

February 11, 2021



Director Julie Murphy  
Colorado Oil & Gas Conservation Commission  
1120 Lincoln Street, Suite 801  
Denver, Colorado 80203

#### **FINAL RECLAMATION VARIANCE REQUEST**

<b>COGCC Location Name/No (ID)</b>	Dier Facility /2N67W (472704)
<b>Legal Description</b>	SWSE, Section 8, T2N-R67W
<b>Coordinates (Lat/Long)</b>	40.145969/-104.910309
<b>County</b>	Weld
<b>Form 4 Document #</b>	402598262

Dear Director Julie Murphy,

Crestone Peak Resources Operating, LLC (Crestone) [Operator #: 10633] is submitting this variance request for the location referenced above (Location) to request deviation from certain COGCC Rule 1004 requirements for final reclamation. The Location was a production facility pad servicing two separately permitted well locations: Dier 34-8 (COGCC Location ID: 330836) & Dier 44-8 (COGCC Location ID: 333234). In accordance with COGCC Rule 1001.c, and Operator Guidance (Guidance) updated on December 17, 2019, Crestone entered an agreement with Craig Owen (Surface Owner), regarding topsoil protection and reclamation of the land. This letter includes a historical site evaluation and impact assessment, the Owen Acreage Reclamation and Variance Agreement (Reclamation and Variance Agreement), site diagram, photographic evidence to demonstrate site conditions, hydrology features and wildlife assessment figures, and county notification. The Surface Owner Reclamation and Variance Agreement contains the reclamation plan that details procedures to comply with COGCC Rules and specifics of the variance request.

#### **Historical Site Evaluation and Impact Assessment**

##### Well Plugging and Abandonment (P&A)

- The associated wells were plugged and abandoned on 08/06/2019 and 08/08/2019. The Subsequent Form 6 - Well Abandonment Reports (Document # 402161442 and 402161539) were approved 12/18/2019.

##### Production Facility Equipment Removal

- All production facility equipment has been removed. Removal of equipment has been confirmed through environmental contractor site inspections. Photo documentation is attached.

##### Pits, Spills, and Remediation

- There are no pits or reportable spills associated with the Location.

- No Further Action was granted on 12/14/2019 for Remediation Project # 14117 on the Supplemental Form 27 - Site Investigation and Remediation Workplan (Document # 402259259) regarding closure of the partially-buried produced water vessel at the Location.
  - The Form 27 was submitted under the Dier 34-8 (COGCC Location ID: 330836) well location.
- Environmental contractor site inspections confirmed there is no indication of past spills or current pollution concerns.

#### Flowlines, Gathering Lines, and Other Pipeline Infrastructure

- All production facility flowlines, gathering lines, and other pipeline infrastructure have been abandoned per COGCC Rule 1105.
- Removal of the Off-Location flowlines (Flowline Facility ID 472728 & 472729) was completed 12/19/2020 and notice of the abandonment was provided with a Form 42 – Field Operations Notice (Document # 402456284).

#### Waste Removal, Trash, and Debris

- All waste, trash, and debris associated with the operation of the Location has been removed per COGCC Rule 1003.a. and confirmed by environmental contractor site inspections. Photo documentation is attached.

#### Revegetation and Management of Noxious and Undesirable Weeds

- The Location is currently free of undesirable and noxious weeds.
- The Surface Owner will continue to manage weeds and will complete revegetation with landscape trees, grasses, and shrubs of his choice per the Reclamation and Variance Agreement.

#### Hydrology and Stormwater Control Measures

- The Location will be permanently stabilized to prevent erosion to the extent practicable by establishing permanent landscaping vegetation throughout the disturbance area. Reclamation plans are included in the Reclamation and Variance Agreement.
- The Surface Owner will take responsibility for stormwater management and will mitigate any future erosion per the Reclamation and Variance Agreement.
- A review of the hydrology features within a one-mile radius of the Location was performed and is attached. No impacts to hydrology features are expected as a result of onsite conditions based on topography, distance to water bodies, and temporary and permanent BMPs that are currently on Location and those that will be installed.

#### Assessment of Potential Impacts to Wildlife

- An assessment of potential impacts to wildlife was performed and is illustrated in the attached Wildlife figure. No wildlife areas as defined in the Guidance are within a one-mile radius of the Location. Based on the Surface Owner's desired final land use of the Variance Area, no risk to wildlife habitat is posed.

For the final reclamation of the Location, the Surface Owner and Crestone are requesting a variance from Rule 1004 based on the following rationale:

- The Surface Owner expressed the desire to waive certain final reclamation requirements for the Location because he would like to extend the existing elevated tree line berm present along the west edge of his driveway south to the WCR 22 right of way. Crestone will build, level and compact this berm extension, and slope and compact the edges to match the existing berm as closely as possible. The Surface Owner will plant the area with his desired trees, shrubs and grasses outlined in the Reclamation and Variance Agreement. See the attached Site Diagram depicting the Variance Area in full.

Based on the Surface Owner's reasons for requesting waiver from reclamation requirements, the following Rule 1004 variance is requested:

- Rule 1004.a.  
"Well locations, access roads and associated facilities shall be reclaimed. As applicable, compaction alleviation, restoration, and revegetation of well sites, associated production facilities, and access roads shall be performed to the same standards as established for interim reclamation under Rule 1003." The applicable 1003 Series Rule, as it relates to this waiver request, is 1003.3.(2). Which states, "All segregated soil horizons removed from non-crop lands shall be replaced to their original relative positions and contour as near as practicable to achieve erosion control and long-term stability and shall be tilled adequately in order to establish a proper seedbed."

Should this variance request be granted, the Variance Area will not be recontoured to match adjacent cropland and shall instead be built up to match the existing Surface Owner berm. When the reclamation plan, outlined in the attached Reclamation and Variance Agreement, has been implemented, the Surface Owner takes full responsibility of the Variance Area and understands that the Location continues to be under COGCC authority and jurisdiction and monitored by Crestone until it passes a COGCC final reclamation inspection. The Reclamation and Variance Agreement includes plans and agreements for all Crestone assets on the property. The document has been redacted for the purposes of this variance request to include only those portions which pertain to the Dier Facility.

Based on the analysis completed in support of this request, Crestone sees no threat of harm to public health, safety, welfare, or the environment, and requests concurrence from the COGCC on this conclusion.

All supporting documentation has been attached to the submitted Form 4 Sundry Notice referenced above. Please contact me if you have any questions or need additional information.

Respectfully,

  
David Tewkesbury (Feb 11, 2021 14:33 MST)

David Tewkesbury  
Environmental Specialist  
[david.tewkesbury@crestonepr.com](mailto:david.tewkesbury@crestonepr.com)  
720-236-5525

Attachments:

1. Surface Owner Consultation
2. Reclamation and Variance Agreement
3. Site Diagram of Variance Areas
4. Project Photos of Variance Areas
5. Hydrology Features Diagram
6. Wildlife Assessment Diagram
7. County Notification

# FINAL RECLAMATION SURFACE OWNER CONSULTATION

**Crestone Peak Resources Operating, LLC (Operator #: 10633)**

COGCC Location Name: Dier Facility 2N67W

Surface Owner Location Name (if different): \_\_\_\_\_

Surface Owner Name Craig Owen

Surface Owner Preferred Contact: \_\_\_\_\_

COGCC Location ID #: 472704

Consultation Date/Time: 2/10/2021 10:00AM

COGCC Flowline Facility ID #: 477624

Directions to Site (from cross street): CR 15 & CR 22, East 0.6 Miles, North into Location

**Surface Owner preferred reclamation timing** (season, month, year, etc.):

ASAP

**Desired final land use description** (cropland, range, equipment storage, etc.):

- cropland for well sites

- facilities to be placed returned to basin & access road

**Surface Owner specified seed mix?** YES ☒ NO ☐

If No, a NRCS (Natural Resources Conservation Service) recommended seed mix will be used.

Seed mix: Meadow brome & intermediate wheatgrass

seed @ optimal seeding window



**Surface Owner preference for flowline management.** (COGCC requires removal for onsite flowlines. CPR prefers removal for offsite flowlines as well but is willing to discuss options for abandoning in place with a formal agreement with the Surface Owner.)

- Already removed

**Additional surface owner reclamation concerns/requests.** (amendments, road/pipeline ROWs, fencing, irrigation, site access):

- wheel pack berm after built
- regrade and ensure positive flow for the berm access road out to the road (bar ditch of CR22)

**Onsite areas of concern.** (weeds, debris/garbage, staining, equipment, etc.)

runoff from access to house to get CR22 ditch

- Access road of wellheads remove road base for berm for trees

**Surface owner requested deviations from standard reclamation practices.** (leaving access roads and/or working surface, or other) (requested deviations/variances require preparation of a formal Surface Owner waiver agreement, and variance request with the Colorado Oil & Gas Conservation Commission)

use material from wellheads to create berm on the battery area.

(Include a site drawing illustrating any requested variance.)

By signing below, the Surface Owner acknowledges that the Operator consulted with them on their preferences for final reclamation of this location when oil and gas operations are completed, and that:

1. They have a right to this consultation.
2. A right to their land being reclaimed to Colorado Oil & Gas Conservation Commission (COGCC) rules and regulations.
3. The operator is required to comply with COGCC rules for reclamation, stormwater, waste management and other applicable rules.
4. The operator is required to maintain the condition of the reclaimed surface and vegetation until the operator is relieved of further obligations by the COGCC.
5. Waive additional notices regarding information outlined in this Consultation.

Craig Owen  
Surface Owner Printed Name

Craig Owen  
Surface Owner Signature

10 Feb 21  
Date

Shingles Hamilton  
Operator Representative Printed Name

[Signature]  
Operator Representative Signature

2/10/2021  
Date



**Owen Acreage Reclamation and Variance Agreement- 23 March 2020**

Over the last 4-18 months, Crestone Peak ("CP") has plugged and abandoned all 3 vertical oil and gas wells on the 75 acre Owen Family property known as 7751 WCR 22, Longmont, CO, 80504 (hereinafter referred to as "Property"), Weld County Parcel #131108000051. This reclamation and variance agreement ("RVA") is agreed to by and between CP and Owen and details reclamation actions to be undertaken jointly by CP and owner of the Property Craig Owen ("Owen"), and certain variances to reclamation protections specified in COGCC Rule 1004

Reclamation actions and provided reclamation variances agreed between CP (and their assigns) and Owen on the Property are itemized and detailed below.

- 1) CP to remove from the premises the flowline in the west ½ of the property that connected the Dier 34-8 wellhead to the separator located near the mouth of the driveway along County Road 22 ("CR 22"). Dier 34-8 API #05-123-19734 Latitude: 40.147348 Longitude: -104.912601
- 2) CP to remove from the premises the flowline in the east ½ of the property that connected the Dier 44-8 wellhead to the separator located near the mouth of the driveway along CR 22. Dier 44-8 API #05-123-19919 Latitude: 40-146913 Longitude: -104.906349
- 3) There are no recorded easements associated with the flowlines in items 1 and 2 above and as such no written proof of vacation of easements will be provided. CP to remove the fencing (including the buried concrete securing the posts) and all equipment from the two fenced structures (the tank/facility battery with Facility ID: 251929) located near the mouth of the driveway along CR 22. These items include, but are not limited to, the metal petroleum tank and stairs, the poly water tank, the separator, the combustor and concrete pads. Unearth, disconnect, and haul away all below ground lines, elbows, fittings, etc. owned by CP. The "metal shed" (the meter house) and the gathering pipeline is not the property of CP. CP is not responsible for removal of the meter house nor gathering lines. Oxy (Previously Kerr-McGhee/Anadarko) is the owner of the meter house. CP has notified Oxy to remove the meter house, Owen should also notify Oxy to remove their equipment. Contact Thomas Ishaida at Oxy: 720-325-4253
- 4) CP to remove from the Property the pea gravel located under and around the tank/facility battery, and around the 2 fenced areas within the battery.
- 5) At the Dier 34-8 and Dier 44-8 well pad sites CP will excavate the old P&A work areas (appx. 150' X 150' around each wellhead) to a depth of approximately 12 inches. Owen's back of the envelope cubic yardage calculations show that these excavations will yield  $1782 \times 2 = 3,564$  cubic yards of soil. Similar calculations show that the volume of earth needed to extend the existing driveway elevated tree line to the mailbox at the mouth of the driveway at CR 22 is approximately 960 cubic yards. Provided actual soil quantity being removed is sufficient to extend the tree line CP will extend the elevated tree line berm south to the WCR 22 right of way, CP will not be responsible for importing any additional soil if there is not enough on location to extend the tree line completely to WCR 22. CP will level and compact this berm extension, and slope and compact the edges to match the existing berm as close as possible.
- 6) CP will configure a laser level alongside the driveway and grade (and add material as necessary) to provide a positive driveway slope from north to south (ending at the burrow ditch along WCR 22). CP will supply road base as needed to allow for the slope.
- 7) [REDACTED]



Owen Acreage Reclamation and Variance Agreement– 23 March 2020

8)

9)

10)

11) Owen will take full responsibility for planting, ground cover, growth, revegetation, weed control, erosion control and stormwater management at the tank/facilities battery location along the south end of the driveway (just north of CR 22) and release CP from any further reclamation and/or weed management responsibilities. CP will provide financial assistance to Owen for the needed materials as detailed within this RVA below.

12)

A tabulation of materials needed to complete the reclamation actions detailed in this agreement is provided below. Quotes from suitable suppliers are attached and provide back-up for the costs cited.

3 boxes 10" by 2" fabric staples

6 rolls fabric mulch ground cover

17 each Seagreen Juniper

5 each Honeysuckle

Owen Acreage Reclamation and Variance Agreement- 23 March 2020

9 each Caragana

5 each Lilac

39 each Ponderosa Pine

57 each Rocky Mountain Juniper

63 each Colorado Plum

*cas*  
15% ~~10%~~ mortality on living plants

TOTAL

As the Trustee for the surface owner (Craig A. Owen Trust) I, Craig Owen, acknowledge that once a variance is approved and all agreed upon actions for the variance have been conducted I knowingly, and forever, waive all reclamation protections otherwise afforded by the specified provisions of COGCC Rule 1004. I hereby request the variances detailed in this RVA under Rule 1001.c from Rule 1004.

Signed and agreed to this 1st day of June, 2020.

By: Craig Owen

Craig Owen- Trustee

Craig A. Owen Trust

By: Robert J. Boesman

Name: Robert J. Boesman


Title: Surface Landman Advisor



OWEN CRAIG  
A TRUST



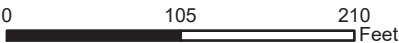
FIRESTONE  
VENTURE LLC

 Variance Area – Production Facility Pad and Access Road

Variance Area – Production Facility Pad and Access Road: 0.31 acre

# Dier Facility Reclamation Variance

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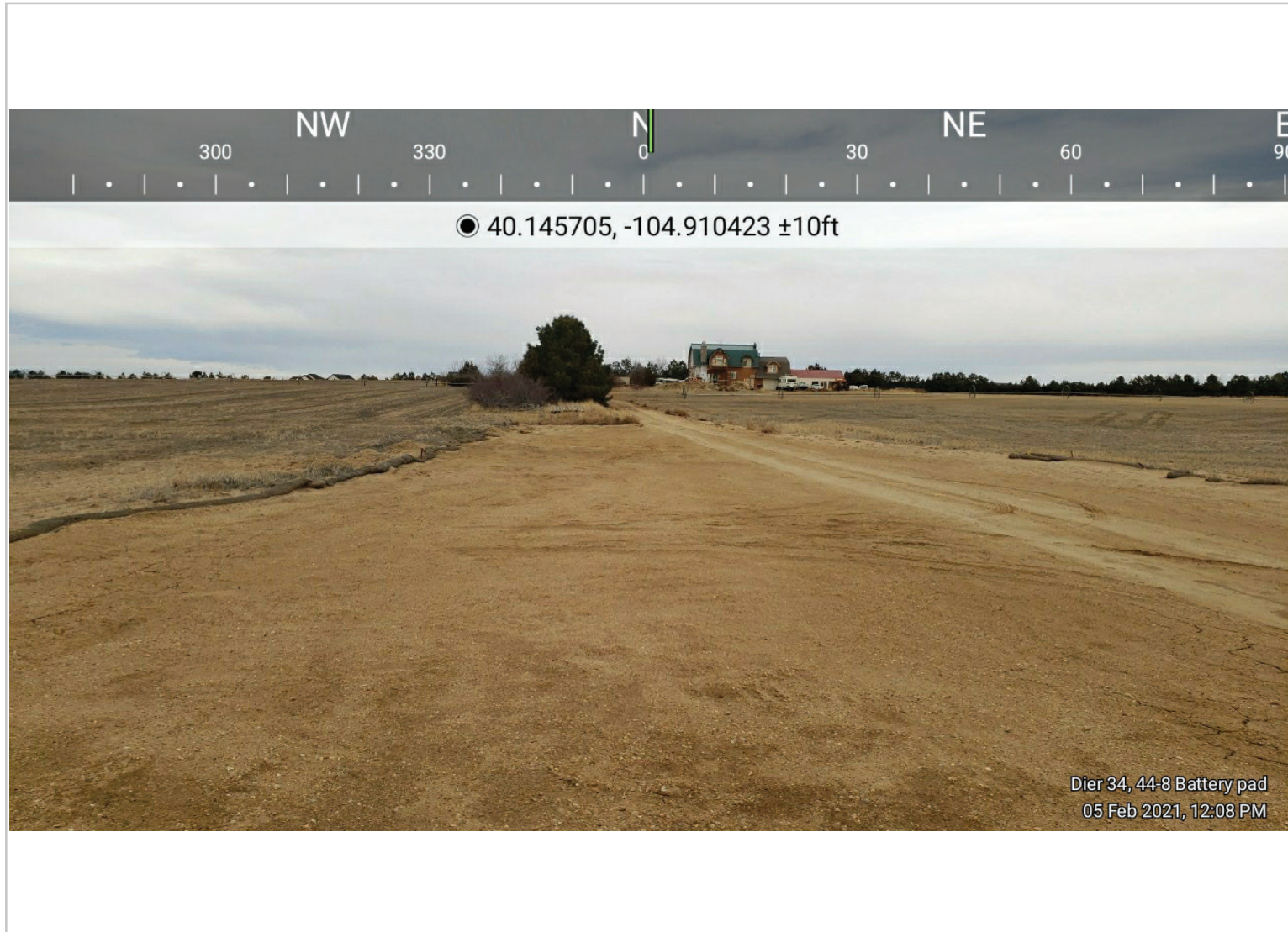
Coordinate System: WGS 1984 UTM Zone 13N



2/9/2021  
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Created by josh.shirley

## Photo Illustrations of Reclamation and Variance Areas

Surface Owner - Final Reclamation Variance Agreement  
Dier Facility /2N67W (COGCC Location ID: 472704)



Variance Area - Production Facility Pad: Facing North from Southern Perimeter



## Photo Illustrations of Reclamation and Variance Areas

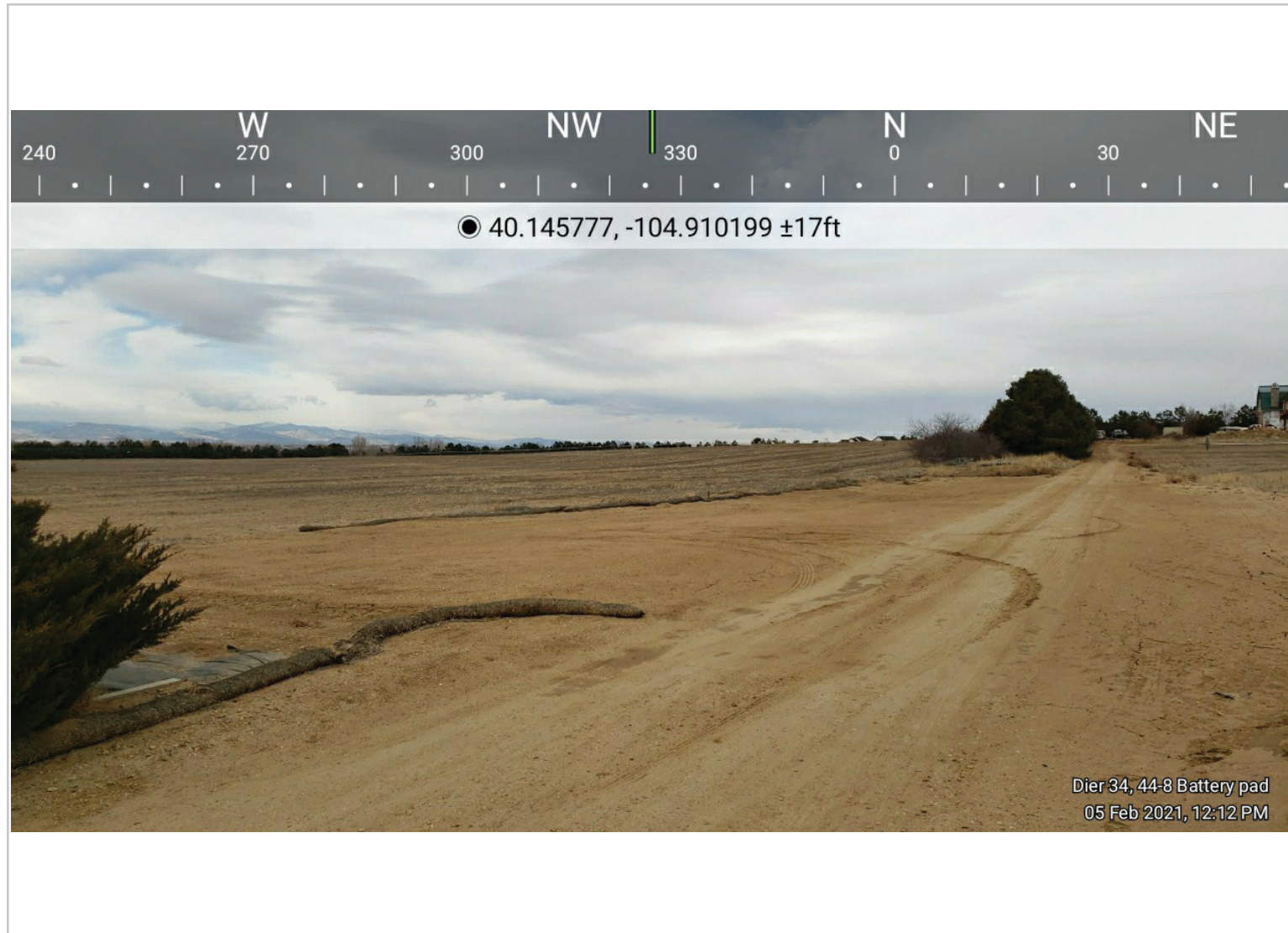
Surface Owner - Final Reclamation Variance Agreement  
Dier Facility /2N67W (COGCC Location ID: 472704)



Variance Area - Production Facility Pad: Facing South from Northern Perimeter

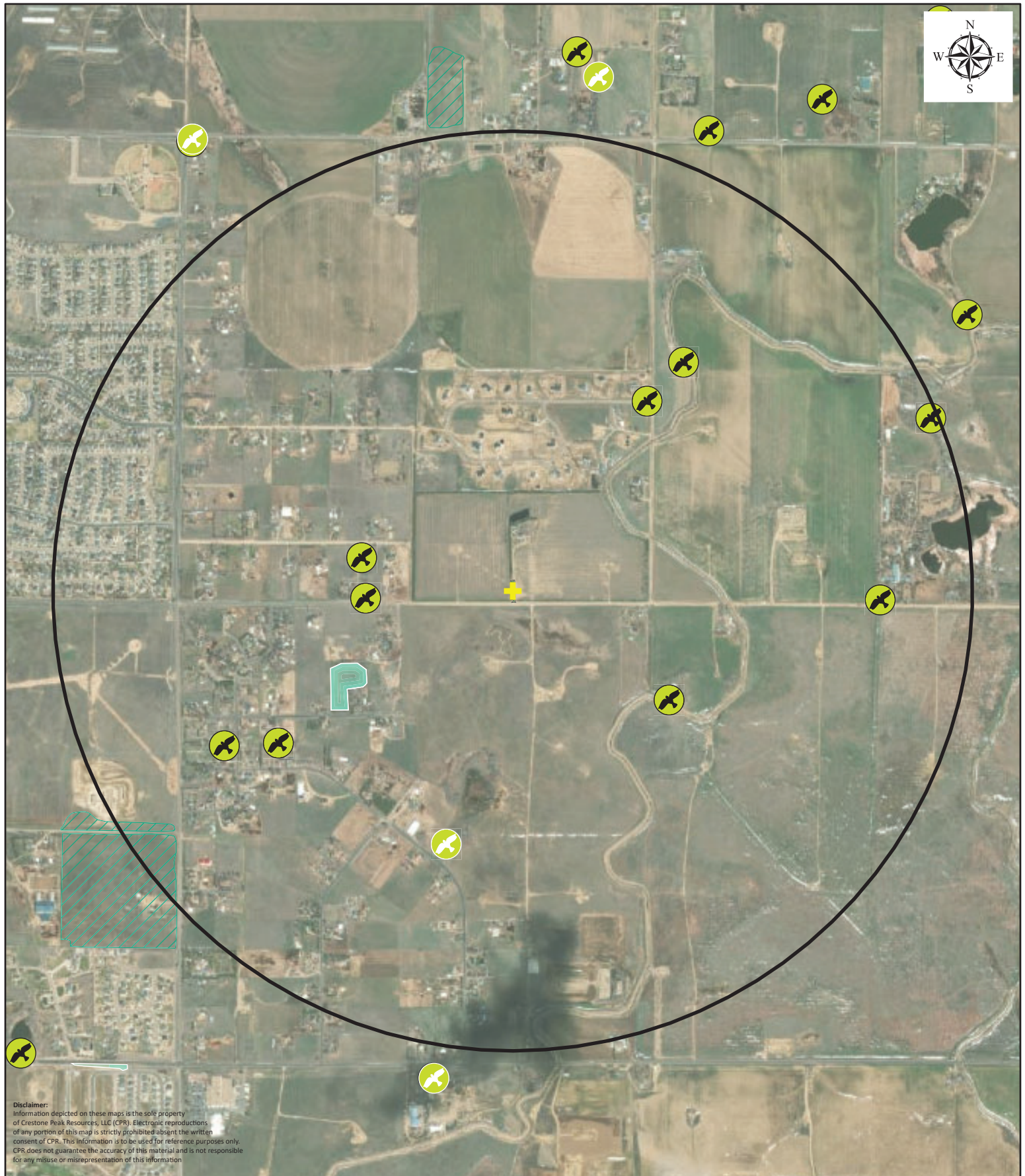
## Photo Illustrations of Reclamation and Variance Areas

Surface Owner - Final Reclamation Variance Agreement  
Dier Facility /2N67W (COGCC Location ID: 472704)



Variance Area - Production Facility Pad and Access Road: Facing North from Road Entrance





- |  |   |  |   |
|--|---|--|---|
| <ul style="list-style-type: none"> <li> Dier Facility Centroid</li> <li> 1 Mile Buffer</li> <li> Overall Disturbance</li> <li> CPW SWA</li> <li> Bald Eagle Nest (Apex)</li> <li> Bald Eagle Nests (CPW)</li> <li> Bald Eagle Roost Sites (CPW)</li> </ul> | <ul style="list-style-type: none"> <li> Bald Eagle Winter Roost Area (CPW)</li> <li> BUOW Nest (Apex)</li> <li> BUOW Habitat (Apex)</li> <li> Potential BUOW Habitat (Apex)</li> <li> Elk Production Area (CPW)</li> <li> Elk Migration Corridor (CPW)</li> </ul> | <ul style="list-style-type: none"> <li> Mule Deer Migration Corridor (CPW)</li> <li> Mule Deer Winter Concentration (CPW)</li> <li> Pronghorn Migration Corridors (CPW)</li> <li> Pronghorn Winter Concentration (CPW)</li> <li> Osprey Nest Sites (CPW)</li> <li> Boulder County Critical Wildlife Habitat</li> </ul> | <ul style="list-style-type: none"> <li> Raptor Nest (CPR/Encana)</li> <li> Raptor Nests (Apex)</li> <li> Restricted Surface Occupancy (CPW)</li> <li> Sensitive Wildlife Habitat (CPW)</li> </ul> |
|--|---|--|---|

## Dier Facility Wildlife

0 1,250 2,500 Feet  
Coordinate System: WGS 1984 UTM Zone 13N





## Dier Facility Hydrology

0 1,250 2,500 Feet

Coordinate System: WGS 1984 UTM Zone 13N

- + Dier Facility Centroid
- 1 Mile Buffer
- Overall Disturbance
- Connector
- Canal Ditch
- Underground Conduit
- Pipeline
- Stream River
- Artificial Path
- Brighton Public Water System
- NWI Wetland
- Rule 317B Area
- 100-Year Floodzone (Floodway)
- 100-Year Floodzone
- 500-Year Floodzone



**CRESTONE PEAK  
RESOURCES**

2/9/2021  
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**From:** [Adam Roll](#)  
**To:** [Jason Maxey](#)  
**Cc:** [David Tewkesbury](#); [Reclamation](#)  
**Subject:** Notification of Final Reclamation Variance - Crestone Peak Resources: Dier Facility /2N67W (COGCC Location ID 472704)  
**Date:** Thursday, February 11, 2021 1:51:00 PM

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Good morning Mr. Maxey,

On behalf of Crestone Peak Resources Operating, LLC (Crestone), Confluence Compliance Companies, LLC (Confluence) prepared this notification of intent to seek a variance from Colorado Oil and Gas Conservation Commission (COGCC) reclamation rules. The Dier Facility /2N67W (COGCC Location ID 472704) is located in Weld County on private land owned by Craig Owen (Surface Owner). Crestone plugged and abandoned the associated wells in accordance with COGCC Rule 319.

The Surface Owner has requested Crestone extend an existing landscaping berm to supersede 0.31-acre of the former production facility pad. This berm will then be stabilized with landscaping vegetation.

Reclamation activities that have been completed onsite include:

- Plugged and abandoned the associated wells.
- Backfilled pits, mouse and rat holes and cellars.
- Removed all debris, abandoned gathering line risers, flowlines and flowline risers, and surface equipment.
- Removed or treated any remaining E&P waste and backfilled all such pits to return the soils to their original relative positions.
- Removed gravel, constructed a landscaping berm, and prepared the berm to be vegetated by the Surface Owner.

Please reach out with any questions you might have.

Regards,

**Adam Roll | *Project Scientist* | Confluence Compliance Companies, LLC**

970-589-6111 (M)

[adam.roll@confluence-cc.com](mailto:adam.roll@confluence-cc.com)

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