



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
White River Field Office
220 East Market Street
Meeker, Colorado 81641

SEP 30 2020

In Reply Refer To:
2800 (LLCON05000)
COC-76535

Certified Mail: 9171 9690 0935 0113 1428 54
Return Receipt Requested

DECISION

Attention: Bryan Hotard
TEP Rocky Mountain LLC
1058 County Road 215
Parachute, Colorado 81635

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:
:
:

Right-of-Way Grant Issued Rental and Monitoring Fees Determined

Enclosed is a signed copy of right-of-way grant COC-76535, which allows the use of public land for the Federal 299-23-3 disposal well pad. Right-of-way grant COC-76535 is hereby issued, effective the date of this decision.

The BLM has received your advance rental for COC-76535 for the period from October 1, 2020 through December 31, 2021. All subsequent rental billings will be due at the beginning of the calendar year starting January 2022. Future billings will be based on the rent schedule in effect at that time. The BLM has received your monitoring fee. Please notify the White River Field Office Realty Specialist at least 48 hours prior to the anticipated start of construction and/or any surface disturbing activities.

This decision may be appealed to the Interior Board of Land Appeals in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed form 1842.1. If an appeal is taken, the notice of appeal must be filed in this office at the above address within 30 days of the receipt of this decision. The appellant has the burden of showing that the decision is in error. The form also includes instructions for requesting a stay of an appealed decision.

If you have any questions regarding this matter, please contact Stacey Burke, Realty Specialist, at (970) 878-3827.

Kent E. Walter
Field Manager

Enclosures:
Right-of-way Grant
Form 1842-1

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT

SERIAL NUMBER COC-76535

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).
2. Nature of Interest:
 - a. By this instrument, the holder

TEP Rocky Mountain LLC
1058 County Road 215
Parachute, Colorado 81635

receives a right to construct, operate, maintain, and terminate the Federal 299-23-3 disposal well pad on public lands described as follows:

Sixth Principal Meridian, Colorado
T. 2 S., R. 99 W.,
sec. 23, NW1/4SW1/4.
 - b. The site facility for the Federal 299-23-3 disposal well pad is 400 feet by 350 feet. The total right-of-way area contains 3.21 acres, more or less.
 - c. This instrument shall terminate on December 31, 2049, ≤ 30 years from its effective date 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 prior termination, of the grant.

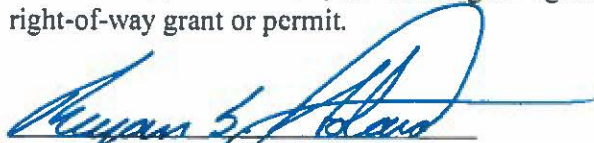
3. Rental:

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 parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued pursuant to the authority of paragraph (1)(a) 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 Exhibits A and B, attached hereto, are incorporated into and made a 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 good and 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.


(Signature of Holder)


(Signature of Authorized Officer)

Attorney-in-Fact

(Title)

Field Manager

(Title)

9/29/2020

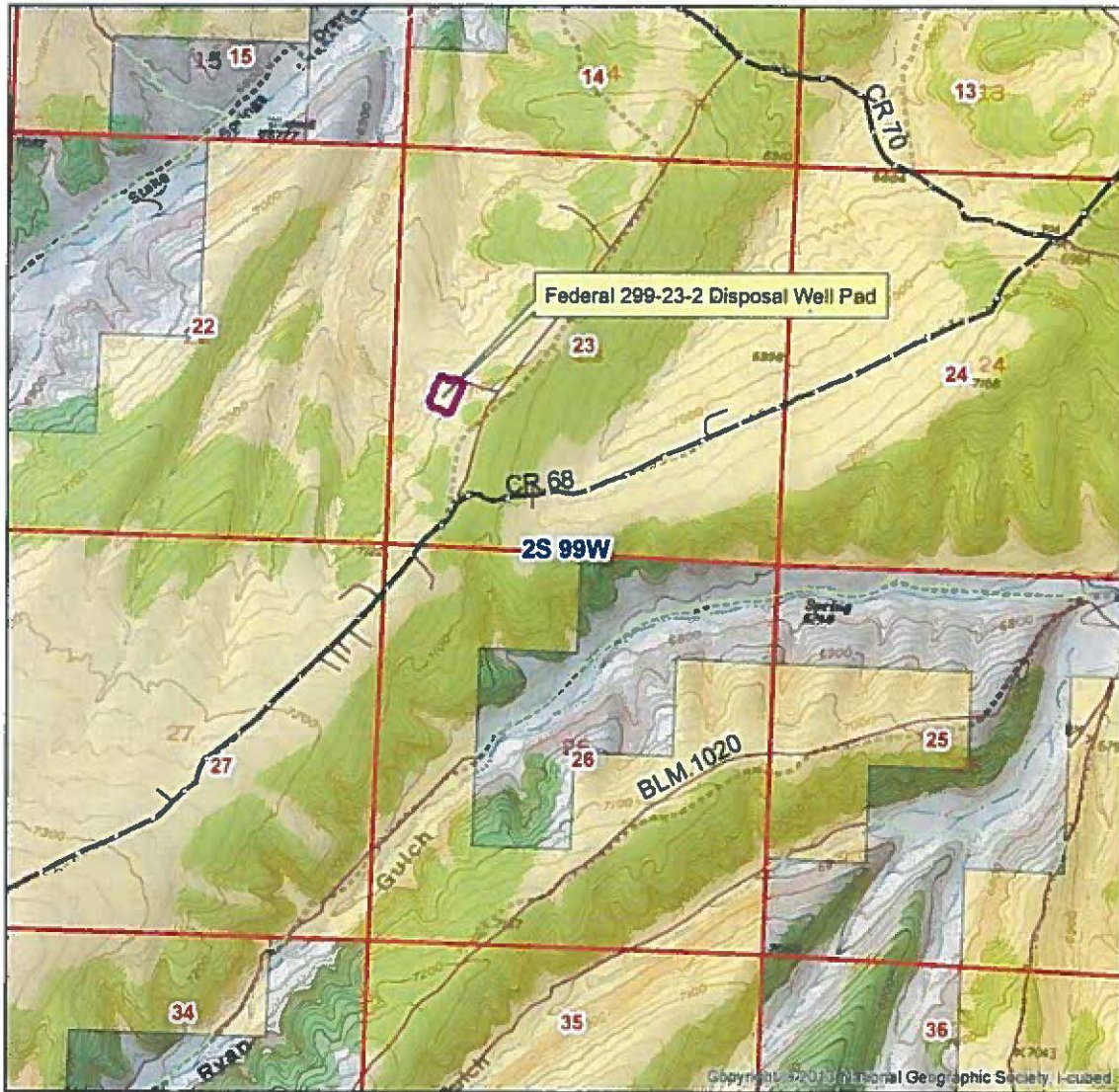
(Date)



(Effective Date of Grant)

**Federal 299-23-3 Disposal Well Pad ROW COC76535
T2S, R99W, sec. 23**

Exhibit A



Legend

- COC76535
- BLM
- County
- Private
- Township & Range
- First Division (Sections)
- Bureau of Land Management
- Private



0 750 1,500 3,000 4,500 6,000 Feet



Publication Date: 9/29/2020

BLM, White River Field Office
220 E. Market St.
Meeker, CO 81641

Coordinate System: NAD 1983 UTM Zone 13N
Datum: North American 1983
Sources: BLM, USGS, CDOV, etc.

Disclaimer: Although the data presented within this map, and the map itself, have been processed successfully on computers of BLM, no warranty, expressed or implied, is made by BLM regarding the use of this map or the data represented, nor does the fact of distribution constitute or imply any such warranty.

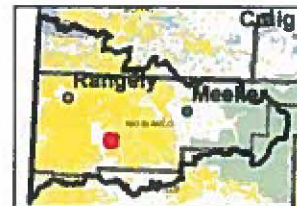


EXHIBIT B

Applicant Committed Master Development Plan and Design Features:

1. The entire Surface Use Plan of Operations (SUPO) is incorporated into the Proposed Action.
2. Construction of pads, roads, and pipelines would follow the guidelines established in the BLM Gold Book, Surface Operating Standards for Oil and Gas Exploration and Development (USDI and USDA 2007) areas of the well pad location, access road, or pipeline corridors.
3. Prior to construction, stormwater controls will be installed to ensure control of stormwater runoff and sediment migration from the site.
4. Secondary tank containment is 110 percent with engineered liner at the remote frac site during completions operations. The secondary containment system will consist of an engineered liner that will be designed and constructed to be "sufficiently impervious" to contain any spilled or released fluids. In addition to installing an engineered secondary containment system, the holder will also implement an emergency contingency plan that provides specific procedures and emergency response actions to be taken in the event of a spill / release.
5. Perimeter berms, approximately 2.5-feet in height, will be constructed along the fill edge of the pad to ensure containment in the event of a release.
6. Water Recycling pit would be built below natural grade and synthetically lined with high density polyethylene primary and secondary liners with a leach detection and a geotextile clay (GCL) tertiary liner.
7. During pad construction, topsoil would be stripped during the initial earthwork; windrowed, where feasible, around the outer edge of the disturbance perimeter to serve as storm water diversions and catchments; and temporarily seeded until interim reclamation is scheduled.
8. Disturbance areas are not located on fragile soils and avoid steep slopes.
9. The holder will complete interim reclamation of pads.
10. Reclamation monitoring will be conducted per Appendix 3 of the 2015 White River Field Office Approved Resource Management Plan Amendment for Oil and Gas Development.

Mitigation:

General

11. The holder will submit a Notice a minimum of 48-hours prior to commencing construction and/or reclamation work.
12. Notify Craig Interagency Dispatch (970-826-5037) in the event of any fire.
 - a. The reporting party will inform the dispatch center of fire location, size, status, smoke color, aspect, fuel type, and provide their contact information.

- b. The reporting party, or a representative of, should remain nearby, in a safe location, in order to make contact with incoming fire resources to expedite actions taken towards an appropriate management response.
- c. The holder and contractors will not engage in any fire suppression activities outside the approved project area. Accidental ignitions caused by welding, cutting, grinding, etc. will be suppressed by the holder only if employee safety is not endangered and if the fire can be safely contained using hand tools and portable hand pumps. If chemical fire extinguishers are used the holder must notify incoming fire resources on extinguisher type and the location of use.
- d. Natural ignitions caused by lightning will be managed by Federal fire personnel. If a natural ignition occurs within the approved project area, the fire may be initially contained by the holder only if employee safety is not endangered. The use of heavy equipment for fire suppression is prohibited, unless authorized by the Field Office Manager.

Wildlife

13. The holder will prevent access to facilities that store or are expected to store fluids which may pose a risk to such birds and bats (e.g., toxicity, compromised insulation, drowning). Features that prevent access to such fluids must be in place and functional within 24 hours of installation and will remain effective until such features are removed or incapable of storing fluids. Deterrence methods may include netting or other alternative methods that effectively prevent use and that meet BLM approval. All lethal and non-lethal events that involve migratory birds will be reported to the BLM Authorized Officer immediately.

14. Open utility trenches should be inspected daily to reduce the potential for wildlife or livestock to become trapped should they fall into a trench. If an animal has fallen into the trench, the Authorized Officer will be notified immediately.

15. Water Use. The purpose of this COA is to assist the BLM with ensuring that water depletions associated with Federal oil and gas development activities are adequately covered by the U.S. Fish and Wildlife Service (FWS) Programmatic Biological Opinion for the four endangered Colorado River fishes.

The Operator will provide the volumes of fresh water and reused/recycled water used during project development. The river sub-basin of origin (i.e., Colorado, Dolores, Green, Gunnison, White, and Yampa) will be identified for fresh water. The volumes per well will be identified by each development phase (construction, drilling, and completion) and by activity (e.g., dust abatement, pipeline hydrostatic testing, drilling, and completion operations). The water volumes will be identified in an attachment to the BLM Form 3160-4, "Well Completion or Recompletion Report and Log" (completion report) submitted to the BLM Field Office. All volumes are to be reported in barrels per well.

For reporting the water used during construction, submit the total water used for construction with the first completion report. Completion reports submitted subsequent to the first completion report will have the water-use that was not included in the previous completion reports.

Well Name/No.:			API No.:		
County:			Well Pad:		
Operator:					
Water Source (River Sub-Basin)					
Purpose	Water Use (barrels)				
	Construction	Drilling		Completion	
	Fresh	Fresh	Reused/ Recycled	Fresh	Reused/ Recycled
Dust Abatement (Road/Pipeline/Pad)					
Pipeline Hydrostatic Testing					
Cementing					
Mud					
Acid Wash/ Hydraulic Fracturing					

Paleontological Resources

16. The holder is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.

17. If any paleontological resources are discovered as a result of operations under this authorization, the holder or any of his agents must stop work immediately at that site, immediately contact the Authorized Officer, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the Authorized Officer. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the holder will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

Cultural Resources

18. The holder is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.

19. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the Authorized Officer. The holder will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until

BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The holder, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.

20. Pursuant to 43 CFR 10.4(g), the holder must notify the Authorized Officer, by telephone and 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), the holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the Authorized Officer. Colorado Statute CRS 24-80-1302 must be adhered to upon the identification of suspected human skeletal remains and associated funerary items on Colorado State and private lands. The holder will immediately notify the coroner of the county wherein the remains are located as well as the sheriff, police chief, or land managing agency official.

Invasive, Noxious, and Non-Native Species

21. All vehicles and construction equipment will be cleaned using compressed air or high-pressure water spraying equipment prior to use to reduce the potential for introduction of invasive, noxious weeds or other undesirable non-native species. The wash/blow down will concentrate on tracks, feet, or tires and on the undercarriage, with special emphasis on axles, frame, cross members, motor mounts, and on underneath steps, running boards, and front bumper/brush guard assemblies. The holder will dispose of solid wastes collected from the cleaning station.

22. All seed, straw, mulch, or other vegetative material to be used on BLM lands will comply with United States Department of Agriculture (USDA) state noxious weed seed requirements and must be certified by a qualified Federal, State, or county office as free of noxious weeds. Any seed lot with test results showing presence of State of Colorado A or B list species will be rejected in its entirety and a new tested lot will be used instead.

23. All sites will be monitored and treated for noxious weeds for the life of the project until Final Abandonment has been approved by the BLM. Monitoring will be conducted annually during the growing season to determine the presence of any State-listed noxious weeds. Noxious weeds that have been identified during monitoring will be promptly treated and controlled.

24. Pesticide Use Proposals (PUPs) must be submitted to and approved by the BLM before applying herbicides on BLM lands. The PUP will include target weed species, the herbicides to be used, application rates and timeframes, estimated acres to be treated, as well as maps depicting the areas to be treated and known locations of weeds. The WRFO recommends that all PUPs be submitted no later than March 1st of the year anticipating herbicide application.

25. Use of off-highway vehicles (OHVs) on federal land surface for access to weed treatment areas along the pipeline ROWs, and reclaimed roads will be considered on a

case-by-case basis (provide that access is limited and will not create visible tracks) and will require prior written approval from the Authorized Officer.

Waste

26. All substances that pose a risk of harm to human health or the environment will be stored in appropriate containers. Fluids that pose a risk of harm to human health or the environment, including but not limited to oil, condensate, and/or produced water, must be stored in appropriate containers and in secondary containment systems at 110 percent of the largest vessel's capacity. Secondary fluid containment systems, including but not limited to tank batteries must be lined with a minimum 24 mil impermeable liner.

27. As a reasonable and prudent lessee/holder in the oil and gas industry, acting in good faith, all right-of-way holders will report all emissions or releases that may pose a risk of harm to human health or the environment, regardless of a substance's status as exempt or nonexempt and regardless of fault, to the BLM WRFO by phone at 970-878-3800 or by email to BLM_CO_WR_NRS@blm.gov.

28. As a reasonable and prudent right-of-way holder in the oil and gas industry, acting in good faith, all right-of-way holders will provide for the immediate clean-up and testing of air, water (surface and/or ground) and soils contaminated by the emission or release of any substance that may pose a risk of harm to human health or the environment, regardless of that substance's status as exempt or non-exempt. Where the right-of-way holder fails, refuses or neglects to provide for the immediate clean-up and testing of air, water (surface and/or ground) and soils contaminated by the emission or release of any quantity of a substance that poses a risk of harm to human health or the environment, the BLM WRFO may take measures to clean-up and test air, water (surface and/or ground) and soils at the lessee/holder's expense. Such action will not relieve the lessee/holder of any liability or responsibility.

Range Management

29. The holder must coordinate with the livestock grazing permittee authorized to graze livestock within the project area a minimum of 72 hours prior to drilling activities associated with this permit. Livestock grazing permittee contact information may be found at www.blm.gov/ras/ or by contacting the appropriate BLM Field Office. The holder will provide the grazing permittee the location, nature, and extent of the anticipated activity being completed.

30. Any range improvement projects such as fences, water developments, cattleguards, gates, or other livestock handling/distribution facilities that are damaged or destroyed either directly or indirectly as a result of implementation of the Proposed Action will be promptly repaired or replaced by the holder to restore pre-disturbance functionality. If the holder damages any range improvement project(s) the holder will notify the Authorized Officer and identify the actions taken to repair the feature(s).

Reclamation Procedures

▪ ***Interim Reclamation***

31. All long-term above-ground structures will be painted and maintained [Covert Green] from the BLM "Supplemental Environmental Colors" chart to blend with the natural color of the landscape background.

32. To reduce erosion and reduce the risk of weed establishment, interim reclamation will be initiated when either there are no drilling activities expected on the pad for the next six months or there has been no activity on the pad within the last six months, regardless of whether or not there are outstanding approved APDs.

33. In order to inspect and operate the well or complete workover operations, it may be necessary to drive, park, and operate equipment on restored, interim vegetation within the previously disturbed area. Damage to soils and interim vegetation will be repaired and reclaimed following use. To prevent soil compaction, under some situations, such as the presence of moist, clay soils, the vegetation and topsoil will be removed prior to workover operations and restored and reclaimed following workover operations.

▪ ***Final Reclamation***

34. Final abandonment of pipelines and flow lines will involve flushing, capping, and properly disposing of any fluids in the lines. All surface lines and any lines that are buried close to the surface that may become exposed in the foreseeable future due to water or wind erosion, soil movement, or anticipated subsequent use, must be removed. Deeply buried lines may remain in place unless otherwise directed by the Authorized Officer.

▪ ***Monitoring and Final Abandonment Approval***

35. All seed tags will be submitted via Sundry Notice (SN)/letter to the designated Natural Resource Specialist/Realty Specialist within 14 calendar days from the time the seeding activities have ended. The SN/letter will include the purpose of the seeding activity (i.e., seeding well pad, cut and fill slopes, seeding pipeline corridor, etc.). In addition, the SN/letter will include the pipeline, well(s) or well pad number associated with the seeding activity, if applicable, the name of the contractor that performed the work, his/her phone number, the method used to apply the seed (e.g., broadcast, hydro-seeded, drilled), whether the seeding activity represents interim or final reclamation, the total acres seeded, an attached map that clearly identifies all disturbed areas that were seeded, and the date the seed was applied.

36. Each year by January 1st, the holder will submit a Reclamation Status Report to the WRFO via the most current BLM approved data management system that includes the pipeline name and/or well number, API number, legal description, UTM coordinates, project description (e.g., well pad, pipeline, etc.), reclamation status (e.g., interim or final), whether the well pad and/or pipeline has been re-vegetated and/or re-contoured, date seeded, photos of the reclaimed site, acres seeded, seeding method (e.g., broadcast, drilled, hydro-seeded, etc.), and contact information for the person responsible for developing the report. The report will include maps showing each point (), polygon (e.g., well pad), and/or polyline (e.g., road, pipeline) feature that was included in the report. The data must be submitted in UTM Zone 13N, NAD 83, in units of meters. In addition, scanned copies of seed tags that accompanied the seed bags will be included with the

report. Internal and external review of the WRFO Reclamation Status Report and the process used to acquire the necessary information will be conducted annually, and new information or changes in the reporting process will be incorporated into the report.

37. The holder will be responsible for ensuring that all disturbance GIS and reclamation data will be submitted via White River Data Management System (WRDMS) which can be accessed at <https://my.usgs.gov/wrfo/>

Reclamation Performance Standards

▪ **Interim Reclamation Standard**

38. Disturbed areas not needed for long-term production operations or vehicle travel have been recontoured, protected from erosion, and revegetated with a self-sustaining, vigorous, diverse, native (or otherwise approved) plant community sufficient to minimize visual impacts, provide forage, stabilize soils, and impede the invasion of noxious weeds.

▪ **Final Reclamation Standard**

39. The holder must meet the following reclamation success criteria, and these standards apply to both interim and final reclamation:

a. Self-sustaining desirable vegetative groundcover consistent with the site Desired Plant Community (DPC) (as defined by the range site, WRFO Assessment, Inventory, and Monitoring (AIM) protocol site data (BLM TN 440), ecological site or an associated approved reference site) is adequately established, as described below, on disturbed surfaces to stabilize soils through the life of the project.

b. Vegetation with 80 percent similarity of desired foliar cover, bare ground, and shrub and/or forb density in relation to the identified DPC. Vegetative cover values for woodland or shrubland sites are based on the capability of those sites in an herbaceous state.

c. The resulting plant community must have composition of at least five desirable plant species, and no one species may exceed 70 percent relative cover to ensure that site species diversity is achieved. Desirable species may include native species from the surrounding site, species listed in the range/ecological site description, AIM data, reference site, or species from the BLM approved seed mix. If non-prescribed or unauthorized plant species (e.g., yellow sweetclover, *Melilotus officinalis*) appear in the reclamation site, BLM may require their removal.

d. Bare ground does not exceed the AIM data, range site description, or if not described, bare ground will not exceed that of a representative undisturbed DPC meeting the Colorado Public Land Health Standards.

e. Reclamation sites affected by cheat grass and or other invasive annuals will be qualified based on the condition of the site (i.e., the relative vegetative cover) prior to disturbance.

i. If the Project site contains less than 25 percent relative cover of undesirable species, interim and final reclamation will be considered

acceptable when relative cover of undesirable species on the project site does not exceed 5percent.

- ii. If the project site contains 25 percent to 50 percent relative cover of undesirable species, interim and final reclamation will be considered acceptable when relative cover to of undesirable species on the project site does not exceed 10 percent.
- iii. If the project site contains more than 50 percent relative cover of undesirable species on the project site does not exceed the level defined by site-specific criteria established in the reclamation plan for that site.

Right-of-Way (Grant)

40. The holder will notify the authorized officer at least 60 days prior to non-emergency activities that would cause surface disturbance in the right-of-way. A "Notice to Proceed" will be required prior to any non-emergency activities that would cause surface disturbance on the right-of-way. Any request for a "Notice to Proceed" must be made to the authorized officer, who will review the Proposed Action for consistency with resource management concerns such as wildlife, big game winter range, paleontology, special status species, and cultural resource protection. The authorized officer may require the completion of special status species surveys or other resource surveys. Additional measures may be required to protect special status species or other resources.

41. At least 90 days prior to termination of the right-of-way, the holder will contact the Authorized Officer to arrange a joint inspection of the right-of-way. The inspection will result in the development of an acceptable termination and rehabilitation plan submitted by the holder. This plan will include, but is not limited to, removal of facilities, drainage structures, and surface material; recontouring; topsoiling; or seeding. The Authorized Officer must approve the plan in writing prior to the holder's commencement of any termination activities.

42. Provide the Authorized Officer with Geographic Information System (GIS) data to accurately locate and identify the well pad, access road, pipeline and all constructed infrastructure (as-built) within 60 days of construction completion. Acceptable data formats are: (1) corrected global positioning system (GPS) files with sub-meter accuracy or better or, (2) ESRI shapefiles or geodatabases. Option 2 is preferred. Data must be submitted in NAD83. Data may be submitted as: (1) an email attachment; or (2) on a standard CD in compressed or uncompressed format. All data will include metadata, for each submitted layer, that conforms to the Content Standards for Digital Geospatial Metadata from the Federal Geographic Data Committee standards.

43. The Holder will indemnify the United States for any and all injury, loss or damage to life or property, including fire suppression costs, the United States may suffer as a result of losses, claims, demands or judgments caused by Holder's use or occupancy of public lands under this grant or permit.

44. The Authorized Officer may suspend or terminate in whole, or in part, any notice to proceed which has been issued when, in his or her judgment, conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.

45. Holder shall maintain the ROW in a safe, usable condition.
46. When performing construction and maintenance (including emergency repairs) activities during the “closed” fire season (May 10 – October 20), as set by Colorado State Law, or during any other closed fire season prescribed by the BLM Colorado State Director, the Holder, including any persons such as contractors, etc. working on their behalf, shall equip at least one on-site vehicle with firefighting equipment, including, but not limited to, fire suppression hand tools (i.e. shovels, rakes, Pulaski’s, etc.), a 16-20 pound fire extinguisher, and a sufficient supply of water for initial attack, with a mechanism to effectively spray the water (i.e. backpack pumps, water sprayer, etc.).
47. During conditions of extreme fire danger or when the State of Colorado and/or the BLM Colorado State Director issues a fire restriction order, operations shall be limited or suspended in specific areas, or additional mitigation measures may be required by the BLM Authorized Officer.
48. In accordance with 43 CFR 2805.12(d) (or subsequent revisions), the Holder shall do everything reasonable to prevent fires on or in the immediate vicinity of the ROW. The Holder will immediately report fires to the BLM Authorized Officer or local fire dispatch (970-826-5037) and take all necessary fire suppression actions, when safe to do so, with their personnel and equipment on any fires they cause to ignite.
49. Holder shall maintain the condition of the origin area of the fire from further damage to enable the Fire Investigator to properly assess the origin area and cause of the fire. The Holder shall report to the Fire Investigator or BLM Incident Commander and shall not enter into the origin area on fires unless given permission to do so.
50. The Holder will cooperate with the BLM in its efforts to investigate, suppress and respond to all future fires. The duty to “cooperate” includes, but is not limited to, the following duties regardless of whether BLM is on the scene:
- a. The duty to provide the BLM (Authorized Officer or local fire dispatch (970-826-5037) with reasonable and timely notice concerning all fires involving the Holder’s facilities or discovered during routine operations.
 - b. The duty to share factual information with the BLM concerning fires, including but not limited to the names of Holder’s employees and/or contractors with knowledge of the incident; and to allow employees and/or contractors to be interviewed by BLM’s investigators regarding factual information relating to a fire.
 - c. It is the duty of the Holder to preserve the point of ignition, fire scene and reasonably account to the BLM for Holders actions taken at the scene of a fire.
 - d. The duty to minimize disturbance of potential evidence located at the scene; to not engage in any evidence collection or destructive testing without BLM and or its counsel’s express written consent; to properly handle and preserve any evidence collected and to make all documents and evidence, including expert reports, available to the BLM in a rapid and timely manner upon request of BLM and/or its counsel.

- e. The duty to not hamper the BLM investigation of origin and cause of the fire; and to reasonably assist BLM's investigation at the scene.
- f. The duty to provide information upon request of BLM and/or its counsel concerning the construction, monitoring, inspection, maintenance and/or repairs of any of Holder's facilities located at or adjacent to a fire.
- g. The duty to provide information upon request of BLM and/or its counsel concerning the monitoring, inspection, and or alteration by Holder of any condition on public land, including but not limited to, public land adjacent to any of the Holder's facilities.
- h. The duty, during BLM fire suppression efforts: to defer to and follow the instructions of the BLM's Incident Commander regarding activities within the boundaries of the fire and checking in and out of the fire; and to recognize BLM's primary authority over the incident scene.

51. This ROW grant is independent of Environmental Protection Agency (EPA) and Colorado Oil and Gas Conservation Commission (COGCC) approvals. If the holder identifies a conflict between this approval and the necessary approvals granted by the EPA and/or COGCC, the holder will immediately notify this office and propose corrective actions to remedy the conflict.

52. This ROW is granted only for the disposal of produced water in well (Federal 299-23-3). The initial cost per barrel fee will be \$0.15 of produced water injected into well (Federal 299-23-3). Prior approval must be obtained from the BLM for the procedures and equipment proposed to be used for measurement of produced water injected into well (Federal 299-23-3) before such injection begins. The BLM may modify the proposal and condition the approval.

53. Annual Injection Reports. The holder must provide the authorized officer an annual injection volume report by October 15 of each year. The report will break down the number of barrels disposed by month with a yearly total. The report can be submitted electronically or in writing to the Field Office. The initial report will be for the period from ROW issuance through September 30. Subsequent reports will be for the period October 1 through September 30 of each year.

54. This ROW is granted to the holder for the exclusive use of well (Federal 299-23-3) for disposal of produced water originating only from those wells operated by the holder, as recognized by the BLM or COGCC.

Site Specific Mitigation

55. Any excavations into the underlying sedimentary rock formation must be monitored by a permitted paleontologist. The monitoring paleontologist must be present before the start of excavations that may impact the underlying rock.

56. The construction contractor will perform dust suppression and dust monitoring during project construction activities. If winds or project construction equipment are creating large plumes of dust, dust suppression will be implemented. Dust suppression will be

achieved with freshwater. There should be no traces of oil or solvents in the water and it should be properly permitted for this use by the State of Colorado.

57. For future major planned construction and maintenance activities along the approved ROW that would cause surface disturbance within 300 meters of occupied or suitable special status plant habitat, resurveys for *Physaria* spp. must be conducted prior to disturbance. If such areas have not been surveyed in the last three years (most current survey is 2020) during the bloom period, surveys would be conducted in suitable and occupied habitat within the full extent of the planned construction footprint.

58. All construction equipment and vehicles associated with the Proposed Action that may act as a vector for weeds will be cleaned with compressed air before entering the Project Area.

59. If non-native or invasive species are found, the holder will treat the infestations using the White River Field Office Integrated Weed Management Plan (IWMP) (DOI-BLM-CO-110-2010-0005-EA and DOI-BLM-CO-110-2016-0069EA) as a compliance guideline. The individual plants and/or larger infestations will be recorded on a GPS unit to notify the BLM in addition to flagging, as stated in the IWMP.

60. A valid BLM Pesticide Use Proposal (PUP) must be held by either the proponent or by a third-party contractor acting on the behalf of the proponent. The valid PUP must be attained prior to spraying.

- a. The PUP application will be submitted via email and/or mail to the designated White River BLM Field Office Invasive Non-Native Weed Specialist. The PUP will include target weed species, the herbicides to be used, application rates and timeframes, estimated acres to be treated, as well as maps depicting the areas to be treated and known locations of weeds.

- b. All general PUP applications must be submitted no later than February 1st of the year anticipating herbicide application.

- c. PUP applications must be approved by the BLM and a valid PUP number must be received by the holder before applying herbicides on BLM lands.

61. Only ground (spot) treatment using backpack sprayers will be permitted within 600 meters of *P. obcordata*; beyond 600 meters from these threatened plants, other applicators may be used with the exception of aerial herbicide applicators, which will not be permitted in any part of the project area.

- a. Appropriate adjuvants such as non-ionic surfactants or methylated seed oil (MSO) will be used with each herbicide as necessary.

- b. Indicator dyes will be used with all herbicide.

- c. No spraying of weeds will occur outside the project footprint area.

- d. Proponent may use the Pesticide Use Proposal (PUP) and Certified Pesticide Applicator (CPA) already held by Proponent. The CPA, as directed by Proponent, must use the herbicides in Table 2 at the lowest rate needed, and always with an indicator dye, and appropriate spray adjuvant.

e. The weed technicians working under the CPA license must be able to correctly identify *P. obcordata* when they are implementing their control measures.

f. Technicians will control weed species before they flower and set seed.

Table E-1. Herbicides pending approval for use within 5 meters to 600 meters of *P. obcordata*, and their conventional buffer widths.

Active Ingredient	Buffer Width (feet)	Application Rate
Chlorsulfuron	1200	No more than 1 oz. per acre
Clopyralid	900	No more than 0.375 lbs (1 pint of transline) per acre
Glyphosate	50	No more than 2.25 lbs of the acid glyphosate per acre (3 qts of Roundup pro)
Imazapic	25	No more than 6 oz. per acre
Metsulfuron Methyl	900	No more than 1 oz. per acre

62. All disturbed areas (interim reclamation) on well pad RG 41-18-297 will be promptly (at the first appropriate seeding window between September 1 and March 15) seeded with recommended modified BLM Native Seed Mix #3 (Table E-2). The elevation and vegetation community for this location is: pinyon/juniper woodland with an elevation of 6,638. It is recommended that this site be seeded in accordance with the WRFO Surface Reclamation Plan (Appendix 3 of the WRFO RMPA ROD). If an alternate date of seeding is requested, contact the designated Natural Resource Specialist/Realty Specialist prior to seeding for approval. Seed mixture rates are Pure Live Seed (PLS) pounds per acre. Drill seeding is the preferred method of application and drill seeding depth shall be no greater than ½ inch. If drill seeding cannot be accomplished, seed should be broadcast at double the rate used for drill seeding and harrowed or raked into the soil. Final reclamation of the well pad and associated access road will be completed using the reclamation practices and seed mixes recommended at that time.

Table E2. Recommended Modified BLM Native Seed Mix #3 for Reclamation on RG 41-18-297.

Seed Mix	Cultivar	Common Name	Scientific Name	Application Rate (lbs PLS/acre)
3	Whitmar	Bluebunch Wheatgrass	<i>Pseudoroegneria spicata ssp. inermis</i>	3.5
	Rimrock	Indian Ricegrass	<i>Achnatherum hymenoides</i>	4
		Needle and Thread Grass	<i>Hesperostipa comata ssp. comata</i>	3.5
	Maple Grove	Lewis Flax	<i>Linum lewisii</i>	1
		Scarlet Globemallow	<i>Sphaeralcea coccinea</i>	1
		Sulphur Flower Buckwheat	<i>Eriogonum umbellatum</i>	1.5

63. Avoid direct discharge of pipeline hydrostatic test water to any reservoir, lake, wetland, or natural perennial or seasonally flowing stream or river.

64. Avoid dust suppression activities within 300 feet of the ordinary high-water mark of any reservoir, lake, wetland, or natural perennial or seasonally flowing stream or river.

65. Screen all pump intakes with ¼ inch or finer mesh material.
66. Disinfect heavy equipment, hand tools, boots and any other equipment that was previously used in a river, stream, lake, pond, or wetland prior to moving the equipment to another water body. The disinfection practice should follow this outline:
- a. Remove all mud and debris from equipment and spray/soak equipment with a 1:15 solution of disinfection solution containing the following ingredients:
 - i. Dialkyl dimethyl ammonium chloride, 5-10% by weight;
 - ii. Alkyl dimethyl benzyl ammonium chloride, 5-10% by weight;
 - iii. Nonyl phenol ethoxylate, 5-10% by weight;
 - iv. Sodium sesquicarbonate, 1-5%;
 - v. Ethyl alcohol, 1-5%; and
 - vi. Tetrasodium ethylene diaminetetraacetate, 1-5%; and
 - vii. water, keeping the equipment moist for at least 10 minutes and managing rinsate as a solid waste in accordance with local, county, state, or federal regulations; or
 - b. Spray/soak equipment with water greater than 140 degrees Fahrenheit for at least 10 minutes.
 - c. Sanitize water suction hoses and water transportation tanks (using methods described above) and discard rinse water at an appropriately permitted disposal facility.
67. W-TL-15: Surface-disturbing and disruptive activities (including, but not limited to construction, drilling, and completions) will not be allowed within 0.25 miles of active nest sites of those raptors that are not considered special-status during the period from nest territory establishment to dispersal of young from nest (from February 1 through August 1).
- Exception: An exception to the TL can be granted if an environmental analysis of the proposed action indicates that nature or conduct of the activity could be conditioned so as not to interfere with adult attendance and visitation of the nest site, jeopardize survival of the eggs or nestlings, or otherwise impair the utility of nest for current or subsequent nesting activity or occupancy. The Authorized Officer may also grant an exception if the nest is unattended or remains unoccupied by May 15 of the project year. An exception may be granted to these dates by the Authorized Officer, consistent with policies derived from federal administration of the Migratory Bird Treaty Act.
- a. WR-TL-15: Surface-disturbing and disruptive activities (including, but not limited to construction, drilling, and completions) will not be allowed within 0.25 miles of active nest sites of those raptors that are not considered special-status during the period from nest territory establishment to dispersal of young from nest (from February 1 through August 1). The current survey is valid until June 1, 2022.

b. WR-TL-15: No active nests were located near the location and an exception to this stipulation is granted until June 1, 2022, at which time the timing limitation will be applied or a new biological survey must be conducted to consider another Exception to the TL.

Location	Active/Inactive-WR-TL-15
RG 41-18-297 Pad	b. Inactive nest, exception to TL granted while surveys are valid (until June 1, 2022)
RGU 23-7-297 Pad	a. Active nest, TL applied
RGU 44-1-297 Pad	b. Inactive nest, exception to TL granted while surveys are valid (until June 1, 2022)
RGU 23-6-297 Pad	a. Inactive nest, exception to TL granted while surveys are valid (until June 1, 2022)
Pitcher's Mound Pit	b. Inactive nest, exception to TL granted while surveys are valid (until June 1, 2022)
RG 33-22-299 Injection Pad	a. Active nest, TL applied
RG 41-18-297 surface pipeline in T2S, R97W, Sec.7 & 8	a. Active nest, TL applied

68. The following COA applies to RG 41-18-297, RGU 23-7-297, RGU 23-6-297 and all associated pipelines:

WR-TL-12: No surface disturbing activities (including construction, drilling, completion, and intensive maintenance activities) from December 1 through April 30 would be permitted to reduce the disturbance of big game animals on severe winter range. Exceptions and modifications to this Condition of Approval may be considered as expressed in WR-TL-12 in the WRFO Oil and Gas RMPA ROD (2015) for drilling and completion activities; *construction activities should be scheduled outside the timing limitation.*

69. In accordance with the 1997 White River RMP/ROD, all trees removed in the process of construction shall be purchased from the BLM. Trees should first be used in reclamation efforts and then any excess material made available for firewood or other uses.

a. Woody materials required for reclamation shall be removed in whole with limbs intact and shall be stockpiled along the margins of the authorized use area separate from the topsoil piles. Once the disturbance has been recontoured and reseeded, stockpiled woody material shall be scattered across the reclaimed area where the material originated. Redistribution of woody debris will not exceed 20 percent ground cover. Limbed material shall be scattered across reclaimed areas in a manner that avoids the development of a mulch layer that suppresses growth or reproduction of desirable vegetation. Woody material will be distributed in such a way to avoid large concentrations of heavy fuels and to effectively deter vehicle use. Woody materials that are to be stockpiled along margins and not used

in the topsoil should not exceed pile dimensions of 8 x 8 x 8 feet. Materials used in the stockpiles should be of a variety of diameters but should be no smaller than 6 inches in diameter. Additionally, the piles should be no less than 30 feet apart.

b. Trees that must be removed for construction and are not required for reclamation shall be cut down to a stump height of 6 inches or less prior to other heavy equipment operation. These trees shall be cut in four-foot lengths (down to 4 inches diameter) and placed in manageable stacks immediately adjacent to a public road to facilitate removal for company use or removal by the public.

70. The following COA applies to RG 33-22-299 (injection well pad):

WR-TL-14: No surface disturbing activities (including construction, drilling, completion, and intensive maintenance activities) from February 1 through March 30 would be permitted in order to reduce the disturbance of big game animals on winter range and winter concentration areas. Exceptions and modifications to this Condition of Approval may be considered as expressed in WR-TL-14 in the WRFO Oil and Gas RMPA ROD (2015) for drilling and completion activities; construction activities should be scheduled outside the timing limitation.