

STATE OF COLORADO

Bill Ritter, Jr., Governor

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WILDLIFE

AN EQUAL OPPORTUNITY EMPLOYER

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*For Wildlife-
For People*

12-28-10

TO: Randy Price

Mesa County Planning and Development

P.O. Box 20,000 Grand Junction, CO 81502-5022



RE: 2010-0278 CUP1 Delta Process Water Conditional Use Permit

Dear Mr. Price,

Thank you for the opportunity to comment on Delta Petroleum Corporation's proposed water impoundment facility east of Collbran. Please consider the following comments.

CDOW has a statutory responsibility to manage all wildlife species in Colorado; this responsibility is embraced and fulfilled through CDOW's mission to protect, preserve, enhance, and manage the wildlife of Colorado for the use, benefit, and enjoyment of the people of Colorado and its visitors. We encourage Mesa County to afford the highest protection for Colorado's wildlife species and habitats through the development and implementation of management actions combined with the use of best management practices (BMPs) to protect wildlife and their habitats.

Although small water bodies in Colorado are an attractant to many terrestrial and aquatic species, small dispersed water bodies in Colorado (like those created by oil and gas field pits containing fluid) are particularly attractive to waterfowl migrating between breeding and wintering grounds. Waterfowl look for small dispersed water bodies in Colorado as essential stopover points to rest and feed during their long migration. Small dispersed water bodies in Colorado are also extremely attractive to bats, which feed on congregating insects.

CDOW recommends that this water impoundment pond be fenced and netted to exclude wildlife to reduce the risk of significant adverse impacts to wildlife and migratory birds. At a minimum, fencing should consist of a seven foot high fence constructed of material strong enough and in such a configuration so as to prohibit deer and elk from entering a pit. It should functionally prohibit small animals from entering through gaps or between spaces. Prevention of small animal from entering may require a second type of fencing (chicken wire) to be wrapped around (at the ground level) the taller exclusionary fence. The small animal exclusionary fence(s) should be buried one foot below grade and extend at least two feet above grade level. Fence support structures should be placed in close enough proximity to each other and be sufficiently anchored into the ground so that the fence will not sag or waver and can withstand the pressure of a large animal pushing against it. Netting should be built in

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Ex Officio Members, Mike King and John Stulp

such a way as to exclude birds or waterfowl from entering. Properly installed nets should be supported by a steel frame and cable to prevent sagging. Sides should also be netted to prevent ground entry by birds and other wildlife. Nets should be installed 4 to 5 feet above the pond surface to allow for a little sagging. Nets that sag too much, may dip into a pit/pond after a heavy snow-load which will expose the contaminated liquid and entrap waterfowl. These recommendations for netting and fencing contained in this letter are consistent with the COGCC Oil and gas rules for wildlife protection.

Protecting the integrity of aquatic habitat is of extreme importance to the CDOW. Construction activities in and around wetland areas can result in direct habitat loss and impact the ecological functions. Wetlands should be surveyed by foot prior to any staging or ground disturbing activities. CDOW recommends a baseline inventory of aquatic species that should include amphibians, invertebrates, and vegetation. Protection of aquatic resources can be accomplished by avoiding construction activities, staging areas, and the development of temporary roads or road segments within 300 feet of the riparian zones associated with perennial and ephemeral waterways and wetland habitats. When avoidance is not possible, road access to waterways and riparian and wetland habitats should be limited. Any proposed culvert or bridge installations should be constructed during dry periods to minimize erosion and sedimentation. These structures should also not limit fish passage when they are installed. Culverts or crossings should be constructed under heavily used roads to provide migration corridors for use by amphibians and reptiles. All surface disturbances should be revegetated promptly with locally adapted native species preferred by wildlife.

The CDOW requests notification of hazardous materials spills, especially those that occur near a riparian area. All equipment used in this project should be disinfected per CDOW protocol prior to and after use of equipment in drainages. The CDOW requests that Delta Petroleum Corporation prepare a Spill Prevention Plan including spill location stations for sites that are high risk with little opportunity to easily contain a spill, and locations adjacent to wetlands. The CDOW also requests that Delta Petroleum Corporation notify the DOW of any spill, accident or release of chemicals, fuel, or other contaminant material in a riparian area or entering a stream, wetland or water body.

The introduction of or spreading of non-native, undesirable vegetation and noxious weeds is a challenge to control. Reducing the impact of weeds is a vigilant, and long-term multiple season effort. Weed impacts can be reduced by limiting the vehicles associated with the construction component of this project, washing vehicles to prevent weed seed spread, utilization of certified weed free seed and straw and conducting pre disturbance weed surveys in the project area. Weed management activities should be monitored along with reclamation success on at least an annual basis.

If you have any questions, please feel free to call Michael Blanck, the District Wildlife Manager in Collbran. He can be reached at 970-250-4505.



JT Romatzke
Area Wildlife Manager
Colorado Division of Wildlife

cc. Velarde, Warren, Blanck