

May 15, 2017

The Honorable John Hickenlooper
Office of the Governor of the State of Colorado
601 East 18th Avenue
Denver, CO 80203

Dear Governor Hickenlooper:

In light of the terrible tragedy in Firestone that claimed two lives and shattered an extended family, state government at all levels must immediately employ all available means to protect the residents of Colorado. We acknowledge your statements and directives of the past two weeks and look forward to working together to strengthen state law and procedures to prevent further injuries or degradations of environment and quality of life associated with oil and gas development. Now we request a specific action: direct the Colorado Oil & Gas Commission not to file a petition to the Colorado Supreme Court for certiorari review of the *Martinez v. Colorado Oil & Gas Commission* opinion.

The COGCC voted on May 1, 2017, to request certiorari review of the *Martinez* opinion. *Martinez* held that the COGCC must make all of its oil and gas development decisions, including in rule-makings, *subject to* the “protection of public health, safety, and welfare, including protection of the environment and wildlife resources.” This well-reasoned statutory interpretation emphasizing the primacy of public and environmental welfare will help to protect state residents in general and is critically important in light of the Firestone disaster.

On May 2, your office issued a press release stating that “[p]ublic safety is paramount.” However, requesting appellate review of the *Martinez* holding will telegraph to the public you don’t mean what you say. Specifically, it will show that oil and gas development is more important than public health and safety to your administration. As quoted in the *Denver Post*, Department of Natural Resources Director Bob Randall, understanding the implications of the situation, attempted to paint the decision to appeal as a need for “clarity” but declared it was not a demonstration of “indifference” to public safety. His statements fell flat and are certain to feed cynicism and mistrust of your administration and the fossil fuel industry at a time when a concerted, unified effort to increase safeguards is of unquestionable importance.

We respectfully urge you to override the COGCC vote and decline to file a petition for certiorari review of *Martinez*. We further ask that, if the Court grants certiorari on the petition of industry, that you decline to further participate in the litigation. Please show the victims of the Firestone tragedy and the people of this state that you care about their safety and well-being.

Thank You,

The Boulder County Commission
The Longmont City Council
Eva Henry, Adams County Commissioner
Suzanne Jones, Boulder Mayor
Matt Appelbaum, Boulder City Council
Aaron Brockett, Boulder City Council
Lisa Morzel, Boulder City Council
Sam Weaver, Boulder City Council
Mary Young, Boulder City Council
Stan Jezierski, Broomfield City Council
Kevin Kreeger, Broomfield City Council
Sharon Tessier, Broomfield City Council
Steven Douglas, Commerce City City Council
Tina Harris, Erie Mayor
Jennifer Carroll, Erie Trustee
Geoff Deakin, Erie Trustee
Mark Gruber, Erie Trustee
Bob Overbeck, Fort Collins City Council
Christine Berg, Lafayette Mayor
Chelsea Behanna, Lafayette City Council
Merrily Mazza, Lafayette City Council
Gustavo Reyna, Lafayette City Council
Gwen Lachelt, LaPlata County Commission
Bob Muckle, Louisville Mayor
Eric Montoya, Thornton Mayor Pro Tem

Sam Nyzam, Thornton City Council

Josh Zygielbaum, Thornton City Council

Emma Pinter, Westminster City Council

Su Ryden, Fmr. State Representative

Claudine Schneider, Fmr. Member of Congress

Pat Waak, Fmr. Democratic Party Chair