

July 29, 2024

Governor Jared Polis,

We, the undersigned organizations that have worked on issues related to oil and gas pollution and air quality in the legislature, with agencies, and in our communities, call on you to stand in solidarity with Aurora residents and express your opposition to the Lowry Ranch Comprehensive Area Plan (CAP) to the ECMC. Please ask your agency to abide by Colorado's commitments to environmental justice and protecting public health and safety by rejecting Civitas' application for the CAP, which would grant preliminary approval for over 150 new oil and gas wells to be drilled on State Land Board property in the severe ozone nonattainment area near Aurora's disproportionately impacted communities on the north side, and close to 13 schools, thousands of homes, and the Aurora Reservoir recreational area in the central and southern parts of the CAP.

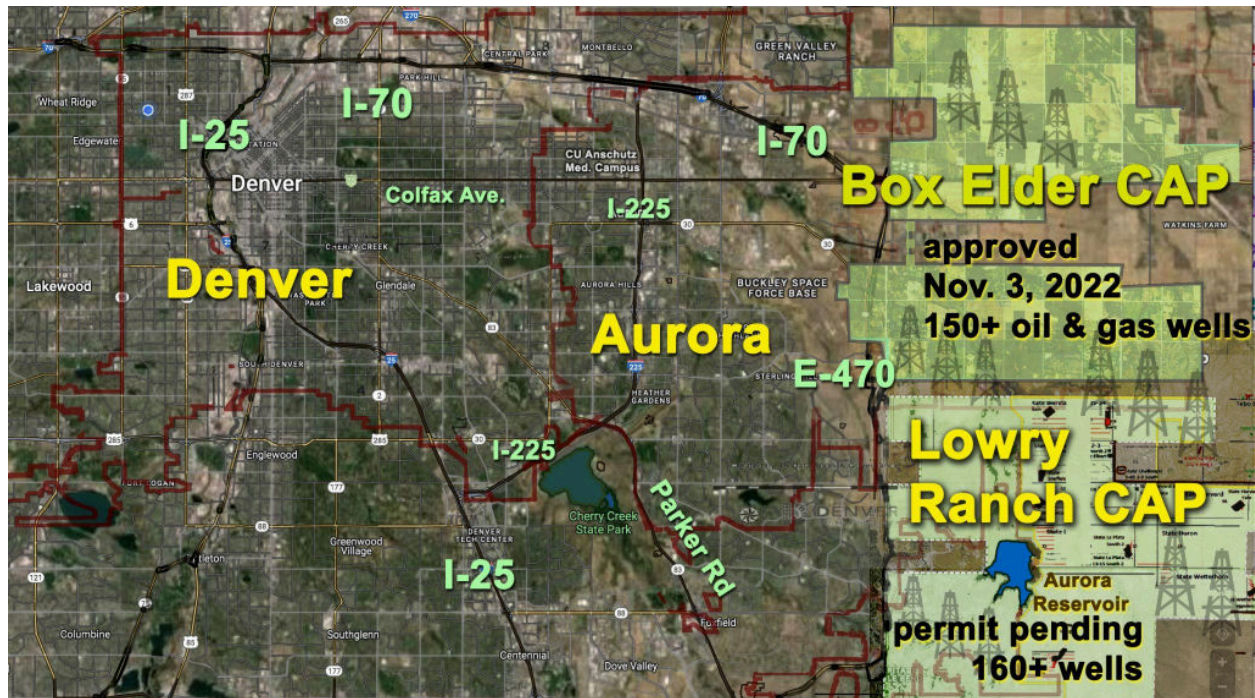
We ask you to heed the will of the thousands of impacted residents who have repeatedly testified, submitted written comments, and attended hearings and meetings with their local governments, with the ECMC, and with CDPHE. These residents, as well as the Arapahoe County Commissioners, and other subject experts have notified the ECMC and CDPHE of the many deficiencies in Civitas's application. These deficiencies persist despite repeated opportunities for Civitas to correct their application over a period of roughly two years.

Coloradans who stand to be the most impacted have pleaded for denial of the CAP to protect themselves from the increased exposure to hazardous air pollutants including ozone, nitrogen oxides (NOx), PM2.5, benzene, and other volatile organic compounds (VOCs), and to the risk of spills, fires, explosions, and water contamination that would inevitably accompany this large scale drilling and fracking proposal.

Please ask your appointees to the ECMC to deny the Lowry Ranch CAP for the following reasons:

- 1) The Lowry Ranch Comprehensive Area Plan (CAP) should be denied until after the long-awaited cumulative impacts (CIs) administrative rules are in effect. The cumulative impacts of oil and gas operations on climate, public health, the environment, air quality, water quality, noise, odor, wildlife, biological resources, and Disproportionately Impacted Communities (DICs) in particular have yet to be addressed. The current process for evaluating cumulative impacts is insufficient, and there is a pressing need for comprehensive action to “evaluate and address the potential cumulative impacts of oil and gas development,” as mandated over 5 years ago by SB19-181, before approving additional impacts, especially impacts on the scale of the Lowry Ranch CAP located within the ozone nonattainment area.

- 2) In combination with the previously approved Box Elder CAP, the Lowry Ranch CAP would convert an area over two thirds the size of Denver or Aurora itself into an oil and gas field, representing a flagrant disregard for Colorado's climate, environmental justice, and health goals, as well as poor land use prioritization.



- 3) The CAP falls within the Denver Metro / North Front Range Ozone Non-Attainment Area, a region that is already in severe non-attainment with federal ozone air quality standards. The Lowry Ranch CAP would represent the fourth CAP approved by the ECMC since its mission change, all located within the Non-Attainment Area. Implementing this fourth CAP would make bringing the nine-country Denver Metro/North Front Range (DM/NFR) nonattainment area into compliance with federal law within the next decade much more difficult, if not impossible.
- 4) Multiple deficiencies in the CAP application have been identified after Civitas has been given multiple opportunities to complete and correct deficiencies in the CAP application over a multi year period. For some specific examples, please see [attached public comment submitted to the ECMC by local resident, Conrad Huygen](#), a retired Air Force judge advocate and the former Deputy Chief of the Defender Services Office in the Administrative Office of the U.S. Courts, who would be among those directly impacted by the proposed CAP.
- 5) The proposed CAP creates unknown risk of exacerbating the 3-mile plume leaking underground from the nearby Lowry Landfill Superfund Site. U.S. Representative Jason Crow has repeatedly urged federal regulators to intervene in the proposal, specifically

questioning whether U.S. EPA has "evaluated the risks of the proposed oil and gas development near" the Lowry Landfill Superfund Site "using independent scientific studies" and reporting to EPA concerns he had heard "regarding the safety of the Aurora Reservoir Dam and the reservoir itself; the impact of the CAP on compliance with EPA environmental standards, exposure to hazardous pollutants, and the 3-mile plume; and ensuring nothing threatens the work EPA has done to ensure continued access to safe, clean drinking water across the community."

- 6) The Lowry Ranch site is an important location for several Tier 1 species from the State Wildlife Action Plan, including the Northern Leopard Frog and the Burrowing Owl, as well as Swift Fox, numerous raptors, and important plants and invertebrates. To protect this uniquely valuable area, even casual visitors have long been prohibited from entering. The Superfund Site has one of the last remaining instances of Piedmont Prairie in Colorado and much of the Great Plains environment.
- 7) Arapahoe County, the local government of jurisdiction, has expressed multiple specific concerns, questions, and requests to the State regarding the CAP as recently as July 15, 2024, that have yet to be answered. See attached transcript of [oral public comment presented by Arapahoe County Commissioner Jeff Baker](#).
- 8) Local resident opposition to the CAP is well established. Community members in the proposed CAP boundaries have been organizing against the plan for nearly 2 years: contacting their representatives at the local, state, and federal level, recruiting the assistance of technical experts, and garnering support from public health and environmental advocacy organizations in Colorado and across the country seeking help to protect their healthy, safety, and local environment. Residents have submitted hundreds of written public comments opposing the CAP. They successfully requested the first-ever Rule 511 Local Public Hearing and over 300 residents attended in-person on May 16th, 2024 to share their opposition to the CAP directly with the ECMC Commissioners. At the ECMC virtual public comment session on July 15, 2024, dozens of community members showed up once again to share their concerns for public health and safety, and their strong opposition to the CAP. Residents are fearful for their health and safety and frustrated that their concerns seem to have gone ignored thus far.

In order to meet Colorado's commitments to environmental justice and protection of public health and safety and the environment, we call on you to ask the ECMC to deny CAP approvals and production permits under specific egregious circumstances such as the Lowry Ranch CAP — especially where the operator's application is deficient and local opposition to the project is clearly stated. Both the spirit and the letter of the law enacted in SB19-181 were meant to protect Coloradans from just such dangerous oil & gas extraction proposals. Please stand in solidarity with Aurora residents and Coloradans across the Denver Metro/North Front Range (DM/NFR)

ozone 'severe' nonattainment area and express to the ECMC your opposition to the Lowry Ranch Comprehensive Area Plan (CAP) and to the individual well pads proposed within the CAP.

Thank you very much for your good work for the state of Colorado and for your consideration of our request,

Sincerely,

Black Parents United Foundation, Rachael Lehman, Environmental Justice Director

Broomfield Health and Safety First, Lois Vanderkooi

Citizens Alliance for a Sustainable Englewood, Janice Brown

Citizens for a Healthy Community, Natasha Léger, Executive Director

Clean Energy Action, Leslie Glustrom

Climate Reality NOCO Chapter, Frank Hruby

Colorado Coalition for a Liveable Climate, Kevin Cross, Convener

Colorado Jewish Climate Action, Moshe Kornfeld

Colorado Renewable Energy Society, Becky English

Colorado Rising, Jared Bynum, Climate Justice Coordinator

Community for Sustainable Energy, Fred Kirsch, Director

Conservation Colorado, Paul Sherman, Climate Campaign Manager

Cultivando, Guadalupe A Solís, Director of Environmental Justice Programs

Earthjustice, Rebecca Curry, Colorado Policy Counsel

Earthworks, Andrew Forkes-Gudmundson, Senior Manager for State Policy

Empower Our Future, Paul Culnan, Senior Policy Analyst

Erie Protectors, Christiaan van Woudenberg

Flatiron Meadows O&G Monitoring, Sami Carroll

GreenLatinos, Patricia Garcia-Nelson, Colorado Fossil Fuel Just Transition Advocate

Indivisible Colorado, Elizabetha Stacishin

Jewish Youth Climate Movement Denver Chapter, Noah Shurz

Larimer Alliance, Ed Behan

Lyons Climate Action, Kathleen Sands

Public Employees for Environmental Responsibility (PEER), Chandra Rosenthal, Rocky Mountain Office Director

PSR Colorado - Physicians for Social Responsibility, Lauren Swain, Coordinator

Resilient Denver, Nat Miullo, Retired US EPA civil servant

Safe and Healthy Colorado, Micah Parkin, Board Member

Save EPA, Jeff Hart

Sierra Club Colorado, Margaret Kran-Annexstein, Director

Swift Wings Foundation, Molly Ross

350 Colorado, Bobbie Mooney, Beyond Oil & Gas Coordinator

Together Against Neighborhood Drilling (TAND), Kate Christensen

Together Colorado, Thomas Weiler, Lead Organizer

Tracey Barnett, former Colorado State Representative

Unite North Metro Denver, Fran Aguirre, President