



1041 WOGLA PERMIT STAFF REPORT

Record Number **1041WOGLA22-0044** Hearing Date: **April 27, 2023**

Staff Specialist: **Stephanie Frederick**

Company/Applicant: **Kerr McGee Oil & Gas Onshore, LP**

Location Name: **Bronco CDP**

Parcel Number(s): **105122000003, 105127000004, 105134000003, 121703000005,
121710000003, 121715000005, 121722000003, and 121723000003**

Legal Description: **SE1/4NE1/4 of Section 22, E1/2NE1/4 of Section 27, NE1/4SE1/4 &
SE1/4NE1/4 of Section 34, Township 4 North Range 63 West, SE1/4NE1/4 of
Section 3, SE1/4NE1/4 of Section 10, E1/2NE1/4 of Section 15, SW1/4SE1/4
& SE1/4SW1/4 of Section 22, W1/2NW1/4, SW1/4SE1/4 & SE1/4SW1/4 of
Section 23, Township 3 North Range 63 West, 6th P.M., Weld County,
Colorado.**

Proposed Use: **Comprehensive Development Plan – Bronco– nine (9) new Oil & Gas
Locations – Descent, Midnight, 5 Minutes to Midnight, Wallstreet, Hickory
Miguel, Daniel Boone, East Street, Roan Angel, and Hi Chapparal**

SUMMARY

Pursuant to Weld County Code Ordinance 2021-17, Sec. 21-5-315. Kerr McGee Oil & Gas Onshore, LP, (KMG or Applicant) submitted a request for a pre-application meeting on July 6, 2022. The pre-application meeting was held on July 20, 2022. Invitees included Colorado Oil & Gas Conservation Commission (COGCC), Colorado Parks and Wildlife (CPW), KMG, the Weld County Oil and Gas Energy Department (OGED Staff), and other representatives of Weld County departments (Weld County Staff). Attendees included COGCC, KMG, OGED Staff, and Weld County Staff. In preparation of the pre-application meeting OGED Staff conducted a site visit and drove the identified haul route, July 19, 2022.

On November 22, 2022, KMG provided 1041 WOGLA notice to OGED Staff stating their intent to submit a 1041 WOGLA Permit application for the referenced Comprehensive Development Plan (Bronco – CDP). The Application was received on February 14, 2023 and reviewed according to the requirements of Weld County Code Ordinance 2021-17 (Code). The criteria for submission of the 1041 WOGLA Permit (Application) is outlined in Section 21-5-320. of the Code. Section 21-5-312. of the Code encourages Applicants to initiate and enter into a Comprehensive Development Plan (CDP) where feasible and with the agreement of the involved Surface Owner(s). The Applicant has therefore filed this 1041 WOGLA CDP that encompasses the lands subject to this 1041 WOGLA. While this Application was received and reviewed under Weld County Code Ordinance 2021-17, a CDP requires that all supplemental site-specific information meet the current Code requirements at the time of filing.

OGED Staff completed their review of the Application as submitted. The submitted Application was found to be in compliance with the applicable Code requirements and was scheduled for hearing.

Pursuant to Sec. 21-5-330. notice of the 1041 WOGLA hearing was sent to required property owners on



February 24, 2023 and published in the Greeley Tribune on February 25, 2023. For the Bronco – CDP notice was provided for each individual Oil and Gas Location.

OGED Staff referred the Application to various agencies as required by Sec. 21-5-330.C. of the Code. Where appropriate, conditions of approval are being recommended to address comments received from those referral agencies. Copies of those comments have been made part of the Application record and are viewable through the E-Permit Center on the Weld County website.

1. Response was received from the following referral agencies:
 - a. Colorado Department of Public Health and Environment, referral request sent 2/23/2023. Response with advisory comments received 2/24/2023.
 - b. Weld County Department of Public Health and Environment, referral request sent 2/23/2023. Response with comments and conditions received 3/7/2023, indicating that noise levels will be determined on a site-specific basis at the time supplemental site-specific information is provided.
 - c. Weld County Office of Emergency Management, referral request sent 2/23/2023. Emergency Action Plan approved 3/13/2023. Submittal of the Tactical Response Plan (TRP) cards will be required with the supplemental site-specific information.
 - d. Weld County Development Review, representing the Department of Public Works and the Department of Planning Services, referral request sent 2/23/2023. Response with comments and conditions received 3/22/2023.
 - e. Colorado Oil and Gas conservation Commission, referral request sent 2/23/2023. Response with advisory comments received 3/20/2023.
2. No response was received from the following referral agencies:
 - a. Colorado Parks and Wildlife, referral request sent 2/23/2023, second request sent 3/16/2023.
 - i. OGED is aware that KMG is working with CPW concerning operations and timing stipulations surrounding the High Priority Habitat (HPH) for Pronghorn Winter Concentration area.
 - b. Colorado Department of Transportation (CDOT), referral request sent 2/23/2023.
 - i. KMG is aware that the access is under CDOT's jurisdiction and proof of an access permit will be required at the time of site-specific submittal.
 - c. Weld Central RE3(J) School District, referral request sent 2/23/2023.
 - d. Platte Valley RE-7 School District, referral request sent 2/23/2023.

RECOMMENDATION

The OGED Staff recommends **1041WOGLA22-0044** be **APPROVED** based on review of the Application material submitted by KMG, comments provided by referral agencies, and other relevant information.

1. As stated in the summary above, OGED Staff has determined that the Application complies with the provisions of Sec. 21-5-320, as applicable to the overall CDP. Additionally, KMG is required to submit supplemental site-specific information for each Oil and Gas Location included in the CDP, as further outlined in the conditions of approval. The supplemental information must demonstrate to the OGED Director's satisfaction that the Oil and Gas Location(s) and/or Oil and Gas Facilities to be constructed are consistent with the information provided in the CDP Application and that the mitigation measures proposed by the Applicant satisfy the code requirements and recognized Best Management Practices (BMPs) in effect at the time of submittal.
2. OGED Staff has complied with the notice and processing requirements in Sec. 21-5-330. pursuant to Code Ordinance 2021-17.
3. Pursuant to Sec. 21-5-315.B. KMG certifies that they have provided notice to all required parties, per Code Ordinance 2021-17, which was valid at time of Application submittal.
4. KMG certifies that a Surface Use Agreement is secured with the Surface Owner of each tract where a proposed Oil and Gas Location will be sited and have provided the reception number for each of those documents.
5. The nine (9) Oil and Gas Locations are identified as follows:

a. Table 1.

Location Name	Surface Owner	Parcel Number	Legal Description
Descent	Cervi Enterprises, Inc.	105122000003	SE1/4NE1/4 of Section 22, T4N, R63W
Midnight	Cervi Enterprises, Inc.	105127000004	E1/2NE1/4 of Section 27, T4N, R63W
5 Minutes to Midnight	Cervi Enterprises, Inc.	105134000003	NE1/4SE1/4 & SE1/4NE1/4 of Section 34, T4N, R63W
Wallstreet	Cervi Enterprises, Inc.	121703000005	SE1/4NE1/4 of Section 3, T3N, R63W
Hickory Miguel	Cervi Enterprises, Inc.	121710000003	SE1/4NE1/4 of Section 10, T3N, R63W
Daniel Boone	Cervi Enterprises, Inc.	121715000005	E1/2NE1/4 of Section 15, T3N, R63W
East Street	Cervi Enterprises, Inc.	121722000003	SW1/4SE1/4 & SE1/4SW1/4 of Section 22, T3N, R63W
Roan Angel	Cervi Enterprises, Inc.	121723000003	W1/2NW1/4 of Section 23, T3N, R63W
Hi Chapparal	Cervi Enterprises, Inc.	121723000003	SW1/4SE1/4 & SE1/4SW1/4 of Section 23, T3N, R63W

6. There are no Building Units, High Occupancy Building Units, Designated Outside Activity Areas, School, School Facilities, or Child Care Centers within two thousand (2,000) feet of the proposed Oil and Gas Locations.
7. The majority of the Bronco-CDP boundary is within the CPW designated (HPH) for Pronghorn Winter Concentration area. The proposed East Street and Hi Chapparal locations are outside of HPH.
8. OGED Staff did not receive any Application for Intervention regarding these Oil and Gas Location(s).
9. In the opinion of OGED Staff, KMG has demonstrated compliance with the Development Standards in Chapter 21, Article 5, Division 4 of the Weld County Code. The Applicant's chosen sites are compatible with the surrounding Land Use.
 - a. The Bronco – CDP lands are located in the Ag-Rural Planning area. OGED Staff supports the proposed Locations, as no alternative site offers any further benefit to Weld County's residents, environment, and wildlife.

- a. Construction of an Oil and Gas Location authorized by the CDP shall not commence until OGED Staff has issued a determination that, based on the site-specific information submitted by the Applicant, the proposed Oil and Gas Location and site-specific BMPs are consistent with the information provided in the CDP Application and compliant with the requirements of the Weld County Code in effect at the time of construction. Site-specific conditions of approval may be included with the OGED determination when necessitated by changes in the Code or the surrounding Land Use. The OGED determination will be issued no later than 90 days after the submission of the required site-specific information.
 - b. A Final Drainage Report stamped and signed by a Professional Engineer registered in the State of Colorado is required with each site-specific submittal. Department of Planning - Development Review.
 - c. If more than one (1) acre is to be disturbed, a Weld County Grading Permit will be required by the Department of Planning Services - Development Review.
4. Prior to Drilling:
- a. Applicant must provide initial baseline groundwater sampling data, or information related to how the site is exempt from the COGCC Rule 615, to the Weld County Department of Public Health and Environment.

This recommendation is based upon the review of the Application material submitted by the Applicant and other relevant information and comments provided by referral agencies.

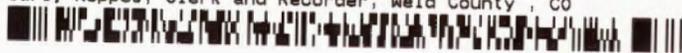


FINAL ORDER
BEFORE THE WELD COUNTY 1041 WOGLA HEARING OFFICER

Docket Number 1041WOGLA22-0044 (Bronco CDP)

1041 WOGLA Hearing Officer Dave Kulmann heard this matter on April 27, 2023, at the Weld County Oil & Gas Energy Hearing Room, 1402 N. 17th Ave, Greeley, CO 80631 upon application for a 1041 WOGLA Comprehensive Development Plan Permit in Weld County, Colorado.

Present for the hearing were Stephanie Frederick, Regulatory Analyst, Weld County; Elisa Kunkel, Oil & Gas Energy Technician, Weld County; Shanee Turner, Oil & Gas Energy Technician, Weld County; Jason Maxey, Oil & Gas Energy Department Director, Weld County; Matthew Conroy, Assistant County Attorney, Weld County; Natalie DeLaCroix, Engineer II, Weld County's Development Review and Planning; Ryan Fernandez, Environmental Health Specialist I, Weld County's Department of Public Health and Environment; John Piekara, Regulatory Advisor, Kerr McGee Oil & Gas Onshore, LP, Andy Lytle, Regulatory Manager, Kerr McGee Oil & Gas Onshore, LP; and Joseph Riemer, Environmental Advisor, Kerr McGee Oil & Gas Onshore, LP. Having heard the testimony presented and considering documents submitted for review, including the application, the Hearing Officer makes the following Findings of Fact and Order:

4896154 Pages: 6 of 16
05/03/2023 02:54 PM R Fee:\$0.00
Carly Koppes, Clerk and Recorder, Weld County, CO


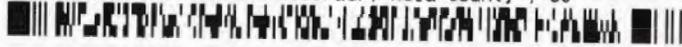
Summary of Proposed Locations

The Hearing Officer makes the following findings related to each of the nine proposed locations through review of the Application and testimony heard at the April 27, 2023 Hearing:

<u>Location</u>	<u>Jurisdiction</u>	<u># RBUs in 2000'</u>	<u>Closest RBU</u>	<u>Closest School</u>	<u>In HPH</u>	<u>In Floodplain</u>	<u>Existing Access</u>
Descent	Weld	0	>5,280'	>5,280'	Yes	No	Yes
Midnight	Weld	0	>5,280'	>5,280'	Yes	No	Yes
5 Minutes to Midnight	Weld	0	>5,280'	>5,280'	Yes	No	Yes
Wall Street	Weld	0	>5,280'	>5,280'	Yes	No	Yes
Hickory Miguel	Weld	0	>5,280'	>5,280'	Yes	No	Yes
Daniel Boone	Weld	0	>5,280'	>5,280'	Yes	No	Yes
Roan Angel	Weld	0	>5,280'	>5,280'	Yes	No	Yes
Hi Chapparral	Weld	0	>5,280'	>5,280'	No	No	Yes
East Street	Weld	0	>5,280'	>5,280'	No	No	Yes

4896154 Pages: 7 of 16
 05/03/2023 02:54 PM R Fee:\$0.00
 Carly Koppes, Clerk and Recorder, Weld County, CO





- e. Attendees of this pre-application meeting included employees from Weld County, the Colorado Oil and Gas Conservation Commission ("COGCC"), Colorado Parks and Wildlife ("CPW"), and KMOG staff.
- f. KMOG made changes to the CDP based on feedback and concerns expressed to them at this pre-application meeting. This included reducing the number of total surface locations from 11 with 211 wells to nine proposed locations and 141 wells in the formal application.
- g. Seven of the nine proposed locations are within the High Priority Habitat ("HPH") for Pronghorn Winter Concentration Area. The East Street and Hi Chapparal locations, the two southern most locations, are not within the HPH.
- h. Site-Specific 1041 WOGLAs will be required to be submitted at least 90 days prior to construction and will at a minimum include the following:
 - i. 1041 WOGLA application.
 - ii. Proposed Best Management Practices ("BMPs").
 - iii. Reclamation plan.
 - iv. Tactical Response Plans ("TRP").
 - v. Scaled location & facility drawings.
 - vi. Finalized equipment drawings.
 - vii. Final drainage report.
 - viii. Light plan.
 - ix. Noise plan if requested by Weld County Department of Public Health and Environment.
 - x. Proof that the location is outside of any Weld County right of way.
 - xi. Balance of 1041 WOGLA fee.
 - xii. Other information and permits deemed necessary.
- i. Each Site-Specific 1041 WOGLA would have to adhere to any new Code changes from the time this CDP application is approved and submittal of that Site-Specific 1041 WOGLA as this is an evergreen concept.
- j. Access for all nine locations will be from State Highway 34 and the Applicant will work to receive all required approvals from the Colorado Department of Transportation ("CDOT"). No access permit or Road Maintenance Agreement ("RMA") will be required from Weld County.
- k. KMOG has certified that they provided all required 1041 WOGLA Notices.
- l. KMOG has a single surface use agreement with a landowner for all nine locations.
- m. The majority of these locations are in a central utility corridor near existing roads and infrastructure.
- n. There are no Building Units, High Occupancy Building Units, Schools, School Facilities, Child Care Centers, or Designated Outdoor Activity Areas (all as defined within the Code) within the 1041 WOGLA Zone.
- o. Staff noticed all property owners within the 1041 WOGLA Zones of each of the nine proposed locations.

10. The Applicant has committed to Best Management Practices (BMPs) and other mitigation measures, as outlined in the Application, that are protective of the health, safety, security, and general welfare of the present and future residents of Weld County and provide protection of the environment and wildlife. Since the CDP is an "Evergreen" document that will require compliance with regulatory changes that arise during the term of the CDP, the health, safety, and environmental protections provided will not be limited to the protection mandated under current Code requirement but will incorporate the most up to date standards available.

The attached CDP drawing provides a depiction of the Oil and Gas Locations and the proposed haul route within the CDP.

CONDITIONS OF APPROVAL

OGED Staff recommendation for approval is conditional based upon the following requirements of the Applicant:

1. Construction operations authorized by 1041WOGLA22-0044 shall be commenced within six (6) years from the date that this 1041 WOGLA CDP Permit is placed on record with the Weld County Clerk and Recorder and published in the Greeley Tribune.
2. Supplemental Site-specific 1041 WOGLA information submittal requirements:
 - a. At least 90 days prior to construction, the Applicant will submit site-specific 1041 WOGLA information detailing elements specific to each Oil and Gas Location as represented in Table 1 above. The supplemental site-specific 1041 WOGLA information to be provided for each Oil and Gas Location shall include:
 - i. 1041 WOGLA Application Form
 - ii. Authorization Form
 - iii. Updated Required Information
 - iv. Location Photos
 - v. Location Drawing or a statement that there are no substantial changes with 2,000' of the Oil and Gas Location since the original drawing was completed
 - vi. Facility Drawing
 - vii. Process Flow Diagram
 - viii. Lighting Plan
 - ix. Multi-Well Plan
 - x. Reclamation Plan, if required
 - xi. Noise Mitigation Plan
 - xii. Site specific Tactical Response Plan on current template provided by OEM
 - xiii. Completed Weld County Access Permit Application Form, a copy of existing Access Permit requested to be utilized, or evidence of access permit from Authority Having Jurisdiction (AHJ)
 - xiv. Drainage Report stamped and signed by a Professional Engineer registered in the State of Colorado
 - xv. List and description of any site-specific BMPs not included in the CDP document
 - xvi. Any remaining 1041 WOGLA Application Fee
 - xvii. Any additional information pursuant to "current" code at the time of the site-specific application
3. Prior to Construction:



Findings of Fact and Law

The Hearing Officer makes the following findings of fact:

1. This 1041 WOGLA application is a Comprehensive Development Plan ("CDP") for nine proposed surface locations.
2. Section 21-5-312 of the Weld County 1041 Regulations ("WCC" or "Code") lays out the requirements of a CDP.
3. An approved CDP allows for administrative approval by the Director of the underlying Site-Specific 1041 WOGLA applications for each proposed location by the OGED Director and does not require a 1041 WOGLA Hearing.
4. An approved CDP does grant the Applicant a vested property right according to the Code.
5. Administrative approval of Site-Specific 1041 WOGLA Applications ("Site-Specific 1041 WOGLAs") grants the Applicant the right to construct and develop the proposed location and the Applicant cannot construct until such administrative approval is granted.
6. The CDP is an evergreen document and all Site-Specific 1041 WOGLAs must adhere to all Code requirements at the time of those submittals.
7. The name of this nine-surface location CDP is the Bronco CDP.
8. All nine of these surface locations are within unincorporated Weld County.
9. Kerr-McGee Oil & Gas Onshore LP. ("KMOG" or "Applicant") as Applicant for the above referenced Docket delivered its 1041 WOGLA Permit Application ("Application" or "Permit") dated February 14, 2023, to the Weld County Oil & Gas Energy Director ("Director" or "Staff").
10. Upon review of the Application, Ms. Frederick found the Application to be complete and forwarded the Application to the Hearing Officer for the purpose of scheduling a hearing pursuant to the Weld County Code.
11. At the scheduled Hearing on April 27, 2023, the Hearing Officer took testimony for this Application from the Staff, Weld County Development Review and Planning, Weld County Department of Public Health and Environment, and from the Applicant.
12. At the scheduled Hearing on April 27, 2023, Ms. Frederick provided high level CDP testimony that:
 - a. There are several benefits that a CDP provides to Weld County, the public, and the Applicant and went through those benefits.
 - b. Several information and plan requirements laid out in the Code will be provided with the Site-Specific 1041 WOGLAs because that is a more appropriate time to receive and assess that information, much of it more technical in nature.
 - c. The development areas for the nine locations in the CDP cover 24,332 acres in unincorporated Weld County.
 - d. The pre-application meeting was held in person on July 20, 2022 and a virtual community meeting was held on May 23, 2022.

19. Ms. DeLaCroix from Weld County's Development Review and Planning testified that:
 - a. Access permits and Road Maintenance Agreements ("RMAs") from Weld County are not required because the Applicant is accessing all nine locations from a State Highway.
 - b. A comprehensive preliminary drainage report has been approved and a final drainage plan will need to be approved with each Site-Specific 1041 WOGLA.
 - c. She testified that the Applicant may be requesting a variance from the standard detention requirements in the final drainage reports. If any of these nine locations do not qualify for that variance, the Applicant must provide for the standard detention requirements.
 - d. Two of the proposed locations are close to Weld County right of ways and the Applicant should verify in each Site-Specific 1041 WOGLA that the locations are not within any Weld County right of way.
 - e. Development Review sees no compatibility issues with the proposed nine locations.
20. At the scheduled Hearing on April 27, 2023, Mr. Piekara from KMOG provided testimony that:
 - a. KMOG is very active in Colorado and the communities in which they operate and provided an overview of KMOG.
 - b. Development of the Bronco CDP was originally planned for 19 locations, reduced to 11 locations at the time of the pre-application meeting, and then further consolidated to the nine proposed locations.
 - c. KMOG plans to submit the first five Site-Specific 104 WOGLAs to Weld County for the five southern locations in the next three months.
 - d. KMOG located all nine of these locations adjacent or near existing disturbance of a central road and major powerline corridor.
 - e. All nine of these locations are over two miles from any Building Unit or Residential Building Unit.
 - f. KMOG has a single surface use agreement covering all nine locations.
 - g. Well lateral lengths will be between two miles and three miles.
 - h. KMOG will install a water on demand system for this area and will have this in place prior to completion operations starting at any of these proposed locations.
 - i. All nine locations will have automation and remote monitoring.
 - j. KMOG will have natural gas, produced oil, and produced water pipelines installed for all nine of these locations prior to first production.
 - k. KMOG will not have any tanks for hydrocarbon storage on any of these nine proposed locations.
 - l. KMOG will have permanent utility power for production operations at all nine proposed locations.
 - m. KMOG will use tier IV engines for completions operations at all nine proposed locations.

- p. Staff received no applications for intervention from any noticed party.
 - q. Staff sent referrals to five Weld County departments, four state agencies, one local municipality, the applicable fire district, and the two applicable school districts. Responses were received from all Weld County departments, three of the four state agencies, and the applicable fire district. The Staff Report summarizes these responses.
 - r. Weld County Office of Emergency Management approved a comprehensive emergency action plan with input and collaboration with the applicable fire districts. A site-specific TRP will be required to be submitted with the Site-Specific 1041 WOGLAs and approved by Weld County Office of Emergency Management.
 - s. A comprehensive preliminary drainage report for the CDP has been approved by Weld County Development Review as required. Final drainage reports will need to be submitted and approved with the Site-Specific 1041 WOGLAs.
13. Ms. Frederick gave further testimony that the Application was viewed as complete and further testified that the Application is in compliance with the Code including the Application Requirements described within Sec. 21-5-320 of the Code and the Development Standards within Division 4 of Article V ("Development Standards") of the Code.
14. Ms. Frederick testified that the Applicant selected the locations that best consolidate impacts while protecting health and safety of community, residents, wildlife, and the environment.
15. Ms. Frederick gave testimony that Staff recommends approval of this CDP Application with the conditions as stated in the Staff Report as this Application and the proposed nine locations remain protective of the residents, wildlife, and environment while maintaining compatibility of nearby land uses.
16. Upon questioning, Ms. Frederick further testified that:
- a. Staff believes KMOG assessed all alternatives requested to be assessed by Staff or any referral agency as part of their Alternative Location Analysis ("ALA") process.
 - b. Staff received no concerns outside of those expressed in the pre-application meeting or received referrals from any of the local municipalities.
17. The Hearing Officer asked if there were any local governments or referral agencies at the Hearing that desired to provide testimony. No local governments or referral agencies desired to provide testimony.
18. Mr. Fernandez from Weld County Department of Public Health and Environment testified that:
- a. The Department read KMOG's submitted waste management plan and had no issues with the plan.
 - b. The Department will make a noise recommendation for each proposed location with the Site-Specific 1041 WOGLA.
 - c. A noise mitigation plan will likely be required for each Site-Specific 1041 WOGLA but a noise impact analysis and ambient survey likely won't be required.



- b. Mr. Riemer testified that KMOG will have a third-party biologist survey the locations prior to construction and if nests exist KMOG will work with third-party consultants and CPW and will avoid if required.
 - c. Mr. Riemer testified that KMOG already submitted a comprehensive Wildlife Mitigation Plan ("WMP") in consultation with CPW. Site specific WMPs will be submitted for each of the seven locations within HPH and Wildlife Protection Plans for the other two locations.
 - d. Mr. Riemer further expanded that while KMOG, at this time, is committed to not performing Construction Phase operations between January 1st and April 30th of any year, they would like some flexibility to operate during this time if approved by COGCC after CPW recommendation.
23. At the scheduled Hearing on April 27, 2023, the Hearing Officer found that after a full and detailed review of the Alternative Location Analysis submitted in the Application, Staff and Applicant testimony, and answers to questions asked; the nine proposed locations selected by the Applicant were the most protective of all the alternatives assessed.
24. Upon review of the Application, the Staff Report and upon taking testimony from Ms. Frederick, Ms. DeLaCroix, Mr. Fernandez, and the Applicant; the Hearing Officer found the Application to be complete.
25. Based on the facts stated in the Application, having received no applications for intervention, and based on the testimony presented to the Hearing Officer at the April 27, 2023, Hearing, the Hearing Officer found that a final order ("Final Order") to approve the Application should be entered.

FINAL ORDER

NOW, THEREFORE, IT IS ORDERED, that:

- 1. KMOG's 1041 WOGLA Permit heard under Docket Number 1041WOGLA22-0044 is hereby approved.
- 2. KMOG, its successors, and assigns ("Permittee") are hereby bound to the Development Standards within the Code; the Conditions of Approval ("COA's") within the Staff Report; the BMP's within the Application; and the Development Standards and Conditions within the referral agency comments received from the Weld County Department of Public Health and Environment and the Weld County Development Review the contents of which can be located at <https://accela-aca.co.weld.co.us/citizenaccess/>.
- 3. It is ordered that Permittee shall comply with the following two general COAs listed in the Staff Report and shown below:
 - 3.1. Construction operations authorized by 1041WOGLA22-0044 shall be commenced within six (6) years from the date that this 1041 WOGLA CDP Permit is placed on record with the Weld County Clerk and Recorder and published in the Greeley Tribune.
 - 3.2. Site-Specific 1041 WOGLA information submittal requirements: At least 90 days prior to construction, Permittee will submit site-specific 1041 WOGLA information detailing



- n. KMOG will perform continuous air monitoring during drilling and completions operations for all nine proposed locations.
 - o. KMOG will plug four wells in the development area and reclaim roughly 21 acres of land.
 - p. With pipeline takeaway installed per the above, KMOG estimates that roughly 1.7 million truck trips will be eliminated.
 - q. KMOG will use an existing road for a single point of access off State Highway 34. KMOG estimates roughly six acres of new access road.
 - r. KMOG already has an approved CDOT access permit but sent CDOT an updated traffic memo with updated traffic numbers. KMOG will work with CDOT to secure all required additional approvals.
 - s. All nine proposed locations are on land owned by a single landowner. This landowner owns all of the land in the development area and is adamant that these are the only locations KMOG will be allowed to develop.
21. Upon questioning, Mr. Piekara further testified to the following related to requirements and BMPs that KMOG will implement that were not already documented above:
- a. KMOG understands that Construction Phase operations cannot begin on any of these nine proposed locations until a Site-Specific 1041 WOGLA is submitted and approved by the Director.
 - b. KMOG understands that a site specific TRP will need to be approved by Weld County's Office of Emergency Management as part of the Site-Specific 1041 WOGLA prior to any Construction Phase operations beginning.
 - c. KMOG understands they must adhere to all noise levels recommended by Weld County Department of Public Health and Environment outlined in each Site-Specific 1041 WOGLA.
 - d. KMOG will use a modified drill rig and quiet frac fleet for all nine of the proposed locations.
 - e. KMOG will not flare or vent gas at any of the nine proposed locations except for upset conditions.
 - f. KMOG will use Group III drilling mud for production hole drilling at all nine proposed locations.
 - g. KMOG will submit all required information with each Site-Specific 1041 WOGLA, this will include light plans and noise plans if required.
 - h. KMOG agrees to be bound by all BMPs listed in the submitted waste management plan for all nine proposed locations.
22. The following was testimony provided by the Applicant related to wildlife and HPH:
- a. Mr. Piekara testified that KMOG will not perform Construction Phase operations between January 1st and April 30th of any year thereby adhering to CPW's timing stip for the Pronghorn Winter Concentration HPH.

- elements specific to each Oil and Gas Location as represented in Table 1 [in the Staff Report]. The site-specific 1041 WOGLA information to be provided for each Oil and Gas Location shall include the 17 items listed in the Staff Report and shall also include a light mitigation plan and, if requested by Weld County Department of Public Health and Environment, a Noise Mitigation Plan.
4. It is ordered that Permittee shall comply with the three Prior to Construction COAs listed in the Staff Report and shown below:
 - 4.1. Construction of an Oil and Gas Location authorized by the CDP shall not commence until OGED Staff has issued a determination that, based on the Site-Specific 1041 WOGLA information submitted by Permittee, the proposed Oil and Gas Location and site-specific BMPs are consistent with the information provided in the CDP Application and compliant with the requirements of the Weld County Code in effect at the time of construction. Site-specific conditions of approval may be included with the OGED determination when necessitated by changes in the Code or the surrounding Land Use. The OGED determination will be issued no later than 90 days after the submission of the required Site-Specific 1041 WOGLA.
 - 4.2. A Final Drainage Report stamped and signed by a Professional Engineer registered in the State of Colorado is required with each Site-Specific 1041 WOGLA submittal by the Department of Planning-Development Review.
 - 4.3. If more than one (1) acre is to be disturbed, a Weld County Grading Permit will be required by the Department of Planning-Development Review.
 5. It is ordered that Permittee shall comply with the required Prior to Drilling COA listed in the Staff Report and shown below:
 - 5.1. Permittee must provide initial baseline groundwater sampling data, or information related to how the site is exempt from the COGCC Rule 615 to the Weld County Department of Public Health and Environment.
 6. It is ordered that Permittee shall comply with the BMPs listed in the waste management plan submitted with this CDP Permit for all nine locations.
 7. It is ordered that Permittee shall submit site-specific tactical response plans with each Site-Specific 1041 WOGLA that are reviewed and approved by Weld County's Department of Emergency Management in consultation with the local fire districts.
 8. It is ordered that Permittee shall transport natural gas, crude oil, and produced water from these nine proposed locations via pipelines that shall be in place and operational prior to first production.
 9. It is ordered that Permittee shall deliver fresh water to the nine proposed locations for the completion operations via a freshwater pipeline or lay flat lines.
 10. It is ordered that Permittee shall not flare or vent gas at any of the nine proposed locations in the absence of pipeline upset conditions.
 11. It is ordered that Permittee shall monitor the nine proposed locations remotely 24 hours a day seven days a week with automated shut-in capabilities.



29. Approval of this 1041 WOGLA Permit creates a Vested Property Right pursuant to Article 68 of Title 24, C.R.S., as amended.

IT IS FURTHER ORDERED that, this Final Order will be recorded in the records of the Weld County Clerk and Recorder. Additionally, a notice describing generally the type and intensity of USE approved, the specific parcel or parcels of property affected and stating that a VESTED PROPERTY RIGHT has been created shall be published once, not more than fourteen (14) days after approval of the 1041 WOGLA Permit. The Permit shall be effective upon recording and publication.

Weld County Oil & Gas Energy

By: 

Dave Kulmann, Hearing Officer

Dated: May 3, 2023

12. It is ordered that Permittee shall bring in electrical power to all nine proposed locations to power production operations.
13. It is ordered that Permittee shall develop Wildlife Mitigation Plans approved by COGCC for the seven proposed locations within an HPH.
14. For the seven proposed locations within an HPH, it is ordered that Permittee shall not perform Construction Phase operations between January 1st and April 30th of any year to avoid the HPH timing stip season. The Director may allow these operations to occur during these timing stips if Permittee provides documentation showing formal COGCC approval to do so.
15. It is ordered that Permittee shall, prior to commencing construction, survey the nine locations by a third-party biological contractor for nests.
16. It is ordered that each of the nine locations shall not have tanks for hydrocarbon storage.
17. It is ordered that Permittee shall not encroach on any Weld County Right-Of-Way in the development of these nine proposed locations.
18. It is ordered that Permittee shall submit a light mitigation plan for each of the nine locations showing compliance with the light levels in the Code.
19. It is ordered that Permittee shall shield lighting and direct lights downward for all nine proposed locations.
20. It is ordered that Permittee shall use a quiet frac fleet and modified drill rig at all nine proposed locations.
21. It is ordered that Permittee shall submit noise plans and agree to all BMPs from Weld County's Department of Public Health and Environment for all nine locations.
22. It is ordered that Permittee shall comply with the Noise Levels recommended by Weld County Department of Public Health and Environment in their referral for each Site-Specific 1041 WOGLA. Exceedances of these Noise Levels based on conducting an ambient sound survey may be permitted according to Sec. 21-5-435.C of the Code if the ambient sound survey is provided to the Director, the survey was conducted according to the procedures outlined in the Code, and both the Director and Weld County Department of Public Health and Environment approve.
23. It is ordered that Permittee shall use Group III drilling mud for production hole drilling for all nine proposed locations.
24. It is ordered that Permittee shall use tier IV or better engines for hydraulic fracturing for all nine proposed locations.
25. It is ordered that Permittee shall perform continuous air monitoring during drilling and completion operations for all nine proposed locations.
26. It is ordered that Permittee shall provide for the standard detention requirements in the final drainage report unless a variance is specifically approved by Weld County Development Review.
27. It is ordered that Permittee shall receive any required additional access approvals from CDOT prior to Construction Phase operations at any of these nine proposed locations.
28. It is ordered that Permittee shall submit and secure administrative approval of Site-Specific 1041 WOGLAs prior to conducting any construction activities on the proposed locations.