

304.c.(1). Emergency Spill Response Program							
Issue identified by staff:	Suggested correction:	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.c.(1)					
Not required				BC			

Issue identified by staff:	Suggested correction:	Specific Rule (optional)	Referenced in guidance document?	SME reviewer	Applicant Response:	Staff second review: Was the issue addressed?	#REF!
COMPLETENESS REVIEW		304.c.(2)					
Clarification requested. Figure 7-8 shows the mitigated production facility noise contours for dBC, and Figure 7-5 show the unmitigated dBC levels, but the unmitigated map indicates less noise reaching the surrounding areas. Please verify or elaborate.	Verify figures 7-8 and 7-5.			BC	A new Noise Mitigation Plan is included with the OGDG resubmittal. Figure 7-5 was recalculated and reflects the tabulated results. The overall results and conclusions are unchanged.	Yes	

304.c.(3). Light Mitigation Plan

Issue identified by staff:	Suggested correction:	Specific Rule (optional)	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF !
COMPLETENESS REVIEW		304.c.(3)					
Completeness review complete				BC			

304.c.(4). Odor Mitigation Plan

Issue identified by staff:	Suggested correction:	Specific Rule (optional)	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.c.(4)					
Completeness review complete				BC			

304.c.(5). Dust Mitigation Plan

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.c.(5)					
Completeness review complete				BC			

304.c.(6). Transportation Plan

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.c.(6)					
Completeness review complete				BC			

304.c.(7). Operations Safety Management Program

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.c.(7)					
Completeness review complete				BC			

304.c.(8). Emergency Response Plan

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.c.(8)					
Update if OEM or Fire District Signs				BC			
Completeness review complete				BC			

304.c.(9). Flood Shut-In Plan

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.c.(9)					
NA				BC			

304.c.(10). Hydrogen Sulfide Drilling Operations Plan

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.c.(10)					
NA				BC			

304.c.(11). Waste Management Plan

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.c.(11)					
Completeness review complete				BC			

304.c.(12). Gas Capture Plan

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.c.(12)					
NA				BC			

304.c.(13). Fluid Leak Detection Plan

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.c.(13)					
Completeness review complete				BC			

Issue identified by staff:	Suggested correction:	Specific Rule (optional)	Referenced in guidance document?	SME reviewer	Applicant Response:	Staff second review: Was the issue addressed?
COMPLETENESS REVIEW		304.c.(14)				
Remove the geotechnical report	Full geotech report is unnecessary.			BC	All of the geotech plan was removed except for the site location map with the test soil pit locations.	Original attachment still attached
Remove unnecessary drawings.	Remove the extra layout drawings and include only the interim reclamation drawing.			BC	All of the grading plan pages were removed except for sheets 11 and 12 showing interim reclamation on the working pad surface and final location configuration.	Original attachment still attached

304.c.(15). Stormwater Management Plan

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW Degree of inclusion of CDPHE SWMP is high along		304.c.(15)		BC			

304.c.(16). Interim Reclamation Plan

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.c.(16)					
Completeness review complete				BC			

304.c.(17). Wildlife Plan

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.c.(17)					
Completeness review complete				BC			

304.c.(18). Water Plan

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.c.(18)					
Completeness review complete				BC			

304.c.(19). Cumulative Impacts Plan

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.c.(19)					
Completeness review complete				BC			

304.c.(20). Community Outreach Plan

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.c.(20)					
NA				BC			

304.c.(21), Geologic Hazard Plan

Issue identified by staff:	Suggested correction:	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.c.(21)					
NA				BC			

ACCESS ROAD MAP

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.b.(7).F					
Completeness review complete				BC			

ALA DATASHEET

Issue identified by staff:	Suggested correction:	Specific Rule	Referenced in guidance	SME reviewer	Applicant Response:	Staff second review: Was the	#REF !
COMPLETENESS REVIEW		304.b.(2)					
Completeness review complete				BC			

ALA NARRATIVE SUMMARY

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.b.(2)					
Completeness review complete				BC			

CONSULTATION SUMMARY

Issue identified by staff:	Suggested correction:	Specific Rule (optional)	Referenced in guidance document?	SME reviewer	Applicant Response:	Staff second review: Was the issue addressed?	#REF!
COMPLETENESS REVIEW							
Not attached. Local Govt consultation occurred on 9/28/22.				BC	WOGLA Pre-app Meeting notes submitted as consultation summary.		

CPW CONSULTATION

Issue identified by staff:

COMPLETENESS REVIEW

Not required.

Suggested

Specific Rule

Referenced in

SME reviewer

Applicant Response:

Staff second review: Was the

#REF!

BC

CULTURAL FEATURES MAP

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.b.(3)					
Commercial Building to the west is a warehouse, under 15,000 sq ft, so it does not count as a Building Ur BC							
Completeness review complete				BC			

DIRECTIONAL WELL PLAT							
Issue identified by staff:	Suggested	Specific Rule	Referenced in guidance	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.b.(7).H					
Completeness review complete				BC			

DISPROPORTIONATELY IMPACTED

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.b.(7).J					
Not required				BC			

GEOLOGIC HAZARD MAP

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.b.(7).l					
Completeness review complete				BC			

GIS data

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.b.(8)					
Completeness review complete				BC			

HYDROLOGY MAP

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.b.(7).E					
Completeness review complete				BC			

INFORMED CONSENT LETTER

Issue identified by staff:	Suggested correction:	Specific Rule (optional)	Referenced in guidance document?	SME reviewer	Applicant Response:	Staff second review: Was the issue addressed?	#REF !
COMPLETENESS REVIEW		604.b.(1)					
Provide informed consent or evidence that RBU #11 (from map) is uninhabitable.	Photograph of RBU is frequently the best evidence to prove uninhabitability. Attach as 'Other'.			BC	<p>A photo of this structure was included in the ALA on page 33. It has been added to the last page of the informed consent package as well. Structure 11 is located on Parcel #147132000029, which is the same parcel that both RBUs 12 and 13 are located. Incline obtained Informed Consent from the property owner of the parcel (see page 11 of the informed consent package). Additionally, the property owner confirmed that the structure will eventually be torn down because it is not structurally sound. Incline does not consider this structure to be a RBU because it is uninhabitable.</p>	Yes	
Provide additional information on the demolished RBUs (8,9 on map) to answer if the RVs potentially parked on the parcel are in use.				BC	<p>As of 2023, the Weld County Tax Assessor classifies the parcel that RBU 8 and 9 were located on (Parcel #147129000024) as 100% Ag Land and attributes no portion of the parcel to Ag Buildings or Ag Residential.</p> <p>At the time of consultation, any RVs on location were not in use and have since been removed from the property. Incline is not aware of any RVs currently located on the property.</p> <p>Additionally, there were no active permits associated with the demolished RBUs or recreational vehicles. Any such occupied RV on these or any other nearby parcels may potentially be out of compliance with City of Brighton Code Chapter 10 or Weld County Sec. 23-4-130 permit requirements.</p>	Yes	
Identify location of RBU Quonset.				BC	<p>The quonset is on Parcel #147131000040 to the southwest of the location and is outside of 2,000' (on the map in the informed consent packet, the quonset is shown as the green rectangle directly to the left of RBU 15). This Informed Consent was sent as a courtesy as identified on both the Community Outreach Overview submitted as 'Other' and also the ALA.</p>	Yes	
Confirm that RBUs 4, 6, 13 (from map) are either owner-occupied or vacant.				BC	<p>RBU 4 & 6 were confirmed to be owner-occupied (see pages 4 and 6 in the informed consent packet). The property owner of RBU 13 confirmed it is both vacant and considered uninhabitable because there is no running water.</p>	Yes	

LAYOUT DRAWING

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.b.(7).B					
Completeness review complete				BC			

LESSER IMPACT AREA EXEMPTION REQUEST

Issue identified by staff:	Suggested correction:	Specific Rule	Referenced in guidance	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.d					

LOCAL/FED FINAL PERMIT DECISION

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		303.a.(6).B					
In process				BC			

LOCATION DRAWING

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.b.(7).A					
Pending verification of abandoned/demolished RBUs, review of this drawing is complete							
				BC			

LOCATION PICTURES

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.b.(4)					
Completeness review complete				BC			

NRCS MAP UNIT DESC							
Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.b.(10)					
Completeness review complete				BC			

OTHER

Issue identified by staff:		Suggested correction:	Specific Rule (optional)	Referenced in guidance document?	SME reviewer	Applicant Response:	Staff second review: Was the issue addressed?	#REF!
COMPLETENESS REVIEW								

PRELIMINARY PROCESS FLOW DIAGRAMS

Issue identified by staff:	Suggested correction:	Specific Rule (optional)	Referenced in guidance document?	SME reviewer	Applicant Response:	Staff second review: Was the issue addressed?	#REF!
COMPLETENESS REVIEW		304.b.(7).D					
Oil pipeline mentioned in plans, not on diagram.				BC	3rd page with oil pipelilne takeaway added to PFD and noted on submit tab.	Yes	

REFERENCE AREA MAP

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.b.(9).B.i					
Dryland crop. Not applicable.				BC			

REFERENCE AREA PICTURES

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.b.(9).B.ii					
Dryland ag. Not applicable.				BC			

RELATED LOCATION AND FLOWLINE MAP

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.b.(7),G					
Completeness review complete				BC			

SURFACE AGRMT/SURETY

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.b.(12).B					
Completeness review complete				BC			

WAIVERS

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		604.a.(4)					
None				BC			

WILDLIFE HABITAT DRAWING

Issue identified by staff:	Suggested	Specific Rule	Referenced in	SME reviewer	Applicant Response:	Staff second review: Was the	#REF!
COMPLETENESS REVIEW		304.b.(7).C					
Completeness review complete				BC			

COMPLETENESS REVIEW (Form 2A topic)		(topic/subtopic)				
			SME reviewer	Applicant Response:	Staff second review: Was the issue addressed?	#REF !
Issue identified by staff:	Suggested correction:					
Provide additional information on the need for the oil tanks in the submit box comments.	It is anticipated that this will be asked during the Hearing, so it is advisable that the rationale is on the Form 2A.		BC	Added information from discussion of tanks from WOGLA final recorded order to Form 2A submit tab.	Yes	
Form 2A has a relevant local gov permit submitted date, but says that the permit is not submitted. Verify or update.	Update relevant local government siting information, including addressing whether a siting permit application has been submitted to the Relevant Local Government.		BC	Updated WOGLA and BLM permit Local government data and attached final recorded WOGLA order.	Yes	

Form 2B

COMPLETENESS REVIEW (Form 2B topic)		(topic/subtopic)				
Issue identified by staff:		Suggested correction:	SME reviewer	Applicant Response:	Staff second	#REF!
Completeness review complete			BC			

Form 2C

COMPLETENESS REVIEW (Form 2C topic)		(topic/subtopic)				
Issue identified by staff:		Suggested correction:		SME reviewer	Applicant Response:	Staff second
Completeness review complete				BC		

#REF!

COMPLETENESS REVIEW		Docket# 230300070	
Attorney Name: ROBERT WILLIS	Attorney Email Address: RWILLIS@POPLLC.COM		
Permitter Name: Alex Acks	Permitter Email: alex.acks@state.co.us		
Engineer Name: Diana Burn	Engineer Email: diana.Burn@state.co.us		
Hearing Officer Name: Matthew Berman	Hearing Officer Email: Matthew.berman@state.co.us		
Issue identified by staff:	Suggested correction:	Explanation:	SME reviewer
<u>OGLA Review Notes</u>			
Header/Caption Paragraph: only lists two of the four formations that will be developed by the OGD.	Recommended Revision: "...OPERATIONS FOR THE CODELL, FORT HAYES, CARLILE & NIOBRARA FORMATIONS, WATTENBERG... "	The OGD application should be seeking to develop the same formations as the Spacing Application associated with the OGD.	
<u>Permitting Review Notes</u>			
Concern: OGD application indicates that the formations are Niobrara and Codell, while the DSU application lists Niobrara, Forty Hays, Codell, and Carlile. The formations should be consistent between the OGD and DSU applications. Permitting recommends the latter list of formations.		Topic: Geologic Formations	
Comment: Paragraph B of the requested relief states, "Provide that the subject wells shall be located on the Dittmer Pad within the Application Lands, unless the Director grants an exception , and approve..." (Emphasis added by Permitting.) However, an OGD application and COGCC staff's technical review and the Commission's approval must include every surface location used for the proposed development. An exception granted by the Director is not the appropriate process to make changes to an OGD. Drilling wells from a different location requires another OGD application to amend the approved OGD.		Topic: Requested Relief	
Concern: Application should include Order 407-87 in the citation of prior applicable Rules and Orders.		Topic: Citation of Applicable Prior Orders & Units	

#REF!

Applicant Response:

Applicant is updating the Hearing Application to correct this error.

Applicant is updating the Hearing Application to correct this error.

Applicant is updating the Hearing Application to correct this error.

Applicant is updating the Hearing Application to correct this omission.

Concern: Of the wells listed in paragraph 11, COGCC records indicate only one produced in the Codell or Niobrara.

Concern: Wells that have been plugged and abandoned should not be included in the list.

Concern: Interwell spacing must be relative to all other horizontal wells in the same formation or common source of supply. Not limited to those within the unit. This application would be improved by using the following language: *"and the horizontal Wells shall be no closer than 150 feet from the productive interval of any other horizontal well producing from the same formation or common source of supply, unless authorized by Rule 401.c or Rule 408.u.(1) as applicable."*

Topic: Existing or Approved Wells developing the same formation within the Application Lands as per Rule 305. a.(2).D

Applicant is updating the Hearing Application to correct this error.

Topic: Unit Boundary Setback and Interwell Setback

Applicant is updating the Hearing Application to amend the language.

Geologic Testimony

None. None.

ACCEPTABLE OVERALL
Comment: The thoroughness of the geology testimony narrative is noted and appreciated.

Engineering Testimony

Comment: testimony provided supports the requested spacing and would support reduced setbacks.

ACCEPTABLE OVERALL Engineering