

BEFORE THE ENERGY AND CARBON MANAGEMENT COMMISSION  
OF THE STATE OF COLORADO

IN THE MATTER OF THE PROMULGATION )	CAUSE NO. 535
AND ESTABLISHMENT OF FIELD RULES )	
TO GOVERN OPERATIONS FOR THE )	DOCKET NO. 241200313
NIOBRARA FORMATION, DJ HORIZONTAL )	
NIOBRARA FIELD, ARAPAHOE COUNTY, )	TYPE: OIL AND GAS DEVELOPMENT
COLORADO. )	PLAN

**SUPPLEMENTAL FILING COMMENTS OF SAVE THE AURORA RESERVOIR**

**a. Introduction**

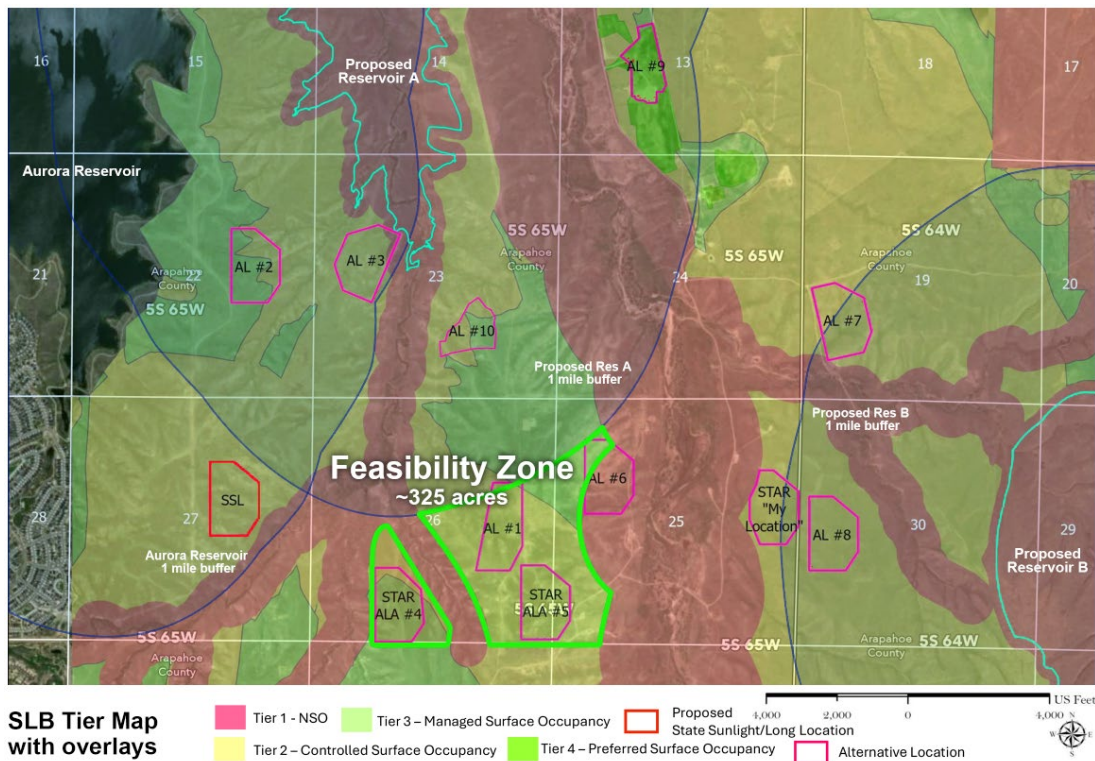
STAR appreciates the ability to participate in these Sunlight Long OGDG proceedings and the Commissioners’ December 12, 2025 Order requiring Crestone to, among other things, conduct a “comprehensive and narrative analysis of all feasible alternative oil and gas locations on Lowry Ranch lands.” *Order Staying Consideration of OGDG* at ¶ 14. When STAR approached Crestone and met with Crestone representatives on January 7, 2026, its intent was to fully participate in efforts to find a feasible location less impactful to public health, safety, and welfare than the currently proposed Crestone-preferred location. Unfortunately, instead of engaging in dialogue toward a mutually acceptable solution, STAR heard nothing else from Crestone until Crestone filed its supplemental materials at 10:30 p.m. on April 6, 2026. Within thirty-six hours, and without accepting input from the intervening parties, the Commission set an April 15, 2026 deadline for party responses and any slideshow presentation it intends to present to the Commissioners. STAR received one week to review and comment on materials that Crestone spent four months preparing.

**b. Summary of Feasible and More Protective Alternative Locations**

Despite the clear inequities in the Commission’s supplemental comment and hearing process, STAR still believes finding a Sunlight Long location consistent with the ECMC’s mitigation hierarchy is possible. STAR understands there will be adverse impacts no matter where the location is ultimately sited. This reality recently became even more apparent with Crestone’s existing operations around the Aurora Reservoir. Over forty noise complaints were lodged by residents against Crestone in the month of March alone. *See [COGIS Inspection / Incident Inquiry](#)*. Residents complained of constant nighttime noise that kept them and their families awake. Comments like “the noise woke us up over our noise machines again,” “for weeks now our sleep has been disturbed,” and “it is almost unbearable after hours” were common. Crestone is presumably implementing all its Best Management Practices at its other locations, yet extensive impacts on public health and welfare persist. If not moved by Commission order, Sunlight Long

will be the closest of all Crestone’s operations to a large residential neighborhood, and the receptor impacts will be even worse.

Distance from receptors is commonly accepted as a valuable tool for minimizing and mitigating impacts. Along those lines, STAR will focus its comments on an approximately 325-acre area within Sections 25 and 26. That feasibility zone includes two workable locations already summarized in Crestone’s supplemental materials, with the possibility for 2-3 *more* feasible options within the zone. None of those locations has zero adverse impacts, but they do minimize and mitigate impacts better than Crestone’s preferred location. Of note, Crestone claims these feasible locations in Sections 25 and 26 are not “viable,” but what makes them not viable in Crestone’s opinion is that some minerals within the DSU that Crestone itself designed and submitted will remain inaccessible. As the Commission is aware, the Act allows minerals to go unaccessed to protect public health, safety, welfare, the environment, or wildlife. *C.R.S. § 34-60-103(11), (12)*. The alternative locations within the feasibility zone are viable, they just aren’t as profitable for Crestone. STAR is confident if Crestone only had a geographic area similar to the feasibility zone within Sections 25 and 26 to work with, it would have found a preferred location within that area.



STAR appreciates Crestone analyzing the alternative locations provided by STAR during the November hearing and then CPW after the hearing. While STAR is not the applicant and it is not STAR’s burden to propose feasible alternative locations, it has endeavored to participate meaningfully and provide Crestone with helpful information. Nothing in the Commission’s Order

limited Crestone to analyzing locations provided by other entities, however. Crestone could have analyzed its own feasible alternative locations. For example, with ALA #1, Crestone noted the location was 940 feet from an intermittent stream and therefore would require a waiver from Arapahoe County. As the Commission's Order was for Crestone to conduct "a comprehensive and narrative analysis of all feasible alternative oil and gas locations on Lowry Ranch lands," Crestone could have analyzed whether moving ALA #1 sixty-one feet in a different direction would avoid the Arapahoe County waiver requirement while still minimizing or mitigating other impacts. Crestone chose not to analyze a location just feet away from ALA #1, nor to apply for a waiver from Arapahoe County. Crestone presented this issue as a disqualifier when instead it is a matter of effort. Other examples of this analysis gap will be detailed below.

### **1. ALA #1**

Crestone named ALA #1 in its original filing and detailed more information about that location in Supplemental Exhibit 111. To add to Crestone's disclosed information, it is important to note that ALA #1 would be located approximately 1.7 miles from the nearest existing residence, thus providing much more protection from adverse impacts to the people living in that densely populated neighborhood. ALA #1 would also develop 87.5% of the minerals within Crestone's DSU. It is outside of a High Priority Habitat.

Crestone named several wildlife considerations impacting whether, in its opinion, ALA #1 was "viable." A swift fox den was observed within a quarter mile of the location in 2018, and swift fox camera sightings were recorded within a quarter mile of ALA #1 in 2020 and 2023. This is an important consideration, but it should be brought up to date due to the swift fox's typical three-to-six-year lifespan in the wild. *See, e.g., [Wyoming Game and Fish Department swift fox summary](#).* In addition, as noted above, nothing in the Commission's Order prevented Crestone from analyzing another location an additional quarter mile to the south that could better minimize impacts on any currently active swift fox dens. The same observation applies to the impacts of this alternative location on an existing prairie dog colony.

Crestone also noted "small portions" of an access road to ALA #1 and a pipeline from the location would traverse Tier I State Land Board lands. While this is again an important consideration, Crestone failed to note that a small portion of the access road to its preferred location required a Tier I waiver from the State Land Board, and Crestone successfully obtained that waiver in June of 2025. Crestone has not yet attempted a similar waiver for any alternative locations.

### **2. ALA #4**

ALA #4 would be located 1.35 miles from the nearest existing residence, providing much greater protection from adverse impacts on the people living in that densely populated neighborhood. It would also develop 91.7% of the minerals in Crestone's DSU. It is outside of a High Priority Habitat. Crestone noted ALA #4 would be located less than 3,000 feet from the outer boundary of a future planned residential community. However, that issue did not appear to be an impediment to the Arapahoe County and ECMC approvals of a different OGD located even closer to the

planned community boundary, GMT Exploration's "Secret Stash," which was approved by Arapahoe County and the ECMC in 2025. Close proximity to a future neighborhood is a valid consideration in the Commission's overall analysis, but given the lack of any building commencing in that area up to this point, it would not be a disqualifier.

Crestone outlined concerns about pipeline impacts in this and other alternative location analyses; however, it did not provide information on exactly where it anticipates locating the pipelines. With ALA #4 in particular, even the State Land Board is unaware of Crestone's planned pipeline route from this location. *Supplemental Exhibit 124* at 2. Even if Crestone subsequently provides that information, it seems not to have done a similar analysis of which pipeline route could best avoid, minimize, or mitigate impacts. And even if Crestone had identified the least impactful pipeline route, it has already obtained permission to cross riparian areas and creeks at its preferred Sunlight Long location, as well as at the existing La Plata South location and the proposed Blanca West location. So, while crossing riparian areas and an intermittent stream is an adverse impact, it is not one Crestone felt compelled to avoid at other locations.

Regarding the extended haul route necessary for ALA #4 and other potential alternative locations, STAR understands Crestone's trucks will need to travel more miles than originally planned to reach an alternative location. Notably, those miles will not be close to the Aurora Reservoir as they would be from Crestone's preferred location, thus avoiding the potential adverse impacts of spills and other accidents along the haul route on an important residential water supply. This is an impact that should be weighed alongside all other factors, like how much the preferred location will affect thousands of people compared to the alternative locations, and not disqualify an alternative location entirely.

### **3. ALA #5**

ALA #5 would be located 1.5 miles from the nearest existing residence, providing much greater protection from adverse impacts on the people living in that densely populated neighborhood. It would develop 83.3% of the minerals in Crestone's DSU. It is outside of a High Priority Habitat area.

Crestone emphasized the potential impacts on piedmont grasslands with this location analysis. Grassland disturbance is an important consideration amongst several others; however, the choice in this case is not between a total lack of grassland disturbance and a high amount of grassland disturbance, it is a matter of degree. Crestone's *Supplemental Exhibit 133* ("Piedmont Grassland Habitat Assessment") determined the "combined score" representing grasslands impact of the preferred location at 35, or a low impact according to its scale. ALA #5 scored a 65 in the same assessment, which was classified as a medium impact. Other alternative locations scored as high as 85 and 90 on this scale. Incidentally, ALA #4 received the same grasslands impact score as Crestone's preferred location, and ALA #1 came in only five points higher, at 40. Regarding pipeline impacts, the preferred location pipeline scored low while the alternative pipeline route (which is not known to STAR) scored medium. It appears all of the named locations will disturb

piedmont grasslands to some extent, which should make grassland disturbance a relevant consideration, but hardly a disqualifier.

**c. Final Analysis**

Crestone filed twenty-four supplemental exhibits in response to the Commission’s December 12, 2025 Order, but has still failed to study all feasible locations or conduct a comprehensive cumulative impacts analysis as ordered by the Commission. These shortcomings will be further discussed during STAR’s April 21 presentation. Substantively, Crestone’s desire to find reasons to disqualify all alternative locations rather than finding a location that minimizes adverse impacts does not comply with the Act and Commission rules.

The Commission is well aware an applicant must prove its proposed location minimizes adverse impacts, which is defined as “to the extent reasonable and necessary to protect public health, safety, welfare, the environment, and wildlife resources, to (a) avoid adverse impacts from oil and gas operations, and (b) minimize and mitigate the extent and severity of those impacts that cannot be avoided.” *C.R.S. § 34-60-103(5.5)*. Crestone, by continuing to insist on its preferred Sunlight Long location, has not minimized adverse impacts. Crestone’s Supplemental Exhibit 122, its siting considerations ‘stoplight’ exhibit, assigns a green, yellow, or red square to fourteen different factors ranging from wildlife to cumulative impacts. It omits one of the most important considerations in determining whether it has minimized adverse impacts – the proximity of its preferred location to thousands of people and the Aurora Reservoir. While Crestone continues to pretend those adverse human impacts will not occur, the Commission knows differently and should weigh those impacts alongside the wildlife and biological resource impacts inherent in most Lowry Ranch locations.

On the other hand, the idea that Crestone would need to obtain additional waivers or variances from different governmental bodies to build at an alternative site should carry little weight. Crestone has already requested and received numerous waivers and variances for its Lowry Ranch projects, including the Sunlight Long location. The fact that it has not done so for an alternative location yet is more a reflection of Crestone’s level of diligence than of location feasibility.

**d. Conclusion**

Crestone has presented information about several feasible locations in its supplemental exhibits. None are without adverse impacts, but several of them more adequately minimize adverse impacts than Crestone’s preferred location. Crestone has the ability to present additional locations to the extent the existing alternative locations in the feasibility zone of Sections 25 and 26 should be slightly adjusted to further protect wildlife or biological resources. STAR requests the Commission use its authority under Rule 301.a to place a Condition of Approval on this OGD for Crestone to construct its Sunlight Long location within that area.

Respectfully submitted on this 15<sup>th</sup> day of April 2026, by:

/s/ Michael Foote

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 15, 2026, I electronically submitted to the ECMC e-filing platform in docket number 241200313 a true and correct copy of foregoing SUPPLEMENTAL FILING COMMENTS OF SAVE THE AURORA RESERVOIR.

/s/ Michael Foote  
Michael Foote