

## Mike Gardner

**To:** Michael Gardner  
**Subject:** RE: COGCC FIELD INSPECTION REPORT [Doc#702801487, Loc Id: 335045 Name: South Leverich 13-09 Pad] SUBMITTED NOTICE

**From:** Adam Tankersley <ATankersley@terraep.com>

**Sent:** Thursday, May 4, 2023 5:56 PM

**To:** Mike Gardner <MGardner@terraep.com>; Eric DeKam <EDeKam@terraep.com>

**Cc:** Heather Foor <hfoor@terraep.com>; bjr@summitservicesgroup.com; shawn.moody@moodyandsons.com

**Subject:** RE: COGCC FIELD INSPECTION REPORT [Doc#702801487, Loc Id: 335045 Name: South Leverich 13-09 Pad] SUBMITTED NOTICE

Mike,

After reviewing the Construction Layout, Topsoil Protection Plan, and as-built topsoil data received from Bookcliff, it appears we are short on topsoil. The volume listed on the plat was based on the grading footprint (top of cut / toe of fill) for this location. This means the area between the grading footprint and the limit of disturbance was not included in the calculation. Additionally, the volume was calculated based on the 6" depth of topsoil, not the average depth of 8.75". Unfortunately, an error was also made in the topsoil protection plan. The plan stated the topsoil volume was based on a 6" depth; however, the soil pit data included in the report stated a higher depth of topsoil.

We had Bookcliff complete an as-built of the topsoil stockpile following completion of stripping, which determined that there was approximately 3,887cy of topsoil segregated for future reclamation activities. This equates to an average depth of topsoil of 5.76" based on the area that should have been stripped. Since the depth of topsoil was actually 8.75" we are short on topsoil. The volume of topsoil that should have been stripped from this location is 5,833cy.

Below is a breakdown the my assessment, which included an evaluation of how the volume was calculated for the Construction Layout (including the stockpile volume) and a re-calculation based on a 8.75" depth of topsoil.

Description	Acreage	Square Feet	Topsoil Depth (ft)	Cubic Feet	Cubic Yards	20% Swell	Total cy
Construction Layout 7-6-2022	3.62	157687.20	0.5	78843.60	2920.13	584.03	3504.16
The approved calculation is based on the Construction Layout Cross Section Plat dated 7/6/2023 excluding the existing working pad surface. The plat stated a topsoil volume of 2920cy. With a 20% swell factor applied to this volume the total topsoil stockpile volume should be 3504cy. The topsoil stockpile volume shown on the Construction Layout dated 6-15-2022 was 3550cy. The area used to calculate this volume was incorrect and was based only on the area between the top of cut and toe of fill. The volume did not account for the area between the grading footprint and the limit of disturbance.							
TEP Re-calculated at 8.75" depth	4.96	216001.69	0.73	157501.30	5833.38	0.00	5833.38
The above calculation is based on the Limit of Disturbance shown on the approved Construction Layout dated 6-12-2022 and excludes the area of the existing working pad surface (1.142-acres) and the area of the proposed topsoil stockpile (0.330-acres). A swell factor should not be applied to the topsoil volumes. At a depth of 8.75" and surface area of 4.96-acres the topsoil salvage should have been 5833cy on the plat.							

At this point the site it built and we cannot salvage any additional topsoil. I think the only path forward here is to state the facts and address any long-term issues associated with site reclamation as they come. However, I believe there is still plenty of good soil for establishment of vegetation during interim reclamation and final reclamation. If at some point

it is determined that we are unable to get a successful reclamation then we may need to do apply amendments at that point. But I don't think it'll come to that.

We have seen this issue on a few locations recently and we have addressed it with our vendors. This pad was likely submitted prior to us discovering the issue. So hopefully we won't see this going forward.

Let me know if you have any questions or need anything additional for the sundry.

Thanks,

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