



Chevron Rockies Business Unit

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COGCC Wildlife Protection Plan- OGDG DP455 – YY18-07 Drill Pad

Per Colorado Oil and Gas Conservation Commission (COGCC) 300 Series and 1200 Series Rules for the protection of wildlife and habitat, Chevron/Noble (Noble) is presenting this Wildlife Protection Plan (WPP) for the proposed OGDG DP455 and specifically the YY18-07 Drill Pad, presented as Figure 1. OGDG DP455 includes two separate drill pads reporting to an existing and centralized production facility and lies within T2N, R63W, Section 18 (SW/NE) and T2N, R64W, Section 12 (SW/SE). The evaluations herein are submitted in support of the COGCC 2A permitting process and specifically the YY18-07 Drill Pad, pursuant to Rule 304.c.(17) Wildlife Protection Plan, and Rule 1201.a for an Oil and Gas Location outside of High Priority Habitat (HPH). It should be noted that figures supporting this WPP are schematic representations used for approximate presentation of environmentally sensitive habitat in the project area, and that full design drawings should be referenced for detailed location placement and analysis.

Operating Requirements

Pursuant to Rule 1202.a, Noble commits to the following Operational Requirements in protection of the OGDG DP455, YY18-07 Drill Pad environment.

- Black Bear Habitat 1202.a.(1)- The proposed YY18-07 Drill Pad is not within black bear habitat.
- Water Transportation 1202.a.(2)- Noble will follow appropriate protocols for disinfecting water collection and transportation equipment and thereby protecting any surface water sources utilized by Noble operations.
- Refueling/Chemical Storage Areas 1202.a.(3)- Ennis Draw and it's associated fringe-wetlands are located in the immediate area Northwest of the YY18-07 Drill Pad (Figure 1). As described below under Environmental Review, a Professional Wetland Scientist (PWS) provided full hydrologic review of surface waterway, wetlands, irrigation channel, and riparian areas potentially impacted by the YY18-07 pad construction and operations (full reporting is attached to this plan). Based on this detailed review, Noble will not be situating new staging, refueling, or chemical storage areas within 500 feet of the Ordinary High-Water Mark (OHWM) or associated wetlands of Ennis Draw.
- Wildlife Exclusions 1202.a.(4)- Noble will implement appropriate wildlife exclusion devices for drilling, completion and production operations. Noble will not construct or utilize drilling pits or production pits on location. Permanent medium or large volume secondary containment structures are not anticipated for the project. However, fresh water may be stored on location in Minion Tanks during well drilling/completion activities.

These tanks are completely netted/covered to protect wildlife and are treated for WNV and larvae control.

The following wildlife exclusion devices will be installed:

- Fencing may be installed and maintained around the pad perimeter following drilling and completion activities and in coordination with surface landowner preferences
 - Netting will be installed and maintained on all small-volume secondary containment structures that may hold precipitation and liquids
 - Drip pans will have functional lids and be kept closed
 - Bird exclusion devices will be installed on the vent stacks for all separation and combustion devices
 - All produced water and water collection vessels will be close-topped, and all access ports will be sealed or netted
 - Administrative Controls- regular inspections and good housekeeping practices will be followed for early prevention/detection of wildlife-related issues
-
- Trenching 1202.a.(5)- Any flowline/pipeline trenches left open for more than five consecutive days will have wildlife escape ramps at a minimum of one ramp per ¼ mile of trench.
 - Reclamation and Seed Mix 1202.a.(6)- While conducting interim and final reclamation activities (pursuant to 1000 Series Rules), Noble will use CPW-recommended seed mixes when consistent with the Surface Owner's approval and any Soil Conservation District requirements.
 - Fencing 1202.a.(7)- Noble will use CPW-recommended fence designs when consistent with the Surface Owner's approval and any relevant Local Government requirements.
 - Migratory Birds 1202.a.(8)- Noble will conduct all vegetation removal necessary for Oil and Gas Operations outside of the established nesting season for migratory birds (April 1-July 31). For any vegetation removal activities performed between April 1 and July 31, Noble will conduct pre-construction nesting surveys within the proposed disturbance area prior to vegetation removal. Should active nests be located, Noble will establish appropriate work zone buffers.
 - West Nile Virus and Mosquito Larvae Control 1202.a.(9)- Noble will not utilize drilling or production pits. However, fresh water may be stored on location in Minion Tanks during well drilling/completion activities. These tanks are completely netted/covered to protect wildlife and are treated for WNV and larvae control.
 - 1202.a.(10) Best Management Practices for activities in Proximity to Aquatic HPH 1202.c.(1).Q-S- Noble has not proposed any activities within 500-1000 feet from Aquatic HPH areas for the OGD DP455 development.

OGDP DP455- FIGURE 1

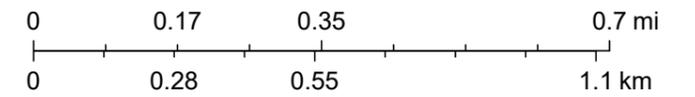


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Colorado Parks and Wildlife, Maxar

Additional Committed BMPs

- Best Management Practices- The following additional BMPs are committed under this Wildlife Protection Plan and are standard Noble processes for new development.
 - Noble will pre-clear all proposed disturbances according to CPW guidance meeting Migratory Bird Treaty Act (MBTA), Bald and Golden Eagle Protection Act (BGEPA) and Endangered Species Act (ESA) laws in protection of active nesting activities, observe CPW/USFWS requested protected buffers for active nesting species, and consult with CPW/USFWS as warranted.
 - Noble will install and maintain bird-deterrent devices on all open-vent exhaust stacks on production equipment to discourage perching, roosting and nesting activities.
 - Will employ Noble's Stormwater Management Program to protect soil resources, minimize erosion, identify pollutants, apply pollutant control measures, and conduct regular inspections.
 - All interim and final reclamation areas will be contoured and re-vegetated to a stable condition to restore natural habitats for wildlife species.
 - Noble will meet weed management targets during construction, drilling, production and reclamation lifecycles.
 - Noble commits to employ Noise, Light, Dust and Odor mitigation efforts meeting COGCC Series 400 Rules in the protection of Wildlife Resources. A general summary of wildlife BMP commitments under the Series 400 aesthetic rules and incorporated by this WPP include:
 - Prior to the commencement of Production Operations, Noble will take all necessary and reasonable precautions to ensure that lighting, dust, noise and odor from the Oil and Gas Location does not unnecessarily impact the health, safety, and welfare of Wildlife occupying any High Priority Habitat within 2,000 feet of the Oil and Gas Location. For permanent facilities this includes:
 - Identify permanent and temporary housing of resident wildlife and ensure locations are recorded in wildlife reports kept in-house by HSE
 - Conduct a daily walkthrough of the location to ensure no wildlife have built nest(s) in/around lighting or noise sources. If nest(s) are found, HSE reporting will be issued to appropriate personnel to either remove the nest and/or temporarily abandon the lighting source until nest is abandoned.
 - Inform and educate all field employees and contractors on wildlife conservation practices, including no harassment or feeding of wildlife.
 - Utilization of telemetry equipment for remote monitoring to limit in-person visitation by production operations personnel.
 - Institute the Noble safety program meeting Operational Excellence Management System initiatives and "Stop Work" authority.
 - Construct pipeline infrastructure to provide takeaway of oil, natural gas, and fresh and produced water from the CDP development, eliminating truck traffic and emissions associated with hauling product from the oil and gas development and limiting vehicle/wildlife interactions.
 - Any encroachment of wetlands or active water ways potentially considered Waters of the United States (WOTUS) will be reviewed and/or protected under USACE Nationwide or General Permit processes.

Environmental Review

Noble's OGD DP455 will include two drill pads that produce to a pre-existing production facility. The development does not encroach upon any 1202.c. or 1202.d. HPH. Ennis Draw and its associated wetland complex is located approximately 2,281' northwest of the YY18-07 drill pad as depicted on Figure 1. Potential environmental constraints for the project include this water-way structure and its associated wetland areas.

Hydrologic field review by SWCA Environmental Services Professional Wetland Scientist (PWS) was performed the week of April 1st, 2023. Survey activities were performed based on existing hydrologic features identified in the field including National Wetland Inventory (NWI)-mapped wetlands and National Hydrography Dataset (NHD) delineations, and the features presented on the YY18-07 Well Pad Hydrology Map submitted with the 2A packet. As depicted on Figure 2, SWCA confirmed that the NWI-mapped intermittent northwest of the proposed pad surface were determined to be non-wetland characteristic waterbodies with upland characteristics. No other associated wetlands, water features or hydrophytic plant or soil indicators were identified within 500' of the pad area or within the proposed pad disturbance footprint.

The recent hydrology field investigation suggests that per Rule 1202.a.(3) pad placement, construction, drilling/completions and operations will not impact the Ennis Draw waterway or wetlands northwest of the proposed pad, and the presence of chemical injection skids, acid and chlorine dioxide tanks, and fuel tanks on the YY18-07 drill pad will not be placed within 500' or any aquatic feature, associated wetlands, water features or area of hydrophytic plant or soil indicators.

Flowline and access road installation between the western Y12-15 and eastern YY18-07 drill pads, will be constructed through Ennis Draw (Figure 1). Noble obtained an Approved Jurisdictional Determination (AJD) through the U.S. Army Corps of Engineers, Omaha District (Approval No: NWO-2019-01630-DEN) with final determination that the wetlands and waterway(s) associated with Ennis Draw are excluded waters and non-jurisdictional, in accordance with Section 404 of the Clean Water Act. Therefore, flowline (which will be bored under Ennis Draw) and access road construction through Ennis Draw will not require USACE Permitting for the proposed work. Noble will protect Colorado wetlands and water ways by utilizing appropriate stormwater and spill prevention Best Management Practices (BMPs) to prevent fill or stormwater discharge from entering the Ennis Draw habitat during construction activities. The complete Aquatic Resources Inventory Report and AJD for the YY18-07 Drill Pad are attached to this Wildlife Protection Plan.

FIGURE 2- YY18-07 Drill Pad

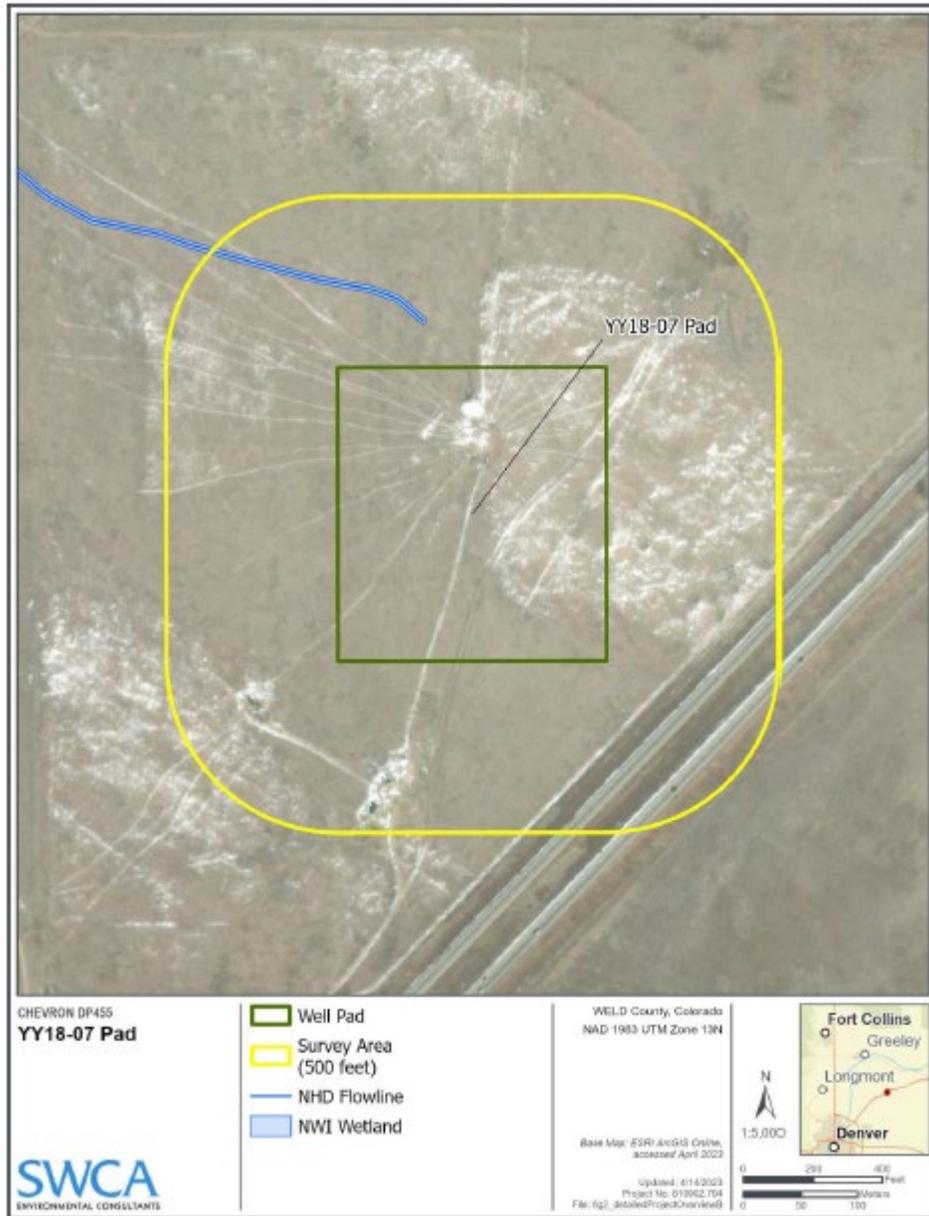


Figure A-2. Aerial overview of the YY18-07 pad survey area.

Wildlife Protection Plan References and Sources

State of Colorado Rulemaking in support of Sensitive and Protected Species/Habitat:

Document references to COGCC Rules in support of this Wildlife Protection Plan include:

- 300 Series Rules:
 - Rule 304: Form 2A: Oil and Gas Location Assessment Application
 - Rule 309: CPW Consultation
- 400 Series Rules:
 - Dust, Light, Noise and Odor Mitigation
- 500 Series Rules:
 - 529: Rulemaking Proceedings
- 1200 Series Rules: Protection of Wildlife Resources

Source: [COGCC Regulation \(state.co.us\)](https://state.co.us/cogcc/regulation)

Colorado Parks and Wildlife:

Colorado Parks and Wildlife High Priority Habitat maps in support of COGCC Rule Making and supporting this Wildlife Protection Plan:

Source: [COGCC Maps \(state.co.us\)](https://state.co.us/cogcc/maps)

Colorado Parks and Wildlife, Department of Natural Resources- Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors (2020):

Colorado Parks and Wildlife, Department of Natural Resources- Recommended Survey Protocol and Actions to Protect Nesting Burrowing Owls (revised 4/6/21):

Source: [Colorado Parks and Wildlife \(state.co.us\)](https://state.co.us/cpw/wildlife)

U.S. Endangered Species Act (ESA):

“Take” (as defined by ESA) of a federally-protected threatened and endangered species is illegal without permit. The project analysis must take into consideration threatened and endangered species as well as candidate and/or petitioned species. Species information may be obtained by contacting a local U.S. Fish and Wildlife field office with project information and/or accessed via the source below:

Source: <https://ecos.fws.gov/ipac/>

Critical Habitat under ESA

Critical habitat are specific areas deemed essential to the conservation of (ESA) endangered and threatened species and may need special management or protections. Projects must be evaluated for the presence of critical habitat.

Source: <https://www.fws.gov/southeast/endangered-species-act/critical-habitat/>

Migratory Bird Treaty Act (MBTA):

The MBTA prohibits intentional take of federally-protected birds without permit. Projects shall be evaluated for risk of take of MBTA-listed species, focusing on those species listed Birds of Conservation Concern (BCC) and Birds of Management Concern (BMC). This information may be obtained by contacting a local U.S. Fish and Wildlife field office with project information and/or may be accessed at the source below:

Source: <https://ecos.fws.gov/ipac/>

Bald and Gold Eagle Protection Act (BGEPA):

“Take” (as defined by BGEPA) of federally protected eagles is illegal without permit. Projects shall be evaluated for risk of take of bald and golden eagles. Species information may be obtained by contacting a local U.S. Fish and Wildlife office with project information and/or may be accessed at the source below:

Source: <https://ecos.fws.gov/ipac/>

Clean Water Act (CWA):

The CWA regulates the discharge of pollutants into the Waters of the United States and quality standards for surface waters. CWA makes it unlawful to intentionally or negligently discharge any pollutant from a point source into navigable waters, unless a permit is obtained.

Waters of the United States (WOTUS):

The Department of the Army, acting through the U.S. Army Corps of Engineers, has authority to permit the discharge of dredged or fill material in waters of the U.S. under Section 404 of the CWA, and permit work and the placement of structures in navigable waters of the U.S. under Sections 9 and 10 of the Rivers and Harbors Act of 1899. Projects resulting in impacts to WOTUS are subject to federal permitting requirements. Projects shall be evaluated for risk of impacts to jurisdictional Waters of the United States.

In addition to the use of topographic maps, the following information is useful for WOTUS determinations:

National Hydrography Dataset (NHD)/Watershed Boundary Dataset:

Source: https://nhd.usgs.gov/NHD_High_Resolution.html

USFWS National Wetland Inventory (NWI) Mapper:

Source: <https://www.fws.gov/wetlands/>

NOTE: National Resource Conservation Service (NRCS) Soil and Topography Data (see section below) must be utilized to ascertain presence of hydric soils and flood risk.

National Historic Preservation Act (NHPA)/Colorado Historical, Prehistorical and Archaeological Resources Act of 1973):

Projects shall be evaluated for presence of cultural resources and historical artifacts.

NOTE: Archaeological investigations must be performed or supervised by an archaeologist who meets the U.S. Secretary of the Interior's Professional Qualification Standards for Archaeology (48FR 22716 or 36 CFR Part 61); or meets the requirements for Principal Investigator defined in 8 CCR 1405-7.

Federal Emergency Management Administration (FEMA) Floodplain;

Projects constructed in floodplains may require additional permitting. Projects shall be evaluated for potential impacts to floodplains and flood risk.

Source: <https://msc.fema.gov/portal>

NOTE: If floodplain maps are not available (i.e. "unmapped"), NRCS Soil and Topography Data must be used for planning purposes (See NRCS data below).



Aquatic Resources Inventory Report for the Proposed Development of the YY18-07 Pad, Weld County, Colorado

APRIL 2023

PREPARED FOR

Chevron Rockies Business Unit

PREPARED BY

SWCA Environmental Consultants

AQUATIC RESOURCES INVENTORY REPORT FOR THE PROPOSED DEVELOPMENT OF THE YY18-07 PAD, WELD COUNTY, COLORADO

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1 INTRODUCTION

On behalf of Chevron Rockies Business Unit (Chevron), SWCA Environmental Consultants (SWCA) completed an aquatic resources inventory, commonly referred to as a wetland delineation, for the proposed development of the YY18-07 pad located in Weld County, Colorado (Figure A-1). SWCA evaluated and delineated wetlands and other aquatic resources that are within 500 feet of the proposed pad area (survey area). The approximate center point of the proposed development is at latitude 40.141564°, longitude -104.480486° (see Figure A-1). The goal of this aquatic resources inventory is to identify aquatic resources containing an ordinary high-water mark (OHWM) or wetland within 500 feet of the proposed development in order to comply with the Colorado Oil and Gas Conservation Commission's (COGCC's) Rule 1202(3).

The aquatic resources inventory included the identification and recording of features that may be determined to be waters of the U.S. (WOTUS) by the U.S. Army Corps of Engineers (USACE). WOTUS includes waterbodies such as rivers, creeks, streams, arroyos, lakes, and associated wetlands that have connectivity to downstream navigable waters or tidal seas. Under the Clean Water Act, wetlands are aquatic resources that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (USACE 1987). Non-wetland waters are generally identified and delineated by the presence of an OHWM, which is a defined boundary on the shore or bank of an aquatic resource established by water fluctuations and movement.

2 METHODS

The aquatic resources inventory included a desktop review of existing data and a field survey. The following sections provide a summary of the methods used to generate the recorded data and aquatic resource mapping.

2.1 Desktop Review

SWCA conducted a desktop review of existing spatial data prior to the field survey to identify areas with the greatest potential for aquatic resources. Sources used during the desktop review included U.S. Geological Survey (USGS) 7.5-minute quadrangles, U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) maps (USFWS 2022), the National Hydrography Dataset (NHD) (USGS 2023), the USGS StreamStats tool (Version 4.14.0) (USGS 2020), Natural Resources Conservation Service (NRCS) soil survey maps (NRCS 2021a), and historic and current aerial photographs of the survey area (Google Earth 2023; NETROnline 2023).

2.2 Field Survey

The aquatic resources inventory included a desktop review of existing data and a field survey. SWCA conducted the aquatic resources field survey on March 22, 2023. SWCA biologists performed formal wetland and waterbody delineations within 500 feet of the proposed oil and gas location on accessible parcels crossed by the proposed development. The following sections provide a summary of the methods used during the field survey to collect data and develop aquatic resource mapping.

2.2.1 Mapping

A handheld global positioning system (GPS) receiver with sub-meter accuracy was used to record delineated wetland and waterbody boundaries and geographically reference data points during the field survey. Geographic information system (GIS) software was used to analyze recorded features, calculate areas, and generate the survey area maps. When potential wetland or non-wetland waters within the survey area were located on adjacent land for which Chevron did not have access permission or extended outside of accessible parcels, SWCA visually confirmed these resources from available access points and digitized boundaries from the best available aerial imagery.

2.2.2 Wetlands

The presence/absence of wetlands was determined in the field using delineation methods provided in the *Corps of Engineers Wetlands Delineation Manual* (Manual) (USACE 1987) and the *Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Great Plains Region (Version 2.0)* (Regional Supplement) (USACE 2010). Data at each potential wetland were recorded on the Regional Supplement wetland determination data forms. Determination of wetland habitat (type) is based on the classification system developed by Cowardin et al. (1979). Per the Manual and Regional Supplement, wetlands are present in areas where three wetland parameters (i.e., wetland hydrology, hydric soils, and hydrophytic vegetation community) are present under normal circumstances. The presence of these wetland parameters is determined using the indicators provided in the Regional Supplement. One data point is recorded within each potential wetland (or wetland type for proximate, similar wetlands) along with a corresponding upland data point. These data provided the basis for mapped wetland–upland boundaries.

2.2.3 Non-wetland Waters

The presence and extent of non-wetland waters (e.g., constructed ditches and reservoirs, active channels, and ponds) was determined in the field using the guidance and methods provided in the USACE Regulatory Guidance Letter No. 05-05 (USACE 2005) and the USACE's *A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States* (USACE 2008) (Technical Guidance). An OHWM is the line on a shore established by fluctuations of water and is typically identified by physical characteristics such as a clear, natural line impressed on the bank; shelving; changes in the character of soil; destruction of terrestrial vegetation; the presence of litter and debris; or other appropriate means that consider the characteristics of the surrounding areas. The spatial extent of non-wetland waters is delineated using the identified OHWM for each feature.

Non-wetland waters were characterized hydrologically as ephemeral, intermittent, or perennial waters. Ephemeral features flow only in direct response to precipitation or snowfall and flow for a brief period of time. Intermittent waters have prolonged flow that is sustained (at least in part) by melting snowpack or a groundwater source. Perennial waters flow continuously but may have periods of less flow. According to the USACE Manual and Technical Guidance (USACE 1987, 2008), erosional features that lack an OHWM or a continuous OHWM are not WOTUS.

3 RESULTS

The results of the desktop review and field survey for the YY18-07 pad are presented in the following sections. Maps of the survey area are provided in Appendix A, representative photographs of the survey area are provided in Appendix B, and the NRCS soil report for the survey area is provided in Appendix C.

3.1 General Observations and Desktop Review

The YY18-07 pad survey area is in the Middle South Platte-Cherry Creek basin (10190003), roughly 4,893 feet above sea level (see Figure A-1). The survey area terrain is flat, generally sloping to the north, and primarily consists of heavily grazed grassland, rangeland, and oil and gas development (Figures B-1–4). Based on data provided by the USGS StreamStats tool, the survey area is in an approximately 7.47-square-mile drainage basin that receives approximately 14.41 inches of mean annual precipitation (USGS 2020).

The survey area is not located within a 100-year floodplain. The closest 100-year floodplain is associated with Lost Creek, located approximately 2.02 miles southeast of the survey area (COGCC 2023; Federal Emergency Management Agency 2023). Geologic mapping for this area indicates that the survey area is in quaternary dune sand, silt, and Peoria Loess known as Eolian Deposits (Tweto 1979). According to the NRCS soil surveys for Weld County, Colorado, the soil map unit within the survey area does not have the potential to fulfill the hydric soil criteria (NRCS 2021b). The dominant soil map unit present within the survey area is Olney loamy sand, 3 to 5 percent slopes, described as well drained and has recorded depths to groundwater greater than 80 inches (NRCS 2021a) (see Appendix C).

The latest NHD and NWI maps indicate that there is one potentially jurisdictional wetland and waterbody within 500 feet of the proposed YY18-07 pad (USFWS 2022). The area northwest of the proposed pad encompasses a super-imposed mapped unnamed stream and riverine feature (see Figure A-2). The results of the field survey confirm that these features are upland and require no further action.

Based on SWCA’s review of available data and observations made at the time of the survey, hydrologic conditions in the vicinity of the survey area are generally representative of typical conditions for this time of year. The recorded rainfall amounts for January to March 2023 are compared with normal rainfall amounts for these months in Table 1. According to data obtained from Weather Underground (2023), in the 3-month period preceding SWCA’s site visit, the survey area received less-than-normal rainfall, with less-than-normal precipitation in all 3 months assessed.

Table 1. Monthly Recorded Precipitation at the Greeley, Colorado, Weather Station

Month	Recorded Rainfall (inches)	Normal Rainfall (inches)	Difference (inches)
January 2023	0.44	0.48	0.04
February 2023	0.18	0.40	0.22
March 2023	0.58	1.12	0.54
Total	1.20	2.00	0.80

Sources: U.S. Climate Data (2023); Weather Underground (2023).

3.2 Field Survey

Qualified SWCA biologists conducted the on-site field survey on March 22, 2023. SWCA biologists performed formal wetland and waterbody delineations within 500 feet of the proposed oil and gas location on accessible parcels crossed by the proposed development; visual wetland assessments followed by desktop delineations are conducted on parcels not crossed by a project for which Chevron does not have permission for pedestrian access.

3.2.1 Wetlands

SWCA identified no wetlands within the survey area. The field survey confirmed that the NWI-mapped riverine feature contains upland characteristics, and no further action is required.

3.2.2 Non-wetland Waters

SWCA identified no non-wetland waterbodies within the survey area. The field survey confirmed that the NHD-mapped unnamed stream contains upland characteristics, and no further action is required.

4 SUMMARY AND RECOMMENDATIONS

No wetlands or non-wetland waterbodies with an OHWM were delineated within the YY18-07 survey area. Based on the NWI and NHD maps, field survey, and proximity of the proposed pad to the nearest aquatic resource, disturbance from construction is not anticipated to impact potentially jurisdictional aquatic resources; therefore, proposed pad construction is not expected to trigger permitting under the Clean Water Act (U.S. Environmental Protection Agency 2008). Additionally, regarding the COGCC Rule 1202(3), Chevron is not proposing new staging, refueling, or chemical storage areas within 500 feet of an OHWM associated with a river, perennial or intermittent stream, lake, pond, or wetland.

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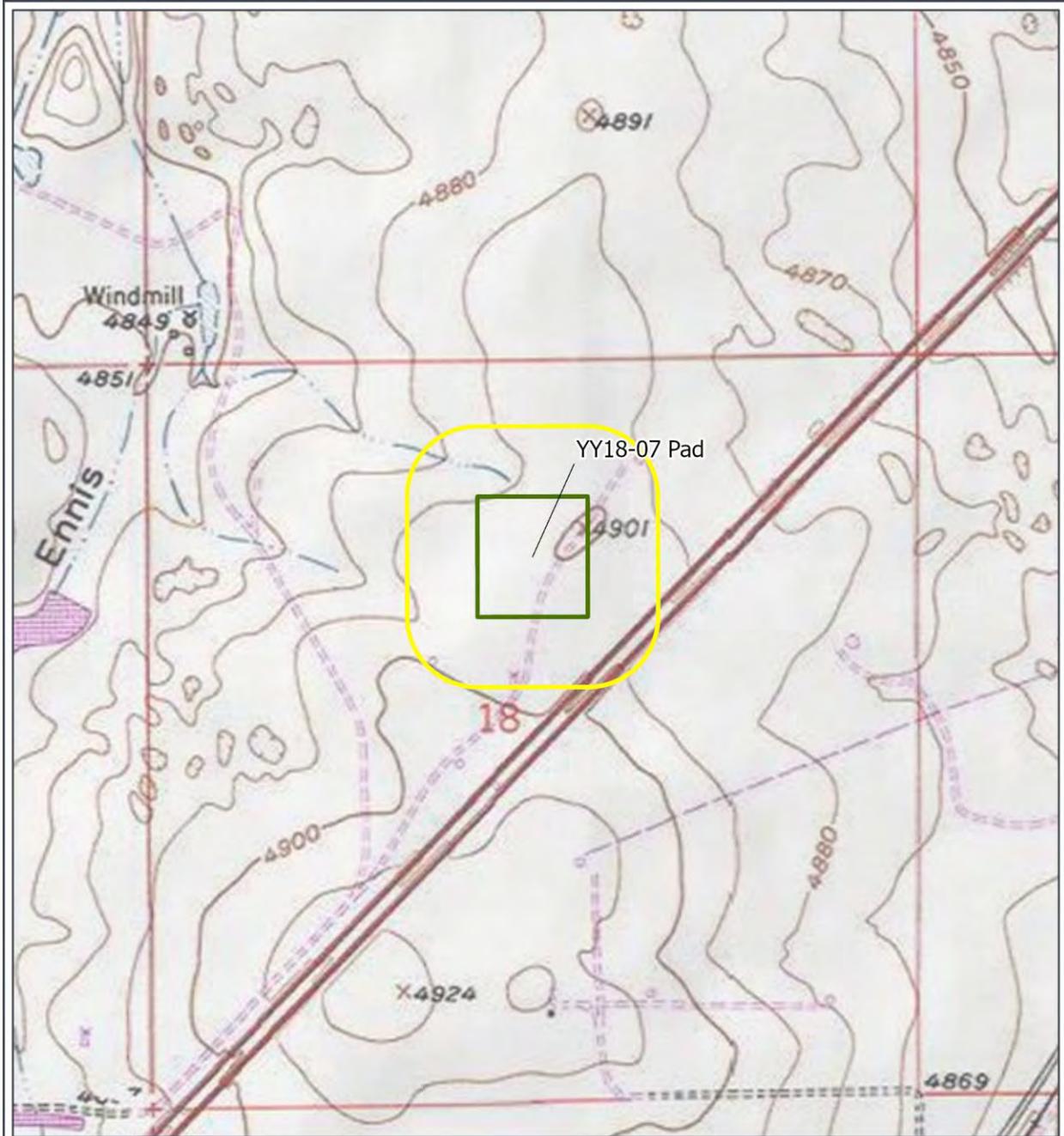
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APPENDIX A

Aquatic Resources Inventory Maps



CHEVRON DP455
YY18-07 Pad Overview

- Well Pad
- Survey Area (500 feet)



WELD County, Colorado
 NAD 1983 UTM Zone 13N

Base Map: ESRI ArcGIS Online,
 accessed April 2023
 Updated: 4/14/2023
 Project No. 810902.794
 File: fig1_projectOverviewB

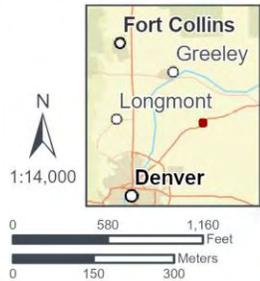


Figure A-1. Overview of the YY18-07 pad survey area.



CHEVRON DP455
YY18-07 Pad



- Well Pad
- Survey Area (500 feet)
- NHD Flowline
- NWI Wetland

WELD County, Colorado
 NAD 1983 UTM Zone 13N

Base Map: ESRI ArcGIS Online,
 accessed April 2023

Updated: 4/14/2023
 Project No. 810902.794
 File: fig2_detailedProjectOverviewB

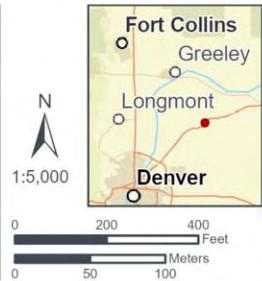


Figure A-2. Aerial overview of the YY18-07 pad survey area.

APPENDIX B

Photographs of Survey Area



Figure B-1. Overview of the proposed YY18-07 pad location; view facing north.



Figure B-2. Overview of the proposed YY18-07 pad location; view facing east.



Figure B-3. Overview of the proposed YY18-07 pad location; view facing south.

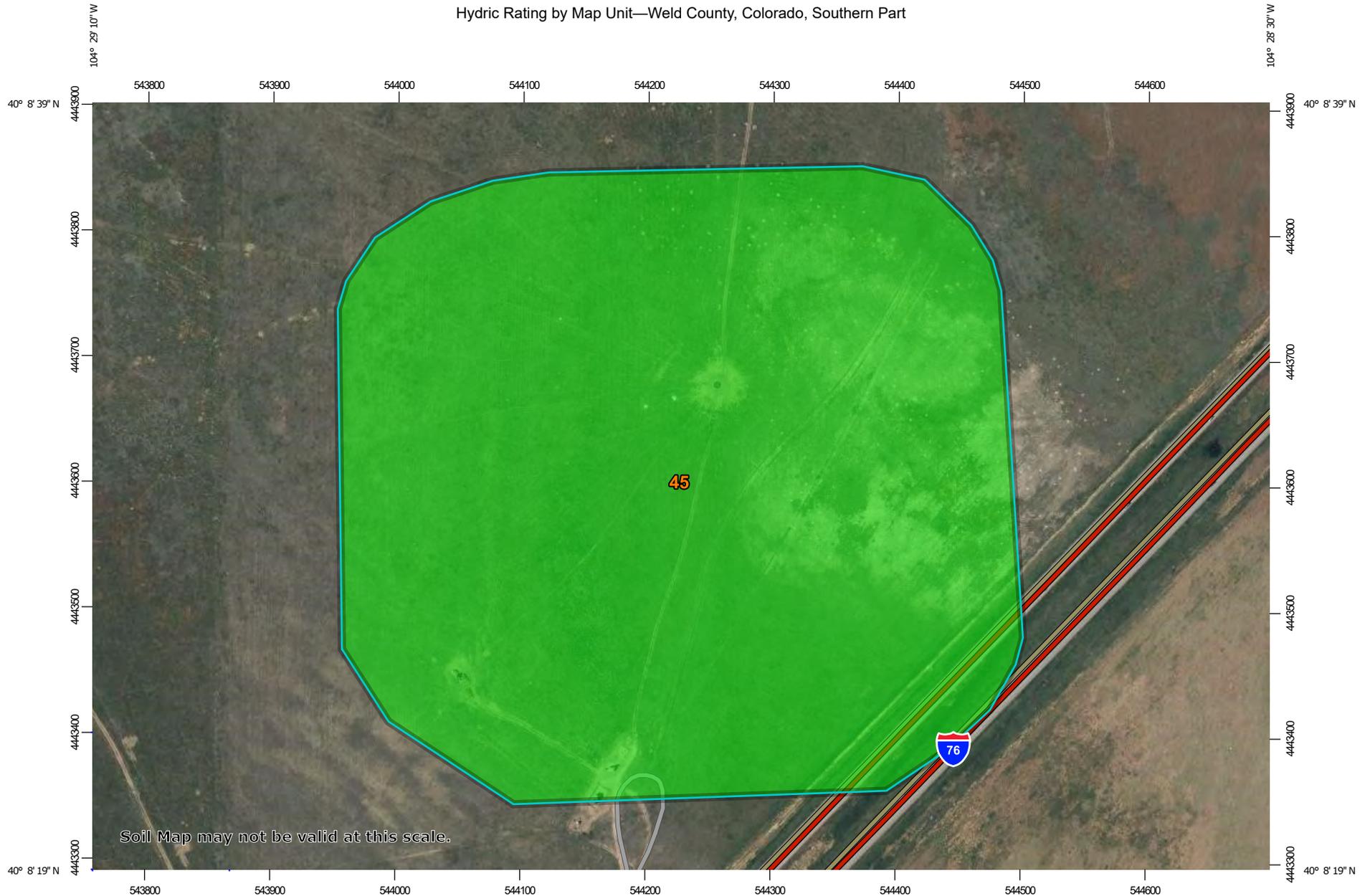


Figure B-4. Overview of the proposed YY18-07 pad location; view facing west.

APPENDIX C

Natural Resources Conservation Service Soil Report for Survey Area

Hydric Rating by Map Unit—Weld County, Colorado, Southern Part



Soil Map may not be valid at this scale.

Map Scale: 1:4,300 if printed on A landscape (11" x 8.5") sheet.



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

Soil Rating Polygons

-  Hydric (100%)
-  Hydric (66 to 99%)
-  Hydric (33 to 65%)
-  Hydric (1 to 32%)
-  Not Hydric (0%)
-  Not rated or not available

Soil Rating Lines

-  Hydric (100%)
-  Hydric (66 to 99%)
-  Hydric (33 to 65%)
-  Hydric (1 to 32%)
-  Not Hydric (0%)
-  Not rated or not available

Soil Rating Points

-  Hydric (100%)
-  Hydric (66 to 99%)
-  Hydric (33 to 65%)
-  Hydric (1 to 32%)
-  Not Hydric (0%)
-  Not rated or not available

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Weld County, Colorado, Southern Part
 Survey Area Data: Version 21, Sep 1, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 8, 2021—Jun 12, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydric Rating by Map Unit

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
45	Olney loamy sand, 3 to 5 percent slopes	0	62.0	100.0%
Totals for Area of Interest			62.0	100.0%



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BOULEVARD
LITTLETON, COLORADO 80128-6901

November 6, 2019

SUBJECT: Approved Jurisdictional Determination, DPG 455/456 Well Site Project, Corps File No. NWO-2019-01630-DEN, Weld County, CO

Mr. Michael Keller, PG
Noble Energy
2115 117th Avenue
Greeley, CO 80634

Dear Mr. Keller:

Reference is made to the above-mentioned project centered at approximately 40.146672°N, -104.489568°W, in Weld County, Colorado. You have requested an Approved Jurisdictional Determination for all aquatic resources found at the project location.

The project area has been reviewed in accordance with Section 404 of the Clean Water Act under which the U.S. Army Corps of Engineers regulates the discharge of dredged and fill material, and any excavation activity associated with a dredge and fill project in waters of the United States.

The Corps has determined that Wetland 1 and OHWMs 1, 2, 3, 4, 5, 6, 7, 8, and 9 are excluded waters and are therefore not jurisdictional. In that regard, no permit is required for work at this location.

At your request, an approved jurisdictional determination (JD) has been completed for two aquatic resources in this area. The JD is attached to this letter. If you are not in agreement with the JD decision, you may request an administrative appeal under regulation 33 CFR 331, by using the attached Appeal Form and Administrative Appeal Process form. The request for appeal must be received within 60 days from the date of this letter. If you would like more information on the jurisdictional appeal process, contact this office. It is not necessary to submit a Request for Appeal if you do not object to the JD.

This JD is valid for a period of five years from the date of this letter, unless new information warrants revisions of the JDs before the expiration date, or unless the Corps has identified, after a possible public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.

If there are any additional questions or concerns, please contact **Mr. Nicholas Franke** of my office at **303-979-4120** or by email at Nicholas.A.Franke@usace.army.mil and reference **Corps File No. NWO-2019-01630-DEN**.

Sincerely,

A handwritten signature in cursive script that reads "Kiel Downing". Below the signature, the word "For" is written in a smaller, simpler font.

Kiel Downing
Chief, Denver Regulatory Office

Attachments:

- Approved Jurisdictional Determination (November 6, 2019)
- Approved Jurisdictional Determination Appeal Form
- Approved Jurisdictional Determination Appeal Form Instruction Sheet



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Regulatory Program



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APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in the Approved Jurisdictional Determination Form User Manual.

SECTION I: BACKGROUND INFORMATION

A. COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): November 6, 2019

B. ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ): NWO-2019-01630-DEN

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Colorado County/parish/borough: Weld City: Keenesburg

Center coordinates of site (lat/long in degree decimal format): Lat. 40.146672°N, Long. -104.489568°W.

Map(s)/diagram(s) of review area (including map identifying single point of entry (SPOE) watershed and/or potential jurisdictional areas where applicable) is/are: attached in report/map titled

Other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different JD form. List JD form ID numbers (e.g., HQ-2015-00001-SMJ-1):

D. REVIEW PERFORMED FOR SITE EVALUATION:

Office (Desk) Determination Only. Date:

Office (Desk) and Field Determination. Office/Desk Date: November 6, 2019. Field Date: September 30, 2019.

SECTION II: DATA SOURCES

Check all that were used to aid in the determination and attach data/maps to this JD form and/or references/citations in the administrative record, as appropriate.

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant. Title/Date: Fig. A-1, Project Location; and Fig. A-2, Overview of Field-Surveyed Wetlands & Waterbodies, SWCA Environmental, Sept. 18, 2019

Data sheets prepared/submitted by or on behalf of the applicant/consultant.

Office concurs with data sheets/delineation report.. Title/Date: SWCA Environmental, September 18, 2019.

Office does not concur with data sheets/delineation report. Summarize rationale and include information on revised data sheets/delineation report that this JD form has relied upon: Revised Title/Date:

Data sheets prepared by the Corps. Title/Date:

Corps navigable waters study. Title/Date:

CorpsMap ORM map layers. Title/Date:

USGS Hydrologic Atlas. Title/Date:

USGS, NHD, or WBD data/maps. Title/Date:

USGS 8, 10 and/or 12 digit HUC maps. HUC number: HUC8: 10190003; HUC12: 101900030805.

USGS maps. Scale & quad name and date: 1:24,000 – Tampa; 2016.

USDA NRCS Soil Survey. Citation:

USFWS National Wetlands Inventory maps. Citation:

State/Local wetland inventory maps. Citation:

FEMA/FIRM maps. Citation:

Photographs: Aerial. Citation: Google Earth, 1999-2018. or Other. Citation: Site photographs by consultant.

LiDAR data/maps. Citation:

Previous determinations. File no. and date of jurisdictional determination letter: NWO-2019-01210-DEN; letter sent August 27, 2019.

Applicable/supporting case law:

Applicable/supporting scientific literature:

Other information (please specify): This AJD prepared in accordance with the 2015 Clean Water Rule.

SECTION III: SUMMARY OF FINDINGS

Complete Spreadsheet Tab "Aquatic Resources" – Required for All AJDs

A. RIVERS AND HARBORS ACT (RHA) SECTION 10 DETERMINATION OF JURISDICTION:

"navigable waters of the U.S." within RHA jurisdiction (as defined by 33 CFR part 329) in the review area.

- **List water(s) and area/length within review area – Required:**

NOTE: If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Section 10 navigable waters list, DO NOT USE THIS FORM TO MAKE THE DETERMINATION. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Section 10 RHA navigability determination.

B. CLEAN WATER ACT (CWA) SECTION 404 DETERMINATION OF JURISDICTION: "waters of the U.S." within CWA jurisdiction (as defined by 33 CFR part 328.3) in the review area. **Check all that apply.**

(a)(1): All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (Traditional Navigable Waters or TNW).

- **Complete Spreadsheet Tab "(a)(1)" - Required**

This JD includes a case-specific (a)(1) TNW (Section 404 navigable-in-fact) determination on a water that has not previously been designated as such. Documentation required for this case-specific (a)(1) TNW determination is attached.

(a)(2): All interstate waters, including interstate wetlands.

- **Complete Spreadsheet Tab "(a)(2)" - Required**

(a)(3): The territorial seas.

- **Complete Spreadsheet Tab "(a)(3)" - Required**

(a)(4): All impoundments of waters otherwise identified as waters of the U.S. under 33 CFR part 328.3.

- **Complete Spreadsheet Tab "(a)(4)" - Required**

(a)(5): All tributaries, as defined in 33 CFR part 328.3, of waters identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Spreadsheet Tab "(a)(5)" - Required**

(a)(6): All waters adjacent to a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3, including wetlands, ponds, lakes, oxbows, impoundments, and similar waters.

- **Complete Spreadsheet Tab "(a)(6)" - Required**

Bordering/Contiguous.

Neighboring:

(c)(2)(i): All waters located within 100 feet of the ordinary high water mark (OHWM) of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3.

(c)(2)(ii): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 and not more than 1,500 feet of the OHWM of such water.

(c)(2)(iii): All waters located within 1,500 feet of the high tide line of a water identified in paragraphs (a)(1) or (a)(3) of 33 CFR part 328.3, and all waters within 1,500 feet of the OHWM of the Great Lakes.

(a)(7): All waters identified in 33 CFR 328.3(a)(7)(i)-(v) where they are determined, on a case-specific basis, to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Spreadsheet Tab "(a)(7)" for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(7) waters identified in the similarly situated analysis. – Required**

Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.

(a)(8): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3 not covered by (c)(2)(ii) above and all waters located within 4,000 feet of the high tide line or OHWM of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 where they are determined on a case-specific basis to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Spreadsheet Tab "(a)(8)" for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(8) waters identified in the similarly situated analysis. – Required**

Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.

C. NON-WATERS OF THE U.S. FINDINGS:

Check all that apply.

- The review area is comprised entirely of dry land.
- Potential-(a)(7) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
- **Complete Spreadsheet Tab “NonWaters-No SigNex”. Attach a map delineating the SPOE watershed boundary with potential (a)(7) waters identified in the similarly situated analysis. – Required**
- Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.
- Potential-(a)(8) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
- **Complete Spreadsheet Tab “NonWaters-No SigNex”. Attach a map delineating the SPOE watershed boundary with potential (a)(8) waters identified in the similarly situated analysis. – Required**
- Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.
- Excluded Waters (Non-Waters of U.S.), even where they otherwise meet the terms of paragraphs (a)(4)-(a)(8):
- **Complete Spreadsheet Tab “NonWaters-Excluded” - Required**
- (b)(1): Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA.
- (b)(2): Prior converted cropland.
- (b)(3)(i): Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary.
- (b)(3)(ii): Ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands.
- (b)(3)(iii): Ditches that do not flow, either directly or through another water, into a water identified in paragraphs (a)(1)-(a)(3).
- (b)(4)(i): Artificially irrigated areas that would revert to dry land should application of water to that area cease.
- (b)(4)(ii): Artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds, irrigation ponds, settling basins, fields flooded for rice growing, log cleaning ponds, or cooling ponds.
- (b)(4)(iii): Artificial reflecting pools or swimming pools created in dry land.¹
- (b)(4)(iv): Small ornamental waters created in dry land.¹
- (b)(4)(v): Water-filled depressions created in dry land incidental to mining or construction activity, including pits excavated for obtaining fill, sand, or gravel that fill with water.
- (b)(4)(vi): Erosional features, including gullies, rills, and other ephemeral features that do not meet the definition of tributary, non-wetland swales, and lawfully constructed grassed waterways.¹
- (b)(4)(vii): Puddles.¹
- (b)(5): Groundwater, including groundwater drained through subsurface drainage systems.¹
- (b)(6): Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.¹
- (b)(7): Wastewater recycling structures created in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water distributary structures built for wastewater recycling.
- Other non-jurisdictional waters/features within review area that do not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
- **Complete Spreadsheet Tab “NonWaters-Other” - Required**

D. ADDITIONAL COMMENTS TO SUPPORT JD:

¹ In many cases these excluded features will not be specifically identified on the approved JD form, unless specifically requested. Corps Districts may, in case-by-case instances, choose to identify some or all of these features within the review area.

Jurisdictional Waters of the U.S.

Table 1. (a)(1) Traditional Navigable Waters

(a)(1) Waters Name	(a)(1) Criteria	Rationale to Support (a)(1) Designation Include High Tide Line or Ordinary High Water Mark indicators, when applicable.
N/A	Choose an item.	N/A

Table 2. (a)(2) Interstate Waters

(a)(2) Waters Name	Rationale to Support (a)(2) Designation
N/A	N/A

Table 3. (a)(3) Territorial Seas

(a)(3) Waters Name	Rationale to Support (a)(3) Designation
N/A	N/A

Table 4. (a)(4) Impoundments

(a)(4) Waters Name	Rationale to Support (a)(4) Designation
N/A	N/A
N/A	N/A

Table 5. (a)(5) Tributaries

(a)(5) Waters Name	Flow Regime	(a)(1)-(a)(3) Water Name to which this (a)(5) Tributary Flows	Tributary Breaks	Rationale for (a)(5) Designation and Additional Discussion. Identify flowpath to (a)(1)-(a)(3) water or attach map identifying the flowpath; explain any breaks or flow through excluded/non-jurisdictional features, etc.
N/A	Choose an item.	N/A	Choose an item.	N/A
N/A	Choose an item.	N/A	Choose an item.	N/A
N/A	Choose an item.	N/A	Choose an item.	N/A
N/A	Choose an item.	N/A	Choose an item.	N/A

Table 6. (a)(6) Adjacent Waters

(a)(6) Waters Name	(a)(1)-(a)(5) Water Name to which this Water is Adjacent	Rationale for (a)(6) Designation and Additional Discussion. Identify the type of water and how the limits of jurisdiction were established (e.g., wetland, 87 Manual/Regional Supplement); explain how the 100-year floodplain and/or the distance threshold was determined; whether this water extends beyond a threshold; explain if the water is part of a mosaic, etc.
N/A	N/A	N/A

Table 7. (a)(7) Waters

SPOE Name	(a)(7) Waters Name	(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus	Significant Nexus Determination
N/A	N/A	N/A	Identify SPOE watershed; discuss whether any similarly situated waters were present and aggregated for SND; discuss data, provide analysis, and summarize how the waters have more than speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.
N/A	N/A	N/A	N/A

Table 8. (a)(8) Waters

SPOE Name	(a)(8) Waters Name	(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus	Significant Nexus Determination
N/A	N/A	N/A	Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to subject water and aggregated for SND; discuss data, provide analysis, and then summarize how the waters have more than speculative or insubstantial effect the on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.
N/A	N/A	N/A	N/A

Non-Jurisdictional Waters

Table 9. Non-Waters/No Significant Nexus

SPOE Name	Non-(a)(7)/(a)(8) Waters Name	(a)(1)-(a)(3) Water Name to which this Water DOES NOT have a Significant Nexus	Basis for Determination that the Functions DO NOT Contribute Significantly to the Chemical, Physical, or Biological Integrity of the (a)(1)-(a)(3) Water. Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to the subject water; discuss data, provide analysis, and summarize how the waters did not have more than a speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Table 10. Non-Waters/Excluded Waters and Features

Paragraph (b) Excluded Feature/Water Name	Rationale for Paragraph (b) Excluded Feature/Water and Additional Discussion.
N/A	N/A

Table 11. Non-Waters/Other

Other Non-Waters of U.S. Feature/Water Name	Rationale for Non-Waters of U.S. Feature/Water and Additional Discussion.
Wetland 1	Wetland 1 is a large wetland complex located in Ennis Draw, a drainage that does not display bed, bank, and OHWM north of the project area, and does not appear to transmit flows to another waterbody. Wetland 1 does not occur, in whole or in part, within 4000 feet of an a(1) – a(5) water, does not connect to another aquatic resource, and is therefore not jurisdictional.
OHWM 1	OHWM 1 is a ponded area within the Wetland 1 complex that is currently being used as a cattle pond. While it is unclear whether this pond was constructed in uplands, OHWM 1 does not connect to downstream aquatic resources outside of the project area, is outside 4000 feet of an a(1) – a(5) water, and is therefore not jurisdictional.
OHWM 2	OHWM 2 is a ponded area within the Wetland 1 complex that is currently being used as a cattle pond. While it is unclear whether this pond was constructed in uplands, OHWM 2 does not connect to downstream aquatic resources outside of the project area, is outside 4000 feet of an a(1) – a(5) water, and is therefore not jurisdictional.
OHWM 3	OHWM 3 is a ponded area within the Wetland 1 complex that is currently being used as a cattle pond. While it is unclear whether this pond was constructed in uplands, OHWM 3 does not connect to downstream

	<p>aquatic resources outside of the project area, is outside 4000 feet of an a(1) – a(5) water, and is therefore not jurisdictional.</p>
OHWM 4	<p>OHWM 4 is a ponded area within the Wetland 1 complex that is currently being used as a cattle pond. While it is unclear whether this pond was constructed in uplands, OHWM 4 does not connect to downstream aquatic resources outside of the project area, is outside 4000 feet of an a(1) – a(5) water, and is therefore not jurisdictional.</p>
OHWM 5	<p>OHWM 5 is a ponded area within the Wetland 1 complex that is currently being used as a cattle pond. While it is unclear whether this pond was constructed in uplands, OHWM 5 does not connect to downstream aquatic resources outside of the project area, is outside 4000 feet of an a(1) – a(5) water, and is therefore not jurisdictional.</p>
OHWM 6	<p>OHWM 6 is a ponded area within the Wetland 1 complex that is currently being used as a cattle pond. While it is unclear whether this pond was constructed in uplands, OHWM 6 does not connect to downstream aquatic resources outside of the project area, is outside 4000 feet of an a(1) – a(5) water, and is therefore not jurisdictional.</p>
OHWM 7	<p>OHWM 7 is a ponded area within the Wetland 1 complex that is currently being used as a cattle pond. While it is unclear whether this pond was constructed in uplands, OHWM 7 does not connect to downstream aquatic resources outside of the project area, is outside 4000 feet of an a(1) – a(5) water, and is therefore not jurisdictional.</p>
OHWM 8	<p>OHWM 8 is a ponded area within the Wetland 1 complex that is currently being used as a cattle pond. While it is unclear whether this pond was constructed in uplands, OHWM 8 does not connect to downstream aquatic resources outside of the project area, is outside 4000 feet of an a(1) – a(5) water, and is therefore not jurisdictional.</p>
OHWM 9	<p>OHWM 9 is a ponded area within the Wetland 1 complex that is currently being used as a cattle pond. While it is unclear whether this pond was constructed in uplands, OHWM 9 does not connect to downstream aquatic resources outside of the project area, is outside 4000 feet of an a(1) – a(5) water, and is therefore not jurisdictional.</p>

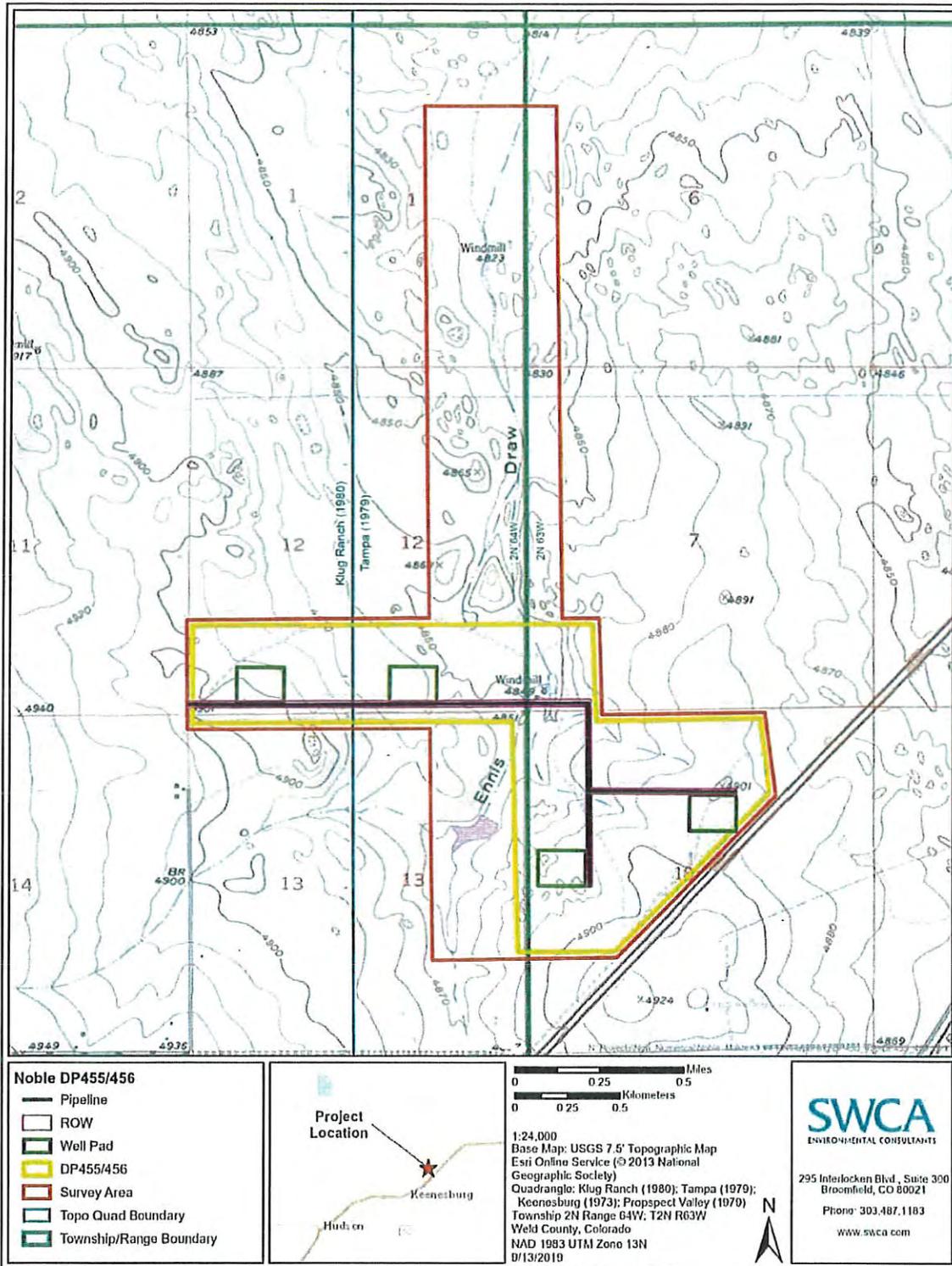


Figure A-1. Project location.

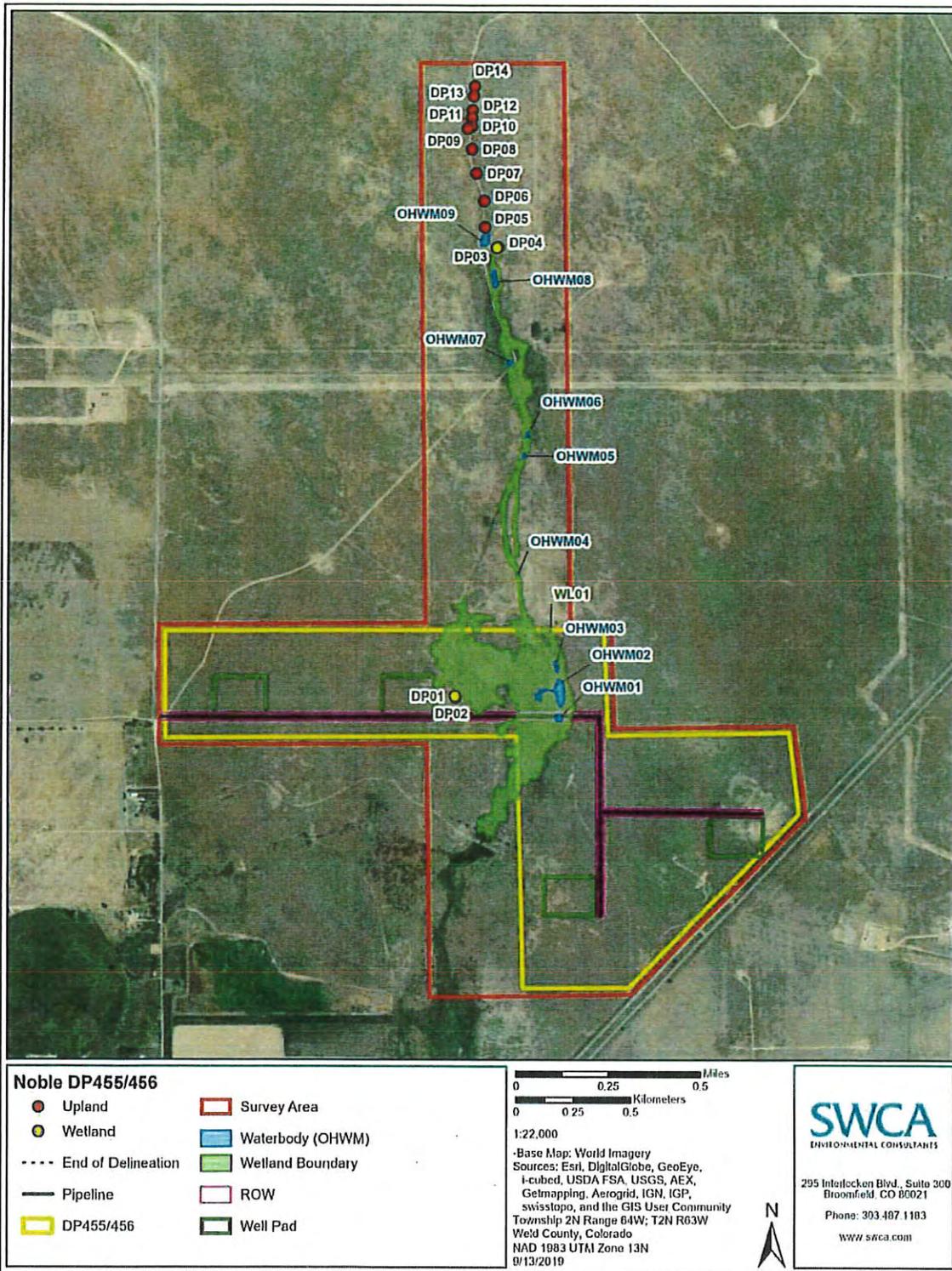


Figure A-2. Overview of field-surveyed wetlands and waterbodies.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Michael Keller, Noble Energy		File Number: NWO-2019-01630-DEN	Date: November 6, 2019
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
X	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found in Corps regulations at 33 CFR Part 331, or at

<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/FederalRegulation.aspx>

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

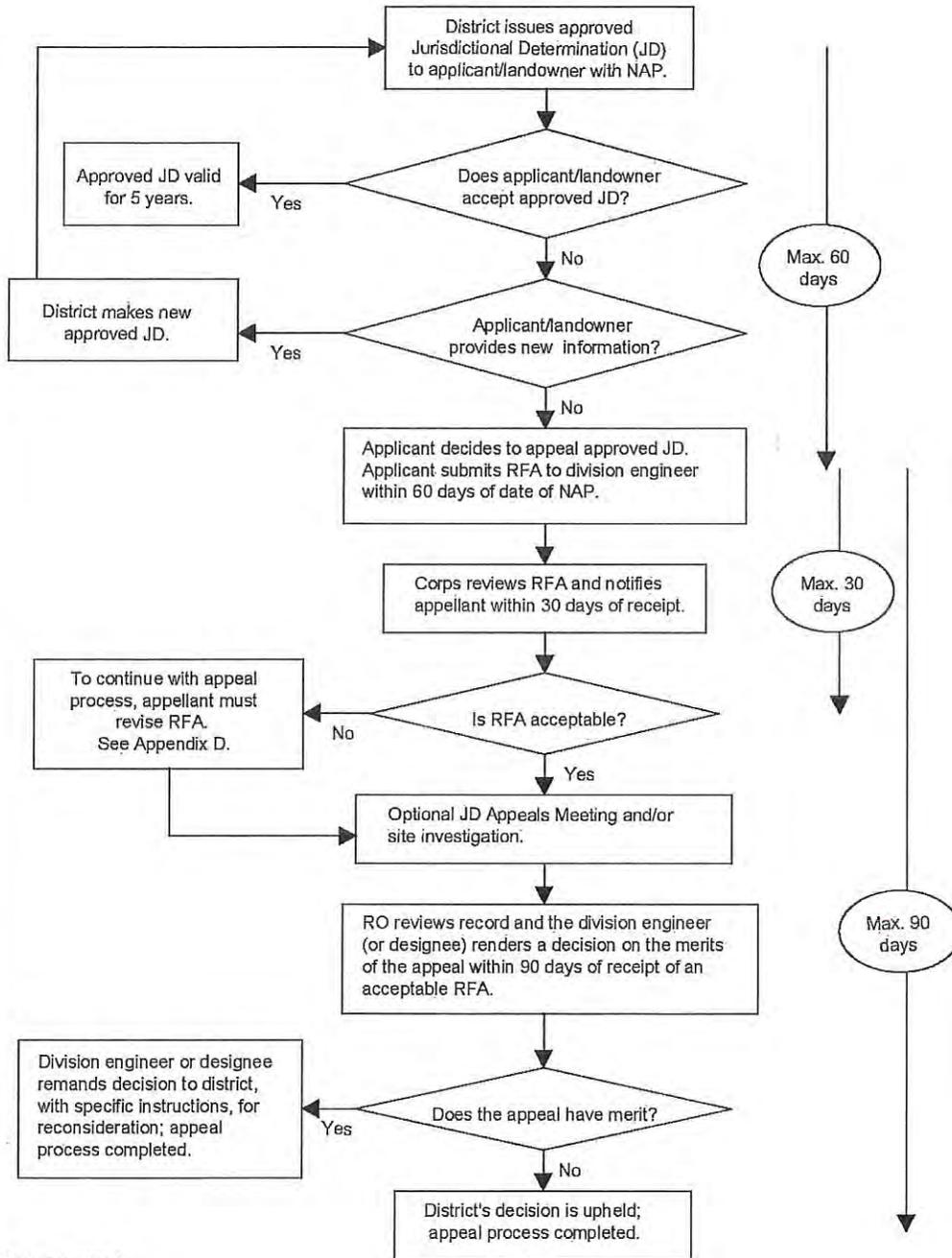
If you have questions regarding this decision and/or the appeal process you may contact:
US Army Corps of Engineers, Denver Regulatory Office
Attn: Nicholas Franke, Regulatory Project Manager
9307 S. Wadsworth Blvd
Littleton, CO 80128 Telephone (303) 979-4120
Nicholas.A.Franke@usace.army.mil

If you only have questions regarding the appeal process you may also contact:
US Army Corps of Engineers, Northwestern Division
Attn: Melinda Larsen, Regulatory Appeals Review Officer
1201 NE Lloyd Blvd Ste 400
Portland, OR 97232-1257 Telephone (503) 808-3888
Melinda.M.Larsen@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.	Date:	Telephone number:
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Administrative Appeal Process for Approved Jurisdictional Determinations



Appendix C