

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

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-110-2012-0124-CX

CASEFILE/PROJECT NUMBER: AmendCOC74495 (Pipeline Right-of-Way)
COC74496 (Renewal of Access Road)

PROJECT NAME: Dejour's realignment of pipeline and renewal of access road

LEGAL DESCRIPTION: Sixth Principal Meridian,
T. 1 S., R. 103 W.,
Section 1, lots 2, 3, 7, 10, and 15 } COC74495

T. 1 N., R. 102 W.,
Section 7, lots 2 and 4
Section 18, lots 1-4
Section 19, lots 1-4
Section 30, lots 1-4
Section 31, lots 1 and 2
T. 1 N., R. 103 W.,
Section 12, lots 6-8, SE¹/₄SE¹/₄ } COC74496

APPLICANT: Dejour Energy (USA) Corporation

DESCRIPTION OF PROPOSED ACTION: Rights-of-way (ROW) COC74495 and COC74496 were issued to Dejour Energy (USA) Corporation (Dejour) on 2/15/2011. Both of these rights-of-way expire 12/31/2012. The original grant issued to Dejour for COC74495 was for a buried pipeline 4,800 feet in length. This pipeline was never built. Dejour is seeking to extend this grant for three years with permission to surface-lay a 2 3/8 inch pipeline to minimize disturbance and allow for quicker removal and reclamation (See Exhibit A). The three year term will allow for initial expansion of the field and to allow approval of a permanent pipeline to the north. The original pipeline length of 4,800 feet has been lengthened to 5,100 feet to avoid rock outcrops and an untenable stream crossing. This pipeline will connect the existing Dejour Federal 36-24A to the nearby Locin gathering system.

The second right-of-way, COC74496 is for the off-lease access road to Dejour's Federal 36-24A. Dejour is seeking to extend this right-of-way for 2 years (See Exhibit B and C). This road was improved in 2011 with additional improvements to be completed in October 2012. The original

grant allowed for 22,700 feet in length and 50 feet in width. This width will reduce to 35 feet once the road is surfaced and operational.

No changes or additional disturbance outside of the existing right-of-way is authorized by the renewal of the road right-of-way. All applicable terms and conditions of the right-of-way grant remain in full force and effect.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5-3, BLM 1601.08) 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 2-49

Decision Language: “To make public lands available for the siting of public and private facilities through the issuance of applicable land use authorizations, in a manner that provides for reasonable protection of other resource values.”

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, **E9:** *Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorization.* **E18:** *Temporary placement of a pipeline above ground.*

The Proposed Action has been reviewed with the list of extraordinary circumstances (43 CFR 46.215) described in the table below.

Extraordinary Circumstance	YES	NO
a) Have significant adverse effects on public health and safety.		X
b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		X
c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant		X

Extraordinary Circumstance	YES	NO
environmental effects.		
f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
g) Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places as determined by the bureau.		X
h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.		X
i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
j) Have a disproportionately high and adverse effect on low income or minority populations.		X
k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites.		X
l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.		X

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 8/7/2012. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Michael Selle	Archaeologist	Cultural Resources, Native American Religious Concerns	8/13/2012
Laura Dixon	Wildlife Biologist	Special Status Wildlife Species	8/22 /2012
Zoe Miller	Ecologist	Special Status Plant Species	9/12/2012

REMARKS:

Cultural Resources: The road and surface pipeline routes have been inventoried and/or monitored by at least three separate reports (Baker 1990 compliance dated 8/7/1990, Barclay 2012 compliance dated 2/1/2012, Parrish 2010 7/15/2010). Numerous sites were recorded during the initial inventory and appropriate and necessary mitigation was included in the original conditions of approval for the project. Renewal of the road right-of-way will not cause any new

impacts to cultural resources provided that the original mitigation measures and conditions of approval are strictly adhered to and no further earth disturbance is undertaken on the road. No sites were identified for the pipeline. As long as the line is surface laid with no earth moving involved there should be no impact to any known cultural resources. If soil is disturbed there is a potential for previously unknown subsurface remains to be disturbed.

Native American Religious Concerns: No Native American Religious Concerns are known in the area, and none have been noted by Northern Ute Tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.

Paleontological Resources: The access road route is located in an area generally mapped as the Upper Mesa Verde unit (Tweto 1979) which the BLM, WRFO has classified as a Potential Fossil Yield Classification (PFYC) 5 formation meaning it is known to produce scientifically noteworthy fossil resources (c. f. Armstrong and Wolny 1989). If for any reason it becomes necessary to excavate into the underlying sedimentary rock, there is a high potential to impact scientifically noteworthy fossil resources. Such impacts could represent an irreversible and irretrievable loss of data to the regional paleontological database. However, if renewal of the right-of-way does not include any new disturbance there would be no potential for new impacts.

The proposed surface pipeline is in an area generally mapped as the Upper Mesa Verde Formation (Tweto 1979) which the BLM, WRFO has classified as a PFYC5 formation meaning it is known to produce scientifically noteworthy fossil resources (c. f. Armstrong and Wolny 1989). However, the surface line proposed is located mostly in deep alluviums which are not known to be particularly fossiliferous in this area. Provided no soil disturbance occurs during the laying of the surface line there should be no new impacts to fossil resources.

Special Status Wildlife Species: There are no threatened or endangered animal species that are known to inhabit or derive important use from the project area. However, the area encompassed by the Proposed Action is located within Colorado Parks and Wildlife's mapped mule deer critical winter range. All other wildlife-related issues and concerns were adequately addressed in the original environmental assessment DOI-BLM-CO-110-2010-0047-EA.

Special Status Plant Species: As presented in the original environmental assessment DOI-BLM-CO-110-2010-0047-EA, the BLM sensitive species, Rollin's cryptanth (*Cryptanthana rollinsii*), was located during surveys and is known to be prevalent in the area affected by the Proposed Action. Additionally since 2010, other BLM sensitive species have been designated and are known to occur on the Parachute Creek member of the Green River formation found with and near the project area. A complete list of current BLM sensitive species known to potentially occur near the project area are found in Table 1.

Table 1: U.S. Fish and Wildlife Service Threatened, Endangered, and Candidate & Proposed Plant Species and WRFO BLM Sensitive Plant Species with the Potential to Occur in the Proposed Project Area

Species	Status¹	Habitat Description
White River beardtongue (<i>Penstemon scariosus</i> var. <i>albifluvis</i>)	Candidate	Sparsely-vegetated shale slopes associated with the Green River Formation in mixed desert shrub and pinyon-juniper communities
Narrow-stem gilia (<i>Aliciella stenothyrsa</i>)	Sensitive	Silty and gravelly loams associated with the Green River and Uinta Formations
Debris milkvetch (<i>Astragalus detritalis</i>)	Sensitive	Rocky and sandy soils in pinyon-juniper or mixed desert shrub communities
Duchesne milkvetch (<i>Astragalus duchesnensis</i>)	Sensitive	Sandstone or shale outcrops in pinyon-juniper or desert shrub communities
Ephedra buckwheat (<i>Eriogonum ephedroides</i>)	Sensitive	White shale slopes associated with the Green River Formation
Rollins cryptanth (<i>Cryptantha rollinsii</i>)	Sensitive	White shale slopes associated with the Green River Formation
Tufted cryptanth (<i>Cryptantha caespitosa</i>)	Sensitive	Shale knolls with sparse vegetation
Graham's beardtongue (<i>Penstemon grahamii</i>)	Proposed	Sparsely-vegetated shale slopes and knolls associated with the Green River Formation

The mitigation in DOI-BLM-CO-110-2010-0047-EA should be carried forward for the current Proposed Action. Since it has been two years since the previous EA was completed, the BLM has learned new information regarding Rollin's cryptanth and other BLM sensitive species known to occur in nearby potential habitat and additional mitigation measures will be required.

Mitigation:

- 1) A qualified botanist must be present when the operator lays the surface lines. Cryptanth species can often be roughly identified even after the growing season. The botanist shall observe construction activities to avoid unnecessary harm to occupied and potential habitat.
- 2) As mentioned in mitigation in DOI-BLM-CO-110-2010-0047-EA at least 6 inches of topsoil (preferably 8 inches) should be stockpiled for use in reclamation when available. Additionally, any surface soil and geologic layers, including topsoil and parent material, prior to construction shall be replaced and reclaimed in its pre-disturbance order.
- 3) Complete special status plant species surveys will be required in the growing season in 2013 by a qualified botanist along both the entire pipeline and road routes (granted in DOI-BLM-CO-110-2010-0047-EA), including any areas where road improvements were placed. Surveys for special status plant species shall follow the BLM White River Field Office's "Standards for Contractor Inventories for Special Status Plant Species & Noxious Weed Affiliates" (June 2012).
 - a) Seeds of the BLM sensitive species (Rollin's cryptanth or other special status species will be determined by the BLM after surveys are completed in 2013) removed in project construction will be collected and an independent party will grow them out for use in reclamation. The individuals collected from must occur within 1 mile of the disturbance site (or otherwise approved by BLM). Collection

of the species should occur in 2013 by an independent third party contractor; however if the growing season (or other related environmental factors) results in a poor collection year, seed can also be collected in subsequent years to obtain an adequate and viable amount of seed. The third party contractor will collect the seeds, coordinate with a seed grow-out facility, and collaboratively design a reclamation plan with BLM and the operator to re-seed the species after grow-out. The seeds resulting from collection and grow-out will be used in reclamation of the site after the surface pipeline is removed. BLM will be consulted at this time to advise reclamation techniques and possible adjustments to the seed mix used.

- 4) Any future disturbance, including maintenance activities, may require special status plant species surveys.
- 5) Invasive weed management and control is required after construction activities are completed to avoid invasion of exotic species in BLM sensitive species habitat. Weed management must comply with DOI-BLM-CO-110-2010-0005-EA:
 - a) Surveys will be conducted in potential habitats for all BLM sensitive species prior to Integrated Weed Management Plan implementation, if potential, suitable or occupied habitats are suspected or known.
 - b) Suitable buffer zones from Table 7, Standard Operating Procedures, Best Management Practices, and mitigation measures in the Appendices of DOI-BLM-CO-110-2010-0005-EA will be implemented for both occupied and suitable habitats of BLM sensitive plant species to avoid negative effects from aerial drift, runoff, wind erosion and other potential impacts during and following treatments.
 - c) All other herbicides used near BLM sensitive plant species will be used in conformance with buffer distances provided in Table 7.
 - d) If peripheral IWMP treatments are planned within White River beardtongue and BLM Sensitive plant species occupied habitats, pre-survey and flagging of individual plants will occur. This should be followed by manual (hand pulling) removal of noxious weeds around individual plants. Follow-up via spot application should then occur between manual removal areas using low concentrations of glyphosate.

Upon issuing the original right-of-way for the road, a number of steps needed to occur in order to move the road construction from Phase 1 to Phase 2. During construction of Phase 1, BLM identified unauthorized disturbance to the road and issued Incident of Non-Compliance to DeJour. Corrective actions for this disturbance is outlined in Mitigation #28. In addition, four new mitigation measures were added numbered 20 through 23.

REFERENCES CITED

Armstrong, Harley J., and David G. Wolny
1989 Paleontological Resources of Northwest Colorado: A Regional Analysis. Museum of Western Colorado, Grand Junction, Colorado.

Baker, Steven G.

1990 A Cultural Resource Inventory for Chandler and Associates' Southwest Rangely Federal 2-1 Well, Rio Blanco County, Colorado. Centuries Research Inc., Montrose, Colorado. (90-07-16: SHPO #RB.LM.R91)

Barclay, Dulaney

2012 Dejour Energy (USA) Corp's South Rangely Federal #36-24A Well Pad and Access Road Monitoring Report, Rio Blanco County, Colorado. TEC, Inc., Golden, Colorado.

Parrish, Allison

2010 A Class II Cultural Resources Inventory for Proposed South Rangely Federal 36-24A, 36-24B, and 36-34 Well Locations, Rio Blanco County, Colorado. TEC, Inc., Golden, Colorado. (10-178-01: SHPO #RB.LM.R1188)

Tweto, Ogden

1979 Geologic Map of Colorado. United States Geologic Survey, Department of the Interior, Reston, Virginia.

MITIGATION:

All mitigation that applies to the current Proposed Action has been carried forward from DOI-BLM-CO-110-2010-0047-EA. In addition, seven new mitigations were added, numbers 20 through 23 and 28 through 30.

- 1) The holder shall apply proper pre-planning and plan all activities and operations in a manner so as to avoid infringing on any timing limitations; without the need to apply for exceptions to the specified timing limitations.
- 2) The holder will be responsible for complying with all local, state, and federal regulations as well as providing documentation to the BLM that they have done so.
- 3) The *designated Natural Resource Specialist* will be notified 24 hours prior to beginning all construction-related activities associated with this project that result in disturbance of surface soils via email or by phone. Construction-related activities may include, but are not limited to, pad and road construction, clearing pipeline corridors, trenching, etc. Notification of all construction-related activities, regardless of size, that result in disturbance of surface soils as a result of this project is required.
- 4) If for any reason the location or orientation of the geographic feature associated with the **proposed action changes**, the operator shall submit updated GIS "As-Built" data to the *designated Natural Resource Specialist* within 7 calendar days of the change. This information shall be **submitted via SN**.

- 5) Should it become necessary at any time to excavate into the underlying rock formation to upgrade the access road, bury the well tie-in pipeline, a paleontological monitor shall be present for all such excavations.
- 6) The operator shall inform all persons who are associated with the project operations about the federal and state laws for disturbing paleontological sites or collecting fossils. If fossil materials are uncovered during any project or construction activities, the holder shall immediately suspend activities in the vicinity of the find that might further disturb such materials, and contact the BLM Authorized Officer (AO). Within 5 working days the AO will inform the holder as to: 1) whether the materials appear to be of noteworthy scientific interest, and 2) the mitigation measures the holder will likely have to undertake before the site can be used, assuming in-situ preservation is not feasible.
- 7) If any paleontological resources are discovered as a result of operations under this authorization, the holder or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.
- 8) 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.
- 9) Immediately prior to clearing vegetation and earthwork on the pads, roads, and pipelines, provide a qualified biologist to clear and physically remove any midget-faded rattlesnakes that may occur on-site.
- 10) While snakes are active (April 15 to October 15), schedule as much routine or 'time-insensitive' work during the hours between 11 am and 6 pm.
- 11) Ground clearing operations and construction related activities are to be conducted while snakes are closely associated with hibernacula from October 15 to April 15.
- 12) Inform workers as to the close proximity of rattlesnake dens, likelihood of their being encountered, and generally non-aggressive behavior. They should not be indiscriminately killed.

- 13) Construction activity associated with the renewal of ROW COC74495 and COC74496 locations would be subject to a raptor nest timing limitation that prohibits disturbance from March 1 to August 15. This condition would allow for exceptions or modifications addressed in WRFO TL WR-23, which considers nest status and chronology.
- 14) No construction activities permitted to take place between January 1st and April 30th as a timing stipulation for mule deer critical winter range.
- 15) Dejour would be required to have a plan in place that allows for fire safety within the immediate work area. However, neither Dejour nor any personnel employed by Dejour would suppress any wildland fire when their safety is compromised. If an unplanned ignition does occur within the work area as a result of construction activities, Dejour would be required to notify the White River Field Office and the Craig Interagency Dispatch Center to report the incident.
- 16) In accordance with the 1997 White River RMP/ROD page 2-22, all trees removed in the process of construction shall be purchased from the BLM. Trees or shrubs that must be removed for construction or ROW preparation shall be cut down to a stump height of 6 inches or less prior to other heavy equipment operation. Trees removed during construction that are not needed for reclamation purposes shall be cut in four foot lengths (down to 4 inches diameter) and placed in manageable stacks immediately adjacent to a public road to facilitate removal for company use or removal by the public. Woody materials required for reclamation shall be stockpiled along the margins of the authorized use area separate from the topsoil piles. Once the disturbance has been recontoured and reseeded, stockpiled woody material shall be scattered across the reclaimed area where the material originated. Redistribution of woody debris will not exceed 20% ground cover. Woody material will be distributed in such a way to avoid large concentrations of heavy fuels and to effectively deter vehicle use.
- 17) Any range improvement projects that are damaged or destroyed as a result of the proposed action shall be promptly repaired or replaced to the degree of functionality prior to commencement of work associated with the proposed action.
- 18) Construction sites and all facilities shall be maintained in a sanitary condition at all times; waste materials 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.
- 19) Due to the proximity of BLM-Sensitive plant species, freshwater only should be used as dust abatement on roads, pipelines, and well pads to prevent dust plumes and dust deposition on sensitive plants.
- 20) A qualified botanist must be present when the operator lays the surface lines. Cryptanth species can often be roughly identified even after the growing season. The botanist shall help construction activities to avoid unnecessary harm to occupied and potential habitat.

- 21) As mentioned in mitigation in DOI-BLM-CO-110-2010-0047-EA at least 6 inches of topsoil (preferably 8 inches) should be stockpiled for use in reclamation when available. Additionally, any surface soil and geologic layers, including topsoil and parent material, prior to construction shall be replaced and reclaimed in its pre-disturbance order.
- 22) Complete special status plant species surveys will be required in the growing season in 2013 by a qualified botanist along both the entire pipeline and road routes (granted in DOI-BLM-CO-110-2010-0047-EA), including any areas where road improvements were placed. Surveys for special status plant species shall follow the BLM White River Field Office's "Standards for Contractor Inventories for Special Status Plant Species & Noxious Weed Affiliates" (June 2012).
- 23) Seeds of the BLM sensitive species (Rollin's cryptanth or other suspected species will be determined by the BLM after surveys are completed in 2013) removed in project construction will be collected and an independent party will grow them out for use in reclamation. The individuals collected from must occur within 1 mile of the disturbance site (or otherwise approved by BLM). Collection of the species should occur in 2013; however if the growing season (or other related environmental factors) results in a poor collection year, seed can also be collected in subsequent years to obtain an adequate and viable amount of seed. A third party can be used to collect the seeds, coordinate with a seed grow-out facility, and collaboratively design a reclamation plan with BLM and the operator to re-seed the species after grow-out.
- 24) Any future disturbance, including maintenance activities, may require special status plant species surveys.
- 25) Invasive weed management and control is required after construction activities are completed to avoid invasion of exotic species in BLM sensitive species habitat. Weed management must comply with DOI-BLM-CO-110-2010-0005-EA:
 - a. Surveys will be conducted in potential habitats for all BLM sensitive species prior to Integrated Weed Management Plan implementation, if potential, suitable or occupied habitats are suspected or known.
 - b. Suitable buffer zones from Table 7, Standard Operating Procedures, Best Management Practices and mitigation measures in the Appendices of DOI-BLM-CO-110-2010-0005-EA will be implemented for both occupied and suitable habitats of BLM sensitive plant species to avoid negative effects from aerial drift, runoff, wind erosion and other potential impacts during and following treatments.
 - c. All other herbicides used near BLM sensitive plant species will be used in conformance with buffer distances provided in Table 7.
 - d. If peripheral IWMP treatments are planned within White River beardtongue and BLM Sensitive plant species occupied habitats, pre-survey and flagging of individual plants will occur. This should be followed by manual (hand pulling) removal of noxious weeds around individual plants. Follow-up via spot application should then occur between manual removal areas using low concentrations of Glyphosate.

- 26) Re-seeding would occur in the first seasonal opportunity when adequate water is available (generally after October 15 until the soil is frozen, and after thaw but before May 15). Spring seeding will be conducted only if fall seeding is not feasible. Seed mixes used for reclamation will be in accordance with the BLM reclamation requirements. Seed mixes and soil amendments would be free of noxious weeds. Noxious weeds would be treated in accordance with the BLM AO.
- 27) The 1.2 miles of new or upgraded access roads would be completely reclaimed at the end of the life of the project. Interim reclamation would also occur along the entire 5.1 miles stretch of access road if the well goes into production and road upgrades are carried out. Because the existing 3.9 miles of access road would be upgraded only if the well goes into production, there are no plans for final reclamation of the first 3.9 miles of road, if the well site is abandoned after the exploration phase. If the road is upgraded for production, then final reclamation would be carried out on the existing 3.9 miles of access road at the end of the life of the project.
- 28) The 5.1 miles of access road must meet the specifications described in the DeJour South Rangely Federal 36-24a Surface Use Plan (paragraph 1.b and 1.c), all specifications detailed for a “resource road” in BLM Manual 9113, requirements in the Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development (The Gold Book) Fourth Edition – Revised 2007, meet the approved construction details specified in the DeJour South Rangely Federal 36-24a Surface Use Plan on Sheet 13b (Typical Production Road Cross Section N.T.S.) generated by Tri State Land Surveying, Inc. on 5-14-10, and Preserve noted cultural resources. The following are applicable excerpts from BLM 9113 and The Gold Book and detailed requirements for the referenced feature:
- a) Design Speed: 15 mph
 - b) Travelway: Preferred travelway width is 14 feet with intervisible turnouts spaced at a maximum distance of 1000 feet. The recommended dimensions for turnouts are 100 feet long by 10 feet wide with 50 feet transitions as specified in BLM 9113 and Chapter 4, Figure 3 (Cross – sections and plans for typical road sections of BLM resources) in The Gold Book. The road surface will consist of a minimum of 6 – inches of compacted road base as detailed on Sheet 13b of the Dejour South Rangely Federal 36-24a Surface Use Plan. This requirement applies to the full 5.1 miles reference in (paragraph 1.b and 1.c).
 - c) Road grade : A resource road gradient should not exceed 8% (except for pitch grades less than 300 feet or less in length) in order to minimize environmental effects. This requirement is applicable to the full 5.1 miles of access road.
 - d) Culverts: Design culverts to pass a 10 yr. flood event without static head at entrance and to minimize serious damage from 25 year event. An 18 – inch diameter culvert or equivalent size is the smallest culvert recommended to minimize blockage by debris and simplify maintenance. Culverts carrying runoff from one side of road to the other between natural channels are spaced as specified in Chapter 4, Figure 6 (culvert spacing) in The Gold Book. Install culverts per Chapter 4, Figure 7 (diagram for proper culvert installation) of The

Gold Book. This requirement is applicable to the referenced culvert on Topographic Map "B" Sheet 7.

- e) Low water crossings: Low water crossing should dip to the natural channel bed to prevent erosion and sedimentation, be surfaced with rip/rap or gravel for wet/dry access, and out sloped to prevent impounded water. This requirement is applicable to "all" referenced low water crossings on Topographic Map "B" Sheet 7 (eleven total low water crossings).
 - f) Drainage Dip: Drainage dips intercept and remove surface water from the travelway and shoulders before the combination of water and volume result in rill erosion on the travelway. Drainage dips should be constructed per Chapter 4, Figure 5 (Typical drainage dip construction specifications) in The Gold Book. Refer to Table 1 for required drainage dip locations designated by DW1 – DW8.
 - g) Reclamation: The current graded berms located on both sides of the road containing topsoil must be re-spread to the greatest degree practical on cut slopes, fill slopes, and borrow ditches prior to seeding. To ensure the stability of freshly top soiled slopes during revegetation, the application of mulch or other sediment control measures should be utilized.
- 29) With the exception of public health and safety concerns, the road should not be used by the applicant when road surfaces and soils are saturated in order to avoid new rutting on the road surface.
- 30) The short-term right-of-way for the surface pipeline is non-renewable. DeJour is encouraged to submit shape files/plans for a permanent buried pipeline located north of Federal 36-24A in early 2013 to determine surveys needed to build this permanent line.

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff during and after construction. Specific mitigation developed in this document 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: Janet Doll

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E9, E18. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

SIGNATURE OF AUTHORIZED OFFICIAL:



Field Manager

DATE SIGNED:

10/15/12

ATTACHMENTS:

Exhibit A, B, C-Maps

Dejour Surface Pipeline COC74495



Exhibit A

-  State
-  County
-  BLM
-  USFS
-  NPS
-  Other
-  PLSS_Townships_GCDB2008

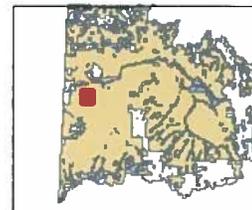


August 2012 JD

0 850 1700 3400 Feet

Sources:
BLM, USGS, CDOW, etc.

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Dejour access road COC74496



Exhibit B

-  State
-  County
-  BLM
-  USFS
-  NPS
-  Other
-  PLSS_Townships_GCDB2008

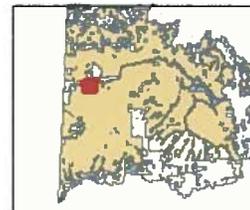


August 2012 JD

0 850 1700 3400 Feet

Sources:
BLM, USGS, CDOW, etc.

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Dejour access road COC74496

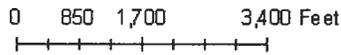


Exhibit C

-  State
-  County
-  BLM
-  USFS
-  NPS
-  Other
-  PLSS_Townships_GCDB2008

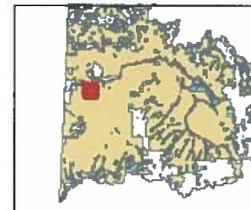


August 2012 JD



Source:
BLM, USGS, CDOW, etc.

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

DECISION RECORD

PROJECT NAME: Dejour's realignment of pipeline and renewal of access road

CATEGORICAL EXCLUSION NUMBER: DOI-BLM-CO-2012-0124-CX

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-2012-0124-CX, authorizing the amendment and renewal to the rights-of-way grants for the construction, operation, and maintenance of a surface pipeline and the off-lease access road to DeJour's Federal 36-24A well.

Mitigation Measures

All mitigation that applies to the current Proposed Action has been carried forward from DOI-BLM-CO-110-2010-0047-EA. In addition, seven new mitigations were added, numbers 20 through 23 and 28 through 30.

- 1) The holder shall apply proper pre-planning and plan all activities and operations in a manner so as to avoid infringing on any timing limitations; without the need to apply for exceptions to the specified timing limitations.
- 2) The holder will be responsible for complying with all local, state, and federal regulations as well as providing documentation to the BLM that they have done so.
- 3) The *designated Natural Resource Specialist* will be notified 24 hours prior to beginning all construction-related activities associated with this project that result in disturbance of surface soils via email or by phone. Construction-related activities may include, but are not limited to, pad and road construction, clearing pipeline corridors, trenching, etc. Notification of all construction-related activities, regardless of size, that result in disturbance of surface soils as a result of this project is required.
- 4) If for any reason the location or orientation of the geographic feature associated with the **proposed action changes**, the operator shall submit updated GIS "As-Built" data to the *designated Natural Resource Specialist* within 7 calendar days of the change. This information shall be **submitted via SN**.

- 5) Should it become necessary at any time to excavate into the underlying rock formation to upgrade the access road, bury the well tie-in pipeline, a paleontological monitor shall be present for all such excavations.
- 6) The operator shall inform all persons who are associated with the project operations about the federal and state laws for disturbing paleontological sites or collecting fossils. If fossil materials are uncovered during any project or construction activities, the holder shall immediately suspend activities in the vicinity of the find that might further disturb such materials, and contact the BLM Authorized Officer (AO). Within 5 working days the AO will inform the holder as to: 1) whether the materials appear to be of noteworthy scientific interest, and 2) the mitigation measures the holder will likely have to undertake before the site can be used, assuming in-situ preservation is not feasible.
- 7) If any paleontological resources are discovered as a result of operations under this authorization, the holder or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.
- 8) 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.
- 9) Immediately prior to clearing vegetation and earthwork on the pads, roads, and pipelines, provide a qualified biologist to clear and physically remove any midget-faded rattlesnakes that may occur on-site.
- 10) While snakes are active (April 15 to October 15), schedule as much routine or 'time-insensitive' work during the hours between 11 am and 6 pm.
- 11) Ground clearing operations and construction related activities are to be conducted while snakes are closely associated with hibernacula from October 15 to April 15.
- 12) Inform workers as to the close proximity of rattlesnake dens, likelihood of their being encountered, and generally non-aggressive behavior. They should not be indiscriminately killed.

- 13) Construction activity associated with the renewal of ROW COC74495 and COC74496 locations would be subject to a raptor nest timing limitation that prohibits disturbance from March 1 to August 15. This condition would allow for exceptions or modifications addressed in WRFO TL WR-23, which considers nest status and chronology.
- 14) No construction activities permitted to take place between January 1st and April 30th as a timing stipulation for mule deer critical winter range.
- 15) Dejour would be required to have a plan in place that allows for fire safety within the immediate work area. However, neither Dejour nor any personnel employed by Dejour would suppress any wildland fire when their safety is compromised. If an unplanned ignition does occur within the work area as a result of construction activities, Dejour would be required to notify the White River Field Office and the Craig Interagency Dispatch Center to report the incident.
- 16) In accordance with the 1997 White River RMP/ROD page 2-22, all trees removed in the process of construction shall be purchased from the BLM. Trees or shrubs that must be removed for construction or ROW preparation shall be cut down to a stump height of 6 inches or less prior to other heavy equipment operation. Trees removed during construction that are not needed for reclamation purposes shall be cut in four foot lengths (down to 4 inches diameter) and placed in manageable stacks immediately adjacent to a public road to facilitate removal for company use or removal by the public. Woody materials required for reclamation shall be stockpiled along the margins of the authorized use area separate from the topsoil piles. Once the disturbance has been recontoured and reseeded, stockpiled woody material shall be scattered across the reclaimed area where the material originated. Redistribution of woody debris will not exceed 20% ground cover. Woody material will be distributed in such a way to avoid large concentrations of heavy fuels and to effectively deter vehicle use.
- 17) Any range improvement projects that are damaged or destroyed as a result of the proposed action shall be promptly repaired or replaced to the degree of functionality prior to commencement of work associated with the proposed action.
- 18) Construction sites and all facilities shall be maintained in a sanitary condition at all times; waste materials 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.
- 19) Due to the proximity of BLM-Sensitive plant species, freshwater only should be used as dust abatement on roads, pipelines, and well pads to prevent dust plumes and dust deposition on sensitive plants.
- 20) A qualified botanist must be present when the operator lays the surface lines. Cryptanth species can often be roughly identified even after the growing season. The botanist shall help construction activities to avoid unnecessary harm to occupied and potential habitat.

- 21) As mentioned in mitigation in DOI-BLM-CO-110-2010-0047-EA at least 6 inches of topsoil (preferably 8 inches) should be stockpiled for use in reclamation when available. Additionally, any surface soil and geologic layers, including topsoil and parent material, prior to construction shall be replaced and reclaimed in its pre-disturbance order.
- 22) Complete special status plant species surveys will be required in the growing season in 2013 by a qualified botanist along both the entire pipeline and road routes (granted in DOI-BLM-CO-110-2010-0047-EA), including any areas where road improvements were placed. Surveys for special status plant species shall follow the BLM White River Field Office's "Standards for Contractor Inventories for Special Status Plant Species & Noxious Weed Affiliates" (June 2012).
- 23) Seeds of the BLM sensitive species (Rollin's cryptanth or other suspected species will be determined by the BLM after surveys are completed in 2013) removed in project construction will be collected and an independent party will grow them out for use in reclamation. The individuals collected from must occur within 1 mile of the disturbance site (or otherwise approved by BLM). Collection of the species should occur in 2013; however if the growing season (or other related environmental factors) results in a poor collection year, seed can also be collected in subsequent years to obtain an adequate and viable amount of seed. A third party can be used to collect the seeds, coordinate with a seed grow-out facility, and collaboratively design a reclamation plan with BLM and the operator to re-seed the species after grow-out.
- 24) Any future disturbance, including maintenance activities, may require special status plant species surveys.
- 25) Invasive weed management and control is required after construction activities are completed to avoid invasion of exotic species in BLM sensitive species habitat. Weed management must comply with DOI-BLM-CO-110-2010-0005-EA:
 - e. Surveys will be conducted in potential habitats for all BLM sensitive species prior to Integrated Weed Management Plan implementation, if potential, suitable or occupied habitats are suspected or known.
 - f. Suitable buffer zones from Table 7, Standard Operating Procedures, Best Management Practices and mitigation measures in the Appendices of DOI-BLM-CO-110-2010-0005-EA will be implemented for both occupied and suitable habitats of BLM sensitive plant species to avoid negative effects from aerial drift, runoff, wind erosion and other potential impacts during and following treatments.
 - g. All other herbicides used near BLM sensitive plant species will be used in conformance with buffer distances provided in Table 7.
 - h. If peripheral IWMP treatments are planned within White River beardtongue and BLM Sensitive plant species occupied habitats, pre-survey and flagging of individual plants will occur. This should be followed by manual (hand pulling) removal of noxious weeds around individual plants. Follow-up via spot application should then occur between manual removal areas using low concentrations of Glyphosate.

- 26) Re-seeding would occur in the first seasonal opportunity when adequate water is available (generally after October 15 until the soil is frozen, and after thaw but before May 15). Spring seeding will be conducted only if fall seeding is not feasible. Seed mixes used for reclamation will be in accordance with the BLM reclamation requirements. Seed mixes and soil amendments would be free of noxious weeds. Noxious weeds would be treated in accordance with the BLM AO.
- 27) The 1.2 miles of new or upgraded access roads would be completely reclaimed at the end of the life of the project. Interim reclamation would also occur along the entire 5.1 miles stretch of access road if the well goes into production and road upgrades are carried out. Because the existing 3.9 miles of access road would be upgraded only if the well goes into production, there are no plans for final reclamation of the first 3.9 miles of road, if the well site is abandoned after the exploration phase. If the road is upgraded for production, then final reclamation would be carried out on the existing 3.9 miles of access road at the end of the life of the project.
- 28) The 5.1 miles of access road must meet the specifications described in the DeJour South Rangely Federal 36-24a Surface Use Plan (paragraph 1.b and 1.c), all specifications detailed for a “resource road” in BLM Manual 9113, requirements in the Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development (The Gold Book) Fourth Edition – Revised 2007, meet the approved construction details specified in the DeJour South Rangely Federal 36-24a Surface Use Plan on Sheet 13b (Typical Production Road Cross Section N.T.S.) generated by Tri State Land Surveying, Inc. on 5-14-10, and Preserve noted cultural resources. The following are applicable excerpts from BLM 9113 and The Gold Book and detailed requirements for the referenced feature:
- h) Design Speed: 15 mph
 - i) Travelway: Preferred travelway width is 14 feet with intervisible turnouts spaced at a maximum distance of 1000 feet. The recommended dimensions for turnouts are 100 feet long by 10 feet wide with 50 feet transitions as specified in BLM 9113 and Chapter 4, Figure 3 (Cross – sections and plans for typical road sections of BLM resources) in The Gold Book. The road surface will consist of a minimum of 6 – inches of compacted road base as detailed on Sheet 13b of the Dejour South Rangely Federal 36-24a Surface Use Plan. This requirement applies to the full 5.1 miles reference in (paragraph 1.b and 1.c).
 - j) Road grade : A resource road gradient should not exceed 8% (except for pitch grades less than 300 feet or less in length) in order to minimize environmental effects. This requirement is applicable to the full 5.1 miles of access road.
 - k) Culverts: Design culverts to pass a 10 yr. flood event without static head at entrance and to minimize serious damage from 25 year event. An 18 – inch diameter culvert or equivalent size is the smallest culvert recommended to minimize blockage by debris and simplify maintenance. Culverts carrying runoff from one side of road to the other between natural channels are spaced as specified in Chapter 4, Figure 6 (culvert spacing) in The Gold Book. Install culverts per Chapter 4, Figure 7 (diagram for proper culvert installation) of The

Gold Book. This requirement is applicable to the referenced culvert on Topographic Map “B” Sheet 7.

- l) Low water crossings: Low water crossing should dip to the natural channel bed to prevent erosion and sedimentation, be surfaced with rip/rap or gravel for wet/dry access, and out sloped to prevent impounded water. This requirement is applicable to “all” referenced low water crossings on Topographic Map “B” Sheet 7 (eleven total low water crossings).
 - m) Drainage Dip: Drainage dips intercept and remove surface water from the travelway and shoulders before the combination of water and volume result in rill erosion on the travelway. Drainage dips should be constructed per Chapter 4, Figure 5 (Typical drainage dip construction specifications) in The Gold Book. Refer to Table 1 for required drainage dip locations designated by DW1 – DW8.
 - n) Reclamation: The current graded berms located on both sides of the road containing topsoil must be re-spread to the greatest degree practical on cut slopes, fill slopes, and borrow ditches prior to seeding. To ensure the stability of freshly top soiled slopes during revegetation, the application of mulch or other sediment control measures should be utilized.
- 29) With the exception of public health and safety concerns, the road should not be used by the applicant when road surfaces and soils are saturated in order to avoid new rutting on the road surface.
- 30) The short-term right-of-way for the surface pipeline is non-renewable. DeJour is encouraged to submit shape files/plans for a permanent buried pipeline located north of Federal 36-24A in early 2013 to determine surveys needed to build this permanent line.

COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

PUBLIC INVOLVEMENT

The BLM informed the public about this project by listing it on the online WRFO NEPA Register on 8/10/2012 and a copy of the completed Categorical Exclusion will be posted on the WRFO website.

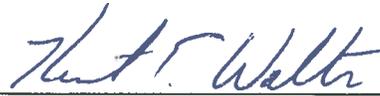
RATIONALE

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E9, E18. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

ADMINISTRATIVE REMEDIES

This decision shall take effect immediately upon the date it is signed by the Authorized Officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR 2801.10(b)). Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a Notice of Appeal must be filed in the office of the Authorized Officer at White River Field Office, 220 East Market St., Meeker, CO 81641 with copies sent to the Regional Solicitor, Rocky Mountain Region, 755 Parfet St., Suite 151, Lakewood, CO 80215, and to the Department of the Interior, Board of Land Appeals, 801 North Quincy St., MS300-QC, Arlington, VA, 22203. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals at the above address within 30 days after the Notice of Appeal is filed with the Authorized Officer.

SIGNATURE OF AUTHORIZED OFFICIAL:



Field Manager

DATE SIGNED:

10/15/12