

December 15, 2010

Colorado Oil & Gas Conservation Commission
1120 Lincoln Street, Suite 801
Denver, CO 80203

To whom it may concern,

On behalf of the Bosque del Oso State Wildlife Area, this is to advise that we hereby waive 30-day notice or whatever other notice is required from XTO Energy Inc. by the COGCC prior to initiation of drilling operations by XTO.

This waiver should apply to the following listed wells.

APACHE CANYON #08-06	SENW	Sec. 08, T34S, R67W	37.101481 N	104.914435 W
APACHE CANYON #08-08	SENE	Sec. 08, T34S, R67W	37.099912 N	104.906673 W
APACHE CANYON #08-10	NWSE	Sec. 08, T34S, R67W	37.096578 N	104.908932 W
APACHE CANYON #08-14	SESW	Sec. 08, T34S, R67W	37.093375 N	104.913264 W
APACHE CANYON #09-02	NWNE	Sec. 09, T34S, R67W	37.104644 N	104.890858 W
APACHE CANYON #09-04	NWNW	Sec. 09, T34S, R67W	37.103732 N	104.899737 W
APACHE CANYON #09-06	SENW	Sec. 09, T34S, R67W	37.100502 N	104.896209 W
APACHE CANYON #09-08	SENE	Sec. 09, T34S, R67W	37.100695 N	104.886687 W
GOLDEN EAGLE #30-02	NWNE	Sec. 30, T33S, R67W	37.149221 N	104.924997 W
GOLDEN EAGLE #30-08	SENE	Sec. 30, T33S, R67W	37.144707 N	104.922120 W
GOLDEN EAGLE #34-11	NESW	Sec. 34, T33S, R67W	37.125352 N	104.876825 W

Should there be any questions, please contact me at:
719-680-1036.

Sincerely,

Bill Velarde
Colorado Division of Wildlife

bv/kks



STATE OF COLORADO

Bill Ritter, Jr., Governor

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WILDLIFE

AN EQUAL OPPORTUNITY EMPLOYER

Thomas E. Remington, Director

6060 Broadway

Denver, Colorado 80216

Telephone: (303) 297-1192

wildlife.state.co.us



*For Wildlife-
For People*

January 3, 2010

XTO Energy

Attn: Sam Montoya, Field Environmental Coordinator

16920 Hwy. 12

Weston, CO 81091

To: Shannon Nichols

Re: XTO 2011 Plan of Development – Bosque del Oso State Wildlife Area

Thank you for providing CDOW the opportunity to review XTO's 2011 Plan of Development (POD) for the Bosque del Oso State Wildlife Area. We appreciate your staff taking the time to tour the proposed sites on December 7th and 8th, 2010 with Bob Holder (DWM Trinidad West) and Ed Schmal (Conservation Biologist). Seven proposed well sites and corresponding road locations were visited with CDOW providing information and recommendations. Many good discussions occurred during the tour and we would like to distill our preferences and concerns with this correspondence. Each planned location will be addressed individually.

AC 01-04:

CDOW approves the location for this well and road as outlined in the 2011 POD.

AC 20-03:

The pad site for this well is planned to be located on a bench down slope from the ridge top. These areas are important habitat for deer and elk in that it provides vital food and cover resources. This well pad location is approximately 100 ft. up slope from the originally planned location (which is closer to the bottom of the canyon). CDOW agrees that this alternate location is more preferable than the original. It was indicated to us that the well pad could not be moved due to the proximity of nearby wells. CDOW approves the alternate location of this well pad. CDOW also recommends that the road be placed on the South facing slope.

AC 20-07:

The pad site for this well is planned to be located on a bench down slope from the ridge top. These areas are important habitat for deer and elk in that it provides vital food and cover resources. This well pad location is up slope from the originally planned location which is closer to the bottom of the canyon. CDOW agrees that this alternate location is more preferable than the original. CDOW approves the alternate location of this well pad. It was indicated that the access road for this well will extend from AC 20-11. CDOW approves the locations of the well pad and road.

AC 20-11:

CDOW approves the location for this well and road as outlined in the 2011 POD.

AC 20-14:

The site for this well and road will disrupt excellent Ponderosa pine habitat. This well pad location is up slope from the originally planned location (which is closer to the bottom of the canyon) due to the need for less cut and fill. CDOW agrees that this alternate location is more preferable than the original. CDOW approves the alternate location of this well pad. It was indicated by XTO that the well site could not be relocated because it has to lay in section 20 and that there are no suitable alternative locations. CDOW approves the location of this well pad. The road to access this pad will extend off of an existing well pad. CDOW would prefer the road to this well be located on the west side of the ridge finger and avoid all of the rock structures in the area.

AC 30-07:

The pad site for this well is planned to be located on a bench down slope from the ridge top. These areas are important habitat for deer and elk in that it provides vital food and cover resources. This well pad location is up slope from the originally planned location which is closer to the bottom of the canyon. CDOW agrees that this alternate location is more preferable than the original. CDOW approves the alternate location of this well pad. CDOW recommends that the road to access this well come off of the existing well pad location to minimize disturbance to habitat in the valley to the south of this location. CDOW supports XTO's recommendation to reclaim the pit on the existing well to allow for road construction in this preferable location.

AC 30-11:

The pad site for this well is planned to be located on a bench within an old burn area. These areas are important habitat for deer and elk in that it provides vital food and cover resources. In addition, this area is in good juxtaposition to dark timber and highly productive burn areas and experiences high elk use. This well pad location is up slope from the originally planned location which is closer to the bottom of the canyon. CDOW agrees that this alternate location is more preferable than the original and recommends that it be placed as far from the dark timber as possible. CDOW approves the alternate location of this well pad. CDOW recommends that the road accessing this well pad be built as high on the slope as possible to minimize disturbance to habitat in the valley to the southeast of this location.

In addition to these locations, Bill Velarde (Bosque del Oso Property Technician) has previously approved the following:

AC 08-06-DW-RV	RTON/VERM	37.101460	-104.913882
AC 08-08-DW-RV	RTON/VERM	37.099891	-104.906121
AC 08-10-DW-RV	RTON/VERM	37.096557	-104.908380
AC 08-14-DW-RV	RTON/VERM	37.093353	-104.912712
AC 09-02-DW-RV	RTON/VERM	37.104623	-104.890306
AC 09-04-DW-RV	RTON/VERM	37.103711	-104.899185
AC 09-06-DW-RV	RTON/VERM	37.100481	-104.895657
AC 09-08-DW-RV	RTON/VERM	37.100673	-104.886135
GE 30-02-DW-V	VERM	37.149218	-104.924311
GE 30-08-DW-V	VERM	37.144699	-104.921510
GE 34-11-DW-RV	RTON/VERM	37.125347	-104.875867

In addition to the above information CDOW would like to reiterate the importance of the following:

- 1) All pipes should be buried alongside the roads to avoid any additional disturbance.
- 2) All topsoil removed should be stock piled to be reused for revegetation purposes.
- 3) Road and well pad dimensions should be minimized as much as possible.
- 4) Cut size should be minimized as much as possible.
- 5) Cut and fill material should be sloped as gradual as possible to minimize erosion and maximize revegetation success.
- 6) All snags (that do not pose a human safety risk) should be maintained.

Thank you again for providing CDOW with an opportunity to review the 2011 POD and provide recommendations. If you have any questions please feel free to contact Bill Velarde at 719-680-1036. Thank you for the cooperation.

Sincerely,

Michael Trujillo
Area Wildlife Manager
Colorado Division of Wildlife

CC:
Bill Velarde; Bosque Property Tech
Bob Holder; Trinidad West District Wildlife Manager
Ed Schmal; Area 11 Conservation Biologist
Allen Vitt; Area 11 Terrestrial Biologist