
Date: Sunday, December 02, 2012 6:18:27 PM

Dear Sirs/Ms:

I am concerned about the health and environmental impact of "fracking". Please extend the fracking moratorium and pass the most restrictive land use rules possible.

Thank you,

Patricia Kay Youngson

"Too often we underestimate the power of a touch, a smile, a kind word, a listening ear or honest complement, or the smallest act of caring, all of which have the potential to turn a life around." Leo Buscaglia

From: [Robyn Morgan](#)
To: [Boulder County Board of Commissioners](#)
Subject: No Fracking Please...
Date: Sunday, December 02, 2012 7:33:09 PM

Dear Commissioners,

Boulder must extend the existing permitting moratorium on fracking and pass the most restrictive land use rules they can under existing Colorado state law in the mean time. I can not attend the meeting so I am sending this email.

Thank you,

Robyn Morgan
Boulder, CO

From: [Neshama Abraham](#)
To: [Jeff Grossberg](#)
Cc: [Boulder County Board of Commissioners](#)
Subject: Petition to Ban Fracking in Boulder County
Date: Sunday, December 02, 2012 11:10:43 PM
Importance: High

Hi Jeff,

Did you know that in 2 days - on **Tuesday, Dec. 4 at 4 pm** - the Boulder County Commissioners are meeting to decide whether to extend the moratorium on fracking in Boulder County. Please join me in requesting that the moratorium be continued until we can get our state legislators to ban fracking in Colorado. You can write the commissioners directly to let them know how you feel at commissioners@bouldercounty.org.

We're trying to gather as many signatures as possible before the Tuesday meeting at the County Courthouse where they are taking public input., Please sign our Petition to the Commissioners to ban fracking in Boulder County.

[Ban Fracking in Boulder County](#) (through Facebook)

[Ban Fracking in Boulder County](#) (without going through Facebook).

Would you please share this with friends who care about the environment and the health of our community.

Thank you,
Neshama

From: [Milos Novotny](#)
To: [Boulder County Board of Commissioners](#)
Subject: fracking...not in opposition
Date: Monday, December 03, 2012 8:48:32 AM

Commissioners:

I hope you know the citizens of the county are not wholly united against fracking. As one of them I would like to see a balanced energy market that includes costing of externalities such as a "per use" carbon tax, not simply a tax levied against the general population to implement more enforcement programs.

I am not able to attend any of your public meetings as I work in the town of Golden but I would like to participate.

Costing externalities is obviously difficult. For those in the more rural parts of Boulder County the cost of developing natural gas might seem tremendous especially to their quiet quality of life. However the number of these people is relatively small compared to the total population of the County and one has to also include the mineral right holders as well. I would prefer that an economic analysis that prices these matters is considered and these decisions are transparent, and that it is not simply the loudest voice heard that wins, and obviously the O&G industry has a pretty loud voice as well.

Milos

From: [Joscelyn Blumenthal](#)
To: [Boulder County Board of Commissioners](#)
Cc: joscelynblumenthal@gmail.com
Subject: Please extend the moratorium on fracking
Date: Monday, December 03, 2012 8:51:11 AM

To the Board of County Commissioners,

I moved to Boulder for its quality of life, clean air, clean water, natural beauty and environmentally conscious community. All the reasons for making Boulder my home are now being threatened by contamination by hydraulic fracturing. If fracking is allowed to pollute Boulder County's water and air, I will find a new place to call home. I am now making exploratory trips to Washington and Oregon where there are fewer shale deposits underground.

As a generous donor to local charities as well as paying significant state taxes, I must assume a mass exodus of wealthy people will impact Boulder in serious ways. People have a choice about where they live. Tax revenues and non-profits will suffer if wealthy people move elsewhere and take their money with them. Will revenue from the oil and gas industry make up for high income tax payers moving out of state? I don't understand how this subsidized industry will generate enough revenue to make up for decreased property values and a polluted city. I know I would never send my children to a university town with polluted air and water. What are the long-term benefits of polluting Boulder County? Allowing fracking here seems like very short-term thinking to me.

Please extend the moratorium on fracking until more data can be analyzed. This is not what local residents want in their backyards. Please consider future generations' health and take the moral high ground. Ban this polluting industry and stand up for your constituents' rights. Public health is a right and not something to be compromised for private profit.

Thank you for your consideration.
Joscelyn Blumenthal

From: [Stroud, Sheree](#)
To: [Toor, Will](#); [Domenico, Cindy](#); [Gardner, Deb](#); [Sanchez, Kimberly](#); [Haverfield, Carrie](#)
Subject: Phone comment re: oil & gas hearings
Date: Monday, December 03, 2012 10:04:45 AM

Vicky Petersen, 2725 6th St., Boulder, called to say she cannot attend hearing but is opposed to fracking. It will damage water and environment and destabilize ground.

From: [Michael Jones](#)
To: [Boulder County Board of Commissioners](#)
Subject: ban fracking
Date: Monday, December 03, 2012 10:12:04 AM

To the Boulder County commissioners,

First, the question is not “what will happen to Boulder County if Boulder County supports Longmont in banning fracking?” The question is, “What will happen to Longmont if Boulder County does not support Longmont in banning fracking?”

Second, from a health, safety, and environmental point of view, banning of fracking is a no-brainer. The oil companies already have enough fossil fuels to drive global climate change far beyond what is safe for the planet. In addition, the water they put down in the ground to do the fracking (which is lost from the hydrological cycle forever, as far as practical use), and that water in arid Colorado is worth much more to Colorado than the fossil fuels that we get back.

Michael Jones

1520 8th St.

Boulder

From: [Gabriel Perry](#)
To: [Boulder County Board of Commissioners](#)
Subject: I'm against fracking and I will be at the meeting tomorrow.
Date: Monday, December 03, 2012 10:43:27 AM

Hello,

My name is Gabriel Perry and I've been a Boulder resident for almost 18 years now. I'm writing to today to let you know that I am 100% completely against fracking within Boulder County and against it in Colorado altogether. I will be attending tomorrow's meeting at 4pm. I know many concerned Boulder residents that are against fracking, but many of them will not be able to attend tomorrow's meeting. I will be leaving work early to attend. This practice devastates our water and air quality and makes Boulder a much less safe place to work and live. We are better than this. Please do not suspend the moratorium. We do not want to end up like Weld County.

Sincerely,

Gabriel Perry

Software Engineer

Convertis Marketing, LLC

gabriel@convertismarketing.com

303-218-6631 - office, **720-470-0897** - cell

From: [Dan Halpern](#)
To: [Boulder County Board of Commissioners](#)
Subject: Oil and Gas Permits
Date: Monday, December 03, 2012 11:32:07 AM

Dear Commissioners,

My name is Dan Halpern, and I am a citizen of Boulder and this planet. I urge you not to extend the gas and oil permits to allow fracking in our county. Research is proving it to be extremely dangerous, contaminating water sources and rendering entire communities sick, without clean drinking water. By not disallowing permits, hopefully, Boulder can be on the forefront of finding (and forcing gas and oil companies to find) HEALTHY ways to energize our society. Fracking is not healthy, and should not be allowed in our county, or anywhere.

Sincerely,
An extremely concerned citizen.

--

Dan Halpern
339-364-9578

through wonder we discover

From: [Sakura Pressly](#)
To: [Boulder County Board of Commissioners](#)
Subject: Fracking
Date: Monday, December 03, 2012 11:43:38 AM

Hello there Commissioners!

I am *not at all* in support of fracking. Please act accordingly.

Much love,
Sakura

From: [Jan Kirkpatrick](#)
To: [Boulder County Board of Commissioners](#)
Subject: Fracking
Date: Monday, December 03, 2012 12:31:15 PM

Thoughts for the Commissioners:

-Have you considered the impact on water conservation that fracking will have. Our water resource are finite and there is a drought on and then there's global warming.

-Colorado is not Pennsylvania - we (and the West in general) don't begin to have the water required for fracking.

-Farmers in the eastern part of the state lost their crops this year do to drought. They can only pump a limited amount of water!

-The Ogallala Aquifer has portions running dry.

-So where would the millions of gallons of water come from and who will lose their water to the fracked wells? Farmers, households, cities, recreational sites?

-This months National Geographic Magazine has a nice map of the oil and gas shale in North America. Colorado's portion is small compared to more water rich areas.

-Let's past on this revenue in favor of keeping our water -- let's do more in the solar and wind energy fields. In the long run a wiser choice.

--Just say no to fracking.

Jan Kirkpatrick
9450 Valmont Rd
Boulder, Co 80301
303-665-4021

From: [Regner Trampedach](#)
To: [Boulder County Board of Commissioners](#)
Subject: Re: Public Hearing, Dec. 4, 2012
Date: Monday, December 03, 2012 3:01:34 PM

Dear Boulder County Commissioners,

I have been alerted to the public hearing tomorrow, about whether to extend the current moratorium on oil and gas exploration on unincorporated county land.

In that regard, I would like to offer my opinion:

The notion that an industry that has successfully lobbied for exemption from EPA regulations and the Clean Water Act, is an environmentally benign industry that should be allowed to operate within Boulder County, is simply preposterous.

I see no reason what-so-ever, to proceed with such exploration, until the laws, that are rightfully in place to protect the public, applies to oil- and gas-companies again.

Also I see no reason to accept research funded by oil- and gas-companies (unless such funding is mandated by a court-order or similar). Their motivation, as any private company's motivation, is profit, and as such they are justifiably biased. That is not evil, it is just a fact that needs to be kept in mind in these deliberations. I therefore argue that what cannot be backed up by third-party research, should be given very little weight.

And I cannot help but wonder, whether proven renewable energy sources (wind, solar, geothermal, [bio-gas](#), etc.), that have minimal and reversible impact on our environment, could generate a lot of local jobs, particularly in production, wouldn't be a much safer bet for Boulder. Especially considering how most get-rich-quick-schemes, rarely turn-out the way they are advertised.

Let us invest in the future.

Respectfully Yours,

Regner Trampedach

--

Regner Trampedach
4472 Greenbriar Blvd.,
Boulder, CO 80305-7072,
U.S.A.
Phone: +1 303 494 1744

From: [R. Seymour](#)
To: [Boulder County Board of Commissioners](#)
Subject: Fracking
Date: Monday, December 03, 2012 3:33:44 PM

To Whom it may concern,

I am unable to attend the meeting tomorrow but I wanted to weigh in on the debate. I am against allowing any fracking on Boulder county lands. I have lived here for 21 years and don't plan on moving. Part of what I love about this place is the culture of environmentalism and sustainability.

OSMP was started through grassroots citizens uniting around an issue, and I believe fracking is one that the county unites against.

Thank you for your time.

Sincerely,
Raj Seymour

From: [Jeff Thompson](#)
To: [Deb Gardner](#); [Boulder County Board of Commissioners](#)
Subject: Draft Oil & Gas Regulations
Date: Monday, December 03, 2012 5:31:07 PM
Attachments: [Rule 318A\(I\).pdf](#)

Dear Commissioners,

The substantive provisions of the subject regulations are preempted by operational conflict.

The judicial doctrine of preemption by reason of operational conflict was first applied to local regulation of oil and gas operations by the Colorado Supreme Court in the 1992 case *Board of County Commissioners v. Bowen/Edwards Associates, Inc.*, 830 P.2d 1045 (Colo.1992). It was later applied by the Colorado Court of Appeals in the 2006 case *Board of County Commissioners v. BDS International, LLC.*, 159 P. 3rd 773, (Colo.App.2006).

I'm placing quotations in this message in bold type rather than using quotation marks. The following appears at page 778 of the Court of Appeals opinion in the *BDS International* case cited above:

Under *Bowen/Edwards*, state preemption by reason of operational conflict can arise where the effectuation of a local interest would "materially impede or destroy the state interest." *Bowen/Edwards, supra*, 830 P.2d at 1059.

Elaborating on the operational conflicts test, the *Bowen/Edwards* court stated:

"[T]here may be instances where the county's regulatory scheme conflicts in operation with the state statutory or regulatory scheme. For example, the operational effect of the county regulations might be to impose technical conditions on the drilling or pumping of wells under circumstances where no such conditions are imposed under the state statutory or regulatory scheme, or to impose safety regulations or land restoration requirements contrary to those required by state law or regulation. To the extent that such operational conflicts might exist, the county regulations must yield to the state interest."

***Bowen/Edwards, supra*, 830 P.2d at 1060.**

In *Bowen/Edwards*, the supreme court held a trial court must determine the extent of an operational conflict "on an adhoc basis under a fully developed evidentiary record." *Bowen/Edwards, supra*, 830 P.2d at 1060. The supreme court did not define the necessary components of a full evidentiary record.

A county regulation which imposes conditions on oil and gas operations under circumstances where no such conditions are imposed under the state statutory or regulatory scheme, or imposes conditions on oil and gas operations contrary to those imposed under the state statutory or regulatory scheme, materially impedes or

destroys the state interest embodied in the state regulatory scheme and is preempted by reason of operational conflict.

With this understanding, you can see that the substantive provisions of the draft Oil & Gas Regulations the county commissioners are considering, when you compare them to the state statutory and regulatory scheme, preempted by reason of operational conflict. The words of the Colorado Supreme Court, quoted above from the *Bowen/Edwards* case, and applied by the Colorado Court of Appeals in the *BDS International* case (and at least two other published cases), make it clear that the state interest is materially impeded or destroyed by additional or contrary county regulations.

The draft county Oil & Gas regulations under consideration define, for purposes of the operational conflict waiver, an operational conflict as follows:

Boulder County recognizes that the COGCC regulates oil and gas operations and that Colorado courts have determined that a County regulation must yield to a state regulation where the application of the County regulation to the oil and gas operation would conflict with a state statute, regulation or other requirement and where the conflict results in the material impediment or destruction of the state’s interest in the responsible, balanced development, production and utilization of oil and gas consistent with protection of public health, safety, and welfare, including protection of the environment and wildlife resources.

This definition is a serious distortion of the Colorado Supreme Court’s definition and explanation of preemption by operational conflict in the *Bowen/Edwards* opinion, and the Colorado Court of Appeals application of the doctrine of preemption by operational conflict in the *BDS International* opinion. Under the county definition, in order for an oil and gas operator to show the existence of an operational conflict, it would not only have to show that the county regulation or condition is in addition to, or contrary to, the regulations or conditions imposed under the state statutory or regulatory scheme, but would have to go further and show that the additional or contrary county regulation or condition would result in the “material impediment or destruction of the state’s interest in the responsible, balanced development, production and utilization of oil and gas consistent with protection of public health, safety, and welfare, including protection of the environment and wildlife resources.”

What the county would be attempting to do is replace the Colorado Oil and Gas Conservation Commission as the governmental body authorized by state statute to determine the state interest and adopt a regulatory scheme accordingly. The county would in effect become the governmental body authorized by state statute to adopt an oil and gas regulatory scheme.

Many provisions in the county draft Oil & Gas regulations, and the general scheme of having expedited and standard permit review processes, are designed to influence the location of wells and well sites. To me, this shows a complete failure to understand the fundamental purpose of the state oil and gas operations regulatory scheme created by the Colorado Oil and Gas Conservation Act. The quotation below is from page 1067 of the Colorado Supreme Court's opinion in the 1992 case Voss v. Lundvall Brothers, Inc., 830 P.2d 1061 (Colo.1992). I think the county commissioners would do well to consider the Supreme Court's explanation of the fundamental purpose of state regulation of oil and gas regulations:

Oil and gas are found in subterranean pools, the boundaries of which do not conform to any jurisdictional pattern. As a result, certain drilling methods are necessary for the productive recovery of these resources. The Oil and Gas Conservation Commission emphasizes in its brief, as does Lundvall Brothers, that it is often necessary to drill wells in a pattern dictated by the pressure characteristics of the pool, and because each well will only drain a portion of the pool, an irregular drilling pattern will result in less than optimal recovery and a corresponding waste of oil and gas.^[3] Moreover, an irregular drilling pattern can impact on the correlative rights of the owners of oil and gas interests in a common source or pool by exaggerating production in one area and depressing it in another. Because oil and gas production is closely tied to well location, Greeley's total ban on drilling within the city limits could result in uneven and potentially wasteful production of oil and gas from pools which underlie the city but extend beyond the city to land where production is not prohibited by a total drilling ban. Greeley's total ban, in that situation, would conflict with the Oil and Gas Conservation Commission's express authority to divide a pool of oil or gas into drilling units and to limit the production of the pool so as to prevent waste and to protect the correlative rights of owners and producers in the common source or pool to a fair and equitable share of production profits. §§ 34-60-116 & -117, 14 C.R.S. (1984 & 1991 Supp.). In our view, the state's interest in the efficient and fair development and production of oil and gas resources in the state, including the location and spacing of individual wells, militates against a home-rule city's total ban on drilling within the city limits.

It is not significant that the opinion quoted above refers to a "city's total ban." Courts only rule on the factual situations before them, and the factual situation before the court in this case was a city's total ban. The same reasoning would apply to any local regulation which is contrary to the Colorado Oil and Gas Conservation Commission's fundamental authority to locate and space individual wells and well sites. This would include setbacks which are greater or less than those required by the state oil and gas commission's rules, or a ban on oil and gas operations in platted subdivisions.

I attached a copy of the state oil and gas commission's rule 318(l) Greater Wattenberg Area Special Well Location, Spacing, and Unit Designation Rule. The Greater Wattenberg Area, or GWA, includes part of eastern Boulder County. I think

we should be more concerned about what is called the Niobrara Formation. The Niobrara Formation goes all the way west into the foothills, as I understand it. I don't believe it is known at this time how far west into the mountains it extends.

I would expect that this rule for the GWA would be extended to cover the Niobrara Formation, or that the state oil and gas commission would enact a similar rule to cover the rest of Boulder County west into the foothills. The GWA rule designates the locations for well sites, or surface drilling locations, referred to as "drilling windows." Under this rule, there would be one to three well sites located in the center of every government quarter-quarter section. A quarter-quarter section is 40 acres.

This gives you an idea of the density of oil and gas operations we can expect throughout the county if we do not take effective action to stop all oil and gas development in the county. Of course, there are many drilling windows in areas where drilling is not allowed under the commission's other rules because of surface conditions and setbacks. Under rule 318A(l), the owner of a mineral interest can apply for an alternate surface drilling location in these cases. The effect is to crowd oil and gas operations as close as they can be, given the setback rules, to the housing areas, wildlife habitats, municipal water supply reservoirs etc. where the drilling windows are located.

Given the above, it should be clear that any attempt to influence the location of well sites by county regulatory requirements or conditions would be preempted by reason of operational conflict with the state statutory and regulatory scheme.

I hope you will take this message seriously enough to discuss it with your county attorney and his staff and special counsel. The citizens of this county have a right to know whether or not these draft Oil & Gas Regulations will protect us or be declared null and void by a court. To enact regulations without carefully considering their legal validity would in effect give the oil companies carte blanche in Boulder County.

Jeff Thompson

From: [Tom Moore](#)
To: [Boulder County Board of Commissioners](#)
Subject: Fracking
Date: Monday, December 03, 2012 8:48:30 PM

December 3, 2012

Dear commissioners,

I urge that you act on behalf of all of Boulder County residents to support Longmont's ban on Fracking. They need our support in responding to the Governor's unreasonable attack against people who value clean air and water without toxic chemicals injected. The governor has shown that he is an agent of oil and gas interests.

It is apparent that Global Warming is producing some very dangerous changes in climate and the weather here in Boulder County. Our water sources are very limited and fire danger seems high and persistent. The fossil fuel industries produce products that are precursors to heat trapping CO₂. Methane enters the atmosphere through leaks from the system. Methane is 20x as potent as CO₂ for heat trapping in the atmosphere. Natural gas and petroleum systems are the largest industrial sources of methane emissions. Some methane is emitted to the atmosphere during the production, processing, storage, transmission, and distribution of natural gas.

Fracking is particularly leaky and frackers show little interest in the problem, unless forced to. There aren't enough inspectors to make the industry safe.

Garfield and Weld Counties are now *sacrifice zones*. Take a tour and see for yourselves. The product will run out and we will be left in a desolate region.

Be the leaders; stand tall and work for nature and the humans in this county. We need to support Longmont and stand up to Governor Frackenlooper. His name will be long remembered and so will the quislings who fall in line with him.

sincerely
Tom Moore
Boulder, CO

From: [Bruce Robinson](#)
To: [Boulder County Board of Commissioners](#)
Subject: Fracking
Date: Monday, December 03, 2012 10:23:44 PM

Dear Commissioners,

I ask that you take risks in this fight to seriously restrain fracking in Boulder County. Can we continue to glory in the waste of carbon based fuels, paying little heed to the obvious threat of global warming. How are we to detect that we are in trouble, that we need to curb our use, that we need to aggressively address this threat if we rape the earth in the effort to make it appear that there is no problem? Blowing the tops off mountains, fracking near populated areas (even under cemeteries), tolerating the exploitation of tar sands are outrageous evidence of our collective lack of respect for and ignorance of the natural world.

My granddaughter and grandson, 6 & 3 years old, may easily live until the year 2100. What kind of world will it be for them? I ask that you take a strong stand, that you not follow the rules that were written by and paid for by those who profit from this fracking. This is simultaneously the biggest threat to life we'll ever experience and also the opportunity for the biggest jobs program in history. We can all just go along and wait for the end or we can stand up and fight.

Thanks for your consideration,

Bruce Robinson
2025 Hermosa Dr.
Boulder 80304
303-447-3434

From: [Nancy Sullo](#)
To: [Boulder County Board of Commissioners](#)
Subject: Fracking
Date: Monday, December 03, 2012 11:07:08 PM

Dear Commissioners,

I urge you to extend the moratorium on fracking in Boulder County. This is becoming a runaway issue here and we need more time to make good decisions. Locating wells 500 or 1000 feet from residences is not an acceptable solution. If the state won't protect our air, water and health, then local governments need to stand up and do what is right.

Fracking is a lose, lose situation for everyone except those companies making huge profits from it. Besides wreaking havoc on our local environment, it has serious global warming implications. We already have enough oil and gas to fry our planet. Why encourage more extraction?

Please stand up to the state of Colorado on this issue. If enough local governments just say no to fracking, the state will have to eventually go along. They don't have the resources for suing every city and county. Let's keep Colorado a desirable place to live and raise our families. We have enough to worry about, what with drought and fires. Don't cave in to this dirty industry that won't do us any good and will change the face of our landscape for a long time.

Sincerely,

Nancy Sullo
2830 5th St.
Boulder, CO 80304

From: [Teri Dillion](#)
To: [Boulder County Board of Commissioners](#)
Subject: Fracking
Date: Tuesday, December 04, 2012 6:36:39 AM

Hello, I'm writing to ask you to put a referendum on the ballot for home rule on fracking. Please stand up to illegitimate state authority and ban fracking altogether. Lets avoid the dangerous consequences now.

Thank you for your time.
Teri Dillion, MA, LPC
Boulder

Sent from my iPhone

From: [janice speas](#)
To: [Boulder County Board of Commissioners](#)
Subject: extend the fracking moratorium
Date: Tuesday, December 04, 2012 8:50:07 AM

All,
Please extend the moratorium on fracking in our county. If Pinedale and Pavillion Wyoming are anything to go by, (as well as the places back east), Colorado in general, and Boulder in particular, should outright ban the practice in the county.

Thanks for your consideration.

Janice Speas

From: [Lois Hickman](#)
To: [Boulder County Board of Commissioners](#)
Subject: Spam: home rule and a ban on fracking
Date: Tuesday, December 04, 2012 9:09:25 AM

This is your chance to be bigger than politics, and to think of the future of your children and grandchildren.
We must have a referendum on home rule in order to control our own future.
Extend the moratorium on fracking; give us a breather
in order to take the next step in banning fracking in Boulder County.
Monetary gain should not be the controlling factor in your decisions. The power of big oil should not make us back down.
You can be bigger than that.
Do the right thing.

Lois Hickman
5125 Ute Highway
Longmont Colorado
80503

From: [Tobias Schunck](#)
To: [Boulder County Board of Commissioners](#)
Subject: Comments on Drilling and Fracking Regulations
Date: Tuesday, December 04, 2012 9:13:15 AM
Importance: High

Honorable County Commissioners,

I am unable to attend tonight's public hearing which will allow the last public comment for proposed oil and gas regulations.

Therefore, please consider my below comments on this difficult issue.

My name is Tobias Schunck, I live in Longmont.

I have seen wide areas of this once beautiful country be destroyed to irresponsible energy development made possibly by the use of hydraulic fracturing.

This development does not respect property rights, the health of humans and the environment and does nothing to move us to a clean, renewable energy economy.

In fact, the glut of low cost (well-head price) natural gas below \$ 3 per Thousand Cubic Feet have made most renewable energy projects un-economical.

This is due to the fact that the environmental and public health costs associated with the exploration, extraction and production of hydrocarbons are not accounted for.

If these costs would be taken into consideration, natural gas would be far costlier than clean renewable energy such as solar and wind.

However, due to our byzantine laws governing mineral extractions, the oil and gas industry can engage in behavior that would otherwise violate property rights as well as the clean air and water act.

It is time for Boulder County to take a stand against the continued, irresponsible, unsafe and unsustainable resource exploitation.

I understand that most regulations regarding this industry are relegated to the State and Federal government.

Unfortunately, both of our State and certainly the Federal government is heavily influenced by unlimited legal bribery in the form of campaigns contributions. Oil and gas companies that benefit greatly from the current regulatory framework (or lack thereof) are able to pour billions of dollars into the hands of exactly those politicians who are protecting the status quo.

Therefore, it is highly unlikely that neither the State nor the Federal government will take the lead in effectively protecting our environment or public health.

The State of Colorado is unwilling and unable to properly regulate this industry as the 40 inspectors can never properly control what goes on at over 30, 0000 drill and well sites.

It is absolutely ridiculous to expect that any meaningful regulations that would protect the health and safety of our county could be 'harmonized' with existing State regulations.

We might have the toughest oil and gas regulations in Colorado, but state regulations are still woefully inadequate. It would take real regulations and a thousand inspectors to be able to properly monitor the activities of the oil and gas industry.

You have heard from environmental experts that have told you that this industry has a history of covering up widespread underground pollution.

I am sure that you are aware of the dangers from airborne pollutants as well as soil contamination.

If a fracking job results in catastrophic failure, something which routinely happens (60 % of well casings leak), the damage can never be undone.

Using current technology, no one can clean up gigatons of soil and groundwater once it is polluted with highly toxic fracking fluids.

UNTIL HYDRAULIC FRACTURING CAN BE DONE SAFELY (AND BE PROVEN SAFE BY INDEPENDENT SCIENTIFIC STUDIES), ITS USE SHOULD BE BANNED.

We all live here because this is one of the last, relatively clean places. Don't allow the industry to destroy it.

I urge you to join Longmont in opposing the irresponsible use of hydraulic fracturing and enact a ban on this dangerous activity.

Respectfully,

Tobias Schunck

 Please consider the environment before printing this email.

From: [Ryder, Mike](#)
To: [Haverfield, Carrie](#)
Subject: Constituent Call - Oil & Gas Public Hearing
Date: Tuesday, December 04, 2012 9:49:49 AM

Carla Behrens (720) 494-1463

Extend Moratorium. Ban fracking.

Not sure how I got the call but if you're keeping track, here's another.

***mike

From: Becky@Hazon.org
To: [Boulder County Board of Commissioners](#)
Subject: Fracking in Boulder County
Date: Tuesday, December 04, 2012 10:34:41 AM

Dear Commissioners,

As a resident of Lafayette, Boulder County I encourage you to make safety and precaution the primary factors when making decisions around fracking. We have nothing if not our health.

And you can think about economics too, but don't think about them in the short-term. So big money comes in from fracking in the short-term, but what about the environmental and public health costs (and literally the financial costs) for years to come? Not to mention the metaphorical "costs" to the environment and human and animal health.

Please think long-term and holistically for the well being of our community,
~Becky O'Brien~

--

Becky O'Brien
Director, Boulder
303-886-5865
Becky@hazon.org

We're incredibly grateful to [JFNA](#) and [Bikkurim](#), who are graciously hosting our New York staff while the regular office undergoes extensive post-Sandy repairs. Until further notice, please send mail - or year-end donations! - to Hazon, c/o Bikkurim, 25 Broadway, Suite 1700, NY NY 10004.

For general Hazon inquiries call: (646) 397 4360.
For the phone numbers of other staff members, go to hazon.org/staff.

The 2012 Food Conference is sold-out. Registration is now open for our 2013 Golden Gate, Cross-USA, NY & Israel Rides: hazon.org/rides

[Website](#) | [JCarrot](#) | [Facebook](#) | [Twitter](#) | [YouTube](#) | [Flickr](#)

Hazon: *Jewish inspiration. Sustainable communities.*

From: [Ronda Lawrence](#)
To: [Boulder County Board of Commissioners](#)
Subject: hydraulic fracturing
Date: Tuesday, December 04, 2012 10:49:25 AM

Dear Commissioners,

This is a short and simple note to ask you nicely to please HIGHLY regulate, oversee, tax appropriately, and ultimately safely close down all oil and gas operations already in Boulder County and to "Just Say NO!" to unsustainable and toxic energy exploration and expansion, and YES to wind, solar and geothermal propositions.

Thank you,
Ronda Lawrence
4500 19th St. #44
Boulder, CO 80304

From: [Virginia Hartronft](#)
To: [Boulder County Board of Commissioners](#)
Subject: multi well head & occupied buildings
Date: Tuesday, December 04, 2012 10:51:19 AM

Due to additional safety & fire concerns please consider additional set back distance requirements for multiple well heads that are clustered or added to an existing site. The impacts of multiple well heads obviously multiplies the negative effects of a single well head.

Also the definition of occupied buildings should include those structures which have been issued permit or have currently have site approval to provide the surface owner with predictability regarding well location and planned construction.

Thank you,
Erik and Virginia Hartronft

Hartronft Associates, p.c.

Architecture - Planning - Interiors

950 Spruce Street, Suite 1A

Louisville, Colorado 80027

p. 303.673.9304

f. 303.673.9319

vh@hapcdesign.com

From: fcarlile@comcast.net
To: [Boulder County Board of Commissioners](#); [Cheri Jahn](#); [Max Tyler](#)
Subject: Petroleum Intrusion.
Date: Tuesday, December 04, 2012 11:05:47 AM

Tu04Dc12

To: Boulder County Commissioners. <commissioners@bouldercounty.org>

Copy: Gov. Hickenlooper; Sen. Jahn; Rep. Tyler.

From: Fenwick Carlile, fcarlile@q.com, 11225 W. Ohio Dr., Lakewood CO. 80226-3835

Subject: Petroleum Industry Control Over US-Citizens.

Good Sirs: I'm not a resident of Boulder County, so probably not-eligible to state-opinion about uncontrollable-intrusion of roads/ equipment/ wells on private-property, via whatever-exercise of eminent-domain by Colorado; but I think that kind of bully-tactic qualifies to define those-so-engaged as REALLY-VULGAR-POLITICIANS.

I would-Now sign a Petition and Elect to Remove such Bullies. fc

From: [Peterson, Tracy](#)
To: [Boulder County Board of Commissioners](#); [Robbins, Jeff](#)
Cc: [Matthew.Baskind@encana.com](#); [Jost, Jamie](#); [Galloway, Elizabeth](#); [Nibert, Gregory](#)
Subject: Letter from Encana Oil & Gas (USA) Inc. regarding December 4, 2012 amendments to the Boulder County Proposed Oil and Gas Regulations
Date: Tuesday, December 04, 2012 12:16:30 PM
Attachments: [Final Letter to BOCC with Exhibits \(00252621\).PDF](#)

I've been asked to forward the attached letter to you for your consideration.

Thank you.

Tracy Peterson



Tracy Peterson | Beatty & Wozniak, P.C.
Legal Assistant

216 Sixteenth Street, Ste. 1100
Denver, CO 80202-5115
Direct: 303-407-4462
Firm: 303-407-4499
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From: Rvlopez@aol.com
To: [Boulder County Board of Commissioners](#)
Subject: Proposed Regs
Date: Tuesday, December 04, 2012 12:54:16 PM
Attachments: [BCC Oil & Gas Regs.pdf](#)

Please see the attached letter.

LOPEZ LAW OFFICE
4450 Arapahoe Ave. Suite 100
Boulder, CO 80303
303 415 2585 voice
303 415 0932 fax
lopezlawofficeco@gmail.com
rvlopez@aol.com

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From: [Sharon Baker](#)
To: [Boulder County Board of Commissioners](#)
Subject: fracking
Date: Tuesday, December 04, 2012 2:05:19 PM

Please save our precious water in Colorado as we have so little as it is, that we dare not use it in fracking and also dare not take any chances of contaminating this precious water. It is our liquid gold.

Sharon Baker
Box 181
Palmer LakeCO 80133

From: [Rick Casey](#)
To: [Boulder County Board of Commissioners](#)
Cc: eastbocounited@lists.riseup.net; [BoCoCCR Members](#)
Subject: Why fracking in Boulder County would be a tragedy...
Date: Tuesday, December 04, 2012 2:07:26 PM

Dear Boulder County Commissioners,

Today you will decide on how fracking will be allowed on Boulder County lands -- whether to extend the moratorium, regulate it as an industrial activity or ban it outright.

I would like to make you aware of a newly published report by no less than the World Bank -- a rather credible source of information.

Titled "Climate Change Report Warns of Dramatically Warmer World This Century", (which you can read [here](#)) it conveys a strong and stark message: we must begin to switch the energy basis of our economies from fossil fuels to non-polluting alternative energy sources within the next 15 years, or else suffer increasingly extreme weather events -- so dire that the collapse of human civilization will be a near certainty by the end of the century if we fail in this task.

This is no joke. And natural gas is not a "bridge fuel." We need to start the mitigation efforts to reverse global change here in Boulder County NOW!

I know this means painful decisions must be made -- politically, financially, emotionally -- but we have no choice. Science, logic and reason are compelling us. We know in our hearts that our own conscience compels us. We all know that our love of Nature, and why we enjoy living in Colorado, compels us.

This will be a historic decision. Stand with the brave sixty percent of Longmont who voted to do the right thing, in the face of threats from our governor and the Colorado Oil and Gas Conservation Commission. You should all do the right thing too; it will be a sad and tragic page in Boulder's proud history if you do not.

Sincerely,
Rick Casey
Lafayette, CO
instructor, Environmental Economics, Front Range Community College

From: [johan_erasmus](#)
To: [Boulder County Board of Commissioners](#)
Subject: Ban Fracking Please!
Date: Tuesday, December 04, 2012 2:28:39 PM

Dear Boulder County Commissioners,

I cannot be at the County meeting this afternoon due to work obligations, hence this email.

Please please keep the moratorium on fracking in the county in place. For the sake of our health, our land, our nature, do the right thing.

It may be hypocritical to be a user of fossil fuels but this is a special area known world wide for it's beauty, open space, smart development, technology industry and tourism. Extensive fracking could change that. I'm willing to make sacrifices towards a smaller carbon footprint. I think the majority of the county population would too.

I'm aware the consequences of going against the state but we will support you when we cross that bridge.

Thank you for your time,
Johan Erasmus
985 Laramie Blvd
Boulder CO 80304

From: [Scott Roberts](#)
To: [Boulder County Board of Commissioners](#)
Subject: Fracking opposition
Date: Tuesday, December 04, 2012 2:48:58 PM

Hello,

I am unable to make it to the Boulder County meeting today due to work obligations, but I wanted to voice my opposition to Fracking in Boulder. Fracking in Boulder would put every historic water well in the county at high risk of pollution from the extremely toxic Fracking fluid. We could, also, say goodbye to the quality and integrity of our local food, in which we take so much pride. Everywhere that Fracking is prevalent, so is pollution, sickness, skyrocketing cancer rates and eventually death. Death of the ecosystem and all the myriad of life that it supports. Fracking is an industry driven by greed and based on perverted science. If Boulder does not take a stand against Fracking, then we are a sham of the Socially and Environmentally conscious city, that we are esteemed to be.

Thank you,
Scott Roberts

From: [Mueller, Kirk](#)
To: [Boulder County Board of Commissioners](#)
Cc: ["bmyhr@nobleenergyinc.com"](mailto:bmyhr@nobleenergyinc.com); [Neslin, Dave](#); [Gleaton, Craig](#)
Subject: Proceedings Regarding Proposed Oil and Gas Regulations for County of Boulder: Comments by Noble Energy Inc.
Date: Tuesday, December 04, 2012 3:09:34 PM
Attachments: [image001.png](#)
[Noble Letter to Boulder County.pdf](#)

Honorable Commissioners of Boulder County:

Please accept and consider the attached correspondence from Noble Energy Inc., and accompanying enclosures, concerning your consideration of the proposed regulation of oil and gas operations in Boulder County.

Thank you, and best regards,

- Kirk Mueller

Counsel for Noble Energy Inc.

R. Kirk Mueller Partner

P: 303.892.7456 ▪ F: 303.893.1379 ▪ [vcard](#)



Davis Graham & Stubbs LLP
1550 17th Street, Suite 500 ▪ Denver, CO 80202

From: [Matt Lepore - DNR](#)
To: [Robbins, Jeff](#); [Sanchez, Kimberly](#)
Cc: [Boulder County Board of Commissioners](#)
Subject: COGCC comments re Boulder County Draft Regulations
Date: Tuesday, December 04, 2012 3:17:52 PM
Attachments: [Robbins Sanchez Boulder Regs.pdf](#)

Jeff & Kim:

Please see the attached letter regarding the most recent iteration of Boulder County's draft Development Plan Review for Oil and Gas Operations. Assuming the Board of County Commissioners does not adopt the Rules at its hearing this afternoon, I would appreciate the opportunity to meet and discuss the issues raised in the letter at your convenience.

Sincerely,

Matt

Matthew Lepore

Director

Colorado Oil and Gas Conservation Commission

Office: 303-894-2100 ex. 5122

Cell: 720-245-5639

matt.lepore@state.co.us

From: [Jonathan Davis](#)
To: [Boulder County Board of Commissioners](#)
Subject: No fracking in Boulder County
Date: Tuesday, December 04, 2012 3:36:51 PM

Represent the people and say no to fracking in Boulder County. Is there any other socially responsible choice?

Sincerely,
Jonathan Davis (concerned Boulder County home owner on a private water well)

From: [Jenny Wehinger](#)
To: [Boulder County Board of Commissioners](#)
Subject: No Fracking, please!
Date: Tuesday, December 04, 2012 4:13:05 PM

Do not allow Fracking in Boulder County. Help us protect our water systems.

Jenny Wehinger
700 Yale Rd.
Boulder, CO 80305

From: [Steven Zawaski](#)
To: [Boulder County Board of Commissioners](#)
Subject: Fracking
Date: Tuesday, December 04, 2012 4:59:49 PM

Dear Representatives,

I would like to voice my opinion against fracking in Boulder. I believe strongly in modern technology, but fracking is going to damage the environment around it and reduce home values. We want to preserve the natural wealth that makes Boulder what it is and keep our economy strong. Please do not turn our home into just another damaged city.

Thanks for your time,

Steven Zawaski

Professional Triathlete

Website: <http://stevenzawaski.com>

Facebook: <http://facebook.com/stevenzawaski>

Twitter: <http://twitter.com/stevenzawaski>



From: [Patty Sunfield](#)
To: [Boulder County Board of Commissioners](#)
Subject: NO FRACKING IN BOULDER COUNTY
Date: Tuesday, December 04, 2012 5:22:40 PM

Add me to the list of folks who oppose the dangerous deadly thoughtless idea of Fracking. ITS TOTALLY PATHETIC TO BE EVEN CONSIDERED. I could not make the meeting today at council. I have children to feed....

Patty Sunfield, MA
Licensed Professional Counselor
Addictions/Trauma/Depression Specialist
Cranial Sacral Therapist
303-443-0291
3033 7th st Boulder, co 80304

We see things not as they are, we see things as we are. Anais Nin

From: [Jessica Rosen](#)
To: [Boulder County Board of Commissioners](#)
Subject: No FRACKING, Protect Boulder
Date: Tuesday, December 04, 2012 5:42:01 PM

To the County Commissioners,

Fracking in Boulder would put every historic water well in the county, at high risk of pollution from the extremely toxic Fracking fluid. We could, also, say goodbye to the quality and integrity of our local food, in which we take so much pride. Everywhere that Fracking is prevalent, so is pollution, sickness, skyrocketing cancer rates and eventually death. Death of the ecosystem and all the myriad of life that it supports. If Boulder does not take a stand against Fracking, then we are a sham of the Socially and Environmentally conscious city, that we are esteemed to be.

Thank you,
Jessica Rosen

From: [Eric Meleney](#)
To: [Boulder County Board of Commissioners](#)
Subject: No fracking in Boulder County!
Date: Tuesday, December 04, 2012 9:59:39 PM

Please please do not allow fracking in Boulder County. To allow a process that has a potential to destroy our water and land would be unconscionable.

Sincerely,
Eric Meleney

Sent from my LG Smartphone on Sprint

From: [Susan](#)
To: [Boulder County Board of Commissioners](#)
Subject: Ban Fracking in Boulder County
Date: Tuesday, December 04, 2012 10:11:01 PM

Dear Boulder County Commissioners,

I implore you to maintain the current moratorium on fracking in Boulder County. Historically, clean water has been a precious natural resource in our arid environment that needs great care to conserve. We are currently experiencing a devastating drought resulting in extremely high fire danger. Global warming can, and most likely will, progress in a non linear way with explosive and dangerous results.

We can not continue to abuse our land, our water, our environment. It is within our power to stop further damage to our ecosystems in Colorado. Our limited supply of clean water could be tainted forever if fracking is allowed to resume. Your constituents are counting on you to make thoughtful, careful decisions that are in the best interests of residents in Boulder County, not the interests of those whose only goal is profit.

Our natural resources must be protected for all of us, but especially for our children. We are counting on your conscientious stewardship of this beautiful place we are all so fortunate to live in. Please do not let us down.

Susan Pfretzschner
303-440-6346

From: [Bob](#)
To: [Rick Casey](#)
Cc: [Boulder County Board of Commissioners](#); eastbocounited@lists.riseup.net; [BoCoCCR Members](#)
Subject: Re: [eastbocounited] Why fracking in Boulder County would be a tragedy...
Date: Tuesday, December 04, 2012 11:54:54 PM

I am so disappointed some Of our activists chose to personally hassle the Ecana rep after she spoke at BCC meeting. This will not help! NO more please! Be bigger than the problem.

On Dec 4, 2012, at 14:07, Rick Casey <caseyrick@gmail.com> wrote:

Dear Boulder County Commissioners,

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Sincerely,
Rick Casey
Lafayette, CO
instructor, Environmental Economics, Front Range Community College