

**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-N040-2013-0092-CX (390)

### **A. Background**

Bureau of Land Management (BLM) Office: Colorado River Valley Field Office

CASEFILE/PROJECT NUMBER: COC76268 for BLM Right-of-Way

PROPOSED ACTION TITLE/TYPE: Proposal to Convert Existing DOE 1-W-27 Well to Water Disposal and Install Buried Water Delivery Pipeline Across BLM Land 5½ Miles Northeast of Parachute, Garfield County, Colorado Authorized by Right-of-Way Grant.

LOCATION OF THE PROPOSED ACTION: Township 6 South (T6S), Range 95 West (R95W), Section 27, Lot 6, NE¼SW¼, Sixth Principal Meridian. The project area lies approximately 5½ miles northeast of Parachute, Garfield County, Colorado. The frontage road on the north side of Interstate 70 (I-70) provides vehicle access to the East Parachute field and the DOE 1-W-27 well pad.

DESCRIPTION OF THE PROPOSED ACTION: WPX Energy Rocky Mountain LLC (“WPX”) proposes to convert the producing DOE 1-W-27 low-volume natural gas well to a saltwater disposal (SWD) well via right-of-way grant authorization. The DOE 1-W-27 pad supports seven producing gas wells including the DOE 1-W-27 well, which initially began producing natural gas in 1989 after being drilled and completed in the Wasatch formation by the Department of Energy. The existing pad was reconstructed for a fourth drilling visit involving six new Federal wells that were drilled from August through September 2013. For the water well conversion, the future interim reclamation working area of the pad (identified in the well permit as 0.83 acre) shall be used for this project. The existing pad access road would continue to be used for lease operations in its present condition and support the water line installation and injection well maintenance and monitoring (Figure 1).

To efficiently deliver produced water to the well for disposal into the target Wasatch G formation, WPX proposes to install a buried 4-inch diameter Flexsteel water pipeline from the existing PA 42-33 pad on private land near the valley floor to the DOE 1-W-27 pad on BLM land to deliver produced water to the SWD well for its operating period. As mentioned, a fourth drilling visit is planned for summer 2013 with APD-approved pipeline upgrades involving the installation of new 8-inch gas and 6-inch water lines along with the pre-installation of the planned 4-inch water delivery line serving the proposed SWD well. The DOE 1-W-27 drilling and pipeline upgrades were analyzed in the previously approved East Parachute Environmental Assessment (#DOI-BLM-CO-N040-2013-0025). The APDs for the DOE 1-W-27 drilling and pipeline installations including the pre-installation of the 4-inch water delivery line were approved on April 18, 2013. As of August 2, 2013, WPX has not obtained permission from the private landowner to proceed with the buried installation of any of the related DOE 1-W-27 pipelines; those agreements are forthcoming.

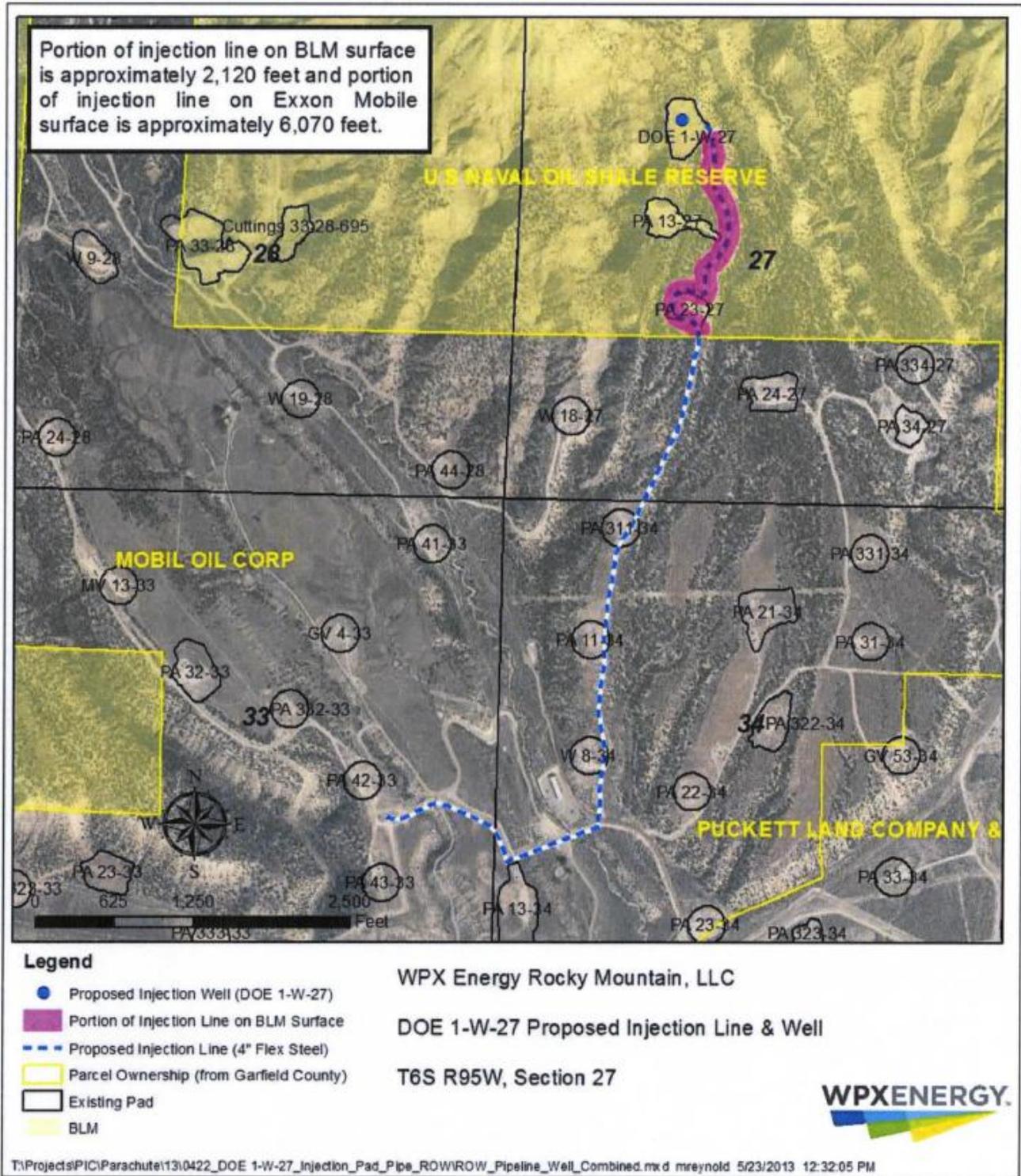


Figure 1. Proposed DOE 1-W-27 Saltwater Disposal Well and Buried Water Delivery Pipeline

Features of the Saltwater Disposal Well. Excess saltwater stored at WPX's Parachute and Rulison Evaporation Facilities and generated from numerous producing wells operated by WPX in the surrounding fields would be delivered in the new water pipeline and disposed through the DOE 1-W-27 wellbore to the Wasatch G formation. The BLM ROW grant (COC76268) would authorize the disposal of off-lease produced waters within Federal minerals, authorize the new buried 4-inch pipeline to deliver saltwater to the well, and require annual payment of fees for the disposal of waters and rental schedules for the well and pipeline. The volume of produced water disposed through the wellbore into the formation below would be measured and reported to BLM on an annual basis. Colorado Oil and Gas Conservation Commission (COGCC), the permitting agency in Colorado for water disposal wells (termed Underground Injection Conversion or "UIC" by COGCC), is undergoing permit review of this well conversion and water disposal action. An aquifer exemption request has been reviewed and would be granted by the U.S. Environmental Protection Agency (USEPA), Colorado Department of Public Health and Environment (CDPHE) and COGCC as part of the COGCC UIC permitting process. BLM, CRVFO is undergoing Sundry Notice review of the potential effects of the action on the Federal mineral estate. It is estimated that the water disposal actions in the DOE 1-W-27 wellbore could be undertaken for a period of 30 years.

Features of the Buried Water Delivery Line. The buried water delivery line would be approximately 8,190 feet in total length with approximately 2,120 feet on BLM land (Figure 1). The planned disturbance width to install the water line across BLM would be 20 feet. The 4-inch buried water delivery line would be located alongside existing roads or within existing pipeline corridors (estimated 20-foot disturbance corridor) resulting in 0.97 acres of disturbance that was previously analyzed in the East Parachute EA. Across the private land segments, about 2.79 acres (based on 20-foot corridor width) would be redisturbed along existing roads and pipeline corridors on private land to bury the water line to the PA 42-33 pad. The total pipeline disturbance estimate of 3.76 acres is reflected in Table 1. Except for the roadway segments which would be resurfaced with gravel, the entire pipeline corridor disturbance would be seeded after the pipeline is installed negating any long-term disturbance.

An existing network of water pipelines would deliver produced water from WPX's Parachute and Rulison water management facilities to the proposed pump station at the PA 42-33 pad. The pump would provide the pressure to deliver the estimated water volume (2,000 to 3,000 barrels/day) through the proposed water line to the DOE 1-W-27 disposal well. Since the pump would be powered with electricity from existing overhead powerlines, no long-term on-site emissions would be expected from the operation of the pump or the SWD operation.

The new buried water line would be installed by windrowing topsoil alongside the edge of the proposed alignment, excavating a minimum 4-foot-deep trench, connecting the pipeline segments with industry certified connections for Flexsteel materials, installing aboveground valve access where needed, reclaiming the existing pipeline corridor by replacing trenched material, spreading topsoil across the area of disturbance and promptly seeding the pipeline alignment. Any staging areas for materials on public land would be located on existing roads or pads. Road gravel replacement would be required along any pipeline segments installed within existing roadways.

Features of the Temporary Surface Water Delivery Line. In the event that approvals for buried water line across private land are not obtained by late fall 2013, and the BLM ROW approvals are granted for the SWD conversion of the well, WPX would install a temporary steel 4-inch diameter surface water delivery line (8,000 psi rating) along the identical planned buried water pipeline alignment (Figure 1). Since the water line would be welded along existing roads or pads and placed or pulled within existing pipeline corridor with a trackhoe or front-end loader, there would be no new disturbance associated with the surface line installation. The proposed right-of-way width for the surface line would be 10 feet with no

additional area needed for construction or installation. Should this temporary surface delivery line be needed, the BLM approval method would be a sundry notice.

*Surface Disturbance Summary.* The total surface disturbance of the DOE 1-W-27 well conversion project is 4.59 acres (Table 1). The planned working area (0.83 acre) of the DOE 1-W-27 pad would be utilized for the well conversion work and to stage equipment needed to support the disposal of produced water; no additional surface disturbance at the pad would be needed to implement the planned water disposal operations. The installation of the buried water delivery line would involve 0.97 acre of new surface disturbance on BLM and 2.79 acres of redisturbance within existing pipeline corridors on private land.

<b>Table 1. Project Disturbance Summary</b>				
<i>Land Ownership</i>	<i>Pad Working Area</i>	<i>Buried Water Line Length</i>	<i>Disturbance Area of Buried Line <sup>1</sup></i>	<i>Total Disturbance</i>
BLM	0.83 acre	2,120 feet	0.97 acre New Disturbance	1.80 acres
Private		6,070 feet	2.79 acres Redisturbance	2.79 acres
Total	0.83 acre	8,190 feet	3.76 acres	4.59 acres

<sup>1</sup> The amount of disturbance on Federal lease was previously analyzed in the East Parachute EA based on 20-foot disturbance width along roads or within corridors.

The project work on BLM land would be subject to a big game winter timing limitation covering the period from December 1 to April 30. During project planning, BLM determined that the entire new water line alignment (from the PA 42-33 pad on private land to the DOE 1-W-27 SWD well location on BLM) would be considered a connected Federal action since the produced water would be disposed of within Federal minerals overlying Federal lands.

The pipeline construction work would follow industry Best Management Practices and the guidelines established in the BLM Gold Book, *Surface Operating Standards for Oil and Gas Exploration and Development* (USDI and USDA 2007). After installation, the line would be tested using air compressed from the atmosphere. Pipelines shall be constructed and maintained according to industry standards and COGCC regulations.

The DOE 1-W-27 water disposal well and water delivery pipeline would be authorized with the BLM ROW grant pursuant to Title V of the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

Resource surveys including wildlife and special status plants were completed for this project in May 2013. The proposed alignment had been previously inventoried for cultural resources. An onsite for the project was conducted on March 18, 2013.

**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 Proposed Action is in conformance with the 1991 and 1999 RMP amendments cited above because the Federal mineral estate proposed for development was designated as open to oil and gas leasing and development, and Federal oil and gas leases COC62161 was duly issued pursuant thereto. In addition, the 1999 RMP amendment requires multi-year development plans known at that time as Geographic Area Plans (GAPs) for lease development over a large geographic area. The current project is within the area covered by the Wheeler to Webster GAP (CO140-2001-048) and also meets GAP exception criteria in the 1999 RMP Amendments based on its small size and location along existing access roads and pipeline corridors. Therefore, the Proposed Action is in conformance with the current land use plan.

### 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 2 must be answered “Yes” to use this Section 390 CX.

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

NEPA Document Name: The proposed pipeline project would be constructed within the boundary of the East Parachute Field Development Project (EA #DOI-BLM-CO-N040-2013-0025) approved on April 16, 2013, and that the existing 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

WPX: Lisa Dee, John Doose, Justin Hall, Richard Jenkins, Wayne Gallahan, Mike Reynolds, Kris Meil

Interdisciplinary Review: BLM staff from the CRVFO listed in Table 3 participated in the preparation of this Section 390 CX, including review of resource 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.

The Proposed Action was presented to the Colorado River Valley Field Office interdisciplinary team on June 12, 2013.

MITIGATION: Terms and conditions to be attached to the Right-of-Way Grant for the DOE 1-W-27 Water Disposal Well and Water Delivery Pipeline are listed in the attachment to this Section 390 CX.

# COC 62161

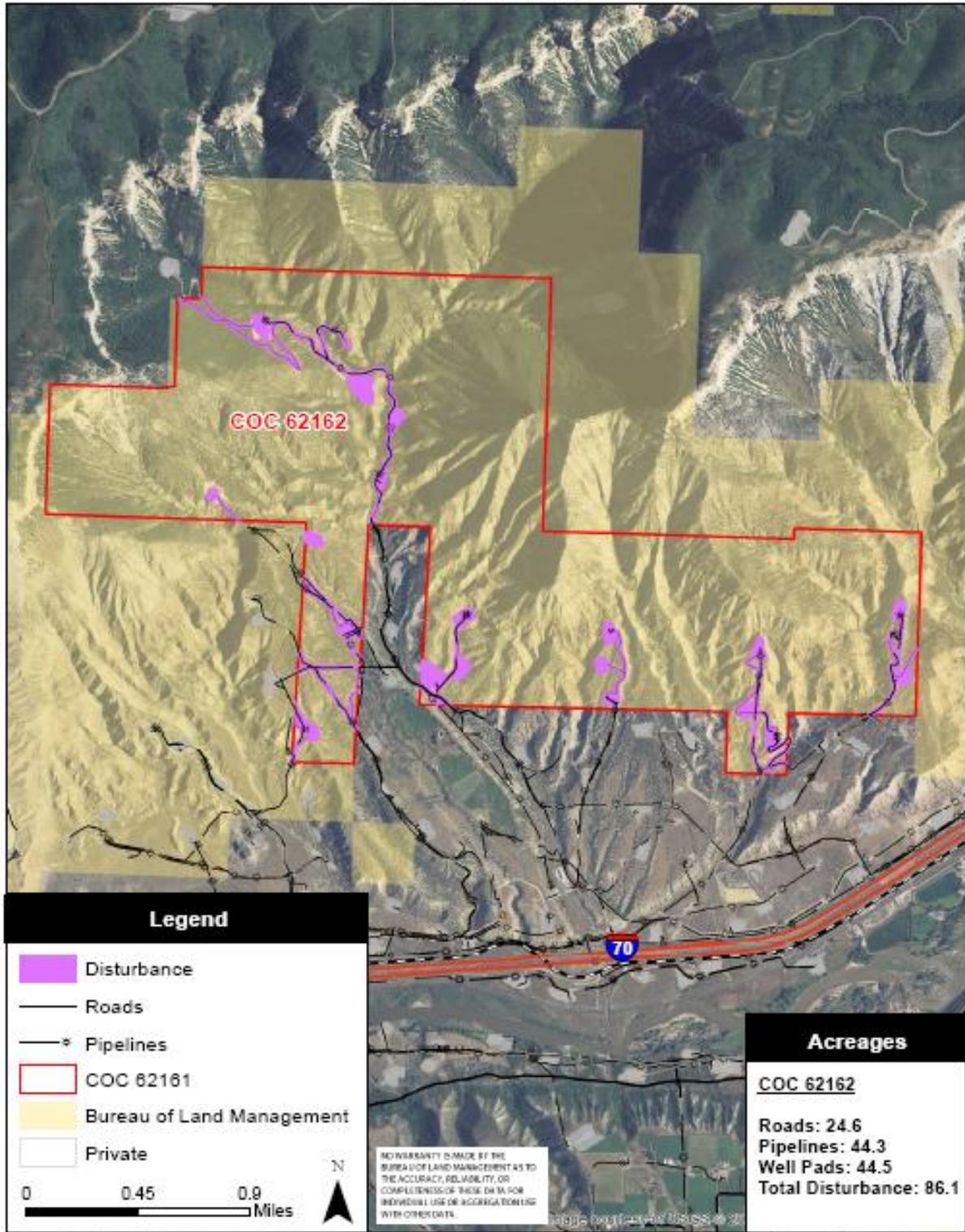


Figure 2. Disturbance Acreage for Federal Lease COC62161

**Table 3. 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	EA Project Lead, Access & Transportation, Socioeconomics, Wastes-Hazardous or Solid, Right-of-Way Permitting
Allen Crockett, Ph.D., J.D.	Supervisory NRS	NEPA Review
Shauna Kocman, Ph.D., P.E.	Hydrologist	Air Quality, Noise, Soils, Surface Water, Waters of the U.S.
Julie McGrew	Natural Resource Specialist	Visual Resources
Gail Petry	Legal Instrument Examiner	Right-of-Way Permit Review
Judy Perkins, Ph.D.	Botanist	Invasive Non-native Species, Special-status Species (Plants), Vegetation
Sylvia Ringer	Wildlife Biologist	Migratory Birds, Special-status Species (Animals), Wildlife, Aquatic and Terrestrial
Todd Sieber	Geologist	Paleontology

Name of Preparer: Jim Byers, Natural Resource Specialist

Date Prepared: October 31, 2013

**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:  Date: 11/1/13

**E. Decision and Rationale for Action**

I have decided to approve the DOE 1-W-27 Water Disposal Well and Water Delivery Pipeline with the stipulations and conditions of approval identified in the COAs and stipulations attached to 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 C. Land Use Plan Conformance and 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.

 11/1/13  
 Allen Crockett, Ph.D. Date  
 Supervisory Natural Resource Specialist

## **F. Administrative Review or Appeal Opportunities**

### FLPMA Rights-of-Way or Temporary Use Permits

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 (*Insert the appropriate office address of the officer who made the decision*) 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.

**ATTACHMENT B**  
**STIPULATIONS AND CONDITIONS OF APPROVAL**  
**DOE 1-W-27 Water Disposal Well**  
**Buried 4-inch Diameter Produced Water Pipeline**  
**DOI-BLM-CO-N040-2013-0092-CX(390)**

These Stipulations shall apply to all activities within WPX's DOE 1-W-27 Water Disposal Well and Water Delivery Pipeline Right-of-Way Grant (COC76268), unless otherwise specified.

*Copies of the ROW grant with the stipulations shall be kept on site during construction and maintenance activities. All construction personnel shall review the grant and stipulations before working on the ROW.*

**SITE-SPECIFIC CONDITIONS OF APPROVAL**  
**BLM RIGHT-OF- WAY (COC76268)**  
**DOE 1-W-27 WATER DISPOSAL WELL**

1. This ROW grant is independent of Environmental Protection Agency (EPA) and Colorado Oil and Gas Conservation Commission (COGCC) approvals. If the holder (WPX) identifies a conflict between this approval and the necessary approvals granted by the EPA and/or COGCC, the holder will immediately notify this office and propose corrective actions to remedy the conflict.
2. This ROW is granted only for the disposal of produced water in the DOE 1-W-27 well and is completely dependent upon the approval and authorization of the Sundry Notice (Form 3160-5) submitted to the BLM CRVFO on May 30, 2013, for conversion of the DOE 1-W-27 well to saltwater disposal in the Wasatch G formation.
3. Cost Per Barrel Fee. The initial cost per barrel fee shall be (\$0.15) of produced water injected into the DOE 1-W-27 well. Prior approval shall be obtained from the BLM for the procedures and equipment proposed to be used for measurement of produced water injected into the DOE 1-W-27 well before such disposal begins. The BLM may modify the proposal and condition the approval.
4. Exclusive Use. This ROW is granted to WPX for the exclusive use of the DOE 1-W-27 well for disposal of produced water originating only from those wells operated by the holder, as recognized by the BLM or COGCC.
5. Annual Water Disposal ("Injection") Reports. The holder must provide the authorized officer an annual water disposal ("injection) volume report by October 15 of each year. The report needs to break down the number of barrels disposed by month with a yearly total. The report can be submitted electronically or in writing to this office. The initial report will be for the period from grant issuance through September 30, 2013. Subsequent reports will be for the period October 1 through September 30 of the following year.
6. Paint Color. All above ground structures not subject to safety requirements shall be painted by the operator to the specifications of the BLM in order to meet the Visual Resource Management (VRM) requirements for the area. Above-ground facilities shall be painted **Shadow Gray** to minimize contrast with adjacent vegetation or rock outcrops.

The only surface feature on the pad needed to accommodate the well conversion would be an insulating 4-walled building installed over the well head to avoid freezing issues during winter weather.

7. Well and Facility Identification. Per 43 CFR 3162.6: (b) For wells located on Federal and Indian lands, the operator shall properly identify, by a sign in a conspicuous place, each well, other than those permanently abandoned. The well sign shall include the well number, the name of the holder, the lease serial number, the surveyed location (the quarter-quarter section, section, township and range or other authorized survey designation acceptable to the authorized officer; such as metes and bounds).

**SITE-SPECIFIC CONDITIONS OF APPROVAL  
BLM RIGHT-OF- WAY (COC76268)**

**4-INCH BURIED FLEXSTEEL WATER DELIVERY PIPELINE SERVING THE DOE 1-W-27 PAD**

1. Administrative Notification. WPX Energy Rocky Mountain LLC (“WPX”) shall notify the BLM Authorized Officer (AO) at least 48 hours prior to initiation of construction. The operator shall schedule a preconstruction meeting with BLM, including key operator and contractor personnel, to ensure that any unresolved issues are fully addressed prior to initiation of surface-disturbing activities and review the stipulations of the ROW grant, including the POD as applicable, as well as required safety regulations, if appropriate. All existing buried pipelines along the project alignment shall be located and marked prior to the preconstruction meeting to facilitate discussion of construction methods and logistics.
2. Utilities Locations. All existing pipelines, surface valves, and other utilities shall be field located, clearly marked, and the appropriate Utility Notification Center ([www.unc.org](http://www.unc.org)) shall be notified before any construction/surface work occurs. All publicly owned underground facilities shall be marked according to the APWA color code. Line location work shall be conducted prior to the preconstruction meeting and construction startup.
3. Pipeline Construction and Maintenance. The 4-inch diameter buried Flexsteel water pipeline shall be installed to industry, COGCC and BLM “Gold Book” standards. The pipeline shall be buried with a minimum depth of 48 inches from the top of the pipe to the surface. Overall construction width shall not exceed the 20-foot width of the planned water line corridor unless otherwise directed by the Authorized Officer. Prior to construction, the gravel surfacing on the roadway shall be bladed aside for later reuse after water line installation. Use of vacuum trucks to “pothole” existing pipelines and pipeline crossings is recommended prior to pipeline trenching. No equipment or vehicle use shall be allowed outside the staked disturbance corridor of the pipeline ROW unless authorized by BLM personnel.

***Concurrent Installation of Pipelines related to East Parachute Development Project.*** Since there are buried gas and production water lines that were analyzed and planned in the East Parachute Project EA that will be installed in near future for the DOE 1-W-27 drilling developments, WPX shall preinstall the 4-inch buried saltwater delivery line segment concurrently in the same trench with the planned buried pipelines intended to serve the DOE 1-W-27 pad. The concurrent pipeline installations shall be approved by BLM sundry notice.

***Option for Installation Temporary Surface Water Delivery Line.*** In the event that approvals for buried water line across private land are not obtained by late fall 2013, and the BLM ROW approvals are granted for the SWD conversion of the well, WPX shall submit a BLM Sundry Notice requesting approval to install a temporary steel 4-inch diameter surface water delivery line (8,000 psi rating) along the identical planned buried water pipeline alignment (Figure 1). The water line shall be welded along existing roads or pads and placed or pulled within existing pipeline corridor with a trackhoe or front-end loader, resulting in no new disturbance associated with the surface line

installation. The proposed right-of-way width for the surface line shall be 10 feet with no additional area needed for construction or installation.

**All pipeline work on BLM land would be subject to a big game winter timing limitation covering the period from December 1 to April 30.**

4. Pipeline Testing. After pipeline installation is completed and prior to being put into service, the 4-inch Flexsteel water line shall be tested by using air compressed from the atmosphere. The entire pipeline shall be tested in compliance with United States Department of Transportation (USDOT) Code of Federal Regulations (CFR) (49 CFR Part 192). (Ref. 49 CFR 192.500.Subpart J entitled "Test Requirements").
5. Fire Suppression. Welding, acetylene or other torch with open flame shall be operated in an area barren or cleared of all flammable materials at least ten feet on all sides of equipment. Internal combustion engines must be equipped with approved spark arrestors which meet either a) Department of Agriculture, Forest Service Standard 5100-1a, or b) Society of Automotive Engineers (SAE) recommended practices J335(b) and J350(a).
6. Saturated Soil Conditions. When saturated soil conditions exist on or along the proposed right-of-way, construction shall be halted until soil material dries out or is frozen sufficiently for construction to proceed without undue damage and erosion to soils.
7. Warning Signs. Pipeline warning signs shall be installed within 5 days of completion of construction and prior to use of the pipeline for transportation of product. Pipeline warning shall be installed at all road crossings and shall be visible from sign to sign along the ROW. For safety purposes each sign shall be permanently marked with the operator's name and shall clearly identify the owner (emergency contact) and purpose (product) of the pipeline.
8. Sanitary Site Conditions. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment. Disposal of all liquid and solid wastes produced during construction or operation of the pipeline shall be in an approved manner so as to not adversely affect the air, soil, water, vegetation, or wildlife.
9. Open Trenches. All open trenches shall be maintained in a safe condition to ensure no side-wall collapsing occurs and that all personnel, livestock, and wildlife are safe from falling into an open trench or being trapped or injured within the trenches.

Some protective systems may include the following (*Reference: OSHA 29 CFR 1926.650*):

- Shoring by installing supports to prevent soil movement for trenches that do not exceed 20 feet in depth.
- Shielding to protect workers by using trench boxes or other types of supports to prevent soil cave-ins.
- Always providing a way to exit a trench, such as a ladder or ramp, no more than 25 feet of lateral travel for personnel, livestock, or wildlife in the trench.
- Keeping spoils at least 2 feet back from the edge of a trench.
- Ensuring sure that trenches are inspected by competent personnel prior to entry and after any hazard-increasing event such as a rainstorm, etc.

Trenches adjacent to access roads and/or public or private dwellings shall be covered and/or warning barriers erected upon completion of daily construction or at any time personnel are not present on the construction site.

10. Notification of Other ROW Holders. The holder shall notify all existing ROW holders in the project area prior to beginning any surface disturbance or construction activities. It is the holder's responsibility to coordinate with all other ROW holders and resolve any conflicts.
11. 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. Posted speed limits on county and private roads shall be strictly followed during all phases of the pipeline project to reduce vehicle speeds and thereby reduce dust along the access roads.
12. 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 a piped stream diversion (flumed flows) 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.

Pipelines installed beneath perennial stream crossings shall be buried at a minimum depth of 7 feet below the channel substrate to avoid exposure by channel scour and degradation. At ephemeral and intermittent washes the pipeline shall be buried at a minimum depth of 4 feet below the channel substrate. Following burial, the channel grade and substrate composition shall be returned to preconstruction conditions.

13. Jurisdictional Waters of the United States. The operator shall obtain appropriate permits from the U.S. Army Corps of Engineers (USACE) prior to discharging fill material into Waters of the US in accordance with Section 404 of the Clean Water Act. Waters of the US 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 US may require mitigation. Contact the USACE Colorado West Regulatory Branch at 970-243-1199 ext. 17. Copies of any printed or emailed approved USACE permits or verification letters shall be forwarded to the BLM.
14. 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 ROW Grant 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; 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 Visual Resource Management (VRM) area.
- b. Deadline for Reclamation Earthwork and Seeding. 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 pipeline construction occurs discontinuously 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, individual reclamation requirements for sensitive areas including sensitive plant species or ecological sites, and the amount of work remaining on the entirety of the road or pipeline when the 30-day period has expired.

The deadlines for seeding described above are subject to extension upon approval of the BLM based on season, timing limitations (TLs), 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 pipelines, access 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 (per the BLM CRVFO letter provided to operators dated October 23, 2012). 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 prohibited or restricted noxious weed seeds and shall contain no more than 0.5% by weight of other weed seeds. Seed may contain up to 2.0% 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. Hydroseeding and hydromulching shall 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 reseeds 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 or certified weed-free native grass hay 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 BMPs approved by the BLM. Additional BMPs such as biodegradable wattles, weed-free straw bales, or silt fences shall have be employed as necessary to reduce transport of sediments into the drainages. The BLM may, in areas with high erosion potential,

require use of hydromulch or biodegradable blankets/matting to ensure adequate protection from slope erosion and offsite transport of sediments and to improve reclamation success.

- 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, including monitoring methods used, 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.
15. 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 and Pesticide Application Records (PARs) shall be submitted to BLM by **December 1**.
16. Big Game Winter Range. In conformance with the current land use plan that governs ROW actions, all activities related to pipeline construction on the Federal portion of the pipeline route are prohibited from **December 1 to April 30**.
17. 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 BLM Field Office (970-876-9051).
18. Raptor Nesting. Raptor nest surveys in the project vicinity conducted in April 2013 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 associated with this project. Therefore, a 60-day raptor nesting TL is not required. However, to help ensure compliance with the Migratory Bird Treaty Act (MBTA), 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 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).
19. Migratory Birds – General. 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, which includes injury and direct mortality resulting from human actions not intended to have such result. All mortality or injury to birds shall be reported immediately to the BLM project lead and to the USFWS representative to

the BLM Field Office at 970-243-2778 x28 and visit <http://www.fws.gov/mountain-prairie/contaminants/oilpits.htm>.

20. Migratory Birds – Birds of Conservation Concern. Pursuant to BLM Instruction Memorandum 2008-050, all vegetation removal or surface disturbance in previously undisturbed lands providing potential nesting habitat for Birds of Conservation Concern (BCC) is prohibited from **May 1 to July 1**. An exception to this TL may 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 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 1 and continue into the 60-day period at the same location.
21. Range Management. 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. If a new or improved access road bisects an existing livestock fence, steel frame gate(s) or a cattle guard with associated bypass gate shall be installed across the roadway to control grazing livestock.
22. 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.

23. 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 shall 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 shall 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 shall 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 shall be subject to arrest and penalty of law (16 USC 433, 16 USC 470, 18 USC 641, 18 USC 1170, and 18 USC 1361).

24. Visual Resources. Existing woody vegetation outside the ROW corridor shall be preserved when clearing and grading for the pipeline corridor. The BLM may direct that cleared woody vegetation and rocks within the ROW corridor be salvaged and redistributed over reshaped cut-and-fill slopes and along the highly visible sections of the pipeline corridor to emulate the texture closer to that of the native landscape and to encourage vegetation growth

To facilitate revegetation, root systems shall be left in place where feasible and removed only during trench construction. Aboveground facilities shall be painted **Shadow Gray** to minimize contrast with adjacent vegetation or rock outcrops.

During construction, BLM and WPX representatives shall jointly review construction measures to determine effectiveness in meeting visual resource mitigation measures, and if subtle changes in construction techniques are warranted, they shall be directed by the BLM.