

APPENDIX D

CONDITIONS OF APPROVAL

HORSESHOE BASIN 3D SEISMIC SURVEY PROJECT

Conditions of Approval

1. This authorization is contingent upon receipt of and compliance with all appropriate federal, state, county and local, permits.
2. Seismic survey progress reports shall be filed directly to the Rock Springs Field Office on a weekly basis.
3. Approval of the EA does not grant any exclusive right to the described lands for geophysical exploration, or other purposes. The public lands described in the EA are subject at all times to any other lawful uses by the United States, its lessees, permittees, and licensees.
4. If geophysical operations damage or destroy existing authorized facilities or improvements, Devon will be responsible for repairing or replacing such facilities or improvements to their former condition, or better, prior to disturbance or damage.
5. Devon shall contact the Rock Springs Field Office (Russell Boulware), at least 48 hours prior to the start of the project to schedule a pre-work conference. The Crew Supervisor and additional crew chiefs (if needed) will attend the pre-work conference to discuss the Conditions of Approval for this operation.
6. The operator's representative will attend a meeting with BLM to discuss cultural artifacts and potential penalties for tampering with cultural artifacts. The meeting can be held as part of the pre-work conference.
7. No new roads, two tracks, or trails will be constructed for this project.
8. Vehicular travel shall be suspended when ground conditions are wet enough to cause rutting or other noticeable surface deformation and severe compaction. As a general rule, if vehicles or other project equipment create ruts in excess of four inches deep when traveling cross-country over wet soils, the soil shall be deemed too wet for vehicular use.
9. Staging area(s) will be situated on BLM-administered lands with good, safe access wherever possible. The fuel truck for the helicopter will also be utilized at the staging area(s). The regulations of the Bureau of Alcohol, Tobacco and Firearms regarding explosives will be followed and any permits that may be required will be obtained.
10. Vehicles of any kind, including ATVs and/or mules, will only be allowed on existing two tracks and unimproved roads that have been culturally cleared. Devon and its contractors, under the direction of the BLM, will establish a transportation map with the existing two tracks and unimproved roads that have been culturally cleared and can be travelled on. (Improved roads do not need to be archeologically cleared.)
11. Staging area(s) shall be kept clean and free of litter. Appropriate human waste facilities will be provided and properly maintained. Such waste facilities shall be removed from the site upon completion of the project.

APPENDIX D: CONDITIONS OF APPROVAL

12. Operators of vehicles and equipment shall be responsible for not damaging fences and keeping gates as found. As a last resort, should a fence be cut or damaged for access, that fence must be repaired to former or better condition, after equipment has passed through.
13. Prior to any seismic survey activities between February 1 and July 31, Devon or their contractor would survey all areas within one mile of proposed surface disturbance for the presence of raptor nests. If occupied/active raptor nests are found, construction would not occur within a ½ to 1-mile radius during the critical nesting season, depending on raptor species.
14. Any project activities that occur during the raptor nesting season (February 1-July 31) will require a fledging survey to determine chick age. If young birds are present, no shot holes will be drilled within the identified species specific buffer area. No helicopter flyovers will occur over any nests with young birds. Any dead young birds found in nests known to be occupied will be considered a "taking".
15. Timing restrictions for protection of big game crucial winter range (sunset Nov. 14 - April 30) will apply in portions of the Project Area. Refer to crucial winter range maps for closure areas (see Environmental Assessment, Figures 3-3, 3-4, and 3-5).

If Devon requests an exemption or extension for seismic survey activities in big game crucial winter range, field surveys will be required to determine animal presence and consultation with the BLM and WGFD will occur prior to the approval of the resumption of any seismic exploration activity in the crucial wintering area (see Environmental Assessment, Figures 3-3, 3-4, and 3-5). Should an exemption be granted, helicopter flights will commence from the east and progress westward towards Pine Mountain, unless otherwise agreed upon.

16. Devon will adhere to setbacks or “buffer zones” from sensitive resources that are set forth in the following tables.

Sensitive Resource	Setback Distance
Springs	1,320 feet (1/4 mile)
Riparian Areas	500 feet
Ephemeral Drainages	100 feet
Archeological Sites	100 feet
Slopes greater than 25%	Drilling not allowed
Pygmy Rabbit Burrows	200 feet
White-tailed Prairie Dog Towns (Active)	200 feet from edge
Designated Escarpments and Cliffs	No Surface Occupancy
State and County Road ROW	100 feet
Sage-grouse leks	400 feet from edge

17. Devon will conduct a post-project inspection and assessment of all seeps and identified springs within the Project Area and adjacent to the Project Area on private land. Inspections will, whenever possible and feasible, be conducted to test flow using an independent third party hydrologist approved by BLM and prepare a report of the results for submittal to BLM.

18. Devon will adhere to setbacks or “buffer zones” from human built features that are set forth in the following tables.

Offset in Feet, from Certain Objects (based on pounds of explosive charge)

Object	½ lb	1 lb	2 lbs	3 lbs	5 lbs	6 to 10 lbs	11 to 15 lbs	16 to 20 lbs
Pipeline less than 6” diameter	50’	100’	150’	150’	200’	250’	300’	400’
Pipeline 6” to 12” diameter	75’	150’	200’	200’	300’	400’	500’	600’
Pipeline greater than 12” diameter	100’	200’	250’	250’	300’	500’	600’	800’
Telephone line	20’	20’	30’	40’	40’	50’	50’	50’
Railroad Track or main paved Highway	50’	100’	150’	150’	150’	220’	280’	350’
Electric Powerline (Shot holes not to exceed 200’ depth)	75’	100’	200’	200’	200’	200’	250’	300’
Water wells, buildings, underground cistern, and all other similar objects	225’	300’	400’	450’	700’	800’	1000’	1200’
Brick and/or concrete block buildings	275’	400’	500’	600’	800’	1000’	1200’	1500’
Producing oil and gas well	250’	450’	600’	700’	800’	900’	1000’	1000’
Irrigation wells	500’	800’	1000’	1200’	1500’	2000’	2500’	2500’

19. Any pygmy rabbit burrows located during the wildlife survey will be protected with a 200-foot buffer from the shot holes to minimize the chance of burrow collapse and mortality to individuals.
20. Any active white-tailed prairie dog towns located during the wildlife survey will be protected with a 200-foot buffer from the shot holes to minimize the chance of burrow collapse and mortality to individuals.
21. Any sage-grouse leks located during the wildlife survey will be protected with a 400-foot buffer from shot holes to minimize the chance of surface disturbance to leks.
22. The operator is responsible for informing all persons associated with this project that they shall be subject to prosecution for damaging, altering, excavating or removing any archaeological, historical, or vertebrate fossil objects or sites. If archaeological, historical, or vertebrate fossil materials are discovered, the Operator is to suspend all operations that further disturb such materials and immediately contact the Authorized Officer. Operations are not to resume until written authorization to proceed is issued by the Authorized Officer.

Within five (5) working days, the Authorized Officer will evaluate the discovery and inform the Operator of actions that will be necessary to prevent loss of significant cultural or scientific values. The Operator is responsible for the cost of any mitigation required by the Authorized Officer. The Authorized Officer will provide technical and procedural guidelines for the

APPENDIX D: CONDITIONS OF APPROVAL

implementation of mitigation. Upon verification from the Authorized Officer that the required mitigation has been completed, the Operator will be allowed to resume operations.

23. The Operator shall notify the Authorized Officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony. The Operator shall immediately stop all activities in the vicinity of the discovery and protect it until notified to proceed by the Authorized Officer
24. Shot holes will be backfilled and plugged, in accordance with the Wyoming Oil and Gas Conservation Commission requirements, after they are loaded with the explosive charge. Any cuttings resulting from shot hole drilling, and not used in backfilling the shot hole, will be scattered around the immediate area to blend with the natural terrain and to reduce visual impacts.
25. All equipment will be power washed prior to entering state, private, and federal lands to help mitigate the spread of noxious plants.
26. Vehicles and drill rigs will carry fire extinguishers, shovels to extinguish any fires that are accidentally started by the seismic operations.
27. If oil, lubricants and other petroleum or man-made products are accidentally spilled onto the ground surface the BLM will be contacted and provided specific information about the spill and/or leak. Spills or leaks will be remediated and any contaminated soil or other material will be disposed of at an authorized facility.
28. Signs will be placed on nearby roads to discourage recreationists and other travelers from entering the work areas.
29. The operator shall be responsible for the prevention and suppression of fires on public lands caused by its employees, contractors or subcontractors. During conditions of extreme fire danger, surface use operations may be limited or suspended in specific areas.
30. All flagging, lath, pin flags, and similar materials used in the seismic project will be removed from public land and disposed of at an authorized landfill
31. When crossing private surface 43 CFR 3814 regulations must be complied with. When crossing public surface off-lease the operator must have an approved rights-of-way agreement.
32. If soil is disturbed to the extent that erosion is likely or visual impacts are readily apparent, the disturbed areas will be rehabilitated utilizing the following techniques:
 - a. Ruts and vehicle tracks will be filled with soil and/or obliterated by either hand raking or some other method. When completing this work, care will be taken to minimize disturbance to surrounding lands that have not been disturbed. All areas where rehabilitation work is accomplished will be reseeded with the approved seed
 - b. The seeded area should be hand raked to assure the seed is covered with approximately ¼ to ½ inch of soil. This seeding should be accomplished during the late fall, in October or November, before moisture conditions become prohibitive.

33. The recommended seed mix for the proposal area is shown below. The mix used should be based on the type of soil present. These species are suitable to the area and have the best chance to successfully revegetate disturbed areas. Reseeding should be completed after September 1 and prior to ground frost, or after frost has melted and prior to May 15. Fall seeding after the completion of seismic survey activities has a higher potential for successful spring germination, and is the preferred method. Additional seeding may be necessary in order to attain successful revegetation where soils are stable, and vegetative composition and establishment are similar to other naturally occurring disturbances. After revegetation, BLM determines when the reclamation is deemed acceptable for bond release.

BLM APPROVED SEED MIX A – Loamy Clay

<u>Grasses – USE ALL</u>	lbs/acre
Thickspike wheatgrass	6
Indian ricegrass	2
Sandberg bluegrass or Bluebunch wheatgrass	6
Bottlebrush squirreltail	2

<u>Shrubs – USE TWO, (in winter range – use big sagebrush)</u>	lbs/acre
Basin or Wyoming big sagebrush	1
Shadscale	1
Winterfat	2
Gardners saltbush	2
Four wing saltbush	2

<u>Forbs – USE TWO</u>	lbs/acre
scarlet globemallow	½
Lupine	½
blue flax	¼
Rocky Mountain penstemon	1/2

BLM APPROVED SEED MIX B – Sandy

<u>Grasses – USE ALL</u>	lbs/acre
Needle and thread grass	6
Thickspike wheatgrass	6
Indian ricegrass	3
Bottlebrush squirreltail	2
Bluebunch wheatgrass	2

<u>Shrubs – USE TWO, (in winter range – use big sagebrush)</u>	lbs/acre
Shadscale	1
spiny hopsage	1

<u>Forbs – USE TWO</u>	lbs/acre
Northern sweetvetch	½
Louisiana (Prairie) sagebrush	½

APPENDIX D: CONDITIONS OF APPROVAL

34. At the Proposed Project completion, a final inspection will also be completed by the BLM Authorized Officer (AO). Additional reclamation will be carried out if required by the BLM AO.
35. A Sundry Notice (subsequent report) must be submitted including the date of initial seeding and a copy of the seed tags used for seeding within the project area.
36. Devon is responsible for control of all invasive/noxious weed species on any and all disturbed sites. Devon is responsible for consultation with the BLM Authorized Officer and/or local authorities for acceptable weed control methods, and shall comply with the following:

Use of pesticides/herbicides shall comply with all applicable RMP requirements, and Federal and State laws. Pesticides/herbicides shall be used only in accordance with their registered uses, within limitations imposed by the Secretary of the Interior. Prior to the use of the pesticides/herbicides, the lease holder shall obtain from the Authorized Officer, written approval of a Pesticide/Herbicide Use Proposal Plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, locations of storage and disposal of containers, and any other information deemed necessary by the Authorized Officer.

Applicator(s) of chemicals used must have completed the pesticide/herbicide certification training and have a current up-to-date Certified Pesticide/Herbicide Applicator's License.
37. All reclamation shall be completed in accordance with Onshore Order No. 1.
38. Devon may request an exception in writing to the above Conditions of Approval. Any exceptions to the Conditions of Approval must have prior written approval from the AO. The exception requests must explain the reason(s) for the exception, and the conditions that exist that would no longer require the Conditions of Approval. All data supporting the exception must accompany the written request.

Decisions on waivers, exceptions, or modifications submitted after seismic work has commenced are final and are not subject to administrative review by the State Director or appeal pursuant to 43 CFR 4.