

From: [Magee - DNR, Brian](#)
To: [Lopez, Christopher](#)
Cc: [Dave Kubezko](#); [Jon Holst](#); [Kersey - DNR, Tyler](#); [Matt Thorpe](#)
Subject: Re: DC 16 Form 2A_COGCC Consultation
Date: Wednesday, January 30, 2019 9:27:50 AM
Attachments: [image001.png](#)

Thanks for responding Chris. CPW agrees with your survey approach for Gunnison Sage Grouse and we have entered that language into COGCC's wildlife BMP and comment tabs.

Thank you for providing Kinder Morgan's rationale and reasoning for not agreeing with the other four BMPs that CPW has recommended.

The BMPs are necessary to avoid and minimize impacts for the proposed development on wildlife resources in Colorado. Therefore CPW recommends to the COGCC that they apply them as Conditions of Approval on the permit.

As we discussed, CPW has an advisory role to the COGCC, and the authority to apply COAs rests with COGCC.

CPW has passed our portion of the Form 2A. If you have questions or would like to discuss further please call me on my cell as I'm on the road for the rest of the week.

We appreciate working with you.

Thanks,

Brian

On Tue, Jan 29, 2019 at 3:43 PM Lopez, Christopher
<Christopher_Lopez@kindermorgan.com> wrote:

Hey Brian,

Thank you for following up with me last Friday regarding CPW's consultation on the DC-16 Form 2A and your recommended BMP's. Below are Kinder Morgan's (KM) responses to the CPW's recommended BMP's in **RED**.

Chris

From: Magee - DNR, Brian [mailto:brian.magee@state.co.us]

Sent: Friday, January 18, 2019 4:59 PM
To: Lopez, Christopher
Cc: Jon Holst; Kersey - DNR, Tyler; Matt Thorpe; Dave Kubeczko
Subject: DC 16 Form 2A_COGCC Consultation

[This email message was received from the Internet and came from outside of Kinder Morgan]

Chris-

Per our discussion attached are the lek search survey guidelines for Gunnison Sage grouse (Attachment 1) for the proposed DC16 project.

Thank you for proposing the following language to minimize impacts to wintering elk. CPW accepts your bmp as proposed and will make a note to that effect on the COGCC's bmp tab.

- If new oil and gas operations must occur within CPW-identified mule deer critical winter range or elk winter concentration areas), the operator agrees to conduct new oil and gas operations outside the time period from December 1 through April 15.
 - KM agrees with this BMP as we included it in the Form 2A that was submitted.

CPW also recommends the following BMPs for this facility to avoid, minimize, and mitigate impacts to wildlife resources.

- The operator agrees to conduct lek surveys within 0.6 mile of the proposed project (well, pipeline, and access road) per CPW survey guidelines (Attached). If evidence of GUSG is located, operator agrees to further consult with CPW and USFWS on additional ways to avoid, minimize, and mitigate potential impacts to the species.
 - The DC-16 is a fee well located on private property (no Federal component) within Gunnison Sage Grouse Unoccupied Critical Habitat, and not within an active Lek. Although I do not have a copy of the BLM's Potential Habitat Survey Protocol, KM's third party contractor LT Environmental proposes the following language in regards to conducting surveys for the DC-16 location:

“In areas that are considered to be potential Gunnison Sage-grouse suitable habitat, but occupancy is unknown due to the lack of survey effort, a multi-tiered survey approach will be taken. Pellet surveys will be conducted within 0.6 mile of the proposed disturbance to determine if an area is occupied by grouse (Tier 1). If occupancy is discovered, lek surveys will be conducted between March 15 and April 30 to determine if areas are used for reproduction (Tier 2). Surveys will be conducted in accordance with the BLM-Tres Rios Field Office *Gunnison Sage-grouse Potential*

”

Habitat Survey Protocol (2015). Kinder Morgan will coordinate with BLM and/or CPW prior to conducting surveys.”

- The operator agrees to reclaim mule deer and elk habitats with CPW-identified native shrubs, grasses, and forbs appropriate to the ecological site disturbed (Attachment 2).
 - KM has entered into a Surface Use Agreement with the private property owner stating that KM will reseed the disturbed surface areas with a seed mix chosen by the landowner. The DC-16 project is located in dry-land crop, and the surface owner is currently working the NRCS to select the seed mix for the proposed DC-16 project. Accordingly, KM cannot agree to this BMP.
- The operator agrees to preclude the use of aggressive CPW-identified non-native grasses and shrubs in mule deer and elk habitat restoration.
 - KM has entered into a Surface Use Agreement with the private property owner stating that KM will control weeds within the project area pursuant to Dolores County and COGCC regulatory requirements. Accordingly, KM cannot agree to this BMP.
- The operator agrees to limit surface facility density (well pads, compressor stations, equipment yards, water injection stations, processing plants, etc.) to one facility per square mile within CPW-identified mule deer critical winter range and elk winter concentration areas, and
 - KM will comply with all existing COGCC and Dolores County regulations regarding location and spacing. However, KM cannot agree to this BMP.
- If operator is unable to limit surface density, the operator agrees to replace any permanently impacted, disturbed, or altered mule deer critical elk winter range or elk winter concentration area habitats by enhancing CPW-identified marginal sagebrush steppe communities (sagebrush and mountain shrub) and grassland within or immediately adjacent to mapped habitat.
 - The DC-16 project is located on private property in dry-land crop, so no loss of habitat is anticipated. Accordingly, KM is unable to agree to this BMP.

Looking forward to further discussions. Have a good weekend.

Brian

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Brian Magee

Land Use Coordinator

Southwest Region



COLORADO

Parks and Wildlife

Department of Natural Resources

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