

From: [Ann Feldman](#)
To: [Justin Garrett](#); [Jordan Lukasik](#)
Subject: FW: HERV Oil Ruh State North Pad Siting
Date: Tuesday, August 23, 2022 1:50:49 PM
Attachments: [CPW-NE recommended mitigation Deer, PSTG, & GPC - LOAMY \(near normal pH\) seed mix.xlsx](#)
[CPW-NE recommended mitigation Deer, Pronghorn, PSTG, GPC - DRY ALKALINE seed mix.xlsx](#)
[CPW-NE recommended mitigation Deer, PSTG & GPC - SANDY \(near normal pH\) seed mix.xlsx](#)
[CPW-NE recommended mitigation Deer, Pronghorn, PSTG, GPC - SALINE SUBIRRIGATED - WET ALKALINE seed mix.xlsx](#)
[CPW-NE recommended mitigation Pronghorn UPLAND \(near normal pH\) seed mix.xlsx](#)
[image001.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

For our records and to be incorporated into the Ruh OGDG.

Ann L Feldman
Regulatory Manager
Ascent Geomatics Solutions (Formerly PFS)
8620 Wolff Court
Westminster, Colorado 80031
Office: 303.928.7128
Cell: 720.245.5707
TBPLS Firm Registration No. 10194123



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From: Marette - DNR, Brandon <brandon.marette@state.co.us>
Sent: Tuesday, August 23, 2022 10:10 AM
To: Bennett Neale <bennett.neale@hervoil.com>
Cc: Heidi Gerstung <hgerstung@eroresources.com>; Ashley Okamoto-Gaw

<agaw@ascentgeomatics.com>; Ann Feldman <afeldman@ascentgeomatics.com>; Davis - DNR, Jackson <jackson.davis@state.co.us>; Trent Verquer - DNR <trent.verquer@state.co.us>; Angelique Curtis - DNR <angelique.curtis@state.co.us>; Kelly Holliday <kholliday@weldgov.com>; Jennifer Teeters <jteeters@weldgov.com>; sfrederick@weldgov.com; Kira Weber - DNR <kira.weber@state.co.us>; Rebecca Treitz - DNR <rebecca.treitz@state.co.us>

Subject: Re: HERV Oil Ruh State North Pad Siting

Bennett,

Thank you for your phone call just now.

As we discussed, CPW understands that the North Pad can't be moved to the north, but moving the North pad west/closer to County Road 83 will maximize the amount of unfragmented wintering pronghorn habitats for the rest of the section, and CPW believes this change sufficiently protects wintering pronghorn. CPW also appreciates that this North pad will be reduced to <11 acres and will be a rectangle paralleling CR83. Similarly, CPW appreciates a similar change to the South Pad - moving it closer to CR83, and redesigning it to be a rectangle and paralleling CR83.

Also, I've been meaning to send the below formal follow-up email with my action items related to the various avoidance, minimization & mitigation options for HERV Oil to consider when impacting this HPH.

1) Re: direct costs, I spoke with COGCC (cc'd) about our discussion and we agreed that any new land disturbances within a High Priority Habitat (HPH) and within COGCC's jurisdiction (e.g., not midstream pipelines) should be calculated under the direct table (above or below 11 acres?).

2) Re: indirect costs, I calculated & averaged the numbers that Jackson, Angelique, and I calculated in the field, and we came up with the following options for HERV to choose one (1) in their eventual Wildlife Mitigation Plan for each location.

- For the North Location

- If HERV Oil completes site construction, drilling & completions outside of the pronghorn winter season (May 1 to December 31), then to offset these indirect impacts to pronghorn, HERV Oil should choose to either complete a mitigation project to cover 77.5 acres for the life of the wells, OR pay CPW \$56,962.50 to offset their indirect impacts at least 32 days prior to construction.
- If HERV Oil completes site construction, drilling, or completions inside of the pronghorn winter season (January 1 to April 30), then to offset these indirect impacts to pronghorn, HERV Oil should choose to either complete a mitigation project to cover 135.6 acres for the life of the wells, OR pay CPW \$99,684.38 to offset their indirect impacts at least 32 days prior to construction.

- For the South Location

- If HERV Oil completes site construction, drilling, or completions outside of the pronghorn winter season (May 1 to December 31), then to offset these indirect impacts to pronghorn, HERV Oil should choose to either complete a mitigation project

to cover 69.75 acres for the life of the wells, OR pay CPW \$51,266.25 to offset their indirect impacts at least 32 days prior to construction.

- If HERV Oil completes site construction, drilling, or completions inside of the pronghorn winter season (January 1 to April 30), then to offset these indirect impacts to pronghorn, HERV Oil should choose to either complete a mitigation project to cover 135.6 acres OR to pay CPW \$99,684.38 to offset their indirect impacts at least 32 days prior to construction.

- As mentioned in the field, these numbers are based on a beta calculator that examines the percent of the location within an HPH, forage availability, range condition, distance to escape cover, current existing disturbances, co-locating with existing facilities, and operator-proposed BMPs.

3) Attached are all the seed mixes that CPW recommends (note the soil type in the name). I attached more than just pronghorn should you need them for future projects.

4) Here is our [wildlife-friendly fencing guide](#). As mentioned in the field, the height and type of bottom wire are important to ensure pronghorn movement. That being said, we'd recommend as minimal fencing as possible.

5) Alternative Location Analysis (ALA)

- CPW appreciates the ALAs examined both before and after the WOGLA meeting.
- CPW also appreciates the above discussion about moving the pads closer to CR83 and making a rectangular pad that parallels CR83. However, please refer to the original sites in your ALA discussion with COGCC and show that we collectively came up with a better location for wildlife (to maximize the amount of unfragmented habitats in the rest of the section by consolidating developments next to the county road).

6) Re: the adjacent red-tailed hawk nest to the northern location. CPW appreciates that you observed that nest was occupied this past year. Therefore, please start site pad construction in late summer to fall - as that would be outside the pronghorn wintering season (January 1 to April 30) and the red-tailed hawk [nesting season](#) (February 15 through July 15). Note, a raptor biologist with two consecutive negative observations (with a week between), plus CPW concurrence, could potentially lead to site construction prior to July 15 if the nestlings fledge early?

7) Should either site contain prairie dogs at the time of site construction, please conduct a Burrowing Owl survey if work begins between March 15 through August 31.

8) CPW appreciates that both sites avoid playas, which we saw on our rainy site visit are beneficial to capturing rain that species can utilize.

Should any of you have any questions about these avoidance, minimization, and mitigation measures, or your eventual WMP, please let me know.

Regards,

Brandon B. Marette, [CWB](#)®

Northeast Region Energy Liaison and Land Use Coordinator



Direct [\(303\) 291-7327](tel:3032917327)

[6060 Broadway, Denver, CO 80216](https://www.state.co.us/energy/CPW/energywebpage)

brandon.marette@state.co.us

[CPW's Energy Webpage](#)

[CPW's Wildlife Movements Webpage](#)



THINK SAFETY FIRST!



On Wed, Aug 17, 2022 at 10:54 AM Bennett Neale <bennett.neale@hervoil.com> wrote:

Hi Brandon,

Hope you're doing well. I've been talking through CPW's recommendation to move the Ruh State North pad northwest as much as possible into the corner of WCR 74 and 83 with Ascent. Honestly, we're having a difficult time making it work due to changes in soil content, which leads to additional drainage considerations, along with the RBU proximity issues we've discussed.

I called the surface owner again to get her thoughts on things, and she was adamant that pronghorn would not be an issue at the existing location. She may not be a wildlife expert, but she has lived there the majority of her life, if not the entirety, and is very well informed about where she lives and what's around her. She believes it to be crummy farm land, and not overly hospitable pronghorn habitat.

I wanted to get your thoughts on us shrinking the Ruh State North pad down as much as possible and moving it west as far as possible, but not north. That would make it less than 11 acres, and allow for pronghorn to move freely around the pad on the east side if they are present at some point. We would absolutely abide by additional BMPs, including but not limited to monitoring noise, keeping it at or below the required db(A), using sound dampening and walls regardless, and utilizing pronghorn/wildlife spec fencing.

Just so you are aware, we will be shrinking both pads to <11 acres.

Would the above be sufficient for CPW's approval?

Bennett Neale, CPL

HERV Oil, LLC

Office: (405) 883-7005, ext. 700

Cell: (918) 605-5128

From: Bennett Neale <bennett.neale@hervoil.com>

Sent: Wednesday, August 3, 2022 12:32 PM

To: brandon.marette@state.co.us

Cc: 'Heidi Gerstung' <hgerstung@eroresources.com>; 'Ashley Okamoto-Gaw' <agaw@ascentgeomatics.com>

Subject: HERV Oil Ruh State North Pad Siting

Hi Brandon,

I wanted to provide some insight into our Ruh State North (formerly known as HERV 6) pad site location selection, and, if current placement just won't work, see if we can nail down best location after hearing your concerns last week. I've attached one of the feasibility maps Ascent drew up when we were reviewing our options. We ended up with Option 2, and a big reason for that was trying to get as far away as possible from RBUs and water while still remaining in the NW/4 NW/4 of 1-6N-62W. We felt like Option 1 was closer to the stream than we wanted to be, and Option 3 was closer to Mr. Erdmann's home that is right in the V of the stream to the right of the pad options.

I think this might just come down to what is more important to avoid, people/RBUs or pronghorn. Please let me know your thoughts.

Hope all is well,

Bennett Neale, CPL

HERV Oil, LLC

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Cell: (918) 605-5128