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Town Administrator
Town of Erie
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July 10, 2014

To: Center for Science and Democracy

Subject: Setting the Record Straight - Science, Democracy and Fracking Publication

To Whom It May Concern,

Now more than ever it is important that factual information serve as the cornerstone of any public discussion of oil and gas activities – including fracking. That is why we read with great interest and concern the mention of the Town of Erie in your undated publication titled *Science, Democracy and Fracking – a Guide for Community Residents and Policy Makers Facing Decisions over Hydraulic Fracturing*.

It came as no surprise to us that the Town of Erie was mentioned in your publication. After all, the Town successfully negotiated with oil & gas operators and the Colorado Oil & Gas Conservation Commission to achieve the first Memorandums of Understanding (MOU) in Colorado that included requirements which exceeded state rules and regulations and addressed the Town's concerns regarding public health and safety impacts. Since that time, Erie's achievement has been reported locally, regionally and nationally with such headlines as "*Erie's decision on drilling a thoughtful step forward*" and "*Erie's Oil and Gas Agreements Could Serve as Statewide Model.*"

But what did surprise us is just how much inaccurate information you could squeeze into a mere 128 word article. We are not sure if you ignored or misstated information readily available to the public. However, what is clear to us is this article does not meet even the most basic criteria included on your "*Checklist for Determining Reliable Information*" (see page 9 of your publication). In fact, your self-described Reliability Indicator favors news that "has been peer-reviewed" and identifies "original sources of factual content." As examples of how we think you ignored or misstated information, please consider the following:

1. **What you said:** "...residents became concerned when they discovered plans for new wells less than 1,000 feet from an elementary school."

Setting the record straight: Not sure where you got your number because you don't cite your source let alone attribute the article to an individual. But here are the real numbers: Red Hawk Elementary is approximately 2,000 ft. away from the well site in question and Erie Elementary is approximately 1,300 feet away. A quick visit to the Boulder County Assessor's Office website will confirm this for you.

2. **What you said:** "One member consulted with a NOAA chemist who found elevated levels of ethane and propane in the air."

Setting the record straight: What you fail to mention to your readers is the fact that this information was not peer-reviewed. In fact, the scientist said the data did not definitively show if the air pollution detected in the study is being produced by active wells operating in Erie or

whether it is migrating in from surrounding communities. More importantly, he said he wasn't qualified to state whether the propane levels in Erie were having health impacts on the town's residents. You also failed to mention that one week after the scientist's presentation; NOAA issued a Summary of Findings that stated that measurements of elevated pollutant levels do not imply that those levels are confined to the area or that the pollutants come from sources only in the immediate area. But rather, the data typically provide information representative of the broader Front Range. NOAA goes on to say that when a peer-reviewed paper is published, they will make it available. (Again - the information you cite in your article had not been peer-reviewed.)

But wait, there's more. Almost 90 days after NOAA released the data concerning elevated levels of Propane near Erie; the first scientific analysis of the data concludes that: "*The levels of Propane in the NOAA study are 1,000 – fold or more below those considered to be of a health concern.*" According to the analysis: Propane at the levels detected do not present a health concern to the citizens of the Town of Erie. Two weeks after the first scientific analysis was released, the Town released the results of a second study conducted by an environmental research firm recommended by Erie Rising. The study concluded that even a lifetime exposure to the concentrations cited would have a "low" risk of causing adverse health effects on Erie residents.

All of this information was widely reported and is available on the Town of Erie website (www.erieco.gov/oilandgas). Why did you ignore this information?

3. **What you said:** "*Eventually, the town prohibited fracking in residential areas, then followed that with a town-wide moratorium.*"

Setting the record straight: The Town did not issue a prohibition against fracking in residential areas that was followed by a town-wide moratorium. The truth is, the Town approved a temporary (180 Days) moratorium on the acceptance, processing and approval of any new land use applications related to mining and mineral extraction – including oil and gas development. This temporary moratorium did not ban fracking.

4. **What you said:** "*After the Colorado State Oil and Gas Conservation Commission expressed concern, residents successfully negotiated an agreement in which companies accepted the Town's terms on banning the use of diesel, reducing truck traffic, and preventing spills of fracking fluids in exchange for ending the moratorium.*"

Setting the record straight: First - The fact is that the Town reached out to the COGCC not the other way around. We requested a meeting to present our concept for a draft MOU with the operators. That meeting was conducted on February 1, 2012 and focused on determining the options for moving forward with the agreements and/or the more formal and less predictable rule making process at the state level. The COGCC agreed with the Town that the going the MOU route was the preferred option.

Second – It was Town Staff, not residents, who negotiated the agreements.

Third – The agreements contained no language "*banning the use of diesel.*" What the agreement did say is: "*In an effort to reduce truck traffic, Erie and the operator will continue their discussions to identify a water resource close to the well site....*"

Fourth – It is not the case that the operators agreed to the MOU “*in exchange for ending the moratorium.*” The Town and the operators began negotiations in January of 2012. The temporary moratorium did not go in effect until two months later. In fact, the temporary moratorium was designed in part to allow sufficient time for the Town to continue to develop an agreement wherein the operators would voluntarily agree to comply with Town requirements.

We have taken the time to set the record straight for you and your readers because the Town of Erie values a balanced approach to oil and gas development - one that is protective of human health and the environment while taking into consideration private property rights. From the start we’ve believed that if we can put in place voluntary local agreements with the operators that supplement existing state regulations with higher standards, then we can deliver a greater degree of protection for our citizens.

At the end of the day, it is fair to say that Erie has been recognized as a leader in addressing concerns on all sides of this debate; Erie has set a new standard for public health and safety; and the Colorado energy economy continues to supply us with a clean, affordable fuel that is environmentally safe for our families.

The Town of Erie has a great story to tell. We are at a loss for why you chose not to dedicate the time to share it accurately with your readers.

Sincerely,



A.J. Krieger
Town of Erie, Town Administrator