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-N040-2013-0018-CX (390)

A. Background

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

CASEFILE/PROJECT NUMBER: COC75971 for BLM Right-of-Way

PROPOSED ACTION TITLE/TYPE: Proposal to Install Buried Water Pipelines across 710 feet of BLM between RU31-12V Pad near Beaver Creek and Juhan Frac Pad near Porcupine Creek Southwest of Rifle, Colorado Authorized by Right-of-Way Grant.

LOCATION OF THE PROPOSED ACTION: Township 7 South (T7S), Range 94 West (R94W), Section 1, S½SW¼SE¼, Sixth Principal Meridian. The project alignment would involve primarily private land except for a 710-foot segment across public land in the Beaver Creek watershed approximately 5.5 air-miles southwest of Rifle, Garfield County, Colorado (Figure 1).

DESCRIPTION OF THE PROPOSED ACTION: WPX Energy Rocky Mountain LLC ("WPX") proposes to concurrently install two 6-inch diameter Flexsteel buried water pipelines in the same trench across 710 feet of BLM to gather and transport produced water from the Flatiron Mesa natural gas field to its water storage and treatment facilities on the north and south side of the Colorado River (Figure 1). The proposed pipeline, with a total length of 24,179 feet between the Juhan Frac Pad near Porcupine Creek and the RU 31-12V Tank Farm near Beaver Creek, would provide delivery of fresh water and recycled produced water to serve future drilling and completion activities planned in the Flatiron Mesa field. Both pipelines would transport produced water without the use of water trucks along Garfield County Roads (CR) 320 (Rifle to Rulison) or 317 (Beaver Creek).

The two water lines would be buried across the BLM parcel within the previously-disturbed, presently reclaimed footprint of Encana's Savage 1-43 pad, alongside the pad access road, and across existing road and gas pipelines operated by Summit Midstream (Figure 2). The entire disturbance across the BLM would involve approximately 0.65 acres based on 40-foot wide corridor (Table 1). Less than 500 feet of the water lines would be installed along the west-side of the Encana pad and access road resulting in new vegetative surface disturbance in a 25-foot wide corridor alongside the road. The entire length of the pipeline would be 24,179 feet, with 23,469 feet occurring on fee land.

Table 1. Project Summary

Pipeline Segment	Length on BLM	Redisturbance Area
T7S R94W Sec 1	710 feet	0.65 acre

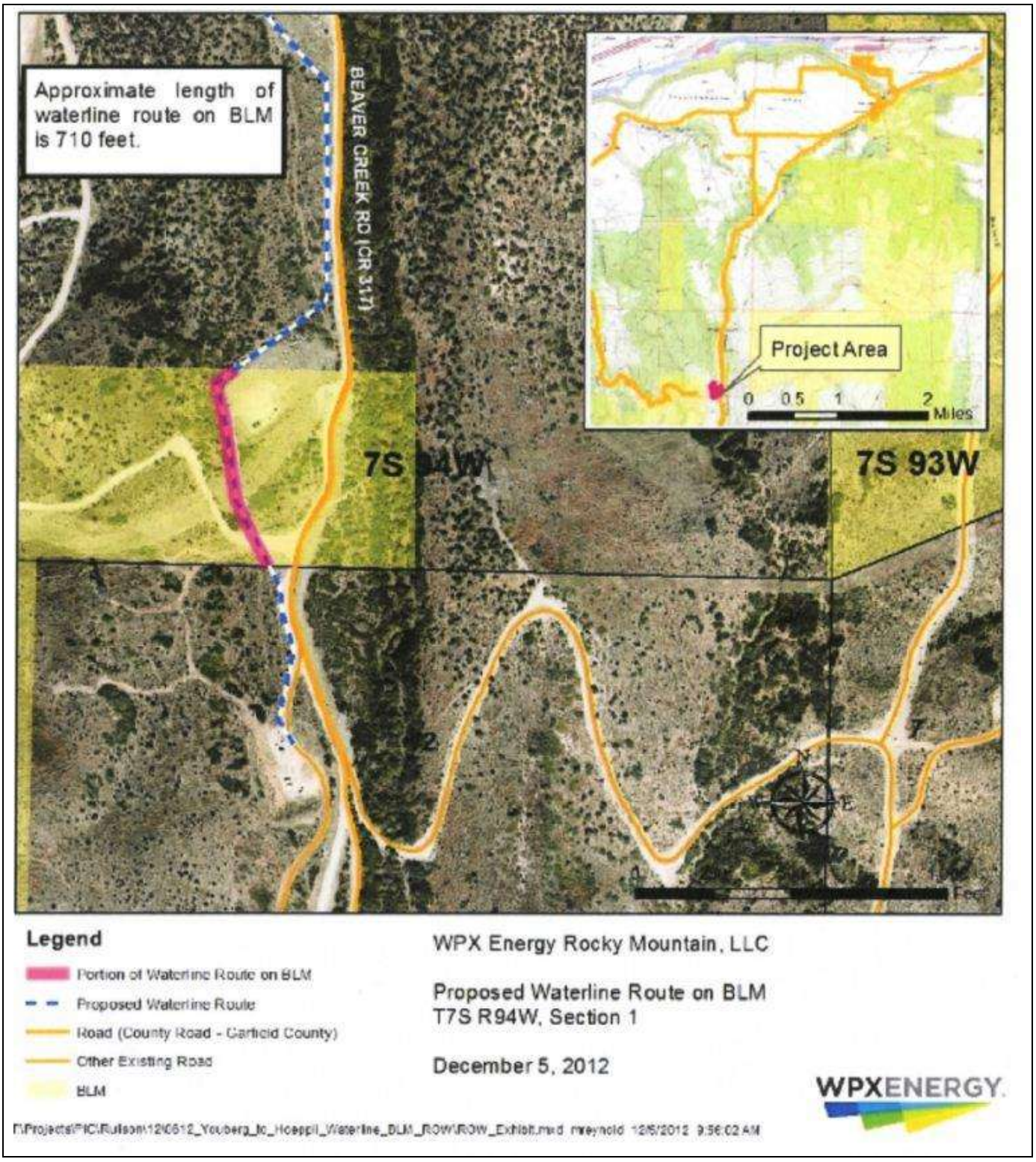

Figure 1. Project Vicinity Map

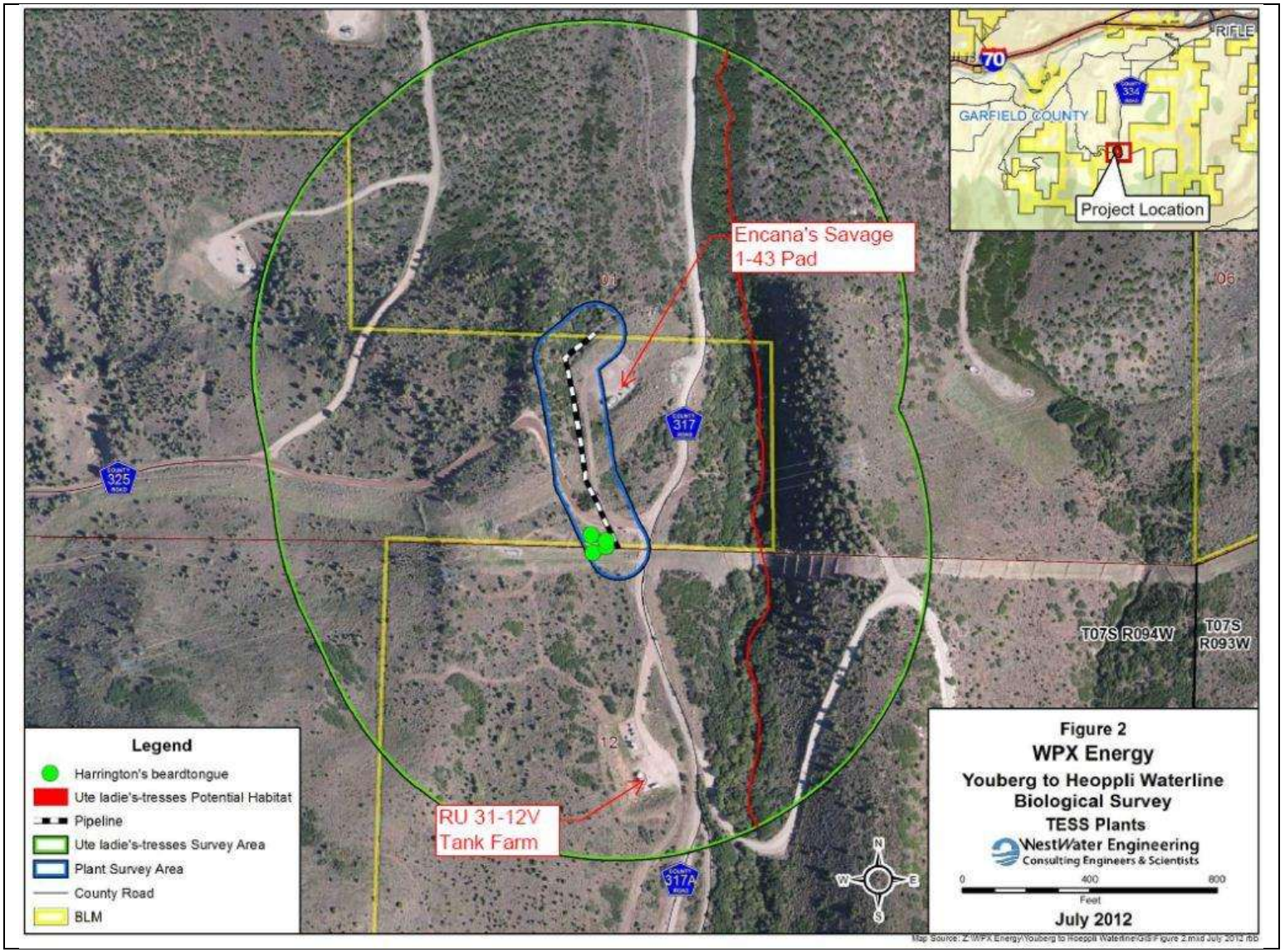

Figure 2. Results of Biological Survey

The new water lines would be installed by redisturbing the existing corridor, windrowing topsoil alongside the proposed alignment, excavating a new trench capable of burying the two 6-inch Flexsteel pipelines concurrently, 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 on public land needed for the pipeline installation would be located on existing roads.

With approval of an exception to the big game winter timing limitation which typically runs from December 1 to April 30, installation of the buried pipelines would be planned for January-February 2013 period based on construction progress on the remaining 4.5 miles of water lines on private land. Given the proximity to the Beaver Creek Road (CR 317), WPX requests an exception to the big game winter timing limitation allowing pipeline construction work on BLM land for a 2 to 3 week period between January-February, 2013.

During the project planning, BLM determined that the NEPA analysis for this project would be limited to the BLM land since the remaining project would be located on entirely on private land and could be feasibly realigned without any BLM purview

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 lines would be tested using air compressed from the atmosphere. Pipelines shall be constructed and maintained according to industry standards and COGCC regulations.

Both water pipelines 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, special status plant, and cultural resources were completed for this project in July 2012. Since the pipeline installation would occur after August 1, additional raptor surveys for this project are not necessary unless the construction commences after February 15, 2013. An onsite for the project was conducted on November 16, 2012.

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 the Beaver Creek Natural Gas Drilling Project (EA #CO078-1999-069). 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 2 must be answered "Yes" to use this Section 390 CX.

Table 2. 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? (See Figure 3)	**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 proposed pipeline project would be constructed within the boundary of the Beaver Creek Natural Gas Drilling Project (EA #CO078-1999-069) approved on August 19, 1999, 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: April Mestas, Richard Jenkins, John Doose, Bryan Hotard

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.

Table 3. BLM Interdisciplinary Team Authors and Reviewers		
Name	***Title***	***Areas of Participation***
John Brogan	Archaeologist	Cultural Resources, Native American Religious Concerns
Jim Byers	Natural Resource Specialist	EA Project Lead, Access & Transportation, Socioeconomics, Wastes-Hazardous or Solid,
Allen Crockett	Supervisory NRS	NEPA Review
Shauna Kocman	Hydrologist	Air Quality, Noise, Soils, Surface Water, Waters of the U.S.
Julie McGrew	Natural Resource Specialist	Visual Resources
Judy Perkins	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

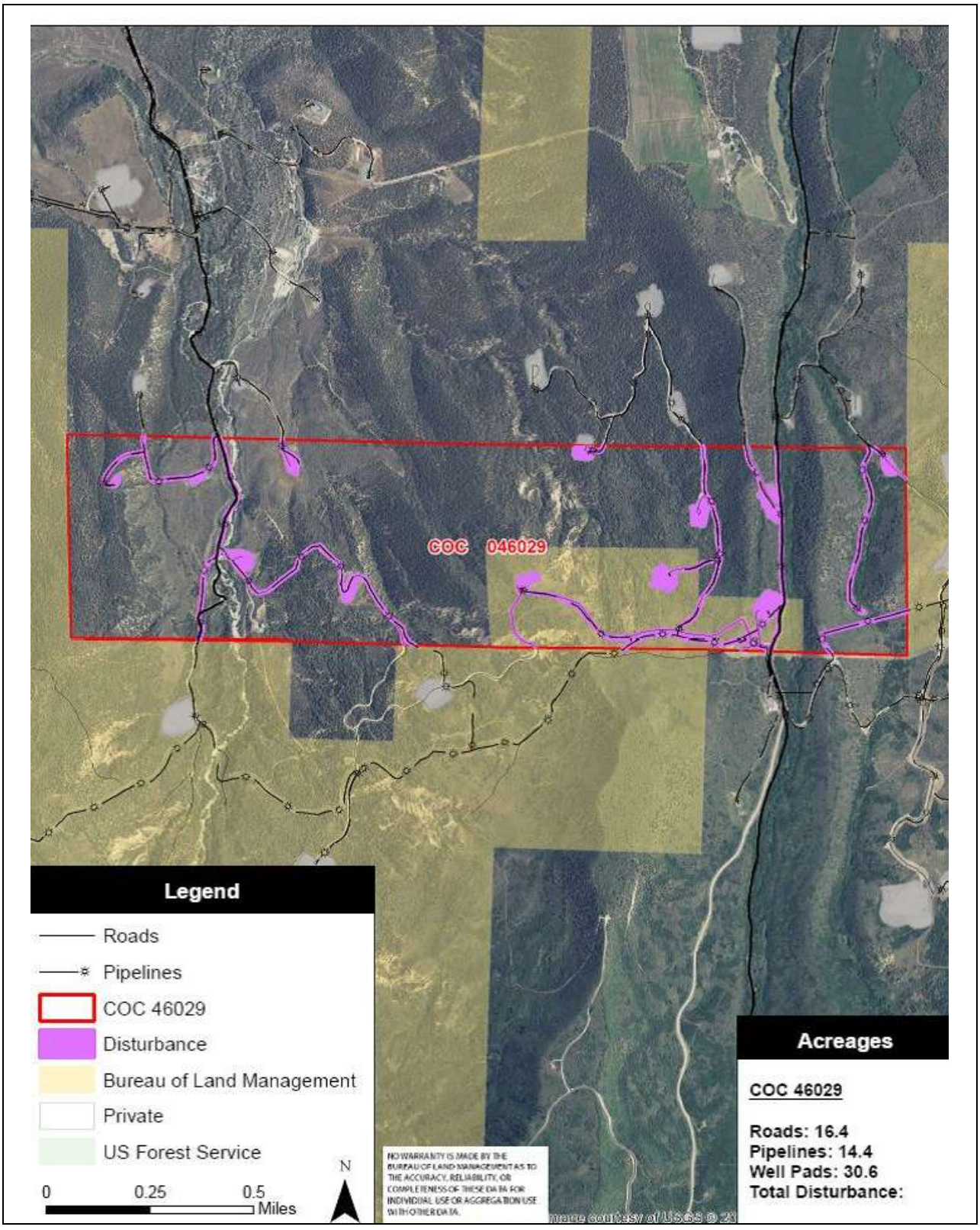

Figure 3. Disturbance Acreage for Federal Lease COC46029

The Proposed Action was presented to the Colorado River Valley Field Office interdisciplinary team on December 14, 2012. The Section 390 CX was posted on the CRVFO NEPA website on December 14, 2012 to solicit public comment on this project. No comments were received.

MITIGATION: Terms and conditions to be attached to the Right-of-Way Grant for the Water Pipelines Connecting the RU31-12V Pad to Juhan Frac Pad are listed in the attachment to this Section 390 CX.

Name of Preparer: Jim Byers, NRS Date: January 2, 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 such 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: Jan 10, 2013

E. Decision and Rationale for Action

I have decided to approve the Flatiron Mesa water pipeline upgrades 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.

_____ Jan. 10, 2013

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 TO RIGHT-OF-WAY GRANT COC75971
Stipulations and Conditions of Approval
WPX Energy Rocky Mountain LLC
Buried Produced Water Pipelines on BLM Connecting RU 31-12V Pad to Juhan Frac Pad

General Conditions of Approval and ROW Grant Stipulations outlined herein shall apply and remain in full force and effect, *unless superseded by stipulations included in this exhibit.* These Stipulations shall be applicable to all activities within WPX's RU 31-12V Pad to Juhan Frac Pad Water Pipelines (COC75971), 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.

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. If requested by the AO, the operator shall first schedule a preconstruction 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 and review the stipulations of the ROW grant, including the POD as applicable, as well as required safety regulations, if appropriate.

2. Pipeline Construction and Maintenance. The pipeline shall be installed to industry and BLM "Gold Book" standards. The pipeline(s) 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 40 feet nor shall any construction work occur outside the staked pipeline corridor unless otherwise directed by the Authorized Officer. The two 6-inch Flexsteel water lines shall be installed concurrently in the same trench. The centerline of the ROW and the exterior disturbance limits shall be clearly staked and/or flagged prior to any construction activity. No equipment or vehicle use shall be allowed outside the staked disturbance corridor of the pipeline ROW unless authorized by BLM personnel.

3. Saturated Soils Conditions. When saturated soil conditions exist on or along the proposed ROW prior to removal of vegetation or stripping of topsoil in an area, construction in that areas shall be halted until soil material dries out or is frozen sufficiently for construction to proceed without undue damage and erosion to soils.

4. 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) shall be notified before any construction/surface work occurs. All publicly owned underground facilities shall be marked according to the APWA color code.

5. 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.

6. Survey Monuments. The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the

above, the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority, if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau Cadastral Surveyor to restore the disturbed Monument(s) and References using survey procedures found in the Manual of Surveying Instruction of the Survey of the Public Lands in the United States, latest edition. The holder shall record survey into the appropriate county and send a copy to the authorized officer. If the Bureau Cadastral Surveyors or other Federal surveys are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost. Reference 43 CFR 9185.4-1(a).

7. 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.

8. Other Required Approvals and Permits. This authorization is contingent upon receipt of and compliance with all appropriate Federal, state, county and local, permits. The operator shall be responsible for obtaining all necessary environmental clearances and permits from all agencies (U.S. Army Corps of Engineers, Colorado Parks and Wildlife, U.S. Fish and Wildlife Service, Colorado Department of Transportation, Colorado Department of Public Health and Environment, Garfield County Road and Bridge, and City of Rifle) before commencing any work under this permit. Without all clearances and permits, this permit shall be not in effect. Operator shall assume all responsibility and liability related to potential environmental hazards encountered in connection with work under this permit.

9. Compliance with Federal Regulations. This grant amendment is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.

10. Compliance with Laws. WPX shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the operator shall comply with the Toxic Substances Control Act of 1976 (TSCA), as amended (15 U.S.C. 2601 *et seq*.) with regard to any toxic substances that are used, generated by, or stored on the ROW or on facilities authorized under this ROW grant (40 CFR Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193). Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release of spill of any toxic substances shall be furnished to the BLM concurrently with the filing of the reports to the involved Federal agency or State government.

11. Hold Harmless Clause. WPX agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601 *et seq.* or the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901, *et seq.*) on the ROW (unless the release or threatened release is wholly unrelated to the operator's activity in the ROW). This agreement applies without regard to whether a release is caused by the operator, its agent, or unrelated third parties.

12. 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.

13. As-Built Survey. An "as-built" center line survey of the right-of-way crossing Federal land, provided by a Certified Land Surveyor licensed to work in the State of Colorado, shall be provided to the BLM within 2 months of completion of the project.

14. 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 *(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 provide 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.
    - Keep spoils at least 2 feet back from the edge of a trench.
    - Make 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.

15. Fire Suppression. Welding or other use of an acetylene or other torch with open flame shall be operated in an area barren or cleared of all flammable materials at least 10 feet on all sides of equipment. Internal combustion engines must be equipped with approved spark arrestors which meet either (a) the USDA Forest Service Standard 5100-1a or (b) Society of Automotive Engineers (SAE) recommended practices J335(b) and J350(a).

16. Pipeline Testing. The entire pipeline shall be tested in compliance with DOT regulations (49 CFR Part 192). Incremental segments of the pipeline shall be filled to the desired maximum pressure and held for the duration of the test (8 hours minimum). (Ref. 49 CFR 192.503.c).

    Notification to all nearby residents as well as the appropriate County Dispatch Center shall be made no less than 24 hours prior to the pressure test and blow down. All necessary and reasonable precautions shall be taken to ensure the safety of the employees and the general public, the lands, domestic animals and wildlife, etc. This may include, but not be limited to, restriction of access to the pipe being tested, temporary warning signs installed in appropriate locations, effective communication.

17. 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.

18. Restrictions on Onsite Materials Storage. The operator shall not store hazardous materials, chemicals, fuels, lubricating oils, or perform concrete coating activities within 200 feet of any water body or dry drainage. Equipment or vehicles that are crossing or working within 200 feet of water bodies shall not be refueled unless the Environmental Inspector gives a specific exception. If any hazardous material must be temporarily stored or transferred within 200 feet of a water body (i.e., stationary pumps), it must be placed within a secondary containment structure that is capable of containing 110% of the volume of the stored material.

19. Traffic Control. Appropriate precautions for traffic control on public lands shall be in place and conform to the guidelines of the "Manual on Uniform Traffic Control Devices (MUTCD): Temporary Traffic Control Elements". A copy of the traffic control plan shall remain on site at all times during construction activities.

20. Noise and Traffic Calming. To mitigate noise impacts to public land users in the area, WPX shall instruct its employees and contractors that use of engine braking by trucks serving the project area is not allowed on BLM roads. To avoid conflicts with vehicular traffic accessing nearby private land, WPX shall implement signing and traffic control measures during pipeline construction. WPX shall obtain approved access, overweight load, and utility permits from Garfield County and shall adhere to Garfield County safety and road maintenance requirements including dust abatement.

21. Transportation/Road Maintenance. Commuting construction crews shall car pool to reduce the number of vehicle trips on local area roads and associated wear and tear. Operator shall ensure the commuting construction crews comply with posted speed limits on public roads and limit driving speeds to 20 mph on more primitive access roads to reduce the potential for vehicle collisions as well as to reduce traffic related noise and air pollution.

22. Private Landowners and Existing Rights-of-Way. The operator shall obtain agreements allowing construction with all existing authorized surface users of Federal ROW locations prior to surface disturbance or construction of the location, staging areas, or access across or adjacent to any existing ROW locations. In the case of privately owned surface, the operator shall certify to BLM that a Surface Use Agreement has been reached with the authorized surface user prior to construction.

23. 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.

24. 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 pre-construction conditions.

25. 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.

26. 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 plats, 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 reseedings 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 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. 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.

27. 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**.

28. 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**.

The operator shall report spills that might affect wildlife (in particular spills that impact water) to the local CPW District Wildlife Manager within 24 hours of detection.

29. 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).

30. Raptor Nesting. To protect nesting raptors, a survey shall be conducted prior to construction activities that are to begin during the raptor nesting season (February 1 to August 15). The survey shall include all potential nesting habitat within 0.125 mile of the proposed Wheeler Gulch water pipelines. Results of the survey shall be submitted to the BLM. If a raptor nest is located within the buffer width specified above, a 60-day raptor nesting TL will be applied by the BLM to preclude initiation of construction activities during the appropriate period for the particular species encountered. 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).

31. 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.

32. 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 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.

33. 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.

34. 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.

35. 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).

36. 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 assist with revegetation, root systems shall be left in place where feasible and only removed in the trench construction. Above-ground facilities shall be painted **Shadow Gray** to minimize contrast with adjacent vegetation or rock outcrops.

    During construction, the 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 could be directed by the BLM Authorized Officer.

37. Windrowing of Topsoil. Topsoil shall be windrowed, segregated, and stored along pipelines and roads for later spreading across the disturbed corridor during final reclamation. Depending upon the length of time before reclamation will occur, the topsoil berms may be required to be promptly seeded to maintain soil microbial activity, reduce erosion, and minimize weed establishment.

38. 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% BLM personnel may request a professional geotechnical analysis prior to construction.

    When saturated soil conditions exist on or along the proposed ROW, construction shall be halted until soil dries out or is frozen sufficiently for construction to proceed without undue damage and erosion.

SITE-SPECIFIC COAS APPLICABLE TO BURIED WATER PIPELINES NEAR RU 31-12V TANK FARM

1. Protections for Special Status Plant Species.

    a. Temporary plastic fencing shall be installed along the edges of all roads and pipeline disturbance areas surrounding the mapped Harrington's penstemon occurrence and within a distance of 30 meters of this occurrence. Fencing shall remain in place from start of construction until all earthwork has been completed.

b. Noxious weed treatments shall be limited to **spot treatments only within 100 meters** of the mapped Harrington's penstemon plants. A separate PUP shall be obtained from the BLM prior to any herbicide application within this 100 meter buffer.

c. Due to the proximity of the pipeline corridor to Harrington's penstemon habitat, the seed mix shown in Table A-1 shall be used instead of CRVFO's standard menu-based seed mix.

Table A-1. Seed Mix for Initial Seeding of Harrington's Penstemon Sites

Common Name	*Scientific Name*	*Variety*	*Season*	*Form*
Choose Five Grasses (50% of Total PLS)				
Bluebunch Wheatgrass	*Pseudoroegneria spicata, Agropyron spicatum*	Secar, P-7, Anatone, Goldar	Cool	Bunchgrass
Bottlebrush Squirreltail	*Elymus elymoides, Sitanion hystrix*	VNS	Cool	Bunchgrass
Columbia Needlegrass	*Achnatherum nelsonii, Stipa columbiana*	VNS	Cool	Bunchgrass
Indian Ricegrass	*Achnatherum [Oryzopsis] hymenoides*	Paloma, Rimrock	Cool	Bunchgrass
Junegrass	*Koeleria macrantha*	VNS	Cool	Bunchgrass
Muttongrass	*Poa fendleriana*	VNS	Cool	Weakly Rhizomatous
Needle-and-thread Grass	*Hesperostipa [Stipa] comata*	VNS	Cool	Bunchgrass
Choose Three Forbs (30% of Total PLS)				
Arrowleaf Balsamroot	*Balsamorhiza sagittata*	Scarlet Globemallow	*Sphaeralcea coccinea*	
Fernleaf Biscuitroot	*Lomatium dissectum*	Silverleaf Lupine	*Lupinus argenteus*	
Rocky Mountain Beeplant	*Cleome serrulata*	Sulphur-flower Wild-buckwheat	*Eriogonum umbellatum*	
Include Two Shrubs (20% of Total PLS)(See Footnote)				
*****Mountain Sagebrush	*******Artemisia vaseyana*	Fourwing Saltbush	*Atriplex canescens*	

* Mountain big sagebrush (*Artemisia tridentata* spp. *vaseyana*) shall not be included in the general seed mix but shall be separately broadcast-seeded area prior to snowfall using seeds collected along the corridor.

A minimum of five grass, three forb, and one shrub species shall be included in the seed mix initially installed by drill-seeding or hydroseeding (Table A-3). Seeding shall be at the rate of 60 pure live seeds (PLS) per square foot if drill-seeded and 120 PLS per square foot if broadcast-seeded or hydroseeded where drill-seeding is impracticable. If hydroseeding is used, application of seeds shall be performed as a separate step from application of hydromulch. In addition, seeds of mountain big sagebrush (*Artemisia tridentata* ssp. *vaseyana*) shall be collected from plants in the vicinity of the pipeline corridor and seeded within 6 months of collection. Sagebrush may be sown either by broadcast seeding or by placing the seed in the fluffy seed box of a seed drill, with the drop tube left open to allow seed to fall out on the ground surface. Broadcast seeding of sagebrush may be performed one year following the initial seeding of other species to allow nurse shrubs to establish prior to sagebrush seeding.

2. Treatment of Boulders. It is difficult to predict the amount of boulders that will be generated by the pipeline excavation work. However, boulders that are generated on the project shall be used to armor and line drainages, provide impediments to motorized travel onto or along the pipeline right-of-way. Boulders shall always be bedded into the ground with the white or lightest side of the rock face facing down or away from the viewing area. Rocks saved during construction shall be placed "white side down" on the pipeline corridor (or along the existing road based on Authorized Officer direction) during interim reclamation to reduce the amount of color contrast with the surrounding landscape and to deter off-road travel.

3. Exception to Big Game Winter Timing Limitation. Given that the location of the proposed RU 31-12V Pad to the Juhan Frac Pad water pipelines across 710 feet of BLM land would be in close proximity to the Beaver Creek Road (CR 317) and its typical daily traffic numbers, the BLM concurs with the request to allow the installation of the water pipelines across the 710 feet of BLM to occur within a 3 week period during the months of January and/or February 2013. All construction work involving tracked equipment must be completed within 3 weeks of the beginning construction startup date across the BLM parcel unless otherwise approved by the BLM Authorized Officer. Furthermore, all construction work on BLM land related to this project shall be conducted between the hours of 9:00 am and 4:00 pm.