

State of Colorado
Energy & Carbon Management Commission



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Document Number:
403533083

Date Received:
09/18/2023

FIR RESOLUTION FORM

Overall Status: CAC

CA Summary:

6 of 7 CAs from the FIR responded to on this Form

6 CA Completed
0 Factual Review Request

OPERATOR INFORMATION

OGCC Operator Number: 10701
Name of Operator: UPLAND EXPLORATION LLC
Address: 424 S MAIN ST
City: BOERNE State: TX Zip: 78006

Contact Name and Telephone:
Name: _____
Phone: () _____ Fax: () _____
Email: _____

Additional Operator Contact:

Contact Name	Phone	Email
<u>Dustin Rollins</u>	<u>405-361-9224</u>	<u>dustin@uplandexploration.com</u>

COGCC INSPECTION SUMMARY:

FIR Document Number: 697504785
Inspection Date: 08/07/2023 FIR Submit Date: 08/11/2023 FIR Status: _____

Inspected Operator Information:

Company Name: UPLAND EXPLORATION LLC Company Number: 10701
Address: 424 S MAIN ST
City: BOERNE State: TX Zip: 78006

LOCATION - Location ID: 456651

Location Name: Salt Ranch Fee Number: 18 East County: _____
Qtrqr: SESE Sec: 18 Twp: 11N Range: 64W Meridian: 6
Latitude: 40.914603 Longitude: -104.584484

FACILITY - API Number: 05-123-00 Facility ID: 456651

Facility Name: Salt Ranch Fee Number: 18 East
Qtrqr: SESE Sec: 18 Twp: 11N Range: 64W Meridian: 6
Latitude: 40.914603 Longitude: -104.584484

CORRECTIVE ACTIONS:

1 CA# 178210

Corrective Action: 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.

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

Date: 08/25/2023

Response: CA COMPLETED

Date of Completion: 09/18/2023

Operator Comment: Weed management plan was previously provided to Chris Binschus back in April 2023 - please find attached an updated plan and list of all weed management activities that have occurred.

COGCC Decision: **Not Approved**

COGCC Representative: Operator failed to provide all the required information per the previous corrective action. Specifically, Operator failed to provide the application method and application rates. This was communicated in an email to an Operator representative, Dustin Rollins on 9/25/2023.

Operator will have to re-submit the Plan, which will also be communicated through the Form 4 Sundry Notice process.

2 CA# 178211

Corrective Action: Comply with Rule 427.b.

Date: 02/28/2023

Note- Operator failed to consult with the Surface Owner before conducting import of new material.

Response: CA COMPLETED

Date of Completion: 03/24/2023

Operator Comment: Operator consulted with Mr. Salo - Surface Owner on March 24, 2023 regarding seed to be used and when activities were going to commence on all location and access road - please see attached photo of text communication between Dustin Rollins and Mr. Salo.

COGCC Decision: Approved pending re-inspection

COGCC Representative: Operator comment is not addressing the corrective action; however, Staff believes the Operator imported additional material to comply with Rule 427.b.

4 CA# 178213

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.

Date: 08/25/2023

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.

Response: CA COMPLETED

Date of Completion: 09/18/2023

Operator Comment: See attached and is also submitted via Form 4 Sundry attn. Chris binschus Document #

COGCC Decision: Approved pending re-inspection

COGCC Representative: The attached Plan does not address the all of the disturbances related to improper road maintenance which go beyond the first 1.9 miles. This was communicated in an email to an Operator representative, Dustin Rollins on 9/25/2023.

Operator will have to re-submit the Plan, which will also be communicated through the Form 4 Sundry Notice

process. On 9/26/2023, ECMC emailed Dustin Rollins requesting that this Plan be submitted via Form 4 Sundry Notice.

5 CA# 178214

Corrective Action: Comply with Rule 1002.c Date: 02/10/2023

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

Response: CA COMPLETED Date of Completion: 03/24/2023

Operator Comment: Operator consulted with Mr. Salo - Surface Owner on March 24, 2023 regarding seed to be used and when activities were going to commence on all location and access road - please see attached photo of text communication between Dustin Rollins and Mr. Salo.

COGCC Decision: **Not Approved**

COGCC Representative: Operator submitted documentation regarding an approved surface owner seed mix. Rule 1002.c. in regards to the windrowed topsoil along an approximate 1.5 mile section of the access road is in-process per a phone conversation with Dustin Rollins on 9/26/2023.

6 CA# 178215

Corrective Action: Comply with Rule 1002.e Date: 02/10/2023

Response: CA COMPLETED Date of Completion: 04/10/2023

Operator Comment: The stockpiled soil was initially seeded on 4/10/23. The first germination was present in 5/10/23. Upland reseed the topsoil stockpiles on 6/6/23 from loss of seed cover due to heavy rains. Due to unprecedented rainfall and windy conditions the topsoil had significant growth of undesirable plants. Upland chose to remove all undesirable vegetation and reseed the stockpiles and crimp cover on 6/27/2023. Furthermore, in August Upland added jute covering to the stockpiles further stabilizing from wind and water erosion. With regard to the access road - upland had a third party contractor Lat40 conduct a survey of the entire road not just the first 1.9 miles the landowner accuses Upland of expanding during maintenance activities'. The first 1.9 miles do not exceed 22'. Upland has attached their Topsoil Importation Plan for your review.

COGCC Decision: Approved pending re-inspection

COGCC Representative: Topsoil Importation Plan and Topsoil Protection Plan was not approved and reclamation related to improper road maintenance has not commenced; therefore, this corrective action remains out of compliance.

7 CA# 178216

Corrective Action: Comply with Rule 1002.f. Date: 05/11/2023

Response: CA COMPLETED Date of Completion: 08/31/2023

Operator Comment: SW BMPS were addressed at the location, access road and Geary Creek areas see attached photos.

COGCC Decision: Approved pending re-inspection

COGCC Representative: Approved pending re-inspection of this FIR resolution acknowledges the document was received. It is not an acknowledgement that the corrective action has been passed. A field inspection will be conducted at a future date to evaluate compliance with COGCC standards.

OPERATOR COMMENT AND SUBMITTAL

Comment:

I hereby certify that the statements made in this form are, to the best of my knowledge, true, correct, and complete.

Print Name: Dustin Rollins Signed: _____

Title: Operations Manager Date: 9/18/2023 5:20:24 PM

ATTACHMENT LIST

View Attachments in Imaged Documents on COGCC website (<http://ogccweblink.state.co.us/>) - Search by Document Number.

Document Number	Description
403533083	FIR RESOLUTION SUBMITTED
403533105	Weed Management Plan
403533221	Surface Owner Seed Consultation
403533800	SWM BMPS SRF and Access Road
403533809	Topsoil Importation Plan

Total Attach: 5 Files