

**FORM  
INSP**Rev  
X/20**State of Colorado  
Oil and Gas Conservation Commission**1120 Lincoln Street, Suite 801, Denver, Colorado 80203  
Phone: (303) 894-2100 Fax: (303) 894-2109

Inspection Date:

08/07/2023

Submitted Date:

08/11/2023

Document Number:

697504785

**FIELD INSPECTION FORM**Loc ID 456651 Inspector Name: Binschus, Chris On-Site Inspection ☐ 2A Doc Num: \_\_\_\_\_**Operator Information:**

OGCC Operator Number: 10701

Name of Operator: UPLAND EXPLORATION LLC

Address: 424 S MAIN ST

City: BOERNE State: TX Zip: 78006

**Status Summary:**

- ☒ THIS IS A FOLLOW UP INSPECTION
- ☒ FOLLOW UP INSPECTION REQUIRED
- ☐ NO FOLLOW UP INSPECTION REQUIRED

**Findings:**

12 Number of Comments

7 Number of Corrective Actions

- ☒ Corrective Action Response Requested

**ANY CORRECTIVE ACTION(S) FROM  
PREVIOUS INSPECTIONS THAT HAVE NOT  
BEEN ADDRESSED ARE STILL APPLICABLE****Contact Information:**

Contact Name	Phone	Email	Comment
,		dnr_cogccenforcement@state.co.us	COGCC Enforcement
		dustin@uplandexploration.com	

**Inspected Facilities:**

Facility ID	Type	Status	Status Date	Well Class	API Num	Facility Name	Insp Status
456651	LOCATION	AC			-	Salt Ranch Fee 18 East	RI

**General Comment:**

On 8/3/2023 and 8/7/2023, Reclamation Specialist Chris Binschus performed a follow up inspection and in response to a complaint.

ECMC issued a NOAV on 3/16/2023 (Doc.# 403347572). Note- this inspection does not address all of the violations issued in the NOAV, which still remain out of compliance.

Refer to the Lease Road, Good Housekeeping, Location Construction/Stormwater, Complaint, Reclamation, Stormwater and COGCC Comments sections of this inspection report for additional details.

**Location****Lease Road:**

Type	Main		
comment:	<p>Operator has made some improvements to the access road since the previous inspection in regards to dust mitigation. Operator imported new road base along sections but has not completed the import. When ECMC traveled on this road back on July 14th, dust was minimized along the new import areas but dust increased in the other areas where there is no new import. Refer to the attached inspection photos.</p> <p>In addition, ECMC received laboratory analytical reports indicating that water trucks contained contaminated water with hydrocarbons exceeding ECMC Table 915-1 Cleanup Concentrations and WQCC Regulation 41 Basic Standards for Groundwater.</p> <p>Operator has failed to complete mitigation to minimize fugitive dust and remains out of compliance.</p>		
Corrective Action:	<p>Comply with Rule 427.b.</p> <p>Note- Operator failed to consult with the Surface Owner before conducting import of new material.</p>	Date:	02/28/2023

Overall Good: ☐**Emergency Contact Number:**

Comment:		
Corrective Action:		Date: _____

**Good Housekeeping:**

Type	WEEDS		
Comment:	<p>Operator has failed to prevent the continued growth of Russian thistle along the access road, inconsistent herbicide applications, and failed to reseed. Reseeding perennial vegetation would compete with weedy vegetation and generally work to decrease weed growth.</p> <p>Weed management is failing along portions of the 5.5 mile access road and spreading onto adjacent lands.</p> <p>In response to the NOAV issued on March 16, 2023, Operator submitted an insufficient weed management plan.</p> <p>Weed management remains out of compliance.</p>		
Corrective Action:	<p>Operator shall resubmit a weed management plan to include the following: submit a schedule of "Weed Management Activities" for the management of all undesirable plant species on the Location and access road. The schedule shall include monitoring and integrated weed management, with a minimum monitoring and control efforts of three (3) times a year until the Location receives a passing final reclamation inspection. Operator shall provide all weed management activities to date, which include herbicide application method, herbicides applied and application rates.</p> <p>All the required information shall be submitted via Form 4 Sundry Notice to the attention of Chris Binschus.</p>		
Date:	08/25/2023		
Type	WEEDS		
Comment:	<p>Note for Enforcement purposes, Rule 606.c still remains out of compliance since 2/10/2023 and has not been resolved. The Weed Management Plan corrective action date of 8/25/2023 has not cleared out the original rule violation from 2/10/2023.</p>		
Corrective Action:		Date:	

Overall Good: ☐**Spills:**

Type	Area	Volume		
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In Containment: No

Comment:

Multiple Spills and Releases?

Venting:

Yes/No			
Comment:			
Corrective Action:		Date:	

Flaring:

Type		
Comment:		
Corrective Action:		Date:

**Location Construction**

Location ID: 456651 CDP: \_\_\_\_\_

Comment: \_\_\_\_\_

Corrective Action: \_\_\_\_\_

Date: \_\_\_\_\_

**Form 2A COAs:****Comment:** \_\_\_\_\_

Corrective Action: \_\_\_\_\_

Date: \_\_\_\_\_

**Wildlife BMPs:****Comment:** \_\_\_\_\_

Corrective Action: \_\_\_\_\_

Date: \_\_\_\_\_

**Stormwater:**

Erosion BMPs	Present	Other BMPs	Present

Comments: Erosion BMPs: Operator has failed to submit the required plan. Deficiencies with stormwater BMPs, lack of BMPs, and sediment discharge into a High Priority Habitat (Aquatic Native Species Conservation Waters) have exacerbated since the previous inspection.

Other BMPs:

\_\_\_\_\_

Corrective Action: Operator shall submit an engineered stamped Permanent Stormwater Management Plan. The Plan shall address the access road and location.

Date: 07/05/202  
3

**Comment:** \_\_\_\_\_**Corrective Action:** \_\_\_\_\_

Date: \_\_\_\_\_

**On Site Inspection (305):**Surface Owner Contact Information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

Operator Rep. Contact Information:

Landman Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Date Onsite Request Received: \_\_\_\_\_

Date of Rule 306 Consultation: \_\_\_\_\_

Request LGD Attendance: \_\_\_\_\_

LGD Contact Information:

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Agreed to Attend: \_\_\_\_\_

Summary of Landowner Issues:

\_\_\_\_\_

Summary of Operator Response to Landowner Issues:

\_\_\_\_\_

Onsite Inspection Memorandum Summarizing Discussions at Inspection as Attachment:

\_\_\_\_\_

## Inspected Facilities

Facility ID: 456651 Type: LOCATION API Number: - Status: AC Insp. Status: RI

## Complaint

Comment: **ECMC Reclamation Specialist received a formal complaint about the Operator attempting to reseed areas along the access road that appear to be related to access road expansion and other adjacent areas disturbed due to improper road maintenance and vehicle traffic off the original access road boundary. Also, Operator failed to consult with the Surface Owner regarding an approved seed mix.**

**Operator has attempted to reseed areas along the access road that appear to be related to access road expansion and other adjacent areas disturbed due to improper road maintenance and vehicle traffic off the original access road boundary. Operator attempted to reseed into disturbances where the Operator has scrapped off much of the topsoil and seed into subsoil, no seedbed preparation and failed to stabilize the seeded soil. The attempt is not sufficient to reclaim these disturbances. The disturbance areas along the access road that have not been reclaimed, and are now eroding and weed establishment is occurring along these disturbance areas.**

Corrective Action: **Operator shall submit a Topsoil Importation Plan and Topsoil Protection Plan. Operator can reference the Rule 304.C.(14) guidance created on March 25, 2022 for assistance.**

**The Topsoil Importation Plan shall characterize the topsoil from a reference area along the access road. Soil samples shall be overlaid on an aerial map depicting where reference samples were taken. Based on the reference soil samples, Operator shall import topsoil with similar agronomic properties and analytes. Operator shall provide the agronomic properties and analytes of the reference soil samples and the planned topsoil to be imported. Operator shall provide an estimate of how much total topsoil will be imported (in cubic yards) to address surface disturbance minimization due to improper road maintenance/vehicle traffic off the original access road boundary, and how deep (in inches) topsoil will be applied along the areas needing repair. Operator shall provide a map depicting where topsoil will be applied along the access road needing repair. Operator shall include a schedule of planned activities to import topsoil. Operator shall provide information on the topsoil source.**

**The Topsoil Protection Plan shall address how to protect the 1.5 mile section of windrowed topsoil and the topsoil stockpile at Location from wind and water erosion and how to prevent weed establishment on topsoil. The Plan shall also address areas where the Operator had vehicle traffic off the original access road boundary.**

**Operator shall consult with the Surface Owner regarding an approved seed mix.**

**All the required information shall be submitted via Form 4 Sundry Notice to the attention of Chris Binschus.**

Date: 08/25/2023

**Reclamation - Storm Water - Pit****Interim Reclamation:**

Date Interim Reclamation Started: \_\_\_\_\_ Date Interim Reclamation Completed: \_\_\_\_\_

Land Use: RANGELAND

Comment: \_\_\_\_\_

**1002 SITE PREPARATION AND STABILIZATION**

1002a. FENCING \_\_\_\_\_

Comment \_\_\_\_\_

Corrective Action \_\_\_\_\_

Date \_\_\_\_\_

1002b. SOIL REMOVAL AND \_\_\_\_\_

Comment \_\_\_\_\_

Corrective Action \_\_\_\_\_

Date \_\_\_\_\_

1002c. PROTECTION OF SOILS \_\_\_\_\_ Fail \_\_\_\_\_

Comment

Operator has reseeded the topsoil stockpile since the previous inspection. There appeared to be some desirable germination but not comparable to the South Little Lady stockpile. Therefore, Staff is not comfortable putting this corrective action In-Process for the stockpile until further germination of desirable species is established.

ECMC does not believe the Operator has attempted to reseed the windrowed topsoil along an approximate 1.5 mile section of the access road. This 1.5 mile section predominately remains established with Russian thistle. Operator has failed to prevent the continued growth of Russian thistle along these areas, inconsistent herbicide applications, and has missed out on reseed activities.

Corrective Action

Comply with Rule 1002.c

Operator failed to consult with the Surface Owner regarding an approved seed mix.

Date **02/10/2023**

1002E. SURFACE DISTURBANCE MINIMIZATION \_\_\_\_\_ Fail \_\_\_\_\_

Comment

Operator has not conducted sufficient reclamation on areas disturbed due to access road expansion, and other adjacent areas disturbed due to improper road maintenance and vehicle traffic off the original access road boundary.

ECMC is now requiring a Topsoil Importation Plan and Topsoil Protection Plan to help address these outstanding issues.

Surface disturbance minimization remains out of compliance.

Corrective Action

Comply with Rule 1002.e

Date **02/10/2023**

1003a. Waste and Debris removed? \_\_\_\_\_

Comment \_\_\_\_\_

Corrective Action \_\_\_\_\_

Date \_\_\_\_\_

Unused or unneeded equipment onsite? \_\_\_\_\_

Comment \_\_\_\_\_

Corrective Action \_\_\_\_\_

Date \_\_\_\_\_

Pit, cellars, rat holes and other bores closed? \_\_\_\_\_

Comment \_\_\_\_\_

Corrective Action \_\_\_\_\_

Date \_\_\_\_\_

Guy line anchors marked? \_\_\_\_\_

Comment \_\_\_\_\_

Corrective Action \_\_\_\_\_

Date \_\_\_\_\_

1003b. Area no longer in use? \_\_\_\_\_

Production areas stabilized ? \_\_\_\_\_

1003c. Compacted areas have been cross ripped? \_\_\_\_\_

1003d. Drilling pit closed? \_\_\_\_\_

Subsidence over on drill pit? \_\_\_\_\_

Cuttings management: \_\_\_\_\_

1003e. Areas no longer needed for drilling or subsequent operations for have been re-vegetated to 80% of pre-existing? \_\_\_\_\_

Production areas have been stabilized? \_\_\_\_\_

Segregated soils have been replaced? \_\_\_\_\_

**RESTORATION AND REVEGETATION**Cropland

Top soil replaced \_\_\_\_\_

Recontoured \_\_\_\_\_

Perennial forage re-established \_\_\_\_\_

Non-Cropland

Top soil replaced \_\_\_\_\_

Recontoured \_\_\_\_\_

80% Revegetation \_\_\_\_\_

## 1003e. INTERIM VEGETATION TRANSECT

TRANSECT RESULTS OF DISTURBED AREA% \_\_\_\_\_

TRANSECT RESULTS OF REFERENCE AREA% \_\_\_\_\_

TOTAL % OF DESIRABLE VEGETATION COVER \_\_\_\_\_

VEGETATIVE COVER \_\_\_\_\_

1003 f. Weeds Noxious weeds? \_\_\_\_\_

Comment \_\_\_\_\_

Corrective Action \_\_\_\_\_

Date \_\_\_\_\_

**Overall Interim Reclamation****Final Reclamation/ Abandoned Location:**

Date Final Reclamation Started: \_\_\_\_\_

Date Final Reclamation Completed: \_\_\_\_\_

Final Land Use: RANGELAND \_\_\_\_\_

Reminder: \_\_\_\_\_

Comment: \_\_\_\_\_

Well plugged \_\_\_\_\_

Pit mouse/rat holes, cellars backfilled \_\_\_\_\_

Debris removed \_\_\_\_\_

No disturbance /Location never built \_\_\_\_\_

Access Roads Regraded \_\_\_\_\_

Contoured \_\_\_\_\_

Culverts removed \_\_\_\_\_

Gravel removed \_\_\_\_\_

Location and associated production facilities reclaimed \_\_\_\_\_

Locations, facilities, roads, recontoured \_\_\_\_\_

Compaction alleviation \_\_\_\_\_

Dust and erosion control \_\_\_\_\_

Non cropland: Revegetated 80% \_\_\_\_\_

Cropland: perennial forage \_\_\_\_\_

Weeds present \_\_\_\_\_

Subsidence \_\_\_\_\_

## 1004.d. FINAL VEGETATION TRANSECT

TRANSECT RESULTS OF DISTURBED AREA% \_\_\_\_\_

TRANSECT RESULTS OF REFERENCE AREA% \_\_\_\_\_

TOTAL % OF DESIRABLE VEGETATION COVER \_\_\_\_\_

VEGETATIVE COVER \_\_\_\_\_

Comment:						
Corrective Action:						Date
Overall Final Reclamation		Well Release on Active Location <input type="checkbox"/>		Multi-Well Location <input type="checkbox"/>		
<b>Storm Water:</b>						
Loc Erosion BMPs	BMP Maintenance	Lease Road Erosion BMPs	Lease BMP Maintenance	Chemical BMPs	Chemical BMP Maintenance	Comment
Comment:		<p>There have been numerous storms since the previous inspection in June and the Operator has failed to implement and maintain stormwater BMPs after each storm. Stormwater erosion has gotten worse since the previous inspection due to the Operator failing to maintain and implement stormwater BMPs along the access road and location. ECMC has only witnessed one improperly installed straw wattle installed east of Geary Creek, while all the other BMPs have not been maintained and other areas lack BMPs. Rill erosion is turning into gully erosion along the access road, sediment discharging off the lease road, and more sediment continues to erode into Geary Creek.</p>				
Corrective Action:		Comply with Rule 1002.f.				Date: 05/11/2023
<b>Pits:</b> <input type="checkbox"/> NO SURFACE INDICATION OF PIT						

**COGCC Comments**

Comment	User	Date
ECMC conducted inspections on 8/3 and 8/7 due to weather conditions.	binschusc	08/11/2023
Complaint: # 403473584 Field Inspector Assigned: Chris Binschus Location ID: #456651 Inspection Document: #697504785	binschusc	08/11/2023

**Attached Documents**

You can go to COGCC Images (<https://cogcc.state.co.us/weblink/>) and search by document number:

Document Num	Description	URL
403494732	INSPECTION SUBMITTED	<a href="http://ogccweblink.state.co.us/DownloadDocumentPDF.aspx?DocumentId=6216371">http://ogccweblink.state.co.us/DownloadDocumentPDF.aspx?DocumentId=6216371</a>
697504789	Inspection Photos	<a href="http://ogccweblink.state.co.us/DownloadDocumentPDF.aspx?DocumentId=6216369">http://ogccweblink.state.co.us/DownloadDocumentPDF.aspx?DocumentId=6216369</a>