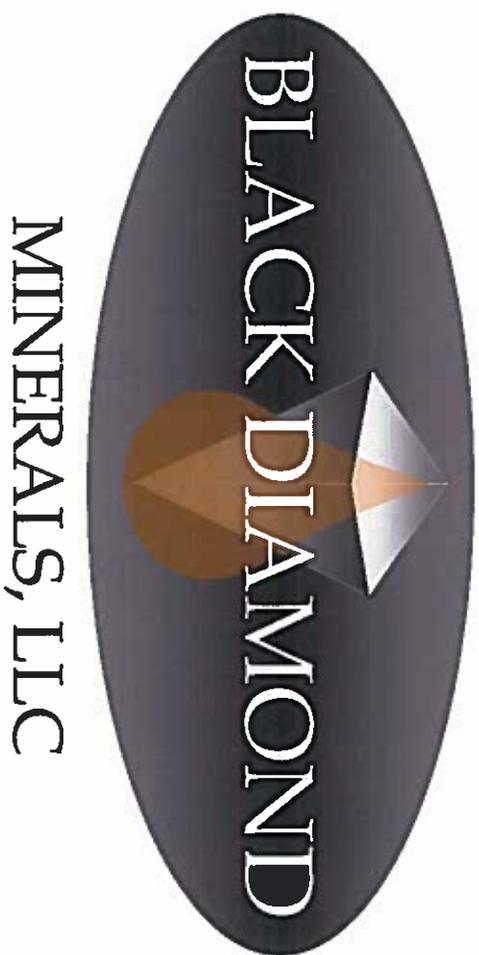




COGCC Rulemaking RSO

September 16, 2013



Introduction

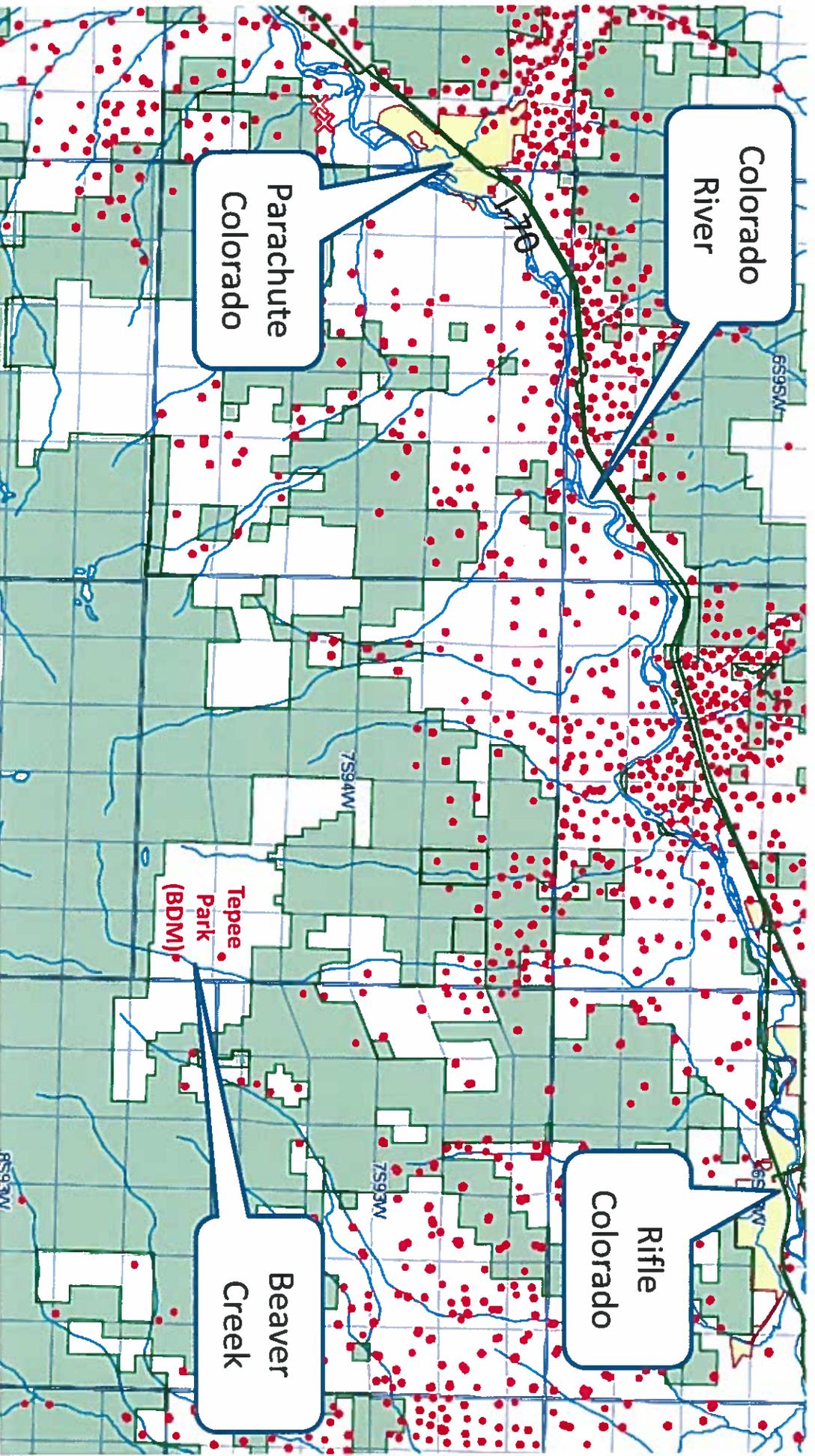
- ✓ Black Diamond Minerals, LLC (BDM) owns Tepee Park Ranch located 10 miles south of Rifle Colorado in Garfield County Colorado.
- ✓ BDM is requesting that some of the RSO's for Cutthroat Trout habitat be eliminated in areas associated with BDM's Tepee Park Ranch because they are not Cutthroat Trout habitat due to extremely low or no water flow.
- ✓ BDM submitted a full report of this topic to COGCC on August 13, 2013, as part of this rulemaking process, which included an environmental assessment of Cutthroat Trout habitat conducted by Buys and Associates in July 2009.
- ✓ COGCC's "Statement of Basis, Specific Statutory Authority, and Propose, 2008 Rulemaking" Page 85;
"The Commission notes that restricted surface occupancy areas include areas within 300 feet of Cutthroat Trout habitat as well as areas within 300 feet of Gold Medal streams and lakes"



MINERALS, LLC

General Area, BDM's Tepee Park-Garfield Co. CO

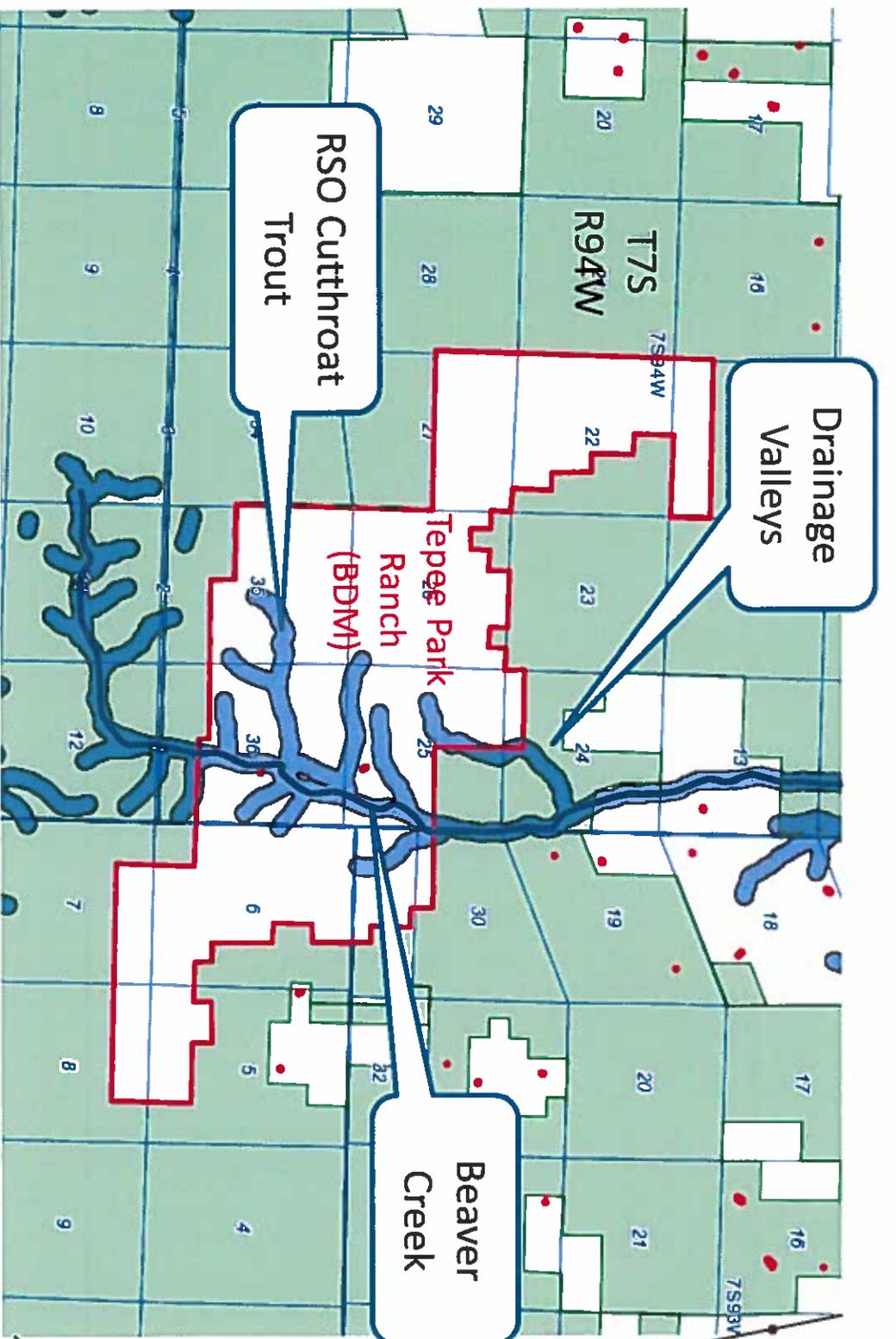
Map #1



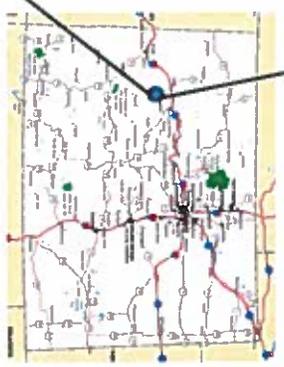
BDM's private lands located in Garfield Co, CO.

Map #2

COGCC's current RSO for Cutthroat Trout Habitat (CTH)

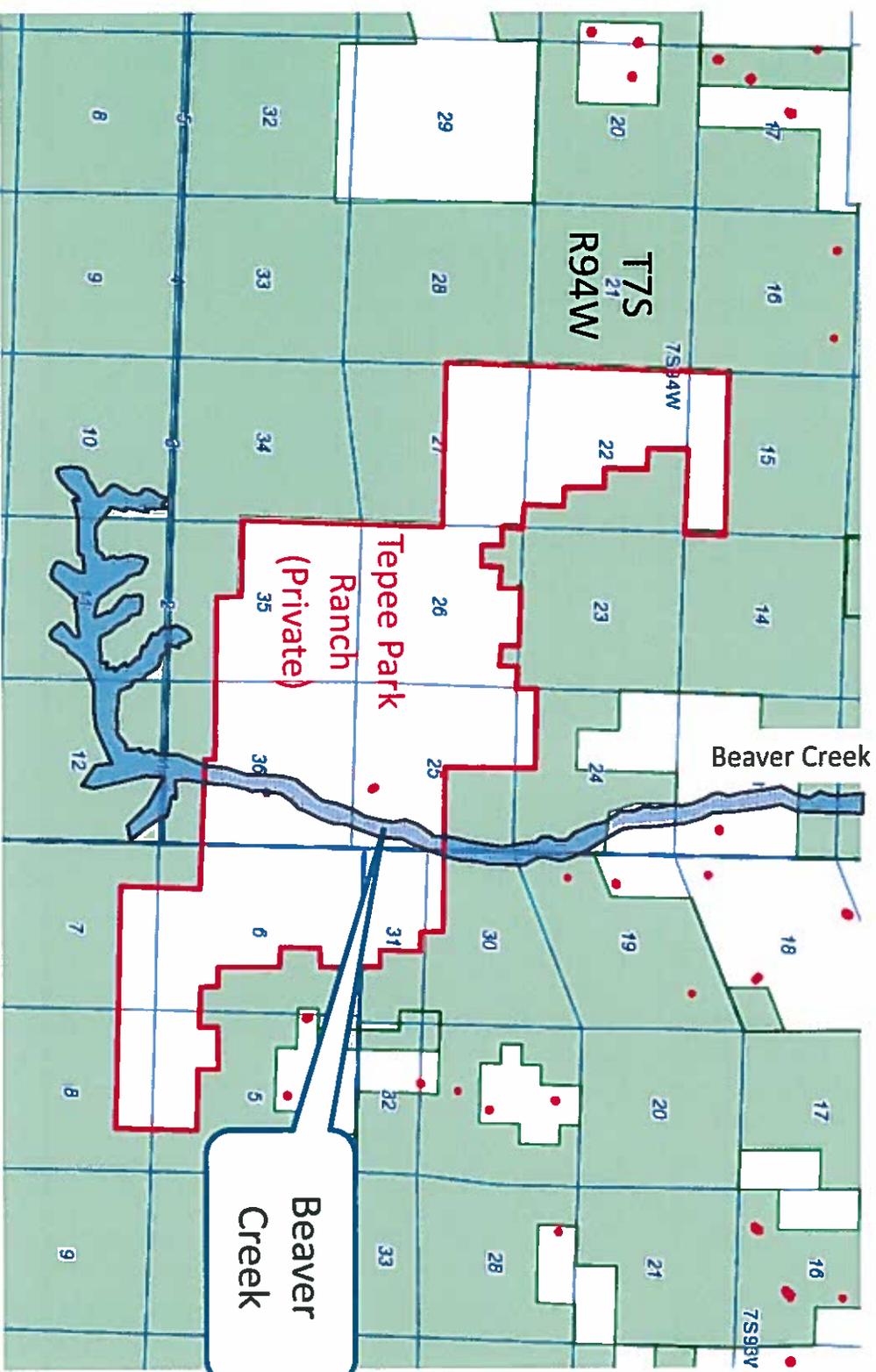


- BDM's Tepee Park Ranch
- Y COGCC's RSO, CTH
- Federal Minerals
- Private Minerals



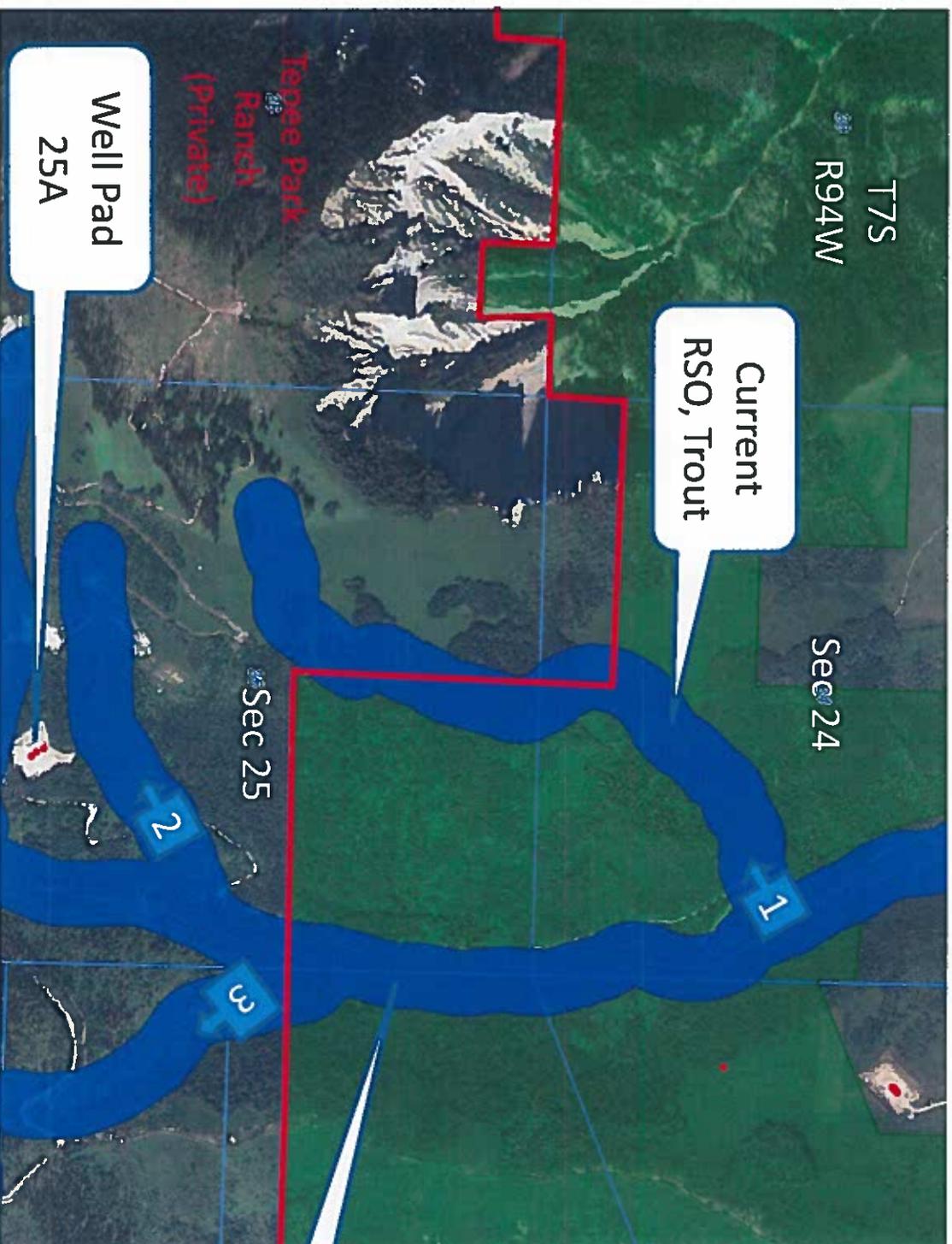
Map #3

BDM's Proposed RSO Based on Cutthroat Trout Habitat



-  BDM's Tepee Park Ranch
-  BDM's RSO, CTH
-  Federal Minerals
-  Private Minerals

Map #4A Picture Locations



Picture Point
number and
direction

All pictures taken
near the peak of
run off season

Beaver
Creek

Picture Point #1, 2, &3

Figure #1, Picture Point #1.
 Next to road into TPR. Taken
 6/26/09, near peak run-off
 season, not suitable Trout
 Habitat.



Figure #2, Picture Point #2.
 Next to road in TPR. Taken
 6/26/09, near peak run-off
 season, not suitable Trout
 Habitat.

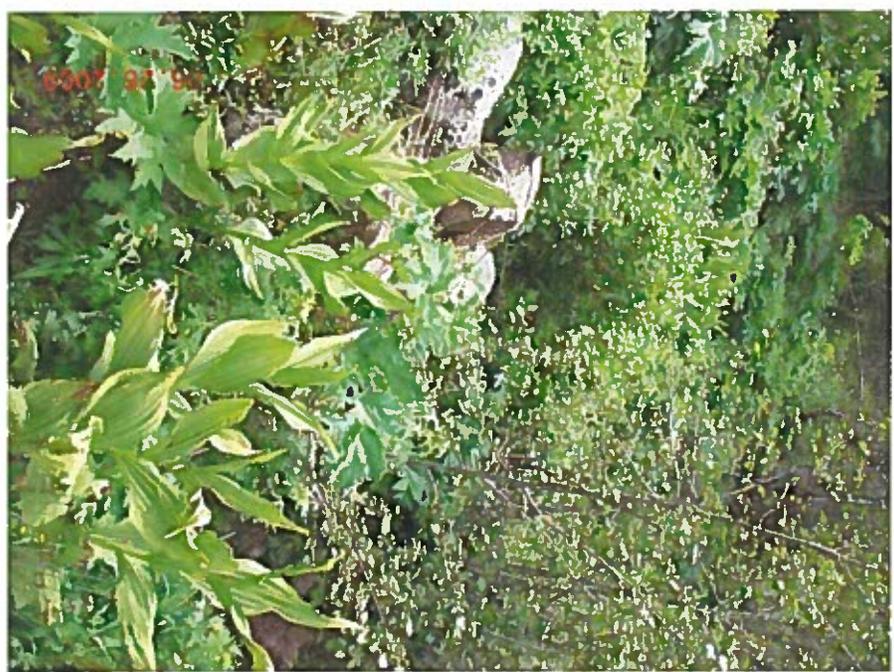


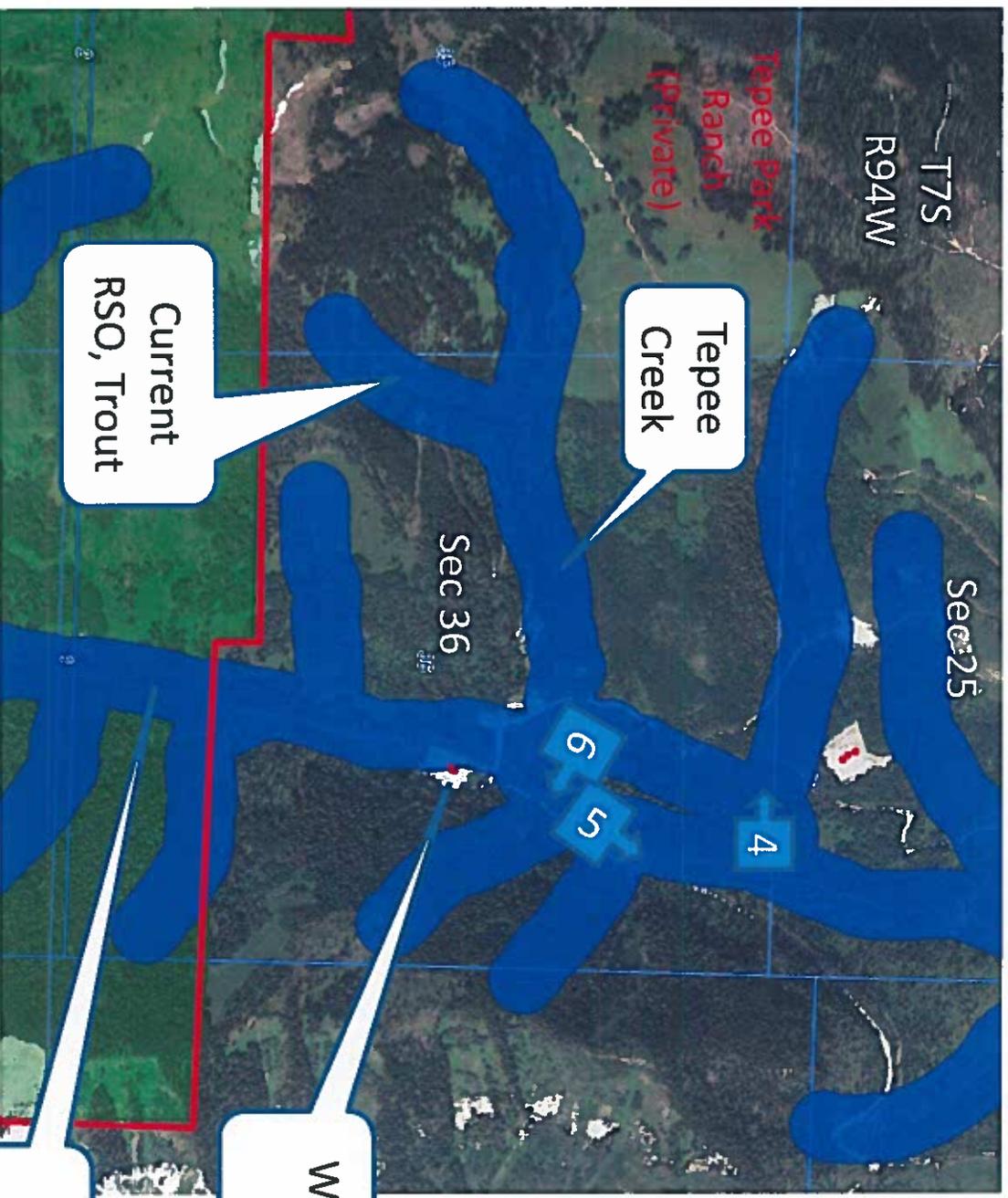
Figure #3, Picture Point #3.
 Taken 6/2/09, (From Buys &
 Assoc) near peak run-off
 season, not suitable Trout
 Habitat. Reclaimed road.



Waypoint 010, Tributary to Beaver Creek, reclaimed wash-out area, facing upstream.

May 28 and June 2, 2009

Map #4B Picture Locations



Picture Point
number and
direction

All pictures taken near the peak of run off season

Well Pad 36A

Beaver Creek

Current RSO, Trout

Tepee Creek

Picture Point #4, 5, &6

Figure #4, Picture Point #4.
Culvert at Road crossing.
Taken 6/26/09, near peak
run-off season, not suitable
Trout Habitat.



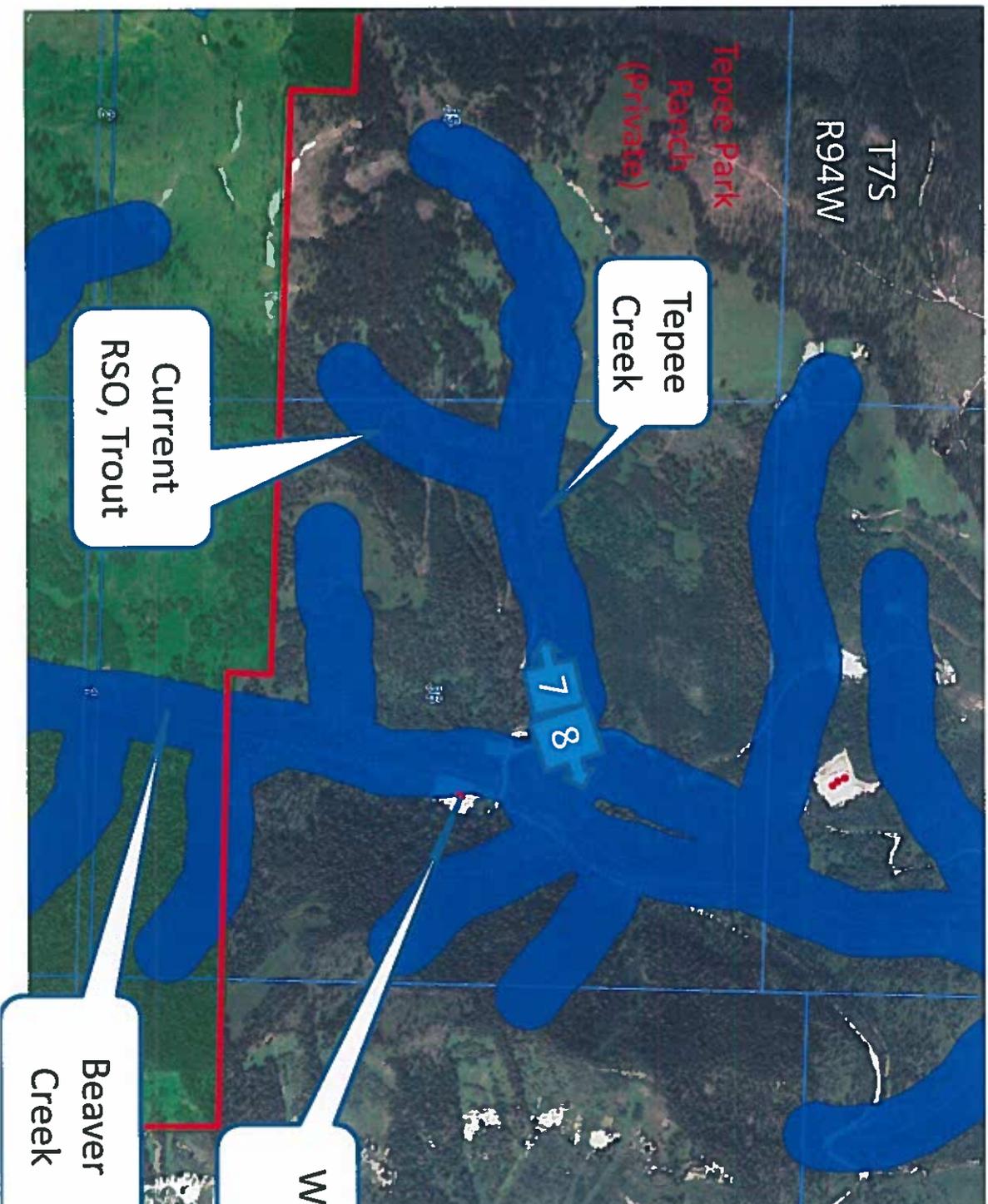
Figure #5, Picture Point #5.
Taken 6/26/09, near peak
run-off season, There is no
drainage at this point. Not
Trout Habitat.



Figure #6, Picture Point #6.
Taken 6/26/09, near peak
run-off season. Culvert at
road crossing. Not Trout
Habitat.



Map #4C Picture Locations



Picture Point number and direction



All pictures taken near the peak of winter run off season

Picture Point #7 & 8

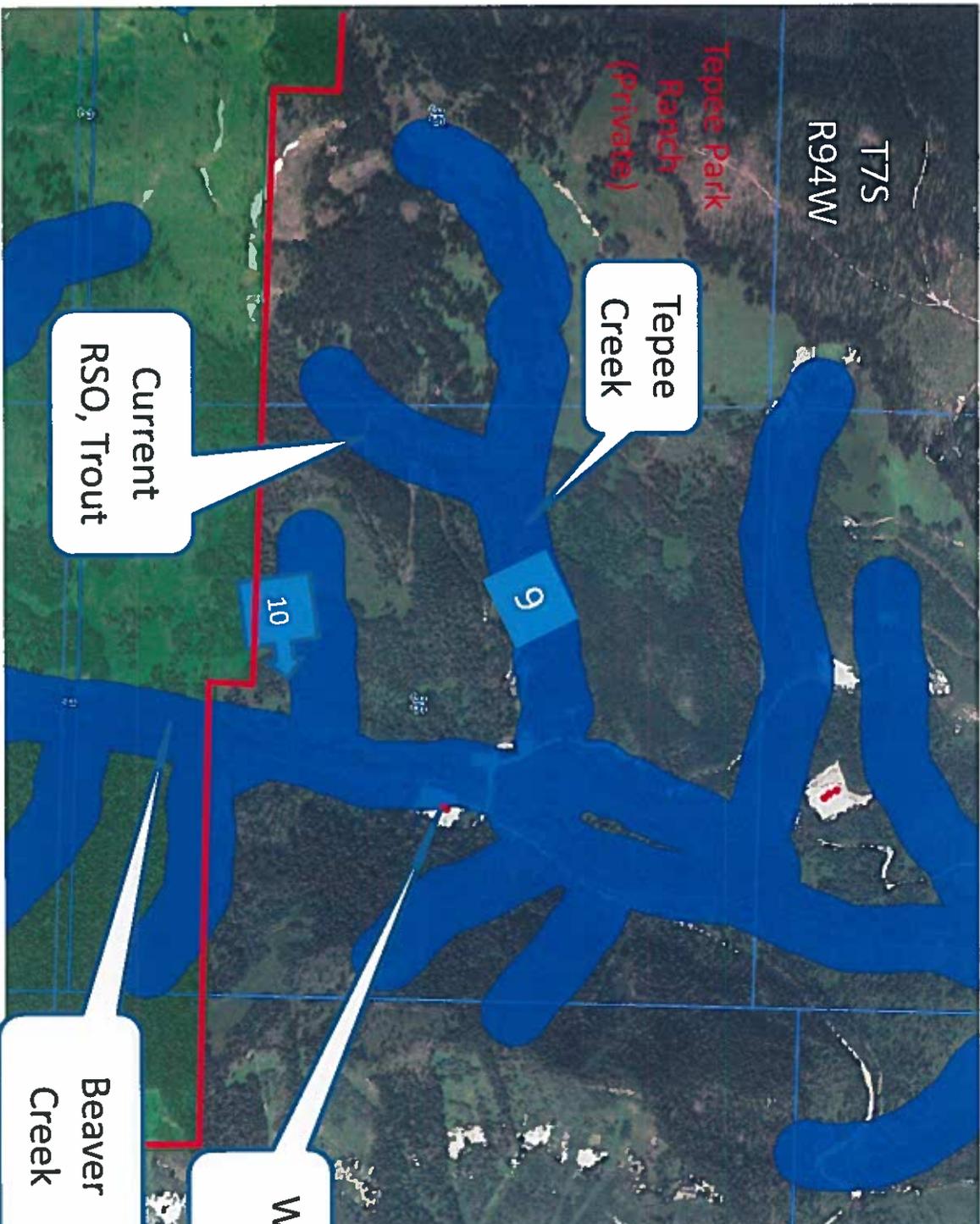
Figure #7, Picture Point #7. Culvert at Road crossing. Teepee Creek looking up stream. Taken 6/26/09, near peak run-off season, not suitable Trout Habitat.



Figure #8, Picture Point #8. Culvert at Road crossing. Teepee Creek looking down stream. Taken 6/26/09, near peak run-off season. Not Trout Habitat.



Map #4D Picture Locations



Picture Point
number and
direction

All pictures taken
near the peak of
run off season

Picture Point #9 & 10

Figure #9, Picture Point #9. Teepee Creek looking up & Down stream. Taken 6/2/09, near peak run-off season, not suitable Trout Habitat. From Buys & Assoc.

May 28 and June 2, 2009



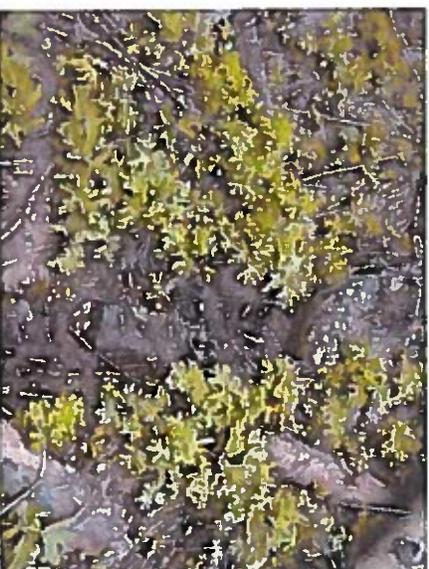
Waypoint 002, Teepee Creek, facing upstream.



Waypoint 002, Teepee Creek, facing downstream

Figure #10, Picture Point #10. Taken 6/2/09, near peak run-off season. Not Trout Habitat. From Buys & Assoc. water not where RSO is located.

Appendix A Photo Log 1



Waypoint 005A, Tributary to Beaver Creek where flow enters.



Waypoint 005A, Tributary to Beaver creek, downstream.