

Pre-Application Consultation Summary – 301.f.(3)

Federal 298-13-1 Oil and Gas Location

Loc ID #315513

April 2022



INTRODUCTION

During the initial planning phase of the Federal 298-13-1 Oil and Gas Location, a pre-application consultation process occurred between representatives of the Colorado Oil and Gas Conservation Commission (“COGCC”), the Bureau of Land Management (“BLM”), Colorado Parks and Wildlife (“CPW”), Rio Blanco County (“RBC”) and TEP Rocky Mountain LLC (“TEP”) as described in COGCC Rule 301.f.(3). The purpose of the pre-application consultation was to review and discuss the proposed Ryan Gulch Phase 2 Oil and Gas Development Plan, which included the Federal 298-13-1 pad. Pre-application consultation also included review of siting consideration, potential impact to resources within the project area, conditions of approval, Best Management Practices (“BMPs”), and the general permitting process and timing of proposed development. Pre-application consultation provides the opportunity for collaboration between the operator and regulatory agencies.

PRE-APPLICATION CONSULTATION RELEVANT LOCAL GOVERNMENT

On April 7, 2021, representatives of TEP and RBC met at the proposed access road to the proposed Federal 298-13-1 pad to review the proposed development plan and discuss the permitting requirements associated with this Oil and Gas Location. RBC provided positive feedback regarding the development and confirmed that a county permit would be required for development of the oil and gas location, as well as the proposed water pipeline.

On April 5, 2022, prior to submittal of the Oil and Gas Development Plan (OGDP) and Oil and Gas Location Assessment (Form 2A), TEP sent formal notice to Rio Blanco County, the local government with land use authority over siting of the Federal 298-13-1 oil and gas location, as required by COGCC Rule 302.e and Rule 303.e.(2) & (3). Additionally, TEP will submit a Well Pad Special Use Building Permit application to Rio Blanco County for review and approval concurrently with submittal of the OGDP and Form 2A.

PRE-APPLICATION CONSULTATION COLORADO PARKS AND WILDLIFE

On April 7, 2021, representative from TEP and CPW met at the existing Federal RG 11-13-298 pad to review and discuss the proposed development plan for the Federal 298-13-1 pad and the potential impacts to wildlife as a result of construction and operation of the proposed facility. Since the oil and gas location is located outside of the High Priority Habitat, and since TEP would be utilizing an existing oil and gas location, wildlife impacts would be minimal. Please see the pre-application consultation notes from the April 7, 2021 onsite with CPW below for additional details.

TEP contacted CPW on April 26, 2022, prior to permit submittal to provide the updated Wildlife Protection Plan and other updated development plan materials for review. Additionally, TEP requested input regarding the Lesser Impact Area Exemption request for the Noise and Lighting Mitigation Plans. CPW provided a few minor edits to the Wildlife Protection Plan, which have been incorporated into the Wildlife Protection Plan attached to the amended Form 2A. Please see the CPW Correspondence attached to the Amended Form 2A for additional details.

Summary of April 7, 2021 Pre-Application Consultation

On April 7, 2021, representative from TEP, BLM, CPW, COGCC, Rio Blanco County, and West Water Engineering Inc. met to review the Ryan Gulch Phase 2 Oil and Gas Development Plan. This was the initial meeting between the operator and agency representatives to review the Federal 298-13-1 pad and solicit feedback from the agencies regarding any issues that may need to be addressed prior to application submittal. The agencies also provided feedback on the permitting process and permitting requirements associated with the development of the proposed oil and gas location. The following outlines the main topics of discussion during the onsite specifically for the Federal 298-13-1 pad:

- BLM stated that vegetation removal would need to be conducted outside the migratory bird timing

limitation unless a survey is conducted to ensure migratory birds are not present within the vicinity of the oil and gas location. Since the initial onsite development timing has been modified, construction operations would begin in August at the end of the migratory bird timing limitation period. A survey will be conducted and, if necessary, construction will be delayed.

- BLM stated that a firewood permit will be required for tree removal. TEP will pay for the firewood prior to construction and following further assessment by BLM.
- BLM stated that resource surveys would be required for the planned activities, including plant, weed, raptor, and cultural surveys. TEP completed these surveys in the spring and summer of 2021.

CONCLUSION

As a standard best management practice during initial planning of a proposed oil and gas location, TEP consults with the associated parties to ensure the oil and gas location is sited in a way that minimizes or avoids adverse impacts to public health, safety, welfare, the environment, and wildlife resources. Pre-application consultation and site visits are key to ensuring that all parties are informed of the proposed development plan and have the opportunity to provide feedback prior to the formal application submittal.

Based on discussions with the BLM, COGCC, CPW, and RBC during the planning process, TEP has revised the development plan to address their concerns and recommendations.

Ryan Gulch Phase 2

Pre-Application Consultation Meeting Notes

April 7, 2021 PRE-APPLICATION CONSULTATION NOTES

Attendees

TEP Rocky Mountain, LLC: Adam Tankersley, Bryan Hotard, Kyle Kohl, Trevor Burrell, Brandon Sagrillo, Scott Dembowski, Lynn Cass
Bureau of Land Management: Matt Dupire, Jon Kaminsky, Paul Daggett, Shawn Wiser, Stacey Burke, Luke Trout
Colorado Oil and Gas Conservation Commission: Dave Kubeczko
Rio Blanco County: Eddie Smercina
Colorado Parks and Wildlife: Taylor Elm, Elissa Slezak, Dani Neumann
West Water Engineering: Amie Wilsey

Meeting Purpose

The initial Ryan Gulch Phase 2 field onsite was held on April 7, 2021 at 9 am with representative from Terra Energy Partners (“TEP”), Bureau of Land Management (“BLM”), Colorado Oil and Gas Conservation Commission (“COGCC”), Colorado Parks and Wildlife (“CPW”), Rio Blanco County (“RBC”), and WestWater Engineering LLC (“WestWater”). This onsite was conducted to field review four (4) future drilling locations for Oil and Gas Development (including the Federal 298-13-1 pad and Federal RG 11-13-298 pad) and discuss potential issues that could require modifications to the development plan.

At each site, TEP provided a brief summary of proposed operations as outlined in the Plan of Development Summary, which was provided to the group for initial review prior to the site visit.

Meeting Summary

Federal 298-13-1 Pad: This oil and gas location would be reconstructed to provide enough working pad surface for drilling and well completions operations for 22 wells (revised to 16 wells) per the provided onsite documentation. The pad would create additional new disturbance along the north, east, and west side of the pad. This is mainly due to several existing pipelines located south of the pad. CPW asked for the total acreage of new disturbance for this location, however this was not known during the onsite. TEP will provide the total acreage of new disturbance prior to our follow up meeting later in April or early May 2021.

BLM mentioned that tree / brush removal would need to be completed outside the migratory bird TL. BLM will provide the specific duration of the TL. Per the estimated development timeline provided during the meeting, TEP believes tree / brush removal can be completed outside the TL.

TEP requested a summary / cost for the firewood permit required for removal of the trees within the disturbance boundary for all the proposed locations.

CPW asked if one Wildlife Mitigation Plan could be prepared for all four locations and attached to each of the Form 2As for the project. Additionally, TEP asked if one Plan of Development, similar to a BLM master development plan, could be prepared and submitted with each Form 2A. COGCC representative Dave Kubeczko seemed to be comfortable with this approach.

**ATTACHMENT A
COLORADO PARKS AND WILDLIFE
CORRESPONDENCE
APRIL 27, 2022**

From: [Taylor Elm - DNR](#)
To: [Adam Tankersley](#)
Cc: [Dave Kubezko - DNR](#); [Neumann - DNR, Danielle](#)
Subject: Re: Ryan Gulch Phase 2 - Wildlife Protection Plans
Date: Wednesday, April 27, 2022 1:03:37 PM
Attachments: [image001.png](#)
[Federal 298-13-1 Form 2A 304.c.\(17\) Wildlife Protection Plan \(TE Edits\).docx](#)
[RG 11-13-298 Form 2A 304.c.\(17\) Wildlife Protection Plan \(TE Edits\).docx](#)

Mr. Tankersley,

Thank you for the detailed status update on the Ryan Gulch Phase 2 OGDG submittal and access to the draft OGDG documents. CPW confirms that staff was present during the Phase 2 onsite held on April 7, 2021 with BLM, and that both of the proposed locations fall outside of CPW-mapped high priority habitats. Furthermore, I have reviewed the draft Wildlife Protection Plans and have included a few very minor edits contained within the documents attached to this email. CPW does not have any further questions regarding the information contained within the Wildlife Protection Plans.

Regarding the Lesser Impact Area Exemption for noise and light impacts associated with wildlife, CPW affirms that there were no additional requests made by CPW for noise and light mitigation pursuant to Rules 423.b.(4) and 424.c.(3).C. Specifically, as you have indicated: both locations fall well outside of HPH, topography and vegetation between the locations and nearest HPH will serve as a buffer and reduce impacts, production-phase equipment at the locations will not generate excessive levels of noise and light, and TEP is not requesting a variance to the noise standards listed in COGCC's Table 423-1. Lastly, these locations are not within or near habitats that CPW considers especially sensitive to noise and light impacts (e.g. greater sage-grouse lek sites). The scientific literature does not suggest that additional measures beyond those being implemented are necessary for protection of the nearby mule deer winter ranges.

Consider this email as CPW's formal concurrence with TEP's assessment of the noise and lighting impacts to wildlife associated with the proposed activities in the Ryan Gulch Phase 2 OGDG. If you have any questions or if we can supply additional information, please don't hesitate to contact me.

Thank you,

On Tue, Apr 26, 2022 at 1:24 PM Adam Tankersley <ATankersley@terraep.com> wrote:

Good Afternoon Taylor,

As discussed previously, TEP is preparing to submit our Ryan Gulch Phase 2 OGDG which included the existing Federal 298-13-1 pad and the proposed Federal RG 11-13-298 pad. In April of 2021, we held onsite at these locations with BLM, COGCC, RBC, and CPW to discuss the proposed development plans. Since the onsite we have been completing the required surveys for the BLM EA and refined our development plan as necessary to minimize impacts to resources.

As mentioned previously, both of these location are located outside of High Priority Habitat, so the impacts to wildlife should be minimal if any. We have prepared Wildlife Protection Plans for both of these locations, which are available for your review via the link below.

Additionally, I have included the current Plan of Development, Location Drawing, Wildlife Drawings, and the Lesser Impact Area Exemption Request for this project.




As part of these Form 2As, TEP will be requesting a Lesser Impact Area Exemption for the Noise Mitigation Plan and Light Mitigation Plan. During initial planning, TEP reviewed topographic maps, aerial imagery, and completed a site visit to evaluate siting considerations and potential impacts to wildlife. During this review TEP determined that it is unlikely for noise and light generated during construction, drilling, completion, or production operations to adversely impact wildlife resource. This is based on the overall distance between the oil and gas location and High Priority Habitat boundaries, and the presence of dense vegetation cover immediately adjacent to the oil and gas location. The working pad surface of the Federal 298-13-1 pad is location 990' from mule deer habitat and the Federal RG 11-13-298 pad is located 453' from mule deer habitat. Both oil and gas location are located on ridge lines with dense pinion juniper forest surrounding these locations. Due to these factors it is unlikely for noise and light generated during pre-production operations at these location to adversely impacts mule deer within the project area. During long-term production operations noise will be minimal. Additionally, there will be no onsite lighting during long-term production operations. As a best management practice TEP will direct all lighting on site during drilling and completion operations downward and inward toward operations on the site to further minimize potential lighting impacts. TEP is not request a variance to the noise standards listed in COGCC Rule 423.

Please let me know if CPW has any question regarding the Wildlife Protection Plan. Additionally, please let me know if CPW agrees with TEPs assessment on noise and lighting impacts associated with activities planned at these location.

 [Ryan Gulch Phase 2 - Docs for CPW](#)

Thanks,

Adam Tankersley | Planning Manager | TEP Rocky Mountain LLC | 1058 CR215 Parachute, CO 81635

 (Office) 970-623-8994 |  (Mobile) 970-589-6277 |  ATankersley@terraep.com



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TEP mentioned that completion operations would occur remotely from the Federal RGU 23-7-297 pad and that the same pipeline currently in use from the Love Ranch Facility would be utilized for transport of water assuming that a water sharing agreement with XTO (now Caerus) is approved.

BLM mentioned that raptor surveys and cultural surveys will likely be required for this location. BLM will provide a summary of the required surveys following the onsite.

Federal RG 11-13-298 Pad: The group parked at the intersection with BLM Road 1019 and the proposed road to the Federal RG 11-13-298 pad and discussed the development plan for the proposed location. TEP would construct a new access road, pad, and pipeline corridor to support development of 22 new proposed wells as described in the on-site documentation. The group then hiked the proposed access road to the proposed pad location. Some members walked the perimeter of the pad location to further evaluate the extent of construction and impact to resources.

Dave K. mention that there may be a requirement to take topsoil cores to determine the depth of the topsoil. This may be required to better calculate available topsoil at the site so that topsoil is preserved to the greatest extent possible for site reclamation. WestWater indicated later that core samples could be taken with a hand auger during the field surveys in May 2021 if this is going to be a requirement going forward.

BLM mentioned that raptor surveys and cultural surveys will likely be required for this location. BLM will provide a summary of the required surveys following the onsite.

Timing: An estimated development timeline showing the planned timing for construction, drilling, and completions operations was presented during the onsite. However, project planning, submittal, and approval was not included. During the onsite TEP outlined the intent to complete resource surveys in May of 2021, prepare and submit the MDP by early July, and formally submit the OGD application and 2A requirements in August. This is a tentative timing line for planning and submittal and may be subject to change as the project progresses.

Action Items

- 1) Prepare draft Wildlife Mitigation Plan (Adam/Brandon)
- 2) Send the latest shapefiles to WestWater for surveys starting in May.(Trevor)
- 3) Prepare list of stipulations applicable to each project component (BLM)
- 4) Prepare details on required surveys...biological, cultural, and paleo (BLM)
- 5) Provide firewood permit info need for the Federal 298-13-1 and RG 11-13-298(BLM)
- 6) Provide additional onsite review notes or comments (BLM)
- 7) Confirm topsoil core sampling requirements (Dave K.)
- 8) Provide confirmation that installation of frac lines through the culvert near the RGU 44-1-298 pad is acceptable with RBC. (Eddie)