

From: Wendy Bricher on behalf of Darin Atteberry
Sent: Tuesday, March 05, 2013 2:05 PM
To: Gerry Horak
Cc: Darin Atteberry; Diane Jones; City Council; Karen Cumbo; Mark Jackson; Polly Bennett; Laurie Kadrich; Wendy Williams; Dan Weinheimer; Sarah Kane
Subject: Council SAR 21819/ Mark Easter re: Please hold the line on the fracking ban

Hi Gerry,

Please see the information below provided by Laurie Kadrich, CDNS Director, in response to Mr. Easter's inquiry regarding fracking:

At the city council meeting two weeks ago, city staff made the case that "only" 11% of the city is open to oil and gas drilling under the COGCC's new rules. I think this analysis is faulty and represented far too small and area vulnerable to drilling and its impacts: 1) 1) The analysis assumes an unrealistically small impact envelope. Drilling operations run 24/7. They are extremely loud, dusty, and at night they are brightly lit at night. Staff assumed the minimum setback standard of 500' proposed in the COGCC regulations mitigates these impacts, however the light, dust, and noise envelope extends much further than the COGCC setback standard. More significant are the toxic fugitive airborne emissions from the carcinogens and neurotoxins abundantly used in modern drilling operations and which leak from the well head or are emitted from flaring equipment throughout the well's production lifetime. For many of these toxic substances (which the oil and gas industry refuses to disclose) there is literally no safe level of exposure to humans.

Staff Response: Mr. Easter is correct that the staff analysis is limited to the COGCC's set-back requirements; however, there are additional mitigation measures proposed in draft Land Use Codes to further mitigate impacts related to light, noise and dust concerns.

2) A major loophole allows drillers to apply for and receive exemptions allowing them to drill within the 500 foot buffer required within "high density" population areas such as Fort Collins. A drilling rig could operate within that buffer with said landowner's permission. I did not see Fort Collins city staff address this loophole in their presentation to council on February 19th, and when I contacted staff and asked whether they had considered this loophole in their analysis, they said they did not. This loophole has the potential to open up much more of the city to drilling operations than explained in their presentation. Landowners (residents or not) of property along the fringe of natural areas, open space, parks, or other undeveloped enclaves could acquiesce to a cash payment from a driller in exchange for drilling rights on their property.

Staff Response: Staff is aware of this provision and our current understanding is that it applies to existing well pads or with the permission of the landowner, however added mitigation requirements are imposed in these situations. We are also considering set-back requirements in City Regulation so those may reduce these potential situations.

3) A second major loophole allows drillers to re-open old, completed wells and drill them without regard for their location. Such wells are exempt from any setback requirements. Fort Collins has numerous wells that could fall under this exemption. The COGCC director has given verbal assurances that such wells would require a new permit application from the COGCC in order to be drilled, however the new rules contain no clear definitions as to what types of wells fall under such limits and do not stipulate said requirement in writing, and the COGCC offers no assurances that they would hold drill rig operators to the new setback standards for such wells. They only state that a new permit application would be required. I for one do not believe we can bank on the verbal assurances of the insular public agency known as the COGCC, considering how friendly the agency is to the Oil and Gas Industry, how immune they seem to be to public oversight and objections to impacts, and how frequently they hand out rule exemptions to drillers.

Staff Response: This is a question asked by many residents and the information we have been provided is that while it is possible for a permit to be applied for, there are added mitigation measures required by the COGCC if the set back is less than rules require.

In summary, I think the city is far more vulnerable to drilling than city staff presented in their presentation. Please stand firm on the ban on oil and gas drilling within the Fort Collins City limits and the growth management area.

This is a very quick response to the questions so I would be happy to provide more details if needed.

A copy of this response will also be available in your read-before packet this evening.

Wendy Bricher
City Manager's Office
221-6506

From: Gerry Horak
Sent: Tuesday, March 05, 2013 7:33 AM
To: Darin Atteberry
Cc: Karen Cumbo; Laurie Kadrich; Dan Weinheimer
Subject: FW: Please hold the line on the fracking ban

Darin

Please see email below and concerns. If possible please have Laurie and Dan address these concerns.

Thanks

Gerry

From: Mark Easter [mark.j.easter@gmail.com]
Sent: Monday, March 04, 2013 10:14 PM
To: Bennet Manvel; Lisa Poppaw; Kelly Ohlson; Gerry Horak
Subject: Please hold the line on the fracking ban

The City of Fort Collins has a reputation for leadership on positive policies that have made this town great and are later adopted statewide or mimicked nationally. We have led on natural areas and open space, on renewable energy standards, on instream flows and river protection, on protecting indoor clean air. When the people lead, the leaders follow. Please continue that leadership role and hold the line on the fracking ban.

I have lost count of the number of "Best Places" lists that include Fort Collins. Today the *Coloradoan* reported the city has been named one of the healthiest in the nation on yet another of these lists. But I don't know anybody who believes we would remain on these lists after modern drilling rigs begin operating within city limits.

It borders on insanity to allow into neighborhoods and public areas an industrial activity with the highest death, dismemberment, and injury rate in the nation, which uses carcinogenic and neurotoxic materials the operators refuse to disclose, which requires hundreds to thousands of semi truck visits to service the operation, and which operates 24/7 in the open air.

At the city council meeting two weeks, ago, city staff made the case that "only" 11% of the city is open to oil and gas drilling under the COGCC's new rules. I think this analysis is faulty and represented far too small and area vulnerable to drilling and its impacts:

1) 1) The analysis assumes an unrealistically small impact envelope. Drilling operations run 24/7. They are extremely loud, dusty, and at night they are brightly lit at night. Staff assumed the minimum setback standard of 500' proposed in the COGCC regulations mitigates these impacts, however the light, dust, and noise envelope extends much further than the COGCC setback standard. More significant are the toxic fugitive airborne emissions from the carcinogens and neurotoxins abundantly used in modern drilling operations and which leak from the well head or are emitted from flaring equipment throughout the well's production lifetime. ***For many of these toxic substances (which the oil and gas industry refuses to disclose) there is literally no safe level of exposure to humans.***

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In summary, I think the city is far more vulnerable to drilling than city staff presented in their presentation. Please stand firm on the ban on oil and gas drilling within the Fort Collins City limits and the growth management area.

Sincerely,
Mark Easter
Fort Collins