

Petition for Review

Amanda Harper
517 Rd. 18
Longmont, CO 80504

Dear COGCC,

Thank you for your detailed letter dated February 14, 2019 regarding my Complaint 18 document numbers 200446951 and 200446952 stating **'your open complaints will be resolved and no further enforcement action will be taken'**. Which I take to mean that at the termination of three year use of the Temporary road for Regnier BH268 pad, that it will be legal and permissible for 12 Tanker trucks per day (24 truck trips per day) to be sent down our narrow driveways, and that the end result of Regnier Farms/Crestone Peaks decision locating the permanent access route on our private driveways on the Form 2A is a satisfactory and legal result for the COGCC. Our neighborhood disagrees and therefore I am filing a Petition to Review as I believe I can demonstrate that this decision is erroneous and dangerous. And though I perceive that you have made an attempt to at least inquire a little bit into this matter it is too little too late. Therefore I also believe that the Director's decision in 2017, December 2019 and in February 2019 not to pursue an alternative location for the Form 2A Facility site and a different permanent transportation route for the production of Regnier Farms large scale oil and gas development is erroneous, based on false information, misleading maps, incomplete documentation, a signature that was gotten in a devious way, imbalanced determination weighing the Farmer's wishes with the community that he is going to be responsible for destroying.

Obviously, in the unlikely event that the last property owner holding out on the pipeline (who is likely holding out because he doesn't want his property scarred by a pipeline either), agrees to Crestone Peaks offer, then the hearing would be unnecessary. But since that is uncertain and and an approved pipeline is highly unlikely, I need to move forward with a hearing for the reasons stated above.

In your response to me, you have taken Crestone Peak Resources response to your inquiry about their rights to use Rd 18 and the access route west of my house, at Face Value. Per your response to me:

'These roads were part of surface use agreements negotiated by the landowners and the operator'.

Which Landowners of which properties are you referring to?

I have rigorously researched the Weld County Records and found that Regnier Farms had and has no recorded right to grant Crestone Peak the rights to use our neighborhood. He is not a

Landowner of any of the 1.3 miles of the referenced private lanes that his Oil and Gas traffic crosses over for his Oil and Gas development and economic benefit. Nor does he own a recorded agricultural ROW to cross these lanes. He has been adversely using our lanes and falsely claiming that he owns Rd. 18 and an agricultural ROW with many people over the years. Since 2012 Encana, based on his claims that he owns Rd. 18, and also mistakenly believing, at the time, that Rd. 18 was a Weld County public access road, which it is not, just simply began using our neighborhood lanes and driveways AS IF they had rights to use it. The neighbors, at the time resigned themselves to this abuse. Further, he appears to claim that additionally he had the rights to grant Encana/Crestone Peak access rights for his oil and gas development in our neighborhood, but there has not been a recorded agreement made between the owners of the 3 private lanes and Regnier Farms and Crestone Peak. Regnier Farms is not a Landowner of any of the lanes and driveways in our neighborhood. His property line and all of his rights begin at the far northwest end of Sandsteads property, exactly where the new facility site is planned to be located.

Regnier Farms, gave Crestone Peak rights, years ago, as you say, without having the right to do so in the first place. Therefore Crestone Peak has been using these lanes without express rights for these years, since 2012, and did not do their due diligence to find out the truth of the situation back here, as Rd 18 is not public, as Encana and Crestone Peak have assumed for all of these years. The COGCC simply believed what Regnier Farms/Crestone Peak said, even though the public comments had notified them that their were safety, property rights and health issues with all of our lanes.

Therefore since the COGCC's decision to approve the Permit was based on potentially false information and the truth at the time hadn't been vetted there was negligence and lack of due diligence on the part of the COGCC. Since COGCC didn't do their due diligence to find out the truth, they made a negligent, irresponsible decision to approve the Form 2A permits with the facility site location using the road as Rd. 18 and our private lanes as their permanent access route. It appears that by utilizing Crestone Peaks submitted information only, instead of gathering all of the available information regarding these roads, which Weld County Public Records and I (and other neighbors have), the COGCC did not consider, balance or be consistent with, and respond to appropriately, the adverse and dangerous impacts that bringing a large scale production operation would bring unnecessarily into our private neighborhood or whether Crestone Peak had the rights to do so or not.

The surface use agreement with Regnier Farms did not balance our constitutionally granted inalienable rights to health, safety, welfare and peaceable living of the five landlocked families living in our neighborhood with the economic benefit of a farmer who wants to preserve a small length of road on his parcel for farming. The COGCC acted negligently and did not properly oversee and regulate the Landowners wishes/Crestone Peaks application with our health safety and welfare.

It's as if: the COGCC decision approving the Form 2 A for Regnier Farms large scale development, and in effect approving hundreds of tanker trucks a month, hundreds of pick up trucks, trespassing on my private property because of 'neighborly mistakes', and tens of thousands of truck trips over the 30 year period, in our rural neighborhood with small private lanes, was a safe, no impact option. This decision made by the COGCC is negligent, unreasonable, and outright dangerous, especially since there are other perfectly viable safer, more cost effective options for the Facility Site location and using other Regnier Farms parcels, the Landowners property, for accessing his minerals for his economic benefit and keeping all of the operations on his property.

These options include WCR20, and WCR 20.5 as you can see on the maps I submitted at the last COGCC hearing. As well, these roads were mentioned years ago in Public Comment and on the original Form 2 application and over 50 emails to the director at the time and to other staff members, as alternative, much better options exist, but have been rigorously ignored by the COGCC.

And though, in your response, you appear to be addressing: CAN Crestone Peak use Rd. 18 and the lane 20 feet west of my home, that I have an access easement to, and the CR1/Rd. 18 access point which was gained by shenanigans, you did not address WHY they would request to put all of us at such risk, or if they SHOULD, or HOW the process was overseen by the COGCC from 2015-2017 to determine whether it was the best decision that balanced health safety and welfare of the many concerned citizens in our rightly concerned neighborhood.

Your recent response to me does not address how the COGCC decision did not weigh the balance of a farmers economic benefit with our inalienable rights to have a peaceable, safe neighborhood. The COGCC did not follow its own ACT. Also, in your response, you did not address why another perfectly viable alternative location was not thoroughly investigated and determined as the best, most common sense, reasonable location for the Facility Site: 100 feet off of CR20.5 off of the soon to be newly constructed 60 foot wide drilling road. This location, which would take the entire operation out of our neighborhood, off of our private ingresses and egresses which are our driveways, off of our simple narrow lanes, not '**service roads**'; as you refer to them, all of which the families in my neighborhood want to keep simple and small and non- industrialized and would put all traffic on Regnier Farms property where it belongs.

As I said before CR20.5 is already industrialized.

The current Form 2A for the Regnier Farms Facility Site should be rescinded and renegotiated based on these and other factors and I would like the opportunity to present my case and further evidence at a COGCC Hearing with all of the commissioners present.

To reiterate, I will use all legal avenues available to me to stop Regnier farms large scale permanent production route from going 20 feet west of my house via the private lane/driveway Rd.18.

As we are in clear and present danger with the Regnier drilling operation already being constructed, I would appreciate this matter be addressed in a timely way by granting a hearing before the commission ASAP. Thank you.

CC
Governor Polis
Attorney General Phil Weiser

Sincerely,

Amanda Harper