

State of Colorado
Energy & Carbon Management Commission



1120 Lincoln Street, Suite 801, Denver, Colorado 80203
Phone: (303) 894-2100 Fax: (303) 894-2109

Document Number:
403761982

Date Received:
04/19/2024

FIR RESOLUTION FORM

Overall Status: CAC

CA Summary:

7 of 7 CAs from the FIR responded to on this Form

7 CA Completed
0 Factual Review Request

OPERATOR INFORMATION

ECMC Operator Number: 10701
Name of Operator: UPLAND EXPLORATION LLC
Address: 424 S MAIN ST
City: BOERNE State: TX Zip: 78006

Contact Name and Telephone:
Name: _____
Phone: () _____ Fax: () _____
Email: _____

Additional Operator Contact:

Contact Name	Phone	Email
<u>Rollins, Dustin</u>		<u>dustin@uplandexploration.com</u>

ECMC INSPECTION SUMMARY:

FIR Document Number: 697504785
Inspection Date: 08/07/2023 FIR Submit Date: 08/11/2023 FIR Status: _____

Inspected Operator Information:

Company Name: UPLAND EXPLORATION LLC Company Number: 10701
Address: 424 S MAIN ST
City: BOERNE State: TX Zip: 78006

LOCATION - Location ID: 456651

Location Name: Salt Ranch Fee Number: 18 East County: _____
Qtrqtr: SESE Sec: 18 Twp: 11N Range: 64W Meridian: 6
Latitude: 40.914603 Longitude: -104.584484

FACILITY - API Number: 05-123-00 Facility ID: 456651

Facility Name: Salt Ranch Fee Number: 18 East
Qtrqtr: SESE Sec: 18 Twp: 11N Range: 64W Meridian: 6
Latitude: 40.914603 Longitude: -104.584484

CORRECTIVE ACTIONS:

1 CA# 178210

Corrective Action: Operator shall resubmit a weed management plan to include the following: submit a schedule of "Weed Management Activities" for the management of all undesirable plant species on the Location and access road. The schedule shall include monitoring and integrated weed management, with a minimum monitoring and control efforts of three (3) times a year until the Location receives a passing final reclamation inspection. Operator shall provide all weed management activities to date, which include herbicide application method, herbicides applied and application rates.

Date: 08/25/2023

All the required information shall be submitted via Form 4 Sundry Notice to the attention of Chris Binschus.

Response: CA COMPLETED Date of Completion: 11/07/2023

Operator Comment: FIRR Document #697504884 approved CA and states "Operator submitted the required information per the previous corrective action."

ECMC Decision: Approved

ECMC Representative: Operator Comment incorrectly referenced the document number.
ECMC did approve the CA stating the "Operator submitted the required information per the previous corrective action" within FIRR Doc.# 403572538.

2  CA# 178211

Corrective Action: Comply with Rule 427.b. Date: 02/28/2023
Note- Operator failed to consult with the Surface Owner before conducting import of new material.

Response: CA COMPLETED Date of Completion: 03/24/2023

Operator Comment: Operator consulted with Mr. Salo - Surface Owner on March 24, 2023 regarding seed to be used and when activities were going to commence on all location and access road - please see attached photo of text communication between Dustin Rollins and Mr. Salo. Note: ECMC comment from FIRR Document #403533083 states "Staff believes the Operator imported additional material to comply with Rule 427.b." and marked CA as approved pending re-inspection.

ECMC Decision: **Not Approved**

ECMC Representative: Operator already submitted a FIRR response back on 9/18/2023 and ECMC approved pending re-inspection; however, Rule 427.b remains out of compliance due to ongoing issues with Upland subcontractors.

3  CA# 178212

Corrective Action: Operator shall submit an engineered stamped Permanent Stormwater Management Plan. The Plan shall address the access road and location. Date: 07/05/2023

Response: CA COMPLETED Date of Completion: 07/01/2021

Operator Comment: Attached is Upland's Master Stormwater Management Plan. Included in the SMWP is the requested engineered stamped plans. This plan has been updated per CDPHE guidelines and SWMP permit was renewed on 11/20/2023.

ECMC Decision: Approved via an AMI

ECMC Representative: Operator submitted a FIRR response on 4/19/2024 and ECMC approved via an AMI.
The approval and implementation of the Stormwater Management Plan does not alleviate compliance with ECMC rules and will not mitigate failures of stormwater BMPs. Transport of sediment offsite, erosion or site degradation will be subject to enforcement under ECMC rules.

4  CA# 178213

Corrective Action: Date: 08/25/2023

Operator shall submit a Topsoil Importation Plan and Topsoil Protection Plan. Operator can reference the Rule 304.C.(14) guidance created on March 25, 2022 for assistance.

The Topsoil Importation Plan shall characterize the topsoil from a reference area along the access road. Soil samples shall be overlaid on an aerial map depicting where reference samples were taken. Based on the reference soil samples, Operator shall import topsoil with similar agronomic properties and analytes. Operator shall provide the agronomic properties and analytes of the reference soil samples and the planned topsoil to be imported. Operator shall provide an estimate of how much total topsoil will be imported (in cubic yards) to address surface disturbance minimization due to improper road maintenance/vehicle traffic off the original access road boundary, and how deep (in inches) topsoil will be applied along the areas needing repair. Operator shall provide a map depicting where topsoil will be applied along the access road needing repair. Operator shall include a schedule of planned activities to import topsoil. Operator shall provide information on the topsoil source.

The Topsoil Protection Plan shall address how to protect the 1.5 mile section of windrowed topsoil and the topsoil stockpile at Location from wind and water erosion and how to prevent weed establishment on topsoil. The Plan shall also address areas where the Operator had vehicle traffic off the original access road boundary.

Operator shall consult with the Surface Owner regarding an approved seed mix.

All the required information shall be submitted via Form 4 Sundry Notice to the attention of Chris Binschus.

Response: CA COMPLETED

Date of Completion: 11/04/2023

Operator Comment: Per FIRR Document #403572538, CA was approved. FIRR ECMC comment states "Operator submitted the required information per the previous corrective action".

ECMC Decision: **Not Approved**

ECMC Representative: Operator has submitted a Plan but the Plan has not been approved. ECMC has provided additional information via email regarding the requirements of the Plan on April 22 and 23, 2024.

5  CA# 178214

Corrective Action: Comply with Rule 1002.c

Date: 02/10/2023

Operator failed to consult with the Surface Owner regarding an approved seed mix.

Response: CA COMPLETED

Date of Completion: 11/01/2023

Operator Comment: ECMC has acknowledged that Operator has consulted with Surface Owner for preferred seed mixture in denied FIRR Document #403572538. Operator is working with contractor to conduct Top Soil sampling per ECMC request. Reseeding along the approximate 1.5 mile access road and any other identified locations is planned to commence in mid May. A Form 4 will be submitted once reseeded has been completed.

ECMC Decision: **Not Approved**

ECMC Representative: Operator has not fully complied with the Rule 1002.c. ECMC has left the topsoil stockpile on location in-process, but the Operator has not attempted to address the approximate 1.5 mile access road were topsoil was windrowed.

6  CA# 178215

Corrective Action: Comply with Rule 1002.e

Date: 02/10/2023

Response: CA COMPLETED

Date of Completion: 11/04/2023

Operator Comment: Per FIRR Document #403572538, CA was approved. FIRR ECMC comment states "Operator submitted the required information per the previous corrective action" regarding the Topsoil Plan. The stockpiled soil was initially seeded on 4/10/23. The first germination was present in 5/10/23. Upland reseed the topsoil stockpiles on 6/6/23 from loss of seed cover due to heavy rains. Due to unprecedented rainfall and windy conditions the topsoil had significant growth of undesirable plants. Upland chose to remove all undesirable vegetation and reseed the stockpiles and crimp cover on 6/27/2023. Furthermore, in August Upland added jute covering to the stockpiles further stabilizing from wind and water erosion. With regard to the access road - Upland had a third party contractor, Lat40, conduct a survey of the entire road not just the first 1.9 miles the landowner accuses Upland of expanding during maintenance activities'. The first 1.9 miles do not exceed 22'.

ECMC Decision: **Not Approved**

ECMC Representative: Rule 1002.e. surface disturbance minimization remains out of compliance.

7 CA# 178216

Corrective Action: Comply with Rule 1002.f. Date: 05/11/2023

Response: CA COMPLETED Date of Completion: 08/31/2023

Operator Comment: SW BMPS were addressed at the location, access road and Geary Creek areas see attached photos. FIRR Document #403533083 says CA was approved pending re-inspection.

ECMC Decision: Approved pending re-inspection

ECMC Representative: Operator already submitted a FIRR response back on 9/18/2023 and ECMC approved pending re-inspection.

OPERATOR COMMENT AND SUBMITTAL

Comment:

I hereby certify that the statements made in this form are, to the best of my knowledge, true, correct, and complete.

Print Name: Dustin Rollins Signed:

Title: Field Supervisor Date: 4/19/2024 2:58:19 PM

ATTACHMENT LIST

View Attachments in Imaged Documents on ECMC website (<http://ecmcweblink.state.co.us/>) - Search by Document Number.

<u>Document Number</u>	<u>Description</u>
403761982	FIR RESOLUTION SUBMITTED
403762000	Stormwater Management Plan
403762067	SWM BMPs SRF and Access Road

Total Attach: 3 Files