

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

CONSENT ITEM #	
OR	
ACTION AGENDA ITEM #	P2a

ITEM DATE: July 10, 2012	ITEM TIME: 5:00 p.m.
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FROM:	Chris Brookshire, Staff Planner
TODAY'S DATE:	June 20, 2012
AGENDA ITEM DESCRIPTION:	Quicksilver Resources, Inc. PP2011-035 (tabled from 4.24.12 & 6.26.12) Well name: Camilletti 21-10 1. Special Use Permit for Oil and Gas Exploration and Production 2. Waterbody Access Approval for access road crossing of Cheney and Little Cheney Creek and unnamed waterbody drainage
CHECK ONE THAT APPLIES TO YOUR ITEM:	
<input checked="" type="checkbox"/> ACTION ITEM	
<input type="checkbox"/> DIRECTION	
<input type="checkbox"/> INFORMATION	
I. DESCRIBE THE REQUEST OR ISSUE:	
Application for Oil and Gas Exploration and Production and Waterbody access approval	
II. RECOMMENDED ACTION:	
III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET): N/A	
IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):	
See below	
V. BACKGROUND INFORMATION:	

The Routt County Planning Commission reviewed this item on April 5, 2012 and recommended approval with conditions. Conditions #15 and #21 were revised during this meeting.

This item was heard by the Board of Commissioners on 4.24.12 and was tabled to 6.26.12 allow the County time to gather consultant assistance; one related to ground water quality and other to air quality. The ground water quality consultant focused on mitigating ground water impacts and the air quality consultant focused on mitigating cumulative air quality impacts.

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An air quality consultant, Air Resource Specialists, Inc., and a hydrologist consultant, Dr. Tom Myers were retained and reports were submitted for the meeting of 6.26.12.

On 6.26.12, the Board of Commissioners listened to comments from the consultants, the public and the petitioner. During the meeting comments from the public and the petitioner resulted in the Board considering changes to the language of the conditions of approval for Condition #15 (water condition) and Condition #21 (air quality condition). It was determined that crafting new or amended language during the hearing was not in the best interest of Routt County, Milner residents and the petitioner.

The Board felt that there should be additional time to develop air quality condition(s) so that Routt County could enforce them and that the last two sentences of the Condition #21 removed and worked on at a later time. They voiced concerns that the water quality monitoring well condition (Condition #15) should be the focus of revision for this petition.

A motion was passed to table consideration of the Quicksilver Resources, Inc. petition for the Camilletti Well #21-10 until Tuesday July 20, 2012, at 5:00 p.m. to the specific purpose of staff developing a concrete water quality monitoring well condition along with all of the other conditions that the Board has already finalized.

VI. LEGAL ISSUES:
TBD
VII. CONFLICTS OR ENVIRONMENTAL ISSUES:
VIII. SUMMARY AND OTHER OPTIONS:
Attached are the Board of County Commissioners options for the Special Use Permit and the Waterbody setback with suggested conditions. Suggested revised Condition #15 is included in the attached.

BOARD OF COUNTY COMMISSIONERS OPTIONS (SUP):

Approve the Special Use Permit request without conditions if it is determined that the petition will not adversely affect the public health, safety, and welfare and the proposed use is compatible with the immediately adjacent and nearby neighborhood properties and uses and the proposal is in compliance with the Routt County Zoning Regulations and complies with the guidelines of the Routt County Master Plan.

Deny the Special Use Permit request if it is determined that the petition will adversely affect the public health, safety, and welfare and/or the proposed use is not compatible with the immediately adjacent and nearby neighborhood properties and uses and/or the proposed use is not in compliance with the Routt County Zoning Regulations and/or the Routt County Master Plan, Make specific findings of fact; cite specific regulations or policies by number from the Routt County Master Plan, and the Routt County Zoning Regulations.

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Table the Special Use Permit request if additional information is required to fully evaluate the petition. Give specific direction to the petitioner and staff.

Approve the Special Use Permit request with conditions and/or performance standards if it is determined that certain conditions and/or performance standards are necessary to ensure public, health, safety, and welfare and/or make the use compatible with immediately adjacent and neighborhood properties and uses and/or bring the proposal into compliance with the Routt County Zoning Regulations and Routt County Master Plan.

FINDINGS OF FACT that may be appropriate if the Special Use Permit is approved:

1. The proposal with the following conditions meets the guidelines of the Routt County Master Plan and is in compliance with Sections 4, 5, 6, 8 and 9 of the Routt County Zoning Regulations.
2. The Special Use Permit approval with the following conditions will not adversely affect the public health, safety and welfare.
3. The proposal with the following conditions is compatible with the immediately adjacent and neighborhood properties.
4. The proposed Camilletti 21-10 well is located up gradient of and less than 1mile from the residential community of Milner and the Yampa River. The residents of the community of Milner rely upon approximately 40 domestic water wells. Most of these wells are completed in alluvium which communicates with the Yampa River. In the event of the escape of organic or inorganic pollutants from the Camilletti 21-10 well, the wells relied upon by the community of Milner and the Yampa River will be endangered. Relying upon sampling of the Milner water wells as proposed by the applicant for protection of those wells means that the wells will be contaminated and possibly unusable when the pollution is discovered. We find that baseline water sampling and water sampling after well completion for the period and with the frequency set forth in the conditions of approval are the best means to determine the source of any pollution or contamination in ground water that may find its way into the water wells in the community of Milner or the Yampa River in the vicinity of the community of Milner.
5. We have considered the Technical Memorandum dated June 19, 2012 (the "Report") prepared by Tom Myers, PhD. and Dr. Myers' testimony as well as the testimony of Dr. Anthony Gorody, an expert retained by the applicant, concerning the use of a water monitoring well to be located between the community of Milner and the Camilletti 21-10 well and find the Report and testimony of Dr. Myers to be more credible than the testimony of Dr. Gorody. Therefore, we find it to be in the best interest of the residents of the community of Milner and the public relying upon the Yampa River downstream of the community of Milner to require the applicant to locate and develop a monitoring well as recommended by Dr. Myers and to sample the water from that well as recommended by Dr. Myers.
6. The Colorado Oil and Gas Conservation Commission ("COGCC") has the statutory authority to develop regulations for the protection of water resources that may be affected by oil and gas development but find that the COGCC has failed to adopt any regulations requiring the testing of water quality in the area of the Camilletti 21-10 well, either to establish a baseline or to periodically monitor ground water down gradient of that well.
7. We find that the baseline monitoring of water wells in the community of Milner already conducted by the applicant provides helpful information but is not recent enough to serve the purpose of the baseline water quality testing we are requiring.
8. By its Rule 324A, the COGCC has delegated its authority to regulate air quality primarily to the Colorado

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Department of Public Health and Environment (“CDPHE”). Because Routt County is not within a federal air quality non-attainment area and because of the limited resources of CDPHE and its focus on the Front Range non-attainment area, CDPHE is not able to adequately monitor and protect the air quality of the portions of Routt County that may be negatively impacted by oil and gas development. Sufficient testimony has been provided that emissions at the well site can and should be captured to the extent that such capture does not prohibit safe operations at the site. Beyond that, however, we have been provided an insufficient basis for providing a means for monitoring and protecting the air quality of Routt County from the impacts of oil and gas development within the County other than requiring practicable capture of emissions. We, therefore, will continue to explore how to protect Routt County residents and visitors from such impacts.

Conditions of Approval:

1. This Special Use Permit (SUP) shall expire within the timeframes set forth as follows:
 - a. One (1) year after date of approval if Permittee does not commence drilling and was granted a Permit-to-Drill by the Colorado Oil and Gas Conservation Commission (COGCC) using only COGCC Form 2.
 - b. Two (2) years after date of approval if Permittee does not commence drilling and was granted a Permit-to-Drill by COGCC using COGCC Form 2 and 2A.
 - c. Three (3) years after date of approval if Permittee does not commence construction operations on a COGCC approved oil and gas location using COGCC Form 2A.
 - d. Upon expiration of Permittee’s COGCC permit.
2. This SUP is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations (RCZR) including but not limited to Sections 5, 6, 8 and 9. By signing this SUP, Permittee acknowledges that he or she fully read and understands the standards and mitigation techniques described in the RCZR and this SUP and shall abide by same.
3. The conditions herein shall apply to the Permittee and any employee, subcontractor, or representative that acts on behalf of Permittee or under the auspices of this SUP.
4. This SUP is limited to uses, facilities, and operations for the Permitted Operation (Operation or Operations) as presented in the Approved Project Plan (APP) as follows, including adherence to those specific Best Management Practices and technology as referenced in the approved project plan:

Overview

- Camellitti Well 21-10 pad (approximately 3 acres)
- Private access road approximately 4.71 acres

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- Vertical drill to approximately 5,060 feet with surface, intermediate and production casing that meets or exceeds COGCC minimum requirements
- Stimulation/fracking operations proposed. Stimulation methods are described in the narrative.
- On-site gas flare
- Closed loop drilling system
- No reserve pits
- A surface cuttings pit will be located on the northwest side of the well pad
- Employees will travel to and from the site; no man camps will be utilized
- There will be no more than 20 employees at the site throughout the construction, drilling and completion phases that will live in self-contained trailers as shown on the Typical Rig Layout submitted in the application.
- Parking. There will be no parking on US Highway 40.

Operation Plan

- Operation plan consists of drilling, completion and production

5. This SUP is contingent upon Permittee obtaining and complying with any required federal, state and other local permits and the Permittee shall comply with all federal, state, and local laws. Permittee shall notify the Local Governmental Designee (LGD) should the Permittee have any required permit denied, revoked, or suspended. Denial, revocation, or suspension of any required permit shall be grounds for possible revocation of this SUP.
6. Prior to the issuance of this SUP, the Permittee shall provide evidence of liability insurance in the amount of no less than \$1,000,000 per occurrence with either unlimited aggregate or a policy endorsement requiring notice to Routt County of all claims made. Routt County shall be named as an additional insured on the policy. The Certificate of Liability Insurance shall include all permit numbers associated with the Operation.
7. Permittee shall furnish a bond to Routt County in the amount of \$25,000 to guarantee Permittee's performance of the requirements and conditions of this SUP not regulated by COGCC.
8. The Permittee shall be assessed an annual review fee pursuant to the Routt County Planning Department's Fee Schedule for the life of this SUP. Additional fees may be assessed based on hourly staff time which exceeds the time allotted for the annual review.
9. This SUP shall not be issued until all fees have been paid in full. Failure to pay fees may result in revocation of this SUP.
10. Transfer of this SUP may occur only after a statement has been filed with the Planning Director by the transferee guaranteeing that they will comply with the terms and conditions of this SUP. Bonds, insurance certificates, or other security required by this SUP shall also be filed with the Planning Director by the transferee prior to transfer to assure Operations will be conducted as specified. Any proposal to change the terms and conditions of this SUP upon transfer or transfer request shall require a new permit.

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11. Routt County may investigate any credible allegation of non-compliance with this SUP. Upon finding that an alleged violation has occurred, and where said violation also amounts to a violation of COGCC rules, Routt County shall provide notice of the alleged violation to the COGCC pursuant to the procedures in COGCC Rule 522. To the extent that an alleged violation violates a condition of approval of this SUP, violates any of the applicable requirements of the RCZR or creates significant negative impacts inconsistent with the representations made by the Permittee during the original approval process, the Amendment of Revocation of Approval process may be undertaken following the procedures listed in Section 3.2.11 and 3.2.12 of the RCZR.
12. In the event that Routt County commences an action to enforce or interpret this SUP, the substantially prevailing party shall be entitled to recover its costs in such action including, without limitation, attorney fees.
13. Permittee shall comply with the terms of the Emergency Response Plan developed by Permittee in consultation with the Routt County Department of Environmental Health (RCDEH), the Routt County Emergency Manager, the Routt County Sheriff, the Routt County Communications Center, the local fire district, and the Colorado State Forest Service (Emergency Consultants). Permittee shall amend the Emergency Response Plan if needed and as required by COGCC rules or the Routt County Emergency Manager. At a minimum, the Emergency Response Plan shall address spill or release response, emergency signage, site access maps, on-site fire suppression equipment, wildfire hazard recommendations, storage of hazardous materials, transportation of hazardous materials, and notification requirements concerning spills or releases, transportation of hazardous materials and wastes, and on-site chemicals/materials.
14. Costs associated with any emergency response on the part of Routt County to an adverse condition or event that results from Operations or Permittee's conduct (or that of an employee or subcontractor) shall be reimbursed to Routt County by Permittee within thirty (30) days of receiving notice of services provided and the costs associated therewith from Routt County.

Water Quality

15. (1) Wells, Seeps or Springs: At least twelve (12) permitted and registered groundwater wells within the community of Milner shall be subject to sampling and testing as provided herein. At least six (6) of those wells shall be North of latitude 40°29'04" and at least six (6) shall be South of latitude 40°29'04". All ground water seeps or springs within one-half (1/2) mile of the wellhead shall be subject to sampling and testing as provided herein. Permitted and registered groundwater wells and ground water seeps and springs (Water Sources) shall be sampled and tested only with owner's permission and according to the Colorado Oil and Gas Association Voluntary Baseline Groundwater Quality Sampling Program dated November 15, 2011 (COGA Program), except as described in e. below. Additionally, the following standards and procedures shall be followed:

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- a. Baseline water sampling of the Water Sources shall be completed prior to drilling of the oil or gas well and shall continue monthly until conclusion of completion activities. Drilling of the oil or gas well may commence after confirmation has been received from (i) the party responsible for collection of the samples that the water samples were collected properly; and (ii) the testing facility that the water samples were preserved and transported appropriately, that chain of custody has been secured, and that the samples have not exceeded analytical hold times.
- b. Water Sources shall be sampled quarterly for one (1) year after the baseline water sampling described above ceases. Sampling frequency shall increase to monthly if a previously undetected constituent is detected or if the fluctuation of inorganics varies from the baseline sample (or baseline fluctuation if more than one baseline sample is obtained) by more than twenty-five percent (25%). If no such “trigger points” arise after one (1) year, the sampling frequency may, at the option of Permittee, be reduced to an annual basis. Water sampling may, at the option of Permittee, terminate after plugging and abandonment of the oil or gas well or twenty (20) years after well development, whichever is longer.
- c. Water samples shall be collected by an independent third party (a party other than the Permittee) using standard operating procedures and standards as described in the COGA Program. A copy of all records produced during water sampling, including but not limited to unedited field notes, calibration logs, photographs/videos, global positioning system, chain of custody, shall be provided to the LGD and COGCC within thirty (30) days from collection.
- d. Water sample analysis shall be performed by a testing facility accredited by the National Environmental Laboratory Accreditation Program. Qualification records and certifications shall be provided to the LGD. Results of laboratory analysis shall be provided by the testing facility directly to the LGD and surface owner, if different than the Permittee. A written explanation and interpretation of the test results, including the identification of any trends, shall also be provided by the testing facility or a qualified third party within thirty (30) days of the availability of the laboratory analysis.
- e. Water samples shall be tested for the constituents listed in Table 1 of the COGA Program with the addition of the following constituents: Arsenic, trimethylbenzenes, isopropanol, diethylene glycol, triethylene glycol, tert-butyl alcohol, gasoline range organics, diesel range organics, and naphthalene.

(2) Monitoring Well: Permittee shall install one (1) dedicated groundwater monitoring well or monitoring well cluster in the SW1/4, NW1/4, SE1/4 of Section 10, Township 6 North, Range 86 West, of the 6th Prime Meridian. The specific location shall be determined by Dr. Tom Myers in consultation with Permittee and surface owner prior to issuance of this SUP. The monitoring well shall be completed to the bottom of the Mesaverde Formation estimated to be between 1,000 and 1,200 feet below the surface. The monitoring well shall be constructed in accordance with Colorado Division of Water Resource requirements using a stainless steel well casing. The monitoring well shall have the ability to sample each substantial flow zone separately, with separate screens for each. Substantial flow zones shall be identified by lithologic logging during drilling and observations of flow entering the borehole supplemented by

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geophysical logs including caliper and resistance logs. The separate screens shall be part of a multiport sampling capability designed to allow the separate sampling of each substantial flow zone, nested wells(multiple tubes or casings in a single borehole), or with a well cluster. The monitoring well flow zone(s) shall be sampled and tested according to the Colorado Oil and Gas Association Voluntary Baseline Groundwater Quality Sampling Program dated November 15, 2011 (COGA Program), except as described in e. below. Additionally, the following standards and procedures shall be followed:

- a. Baseline water sampling of the monitoring well shall be completed prior to drilling of the oil or gas well and shall continue monthly until conclusion of completion activities. Drilling of the oil or gas well may commence after confirmation has been received from (i) the party responsible for collection of the samples that the water samples were collected properly; and (ii) the testing facility that the water samples were preserved and transported appropriately, that chain of custody has been secured, that the samples have not exceeded analytical hold times, and that no contamination of the samples due to the collection process has been detected.
- b. The monitoring well shall be sampled quarterly for two (2) years after the baseline water sampling described above ceases. Sampling frequency shall increase to monthly if a previously undetected constituent is detected or if the fluctuation of inorganics varies from the baseline sample (or baseline fluctuation if more than one baseline sample is obtained) by more than twenty-five percent (25%). If no such "trigger points" arise after two (2) years, the sampling frequency may be reduced to a semiannual basis. If no such trigger points arise after an additional two (2) years, the sampling frequency may, at the option of Permittee, be reduced to an annual basis. Water sampling may, at the option of Permittee, terminate after plugging and abandonment of the well or twenty (20) years after well development, whichever is longer.
- c. Water samples shall be collected by an independent third party (a party other than the Permittee) using standard operating procedures and standards as described in the COGA Program. A copy of all records produced during water sampling, including but not limited to unedited field notes, calibration logs, photographs/videos, global positioning system, chain of custody, shall be provided to the LGD and COGCC within thirty (30) days of collection.
- d. Water sample analysis shall be performed by a testing facility accredited by the National Environmental Laboratory Accreditation Program. Qualification records and certifications shall be provided to the LGD. Results of laboratory analysis shall be provided by the testing facility directly to the LGD and surface owner, if different than the Permittee. A written explanation and interpretation of the test results, including the identification of any trends, shall also be provided by the testing facility or a qualified third party within thirty (30) days of the availability of the laboratory analysis.
- e. Water samples shall be tested for the constituents listed in Table 1 of the COGA Program with the addition of the following constituents: Arsenic, trimethylbenzenes, isopropanol, diethylene glycol, triethylene glycol, tert-butyl alcohol, gasoline range organics, diesel range organics, and naphthalene.

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16. If post base-line water sample testing indicates any abnormalities or contamination in the Tested for Constituents listed in Table 1 of the COGA program and as listed in Condition #15 (1) e. and 15 (2) e. that may be attributed to oil/gas operations, the Permittee shall immediately notify COGCC and LGD and take immediate corrective action to contain any contaminant(s) that are not naturally occurring and mitigate the damage to any affected waters to contaminant levels found in the initial baseline testing.
17. If water is to be discharged, it shall be discharged in accordance with the Water Quality Control Act and COGCC rules. Permittee shall notify the LGD at least four (4) weeks in advance of such discharge and provide the Colorado discharge permit number as well as a topographic map showing the location of the discharge outfall as well as the haul route.
18. Permittee shall obtain a permit from RCDEH for sewage and grey water systems prior to installation in accordance with existing and applicable Colorado Department of Public Health and Environment (CDPHE) regulations.

Air Quality

19. Permittee shall be in compliance with CDPHE, Air Quality Control Commission, Regulation No. 2 (Odor Emission), 5 C.C.R. 1001-4 Section A and COGCC Rule 805.
20. Open burning of slash is prohibited unless absolutely necessary and only with the approval of RCDEH, the local Fire District, and CDPHE, if required.
21. Any gas escaping from the well during any phase of operation shall be captured to the extent reasonably practicable and otherwise consistent with COGCC Rules 317, 805, and 912, or conducted to a safe distance from the well site and flared or otherwise combusted. The Permittee shall notify the local emergency dispatch as provided by the LGD of any such flaring. Such notice shall be given prior to the flaring if the flaring can be reasonably anticipated, and in all other cases as soon as possible but in no event more than two (2) hours after the flaring occurs.
22. Dust control shall be applied as needed to the private access road during construction and use of the access road.

Wildlife

23. Tanks, overhead wire, fences, pole tops and other facilities or structures shall be designed so they do not provide perches or nests for raptors, crows, and ravens. Raptor perch deterrents shall also be installed.
24. If the well goes to production, the Permittee shall take reasonable measures to reduce the noise to surrounding wildlife. This may include, but not be limited to, hospital grade mufflers for compressors, pump jacks or other motors necessary to run operations at the site and upward-pointing mufflers to dissipate potential vibration.

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25. Reclamation operations shall be completed during times to avoid wildlife concerns and disturbance and should not occur March 15 – July 31.
26. This site is within critical wildlife habitat. Any wildlife encountered during operations, testing, production and maintenance shall be avoided and shall be allowed to move away from the area before the operations continue.
27. In the event there are any open pits containing fluids, in addition to being fenced to exclude livestock and wildlife they should also be netted to exclude birds. If other methods to scare birds away are proposed the operator will work with the CPW for approval of these methods.
28. The following recommendations of the Colorado Division of Parks and Wildlife (CDPW) shall be followed:
 - a. The lekking period for sharp-tailed grouse occurs between March 1 and June 1. All activities should be kept to a minimal and try to minimize auditory impacts during this time.
 - b. Daily operations should be scheduled and carried out between 9:00 a.m. and 4:00 p.m. between the period of March 1 and July 30 (lekking and brood rearing).
 - c. Operator shall use hospital grade mufflers for compressors, pump jacks or other motors necessary to run operations at the site.
 - d. The permittee will notify CPW of workover activities - they should be scheduled as much as practicable outside of the lekking season.
 - e. The permittee will notify CPW of emergency situations - they will be handled as appropriate by the permittee regardless of time of year.
 - f. The permittee will use exclusionary - wildlife livestock- fencing to protect reclaimed areas until vegetation is established.
 - g. Cuttings will be placed in lined pits if oil based mud is used. Pits will be fenced. All COGCC rules will be followed regarding oil based mud and cuttings.
 - h. Oil and gas and water will be trucked off the site between 9:00 a.m. and 4:00 p.m. between the period of March 1 and July 30.

Visual Impacts

29. To the extent practicable, technically feasible, and consistent with safe operations, all exterior lighting shall be downcast and opaquely shielded with the exception of the drilling rig.

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30. To the extent practicable and technically feasible, a flare shroud, or other device serving the purpose of concealing a flare, shall be used to reduce the visibility of flaring to neighboring properties, residences, and public roadways.
31. Equipment used for Operations will not be visible from adjacent or surrounding residences, or will be mitigated to the extent economically practicable and technically feasible to reduce visual impacts.

Access and Traffic

32. Directional signs, no less than three (3) and no more than six (6) square feet in size, shall be provided during any drilling or recompletion operation, by the Permittee. Such signs shall be at locations sufficient to advise emergency crews where drilling or recompletion is taking place. At a minimum, such locations shall include: (1) the first point of intersection of a public road and the rig access road and (2) thereafter at each intersection of the rig access route. The Permittee shall also notify the Routt County Sheriff's Office of the Site and its access point.
33. A copy of the approved CDOT access permit shall be submitted to the Routt County Planning Department prior to operations. All trucks and equipment accessing from US Highway 40 shall be able to exit the highway and be located on private property and off of US Highway 40 right of way before encountering a fence or gate. At a minimum, the distance from the highway right of way to any gate shall be 1.5 times of the length of the longest vehicle.

Reclamation and Weeds

34. Permittee shall strictly adhere to all federal and state regulatory standards for reclamation.
35. All disturbed surfaces affected by drilling or subsequent operations, except areas reasonably needed for production operations or for subsequent drilling operations to be commenced within twelve (12) months, shall be reclaimed as early and as nearly as practicable to their original condition or their final land use as designated by the surface owner and shall be maintained to control dust and minimize erosion to the extent practicable.
36. Drill pits shall be reclaimed in conformance with COGCC Rule 905 and Rule 1003.
37. When the well is completed for production, all disturbed areas no longer needed will be restored and revegetated as soon as practicable and in conformance with COGCC Rule 1003.
38. During drilling, production, and reclamation operations, all disturbed areas and surrounding agricultural and residential lands shall be kept as free of all undesirable plant species designated to be noxious weeds as practicable. Weed control measures shall be conducted in compliance with the Colorado Noxious Weed Act and COGCC Rule 1003.

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39. The interim reclamation completion notice (COGCC Form 4 and attachments) required by COGCC Rule 1003 shall be submitted to the LGD upon completion.
40. Upon plugging and abandonment of the well, all debris and surface equipment shall be removed within three (3) months. All disturbed surfaces shall be reclaimed as early and as nearly as practicable to their original condition or their final land use as designated by the surface owner and pursuant to COGCC Rule 1004.
41. For the purposes of the revegetation requirements set forth herein, Permittee shall work with the local Natural Resources Conservation Service, the County Extension Service, and the landowner to determine the appropriate types and quantities of application materials

Miscellaneous On-Site Issues

42. Any land survey monuments shall be recorded in the Colorado Land Survey Monument Records prior to commencement of operations, and if removed, shall be replaced following reclamation.
43. Permittee shall follow the COGCC requirements for initial and ongoing site security and safety measures. Such requirements shall adequately address security fencing, the control of fire hazards, equipment specifications, structural stabilization and anchoring, and other relevant safety precautions.
44. Fences of the type and at the locations recommended by the CDPW and agreed to by the surface owner, if different than Permittee, and listed as a condition in the COGCC Form 2A, shall be installed immediately after drilling to protect domestic animals and wildlife. Permittee shall also adhere to the requirements of COGCC Rule 1002.
45. No pets or firearms shall be allowed on the Property at any time.
46. The Permittee shall protect and maintain flows of all affected irrigation ditches.
47. Permittee shall conform to the noise abatement procedures and standards as set forth in COGCC Rule 802.
48. All equipment and housing units used during drilling and completion operations must be removed from the site immediately after such operations are complete.
49. The Permittee shall prevent erosion on any private access roads used by Permittee as well as the pad site in accordance with all requirements of its CDPHE storm water permit.
50. The Permittee shall have complied with construction or alteration notification requirements of the Federal Aviation Administration and provided further notice to the Routt County Planning Department of same. The Permittee shall comply with any further filings or requirements set forth by the Federal Aviation Administration and/or the Yampa Valley Regional Airport prior to the issuance of this SUP.

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Hazardous and Waste Materials

51. All tanks or hazardous materials containment areas shall comply with COGCC Rules 604, 902, and 904. Tanks and containment areas shall be inspected at least every thirty (30) days and the results of such inspections shall be reported to the LGD by Permittee within five (5) days.
52. No junk, trash, or inoperative vehicles shall be disposed of or stored on the Site as defined by the APP.
53. On-Site toilets shall meet minimum CDPHE requirements for sanitary/sanitation facilities.
54. Fuel, flammable materials, or hazardous materials shall be kept in a safe area and shall be stored in accordance with state requirements as well as the Emergency Response Plan. An inventory of such materials shall be supplied to the Routt County Emergency Manager prior to issuance of this SUP consistent with regulations of the COGCC and CDPHE.
55. Solid waste, excess drilling fluids and water from on-site pits shall be transported to an approved disposal site. The Routt County Emergency Manager and local fire district shall be notified at least 48 hours in advance of such transport. The notice shall include the type of material being transported, the intended route, dates, and times. If waste materials are hazardous according to state or federal definitions, the wastes must be disposed of in an approved hazardous waste disposal site and records of such disposal shall be provided to the LGD within thirty (30) days of disposal.

Reporting

56. In addition to COGCC Rule 305, Permittee shall notify the LGD in advance of all drilling and completion dates, drilling rig arrival and removal, name of the drilling company, and the drilling rig number. Notification shall occur at least 48 hours in advance of drilling or completion.
57. Permittee shall notify the LGD of any written or verbal notice of violations or citations issued to Permittee by COGCC, CDPHE, or any other regulatory agency, and the next action to be taken by such agency within 24 hours of notice of same.

Planning Commission/Board of County Commissioners options (waterbody setback):

Approve the Permit request without conditions if it is determined that the petition meets the standards of Section 5.11, Routt County Zoning Regulations.

Deny the Permit request if it is determined that the petition does not meet the standards of Section 5.11, Routt County Zoning Regulations. Make specific findings of fact; cite specific regulations by number from the Routt County Zoning Regulations.

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Table the Permit request if additional information is required to fully evaluate the petition. Give specific direction to the petitioner and staff.

Approve the Permit request with conditions and/or performance standards if it is determined that certain conditions and/or performance standards are necessary to meet the standards of Section 5.11, Routt County Zoning Regulations.

FINDING OF FACT that may be appropriate if the Administrative Permit is approved:

1. The proposal with the following conditions meets the standards of Section 5.11, Waterbody Setback Standards and Permits, of the Routt County Zoning Regulations as construction outside of the water body setback is not technically feasible as the road encroaching into the waterbody setback is necessary to achieve access to the site being proposed by the applicant and no other access route which would avoid the water body setback is technically feasible.

Conditions:

1. Approval is contingent upon issuance of the SUP for Oil and Gas Exploration and Production.
2. A G&E permit must be issued from the Routt County Road and Bridge Department
3. An inspection should be completed and approved by the Steamboat Rural Fire District
4. A Corps of Engineers Permit must be approved and a copy sent to the Routt County Planning Department.
5. Best Management Practices (BMP's) for erosion and sedimentation shall be completed and monitored during construction of the access. The access shall be monitored and measures taken to mitigate any erosion