



**FINAL ORDER**

**BEFORE THE WELD COUNTY 1041 WOGLA HEARING OFFICER**

Docket Number 1041WOGLA20-0095

1041 WOGLA Hearing Officer Curt Moore heard this matter on March 25, 2021 at the Weld County Oil & Gas Energy Hearing Room, 1301 N 17<sup>th</sup> Ave, Greeley, CO 80631 and through a remotely held audio and video connection led by the Oil & Gas Energy Department Director upon application for a 1041 WOGLA Permit located in the SESW of Section 17, Township 8 North, Range 59 West, 6<sup>th</sup> P.M., Weld County, Colorado. Present for the hearing were Kelly Holliday, Permit and Enforcement Specialist, Weld County; Elisa Kunkel, Oil & Gas Energy Technician, Weld County; Stephanie Frederick, Oil & Gas Energy Technician, Weld County; Jason Maxey, Oil & Gas Energy Department Director, Weld County; Gabe Kalousek, Assistant County Attorney, Weld County; and Ariana Solis, Regulatory Analyst, Bison Oil & Gas II, LLC. Having heard the testimony presented and considering documents submitted for review, including the application, the Hearing Officer makes the following Findings of Fact and Order:

**Findings of Fact and Law**

The Hearing Officer makes the following findings of fact:

1. Bison Oil & Gas II, LLC ("Bison" or "Applicant") as Applicant for the above referenced Docket delivered its 1041 WOGLA Permit Application ("Application" or "Permit") dated January 19, 2021 to the Weld County Oil & Gas Energy Director ("Director" or "Staff").
2. Upon review of the Application, Ms. Holliday found the Application to be complete and forwarded the Application to the Hearing Officer for the purpose of scheduling a hearing pursuant to the Weld County 1041 Regulations ("WCC" or "Code").
3. At the scheduled Hearing on March 25, 2021, Ms. Holliday gave testimony that the Application was viewed as complete and further testified that the Application was found to be in compliance with the Code including the Application Requirements described within Sec. 21-5-320 of the Code and the Development Standards within Division 4 of Article 5 ("Development Standards") of the Code.
4. Ms. Holliday further testified that:
  - a. Certain Conditions of Approval ("COA's") and Best Management Practices ("BMP's") are outlined within the Staff Report and within the Application.
  - b. Staff conducted a site inspection at the proposed OGL and concluded the Application does not present any conflicts with respect to adjacent or nearby land uses.



- c. The Applicant delivered Pre-Application Notice and Staff delivered Notice of Hearing pursuant to Weld County Code Ordinance 2020-12. The parties that received the Pre-Application Notice and the Notice of Hearing did not respond.
- d. The proposed OGL is located within the Ag-Rural Planning Area of the Code as depicted upon Appendix 21-B of the Code. Staff concluded that there are no High Occupancy Building Units, Designated Outdoor Activity Areas, School Facilities or Child Care Facilities (all as defined within the Code) located within one thousand (1,000) feet of the proposed OGL. Further, the nearest Building Unit is located over one (1) mile from the OGL.
- e. The Applicant will not have permanent lighting at this OGL.
- f. The Applicant has agreed to comply with Noise Level NL-4 during the Construction Phase and Noise Level NL-1 during the Production Phase at this OGL.
- g. The proposed OGL will be powered by electricity and automation will be installed at this site which will provide notice of facility upset conditions with remote shut-in capabilities.
- h. The Applicant will install a temporary pipeline for fresh water delivery for completions operations which will decrease truck traffic at this site.
- i. The Applicant intends to transport crude oil and produced water from this OGL via pipelines which will decrease truck traffic at this site
- j. Staff did not receive any Applications for Intervention relative to this Application.
- k. The Applicant has submitted a revised Preliminary Drainage Report that is satisfactory to the Weld County Department of Public Works ("WCDPW") and further satisfies the associated COA cited in the WCDPW referral comments.
- l. The Weld County Office of Emergency Management has approved the Applicants Emergency Action Plan and Tactical Response Plan.
- m. The Applicant will use an existing approved Access Permit from WCDPW for this OGL.
- n. The Applicant has secured an approved Road Maintenance Agreement for the proposed OGL from WCDPW.
- o. Staff recommends that existing WOGLA Permits (the "Existing WOGLA Permits") described as WOGLA19-0084 and WOGLA19-0124 be rescinded as part of her recommendation for conditional approval of this Application.
- p. Staff and the Applicant considered two (2) alternative locations being the Existing WOGLA Permits outlined in the Application and concluded that these alternative locations would increase the impacts to the surface including increasing the number of wells that would be need to be drilled and the production facilities equipment that would need to be built while offering no beneficial protections when compared to the OGL proposed in the Application (the "Application Site").
- q. An alternative location in the southern area of the drilling and spacing unit would be located within a designated High Priority Habitat and was thus considered inferior to the Application Site.



- r. Upon review and consideration of the alternative sites described in the Application, Staff concluded that the Application Site provides the least impact to public health, safety, welfare, environment and wildlife when compared to the alternative that the Applicant considered while developing the Application.
5. Ms. Holliday concluded her testimony with a recommendation to the Hearing Officer that the Application should be conditionally approved with the COA's described in the Staff Report.
  6. Upon examination Ms. Holliday testified that:
    - a. There are no building units along the haul route covered by the Road Maintenance Agreement.
    - b. The Colorado Oil & Gas Conservation ("COGCC") attended the Pre-Application Meeting held on December 12, 2020 and expressed no concerns with the proposed OGL.
    - c. Staff determined the Application Site to be within Lighting Zone ("LZ-1") pursuant to Sec. 21-5-405 of the Code.
  7. Ms. Solis testified that:
    - a. The two (2) alternative sites being the Existing WOGLA Permits considered by the Applicant were found to be inferior to the Application Site. The Application Site will effectively consolidate the impacts to one disturbance area in comparison to the two alternative sites. The Applicant did not consider a sight in the southern area of the drilling and spacing unit due to the designated High Priority Habitat upon those lands. In the estimation of the Applicant, the Application Site provides the least impact to public health, safety, welfare, environment and wildlife when compared to the other alternatives that the Applicant considered while developing the Application.
    - b. Although the proposed OGL is not within a designated High Priority Habitat, the Applicant will construct any fencing at this location in line with Colorado Parks and Wildlife recommendations for Pronghorn Antelope.
    - c. The Applicant will source and deliver fresh water to the location for the completion operations via temporary pipelines which will significantly reduce the impacts associated with truck traffic.
    - d. The Applicant shall connect the proposed facility to crude oil and produced water infrastructure and shall, in the absence of pipeline upset conditions, transport crude oil and produced water from this OGL via pipelines which will significantly reduce the impacts associated with truck traffic.
    - e. The Applicant shall connect the proposed facility to natural gas gathering systems and shall transport natural gas via pipelines at first production. The Applicant will not flare gas at this location in the absence of pipeline upset conditions.
    - f. The site will be powered by electricity which will reduce noise and air emission impacts.



- g. The Applicant will control dust on the proposed site and private access roads with gravel or road base and through the use of speed restrictions, regular road maintenance, traffic restrictions during periods of high wind, silica dust controls when handling sand used in hydraulic fracturing operations, and the application of fresh water for dust suppression as needed.
  - h. If conditions warrant, the Applicant will install security measures including locks at the production facility to control unauthorized public entry to this OGL.
  - i. The Applicant will comply with Noise Level NL-4 during the Construction Phase and Noise Level NL-1 during the Production Phase at this OGL.
  - j. The Applicant will not have permanent lighting at this OGL.
  - k. The data collected from the Applicant's audio, visual, olfactory ("AVO"), Leak Detection and Repair ("LDAR") and flowline testing programs will be made available to the Weld County Department of Public Health and Environment if requested.
  - l. The Applicant will design and implement a waste management plan for this location that complies with the Colorado Department of Public Health and Environment ("CDPHE") referral comments.
  - m. The Applicant has a fieldwide Stormwater Management Permit that will include the site proposed in this Application and complies with the Colorado Water Quality Control Commission regulations.
  - n. The equipment installed at this site will have all required air emission permits required and referenced in the CDPHE referral comments.
  - o. Oil based drilling fluids will be used on this location. The Applicant will add odor neutralizing agents to the drilling fluids if a complaint related to odor is received at this site.
  - p. She has reviewed and agreed to be bound to the Development Standards within the Code; the COA's within the Staff Report; and BMP's within the Application; and the Development Standards and Conditions within the referral agency comments received from the Weld County Department of Public Works and the Weld County Department of Public Health and Environment.
  - q. Her understanding that by granting approval of the Permit that the Applicant would be subject to certain Compliance and Enforcement Procedures in Sec 21-5-350 of the Code should at any time the Applicant is found to be out of compliance with the Permit.
8. Upon review of the Application and the Staff Report and upon taking testimony from Ms. Holliday and Ms. Solis the Hearing Officer found the Application to be complete.
9. Based on the facts stated in the Application, having received no applications for intervention, and based on the testimony presented to the Hearing Officer at the March 25, 2021 Hearing, the Hearing Officer found that a final order ("Final Order") to approve the Application should be entered.



**FINAL ORDER**

NOW, THEREFORE, IT IS ORDERED, that

1. Bison 's 1041 WOGLA Permit heard under Docket Number 1041WOGLA20-0095 and located in the SESW of Section 17, Township 8 North, Range 59 West, 6<sup>th</sup> P.M., Weld County, Colorado, is hereby approved.
2. Bison is hereby bound to the Development Standards within the Code; the COA's within the Staff Report; the BMP's within the Application; and the Development Standards and Conditions within the referral agency comments received from the Weld County Department of Public Health and Environment and the Weld County Department of Public Works the contents of which can be located at <https://accela-aca.co.weld.co.us/citizenaccess/>.
3. It is ordered that the facility will not have permanent lighting. It is further ordered that the Applicant shall amend this Permit pursuant to Section 21-5-360 of the Code should the Applicant desire to install permanent lighting at this OGL during the Production Phase. Any permanent lighting installed at this OGL will be compliant with Lighting Zone LZ-1.
4. It is ordered that existing permits WOGLA19-0084 and WOGLA19-0124 shall be rescinded by Staff upon recording of this Permit. It is further ordered that Staff shall provide written notice to the Applicant of these permit rescissions.
5. It is ordered that the OGL will be powered by electricity.
6. It is ordered that automation will be installed at this site.
7. It is ordered that the Applicant will source and deliver fresh water to the location for the completion operations via temporary pipelines.
8. It is ordered that the Applicant shall connect the production facility to crude oil and produced water infrastructure and shall, in the absence of pipeline upset conditions, transport crude oil and produced water from this OGL via pipelines.
9. It is ordered that the Applicant shall connect the production facility to gas gathering systems and shall transport natural gas via pipelines at first production.
10. It is ordered that the Applicant will not flare gas at this location in the absence of pipeline upset conditions.
11. It is ordered that the Applicant will control dust on the OGL and private access roads including through the application of fresh water as needed.
12. It is ordered that the Applicant will, if conditions warrant, install security measures including locks at the production facility to control unauthorized public entry to this OGL.
13. It is ordered that the data collected from the Applicant's AVO, LDAR and flowline testing programs will be made available to the Weld County Department of Public Health and Environment if requested.
14. It is ordered that the Applicant will add odor neutralizing agents to the drilling fluids if a complaint related to odor is received at this site.
15. Approval of this 1041 WOGLA Permit creates a Vested Property Right as an approved Site Specific Development Plan pursuant to Article 68 of Title 24, C.R.S., as amended.

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

Weld County Oil & Gas Energy

By:  \_\_\_\_\_  
Curt Moore, Hearing Officer

Dated: March 29, 2021



**1041 WOGLA PERMIT  
STAFF REPORT**

Record Number           **1041WOGLA20-0095**                           Hearing Date:   **March 25, 2021**  
Staff Specialist:       **Kelly Holliday**  
Company/Applicant:   **Bison Oil & Gas II, LLC**  
Location Name:       **Wade 8-59 17**  
Parcel Number(s):     **053917000012**  
Assigned Address:     **54308 County Road 390**  
Legal Description:     **SE1/4SW1/4 of Section 17, Township 8 North, Range 59 West of the 6th P.M.**  
Proposed Use:         **New Oil & Gas Location with 8 Wells and associated Facility equipment**

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**SUMMARY**

Pursuant to Weld County Code Ordinance 2020-12, Sec. 21-5-315. Bison Oil & Gas II, LLC (Bison or Applicant) submitted a request for a pre-application meeting on November 23, 2020. The pre-application meeting was held on December 2, 2020. Invitees included Colorado Oil & Gas Conservation Commission (COGCC), Colorado Parks and Wildlife (CPW), Bison, and Weld County Oil and Gas Energy Department (OGED Staff), attendees included COGCC, CPW, Bison, and OGED Staff. In preparation of the pre-application meeting OGED Staff conducted a site visit and drove the identified haul route.

On December 7, 2020, Bison provided 1041 WOGLA notice to OGED Staff stating their intent to submit a 1041 WOGLA Permit application for the referenced Oil and Gas Location. The Application was received on January 19, 2021 and reviewed according to the requirements of Weld County Code Ordinance 2020-12 (Code). The criteria for submission of the 1041 WOGLA Permit (Application) is outlined in Section 21-5-320. of the Code.

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

Pursuant to Sec. 21-5-330. notice of the 1041 WOGLA hearing was sent to required parties on February 3, 2021 and published in the Greeley Tribune on February 5, 2021.

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

1. Response was received from the following referral agencies:
  - a. Weld County Department of Planning Services, referral request sent 2/2/2021. Response received 2/3/2021, finding no conflict.
  - b. Colorado Department of Public Health and Environment, referral request sent 2/2/2021. Response with advisory comments received 2/3/2021.



- c. Colorado Oil and Gas Conservation Commission, referral request sent 2/2/2021. Response with advisory comments received 2/9/2021.
  - d. Weld County Department of Public Health and Environment, referral request sent 2/2/2021. Response with comments and conditions received 3/2/2021.
  - e. Weld County Department of Public Works (Public Works), referral request sent 2/2/2021. Response with comments and conditions received 3/2/2021. The following items have been completed since receipt of the referral:
    - i. As referenced under the roads and rights-of-way section of the Public Works referral document, the Applicant has submitted a revised Location drawing showing the disturbance area outside of the Weld County right-of-way.
    - ii. On March 12, 2021, Natalie DeLaCroix, Public Works – Engineer, confirmed acceptance of the revised preliminary drainage report, satisfying prior to recording requirement of approval letter A as listed in the Public Works referral document.
  - f. Weld County Office of Emergency Management, referral request sent 2/2/2021. Emergency Action Plan approved 3/4/2021.
2. No response was received from the following referral agencies:
- a. Colorado Parks and Wildlife, referral request sent 2/2/2021.
  - b. Raymer-Stoneham Fire Protection District, referral request sent 2/2/2021.
  - c. Prairie RE-11 School District, referral request sent 2/2/2021.

## RECOMMENDATION

The OGED Staff recommends **1041WOGLA20-0095** be **APPROVED** based on review of the Application material submitted by Bison, comments provided by referral agencies, and other relevant information.

1. As stated in the summary above, OGED Staff has determined that the Application complies with the provisions of Sec. 21-5-320.
2. OGED Staff has complied with the notice and processing requirements in Sec. 21-5-330.
3. Pursuant to Sec. 21-5-315. Bison certifies that they have provided notice to all required parties.
4. Bison certifies that they have a Surface Use Agreement in place with the Surface Owner(s), identified as Wade & Deland Castor.
5. There are no Building Units, High Occupancy Building Units, Designated Outside Activity Areas, School, School Facilities, or Child Care Centers within one thousand (1,000) feet of the Oil and Gas Location. The nearest Building Unit is located over one (1) mile away.
6. The OGED Staff did not receive any Application for Intervention regarding this Oil and Gas Location.
7. The Applicant's chosen site is compatible with the surrounding Land Use, which is rangeland interspersed with oil and gas development.
8. Bison has shown compliance with the Development Standards outlined in Chapter 21, Article 5, Division 4 of the Code as applicable to the Ag-Rural Planning Area.

9. Bison has committed to certain Best Management Practices outlined in the Application, to promote the health, safety, security, and general welfare of the present and future residents of Weld County while protecting both the environment and wildlife.

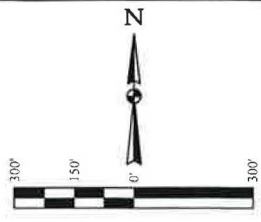
The attached location drawing provides a depiction of the Oil and Gas Location with all visible improvements within one thousand (1,000) feet.

### CONDITIONS OF APPROVAL

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

1. Upon Approval, Recording and Publication:
  - a. WOGLA19-0084 & WOGLA19-0124 shall be rescinded and replaced by this 1041 WOGLA Permit..
2. Prior to Construction:
  - a. A Final Drainage Report stamped and signed by a Professional Engineer registered in the State of Colorado is required by the Department of Public Works.
  - b. If more than one (1) acre is to be disturbed, a Weld County Grading Permit will be required by the Department of Public Works.
  - c. The Department of Public Works requires Weld County Right-of-Way Use Permits for any work occupying, constructing, or excavating facilities within, and/or encroaching upon, any County rights-of-way or easements.
3. Prior to Drilling:
  - a. Applicant must provide initial baseline groundwater sampling data, or information related to how the site is exempt from the COGCC Rule 615, to the Weld County Department of Public Health and Environment.

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 Carly Koppes, Clerk and Recorder, Weld County, CO



- LEGEND**
- OIL & GAS LOCATION
  - WORKING PAD SURFACE
  - PROPOSED ACCESS ROAD
  - PROPERTY LINE
  - FENCE
  - PIPELINE
  - WELD COUNTY RIGHT-OF-WAY
  - 2-TRACK
  - WATER WELL
  - SECTION CORNER LOCATED



#	FEATURE	BEARING	DISTANCE
1	2-TRACK	SOUTH	74'±
2	FENCE	SOUTH	130'±
3	PROPERTY LINE	SOUTH	131'±
4	PIPELINE	SOUTH	207'±
5	PROPERTY LINE	SE	244'±

- NOTES:**
- Bearings & distances shown are from the nearest oil & gas location.
  - Any item marked as N/A for bearing or distance is located within the oil & gas location.
  - No building units within 5,280 feet of proposed oil & gas location.
  - No child care facility or school facility located within 5,280 feet of proposed oil & gas location.

REV: 3 03-05-21 C.C. (UPDATE DISTURBANCE BUFFER AREA)

**BISON OIL & GAS II**

WADE 8-59 17 PAD  
 SE 1/4 SW 1/4, SECTION 17, T8N, R59W, 6th P.M.  
 WELD COUNTY, COLORADO

<b>SURVEYED BY</b>	MATTHEW MILLER, O.R.	12-09-20	<b>SCALE</b>
<b>DRAWN BY</b>	CIVIL	12-22-20	1" = 300'

**LOCATION DRAWING (1041 WOGLA)**



**UELS, LLC**  
 Corporate Office \* 85 South 200 East  
 Vernal, UT 84078 \* (435) 789-1017