

**PROPOSED BMP's
XTO ENERGY, INC.**

**Certificate to Discharge Under CDPS General Permit No. COR-03000 Stormwater Discharges
Associated with Construction. Certification No. COR03C483**

- A Field Wide Stormwater Management Plan (SWMP) for the La Plata Infill Program is on file at the XTO Energy Inc. (72 Suttle Street, Suite J, Durango, CO, 81303) office. A Site Specific SWMP including a Site Plan will be developed for each location.
- Spill Prevention, Control and Countermeasures (SPCC) for the La Plata Infill Program is on file at the XTO Energy Inc. (72 Suttle Street, Suite J, Durango, CO, 81303) office. The Field Wide and Site Specific SWMPs each address SPCC during construction operations.
- Inspections of the project site and maintenance of installed BMP's shall be conducted in accordance with the CDPHE CDPS permit and field wide plan.
- The attached Table 1 lists BMP's which may be utilized during the construction phase and in development of the Site Specific SWMP. BMP selection is based on site specific conditions including topography, existing vegetation, timing, construction sequencing, etc.

Table 1

Stormwater Management BMPs		
Erosion Control BMPs (EC)	Sediment Control BMPs (SC)	Materials Handling and Spill Prevention BMPs (MH)
Seeding	Erosion Bale	Stockpile Management
Mulching	Erosion Logs	Material Management
Mulch Tackifier	Silt Fence	Material Use
Soil Binder	Storm Drain Inlet Protection	Spill Prevention and Control
Erosion Control Blankets	Sediment Trap	
Turf Reinforcement Mats	Sediment Basin	
Embankment Protector	Dewatering Structure	
Berm/Diversion	Stabilized Construction Entrance	
Check Dams	Brush Barrier	
Outlet Protection	Gravel Barrier	
Temporary Drainage Swale	Silt Barrier	
Grading Techniques		
Waste Management BMPs (WM)	General Pollution Prevention BMPs (GP)	Alternate (ALT) BMP's
Concrete Waste Management	Dewatering Operations	ALT 1 Run On Diverson
Solid Waste Management	Temporary Stream Crossing	ALT 2 Gabion Basket Outlet Protection
Sanitary and Septic Waste Management	Clear Water Diversion	ALT 3 Gabion Basket Retaining Wall
Liquid Waste Management	Non-Stormwater Discharge Management	ALT 4 Surface Crowning and Road Base/Gravel
Hazardous Waste Management	Wind Erosion Control	ALT 5 Armour
Contaminated Waste Management	Paving Operations	ALT 6 Sediment Control Device
	Street Sweeping and Vacuuming	ALT 7 Water Turnout
	Vehicle and Equipment Management	ALT 8 Bell Hole
		ALT 9 Permanent Slope Breakers (Water Bars)

OWNER RESPONSE
TO COLORADO DEPARTMENT OF WILDLIFE
CONDITIONS OF APPROVAL

C. R.S. 34-60-128(3)(b) provides for owner consent of certain permit specific conditions of wildlife habitat protection.

The undersigned as record title Owner of the SE1/4SE1/4 of Section 24, Township 35 North, Range 08 West, N.M.P.M., more particularly described under that certain Bargain and Sale Deed dated effective January 1, 2008, recorded February 12, 2008, Reception No.971999, La Plata County, Colorado are aware of the following Colorado Department of Wildlife's recommended Conditions of Approval ("COA") for XTO Energy Inc. Application for Permit to Drill the Burkett #4-24 Well:

No.

1. All fired vessel and heat transfer stacks, vents, or other openings shall be equipped with screens or other appropriate equipment to prevent entry by wildlife, including migratory birds.

The above Condition of Approval is currently addressed by existing rule604.b.(7) and Migratory Bird Policy of the Colorado Oil and Gas Conservation Commission and is not open for discussion by the Operator or the Owner.

2. Do not place staging, refueling, or chemical storage areas within riparian zones and floodplains.
3. Use wildlife-appropriate fencing at this facility if acceptable to Owner.
4. Use wildlife-appropriate seed mixes at this facility if acceptable to Owner.
5. Gate the access road to this facility and limit public access if acceptable to Owner.

Owner does hereby:

CONSENT to the implementation of the following COA's: # 1

DOES NOT CONSENT to the implementation of the following COA's: #3, #4 & #5

Owner Propose(s) the attached alternative(s) to the following COA(s): NONE

The following COA's are not applicable: # 2

Owner:

Jeri Mac Burkett
Jeri Mac Burkett, Agent for Owners and Trustee
Jeri Mac Burkett Revocable Trust
James Ronald Burkett Revocable Trust
James Evan Burkett
Kathryn Burkett Willyard

Date: 4/20/11

PROPOSED WILDLIFE BMP'S

BURKETT #4-24 1,124' FSL & 421' FEL SESE Sec. 24, T35N, R8W, N.M.P.M

General Operating Practices

The Burkett #4-24 will be drilled from the existing Huber Burkett #4-24 well pad to reduce surface disturbance impacts.

- Reduces area necessary for well pad construction.

- Utilize existing infrastructure for operations.

A closed-loop mud system will be used during drilling operations.

Surface equipment that could be potentially damaging to wildlife will be fenced with cattle panels.

- Prevents wildlife entry to potentially harmful equipment.

Major construction activities associated with drilling and completion will be scheduled to avoid critical winter use periods for deer and elk December 1 – April 15.

Recycle drilling fluids.

- Mud systems are dewatered, recycled and water is reused during drilling operations, reducing the amount of water needed to be trucked for drilling operations.

- Mud can be transported to next drilling location, reducing truck traffic to dispose of drilling fluids.

Adhere to the developed weed management plan pursuant to both the La Plata County Land Use Code and Colorado Noxious Weed Act.

- Protects the productivity of adjacent wildlife habitats.

Screen exhaust and vent stacks to preclude avian perching.

Educate employees and contractors on wildlife conservation practices, including no harassment or feeding of wildlife.

Forbid use of firearms and dogs on location.

Utilize bear proof dumpsters and trash receptacles for food related trash at all facilities that generate such trash.