

LGD Review; McIntyre Flowback Pit 2

Re: 2583168

Dear Mr. Neslin:

I am providing this correspondence in my capacity as the Local Government Designee for Gunnison County, Colorado.

Wildlife. I understand that:

- a. The Form 2A, at section 1, identifies this location to be in a “sensitive wildlife habitat area.”
- b. On 8/10/10, there was an onsite consultation among the Oil and Gas Location Assessment Specialist, the Colorado Division of Wildlife (“CDOW”) and SG Interests.
- c. On 9/1/10, the CDOW formally commented that the “CDOW believes that this facility is part of a larger development, and subsequently feels that the cumulative impacts of development on wildlife have not been adequately addressed.”

I respectfully request that, pursuant to Rule 305.d., you ensure that the impacts of the development on wildlife be adequately examined, that you craft and review with CDOW, the applicant and Gunnison County, technically feasible and economically practical conditions responsive to that examination, and that any approval include technically feasible and economically practical conditions.

Commission or Director Approval. Pursuant to Rule 303.d.(4)(A), this application will require Commission or Director approval because:

- a. it will disturb more than one (1) acre, and is located in Gunnison County; and
- b. the proposed oil and gas facility will service multiple wells.

The analysis to be performed by the Commission or Director should be informed by data yet to be provided by the applicant. Major issues include:

1. The Form 2A indicates the “location” will be used as a “seasonal flow back storage pit. No well will be drilled.” For how many wells, where, when, how, and with what frequency will this pit be used?
2. There is no identification of the amount of soil to be excavated and stockpiled.
3. There is no identification of what fluids will be transported to and from the pit, to where, how, with what frequency, by what machinery, or the locations of carious piping
4. There is incomplete information about the access road. In particular, there is not identification of access to or from a public road.

Data that would be essential for analysis of an impoundment of this size – but which has not yet been provided – includes:

- a. Impoundment failure inundation maps;
- b. Water course cross sections;
- c. A topographic map delineating the drainage area tributating to the impoundment;
- d. A description of all basin response factors, including topography, geology and vegetative cover;
- e. A summary of all fluid/hydrologic parameters for the inflow and outflow;
- f. A description of the mechanics of inflow and outflow;
- g. A table showing the impoundment area (in acres, cubic feet, gallons) and storage capacity for each foot of fluid elevation;

- h. A geotechnical report including a geological assessment of the impoundment site (e.g. standard index tests, soil classifications, compressibility and consolidations tests of soils, permeability of soils, shear strength of natural and placed materials, logs of borings and test pits, standard penetration test results).

I request that the Commission or Director obtain a formal determination whether this proposal is subject to the authority and regulation of the State Engineer, consistent with C.R.S. 37-87-102 and C.R.S. 37-87-105, as a "non-jurisdictional" or other category dam.

Thank you.

David Baumgarten
Gunnison County Attorney

Cc: BOCC, Matthew Birnie, Marlene Crosby, Joanne Williams, Neal Starkebaum