

**U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641**

Section 390 Categorical Exclusion for Oil and Gas Development

NUMBER: DOI-BLM-CO-110-2010-0078-CX (390)

CASEFILE/PROJECT NUMBER: COC-062027

PROJECT NAME: XTO APD on existing pad Federal #1S-95-19-22BP

LEGAL DESCRIPTION: T1S, R95W, SENW
Section 19

APPLICANT: XTO Energy, Inc.

DESCRIPTION OF PROPOSED ACTION:

XTO Energy, Inc. (hereafter XTO) proposes to drill a well; Federal #1S-95-19-22BP on an existing wellpad. This well and wellpad were previously approved in the NEPA document CO-110-2007-081-DNA on February 9, 2007. Since approval of this document, the access road and wellpad have been constructed but the well has not been drilled. The Application for Permit to Drill (APD) expired on 02/12/2008 and was renewed on 3/18/2008 until 03/19/2009. Since the APD expired on 3/19/2009; XTO has submitted a new APD for well #1S-95-19-22BP. XTO plans to drill this well in 2010, although a specific date has not been received.

No new construction or additional disturbance is required for this proposal.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5, BLM 1617.3) the following plan:

Name of Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

Decision Number/Page: Page 2-5

Decision Language: “Make federal oil and gas resources available for leasing and development in a manner that provides reasonable protection for other resource values.”

REVIEW OF EXISTING NEPA DOCUMENTS:

List by name and date all existing NEPA documents that cover the Proposed Action.

Name of Document: CO-110-2007-081-DNA

Date Approved: February 9, 2007

Name of Document: CO-110-2006-262-EA

Date Approved: January 18, 2007

CATEGORICAL EXCLUSION REVIEW: The proposed action is categorically excluded from further documentation in accordance with statutory NEPA categorical exclusions (CX), as granted in Section 390 of the Energy Policy Act of 2005, for oil and gas exploration and development. The proposed action qualifies as a categorical exclusion under Section 390, based on the qualifying criteria Number (3) of the categories listed below.

| Qualifying Criteria | YES | NO |
|---|-----|----|
| 1. Individual surface disturbances of less than five (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. (a, b, and c below must be yes to have this CX apply) | | X |
| a. Will disturb less than 5 acres, if more than one action is proposed for a lease, each activity is counted separately and each may disturb up to five acres. | | X |
| b. The current un-reclaimed surface disturbance readily visible on the entire leasehold is not greater than 150 acres, including the proposed action. | | X |
| c. This categorical exclusion includes the requirement of a site-specific NEPA document. A site specific NEPA analysis can be either an exploration and/or development EA/EIS, an EA/EIS for a specific POD, a multi-well EA/EIS or an individual permit approval EA/EIS. | | X |
| 2. Drilling an oil and gas location or well pad at a site at which drilling has | | X |

| Qualifying Criteria | YES | NO |
|---|-----|----|
| <p>occurred within five (5) years prior to the date of spudding the well. A “location or well pad” is defined as a previously disturbed or constructed well pad used in support of drilling a well. “Drilling” in the context of, “Drilling has occurred within five (5) years”</p> | | |
| <p>3. Drilling an oil or gas well within a developed field for which an approved land use plan or any environmental document prepared pursuant to NEPA analyzed drilling as a reasonably foreseeable activity, so long as such plan or document was approved within five (5) years prior to the date of spudding the well. (a, b, and c below must be yes to have this CX apply)</p> | X | |
| <p>a. The proposed APD is within a developed oil or gas field. A developed field is defined as any field in which a confirmation well has been completed.</p> | X | |
| <p>b. There is an existing NEPA document (including that supporting a land use plan) that contains a reasonably foreseeable development scenario broad enough to encompass this action.</p> | X | |
| <p>c. The NEPA document was finalized or supplemented within five years of spudding the well.</p> | X | |
| <p>4. Placement of a pipeline in an approved right-of-way corridor, as long as the corridor was approved within five (5) years prior to the date of placement of the pipeline. (To avoid problems, the right-of-way must contain a term or condition that provides for the suspension of the authorization if placement does not begin before the last date that the CX is available, thus requiring the operator to obtain a new right-of-way.) (a and b below must be yes to have this CX apply)</p> | | X |
| <p>a. The placement of a pipeline in an existing corridor of any type</p> | | X |
| <p>b. Placement of the pipeline within five years of approval (or amendment) of the most recent date of a decision (NEPA or permit authorization) are the only two applicable factors for review pursuant to this statute and must both be satisfied to use this CX.</p> | | X |
| <p>5. Maintenance of a minor activity, other than any construction or major renovation of a building or facility.</p> | | X |

CX (1) and (3) reference previous NEPA documents, the same or better mitigating measures from the tiered NEPA document will be applied as well as BMPs to reduce impacts to any authorization issued.

CX (2) and (3) must state the date when the previous well was completed or the date the site had workover operations involving a drilling rig of any type or capability; this also includes completion of any plugging operations. Because the 5-year period is tied to the spudding of the pending well, the APD must contain a COA that if no well is spudded by the date the CX is no longer applicable, the APD will expire, thus requiring the operator to obtain a new APD.

CX (4) to avoid problems, the right-of-way must contain a term or condition that provides for the suspension of the authorization if placement does not begin before the last date that the CX is available, thus requiring the operator to obtain a new right-of-way.

For all CX a brief narrative must be included in the well file(s) stating the rationale for making the determination that the categorical exclusion applies. If more than one applies each shall be explained.

Documentation: The proposed APD qualifies for a CX (390) because it is within a developed oil or gas field; there is an existing NEPA document (including that supporting a land use plan) and the NEPA document was finalized or supplemented within five years of spudding the well. If development of the well has not occurred by March 29, 2011 the APD will expire and the pad will be reclaimed to BLM specifications.

INTERDISCIPLINARY REVIEW:

The proposed action was presented to, and reviewed by the White River Field Office interdisciplinary team on February 2, 2010.
Date

A list of resource specialists who participated in this review is available upon request from the White River Field Office.

REMARKS:

Cultural Resources: As the proposed action takes place entirely within a constructed well pad, there should be no affect to cultural resources. (KB 2/4/2010)

Native American Religious Concerns: No known concerns. (KB 2/4/2010)

Paleontological Resources: The well pad location lies in an area mapped as the Uinta Formation (Tweto 1979) which the Bureau of Land Management (BLM) White River Field Office (WRFO) has classified as potential fossil yield classification (PFYC) 4, meaning it is known to produce scientifically important fossil resources. There is the potential to effect fossil resources with any subsurface disturbances. (KB 2/4/2010)

Threatened and Endangered Animal Species: The analysis and provisions developed in the tiered document (as well as the parent EA 06-262) remains appropriate to the proposed action. No further wildlife-related concerns. (EH).

Threatened and Endangered Plant Species: No known concerns. MM 2/2/10

MITIGATION:

1. Should the XTO Federal #1S-95-19-22BP well not be drilled in 2010, XTO is required to begin interim reclamation. If this well is not spudded by March 29, 2011 the APD will expire and the pad will be reclaimed to BLM specifications.
2. All original Conditions of Approval for Federal #1S-95-19-22BP will remain in full force and affect and are attached as Exhibit A.
3. The operator shall update the reclamation portion of the Surface Use Plan in accordance with Onshore Order #1. This plan shall be submitted by Sundry Notice to the Authorized Officer.
4. The operator is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate fossils, collecting large amounts of petrified wood, or collecting fossils for commercial purposes on public lands. If significant paleontological resources are discovered during surface disturbing actions or at any other time, the operator or any of his agents must stop work immediately at the site, immediately contact the appropriate BLM representative, typically the project inspector or Authorized Officer (AO), and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage.
5. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Work may not resume at that location until approved by the official BLM representative.
6. If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, significant delays may occur while the AO enacts mitigation procedures. The operator may elect to contract an approved paleontologist to execute site mitigations in order to expedite proceedings. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

COMPLIANCE PLAN (optional): On-going compliance inspections and monitoring of drilling, production and post-production activities will be conducted by White River Field Office staff during drilling and reclamation of well pads, access roads, and pipelines. Specific mitigation

developed in the associated Categorical Exclusion and the lease terms and conditions will be followed. The Operator will be notified of compliance related issues in writing, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

NAME OF PREPARER: Jay Johnson

NAME OF ENVIRONMENTAL COORDINATOR: Caroline Hollowed

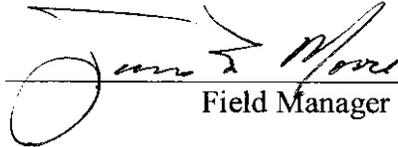
DATE: 3/26/2010

ATTACHMENTS: Map of proposed action
Exhibit A – Mitigation carried forward.

DECISION AND RATIONALE: I have reviewed this CX and have decided to approve the proposed action.

This action is listed in the Instruction Memorandum Number 2005-247 as an action that may be categorically excluded under Section 390 of the Energy Policy Act of 2005. I have evaluated the action relative to the 5 qualifying criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL:


Field Manager

DATE SIGNED: 3/26/2010

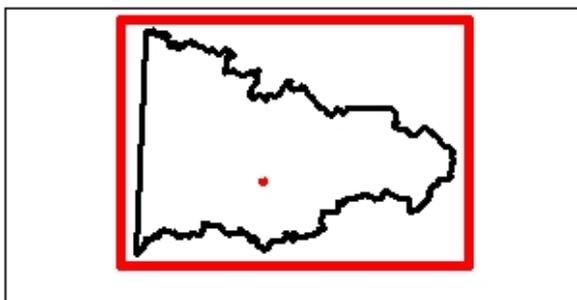
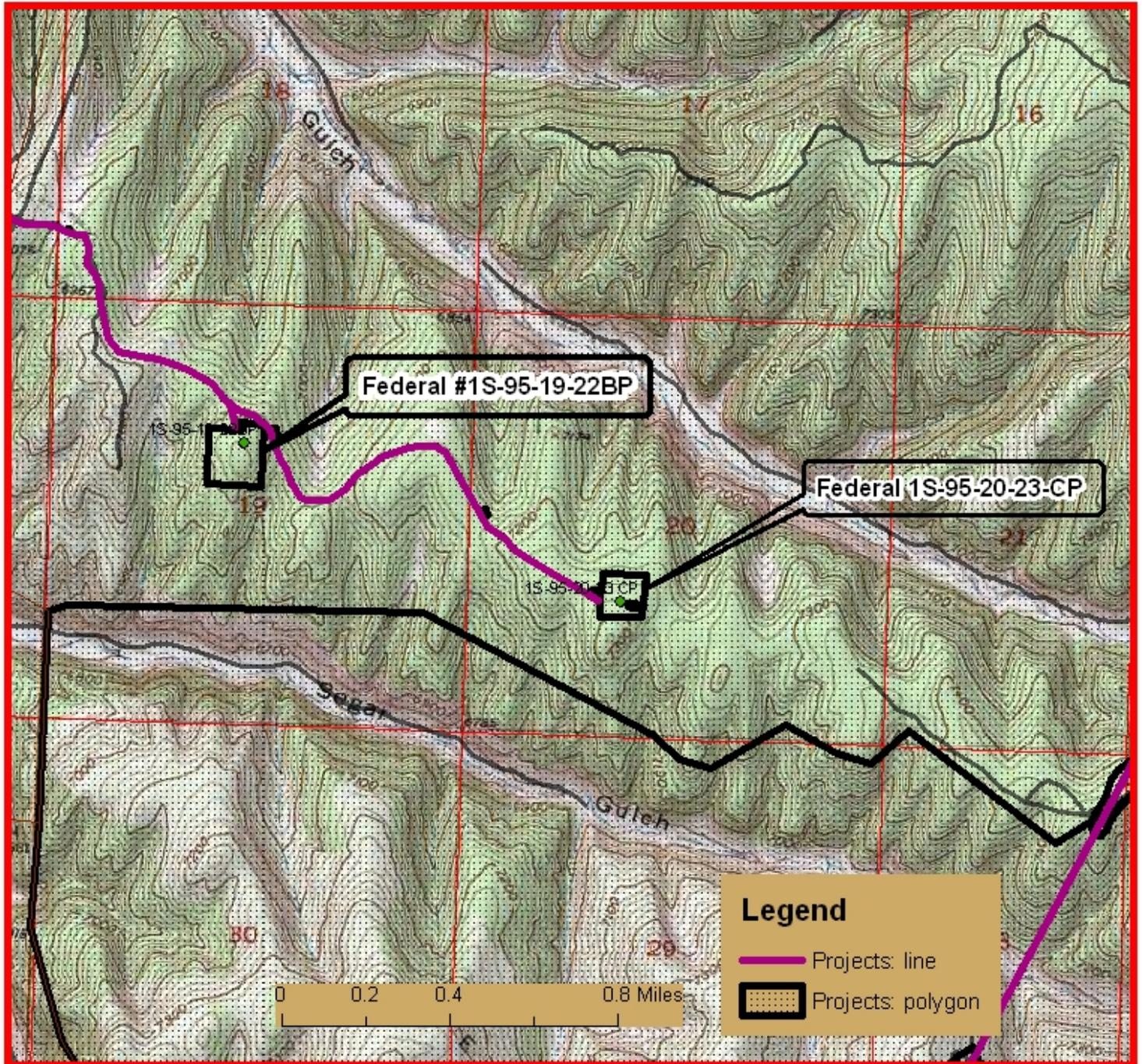
Administrative Review or Appeal Opportunities

This decision is effective upon the date the decision or approval by the authorized officer. Under regulations addressed in 43 CFR Subpart 3165, any party adversely affected has the right to appeal this decision. An informal review of the technical or procedural aspects of the decision may be requested of this office before initiating a formal review request. You have the right to request a State Director review of this decision. You must request a State Director review prior to filing an appeal to the Interior Board of Land Appeals (IBLA) (43CFR 3165.4).

If you elect to request a State Director Review, the request must be received by the BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215, no later than 20 business days after the date the decision was received or considered to have been received. The request must include all supporting documentation unless a request is made for an extension of the filing of supporting documentation. For good cause, such extensions may be granted. You also have the right to appeal the decision issued by the State Director to the IBLA.

Contact Person: For additional information concerning this decision, contact Jay Johnson, Natural Resource Specialist, White River Field Office, 220 E Market Street, Meeker, CO 81641, Phone (970) 878-3854.

DOI-BLM-CO-110-2010-0078-CX(390)
XTO APD for Federal #1S-95-19-22BP
T1S, R95W, SENW Section 19



02/01/2010

Sources:
BLM, USGS, CDOW, etc.

Disclaimer:

Although the data presented within this map, and the map itself, have been processed successfully on computers of BLM, no warranty, expressed or implied, is made by BLM regarding the use of this map or the data represented, nor does the fact of distribution constitute or imply any such warranty.



EXHIBIT A - MITIGATION

1. The operator will be responsible for complying with all local, state, and federal air quality regulations as well as providing documentation to the BLM that they have done so. To minimize production of fugitive particulate matter (fugitive dust) from associated access roads, vehicle speeds must not exceed 15 mph *or* dust plume must not be visible at appropriate designated speeds for road design. In addition, the application of a BLM approved dust suppressant (e.g. water or chemical stabilization methods) will be required during dry periods when dust plumes are visible at speeds less than or equal to 15 mph. Surfacing access roads with gravels will also help mitigate production of fugitive particulate matter. Land clearing, grading, earth moving or excavation activities will be suspended when wind speeds exceed a sustained velocity of 20 miles per hour. Disturbed areas will be restored to original contours, and revegetated with a BLM preferred seed mixture. Following seeding, woody debris cleared from the ROW will be pulled back over the pipeline to increase effective ground cover and help retain soil moisture.

2. Construction equipment will be maintained in good operating condition to ensure that engines are running efficiently. Vehicles and construction equipment with emission controls will also be maintained to ensure effective pollutant emission reductions.

3. The operator is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during any project or construction activities, the operator is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer (AO). Within five working days the AO will inform the operator as to:

- whether the materials appear eligible for the National Register of Historic Places
- the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary)
- a timeframe for the AO to complete an expedited review under 36 CFR 800-11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate.

If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation cost. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

4. Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the AO, 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), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

5. The operator should submit a Pesticide Use Proposal (PUP) within three months after approval of this APD. The PUP should describe herbicidal treatment which will effectively control/eradicate the noxious weed species described above.
6. The operator will be required to monitor the project area for a minimum of five years post disturbance and eradicate all noxious and invasive species which occur on site using materials and methods approved in advance by the Authorized Officer.
7. Promptly revegetate all disturbed areas not necessary for production on the access road, pipeline and location including roadside and pad cut and fill slopes with Native Seed mix #3. Revegetation will commence immediately after construction and will not be delayed until the following fall. Debris will not be scattered on the pipeline until after seeding operations are completed.

Seed mixture rates are Pure Live Seed (PLS) pounds per acre. Drill seeding is the preferred method of application.

| Native Seed Mix #3 | | | |
|--------------------|---|---|---|
| 3 | Western wheatgrass (Rosanna) | 2 | Gravelly 10"-14", Pinyon/Juniper Woodland, Stony Foothills, 147 (Mountain Mahogany) |
| | Bluebunch wheatgrass (Whitmar) | 2 | |
| | Needle and thread | 1 | |
| | Indian ricegrass (Rimrock) | 2 | |
| | Fourwing saltbush (Wytana) | 2 | |
| | Utah sweetvetch | 1 | |
| | Alternates, American vetch, globemallow | 1 | |

8. All roadside and well location cut and fill slopes will be revegetated immediately after construction with the seed mixture(s) specified in the conditions of approval. Such revegetation will be either temporary or permanent.
9. Revegetation operations will start immediately following the completion of recontouring/dirt work operations.
10. The operator shall prevent use by migratory birds of reserve pits that store or are expected to store fluids which may pose a risk to such birds (e.g., migratory waterfowl, shorebirds, wading birds and raptors) during completion and after completion activities have ceased. Methods may include netting, the use of bird-balls, or other alternative methods that effectively prevent use and that meet BLM approval. It will be the responsibility of the operator to notify the BLM of the method that will be used to prevent use two weeks prior to when completion activities are expected to begin. The BLM approved method will be applied within 24 hours after completion activities have begun. All lethal and non-lethal events that involve migratory birds will be reported to the Petroleum Engineer Technician immediately.
11. 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.

12. A release of any chemical, oil, petroleum product, produced water, or sewage, etc, (regardless of quantity) must be reported to the BLM – White River Field Office (WRFO) Hazardous Materials Coordinator at (970) 878-3800.

13. Surface Water: All surface disturbing activities on BLM administered lands will strictly adhere to “Gold Book” (fourth edition) surface operating standards for oil and gas exploration and development (copies of the “Gold Book” can be obtained at the WRFO). Corrugated metal pipes (CMPs) and drainage dips shall be located in such a manner as to avoid discharge onto unstable terrain such as headwalls or slumps. CMPs are not recommended on roads that have gradients less than 10 percent. Based on the nature of the affected soils, drain dips will be utilized in place of CMPs in these locations. The use of drain dips on road gradients greater than 10 percent should be avoided. Energy dissipaters such as large gravels/small cobbles will be used at culvert and drainage dip inlets/outlets to minimize additional erosion. To mitigate water being channelized down the roadway, all activity will stop when soils or road surfaces become saturated to a depth of three inches. Mud blading will be prohibited in attempts to reduce further soil displacement (unless otherwise approved by the BLM).

14. To mitigate additional soil erosion at the well pad and potential increased sediment and salt loading to the Colorado River System, all disturbed areas affected by drilling or subsequent operations, except areas reasonably needed for production operations, shall be reclaimed as early and as nearly as practicable to their original condition and shall be maintained to control dust and minimize erosion. To allow optimal opportunity for interim reclamation of well pads, all tanks and production facilities will be situated on the access road side of the well pad (unless otherwise approved by the WRFO-BLM Field Manager). Reclamation efforts on all pipelines will be final. Interim reclamation of well pads and final reclamation of pipeline right of ways (ROW) on BLM administered surfaces will commence as follows:

- Debris and waste materials other than de minimus amounts, including, but not limited to, concrete, sack bentonite and other drilling mud additives, sand, plastic, pipe and cable, as well as equipment associated with the drilling, re-entry or completion operations shall be removed.
- Stockpiled topsoil and spoil piles will be separated and clearly labeled to prevent mixing during reclamation efforts.
- Stockpiled topsoil will be seeded with a BLM approved seed mixture. Topsoil stockpiles that will potentially remain in place for extended periods of time (e.g. multi-well locations) will be covered with biodegradable fabrics such as (but not limited to) jute netting or Curlex and seeded with the appropriated seed mixture.
- Stockpiled topsoil segregated from spoil piles will be replaced during reclamation in its respective original position (last out, first in) to minimize mixing of soil horizons.
- Stockpiled soils (spoil and topsoil) will be pulled back over all disturbed surfaces affected by pipeline/road construction, drilling or subsequent operations, except areas reasonably needed for production operations. Areas on *well pads* not needed for production operations shall be partially reshaped as early and as nearly as practicable to near pre-construction contours. Pipelines will be recontoured to pre-construction contours as soon as construction activities cease.

- The operator will ensure stockpiled topsoil is evenly distributed over the **top** of spoil used in recontouring/partial-reshaping efforts.
- Recontoured/partially-reshaped areas will be seeded with a BLM approved seed mixture, and all slopes exceeding 5 % will be covered with wildlife friendly biodegradable fabrics (such as but not limited to Jute blankets, Curlex...) to provide additional protection to topsoil, retain soil moisture, and help promote desired vegetative growth.
- Following seeding and placement of biodegradable fabrics, woody debris cleared during initial construction will be pulled back over the recontoured/partially-reshaped areas to act as flow deflectors and sediment traps. Available woody debris will be evenly distributed over the entire portion of the reclaimed area and will not account for more than 20% of total ground cover.
- The operator will be responsible for excluding livestock grazing from all reclaimed portions of *well pads*. To eliminate livestock utilization of reclaimed areas prior to successful reclamation, a 4-strand BLM Type-D barbed wire fence with braced wooden corners or net wire fence brought to the ground surface built to BLM specifications will be constructed around all reclaimed portions of the well pad including cut and fill slopes immediately after interim reclamation is concluded (within 2 weeks) unless otherwise instructed by the BLM. A BLM specified cattleguard will be placed at the time of fence construction where the well access road bisects the fenceline that surrounds the well pad's disturbance imprint. Once reclaimed plant species are fully established on disturbed sites as determined by the BLM (e.g. Desired Plant Community (DPC), Public Land Health Standards), the fence and cattle guard will be completely removed by the applicant after a minimum of two growing seasons. This will allow for reclaimed plant species to establish without grazing pressure from livestock.
- The operator will be responsible for achieving a reclamation success rate for interim reclamation and final abandonment (on all disturbed areas associated with well pads, pipelines, and access roads) of sufficient vegetative ground cover from reclaimed plant species within three growing seasons after the application of seed. Additional reclamation efforts will be undertaken at the operators expense if: after the first growing season there is no positive indicators of successful establishment of seeded species (e.g. germination); after the second year seeded species are not yet established (e.g. producing seed); and after the third growing season seeded vegetative communities lack persistence (e.g. reproductively capable of enduring drought conditions and sustaining the seeded community). Following the third growing season, ground cover of reclaimed seed species shall be at a Desired Plant Community (DPC) in relation to the seed mix as deemed appropriate by the BLM. Reclamation achievement will be evaluated using the Public Land Health Standards that include indicators of rangeland health. Rehabilitation efforts must be repeated if it is concluded that the success rate is below an acceptable level as determined by the BLM.

15. Upon final abandonment of the well pads, new access roads, and completion of pipelines, 100% of all disturbed surfaces will be restored to pre-construction contours, and revegetated with a BLM preferred seed mixture. Natural drainage patterns will be restored and stabilized with a combination of vegetative (seeding) and non-vegetative (straw bales, woody debris, straw waddles, biodegradable fabrics...) techniques. All available woody debris will be pulled back over recontoured areas (woody debris will not account for more that 20% of total surface cover)

to help stabilize soils, trap moisture, and provide cover for vegetation. Monitoring and additional reclamation efforts will persist until reclamation is proven successful (as determined by the BLM).

16. Ground Water: Shallow aquifers shall be protected from hydrofracturing and the production of oil and gas by installation and cementing of surface and intermediate casing. Any groundwater produced from the Fort Union or Mesaverde Formations will be hauled off and disposed of due to poor water quality and therefore preventing adverse impacts to valuable surface and ground water resources. Environmentally unfriendly substances (e.g. diesel) must not be allowed to contact soils. The use of spill-guards (or equivalent spill prevention equipment) under and around pumping equipment will be required for all locations to intercept contaminants prior to contacting soils and infiltrating into groundwater. Furthermore, all pits shall be lined to protect shallow ground water from pit contents. All wastes associated with construction and drilling will be properly treated and disposed of.

17. Mitigate soil loss from roadway and surrounding area by restricting road access to authorized personal only (e.g. restrict access to newly constructed roads). The operator will be responsible for segregating topsoil material and backfilling of topsoil in its respective original position (last out, first in) to assist in the reestablishment of soil health and productivity. Erosion and sediment control measures will be installed on all slopes exceeding five percent to mitigate soil loss. Erosion and sediment control measures will be maintained until upland areas are stabilized.

18. Mud blading will be prohibited and all activity shall cease when soils or road surfaces become saturated to a depth of three inches (on BLM administered lands) unless otherwise approved by the AO. All disturbed surfaces will be restored to natural contours and revegetated with a BLM approved seed mixture. Interim reclamation will follow the mitigation outlined in the Water Quality portion of this document. All pits shall be lined to prevent contents from reserve pits from seeping into surrounding soils, contaminating local ground water, reducing soil productivity and compromising reclamation success.

19. If construction/development occurs between April 15 and November 15, the operator will be required to water or surface access roads to reduce airborne dust and damage to roadside vegetation communities

20. General access to well pad 1S-95-19-22BP shall be restricted by installing a lockable gate that would effectively deter bypass. The gate and fence shall be installed along the corridor in the vicinity of (Zone 12) 0747729 / 4427188 and extending in a southwesterly direction to 0747661 / 4427105. These points are not to be considered terminal points, instead mainly serving as a reference to the general location of the fence. The fence should be extended as far as necessary to effectively deter bypass (e.g., thick stand of trees). All slash associated with the construction of the fence should be distributed along the fenceline to further deter vehicular use. It is intended that access would remain effectively restricted throughout the year and available only to authorized use associated with natural gas development and BLM administration.

21. The use of interim reclamation techniques will be used to the extent practicable on the pad such that: 1) all available topsoil material would be used to rehabilitate recontoured cut and fill slopes and areas outside the anchors (maintaining the viability of the soils for final reclamation), 2) production facilities are located to maximize the extent of surface disturbance available for recontouring and reclamation after completion operations and through the productive life of the well (e.g., where access road enters pad), and 3) all disturbed areas are reseeded and, if necessary, effectively fenced to control livestock use once well completion activities have been finalized (this includes cut and fill slopes of roads). In the event newly constructed access roads on BLM surface are no longer needed for well maintenance or development the roads will be recontoured to original grade.

22. Install a gate (which spans the entire road) at the point where access road crosses from T1SR96W Section 13 into T1SR95W Section 18. Contact White River Field BLM for gate specifications prior to installation. Gate is to remain closed and locked during the period of 8/15-11/30 of each year.

23. The operator has two options for treatment of slash from this project. A hydro-ax or other mulching type machine could be used to remove the trees. The machines are capable of shredding trees up to 12" in diameter and 15' tall as well as mowing brush like a conventional brush beater. It generally leaves small branches and pieces of wood from pencil size up to bowling ball size. The mulch is evenly scattered across the surface and effectively breaks down the woody fuel thereby eliminating any hazardous fuel load adjacent to the new road and well pad commensurate with Forest Management mitigation for chipping. The other option would be to cut trees and have them removed for firewood, posts, or other products also commensurate with Forest Management mitigation however the branches and tops should be lopped and scattered to a depth of 24 inches or less. Following seeding and placement of biodegradable fabrics, woody debris cleared during initial construction will be pulled back over the recontoured/partially-reshaped areas to act as flow deflectors and sediment traps. Available woody debris will be evenly distributed over the entire portion of the reclaimed area and will not account for more than 20% of total ground cover i.e not to exceed 5 tons/acre dead fuel loading.

24. From the White River ROD/RMP of 1997, Appendix B, 7; all trees removed in the process of construction shall be purchased from the Bureau of Land Management. The trees shall be cut with a maximum stump height of six inches and disposed of by one of the following methods:

Roads

- Trees must be cut before being dozed off the area of disturbance. Trees shall be cut into four-foot lengths, down to four inches in diameter and placed along the edge of the disturbance.
- Purchased trees may be removed from federal land for resale or private use. Limbs may be scattered off the area of disturbance but not dozed off.
- Chipped and scattered.

25. The operator is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing paleontological sites, or for collecting fossils. If fossil materials are uncovered during any project or construction

activities, the operator is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer (AO). Within five working days the AO will inform the operator as to:

- whether the materials appear to be of noteworthy scientific interest
- the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not feasible)

If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation cost. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

26. All exposed outcrops of rock exposed in the access route and well pad location must be examined by an approved paleontologist and a report detailing the results of the inventory and any recommended mitigation must be submitted to the BLM prior the initiation of construction..

27. If at any time it becomes necessary to excavate into the underlying rock formation to construct the road, level the well pad or excavate the reserve/bloolie pit a paleontological monitor shall be present for any such excavations.

28. XTO will replace the four existing small pit reservoirs immediately adjacent to the existing road by building 4 small (500 cubic yards) in approximately the same locations and direct road drainage into those structures. XTO will also apply sufficient bentonite to these reservoirs so that they hold water.

29. Any and all fences intersected by an access road or pipeline will be braced to BLM specifications prior to cutting. A temporary wire gate will be constructed. This work will take place prior to access road/ pipeline ROW construction. A copy of the applicable BLM fence specifications will be included as part of the conditions of approval.

30. Reserve pit fencing will comply with BLM specifications as described in the BLM Gold Book (Fourth Edition, 2005). Reserve pit fence specifications will be included as part of the conditions of approval.

31. A 20 foot minimum width cattleguard with a gate next to it will be installed to BLM specifications where the new access road crosses the North Dry Fork/Segar Gulch allotment boundary fence in SESE Sec 13, T 1S R96 W. Cattleguard and fence work will be completed to BLM specifications which will be included as part of the conditions of approval for this APD.

32. All permanent (onsite for six [6] months or longer) structures, facilities and equipment on BLM lands placed above ground shall be painted Munsell Soil Color Chart *Juniper Green* within six months of installation.