

**U.S. Department of the Interior
Bureau of Land Management
Colorado River Valley Field Office
2300 River Frontage Road
Silt, Colorado 81652**

Section 390 Categorical Exclusions for Oil and Gas Development, Exclusion No. 1

NEPA LOG NUMBER: DOI-BLM-CO-N040-2011-0112-CX (390)

A. Background

BUREAU OF LAND MANAGEMENT (BLM) OFFICE: Colorado River Valley Field Office (CRVFO), Silt, Colorado.

CASEFILE/PROJECT NUMBER: Federal Lease COC62161 and BLM Rights-of Way COC69913 and COC69913A.

PROPOSED ACTION TITLE/TITLE: Proposal to Bury Pipelines Serving the Existing AP 21-20-695 Fee Well Pad in the Cottonwood Gulch Drainage Authorized by Right-of-Way (ROW) Grant Amendment.

APPLICANT: Williams Production RMT Company, LLC (Williams).

LOCATION OF THE PROPOSED ACTION: Township 6 South (T6S), Range 95 West (R95W), Section 20, Lot 1, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, Sixth Principal Meridian. The proposed pipeline would be buried on public and private lands in Cottonwood Gulch approximately 4.5 air-miles northeast of Parachute, Colorado. Figure 1 is a project location map. Figure 2 shows the layout of the proposed pipeline alignment. Figure 3 shows the location of existing disturbance areas on Federal lease COC62161.

DESCRIPTION OF PROPOSED ACTION: The existing AP 21-20-695 well pad, located on private property, supports four producing fee wells drilled in three separate drilling visits in 1988, 2005, and 2006. The BLM issued Rights-of-Way COC69913 and 69913A to Williams for surface pipelines to be installed cross-country from the DOE 2-W-20 pad on BLM northwest to the AP 21-20-695 fee pad. The three surface lines (8-inch steel gas, 4-inch poly water, and 2-inch low pressure gas) were installed in fall 2006 (Figure 2). The existing BLM rights-of-way COC69913 and COC69913A would be amended to allow for the removal of the existing surface pipelines and allow the burial of the proposed pipelines in the corridor described herein.

The U.S. Department of Energy (DOE) initially issued a road right-of-way in 1988 authorizing Williams' predecessor, Barrett Resources, to construct, use and maintain an access road from the DOE 2-W-20 pad to the AP 21-20-695 pad. After the 20-year timeframe on the DOE ROW expired in 2008, BLM authorized a subsequent road ROW (COC63170) in 2009 granting use and maintenance to Williams for an additional 30-year period.

Williams plans to drill up to 19 new fee wells in 2012 from the pad, requiring the pipeline upgrade to gather the additional gas and water volumes and the pipeline burial to avoid freezing during winter. A 12-inch steel gas line, 2-inch low pressure steel gas line, and 6-inch Flexsteel produced water line would comprise the upgraded pipelines to be buried in the same trench (Figure 2). The produced water generated from the existing and future wells on the AP 21- 20-695 pad would be carried to the existing Cottonwood tank farm on the valley floor, thereby reducing water truck traffic across public lands.

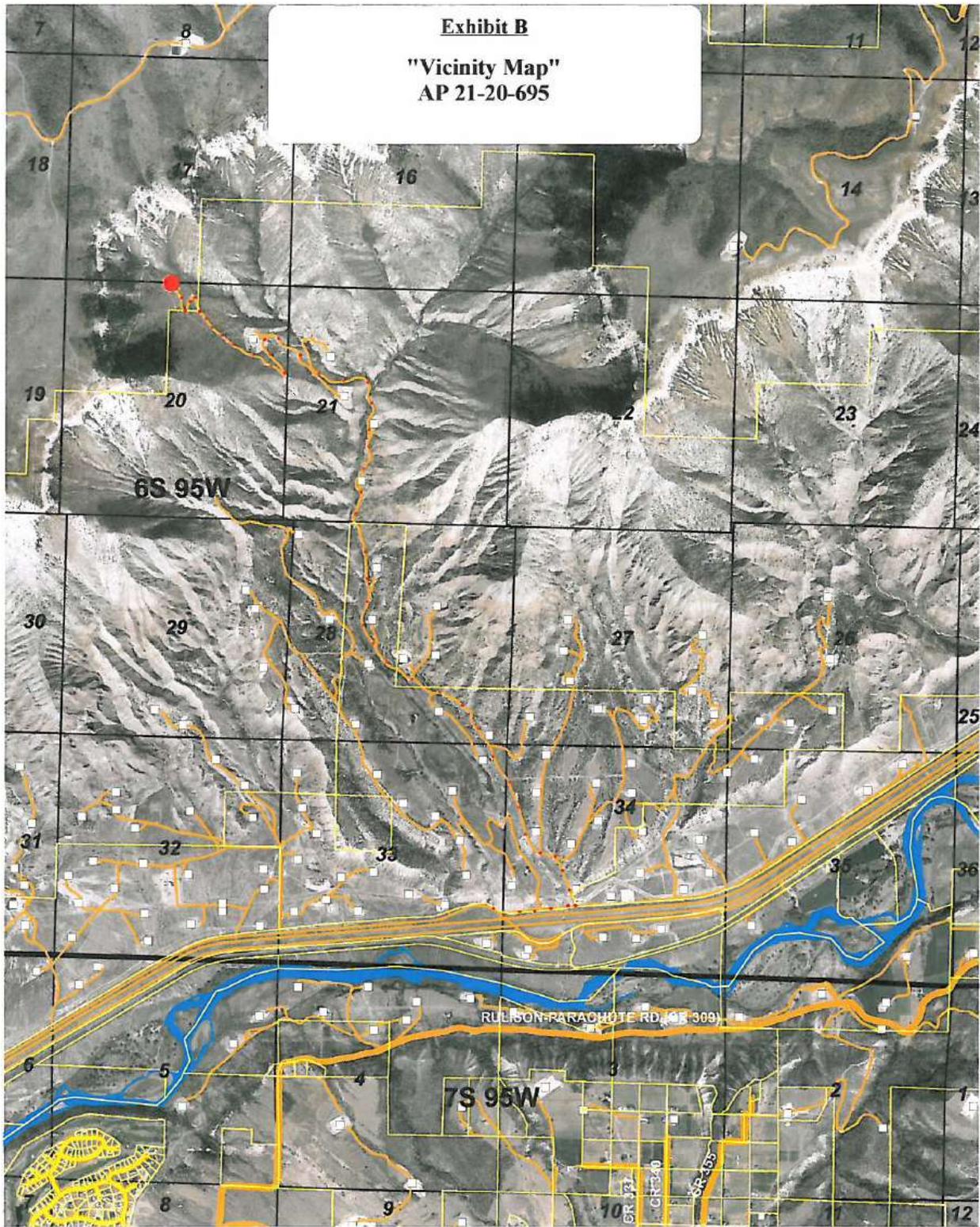


Figure 1. Project Location Map

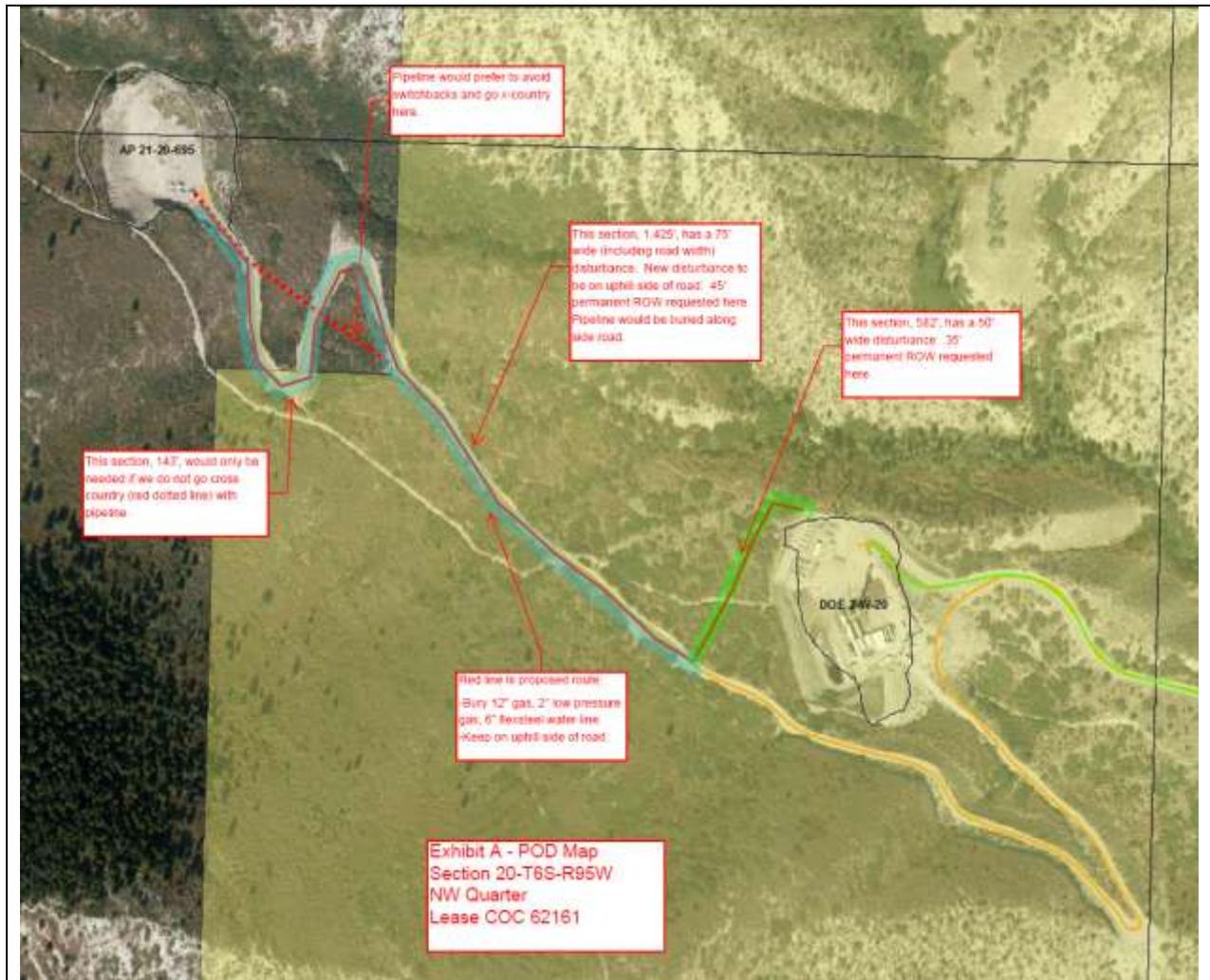


Figure 2. Proposed Project Layout for AP 21-20-695 Pipeline Installation

The new pipeline alignment would generally be located across the top of the DOE 2-W-20 cutslope until intersecting the existing AP 21-20-695 access road, and then be buried alongside the access road to the fee pad (Figure 2). The total length of the alignment would be 3500 feet with 2150 feet occurring on BLM. The new disturbance width for the entire length would vary between 50 feet (along 700 feet cross-country from the DOE 2-W-20 pad west to the access road) and 75 feet (for approximately 1450 feet alongside the access road). The 75-foot corridor width, which includes the width of the existing access road, would provide the necessary working space to lay back the existing steep cutslope conditions that presently exist along the road cut, thereby enhancing the overall project reclamation potential of the road and the pipeline. The total pipeline disturbance would be 3.5 acres with 2.5 acres occurring on BLM.

To safely bring the pipeline alignment across the top of the DOE 2-W-20 pad, the current 0.5:1 slope behind the separators and storage tanks would be excavated (using proper topsoil storage techniques) to lay back the steep cut to a 1.5:1 slope. The excess material generated from the earthwork would be stored on the working area of the pad between the tanks and cuttings storage. Reducing the steep grade would allow a safer, more stable working area for pipeline burial and improve the reclamation potential compared to the current 0.5:1 slope. This would result in approximately 1 acre of new disturbance. Total disturbance on the BLM lease (COC62161) attributed to this project would be 3.5 acres.

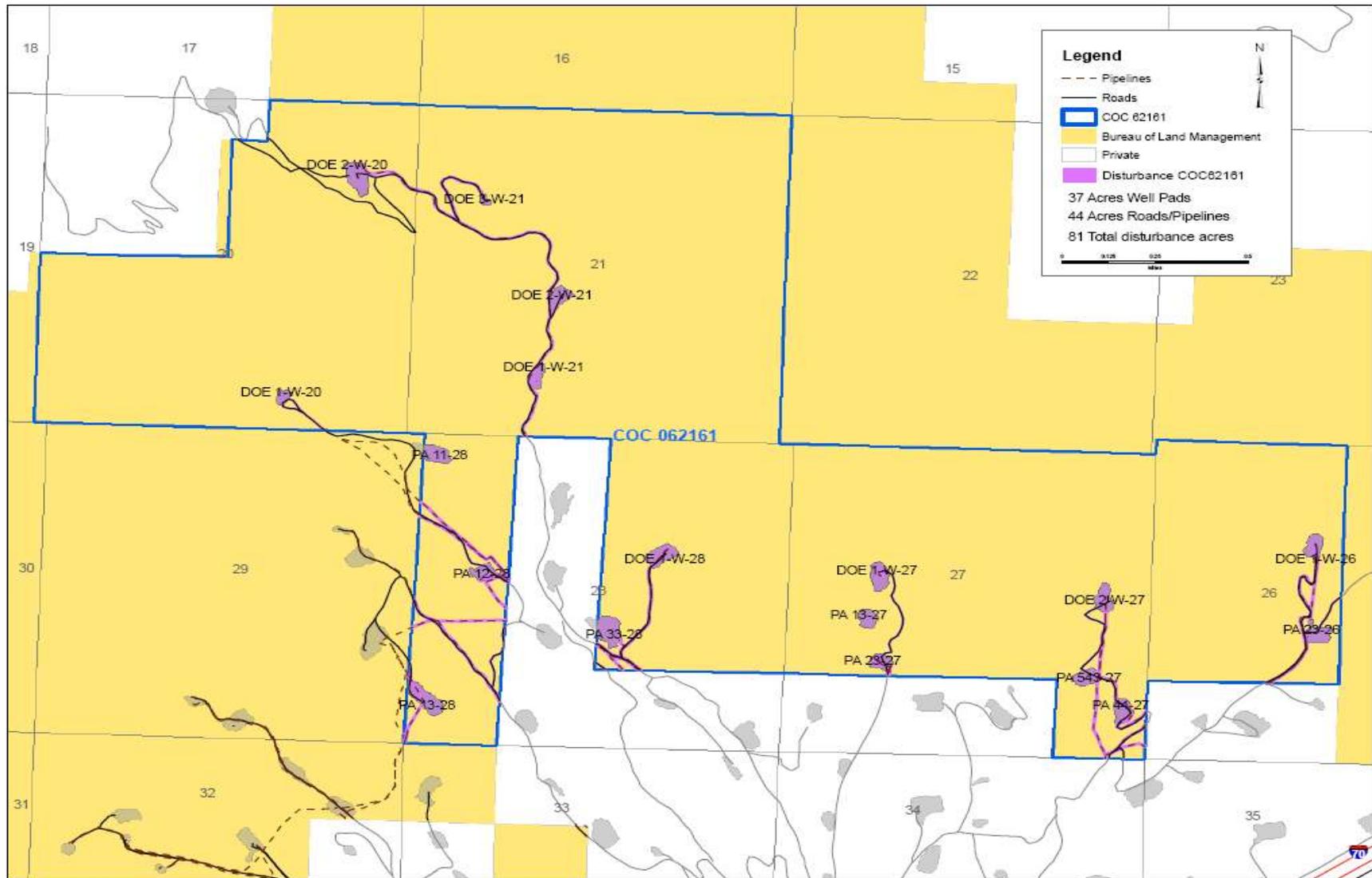


Figure 3. Disturbance Acreage for Federal Lease COC62161

To accomplish the pipeline clearing, William would employ a trackhoe-mounted hydroaxe unit to mow the brushy vegetation and occasional tree, leaving only the root material to be excavated with a dozer during the topsoil stripping. Wood chips would be incorporated into the salvaged topsoil, which would be windrowed alongside the uphill edge of the disturbance corridor. The topsoil windrow would be placed on top of the mowed brush allowing the brush to quickly sprout back after the topsoil is spread back over the reclaimed corridor. Trench spoils would be windrowed along the lower side of the cleared right-of-way or spread across the existing access road, depending on the circumstance. The pipes would be buried to a minimum depth of 4 feet and placed concurrently in the same 4-foot-wide trench with a minimum 1-foot separation between the buried lines.

After installation, the lines would be tested using air compressed from the atmosphere. Pipelines would be maintained according to industry standards. A cathodic protection system would be used to protect against external corrosion and sustain the working life of the pipelines. After the new pipelines are tested and operational, the three surface pipelines would be decommissioned by pulling the lines individually down to the DOE2-W-20 pad, cutting them in manageable sections, and hauling the materials from BLM land for recycling.

The pipeline construction would occur during fall 2011 so the lines would be operational when the wells are put into production after the 2012 drilling and completion work. Furthermore, conducting the pipeline installation during the fall months would avoid migratory bird conflicts. The only applicable lease stipulation that could affect the planned pipeline installation would be the December 1-April 30 timing limitation for big game winter habitat. Construction activity would not be allowed during this period unless otherwise approved by the Authorized Officer after consultation with the Colorado Parks and Wildlife manager.

B. Land Use Plan Conformance

Land Use Plan (LUP) Name: The current land use plan is the *Glenwood Springs Resource Management Plan* (RMP) (BLM 1984, revised 1988). Relevant amendments include the *Oil and Gas Plan Amendment to the Glenwood Springs Resource Management Plan* (BLM 1991) and the *Oil & Gas Leasing & Development Record of Decision and Resource Management Plan Amendment* (BLM 1999).

Date Approved/Amended: *Oil and Gas Plan Amendment to the Glenwood Springs Resource Management Plan* (BLM 1991) – approved November 27, 1991; *Oil & Gas Leasing & Development Record of Decision and Resource Management Plan Amendment* (BLM 1999) – approved March 24, 1999.

Determination of Conformance: The 1991 plan amendment for oil and gas (BLM 1991) included the following at page 3: “697,720 acres of BLM-administered mineral estate within the Glenwood Springs Resource Area (GSRA) are open to oil and gas leasing and development, subject to lease terms and (as applicable) lease stipulations” (BLM 1991, page 3). This decision was carried forward into the 1999 plan amendment for oil and gas.

The 1999 plan amendment for oil and gas (BLM 1999) included the following at page 15: “In areas being actively developed, the operator must submit a Geographic Area Proposal (GAP) that describes a minimum of 2 to 3 years of activity for operator controlled leases within a reasonable geographic area.” The current project is in an area designated as open to oil and gas leasing and development, and this CX has been prepared pursuant to a GAP (Wheeler to Webster Geographic Area Plan, EA #CO140-2001-048). Therefore, the project conforms to the current LUP, as amended.

C. Compliance with NEPA

Consistency with CX Category #1: Individual surface disturbances of less than 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. All of the questions listed in Table 1 must be answered “Yes” to use this Section 390 CX.

Table1. Project Screening Questions		
1. Will the proposed action disturb less than 5 acres?	Yes	No
2. Is the current amount of surface disturbance on the entire leasehold, plus the proposed action, less than 150 acres?	Yes	No
3. Was the proposed action adequately analyzed in an existing site-specific National Environmental Policy Act (NEPA) document?	Yes	No

NEPA Document Name: The AP 21-20-695 and DOE 2-W-20 pads were identified as existing well pads in the Wheeler to Webster GAP (EA #CO140-2001-048), approved on July 24, 2002. That EA satisfies the criteria of being an activity-level or project-level EIS or EA that is applicable to the Proposed Action.

Persons and/or Agencies Consulted: Williams Production RMT Company, LLC: April Mestas, Richard Jenkins, Joe Weaver Jr., Kent Rider

Interdisciplinary Review: BLM staff from the CRVFO listed in Table 2 participated in the preparation of this Section 390 CX, including review of survey results submitted by the Operator’s consultants, evaluation of impacts likely to occur from implementation of the proposed action, and identification of appropriate COAs.

Table 2. BLM Interdisciplinary Team Authors and Reviewers		
<i>Name</i>	<i>Title</i>	<i>Areas of Participation</i>
John Brogan	Archaeologist	Cultural Resources, Native American Religious Concerns
Jim Byers	Natural Resource Specialist	Project Lead, Access & Transportation, Range Management, Socio-Economics, Invasive Non-native Species, Special Status Plants, Vegetation
Allen Crockett, Ph.D.	Supervisory NRS/Phys. Sci.	NEPA Review
Shauna Kocman, Ph.D.	Hydrologist	Air, Noise, Soils, Surface Water, Waters of the U.S.
Julie McGrew	Natural Resource Specialist	Visual Resources
Sylvia Ringer	Wildlife Biologist	Migratory Birds, Special Status Species, Aquatic and Terrestrial
Todd Sieber	Geologist	Geology and Minerals, Groundwater, Paleontology

The proposed action was presented to the Colorado River Valley Field Office interdisciplinary team on September 26, 2011. The Section 390 CX was posted on the CRVFO NEPA website on September 26, 2011, for solicitation of public comment.

MITIGATION: Terms and conditions to be attached to the BLM Right-of-way for the AP 21-20-695 pipeline installation are listed in Attachment A.

Name of Preparer: Jim Bryan Date: 10/24/11

D. Signature

The proposed action is statutorily categorically excluded from further NEPA documentation in accordance with Section 390(b)(1) of the Energy Policy Act of 2005, which provides for exclusion of individual surface disturbances of less than 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.

Authorizing Official: Allen B. Crockett Date: Oct 24, 2011

E. Decision and Rationale for Action

I have decided to approve the installation of the buried pipelines serving the Williams AP 21-20-695 well pad with the stipulations and terms and conditions identified in Attachment A of this form. The stipulations and COAs are required by this decision, and variance from these stipulations and COAs during project implementation may require further NEPA review.

I have reviewed Section B, Land Use Plan Conformance, and Section C, Compliance with NEPA, and have determined that the proposed activity is in conformance with the applicable land use plan(s) and referenced NEPA documents. I have also evaluated the proposal to ensure the appropriate exclusion category as described in Section 390 of the Energy Policy Act of 2005 has been correctly applied. I have determined, that no further environmental analysis is required.

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

Oct 24, 2011
Date

F. Administrative Review or Appeal Opportunities

Mineral Leasing Act Rights-of-Way

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, part 4. If an appeal is taken, your notice of appeal must be filed in this office (Colorado River Valley Field Office, 2300 River Frontage Road, Silt, Colorado 81652) within 30 days from receipt of this decision, if served a copy of the document, or otherwise within 30 days of the date of the decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 2801.10 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based

on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay

**Terms and Conditions for BLM Right-of-Way
DOI-BLM-CO-N040-2011-0112-CX (390)**

Wording and numbering of these Terms and Conditions may differ from those included the existing BLM Rights-of-Way COC69913 and COC69913A . In cases of discrepancies, the following Terms and Conditions supersede earlier versions.

1. Administrative Notification. The operator shall notify the BLM representative at least 48 hours prior to initiation of construction. If requested by the BLM representative, the operator shall schedule a pre-construction meeting, including key operator and contractor personnel, to ensure that any unresolved issues are fully addressed prior to initiation of surface-disturbing activities or placement of production facilities. No construction shall commence without the staking of pipeline trench centerline and flagging or staking of the planned disturbance corridor.
2. Road Maintenance. Roads shall be crowned, ditched, surfaced, drained with culverts and/or water dips, and constructed to BLM Gold Book standards. Initial gravel application shall be a minimum 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 6 inches, blading and/or gravelling shall be conducted as approved by the BLM.
3. Dust Abatement. The operator shall implement dust abatement measures as needed to prevent fugitive dust from vehicular traffic, equipment operations, or wind events. The BLM 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.
4. Drainage Crossings and Culverts. 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 cofferdam 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 (USACE) recommends designing drainage crossings for the 100-year event. Contact the USACE Colorado West Regulatory Branch at 970-243-1199 ext. 17 (Travis Morse).

Pipelines installed beneath stream crossings shall be buried at a minimum depth of 4 feet below the channel substrate to avoid exposure by channel scour and degradation. Following burial, the channel grade and substrate composition shall be returned to pre-construction conditions.

5. 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 West Regulatory Branch at 970-243-1199 ext. 17 (Travis Morse). Copies of any printed or emailed approved USACE permits or verification letters shall be forwarded to the BLM.

6. Wetlands and Riparian Zones. The operator shall restore temporarily disturbed wetlands or riparian areas. The operator shall consult with the BLM Colorado River Valley Field Office to determine appropriate mitigation, including verification of native plant species to be used in restoration.
7. 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. Reclamation Plans. In areas that have low reclamation potential or are especially challenging to restore, reclamation plans will be required prior to APD approval. The plan shall contain the following components: detailed reclamation plans, which include contours and indicate irregular rather than smooth contours as appropriate for visual and ecological benefit; timeline for drilling completion, interim reclamation earthwork, and seeding; soil test results and/or a soil profile description; amendments to be used; soil treatment techniques such as roughening, pocking, and terracing; erosion control techniques such as hydromulch, blankets/matting, and wattles; and visual mitigations if in a sensitive VRM area.
 - b. Deadline for Interim Reclamation Earthwork and Seeding. Interim reclamation to reduce a well pad to the maximum size needed for production, including earthwork and seeding of the interim reclaimed areas, shall be completed within 6 months following completion of the last well planned to be drilled on that pad as part of a continuous operation. If a period of greater than one year is expected to occur between drilling episodes, BLM may require implementation of all or part of the interim reclamation program.

Reclamation, including seeding, of temporarily disturbed areas along roads and pipelines, and of topsoil piles and berms, shall be completed within 30 days following completion of construction. Any such area on which construction is completed prior to December 1 shall be seeded during the remainder of the early winter season instead of during the following spring, unless BLM approves otherwise based on weather. If road or pipeline construction occurs discontinuously (e.g., new segments installed as new pads are built) or continuously but with a total duration greater than 30 days, reclamation, including seeding, shall be phased such that no portion of the temporarily disturbed area remains in an unreclaimed condition for longer than 30 days. BLM may authorize deviation from this requirement based on the season and the amount of work remaining on the entirety of the road or pipeline when the 30-day period has expired.

If requested by the project lead NRS for a specific pad or group of pads, the operator shall contact the NRS by telephone or email approximately 72 hours before reclamation and reseeding begin. This will allow the NRS to schedule a pre-reclamation field visit if needed to ensure that all parties are in agreement and provide time for adjustments to the plan before work is initiated.

The deadlines for seeding described above are subject to extension upon approval of the BLM based on season, timing limitations, or other constraints on a case-by-case basis. If the BLM approves an extension for seeding, the operator may be required to stabilize the reclaimed surfaces using hydromulch, erosion matting, or other method until seeding is implemented.

- c. Topsoil Stripping, Storage, and Replacement. All topsoil shall be stripped following removal of vegetation during construction of well pads, pipelines, roads, or other surface facilities. In areas of thin soil, a minimum of the upper 6 inches of surficial material shall be stripped. The BLM may specify a stripping depth during the onsite visit or based on subsequent information regarding soil thickness and suitability. The stripped topsoil shall be stored separately from subsoil or other excavated material and replaced prior to final seedbed preparation.
- d. 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.

If directed by the BLM, the operator shall implement measures following seedbed preparation (when broadcast-seeding or hydroseeding is to be used) to create small depressions to enhance capture of moisture and establishment of seeded species. Depressions shall be no deeper than 1 to 2 inches and shall not result in piles or mounds of displaced soil. Excavated depressions shall not be used unless approved by the BLM for the purpose of erosion control on slopes. Where excavated depressions are approved by the BLM, the excavated soil shall be placed only on the downslope side of the depression.

If directed by the BLM, the operator shall conduct soil testing prior to reseeding to identify if and what type of soil amendments may be required to enhance revegetation success. At a minimum, the soil tests shall include texture, pH, organic matter, sodium adsorption ratio (SAR), cation exchange capacity (CEC), alkalinity/salinity, and basic nutrients (nitrogen, phosphorus, potassium [NPK]). Depending on the outcome of the soil testing, the BLM may require the operator to submit a plan for soil amendment. Any requests to use soil amendments not directed by the BLM shall be submitted to the CRVFO for approval.

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

- e. 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 no longer allows the use of sterile hybrid non-native 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 BLM 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.

- f. 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 or by hydroseeding and hydromulching. If hydroseeding and hydromulching are used, these shall be conducted as separate steps to ensure adequate contact of seeds with the soil and adequate coverage by the mulch.

If interim revegetation is unsuccessful, the operator shall implement subsequent reseeding until interim reclamation standards are met.

- g. Mulch. Mulch shall be applied within 24 hours following completion of seeding. Mulch may consist of either hydromulch or of certified weed-free straw, certified weed-free native grass hay, or wood straw crimped into the soil.

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

- h. 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 BLM. Cut-and-fill slopes along drainages or in areas with high erosion potential shall also be protected from erosion using hydromulch designed specifically for erosion control or biodegradable blankets/matting, bales, or wattles of weed-free straw or weed-free native grass hay. A well-anchored fabric silt fence shall also be placed at the toe of cut-and-fill slopes along drainages or to protect other sensitive areas from deposition of soils eroded off the slopes. Additional BMPs shall be employed as necessary to reduce soil erosion and offsite transport of sediments.
- i. 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 BLM shall approve the type of fencing.
- j. 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 BLM 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 BLM.
8. Weed Control. The operator shall regularly monitor and promptly control noxious weeds or other undesirable plant species as set forth in the Glenwood Springs Field 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 to BLM by **December 1**.

9. Bald and Golden Eagles. It shall be the responsibility of the operator to comply with the Bald and Golden Eagle Protection Act (Eagle Act) with respect to “take” of either eagle species. Under the Eagle Act, “take” includes to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest and disturb. “Disturb” means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle; (2) a decrease in its productivity by substantially interfering with normal breeding, feeding, or sheltering behavior; or (3) nest abandonment by substantially interfering with normal breeding, feeding, or sheltering behavior. Avoidance of eagle nest sites, particularly during the nesting season, is the primary and preferred method to avoid a take. Any oil or gas construction, drilling, or completion activities planned within 0.5 mile of a bald or golden eagle nest, or other associated activities greater than 0.5 miles from a nest that may disturb eagles, should be coordinated with the BLM project lead and BLM wildlife biologist and the USFWS representative to the CRVFO at 970-876-9051 (Creed Clayton).
10. Raptor Nesting. To protect nesting raptors, a survey shall be conducted prior to construction, drilling, or completion activities that are to begin during the raptor nesting season (February 1 to August 15). The survey shall include all potential nesting habitat within 0.25 mile of a well pad or 0.125 mile of an access road, pipeline, or other surface facility. Results of the survey shall be submitted to the BLM. If a raptor nest is located within the buffer widths specified above, a 60-day raptor nesting TL will be applied by the BLM to preclude initiation of construction, drilling, and completion activities during the period of **March 15 to May 15**. The operator is responsible for complying with the MBTA, which prohibits the “take” of birds or of active nests (those containing eggs or young), including nest failure caused by human activity (see COA for Migratory Birds).
11. 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. Regardless of the method used, it 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 USFWS representative to the CRVFO at 970-876-9051 (Creed Clayton) and visit <http://www.fws.gov/mountain-prairie/contaminants/oilpits.htm>.
12. Birds of Conservation Concern. Pursuant to BLM Instruction Memorandum 2008-050, all surface-disturbing activities are prohibited from **May 1 to July 1** 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 within 30 meters (100 feet) of the area to be disturbed. Nesting shall be deemed to be occurring if a territorial (singing) male is present within the distance specified above. Nesting surveys shall include an audial 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 1 and continue into the 60-day period at the same location.

13. Fossil 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 of the findings. The discovery must be protected until notified to proceed by the BLM.

Where feasible, the operator shall suspend ground-disturbing activities at the discovery site and immediately notify the BLM of any finds. The BLM 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.

14. 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 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 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 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. Approval to proceed will be based upon evaluation of the resource. Evaluation shall be by a qualified professional selected by the BLM 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 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 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 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 will provide technical and procedural guidelines for relocation and/or to conduct mitigation. Upon verification from the BLM 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).

15. Visual Resources. Production facilities shall be placed to avoid or minimize visibility from travel corridors, residential areas, and other sensitive observation points—unless directed otherwise by the BLM due to other resource concerns—and shall be placed to maximize reshaping of cut-and-fill slopes and interim reclamation of the pad.

To the extent practicable, existing vegetation shall be preserved when clearing and grading for pads, roads, and pipelines. The BLM may direct that cleared trees and rocks be salvaged and redistributed over reshaped cut-and-fill slopes or along linear features.

Above-ground facilities including valve risers and welded pipe protection cages shall be painted **Shadow Gray** to minimize contrast with adjacent vegetation or rock outcrops.

16. Windrowing of Topsoil. Topsoil shall be windrowed around the pad perimeter to create a berm that limits and redirects stormwater runoff and extends the viability of the topsoil per BLM Topsoil Best Management Practices (BLM 2009 PowerPoint presentation available upon request from Glenwood Springs Field Office). 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 microbial activity, reduce erosion, and minimize weed establishment.
17. Soils. Cuts and fills shall be minimized when working on erosive soils and slopes in excess of 30 percent. 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 percent, BLM personnel may request a professional geotechnical analysis prior to construction.
18. Pipeline Installation Details. Operator shall install on BLM land approximately 2,150 feet of the 12-inch steel gas, 2-inch low pressure steel gas, and 6-inch Flexsteel produced water pipeline along the staked/flagged alignment using a variable disturbance corridor (50 to 75 feet). A 50-foot disturbance width would be used along approximately 600 feet cross-country from the DOE 2-W-20 pad west to the access road and a 75-foot disturbance width would be used for approximately 1,570 feet alongside the access road. The 75-foot corridor width, which includes the width of the existing access road, would provide the necessary working space to lay back the existing steep cutslope conditions that presently exist along the road cut, thereby enhancing the overall project reclamation potential of the road and the

pipeline. The construction segment along the existing AP 21-20-695 access road shall have a 75-foot wide disturbance corridor off the west side of the road. The pipes would be buried to a minimum depth of 4 feet and placed concurrently in the same 4-foot wide trench with a minimum 1-foot separation between the buried lines.

To accomplish the pipeline clearing, William shall employ a trackhoe-mounted hydroaxe unit to mow the brushy vegetation and occasional tree leaving only the root material to be excavated with a dozer during the topsoil stripping. Topsoil shall be windrowed alongside the uphill edge of the disturbance corridor. The topsoil windrow shall be placed on top of the mowed brush allowing the brush to quickly sprout back after the topsoil is spread back over the reclaimed corridor. Trench spoils shall be windrowed along the lower side of the cleared right-of-way or spread across the existing access road, depending on the circumstance.

After installation, the lines shall be tested using air compressed from the atmosphere. Pipelines shall be constructed and maintained according to industry standards. A cathodic protection system shall be used to protect against external corrosion and sustain the working life of the pipelines. After the new pipelines are tested and operational, the three surface pipelines shall be decommissioned by pulling the lines individually down to the DOE 2-W-20 pad, cutting them in manageable sections, and hauling the materials from BLM land for recycling.

19. DOE 2-W-20 Cutslope Work. In order to safely bring the pipeline alignment across the top of the DOE 2-W-20 pad, the current ½:1 slope behind the separators and storage tanks on the DOE 2-W-20 pad shall be excavated (using proper topsoil storage techniques) to lay back the steep cut to at least a 1½:1 slope. The excess material generated from the earthwork shall be stored on the working area of the DOE 2-W-20 pad between the tanks and the cuttings storage. The topsoil stripped during this cutslope work shall be placed above the planned upper edge of the reconfigured cutslope so that the topsoil can be readily drifted across the resloped cut after the pipeline has been installed and corridor reshaped.
20. Storm Water Improvements. The existing Mahaffey Trail that traverses above the DOE 2-W-20 pad serves as a direct source of storm water flow onto the pad since there are no storm water controls in place along the trail. Therefore, after the cutslope at the northwest corner of the DOE 2-W-20 pad is resloped and the pipelines are buried across this reshaped cutslope, storm water structures including water bars, ditch outlets and sediment traps shall be installed along the segment of Mahaffey Trail under the direction of the Authorized Officer. The objective for this work is to direct all storm water flows emanating from the Mahaffey Trail and/or the new buried pipelines around the perimeter of the northwest pad corner and avoid this off-site storm water from impacting the DOE 2-W-20 pad.
21. Excess Material Storage and Use. The excess material generated from the DOE 2-W-20 cutslope excavation work shall be moved and stored on the pad working area generally near the cuttings storage pile. The material shall be used to mix/dry/cover cuttings to be placed against the DOE 2-W-20 cutslope per Sundry Notice authorization granted on August 21, 2011.
22. Big Game Winter Range Timing Limitation. To minimize impacts to wintering big game, no construction, drilling or completion activities shall occur during a Timing Limitation (TL) period from **December 1 to April 30 annually**