

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Buffalo Field Office
Buffalo, Wyoming**

**SURFACE USE
CONDITIONS OF APPROVAL
EA # WY-070-EA08-178**

POD Name: Linn Draw

Operator: Comet Energy

List of Wells:

*Note: This APD (well D4-32) will be approved, pending a 30 day public posting period ending October 15th, 2008.

	Well Name	Well #	QTR	Section	TWP	RNG	Lease
1	LINN DRAW BLM SMITH	A2-4*	NENW	4	54N	75W	WYW143987
2	LINN DRAW BLM SMITH	B1-4	SWNW	4	54N	75W	WYW143987
3	LINN DRAW BLM SMITH	B3-4	SWNE	4	54N	75W	WYW143987
4	LINN DRAW BLM SMITH	C2-4	NESW	4	54N	75W	WYW143987
5	LINN DRAW BLM SMITH	C4-4	NESE	4	54N	75W	WYW143987
6	LINN DRAW BLM SMITH	D3-4	SWSE	4	54N	75W	WYW143987
7	LINN DRAW BLM	A2-9	NENW	9	54N	75W	WYW143987
8	LINN DRAW BLM SMITH	A4-9	NENE	9	54N	75W	WYW143987
9	LINN DRAW BLM	B1-9	SWNW	9	54N	75W	WYW143987
10	LINN DRAW BLM	B3-9	SWNE	9	54N	75W	WYW143987
11	LINN DRAW BLM	C2-9	NESW	9	54N	75W	WYW143987
12	LINN DRAW BLM SMITH	C4-9	NESE	9	54N	75W	WYW143987
13	LINN DRAW BLM	D1-9	SWSW	9	54N	75W	WYW141583
14	LINN DRAW BLM	D3-9	SWSE	9	54N	75W	WYW141583
15	LINN DRAW BLM SMITH	C2-10	NESW	10	54N	75W	WYW143987
16	LINN DRAW BLM	C4-10	NESE	10	54N	75W	WYW143987
17	LINN DRAW BLM SMITH	D1-10	SWSW	10	54N	75W	WYW143987
18	LINN DRAW BLM	D3-10	SWSE	10	54N	75W	WYW143987
19	LINN DRAW BLM	A2-15	NENW	15	54N	75W	WYW143988
20	LINN DRAW BLM SPELLMAN	A4-15	NENE	15	54N	75W	WYW143987
21	LINN DRAW BLM	B1-15	SWNW	15	54N	75W	WYW143988
22	LINN DRAW BLM	B3-15	SWNE	15	54N	75W	WYW143987
23	LINN DRAW BLM	C2-15	NESW	15	54N	75W	WYW143988
24	LINN DRAW BLM SPELLMAN	C4-15	NESE	15	54N	75W	WYW143987

	Well Name	Well #	QTR	Section	TWP	RNG	Lease
25	LINN DRAW BLM SPELLMAN	D1-15	SWSW	15	54N	75W	WYW143988
26	LINN DRAW BLM SPELLMAN	D3-15	SWSE	15	54N	75W	WYW143987
27	LINN DRAW BLM	A2-25	NENW	25	54N	75W	WYW143989
28	LINN DRAW BLM	B1-25	SWNW	25	54N	75W	WYW143989
29	LINN DRAW BLM	B3-25	SWNE	25	54N	75W	WYW143989
30	LINN DRAW BLM	C2-25	NESW	25	54N	75W	WYW143987
31	LINN DRAW BLM	C4-25	NESE	25	54N	75W	WYW143989
32	LINN DRAW BLM	D1-25	SWSW	25	54N	75W	WYW143989
33	LINN DRAW BLM SMITH	D3-29	SWSE	29	55N	75W	WYW143992
34	LINN DRAW BLM DRAKE	A2-31	NENW	31	55N	75W	WYW143992
35	LINN DRAW BLM	A4-31	NENE	31	55N	75W	WYW143992
36	LINN DRAW BLM DRAKE	B1-31	SWNW	31	55N	75W	WYW143992
37	LINN DRAW BLM SMITH	B3-31	SWNE	31	55N	75W	WYW143992
38	LINN DRAW BLM ODEGARD	A2-32	NENW	32	55N	75W	WYW143992
39	LINN DRAW BLM SMITH	B1-32	SWNW	32	55N	75W	WYW143992
40	LINN DRAW BLM SMITH	B3-32	SWNE	32	55N	75W	WYW143992
41	LINN DRAW BLM SMITH	C2-32	NESW	32	55N	75W	WYW143992
42	LINN DRAW BLM SMITH	D1-32	SWSW	32	55N	75W	WYW143992
43	**LINN DRAW BLM SMITH	D4-32	SESE	32	55N	75W	WYW143992

The following impoundment locations were inspected and approved for use in association with the water management strategy for the POD. All of these reservoirs are Secondary and a sundry requesting a change of status to Primary along with bonding information will need to be submitted to the BLM before construction or improvements begin.

	IMPOUNDMENT Name / Number	Qtr/Qtr	Section	TWP	RNG	Capacity (Acre Feet)	Surface Disturbance (Acres)	Lease #
1	P9-1-5474	SWSW	9	54	75	8.5	2.7	WYW 141583
2	EX25-1-5576	NWSE	25	55	76	10.2	3.2	State
3	EX25-2-5576	SESE	25	55	76	11.3	3.6	State
4	P25-1-5576	NWSE	25	55	76	12.5	4	State

Rights-Of-Ways

The following right-of-way locations were identified with the Linn Draw POD. Use and maintenance of these locations are prohibited until authorized right-of-ways have been issued.

T. 54 N., R. 75 W., section 9, lot 13 for the P9-1-5475 reservoir.

T. 54 N., R. 75 W., sections 5, 6, 7, 8, 9, 15, 17, 25, and 26 for Road, Water, Gas and Buried electric.

This approval is subject to adherence with all of the operating plans and mitigation measures contained in the Master Surface Use Plan of Operations, Drilling Plan, Water Management Plan, and information in individual APDs. This approval is also subject to operator compliance with all mitigation and monitoring

requirements contained within the Powder River Oil and Gas Project Environmental Impact Statement and Resource Management Plan Amendment (PRB FEIS) approved April 30, 2003.

I Programmatic mitigation measures identified in the PRB FEIS ROD

Programmatic mitigation measures are those, determined through analysis, which may be appropriate to apply at the time of APD approval if site specific conditions warrant. These mitigation measures can be applied by BLM, as determined necessary at the site-specific NEPA APD stage, as COAs and will be in addition to stipulations applied at the time of lease issuance and any standard COA.

Groundwater

1. In order to address the potential impacts from infiltration on shallow ground water, the Wyoming DEQ has developed a guidance document, "Compliance Monitoring and Siting Requirements for Unlined Coalbed Methane Produced Water Impoundments" which was approved September, 2006. For WYPDES permits received by DEQ after the August 1st effective date, the BLM requires that operators comply with the current approved DEQ compliance monitoring guidance document prior to discharge of federally-produced water into newly constructed or upgraded impoundments.

Surface Water

1. Channel Crossings:
 - a) Channel crossings by road and pipelines will be constructed perpendicular to flow. Culverts will be installed at appropriate locations for streams and channels crossed by roads as specified in the BLM Manual 9112-Bridges and Major Culverts and Manual 9113-Roads. Streams will be crossed perpendicular to flow, where possible, and all stream crossing structures will be designed to carry the 25-year discharge event or other capacities as directed by the BLM.
 - b) Channel crossings by pipelines will be constructed so that the pipe is buried at least four feet below the channel bottom.
2. Low water crossings will be constructed at original streambed elevation in a manner that will prevent any blockage or restriction of the existing channel. Material removed will be stockpiled for use in reclamation of the crossings.
3. Concerns regarding the quality of the discharged CBNG water on downstream irrigation use may require operators to increase the amount of storage of CBNG water during the irrigation months and allow more surface discharge during the non-irrigation months.
4. The operator will supply two copies of the complete approved SW-4, SW-3, or SW-CBNG permits to BLM as they are issued by WSEO for impoundments.
5. The operator will supply two copies of the WYPDES permit for this POD to the BLM as soon as it is available from WDEQ.
6. The operator will provide a copy of the UIC application and design report for the SDI facility planned for Section 24 R76W T55N when it is available.

Soils

1. The Companies, on a case by case basis depending upon water and soil characteristics, will test sediments deposited in impoundments before reclaiming the impoundments. Tests will include the standard suite of cations, ions, and nutrients that will be monitored in surface water testing and any trace metals found in the CBNG discharges at concentrations exceeding detectable limits.

Wetland/Riparian

1. Wetland areas will be disturbed only during dry conditions (that is, during late summer or fall) or when the ground is frozen during the winter.
2. No waste material will be deposited below high water lines in riparian areas, flood plains, or in natural drainage ways.
3. The lower edge of soil or other material stockpiles will be located outside the active floodplain.
4. Disturbed channels will be re-shaped to their approximate original configuration or stable geomorphological configuration and properly stabilized.
5. Reclamation of disturbed wetland/riparian areas will begin immediately after project activities are complete.

Wildlife

1. For any surface-disturbing activities proposed in sagebrush shrublands, the Companies will conduct clearance surveys for sage grouse breeding activity during the sage grouse's breeding season before initiating the activities. The surveys must encompass all sagebrush shrublands within 0.5 mile of the proposed activities.
2. The Companies will locate facilities so that noise from the facilities at any nearby sage grouse or sharp-tailed grouse display grounds does not exceed 49 decibels (10 dBA above background noise) at the display ground.
3. All stock tanks shall include a ramp to enable trapped small birds and mammals to escape. See Idaho BLM Technical Bulletin 89-4 entitled Wildlife Watering and Escape Ramps on Livestock Water Developments: Suggestions and Recommendations.

Threatened, Endangered, or Sensitive Species

1. Bald Eagle Special habitats for raptors, including wintering bald eagles, will be identified and considered during the review of the APD/POD or Sundry Notices.

Black-footed Ferret

1. If any black-footed ferrets are located, the USFWS will be consulted. Absolutely no disturbance will be allowed within prairie dog colonies inhabited by black-footed ferrets.
2. Additional mitigation measure may be necessary if the site-specific project is determined by a BLM biologist to have adverse effects to black-footed ferrets or their habitat. In the event that a mountain plover is located during construction or operation, the USFWS' Wyoming Field Office (307-772-2374) and the USFWS' Law Enforcement Office (307-261-6365) will be notified within 24 hours.

Mountain Plover

1. A mountain plover nesting survey shall be conducted following U.S. Fish and Wildlife Service protocol within occupied black-tailed prairie dog colonies prior to permit authorization.

Outside of occupied black-tailed prairie dog colonies, a mountain plover nesting survey following U.S. Fish and Wildlife Service protocol is encouraged prior to construction initiation, as project modifications can be made if necessary to protect nesting plovers and natural gas production. If requested in writing, then authorization may be granted for construction activities to occur between August 1 and March 15, outside the mountain plover breeding season. A mountain plover nesting

survey following U.S. Fish and Wildlife Service protocol shall be conducted during the first available survey period (May 1 – June 15). Additional measures such as monitoring and activity restrictions may be applied if mountain plovers are documented.

Visual Resources

1. The Companies will mount lights at compressor stations and other facilities on a pole or building and direct them downward to illuminate key areas within the facility while minimizing the amount of light projected outside the facility.

Noise

1. Noise mufflers will be installed on the exhaust of compressor engines to reduce the exhaust noise.
2. Where noise impacts to existing sensitive receptors are an issue, noise levels will be required to be no greater than 55 decibels measured at a distance of one-quarter mile from the appropriate booster (field) compressor. When background noise exceeds 55dBA, noise levels will be no greater than 5dBA above background. This may require the installation of electrical compressor motors at these locations.

Air Quality

1. During construction, emissions of particulate matter from well pad and resource road construction will be minimized by application of water, or other dust suppressants, with at least 50 percent control efficiency. Roads and well locations constructed on soils susceptible to wind erosion could be appropriately surfaced or otherwise stabilized to reduce the amount of fugitive dust generated by traffic or other activities, and dust inhibitors (surfacing materials, non-saline dust suppressants, and water) could be used as necessary on unpaved collector, local and resource roads that present a fugitive dust problem. The use of chemical dust suppressants on BLM surface will require prior approval from the BLM authorized officer.

II Site specific mitigation measures

All changes made at the onsite will be followed. They have all been incorporated into the operator's POD.

General

1. Field supervisors/construction foreman and anyone else doing construction, dirt work, drilling, etc. should have or have readily available, a copy of the Plan of Development (POD), Conditions of approval (COAs), Surface Use Data Summary (SUDS) Form and understand them. If there are questions or information is not clear, stop and get answers or clarification before doing the surface disturbance.

Surface Use

1. Do not disturb/turn over sod, brush hog or mow vegetation any more than what was approved. Use appropriate sized equipment for the job.
2. Well A2-9, maintain a 20', undisturbed, vegetative buffer near edge of slope.
3. Well C4-9, fence/avoid the "washout" area just south of the well.
4. Well D1-10, extra attention needed to stabilize this location/access.
5. Well B1-15, stay out of draw, access corridor disturbance width is 25' or less and disturbance must be stabilized during and within 30 days of start of construction.
6. Well D3-15, access corridor disturbance width is 25' or less and disturbance must be stabilized during and within 30 days of start of construction.
7. Well B1-25, do not disturb hillside.

8. Well C2-25, maintain an undisturbed, vegetated buffer near top of draw/drainage.
9. Well D3-29, access disturbance will be 25' or less.
10. Well A2-31, 40' curcumfrance maximum sagebrush mowing.
11. Well B1-31 and B3-32 maintain undisturbed, vegetative buffer near draw.
12. Well B3-31, modified from standard slot design, slot size is 40' wide x 80' long x 4' or less deep. B1-31, slot size is 30' x 100'. D1-32, slot size is 20' x 30'.
13. Well B1-32, access corridor disturbance width is 25' or less and disturbance must be stabilized during and within 30 days of start of construction.
14. Well D1-32, access corridor disturbance width is 25' or less and disturbance must be stabilized during and within 30 days of start of construction. Maintain undisturbed, vegetative buffer.
15. Access corridors to wells C4-9 and D3-10, disturbance must be stabilized during and within 30 days of the start of construction. Pay special attention to disturbance in and around the middle tributary of Linn Draw.
16. All permanent above-ground structures (e.g., production equipment, tanks, etc.) not subject to safety requirements, will be painted to blend with the natural color of the landscape. The paint used will be a color which simulates "Standard Environmental Colors." The color selected for the Linn Draw POD is Covert Green, 18-0617TPX.
17. The operator will drill seed on the contour to a depth of 0.5 inch **or less** and/or surface apply, depending on species, followed by cultipaction to compact the seedbed, preventing soil and seed losses. To maintain quality and purity, the current years tested, certified seed with a minimum germination rate of 80% and a minimum purity of 90% will be used. On BLM surface or in lieu of a different specific mix desired by the surface owner, use the following:

SEED MIX:

10 to 14" Precipitation Zone, Loamy/Clayey Sites (Includes Shallow sites): For all wells except the C2-9 well and infrastructure.

Species - Cultivar	% in Mix	Lbs PLS*/acre
Thickspike Wheatgrass – <i>Critana</i> OR Western Wheatgrass - <i>Rosana</i>	35	4.2
Bluebunch Wheatgrass – <i>Secar</i> or <i>P-7</i>	15	1.8
Green needlegrass - <i>Lodorm</i>	25	3.0
American vetch OR Cicer Milkvetch - <i>Lutana</i>	10	1.2
White – <i>Antelope</i> or Purple Prairie Clover - <i>Bismarck</i>	5	.60
Lewis - <i>Appar</i> , Blue, or Scarlet flax	5	.60
Winterfat – <i>Open Range</i>	5	.60
Totals	100%	12 lbs/acre

10” to 14” Precipitation Zone, Sandy Ecological Sites: For well C2-9 and the infrastructure going, for approximately 800’ north, to well B1-9.

Species	% in Mix	Lbs PLS*/acre
<i>Thickspike Wheatgrass</i> (<i>Elymus lanceolatus</i> ssp. <i>lanceolatus</i>)	30	3.6
<i>Prairie sandreed</i> (<i>Calamovilfa longifolia</i>)	30	3.6
<i>Indian ricegrass</i> (<i>Achnatherum hymenoides</i>)	25	3.0
<i>Prairie coneflower</i> (<i>Ratibida columnifera</i>)	5	0.6
<i>White or purple prairie clover</i> (<i>Dalea candidum</i> , <i>purpureum</i>)	5	0.6
<i>Scarlet Globemallow</i> (<i>Sphaeralcea coccinea</i>) / or <i>Blue flax</i> (<i>Linum lewisii</i>)	5	0.6
Totals	100%	12 lbs/acre

*PLS = pure live seed

*Northern Plains adapted species

*Double this rate if broadcast seeding

*Varieties planted will be “suitable/adaptable” to Powder River Basin

Wildlife

Raptors

1. The following conditions will alleviate impacts to raptors:
 - a. No surface disturbing activity shall occur within 0.5 mile of all identified raptor nests from February 1 through July 31, annually, prior to a raptor nest occupancy survey for the current breeding season. This timing limitation will affect the following

Township/Range	Section	Wells and Infrastructure
T54N, R75W	9	A2-9
T54N, R75W	9	B1-9
T54N, R75W	9	B3-9
T54N, R75W	9	C2-9
T54N, R75W	9	D1-9
T54N, R75W	9	All access corridors in Sec. 9 except the portion in the NE NE of the section.
T54N, R75W	15	D3-15 and the access corridor in the S SW of Sec. 15.
T54N, R75W	25	A2-25
T54N, R75W	25	B3-25
T54N, R75W	25	C4-25
T54N, R75W	25	All access corridors in the E and NE NE of Sec. 25
T54N, R75W	32	A2-32
T54N, R75W	32	B3-32
T54N, R75W	32	C1-32
T54N, R75W	32	C3-32

Township/Range	Section	Wells and Infrastructure
T54N, R75W	32	C9-32
T54N, R75W	32	D3-32
T54N, R75W	32	D4-32
T54N, R75W	32	All access corridors in Section 32

- 1) Surveys to document nest occupancy shall be conducted by a biologist following BLM protocol, between April 15 and June 30. All survey results shall be submitted in writing to a Buffalo BLM biologist and approved prior to surface disturbing activities. Surveys outside this window may not depict nesting activity. If a survey identifies active raptor nests, a 0.5 mile timing buffer will be implemented. The timing buffer restricts surface disturbing activities within 0.5 mile of occupied raptor nests from February 1 to July 31.
 - 2) Nest productivity checks shall be completed annually and continue for the first five years following project completion. The productivity checks shall be conducted no earlier than June 1 or later than June 30 and any evidence of nesting success or production shall be recorded. Survey results will be submitted to a Buffalo BLM biologist in writing no later than July 31 of each survey year. This applies to the nests listed in Table 4 of this EA.
- b. If an undocumented raptor nest is located during project construction or operation, the Buffalo Field Office (307-684-1100) shall be notified within 24 hours.
 - c. Well metering, maintenance and other site visits within 0.5 miles of raptor nests should be minimized as much as possible during the breeding season (February 1 – July 31).

Sage Grouse

1. The following conditions will alleviate impacts to sage-grouse:
 - a. No surface disturbing activities are permitted within 2 miles of the Ruckel Draw, Howell, Spotted Horse, and Box Draw sage grouse lek(s) between March 1 and June 15, prior to completion of a greater sage grouse lek survey. **This condition will be implemented on an annual basis for the duration of surface disturbing activities.** This timing limitation will affect the following:

Township/Range	Section	Wells and Infrastructure
T54N, R75W	25	All wells and access corridors in Section 25
T54N, R75W	4	All wells and access corridors in Section 4
T55N, R75W	31,32,33	All wells and infrastructure in Sections 31,32 & 33

- 1) If an active lek is identified during the survey, the 2 mile timing restriction (March 1-June 15) will be applied and surface disturbing activities will not be permitted until after the nesting season. If surveys indicate that the identified lek is inactive during the current breeding season, surface disturbing activities may be permitted within the 2 mile buffer until the following breeding season (March 1). The required sage grouse survey will be conducted by a biologist following the most current WGFD protocol. All survey results shall be submitted in writing to a Buffalo BLM biologist and approved prior to surface disturbing activities.
 - b. Well metering, maintenance and other site visits within 2.0 miles of documented sage grouse lek sites should be minimized as much as possible during the breeding season (March 1– June 15).
2. The compressor in Section 33 T55N, R75W will be designed using “best technology” to reduce noise to below 49 decibels (10 dBA above background noise) at the display ground.

Rights-Of-Ways:

The following right-of-way locations were identified with the Linn Draw POD. Use and maintenance of these locations are prohibited until authorized right-of-ways have been issued.

T. 54 N., R. 75 W., section 9, lot 13 for the P9-1-5475 reservoir.

T. 54 N., R. 75 W., sections 5, 6, 7, 8, 9, 15, 17, 25, and 26 for Road, Water, Gas and Buried electric.

*Please contact Dan Sellers, Natural Resource Specialist, @ (307) 684-1132, Bureau of Land Management, Buffalo, if there are any questions concerning these surface use COAs.

III Standard Conditions of Approval

A. General

1. If any cultural values [sites, artifacts, human remains (Appendix L FEIS)] are observed during operation of this lease/permit/right-of-way, they will be left intact and the Buffalo Field Manager notified. The authorized officer will conduct an evaluation of the cultural values to establish appropriate mitigation, salvage or treatment. The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during construction, the operator is to immediately stop work that might further disturb such materials, and contact the authorized BLM officer (AO). Within five working days the AO will inform the operator as to:
 - whether the materials appear eligible for the National Register of Historic Places;
 - the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
 - a time-frame for the AO to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction measures.
2. If paleontological resources, either large or conspicuous, and/or a significant scientific value are discovered during construction, the find will be reported to the Authorized Officer immediately. Construction will be suspended within 250 feet of said find. An evaluation of the paleontological discovery will be made by a BLM approved professional paleontologist within five (5) working days, weather permitting, to determine the appropriate action(s) to prevent the potential loss of any significant paleontological values. Operations within 250 feet of such a discovery will not be resumed until written authorization to proceed is issued by the Authorized Officer. The applicant will bear the cost of any required paleontological appraisals, surface collection of fossils, or salvage of any large conspicuous fossils of significant scientific interest discovered during the operation.
3. The operator shall restrict travel on unimproved two-track roads during periods of inclement weather or spring thaw when the possibility exists for excessive surface resource damage (e.g., rutting in excess of 4-inches, travel outside two-track roadway, etc.).
4. The first producing well drilled to each targeted coal zone will be designated as the POD "Reference Well". Reference wells will not be required for PODs within a 6 mile radius of the first reference well designated by the operator, nor for co-mingled coal zones. The designated reference well must be equipped to be sampled at the well head. A reference well sample will be collected from the wellhead and submitted for analysis; using the list of analytes identified in WDEQ WYPDES Application for Permit to Surface Discharge Produced Water from CBM New Discharges, Renewals, or Major Modifications, within 30 to

60 days of initial water production. Results of the analysis will be submitted to the BFO-BLM authorized Officer as they become available.

5. By November 1 each year, companies will provide georeferenced spatial data depicting as-built locations of all facilities, wells, roads, pipelines, power lines, reservoirs, discharge points, and other related facilities to the BLM for all PODs where construction and development have been completed.
6. If any dead or injured threatened, endangered, proposed, or candidate species is located during construction or operation, the U.S. Fish and Wildlife Service's Wyoming Field Office (307-772-2374), their law enforcement office (307-261-6365), and the BLM Buffalo Field Office (307-684-1100) shall be notified within 24 hours. If any dead or injured sensitive species is located during construction or operation, the BLM Buffalo Field Office (307-684-1100) shall be notified within 24 hours.
7. Wildlife species are dynamic and new individuals may have moved into the Linn Draw POD area after the initial wildlife surveys were completed. The Record of Decision for the PRB FEIS includes a programmatic mitigation measure that states, "The companies will conduct clearance surveys for threatened and endangered or other special-concern species at the optimum time". The measure requires companies to coordinate with the BLM before November 1 annually to review the potential for disturbance and to agree on inventory parameters. Should this project not be completed by January 15, and surface disturbance is planned for that year, a Comet Energy company representative will coordinate with the BLM to discuss required surveys.
8. All other conservation measures and terms and conditions identified in the Powder River Basin Oil and Gas Project Biological Opinion (WY07F0075) shall be complied with.
9. If an undocumented raptor nest is located during project construction or operation, the Buffalo Field Office (307-684-1100) shall be notified within 24 hours.
10. All contractors will have a copy of the pod map and conditions of approval with them at all times.

B. Construction

1. A pre-construction field meeting shall be conducted prior to beginning any dirt work approved under this POD. The operator shall contact the BLM Authorized Officer, Dan Sellers @ 307-684-1032, at least 4-days prior to beginning operations so that the meeting can be scheduled. The operator is responsible for having all contractors present (dirt contractors, drilling contractor, pipeline contractor, project oversight personnel, etc.) including the overall field operations superintendent, and for providing all contractors copies of the approved POD, project map and BLM Conditions of Approval pertinent to the work that each will be doing.
2. The operator will limit vegetation removal and the degree of surface disturbance wherever possible. Where surface disturbance cannot be avoided, all practicable measures will be utilized to minimize erosion and stabilize disturbed soils.
3. Construction and drilling activity will not be conducted using frozen or saturated soil material during periods when watershed damage or excessive rutting is likely to occur.
4. Remove all available topsoil (depths vary from 4 inches on ridges to 12+ inches in bottoms) from constructed well locations including areas of cut and fill, and stockpile at the site. Topsoil will also be salvaged for use in reclamation on all other areas of surface disturbance (roads, pipelines, etc.). Clearly segregate topsoil from excess spoil material. Any topsoil

stockpiled for one year or longer will be signed and stabilized with annual ryegrass or other suitable cover crop.

5. The operator will not push soil material and overburden over side slopes or into drainages. All soil material disturbed will be placed in an area where it can be retrieved without creating additional undue surface disturbance and where it does not impede watershed and drainage flows.
6. Construct the back-slope no steeper than 1½:1, and construct the fore-slope no steeper than 2:1, unless otherwise directed by the BLM Authorized Officer.
7. Maintain a minimum 20-foot undisturbed vegetative border between toe-of-fill of pad and/or pit areas and the edge of adjacent drainages, unless otherwise directed by the BLM Authorized Officer.
8. With the overall objective of minimizing surface disturbance and retaining land stability and productivity, the operator shall utilize equipment that is appropriate to the scope and scale of work being done for roads and well pads (utilize equipment no larger than needed for the job).
9. To minimize electrocution potential to raptors, all overhead electrical power lines will be constructed to Avian Power Line Interaction Committee (1996) standards and additional standards identified in the PRB FEIS Biological Opinion (Volume 3, Appendix K, page 43).
10. The operator shall utilize wheel trenchers or ditchers to construct all pipeline trenches, except where extreme topography or other environmental factors preclude their use.
11. Reserve pits will be adequately fenced during and after drilling operations until pit is reclaimed so as to effectively keep out wildlife and livestock. Adequate fencing, in lieu of more stringent requirements by the surface owner, is defined as follows:
 - Construction materials will consist of steel or wood posts. Three or four strand wire (smooth or barbed) fence or hog panel (16-foot length by 50-inch height) or plastic snow fence must be used with connectors such as fence staples, quick-connect clips, hog rings, hose clamps, twisted wire, etc. Electric fences will not be allowed.
 - Construction standards: Posts shall be firmly set in ground. If wire is used, it must be taut and evenly spaced, from ground level to top wire, to effectively keep out animals. Hog panels must be tied securely into posts and one another using fence staples, clamps, etc. Plastic snow fencing must be taut and sturdy. Fence must be at least 2-feet from edge of pit. 3 sides fenced before beginning drilling, the fourth side fenced immediately upon completion of drilling and prior to rig release. Fence must be left up and maintained in adequate condition until pit is closed.
12. The reserve pit will be oriented to prevent collection of surface runoff. After the drilling rig is removed, the operator may need to construct a trench on the uphill side of the reserve pit to divert surface drainage around it. If constructed, the trench will be left intact until the pit is closed.
13. The reserve pit will be lined with an impermeable liner if permeable subsurface material is encountered. An impermeable liner is any liner having a permeability less than 10⁻⁷ cm/sec. The liner will be installed so that it will not leak and will be chemically compatible with all substances that may be put in the pit. Liners made of any man-made synthetic material will be of sufficient strength and thickness to withstand normal installation and pit use. In gravelly or rocky soils, a suitable bedding material such as sand will be used prior to installing the liner.

14. The reserve pit will be constructed so that at least half of its total volume is in solid cut material (below natural ground level).
15. Culverts will be placed on channel bottoms on firm, uniform beds, which have been shaped to accept them, and aligned parallel to the channel to minimize erosion. Backfill will be thoroughly compacted.
16. The minimum diameter for culverts will be 18 inches. However, all culverts will be appropriately sized in accordance with standards in BLM Manual 9113.
17. Construction and other project-related traffic will be restricted to approved routes. Cross-country vehicle travel will not be allowed.
18. Maximum design speed on all operator-constructed and maintained roads will not exceed 25 miles per hour.
19. Pipeline construction shall not block nor change the natural course of any drainage. Pipelines shall cross perpendicular to drainages. Pipelines shall not be run parallel in drainage bottoms. Suspended pipelines shall provide adequate clearance for maximum runoff.
20. Pipeline trenches shall be compacted during backfilling. Pipeline trenches shall be routinely inspected and maintained to ensure proper settling, stabilization and reclamation.
21. During construction, emissions of particulate matter from well pad and road construction would be minimized by application of water or other non-saline dust suppressants with at least 50 percent control efficiency. Dust inhibitors (surfacing materials, non-saline dust suppressants, and water) will be used as necessary on unpaved roads that present a fugitive dust problem. The use of chemical dust suppressants on public surface will require prior approval from the BLM Authorized Officer.
22. Operators are required to obtain a National Pollution Discharge Elimination System (NPDES) Storm Water Permit from the Wyoming DEQ for any projects that disturb five or more acres (changing to one acre in March 2005). This general construction storm water permit must be obtained from WDEQ prior to any surface disturbing activities and can be obtained by following directions on the WDEQ website at <http://deq.state.wy.us>. Further information can be obtained by contacting Barb Sahl at (307) 777-7570.
23. The operator shall submit a Sundry Notice (Form 3160-5) to BLM for approval prior to construction of any new surface disturbing activities that are not specifically addressed in the approved APD or POD Surface Use Plan.
24. Weed educational material will be reviewed with operators during pre-construction on-site meetings with operators, subcontractors, and landowners and will also be attached to approved APDs and PODs.
25. Companies will contact the counties to pursue development of maintenance agreements to ensure county roads are adequately maintained for the projected increase in use.

C. Operations/Maintenance

1. The operator shall complete coal bed natural gas wells (case, cement and under ream) as soon as possible, but no later than 30 days after drilling operations, unless an extension is given by the BLM Authorized Officer.
2. If in the process of air drilling the wells there is a need to utilize mud, all circulating fluids will be contained either in an approved pit or in an aboveground containment tank. The pit or containment tank will be large enough to safely contain the capacity of all expected fluids without danger of overflow. Fluid and cuttings will not be squeezed out of the pit, and the pit

will be reclaimed in an expedient manner.

3. Confine all equipment and vehicles to the access road(s), pad(s), and area(s) specified in the approved APD or POD.
4. All waste, other than human waste and drilling fluids, will be contained in a portable trash cage. This waste will be transported to a State approved waste disposal site immediately upon completion of drilling operations. No trash or empty barrels will be placed in the reserve pit or buried on location. All state and local laws and regulations pertaining to disposal of human and solid waste will be complied with.
5. Rat and mouse holes shall be filled and compacted from the bottom to the top immediately upon release of the drilling rig from the location.
6. The operator will be responsible for prevention and control of noxious weeds and weeds of concern on all areas of surface disturbance associated with this project (well locations, roads, water management facilities, etc.) Use of pesticides shall comply with the applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of Interior. Prior to the use of pesticides on public land, the holder shall obtain from the BLM authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer to such use.
7. Sewage shall be placed in a self-contained, chemically treated porta-potty on location.
8. The operator and their contractors shall ensure that all use, production, storage, transport and disposal of hazardous and extremely hazardous materials associated with the drilling, completion and production of these wells will be in accordance with all applicable existing or hereafter promulgated federal, state and local government rules, regulations and guidelines. All project-related activities involving hazardous materials will be conducted in a manner to minimize potential environmental impacts. In accordance with OSHA requirements, a file will be maintained onsite containing current Material Safety Data Sheets (MSDS) for all chemicals, compounds and/or substances which are used in the course of construction, drilling, completion and production operations.
9. Produced fluids shall be put in test tanks on location during completion work. Produced water will be put in the reserve pit during completion work per Onshore Order #7.
10. The only fluids/waste materials which are authorized to go into the reserve pit are RCRA exempt exploration and production wastes. These include:
 - drilling muds & cuttings
 - rigwash
 - excess cement and certain completion & stimulation fluids defined by EPA as exemptIt does not include drilling rig waste, such as:
 - spent hydraulic fluids
 - used engine oil
 - used oil filter
 - empty cement, drilling mud, or other product sacks
 - empty paint, pipe dope, chemical or other product containers
 - excess chemicals or chemical rinsate

Any evidence of non-exempt wastes being put into the reserve pit may result in the BLM Authorized Officer requiring specific testing and closure requirements.

11. Reserve pits will be closed as soon as possible, but no later than 90 days from time of drilling/well completion, unless the BLM Authorized Officer gives an extension. Squeezing of pit fluids and cuttings is prohibited. Pits must be dry of fluids or they must be removed via vac-truck or other environmentally acceptable method prior to backfilling, re-contouring and replacement of topsoil. Mud and cuttings left in pit must be buried at least 3-feet below re-contoured grade. The operator will be responsible for re-contouring any subsidence areas that develop from closing a pit before it is sufficiently dry.
12. Operators are advised that prior to installation of any oil and gas well production equipment which has the potential to emit air contaminants, the owner or operator of the equipment must notify the Wyoming Department of Environmental Quality, Air Quality Division (phone 307-777-7391) to determine permit requirements. Examples of pertinent well production equipment include fuel-fired equipment (e.g., diesel generators), separators, storage tanks, engines and dehydrators.
13. If this well is drilled during the fire season (June-October), the operator shall institute all necessary precautions to ensure that fire hazard is minimized, including but not limited to mowing vegetation on the access route(s) and well location(s), keeping firefighting equipment readily available when drilling, etc.

D. Dry Hole/Reclamation

1. All disturbed lands associated with this project, including the pipelines, access roads, water management facilities, etc. will be expediently reclaimed and reseeded in accordance with the surface use plan and any pertinent site-specific COAs.
2. Disturbed lands will be re-contoured back to conform with existing undisturbed topography. No depressions will be left that trap water or form ponds.
3. The fluids and mud must be dry in the reserve pit before re-contouring pit area. The operator will be responsible for re-contouring of any subsidence areas that develop from closing a pit before it is completely dry. The plastic pit liner (if any) will be cut off below grade and properly disposed of at a state authorized landfill before beginning to re-contour the site.
4. Before the location has been reshaped and prior to redistributing the topsoil, the operator will rip or scarify the drilling platform and access road on the contour, to a depth of at least 12 inches. The rippers are to be no farther than 24 inches apart.
5. Distribute the topsoil evenly over the entire location and other disturbed areas. Prepare the seedbed by disking to a depth of 4-to-6 inches following the contour.
6. Phased reclamation plans will be submitted to BLM for approval prior to individual POD facility abandonment via a Notice of Intent (NOI) Sundry Notice. Individual facilities, such as well locations, pipelines, discharge points, impoundments, etc. need to be addressed in these plans as they are no longer needed. Individual items that will need to be addressed in reclamation plans include:
 - Pit closure (Close ASAP after suitably dry, but no later than 90 days from time of drilling unless an extension is given by BLM Authorized Officer.) BLM may require closure prior to 90 days in some cases due to land use or environmental concerns.
 - Configuration of reshaped topography, drainage systems, and other surface manipulations
 - Waste disposal

- Re-vegetation methods, including specific seed mix (pounds pure live seed/acre) and soil treatments (seedbed preparation, fertilization, mulching, etc.). On private surface, the landowner should be consulted for the specific seed mix.
 - Other practices that will be used to reclaim and stabilize all disturbed areas, such as water bars, erosion fabric, hydro-mulching, etc.
 - An estimate of the timetables for beginning and completing various reclamation operations relative to weather and local land uses.
 - Methods and measures that will be used to control noxious weeds, addressing both ingress and egress to the individual well or POD.
 - Decommissioning/removal of all surface facilities
 - Closure and reclamation of areas utilized or impacted by produced CBM water, including discharge points, reservoirs, off-channel pits, land application areas, livestock/wildlife watering facilities, surface discharge stream channels, etc
7. BLM will not release the performance bond until all disturbed areas associated with the APD/POD have been successfully re-vegetated (evaluation will be made after the second complete growing season) and has met all other reclamation goals of the surface owner and surface management agency.
 8. A Notice of Intent to Abandon and a Subsequent Report of Abandonment must be submitted for abandonment approval.
 9. For performance bond release approval, a Final Abandonment Notice (with a surface owner release letter on split-estate) must be submitted prior to a final abandonment evaluation by BLM.
 10. Soil fertility testing and the addition of soil amendments may be required to stabilize some disturbed lands.
 11. Any mulch utilized for reclamation needs to be certified weed free.
 12. Waterbars are to be constructed at least one (1) foot deep, on the contour with approximately two (2) feet of drop per 100 feet of waterbar to ensure drainage, and extended into established vegetation. All waterbars are to be constructed with the berm on the downhill side to prevent the soft material from silting in the trench. The initial waterbar should be constructed at the top of the back-slope. Subsequent waterbars should follow the following general spacing guidelines:

Slope (percent)	Spacing Interval (feet)
< 2	200
2 - 4	100
4 - 5	75
> 5	50

E. Producing Well

1. Landscape those areas not required for production to the surrounding topography as soon as possible. The fluids and mud must be dry in the reserve pit before re-contouring pit area. The operator will be responsible for re-contouring and reseeding of any subsidence areas that develop from closing a pit before it is completely dry.
2. Reduce the back-slope to 2:1 and the fore-slope to 3:1, unless otherwise directed by the BLM Authorized Officer. Reduce slopes by pulling fill material up from fore-slope into the toe of cut slopes.

3. Production facilities (including dikes) must be placed on the cut portion of the location and a minimum of 15 feet from the toe of the back cut unless otherwise approved by the BLM Authorized Officer.
4. Any spilled or leaked oil, produced water or treatment chemicals must be reported in accordance with NTL-3A and immediately cleaned up in accordance with BLM requirements. This includes clean-up and proper disposition of soils contaminated as a result of such spills/leaks.
5. Distribute stockpiled topsoil evenly over those areas not required for production and reseed as recommended.
6. Upgrade and maintain access roads and drainage control (e.g., culverts, drainage ditches, ditching, crowning, surfacing, etc.) as necessary and as directed by the BLM Authorized Officer to prevent soil erosion and accommodate safe, environmentally-sound access.
7. Prior to construction of production facilities not specifically addressed in the APD/POD, the operator shall submit a Sundry Notice to the BLM Authorized Officer for approval.
8. If not already required prior to constructing and drilling the well location, the operator shall immediately upgrade the entire access road to BLM standards (including topsoiling, crowning, ditching, drainage culverts, surfacing, etc.) to ensure safe, environmentally-sound, year-round access. This requirement does not supercede or apply where specific road requirements are addressed in the APD/POD surface use plan (e.g., two track road, spot upgrade, etc.)
9. Waterbars shall be installed on all reclaimed pipeline corridors per the guidelines in D #12.