

**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-N040-2014-0098-CX (390)

A. Background

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

CASEFILE/PROJECT NUMBER: COC76655 (12-inch Natural Gas Pipelines), COC76655-01 (10-inch Produced Water Pipelines), and COC76655T (Temporary Work Space) for BLM Rights-of-Way.

PROPOSED ACTION TITLE/TITLE: Buried Natural Gas and Water Pipeline Installations Across BLM Parcel Near the Parachute CDOT Facility Located Southwest of Parachute, Colorado Authorized by Rights-of-Way.

LOCATION OF THE PROPOSED ACTION: Township 7 South (T7S), Range 96 West (R96W), Section 14, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sixth Principal Meridian. The project area is located approximately 1.5 miles southwest of Parachute, Garfield County, Colorado.

DESCRIPTION OF THE PROPOSED ACTION: WPX Energy Rocky Mountain LLC (“WPX”) proposes to install four buried pipelines across the BLM parcel within or in the vicinity of an existing pipeline corridor: two 10-inch inside diameter fused polyethylene water lines and two 12-inch-diameter welded steel natural gas pipelines. The intent of the project is to improve WPX’s ability to gather gas and produced water from the developing South Grand Valley field. The new pipelines, primarily being installed on private land for the bulk of the project, would cross 822 feet of a BLM parcel behind and north of the Colorado Department of Transportation (CDOT) maintenance facility since the existing utility right-of-way alongside US Highway 6 has no available space for additional pipelines (Figure 1).

WPX has applied for BLM rights-of-way for these pipelines. The total length of the overall pipeline project is 7,785 feet with only this 822-foot segment crossing BLM. WPX has requested a 35-foot wide right-of-way with an additional width of 25 feet for temporary work space for pipeline construction. The four lines would be buried concurrently and collocated in the same 4-foot deep trench. The poly water lines are manufactured in 50-foot lengths, and the segments would be heat-welded or fused together to create the two pipelines. The steel gas lines would be welded onsite. All of the new lines would be tested with air prior to being placed into service.

The Federal nexus for this project would be focused on this short segment across the BLM parcel. No new road construction would be needed to complete the pipeline installations as the nearby State Highway and GM 42-14 pad access road provide suitable project access. Planned duration of work would be approximately 21 days. The 60-foot wide disturbance corridor planned for the pipeline work on BLM would create 1.13 acres of surface disturbance; after the reclamation and the establishment of desirable vegetation, there would no long-term disturbance attributed to the project.

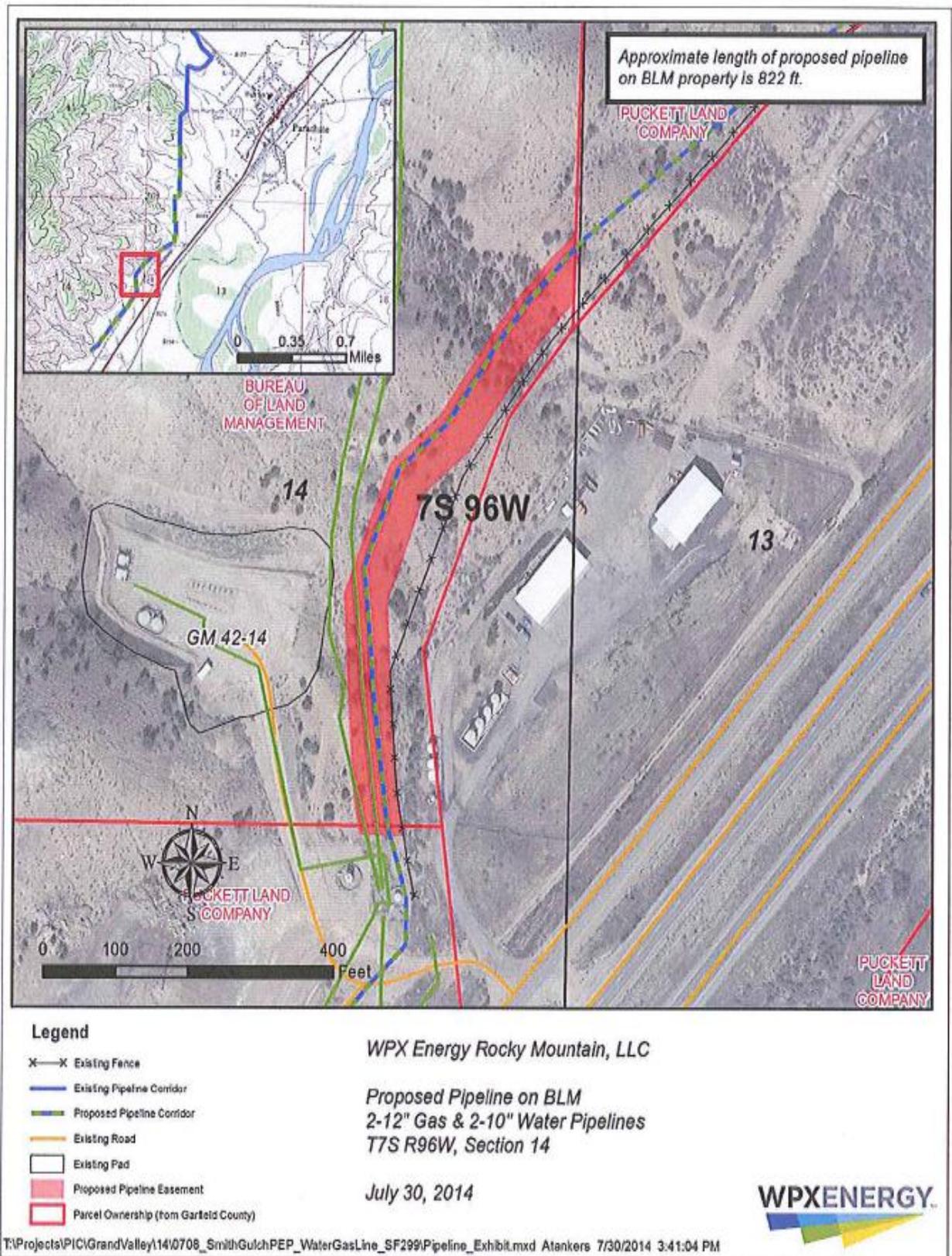


Figure 1. Project Map

Biological surveys for this work were completed by WestWater Engineering on June 13, 2013, and focused on plant surveys for four Federally threatened plant species, Colorado hookless cactus (*Sclerocactus glaucus*), DeBeque phacelia (*Phacelia submutica*), Parachute penstemon (*Penstemon debilis*), and Ute ladies' tresses (*Spiranthes diluvialis*). One small area of marginally suitable habitat for DeBeque phacelia was identified immediately adjacent to the existing GM 42-14 well pad, and across a portion of the pad from the proposed pipeline location. Further assessment of this site using updated habitat assessment protocols of the USFWS (communication with Alicia Langton, Grand Junction USFWS) determined the areas to be unsuitable. WestWater Engineering also conducted a raptor survey with no nests located in vicinity of the project area. A resurvey for raptor nests would be required should any of the proposed work be planned during the typical raptor nesting seasons. Jointed goatgrass, bull thistle and whitetop were established weed species found growing on the planned project corridor particularly in vicinity of the CDOT maintenance yard.

Since a right-of-way is a discretionary action authorized under BLMs land-use plan, a big game winter timing limitation to protect winter habitat would be enforced 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.

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 COC27874 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 that it is in conformance because the stipulations specified in the 1999 RMP amendment were attached to the lease and incorporated into the project design. The Proposed Action is therefore in conformance with the current land use plan, 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 questions listed in Table 1 must be answered “Yes” to use this Section 390 CX.

NEPA Document Name: The 1990 EA #CO-078-1990-026 (approved on 12/2/90) and 2005 DNA #CO140-2005-106 (approved on 7/21/05) identified the existing buried and surface natural gas pipelines that are located and operating on an adjacent right-of-way corridor in close proximity to the proposed gas

and water pipelines. The EA and DNA satisfy the criteria of being an activity-level or project-level EIS or EA that is applicable to the Proposed Action.

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 2)	<u>Yes</u>	
3.	Was the Proposed Action adequately analyzed in an existing site-specific National Environmental Policy Act (NEPA) document?	<u>Yes</u>	

Persons and/or Agencies Consulted:

WPX: John Doose, Adam Tankersley, Wayne Gallahan, Kris Meil.

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. The Proposed Action was presented to the Colorado River Valley Field Office interdisciplinary team on August 7, 2014.

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, Air Quality, Noise, Soils, Surface Water, Waters of the U.S.
Allen Crockett, Ph.D., J.D.	Supervisory NRS	NEPA Review
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

Mitigation: Terms and conditions to be attached to the Right-of-Way for the Buried Natural Gas and Water Pipeline Installations Across BLM Parcel Near the Parachute CDOT Facility are listed in the attachment to this Section 390 CX.

Name of Preparer: Jim Byers, Natural Resource Specialist

Date Prepared: August 29, 2014

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: Allen Crockett Date: 9/8/14

E. Decision and Rationale for Action

I have decided to approve the Buried Natural Gas and Water Pipeline Installations Across BLM Parcel Near the Parachute CDOT Facility 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
Allen Crockett, Ph.D.
Supervisory Natural Resource Specialist

9/8/14
Date

F. Administrative Review or Appeal Opportunities

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 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 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

Conditions of Approval
WPX Energy Rocky Mountain LLC
Buried Pipeline Installations Across BLM Parcel Near the Parachute CDOT Facility

1. Administrative Notification. The operator shall notify the BLM representative at least 48 hours prior to initiation of construction. If requested by the BLM representative, the operator shall schedule a pre-construction meeting, including key operator and contractor personnel, to ensure that any unresolved issues are fully addressed prior to initiation of surface-disturbing activities or placement of production facilities. Project staking including trench centerlines and offset limits along the disturbance corridor shall be completed to the satisfaction of the AO prior to commencing any surface disturbing activities. Furthermore, all old flagging along alternate routes or unnecessary flagging installed during the planning of this project shall be located and removed from the project area prior to construction start-up.
2. Pipeline Construction, Installation, and Maintenance. The two 10-inch inside diameter fused polyethylene water lines and two 12-inch diameter welded steel natural gas pipelines shall be buried within the authorized right-of-way width. The pipeline shall be installed to industry and BLM “Gold Book” standards. (*Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development: The Gold Book. Fourth Edition—Revised 2007; (P-417 BLM/WO/ST-06/021+3071/REV 07.)*)

The centerline of the ROW and the exterior limits shall be clearly flagged prior to any construction activity. Topsoil shall be windrowed and segregated from the spoil piles along the pipeline corridor.

The pipeline(s) shall be buried with at least 4 feet of cover from the top of the pipe to the surface. The four pipelines shall be buried concurrently and collocated in the same 4-foot-deep trench. The poly water lines are manufactured in 50-foot lengths and the segments shall be heat welded or fused together onsite. The steel gas lines shall be welded onsite. All of the new lines shall be tested with air prior to being placed into service.

Pipelines installed beneath ephemeral drainages or 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.

The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way. Any relocation, additional construction, or use that is not in accord with the approved plan of development, shall not be initiated without the prior written approval of the authorized officer.

3. Agreements with Other ROW Grant Holders. Potential impacts to existing BLM ROWs by the rights-of-way to be authorized to WPX shall be mitigated based on written maintenance and use agreements between the existing ROW holders. Such agreements shall be obtained and verified with the BLM prior to any disturbance or construction across or adjacent to an existing right-of-way.
4. Indemnification. The operator 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 of 1980, 42 U.S.C. 9601 *et seq.* or the Resource Conservation and Recovery Act, 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.

5. Compliance with Laws and Regulations. The holder 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, 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 the ROW grant (see 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, 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 concurrent with the filing of the reports to the involved Federal agency or state government.
6. 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.
7. Chemical Storage and Use. The operator shall not store hazardous materials, chemicals, fuels, lubricating oils, or perform concrete coating activities within 200 feet of any waterbody 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 waterbody (i.e. stationary pumps), then it must be placed within a secondary containment structure that is capable of containing 110 percent of the volume of the stored material.
8. Saturated Soil Conditions. When saturated soil conditions exist on or along the ROW any type of construction shall be halted until soil material dries out or is frozen sufficiently for construction to proceed without undue damage and erosion to soils.
9. As-Built Survey. An as-built centerline 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 AO within 2 months of completion of the project.
10. Utilities Locates. 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.
11. 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 BLM Cadastral Survey Corners, reference corners, witness points, U.S. Coast and Geodetic Survey benchmarks and triangulation stations, military control monuments, and recognizable (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 BLM right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a

BLM 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.

12. 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.
13. 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.

14. 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.
15. 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.
16. 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 reseeded 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 pinyon-juniper woodland and/or mountain/Wyoming big sagebrush shrubland 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).

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 methods 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.
17. 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, Pesticide Application Records (PARs), and GPS records in compliance with the *Data Requirements for Noxious Weed Treatments, CRVFO Energy Team* dated February 27, 2014, shall be submitted to BLM by **December 1**.
18. 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).
19. Raptor Nesting. Raptor nest surveys in the project vicinity on June 28, 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 completing another biological survey prior to construction to ensure compliance 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.
20. Migratory Birds – Birds of Conservation Concern. It shall be the responsibility of the operator to comply with the Migratory Bird Treaty Act (MBTA) with respect to “take” of BCC species (see Raptor Nesting COA). To reduce the potential for loss of birds, eggs, or active nests, BLM Instruction Memorandum 2008-050 prohibits vegetation removal or surface disturbance in previously undisturbed lands providing potential nesting habitat for Birds of Conservation Concern (BCC)

during the period **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.

21. Big Game Winter Range Timing Limitation. To minimize impacts to wintering big game, no construction, drilling or completion activities shall occur during a Timing Limitation (TL) period from **December 1 through April 30 annually**.
22. Fossil Resources. All persons associated with operations under this authorization shall be informed that any objects or sites of paleontological or scientific value, such as vertebrate or scientifically important invertebrate fossils, shall not be damaged, destroyed, removed, moved, or disturbed. If in connection with operations under this authorization any of the above resources are encountered the operator shall immediately suspend all activities in the immediate vicinity of the discovery that might further disturb such materials and notify the BLM of the findings. The discovery must be protected until notified to proceed by the BLM.

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

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

If subsurface cultural values are uncovered during operations, all work in the vicinity of the resource will cease and the Authorized Officer with the BLM notified immediately. The operator shall take any additional measures requested by the BLM to protect discoveries until they can be adequately evaluated by the permitted archaeologist. Within 48 hours of the discovery, the SHPO and consulting parties will be notified of the discovery and consultation will begin to determine an appropriate mitigation measure. BLM in cooperation with the operator will ensure that the discovery is protected from further disturbance until mitigation is completed. Operations may resume at the discovery site upon receipt of written instructions and authorization by the authorized officer.

Pursuant to 43 CFR 10.4(g), the holder must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony on federal land. Further, pursuant to 43 CFR 10.4 (c) and (d), the holder must stop activities in the vicinity of the discovery that could adversely affect the discovery. The holder shall make a reasonable effort to protect the human remains, funerary items, sacred objects, or objects of cultural patrimony for a period of thirty days after written notice is provided to the authorized officer, or until the authorized officer has issued a written notice to proceed, whichever occurs first.

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).

24. Visual Resources. To the extent practicable, existing vegetation at the toe of the fill slope shall be preserved and remain undamaged during construction to provide visual screening into the project area from the south and east.

Above-ground facilities shall be painted **Shadow Gray** to minimize contrast with adjacent vegetation or rock outcrops.