UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Twin Falls District
Burley Field Office
15 East, 200 South
Burley, ID 83318
Phone: (208) 677-6600

DECISION RECORD

for the

Walker Ranch Energy, LLC
Geothermal Drilling Permits
Wells 23-13, 65-14, 27-14, 32-23, 72-22

DOI-BLM-ID-T020-2014-0030-DNA

I. Decision

In reviewing the Walker Ranch Geothermal Drilling Permits(GDP) Determination of NEPA Adequacy (DNA), I have concluded that the existing Environmental Assessment (EA) (ID-220-2009-EA-3709) provided sufficient analysis to approve the Walker Ranch GDPs for Wells 23-13, 65-14, 27-14, 32-23, and 72-22. I am approving the GDP's for these wells as described in the DNA with the attached Conditions of Approval (COA's).

Plan Conformance and Consistency

My decision is in conformance with the Cassia Resource Management Plan (RMP, 1985) as the public lands listed in the GDP applications are available for geothermal exploration and leased by Walker Ranch Energy LLC, subject to applicable regulations and Federal and State law for exploration and development. My decision also complies with the Federal Land Policy and Management Act (FLPMA) of 1976 (Public Law 94-579), the National Environmental Policy Act of 1969 (NEPA), Record of Decision and Resource Management Plan Amendments for Geothermal Leasing in the Western United States and associated Programmatic Environmental Impact Statement (Geothermal PEIS), the Geothermal Steam Act of 1970 (30 US Code 1001-1025), the Energy Policy Act of 2005, Secretarial Order 3283, and the Idaho Instruction Memorandum (IM) 2012-43, Greater-Sage Grouse Interim Management Policies and Procedures.

II. Finding of No Significant Impact

I have reviewed the direct, indirect and cumulative effects of the proposed activities documented in the EA (ID-220-2009-EA-3709) and I have reviewed the EA for NEPA adequacy as documented in the DNA for the Walker Ranch GDPs Wells (DOI-BLM-ID-T020-2014-0030-DNA). Based upon this review I have determined that

the Proposed Action, as described in the DNA will not have any significant impact, individually or cumulatively, on the quality of the human environment. Because there would not be any significant impact, an environmental impact statement is not required.

Implementing regulation for NEPA (40 CFR 1508.27) provide criteria for determining the significance of the effects. Significance, as used in NEPA, requires consideration of both context and intensity as follows:

(a) Context: This requirement means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the Proposed Action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short and long-term effects are relevant (40 CFR 1508.27).

The disclosure of effects in the EA found the effects limited in context. The project area is limited in size and activities and are limited in potential. Effects from any construction and drilling/testing are short-term and local in nature and would not significantly affect local, regional, or national resources.

(b) Intensity: This requirement refers to the severity of the impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following are considered in evaluating intensity (40 CFR 1508.27).

1. *Impacts that may be both beneficial and/or adverse.*

   Impacts associated with the Proposed Action have been identified and discussed in the Environmental Consequences section of the EA (Chapter 4). The Proposed Action will not have any significant adverse impacts on the resources identified and described in the EA.. On the whole, the project would result in minimal environmental impacts and result in beneficial economic and potential future energy resource effects.

2. *The degree to which the Proposed Action affects health or safety.*

   The proposed activities will not significantly affect public health or safety. Conditions of Approval (EA, Appendix C) have been developed to mitigate potential effects on public health or safety as identified in the EA in Chapter 4, Environmental Consequences. The project and its potential effects on the human environment are not highly uncertain and do not involve unique or unknown risks.

3. *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

The project area does not contain historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. (EA, Chapter 3 – Affected Environment). Additional cultural surveys in the area since the EA was conducted have validated this finding.

4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

   Effects on the human environment from drilling exploratory geothermal test wells are not expected to be highly controversial. Similar activities on fee lands (U.S. Geothermal and the Department of Energy) in the same geographic area have not resulted in effects that were highly controversial.

5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

   Possible effects on the human environment were fully analyzed in the EA (EA, Chapter 4 – Environmental Consequences) and are well known and involve no unique or unknown risks. The Proposed Action is not unique or unusual.

6. *The degree to which the action may establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration.*

   The Walker Ranch Energy, LLC five well proposal is site-specific and has been analyzed on its own merits in the EA. Any future similar actions or actions proposed for other geothermal-related activities such as utilization, etc. will be analyzed on their own merit separate from this action. The Proposed Action does not establish a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.*

   Based on the EA, no significant cumulative impacts are expected (EA, Section 4-19). The Proposed Action when evaluated together with other past, present, or reasonably foreseeable land disturbing activities in the area would not result in cumulatively significant impacts at the local or regional scale.

8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects in or eligible for listing in the National*

Register of Historic Places or may cause loss or destruction of significant, cultural, or historical resources.

Based on the environmental analysis, (EA, Sections 4-3 and 4-10 thru 4-11) the proposed project will not adversely affect districts, sites, highways, structures, or other objects listed or eligible for listing. Nor would the proposed project cause loss or destruction of significant scientific, cultural or historical resources.

9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*

   As discussed in the EA, (pages 4-15 thru 4-17) no federally listed, proposed, or candidate species under the Endangered Species Act are located in the project area or in the immediate vicinity. Therefore, there would be no impacts.

10. *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

    The Proposed Action does not violate any known Federal, State, or local law or requirement imposed for the protection of the environment. Furthermore, the Proposed Action is consistent with applicable land management plans, policies, and programs.

III. Appealing the Decision Record to the Interior Board of Land Appeals:

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR 3200.5, 43 CFR, Part 4, Subpart E and Form 1842-1. Any appeal must be filed with James Tharp, Burley Field Manager (Acting), Burley Field Office, 15 East 200 South, Burley, Idaho 83318 within 30 days of receipt of this decision. The appellant has the burden of showing the decision appealed is in error. The appellant shall serve a copy of the notice of appeal and any statement of reasons, written arguments, or briefs on each adverse party named in the decision, not later than 15 days after filing such document [4.413(a)]. Failure to serve within the time required will subject the appeal to summary dismissal [4.413(b)]. If a statement of reasons for the appeal is not included with the notice, it must be filed with the IBLA, Office of Hearings and Appeals, U. S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Burley Field Manager.

This geothermal management decision is issued under 43 CFR Part 3200.5 and is immediately effective and will remain in effect while appeals are pending unless a stay is granted in accordance with § 4.21(b) of this title. If you wish to file a petition, pursuant to

regulation 43 CFR 4.21, for a stay of the effectiveness of this decision during the time your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. A petition for stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Office of the Solicitor
U.S. Department of Interior
University Plaza
960 Broadway Avenue, Suite 400
Boise, Idaho 83706

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether or not the public interest favors granting the stay.

/s/Jim Tharp
James Tharp
Field Manager (Acting)

1/08/2015
Date

cc:
Walker Ranch Energy, LLC
6501 E. Belleview Ave.
Aurora, CO 80111

Conditions of Approval (COA):

Drilling Plan - The drilling plan of the Geothermal Drilling Permit will be supplemented as follows:

1. All operations shall be conducted in accordance with Geothermal Resources Order No. 2: Drilling, Completion and Spacing of Geothermal Wells. Copy attached for your reference.

2. A Hydrogen Sulfide (H2S) indicator and alarm shall be installed and operational. If H2S concentrations reach 20 ppm operations will cease until safe drilling conditions can be established and the operator has submitted a H2S contingency plan to this office for approval.

3. If a 9-5/8" contingency string is anticipated, approval is necessary prior to its use.

4. Permanent long term injection is not authorized by this permit absent other necessary authorizations or agreements, including rights-of-way or unitization. Short duration (72 hours) flow tests are authorized by this permit. Longer term (i.e up to 90 days) injection / production tests may occur after approval via sundry notice.

5. Operations authorized by this permit shall not be suspended for more than 30 days without prior approval of the Authorized Officer (AO). All conditions of this approval shall be applicable during any operations conducted with a replacement or completion rig.

6. A daily drilling report shall be given by telephone (Al McKee: 801-539-4045 or, Steve Lubinski 208-312-1674), or email (Amckee@blm.gov and Slubinski@blm.gov) Monday through Friday by approximately 10:30 am, until the well workover is completed and shall include daily mud reports and well inclinations.

7. Submit the completion report within 30 days of completion of the well. Two copies of all logs, and a single copy of core descriptions, core analyses, drill stem tests, well-test data, geologic summaries, sample descriptions, and all other surveys or data obtained and compiled during the drilling and/or completion operations shall be submitted to the BLM, Utah State Office, Branch of Fluid Minerals, at P.O. Box 45155, Salt Lake City, Utah, 84145-0155.

Surface Use Plan of Operations - The surface use plan of operations for the Application for Permit to Drill will be supplemented as follows:

1. This operation shall comply with applicable provisions contained in the previously approved Operations Plan, dated February 2009. Any revisions require prior approval from the BLM.

2. The following Conditions of Approval (COAs) were developed by BLM as a result of the environmental analysis (ID-220-2009-EA-3709) [identified as (BLM) at end of COA] or were environmental protection measures committed to by Agua Caliente, LLC in Chapter 2 of the EA that have been adopted by BLM as COAs [identified as (WRLLC) at end of COA]. Collectively, these COAs supplement the Surface Use Plan of Operations for the Applications for Permit to Drill.

I. Pre-Construction

1. Upon approval of this permit, and prior to any construction, a pre-work conference will be conducted. Attendance shall be: the operator, BLM, dirt contractor, and any other contractors which may be involved with surface disturbance portion of this project. (BLM)

2. Upon approval of this permit, and prior to any construction or drilling, Walker Ranch, LLC must have on file with the Idaho State BLM office a BLM- approved personal or surety bond in the amount of $10,000 for operations on a single lease (IDI-37087 in accordance with 43 CFR 3261.18. Your bond must cover all record title owners, operating rights owners, operators, and any person who conducts operations on your lease (43 CFR 3214.11). Your bond must cover (43 CFR 3214.12) (BLM):
    a. Any activities related to exploration, drilling, utilization, or associated operations on a Federal lease;
    b. Reclamation of the surface and other resources;
    c. Rental and royalty payments; and
    d. Compliance with the requirements of §3200.4.

3. Proposed surface disturbance and vehicular traffic will be limited to the approved well location and access route. (BLM)

4. Any changes in well location, facility location, access, or site expansion must be approved by the BLM Authorized Officer (AO) in advance. (BLM)

5. Develop and implement a project health and safety plan (including but not limited to personnel responsibilities, hazardous material handling and disposal procedures, and accidental spill response procedures). (WRLLC)

6. Upon approval of this permit and prior to any operation, a surety or personal bond must be filed with BLM as per 43 CFR 3214.10 and 3261.18. (BLM)

II. Construction/Operations/Reclamation

a. Traffic Management
   1. Traffic will be restricted to the roads developed for the project. Use of other unimproved roads will be restricted to emergency situations. (BLM)
   2. Project personnel and contractors will be instructed and required to adhere to speed limits commensurate with road types, traffic volumes, vehicle types, and site-specific conditions, (e.g., 25 mph) to ensure safe and efficient traffic flow and to reduce wildlife collisions and disturbance and fugitive dust. (BLM)

b. Roads and Pads
   1. The operator will obtain agency authorization prior to borrowing soil or rock material from agency lands. (BLM)
   2. Road use will be restricted during the wet season if road surfacing is not adequate to prevent soil displacement, rutting, etc., and resultant stream sedimentation. (BLM)
   3. If culverts are used, culvert outlets will be rip-rapped to dissipate water energy at the outlet and reduce erosion. If used, catch basins, roadway ditches, and culverts will be cleaned and maintained regularly. (BLM)
   4. The reserve pit shall be located in cut material, with at least 50% of the pit constructed below original ground level to prevent failure of the pit dike. Any fill dikes shall be compacted in lifts. If it is necessary to construct the reserve pit by fill embankment, a keyway or core trench 10 to 12 feet wide shall be excavated to a minimum depth of 2 to 3 feet below the original ground level. The core of the embankment must be constructed with water-impervious material. (BLM)

c. Climate and Air Quality
   1. Water would be applied to the ground during the construction and operation phases of the project as necessary to control dust. (WRLLC)

d. Fire Prevention/Health and Safety
   1. All vehicles entering the project site will be equipped with fire extinguishers and shovels. (WRLLC)
   2. All brush build-up around mufflers, radiators, headers, and other engine parts would be avoided, and periodic checks would be conducted to prevent this build-up. (WRLLC)
   3. Smoking would only be allowed in company vehicles and /or designated smoking areas. (WRLLC)

4. Portable generators used in the project area would be required to have spark arresters. (WRLLC)
5. Employees and contractors would be educated on safe and environmentally responsible practices. (WRLLC)
6. Employees and contractors would follow any special guidance or restrictions recommended by BLM officials. (WRLLC)
7. The Operator shall be responsible for the prevention and suppression of fires on public lands caused by its employees, contractors or subcontractors. During conditions of extreme fire danger, surface use operations may be limited or suspended in specific areas. (BLM)

e. Noise
   1. The operator will take measurements to assess the existing background noise levels at a given site and compare them with the anticipated noise levels associated with the proposed project. (BLM)
   2. Reclamation activities, road and well pad construction activities and large, non-personnel vehicle movements will be limited to the 7 AM to 10 PM timeframe to limit nighttime disturbance. This COA does not apply to drilling and well testing operations that will occur 24 hours per day, seven days per week. (BLM)
   3. The project proponent is required to ensure that mufflers are present on all diesel engines and any other components used during operations that can be muffled, such that noise emissions are reduced by at least 15 dBA from the original, non-muffled noise level for the equipment. (BLM)

f. Noxious Weeds/Invasive Plants
   1. The drilling rig and any construction-related equipment would be required to be cleaned and washed prior to entering each site. (WRLLC)
   2. Fill materials and road surfacing materials that originate from areas with known noxious weeds or invasive plants will not be used. (WRLLC)
   3. Re-vegetation, habitat restoration and weed control activities will be initiated as soon as possible after construction activities are completed. (WRLLC)
   4. An intensive weed monitoring and control program will be implemented prior to site preparation for planting and will continue until interim or final reclamation is approved by the BLM AO. (WRLLC)
   5. Monitoring will be conducted at least annually during the growing season to determine the presence of any invasive plants

or noxious weeds. Invasive plants and noxious weeds that have been identified during monitoring will be promptly treated and controlled. A Pesticide Use Proposal (PUP) will be submitted to the BLM prior to use of herbicides. (WRLLC)

6. The use of certified, weed-free mulch will be required when stabilizing areas of disturbed soil. (WRLLC)

g. Soils/Vegetation

1. During initial well pad and road construction and prior to completion of the final well on the well pad, pre-interim reclamation stormwater management actions will be taken to ensure disturbed areas are quickly stabilized to control surface water flow and to protect both the disturbed and adjacent areas from erosion and siltation. This may involve construction and maintenance of temporary silt ponds, silt fences, berms, ditches, and mulching. (WRLLC)

2. Prior to rigging up, a berm at least one-foot high will be constructed around the perimeter of the pad to prevent escape of spilled fluids or rainfall collected on the location. This berm will be maintained during the drilling phase of the well. The need for the berm will be reassessed upon completion of the well and production is established. (BLM)

3. Any water bars built during construction or reclamation to divert water from ditches or roads will be placed as follows (BLM):

Grade	Spacing
2%	Every 200 feet
2-4%	Every 100 feet
4-5%	Every 75 feet
5+%	Every 50 feet

4. Drainage control shall be ensured over the entire road through the use of borrow ditches, outsloping, insloping, natural rolling topography, lead-off (turnout) ditches, culverts, and/or drainage dips. (BLM)

5. All lead-off ditches (turnouts) shall be graded to drain water with a one percent minimum to three percent maximum ditch slope. The spacing interval for lead-off ditches shall be determined according to the following table, but may be amended depending upon existing soil types and centerline road slope (in %):

SPACING INTERVAL FOR TURNOUT DITCHES

Percent Slope	Spacing Interval
0% - 4%	400’ – 150’
4% – 6%	250’ – 125’

6% – 8%	200’ – 100’
8% - 10%	150’ - 75’

A typical lead-off ditch has a minimum depth of one foot below and a berm 6 inches above natural ground level. The berm will be on the down-slope side of the lead-off ditch. The ditch end will tie into vegetation whenever possible. (BLM)

6. Road and well production equipment will be placed on location so as to permit maximum interim reclamation of disturbed areas. If equipment is found to interfere with the proper interim reclamation of disturbed areas, the equipment will be moved so proper recontouring and revegetation can occur. (WRLLC)
7. Topsoil will be evenly spread and aggressively revegetated over the entire disturbed area not needed for all-weather operations including road cuts and fills and to within a few feet of the wellhead/pump, unless an all-weather, surfaced, access route or small “teardrop” turnaround is needed on the well pad. (WRLLC)
8. 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. (WRLLC)
9. Vegetation removal and the degree of surface disturbance will be minimized wherever possible. (WRLLC)
10. Operations will disturb the minimum amount of surface area necessary to conduct safe and efficient operations. When possible, equipment will be stored and operated on top of vegetated ground to minimize surface disturbance. (WRLLC)
11. Excess soil will be stripped and stockpiled around the perimeter of the well location to control run-on and run-off, and to make redistribution of topsoil more efficient during interim reclamation. Stockpiled topsoil may include vegetative material. Topsoil will be clearly segregated and stored separately from subsoils. (WRLLC)
12. Earthwork for interim and final reclamation will be completed within 6 months of well completion or plugging unless a delay is approved in writing by the BLM Approving Official. (WRLLC)
13. If, upon completion of well drilling and well testing at a site, no geothermal resources have been found viable and no further

exploration is to be pursued, roads and pads would be restored to their original condition by contouring and revegetating. (WRLLC and BLM)

14. If the use of topsoil for reclamation is delayed for more than 6 months from completion or plugging of the well, the stockpiles will be reseeded to retain soil quality and hinder erosion. Fall seeding is preferred and will be conducted after September 15 and prior to ground freezing. Spring seeding will be conducted after the frost leaves the ground and no later than April 30. The seed mix recommended by the BLM in this section (COA 19), less the Wyoming big sagebrush should be used for this purpose. (BLM)
15. Salvaging and spreading topsoil will not be performed when the ground or topsoil is frozen or too wet to adequately support construction equipment. If such equipment creates ruts in excess of four (4) inches deep, the soil will be deemed too wet and activities will cease until the site dries out. (WRLLC)
16. No major depressions will be left that would trap water and cause ponding. (WRLLC)
17. Initial seedbed preparation would consist of recontouring the well pads to the appropriate interim or final reclamation standard. All compacted areas to be seeded will be ripped to a minimum depth of 18 inches with a minimum furrow spacing of 2 feet, followed by recontouring the surface and then evenly spreading the topsoil. Prior to seeding, the seedbed will be scarified and left with a rough surface. (WRLLC)
18. If broadcast seeding is to be used, final seedbed preparation will consist of contour cultivating to a depth of 4 to 6 inches within 24 hours prior to seeding and dozer tracking or another imprinting method will be used in order to loosen up the soil and create seed germination micro-sites. (WRLLC)
19. Seeding will be conducted no more than 24 hours following completion of final seedbed preparation. A certified weed-free seed mix designed by BLM, as identified below, to meet reclamation standards will be used to revegetate all disturbed areas. (WRLLC)

Species	Pounds/Acre – Pure Live Seed
Siberian Wheatgrass (P27)	5.00
Russian Wildrye (Bozoisky)	5.00
Sandberg bluegrass	2.00
Wyoming big sagebrush	0.50
Total	*12.50*

20. No seeding will occur from May 15 to September 15. Fall seeding is preferred and will be conducted after September 15 and prior to ground freezing [Shrub species will be seeded separately and will be seeded during the winter]. Spring seeding will be conducted after the frost leaves the ground and no later than April 30. (WRLLC)
21. Weed-free mulch, silt fencing, waddles, hay bales, and other erosion control devices will be used on areas at risk of soil movement from wind and water erosion. (WRLLC)
22. Mulch will be used, if necessary, to control erosion, create vegetation micro-sites, and retain soil moisture and may include hay, small-grain straw, wood fiber, live mulch, cotton, jute, or synthetic netting. Mulch will be free from mold, fungi, and will be certified free of noxious or invasive weed seeds. (WRLLC)
23. If straw mulch is used, it will contain fibers long enough to facilitate crimping and provide the greatest cover. (WRLLC)
24. All site grading will balance cut and fill to the extent practicable to minimize potential effects from erosion. (BLM)
25. Seeded areas will be fenced to exclude livestock until interim or final reclamation is approved by the authorized officer. (WRLLC)
26. The reserve pit shall be located in cut material, with at least 50% of the pit constructed below original ground level to prevent failure of the pit dike. Any fill dikes shall be compacted in lifts. (BLM)

h. Waste Management
    1. All solid wastes (paper trash and garbage) must be contained in a trash cage and hauled away to an approved disposal site as necessary but no later than at the completion of drilling operations. The Operator will, on a daily basis, police the access routes and adjacent areas of the well pad to ensure that all solid wastes are deposited in the approved manner. (BLM and WRLLC)
    2. Immediately upon completion of drilling operations, the well location and surrounding area shall be cleared of all remaining debris, trash, junk and materials not required for production. (BLM and WRLLC)
    3. The reserve pits shall be completely dry and all junk and debris removed before initiating any dirt work to restore the location. After drilling operations are completed, the dried liquids and solids from the reserve pits would be buried on site as part of the site reclamation. (BLM and WRLLC)

4. Portable chemical sanitary facilities would be available and used by all personnel during periods of construction, well drilling and/or flow testing. These facilities would be maintained by a local contractor. (WRLLC)

i. Water Resources
   1. The operator will use engineering controls and monitoring to protect the ditch that supplies hot water to the local resident southwest of the site. (BLM) (This COA only applies to RRDP-6 in the Proposed Action but does not apply if Alternative 1 is selected).
   2. Walker Ranch will develop and implement a storm water pollution prevention plan during construction and operation of the project. (WRLLC)

j. Visual Resources
   1. All permanent [Onsite for six (6) months or longer] structures constructed or installed (including pumping facilities) shall be painted a flat, non-reflective earth tone color. All facilities shall be painted within six months of installation. Facilities which are required to be in compliance with Occupational Safety and Health Act (OSHA) shall be excluded. The required paint color is "Carlsbad Canyon" from the Standard Environmental Colors Chart CC-001: June 2008. (BLM)
   2. All drill rig and well test facility lights shall be limited to those required to safely conduct the operations, and shall be shielded and/or redirected in a manner which focuses direct light to the immediate work area. (BLM)

k. Wildlife
   1. No surface occupancy within 1/2 mile of active ferruginous hawk nest sites (BLM 1985).

      Stipulation applies if an active ferruginous hawk nest is identified within 1/2 mile of any one proposed site. A nest will be considered active if nest initiation is observed and, will be considered active until otherwise unoccupied (i.e. successfully fledged or failed/abandoned). (BLM)
   2. If construction is to take place from March 1 – July 15, a BLM-approved biologist must survey and clear the proposed construction sites for nesting migratory birds prior to project construction. If nesting migratory birds are found within the construction footprint the project will be delayed until the nest(s) is no longer active, or construction will be altered to avoid harming nesting migratory birds. A nest will be considered active if nest initiation is observed and will be considered active until otherwise unoccupied (i.e. successfully fledged or failed/abandoned). (BLM)

3. Access roads not needed for maintenance would be removed following exploration; and public use of remaining access roads would be restricted. (BLM)

4. Three sides of the reserve pit will be fenced with materials suitable to prevent access by wildlife and livestock before drilling starts. The fourth side of the pit shall be fenced as soon as drilling is completed. The corners must be braced to keep the fence tight. The fence shall be maintained in good repair while the pit is drying and must remain in place until the pit is dry and/or site restoration begins. Refer to Figure 1. "Recommended construction standards for exclosure fences in livestock areas", in the Gold Book: Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development. (BLM)

5. All necessary steps will be taken to safeguard migratory birds from hazards associated with pits and treatment facilities. Prevention methods include, but are not limited to, pit screening or netting and protective cones on vent stacks of dehydrators, separators and heater-treaters. The death of any migratory bird found in a pit or treating equipment is a violation of the Migratory Bird Treaty Act. Any deaths of migratory birds attributed to pits or equipment associated with drilling or production operations must be reported to this office and the U. S. Fish and Wildlife Service within 24 hours. (BLM)

6. Appendix B of the EA (Lease Stipulations) requires "No exploration/development work in sage grouse strutting/brood rearing habitat from April 1st through June 15th."

III. Exceptions, Waivers, and Modifications

The Authorized Officer will consider requests to modify, waive, or grant exceptions to lease stipulations and Conditions of Approval consistent with Instruction Memorandum No. 2008-032. (BLM)