

**From:** [Hamous-Miller - DNR, Lexi](#)  
**To:** [Russell Beam](#)  
**Cc:** [Marette - DNR, Brandon](#); [Emma Johnson](#); [Joseph Schultz](#); [Jeff Annable](#); [John Piekara](#); [Lilah Hubbard](#)  
**Subject:** Re: Waiver Request for Rule 1202.a.(3) - Bennett D Pad - Crestone Peak Resources (Civitas)  
**Date:** Wednesday, December 11, 2024 2:48:59 PM

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Hi Russell,

Thanks for the information on Crestone Peak Resources Bennett D 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 ECMC, 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

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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.

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When CPW examines a proposed location for this waiver, we also examine whether there are any mapped High-Priority Habitats that could be directly or indirectly impacted by this development.

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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's 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

- Crestone Peak Resources's environmental consultant, RPG Resource, conducted a formal wetland delineation by a Professional Wetland Scientist (PWS) on 9/26/24 and received a wetlands assessment for this Working Pad Surface (WPS). They found that there are three water features present within 500 feet of the WPS.
- The three features consist of an NWI-mapped wetland (54 feet west of the WPS), a stormwater pond with wetland fringe (150 feet west of the WPS), and an NHD-mapped intermittent lake/pond and NWI-Mapped wetland (40-feet south of the WPS).
- CPW also reviewed the proposed Facility Layout Drawing and the stormwater BMPs.
- CPW was initially concerned about potential spills entering the water resources located within 500 feet of the WPS.
  - However, prior to grading activities, Crestone Peak Resources plans to install erosion and sediment control measures and fugitive dust emissions will be controlled by water.
  - Crestone Peak Resources told CPW that the following stormwater quality structural BMPs would be utilized during construction: ditch and berm system, inlet protection, culvert outlet protection, silt fencing, rip rap, erosion control mat, and sediment control log.
  - Crestone Peak Resources has the following stormwater quality structural BMPs planned for the production phase: culvert outlet protection, rip rap, and revegetation.
  - After reclamation, soil stabilization measures will be applied within 14 days
- Therefore, CPW's aquatic wildlife concerns are alleviated despite the siting of chemical and/or fuel storage facilities within 500 feet of these water features. Crestone Peak Resources has sufficiently demonstrated that they are proactively protecting these water resources with their stormwater BMPs.

Conclusion

- Therefore, because of the above discussion, and because the water features within 500 feet of the WPS are not mapped as an Aquatic Native Species, CPW grants Crestone Peak Resources 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 Crestone Peak Resources or ECMC have any comments about this assessment, please let me know.

Regards,



**Lexi Hamous, MS ([She/Her](#))**  
**Northeast Region Land Use Coordinator**  
**Colorado Parks and Wildlife**



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[CPW's Energy Webpage](#)



On Wed, Dec 11, 2024 at 1:55 PM Hamous-Miller - DNR, Lexi <[lexi.hamous-miller@state.co.us](mailto:lexi.hamous-miller@state.co.us)> wrote:

Hi Russell,

Just wanted to check in and let you know I am working on this today and hope to get you an answer by the end of the week.

**-Stay Wild,**

**Lexi Hamous, MS ([She/Her](#))**  
**Northeast Region Land Use Coordinator**  
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On Thu, Dec 5, 2024 at 1:18 PM Russell Beam <[rbeam@rpgres.com](mailto:rbeam@rpgres.com)> wrote:

Good afternoon Lexi and Brandon,

I am reaching out on behalf of Crestone Peak Resources (Civitas) to request a waiver for COGCC Rule 1202.a.(3) for the proposed Bennett D Pad oil and gas development (Site). The proposed project will include the construction/expansion of one new oil and gas pad within the existing Bennett Facility.

The aquatic features would be protected by a series of perimeter BMPs including a three-foot berm that will be constructed on the west side of the well pad and in place during the construction phase of operations.

See attached Wildlife Protection Plan, Hydrology Map, Wetland Delineation Report, Stormwater Management Plan and the Layout Drawings.

Please let me know if you have any other questions or need any additional information.

Thanks!

***Russell Beam, MS***

*Senior Environmental Manager / sUAS Remote Pilot*

*Rockies Region*



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