



## FOR IMMEDIATE RELEASE

### **Lawsuit Filed by Erie Thriving, Subsidiary of Residents Rights, to Demand Their Government Defend Public Health, Safety, and the Community From Fracking in Erie, Colo.**

*Residents Demand the Town of Erie Exercise Power to Enforce Health and Safety Protections For Their Community.*

**Dec. 20, 2018, Erie, Colo.** — Residents of Erie, Colo. have served the Town of Erie, the Town's Mayor, Jennifer Carroll, and the Trustees in their official capacity, with a lawsuit demanding protections for public health and safety from drilling and hydraulic fracturing plans that were recently approved in the suburban Boulder County community.

This lawsuit is a direct response to the Town of Erie's approval of an Operator Agreement that includes the Acme Project, a 30 well pad allowing oil and gas drilling little more than 500 feet from homes, and next to the flight path of an airport, gas station, and several highly populated communities in both Erie and Broomfield.

The suit alleges that the Erie Board of Trustees failed to exercise their power and duty under the Colorado Constitution to regulate and enforce protections of resident health and safety. It claims that the Board's November 4th, 2018 approval of an Operator Agreement with Crestone Peak Resources is preempted by the state's dominant interest that the development of oil and gas in Colorado is to be regulated subject to the protection of public health, safety, and welfare, including protection of the environment and wildlife resources, as set out by the Colorado Oil and Gas Conservation Act. The Complaint includes additional allegations of due process violations regarding the approval of the Operator Agreement, including how the Board handled the ACME application and closed door negotiations of the Operator Agreement.

Erie, which is located in Boulder and Weld Counties, has been inundated with heavy drilling activity as new plans for mega well pads lead to more intensive development and heightened risks to public health and safety in more heavily populated areas. The suit comes amidst similar trends region-wide, as the oil and gas industry encroaches on densely populated Colorado communities throughout the Front Range, building larger mega well pads with 20 or more wells per pad. Because of this growth, spills and leaks of toxic materials, explosions, fires, injuries to workers, and even deaths of both workers and civilians are increasingly common.

Citizens have increasingly called for more stringent limits on drilling and fracking as concern has grown over the impacts of oil and gas development to the health and safety of Colorado residents. In November, over one million Colorado citizens voted for the passing of Proposition 112, which would have increased setbacks of drilling from 500 feet to 2500 feet from homes. Although this Statewide Ballot Measure did not pass, the citizens have proven significant concern for oil and gas development near communities, suggesting widespread belief that the current setbacks are inadequate to protect the public from the effects of toxic air pollution that these fracking operations emit.

The nonprofit Erie Thriving is an organization of impacted residents that have joined together in the suit. Erie Thriving is a subsidiary of Residents Rights. The lawsuit that Erie Thriving has brought against the Town of Erie is a separate and distinctly different lawsuit from that filed by Residents Rights against Broomfield's City Manager and City Officials.



The case was filed in Colorado District Court in Boulder County. Erie thriving is represented by Dan Leftwich of Mind Drive Legal Services.

### **Statements:**

“Our Board of Trustees believes they do not have the power to protect us. However, one of their primary constitutional powers is to create regulations necessary for the promotion and protection of residents' health and well being. This is inarguably their moral duty as well. Because they have been convinced that they are powerless, we are challenging them to recognize the power and responsibility they do have. While a lawsuit may seem adversarial, it is actually in support of the entire town of Erie, including the Trustees.”

*Rachel Balkcom, public school director and teacher, founding member of Erie Thriving, and impacted resident*

“It is not acceptable to sacrifice the health and well-being of community members, to not do everything possible to generate solutions to honor the land and people who live on it. I believe in servant leadership, and this takes courage and transparency in the face of fear, not withholding and neglecting procedural due diligence. We can be, and it is the time to be, more creative, honest, courageous, and transparent as we work with oil and gas to generate environmental and financially responsible actions. We can do better; we have to.”

*Sarah Rimmel, Higher Education Educator, founding member of Erie Thriving, and impacted resident*

“We have used reason and facts to try to convince the mayor and the board of trustees of the danger that fracking in our town and county exposes us to. Unfortunately, that hasn't been persuasive enough to affect their decision making. Our choice is to either give up or to increase the pressure by bringing legal action. We choose the latter.”

*John Biard, Software Engineer, founding member of Erie Thriving and impacted resident*

“The Prime Directive for elected officials must be to protect the health, safety, and welfare of their citizens. Sadly, our mayor and trustees have other priorities. Hopefully our legal system will protect us.”

*Bryon Bednar, Professional Engineer, Civil Engineer registered in Colorado*

“It's not surprising that as we do our work educating communities of their rights and how to protect them, that we see neighbors coming together to take action. I think we can expect to see more communities exploring legal avenues challenging their local governments in the future as a response to the overreach of an industry who disregards their impact to the communities in which they do business.”

*Kim McNaughton, Co-Founder and President, Residents Rights*

“Public health and safety should be paramount, but the residents of Erie have filed hundreds of complaints with the Oil and Gas Commission and the Department of Public Health about the impacts of fracking operations that have been rubber stamped by the Town Board. This Operator Agreement will enable even more dangerous fracking operations that residents must be able to challenge, as there is no



evidence that the planned operations will protect the public health and safety. This case is about defending the citizens' fundamental right to decide for themselves what risks are acceptable and how best to protect themselves from the hazards of fracking in their community.”

*Dan Leftwich, Attorney on Lawsuit*

**About Erie Thriving**

Erie Thriving was founded by Erie Residents with the purpose of empowering their community to take a stand to protect the health, safety, and environment. Erie Thriving is invested in ensuring that all Erie Residents, as well as residents in neighboring towns and cities, have the ability to live safely in their community.

**About Residents Rights**

Residents Rights is an organization that empowers communities to protect their health, safety and the environment through education and outreach.

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**Contacts:**

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