

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-110-2013-0087-CX (Well: FGSU 33-42)
DOI-BLM-CO-110-2013-0093-CX (Well: FGSU 9-14)
DOI-BLM-CO-110-2013-0094-CX (Well: FGSU 4-41WD)
DOI-BLM-CO-110-2013-0095-CX (Well: FGSU 4-31)
DOI-BLM-CO-110-2013-0096-CX (Well: FGSU 4-12)
DOI-BLM-CO-110-2013-0097-CX (Well: FGSU 4-42)

CASEFILE/PROJECT NUMBER: Lease COC63322

PROJECT NAME: Genesis Gas & Oil Proposed Fletcher Gulch Wells (6)

LEGAL DESCRIPTION: T. 1 N., R. 100 W., Sec. 4, 6th P.M.
T. 1 N., R. 100 W., Sec. 9, 6th P.M.
T. 1 N., R. 100 W., Sec. 33, 6th P.M.

APPLICANT: GENESIS GAS & OIL LLC

DESCRIPTION OF PROPOSED ACTION: Genesis Gas & Oil LLC proposes to drill six new gas wells from six existing well pads (Figure 1). The proposed wells would be drilled from existing well pads, and the operator has confirmed that no new disturbance will be required outside of the anticipated disturbance footprint that was reviewed in CO-110-2010-0066-EA and CO-110-2009-0180-EA. The operator has also confirmed that existing road corridors will be used to access each location. In addition, pipelines will be installed in the pipeline corridors that were reviewed in CO-110-2010-0066-EA and CO-110-2009-0180-EA.

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

CATEGORICAL EXCLUSION REVIEW: The Energy Policy Act of 2005 (P.L. 109-58) prescribed five categorical exclusions (CX) for activities whose purpose is for the exploration of oil or gas.

The Proposed Action qualifies as a categorical exclusion under the Section 390 of the Energy Policy Act, #1: “*Individual surface disturbances of less than five 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 the NEPA has been previously completed.*”

Documentation

The BLM NEPA Handbook (H-1790-1) provides specific instructions for using this CX.

1) Is surface disturbance associated with the Proposed Action less than five acres?

The proposed wells would be drilled from existing locations; therefore, no new surface disturbance would result from implementing the Proposed Action.

2) Is there less than 150 acres of surface disturbance, including the Proposed Action, on the entire leasehold?

Estimates of surface disturbance within the lease (COC63322 at the surface location) that are most likely attributed to oil and gas activities equal approximately 75 acres. This area represents 3 percent of the total area of the lease, which is approximately 2,244 acres in size.

3) Is the Proposed Action within the boundaries of an area included in a site-specific NEPA document? (The NEPA document must have analyzed the exploration and/or development of oil and gas (not just leasing) and the action/activity being considered must be within the boundaries of the area analyzed in the environmental assessment (EA) or environmental impact statement (EIS). The NEPA document need not have addressed the specific permit or application being considered.)

Yes. See Table 1. These documents reviewed perceived impacts associated with the construction of the well pads, and the access and pipeline corridors associated with these locations. In addition, these documents included the review of perceived impacts related to drilling natural gas wells and installation of pipelines to these sites.

Table 1. Existing NEPA documents for the well pads associated with the proposed wells.

Well	NEPA Document	Signature Date
33-42	CO-110-2010-0066-EA	6/2/2010
4-12	CO-110-2010-0066-EA	6/2/2010
4-41	CO-110-2009-0180-EA	12/8/2009
4-31	CO-110-2009-0180-EA	12/8/2009
4-42	CO-110-2009-0180-EA	12/8/2009
9-14	CO-110-2009-0180-EA	12/8/2009

INTERDISCIPLINARY REVIEW: Internal scoping was initiated when the project was presented to the White River Field Office (WRFO) interdisciplinary team on 5/21/2013. External scoping was conducted by posting this project on the WRFO’s on-line National Environmental Policy Act (NEPA) register on 6/21/2013.

Name	Title	Resource	Date
Michael Selle	Archaeologist	Cultural Resources, Native American Religious Concerns	9/3/2013
Michael Selle	Archaeologist	Paleontological Resources	6/11/2013
Laura Dixon	Wildlife Biologist	Special Status Wildlife Species	7/29/2013
Heather Woodruff	Range Management Specialist/Ecologist	Special Status Plant Species	7/26/2013

REMARKS:

Cultural Resources: The well pads where the additional proposed wells are to be drilled have been inventoried at the Class III (100 percent pedestrian) by a number of inventories (McDonald 2009a compliance dated 2/20/2019, 2009b compliance dated 5/1/2009, 2009c compliance dated 8/19/2009, 2010 compliance dated 6/17/2010). Provided that there is no additional disturbance outside the current well pad footprint there should be no new impacts to any known cultural resources.

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: Well pads 4-12, 4-31, 4-42 and 4-41 are located in an area generally mapped as the Williams Fork Formation (Tweto 1979) which the BLM has classified as a Potential Fossil Yield Classification (PFYC) 5 formation. Formations that are classified as PFYC 5 are known to produce scientifically noteworthy fossil resources (c. f. Armstrong and Wolny 1989). Further, well 33-42 is located within locality 5RB.5709 where plant fossils, some of which are diagnostic are known to occur. Any excavation into the underlying sedimentary rock

for the cellar or to bury the well tie pipelines has the potential to impact important fossil resources (WO-IM 2009-011).

Wells 33-42 and 9-14 are located in area generally mapped as the Wasatch Formation (Tweto 1979) which the BLM has classified as a PFYC 5 formation meaning it is known to produce scientifically noteworthy fossil resources (C. f. Armstrong and Wolny 1989). Any excavation into the underlying sedimentary rock for the cellar or to bury the well tie pipelines has the potential to impact important fossil resources (WO-IM 2009-011).

Should any important fossil resources be impacted during implementation of the Proposed Action it would constitute an irreversible, irretrievable, permanent loss of scientific data to the regional paleontological database.

Threatened and Endangered Wildlife Species: There are no threatened or endangered wildlife species that are known to inhabit or derive important use from the project area. Wells 33-42, 9-14, 4-42, 4-31 and 4-12 are located within areas mapped as big game severe winter range. The timing stipulation that prevents disruptive activities from occurring January 1 to April 30 is carried forward from both original EAs (DOI-BLM-CO-110-2010-066-EA and DOI-BLM-CO-110-2009-180-EA) and applied to wells 33-42, 9-14, 4-42, 4-31 and 4-12. There are no other wildlife concerns.

Threatened and Endangered Plant Species: There were no special status plant concerns in the original EAs (DOI-BLM-CO-110-2010-066-EA and DOI-BLM-CO-110-2009-180-EA) and the same analysis is sufficient for this action. No new disturbance will be occurring outside the already constructed wellpads. Therefore, there are no special status plant species concerns associated with the Proposed Action.

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.
- McDonald Kae
2009a Genesis Gas and Oil, LLC, Fletcher Gulch Wells and Access Roads: A Class III Cultural Resource Inventory Rio Blanco County, Colorado. Flattops Archaeological Consultants, Glenwood Springs, Colorado. (09-154-01: SHPO #RB.LM.R1099)
- 2009b Addendum to: Genesis Gas and Oil, LLC, Fletcher Gulch Wells and Access Roads Class III Cultural Resource Inventory, Rio Blanco County, Colorado. Flattops Archaeological Consultants, Glenwood Springs, Colorado. (09-154-02: SHPO #1099)
- 2009C Genesis Gas and Oil, LLC, Fletcher Gulch Looplines, A Class III Cultural Resource Inventory, Rio Blanco County, Colorado. Flattops Archaeological Consultants, Glenwood Springs, Colorado. (09-154-04: SHPO #RB.LM.R1175)

2010 Fletcher Gulch 33-42 Relocation, An Addendum to: Genesis Gas and Oil, LLC, Fletcher Gulch Wells and Access Roads Class III Cultural Resource Inventory, Rio Blanco County, Colorado. Flattops Archaeological Consultants, Glenwood Springs, Colorado. (10-154-03: SHPO #RB.LM.NR2145)

Tweto, Ogden

1979 Geologic map of Colorado. United States Geologic Surveyk, Department of the Interior, Reston, Virginia.

MITIGATION: The following mitigation was identified in DOI-BLM-CO-110-2009-0180-EA and DOI-BLM-CO-110-2010-0066-EA and applies to the Proposed Action:

Air, Soil and Water Resources

1. All access roads will be treated with water and/or a dust suppressant during construction and drilling activities so that there is not a visible dust trail behind vehicles. All vehicles will abide by company and public speed restrictions during all activities. If water is used as a dust suppressant, there should be no traces of oil or solvents in the water and it should be properly permitted for this use by the State of Colorado. Only water needed for abating dust should be applied; dust abatement should not be used as a water disposal option under any circumstances.
2. All construction and drilling activity shall cease when soils or road surfaces become saturated to a depth of three inches unless there are safety concerns or activities are otherwise approved by the Authorized Officer (AO).
3. The operator will submit via Sundry Notice the location of all frac pits, should they be required.
4. Genesis would be responsible for complying with all local, state, and federal water quality regulations, such as, but not limited to, Phase I Storm Water Permit, U.S. Army Corps of Engineers (USACE) Section 404 permit coverage, and Industrial Wastewater/Produced Water Permits. Genesis will provide confirmation of these permits at the request of the BLM. If fill from the access road or the pad for 10-32 would result in fill into Fletcher Gulch, estimates for the amount of fill material and area disturbed should be estimated and may require a notification process or maybe a permit with USACE.
5. The operator will keep road inlet and outlet ditches, catchbasins, and culverts free of obstructions, particularly before and during spring runoff. Routine machine cleaning of ditches shall be kept to a minimum during wet weather. Leave the disturbed area in a condition that provides drainage with no additional maintenance.
6. Access roads shall be maintained to BLM Manual Section 9113 standards for road shape and drainage features. Culverts and waterbars shall be sized for the 10-year storm event with no static head and to pass a 25-year event without failing.

7. The AO will be notified via Sundry Notice within 48 hours after well completion. The operator will not dispose of produced water in the reserve pits after well completion; all produced water will be disposed of in an approved injection well.
8. The operator shall submit a Sundry Notice if average field-wide water volumes exceed the 300 barrel-per-day maximum volume assumed for produced water production. Include the WRFO Hydrologist in the review of this sundry notification.
9. To mitigate project-related soil erosion and increased surface runoff to nearby surface waters, all reserve pits shall be closed and pads recontoured for interim reclamation no later than October 1st of the year they are drilled unless prior approval is obtained from the AO. Requests for interim reclamation activities that are anticipated to occur after October 1st will be submitted to WRFO via Sundry Notice.
10. To allow optimal opportunity for the maximum extent of 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 AO.
11. Pits shall not be constructed on known intermittent or perennial springs, seeps, or other surface water features. If groundwater is encountered during pit construction activity, pit construction shall cease and the location shall be reclaimed. An alternate location or an alternate plan (e.g., use of a closed loop and/or semi-closed loop system) must be approved by the AO before resuming operations. Pits shall be constructed, monitored, and operated to provide for a minimum of two (2) feet of freeboard at all times. Maintain fluids in pits at the lowest practicable level, subject to the type of operation in process.
12. It is the operator's responsibility to design and construct a liner system to contain fluids in the pit without compromising the integrity of the liner(s). The pit shall be padded with material if necessary to reduce potential damage to the liner by sharp rock edges.
13. If the COGCC requires the removal of the pit liner, the method of removal and location of disposal for pit liners and pit solids must be submitted to the AO and approved before beginning the pit closure. If pit liners are to be left in place, the fluids from the pit must be removed and/or evaporated before closing. The pit liner shall be cut or folded at the mudline and the pit shall be buried with at least 3 feet of clean spoils before interim reclamation efforts are started, as stated in the SUP.
14. If erosion occurs on improved roads during the life of the project, the operator shall promptly repair it and control it through maintenance of existing structures, construction of additional culverts, lead-out ditches, or other modifications as necessary. New construction will require a Sundry Notice.
15. BMPs for stormwater need to be submitted via sundry for all surface disturbance planned. Not ditches are currently approved for stormwater and all surface disturbance should stay within the cut and fill diagrams submitted by the operator. Any stormwater BMPs that would

result in additional surface disturbance must be submitted via sundry and approved by the AO before installation.

16. For all wells, submit via Sundry Notice an indication of the location, method of transportation and an indication of the water right or water right holder for the use of freshwater for construction, drilling and dust abatement to meet Onshore Order #1 requirements that state, “e. Location and Types of Water Supply: Information concerning water supply, such as rivers, creeks, springs, lakes, ponds, and wells, may be shown by quarter-quarter section on a map or plat, or may be described in writing. The operator must identify the source, access route, and transportation method for all water anticipated for use in drilling the proposed well.”

Hazardous or Solid Wastes

17. The operator shall submit an updated Spill Prevention, Control, and Countermeasure (SPCC) Plan to the AO prior to construction activities.
18. 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. A chemical portable toilet shall be furnished with the drilling rig. Garbage, trash, and other waste materials shall be collected in a portable, self-contained, fully enclosed trash cage during operations. “Waste” means all discarded matter including, but not limited to: human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment. No trash shall be burned on location. All debris and other waste material not contained in the trash cage shall be cleaned up and removed from the location immediately after removal of the drilling rig.
19. Any spills or releases of hazardous substances shall be cleaned up and disposed of in accordance with applicable requirements and spill response plans.
20. Since the reserve pits may receive fluids from completion and fracing activities, all pits will be lined with a synthetic liner(s) with a minimum thickness of twenty-four (24) ml and shall be of a high-density polyethylene, polypropylene, poly vinyl chloride, hypalon, or other synthetic material that is impervious, weather resistant, and resistant to deterioration when in contact with hydrocarbons, aqueous acids, alkali, fungi, or other substances in the produced water. The synthetic liner(s) shall also be resistant to deterioration by ultraviolet light, punctures and tearing, and shall be designed for the life of the pit.
21. The pits must be closed within approximately six months of drilling and completion at each of the proposed 4 wells, regardless of whether additional wells are planned for the pads or not.
22. The concentration of contaminants of concern in pits and around production equipment (e.g., separators, above-ground storage tanks, etc.) at the time of closure must not exceed applicable or relevant and appropriate requirements (e.g., Colorado Oil and Gas Conservation Commission [COGCC] 900 Series Rules – Exploration and Production Waste Management, Table 910-1 [COGCC 2009]). This condition applies to pit contents and underlying soil.

23. The release of any oil, produced water, toxic liquid, or other waste materials must be controlled and contained immediately upon discovery and cleaned up as soon as possible. The BLM AO may require additional action to prevent or mitigate potential or actual adverse environmental impacts on any air, water, soil, or biological resource. Releases shall be reported by the operator to the BLM according to Notice to Lessees and Operators of Onshore Federal and Indian Oil and Gas Leases (NTL-3A). In addition to the reporting requirements set forth in NTL-3A, the operator shall provide a monthly report to the BLM documenting any release of liquids less than 10 barrels in quantity. The report will include: (a) the date and time of occurrence; (b) the location where the incident occurred; (c) the type and volume of the material released; (d) the volume of material recovered; (e) the cause of the incident; and (f) corrective action to address the incident (e.g., initial mitigation, investigation, remediation, etc.). The monthly report will be submitted electronically via email as a Microsoft Excel file to the BLM White River Field Office Hazardous Materials Coordinator.

Vegetation, Reclamation and Invasive, Non-Native Species

24. The operator will clear the minimum vegetation necessary for construction of the proposed facilities.

25. The operator shall provide a plan indicating how and where excess cut or borrow will be disposed of (e.g., used on other roads, stockpiled, etc.). The plans shall show stockpile and borrow locations.

26. Stripped topsoil and vegetation shall be stockpiled for subsequent reclamation of unused areas on the well pad where it was originally removed.

27. During construction, stockpiled topsoil and spoil piles will be separated and clearly identified to prevent mixing during reclamation efforts. Topsoil stockpiles will be seeded with a BLM-approved seed mixture and protected with hydromulch or an erosion control fabric, unless interim reclamation activities will occur within one month of the spud date.

28. The operator shall be responsible for reclamation of unused portions of well pads, including revegetation with a BLM-approved seed mix. Seed mixes allowed for reclamation are provided in the table below and are based on the ecological site defined by the soil MUs within the project area (USDI BLM 1997; Hafkenschiel 2009).

Seed Mix	Species	PLSLbs/A cre	Ecological Site
2	Western wheatgrass (Arriba)	3	Clayey foothills, clayey slopes
	Streambank wheatgrass (Sodar)	2	
	Thickspike wheatgrass (Critana)	2	
	Fourwing saltbush (Wytana, Rincon)	2	
	Alternates: Winterfat; shadscale, globemallow		
4	Western wheatgrass (Rosanna)	2	Pinyon-juniper woodlands, stony foothills
	Beardless wheatgrass (Whitmar)	2	
	Thickspike wheatgrass (Critana)	1	
	Indian ricegrass (Rimrock,)	2	
	Fourwing saltbush (Wytana or VNS)	1	

Seed Mix	Species	PLSLbs/A cre	Ecological Site
	<u>Utah sweetvetch</u> Alternates: Needle and thread, globemallow, American vetch	1	
7	Beardless wheatgrass (Whitmar) Slender wheatgrass (Primar) Big bluegrass (Sherman) Canby bluegrass (Canbar) <u>Mountain brome (Bromar)</u> Alternates: Blue flax, Rocky Mountain penstemon, balsamroot	2 2 1 1 2	Deep clay loam

Source: Hafkenschiel 2009; USDI BLM 1997.

29. Fences shall be erected around well pads to exclude livestock during reclamation of unused portions of the pads (Mark Hafkenschiel, BLM Range Specialist, pers. comm. 2008). The fences shall consist of a four-strand BLM Type-D barbed-wire fence braced with wooden H-posts at each corner, constructed in compliance with BLM Fencing Manual 1741-1 (USDI BLM 1989). Fencing may be in place for three years or more, depending upon moisture levels and reclamation success, and must be maintained so as to remain in a continuously functional state. Cattle guards shall be installed where fences cross access roads. Cattle guards shall provide a minimum 16-ft driving surface, unless otherwise stipulated by the AO. Cattle guards shall have an adjacent wire or welded steel livestock access gate, and shall be placed at a 90° angle to the access road. The gate shall be properly braced in accordance with the requirements of the Gold Book and BLM manual 1741-1.
30. It shall be the responsibility of the operator to continue revegetation/reclamation efforts until vegetative communities on all disturbed surfaces are successful. Rehabilitation efforts must be repeated, if necessary, to achieve BLM reclamation success criteria as above.
31. All seed tags will be submitted to the Reclamation Coordinator within 14 calendar days from the time the seeding activities have ended via Sundry Notice. The Sundry will include the purpose of the seeding activity (i.e., seeding well pad cut and fill slopes, seeding pipeline corridor, etc.). In addition, the Sundry will include the well or well pad number associated with the seeding activity, if applicable, the name of the contractor that performed the work, his or her phone number, the method used to apply the seed (e.g., broadcast, hydro-seeded, drilled), whether the seeding activity represents interim or final reclamation, an estimate of the total acres seeded, an attached map that clearly identifies all disturbed areas that were seeded, and the date the seed was applied.
32. The Reclamation Coordinator will be notified 24 hours prior to beginning all reclamation activities associated with this project via email or by phone. Reclamation activities may include, but are not limited to, seedbed preparation that requires disturbance of surface soils, seeding, constructing exclosures (e.g., fences) to exclude livestock from reclaimed areas.
33. The Reclamation Coordinator 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.

34. In an attempt to track interim and final reclamation of federal actions related to the development of federal mineral resources, the operator shall submit Geographic Information System (GIS) data to the White River Field Office (WRFO) for any post construction (i.e., “as-built”) polygon feature that was included in the Application for Permit to Drill (APD) or Sundry Notice, and associated with the Proposed Action. GIS polygon features may include, but are not limited to, constructed access roads, existing roads that were upgraded, pipeline corridors, and well pad footprints. Geospatial data shall be submitted, for each completed activity, electronically to the designated BLM staff person responsible for the initial submitted request; and, in accordance with WRFO geospatial data submittal standards (available from WRFO GIS Staff). If the operator is unable to send the data electronically, the operator shall submit the data on compact disk(s) to:
- BLM, White River Field Office
220 East Market Street
Meeker, Colorado 81641

These data shall be submitted within 14 calendar days from the time when construction-related activities have ended for all geographic features associated with the approved action, or as stipulated by the BLM if the data are not received as intended. If the operator is unable to submit the required information within the specified time period, the operator shall notify the designated BLM staff person via email or by phone, and provide justification supporting an extension of the required data submission time period. Internal and external review of the reporting process and the adequacy of the associated information to meet established goals will be conducted on an on-going basis. New information or changes in the reporting process will be incorporated into the request, as appropriate. Subsequent permit application processing may be dependent upon successful execution of this request, as stated above. Internal and external review of the reporting process and the adequacy of the associated information to meet established goals will be conducted on an on-going basis.

If for any reason the location or orientation of the geographic feature associated with the Proposed Action changes, the operator shall submit updated GIS data to BLM, WRFO within 7 calendar days of the change. This information shall be submitted via Sundry Notice.

35. The operator will be required to meet with the WRFO reclamation staff in March or April of each calendar year and present a comprehensive work plan. The purpose of the plan is to provide information pertaining to reclamation activities that are expected to occur during the current growing season. The operator shall also provide a map that shows all reclamation sites where some form of reclamation activity is expected to occur during the current growing season.
36. Reclamation activities on barrow areas and along roads and interim reclamation on pads will be completed within six months of well completion, but no later than November 1st of the year that the well is completed. Reclamation activities include the decompaction of soils, drill seeding and/or broadcast seeding, and mulching as needed. Reclamation shall occur on

all disturbed areas affected by construction and drilling, except areas needed for production operations.

37. The operator shall be required to monitor all reclaimed areas for signs of erosion. In order to protect rangeland health standards, erosion features such as riling, gullying, piping and mass wasting on the surface disturbance or adjacent to the surface disturbance as a result of this action will be addressed immediately after observation by contacting the AO and submitting a plan to assure successful soil stabilization with BMPs to address erosion problems.
38. Upon final abandonment of well pads, 100% of all disturbed surfaces, including access roads, shall be restored to pre-construction contours to the extent practicable and revegetated with a BLM-stipulated seed mixture. Two-track roads improved for fluid mineral development will be reclaimed as nearly as practicable to original conditions. Natural drainage patterns will be restored and stabilized with a combination of vegetative (seeding, planting) and non-vegetative (material not harmful to wildlife, including straw bales and wattles, woody debris, biodegradable fabric) techniques. Monitoring and additional reclamation efforts shall persist until reclamation is proven successful, as determined by the BLM.
39. The operator shall be required to monitor the project area for a minimum of three years after construction to detect the presence of Colorado State List A and B noxious weed species (CDA 2009). If List A or B noxious weed species are found, abatement measures shall be implemented using materials and methods approved in advance by the AO.
40. The operator shall be responsible for noxious weed and cheatgrass control on disturbed areas within the limits of the approved project footprint. The operator is responsible for consultation with the AO and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).
41. All vehicles and heavy machinery shall be cleaned to remove seed and soil prior to construction and drilling activities. When moving equipment from an area infested with cheatgrass, the operator shall clean equipment as required by the AO.
42. All activities shall comply with the requirements of Rio Blanco County for noxious and invasive species management.
43. Use of pesticides shall comply with the applicable federal and state laws and will require application for a Pesticide Use Proposal. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior.

Wildlife

44. Prior to issuing a Notice to Proceed, a raptor survey must be conducted using the current BLM WRFO raptor survey protocol and the results of that survey approved by BLM biologists. Raptor surveys are only valid for the breeding season (i.e., April 1 to August 15 in woodland habitats and February 1 to August 15 in cliff habitats) in which they are conducted; a new raptor survey will be required if the project were delayed until a subsequent breeding season. Suitable nesting habitat associated with the following well locations and proposed

pipeline and access corridors will be surveyed during the 2013 breeding season: 4-12, 33-42, 33-33. Pending results of 2013 survey, proposed developments (e.g., vegetation clearing, construction, drilling, completion and scheduled workovers or fracing, reclamation) that have potential to disrupt active nesting attempts would be subject to raptor timing limitations (i.e., nest initiation to dispersal of young from nest). These stipulations will remain in effect over the life of the project, although the timing limitation provisions are contingent on occupancy status.

The table below outlines the appropriate No Surface Occupancy and timing limitation restrictions related to listed and unlisted nesting raptors that shall be in effect during the life of the project. Modifications to this stipulation may be granted by the Field Office Manager as specified in Table A-3, page A-13 of the White River ROD/RMP USDI BLM 1997).

Species	No Surface Occupancy Buffer Size	Timing Limitation Buffer Size	Dates that Activities are Prohibited ¹
Northern Goshawk and Burrowing Owl	1/4 mi of nests	1/2 mi of nests	4/1 - 8/15 or until dispersal of young
Golden Eagle and Great Horned Owl	1/8 mi of nests	1/4 mi of nests	2/1 - 8/15 or until dispersal of young
Ferruginous Hawk	1/4 mi of nests	1 mi of nests	2/1 - 8/15 or until dispersal of young
Bald Eagle	1/4 mi of nests	1/2 mi of nests	12/15 – 7/15 or until dispersal of young
All Other Raptors	1/8 mi of nests	1/4 mi of nests	4/1 - 8/15 or until dispersal of young

¹ Prohibited activities are any disruptive activities including, but not limited to, vegetation clearing, construction, drilling, completion, and reclamation work.

45. If at any time new information reveals that impacts from the proposed project to animal species listed as Endangered or Threatened under the ESA exceed those described in this document, or if a species that may be affected by the project becomes newly listed, Section 7 consultation with the FWS will be initiated.
46. The operator shall prevent migratory bird access to facilities that store or are expected to store fluids that may pose a risk to such birds (e.g., toxicity, compromised insulation). Features that prevent access to such fluids must be in place and functional within 24 hours of the drilling rig moving off the location and shall remain effective until such pits are removed or incapable of storing fluids. Deterrence methods may include netting or other alternative methods that effectively prevent use and that meet BLM approval (the use of “bird balls” is discouraged). It will be the responsibility of the operator to notify the BLM of the method that will be used 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 BLM Petroleum Engineer Technician immediately.

47. Disruptive forms of activity, including road construction, drilling and completion operations, and scheduled workover and refracing, will be prohibited in severe winter range for mule deer from 1 January to 30 April: T2N R100W Section 33: S1/2SE1/4, NW1/4SE1/4, SE1/4SW1/4; and T1N R100W Section 4: NW1/4. This condition applies to development of proposed locations 4-12, 33-42, and 33-33, including the preparation of pads and pipeline and access right-of-ways, and well drilling and completion activities.
48. General access to the following proposed locations shall be restricted by means of a lockable gate (may require fence wings) placed along the proposed access at a point as close as possible to the intersection of the proposed and established access: 4-12/33-42 group.

Cultural and Paleontology

49. The known historic habitation 5RB 5356, located in the general project area, shall be avoided by all construction and maintenance activities unless permission to do otherwise is provided by the private landowner.
50. Any project modifications that are located outside areas previously inventoried for cultural resources shall be inventoried prior to approval of the modification.

Visual

51. Paint and maintain paint on all facilities approved with the Proposed Action to Juniper Green (Munsell Soil Color Chart of Standard Environmental Colors). Initial painting will occur within 6 months of installation.

Fire and Forestry

52. 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 for 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 by the public. Woody materials required for reclamation shall be stockpiled along the margins of the authorized use area. The boles and limbs of the larger trees shall be retained for redistribution not to exceed 20% total ground cover.
53. Some tree boles shall be retained for use as erosion control, as stated in the *Water Quality, Surface and Ground* and *Vegetation* sections. These stored materials shall not be windrowed, as this would result in an elevated hazardous fuel condition. When placed onto reclaimed areas, the boles should be evenly scattered to maintain 20% surface cover without creating pockets of fuels.
54. As listed in the COAs for all surface-disturbing activities in the White River ROD/RMP, Appendix B, Page B-1 (USDI BLM 1997), Genesis shall be required to purchase from the BLM prior to any surface disturbing activity, all trees that would be removed as a result of the Proposed Action. Cut trees not being used for reclamation shall be cut into four-ft

lengths, down to four inches in diameter, and placed along the edge of the disturbance prior to being removed for resale or private use.

In addition to mitigation that was developed in DOI-BLM-CO-110-2009-0180-EA and DOI-BLM-CO-110-2010-0066-EA, the following mitigation has been identified:

1. The permittee is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the Authorizing Official (AO). The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
3. Pursuant to 43 CFR 10.4(g), the permittee must notify the AO, by telephone and 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), the permittee must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
4. In the future, if it becomes evident that impacts to any plant species listed as Endangered or Threatened are resulting from project related activities, Section 7 consultation with USFWS will be initiated.
5. If, after three growing seasons, the following reclamation success criteria are not achieved then the steps will be reassessed in consultation with the BLM WRFO and additional seeding at an appropriate seeding window will occur. Success criteria to achieve:
 - a) Vegetation monitoring (method approved by the BLM) reveals vegetation with eighty percent similarity of desired foliar cover, bare ground, and shrub and or forb density in relation to the identified DPC. In the absence of specified DPC data, an agreed upon reference site or AIM data would serve as the DPC. Vegetative cover values for woodland or shrubland sites are based on the capability of those sites in an herbaceous state.
 - b) The resulting plant community must have composition of at least five desirable plant species, and no one species may exceed 70 percent relative cover to ensure that site species diversity is achieved. Desirable species include native species

from the surrounding site, species listed in the range/ecological site description, or species from the BLM approved seed mix.

6. A Reclamation Status Report will be submitted electronically to the WRFO annually (due January 1st) until it is determined that reclamation of the site has met all required objectives of that particular reclamation phase. Every third year, a vegetation monitoring report should accompany the status report. The reclamation status report will be submitted electronically via the most current data management system. Contact your WRFO project lead (NRS/Realty Specialist) with any questions. Any changes to the project status or related information can also be provided through the most current data management system.
 - a) The Reclamation Status Report will include the ROW number, legal description, UTM coordinates, project description, date seeded, photos of the reclaimed site taken from permanent photo points, estimate of acres seeded, seeding method (e.g., broadcast, drilled, hydro-seeded, etc.), a diagram showing where reclamation has occurred with photo points identified and noted, additional notes as needed, and contact information for the person responsible for developing the report.
7. Final reclamation for abandonment of the site will use the seed mix and reclamation practices recommended by BLM at that time.

MONITORING AND COMPLIANCE: On-going compliance inspections and monitoring of drilling, production, and post-production activities will be conducted by White River Field Office staff during construction 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: Brett Smithers

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 Section 390 of the Energy Policy.

SIGNATURE OF AUTHORIZED OFFICIAL:



Field Manager

DATE SIGNED: 10/29/13

ATTACHMENTS: Figure 1. Project area map.

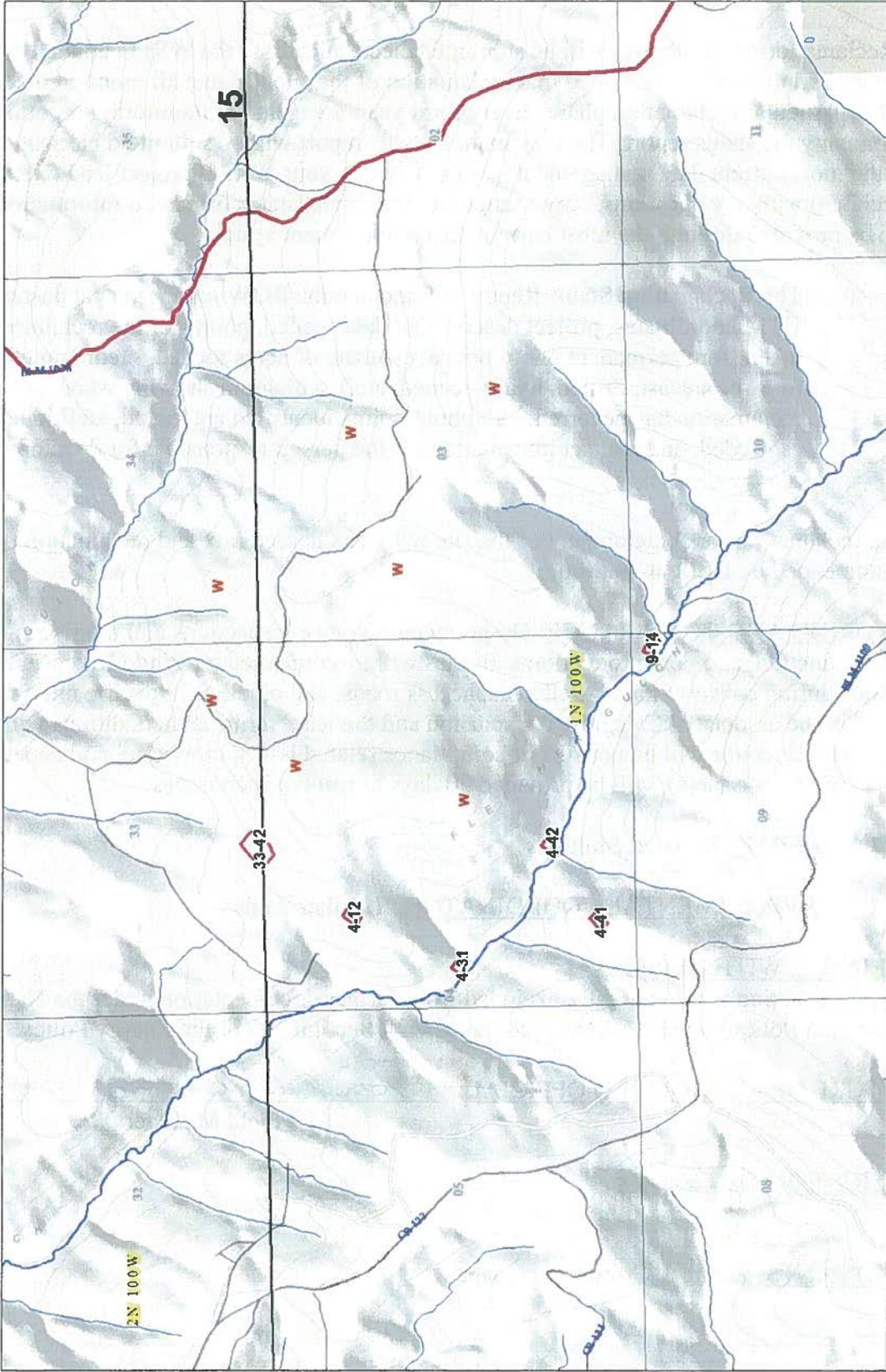


Figure 1. The figure above illustrates the geographic location of the proposed well pad locations.

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

DECISION

PROJECT NAME: Genesis Gas & Oil Proposed Fletcher Gulch Wells (6)

CATEGORICAL EXCLUSION NUMBER:

DOI-BLM-CO-110-2013-0087-CX (Well: FGSU 33-42)
DOI-BLM-CO-110-2013-0093-CX (Well: FGSU 9-14)
DOI-BLM-CO-110-2013-0094-CX (Well: FGSU 4-41WD)
DOI-BLM-CO-110-2013-0095-CX (Well: FGSU 4-31)
DOI-BLM-CO-110-2013-0096-CX (Well: FGSU 4-12)
DOI-BLM-CO-110-2013-0097-CX (Well: FGSU 4-42)

DECISION: It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-110-2013-0087-CX, authorizing drilling the proposed six wells on the existing FGSU 33-42, FGSU 9-14, FGSU 4-41WD, FGSU 4-31, FGSU 4-12 and FGSU 4-42 well pads.

MITIGATION: The following mitigation was identified in DOI-BLM-CO-110-2009-0180-EA and DOI-BLM-CO-110-2010-0066-EA and applies to the Proposed Action:

Air, Soil and Water Resources

1. All access roads will be treated with water and/or a dust suppressant during construction and drilling activities so that there is not a visible dust trail behind vehicles. All vehicles will abide by company and public speed restrictions during all activities. If water is used as a dust suppressant, there should be no traces of oil or solvents in the water and it should be properly permitted for this use by the State of Colorado. Only water needed for abating dust should be applied; dust abatement should not be used as a water disposal option under any circumstances.
2. All construction and drilling activity shall cease when soils or road surfaces become saturated to a depth of three inches unless there are safety concerns or activities are otherwise approved by the Authorized Officer (AO).
3. The operator will submit via Sundry Notice the location of all frac pits, should they be required.
4. Genesis would be responsible for complying with all local, state, and federal water quality regulations, such as, but not limited to, Phase I Storm Water Permit, U.S. Army Corps of Engineers (USACE) Section 404 permit coverage, and Industrial Wastewater/Produced Water Permits. Genesis will provide confirmation of these permits at the request of the BLM.

If fill from the access road or the pad for 10-32 would result in fill into Fletcher Gulch, estimates for the amount of fill material and area disturbed should be estimated and may require a notification process or maybe a permit with USACE.

5. The operator will keep road inlet and outlet ditches, catchbasins, and culverts free of obstructions, particularly before and during spring runoff. Routine machine cleaning of ditches shall be kept to a minimum during wet weather. Leave the disturbed area in a condition that provides drainage with no additional maintenance.
6. Access roads shall be maintained to BLM Manual Section 9113 standards for road shape and drainage features. Culverts and waterbars shall be sized for the 10-year storm event with no static head and to pass a 25-year event without failing.
7. The AO will be notified via Sundry Notice within 48 hours after well completion. The operator will not dispose of produced water in the reserve pits after well completion; all produced water will be disposed of in an approved injection well.
8. The operator shall submit a Sundry Notice if average field-wide water volumes exceed the 300 barrel-per-day maximum volume assumed for produced water production. Include the WRFO Hydrologist in the review of this sundry notification.
9. To mitigate project-related soil erosion and increased surface runoff to nearby surface waters, all reserve pits shall be closed and pads recontoured for interim reclamation no later than October 1st of the year they are drilled unless prior approval is obtained from the AO. Requests for interim reclamation activities that are anticipated to occur after October 1st will be submitted to WRFO via Sundry Notice.
10. To allow optimal opportunity for the maximum extent of 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 AO.
11. Pits shall not be constructed on known intermittent or perennial springs, seeps, or other surface water features. If groundwater is encountered during pit construction activity, pit construction shall cease and the location shall be reclaimed. An alternate location or an alternate plan (e.g., use of a closed loop and/or semi-closed loop system) must be approved by the AO before resuming operations. Pits shall be constructed, monitored, and operated to provide for a minimum of two (2) feet of freeboard at all times. Maintain fluids in pits at the lowest practicable level, subject to the type of operation in process.
12. It is the operator's responsibility to design and construct a liner system to contain fluids in the pit without compromising the integrity of the liner(s). The pit shall be padded with material if necessary to reduce potential damage to the liner by sharp rock edges.
13. If the COGCC requires the removal of the pit liner, the method of removal and location of disposal for pit liners and pit solids must be submitted to the AO and approved before beginning the pit closure. If pit liners are to be left in place, the fluids from the pit must be

removed and/or evaporated before closing. The pit liner shall be cut or folded at the mudline and the pit shall be buried with at least 3 feet of clean spoils before interim reclamation efforts are started, as stated in the SUP.

14. If erosion occurs on improved roads during the life of the project, the operator shall promptly repair it and control it through maintenance of existing structures, construction of additional culverts, lead-out ditches, or other modifications as necessary. New construction will require a Sundry Notice.
15. BMPs for stormwater need to be submitted via sundry for all surface disturbance planned. Not ditches are currently approved for stormwater and all surface disturbance should stay within the cut and fill diagrams submitted by the operator. Any stormwater BMPs that would result in additional surface disturbance must be submitted via sundry and approved by the AO before installation.
16. For all wells, submit via Sundry Notice an indication of the location, method of transportation and an indication of the water right or water right holder for the use of freshwater for construction, drilling and dust abatement to meet Onshore Order #1 requirements that state, "e. Location and Types of Water Supply: Information concerning water supply, such as rivers, creeks, springs, lakes, ponds, and wells, may be shown by quarter-quarter section on a map or plat, or may be described in writing. The operator must identify the source, access route, and transportation method for all water anticipated for use in drilling the proposed well."

Hazardous or Solid Wastes

17. The operator shall submit an updated Spill Prevention, Control, and Countermeasure (SPCC) Plan to the AO prior to construction activities.
18. 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. A chemical portable toilet shall be furnished with the drilling rig. Garbage, trash, and other waste materials shall be collected in a portable, self-contained, fully enclosed trash cage during operations. "Waste" means all discarded matter including, but not limited to: human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment. No trash shall be burned on location. All debris and other waste material not contained in the trash cage shall be cleaned up and removed from the location immediately after removal of the drilling rig.
19. Any spills or releases of hazardous substances shall be cleaned up and disposed of in accordance with applicable requirements and spill response plans.
20. Since the reserve pits may receive fluids from completion and fracing activities, all pits will be lined with a synthetic liner(s) with a minimum thickness of twenty-four (24) ml and shall be of a high-density polyethylene, polypropylene, poly vinyl chloride, hypalon, or other synthetic material that is impervious, weather resistant, and resistant to deterioration when in contact with hydrocarbons, aqueous acids, alkali, fungi, or other substances in the produced

water. The synthetic liner(s) shall also be resistant to deterioration by ultraviolet light, punctures and tearing, and shall be designed for the life of the pit.

21. The pits must be closed within approximately six months of drilling and completion at each of the proposed 4 wells, regardless of whether additional wells are planned for the pads or not.
22. The concentration of contaminants of concern in pits and around production equipment (e.g., separators, above-ground storage tanks, etc.) at the time of closure must not exceed applicable or relevant and appropriate requirements (e.g., Colorado Oil and Gas Conservation Commission [COGCC] 900 Series Rules – Exploration and Production Waste Management, Table 910-1 [COGCC 2009]). This condition applies to pit contents and underlying soil.
23. The release of any oil, produced water, toxic liquid, or other waste materials must be controlled and contained immediately upon discovery and cleaned up as soon as possible. The BLM AO may require additional action to prevent or mitigate potential or actual adverse environmental impacts on any air, water, soil, or biological resource. Releases shall be reported by the operator to the BLM according to Notice to Lessees and Operators of Onshore Federal and Indian Oil and Gas Leases (NTL-3A). In addition to the reporting requirements set forth in NTL-3A, the operator shall provide a monthly report to the BLM documenting any release of liquids less than 10 barrels in quantity. The report will include: (a) the date and time of occurrence; (b) the location where the incident occurred; (c) the type and volume of the material released; (d) the volume of material recovered; (e) the cause of the incident; and (f) corrective action to address the incident (e.g., initial mitigation, investigation, remediation, etc.). The monthly report will be submitted electronically via email as a Microsoft Excel file to the BLM White River Field Office Hazardous Materials Coordinator.

Vegetation, Reclamation and Invasive, Non-Native Species

24. The operator will clear the minimum vegetation necessary for construction of the proposed facilities.
25. The operator shall provide a plan indicating how and where excess cut or borrow will be disposed of (e.g., used on other roads, stockpiled, etc.). The plans shall show stockpile and borrow locations.
26. Stripped topsoil and vegetation shall be stockpiled for subsequent reclamation of unused areas on the well pad where it was originally removed.
27. During construction, stockpiled topsoil and spoil piles will be separated and clearly identified to prevent mixing during reclamation efforts. Topsoil stockpiles will be seeded with a BLM-approved seed mixture and protected with hydromulch or an erosion control fabric, unless interim reclamation activities will occur within one month of the spud date.
28. The operator shall be responsible for reclamation of unused portions of well pads, including revegetation with a BLM-approved seed mix. Seed mixes allowed for reclamation are

provided in the table below and are based on the ecological site defined by the soil MUs within the project area (USDI BLM 1997; Hafkenschiel 2009).

Seed Mix	Species	PLSLbs/Acre	Ecological Site
2	Western wheatgrass (Arriba)	3	Clayey foothills, clayey slopes
	Streambank wheatgrass (Sodar)	2	
	Thickspike wheatgrass (Critana)	2	
	Fourwing saltbush (Wytana, Rincon)	2	
	Alternates: Winterfat; shadscale, globemallow		
4	Western wheatgrass (Rosanna)	2	Pinyon-juniper woodlands, stony foothills
	Beardless wheatgrass (Whitmar)	2	
	Thickspike wheatgrass (Critana)	1	
	Indian ricegrass (Rimrock,)	2	
	Fourwing saltbush (Wytana or VNS)	1	
	Utah sweetvetch	1	
Alternates: Needle and thread, globemallow, American vetch			
7	Beardless wheatgrass (Whitmar)	2	Deep clay loam
	Slender wheatgrass (Primar)	2	
	Big bluegrass (Sherman)	1	
	Canby bluegrass (Canbar)	1	
	Mountain brome (Bromar)	2	
	Alternates: Blue flax, Rocky Mountain penstemon, balsamroot		

Source: Hafkenschiel 2009; USDI BLM 1997.

29. Fences shall be erected around well pads to exclude livestock during reclamation of unused portions of the pads (Mark Hafkenschiel, BLM Range Specialist, pers. comm. 2008). The fences shall consist of a four-strand BLM Type-D barbed-wire fence braced with wooden H-posts at each corner, constructed in compliance with BLM Fencing Manual 1741-1 (USDI BLM 1989). Fencing may be in place for three years or more, depending upon moisture levels and reclamation success, and must be maintained so as to remain in a continuously functional state. Cattle guards shall be installed where fences cross access roads. Cattle guards shall provide a minimum 16-ft driving surface, unless otherwise stipulated by the AO. Cattle guards shall have an adjacent wire or welded steel livestock access gate, and shall be placed at a 90° angle to the access road. The gate shall be properly braced in accordance with the requirements of the Gold Book and BLM manual 1741-1.
30. It shall be the responsibility of the operator to continue revegetation/reclamation efforts until vegetative communities on all disturbed surfaces are successful. Rehabilitation efforts must be repeated, if necessary, to achieve BLM reclamation success criteria as above.
31. All seed tags will be submitted to the Reclamation Coordinator within 14 calendar days from the time the seeding activities have ended via Sundry Notice. The Sundry will include the purpose of the seeding activity (i.e., seeding well pad cut and fill slopes, seeding pipeline corridor, etc.). In addition, the Sundry will include the well or well pad number associated with the seeding activity, if applicable, the name of the contractor that performed the work, his or her phone number, the method used to apply the seed (e.g., broadcast, hydro-seeded, drilled), whether the seeding activity represents interim or final reclamation, an estimate of the total acres seeded, an attached map that clearly identifies all disturbed areas that were

seeded, and the date the seed was applied.

32. The Reclamation Coordinator will be notified 24 hours prior to beginning all reclamation activities associated with this project via email or by phone. Reclamation activities may include, but are not limited to, seedbed preparation that requires disturbance of surface soils, seeding, constructing exclosures (e.g., fences) to exclude livestock from reclaimed areas.
33. The Reclamation Coordinator 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.
34. In an attempt to track interim and final reclamation of federal actions related to the development of federal mineral resources, the operator shall submit Geographic Information System (GIS) data to the White River Field Office (WRFO) for any post construction (i.e., “as-built”) polygon feature that was included in the Application for Permit to Drill (APD) or Sundry Notice, and associated with the Proposed Action. GIS polygon features may include, but are not limited to, constructed access roads, existing roads that were upgraded, pipeline corridors, and well pad footprints. Geospatial data shall be submitted, for each completed activity, electronically to the designated BLM staff person responsible for the initial submitted request; and, in accordance with WRFO geospatial data submittal standards (available from WRFO GIS Staff). If the operator is unable to send the data electronically, the operator shall submit the data on compact disk(s) to:
BLM, White River Field Office
220 East Market Street
Meeker, Colorado 81641

These data shall be submitted within 14 calendar days from the time when construction-related activities have ended for all geographic features associated with the approved action, or as stipulated by the BLM if the data are not received as intended. If the operator is unable to submit the required information within the specified time period, the operator shall notify the designated BLM staff person via email or by phone, and provide justification supporting an extension of the required data submission time period. Internal and external review of the reporting process and the adequacy of the associated information to meet established goals will be conducted on an on-going basis. New information or changes in the reporting process will be incorporated into the request, as appropriate. Subsequent permit application processing may be dependent upon successful execution of this request, as stated above. Internal and external review of the reporting process and the adequacy of the associated information to meet established goals will be conducted on an on-going basis.

If for any reason the location or orientation of the geographic feature associated with the Proposed Action changes, the operator shall submit updated GIS data to BLM, WRFO within 7 calendar days of the change. This information shall be submitted via Sundry Notice.

35. The operator will be required to meet with the WRFO reclamation staff in March or April of each calendar year and present a comprehensive work plan. The purpose of the plan is to provide information pertaining to reclamation activities that are expected to occur during the current growing season. The operator shall also provide a map that shows all reclamation sites where some form of reclamation activity is expected to occur during the current growing season.
36. Reclamation activities on barrow areas and along roads and interim reclamation on pads will be completed within six months of well completion, but no later than November 1st of the year that the well is completed. Reclamation activities include the decompaction of soils, drill seeding and/or broadcast seeding, and mulching as needed. Reclamation shall occur on all disturbed areas affected by construction and drilling, except areas needed for production operations.
37. The operator shall be required to monitor all reclaimed areas for signs of erosion. In order to protect rangeland health standards, erosion features such as riling, gulying, piping and mass wasting on the surface disturbance or adjacent to the surface disturbance as a result of this action will be addressed immediately after observation by contacting the AO and submitting a plan to assure successful soil stabilization with BMPs to address erosion problems.
38. Upon final abandonment of well pads, 100% of all disturbed surfaces, including access roads, shall be restored to pre-construction contours to the extent practicable and revegetated with a BLM-stipulated seed mixture. Two-track roads improved for fluid mineral development will be reclaimed as nearly as practicable to original conditions. Natural drainage patterns will be restored and stabilized with a combination of vegetative (seeding, planting) and non-vegetative (material not harmful to wildlife, including straw bales and wattles, woody debris, biodegradable fabric) techniques. Monitoring and additional reclamation efforts shall persist until reclamation is proven successful, as determined by the BLM.
39. The operator shall be required to monitor the project area for a minimum of three years after construction to detect the presence of Colorado State List A and B noxious weed species (CDA 2009). If List A or B noxious weed species are found, abatement measures shall be implemented using materials and methods approved in advance by the AO.
40. The operator shall be responsible for noxious weed and cheatgrass control on disturbed areas within the limits of the approved project footprint. The operator is responsible for consultation with the AO and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).
41. All vehicles and heavy machinery shall be cleaned to remove seed and soil prior to construction and drilling activities. When moving equipment from an area infested with cheatgrass, the operator shall clean equipment as required by the AO.
42. All activities shall comply with the requirements of Rio Blanco County for noxious and invasive species management.

43. Use of pesticides shall comply with the applicable federal and state laws and will require application for a Pesticide Use Proposal. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior.

Wildlife

44. Prior to issuing a Notice to Proceed, a raptor survey must be conducted using the current BLM WRFO raptor survey protocol and the results of that survey approved by BLM biologists. Raptor surveys are only valid for the breeding season (i.e., April 1 to August 15 in woodland habitats and February 1 to August 15 in cliff habitats) in which they are conducted; a new raptor survey will be required if the project were delayed until a subsequent breeding season. Suitable nesting habitat associated with the following well locations and proposed pipeline and access corridors will be surveyed during the 2013 breeding season: 4-12, 33-42, 33-33. Pending results of 2013 survey, proposed developments (e.g., vegetation clearing, construction, drilling, completion and scheduled workovers or fracing, reclamation) that have potential to disrupt active nesting attempts would be subject to raptor timing limitations (i.e., nest initiation to dispersal of young from nest). These stipulations will remain in effect over the life of the project, although the timing limitation provisions are contingent on occupancy status.

The table below outlines the appropriate No Surface Occupancy and timing limitation restrictions related to listed and unlisted nesting raptors that shall be in effect during the life of the project. Modifications to this stipulation may be granted by the Field Office Manager as specified in Table A-3, page A-13 of the White River ROD/RMP USDI BLM 1997).

Species	No Surface Occupancy Buffer Size	Timing Limitation Buffer Size	Dates that Activities are Prohibited ¹
Northern Goshawk and Burrowing Owl	1/4 mi of nests	1/2 mi of nests	4/1 - 8/15 or until dispersal of young
Golden Eagle and Great Horned Owl	1/8 mi of nests	1/4 mi of nests	2/1 - 8/15 or until dispersal of young
Ferruginous Hawk	1/4 mi of nests	1 mi of nests	2/1 - 8/15 or until dispersal of young
Bald Eagle	1/4 mi of nests	1/2 mi of nests	12/15 - 7/15 or until dispersal of young
All Other Raptors	1/8 mi of nests	1/4 mi of nests	4/1 - 8/15 or until dispersal of young

¹ Prohibited activities are any disruptive activities including, but not limited to, vegetation clearing, construction, drilling, completion, and reclamation work.

45. If at any time new information reveals that impacts from the proposed project to animal species listed as Endangered or Threatened under the ESA exceed those described in this document, or if a species that may be affected by the project becomes newly listed, Section 7 consultation with the FWS will be initiated.

46. The operator shall prevent migratory bird access to facilities that store or are expected to store fluids that may pose a risk to such birds (e.g., toxicity, compromised insulation). Features that prevent access to such fluids must be in place and functional within 24 hours of the drilling rig moving off the location and shall remain effective until such pits are removed or incapable of storing fluids. Deterrence methods may include netting or other alternative methods that effectively prevent use and that meet BLM approval (the use of “bird balls” is discouraged). It will be the responsibility of the operator to notify the BLM of the method that will be used 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 BLM Petroleum Engineer Technician immediately.
47. Disruptive forms of activity, including road construction, drilling and completion operations, and scheduled workover and refracing, will be prohibited in severe winter range for mule deer from 1 January to 30 April: T2N R100W Section 33: S1/2SE1/4, NW1/4SE1/4, SE1/4SW1/4; and T1N R100W Section 4: NW1/4. This condition applies to development of proposed locations 4-12, 33-42, and 33-33, including the preparation of pads and pipeline and access right-of-ways, and well drilling and completion activities.
48. General access to the following proposed locations shall be restricted by means of a lockable gate (may require fence wings) placed along the proposed access at a point as close as possible to the intersection of the proposed and established access: 4-12/33-42 group.

Cultural and Paleontology

49. The known historic habitation 5RB 5356, located in the general project area, shall be avoided by all construction and maintenance activities unless permission to do otherwise is provided by the private landowner.
50. Any project modifications that are located outside areas previously inventoried for cultural resources shall be inventoried prior to approval of the modification.

Visual

51. Paint and maintain paint on all facilities approved with the Proposed Action to Juniper Green (Munsell Soil Color Chart of Standard Environmental Colors). Initial painting will occur within 6 months of installation.

Fire and Forestry

52. 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 for 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 by the public. Woody materials required for reclamation shall be stockpiled along the margins of the authorized use area. The boles and limbs of the larger trees shall be retained for redistribution not to exceed 20% total ground cover.

53. Some tree boles shall be retained for use as erosion control, as stated in the *Water Quality, Surface and Ground and Vegetation* sections. These stored materials shall not be windrowed, as this would result in an elevated hazardous fuel condition. When placed onto reclaimed areas, the boles should be evenly scattered to maintain 20% surface cover without creating pockets of fuels.
54. As listed in the COAs for all surface-disturbing activities in the White River ROD/RMP, Appendix B, Page B-1 (USDI BLM 1997), Genesis shall be required to purchase from the BLM prior to any surface disturbing activity, all trees that would be removed as a result of the Proposed Action. Cut trees not being used for reclamation shall be cut into four-ft lengths, down to four inches in diameter, and placed along the edge of the disturbance prior to being removed for resale or private use.

In addition to mitigation that was developed in DOI-BLM-CO-110-2009-0180-EA and DOI-BLM-CO-110-2010-0066-EA, the following mitigation has been identified:

1. The permittee is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the Authorizing Official (AO). The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
3. Pursuant to 43 CFR 10.4(g), the permittee must notify the AO, by telephone and 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), the permittee must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
8. In the future, if it becomes evident that impacts to any plant species listed as Endangered or Threatened are resulting from project related activities, Section 7 consultation with USFWS will be initiated.
9. If, after three growing seasons, the following reclamation success criteria are not achieved then the steps will be reassessed in consultation with the BLM WRFO and additional seeding at an appropriate seeding window will occur. Success criteria to achieve:

- c) Vegetation monitoring (method approved by the BLM) reveals vegetation with eighty percent similarity of desired foliar cover, bare ground, and shrub and or forb density in relation to the identified DPC. In the absence of specified DPC data, an agreed upon reference site or AIM data would serve as the DPC. Vegetative cover values for woodland or shrubland sites are based on the capability of those sites in an herbaceous state.
 - d) The resulting plant community must have composition of at least five desirable plant species, and no one species may exceed 70 percent relative cover to ensure that site species diversity is achieved. Desirable species include native species from the surrounding site, species listed in the range/ecological site description, or species from the BLM approved seed mix.
10. A Reclamation Status Report will be submitted electronically to the WRFO annually (due January 1st) until it is determined that reclamation of the site has met all required objectives of that particular reclamation phase. Every third year, a vegetation monitoring report should accompany the status report. The reclamation status report will be submitted electronically via the most current data management system. Contact your WRFO project lead (NRS/Realty Specialist) with any questions. Any changes to the project status or related information can also be provided through the most current data management system.
- b) The Reclamation Status Report will include the ROW number, legal description, UTM coordinates, project description, date seeded, photos of the reclaimed site taken from permanent photo points, estimate of acres seeded, seeding method (e.g., broadcast, drilled, hydro-seeded, etc.), a diagram showing where reclamation has occurred with photo points identified and noted, additional notes as needed, and contact information for the person responsible for developing the report.
11. Final reclamation for abandonment of the site will use the seed mix and reclamation practices recommended by BLM at that time.

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

Internal scoping was initiated when the project was presented to the White River Field Office (WRFO) interdisciplinary team on 5/21/2013. External scoping was conducted by posting this project on the WRFO's on-line National Environmental Policy Act (NEPA) register on 6/21/2013.

RATIONALE

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with Section 390 of the Energy Policy Act.

Drilling additional wells from existing well pad locations allows for further development of the oil and gas resource with reduced surface disturbance compared to new locations.

ADMINISTRATIVE REMEDIES

State Director Review

Under regulations addressed in 43 CFR 3165.3(b), any adversely affected party that contests a decision of the Authorized Officer may request an administrative review, before the State Director, either with or without oral presentation. Such request, including all supporting documentation, shall be filed in writing with the BLM Colorado State Office at 2850 Youngfield Street, Lakewood, Colorado 80215 within 20 business days of the date such decision was received or considered to have been received. Upon request and showing of good cause, an extension may be granted by the State Director. Such review shall include all factors or circumstances relevant to the particular case.

Appeal

Any party who is adversely affected by the decision of the State Director after State Director review, under 43 CFR 3165.3(b), of a decision may appeal that decision to the Interior Board of Land Appeals pursuant to the regulations set out in 43 CRF Part 4.

SIGNATURE OF AUTHORIZED OFFICIAL:



Field Manager

DATE SIGNED:

10/29/13