

January 7, 2019

To:

Colorado Oil and Gas Commission  
Julie Murphy, Director and COGC Board Members  
1120 Lincoln Street  
Suite 801  
Denver, Colorado 80203

From:

Mark Windler  
3529 s. Telluride cir #D  
Aurora co. 80013

Re: City of Aurora, Aerotropolis Regional Transportation Authority and The Aurora Highlands Appeal to COGC's Approved DIBC18 Permit

In specific reference to Extraction Form 2A Location Assessment Permit  
Docket #401725805 Posted August 16, 2018

Dear Ms. Murphy and COGC Board Members

On or about September 15, 2018 the above reference entities submitted to your office letters appealing the decision about COGC's approval and permitting of DIBC18.

This correspondence is an appeal of their appeal pleading for a hearing and reconsideration of COGC's decision to issue a permit for the DIBC18. The COGC's approval and permitting of the DIBC18 was proper and just. The applicant has met all of the statutory and regulatory requirements fully. Appealing a decision that is in full compliance with applicable statutory laws and state and local regulations, including setbacks, is unfounded and confounding.

None of the above referenced entities have standing to bring an appeal in this case for the following reasons:

- 1 The DIBC18 is NOT within the boundaries of the Aerotropolis Regional Transportation Authority (ARTA).
- 2 The referenced Windler FDP is NOT within the boundaries of the ARTA or the Aurora Highlands (TAH) project.
- 3 TAH owns NO property in the Windler FDP area.
- 4 All Section 18 landowners and mineral owners signed a letter of support for this DIBC18 pad because we all feel that it is in the best possible location for the area.
- 5 There are NO platted lots in Section 18 (Windler FDP area).
- 6 The nearest home is approximately one mile from the DIBC18 – well beyond the setback requirements.

In addition, we, those of us in the Windler FDP, have NOT submitted, to the best of my knowledge, any applications to the City of Aurora for platting or building homes or other structures in the area. No residential development is planned in the Windler FDP at this time or anytime in the foreseeable future within proximity to the DIBC18.

Windler and others have NO interest at this point in time of petitioning to join ARTA. As a matter of fact we have had no formal request to do so nor have we had discussions with ARTA regarding such.

Economic development, both residential and commercial, is already happening north of 56th Avenue and East of Piccidilly. Arguing that this DIBC18 will have a negative impact on development is baseless in my opinion. As a matter of fact, the revenues generated by the DIBC for Aurora Public Schools and the city are likely to be substantial resulting in a better overall Aurora.

In addition, the revenues that could be generated in a metro district in the IMMEDIATE area, not one a mile or two away, would be used, to the best of my understanding, for infrastructure development and improvements in the Windler FDP area or close to it. This negates the fact that this pad will be detrimental to the development and infrastructure needs of the area.

The infrastructure already in place such as some water and sewer lines are designed to serve a larger area of Northeast Aurora, not just a few landowners. This infrastructure is under the surface and the city would need it anyway to serve areas north of 56th Avenue near the airport.

The location of this DIBC18 pad is NOT visible from anywhere in TAH, It sits in a low area and is surrounded by hills on three sides. It is NOT on a hill. A detailed mitigation plan is in place dealing with environmental and visual issues including landscaping. These are some of the reasons there is a DIBC18 support letter from Section 18 land and mineral owners. Several city council members have toured the site and agree.

ARTA has already gone through an RFP process and chosen a finance company to fund the infrastructure they have identified in their planning.

Numerous statements made by the petitioners to appeal the COGC's decision to approve DIBC18 are misleading and politically motivated, in my opinion. Their objections are not based on the rules and regulations that define the job of the COGC, but on opinion, speculation, hypothesis and in some cases misleading representations of their positions which may be politically motivated.

Therefore, I urge the COGC to summarily dismiss the appeal of the above referenced parties.

Sincerely,

Mark Windler