

State of Colorado
Energy & Carbon Management Commission

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Document Number:

403762313

Date Received:

04/22/2024

FIR RESOLUTION FORM

Overall Status: CAC

CA Summary:

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

7 CA Completed
0 Factual Review Request

OPERATOR INFORMATION

ECMC 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
Rollins, Dustin

Phone

Email

dustin@uplandexploration.com

ECMC INSPECTION SUMMARY:

FIR Document Number: 697504722

Inspection Date: 06/15/2023

FIR Submit Date: 06/21/2023

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: _____

Qtrqtr: 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

Qtrqtr: SESE Sec: 18 Twp: 11N Range: 64W Meridian: 6

Latitude: 40.914603 Longitude: -104.584484

CORRECTIVE ACTIONS:

1 ☒ CA# 173461

Corrective Action: Comply with Rule 606.c.

Date: 02/10/2023

Response: CA COMPLETED

Date of Completion: 10/04/2023

Operator Comment: Location was all sprayed last year by CCR before Upland took over the lease, weeds were dormant, this was discussed with Chris Binschus 2/28/2023. Crews conducted pulling weeds by hand (3/2/23 - 3/31/23); Precision Industrial Applications is conducting weed spraying at the location and along lease road .Upland has continued to spray and remove weeds. As stated above, Colorado has seen an unprecedented amount of precipitation. Russian Thistle was present along the road and adjacent lands prior to Upland operations as represented in historical aerial photos. Weed mitigation/spraying and removal is ongoing. Weed Management Plan was approved per Inspection Document #697504884.

ECMC Decision: **Not Approved**

ECMC Representative: NOAV #403347572 issued to operator on March 16, 2023. NOAV has not been resolved and Rule 606.c. is an on-going issue that remains out of compliance.

The Weed Plan failed to mention the requirement to control all Undesirable Plant Species. Operator shall comply with Rule 606.c. The approval and implementation of the Weed Management Plan does not alleviate compliance with ECMC rules and will not mitigate failures to comply with applicable Reclamation Rules.

Department of Agriculture is conducting an investigation into Upland subcontractors regarding a pesticide complaint and has contacted ECMC.

2  CA# 173462


Corrective Action: Comply with Rule 606.d. Date: 02/10/2023

Response: CA COMPLETED Date of Completion: 02/10/2023

Operator Comment: Upland placed an enclosed dumpster on location - trash being discovered is not a direct result of Upland operations; field personnel are maintaining good housekeeping measures. The access road is utilized by multiple contractors and the landowner. The location and access road is driven and maintained daily, if trash is observed it is picked up and properly disposed of; this area experiences significant winds; trash observed by the inspector is not the result of Upland activities. Operator continues to work with Subcontractors to keep trash properly picked up.

ECMC Decision: **Not Approved**

ECMC Representative: NOAV #403347572 issued to operator on March 16, 2023. NOAV has not been resolved and Rule 606.d. is an on-going issue that remains out of compliance.

3  CA# 173463

Corrective Action: Comply with Rule 427.b. Date: 02/28/2023

Response: CA COMPLETED Date of Completion: 02/28/2023

Operator Comment: Upland has reduced the speed of the road, adjusted the schedule of water hauling activities to the evening and on non-high wind days, utilizing water trucks to the road as needed, and applied road base, graded, compacted to an additional 1.9 miles of the access road from 6/19-6/27/23. As represented in several FIRR responses and directly in meetings with ECMC, dust mitigation and stormwater management is an ongoing activity due to weather events and winds, Colorado has seen an unprecedented amount of precipitation. The balance of watering and grading is being completed as necessary.

ECMC Decision: **Not Approved**

ECMC Representative: Rule 427.b remains out of compliance due to ongoing issues with Upland subcontractors.

4  CA# 173464

Corrective Action: Operator shall submit an engineered stamped Permanent Stormwater Management Plan. The Plan shall address the access road and location. Date: 07/05/2023

Response: CA COMPLETED Date of Completion: 07/05/2023

Operator Comment: Attached is Upland's Master Stormwater Management Plan. Included in the SMWP is the requested engineered stamped plans. This plan has been updated per CDPHE guidelines and SWMP permit was renewed on 11/20/2023.

ECMC Decision: Approved via an AMI

ECMC Representative: Operator submitted a FIRR response on 4/19/2024 and ECMC approved via an AMI.

The approval and implementation of the Plan does not alleviate compliance with ECMC rules and will not mitigate failures of stormwater BMPs. Sedimentation, erosion or site degradation will be subject to enforcement under ECMC rules.

5  CA# 173465

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

Response: CA COMPLETED

Date of Completion: 08/07/2023

Operator
Comment:

Per Inspection Document #697504785, ECMC acknowledges that "Operator has reseeded the topsoil stockpile since the previous inspection". Topsoil stockpiles have been sprayed and reseeded as well as crimped and stabilized to address the excessive rainfall and wind storm events; Upland continues to conduct weed and sediment erosion mitigation as necessary along the topsoil stockpiles and along the access road. Inspection Document 697504884 acknowledges the proper weed management plan is in place. Operator is working with contractor to conduct Topsoil sampling. Reseeding along the approximate 1.5 mile access road and any other identified locations is planned to commence in mid May. A Form 4 will be submitted once reseeded has been completed.

ECMC Decision: **Not Approved**ECMC
Representative:

Operator has not fully complied with the Rule 1002.c. ECMC has left the topsoil stockpile on location in-process, but the Operator has not attempted to address the approximate 1.5 mile access road were topsoil was windrowed.

6  CA# 173466

Corrective Action: Comply with Rule 1002.e

Date: 02/10/2023

Response: CA COMPLETED

Date of Completion: 08/07/2023

Operator
Comment:

Inspection Document 697504884 acknowledges the proper weed management plan is in place. Operator is working with contractor to conduct Topsoil sampling. Reseeding along the approximate 1.5 mile access road and any other identified locations is planned to commence in mid May. A Form 4 will be submitted once reseeded has been completed.

ECMC Decision: **Not Approved**ECMC
Representative:

Rule 1002.e. surface disturbance minimization remains out of compliance.

7  CA# 173467

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. ECMC states in FIRR Document #403533083 that the CA was approved pending re-inspection.

ECMC Decision: Approved pending re-inspectionECMC
Representative:

Operator already submitted a FIRR response back on 9/18/2023 and ECMC approved pending re-inspection.

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: Amber Barnett

Signed: _____

Title: Compliance Specialist

Date: 4/22/2024 11:13:37 AM

ATTACHMENT LIST

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

<u>Document Number</u>	<u>Description</u>
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403762313	FIR RESOLUTION SUBMITTED
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403763251	Master Stormwater Management Plan
403763473	SW BMP Photos

Total Attach: 3 Files