



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Colorado River Valley Field Office  
2300 River Frontage Road  
Silt, Colorado 81652  
970-876-9000



IN REPLY REFER TO:  
CON040, 2880/2800  
COC75242, COC75242-01,  
COC75242T

April 12, 2012

CERTIFIED MAIL: 7010 2780 0001 3922 4192

Return Receipt Requested

Bill Barrett Corporation  
Attn: Tracey Fallang, Regulatory Manager  
1099 18th Street, Suite 2300  
Denver, Colorado 80202

Dear Ms. Fallang:

Enclosed are two original grants for the **COC75242** access road to Well Pad 22 and the **COC75242T** short-term permit to be used only for the construction portion of this project access road), to be constructed within the area of the Gibson Gulch II Master Development Plan. These grants were prepared by the Bureau of Land Management (BLM), Colorado River Valley Field Office (CRVFO), in response to the application by Bill Barrett Corporation ("Barrett"), operator of the GGIIMDP development area. The access roads would be located on BLM-administered lands in:

**6TH PRINCIPAL MERIDIAN, GARFIELD and MESA COUNTIES, COLORADO**

Township 6 South, Range 91 West, sec 18, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
19, E $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
20, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;

Please review the grant(s) and, if in agreement, sign both original grants and return both originals, along with the appropriate fees, to this office for final execution. The grant is subject to the terms and conditions contained therein and to payment of the fees outlined below:

**PROCESSING AND MONITORING FEES:**

In accordance with 43 CFR 2804.14 and 2805.16, application processing and monitoring fees must be submitted prior to the approval of right-of-way grants. A determination has been made that the processing fees for the proposal are as follows:

COC75242 (Access Road)	Processing Fee (Category 4)	\$ 1,089.00
	Monitoring Fee (Category 4)	1,089.00
COC75242 (Short-Term Permit)	Processing Fee (Category 3)	760.00
	Monitoring Fee (Category 3)	<u>760.00</u>
<b>Total Monitoring and Processing Fees</b>		<b>\$ <u>3,698.00</u></b>

**RENTAL FEES:**

In accordance with 43 CFR 2885.16 and 2886.20, rent for use of public lands must be paid in advance of such use and prior to issuance of the right-of-way grant. Rent for a linear right-of-way is based on a schedule that is adjusted annually based on the Implicit Price Deflator (IPD), an inflation index.

Barrett has the option of paying the rent in 10-year periods or for the entire term of the grant.

COC75242 (Access Road)

**\$ 2,906.37** for the first 10-year period from 04-2012 through 12-31-2021

**OR**

**\$ 8,043.21** for the entire 30-year term from 04-2012 through 12-31-2014

COC75242T (Short-Term Permit – Construction of Access Roads)

**\$ 539.76** for a 3 year term from the May 2012 date of authorization to May 2015.

**COMBINED PROCESSING, MONITORING, AND RENTAL FEES:**

10-year rental basis:

Processing and Monitoring	\$ 3,698.00
Rental	<u>3,446.13</u>
<b>Total</b>	<b>\$ 7,144.13</b>

30-year rental basis:

Processing and Monitoring	\$ 3,698.00
Rental	<u>8,582.97</u>
<b>Total</b>	<b>\$12,280.97</b>

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4, and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error. Should you wish to file a petition for a stay of the effectiveness of this decision during appeal review, please reference the enclosed instruction sheet attached to Form 1842-1.

We appreciate your cooperation in processing these right-of-way applications. Please be aware that you may not conduct any activities related to your right-of-way project on public land until you have received an authorized grant from this office. Should you have any questions concerning the required fees or procedures, please contact Ms. D. J. Beaupeurt, Realty Specialist, in this office at 970-876-9035.

Sincerely,



Allen B. Crockett, PhD., J.D.  
Supervisory Natural Resource Specialist

Encl. Original Grant(s) COC75242  
Form 1842-1 Appeals Information

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT  
  
ACCESS ROAD

Colorado River Valley  
Field Office

Serial Number:

**COC75242**  
**COC75242T**

1. The U.S. Department of the Interior, Bureau of Land Management (BLM), hereby grants rights-of-way **COC75242** for 8,023 linear feet of Access Road across BLM-administered land to Well Pad 22, which contains one fee well outside of the Communitization Area. This right-of-way is granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (FLPMA) (90 Stat. 2776; 43 U.S.C. 1761), which states: “(a) The Secretary, with respect to the public lands *(including public lands, as defined in section 103(e) of this Act, which are reserved from entry pursuant to section 24 of the Federal Power Act (16 U.S.C. 818))* [P.L. 102-486, 1992], is authorized to grant, issue, or renew rights-of-way over, upon, under, or through such lands.” Reference: Federal Oil and Gas Leases COC51026 and COC51146, Gibson Gulch II Unit; and Gibson Gulch II Master Development Plan (GGIIMDP), Environmental Assessment (EA) DOI-BLM-CO-N040-2011-0030, dated October 2011.

Temporary short-term permit **COC75242T** is also issued for the construction portion of this project, pursuant to FLPMA Sec. 501.

2. Nature of Interest:

- a. By this instrument, the holder,

Bill Barrett Corporation  
1099 18th Street, Suite 2300  
Denver, Colorado 80202

receives right-of-way grant COC 75242 for an access located on Federal land described as follows:

6TH PRINCIPAL MERIDIAN, GARFIELD COUNTY, COLORADO  
Township 6 South, Range 91 West, sec 18, SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;  
19, E<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>;  
20, NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>;

- b. The permanent right-of-way area for the **COC75242** Access Road is approximately 8,729 feet in length and approximately 30 feet in width (with an approximate running surface of 24 feet) and contains approximately **6.011 acres**, more or less

The short-term permit (**COC 75242T**) for construction of the Access Roads is approximately 8,729 feet in length and approximately 20 feet in width and contains approximately **4.01 acres**, more or less. The term of the short-term permit is 3 years from the date of the authorization of this right-of-way grant (**April 2015**).

- c. This grant amendment shall terminate **30 years** from the effective date (**December 31, 2041**), unless prior thereto, it is relinquished, abandoned, terminated or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

- d. This instrument may be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the Authorized Officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration or termination of the grant.

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the Authorized Officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the Authorized Officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2880.
- b. Upon grant termination, the holder shall submit to the Authorized Officer, a plan of abandonment describing in detail how the improvements shall be abandoned or removed from the Federal lands described in this right-of-way grant. The plan of abandonment shall be approved by the Authorized Officer prior to implementation.

*\* Upon grant termination by the Authorized Officer, all improvements shall be removed from the public lands within 180 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the Authorized Officer.*

- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the Authorized Officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the Authorized Officer.
- d. The stipulations, plans, maps, or designs set forth in the Attachments A (Maps/Plats) and B (Stipulations) attached hereto, are incorporated into and made part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, the undersigned agrees to the terms and conditions of this right-of-way grant or permit.

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Signature of Holder

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Signature of Authorized Officer

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Title

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Supervisory Natural Resource Specialist  
Title

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Date

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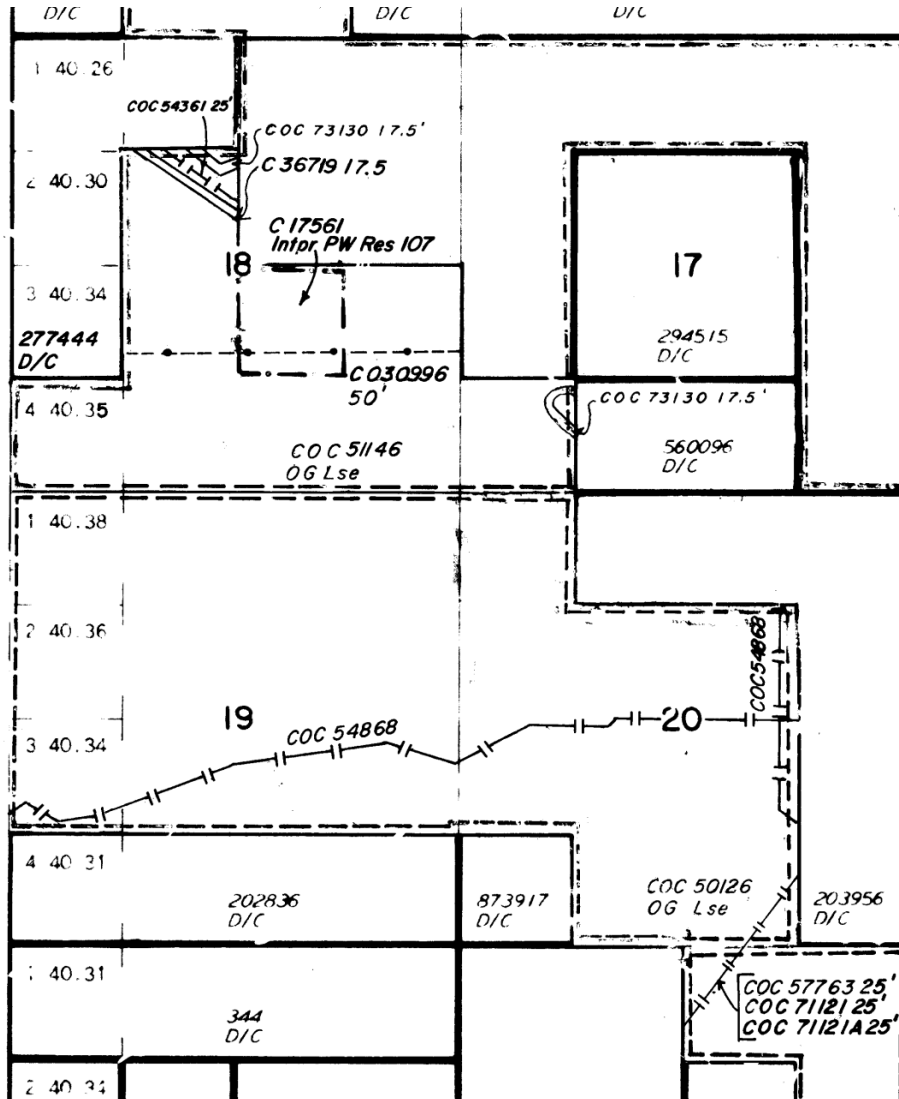
Effective Date of Grant

ATTACHMENT A(1)  
COC75242 Access Road  
Partial Plat

Bill Barrett Corporation

April 2012

TOWNSHIP 6 SOUTH RANGE 91 WEST  
Sections 18, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
19, E $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
20, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
6<sup>TH</sup> Principal Meridian, Garfield County, Colorado

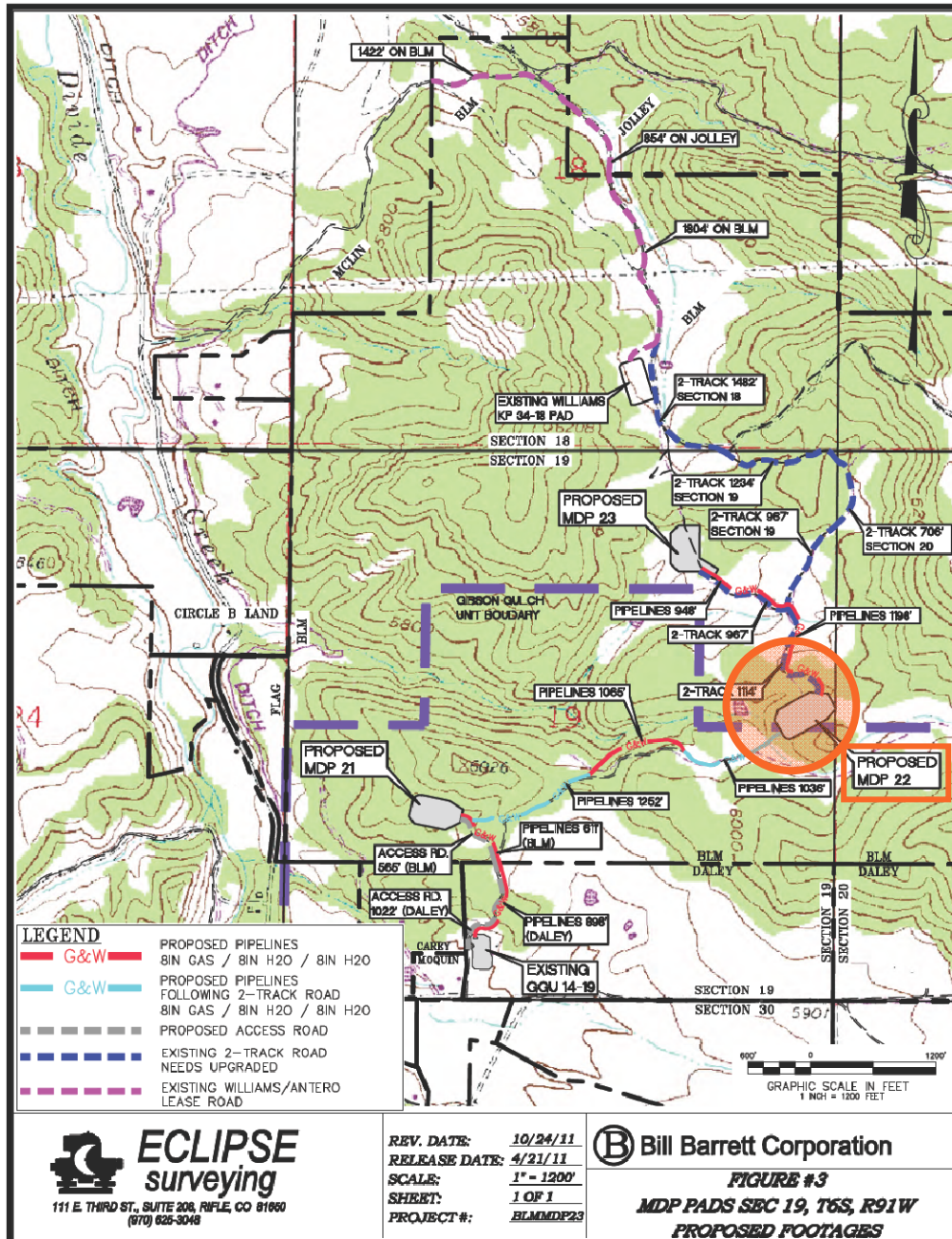


**ATTACHMENT A(2)**  
**COC75242 Access Road**  
**Vicinity Map**

Bill Barrett Corporation

April 2012

**6<sup>TH</sup> Principal Meridian, Garfield County, Colorado**  
**Township 6 South Range 91 West**



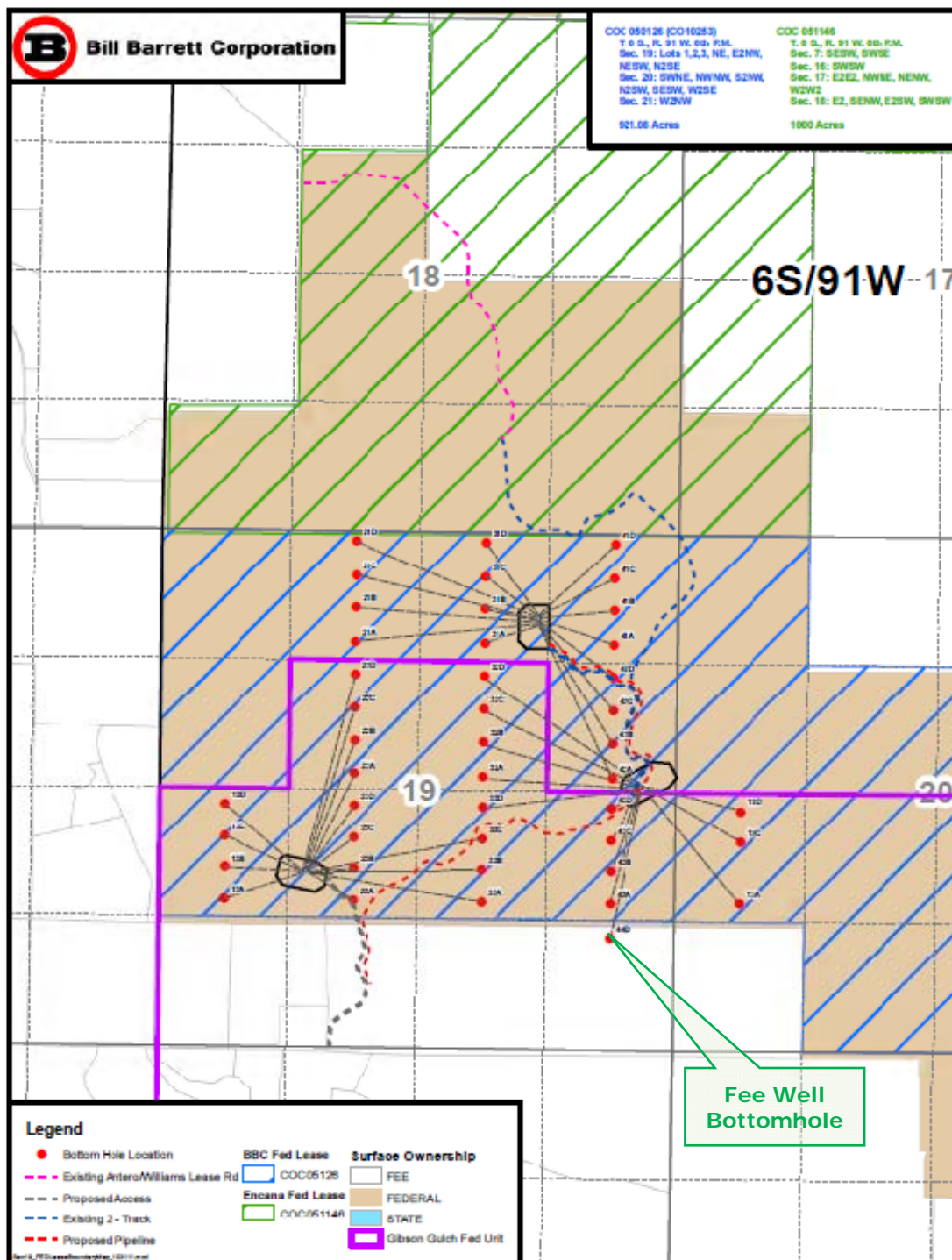


Bill Barrett Corporation

ATTACHMENT A(3)  
COC75242 Access Road  
Bottom Hole Location Map

April 2012

6<sup>TH</sup> Principal Meridian, Garfield County, Colorado  
Township 6 South Range 91 West





**ATTACHMENT B**  
**STIPULATIONS**  
**Bill Barrett Corporation**  
**COC75242 Access Road**  
**Environmental Assessment DOI-BLM-CO-N040-2011-0030**  
**Federal Leases COC51026 and COC51146**

**General Stipulations:** Federal leases COC51026 and COC51146 have the following protective stipulations: Timing Limitation GS-TL-01 for big game winter range (no construction, drilling, or completion activities from January 16 through April 29); No Surface Occupancy GS-NSO-18 for the Interstate 70 viewshed; No Surface Occupancy GS-NOS-15 for riparian and wetland areas; and Controlled Surface Use GS-CSU-04 (erosive soils and slopes greater than 30 percent).

**Application of the Gibson Gulch II MDP (DOI-BLM-CO-N040-2011-0030-EA) Terms and Conditions.** Standard Conditions of Approval (COAs) outlined in Appendix A, "Surface Use Conditions of Approval," of the GGIIMDP shall apply and remain in full force and effect, unless superseded by stipulations included in this exhibit.

*Copies of the ROW grant/Short-term Permit with the stipulations, including exhibits and the Plan(s) of Operation, shall be kept on site during construction and maintenance activities. All construction personnel shall review the grant and stipulations before working on the ROW/Short-term Permit.*

1. Administrative Notification. The operator has notified the BLM of its intentions to begin construction on the access road as soon as this grant amendment has been authorized. If requested by the BLM, the operator shall schedule a pre-construction meeting, including key operator and contractor personnel, to ensure that any unresolved issues are fully addressed prior to initiation of surface-disturbing activities or placement of production facilities.
2. Utilities Locations. All existing Access Roads, surface valves, and other utilities shall be field located, clearly marked, and the appropriate Utility Notification Center ([www.unc.org](http://www.unc.org)) shall be notified before any construction/surface work occurs. All publicly owned underground facilities shall be marked according to the APWA color code.
3. Indemnification. The operator agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601 *et seq.* or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et seq.*) on the ROW (unless the release or threatened release is wholly unrelated to the operator's activity in the ROW). This agreement applies without regard to whether a release is caused by the operator, its agent, or unrelated third parties.
4. Compliance with Federal Laws. The operator shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the operator shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601 *et seq.*) with regard to any toxic substances that are used, generated by, or stored on the ROW or on facilities authorized under this ROW grant (see 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193). Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), Section 102b. A copy of any report required or requested by any federal agency or state government

as a result of a reportable release of spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved federal agency or state government.

5. Compliance with 43 CFR 2800, 2880. This grant is issued subject to the operator's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
6. Road Construction and Maintenance. Roads shall be crowned, ditched, surfaced, drained with culverts and/or water dips, and constructed to BLM Gold Book standards (*Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development, The Gold Book, Fourth Edition—Revised 2007, BLM/VO/ST-06/021+3071/REV 07.*). Initial gravel application shall be a minimum of 6 inches. The holder shall provide timely year-round road maintenance and cleanup on the access roads. A regular schedule for maintenance shall include, but not be limited to, blading, ditch and culvert cleaning, road surface replacement, and dust abatement. When rutting within the traveled way becomes greater than 6 inches, blading and/or gravelling shall be conducted as approved by the BLM. All road construction activities shall be supported with a fully implemented stormwater management plan, best management practices and a reclamation/vegetation plan.
7. Road Construction Staking. The road centerline shall be flagged and staked prior to the start of surface disturbance within the authorized right-of-way. The edges of the right-of-way shall be established before any work begins.
8. Road Signage. Appropriate road signs shall be installed within 5 days of completion of construction. Signs and markers along roadways must meet the requirements of BLM Manual Section 9131 and the Federal Highway Administration Manual on Uniform Traffic Control Devices. These signs include information such as speed limits, road curvature, and any information necessary to regulate, inform, or guide vehicle occupants. All signs shall be routinely inspected and maintained on a regular basis to ensure they remain in an appropriate condition to be effective.
9. Saturated Soil Conditions. When saturated soil conditions exist on or along the ROW any type of construction shall be halted until soil material dries out or is frozen sufficiently for construction to proceed without undue damage and erosion to soils.
10. Air Quality/Dust Abatement. The operator shall be responsible for applying dust abatement measures as needed or as directed by the Authorized Officer to reduce the emissions of fugitive dust from access roads. The level and type of treatment (watering or application of various dust agents, surfactants, and road surfacing material) may be changed in intensity and must be approved by the Authorized Officer. Dust control is needed to prevent heavy plumes of dust from road use that create safety problems and disperses heavy amounts of particulate matter on adjacent vegetation.
11. Speed control measures on all project-related unpaved roads shall be implemented to reduce vehicle fugitive dust.
12. As-Built Survey. An “as-built” center line survey of the right-of-way crossing federal land, provided by a Certified Land Surveyor licensed to work in the State of Colorado, shall be provided to the BLM within 2 months of completion of the project.
13. Survey Monuments. All survey monuments, witness corners, and/or reference monuments must be protected against destruction, obliteration, removal, or damage. Any damaged or obliterated markers must be reestablished in accordance with accepted survey practices at the expense of the operator.

14. Maintenance Agreement. The operator shall obtain a Maintenance Agreement with any existing rights-of-way holders prior to any disturbance or construction of Access Road across or adjacent to any existing right-of-way. A copy of the signed Agreement shall be forwarded to the Colorado River Valley Field Office (CRVFO) Energy Team within 30 days of the execution of the grant.
15. Big Game Winter Range Timing Limitation. To minimize impacts to wintering big game within the Gibson Gulch MDP, no construction, drilling, or completion activities shall occur during a Timing Limitation (TL) period from **January 16 to April 29** for Federal oil and gas leases COC51440, and COC50126. Use of these TL dates is for the purpose of consistency with lease operations on the pads accessed by the subject road segment across BLM land.
16. Bald and Golden Eagles. It shall be the responsibility of the operator to comply with the Bald and Golden Eagle Protection Act (Eagle Act) with respect to “take” of either eagle species. Under the Eagle Act, “take” includes to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest and disturb. “Disturb” means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle; (2) a decrease in its productivity by substantially interfering with normal breeding, feeding, or sheltering behavior; or (3) nest abandonment by substantially interfering with normal breeding, feeding, or sheltering behavior. Avoidance of eagle nest sites, particularly during the nesting season, is the primary and preferred method to avoid a take. Any oil or gas construction, drilling, or completion activities planned within 0.5 mile of a bald or golden eagle nest, or other associated activities greater than 0.5 miles from a nest that may disturb eagles, should be coordinated with the BLM project lead and BLM wildlife biologist and the U.S. Fish and Wildlife Service (USFWS) representative to the BLM Field Office (970-876-9051).
17. Raptor Nesting. Raptor nest surveys in the project vicinity resulted in the location of one or more raptor nest structures within 0.25 mile of a well pad or 0.125 mile of an access road, pipeline, or other surface facility. To protect nesting raptors, a 60-day TL shall be applied to construction, drilling, or completion activities within the buffer widths specified above, if the activities would be initiated during the nesting period of **April 1 through May 31**. An exception to this TL may be granted for any year in which a subsequent survey determines one of the following: (a) the nest is in a severely dilapidated condition or has been destroyed due to natural causes, (b) the nest is not occupied during the normal nesting period for that species, (c) the nest was occupied but subsequently failed due to natural causes, or (d) the nest was occupied, but the nestlings have fledged and dispersed from the nest. If project-related activities are initiated within the specified buffer distance of any active nest, even if outside the 60-day TL period, the operator remains responsible for compliance with the Migratory Bird Treaty Act (MBTA) with respect to a “take” of birds or of active nests (those containing eggs or young), including nest failure caused by human activity (see COA for Migratory Birds).
18. Birds of Conservation Concern. Pursuant to BLM Instruction Memorandum 2008-050, all surface-disturbing activities are prohibited in potential nesting habitat for Birds of Conservation Concern (BCC) from **May 1 to June 30**. An exception to this TL may be granted if nesting surveys conducted no more than one week prior to surface-disturbing activities indicate that no BCC species are nesting within 30 meters (100 feet) of the area to be disturbed. Nesting shall be deemed to be occurring if a territorial (singing) male is present within the distance specified above. Nesting surveys shall include an audial survey for diagnostic vocalizations in conjunction with a visual survey for adults and nests. Surveys shall be conducted by a qualified breeding bird surveyor between sunrise and 10:00 AM under favorable conditions for detecting and identifying a BCC species. This provision does not apply to ongoing construction, drilling, or completion activities that are initiated prior to May 1 and continue into the 60-day period at the same location.

19. Migratory Birds. It shall be the responsibility of the operator to comply with the Migratory Bird Treaty Act (MBTA) with respect to “take” of migratory bird species. Under the MBTA, “take” means to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The operator shall prevent use by migratory birds of any pit containing fluids associated with oil or gas operations, including but not limited to reserve pits, produced-water pits, hydraulic fracturing flowback pits, cuttings trenches (if covered by water or other fluid), and evaporation pits. Liquids in these pits may pose a risk to migratory birds (e.g., waterfowl, shorebirds, wading birds, songbirds, and raptors) as a result of ingestion, absorption through the skin, or interference with buoyancy and temperature regulation. Regardless of the method used, it shall be in place within 24 hours following the placement of fluids into a pit. Because of high toxicity to birds, oil slicks and oil sheens should immediately be skimmed off the surface of any pit that is not netted. The most effective way to eliminate risk to migratory birds is prompt drainage, closure, and reclamation of pits, which is strongly encouraged. All mortality or injury to species protected by the MBTA shall be reported immediately to the BLM project lead and to the USFWS representative to the BLM Field Office at 970-876-9051 and visit <http://www.fws.gov/mountain-prairie/contaminants/oilpits.htm>.
20. Range Management. Range improvements (fences, gates, reservoirs, pipelines, etc.) shall be avoided during development of natural gas resources to the maximum extent possible. If range improvements are damaged during exploration and development, the operator will be responsible for repairing or replacing the damaged range improvements. If a new or improved access road bisects an existing livestock fence, steel frame gate(s) or a cattle guard with associated bypass gate shall be installed across the roadway to control grazing livestock.
21. Ips Beetle. To avoid mortality of pinyon pines due to infestations of the *Ips* beetle, any pinyon trees damaged during road, pad, or pipeline construction shall be chipped after being severed from the stump or grubbed from the ground, buried in the toe of fill slopes (if feasible), or cut and removed from the site within 24 hours to a location approved by the Colorado State Forest Service.
22. Paleontological Resources. All persons associated with operations under this authorization shall be informed that any objects or sites of paleontological or scientific value, such as vertebrate or scientifically important invertebrate fossils, shall not be damaged, destroyed, removed, moved, or disturbed. If in connection with operations under this authorization any of the above resources are encountered the operator shall immediately suspend all activities in the immediate vicinity of the discovery that might further disturb such materials and notify the BLM of the findings. The discovery must be protected until notified to proceed by the BLM.

Where feasible, the operator shall suspend ground-disturbing activities at the discovery site and immediately notify the BLM of any finds. The BLM will, as soon as feasible, have a BLM-permitted paleontologist check out the find and record and collect it if warranted. If ground-disturbing activities cannot be immediately suspended, the operator shall work around or set the discovery aside in a safe place to be accessed by the BLM-permitted paleontologist.

23. Cultural Education/Discovery. All persons in the area who are associated with this project shall be informed that if anyone is found disturbing historic, archaeological, or scientific resources, including collecting artifacts, the person or persons will be subject to prosecution.

Pursuant to 43 CFR 10.4(g), the BLM shall be notified by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4 (c) and (d), activities shall stop in the vicinity of the discovery, and the discovery shall be protected for 30 days or until notified by the BLM to proceed.

If in connection with operations under this contract, the operator, its contractors, their subcontractors, or the employees of any of them discovers, encounters, or becomes aware of any objects or sites of cultural value or scientific interest such as historic ruins or prehistoric ruins, graves or grave markers, fossils, or artifacts, the operator shall immediately suspend all operations in the vicinity of the cultural resource and shall notify the BLM of the findings (16 USC 470h-3, 36 CFR 800.112). Operations may resume at the discovery site upon receipt of written instructions and authorization by the BLM. Approval to proceed will be based upon evaluation of the resource. Evaluation shall be by a qualified professional selected by the BLM from a Federal agency insofar as practicable. When not practicable, the operator shall bear the cost of the services of a non-Federal professional.

Within five working days, the BLM will inform the operator as to:

- whether the materials appear eligible for the National Register of Historic Places
- what mitigation measures the holder will likely have to undertake before the site can be used (assuming that *in-situ* preservation is not necessary)
- the timeframe for the BLM to complete an expedited review under 36 CFR 800.11, or any agreements in lieu thereof, to confirm through the SHPO State Historic Preservation Officer that the findings of the BLM are correct and that mitigation is appropriate

The operator may relocate activities to avoid the expense of mitigation and delays associated with this process, as long as the new area has been appropriately cleared of resources and the exposed materials are recorded and stabilized. Otherwise, the operator shall be responsible for mitigation costs. The BLM will provide technical and procedural guidelines for relocation and/or to conduct mitigation. Upon verification from the BLM that the required mitigation has been completed, the operator will be allowed to resume construction.

Antiquities, historic ruins, prehistoric ruins, and other cultural or paleontological objects of scientific interest that are outside the authorization boundaries but potentially affected, either directly or indirectly, by the Proposed Action shall also be included in this evaluation or mitigation. Impacts that occur to such resources as a result of the authorized activities shall be mitigated at the operator's cost, including the cost of consultation with Native American groups.

Any person who, without a permit, injures, destroys, excavates, appropriates or removes any historic or prehistoric ruin, artifact, object of antiquity, Native American remains, Native American cultural item, or archaeological resources on public lands is subject to arrest and penalty of law (16 USC 433, 16 USC 470, 18 USC 641, 18 USC 1170, and 18 USC 1361).

24. Visual Resources. All applications for permit to drill (APDs) shall include a detailed, site-specific description outlining how the Proposed Action will meet the VRM Class of the area where the action is proposed. The specific location of the Proposed Action, including pads, roads, and pipelines, shall be shown on a map and shall include associated cut-and-fill data (location, horizontal and vertical extent, slope length, and steepness).

Production facilities shall be placed to avoid or minimize visibility from travel corridors, residential areas, and other sensitive observation points—unless directed otherwise by the BLM due to other resource concerns—and shall be placed to maximize reshaping of cut-and-fill slopes and interim reclamation of the pad.

To the extent practical, existing vegetation shall be preserved when clearing and grading for pads, roads, and pipelines. The BLM may direct that cleared trees and rocks be salvaged and redistributed over reshaped cut-and-fill slopes or along linear features.

Above-ground facilities shall be painted **Shadow Gray**.

During construction, BLM and Bill Barrett representatives shall jointly review construction measures to determine effectiveness in meeting visual resource mitigation measures, and if subtle changes in construction techniques are warranted.

25. After construction, the road alignments shall be reviewed to determine if the road surface color is dominate in the viewshed (as viewed from the KOPs). If it is determined that the road surface color contrasts with the surrounding landscape, dust abatement measures with Magnesium Chloride or other dust abatement measure, as approved by the BLM authorized officer, shall be required. The operator shall implement a regularly scheduled dust abatement application so that the road surface takes on and maintains a dark appearance when the road is viewed from the KOPs. The level and type of treatment may be changed in intensity and must be approved by the BLM authorized officer. Magnesium chloride or other chemical suppressant shall not be applied within 100 feet of any drainage.
26. Waste. The holder shall promptly remove and dispose of all waste, caused by its activities. The term "waste" as used herein means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, petroleum products, ashes, and equipment. No burning of trash, trees, brush, or any other material shall be allowed. Disposal of all liquid and solid waste produced during operation of this right-of-way shall be in an approved manner to ensure that it does not impact the air, soil, water, vegetation, or animals.
27. Noxious Weeds. The holder shall regularly monitor and promptly control noxious weeds or other undesirable plant species as set forth in the "Glenwood Springs Energy Office Noxious and Invasive Weed Management Plan for Oil and Gas Holders," dated March 2007. A Pesticide Use Proposal (PUP) must be approved by the BLM prior to the use of herbicides. Annual weed monitoring reports shall be submitted by **December 31**.
28. Jurisdictional Waters of the U.S. The operator shall obtain appropriate permits from the U.S. Army Corps of Engineers (USACE) prior to discharging fill material into waters of the U.S. in accordance with Section 404 of the Clean Water Act. Waters of the U.S. are defined in 33 CFR Section 328.3 and may include wetlands as well as perennial, intermittent, and ephemeral streams. Permanent impacts to waters of the U.S. may require mitigation. Contact the USACE Colorado West Regulatory Branch at 970-243-1199 ext. 17 (Travis Morse). Copies of any printed or emailed approved USACE permits or verification letters shall be forwarded to the BLM.
29. Reclamation. The goals, objectives, timelines, measures, and monitoring methods for final reclamation of oil and gas disturbances are described in Appendix I (Surface Reclamation) of the 1998 Draft Supplemental EIS (DSEIS). Specific measures to follow during interim and temporary (pre-interim) reclamation are described below.
  - a. Reclamation Plans. In areas that have low reclamation potential or are especially challenging to restore, reclamation plans will be required prior to APD approval. The plan shall contain the following components: detailed reclamation plats, which include contours and indicate irregular rather than smooth contours as appropriate for visual and ecological benefit; timeline for drilling completion, interim reclamation earthwork, and seeding; soil test results and/or a soil profile

description; amendments to be used; soil treatment techniques such as roughening, pocking, and terracing; erosion control techniques such as hydromulch, blankets/matting, and wattles; and visual mitigations if in a sensitive VRM area.

- b. Seeding Procedures. Seeding shall be conducted no more than 24 hours following completion of final seedbed preparation.

Where practicable, seed shall be installed by drill-seeding to a depth of 0.25 to 0.5 inch. Where drill-seeding is impracticable, seed may be installed by broadcast-seeding at twice the drill-seeding rate, followed by raking or harrowing to provide 0.25 to 0.5 inch of soil cover or by hydroseeding and hydromulching. Hydroseeding and hydromulching shall be conducted in two separate applications to ensure adequate contact of seeds with the soil.

If interim revegetation is unsuccessful, the operator shall implement subsequent reseeds until interim reclamation standards are met. (Reference: EA CO-N040-2011-0030 Gibson Gulch II)

30. Monitoring. The operator shall conduct annual monitoring surveys of all sites categorized as “operator reclamation in progress” and shall submit an annual monitoring report of these sites to the BLM by **December 31** of each year. The monitoring program shall use the four Reclamation Categories defined in Appendix I of the 1998 DSEIS to assess progress toward reclamation objectives. The annual report shall document whether attainment of reclamation objectives appears likely. If one or more objectives appear unlikely to be achieved, the report shall identify appropriate corrective actions. Upon review and approval of the report by the BLM, the operator shall be responsible for implementing the corrective actions or other measures specified by the BLM.