

Bratcher, Mike, EMNRD

From: Randall Hicks <r@rthicksconsult.com>
Sent: Wednesday, February 27, 2013 4:42 PM
To: Bratcher, Mike, EMNRD
Cc: 'Kristin Pope'
Subject: RE: Alamo Permian - Cedar Lakes 5

Mike

Geoff is a nice guy. You too.

Replacement pages are in today's mail. The Cedar Lake 5 should be close to perfect.

We have the raster on our GIS, but like you say, for much of Eddy Co. we need to use the "wetlands mapper" which is the USFWS web-based tool. Kristin has been talking to the NMED wetlands expert (there is one) in Santa Fe and got some great information. We are currently conferring with the Eddy Co. extension agent – who qualifies as a professor at NMSU and believes he can fit our needs. The key to defining a wetland per the OCD definition is the presence/absence of the plant community. According to the NMED expert, these plants should be present even in February. As long as our independent expert is a decent plant taxonomist, I think we can get a true answer that both of us need to live with.

Soon you can add wetlands expert to your resume along with groundwater expert. Good for you!

I still think the Districts need more bodies and expertise to handle what could be a lot of pit permits on top of your current workload.

Thanks for your help.

Randall Hicks
RT Hicks Consultants
Office: 505-266-5004
Cell: 505-238-9515

From: Bratcher, Mike, EMNRD [<mailto:mike.bratcher@state.nm.us>]
Sent: Wednesday, February 27, 2013 4:31 PM
To: Randall Hicks; Warnell, Terry G.
Cc: mstewart@helmsoil.com; cstoker@helmsoil.com; Hollie Lamb; 'Kristin Pope'
Subject: RE: Alamo Permian - Cedar Lakes 5

Randy,

Geoff is a nice guy – me, maybe not so much. I will not make corrections to these permits, as has been discussed, for several reasons. I will make an exception on the permits already submitted in that I will replace the incorrect page with a corrected copy. Same for the plate issue. Send a corrected page and I will replace it. This will not be standard procedure for future submittals. Perfect may have some enemies, but if I get a perfect submittal, and I gain the trust that they will be free of typos, missing plates, etc., I can actually see the possibility of having a fairly rapid turnaround on these things, and that is what is going to be needed to accommodate industry's hectic drilling schedules. In this instance, requiring perfection will lead to improvement – or a lot of denied permits.

I did a little research on the wetlands issue, and you may know this already, but Fish and Wildlife Service maintains a National Wetland Inventory. <http://www.fws.gov/lfw2es/nwi/Raster.html> Only a small portion of Eddy County was mapped, but looking at the Lea County map, I think we probably will want to stick to the Part 17 definition.

Mike Bratcher
NMOCD District 2
811 S. First Street
Artesia, NM 88210
O: 575-748-1283 X108
C: 575-626-0857
F: 575-748-9720

From: Randall Hicks [<mailto:r@rthicksconsult.com>]
Sent: Wednesday, February 27, 2013 11:51 AM
To: Bratcher, Mike, EMNRD; Warnell, Terry G.
Cc: mstewart@helmsoil.com; cstoker@helmsoil.com; Hollie Lamb; 'Kristin Pope'
Subject: Alamo Permian - Cedar Lakes 5

Mike

This goes out US Mail today.

At this moment, the plan is to begin construction of Wilson #3 very soon after 3/5/13. However, it is possible that State BK 9 will come first, then Cedar Lake then Wilson. So we seek approval of Wilson and State BK 9 on or very soon after 3/5.

On Wilson #3 – you will find that the form contains the typo listed below. The report and data confirm that groundwater IS more than 100 feet below the bottom of the buried waste – so the third box should be checked “YES”. This error was corrected in the State BK 9 C-144.

Ground water is less than 50 feet below the bottom of the buried waste.

- NM Office of the State Engineer - iWATERS database search; USGS; Data obtained from nearby w

Ground water is between 50 and 100 feet below the bottom of the buried waste

- NM Office of the State Engineer - iWATERS database search; USGS; Data obtained from nearby w

Ground water is more than 100 feet below the bottom of the buried waste.

- NM Office of the State Engineer - iWATERS database search; USGS; Data obtained from nearby w

The C-144 form for both the Wilson #3 and State BK 9 refer to a Plate 2. The correct reference is Plate 1 (which has three pages: a, b, c)

Volume: See Plate 1, 2 bbl Dimensions: L. _____ x W. _____ x D. _____

For the recently approved Caza Ridge 2H pit permit, Geoff used a pen to change these errors on the original form and simply informed us of his change. That works for us. It may be simpler than fooling with a new submission or replacement pages (which will be coming in the mail with the application for Cedar Lake 5).

"Perfect is the enemy of good" (see http://en.wikipedia.org/wiki/Perfect_is_the_enemy_of_good) – I believe you will find that these are "good" applications and provide the data and explanations that will make approval straight-forward. Let us know if you want to take a tour of the sites – Kristin will want to accompany you. We would like to be with you when you visit the mapped "wetlands" discussed in this permit application.

Randall Hicks
RT Hicks Consultants
Office: 505-266-5004
Cell: 505-238-9515