

U.S. Department of the Interior
Bureau of Land Management
Glenwood Springs Field Office
2300 River Frontage Road
Silt, CO 81652

Statutory Categorical Exclusion, DOI-BLM-CO-N040-2010-0026-SCX

Project: Proposal to Issue Road Right-of-Way to Laramie Energy II, LLC across existing and proposed roads analyzed and approved in Williams' Flatiron Mesa Master Development Plan (FMMDP).

Location: Township 7 South, Range 93 West, Section 6 (Lot 5, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$) and Section 7 (Lots 5 and 6), 6th PM, Garfield County, Colorado.

Company: Laramie Energy II, LCC, 1521 Larimer Street, Suite 100, Denver, Colorado 80202.

Contact: Wayne P. Bankert, Laramie Energy II, LLC
601 28-1/2 Road, Suite D
Grand Junction, Colorado 81506
(970) 683-5419

Proposal: Laramie Energy II LLC ("Laramie II") is requesting a right-of-way (COC74214) across public land for the use and maintenance of the existing Flatiron Mesa Access Road and the construction, use and maintenance of a new 275 foot segment of gas field development road to serve Williams' RU42-7 pad and Laramie's planned well pads serving fee bottomholes located on private land in Sections 7 and 8 (T7S R93W). The 275-foot segment of new road was analyzed and approved for new construction under Williams' APDs in the Flatiron Mesa MDP, although it is entirely possible that Laramie Energy would construct the road to serve their well drilling plans on private lease before Williams begins its exploratory drilling on the RU42-7 pad (Figure 1). The applicable standard Surface Use Conditions of Approval (COAs) identified in Appendix B of the FMMDP related to the construction, use, and maintenance of the BLM roads have been summarized and identified in this document as terms and conditions to be attached to the BLM right-of-way. Resource surveys were conducted by Williams during the Flatiron Mesa MDP planning that included the proposed road right-of-way segment (Figure 2).

The existing 6420 feet of existing Flatiron Mesa Access Road would be maintained and resurfaced with gravel per Authorized Officer instructions. The proposed 275 feet of new road on BLM land serving the Williams RU42-7 pad and the Laramie 08-13 pad site would be constructed per BLM Gold Book standards. The new construction segment would be approximately 22 feet in width and 275 feet in length. With the expected clearing of mountain brush and Gambel oak vegetation along the new construction segment, the actual disturbed corridor would be 35 feet in width, impacting 0.22 acre. A minimum 6-inch layer of gravel would be applied across the roadway along the 275-foot new road segment.

Although there would be an additional 4775 feet of new road constructed on Youberg property in Sections 7 and 8 to serve the Laramie 08-13 pad site, the wells planned for the Laramie well pad would be fee wells and would be authorized only under state permit (COGCC). There is no Federal involvement in the Laramie pad site or the 4775 feet of new road to be constructed on Youberg property.

Lease Stipulations: Although the big game winter timing limitations listed on the underlying Federal leases (COC41916 and COC50944) do not specifically address the proposed area along the road right-of-way alignment, the subject road does fall within current mapped CDOW big game winter areas of importance. As such, a winter timing limitation shall be attached to the terms and conditions of the BLM

right-of-way which mimic the same timing limitation period (1/16 through 4/29) identified on the underlying Federal leases. All operators of this segment of Flatiron Mesa Access road (Laramie II, Williams, and Energy Transfer) would operate under the 1/16 – 4/29 winter timing limitations whether they hold a BLM ROW or are a BLM lease holder.

BLM Conditions of Approval: Terms and Conditions that would be included on the BLM right-of-Way are attached.

NEPA Compliance: The following category of Categorical Exclusions pursuant to Section 390 of the Energy Policy Act (Act of 2005) applies to this proposal:

Category #1: Individual surface disturbances of less than five (5) acres so long as the total surface disturbance on the lease is not greater than 150 acres and site-specific analysis in a document prepared pursuant to NEPA has been previously completed. The new disturbance associated with the construction of the 275-foot road segment on BLM land would amount to 0.22 acre using a 35 foot disturbance width. Upon visual review of the surface disturbance on Lease COC50944, the total disturbance area of the leases is far less than the allowable 150 acres. The site-specific analysis associated with the construction of the new road segment was conducted in the Flatiron Mesa MDP approved on December 14, 2009.

**TABLE OF RIGHTS-OF-WAY WITHIN THE PROPOSED R/W AREA
6th P.M., Garfield County, Colorado
Township 7 South, Range 93 West, Sections 6 and 7**

Serial No.	Company	Case Type	Status
COC29423	Public Service Company	R/W Pwr Trans	Authorized
COC41916	Williams Production RMT	O&G Lease	Authorized
COC50944	Williams Production RMT	O&G Lease	Authorized
COC57580	Williams Production RMT	Communitiz. Agreement	Authorized
COC59786	Williams Production RMT	R/W Road	Authorized
COC59787	Williams Production RMT	R/W Pipeline	Authorized
COC68682	EnCana Oil & Gas (USA) Inc	R/W Road	Authorized

Prepared by: Jim Byers, Natural Resource Specialist 12/22/09

Approval: It is my decision to approve the proposed action with the above referenced terms and conditions:



Allen B. Crockett, Ph.D., J.D.
Supervisory Natural Resource Specialist

12/22/09
Date

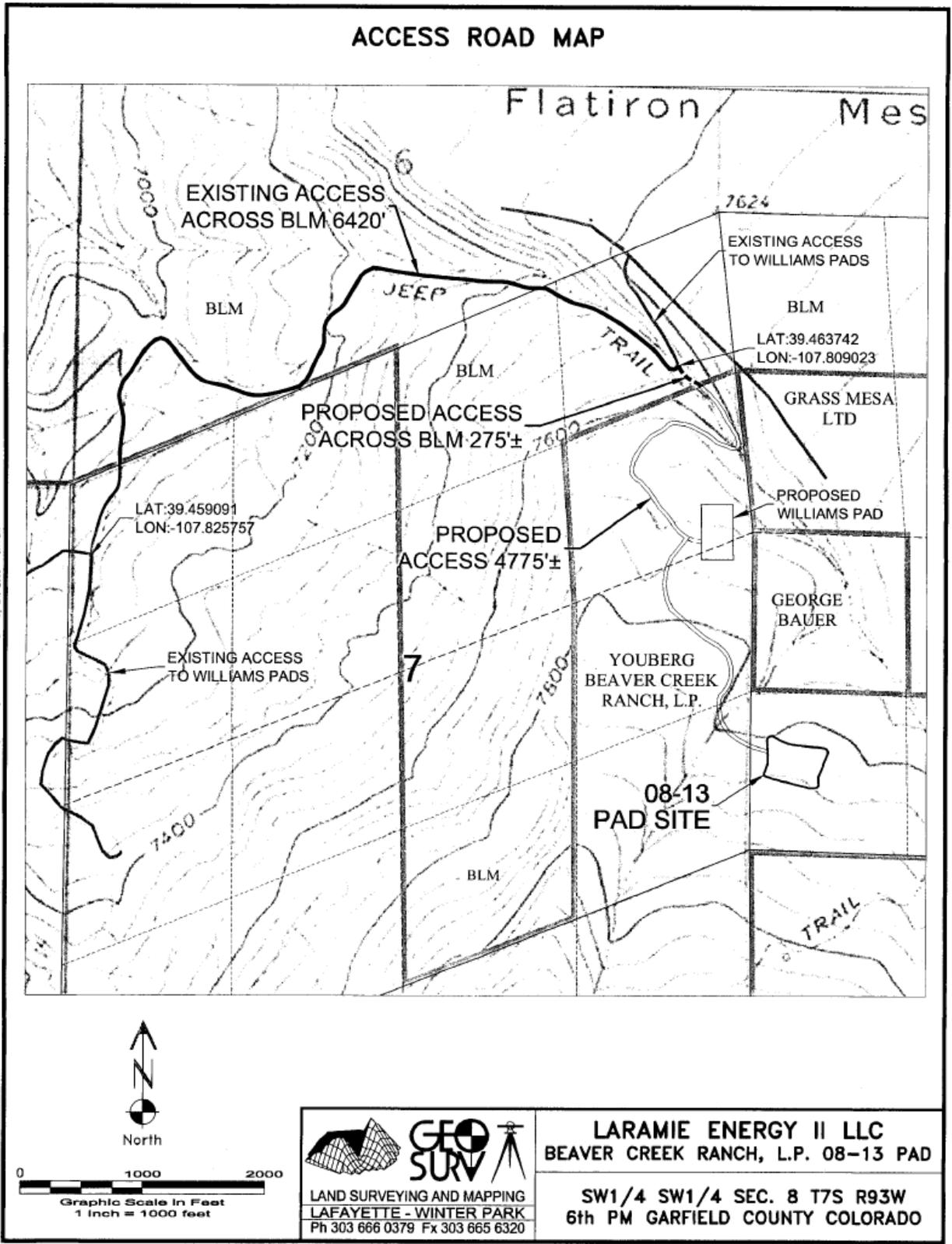
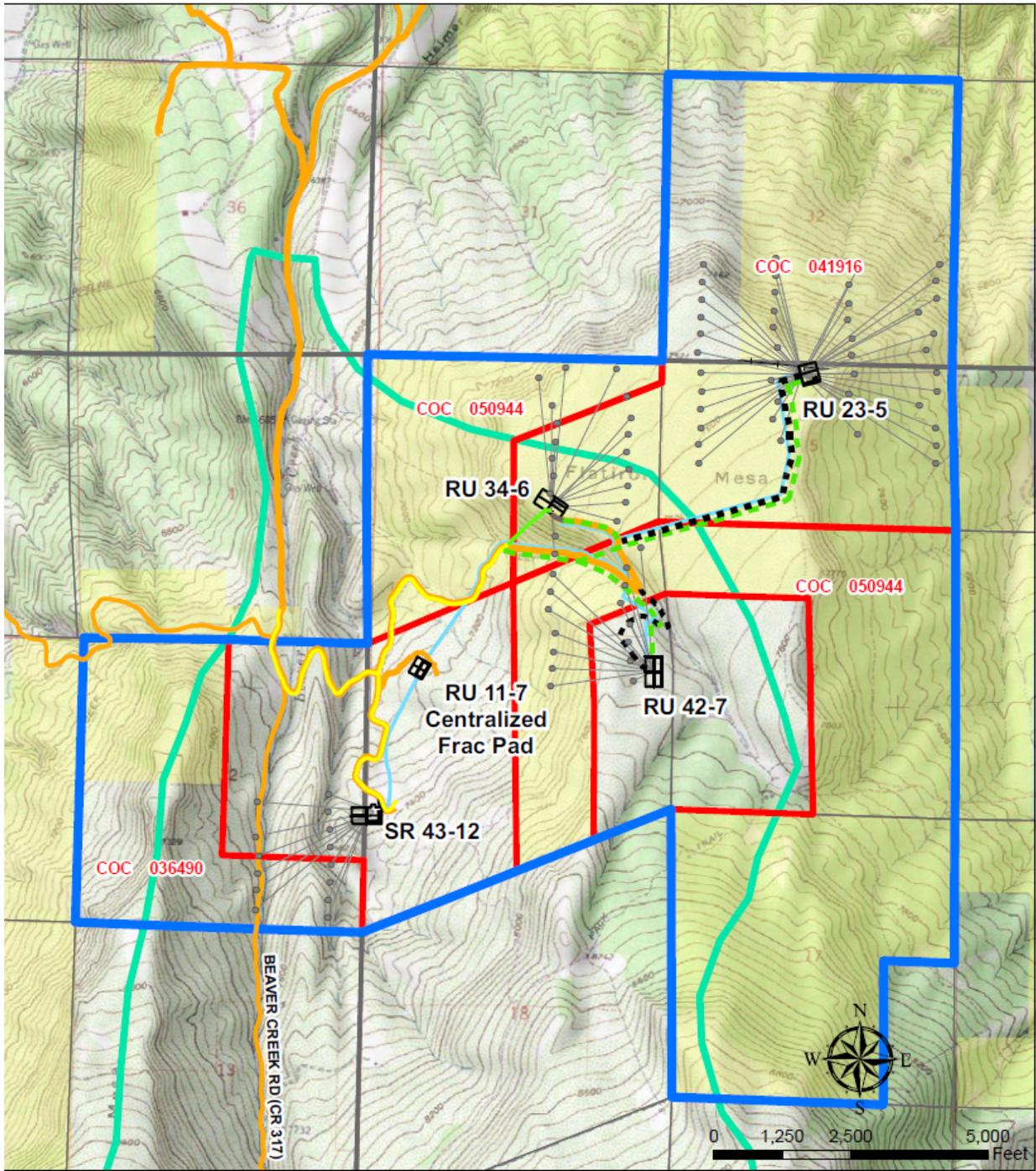


Figure 1. Project Location Map



- Legend**
- Proposed Road
 - Existing Road
 - ▭ Proposed Pad
 - Existing ETC Pipeline (Surface, To Be Removed)
 - Proposed ETC Pipeline
 - Proposed ETC Pipeline Upgrade
 - ▭ Beaver Creek Watershed Boundary
 - Future Bottom Hole
 - Proposed Frac Line Route (Surface)
 - ▭ Flatiron Mesa MDP Boundary
 - ▭ BLM Surface
 - ▭ BLM Lease Boundary

Figure 1
Flatiron Mesa
Master Development Plan
EA Proposed Action
Williams Production



Figure 2. Flatiron Mesa Master Development Plan Map

EXHIBIT B
STIPULATIONS
Statutory Categorical Exclusion
DOI-BLM- CON040-2010-0026
Laramie Energy II, LLC.
COC 74214
Flatiron Mesa Access Road

FOR DETAILED STIPULATIONS, REFER TO THE
FLATIRON MESA MASTER DEVELOPMENT PLAN (MDP), Approved December 2009
DOI-BLM-CON040-2010-0002EA

(A copy of this MDP may be found online at: http://www.blm.gov/co/st/en/fo/gsf/ GSFO_MasterPlansOfDevelopment.html)

1. Startup Notification. The operator shall notify the BLM representative at least at 48 hours prior to initiation of construction.
2. Application of Flatiron Mesa MDP COAs. Standard Conditions of Approval outlined in Appendix B of the Flatiron Mesa Master Development Plan will apply and remain in full force and effect.
3. Agreements with Other Holders. Potential impacts to the existing BLM road rights-of-way (ROWs) held by Williams and EnCana and to the lease rights on public land (COC41916 and COC50944) held by Williams would be mitigated based on written maintenance and use agreements between Laramie II, Williams and EnCana. Such agreements shall be obtained and verified with the BLM prior to any road improvements, surface disturbance or road construction across or adjacent to an existing right-of-way.
4. Road Construction, Use, and Maintenance. Proposed roads would be constructed within an average disturbance corridor 35 feet wide, reduced to 25 feet of finished road surface (including bar ditches) after interim reclamation. Earth-moving equipment would be used to segregate and windrow the topsoil along the edge of the proposed road corridor. Roads shall be crowned, ditched, surfaced, drained with culverts and/or water dips, and constructed to Gold Book standards (*Surface Operating Standards for Oil and Gas Exploration & Development*—USDI and USDA 2007). Gravel shall be placed on new or upgraded roads to a minimum compacted depth of 6 inches. The operator shall provide timely year-round road maintenance and cleanup on the access roads. A regular schedule for maintenance shall include, but not be limited to, blading, ditch and culvert cleaning, road surface replacement, and dust abatement. When rutting within the traveled way becomes greater than six inches, blading and/or gravelling shall be conducted as approved by the authorized officer.

Sedimentation and stream channel impacts associated with roads shall be reduced through the implementation of best management practices (BMPs) and other preventive measures. As proposed, these measures would include limiting cut slope steepness, step-cutting, limiting road grade to 10%, crowning road surfaces, and installing culverts and drainage systems.

During snow removal, snow berms shall not be left on road surfaces; snow shall be deposited past the edge of the road shoulder, but not outside the road clearing limits.

On ungraveled roads, vehicle travel shall be avoided during excessively wet or muddy conditions. The disturbance limits of the proposed road would be staked and/or flagged prior to any commencement of operations. Straw wattles would be staked along the outer edge of the proposed

disturbance limits.

Construction activities at perennial, intermittent, and ephemeral drainage crossings (e.g. burying pipelines, installing culverts) shall be timed to avoid high flow conditions. Construction that disturbs any flowing stream shall utilize either a piped stream diversion or a coffer dam and pump to divert flow around the disturbed area. Culverts at drainage crossings shall be designed and installed to pass a 25-year or greater storm event. On perennial and intermittent streams, culverts shall be designed to allow for passage of aquatic biota.

The minimum culvert diameter in any installation for a drainage crossing or road drainage shall be 24 inches. Crossings of drainages deemed to be jurisdictional waters of the U.S. pursuant to Section 404 of the Clean Water Act may require additional culvert design capacity. Due to the flashy nature of area drainages and anticipated culvert maintenance, the U.S. Army Corps of Engineers recommends designing drainage crossings for the 100-year event. Contact the USACE Colorado/Gunnison Basin Regulatory Office at 970-243-1199 x16.

5. Cattleguard-Bypass Gate Installation. A new cattleguard with bypass gate would be installed into the existing boundary fence between Youberg and BLM located along the proposed RU42-7 access road.

Range improvements (fences, gates, reservoirs, pipelines, etc.) shall be avoided during development of natural gas resources to the maximum extent possible. If range improvements are damaged during exploration and development, the operator will be responsible for repairing or replacing the damaged range improvements.

6. Maintain Existing Access Route to Private Land. The existing and proposed realigned jeep road serving private land in S½NW¼, SW¼, Section 8, T7S R93W shall remain unobstructed and open year-round to allow private landowners access to their property.
7. Dust Abatement. The operator shall implement dust abatement measures as needed to prevent fugitive dust from vehicular traffic, equipment operations, or wind events. The authorized officer may direct the operator to change the level and type of treatment (watering or application of various dust agents, surfactants, and road surfacing material) if dust abatement measures are observed to be insufficient to prevent fugitive dust.
8. Soils. Topsoil shall also be windrowed, segregated, and stored along pipelines and roads for later spreading across the disturbed corridor during final reclamation. Topsoil berms shall be promptly seeded to maintain soil microbe health, reduce erosion, and prevent weed establishment.

Cuts and fills shall be minimized when working on erosive soils and slopes in excess of 30%. Cut-and-fill slopes shall be stabilized through revegetation practices with an approved seed mix shortly following construction activities to minimize the potential for slope failures and excessive erosion. Fill slopes adjacent to drainages shall be protected with well-anchored silt fences, straw wattles, or other acceptable BMPs designed to minimize the potential for sediment transport. On slopes greater than 50%, BLM personnel may request a professional geotechnical analysis prior to construction.

9. Reclamation. The goals, objectives, timelines, measures, and monitoring methods for final reclamation of oil and gas disturbances are described in Appendix I (Surface Reclamation) of the 1998 Draft Supplemental EIS (DSEIS). Specific measures to follow during interim and temporary (pre-interim) reclamation are described below.

- a. Deadline for Temporary Seeding and Interim Reclamation. Topsoil storage piles, stormwater control features, and cut-and-fill slopes shall undergo temporary seeding to stabilize the material and minimize weed infestations within 30 days following completion of construction. Interim reclamation to reduce a well pad to the maximum size needed for production shall be completed within 6 months following completion of the last well planned for the pad.

Both of these deadlines are subject to being extended upon approval of the authorized officer based on season, timing limitations, or other constraints on a case-by-case basis.

- b. Topsoil Stripping, Storage, and Replacement. Topsoil shall be stripped following removal of vegetation during construction of well pads, pipelines, roads, or other surface facilities. This shall include, at a minimum, the upper 6 inches of soil. Any additional topsoil present at the site, such as indicated by color or texture, shall also be stripped. The authorized officer may specify a stripping depth during the onsite visit. The stripped topsoil shall be stored separately from subsoil or other excavated material and replaced prior to final seedbed preparation.
- c. Seedbed Preparation. For cut-and-fill slopes, initial seedbed preparation shall consist of backfilling and recontouring to achieve the configuration specified in the reclamation plan. For compacted areas, initial seedbed preparation shall include ripping to a minimum depth of 18 inches, with a maximum furrow spacing of 2 feet. Where practicable, ripping shall be conducted in two passes at perpendicular directions. Following final contouring, the backfilled or ripped surfaces shall be covered evenly with topsoil.

Final seedbed preparation shall consist of scarifying (raking or harrowing) the spread topsoil prior to seeding. If more than one season has elapsed between final seedbed preparation and seeding, and if the area is to be broadcast-seeded or hydroseeded, this step shall be repeated no more than 1 day prior to seeding to break up any crust that has formed.

Seedbed preparation is not required for topsoil storage piles or other areas of temporary seeding.

Requests for use of soil amendments, including basic product information, shall be submitted to the BLM for approval.

- d. Seed Mixes. A seed mix consistent with BLM standards in terms of species and seeding rate for the specific habitat type shall be used on all BLM lands affected by the project (see Attachments 1 and 2 of the letter provided to operators dated May 1, 2008). Note that temporary seeding allows use of a seed mix containing sterile hybrid non-native species in addition to native perennial species.

For private surfaces, the menu-based seed mixes are recommended, but the surface landowner has ultimate authority over the seed mix to be used in reclamation. The seed shall contain no noxious, prohibited, or restricted weed seeds and shall contain no more than 0.5 percent by weight of other weed seeds. Seed may contain up to 2.0 percent of "other crop" seed by weight, including the seed of other agronomic crops and native plants; however, a lower percentage of other crop seed is recommended. Seed tags or other official documentation shall be submitted to the BLM Glenwood Springs Energy Office Ecologist at least 14 days before the date of proposed seeding for acceptance. Seed that does not meet the above criteria shall not be applied to public lands.

- e. Seeding Procedures. Seeding shall be conducted no more than 24 hours following completion of final seedbed preparation.

Where practicable, seed shall be installed by drill-seeding to a depth of 0.25 to 0.5 inch. Where drill-seeding is impracticable, seed may be installed by broadcast-seeding at twice the drill-seeding rate, followed by raking or harrowing to provide 0.25 to 0.5 inch of soil cover. Hydroseeding and hydromulching may be used in temporary seeding or in areas where drill-seeding or broadcast-seeding/raking are impracticable. Hydroseeding and hydromulching must be conducted in two separate applications to ensure adequate contact of seeds with the soil.

If interim revegetation is unsuccessful, the operator shall implement subsequent reseedings until interim reclamation standards are met. Requirements for reseeding of unsuccessful temporary seeding will be considered on a case-by-case basis.

- f. Mulch. Mulch shall be applied within 24 hours following completion of seeding. In areas of interim reclamation that used drill-seeding or broadcast-seeding/raking, mulch shall consist of crimping certified weed-free straw or certified weed-free native grass hay into the soil. Hydromulching shall be used in areas of interim reclamation where crimping is impracticable, in areas of interim reclamation that were hydroseeded, and in areas of temporary seeding regardless of seeding method.

NOTE: Mulch is not required in areas where erosion potential mandates use of a biodegradable erosion-control blanket (straw matting).

- g. Erosion Control. Cut-and-fill slopes shall be protected against erosion with the use of water bars, lateral furrows, or other measures approved by the authorized officer. Biodegradable matting, bales, or wattles of weed-free straw or weed-free native grass hay, or well-anchored fabric silt fence shall be used on cut-and-fill slopes and along drainages to protect against soil erosion. Additional BMPs shall be employed as necessary to reduce erosion and offsite transport of sediment. Sufficient room shall be left between the top (eastern edge) of the cutslope and the edge of the mesa to allow for construction of a stormwater drainage ditch.
- h. Site Protection. The pad shall be fenced to BLM standards to exclude livestock grazing for the first two growing seasons or until seeded species are firmly established, whichever comes later. The seeded species will be considered firmly established when at least 50 percent of the new plants are producing seed. The authorized officer will approve the type of fencing.
- i. Monitoring. The operator shall conduct annual monitoring surveys of all sites categorized as “operator reclamation in progress” and shall submit an annual monitoring report of these sites to the authorized officer by **December 31** of each year. The monitoring program shall use the four Reclamation Categories defined in Appendix I of the 1998 DSEIS to assess progress toward reclamation objectives. The annual report shall document whether attainment of reclamation objectives appears likely. If one or more objectives appear unlikely to be achieved, the report shall identify appropriate corrective actions. Upon review and approval of the report by the BLM, the operator shall be responsible for implementing the corrective actions or other measures specified by the authorized officer.
10. Weed Control. The operator shall regularly monitor and promptly control noxious weeds or other undesirable plant species as set forth in the Glenwood Springs Energy Office *Noxious and Invasive Weed Management Plan for Oil and Gas Operators*, dated March 2007. A Pesticide Use Proposal (PUP) must be approved by the BLM prior to the use of herbicides. Annual weed monitoring reports shall be submitted by **December 31**.

11. Big Game Winter Range Timing Limitation. To minimize impacts to wintering big game, road construction and completion or use of roads for construction, drilling or completion activities shall not occur during a Timing Limitation (TL) period from **January 16 to April 29** annually. To reduce impacts to wintering big game, and to the extent practicable, remote sensing should be used for production monitoring, and any monitoring or maintenance activities should be conducted between 9 a.m. and 3 p.m. These additional recommendations apply to the period from December 1 to April 30
12. Migratory Birds. It shall be the responsibility of the operator to comply with the Migratory Bird Treaty Act (MBTA) with respect to “take” of migratory bird species. Under the MBTA, “take” means to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The operator shall prevent use by migratory birds of any pit containing fluids associated with oil or gas operations—including but not limited to reserve pits, produced water pits, frac-water pits, cuttings trenches (if covered by water/fluid), and evaporation pits. Fluids in these pits may pose a risk to migratory birds (e.g., waterfowl, shorebirds, wading birds, songbirds, and raptors) as a result of ingestion, absorption through the skin, or interference with buoyancy and temperature regulation. Several established methods to prevent bird access are known to be effective, such as netting or bird-balls. However, the USFWS has determined that the use of flagging is ineffective in deterring birds from using ponds or pits and provides no assurance of compliance with the MBTA. Regardless of the method used, it should be employed as soon as practicable after the pit has begun receiving liquids. At a minimum, the method shall be in place within 24 hours following the placement of fluids into a pit. Because of high toxicity to birds, oil slicks and oil sheens should immediately be skimmed off the surface of any pit that is not netted. The most effective way to eliminate risk to migratory birds is prompt drainage, closure, and reclamation of pits, which is strongly encouraged. All mortality or injury to species protected by the MBTA shall be reported immediately to the BLM project lead and to the U.S. Fish and Wildlife Service. For further assistance, contact the USFWS Biologist assigned to the Glenwood Springs Energy Office at 970-947-5219 and visit <http://www.fws.gov/mountain-prairie/contaminants/oilpits.htm>.
13. Raptor Nesting. Raptor nest surveys conducted for the Flatiron Mesa Master Development Plan did not result in location of raptor nest structures within 0.25 mile of a well pad or 0.125 mile of an access road, pipeline, or other surface facility. Therefore, a Raptor Nesting Timing Limitation COA is not attached to this APD. Although BLM considers surveys conducted for a NEPA Environmental Assessment to be valid for 5 years, new nests may be built and occupied between the initial surveys and project implementation. To ensure compliance with the Migratory Bird Treaty Act, the operator should schedule construction or drilling activities to begin outside the raptor nesting season (February 1 to August 15) if practicable. If initiation of construction, drilling, or completion activities during these dates cannot be avoided, the operator is responsible for complying with the Migratory Bird Treaty Act, which prohibits the “take” of birds or active nests (those containing eggs or young), including nest failure caused by noise and human activity.
14. Birds of Conservation Concern. Pursuant to BLM Instruction Memorandum 2008-050, all surface-disturbing activities are prohibited from May 15 to July 15 to reduce impacts to Birds of Conservation Concern (BCC). An exception to this COA will be granted if nesting surveys conducted no more than one week prior to surface-disturbing activities indicate that no BCC species are nesting or otherwise present within 10 meters of the area to be disturbed. Nesting surveys shall include an aural survey for diagnostic vocalizations in conjunction with a visual survey for adults and nests. Surveys shall be conducted by a qualified breeding bird surveyor between sunrise and 10:00 AM under favorable conditions for detecting and identifying a BCC species. This provision does not apply to ongoing construction, drilling, or completion activities that are initiated prior to May 15 and continue into the 60-day period at the same location.

15. Paleontological Resources. All persons associated with operations under this authorization shall be informed that any objects or sites of paleontological or scientific value, such as vertebrate or scientifically important invertebrate fossils, shall not be damaged, destroyed, removed, moved, or disturbed. If in connection with operations under this authorization any of the above resources are encountered the operator shall immediately suspend all activities in the immediate vicinity of the discovery that might further disturb such materials and notify the BLM authorized officer of the findings. The discovery must be protected until notified to proceed by the BLM authorized officer.

Where feasible, the operator shall suspend ground-disturbing activities at the discovery site and immediately notify the BLM authorized officer of any finds. The BLM authorized officer will, as soon as feasible, have a BLM-permitted paleontologist check out the find and record and collect it if warranted. If ground-disturbing activities cannot be immediately suspended, the operator shall work around or set the discovery aside in a safe place to be accessed by the BLM-permitted paleontologist.

16. Cultural Education/Discovery. All persons in the area who are associated with this project shall be informed that if anyone is found disturbing historic, archaeological, or scientific resources, including collecting artifacts, the person or persons will be subject to prosecution.

Pursuant to 43 CFR 10.4(g), the BLM authorized officer shall be notified by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4 (c) and (d), activities shall stop in the vicinity of the discovery, and the discovery shall be protected for 30 days or until notified by the BLM authorized officer to proceed.

If in connection with operations under this contract, the operator, its contractors, their subcontractors, or the employees of any of them discovers, encounters, or becomes aware of any objects or sites of cultural value or scientific interest such as historic ruins or prehistoric ruins, graves or grave markers, fossils, or artifacts, the operator shall immediately suspend all operations in the vicinity of the cultural resource and shall notify the BLM authorized officer of the findings (16 USC 470h-3, 36 CFR 800.112). Operations may resume at the discovery site upon receipt of written instructions and authorization by the BLM authorized officer. Approval to proceed will be based upon evaluation of the resource. Evaluation shall be by a qualified professional selected by the BLM authorized officer from a Federal agency insofar as practicable. When not practicable, the operator shall bear the cost of the services of a non-Federal professional.

Within five working days, the BLM authorized officer will inform the operator as to:

- whether the materials appear eligible for the National Register of Historic Places
- what mitigation measures the holder will likely have to undertake before the site can be used (assuming that *in-situ* preservation is not necessary)
- the timeframe for the BLM authorized officer to complete an expedited review under 36 CFR 800.11, or any agreements in lieu thereof, to confirm through the SHPO State Historic Preservation Officer that the findings of the BLM authorized officer are correct and that mitigation is appropriate

The operator may relocate activities to avoid the expense of mitigation and delays associated with this process, as long as the new area has been appropriately cleared of resources and the exposed materials are recorded and stabilized. Otherwise, the operator shall be responsible for mitigation costs. The BLM authorized officer will provide technical and procedural guidelines for relocation and/or to conduct mitigation. Upon verification from the BLM authorized officer that the required mitigation has been completed, the operator will be allowed to resume construction.

Antiquities, historic ruins, prehistoric ruins, and other cultural or paleontological objects of scientific interest that are outside the authorization boundaries but potentially affected, either directly or indirectly, by the proposed action shall also be included in this evaluation or mitigation. Impacts that occur to such resources as a result of the authorized activities shall be mitigated at the operator's cost, including the cost of consultation with Native American groups.

Any person who, without a permit, injures, destroys, excavates, appropriates or removes any historic or prehistoric ruin, artifact, object of antiquity, Native American remains, Native American cultural item, or archaeological resources on public lands is subject to arrest and penalty of law (16 USC 433, 16 USC 470, 18 USC 641, 18 USC 1170, and 18 USC 1361).

17. Jurisdictional Waters of the U.S. The operator shall obtain appropriate permits from the U.S. Army Corps of Engineers (USACE) prior to discharging fill material into waters of the U.S. in accordance with Section 404 of the Clean Water Act. Waters of the U.S. are defined in 33 CFR Section 328.3 and may include wetlands as well as perennial, intermittent, and ephemeral streams. Permanent impacts to waters of the U.S. may require mitigation. Contact the USACE Colorado/Gunnison Basin Regulatory Office at 970-243-1199.
18. Saturated Soils Conditions. When saturated soil conditions exist on or along the proposed ROW, construction shall be halted until soil material dries out or is frozen sufficiently for construction to proceed without undue damage and erosion to soils.