

Re: Waiver Request for Rule 1202.1.(3) - Draco Pad

Hamous-Miller - DNR, Lexi <lexi.hamous-miller@state.co.us>

Wed 11/1/2023 8:58 AM

To: Jeff Annable <jannable@civiresources.com>

Cc: Jennifer Loyal <jloyal@rpgres.com>; Lilah Hubbard <lhubbard@civiresources.com>; Russell Beam <rbeam@rpgres.com>; Joseph Schultz <jschultz@rpgres.com>

Hi Jennifer,

Thank you for catching the mistake, I corrected it below.

Thank you for the information on Extraction Oil and Gas, Inc's Draco Pad. Below is CPW's more detailed wildlife assessment for the 1202.a.(3) signed waiver for wetlands/creeks near chemical storage areas.

Rule 1202.a.(3) (creeks/wetlands) Waiver Assessment

Below is a formal description of how CPW independently assessed the operator's specific situation related to their Rule 1202.a.(3) (creeks/wetlands) waiver request. This context should give the Energy and Carbon Management Commission "ECMC" (previously COGCC), their Commissioners, and the public, CPW's wildlife-related perspective on this matter.

Background on Rule 1202.a.(3) and any High Priority Habitat (HPH) impacts

- Rule 1202.a.(3) is a statewide operating requirement in ECMC's 1200 Series Rules that prohibits operators from situating new staging, refueling, or chemical storage areas within 500 feet of the Ordinary High Water Mark ("OHWM") of any river, perennial or intermittent stream, lake, pond, or wetland.
- When CPW examines a proposed location for this waiver, we also examine if there are any mapped High Priority Habitats that could be directly or indirectly impacted by this development.
- It should be understood that CPW does not have jurisdictional authority over wetlands and other waters of the U.S., as defined by the Environmental Protection Agency, the U.S. Army Corps of Engineers (USACE), and/or the Colorado Department of Public Health and Environment. However, it should be noted that regardless of USACE's jurisdictional status, both types of wetlands (jurisdictional and non-jurisdictional) fall under this rule. This assessment is only based on CPW's understanding of how this development could potentially impact wildlife and fish associated with the identified water feature and CPW's authority as defined by ECMC's regulations. Furthermore, ECMC technical staff (and in many cases, the Local Government and/or USACE) will conduct a thorough (engineering and hydrology) review of permit applications to ensure that the proposed stormwater BMPs are protective of nearby surface water bodies and water quality.

CPW's Assessment of this Site-Specific Situation

- Extraction Oil and Gas, Inc's environmental consultant, RPG, conducted a formal wetland delineation by a Professional Wetland Scientist (PWS) in July 2023 and received a wetlands assessment for this Working Pad Surface (WPS).

- During the July 2023 delineation, Community Ditch was field verified at the time of the survey by visual observation of defined bed and bank and ordinary high-water mark (OHWM). On October 26th, 2023, a follow-up survey was conducted. One band of emergent wetland was delineated within the banks of Community Ditch, measuring approximately 2 feet.
- CPW reviewed the proposed Facility Layout Drawing and stormwater BMPs.
- The closest edge of the wetland is located 15 feet upgradient of the pad but has a berm as a natural barrier to protect it from runoff, and the pad will be graded downgradient of that berm.
- The pad is located on agricultural land and across the road from an energy facility.
- CPW appreciates the following BMPs (in accordance with Rule 1002.f Stormwater Management) that will be put in place specifically to minimize erosion, control offsite sediment transport, and limit site degradation:
 - Diversion ditch and/or berm to be constructed around the entire location to prevent runoff into the community ditch.
 - Berm sections are to be compacted in accordance with standard construction practices.
 - Cut slopes and fill slopes will be done 3:1 to prevent runoff into the community ditch
 - Sediment traps will be installed along the diversion ditch
- CPW appreciates Extraction Oil and Gas, Inc. for working collaboratively with us to responsibly develop this WPS while directly and indirectly protecting this wetland.

Conclusion

- Therefore, because of the above discussion and because the wetland within 500 feet of the WPS is not mapped as a High Priority Habitat, CPW grants Extraction Oil and Gas, Inc this signed waiver (per the requirement discussed in ECMC Rule 1202.a.(3)) requiring chemicals to be located more than 500 ft away from the wetlands and ditches.

Should Extraction Oil and Gas, Inc or ECMC have any comments about this assessment, please let me know.

Regards,



Lexi Hamous, MS (She/Her)
Northeast Region Land Use Coordinator



[6060 Broadway, Denver, CO 80216](https://www.state.co.us/cpw/6060-Broadway-Denver-CO-80216)

303-916-2987

Lexi.Hamous-Miller@state.co.us

[CPW's Energy Webpage](#)



On Wed, Nov 1, 2023 at 8:55 AM Jeff Annable <jannable@civiresources.com> wrote: