

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Buffalo Field Office
Buffalo, Wyoming**

**SURFACE USE
CONDITIONS OF APPROVAL**

POD Name: Badger Creek Addition

Operator: J.M. Huber

List of Wells:

Well Name	Well #	TWP	RNG	Sec	QTR	Lease
BADGER CREEK ADD DOW TRUST	1MK-33	58N	82W	33	NENE	WYW164346
BADGER CREEK ADD DOW TRUST	7MK-33	58N	82W	33	SWNE	WYW164346
BADGER CREEK ADD UNHOCH	1MK-29	58N	82W	29	NENE	WYW141586
BADGER CREEK ADD VISBORG	8MK-21	58N	82W	21	NENE	WYW164345
BADGER CREEK ADD VISBORG	3MK-21	58N	82W	21	NENW	WYW164345

Site Specific Conditions of Approval

1. All changes made at the onsite will be followed. They have been incorporated into the operator's POD.
2. Please contact Mary Maddux, Natural Resource Specialist, @ (307) 684-1164, Bureau of Land Management, Buffalo, if there are any questions concerning these COAs.

Surface Use

1. The operator is committed to terms and conditions of approval as outlined in the Badger Creek Federal POD approved 4/3/2007.
2. All permanent above-ground structures (e.g., production equipment, tanks, etc.) not subject to safety requirements will be painted to blend with the natural color of the landscape. The paint used will be a color which simulates "Standard Environmental Colors." The color selected for the Badger Creek Addition Federal POD is Covert Green.
3. The operator will drill seed on the contour to a depth of 0.5 inch, followed by cultipaction to compact the seedbed, preventing soil and seed losses. To maintain quality and purity, the current years tested, certified seed with a minimum germination rate of 80% and a minimum purity of 90% will be used. On BLM surface or in lieu of a different specific mix desired by the surface owner, use the Loamy Ecological Site Seed Mix as outlined in the Badger Creek Federal POD.

4. The following well locations in the project area have been identified to have limited reclamation potential that will require disturbed areas to be stabilized (stabilization efforts may include mulching, matting, soil amendments, etc.) in a manner which eliminates accelerated erosion until a self-perpetuating native plant community has stabilized the site in accordance with the Wyoming Reclamation Policy. Stabilization efforts shall be finished within 30 days of the initiation of construction activities.

Lease	Well #	Aliquot	Sec	T	R
WYW164345	3-21	NENW	21	58N	82W

5. The operator will follow the guidance provided in the Wyoming Policy on Reclamation (IM WY-90-231) specifically the following:

Reclamation Standards:

- C. 3 The reclaimed area shall be stable and exhibit none of the following characteristics:
 - a. Large rills or gullies.
 - b. Perceptible soil movement or head cutting in drainages.
 - c. Slope instability on, or adjacent to, the reclaimed area in question.
 - C.4. The soil surface must be stable and have adequate surface roughness to reduce runoff and capture rainfall and snow melt. Additional short-term measures, such as the application of mulch, shall be used to reduce surface soil movement.
 - C.5. Vegetation canopy cover (on unforested sites), production and species diversity (including shrubs) shall approximate the surrounding undisturbed area. The vegetation shall stabilize the site and support the planned post disturbance land use, provide for natural plant community succession and development, and be capable of renewing itself. This shall be demonstrated by:
 - a. Successful onsite establishment of species included in the planting mixture or other desirable species.
 - b. Evidence of vegetation reproduction, either spreading by rhizomatous species or seed production.
 - C.6. The reclaimed landscape shall have characteristics that approximate the visual quality of the adjacent area with regard to location, scale, shape, color and orientation of major landscape features and meet the needs of the planned post disturbance land use.
6. At the 3-21 location no material will be pushed against or piled against any live trees.
 7. At the 3-21 location, the topsoil pile can go past the catchpoint.
 8. The access roads to the following locations will be fully built prior to drilling of the wells.
 - 3-21 location
 - 8-21 location
 9. A pre-construction field meeting shall be conducted prior to beginning any dirt work approved under this POD. The operator shall contact the BLM Authorized Officer Mary Maddux @ 307-684-1164 at least 4-days prior to beginning operations so that the meeting can be scheduled. The operator is responsible for having all contractors present (dirt contractors, drilling contractor, pipeline contractor, project oversight personnel, etc.) including the overall field operations superintendent, and for providing all contractors copies of the approved POD, project map and BLM Conditions of Approval pertinent to the work that each will be doing.

Water

1. The operator will supply a design of the outfalls that have been installed at the off-channel impoundments.

Wildlife

Raptors

The following conditions will alleviate impacts to raptors:

1. No surface disturbing activity shall occur within 0.5 mile of all identified raptor nests from February 1 through July 31, annually, prior to a raptor nest occupancy survey for the current breeding season. This timing limitation will affect the following:

Township/Range	Section	Wells and Infrastructure
58N., 82W.	33	1MK-33-58-82 – infrastructure to the southeast
58N., 82W.	33	7MK-33-58-82 - infrastructure to the east

2. Surveys to document nest occupancy shall be conducted by a biologist following BLM protocol, between April 15 and June 30. All survey results shall be submitted in writing to a Buffalo BLM biologist and approved. No surface disturbing activity shall occur within 0.5 mile of all identified raptor nests prior to surface disturbing activities. Surveys outside this window may not depict nesting activity. If a survey identifies active raptor nests, a 0.5 mile timing buffer will be implemented. The timing buffer restricts surface disturbing activities within 0.5 mile of occupied raptor nests from February 1 to July 31.

3. Nest productivity checks shall be completed for the first five years following project completion. The productivity checks shall be conducted no earlier than June 1 or later than June 30 and any evidence of nesting success or production shall be recorded. Survey results will be submitted to a Buffalo BLM biologist in writing no later than July 31 of each survey year. This applies to the following nest listed in Table 4.

4. If an undocumented raptor nest is located during project construction or operation, the Buffalo Field Office (307-684-1100) shall be notified within 24 hours. Well metering, maintenance and other site visits within 0.5 miles of raptor nests should be minimized as much as possible during the breeding season (February 1 – July 31).

Sage Grouse

The following conditions will minimize the impacts to sage-grouse:

1. No surface disturbing activities are permitted within 2 miles of the PPL sage grouse lek in SE SW Section 30, T58N, R82W between March 1 and June 15, prior to completion of a greater sage grouse lek survey. This condition will be implemented on an annual basis for the duration of surface disturbing activities. This timing limitation will affect the following:

Township/Range	Section	Wells and Infrastructure
58N, 82W	29	1MK-29-58-82 well and access corridor

2. A survey is required for sage-grouse between April 1 and May 7, annually, within the project area for the life of the project and results shall be submitted to a BLM biologist. The required sage grouse survey will be conducted by a biologist following the most current WGFD protocol. All survey results shall be submitted in writing to a Buffalo BLM biologist and approved prior to surface disturbing activities.
3. If an active lek is identified during the survey, the 2 mile timing restriction (March 1-June 15) will be applied and surface disturbing activities will not be permitted until after the nesting

season. If surveys indicate that the identified lek is inactive during the current breeding season, surface disturbing activities may be permitted within the 2 mile buffer until the following breeding season (March 1).

4. Creation of raptor hunting perches will be avoided within 0.5-mile of documented sage-grouse lek sites. Perch inhibitors will be installed to deter avian predators from preying on sage-grouse.
5. Well metering, maintenance and other site visits within 0.5 miles of documented sage grouse lek sites shall be minimized as much as possible during the breeding season (March 1– June 15).

Sharp-tailed Grouse

The following conditions will minimize impacts to sharp-tail-grouse:

1. A survey is required for sharp-tailed grouse between April 1 and May 7, annually, within the project area for the life of the project and results shall be submitted to a BLM biologist.
2. If an active lek is identified during the survey, the 0.64 mile timing restriction (March 1-June 15) will be applied and surface disturbing activities will not be permitted until after the nesting season. The required sharp-tailed grouse survey will be conducted by a biologist following WGFD protocol. All survey results shall be submitted in writing to a Buffalo BLM biologist and approved prior to surface disturbing activities.
3. If surveys indicate that the identified lek is inactive during the current breeding season, surface disturbing activities may be permitted within the 0.5 mile buffer until the following breeding season (April 1).
4. Creation of raptor hunting perches will be avoided within 0.64 miles of documented sharp-tailed grouse lek sites. Perch inhibitors will be installed to deter avian predators from preying on grouse.