

**Exploration & Production Operator's
Manual
for
Energy Development Projects
on the
Southern Ute Indian Reservation**



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Southern Ute Indian Tribe Growth Fund Department of Energy

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Contents

1 Acronyms and Initialisms	4
2 Definitions.....	7
3 Limitations.....	9
4 Introduction	10
5 Authorizations and Permitting	12
5.1 Mineral Leasing	12
5.1.1 Tribal and Agency Jurisdiction.....	12
5.1.2 Notification and Authorization Process for Mineral Lease Projects	12
5.2 ROW and Surface Lease Projects	13
5.2.1 Tribal and Agency Jurisdiction.....	13
5.2.2 Notification & Authorization Process for ROW and Surface Lease Projects	13
5.3 Authorization Process for Oil and Gas Well Drilling	21
5.3.1 Tribal and Agency Jurisdiction.....	21
5.3.2 Notification & Authorization Process for Oil and Gas Well Drilling	21
5.4 Authorization Process for Maintenance Activities and Workover Notifications	27
5.5 Air Quality Permitting	30
5.5.1 Tribal and Agency Jurisdiction.....	30
5.5.2 Air-Quality Regulations Applicable to Operators.....	32
5.6 Hydraulic Fracturing	36
6 Operations	38
6.1 Inspections	38
6.2 Spill Reporting and Response.....	40
6.2.1 Spill Mitigation	40
6.2.2 Spill Reporting	40
6.2.3 Spill Characteristics & Assessment, Remediation, and Confirmation Sampling	42
6.2.4 Final Spill Closure	45
6.3 Water Quality, Stormwater, Erosion Control and Interim Reclamation	48
6.3.1 Water Quality.....	48
6.3.2 Stormwater and Erosion Control	48
6.3.3 Interim Reclamation.....	49
6.4 Air Quality	50
6.4.1 AQP	50
6.4.2 EPA	50
6.4.3 BLM	50
6.5 Noxious Weeds	51
6.6 Noise	51
6.7 Visual Mitigation	51
6.8 Final Abandonment and Reclamation.....	52
6.8.1 Production Wells	52
6.8.2 Compressor Stations	55
6.8.3 Pipeline Rights-of-Way.....	59
6.8.4 Roads.....	61
6.8.5 Final Closure.....	61

Southern Ute Indian Reservation

6.9 Emergency Response	66
7 References	67
8 Revisions	69

Appendices

Appendix A Forms/Checklists/Tables.....	70
Appendix B Southern Ute Indian Tribe – Amended and Restated Hydraulic Fracturing and Chemical Disclosure Regulations	71
Appendix C West Side Road Reclamation Guidance	72

Figures

Figure 1. Southern Ute Indian Reservation	11
Figure 2. The Southern Ute Indian Reservation's exterior boundary	30

Tables

Table 1. Air-Quality Jurisdiction and Permitting Authority	31
Table 2. Spills for Which the Tribe Requests Notification	41
Table 3. Condensed Summary of COGCC Noise Rules needs change	51

Flowcharts

Flowchart 1. Tribal Minerals Lease and Process	17
Flowchart 2. Authorization Process for Rights of Way and Surface Lease Projects.....	18
Flowchart 3. Permission to Survey (PTS) and Proposed Project Notification (PPN)	19
Flowchart 4. Surface Lease and ROW Easement	20
Flowchart 5. Steps for Oil and Gas Mineral Leasing and Drilling	24
Flowchart 6 Authorization Process for O&G Well Drilling	25
Flowchart 7. Resolution for Off-Lease Operations.....	26
Flowchart 8. Proposed Maintenance Project.....	29
Flowchart 9. BLM NEPA Air Quality Analysis.....	34
Flowchart 10. US EPA Region 8 & SUIT Air Quality Program	35
Flowchart 11. Spill/Release Reporting and Response.....	46
Flowchart 12. Spill Reporting and Response Contacts Based on Land and Mineral Ownership	47
Flowchart 13. Well Site Plug and Abandonment Project Phasing.....	62
Flowchart 14. Plugged Wells on a Multi-Well Pad with Producing Wells Project Phasing.....	63
Flowchart 15. Compressor Station & Surface Facility Decommissioning Project Phasing	64
Flowchart 16. Pipeline Abandonment Notification and Process	65

Southern Ute Indian Reservation

1. Acronyms and Initialisms

APD	Application for Permit to Drill
API	American Petroleum Institute
AQP	Southern Ute Indian Tribe Environmental Programs Division Air Quality Program
BA	Biological Assessment
BIA	U.S. Department of the Interior, Bureau of Indian Affairs
BLM	U.S. Department of the Interior, Bureau of Land Management
BMP	Best Management Practice
CAA	Clean Air Act
CBM	Coal Bed Methane
CDP	Central Delivery Point, including pipelines, compressor stations, water transfer stations, communications towers, and disposal wells
CDPHE	Colorado Department of Public Health and Environment
CFR	Code of Federal Regulations
CE	Categorical Exclusion
CERCLA	Comprehensive Emergency Response, Compensation, and Liability Act
CO	Carbon monoxide
COA	Conditions of Approval
COGCC	Colorado Oil & Gas Conservation Commission
DNA	Determination of NEPA Adequacy
E&P	Exploration and Production
EA	Environmental Assessment
EI	Emissions Inventory
EIS	Environmental Impact Statement
EPD	Tribal Environmental Programs Division
EPA	U.S. Environmental Protection Agency
FIP	Federal Implementation Plan

Southern Ute Indian Reservation

HAPs	Hazardous Air Pollutants
LDAR	Leak Detection and Repair
MNSR	Minor New Source Review
MOA	Memorandum of Agreement
NEPA	National Environmental Policy Act
NESHAP	National Emission Standard for Hazardous Air Pollutants
NOx, NO ₂	Nitrogen oxides
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
NSPS	New Source Performance Standards
O&G	Oil and Gas
OGI	Optical Gas Imaging
P&A	Plugged and Abandoned Well Site
PEA	Programmatic Environmental Assessment
PSD	Prevention of Significant Deterioration
PM	Particulate matter, total
PMP	Proposed Maintenance Project
PM10	Particulate matter less than 10 micrometers in size
PM2.5	Particulate matter less than 2.5 micrometers in size
PPN	Proposed Project Notification
PTE	Potential to Emit
PTS	Permission to Survey
RAPPS	Reasonable and Prudent Practices for Stabilization
ROW	Right-of-Way
SO ₂	Sulfur dioxide
SPCC	Spill Prevention, Control and Countermeasure
SUIT	Southern Ute Indian Tribe (Tribe)

Southern Ute Indian Reservation

SUIT DNR	SUIT Department of Natural Resources
SUIT DOE	SUIT Department of Energy
SWD	Saltwater Disposal Well
SWPPP	Stormwater Pollution Prevention Plan
T&E	Threatened and Endangered
TERO	Tribal Employment Rights Office
TMNSR	Tribal Minor New Source Review
TPY	Tons Per Year
TUA	Temporary Use Area
VOC	Volatile Organic Compound

2. Definitions

Abandon segment (pipeline) means to permanently abandon a segment of still active pipeline and that segment will not be put back into service.

Allotted land means any tract in which the surface (for rights-of-way and surface leases) or mineral estate (for mineral leases), or an undivided interest in the surface or mineral estate, is owned by one or more individual Indians in trust or has restricted status. Allotted land does not include tribal trust land.

CERCLA Reportable Quantity Spill means any spill at or above quantity for specific chemical, product or waste (hazardous substance) listed under 40 CFR Part 302.

Energy Development Projects means oil and gas (O&G) projects, including pipelines, O&G wells, compressor stations, water transfer stations, central delivery points (CDP), metering stations, and well pad access roads.

Federal Action means federal projects or projects federally funded or approved, including projects on tribal land under NEPA.

Fee Land means land held in fee-simple within the exterior boundaries of the Reservation.

Flowline means, in the case of natural gas, the segment of pipe from the wellhead downstream to the gas metering equipment; in the case of water lines, *flowline* means the segment of pipe from the wellhead downstream to the water loading point, point of discharge to a tank, or injection wellhead.

Fully abandon (ROW) means to permanently abandon all lines within the permitted ROW.

Grant of Easement for ROW means granting a person, or persons, the non-possessory right to use or cross over the Indian land of another for a specific purpose.

Indian Land means, as defined in the United States Code (18 U.S.C. 1151), (a) all land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation; (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State; and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

Interim Reclamation means the minimization of the footprint of surface disturbance for a well site or facility (e.g., CDP, SWD) to the area needed for production operations through temporary reclamation.

Maintenance is any ground disturbing activities, equipment change or equipment replacement that takes place on a ROW, Surface Lease or the Permitted Area of a well pad.

Off-Lease means an energy development project that extends from one lease to another lease. This is becoming more common with horizontal drilling reaching across lease lines.

On-Lease means O&G facilities constructed within the boundaries of a specific lease and serve only the purposes contemplated in that lease.

Southern Ute Indian Reservation

Partial Abandon (ROW) means to permanently abandon or abandon a segment of line in a still active ROW (i.e. abandonment of water line but not gas line).

Permanently abandon (pipeline) means to permanently remove a pipeline from service and will not be put back into service in the future.

Pipeline means any segment of pipe that transports natural gas or water.

Reclamation means restoration of the original landform to ensure that the effects of oil and gas development are not permanent on the native ecology.

Sensitive Receptor, in the case of spills or releases, means an area which may dictate a more stringent cleanup level to protect such receptors. Examples include groundwater, surface water, permitted domestic/agricultural water wells, irrigation ditches, livestock grazing areas, producing agricultural fields, wetlands, parks, recreation sites, wildlife refuges, lakes, reservoirs, streams and urban or suburban areas.

Southern Ute Indian Reservation (Reservation) means the land located within the exterior boundaries of the Southern Ute Indian Reservation.

Spill means any unintended or unauthorized release or discharge of oil and gas products or waste to the environment.

Split Estates means land surface ownership and mineral rights are held by separate owners.

SUIT DOE Website means the website of the Southern Ute Indian Tribe Department of Energy
www.suitdoe.com

Tribal Employee Rights Office (TERO) means the Southern Ute Indian Tribe division that is responsible to implement and enforce the TERO Code, the purpose of which is to promote employment of enrolled Native Americans, in accordance with Federal Law; to assist employers, contractors and subcontractors in the fair employment of Indians on or near the Reservation; to provide a contracting preference for Indian owned business; to prevent discrimination against Indians in the employment practices of employers within the jurisdiction of the Tribe; and to establish a Tribal Employment Rights Commission and Office to further these objectives.

Tribe/Tribal means the Southern Ute Indian Tribe.

Tribal Minerals means a mineral estate held in trust for the SUIT.

Tribal trust land means any tract in which any interest (fractional or whole) in the surface (for rights-of-way and surface leases) or mineral estate (for mineral leases), is owned by the Tribe in trust or restricted status.

Temporary Use Area (TUA) is an area provided to the Operator for topsoil storage, boring operations, construction/equipment storage etc. for a limited period of time. Site specific stipulations will be included with each TUA as necessary and all TUA's will be reclaimed after use. Also, TUA's are included in acreage computations when the invoice is issued, however, TUA's are not included in the Grant of Easement or Surface Use Agreements because they are Temporary in nature.

3. Limitations

This manual is not a regulation and is not a substitute for laws and regulations. In the future, regulatory agencies may change their applicable requirements, and the Southern Ute Indian Tribe (Tribe) may modify procedures or change the guidance provided in this manual. Nothing in this guidance document shall be construed to be a contract or guarantee by the Southern Ute Indian Tribe.

This document provides guidance to Exploration and Production (E&P) Operators (Operators) on the processes for obtaining 1) authorization to drill an oil and gas (O&G) well, and 2) right-of-way (ROW) easements and surface leases on the Southern Ute Indian Reservation¹. This document also provides stormwater, air permitting, and spill response compliance guidance for Operators on the Reservation.

Additionally, this document assists Operators in determining whether there is federal, state, or tribal jurisdiction over spills that occur within the exterior boundaries of the Reservation. Operators must know and comply with any applicable rules and regulations of any federal, state, or tribal agency having regulatory authority regarding spill notification, response, and remediation, such as the U.S. Environmental Protection Agency, Bureau of Land Management, Bureau of Indian Affairs, Colorado Oil and Gas Conservation Commission, and Colorado Department of Public Health and Environment, any one of whom, depending on the circumstances, may have regulatory authority and the ability to issue citations for non-compliance and conduct enforcement actions. Compliance with this manual does not constitute a defense to any enforcement action for failure to comply with any applicable requirement. To the extent there may be a dispute as to which agency has regulatory authority over a spill in a certain circumstance, this manual is for assistance purposes only and does not reflect and should not be construed as the Tribe's official legal position.

¹ Additionally, Reservation crossing permits, which are required for contractors to access the Reservation, are not discussed in this document. Please contact the Tribal Department of Natural Resources Lands Division for crossing permits.

4. Introduction

Welcome to the Southern Ute Indian Reservation (Reservation). The Reservation, shown in Figure 1, contains significant natural resources, including water, wildlife, agricultural lands, forest lands, rangelands, and minerals. The Tribe, as a sovereign nation, has assumed responsibility for management, use and development of these resources from a foundation of values that balances resource conservation, environmental protection, cultural/archeological resource conservation and human development activities (NRMP, 2012).

The Southern Ute Indian Tribe Department of Energy (SUIT DOE) oversees the development of tribal energy resources on the Reservation. The purpose of the SUIT DOE is to ensure that the Tribe receives the maximum benefit from the energy and mineral resources located on the Reservation, and to minimize the impacts of the extraction of these resources on the natural and cultural environments. The SUIT DOE manages tribal oil and gas leases and surface-use agreements and provides technical, environmental, and contractual oversight on all energy-related matters on the Reservation. The SUIT DOE also administers the Tribe's severance tax ordinance and conducts royalty audits in cooperation with the U.S. Department of the Interior's Office of Natural Resources Revenue.

The SUIT DOE has developed this *Exploration & Production Operator's Compliance Manual for Energy Development Projects on the Southern Ute Indian Reservation* to assist Operators planning an O&G development project on the Reservation or currently operating O&G assets within the Reservation. The purpose of this manual is:

- To provide Operators interested in conducting business within the exterior boundaries of the Reservation guidance with the application and approval process.
- To provide Operators with an understanding of the involvement of regulatory agencies in permitting and operating energy development projects; and
- To mitigate and resolve complaints or issues related to energy development on the Reservation.

Due to the complex nature of ownership of the land surface and minerals, and federal agencies' regulations and tribal requirements within the Reservation, an Operator must take all the necessary steps to know jurisdictional requirements and obtain approval for energy development projects on the Reservation.

It is our hope that this manual will help Operators to plan and schedule projects as well as to understand the nature of doing business on the Reservation.

Inspection forms and checklists referenced in this document are included in [Appendix A](#). Detailed flowcharts are provided in each section to assist Operators in determining which agencies have jurisdiction and the federal and tribal rules and regulations with which to comply, depending on the ownership of the surface and mineral rights. Notwithstanding the guidance provided in this manual, Operators are responsible for determining which rules and regulations apply to their operations and for complying with all applicable requirements.

We encourage safe work practices throughout the Reservation and ask you to respect our culture, our air, our land, our water and the people and wildlife occupying these resources. We welcome you to our homeland and look forward to doing business with you.

Southern Ute Indian Reservation

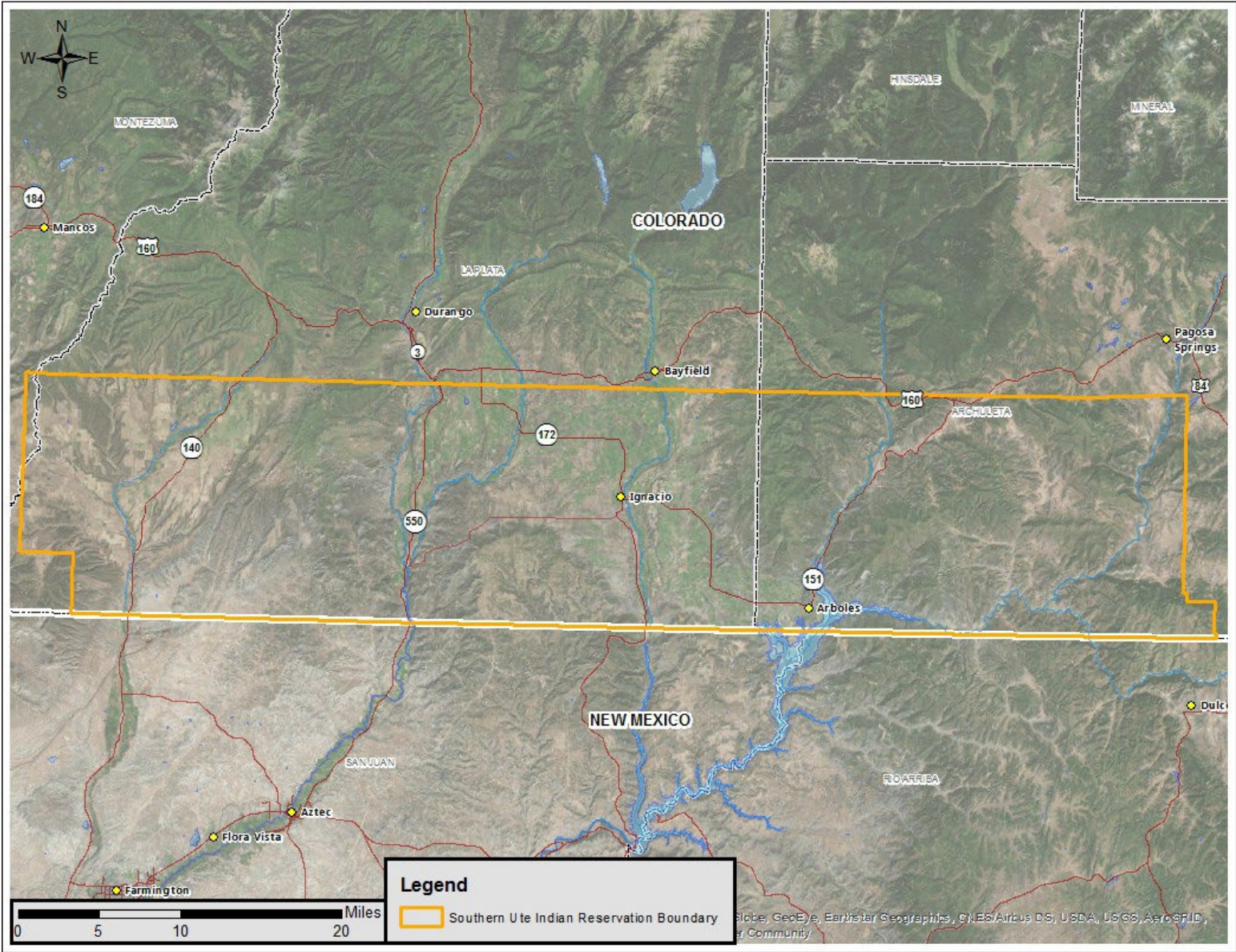


FIGURE 1. SOUTHERN UTE INDIAN RESERVATION.

5. Authorizations and Permitting

Authorizations and permitting for O&G exploration and operations on the Reservation are unique and should not be assumed to be similar to those for state, federal or other tribal lands. The following sections provide guidance on the process; for further information, please contact the SUIT DOE.

5.1 Mineral Leasing

5.1.1 Tribal and Agency Jurisdiction

The tribal authorization process for mineral lease projects on the Reservation applies only when the Tribe is the mineral owner. This manual does not provide guidance for mineral lease projects where the mineral is fee owned or federally owned (not owned by the Tribe).

Valid mineral leases are required prior to development of resources. Proposed mineral leases require the review and approval of various federal agencies, including the Bureau of Indian Affairs (BIA) and tribal departments.

5.1.2 Notification and Authorization Process for Mineral Lease Projects

Tribal mineral leases on the Reservation are typically negotiated directly with the Tribe via the SUIT DOE and approved by the BIA. The process to obtain a tribal mineral lease is presented in Flowchart 1 and discussed below.

1. A prospective lessee submits to SUIT DOE a Notice of Intent (NOI) to lease and arranges to meet with staff to discuss the proposed project. A document review request to allow the prospective lessee to review existing documents regarding the subject area is typically included in the mineral leasing request. Areas available for leasing include previously unleased areas and terminated lease areas. Leases may be for an entire geologic sequence or just a specific target formation.
2. Items required as a part of a mineral leasing package include:
 - legal description of proposed contract acreage
 - lease-specific National Environmental Policy Act (NEPA) studies or demonstration of inclusion in existing NEPA studies
 - an appropriate bond, as defined under 25 CFR 211.24
3. When terms are agreed upon, SUIT DOE prepares a draft Indian Minerals Development Agreement (IMDA) detailing the lease terms and conditions, including timeframe, payments and environmental considerations, and the Operator signs it.
4. SUIT DOE recommends the IMDA first to the Growth Fund Management Committee and then to Tribal Council for approval.
5. SUIT DOE submits the IMDA to the BIA's Southern Ute Agency Superintendent for review. The IMDA is also reviewed by the Department of Interior (DOI) Solicitor and the BIA's Division of Energy and Mineral Development, Denver (Lakewood) office.
6. The BIA initiates the NEPA compliance process, deciding on the appropriate vehicle for compliance and informing the applicant Operator.
7. The BIA superintendent signs the IMDA, approving it as-is or with any recommended changes. The BIA has 180 days to review the IMDA, or 60 days after NEPA compliance—whichever comes later (25 CFR 225.22).

5.2 ROW and Surface Lease Projects

ROW projects include, but are not limited to, pipelines, access roads, communication lines and electrical lines. Surface lease projects include, but are not limited to; central delivery points (CDPs), compressor and treatment facilities, disposal wells, water transfer facilities, communication towers and off-lease well pads.

5.2.1 Tribal and Agency Jurisdiction

The tribal authorization process for ROW and surface lease projects on the Reservation applies only when the Tribe is the surface landowner². This manual does not provide guidance for ROW or surface lease projects where the surface is fee owned (i.e., not owned by the Tribe in trust).

Proposed ROW and surface lease projects require the review and approval of various federal agencies and tribal departments.

In some cases, O&G facilities are constructed within the boundaries of a specific lease and serve only the purposes contemplated in that lease. These projects are considered “on-lease” and require limited federal involvement. An example of an on-lease ROW is a pipeline, installed and operated by the Operator of the associated lease that gathers natural gas from wells located within one lease only.

In other cases, O&G facilities serve multiple leases and/or are constructed outside of the boundaries of the lease served. These projects are considered “off-lease” and require BIA approval of a Grant of Easement for ROW or surface lease projects. An example of an off-lease ROW is a pipeline that traverses and gathers gas from wells located on multiple leases.

5.2.2 Notification & Authorization Process for ROW and Surface Lease Projects:

The process to obtain authorization to proceed with a ROW or surface lease project on the Reservation is presented in Flowcharts 2 & 3 and discussed below. The authorization process is detailed and requires coordination among the parties involved.

Where the authorization process for an on-lease ROW is different than the process for an off-lease ROW (Section 5.2.1 describes on-lease and off-lease ROWs), these instructions note the difference.

1. Permission to Survey (PTS) A PTS is required for ROW and surface lease projects on the Reservation where the Tribe is the surface landowner. An Operator cannot perform survey until they receive PTS approval.

To obtain PTS approval, the Operator submits to SUIT DOE the *Application for Permission to Survey*, which is available on the SUIT DOE website (www.suitdoe.com). If the application is acceptable, SUIT DOE signs the application to indicate tribal consent to the surveying activities and, for on-lease situations, returns the consented application to the Operator and to BIA and to SUIT Department of Natural Resources (DNR) Lands Division. For off-lease situations, SUIT DOE submits the PTS to BIA to obtain its approval as well; upon approval, BIA returns the consented PTS to the Operator and to SUIT DNR Lands

² However, notification of measurement of natural gas is required if any contribution of gas is tribally owned, even if the land is fee owned. Please see *Section 5.2.2 (8) - Notification of Measurement of Gas (Royalties)* for details.

Southern Ute Indian Reservation

Division (Lands Division), with a copy back to SUIT DOE. An approved PTS application is valid for two years from the date the application is signed.

2. Survey As stated in the PTS application, the Operator must contact Lands Division ten days prior to conducting surveying activities; after survey, the Operator provides the survey plats to SUIT DOE. Surveys must be conducted to include, at a minimum, the following information:
 - Well location: scale >1:24,000; two 200-foot directional reference stakes; the exterior pad dimensions (flat pad); pits, cuts, fills, edge of disturbance, referenced catch points and off-location facilities, including temporary-use areas (TUAs).
 - Temporary Use Area (TUA) is an area provided to the Operator for topsoil storage, boring operations, construction/equipment storage etc. for a limited period of time. Site specific stipulations will be included with each TUA as necessary and all TUA's will be reclaimed after use. Also, TUA's are included in acreage computations when the invoice is issued, however, TUA's are not included in the Grant of Easement or Surface Use Agreements because they are Temporary in nature.
 - Roads and pipelines: center-line flagging with reference points; stakes must be visible from one to the next; slope staking may be required in uneven terrain.

Additional survey requirements are included in the *SUIT Standard Operating Procedures for Field On-Sites and Survey Plats*, which can be downloaded from the [SUIT DOE website](#). Rights-of-way on Indian Land is detailed in 25 CFR 169 (April 21, 2016).

3. Proposed Project Notification (PPN) The PPN is an initial internal scoping mechanism for recognizing potential issues, saving the Operator time and money. Lands Division begins the PPN review process when it receives the PTS package. The PPN process routes project information through all relevant groups in SUIT, including SUIT DOE, Justice and Regulatory Department's Environmental Programs Division, Department of Natural Resources, Tribal Planning, and Culture. This tribal review period is 10 business days. BIA provides comment as well. DNR Lands Division compiles comments into the PPN form and provides copies to SUIT DOE and BIA. The PPN also requires that SUIT DOE conduct an onsite, as explained in the next step.
4. Onsite An onsite is required for any project located on tribal trust or tribally owned fee lands. SUIT DOE coordinates and schedules the onsite once the Operator surveys the project area and provides the survey plats to SUIT DOE. The onsite is attended by personnel representing various federal and tribal entities, including the BIA, DOE and SUIT DNR. There is a one-time onsite fee of \$1,000.00 that will be paid to SUIT DOE. SUIT DOE will submit the invoice to the Operator after the onsite takes place. Multiple onsites per day will be invoiced individually.

The Operator must contract an archaeologist and biologist who meet the Tribe's non-disturbing archaeology policy³ and Tribal Employment Rights Office⁴ (TERO) requirements. The archaeologist and biologist attend the onsite, and they conduct a cultural resource survey and a threatened and endangered (T&E) species survey, respectively; in addition, SUIT DNR Range Division performs an environmental review.

- The archaeologist provides a Cultural Resource Report to Lands Division for review. Lands Division reviews the report and forwards it to the BIA regional archeologist. The BIA regional archaeologist

³ Contact SUIT DNR Lands Division for further details on the policy.

⁴ TERO requirements are managed by the SUIT TERO Department under the Tribal Employment Rights Code.

Southern Ute Indian Reservation

reviews the report and then conducts National Historic Preservation Act Section 106 Consultation. After that process is complete, they send a National Historic Preservation Act clearance letter to the Operator, SUIT DOE, Lands Division, and the Southern Ute Agency, which may contain project specific mitigation measures.

- The Operator forwards the biological assessment (BA) for review to SUIT DNR Wildlife Resource Management (Wildlife), in consultation with the U.S. Fish and Wildlife Service if necessary, to develop site-specific stipulations that address any T&E species issues associated with the project. The Operator provides a copy of the BA to SUIT DOE and BIA. If approved, Wildlife sends a clearance letter to the Operator, SUIT DOE, Lands Division, and BIA.
- Finally, the SUIT DNR Range Division generates a Range Report, which includes site-specific stipulations, to SUIT DOE, BIA, Lands Division, and the contract NEPA specialist, if applicable, within 10 days of the on-site.

5. National Environmental Policy Act (NEPA)

Compliance with NEPA is required for all projects with a federal nexus, i.e., whenever a federal agency funds, authorizes or carries out a program or project. If an Operator needs a surface lease or right-of-way for a pipeline, road, or other ancillary oil and gas facilities from the BIA on tribal land, NEPA compliance is required. The Tribe, BIA and Bureau of Land Management (BLM) have completed several large programmatic NEPA documents (found on the [SUIT DOE website](#)), which govern the O&G development program on the Reservation. Most projects require site-specific NEPA, which tier to the larger analysis (depending on location). Operators are encouraged to consult with SUIT DOE early in the planning process to determine whether the project is on or off lease, which federal agencies have jurisdiction, and the level of NEPA compliance required (a Categorical Exclusion, Environmental Assessment (EA), or an Environmental Impact Statement (EIS)).

Most projects require a site-specific EA. Operators may hire a third party to write the EA; alternatively, Operators may ask the applicable agency to complete the analysis. For development of surface lease and off-lease ROW projects within the Reservation, Operators must complete a site-specific EA, BA, and cultural resource survey. For on-lease ROW projects, Operators must complete a BA and cultural resource survey. Operators should coordinate NEPA compliance with the appropriate federal agencies *early in the planning process* to understand what is required.

6. Tribal Resolution for Surface Lease and ROW Easement

A Tribal Resolution is required for all surface leases and off-lease ROW easements involving tribal trust land. A surface lease or off-lease ROW also requires BIA approval. The resolution process is provided in Flowchart 4.

For on-lease ROW situations, an *On-lease Facilities Form* approved by the SUIT DOE is required, but a Grant of Easement for ROW approved by the BIA is not required. The *On-lease Facilities Form* is available on the [SUIT DOE website](#).

7. Notification of Construction Activities

The Operator must provide notification via email to SUIT DOE and SUIT DNR Range Division five (5) days prior to any earth-disturbing activities.

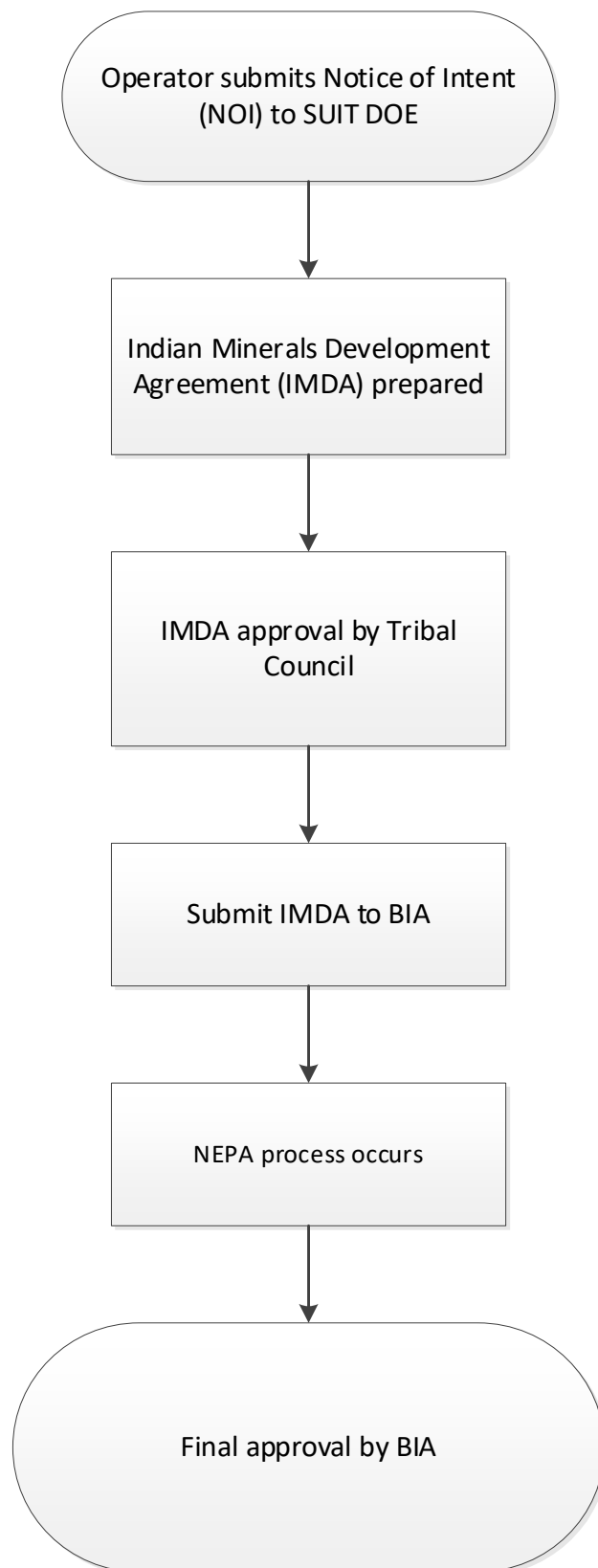
Southern Ute Indian Reservation

8. Notification of Measurement of Gas (Royalties)

Per 43 CFR 3175, Operators must notify the accounting department of SUIT DOE if any contribution of the natural gas compressed at the proposed facility is tribally owned. This requirement applies even if the land surface is fee owned.

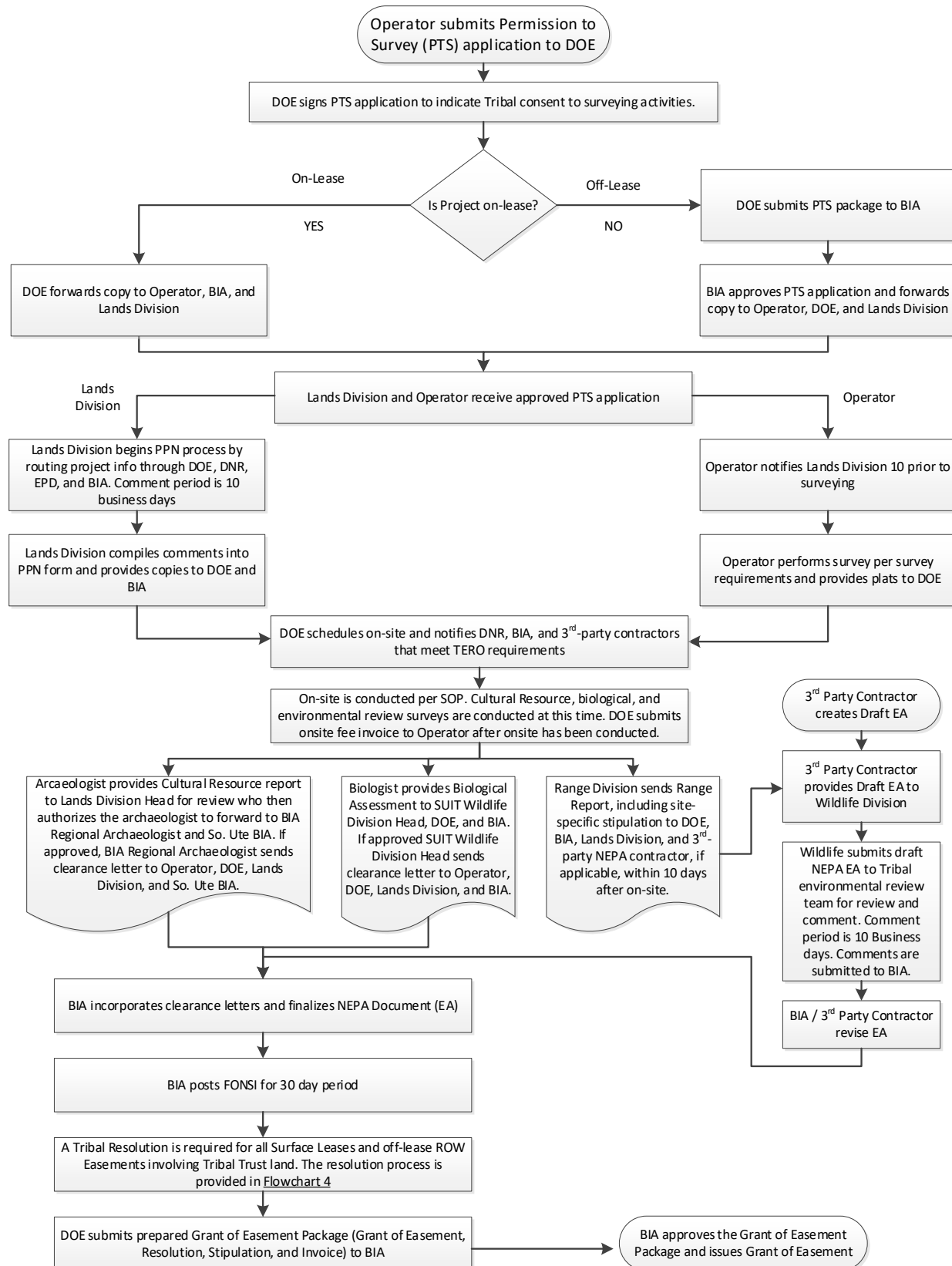
Operators must measure and report natural gas, including lease-use (fuel) gas.

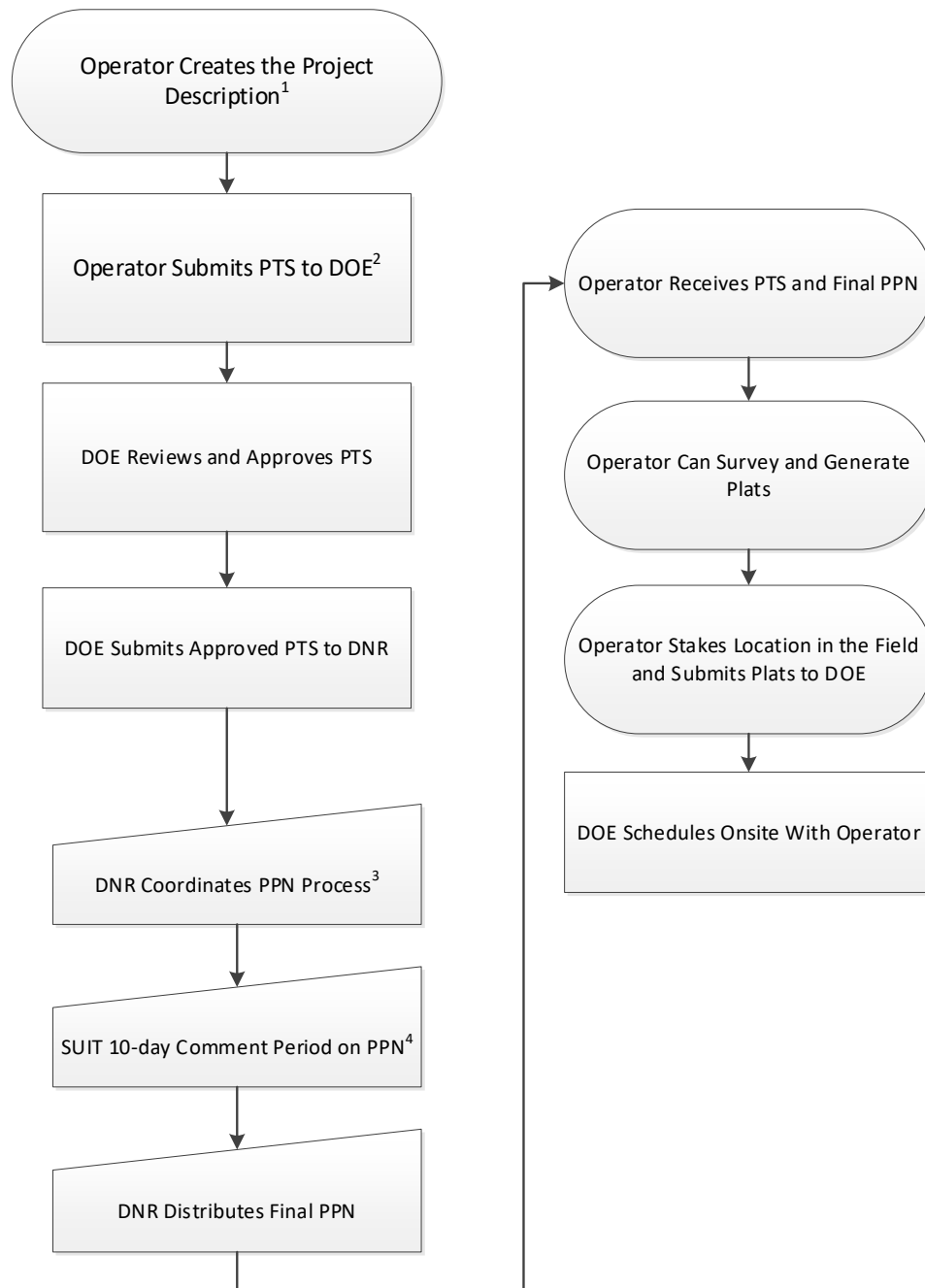
Flowchart 1 – Tribal Mineral Lease Process



Southern Ute Indian Reservation

Flowchart 2: Authorization Process for Rights-of-Way and Surface Lease Projects on Southern Ute Indian Reservation



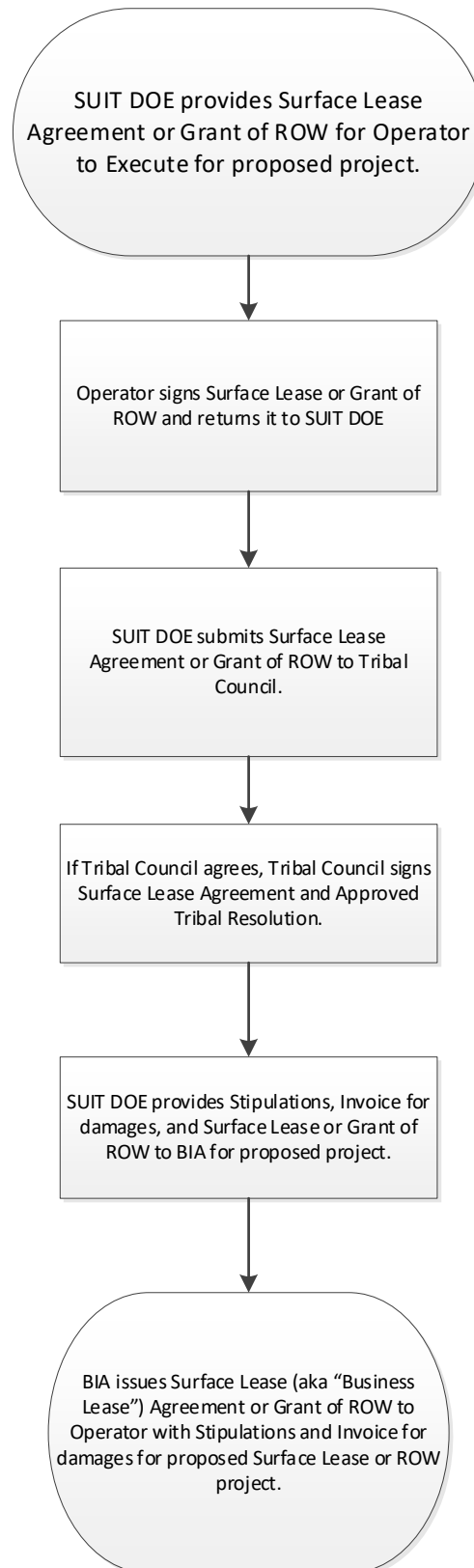
Southern Ute Indian Reservation**Flowchart 3 – Permission to Survey (PTS) and Proposed Project Notification (PPN) Process for Tribal Trust and Tribal Fee Surface, and or Tribal Minerals**

1 Acronyms: Department of Energy (DOE), Department of Natural Resources (DNR), Permission to Survey (PTS), Proposed Project Notification (PPN).

2 The Permission to Survey form is available on the DOE website. For projects on fee surface, tribal minerals, there is no PTS process. Contact the BLM to coordinate the Notice of Staking, and onsite.

3 DNR notifies tribal assignees of the project.

4 All groups in the SUIT review and comment on the PPN, including: Department of Natural Resources, Culture Department, Planning Department, Environmental Programs Division, and Department of Energy. This is an internal scoping mechanism for the project, to recognize potential issues, saving the Operator time and money in the future.

Flowchart 4 – Surface Lease and ROW Easement on the Southern Ute Indian Reservation

5.3 Authorization Process for Oil and Gas Well Drilling

5.3.1 Tribal and Agency Jurisdiction

The drilling of an O&G well requires the review and approval of various federal agencies and tribal departments. The tribal and federal jurisdiction depends on the ownership of minerals rights and land surface for the subject property or lease. Flowchart 5 shows the tribal and regulatory agencies that have jurisdiction under the four types of estate ownership, including split estates. (See attached link for BLM guidance regarding APD processing for wells drilled entirely from non-Federal locations commonly known as Fee, Fee, Fed ([Permanent Instruction Memorandum 2018-014](#)). Flowchart 5 also provides applicable tribal and federal regulatory requirements required to obtain authorization to drill an O&G well on the Reservation, depending on the type of estate ownership. These requirements are discussed below.

The tribal authorization process for drilling an O&G well on the Reservation applies only where the Tribe is the surface landowner. This document does not provide guidance for drilling an O&G well where the land surface is non-Indian fee owned⁵ (not owned by the Tribe) or allotted land⁶.

5.3.2 Notification & Authorization Process for Oil and Gas Well Drilling

The process required to obtain authorization to drill an O&G well on the Reservation is detailed and involves various tribal departments as well as federal regulatory agencies. As such, Flowchart 6 is provided to assist the Operator in understanding the authorization process and the coordination amongst parties involved.

In some cases, facilities associated with an O&G well serve only the purpose contemplated by the underlying lease. These situations are considered “on-lease” and require limited federal involvement. In other cases, facilities associated with an O&G well serve a purpose not contemplated by the underlying lease; these situations are considered off-lease and require additional steps associated with federal approval. An example of an off-lease situation is an O&G well, located on tribal trust land that is directionally drilled into a neighboring fee minerals lease and produces only from that fee minerals lease. Where the differences in process between on-lease and off-lease situations exist, the differences are noted below.

Compliance steps required for O&G well drilling on the Reservation typically include the following:

1. **Permission to Survey (PTS)** A Permission to Survey (PTS) is required for O&G well drilling on the Reservation where the Tribe is the surface landowner. An Operator cannot perform survey until they receive PTS approval.

To obtain PTS approval, the Operator submits to SUIT DOE the *Application for Permission to Survey*, which is available on the SUIT DOE website (www.suitdoe.com). If the application is acceptable, SUIT DOE signs the application to indicate tribal consent to the surveying activities and, for on-lease situations, returns the consented application to the Operator and to BIA and to SUIT Department of Natural Resources (DNR) Lands Division. For off-lease situations, SUIT DOE submits the PTS to BIA to obtain its approval as well; upon approval, BIA returns the consented PTS to the Operator and to SUIT DNR Lands

⁵ For property that is fee-owed surface with tribal-owned minerals, please contact the BLM.

⁶ For allotted land, contact BIA.

Southern Ute Indian Reservation

Division (Lands Division), with a copy back to SUIT DOE. An approved PTS application is valid for two years from the date the application is signed.

2. Survey As stated in the PTS application, the Operator must contact Lands Division ten days prior to conducting surveying activities; after survey, the Operator provides the survey plats to SUIT DOE. Surveys must be conducted to include, at a minimum, the following information:
 - well location: scale >1:24,000; two 200-foot directional reference stakes; the exterior pad dimensions (flat pad); pits, cuts, fills, edge of disturbance, referenced catch points and off-location facilities, including temporary-use areas (TUAs).
 - Temporary Use Area (TUA) is an area provided to the Operator for topsoil storage, boring operations, construction/equipment storage etc. for a limited period of time. Site specific stipulations will be included with each TUA as necessary and all TUA's will be reclaimed after use. Also, TUA's are included in acreage computations when the invoice is issued, however, TUA's are not included in the Grant of Easement or Surface Use Agreements because they are Temporary in nature.
 - Roads and pipelines: center-line flagging with reference points; stakes must be visible from one to the next; slope staking may be required in uneven terrain.

Additional survey requirements are included in the *SUIT Standard Operating Procedures for Field On-Sites and Survey Plats*, which can be downloaded from the [SUIT DOE website](#). Rights-of-way on Indian Land is detailed in 25 CFR 169 (April 21, 2016).

3. Proposed Project Notification (PPN) The PPN is an internal scoping mechanism for recognizing potential issues, saving the Operator time and money. Lands Division begins the PPN review process when it receives the PTS package. The PPN process routes project information through all relevant groups in SUIT, including SUIT DOE, Justice and Regulatory Department's Environmental Programs Division, Tribal Planning, and Culture. This tribal review period is 10 business days. BIA provides comment as well. Lands Division compiles comments into the PPN form and provides copies to SUIT DOE and BIA. The PPN also requires that SUIT DOE conduct an onsite, as explained in the next step.
4. Onsite An onsite is required for any project located on tribal trust or tribally owned fee lands. SUIT DOE coordinates and schedules the onsite once the Operator surveys the project area and provides the survey plats to SUIT DOE. The onsite is attended by personnel representing various federal and tribal entities, including the BIA, BLM and SUIT DNR. There is a one-time onsite fee of \$1,000.00 that will be paid to SUIT DOE. DOE will submit the invoice to the Operator after to the onsite takes place. Multiple onsites per day will be invoiced individually.

The Operator must contract an archaeologist and biologist who meet the Tribe's non-disturbing archaeology policy⁷ and Tribal Employment Rights Office⁸ (TERO) requirements. The archaeologist and biologist attend the onsite, and they conduct a cultural resource survey and a threatened and endangered (T&E) species survey, respectively; in addition, SUIT DNR Range Division performs an environmental review. The archaeologist provides a Cultural Resource Report to Lands Division for review. Lands Division authorizes the report to be forwarded by either the archaeologist or the Operator to the BIA regional archaeologist to obtain clearance to proceed with the project, with a copy to the BIA's

⁷ Contact SUIT DNR Lands Division for further details on the policy.

⁸ TERO requirements are managed by the SUIT TERO Department under the Tribal Employment Rights Code.

Southern Ute Indian Reservation

Southern Ute Agency. If approved, the BIA regional archaeologist sends a clearance letter to the Operator, SUIT DOE, Lands Division, and the Southern Ute Agency.

- The Operator forwards the biological assessment (BA) for review to SUIT DNR Wildlife Resource Management (Wildlife), in consultation with the U.S. Fish and Wildlife Service if necessary, to develop site-specific stipulations that address any T&E species issues associated with the project. The Operator provides a copy of the BA to SUIT DOE, BLM and BIA. If approved, Wildlife sends a clearance letter to the Operator, SUIT DOE, Lands Division, BLM and BIA.
- Finally, the SUIT DNR Range Division generates a Range Report, which includes site-specific stipulations, to SUIT DOE, BLM, BIA, Lands Division, and the contract NEPA specialist, if applicable, within 10 days of the on-site.

5. Application for Permit to Drill (APD)

Per BLM requirement, the Operator must obtain a federal APD for each O&G well that is completed in and produces from tribal trust or allotted minerals. In addition, the Operator must obtain an American Petroleum Institute (API) number from the Colorado Oil and Gas Conservation Commission (COGCC) for each O&G well-drilling activity on the Reservation (see Flowchart 5). DOE requires submittal of a Well Site Equipment Worksheet, as found in Appendix A, during this process.

6. National Environmental Policy Act (NEPA)

Compliance with NEPA is required for all projects with a federal nexus, i.e., whenever a federal agency funds, authorizes or carries out a program or project. If an Operator needs approval of an APD from the BLM to drill a well, NEPA compliance is required. The Tribe, BIA and BLM have completed several large programmatic NEPA documents (found on the [SUIT DOE website](#)), which govern O&G development on the Reservation. Most well projects require site-specific NEPA, which tier to the larger analysis (depending on location). Operators are encouraged to consult with SUIT DOE early in the planning process, to determine whether the project is on or off lease, which federal agencies have jurisdiction, and the level of NEPA compliance required (a Categorical Exclusion, Determination of NEPA Adequacy, Environmental EA, or EIS).

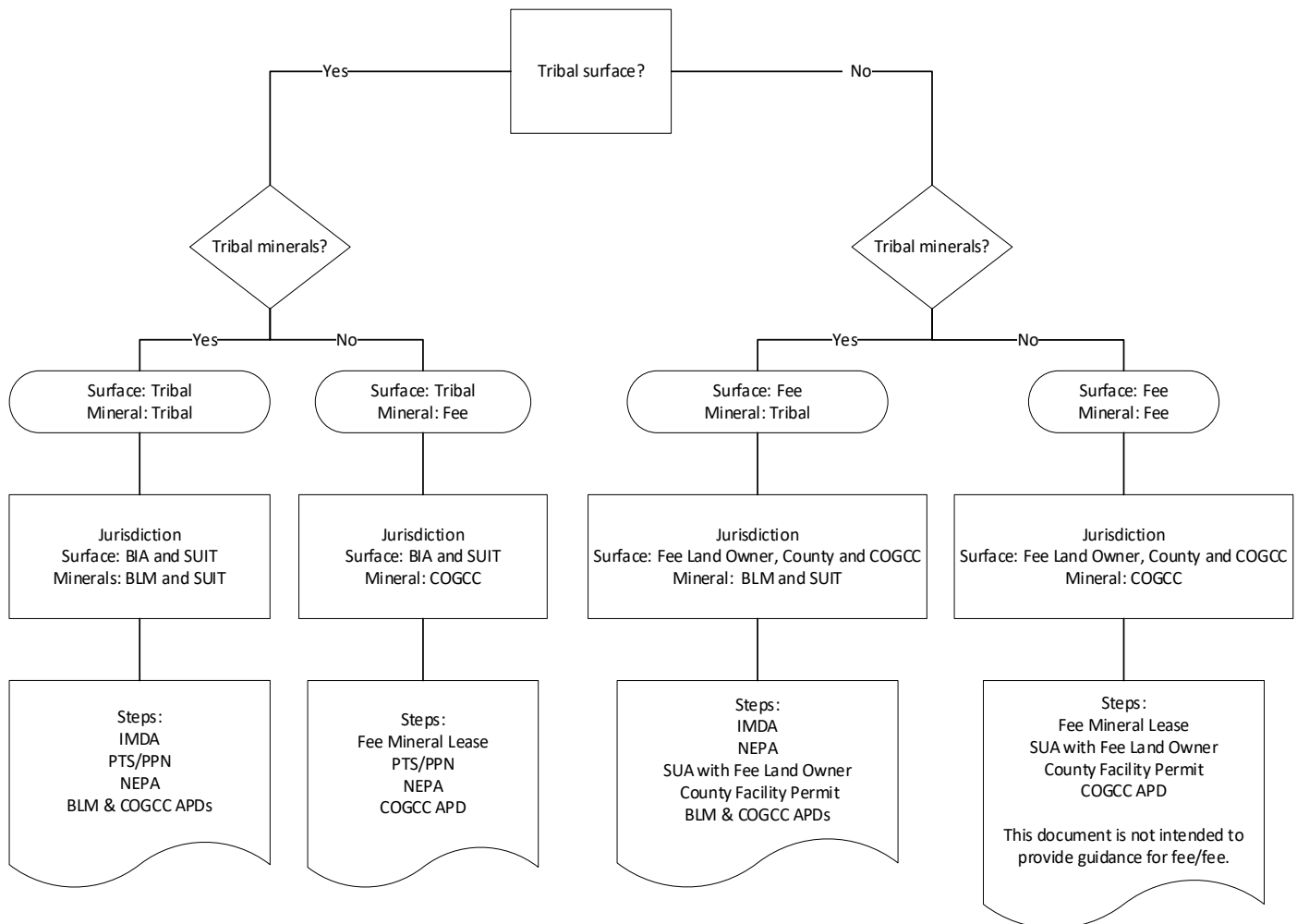
Most single-well projects require a site-specific EA. Operators may hire a third party to write the EA; alternatively, Operators may ask the applicable agency to complete the analysis. Operators should coordinate NEPA compliance with the appropriate federal agencies *early in the planning process* to understand what is required.

7. Notification of Construction Activities

The Operator must provide notification via email to SUIT DOE and SUIT DNR Range Division five (5) days prior to any earth-disturbing activities. The Operator should provide a courtesy copy to BLM.

8. Off-Lease Operations

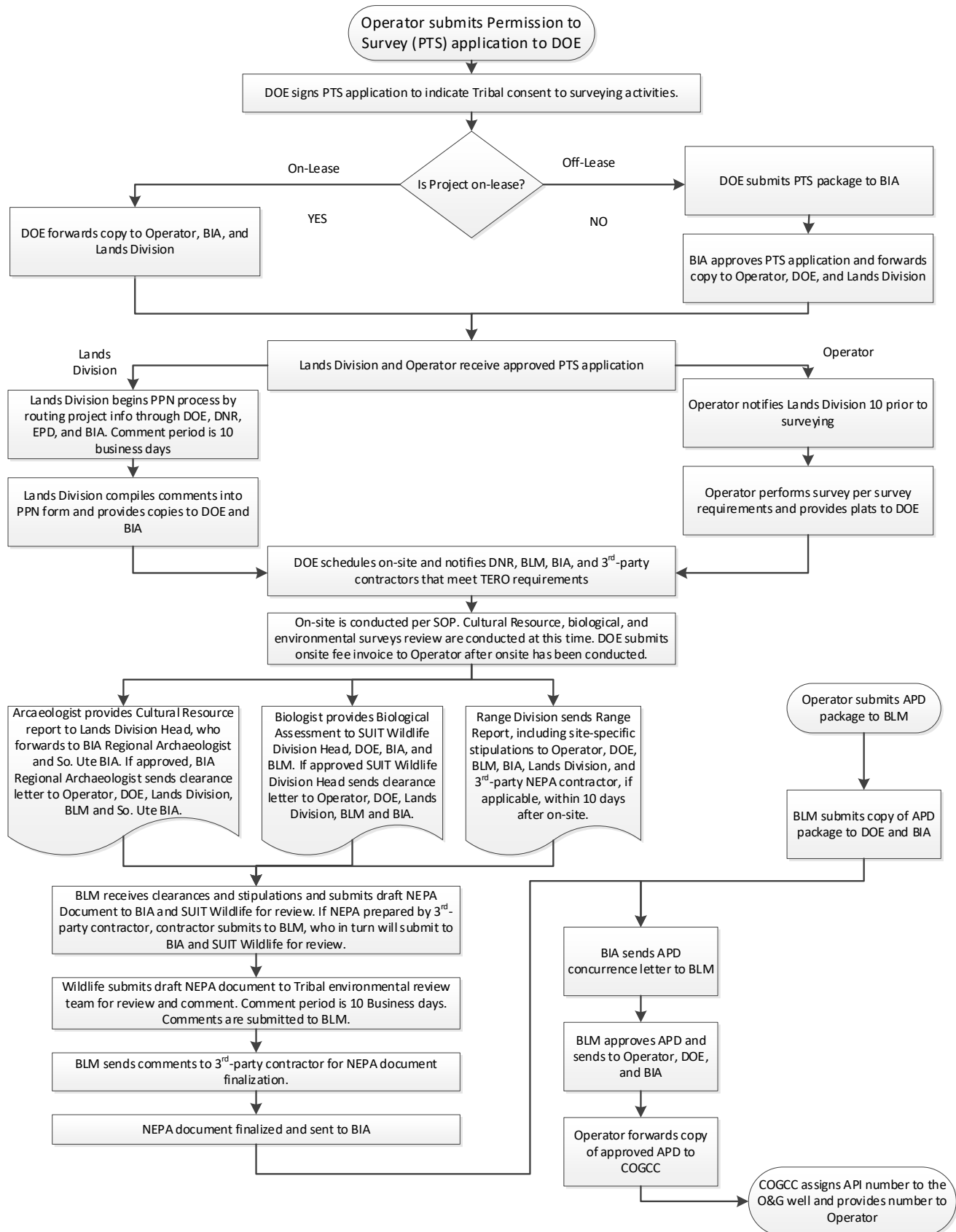
A surface lease and Tribal Resolution is required for all off-lease operations involving tribal trust land, including split estates and situations where the tribal minerals and land surface are separate leases (e.g., when directional drilling is being performed). This process is described in detail in Section 6 of this document and in Flowchart 7.

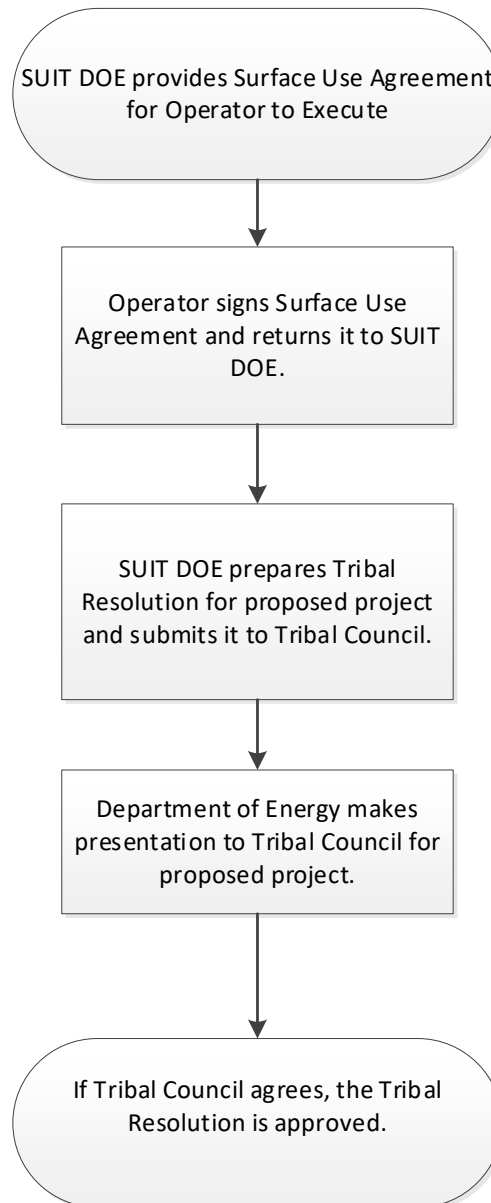
Southern Ute Indian Reservation**Flowchart 5 – Steps for Oil and Gas Mineral Leasing and Drilling on the Southern Ute Indian Reservation**Notes

- This flow chart does not address on vs. off-lease details or ancillary facilities such as compressor stations, access roads and pipelines. Contact SUIT DOE for further information.
- This flow chart does not address allotted trust land or allotted trust minerals. Contact BIA for further information.
- Fee is another term for private.
- Acronyms: Application for Permit to Drill (APD), Bureau of Indian Affairs (BIA), Bureau of Land Management (BLM), Colorado Oil and Gas Commission (COGCC), Indian Minerals Development Agreement (IMDA), National Environmental Policy Act (NEPA), Proposed Project Notification (PPN), Permission to Survey (PTS), Surface Use Agreement (SUA), Southern Ute Indian Tribe (SUIT).
- SUIT includes the SUIT Department of Energy (DOE), Department of Natural Resources (DNR), Environmental Programs Division (EPD), Planning and Culture Departments.
- Where SUIT has subsurface jurisdiction, the SUIT Hydraulic Fracturing Rules supersede the BLM rules.

Southern Ute Indian Reservation

Flowchart 6: Authorization Process for O&G Well Drilling on Southern Ute Reservation



Flowchart 7 – Resolution Flowchart for Off-Lease Operations on the Southern Ute Indian Reservation

5.4 Authorization Process for Maintenance Activities and Workover Notifications

SUIT DOE has developed the Proposed Maintenance Project (PMP) form to evaluate proposed maintenance activities inside the Permitted Area (PA) of a well pad and on an approved surface lease area (such as a pipeline ROW) on tribal trust lands. The Tribe expects that Operators notify DOE of maintenance work as identified in Section 3 of the PMP form, which can be found on the DOE website ([SUIT DOE website](#)) and in Appendix A of this document. Flowchart 8 is provided to assist the Operator in understanding the PMP process. DOE does not need to be notified for any disturbance that takes place on the graveled well pad surface or access road (i.e., blading or well pad grading), like-kind equipment changes, or corrective actions associated with a DOE or BLM inspection report or spill (unless it is specifically requested by DOE).

A PMP submitted to SUIT DOE shall include an aerial map, narrative, and scope of proposed maintenance work. DOE will determine if the project needs additional review and comment from other tribal entities. There is a potential five-day comment period involved with this process that will allow SUIT DOE to compile the comments from other tribal entities and send them back to the Operator, notifying them that they can commence work and shall abide by the comments produced by the Tribe. Any ground disturbing work that is outside of a permitted ROW, surface lease, or the PA of a well pad, is not considered maintenance and will have to go through the PPN process. Please submit all PMP forms to maintenance@sudoe.us for review.

Maintenance activities that require notification:

- Construction or removal of perimeter fencing
- Culvert removal or installation
- Work in a drainage
- Pipeline maintenance
- Engine swing, upsize, or addition
- Processing equipment removal/addition
- Pumpjack removal/addition
- Tank removal/addition
- Facility flowline decommission/addition on an active site

Southern Ute Indian Reservation

Maintenance activities that do not require notification:

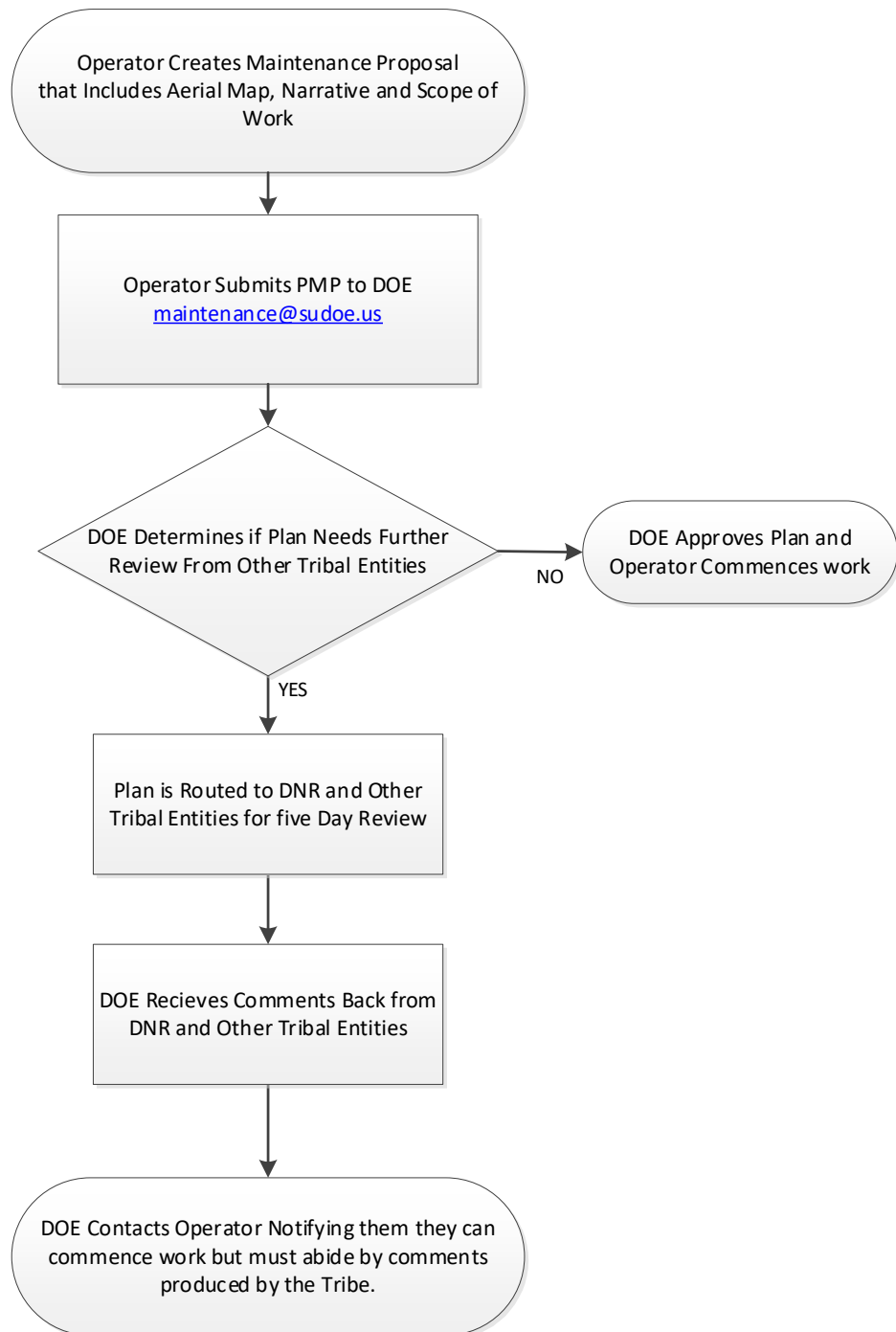
- Any disturbance that takes place on a facility's graveled surface or access road (i.e., blading or pad grading)
- Any corrective actions associated with an inspection (DOE or BLM) or reportable spill event (unless specifically requested by DOE).
- Engine maintenance including manufacturer recommended maintenance conducted at periodic intervals (spark plugs, engine oil, hoses, belts, top end, O2 sensors, NOx sensors, rod packing replacement, catalyst service or replacement, etc.). Does NOT include engine swings for which notification is required.
- Vessel work including mechanical integrity assessment or repairs
- Pipeline work (routine pigging, smart pigging, pipeline leak surveys) which does not require subsurface disturbance
- Pressure vessels media changeouts (mole sieve, sulfatreat, etc.)
- Like kind equipment replacement or above ground piping repairs
- Tank cleaning
- Routine tank filling or makeup of process fluids (lubrication and engine oil, methanol, amine, glycol, etc.)

Wintering Bald Eagles:

For the conservation and protection of wintering Bald Eagles, it is requested that all workover operations and multi-day projects scheduled between November 15 and March 15 within ¼ mile of the Los Piños River be explicitly noted on a PMP form. This notification will apply to tribal trust lands within the ¼-mile buffer along the river from the town of Bayfield south to the Colorado-New Mexico state line. Operators of existing energy development on tribal trust lands within this buffer were notified of this additional request in a Notice to Operators (NTO) letter from DOE sent October 6, 2020. The acceptance of the planned work may be conditioned with stipulations from the Tribe's Department of Natural Resources, or if necessary, required to be rescheduled to a date that is not within the critical timing window.

Workover notification:

DOE asks that Operators provide a courtesy notification to DOE of their intent to conduct routine workover operations when the project is located within 350 feet of an occupied residence on tribal land. This request will help DOE provide early notification to nearby residents and allow DOE to field questions or concerns brought forth by Tribal membership and leadership. This notification is not an evaluation or approval process for downhole work. Understanding that workover scheduling can be dynamic, DOE asks that Operators provide the notification prior to moving onto a location. The DOE Well Workover Notification Form can be found in Appendix A and on the DOE website ([SUIT DOE website](http://www.suitdoe.com)).

Flowchart 8 – Proposed Project Maintenance Project (PMP) Process for Tribal Trust Land

Southern Ute Indian Reservation

5.5 Air Quality Permitting

5.5.1 Tribal and Agency Jurisdiction

Jurisdiction over air quality on the Reservation is unique. Unlike the other topics discussed in this manual, it does not depend on surface or mineral ownership. Air quality inside the exterior boundary of the reservation comes under the jurisdiction of two agencies: United States Environmental Protection Agency's (EPA) Region 8 for all air-quality regulations and the Tribe's Environmental Programs Division's (EPD) Air Quality Program (AQP) for Title V operating permits and soon, Minor Sources. Air-quality jurisdiction applies to all facilities within the exterior boundaries of the Reservation, even if such facilities are located or constructed on fee lands within the exterior boundary. Check with EPD on current jurisdictional questions.

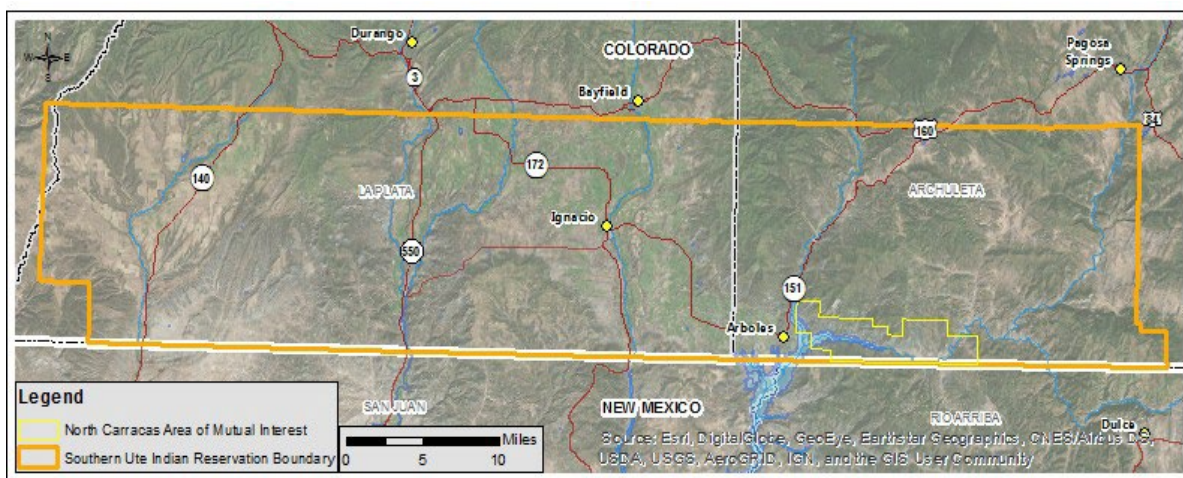


FIGURE 2. THE SOUTHERN UTE INDIAN RESERVATION'S EXTERIOR BOUNDARY.

Although BLM does not have regulatory authority over air quality, they do collect air-quality information on O&G activities where tribal surface or minerals are involved. This information is collected to comply with the NEPA by quantifying and disclosing the impacts of individual projects on local and regional air quality. BLM is also empowered to add air quality–related conditions of approval to each APD.

How To Determine Which Agency has Jurisdiction over a Project?

As shown in Table 1, the amount of air pollution your project is projected to emit determines which agency has jurisdiction for permitting and enforcement of air-quality regulations. The first step in determining which agency has jurisdiction over any new O&G related project is to complete an inventory of the amount and type of air pollutants expected to be released by the project's activities. This emission inventory (EI) should include total particulate matter (PM), particulate matter less than 10 micrometers in size (PM₁₀), particulate matter less than 2.5 micrometers in size (PM_{2.5}), carbon monoxide (CO), sulfur dioxide (SO₂), nitrogen oxides (NO_x/NO₂), volatile organic compounds (VOC), hydrogen sulfide (H₂S), and hazardous air pollutants (HAPs). EIs completed for permitting purposes must be PTE (potential to emit)⁹ estimates.

⁹ For the definition of PTE, see 40 CFR 70.2.

Southern Ute Indian Reservation

These thresholds apply in areas designated as in attainment or unclassified for criteria pollutants. More information on each jurisdiction or requirement is provided on Flowchart 9 and Flowchart 10.

TABLE 1. AIR-QUALITY JURISDICTION AND PERMITTING AUTHORITY

Emissions Thresholds for Oil and Gas sector sources	Submit EI to BLM for NEPA assessment [†]	Comply with U.S. EPA Region 8 Preconstruction Tribal Minor New Source Review (TMNSR) permitting requirements [†]	Comply with U.S. EPA Region 8 Prevention of Significant Deterioration (PSD) preconstruction permitting requirements [†]	Comply with SUIT AQP Part 70 Operating Permit Program
>2 tons per year (tpy) of any one criteria pollutant	✓			
New or modified sources that have potential to emit: 10 tpy ≥ CO < 250 tpy 10 tpy ≥ NO _x , SO ₂ < 250 tpy 10 tpy ≥ PM 5 tpy ≥ VOC < 250 tpy 5 tpy ≥ PM ₁₀ < 250 tpy 3 tpy ≥ PM _{2.5} < 250 tpy 2 tpy ≥ H ₂ S	✓	✓		
New sources or any project at an existing major stationary source that have potential to emit: CO > 250 tpy NO _x > 250 tpy SO ₂ > 250 tpy VOC > 250 tpy PM ₁₀ > 250 tpy PM _{2.5} > 250 tpy	✓		✓	
Any <u>operating</u> source with the potential to emit: ≥ 100 tpy of any criteria air pollutant ≥ 10 tpy of any single HAP ≥ 25 tpy of any combination of HAPs				✓

[†] Operators should copy the SUIT AQP on all submittals to BLM and EPA Region 8. SUIT APQ has applied to USEPA to administer the TMNSR program within the Reservation. This approval is pending with USEPA. Jurisdiction may shift to SUIT AQP. Check with AQP for current Minor Source jurisdiction.

[‡] Prior to completing an EI, the Operator should consult with BLM regarding the availability of their online emission inventory tool.

Southern Ute Indian Reservation

5.5.2 Air-Quality Regulations Applicable to Operators

All new and modified sources located within the external boundaries of the Reservation, regardless of their permitting status, should assess which New Source Performance Standards (NSPS) are applicable at their facilities. It is important that Operators review these regulations to ensure they are familiar with the requirements of these standards. Listed below are some of the NSPS and National Emissions Standards for Hazardous Air Pollutants (NESHAP) regulations that commonly apply to onshore oil and gas operations.

Federal NSPS 40 CFR Part 60 (more information on EPA's NSPS OOOOa webpage)

All sources subject to the US EPA's Federal Implementation Plan (FIP) must comply with NSPS for

- Stationary Compression Ignition Internal Combustion Engines, Subpart IIII,
- Stationary Spark Ignition Internal Combustion Engines, Subpart JJJJ,
- Stationary Combustion Turbines, Subpart KKKK
- Volatile Organic Liquid Storage Vessels, Subpart Kb
- Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced after September 18, 2015, Subpart OOOOa¹⁰. This subpart requires emissions controls and recordkeeping for activities including, but not limited to:
 - a single well conducting a well-completion operation following hydraulic fracturing or refracturing
 - centrifugal and reciprocating compressors
 - pneumatic controllers
 - storage vessels
 - pneumatic pumps
 - leak detection and repair (LDAR) requirements at well sites and compressor stations
 - glycol dehydration units

NESHAP 40 CFR Part 63

- New, modified and existing oil and gas-related sources located within the external boundaries of the Reservation should assess which NESHAP are applicable at their facilities.
- All sources subject to the U.S. EPA's FIP must comply with NESHAP for:
 - Industrial, Commercial and Institutional Boilers and Process Heaters at Major Sources, Subpart DDDDD
 - Stationary Reciprocating Internal Combustion Engines, Subpart ZZZZ
 - Glycol dehydrators, Subpart HH

NEPA-Specific Requirements

- All new and replacement internal combustion gas field engines must meet, at minimum, NSPS Subpart JJJJ emission standards.
- All non-road engines and vehicles must meet the federal exhaust emission standards as appropriate for the year, model and engine size and ignition type (compression ignition and spark ignition). However, there is an additional requirement within the Reservation for all prime mover diesel drilling rig engines to meet Tier 2 (or better) emission standards.¹¹

¹⁰ Portions of NSPS OOOOa were placed on a two-year stay in June 2017. Check the [EPA's Oil and Natural Gas Standards Home page, Actions & Notices section](#) for current information prior to starting your project.

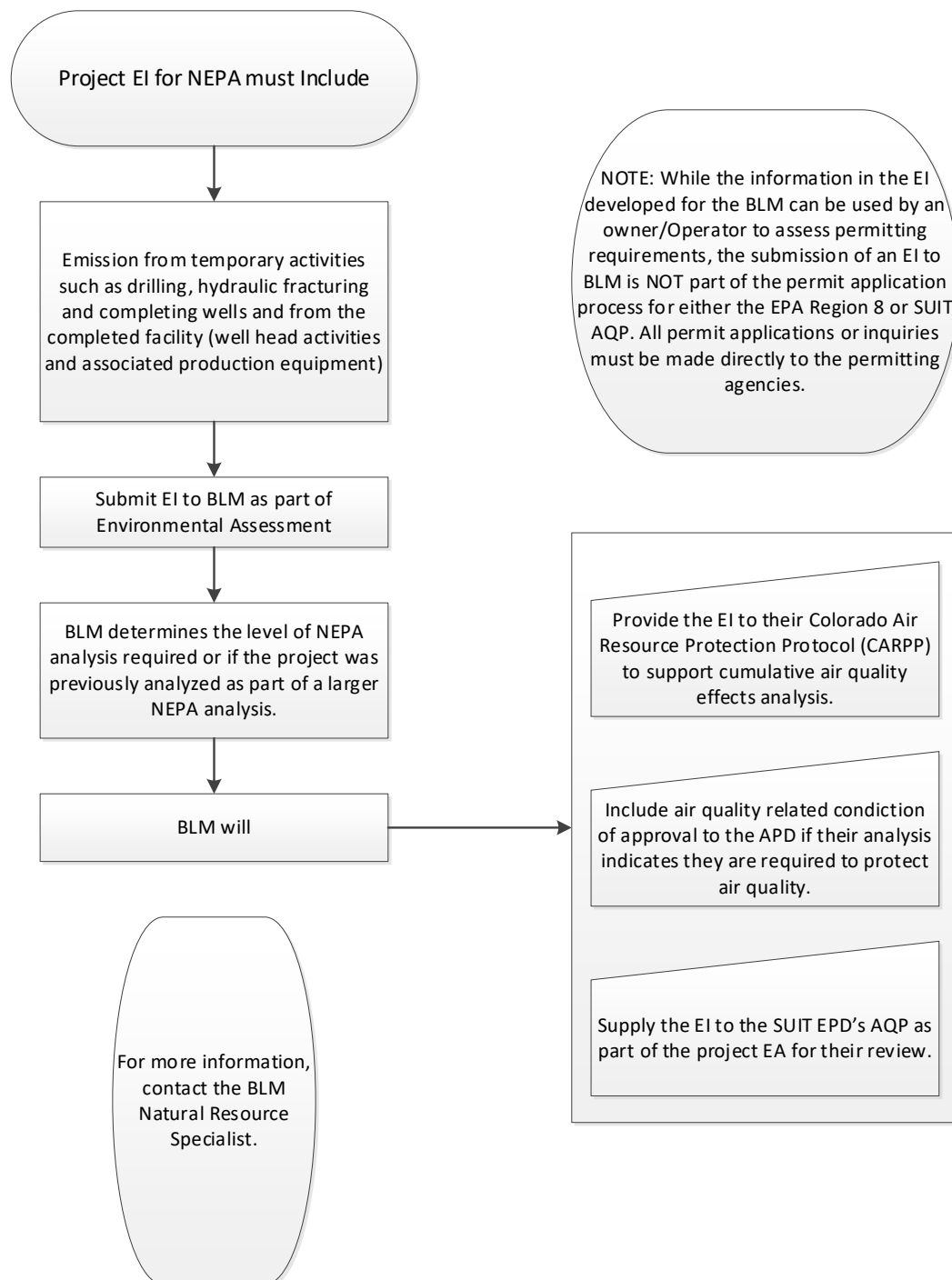
¹¹ Visit EPA's webpage for [Emission Standards for Nonroad Engines and Vehicles](#) for more information.

Southern Ute Indian Reservation

- For the North Carracas area only (Figure 2, above):
 - Compressors must be ultra-lean-burn engines, each fitted with two oxidation catalysts to meet NSPS, and
 - Green completion technology will be used for natural gas well completions where sufficient infrastructure exists.
- Based on the findings of BLM's annual Comprehensive Air Resource Protection Protocol (CARPP) report, BLM or SUIT AQP may require additional control measures for Operators with facilities within the Reservation boundary to minimize impacts to air quality.

Southern Ute Indian Reservation

Flowchart 9 – BLM NEPA Air Quality Analysis Flowchart



1 Acronyms: Emissions Inventory (EI), Environmental Programs Division (EPD), Application for Permit to Drill (APD), Air Quality Program (AQP).

2 The Permission to Survey form is available on the DOE website. For projects on fee surface, tribal minerals, there is no PTS process. Contact the BLM to coordinate the Notice of Staking, and onsite.

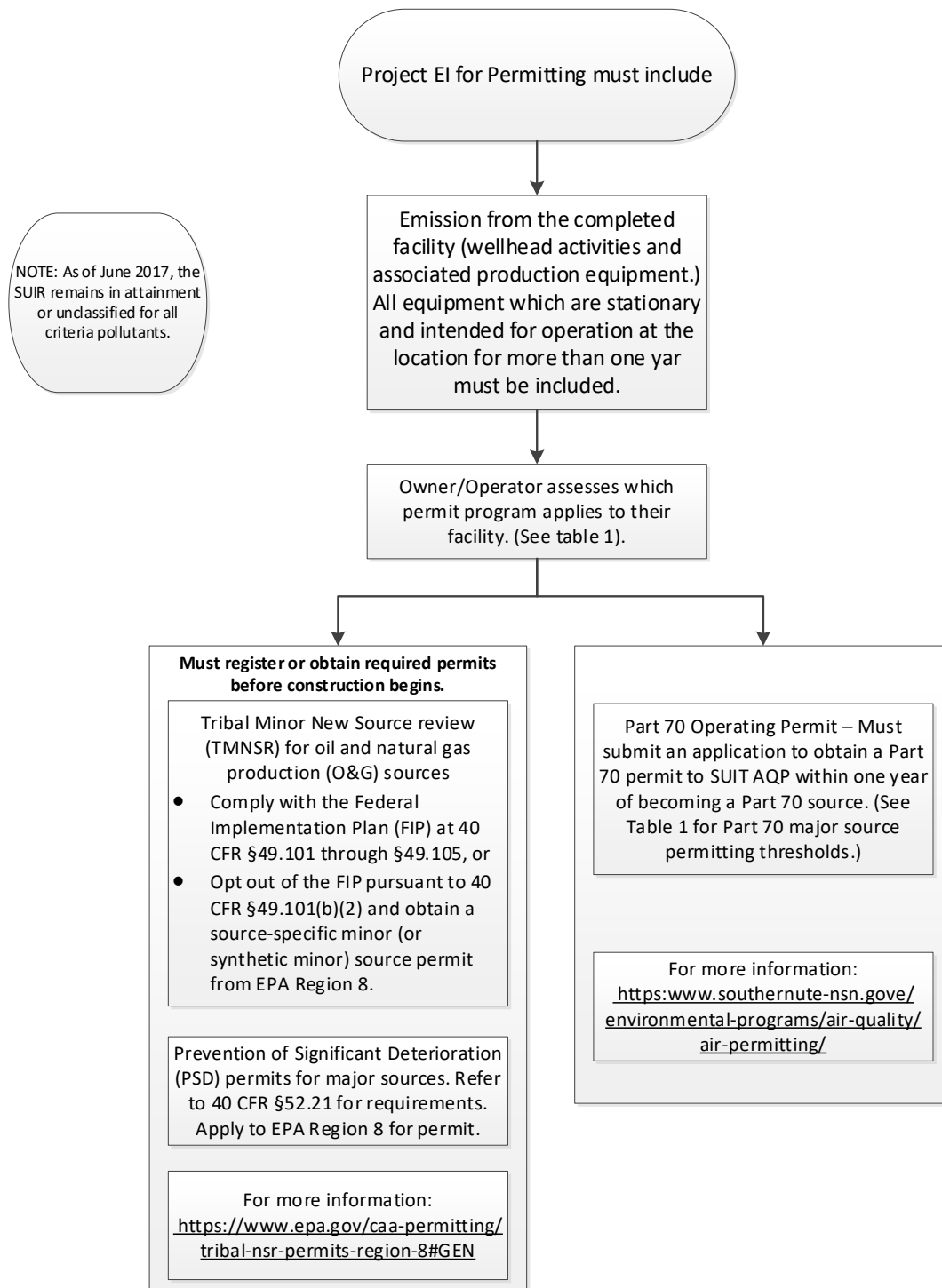
3 DNR notifies tribal assignees of the project.

4 All groups in the SUIT review and comment on the PPN, including: Department of Natural Resources, Culture Department, Planning Department, Environmental Programs Division, and Department of Energy. This is an internal scoping mechanism for the project, to recognize potential issues, saving the Operator time and money in the future.

Southern Ute Indian Reservation

Flowchart 10 – US EPA Region 8 and SUIT Air Quality Program Permitting

These permitting requirements apply to new sources, existing sources undergoing modification or operating sources.



1 Acronyms: Emissions Inventory (EI), Environmental Programs Division (EPD), Application for Permit to Drill (APD), Air Quality Program (AQP).

2 The Permission to Survey form is available on the DOE website. For projects on fee surface, tribal minerals, there is no PTS process. Contact the BLM to coordinate the Notice of Staking, and onsite.

3 DNR notifies tribal assignees of the project.

4 All groups in the SUIT review and comment on the PPN, including: Department of Natural Resources, Culture Department, Planning Department, Environmental Programs Division, and Department of Energy. This is an internal scoping mechanism for the project, to recognize potential issues, saving the Operator time and money in the future.

Southern Ute Indian Reservation

5.6 Hydraulic Fracturing

The Tribe adopted the *Hydraulic Fracturing and Chemical Disclosure Regulations* for tribal trust lands on June 16, 2015 (Resolution No. 2015-98). The Southern Ute Tribal Council passed Resolution No. 2016-41, approving the Tribe's *Amended and Restated Southern Ute Indian Tribe - Hydraulic Fracturing and Chemical Disclosure Regulations* on April 5, 2016. A Memorandum of Agreement (MOA) between the BLM and the Tribe was signed on November 4, 2016, recognizing the SUIT DOE's lead role in managing hydraulic fracturing and chemical disclosure on tribal trust lands. These regulations, associated documentation and required forms can be found both in Appendix B and on the SUIT DOE webpage (www.suitdoe.com). General requirements are included below; however, all Operators should read the entire regulation for specifics.

Notice of Intent

Operators shall submit to the SUIT DOE, at least 20 business days in advance of treatment, a NOI to conduct hydraulic fracturing, *Form HF* (Attachment HF 1), to include information in the Southern Ute Indian Reservation Hydraulic Fracturing Checklist (Attachment HF 2). Notification and supporting documentation shall be submitted via email to hf_notice@sugf.com.

Fresh Water Protection

Operators must isolate all freshwater aquifers and other mineral-bearing formations and protect them from contamination.

Cement Operations – for newly permitted and drilled wells

- All surface and intermediate casing shall be cemented with a continuous column from the bottom of the casing to the surface.
- After thorough cement circulation of the wellbore, cement shall be pumped behind the production casing at least 50 feet above the bottom of the intermediate casing. If the well does not have intermediate casing, the production casing shall be cemented with a continuous column from the bottom of the casing to the surface. This requirement does not apply to portions of the production casing located within the target formation.
- Installed production casing and intermediate casings shall be adequately pressure tested for conditions anticipated to be encountered during completion and production. The Operator shall promptly notify the SUIT DOE if a mechanical integrity test pressure loss exceeds ten percent.

Offset Well Evaluation

An Operator will perform an offset well evaluation of all offset wellbores within 1,500 feet of a proposed well to determine if those wells have adequate zonal isolation in the formation to be stimulated. The evaluation shall include producing, shut in, temporarily abandoned, plugged and abandoned and dry and abandoned wells.

Southern Ute Indian Reservation

Fracture Stimulation Setback

No portion of a proposed wellbore's treated interval shall be located within 150 feet of an existing or permitted O&G wellbore's treated interval belonging to another Operator without the signed written consent of the SUI DOE.

Bradenhead Monitoring During Stimulation

- During stimulation operations, bradenhead annulus pressure shall be continuously monitored and recorded on all wells being stimulated.
- Any time the bradenhead annulus pressure increases more than 200 psig (pounds per square inch, gauge), the Operator shall undertake appropriate corrective actions and verbally notify the SUI DOE as soon as practicable, but no later than 24 hours following the incident.

Recovered Fluids Management

- Use of tanks for fluid management is required. Tanks cannot exceed 500 barrel (bbl) capacity unless approved by the SUI DOE.
- Lined pits are allowed only upon approval by the SUI DOE in specific circumstances.

Post-Completion Required Disclosures

- Operator must post specific hydraulic fracturing data to FracFocus within 30 days following the conclusion of treatment.
- A Final Drilling Completion Report shall be submitted within 30 days of rig release after drilling, sidetracking or deepening a well to total depth. In the case of continuous, sequential drilling of multiple wells on a pad, the Final Drilling Completion Report shall be submitted for all the wells within 60 days of rig release for the last well drilled on the pad.
- Within 30 days after hydraulic fracturing is completed, the Operator shall submit a certification to the SUI DOE that the Operator complied with the requirements of these regulations.
- A Completed Interval Report shall be submitted within 30 days after a formation is completed, successful or not.

6. Operations

Regulatory Oversight

BIA, BLM, EPA, COGCC, USACE, SUI Air Quality and SUI EPD Water Quality are some of the regulatory agencies that an Operator may come into contact with on the Reservation. These agencies and others regulate and provide guidelines for oil and gas development and operations. DOE works closely with regulatory agencies to ensure that all oil and gas development and operations on the Reservation satisfy compliance and regulatory standards. DOE provides observations and recommendations on deficiencies and compliance issues that the regulatory bodies may use to formally enforce these standards. If there is a question of which regulatory agency oversees specific development or operating requirements for oil and gas, please contact SUI DOE.

6.1 Inspections

Well pads, facilities, pipelines and roads are subject to inspection during construction, before and/or after interim reclamation is established, drilling, during day-to-day operations and during decommissioning and final reclamation. Inspections may be completed by BLM, BIA, DOE or the SUI DNR Range Division, depending on jurisdiction. DOE has implemented an Environmental Compliance Program to inspect sites on tribal trust lands across the Reservation to assist Operators in the recognition of compliance issues that may exist on their well pads and facilities. DOE conducts the following inspections:

- Drilling Inspection (see below)
- Day to Day Operational Surface Compliance Inspection on well sites and facilities, roads and pipeline ROW's (see below).
- Active and Post Construction/Interim Reclamation Inspections on well sites and facilities, roads and pipeline ROW's (see below and Section 6.3.3 Interim Reclamation).
- General Compliance Inspections (see below)
- Decommissioning Reclamation/Recontouring Inspections on well sites and facilities, roads and pipeline ROW's (see section 6.8 Final Abandonment and Reclamation).
- Final Abandonment Notice Inspection on well sites, facilities, roads and pipeline ROW's (see section 6.8 Final Abandonment and Reclamation).
- All inspection forms can be found in Appendix A Forms/Checklists/Tables on pg. 70

Drilling

Operators are notified by DOE prior to any drilling inspection conducted by DOE. All correspondence pertaining to any deficiencies identified during the inspection is done via email. Operator receives an emailed *Drilling Inspection* form that notes the inspection and identifies observed deficiencies that may be present. Due to the fast pace and relatively short-term processes related to drilling, timelines associated with the correction of deficient inspection items will be set at the discretion of the inspector.

Southern Ute Indian Reservation

Day to Day Operational Surface Compliance Inspections

After DOE inspects any well site, facility (Operator will be notified prior to facility inspection), road or pipeline ROW, the Operator receives an emailed *Surface Compliance Inspection* form that notes the inspection and identifies observed deficiencies that may be present. Operators should contact DOE within 10 business days to discuss potential corrective actions. There are no strict or specific timelines required for corrective action; however, it is our expectation that if possible, work be conducted within 60 days or an alternative timeframe be provided by the Operator. The Operator receives closure documentation for compliance inspection– related items once identified deficiencies are remedied. Our mission is to help Operators stay in compliance and work in a manner that protects tribal resources as well as companies working on the Reservation.

General Compliance Inspections

Operators on tribal land may also receive what is known as a General Compliance Inspection (GCI). A GCI calls out one or more deficiencies on a pipeline ROW, energy related road or facility that needs to be addressed by one or more Operators. Timelines associated with corrective actions are more dynamic and set at the discretion of the inspector.

Active and Post Construction/Interim Reclamation Inspections on Well Sites and Facilities

DOE may perform an inspection on any active construction project as well as a follow up inspection once work has been completed. DOE expects to be notified about the onset of the construction project 5 days prior to starting work. DOE also expects to be notified of the completion of the work at least 48 hours prior to the commencement of interim and or final surface reclamation activities. Due to the fast pace and relatively short-term processes related to the active construction of a well site, facility, road or pipeline ROW, timelines associated with the correction of deficient inspection items will be set at the discretion of the inspector. Inspection items revolve around general BMP and any Conditions of Approval that are included in the BLM Application for Permit to Drill (APD) or SUI Surface Use Agreement (SUA).

6.2 Spill Reporting and Response

The Tribe requires that Operators comply with applicable regulatory requirements including taking measures to prevent, control and clean up spills, developing and implementing a Spill Prevention, Control, and Countermeasure (SPCC) Plan, installing appropriate BMPs to prevent releases, and promptly responding during emergency situations as required by applicable regulations (e.g., EPA regulations contained in 40 C.F.R. § 112).

For all spills impacting tribal land regardless of volume, the Operator shall control and contain the spill to minimize adverse impacts to public health, safety, welfare, the environment, and wildlife resources. Operators are expected to promptly investigate, mitigate, document impacts resulting from spills, and work to clean up spills as soon as the incident is discovered.

6.2.1 Spill Mitigation

Operators shall take the appropriate actions to mitigate the spill impacts by securing/stopping the source of the release and implementing measures to contain and recover the released materials as needed. Containment may be in the form of berms, catchments, the use of absorbent pads/booms, while recovery can be accomplished with a vac truck or excavation of impacted material.

6.2.2 Spill Reporting

The Tribe requires that, in addition to complying with applicable regulatory requirements regarding reporting spills to the requisite federal and state agencies, Operators report to the Tribe a spill of any kind (produced water, condensate, chemicals, etc.) under the following circumstances:

- if the spill exceeds or is equal to one barrel (42 gallons) outside of secondary containment or five barrels (210 gallons) within secondary containment.
- if the spill threatens to impact a residence or occupied structure, livestock, or a public byway.
- if the spill flows into or threatens live water, an irrigation ditch, a dry arroyo, stormwater sewer that leads to surface water or waters of the U.S.
- if the spill has the potential to reach groundwater.
- If the Operator removes 10 cy or greater of impacted material from a facility or pipeline ROW.
- if the spill meets a hazardous substance Reportable Quantity under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA C.F.R. 40.302.4).

The Tribe requests that Operators provide DOE with a courtesy spill notification for releases that are reportable to the COGCC and occur on fee surface within the exterior boundary of the Reservation (see Figure 1 Page 11). The COGCC and Tribal spill reporting requirements and spill reporting forms are very similar with regard to content and timelines. DOE is requesting the initial approved COGCC Form 19 be submitted to spill@sudoe.us as a courtesy notification. This request is being made to ensure the Tribe is aware of impacts that have the potential to migrate onto tribal lands or into tribal waters. Subsequent reporting and forms related to sampling results, remediation plans and remediation activities should also be submitted to spill@sudoe.us if requested by SUI DOE.-

Southern Ute Indian Reservation

Tribal notification should be made to the SUIT DOE in accordance with this manual, any APD stipulations, and any other lease stipulations and conditions outlined in the lease agreement. Use the *Southern Ute Indian Tribe Department of Energy Exploration & Production Spill/Release Report* form to report a spill that took place on the Reservation. The spill form can be found on SUIT DOE's website under the exploration and production tab: www.suitdoe.com/exploration-production/. The spill report must be accompanied by a topographic or aerial map showing the release location and extent. The completed spill report and map shall be submitted via email to spill@sudoe.us. Upon receiving verbal notification from the Operator, DOE will provide the Operator with a unique spill identification number that may be used to reference the specific spill event in any future correspondence. The spill number shall be posted to the spill form at the top right-hand corner of the form in the "Spill #:" section. Table 2 is provided to assist in determining the need for reporting a spill on the Reservation.

TABLE 2. SPILLS FOR WHICH THE TRIBE REQUESTS NOTIFICATION.

Description/Criteria			Notifications
	No	Yes	
Is the spill greater than or equal to one barrel (42 gallons) outside of secondary containment or five barrels (210 gallons) within secondary containment or required removal of 10 cy or greater of impacted material.	No report	►	To SUIT DOE Prompt verbal notification to SUIT DOE Doug Krueger 970-769-3017 SUIT DOE Gunnar Westerman 970-442-1697 or SUIT DOE 970-563-5550 as soon as practicable, followed by a written report within 24 hours to spill@sudoe.us . DOE then notifies the following SUIT agencies, as necessary: <ul style="list-style-type: none"> • DNR Lands Division and Range Division • EPD • Office of Risk Management • Cultural Department
Does the spill threaten to impact a residence or occupied structure, livestock, or a public byway ?	No report	►	
Did the spill reach or threaten surface water, a dry arroyo, irrigation ditch, or a storm sewer that leads to surface water?	No report	►	
Does the spill have the potential to reach groundwater ?	No report	►	
Did the spill meet the reporting criteria of any federal agency (i.e., EPA's CERCLA reportable quantity, U.S. Department of Transportation's pipeline release reporting criteria, BLM's spill reporting criteria)?	No Report	►	

Southern Ute Indian Reservation

The Operator is solely responsible for making non-tribal notifications that might be required, including notifications to the BIA, BLM, the National Response Center, EPA, COGCC, and Colorado Department of Public Health and Environment (CDPHE). Flowcharts 11 and 12 are provided on the following pages to assist Operators with determining whom to contact and what other actions are required in the event of a spill or release. While some spills may not meet the reporting criteria detailed above, all spills require removal of free liquids and cleanup of impacted soils. Response to non-reportable spill events should be documented by the Operator and filed internally.

6.2.3 Spill Characteristics & Assessment, Remediation, and Confirmation Sampling

Spill response actions must be approved by the applicable regulatory agency (e.g., BIA, BLM, EPA) with tribal consultation. A draft remediation plan must be submitted to DOE no more than 30 business days from when the spill was reported. This time frame may be shortened, and samples may need to be rushed if there are concerns surrounding sensitive receptors. The plan should specify a proposed timeframe for when the remedial activity is expected to begin and be completed. Remediation plans shall include the following:

1. Spill Event Background

The plan shall include details regarding the basic information for the spill event including facility information (facility name, location), estimated timing of event and timing for discovery, cause of the release, actions taken to stop the spill, and actions taken to contain/mitigate the spill. This information can be supplied by submitting an updated spill report, assuming all requested items are included, if the Operator desires.

2. Site Assessment – Site Characteristics & Sensitive Receptors

The presence of impacts or the ability of impacts to threaten sensitive receptors, such as ground water or surface water will dictate some of the COGCC Table 915-1 cleanup thresholds: specifically, Organic Compounds and Metals in soil. Operators are expected to accurately document the location of impacts associated with the spill event and provide information relating to the impact's proximity to sensitive receptors. This may include:

- a) Potential impacts from the contaminants of concern - provide DOE with Safety Data Sheet (SDS) or other manufacturer information regarding the released product.
- b) Distance from producing agricultural fields,
- c) Distance from the nearest surface water, irrigation canal, or "Waters of the U.S".
- d) The geologic and hydrologic characteristics of the site including, soil type(s), soil drainage capacity, any seasonal hydrologic variability, and groundwater flow direction (i.e., impacts below ordinary highwater mark, potential for irrigation).
- e) Distance to the nearest permitted domestic/agricultural water well and depth to groundwater.
- f) Determination of cleanup standards. Operator should state which COGCC Table 915-1 cleanup standards will be applied for organic compounds and metals in soil. Cleanup thresholds are determined by a)-e) above. Resources are available to help Operators determine site characteristics, such as local soil types, distance to surface water, depth to groundwater, etc., and are listed/linked below.

Southern Ute Indian Reservation

- *USDA NRCS Soil Web Survey Map* - [Web Soil Survey - Home \(usda.gov\)](https://websoilsurvey.sc.egov.usda.gov/)
Provides site information on local soil types, drainage capacity, depth to water table, depth to restrictive features, etc.
- *USFWS National Wetlands Inventory Wetlands Mapper* - <https://www.fws.gov/wetlands/wetlands-mapper>
Provides the status of known wetlands and surface water features near a known location.
- *CWCB/DWR Decision Support Systems: Water Levels* (state.co.us)
Identifies permitted water wells within a designated area along with recorded depth to groundwater info.
- *COGCC GIS Page*: https://cogccmap.state.co.us/cogcc_gis_online/
Can provide various information relating to permitted well sites/well data, floodplains, land status, water well locations, geology, topography features, etc.

3. Spill Characterization - Contaminants of Concern (COC)

Operators are expected to collect representative samples at the release location as well as anywhere the release leaves a well pad, facility, right of way or permitted area to adequately identify (characterize) potential contamination associated with the spill event and shall:

- a) Conduct sampling/analysis to fully delineate the lateral (horizontal) and vertical extent of contamination in soils, surface water, and groundwater. For soil sampling, DOE requests Operators utilize the standards prescribed by the COGCC Table 915-1. For spills that reach live water or groundwater, DOE requests Operators utilize the aqueous standards prescribed by the COGCC Table 915-1 and SUIT Water Quality Standards (WQS) for analytes cited in Section 909. J. (1) Produced Water Quality Analysis of the COGCC Environmental Impact Prevention 900 Series rules. Depending on the nature of the spill, sampling of additional analytes may be requested by the SUIT. Samples will be collected, preserved, documented, and shipped or delivered to a laboratory under chain-of-custody protocols using standard environmental sampling procedures in a manner to ensure accurate representation of site conditions. Laboratories will analyze samples using standard methods appropriate for detecting the target analyte. The method selected must have a Practical Quantitative Limit less than or equal to the cleanup concentrations in Table 915-1 and SUIT WQS for the contaminant of concern.
- b) It's advisable to collect an adequate number of background samples of representative media (i.e., soil, water) taken from outside the impacted area that demonstrate the baseline/uncontaminated conditions at the site. Background samples may also provide insight to achieve adequate remediation at sites where Table 915-1 constituents are naturally elevated (i.e., Arsenic or SAR). Background samples for soil should be analyzed at a minimum for pH, EC, SAR, and metals.
- c) Provide a summary of all analytical results in tabular format with comparison to Table 915-1 cleanup thresholds and all final analytical reports for the characterization sampling efforts. Any field screening results recorded in the field during the characterization may also be requested by DOE.
- d) Provide a map indicating where characterization samples were collected and if necessary, the location for any field screenings conducted.

4. Remediation Techniques and Methods.

The Operator shall provide details on the proposed methods for which contaminants associated with the spill will be remediated. This should include:

- a) Type(s) of equipment which will be used to complete the work,
- b) Type(s) of equipment to be installed at the site for remediation efforts (i.e., soil vapor extraction equipment, groundwater monitoring/injection wells, etc.).
- c) Detail any materials, amendments, and application rates/methods as necessary. SDS for any remedial product proposed to be used at the site shall be included in the plan.
- d) The disposal facility that will be accepting waste from the site, if applicable.

5. Long-Term Monitoring & Treatment

In instances where an Operator is proposing a long-term treatment for contaminants or monitoring of vegetation and soil/water contamination, the Operator shall provide a schedule for the proposed treatment or monitoring events, which fully details the methods for monitoring and the timing and specified location for any follow-up sampling events. Subsequent monitoring for long-term treatment shall be done no less than semi-annually (twice per year). Please provide notification to DOE at least two (2) business days prior to conducting monitoring events at spill sites.

6. Confirmation Sampling

This applies to samples taken during monitoring events or after source removal. The plan shall detail the proposed methods for collecting confirmation samples including what the confirmation samples are to be analyzed for. The Operator may reference characterization sampling data for analytes that did not exceed any Table 915-1 or applicable SUIT WQA standards, which the Operator may not be analyzing confirmation samples for. A sufficient number of confirmation samples shall be collected from the remediated area to adequately represent the status of soils or water that remain at the site. Please provide notification to DOE at least two (2) business days prior to collecting confirmation samples.

7. Reclamation of Disturbed Areas

The plan shall include how the Operator intends to reclaim any vegetated areas disturbed by the remedial activity. Reclamation efforts shall comply with section 6.3 Water Quality, Stormwater, Erosion Control, and Interim Reclamation of the E&P Manual. The reclamation section of the plan should include the following details:

- a) The removal of onsite spill remediation equipment (i.e., soil vapor extraction equipment, groundwater monitoring/injection wells, etc.)
- b) If import fill material or topsoil will be utilized to reclaim the site, include where the imported material will be sourced,
- c) The need or planned installation of stormwater control or stabilization measures,
- d) Plans for seeding, mulching, or applying reclamation amendments, such as fertilizers. In these instances, DOE will provide the Operator with an approved seed mix upon approval of the remediation plan.

8. Map Detailing the Remediation Work Area

The remediation plan shall include a scaled site map(s) exhibiting the entire work area that includes the legal description and any necessary latitude and longitude in decimal degrees. Map(s) should have sufficient detail as necessary to identify site access and egress in areas where impacts will be remediated, materials/equipment storage, etc.

Southern Ute Indian Reservation

9. Timeframes

The plan should specify a proposed timeframe for when the remedial activity is expected to begin and be completed.

For spills that have been reported to the BLM per the NTL-3A form, Operators shall submit the completed remediation plan to the BLM via Sundry NOI. For spills that are only reportable to DOE, Operators shall submit the remediation plan via email to DOE Senior Environmental Compliance Specialist, Doug Krueger (dkrueger@sudoe.us) and DOE Environmental Compliance Specialist, Gunnar Westerman (rwesterman@sudoe.us). DOE will work with the BLM or BIA as needed to circulate the remediation plan to the applicable Tribal Departments or federal agencies for comment and concurrence.

Remediation plans that involve work outside of an Operator's permitted area will be circulated for a 10-business day comment period with the SUT Department of Natural Resources. Remediation work areas for spills that extend outside of a facility's pre-disturbed/permitted area may be requested to be cleared for archeological or cultural resources prior to conducting the remediation outside of the facility.

Upon receiving concurrence from all interested parties and agencies, DOE or the BLM will notify the Operator that the remediation plan has been approved. At that time the Operator may proceed with executing the remediation in accordance with the approved remediation plan and any conditions of approval (COA's) attached to the approved plan.

6.2.4 Final Spill Closure

Upon completing remediation efforts for a spill, the Operator shall compile a closure document to be submitted to DOE requesting closure of the spill. Spill closure documents shall contain adequate evidence and reasoning to justify closing the spill and are to be compiled using the initial spill report submitted to DOE. Spill closure documents are to include:

a) Final Closure Certification

Initial or subsequent spill report with the Final Closure Certification section filled out and signed.

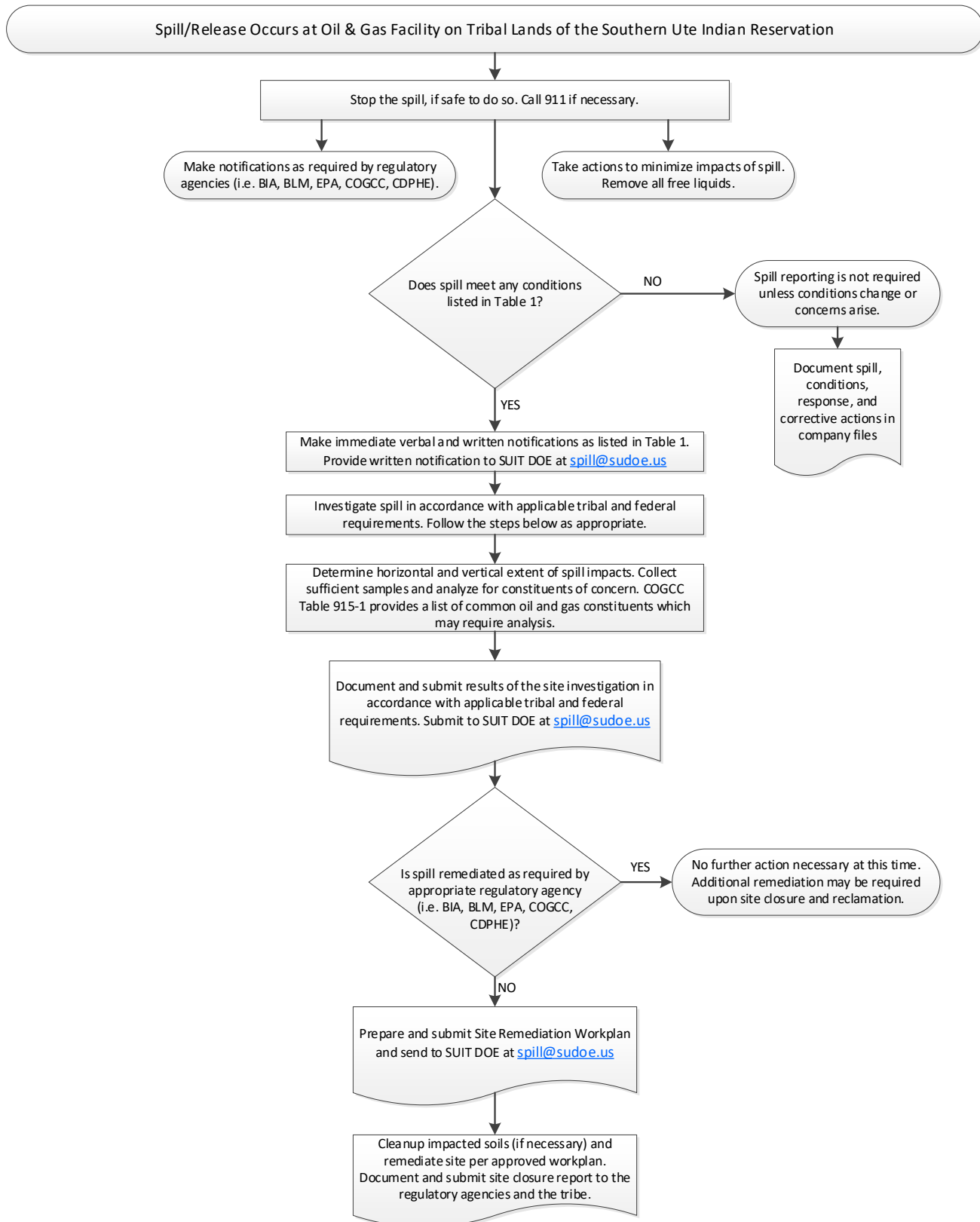
b) Summary of Completed Remedial Activity & Spill Event Records

Summarize the findings indicating that the remediation of the site has been completed. This shall include the sampling summary table, the final analytical results, a map detailing the location of where confirmation samples were collected, approved remediation plan, findings for any long-term monitoring or treatments conducted at the spill site, and load tickets or manifests for disposal of waste.

Upon receiving final closure documentation from the Operator, DOE will circulate the document to the applicable federal agencies and SUT Divisions for concurrence and closure. Upon receiving concurrence for closure by all interested parties, DOE will provide the Operator with a final spill closure binder that will include verification of regulatory approval.- The Operator should maintain spill closure documentation until the well, facility or pipeline has been decommissioned or plugged and abandoned. Any excavation resulting from spill cleanup shall not be backfilled until the Operator receives a final spill closure or approval to backfill from the appropriate agencies.

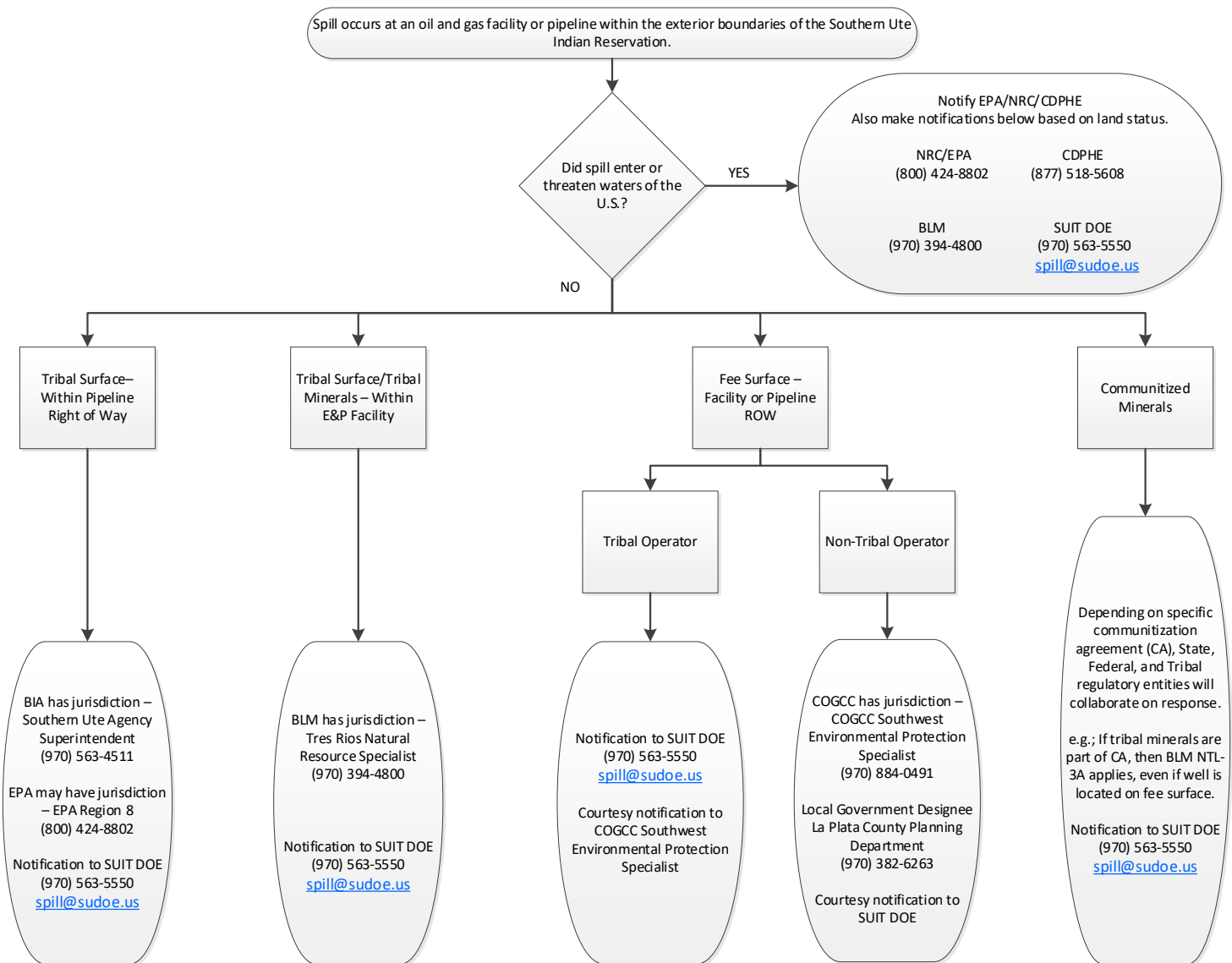
Southern Ute Indian Reservation

Flowchart 11 - Spill/Release Reporting and Response



Southern Ute Indian Reservation

Flowchart 12 – Spill Reporting and Response Contacts Based on Land and Mineral Ownership Status



Southern Ute Indian Reservation

6.3 Water Quality, Stormwater, Erosion Control and Interim Reclamation

6.3.1 Water Quality

Activities or operations on the Reservation that identify potential impacts to waters of the U.S. as defined by 40 CFR 230.3(s) under the Clean Water Act (CWA) shall obtain the appropriate permits through the U.S. Army Corps of Engineers under §404 of the CWA, the SUIT Environmental Programs Water Quality Division under the Tribe's approved Water Quality Standards, and the US EPA under §401 as applicable. Potential impacts may include the placement of fill or dredging within a water as a result of pipeline installation or access road, well, or facility site construction.

6.3.2 Stormwater and Erosion Control

O&G construction activities and operations have the potential to contribute pollutants to stormwater. Stormwater runoff from areas disturbed by O&G activities and operations can cause erosion and may be contaminated with sediment. Stormwater pollution can result when stormwater runoff comes into contact with industrial and construction materials, such as production fluids and other chemicals that have been spilled, improperly disposed of, or stored outdoors. Implementation of BMPs can reduce erosion, sedimentation and stormwater pollution from O&G construction activities and operations. Operators shall follow Reasonable and Prudent Practices for Stabilization (RAPPS) by implementing BMPs and stabilizing non-operational areas of disturbance to reduce erosion.

Under the 2005 Energy Policy Act, O&G construction activities on tribal lands are currently exempt from obtaining a National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges associated with construction activities except in very limited instances. Facilities that have a discharge of a CERCLA-reportable-quantity release or that contribute pollutants (other than non-contaminated sediment) that result in a violation of a water-quality standard are required to obtain and maintain NPDES permit coverage for stormwater for the entire operating life of the facility from the EPA.

However, the Tribe is requesting that all Operators conducting business on tribal lands adhere to the *Southern Ute Indian Tribe Stormwater Recommendations* (SUIT Stormwater Recommendations). The SUIT Stormwater Recommendations request that the Operator submit a NOI to the Southern Ute Water Quality Program and prepare a Stormwater Pollution Prevention Plan (SWPPP) prior to any O&G construction project greater than one acre in size.

Operators with construction activities greater than one acre in total earth disturbance on fee lands within the exterior boundaries of the Reservation are regulated under the Colorado Discharge Permit System Regulations (5 CCR 1002-61) and require permit coverage in accordance with that regulation.

Long-term stormwater management is expected to continue for all locations. This management includes monitoring for erosion, spills, leaks or other potential pollutant sources that may contaminate stormwater runoff. Long-term stormwater management guidelines may be found in COGCC Rule 1002.f (3). Operators may be required to develop a post-construction stormwater management plan per this rule if COGCC has regulatory authority of the location.

6.3.3 Interim Reclamation

Southern Ute Indian Reservation

Upon completion of drilling activities, Operators shall implement measures to reduce the total footprint of a well pad through interim reclamation. This may include the following measures:

- reducing the footprint of the well pad to those areas needed for operations (i.e., the rig anchor footprint)
- grading cut and fill slopes to less than 3:1 to reduce potential erosion
- implementation of long-term stormwater management measures such as diversion ditches, berms, or swales, as applicable
- replacement of salvaged topsoil on reclaimed slopes
- seeding and mulching of areas not needed for operations and managing weeds.

The intent of interim reclamation is to promote stable facilities during the operational life of the location while reducing potential erosion or offsite sedimentation. Operators should consult their APD and adhere to specific COAs and their Surface Use Plan. The Tribe requests that upon completion of interim reclamation, Operators notify the BLM and SUIT DOE.

6.4 Air Quality

Jurisdiction over air quality on the Reservation is unique. Unlike the other topics discussed in this manual, it does not depend on surface or mineral ownership. Air-quality issues related to operation of O&G facilities within the exterior boundary of the Reservation comes under the jurisdiction of two agencies: the EPA's Region 8 for all air-quality regulations, and the SUIT AQP for Title V operating permits. Additionally, BLM has air-quality-related rules for the waste of extracted resources that include loss of natural gas through leakage, venting and flaring.

6.4.1 AQP

Where applicable, the Operator shall comply with the terms of the tribally issued <https://www.southernute-nsn.gov/justice-and-regulatory/epd/air-quality/air-permitting/>

6.4.2 EPA

Where applicable, the Operator shall comply with the terms of the TMNSR (either a site-specific permit or under the FIP) or PSD permit and shall comply with all applicable NESHAP and NSPS regulations. SUIT AQP has applied to USEPA for authority to administer the TMNSR program on the reservation. Check with AQP for current jurisdiction status.

6.4.3 BLM

The BLM promulgated the *Waste Prevention and Resource Conservation Rule*, 43 CFR §3179¹², on November 18, 2016. This rule applies to all onshore wells, tanks, compressors and other equipment located on Indian O&G leases, units and communitized areas. Refer to the [rule](#) for details on applicability and specific requirements.

The following existing equipment types (those not subject to NSPS subparts OOOO or OOOOa) have requirements for replacement or control under this rule:

- pneumatic controllers having continuous bleed rates greater than 6 scf (standard cubic feet) per hour (§3179.201),
- pneumatic pumps (§3179.202), and
- existing storage vessels (§3179.203).

The Operator must minimize vented gas and the need for well venting associated with downhole well maintenance and liquids unloading, consistent with safe operations (§3179.204). Additionally, LDAR requirements for existing well sites and compressor stations (§3179.301 through 305) are addressed in this rule and are the responsibility of the Operator.

¹². Visit the BLM's webpage for [Oil and Gas Operations and Production Methane and Waste Prevention Rule](#) for current information.

Southern Ute Indian Reservation

6.5 Noxious Weeds

Prior to any herbicide treatment on tribal lands, all commercial applicants must receive an approval letter from the SUIT DNR Water Resources Division. Please contact the Water Resources Division Soil and Water Conservationist to obtain the approval letter. The Operator must also obtain a crossing permit from the SUIT DNR Lands Division. The crossing permit is not issued until the applicant has received the approval letter from the SUIT DNR Water Resources Division.

Applicants must provide copies of current Colorado Qualified Supervisor License(s) and current Colorado Certified Operator License(s) for employees who perform herbicide application. An Herbicide Use Proposal shall include:

- herbicides to be used
- application rates and timing
- method of application
- noxious weed list
- treatment sites
- sensitive aspects/precautions
- list of trucks, tractors and OHVs (off- highway vehicles), with model, body, color and license plate information, to be used for spraying
- certificate of current liability insurance.

This process is standard for all new applicants and needs to be renewed annually for applicants currently working on the Reservation.

6.6 Noise

Oil and gas operations may generate noise that has the potential to affect nearby landowners. Although COGCC Rules do not apply to tribal trust lands, the Tribe refers to these noise regulations, which are found in the 400 Series of the COGCC Rules as a guidance. The noise limits are summarized in *Table 3*, below.

TABLE 3. CONDENSED SUMMARY OF COGCC NOISE RULES.

Zone	7:00 a.m. to 7:00 p.m.	7:00 p.m. to 7:00 a.m.
Residential/Agricultural/Rural	55 dB(A)	50 dB(A)
Commercial	60 dB(A)	55 dB(A)
Light industrial	70 dB(A)	65 dB(A)
Industrial	80 dB(A)	75 dB(A)
All Zones	60 dB(C)	60 dB(C)

6.7 Visual Mitigation

The Tribe strives to maintain favorable scenic values on tribal lands. O&G facility locations should be evaluated to promote and maintain these scenic values within the Reservation. The 2002 Final Environmental Impact Statement (FEIS) defines specific facility siting, design and landform-disturbance measures to follow in selecting and constructing a location that will have minimal contrast to the existing view shed. Additionally,

Southern Ute Indian Reservation

Operators shall follow as guidance the *BLM Visual Resource Management for Fluid Minerals and Manual Section 8400 - Visual Resource Management* in an effort to reduce contrasts. In general, Operators should evaluate a proposed location from key observation points to determine the appropriate form, line, color, texture, scale and space of the proposed facility.

The following strategies may be evaluated to assist in addressing visual design:

- color selection
- earthwork
- vegetative manipulation
- reclamation
- linear alignment design considerations

The Tribe believes that the benefits gained by incorporating appropriate design strategies into surface-disturbing activities as well as non-native infrastructure will assist in protecting the scenic values on the Reservation.

6.8 Final Abandonment and Reclamation

The long-term objective of final plugging and abandonment (decommissioning) and reclamation is to ensure the protection of groundwater, reconstruct the original landform, and establish desirable perennial vegetative cover in order to restore all naturally occurring ecosystems, visual resources and wildlife habitats. There is a one-time Decommissioning Onsite Fee of \$1,000.00 per location that will be paid to SUIT DOE. DOE will submit the invoice to the Operator after the onsite takes place. Multiple onsites per day will be invoiced individually.

6.8.1 Production Wells

The plugging and abandonment (P&A) of an oil or gas well is a BLM function, so the BLM is the first point of contact. The BLM notifies any other agencies (typically DOE, SUIT DNR Range Division, and BIA) that need to be involved in the process. Work associated with the plugging of the well is coordinated and approved by BLM. BLM directs the Operator, in consultation with the Tribe, as to project phasing. A typical approach to project phasing for a single well bore well site is provided in Flowchart 13. For plugging wells that share a location with a producing well that is operated by the same company see Flowchart 14.

Additional guidance is available in BLM Onshore Order No. 1 Section III.D.4. j. and Chapter 6 of the 2007 BLM Gold Book starting on page 43:

<https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/operations-and-production/the-gold-book>.

If a well site is in the process of being abandoned and the pipeline installed at the site is owned & operated by a different company, the Operator performing final reclamation coordinates with the pipeline company to remove surface infrastructure at the site prior to beginning the final reclamation earthwork. For instances where the gathering company is different than the production company, DOE strongly recommends the ROW holder attend the wellsite P&A onsite to become familiar with the Operator's reclamation timelines.

DOE has developed the SUIT Plug and Abandonment Form and Checklist to be used for the abandonment and reclamation of well sites on the Reservation. An Example of the form can be found in Appendix A of this document. The fillable form can be found on DOE's website at www.suitdoe.com/exploration-production/. The form will serve as a reclamation plan that will satisfy the requirements in BLM Onshore Order No. 1 XII

Southern Ute Indian Reservation

(B). The completed plan/form are to be submitted to SUIT DOE via email to PA@sudoe.us. Attached to the plan are the Tribe's P&A General Stipulations/Mitigations that will be applicable once the final plan is signed by the Operator and the Tribe. The plan also includes Flowchart 13 which outlines the P&A process from start to finish and the Final Reclamation Sampling Guidance document that will assist Operators in building their sampling plan.

The information listed below details what will be necessary for the acceptance of a well site abandonment and reclamation plan. Final plans shall include:

1. Operator Information:

- a) **Operator Details:** Company name, Operator number, contact information (contact name/phone/email), mailing address, name of ROW holder/ gatherer, and gathering company's contact information.
- b) **Custody Transfer Point Location:** Lat/Long in decimal degrees for the custody transfer point.
- c) **Gathering Company Notification:** Indicate if the gatherer for the well has been notified that the well is being abandoned.

2. General Well Site Information:

- a) **Well Location Information:** Well site ID & location: name, API number, lease number, legal description (QTRQTR, section, & TWP), lat/long for well bore.
- b) **Site Construction Information:** Location of reserve pit, producing formations, spud date, and a list of equipment that will be removed or has been removed from the site.
- c) **Facility flowline Abandonment Plan:** Detail flowline abandonment procedures to include:
 - I. **Scope of Work:** Describe method(s) and processes that will be utilized for abandoning well site flowlines, including:
 - The process for draining all liquids from all water, oil, and gas flowlines.
 - Purging procedures for lines to be abandoned in place.
 - Cutting and sealing all end connections/cut points for lines abandoned in place.
 - Verifying that all portions of flowline that are to be abandoned in place will be at least 30" below final recontoured grade.
 - II. **Mapping:** Provide a map of all well site flowlines and appurtenances (including fuel gas lines, taps, etc.). The map is to include:
 - Pipe removed from the well site: detail the approximate location of the pipe removed from the well site, all appurtenances removed from the well site, and custody transfer point(s).
 - Pipe abandoned in place: detail the approximate location of cut points, abandoned lines left in place, and custody transfer point(s). GIS shapefiles for lines abandoned in place and cut points must be provided after work has been completed.

Southern Ute Indian Reservation

- d) **Proposed equipment removal and sampling plan:** Provide detail on sampling efforts for removed equipment and historical spill impacts to include:
- I. **Site Assessment:** The Operator is to assess site-specific characteristics in relation to nearby sensitive receptors. The site assessment will dictate some of the COGCC 915-1 cleanup thresholds specifically, Organic Compounds and Metals in soil. The site assessment shall be done in accordance with Section 6.2.3.2 *Spill Site Assessment – Site Characteristics & Sensitive Receptors*. Assessment findings and the thresholds as determined by the site assessment efforts and as prescribed in Table 915-1 should be identified in the plan.
 - II. **Sampling Plan:** Detail how sampling will be conducted for removed equipment listed in Section 6.8.1.2.b above and for any historical spills that have occurred at the site. Sampling shall be done in accordance with Table 1 (attached to P&A form) and compared to the cleanup standards and applicable thresholds as prescribed by COGCC Table 915-1 and SUIT WQS. All sampling locations shall be provided in a map per section 6.8.1.4 below.
 - III. **Background Sampling:** It's advisable to collect an adequate number of background samples to demonstrate the baseline/uncontaminated conditions in the immediate area of the site. Background samples may allow for elevated remediation targets at sites where 915-1 constituents are naturally elevated (i.e., Arsenic or SAR). Background samples for soil should be run for pH, EC, SAR, and metals, as well as any additional constituents of concern.
- e) **Well Site Reclamation Plan:** The Operator shall provide an overview of the final grading and re-contouring efforts to restore pre-disturbance landforms at the site. The plan shall identify whether the entire disturbed area will be re-contoured to achieve approximate original topography and grade or not. If not, explain why. Describe how available topsoil will be utilized for reclamation (topsoil could be found in a designated stockpile, if present, or within interim reclamation areas). Detail reseeding/mulching efforts including the seed mixture, mulching practices, and whether temporary reclamation fencing will be installed at the site. Well site reclamation items will need to be provided in a map per section 6.8.1.4 below. Include a proposed inspection and reporting schedule for monitoring perennial vegetation establishment, erosion and off-site sedimentation, and noxious weed infestations. Monitoring shall include access road reclamation efforts, as applicable.
- f) **Well Site Stormwater Plan:** Detail the stormwater control measures/best management practices (BMP's) that will be installed at the well site during and after the reclamation process. Locations of control measures/BMP's shall be provided in a map per section 6.8.1.4 below.
3. **General Access Road Reclamation Information:**
- a) **Access Road Status:** Indicate if the access road will remain active, if the road will be reclaimed with the pad, or if the road will be reclaimed once the pad reaches adequate vegetative cover.
 - b) **Access Road Reclamation Plan:** Detail any drainage restoration efforts, aggregate removal, recontouring efforts, and seeding and mulching practices.
 - c) **Access Road Stormwater Plan:** Detail the stormwater control measures/best management practices (BMP's) that will be installed at the well site during and after the reclamation process. Control measures and BMP's shall be provided in a map per section 6.8.1.4 below.

Southern Ute Indian Reservation

- 4. Site Map(s):** Site map(s) must be provided to identify the following: construction site boundaries/permitted area, all areas of ground disturbance, potential sources of pollution, areas of cut/fill required to achieve recontouring of slopes, slopes that are steeper than 3:1 (Horizontal:Vertical) and stabilization measures for these slopes, location of BMP's (temporary & permanent), stormwater outfall locations, areas of potential receiving water, equipment placement, analytical sample locations, laydown areas, pits, and location of all well site flowlines.

6.8.2 Compressor Stations

The decommissioning of a compressor station or other large surface facility is typically a BIA function. BIA is responsible for the release of the surface lease, making them the lead agency. This process is only applicable to stand-alone facilities that are not co-located with well sites. DOE does not provide Operators with a large-scale facility decommissioning form because this type of work can be highly variable. DOE has developed a four (4) phase approach for Operators to follow when decommissioning facilities. The below information details what is expected for each phase of the process. This process is also summarized in Flowchart 15.

1. Phase #1 Pre-Onsite Information:

The Operator is to compile site-specific information summarizing facility processes and any potential sources of contamination at the facility prior to conducting the decommissioning onsite. Items listed below shall be provided to DOE at least five (5) business days prior to the decommissioning onsite taking place. Pre-onsite information packets shall be submitted to DOE via email to PA@sudoe.us, and are to include the following:

a) Operator information:

- I. Company name, address, project point of contact, phone number and email.
- II. Name of ROW holder(s) and contact information for pipelines/other equipment at the facility if operated by a different company.
- III. Indicate if the outside ROW holders/Operators have been notified that the facility is being decommissioned. It is advisable that any ROW holders or Operators that operate pipelines or equipment at the facility be invited to the onsite once scheduled.

b) Facility Information:

- I. Facility name, lat/long (decimal degrees), and legal description (QTRQTR, Section, & TWP).
- II. Date for when the facility was constructed.

c) Facility Process Information:

- I. Plot plan and equipment list associated with diagram.
- II. Process flow diagram.
- III. Detail any major changes or alterations to the facility (i.e., equipment removal or addition).
- IV. List of chemicals routinely stored/used onsite.
- V. Provide information on any historic spills that had occurred at the site & any relevant findings from previous routine inspections/audits.

d) Project Timing: Tentative timelines for starting and completing decommissioning work.

Southern Ute Indian Reservation

2. Phase #2 – Facility Decommissioning Plan

After the initial onsite takes place, the Operator is to compile a facility decommissioning plan. The purpose of the facility decommissioning plan is to identify how the Operator intends to fully reclaim the site and shall account for any site-specific recommendations made during the onsite. A draft facility decommissioning plan is to be submitted to DOE via email to PA@sudoe.us, and is to include the following items:

- a) Facility Equipment Inventory:** Provide an inventory of processing equipment to be removed or that has been removed in tabular format. The equipment inventory shall include detail on the operation of each piece of equipment, if the equipment is/was equipped with a dedicated drain system, containment, liner, etc., what contaminants of concern (COC) may be associated with the equipment, and any observations of visible contamination adjacent to the equipment as observed at the time of the onsite. Operators are encouraged to provide a pre-demolition photo log of processing equipment and overall site condition.
- b) Site Assessment and Sampling Plan:**
 - I. The Operator shall assess the facility's site characteristics in relation to nearby sensitive receptors. The site assessment will dictate some of the COGCC 915-1 cleanup thresholds specifically, Organic Compounds and Metals in soil. The site assessment shall be done in accordance with Section 6.2.3.2 *Site Assessment – Site Characteristics & Sensitive Receptors*. The plan shall specify all applicable cleanup standards to be implemented for the decommissioning work.
 - II. The Operator shall detail how samples will be collected from underneath or around removed equipment, within trenches/excavations, and any area of concern within the facility identified during Phase 1 that may need additional investigation, including historical spill areas. It's advisable to collect an adequate number of background samples demonstrate the baseline/uncontaminated conditions at the site. Background samples may allow for elevated remediation targets at sites where 915-1 constituents are naturally elevated (i.e., Arsenic or SAR). Background samples for soil should be run for pH, EC, SAR, and metals, as well as any additional constituents of concern.
 - III. The locations for proposed sample points must be included in a scaled map.
- c) Contaminated Materials Management Plan:** The Operator shall provide detail on how potentially contaminated materials (liquids/soil) will be handled during the decommissioning process, including how the materials will be stored on site, how they will be transported, and where they will be moved to or disposed of.

Southern Ute Indian Reservation

d) Facility flowline Abandonment Plan:

- I. Scope of work: Describe method(s) and processes that will be utilized for abandoning facility flowlines, including:
 - The process for draining all liquids from all water, oil, and gas flowlines.
 - Purging procedures for lines to be abandoned in place.
 - Cutting and sealing all end connections/cut points for lines abandoned in place.
 - Verifying that all portions of flowline that are to be abandoned in place will be at least 30" below final recontoured grade.
- II. Mapping: Provide a map of all facility flowlines and appurtenances (including fuel gas lines, taps, etc.). The map is to include:
 - Pipe removed from the facility: detail the approximate location of the pipe removed from the facility, all appurtenances removed from the facility, and custody transfer point(s).
 - Pipe abandoned in place: detail the approximate location of cut points, abandoned lines left in place, and custody transfer point(s). GIS shapefiles for lines abandoned in place and cut points must be provided after work has been completed.

- e) Decommissioning Observation Procedures & Documentation Plan:** A qualified individual is expected to carefully observe & document the equipment/flowline removal activities at the site to identify any subsurface contamination that may be exposed by the decommissioning work. Operators shall detail what field screening methods will be utilized during the decommissioning process to identify subsurface contamination, such as audible, visual, & olfactory observations, photo ionization detector (PID) soil screening, etc.
- Facility decommissioning documentation shall include a photo log with written documentation of decommissioning efforts at the site that show subsurface conditions within excavations made to remove equipment/flowlines. The Operator must contact DOE if more than 10 cubic yards of impacted material is removed from a site. This documentation will be provided to DOE per Section 6.8.2.4.a.

f) Facility Pad & Access Road Reclamation and Stormwater Plan:

- I. The Operator shall provide an overview of the proposed final grading and re-contouring efforts to be done to restore the facility and access road. This includes topsoil salvage and redistribution, if the access road is to remain active or will be reclaimed with the pad and any details surrounding drainage restoration efforts, aggregate removal, etc. to be done on the facility footprint and access road.
- II. Detail how stormwater is to be managed on the recontoured pad/road to include information on the types and placement of stormwater controls (temporary and permanent) to be installed during and after recontouring. Provide detail on reseeding/mulching efforts to include seed mixture, mulching practices, and if temporary reclamation fencing will be installed at the site.
- III. Facility reclamation items will need to be provided in a map showing the construction site boundaries/permitted area, all areas of ground disturbance, areas of cut/fill required to achieve recontouring of slopes, slopes that are steeper than 3:1 (Horizontal:Vertical), stormwater outfall locations, and areas of potential receiving water.
- IV. The facility reclamation and stormwater plan shall also include a proposed inspection and reporting schedule for monitoring perennial vegetation establishment, erosion or off-site sedimentation, and noxious weed infestations.

Southern Ute Indian Reservation

3. Phase #3 – Sample Collection, Flowline Decommissioning, and Recontouring

Upon receiving concurrence from all interested parties and agencies for the facility decommissioning plan, DOE will notify the Operator that the plan has been approved. At that time, the Operator may proceed with executing the decommissioning in accordance with the approved plan and any conditions of approval (COA's). Prior to backfilling any excavation resulting from equipment removal, flowline abandonment, or remedial activity, the Operator shall provide DOE with the following information to receive approval to commence in backfill and recontouring efforts at the site:

- a) **Sampling Summary:** The Operator shall provide a summary of all confirmation sampling conducted per the approved plan that indicates there is no residual contamination remaining at the site in exceedance of any applicable cleanup thresholds. Data is to be submitted in tabular format and is to include all final analytical reports. A map shall also be provided that indicates where the samples were collected.
- b) **Flowline Abandonment Verification:** The Operator shall provide DOE with all follow-up for flowline abandonment efforts conducted at the site and is to include an email notification to PA@sudoe.us asserting that all appurtenances have been removed per the plan, and all pipe abandoned in place has been properly cut and capped per the approved plan. Include photos of all cut/cap points and a GIS shapefile for all cut/cap points or a separate stand-alone document signed by a legally authorized person (not a vendor or consultant) verifying that the flowline(s) has been properly cut and capped at all locations as indicated in the approved plan. DOE may allow this information to be provided in Phase 4.
- c) **Recontouring Inspection:** Upon receiving approval from DOE to recontour the site, the Operator may commence backfilling excavated areas and fully recontouring the site in accordance with the approved decommissioning plan. Once recontouring is completed, the Operator will notify DOE. DOE and the applicable agencies will coordinate with the Operator to promptly inspect the completed recontouring work. Upon DOE approving the recontouring efforts, the Operator may proceed with seeding/mulching the site.

4. Phase #4 - Work Completion Documentation

Upon completing seeding and mulching efforts at the site, the Operator shall provide DOE with a formal work completion document. The work completion document is to include the following:

- a) **Site Decommissioning Observations:** Provide a summary of observations made, photos and field screening results taken during the decommissioning process per Section 6.8.2.2.e. *Decommissioning Observation Procedures & Documentation.*
- b) **Photo Log – Seeding/Mulching:** Provide photos of completed seeding/mulching and final stabilization measures installed at the site per the approved plan.
- c) **Disposal Records for Impacted Soil, Chemicals, and Equipment:** Provide DOE with all load tickets for disposing of contaminated wastes and/or chemicals. Provide information on what was done with removed equipment (i.e., relocated to another facility, recycled, etc.).

Southern Ute Indian Reservation

6.8.3 Pipeline Rights-of-Way

The abandonment of a pipeline right-of-way (ROW) is typically a BIA function. BIA is responsible for the release of the ROW contract and surface lease, making them the lead agency. Pipelines abandoned on the Reservation are to be adequately purged, cut/capped at all end connections, and either removed or abandoned in place at a depth of at least 30 inches below final grade. All pipeline abandonment work on the Reservation is to be approved and documented properly. DOE's pipeline abandonment process is summarized in Flowchart 16 - *Pipeline Abandonment Notification and Process*, and is detailed in the below sections:

1. Notification of Pipeline Abandonment

Operators are to submit a completed Notice of Intent to Abandon Pipeline (NOI) Form with a map to DOE prior to abandoning a pipeline/section of a pipeline. The fillable NOI form can be found on DOE's website at: www.suitdoe.com/exploration-production/. One (1) NOI form and map is to be submitted to DOE for each pipeline ROW which is part of the abandonment project. Information to be provided in the NOI form includes the following:

- a) **Section 1: Operator Information:** Company name, address, contact person, phone number, & email.
- b) **Section 2: Project Intent:** Describe the intent of the project to include the status of the pipeline (fully abandoned, abandoned segment) and ROW (partially abandoned, fully abandoned).
- c) **Section 3: ROW Information:** Provide tribal lease numbers, ROW name, DOE invoice number (Operators should contact DOE to determine the correct invoice number), indicate if the line is on-lease/off-lease, indicate the ROW length/width/area (feet, rods, miles, acres).
- d) **Section 4: Pipeline Information:** Number of pipelines installed within the ROW including any lines that are to remain active, pipeline diameter, type of pipeline (i.e., gas, water, other), and pipeline construction material (i.e., steel, polyethylene, fiberglass).
- e) **Section 5: Scope of Work:** Describe methods and processes that will be utilized for abandoning the pipeline, such as purging/draining methods, appurtenance removal, cut/capping procedures, etc.
- f) **Section 6: Mapping:** Provide a scaled map exhibiting the full length of pipeline, legal description, lease boundaries, portions of pipeline to be abandoned or remain active, cut/cap points, and appurtenances to be removed and to remain in place as applicable.

An example of the fillable NOI Form can be found in Appendix A of this document.

An example of an approved NOI Form and map can be found on DOE's website:

www.suitdoe.com/exploration-production/.

2. ROW Surface Inspection and NOI Form Approval

Upon receiving an NOI form from the Operator, DOE will promptly conduct an inspection on the pipeline ROW surface. The ROW surface inspection focuses primarily on items that need to be addressed prior to a ROW contract being considered for abandonment such as: pipeline exposures, erosion issues, noxious weed infestations, etc. DOE will generate an inspection report for the project area documenting any surface issues. The inspection report will be provided in one of two formats depending on the scope of the project: single ROW abandonment (stand-alone ROW) vs. field wide abandonment (multiple interconnecting ROW's). The inspection form can be found in Appendix A of this document. Examples of both SUI Pipeline Abandonment Inspection Reports can be found on

Southern Ute Indian Reservation

DOE's website: www.suitdoe.com/exploration-production/.

DOE will send the completed ROW inspection report and approved NOI to the Operator. At that time, the Operator may proceed with abandoning the line per the approved NOI form, any COA's attached to the NOI form, and any requests made in the ROW surface inspection report.

3. Abandonment Documentation

Upon completing the abandonment work and addressing any deficient ROW surface inspection items, the Operator shall compile adequate documentation detailing the completed abandonment work using the pipeline abandonment checklist form. The pipeline abandonment checklist is a list of items DOE will need in order to recommend termination of the ROW contract for the abandoned pipeline.

In an effort to adequately document the abandonment process, DOE recommends that Operators become familiar with what is requested in the pipeline abandonment checklist and the ROW surface inspection report prior to conducting the abandonment work.

Operators shall submit one (1) pipeline abandonment checklist with the applicable documentation attached for each approved NOI form to DOE via email at: abandonpipe@sudoe.us. Checklists shall include the following:

- a) **Checklist Item #1:** The accepted NOI form provided by DOE.
- b) **Checklist Item #2:** Dates the abandonment work was performed.
- c) **Checklist Item #3:**
Verification that:
 - All water, oil, and gas pipelines have been fully drained and, if necessary, purged with air or inert gas in order to prevent a hazardous atmosphere. .
 - Lines have been cut and sealed at all end connections.
 - All portions of pipeline that are abandoned in place are at least 30" below final grade.
- d) **Checklist Item #4:** Photo documentation of cut points demonstrating pipe has been properly capped or a separate stand-alone document signed by a legally authorized person (not a vendor or consultant (verifying that the pipeline has been properly cut and capped at all locations as indicated in the approved NOI.
- e) **Checklist Item #5:** Photo documentation verifying that the surface appurtenances have been removed and seeding & mulching has been performed.
- f) **Checklist Item #6:** Provide aerial map and shapefile detailing decommissioning work (i.e., cut points, abandoned lines in place, etc.).
- g) **Checklist Item #7:** Documentation for addressing all ROW surface inspection items.

An example of the fillable pipeline abandonment checklist can be found in Appendix A of this document. An example of a compiled pipeline abandonment checklist binder can be found on DOE's website: www.suitdoe.com/exploration-production/.

Southern Ute Indian Reservation

6.8.4 Roads

All roads associated with the access to well pads, CDPs or other facilities must be reclaimed in conjunction with reclamation of the location. The timing and extent of the reclamation of any given road is determined based on the length and future use as decided by the Tribe and/or BIA. In general, all spur access roads for which the sole purpose is facility access are reclaimed to match pre-existing adjacent topography, all culverts are removed, and drainage crossings are reclaimed in a manner to reduce potential long-term erosion or degradation. Roads of greater length, or shared use, may be reclaimed in phases to promote maximum success of vegetation establishment. Cooperation between Operators during reclamation is encouraged.

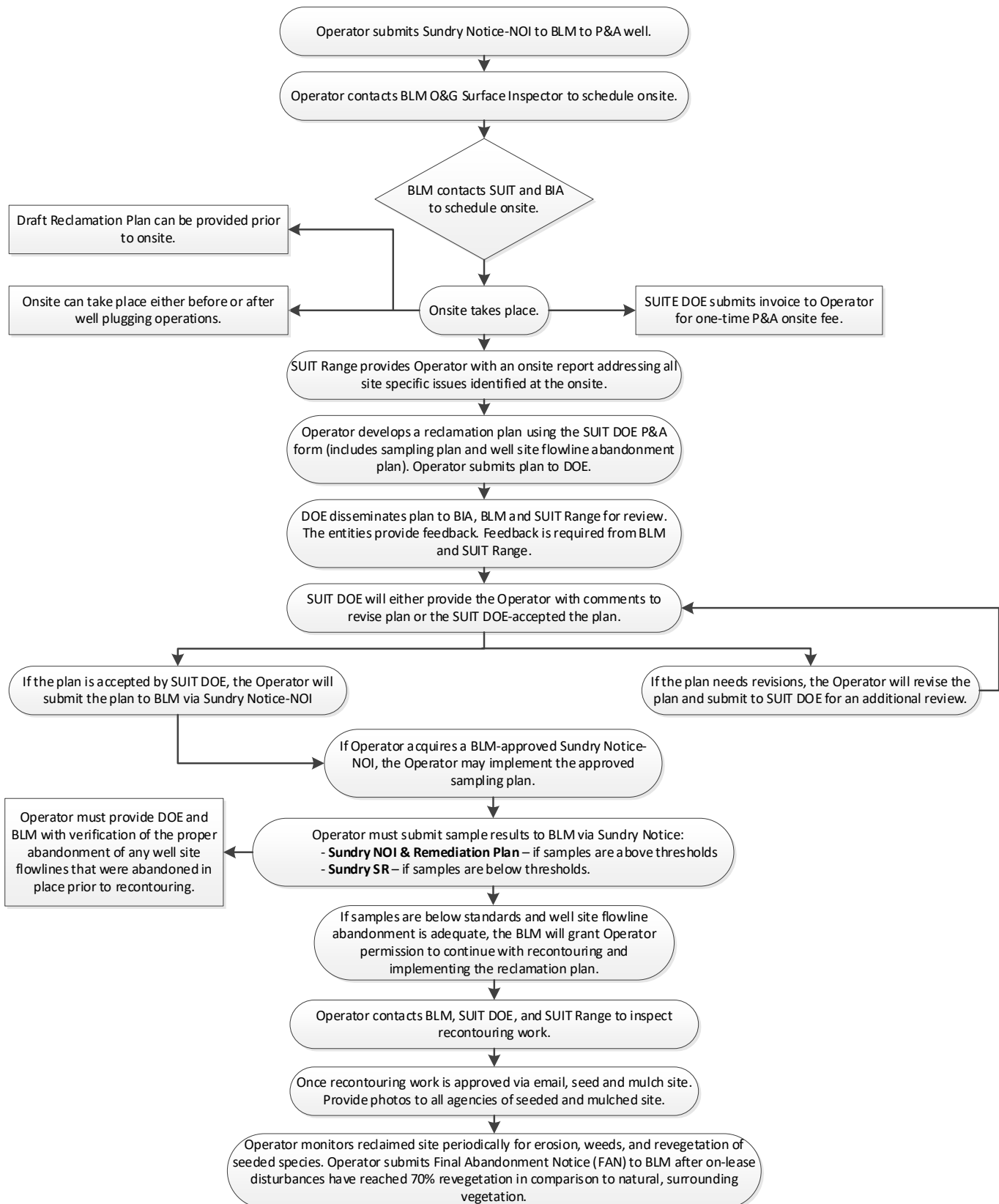
Roads scheduled for reclamation within a portion of the western side of the Reservation, as identified in the map in Appendix C, are reclaimed or reduced in driving capacity per the road's designation noted in Appendix C.

6.8.5 Final Closure

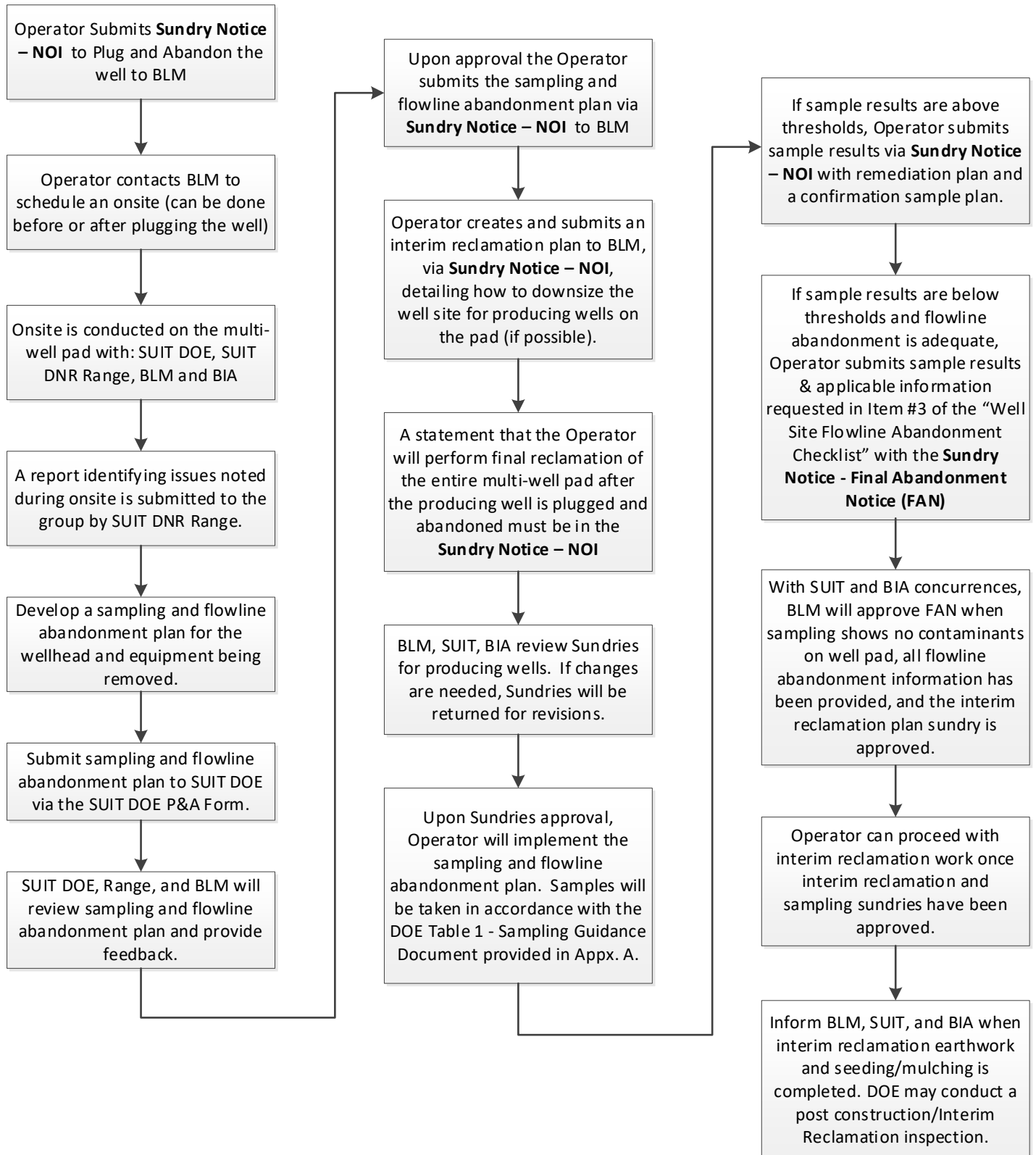
Final closure of O&G facilities, roads and pipeline ROW must be approved by the BIA or BLM, depending on the facility type and jurisdiction, with input and consultation with the Tribe. A recontouring and final reclamation inspection will be conducted to ensure the topography matches the adjacent undisturbed ground as much as possible and to evaluate the stability of the reclaimed landform and the successful establishment of the vegetative community. Sampling recommendations are based on the BLM Final Reclamation Sampling Table located in Appendix A. In agricultural areas, irrigation infrastructure needs to be re-established to meet future agricultural production goals. The area needs to have 70 percent desirable perennial vegetative cover relative to the surrounding area in order to receive the Final Abandonment Notice (FAN) approval from the appropriate agency and be released from any bonding, ROW contract or SUA.

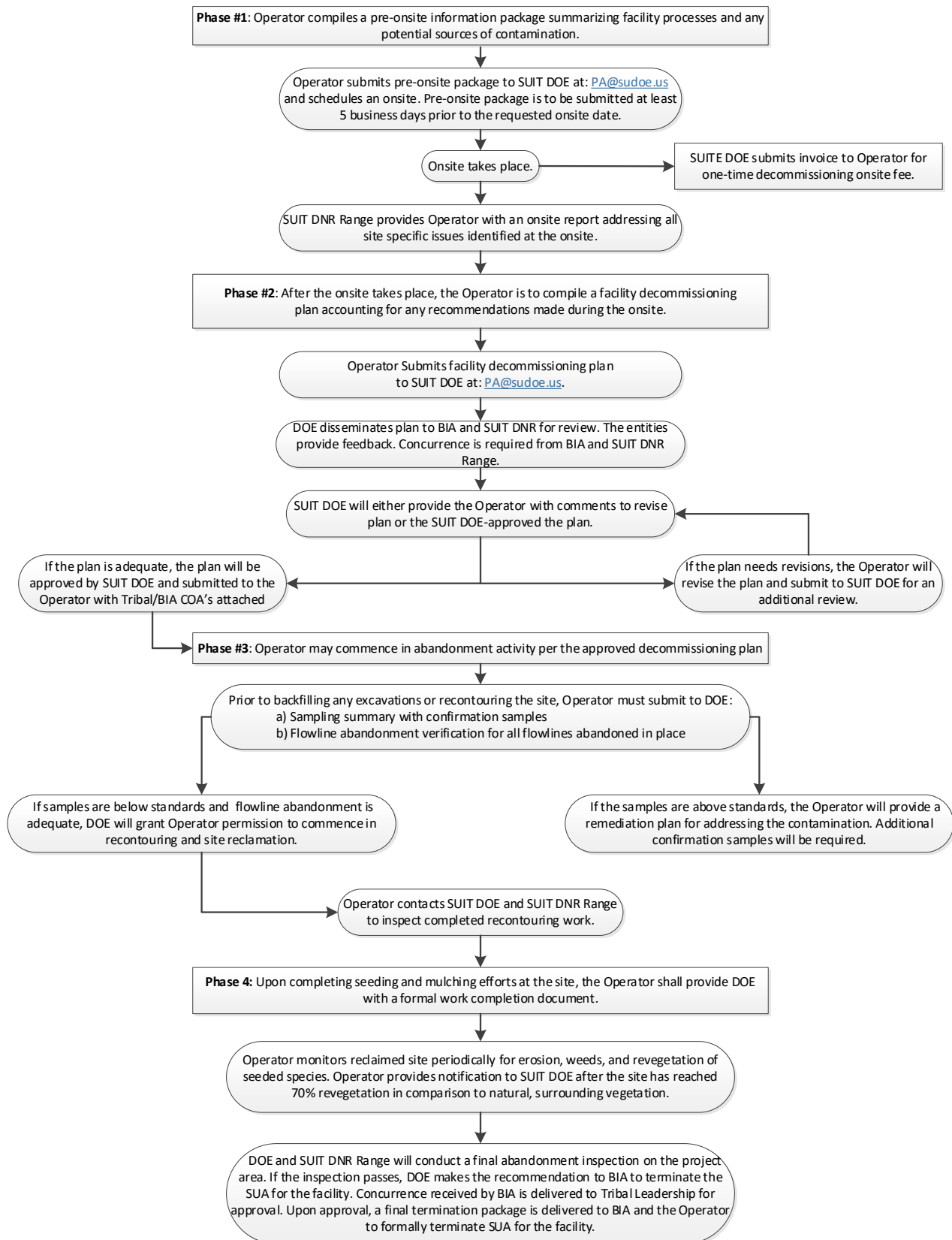
Southern Ute Indian Reservation

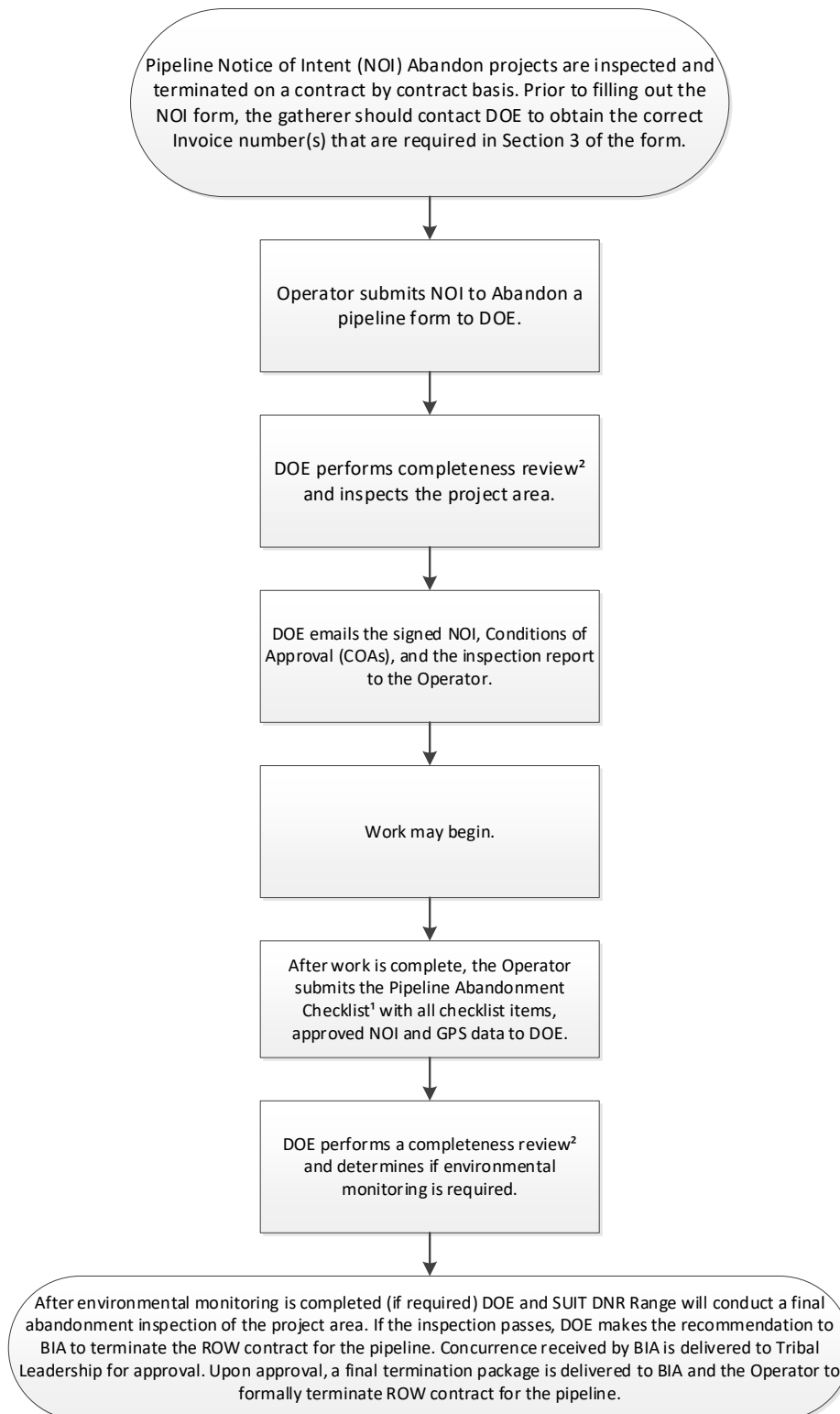
Flowchart 13 - Plug and Abandon (P&A) Project Phasing



Flowchart 14 - Plugged Wells on a Multi-Well Pad with Producing Wells (Operated by the Same Company) Project Phasing



Flowchart 15 – Compressor Station & Surface Facility Decommissioning Project Phasing

Flowchart 16 – Pipeline Abandonment Project Phasing¹ Available on the SUI DOE webpage.² If there are deficiencies, DOE will contact the Operator requesting additional information before proceeding to the next step.

Southern Ute Indian Reservation

6.9 Emergency Response

The Southern Ute Agency BIA Fire Management office is responsible for responding to wildfires that originate on or have the potential to impact tribal land. The BIA Fire Management office will collaborate with local fire response agencies and counties as well as national or federal agencies such as the BLM and USFS in order to protect tribal assets and natural resources from wildfire. SUIT DOE works with BIA Fire and the Tribal Council Affairs office to notify energy companies of wildfires that have the potential to impact energy related facilities and infrastructure. Operators will receive notification of wildfires from DOE via email:

doe_firereport1@sudoe.us.

7. References

Reference	Link to Webpage
SUIT Standard Operating Procedures (SOP) for Field On- Sites and Survey Plats	https://www.suitdoe.com/landdivision/
SUIT DNR Permission to Survey (PTS) and Proposed Project Notification (PPN) Presentation	https://www.suitdoe.com/landdivision/
SUIT Stormwater Recommendations	https://www.suitdoe.com/exploration-production/
SUIT Department of Energy Exploration & Production Spill/Release Report	https://www.suitdoe.com/exploration-production/
SUIT Department of Energy Exploration and Production Pipeline NOI, Pipeline Checklist, Proposed Maintenance Project, Plug and Abandonment Form and Checklist.	https://www.suitdoe.com/exploration-production/
SUIT Hydraulic Fracturing and Chemical Disclosure Rule (effective April 5, 2016)	https://www.suitdoe.com/exploration-production/
Southern Ute Indian Reservation Hydraulic Fracturing Checklist	https://www.suitdoe.com/exploration-production/
SUIT Department of Energy Hydraulic Fracturing Notice	https://www.suitdoe.com/exploration-production/
25 CFR 169 – Rights-of-Ways Over Indian Lands	eCFR :: 25 CFR Part 169 -- Rights-of-Way over Indian Land
40 CFR 60 – Standards of Performance for New Stationary Sources	eCFR :: 40 CFR Part 60 -- Standards of Performance for New Stationary Sources
SUIT Part 70 – Operating Permit Program	https://www.southernute-nsn.gov/justice-and-regulatory/epd/air-quality/air-permitting/
40 CFR 49 – EPA Tribal Minor New Source Review Permitting (EPA R8 website)	https://www.epa.gov/caa-permitting/caa-permits-issued-epa-region-8
40 CFR 49 – Federal Plan for Implementing the Indian Country Minor New Source Review Program for the Oil and Natural Gas Industry	https://www.epa.gov/tribal-air/final-federal-implementation-plan-oil-and-natural-gas-true-minor-sources-and-amendments
BLM Onshore Orders	https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/operations-and-production/onshore-orders

Southern Ute Indian Reservation

BLM Waste Prevention Rule	https://www.federalregister.gov/documents/2016/11/18/2016-27637/waste-prevention-production-subject-to-royalties-and-resource-conservation
State of Colorado Noxious Weed List	https://www.colorado.gov/pacific/agconservation/noxious-weed-species
BLM Gold Book	https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/operations-and-production/the-gold-book
Southern Ute Indian Tribe, Natural Resources Management Plan, Planning Period 2012–2032 (August 28, 2012)	Can be purchased from SUIT DNR
BLM Directional Drilling into Federal Mineral Estates from Well Pads on Non-Federal Locations (Fee, Fee, Fed).	Permanent Instruction Memorandum 2018-014

8. Revisions

Revision Date	Page(s)	Change(s)
November 2017	All	Full revision of E&P Manual (2 nd edition)
March 2018		Flowcharts 6 and 11, Table 1 – Air Quality Jurisdiction and Permitting Authority, BLM to receive range report and notification of construction activities (pages 20/21), Table 1 – SUIR Final Reclamation Sampling Guidance, Surface Compliance and Final Reclamation Inspection forms updated. General editorial fixes throughout.
June 2018	Pages- 7, 8, 10, 13, 14, 20, 22, 28, 32, 33, 34, 36, 37, 40, 41, 43, 45	Cover, Contents, Acronyms Flowcharts 2, 6, 10, 11, 13 Table 2 SUIT Drilling & Construction Inspection Form SUIT Surface Compliance Inspection Form SUIT Final Abandonment & Reclamation Inspection Form SUIT Spill Reporting Form
May 2020	Pages-21, 28, 29, 37, 38, 40, 48, 49, 50, 51, 54, 55, 56, 57	Cover (Compliance, header (Compliance), BLM fee, fee, fed PMI (pg 21), PMP form language (pg 29), types of DOE inspections (pg 37-38), additional language for recontouring and FAN for section 6.8.5 (pg 50-51), SCI work completion time-lines (pg 38), update spill contacts (pg 40), P&A plan guidance (pg 48, 49), Pipeline NOI guidance (pg 50), point of contacts (pg 56, 57), SUIT DOE well site P&A form, SUIT DOE NOI pipeline abandonment well site flowline and checklist, SUIT DOE Proposed Maintenance Project form, new inspection forms - Active and Post Construction, Facility Inspection, Facility Decommissioning, Pipeline Inspection, Pipeline Decommissioning, Road Inspection, Road Decommissioning (Appendix A pg 58), all flowcharts change SECMG to DOE, modify PMP flowchart (pg 29), web links Section 7 (pg 54 & 55).
June 2022	Pages-2-3, 7-8, 28, 40-46, 53-67, Appx.	Table of contents, definitions, flowchart numbering, Section 5.4 Authorization Process for Maintenance Activity for workover activity near Los Piños River and residences & defined maintenance items, SUIT DOE Workover Notification Form, 6.2 Spill Reporting and Response – Sections 6.2.1-6.2.3 defined expectations for spill response and remediation in accordance with Table 915-1 & SUIT Water Quality Standards, Table 3 Summary of COGCC Noise Rules updated, Section 6.8 Final Abandonment and Reclamation: Section 6.8.1 Production Wells processes better detailed, Flowchart 14 (multi-well site P&A) added, Section 6.8.2 Compressor Stations added, Flowchart 15 (facility abandonment process) added, Section 6.8.3 Rights-of-Way process better detailed. Remove Item 8. Points of Contact Table. New forms: SUIT DOE General Compliance Form & PMP Form. Updated Forms: P&A Form and NOI Checklist. Example documents: Approved NOI Form, Pipeline Abandonment Inspection Reports, Pipeline Abandonment Checklist Binder, Spill Remediation Plan.

Appendix A Forms/Checklists/Tables

SUIT DOE Well Site Equipment Worksheet
SUIT Active Drilling Inspection Form
SUIT Active Construction Inspection Form
SUIT Post Construction and Interim Reclamation Inspection Form
SUIT General Compliance Inspection Form
SUIT Surface Compliance Inspection Form
SUIT DOE Well site Plug and Abandonment Form
SUIT Plug and Abandonment and Recontouring Inspection Form
SUIT Facility Compliance Inspection Form
SUIT DOE Facility Decommissioning and Abandonment Inspection Form
SUIT Pipeline Right-of-Way Compliance Inspection Form
SUIT DOE Notice of Intent (NOI) to Abandon Pipeline Form
SUIT DOE Pipeline Abandonment Checklist
SUIT DOE Pipeline Abandonment Inspection Form
SUIT Road Compliance Inspection
SUIT DOE Road Reclamation and Abandonment Inspection Form
SUIT DOE Proposed Maintenance Project (PMP) Form
SUIT DOE Well Workover Notification Form
SUIT Hydraulic Fracturing Notification Form
SUIT Hydraulic Fracturing Checklist
SUIT Spill Reporting Form
Final Reclamation Sampling Table 1
SUIT Stormwater Recommendations



Southern Ute Indian Tribe Department of Energy

Well Site Equipment Worksheet

14929 Hwy 172 Ignacio, CO 81137

Applicant:

Permitter (if different than applicant):

Well Name:

API #:

Twn:

Rng:

Section:

Quarter/Quarter:

FACILITIES:

NUMBER OF FACILITIES:

HORSEPOWER:

ELECTRIC/GAS DRIVEN:

Wells : _____	_____	_____	_____
Drilling Pits: _____	_____	_____	_____
Pump Jacks: _____	_____	_____	_____
Gas or Diesel Motors: _____	_____	_____	_____
Dehydrator Units: _____	_____	_____	_____
Oil Tanks: _____	_____	_____	_____
Production Pits: _____	_____	_____	_____
Separators: _____	_____	_____	_____
Electric Motors: _____	_____	_____	_____
Vapor Recovery Unit: _____	_____	_____	_____
Condensate Tanks: _____	_____	_____	_____
Special Purpose Pits: _____	_____	_____	_____
Injection Pumps: _____	_____	_____	_____
Electric Generators: _____	_____	_____	_____
VOC Combustor: _____	_____	_____	_____
Water Tanks: _____	_____	_____	_____
Multi-Well Pits: _____	_____	_____	_____
Cavity Pumps: _____	_____	_____	_____
Fuel Tanks: _____	_____	_____	_____
Flare: _____	_____	_____	_____
Buried Produced Water Vaults: _____	_____	_____	_____
Modular Large Volume Tanks: _____	_____	_____	_____
Gas Compressors: _____	_____	_____	_____
LACT Unit: _____	_____	_____	_____
Pigging Station: _____	_____	_____	_____

Southern Ute Tribal Well Pad Requirements:

- 1)** Notification to DOE is required, if any equipment is removed or added to the wellsite – dkrueger@sudoe.us
- 2)** Any venting or flaring of a well shall be reported to SUIT-DOE as soon as it is known that venting or flaring will be utilized. SUIT-DOE will provide instructions to the company for notification to homeowners, if necessary – dkrueger@sudoe.us.
- 3)** Sound emission will be in accordance with COGCC Rule 400 Series and Southern Ute Tribal requirements;
- 4)** No construction shall take place if there is inclement weather conditions that would create more than 3-inch ruts, such as, snow on the ground, raining or wet conditions, etc. (**SEE** General Well Pad Stipulations)
- 5)** Operator shall electrify any production equipment which is located within ¼-mile of a 3-phase electric line;
- 6)** Outdoor lighting fixtures with an initial output of more than 2,000 lumens shall have a full cutoff fixture & designed to shield the source of illumination from view;
- 7)** Operator/Contractor shall remove chains from heavy equipment before entering a public road; mud or debris tracked onto a public road shall be removed;
- 8)** All access roads and well pads with be constructed and maintained in accordance with generally accepted standards for repair, orderliness, neatness, sanitation, and safety. (**SEE** General Well Pad Stipulations)

COMMENTS:



Southern Ute Indian Tribe Active Drilling Inspection

Inspector: R. Gunnar Westerman, SUT DOE Environmental Compliance Specialist rwesterman@sudoe.us Office #: 970-563-5556, Cell #: 970-442-1697		Date Inspected: Assigned #:		Operator:	
Lease #:		API #:			
Site Name:		Legal Description:			
Item #	Inspection Item	Acceptable/ Deficient	Condition	Requires Action/ See Narrative	
	Active Drilling Inspection Items				
1	Well location signage posted in accordance with BLM APD COAs (43 CFR 3162.6)				
2	Location of pit (if allowed)				
3	Pit freeboard (>4 feet)				
4	Pit adequately fenced and netted				
5	Closed loop system: leaks, spills, liner if drilling muds over 25,000 mg/L TDS				
6	All liners free of cracks, leaks, and failures				
7	Containment structures appropriately sized				
8	All fuels, lubricants, cleaning agents, or other chemicals (non-fresh water) are stored within secondary containment and are properly labeled				
9	Well site free of leaks/spills				
10	Well site free of debris and trash				
11	Restroom facility installed at site and properly anchored				
12	Erosion and sedimentation controlled in accordance with a stormwater management plan (if developed for the site)				
13	Erosion and sediment control BMPs are installed, functioning, and properly maintained				
14	Noxious/invasive weed infestation(s)				
15	Access road properly constructed and maintained; erosion and sediment control BMPs in place				
16	Site specific COAs followed				
17	Safety Concerns? Describe:				
18	Other:				
Due to the fast pace and relatively short-term processes related to active drilling, timelines associated with the correction of deficient inspection items will be set at the discretion of the inspector.					
Please notify the SUT DOE Sr. Environmental Compliance Specialist Doug Krueger by email at dkrueger@sudoe.us when you have completed the remediation. Your notification must contain photographic and written documentation of the remediation					



Southern Ute Indian Tribe Active Construction Inspection

Inspector: R. Gunnar Westerman, SUT DOE Environmental Compliance Specialist rwesterman@sudoe.us Office #: 970-563-5556, Cell #: 970-442-1697		Date Inspected: Assigned #:		Operator:	
Lease #:		Invoice or API #:			
Site Name:		Legal Description:			
Item #	Inspection Item	Acceptable/ Deficient	Condition	Requires Action/ See Narrative	
	Active Construction Items				
1	A copy of the SUA stipulations is available on location				
2	Well location signage posted and accurate, warning signs, reflectors indicating construction is underway, etc. are installed where applicable				
3	Fencing, fencing material, and location of fencing are adequate				
4	Construction site perimeter and TUA(s) are surveyed/staked				
6	Vegetation clearing and grubbing has been conducted in accordance with the SUA/APD COAs				
7	Has a stormwater management plan been developed for the site?				
8	Erosion and sediment control BMPs are in place, functioning, and properly maintained.				
9	Construction activity appears to have been halted during periods of inclement weather				
10	Topsoil salvaged, segregated, and stockpiled in accordance with APD/SUA COAs.				
11	Excavated materials are stored within permitted area				
12	Offsite tracking/unauthorized disturbance outside of permitted area				
13	Restroom facility installed at site and properly anchored				
14	All fuels, lubricants, cleaning agents, or other chemicals (non-fresh water) are stored within secondary containment and are properly labeled				
13	Construction site free of leaks/spills				
14	Construction site free of debris and trash				
15	Noxious/invasive weed infestation(s)				
16	Access road properly constructed and maintained; erosion and sediment control BMPs in place				
17	Site specific COAs followed				
18	Safety Concerns? Describe:				
19	Other:				
Due to the fast pace and relatively short-term processes related to the active construction of a well site, facility, road or pipeline ROW, timelines associated with the correction of deficient inspection items will be set at the discretion of the inspector.					
Please notify the SUT DOE Sr. Environmental Compliance Specialist Doug Krueger by email at dkrueger@sudoe.us when you have completed the remediation. Your notification must contain photographic and written documentation of the remediation					



Southern Ute Indian Tribe

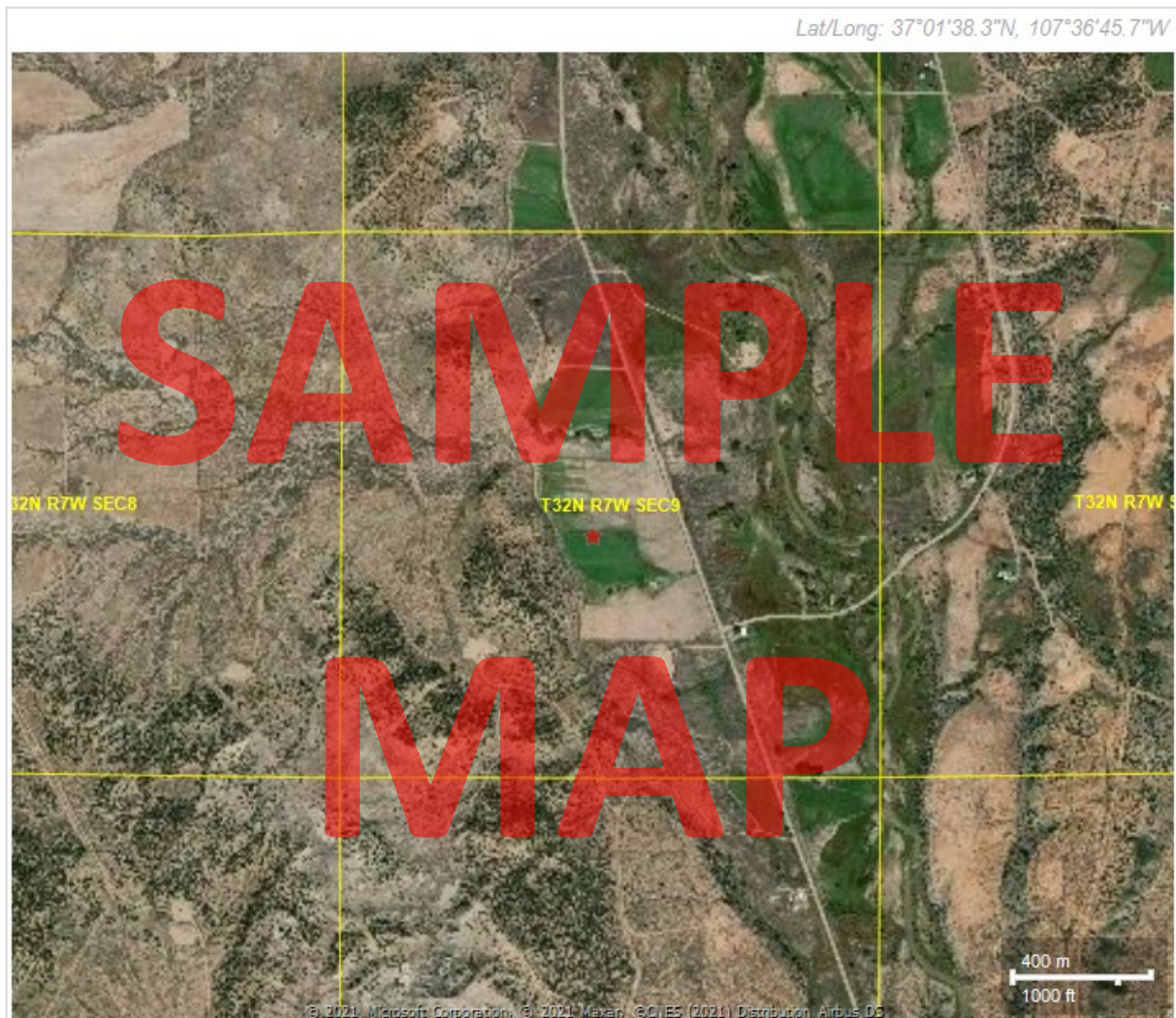
Post Construction and Interim Reclamation Inspection

Inspector: R. Gunnar Westerman, SUI DOE Environmental Compliance Specialist rwesterman@sudoe.us Office #: 970-563-5556, Cell #: 970-442-1697		Date Inspected: Assigned #:		Operator:	
Lease #:		Invoice or API #:			
Site Name:		Legal Description:			
Item #	Inspection Item	Acceptable/ Deficient	Condition	Requires Action/ See Narrative	
Post Construction & Interim Reclamation Items					
1	Reclaimed cut and fill slopes for facility should be no steeper than 3:1 and are graded to blend with the adjacent terrain, the working surface has been reduced in accordance with the interim reclamation plan/APD, and pipeline routes have been recontoured to conform to the adjacent terrain.				
2	The amount of rock on the surface of the reclaimed areas is not greater than the pre-disturbance condition of the site				
3	All roads have been reconstructed with all weather surface and have adequate crowning to promote drainage off the roadway				
4	All existing ditches/drainages have been rerouted or restored to pre-construction conditions as detailed in the SUA/APD				
5	Site leveling is adequate; where applicable a proper crown has been constructed along excavated areas/trenches to allow for settling				
6	BMPs and stormwater controls have been installed properly per the SUA/APD, are functioning as intended, and do not require maintenance				
7	Construction site is free of erosion, settling, or sedimentation				
8	Vegetation clearing and grubbing has been conducted in accordance with the SUA/APD COAs				
9	Site is free of spills/leaks				
10	Site is free of trash				
11	Fencing removed for construction purposes has been repaired or rebuilt per the SUA/APD				
12	Offsite tracking/unauthorized disturbance outside of permitted area				
13	Site has been adequately seeded and mulched				
14	Noxious weed infestation(s)				
15	If applicable, pipeline markings/signage/carsonite installed and includes operator name and telephone number				
16	Barriers are installed around above ground piping/pipeline appurtenances and above ground piping has been painted to blend with environmental surroundings				
17	Access road - functional erosion and sediment control BMP's in place				
18	Site specific COA's followed				
19	Other:				
Within 10 business days of receiving an inspection report that includes any deficient items, please contact the Southern Ute Indian Tribe's Department of Energy (DOE) with a reasonable deadline to complete remediation of identified issues or (if requested by the DOE Environmental Compliance Specialist) a timeframe to provide a formal work plan that includes a proposed completion date. The Tribe is requesting all deficient inspection items be corrected no later than 60 calendar days from when this inspection report is received. If extenuating circumstances require an extension beyond the 60 days, please contact SUI DOE with the reason for the variation and a specific time frame of when the work will be completed.					
Please notify the SUI DOE Sr. Environmental Compliance Specialist Doug Krueger by email at dkrueger@sudoe.us when you have completed the remediation. Your notification must contain photographic and written documentation of the remediation					



Southern Ute Indian Tribe General Compliance Inspection Form

Inspector: Gunnar Westerman, SUIIT DOE Environmental Compliance Specialist rwesterman@sudoe.us Office #: 970-563-5556 Cell#: 970-442-1697	Date Inspected: Assigned#:	Operator: Attendees:
Lease #:	ROW Invoice #:	
Site/Inspection Name:	Legal Description:	
Deficiency: **NOTE: This inspection allows DOE to inspect for one of the following items listed below. Only <u>one</u> deficient item is detailed in the General Compliance Inspection Report submitted to the operator. The location of the deficient item with Latitude and Longitude is detailed on an attached map.** <u>Pipeline:</u> Exposed Line, Leak or Spills, Structural BMP's, Erosion Controlled Adequately, Noxious and Invasive Weeds, Trash or Discarded Equipment, & other. <u>Road:</u> Condition of Driving Surface, Appropriate Amount of Road Base Material, Condition of Roadside Ditch and Water Bars, Structural BMP's, Erosion Controlled Adequately, Noxious and Invasive Weeds, Trash or Discarded Equipment, Cattleguards Functional to Exclude Livestock, Roadside Barriers Intact and Functioning, Other. <u>Other:</u> Safety, Other. Comments: Timelines associated with the correction of deficient inspection items will be set at the discretion of the inspector. Please notify the SUIIT DOE Environmental Compliance Specialist Doug Krueger by email at dkrueger@sudoe.us when you have completed the remediation. Your notification must contain photographic and written documentation of the remediation.		





Southern Ute Indian Tribe Surface Compliance Inspection

Inspector: Gunnar Westerman, SUT DOE Environmental Compliance Specialist rwesterman@sudoe.us Office #: 970-563-5556, Cell #: 970-442-1697		Date Inspected: Assigned #:		Operator:	
Lease #:		API #:		Status:	
Site Name:		Legal Description:			
Item #	Inspection Item		Condition	Requires Action/ See Narrative	
1	Well signage posted and accurate				
2	Fence around well site facilities				
3	Well site storm water drainage system in place				
4	Reserve pit area reclaimed				
5	Condition of secondary containment and appropriately sized				
6	Erosion controlled adequately				
7	Catchment basins fitted with avian cover				
8	Well site free of spills				
9	Well site equipment free of leaks				
10	Well site free of trash				
11	Well site free of discarded/unused equipment on site				
12	Functional and maintained BMP's in place				
13	Meter house/out buildings require maintenance				
14	Noise mitigation in place				
15	Interim reclamation				
16	Weed infestation				
17	Facilities painted to blend with environmental surroundings				
18	Unauthorized disturbance				
19	Access road drivability				
20	Access road culverts				
21	Offsite tracking				
22	Erosion controlled adequately-road				
23	Site specific COA's followed				
24a	FLIR camera survey				
24b	Leakage reported				
25	Other				

Within 10 business days of receiving this Surface Compliance Inspection report, please contact the Southern Ute Indian Tribe's Department of Energy (DOE) with a reasonable deadline to complete remediation of identified issues or (if requested by the DOE Environmental Compliance Specialist) a timeframe to provide a formal work plan that includes a proposed completion date. The Tribe is requesting all deficient inspection items be corrected no later than 60 calendar days from when this inspection report is received. If extenuating circumstances require an extension beyond the 60 days, please contact SUT DOE with the reason for the variation and a specific time frame of when the work will be completed.

Please notify the SUT DOE Sr. Environmental Compliance Specialist Doug Krueger by email at dkrueger@sudoe.us when you have completed the remediation. Your notification must contain photographic and written documentation of the remediation.



Southern Ute Indian Tribe Department of Energy Plug & Abandonment Form and Checklist

14929 Hwy 172 Ignacio, CO 81137

A draft of this form and all attachments are to be sent to the Southern Ute Indian Tribe's Department of Energy (DOE) prior to or after the plug and abandonment onsite. Please submit form to PA@sudoe.us.

SECTION 1 - OPERATOR INFORMATION

Name of Operator: _____ Operator No.: _____
 Address: _____ Phone: _____
 City: _____ State: _____ Zip: _____ Mobile: _____
 Contact Person: _____ Email: _____

Name of ROW holder/gatherer and contact information: _____

Lat/Long of custody transfer point: Latitude: _____ Longitude: _____

Has gatherer been notified:

Yes

☐

No

☐

***ROW holder/gatherer for off location flowlines/gathering lines (gas, water, etc.) must complete sections 1, 2, 3, 4, 5 & 6 of the DOE Notice of Intent to Abandon Pipeline and Well Site Flowline Form and submit the NOI to the email link provided on that form.

P/A Form Checklist (All information in checklist must be present and completely filled out for plan to be accepted)

☐

Well Site Flowline Abandonment Plan (Section 2)

☐

Well Site Equipment Removal Sampling Plan & Map (Section 2)

☐

Well Site Reclamation Plan (Section 2)

☐

Access Road and Access Road Reclamation Plan (Section 3)

☐

Site Map(s) (Section 4)

☐

If disturbance is greater than 1 acre, Operator must submit this Plug & Abandonment Form to the SUIT Environmental Programs Division epdwq@southernute-nsn.gov to satisfy the SUIT stormwater recommendations.

I hereby certify that the information detailed in the attached plan is in accordance with regulatory requirements and tribal requests, and all information submitted in connection with the reclamation of this well site, access road and pipeline ROW are true, accurate, and complete to the best of my knowledge.

Signature: _____

Email: _____

Name: _____

Date: _____

Title: _____

Reviewed and Approved by:

DOE Approved By: _____

Date: _____

Comments:

See attached guidance documents for additional information:

Tribal General Stipulations, P&A Project Phasing Flowchart, Table 1 - SUIR Final Sampling Guidance

SECTION 2 - GENERAL WELL SITE INFORMATION

Well Name: _____ API: _____ Lease #: _____

Legal Description: QTRQTR: _____ Section: _____ TWP: _____

Latitude: _____ Longitude: _____

Location of Reserve Pit: _____

Producing Formation & Spud Date: _____

Equipment List: _____

Well Site Flowline Abandonment Plan (*Plan should include all applicable items in the "Scope of work Narrative" provided below*)

Well Site Flowline Abandonment Checklist (All information in this checklist must be provided for plan to be accepted)

☐

#1 SCOPE OF WORK NARRATIVE: Describe applicable method(s) and processes that will be utilized for abandoning lines, including:

- What flowlines are to be removed and what flowlines are to be abandoned in place.
- The process for draining all liquids from all water, oil and gas pipelines.
- Purging procedures for lines to left in place.
- Cutting and sealing all end connections/cut points for lines left in place.
- Verifying that all portions of pipeline that are abandoned in place are greater than 30" below final grade.

☐

#2 MAPPING: Provide a map of all well site flowlines and appurtenances (including fuel gas lines, taps, etc.). Only one map is required and will need to include:

- Pipe removed from the pad: detail the approximate location of the pipe removed from the pad, all appurtenances removed from the pad, and custody transfer point(s).
- Pipe abandoned in place: detail the approximate location of cut points, abandoned lines left in place, and custody transfer point(s). GIS shapefiles for lines abandoned in place and cut points must be provided after work has been completed.

☐

#3 UPON COMPLETION OF WORK the following items must be submitted to DOE prior to commencing recontouring work at the pad:

- Email notification asserting that all appurtenances have been removed per the plan.
- Email notification asserting all pipe abandoned in place has been properly cut and capped per the plan. Include photos of all cutting and capping points or a separate stand-alone document signed by a legally authorized person (not a vendor or consultant) verifying that the flowline(s) has been properly cut and capped at all locations as indicated in the approved plan.
- Location data for all pipe abandoned in place and cut points is to be recorded with a global positioning system (GPS). A GIS shapefile of all pipe abandoned in place is to be provided to DOE.

Well Site Equipment Removal Sampling Plan (*Map required, see attached Table 1 Sampling Guidance*)

Well Site Reclamation Plan *(See attached General Components of a P&A Plan)*

Well Site Stormwater Plan *(Type and Placement)*

SECTION 3 - GENERAL ACCESS ROAD RECLAMATION

Will Access Road Remain Active?

Yes

☐

No

☐

Will Access Road be Reclaimed with Pad?

Yes

☐

No

☐

Will Access Road be Reclaimed when Pad is Adequately
Revegetated *(See attached SUIT DOE Westside Road
Classification Map)*?

Yes

☐

No

☐

Length of Access Road: _____

Access Road Reclamation Plan *(Drainage Restoration, Aggregate, Recontouring, Seeding and Mulching, Map)*

Access Road Stormwater Plan *(Type and Placement)*

**SECTION 4 - MAPPING REQUIREMENTS RELATED TO THE RECLAMATION OF WELL SITE/ACCESS
ROAD AND SAMPLING PLAN**

All maps must include the following components:

- | | |
|--|---|
| <input type="checkbox"/> Construction site boundaries/permitted area | <input type="checkbox"/> Areas of potential receiving water |
| <input type="checkbox"/> All areas of ground disturbance | <input type="checkbox"/> Laydown areas |
| <input type="checkbox"/> Potential sources of pollution | <input type="checkbox"/> Location of BMPs |
| <input type="checkbox"/> Areas of cut and fill | <input type="checkbox"/> Stormwater outfall locations |
| <input type="checkbox"/> Analytical sample locations | <input type="checkbox"/> Equipment placement, pits and locations of all well site flowlines (water and gas) |

Additional Comments/Information



P&A GENERAL STIPULATIONS/MITIGATIONS:

WELL SITE & ACCESS ROAD

1. All work must be performed in conformance with the SUIT Tribal Employment Rights Office (TERO).
2. The company shall use Best Management Practices (BMPs) which eliminate or minimize adverse impacts to the environment, public health and the Tribes natural resources.
3. All Colorado-listed noxious weeds shall be controlled and treated in and adjacent to the permitted area. All invasive weeds (i.e. cheat grass, etc.) shall be controlled to allow successful revegetation of the disturbed areas.
4. Prior to any herbicide treatment on Tribal Lands the commercial applicator must receive an approval letter from the SUIT Water Resources Division. Please contact the SUIT DNR Soil and Water Conservationist at (970) 563-9482 x 2933 to obtain the approval letter. The Operator must also obtain a crossing permit from the SUIT Lands Division (970) 563-0126.
5. All surface equipment identified on location at the time of P&A will be removed from location (listed below). All rig anchors found on location will be removed. Any concrete slabs on the pad will be removed. All trash, if any, will be removed from location.
6. Surficial gravel and rip rap rock that has not been contaminated with petroleum hydrocarbons can be buried onsite at a minimum 3-foot depth within the cut slope (if the cut slope is not substantial enough to get three feet of cover, the gravel will be hauled off, not buried elsewhere on the pad).
7. Operators will sample under all equipment and in some cases areas of concern where soil appears to be impacted or vegetation is stressed and potentially in areas of previously documented spills in order to prevent the spread of contaminated soil and to determine if the soil health is suitable for the propagation of desirable vegetation. Contaminated and stained soil on the pad will be excavated and disposed of. Recontouring work cannot commence until samples have been reviewed and deemed acceptable by the Tribe and BLM.
8. Prior to seeding and mulching the well site and other disturbances, the SUIT and/or BLM must approve the recontouring work.
9. Fence, cattle guard, t-posts and all associated fence materials shall be removed from around the well pad.
10. Previously segregated topsoil must not be mixed or covered with subsurface material.
11. For final reclamation of project areas that have no available stockpiled or stored topsoil, identify sources from the existing cut/fill slopes and strip/segregate for reclamation. Salvage



the upper 6 inches minimum of soil (A horizon) and stockpile or windrow separately for use as topsoil material.

12. Disturbed areas will be graded and recontoured to create a smooth transition with adjacent undisturbed ground utilizing existing onsite soil materials. This includes ensuring fill slope material is placed in cut slope areas to achieve or mimic historic grades. Grading and contouring should be accomplished to emulate the native adjacent terrain and landscape.
13. Disturbed areas will be recontoured to provide positive stormwater drainage as sheet flow to the extent practicable to reduce management of conveyance paths. During design and grading careful consideration should be taken to length of sheet flow and ensure that any potential for concentration of stormwater is addressed to minimize erosion.
14. Remove all culverts and restore and recontour all drainages to match native bank and bed on access roads.
15. Prior to topsoil placement and once the area within the disturbance limits is to final grade, rip compacted areas to a minimum 4 to 6-inch depth (or up to 12" if dealing with heavy compacted roads), on the contour where necessary and possible.
16. Any specified amendments will be incorporated into the soils during the ripping process.
17. Respread topsoil to a 6-inch thickness (if possible) on all graded areas. Topsoil salvaged from wetland areas should be respread in its original location. It is preferred that topsoil be respread with tracked equipment to reduce compaction of seedbed. Topsoil shall be spread evenly across all slopes.
18. Drill specified seed mix at the required rate and to appropriate seeding depths on all disturbed areas.
19. Broadcast the specified seed mix on areas that are too steep for drill seeding. When seed is broadcast, the seed rate is doubled and the seed is culti-packed, imprinted, harrowed and/or raked into the soil depending on the slope gradient.
20. Apply Certified Weed Free Straw or native hay as mulch at a minimum rate of two tons per acre. Mechanically crimp the straw or native hay into the soil in all areas terrain permits. Tack straw in place where it cannot be crimped.
21. If hydro-mulching is specified for an area, broadcast and rake the seed. The hydro-mulch will be applied using 3,500 pounds/acre of Bonded Fiber Matrix (BFM) mulch.
22. Rolled erosion control products will be installed per the manufacturer specification as applicable and called for on a specific project.
23. The Operator shall take appropriate measures to prevent erosion and sedimentation in accordance with the approved DOE *Plug & Abandonment Form and Checklist*.



24. If sediment control barriers or erosion control blankets are used for storm water management, the entire barrier or blanket (including netting) shall be made of biodegradable material.

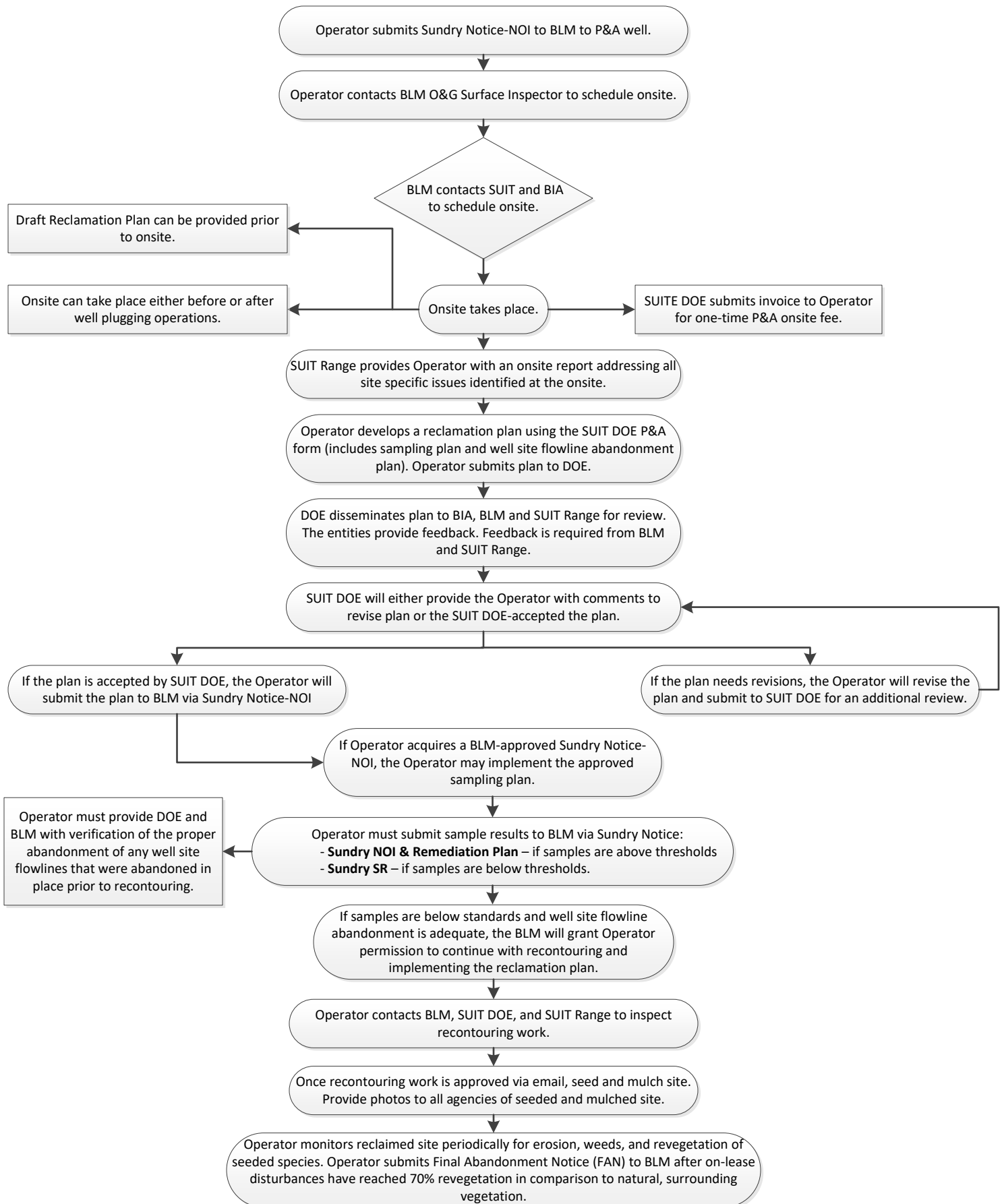
EQUIPMENT

1. The P&A marker must be permanently labeled in accordance with 43 CFR 3162.6 (e).
2. Nothing shall be stored or left onsite after final reclamation.
3. The Southern Ute Indian Tribe recommends testing as prescribed in attached Table 1 – Final Reclamation Sampling Guidance. Compare all analytes to COGCC Table 915-1 concentration levels. If Operator is able to provide documentation of recent prior soils testing (during tank removal, etc.) certain requirements may be waived.
4. Unless records are provided to verify that a mercury meter was not used, test soils for mercury under the meter house.
5. No scrap or waste may be buried onsite except gravel as previously discussed. No materials may be burned onsite.

PIPELINES

1. When possible, all pipelines and well site flowlines within the permitted area/footprint shall be removed from underground. If this cannot be accomplished, pipes shall be cut at a minimum safe depth of at least 2 feet 6 inches below final grade. Verification of the proper abandonment of well site flowlines or off location pipelines that have been abandoned in place must be reviewed and approved by the BLM and SUIT DOE prior to the Operator commencing recontouring work on a well site, access road or other disturbances associated with the abandonment of a well site.
2. All pipelines which will be abandoned in place shall be purged of all gases, produced water and chemicals and capped.
3. ROW appurtenances such as corrosion test stations, pigging stations and valve sets will be removed.

Flowchart 13 - Plug and Abandon (P&A) Project Phasing



Flowchart 14 - Plugged Wells on a Multi-Well Pad with Producing Wells (Operated by the Same Company) Project Phasing

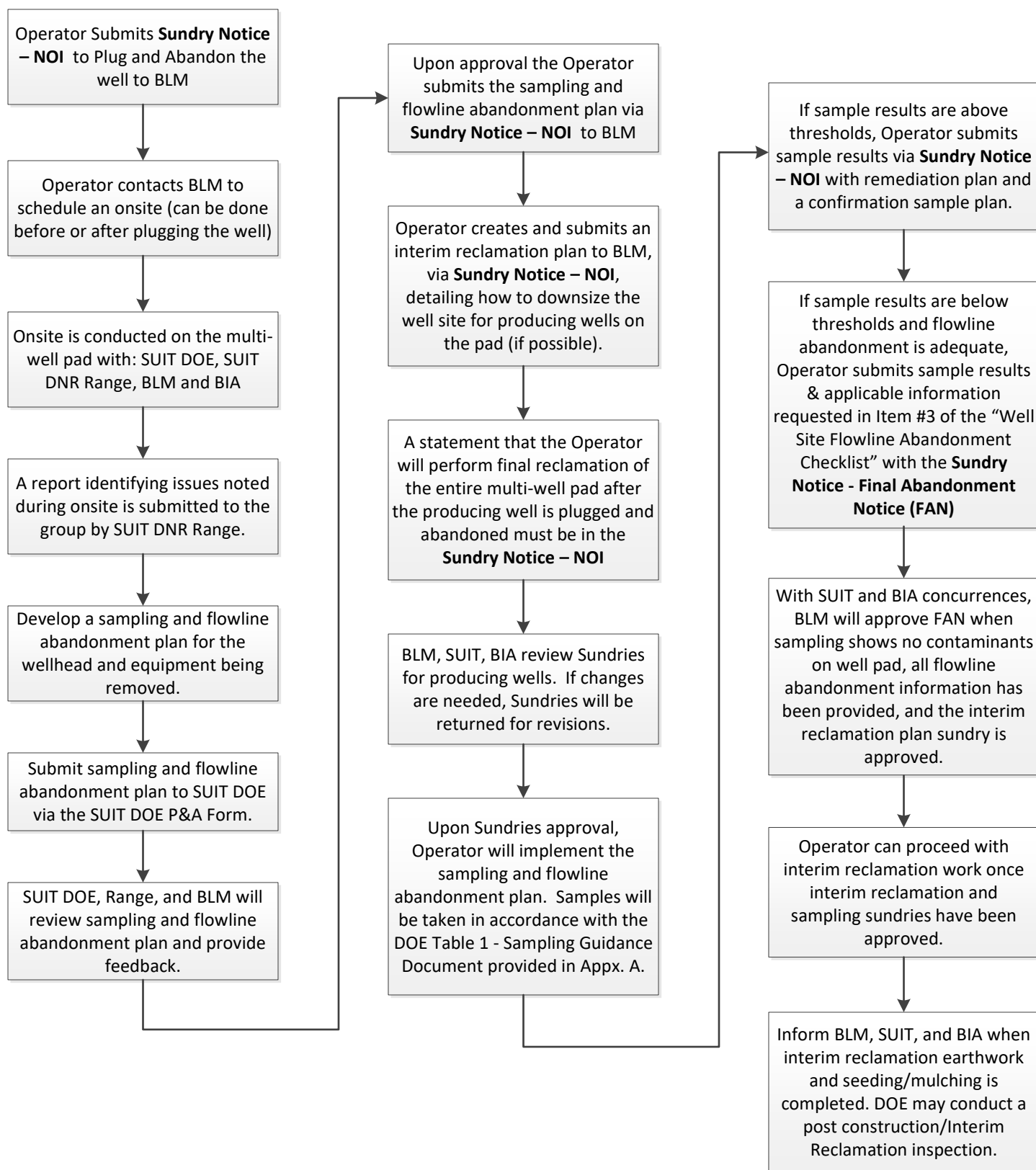


Table 1 – Final Reclamation Sampling Guidance on Southern Ute Indian Reservation

Area to Sample	Where to Sample	How to Sample	What to Sample ⁴
Produced Water Tank for Fruitland Coal Well ^{1,2}	Underneath	Composite sample from 2-3 discrete samples	SAR, EC, pH
Produced Water Tank for Non -Fruitland Coal Well ^{1,2}	Underneath	Composite sample from 2-3 discrete samples	SAR, EC, pH, BTEX, TPH
Condensate or Oil Tank ¹	Underneath	Composite sample from 2-3 discrete samples	Full Table 915-1
Separator ^{1,2}	Underneath	Composite sample from 2-3 discrete samples	SAR, EC, pH
Compressor ¹	Underneath	Composite sample from 2-3 discrete samples	SAR, EC, pH, All Organic Compounds in Table 915-1
Meter House ³	Underneath	Composite sample from 2-3 discrete samples	Mercury
Wellhead	Within 24"	Composite sample from 2-3 discrete samples	SAR, EC, pH, BTEX, TPH
Pumping Unit Base for Gas Driven Engines ¹	Within 6" of Base Edge	Composite sample from 2-3 discrete samples	TPH
Dehydration Unit ¹	Underneath	Composite sample from 2-3 discrete samples	TPH
Previously Buried Pit (<i>only if disturbed, exposed or impacting the environment.</i>)	Low Point or Center	1 Discrete Sample	Full Table 915-1

¹May be waived if documentation is provided of previous testing during equipment removal closure for historic equipment/tank decommissioning or removal.

²May be waived if area will be buried under at least three feet of clean soil from recontouring and not at risk of exposure from erosion

³May be waived if documentation provided that only non-mercury meters used onsite

⁴Samples must be analyzed at an accredited laboratory using the Colorado Oil and Gas Conservation Commission's Table 915-1

Note: Provide a map of sample locations. Additional sampling may be required, at DOE's discretion, depending upon analytical results, depth to groundwater, unique situations or circumstances, and location of nearby receptors. A background sample is also recommended. Operators are allowed to collect and transport their own lab samples as long as the appropriate collection methods and equipment are used.

Acronym(s):

SAR – Sodium Absorption Ratio

EC – Electrical Conductivity

BTEX – Benzene, Toluene, Ethylbenzene, Xylenes (total)

TPH – Total Petroleum Hydrocarbons

This document is provided to Operators as a guidance tool. If all areas are sampled in the manner provided on this document, the Operator will be in full compliance with all involved agencies.

Updated 7-7-22



Southern Ute Indian Tribe Plug & Abandonment Recontouring Inspection

Inspector: Doug Krueger, SUIDO E Sr. Environmental Compliance Specialist dkrueger@sudoe.us 970-563-5565 # Cell- 970-769-3017		Date Inspected:		Operator: Attendees:	
Lease #:		Well site API #/Compressor Station/CDP:			
Site Name:		Legal Description:			
Item #	P&A/Reclamation Onsite Inspection Items		Condition	Requires Action/ See Narrative	
1	Original landform restored, or site graded to match adjacent topography and drainage.				
2	Adequate topsoil replaced and properly distributed				
3	Reclaimed area has been seeded and mulched/Adequate Stormwater BMP's present and properly installed.				
4	Adequate surface roughness and soil properly compacted in order to create optimal conditions for seed bed.				
5	Surface material from pad and road has been removed or if acceptable placed under a 36" or < of soil in cut slope.				
6	All pipeline appurtenances removed, exposed pipelines removed and operator has asserted all pipelines abandoned in place are >30" below final grade.				
7	Soil sampling plan submitted and samples below acceptable levels.				
8	Dry hole marker/Present and appropriately marked				
9	Other:				
	Final Abandonment Inspection Items				
10	Overall site stability				
11	Undesirable vegetation/Noxious weeds controlled				
12	Site has reached 70% desirable perennial vegetation when compared to surrounding area.				
13	Permitted areas absent of barren areas of concern that possibly require additional soil sampling				
14	All pipeline appurtenances removed, exposed pipelines removed and operator has asserted all pipelines abandoned in place are >30" below final grade.				
15	Other:				



Southern Ute Indian Tribe Facility Compliance Inspection

Inspector: R. Gunnar Westerman, SUI DOE Environmental Compliance Specialist rwesterman@sudoe.us Office #: 970-563-5556, Cell #: 970-442-1697		Date Inspected: Assigned #:		Operator:	
Lease #:		Invoice #:			
Site Name:		Legal Description:			
Item #	Inspection Item	Acceptable/ Deficient	Condition	Requires Action/ See Narrative	
1	Facility ID signage posted and accurate				
2	Fence around facility				
3	Facility/above-ground piping painted to blend with environmental surroundings				
4	Above-ground piping is barricaded for protection from vehicles and equipment traffic				
5	Facility stormwater drainage system (erosion and sediment control BMPs) in place, functioning, and properly maintained				
8	Interim reclamation – vegetative cover and composition				
9	Offsite tracking/unauthorized disturbance outside of permitted area				
10	Noxious/invasive weed infestation(s)				
11	Secondary containment(s) appropriately sized				
12	Condition of secondary containment(s)				
13	Catchment basins fitted with avian protection cover				
14	All fuels, lubricants, cleaning agents, or other chemicals (non-fresh water) are stored within secondary containment and are properly labeled				
15	Facility free of spills				
16	Facility equipment free of leaks				
17	Environmental rail/drip catch installed on compressor skid(s)				
18	Compressor skid drain(s) installed and unobstructed				
19	Facility free of debris and trash				
20	Facility free of discarded/unused equipment				
21	Access road properly constructed and maintained				
23	Access road – erosion and sediment control BMPs in place, functioning, and properly maintained				
24	Site specific COA's followed				
25	Safety Concerns? Describe:				
26	FLIR Y N Leak Detected Y N Location(s):				
27	Other:				
<p>Within 10 business days of receiving an inspection report that includes any deficient items, please contact the Southern Ute Indian Tribe's Department of Energy (DOE) with a reasonable deadline to complete remediation of identified issues or (if requested by the DOE Environmental Compliance Specialist) a timeframe to provide a formal work plan that includes a proposed completion date. The Tribe is requesting all deficient inspection items be corrected no later than 60 calendar days from when this inspection report is received. If extenuating circumstances require an extension beyond the 60 days, please contact SUI DOE with the reason for the variation and a specific time frame of when the work will be completed.</p> <p>Please notify the SUI DOE Sr. Environmental Compliance Specialist Doug Krueger by email at dkrueger@sudoe.us when you have completed the remediation. Your notification must contain photographic and written documentation of the remediation</p>					



Southern Ute Indian Tribe

Facility Decommissioning and Abandonment Inspection Form

Inspector: Doug Krueger, SUIIT DOE Sr. Environmental Compliance Specialist dkrueger@sudoe.us Office #: 970-563-5565, Cell #: 970-769-3017		Date Inspected:	Attendees:	Operator:
Lease #:		Invoice #:		
Site Name:		Legal Description:		

Item #	Inspection Item	Acceptable/ Deficient	Condition	Requires Action/ See Narrative
	Facility Reclamation Onsite Inspection Items			
1	Soil sampling plan submitted, and analytical sample results are below acceptable levels			
2	All above-ground equipment & pipeline appurtenances removed, exposed pipelines removed, and operator has asserted all pipelines abandoned in place are >30" below final grade			
3	Surface material from pad and road has been removed or if acceptable placed under at least 36" of soil in cut slope			
4	Original landform restored, or site graded to match adjacent topography and drainage			
5	Adequate topsoil replaced and properly distributed			
6	Adequate surface roughness and soil properly compacted to create optimal conditions for seed bed			
7	Reclaimed area has been seeded and mulched			
8	Other:			
	Facility Final Abandonment Inspection Items			
9	Overall site stability			
10	Undesirable vegetation/Noxious weeds controlled			
11	Reclaimed areas have achieved 70% desirable, perennial vegetation when compared to surrounding, undisturbed area			
12	Are there areas of concern (i.e., bare soils, stained soils, etc.) within the permitted area that may require additional soil sampling?			
13	All above-ground pipeline appurtenances removed, exposed pipelines removed, and operator has asserted all pipelines abandoned in place are >30" below final grade, flushed and capped.			
14	Other:			



Southern Ute Indian Tribe

Pipeline Right-of-Way Compliance Inspection

Inspector: R. Gunnar Westerman, SUT DOE Environmental Compliance Specialist rwesterman@sudoe.us Office #: 970-563-5556, Cell #: 970-442-1697		Date Inspected: Assigned #:		Operator:	
Lease #:		Pipeline Invoice #:			
Site Name:		Legal Description:			
Item #	Inspection Item	Acceptable/ Deficient	Condition	Requires Action/ See Narrative	
1	Pipeline markings/signage/carsonite installed and includes Operator name and telephone number				
2	Barriers installed around above ground piping				
3	Above ground piping painted to blend with environmental surroundings				
4	Pipeline appurtenances free of leaks or audible venting				
5	Functional and maintained BMPs in place				
6	Trench line is free of settling and erosion				
7	Right-of-way free of exposed pipe				
8	Reclaimed hillsides and slopes - erosion controlled adequately				
9	Reclaimed drainage or ditch crossings - erosion controlled adequately				
10	Vegetation development and cover appears adequate				
11	Noxious weed infestation(s)				
12	Replaced fence/access gates/cattle guards are in good condition and are functioning properly				
13	Pipeline right-of-way free of spills or historical impacts				
14	All fuels, lubricants, cleaning agents, or other chemicals (non-fresh water) are stored within secondary containment and are properly labeled				
15	Pipeline ROW free of trash and discarded equipment				
16	Unauthorized disturbance within or outside of the permitted area				
17	Site specific COAs followed				
18	Other:				
Within 10 business days of receiving an inspection report that includes any deficient items, please contact the Southern Ute Indian Tribe's Department of Energy (DOE) with a reasonable deadline to complete remediation of identified issues or (if requested by the DOE Environmental Compliance Specialist) a timeframe to provide a formal work plan that includes a proposed completion date. The Tribe is requesting all deficient inspection items be corrected no later than 60 calendar days from when this inspection report is received. If extenuating circumstances require an extension beyond the 60 days, please contact SUT DOE with the reason for the variation and a specific time frame of when the work will be completed.					
Please notify the SUT DOE Sr. Environmental Compliance Specialist Doug Krueger by email at dkrueger@sudoe.us when you have completed the remediation. Your notification must contain photographic and written documentation of the remediation					



Southern Ute Indian Tribe Department of Energy Notice of Intent to Abandon Pipeline Form

14929 Hwy 172 Ignacio, CO 81137

The information below is to be sent to the Southern Ute Indian Tribe's Department of Energy to serve as notification of a ROW holder's intent to abandon or temporarily shut in a pipeline. One Notice of Intent to Abandon Pipeline (NOI) Form is to be submitted to DOE for each pipeline ROW associated with the abandonment project. DOE will conduct a field inspection on the pipeline ROW(s) associated with the NOI Form(s). DOE will notify the operator or ROW holder of the completed inspection and acceptance of the NOI Form(s). Upon completing the abandonment work, the operator will submit items listed in the DOE Pipeline Abandonment Checklist with original NOI Form attached for each approved NOI/ROW associated with the project.

Submit Pipeline NOI Form and Checklist Form information to abandonpipe@sudoe.us.

1. Operator Information

Company Name: _____

Phone: _____

Address: _____

Mobile: _____

City: _____ State: _____

Zip: _____

Contact Person: _____ Email: _____

2. Project Intent

Definitions: Pipeline Status

Permanently abandon: To permanently remove a pipeline from service and will not be put back into service in the future.

Abandon segment: To permanently abandon a segment of still active pipeline and that segment will not be put back into service.

Definitions: ROW Status

Partially abandon: To permanently abandon or abandon a segment of line in a still active ROW (i.e. abandonment of water line but not gas line).

Fully abandon: To permanently abandon all lines within the permitted ROW.

Describe intent of the project

3. ROW Information (One form per ROW/Invoice Number)

Tribal Oil and Gas Lease Numbers:

***The below information is included in your original Grant and/or Pipeline Worksheet.

ROW Name/Invoice Number: _____

Right-of-way is: Off Lease ☐ On Lease ☐

Right-of-way is: _____ Feet _____ Rods or _____ Miles in Length
_____ Feet in Width _____ Acres

4. Pipeline Information (for pipelines downstream of custody transfer only)

_____ Number of Pipes in ROW

_____ Diameter of Pipe #1

☐

Natural Gas

☐

Produced Water

Other: _____

☐

Steel

☐

Polyethylene

☐

Fiberglass

Other: _____

_____ Diameter of Pipe #2

☐

Natural Gas

☐

Produced Water

Other: _____

☐

Steel

☐

Polyethylene

☐

Fiberglass

Other: _____

Additional Pipelines or Other Information:

5. Generally Describe Scope of Work Including Proposed Purge & Cap Method Relating to Map Requirements

6. Mapping Requirements for Midstream and Transmission Pipelines

☐

Full length of pipeline

☐

Legal description

☐

Lease boundary

☐

Portions of pipeline to be abandoned and or remain active if applicable

☐

Cut points and appurtenances to be removed and to remain in place if applicable

DOE Review and Approval (For DOE Use Only)

DOE Land Review and Approval: ☐

DOE E&P: _____

Tribal Conditions of Approval:



Southern Ute Indian Tribe Department of Energy Pipeline Abandonment Checklist

14929 Hwy 172 Ignacio, CO 81137

This checklist with original Notice of Intent to Abandon Pipeline (NOI) Form and all attachments are to be sent to the Southern Ute Indian Tribe's Department of Energy. Prior to DOE submitting a recommendation to the BIA to terminate the ROW an inspection may be conducted upon completion of the items on this checklist. Termination will not be approved until the ROW is stable and has the appropriate amount of desirable vegetation. Please submit this checklist with checklist items to SUIT DOE at: abandonpipe@sudoe.us.

Form Checklist (All information on checklist must be present for contract termination to be accepted; attach documentation)

- ☐ **#1** Approved NOI
- ☐ **#2** Dates work was performed.
- ☐ **#3** Provide verification that all water, oil and gas pipelines have been fully drained; and if necessary in order to prevent a hazardous atmosphere; purged with air or inert gas; cut and sealed; at all end connections; and all portions of pipeline that are abandoned in place are greater than 30" below final grade.
- ☐ **#4** Photo documentation of all cut/cap points demonstrating pipe has been properly capped or a separate stand-alone document signed by a legally authorized person (not a vendor or consultant) verifying that the pipeline has been properly cut and capped at all locations as indicated in the approved NOI.
- ☐ **#5** Photo documentation verifying that surface appurtenances have been removed and seeding/mulching has been performed.
- ☐ **#6** Provide aerial map and GIS shapefile detailing decommissioning work (i.e. cut/cap points, abandoned lines in place, etc.).
- ☐ **#7** Documentation for addressing pipeline abandonment inspection items.

Additional Comments



Southern Ute Indian Tribe

Pipeline Abandonment Inspection Form

Inspector: Doug Krueger, SUT DOE Sr. Environmental Compliance Specialist dkrueger@sudoe.us Office #: 970-563-5565, Cell #: 970-769-3017		Date Inspected:		Operator: Attendees:	
Lease #:		Pipeline Invoice #:			
Site Name and NOI #:		Legal Description:			

Item #	Pipeline Abandonment Inspection Items	Item Present/Status	Condition	Requires Action/ See Narrative
1	Pipeline appurtenances present on ROW?			
2	Exposed pipe in the pipeline ROW?			
3	Are there locations such as drainage crossings where pipeline depth will need to be verified?			
4	Need for soil sampling?			
5	Need to restore the landform to match adjacent topography?			
6	Overall site stability			
7	All non-natural BMPs have been removed			
8	Undesirable vegetation/noxious weeds controlled			
9	Site has reached 70% desirable perennial vegetation when compared to surrounding area			
10	All pipeline appurtenances removed, exposed pipelines removed, and Operator has asserted all pipelines abandoned in place are >30" below final grade, flushed and capped.			
11	Other:			



Southern Ute Indian Tribe Road Compliance Inspection

Inspector: R. Gunnar Westerman, SUI DOE Environmental Compliance Specialist rwesterman@sudoe.us Office #: 970-563-5556, Cell #: 970-442-1697		Date Inspected: Assigned #:		Operator:	
Lease #:		Road Invoice #:			
Site Name:		Legal Description:			
Item #	Inspection Item	Acceptable/ Deficient	Condition	Requires Action/ See Narrative	
1	Road design – drivability, safety				
2	Road driving surface – erosion controlled adequately				
3	Adjacent shoulder and borrow ditch – erosion controlled adequately				
4	Drainage structures – culverts and low-water crossings are functional				
5	Cattle guard(s) functional to exclude livestock				
6	Roadside barriers/guard rail structures are intact and functional				
7	Road surface, shoulder, and borrow ditches are free of spills or historical impacts				
9	Road surface, shoulder, and adjacent borrow ditches are free of debris and trash				
10	Noxious/invasive weed infestation(s) within the road right-of-way				
11	Unauthorized disturbance or disturbance evident outside the road right-of-way				
12	Site-specific COAs followed				
13	Other:				
<p>Within 10 business days of receiving an inspection report that includes any deficient items, please contact the Southern Ute Indian Tribe's Department of Energy (DOE) with a reasonable deadline to complete remediation of identified issues or (if requested by the DOE Environmental Compliance Specialist) a timeframe to provide a formal work plan that includes a proposed completion date. The Tribe is requesting all deficient inspection items be corrected no later than 60 calendar days from when this inspection report is received. If extenuating circumstances require an extension beyond the 60 days, please contact SUI DOE with the reason for the variation and a specific time frame of when the work will be completed.</p> <p>Please notify the SUI DOE Sr. Environmental Compliance Specialist Doug Krueger by email at dkrueger@sudoe.us when you have completed the remediation. Your notification must contain photographic and written documentation of the remediation</p>					



Southern Ute Indian Tribe Department of Energy Proposed Maintenance Project Form

14929 Hwy 172 Ignacio, CO 81137

Complete boxes 1-5, add the map attachment, and email to Southern Ute Indian Tribe's Department of Energy (DOE) at maintenance@sudoe.us. This form is only necessary for maintenance work being done on Tribal Land. All work that takes place outside of the permitted area (area cleared for cultural and biological significance) of a well site or ROW is not considered maintenance and needs to go through the Tribe's PPN process. All stipulations associated with the original permit apply to maintenance work (i.e. archaeological monitoring, wildlife closures, etc.). A 5 day review period by other Tribal Departments may be necessary depending on the extent of the maintenance activities.

1. OPERATOR INFORMATION

Name of Operator	_____	Operator #	_____
Address	_____	Phone	_____
City	_____	State	_____
Zip	_____	Mobile	_____
Contact Person	_____	Email	_____

2. GENERAL INFORMATION AND MAP

<input type="checkbox"/> Wellsite/Access Road	<input type="checkbox"/> Facility	<input type="checkbox"/> Right of Way
Name _____	API _____	Lease # _____
Legal Description _____	QTRQTR _____	Section _____
Latitude _____	Longitude _____	Township _____
		Range _____
		Invoice # _____

Attach an aerial map depicting general work area, specific areas of disturbance and access routes for equipment. The map is required.

3. MAINTENANCE ACTIVITIES

Tribal notification is required for the following activities:

<input type="checkbox"/> Construction or removal of perimeter fence	<input type="checkbox"/> Culvert removal or installation
<input type="checkbox"/> Pipeline maintenance	<input type="checkbox"/> Other
<input type="checkbox"/> Work in drainage	

DOE does not need to be notified for routine maintenance as defined in Section 5.4 of the Exploration & Production Operator's Manual, any disturbance that takes place on the graveled pad surface or access road (i.e. blading or pad grading), or corrective actions associated with a DOE Inspection Report.

Work Description

Approximate disturbance

Acres _____ or Sq. Feet _____

Type of equipment performing work

Tentative work dates (if dates change please inform DOE)

Start Date _____ End Date _____ Aproximate Time of Day _____

4. ADDITION OR REMOVAL OF EQUIPMENT

Tribal notification is required for the following activities:

- | | |
|--|--|
| <input type="checkbox"/> Engine upsize | <input type="checkbox"/> Pumpjack removal/addition |
| <input type="checkbox"/> Engine addition | <input type="checkbox"/> Tank removal/addition |
| <input type="checkbox"/> Processing equipment removal/addition | <input type="checkbox"/> Facility flowline decommission/addition |
| | <input type="checkbox"/> Other |

DOE does not need to be notified of like kind equipment replacement. DOE will send SUIT Department of Natural Resources courtesy notification for equipment upgrades.

Describe location and type of equipment that will be added, replaced or upgraded.

Type of equipment performing work

Tentative work dates (if dates change please inform DOE)

Start Date _____ End Date _____ Approximate Time of Day _____

5. ADDITIONAL COMMENTS

DOE REVIEW AND APPROVAL (For DOE Use Only)

Impacts to any of the following requires 5-day review

- | | |
|---|--|
| <input type="checkbox"/> Tribal assignment | <input type="checkbox"/> Agriculture |
| <input type="checkbox"/> BIA road or ditch (BIA Review) | <input type="checkbox"/> Wildlife |
| <input type="checkbox"/> Waters of the U.S. | <input type="checkbox"/> Allotted land (Refer to BIA for review) |

Tribal Conditions of Approval for this Proposed Maintenance Project:

DOE Landman Date

DOE Environmental Compliance Specialist Date



Southern Ute Indian Tribe

Road Reclamation and Abandonment Inspection Form

Inspector: Doug Krueger, SUIIT DOE Sr. Environmental Compliance Specialist dkrueger@sudoe.us Office #: 970-563-5565, Cell #: 970-769-3017		Date Inspected:	Attendees:	Operator:
Lease #(s):		Road Invoice #:		
Site Name and NOI #:		Legal Description:		
Item #	Inspection Item	Acceptable/ Deficient	Condition	Requires Action/ See Narrative
Road Reclamation Onsite Inspection Items				
1	Surface material has been removed from road or repurposed in accordance with the approved Reclamation Plan			
2	Original landform restored, or site graded to match adjacent topography and drainage			
3	Drainage crossings/flow paths have been restored in accordance with the approved Reclamation Plan			
4	Adequate topsoil replaced and properly distributed			
5	Adequate surface roughness and soil properly compacted to create optimal conditions for seed bed			
6	Reclaimed area has been seeded and mulched in accordance with the approved Reclamation Plan			
7	Other:			
Road Final Abandonment Inspection Items				
8	Overall site stability			
9	All non-natural erosion and sediment control BMPs and their components have been removed.			
10	Undesirable vegetation – noxious/invasive weeds controlled			
11	Site has achieved 70% desirable, perennial vegetation when compared to surrounding area			
12	Other:			



Southern Ute Indian Tribe Department of Energy Well Workover Notification Form

14929 HWY 172 Ignacio, CO 81137

This form is used to report well workover activities that will take place within 350 feet of an existing occupied structure on tribal surface. Submit this form as soon as workover activities are scheduled that will occur within 350ft of an occupied structure. Complete Sections 1-3 below and email the form to the Southern Ute Indian Tribe's Department of Energy (DOE) at: maintenance@sudoe.us. DOE will provide a notification to the operator via email once the form has been reviewed. Please note this form provides a courtesy notification to DOE who will notify nearby residences of workover activity. This is not an evaluation or approval for an operator to commence well workover activities.

1. Operator Information

Name of Operator: _____	Operator #: _____
Address: _____	Phone #: _____
City: _____ State: _____	Mobile Phone #: _____
Contact Person: _____	

2. General Information

Wellsite Name: _____	API #: _____	Lease #: _____
Legal Description: _____	Qtr/Qtr: _____ / _____	Section: _____ Township/Range: _____

3. Workover Activity Discription

Tentative Work Dates: _____	Start Date: _____	End Date: _____
Approximate working hours: _____	Start Time: _____	End Time: _____

Work Description & Equipment - Please provide a brief decription of the type of workover activity scheduled and equipment to be used:

DOE Review and Approval (For DOE Use Only)

Impacts expected to any of the following:

☐

Tribal assignment

☐

Allotted land
(Refer to BIA for review)

Additional Notes:

DOE Landman

Date

DOE Environmental Compliance Specialist

Date

FORM

HF

Rev
02/17

Southern Ute Indian Tribe
Department of Energy
 14929 Highway 172, PO Box 1500
 Ignacio, Colorado 81137
 970-563-5550



DOE RECEPTION

Receive Date:

Document Number:

HF-

HYDRAULIC FRACTURING (HF) NOTICE

The Form HF shall be submitted as required by Southern Ute Indian Tribe Amended and Restated Hydraulic Fracturing and Chemical Disclosure Regulations (HFCDR) adopted April 5, 2016. A Form HF Update shall be submitted to revise the scheduled date or time on a previous Form HF. A Form HF Update must be for the same well, location, or facility and for the same Hydraulic Fracturing Operation as a previous Form HF. NOTE: Operator's Contact for Hydraulic Fracturing Notices should be available 24 hours a day, 7 days a week and should have the most current scheduling information for the operation.

Update of a previous Form HF Notice

Entity Information

OGCC Operator Number: _____	Contact Person: _____
Company Name: _____	Phone: () _____
Address: _____	Fax: () _____
City: _____ State: _____ Zip: _____	Email: _____

API #: 05 - - -	Facility ID: _____	Location ID: _____
Facility Name: _____	<input type="checkbox"/> Submit By Other Operator	
Sec: _____ Twp: _____ Range: _____ QtrQtr: _____	Lat: _____ Long: _____	

NOTICE OF HYDRAULIC FRACTURING TREATMENT – 20 business days notice required

Date of Treatment: _____ Time: _____ (HH:MM) Anticipated Date of Flowback: _____

- ☐ SUIR Hydraulic Fracturing Checklist is completed and attached (required)
- ☐ Offset Borehole Evaluation within 1,500 feet of proposed well is completed and attached (required)

TREATED INTERVAL ASSESSMENT

- ☐ This well's treated interval will be located within 150 feet of an existing (producing, shut-in, or temporarily abandoned) or permitted oil and gas wellbore's treated interval belonging to another Operator.
- ☐ DOE Manager Approval (attached or signature here): _____

NOTICE TO RUN AND CEMENT CASING – 24-hour notice

Start Date: _____ Time: _____ (HH:MM) String: _____

NOTICE OF MECHANICAL INTEGRITY TEST PRESSURE LOSS - Report ASAP loss > 10%

Test Date: _____ Maximum Pressure: _____ Pressure Loss: _____

Casing: Remedy: _____

NOTICE OF MATERIAL DEVIATION FROM CEMENTING STANDARDS – Notify within 24 hours when standards set forth under Section VI (B),(C) or (E) are not met or of other indication of inadequate cementing

☐

Cement Level Falls Below Surface

Casing String:

Date of Cement Deviation: _____

Time: _____ (HH:MM)

Depth Below Surface: _____ (feet)

OR:

☐

Material Deviation from SUIT HFCDR Standards or Other Indication of Inadequate Cementing

Describe Deviation: _____

Corrective Action Taken: _____

Date of Corrective Action: _____

NOTICE OF HIGH BRADENHEAD PRESSURE DURING STIMULATION – Notify within 24 hours when bradenhead pressure increases more than 200 psig during stimulation. Submit a follow-up Notificaton Form within 15 days.

Date of High Bradenhead Pressure: _____ Time: _____ (HH:MM)

Starting BrHd pressure: _____ psig Highest BrHd pressure: _____ psig Was this well being stimulated? ☐

Probable Cause of High BrHd pressure: _____

Corrective MeasuresTaken: _____

OTHER

Describe: _____

Date: _____ Time: _____ (HH:MM)

I hereby certify all statements made in this form are, to the best of my knowledge, true, correct and complete.

Print Name: _____ Email: _____

Signature: _____ Title: _____ Date: _____



Southern Ute Indian Reservation Hydraulic Fracturing Checklist

Please submit information requested on this checklist to hf_notice@sugf.com with a Notification of Hydraulic Fracture (HF) for wells located within the Southern Ute Indian Reservation (SUIR) subject to SUIR jurisdiction. Documentation must be submitted at least 20 business days prior to planned HF activities.

Well Name: _____

API: _____

Location: _____

Date HF Scheduled: _____

1. Geology

- a. Target formation
- b. Estimated target depths (measured and true vertical) to top and bottom of HF zone
- c. Estimated depth and thickness of overlying confining zone
- d. Description of any known vicinity structures, faults or fractures
- e. Wellbore diagram

2. Water Supply

- a. Source of water supply
- b. Method of transport of water

3. HF Plan

- a. Estimated total volume of fluid to be used
- b. Maximum anticipated surface pressure during HF
- c. Documentation of pressure testing to anticipated surface pressure during HF
- d. Number of planned HF stages and stage length(s)
- e. Horizontal offset well evaluation for all wells w/in 1,500 feet of proposed well
- f. Estimated volume of flowback
- g. Disposal and transport method for flowback

4. Cement

- a. Depth and placement method of cement
- b. Documentation of cement adequacy

Field/Unit: _____

Spill #: _____

UPDATED: 07-01-22

ABOVE FIELDS FOR AGENCY USE ONLY

Spill Name: _____



Southern Ute Indian Tribe Department of Energy Exploration & Production Spill/Release Report

14929 Highway 172, P.O. Box 1500, Ignacio, CO 81137

(970) 563-5550

This form is to be completed and submitted to the Southern Ute Indian Tribe Department of Energy by the Operator responsible for the spill or release within 24 hours of spill discovery. Any release which threatens or reaches waters of the U.S. must be reported as soon as practicable. This form can be submitted by emailing the completed form to spill@sudoe.us. This form must be accompanied by a topographic or aerial map showing the release location and extent.

OPERATOR INFORMATION

Name of Operator:	_____	Operator No.:	_____
Address:	_____	Phone:	_____
City:	_____	State:	_____
	_____	Zip:	_____
Contact Person:	_____	Mobile:	_____
	_____	Email:	_____

INITIAL SPILL/RELEASE REPORT

Initial Report Date:	_____	Date/Time of Occurance:	_____	Spill Type:	_____
----------------------	-------	-------------------------	-------	-------------	-------

Spill/Release Point Location:

Legal Description of Release Location:	QTRQTR	SECTION	_____	TWP	_____
Latitude:	_____	RANGE	_____	MERIDIAN	_____
Longitude:	_____	Municipality/County:	_____		

(decimal degrees) *****A location map MUST be provided with this spill report*****

Reference Location: (Well, ROW, CDP, Disposal Well, etc.) _____ Lease #: _____

Facility Type: _____ Facility Name/API #: _____

Spill/Release Details:

Was one (1) barrel or more spilled outside of berms or secondary containment? _____

Were five (5) barrels or more spilled? _____

****Secondary containment must be sufficiently impervious to contain any discharge from primary containment until cleanup occurs****

Any injuries associated with release? _____

Estimated Total Spill Volumes

Estimated Oil Spill Volume (bbl):	_____	Estimated Condensate Spill Volume (bbl):	_____
Estimated Flowback Fluid Spill Volume (bbl):	_____	Estimated Produced Water Spill Volume (bbl):	_____
Estimated Other E&P Spill Volume (bbl):	_____	Estimated Drilling Fluid Spill Volume (bbl):	_____
Amount Recovered (bbl):	_____	Amount Lost (bbl):	_____

Cause and description of release, environmental impacts, actions taken to control release, and cleanup and response:

What actions will be taken to prevent a recurrence or similar event?

Land Use:

Current Land Use:	_____	Other (Specify):	_____
Weather Conditions:	_____		
Surface Owner:	_____	Other (Specify):	_____

Check if impacted or threatened by spill/release (Check all that apply):

Waters of the U.S.	<input type="checkbox"/>	Residence/Occupied Structure	<input type="checkbox"/>	Livestock	<input type="checkbox"/>	Public Byway	<input type="checkbox"/>
Surface Water Supply Area	<input type="checkbox"/>						

NOTIFICATIONS

Date/Time	Agency	Contact Person	Phone	Response

OPERATOR CERTIFICATION STATEMENT

I hereby certify that all statements made in this form are to the best of my knowledge true, correct, and complete.

Signed: _____ Print Name: _____
Title: _____ Date: _____ Email: _____

ATTACHMENTS

Document Name	Description

Additional Comments/Information

FINAL CLOSURE CERTIFICATION

Instructions: Operator must resubmit this form along with documentation of closure activities within 30 days of completion of closure activities. Do not complete this portion until closure activities are complete.

I hereby certify that the spill detailed above has been remediated in accordance with regulatory requirements and tribal requests, and all information submitted in connection with this spill and closure activities is true, accurate, and complete to the best of my knowledge.

Signature: _____ Title: _____
Name: _____ Date: _____
Email: _____

BIA/BLM Concurrence

☐ Attached

Date: _____

Comments:

Table 1 – Final Reclamation Sampling Guidance on Southern Ute Indian Reservation

Area to Sample	Where to Sample	How to Sample	What to Sample ⁴
Produced Water Tank for Fruitland Coal Well ^{1,2}	Underneath	Composite sample from 2-3 discrete samples	SAR, EC, pH
Produced Water Tank for Non -Fruitland Coal Well ^{1,2}	Underneath	Composite sample from 2-3 discrete samples	SAR, EC, pH, BTEX, TPH
Condensate or Oil Tank ¹	Underneath	Composite sample from 2-3 discrete samples	Full Table 915-1
Separator ^{1,2}	Underneath	Composite sample from 2-3 discrete samples	SAR, EC, pH
Compressor ¹	Underneath	Composite sample from 2-3 discrete samples	SAR, EC, pH, All Organic Compounds in Table 915-1
Meter House ³	Underneath	Composite sample from 2-3 discrete samples	Mercury
Wellhead	Within 24"	Composite sample from 2-3 discrete samples	SAR, EC, pH, BTEX, TPH
Pumping Unit Base for Gas Driven Engines ¹	Within 6" of Base Edge	Composite sample from 2-3 discrete samples	TPH
Dehydration Unit ¹	Underneath	Composite sample from 2-3 discrete samples	TPH
Previously Buried Pit (<i>only if disturbed, exposed or impacting the environment.</i>)	Low Point or Center	1 Discrete Sample	Full Table 915-1

¹May be waived if documentation is provided of previous testing during equipment removal closure for historic equipment/tank decommissioning or removal.

²May be waived if area will be buried under at least three feet of clean soil from recontouring and not at risk of exposure from erosion

³May be waived if documentation provided that only non-mercury meters used onsite

⁴Samples must be analyzed at an accredited laboratory using the Colorado Oil and Gas Conservation Commission's Table 915-1

Note: Provide a map of sample locations. Additional sampling may be required, at DOE's discretion, depending upon analytical results, depth to groundwater, unique situations or circumstances, and location of nearby receptors. A background sample is also recommended. Operators are allowed to collect and transport their own lab samples as long as the appropriate collection methods and equipment are used.

Acronym(s):

SAR – Sodium Absorption Ratio

EC – Electrical Conductivity

BTEX – Benzene, Toluene, Ethylbenzene, Xylenes (total)

TPH – Total Petroleum Hydrocarbons

This document is provided to Operators as a guidance tool. If all areas are sampled in the manner provided on this document, the Operator will be in full compliance with all involved agencies.

Updated 7-7-22



SOUTHERN UTE INDIAN TRIBE

June 5, 2007

Re: NPDES Phase II Storm Water Compliance Request

To Whom It May Concern:

The Southern Ute Indian Tribe acknowledges the permanent exemption from Federal storm water regulations that was granted to oil and gas operators by the United States Environmental Protection Agency (USEPA) pursuant to Phase II of the National Pollution Discharge Elimination Systems (NPDES). As a result of the exemption, oil and gas operators no longer need to submit a Notice of Intent (NOI), Storm Water Pollution Prevention Plan (SWPPP), or any other documentation of storm water monitoring to the U.S. EPA.

In order to ensure protection of the Southern Ute Indian Reservation and its resources, the Southern Ute Indian Tribe is requesting that all oil and gas operators conducting business on lands subject to the Tribe's jurisdiction adhere to the attached Southern Ute Indian Tribe Storm Water Recommendations ("Recommendations").

The Recommendations follow the NPDES Phase II regulations in many respects, but the Southern Ute Water Quality Program has attempted to streamline the paperwork for companies that operate on the Reservation. The Recommendations require that a one page NOI form and separate SWPPP be submitted to the Southern Ute Water Quality Program prior to project activity.

The Recommendations can assist you in developing a SWPPP for the Southern Ute Indian Tribe Water Quality Program for any of your projects that disturb one acre or greater. The State of Colorado's Storm Water requirements may also be referenced as a guideline. If the Water Quality Program has questions or concerns, they will contact your project manager to address those concerns.

The Southern Ute Indian Tribe Water Quality Program is available to assist you in preparing and submitting the documents required by the Recommendations. The Water Quality Program can be reached at 970.563.0135.

Thank you for your cooperation in this matter. Together we can ensure continued protection of the environment and economic development on the Southern Ute Indian Reservation.

Sincerely,

Clement J. Frost

Chairman, Southern Ute Indian Tribe

STORM WATER RECOMMENDATIONS FOR OPERATIONS ON TRIBAL LANDS WITHIN THE SOUTHERN UTE INDIAN RESERVATION

Southern Ute Indian Tribe Water Quality Program requests that any oil & gas exploration and production (E&P) 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.

Oil & gas construction operations on Tribal lands are currently required to install proper BMPs and control sedimentation and erosion according to the BIA and Tribal right-of-way agreements. These recommendations will aid the operator, BIA, and the Tribe with documenting the storm water controls that are being implemented.

The SWPPP will include the following:

Identification of Potential Sources of Pollution: All potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with construction activity from the site must be identified; and the practices to be used to reduce the pollutants in storm water discharges associated with construction activity at the facility must be described. The SWPPP must ensure the practices are selected, installed, implemented and maintained in accordance with good engineering practices.

At a minimum, each of the following shall be evaluated for the potential for contributing pollutants to runoff:

- Vehicle and equipment maintenance and fueling areas
- Concrete truck/equipment washing
- Areas for unloading/loading materials
- Above-ground tanks of liquid storage
- On-site waste management areas (waste piles, liquid wastes, dumpsters, etc)
- Management
- Outside storage areas for chemicals and building materials
- Sanitation areas (port-a-potties)

Site Narrative (should be included): a site narrative must describe the phases of construction and the implementation and maintenance of BMPs for each phase as well as BMP removal once 70% vegetative groundcover has been established. The site narrative must describe the re-vegetation efforts that will be performed including seedbed preparation, seeding methods and seed mixtures and straw mulching and crimping. The Southern Ute Tribe strongly encourages native grass, shrub and forest species be utilized for re-vegetation purposes.

Site Map (should be included): The map must provide all information noted on the Notice of Intent form

- construction site boundaries;
- all areas of ground surface disturbance;
- areas of cut and fill;

- areas used for storage of building materials, equipment, soil, or waste ;
- location of major structural and non-structural BMPs identified in the SWMP;
- location(s) where storm water discharges offsite
- location of any springs,
- locations of all potential receiving waters. **Receiving waters include ditches, ephemeral and intermittent streams, arroyos, creeks, rivers, lakes, and wetlands as well as tributaries to these waters.**

Soil Type; Please indicate the predominant soil type in the area of the project.

Site Photos: Color photos of the site prior to ground disturbing activities will be used to determine when 70% re-vegetation has been achieved.

Drainage Patterns: This submittal should describe the natural drainages and any new drainages that will be anticipated after site grading.

Pollution Prevention Team list: Included in this list will be the names of the team members, their contact numbers, and responsibilities.

Materials Handling and Spill Prevention: The SWPPP shall clearly describe and locate all practices implemented at the site to minimize impacts from procedures or potential pollutant sources that could contribute pollutants to runoff. Areas or procedures where potential spills can occur shall have spill prevention and response procedures identified in the SWPPP.

THE SOUTHERN UTE INDIAN TRIBE RESERVES THE RIGHT TO REVIEW AND INSPECT THE FOLLOWING:

Best Management Practices (BMP): Prior to project construction, installation of BMPs must be completed and detailed in the SWPP. The selection of BMP installation is up to the O&G exploration company and or its contractors. An inspection report will include the following:

Photographic Documentation: In addition to initial photos, O&G E&P will maintain photo points and photographic records of on-going progress of revegetation to be included in any required or requested monitoring reports. The photographic documentation will be submitted for final stabilization and termination determinations.

Inspection and Maintenance: A schedule of routine BMP inspections and inspection reports should be kept on site and completed every 30 days or following a greater than 0.5 inch rain event. The inspection report should be signed by the project manager. Inspection of the site will continue until 70% revegetation is attained for the project site as detailed above.

Upon termination, O&G E&P operator will submit copies of all inspection reports and photo documentation of site re-vegetation. The Southern Ute Indian Tribe will review the submitted records and will issue a Notice of Termination.

If there are any questions please contact the Southern Ute Indian Tribe's Water Quality Program at (970) 563-0135.

Southern Ute Indian Tribe
OIL & GAS STORM WATER

NOTICE OF INTENT (N01)

Southern Ute Indian Tribe requests that any oil and gas companies submit the following information when proposing any ground disturbing activities of **one (1) acre or greater**.

Project Name: _____ **Location Legal Description:** _____

Company: _____ **Project Contact Person:** _____

Office Phone #: _____ **Cell Phone #:** _____

Total Disturbance Area: _____ **acres Predominate Soil Type:** _____

Purpose of Project: _____

Required Documents and Plans:

1. Site Map D Included D Not Included - Reason:.

A detailed and legible site map must be submitted that includes the following:

- Detailed footprint of the site and the anticipated size of the project area including any infrastructure(s).
- All drainages, outfalls, and receiving waters (receiving waters include ephemeral and intermittent streams, arroyos, creeks, tributaries and the primary water sources).
- Location and type of all BMPs that will be installed.
- Topography of site and surrounding area.
- Location of all exposed significant materials and high-risk waste-generating areas and activities associated

with the project - i.e. fueling stations, washing & maintenance area (including concrete washout areas), above ground storage tanks, industrial waste management areas, outside storage for chemicals, secondary containment areas, sanitation areas, etc.

- Mud control locations (ingress/egress areas). 2. **Site Photos** D Included D Not included -

Reason: _____

Companies will submit color photos of proposed site prior to ground disturbing activity. The photographs will be used to determine when 70% of pre-existing re-vegetation has been achieved.

The Southern Ute Indian Tribe requests the right to review and inspect all BMPS and monitoring reports until 70% revegetation has been achieved and a Notice of Termination has been issued.

Appendix B Southern Ute Indian Tribe – Amended and Restated Hydraulic Fracturing and Chemical Disclosure Regulations

**RESOLUTION
OF THE
SOUTHERN UTE INDIAN TRIBAL COUNCIL
April 5, 2016**

WHEREAS, authority is vested in the Southern Ute Indian Tribal Council by the Constitution adopted by the Southern Ute Indian Tribe, and approved November 4, 1936, and amended October 1, 1975, and August 27, 1991, to act for the Southern Ute Indian Tribe; and

WHEREAS, pursuant to Article VII, Section 1(c) of the Constitution, the Tribal Council is empowered to manage any portion of the Southern Ute Indian Reservation, including the granting of rights to use the natural resources of the Tribe; and

WHEREAS, pursuant to Article VII, Section 1(n) of the Constitution, the Tribal Council has the power “[t]o protect and preserve the property, wildlife and natural resources of the tribe, and to regulate the conduct of trade and the use and disposition of tribal property upon the reservation”; and

WHEREAS, the Tribe has a significant interest in the regulation of hydraulic fracturing operations on the Reservation based on the Tribe’s interest in both oil and gas development and environmental protection; and

WHEREAS, the historic well stimulation practice of hydraulic fracturing, in which rock is fractured by a hydraulically pressurized liquid made of water, sand, and chemicals, has been conducted on the vast majority of wells on the Reservation and is necessary for the continued development of oil and gas resources including potential development of low permeability shale formations on the Reservation; and

WHEREAS, on March 26, 2015, the Secretary of the Interior, acting by and through her Assistant Secretary – Land and Minerals Management and the Bureau of Land Management (“BLM”), published in the Federal Register a final rule regulating hydraulic fracturing, entitled “Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands” (“BLM’s Hydraulic Fracturing Rule” or “Rule”) 80 Fed. Reg. 16128 (Mar. 26, 2015) (codified at 43 C.F.R. Part 3160); and

WHEREAS, throughout the Secretary’s rulemaking process, the Tribe expressed concerns about and opposition to aspects of the Rule, including concerns about certain technical requirements and opposition to inevitable delays to the already slow-moving energy development process caused by requiring operators to file and obtain additional approvals before engaging in oil and gas operations; and

WHEREAS, the Tribal Council has determined that establishing hydraulic fracturing regulations is important to ensure that wells are properly constructed to protect water supplies, to make certain that the fluids flowing back to the surface as a result of hydraulic fracturing operations are managed in an environmentally responsible way, and to provide public disclosure of the

RESOLUTION NO. 2016-41

Page 2

April 5, 2016

chemicals used in hydraulic fracturing fluids; and

WHEREAS, in recognition of the Tribe's significant governmental interests and in furtherance of its powers, on June 16, 2015, the Tribal Council adopted Resolution No. 2015-98 approving the initial Southern Ute Indian Tribe – Hydraulic Fracturing and Chemical Disclosure Regulations ("Initial Regulations"), which purported to supersede the BLM's Hydraulic Fracturing Rule on Reservation lands subject to the Tribe's jurisdiction, including lands leased by the Tribe under the Indian Mineral Leasing Act of 1938 and the Indian Mineral Development Act of 1982; and

WHEREAS, on June 18, 2015, the Tribe petitioned the United States District Court for the District of Colorado to set aside the BLM Rule under the Administrative Procedure Act, 5 U.S.C. §§ 701-706 (*Southern Ute Indian Tribe v. United States Dep't of Interior*, Case 1:15-cv-01303 (D. Colo.) ("Pending Litigation"); and

WHEREAS, the Tribe and representatives of the United States Government thereafter engaged in settlement negotiations regarding the Pending Litigation and the Initial Regulations, and the potential adoption by the Tribal Council of amendments to the Initial Regulations; and

WHEREAS, the Tribe's Department of Energy, General Counsel and Legal Department have recommended approval of certain amendments to the Tribe's Initial Regulations set forth in the attached Amended and Restated Southern Ute Indian Tribe – Hydraulic Fracturing and Chemical Disclosure Regulations ("Amended and Restated Regulations"); and

WHEREAS, the Manager of the Department of Energy has determined that the adoption of the Amended and Restated Regulations will not adversely affect the rights of any party who has conducted or is in the process of conducting hydraulic fracturing operations in reliance on the provisions of the Initial Regulations; and

WHEREAS, the Tribal Council has determined that the Tribal Council's adoption of the recommended amendments to the Initial Regulations, as included in the attached Amended and Restated Regulations, is in the best interests of the Tribe.

NOW, THEREFORE, BE IT RESOLVED, that the Southern Ute Indian Tribal Council hereby approves the attached Amended and Restated Southern Ute Indian Tribe – Hydraulic Fracturing and Chemical Disclosure Regulations, which regulations are incorporated herein by reference and supersede the Initial Regulations approved in Resolution No. 2015-98.

BE IT FURTHER RESOLVED, that the Tribe's Department of Energy is directed to notify Reservation oil and gas operators of this Resolution and is authorized and designated to act as the entity within the Tribe's governmental organization that is primarily responsible for monitoring and ensuring compliance with the Amended and Restated Regulations.

RESOLUTION NO. 2016-41

Page 3

April 5, 2016

BE IT FURTHER RESOLVED, that the requirements of the Amended and Restated Regulations shall constitute “applicable regulations governing lease operations,” the violations of which may result in, among other available legal remedies, lease forfeiture under Tribal Ordinance No. 86-01 adopted by the Tribal Council on November 5, 1985.

BE IT FURTHER RESOLVED, that the Chairman of the Southern Ute Indian Tribal Council or, in his absence, the Vice Chairman, or, in the absence of both the Chairman and the Vice Chairman, a duly appointed Acting Chairman is hereby authorized to sign the necessary documents and take all necessary actions to carry out the intentions of this resolution.

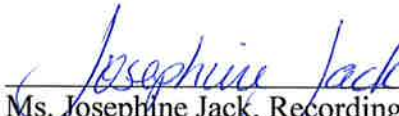
This resolution was duly adopted on the 5th day of April, 2016.



Ms. Lorelei Cloud, Vice Chairman
Southern Ute Indian Tribal Council

C E R T I F I C A T I O N

This is to certify that there were (6) of the regularly elected Southern Ute Indian Tribal Council members present at the above meeting, at which (5) voted for, and (0) against, it being a quorum and the above resolution was passed, the Chairman not being permitted to vote in this instance due to a Constitutional provision.



Ms. Josephine Jack, Recording Secretary
Southern Ute Indian Tribal Council



Southern Ute Indian Reservation Hydraulic Fracturing Checklist

Please submit information requested on this checklist with a Notification of Hydraulic Fracture (HF) for wells located within the Southern Ute Indian Reservation (SUIR) subject to SUIR jurisdiction. Documentation must be submitted at least 20 business days prior to planned HF activities.

Well Name: _____

API: _____

Location: _____

Date HF Scheduled: _____

1. Geology

- a. Target formation
- b. Estimated target depths (measured and true vertical) to top and bottom of HF zone
- c. Estimated depth and thickness of overlying confining zone
- d. Description of any known vicinity structures, faults or fractures
- e. Wellbore diagram

2. Water Supply

- a. Source of water supply
- b. Method of transport of water

3. HF Plan

- a. Estimated total volume of fluid to be used
- b. Maximum anticipated surface pressure during HF
- c. Documentation of pressure testing to anticipated surface pressure during HF
- d. Number of planned HF stages and stage length(s)
- e. Horizontal offset well evaluation for all wells w/in 1,500 feet of proposed well
- f. Estimated volume of flowback
- g. Disposal and transport method for flowback

4. Cement

- a. Depth and placement method of cement
- b. Documentation of cement adequacy

SOUTHERN UTE INDIAN TRIBE

AMENDED AND RESTATED HYDRAULIC FRACTURING AND CHEMICAL DISCLOSURE REGULATIONS

**(Approved June 16, 2015 by the Southern Ute Indian Tribal Council,
Resolution No. 2015-98, as amended and supplemented by Tribal Council Resolution No.
2016-41, adopted April 5, 2016)**

I. Applicability. These regulations apply to hydraulic fracturing treatments performed on or after June 23, 2015 on lands subject to the Tribe's regulatory authority.

II. Definitions. For these regulations, the identified terms shall have the following meanings:

Business Day means any day that is not a Saturday, Sunday or a day that is recognized as a holiday by the Tribe. Unless designated as a business day, "day" means calendar day.

Department means the Tribe's Department of Energy.

Isolate means using cement to protect, separate, or segregate fresh water aquifers and mineral resources.

Manager means the Department Manager or an authorized delegate of the Department Manager.

Operator means the individual, company, trust, or other entity designated as responsible for the exploration, development, and production of an oil or gas well or lease on the Southern Ute Indian Reservation.

Fresh water aquifers means generally those aquifers with waters containing up to 5,000 parts per million of total dissolved solids or, if specifically designated as fresh water aquifers by the Southern Ute Indian Tribal Council, geologic water bearing zones containing water with total dissolved solids in excess of 5,000 parts per million. Fresh water aquifers include, but are not limited to: (i) Underground water that supplies any public water system and (ii) an aquifer which contains a sufficient quantity of groundwater to supply a public water system and currently supplies drinking water for human consumption. The following geologic zones are deemed not to contain fresh water aquifers: (i) zones from which an operator is authorized to produce hydrocarbons; (ii) aquifers exempted under 40 CFR 144.7; (iii) and zones containing total dissolved solids in excess of 5,000 parts per million unless designated as fresh water aquifers by the Southern Ute Indian Tribal Council.

III. Notice of Intent to Conduct Hydraulic Fracturing Treatment. Operators shall give at least 20 business days advance written notice to the Department of their intent to conduct a

hydraulic fracturing treatment at any well located on lands subject to a tribal oil and gas lease, tribal mineral development agreement, communitization agreement that includes any lands of the Tribe, a tribal direct development resolution, or otherwise subject to the jurisdiction of the Tribe within the exterior boundaries of the Southern Ute Indian Reservation. Such notice shall be provided on a form approved by the Tribe's Department of Energy and shall include information identified in the attached checklist. After providing notice in conformity with these regulations, the operator may proceed with such activity unless otherwise directed by the Department.

IV. Information Sharing and Opportunity to Comment.

A. Sharing Notices of Intent to Conduct Hydraulic Fracturing. The Department shall provide prompt electronic notice to other interested governmental entities, including but not limited to the United States Bureau of Land Management ("BLM"), of any notice of an operator's intent to conduct hydraulic fracturing received by the Department. Prior to an operator's commencement of hydraulic fracturing activities, such interested governmental entities may provide comments to the Department of concerns related to such activity and may request an opportunity to consult with the Department about those concerns. Provided that comments and concerns are provided to the Department in a timely manner, the Department will make reasonable efforts to consult with commenting governmental entities prior to the operator's commencement of such activities.

B. Additional Sharing of Reports. Promptly following receipt by the Department, the Department shall transmit to the BLM copies of the operator's post-completion disclosures required in Section IX, Final Drilling Completion Report required in Section X, and Completed Interval Report required in Section XII of these regulations, as well as any notice of undesirable event submitted by an operator to the Department arising from activities associated with these regulations. Additionally, the Department may share other reports and records submitted by the operator to the Department under these regulations upon request from other interested governmental entities.

V. Protection of Fresh Water Aquifers and Other Minerals. In conducting hydraulic fracturing treatments, operators must isolate all fresh water aquifers and other mineral-bearing formations and protect them from contamination. Neither the existence of these Hydraulic Fracturing and Chemical Disclosure Regulations nor an operator's compliance with them is intended to limit the remedies available under applicable law to adversely affected parties against operators or lessees arising from damage to fresh water aquifers, contamination, or inadequate zonal isolation resulting from hydraulic fracturing activities.

VI. Cement Operations.

A. Casing and cement program to protect hydrocarbon formations and groundwater. The casing and cement program for each well must prevent oil, gas, and water from migrating from one formation to another behind the casing. Groundwater bearing zones penetrated during drilling must be protected from the infiltration of hydrocarbons or water from other formations penetrated by the well.

B. Surface and intermediate casing cementing. The operator shall ensure that all surface and intermediate casing cement required under these regulations shall be of adequate quality to achieve a minimum compressive strength of 300 psi after 24 hours and 800 psi after 72 hours measured at ninety-five degrees Fahrenheit (95 °F) and at eight hundred 800 psi confining pressure. All surface and intermediate casing shall be cemented with a continuous column from the bottom of the casing to the surface. Cement placed behind the surface and intermediate casing shall be allowed to set a minimum of 8 hours, or until 300 psi calculated compressive strength is developed, whichever occurs first, prior to commencing drilling operations.

C. Production casing cementing. The operator shall ensure that all cement required under these regulations placed behind production casing shall be of adequate quality to achieve a minimum compressive strength of at least 300 psi after 24 hours and of at least 800 psi after 72 hours both measured at 800 psi at either ninety-five degrees Fahrenheit (95 °F) or at the minimum expected downhole temperature. After thorough circulation of a wellbore, cement shall be pumped behind the production casing at least 50 feet above the bottom of the intermediate casing. If the well does not have intermediate casing, the production casing shall be cemented with a continuous column from the bottom of the casing to the surface. This requirement does not apply to portions of production casing located within the target formation. Cement placed behind the production casing shall be allowed to set 72 hours, or until 800 psi calculated compressive strength is developed, whichever occurs first, prior to the undertaking of any completion operation.

D. Production and intermediate casing pressure testing. The installed production casing or, in the case of a production liner, the intermediate casing, shall be adequately pressure tested for the conditions anticipated to be encountered during completion and production operations. The operator must keep a record of the pressure testing and mechanical integrity testing performed sufficient to verify compliance with the requirements of this section. A mechanical integrity test will be considered successful if the pressure applied holds for 30 minutes with no more than a 10 percent pressure loss. Operators shall promptly notify the Manager if a mechanical integrity test pressure loss exceeds 10 percent.

E. Remedial cementing for surface, intermediate or production casing.

(1) Within 24 hours of discovering that (a) the surface or intermediate casing cement level falls below the surface, (b) there is a material deviation from the cementing standards set forth above in subsections B or C of this Section VI, or (c) there is another indication of inadequate cementing, the operator shall notify the Manager and advise the Manager of the remedial steps, if any, that the operator has taken or intends to take, including the means by which the operator will verify that the remedial action is successful. The operator shall perform remedial cementing operations upon discovering any of the conditions (a), (b), or (c) set forth above unless the operator reasonably determines and is able to demonstrate to the Manager that any such event will not compromise either safety or aquifer protection. If the Manager determines that the remedial action taken or planned to be taken by the operator is inadequate with respect to safety or aquifer protection, the Manager will direct the operator to take additional remedial action.

(2) Upon completion of remedial cementing operations, the operator will certify in writing to the Manager that the inadequate cementing has been corrected.

F. Protection of aquifers and production stratum and suspension of drilling operations before or after running production casing. If drilling operations are suspended before production string is run, the Manager shall be notified immediately and the operator shall take adequate and proper precautions to assure that no alien water enters oil or gas strata, nor potential fresh water aquifers during such suspension period or periods. If alien water is found to be entering the production stratum or to be causing significant adverse environmental impact to fresh water aquifers during completion testing or after the well has been put on production, the condition shall be promptly remedied by the operator.

G. Remedial cementing during recompletion. The Manager may request that a condition of BLM approval for an Application for Permit-to-Drill or Sundry Notice, as applicable, be added to require remedial cementing during recompletion operations consistent with the provisions for protecting aquifers and hydrocarbon bearing zones in these regulations.

H. Horizontal offset well evaluation. An operator will perform an offset well evaluation of all offset wellbores within 1500 feet of a proposed well to determine if those wells have adequate zonal isolation in the formation to be stimulated. The offset well evaluation shall include producing, shut in, temporarily abandoned, plugged and abandoned, and dry and abandoned wells. The offset well evaluation area shall be a 1500 feet lateral distance around the proposed wellbore path, projected to surface in plan view; provided, however, the Manager may require the operator to expand the area of evaluation in the event that specific circumstances justify such expansion. If inadequate zonal isolation is identified in an offset well, then, prior to undertaking stimulation activities, the operator shall provide to the Manager, and the Manager shall have approved, a monitoring plan, or, if applicable, a monitoring and mitigation plan, designed to assess or control potential cross-communication (e.g. monitoring offset well bradenhead pressure during stimulation). The operator shall immediately report to the Manager any indication of cross-communication with offset wells during stimulation, and, in the event of cross communication, the operator will cease stimulation activities in a safe and prudent manner.

I. Fracture stimulation setback.

(1) No portion of a proposed wellbore's treated interval shall be located within 150 feet of an existing (producing, shut-in, or temporarily abandoned) or permitted oil and gas wellbore's treated interval belonging to another operator without the signed written consent of the Manager. The signed written consent shall be attached to either the Application for Permit-to-Drill for the proposed wellbore or the Notice of Intent to Conduct Hydraulic Fracturing Treatment required to be filed under Section III of these regulations.

(2) The measurement of distance between wellbores shall be based upon the directional survey for drilled wellbores and the deviated drilling plan for permitted wellbores, or as otherwise reflected in the well records of the Department, the BLM, or the Colorado Oil and Gas Conservation Commission. The distance shall be measured from the perforation or mechanical isolation device.

VII. Bradenhead Monitoring During Well Stimulation Operations.

The placement of all stimulation fluids shall be confined to the objective formations during treatment to the extent practicable.

During stimulation operations, bradenhead annulus pressure shall be continuously monitored and recorded on all wells being stimulated.

If at any time during stimulation operations the bradenhead annulus pressure increases more than 200 psig, the operator shall undertake appropriate corrective actions and shall verbally notify the Manager as soon as practicable, but no later than 24 hours following the incident. Upon the Manager's request, the operator shall undertake corrective actions not already undertaken. A form Field Operations Notice—Notice of High Bradenhead Pressure During Stimulation shall be submitted by the end of the first business day following the event. Within 15 days after the occurrence, the operator shall submit a Sundry Notice, giving all details, including corrective actions taken.

If intermediate casing has been set on the well being stimulated, the pressure in the annulus between the intermediate casing and the production casing shall also be monitored and recorded.

The operator shall keep all well stimulation records and pressure charts on file and available for inspection by the Tribe for a period of at least five (5) years. An operator may seek a variance from these bradenhead monitoring, recording, and reporting requirements, which variance must be approved in writing by the Manager based on appropriate circumstances.

VIII. Recovered Fluids Management.

A. Use of tanks required. Except as provided below, all fluids recovered between commencement of hydraulic fracturing operations and approval of a produced water disposal plan must be stored in rigid enclosed, covered, or netted and screened above-ground tanks. The tanks may be vented unless applicable regulations require vapor recovery or closed-loop systems. The tanks must not exceed a 500 barrel (bbl) capacity unless approved in advance by the Manager.

B. Lined pits allowed only upon approval in specific circumstances. The Manager may approve an application to use lined pits only if the applicant demonstrates that use of a tank as described above is infeasible for environmental, public health or safety reasons and only if, at a minimum, all of the following conditions apply:

- (1) The distance between the lined pit and intermittent or ephemeral water sources is at least 300 feet.
- (2) The distance between the lined pit and perennial water sources is at least 500 feet.
- (3) No usable groundwater is present within 50 feet of the lined pit.

(4) The distance between the lined pit and the location expected to be publicly occupied is greater than 300 feet.

(5) The lined pit is not constructed in fill or an unstable area.

(6) The construction of the lined pit would not adversely impact the hydrologic functions of a 100-year floodplain.

(7) The lined pit's use and construction complies with all other applicable laws.

(8) The lined pit is constructed with a durable, leak-proof synthetic material and equipped with a leak detection system.

(9) The lined pit is regularly inspected and maintained to ensure there is no fluid leakage into the environment. The operator must document all inspections.

IX. Post-Completion Required Disclosures.

A. Vendor and service provider disclosures. A service provider who performs any part of a hydraulic fracturing treatment and a vendor who provides hydraulic fracturing additives directly to the operator for a hydraulic fracturing treatment shall, except for information claimed to be a trade secret, furnish the operator with the information needed for the operator to comply with its disclosure requirements under these regulations. Such information shall be provided as soon as possible within 30 days following the conclusion of the hydraulic fracturing treatment.

B. Operator disclosures.

(1) Within 30 days following the conclusion of a hydraulic fracturing treatment, the operator of the well must complete the chemical disclosure registry form and post the form on the *FracFocus* chemical disclosure registry, including the following categories of information:

- (a) the operator name;
- (b) the date of the hydraulic fracturing treatment;
- (c) the county in which the well is located;
- (d) the API number for the well;
- (e) the well name and number;
- (f) the longitude and latitude of the wellhead;
- (g) the true vertical depth of the well;

- (h) the total volume of water used in the hydraulic fracturing treatment of the well or the type and total volume of the base fluid used in the hydraulic fracturing treatment, if something other than water;
- (i) each hydraulic fracturing additive used in the hydraulic fracturing fluid and the trade name, vendor, and a brief descriptor of the intended use or function of each hydraulic fracturing additive in the hydraulic fracturing fluid;
- (j) each chemical intentionally added to the base fluid;
- (k) the maximum concentration, in percent by mass, of each chemical intentionally added to the base fluid; and
- (l) the chemical abstract service number for each chemical intentionally added to the base fluid, if applicable.

C. Information Claimed to be Exempt from Public Disclosure. Information required above may only be withheld when required to avoid substantial competitive harm to the owner of the information. Information required above may not be withheld from the Tribe, and no privilege against disclosure shall be recognized, if such category of information has been previously disclosed to the public or to any federal, state or local governmental entity, or if such category of information is otherwise required to be disclosed to the public under any other applicable tribal, state, local, or federal law. For information required above that the owner of the information claims to be exempt from public disclosure and is withheld from the Tribe, a corporate officer, managing partner, or sole proprietor of the operator must sign, and the operator must submit to the Manager, an affidavit that:

- (1) Identifies the owner of the withheld information and provides the name, address and contact information for a corporate officer, managing partner, or sole proprietor of the owner of the information;
- (2) Affirms that the operator has been provided the withheld information from the owner of the information and is maintaining records of the withheld information, or that the operator has access and will maintain access to the withheld information held by the owner of the information;
- (3) Affirms that the operator, when requested by the Department, will make arrangements for the prompt disclosure of the information to Department, and, in an emergency situation, directly to health care professionals; and
- (4) Affirms that the owner of the withheld information has informed the operator in writing that such category of information has not been previously disclosed by the owner to the public or to any federal, state or local governmental entity and is not otherwise required to be disclosed to the public under any other applicable tribal, state, local, or federal law.

X. Drilling Completion Report.

A. Final Drilling Completion Report. A Final Drilling Completion Report shall be submitted within 30 days of rig release after drilling, sidetracking, or deepening a well to total depth. In the case of continuous, sequential drilling of multiple wells on a pad, the Final Drilling Completion Report shall be submitted for all the wells within 60 days of rig release for the last well drilled on the pad.

B. Information Requirements. The Final Drilling Completion Report shall include the following information:

(1) A cement job summary for every casing string set, except for those with verification by a cement bond log as required by permit conditions or otherwise, shall be attached to the form.

(2) All logs run, open-hole and cased-hole, electric, mechanical, mud, or other, shall be reported and copies submitted as specified here:

(a) A digital image file (PDF, TIFF, PDS, or other format approved by the Manager of the Tribe's Department of Energy) of every log run shall be attached to the form. A paper copy may be submitted in lieu of the digital image file and shall be so noted on the report.

(b) A digital data file (LAS, DLIS, or other format approved by the Manager) of every log run, except for mud logs and cement bond logs, shall be attached to the report.

(3) All drill stem tests shall be reported and test results shall be attached to the report.

(4) All cores shall be reported and the core analyses attached to the report. If core analyses are not yet available, the operator shall note this on the report and provide a copy of the analyses as soon as it is available, via a Sundry Notice.

(5) Any directional survey shall be attached to the report.

(6) The latitude and longitude coordinates of the "as drilled" well location shall be reported on the report. The latitude and longitude coordinates shall be in decimal degrees to an accuracy and precision of five decimals of a degree using the North American Datum (NAD) of 1983 (e.g.; latitude 37.12345, longitude -104.45632). If GPS technology is utilized to determine the latitude and longitude, all GPS data shall meet the necessary requirements and the Position Dilution of Precision (PDOP) reading, the GPS instrument operator's name and the date of the GPS measurement shall also be reported on the report.

XI. Certification. Within 30 days after hydraulic fracturing is completed, the operator shall submit a certification to the Department that the operator complied with the requirements of these regulations and the hydraulic fracturing fluid constituents, once they arrived on the lease, complied with all applicable permitting and notice requirements as well as all applicable federal and tribal

laws, rules, and regulations. The Manager may require the operator to provide documentation substantiating any information submitted under these regulations.

XII. Completed Interval Report. A Completed Interval Report shall be submitted within 30 days after a formation is completed (successful or not); after a formation is temporarily abandoned or permanently abandoned; after a formation is recompleted, re-perforated or re-stimulated; and after a formation is commingled. The details of fracturing, acidizing, or other similar treatment, including the volumes of all fluids involved, shall be reported to the Department.

XIII. Enforcement.

A. Investigations and Information Requests. For the purpose of (i) developing or assisting in the development of any changes to these regulations, (ii) determining whether any operator is in violation of any requirement of these regulations, or (iii) carrying out any provision of these regulations –

(1) the Department may require any operator, on a one-time, periodic or continuous basis, who the Department believes may have information related to the purposes set forth in these regulations, or who is subject to any requirement of these regulations to—

(a) establish and maintain records and reports; install, use, and maintain monitoring equipment; use audit procedures or methods; or keep records as determined by the Department;

(b) monitor fluids, pressure, and other information (in accordance with such procedures or methods, at such locations, at such intervals, during such periods and in such manner as the Department shall prescribe);

(c) submit compliance certifications in accordance with section XI. above; and

(d) provide such other information as the Department may reasonably require relating to the operator's hydraulic fracturing operations or to any investigation authorized by these regulations;

(2) the Tribe, through its authorized representatives, upon presentation of credentials, has the power to enter and inspect any property, premises, or place for the purpose of investigating any actual, suspected, or potential hydraulic fracturing operation or ascertaining compliance with any requirement of these regulations; and the Tribe may, at reasonable times, have access to and copy any record, inspect any monitoring equipment or method, or sample any fluids used by the operator. Any information relating to secret processes or methods of manufacture or production obtained in the course of the inspection or investigation may be kept confidential in accordance with Section IX.C. above.

B. Emergency Action. Whenever the Tribe determines, after investigation, that any operator is either engaging in any activity involving a significant risk of adverse impacts to fresh water aquifers or the environment and such activity either (x) constitutes a clear, present, and

immediate danger to the environment or to the health of the public, or that any such activity, if permitted to continue unabated, will result in a condition of clear, present, and immediate danger to the health of the public, or (y) does not constitute a clear, present, and immediate danger to the health of the public, but is of such a nature as to cause extreme discomfort or that it is an immediate danger to the welfare of the public because such impact makes habitation of residences or the conduct of businesses subjected to the impact unhealthful or disruptive, the Department shall:

(1) Issue a written cease-and-desist order to the operator requiring immediate discontinuance of such activity, and, upon receipt of such order, such person shall immediately discontinue such activity; or

(2) Apply to a court of competent jurisdiction for a temporary restraining order, temporary injunction, or permanent injunction; or

(3) Both issue such a cease-and-desist order and apply for any such restraining order or injunction.

C. Other Incidental Powers. The Department may exercise all incidental powers necessary to carry out the purposes of these regulations.

D. Enforcement Authority. The Department has the following authority to prevent and address violations of these regulations by operators:

(1) Civil Penalties and Damages. To assess or sue to recover in court civil penalties or recover civil damages according to the following:

(a) Civil penalties or damages assessed, sought, or agreed upon by the Department under this section shall be appropriate to the violation;

(b) These penalties or damages shall be separately recoverable in an amount not to exceed \$10,000.00 per day per violation;

(c) Civil penalties or damages shall be recoverable for the violation of any applicable requirement; any filing requirement; any duty to allow or carry out inspection, entry, or monitoring activities; or any regulation or orders issued by the Department. Mental state shall not be included as an element of proof for civil violations.

(d) In determining the amount of any civil penalty, the following factors shall be considered:

(i) The violator's compliance history;

(ii) Good-faith efforts on behalf of the violator to comply;

(iii) Payment by the violator of penalties previously assessed for

the same violation;

(iv) Duration of the violation;

(v) Economic benefit of noncompliance to the violator;

(vi) Impact on, or threat to, the public health or welfare or the environment as a result of the violation;

(vii) Malfeasance; and

(viii) Whether legal and factual theories were advanced for purposes of delay.

(e) In addition to the factors set forth above, the following circumstances shall be considered as grounds for reducing or eliminating civil penalties:

(i) The voluntary and complete disclosure by the violator of such violation in a timely fashion after discovery of the noncompliance;

(ii) Full and prompt cooperation by the violator following disclosure of the violation including, when appropriate, entering into a legally enforceable commitment to undertake compliance and remedial efforts;

(iii) The existence and scope of a regularized and comprehensive environmental compliance program or an environmental audit program;

(iv) Substantial economic impact of a penalty on the violator;

(v) Nonfeasance; and

(vi) Other mitigating factors.

(f) The imposition of civil penalties may be deferred or suspended where appropriate based on consideration of the factors set forth above.

(2) Civil Action. To bring a civil action for declaratory or injunctive relief against any operator who fails to comply with terms of these regulations or a Department order, or is presenting an imminent and substantial endangerment to the public health or welfare, or the environment.

(3) These regulations constitute "applicable regulations governing lease operations," the violation of which can result in, among other available legal remedies, lease forfeiture under Tribal Ordinance No. 86-01 adopted by the Tribal Council on November 5, 1985. The Tribe

shall enforce compliance with these regulations including, if necessary, through the procedures under Tribal Ordinance No. 86-01, a civil action in a court of competent jurisdiction, or both.

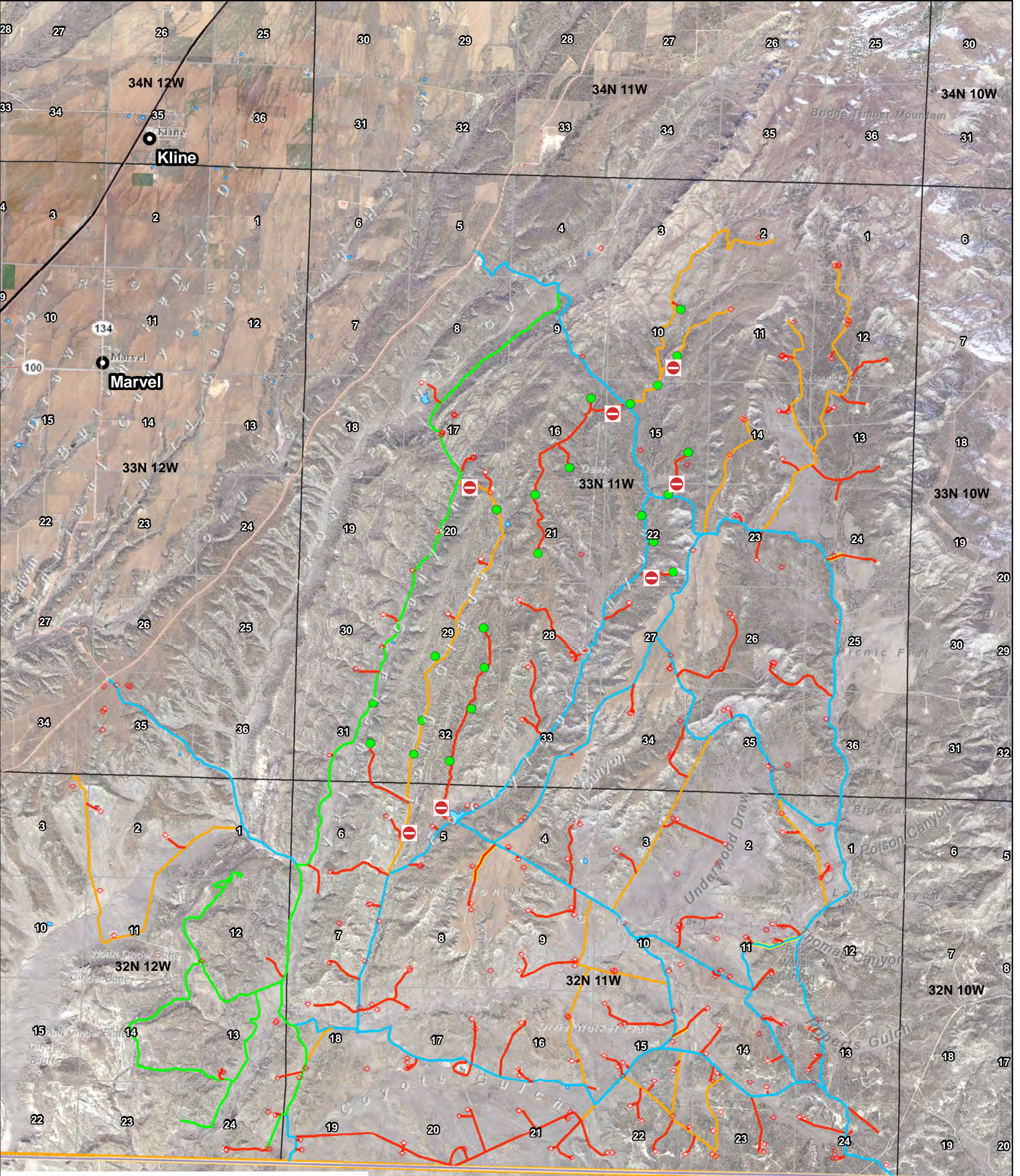
(4) Referral for Federal Enforcement. The Department may refer any violations to the BLM, Bureau of Indian Affairs, United States Environmental Protection Agency, or other federal agency with enforcement jurisdiction.

E. Administrative Appeal. An operator who is aggrieved by a final action or inaction by the Department under these regulations may, within 30 days following the date of the action or inaction, appeal to the Administrative Appeals and Hearings Office. An operator who appeals shall be entitled to a hearing before the Administrative Appeals and Hearings Office within 90 days the date of the appeal, at which time the operator shall present its reasons and arguments for the appeal and the Department shall be permitted to present the reasons and arguments supporting the Department's decision. Should the operator fail to appear on the date appointed for the hearing before the Administrative Appeals and Hearings Office, the appeal may, in the absence of a showing of unforeseeable circumstances, be summarily dismissed and the appeal denied. The Administrative Appeals and Hearings Office shall render a decision on any appeal within 60 days following the date of the hearing. The rationale supporting a decision regarding a specific appeal may be relied upon in deciding other appeals filed for identical reasons.

F. Judicial Review. Within 30 days of a final Administrative Appeals and Hearings Office decision, an operator who is adversely affected by the decision may file a petition for judicial review in the Southern Ute Indian Tribal Court, and the Tribe hereby consents to such a suit. The review shall be on the record without taking additional evidence. If the court finds that the Administrative Appeals and Hearings Office or the Department exceeded its constitutional or statutory authority, made an erroneous interpretation of the law, acted in an arbitrary and capricious manner, or made a determination which is unsupported by the evidence in the record, the court may reverse the Administrative Appeals and Hearings Office's decision. Otherwise, the Administrative Appeals and Hearings Office's decision shall be affirmed. The decision of the Tribal Court may be appealed to the Tribe's appellate court in accordance with the rules and procedures governing practice before that court. Provided a jurisdictional basis exists, the final decision of the Tribe's courts issued, after exhaustion of all tribal judicial remedies, may be appealed to the United States District Court for the District of Colorado, and the Tribe hereby consents to such federal appellate review. The Tribe does not consent to be sued in the state courts of Colorado.

XIV. Amendment. The Southern Ute Indian Tribal Council may amend these regulations by resolution, ordinance, or other enactment, which amendments shall become effective upon the date of enactment unless otherwise specified by the Tribal Council.

Appendix C West Side Road Reclamation Guidance



Southern Ute Indian Reservation
Oil and Gas Road Designations for Reclamation

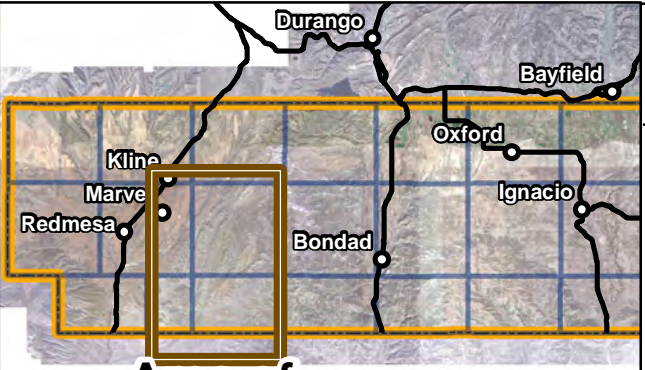
Tier 1 – Recommend to remain open. Heavy year-round usage. Main thoroughfares that can include major canyon, access, and/or County Roads. Heavy seasonal usage by Tribal Members for hunting.

Tier 2 – Recommend site specific reclamation. Medium year-round usage. Secondary thoroughfares or longer well spur roads. Medium to light seasonal usage for hunting by Tribal Members.

Tier 3 – Recommend to close and reclaim. Light year-round usage. Dead end roads and short well spur roads. Limited traffic and little to no use by Tribal Member hunters.

Special Use – Roads associated with the Southern Ute Department of Energy (SUDOE) Picket Fence Mitigation Vent Well Project and/or Coal fires. The SUDOE will continue to use these roads to monitor ongoing project areas.

Sources: Esri, Garmin, USGS, NPS



Area of Interest

Southern Ute Department of Energy
Road Classification for Westside Plugged and Abandoned Well Reclamation

- LEGEND**
- Limited/Restricted Access
 - Chevron Proposed P&A wells
 - Road Classification**
 - Special Use - Remain Active
 - Tier 1 - Remain Active
 - Tier 2 - Site Specific Reclaim
 - Tier 3 - Reclaim
 - Range Resource Roads
 - Reservation Boundary
 - Townships
 - Sections



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