

APPENDIX C
CONDITIONS OF APPROVAL AND RIGHT OF WAY STIPULATIONS

All Surface Construction Personnel Note
Appendix E
[Company]

Attachment to DNA #CO-SJPLC-08-078
[Well name] gas well

SUIT FEIS “ROD Management Requirements**”**

*Management Requirements for Implementation of the Agency and Tribal Preferred Alternative. Consult Attachment #1 (a 19 page document of the SUIT EIS Record of Decision, October 2002 for **minimum general requirements** that describes environmental protection measures for Oil and Gas operations on the Southern Ute Indian Reservation which are based on existing procedures, policies and regulations, as well as, new measures developed in the EIS process). The measures therein and below are annotated to indicate their origin, and organized by resource in the same manner as in the EIS. Implementation of the Agency and Tribal Preferred Alternative is **contingent upon compliance with those environmental protection requirements and site specific requirements from the onsite listed below.***

Site Specific Mitigations Identified through the Onsite Process
APD Conditions of Approval

(Result of the “on-site” & the DNA process as provided for in the EIS and ROD):

In order to comply with the provisions of the SUIT EIS ROD, the following mitigations are attached to the approved APD, and pertain to the specific well pad, pipeline and access road actions proposed.

◆ **REQUIRED NOTIFICATIONS**

A Notice of Staking (or APD) is required to be received by the BLM-SJRA prior to the holding of any “onsite” action.

The BLM Minerals Division - Surface Protection Specialist shall be notified **5 days** prior to the onset of pad/road construction at 970-247-4874 or 970.385.1370.

The BLM Minerals Division - Surface Protection Specialist shall be notified at least **48 hours** prior to commencement of interim and/or final surface reclamation activities at 970-247-4874 or 970.385.1370.

The BIA/SUIT shall be contacted prior to Southern Ute Indian Reservation surface reclamation activities for specific requirements and seed mixtures. (970-563- 4780, Ext. 307)

- ◆ **CLEAN WATER ACT:** EPA “Reasonable and Prudent Practices for Stabilization” Best Management Practices shall be employed to control storm water and erosion.
- ◆ **CULTURAL (SUIT FEIS Sec 4.8.9)** as specified
- ◆ **HEALTH & SAFETY (SUIT FEIS 4.1.12.7)** The wellhead and equipment of any existing well(s) shall be protected by barriers from inadvertent damage during construction of the new well.
- ◆ **LANDS USE- (SUIT FEIS Sec 4.6.8)** The contractor shall use Best Management Practices (BMP’s) which eliminate or minimize adverse impacts to the environmental public health and the natural resources.
 - The stripped topsoil (generally minimum 6-8”) shall be stockpiled separately and clearly marked for interim reclamation.
 - On roadway construction, topsoil must be salvaged where available during construction and re-spread to the greatest degree practical on cut slopes, fill slopes, and borrow ditches prior to seeding.
 - On any pre-existing well pad designed to host an additional wellbore, repairs shall be made to any erosional gullies on cut and fill slopes, geo-textile blankets, hydro-mulch, mechanically bonded fibre matrix, or rip rap shall be applied as required to control erosion. Slopes shall be seeded with a BIA approved seed mix.
 - Tree stumps shall not be buried, but may be used for erosion control (See SUIT well site stipulations)

●Interim Reclamation

Reserve pits shall be free of oil or other liquid and solid wastes, allowed to dry, water pumped out or mud solidified in-situ prior to backfilling. Reserve pit liner fabric shall be cut at the solids line and disposed off-reservation at an approved facility.

Interim reclamation outside of the well-bore anchors and equipment and service areas needed for regular maintenance shall include: contouring of the pad to surrounding landscape, even spreading of all topsoil on areas not on the graveled turnaround, soil preparation, stabilization, and seeding with a BIA approved seed mix. Interim reclamation shall be performed directly after the drilling of the well and reclamation of the reserve pit or cuttings trench.

Topsoil segregated from stockpiled spoil shall be replaced during reclamation in its respective original position (last out, first in) to minimize mixing of soil horizons. Soil will be amended in accordance with reclamation plans and reseeded with BIA approved weed-free seed mix. Subsurface material should never be placed on top of topsoil material at any point in the operation (2007 Gold Book, p.17)

Vegetation and topsoil may require removal for workover operations to prevent soil compaction and mixing of material from the all weather turnaround. If the interim reclaimed area is disturbed it shall again be reclaimed, as previously described.

●Reclamation (43 CFR 3162.3-4, CFR3162.6 (d), Onshore Order #2)

Notification shall be made to BLM to review the final reclamation plan prior to implementation as required. **Final well reclamation:** According to regulations, a well site is to be reclaimed and re-vegetated directly following plugging. The BLM-SJRA stipulates that surface reclamation be completed within 180 days of the final plugging operation. The final reclamation shall include all equipment and trash removal, slash piles chipped and scattered, pits, mouse hole, rat hole and boreholes filled, gravel removed, an identifying above ground marker erected (designating lease operator, lease number, API #, well name and number, plugging date) contoured to approximate original terrain as closely as possible, top soil evenly redistributed, soil prepared, weed control exercised, and soil seeded with a BIA approved seed mix which shall be monitored for growth.

◆ **NOXIOUS WEEDS (SUIT FEIS 4.3.1.8):**

Permitted lands areas shall be controlled for noxious and non-native species for the life of the project.

◆ **PAD MITIGATION (SUIT FEIS Sec 4.1.5)**

Allow proper drainage to keep runoff precipitation from entering the well pad.

◆ **SURFACE WATER- (SUIT FEIS Sec 4.5.2.8)**

●Permanent pad slopes shall not exceed 3:1. A ditch shall be placed at the top of cut slopes to divert water away from the pad. Continuous rows of excelsior logs shall be placed at the base of cut slopes. Fill slopes shall be lined with securely staked and maintained continuous excelsior waddles along a minimal berm at the top with continuous excelsior waddles at the base of fill slopes to prevent sediment losses. Erosion inhibiting material as geo-textile matting, blankets, hydro-mulching, mechanically bonded fiber matrix, rip-rap (as required) and timely seeding with a BIA specified seed mix shall be applied as soon as pad construction is completed. Temporary slopes greater than 3:1 shall not exceed 2:1 and shall be lined at top and toe with continuous excelsior and stabilization as needed. Temporary slopes shall be seeded.

●A correctly installed silt fence or a continuous line of excelsior waddles (or similar retention device) shall be installed at the toe of “top soil” and “spoils storage” piles to prevent loss of soils. All disturbed slopes shall be seeded and stabilized.

●The SUIT Water Quality Program requests that all oil & gas exploration and production companies submit the notice of Intent (NOI) form and a Storm Water Pollution Prevention Plan (SWPPP) when proposing any ground disturbing activities of one (1) acre or greater.

- Access roads shall be bladed, crowned and ditched with appropriate minimum 18” culverts as needed and BMP erosion controls in place if well is successful. Roads shall be ditched on the high side with storm water runoff directed to existing drainages below the road through armored inlet and outlet culverts at flow line or suitably constructed Low Water Crossings.

- On pipeline ROWs, excavated topsoil shall be segregated from spoils. Upon backfilling, topsoil shall be placed on top, soils stabilized, prepared and seeded. Below applies as applicable:

1. All pipes shall be buried at a safe depth below existing culverts and 30” below scour line of arroyos.
2. Repair/replace all existing culverts removed to bury pipeline, armor inlets and outlets
3. Replace all borrow ditches impacted by construction.

- ◆ **TES SPECIES (SUIT FEIS 4.3.3.9):**

If any TES species are identified during well construction or operation, the SUIT and the BIA shall be contacted immediately. Operations that would adversely affect the TES species must be discontinued until consultation with the USFWS indicates that the impacts are deemed “Not Likely to Effect”.

- ◆ **VISUAL RESOURCE MANAGEMENT: (SUIT FEIS 4.9.8)**

All static equipment shall be painted an environmental green color within seven (7) days of completion of construction. The color shall be one shade darker than background and may be selected by consulting the BLM Standard Environmental Colors Chart CC-001: June 2008.

- ◆ **WELL PAD (SUIT FEIS Sec 4.1.5)**

Well site equipment shall be placed so that any production tanks are located close to the access road/pad junction and other facilities are clustered to enable maximum interim reclamation contraction of the well pad.

- ◆ **WILDLIFE (SUIT FEIS 4.3.3.9):**

Avian species as birds and bats shall be protected from the enticement of warm vent stacks by wire grid or cone covers. Following well drilling during the liquid drying stage for reserve pits, **all pits** shall be fully fenced with bird netting suspended and maintained to protect migratory birds from potential hydrocarbons or toxic chemicals until reclamation is completed.

- **Migratory Bird Treaty Act:**

If construction is to occur during Migratory bird breeding season (March through August) a survey for Migratory birds shall be made just prior to construction with activities avoiding nesting/fledgling individuals discovered. The least amount of trench shall be left open overnight and escape routes from trenches provided for wildlife per USFWS recommendation (3/16/2004 letter) in consultation # 2-22-04-I-362.

BIA/SUIT GENERAL STIPULATIONS FOLLOW:

BIA: General Pipeline Right-of-Way Stipulations
SUIT: General Well Site and Access Road Stipulations

SUIT/BIA STANDARDS (SUIT FEIS 4.3.3.9)

Roads shall be 20’ maximum *disturbance* width, pipelines shall be on a 40’ ROW (combined Pipeline and Road = 40’). Pad construction zones or soil stockpile areas are not added to permitted areas, unless circumstances have required this as an *exception Condition of Approval granting a Temporary Use Area*. Activities as slope development and staging shall occur in the surveyed pad permitted areas.