

## Adam Tankersley

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**From:** Taylor Elm - DNR <taylor.elm@state.co.us>  
**Sent:** Thursday, September 8, 2022 4:31 PM  
**To:** Adam Tankersley; Matt Barber  
**Subject:** Re: Arco Deep 1-27 Pad - Wildlife Mitigation Plan and Waiver Requests

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Adam,

Thank you for the additional information and plan of development document. In addition to our meeting on August 16, 2022, I have reviewed this additional information and TEP's two waiver requests (Rule 304.b.(2).B.viii. and Rule 1202.a.(3).). Below are CPW responses to each of these waiver requests with additional rationale behind our decisions. Additionally, I have responded to your assessment regarding potential noise and light impacts to wildlife, as well as the proposed timing of operations as discussed during our meeting today (Sept. 8, 2022). Please let me know if you have any questions, or if we can be of further assistance.

### Rule 304.b.(2).B.viii Waiver Request

CPW appreciates our meeting on the 16th and the opportunity to virtually explore the area surrounding the existing Arco Deep pad for potential alternative locations. Following this exercise, CPW agrees with TEP's conclusion that these oil and gas wells cannot successfully be drilled from any of the other existing pads in this area, due to distance. Additionally, CPW agrees that the construction of a new pad location (and associated access road and pipeline corridor) would be more detrimental to wildlife and wildlife habitats in the area. A new pad location would further increase the overall density of active oil and gas locations in this area, and it is CPW's preference to co-locate these new wells within already disturbed areas. Based on these factors, CPW does not feel an Alternative Location Analysis (ALA) is necessary to assess potentially less impactful areas for wildlife. CPW agrees to waive Rule 304.b.(2).B.viii under the authority provided within the same rule language. Consider this email response as your official written waiver.

### Rule 1202.a.(3) Waiver Request

CPW has also reviewed the request to waive the statewide operating requirement, Rule 1202.a.(3), for tank and chemical storage area placement within 500 feet of the two unnamed intermittent waterways/drainages. The Arco Deep pad location is near the headwaters of both water features and aerial imagery does not indicate that any regular water flow occurs within either drainage. CPW has reviewed the best management practices contained in the Stormwater Management Plan and finds them adequately sufficient to address any potential adverse impacts resulting from sedimentation or spills/releases. CPW agrees to waive this requirement under the authority outlined in Rule 1202.a. Consider this email as your official "signed" waiver from CPW.

### Noise and Lighting Impacts Assessment

CPW does not request any additional noise or lighting mitigation measures for wildlife. Requirements within the 400 Series regulations are sufficient to address impacts on the nearby sage-grouse habitats. The best available scientific literature indicates that noise and light impacts

are most significant to greater sage-grouse during the lekking (breeding) periods. The nearest active sage-grouse lek is over 5 miles in distance with adequate topographic and vegetative buffers in place to avoid any impacts to the active lek site. Additionally, CPW concurs that the pad design and best management practices will adequately minimize impacts to the nearby priority habitat management area (PHMA).

### Proposed Timing of Operations

CPW understands that the amount of time to construct, drill, complete, and reclaim this location is fairly significant. Furthermore, CPW agrees that completing this location and associated wells within one occupation (i.e. avoiding multiple visits and equipment mobilizations) will be the least impactful to wildlife. Based on our discussions, CPW feels that the proposed timing of operations, as outlined in the Wildlife Mitigation Plan, is the best approach for minimizing impacts on greater sage-grouse. Beginning construction in May 2023 will avoid the grouse lekking and nesting period during the first season (2023), and during the second season (2024), completions and flowback activities should result in less disturbance from traffic, rig mobilizations, earth work, etc. during the lekking season. Since the nearest active lek is over 5 miles from the pad, traffic to the site may be the bigger concern to consider. CPW encourages TEP to work on identifying timing efficiencies that might facilitate completing activities on this pad before March 1, 2024.



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On Thu, Aug 25, 2022 at 5:34 PM Adam Tankersley <[ATankersley@terraep.com](mailto:ATankersley@terraep.com)> wrote:

Good Afternoon Taylor,

Thanks for meeting on August 16, 2022 to review the development plan for the Arco Deep 1-27 pad and the Wildlife Mitigation Plan associated with the Form 2A. The Wildlife Mitigation Plan for this location has been updated per our discussions and has been attached for your review. Please review and let me know if you have any questions.

TEP Rocky Mountain LLC (TEP) respectfully request approval of two (2) waivers, one (1) for approval to waive the Alternative Location Analysis under Rule 304.b.(2).B.viii and one for approval to waive the setback requirement for new staging, refueling, or chemical storage areas under Rule 1202.a.(3).

Rule 304.b.(2).B.viii Waiver Request

As discussed during the pre-application consultation meeting, the Arco Deep 1-27 pad is located within greater sage-grouse General Habitat Management Area. Per COGCC Rule 304.b.(2).B.viii, operators are required to perform an alternative location analysis for any proposed Oil and Gas Location within High Priority Habitat, unless CPW grants a waiver through pre-application consultation. As discussed, any viable alternative would require the reconstruction of a new oil and gas location within greater sage-grouse habitat. The existing Oil and Gas Location in Section 23 of Township 6 South, Ranch 97 West, 6th P.M. would not be feasible due to the increased distance to the target bottom hole locations and current rig limitation. Additionally, relocation of the proposed wells to the Oxy O22-697 pad (COGCC Loc ID: 416503) would also not be feasible due to the increase distance to the target bottom hole locations and current rig limitation. Relocation of the proposed wells to a new pad location outside of High Priority Habitat west of the Arco Deep 1-27 pad would also not be feasible due to steep slopes / topography in that area. Therefore, utilization of the Arco Deep 1-27 pad minimize overall impacts to greater sage-grouse and associated habitat.

#### Rule 1202.a.(3) Waiver Request

As discussed during the pre-application consultation meeting, the Arco Deep 1-27 pad is location within 500 feet of two (2) intermittent streams. During drilling and completion operations, TEP will make best efforts to place staging, refueling, or chemical storage areas, along the north side of the Oil and Gas Location, outside the 500 feet setback. TEP will implement best management practices outlined in the Stormwater Management Plan, attached to the Form 2A, to minimize potential impacts to downstream surface water features. Additionally, TEP will have spill response materials on site during drilling and completion operations and has staged spill response equipment materials on the TR 41-35-597 pad (COGCC Loc ID: 335750), which is located approximately 6-miles north of the Arco Deep 1-27 pad. TEP also has spill response equipment and materials located at TEP's Operations Center in Parachute Colorado, which can be deployed quickly in the event of a spill or release.

As part of the Form 2A, TEP will be submitting a Lesser Impact Area Exemption request the Noise Mitigation Plan and Lighting Mitigation Plan. TEP's evaluation of noise and lighting impacts associated with our proposed operations indicated that the proposed activities would be in compliance with noise standards outlined in Rule 423 and with lighting standards outlined in Rule 424. The pad is located within greater sage-grouse General Habitat Management Area and is located 475' west of greater sage-grouse Priority Habitat Management Area. The pad location will be constructed with a twenty-five foot (25') depth of cut along the east side of the pad, which will provide a physical barrier along the pad edge closest to greater sage-grouse Priority Habitat Management Area reducing the overall levels of noise in the easterly direction. Noise generated from activities on the pad will be greatest in the westerly direction away from greater sage-grouse habitat. This physical barrier would also minimize the overall amount of light propagating in the easterly direction to greater sage-grouse Priority Habitat Management Area. TEP will also direct all lighting fixtures downward and inward toward operational activities on the well pad to minimize light pollution from planned activities. No onsite lighting is proposed during long-term production operations.

Attached is the latest draft of the Plan of Development, Wildlife Protection Plan, Wildlife Habitat Drawing, and Lesser Impact Area Exemption request for you review. Please let me know if CPW has any question regarding the waiver requests or BMPs listed in the Wildlife Mitigation Plan. Additionally, please let me know if CPW agrees with TEP assessment on noise and lighting impacts associated with activities planned at the Arco Deep 1-27 pad.

Thanks,

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

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