



**RULE 304.E. SUBSTANTIALLY EQUIVALENT INFORMATION COVER SHEET**

**Oil and Gas Development Plan Gadwall Pad, Docket #210600089**

**Gadwall Pad: NWNE Section 30, Township 8 North, Range 60 West**

**Loc ID 455385, Form 2A Doc #402653051**

**Weld County, Colorado**

The attached CDOT Access Permit is being submitted as a substantially equivalent document to the Transportation Plan required by COGCC Rule 304.c.(6).

This document was developed for Weld County as part of WOGLA18-0087.

This document does not conform to COGCC rules or guidance in the following ways:

None.

This document should be accepted as substantially equivalent:

The approved CDOT Access permit was accepted by Weld County as part of approved WOGLA18-0087.

<b>COLORADO DEPARTMENT OF TRANSPORTATION</b> <b>STATE HIGHWAY ACCESS PERMIT</b>			CDOT Permit No. <b>421044</b>
			State Highway No / Mp / Side <b>014C / 186.646 / Right</b>
Permit Fee <b>\$100.00</b>	Date of Transmittal <b>05/12/2021</b>	Region / Section / Patrol / Name <b>4 / 01 / 28</b>	Local Jurisdiction <b>Weld County</b>

<b>The Permittee(s):</b>  William F Stepanek & Deborah J Holub 31 Oak Road Orinda, California 94563-3322	<b>The Applicant(s):</b>  Mallard Exploration, LLC 1821 Blake Street, Ste 2B Denver, Colorado 80202 (303) 928-7128
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is hereby granted permission to have an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the Issuing Authority if at any time the permitted access and its use violate any parts of this permit. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.

**Location:** This access location is approximately 3410 feet east of mile marker 186 on the south/right side of State Highway 14 at approximately mile point 186.646.

<b>Access to Provide Service to:</b> (Land Use Code) <b>1088 - Oil/Gas Field</b>	(Size) <b>16</b>	(Units) <b>Each</b>
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**Additional Information:**

The access must be located directly across (south) from the existing access located on the north/left side of the highway at approximately mile point 186.646. Repermitting of expired permit 417162.

<b>MUNICIPALITY OR COUNTY APPROVAL</b> Required only when the appropriate local authority retains issuing authority.			
Signature	Print Name	Date	Title
Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from Initiation. The permitted access shall be completed in accordance with the terms and conditions of the permit prior to being used.			
<b>The permittee shall notify Bruce Barnett with the Colorado Department of Transportation, at (970) 350-2147 at least 48 hours prior to commencing construction within the State Highway right-of-way.</b>			
The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and its terms and conditions.			
<b>Permittee Signature:</b> DocuSigned by: 	Print Name Erin Mathews	Date 5/14/2021   8:56 AM MDT	
<b>Co-Permittee Signature:</b> (If applicable)	Print Name	Date	
This permit is not valid until signed by a duly authorized representative of the Department.			
<b>COLORADO DEPARTMENT OF TRANSPORTATION</b>			
Signature DocuSigned by: 	Print Name Tim Bilobran	Title Permits Manager	Date (of issue) 5/13/2021   3:53 PM MDT

**Copy Distribution:**

Required:

- 1.Region
- 2.Applicant

- 3.Staff Access Section
- 4.Central Files

Make copies as necessary for:

- Local Authority      Inspector  
 MTCE Patrol          Traffic Engineer

**Previous editions are obsolete and may not be used****Page 1 of 3    CDOT Form #101    5/07**

## State Highway Access Permit Form 101, Page 2

The following paragraphs are excerpts of the State Highway Access Code. These are provided for your convenience but do not alleviate compliance with all sections of the Access Code. A copy of the State Highway Access Code is available from your local issuing authority (local government) or the Colorado Department of Transportation (Department). When this permit was issued, the issuing authority made its decision based in part on information submitted by the applicant, on the access category which is assigned to the highway, what alternative access to other public roads and streets is available, and safety and design standards. Changes in use or design not approved by the permit or the issuing authority may cause the revocation or suspension of the permit.

### APPEALS

1. Should the permittee or applicant object to the denial of a permit application by the Department or object to any of the terms or conditions of a permit placed there by the Department, the applicant and permittee (appellant) have a right to appeal the decision to the [Transportation] Commission [of Colorado]. To appeal a decision, submit a request for administrative hearing to the Transportation Commission of Colorado within 60 days of transmittal of notice of denial or transmittal of the permit for signature. Submit the request to the Transportation Commission of Colorado, 4201 East Arkansas Avenue, Denver, Colorado 80222-3400. The request shall include reasons for the appeal and may include changes, revisions, or conditions that would be acceptable to the permittee or applicant.

2. Any appeal by the applicant or permittee of action by a local issuing authority shall be filed with the local authority and be consistent with the appeal procedures of the local authority.

3. In submitting the request for administrative hearing, the appellant has the option of including within the appeal a request for a review by the Department's internal administrative review committee pursuant to [Code] subsection 2.10. When such committee review is requested, processing of the appeal for formal administrative hearing, 2.9(5) and (6), shall be suspended until the appellant notifies the Commission to proceed with the administrative hearing, or the appellant submits a request to the Commission or the administrative law judge to withdraw the appeal. The two administrative processes, the internal administrative review committee, and the administrative hearing, may not run concurrently.

4. Regardless of any communications, meetings, administrative reviews or negotiations with the Department or the internal administrative review Committee regarding revisions or objections to the permit or a denial, if the permittee or applicant wishes to appeal the Department's decision to the Commission for a hearing, the appeal must be brought to the Commission within 60 days of transmittal of notice of denial or transmittal of the permit.

### PERMIT EXPIRATION

1. A permit shall be considered expired if the access is not under construction within one year of the permit issue date or before the expiration of any authorized extension. When the permittee is unable to commence construction within one year after the permit issue date, the permittee may request a one year extension from the issuing authority. No more than two one-year extensions may be granted under any circumstances. If the access is not under construction within three years from date of issue the permit will be considered expired. Any request for an extension must be in writing and submitted to the issuing authority before the permit expires. The request should state the reasons why the extension is necessary, when construction is anticipated, and include a copy of page 1 (face of permit) of the access permit. Extension approvals shall be in writing. The local issuing authority shall obtain the concurrence of the Department prior to the approval of an extension, and shall notify the Department of all denied extensions within ten days. Any person wishing to reestablish an access permit that has expired may begin again with the application procedures. An approved Notice to Proceed, automatically renews the access permit for the period of the Notice to Proceed.

### CONSTRUCTION

1. Construction may not begin until a Notice to Proceed is approved. (Code subsection 2.4)

2. The construction of the access and its appurtenances as required by the terms and conditions of the permit shall be completed at the expense of the permittee except as provided in subsection 2.14. All materials used in the construction of the access within the highway right-of-way or on permanent easements, become public property. Any materials removed from the highway right-of-way will be disposed of only as directed by the Department. All fencing, guard rail, traffic control devices and other equipment and materials removed in the course of access construction shall be given to the Department unless otherwise instructed by the permit or the Department inspector.

3. The permittee shall notify the individual or the office specified on the permit or Notice to Proceed at least two working days prior to any construction within state highway right-of-way. Construction of the access shall not proceed until both the access permit and the Notice to Proceed are issued. The access shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation of construction within the highway right-of-way. A construction time extension not to exceed 30 working days may be requested from the individual or office specified on the permit.

4. The issuing authority and the Department may inspect the access during construction and upon completion of the access to ensure that all terms and conditions of the permit are met. Inspectors are authorized to enforce the conditions of the permit during construction and to halt any activities within state right-of-way that do not comply with the provisions of the permit, that conflict with concurrent highway construction or maintenance work, that endanger highway property, natural or cultural resources protected by law, or the health and safety of workers or the public.

5. Prior to using the access, the permittee is required to complete the construction according to the terms and conditions of the permit. Failure by the permittee to abide by all permit terms and conditions shall be sufficient cause for the Department or issuing authority to initiate action to suspend or revoke the permit and close the access. If in the determination of the Department or issuing authority the failure to comply with or complete the construction requirements of the permit create a highway safety hazard, such shall be sufficient cause for the summary suspension of the permit. If the permittee wishes to use the access prior to completion, arrangements must be approved by the issuing authority and Department and included in the permit. The Department or issuing authority may order a halt to any unauthorized use of the access pursuant to statutory and regulatory powers. Reconstruction or improvement of the access may be required when the permittee has failed to meet required specifications of design or materials. If any construction element fails within two years due to improper construction or material specifications, the permittee shall be responsible for all repairs. Failure to make such repairs may result in suspension of the permit and closure of the access.

6. The permittee shall provide construction traffic control devices at all times during access construction, in conformance with the M.U.T.C.D. as required by section 42-4-104, C.R.S., as amended.

7. A utility permit shall be obtained for any utility work within highway right-of-way. Where necessary to remove, relocate, or repair a traffic control device or public or private utilities for the construction of a permitted access, the relocation, removal or repair shall be accomplished by the permittee without cost to the Department or issuing authority, and at the direction of the Department or utility company. Any damage to the state highway or other public right-of-way beyond that which is allowed in the permit shall be repaired immediately. The permittee is responsible for the repair of any utility damaged in the course of access construction, reconstruction or repair.

8. In the event it becomes necessary to remove any right-of-way fence, the posts on either side of the access shall be securely braced with an approved end post before the fence is cut to prevent any slacking of the remaining fence. All posts and wire removed are Department property and shall be turned over to a representative of the Department.

9. The permittee shall ensure that a copy of the permit is available for review at the construction site at all times. The permit may require the contractor to notify the individual or office specified on the permit at any specified phases in construction to allow the field inspector to inspect various aspects of construction such as concrete forms, subbase, base course compaction, and materials specifications. Minor changes and additions may be ordered by the Department or local authority field inspector to meet unanticipated site conditions.

10. Each access shall be constructed in a manner that shall not cause water to enter onto the roadway or shoulder, and shall not interfere with the existing drainage system on the right-of-way or any adopted municipal system and drainage plan.

11. By accepting the permit, permittee agrees to save, indemnify, and hold harmless to the extent allowed by law, the issuing authority, the Department, its officers, and employees from suits, actions, claims of any type or character brought because of injuries or damage sustained by any person resulting from the permittee's use of the access permit during the construction of the access.

#### CHANGES IN ACCESS USE AND PERMIT VIOLATIONS

1. It is the responsibility of the property owner and permittee to ensure that the use of the access to the property is not in violation of the Code, permit terms and conditions or the Act. The terms and conditions of any permit are binding upon all assigns, successors-in-interest, heirs and occupants. If any significant changes are made or will be made in the use of the property which will affect access operation, traffic volume and or vehicle type, the permittee or property owner shall contact the local issuing authority or the Department to determine if a new access permit and modifications to the access are required.

2. When an access is constructed or used in violation of the Code, section 43-2-147(5)(c), C.R.S., of the Act applies. The Department or issuing authority may summarily suspend an access permit and immediately order closure of the access when its continued use presents an immediate threat to public health, welfare or safety. Summary suspension shall comply with article 4 of title 24, C.R.S.

#### MAINTENANCE

1. The permittee, his or her heirs, successors-in-interest, assigns, and occupants of the property serviced by the access shall be responsible for meeting the terms and conditions of the permit, the repair and maintenance of the access beyond the edge of the roadway including any cattle guard and gate, and the removal or clearance of snow or ice upon the access even though deposited on the access in the course of Department snow removal operations. Within unincorporated areas the Department will keep access culverts clean as part of maintenance of the highway drainage system. However, the permittee is responsible for the repair and replacement of any access-related culverts within the right-of-way. Within incorporated areas, drainage responsibilities for municipalities are determined by statute and local ordinance. The Department will maintain the roadway including auxiliary lanes and shoulders, except in those cases where the access installation has failed due to improper access construction and/or failure to follow permit requirements and specifications in which case the permittee shall be responsible for such repair. Any significant repairs such as culvert replacement, resurfacing, or changes in design or specifications, requires authorization from the Department.

**COLORADO****Department of Transportation**

Office of the Executive Director

4201 East Arkansas Ave, Suite 262

Denver, CO 80222

**RELEASE MEMORANDUM****To: All CDOT Employees****From: Shailen P. Bhatt, Executive Director****Re: Updated Procedural Directive 602.1 "ADA and PWFA Accommodation Procedures"****Date: June 16, 2017**

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1. Name of Updated Procedural Directive: PD 602.1 "ADA and PWFA Accommodation Procedures"

2. Date of Directive Superseded: April 14, 2015

3. Executive Summary: PD 602.1 provides information regarding CDOT's provision of reasonable accommodation to employees, or applicants for employment, with disabilities. This PD has been updated to incorporate requirements from the Pregnant Workers Fairness Act, passed in 2016, which requires employers to provide to employees or applicants for employment reasonable accommodation for health conditions related to pregnancy, physical recovery from childbirth, or a related condition, to perform essential functions of the job, unless the accommodation would impose an undue hardship on CDOT.

4. Effective Date: June 16, 2017

5. Office to Contact with Questions: ADA Program Administrator, Division of Human Resources.



<b>COLORADO DEPARTMENT OF TRANSPORTATION</b>		<input type="checkbox"/> <b>POLICY DIRECTIVE</b> <input checked="" type="checkbox"/> <b>PROCEDURAL DIRECTIVE</b>
<b>Subject</b> <b>ADA and PWFA Accommodation Procedures</b>		<b>602.1</b>
<b>Effective</b> 6.16.17	<b>Supersedes</b> 4.14.15	<b>Originating Office</b> <b>Division of Human Resources</b>

## I. PURPOSE

Title 1 of the Americans with Disabilities Act (ADA) requires the Colorado Department of Transportation to provide Reasonable Accommodation to individuals with disabilities who are Employees, or applicants for employment, except when such accommodation would cause an undue hardship.

The Pregnant Workers Fairness Act (PWFA) requires the Colorado Department of Transportation to provide Reasonable Accommodations to an Employee or applicant for employment, for health conditions related to pregnancy, physical recovery from childbirth, or a related condition, to perform the essential functions of the job, unless the accommodation would impose an undue hardship on the employer's business.

Discrimination and Retaliation concerns under the ADA and PWFA are addressed under Policy Directive 600.0 (Equal Employment Opportunity and Affirmative Action) and Procedural Directive 600.6. (Internal Discrimination Complaint Procedures). See also Procedural Directive 12.1 (Workplace Accommodations for Nursing Mothers) for procedures in compliance with the Workplace Accommodations for Nursing Mothers Act.

## II. AUTHORITY

CDOT Executive Director pursuant to § 43-1-105, C.R.S.

Rules 4-6, 9-3 and 9-5 of 4 CCR 801-1, Personnel Board Rules and Personnel Director's Administrative Procedures

Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 (1990) (hereinafter "ADA"), as amended

29 C.F.R. Part 1630

29 C.F.R. § 1602.31 (record keeping)

Rehabilitation Act of 1973, 29 U.S.C. § 701 (1973), as amended

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U.S. EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act

([https://www.eeoc.gov/laws/guidance/enforcement\\_guidance.cfm](https://www.eeoc.gov/laws/guidance/enforcement_guidance.cfm))

§ 24-34-402, *et seq.*, C.R.S.

§24-34-402.3, C.R.S. (Pregnant Worker's Fairness Act)

3 CCR 708-1, State of Colorado Civil Rights Commission Rules and Regulations

### III. APPLICABILITY

This Procedural Directive applies to Employees and Job Applicants for all employment-related operations and services of CDOT, as well as to all CDOT building facilities, divisions, regions, offices and branches.

### IV. DEFINITIONS

**"Americans with Disabilities Act (ADA)"** shall refer to Title I of the Americans with Disabilities Acts of 1990 and the ADAAA of 2008 which require the Department to provide equal employment opportunities for individuals with disabilities. As one of the requirements of the ADA and ADAAA, Reasonable Accommodation will be provided to individuals with disabilities who are qualified and employed by the Department or who are applicants for employment, absent undue hardship.

**"ADA Coordinator"** shall mean the person or persons designated and trained by the Division of Human Resources in the ADA and PWFA requirements to take a lead role in conducting an Interactive Process with an Employee or Job Applicant. The list of ADA Coordinators can be found on the CDOT intranet (<http://intranet.dot.state.co.us/employees/ee-rights/ada-content>).

**"Appointing Authority"** for purposes of this Procedural Directive shall mean the person or persons designated to handle personnel matters or make hiring decisions.

**"Department" or "CDOT"** shall mean the Colorado Department of Transportation pursuant to § 43-1-101, C.R.S.

**"Disability"** shall mean a physical or mental impairment that substantially limits one or more major life activities; a record of such impairment; or being regarded as having such an impairment.

**"Employee"** shall mean any individual who is employed with CDOT in a temporary, permanent, part-time or full-time capacity. Volunteers are not considered an "Employee" for application of this procedural directive.

**"Hiring Process"** shall mean any aspect of the process to fill an employment position including

<div style="display: flex; justify-content: space-between;"> <div style="border-bottom: 1px solid black; padding-bottom: 2px;">Subject</div> <div style="border-bottom: 1px solid black; padding-bottom: 2px;">Number</div> </div> <div style="display: flex; justify-content: space-between;"> <div>ADA and PWFA Accommodation Procedures</div> <div>602.1</div> </div>	
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the application, interview, written test, or other type of job demonstration.

**“Interactive Process”** shall mean the process by which an individual will request and/or participate in discussions with the Department for an accommodation; the Department will determine whether requirements are met, whether an accommodation is reasonable and can be provided, and examine potential alternative accommodations.

**“Job Applicant”** shall mean any individual who has submitted an application for employment with the Department as well as any current Employee seeking promotion or transfer with the Department.

**“Reasonable Accommodation”** shall mean any change in the work environment or in the way processes are customarily done that enables an individual with a Disability or an individual who falls under the PWFA to enjoy equal employment opportunities. A Reasonable Accommodation may include job restructuring, leave, modified or part-time schedule, modified policies, reassignment, or variations thereof.

**“Unfilled Position”** for purposes of this Procedural Directive shall mean a position for which funding has been established, approved by the Department, and that the Department intends to fill.

## V. PROCEDURE

### A. General Requirements

1. In the following areas of employment, the Department shall comply with the ADA and PWFA requirements concerning the provision of Reasonable Accommodation:

- a) That is required to ensure equal opportunity in the Hiring Process;
- b) That enables an individual with a Disability or who has health conditions related to pregnancy, physically recovering from childbirth, or related condition, who is qualified to perform the essential functions of the position held or desired; and
- c) That enables the Department’s Employees with disabilities or who has health conditions related to pregnancy, physically recovering from childbirth, or related condition, to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated Employees without disabilities or do not have health conditions related to pregnancy, physically recovering from childbirth or related condition. Benefits and privileges of employment shall include, but are not limited to, Department-sponsored: (1) training, (2) services such as cafeteria, lounges, auditoriums, and (3) parties or other social functions.

2. The Department, through the ADA Coordinator, will initiate an Interactive Process



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with an Employee or Job Applicant, or his/her personal representative, to assist with the ADA or PWFA Accommodation Procedures. The Interactive Process may include the following as determined on a case-by-case basis:

- a) Act upon receipt of a request for an accommodation or information identifying a need;
- b) Determine whether the individual has a Disability as defined by the ADA;
- c) Determine whether the individual with a Disability is qualified (1) satisfies the requisite work experience, education, and other job related requirements for a position; and (2) can perform the essential functions of the position with or without a reasonable accommodation.
- d) Identify a Reasonable Accommodation, or potential undue hardship.

3. The Department is not required to provide an accommodation that would cause an undue hardship. Undue hardship means significant difficulty or expense in, or resulting from, the provision of the accommodation. Whether a particular accommodation will cause an undue hardship is determined on a case-by-case basis. The resources and circumstances of the Department as the employer will be considered in relationship to the cost or difficulty of providing a specific accommodation. An individual assessment and evaluation will be conducted through the Interactive Process by an ADA Coordinator with the recommendation to an Appointing Authority, who shall make the final determination.

4. When a Workers' Compensation process parallels the accommodation process, the Risk Management Unit will provide the necessary information to the ADA Coordinator concerning requests related to Employees also involved in Workers' Compensation claims. Workers' Compensation Injury/Illness shall mean a work-related injury or a work-related illness, as defined in the Colorado Workers' Compensation Act.

## **B. Procedures Related to Accommodating Job Applicants and the Hiring Process**

- 1. Human resources shall provide a Job Applicant with information as to whom to contact for an accommodation either in the job announcement or by additional notification in the Hiring process.
- 2. During the selection process, Job Applicants will be notified of the different aspects of the Hiring process (i.e., interview, written exam, or job demonstration, etc.). Human resources will inform the Job Applicant that if he or she requires an accommodation to participate in the process, he or she must inform human resources within a reasonably established time period prior to the administration of that aspect of the Hiring Process. If a Job Applicant has an obvious Disability or discloses information which indicates a possible need for an accommodation, human resources will initiate communication to

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determine if an accommodation is required. If an accommodation is required, an ADA Coordinator will conduct an Interactive Process with the Job Applicant with a Disability for the Hiring Process. During the Interactive Process, the Department may identify a Reasonable Accommodation that will allow the Job Applicant equal opportunity during the Hiring Process.

3. After a conditional job offer is made, an ADA Coordinator may conduct an Interactive Process with the selected Job Applicant with a Disability or with an applicant who has a health condition related to pregnancy, is physically recovering from childbirth, or a related condition, to determine if the essential functions of the specific position can be performed with or without a Reasonable Accommodation. During the Interactive Process, the Department may identify a Reasonable Accommodation that will allow the selected Job Applicant to perform the essential functions of the specific position.

### **C. Procedures Related to Accommodating Employees**

1. For performance of job duties, an Employee with a Disability or a health condition related to pregnancy, physically recovering from childbirth or a related condition, should request an accommodation from his or her supervisor or manager or ADA Coordinator for all employment-related requests. A list of ADA Coordinators are posted on the CDOT intranet (<http://intranet.dot.state.co.us/employees/ee-rights/ada-content>).

2. The supervisor or manager will notify the ADA Coordinator of any request or receipt of information regarding a potential need for accommodation. The ADA Coordinator shall be the main point of contact for an Employee's request for accommodation.

3. The ADA Coordinator will conduct an Interactive Process with an Employee to determine if the essential functions of his/her position can be performed with or without a Reasonable accommodation.

4. During the Interactive Process, a Reasonable Accommodation that meets the needs of the Employee may be identified. A Reasonable Accommodation will be provided to allow an Employee with a Disability to perform the essential functions of his/her position. For employees covered by the PWFA, a temporary transfer to another position that meets the request for accommodation will be considered.

5. Reassignment is a form of Reasonable Accommodation for an Employee with a Disability (ADA only) who is qualified, made as a last resort, and is required only after it has been determined that:

- a) There are no effective accommodations that will enable the Employee to perform the essential functions of his/her current position; or
- b) All other accommodations would cause undue hardship.

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However, if both the Department and the Employee voluntarily agree that a reassignment is preferable to remaining in the current position with some form of Reasonable Accommodation, the Department may consider reassignment for an Employee. The Department will follow the process described in the Guide to determine a reassignment of an Employee.

A reassignment can only made to an Unfilled Position for which the Employee meets the minimum qualifications.

6. Prior to contemplation of an administrative discharge of an Employee in accordance with State Personnel Board Rules and Personnel Director's Administrative Procedures, the Appointing Authority is required to consult with the ADA Coordinator to determine whether the ADA applies, and if so, whether the Employee can be reasonably accommodated.

7. For benefits and privileges of employment, the Department will conduct an Interactive Process with an Employee. Employees with disabilities or who fall under the PWFA will be provided a Reasonable Accommodation in order to gain access to and have an equal opportunity to participate in the same benefits and privileges of employment afforded to similarly-situated Employees without disabilities. Benefits and privileges of employment shall include, but are not limited to, Department-sponsored: (a) training, (b) services such as cafeteria, lounges, auditoriums, and (c) parties or other social functions.

**D. Record Keeping**

1. Any information regarding the Job Applicant or Employee, including medical information and the final letter of determination, obtained as part of an examination or inquiry for determining a Disability or Reasonable Accommodation under the ADA or PWFA is protected and confidential. All documents shall be kept in a separate, confidential ADA or PWFA file with limited access for the duration of employment at CDOT or for 2 years from the date of the making of the record or the personnel action involved, whichever occurs later, pursuant to 29 C.F.R. § 1602.31.

2. All ADA Coordinators will maintain records to demonstrate compliance with the ADA and PWFA requirements in accordance with state and federal requirements. For tracking and reporting requirements, a Statewide ADA Administrator will administer the ADA and PWFA program and prepare reports as necessary.

3. If the Department is notified of a charge of discrimination or pending litigation relating to the ADA or PWFA decision, the records must be maintained for two years after expiration of the eligible list or until the litigation and/or charges are resolved, whichever occurs later.

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**602.1****VI. IMPLEMENTATION PLAN**

The Division of Human Resources will offer training on the ADA and PWFA, the Department's program and accommodation process to all Appointing Authorities, designees and direct reports, and ADA Coordinators. In order to conduct the Interactive Process, an ADA Coordinator must be certified by the Statewide ADA Administrator.

The Office of Policy and Government Relations shall post this Procedural Directive on the CDOT intranet as well as on the CDOT public announcements.

**VII. REVIEW DATE**

This Procedural Directive shall be reviewed on or before June 2022.

  
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Shailen P. Bhatt  
Executive Director

6/16/17  
\_\_\_\_\_  
Date of Approval

## COLORADO DEPARTMENT OF TRANSPORTATION

### Environmental Clearances Information Summary

**PURPOSE** - This summary is intended to inform entities external to CDOT that may be entering the state highway right-of-way to perform work related to their own facilities (such as Utility, Special Use or Access Permittees), about some of the more commonly encountered environmental permits/clearances that may apply to their activities. This listing is not all-inclusive - additional environmental or cultural resource permits/clearances may be required in certain instances. Appropriate local, state and federal agencies should be contacted for additional information if there is any uncertainty about what permits/clearances are required for a specific activity. **IMPORTANT – Please Review The Following Information Carefully – Failure to Comply With Regulatory Requirements May Result In Suspension or Revocation of Your CDOT Permit, Or Enforcement Actions By Other Agencies.**

**CLEARANCE CONTACTS** - As indicated in the permit/clearance descriptions listed below, the following individuals or agencies may be contacted for additional information:

- Colorado Department of Public Health and Environment (CDPHE): General Information – (303) 692-2035  
Water Quality Control Division (WQCD): (303) 692-3500  
Environmental Permitting Website <https://www.colorado.gov/pacific/cdphe/all-permits>
- CDOT Water Quality Program Manager: (303) 757-9343 <https://www.codot.gov/programs/environmental/water-quality>
- CDOT Asbestos Project Manager: Phil Kangas, (303) 512-5519
- Colorado Office of Archaeology and Historic Preservation: (303) 866-5216
- U.S. Army Corps of Engineers, District Regulatory Offices:  
Omaha District (NE CO), Denver Office (303) 979-4120  
<http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Colorado.aspx>  
Sacramento Dist. (Western CO), Grand Junction Office (970) 243-1199  
<http://www.spk.usace.army.mil/Missions/Regulatory.aspx>  
Albuquerque District (SE CO), Pueblo Office (719)-543-9459  
<http://www.spa.usace.army.mil/Missions/RegulatoryProgramandPermits.aspx>
- CDOT Utilities, Special Use and Access Permitting: (303) 757-9654 <https://www.codot.gov/business/permits>

**Wildlife Resources** - Disturbance of wildlife shall be avoided to the maximum extent practicable. Entry into areas of known or suspected threatened or endangered species habitat will require special authorization from the CDOT permitting office. If any threatened or endangered species are encountered during the progress of the permitted work, work in the subject area shall be halted and the CDOT Regional Permitting Office and Region Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Information about threatened or endangered species may be obtained from the CDOT website, <http://www.codot.gov/programs/environmental/wildlife/guidelines>, or the Colorado Parks and Wildlife (CPW) website, <http://www.cpw.state.co.us/learn/Pages/SOC-ThreatenedEndangeredList.aspx>. Additional guidance may be provided by the appropriate Region Planning and Environmental Manager (RPEM).

**Cultural Resources** - The applicant must request a file search of the permit area through the Colorado Office of Archaeology and Historic Preservation (OAHp), Denver, to ascertain if historic or archaeological resources have previously been identified (<http://www.historycolorado.org/oahp/file-search>). Inventory of the permit area by a qualified cultural resources specialist may be necessary, per the recommendation of CDOT. If archaeological sites/artifacts or historic resources are known to exist prior to the initiation of the permitted work or are encountered as the project progresses, all work in the subject area shall be halted and the CDOT Regional Permitting Office and Region Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Additional guidance may be provided by the Regional Permitting Office and RPEM. **Contact Information:** Contact the OAHp for file searches at (303) 866-5216.

**Paleontological Resources** - The applicant must request a fossil locality file search through the University of Colorado Museum, Boulder (<https://cumuseum.colorado.edu/research/paleontology/vertebrates/policies>), and the Denver Museum of Nature and Science (<http://www.dmns.org/science/collections/earth-science-collections/>) to ascertain if paleontological resources have been previously identified in or near the permit area. Inventory of the permit area by a qualified paleontologist may be necessary, per the recommendation of CDOT. If fossils are encountered during the permitted work, all work in the subject area shall be halted and the CDOT Regional Permitting Office and Region Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Additional guidance may be provided by the Regional Permitting Office in the Permit Special Provisions. **Contact Information:** See the museum websites listed above for Paleontological Collections Manager contact information. Contact the CDOT Paleontologist for further information at [nicole.peavey@state.co.us](mailto:nicole.peavey@state.co.us) or (303) 757-9632. The CDOT Paleontologist will not conduct a comprehensive file search independently of the museums.

**Hazardous Materials, Solid Waste** - The Solid Wastes Disposal Sites and Facilities Act C.R.S. 30-20-100, et al, and Regulations Pertaining to Solid Waste Disposal Sites and Facilities (6 CCR 1007-2), prohibit solid waste disposal without an approved Certificate of Designation (a landfill permit). The Colorado Hazardous Waste Act C.R.S. 25-15-301 et al, and the Colorado Hazardous Waste Regulations (6 CCR 1007-3) prohibit the transfer, storage or disposal (TSD) of hazardous waste except at permitted TSD sites. There are no permitted landfills or TSD sites within the State Highway Right of Way. Therefore, all solid or hazardous wastes that might be generated by the activities of entities entering the State Highway Right of Way must be removed from the ROW and disposed of at a permitted facility or designated collection point (e.g., for solid waste, a utility or construction company's own dumpster). If pre-existing solid waste or hazardous materials contamination (including oil or petroleum contaminated soil, asbestos, chemicals, mine tailings, etc.) is encountered during the performance of work, the permittee shall halt work in the affected area and immediately contact the CDOT Regional Permitting Office for direction as to how to proceed. **Contact Information:** Theresa Santangelo-Dreiling, CDOT Hazardous Materials Management Supervisor: (303) 512-5524.

**Asbestos Containing Materials, Asbestos Contaminated Soil** - All work on asbestos containing materials (ACM) must comply with the applicable requirements of the CDPHE Air Pollution Control Division's (APCD) Regulation 8. Disposal of ACM, and work done in asbestos-contaminated soil, must comply with the CDPHE Hazardous Materials and Waste Management Division's (HMWMD) Solid



Waste Regulations. The application for any CDOT permit must specifically identify any ACM involved in the work for which authorization is being requested. Additional guidance or requirements may be specified in the permit special provisions. **Contact Info:** CDPHE APCD and HMWMD Regulations can be accessed via the CDPHE Environmental Permitting Website listed above. Additional information **concerning clearance on CDOT projects** is available from the CDOT Asbestos Project Manager (303) 512-5519, or Theresa Santangelo-Dreiling, Hazardous Materials Management Supervisor: (303) 512-5524.

**Transportation of Hazardous Materials** - No person may offer or accept a hazardous material for transportation in commerce unless that person is registered in conformance with the United States Department of Transportation regulations at 49 CFR, Part 171. The hazardous material must be properly classed, described, packaged, marked, labeled, and in condition for shipment as required or authorized by applicable requirements, or an exemption, approval or registration has been issued. Vehicles requiring a placard, must obtain authorization and a State HAZMAT Permit from the Colorado Public Utilities Commission. **Contact Information:** For authorization and more info call the Federal Motor Safety Carrier Administration, US DOT for inter- and intra-state HAZMAT Registration (303) 969-6748. Colorado Public Utilities Commission: (303) 894-2868.

**Discharge of Dredged or Fill Material – 404 Permits Administered By the U.S. Army Corps of Engineers, and Section 401 Water Quality Certifications Issued by the CDPHE WQCD** - Corps of Engineers 404 permits are required for the discharge of dredged or fill materials into waters of the United States, including wetlands. There are various types of 404 permits, including nationwide permits, which are issued for activities with relatively minor impacts. For example, there is a nationwide permit for utility line activities (nwp #12). Depending upon the specific circumstances, it is possible that either a “general” or “individual” 404 permit would be required. If an individual 404 permit is required, section 401 water quality certification from the CDPHE WQCD is also required. Contact the appropriate Corps District Regulatory Office for information about what type of 404 permit may be required (contact information above). Contact the CDPHE Water Quality Control Division at (303) 692-3500.

**Working on or in any stream or its bank** - In order to protect and preserve the state's fish and wildlife resources from actions that may obstruct, diminish, destroy, change, modify, or vary a natural existing stream or its banks or tributaries, it may be necessary to obtain a Senate Bill 40 certification from the Colorado Department of Natural Resources. A stream is defined as 1) represented by a solid blue line on USGS 7.5' quadrangle maps; and/or 2) intermittent streams providing live water beneficial to fish and wildlife; and/or 3) segments of streams supporting 25% or more cover within 100 yards upstream or downstream of the project; and/or 4) segments of streams having wetlands present within 200 yards upstream or downstream of the project measured by valley length. The CPW application, as per guidelines agreed upon by CDOT and CPW, can be accessed at <https://www.codot.gov/programs/environmental/wildlife/guidelines>.

**Stormwater Construction Permit (SCP) and Stormwater Discharge From Industrial Facilities** - Discharges of stormwater runoff from construction sites disturbing one acre or more - or certain types of industrial facilities, such as concrete batch plants - require a CDPS Stormwater Permit. **Contact Information:** Contact the CDPHE Water Quality Control Division at (303) 692-3500. Website: <https://www.colorado.gov/pacific/cdphe/wq-construction-general-permits> and <https://colorado.gov/pacific/cdphe/wq-commerce-and-industry-permits>.

**Construction Dewatering (Discharge or Infiltration) and Remediation Activities** - Discharges of water encountered during excavation or work in wet areas may require a Construction Dewatering or Remediation Activities Discharge Permit. **Contact Information:** For Construction Dewatering and Remediation Activities Discharge Permits, contact the CDPHE WQCD at (303) 692-3500. For Applications and Instructions (CDPHE website): <https://www.colorado.gov/pacific/cdphe/wq-construction-general-permits>.

**Municipal Separate Storm Sewer System (MS4) Discharge Permit** - Discharges from the storm sewer systems of larger municipalities, and from the CDOT highway drainage system that lies within those municipalities, are subject to MS4 Permits issued by the CDPHE WQCD. For facilities that lie within the boundaries of a municipality that is subject to an MS4 permit, the owner of such facility should contact the municipality regarding stormwater related clearances that may have been established under that municipality's MS4 permit. All discharges to the CDOT highway drainage system or within the Right of Way (ROW) must comply with the applicable provisions of the Colorado Water Quality Control Act, the Water Quality Control Commission (WQCC) Regulations (<https://www.colorado.gov/pacific/cdphe/wqcc-regulations-and-policies-and-water-quality-statutes>) and the CDOT MS4 Permit # COS-000005 (<https://www.codot.gov/programs/environmental/water-quality/documents>). Discharges are subject to inspection by CDOT and CDPHE. Contact the CDPHE Water Quality Control Division at (303) 692-3500 for a listing of municipalities required to obtain MS4 Permits, or go to <https://www.colorado.gov/pacific/cdphe/wq-municipal-ms4-permits>. For CDOT-related MS4 regulations, go to: <https://www.codot.gov/programs/environmental/water-quality/stormwater-programs.html>.

**General Prohibition – Discharges** - All discharges are subject to the provisions of the Colorado Water Quality Control Act and the Colorado Discharge Permit Regulations. Prohibited discharges include, but are not limited to, substances such as wash water, paint, automotive fluids, solvents, oils or soaps and sediment. **Contact Information:** Contact the CDPHE Water Quality Control Division at (303) 692-3500.

**General Authorization - Allowable Non-Stormwater Discharges** - Unless otherwise identified by CDOT or the WQCD as significant sources of pollutants to the waters of the State, the following discharges to stormwater systems are allowed without a Colorado Discharge Permit System permit: landscape irrigation, diverted stream flows, uncontaminated ground water infiltration to separate storm sewers, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, uncontaminated springs, footing drains, water line flushing, flows from riparian habitats and wetlands, and flow from firefighting activities. Allowable non-stormwater discharges can be found under Illicit Discharge PDD at: <https://www.codot.gov/programs/environmental/water-quality/stormwater-programs.html>. **Contact Information:** The CDPHE Water Quality Control Division (telephone #'s listed above).

**Erosion and Sediment Control Practices** - For activities requiring a Stormwater Construction Permit, erosion control requirements will be specified in that permit. In situations where a stormwater permit is not required, all reasonable measures should be taken to minimize erosion and sedimentation according to CDOT Standard Specifications 107.25, 208, 213 and 216 (<https://www.codot.gov/business/designsupport/2011-construction-specifications/2011-Specs/2011-specs-book>). All disturbances require a stabilization plan, native seeding or landscape design plan according to applicable CDOT Standard Specifications 212-217 and 623. The CDOT Erosion Control and Stormwater Quality Guide (available from the Bid Plans Office at (303) 757-9313) should be used to design erosion controls and restore disturbed vegetation.

**Disposal of Drilling Fluids** - Drilling fluids used in operations such as Horizontal Directional Drilling may be classified as “discharges” or “solid wastes,” and in general, should be pumped or vacuumed from the construction area, removed from the State Highway Right of Way, and disposed of at permitted facilities that specifically accept such wastes. Disposal of drilling fluids into storm drains, storm sewers, roadside ditches or any other type of man-made or natural waterway is prohibited by Water Quality Control and/or Solid Waste regulations. Small quantities of drilling fluid solids (less than 1 cubic yard of solids) may be left on-site after either being separated from fluids or after infiltration of the water, provided: 1) the drilling fluid consists of only water and bentonite clay, or, if required for proper drilling properties, small quantities of polymer additives that are approved for use in drinking water well drilling; 2) the solids are fully contained in a pit, and are not likely to pose a nuisance to future work in the area, 3) the solids are covered and the area restored as required by CDOT permit requirements (Utility, Special Use, or Access Permits, etc.). **Contact Information:** Contact CDPHE (telephone #'s listed above).

**Noxious Weeds and Invasive Species Management Plan** – Noxious Weeds and Invasive Species guidance can be found by contacting the Colorado Department of Agriculture (<https://www.colorado.gov/pacific/agconservation/noxiousweeds>) and the Colorado Division of Parks and Wildlife (<http://cpw.state.co.us/aboutus/Pages/RS-NoxiousWeeds.aspx>). In either case, management plans involving the control of noxious weeds associated with the permitted activity and cleaning of equipment will be required.

**Concrete Washout** - Waste generated from concrete activities shall NOT be allowed to flow into the drainage ways, inlets, receiving waters, or in the CDOT ROW. Concrete waste shall be placed in a temporary concrete washout facility and must be located a minimum of 50 feet from state waters, drainageways, and inlets. Concrete washout shall only be performed as specified by the CDOT Environmental Program and shall be in accordance to CDOT specifications and guidelines. **Contact Information:** Contact CDPHE or find additional information on the CDOT website: <https://www.codot.gov/business/designsupport/2011-construction-specifications/2011-Specs> and refer to the specifications and their revisions for sections 101, 107 and 208.

**Spill Reporting** - Spills shall be contained and cleaned up as soon as possible. Spills shall NOT be washed down into the storm drain or buried. All spills shall be reported to the CDOT Illicit Discharge Hotline at (303) 512-4446 (4H20), as well as the Regional Permitting Office and Regional Maintenance Supervisor. Spills on highways, into waterways, any spill in the highway right-of-way exceeding 25 gallons, or that may otherwise present an immediate danger to the public shall be reported by calling 911, and shall also be reported to the CDPHE at 1-877-518-5608. More information can be found at <https://www.colorado.gov/pacific/cdphe/emergency-reporting-line>.

**About This Form** - Questions or comments about this Information Summary may be directed to Alex Karami, Program Administrator, CDOT Access Management Unit, at (303) 757-9841, [alex.karami@state.co.us](mailto:alex.karami@state.co.us).



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## What is stormwater runoff?

Stormwater runoff occurs when precipitation from rain or snowmelt flows over the ground. Impervious surfaces like roads and sidewalks prevent stormwater from naturally soaking into the ground.

## Why is stormwater runoff a problem?

Stormwater can pick up debris, chemicals, dirt and other pollutants and flow into CDOT's storm drain system or directly into a stream, river, lake, wetland or reservoir. Anything that enters CDOT's storm drain system is discharged untreated into the waterways we use for fishing, swimming, and providing drinking water.



**Dredged spoil, dirt, slurry,** solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, chemical waste, biological nutrient, biological material, radioactive material, heat, pH, wrecked or discarded equipment, **rock, sand,** any industrial, municipal, or agricultural waste.

## Tips for Reporting an Illicit Discharge

Call the illicit discharge hotline at **(303) 512-4426**. From a safe distance try to estimate the amount of the discharge. Identify characteristics of the discharge (color, odor, algae, etc.). Obtain information on the vehicle dumping the waste (if applicable).

Do not approach!

Call \*CSP for illicit dumping.

If possible, take a photo, record a license plate.

**REMEMBER:**

**Never get too close to the illicit discharge, it may be dangerous!!!**

For more information on CDOT Utility Permits:

<https://www.codot.gov/business/permits/utilities/specialuse>

For more information on CDOT Access Permits:

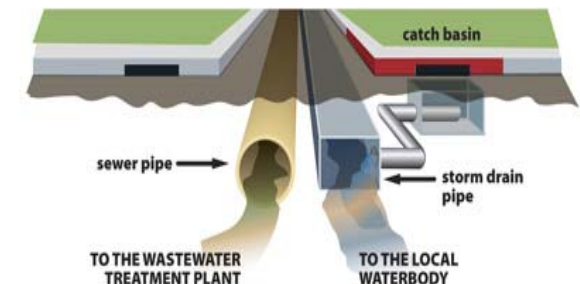
<https://www.codot.gov/business/permits/access/permits>

For more information on CDOT Water Quality Program:

Water Quality Program Manager  
4201 E. Arkansas Ave.  
Shumate Building  
Denver, Colorado 80222  
303-757-9343

## Water Quality Program Industrial Facilities Program

CDOT has a Municipal Separate Storm Sewer System permit, otherwise known as (MS4) from the Colorado Department of Public Health and Environment. The permit states that only stormwater can be discharged from CDOT's storm drain system.



*As part of the permit, CDOT has several different programs to prevent pollutants from entering into the storm drain system:*

- Construction Site Program
- New Development Redevelopment Program
- Illicit Discharge Program
- Industrial Facilities Program
- Public Education and Outreach Program
- Pollution Prevention and Good Housekeeping Program
- Wet Weather Monitoring Program





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## Control Measures for Industrial Facilities

Industrial facilities can use control measures (CM) otherwise known as Best Management Practices (BMP) during the construction of a facility and when operating the facility. Control measures are schedules of activities, maintenance procedures, and other management practices to prevent and reduce pollution entering into CDOT's storm drain system. Control Measures also include treatment, operating procedures, and practices to control site run off which can include structural and non-structural controls.

CDOT defines a utility, or utility facility as any privately, publicly, or cooperatively owned line, facility, or system producing, transmitting or distributing the following:

- ✓ Communications
- ✓ Cable television
- ✓ Power
- ✓ Electricity
- ✓ Light
- ✓ Heat Gas
- ✓ Oil
- ✓ Crude Products
- ✓ Water
- ✓ Stream
- ✓ Waste
- ✓ Stormwater not connected with highway drainage
- ✓ Similar Commodity

## Industrial Facilities Program Elements:

1. Educate and outreach to owners or operators that have potential to contribute substantial pollutant to water.
2. Report and include information on discharge and water quality concerns. Provide written notification within 15 days of discovery to CDPHE.
3. Submit an annual report to CDPHE containing the number of informational brochures distributed; name and title of each individual trained.

## Education

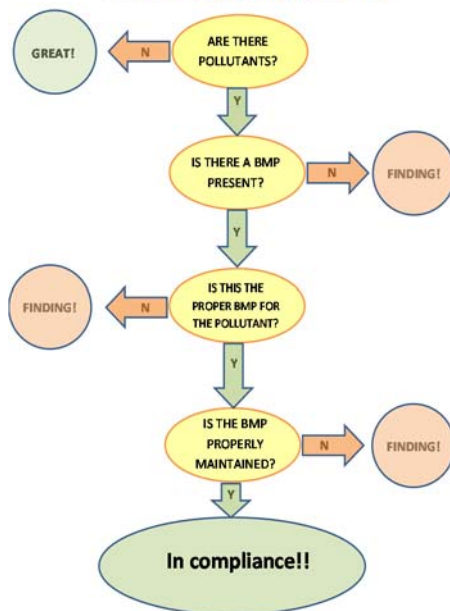
There are instances when a utility company or other entity doing work in the state highway right-of-way will require some type of environmental permit or clearance for that work. CDOT has put together an Environmental Clearances Information Summary for those applying for a CDOT Utility and Special Use Permit or Access Permit to obtain all required clearances. This fact sheet is given to each permittee and is available at:

<http://www.coloradodot.info/programs/environmental/resources/guidance-standards/Environmental%20Clearances%20Info%20Summary.pdf>



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## THE GAUNTLET



**State Highway Access Permit****Attachment to Permit No. 421044 - Additional Terms and Conditions****1**

1. If there are any questions regarding this permit, please contact Allyson Mattson at 970-350-2148.
2. The Permittee shall refer to all additional standard requirements included with this permit and any enclosed additional terms, conditions, exhibits, and noted attachments.
3. Incorporated as part of this permit are the following:
  - Application for Access Permit (CDOT Form No. 137)
  - Permit (CDOT Form No. 101) and its attachments
  - Exhibits:
    - "A" – Access Plan
    - "B" – Vicinity Map
4. This permit is issued in accordance with the State Highway Access Code (2 CCR 601-1), and is based upon the information submitted by the Permittee. This permit is only for the use and purpose stated in the Application and Permit. Any changes in traffic volumes or type, drainage, or other operation aspects may render this permit void, requiring a new permit to be applied for based upon the existing and anticipated future conditions.
5. Access construction methods and materials shall conform to the Colorado Department of Transportation Standard Specifications for Road and Bridge Construction (current edition).
6. If necessary, minor changes, corrections, and/or additions to this permit may be ordered by the Department inspector, other Department representative or local authority to meet unanticipated site conditions. Changes may not be in violation of the State Highway Access Code. All major changes to the plan must be approved in writing by the Department prior to commencement of any work on or within the State Highway right-of-way.

All workers within the State Highway right-of-way shall comply with their employer's safety and health policies/procedures, and all applicable U.S. Occupational Safety and Health Administration (OSHA) regulations – including, but not limited to, the applicable sections of 29 CFR Part 1910 – Occupational Safety and Health Standards and 29 CFR Part 1926 – Safety and Health Regulations for Construction.

At a minimum, all workers in the State Highway right-of-way, except when in their vehicles, shall wear the following personal protective equipment:

- Head protection that complies with the ANSI Z89.1-1997 standard;
- At all construction sites or whenever there is danger of injury to feet, protective footwear that complies with the ANSI Z41-1999 standard will be worn
- High visibility apparel as specified in the Traffic Control provision of this permit (at such a minimum ANSI/ISEA 107-1999, Class 2).

Where any of the above referenced ANSI standards have been revised, the most recent version of the standard shall apply.

7. This permit is subject to revocation due to: 1) Noncompliance with the provisions of this permit; 2) Abandonment; 3) Supersedure by new permit covering the same installation; or 4) Conflict

## State Highway Access Permit

## Attachment to Permit No. 417119 - Additional Terms and Conditions

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with necessary planned highway construction and/or improvements. The permittee shall promptly terminate occupancy upon notice of cancellation of the permit from the Department, unless a new permit is applied for and granted.

8. The Department retains the right to perform any necessary maintenance work in this area.
9. Reconstruction and improvements to the access may be required when the Permittee has failed to meet the required design and/or material specifications. If any construction element fails within two years due to improper construction or material specifications, the Permittee is responsible for all such repairs.
10. The Permittee is responsible for obtaining any necessary additional federal, state, and/or city/county permits or clearances required for construction of the access. Approval of this access permit does not constitute verification of this action by the Permittee.
11. All costs associated with the installation of this access are the responsibility of the Permittee. This includes design, construction, signing and striping, utility relocation, testing of materials, and inspections.
12. No work will be allowed at night, or on Saturdays, Sundays, and legal holidays without prior authorization from the Department. The Department may also restrict work within the State Highway right-of-way during adverse weather conditions.
13. Traffic detours or lane closures will not be allowed, unless pre-approved by the Department.
14. Two-way traffic shall be maintained throughout the work area at all times unless specific written authorization is obtained from the Department.
15. No construction vehicles shall be parked, or construction materials/equipment stored, on the State Highway right-of-way overnight.
16. Landscaping and site construction shall not obstruct sight distance at any State Highway access point. Landscaping within the State Highway right-of-way requires the Permittee to obtain a CDOT Landscaping Permit from the Traffic/Access Section. The access permit does not authorize that activity. Irrigation of features within the right-of-way may require the Permittee to install a subsurface drain in accordance with CDOT Standard M-605-1 or other approved system. The Permittee shall contact Allyson Mattson at the Greeley Traffic Office, (970) 350-2148 to obtain the Landscaping Permit.
17. Backing maneuvers within and into the State Highway right-of-way are strictly prohibited. All vehicles shall enter and exit the highway right-of-way in forward movement. Backing into the right-of-way shall be considered a violation of the terms and conditions of the access permit and may result in revocation of the permit by the Department and/or the issuing authority.
18. Routine, periodic maintenance and emergency repairs may be performed within the State Highway right-of-way, under general terms and conditions of the permit. Any significant repairs such as culvert replacement, resurfacing, or changes in design or specifications, will require

## State Highway Access Permit

## Attachment to Permit No. 417119 - Additional Terms and Conditions

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written authorization from the Department. The Department shall be given proper advance notice whenever maintenance work will affect the movement or safety of traffic on the State Highway. In an emergency, the Department Region Office and the State Patrol shall immediately be notified of possible hazards.

19. The State requires a Certificate of Insurance prior to commencing any work on the State Highway right-of-way. Policies shall name the State of Colorado as additional insured party. All vendors, contractors, and utility companies shall procure, at their own expense, and maintain for the duration of the work period, the following minimum insurance coverages:

- A. Standard workman's compensation and employer's liability, including occupational disease, covering all employees engaged in performance of the work at the site, in the amount required by State Statutes.
- B. Comprehensive general liability in the amount of \$600,000 combined single limit bodily injury and property damage, each occurrence and \$2,000,000 annual aggregate.
- C. Automobile liability in the amount of \$600,000 combined single limit bodily injury and property damage, for each accident.

Certificates of insurance showing compliance with these provisions shall be attached to and made a part of this permit and be available on the site during construction.

20. All materials, equipment, installation, construction, and design, including the auxiliary lane(s) and intersection improvement(s) within the State Highway shall be in accordance with the following Department standard references as applicable.

- A. State Highway Access Code, 2 CCR601-1
- B. Roadway Design Manual
- C. Materials Manual
- D. Construction Manual
- E. Standard Specifications for Road and Bridge Construction, latest edition
- F. Standard Plans (M&S Standards)
- G. Manual on Uniform Traffic Control Devices (M.U.T.C.D.) for Streets and Highways and the Colorado Supplement thereto
- H. A Policy on Geometric Design of Highways and Streets, American Association of State Highway and Transportation Officials (AASHTO), latest edition
- I. AASHTO Roadside Design Guide
- J. Institute of Transportation Engineer's Trip Generation Manual, 6<sup>th</sup> Edition

Some of the reference materials listed above (A through E) may be purchased from:

Colorado Department of Transportation  
Bid Plans Room  
4201 East Arkansas Avenue  
Denver, CO 80222-3400  
(303) 757-9313

The State Highway Access Code may be purchased from:

The Public Records Corporation  
1666 Lafayette Street

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PO Box 18186  
Denver, CO 80218  
(303) 832-8262

The website address is: [www.cdott.gov](http://www.cdott.gov)

21. All work is to conform to the plans referenced by this permit on file with the Department or as modified by this permit. (If discrepancies arise, this permit shall take precedence over the plans.) The Department plan review is only for the general conformance with the Department's design and code requirements. The Department is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and any other elements which shall be confirmed and correlated at the work site. The Department, through the approval of this document, assumes no responsibility for the completeness and/or accuracy of the plans.
22. Survey markers or monuments must be preserved in their original positions. Notify the Department at (970) 350-2173 immediately upon damage to or discovery of such markers or monuments at the work site. Any survey markers or monuments disturbed during the permitted work shall be repaired and/or replaced immediately at the expense of the Permittee.
23. Should any excavation encounter plant or animal fossils, the remains of historic or prehistoric structures, artifacts, (pottery, stone tools, arrowheads, etc.), the work shall be stopped and the Permittee shall notify the Department inspector.
24. The Permittee or the contractor shall notify Bruce Barnett at (970) 350-2147 at least two working days prior to beginning any access improvements or construction of any kind within the State Highway right-of-way. Failure to comply with this requirement may result in revocation of this permit.
25. The access shall be constructed and maintained as per Exhibit "A".
26. Construction traffic control devices, when not in use, shall be removed or turned away from traffic.
27. The access shall be constructed at 20 feet wide with a 20 foot radius.
28. The access shall be constructed perpendicular to the travel lanes of the State Highway for a minimum distance of 40 feet, and shall slope down and away from the adjacent pavement edge at a rate of 2% grade for a minimum of 20 feet.
29. The access shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation of construction within State Highway right-of-way.
30. All required access improvements shall be installed prior to the herein authorized use of this access.
31. The access shall be surfaced immediately upon completion of earthwork construction and prior to use.

State Highway Access Permit  
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32. Surfacing of the access shall be completed as per Exhibit "A".
33. No paved surface shall be cut unless specified in this permit. Asphalt removal shall be saw cut to assure a straight edge for patching.
34. The new State Highway pavement shall slope on the same plane as the present pavement surface.
35. If frost, water, or moisture is present in the subgrade, no surfacing materials shall be placed until all frost, water, or moisture is gone or removed.
36. The access shall be constructed and maintained in such a manner that will not cause water to enter onto the roadway, and will not interfere with the existing drainage system within the State Highway right-of-way. Drainage to the State Highway right-of-way shall not exceed historical rate of flow.
37. All existing drainage structures shall be extended, modified, or upgraded as necessary, to accommodate all new construction and safety standards, in accordance to the Department's standard specifications.
38. This access location is approximately 3410 feet east of mile marker 186 on the south/right side of State Highway 14 at approximately mile point 186.646.
39. The Permittee shall request final inspection by Bruce Barnett at (970) 350-2147 within 10 days following the completion of access construction, and prior to authorized use. The Permittee or their representative shall be present.
40. Permittee is authorized to utilize flaggers for ingress and egress of drilling rig vehicles in a convoy fashion. A copy of the approved traffic control plan and a current, signed CDOT Form #0568 must be present on the job site at all times for inspection.
41. The Permittee shall install a new 18 inch corrugated metal pipe and shall provide for proper side slopes. Culverts over 18 inches in diameter shall have end sections.
42. Cattle guards are not permitted in State Highway right-of-way.
43. The Permittee is required to install a tracking pad on private property to mitigate the effects of mud and other debris being tracked onto the State Highway system. Should debris tracking onto the highway be a problem, CDOT will contact the Permittee who shall clean the highway within 24 hours of CDOT contact. Appropriate traffic control shall be used per the M.U.T.C.D.
44. A fully executed complete copy of this permit must be on the job site with the contractor at all times during construction. Failure to comply with this or any other construction requirement may result in the immediate suspension of work by order of the Department inspector or the issuing authority.

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45. The development of this property shall not negatively impact adjacent nearby properties. Correction of the problem and cost resulting from damages shall be borne by the Permittee.
46. The Department inspector may suspend work due to: 1) Noncompliance with the provisions of this permit; 2) Adverse weather or traffic conditions; 3) Concurrent highway construction or maintenance in conflict with permit work; 4) Any condition deemed unsafe for workers or the general public. The work may be resumed upon notice from the Department Inspector.
47. If State Highway right-of-way fence exists or is proposed, the Permittee must contact Tim Bilobran at the Greeley Traffic Office, (970) 350-2163 prior to removal or installation.
48. The Permittee will be required to obtain a highway right-of-way fence agreement for a special fence if the Permittee desires to remove the existing standard highway fencing in this area. The Permittee shall contact Bruce Barnett (970) 350-2147.
49. When it is necessary to remove any highway right-of-way fence, the posts on either side of the access entrance shall be securely braced with approved end posts and in conformance with the Department's M-607-1 standard, before the fence is cut to prevent slacking of the remaining fence. All posts and wire removed shall be returned to the Department. Contact Allyson Mattson at (970) 350-2148 to obtain the contact name of the correct person to return the materials to.
50. This access must be removed in its entirety by the agreed upon date on the front of this permit. Removal shall include, but is not limited to, the return of the highway right-of-way slopes, ditches, and fences to match existing adjacent conditions, INCLUDING REMOVAL OF ASPHALT APRONS. Any asphalt removed from the highway shall result in a smooth finished edge. The right-of-way must be restored to the original condition on this date using the included seeding mixture. Revegetation efforts must be continuously monitored until they are accepted by the CDOT Access Inspector.
51. It is the responsibility of the Permittee to determine which environmental clearances and/or regulations apply to the project, and to obtain any clearances that are required directly for the appropriate agency prior to commencing work. Please refer to or request a copy of the "CDOT Environmental Clearance Information Summary" (ECIS) for details. The ECIS may be obtained from the CDOT Permitting Offices or may be accessed via the CDOT Planning/Construction-Environmental Guidance webpage at <http://www.dot.state.co.us/environmental/Forms/asp>. FAILURE TO COMPLY WITH REGULATORY REQUIREMENTS MAY RESULT IN THE SUSPENSION OR REVOCATION OF YOUR CDOT PERMIT, OR ENFORCEMENT ACTIONS BY OTHER AGENCIES.

ALL discharges are subject to the provisions of the Colorado Water Quality Act and the Colorado Discharge Permit Regulations. Prohibited discharges include substances such as: wash water, paint, automotive fluids, solvents, oils or soaps.

Unless otherwise identified by CDOT or the Colorado Department of Public Health and Environmental (CDPHE) Water Quality Control Division (WQCD) as significant sources of

**State Highway Access Permit**

**Attachment to Permit No. 417119 - Additional Terms and Conditions**

**7**

pollutants to the waters of the State, the following discharges to storm water systems are allowed without a Colorado Discharge Permit System Permit: landscape irrigation, diverted stream flows, uncontaminated ground water infiltration to separate storm sewers, discharges from potable water sources, foundation drains, air condition condensation, irrigation water, springs, footing drains, waterline flushing, flows from riparian habitats and wetlands, and flow from fire-fighting activities.

ANY OTHER DISCHARGES, including storm water discharges from industrial facility or construction sites, may require Colorado Discharge Permit System permits from CDPHE before work begins. For additional information and forms, go to the CHPHE website at:

<http://cdphe.state.co.us/wq/PermitsUnit/wqu>.



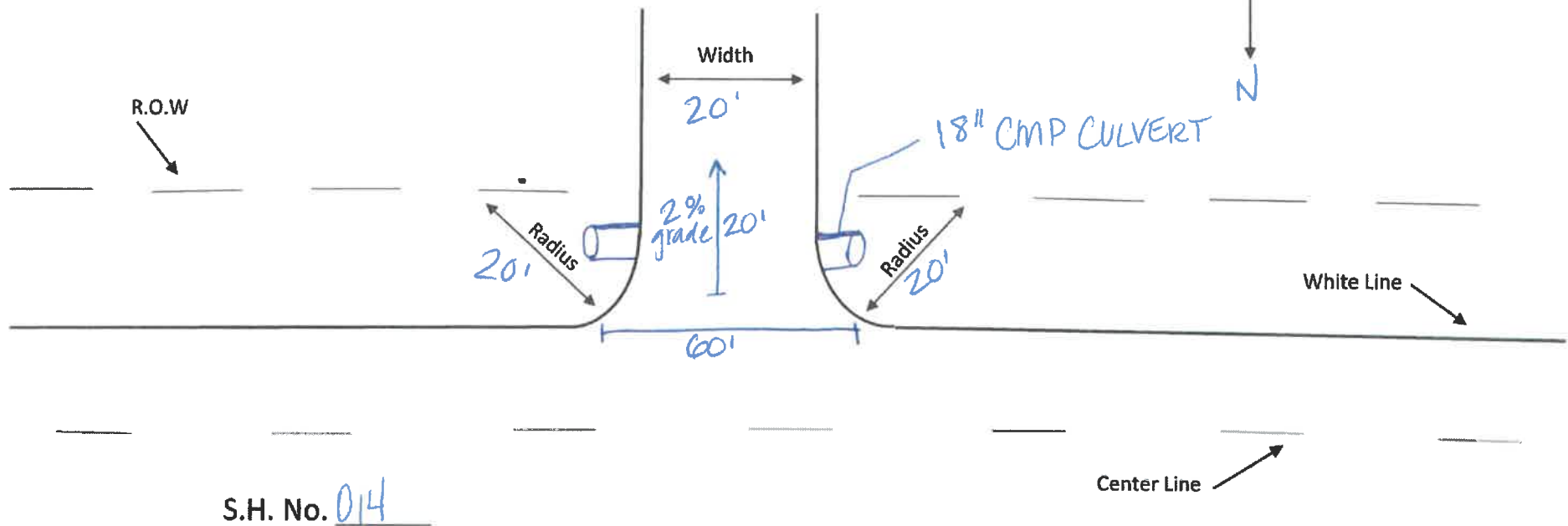
## EXHIBIT "A" – SIMPLE ACCESS DESIGN

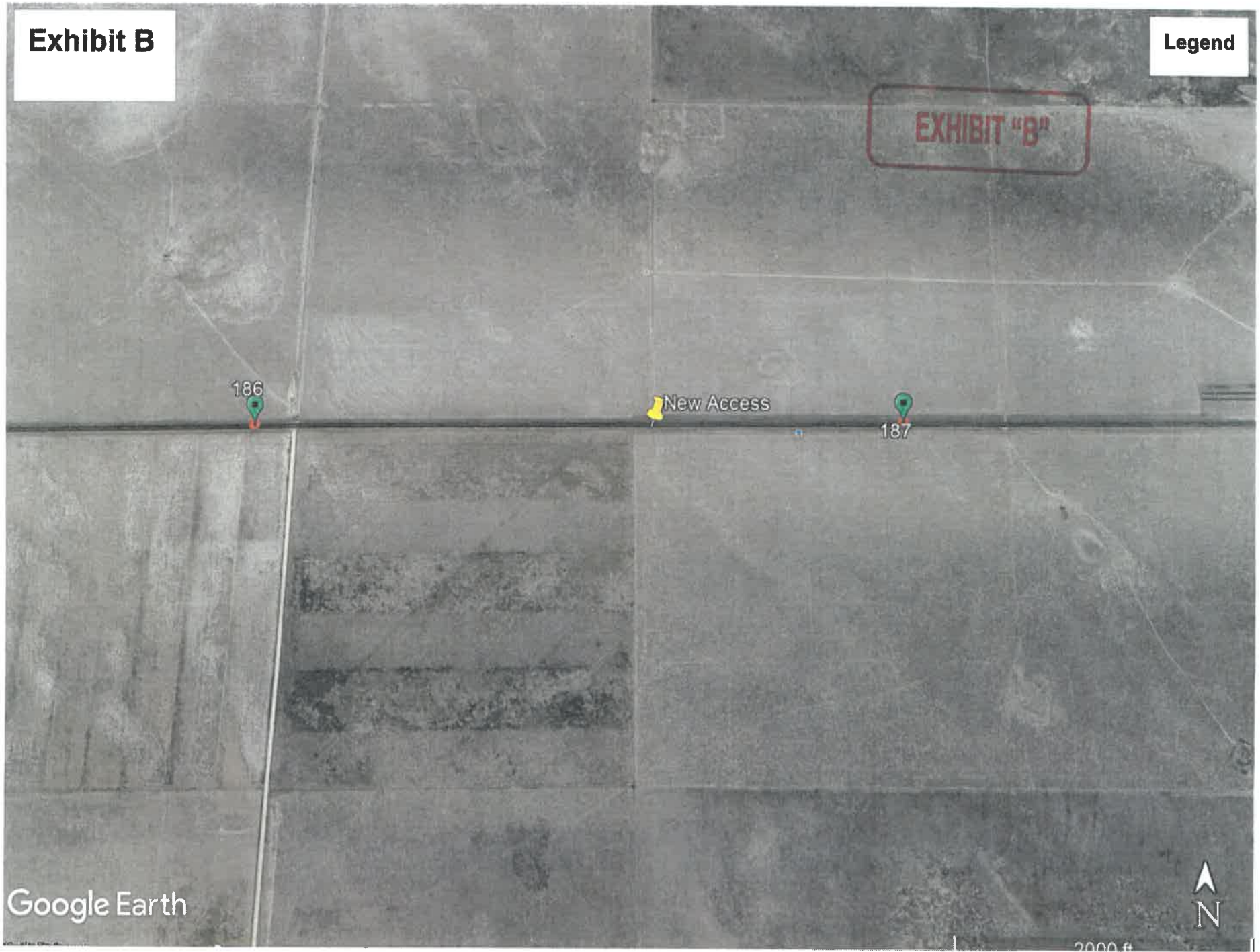
Define:

- Width of access exclusive of radii
- Radii
- Profile
- Angle if other than 90°
- Surfacing – material type (asphalt, grading, concrete class, total thickness, individual mat thickness for asphaltic materials)
- Curb and gutter type/dimensions/material
- Permanent signing or pavement markings necessary
- Drainage features – culvert type and size (no RCP in ROW), no increased runoff to ROW
- Special or unusual features
- Any landscaping in ROW

EXHIBIT "A"

SURFACING: 8" ABC







## TRANSMITTAL

Date: March 9, 2021

**To:**

Allyson Mattson  
CDOT - Region 4  
10601 West 10th Street, Greeley, CO 80634  
970-350-2148  
allyson.mattson@state.co.us

**From:**

Erin Mathews, PE  
Mallard Exploration  
1400 16<sup>th</sup> St. Suite 300 Denver, CO 80202  
970-302-6171  
emathews@mallardexploration.com

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Access Permit Application for an 8 well location known as the Gadwall pad.

## COLORADO DEPARTMENT OF TRANSPORTATION

## STATE HIGHWAY ACCESS PERMIT APPLICATION

Issuing authority application  
acceptance date:

## Instructions:

**Please print  
or type**

- Contact the Colorado Department of Transportation (CDOT) or your local government to determine your issuing authority.
- Contact the issuing authority to determine what plans and other documents are required to be submitted with your application.
- Complete this form (some questions may not apply to you) and attach all necessary documents and Submit it to the issuing authority.
- Submit an application for each access affected.
- If you have any questions contact the issuing authority.
- For additional information see CDOT's Access Management website at <https://www.codot.gov/business/permits/accesspermits>

1) Property owner (Permittee) <b>William F Stepanek &amp; Deborah J Holub</b>		2) Applicant or Agent for permittee (if different from property owner) <b>Mallard Exploration (Erin Mathews)</b>	
Street address <b>31 Oak Road</b>		Mailing address <b>1400 16th Street</b>	
City, state & zip <b>Orinda, CA 94563</b>	Phone #	City, state & zip <b>Denver, CO 80202</b>	Phone # (required) <b>720-543-7959</b>
E-mail address		E-mail address if available <b>emathews@mallardexploration.com</b>	
3) Address of property to be served by permit (required)			
4) Legal description of property: If within jurisdictional limits of Municipality, city and/or County, which one? county <b>Weld</b> subdivision block lot section <b>30</b> township <b>8N</b> range <b>60W</b>			
5) What State Highway are you requesting access from? <b>Highway 14</b>		6) What side of the highway? <input type="checkbox"/> N <input checked="" type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W	
7) How many feet is the proposed access from the nearest mile post? <b>1402</b> feet <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input checked="" type="checkbox"/> W from: <b>MM187</b>		How many feet is the proposed access from the nearest cross street? <b>3122</b> feet <input type="checkbox"/> N <input type="checkbox"/> S <input checked="" type="checkbox"/> E <input type="checkbox"/> W from: <b>CR 97 &amp; Highway 14</b>	
8) What is the approximate date you intend to begin construction? <b>6/1/2021</b>			
9) Check here if you are requesting a: <input checked="" type="checkbox"/> new access <input type="checkbox"/> temporary access (duration anticipated: ) <input type="checkbox"/> improvement to existing access <input type="checkbox"/> change in access use <input type="checkbox"/> removal of access <input type="checkbox"/> relocation of an existing access (provide detail)			
10) Provide existing property use <b>Rangeland</b>			
11) Do you have knowledge of any State Highway access permits serving this property, or adjacent properties in which you have a property interest? <input type="checkbox"/> no <input type="checkbox"/> yes, if yes - what are the permit number(s) and provide copies: <b>Permit No. 417162</b> and/or, permit date: <b>1/22/2018</b> <b>Two extensions requests had been granted. Permit expired 1/22/2021 prior to construction.</b>			
12) Does the property owner own or have any interests in any adjacent property? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes, if yes - please describe:			
13) Are there other existing or dedicated public streets, roads, highways or access easements bordering or within the property? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes, if yes - list them on your plans and indicate the proposed and existing access points.			
14) If you are requesting agricultural field access - how many acres will the access serve?			
15) If you are requesting commercial or industrial access please indicate the types and number of businesses and provide the floor area square footage of each.			
business/land use	square footage	business	square footage
<b>Gadwall Oil &amp; Gas Location (8 wells)</b>			
16) If you are requesting residential development access, what is the type (single family, apartment, townhouse) and number of units?			
type	number of units	type	number of units
17) Provide the following vehicle count estimates for vehicles that will use the access. Leaving the property then returning is two counts.			
Indicate if your counts are <input type="checkbox"/> peak hour volumes or <input checked="" type="checkbox"/> average daily volumes.	# of passenger cars and light trucks at peak hour volumes <b>8</b>	# of multi unit trucks at peak hour volumes <b>10</b>	
# of single unit vehicles in excess of 30 ft.	# of farm vehicles (field equipment)	Total count of all vehicles <b>18</b>	

18) Check with the issuing authority to determine which of the following documents are required to complete the review of your application.

- |  |   |
|--|---|
| a) Property map indicating other access, bordering roads and streets.                                      | e) Subdivision, zoning, or development plan.      |
| b) Highway and driveway plan profile.  | f) Proposed access design.                        |
| c) Drainage plan showing impact to the highway right-of-way.   | g) Parcel and ownership maps including easements. |
| d) Map and letters detailing utility locations before and after development in and along the right-of-way. | h) Traffic studies.                               |
|  | i) Proof of ownership.                            |

1- It is the applicant's responsibility to contact appropriate agencies and obtain all environmental clearances that apply to their activities. Such clearances may include Corps of Engineers 404 Permits or Colorado Discharge Permit System permits, or ecological, archeological, historical or cultural resource clearances. The CDOT Environmental Clearances Information Summary presents contact information for agencies administering certain clearances, information about prohibited discharges, and may be obtained from Regional CDOT Utility/Special Use Permit offices or accessed via the CDOT Planning/Construction-Environmental-Guidance webpage: <https://www.codot.gov/programs/environmental/resources/guidance-standards/environmental-clearances-info-summary-august-2017/view>

2- All workers within the State Highway right of way shall comply with their employer's safety and health policies/procedures, and all applicable U.S. Occupational Safety and Health Administration (OSHA) regulations - including, but not limited to the applicable sections of 29 CFR Part 1910 - Occupational Safety and Health Standards and 29 CFR Part 1926 - Safety and Health Regulations for Construction.

Personal protective equipment (e.g. head protection, footwear, high visibility apparel, safety glasses, hearing protection, respirators, gloves, etc.) shall be worn as appropriate for the work being performed, and as specified in regulation. At a minimum, all workers in the State Highway right of way, except when in their vehicles, shall wear the following personal protective equipment: High visibility apparel as specified in the Traffic Control provisions of the documentation accompanying the Notice to Proceed related to this permit (at a minimum, ANSI/ISEA 107-1999, class 2); head protection that complies with the ANSI Z89.1-1997 standard; and at all construction sites or whenever there is danger of injury to feet, workers shall comply with OSHA's PPE requirements for foot protection per 29 CFR 1910.136, 1926.95, and 1926.96. If required, such footwear shall meet the requirements of ANSI Z41-1999.

Where any of the above-referenced ANSI standards have been revised, the most recent version of the standard shall apply.


3- The Permittee is responsible for complying with the Revised Guidelines that have been adopted by the Access Board under the American Disabilities Act (ADA). These guidelines define traversable slope requirements and prescribe the use of a defined pattern of truncated domes as detectable warnings at street crossings. The new Standards Plans and can be found on the Design and Construction Project Support web page at:

<https://www.codot.gov/business/civilrights/ada/resources-engineers>

If an access permit is issued to you, it will state the terms and conditions for its use. Any changes in the use of the permitted access not consistent with the terms and conditions listed on the permit may be considered a violation of the permit.

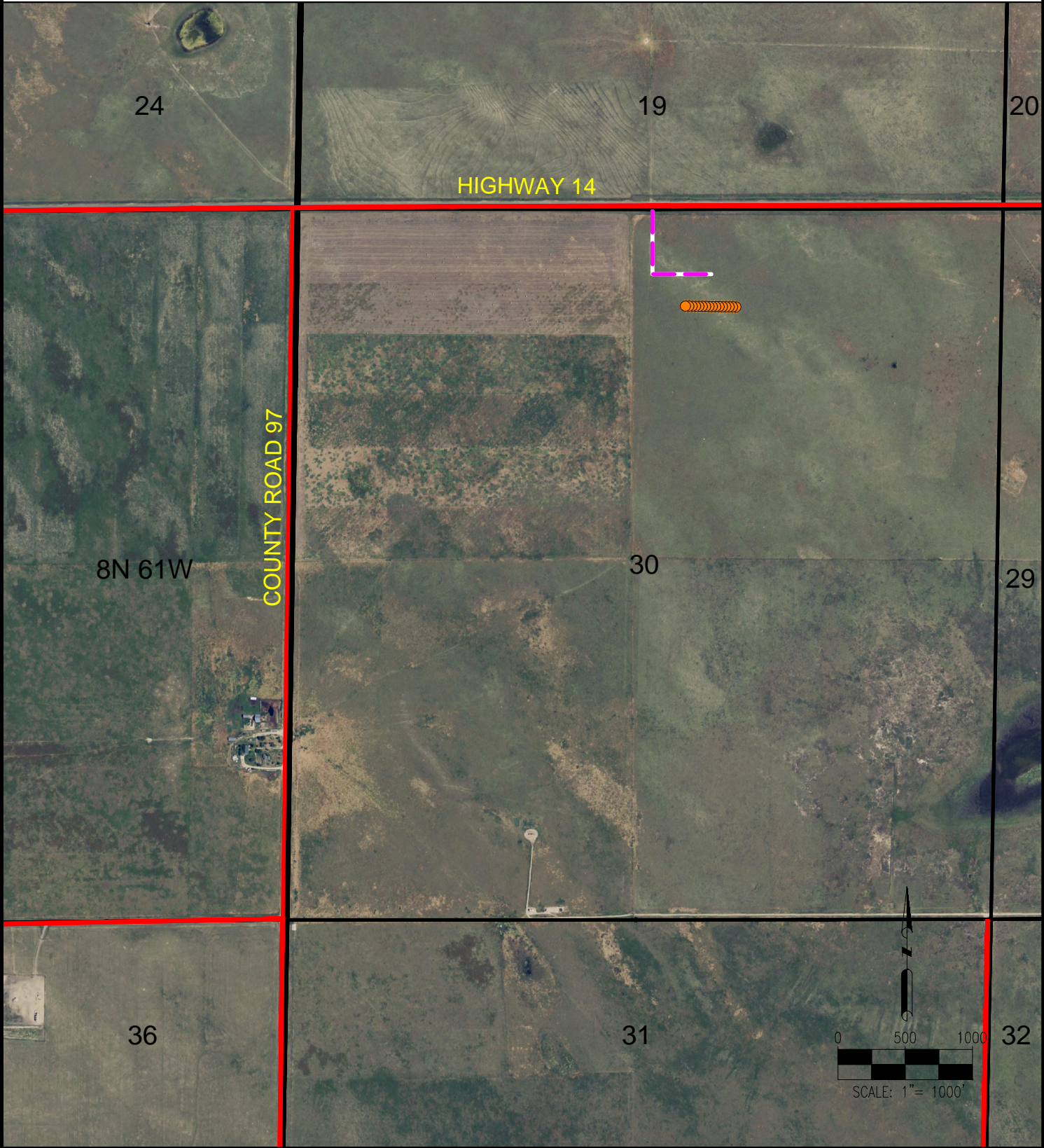
**The applicant declares under penalty of perjury in the second degree, and any other applicable state or federal laws, that all information provided on this form and submitted attachments are to the best of their knowledge true and complete.**

**I understand receipt of an access permit does not constitute permission to start access construction work.**

Applicant or Agent for Permittee signature 	Print name <b>Erin Mathews</b>	Date <b>3/9/2021</b>
If the applicant is not the owner of the property, we require this application also to be signed by the property owner or their legally authorized representative (or other acceptable written evidence). This signature shall constitute agreement with this application by all owners-of-interest unless stated in writing. If a permit is issued, the property owner, in most cases, will be listed as the permittee.		
Property owner signature	Print name	Date



GADWALL PAD  
ACCESS ROAD MAP



<b>LEGEND:</b> <div><div><div></div><div>= PROPOSED WELL</div></div><div><div></div><div>= EXISTING ROAD</div></div><div><div></div><div>= SECTION LINE</div></div><div><div></div><div>= PROPOSED ACCESS ROAD</div></div></div>		<b>DISCLAIMER:</b> THIS PLOT DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND SHOULD NOT BE RELIED UPON TO DETERMINE BOUNDARY LINES, PROPERTY OWNERSHIP OR OTHER PROPERTY INTERESTS. PARCEL LINES, IF DEPICTED HAVE NOT BEEN FIELD VERIFIED AND MAY BE BASED UPON PUBLICLY AVAILABLE DATA THAT ALSO HAS NOT BEEN INDEPENDENTLY VERIFIED.		<b>DATA SOURCE:</b> AERIAL IMAGERY: NAIP 2015 PLSS: BLM  PUBLICLY AVAILABLE DATA SOURCES HAVE NOT BEEN INDEPENDENTLY VERIFIED BY ASCENT.	
<div><div><div></div><div>7535 Hilltop Circle Denver, CO 80221 (303) 928-7128 www.ascentgeomatics.com</div></div><div><div>ASCENT</div><div>GEOMATICS SOLUTIONS</div></div></div>		<b>FIELD DATE:</b> 08-10-17		<b>SITE NAME:</b> GADWALL PAD	
		<b>DRAWING DATE:</b> 01-31-18			
		<b>BY:</b> JAG		<b>CHECKED:</b> IJM	
		<b>WELD COUNTY, COLORADO</b>			
				<b>PREPARED FOR:</b> <div><div></div><div>MALLARD</div><div>EXPLORATION</div></div>	



## ACCESS ROAD PHOTOS



**Looking from the roadway into the access location**



**Looking down the roadway to the left of the access**



**Looking from the access to the roadway**



**Looking down the roadway to the right of the access**

**Well Pad Name: GADWALL PAD**

**Operator: MALLARD EXPLORATION**

**Access Location: T8N R60W S30 NWNE**

**Date Taken: 08-10-2017**

**LAT: 40.640423° N LONG: 104.133073° W**



7535 Hilltop Circle  
Denver, CO 80221  
(303) 928-7128  
[www.ascentgeomatics.com](http://www.ascentgeomatics.com)



AUTHORIZATION FORM FOR ACCESS PERMITS

I, (We), William Stepanek, give permission to Mallard Exploration (Erin Mathews)  
(Owner – please print) (Applicant/Agent – please print)

to apply for Access permits on our behalf, for the property located at (address and parcel numbers):

8N-60W-30 NE4 Parcel Number: 054130100003

Property Owners Information:

Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Applicant/Agent Contact Information:

Main Contact: Erin Mathews Company: Mallard Exploration

Address: 1821 Blake St. Ste 2B City: Denver Zip: 80202

Phone: 720-543-7579 E-Mail: emathews@mallardexploration.com

Email correspondence to be sent to: Owner \_\_\_\_\_ Applicant/Agent ☒ Both \_\_\_\_\_

Postal service correspondence to be sent to: (choose only one) Owner \_\_\_\_\_ Applicant/Agent ☒

Additional Info: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Owner Signature:  Date: July 4, 2018

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_



STATE OF  
COLORADO

Mattson - CDOT, Allyson &lt;allyson.mattson@state.co.us&gt;

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**Access Permit 417162**

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Erin Mathews &lt;emathews@mallardexploration.com&gt;

Tue, Mar 2, 2021 at 3:21 PM

To: "Mattson - CDOT, Allyson" &lt;allyson.mattson@state.co.us&gt;

Ally,

I am working on the new permit for our recently expired Access Permit No. 417162. Its been awhile since I completed an access permit for you so I wanted to confirm what count estimates you wanted for item #17. As you know oilfield traffic has two distinct phases; temporary construction (which in our world consists of pad & facility construction, drilling, completions, and flowback) and then our long term permanent production traffic. For an 8 well pad we anticipate the following average daily round trips:

	Pad Construction	Facility Construction	Drilling	Completions	Flowback	On-going Production
Duration (Days)	20	45	52	56	10	On-going
Operating Hours	Daylight Hours	Daylight Hours	24 hours	24 hours	24 hours	24 hours
Truck Traffic	8	2	8	84	6	5
Employee Traffic	5	8	18	21	4	4

Notes: It is anticipated that the majority of trucks accessing the site will be Combo Units (class 8-13), however some single Units (class 4-7) are also expected. For employee traffic, it is assumed supervisors will be driving pickup trucks and contract employees will be driving personal vehicles. Assumes the facility will be connected to oil pipeline.

Therefore in item #17 would you like to see our temporary or permanent counts?

Thanks,

Erin

[Quoted text hidden]