

STATE OF
COLORADO

Deranleau - DNR, Greg <greg.deranleau@state.co.us>

Dreamweaver and Complaint to COGCC/Complaint Response Document # 200449290

dana bove <danajbove@gmail.com>

Sat, Dec 12, 2020 at 11:23 AM

To: "Marette - DNR, Brandon" <brandon.marette@state.co.us>, "Deranleau - DNR, Greg" <greg.deranleau@state.co.us>, Mike Chiropoulos <mike@chiropoloslaw.com>

Cc: "Padia - DNR, Joe" <joe.padia@state.co.us>

CPW and COGCC,

FRNBES will have our attorney follow up next week on COGCC's inappropriate level 1-2 response to Crestone regarding our recent Complaint: **Document # 200449290****COGCC Response to Complaint: (see attached document)**

"COGCC notified operator of complaint regarding Dreamweaver, noting the area is within a bald eagle winter night roost habitat. In order to minimize potential adverse impacts to the bald eagles that use that area, please, to the extent possible limit fueling, servicing, and maintenance operations of the pumps to the hours between 10:00 AM and 2:00 PM during the winter roosting season. This is consistent with the Recommendations Buffer Zones and Seasonal Restrictions for Colorado Raptors (2020)."

The following assertion as noted as a response to the complaint is incorrect:

In order to minimize potential adverse impacts to the bald eagles that use that area, please, to the extent possible limit fueling, servicing, and maintenance operations of the pumps to the hours between 10:00 AM and 2:00 PM during the winter roosting season. This is consistent with the Recommendations Buffer Zones and Seasonal Restrictions for Colorado Raptors (2020)."

Bald Eagle winter communal roosts are protected habitat as defined below and ancillary pumping operations that support well stimulation (fracking) at Dreamweaver do not fall under "routine maintenance" activity that during seasonal closure can be done between 10 and 2 p.

As included in our complaint, besides the Middle Roost being defined under CPW's protected HPH habitat, FRNBES as provided a wealth of scientific data that demonstrates that this roost has been impacted over time and during certain oil and gas development intervals. The burden of proof is on Crestone, not on those using science as a basis to advocate for the protection of critical wildlife habitat.

The current pumping operations in support of Dreamweaver are a Level 3 offense and COGCC's response to the complaint was inappropriate and in error,.

Excerpted from Nov. 13 meal from Brandon Marette (CPW) to Dana Bove/FRNBES (Complainant)

Bald Eagle roosting habitat, distances, and dates are not specifically called out in the 1200 rules (attached). Instead, they are referenced indirectly through 1201b (see highlight below that references [CPW's HPH table](#) (see link below) that has Bald Eagle Winter Night Roosts in it).

https://cpw.state.co.us/Documents/Conservation-Resources/Energy-Mining/CPW_HPH-Map-Layers.pdf

TL - No permitted or authorized human activities within 0.50-mile of winter night roost or communal roost site from November 15 to March 15 if there is direct line of sight to the activity; No permitted or authorized human activities within 0.25-mile of winter night roost or communal roost site from November 15 to March 15 if there is no direct line of sight to the activity; In highly developed areas (10 daily occupied structures within 1/4 mile of the winter night roost) - No permitted or authorized human activities distance is reduced to within 660 feet if the winter night roost has no line of sight to the disturbance, or within 0.25-mile if line of sight is present. Highly

developed area buffer reduction does not apply to communal roosts. CSU/SSR - Pre-construction surveys may be required.

1 Recommendation Type Definitions No Surface Occupancy (NSO) and Controlled Surface Use (CSU) stipulations apply to fluid mineral leasing and development of fluid mineral estates. No ground disturbance (NGD) and site-specific relocation (SSR) apply to other types of surface disturbing activities. Timing Limitation (TL) may be applied to either fluid mineral leasing and development or other types of surface disturbing activities. These are terms used by the USDI Bureau of Land Management, but are adopted here by CPW for consistency in the format of our recommendations for all development activities across jurisdictions. No Surface Occupancy (NSO) means that use or occupancy of the land surface for fluid mineral exploration or development and all activities associated with fluid mineral leasing (e.g. truck-mounted drilling, stationary drilling, geophysical exploration equipment off designated routes, and construction of wells, pads, compressors or pipelines) are prohibited to protect resource values.

Sincerely,

Dana Bove

2 attachments



FRONT RANGE EAGLE STUDIES

image002.jpg
43K



COGCC Complaint Finding 12.7.2020.docx
18K