

Rierner, Joseph

From: Hamous-Miller - DNR, Lexi <lexi.hamous-miller@state.co.us>
Sent: Tuesday, May 14, 2024 2:17 PM
To: Rierner, Joseph
Cc: Spelts, Tracy L
Subject: [EXTERNAL] Re: CPW 1202.a(3) Waiver-Tulip Pad

WARNING - This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments.

Hi Joseph,

Thanks for the information on KMOG's Tulip Pad. Below is CPW's more detailed wildlife assessment for the 1202.a.(3) signed waiver for wetlands/creeks near chemical storage areas.

Rule 1202.a.(3) (creeks/wetlands) Waiver Assessment

Below is a formal description of how CPW independently assessed the operator's specific situation related to their Rule 1202.a.(3) (creeks/wetlands) waiver request. This context should give the Energy and Carbon Management Commission "ECMC" (previously COGCC), their Commissioners, and the public, CPW's wildlife-related perspective on this matter.

Background on Rule 1202.a.(3) and any High Priority Habitat (HPH) impacts

- Rule 1202.a.(3) is a statewide operating requirement in ECMC's 1200 Series Rules that prohibits operators from situating new staging, refueling, or chemical storage areas within 500 feet of the Ordinary High Water Mark ("OHWM") of any river, perennial or intermittent stream, lake, pond, or wetland.
- When CPW examines a proposed location for this waiver, we also examine if there are any mapped High Priority Habitats that could be directly or indirectly impacted by this development.
- It should be understood that CPW does not have jurisdictional authority over wetlands and other waters of the U.S., as defined by the Environmental Protection Agency, the U.S. Army Corps of Engineers (USACE), and/or the Colorado Department of Public Health and Environment. However, it should be noted that regardless of USACE's jurisdictional status, both types of wetlands (jurisdictional and non-jurisdictional) fall under this rule. This assessment is only based on CPW's understanding of how this development could potentially impact wildlife and fish associated with the identified water feature and CPW's authority as defined by ECMC's regulations. Furthermore, ECMC technical staff (and in many cases, the Local Government and/or USACE) will conduct a thorough (engineering and hydrology) review of permit applications to ensure that the proposed stormwater BMPs are protective of nearby surface water bodies and water quality.

CPW's Assessment of this Site-Specific Situation

- This location does not occur within Aquatic High Priority Habitat.
- CPW asked KMOG for a formal wetland delineation by a Professional Wetland Scientist (PWS) or an equivalent knowledgeable wetland scientist and received the attached wetlands map, and observed there is one delineated wetland present within 500 ft of the planned Working Pad Surface (WPS).
- The closest edge of the wetland is located 187 feet upgradient of some of the chemical storage totes and 285 feet upgradient of the other chemical storage totes.
- The wetland is upgradient of this location, and with final grading, the flow would take any chemicals/sedimentation away (to the northeast and southeast) from the wetland.
- KMOG stated that *"the chemical totes that are used on KMOG locations in the DJ contain built in secondary containment and are made of steel. All other tanks on location will be within steel bermed secondary containment compliant with EPA rule 40CFR 112 Subpart A, B, C.."*
- CPW appreciates KMOG for working collaboratively with us to responsibly develop this WPS while directly and indirectly protecting the adjacent wetland.

Conclusion

- Therefore, because of the above discussion, and because these wetlands within 500 feet of the WPS are not mapped as an Aquatic Native Species Conservation Water, CPW grants KMOG this signed waiver (per the requirement discussed in COGCC Rule 1202.a.(3)) requiring chemicals and new sites to be located more than 500 ft away from the wetlands and ditches.

Should KMOG or COGCC have any comments about this assessment, please let me know.

Regards,

Lexi Hamous, MS (She/Her)
Northeast Region Land Use Coordinator
Colorado Parks and Wildlife



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[CPW's Energy Webpage](#)



On Wed, May 8, 2024 at 12:38 PM Riemer, Joseph <Joseph.Riemer@oxy.com> wrote:

Hey Lexi,

We are writing to request a waiver at KMOG's Tulip pad location from Rule 1202 c.(3) which states, *At new and existing Oil and Gas Locations, Operators will not situate new staging, refueling, or Chemical storage areas within 500 feet of the Ordinary High Water Mark ("OHWM") of any river, perennial or intermittent stream, lake, pond, or wetland.* The chemicals will be used during the drilling, completion and production phase of the location. The chemical totes that are used on KMOG locations in the DJ contain have secondary containment. In addition, KMOG will have earthen berms on the downgradient edges of the pad. All other tanks on location will be within bermed secondary containment compliant with EPA rule 40CFR 112 Subpart A, B, C. I will note on this location the delineated wetlands are located upgradient from planned well and facility pad. The ponds are both used for agricultural purposes.

I have attached a picture of the chemical totes as well as a map of the area that shows flow direction relative to the location.



Please don't hesitate to reach out if you have any questions or concerns. If possible, we would like a response by 5/15/24.

Thank you,

Joseph Riemer, MS, MBA, RSO

ENVIRONMENTAL ADVISOR, HSE ROCKIES, OCCIDENTAL PETROLEUM CORPORATION

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Zero In™ at oxy.com

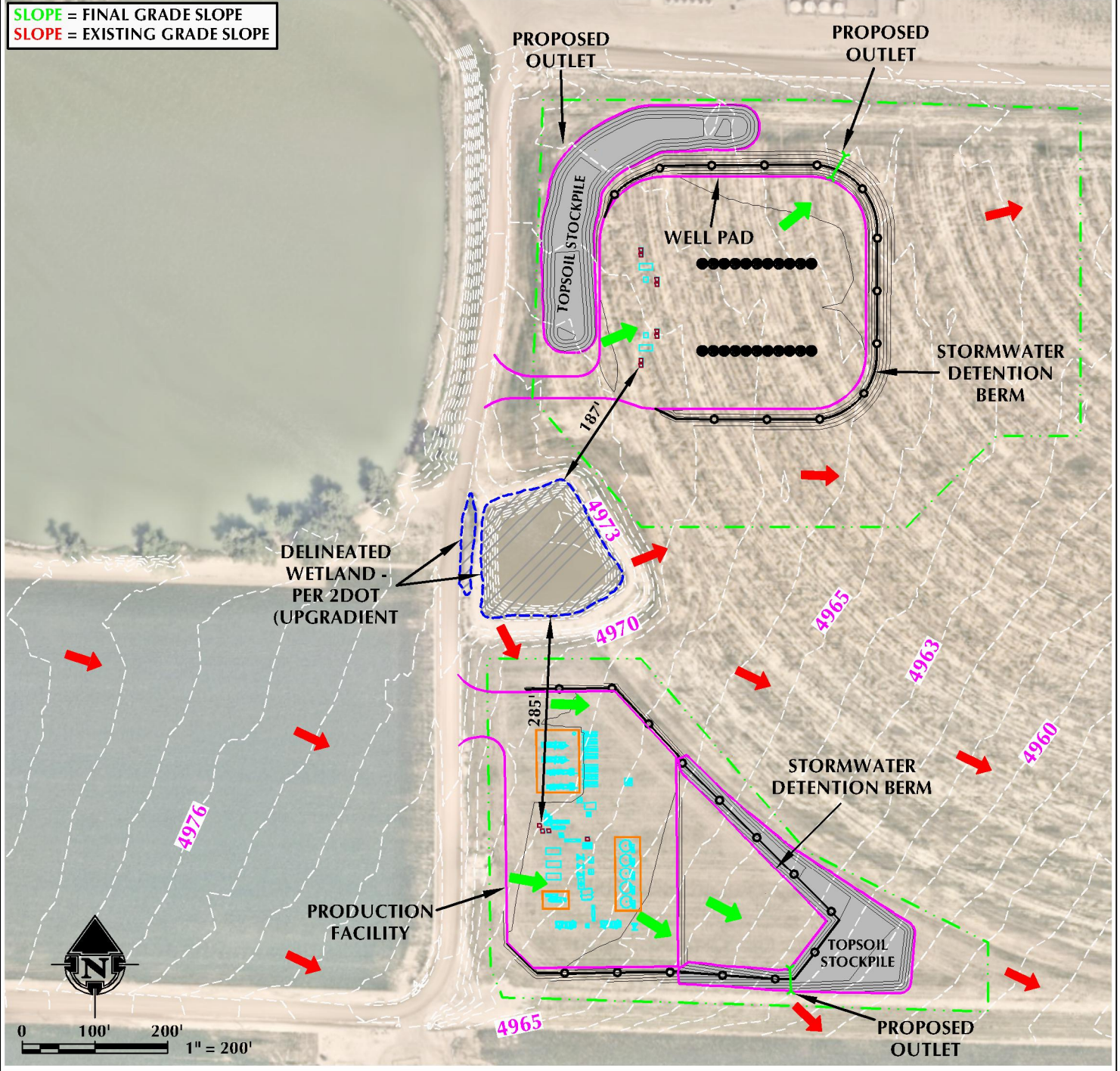
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CHEMICAL STORAGE EXHIBIT

TULIP

NW1/4 NE1/4 SECTION 30, TOWNSHIP 4 NORTH, RANGE 67 WEST, 6TH P.M., WELD COUNTY, COLORADO

SLOPE = FINAL GRADE SLOPE
SLOPE = EXISTING GRADE SLOPE



LEGEND

- PROPOSED WELL
- PROPOSED OIL & GAS LOCATION
- TULIP
- PROPOSED CHEMICAL TOTE
- EXISTING GRADE CONTOUR (1' INTERVAL)
- FINAL GRADE CONTOUR (1' INTERVAL)

- PROPOSED CONTAINMENT AREA
- WETLAND

APPROXIMATE FINISHED GRADE ELEVATION
 WELL PAD = 4968.3'
 FACILITY PAD = 4969.0'

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DATE SURVEYED: 3/21/24
 DATE: 4/26/24
 DRAFTER: CDR
 REVISED:

DATA SOURCE:
 - AERIAL COURTESY OF NEARMAP.

PREPARED FOR:
Kerr-McGee Oil & Gas Onshore LP