

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-N040-2013-0114-CX (390)

A. Background

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

CASEFILE/PROJECT NUMBER: COC52584 for Federal Lease; COC76326 for Buried Water Line Right-of-Way; COC76328 for Road Right-of-Way.

PROPOSED ACTION TITLE/TYPE: Replace Existing Surface Water Line with a Buried 10-inch Water Pipeline in Webster Hill Area Southwest of Rifle, Colorado, Authorized by Right-of-Way Grant **and** Issue New Road Right-of-Way Grant for Existing Field Development Road on BLM.

LOCATION OF THE PROPOSED ACTION:

Township 6 South (T6S), Range 94 West (R94W), Section 33, Lots 4 and 5, Section 34, Lots 3 and 4, Sixth Principal Meridian. The project area is located approximately 6 miles southwest of Rifle, Garfield County, Colorado.

DESCRIPTION OF THE PROPOSED ACTION: WPX Energy Rocky Mountain LLC (“WPX”) proposes (1) to replace the existing surface 6-inch diameter steel welded water pipeline traversing across the BLM parcel on the north shore of the Colorado River with a new buried 10-inch poly water pipeline to avoid surface line freezing problems during the harsh winter weather periods, authorized under BLM right-of-way (ROW) (COC76326) (Figure 1); and (2) to obtain authorization for a separate BLM road ROW (COC76328) to use and maintain the existing field development road across the same BLM parcel.

Buried Water Line Replacement: The new 10-inch poly water line would be buried on the BLM parcel alongside or within the existing road. The entire 10-inch buried line work would occur within an existing pipeline corridor on private land or alongside the existing Webster Hill lease access road which crosses private and BLM. The new buried line would provide an all-weather pipeline to deliver production water to and from the Juhan Tank Facility located at the base of Porcupine Creek on private land (Figure 1). The Visual Resource Management objective for the BLM parcel is Class II.

The total length of the new 10-inch poly line would be 2,284 feet with a length of 751 feet across the BLM parcel. The disturbance corridor to install the poly water line would be 35 feet (15-foot permanent width and 20-foot wide temporary use area). WPX initially requested a 100-foot by 150-foot temporary use area near the point where the existing surface line is buried and bored under the Colorado River. WPX has since indicated this temporary use area can be reduced to 50-foot by 50-foot area to make the connection with a buried valve serving the river bore segment (Figure 1). Total acres of disturbance for the water line replacement project would be 1.895 acres with 0.661 acre occurring on BLM.

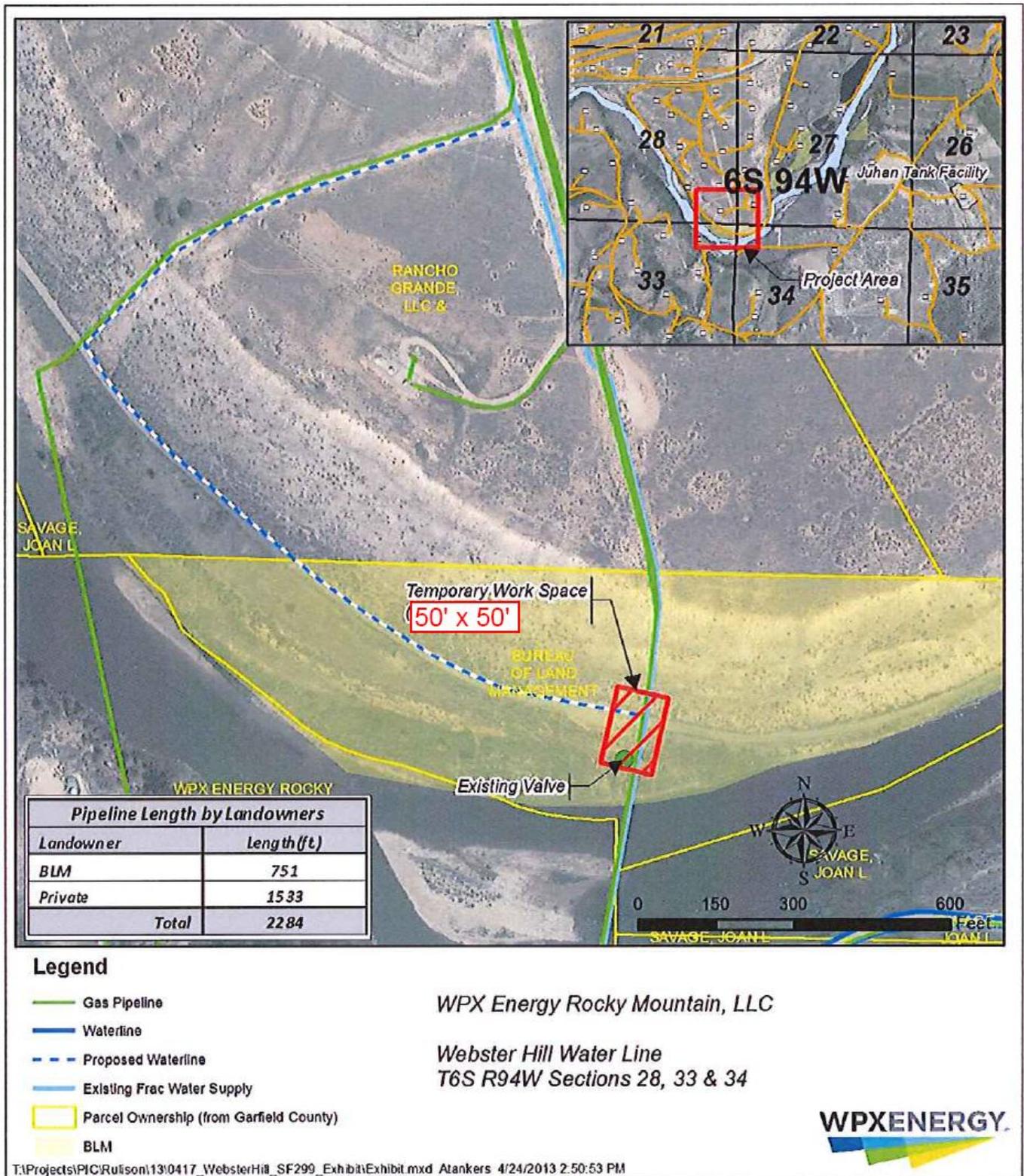


Figure 1. Project Map for the Buried Water Pipeline Replacement (ROW Grant COC76326)

The existing surface 6-inch steel water line (323 feet in length) would be removed from BLM after the new buried poly 10-inch line is trenched, buried, tested, and placed into service along the proposed route. The planned construction for the pipeline work would occur over a 15-day period.

Road Use Authorization: The existing road (Figure 2) has been used as the primary access route for the nearby Webster Hill wells on private leases since the Union Pacific railroad blocked off truck traffic access to Webster Hill from U.S. Highway 6 in the 1990s. The existing road was constructed within the old Denver Rio Grande railroad ROW corridor when the railroad route was abandoned on this portion of the Colorado River oxbow. No new disturbance would result from issuance of a ROW to use the existing road. The road segment included within the ROW is approximately 1,720 feet long and 20 feet wide.

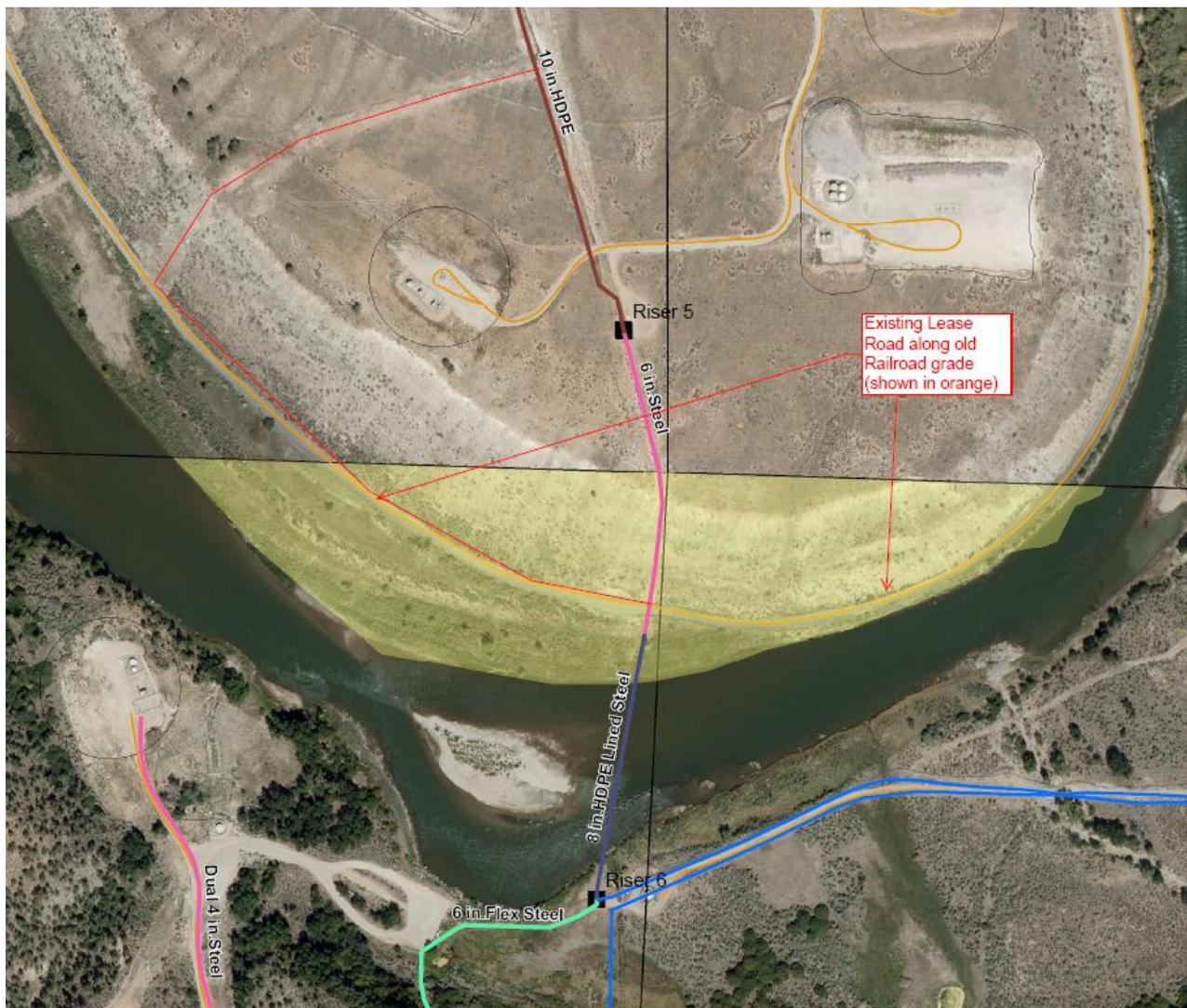


Figure 2. Project Map for the Road Use Authorization (ROW Grant COC76328)

Resource surveys for this project were completed in August 2013. Suitable habitat for one Federally threatened plant species, Ute lady's-tresses orchid, was found within the riparian area along the Colorado River immediately south of the project area, and approximately 10 meters from the temporary construction workspace. No plants were found during the 2013 survey. However, since this species does

not appear aboveground every year, a three year survey is the recommended survey protocol in suitable habitat. In lieu of three survey years, protective mitigations were developed in conjunction with the USFWS so that the project would have no effect on Ute lady's-tresses. Since no new disturbance is associated with issuance of the road ROW, no additional resource surveys would be conducted. The water pipeline work on BLM land would be subject to a big game winter range timing limitation covering the period from December 1 through April 30.

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). Pipelines would be constructed and maintained according to industry standards and BLM and COGCC regulations. The new 10-inch pipeline would be pressure-tested with air before being placed into service.

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 lease COC52584 was duly leased pursuant to the 1999 RMP amendment. The proposed project is of a type specifically contemplated and analyzed in the 1999 RMP amendment and is in conformance because the stipulations specified in the 1999 RMP amendment were attached to the lease and incorporated into project design. The Proposed Action is therefore 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 1 must be answered “Yes” to use this Section 390 CX.

Table 1. Project Screening Questions		Yes	No
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 3)	<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 initial pipeline project EA for ROW grant COC57563 (EA #CO-078-4-124, approved on November 1, 1994) identified the existing surface water line and various pipeline

connections in the immediate project area including the Colorado River bore section directly south of the terminus of this line replacement. That EA satisfies the criteria of being an activity-level or project-level EIS or EA that is applicable to the Proposed Action. The access road was in existence and in service at the time of the initial pipeline implementation on 1994.

Persons and/or Agencies Consulted:

WPX: April Mestas, Wayne Gallahan, Kris Meil, John Doose, Eric DeKam, Brad Moss.

Interdisciplinary Review: BLM staff from the CRVFO listed in Table 2 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 2. BLM Interdisciplinary Team Authors and Reviewers		
<i>Name</i>	<i>Title</i>	<i>Areas of Participation</i>
John Brogan	Archaeologist	Cultural Resources, Native American Religious Concerns
Jim Byers	Natural Resource Specialist	EA Project Lead, Access & Transportation, Socioeconomics, Wastes-Hazardous or Solid,
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
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

The Proposed Action was presented to the Colorado River Valley Field Office interdisciplinary team on July 17, 2013.

MITIGATION: Terms and conditions to be attached to the BLM Right-of-Way for the Buried Water Line Replacement on Webster Hill and the BLM Right-of-Way for the Existing Road Across the Webster Hill Parcel are listed in the attachment to this Section 390 CX.

Name of Preparer: Jim Byers, Natural Resource Specialist

Date Prepared: August 21, 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. Acres of surface disturbance on Federal lease COC52584 are shown on Figure 3.

Authorizing Official: _____

Allen Crockett

Date: _____

Sept 20, 2013

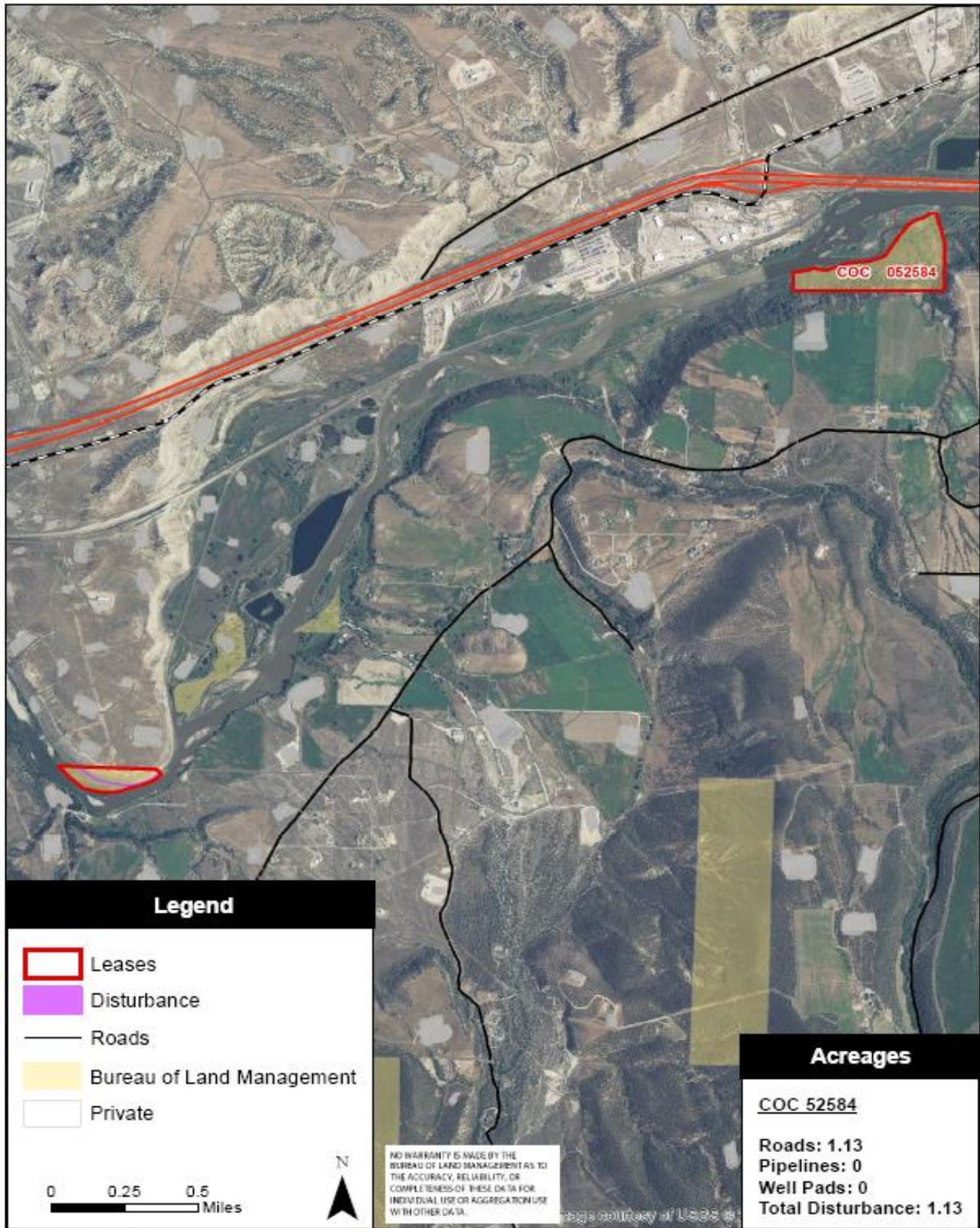


Figure 3. Acres of Disturbance on Federal Lease COC52584

E. Decision and Rationale for Action

I have decided to approve the BLM Right-of-Way for the Buried Water Line Replacement on Webster Hill and the BLM Right-of-Way for the Existing Road Across the Webster Hill Parcel 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 and that no further environmental analysis is required.



Allen Crockett, Ph.D.
Supervisory Natural Resource Specialist

Sept. 20, 2013
Date

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, the notice of appeal must be filed in this office (Colorado River Valley Field Office, 2300 River Frontage Road, Silt, CO 81652) within 30 days of the date of the decision or, if served a copy of the document, within 30 days of receipt of the document. The appellant has the burden of showing that the decision appealed from is in error.

If a petition is filed pursuant to regulation 43 CFR 2801.10 for a stay of the effectiveness of this decision during the time that the appeal is being reviewed by the Board, the petition for a stay must accompany the 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 a stay is requested, the requesting party has 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.
- (4) Whether the public interest favors granting the stay.

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Surface-Use Conditions of Approval
ROW Grant COC76326
WPX Energy Rocky Mountain LLC
Buried 10-inch Poly Pipeline for Webster Hill Water Line

General COAs for Buried Pipeline

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 BLM, 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 project work and review the stipulations of the ROW grant as well as required safety regulations, if appropriate.
2. Pipeline Installation Details. Operator shall install on BLM land the 10-inch diameter poly water pipeline in a buried trench within or along the existing road way unless otherwise approved by the Authorized Officer. The new pipeline shall be buried to a minimum depth of 4 feet.

After installation, the lines shall be tested using air compressed from the atmosphere. Pipelines shall be constructed and maintained according to industry standards.

Within a minimum 30 days after the new pipeline work is completed, the road segment involved with the construction work shall be resurfaced with a minimum six (6) inches of gravel as approved by the Authorized Officer. Roads shall be crowned, ditched, surfaced, drained with culverts and/or water dips, and constructed to BLM Gold Book standards. The operator shall provide timely year-round road maintenance and cleanup on the access roads. A regular schedule for maintenance shall include, but not be limited to, blading, ditch and culvert cleaning, road surface replacement, and dust abatement. When rutting within the traveled way becomes greater than 6 inches, blading and/or gravelling shall be conducted as approved by the BLM.

3. Welding of Pipeline. Visual inspections shall be performed on 100% of all pipeline welds. All welders shall be appropriately certified. (43CFR109.227, *Qualification of Welders*)(49CFR192.241, *Inspection and Test of Welds.*)

Welding shall be performed by a qualified welder in accordance with welding procedures qualified under section 5 of API 1104 (incorporated by reference, *see* §192.7) or section IX of the ASME Boiler and Pressure Vessel Code “Welding and Brazing Qualifications” (incorporated by reference, *see* §192.7) to produce welds meeting the requirements of this subpart. The quality of the test welds used to qualify welding procedures shall be determined by destructive testing in accordance with the applicable welding standard(s).

4. Pipeline Testing. The entire pipeline shall be tested in compliance with United States Department of Transportation (USDOT) Code of Federal Regulations (CFR) (49 CFR192.500, Subpart J, *Test Requirements*)(49CFR 192.225, *Welding Procedures.*)
5. Fire Suppression. Welding by 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 U.S. Department of Agriculture, Forest Service Standard 5100-1a, or 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. 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.
9. Drainage Crossings and Culverts. Construction activities at perennial, intermittent, and ephemeral drainage crossings (e.g. burying pipelines, installing culverts) shall be timed to avoid high flow conditions. Construction that disturbs any flowing stream shall utilize either a piped stream diversion or a cofferdam and pump to divert flow around the disturbed area.

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

10. Jurisdictional Waters of the U.S. The operator shall obtain appropriate permits from the U.S. Army Corps of Engineers (USACE) prior to discharging fill material into Waters of the U.S. in accordance with Section 404 of the Clean Water Act. Waters of the U.S. are defined in 33 CFR Section 328.3 and may include wetlands as well as perennial, intermittent, and ephemeral streams. Permanent impacts to jurisdictional waters may require mitigation. Contact the USACE Colorado West Regulatory Branch at 970-243-1199 ext. 17 or mark.a.gilfillan@usace.army.mil. Copies of any printed or emailed approved USACE permits or verification letters shall be forwarded to the BLM.
11. Wetlands and Riparian Zones. The operator shall restore temporarily disturbed wetlands or riparian areas. The operator shall consult with the BLM Colorado River Valley Field Office to determine appropriate mitigation, including verification of native plant species to be used in restoration.
12. 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 reclamation are described below.
 - a. Reclamation Plans. In areas that have low reclamation potential or are especially challenging to restore, reclamation plans will be required prior to APD approval. The plan shall contain the following components: detailed reclamation plans, which include contours and indicate irregular rather than smooth contours as appropriate for visual and ecological benefit; timeline for drilling completion, interim reclamation earthwork, and seeding; soil test results and/or a soil profile description; amendments to be used; soil treatment techniques such as roughening, pocking, and terracing; erosion control techniques such as hydromulch, blankets/matting, and wattles; and visual mitigations if in a sensitive VRM area.

- b. Deadline for Interim Reclamation Earthwork and Seeding. Interim reclamation to reduce a well pad to the maximum size needed for production, including earthwork and seeding of the interim reclaimed areas, shall be completed within 6 months following completion of the last well planned to be drilled on that pad as part of a continuous operation. If a period of greater than one year is expected to occur between drilling episodes, BLM may require implementation of all or part of the interim reclamation program.

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

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

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

- c. Topsoil Stripping, Storage, and Replacement. All topsoil shall be stripped following removal of vegetation during construction of well pads, pipelines, roads, or other surface facilities. In areas of thin soil, a minimum of the upper 6 inches of surficial material shall be stripped. The BLM may specify a stripping depth during the onsite visit or based on subsequent information regarding soil thickness and suitability. The stripped topsoil shall be stored separately from subsoil or other excavated material and replaced prior to final seedbed preparation.
- d. Seedbed Preparation. For cut-and-fill slopes, initial seedbed preparation shall consist of backfilling and recontouring to achieve the configuration specified in the reclamation plan. For compacted areas, initial seedbed preparation shall include ripping to a minimum depth of 18 inches, with a maximum furrow spacing of 2 feet. Where practicable, ripping shall be conducted in two passes at perpendicular directions. Following final contouring, the backfilled or ripped surfaces shall be covered evenly with topsoil.

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

If directed by the BLM, the operator shall implement measures following seedbed preparation (when broadcast-seeding or hydroseeding is to be used) to create small depressions to enhance capture of moisture and establishment of seeded species. Depressions shall be no deeper than 1

to 2 inches and shall not result in piles or mounds of displaced soil. Excavated depressions shall not be used unless approved by the BLM for the purpose of erosion control on slopes. Where excavated depressions are approved by the BLM, the excavated soil shall be placed only on the downslope side of the depression.

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

- e. Seed Mixes. A seed mix consistent with BLM standards in terms of species and seeding rate for the specific habitat type shall be used on all BLM lands affected by the project (see Attachments 1 and 2 of the letter provided to operators dated October 23, 2012). Because the BLM seed menus do not address riparian area habitat types, and due to the presence of suitable Ute ladies'-tresses habitat adjacent to a portion of the project area, the riparian area seed mix specified below shall be used in the riparian area located between the access road and the Colorado River.

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 percent by weight of other weed seeds. Seed may contain up to 2.0 percent of "other crop" seed by weight, including the seed of other agronomic crops and native plants; however, a lower percentage of other crop seed is recommended. Seed tags or other official documentation shall be submitted to BLM at least 14 days before the date of proposed seeding for acceptance. Seed that does not meet the above criteria shall not be applied to public lands.

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

Where practicable, seed shall be installed by drill-seeding to a depth of 0.25 to 0.5 inch. Where drill-seeding is impracticable, seed may be installed by broadcast-seeding at twice the drill-seeding rate, followed by raking or harrowing to provide 0.25 to 0.5 inch of soil cover or by hydroseeding and hydromulching. 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 reseeding until interim reclamation standards are met.

- g. Mulch. Mulch shall be applied within 24 hours following completion of seeding. Mulch may consist of either hydromulch or of certified weed-free straw 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. Site Protection. The pad shall be fenced to BLM standards to exclude livestock grazing for the first two growing seasons or until seeded species are firmly established, whichever comes later. The seeded species will be considered firmly established when at least 50 percent of the new plants are producing seed. The BLM will approve the type of fencing.
 - j. Monitoring. The operator shall conduct annual monitoring surveys of all sites categorized as “operator reclamation in progress” and shall submit an annual monitoring report of these sites, including a description of the monitoring protocols used, 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.
13. 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 Reports (PARs) shall be submitted to BLM by **December 1**.
 14. 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).
 15. Raptor Nesting. Raptor nest surveys in the project vicinity on May 3, 7, and 11, 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).

16. 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.
17. 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. To minimize the potential for the take of a migratory bird, the operator shall take reasonable steps to prevent use by birds of fluid-containing pits associated with oil or gas operations, including but not limited to reserve pits, produced-water pits, hydraulic fracturing flowback pits, evaporation pits, and cuttings trenches. Liquids in these pits—whether placed or accumulating from precipitation—may pose a risk to birds as a result of ingestion, absorption through the skin, or interference with buoyancy and temperature regulation.
18. 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 cattleguard with associated bypass gate shall be installed across the roadway to control grazing livestock.
19. 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.
20. Cultural Education/Discovery. All persons in the area who are associated with this project shall be informed that if anyone is found disturbing historic, archaeological, or scientific resources, including collecting artifacts, the person or persons will be subject to prosecution.

Pursuant to 43 CFR 10.4(g), the BLM shall be notified by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of

cultural patrimony. Further, pursuant to 43 CFR 10.4 (c) and (d), activities shall stop in the vicinity of the discovery, and the discovery shall be protected for 30 days or until notified by the BLM to proceed.

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

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

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

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

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

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

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

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

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

22. **Big Game Winter Range Timing Limitation.** To minimize impacts to wintering big game, no construction, drilling or completion activities shall occur from **December 1 through April 30.**

Site-Specific COAs for Buried Pipeline

Special Protections for Special Status Plants – Ute Lady’s-Tresses Orchid

1. If installation cannot be completed prior to July 1, 2014, project implementation shall not begin until a new survey for Ute lady’s-tresses orchid is completed during the appropriate survey season for this species. If, in this situation, Ute lady’s-tresses plants are found during the 2014 survey, consultation shall be initiated with USFWS, and project implementation shall not begin until after a killing frost has occurred in fall 2014.
2. No broadcast spray of herbicide shall be applied within 0.5 mile of mapped suitable habitat for Ute lady’s-tresses orchid. Spot treatment using herbicide may be permitted under a separate Pesticide Use Proposal (PUP), which must be approved by the BLM prior to any herbicide use on BLM land. Noxious weeds may be treated manually.
3. This herbicide restrictions will be lifted If three years of surveys for Ute lady’s-tresses orchid are conducted at the appropriate time of year, with no plants found.
4. The reclamation seed mix in Table A-1, specific to the project habitat type, shall be used in revegetation of the temporary workspace between the access road and the Colorado River. Any deviations from the seed mix in Table A-1, such as due to commercial unavailability, must be approved by the BLM.

Table A-1. Seed Mix for Riparian Area in Temporary Work Space				
<i>Common Name</i>	<i>Scientific Name</i>	<i>Variety</i>	<i>Season</i>	<i>Form</i>
Use These Two Grasses (60% of Total PLS)				
Alkali Sacaton	<i>Sporobolus airoides</i>	Salado	Warm	Bunchgrass
Inland Saltgrass	<i>Distichlis spicata</i>	VNS	Warm	Rhizomatous
And These Two Grass (30% of Total PLS)				
Bottlebrush Squirreltail	<i>Elymus elymoides, Sitanion hystrix</i>	VNS	Cool	Bunchgrass
Indian Ricegrass	<i>Achnatherum [Oryzopsis] hymenoides</i>	Paloma, Rimrock	Cool	Bunchgrass
And These Two Forbs (10% of Total PLS)				
Annual Sunflower	<i>Helianthus annuus</i>	Rocky Mountain Beeplant		<i>Cleome serrulata</i>

Surface-Use Conditions of Approval
ROW Grant COC76328
WPX Energy Rocky Mountain LLC
Use of Existing Webster Hill Access Road

1. Road Use and Maintenance. Roads shall be crowned, ditched, surfaced, drained with culverts and/or water dips, and constructed to BLM Gold Book standards. Initial gravel application shall be a minimum of 6 inches. The operator shall provide timely year-round road maintenance and cleanup on the access roads. A regular schedule for maintenance shall include, but not be limited to, blading, ditch and culvert cleaning, road surface replacement, and dust abatement. When rutting within the traveled way becomes greater than 6 inches, blading and/or gravelling shall be conducted as approved by the BLM.
2. 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.
3. Drainage Crossings and Culverts. Construction activities at perennial, intermittent, and ephemeral drainage crossings (e.g. burying pipelines, installing culverts) shall be timed to avoid high flow conditions. Construction that disturbs any flowing stream shall utilize either a piped stream diversion or a cofferdam and pump to divert flow around the disturbed area.

Culverts at drainage crossings shall be designed and installed to pass a 25-year or greater storm event. On perennial and intermittent streams, culverts shall be designed to allow for passage of aquatic biota. The minimum culvert diameter in any installation for a drainage crossing or road drainage shall be 24 inches. Crossings of drainages deemed to be jurisdictional waters of the U.S. pursuant to Section 404 of the Clean Water Act may require additional culvert design capacity. Due to the flashy nature of area drainages and anticipated culvert maintenance, the U.S. Army Corps of Engineers (USACE) recommends designing drainage crossings for the 100-year event. Contact the USACE Colorado West Regulatory Branch at 970-243-1199 ext. 15 or mark.a.gilfillan@usace.army.mil.

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

4. Jurisdictional Waters of the U.S. The operator shall obtain appropriate permits from the U.S. Army Corps of Engineers (USACE) prior to discharging fill material into Waters of the U.S. in accordance with Section 404 of the Clean Water Act. Waters of the U.S. are defined in 33 CFR Section 328.3 and may include wetlands as well as perennial, intermittent, and ephemeral streams. Permanent impacts to jurisdictional waters may require mitigation. Contact the USACE Colorado West Regulatory Branch at 970-243-1199 ext. 17 or mark.a.gilfillan@usace.army.mil. Copies of any printed or emailed approved USACE permits or verification letters shall be forwarded to the BLM.
5. Wetlands and Riparian Zones. The operator shall restore temporarily disturbed wetlands or riparian areas. The operator shall consult with the BLM Colorado River Valley Field Office to determine appropriate mitigation, including verification of native plant species to be used in restoration.

6. Weed Control. The operator shall regularly monitor and promptly control noxious weeds or other undesirable plant species as set forth in the Glenwood Springs Field Office *Noxious and Invasive Weed Management Plan for Oil and Gas Operators*, dated March 2007. A Pesticide Use Proposal (PUP) must be approved by the BLM prior to the use of herbicides. Annual weed monitoring reports shall be submitted to BLM by **December 1**.
7. Paleontological Resources. All persons associated with operations under this authorization shall be informed that any objects or sites of paleontological or scientific value, such as vertebrate or scientifically important invertebrate fossils, shall not be damaged, destroyed, removed, moved, or disturbed. If in connection with operations under this authorization any of the above resources are encountered the operator shall immediately suspend all activities in the immediate vicinity of the discovery that might further disturb such materials and notify the BLM 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.

8. 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.

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