

EXHIBIT B-3

EPA Request for Information to West Bay Exploration Co.

West Bay Exploration Company (WBEC), Haystead #9 SWD
(Permit #MI-079-2D-0010)

**Administrative Record
Item # 12**

February 10, 2010

Tim Elkins, EPA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:
WU-16J

CERTIFIED MAIL 7009 1680 0000 7644 1025
RETURN RECEIPT REQUESTED

Timothy Brock
West Bay Exploration Company
13685 South West Bay Shore Drive, Suite 200
Traverse City, Michigan 49684

**Re: Additional Information Requested for the Haystead SWD #9 SWD injection well,
U.S. Environmental Protection Agency (EPA) Underground Injection Control (UIC)
Permit Application #MI-075-2D-0010**

Dear Mr. Brock,

I have reviewed your permit application for the injection well referenced above. At this time I am unable to complete the processing of the permit application in the absence of the information listed below:

1. A letter from West Bay Exploration Company which authorizes Timothy Brock to sign UIC applications and other related UIC documents.
2. Cementing tickets or similar documentation which indicates the slurry volume of Flowstop and HalCem cement used in the cementing of Haystead 1-9A casings.
3. In accordance with 40 CFR § 144.4 (c), the U. S. Environmental Protection Agency (EPA) is required to comply with the Endangered Species Act (ESA) when issuing permit decisions. Therefore, when considering a permit application or extension, the UIC Branch must consider the potential impacts from the new or existing injection well to endangered species present in the area. In order to determine whether an injection well will adversely impact endangered and threatened species, the UIC branch must have location-specific ecological information, such as the presence of certain vegetation, soils or surface water bodies. As a result, we are requiring the following information to be submitted in each permit application.
 - a. A list of endangered, threatened, and candidate species in the county in which the well is located. Species are listed by state and county at <http://www.fws.gov/midwest/endangered/section7/sppranges/index.html>. Generally, two or three species are listed in each county.

- b. A summary of the critical habitat which, if present, may support one of the above-listed species. The web address above includes a brief description of the critical habitat for each species. More detailed information on critical habitat is found at <http://www.fws.gov/midwest/angered/section7/s7process/lifehistory.html>.
- c. A survey of the surface vegetation, soils, topography and hydrologic features in the area of review in sufficient detail to address the presence or absence of critical habitat for any endangered, threatened, or candidate species. This will include descriptions such as "mature mixed forest", "plowed field" or "stabilized dunes", and may also include specific trees or plants listed as critical to a species.
- d. A description of the "action area" for the well and associated surface facilities. This will include dimensions of the affected area, such as the clearing in which the well is located, length of road or pipeline to be built, etc., as well as the extent of disruption of the area. For example, an existing well with no construction plan will be less disruptive than a proposed well, and a proposed well in an open, plowed field will be less disruptive than one which requires some clearing of forest.

This information must be certified in accordance with 40 CFR § 144.32(d). EPA recommends that this information be gathered in consultation with an ecologist, botanist, or other environmental professional.

If critical habitat is present, the permit is not automatically denied. EPA, in conjunction with the U.S. Fish and Wildlife Service, will examine more detailed information to determine the presence of endangered species in the area and the likelihood of negative impact to the species. Past experience has shown that very few projects pose any disturbance to endangered species in Region 5, and we do not expect this to change. We appreciate your cooperation in protecting these important species from endangerment and extinction.

I will be unable to proceed with the processing of your application until this information is received. Please compile and submit the requested information upon your receipt of this letter. If you have any questions regarding the requested information, feel free to call me at (312) 886-0263.

Sincerely yours,



Timothy Elkins, Environmental Scientist
Underground Injection Control

Enclosure

cc: Rick Henderson, Michigan DEQ

Jackson	Indiana bat (<i>Myotis sodalis</i>)	Endangered	Summer habitat includes small to medium river and stream corridors with well developed riparian woods; woodlots within 1 to 3 miles of small to medium rivers and streams; and upland forests. Caves and mines as hibernacula.
	Eastern massasauga (<i>Sistrurus catenatus</i>)	Candidate	
	Mitchell's satyr butterfly (<i>Neonympha mitchellii mitchellii</i>)	Endangered	Fens; wetlands characterized by calcareous soils which are fed by carbonate-rich water from seeps and springs
	* Poweshiek skipperling (<i>Oarisma poweshiek</i>)	Candidate	Wet prairie and fens