

**BEFORE THE ENERGY AND CARBON MANAGEMENT COMMISSION
OF THE STATE OF COLORADO**

IN THE MATTER OF THE PROMULGATION)	CAUSE NO. 407
AND ESTABLISHMENT OF FIELD RULES)	
TO GOVERN OPERATIONS FOR THE)	DOCKET NO. 240100004
NIOBRARA, FORT HAYS, CODELL, AND)	
CARLILE FORMATIONS, WATTENBERG)	TYPE: OIL AND GAS
FIELD, WELD COUNTY, COLORADO)	DEVELOPMENT PLAN

EXTRACTION OIL & GAS, INC.'S PREHEARING STATEMENT (CORRECTED)

COMES NOW Extraction Oil & Gas, Inc. (Operator No. 10459) (“Applicant” or “Extraction”) by and through its attorneys, Beatty & Wozniak, P.C. respectfully submits this Prehearing Statement in support of the above-referenced Application to the Energy & Carbon Management Commission (the “Commission” or the “ECMC”) for an Oil and Gas Development Plan (“OGDP” or “Draco OGDP”). Per the direction of the Commission provided during the November 15, 2024 ECMC Hearing and memorialized in Order No. 407-3670, Extraction conducted additional review of the feasibility of Alternative Location 4, including further engagement with the Town of Erie regarding its rezoning and local permitting processes for Alternative Location 4. This Prehearing Statement summarizes Extraction’s engagement with the Town of Erie and provides additional information and analysis of Alternative Location 4 following Extraction’s evaluation. Following this additional review, Extraction concludes that the Draco Pad and OGDP best avoids, minimizes, and mitigates potential impacts to the public, environment, and wildlife over any potential alternative location that could access the target minerals, and should be approved by the ECMC.

All capitalized terms used but not defined herein shall have their meaning as set forth in Extraction’s Draco OGDP Application.

I. Factual Background

1. On January 4, 2024 (amended April 10, 2024), Extraction filed an Application (“Application”) with the ECMC to approve an approximate 3,951.25-acre OGDP (the “Draco OGDP”) for the development and production of 26 total horizontal wells, to be developed from one (1) Oil and Gas Location on the below-described lands (“Application Lands”):

Draco Pad:

Township 1 North, Range 68 West, 6th P.M.

Section 21: Portion of the SE¼ (approximately 19.45 acres)

Mineral Development:

Township 1 North, Range 68 West, 6th P.M.

Section 19: All

Section 30: All

Township 1 North, Range 69 West, 6th P.M.

Section 22: E½

Section 23: All

Section 24: All
Section 25: All
Section 26: NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 27: N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$

See Exhibit 1 for a reference map of the Application Lands.

2. Extraction is an Owner, as defined in the ECMC 100-Series rules, within the Application Lands.

3. The Draco Pad is located within Weld County, Colorado, which is the Relevant Local Government. The Town of Erie is the Proximate Local Government. Extraction filed a 1041 Weld County Oil and Gas Location Assessment (1041 WOGLA) application with Weld County on November 7, 2023, and it was approved on February 29, 2024. As reflected by the meeting transcripts and the testimony of the representatives of Weld County and the Town of Erie at the November 2024 ECMC Hearing for the Draco OGD, the Town of Erie was an active participant in all Weld County preapplication meetings and did not raise objection to the Draco Pad Location or raise support for an alternative location during the Weld County process.

4. The Draco Pad will come within 2,000 feet of five Residential Building Units ("RBU(s)"). All five RBU owners have given informed consent for the siting of the Draco Pad in proximity to their respective homes. Per ECMC Rule 304.b.(2), Extraction performed and included with its filed Form 2A an Alternative Location Analysis ("ALA"). The ALA reviewed four Alternative Locations, three of which were located within Weld County and one, Alternative Location 4 ("AL 4"), was located within the Town of Erie. After conducting its review and in compliance with the rules and guidance documents of the ECMC, Extraction determined the proposed Draco Pad was the location that best avoids, minimizes, and mitigates impacts while also allowing for the complete and efficient development of the targeted minerals.

5. On August 20, 2024, the Director issued a recommendation that the Commission approve the proposed Draco OGD on the basis that the OGD complies with all requirements of the Commission's Rules and protects and minimizes adverse impacts to public health safety, welfare, the environment, and wildlife resources. The Director's Recommendation was posted on the Commission's website and filed with the Hearings Unit.

6. On November 13, 2024, the Commission held a hearing on the Draco OGD application. After receiving public comment, comments from the Southern Land Company ("SLC"), Weld County, and the Town of Erie, and testimony and exhibits from Extraction, the Commission continued the OGD application to November 15, 2024 to allow the Commission to hear further comments from the Town of Erie and Colorado Department of Public Health and Environment ("CDPHE"). Additionally, during the hearing continuation, Extraction provided a supplemental presentation addressing Commissioner questions regarding community outreach and coordination and Extraction's ALA. Specifically, Extraction addressed its review of AL 4 and why the Proposed Location was selected as the preferred Location.

7. Following the Commission's deliberations during the November 15, 2024 Hearing, the Commission issued a stay of the Draco OGD application pending further evaluation of Extraction's ALA, specifically requiring further evaluation of AL 4. The Commission encouraged Extraction to engage with the Town of Erie to determine the feasibility of obtaining local

permitting for AL 4. This direction was memorialized by Order No. 407-3670, Order for Stay, which stayed the Draco OGD application “indefinitely pending further information on the viability of proposed Alternative Location No. 4.”

8. On December 16, 2024, Extraction, including its regulatory team and outside counsel, met with Town of Erie Staff, including members of the Town’s planning department, its outside counsel, the Town Manager, and Director of Environmental Services to further discuss the Town’s regulatory process and Town Staff’s position on AL 4 and the Proposed Location. A summary of the meeting and additional subsequent correspondence between Extraction and Town of Erie Staff is included as Exhibit 2.2.

9. In addition to engaging with the Town of Erie to gain further information and insight as to the Town’s rezoning and oil and gas permitting process, specifically as it applies to AL 4, Extraction also undertook additional internal reviews of AL 4. These reviews included: (1) further examination of the water and wildlife resources; (2) further review of potential impacts associated with AL 4, including visual and transportation impacts; and (3) further review of the impact of the CDPHE’s recently issued Notice of Environmental Use Restrictions for the former Neuhauser Landfill located immediately adjacent to AL 4. As discussed in further detail below, this comprehensive site analysis confirms Extraction’s initial conclusion that the proposed Draco Pad is the Location that best avoids, minimizes, and mitigates impacts.

II. Analysis of Alternative Location No. 4

AL 4 is located entirely within and under the jurisdiction of the Town of Erie. As a result, the land is subject not only to the Erie Municipal Code (“Town Code”), which includes the Unified Development Code (“UDC”), but also its current and future land use plans and designations, including zoning determinations and future Comprehensive Land Use plans. As further discussed in Section III below, the Town Code prohibits approval of oil and gas permits unless the property is zoned as heavy industrial under the UDC. Assuming this zoning is established, the Town Code further places siting restrictions on oil and gas locations within the Town of Erie, including mandating that the oil and gas operation be “at least 500 feet from any surface water body” (UDC Section 10-12-4 C.4.) and that any type of well pad or above-ground production facility be located at least 2,000 feet from the boundary line of platted residential lots or parks, sports fields and playgrounds, or other outside activity areas and any occupied structure (UDC Section 10-12-4 C.3.).

Extraction conducted its initial ALA, including analysis of AL 4, in 2023. This included a desktop review of AL 4 and surrounding potential receptors, and consultation with David Frank, Director of Environmental Services for the Town of Erie and local government designee, regarding oil and gas operations at AL 4. Extraction summarized the key advantages and disadvantages with AL 4 in its initial ALA summary submitted on January 17, 2024 with its Form 2A for the Draco Pad. At that time, Extraction preliminarily placed AL 4 immediately adjacent to a remediated landfill, the Neuhauser Landfill, which allowed the pad to be greater than 2,000 feet from the Vista Ridge neighborhood to the south of AL 4. The distance from the Vista Ridge neighborhood was the key advantage of AL 4 noted in the initial ALA submitted on January 17, 2024. The disadvantages, however, included siting an oil and gas location adjacent to the Neuhauser Landfill and that the site was not currently zoned to allow for local oil and gas permitting. Erie’s Town Code requirements when reviewed in concert with its Town Council’s

positions on land use and oil and gas development, raised a reasonable concern with whether Erie would approve rezoning for heavy industrial adjacent to the Vista Ridge neighborhood or an oil and gas permit for development at AL 4. This analysis of AL 4 helped form the basis for the Director's Recommendation for approval of the Draco Pad.

Extraction undertook additional comprehensive analysis of AL 4 following the November 2024 hearings, including an environmental survey of the AL 4 site conducted by a third party specialist, analysis of the transportation route for AL 4, review of CDPHE's Notice of Environmental Use Restrictions, issued on December 17, 2024 ("CDPHE Notice") for the former Neuhauser Landfill located immediately adjacent to AL 4, and subsequent civil engineering analysis as a result of the CDPHE Notice.

CDPHE's Notice of Environmental Use Restrictions result in AL 4 being sited closer to the Vista Ridge neighborhood, resulting in hundreds of RBUs within 2,000 feet of the site

In late December 2024, following Extraction's meeting with Town of Erie Staff and following Extraction's additional comprehensive analysis of AL 4, Extraction received a Notice of Intent to Issue a Notice of Environmental Use Restriction from CDPHE, dated December 17, 2024 (defined previously as the CDPHE Notice) pertaining to the Neuhauser Landfill which is adjacent to AL 4. Extraction received the CDPHE Notice because its affiliate is an interest owner in the Pratt 29H-P168 Pad, which is located within the same section as the Neuhauser Landfill. Exhibit 3 includes the complete CDPHE Notice received by Extraction through its affiliate. Extraction reviewed the CDPHE Notice carefully and had two informal consultations with CDPHE representatives regarding AL 4 and the related CDPHE Notice to better understand potential implications to any oil and gas locations that may be sited near the Neuhauser Landfill in the future.

As the CDPHE Notice details, in order to protect human and environmental health, CDPHE determined that environmental and land use restrictions are necessary for a portion of the impacted property, referred to by CDPHE as the "Restricted Property," which lies immediately adjacent to AL 4 to the north and west. CDPHE determined the Restricted Property to be an environmental concern due to the installation of landfill cover and the existence of residual ground water contamination from the site's former use. As a result of this environmental concern, CDPHE prescribed certain land use restrictions for the Restricted Property and adjacent lands, including prohibition of "temporary or permanent improvements, earthwork, structures or appurtenances that increase the flow of storm water over, through or under the Restricted Property." See CDPHE Notice, pg. 2. Based on this prohibition, Extraction requested analysis of its stormwater controls and potential buildout of AL 4 from its internal civil engineering team and a third-party professional engineer. The summary of the findings of the third-party review are attached as Exhibit 4.

As previously noted, in its initial ALA undertaken in 2023 and submitted in early 2024, Extraction strategically located AL 4 immediately adjacent to the Neuhauser Landfill to attempt to be greater than 2,000 feet from the Vista Ridge neighborhood. Accordingly, the closest pad disturbance area, the constructed side slopes, and sediment traps included in the design of AL 4 pad are located only four (4) feet, 34 feet, and 20 feet away, respectively, from the Restricted Property. The opinion of the third-party professional engineer is that AL 4 cannot be sited in such close proximity to the Restricted Property because there is insufficient space to implement

stormwater runoff or sediment mitigation measures to prevent stormwater runoff from AL 4 onto and over the Restricted Property. As currently designed by CDPHE, the stormwater mitigation measures for the Restricted Property do not contemplate or allow any additional stormwater flow that may result from the construction and operation of AL 4. The recommendation made by the third-party professional engineer, which is shared by Extraction's civil engineering team, is that AL 4 must be moved further away from the Restricted Property to ensure stormwater runoff and potential sediment can be engineered away from the Restricted Property. Shifting AL 4 further away from the Restricted Property is the only way to ensure that a violation of the current restrictions in the CDPHE Notice does not occur.

Extraction met with CDPHE Staff representatives on January 27, 2025 and February 19, 2025 regarding implications of the CDPHE Notice on the Restricted Property and original AL 4 site. During these meetings, CDPHE confirmed any stormwater or sediment that flowed onto the Restricted Property would be an enforceable violation of the current prohibitions contained in the CDPHE Notice. CDPHE Staff explained that an exemption to the CDPHE Notice prohibitions could theoretically be granted that may allow some stormwater flow within the Restricted Property, but only if approved by a licensed engineer, the Town of Erie, and CDPHE. An exemption would require the property owner, which Extraction is not, to complete approved modifications to the current stormwater management system for the Restricted Property (including physical modifications to the remediated areas) to allow for the additional stormwater runoff that would be created by an adjacent project such as AL 4. Finally, CDPHE Staff confirmed that, even if an exemption to the CDPHE Notice prohibitions was approved by Town of Erie and CDPHE, any stormwater flows through the Restricted Property in exceedance of a revised amount approved by CDPHE would be actionable against Extraction or the property owner. Exhibit 5 includes email correspondence between CDPHE and Extraction summarizing the meeting details.

Shifting AL 4 away from the Restricted Property is the only solution to ensure compliance with the current CDPHE Notice prohibitions. An intermittent stream channel is located just south of AL 4, so shifting AL 4 south and away from the Restricted Property requires this alternative site to be moved approximately 1,000 feet south of AL 4's original proposed location to avoid the intermittent stream and associated steep topography. This relocation resulted in a second location analyzed by Extraction in late January and early February of 2025, being Alternative Location 4.1 ("AL 4.1"). As shown on Exhibit 6, AL 4.1 avoids the Restricted Property subject to the CDPHE Notice and is sited immediately south of the ditch and topographical depression within the parcel. While AL 4.1 complies with the environmental and land use restrictions contained in the CDPHE Notice and prevents any adverse environmental impact on the Restricted Property, it necessarily means that a potential oil and gas location accessing the target minerals would be sited closer to the Vista Ridge neighborhood. Based on Extraction's review of the revised working pad surface for AL 4.1, the site would be within 2,000 feet of approximately 207 RBUs within the existing Vista Ridge neighborhood in Erie.

AL 4 is suitable for Burrowing Owls and Other Non-Eagle Raptors, and is within 500 feet of several water features

On November 21, 2024, RPG Resources (RPG), a third-party company with environmental experts, conducted a field survey to provide an updated environmental assessment of AL 4. The site assessment included a desktop review, followed by a windshield

and drone field site assessment by biologists and wetland scientists. RPG concluded that there are no suitable nesting sites for bald eagles or golden eagles within ½ mile of AL 4. There is suitable burrowing owl habitat (i.e., prairie dog burrows) within the southern boundaries and north of AL 4, RPG also noted the presence of suitable non-eagle raptor nesting and migratory bird nesting habitat.

Notably, RPG identified three mapped water features and one unmapped pond feature within 500 feet of the AL 4 site. These features, summarized in Exhibits 7 and 8, include two mapped intermittent streams/riverines, located approximately 53 feet south and 301 feet north of the AL 4 site, respectively. While the lands were not physically accessible to conduct a formal analysis, RPG assessed the surface characteristics of the features via visual observation and drone imagery. No standing water was observed, however, RPG noted that elevation analysis showed depressions along the boundaries of the two intermittent streams and changes in vegetation between the upland areas and depressions.

While RPG concluded that no impacts to any wetlands or Waters of the State would be expected at AL 4, CPW waivers would be required per ECMC Rule 1202.a.(3). Moreover, the Town of Erie's prohibition on oil and gas operations within "500 feet from any surface water body" could preclude final local approval of any potential operations at AL 4. See UDC Section 10-12-4 C.4. As discussed further below, Extraction raised this issue with the Town of Erie during its meeting on December 16, 2024, and discussed it further through email correspondence. The Town's attorney did not provide a conclusive answer as to whether these water features would preclude use of AL 4, but did suggest that moving AL 4 away from these features would be necessary. See Exhibit 2.1, which includes email correspondence from the Town of Erie's attorney.

The environmental survey conducted by RPG occurred prior to Extraction's receipt of the CDPHE Notice which resulted in the analysis of the AL 4.1 location, however, a desktop review of the AL 4.1 site indicates that many of the same environmental concerns related to burrowing owl habitat and water features, including close proximity (within 500 feet) to two (2) NWI-Mapped Riverine and one (1) NWI-Mapped Freshwater Pond, are present at AL 4.1 as well. These features are summarized in the Draco Alternative Location 4 & 4.1 Aquatic Setback Exhibit, Exhibit 8. Also, like AL 4, RPG found AL 4.1 would create no expected impacts to wetlands or Waters of the State. CPW waivers would still be required, however, due to the proximity to mapped water features per ECMC Rule 1202.a.(3).

Traffic Impacts Increase for AL 4

Over and above what is typical of a standard ALA, Extraction reviewed the transportation routes applicable to both AL 4 and AL 4.1. These alternative sites are located further south and west of the closest access point to Interstate 25 than the proposed Draco Pad. As a result, the proposed transportation route from AL 4 requires 3.62 miles of travel on city and county roads, the crossing of four (4) intersections (3 with traffic signals and 1 without), and requires an unprotected lefthand turn from the pad access road onto County Road 5. The comparative analysis of the traffic impacts for AL 4 and AL 4.1 and the Draco Pad is included in Section IV below, but the additional analysis of these alternative sites shows that both would have greater traffic impacts to nearby residents, including residents of Erie, than the Draco Pad. A summary of the transportation routes is included in Exhibits 9-14.

III. Town of Erie Rezoning Process

1. Application of Erie Municipal Code and Future Land Use Plans to Alternative Location No. 4¹.

AL 4's proposed location is currently zoned Low-Density Residential by the Town of Erie. Pursuant to the UDC Section 10-12-2.A. of the Town Code, "[n]o oil and gas permit will be finally approved under these regulations unless the property where the operation will be located is zoned as heavy industrial (HI) under section 10-7-5 of the UDC." Therefore, in order to obtain an oil and gas permit from the Town, the lands comprising AL 4 would need to be rezoned to Heavy Industrial pursuant to the process set forth in the Town Code.² The rezoning process is set for in Section 5 of Chapter 7 of the UDC within the Town Code, UDC Section 10-7-5 (and by reference UDC Section 10-7-2).³

Key to the rezoning approval and pursuant to UDC Section 10-7-5.B.3.a-g., both the Planning Commission and the Town Council must determine if the proposed rezoning application: will promote public health, safety, and general welfare; is **generally consistent with the Town's comprehensive plan and the purposes of the UDC**; is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated; **is not likely to result in significant adverse impacts upon other property in the vicinity of the subject property**; provides for future uses on the subject property that will be compatible in scale with uses on other properties in the vicinity of the subject property; and the rezoning is generally consistent with the Town's economic development goals and objectives in bringing positive growth and sustainable revenues to the town.

Based on the rezoning steps and review criteria provided for in the UDC, which is only a precursor to obtaining a Town of Erie oil and gas permit (see below for additional identified issue regarding the oil and gas permitting process), Extraction identified several significant regulatory hurdles and uncertainties related to rezoning AL 4 to Heavy Industrial:

- a) There are currently no lands within the Town of Erie which are zoned for Heavy Industrial use.
- b) The Town Code, while providing detailed provisions relating to setbacks and construction standards for other zoning designations, is silent as to specific requirements and conditions that must be present for lands to be zoned as Heavy Industrial, both on the lands to be zoned and adjacent lands.
- c) The Town of Erie Comprehensive Plan details the envisioned future land use within the

¹ The application of Erie's Municipal Code and Land Use Plans to AL 4 in this section can generally be applied to AL 4.1 as well because both are located on the same parcel of land.

² Per discussion with the Town the rezoning of AL 4 would need to include a subdivision of the lands to carve out a separate tract for AL 4 to limit the lands subject to the rezoning process. The process for subdividing lands in the Town is not addressed by this Statement.

³ During rezoning discussions with the Town of Erie Staff, it was also indicated that the rezoning of AL 4 could be accomplished through the Planned Unit Development (PUD) process. However, after further review of the Erie Code, it is not entirely clear if the PUD process is applicable for the rezoning and permitting of AL 4. Because the rezoning requirements in many ways mimic the PUD process, the following analysis regarding the ability to designate AL 4 and the surrounding lands as Heavy Industrial lands apply to either process.

Town. The lands where AL 4 would be located are designated as Residential Rural while lands lying to the northwest and east of AL 4 are identified as potential Heavy Industrial zones.

- d) The Town of Erie Comprehensive Plan contains further descriptions related to the Heavy Industrial zoning designation, indicating that such designation would “accommodate existing heavy manufacturing, oil and gas, and landfill operations”, and that “Heavy Industrial uses should not be expanded, and new designations should not be mapped.”
- e) The Town of Erie Comprehensive Plan further provides that Heavy Industrial uses should be located away from population centers (AL 4 is within 1,947 feet of Vista Ridge property boundaries and AL 4.1 is within 891 feet of Vista Ridge property boundaries), should have visual screening (the natural topography screening present at the Draco Pad is not present at AL 4), and should not impact general traffic in residential areas (Draco requires shorter haul routes with fewer intersection crossings).

Notwithstanding the above-described challenges and uncertainties regarding the rezoning process of the AL 4 lands to Heavy Industrial, Extraction does not own or have a contractual interest in lands comprising AL 4, and as a result, pursuant to UDC Section 10-7-2.B.3., Extraction does not have the authority to file an application to rezone the AL 4 lands. Per the surface owner, Stratus Redtail Ranch LLC, and confirmed by the Town of Erie, the AL 4 parcel is subject to ongoing litigation regarding residential development which further complicates any pathway to development on or near AL 4.

2. Engagement with the Town of Erie Regarding Rezoning and Oil and Gas Permitting Process and Timeframe and the Town’s Site Preference.

Per the direction of the Commission, on December 16, 2024, Extraction met with representatives of the Town of Erie, including employees of the Town’s planning group; David Frank, the Director of Environmental Services; Malcom Fleming, the Town Manager; and the Town’s outside legal representatives. During this meeting, the parties discussed the following: the Town’s preferred location, if any; the Town’s rezoning process and confirmation that a Heavy Industrial zoning designation would be required; the impact of the Town’s Comprehensive Plan and its stated zoning targets on any rezoning application; the specific criteria, including the existence of any setback requirements or guidance documents for Heavy Industrial areas; the implications of a Surface Water Body within 500 feet of AL 4; the lack of natural screening of AL 4 from the adjacent residential developments; the additional drill time associated with AL 4; and the additional pipeline needed for three phase takeaway at AL 4 and how these factors relate to the Town’s oil and gas permitting.

No Preference Between Draco Pad and AL 4

When asked directly if the Town had a preference between the proposed Draco Pad and AL 4, the Town responded that it did not have a preference. Additionally, the Town was unwilling to indicate how an application for rezoning and a subsequent oil and gas permit would be received by the Town Council, especially given the likely strong opposition any such rezoning or permitting would receive from the adjacent residential developments and the presence of a remediated historic hazardous material dump site. Also, the Town Council elections in November 2024 introduced a new mayor and new councilmembers to the body, further increasing uncertainty as to both process and substance of a rezoning application.

Required Rezoning to Heavy Industrial

The Town confirmed Extraction's understanding that an oil and gas permit may only be approved for lands that have been zoned by the Town for Heavy Industrial use. The Town further confirmed that it did not have specific guidance criteria for the zoning or rezoning of lands for Heavy Industrial use. The Town indicated that any rezoning application must demonstrate that the proposed rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject property. (UDC Section 10-7-5.b.2.b.) The Town Code makes clear that zoning adjustments are for the purpose of "changed conditions or changes in public policy, or that are necessary to advance the general welfare of the Town. (UDC Section 10-7-5(A)). Zoning is not available to "relieve particular hardships, or convey special privileges on any person or organization." *Id.*

Staff further expanded that in order to meet this standard much would depend on the community position on the project and the applicant's response to the community on specific concerns. Moreover, even if the Town Staff found a proposed rezoning was not likely to result in significant adverse impacts, the Town Council could take exception to that finding and deny the rezoning. (UDC Section 10-7-5(B)(2)(b)). ~~Nearby property owners can protest any zoning approval under C.R.S. § 31-23-305. Zoning changes that are successfully protested must then pass a two-thirds majority of the Town Council to stand. *Id.*~~ It was reiterated that the Town's planning department and commission can never be certain how the Town Council will vote on a rezoning application or permit application.

The Town indicated that rezoning was completed through either "straight" zoning, in line with the rezoning process set forth above, with the added component of further subdividing the land because the Town would not want to rezone the entirety of the parcel on which AL 4 would be located. Per Extraction's request, the Town has provided a summary and timeline breakdown of the rezoning process based upon the code-imposed timing requirements and estimated Town review periods, attached hereto as Exhibit 15.

In addition to explaining the basic process and requirements for rezoning, the Town indicated that they believed the rezoning process and the oil and gas permit application under Chapter 12 of the UDC could proceed simultaneously.⁴ Assuming simultaneous processing of the rezoning and oil and gas permit applications are allowed, the Town indicated that this process could be completed in a best-case scenario timeline of six months. While providing this best case timeline, the Town also acknowledge that both the rezoning and permitting process would require multiple community engagements with communities that have a historical track record of opposition to oil and gas development (Town representatives indicated that the Vista Ridge Community had filed more complaints to the COGCC (now ECMC) associated with previous nearby oil and gas development than any other known community) and would require both Planning Commission and Town Council approval, neither of which the Town was willing to opine on the likelihood of success.

⁴ However, subsequent statements made by Mr. Frank to reporters with Capital & Main, <https://capitalandmain.com/as-activists-mobilize-against-drilling-oil-and-gas-operators-sour-on-colorado>, raise uncertainty as to this representation, with Mr. Frank representing that "[i]t is unclear if rezoning must be completed before the company could request that the Erie Town Council approve an oil and gas permit for the site."

Town of Erie Comprehensive Plan

Extraction discussed with the Town the description of Heavy Industrial zoning within the Town's Comprehensive Plan which provided that "heavy industrial uses should not be expanded, and new designations should not be mapped." The Town stated, despite this representation in the Comprehensive Plan, that modification of the Comprehensive Plan was not difficult or time consuming. The Town indicated that the Comprehensive Plan was not controlling for the purposes of rezoning and that it could be amended to allow for additional Heavy Industrial lands outside those proposed by the Plan. This representation does not appear to square with the plain language of UDC Section 10-7-5-(3), which lists consistency with the town's comprehensive plan as an approval criteria. However, the Town did not indicate if the current Plan's future designations or statements would impact any determination of the Town Council.

Oil and Gas Permit Requirements

In addition to discussing the rezoning process with Erie officials, Extraction also raised several concerns regarding the oil and gas permitting process as set forth in Chapter 12 of the UDC within the Town Code. Of specific concern was the application of the required 500 foot setback from any Water Body, as defined by the Town Code to include "[a]ny surface waters which are contained in or flow in or through the town, including: Coal Creek, Boulder Creek, Erie Lake, Erie Reuse Reservoir, Thomas Reservoir, Prince Lake #2, and any irrigation ditches." (UDC Section 10-12-1.H.) Per the representations of the Town, the setback from a Water Body is a hard setback and the Town Code does not provide for waiver or variance from this setback.

As reflected on Exhibits 7 and 8, AL 4 and AL 4.1 are both within 500 feet of potential Water Bodies. Extraction sought guidance from Town officials and the Town's outside counsel regarding the classification of the water bodies pursuant to the Town's Code. In his follow up response, John Sullivan, outside counsel for the Town of Erie, stated "the definition of Water Body in Section 10-12-1.H of the Uniform Development Code can be reasonably interpreted to include more than just the specific examples of the Water Bodies included in the definition." Mr. Sullivan further indicated that despite the presence of a "small intermittent creek" north and within 500 feet of AL 4, Extraction "may still be able to meet the 500 Water Body setback if you move or reconfigure the boundaries of the proposed Pad Site location." See Exhibit 2.1, which includes Mr. Sullivan's email correspondence related to the surface water body setback.

Based on the Town's interpretation of its Code, it appears the Town could not approve AL 4 as initially sited. Moreover, because a similar intermittent creek or stream lies immediately south of AL 4 or north of AL 4.1, the relocation of AL 4 (as already examined through AL 4.1) does not allow for compliance with UDC Section 10-12-1.H. Finally, even if moved as little as 12 feet south from its initial siting, AL 4 would then be within 2,000 feet of 6 RBUs, thus eliminating its key advantage over the proposed Draco Pad and raising significant additional regulatory hurdles to its approval at both the ECMC and the local permitting levels.

IV. Draco Pad v. AL 4

Through the additional review and engagement with the Town of Erie, CDPHE, and third-party experts, Extraction identified advantages and disadvantages associated with AL 4

when compared to the proposed Draco Pad. Extraction has highlighted the overall advantages and disadvantages of both the proposed Draco Pad and AL 4 in the comparative table and the supporting maps attached hereto as Exhibit 16.

As reflected in Extraction's ALA narrative and maps initially submitted as part of the Draco OGD Application, a key benefit of AL 4 was that it was located greater than 2,000 feet from any RBU. However, as discussed above in Section II, following the recent issuance of the CDPHE Notice, siting AL 4 immediately adjacent to the Restricted Property as initially proposed in Extraction's ALA is not possible if Extraction is to ensure compliance with the CDPHE Notice. AL 4 has been moved approximately 1,000 feet south to ensure compliance with the CDPHE land use restrictions and to accommodate for the land's natural topographic features. As a result of the relocation of AL 4, now referred to as AL 4.1, AL 4.1 is within 2,000 feet of 207 RBUs. This increased proximity to over 200 RBUs removes the singular advantage AL 4 had over the proposed Draco Pad.

As reflected in the Comparative Table, the proposed Draco Pad would be within 2,000 feet of five (5) RBUs during the pre-production phase of the Draco Pad development and potentially within 2,000 feet of 66 RBUs if the Westerly Community is completely built out as planned, with any occupancy of these homes occurring after the pre-production phase of operations. If full development of the Westerly Community is presumed, the proposed Draco Pad will have 141 less RBUs than AL 4.1. during the production phase. As reflected by the testimony of Tessa Sorensen of CDPHE during the November OGD Hearing, impacts to RBUs are greater during the pre-production phase of development, and during this critical phase, the proposed Draco Pad will only have five (5) RBUs compared to 207 at AL 4.1.

While subsequently constructed and occupied homes in the Westerly Community will likely increase the number of RBUs within 2,000 feet of the proposed Draco Pad, a key difference between these RBUs and those adjacent to AL 4.1 is that all potential future residents of the Westerly Community will have chosen to purchase their homes with full knowledge of the adjacent Draco Pad, which will be operational by the time the future homes are purchased.

In addition to RBU proximity, three additional receptors or conditions are present at AL 4 and AL 4.1 that are not present at the proposed Draco Pad, being downgradient water features, suitable burrowing owl and other avian habitat, and proximity to the remediated Neuhauser Landfill subject CDPHE environmental land use restrictions. As discussed in greater detail above, two of these three receptors require either the relocation of AL 4, see AL 4.1, or appear to completely prohibit the location of AL 4 or AL 4.1.

Based upon a November 21, 2024 review⁵ completed by a third party expert, three mapped National Hydrography Dataset (NHD) and National Wetland Inventory (NWI) features and one unmapped pond feature were assessed within 500 feet of AL 4. Feature one, an NWI-Mapped Riverine and NHD-Mapped intermittent stream, is located approximately 53-feet south of AL 4, which would also bring it within 500 feet of AL 4.1. Feature two, an NWI-Mapped Riverine and NHD-Mapped intermittent stream, is located approximately 301-feet north of AL 4. Feature three, an unmapped pond feature is located approximately 258-feet northwest of AL 4. Feature four, an NWI-Mapped Freshwater Pond is located approximately 263 feet north of

⁵ The review of AL 4 by RPG Resources consisted of a combination desktop, drone, and visual observations.

the AL 4. As stated above, Erie's outside legal representative indicated that those Water Bodies to the north of AL 4 could require the relocation of AL 4 to comply with the Town's oil and gas permitting rules. However, as reflected by the above third-party review, such a relocation would not resolve the issue as a similar Water Body, feature one, is located immediately south of AL 4 whose presence would also preclude the issuance of an Erie oil and gas permit.

The Draco Pad is located within 500 feet of the ordinary high-water mark of Community Ditch. However, the proposed Draco Pad is downgradient of the irrigation ditch, and as a result Extraction obtained a waiver of Rule 1202.a.(3) from CPW, which was supported by Staff via the Director's Recommendation.

In addition to the proximity to multiple potential Water Bodies, the lands on which AL 4 and AL 4.1 would be located were identified as containing characteristics that could make them suitable for burrowing owl habitat, including the presence of a prairie dog colony. Additional review would be needed to confirm the existence of any actual wildlife receptors, but such conditions, as reflected by Extraction's Form 2A and the online resources of the ECMC, are not present at the proposed Draco Pad.

AL 4 and AL 4.1 are also located further south and west of the closest access point to Interstate 25 than the proposed Draco Pad. As a result, the proposed transportation route from AL 4 requires 3.62 miles of travel on city and county roads, the crossing of four intersections (three with traffic signals and one without), and requires an unprotected lefthand turn from the pad access road onto County Road 5. The proposed Draco Pad transportation route only requires 1.91 miles of travel on city and county roads to access Interstate 25, the crossing of two intersections (both with traffic signals), and an unprotected lefthand turn to access County Road 7 from the access road. The drill cutting haul routes from AL 4 and 4.1 would require approximately 0.57 miles of road travel on County Road 5 and do not require the transversing of any intersections. The haul route from the proposed Draco Pad would require approximately 1.41 miles of road travel on County Roads 5 and 6 and the crossing of one intersection without traffic signals.

The proposed Draco Pad would use a transportation route that requires 1.71 miles less road travel per trip (excluding the great limited duration drill cutting distance of 0.84 miles) than that required for AL 4 and AL 4.1, making the proposed Draco Pad less impactful in terms of traffic and emissions related to transportation routes.

Finally, as discussed in greater detail in Section II, AL 4 and AL 4.1, are immediately adjacent or in close proximity to the remediated Neuhauser Landfill, which as a result of the unauthorized disposal of hazardous materials, is now subject to CDPHE imposed environmental land use restrictions. Such restrictions and risk associated with large earth work intensive development, such as oil and gas pad construction, are not present at the proposed Draco Pad.

V. Exhibits

- Exhibit 1 – Draco OGD Map
- Exhibit 2.1 – Email Correspondence from John Sullivan, Town of Erie outside counsel concerning the Town's classification of Water Bodies pursuant to the Town Code
- Exhibit 2.2 – Email Correspondence between Jill Fulcher, outside counsel for Extraction,

and Town of Erie Staff regarding a summary of Extraction's and the Town's December 16, 2024 meeting

- Exhibit 3 – CDPHE Notice of Environmental Use Restrictions for the Neuhauser Landfill
- Exhibit 4 – 609 Consulting, LLC – Alternative Location 4 – Drainage Memo
- Exhibit 5 – Email Correspondence between Jeff Annable, Extraction, and CDPHE Staff regarding the Notice of Environmental Use Restrictions for the Neuhauser Landfill
- Exhibit 6 – Map – Alternative Location 4.1 – CDPHE Buffer Avoidance
- Exhibit 7 – Environmental Memo Draco Alternate Location 4
- Exhibit 8 – Draco Alternative Location 4 & 4.1 Aquatic Setback
- Exhibit 9 – Draco Pad General Transportation Route
- Exhibit 10 – Draco Pad Drill Cuttings Transportation
- Exhibit 11 – Alternative Location 4 Transportation Route
- Exhibit 12 – Alternative Location 4 Drill Cuttings Transportation Route
- Exhibit 13 – Alternative Location 4.1 Transportation Route
- Exhibit 14 – Alternative Location 4.1 Drill Cuttings Transportation Route
- Exhibit 15 – Town of Erie Provided Well Site Development Schedule
- Exhibit 16 – Draco, AL 4, and AL 4.1 Comparison Table and Supporting Maps

VI. Summary

Extraction has worked diligently to address the Commission's request for additional analysis of AL 4. Extraction met with Town of Erie Staff to review the rezoning and permitting process pertaining to AL 4 and to discuss Town of Erie's position on both AL 4 and the Draco Pad. Extraction and Town of Erie Staff exchanged several emails after the meeting to further discuss the rezoning and permitting process, and to receive additional input from Town Staff regarding prohibitions on siting AL 4 within 500 feet of surface water bodies. Town Staff confirmed that it had no preference between AL 4 and the Draco Pad, that AL 4, if utilized, would potentially need to be moved away from the surface water bodies, and that rezoning would take six months at minimum, would involve input from the Vista Ridge neighborhood, and that there is no guarantee how the Town Council would vote on either rezoning or a potential oil and gas location permit.

In conducting this comprehensive ALA, Extraction believes that AL 4 and AL 4.1 are objectively infeasible alternatives to the Draco Pad. As confirmed by similar alternatives analyses under federal law, evaluation of alternatives to a proposed project need only cover "reasonable" alternatives, not ones that are "remote and speculative possibilities." *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 551 (1978) (discussing purpose of alternatives analysis under federal NEPA); see also *Wyoming v. USDA*, 661 F.3d 1209, 1244 (10th Cir. 2011) (noting that agencies are not required to analyze alternatives that are remote, speculative, impractical, or ineffective.) Under this case law, "reasonable" alternatives mean that the alternative is "objectively feasible" as well as "technically and economically practicable." *Myersville Citizens for a Rural Cmty., Inc. v. FERC*, 783 F.3d 1301, 1323 (D.C. Cir. 2015).

AL 4 and AL 4.1 are situated on a parcel of land zoned as rural residential, and currently subject to litigation between Town of Erie and the surface owner. As of this filing, no oil and gas permit could be obtained from the Town of Erie for this parcel under the Town Code.

Moreover, Extraction is not the owner of the parcel and has no right to initiate the rezoning process. Extraction does not dispute that the Town of Erie could *potentially* rezone the parcel to heavy industrial and consider permitting an oil and gas location for AL 4 or AL 4.1, but this legal theoretical possibility does not mean that AL 4 or AL 4.1 are reasonable alternatives to the Draco Pad. Instead, AL 4 and AL 4.1 present remote and speculative possibilities for development of the target minerals over the Draco Pad and no further analysis is necessary.

Notwithstanding the remote and speculative possibilities AL 4 and AL 4.1 present as alternative sites, Extraction's comprehensive additional analysis of these alternates demonstrate that neither operate to better avoid, minimize, or mitigate impacts to public health, safety, welfare, the environment, or wildlife resources over the Draco Pad. As originally sited, AL 4 would be only four feet from the Neuhauser Landfill, within 500 feet of four water features, within burrowing owl habitat, within 2,007 feet from the Vista Ridge neighborhood (and with no natural visual or sound barrier between the pad and neighborhood), and result in several more miles of impacts to Erie residents based on transportation routes. The CDPHE Notice, issued after the November ECMC Hearing on the Draco OGD Application, further prohibits disturbance to the Neuhauser Landfill, including any stormwater runoff on the Restricted Property. To comply with this prohibition, any alternative location must be moved further from the Restricted Property. In this case, AL 4.1 is the revised alternative location, and is within 2,000 feet of 207 RBUs. This has a significantly greater potential impact than what is planned for the Draco Pad, and demonstrates that the Draco Pad is the preferred location and the pad that best avoids, minimizes, and mitigates potential impacts to the public, environment, and wildlife.

Dated this 4th day of March, 2025.

Respectfully submitted,

Extraction Oil & Gas, Inc.

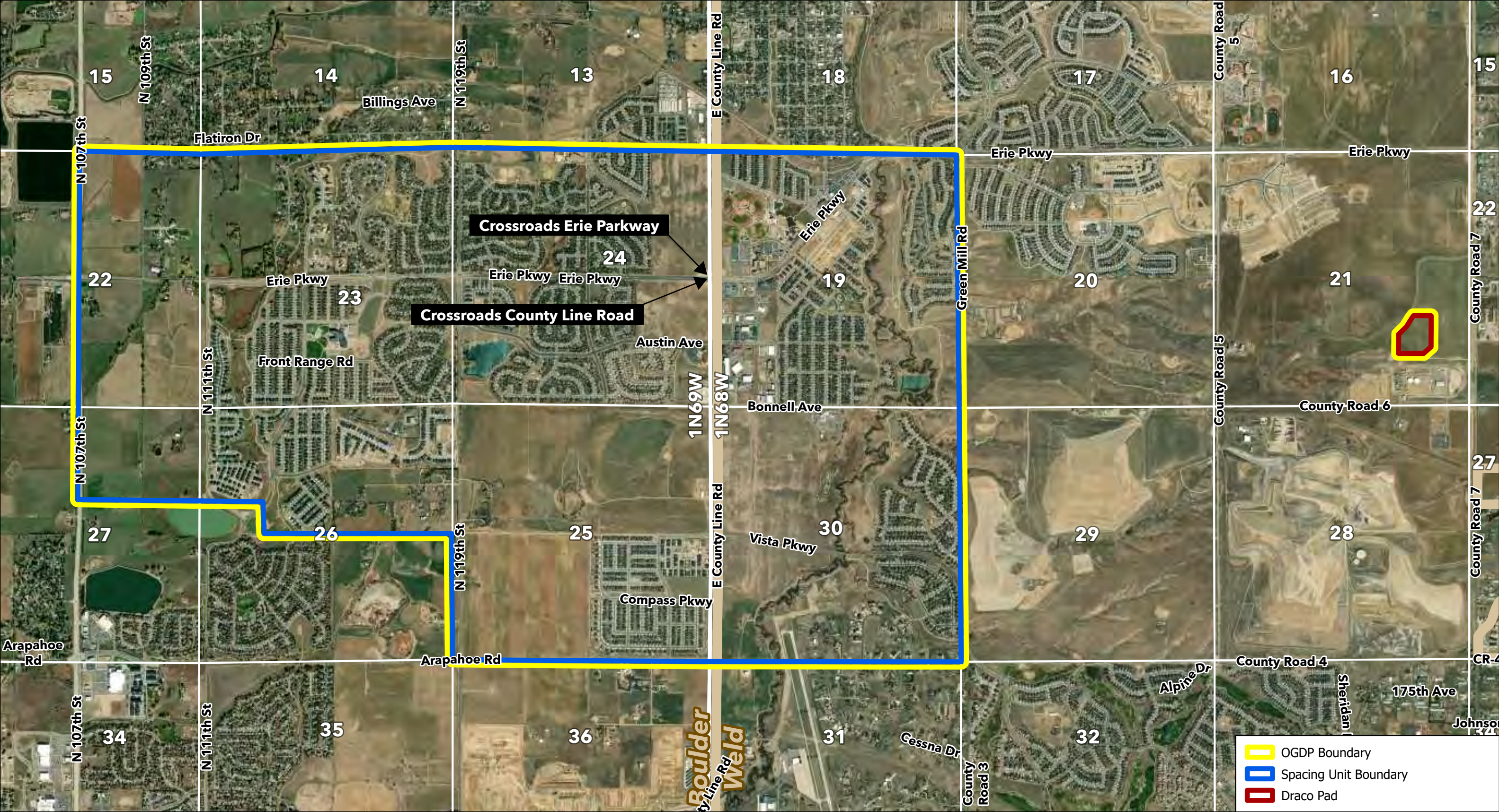
By: 
Jillian Fulcher
Ryan McKee
Beatty & Wozniak, P.C.
Attorneys for Applicant
1675 Broadway, Suite 600
Denver, Colorado 80202
(303) 407-4499
jfulcher@bwenerylaw.com
rmckee@bwenerylaw.com

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of March 2025, the foregoing Extraction Oil & Gas, Inc.'s Corrected Prehearing Statement was filed and served with the Commission's eFiling system.



Grace Go-Hoveland



12/1/2023
©Civitas Resources GIS

Wattenberg Field

Draco OGD Map

0 1,000 2,000 3,000
Feet

EXHIBIT 1

Extraction Oil & Gas, Inc.

EXHIBIT 2.1

From: john.sullivan@greenseavy.com
To: [Jill Fulcher](#); "[Harry Brennan](#)"; [David Frank](#); [Ali Parker](#); [Malcolm Fleming](#)
Cc: [Ryan McKee](#); "nbennett@civiresources.com"; "[Claude Boiteau](#)"; "[Jeff Annable](#)"; [Sarah Nurmela](#); [Ben Kellond](#); [Kendra Carberry](#)
Subject: Re: Follow-up - Draco Meeting, Audio and Notes
Date: Thursday, February 6, 2025 10:39:54 AM

CAUTION: EXTERNAL SOURCE

Hello Jill,

We did some investigating per your email. We could not find a prior case where the Town applied the 500 foot set back from a Water Body to a proposed oil and gas operation. But the definition of Water Body in Section 10-12-1.H of the Uniform Development Code can be reasonably interpreted to include more than just the specific examples of the Water Bodies included in the definition.

The map for Alternative Location #4 in Civitas/Extraction's shows that the north boundary of the proposed Josephine Pad Site is within 500 feet of a small intermittent creek. If Civitas/Extraction decides to move forward with an application for rezoning of the area where the Josephine Pad Site would be located, it appears that you may still be able to meet the 500 Water Body setback if you move or reconfigure the boundaries of the proposed Pad Site location. We are not sure if Civitas/Extraction has considered this option or not in its ALA analysis for the Draco Pad Site. Please let us know if this doesn't answer all of your questions, or if you have any other questions. Thank you.

John

John T. Sullivan
SULLIVAN GREEN SEAVY JARVIS LLC
1790 38th Street, Suite 207
Boulder, Colorado 80301
(303) 440-9101
john@sullivan@greenseavy.com

From: Jill Fulcher <jfulcher@bwenergylaw.com>
Sent: Thursday, January 23, 2025 9:58 AM
To: 'Harry Brennan' <hbrennan@erieco.gov>; David Frank <dfrank@erieco.gov>; Ali Parker <aparker@erieco.gov>; Malcolm Fleming <mfleming@erieco.gov>
Cc: Ryan McKee <RMcKee@bwenergylaw.com>; 'nbennett@civiresources.com' <nbennett@civiresources.com>; 'Claude Boiteau' <cboiteau@civiresources.com>; 'Jeff Annable' <jannable@civiresources.com>; john [sullivan@greenseavy.com](mailto:john@sullivan@greenseavy.com) <john@sullivan@greenseavy.com>; Sarah Nurmela <snurmela@erieco.gov>; Ben Kellond <bkellond@erieco.gov>; Kendra Carberry <klc@hpwclaw.com>
Subject: RE: Follow-up - Draco Meeting, Audio and Notes

EXHIBIT 2.2

Good morning, David, Harry, and others,

Thank you again for your feedback last week regarding the estimated time that it could take to rezone AL 4 from residential to heavy industrial. Looking back at the action items, we did ask for the minimum it could take to rezone the AL 4 parcel and to permit a potential Oil and Gas Location, along with examples. It appears you've provided us with both, including a minimum of 5-6 months to go through the rezoning process and another 5 months to reach a hearing on approval or denial of an Oil and Gas Location permit with Erie. You also indicated that this estimate is dependent on the timing of submittals/resubmittals, which I understand.

What does not appear to be factored into this timeline is the time involved for direct engagement with the neighboring Vista Point and Vista Ridge subdivisions and likely requests for additional community meetings and incorporation of feedback from the existing subdivisions. We also expect that environmental reviews would be required for rezoning and/or permitting of this site based on the historic superfund site and CDPHE's restrictions on the parcel and lands adjacent to it, which would likely result in a longer processing time for any application involved.

Below are a couple of other timelines we found as it relates to recent rezoning applications with Town of Erie:

Red Tail Ranch (low-density residential to high-density residential)

4/7/21 Application form submitted

1/17/24 Planning Commission recommended approval

4/23/24 Town Council heard public comment; continued decision to future date

6/25/24 Town Council voted to deny (4-1)

7/9/24 Town Council approved findings of fact related to the denial

8/6/24 Redtail Ranch filed suit (lawsuit remains ongoing)

111th and Arapahoe (low-density residential to high-density residential)

9/30/20 Pre-Application form submitted

3/26/24 Town Council Resolution to Approve Annexation Agreement and Pre-Development Agreement

11/19/24 Town Council heard public comment on zoning; Application denied by vote of Town Council (5-1)

As shown above, these applications for rezoning took years to get to hearing by the Town Council. That could be the result of applicant/developer delays in submitting information, but I estimate some of the time involved was also due to community interest and engagement and environmental reviews. Knowing that Vista Ridge is an existing community that has been historically very active in opposing oil and gas development, do you believe it is reasonably likely that the process for rezoning AL 4 would take only 5-6 months?

On a separate note, any update on when Mr. Sullivan may be getting us feedback on his analysis of Surface Water Bodies?

Thank you again everyone for entertaining all our questions here.

Jill

From: Harry Brennan <hbrennan@erieco.gov>

Sent: Friday, January 17, 2025 4:57 PM

To: David Frank <dfrank@erieco.gov>; Jill Fulcher <jfulcher@bwenergylaw.com>; Ali Parker <aparker@erieco.gov>; Malcolm Fleming <mfleming@erieco.gov>

Cc: Ryan McKee <RMcKee@bwenergylaw.com>; 'nbennett@civiresources.com' <nbennett@civiresources.com>; 'Claude Boiteau' <cboiteau@civiresources.com>; 'Jeff Annable' <jannable@civiresources.com>; john [sullivangreenseavy.com](mailto:john@sullivangreenseavy.com) <john@sullivangreenseavy.com>; Sarah Nurmela <snurmela@erieco.gov>; Ben Kellond <bkellond@erieco.gov>; Kendra Carberry <klc@hpwclaw.com>

Subject: RE: Follow-up - Draco Meeting, Audio and Notes

CAUTION: EXTERNAL SOURCE

Hi All,

I was also asked to provide some examples of zoning cases here at the Town that have gone through quicker review timelines. I think in general much of our development in recent years occurs in Planned Developments (PD's) which are specialized zoning districts, rather than a straight zone situation like Low Density Residential, Community Commercial, Light Industrial, etc. In some ways, PD's tend to be more complicated and lengthy reviews than a straight rezone case, since they are more case-by-case. So I've included some different examples - some more recent that are PD's, and one that's older but is an industrial case. If anyone is interested in more information, I'm happy to send some of the case materials as well.

Thanks!

PDA-001637-2023 Vista Ridge Planned Development (PD) Amendment No. 7/Rezone – Rezone from commercial planning area to residential area; amending the permitted land uses and the development standards.

- Date of First Application: 9/5/24
- Date of Planning Commission Hearing: 2/7/24
- Date of Town Council Hearing: 3/12/24
- Date of 2nd Town Council Hearing (because of continuation): 5/14/24 (Approval Date)

1st Application to Approval: 8 months, including 2 month delay because of Council continuation

PD-000831-2017 Nine Mile Planned Development (PD) – An entire new Planned Development for the commercial center at Nine Mile, including specialized land use

tables and development standards.

- Date of First Application: 12/16/16
- Date of Planning Commission Hearing: 6/21/17
- Date of Town Council Hearing: 7/11/17 (Approval Date)

1st Application to Approval: 7 months

RZ-12-00017 Tri-County Zahn Self Storage – Rezone from Planned Development (PD) to Light Industrial (LI) – Rezoning from the initial Planned Development which anticipated residential, to a Light Industrial zoning to allow for a storage facility. This is an old example, but I thought it was worth including since it's a rezone to Light Industrial.

- Date of First Application: 3/28/12
- Date of Planning Commission Hearing: 5/6/12
- Date of Town Council Hearing: 6/26/12 (Approval Date)

1st Application to Approval: 3 months

Harry Brennan | Senior Planner

Pronouns: He / Him / His / El ([What's this?](#))

Town of Erie / Planning & Development

645 Holbrook Street | P.O. Box 750 | Erie, CO 80516

Phone: 720-745-1022

www.erieco.gov | [Facebook](#) | [Twitter](#) | [LinkedIn](#)

From: David Frank <dfrank@erieco.gov>

Sent: Thursday, January 16, 2025 3:30 PM

To: Jill Fulcher <jfulcher@bwenerylaw.com>; Ali Parker <aparker@erieco.gov>; Malcolm Fleming <mflaming@erieco.gov>

Cc: Ryan McKee <RMcKee@bwenerylaw.com>; 'nbennett@civiresources.com' <nbennett@civiresources.com>; 'Claude Boiteau' <cboiteau@civiresources.com>; 'Jeff Annable' <jannable@civiresources.com>; john sullivanangreenseavy.com <john@sullivanangreenseavy.com>; Sarah Nurmela <snurmela@erieco.gov>; Harry Brennan <hbrennan@erieco.gov>; Ben Kellond <bkellond@erieco.gov>; Kendra Carberry <klc@hpwclaw.com>

Subject: RE: Follow-up - Draco Meeting, Audio and Notes

Hi Jill,

Thank you for your understanding. It was unexpected and required unplanned travel to Florida. I've spoken with Mr. Sullivan, who should be in contact regarding the surface water interpretation.

David Frank | Director

Town of Erie | Environmental Services

Phone: 303-926-2716

www.erieco.gov

The information contained in this e-mail message may be privileged, confidential, and protected from disclosure. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you think you have received this e-mail message in error, please contact the sender and delete the original message immediately.

From: Jill Fulcher <jfulcher@bwenergylaw.com>
Sent: Thursday, January 16, 2025 3:16 PM
To: David Frank <dfrank@erieco.gov>; Ali Parker <aparker@erieco.gov>; Malcolm Fleming <mflaming@erieco.gov>
Cc: Ryan McKee <RMcKee@bwenergylaw.com>; 'nbennett@civiresources.com' <nbennett@civiresources.com>; 'Claude Boiteau' <cboiteau@civiresources.com>; 'Jeff Annable' <jannable@civiresources.com>; john sullivan@greenseavy.com <john@sullivan@greenseavy.com>; Sarah Nurmela <snurmela@erieco.gov>; Harry Brennan <hbrennan@erieco.gov>; Ben Kellond <bkellond@erieco.gov>; Kendra Carberry <klc@hpwclaw.com>
Subject: RE: Follow-up - Draco Meeting, Audio and Notes

External Email: Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for your response, David. I saw your OOO reply to my email, January 2nd. But per your auto-response, I was operating under the assumption that you were back in the office on January 6th. At any rate, I'm very sorry to hear that you've lost a member of your family and hope you were able to enjoy some meaningful time with your loved ones.

We will review your feedback regarding the potential timeline for rezoning and will be on the lookout for the additional items.

Thanks so much,
Jill

From: David Frank <dfrank@erieco.gov>
Sent: Thursday, January 16, 2025 12:50 PM
To: Jill Fulcher <jfulcher@bwenergylaw.com>; Ali Parker <aparker@erieco.gov>; Malcolm Fleming <mflaming@erieco.gov>
Cc: Ryan McKee <RMcKee@bwenergylaw.com>; 'nbennett@civiresources.com' <nbennett@civiresources.com>; 'Claude Boiteau' <cboiteau@civiresources.com>; 'Jeff Annable' <jannable@civiresources.com>; john sullivan@greenseavy.com <john@sullivan@greenseavy.com>; Sarah Nurmela <snurmela@erieco.gov>; Harry Brennan <hbrennan@erieco.gov>; Ben Kellond <bkellond@erieco.gov>; Kendra Carberry <klc@hpwclaw.com>
Subject: RE: Follow-up - Draco Meeting, Audio and Notes

CAUTION: EXTERNAL SOURCE

Good afternoon Jill,

I have been out of the office for the past few weeks to attend to personal matters following a death in my family during the holidays. It would have been helpful if you had sent a follow-up email containing URGENT in the subject line per my out-of-office reply. As this didn't occur, I am only now seeing your messages. While this delay was likely avoidable, we will work to provide information as swiftly as possible moving forward. Also, please include the Town's legal counsel (John Sullivan and Kendra Carberry, cc'd) on future correspondence.

Attached is a development schedule timeline indicating a 5-6 month process to complete rezoning and establishment of a minor subdivision, beginning with initial submission, completeness review, revision, and public hearings and acceptance. Additionally, we anticipate a 5 month timeline to complete review, any necessary revisions, and completion of the public hearing and approval process for a complete oil and gas permit submission. The precise timelines would be dependent on the timing of submission of the initial and revised materials for both processes.

I anticipate being able to provide the information identified in the action items of your December 20th message tomorrow afternoon following an internal meeting.

Thank you for your patience and understanding,

David Frank | Director

Town of Erie | Environmental Services

Phone: 303-926-2716

www.erieco.gov

The information contained in this e-mail message may be privileged, confidential, and protected from disclosure. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you think you have received this e-mail message in error, please contact the sender and delete the original message immediately.

From: Jill Fulcher <jfulcher@bwenergylaw.com>

Sent: Thursday, January 9, 2025 12:54 PM

To: David Frank <dfrank@erieco.gov>; Ali Parker <aparker@erieco.gov>; Malcolm Fleming <mflaming@erieco.gov>

Cc: Ryan McKee <RMcKee@bwenergylaw.com>; 'nbennett@civiresources.com' <nbennett@civiresources.com>; 'Claude Boiteau' <cboiteau@civiresources.com>; 'Jeff Annable' <jannable@civiresources.com>

Subject: RE: Follow-up - Draco Meeting, Audio and Notes

External Email: Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, everyone,

It's been a week since we emailed requesting the information Erie indicated it would provide us and nearly a month since we met regarding Alternate Location 4, and we haven't seen a response yet on where things stand with the action items listed below. We would like this additional input from Town of Erie, but we may also have to proceed forward analyzing the location with what we know. If you intend to get us this information this week, please let us know. Otherwise, please understand that we may have to move forward with ECMC without the remaining items from Erie regarding surface water bodies and the rezoning timeline as time is a factor here.

Thanks,
Jill

From: Jill Fulcher
Sent: Thursday, January 2, 2025 11:06 AM
To: 'David Frank' <dfrank@erieco.gov>; 'Ali Parker' <aparker@erieco.gov>; 'Malcolm Fleming' <mfleming@erieco.gov>
Cc: Ryan McKee <RMcKee@bwenergylaw.com>; 'nbennett@civiresources.com' <nbennett@civiresources.com>; 'Claude Boiteau' <cboiteau@civiresources.com>; 'Jeff Annable' <jannable@civiresources.com>
Subject: RE: Follow-up - Draco Meeting, Audio and Notes
Importance: High

Good morning, everyone,

I hope this finds you doing well and enjoying the last of the holiday season. I just wanted to follow up regarding the listed action items below that were discussed in our meeting a few weeks ago. It is my understanding Town Staff was going to get feedback to us on these items by year end. Unless we missed it, I don't believe we've seen or heard anything more from Erie Staff since the meeting. We would kindly ask for any feedback on these action items by **next Wednesday, January 8th**.

Thanks very much,
Jill

From: Jill Fulcher
Sent: Friday, December 20, 2024 11:15 AM
To: David Frank <dfrank@erieco.gov>; Ali Parker <aparker@erieco.gov>; Malcolm Fleming <mfleming@erieco.gov>
Cc: Ryan McKee <RMcKee@bwenergylaw.com>; nbennett@civiresources.com; Claude Boiteau <cboiteau@civiresources.com>; Jeff Annable <jannable@civiresources.com>
Subject: Follow-up - Draco Meeting, Audio and Notes

Good morning, everyone,

I first wanted to thank you all for your time on Monday meeting with the Civitas team to discuss additional considerations related to Alternate Location 4 (AL 4, sometimes referred to as Josephine) per ECMC's request. I wanted to briefly follow-up regarding key takeaways from the meeting, action items, and to provide you with the audio link of the recording (<https://beattywozniakpc.sharefile.com/public/share/web-seda5f62c3a8e4da7ac63c8a5a3788388>). A summary of our notes from the meeting are listed below. If your understanding differs on any of these points, please let us know.

1. The Town of Erie does not have a preference between the Draco location and the Alternate Location 4 site.
 - a. Both sites have advantages and disadvantages.
 - i. AL 4 does not have homes within 2,000', but just outside of the 2,000' radius there are numerous existing subdivisions and schools, with more than 1,500 homes within a one-mile radius of the pad.
 - ii. Planning Commission and Town Council support of an Oil and Gas Location (AL 4) immediately adjacent to a historic superfund site creates a risk variable and there is a question about whether the Town would support.
 - iii. Draco is adjacent to the liquid handling hub and landfill but the Westerly community will eventually be in close proximity to the pad.
 - iv. The Vista Ridge subdivision, just to the south of AL 4, has lodged more complaints with the ECMC regarding the historic oil and gas pads in the area than any other subdivision, according to Mr. Frank. Based on this comment, we assume the suggestion is that there could be significant opposition to an Oil and Gas Location at AL 4.
2. Rezoning to heavy industrial is required before Town of Erie could approve a local permit for the Oil and Gas Location for AL 4.
 - a. The process to rezone could either be straight zoning (with heavy industrial for the site and intermediate zoning around) or a Planned Development rezoning application.
 - b. Both processes would go through the Planning Commission and then be approved by the Town Council.
 - c. Rezoning would require multiple studies and plans, at least two outreach meetings with the community, and consultations with other referral agencies.
 - d. The timeframe could be outlined around six months, which is dependent on response time from Town Staff, the applicant, and public engagement. The process is outlined in the code but the ultimate time it takes to get to a final decision is dependent on responses and feedback of the applicant, the Town, and if public input requires more meetings and stakeholder involvement. Six months is the minimum, and there is no guarantee it would not take longer.
 - e. **Action item:** Sarah and David are going to build out a minimum expectation for the timing and process required, but it could change based on the plans and Vista Ridge and Vista Point involvement. The timeline will include Oil and Gas Permitting processes as well as examples of timelines experienced for similar rezoning and permitting.

- f. A rezoning application and the Oil and Gas Permit could potentially be submitted at the same time, but rezoning must occur first before the Town could approve an Oil and Gas Location for AL 4.

3. Erie Comprehensive Plan

- a. The 2024 Erie Comprehensive Plan does not map the AL 4 area as planned/future Heavy Industrial. The Comprehensive Plan goes on to state that “heavy industrial uses should not be expanded, and new designations should not be mapped.” Heavy Industrial uses should be located “away from population centers” due to their “potential environmental impacts”.
- b. Despite these statements, it is the Staff’s position that modifying the Comprehensive Plan to add Heavy Industrial to the AL 4 parcel could be accomplished under the rezoning process, but that the Staff cannot confirm whether the Town Council would ultimately grant the rezoning (and amend the Comprehensive Plan).
- c. TOE Staff confirmed that amending the Comprehensive Plan is not difficult if AL 4 were eventually rezoned by the Town Council.

4. Rezoning criteria

- a. There are not specific guidance criteria governing rezoning requirements to Heavy Industrial.
- b. One general criterion for any rezoning is a finding that the rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject property. (Code 10-7-5.b.2.b.)
- c. A question was posed as to whether rezoning AL 4 for Heavy Industrial for oil and gas development would meet this factor.
 - i. Staff answered that this would depend on the community position on the project, and applicant’s response to the community on specific concerns.
 - ii. Even if Staff believes that rezoning is not likely to result in significant adverse impacts the Town Council could take exception to that finding. It was reiterated that the planning department and commission can never be certain how the Council will vote on a rezoning application or permit application.
 - iii. Staff couldn’t speculate as to whether it would support a rezoning application for AL 4 at this time, but Mr. Frank did state that at first glance it appeared that this site could satisfy Erie’s requirements for oil and gas location permits (which is a separate consideration than whether rezoning would occur).

5. Surface Water Bodies within 500 feet of AL 4

- a. Civitas noted the presence of three surface water bodies/features within 500 feet of AL 4. Erie’s code prohibits Oil and Gas Locations within 500 feet of a surface water body, and the Staff confirmed that there were not off-ramps for this setback. An outstanding question is whether the ponds and intermittent stream present at AL 4 qualify as surface water bodies under Erie’s code (recognizing they would qualify as Waters of the State under ECMC rules and CPW’s position).
- b. **Action item:** Mr. Sullivan is going to provide further feedback on whether ponds and

intermittent streams would qualify as Surface Water Bodies under Erie's code and get it to Civitas before the new year.

6. AL 4 lacks screening from Vista Ridge

- a. Lack of screening will be a factor in review, but no opinion right now from Erie Staff on whether this would prohibit approval of AL 4. Erie Staff did comment that this would be a variable that would have to be worked out with the community, at a minimum.

7. Cycle time will be longer at AL 4

- a. At this time, Town Staff does not have a direct opinion on whether an extended cycle time would affect ultimate approval of AL 4 if rezoning occurred and an application was filed.

8. Additional pipeline is needed for AL 4

- a. At this time, Town Staff does not have a direct opinion on whether additional surface disturbance for pipelines will affect ultimate approval of AL 4 if rezoning occurred and application was filed.

9. We inquired about what the Town sees as the benefit of AL 4 over Draco.

- a. Town Staff was reluctant to answer this question, but did acknowledge that more revenues to the Town would be a benefit if an Oil and Gas Location was within city limits. Another benefit is the direct jurisdiction over the site as opposed to the more limited involvement as a Proximate Local Government.

The two action items listed above are all we noted from the meeting. As discussed in the meeting, we understand that Town Staff is going to get us feedback before the end of year. We appreciate the turnaround and will look forward to receiving the information. Please feel free to send this along to anyone I may have missed (I don't have everyone's contact information).

Hope everyone enjoys the holidays!

Thank you again,

Jill



Jill Fulcher | Beatty & Wozniak, P.C.
Shareholder

1675 Broadway, Suite 600
Denver, CO 80202
Direct: 303-407-4438
jfulcher@bwenergylaw.com
www.bwenergylaw.com

Energy in the Law

Confidentiality: This Beatty & Wozniak, P.C. email, its attachments and data ("email") are intended to be Confidential and may contain Attorney-Client Communications or Work Product. If you are not the intended recipient or may have received this message in error, notify the sender immediately and permanently delete the email and all copies thereof from any drives or storage media and destroy any printouts. Any unauthorized use or distribution of any of the information in this email is **Strictly Prohibited**.

EXHIBIT 3

December 17, 2024

Encana Oil and Gas Inc.
C/o Ovintiv Inc
370 17th Street #1700
Denver CO 80202
Attn: DJ Land Dept.

Re: NOTICE OF INTENT TO ISSUE A NOTICE OF ENVIRONMENTAL USE
RESTRICTION PURSUANT TO § 25-15-321.5, C.R.S., THAT MAY AFFECT
YOUR PROPERTY INTERESTS

Dear Sir or Madam:

Stratus Redtail Ranch LLC and Stratus Redtail 2 LLC (collectively the “LLC”) is providing you notice that Colorado Department of Public Health and Environment (CDPHE) intends to issue an Notice of Environmental Use Restriction (“Restrictive Notice”) on land owned by the LLC pursuant to an order issued by CDPHE as part of a remedy performed pursuant to the CDPHE order. This land is generally located west of Weld County Road 5, south of Weld County Road 6 and north of Weld County Road 4 in the Town of Erie Colorado. A site map is attached as Exhibit A to this correspondence. A precise legal description of the affected land is provided in the draft Restrictive Notices, attached as Exhibit B to this correspondence.

You are receiving this letter because you have been identified as holding an interest in the property that may be subject to the proposed Restrictive Notice, and its restrictions may affect your use of your property interest.

CDPHE has determined environmental use restrictions are necessary to ensure continued protection of human health and the environment due to installation of a landfill cover and the existence of residual ground water contamination originating from the site’s former use. The proposed restrictions will prohibit certain uses of the property more specifically described in the attached draft Restrictive Notices.

Pursuant to § 25-15-318.5, C.R.S., once the Restrictive Notice has been finalized and filed, its restrictions are binding on all current and future owners of the land, any persons using the land, and any persons possessing an interest in the land. That means the Restrictive Notice and the restrictions will be binding on you and your successors in interest. The Restrictive Notice and its restrictions are intended in part to prevent exposure to residual contamination on the site.

CDPHE will accept comments on the proposed Restrictive Notice and its use restrictions until January 18, 2025. The address to which you should send comments is:

Jerry Henderson
Andrew Todd
Hazardous Materials and Waste Management Division

Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

You may also contact Jerry Henderson or Andrew Todd for additional information at (720) 263-0710 or Jerry.henderson@state.co.us or (303) 691-4049 or Andrew.todd@state.co.us.

On behalf of the LLC and CDPHE, I thank you for your attention to this matter.

EXHIBIT A

[Site Map]

EXHIBIT A (SITE MAP)

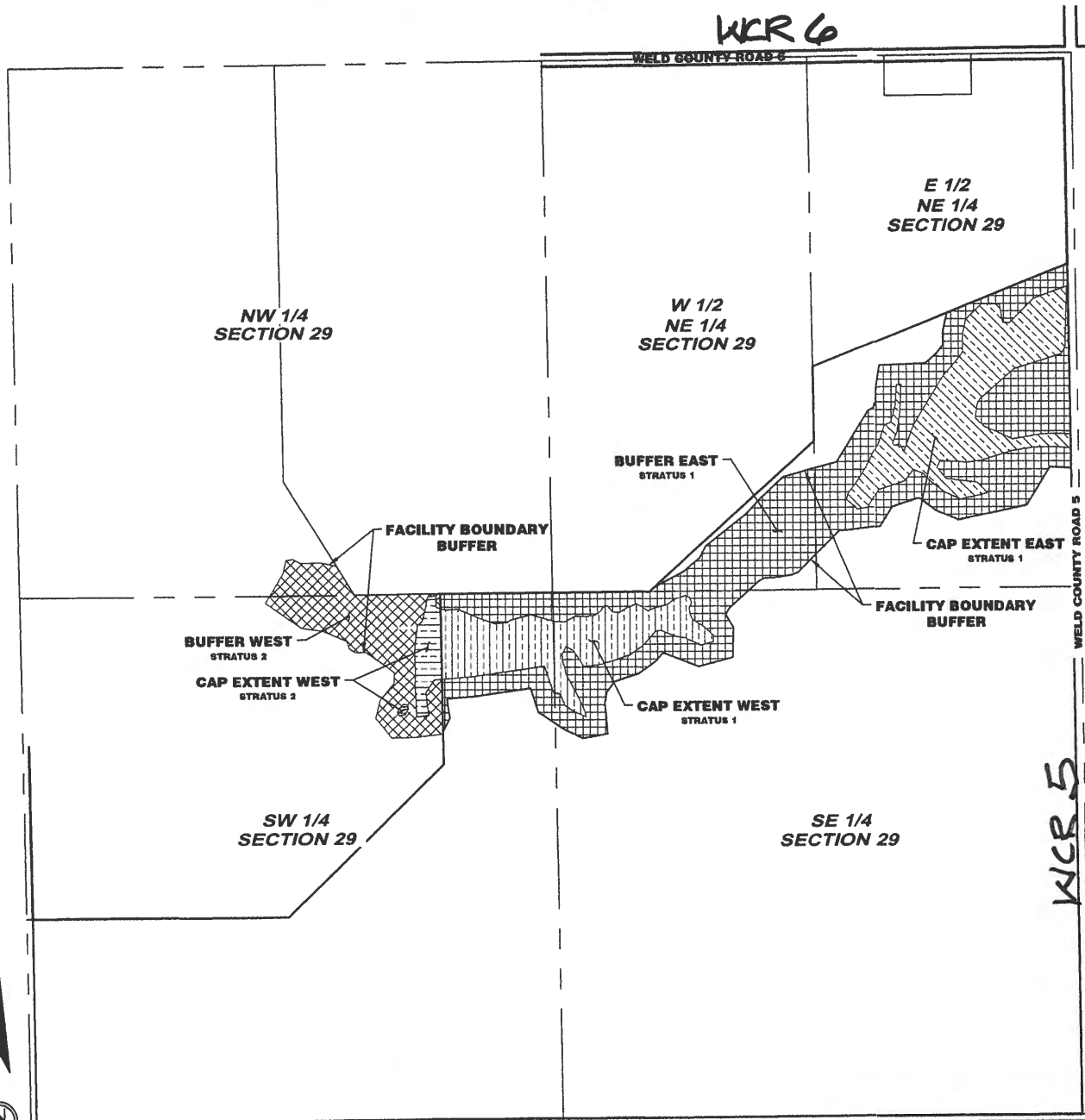


EXHIBIT B

[Draft Restrictive Notice]

**This property is subject to a Notice of Environmental Use
Restrictions imposed by the Colorado Department of Public Health
and Environment pursuant to
§ 25-15-321.5, Colorado Revised Statutes**

NOTICE OF ENVIRONMENTAL USE RESTRICTIONS

WHEREAS, Stratus Redtail Ranch, LLC, a Colorado limited liability company (“Stratus”) is the owner of certain property located in the Town of Erie, Weld County, State of Colorado, comprised of approximately 290 acres (the “Redtail Ranch Property”); and

WHEREAS, within the northeast portion of the Redtail Ranch Property, there exists a historic landfill commonly referred to as the Neuhauser Landfill; and

WHEREAS, based on investigations performed by Stratus and approved by the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and the Environment (the “Department”) which is located at 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530, the outlines of the landfill area are described and depicted as the “Cap Extent Area East” and “Cap Extent Area West” on Attachment A and Attachment B, attached hereto and incorporated herein by this reference; and

WHEREAS, the Department, is authorized to approve a Notice of Environmental Use Restrictions pursuant to § 25-15-320(4)(a), of the Colorado Hazardous Waste Act, § 25-15-101, et seq., C.R.S. (“CHWA”); and

WHEREAS, for purposes of indexing in the County Clerk and Recorder’s office Grantor-Grantee index only, Stratus, as the current owner, shall be considered the Grantor, and the Colorado Department of Public Health and Environment shall be considered the Grantee. Nothing in the preceding sentence shall be construed to create or transfer any right, title or interest in the Property; and

WHEREAS, pursuant to that certain Compliance Order on Consent Number 18-05-15-01 dated May 15, 2018 (the “Order”), the historic landfill area is the subject of enforcement and remedial action as set forth in the Order pursuant to section 30-20-113, C.R.S. of the Colorado Solid Wastes Disposal Sites and Facilities Act (the “Act”); and

WHEREAS, the purpose of this Notice of Environmental Use Restriction (the “Restrictive Notice”) is to ensure protection of human health and the environment by undertaking certain ground water remedial activities, completing construction of a final cover system on the Cap Extent Area West and the Cap Extent Area East, establishing a buffer area within the Redtail Ranch Property more specifically described on Attachment A and depicted on Attachment B as the “Buffer Area” (the Cap Extent Area East, Cap Extent Area West and the Buffer Area are collectively referred to herein as the (“Restricted Property”)) and restricting certain future uses of the Restricted Property; and

WHEREAS, Stratus has requested that the Department approve this as provided in Article 15 of Title 25, Colorado Revised Statutes.

NOW, THEREFORE, the Department approves this Restrictive Notice pursuant to § 25-15-321.5, C.R.S. The Restricted Property described in Attachment A and depicted in Attachment B shall hereinafter be subject to the following requirements set forth in paragraphs 1 through 13 below, which shall be binding on Stratus so long as it is the record owner of the Restricted Property, any subsequent OWNER, and all persons now or subsequently having any right, title or interest in the Restricted Property, or any part thereof, and any persons using the Restricted Property, as described herein. As used in this Restrictive Notice, the term OWNER means the then current record owner of the Restricted Property and any other person or entity otherwise legally authorized to make decisions regarding the transfer of the Restricted Property or placement of encumbrances on the Restricted Property, other than by the exercise of eminent domain.

- 1) Use and activity restrictions. The use and activity restrictions for the Restricted Property shall be as described below:
 - a) Except in connection with a Department approved Corrective Measures Design or a Department approved Post Closure Monitoring and Maintenance Plan, the following activities on the Restricted Property shall be prohibited: (i) motorized vehicular traffic; (ii) grazing; (iii) digging; (iv) drilling; (v) tilling; (vi) grading; (vii) excavation or soil disturbing activities of any kind; and (viii) constructing any enclosed or non-enclosed structure, earthen berm, appurtenance (including without limitation athletic fields) of any kind. Nothing in the preceding sentence shall prohibit the use of vehicles needed to perform any Department approved or authorized maintenance or repairs to the approved Corrective Measures Design or Post-Closure Monitoring and Maintenance Plan.
 - b) Except in connection with a Department approved Corrective Measures Design or a Department approved Post Closure Monitoring and Maintenance Plan, irrigation of the Restricted Property shall be prohibited.
 - c) Except in connection with a Department approved Corrective Measures Design or a Department approved Post Closure Monitoring and Maintenance Plan, temporary or permanent improvements, earthwork, structures or appurtenances that increase the flow of storm water over, through or under the Restricted Property shall be prohibited.
 - d) Except in connection with a Department approved Corrective Measures Design or a Department approved Post Closure Monitoring and Maintenance Plan, construction or maintenance of any standing body of water (including any pond or storm water retention basin) within the Restricted Property shall be prohibited.

- e) Except in connection with a Department approved Corrective Measures Design or a Department approved Post Closure Monitoring and Maintenance Plan, and notwithstanding Sub-section (1)(a) above, trails for non-motorized vehicles (including electric bicycles) shall be prohibited in the Cap Extent Area West and the Cap Extent Area East but permitted within the Buffer Area.
- f) Use of surface water on the Restricted Property or ground water from below the Restricted Property shall be prohibited. Nothing in the preceding sentence shall prohibit the installation, decommissioning or use of monitoring or remedial wells all as set forth in a Department approved Corrective Measures Design or a Department approved Post Closure Monitoring and Maintenance Plan. All ground water monitoring wells within the Restricted Property shall be fitted with locking caps and protective risers.
- g) Until such time as all vegetation as described in the Department approved Corrective Measures Design and the Post Closure Monitoring and Maintenance Plan has been established, the primary access road, located off of County Road 5 on Stratus property south of the Facility depicted on Attachment B, will be restricted with a locked gate. If the Stratus property south of the Facility is ever used for residential purposes, the Owner must seek approval from the Department to construct a fence around the perimeter of the Facility. Stratus will submit a proposal for a fence to be constructed around the Cap Extent Area West and Cap Extent East Area with signage stating "Keep Out - Environmentally Sensitive Area" posted every 300 feet along the fence line. All fencing and signage shall be inspected quarterly, and all repairs necessary to maintain the integrity of such fencing shall be completed within three (3) weeks of the inspection. Any damage to such fencing or evidence that the foregoing access restrictions have been violated shall be reported in an annual certification form submitted to the Department.
- h) Notwithstanding the foregoing restrictions, subsurface utility construction, maintenance, repair or removal and roadway expansions may be permitted within the Restricted Property if approved in a Department approved plan.
- i) In the event that any person desires to undertake any activity that disturbs any portion of the Restricted Property (including, without limitation, performing installation, maintenance, repair or removal of any subsurface utilities within the Restricted Property), such person shall follow a Department approved work plan and the protocol discussed in Attachment C attached hereto.
- j) OWNER shall comply with all provisions of the Order on file with the Department at [insert file ref#], and the provisions of the Corrective Measures Design and Post Closure Monitoring and Maintenance Plan for the Redtail Ranch Property approved by the Department thereto.

- 2) Modifications. This Restrictive Notice shall remain in full force and effect unless modified or terminated in accordance with this paragraph and pursuant to § 25-15-321.5, C.R.S. or any successor statute. Owner may request that the Department approve a modification or termination of the Restrictive Notice. The request shall contain information showing that the proposed modification or termination shall, if implemented, ensure protection of human health and the environment. The Department shall review any submitted information, and may request additional information. If the Department determines that the proposal to modify or terminate the Restrictive Notice will ensure protection of human health and the environment, it shall approve the proposal in writing. No modification or termination of this Restrictive Notice shall be effective unless the Department has approved such modification or termination in writing. Information to support a request for modification or termination may include one or more of the following:
- a) a proposal to perform additional remedial work;
 - b) new information regarding the risks posed by the residual contamination;
 - c) information demonstrating that residual contamination has diminished;
 - d) information demonstrating that an engineered feature or structure is no longer necessary;
 - e) information demonstrating that the proposed modification would not adversely impact the remedy and is protective of human health and the environment; and
 - f) other appropriate supporting information.
- 3) Conveyances. Owner shall notify the Department at least fifteen (15) days prior to any conveyance of any interest in any or all of the Restricted Property. Within thirty (30) days after any such conveyance, Owner shall provide the Department with the name, mailing address and telephone number of the new owner.
- 4) Notice to Lessees. Owner agrees to incorporate either in full or by reference the restrictions of this Restrictive Notice in any leases, licenses, or other instruments granting a right to use the Restricted Property.
- 5) Notification for proposed construction and land use. Owner shall notify the Department simultaneously when submitting any application to a local government for a building permit or change in land use with regard to the Restricted Property.
- 6) Inspections. The Department, including its authorized employees, agents, representatives and independent contractors, shall have the right of entry to the Restricted Property at reasonable times with prior notice for the purpose of determining compliance with the terms of this Restrictive Notice.
- 7) Third Party Beneficiary. The Owner of the Restricted Property is a third party beneficiary with the right to enforce the provisions of this Restrictive Notice as provided in § 25-15-322, C.R.S.

- 8) No Liability. The Department does not acquire any liability under State law by virtue of approving this Restrictive Notice.
- 9) Enforcement. The Department may enforce the terms of this Restrictive Notice pursuant to § 25-15-322, C.R.S. against Owner and may file suit in district court to enjoin actual or threatened violations of this Restrictive Notice.
- 10) Owner's Compliance Certification. Owner shall execute and return a certification form provided by the Department, on an annual basis, detailing Owner's compliance, and any lack of compliance, with the terms of this Restrictive Notice.
- 11) Severability. If any part of this Restrictive Notice shall be decreed to be invalid by any court of competent jurisdiction, all of the other provisions hereof shall not be affected thereby and shall remain in full force and effect.
- 12) Notices. Any document or communication required under this Restrictive Notice shall be sent or directed to:

Solid Waste Permitting Unit
Solid Waste and Materials Management Program
Colorado Department of Public Health and the Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

Richard Dean, Manager
Stratus Redtail Ranch, LLC
8480 E. Orchard Rd., Ste. 1100
Greenwood Village, CO 80111

- 13) Subdivision of Restricted Property. At least 90 days prior to any subdivision of the Restricted Property, Owner shall submit a plan addressing payment of annual inspection fees and the certification of compliance set forth in paragraph ten (10) of this Restrictive Notice. The plan may provide for contractual assignment of such obligations to, and assumption of such obligations by a property management entity charged with managing the Restricted Property (including but not limited to a homeowner's association of multiple Owners). The Department shall approve the plan if it determines that the plan reasonably will ensure continued compliance with the requirements of this Restrictive Notice. Any Department notice of disapproval shall include the Department's rationale for its decision, including any additional information or changes to the plan that the Department requires before the plan can be approved. Any appeal of a Department notice of disapproval shall be taken in accordance with section 25-15-305(2), C.R.S. If Owner fails to obtain approval of such plan prior to subdividing the Restricted Property, the owner of each subdivided parcel shall continue to be responsible for certifying compliance with the restrictions set forth in paragraphs 1 through 13 of this

Restrictive Notice.

STRATUS REDTAIL RANCH, LLC has caused this instrument to be executed

on _____, 2024.

By: _____

Title: MANAGER

STATE OF COLORADO)
) ss:
COUNTY OF _____)

This record was acknowledged before me on _____,
2024, by _____ on behalf of REDTAIL RANCH, LLC.

Notary Public

Address

My commission expires: _____

This Notice of Environmental Use Restrictions is approved by the Colorado Department of Public Health and Environment on _____, 2024.

By: _____

Title: _____

STATE OF COLORADO)
) ss:
COUNTY OF _____)

This record was acknowledged before me on _____,
2024, by _____ on behalf of the Colorado Department
of Public Health and Environment.

Notary Public

Address

My commission expires: _____

**ATTACHMENT “A”
to the
NOTICE OF ENVIRONMENTAL USE RESTRICTIONS**

(Restricted Property Description)

BUFFER EAST
DESCRIPTION

A parcel of land in Section 29, Township 1 North, Range 68 West of the 6th Principal Meridian, in the Town of Erie, County of Weld, State of Colorado, more particularly described as follows:

BASIS OF BEARINGS: Bearings are based upon the East Line of said Northeast One-Quarter of Section 29 said to bear North 00°51'02" West, a distance of 2658.84 Feet from the East One-Quarter Corner of said Section 29 as monumented by a #6 Rebar, 0.4' down in a range box with lid marked "SURVEY", at the centerline of Weld County Road 5 to the Northeast Corner of said Section 29 as monumented by a 3.25" Aluminum Cap, 0.3' down in a range box with a lid, stamped "T1N R68W, 20|21, --, 29|28, 1998, LS13155";

COMMENCING (P.O.C.) at said East One-Quarter Corner of Section 29; Thence South 89°35'33" West, a distance of 40.00 Feet to the West Right-of-Way Line of Weld County Road 5; Thence North 00°51'02" West along said West Right-of-Way Line, a distance of 590.20 Feet to the **POINT OF BEGINNING (P.O.B.)**;

Thence the following thirty-five (35) courses:

- 1) North 86°57'15" West, a distance of 103.18 Feet;
- 2) South 31°37'39" West, a distance of 222.36 Feet;
- 3) South 77°55'01" West, a distance of 350.02 Feet;
- 4) North 66°54'24" West, a distance of 127.86 Feet;
- 5) North 52°15'08" West, a distance of 97.13 Feet;
- 6) North 88°33'06" West, a distance of 16.36 Feet;
- 7) South 71°37'21" West, a distance of 126.70 Feet;
- 8) South 30°41'18" West, a distance of 115.33 Feet;
- 9) South 82°59'08" West, a distance of 164.36 Feet;
- 10) South 88°37'26" West, a distance of 37.98 Feet;
- 11) South 45°03'14" West, a distance of 290.20 Feet;
- 12) South 69°56'26" West, a distance of 38.10 Feet;
- 13) South 81°21'46" West, a distance of 87.02 Feet;
- 14) South 88°14'20" West, a distance of 44.76 Feet;
- 15) South 61°37'21" West, a distance of 28.95 Feet;
- 16) South 48°07'26" West, a distance of 204.60 Feet;
- 17) South 28°17'08" West, a distance of 35.83 Feet;
- 18) South 32°05'54" East, a distance of 71.99 Feet;
- 19) South 0°32'41" West, a distance of 151.12 Feet;
- 20) South 75°17'10" West, a distance of 176.05 Feet;
- 21) North 69°13'35" West, a distance of 192.00 Feet;
- 22) South 42°15'29" West, a distance of 55.58 Feet;
- 23) South 54°45'04" West, a distance of 102.65 Feet;
- 24) South 71°47'52" West, a distance of 129.47 Feet;
- 25) South 36°09'19" West, a distance of 65.96 Feet;
- 26) South 10°16'52" West, a distance of 54.16 Feet;
- 27) South 5°39'43" East, a distance of 153.82 Feet;
- 28) South 79°58'30" West, a distance of 128.27 Feet;
- 29) North 63°58'37" West, a distance of 103.73 Feet;
- 30) North 54°34'02" West, a distance of 147.72 Feet;
- 31) North 18°10'22" West, a distance of 123.41 Feet;
- 32) South 81°53'02" West, a distance of 274.66 Feet;
- 33) South 84°59'05" West, a distance of 138.51 Feet;

- 34) South 9°13'24" East, a distance of 98.11 Feet;
- 35) South 27°22'14" West, a distance of 75.34 Feet;

Thence North 00°57'57" West, a distance of 687.87 Feet to the North Line of the Southwest One-Quarter of Section 29;

Thence North 89°37'30" East along said North Line of the Southwest One-Quarter of Section 29, a distance of 549.55 Feet to the Center Quarter Corner of said Section 29;

Thence North 89°37'06" East along the North Line of the Northwest One-Quarter of the Southeast One-Quarter of said Section 29, a distance of 479.08 Feet;

Thence North 47°50'39" East along the North Line of said parcel of land described in the document recorded under Reception No. 2312716 and Reception No. 2312717, a distance of 27.52 Feet;

Thence the following twenty (20) courses:

- 1) North 60°27'46" East, a distance of 48.17 Feet;
- 2) North 62°23'02" East, a distance of 123.86 Feet;
- 3) North 49°59'12" East, a distance of 106.66 Feet;
- 4) North 27°59'10" East, a distance of 65.65 Feet;
- 5) North 51°00'07" East, a distance of 100.16 Feet;
- 6) North 52°10'30" East, a distance of 148.87 Feet;
- 7) North 42°59'23" East, a distance of 120.47 Feet;
- 8) North 47°12'52" East, a distance of 144.05 Feet;
- 9) North 73°44'16" East, a distance of 134.76 Feet;
- 10) North 75°54'25" East, a distance of 141.26 Feet;
- 11) North 31°09'47" East, a distance of 298.86 Feet;
- 12) North 64°51'28" East, a distance of 30.59 Feet;
- 13) North 14°08'40" East, a distance of 33.60 Feet;
- 14) North 2°18'50" East, a distance of 79.05 Feet;
- 15) North 9°57'05" East, a distance of 103.52 Feet;
- 16) North 87°37'08" East, a distance of 226.64 Feet;
- 17) North 49°16'51" East, a distance of 75.01 Feet;
- 18) North 39°31'59" East, a distance of 50.62 Feet;
- 19) North 0°09'59" East, a distance of 68.26 Feet;
- 20) North 12°11'34" East, a distance of 96.75 Feet to the Southerly Line of Right-of-Way as described in Book 868 at Page 89 and at Reception No. 1687926;

Thence North 68°15'50" East along said Southerly Line of Right-of-Way, a distance of 649.41 Feet to said West Right-of-Way Line of Weld County Road 5;

Thence South 00°51'02" East along said West Right-of-Way Line, a distance of 1016.95 Feet to the **POINT OF BEGINNING (P.O.B.)**;

The above-described parcel description contains 1,997,033 Square Feet (45.846 Acres) more or less.

I hereby certify that the above parcel description was prepared under my direct supervision.



Eric D. Carson, PLS

Prepared For and on Behalf of:
CWC Consulting Group Inc.
9360 Teddy Lane, Suite #203
Lone Tree, Colorado 80124
Phone: (303) 395-2700

NORTHEAST CORNER OF SECTION 29
 3.25" ALUMINUM CAP, 0.3' DOWN IN A RANGE BOX WITH A
 LID, STAMPED "T1N R68W, 20|21, --, 29|28, 1998, LS13155"

SOUTHERLY LINE OF RIGHT-OF-WAY DESCRIBED IN
 BOOK 868 AT PAGE 89 & RECEPTION NO. 1687926

N68°15'50"E 649.41'

N12°11'34"E 96.75'

N00°09'59"E 68.26'

N39°31'59"E 50.62'

N49°16'51"E 75.01'

N87°37'08"E

226.64'

N09°57'05"E 103.52'

N02°18'50"E 79.05'

N14°08'40"E 33.60'

N64°51'28"E 30.59'

N31°09'47"E
 298.86'

S00°51'02"E 1016.95'

EAST LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 29

N00°51'02"W 2658.84'

BASIS OF BEARINGS

WELD COUNTY ROAD 5
 (100' PUBLIC R.O.W.)

POINT OF BEGINNING (P.O.B.)

N86°57'15"W 103.18'

S71°37'21"W 126.70'

N88°33'06"W 16.36'

N52°15'08"W 97.13'

S77°55'01"W
 350.02'

S31°37'39"W
 222.36'

N66°54'24"W 127.86'

S30°41'18"W 115.33'

S82°59'08"W 164.36'

S88°37'26"W 37.98'

S89°35'33"W 40.00' (TIE)

POINT OF COMMENCEMENT (P.O.C.) EAST ONE-QUARTER CORNER OF SECTION 29

#6 REBAR, 0.4' DOWN IN A RANGE BOX WITH LID MARKED "SURVEY", AT THE
 CENTERLINE OF WELD COUNTY ROAD 5

SEE PAGE 5



9360 TEDDY LANE, SUITE #203
 LONE TREE, COLORADO 80124
 TELEPHONE: 303-395-2700
 FAX 303-395-2701

CWC CONSULTING GROUP
 CIVIL ENGINEERING · LAND SURVEYING · CONSTRUCTION SERVICES

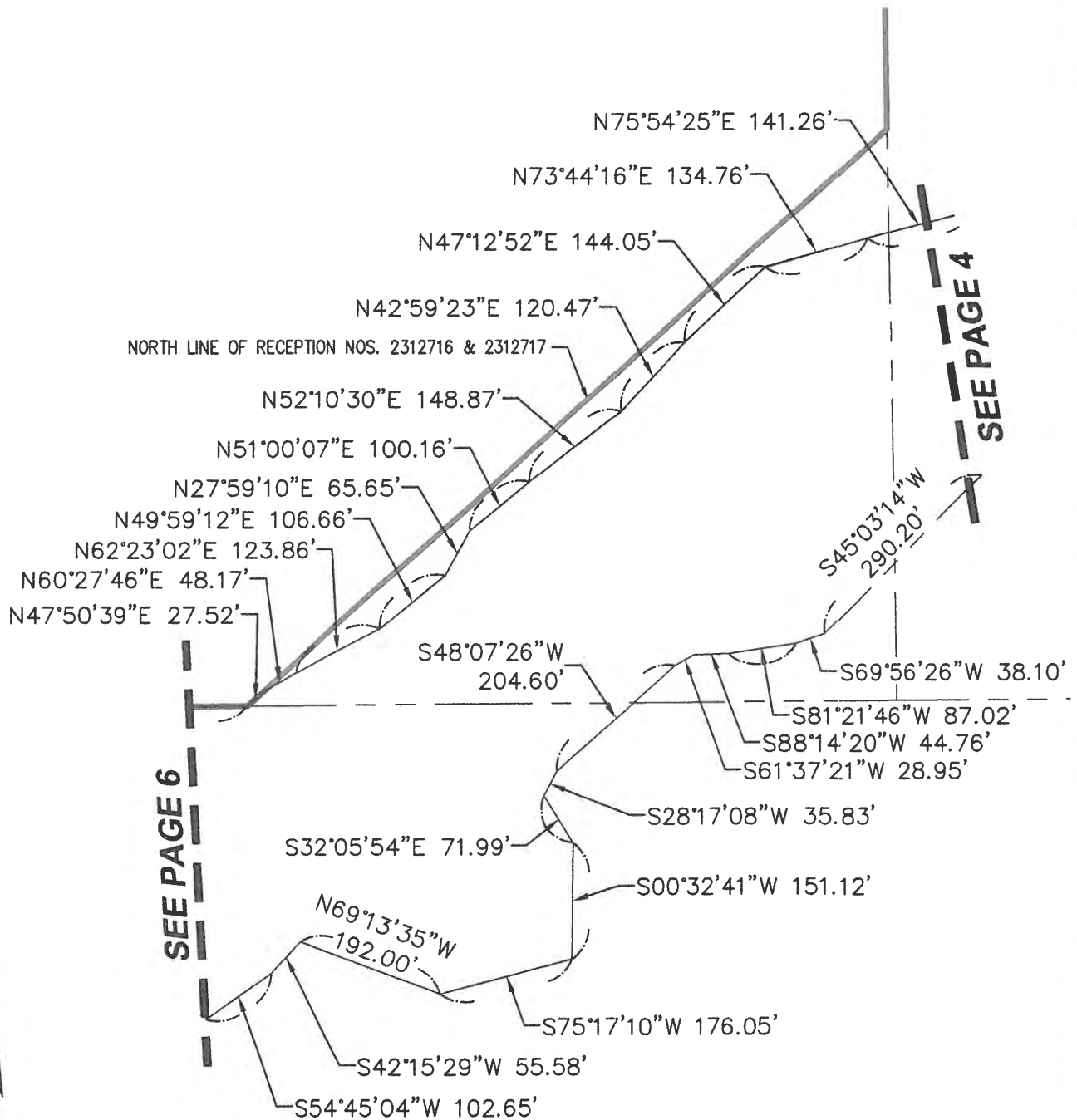
Exhibit
BUFFER EAST

NOTE: THIS EXHIBIT DOES NOT REPRESENT A
 MONUMENTED SURVEY. IT IS INTENDED ONLY TO
 DEPICT THE ATTACHED DESCRIPTION.

DRAFTED: EDC/JEC	CHECKED: EDC
DATE: 10/17/2024	JOB NO. CWC#120-00014
PAGE: 4 OF 6	SCALE: 1"=200'

PREPARED FOR:

STRATUS COMPANIES



SEE PAGE 6

SEE PAGE 4



9360 TEDDY LANE, SUITE #203
LONE TREE, COLORADO 80124
TELEPHONE: 303-395-2700
FAX 303-395-2701

CWC CONSULTING GROUP
CIVIL ENGINEERING · LAND SURVEYING · CONSTRUCTION SERVICES

**Exhibit
BUFFER EAST**

NOTE: THIS EXHIBIT DOES NOT REPRESENT A
MONUMENTED SURVEY. IT IS INTENDED ONLY TO
DEPICT THE ATTACHED DESCRIPTION.

DRAFTED: EDC/JEC

DATE: 10/17/2024

PAGE: 5 OF 6

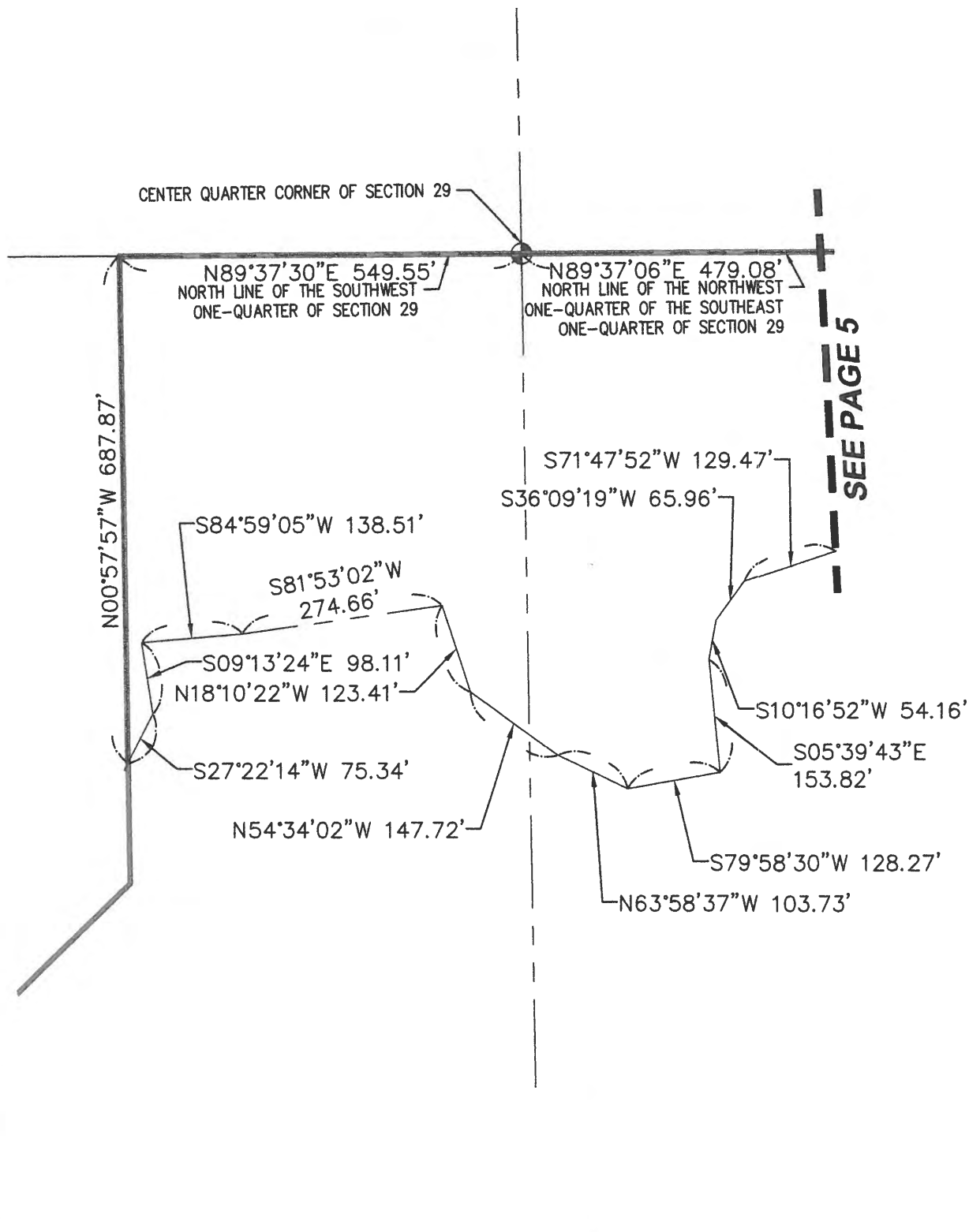
PREPARED FOR:

CHECKED: EDC

JOB NO. CWC#120-00014

SCALE: 1"=200'

STRATUS COMPANIES



9360 TEDDY LANE, SUITE #203
LONE TREE, COLORADO 80124
TELEPHONE: 303-395-2700
FAX 303-395-2701

CWC CONSULTING GROUP
CIVIL ENGINEERING · LAND SURVEYING · CONSTRUCTION SERVICES

Exhibit BUFFER EAST

NOTE: THIS EXHIBIT DOES NOT REPRESENT A
MONUMENTED SURVEY. IT IS INTENDED ONLY TO
DEPICT THE ATTACHED DESCRIPTION.

DRAFTED: EDC/JEC

DATE: 10/17/2024

PAGE: 6 OF 6

PREPARED FOR:

CHECKED: EDC

JOB NO. CWC#120-00014

SCALE: 1"=200'

STRATUS COMPANIES

CAP EXTENT WEST
DESCRIPTION

A parcel of land in the South One-Half of Section 29, Township 1 North, Range 68 West of the 6th Principal Meridian, in the Town of Erie, County of Weld, State of Colorado, more particularly described as follows:

BASIS OF BEARINGS: Bearings are based upon the North Line of said Southwest One-Quarter of Section 29 said to bear North 89°37'30" East, a distance of 2627.69 Feet from the West One-Quarter Corner of said Section 29 as monumented by a 3.25" Aluminum Cap, 0.2' below ground surface, 2.0' west of fence post, stamped "LAND CORNER, T1N|R68W, S30*S29, |, 1994, CHICHESTER RLS 7735" to the Center Quarter Corner of said Section 29 as monumented by a 3.25" Aluminum Cap, 0.2' above ground surface, in east-west fence line, stamped "BASELINE ENGINEERING CORP, T1N R68W, C1/4 + S29, 2010, PLS 28258";

COMMENCING (P.O.C.) at said West One-Quarter Corner of Section 29;

Thence North 89°37'30" East along said North Line of the Southwest One-Quarter of Section 29, a distance of 2078.13 Feet to the West Line of a parcel of land described in the document recorded under Reception No. 2312716 and Reception No. 2312717; Thence South 00°57'57" East along said West Line, a distance of 75.23 Feet to the **POINT OF BEGINNING (P.O.B.)**;

Thence the following seventy-one (71) courses:

- 1) South 73°53'51" East, a distance of 24.19 Feet;
- 2) North 85°14'23" East, a distance of 59.49 Feet;
- 3) South 66°29'18" East, a distance of 72.00 Feet;
- 4) South 68°17'36" East, a distance of 59.46 Feet;
- 5) South 69°35'43" East, a distance of 65.65 Feet;
- 6) North 85°58'15" East, a distance of 64.97 Feet;
- 7) North 47°27'20" East, a distance of 17.00 Feet;
- 8) North 73°55'36" East, a distance of 102.72 Feet;
- 9) South 72°52'49" East, a distance of 116.51 Feet;
- 10) South 87°25'48" East, a distance of 54.81 Feet;
- 11) North 59°14'44" East, a distance of 55.98 Feet;
- 12) South 88°03'19" East, a distance of 55.70 Feet;
- 13) North 81°58'14" East, a distance of 46.40 Feet;
- 14) North 62°41'36" East, a distance of 10.68 Feet;
- 15) North 45°01'18" East, a distance of 24.07 Feet;
- 16) North 35°21'09" East, a distance of 26.16 Feet to a point whence the Center Quarter Corner of said Section 29 monumented by a 3.25" Aluminum Cap, 0.2' above ground surface, in East-West fence line, stamped "BASELINE ENGINEERING CORP, T1N R68W, C1/4 + S29, 2010, PLS 28258" bears North 74°23'45" West, a distance of 260.16 Feet;
- 17) North 81°23'27" East, a distance of 18.04 Feet;
- 18) South 38°44'20" East, a distance of 41.89 Feet;
- 19) South 88°41'56" East, a distance of 35.68 Feet;
- 20) North 54°25'49" East, a distance of 33.89 Feet;
- 21) North 68°26'05" East, a distance of 59.63 Feet;
- 22) South 63°39'34" East, a distance of 33.47 Feet;
- 23) South 53°20'49" East, a distance of 31.67 Feet;
- 24) North 66°05'38" East, a distance of 39.32 Feet;
- 25) North 76°55'05" East, a distance of 35.79 Feet;
- 26) North 76°00'54" East, a distance of 26.60 Feet;
- 27) North 60°45'38" East, a distance of 23.19 Feet;
- 28) North 45°48'53" East, a distance of 16.25 Feet;
- 29) North 67°41'19" East, a distance of 31.07 Feet;

- 30) North 70°00'02" East, a distance of 34.14 Feet;
- 31) South 68°40'41" East, a distance of 21.90 Feet;
- 32) South 52°50'05" East, a distance of 3.87 Feet;
- 33) South 17°37'42" East, a distance of 30.52 Feet;
- 34) South 30°23'07" West, a distance of 22.77 Feet;
- 35) South 03°48'58" East, a distance of 12.25 Feet;
- 36) South 07°46'15" East, a distance of 24.11 Feet;
- 37) South 26°02'51" East, a distance of 25.99 Feet;
- 38) South 37°10'34" East, a distance of 6.86 Feet;
- 39) South 59°27'01" East, a distance of 66.62 Feet;
- 40) South 44°56'04" East, a distance of 58.61 Feet;
- 41) South 00°32'41" West, a distance of 32.83 Feet;
- 42) South 75°17'10" West, a distance of 63.49 Feet;
- 43) North 64°56'03" West, a distance of 84.53 Feet;
- 44) North 80°18'40" West, a distance of 47.07 Feet;
- 45) North 68°42'18" West, a distance of 84.00 Feet;
- 46) South 78°54'16" West, a distance of 26.27 Feet;
- 47) South 42°15'29" West, a distance of 98.34 Feet;
- 48) South 54°45'04" West, a distance of 76.73 Feet;
- 49) South 71°47'04" West, a distance of 105.58 Feet;
- 50) South 75°15'58" West, a distance of 62.38 Feet;
- 51) South 84°39'04" West, a distance of 69.95 Feet;
- 52) North 33°32'13" West, a distance of 92.02 Feet;
- 53) North 54°58'04" West, a distance of 32.28 Feet;
- 54) North 66°06'53" West, a distance of 10.32 Feet;
- 55) South 24°09'59" West, a distance of 43.65 Feet;
- 56) South 04°22'25" East, a distance of 38.38 Feet;
- 57) South 20°01'26" East, a distance of 31.69 Feet;
- 58) South 05°10'56" East, a distance of 24.79 Feet;
- 59) South 26°33'52" East, a distance of 62.79 Feet;
- 60) South 27°11'32" East, a distance of 80.90 Feet;
- 61) South 24°06'06" East, a distance of 55.17 Feet;
- 62) South 20°13'08" East, a distance of 28.16 Feet;
- 63) South 05°55'05" East, a distance of 14.79 Feet;
- 64) North 61°18'38" West, a distance of 34.50 Feet;
- 65) North 68°10'45" West, a distance of 32.88 Feet;
- 66) North 52°49'54" West, a distance of 51.17 Feet;
- 67) North 22°20'01" West, a distance of 62.62 Feet;
- 68) North 84°55'27" West, a distance of 31.12 Feet;
- 69) North 18°10'22" West, a distance of 141.36 Feet;
- 70) South 81°53'02" West, a distance of 355.78 Feet;
- 71) South 84°59'05" West, a distance of 150.44 Feet to said West Line;

Thence North 00°57'57" West along said West Line, a distance of 350.52 Feet to the **POINT OF BEGINNING (P.O.B.)**;

The above described parcel description contains 321,761 Square Feet (7.387 Acres) more or less.

I hereby certify that the above parcel description was prepared under my direct supervision.



Eric D. Carson, PLS

Prepared For and on Behalf of:
CWC Consulting Group Inc.
9360 Teddy Lane, Suite #203
Lone Tree, Colorado 80124
Phone: (303) 395-2700

POINT OF COMMENCEMENT (P.O.C.)
 WEST ONE-QUARTER CORNER OF SECTION 29
 3.25" ALUMINUM CAP, 0.2' BELOW GROUND SURFACE,
 2.0' WEST OF FENCE POST, STAMPED "LAND CORNER,
 T1N|R68W, S30*S29, |, 1994, CHICHESTER RLS 7735"

BASIS OF BEARINGS

2078.13' (TIE)

NORTH LINE OF THE SOUTHWEST
 ONE-QUARTER OF SECTION 29

POINT OF BEGINNING (P.O.B.)

N00°57'57"W 350.52'
 WEST LINE OF RECEPTION
 NOS. 2312716 & 2312717

S00°57'57"E 75.23' (TIE)
 S73°53'51"E 24.19'
 S66°29'18"E 72.00'
 N73°55'36"E 102.72'
 N85°14'23"E 59.49'
 S68°17'36"E 59.46'
 S69°35'43"E 65.65'
 N85°58'15"E 64.97'
 N47°27'20"E 17.00'

SEE PAGE 5 OF 6

S81°53'02"W 355.78'

S84°59'05"W 150.44'



9360 TEDDY LANE, SUITE #203
 LONE TREE, COLORADO 80124
 TELEPHONE: 303-395-2700
 FAX 303-395-2701

CWC CONSULTING GROUP
 CIVIL ENGINEERING · LAND SURVEYING · CONSTRUCTION SERVICES

Exhibit CAP EXTENT WEST

NOTE: THIS EXHIBIT DOES NOT REPRESENT A
 MONUMENTED SURVEY. IT IS INTENDED ONLY TO
 DEPICT THE ATTACHED DESCRIPTION.

DRAFTED: EDC/JEC

DATE: 10/16/2024

PAGE: 4 OF 6

PREPARED FOR:

CHECKED: EDC

JOB NO. CWC#120-00014

SCALE: 1"=100'

STRATUS COMPANIES

CENTER QUARTER CORNER OF SECTION 29

3.25" ALUMINUM CAP, 0.2' ABOVE GROUND SURFACE, IN
EAST-WEST FENCE LINE, STAMPED "BASELINE ENGINEERING
CORP, T1N R68W, C1/4 + S29, 2010, PLS 28258"

NORTH LINE OF
THE SOUTHWEST
ONE-QUARTER
OF SECTION 29

NORTH LINE OF THE NORTHWEST ONE-QUARTER OF
THE SOUTHEAST ONE-QUARTER OF SECTION 29

N74°23'45"W 260.16' (TIE)

S63°39'34"E
33.47'

N81°58'14"E 46.40'
S88°03'19"E 55.70'

S72°52'49"E
116.51'

S87°25'48"E 54.81'

N59°14'44"E
55.98'

N62°41'36"E 10.68'
N45°01'18"E 24.07'

S53°20'49"E
31.67'

N66°05'38"E 39.32'
N76°55'05"E 35.79'

S78°54'16"W 26.27'
N54°25'49"E 33.89'

S88°41'56"E 35.68'
N81°23'27"E 18.04'

N35°21'09"E 26.16'

N66°06'53"W 10.32'

S24°09'59"W 43.65'

S04°22'25"E 38.38'

N54°58'04"W 32.28' S42°15'29"W 98.34'

S54°45'04"W 76.73'

N33°32'13"W 92.02'

S84°39'04"W 69.95'

S71°47'04"W 105.58'

S75°15'58"W 62.38'

S20°01'26"E 31.69'

S05°10'56"E 24.79'

S26°33'52"E 62.79'

S27°11'32"E 80.90'

N84°55'27"W 31.12'

N22°20'01"W 62.62'

S24°06'06"E 55.17'

S20°13'08"E 28.16'

N52°49'54"W 51.17'

S05°55'05"E 14.79'

N68°10'45"W 32.88'

N61°18'38"W 34.50'

SEE PAGE 4 OF 6

SEE PAGE 6 OF 6



9360 TEDDY LANE, SUITE #203
LONE TREE, COLORADO 80124
TELEPHONE: 303-395-2700
FAX 303-395-2701

CWC CONSULTING GROUP
CIVIL ENGINEERING · LAND SURVEYING · CONSTRUCTION SERVICES

**Exhibit
CAP EXTENT WEST**

NOTE: THIS EXHIBIT DOES NOT REPRESENT A
MONUMENTED SURVEY. IT IS INTENDED ONLY TO
DEPICT THE ATTACHED DESCRIPTION.

DRAFTED: EDC/JEC

DATE: 10/16/2024

PAGE: 5 OF 6

PREPARED FOR:

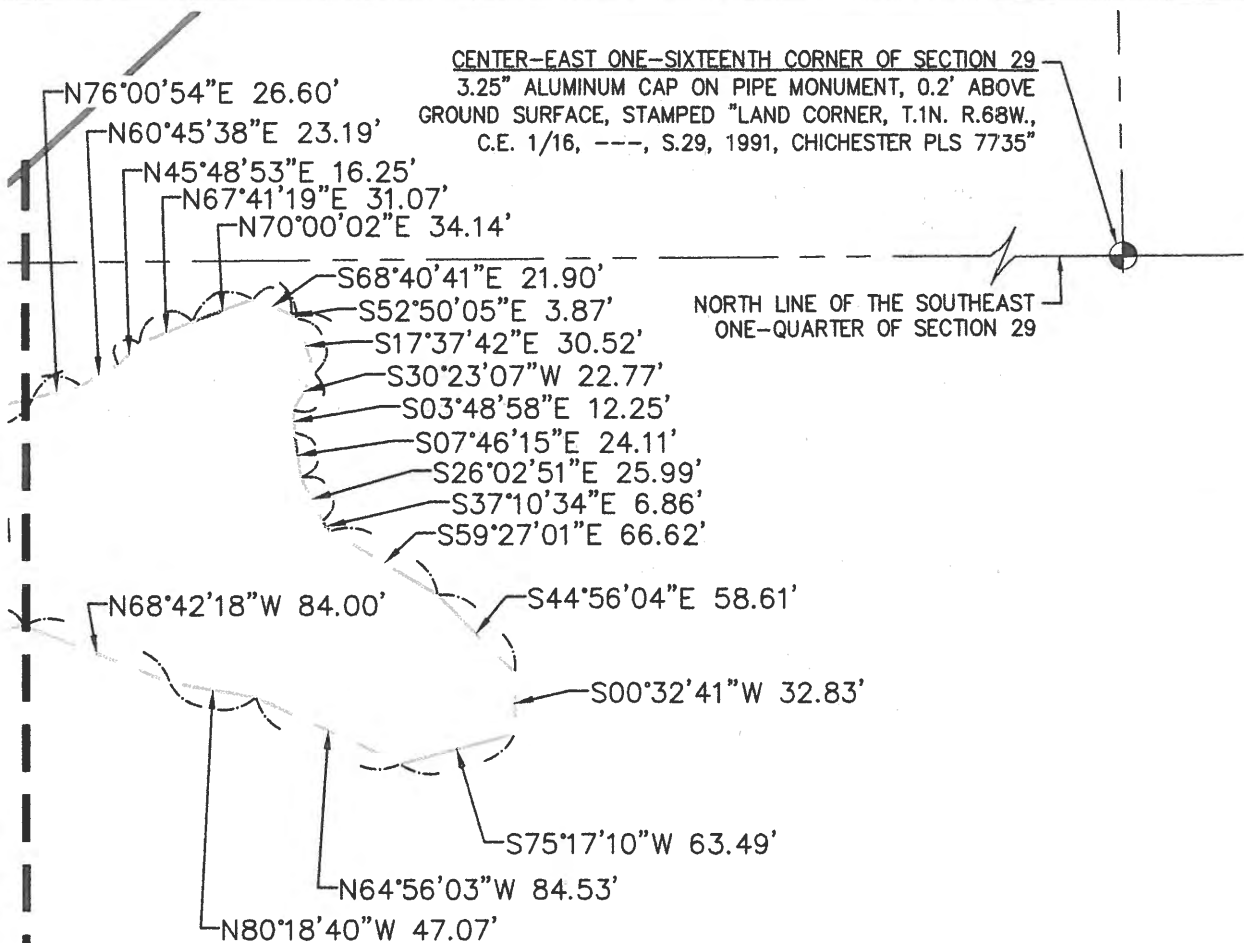
CHECKED: EDC

JOB NO. CWC#120-00014

SCALE: 1"=100'

STRATUS COMPANIES

SEE PAGE 5 OF 6



9360 TEDDY LANE, SUITE #203
LONE TREE, COLORADO 80124
TELEPHONE: 303-395-2700
FAX 303-395-2701

CWC CONSULTING GROUP
CIVIL ENGINEERING · LAND SURVEYING · CONSTRUCTION SERVICES

Exhibit
CAP EXTENT WEST

NOTE: THIS EXHIBIT DOES NOT REPRESENT A
MONUMENTED SURVEY. IT IS INTENDED ONLY TO
DEPICT THE ATTACHED DESCRIPTION.

DRAFTED: EDC/JEC

DATE: 10/16/2024

PAGE: 6 OF 6

PREPARED FOR:

CHECKED: EDC

JOB NO. CWC#120-00014

SCALE: 1"=100'

STRATUS COMPANIES

CAP EXTENT EAST
DESCRIPTION

A parcel of land in the Northeast One-Quarter of Section 29, Township 1 North, Range 68 West of the 6th Principal Meridian, in the Town of Erie, County of Weld, State of Colorado, more particularly described as follows:

BASIS OF BEARINGS: Bearings are based upon the East Line of said Northeast One-Quarter of Section 29 said to bear North 00°51'02" West, a distance of 2658.84 Feet from the East One-Quarter Corner of said Section 29 as monumented by a #6 Rebar, 0.4' down in a range box with lid marked "SURVEY", at the centerline of Weld County Road 5 to the Northeast Corner of said Section 29 as monumented by a 3.25" Aluminum Cap, 0.3' down in a range box with a lid, stamped "T1N R68W, 20|21, --, 29|28, 1998, LS13155";

COMMENCING (P.O.C.) at said East One-Quarter Corner of Section 29;

Thence South 89°35'33" West, a distance of 40.00 Feet to the West Right-of-Way Line of Weld County Road 5; Thence North 00°51'02" West, a distance of 689.57 Feet to the **POINT OF BEGINNING (P.O.B.)**;

Thence the following Seventy-three (73) courses:

- 1) North 85°04'36" West, 75.49 Feet;
- 2) South 88°44'14" West, 112.73 Feet;
- 3) South 80°18'27" West, 103.99 Feet;
- 4) South 73°45'06" West, 161.92 Feet;
- 5) South 80°51'54" West, 69.10 Feet;
- 6) North 85°49'27" West, 124.44 Feet;
- 7) North 86°06'08" West, 11.43 Feet;
- 8) South 30°55'00" West, 38.32 Feet;
- 9) South 40°04'57" East, 73.25 Feet;
- 10) South 82°30'44" East, 154.96 Feet;
- 11) South 44°10'31" East, 74.36 Feet;
- 12) South 78°14'26" West, 25.41 Feet;
- 13) South 75°37'45" West, 41.72 Feet;
- 14) South 78°11'49" West, 69.61 Feet;
- 15) North 66°54'24" West, 83.98 Feet;
- 16) North 52°42'55" West, 88.03 Feet;
- 17) North 46°04'12" West, 60.08 Feet;
- 18) North 66°23'13" West, 49.77 Feet;
- 19) South 38°19'43" West, 72.28 Feet;
- 20) South 71°37'21" West, 134.12 Feet;
- 21) South 30°41'18" West, 103.56 Feet;
- 22) South 82°59'08" West, 52.81 Feet;
- 23) North 33°02'28" West, 14.84 Feet;
- 24) North 52°21'05" West, 53.86 Feet to a point whence the Center Quarter Corner of said Section 29 monumented by a 3.25" Aluminum Cap, 0.2' above ground surface, in East-West fence line, stamped "BASELINE ENGINEERING CORP, T1N R68W, C1/4 + S29, 2010, PLS 28258" bears South 73°35'23" West, a distance of 1521.54 Feet;
- 25) North 0°00'00" East, 8.23 Feet;
- 26) North 14°08'42" East, 23.33 Feet;
- 27) North 37°10'13" East, 68.46 Feet;
- 28) North 34°35'09" East, 41.63 Feet;
- 29) North 29°57'29" East, 27.20 Feet;

- 30) North 27°28'09" East, 35.74 Feet;
- 31) North 31°54'37" East, 21.83 Feet;
- 32) North 24°10'44" East, 40.27 Feet;
- 33) North 28°10'09" East, 53.25 Feet;
- 34) North 18°34'17" East, 99.31 Feet;
- 35) North 64°51'28" East, 35.24 Feet;
- 36) North 14°08'40" East, 91.36 Feet;
- 37) North 2°18'50" East, 82.74 Feet;
- 38) North 9°57'05" East, 16.34 Feet;
- 39) North 87°37'08" East, 24.24 Feet;
- 40) South 8°53'32" West, 15.31 Feet;
- 41) South 2°44'43" West, 123.23 Feet;
- 42) South 8°31'19" West, 97.61 Feet;
- 43) South 20°26'12" West, 65.61 Feet;
- 44) South 55°38'25" East, 15.07 Feet;
- 45) North 71°34'42" East, 20.70 Feet;
- 46) South 35°21'39" East, 44.11 Feet;
- 47) North 19°44'19" East, 134.74 Feet;
- 48) North 28°05'27" East, 55.56 Feet;
- 49) North 30°51'14" East, 41.45 Feet;
- 50) North 32°21'40" East, 202.47 Feet;
- 51) North 42°33'33" East, 53.79 Feet;
- 52) North 40°02'08" East, 43.21 Feet;
- 53) North 37°49'56" East, 44.66 Feet;
- 54) North 3°10'56" East, 44.18 Feet;
- 55) North 0°20'43" West, 50.47 Feet;
- 56) North 12°11'34" East, 73.45 Feet;
- 57) North 45°28'24" East, 109.93 Feet;
- 58) South 87°50'53" East, 91.43 Feet;
- 59) South 8°57'08" East, 91.52 Feet;
- 60) South 87°20'21" East, 36.06 Feet;
- 61) North 44°59'28" East, 169.29 Feet;
- 62) North 69°53'44" East, 174.50 Feet;
- 63) South 1°40'26" West, 301.49 Feet;
- 64) South 28°51'42" West, 41.02 Feet;
- 65) South 72°50'19" West, 244.78 Feet;
- 66) South 49°08'46" West, 228.63 Feet;
- 67) South 26°15'33" West, 32.78 Feet;
- 68) South 7°30'34" West, 66.22 Feet;
- 69) South 47°41'51" East, 62.75 Feet;
- 70) South 65°54'51" East, 155.22 Feet;

- 71) North 80°16'33" East, 142.10 Feet;
- 72) North 87°53'30" East, 78.78 Feet;
- 73) South 87°48'47" East, 68.84 Feet to said West Right-of-Way Line of Weld County Road 5;

Thence South 00°51'02" East along said West Right-of-Way Line, a distance of 69.69 Feet to the **POINT OF BEGINNING (P.O.B.)**;

The above-described parcel description contains 432,255 Square Feet (9.923 Acres) more or less.

I hereby certify that the above parcel description was prepared under my direct supervision.

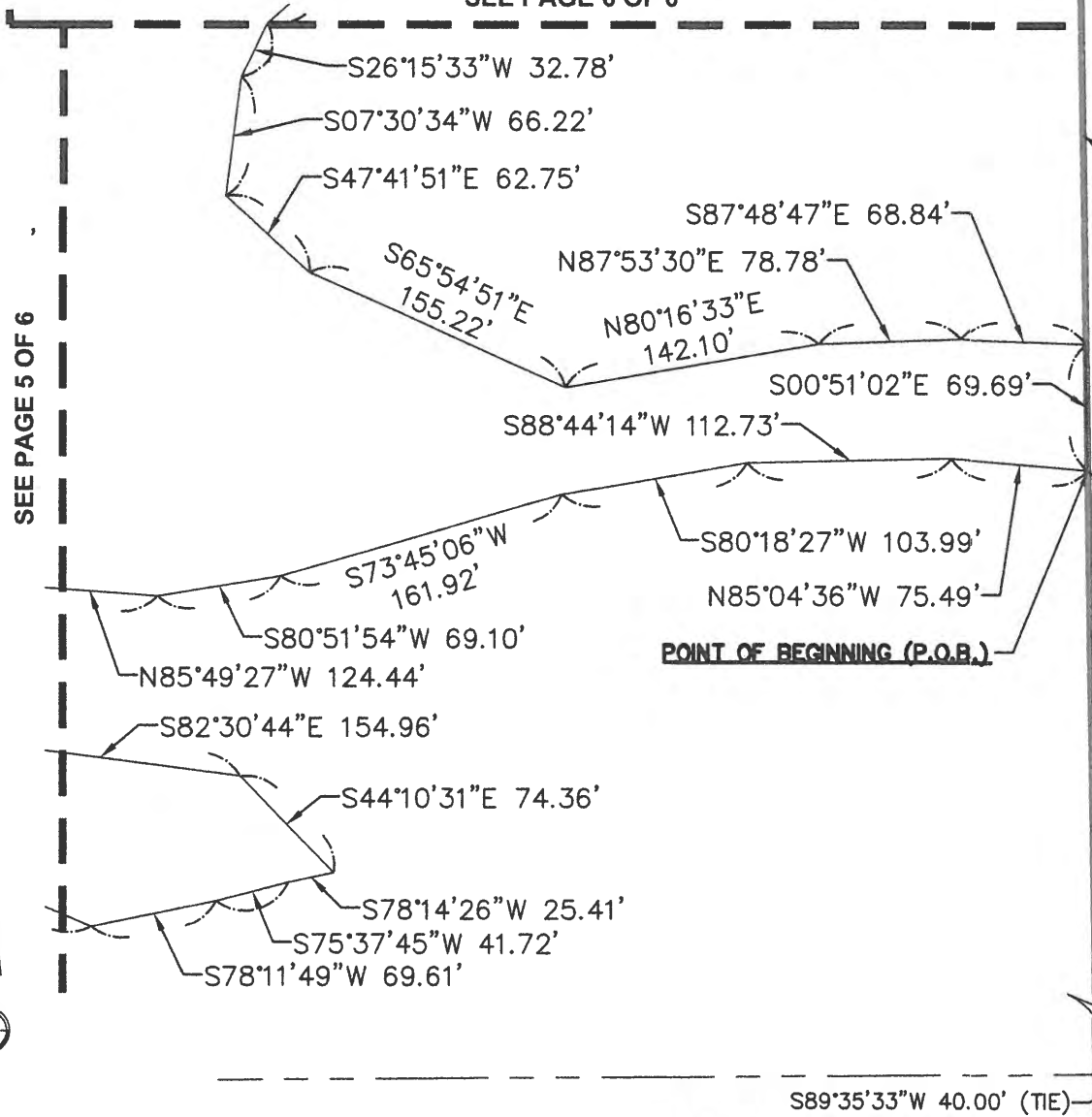


Eric D. Carson, PLS

Prepared For and on Behalf of:
CWC Consulting Group Inc.
9360 Teddy Lane, Suite #203
Lone Tree, Colorado 80124
Phone: (303) 395-2700

SEE PAGE 5 OF 6

SEE PAGE 6 OF 6



EAST LINE OF THE NORTHEAST
ONE-QUARTER OF SECTION 29

N00°51'02\"/>

BASIS OF BEARINGS

WEST RIGHT-OF-WAY LINE
WELD COUNTY ROAD 5

WELD COUNTY ROAD 5
(100' PUBLIC R.O.W.)

N00°51'02\"/>

POINT OF BEGINNING (P.O.B.)

POINT OF COMMENCEMENT (P.O.C.)

EAST ONE-QUARTER CORNER OF SECTION 29
#6 REBAR, 0.4' DOWN IN A RANGE BOX WITH
LID MARKED "SURVEY", AT THE CENTERLINE
OF WELD COUNTY ROAD 5



9360 TEDDY LANE, SUITE #203
LONE TREE, COLORADO 80124
TELEPHONE: 303-395-2700
FAX 303-395-2701

CWC CONSULTING GROUP
CIVIL ENGINEERING · LAND SURVEYING · CONSTRUCTION SERVICES

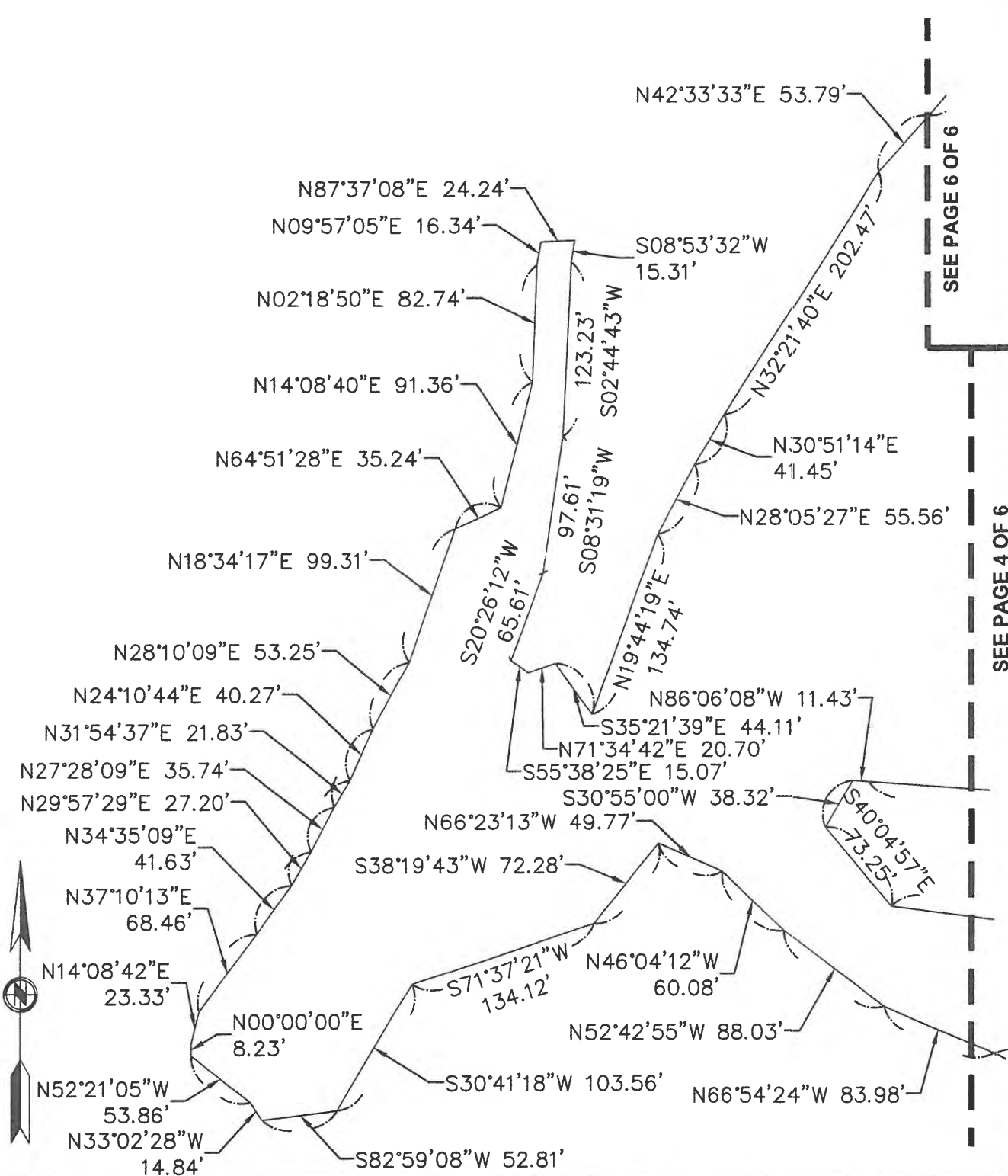
**Exhibit
CAP EXTENT EAST**

NOTE: THIS EXHIBIT DOES NOT REPRESENT A
MONUMENTED SURVEY. IT IS INTENDED ONLY TO
DEPICT THE ATTACHED DESCRIPTION.

DRAFTED: EDC/JEC	CHECKED: EDC
DATE: 10/16/2025	JOB NO. CWC#120-00014
PAGE: 4 OF 6	SCALE: 1"=100'

PREPARED FOR:

STRATUS COMPANIES



SEE PAGE 6 OF 6

SEE PAGE 4 OF 6



9360 TEDDY LANE, SUITE #203
LONE TREE, COLORADO 80124
TELEPHONE: 303-395-2700
FAX 303-395-2701

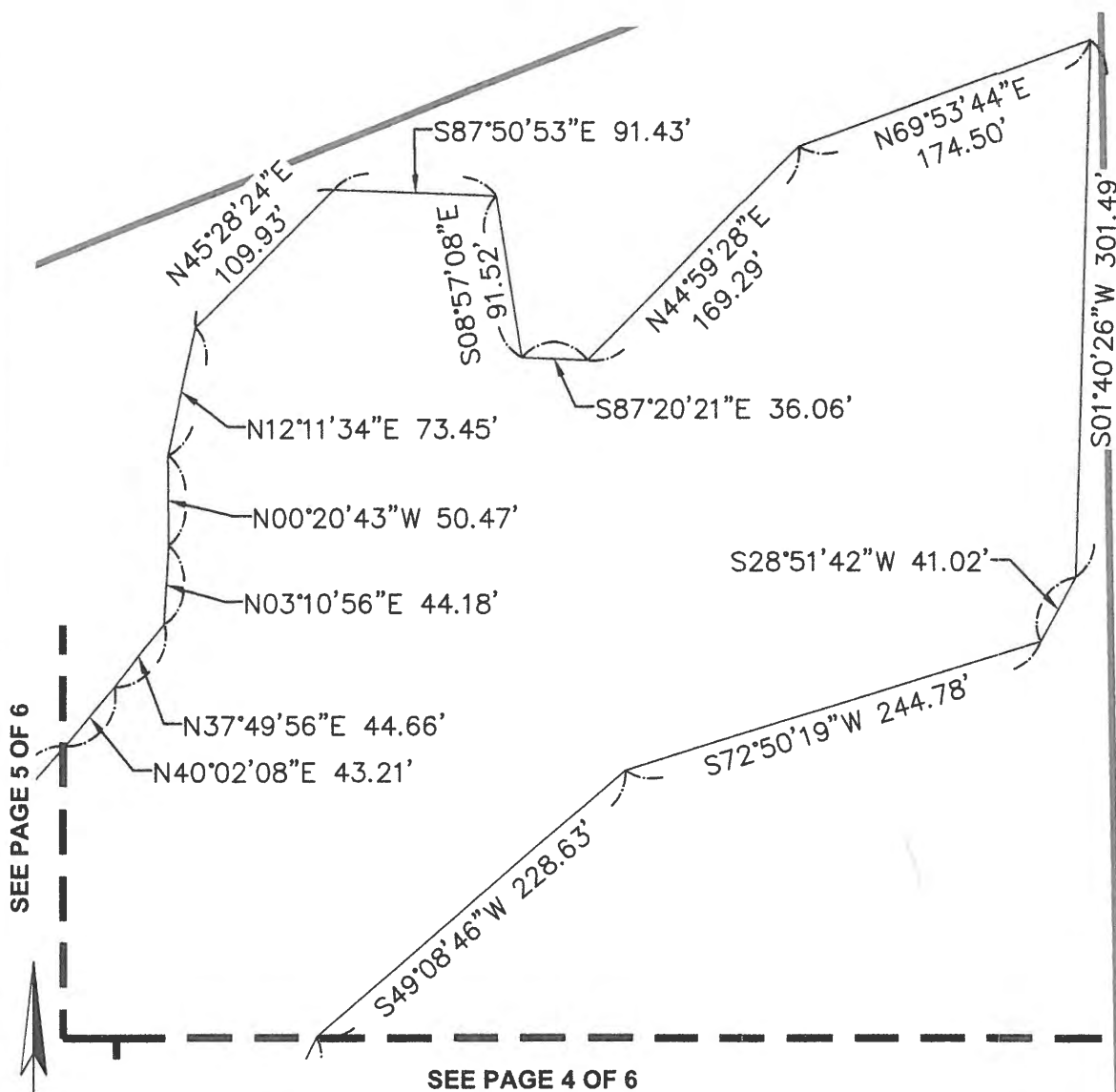
CWC CONSULTING GROUP
CIVIL ENGINEERING • LAND SURVEYING • CONSTRUCTION SERVICES

Exhibit
CAP EXTENT EAST

NOTE: THIS EXHIBIT DOES NOT REPRESENT A
MONUMENTED SURVEY. IT IS INTENDED ONLY TO
DEPICT THE ATTACHED DESCRIPTION.

DRAFTED: EDC/JEC	CHECKED: EDC
DATE: 10/16/2024	JOB NO. CWC#120-00014
PAGE: 5 OF 6	SCALE: 1"=100'
PREPARED FOR: STRATUS COMPANIES	

NORTHEAST CORNER OF SECTION 29
3.25" ALUMINUM CAP, 0.3' DOWN IN A
RANGE BOX WITH A LID, STAMPED "T1N
R68W, 20|21, --, 29|28, 1998, LS13155"



N00°51'02"W 2658.84'
BASIS OF BEARINGS



9360 TEDDY LANE, SUITE #203
LONE TREE, COLORADO 80124
TELEPHONE: 303-395-2700
FAX 303-395-2701

CWC CONSULTING GROUP
CIVIL ENGINEERING · LAND SURVEYING · CONSTRUCTION SERVICES

**Exhibit
CAP EXTENT EAST**

NOTE: THIS EXHIBIT DOES NOT REPRESENT A
MONUMENTED SURVEY. IT IS INTENDED ONLY TO
DEPICT THE ATTACHED DESCRIPTION.

DRAFTED: EDC/JEC

DATE: 10/16/2025

PAGE: 6 OF 6

PREPARED FOR:

CHECKED: EDC

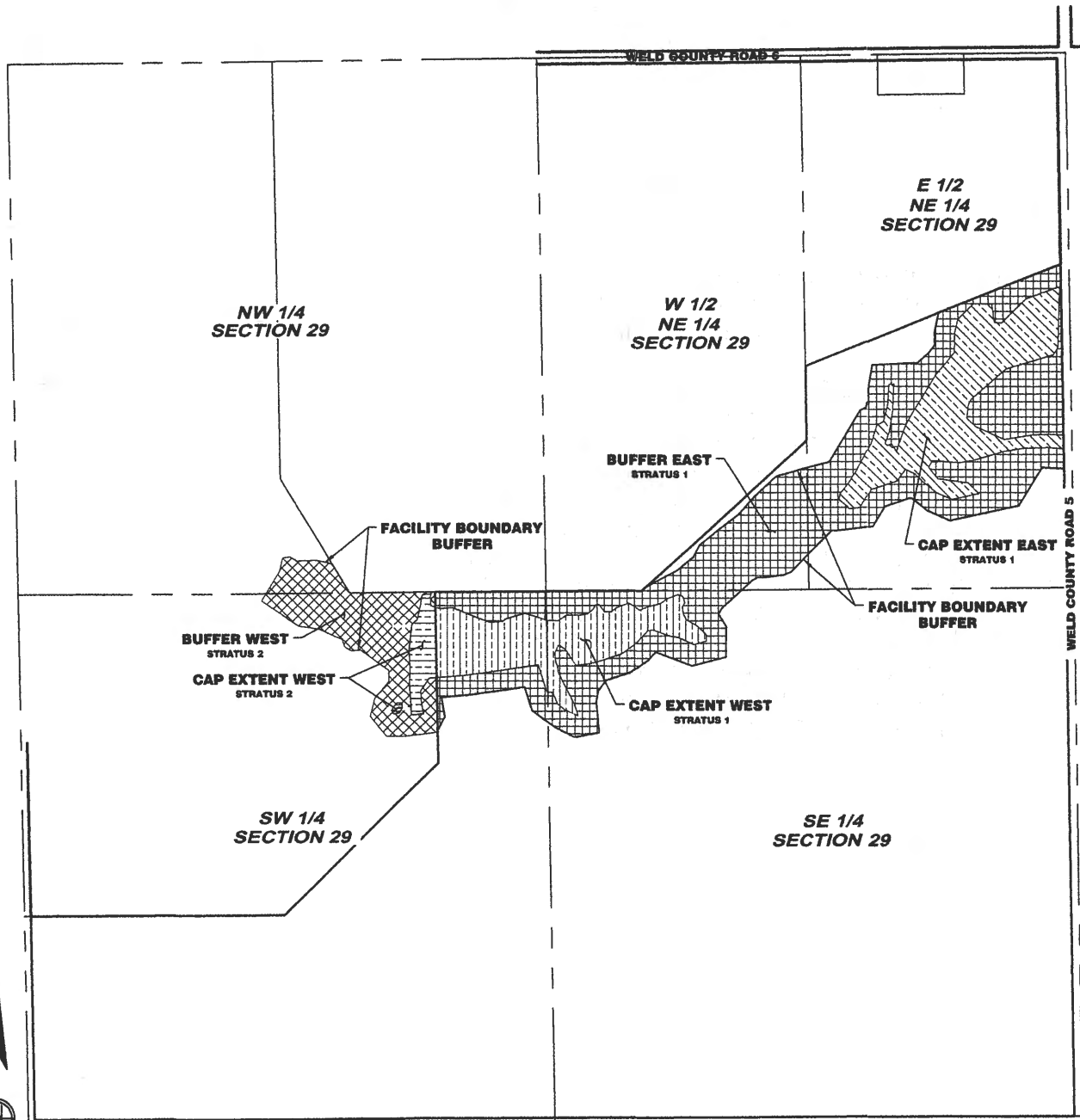
JOB NO. CWC#120-00014

SCALE: 1"=100'

STRATUS COMPANIES

ATTACHMENT “B”
to the
NOTICE OF ENVIRONMENTAL USE RESTRICTIONS

(Restricted Property Depiction)



9360 TEDDY LANE, SUITE #203
LONE TREE, COLORADO 80124
TELEPHONE: 303-395-2700
FAX 303-395-2701

CWC CONSULTING GROUP
CIVIL ENGINEERING • LAND SURVEYING • CONSTRUCTION SERVICES

Exhibit
FACILITY, CAP AND BUFFER
OVERALL KEY MAP

NOTE: THIS EXHIBIT DOES NOT REPRESENT A
MONUMENTED SURVEY. IT IS INTENDED ONLY TO
DEPICT THE ATTACHED DESCRIPTION.

DRAFTED: EDC

DATE: 10/17/2024

PAGE: 1 OF 1

PREPARED FOR:

CHECKED: EDC

JOB NO. CWC#120-00014

SCALE: 1"=800'

STRATUS COMPANIES

FACILITY BOUNDARY/BUFFER
DESCRIPTION

A parcel of land in Section 29, Township 1 North, Range 68 West of the 6th Principal Meridian, in the Town of Erie, County of Weld, State of Colorado, more particularly described as follows:

BASIS OF BEARINGS: Bearings are based upon the East Line of said Northeast One-Quarter of Section 29 said to bear North 00°51'02" West, a distance of 2658.84 Feet from the East One-Quarter Corner of said Section 29 as monumented by a #6 Rebar, 0.4' down in a range box with lid marked "SURVEY", at the centerline of Weld County Road 5 to the Northeast Corner of said Section 29 as monumented by a 3.25" Aluminum Cap, 0.3' down in a range box with a lid, stamped "T1N R68W, 20|21, --, 29|28, 1998, LS13155";

COMMENCING (P.O.C.) at said East One-Quarter Corner of Section 29; Thence South 89°35'33" West, a distance of 40.00 Feet to the West Right-of-Way Line of Weld County Road 5; Thence North 00°51'02" West along said West Right-of-Way Line, a distance of 590.20 Feet to the **POINT OF BEGINNING (P.O.B.)**;

Thence the following fifty-four (54) courses:

- 1) North 86°57'15" West, a distance of 103.18 Feet;
- 2) South 31°37'39" West, a distance of 222.36 Feet;
- 3) South 77°55'01" West, a distance of 350.02 Feet;
- 4) North 66°54'24" West, a distance of 127.86 Feet;
- 5) North 52°15'08" West, a distance of 97.13 Feet;
- 6) North 88°33'06" West, a distance of 16.36 Feet;
- 7) South 71°37'21" West, a distance of 126.70 Feet;
- 8) South 30°41'18" West, a distance of 115.33 Feet;
- 9) South 82°59'08" West, a distance of 164.36 Feet;
- 10) South 88°37'26" West, a distance of 37.98 Feet;
- 11) South 45°03'14" West, a distance of 290.20 Feet;
- 12) South 69°56'26" West, a distance of 38.10 Feet;
- 13) South 81°21'46" West, a distance of 87.02 Feet;
- 14) South 88°14'20" West, a distance of 44.76 Feet;
- 15) South 61°37'21" West, a distance of 28.95 Feet;
- 16) South 48°07'26" West, a distance of 204.60 Feet;
- 17) South 28°17'08" West, a distance of 35.83 Feet;
- 18) South 32°05'54" East, a distance of 71.99 Feet;
- 19) South 0°32'41" West, a distance of 151.12 Feet;
- 20) South 75°17'10" West, a distance of 176.05 Feet;
- 21) North 69°13'35" West, a distance of 192.00 Feet;
- 22) South 42°15'29" West, a distance of 55.58 Feet;
- 23) South 54°45'04" West, a distance of 102.65 Feet;
- 24) South 71°47'52" West, a distance of 129.47 Feet;
- 25) South 36°09'19" West, a distance of 65.96 Feet;
- 26) South 10°16'52" West, a distance of 54.16 Feet;
- 27) South 5°39'43" East, a distance of 153.82 Feet;
- 28) South 79°58'30" West, a distance of 128.27 Feet;
- 29) North 63°58'37" West, a distance of 103.73 Feet;
- 30) North 54°34'02" West, a distance of 147.72 Feet;
- 31) North 18°10'22" West, a distance of 123.41 Feet;
- 32) South 81°53'02" West, a distance of 274.66 Feet;
- 33) South 84°59'05" West, a distance of 138.51 Feet;
- 34) South 9°13'24" East, a distance of 98.11 Feet;
- 35) South 27°22'14" West, a distance of 86.79 Feet;

36) South 83°11'13" West, a distance of 142.55 Feet;
37) South 89°21'56" West, a distance of 104.50 Feet;
38) North 39°39'34" West, a distance of 128.85 Feet;
39) North 14°21'41" East, a distance of 94.18 Feet;
40) North 40°56'02" East, a distance of 109.72 Feet;
41) North 0°33'29" West, a distance of 54.10 Feet;
42) North 54°39'54" West, a distance of 174.92 Feet;
43) South 86°41'08" West, a distance of 46.88 Feet;
44) North 61°30'09" West, a distance of 38.49 Feet;
45) North 19°43'36" West, a distance of 40.58 Feet;
46) North 66°10'43" West, a distance of 127.62 Feet;
47) North 81°35'27" West, a distance of 103.38 Feet;
48) North 55°23'47" West, a distance of 221.21 Feet;
49) North 31°23'44" East, a distance of 171.83 Feet;
50) North 11°52'25" East, a distance of 67.88 Feet;
51) North 80°12'28" East, a distance of 37.21 Feet;
52) South 58°30'47" East, a distance of 40.90 Feet;
53) North 88°48'18" East, a distance of 99.82 Feet;
54) South 77°05'26" East, a distance of 78.85 Feet to the East Line of a Deed described in the document recorded under Reception No. 02360787;

Thence South 31°33'56" East along said East Line, a distance of 169.04 Feet to the North Line of the Southwest One-Quarter of Section 29;

Thence North 89°37'30" East along said North Line of the Southwest One-Quarter of Section 29, a distance of 260.21 Feet;

Thence continuing North 89°37'30" East along said North Line of the Southwest One-Quarter of Section 29, a distance of 164.98 Feet;

Thence continuing North 89°37'30" East along said North Line of the Southwest One-Quarter of Section 29, a distance of 549.55 Feet to the Center Quarter Corner of said Section 29;

Thence North 89°37'06" East along the North Line of the Northwest One-Quarter of the Southeast One-Quarter of said Section 29, a distance of 479.08 Feet;

Thence North 47°50'39" East along the North Line of said parcel of land described in the document recorded under Reception No. 2312716 and Reception No. 2312717, a distance of 27.52 Feet;

Thence the following twenty (20) courses:

- 1) North 60°27'46" East, a distance of 48.17 Feet;
- 2) North 62°23'02" East, a distance of 123.86 Feet;
- 3) North 49°59'12" East, a distance of 106.66 Feet;
- 4) North 27°59'10" East, a distance of 65.65 Feet;
- 5) North 51°00'07" East, a distance of 100.16 Feet;
- 6) North 52°10'30" East, a distance of 148.87 Feet;
- 7) North 42°59'23" East, a distance of 120.47 Feet;
- 8) North 47°12'52" East, a distance of 144.05 Feet;
- 9) North 73°44'16" East, a distance of 134.76 Feet;
- 10) North 75°54'25" East, a distance of 141.26 Feet;
- 11) North 31°09'47" East, a distance of 298.86 Feet;

- 12) North 64°51'28" East, a distance of 30.59 Feet;
- 13) North 14°08'40" East, a distance of 33.60 Feet;
- 14) North 2°18'50" East, a distance of 79.05 Feet;
- 15) North 9°57'05" East, a distance of 103.52 Feet;
- 16) North 87°37'08" East, a distance of 226.64 Feet;
- 17) North 49°16'51" East, a distance of 75.01 Feet;
- 18) North 39°31'59" East, a distance of 50.62 Feet;
- 19) North 0°09'59" East, a distance of 68.26 Feet;
- 20) North 12°11'34" East, a distance of 96.75 Feet to the Southerly Line of Right-of-Way as described in Book 868 at Page 89 and at Reception No. 1687926;

Thence North 68°15'50" East along said Southerly Line of Right-of-Way, a distance of 649.41 Feet to said West Right-of-Way Line of Weld County Road 5;

Thence South 00°51'02" East along said West Right-of-Way Line, a distance of 1016.95 Feet to the **POINT OF BEGINNING (P.O.B.)**;

The above-described parcel description contains 2,363,972 Square Feet (54.269 Acres) more or less.

I hereby certify that the above parcel description was prepared under my direct supervision.



Eric D. Carson, PLS

Prepared For and on Behalf of:
CWC Consulting Group Inc.
9360 Teddy Lane, Suite #203
Lone Tree, Colorado 80124
Phone: (303) 395-2700

SEE PAGE 5



CWC CONSULTING GROUP
CIVIL ENGINEERING • LAND SURVEYING • CONSTRUCTION SERVICES

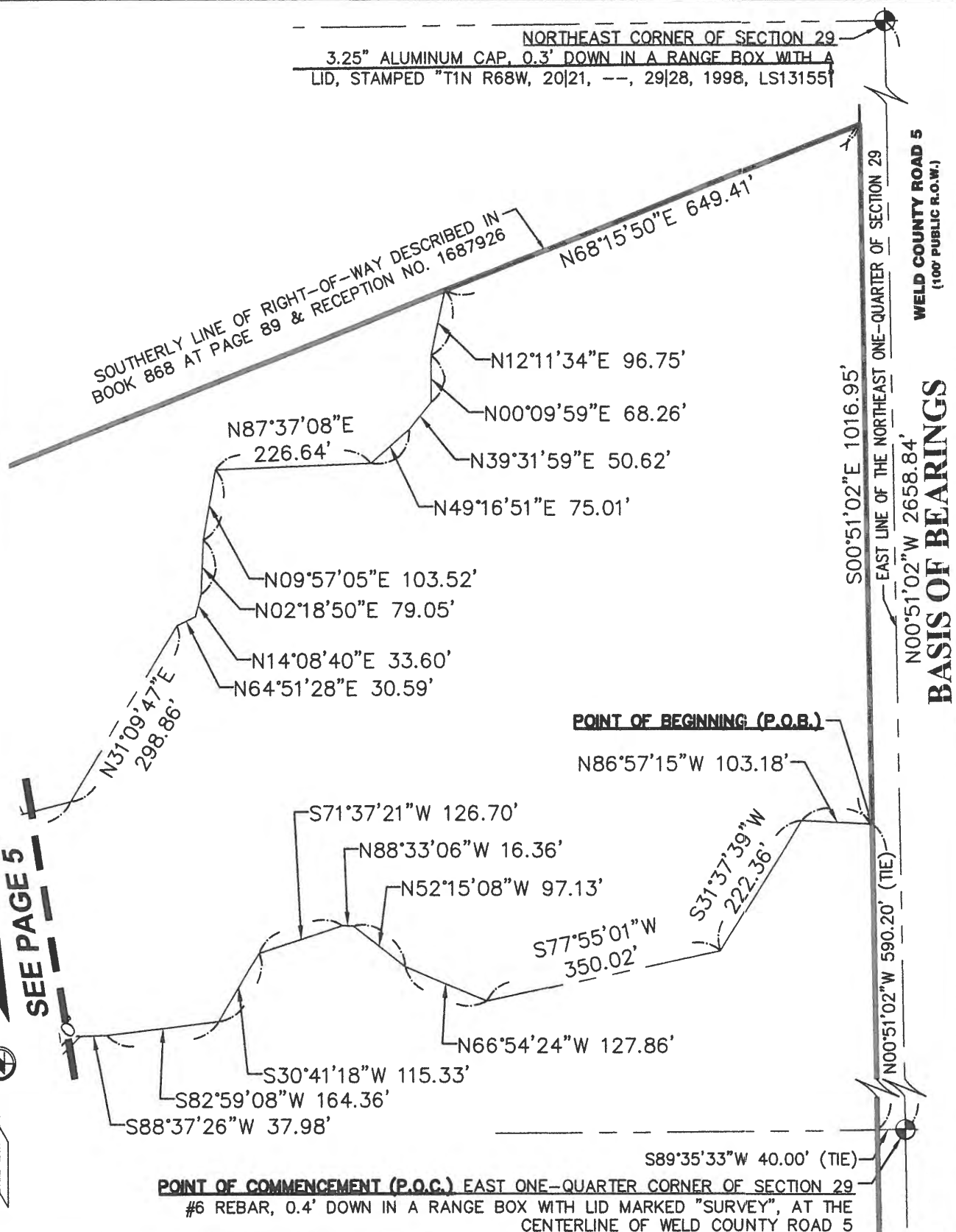
9360 TEDDY LANE, SUITE #203
LONE TREE, COLORADO 80124
TELEPHONE: 303-395-2700
FAX 303-395-2701

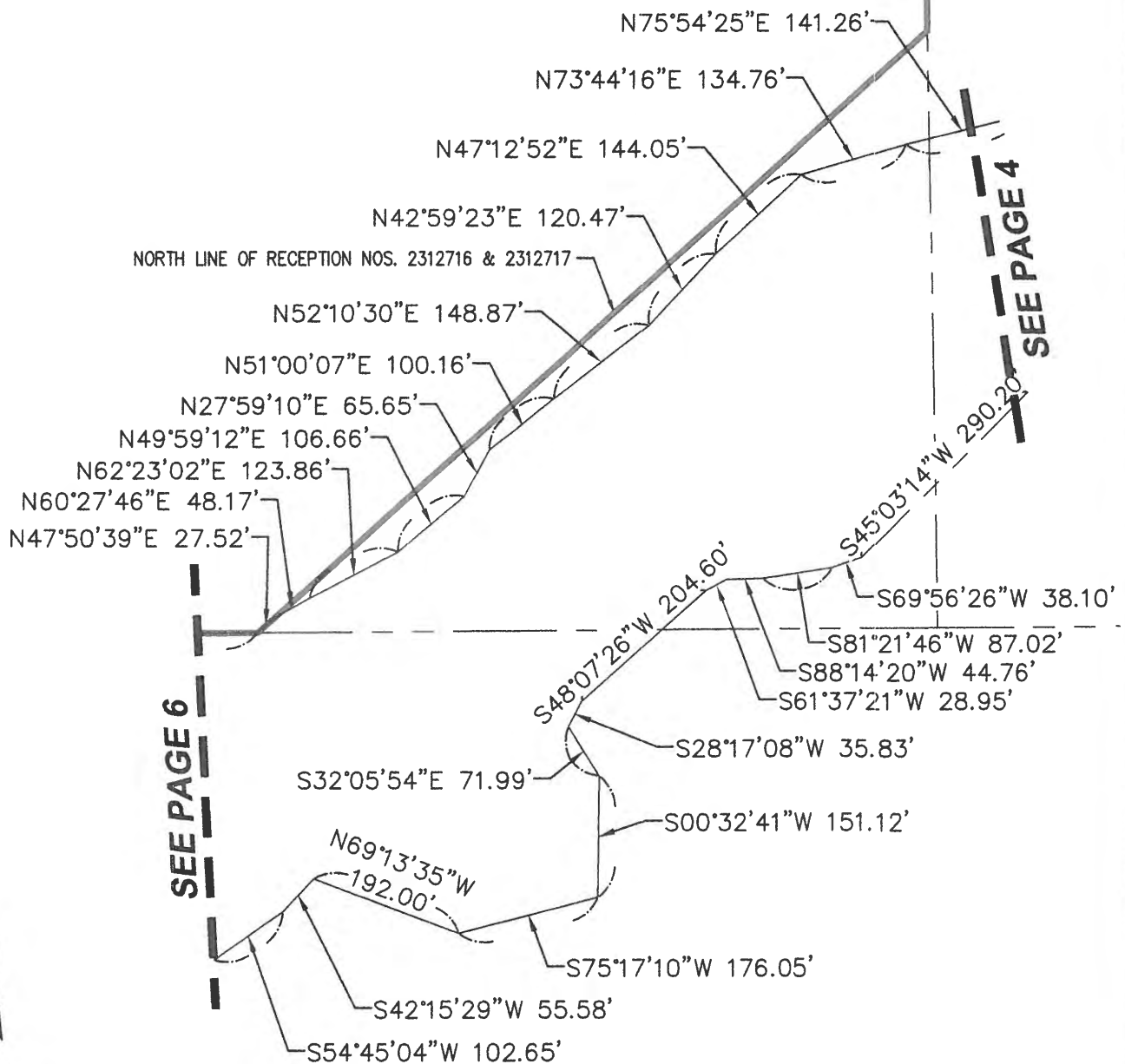
Exhibit
FACILITY BOUNDARY/BUFFER

NOTE: THIS EXHIBIT DOES NOT REPRESENT A
MONUMENTED SURVEY. IT IS INTENDED ONLY TO
DEPICT THE ATTACHED DESCRIPTION.

DRAFTED: EDC/JEC	CHECKED: EDC
DATE: 10/17/2024	JOB NO. CWC#120-00014
PAGE: 4 OF 7	SCALE: 1"=200'
PREPARED FOR:	

STRATUS COMPANIES

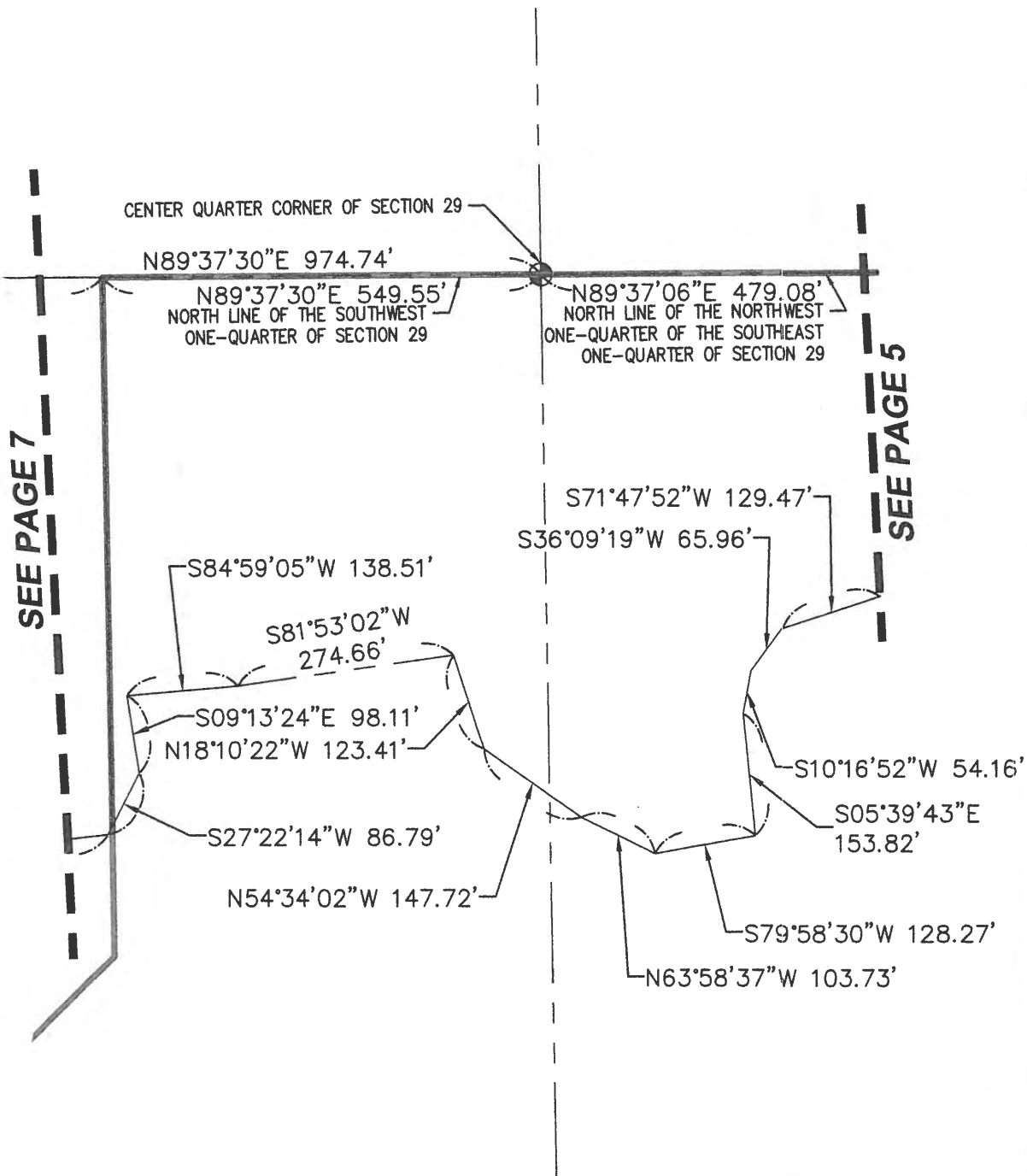




SEE PAGE 6

SEE PAGE 4





9360 TEDDY LANE, SUITE #203
LONE TREE, COLORADO 80124
TELEPHONE: 303-395-2700
FAX 303-395-2701

CWC CONSULTING GROUP
CIVIL ENGINEERING · LAND SURVEYING · CONSTRUCTION SERVICES

Exhibit FACILITY BOUNDARY/BUFFER

NOTE: THIS EXHIBIT DOES NOT REPRESENT A
MONUMENTED SURVEY. IT IS INTENDED ONLY TO
DEPICT THE ATTACHED DESCRIPTION.

DRAFTED: EDC/JEC

DATE: 10/17/2024

PAGE: 6 OF 7

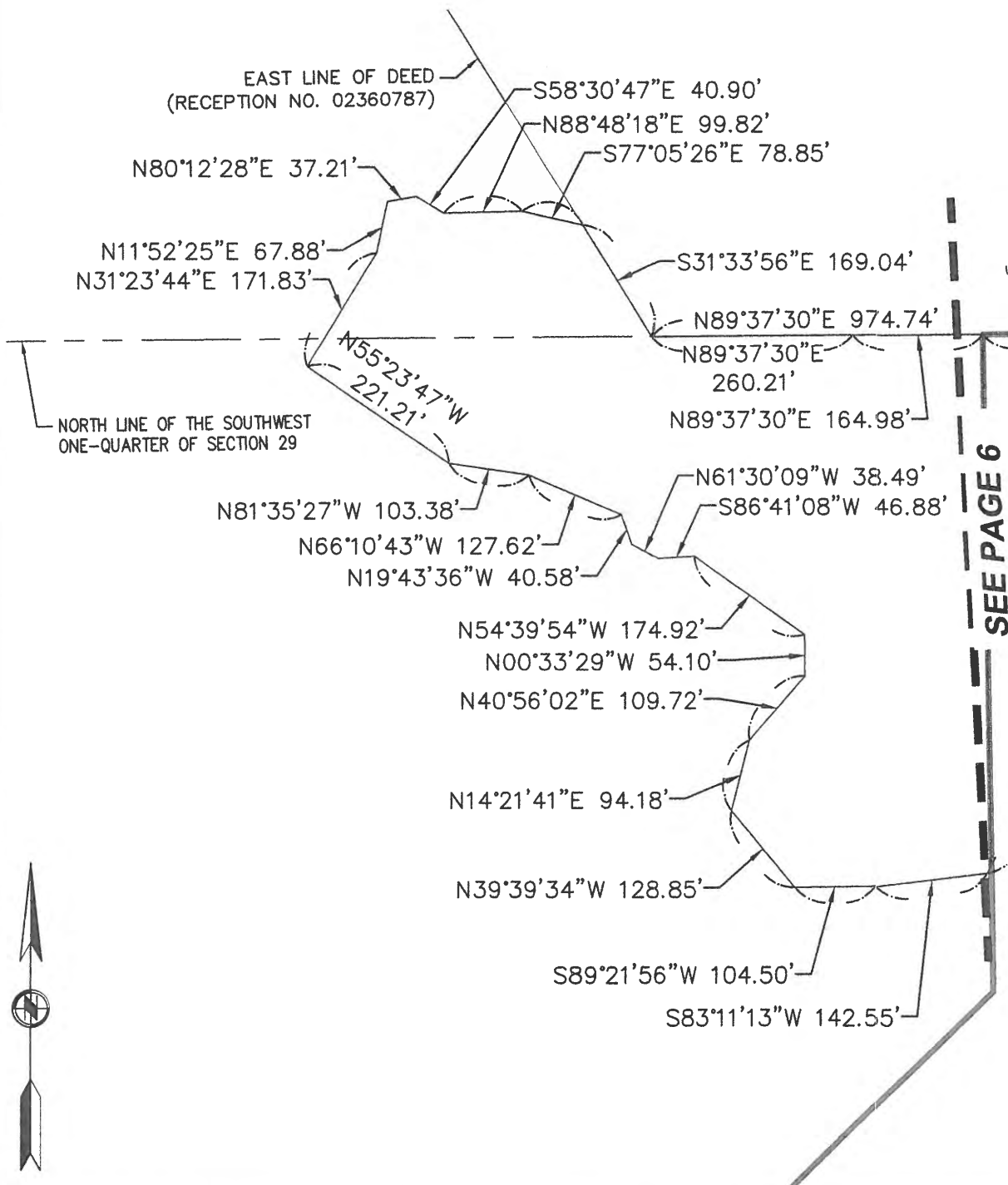
PREPARED FOR:

CHECKED: EDC

JOB NO. CWC#120-00014

SCALE: 1"=200'

STRATUS COMPANIES



9360 TEDDY LANE, SUITE #203
LONE TREE, COLORADO 80124
TELEPHONE: 303-395-2700
FAX 303-395-2701

CWC CONSULTING GROUP
CIVIL ENGINEERING - LAND SURVEYING - CONSTRUCTION SERVICES

Exhibit FACILITY BOUNDARY/BUFFER

NOTE: THIS EXHIBIT DOES NOT REPRESENT A
MONUMENTED SURVEY. IT IS INTENDED ONLY TO
DEPICT THE ATTACHED DESCRIPTION.

DRAFTED: EDC/JEC

DATE: 10/17/2024

PAGE: 7 OF 7

PREPARED FOR:

CHECKED: EDC

JOB NO. CWC#120-00014

SCALE: 1"=200'

STRATUS COMPANIES

ATTACHMENT “C”
to the
NOTICE OF ENVIRONMENTAL USE RESTRICTIONS

(Subsurface Utility Maintenance and Repair Protocol)

PROTOCOL FOR DISTURBANCE IN RESTRICTED PROPERTY

The purpose of this attachment is to present the requirements for undertaking any activity that disturbs any portion of the Restricted Property, as defined in the Notice of Environmental Use Restrictions for the Historic Landfill Site (the “Site”). Disturbance includes but may not be limited to excavation, drilling, tilling, grading, digging or soil and vegetation disturbance of any kind. Disturbance may be required for construction, maintenance, repair, or removal of utilities, maintenance and repair of the final cover system, construction of roadway expansions, installation of trails, bike paths, or other access features that traverse the Restricted Property, etc. All capitalized terms contained herein shall have the definitions assigned to them herein or if not so defined as defined in the Notice of Environmental Use Restrictions to which this document is attached.

If disturbance is contemplated, the activities described below as well as any additional activities shall be performed in accordance with a written work plan approved by the Colorado Department of Public Health and Environment (the “Department”) and shall be undertaken to protect the Site remedy as described in the Historic Landfill Site’s Project Documents approved by the Department, and to protect human and ecological receptors from the remains of the historic landfill. Project Documents are defined as any Department approved documents for the Historic Landfill Site including, but not limited to, the Corrective Measures Design, most current specifications, work plans, as-built drawings of the final Remedy condition, etc.

WRITTEN APPROVAL

The Owner and the Department must approve a work plan in writing before disturbance of the Restricted Property commences. The work plan must include, at a minimum, the following:

1. The legal name of the party undertaking the disturbance together with contact information (physical address; mailing address; email information and phone information (both office and mobile numbers);
2. The physical extent of the area to be disturbed within the Restricted Property (i.e., the horizontal area and the vertical extent);
3. The scope of the work related to the disturbance. The scope shall include a brief description of the work and the reason therefore (e.g., maintenance of underground utilities), the methods and equipment proposed to perform the work, methods proposed to mitigate damage to the Site remedy, and the name of all contractors and sub-contractors

together with full contact information for the party or parties that will be performing the work.

- a. A request to the Owner and/or the Department for copies of the most current, Department approved Project Documents and written certification (e.g., email statement) must be furnished to the Owner and the Department stating that the party or parties that will be performing the work have been given a copy of this document and the most current Project Documents;
4. The schedule for the proposed work, including the duration the Remedy will be impacted, and the schedule for restoration of the Restricted Property; and
5. Additional details may be required by the Owner or the Department.

NOTIFICATION

Following Owner and Department approval of the work plan, except in the event of an emergency, ten (10) business days prior to any disturbance activity work, the person or persons contemplating a disturbance shall provide a written notice to the Owner and the Department as set forth in the Restrictive Notice. Contact information for the Owner and the Department are provided therein.

EMERGENCIES

In the event of an emergency, defined herein as an event requiring immediate attention which was both unavoidable and could not have been anticipated (such as a utility leak), the party undertaking the disturbance shall provide the notice described above to the Department and the Owner verbally within three (3) hours of the disturbance and in writing within twenty-four (24) hours of the disturbance. In all cases, the party taking emergency action shall be obligated to comply with the remaining terms hereof and shall not be relieved of any other obligations associated herewith.

COMMUNICATIONS

Except in the event of an emergency, the Owner and the Department must be notified of the intent to proceed within twenty four (24) hours prior to the commencement of the disturbance; and within twenty-four (24) hours after the completion of disturbance and restoration activities that the Restricted Property has been fully restored that work is complete.

The Owner and the Department must be notified in writing or via telephone immediately if solid waste is encountered during disturbance activities. Solid waste may contain household trash, plastic bags, magnetic tape, metal debris, etc. The physical extents of the solid waste shall be communicated to the Owner and the Department at this time. In the event of encountering solid waste, the party undertaking the disturbance shall, at its complete and sole expense, comply with all applicable law related to the handling and disposal of such solid waste.

EXCAVATIONS

Where excavation within the Restricted Property is contemplated (including during emergencies), the Excavation work shall be conducted in accordance with Specification Section 02200 and Section 13020 of the Project Documents. The equipment, materials, progress and communications during excavations should be documented and provided to the Owner and the Department as described herein.

RESTORATION

Upon completion of disturbance activities, the disturbed portion of the Restricted Property must be restored to the pre-disturbance condition all at the sole cost and expense of the person undertaking the disturbance. Restoration of the disturbed area shall include the following activities as necessary:

1. Removal and off-site disposal of any solid waste encountered during the disturbance. This includes appropriate containerization and documented disposal of solid waste as required by the Department.
 - a. If accepted and approved in writing by the Department, solid waste encountered during disturbance activities may be placed back within the disturbed area and covered in accordance with the restoration procedures provided herein;
2. Placement, compaction and restoration of the final cover system materials in accordance with the Department approved Corrective Measures Design.
 - a. The final cover system shall be restored to the condition shown on the Corrective Measures Design Drawings. The most current version of the Design Drawings approved by the Department shall be used.
 - b. Cover soils, material placement, and compaction shall be performed according to the Corrective Measures Design Specifications. The most current version of the Specifications approved by the Department shall be used.
 - c. Cover soils and materials used in restoration shall meet the material requirements according to the Corrective Measures Design Specifications. The most Current version of the Specifications approved by the Department shall be used.
 - d. Final restoration including final cover system vegetation, stormwater controls, fencing, and other structures or features of the Restricted Property as designated in the Department approved Corrective Measures Design shall be re-installed or

re-constructed according to the Corrective Measures Design Project Document (i.e., Drawings, Specifications, CQA Plan, Work Plans, etc.); and

3. Documentation shall be provided to the Owner and the Department demonstrating that the above work was performed in accordance with the Department approved Project Documents including but not limited to the Corrective Measures Design, material specifications, installation procedures, and final cover system final lines and grades.

**This property is subject to a Notice of Environmental Use
Restrictions imposed by the Colorado Department of Public Health
and Environment pursuant to
§ 25-15-321.5, Colorado Revised Statutes**

NOTICE OF ENVIRONMENTAL USE RESTRICTIONS

WHEREAS, Stratus Redtail Ranch 2, LLC, a Colorado limited liability company (“Stratus 2”) is the owner of certain property located in the Town of Erie, Weld County, State of Colorado, comprised of approximately 130 acres (the “Redtail Ranch 2 Property”); and

WHEREAS, within the extreme eastern portion of the Redtail Ranch 2 Property, there exists a historic landfill commonly referred to as the Neuhauser Landfill; and

WHEREAS, based on investigations performed by Stratus Redtail Ranch, LLC, a Colorado limited liability company (“Stratus”) and approved by the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and the Environment (the “Department”) which is located at 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530, the outlines of the landfill area are described and depicted as the “Cap Extent West-Stratus 2” on Attachment A and Attachment B, attached hereto and incorporated herein by this reference; and

WHEREAS, the Department, is authorized to approve a Notice of Environmental Use Restrictions pursuant to § 25-15-320(4)(a) of the Colorado Hazardous Waste Act, § 25-15-101, et seq., C.R.S. (“CHWA”); and

WHEREAS, for purposes of indexing in the County Clerk and Recorder’s office Grantor-Grantee index only, Stratus 2 as the current owner shall be considered the Grantor, and the Colorado Department of Public Health and Environment shall be considered the Grantee. Nothing in the preceding sentence shall be construed to create or transfer any right, title or interest in the Property; and

WHEREAS, pursuant to that certain Compliance Order on Consent Number 18-05-15-01 dated May 15, 2018 (the “Order”) by and between the Department and Stratus, the historic landfill area is the subject of enforcement and remedial action as set forth in the Order pursuant to section 30-20-113, C.R.S. of the Colorado Solid Wastes Disposal Sites and Facilities Act (the “Act”); and

WHEREAS, Stratus and Stratus 2 have entered into an Easement Agreement dated May 16, 2019, and recorded on August 12, 2019, at Reception No. 4513769 in the records of the Clerk and Recorder of Weld County, Colorado, pursuant to which Stratus has been granted access to certain portions of the Redtail Ranch 2 Property to undertake Stratus’ obligations under the Order; and

WHEREAS, the purpose of this Notice of Environmental Use Restriction (the “Restrictive Notice”) is to ensure protection of human health and the environment by completing construction of a final cover system on the Cap Extent West-Stratus 2, constructing and operating a stormwater detention pond, establishing a buffer area within the Redtail Ranch 2 Property more specifically described and depicted on Attachment A and Attachment B as the “Buffer Area” (the Cap Extent West-Stratus 2, the stormwater detention pond, the Buffer West-Stratus 2 and the Buffer Area are collectively referred to herein as the “Restricted Property”) and restricting certain future uses of the Restricted Property; and

WHEREAS, Stratus 2 has requested that the Department approve this Restrictive Notice as provided in Article 15 of Title 25, Colorado Revised Statutes;

NOW, THEREFORE, the Department approves this Restrictive Notice pursuant to § 25-15-321.5, C.R.S. The Restricted Property described and depicted in Attachment A and Attachment B shall hereinafter be subject to the following requirements set forth in paragraphs 1 through 13 below, which shall be binding on Stratus 2 so long as it is the record owner of the Restricted Property, any subsequent OWNER, and all persons now or subsequently having any right, title or interest in the Restricted Property, or any part thereof, and any persons using the Restricted Property, as described herein. As used in this Restrictive Notice, the term OWNER means the then current record owner of the Restricted Property and any other person or entity otherwise legally authorized to make decisions regarding the transfer of the Restricted Property or placement of encumbrances on the Restricted Property, other than by the exercise of eminent domain.

- 1) Use and activity restrictions. The use and activity restrictions for the Restricted Property shall be as described below:
 - a) Except in connection with a Department approved Corrective Measures Design or a Department approved Post Closure Monitoring and Maintenance Plan the following activities on the Restricted Property shall be prohibited: (i) motorized vehicular traffic; (ii) grazing; (iii) digging; (iv) drilling; (v) tilling; (vi) grading; (vii) excavation or soil disturbing activities of any kind; and (viii) constructing any enclosed or non-enclosed structure, earthen berm, appurtenance (including without limitation athletic fields) of any kind. Nothing in the preceding sentence shall prohibit the use of vehicles needed to perform any Department approved or authorized maintenance or repairs to the approved Corrective Measures Design or Post-Closure Monitoring and Maintenance Plan.
 - b) Except in connection with a Department approved Corrective Measures Design or a Department approved Post Closure Monitoring and Maintenance Plan, irrigation of the Restricted Property shall be prohibited.
 - c) Except in connection with a Department approved Corrective Measures Design or a Department approved Post Closure Monitoring and Maintenance Plan, temporary or permanent improvements, earthwork, structures or appurtenances that increase the flow of storm water over through or under the Restricted Property shall be prohibited.

- d) Except in connection with a Department approved Corrective Measures Design or a Department approved Post Closure Monitoring and Maintenance Plan, construction or maintenance of any standing body of water (including any pond or storm water detention basin, except for the stormwater detention pond referenced above) within the Restricted Property shall be prohibited. The stormwater detention pond referenced above is an exception to this use restriction. Nothing herein restricts the ability to use the detention pond for site wide drainage.
- e) Except in connection with a Department approved Corrective Measures Design or a Department approved Post Closure Monitoring and Maintenance Plan and notwithstanding Sub-section (1)(a) above, trails for non-motorized vehicles (including electric bicycles) shall be prohibited in the Cap Extent West-Stratus 2 but permitted within Buffer Area.
- f) Use of surface water on the Restricted Property or ground water from below the Restricted Property shall be prohibited. Nothing in the preceding sentence shall prohibit the installation, decommissioning or use of monitoring wells all as set forth in a Department approved Corrective Measures Design or a Department approved Post Closure Monitoring and Maintenance Plan. All ground water monitoring wells within the Restricted Property shall be fitted with locking caps and protective risers.
- g) Until such time as all vegetation as described in a Department approved Corrective Measures Design or a Department approved Post Closure Monitoring and Maintenance Plan has been established, the primary access road, located off of County Road 5 on Stratus property south of the Facility depicted on Attachment B, will be restricted with a locked gate. If the Stratus property south of the Facility is ever used for residential purposes, the Owner must seek approval from the Department to construct a fence around the perimeter of the Facility. Stratus will submit a proposal for a fence to be constructed around the Cap Extent Area West and Cap Extent East Area with signage stating "Keep Out - Environmentally Sensitive Area" posted every 300 feet along the fence line. All fencing and signage shall be inspected quarterly, and all repairs necessary to maintain the integrity of such fencing shall be completed within three (3) weeks of the inspection. Any damage to such fencing or evidence that the foregoing access restrictions have been violated shall be reported in an annual certification form submitted to the Department.
- h) Notwithstanding the foregoing restrictions, subsurface utility construction, maintenance, repair or removal and roadway expansions may be permitted within the Restricted Property if approved in a Department approved plan.
- i) In the event that any person desires to undertake any activity that disturbs any portion of the Restricted Property (including, without limitation, performing installation, maintenance, repair or removal of any subsurface

utilities within the Restricted Property), such person shall follow the protocol discussed in Attachment C attached hereto.

- j) OWNER shall comply with all provisions of the Order on file with the Department at [insert file ref#], and the provisions of the Corrective Measures Design and Post Closure Monitoring and Maintenance Plan for the Redtail Ranch Property approved by the Department thereto.
- 2) Modifications. This Restrictive Notice shall remain in full force and effect unless modified or terminated in accordance with this paragraph and pursuant to § 25-15-321.5, C.R.S. or any successor statute. Owner may request that the Department approve a modification or termination of the Restrictive Notice. The request shall contain information showing that the proposed modification or termination shall, if implemented, ensure protection of human health and the environment. The Department shall review any submitted information, and may request additional information. If the Department determines that the proposal to modify or terminate the Restrictive Notice will ensure protection of human health and the environment, it shall approve the proposal in writing. No modification or termination of this Restrictive Notice shall be effective unless the Department has approved such modification or termination in writing. Information to support a request for modification or termination may include one or more of the following:
- a) a proposal to perform additional remedial work;
 - b) new information regarding the risks posed by the residual contamination;
 - c) information demonstrating that residual contamination has diminished;
 - d) information demonstrating that an engineered feature or structure is no longer necessary;
 - e) information demonstrating that the proposed modification would not adversely impact the remedy and is protective of human health and the environment; and
 - f) other appropriate supporting information.
- 3) Conveyances. Owner shall notify the Department at least fifteen (15) days prior to any conveyance of any interest in any or all of the Restricted Property. Within thirty (30) days after any such conveyance, Owner shall provide the Department with the name, mailing address and telephone number of the new owner.
- 4) Notice to Lessees. Owner agrees to incorporate either in full or by reference the restrictions of this Restrictive Notice in any leases, licenses, or other instruments granting a right to use the Restricted Property.
- 5) Notification for proposed construction and land use. Owner shall notify the Department simultaneously when submitting any application to a local government for a building permit or change in land use with regard to the Restricted Property.

- 6) Inspections. The Department, including its authorized employees, agents, representatives and independent contractors, shall have the right of entry to the Restricted Property at reasonable times with prior notice for the purpose of determining compliance with the terms of this Restrictive Notice.
- 7) Third Party Beneficiary. The Owner of the Restricted Property and Stratus 2 are each third party beneficiaries with the right to enforce the provisions of this Restrictive Notice as provided in § 25-15-322, C.R.S.
- 8) No Liability. The Department does not acquire any liability under State law by virtue of approving this Restrictive Notice.
- 9) Enforcement. The Department may enforce the terms of this Restrictive Notice pursuant to § 25-15-322, C.R.S. against Owner and may file suit in district court to enjoin actual or threatened violations of this Restrictive Notice.
- 10) Owner's Compliance Certification. Stratus 2 on behalf of Owner shall execute and return a certification form provided by the Department, on an annual basis, detailing compliance, and any lack of compliance, with the terms of this Restrictive Notice.
- 11) Severability. If any part of this Restrictive Notice shall be decreed to be invalid by any court of competent jurisdiction, all of the other provisions hereof shall not be affected thereby and shall remain in full force and effect.
- 12) Notices. Any document or communication required under this Restrictive Notice shall be sent or directed to:
Solid Waste Permitting Unit
Solid Waste and Materials Management Program
Colorado Department of Public Health and the Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

Richard Dean, Manager
Stratus Redtail Ranch 2, LLC
8480 E. Orchard Rd., Ste.
1100 Greenwood Village, CO
80111

- 13) Subdivision of Restricted Property. At least 90 days prior to any subdivision of the Restricted Property, Owner shall submit a plan addressing payment of annual inspection fees and the certification of compliance set forth in paragraph ten (10) of this Restrictive Notice. The plan may provide for contractual assignment of such obligations to, and assumption of obligations by, a property management entity charged with managing the Restricted Property (including but not limited to a

This Notice of Environmental Use Restrictions is approved by the Colorado Department of Public Health and Environment on _____, 2024.

By: _____

Title: _____

STATE OF COLORADO)
) ss:
COUNTY OF _____)

This record was acknowledged before me on _____,
2024, by _____ on behalf of the Colorado Department
of Public Health and Environment.

Notary Public

Address

My commission expires: _____

ATTACHMENT "A"
to the
NOTICE OF ENVIRONMENTAL USE RESTRICTIONS
(Restricted Property Description)

BUFFER WEST-STRATUS 2
DESCRIPTION

A parcel of land in Section 29, Township 1 North, Range 68 West of the 6th Principal Meridian, in the Town of Erie, County of Weld, State of Colorado, more particularly described as follows:

BASIS OF BEARINGS: Bearings are based upon the North Line of said Southwest One-Quarter of Section 29 said to bear North 89°37'30" East, a distance of 2627.69 Feet from the West One-Quarter Corner of said Section 29 as monumented by a 3.25" Aluminum Cap, 0.2' below ground surface, 2.0' west of fence post, stamped "LAND CORNER, T1N|R68W, S30*S29, |, 1994, CHICHESTER RLS 7735" to the Center Quarter Corner of said Section 29 as monumented by a 3.25" Aluminum Cap, 0.2' above ground surface, in east-west fence line, stamped "BASELINE ENGINEERING CORP, T1N R68W, C1/4 + S29, 2010, PLS 28258";

COMMENCING (P.O.C.) at said Center Quarter Corner of Section 29;

Thence South 89°37'30" West along the North Line of the Southwest One-Quarter of Section 29, a distance of 549.55 Feet to the West Line of a parcel of land described in the document recorded under Reception No. 2312716 and Reception No. 2312717, also being the **POINT OF BEGINNING (P.O.B.)**;

Thence South 00°57'57" East along said West Line of a parcel of land described in the document recorded under Reception No. 2312716 and Reception No. 2312717, a distance of 687.87 Feet;

Thence the following twenty (20) courses:

- 1) South 27°22'14" West, a distance of 11.46 Feet;
- 2) South 83°11'13" West, a distance of 142.55 Feet;
- 3) South 89°21'56" West, a distance of 104.50 Feet;
- 4) North 39°39'34" West, a distance of 128.85 Feet;
- 5) North 14°21'41" East, a distance of 94.18 Feet;
- 6) North 40°56'02" East, a distance of 109.72 Feet;
- 7) North 0°33'29" West, a distance of 54.10 Feet;
- 8) North 54°39'54" West, a distance of 174.92 Feet;
- 9) South 86°41'08" West, a distance of 46.88 Feet;
- 10) North 61°30'09" West, a distance of 38.49 Feet;
- 11) North 19°43'36" West, a distance of 40.58 Feet;
- 12) North 66°10'43" West, a distance of 127.62 Feet;
- 13) North 81°35'27" West, a distance of 103.38 Feet;
- 14) North 55°23'47" West, a distance of 221.21 Feet;
- 15) North 31°23'44" East, a distance of 171.83 Feet;
- 16) North 11°52'25" East, a distance of 67.88 Feet;
- 17) North 80°12'28" East, a distance of 37.21 Feet;
- 18) South 58°30'47" East, a distance of 40.90 Feet;
- 19) North 88°48'18" East, a distance of 99.82 Feet;
- 20) South 77°05'26" East, a distance of 78.85 Feet to the East Line of a Deed described in the document recorded under Reception No. 02360787;

Thence South 31°33'56" East along said East Line, a distance of 169.04 Feet to said North Line of the Southwest One-Quarter of Section 29;

Thence North 89°37'30" East along said North Line of the Southwest One-Quarter of Section 29, a distance of 260.21 Feet;

Thence continuing North 89°37'30" East along said North Line of the Southwest One-Quarter of Section 29, a distance of 164.98 Feet to the **POINT OF BEGINNING (P.O.B.)**;

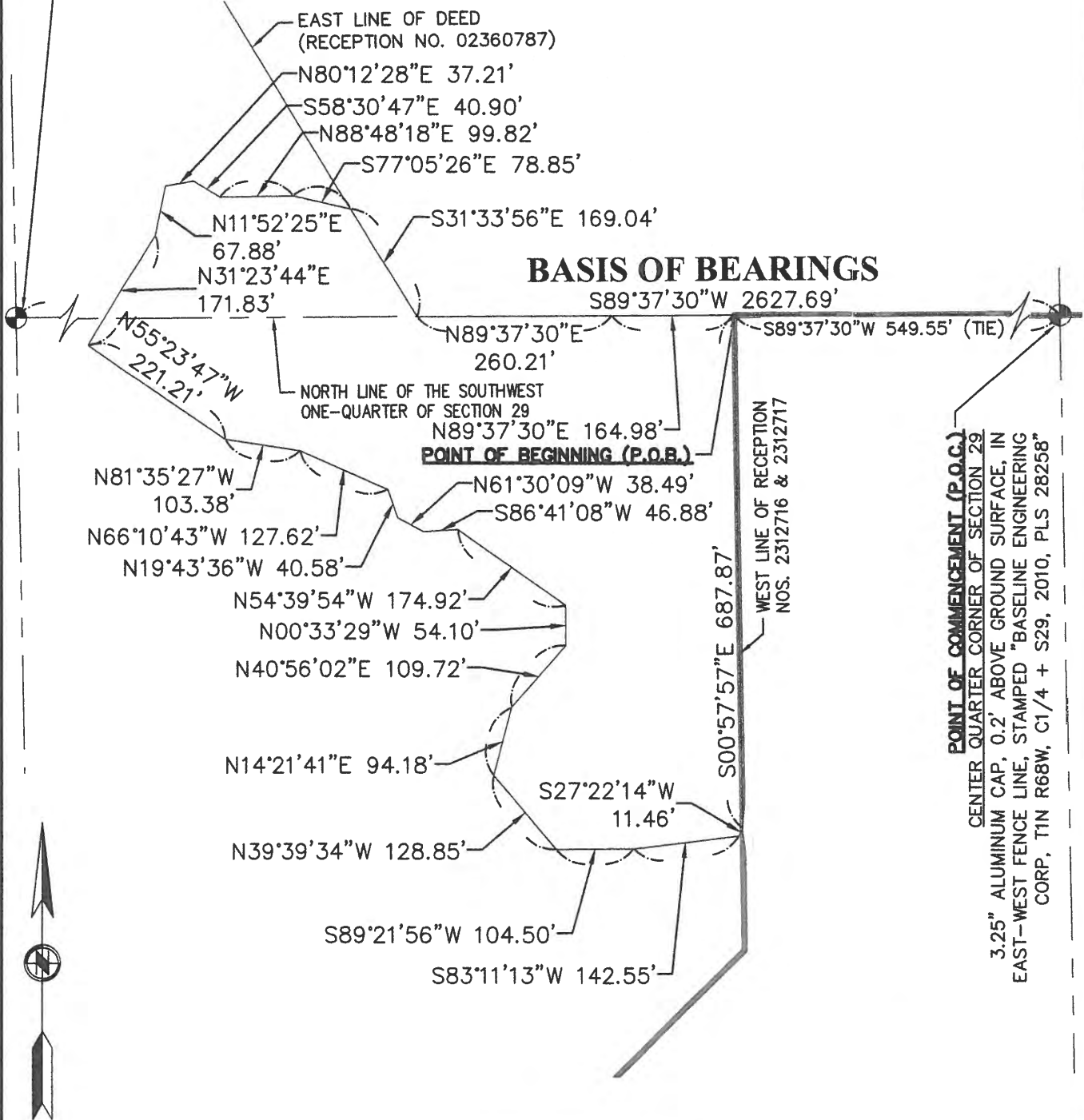
The above described parcel description contains 366,940 Square Feet (8.424 Acres) more or less.

I hereby certify that the above parcel description was prepared under my direct supervision.



Eric D. Carson, PLS
Prepared For and on Behalf of:
CWC Consulting Group Inc.
9360 Teddy Lane, Suite #203
Lone Tree, Colorado 80124
Phone: (303) 395-2700

WEST ONE-QUARTER CORNER OF SECTION 29
 3.25" ALUMINUM CAP, 0.2' BELOW GROUND SURFACE,
 2.0' WEST OF FENCE POST, STAMPED "LAND CORNER,
 T1N|R68W, S30°S29, |, 1994, CHICHESTER RLS 7735"



9360 TEDDY LANE, SUITE #203
 LONE TREE, COLORADO 80124
 TELEPHONE: 303-395-2700
 FAX 303-395-2701

CWC CONSULTING GROUP
 CIVIL ENGINEERING · LAND SURVEYING · CONSTRUCTION SERVICES

Exhibit
BUFFER WEST-STRATUS 2

NOTE: THIS EXHIBIT DOES NOT REPRESENT A
 MONUMENTED SURVEY. IT IS INTENDED ONLY TO
 DEPICT THE ATTACHED DESCRIPTION.

DRAFTED: EDC/JEC	CHECKED: EDC
DATE: 10/17/2024	JOB NO. CWC#120-00014
PAGE: 3 OF 3	SCALE: 1"=200'
PREPARED FOR:	

STRATUS COMPANIES

CAP EXTENT WEST-STRATUS 2
DESCRIPTION

A parcel of land in the South One-Half of Section 29, Township 1 North, Range 68 West of the 6th Principal Meridian, in the Town of Erie, County of Weld, State of Colorado, more particularly described as follows:

BASIS OF BEARINGS: Bearings are based upon the North Line of said Southwest One-Quarter of Section 29 said to bear North 89°37'30" East, a distance of 2627.69 Feet from the West One-Quarter Corner of said Section 29 as monumented by a 3.25" Aluminum Cap, 0.2' below ground surface, 2.0' west of fence post, stamped "LAND CORNER, T1N|R68W, S30*S29, |, 1994, CHICHESTER RLS 7735" to the Center Quarter Corner of said Section 29 as monumented by a 3.25" Aluminum Cap, 0.2' above ground surface, in east-west fence line, stamped "BASELINE ENGINEERING CORP, T1N R68W, C1/4 + S29, 2010, PLS 28258";

COMMENCING (P.O.C.) at said West One-Quarter Corner of Section 29;

Thence North 89°37'30" East along said North Line of the Southwest One-Quarter of Section 29, a distance of 2078.13 Feet to the West Line of a parcel of land described in the documents recorded under Reception No. 2312716 & Reception No. 2312717; Thence South 00°57'57" East along said West Line, a distance of 75.23 Feet to the **POINT OF BEGINNING (P.O.B.)**;

Thence South 00°57'57" East along said West line, a distance of 350.52 Feet;

Thence the following eighteen (18) courses:

- 1) South 84°59'05" West, a distance of 37.61 Feet;
- 2) South 34°14'31" West, a distance of 76.49 Feet;
- 3) South 05°55'24" East, a distance of 64.39 Feet;
- 4) South 09°59'18" East, a distance of 49.43 Feet;
- 5) South 83°11'13" West, a distance of 53.54 Feet;
- 6) North 57°09'05" West, a distance of 10.13 Feet, to a point from which the And Also Parcel is tied;
- 7) North 01°29'17" West, a distance of 69.36 Feet;
- 8) North 04°10'01" West, a distance of 72.68 Feet;
- 9) North 01°07'23" East, a distance of 79.21 Feet;
- 10) North 01°36'01" West, a distance of 101.40 Feet;
- 11) North 06°00'03" East, a distance of 125.44 Feet;
- 12) North 50°36'04" East, a distance of 33.70 Feet;
- 13) North 12°54'29" East, a distance of 64.85 Feet;
- 14) North 10°20'14" East, a distance of 60.37 Feet;
- 15) North 81°52'12" East, a distance of 44.19 Feet;
- 16) South 13°01'56" West, a distance of 14.47 Feet;
- 17) South 01°19'09" East, a distance of 45.97 Feet;
- 18) South 73°53'51" East, a distance of 24.35 Feet to the **POINT OF BEGINNING (P.O.B.)**;

The above-described parcel description contains 56,412 Square Feet (1.295 Acres) more or less.

And Also Parcel

COMMENCING (P.O.C.) at said point from which the And Also Parcel is tied; Thence North 51°33'48" West, a distance of 52.91 Feet to the **POINT OF BEGINNING (P.O.B.)**;

Thence the following seven (7) courses:

- 1) South 26°15'52" West, 28.13 Feet;
- 2) South 76°59'28" West, 29.18 Feet;
- 3) North 39°39'34" West, 16.18 Feet;

- 4) North 14°21'41" East, 19.59 Feet;
- 5) North 40°56'02" East, 32.97 Feet;
- 6) South 81°37'15" East, 23.21 Feet;
- 7) South 4°48'29" East, 21.24 Feet to the **POINT OF BEGINNING (P.O.B.)**.

The above-described parcel description contains 1,988 Square Feet (0.046 Acres) more or less.

In total the above-described parcels contain 58,400 Square Feet (1.341 Acres) more or less.

I hereby certify that the above parcel description was prepared under my direct supervision.



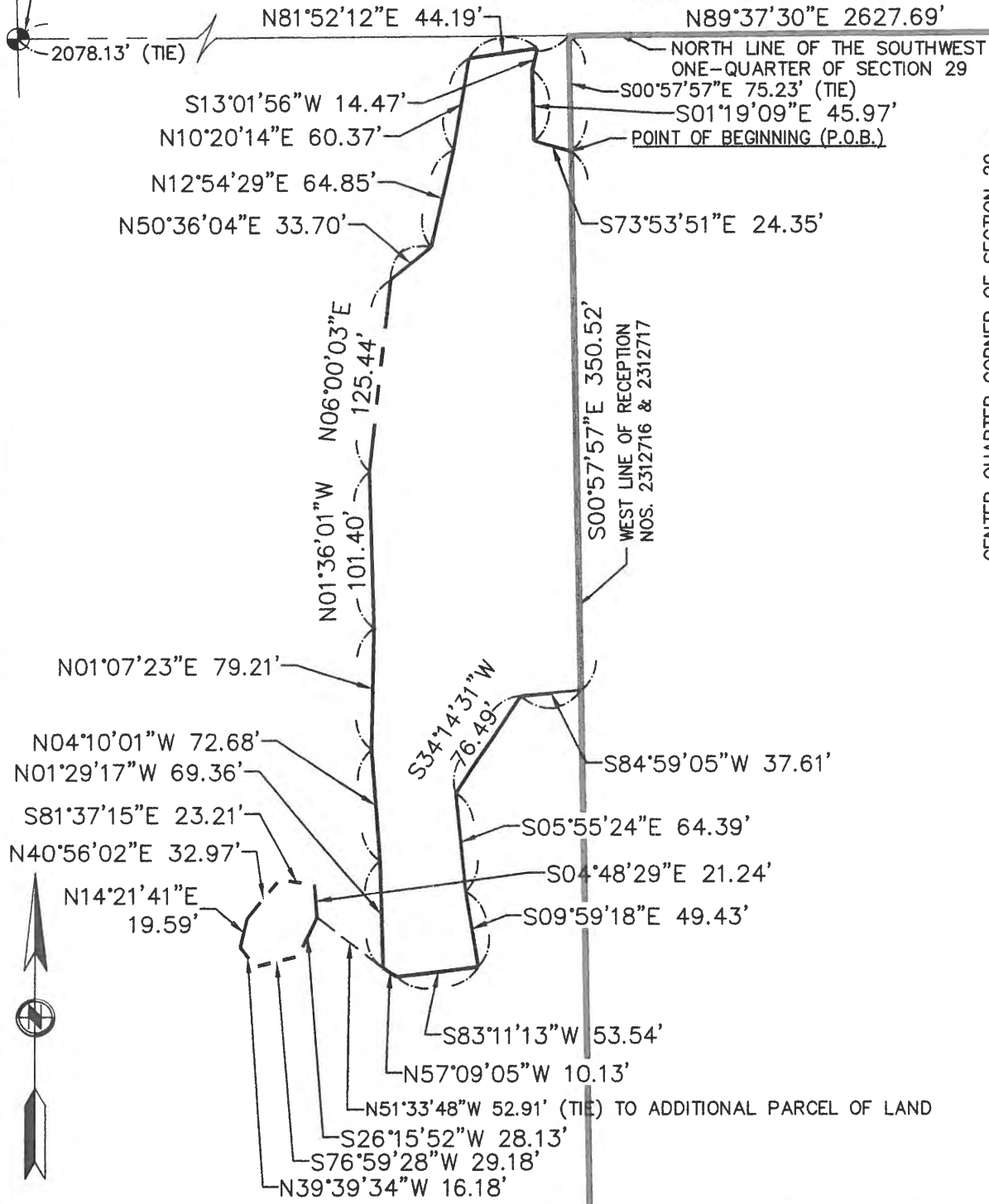
Eric D. Carson, PLS

Prepared For and on Behalf of:
CWC Consulting Group Inc.
9360 Teddy Lane, Suite #203
Lone Tree, Colorado 80124
Phone: (303) 395-2700

POINT OF COMMENCEMENT (P.O.C.)
 WEST ONE-QUARTER CORNER OF SECTION 29
 3.25" ALUMINUM CAP, 0.2' BELOW GROUND SURFACE,
 2.0' WEST OF FENCE POST, STAMPED "LAND CORNER,
 T1N|R68W, S30*S29, |, 1994, CHICHESTER RLS 7735"

BASIS OF BEARINGS

CENTER QUARTER CORNER OF SECTION 29
 3.25" ALUMINUM CAP, 0.2' ABOVE GROUND SURFACE, IN
 EAST-WEST FENCE LINE, STAMPED "BASELINE ENGINEERING
 CORP, T1N R68W, C1/4 + S29, 2010, PLS 28258"



9380 TEDDY LANE, SUITE #203
 LONE TREE, COLORADO 80124
 TELEPHONE: 303-395-2700
 FAX 303-395-2701

CWC CONSULTING GROUP
 CIVIL ENGINEERING · LAND SURVEYING · CONSTRUCTION SERVICES

Exhibit CAP EXTENT WEST-STRATUS 2

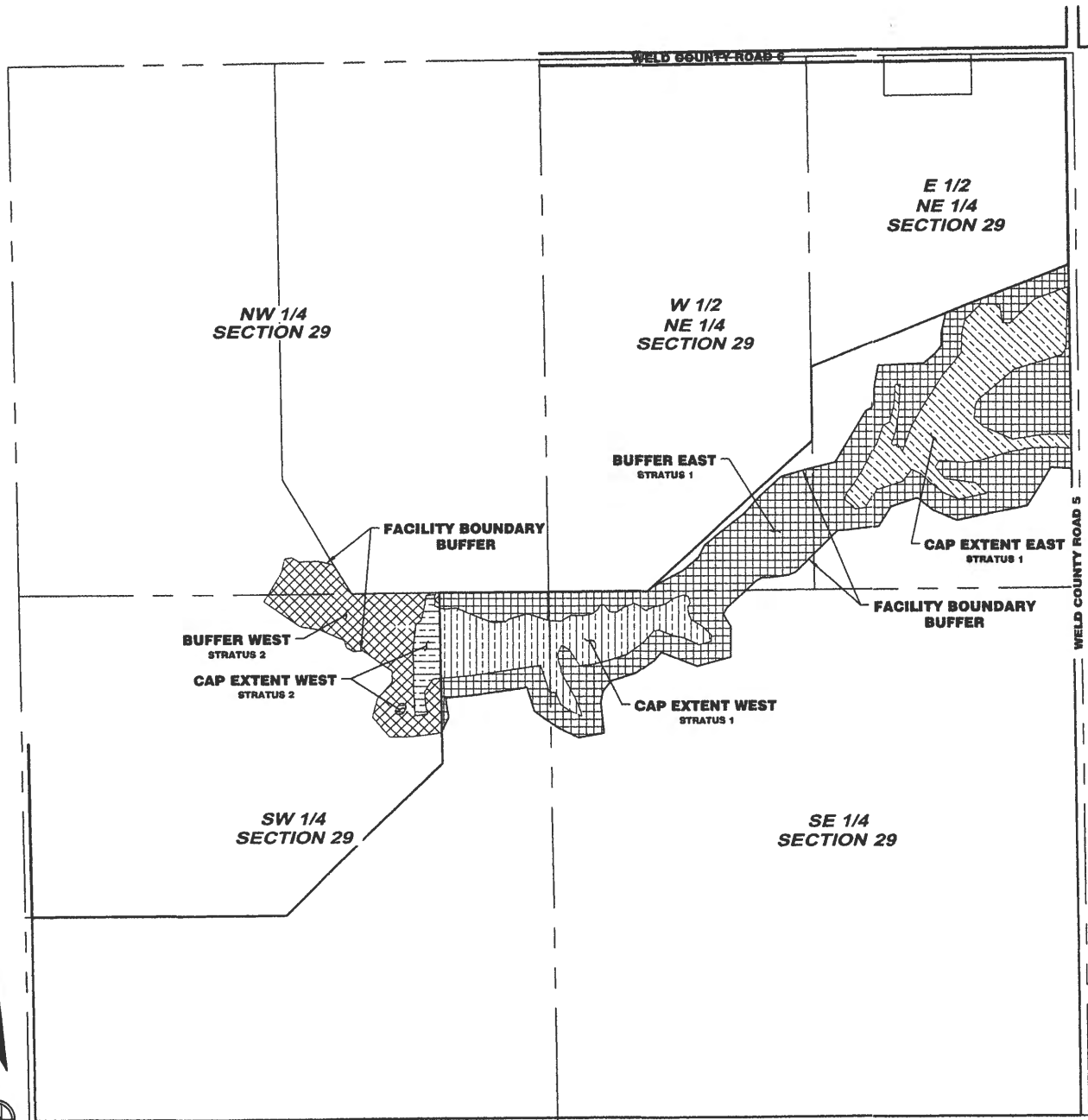
NOTE: THIS EXHIBIT DOES NOT REPRESENT A
 MONUMENTED SURVEY. IT IS INTENDED ONLY TO
 DEPICT THE ATTACHED DESCRIPTION.

DRAFTED: EDC/JEC	CHECKED: EDC
DATE: 10/16/2024	JOB NO. CWC#120-00014
PAGE: 3 OF 3	SCALE: 1"=100'

PREPARED FOR:

STRATUS COMPANIES

ATTACHMENT "B"
to the
NOTICE OF ENVIRONMENTAL USE RESTRICTIONS
(Restricted Property Depiction)



9360 TEDDY LANE, SUITE #203
LONE TREE, COLORADO 80124
TELEPHONE: 303-395-2700
FAX 303-395-2701

CWC CONSULTING GROUP
CIVIL ENGINEERING · LAND SURVEYING · CONSTRUCTION SERVICES

Exhibit
FACILITY, CAP AND BUFFER
OVERALL KEY MAP

NOTE: THIS EXHIBIT DOES NOT REPRESENT A
MONUMENTED SURVEY. IT IS INTENDED ONLY TO
DEPICT THE ATTACHED DESCRIPTION.

DRAFTED: EDC

DATE: 10/17/2024

PAGE: 1 OF 1

PREPARED FOR:

CHECKED: EDC

JOB NO. CWC#120-00014

SCALE: 1"=800'

STRATUS COMPANIES

FACILITY BOUNDARY/BUFFER
DESCRIPTION

A parcel of land in Section 29, Township 1 North, Range 68 West of the 6th Principal Meridian, in the Town of Erie, County of Weld, State of Colorado, more particularly described as follows:

BASIS OF BEARINGS: Bearings are based upon the East Line of said Northeast One-Quarter of Section 29 said to bear North 00°51'02" West, a distance of 2658.84 Feet from the East One-Quarter Corner of said Section 29 as monumented by a #6 Rebar, 0.4' down in a range box with lid marked "SURVEY", at the centerline of Weld County Road 5 to the Northeast Corner of said Section 29 as monumented by a 3.25" Aluminum Cap, 0.3' down in a range box with a lid, stamped "T1N R68W, 20|21, --, 29|28, 1998, LS13155";

COMMENCING (P.O.C.) at said East One-Quarter Corner of Section 29; Thence South 89°35'33" West, a distance of 40.00 Feet to the West Right-of-Way Line of Weld County Road 5; Thence North 00°51'02" West along said West Right-of-Way Line, a distance of 590.20 Feet to the **POINT OF BEGINNING (P.O.B.)**;

Thence the following fifty-four (54) courses:

- 1) North 86°57'15" West, a distance of 103.18 Feet;
- 2) South 31°37'39" West, a distance of 222.36 Feet;
- 3) South 77°55'01" West, a distance of 350.02 Feet;
- 4) North 66°54'24" West, a distance of 127.86 Feet;
- 5) North 52°15'08" West, a distance of 97.13 Feet;
- 6) North 88°33'06" West, a distance of 16.36 Feet;
- 7) South 71°37'21" West, a distance of 126.70 Feet;
- 8) South 30°41'18" West, a distance of 115.33 Feet;
- 9) South 82°59'08" West, a distance of 164.36 Feet;
- 10) South 88°37'26" West, a distance of 37.98 Feet;
- 11) South 45°03'14" West, a distance of 290.20 Feet;
- 12) South 69°56'26" West, a distance of 38.10 Feet;
- 13) South 81°21'46" West, a distance of 87.02 Feet;
- 14) South 88°14'20" West, a distance of 44.76 Feet;
- 15) South 61°37'21" West, a distance of 28.95 Feet;
- 16) South 48°07'26" West, a distance of 204.60 Feet;
- 17) South 28°17'08" West, a distance of 35.83 Feet;
- 18) South 32°05'54" East, a distance of 71.99 Feet;
- 19) South 0°32'41" West, a distance of 151.12 Feet;
- 20) South 75°17'10" West, a distance of 176.05 Feet;
- 21) North 69°13'35" West, a distance of 192.00 Feet;
- 22) South 42°15'29" West, a distance of 55.58 Feet;
- 23) South 54°45'04" West, a distance of 102.65 Feet;
- 24) South 71°47'52" West, a distance of 129.47 Feet;
- 25) South 36°09'19" West, a distance of 65.96 Feet;
- 26) South 10°16'52" West, a distance of 54.16 Feet;
- 27) South 5°39'43" East, a distance of 153.82 Feet;
- 28) South 79°58'30" West, a distance of 128.27 Feet;
- 29) North 63°58'37" West, a distance of 103.73 Feet;
- 30) North 54°34'02" West, a distance of 147.72 Feet;
- 31) North 18°10'22" West, a distance of 123.41 Feet;
- 32) South 81°53'02" West, a distance of 274.66 Feet;
- 33) South 84°59'05" West, a distance of 138.51 Feet;
- 34) South 9°13'24" East, a distance of 98.11 Feet;
- 35) South 27°22'14" West, a distance of 86.79 Feet;

36) South 83°11'13" West, a distance of 142.55 Feet;
 37) South 89°21'56" West, a distance of 104.50 Feet;
 38) North 39°39'34" West, a distance of 128.85 Feet;
 39) North 14°21'41" East, a distance of 94.18 Feet;
 40) North 40°56'02" East, a distance of 109.72 Feet;
 41) North 0°33'29" West, a distance of 54.10 Feet;
 42) North 54°39'54" West, a distance of 174.92 Feet;
 43) South 86°41'08" West, a distance of 46.88 Feet;
 44) North 61°30'09" West, a distance of 38.49 Feet;
 45) North 19°43'36" West, a distance of 40.58 Feet;
 46) North 66°10'43" West, a distance of 127.62 Feet;
 47) North 81°35'27" West, a distance of 103.38 Feet;
 48) North 55°23'47" West, a distance of 221.21 Feet;
 49) North 31°23'44" East, a distance of 171.83 Feet;
 50) North 11°52'25" East, a distance of 67.88 Feet;
 51) North 80°12'28" East, a distance of 37.21 Feet;
 52) South 58°30'47" East, a distance of 40.90 Feet;
 53) North 88°48'18" East, a distance of 99.82 Feet;
 54) South 77°05'26" East, a distance of 78.85 Feet to the East Line of a Deed described in the document recorded under Reception No. 02360787;

Thence South 31°33'56" East along said East Line, a distance of 169.04 Feet to the North Line of the Southwest One-Quarter of Section 29;

Thence North 89°37'30" East along said North Line of the Southwest One-Quarter of Section 29, a distance of 260.21 Feet;

Thence continuing North 89°37'30" East along said North Line of the Southwest One-Quarter of Section 29, a distance of 164.98 Feet;

Thence continuing North 89°37'30" East along said North Line of the Southwest One-Quarter of Section 29, a distance of 549.55 Feet to the Center Quarter Corner of said Section 29;

Thence North 89°37'06" East along the North Line of the Northwest One-Quarter of the Southeast One-Quarter of said Section 29, a distance of 479.08 Feet;

Thence North 47°50'39" East along the North Line of said parcel of land described in the document recorded under Reception No. 2312716 and Reception No. 2312717, a distance of 27.52 Feet;

Thence the following twenty (20) courses:

- 1) North 60°27'46" East, a distance of 48.17 Feet;
- 2) North 62°23'02" East, a distance of 123.86 Feet;
- 3) North 49°59'12" East, a distance of 106.66 Feet;
- 4) North 27°59'10" East, a distance of 65.65 Feet;
- 5) North 51°00'07" East, a distance of 100.16 Feet;
- 6) North 52°10'30" East, a distance of 148.87 Feet;
- 7) North 42°59'23" East, a distance of 120.47 Feet;
- 8) North 47°12'52" East, a distance of 144.05 Feet;
- 9) North 73°44'16" East, a distance of 134.76 Feet;
- 10) North 75°54'25" East, a distance of 141.26 Feet;
- 11) North 31°09'47" East, a distance of 298.86 Feet;

- 12) North 64°51'28" East, a distance of 30.59 Feet;
- 13) North 14°08'40" East, a distance of 33.60 Feet;
- 14) North 2°18'50" East, a distance of 79.05 Feet;
- 15) North 9°57'05" East, a distance of 103.52 Feet;
- 16) North 87°37'08" East, a distance of 226.64 Feet;
- 17) North 49°16'51" East, a distance of 75.01 Feet;
- 18) North 39°31'59" East, a distance of 50.62 Feet;
- 19) North 0°09'59" East, a distance of 68.26 Feet;
- 20) North 12°11'34" East, a distance of 96.75 Feet to the Southerly Line of Right-of-Way as described in Book 868 at Page 89 and at Reception No. 1687926;

Thence North 68°15'50" East along said Southerly Line of Right-of-Way, a distance of 649.41 Feet to said West Right-of-Way Line of Weld County Road 5;

Thence South 00°51'02" East along said West Right-of-Way Line, a distance of 1016.95 Feet to the **POINT OF BEGINNING (P.O.B.)**;

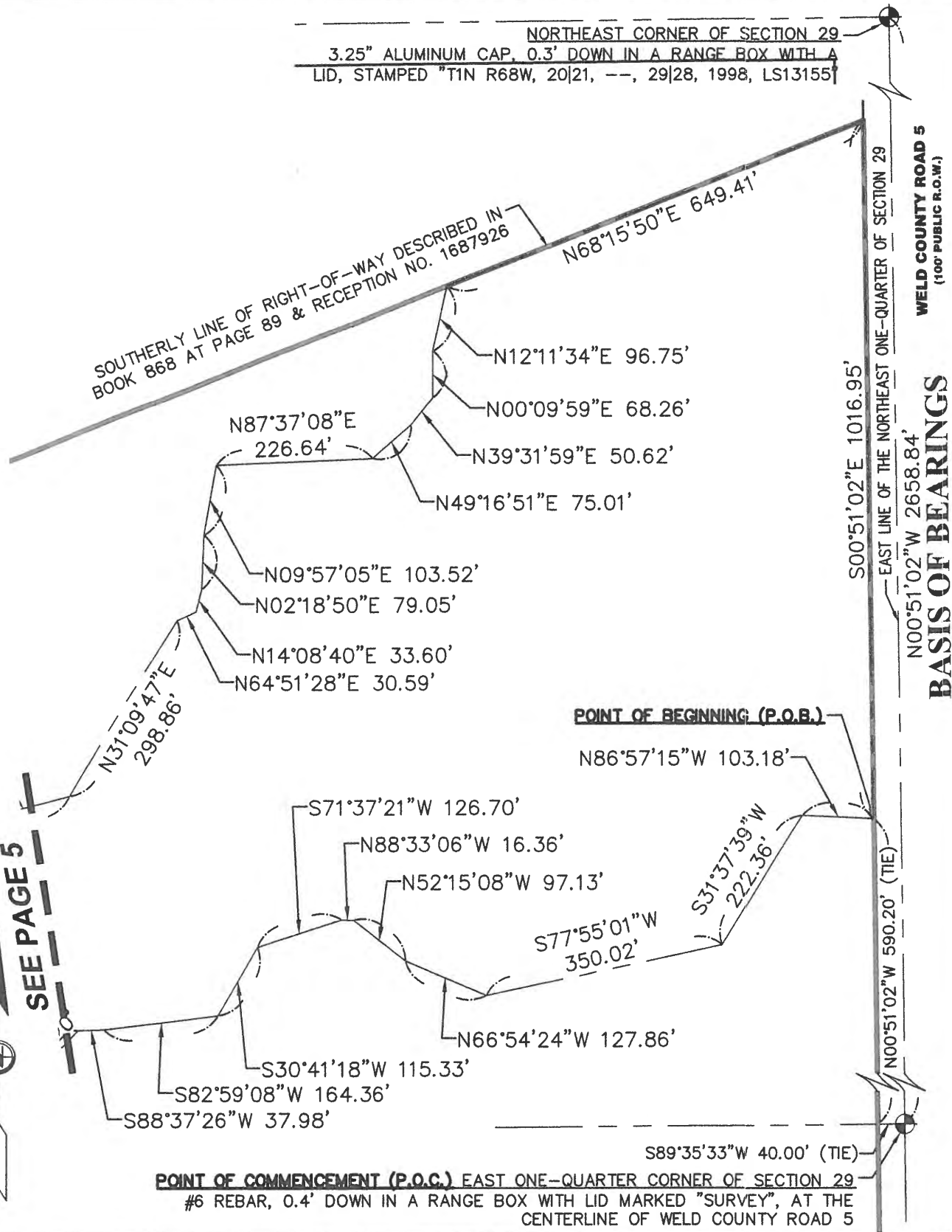
The above-described parcel description contains 2,363,972 Square Feet (54.269 Acres) more or less.

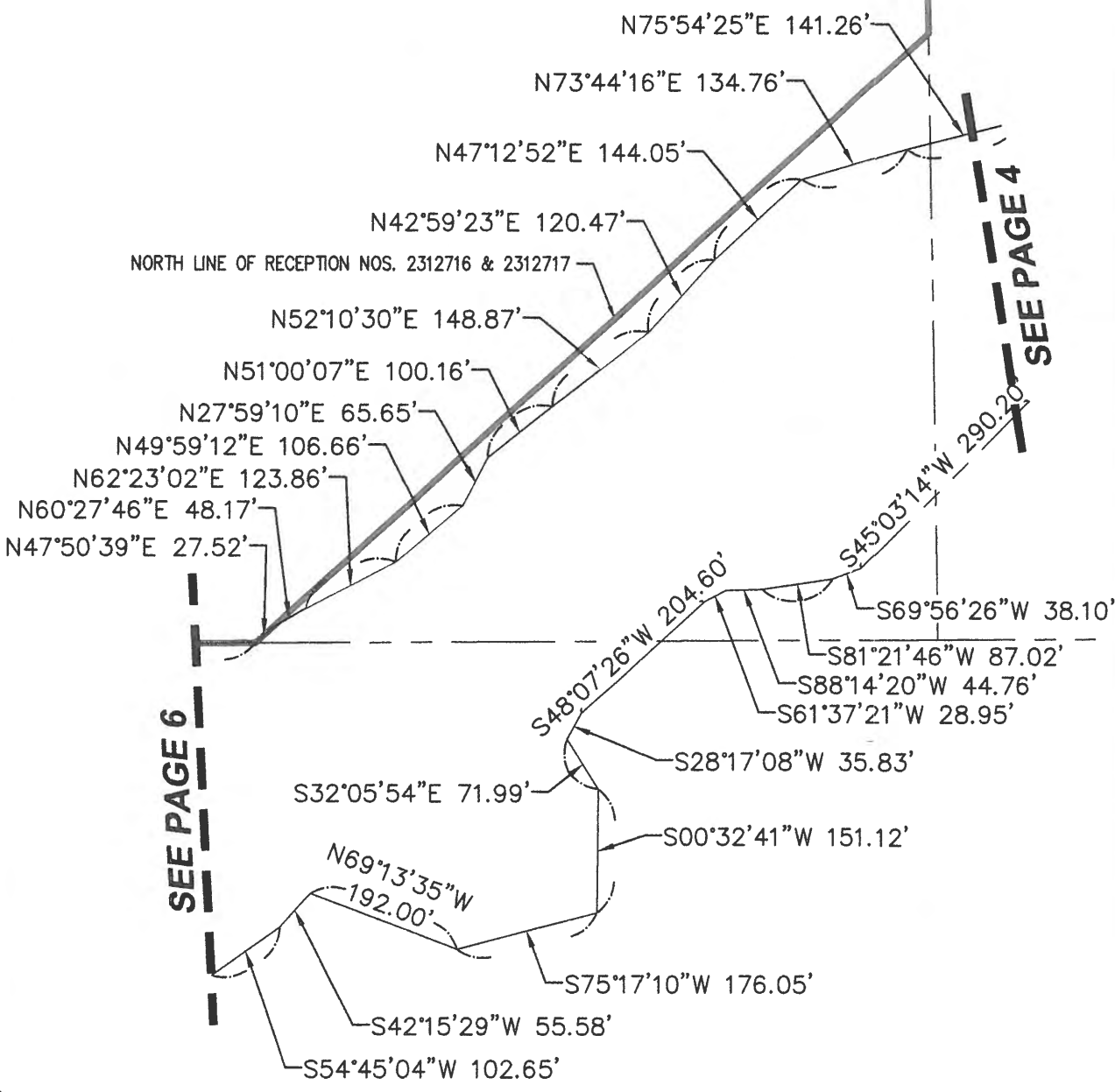
I hereby certify that the above parcel description was prepared under my direct supervision.



Eric D. Carson, PLS

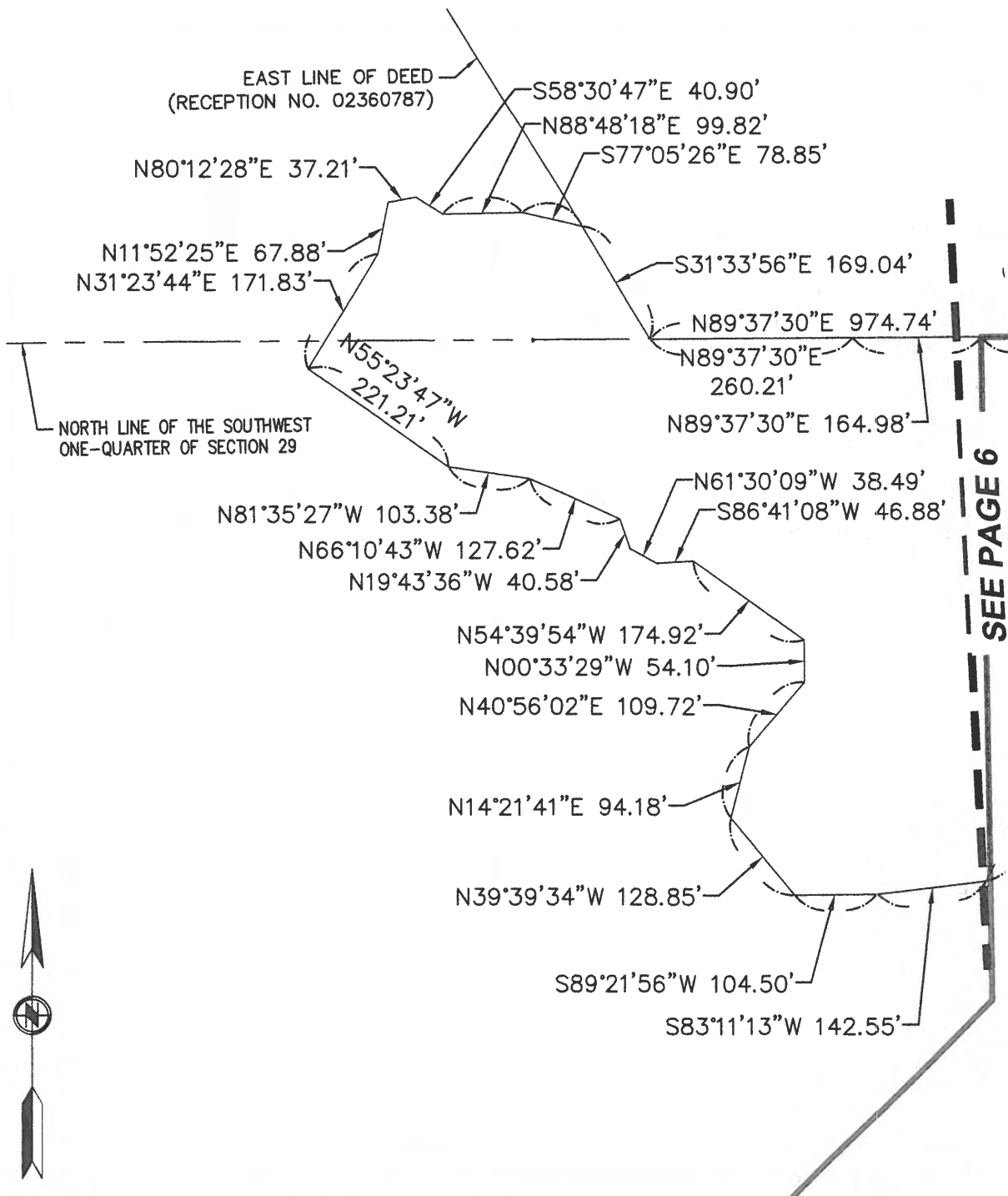
Prepared For and on Behalf of:
CWC Consulting Group Inc.
9360 Teddy Lane, Suite #203
Lone Tree, Colorado 80124
Phone: (303) 395-2700







STRATUS COMPANIES



9360 TEDDY LANE, SUITE #203
LONE TREE, COLORADO 80124
TELEPHONE: 303-395-2700
FAX 303-395-2701

CWC CONSULTING GROUP
CIVIL ENGINEERING • LAND SURVEYING • CONSTRUCTION SERVICES

Exhibit FACILITY BOUNDARY/BUFFER

NOTE: THIS EXHIBIT DOES NOT REPRESENT A
MONUMENTED SURVEY. IT IS INTENDED ONLY TO
DEPICT THE ATTACHED DESCRIPTION.

DRAFTED: EDC/JEC

DATE: 10/17/2024

PAGE: 7 OF 7

PREPARED FOR:

CHECKED: EDC

JOB NO. CWC#120-00014

SCALE: 1"=200'

STRATUS COMPANIES

ATTACHMENT “C”
to the
NOTICE OF ENVIRONMENTAL USE RESTRICTIONS

(Subsurface Utility Maintenance and Repair Protocol)

PROTOCOL FOR DISTURBANCE IN RESTRICTED PROPERTY

The purpose of this attachment is to present the requirements for undertaking any activity that disturbs any portion of the Restricted Property, as defined in the Notice of Environmental Use Restrictions for the Historic Landfill Site (the “Site”). Disturbance includes but may not be limited to excavation, drilling, tilling, grading, digging or soil and vegetation disturbance of any kind. Disturbance may be required for construction, maintenance, repair, or removal of utilities, maintenance and repair of the final cover system, construction of roadway expansions, installation of trails, bike paths, or other access features that traverse the restricted property, etc. All capitalized terms contained herein shall have the definitions assigned to them herein or if not so defined as defined in the Notice of Environmental Use Restrictions to which this document is attached.

If disturbance is contemplated, the activities described below as well as any additional activities shall be undertaken to protect the Site remedy as described in the Historic Landfill Site’s Project Documents approved by the Department and to protect human and ecological receptors from the remains of the historic landfill. Project Documents are defined as any Department-approved documents for the Historic Landfill Site including, but not limited to, the Corrective Measures Design, most current specifications, work plans, as-built drawings of the final Remedy condition, etc.

WRITTEN APPROVAL

The Owner and the Department must approve a work plan in writing before disturbance of the Restricted Property commences. The work plan must include, at a minimum, the following:

1. The legal name of the party undertaking the disturbance together with contact information (physical address; mailing address; email information and phone information (both office and mobile numbers);
2. The physical extent of the area to be disturbed within the Restricted Property (i.e., the horizontal area and the vertical extent);
3. The scope of the work related to the disturbance. The scope shall include a brief description of the work and the reason therefore (e.g., maintenance of underground utilities), the methods and equipment proposed to perform the work, methods proposed to mitigate damage to the Site remedy, and the name of all contractors and sub-contractors together with full contact information for the party or parties that will be performing the

work.

- a. A request to the Owner and/or the Department for copies of the most current, Department approved Project Documents and written certification (e.g., email statement) must be furnished to the Owner and the Department stating that the party or parties that will be performing the work have been given a copy of this document and the most current Project Documents;
4. The schedule for the proposed work, including the duration the Remedy will be impacted, and the schedule for restoration of the Restricted Property; and
5. Additional details may be required by the Owner or the Department.

NOTIFICATION

Following Owner and Department approval of the work plan, except in the event of an emergency, ten (10) business days prior to any disturbance activity work, the person or persons contemplating a disturbance shall provide a written notice to the Owner and the Department as set forth in the Restrictive Notice. Contact information for the Owner and the Department are provided therein.

EMERGENCIES

In the event of an emergency, defined herein as an event requiring immediate attention which was both unavoidable and could not have been anticipated (such as a utility leak), the party undertaking the disturbance shall provide the notice described above to the Department and the Owner verbally within three (3) hours of the disturbance and in writing within twenty-four (24) hours of the disturbance. In all cases, the party taking emergency action shall be obligated to comply with the remaining terms hereof and shall not be relieved of any other obligations associated herewith.

COMMUNICATIONS

Except in the event of an emergency, the Owner and the Department must be notified of the intent to proceed within twenty four (24) hours prior to the commencement of the disturbance; and within twenty-four (24) hours after the completion of disturbance and restoration activities that the Restricted Property has been fully restored that work is complete.

The Owner and the Department must be notified in writing or via telephone immediately if solid waste is encountered during disturbance activities. Solid waste may contain household trash, plastic bags, magnetic tape, metal debris, etc. The physical extents of the solid waste shall be communicated to the Owner and the Department at this time. In the event of encountering solid waste, the party undertaking the disturbance shall, at its complete and sole expense, comply with all applicable law related to the handling and disposal of such solid waste.

EXCAVATIONS

Where excavation within the Restricted Property is contemplated (including during emergencies), the Excavation work shall be conducted in accordance with Specification Section 02200 and Section 13020 of the Project Documents. The equipment, materials, progress and communications during excavations should be documented and provided to the Owner and the Department as described herein.

RESTORATION

Upon completion of disturbance activities, the disturbed portion of the Restricted Property must be restored to the pre-disturbance condition all at the sole cost and expense of the person undertaking the disturbance. Restoration of the disturbed area shall include the following activities as necessary:

1. Removal and off-site disposal of any solid waste encountered during the disturbance. This includes appropriate containerization and documented disposal of solid waste as required by the Department.
 - a. If accepted and approved in writing by the Department, solid waste encountered during disturbance activities may be placed back within the disturbed area and covered in accordance with the restoration procedures provided herein;
2. Placement, compaction and restoration of the final cover system materials in accordance with the Department approved Corrective Measures Design.
 - a. The final cover system shall be restored to the condition shown on the Corrective Measures Design Drawings. The most current version of the Design Drawings approved by the Department shall be used.
 - b. Cover soils, material placement, and compaction shall be performed according to the Corrective Measures Design Specifications. The most current version of the Specifications approved by the Department shall be used.
 - c. Cover soils and materials used in restoration shall meet the material requirements according to the Corrective Measures Design Specifications. The most Current version of the Specifications approved by the Department shall be used.
 - d. Final restoration including final cover system vegetation, stormwater controls, fencing, and other structures or features of the Restricted Property as designated in the Department approved Corrective Measures Design shall be re-installed or re-constructed according to the Corrective Measures Design Project Document (i.e., Drawings, Specifications, CQA Plan, Work Plans, etc.); and
3. Documentation shall be provided to the Owner and the Department demonstrating that the above work was performed in accordance with the Department approved Project

Documents including but not limited to the Corrective Measures Design, material specifications, installation procedures, and final cover system final lines and grades.

EXHIBIT 4

Drainage Memo

To: Extraction Oil & Gas, Inc.

From: Ms. Kathleen Goles, PE
609 Consulting, LLC

Date: February 26, 2025

Subject: Alternative Location 4 – Drainage Memo

At the request of Extraction Oil and Gas, Inc. (“Extraction”), a wholly-owned subsidiary of Civitas Resources, Inc. (“Civitas”), we have performed a stormwater drainage analysis of the Draco Pad Alternative Location 4 and provide this memorandum to summarize our findings. This alternative site is located in Section 29 of Township 1 North, Range 68 West in Erie, Colorado. Through its affiliate, Crestone Peak Resources Operating LLC, Extraction received notice that the Colorado Department of Public Health and Environment (“CDPHE”) intends to issue a Notice of Environmental Use Restriction for the land where Alternative Location 4 is proposed. In order to protect human and environmental health, CDPHE has deemed environmental and land use restrictions to be necessary for a portion of the property, referred to as the “Restricted Property” which lies immediately adjacent to Alternative Location 4 to the north and west.

This Restricted Property was determined to be an environmental concern due to the installation of landfill cover and the existence of residual ground water contamination from the site’s former use. As a result of this environmental concern, CDPHE has prescribed certain land use restrictions for the Restricted Property and adjacent lands, including the prohibition on “temporary or permanent improvements, earthwork, structures or appurtenances that increase the flow of storm water over, through or under the Restricted Property.” Because Alternative Location 4 is upgradient of the Restricted Property, adequate stormwater mitigation is a crucial consideration for the siting of any oil and gas location.

Alternative Location 4 was designed to direct all runoff from the location southwest to a detention basin. The basin would discharge southwest, where existing grade would naturally drain away from the Restricted Property. However, there is no feasible way to ensure that stormwater or sediment from the pad’s constructed side slopes and sediment traps wouldn’t enter drainages along the west side of Alternative Location 4, ultimately flowing into the Restricted Property. This is largely due to the close proximity of Alternative Location 4 to the Restricted Property. The disturbance’s closest edge is just 4 feet upgradient of the Restricted Property, and the proposed design requires three sediment traps within 100 feet of the Restricted Property to treat runoff from the constructed side slopes that would otherwise flow directly into that area. Given the inability to fully mitigate this risk, it is recommended the site be relocated to the south to allow for compliance with the CDPHE imposed land use restrictions and ensure stormwater or sediment does not flow over or through the Restricted Property.

Due to topographical limitations from an intermittent drainage feature along the south edge of Alternative Location 4, a substantial shift south is necessary to avoid this drainage feature. To allow for a site of sufficient size for the development of all proposed wells and operations in addition to avoiding the drainage feature, Alternative Location 4 must be shifted just over 1,000 feet south. Due to the proposed CDPHE land

use restrictions and existing topography, this new location, Alternative Location 4.1, is the closest viable location that would effectively mitigate stormwater impact concerns and allow for the siting of an oil and gas location sufficient to allow for the development of the proposed wells without requiring significant rerouting of existing water features and surface recontouring. Additionally, Alternative Location 4.1 is located between two drainage features that flow away from the Restricted Property to help further ensure compliance with the proposed CDPHE land use restrictions.

We greatly appreciate your time and consideration in reviewing this memorandum. Please contact us with any questions you may have.

Respectfully,

A handwritten signature in blue ink that reads "Kathleen M. Goles". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Kathleen Goles, PE
Registered Professional Engineer
State of Colorado No. 63868

EXHIBIT 5

From: Sorensen - CDPHE, Tessa <tessa.sorensen@state.co.us>
Sent: Thursday, February 27, 2025 8:42 AM
To: Jeff Annable <jannable@civiresources.com>
Cc: Henderson - CDPHE, Jerry <jerry.henderson@state.co.us>; Nathan Bennett <nbennett@civiresources.com>; Claude Boiteau <cboiteau@civiresources.com>
Subject: Re: Civitas/CDPHE Draco OGD Alternative Location 4 - CDPHE Restrictive Notice Statement of Understanding

Jeff,

CDPHE agrees with this summary and confirms your understanding as written.

Tessa Sorensen ([she / her / hers](#))

Energy Liaison

Colorado Department of Public Health and Environment (CDPHE)



Direct: 303.692.2292 Cell: 720.892.7416

tessa.sorensen@state.co.us | www.colorado.gov/cdphe

4300 Cherry Creek Drive South, Denver, CO 80246-1530



On Mon, Feb 24, 2025 at 9:40 AM Jeff Annable <jannable@civiresources.com> wrote:

Good afternoon, Tessa and Jerry,

Thank you for the multiple engagements regarding the CDPHE Notice of Environmental Use Restriction, dated December 17, 2024, associated with the remediated Neuhauser Landfill (the "Restricted Notice"). The discussions have been helpful in furthering our understanding of the controls and land use restrictions outlined in the Restrictive Notice and their applicability to potential oil and gas development near the Restricted Property.

The following is a summary of our understanding of the application of the Restricted Notice to developments involving civil work:

1. Any increased stormwater flow onto the Restricted Property resulting from nearby earthwork would constitute a violation of the stormwater controls and associated protections set forth in the Restrictive Notice.
2. Any violation of the controls or land use restrictions set forth by the Restrictive Notice could result in a corrective action against the property owner.

3. Exemptions to the controls and land use restrictions imposed by Restrictive Notice are possible but would require the design, approval, and implementation of modified stormwater controls within the Restricted Property, by the property owner, prior to commencing any contemplated earthwork or development that would alter or increase the current flow of stormwater into the Restricted Property. There is no guarantee that CDPHE would approve plans that revise the remediation work already completed for the Restricted Property.
4. Any modification to the Restricted Property facilitating an exemption to the Restrictive Notice would require approval by both the Town of Erie and the CDPHE and would need to be completed, certified by an engineer, and approved prior to commencement of any nearby earthwork.
5. Even if an exemption is approved, if stormwater flows from the exempted oil and gas location onto the Restricted Property exceed the approved modified stormwater controls, such exceedance would still result in a violation of the CDPHE Restrictive Notice and potential corrective action to the property owner.

At your convenience, please confirm that our understanding of our conversations and CDPHE's position is correct. If we misunderstood any of your positions, please let us know so that we can further discuss any points of disagreement to ensure all parties agree as to how the Restrictive Notice impacts any potential developments occurring adjacent to the Restricted Property.

Thanks,

Jeff Annable

Manager, Well and Location Permitting

Direct 303-312-8529 | Cell 303-564-4625

555 17th Street | Suite 3700 | Denver, CO | 80202

www.civitasresources.com | NYSE: CIVI

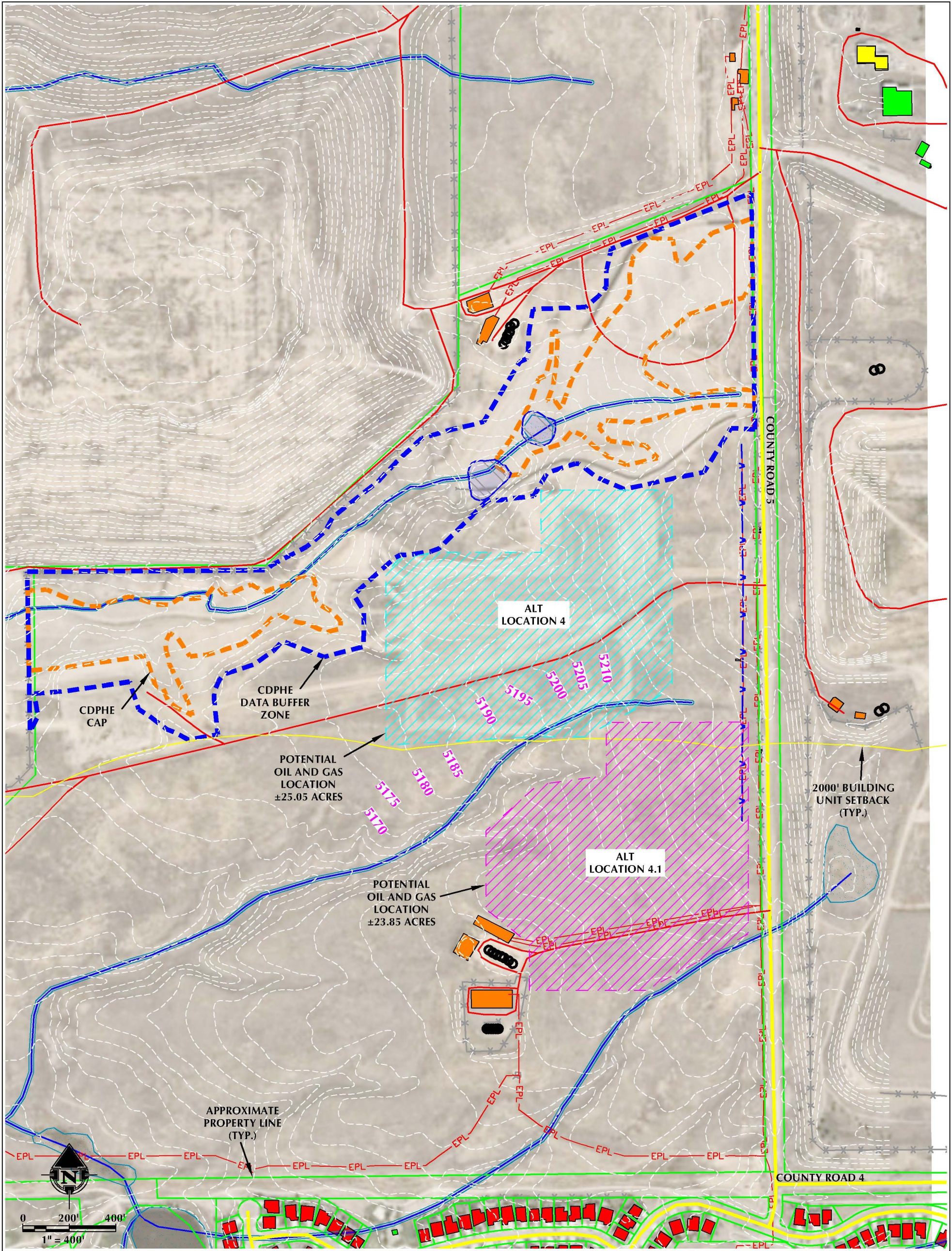


EXHIBIT 6

CONCEPTUAL SITE PLAN

ALTERNATIVE LOCATION 4.1 - CDPHE BUFFER AVOIDANCE

SECTION 29, TOWNSHIP 1 NORTH, RANGE 68 WEST, 6TH P.M., ERIE, COLORADO



- | | | | |
|--------------------|-----------------------------------|--|-------------------------------|
| LEGEND | | | |
| ● EXISTING WELL | --- PROPOSED OIL AND GAS LOCATION | AGU ABOVE GROUND UTILITY | --- DITCH/CANAL/DRAINAGE |
| ● PROPOSED WELL | --- ALT 4 LOCATION | --- EXISTING PIPELINE | --- APPROXIMATE PROPERTY LINE |
| --- EXISTING FENCE | --- EXISTING OIL AND GAS FACILITY | --- BUILDING | --- CDPHE BUFFER ZONE |
| --- PUBLIC ROAD | --- WETLAND AREA (NWI) | --- RESIDENTIAL BUILDING UNIT (RBU) | --- CDPHE CAP |
| --- PRIVATE ROAD | --- RIPARIAN AREA (NWI) | --- NON-RESIDENTIAL BUILDING UNIT (BU) | |



609 CONSULTING, LLC

LOVELAND OFFICE
6706 North Franklin Avenue
Loveland, Colorado 80538
Phone 970-776-4331

SHERIDAN OFFICE
1095 Saberton Avenue
Sheridan, Wyoming 82801
Phone 307-674-0609

Prepared For:



CIVITAS

555 17TH STREET, SUITE 3700
DENVER, CO 80202

DATE SURVEYED:	N/A
DATE:	1/31/24
DRAFTER:	JFE
REVISED:	2/28/25

DATA SOURCES & NOTES:

- AERIAL IMAGERY COURTESY OF NEARMAP.
- PROPERTY LINES DEPICTED ON THIS EXHIBIT ARE COURTESY OF WELD COUNTY GIS.
- THIS EXHIBIT IS NOT A PROPERTY BOUNDARY SURVEY AND CANNOT BE RELIED UPON TO DETERMINE OWNERSHIP.

Environmental Memo

Draco Alternate Location #4

Client: Extraction Oil & Gas, Inc.

Project: Draco Alternate Location #4

Location: Section 32 of Township 1 North, Range 68 West

Most Recent Field Survey Date: 11/21/2024

RPG Resources (RPG), on behalf of Extraction Oil & Gas Inc. (Civitas Resources, Inc; hereafter XOG), conducted an environmental assessment of the proposed Draco Alternate Location #4 (Site) to identify any wildlife or other natural resource constraint(s) present within or surrounding the proposed construction area, in order to ensure compliance with the Colorado Energy and Carbon Management Commission (ECMC) 1200 Series Rules, Endangered Species Act (ESA), Colorado Nongame, Endangered, or Threatened Species Conservation Act, Bald and Golden Eagle Protection Act (BGEPA), Migratory Bird Treaty Act (MBTA), Clean Water Act (CWA), and other applicable agency requirements and recommendations. The Site assessment included a desktop review, followed by a windshield and drone field Site assessment by qualified biologists and wetland scientists on 11/21/2024. The results of these assessments are summarized below.

I. Bald and Golden Eagles

There is no suitable nesting habitat (e.g., trees or cliffs) for bald eagles (*Haliaeetus leucocephalus*) or golden eagles (*Aquila chrysaetos*) within ½ mile of the Site, and no eagle activity was observed during the Site assessment. There are no Colorado Parks and Wildlife (CPW) mapped eagle nests or bald eagle winter night roost areas within ½ mile of the Site.

II. Burrowing Owls

There is suitable burrowing owl (*Athene cunicularia*) habitat (i.e., black-tailed prairie dog colony) within the southern boundaries of the site and approximately 380 feet north of the Site. The site assessment was conducted outside the standard Colorado burrowing owl nesting season.

III. Other Raptors

There is suitable non-eagle raptor nesting habitat, including ground, trees, and artificial structures (e.g., utility poles and oil and gas structures), within ½ mile of the Site. No raptor nests were found within ½ mile of the Site, and no nesting activity was observed. The Site assessment was conducted outside the standard Colorado non-eagle raptor nesting season.

IV. Migratory Birds

There is suitable migratory bird nesting habitat, including surface topography, vegetation, and artificial structures, present at and immediately surrounding the Site. The Site assessment was conducted outside the standard Colorado non-raptor migratory bird nesting season.

V. High Priority Habitats

The Site is not located within any CPW-mapped High Priority Habitat.

VI. Wetlands and Waters of the U.S.

Three (3) mapped National Hydrography Dataset (NHD) and National Wetland Inventory (NWI) features and one (1) unmapped pond feature were assessed within 500 feet. Feature one (1), an NWI-Mapped Riverine and NHD-Mapped intermittent stream, is located approximately 53-feet south of the Site. Feature two (2), an NWI-Mapped Riverine and NHD-Mapped intermittent stream, is located approximately 301-feet north of the Site. Feature three (3), an unmapped pond feature is located approximately 258-feet northwest of the Site. Feature four (4), an NWI-Mapped Freshwater Pond is located approximately 263 feet north of the Site.

The survey was conducted on November 21, 2024, using desktop, drone, and visual observations. The land on which the proposed LOD and surrounding aquatic features are located was not physically accessible. Based on drone and visual observations, no standing water was present at any of the four features. However, elevation analysis from drone imagery indicates a depression along the boundaries of features one (1) and two (2), NHD-Mapped intermittent streams. Aerial imagery also indicates a change in vegetation from upland areas to parts of the depression in feature two (2). Feature three (3), an unmapped pond feature, was verified present by a decrease in vegetation and soil surface cracks observed from aerial imagery. There was no evidence of feature four (4) based on aerial imagery. This NWI-Mapped Freshwater Pond has likely been filled and graded.

None of the aquatic features highlighted above are within the boundaries of the LOD and no impact to any Wetlands and Waters of the U.S. are expected as a result of this project. However, since these features are within 500 feet of the proposed Site, CPW waivers may be required per ECMC Rule 1202.a.(3) and additional field work is recommended.

The Site is not located within any Federal Emergency Management Agency (FEMA)-mapped 100-year floodplain. No impacts to floodplains are expected as a result of this project.

VII. Threatened, Endangered, and Sensitive Species

The burrowing owl and the Preble's meadow jumping mouse (PMJM) are the only Colorado state-listed threatened or endangered (T&E) species that have potential to occur at the Site. The burrowing owl is discussed above in Section II. The Site is located outside PMJM critical habitat. The Site is unlikely to support PMJM day nests or hibernacula due to lack of suitable habitat at the Site and lack of nearby high-quality riparian habitat.

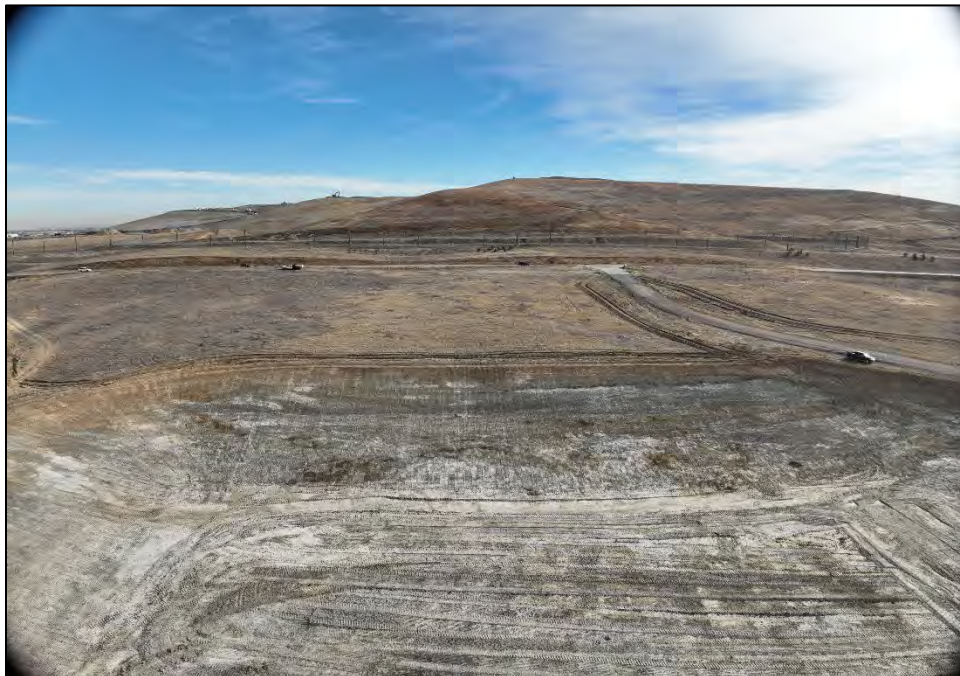
VIII. Other Concerns / Issues

No other issues or concerns were found during the Site visit.

Photos



1. South of the Site facing north.



2. West of the Site facing east.



3. North of the Site facing south.



4. East of the Site facing west.



5. Feature 1, an NHD-Mapped Intermittent Stream, facing southwest. Photo captured via drone imagery.



6. Feature 2, an NHD-Mapped Intermittent Stream, facing west. Photo captured via drone imagery.



7. Feature 3, an unmapped pond feature, facing east. Photo captured via drone imagery.



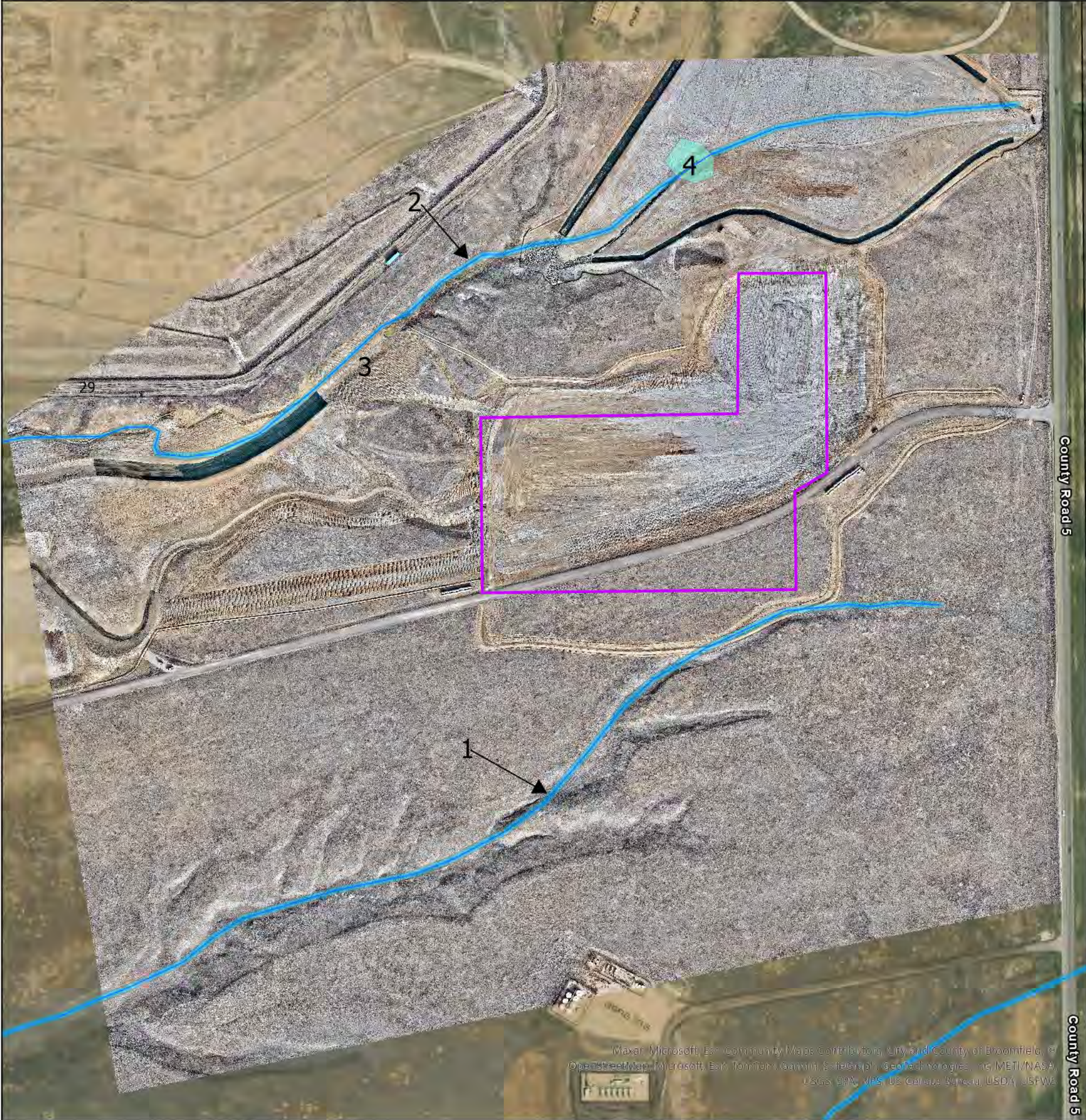
8. Feature 4, an NWI-Mapped freshwater pond, facing south. Photo captured via drone imagery.

EXTRACTION OIL & GAS, INC.
DRACO - ALTERNATE LOCATION #4
SEC32 T1N R68W 6th P.M.
WELD COUNTY, COLORADO

Produced for:
 **CIVITAS**
Extraction Oil & Gas, Inc

Produced by:
 **RPG**
RESOURCES
a System One company

Feature Number	Feautre Type	Field Observations
1	NWI-Mapped Riverine	Based on aerial imagery via RPG drone flight, this feature is partially present. Elevation analysis indicates a depression along the boundaries of the feature, but there is no evidence of standing or flowing water present. Imagery also indicates a change in vegetation from upland areas to parts of the depression.
2	NWI-Mapped Riverine	Based on aerial imagery via RPG drone flight, this feature is partially present. Elevation analysis indicates a depression along the boundaries of the feature, but there is no evidence of standing or flowing water present. Imagery also indicates a change in vegetation from upland areas to parts of the depression. An erosion control mat (installed by seperate company) is used along the path of the riverine.
3	Unmapped Pond Feature	Based on aerial imagery via RPG drone flight, this feature is partially present. A portion of this feature has likely been filled and graded, however, a small pond northeast of the feature is still present. This is indicated by a decrease in vegetation and presence of soil surface cracks.
4	NWI-Mapped Freshwater Pond	Based on aerial imagery via RPG drone flight, this feature is NOT present. This area has likely been filled and graded.




AQUATIC
FEATURES

EXHIBIT 1

-  Alternative Location #4
-  NHD-Mapped Stream/River
-  NWI-Mapped Freshwater Pond
-  NWI-Mapped Riverine

Projection: WGS 1984
Date: 12/20/2024
Drafted by: HJL

0 200 400 Feet


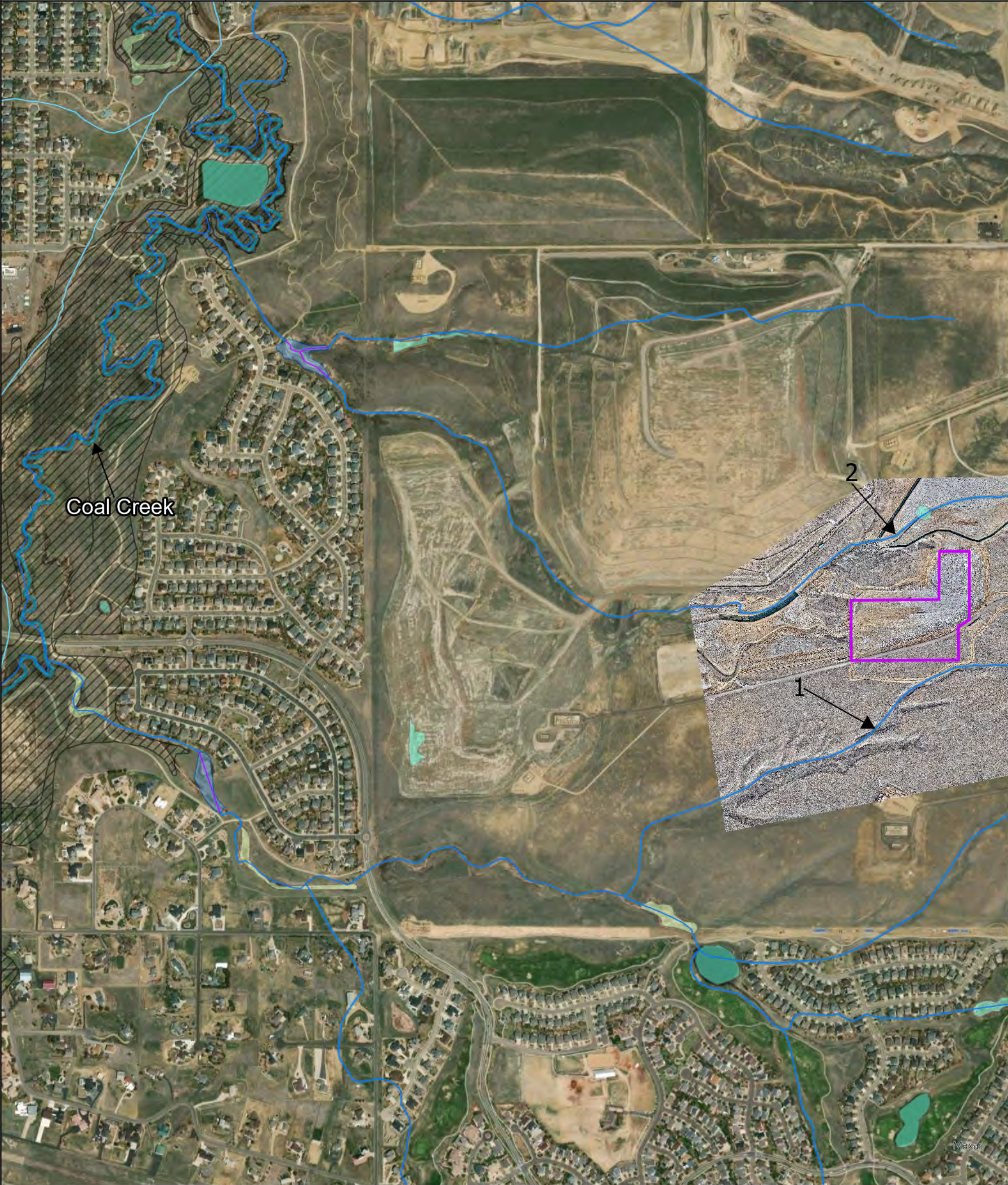
1 inch equals 275 feet

EXTRACTION OIL & GAS, INC.
DRACO - ALTERNATE LOCATION #4
SEC32 T1N R68W 6th P.M.
WELD COUNTY, COLORADO

Produced for:
CIVITAS
Extraction Oil & Gas, Inc

Produced by:
RPG
RESOURCES
a System One company

Feature Number	Feature Type	Distance to Coal Creek
1	NWI-Mapped Riverine	Approximately 7,029 feet west.
2	NWI-Mapped Riverine	Approximately 6,271 feet west.



AQUATIC
FEATURES

EXHIBIT 2

- Alternative Location #4

NHD-Mapped Canal/Ditch

NHD-Mapped Stream/River

NHD-Mapped Artificial Path

NHD-Mapped Lake/Pond
- Freshwater Emergent Wetland

NWI-Mapped Freshwater Pond

NWI-Mapped Riverine

FEMA 100-Year Floodplain

Projection: WGS 1984
Date: 12/20/2024
Drafted by: HJL

05001,000

Feet

1 inch equals 975 feet

N

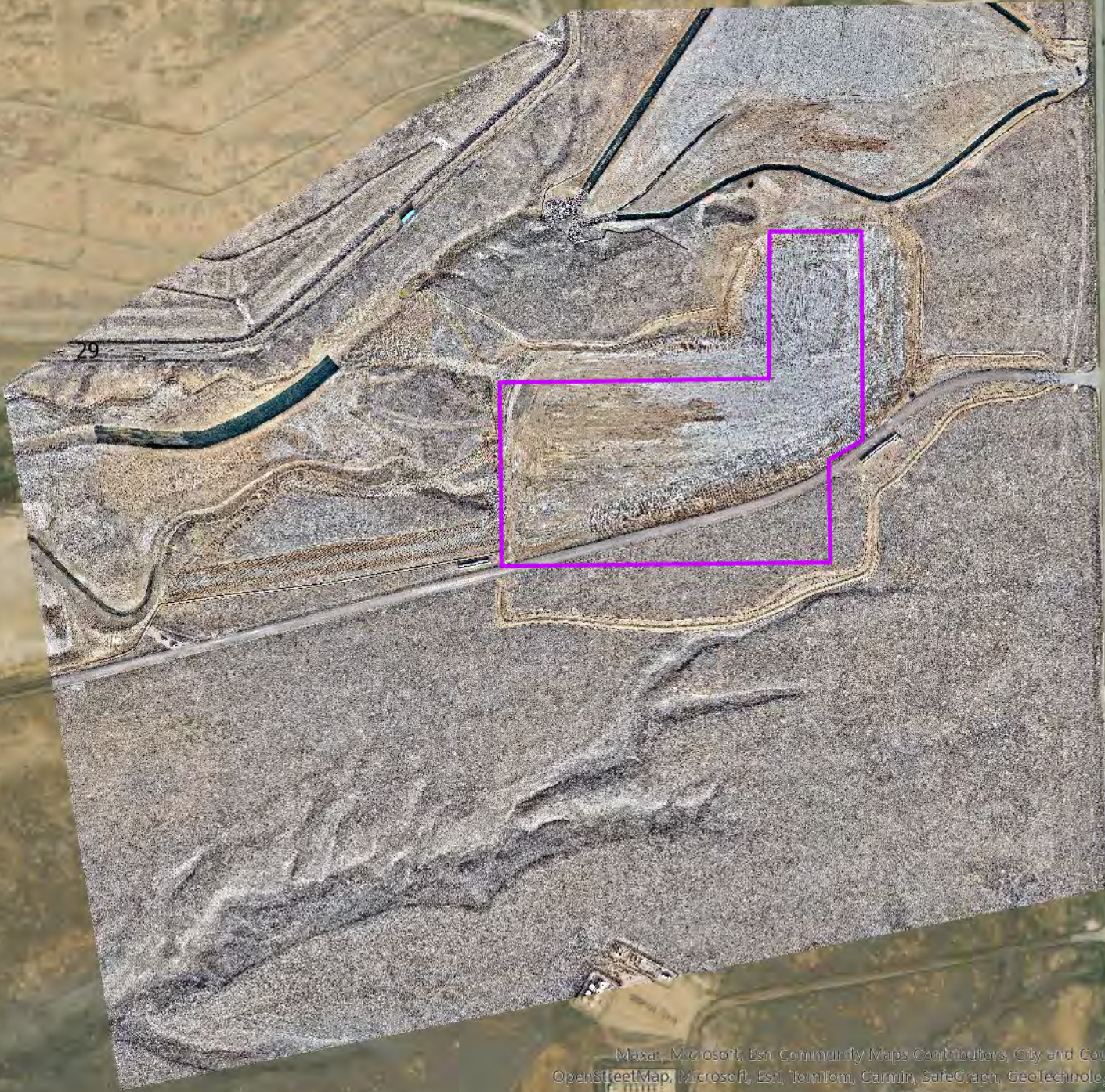
EXTRACTION OIL & GAS, INC.
DRACO - ALTERNATE LOCATION #4
SEC32 T1N R68W 6th P.M.
WELD COUNTY, COLORADO

Produced for:
 **CIVITAS**
Extraction Oil & Gas, Inc

Produced by:
 **RPG**
RESOURCES
a System One company



Potential Burrowing Owl burrows are circled in red. These burrows have a clear opening in the center. Ant hills are circled in blue. These hills have a smaller opening on the left part of the hill. This is because the sun is shining from the south/southeast creating a dark shadow around the opening. A mix of both burrows and ant hills were observed.



Maxar, Microsoft, Esri, Community Maps Contributors, City and County of Broomfield, ©
OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA,
USGS, EPA, NPS, US Census Bureau, USDA, USEWS

BURROWING OWL
HABITAT (BUOW)
EXHIBIT

 Alternative Location #4

Projection: WGS 1984
Date: 11/25/2024
Drafted by: HJL

0 275 550 Feet

1 inch equals 380 feet

EXTRACTION OIL & GAS, INC.
DRACO - ALTERNATE LOCATION 4 & 4.1
SEC 32, T1N, R68W, 6th P.M.
WELD COUNTY, COLORADO

Produced for:



CIVITAS

Extraction Oil & Gas, Inc

Produced by:



RPG

RESOURCES

a System One company



AQUATIC
SETBACK
EXHIBIT






-  500 Foot Buffer Surrounding Aquatic Features
-  NHD-Mapped Stream/River
-  NWI-Mapped Freshwater Pond
-  NWI-Mapped Riverine
-  Potential Lake/Pond

EXHIBIT 8

Projection: WGS 1984
Date: 2/27/2025
Drafted by: HJL

0200400

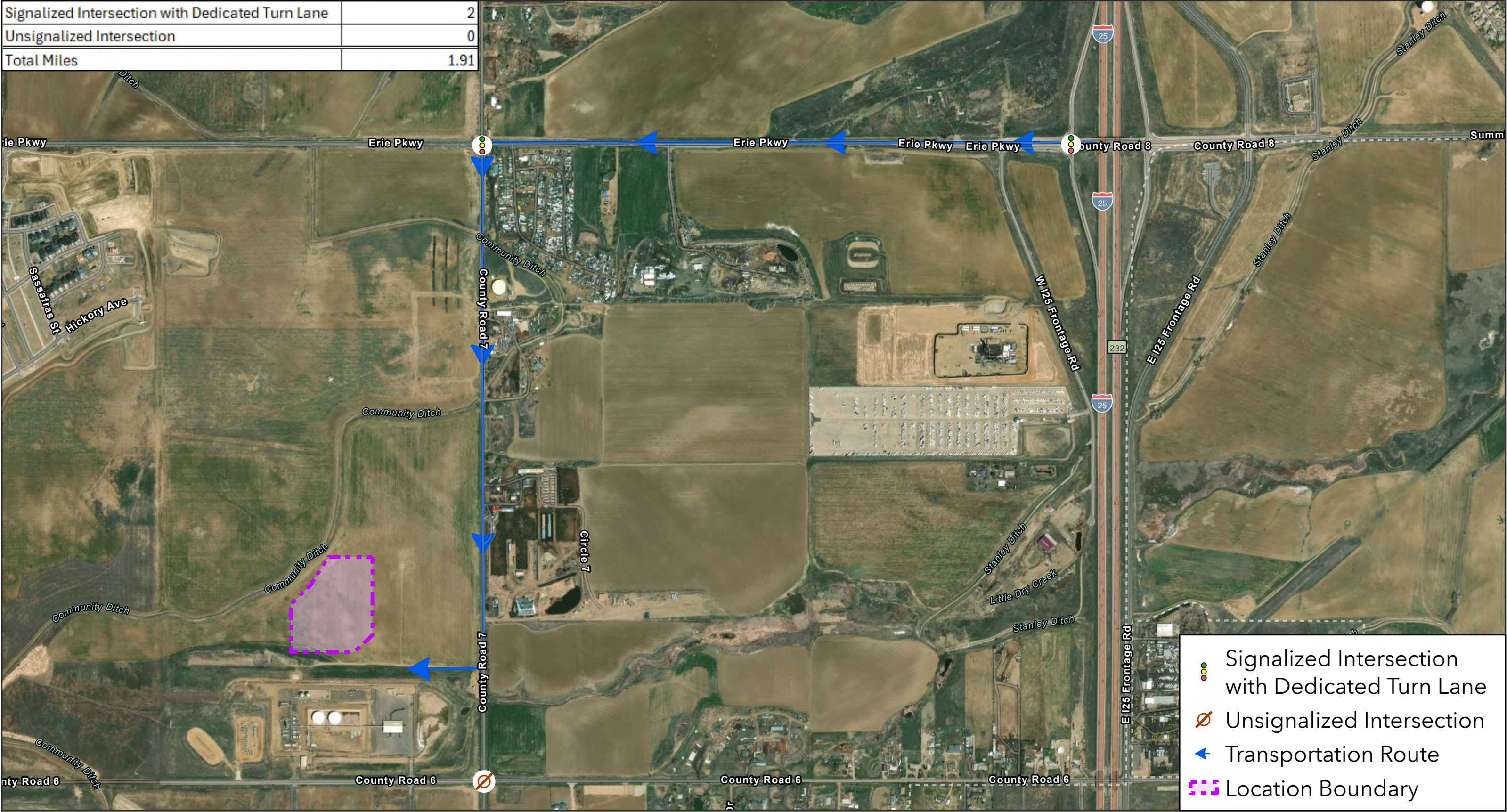
Feet

N

▲

1 inch equals 400 feet

Signalized Intersection with Dedicated Turn Lane	2
Unsignalized Intersection	0
Total Miles	1.91



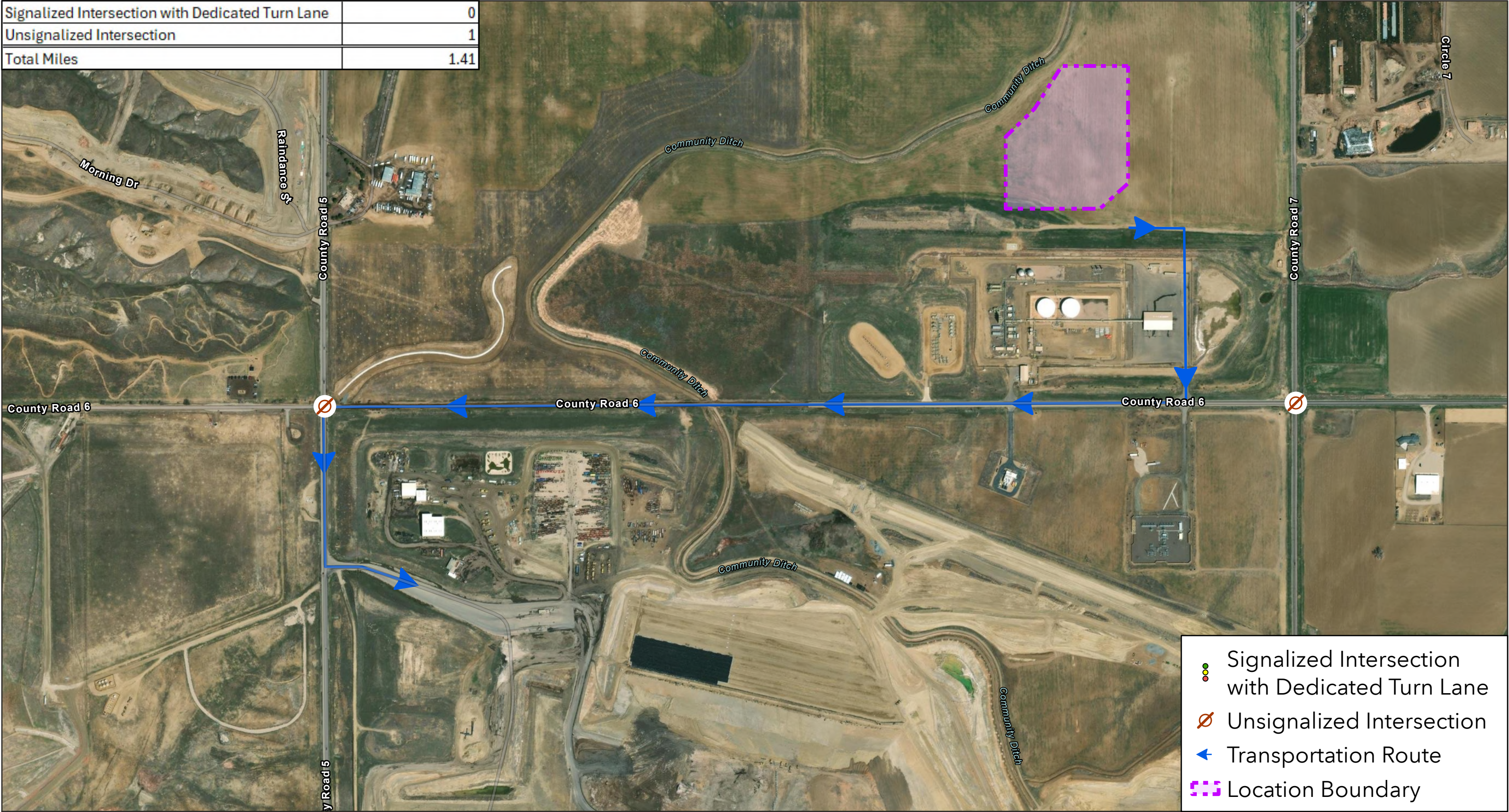
Signalized Intersection
with Dedicated Turn Lane

Unsignalized Intersection

Transportation Route

Location Boundary

Signalized Intersection with Dedicated Turn Lane	0
Unsignalized Intersection	1
Total Miles	1.41



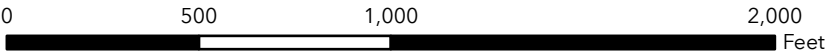
1/30/2025
©Civitas Resources GIS
Created by bpruse

Disclaimer:
Information depicted on these maps is the sole property of Civitas Resources, Inc. (CIVI). Electronic reproductions of any portion of this map is strictly prohibited absent the written consent of CIVI. This information is to be used for reference purposes only. CIVI does not guarantee the accuracy of this material and is not responsible for any misuse or misrepresentation of this information.

Service Layer Credits: Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community; Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

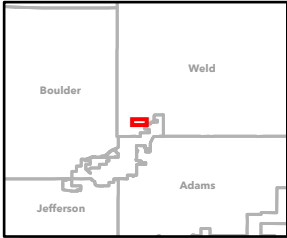


Draco Location Drill Cuttings Transportation Route

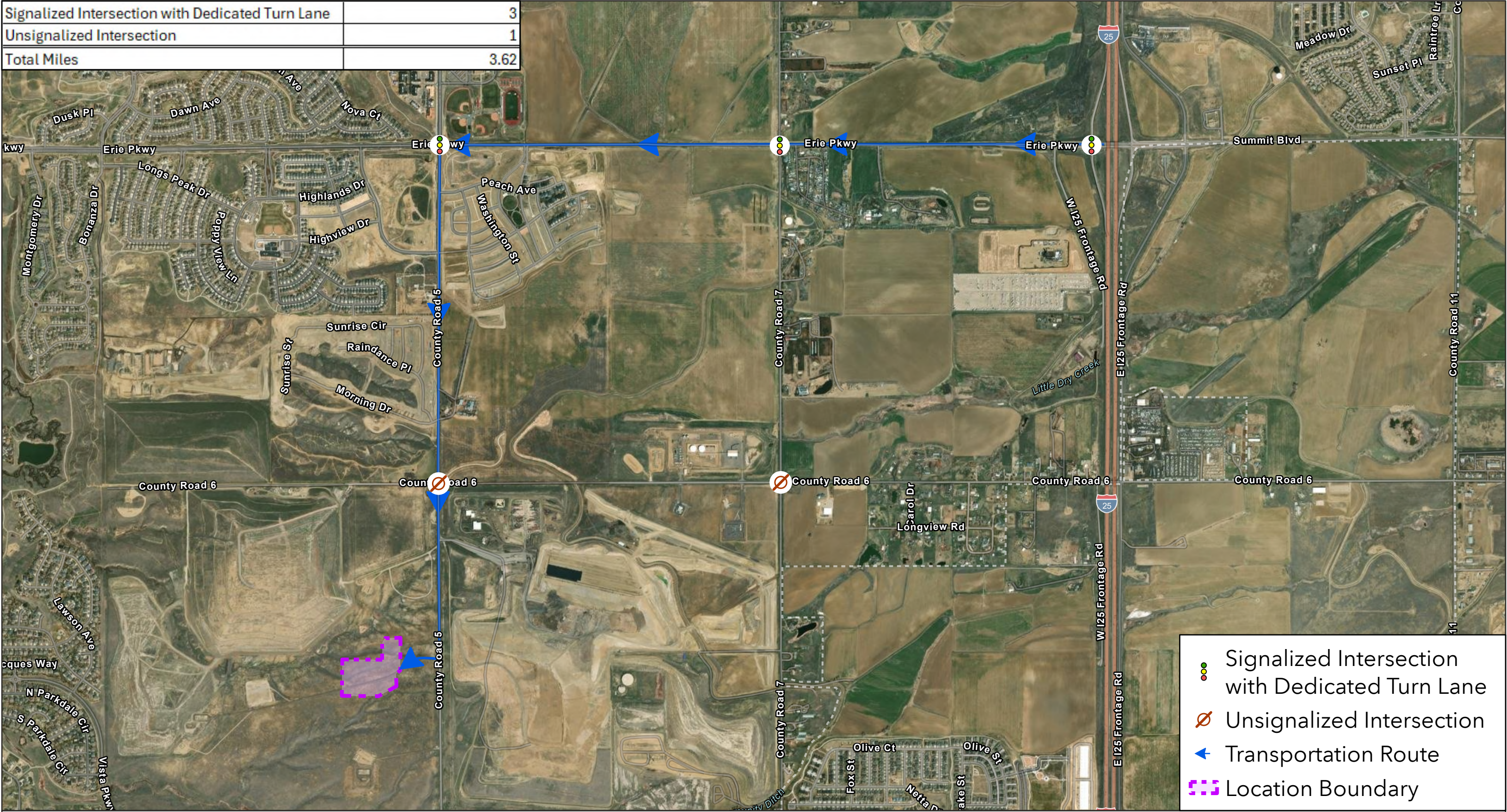


Coordinate System: NAD 1983 BLM Zone 13N

EXHIBIT 10



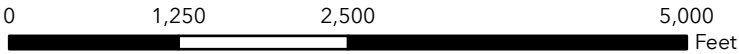
Signalized Intersection with Dedicated Turn Lane	3
Unsignalized Intersection	1
Total Miles	3.62



1/30/2025
©Civitas Resources GIS
Created by bpruse
Disclaimer:
Information depicted on these maps is the sole property of Civitas Resources, Inc. (CIVI). Electronic reproductions of any portion of this map is strictly prohibited absent the written consent of CIVI. This information is to be used for reference purposes only. CIVI does not guarantee the accuracy of this material and is not responsible for any misuse or misrepresentation of this information.
Service Layer Credits: Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community; Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

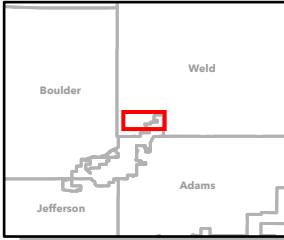


Draco Alternative Location 4 General Transportation Route



Coordinate System: NAD 1983 BLM Zone 13N

EXHIBIT 11



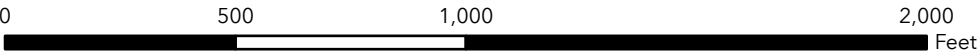
Signalized Intersection with Dedicated Turn Lane	0
Unsignalized Intersection	0
Total Miles	0.57



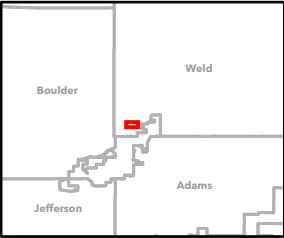
1/30/2025
©Civitas Resources GIS
Created by bpruse
Disclaimer:
Information depicted on these maps is the sole property of Civitas Resources, Inc. (CIVI). Electronic reproductions of any portion of this map is strictly prohibited absent the written consent of CIVI. This information is to be used for reference purposes only. CIVI does not guarantee the accuracy of this material and is not responsible for any misuse or misrepresentation of this information.
Service Layer Credits: Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community; Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



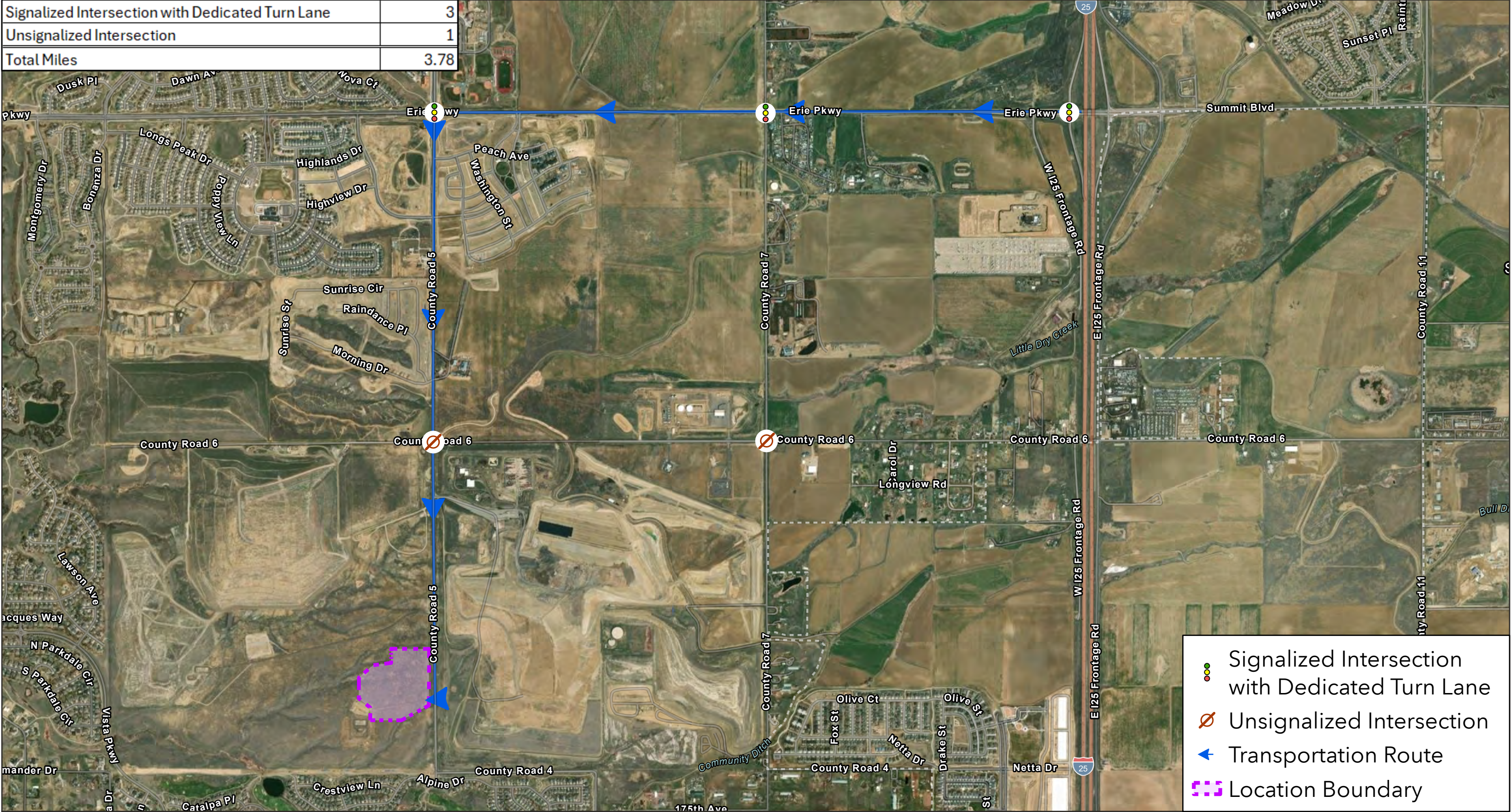
Draco Alternative Location 4 Drill Cuttings Transportation Route



Coordinate System: NAD 1983 BLM Zone 13N



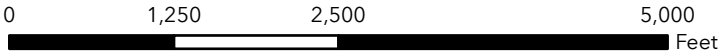
Signalized Intersection with Dedicated Turn Lane	3
Unsignalized Intersection	1
Total Miles	3.78



2/19/2025
©Civitas Resources GIS
Created by bpruse
Disclaimer:
Information depicted on these maps is the sole property of Civitas Resources, Inc. (CIVI). Electronic reproductions of any portion of this map is strictly prohibited absent the written consent of CIVI. This information is to be used for reference purposes only. CIVI does not guarantee the accuracy of this material and is not responsible for any misuse or misrepresentation of this information.
Service Layer Credits: Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community; Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

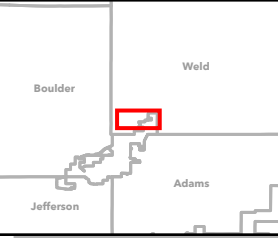


Draco Alternative Location 4.1 General Transportation Route

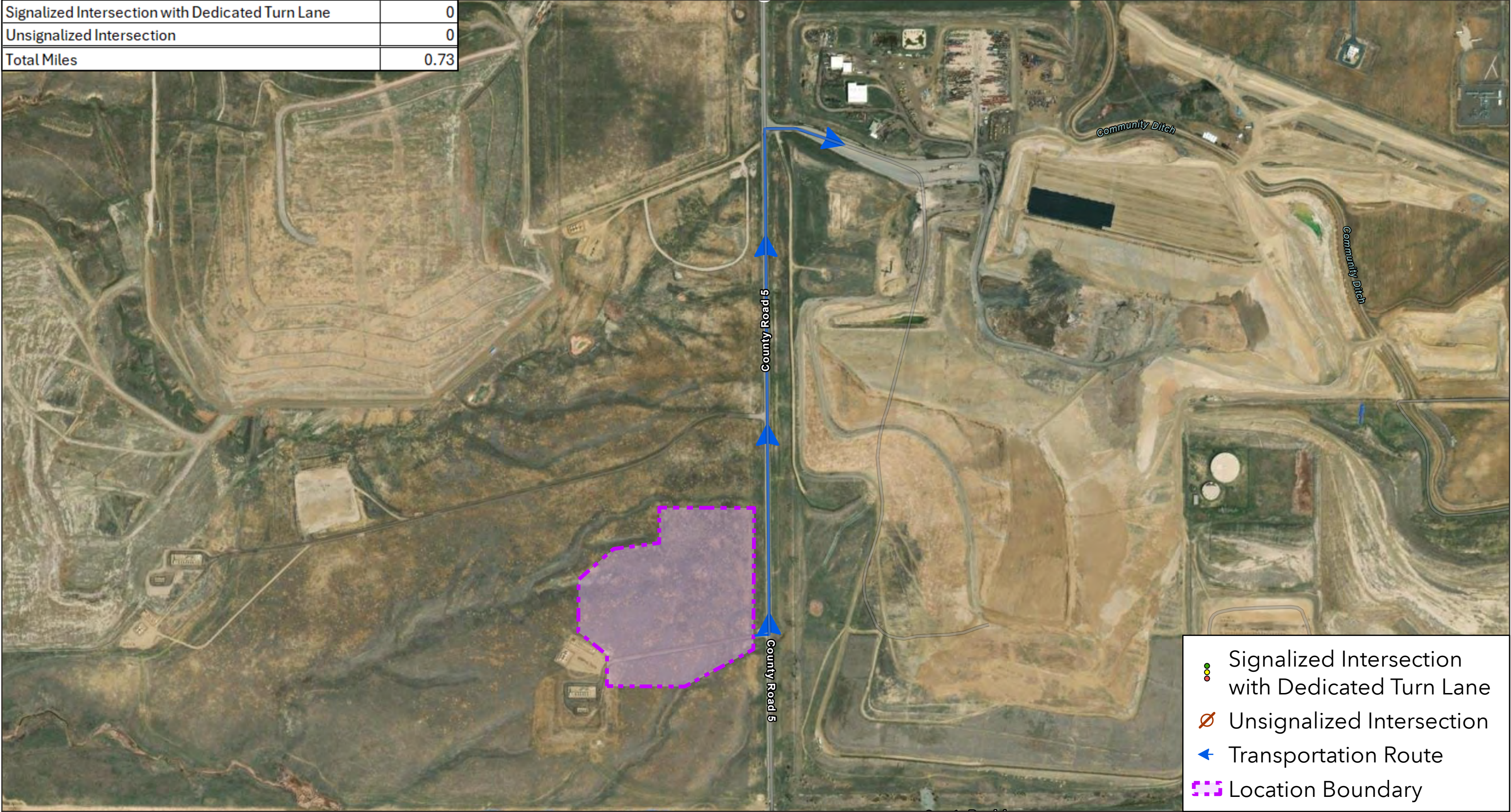


Coordinate System: NAD 1983 BLM Zone 13N

EXHIBIT 13



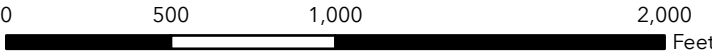
Signalized Intersection with Dedicated Turn Lane	0
Unsignalized Intersection	0
Total Miles	0.73



2/19/2025
©Civitas Resources GIS
Created by bpruse
Disclaimer:
Information depicted on these maps is the sole property of Civitas Resources, Inc. (CIVI). Electronic reproductions of any portion of this map is strictly prohibited absent the written consent of CIVI. This information is to be used for reference purposes only. CIVI does not guarantee the accuracy of this material and is not responsible for any misuse or misrepresentation of this information.
Service Layer Credits: Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community; Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



Draco Alternative Location 4.1 Drill Cuttings Transportation Route



Coordinate System: NAD 1983 BLM Zone 13N

EXHIBIT 14

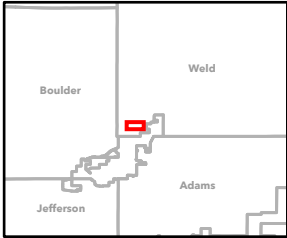



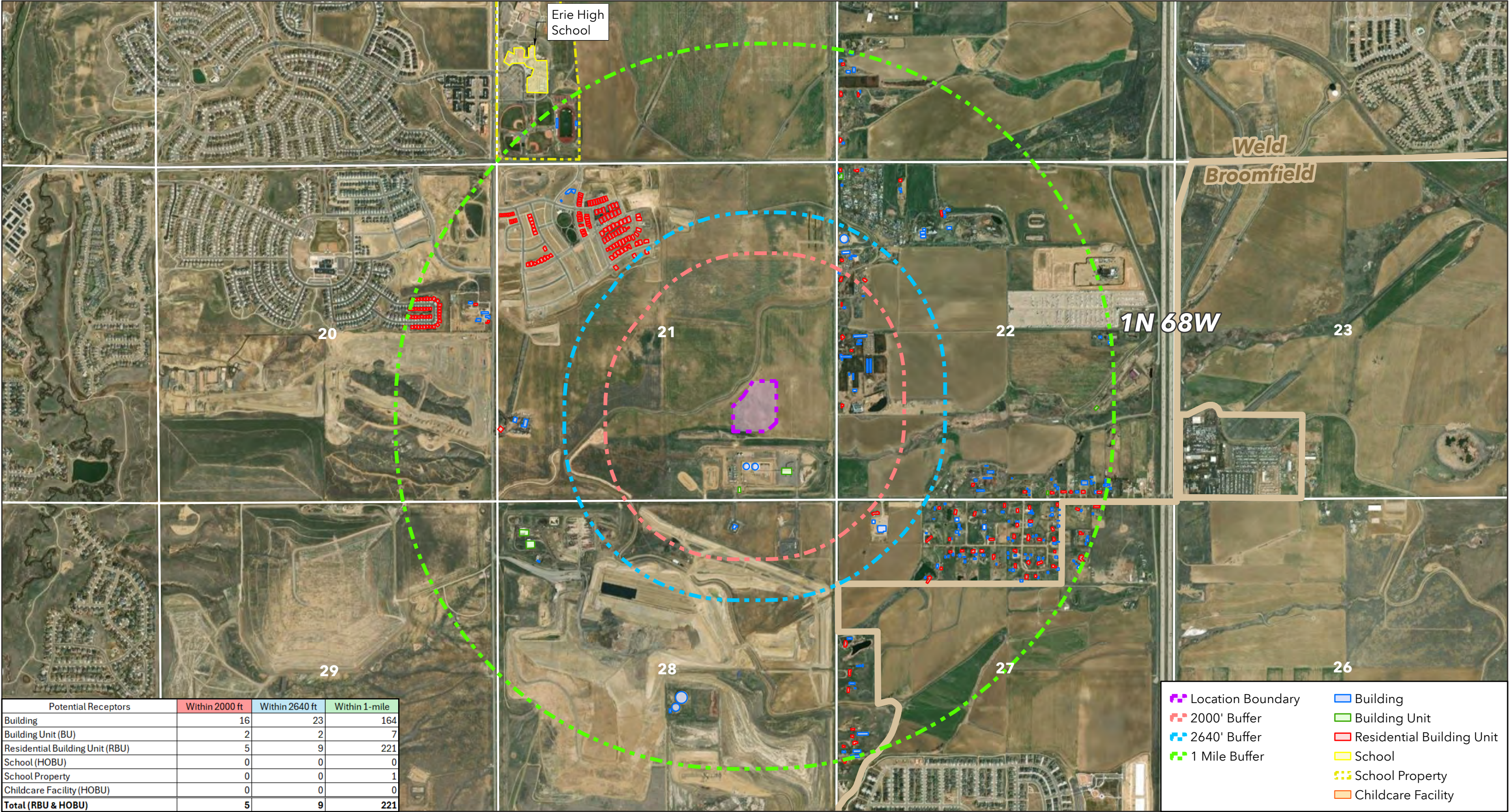
EXHIBIT 15

Zone Change (Straight zoning to Industrial) and Minor Subdivision	Weeks	Date
Round #1		
Submittal #1		1/15/2025
Completeness Review	1	
Town Review and Comments Returned	6	3/7/2025
Round #2		
Addressing Comments and Neighborhood Meeting	3	
Submittal #2 & Review	4	3/21/2025
Round #3		
Final Revisions	2	
Final Submittal & Hearings Prep	2	4/4/2025
Public Hearings		
Notice of Public Hearing		
Planning Commission Meeting		5/7/2025
Notice of Public Hearing		
Town Council Meeting		5/20/2025
Application Completed for Recording		5/20/2025

Oil & Gas Permit	Weeks	Date
Round #1		
First Submittal		
Town Review and Comments Returned	5	
Round #2		
Respond and Resubmit	3	
Town Review	2	
Round #3		
Respond and Resubmit	3	
Town Review	2	
Round #4		
Respond and Resubmit	2	
Final Review	2	
Oil & Gas Permit Issuance		

EXHIBIT 16

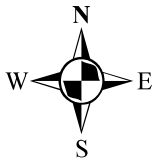
Extraction Oil & Gas, Inc. Draco Location, Alternative Location 4 & Alternative Location 4.1 Comparative Characteristics Exhibit		 Extraction Oil & Gas, Inc	
Development Constraint	Proposed Draco Location	Alternative Location 4	Alternative Location 4.1
Municipal			
Re-zoning Required	No	Yes	Yes
Jurisdictional Approval	Approved	Required	Required
Development			
Geologic Risk / Hazard	Does not align with abandoned mine	Aligns with abandoned mine	Aligns with abandoned mine
Transportation Rte (mi)	1.9	3.6	3.8
Transportation Rte Intersections	2	4	4
Native Viewshed Mitigation	Excelent	Minimal	Minimal
Infrastructure Improvement	Pave CR 6	None	None
Operational			
Electrification Potential - Drilling	Confirmed (2 rigs)	Probable (1 Rig)	Probable (1 Rig)
Electrification Potential - Completion	Probable	Probable	Probable
Development Cycle Time	~ 1 year	~ 1.75 year	~ 1.75 year
Available Recycled Water	Yes	No	No
Receptors			
RBUs w/in 2000 ft	5	0	207
RBUs w/o Informed Consent w/in 2000 ft	0	0	207
RBUs & Platted Parcels w/in 2000 ft	27	0	207
RBUs, Platted Parcels & Unplatted Parcels w/in 2000 ft	66	0	207
RBUs w/in .5 mi	9	111	457
RBUs & Platted Parcels w/in .5 mi	139	111	457
RUBs, Platted Parcels & Unplatted Parcels w/in .5 mi	313	111	457
RBUs w/in 1 mi	221	1557	1785
RBUs & Platted Parcels w/in 1 mi	1021	1941	1890
RUBs, Platted Parcels & Unplatted Parcels w/in 1 mi	1351	1944	1890
Schools w/in 1 mi	0	2	3
Childcare w/in 1 mi	0	1	1
School Property w/in 1 mi	1	1	1
Environmental			
Mapped Species Habitat	No	Suitable Burrowing Owl	Suitable Burrowing Owl
High Proirity Habitat	No	No	No
Water Features (w/in 500 ft)	1	3	3
Downgradient Water Features (w/in 500ft)	0	3	2
CDPHE Constraints or Concerns	no	Yes	Yes
Pipeline Impacts			
Road Crossings	1	3	3
Ditch Crossings	1	1	1
Estimated Disturbance (acres)	12	29	31



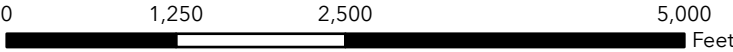


Potential Receptors	Within 2000 ft	Within 2640 ft	Within 1-mile
Building	16	23	164
Building Unit (BU)	2	2	7
Residential Building Unit (RBU)	5	9	221
School (HOBu)	0	0	0
School Property	0	0	1
Childcare Facility (HOBu)	0	0	0
Platted Parcel (PP)	22	130	800
Total (RBU, HOBu, PP)	27	139	1021

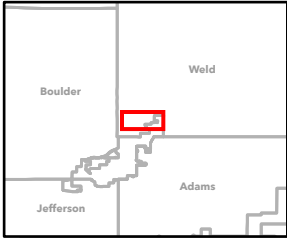
2/28/2025
©Civitas Resources GIS
Created by bcontreras
Disclaimer:
Information depicted on these maps is the sole property of Civitas Resources, Inc. (CIVI). Electronic reproductions of any portion of this map is strictly prohibited absent the written consent of CIVI. This information is to be used for reference purposes only. CIVI does not guarantee the accuracy of this material and is not responsible for any misuse or misrepresentation of this information.
Service Layer Credits: Maxar



Draco Location Receptor Analysis Exhibit Including Platted Parcels - Weld County, CO



Coordinate System: NAD 1983 BLM Zone 13N





2/28/2025
©Civitas Resources GIS
Created by bcontreras

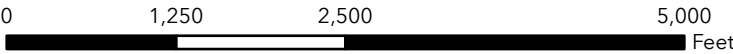
Disclaimer:
Information depicted on these maps is the sole property of Civitas Resources, Inc. (CIVI). Electronic reproductions of any portion of this map is strictly prohibited absent the written consent of CIVI. This information is to be used for reference purposes only. CIVI does not guarantee the accuracy of this material and is not responsible for any misuse or misrepresentation of this information.

Service Layer Credits: Maxar



Draco Location Receptor Analysis Exhibit

Including Un-platted and Platted Parcels- Weld County, CO



Coordinate System: NAD 1983 BLM Zone 13N

EXHIBIT 16



2/28/2025
©Civitas Resources GIS
Created by bcontreras

Disclaimer:
Information depicted on these maps is the sole property of Civitas Resources, Inc. (CIVI). Electronic reproductions of any portion of this map is strictly prohibited absent the written consent of CIVI. This information is to be used for reference purposes only. CIVI does not guarantee the accuracy of this material and is not responsible for any misuse or misrepresentation of this information.

Service Layer Credits: Maxar

Alternative Location 4 Receptor Analysis Exhibit

Including platted Parcels - Weld County, CO

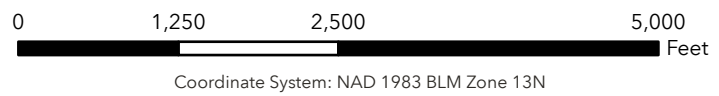


EXHIBIT 16

