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Colorado

Kubeczko - DNR, Dave <dave.kubeczko@state.co.us>

Resend: Entek GRB LLC, FRU Federal 1-1 Pad, Lot 5 Sec 1 T11N R88W, Routt County, Form 2A#400324683 and Form 2#400324784; COGCC Response to Routt County LGD's Comments of 10-25-12

Kubeczko - DNR, Dave <dave.kubeczko@state.co.us>
To: Dave Kubeczko - DNR <dave.kubeczko@state.co.us>

Tue, Jan 22, 2013 at 10:38 AM

Scan No 21064956
2#400324784

LGD COMMENT RESPONSE CORRESPONDENCE

2A#400324683

----- Forwarded message -----

From: Kubeczko - DNR, Dave <dave.kubeczko@state.co.us>

Date: Tue, Jan 22, 2013 at 10:37 AM

Subject: Resend: Entek GRB LLC, FRU Federal 1-1 Pad, Lot 5 Sec 1 T11N R88W, Routt County, Form 2A#400324683 and Form 2#400324784; COGCC Response to Routt County LGD's Comments of 10-25-12

To: Chris Brookshire <cbrookshire@co.routt.co.us>

I have resent this with revised attachment with correct Wildfire Monitoring COA for Comment No. 9. Thanks.
Dave

Chris,

COGCC appreciates Routt County's participation in the LGD comment portion of the Form 2A and Form 2 permitting process. Attached is COGCC's Responses to Routt County's comments (submitted on October 25, 2012) for the Entek GRB LLC, FRU Federal 1-1 Pad, Form 2A#400324683 and Form 2#400324784. These responses will become an attachment to the Form 2A and Form 2. COGCC's review process is complete and the Form 2A and Form 2 permits will be approved soon. I would like to meet with you next week to discuss any issues or concerns and/or elaborate on the COGCC's review process. Please let me know if you would like to meet and your availability. If you have any other questions, please do not hesitate to call me at (970) 309-2514 (cell), or email; or Greg Deranleau at (303) 894-2100 x5153. Thanks.

Dave

David A. Kubeczko, PG

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**Scan No. 2106495_Entek GRB LLC, FRU Federal 1-1 Pad_COGCC Response to Routt County LGD's
Comments of 10-25-12_2A#400324683_2#400324784_01222013.pdf**
181K

Routt County LDG Comments

Regulatory Form 2A#400324683 and Form 2#400324784

Entek GRB LLC, FRU Federal 1-1 Pad; Lot 5 (NENE) 1 T11N R88W, Routt County

Comments submitted on October 25, 2012: COGCC Response to Comments sent to Routt County LGD, Chris Brookshire on January 22, 2013:

LGD Comments

Entek GRB LLC

Focus Ranch Unit Federal 1-1

Section 1-11-88

Routt County

COGCC Doc # 400324683 and 400324784

1. Routt County has a permitting process for all oil/gas operations. All operators must contact Routt County and comply with the Special Use Permit process before operations may proceed.
2. In order to achieve minimal baseline water quality testing, the operator should, at a minimum, comply with the Colorado Oil and Gas Association Voluntary Baseline Groundwater Quality Sampling Program dated November 15, 2011.
3. In order to determine the adequacy of the COGA program as it relates to the protection of water resources, all operators should perform studies of the subsurface geology, gradients, groundwater depth, and water flow direction and submit the findings of these studies to Routt County during the local land use application process.
4. Routt County requests information from the COGCC after drilling operations are complete for the location of aquifers and showing that casing was completed per minimum requirements of the COGCC regulations to protect all aquifers. This information is generally available via the COGCC website, however, operators may request that this information be confidential. Routt County requests this information be made available to the LGD.
5. There is a stream located near the proposed access road. At this time Routt County has been informed that water ways will not be crossed by the new access road to the well pad. However, it is unclear how close the access will be located from the stream. Routt County has waterbody setback requirements and this access may be reviewed for off-site impacts.
6. The well pad is east of an intermittent drainage. The petitioner agreed during the site visit to reroute the access road to avoid this drainage area. Maps have been submitted to the COGCC reflecting this change, but there are also location maps submitted with both the Forms 2 and 2A showing the previous access. The location maps need to be updated and reflect the re-routed access to avoid the drainage area. Any access roads and the well pad should have a comprehensive BMP plan and be continually monitored for protection of these water sources from erosion and contaminants.
7. Continued best management practices should be used to test or monitor air quality. The COGCC should work with the CDPHE to develop monitoring system requirements and schedules for all operators. New technology should be used to reduce emissions from tanks, equipment and flares at the onset of production.
8. The location of the site is mapped for geologic concerns of landslide area and directly on or immediately adjacent to a fault line. A portion of the proposed access will travel through or immediately adjacent to mapped area of unstable slopes.

9. The area where the well pad is located is mapped for moderate and high wildfire with a S/SW aspect and/or slopes greater than 30%. Fire extinguishers should be on-site during any operations or maintenance.

10. There are mapped wildlife concerns in this area which include Elk winter range; Sharp-tail Grouse production area and Greater Sage Grouse production area and the pad is located immediately north of the mapped area for GSG brood area. During the site visit, noise mitigation for wildlife was discussed including berms to mitigate noise. Wildlife restrictions should be strictly enforced and Entek should adhere to the wildlife mitigation placed by the CDPW.

Routt County recommends the following conditions:

1. Entek must receive a Routt County Special Use Permit before any road construction or drilling operations.
2. Entek must, at a minimum, comply with the COGA sampling program.
3. Entek must perform geological and hydrological studies of the area and submit the findings to Routt County.
4. Notification of depth of aquifer and casing depth below aquifer shall be submitted to Routt County after completion of drilling operations.
5. Entek must supply Routt County with information pertaining to access road location and its proximity to any water body, temporary or permanent.
6. The SWAMP permit must be submitted to Routt County.
7. Entek shall use existing BMPs and incorporate new technologies when practicable to reduce all emissions through all phases of development.
8. A review of the site shall be conducted by the Colorado Geologic Survey to determine if the site is located in an area of geologic concerns and if the site should be mitigated or relocated.
9. Fire extinguishers shall be on-site during any operations or maintenance.
10. All restrictions recommended by CDPW shall become conditions of approval and shall be strictly enforced.
11. Access is shown from Moffat County Road 129. If access changes and Routt County roads are used, all applicable permits from the Routt County Road and Bridge Department such as access, SWMP and GG must be obtained.

Comment No. 1 - ROUTT COUNTY SPECIAL USE PERMIT.

Routt County has a permitting process for all oil/gas operations. All operators must contact Routt County and comply with the Special Use Permit process before operations may proceed.

COGCC Response to Comment No. 1 - ROUTT COUNTY SPECIAL USE PERMIT.

No COGCC response necessary.

Comment No. 2 - GROUNDWATER MONITORING CONCERNS.

Routt County requests that the operator be required, at a minimum to comply with COGA Voluntary Baseline Groundwater Quality Sampling Program.

COGCC Response to Comment No. 2 - GROUNDWATER MONITORING CONCERNS.

Entek has agreed to sample nearby domestic water wells, other water wells, springs, or surface water prior to drilling and completion of this well. COGCC has placed the following COA on the Form 2A:

COA 9 - Baseline Water Testing: Prior to drilling, operator shall sample the two (2) closest domestic water wells, springs, or surface water features within a one (1) mile radius of the proposed oil and gas location. Testing preference shall be given to domestic water wells and springs over surface water. Testing of surface water features shall only be conducted if two (2) water wells or springs do not exist within a one (1) mile radius of the selected oil and gas location. If possible, the water wells or springs selected should be on opposite sides of the oil and gas location not exceeding a one (1) mile radius. If water wells or springs on opposite sides of the oil and gas location cannot be identified, then the two (2) closest wells or springs within a one (1) mile radius of the oil and gas location shall be sampled. The sample location shall be surveyed in accordance with Rule 215. Sampling and analysis shall be conducted in conformance with an accepted industry standard as described in Rule 910.b.(2).

Initial baseline testing shall include: pH, specific conductance, total dissolved solids (TDS), dissolved gases (methane, ethane, propane), alkalinity (total bicarbonate and carbonate as CaCO_3), major anions (bromide, chloride, fluoride, sulfate, nitrate and nitrite as N, phosphorus), major cations (calcium, iron, magnesium, manganese, potassium, sodium), other elements (barium, boron, selenium and strontium), presence of bacteria (iron related, sulfate reducing, slime and coliform), total petroleum hydrocarbons (TPH) and BTEX compounds (benzene, toluene, ethylbenzene and xylenes). Hydrogen sulfide shall also be measured using a field test method. Field observations such as pH, temperature, specific conductance, odor, water color, sediment, bubbles, and effervescence shall also be included. COGCC recommends that the latest version of EPA SW 846 analytical methods be used where possible and that analyses of samples be performed by laboratories that maintain state or national accreditation programs.

If free gas or a dissolved methane concentration greater than 1.0 milligram per liter (mg/l) is detected in a water well, gas compositional analysis and stable isotope analysis of the methane (carbon and hydrogen – ^{12}C , ^{13}C , ^1H and ^2H) shall be performed to determine gas type. If test results indicated thermogenic or a mixture of thermogenic and biogenic gas. If the methane concentration increases by more than 5.0 mg/l between sampling periods, or increases to more than 10. mg/l, the operator shall notify the Director and the owner of the water well immediately.

After 90 days, but less than 180 days of completion of the first proposed well a “post-completion” test shall be performed for the same analytical parameters listed above and repeated one (1), three (3) and six (6) years thereafter. If the well is a non-producing well, then the one (1), three (3) and six (6) year samples will not be required. If no significant changes from the baseline have been identified after the third test (i.e. the six-year test), no further testing shall be required. Additional “post-completion” test(s) may be required if changes in water quality are identified during follow-up testing. The Director may require further water well sampling at any time in response to complaints from water well owners.

Copies of all test results described above shall be provided to the Director and the landowner where the water quality testing well is located within three (3) months of collecting the samples used for the test. The analytical data and surveyed well locations shall also be submitted to the Director in an electronic data deliverable format.

Operator may conduct baseline groundwater sampling in accordance with the Colorado Oil and Gas Association (COGA) Voluntary Baseline Groundwater Quality Sampling Program (updated November 15, 2011).

Documented refusal to grant access by well owner or surface owner (for surface water and spring sampling) shall not constitute a violation of this COA.

Comment No. 3 - GEOLOGIC, SURFACE WATER, AND GROUNDWATER STUDIES REQUEST.

In order to determine the adequacy of the COGA program as it relates to the protection of water resources, all operators should perform studies of the subsurface geology, gradients, groundwater depth, and water flow direction and submit the findings of these studies to Routt County during the local land use application process.

COGCC Response to Comment No. 3 - GEOLOGIC, SURFACE WATER, AND GROUNDWATER STUDIES REQUEST.

Routt County can request this information from the operator during their permit process. COGCC does not require this information for either the Form 2 or Form 2A permits. COGCC staff review available geologic, hydrogeologic (water well), and hydrologic (surface water) information during the permitting process to evaluate whether the oil and gas location may have the potential to impact these resources. Based on the staff review, conditions of approval (COAs) are placed on the permit to be protective of these resources.

Comment No. 4 - SURFACE CASING PLACEMENT CONCERNS AND CONFIDENTIALITY.

Routt County requests information from the COGCC after drilling operations are complete for the location of aquifers and showing that casing was completed per minimum requirements of the COGCC regulations to protect all aquifers. This information is generally available via the COGCC website, however, operators may request that this information be confidential. Routt County requests this information be made available to the LGD.

COGCC Response to Comment No. 4 - SURFACE CASING PLACEMENT CONCERNS AND CONFIDENTIALITY.

Form 5's are reviewed after-the-fact to verify compliance with the drilling and cementing rules. The county can review forms and logs on their own after approval, and if the operator does not submit data and forms per Rule 308A in a timely manner, then the county can file a complaint. In addition, Rule 317.i. applies if unanticipated aquifers are encountered while drilling the production hole:

317. GENERAL DRILLING RULES; i. Production casing cementing. The operator shall ensure that all cement required under this rule placed behind production casing shall be of adequate quality to achieve a minimum compressive strength of at least three hundred (300) psi after twenty-four (24) hours and eight hundred (800) psi after seventy-two (72) hours measured at ninety-five degrees Fahrenheit (95 °F) and at eight hundred (800) psi. After thorough circulation of a wellbore, cement shall be pumped behind the production casing (200) feet above the top of the shallowest known producing horizon. All fresh water aquifers which are exposed below the surface casing shall be cemented behind the production casing. All such cementing around an aquifer shall consist of a continuous cement column extending from at least fifty (50) feet below the bottom of the fresh water aquifer which is being protected to at least fifty (50) feet above the top of said fresh water aquifer. Cement placed behind the production casing shall be allowed to set seventy-two (72) hours, or until eight hundred (800) psi calculated compressive strength is developed, whichever occurs first, prior to the undertaking of any completion operation.

Operator's are allowed to ask for confidentiality for a period up to six (6) months. Within this period, no information submitted to COGCC can be released for any reason. Below is the COGCC STAFF'S POLICY FOR MAINTAINING CONFIDENTIALITY OF EXPLORATORY AND WILDCAT WELL INFORMATION (dated February 10, 2010):

For a period of six months, the Commission must keep confidential logs of exploratory or wildcat wells that are marked "confidential." §34-6-106(1)(b) C.R.S. (2009). The intent is that for a

relatively short but reasonable period of time, an operator of a high-risk well is protected from having to share information with potential competitors.

Pursuant to Rule 308A., a Drilling Completion Report (Form 5) and copies of logs run must be submitted to the Commission within 30 days of setting production casing. Pursuant to Rule 308B., a Completed Interval Report (Form 5A) must be submitted within 30 days of completing a formation. (See Rules 308A. and 308B. for additional details.)

Pursuant to Rule 308C., upon the request of an operator, the Commission will keep confidential a Drilling and Completion Report (Form 5), a Completed Interval Report (Form 5A), and logs of an exploratory or wildcat well for a period of six months after the date of completion, unless the operator gives written permission to release the information at an earlier date.

Staff determine the commencement of the six-month confidentiality period as the latest to occur of the following:

- ☐ Date well reached total depth ("TD")
- ☐ Date production casing was run
- ☐ Date well was production tested, if production testing occurred within six months of reaching TD or running production casing

When an operator makes a timely confidentiality request (*i.e.*, prior to the public release of the information that will be held confidential), Staff keep confidential the following information for the six month period of time, commencing as described above:

- ☐ All down-hole, geophysical electric logs (including directional surveys)
- ☐ Any geologic reports, core analysis or drill stem tests
- ☐ Drilling and Completion Report (Form 5)
- ☐ Completed Interval Report (Form 5A)
- ☐ Production Report (Form 7)

Comment No. 5 - NEARBY SURFACE WATER CONCERNS.

There is a stream located near the proposed access road. At this time Routt County has been informed that water ways will not be crossed by the new access road to the well pad. However, it is unclear how close the access will be located from the stream. Routt County has waterbody setback requirements and this access may be reviewed for off-site impacts.

COGCC Response to Comment No. 5 - NEARBY SURFACE WATER CONCERNS.

COGCC has placed the following COAs on the Form 2A:

COA 44 - The access road will be constructed to prevent sediment migration from the access road to nearby surface water or any drainages leading to other nearby surface waters.

COA 23 - Operator must ensure secondary containment for any volume of fluids contained at well site during drilling and completion operations (as shown on the Proposed BMPs attachment); including, but not limited to, construction of a berm or diversion dike, diversion/collection trenches within and/or outside of berms/dikes, site grading, or other comparable measures (*i.e.*, best management practices (BMPs) associated with stormwater management) sufficiently protective of nearby surface water. Any berm constructed at the well pad location will be stabilized, inspected at regular intervals (at least every 14 days), and maintained in good condition.

Routt County may request additional access road setback information for their permit process. COGCC does not require this for either the Form 2 or Form 2A permits.

Comment No. 6 - NEARBY SURFACE WATER AND STORMWATER MANAGEMENT CONCERNS.

The well pad is east of an intermittent drainage. The petitioner agreed during the site visit to reroute the access road to avoid this drainage area. Maps have been submitted to the COGCC reflecting this change, but there are also location maps submitted with both the Forms 2 and 2A showing the previous access.

The location maps need to be updated and reflect the re-routed access to avoid the drainage area. Any access roads and the well pad should have a comprehensive BMP plan and be continually monitored for protection of these water sources from erosion and contaminants. .

COGCC Response to Comment No. 6 - NEARBY SURFACE WATER AND STORMWATER MANAGEMENT CONCERNS.

Revised attachments (Access Road Map revised on 10-15-12; Hydrology Map, Location Drawing, and Reference Area Map revised on 10-26-12) have already been provided by operator and placed on the Form 2A permit. Entek has a SWPPP in place and will be maintained to CDPHE standard, this should be adequate.

Comment No. 7 - AIR QUALITY MONITORING CONCERNS.

Continued best management practices should be used to test or monitor air quality. The COGCC should work with the CDPHE to develop monitoring system requirements and schedules for all operators. New technology should be used to reduce emissions from tanks, equipment and flares at the onset of production.

COGCC Response to Comment No. 7 - AIR QUALITY MONITORING CONCERNS.

Garfield County, in conjunction with Colorado State University and Oil and Gas Operators has initiated a long-term air quality monitoring program that will be conducted from Fall 2012 through Fall 2015. The initial criteria presented by Garfield County at the Northwest Forum meeting of September 6, 2012 should be more than sufficient to evaluate the need for air monitoring requirements at future well pad locations. Currently, air monitoring is regulated by the Colorado Department of Public Health and Environment.

COGCC cannot "prohibit" emissions or flares. Operators are required to comply with CDPHE rules incorporated by reference in COGCC Rule 805.b.(1) regarding odor emissions. Operators are required to comply with statewide green completion requirements identified in Rule 805.b.(3). Operators are required to seek approval for long-term production venting or flaring on a Sundry Notice, per Rule 912.b. COGCC will approve production flaring (production venting is not encouraged) if costs for pipeline construction are prohibitive based on an economic analysis submitted with the Sundry Notice. Flaring is required if hydrogen sulfide is present in the gas. Flared or vented gas must be reported monthly on Form 7, per Rule 912.c. Flared gas subject to Rule 912.b. approval must be directed to a controlled device operated efficiently to provide maximum reduction of air contaminants where practicable and without endangering the safety of the well site personnel and the public, per Rule 912.d. Operators shall notify the local emergency dispatch or the local governmental designee of any natural gas flaring with reasonable notice timeframes specified in Rule 912.e.

When production flaring is approved per Rule 912.b., COGCC requires annual updates (requests to flare) on Sundry Notices, which discuss whether or not any new gathering systems or increased development of the field have changed pipeline economics such that installation of a new pipeline would be an economically viable option in lieu of continued flaring. COGCC encourages operators to use a portion of the gas flow for lease operations, if possible. COGCC also encourages other innovative approaches, in lieu of flaring (e.g., on-site gas turbine electric generation or re-injection into offset wells for pressure maintenance [UIC approval would be required for gas injection]).

Comment No. 8 - GEOLOGIC HAZARDS CONCERNS.

The location of the site is mapped for geologic concerns of landslide area and directly on or immediately adjacent to a fault line. A portion of the proposed access will travel through or immediately adjacent to mapped area of unstable slopes.

COGCC Response to Comment No. 8 - GEOLOGIC HAZARDS CONCERNS.

The Surface Plan attachment (a requirement of the Federal APD process) describes the access road route and indicates that most of the road is existing 2-track/jeep trail that leads to existing well pads and will not require any cuts. Entek has an engineering firm looking at this and will locate the access road and construct to BLM standards, including protection of any nearby/adjacent intermittent streams or drainages. It would not be in Entek's best interest to construct any road that would not last for the production life of the proposed well pad (20 to 30 years).

In addition, COGCC has placed the following COA on the Form 2A:

COA 71 - Operator shall design and construct the access road utilizing all available soils, geologic, landslide, and hydrogeologic information. The road should also follow any applicable BLM construction standards. Operator shall notify the COGCC and the Routt County LGD 48 hours prior to start of access road construction using Form 42 (and emailing dave.kubeczko@state.co.us, kris.neidel@state.co.us, and cbrookshire@co.routt.co.us).

Comment No. 9 - WILDFIRE CONCERNS.

The area where the well pad is located is mapped for moderate and high wildfire with a S/SW aspect and/or slopes greater than 30%. Fire extinguishers should be on-site during any operations or maintenance.

COGCC Response to Comment No. 9 - WILDFIRE CONCERNS.

This concern and requirement is already covered under COGCC's 600-Series Rules: **SERIES SAFETY REGULATIONS.**

601. INTRODUCTION

The rules and regulations in this section are promulgated to protect the health, safety and welfare of the general public during the drilling, completion and operation of oil and gas wells and producing facilities. They do not apply to parties or requirements regulated under the Federal Occupational Safety and Health Act of 1970 (See Rule 212). rules:

606A. FIRE PREVENTION AND PROTECTION

- a. Gasoline-fueled engines shall be shut down during fueling operations if the fuel tank is an integral part of the engine.
- b. Handling, connecting and transfer operations involving liquefied petroleum gas (LPG) shall conform to the requirements of the State Oil Inspector.
- c. Flammable liquids storage areas within any building or shed shall:
 - (1) be adequately vented to the outside air;
 - (2) have two (2) unobstructed exits leading from the building in different directions if the building is in excess of five hundred (500) square feet.
 - (3) be maintained with due regard to fire potential with respect to housekeeping and materials storage;
 - (4) be identified as a hazard and appropriate warning signs posted;
- d. Flammable liquids shall not be stored within fifty (50) feet of the wellbore, except for the fuel in the tanks of operating equipment or supply for injection pumps. Where terrain and location configuration do not permit maintaining this distance, equivalent safety measures should be taken.

- e. Liquefied petroleum gas (LPG) tanks larger than two hundred fifty (250) gallons and used for heating purposes, shall be placed as far as practical from and parallel to the adjacent side of the rig or wellbore as terrain and location configuration permit. Installation shall be consistent with provisions of NFPA 58, "Standards for the Storage and Handling of Liquid Petroleum Gases".
- f. Smoking shall be prohibited at or in the vicinity of operations which constitute a fire hazard and such locations shall be conspicuously posted with a sign, "No Smoking or Open Flame". Matches and all smoking equipment may not be carried into "No Smoking" areas.
- g. No source of ignition shall be permitted in an area where smoking has been prohibited unless it is first determined to be safe to do so by the supervisor in charge or his designated representative.
- h. Open fires, transformers, or other sources of ignition shall be permitted only in designated areas located at a safe distance from the wellhead or flammable liquid storage areas.
- i. Only approved heaters for Class I Division 2 areas, as designated by API RB 500B, shall be permitted on or near the rig floor. The safety features of these heaters shall not be altered.
- j. Combustible materials such as oily rags and waste shall be stored in covered metal containers.
- k. Material used for cleaning shall have a flash point of not less than one hundred (100° F) degrees Fahrenheit. For limited special purposes, a lower flash point cleaner may be used when it is specifically required and should be handled with extreme care.
- l. Firefighting equipment shall not be tampered with and shall not be removed for other than fire protection and firefighting purposes and services. A firefighting water system may be used for wash down and other utility purposes so long as its firefighting capability is not compromised. After use, water systems must be properly drained or properly protected from freezing.
- m. An adequate amount of fire extinguishers and other firefighting equipment shall be suitably located, readily accessible, and plainly labeled as to their type and method of operation.
- n. Fire protection equipment shall be periodically inspected and maintained in good operating condition at all times.
- o. Firefighting equipment shall be readily available near all welding operations. When welding, cutting or other hot work is performed in locations where other than a minor fire might develop, a person shall be designated as a fire watch. The area surrounding the work shall be inspected at least one (1) hour after the hot work is completed.
- p. Portable fire extinguishers shall be tagged showing the date of last inspection, maintenance or recharge. Inspection and maintenance procedures shall comply with the latest edition of the National Fire Protection Association's publication NFPA 10.
- q. Personnel shall be familiarized with the location of fire control equipment such as drilling fluid guns, water hoses and fire extinguishers and trained in the use of such equipment. They shall also be familiar with the procedure for requesting emergency assistance as terrain and location configuration permit. Installation shall be consistent with provisions of NFPA 58, "Standards for the Storage and Handling of Liquefied Petroleum Gases".

In addition, COGCC has placed the following COA on the Form 2A:

COA 81 - During all construction, drilling, and completion phases at this location, operator shall be monitoring the wildfire potentials daily and have the appropriate additional equipment and measures in place. This may include smoking bans and additional fire fighting equipment. Operator shall consult with BLM and the NFS as necessary.

Comment No. 10 - WILDLIFE CONCERNS.

There are mapped wildlife concerns in this area which include Elk winter range; Sharp-tail Grouse production area and Greater Sage Grouse production area and the pad is located immediately north of the mapped area for GSG brood area. During the site visit, noise mitigation for wildlife was discussed including berms to mitigate noise. Wildlife restrictions should be strictly enforced and Entek should adhere to the wildlife mitigation placed by the CDPW.

COGCC Response to Comment No. 10 - WILDLIFE CONCERNS.

Colorado Parks and Wildlife and the Bureau of Land Management (BLM -responsible for both the surface and subsurface) have had consultations with Entek GRB concerning wildlife issues at this location, as well as the other locations. CPW has consulted on this location and has deferred final wildlife issues to the BLM. The BLM has placed the following stipulations on the Federal APD:

- Greater Sage Grouse nesting and Early Brood Rearing Habitat – no activity between March 1 – June 30.
- Columbian Sharptail nesting habitat – no activity between March 1 – June 30.
- Timing restrictions for Greater Sage Grouse from March 1 – May 15 – activity between 9:00 am to 4:00pm.
- Implement noise reduction measures for Greater Sage Grouse.
- BLM recommends avoidance of the nearby Greater Sage Grouse PPH.

These BMPs have been placed on the Form 2A permit and are fully enforceable by COGCC. The BLM has the responsibility for both the protection of all surface resources and the development of the mineral resources. They need to seek a balance between all surface resources/uses/issues when evaluating the Federal Application Permit for Drilling (APD). The BLM have their own resource specialists and will conduct a detailed analysis of this location. Based on information on the Form 2A and discussions with the BLM, COGCC believes that this is an appropriate location for the development of the mineral resources. The COGCC will defer any wildlife BMPs, stipulations, and/or COAs on this location to the BLM.

Routt County recommends the following conditions:

1. Entek must receive a Routt County Special Use Permit before any road construction or drilling operations. **Not a COGCC Form 2A permit nor a Form 2 permit requirement.**
2. Entek must, at a minimum, comply with the COGA sampling program. **Baseline water sampling COA has been placed on the Form 2A permit.**
3. Entek must perform geological and hydrological studies of the area and submit the findings to Routt County. **Not a COGCC Form 2A permit nor a Form 2 permit requirement.**
4. Notification of depth of aquifer and casing depth below aquifer shall be submitted to Routt County after completion of drilling operations. **This information is available on the COGCC website.**
5. Entek must supply Routt County with information pertaining to access road location and its proximity to any water body, temporary or permanent. **Access Road Map is attached to the Form 2A and the Federal APD.**
6. The SWAMP permit must be submitted to Routt County. **Not a COGCC Form 2A permit nor a Form 2 permit requirement.**
7. Entek shall use existing BMPs and incorporate new technologies when practicable to reduce all emissions through all phases of development. **Covered in COGCC rules.**
8. A review of the site shall be conducted by the Colorado Geologic Survey to determine if the site is located in an area of geologic concerns and if the site should be mitigated or relocated. **COGCC cannot mandate such a review by another agency. Access road design/construct evaluation COA has been placed on the Form 2A permit.**
9. Fire extinguishers shall be on-site during any operations or maintenance. **Covered in COGCC rules. Wildfire monitoring COA has been placed on the Form 2A permit.**

10. All restrictions recommended by CDPW shall become conditions of approval and shall be strictly enforced. **BLM wildlife lease stipulations are in place and additional wildlife COAs will be placed on the federal APD.**
11. Access is shown from Moffat County Road 129. If access changes and Routt County roads are used, all applicable permits from the Routt County Road and Bridge Department such as access, SWMP and GG must be obtained. **Not a COGCC Form 2A permit nor a Form 2 permit requirement.**