

Colorado Division of Wildlife Consultation with Mesa Energy Partners, LLC.

Mesa Energy Partners, LLC (Mesa) consulted with DOW regarding their 2010 drilling program on the following dates:

- April 28th - Meeker (Ed Winters)
- April 22nd – Meeker (BLM onsite- Ed Winters)
- April 15th – GJ (Dean Riggs)
- February 23rd – GJ (Chuck Anderson)
- February 4th – GJ (Dean Riggs, Kim Kaal)

Mesa agrees to abide by all wildlife Best Management Practices (BMPs) agreed to between Mesa and the Colorado Division of Wildlife (CDOW). The following summarizes the CDOW consultation. (SEE NOTES IN CAPS/PARENTHESES):

Golden Eagle: For golden eagle nest, CDOW would like to no surface development or activity. If that is not possible, then timing limitation for drilling, construction activities should take place outside of the time from December 15 to July 15. *Please note, this COA will not preclude the operator/landowner from the legal implications if take occurs as defined under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.* (THERE ARE 2 KNOWN GE NESTS WITHING THE BDU, BUT NONE AFFECT THE PROPOSED WELLS. MESA CAN AGREE TO THIS JUST BUT WILL NEED TO CONFIRM THAT A ½ MILE RADIUS IS ACCEPTABLE)

Mule Deer Critical Winter range and Elk Winter Concentration:

- Conduct drilling and construction activity outside of the time from December 1 to April 15- (RECOMMEND WE TRY TO ALIGN THIS WITH BLM'S BGTL WHICH RUN 1/1 – 4/30).
- Restrict post development activity and well visitations to the hours of 10:00 am to 3:00 pm during the winter months from December 1 to April 15. (SAME HERE)
- Utilize practices that minimize mortality from vehicle collisions on roadways. (OBEY POSTED SPEED LIMITS AND WATCH FOR WILDLIFE)
- Fencing and netting of pits during the drilling phase shall be implemented to prevent wildlife from gaining access to the pits (ALSO COGCC/BLM REQS)
- Reclaim mule deer and elk habitats with native shrubs, forbs and grasses (UTILIZE PRESCRIBED BLM NATIVE SEED MIX #3)

Elk Production

- Conduct activities outside of the timeframe of May 15 to June 30. (WILL AGREE TO THIS FOR ALL 2010 WELLS, BUT WOULD LIKE TO EVALUATE ON A CASE-BY-CASE BASIS FOR 2011- THESE TIMING LIMITATIONS, WHEN COMBINED WITH OTHER TIMING RESTRICTIONS, SUCH AS RAPTOR, REALLY LIMITS PLACE TIGHT LIMITS ON THE DRILLING SEASON)
- Utilize practices that minimize mortality from vehicle collisions on roadways. (OBEY POSTED SPEED LIMITS AND WATCH FOR WILDLIFE)
- Fencing and netting of pits during the drilling phase shall be implemented to prevent wildlife from gaining access to the pits (ALSO COGCC/BLM REQS)
- Reclaim mule deer and elk habitats with native shrubs, forbs and grasses (UTILIZE PRESCRIBED BLM NATIVE SEED MIX #3)