

**U.S. Department of the Interior
Bureau of Land Management**

**Decision Record - Memorandum
NCRU 14-29 APD and ROW**

December 2015

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management
Worland Field Office



Decision Record - Memorandum

NCRU 14-29 APD and ROW

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Chapter 1. Decision Record - Memorandum

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1.1. DECISION

DOI-BLM-WY-R010-2016-0002-EA

It is my decision to approve the North Cody Road Unit (NCRU) 14-29 Application for Permit to Drill (APD), and right-of-ways WYW-165340 and WYW-165340-01, described as the Proposed Action of Environmental Assessment No. DOI-BLM-WY-R010-2016-0002-EA, and to include those measures proposed by Foreland Resources, LLC in the submitted surface use plan of operations (SUPO) and drilling plans for the NCRU 14-29 APD.

The Proposed Action was chosen as being the most environmentally sound alternative. Terms and Conditions and Conditions of Approval necessary for this action are attached and considered a part of this approval. This action has been analyzed in the referenced EA and found to have no significant impacts, thus an EIS is not required.

1.1.1. Authorities:

- NEPA (42 U.S.C. §§ 4321- – 4347), as amended
- MLA of 1920, as amended
- Mining and Mineral Policy Act (MMPA) of 1970
- Federal Land Policy and Management Act (FLPMA) of 1976
- 43 C.F.R. § 2800
- Federal Oil and Gas Royalty Management Act of 1982 (Pub. L. No. 97-451)
- Federal Onshore Oil and Gas Leasing Reform Act (FOGRLA) of 1987
- Energy Policy Act of 2005

1.1.2. Mitigation and Monitoring:

Mitigation measures analyzed and selected are attached as Conditions of Approval/Terms and Conditions. Mitigation measures were not selected for protection of sage-grouse winter concentration areas because local data has not been approved for implementation through the State of Wyoming Game and Fish Department.

To assure compliance with the approved action, the operator will be responsible for contacting the Authorized Officer 5 days prior to initiation of actions to allow for inspection of operations.

The approved action would be monitored during regularly scheduled field I&E program inspections.

1.2. PLAN CONFORMANCE AND CONSISTENCY

This plan has been reviewed to determine if the proposed action conforms to the land use plan as required by 43 CFR 1610.5. The proposed action conforms to the Record of Decision and Approved Resource Management Plan for the Worland Field Office, dated September 21, 2015.

The decisions in the Worland Resource Management Plan (WRMP) provide general management direction and allocation of uses and resources on the public lands in the area.

The Worland RMP (pgs 61 - 63) addresses oil and gas leasing and development. The Worland RMP states that the BLM would manage leasable fluid mineral resources (oil, gas, CBNG, geothermal) in the planning area to meet the

Nation's energy needs, without compromising long-term health and diversity of public lands and resources, and avoiding or mitigating impacts on other resources. BLM will provide opportunities to explore and develop federal oil and gas resources and other leasable minerals.

Where a proposed fluid mineral development project on an existing lease could adversely affect Greater Sage-Grouse populations or habitat, the BLM will work with the lessees, operators, or other project proponents to avoid, reduce, and mitigate adverse impacts to the extent compatible with lessees' rights to drill and produce fluid mineral resources. The BLM will work with the lessee, operator, or project proponent in developing an APD for the lease to avoid and minimize impacts to Greater Sage-Grouse or its habitat and will ensure that the best information about the Greater Sage-Grouse and its habitat informs and helps to guide development of such federal leases.

The Worland RMP (pgs 107-109) delineates right-of-way corridors, right-of-way avoidance areas, right-of-way exclusion area, and areas available for right-of-way. The Worland RMP states that the BLM would manage public lands to meet transportation and ROW needs by providing opportunities to meet ROW demands while protecting important resources.

1.3. ALTERNATIVES CONSIDERED

The Environmental Assessment (EA) for the Project considered two alternatives.

The "No Action Alternative" implies that on-going development and activities would be allowed to continue in the area, but the proposed action would be disallowed. This alternative provides a benchmark, enabling the decision-maker to compare the magnitude of the environmental effects of the alternatives.

The "Proposed Action" alternative is the drilling plan and the operator's surface use plan as submitted in the APD, and ROW plan of development included in the ROW application. The Proposed Action is based on BLM staff specialists input and the observations made at the joint field inspection. It was felt that certain mitigation measures were necessary and proper to provide adequate protection of the surface and subsurface. For the purpose of analysis, the Conditions of Approval are part of this alternative.

1.4. RATIONALE FOR DECISION

The Proposed Action was chosen as being an environmentally sound alternative, and is in conformance with the Worland Resource Management Plan. Approval of the alternative, as stated above, will allow Foreland Resources, LLC to continue to conduct exploration activities as provided for by the Mineral Leasing Act of 1920, the Federal Land Policy and Management Act of 1976, and other laws and policies. This decision recognizes that there will be minimal impacts to resources until such time as the site has been successfully reclaimed. Implementation of the mitigation measures stated above will address impacts to resource values identified in the EA.

1.5. PROTEST AND APPEAL OPPORTUNITIES

Administrative Review Appeal

Under BLM regulations, this decision is subject to administrative review in accordance with 43 CFR 3165. Any request for administrative review of this decision must include information required under 43 CFR 3165.3(b) (State Director Review), including all supporting documentation. Such a request must be filed in writing with the State Director, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82003, no later than 20 business days after this Decision Record is received or considered to have been received.

Any party who is adversely affected by the State Director's decision may appeal that decision to the Interior Board of Land Appeals, as provided in 43 CFR 3165.4

Right-of-Way Decision Appeal

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 Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (BLM Worland Field Office, 101 S. 23rd St., Worland, WY 82401) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR §2801.10 or 43 CFR § 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a 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 appropriate 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.

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; and
- (4)whether the public interest favors granting the stay.

1.6. Signature

/s/ Amelia Pennington	12/16/2015
Acting on behalf of: Michael J. Phillips, Worland Field Office Manager	Date

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Appendix A. CONDITIONS OF APPROVAL FOR APPLICATION FOR PERMIT TO DRILL

Com-pany:	Foreland Resources, LLC	Location:	SWSW Sec. 29 T46N R96W
Well No:	NCRU 14-29	Lease No:	WYW175700

Petroleum Engineer: Frank Sanders	Office: 307-347-5246	Cell: 388-0035
NRS: Darci Stafford	Office: 307-347-5149	
If Frank Sanders is unavailable please contact:		
Petroleum Engineer: Stuart Cerovski Office: 307-332-8426		

A COPY OF THESE CONDITIONS SHALL BE FURNISHED TO YOUR FIELD REPRESENTATIVE TO INSURE COMPLIANCE

All lease and/or unit operations are to be conducted in such a manner that full compliance is made with the applicable laws, regulations (43 CFR Part 3160), and this approved Application for Permit to Drill including Surface and Downhole Conditions of Approval.. The operator is considered fully responsible for the actions of his subcontractors. A copy of the approved APD must be on location during construction, drilling, and completion operations.

THIS APPLICATION FOR PERMIT TO DRILL IS VALID UNTIL: OR UNTIL LEASE EXPIRATION, WHICHEVER OCCURS FIRST.

Engineering Conditions of Approval

Site Specific Conditions of Approval

None.

DRILLING

1. There shall be no deviation from the proposed drilling, completion, and/or workover program as approved. Safe drilling and operating practices must be observed. All wells, whether drilling, producing, suspended, or abandoned, shall be identified in accordance with 43 CFR 3162.6. There shall be a sign or marker with the name of the operator, lease serial number, well number, and surveyed description of the well. **Any changes in operation must have prior approval from the BLM, Worland Field Office Petroleum Engineer.**

Verbal approval may be obtained, but such approval does not waive the written report requirement.

2. The spud date and time shall be reported verbally to Worland Field Office 24 hours prior to spudding. Follow up with 3160-5 Sundry report.
3. **Notify Worland Field Office Petroleum Engineer (Frank Sanders) at least 24 hours in advance of casing cementing operations and BOPE & casing pressure tests.**

Office Phone:(307) - 347 - 5246

*Appendix A CONDITIONS OF APPROVAL FOR
APPLICATION FOR PERMIT TO DRILL*

Cell Phone:(307) - 388 - 0035

4. Blowout prevention equipment (BOPE) shall remain in use until the well is completed or abandoned. Closing unit controls must remain unobstructed and readily accessible at all times. Choke manifolds must be located outside of the rig substructure.

All BOPE components shall be inspected daily. Components shall be operated and tested including a (5 minute low/10 minute high) as required by Onshore Oil and Gas Order No. 2 to insure good mechanical working order. All BOPE pressure tests shall be performed by a test pump with a chart recorder and **NOT** by the rig pumps.

All drilling operations, as listed below, shall be recorded in the **drilling document** and available for inspection.

- Surface casing, (number of joints, size, weight, grade, and depth set).
- Number of centralizers.
- Type of cement (number of sacks or barrels, volume discharged to pit, include 1” top off operations)
- BOP Test- include pressure and time per test for pipe, blind rams and all valves (i.e. 5 minute low, 10 minute high), annular, and casing.
- Mud equivalent test, if applicable.
- Mud tests every 24 hours after mud up.
- Slow pump speed daily after mud up.
- BOP drill every crew each week (tripping and on bottom).
- Activate Annular once a week.
- Activate pipe rams and blind rams each trip (not more than once a day).
- Surveys (depth, degree and direction, if applicable).
- Production casing, (number of joints, size, weight, grade, and depth set, type of cement, number of sacks or barrels).

Daily Inspections.

BOP drills shall be initially conducted by each drilling crew within 24 hours of drilling out from under the surface casing and weekly thereafter as specified in Onshore Oil and Gas Order No. 2.

Casing pressure tests are required before drilling out from under all casing strings set and cemented in place.

No aggressive/fresh hard-banded drill pipe shall be used within casing.

5. All shows of fresh water and minerals will be reported and protected. All oil and gas shows will be adequately tested for commercial possibilities, reported, and protected.

6. No location will be constructed or moved, no well will be plugged, and no drilling or workover equipment will be removed from a well to be placed in a suspended status without prior approval of the BLM, Worland Field Office. If operations are to be suspended for more than 30 days, prior approval of the BLM, Worland Field Office must be obtained and notification given before resumption of operations.
7. When total drilling depth is reached or drilling is suspended for greater than 15 days, a status report outlining plans for completion or abandonment, shall be filed within 5 days with the BLM Worland Field Office in sundry or letter form. In accordance with 43 CFR 3162.4-3, this well must be reported to the **Office** of Natural Resources Revenue (ONRR) on the Oil and Gas Operations Report (OGOR) starting with the month in which operations commence and continue each month until the well is physically plugged and abandoned. This report should be filed directly with the Office of Natural Resources Revenue (ONRR) P.O Box 25627 Denver, Colorado 80225-0627, or call 1-800-525-7922 or (303) 231-3650 for reporting information.
8. Whether the well is completed as a dry hole or as a producer, "Well Completion and Recompletion Report and Log" are required to be submitted to the Worland BLM Field Office.
9. All applicable local, state and/or federal laws, regulations, and/or statutes must be complied with.

PRODUCTION

1. All off-lease storage, off-lease measurement, or commingling on-lease or off-lease shall have prior written approval from the BLM, Worland Field Office.
2. All measurement points used for royalty determination shall be identified on a Facility Layout Drawing (to scale) and submitted by Sundry to the BLM for approval prior to the installation of facilities. Refer to Onshore Order No. 1 III.D.4.d for additional details.
3. Oil and gas meters shall be calibrated in place prior to any deliveries. The Worland Field Office Petroleum Engineer shall be provided with a date and time for the initial meter calibration and all future meter proving schedules. All measurement facilities will conform to the API standards for liquid hydrocarbons and the AGA standards for natural gas measurement.
4. A site facilities diagram as required by Onshore Oil and Gas Order No. 3 shall be submitted to the BLM, Worland Field Office within 30 days of installation or first production, whichever occurs first.
5. Any venting or flaring of gas will be done in accordance with Notice to Lessees (NTL) 4A and requires prior approval from Worland Field Office Petroleum Engineer.
6. All undesirable events (fires, accidents, blowouts, spills, discharges) as specified in NTL 3A will be reported to the BLM, Worland Field Office. Major events as defined in NTL3A, will be reported verbally within 24 hours, followed by a written report within 15 days. "Other than Major Events" will be reported in writing within 15 days. "Minor Events" will be reported on the Monthly Report of Operations and Production

ABANDONMENT

*Appendix A CONDITIONS OF APPROVAL FOR
APPLICATION FOR PERMIT TO DRILL*

Unless the plugging is to take place immediately upon receipt of verbal approval, the Field Office Petroleum Engineer must be notified at least 24 hours in advance of the plugging of the well, in order that a representative may witness plugging operations. If a well is suspended or abandoned, all pits must be fenced immediately until they are backfilled. The "Subsequent Report of Abandonment" (Form BLM 3160-5) must be submitted within 30 days after the actual plugging of the well bore, showing location of plugs, amount of cement in each, and amount of casing left in hole, and the current status of the surface restoration.

Operators filing requirements		
Form No.	Name	Filing Days
3160-3	Application for Permit to Drill, Deepen, or Plug Back	30 days prior to planned action
3160-4	Completion or Recompletion Report and Log	Due not later than 30 days after well completion
3160-5	Sundry Notice and Reports on Wells	
	Spud Report	Not later than 5 days after well spud
	1st Production	Not later than 5 days after initial production
	Return to Production (if the well has been off longer than 90 Days)	Not later than 5 days after well resumes production
	Operations that require prior approval (Notice of Intent) Followed up with Summary of completed operations (Subsequent Report) redrill, deepen, perform casing repairs, plug-back, alter casing, perform nonroutine fracturing jobs, recomplete in a different interval, perform water shut off, commingling production between intervals and/or conversion to injection, Plugging Operations, Pad & Pit construction, Off lease measurement & storage, Gas & Oil measurement by other methods or at other locations. NO WELL MAYBE TEMPORARILY ABANDONED FOR MORE THAN 30 DAYS WITHOUT PRIOR APPROVAL OF THE AUTHORIZED OFFICER	Prior to commencing operations Not later than 30 days after operations complete
	Operations that do not require prior approval (Notice of Intent) but do require a Summary of completed operations (Subsequent Report) Routine fracturing or acidizing jobs, or recompletion in the same interval	Not later than 30 days after operations complete
	No approvals required for: Well clean-out work, routine well maintenance (such as pump, rods, and tubing work) or for repair, replacement or modification of surface production equipment.	

Operators filing requirements

Federal wells

Operators filing requirements

FEE & STATE WELLS WITHIN A

UNIT OR CA

Appendix A CONDITIONS OF APPROVAL FOR APPLICATION FOR PERMIT TO DRILL

Form No.	Name	Filing Days
3160-5 Or State form	1st Production	Not later than 5 days after initial production
3160-5	<p>Operations that require prior approval (Notice of Intent) Followed up with Summary of completed operations (Subsequent Report)</p> <p>Disposal methods for water produced if it well effect Federal surface or subsurface resources.</p> <p>Commingling of production (either downhole or subsurface).</p> <p>Proposed flaring or venting of gas.</p>	<p>Prior to commencing operations</p> <p>Not later than 30 days after operations complete</p>
3160-4 Or State form	Completion or Recompletion Report and Log	Due not later than 30 days after well completion
	All other actions regarding Fee & State well in a Unit or CA, BLM will accept a state sundry.	

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Appendix B. Surface Conditions of Approval for Application for Permit to Drill

Environmental Assessment

NCRU 14-29 APD and ROW, Foreland Resources, LLC

DOI-BLM-WY-R010-2016-0002-EA

Bureau of Land Management, Worland Field Office, Wyoming

Site-Specific

1. Sources of construction materials and disposal sites must be specifically identified and approved by the Authorized Officer through Sundry Notice. Any changes to specifically identified construction materials sources/supplies, drilling water sources/supplies, fate of drilling/completion fluids, routes and means of fluid transportation/disposal, and location or method of produced water disposal requires prior written approval from the Authorized Officer via approved Sundry Notice or Right-of-Way (ROW) as applicable.
2. The culvert/bridge inspection for the 72" x 60' culvert, which will be placed at station 79+25, must follow the procedures outlined in BLM Manual 9112 and BLM Handbook 9112-5. The results of the inspection must be submitted to the Authorized Officer via Sundry Notice within 30 days of the inspection.
3. Before construction or drilling will occur, a pre-construct meeting will be required. Please contact Darci Stafford – Natural Resource Specialist, at (307) 347-5149 to schedule.

Right-of-way – Access Authorization

1. No construction or routine maintenance activities are authorized under this authorization until the ROW is granted.
2. The Holder shall not initiate any new construction or other surface disturbing activities on the right-of-way without the prior written authorization of the authorized officer.

Wildlife

1. To protect breeding/nesting sage-grouse and sagebrush obligate species, surface disturbing and disruptive activities are prohibited from March 15 through June 30. This condition will be implemented for the duration of surface disturbing activities and the life of the well. This timing limitation applies to the entire project. (see Wildlife Resources Map)
2. To minimize and/or mitigate disturbance and/or displacement of wintering mule deer, surface disturbing or disruptive activities are prohibited from November 15 – April 30. This timing limitation applies to those portions of the access road that overlap mule deer crucial winter range. (see Wildlife Resources Map)
3. To protect sage-grouse, all routine maintenance requiring the use of a work over rig, and/or consisting of more than 1 day of work, shall be scheduled outside the breeding/nesting seasons (3/15 – 6/30). Exception of this limitation may be approved by the Authorized

*Appendix B Surface Conditions of Approval
for Application for Permit to Drill*

Officer through Sundry Notice. This limitation does not apply to well maintenance or emergency work needed to prevent or control a threat to either human health and safety or the environment.

Cultural

- The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during construction, the holder is to immediately stop work that might further disturb such materials, and contact the Authorized Officer (AO). Within five working days the AO will inform the holder as to:
 - Whether the material appears eligible for the National Register of Historic Places;
 - The mitigation measures the holder will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
 - A timeframe for the AO to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the holder will then be allowed to resume construction measures.
- The Operator will provide a Cultural Resource Use Permittee (CRUP) to monitor all surfaces disturbed by construction activities associated with this project within T46N, R96W, ¼ NENWNW Section 32. The CRUP will provide a report within 30 days of the completion of the construction documenting the results of the monitoring.
- Discovery Plan: In the event cultural materials are discovered during surface disturbance the procedures found within the State Protocol Appendix K will be followed.
- Temporary Barrier Fence: A temporary fence will be in place between the proposed surface disturbance and the boundary of the historic property prior to and during construction of the well pad and access road.
 - The Operator will install temporary protective fencing aligned parallel with the proposed road, with shorter, angled extensions at each end defining the avoidance area within the following legal location T45N, R96W, Section 5, and T45N, R96W, Section 32. Types of fencing shall be determined by the authorized officer after consulting with the Operator.
 - **The Operator will provide a Cultural Resource Use Permittee (CRUP) to monitor the installation and removal of the fencing and the fencing shall be left in place until all work under this authorization is completed. Violation of this stipulation may result in the holder being subject to the penalties and action contained in the 43 CFR 7 Regulations, which are on file at all BLM offices.**
 - The Operator will contact the BLM archeologist five (5) days prior to installing the temporary barrier fence.

Paleontology

Appendix B Surface Conditions of Approval for Application for Permit to Drill

1. The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing paleontological localities, or for collecting vertebrate fossils. If paleontological materials are uncovered during operations, the operator is to immediately stop work that might further disturb such materials, and contact the authorized officer (AO).
2. Within five (5) working days the AO will evaluate the discoveries and take necessary actions to protect or remove the resource. Decisions regarding the appropriate measures to mitigate effects to such resources will be made in consultation with the operator.

General Conditions

These Conditions of Approval apply to all phases of operations.

General

1. Approval of this APD does not warrant or certify that the applicant holds legal or equitable title to those rights in the subject lease which would entitle the applicant to conduct operations thereon. In addition, approval of this APD does not imply that the operator has legal access to the drilling location. When crossing private surface 43 CFR 3814 regulations must be complied with and when crossing public surface off-lease the operator must have an approved right-of-way.
2. This APD is valid for a period of two years from the date of approval or until the oil and gas lease expires/terminates, whichever occurs first. If the APD terminates, any surface disturbance created under the application must be reclaimed in accordance with the approved plan. A 2 year extension may be granted by the Authorized Officer.
3. All survey monuments found within the area of operations shall be protected. Survey monuments include, but are not limited to: General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U. S. Coast and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any survey monuments, the incident shall be reported in writing to the Authorized Officer.
4. The operator shall be responsible for the prevention and suppression of fires on Federal lands caused by its employees, contractors or subcontractors.
5. Approved facilities on public lands that are no longer included within the lease, due to a change in the lease or unit boundary, shall be authorized with a right-of-way or other appropriate authorization. The authorization will be subject to rental, or other financial obligation as determined by the authorized officer.
6. Operations that deviate from the approved APD shall receive prior written approval from the Authorized Officer. Emergency approval may be obtained orally but such approval does not waive the written report requirement.
7. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.

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8. All contractors will have a copy of the engineered pad and road designs, as well as conditions of approval with them at all times.

Recreation/VRM/Special Designations

1. All facilities not requiring safety coloring shall be painted covert green or other environmental color approved by the BLM visual coordinator.

Erosion Control

1. Operators are required to obtain a National Pollution Discharge Elimination System (NPDES) Storm Water Permit from the Wyoming DEQ for any projects that disturb one acre or more. This general construction storm water permit must be obtained from the WDEQ prior to any surface disturbing activities and can be obtained by following direction on the WDEQ website at <http://deq.state.wy.us>. Further information can be obtained by contacting the NPDES coordinator at (307) 775-7570.
2. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 4 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
3. The Operator shall ensure all appropriate measures are taken to control erosion. Upon completion of construction, the operator shall initiate the approved Storm Water Discharge Plans on the location and associated access.

One-Call

1. The Operator is responsible for inspection of the construction area for the presence of both surface and subsurface utility facilities and shall notify the Wyoming One-Call System (1-800-849-2476, www.onecallofwyoming.com) before construction activities begin. The Operator will use extra safety precautions when working near or around pipelines, power lines, underground cables, or other utility installations.

Hazardous Materials

1. The Operator and their contractors shall comply with all applicable federal and state laws and regulations as they relate to hazardous materials. Hazardous materials being those chemicals listed in Title III List of Lists, EPA's Consolidated List of Chemicals Subject to Emergency Planning and the Community Right to Know Act (EPCRA) and Section 112(r) of the Clean Air Act, as amended, or the 40CFR 302.4 Table-List of Hazardous Substances and Reportable Quantities, as amended. In the event any hazardous materials are used, they would be handled in an appropriate manner to prevent environmental contamination. Any release of hazardous materials of reportable quantities, would be reported both to the National Response Center (NRC), as required in the National Oil and Hazardous Materials Contingency Plan (40 CFR 300), and the Worland Field Office, as per the Hazardous Materials Contingency Plan.

Construction / Drilling

1. No surface disturbing activities shall take place until the associated access road right-of-way is approved.

Appendix B Surface Conditions of Approval for Application for Permit to Drill

2. The operator shall contact the authorized officer a minimum of 5 days prior to beginning any construction activity.
3. Topsoil shall be removed from all areas to be disturbed, and from areas where subsoil materials will be stored. Topsoil shall be stripped to an average depth of 6 inches.
4. All design, material, construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.
5. Prior to any construction activities, the operator shall assure that all slope stakes, culvert location and grade stakes, and other construction control stakes as deemed necessary by the authorized officer are in place, to ensure construction in accordance with the plan of development. If stakes are disturbed, they shall be replaced before proceeding with construction.
6. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an authorized waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
7. Construction activity will not be conducted using frozen or saturated soil material or during periods when watershed damage is likely to occur.
8. Flat blading of roads is not permitted.
9. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 4 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
10. The operator will not push soil material and overburden over side slopes or into drainages. All soil material disturbed will be placed in an area where it can be retrieved without creating additional undue surface disturbance and where it does not impede watershed and drainage flows.

Production

1. Traffic shall be restricted to approved routes. Cross-country vehicle travel shall not be allowed.
2. The access road and drainage controls (culverts, drainage dips, ditching, crowning, wing ditches, surfacing, etc.) shall be maintained to prevent soil erosion and accommodate safe, environmentally-sound access. A regular maintenance program will include, but is not limited to, blading, ditching, culvert installation, and surfacing.
3. Interim reclamation of disturbed areas no longer needed for operations shall be initiated within 6 months of completion operations. This shall include, but is not limited to, blending these areas to best match surrounding terrain and seeding with the prescribed seed mix contained in the APD.
4. Fall seeding must be completed after September 15 and prior to ground frost. Spring seeding must be completed after the frost has left the ground and prior to May 15. Seeding will be

*Appendix B Surface Conditions of Approval
for Application for Permit to Drill*

repeated if a satisfactory stand is not obtained. (Best results are usually achieved from fall seeding.)

5. Any mulch utilized for reclamation must be certified weed free.
6. The operator will be responsible for prevention and control of noxious weeds and weeds of concern on all areas of surface disturbance associated with this project (well locations, roads, etc.). Use of pesticides shall comply with the applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of Interior. Prior to the use of pesticides on public land, the holder shall obtain from the BLM authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer to such use.
7. During the life of the producing well, all permanent above-ground structures such as production tanks and well head equipment, not subject to safety requirements shall be painted and maintained to blend with the natural color of the landscape. The paint used will be a color which simulates "Standard Environmental Colors." The color selected by the Worland Field Office, shall match Covert Green, or be an acceptable substitute pre-approved by the authorized officer. Standard environmental color charts are available from the local BLM office.
8. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 4 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
9. All design, material, and construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.
10. Any spilled or leaked oil, produced water or treatment chemicals must be reported in accordance with NTL-3A and immediately cleaned up in accordance with BLM requirements. This includes clean-up and proper disposition of soils contaminated as a result of such spills/leaks.

Abandonment

1. In accordance with Onshore Oil and Gas Order Number 1, reclamation shall be initiated within 6 months of Final Abandonment. This shall include full reclamation of access routes, well pad, and associated facilities. Reclamation shall blend to the existing contour of the surrounding terrain and best match pre-disturbance topography.
2. When the site is abandoned, all refuse, hardware, and other waste material shall be removed from the site. The site shall be recontoured to conform to the surrounding terrain and best match pre-disturbance topography. It shall be ripped or scarified to a depth of 18-24 inches, covered with stockpiled soil, and reseeded. To stop erosion, waterbars, mulching, or other protective measures may be required.
3. Upon completion of approved plugging, the well bore shall be covered with a metal plate at least ¼" thick and welded in place. A weep hole shall be left in the metal plate.

4. Final cut and fill slopes shall be no steeper than 3:1, and shall be left rough or serrated.
5. All disturbed areas shall be reseeded with the mix identified in the Surface Use Plan of Operations, unless otherwise approved by the Authorized Officer. Fall seeding shall be completed after September 15, and prior to ground frost. Spring seeding shall be completed after the frost has left the ground and prior to May 15. Seeding shall be repeated if a satisfactory stand is not obtained.
6. Upon APD expiration, it is the responsibility of the Applicant/Operator to see that all stakes, flagging, posts or other materials placed on the locations and/or access roads, pipelines and associated rights-of-way are removed.

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Appendix C. Terms and Conditions

WYW-165340, WYW-165340-01

Foreland Resources, LLC

In addition to the standard and general Terms and Conditions in the right-of-way grant, the following Specific Terms & Conditions are for the construction, operation, maintenance, and termination of the NCRU 14-29 access road Right-of-Way WYW-165340, WYW-165340-01.

NEPA Number DOI-BLM-WY-R010-2016-0002-EA

Erosion Control:

1. Holders are required to obtain a National Pollution Discharge Elimination System (NPDES) Storm Water Permit from the Wyoming DEQ for any projects that disturb one acre or more. This general construction storm water permit must be obtained from the WDEQ prior to any surface disturbing activities and can be obtained by following direction on the WDEQ website at <http://deq.state.wy.us>. Further information can be obtained by contacting the NPDES coordinator at (307) 775-7570.
2. The holder shall ensure all appropriate measures are taken to control erosion. Upon completion of construction the holder shall initiate the approved Storm Water Discharge Plans on the location.

Construction:

1. Before construction or drilling will occur, a pre-construct meeting will be required. Please contact Connie Craft – Realty Specialist, at (307) 347-5233 to schedule.
2. The holder shall contact the authorized officer a minimum of 5 days prior to beginning any construction activity.
3. The holder shall survey and clearly mark the centerline and exterior limits of the right-of-way, including the construction right-of-way, as determined by the authorized officer.
4. The culvert/bridge inspection for the 72” x 60’ culvert, which will be placed at station 79+25, must follow the procedures outlined in BLM Manual 9112 and BLM Handbook 9112-5. The results of the inspection must be submitted to the Authorized Officer via Sundry Notice within 30 days of the inspection.
5. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. “Waste” means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
6. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the application/plan of development which was approved and made part of the grant on its effective date. Any relocation, additional construction, or use that is not in accord with the approved plan of development, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all stipulations and approved plan of development, shall be

made available on the right-of-way area during construction, operation, and termination to the authorized officer. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.

7. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 4 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
8. Construction activity shall not be conducted using frozen or saturated soil material or during periods when watershed damage or excessive rutting is likely to occur.

General:

1. Traffic shall be restricted to approved routes. Cross-country vehicle travel shall not be allowed.
2. The holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those areas designated as restricted by the BLM or Surface management agencies to protect the public, wildlife, livestock, or facilities constructed within the right-of-way.
3. The access road and drainage controls (culverts, drainage dips, ditching, crowning, wing ditches, surfacing, etc.) shall be maintained to prevent soil erosion and accommodate safe, environmentally-sound access. A regular maintenance program will include, but is not limited to, blading, ditching, culvert installation, and surfacing.
4. All design, material, and construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.
5. There is reserved to the authorized officer the right to grant additional rights-of-way or permits for compatible use on, over, under, or adjacent to the land involved in this grant.
6. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
7. The Holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U. S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holders shall be responsible for the survey cost.

8. The holder shall be responsible for the prevention and suppression of fires on Federal lands caused by its employees, contractors or subcontractors.
9. The holder will be responsible for taking such measures as may be necessary to protect other authorized facilities on public lands from damage due to construction or use of this R/W. The holder is responsible for contacting those other users and coordinating with them.
10. For the purpose of determining joint maintenance responsibilities, the holder shall make road use plans known to all other authorized users of the road. Holder shall provide the authorized officer, within 30 days from the date of the grant, with the names and addresses of all parties notified, dates of notification, and method of notification. Failure of the holder to share proportionate maintenance costs on the common use access road in dollars, equipment, materials, or manpower with other authorized users may be adequate grounds to terminate the right-of-way grant. The determination as to whether this has occurred and the decision to terminate shall rest with the authorized officer. Upon request, the authorized officer shall be provided with copies of any maintenance agreement entered into.

Cultural:

1. The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during construction, the holder is to immediately stop work that might further disturb such materials, and contact the Authorized Officer (AO). Within five working days the AO will inform the holder as to:
 - Whether the material appears eligible for the National Register of Historic Places;
 - The mitigation measures the holder will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
 - A timeframe for the AO to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the holder will then be allowed to resume construction measures.
2. The Operator will provide a Cultural Resource Use Permittee (CRUP) to monitor all surfaces disturbed by construction activities associated with this project within T46N, R96W, ¼ NENWNW Section 32. The CRUP will provide a report within 30 days of the completion of the construction documenting the results of the monitoring.
3. Discovery Plan: In the event cultural materials are discovered during surface disturbance the procedures found within the State Protocol Appendix K will be followed.
4. Temporary Barrier Fence: A temporary fence will be in place between the proposed surface disturbance and the boundary of the historic property prior to and during construction of the well pad and access road.
 - The Operator will install temporary protective fencing aligned parallel with the proposed road, with shorter, angled extensions at each end defining the avoidance area within the

following legal location T45N, R96W, Section 5, and T45N, R96W, Section 32. Types of fencing shall be determined by the authorized officer after consulting with the Operator.

- **The Operator will provide a Cultural Resource Use Permittee (CRUP) to monitor the installation and removal of the fencing and the fencing shall be left in place until all work under this authorization is completed. Violation of this stipulation may result in the holder being subject to the penalties and action contained in the 43 CFR 7 Regulations, which are on file at all BLM offices.**
- The Operator will contact the BLM archeologist five (5) days prior to installing the temporary barrier fence.

Paleontological:

1. The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing paleontological localities, or for collecting vertebrate fossils. If paleontological materials are uncovered during operations, the operator is to immediately stop work that might further disturb such materials, and contact the authorized officer (AO).
2. Within five (5) working days the AO will evaluate the discoveries and take necessary actions to protect or remove the resource. Decisions regarding the appropriate measures to mitigate effects to such resources will be made in consultation with the operator.

Hazardous Materials:

1. The holder and their contractors shall comply with all applicable federal and state laws and regulations as they relate to hazardous materials. Hazardous materials being those chemicals listed in Title III List of Lists, EPA's Consolidated List of Chemicals Subject to Emergency Planning and the Community Right to Know Act (EPCRA) and Section 112(r) of the Clean Air Act, as amended, or the 40CFR 302.4 Table-List of Hazardous Substances and Reportable Quantities, as amended. In the event any hazardous materials are used, they would be handled in an appropriate manner to prevent environmental contamination. Any release of hazardous materials of reportable quantities, would be reported both to the National Response Center (NRC), as required in the National Oil and Hazardous Materials Contingency Plan (40 CFR 300), and the Worland Field Office, as per the **Hazardous Materials Contingency Plan**.

Weeds:

1. The holder shall be responsible for prevention and control of noxious weeds and weeds of concern on all areas of surface disturbance associated with the right-of-way. Use of pesticides shall comply with the applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of Interior. Prior to the use of pesticides on public land, the holder shall obtain from the BLM authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer to such use.

Wildlife:

1. To protect breeding/nesting sage-grouse and sagebrush obligate species, surface disturbing and disruptive activities are prohibited from March 15 through June 30. This condition will be implemented for the duration of surface disturbing activities and the life of the well. This timing limitation applies to the entire project. (see Wildlife Resources Map)
2. To minimize and/or mitigate disturbance and/or displacement of wintering mule deer, surface disturbing or disruptive activities are prohibited from November 15 – April 30. This timing limitation applies to those portions of the access road that overlap mule deer crucial winter range. (see Wildlife Resources Map)

Reclamation:

1. The holder shall adhere to the reclamation plans described in the plan of development (Surface Use Plan of Operations for the NCRU 14-29 APD).
2. Reclamation shall blend to the existing contour of the surrounding terrain and best match pre-disturbance topography.
3. When the site is abandoned, all refuse, hardware, and other waste material shall be removed from the site. The site shall be recontoured to conform to the surrounding terrain and best match pre-disturbance topography. It shall be ripped or scarified to a depth of 18-24 inches, covered with stockpiled soil, and reseeded. To stop erosion, waterbars, mulching, or other protective measures may be required.
4. All disturbed areas shall be reseeded with the mix identified in the Surface Use Plan of Operations, unless otherwise approved by the Authorized Officer. Fall seeding shall be completed after September 15, and prior to ground frost. Spring seeding shall be completed after the frost has left the ground and prior to May 15. Seeding shall be repeated if a satisfactory stand is not obtained.
5. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or 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.

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Appendix D. Wildlife Resources Map

