

Pecos District

Documentation of Land Use Plan Compliance And NEPA Adequacy (DNA) DNA-510-2007-063

Roswell Field Office;

Applicant: Chesapeake Operating, Inc.

Lease No.: NM-36409

Action Type: SUNDRY NOTICES AND REPORTS ON WELLS FOR THE MOC ON-LEASE PIPELINE GATHERING SYSTEM FOR THE FOLLOWING WELLS; **McCLELLAN “MOC” FEDERAL COM. #18 would tie-in point in the MOC Federal #7 well – (760’ FWL & 1980’ FWL), McCLELLAN “MOC” FEDERAL COM. #19 would tie-in point in the MOC Federal #6 well – (1980’ FNL & 1980’ FWL), & McCLELLAN “MOC” FEDERAL COM. #21 would tie-in point in the MOC Federal #11 well – (660’ FNL & 1980’ FEL).**

Location of Proposed Action: McCLELLAN “MOC” FEDERAL COM. #18, Section 29, 660’ FNL & 330’ FWL; McCLELLAN “MOC” FEDERAL COM. #19, Section 30, 660’ FNL & 660’ FWL; McCLELLAN “MOC” FEDERAL COM. #21, Section 28, 1570’ FNL & 1130’ FEL; T. 5 S., R. 25 E., Chaves County, New Mexico, NMPM.

Description of Proposed Action: The proposal is to upgrade the MOC ON-LEASE PIPELINE GATHERING SYSTEM that will utilize existing disturbed corridors that were previously approved and no new surface disturbances would occur outside the existing corridors that were approved in the plan of development for these wells. The surface pipeline systems will follow existing access road corridors until they reach the tie-in points.

A. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans:

1. Roswell Approved Resource Management Plan and Record of Decision, October 1997.
2. The proposed action does not conflict with any known State or local planning, ordinance or zoning.

B. Identify the applicable NEPA document(s) and other related documents that cover the proposed action.

**Chesapeake Operating, Inc. acquired the company and operations of Gothic Production Corporation.
The proposed pipelines are all on lease.**

1. RFO EA #: NM-066-99-197 Date Approved: 8/198/1999
McCLELLAN “MOC” FEDERAL COM. #18 tie-in point at the McCLELLAN “MOC” FEDERAL #7 well. There is an existing buried 6” pipeline (NM-51104) along the route of the proposed pipeline.
2. RFO EA #: NM-060-00-016 Date Approved: 12/6/1999
McCLELLAN “MOC” FEDERAL COM. #19 tie-in point at the McCLELLAN “MOC” FEDERAL #6 well. The proposed pipeline will tie in to an existing right-of-way NM-55664.
3. RFO EA #: NM-060-00-098 Date Approved: 5/25/2000
McCLELLAN “MOC” FEDERAL COM. #21 tie-in point at the McCLELLAN “MOC” FEDERAL #11 well. The greater part of the length of this pipeline will be on N½NW¼ that is private surface. A surface landowner/operator agreement will have to be negotiated by the operator with the landowner on private surface.

C. NEPA Adequacy Criteria:

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed? Yes.
2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values and circumstances? Yes.
3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis on the proposed action? Yes.

Due to the addition of other supplemental environmental colors, the new painting color for all facilities is Olive Drab18-0622 TPX.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action? Yes.
5. Are the direct and indirect impacts of the current proposed action substantially unchanged for those identified in the existing NEPA document(s)? Does the existing NEPA document sufficiently analyze site-specific impacts related to the current proposed action? Yes.
6. Can you conclude without additional analysis or information that the cumulative impacts that would result from the implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)? Yes.
7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action? Yes.

D. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet. See attached DNA Checklist. A clarification of the pipeline gathering system operations in the field scenario meeting was held on 1/7/07 at 11:00. In attendance was; Richard Hill, BLM/EPS, Steve Steadham, (505) 631-9934) Chesapeake Representative, Mark Hamilton, (505) 441-0129) Company Pumper, and Steve Moore, (505) 441-0170) Company Filed Worker.

E. Mitigation Measure:

The provisions for the approval of the DNA include the Roswell Field Office requirements as defined in the following exhibits; **Exhibit A** - Location Map, **Exhibit F – STANDARD STIPULATIONS FOR SURFACE INSTALLED PIPELINES IN THE ROSWELL FIELD OFFICE, BLM.**

Conclusion:

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the existing NEPA documentation fully covers the proposed action. This constitutes BLM's compliance with the requirement of NEPA.

/s/Larry D. Bray

3/6/07

Larry D. Bray, Assistant Field Manager,
Lands and Minerals

Date

EXHIBIT F

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ROSWELL FIELD OFFICE
BLM Serial Number: NM-36409
Company Name: Chesapeake Operating, Inc.
Well Name and Number: : McCLELLAN "MOC" FEDERAL COM. #18,
Section 29, 660' FNL & 330' FWL, Chaves, New Mexico, NMPM

STANDARD STIPULATIONS FOR SURFACE INSTALLED PIPELINES IN THE ROSWELL FIELD OFFICE, BLM

A. THE APD AND/OR THE SUNDRY NOTICE WAS USED FOR THE ON-LEASE SURFACE PIPELINE CONSTRUCTION FOR THE MOC GATHERING SYSTEM.

1. The APD and/or Sundry Notice And Report On Wells can act, to the extent possible, as an application for the on-lease construction of the surface pipeline on Federal surface lands. In combination with the approved APD, the following standard terms and conditions are hereby attached to the APD/SN on-lease authorization.

B. The holder agrees to comply with the following stipulations to the satisfaction of the Authorized Officer, BLM.

1. The BLM shall administer compliance and monitor construction of the pipeline. Notify **Richard G. Hill** at least 3 working days (72 Hours) prior to commencing construction of the pipeline. Roswell Field Office number (505) 627-0247.

2. PIPELINE CONSTRUCTION:

A.) The entire pipeline (2,153 FEET) shall be laid on the surface within a maximum disturbance width of 14 feet.

B.) The 2 inch poly pipeline shall parallel the existing N/S access road on the east side of the road. When the pipeline turns easterly on the E/W existing access road that goes to the MOC Federal #7 well the pipeline shall parallel the existing road on the north side of the road between the road and the existing Agave buried pipeline. (SEE MAP 1)

C.) The pipeline centerline shall be constructed 25 feet from the centerline of all existing access roads.

D.) The holder shall bury the pipeline in a trench 46 inches deep under all existing access roads.

E.) The operations shall be contained within the perimeters of the archaeological surveyed areas.

3. All construction and maintenance activity shall be confined within the authorized pipeline corridor width of 14 feet on a surface line.

4. No blading or clearing of any vegetation will be allowed unless approved in writing by the Authorized Officer.
5. The holder shall install the pipeline on the surface in such a manner that will minimize suspension of the pipeline across low areas in the terrain. In hummocky or dune areas, the pipeline will be "snaked" around hummocks and dunes rather than suspending the pipeline across these features.
6. The holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under the Sundry Notice approval for construction of a surface pipeline.
7. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder shall comply with the Toxic Substances Control Act of 1976 as amended, 15 USC 2601 *et seq.* (1982) with regards to any toxic substances that are used, generated by or stored on the pipeline corridor or on facilities authorized under this approval. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193). Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation, and Liability Act, section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
8. The holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, *et seq.* or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et seq.*) on the pipeline corridor (unless the release or threatened release is wholly unrelated to the holder's activity on the pipeline corridor), or resulting from other activities of the holder on the pipeline corridor. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
9. The holder shall be liable for damage or injury to the United States to the extent provided by 43 CFR Sec. 2883.1-4. The holder shall be held to a standard of strict liability for damage or injury to the United States resulting from pipeline rupture, fire, or spills caused or substantially aggravated by any of the following within the pipeline corridor or permit area:
 - a. Activities of the holder including, but not limited to construction, operation, maintenance and termination of the facility.
 - b. Activities of other parties including, but not limited to:
 - (1) Land clearing.
 - (2) Earth-disturbing and earth-moving work.
 - (3) Blasting.
 - (4) Vandalism and sabotage.

a. The maximum limitation for such strict liability damages shall not exceed one million dollars (\$1,000,000) for any one event, and any liability in excess of such amount shall be determined by the ordinary rules of negligence of the jurisdiction in which the damage or injury occurred.

b. This section shall not impose strict liability for damage or injury resulting primarily from an act of war or from the negligent acts or omissions of the United States.

10. If, during any phase of the construction, operation, maintenance, or termination of the pipeline, any gas, salt water, or other pollutant should be discharged from the pipeline system, impacting Federal land, the control and total removal, disposal, and cleaning up of such gas, salt water, or other pollutant, wherever found, shall be the responsibility of the holder, regardless of fault. Upon failure of the holder to control, dispose of, or clean up such discharge on or affecting Federal land, or to repair all damages resulting therefrom, on the Federal land, the Authorized Officer may take such measures as he deems necessary to control and clean up the discharge and restore the area, including, where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of the holder. Such action by the Authorized Officer shall not relieve the holder of any responsibility as provided herein.

11. The holder shall minimize disturbance to existing fences and other improvements on public land. The holder is required to promptly repair improvements to at least their former state. Functional use of these improvements will be maintained at all times. The holder will contact the owner of any improvements prior to disturbing them. When necessary to pass through a fence line, the fence shall be braced on both sides of the passageway prior to cutting of the fence. No permanent gates will be allowed unless approved by the Authorized Officer.

12. In those areas where erosion control structures are required to stabilize soil conditions, the holder will install such structures as are suitable for those being encountered and which are in accordance with sound resource management practices.

13. All above-ground structures (e.g.: meter houses, above ground structures, and other related appurtenance, etc.) not subject to safety requirements shall be painted by the holder to blend with the natural color of the landscape. The paint used shall be a color which simulates "Standard or supplemental Environmental Colors" designated by the Rocky Mountain Five-State Interagency Committee. The color selected for this project is **"Olive Drab 18-0622 TPX (Colors derived from "PANTONE" FOR Architecture and Interiors Color Guide.**

14. The pipeline will be identified by signs at the point of origin and completion of the pipeline and at all road crossings. At a minimum, signs will state the holder's name, BLM leaser number, and the product being transported. Signs will be maintained in a legible condition for the life of the pipeline.

15. The holder shall not use the pipeline route as a road for purposes other than routine maintenance as determined necessary by the Authorized Officer in consultation with the holder. The holder will take whatever steps are necessary to ensure that the pipeline route is not used as a roadway.

16. Any earth work not specifically granted by this authorization shall require prior approval by the Authorized Officer.

17. The holder shall seed all surface disturbed by the pipeline construction activities. Seeding is required on

the disturbed areas and the seed mixture was determined by the Roswell Field Office for the Desired Plant Community on this pipeline project.

A. Desired Plant Community seed mixture to be planted in pounds of pure live seed per acre:

BLUE GRAMA, var. Lovington (<u>Bouteloua gracilis</u>)	4.0 Lbs.
SIDEOATES GRAMA (<u>Bouteloua curtipendula</u>)	1.0 Lbs.
Var. Vaughn or El Reno	
SAND DROPSEED (<u>Sporobolus cryptandrus</u>)	0.5 Lbs.
VINE MESQUITE (<u>Panicum obtusum</u>)	1.0 Lbs.
PLAINS BRISTLEGRASS (<u>Setaria macrostachya</u>)	1.0 Lbs.
INDIAN BLANKETFLOWER (<u>Gaillardia aristata</u>)	0.5 Lbs.
DESERT or SCARLET (<u>Sphaeralcea ambigua</u> or	
GLOBEMALLOW <u>S. coccinea</u>)	<u>1.0 Lbs.</u>
Pure live seed per acre =	9.0 Lbs.

B. The recommended time to seed is from June 15th through September 15th. The optimum seeding time is in mid-July. Successive seeding should be done either late in the fall (Sept. 15 - Nov. 15, before freeze up) or early as possible the following spring to take advantage of available ground moisture. However, the holder may seed immediately after completing surface abandonment requirements.

C. The seeding of the disturbed areas shall be repeated until a vegetation thicket is established on the pipeline corridor. The Authorized Officer shall make the determination when the revegetation growth on the disturbed areas is satisfactory.

D. The holder shall be responsible for the establishment of vegetation on the pipeline corridor. Evaluation of vegetation growth will not be made before the completion of the first growing season after seeding. The Authorized Officer reserves the right to require reseeding at a specific time if seed does not germinate after one growing season. Waiver of this requirement would be considered if diligent attempts to revegetate the disturbed areas have failed and the Authorized Officer determines that further attempts to replant the pipeline corridor is futile.

E. If the surface pipeline construction requires soil disturbance on the pipeline corridor, the disturbed areas shall require seeding operations, contact Richard G. Hill at (505) 627-0247 to witness the seeding operations, two (2) days prior to seeding the disturbed areas.

18. **Other:** The operator shall not infringe on the existing buried pipeline (NM-51104) corridor where the proposed 2" poly pipeline will be laid on the surface and the operator shall make a good faith effort to secure a memorandum of understanding with the existing pipeline owner for utilization of the buried pipeline corridor.

EXHIBIT F

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ROSWELL FIELD OFFICE
BLM Serial Number: NM-36409
Company Name: Chesapeake Operating, Inc.
Well Name and Number: : McCLELLAN "MOC" FEDERAL COM. #19,
Section 30, 660' FNL & 660' FWL, Chaves, New Mexico, NMPM

STANDARD STIPULATIONS FOR SURFACE INSTALLED PIPELINES IN THE ROSWELL FIELD OFFICE, BLM

A. THE APD AND/OR THE SUNDRY NOTICE WAS USED FOR THE ON-LEASE SURFACE PIPELINE CONSTRUCTION FOR THE MOC GATHERING SYSTEM.

1. The APD and/or Sundry Notice And Report On Wells can act, to the extent possible, as an application for the on-lease construction of the surface pipeline on Federal surface lands. In combination with the approved APD, the following standard terms and conditions are hereby attached to the APD/SN on-lease authorization.

B. The holder agrees to comply with the following stipulations to the satisfaction of the Authorized Officer, BLM.

1. The BLM shall administer compliance and monitor construction of the pipeline. Notify Richard G. Hill at least 3 working days (72 Hours) prior to commencing construction of the pipeline. Roswell Field Office number (505) 627-0247.

2. PIPELINE CONSTRUCTION:

A.) The entire pipeline (1,584 FEET) shall be laid on the surface within a maximum disturbance width of 14 feet.

B.) The 2 inch poly pipeline shall parallel the existing access road on the north side of the road until it reaches the tie-in point on the MOC Federal #6 well. (SEE MAP 2)

C.) The pipeline centerline shall be constructed 25 feet from the centerline of all existing access roads.

D.) The holder shall bury the pipeline in a trench 46 inches deep under all existing access roads.

E.) The operations shall be contained within the perimeters of the archaeological surveyed areas.

3. All construction and maintenance activity shall be confined within the authorized pipeline corridor width of 14 feet on a surface line.
4. No blading or clearing of any vegetation will be allowed unless approved in writing by the Authorized Officer.
5. The holder shall install the pipeline on the surface in such a manner that will minimize suspension of the pipeline across low areas in the terrain. In hummocky or dune areas, the pipeline will be "snaked" around hummocks and dunes rather than suspending the pipeline across these features.
6. The holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under the Sundry Notice approval for construction of a surface pipeline.
7. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder shall comply with the Toxic Substances Control Act of 1976 as amended, 15 USC 2601 *et seq.* (1982) with regards to any toxic substances that are used, generated by or stored on the pipeline corridor or on facilities authorized under this approval. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193). Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation, and Liability Act, section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
8. The holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, *et seq.* or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et seq.*) on the pipeline corridor (unless the release or threatened release is wholly unrelated to the holder's activity on the pipeline corridor), or resulting from other activities of the holder on the pipeline corridor. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
9. The holder shall be liable for damage or injury to the United States to the extent provided by 43 CFR Sec. 2883.1-4. The holder shall be held to a standard of strict liability for damage or injury to the United States resulting from pipeline rupture, fire, or spills caused or substantially aggravated by any of the following within the pipeline corridor or permit area:
 - a. Activities of the holder including, but not limited to construction, operation, maintenance and termination of the facility.
 - b. Activities of other parties including, but not limited to:
 - (1) Land clearing.
 - (2) Earth-disturbing and earth-moving work.
 - (3) Blasting.
 - (4) Vandalism and sabotage.

c. Acts of God.

a. The maximum limitation for such strict liability damages shall not exceed one million dollars (\$1,000,000) for any one event, and any liability in excess of such amount shall be determined by the ordinary rules of negligence of the jurisdiction in which the damage or injury occurred.

b. This section shall not impose strict liability for damage or injury resulting primarily from an act of war or from the negligent acts or omissions of the United States.

10. If, during any phase of the construction, operation, maintenance, or termination of the pipeline, any gas, salt water, or other pollutant should be discharged from the pipeline system, impacting Federal land, the control and total removal, disposal, and cleaning up of such gas, salt water, or other pollutant, wherever found, shall be the responsibility of the holder, regardless of fault. Upon failure of the holder to control, dispose of, or clean up such discharge on or affecting Federal land, or to repair all damages resulting therefrom, on the Federal land, the Authorized Officer may take such measures as he deems necessary to control and clean up the discharge and restore the area, including, where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of the holder. Such action by the Authorized Officer shall not relieve the holder of any responsibility as provided herein.

11. The holder shall minimize disturbance to existing fences and other improvements on public land. The holder is required to promptly repair improvements to at least their former state. Functional use of these improvements will be maintained at all times. The holder will contact the owner of any improvements prior to disturbing them. When necessary to pass through a fence line, the fence shall be braced on both sides of the passageway prior to cutting of the fence. No permanent gates will be allowed unless approved by the Authorized Officer.

12. In those areas where erosion control structures are required to stabilize soil conditions, the holder will install such structures as are suitable for those being encountered and which are in accordance with sound resource management practices.

13. All above-ground structures (e.g.: meter houses, above ground structures, and other related appurtenance, etc.) not subject to safety requirements shall be painted by the holder to blend with the natural color of the landscape. The paint used shall be a color which simulates "Standard or supplemental Environmental Colors" designated by the Rocky Mountain Five-State Interagency Committee. The color selected for this project is **"Olive Drab 18-0622 TPX (Colors derived from "PANTONE" FOR Architecture and Interiors Color Guide.**

14. The pipeline will be identified by signs at the point of origin and completion of the pipeline and at all road crossings. At a minimum, signs will state the holder's name, BLM leaser number, and the product being transported. Signs will be maintained in a legible condition for the life of the pipeline.

15. The holder shall not use the pipeline route as a road for purposes other than routine maintenance as determined necessary by the Authorized Officer in consultation with the holder. The holder will take whatever steps are necessary to ensure that the pipeline route is not used as a roadway.

16. Any earth work not specifically granted by this authorization shall require prior approval by the Authorized Officer.

17. The holder shall seed all surface disturbed by the pipeline construction activities. Seeding is required on the disturbed areas and the seed mixture was determined by the Roswell Field Office for the Desired Plant Community on this pipeline project.

A. **Desired Plant Community** seed mixture to be planted in pounds of pure live seed per acre:

BLUE GRAMA, var. Lovington (<u>Bouteloua gracilis</u>)	4.0 Lbs.
SIDEOATES GRAMA (<u>Bouteloua curtipendula</u>)	1.0 Lbs.
Var. Vaughn or El Reno	
SAND DROPSEED (<u>Sporobolus cryptandrus</u>)	0.5 Lbs.
VINE MESQUITE (<u>Panicum obtusum</u>)	1.0 Lbs.
PLAINS BRISTLEGRASS (<u>Setaria macrostachya</u>)	1.0 Lbs.
INDIAN BLANKETFLOWER (<u>Gaillardia aristata</u>)	0.5 Lbs.
DESERT or SCARLET (<u>Sphaeralcea ambigua</u> or	
GLOBEMALLOW <u>S. coccinea</u>)	<u>1.0 Lbs.</u>
Pure live seed per acre =	9.0 Lbs.

B. The recommended time to seed is from June 15th through September 15th. The optimum seeding time is in mid-July. Successive seeding should be done either late in the fall (Sept. 15 - Nov. 15, before freeze up) or early as possible the following spring to take advantage of available ground moisture. However, the holder may seed immediately after completing surface abandonment requirements.

C. The seeding of the disturbed areas shall be repeated until a vegetation thicket is established on the pipeline corridor. The Authorized Officer shall make the determination when the revegetation growth on the disturbed areas is satisfactory.

D. The holder shall be responsible for the establishment of vegetation on the pipeline corridor. Evaluation of vegetation growth will not be made before the completion of the first growing season after seeding. The Authorized Officer reserves the right to require reseeding at a specific time if seed does not germinate after one growing season. Waiver of this requirement would be considered if diligent attempts to revegetate the disturbed areas have failed and the Authorized Officer determines that further attempts to replant the pipeline corridor is futile.

E. If the surface pipeline construction requires soil disturbance on the pipeline corridor, the disturbed areas shall require seeding operations, contact Richard G. Hill at (505) 627-0247 to witness the seeding operations, two (2) days prior to seeding the disturbed areas.

18. **Other:** The operator shall tie –in the poly pipeline to an existing pipeline (NM-55664).

EXHIBIT F

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ROSWELL FIELD OFFICE
BLM Serial Number: NM-36409
Company Name: Chesapeake Operating, Inc.
Well Name and Number: : McCLELLAN "MOC" FEDERAL COM. #21,
Section 28, 1570' FNL & 1130' FEL, Chaves, New Mexico, NMPM

STANDARD STIPULATIONS FOR SURFACE INSTALLED PIPELINES IN THE ROSWELL FIELD OFFICE, BLM

A. THE APD AND/OR THE SUNDRY NOTICE WAS USED FOR THE ON-LEASE SURFACE PIPELINE CONSTRUCTION FOR THE MOC GATHERING SYSTEM.

1. The APD and/or Sundry Notice And Report On Wells can act, to the extent possible, as an application for the on-lease construction of the surface pipeline on Federal surface lands. In combination with the approved APD, the following standard terms and conditions are hereby attached to the APD/SN on-lease authorization.

B. The holder agrees to comply with the following stipulations to the satisfaction of the Authorized Officer, BLM.

1. The BLM shall administer compliance and monitor construction of the pipeline. Notify **Richard G. Hill** at least **3** working days (72 Hours) prior to commencing construction of the pipeline. Roswell Field Office number **(505) 627-0247**.

2. PIPELINE CONSTRUCTION:

A.) The entire pipeline (approximately 244 FEET) shall be laid on the surface within a maximum disturbance width of 14 feet.

B.) The 2 inch poly pipeline shall parallel the existing access road on the north side of the road until it reaches the tie-in point on the MOC Federal #11 well. (SEE MAP 3)

C.) The pipeline centerline shall be constructed 25 feet from the centerline of all existing access roads.

D.) The holder shall bury the pipeline in a trench 46 inches deep under all existing access roads.

E.) The operations shall be contained within the perimeters of the archaeological surveyed areas.

3. All construction and maintenance activity shall be confined within the authorized pipeline corridor width

of 14 feet on a surface line.

4. No blading or clearing of any vegetation will be allowed unless approved in writing by the Authorized Officer.
5. The holder shall install the pipeline on the surface in such a manner that will minimize suspension of the pipeline across low areas in the terrain. In hummocky or dune areas, the pipeline will be "snaked" around hummocks and dunes rather than suspending the pipeline across these features.
6. The holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under the Sundry Notice approval for construction of a surface pipeline.
7. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder shall comply with the Toxic Substances Control Act of 1976 as amended, 15 USC 2601 *et seq.* (1982) with regards to any toxic substances that are used, generated by or stored on the pipeline corridor or on facilities authorized under this approval. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193). Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation, and Liability Act, section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
8. The holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, *et seq.* or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et seq.*) on the pipeline corridor (unless the release or threatened release is wholly unrelated to the holder's activity on the pipeline corridor), or resulting from other activities of the holder on the pipeline corridor. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
9. The holder shall be liable for damage or injury to the United States to the extent provided by 43 CFR Sec. 2883.1-4. The holder shall be held to a standard of strict liability for damage or injury to the United States resulting from pipeline rupture, fire, or spills caused or substantially aggravated by any of the following within the pipeline corridor or permit area:
 - a. Activities of the holder including, but not limited to construction, operation, maintenance and termination of the facility.
 - b. Activities of other parties including, but not limited to:
 - (1) Land clearing.
 - (2) Earth-disturbing and earth-moving work.
 - (3) Blasting.
 - (4) Vandalism and sabotage.

a. The maximum limitation for such strict liability damages shall not exceed one million dollars (\$1,000,000) for any one event, and any liability in excess of such amount shall be determined by the ordinary rules of negligence of the jurisdiction in which the damage or injury occurred.

b. This section shall not impose strict liability for damage or injury resulting primarily from an act of war or from the negligent acts or omissions of the United States.

10. If, during any phase of the construction, operation, maintenance, or termination of the pipeline, any gas, salt water, or other pollutant should be discharged from the pipeline system, impacting Federal land, the control and total removal, disposal, and cleaning up of such gas, salt water, or other pollutant, wherever found, shall be the responsibility of the holder, regardless of fault. Upon failure of the holder to control, dispose of, or clean up such discharge on or affecting Federal land, or to repair all damages resulting therefrom, on the Federal land, the Authorized Officer may take such measures as he deems necessary to control and clean up the discharge and restore the area, including, where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of the holder. Such action by the Authorized Officer shall not relieve the holder of any responsibility as provided herein.

11. The holder shall minimize disturbance to existing fences and other improvements on public land. The holder is required to promptly repair improvements to at least their former state. Functional use of these improvements will be maintained at all times. The holder will contact the owner of any improvements prior to disturbing them. When necessary to pass through a fence line, the fence shall be braced on both sides of the passageway prior to cutting of the fence. No permanent gates will be allowed unless approved by the Authorized Officer.

12. In those areas where erosion control structures are required to stabilize soil conditions, the holder will install such structures as are suitable for those being encountered and which are in accordance with sound resource management practices.

13. All above-ground structures (e.g.: meter houses, above ground structures, and other related appurtenance, etc.) not subject to safety requirements shall be painted by the holder to blend with the natural color of the landscape. The paint used shall be a color which simulates "Standard or supplemental Environmental Colors" designated by the Rocky Mountain Five-State Interagency Committee. The color selected for this project is **"Olive Drab 18-0622 TPX (Colors derived from "PANTONE" FOR Architecture and Interiors Color Guide.**

14. The pipeline will be identified by signs at the point of origin and completion of the pipeline and at all road crossings. At a minimum, signs will state the holder's name, BLM leaser number, and the product being transported. Signs will be maintained in a legible condition for the life of the pipeline.

15. The holder shall not use the pipeline route as a road for purposes other than routine maintenance as determined necessary by the Authorized Officer in consultation with the holder. The holder will take whatever steps are necessary to ensure that the pipeline route is not used as a roadway.

16. Any earth work not specifically granted by this authorization shall require prior approval by the Authorized Officer.

17. The holder shall seed all surface disturbed by the pipeline construction activities. Seeding is required on the disturbed areas and the seed mixture was determined by the Roswell Field Office for the Desired Plant

Community on this pipeline project.

A. **Desired Plant Community** seed mixture to be planted in pounds of pure live seed per acre:

BLUE GRAMA, var. Lovington (<u>Bouteloua gracilis</u>)	4.0 Lbs.
SIDEOATES GRAMA (<u>Bouteloua curtipendula</u>)	1.0 Lbs.
Var. Vaughn or El Reno	
SAND DROPSEED (<u>Sporobolus cryptandrus</u>)	0.5 Lbs.
VINE MESQUITE (<u>Panicum obtusum</u>)	1.0 Lbs.
PLAINS BRISTLEGRASS (<u>Setaria macrostachya</u>)	1.0 Lbs.
INDIAN BLANKETFLOWER (<u>Gaillardia aristata</u>)	0.5 Lbs.
DESERT or SCARLET (<u>Sphaeralcea ambigua</u> or	
GLOBEMALLOW <u>S. coccinea</u>)	<u>1.0 Lbs.</u>
Pure live seed per acre =	9.0 Lbs.

B. The recommended time to seed is from June 15th through September 15th. The optimum seeding time is in mid-July. Successive seeding should be done either late in the fall (Sept. 15 - Nov. 15, before freeze up) or early as possible the following spring to take advantage of available ground moisture. However, the holder may seed immediately after completing surface abandonment requirements.

C. The seeding of the disturbed areas shall be repeated until a vegetation thicket is established on the pipeline corridor. The Authorized Officer shall make the determination when the revegetation growth on the disturbed areas is satisfactory.

D. The holder shall be responsible for the establishment of vegetation on the pipeline corridor. Evaluation of vegetation growth will not be made before the completion of the first growing season after seeding. The Authorized Officer reserves the right to require reseeding at a specific time if seed does not germinate after one growing season. Waiver of this requirement would be considered if diligent attempts to revegetate the disturbed areas have failed and the Authorized Officer determines that further attempts to replant the pipeline corridor are futile.

E. If the surface pipeline construction requires soil disturbance on the pipeline corridor, the disturbed areas shall require seeding operations, contact Richard G. Hill at (505) 627-0247 to witness the seeding operations, two (2) days prior to seeding the disturbed areas.

18. **Other:** NONE