

**STATE OF NEW MEXICO  
DEPARTMENT OF ENERGY, MINERALS AND NATURAL RESOURCES**

**OIL CONSERVATION DIVISION**

**ADJUDICATORY APPEAL OF NMOCD DISTRICT II  
REJECTION OF "APPLICATION FOR ADMINISTRATIVE  
APPROVAL OF A RELEASE NOTIFICATION  
AND CORRECTIVE ACTION (C-141)  
FOR INCIDENT ID #NAPP2206346222"  
Application ID: 114703**

**REQUEST FOR HEARING**

**CASE NO. \_\_\_\_\_**

**APPEAL BY LONGFELLOW ENERGY, LP**

This Adjudicatory Appeal of a decision by the New Mexico Oil Conservation Division is submitted on behalf of Longfellow Energy LP/Riata Corporate Group, LLC (Longfellow) through its counsel, Jerry D. Worsham II of Clark Hill PLC, as required by NMAC 19.15.4.14(c). Longfellow requests an Adjudicatory Hearing before a Division Examiner and approval of the Variance Application and revised C-141 submitted and dated January 13, 2023.

**I. INTRODUCTION**

On or about June 7, 2022, a Release Notification (NOR) was filed by Longfellow with the New Mexico Oil Conservation Division (NMOCD) Division 2 – Artesia, concerning a pipeline failure and spill of produced waters Incident ID NAPP2206346222. The location is generally described as "ROE Water Transfer Line off Turkey Tract Rd." On June 7, 2022, the initial C-141 Site Characterization/Remediation Plan was submitted to NMOCD for review by Dan Dunkelberg at Trinity Oilfield Services (Trinity) on behalf of Longfellow. The NMOCD requires that a Remediation Plan utilize a tool from the United States Fish and Wildlife Service (USFWS) – National Wetlands Inventory<sup>1</sup> called the "Wetlands Mapper."<sup>2</sup>

**NMOCD 2018 Spill Regulations**

I note that the NMOCD Chapter 29 Regulation titled "Releases" uses the term "wetland"; however, it does not legally define the term in 19.15.29.7 Definitions NMAC. The information commonly used (at the direction of NMOCD staff) for this NMOCD wetland evaluation for the Remediation Plan appears to be sourced from two base technical research report documents: (1) "Classification of Wetlands and Deepwater Habitats of the United States," U.S. Fish & Wildlife

<sup>1</sup> See **Exhibit 1** email from Rusty Griffin, PWS, U. S. Fish and Wildlife Service, to Jerry D. Worsham, dated 5-17-2023, which states "One thing to remember when looking at data on the [W]etlands [M]apper is that it is consider[ed] a misuse of the data to use it for jurisdictional purposes. Our disclaimer reads: 'The wetlands displayed on the Wetlands Mapper show wetland type and extent using a biological definition of wetlands. There is no attempt to define the limits of proprietary jurisdiction of any federal, state, or local government, or to establish the geographical scope of the regulatory programs of government agencies.'"

<sup>2</sup> On May 16, 2023, Longfellow submitted an Inspection of Public Records Act (IPRA) request to the NMOCD to obtain all relevant NMOCD guidance concerning the use of the USFWS "Wetlands Mapper" tool. No responsive documents have been sent from NMOCD.

Service, National Wetlands Inventory (Cowardin et al. 1979) August 2013;<sup>3</sup> and (2) "Wetlands Mapper Documentation and Instruction Manual," U.S. Fish & Wildlife Service, Ecological Services (April 2019) ("Wetlands Mapper"). Both of these USFWS/Federal Geographic Data Committee (FGDC) documents have significant disclaimers to their use for regulatory purposes.<sup>4</sup>

On or about October 14, 2022, NMOCD rejected the initial C-141 Application for Administrative Approval of a Release Notification by Longfellow as follows (See **Exhibit 2**):

"The Remediation Plan is Denied. The release will need to be remediated to the strictest closure criteria standards due to the lateral extents of the release being within 300 ft of a wetland.<sup>5</sup> Variance for 1000 ft<sup>2</sup> 5-point closure samples is denied, 500 ft<sup>2</sup> is approved. Deferral of clean-up in and around Turkey Tract Road is denied. Get input from county and safely remediate as close to the road as possible. 4' vertical excavation on entire release is denied. Closure report must include analytical lab sample reports. Sidewall samples should be delineated/excavated to 600 mg/kg for chlorides and 100 mg/kg for TPH to define the edge of the release. All samples must be analyzed for all constituents listed in Table I of 19.15.29.12 NMAC. A closure report will need to be completed and uploaded within 90 days."

## **II. LONGFELLOW VARIANCE REQUEST/NMOCD VARIANCE REJECTION DECISION**

By letter dated January 13, 2023, Longfellow submitted a "Request for Variance 19.15.29.14 NMAC" to Mr. Mike Bratcher at NMOCD-Artesia for review and consideration, along with a revised C-141 Remediation Plan by Dan Dunkelberg at Trinity.

On May 15, 2023, the NMOCD issued the Rejection of the revised C-141 by Trinity with the following narrative (See **Exhibit 3**):

"To whom it may concern (c/o David Cain for LONGFELLOW ENERGY)

The OCD has rejected the submitted Application for administrative approval of a release notification and corrective action (C-141), for incident ID (n#) nAPP2206346222, for the following reasons:

- The Remediation Plan is denied. This release is within 300 feet of a designated wetland area and will need to be remediated to the strictest closure

<sup>3</sup> This standard should be cited as: Federal Geographic Data Committee. 2013. Classification of wetlands and deepwater habitats of the United States. FGDC-STD-004-2013. Second Edition. Wetlands Subcommittee, Federal Geographic Data Committee and U.S. Fish and Wildlife Service, Washington, DC.

<sup>4</sup> The FGDC Wetlands Classification Standard is neither designed, nor intended, to support legal, regulatory, or jurisdictional analyses of wetlands mapping products, nor does it attempt to differentiate between regulatory and non-regulatory wetlands. Federal, Tribal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than the FGDC Wetlands Classification Standard and the FGDC Wetlands Mapping Standard. There is no attempt to define the limits of proprietary jurisdiction of any Federal, Tribal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate Federal, Tribal, state, or local agencies.

<sup>5</sup> On May 16, 2023, Longfellow submitted an IPRA request for any official NMOCD interpretation of the Spill Rule under 19.15.29.12(4)(e) which requires "If a release occurs within the following areas, the responsible party must treat the release as if it occurred less than 50 feet to groundwater in Table 1 of 19.15.29.12NMAC. . . (4) within 300 feet of a wetland. . . (i.e., the release must be remediation to the strictest closure standard criteria to the lateral extent of the release being within 300 feet of a wetland.)"



criteria from Table 1 of the OCD Spill Rule. There is a specific process to have FGDC change a wetland designation. The FGDC puts together and updates the wetland maps. If a site shows a designated wetland under the current map, that is what we use. You would need to call the FGDC and find out who oversees the maps. Ideally, you would need to send your wetland study to the FGDC and try to get the wetland designation changed in this particular area. If they do make changes to the map, let us know and we will honor their decision. Please let us know the FGDC's decision if you petition to have the wetland designation changed. The OCD has nothing to do with the wetland maps, we only enforce the designation if a release is within 300 feet of a release."

The rejected C-141 can be found in the OCD Online: Permitting - Action Status, under the Application ID: 175985.

Please review and make the required correction(s) prior to resubmitting.

If you have any questions why this application was rejected or believe it was rejected in error, please contact me prior to submitting an additional C-141.

### **III. JURISDICTIONAL DETERMINATION**

Longfellow has filed an Inspection of Public Records Act (IPRA) Requests to obtain any NMOCD Technical Guidance to support the use of the Wetlands Mapper tool. Because there is no NMOCD regulations or NMOCD Technical Guidance document which clearly spells out the use of the Wetlands Mapper tool used for the Wetlands Determination it would seem to be arbitrary and capricious to deny the Longfellow Variance application dated January 13, 2023.

In response to the rejected C-141, Longfellow contracted with Grouse Mountain Environmental Consultants, LLC (Grouse), to perform a Jurisdictional Determination (JD) that was completed to the specifications of the U.S. Army Corps of Engineers (ACE) "1987 Wetlands Delineation Manual" and Regional Supplements. (See **Exhibit 4**) This JD has been submitted to the USFWS along with a "Request for Correction of Information" for revision of the output concerning the Wetlands Mapper. (See **Exhibit 5**) The USFWS is reviewing the Request for Correction of Information and the supporting JD to determine if the Wetlands Mapper should be revised. It is likely that the USFWS will significantly reduce or completely eliminate the Wetland Mapper polygon and wetland determination identified in the C-141 Remediation Plan rejected by NMOCD. Longfellow will submit the USFWS response to the Request for Correction of Information when received.

### **IV. LEGAL ISSUES**

The NMOCD has improperly denied the Longfellow Variance application dated January 13, 2023. The NMOCD regulations on wetlands is not a Legislative Rule (because they do not define "wetland" in the Regulations subject to Notice and Comment) but now is an Interpretive Rule which allows NMOCD to decide how to implement the rules for Spill Remediation. The difference is that Interpretive Rules (i.e., general statements of policy, regulatory guidance or rules of agency

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organization, procedure or practice) are not given the same deference as Legislative Rules. "Interpretive rules do not have the force and effect of law and are not accorded that weight in the adjudicatory process." (See *Bokum Resources Corp. v. New Mexico Water Quality Control Board*, 1979 NMSC 90, 93 NM 546, 603 P. 2d 285, (N.M. 1979).)

Additionally, even if a portion of the lands at issue are within three hundred (300) feet of a "wetland" (they are not), Longfellow asserts that the NMOCD is misinterpreting the applicable rules under NMAC 19.15.29.12.C.4.(e) and Table 1 of NMAC 19.15.29.12. NMAC 19.15.29.12.C.4.(e) provides that, if a release occurs within three hundred (300) feet of a "wetland," the responsible party must remediate the release as if it occurred less than fifty (50) feet to groundwater in Table 1 of NMAC 19.15.29.12. In other words, the standard of remediation of a release within three hundred (300) feet of a "wetland" is more stringent than remediation of a release that is not within three hundred (300) feet of a "wetland." NMOCD appears to interpret the rules as mandating that if any part of a release encroaches within three hundred (300) feet of a "wetland," the entirety of the release must be remediated to that more stringent "wetland" standard. Longfellow asserts that NMOCD is misinterpreting the rules. NMAC 19.15.29.12.C.4.(e) does not mandate remediation of an entire release to the "wetland" standard; rather, it mandates remediation to "wetland" standard for that portion of the release that actually encroaches within three hundred (300) feet of a "wetland."

## V. HEARING NOTICE

Notice of this Appeal has been sent by "Certified Mail, Return Receipt Requested" and by email to:

State of New Mexico  
New Mexico Oil Conservation Division  
Mr. Mike Bratcher  
Incidents Group Supervisor  
Environmental Incidents Group  
506 West Texas  
Artesia, New Mexico 88210  
Email: [mike.bratcher@emnrd.nm.gov](mailto:mike.bratcher@emnrd.nm.gov)

State of New Mexico  
Energy, Minerals and Natural Resources  
Department  
Attn: Mr. Robert Hamlet  
Environmental Specialists  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505  
Email: [robert.hamlet@emnrd.nm.gov](mailto:robert.hamlet@emnrd.nm.gov)

Additional notices will be sent as directed by the Division under NMAC 19.15.4.12(9) Adjudications not listed above. "The Applicant shall give notice as the division requires."

## VI. CONCLUSION

Based upon the Jurisdictional Determination completed by Grouse and the likely correction of the Wetlands Mapper profile by the USFWS, the Longfellow Variance Application dated January 13, 2023, sent to NMOCD should be approved and the NMOCD Variance Denial dated May 15, 2023, rescinded.

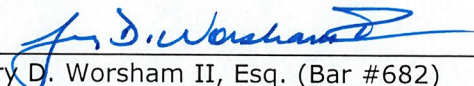
As stated in the Wetlands Mapper Guidance document, "The FGDC Wetlands Classification Standard is neither designed, nor intended, to support legal, regulatory, or jurisdictional analyses of wetlands mapping products, nor does it attempt to differentiate between regulatory and non-regulatory wetlands." Federal, Tribal, state, and local regulatory agencies with jurisdiction over



wetlands may define and describe wetlands in a different manner than the FGDC Wetlands Classification Standard and the FGDC Wetlands Mapping Standard. (p.3) There is no attempt to define the limits of proprietary jurisdiction of any Federal, Tribal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate Federal, Tribal, state, or local agencies." (Email from Rusty Griffin USFWS).

Longfellow requests an Adjudicatory Hearing before a Division Examiner and requests approval of the Variance Application and revised C-141.

Respectfully submitted,

By:   
Jerry D. Worsham II, Esq. (Bar #682)  
Attorneys for Longfellow Energy LP/Riata Corporate  
Group, LLC  
Clark Hill PLC  
3200 N. Central Avenue, Suite 1600  
Phoenix, Arizona 85012  
Email: jworsham@clarkhill.com  
Ph: (602) 440-4808  
Fax: (602) 257-9582







# EXHIBIT “1”

Subject: RE: [EXTERNAL] Wetlands Mapper tool  
Date: 5/17/2023 8:11 AM  
From: "Griffin, Rusty" <rusty\_griffin@fws.gov>  
To: "Worsham II, Jerry" <jworsham@clarkhill.com>, "Wetlands Team, FWHQ" <Wetlands\_Team@fws.gov>  
Cc: "Michael Haynes" <michael.haynes@riatacg.com>

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**[External Message]**

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Jerry,

Thank you for sending the additional documentation and clarifying your position on the phone earlier. I have read through the documentation you provided and done a preliminary examination of the site in question. One thing to remember when looking at data on the wetlands mapper is that it is consider a misuse of the data to use it for jurisdictional purposes. Our disclaimer reads:

'The wetlands displayed on the Wetlands Mapper show wetland type and extent using a biological definition of wetlands. There is no attempt to define the limits of proprietary jurisdiction of any federal, state, or local government, or to establish the geographical scope of the regulatory programs of government agencies.'

With regards to whether the wetland polygon in question was mapped correctly using NWI protocols and definition – it does seem like this wetland is accurately depicted. That being said, because of the nature of NWI procedures being remote in nature, we allow for landowners to provide additional information that may result in edits to the FGDC endorsed data. To consider removing or editing the wetland boundary you would need to provide evidence that wetland conditions are not met during the growing season. We have a [request form](#) which you can fill out and return; we also require the site be evaluated in accordance with the USACE 1987 delineation manual. I suggest performing a full wetland delineation on the site by a certified Professional Wetland Scientist. We need to see all data collected during the delineation process. If upon examining these data, our office concurs that the polygon should be removed or changed, we will notify you of such a decision and the data will be updated during our regular bi-annual update process.

Please let me know If you need anything else from me or if I can be of further assistance.

Thank you for your interest in the NWI.

Rusty

**Rusty Griffin, PWS**

U.S. Fish and Wildlife Service, National Wetlands Inventory | 505 Science Drive, Suite A, Madison, WI 53711 | 608-238-9333 x31005  
<http://www.fws.gov/wetlands/index.html>



**From:** Worsham II, Jerry <jworsham@clarkhill.com>  
**Sent:** Tuesday, May 16, 2023 1:26 PM  
**To:** Wetlands Team, FWHQ <Wetlands\_Team@fws.gov>  
**Cc:** Michael Haynes <michael.haynes@riatacg.com>  
**Subject:** [EXTERNAL] Wetlands Mapper tool

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

#### HELP:

I am working with the New Mexico Oil Conservation Division (NMOCD) on a Spill remediation project and they have identified the "Wetlands Mapper" as a simple tool to identify "wetlands" subject to their particular NMOCD spill remediation program and regulations. <https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper>

The NMOCD does not have a formal definition of a "wetland" in their regulations and have informally adopted the USFWS tool. At a recent meeting of Army Corp of Engineers meeting on the ACOE/EPA 404 permitting program they asserted that the Wetlands Mapper was not a proper tool for their "Jurisdictional Determination" (JD) for a wetland. They use the "1987 USACE Wetlands Delineation Manual" and Regional Supplements.

Here is the classification of wetlands document from the Federal Geographic Data Committee (FGDC). <https://www.fgdc.gov/standards/projects/wetlands/nwcs-2013> Note the following FGDC comment (p.3) Section 1.3 Application:

1.2.1 Exemptions to the FGDC Wetlands Classification Standard Circumstances under which the FGDC Wetlands Classification Standard is not required include the following:

2. Mapping designed, or intended, to support legal, regulatory, or jurisdictional analyses by Federal, Tribal, state, and local regulatory agencies or to differentiate between regulatory and non-regulatory wetlands.

The FGDC Wetlands Classification Standard is neither designed, nor intended, to support legal, regulatory, or jurisdictional analyses of wetlands mapping products, nor does it attempt to differentiate between regulatory and non-regulatory wetlands. Federal, Tribal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than the FGDC Wetlands Classification Standard and the FGDC Wetlands Mapping Standard. There is no attempt to define the limits of proprietary jurisdiction of any Federal, Tribal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate Federal, Tribal, state, or local agencies

The particular application of the "Wetlands Mapper" seems to identify an area in Southeastern New Mexico which does not meet any criteria for the Army Corps of Engineers/EPA Program for a "Water of the United States" (WOTUS) under the CWA 404 Program as a "Jurisdictional Water" nor would the land identified satisfy any characteristic of a wetland such as "vegetation, soil type or hydrology".

#### **ISSUE**

When NMOCD was challenged for a Variance on the use of the "Wetlands Mapper" tool, I received the

about:blank

6/6/2023

following comment:

- The Remediation Plan is denied. This release is within 300 feet of a designated wetland area and will need to be remediated to the strictest closure criteria from Table 1 of the OCD Spill Rule. There is a specific process to have FGDC change a wetland designation. The FGDC puts together and updates the wetland maps. If a site shows a designated wetland under the current map, that is what we use. You would need to call the FGDC and find out who oversees the maps. Ideally, you would need to send your wetland study to the FGDC and try to get the wetland designation changed in this particular area. If they do make changes to the map, let us know and we will honor their decision. Please let us know the FGDC's decision if you petition to have the wetland designation changed. The OCD has nothing to do with the wetland maps, we only enforce the designation if a release is within 300 feet of a release.

Please call me to identify who at the FGDC could help review the particular map details and possibly interpret the Wetland Map differently or explain why the output from the Wetland Mapper tool is not applicable to this situation. In the alternative, please contact me to discuss the "specific process to have FGDC change a wetland designation.

My direct number is (602) 440-4808 or my cell number is (480) 403-1255!

Jerry

**Jerry D. Worsham II**

Member – Environment, Energy & Natural Resources Practice

**Clark Hill**

3200 N. Central Avenue, Suite 1600, Phoenix, AZ 85012

+1.602.440.4808 (office)

[jworsham@clarkhill.com](mailto:jworsham@clarkhill.com) | [www.clarkhill.com](http://www.clarkhill.com)



FGDC-STD-004-2013  
Second Edition



## Classification of Wetlands and Deepwater Habitats of the United States

Adapted from Cowardin, Carter, Golet and LaRoe (1979)

Wetlands Subcommittee  
Federal Geographic Data Committee

August 2013

# EXHIBIT “2”



**Worsham II, Jerry**

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**From:** Worsham II, Jerry  
**Sent:** Tuesday, January 10, 2023 2:33 PM  
**To:** Worsham II, Jerry  
**Subject:** FW: Longfellow Energy | ...(OCD) has rejected the application, Application ID: 114703  
**Attachments:** winmail.dat

From: [OCDOnline@state.nm.us](mailto:OCDOnline@state.nm.us)<<mailto:OCDOnline@state.nm.us>>  
<[OCDOnline@state.nm.us](mailto:OCDOnline@state.nm.us)<<mailto:OCDOnline@state.nm.us>>>  
Sent: Friday, October 14, 2022 11:00 AM  
To: David Cain <[david.cain@longfellowenergy.com](mailto:david.cain@longfellowenergy.com)<<mailto:david.cain@longfellowenergy.com>>>  
Subject: The Oil Conservation Division (OCD) has rejected the application, Application ID: 114703

To whom it may concern (c/o David Cain for LONGFELLOW ENERGY, LP),

The OCD has rejected the submitted Application for administrative approval of a release notification and corrective action (C-141), for incident ID (n#) nAPP2206346222, for the following reasons:

\* The Remediation Plan is Denied. The release will need to be remediated to the strictest closure criteria standards due to the lateral extents of the release being within 300 ft of a wetland. Variance for 1000 ft<sup>2</sup> 5-point closure samples is denied, 500 ft<sup>2</sup> is approved. Deferral of clean-up in and around Turkey Tract Road is denied. Get input from county and safely remediate as close to the road as possible. 4' vertical excavation on entire release is denied. Closure report must include analytical lab sample reports. Sidewall samples should be delineated/excavated to 600 mg/kg for chlorides and 100 mg/kg for TPH to define the edge of the release. All samples must be analyzed for all constituents listed in Table I of 19.15.29.12 NMAC. A closure report will need to be completed and uploaded within 90 days.

The rejected C-141 can be found in the OCD Online: Permitting - Action Status, under the Application ID: 114703.

Please review and make the required correction(s) prior to resubmitting.

If you have any questions why this application was rejected or believe it was rejected in error, please contact me prior to submitting an additional C-141.

Thank you,  
Robert Hamlet  
575-748-1283  
[Robert.Hamlet@emnrd.nm.gov](mailto:Robert.Hamlet@emnrd.nm.gov)<<mailto:Robert.Hamlet@emnrd.nm.gov>>

New Mexico Energy, Minerals and Natural Resources Department  
1220 South St. Francis Drive  
Santa Fe, NM 87505

OCD Permitting

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[C-141] Release Corrective Action (C-141) Application

Submission Information

|                 |  |            |         |
|-----------------|--|------------|---------|
| Submission ID:  | 114703   | Districts: | Artesia |
| Operator:       | <a href="#">[372210]</a> LONGFELLOW ENERGY, LP   | Counties:  | Eddy    |
| Description:    | LONGFELLOW ENERGY, LP [372210]<br>ROE WATER TRANSFER LINE OFF TURKEY TRACT RD<br>nAPP2206346222 {Discovery: 03/04/2022, Active, , State} |            |         |
| Status:         | REJECTED   |            |         |
| Status Date:    | 10/14/2022   |            |         |
| References (1): | nAPP2206346222   |            |         |

Forms

Attachments:    [C-141](#)  
                          [C-141](#)

Questions

This submission type does not have questions, at this time.

Acknowledgments

This submission type does not have acknowledgments, at this time.

Comments

Summary:    *jharimon (6/8/2022)*, INITIAL TO REMEDIATION

Conditions

No conditions found for this submission.

Reasons

Summary:    *rhamlet (10/14/2022)*, The Remediation Plan is Denied. The release will need to be remediated to the strictest closure criteria standards due to the lateral extents of the release being within 300 ft of a wetland. Variance for 1000 ft2 5-point closure samples is denied, 500 ft2 is approved. Deferral of clean-up in and around Turkey Tract Road is



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# EXHIBIT “3”



**Worsham II, Jerry**

**From:** David Cain <david.cain@longfellowenergy.com>  
**Sent:** Monday, May 15, 2023 12:31 PM  
**To:** Michael Haynes; Worsham II, Jerry  
**Cc:** Javier Gonzalez; David Mitchell  
**Subject:** FW: The Oil Conservation Division (OCD) has rejected the application, Application ID: 175985

**[External Message]**

Hi all,

The NMOCD has rejected our updated remediation proposal for the Turkey Tract release.

Thanks,  
 DC

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**From:** OCDOOnline@state.nm.us <OCDOOnline@state.nm.us>  
**Sent:** Monday, May 15, 2023 2:26 PM  
**To:** David Cain <david.cain@longfellowenergy.com>  
**Subject:** The Oil Conservation Division (OCD) has rejected the application, Application ID: 175985

To whom it may concern (c/o David Cain for LONGFELLOW ENERGY, LP),

The OCD has rejected the submitted *Application for administrative approval of a release notification and corrective action* (C-141), for incident ID (n#) nAPP2206346222, for the following reasons:

- **The Remediation Plan is denied. This release is within 300 feet of a designated wetland area and will need to be remediated to the strictest closure criteria from Table 1 of the OCD Spill Rule. There is a specific process to have FGDC change a wetland designation. The FGDC puts together and updates the wetland maps. If a site shows a designated wetland under the current map, that is what we use. You would need to call the FGDC and find out who oversees the maps. Ideally, you would need to send your wetland study to the FGDC and try to get the wetland designation changed in this particular area. If they do make changes to the map, let us know and we will honor their decision. Please let us know the FGDC's decision if you petition to have the wetland designation changed. The OCD has nothing to do with the wetland maps, we only enforce the designation if a release is within 300 feet of a release.**

The rejected C-141 can be found in the OCD Online: Permitting - Action Status, under the Application ID: 175985.

Please review and make the required correction(s) prior to resubmitting.

If you have any questions why this application was rejected or believe it was rejected in error, please contact me prior to submitting an additional C-141.

Thank you,  
 Robert Hamlet

575-748-1283

[Robert.Hamlet@emnrd.nm.gov](mailto:Robert.Hamlet@emnrd.nm.gov)

**New Mexico Energy, Minerals and Natural Resources Department**

1220 South St. Francis Drive

Santa Fe, NM 87505



OCD Permitting

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[C-141] Release Corrective Action (C-141) Application

Submission Information

Submission ID: 175985      Districts: Artesia

Operator: [372210] LONGFELLOW ENERGY, LP      Counties: Eddy

Description: LONGFELLOW ENERGY, LP [372210]  
ROE WATER TRANSFER LINE OFF TURKEY TRACT RD  
nAPP2206346222 (Discovery: 03/04/2022, Active, , State)

Status: REJECTED

Status Date: 05/15/2023

References (1): nAPP2206346222

Forms

Attachments: [C-141](#)

[C-141](#)

[C-141](#)

[Field Data](#)

Acknowledgments

This submission type does not have acknowledgments, at this time.

Comments

No comments found for this submission.

Conditions

No conditions found for this submission.

Reasons

Summary:

*rhaniel* (5/15/2023), The Remediation Plan is denied. This release is within 300 feet of a designated wetland area and will need to be remediated to the strictest closure criteria from Table 1 of the OCD Spill Rule. There is a specific process to have FGDC change a wetland designation. The FGDC puts together and updates the wetland maps. If a site shows a designated wetland under the current map, that is what we use. You would need to call the FGDC and find out who oversees the maps. Ideally, you would need to send your wetland study to the FGDC and try to get the wetland designation changed in this particular area. If they do make changes to the map, let us know and we will honor their decision. Please let us know the FGDC's decision if you petition to have the wetland designation changed. The OCD has nothing to do with the wetland maps, we only enforce the designation if a release is within 300 feet of a release.

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**Clark Hill**

Jerry D. Worsham II  
T (602) 440-4808  
Email: jworsham@clarkhill.com

Clark Hill  
3200 North Central Avenue, Suite 1600  
Phoenix, AZ 85012  
T (602) 440-4800  
F (602) 257-9582

January 13, 2023

State of New Mexico  
New Mexico Oil Conservation Division  
Mr. Mike Bratcher  
Incidents Group Supervisor  
Environmental Incidents Group  
506 West Texas  
Artesia, New Mexico 88210

**Re: ROE Water Transfer Line Off Turkey Trot Road  
OCD Incident ID NAPP 220634222/Application ID: 114703  
Request for Variance 19.15.29.14 NMAC**

Dear Mike:

On behalf of Longfellow Energy LP ("Longfellow"), I submit the attached Remediation Plan in compliance with 19.15.29.12 NMAC and request a Variance as described by the terms of 19.15.29.14(A)(1) and (2) NMAC. The Release occurred on March 3, 2022. The initial Remediation Plan dated May 16, 2022, by Trinity Oilfield Services was submitted by Longfellow on June 7, 2022. This initial Remediation Plan was rejected by the New Mexico Oil Conservation Division ("NMOCD") by email dated October 14, 2022, based upon information and a determination that the lateral extent of the release being within 300 feet of a wetland. (See 19.15.29.12(C)(4)(e) NMAC.) (See Exhibit 1)

Variance Requested

Longfellow requests that the attached Remediation Plan be reviewed and approved and a Variance granted to the NMOCD's determination that the entire release be remediated to strictest closure standard due to the lateral extent of the release being within 300 feet of a wetland. Support for the NMOCD Variance is as follows.

**Basic Facts**

Longfellow acknowledges the importance of protecting the New Mexico environment and understands the national emphasis on protecting wetlands which are generally referred to as "Waters of the United States" or "WOTUS" under the Clean Water Act Section 404. The national regulatory scheme for protecting WOTUS is governed by the U. S. Army Corps of Engineers ("Corps") and the U. S. Environmental Protection Agency ("EPA") under the Clean Water Act. In this particular matter, it appears that the NMOCD is not using the Corps/EPA wetlands definition or determination methods. Under the federal program, the "Corps of Engineers Wetlands

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Delineation Manual" (January 1987) is used for the identification and delineation of wetlands. The federal program requires positive evidence of hydrophytic vegetation, hydric (wetland) soils, and wetland hydrology for a Section 404 determination that an area is a jurisdictional wetland. The geographic, geologic and biological features in the area of the captioned incident are important facts to develop the Remediation Plan. In review of the impacted area of the captioned spill, these three requirements do not exist to designate the area as a federal wetland.

#### NMOCD 2018 Spill Regulations

I note that the NMOCD Chapter 29 Regulation titled "Releases" uses the term "wetland"; however, it does not legally define the term in 19.15.29.7 Definitions NMAC. The information commonly used (at the direction of NMOCD staff) for this NMOCD wetland evaluation for the Remediation Plan appears to be sourced from two base technical research report documents: (1) "Classification of Wetlands and Deepwater Habitats of the United States," U.S. Fish & Wildlife Service, National Wetlands Inventory (Cowardin et al. 1979) August 2013; and (2) "Wetlands Mapper Documentation and Instruction Manual," U.S. Fish & Wildlife Service, Ecological Services (April 2019) ("Wetlands Mapper"). Both of these documents have significant disclaimers to their use for regulatory purposes.

#### Research Report Disclaimers

The Classification of Wetlands and Deepwater Habitats of the United States (p. 2) under Section 1.2.1 Exemptions to the FGDC Wetlands Classification Standard has a clear disclaimer "Circumstances under which the FGDC Wetlands Classification Standard is not required include the following:

...

2. Mapping designed, or intended, to support legal, regulatory, or jurisdictional analyses by Federal, Tribal, state, and local regulatory agencies or to differentiate between regulatory and non-regulatory wetlands.

In addition, the Classification of Wetlands and Deepwater Habitats of the United States (p. 3) under Section 1.3 Applicability, has a separate disclaimer:

"...

The FGDC Wetlands Classification Standard is neither designed, nor intended, to support legal, regulatory, or jurisdictional analyses of wetlands mapping products, nor does it attempt to differentiate between regulatory and non-regulatory wetlands. . . . There is no attempt to define the limits of proprietary jurisdiction of any Federal, Tribal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. . . ."

The Wetlands Mapper (p. 3) also has a clear disclaimer, "There is no attempt, in either the design or products of the inventory, to define the limits of proprietary jurisdiction of any



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Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies."

The FGDC Wetlands Classification Standard (WCS) defines "wetlands" according to Cowardin et al. (1979):

"WETLANDS are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes<sup>1</sup>; (2) the substrate is predominantly undrained hydric soil<sup>2</sup>; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year. As noted in this definition, plant community composition, soil morphology, and site wetness (hydrology) are the principal indicators of whether a site is a wetland for ecological purposes."

#### **SPILL SITE FEATURES**

The site map showing the area affected by the captioned spill event around Turkey Trot Road is clearly identified in the Initial Delineation Map found under **Exhibit 2**.

**Exhibit 3** depicts the same area of delineation using the Wetlands Mapper. The wetlands map depicts wetland type and extent using a biological definition of wetlands, as defined by Cowardin et al. Federal, state and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. (Wetlands Mapper, p. 3)

#### **Wetlands Delineation**

The area identified by the Wetlands Mapper is highlighted in light blue on **Exhibit 3**. In the Wetlands Mapper (p. 4) it states that,

. . . These data have been prepared from the analysis of high altitude imagery in conjunction with collateral data sources and field work. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site, may result in revision of the wetland boundaries or

<sup>1</sup> Lichvar, R. W., and J. T. Kartesz. 2009. North American Digital Flora: National Wetland Plant List, version 2.4.0 U.S. Army Corps of Engineers, Engineer Research and Development Center, Cold Regions Research and Engineering Laboratory, Hanover, New Hampshire, and BONAP, Chapel Hill, North Carolina.

<sup>2</sup> U.S. Department of Agriculture, Natural Resources Conservation Service. 2010. Field indicators of hydric soils in the United States. Version 7. L.M. Vasilas, G.W. Hunt, and C.V. Noble, eds. USDA, NRCS, in cooperation with the National Technical Committee for Hydric Soils.



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classification established through image analysis. The Service uses the Cowardin et al. 2<sup>nd</sup> Edition (2013) definition of wetland. . . .

In review of the geographic, geologic and biological features of the Incident Site, it is clear that the defined wetlands boundary is not certain and could be significantly reduced (and the 300 foot buffer) by observation of the lack of hydrophytic vegetation, hydric (wetland soils) and wetland hydrology.

#### Depth to Groundwater

Information relevant to the groundwater from OSE Well File Number RA 12307 in the area of the captioned Incident is found under **Exhibit 4**. It includes water well data and all pertinent well information concerning the lithology and depth to groundwater in the Delineation Area. There are no other sources of springs or other sources of fresh water extraction in the area of the captioned Incident. Groundwater was initially found at 80 to 100 feet and from 110 to 140 feet. The Remediation Plan and Variance, as presented, will protect groundwater resources with a sizeable margin.

#### Soils Data Map

The soil data for the Incident Site from the Web Soil Survey by the U. S. Fish & Wildlife Service is found under **Exhibit 5**. This information is from the USDA National Cooperative Soil Survey. I note that the "Largo-Stony" soil type is consistent throughout the Incident Site from the Groundwater-Determined Remediation Area and the Wetland-Determined Remediation Area. There is no evidence of hydric (wetland) soils to support a federal wetlands determination.

#### Adjacent Production Site

The most northern extension of the spill (within the 300 feet of the alleged wetland), as delineated, is adjacent to a producing oil and gas well, the Mudcat State Com #001, which has a sizeable developed well pad for the support of the oil and gas well operations. (See **Exhibit 6**) This well pad has obliterated the natural habitat and is further evidence to support the granting of a Variance to a relatively small amount of spill impact within the defined 300 feet buffer to the delineated wetland. (See **Exhibits 2 and 3**)

#### Variance Support

- (1) A detailed statement explaining the need for a variance:
  - a. For Federal Jurisdictional Delineations of wetlands, the Corps uses three characteristics of wetlands when making wetland determinations: vegetation, soil, and hydrology. Unless an area has been altered or is a rare natural situation, wetland indicators of all three characteristics must be present during some portion of the growing season for an area to be a wetland. The facts on the vegetation, soil and hydrology concerning the affected area by OCD Incident ID NAPP 220634222 does not exhibit these characteristics.

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- b. The NMOCD Chapter 29 Regulation titled "Releases" uses the term "wetland"; however, it does not legally define the term in 19.15.29.7 Definitions NMAC.
  - c. The information commonly used (at the direction of NMOCD staff) for this NMOCD wetland evaluation appears to be sourced from two base technical research report documents: (1) "Classification of Wetlands and Deepwater Habitats of the United States," U.S. Fish & Wildlife Service, National Wetlands Inventory (Cowardin et al. 1979) August 2013; and (2) "Wetlands Mapper Documentation and Instruction Manual," U.S. Fish & Wildlife Service, Ecological Services (April 2019). Both of these documents have a disclaimer on use by federal, state or local governments concerning wetlands jurisdiction.
  - d. Although the Well Mapper tool was used along with the calculated 300 foot buffer, the on-the-ground inspection would support a significantly reduced footprint and revision of the wetland boundary and the 300 foot buffer from the projected identified wetlands boundary.
  - e. The significant cost to excavate the entire Incident Site footprint to 600 mg/kg chlorine standard is not justified by the basic facts and the acknowledged limitations of the Wetlands Mapper tool.
  - f. The most northern extension of the spill (within the 300 feet of the alleged wetland), as delineated, is adjacent to a producing oil and gas well, the Mudcat State Com #001, which has a sizeable developed well pad for the support of the oil and gas well operations. This well pad has obliterated the natural habitat and is further evidence to support the granting of a Variance to a relatively small amount of spill impact within the defined 300 feet buffer to the delineated wetland.
- (2) A detailed written demonstration that the variance will provide equal or better protection of fresh water, public health and the environment.
- a. This Remediation Plan and Variance will allow the remediation to be completed as soon as possible.
  - b. This Remediation Plan and Variance will be protective of the environment taking into consideration of cost, existing soil conditions and logistics in light of the overall project purpose.
  - c. This Remediation Plan and Variance would eliminate any potential risk to human health, the environment or groundwater.
  - d. This Remediation Plan and Variance will minimize the amount of affected material which would be transported to the Lea Land Surface Waste Management Facility on U.S. Highway 62/180 East, near Carlsbad, New



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Mexico. This would preserve limited landfill space for future remediation projects.

- e. If every spill is required to be remediated to the standard being imposed by the NMOCD, oil and gas producers may take a hard look at whether it makes sense to continue recycling produced water for a beneficial use. Rather, it may make sense to use fresh water only. That way, if there is a risk of a spill, there is no exposure to having to spend millions of dollars remediating a small volume of water encroaching within 300 feet of an alleged wetland.

Call me with any questions.

Very truly yours,



Jerry D. Worsham II

Enclosures – Exhibits 1-6

c: Michael Haynes, Esq. – Longfellow Energy LP  
David Cain – Longfellow Energy LP  
Dan Dunkelberg – Trinity Oilfield Services



# EXHIBIT “1”

**Worsham II, Jerry**

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**From:** Worsham II, Jerry  
**Sent:** Tuesday, January 10, 2023 2:33 PM  
**To:** Worsham II, Jerry  
**Subject:** FW: Longfellow Energy | ...(OCD) has rejected the application, Application ID: 114703  
**Attachments:** winmail.dat

From: [OCDOnline@state.nm.us](mailto:OCDOnline@state.nm.us)<<mailto:OCDOnline@state.nm.us>>  
 <[OCDOnline@state.nm.us](mailto:OCDOnline@state.nm.us)<<mailto:OCDOnline@state.nm.us>>>  
 Sent: Friday, October 14, 2022 11:00 AM  
 To: David Cain <[david.cain@longfellowenergy.com](mailto:david.cain@longfellowenergy.com)<<mailto:david.cain@longfellowenergy.com>>>  
 Subject: The Oil Conservation Division (OCD) has rejected the application, Application ID: 114703

To whom it may concern (c/o David Cain for LONGFELLOW ENERGY, LP),

The OCD has rejected the submitted Application for administrative approval of a release notification and corrective action (C-141), for incident ID (n#) nAPP2206346222, for the following reasons:

\* The Remediation Plan is Denied. The release will need to be remediated to the strictest closure criteria standards due to the lateral extents of the release being within 300 ft of a wetland. Variance for 1000 ft<sup>2</sup> 5-point closure samples is denied, 500 ft<sup>2</sup> is approved. Deferral of clean-up in and around Turkey Tract Road is denied. Get input from county and safely remediate as close to the road as possible. 4' vertical excavation on entire release is denied. Closure report must include analytical lab sample reports. Sidewall samples should be delineated/excavated to 600 mg/kg for chlorides and 100 mg/kg for TPH to define the edge of the release. All samples must be analyzed for all constituents listed in Table I of 19.15.29.12 NMAC. A closure report will need to be completed and uploaded within 90 days.

The rejected C-141 can be found in the OCD Online: Permitting - Action Status, under the Application ID: 114703. Please review and make the required correction(s) prior to resubmitting.

If you have any questions why this application was rejected or believe it was rejected in error, please contact me prior to submitting an additional C-141.

Thank you,  
 Robert Hamlet  
 575-748-1283  
[Robert.Hamlet@emnrd.nm.gov](mailto:Robert.Hamlet@emnrd.nm.gov)<<mailto:Robert.Hamlet@emnrd.nm.gov>>

New Mexico Energy, Minerals and Natural Resources Department  
 1220 South St. Francis Drive  
 Santa Fe, NM 87505

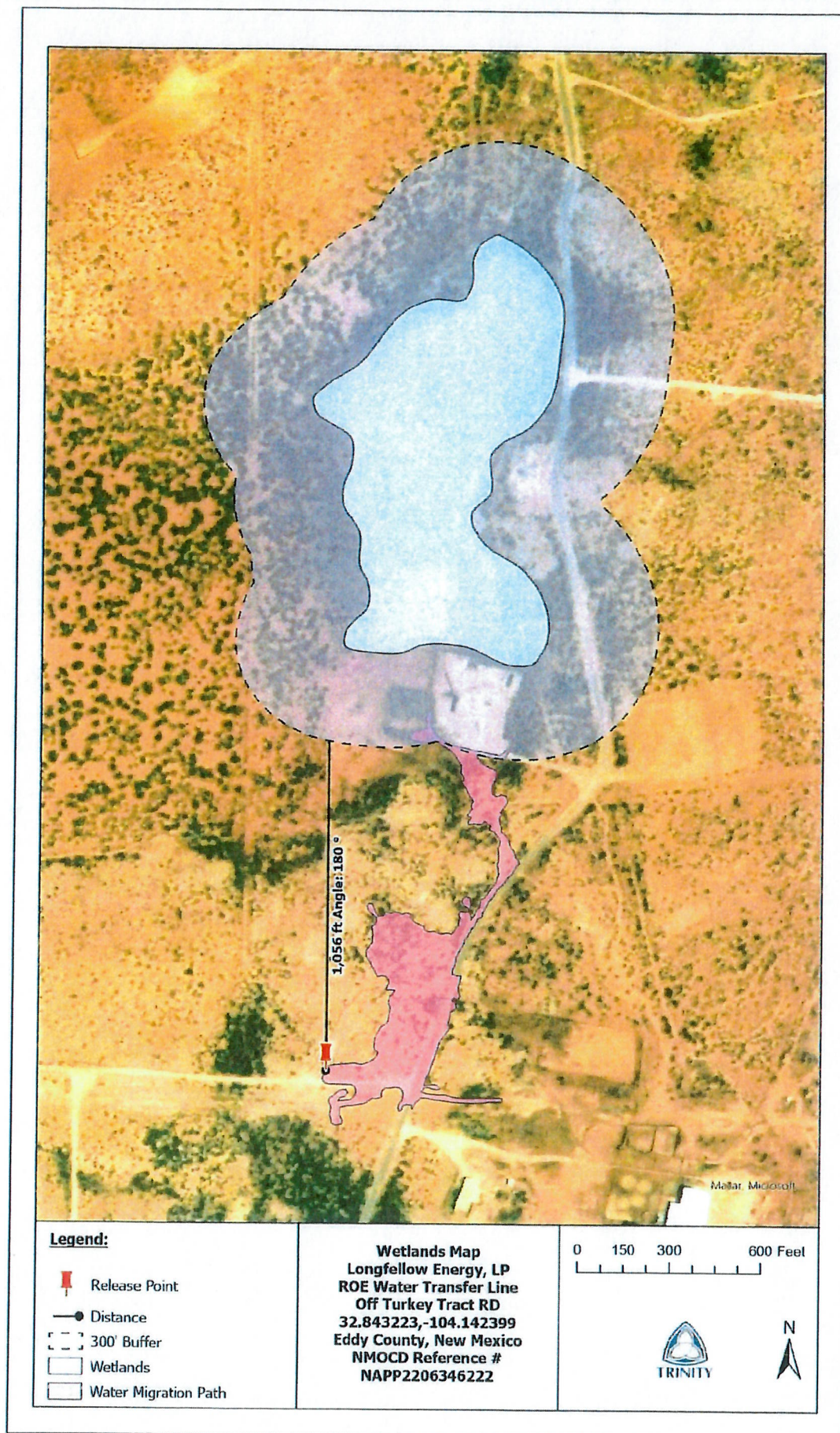
# EXHIBIT “2”





# EXHIBIT “3”







# EXHIBIT “4”

## OFFICE OF THE STATE ENGINEER

**www.osc.state.nm.us**

|   |           |   |   |                                     |  |   |                    |
|---|-----------|---|---|-------------------------------------|--|---|--------------------|
|   |           |   |   |                                     | OSE FILE NUMBER(S)<br>RA 12307                                     |   |                    |
| WELL OWNER NAME(S)<br>KEY LIVESTOCK, LLC  |           |   |   |                                     | PHONE (OPTIONAL)   |   |                    |
| WELL OWNER MAILING ADDRESS<br>1012 E 2ND ST   |           |   |   |                                     | CITY<br>ROSWELL  | STATE<br>NM                               |                    |
|   |           |   |   |                                     | ZIP<br>88201   |   |                    |
| WELL LOCATION<br>(FROM GPS)   | DEGREES   |   | MINUTES   |                                     | SECONDS  |   |                    |
|   | LATITUDE  | 32                                      | 50  | 27.38                               | N  |   |                    |
|   | LONGITUDE | 104                                     | 08  | 23.53                               | W  |   |                    |
| * ACCURACY REQUIRED: ONE TENTH OF A SECOND<br>* DATUM REQUIRED: WGS 84  |           |   |   |                                     |  |   |                    |
| DESCRIPTION RELATING WELL LOCATION TO STREET ADDRESS AND COMMON LANDMARKS (PLSS (SECTION, TOWNSHIP, RANGE) WHERE AVAILABLE)   |           |   |   |                                     |  |   |                    |
| LICENSE NUMBER<br>WD-1058   |           | NAME OF LICENSED DRILLER<br>CLINTON KEY |   |                                     | NAME OF WELL DRILLING COMPANY<br>KEYS DRILLING & PUMP SERVICE INC. |   |                    |
| DRILLING STARTED<br>09-28-15  |           | DRILLING ENDED<br>09-30-15              |   | DEPTH OF COMPLETED WELL (FT)<br>140 | BORE HOLE DEPTH (FT)<br>140'                                       | DEPTH WATER FIRST ENCOUNTERED (FT)<br>80' |                    |
| COMPLETED WELL IS: <input type="checkbox"/> ARTESIAN <input type="checkbox"/> DRY HOLE <input checked="" type="checkbox"/> SHALLOW (UNCONFINED)                           |           |   |   |                                     | STATIC WATER LEVEL IN COMPLETED WELL (FT)<br>58'                   |   |                    |
| DRILLING FLUID: <input checked="" type="checkbox"/> AIR <input type="checkbox"/> MUD <input type="checkbox"/> ADDITIVES SPECIFY:  |           |   |   |                                     |  |   |                    |
| DRILLING METHOD: <input checked="" type="checkbox"/> ROTARY <input type="checkbox"/> HAMMER <input type="checkbox"/> CABLE TOOL <input type="checkbox"/> OTHER - SPECIFY: |           |   |   |                                     |  |   |                    |
| DEPTH (feet bgl)  |           | BORE HOLE DIAM (inches)                 | CASING MATERIAL AND/OR GRADE<br>(include each casing string, and note sections of screen) | CASING CONNECTION TYPE              | CASING INSIDE DIAM. (inches)                                       | CASING WALL THICKNESS (inches)            | SLOT SIZE (inches) |
| FROM  | TO        |   |   |                                     |  |   |                    |
| 0   | 20        | 14"                                     | STEEL   |                                     | 10-3/4"  | 1/4"                                      |                    |
| 0   | 120       | 12-3/4                                  | PVC   | SPLINE                              | 4-1/2"   | SCH40                                     |                    |
| 120   | 140       | 12-3/4"                                 | PVC   | SPLINE                              | 4-1/2"   | SCH40                                     | .030               |
|   |           |   |   |                                     |  |   |                    |
|   |           |   |   |                                     |  |   |                    |
|   |           |   |   |                                     |  |   |                    |
|   |           |   |   |                                     |  |   |                    |
|   |           |   |   |                                     |  |   |                    |
|   |           |   |   |                                     |  |   |                    |
|   |           |   |   |                                     |  |   |                    |
|   |           |   |   |                                     |  |   |                    |
|   |           |   |   |                                     |  |   |                    |
| DEPTH (feet bgl)  |           | BORE HOLE DIAM. (inches)                | LIST ANNULAR SEAL MATERIAL AND GRAVEL PACK SIZE-RANGE BY INTERVAL                         | AMOUNT (cubic feet)                 | METHOD OF PLACEMENT  |   |                    |
| FROM  | TO        |   |   |                                     |  |   |                    |
| 0   | 20        | 14"                                     | CEMENT  |                                     | HAND   |   |                    |
| 20  | 140       | 12-3/4"                                 | VEALMORE PEA GRAVEL   |                                     | HAND   |   |                    |
|   |           |   |   |                                     |  |   |                    |
|   |           |   |   |                                     |  |   |                    |
|   |           |   |   |                                     |  |   |                    |
|   |           |   |   |                                     |  |   |                    |
|   |           |   |   |                                     |  |   |                    |

FOR USE INTERNAL USE

WR-20 WELL RECORD &amp; LOG (Version 06/08/2012)

|             |                  |            |   |            |             |
|-------------|------------------|------------|---|------------|-------------|
| FILE NUMBER | RA-12307         | POD NUMBER | 1 | TRN NUMBER | 574454      |
| LOCATION    | 17S 28E 14.2:2.4 |            |   | Stock      | PAGE 1 OF 2 |

|                      |                  |  |             |
|----------------------|------------------|--|-------------|
| FOR OSE INTERNAL USE |                  | WR-20 WELL RECORD & LOG (Version 06/08/2012) |             |
| FILE NUMBER          | RA-12307         | POD NUMBER                                   | 1           |
| LOCATION             | 175-28E-14-2-2-4 | TRN NUMBER                                   | 574454      |
|                      |                  | Stock  | PAGE 2 OF 2 |





## New Mexico Office of the State Engineer

# Point of Diversion Summary

|                 |                   |                                    |            |           |            |            |            |                       |          |
|-----------------|-------------------|------------------------------------|------------|-----------|------------|------------|------------|-----------------------|----------|
|                 |                   | (quarters are 1=NW 2=NE 3=SW 4=SE) |            |           |            |            |            |                       |          |
|                 |                   | (quarters are smallest to largest) |            |           |            |            |            | (NAD83 UTM in meters) |          |
| <b>Well Tag</b> | <b>POD Number</b> | <b>Q64</b>                         | <b>Q16</b> | <b>Q4</b> | <b>Sec</b> | <b>Tws</b> | <b>Rng</b> | <b>X</b>              | <b>Y</b> |
| RA 12307        | POD1              | 4                                  | 2          | 2         | 14         | 17S        | 28E        | 580495                | 3633981  |

|                          |             |                             |                               |                                |
|--------------------------|-------------|-----------------------------|-------------------------------|--------------------------------|
| <b>Driller License:</b>  | 1058        | <b>Driller Company:</b>     | KEY'S DRILLING & PUMP SERVICE |                                |
| <b>Driller Name:</b>     | CLINTON KEY |                             |                               |                                |
| <b>Drill Start Date:</b> | 09/28/2015  | <b>Drill Finish Date:</b>   | 09/30/2015                    | <b>Plug Date:</b>              |
| <b>Log File Date:</b>    | 10/07/2015  | <b>PCW Rev Date:</b>        |                               | <b>Source:</b> Shallow         |
| <b>Pump Type:</b>        |             | <b>Pipe Discharge Size:</b> |                               | <b>Estimated Yield:</b> 30 GPM |
| <b>Casing Size:</b>      | 4.50        | <b>Depth Well:</b>          | 140 feet                      | <b>Depth Water:</b> 58 feet    |

|                                       |            |               |                               |
|---------------------------------------|------------|---------------|-------------------------------|
| <b>Water Bearing Stratifications:</b> | <b>Top</b> | <b>Bottom</b> | <b>Description</b>            |
|                                       | 80         | 100           | Shale/Mudstone/Siltstone      |
|                                       | 110        | 120           | Sandstone/Gravel/Conglomerate |
|                                       | 120        | 140           | Other/Unknown                 |

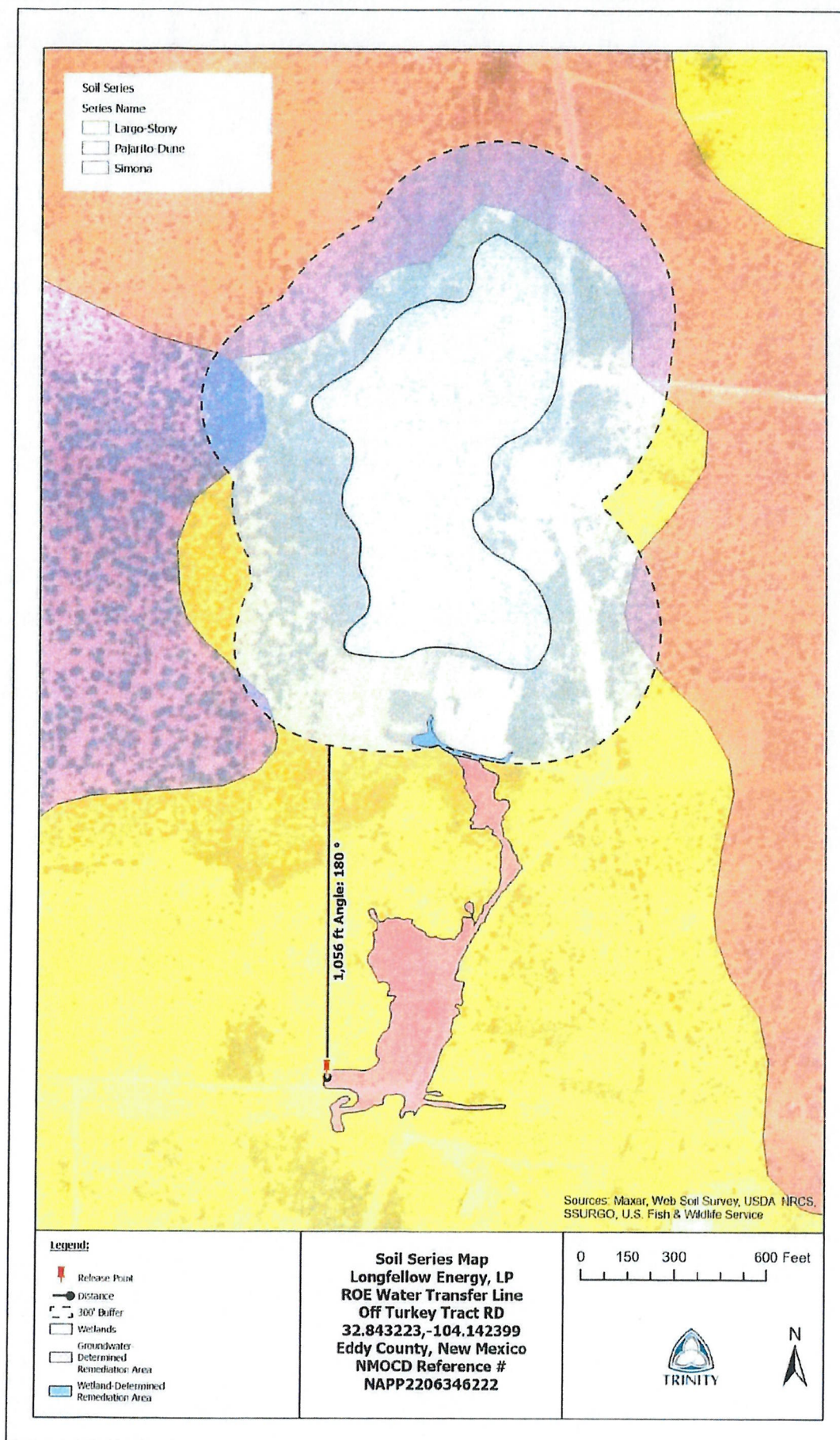
|                             |            |               |
|-----------------------------|------------|---------------|
| <b>Casing Perforations:</b> | <b>Top</b> | <b>Bottom</b> |
|                             | 120        | 140           |

The data is furnished by the NMOSE/ISC and is accepted by the recipient with the expressed understanding that the OSE/ISC make no warranties, expressed or implied, concerning the accuracy, completeness, reliability, usability, or suitability for any particular purpose of the data.

1/9/23 10:55 AM

POINT OF DIVERSION SUMMARY

# EXHIBIT “5”





LOCATION LARGO

NM

Established Series  
Rev. CLC/LWH/WWJ  
10/2006

## LARGO SERIES

The Largo series consists of very deep, well drained soils that formed in loamy calcareous alluvium derived from redbed formations of Jurassic, Triassic, Permian and Pennsylvanian age. These soils are on channeled valley bottom terraces, alluvial fans and piedmont slopes. They have moderate to moderately slow permeability. Their slopes range from 0 to 5 percent. Average annual precipitation is about 8 to 12 inches. Average annual air temperature 59 to 65 degrees F.

**TAXONOMIC CLASS:** Fine-silty, mixed, superactive, calcareous, thermic Typic Torriorthents

**TYPICAL PEDON:** Largo silt loam --(All colors are for moist soil unless otherwise stated.)

A--0 to 4 inches; reddish brown (5YR 5/3) silt loam, dark reddish brown (5YR 3/3) moist; weak medium platy structure in the surface 1 inch and weak medium fine subangular blocky structure below; soft, friable, slightly sticky, and slightly plastic; common fine roots; many very fine and fine pores; strongly effervescent; common faint mycelia and few soft bodies of calcium carbonate; moderately alkaline; clear smooth boundary. (3 to 6 inches thick)

AC--4 to 20 inches; reddish brown (5YR 5/3) silt loam, reddish brown (5YR 4/3) moist; weak coarse prismatic structure parting to weak medium subangular blocky; slightly hard, friable, moderately sticky and moderately plastic; many fine roots; many very fine and fine pores; few widely spaced clusters of very fine insect casts; strongly effervescent with common faint mycelia and few soft bodies of calcium carbonate; few fine limestone pebbles; moderately alkaline; gradual boundary. (4 to 20 inches thick)

C1--20 to 47 inches; reddish brown (5YR 5/4) silt loam, reddish brown (5YR 4/4) moist; weak coarse subangular blocky structure; hard, friable, moderately sticky and moderately plastic; few fine roots; many very fine and fine pores; common faint mycelia and concretions of calcium carbonate; few fine limestone pebbles; strongly effervescent; moderately alkaline; abrupt wavy boundary. (20 to several feet thick)

C2--47 to 65 inches; reddish brown (5YR 5/4) loam, reddish brown (5YR 4/4) moist; massive; hard, friable, moderately sticky and moderately plastic; about 5 percent pebbles; strongly effervescent with calcium carbonate disseminated and as coatings on pebbles and as few fine concretions; moderately alkaline.

**TYPE LOCATION:** Eddy County, New Mexico; 1730 feet north and 75 feet west of the southeast corner of Sec. 29, T. 16 S., R. 28 E.; Latitude 32 degrees 53 minutes 24 seconds and Longitude 104 degrees 11 minutes 22 seconds.

### RANGE IN CHARACTERISTICS:

Soil depth - greater than 60 inches.

Soil moisture - soil moisture control section is usually dry in all parts more than three fourth of the time (cumulative) that the soil temperature exceeds 41 degrees F. The driest period is from October through May. Typic aridic moisture regime.

Reaction - slightly to moderately alkaline.

Particle size control section ranges from 18 to 35 percent clay and less than 15 percent fine and coarser sand.

Calcium carbonate equivalent ranges from 0 to 15 percent

Depth to free carbonates - 0 to 20 inches

A horizon

Hue: 2.5YR through 5YR.

Value: 4 or 5 dry and 3 or 4 moist.

Chroma: 3 or 4.

AC horizon

Hue: 2.5YR through 7.5YR.

Value: 5 or 6 dry and 3 through 5 moist.

Chroma: 3 to 4.

C horizon

Hue: 2.5YR through 7.5YR.

Value: 5 or 6 dry and 3 through 5 moist.

Chroma: 3 to 4.

Texture: very fine sandy loam, silt loam, clay loam, or silty clay loam.

**COMPETING SERIES:** The Tome (NM) soils. The Tome soils have a hue of 10YR.

**GEOGRAPHIC SETTING:** The Largo soils are on valley bottoms, terraces, alluvial fans, and piedmont slopes. Slopes range from 0 to 5 percent. They formed in loamy calcareous alluvium derived from redbed formations of Jurassic, Triassic, Permian and Pennsylvanian age. Elevations range from 4000 to 5500 feet. The average annual precipitation ranges from 8 to 12 inches, much of which falls in summer in heavy thunderstorms of short duration. The average annual air temperature is about 59 to 65 degrees F. The frost free period is 180 to 210 days.

**GEOGRAPHICALLY ASSOCIATED SOILS:** These are the Arno, Berino, Jal, Palomas and Tome soils. The Arno soils have more than 35 percent clay in the series control section and irregular distribution of organic matter throughout. Berino and Palomas soils have argillic horizons than contain more than 15 percent fine and coarser sand. The Jal soils have calcic horizons within 20 inches of the surface.

**DRAINAGE AND PERMEABILITY:** Well drained. Runoff is medium and permeability is moderate to moderately slow.

**USE AND VEGETATION:** Primarily used for livestock grazing but where water is available the soil is used for irrigated cropland. Native vegetation is black grama, blue grama, sideoats grama, bush muhly, tobosa grass, vine mesquite, mesquite, and creosotebush.

**DISTRIBUTION AND EXTENT:** Southern New Mexico. This soil occurs in LRR-D, MLRA 42. The soil is of moderate extent

**MLRA SOIL SURVEY REGIONAL OFFICE (MO) RESPONSIBLE:** Phoenix, Arizona

**SERIES ESTABLISHED:** Quay County, New Mexico, Eastern New Mexico reconnaissance survey, 1939

**REMARKS:** Diagnostic horizons and features recognized in this pedon are:

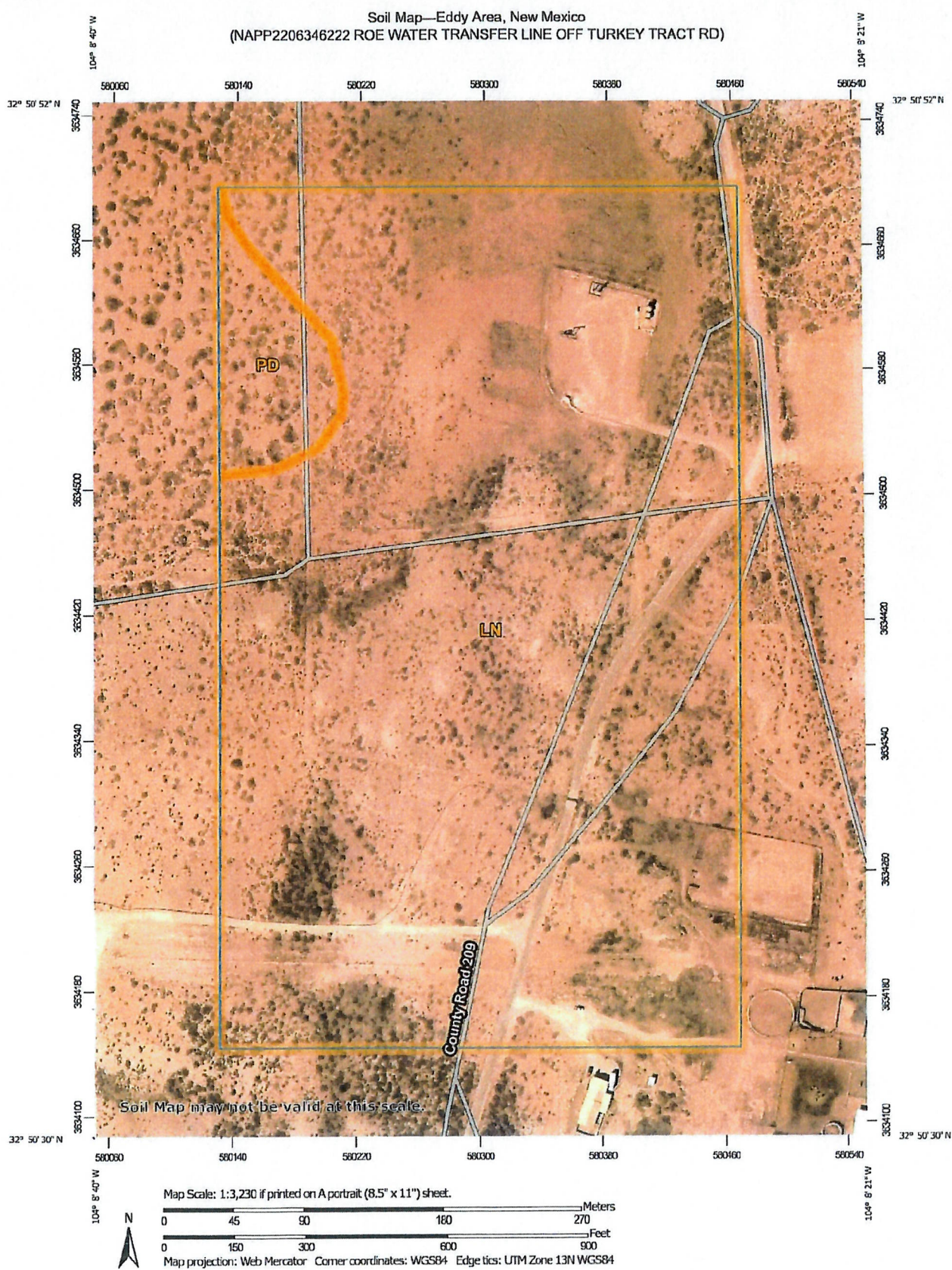
Ochric epipedon - The zone from the surface of the soil to a depth of 10 cm. (A horizon)

Entisol feature - lack of diagnostic horizon

Classified according to Soil Taxonomy Second Edition, 1999.

National Cooperative Soil Survey  
U.S.A.





Natural Resources  
Conservation Service





















































Web Soil Survey  
National Cooperative Soil Survey

5/17/2022  
Page 1 of 3



Soil Map—Eddy Area, New Mexico  
(NAPP2206348222 ROE WATER TRANSFER LINE OFF TURKEY TRACT RD)

MAP LEGEND

|   |   |   |
|---|---|---|
| Area of Interest (AOI)  | Area of Interest (AOI)  | Soil Area   |
|    |  |  |
| Soils   | Soil Map Unit Polygons  | Stony Spot  |
|    |  |  |
|   | Soil Map Unit Lines   | Very Stony Spot   |
|   |  |  |
|   | Soil Map Unit Points  | Wet Spot  |
|   |  |  |
|   | Soil Map Unit Points  | Other   |
|   |  |  |
| Special Point Features  | Special Line Features   | Special Line Features   |
|    |  |  |
| Blowout   | Water Features  | Streams and Canals  |
|    |  |  |
| Borrow Pit  | Transportation  |   |
|    |  |  |
| Clay Spot   | Rails   |   |
|    |  |  |
| Closed Depression   | Interstate Highways   |   |
|    |  |  |
| Gravel Pit  | US Routes   |   |
|    |  |  |
| Gravelly Spot   | Major Roads   |   |
|    |  |  |
| Landfill  | Local Roads   |   |
|    |  |  |
| Lava Flow   | Background  |   |
|    |  |  |
| Marsh or swamp  | Aerial Photography  |   |
|    |  |  |
| Mine or Quarry  |   |   |
|    |   |   |
| Miscellaneous Water   |   |   |
|  |   |   |
| Perennial Water   |   |   |
|  |   |   |
| Rock Outcrop  |   |   |
|  |   |   |
| Saline Spot   |   |   |
|  |   |   |
| Sandy Spot  |   |   |
|  |   |   |
| Severely Eroded Spot  |   |   |
|  |   |   |
| Sinkhole  |   |   |
|  |   |   |
| Slide or Slip   |   |   |
|  |   |   |
| Sodic Spot  |   |   |
|  |   |   |

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL:  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Eddy Area, New Mexico  
Survey Area Data: Version 17, Sep 12, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Feb 27, 2020—Feb 28, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Soil Map—Eddy Area, New Mexico

NAPP2206346222 ROE WATER  
TRANSFER LINE OFF TURKEY  
TRACT RD

## Map Unit Legend

| Map Unit Symbol                    | Map Unit Name                                     | Acres in AOI | Percent of AOI |
|------------------------------------|---|--------------|----------------|
| LN                                 | Largo-Stony land complex, 0 to 25 percent slopes  | 43.9         | 95.0%          |
| PD                                 | Pajarito-Dune land complex, 0 to 3 percent slopes | 2.3          | 5.0%           |
| <b>Totals for Area of Interest</b> |   | <b>46.2</b>  | <b>100.0%</b>  |

Natural Resources  
Conservation ServiceWeb Soil Survey  
National Cooperative Soil Survey5/17/2022  
Page 3 of 3



# EXHIBIT “6”

## OCD Permitting

Home    Searches    Wells    Well Details

### 30-015-34206 MUDCAT STATE COM #001 [34953]

#### General Well Information

|                   |                                     |                  |          |
|-------------------|-------------------------------------|------------------|----------|
| Operator:         | [15363] Murchison Oil and Gas, LLC  | Direction:       | Vertical |
| Status:           | Active                              | Multi-Lateral:   | No       |
| Well Type:        | Gas                                 | Mineral Owner:   | State    |
| Work Type:        | New                                 | Surface Owner:   | State    |
| Surface Location: | P-11-17S-28E    1300 FSL    810 FEL |                  |          |
| Lat/Long:         | 32.8465691, -104.1412735 NAD83      |                  |          |
| GL Elevation:     | 3579                                |                  |          |
| KB Elevation:     |                                     | Sing/Mult Compl: | Single   |
| DF Elevation:     |                                     | Potash Waiver:   | False    |

- Quick
- [Gene](#)
- [Histo](#)
- [Com](#)
- [Oper](#)
- [Pits](#)
- [Casir](#)
- [Well I](#)
- [Finan](#)
- [Com](#)
- [Natur](#)
- [Order](#)
- [Prod](#)
- [Trans](#)
- [Point](#)

#### Proposed Formation and/or Notes

S EMPIRE MORROW

- Assoc
- [Well I](#)
- [Well I](#)
- [Well I](#)

#### Depths

|                          |       |                      |       |
|--------------------------|-------|----------------------|-------|
| Proposed:                | 10500 | True Vertical Depth: | 10403 |
| Measured Vertical Depth: | 10403 | Plugback Measured:   | 9980  |

- New
- [New I](#)
- [New I](#)
- [New I](#)
- [New I](#)
- [New I](#)
- [New I](#)
- [New I](#)

#### Formation Tops

| Formation                  | Top   | Producting | Stratigraphic Equivalent |
|----------------------------|-------|------------|--------------------------|
| Yates                      | 620   |            |                          |
| Queen                      | 1389  |            |                          |
| Grayburg                   | 1634  |            |                          |
| San Andres                 | 2176  |            |                          |
| Glorieta                   | 3540  |            |                          |
| Tubb                       | 5006  |            |                          |
| Abo                        | 5643  |            |                          |
| Wolfcamp                   | 6760  |            |                          |
| Cisco                      | 8009  |            |                          |
| Canyon                     | 8542  |            |                          |
| Strawn                     | 9244  |            |                          |
| Atoka                      | 9596  |            |                          |
| Mississippian Undesignated | 10247 |            |                          |

#### Event Dates

SIGN-IN HELP

Searches Operator Data Hearing Fee Application

Abandonment:  
Shut In:  
Plug and Abandoned Intent  
Received:  
Well Plugged:  
Site Release:  
Last Inspection: 05/04/2026

PNR Expiration:  
Last MIT/BIIT: 05/04/2020

History

07/14/2005 [34953] MUDCAT STATE COM #601 [15363] Marcellus Oil and Gas, LLC New Gas Active

Comments

Pits

Pit On Site: Number 1

Pit Type: Colling Status:  
Registration Denied:  
Closure Approved:  
Closure Denied: Yes

Event Dates

Registered: 07/11/2005 Approved: 07/12/2005  
Open: Closed (most recent rig release):

Notes

07/11/2005 Closure form dated 2/20/06.

Casing

| Well                  |         | Casing    |           | Casing      |            | Casing      |            | Casing      |             | Casing      |                | Casing         |                    | Casing            |             |
|-----------------------|---------|-----------|-----------|-------------|------------|-------------|------------|-------------|-------------|-------------|----------------|----------------|--------------------|-------------------|-------------|
| Well                  | Well ID | Well Name | Well Type | Well Status | Well Depth | Well Length | Well Width | Well Height | Well Weight | Well Volume | Well Area      | Well Perimeter | Well Circumference | Well Surface Area | Well Volume |
| Hole 1                | 1       | 17.500    | 0         | 222         | 0          | 0.0         | 0          | 0           | 0           | 0           | 0              | 0              | 0                  | No                |             |
| Surface Casing        | 1       | 13.375    | 0         | 222         | 4.55       | 222         | 53.0       | 222         | 0           | Circ        | Class C Cement | 235            | No                 |                   |             |
| Hole 2                | 1       | 12.250    | 222       | 2203        | 0          | 0.0         | 0          | 0           | 0           | 0           | 0              | 0              | No                 |                   |             |
| Intermediate 1 Casing | 1       | 9.625     | 0         | 2203        | 4.55       | 2203        | 43.5       | 2203        | 0           | Circ        | Class C Cement | 1200           | No                 |                   |             |



|                   |   |       |      |       |      |       |      |       |   |                  |    |
|-------------------|---|-------|------|-------|------|-------|------|-------|---|------------------|----|
| Hole 3            | 1 | 8.500 | 2203 | 10403 | 0    | 0.0   | 0    | 0     |   | 0                | No |
| Production Casing | 1 | 5.500 | 0    | 10403 | 4.55 | 10503 | 17.0 | 10493 | 0 | Core<br>Gradient | No |
| tubing 1          | 1 | 2.375 | 0    | 7509  | 0    | 0.0   | 0    | 0     |   | 0                | No |

## [76400] EMPIRE; MORROW, SOUTH (GAS)

|                      |                                 |                     |            |
|----------------------|---------------------------------|---------------------|------------|
| Status:              | Zones Temporarily Plugged       | Last Produced:      | 05/01/2013 |
| Bottomhole Location: | P-11-175-28E 1300 FEET 310 FEET |                     |            |
| Lat/Long:            |                                 |                     |            |
| Acreage:             | 15.175-28E Units, AB G 411.0 A  |                     |            |
| DHC:                 | Ba                              | Consolidation Code: |            |
|                      |                                 | Production Method:  | Flowing    |

|                          |              |                          |               |
|--------------------------|--------------|--------------------------|---------------|
| Production Test:         | 12/31/2005   | Test Length:             | 9 hours       |
| Flowing Tubing Pressure: | 1300 psi     | Flowing Casing Pressure: | 0 psi         |
| Choke Size:              | 0.281 inches | Testing Method:          |               |
| Gas Volume:              | 355.0 MCF    | Oil Volume:              | 0.0 bbls      |
| Gas-Oil Ratio:           | 0 Kcf/bbl    | Oil Gravity:             | 0.0 Corr. API |
| Disposition of Gas:      | Sold         | Water Volume:            | 0.0 bbls      |

### Event Dates

|                              |            |                             |            |
|------------------------------|------------|-----------------------------|------------|
| Initial Effective/Approval:  | 07/14/2005 |                             |            |
| Most Recent Approval:        | 07/15/2010 | TA Expiration:              |            |
| Confidential Requested On:   |            | Confidential Until:         |            |
| Test Allowable Approval:     |            | Test Allowable End:         |            |
| TD Reached:                  |            | DHC:                        |            |
| Deviation Report Received:   | No         | Rig Released:               |            |
| Directional Survey Run:      | No         | Logs Received:              | No         |
| Directional Survey Received: | No         | Closure Pit Plat Received:  |            |
| First Oil Production:        |            | First Gas Production:       | 01/04/2009 |
| First Injection:             |            |                             |            |
| Ready to Produce:            | 01/04/2009 | Completion Report Received: |            |
| C-104 Approval:              | 01/11/2006 | New Well C-104 Approval:    |            |
| Plug Back:                   |            |                             |            |
| Authorization Revoked Start: |            | Revoked Until:              |            |

SIGHT-001 103LP

Searches Operator Data Hearing Fee Application

07/14/2005 [14953] MUDCAT STATE COM #001 [15363] Marcheson Oil and Gas, LLC Active

[97183] ANDERSON; WOLFCAMP, NORTH

Status: Active Last Produced: 11/01/2022  
Bottomhole Location: P-11-47S-20E 1300 FSL 810 FSL  
Lat/Long:  
Acreage: 10 11-47S-20E Units P  
DHC: No Consolidation Code:  
Production Method: Pumping

Well Test Data

Production Test: 06/06/2018 Test Length: 24 Hours  
Flowing Tubing Pressure: 675 psi Flowing Casing Pressure: 15 psi  
Choke Size: 0.500 inches Testing Method: Pumping  
Gas Volume: 0.0 MCF Oil Volume: 14.9 bbls  
Gas-Oil Ratio: 0.44 F/Bbl Oil Gravity: 44.0 Crude API  
Disposition of Gas: Sold Water Volume: 129.8 bbls

Perforations

04/14/2018 6790 6890 0 0  
03/19/2018 7290 7530 0 0

Notes

Event Dates

Initial Effective/Approval: 03/13/2013  
Most Recent Approval: 04/20/2014  
Confidential Requested On:  
Test Allowable Approval: 06/11/2013  
TD Reached:  
Deviation Report Received: No  
Directional Survey Run: No  
Directional Survey Received: No  
First Oil Production: 06/17/2013  
First Injection:  
Ready to Produce: 04/20/2013  
C-104 Approval: 06/11/2013  
Plug Back:  
Authorization Revoked Start:  
IA Expiration:  
Confidential Until:  
Test Allowable End: 09/14/2013  
DHC:  
Rig Released:  
Logs Received: No  
Closure Pit Plat Received:  
First Gas Production:  
Completion Report Received: 07/17/2013  
New Well C-104 Approval: 07/27/2013  
Revoked Until:

Well Completion History

04/26/2013 [14953] MUDCAT STATE COM #001 [15363] Marcheson Oil and Gas, LLC Active  
03/15/2014 [14953] MUDCAT STATE COM #001 [15363] Marcheson Oil and Gas, LLC New, Not Drilled

[97575] PAVO MESA; ABO

Status: New, Not Drilled Last Produced:

Searches Operator Data Hearing Fee Application

Well Test Data

|                          |              |                          |               |
|--------------------------|--------------|--------------------------|---------------|
| Production Test:         |              | Test Length:             | 6 hours       |
| Flowing Tubing Pressure: | 0 psia       | Flowing Casing Pressure: | 0 psia        |
| Choke Size:              | 0.063 inches | Testing Method:          |               |
| Gas Volume:              | 0.0 MCF      | Oil Volume:              | 0.0 bbls      |
| Gas-Oil Ratio:           | 0 Kcf/bbl    | Oil Gravity:             | 0.0 Cons. API |
| Disposition of Gas:      |              | Water Volume:            | 0.0 bbls      |

Perforations

Notes

Event Dates

|                              |            |                             |    |
|------------------------------|------------|-----------------------------|----|
| Initial Effective/Approval:  | 03/13/2018 | TA Expiration:              |    |
| Most Recent Approval:        | 03/13/2018 | Confidential Until:         |    |
| Confidential Requested On:   |            | Test Allowable End:         |    |
| Test Allowable Approval:     |            | DHC:                        |    |
| FD Reached:                  |            | Rig Released:               |    |
| Deviation Report Received:   | No         | Logs Received:              | No |
| Directional Survey Run:      | No         | Closure Pit Plat Received:  |    |
| Directional Survey Received: | No         | First Gas Production:       |    |
| First Oil Production:        |            | Completion Report Received: |    |
| First Injection:             |            | New Well C-104 Approval:    |    |
| Ready to Produce:            |            | Revoked Until:              |    |
| C-104 Approval:              |            |                             |    |
| Plug Back:                   |            |                             |    |
| Authorization Revoked Start: |            |                             |    |

Well Completion History

|            |                           |      |                                  |                 |
|------------|---------------------------|------|----------------------------------|-----------------|
| 03/13/2018 | [24933] MUDCAT STATE CORP | 4001 | [15353] Merchen Oil and Gas, LLC | New, No Drilled |
|------------|---------------------------|------|----------------------------------|-----------------|

Financial Assurance

|            |         |       |       |  |        |
|------------|---------|-------|-------|--|--------|
| 03/13/2018 | Blanket | 75000 | 75000 | Philadelphia Indemnity Insurance Company | Surety |
|------------|---------|-------|-------|--|--------|

|                                    |  |
|------------------------------------|--|
| Last Production for this well:     | 11/20/22   |
| Inactive Additional Bond Due Date: | 12/01/2024   |
| Bonding Depth:                     | 10403  |
| Required Well Bond Amount:         | 45806  |
| Well Bond Required Now:            | No   |
| Amount of Well Bond In Place:      | 0  |
| Variance:                          | -45806 Note: This well is covered by the operator's Blanket Bond(s). |
| In Violation:                      | No   |

If the depth of the well is Unknown, please contact the appropriate OCD District Office and provide: (1) for a deviated or direction well, the measured depth, or (2) for a non-directional well, the true vertical depth.

Requests to release bonds must be submitted in writing. You may send an e-mail to [OCDAdminComp@state.nm.us](mailto:OCDAdminComp@state.nm.us) or fax a letter to (505) 476-3462.



SIGN IN    HELP

Searches    Operator Data    Hearing Fee Application

### Upstream Natural Gas Venting & Flaring

This table provides information regarding 2009-2022 County natural gas venting and flaring data based on upstream natural gas processing reports (i.e., 1550) submitted.

Earliest Natural Gas Waste Report in OCD Records: 10/2021    Last: 11/2022    [Show All Upstream Venting & Flaring](#)

| Year | 2021 | 2022 | Grand Total |
|------|------|------|-------------|
| 0    | 0    | 0    | 0           |
| 0    | 0    | 0    | 0           |
| 0    | 0    | 0    | 0           |

### Orders

NSL-7652-0

Applicant: [15363] Merchase Oil and Gas, LLC  
Contact: Gary R. Cooper    Approved By: SLO  
Reviewer: Michael L. McMillan    Issuing Office: Santa Fe

#### Processing Dates

Received: 03/06/2018    Ordered: 04/03/2018  
Approved: 04/03/2018    Denied:  
Expiration:    Cancelled:

#### Order Pools

[15183] ANDERSON, WOLF CAMP, NORTH    0    0

### Production / Injection

This table provides information regarding 2009-2022 County natural gas production and injection data based on production reports (i.e., 1540) submitted.

Earliest Production in OCD Records: 1/2009    Last: 11/2022    [Show All Production](#)    [Export to Excel](#)

| Year  | 2009    | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 |
|-------|---------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| 1,565 | 216,505 | 129  | 354  | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | N/A  |
| 2,43  | 97,850  | 154  | 369  | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | N/A  |
| 51    | 56,144  | 89   | 328  | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | N/A  |
| 36    | 43,591  | 41   | 345  | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | N/A  |

SIGN IN HELP

|             |        |         |        |       | Searches |   | Operator Data |   | Hearing Fee Application |
|-------------|--------|---------|--------|-------|----------|---|---------------|---|-------------------------|
| 2011        | 14     | 35,012  | 51     | 361   | 0        | 0 | 0             | 0 | N/A                     |
| 2012        | 2      | 26,255  | 30     | 363   | 0        | 0 | 0             | 0 | N/A                     |
| 2013        | 199    | 25,389  | 39     | 365   | 0        | 0 | 0             | 0 | N/A                     |
| 2014        | 99     | 22,721  | 41     | 365   | 0        | 0 | 0             | 0 | N/A                     |
| 2015        | 124    | 21,057  | 57     | 361   | 0        | 0 | 0             | 0 | N/A                     |
| 2016        | 30     | 19,966  | 19     | 360   | 0        | 0 | 0             | 0 | N/A                     |
| 2017        | 105    | 17,359  | 49     | 362   | 0        | 0 | 0             | 0 | N/A                     |
| 2018        | 1,908  | 6,555   | 50,650 | 305   | 0        | 0 | 0             | 0 | N/A                     |
| 2019        | 3,326  | 15,975  | 26,064 | 365   | 0        | 0 | 0             | 0 | N/A                     |
| 2020        | 1,803  | 7,834   | 16,379 | 277   | 0        | 0 | 0             | 0 | N/A                     |
| 2021        | 1,473  | 6,337   | 12,957 | 300   | 0        | 0 | 0             | 0 | N/A                     |
| 2022        | 984    | 3,113   | 6,230  | 222   | 0        | 0 | 0             | 0 | N/A                     |
| Grand Total | 11,953 | 639,913 | 24,262 | 5,747 | 0        | 0 | 0             | 0 | N/A                     |

Transporters

|  |     |         |
|--|-----|---------|
| [22115] FRONTIER FIELD SERVICES, LLC           | Gas | 11/2022 |
| [17190] LUCID ENERGY DELAWARE, LLC             | Gas | 6/2022  |
| [31479] HOLLYFRONTIER REFINING & MARKETING LLC | Oil | 11/2022 |

Points of Disposition

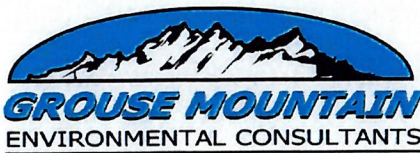
|         |     |                        |                                    |
|---------|-----|------------------------|------------------------------------|
| 4032567 | Gas | BAUDCAT STATE COM #001 | [9718] ANDERSON, WOLF CAMP NORTH   |
| 4032586 | Oil | BAUDCAT STATE COM #001 | [8713] ANDERSON, WOLF CAMP NORTH   |
| 4007311 | Oil | BAUDCAT STATE COM #001 | [7646] EMPIRE, MORROW, SOUTH (GAS) |
| 4007310 | Gas | BAUDCAT STATE COM #001 | [7646] EMPIRE, MORROW, SOUTH (GAS) |

New Orleans Energy, 4000 Lakeside Boulevard, Suite 1000, New Orleans, LA 70112  
504.586.8100 • 1100 Poydras Street, Suite 1000, New Orleans, LA 70112 • 504.586.8100

11/7/2023 11:05 AM 11/7/2023 11:05 AM 11/7/2023 11:05 AM 11/7/2023 11:05 AM

# EXHIBIT “4”





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[jworsham@clarkhill.com](mailto:jworsham@clarkhill.com)  
[www.clarkhill.com](http://www.clarkhill.com)

## National Wetland Inventory Site Investigation along Turkey Tract Road, in Eddy County, New Mexico.

### INTRODUCTION

Grouse Mountain Environmental Consulting (Grouse Mountain) was contracted by Clark Hill to provide an on-the-ground site investigation to determine the accuracy of the polygon described by the United States Fish and Wildlife Service's "Wetlands Mapper". The polygon is currently defined as a PEM1A (Palustrine Emergent) wetland dominated by trees, shrubs, persistent emergents, mosses and lichens and has the following four characteristics.

1. Less than 20 acres in area
2. Wave formed shoreline
3. Deepest point is less than 8.2 ft in depth
4. Salinity less than 0.5 ppt.

In addition to the above definition, the United States Army Corps of Engineers has developed a definition of a wetland as a landform that contains hydrophytic vegetation, wetland hydrology and wetland soils. The USACE developed the 1987 Wetland Delineation Manual to quantify field observations and objectively determine the presence or absence of wetland features.

### METHODS

Grouse Mountain reviewed the information available on the USFWS NWI Mapper as well as the NRCS Web Soil Survey online portal prior to visiting the project area. Grouse Mountain biologist, Jesse Shuck, visited the site on May 23, 2023 and conducted a wetland investigation from 1000 until 1230. The weather was warm (29 C) and calm. Wetland investigation soil pits were dug at four different locations (Figures 1 and 2) within the polygon in question (Soil Pit 1, 32.848478 deg N, -104.141243 deg W; Soil Pit 2, 32.847448 deg N, -104.141225 deg W; Soil Pit 3, 32.849240 deg N, -104.142187 deg W; Soil Pit 4, 32.850201 deg N, -104.140833 deg W). Conditions throughout the feature were generally similar with small changes in vegetation.

### RESULTS

#### Wetland Investigation

**Soil Pit 1** (Photos 1 and 2) exhibited wetland plants (mainly mountain rush, *Juncus arcticus*, FACW), but lacked both wetland hydrology and wetland soils. Soils were 5YR 5/6 at the upper horizons and 5YR 4/4 at depths of 16-18 inches and lacked any wetland indicator characteristics. This location did not qualify as a wetland.



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**Soil Pit 2** (Photos 3 and 4) was vegetated with spiny cocklebur (*Xanthium spinosum*, FACU) and field bindweed (*Convolvulus arvensis*, Non-indicator species). Soils at this location were loamy with a coloration of 5YR 3/4 at 16-17 inches. The site had standing water and the soils were saturated. This location met wetland hydrology, but not soils or vegetation and does not qualify as a wetland.

**Soil Pit 3** was dug on the west side of the feature and was also dominated by field bindweed and mountain rush. The loamy clay soil was 5YR 5/4 from 0-2 inches and 5YR 3/4 from 2-17 inches with no wetland indicators. No wetland hydrology indicators were observed at this location and this location does not qualify as a wetland.

**Soil Pit 4** was dug on the north end of the feature and was also dominated by field bindweed and mountain rush. The loamy clay soil was 5YR 4/4 from 0-3" and 5YR 4/3 from 3-17" and lacked wetland indicators. No wetland hydrology indicators were observed at this location.

#### **Waters of the United States Investigation**

In order to qualify as a waters of the United States (WOTUS), a waterbody/waterway must have connectivity to a Jurisdictional Waterway. This waterbody does not have any connectivity with any waterways and there are no obvious connections via streams or ephemeral streams. This feature does not appear to be a WOTUS.

The existing conditions at the Turkey Tract Road site do not currently have enough wetland characteristics to qualify as a wetland according to the 1987 United States Army Corps of Engineer's Wetland Delineation Manual and lacks characteristics that would qualify the feature as a WOTUS according to the USACE "A guide to Ordinary High Water Mark (OHWM) delineation for non-perennial streams in the Western Mountains, Valleys, and Coast Region of the United States".



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# QUALIFICATIONS

*Jesse Shuck*

## EDUCATION

**Texas Tech University**, Lubbock, TX 2004  
M.S. Fisheries and Wildlife

**University of Minnesota**, Duluth, MN 2000  
B.S. Biology

## CERTIFICATIONS

- Army Corps of Engineers Wetland Delineation certified 2005
- Wetland Delineation Manual Technical Report Y-87-1
- Aerial Systems FAA Remote Pilot
- USFWS Permitted for Yellow-billed Cuckoo and Southwestern Willow Flycatcher Presence/Absence Surveys (Permit #TE34460C-0)

## EXPERIENCE

**Grouse Mountain Environmental Consultants**, Santa Fe, NM

*Project Manager*, 2021-Present

- Manage various projects and advise on regulatory compliance issues
- Conduct multi-species wildlife and botanical surveys in compliance with BLM protocols
- Complete wildlife habitat assessment evaluating potential threatened, endangered, and sensitive species habitat availability using multiple vegetative factors following federal and state regulations
- Prepare NEPA Environmental Assessments and Biological Assessment/Biological Evaluations as a third-party contractor evaluating the potential effects of oil and gas development and abandoned mine land restoration on vegetation, soils, wildlife, cultural, rangeland, public health and safety, special management/designation areas, visual, air, and hydrologic resources
- Communicate and interact with private landowners to obtain access to and conduct work on private lands
- Manage and conduct ordinary high-water mark surveys (OHWM) and wetland delineations

**SWCA**, Albuquerque, NM

*Project Manager/Wetland Specialist/Wildlife Biologist*, 2014-2021

- Managed and conducted surveys for all life stages of the Rio Grande Silvery Minnow for BOR, USACE, MRGCD, ISC and AMAFCA
- Conducted raptor surveys in the Permian Basin to ensure compliance with the Bureau of Land Management for many oil and gas pipelines; included siting visits with BLM biologists to avoid impacts to raptors and other nesting birds
- Conducted USFWS protocol surveys for the Southwestern Willow Flycatcher and Yellow-Billed Cuckoo surveys along numerous locations in the Rio Grande Valley and initiate multi-agency consultation with USFWS, AMAFCA, MRGCD, NMDOT and ISC to comply with the ESA
- Conducted dozens of bird nest surveys along NMDOT ROW for different utility projects as well as for highway improvement projects
- Coordinated with University of Texas to reroute several different pipelines for avoidance of Dune Sagebrush Lizard habitat
- Conducted numerous USACE wetland delineations and successfully completed complicated nationwide permits and jurisdictional determinations

**Marron and Associates, LLC**, Albuquerque, NM



*Project Manager and Wetland Specialist, 2009-2014*

- Wetland delineations and permitting in the Arid West, Western Mountain and Great Plains regions
- Raptor surveys and nest monitoring for PNM FW line from Albuquerque to Farmington
- Kuenzler cactus relocation and monitoring for NMDOT
- Vegetation data collection and analysis

**Taschek Environmental, LLC., Albuquerque, NM**

*Project Manager and Wetland Specialist, 2004-2009*

- Wetland delineations for numerous NMDOT projects in New Mexico
- Rangeland inventories for reclaimed areas of the Pittsburgh McKinley mine over several seasons
- Assisted with public meetings for many NMDOT projects

**RELEVANT SKILLS**

- Experienced with threatened and endangered species surveys in New Mexico and Texas
- Lead multi-agency coordination on numerous projects with USACE, NMDOT, BIA, ISC, BOR and Sandia Pueblo
- Proficient in various vegetation monitoring methods: Daubenmire method, line- and point-intercept studies, utilization measures, belt transects, photo points, trend plots, percent cover, species composition, rare plant studies, and canopy cover
- Skilled in wildlife and plant identification
- Proficient in avian identification through sight and sound
- Unmanned Aerial Vehicle Pilot since 2016
- Permitted by USFWS to conduct protocol surveys for Southwestern Willow Flycatcher, Yellow-Billed cuckoo, and all life stages of Rio Grande Silvery Minnow





**Photograph 1.** Soil Pit 1 showing vegetation and soils.



**Photograph 2.** Overview at Soil Pit 1, facing north.





**Photograph 3.** Soil Pit 2 showing soils and vegetation.



**Photograph 4.** Overview at Soil Pit 2 facing west across feature.





**Photograph 5.** Soil Pit 3 showing soils and vegetation.



**Photograph 6.** Overview of Soil Pit 3 showing overall vegetation, facing east.



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**Photograph 7.** Soil Pit 4 showing vegetation and soils.



**Photograph 8.** Overview at Soil Pit 4 facing south.



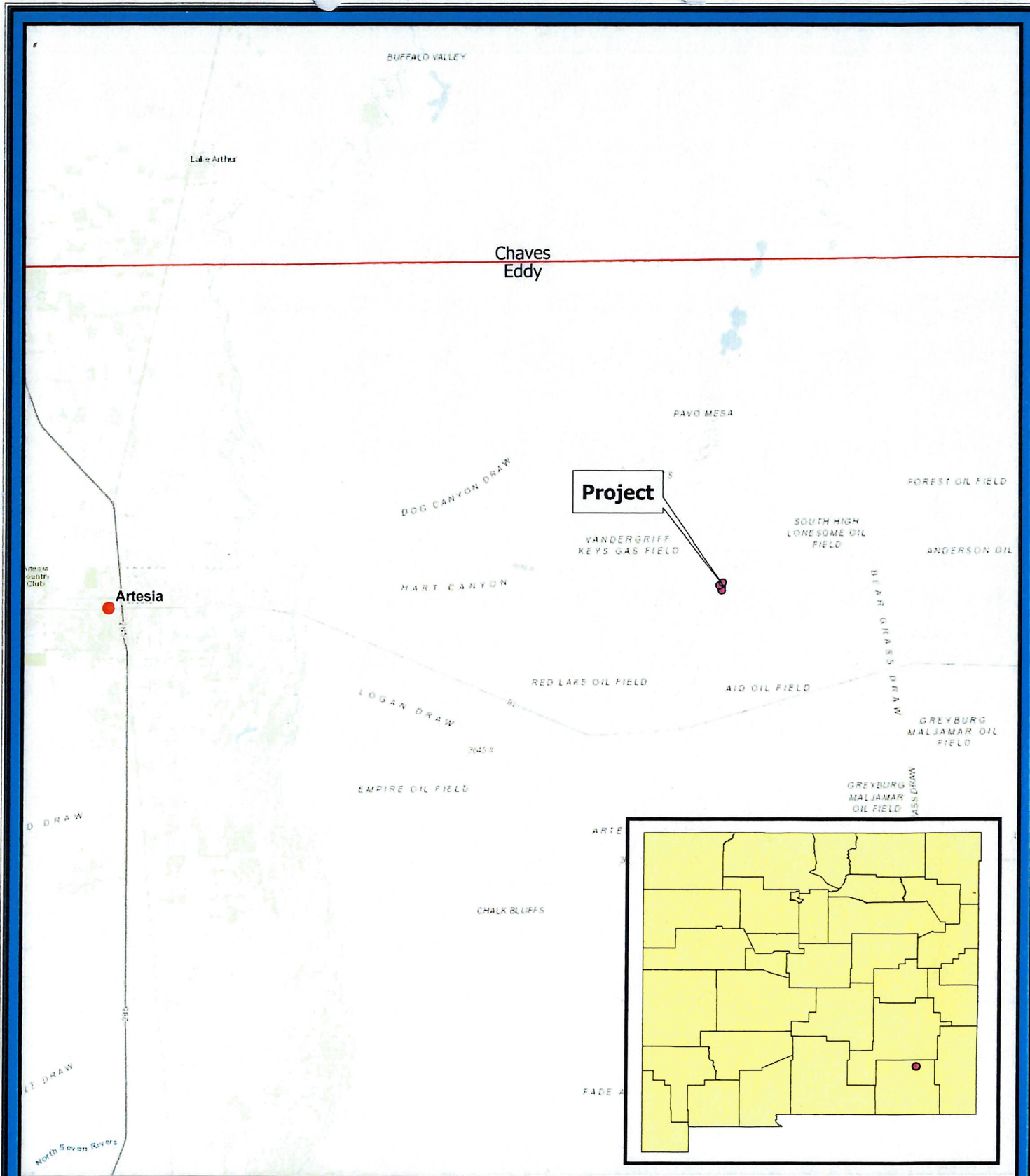
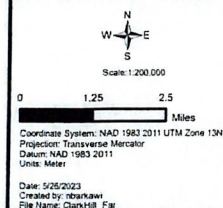
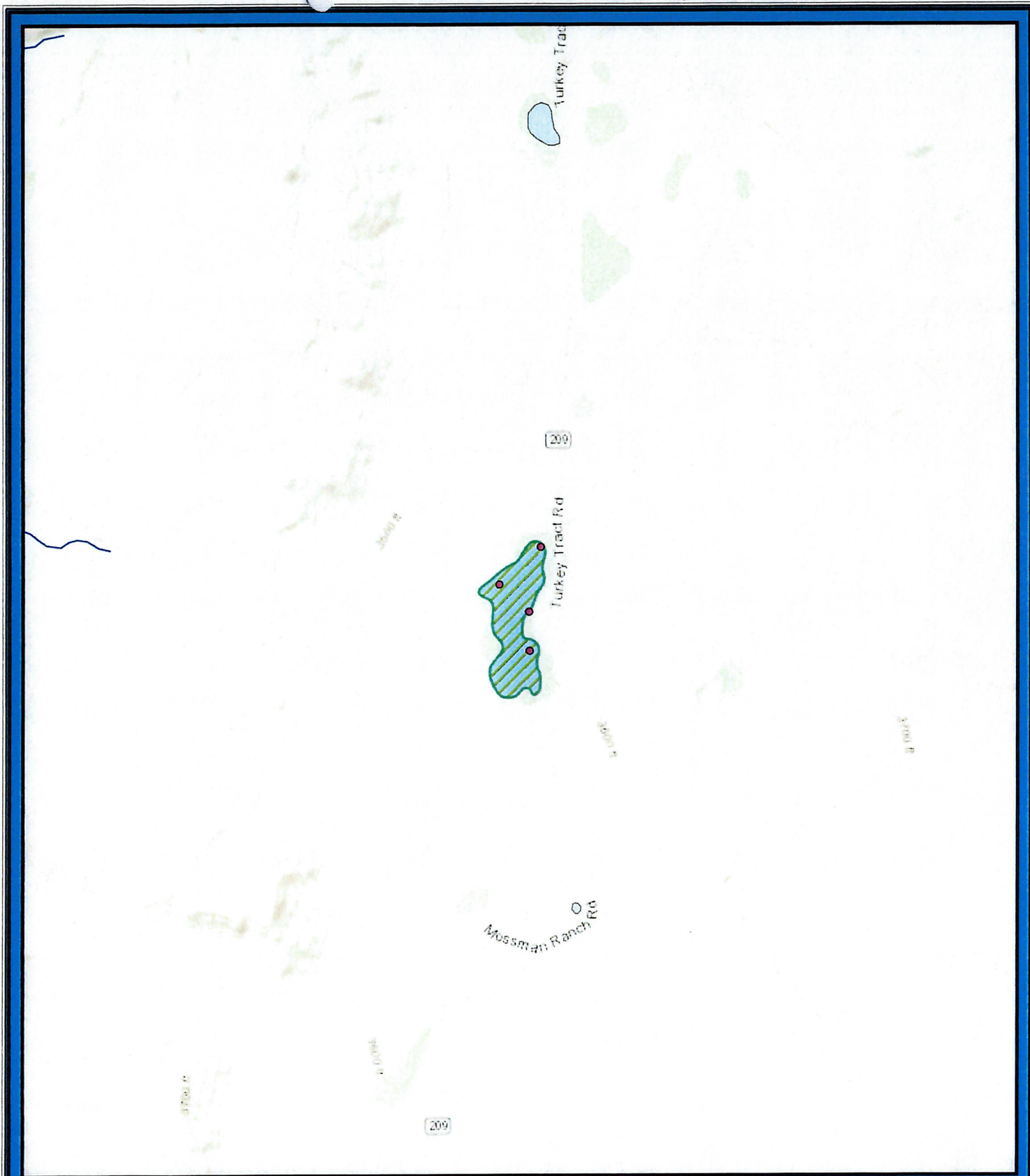


Figure 1. Location of Turkey Tract Wetland Investigation

- Soil Pit Points
- NM County Lines
- Towns and Cities







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ENVIRONMENTAL CONSULTANTS  
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Phone: 505.930.5156

**Figure 2. Turkey Tract Wetland Investigation**

- |                   |                           |                           |
|-------------------|---------------------------|---------------------------|
| ● Soil Pit Points | <b>NHD Waterbody Type</b> | <b>NHD Flow Line Type</b> |
| ■ NM NWI Wetlands | □ Lake/Pond               | — Stream/River            |

N  
W E  
S  
Scale: 1:15,000  
0 500 1,000 Feet  
Coordinate System: NAD 1983 2011 UTM Zone 13N  
Projection: Transverse Mercator  
Datum: NAD 1983 2011  
Units: Meter  
Date: 5/26/2023  
Created by: rbarbieri  
File Name: ClarkH8\_Close



## WETLAND DETERMINATION DATA FORM - Arid West Region

Project/Site: Turkey tract City/County: Los Angeles Sampling Date: May 23, 2013  
 Applicant/Owner: \_\_\_\_\_ State: CA Sampling Point: SP 1  
 Investigator(s): J. Buckle Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): Lowland Local relief (concave, convex, none): Concave Slope (%): 0  
 Subregion (LRR): \_\_\_\_\_ Lat: 33.848478 Long: 118.141243 Datum: NAD83  
 Soil Map Unit Name: \_\_\_\_\_ NWI classification: Wetland  
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes ☒ No ☒  
 Hydric Soil Present? Yes ☒ No ☒  
 Wetland Hydrology Present? Yes ☒ No ☒

Is the Sampled Area within a Wetland? Yes ☒ No ☒

Remarks:

## VEGETATION - Use scientific names of plants.

Tree Stratum (Plot size: \_\_\_\_\_)  
 1. \_\_\_\_\_ Absolute % Cover \_\_\_\_\_ Dominant Species? \_\_\_\_\_ Indicator Status \_\_\_\_\_  
 2. \_\_\_\_\_  
 3. \_\_\_\_\_  
 4. \_\_\_\_\_ = Total Cover

Sapling/Shrub Stratum (Plot size: \_\_\_\_\_)  
 1. \_\_\_\_\_  
 2. \_\_\_\_\_  
 3. \_\_\_\_\_  
 4. \_\_\_\_\_  
 5. \_\_\_\_\_ = Total Cover

Herb Stratum (Plot size: \_\_\_\_\_)  
 1. Muhlenbergia 20 Belt  
 2. Convolvulus 10 Fac W  
 3. \_\_\_\_\_  
 4. \_\_\_\_\_  
 5. \_\_\_\_\_  
 6. \_\_\_\_\_  
 7. \_\_\_\_\_ = Total Cover  
 8. \_\_\_\_\_

Woody Vine Stratum (Plot size: \_\_\_\_\_)  
 1. \_\_\_\_\_  
 2. \_\_\_\_\_ = Total Cover

% Bare Ground in Herb Stratum \_\_\_\_\_ % Cover of Biotic Crust \_\_\_\_\_

Remarks:

Marginal on Veg

## Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)  
 Total Number of Dominant Species Across All Strata: 2 (B)  
 Percent of Dominant Species That Are OBL, FACW, or FAC: 50 (A/B)

## Prevalence Index worksheet:

Total % Cover of: Multiply by:  
 OBL species 20 x 1 = 20  
 FACW species 10 x 2 = 20  
 FAC species 10 x 3 = 30  
 FACU species 10 x 4 = 40  
 UPL species 10 x 5 = 50  
 Column Totals: 20 (A) 90 (B)

Prevalence Index = B/A = 23

## Hydrophytic Vegetation Indicators:

— Dominance Test is >50%  
☒ Prevalence Index is ≤3.0'  
 — Morphological Adaptations<sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)  
 — Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ☒ No ☒

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Sampling Point: SP1

US Army Corps of Engineers







## WETLAND DETERMINATION DATA FORM - Arid West Region

Project/Site: Turkey Tract City/County: Lead Hills Sampling Date: May 23, 2023  
 Applicant/Owner: \_\_\_\_\_ State: \_\_\_\_\_ Sampling Point: 502  
 Investigator(s): J. Shunk Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): Lowland Local relief (concave, convex, none): Concave Slope (%): 0  
 Subregion (LRR): \_\_\_\_\_ Lat: 32.847448 Long: 104.141225 Datum: NAD 83  
 Soil Map Unit Name: \_\_\_\_\_ NWI classification: Wetland  
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

|                                 |  |   |
|---------------------------------|--|---|
| Hydrophytic Vegetation Present? | Yes _____ No <input checked="" type="checkbox"/> | Is the Sampled Area<br>within a Wetland? Yes _____ No <input checked="" type="checkbox"/> |
| Hydric Soil Present?            | Yes _____ No <input checked="" type="checkbox"/> |   |
| Wetland Hydrology Present?      | Yes <input checked="" type="checkbox"/> No _____ |   |
| Remarks:                        |  |   |

## VEGETATION - Use scientific names of plants.

| Tree Stratum (Plot size: _____)                                   | Absolute<br>% Cover | Dominant<br>Species?                | Indicator<br>Status | Dominance Test worksheet:  |
|---|---------------------|-------------------------------------|---------------------|--|
| 1. _____  |                     |                                     |                     | Number of Dominant Species That Are OBL, FACW, or FAC: <u>0</u> (A)                                  |
| 2. _____  |                     |                                     |                     | Total Number of Dominant Species Across All Strata: <u>1</u> (B)                                     |
| 3. _____  |                     |                                     |                     | Percent of Dominant Species That Are OBL, FACW, or FAC: <u>0</u> (A/B)                               |
| 4. _____  |                     |                                     |                     |  |
| = Total Cover   |                     |                                     |                     |  |
| Sapling/Shrub Stratum (Plot size: _____)                          |                     |                                     |                     | Prevalence Index worksheet:  |
| 1. _____  |                     |                                     |                     | Total % Cover of: _____ Multiply by: _____   |
| 2. _____  |                     |                                     |                     | OBL species _____ x 1 = _____  |
| 3. _____  |                     |                                     |                     | FACW species _____ x 2 = _____   |
| 4. _____  |                     |                                     |                     | FAC species _____ x 3 = _____  |
| 5. _____  |                     |                                     |                     | FACU species <u>15</u> x 4 = <u>60</u>   |
| = Total Cover   |                     |                                     |                     | UPL species _____ x 5 = _____  |
|   |                     |                                     |                     | Column Totals: <u>15</u> (A) <u>100</u> (B)  |
|   |                     |                                     |                     | Prevalence Index = B/A = <u>4</u>  |
| Herb Stratum (Plot size: _____)                                   |                     |                                     |                     | Hydrophytic Vegetation Indicators:   |
| 1. <u>Cornus amomum</u>   | <u>15</u>           | <input checked="" type="checkbox"/> | <u>UPL</u>          | — Dominance Test is >50%   |
| 2. <u>Xanthoxylum</u>   | <u>15</u>           | <input checked="" type="checkbox"/> | <u>UPL</u>          | — Prevalence Index is ≤3.0 <sup>1</sup>  |
| 3. <u>W. wrightii</u>   | <u>5</u>            |                                     |                     | — Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) |
| 4. _____  |                     |                                     |                     | — Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)  |
| 5. _____  |                     |                                     |                     |  |
| 6. _____  |                     |                                     |                     |  |
| 7. _____  |                     |                                     |                     |  |
| 8. _____  |                     |                                     |                     |  |
| = Total Cover   |                     |                                     |                     |  |
| Woody Vine Stratum (Plot size: _____)                             |                     |                                     |                     |  |
| 1. _____  |                     |                                     |                     |  |
| 2. _____  |                     |                                     |                     |  |
| = Total Cover   |                     |                                     |                     |  |
| % Bare Ground in Herb Stratum _____ % Cover of Biotic Crust _____ |                     |                                     |                     |  |
| Remarks:  |                     |                                     |                     | Hydrophytic Vegetation Present? Yes _____ No <input checked="" type="checkbox"/>                     |

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## WETLAND DETERMINATION DATA FORM - Arid West Region

Project/Site: Tonkey Tract City/County: LoCo Hills Sampling Date: 5-23-2023  
 Applicant/Owner: \_\_\_\_\_ State: NA Sampling Point: SP 9  
 Investigator(s): J. Shap Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): lowland Local relief (concave, convex, none): concave Slope (%): 0  
 Subregion (LRR): \_\_\_\_\_ Lat: 32.819240 Long: 104.142187 Datum: NAD 83  
 Soil Map Unit Name: \_\_\_\_\_ NWI classification: P F M 1 A  
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

|                                 |   |   |
|---------------------------------|---|---|
| Hydrophytic Vegetation Present? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | Is the Sampled Area<br>within a Wetland? Yes _____ No <input checked="" type="checkbox"/> |
| Hydric Soil Present?            | Yes _____ No <input checked="" type="checkbox"/>                    |   |
| Wetland Hydrology Present?      | Yes _____ No <input checked="" type="checkbox"/>                    |   |
| Remarks:                        |   |   |

## VEGETATION - Use scientific names of plants.

| Tree Stratum (Plot size: _____)                                   | Absolute % Cover | Dominant Species?                   | Indicator Status | Dominance Test worksheet:  |
|---|------------------|-------------------------------------|------------------|--|
| 1. _____  |                  |                                     |                  | Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A)  |
| 2. _____  |                  |                                     |                  | Total Number of Dominant Species Across All Strata: <u>1</u> (B)   |
| 3. _____  |                  |                                     |                  | Percent of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A/B)   |
| 4. _____  |                  |                                     |                  |  |
| _____ = Total Cover   |                  |                                     |                  |  |
| Sapling/Shrub Stratum (Plot size: _____)                          |                  |                                     |                  | Prevalence Index worksheet:  |
| 1. _____  |                  |                                     |                  | Total % Cover of: _____ Multiply by: _____   |
| 2. _____  |                  |                                     |                  | OBL species <u>35</u> x 1 = <u>35</u>  |
| 3. _____  |                  |                                     |                  | FACW species <u>35</u> x 2 = <u>70</u>   |
| 4. _____  |                  |                                     |                  | FAC species _____ x 3 = _____  |
| 5. _____  |                  |                                     |                  | FACU species _____ x 4 = _____   |
| _____ = Total Cover   |                  |                                     |                  | OPL species <u>10</u> x 5 = <u>50</u>  |
| _____ = Total Cover   |                  |                                     |                  | Column Totals: <u>45</u> (A) <u>155</u> (B)  |
| Herb Stratum (Plot size: _____)                                   |                  |                                     |                  | Prevalence Index = B/A = <u>2.6</u>  |
| 1. <u>Monarda, R. h. h.</u>                                       | <u>35</u>        | <input checked="" type="checkbox"/> | <u>FACW</u>      | Hydrophytic Vegetation Indicators:<br><input checked="" type="checkbox"/> Dominance Test is >50%<br><input checked="" type="checkbox"/> Prevalence Index is ≤3.0 <sup>1</sup><br><input type="checkbox"/> Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)<br><input type="checkbox"/> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)<br><sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic. |
| 2. <u>Chen. Ark</u>   | <u>10</u>        |                                     | <u>UPL</u>       |  |
| 3. _____  |                  |                                     |                  |  |
| 4. _____  |                  |                                     |                  |  |
| 5. _____  |                  |                                     |                  |  |
| 6. _____  |                  |                                     |                  |  |
| 7. _____  |                  |                                     |                  |  |
| 8. _____  |                  |                                     |                  |  |
| _____ = Total Cover   |                  |                                     |                  |  |
| Woody Vine Stratum (Plot size: _____)                             |                  |                                     |                  | Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____   |
| 1. _____  |                  |                                     |                  |  |
| 2. _____  |                  |                                     |                  |  |
| _____ = Total Cover   |                  |                                     |                  |  |
| % Bare Ground in Herb Stratum _____ % Cover of Biotic Crust _____ |                  |                                     |                  |  |
| Remarks:  |                  |                                     |                  |  |

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| Profile Description: (Describe to the depth needed to document the Indicator or confirm the absence of indicators.) |        |               |   | Sample         |
|---|--------|---------------|---|----------------|
| Depth<br>(inches)   | Matrix | Color (moist) | % | Redox Features |
| 0-2   |        |               |   |                |

23

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. <sup>2</sup>Location: PL=Pore Lining, M=Matrix.

### Indicators for Problematic Hydric Soils<sup>3</sup>:

- <sup>2</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Hydric Soil Present? Yes \_\_\_\_\_ No ✓

No Indications

### Wetland Hydrology Indicators:

**Wetland Hydrology Indicators:**  
Primary Indicators (minimum of one required; check all that apply)  
 Salt Crust (B)

- Secondary Indicators (2 or more required)

**Field Observations:**

Surface Water Present?

Water Table Present?

Saturation Present?

Saturation Present  
(Includes capillary fringe)

Describe Recorded Data (stream gauge, meteorological, etc.)

Yes      No

Yes ☐ No ☐

Yes            No

YES \_\_\_\_\_

Depth (inches): \_\_\_\_\_

Depth (inches): \_\_\_\_\_

Depth (inches): \_\_\_\_\_

... previous insp

Wetland Hydrology Present? Yes \_\_\_\_\_ No \_\_\_\_\_

---

No Hydraulic Indicators

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## WETLAND DETERMINATION DATA FORM - Arid West Region

Project/Site: Turkey Tract City/County: Locust Hills Sampling Date: 5/23/2023  
 Applicant/Owner: Louisellan State: MT Sampling Point: 504  
 Investigator(s): J. Shih Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): lowland Local relief (concave, convex, none): concave Slope (%): 0  
 Subregion (LRR): \_\_\_\_\_ Lat: 32 85 02 01 Long: 104 14 08 33 Datum: NAD 83  
 Soil Map Unit Name: \_\_\_\_\_ NWI classification: PLM1  
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

|                                 |  |   |
|---------------------------------|--|---|
| Hydrophytic Vegetation Present? | Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> | Is the Sampled Area<br>within a Wetland? Yes _____ No <input checked="" type="checkbox"/> |
| Hydric Soil Present?            | Yes _____ No <input checked="" type="checkbox"/>                               |   |
| Wetland Hydrology Present?      | Yes _____ No <input checked="" type="checkbox"/>                               |   |
| Remarks:                        |  |   |

## VEGETATION - Use scientific names of plants.

| Tree Stratum (Plot size: _____)                                   | Absolute % Cover | Dominant Species?                   | Indicator Status | Dominance Test worksheet:  |
|---|------------------|-------------------------------------|------------------|--|
| 1. _____  |                  |                                     |                  | Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A)                                |
| 2. _____  |                  |                                     |                  | Total Number of Dominant Species Across All Strata: <u>1</u> (B)                                   |
| 3. _____  |                  |                                     |                  | Percent of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (AB)                              |
| 4. _____  |                  |                                     |                  |  |
| _____ = Total Cover   |                  |                                     |                  |  |
| Sapling/Shrub Stratum (Plot size: _____)                          |                  |                                     |                  | Prevalence Index worksheet:  |
| 1. _____  |                  |                                     |                  | Total % Cover of: _____ Multiply by:   |
| 2. _____  |                  |                                     |                  | OBL species <u>35</u> x 1 = _____  |
| 3. _____  |                  |                                     |                  | FACW species <u>10</u> x 2 = <u>78</u>   |
| 4. _____  |                  |                                     |                  | FAC species <u>10</u> x 3 = <u>38</u>  |
| 5. _____  |                  |                                     |                  | FACU species <u>20</u> x 4 = <u>100</u>  |
| 6. _____  |                  |                                     |                  | UPL species <u>45</u> x 5 = <u>200</u> (B)   |
| 7. _____  |                  |                                     |                  | Column Totals: <u>45</u> (A) <u>307</u>  |
| 8. _____  |                  |                                     |                  | Prevalence Index = B/A = <u>307</u>  |
| Herb Stratum (Plot size: <u>1m x 1m</u> )                         |                  |                                     |                  | Hydrophytic Vegetation Indicators:   |
| 1. <u>Mountain Bush</u>   | <u>35</u>        | <input checked="" type="checkbox"/> | <u>FAC</u>       | Dominance Test is >50% <input checked="" type="checkbox"/>   |
| 2. <u>San Juan</u>  | <u>10</u>        | <input checked="" type="checkbox"/> | <u>FAC</u>       | Prevalence Index is ≤3.0 <input checked="" type="checkbox"/>                                       |
| 3. <u>Cholla</u>  | <u>50</u>        | <input checked="" type="checkbox"/> | <u>UPL</u>       | Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) |
| 4. _____  |                  |                                     |                  | Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)  |
| 5. _____  |                  |                                     |                  |  |
| 6. _____  |                  |                                     |                  |  |
| 7. _____  |                  |                                     |                  |  |
| 8. _____  |                  |                                     |                  |  |
| _____ = Total Cover   |                  |                                     |                  |  |
| Woody Vine Stratum (Plot size: _____)                             |                  |                                     |                  |  |
| 1. _____  |                  |                                     |                  |  |
| 2. _____  |                  |                                     |                  |  |
| _____ = Total Cover   |                  |                                     |                  |  |
| % Bare Ground in Herb Stratum _____ % Cover of Biotic Crust _____ |                  |                                     |                  |  |
| Remarks:  |                  |                                     |                  | Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____                   |

And West - Version 2.0

US Army Corps of Engineers



## SOIL

| Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.) |               |   |                | Samp |
|---|---------------|---|----------------|------|
| Depth<br>(inches)   | Matrix        |   | Redox Features |      |
|   | Color (moist) | % |                |      |
| 0-3   |               |   |                |      |

Sampling Point

44

[illegible]

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

### Indicators for Problematic Hydric Soils<sup>3</sup>:

- |                                       |                                |
|---------------------------------------|--------------------------------|
| ___ Histosol (A1)                     | ___ Sandy Redox (S5)           |
| ___ Histic Epipedon (A2)              | ___ Stripped Matrix (S6)       |
| ___ Black Histic (A3)                 | ___ Loamy Mucky Mineral (F1)   |
| ___ Hydrogen Sulfide (A4)             | ___ Loamy Gleyed Matrix (F2)   |
| ___ Stratified Layers (A5) (LRR C)    | ___ Depleted Matrix (F3)       |
| ___ 1 cm Muck (A9) (LRR D)            | ___ Redox Dark Surface (F6)    |
| ___ Depleted Below Dark Surface (A11) | ___ Depleted Dark Surface (F7) |
| ___ Thick Dark Surface (A12)          | ___ Redox Depressions (F8)     |
| ___ Sandy Mucky Mineral (S1)          | ___ Vernal Pools (F9)          |
| ___ Sandy Gleyed Matrix (S4)          |                                |

- ☐ 1 cm Muck (A9) (LRR C)  
☐ 2 cm Muck (A10) (LRR B)  
☐ Reduced Vertic (F18)  
☐ Red Parent Material (TF2)  
 Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: \_\_\_\_\_

Depth (inches): \_\_\_\_\_

Hydric Soil Present? Yes \_\_\_\_\_ No ✓

Remarks:

(inches): No Sail Indicators

## HYDROLOGY

### Wetland Hydrology Indicators:

**Wetland Hydrology Indicators:**  
Primary Indicators (minimum of one required; check all that apply) \_\_\_\_\_ Salt Crust (B)

- | Primary Indicators (minimum of one required, check all that apply) |  |
|--|--|
| <input type="checkbox"/> Surface Water (A1)                        | <input type="checkbox"/> Salt Crust (B11)                              |
| <input type="checkbox"/> High Water Table (A2)                     | <input type="checkbox"/> Biotic Crust (B12)                            |
| <input type="checkbox"/> Saturation (A3)                           | <input type="checkbox"/> Aquatic Invertebrates (B13)                   |
| <input type="checkbox"/> Water Marks (B1) (Nonriverine)            | <input type="checkbox"/> Hydrogen Sulfide Odor (C1)                    |
| <input type="checkbox"/> Sediment Deposits (B2) (Nonriverine)      | <input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) |
| <input type="checkbox"/> Drift Deposits (B3) (Nonriverine)         | <input type="checkbox"/> Presence of Reduced Iron (C4)                 |
| <input type="checkbox"/> Surface Soil Cracks (B6)                  | <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)    |
| <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) | <input type="checkbox"/> Thin Muck Surface (C7)                        |
| <input type="checkbox"/> Water-Stained Leaves (B9)                 | <input type="checkbox"/> Other (Explain in Remarks)                    |

Secondary Indicators (2 or more required)

- \_\_\_ Water Marks (B1) (Riverine)
- \_\_\_ Sediment Deposits (B2) (Riverine)
- \_\_\_ Drift Deposits (B3) (Riverine)
- \_\_\_ Drainage Patterns (B10)
- \_\_\_ Dry-Season Water Table (C2)
- \_\_\_ Crayfish Burrows (C8)
- \_\_\_ Saturation Visible on Aerial Imagery (C9)
- \_\_\_ Shallow Aquitard (D3)
- \_\_\_ FAC-Neutral Test (D5)

**Field Observations:**

Field Observations: Yes ☒ No ☒ Depth (inches):           

Surface Water Present? Yes ☒ No ☒           

Water Table Present? Yes ☐ No ☒ Depth (inches): \_\_\_\_\_

Saturation Present? \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_  
(capillary fringe) \_\_\_\_\_ gauge, monitoring well, aerial photos, previous insp

Wetland Hydrology Present? Yes \_\_\_\_\_ No Y

Saturation Pressure  
(includes capillary fringe)  
Describe Recorded Data

Water Table Present? Yes ☐ No ☒ Depth (inches): \_\_\_\_\_

Saturation Present? Yes ☐ No ☒ (includes capillary fringe)

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:



# EXHIBIT “5”

**Worsham II, Jerry**

---

**From:** Worsham II, Jerry  
**Sent:** Thursday, June 1, 2023 10:18 AM  
**To:** 'rusty\_griffin@fws.gov'  
**Cc:** 'michael.haynes@riatacg.com'; David Cain; Jesse Shuck; Dan Dunkelberg  
**Subject:** "Request for Correction of Information- Wetlands Mapper tool" (Approximate Lat. 32.848478 deg. N, Long. -104.141243deg. W. Eddy Co., NM)  
**Attachments:** 1417\_001.pdf

Rusty:

See attached form and documentation.

As we have discussed, I would request a review by USFWS of the attached documentation and Jurisdictional Determination (JD) by Jesse Shuck of Grouse Mountain Environmental Consultants in conformance with the 1987 United States Army Corp of Engineers' (ACOE) Wetland Delineation Manual. The Wetlands Mapper tool is used by the "New Mexico Oil Conservation Division (NMOCD)-Environmental Incidents Group" to determine a "wetland designation" for spill remediation requirements for cleanup criteria. A "wetland" determination significantly increases the cost of remediation and the amount of soil which must be removed for disposal. We assert that this area does not meet the criteria for a wetland.

As stated by NMOCD, "If [USFWS-FGDC] do make changes to the maps, let us know and we will honor their decision. Please let us know the FGDC's decision if you petition to have the wetland designation changed. The [NM]OCD has nothing to do with the wetlands maps, we only enforce the designation if the release is within 300 feet of a release." (Note: I suggest that the FGDC Wetlands Mapper tool is being used by NMOCD for a purpose for which it was not intended but that will be an argument for another time.)

If after you review the JD and supporting information, please have the correction made and submit it to me for distribution to the NMOCD with our revised Remediation Plan and an Appeal to the NMOCD's Rejection of Release Notification and Corrective Action Plan. Please call me or Jesse Shuck with any questions.

**Jerry D. Worsham II**

Member – Environment, Energy & Natural Resources Practice

**Clark Hill**

3200 N. Central Avenue, Suite 1600, Phoenix, AZ 85012

+1.602.440.4808 (office)

[jworsham@clarkhill.com](mailto:jworsham@clarkhill.com) | [www.clarkhill.com](http://www.clarkhill.com)

---

**From:** Griffin, Rusty <[rusty\\_griffin@fws.gov](mailto:rusty_griffin@fws.gov)>  
**Sent:** Wednesday, May 17, 2023 9:42 AM  
**To:** Worsham II, Jerry <[jworsham@clarkhill.com](mailto:jworsham@clarkhill.com)>  
**Cc:** michael.haynes@riatacg.com  
**Subject:** RE: [EXTERNAL] Wetlands Mapper tool

**[External Message]**

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Not long. A week at most.

Rusty



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**From:** Worsham II, Jerry <jworsham@clarkhill.com>  
**Sent:** Wednesday, May 17, 2023 11:41 AM  
**To:** Griffin, Rusty <rusty\_griffin@fws.gov>  
**Cc:** Michael Haynes <michael.haynes@riatacg.com>  
**Subject:** RE: [EXTERNAL] Wetlands Mapper tool

Rusty:

Once I get you the JD Report, how long for you to review and make the corrections? I will have to ask the NMOCD for an extension of time before having to file an appeal to the Administrative Law Judge within 30 days.

Jerry

**Jerry D. Worsham II**

Member – Environment, Energy & Natural Resources Practice

**Clark Hill**

3200 N. Central Avenue, Suite 1600, Phoenix, AZ 85012  
+1.602.440.4808 (office)

[jworsham@clarkhill.com](mailto:jworsham@clarkhill.com) | [www.clarkhill.com](http://www.clarkhill.com)

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**From:** Griffin, Rusty <rusty\_griffin@fws.gov>  
**Sent:** Wednesday, May 17, 2023 8:49 AM  
**To:** Worsham II, Jerry <jworsham@clarkhill.com>  
**Cc:** Michael Haynes <michael.haynes@riatacg.com>  
**Subject:** RE: [EXTERNAL] Wetlands Mapper tool

**[External Message]**

---

Jerry,

You can send the request form and the wetland delineation to me at this email address. The USACE does not need to review the data, we just need the data collected using their field protocols.

Rusty

**Rusty Griffin, PWS**

U.S. Fish and Wildlife Service, National Wetlands Inventory | 505 Science Drive, Suite A, Madison, WI 53711 | 608-238-9333 x31005

<http://www.fws.gov/wetlands/index.html>

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**From:** Worsham II, Jerry <jworsham@clarkhill.com>  
**Sent:** Wednesday, May 17, 2023 10:46 AM  
**To:** Griffin, Rusty <rusty\_griffin@fws.gov>  
**Cc:** Michael Haynes <michael.haynes@riatacg.com>; Wetlands Team, FWHQ <Wetlands\_Team@fws.gov>  
**Subject:** RE: [EXTERNAL] Wetlands Mapper tool

Rusty:

Thank you for the response. To whom do we submit the Request for Correction of Information along with a typical ACOE/EPA Jurisdictional Determination (JD) using the "1987 USACE Wetlands Delineation Manual" and Regional Supplements ? Does the ACOE have to review and approve formally before submission to USFWS?

Jerry

**Jerry D. Worsham II**

Member – Environment, Energy & Natural Resources Practice

**Clark Hill**

3200 N. Central Avenue, Suite 1600, Phoenix, AZ 85012

+1.602.440.4808 (office)

[jworsham@clarkhill.com](mailto:jworsham@clarkhill.com) | [www.clarkhill.com](http://www.clarkhill.com)

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### Request for Correction of Information

This document is required by the Department of the Interior, U.S. Fish and Wildlife Service Information Quality Guidelines.

**Requesting a Correction of Information:** Any affected person or organization may request a correction of information from the Service pursuant to the Information Quality Guidelines. The Branch of Geospatial Mapping and Technical Services will consider requests for corrections of information for the National Wetlands Geospatial Data Layer if such a request is submitted in compliance with DOI/Service Information Quality Guidelines. Requests must be routed through the appropriate Service Region for technical evaluation. Regional requests for entry of corrected map data will be made by submitting a completed "Request for Correction of Information" form to the Branch's Geodatabase Manager. This form is part of the MGD Technical Attachments of Forms and Documentation. It certifies the corrected information submitted has been approved by all appropriate technical quality control personnel and meets all data standards and requirements as outlined on the Contributed Data webpage. This complies with the requirements of Section 515 of the Treasury and General Government Appropriations Act of 2001 (Public Law 106-554) that requires Federal agencies to provide administrative mechanisms allowing the public to seek and obtain correction of information maintained and disseminated by the agency.

#### Requester Contact Information:

|  |                                      |  |
|--|--------------------------------------|--|
| Requestor Name:<br><b>Jerry D. Worsham II</b>  | Date:<br><b>6/1/2023</b>             | Email Address:<br><b>jworsham@clarkhill.com</b>                  |
| Address:<br><b>3200 N. Central Ave., Ste. 1600, Phx, AZ 85012</b>  | Phone Number:<br><b>602-440-4808</b> | Organization(if any):<br><b>Clark Hill/Longfellow Energy, LP</b> |
| Description of Requested Area for Correction(location/coordinates/attribute):<br>The polygon is currently defined as a PEM1A (Palustrine Emergent) wetland.<br>Approximate latitude 32.848478 deg. N, -104.141243 deg. W., Eddy County, New Mexico   |                                      |  |
| Effect of the Alleged Error:<br>The designation of a "wetland" by the USFWS "Wetland Mapper" is used by the New Mexico Oil Conservation Division (NMOCD) to determine the applicable remediation regulation and ultimate cost of the Remediation Plan. A wetland determination drastically increases the amount of soil to be removed and associated cost for remediated soil disposal. See attached Jurisdictional Delineation by Jesse Shuck from Grouse Mountain Environmental Consultants to support a correction of the Wetland Mapper. |                                      |  |

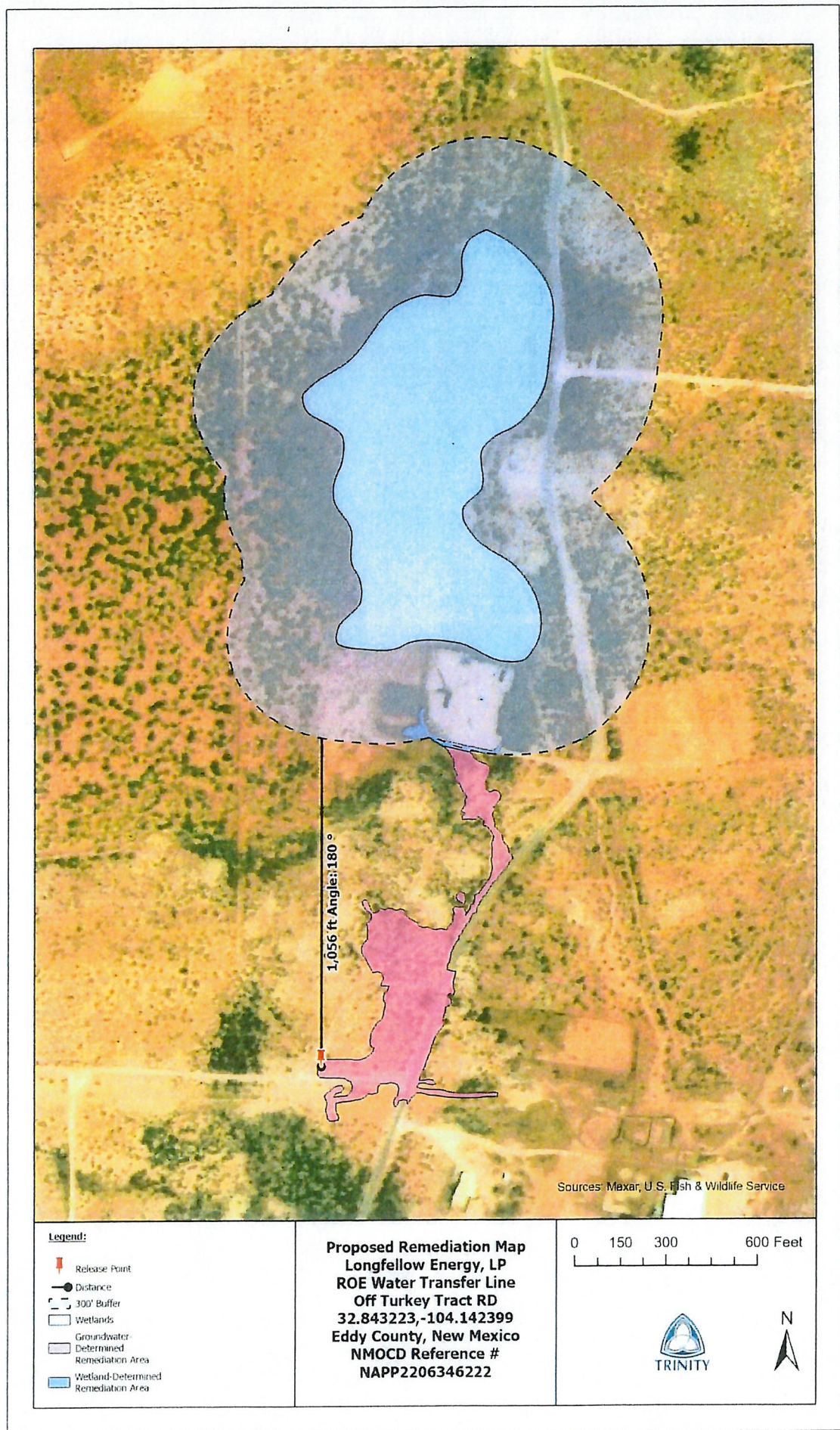
#### FWS Evaluation Information:

|   |                     |       |
|---|---------------------|-------|
| FWS Personnel:                                | Approved or Denied: | Date: |
| Justification for Correction Approval/Denial: |                     |       |

- ☐ The information submitted has been approved by all appropriate quality control personnel.
- ☐ An updated metadata file is attached that reflects this revised information.

271761272









Jerry D. Worsham II  
T (602) 440-4808  
Email: jworsham@clarkhill.com

Clark Hill  
3200 North Central Avenue, Suite 1600  
Phoenix, AZ 85012  
T (602) 440-4800  
F (602) 257-9582

June 6, 2023

New Mexico Oil Conservation Commission  
Oil Conservation Division  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505

**Re: Request for Adjudicatory Hearing; Appeal by Longfellow Energy, LP**

Dear Sir/Madam:

Please accept this filing for an Adjudicatory Appeal and Hearing before the New Mexico Oil Conservation Division (NMOCD) and the Division Examiner. Two copies are being submitted and the Fee Application has been paid and documentation is submitted in print.

Please contact me with any questions or any issues with this filing.

Sincerely,

A handwritten signature in blue ink that reads 'Jerry D. Worsham II'.

Jerry D. Worsham II

Enclosures – Appeal Application (2 copies)  
Fee Application Receipt

c: Mr. Michael Haynes, Esq. – Longfellow Energy LP  
Mr. David Cain – Longfellow Energy LP  
Mr. Mike Bratcher – NMOCD Incidents Group Supervisor  
Mr. Robert Hamlet – NMOCD Environmental Specialist

6/6/2023

**State of New Mexico**  
**Energy, Minerals and Natural Resources Department**  
**Oil Conservation Division**



## Receipt of Fee Application Payment

**PO Number: MJ30R-230606-REQFOR**

Payment Date: 6/6/2023 2:08:43 PM

Payment Amount: \$500.00

Payment Type: Credit Card

Application Type: Application for an administrative hearing, re-hearing or de novo hearing before the division or commission

Fee Amount: \$500.00

Application Status: Under OCD Review

First Name: Jerry D.

Last Name: Worsham II

Email: jworsham@clarkhill.com

Law Firm: Clark Hill PLC

Client Being Represented: Longfellow Energy LP

Abstract (proposed ad verbiage): This Adjudicatory Appeal of a decision by the New Mexico Oil Conservation Division is submitted on behalf of Longfellow Energy LP/Riata Corporate Group, LLC (Longfellow) through its counsel, Jerry D. Worsham II of Clark Hill PLC, as required by NMAC 19.15.4.14(c). Longfellow requests an Adjudicatory Hearing before a Division Examiner and approval of the Variance Application and revised C-141 submitted and dated January 13, 2023. Based upon the Jurisdictional Determination completed by Grouse M...

**IMPORTANT:** If you are mailing or delivering your application, you must print and include your receipt of payment as the first page on your application. All mailed and delivered applications must be sent to the following address: 1220 S. St. Francis Dr., Santa Fe, NM 87505. For inquiries, reference the PO Number listed above.

Oil Conservation Division \* 1220 South St. Francis Drive \* Santa Fe, New Mexico 87505  
(505) 476-3441 \* ocd.fees@state.nm.us \* www.emnrd.nm.gov/OCD