

Objective Criteria Review Memo - Morning Gun Exploration Castor 7-59 11, Form 2A #401891544

This summary explains how COGCC staff conducted its technical review of the Morning Gun Exploration (Morning Gun) Castor 7-59 11, Form 2A #401891544 within the context of SB 19-181. This Form 2A permit application met the following Objective Criteria -

1. (Criteria 6) The proposed Oil & Gas Location lies within a Colorado Parks and Wildlife (CPW) mapped Sensitive Wildlife Habitat (SWH) for Plains Sharp Tail Grouse (PSTG).
2. (Criteria 8) The proposed Oil & Gas Location proposes storage of hydrocarbon or produced liquid in more than 18 tanks (24 oil tanks and 12 water tanks).

COGCC staff met with the Director to discuss whether the Objective Criteria were sufficiently addressed and whether the Form 2A could be approved with the proposed Best Management Practices (BMPs) and applied Conditions of Approval (COAs). The following sections provide details regarding the evaluation of each criterion.

Criteria 6: Oil and Gas Locations within a Colorado Parks and Wildlife (CPW) mapped Restricted Surface Occupancy (RSO) or Sensitive Wildlife Habitat (SWH), or location receiving site- or species specific CPW comments.

Site Specific Description of Applicability of Criteria 6: During the review process, COGCC staff determined that this proposed Oil & Gas Location was within a CPW mapped SWH for Plains Sharp Tail Grouse (PSTG), but was not indicated so on the Form 2A by Morning Gun. COGCC Staff contacted Morning Gun to inform them of this finding and the Form 2A was returned to Morning Gun so that they could correctly indicate this, provide Wildlife mitigation BMPs, and then resubmit the Form 2A. Doing so would also notify CPW that a consultation task was assigned to them for this Form 2A. The operator corrected and resubmitted the Form 2A.

Site Specific Measures to Address Criteria 6: An on-site consultation between Morning Gun, the surface owner, CPW, and COGCC staff was conducted and additional appropriate Wildlife mitigation BMPs (BMP #2) were added to the Form 2A. The Wildlife mitigation BMPs were agreed to by Morning Gun, CPW, and the surface owner. During the subsequent Director's review, the Director requested Morning Gun consider moving the proposed Oil & Gas Location outside of the mapped SWH or conduct a wildlife survey during the nesting season to determine whether PSTG or active PSTG leks were present in the area. Morning Gun agreed to conducting a survey and both Morning Gun and CPW conducted wildlife surveys of the mapped area. Results of the survey indicated that neither the presence of PSTG nor active leks were observed.

Following this survey, COGCC staff requested Morning Gun re-route their proposed Access Road so that it would not cross the CPW mapped Restricted Surface Occupancy for PSTG to

further protect from impacts. Morning Gun agreed to this and a revised version of the Access Road Map and a copy of the PSTG survey report were attached to the Form 2A. In the event that construction, drilling, and well completion activities carry over into the following year, Morning Gun agreed to conduct another survey for the presence of PSTG and active leks during nesting season prior to commencing activities.

Determination: The Director determined that Criteria 6 was sufficiently analyzed based on the results of the PSTG survey, the re-routing of the Access Road, the addition of Wildlife BMPs and a COA that address the protection of the mapped PSTG SWH and RSO.

Criteria 8: Oil and Gas Locations with storage of hydrocarbon or produced liquid in more than 18 tanks or in excess of 5,200 barrels.

Site Specific Description of Applicability of Criteria 8: Morning Gun has proposed up to 24 oil tanks and 12 water tanks on this Oil & Gas Location.

Site Specific Measures to Address Criteria 8: Although this proposed Oil & Gas Location is in a remote area of Weld County, staff contacted Morning Gun in which they indicated that in the event of a fire or explosion they have prepared and submitted an Emergency Action Plan with the Weld County Office of Emergency Management. There are no Building Units within one mile of the location. The nearest surface water feature is 3,900 feet from the location and the estimated depth to groundwater is 147 feet.

Determination: The Director determined that Criteria 8 was sufficiently analyzed based on an Emergency Action Plan submitted to the Weld County Office of Emergency Management that addresses protection from fires and explosions and that surface and groundwater receptors are sufficiently distant to not be likely impacted.

Staff met with the Director on 6/6/19 to discuss the results of the wildlife survey, the re-routed Access Road and the updated BMPs that were applied to the Form 2A by COGCC staff. The Director determined that following the application of the additional analysis from the Objective Criteria, the permit application is sufficiently protective of public health, safety, welfare, the environment and wildlife resources set by SB 19-181.