



Treitz - DNR, Rebecca <rebecca.treitz@state.co.us>

1202.a.(3) review for Noble's OGD3 - A02-07 Drill Pad

2 messages

Marette - DNR, Brandon <brandon.marette@state.co.us>

Fri, Sep 16, 2022 at 2:50 PM

To: "Keller, Michael" <michael.keller@chevron.com>

Cc: Rebecca Treitz - DNR <rebecca.treitz@state.co.us>, Sabrina Trask - DNR <sabrina.trask@state.co.us>

Good afternoon Michael,

As recently discussed, this email is to supersede the waiver that was sent on 12/29/21 so that CPW can provide a more thorough determination summary for the 1202.a.(3) signed waiver for wetlands/creeks near chemical storage areas for Noble's OGD2 A02-07 Drill Pad. This context should give the COGCC, their Commissioners, and the public, CPW's wildlife-related perspective on this matter. *(Rebecca - could you please make sure this email is attached to their Form 2A?)*

Rule 1202.a.(3) (creeks/wetlands) Waiver Assessment

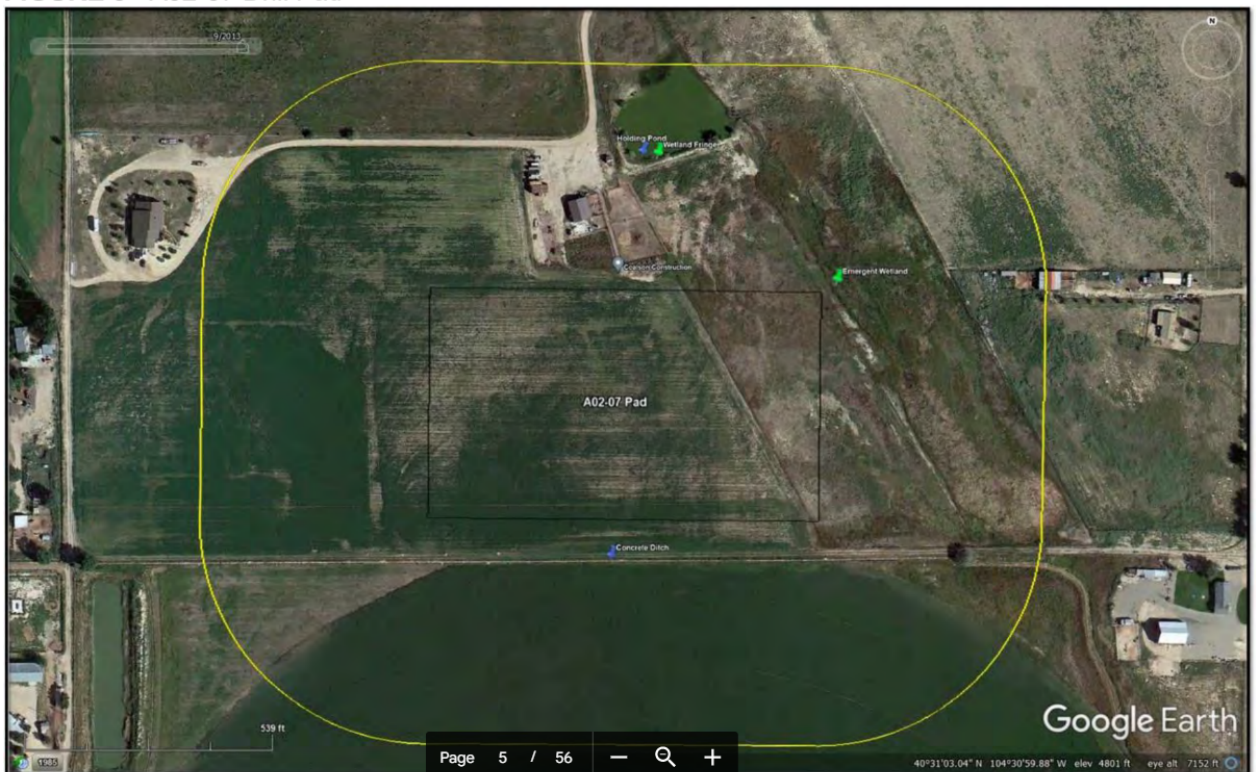
Below is a formal description of how CPW independently assessed the operator's specific situation related to their Rule 1202.a.(3) (creeks/wetlands) waiver request.

Background on Rule 1202.a.(3) and any High Priority Habitat (HPH) impacts

- Rule 1202.a.(3) is a statewide operating requirement in COGCC's 1200 Series Rules that prohibits operators from situating new staging, refueling, or chemical storage areas within 500 feet of the Ordinary High Water Mark ("OHWM") of any river, perennial or intermittent stream, lake, pond, or wetland.
- When CPW examines a proposed location for this waiver, we also examine if there are any mapped High Priority Habitats that could be directly or indirectly impacted by this development.
- It should be understood that CPW does not have jurisdictional authority over wetlands and other waters of the U.S., as defined by the Environmental Protection Agency, the U.S. Army Corps of Engineers (USACE), and/or the Colorado Department of Public Health and Environment. However, it should be noted that regardless of USACE's jurisdictional status, both types of wetlands (jurisdictional and non-jurisdictional) fall under this rule.
- This assessment is only based on CPW's understanding of how this development could potentially impact wildlife and fish associated with the identified water feature and CPW's authority as defined by COGCC's regulations.
- Furthermore, COGCC technical staff (and in many cases, the Local Government and/or USACE) will conduct a thorough (engineering and hydrology) review of permit applications to ensure that the proposed stormwater BMPs are protective of nearby surface water bodies and water quality.

CPW's Assessment of this Site-Specific Situation

- CPW asked Noble for a formal wetland delineation by a Professional Wetland Scientist (PWS) or an equivalent knowledgeable wetland scientist, and received a wetlands assessment for this Working Pad Surface (WPS), and there are no wetlands present within the WPS.
- Per Noble's WMP Figure 3 below- there is a canal and wetlands within 500-ft of the WPS (which Noble willingly chose a larger and more conservative buffer than the Rule technically states - see the first bullet at the top).
 - That being said, Noble told CPW that the temporary diesel tanks and mud tanks are located in the E-Central portion of the pad and approximately 600' SW of the pond structure to the N-NE and approximately 750' W of the wetland complex to the E.

FIGURE 3- A02-07 Drill Pad

Conclusion

- Therefore, because of the above discussion, and because this canal and associated wetlands are outside 500 feet of the chemical storage areas no waiver is required.

Should you or COGCC have any comments about this aquatic wildlife assessment, please let me know.

Regards,

Brandon B. Marette, CWB®
Northeast Region Energy Liaison and Land Use Coordinator



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[CPW's Energy Webpage](#)
[CPW's Wildlife Movements Webpage](#)



THINK SAFETY FIRST!



Marette - DNR, Brandon <brandon.marette@state.co.us>

Fri, Sep 16, 2022 at 2:58 PM

To: "Keller, Michael" <michael.keller@chevron.com>, Rebecca Treitz - DNR <rebecca.treitz@state.co.us>

I have a typo below saying OGD2 instead of OGD3, so I'll resend. Sorry for the confusion.

Regards,

Brandon B. Marette, CWB®
Northeast Region Energy Liaison and Land Use Coordinator



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