

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

**Decision Record - Memorandum
DOI-BLM-WY-R010-2016-0004-EA**

December 2015

PREPARING OFFICE

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



Decision Record - Memorandum

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Chapter 1. Decision Record - Memorandum

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Koch Exploration Company, LLC Access Road, Construction Area and Fritz Federal State 16-44H Well Pad Rights-of-way WYW-141807, WYW-141807-01, WYW-165339

DOI-BLM-WY-R010-2016-0004-EA

1.1. DECISION

It is my decision to approve the associated (ROW) described as Proposed Action of Environmental Assessment No. , and to include those measures proposed by Koch Exploration Company, LLC's ROW application, surface use plan (SUP) and drilling plans for the Fritz Federal State 16-44H well.

The Proposed Action was chosen as being the most environmentally sound alternative. Terms and Conditions 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

Title V of FLPMA, Sec. 501. [43 U.S.C. 1761]

43 C.F.R. § 2800

1.1.2. Mitigation and Monitoring:

To assure compliance with the approved action, the project will be monitored during regularly scheduled field inspections. Mitigation measures selected are attached as Terms and Conditions.

1.1.3. Terms / Conditions / Stipulations:

This authorization will be granted subject to the Terms and Conditions as attached.

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 proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

WRMP/ROD record numbers:

6000, Manage public lands to meet transportation and ROW needs consistent with goals and objectives of other resources.

6001, Consider land use authorizations (permits, leases, etc.) on a case by case basis consistent with other resource objectives.

6023, The preferred location of new ROW will be in or adjacent to existing disturbed areas associated with existing ROW or high traffic gravel roads or highways, where possible.

6029, Manage 1,767,274 acres as ROW avoidance areas (Map 3-24). Manage PHMAs as ROW avoidance areas for new ROW or SUA permits (799,391 acres). Within PHMAs where new ROWs/SUAs are necessary, locate new ROWs/SUAs within designated RMP corridors or adjacent to existing ROWs/SUAs where technically feasible. Subject to valid existing rights, including non-federal land inholdings, locate new, required ROWs/SUAs adjacent to existing ROWs/SUAs or where impacts to Greater Sage-Grouse are minimized. Work with proponents to design ROW applications to protect Greater Sage-Grouse.

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, No Action and the Proposed Action with Mitigation.

The No Action alternative assessed the effects of not implementing any portion of the proposal. 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. Additional actions would be considered by the BLM on a case-by-case basis.

The Proposed Action alternative assessed and disclosed the projected effects of the applicant's proposal as submitted, with BLM staff specialists input. It was felt that certain mitigation measures were necessary and proper to provide adequate protection of the surface. For the purpose of analysis, Terms and Conditions attached are part of this alternative.

1.4. RATIONALE FOR DECISION

Approval of the Proposed Action will allow Koch Exploration Company, LLC to upgrade and maintain an existing access road to serve Fritz Federal State 16-44H well ROW, serial number WYW-141807, construction area ROW, serial number WYW-141807-01, and Fritz Federal State 16-44H well pad ROW, serial number WYW-165339 located in the Worland Field, Big Horn County, Wyoming, as provided for by the Federal Land Policy and Management Act of 1976, as amended. 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

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.

/s/Amelia Pennington (Acting Field Office Manager)	12/2/2015
Michael J. Phillips, Field Office Manager	Date

Attachments –

Terms and Conditions - WYW-141807, WYW-141807-01

Terms and Conditions - WYW-165339

Map

Finding of No Significant Impact (FONSI)

Environmental Assessment --DOI-BLM-WY-R010-2016-0004-EA

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Chapter 2. Terms and Conditions

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WYW-141807, WYW-141807-01

Koch Exploration Company, 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 Fritz Federal State 16-44H well pad access road amendment Right-of-Way WYW-141807, WYW-141807-01.

NEPA Number DOI-BLM-WY-R010-2016-0004-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. The holder shall contact the authorized officer a minimum of 5 days prior to beginning any construction activity.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.

7. 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 holder 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:
 2. whether the material appears eligible for the National Register of Historic Places;
 3. the mitigation measures the holder will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
 4. 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.

Paleontological:

Paleontology Construction Monitoring: The Operator will provide a Paleontological Resource Use Permittee (PRUP) to monitor all bedrock disturbed by activities associated with construction of the well pads and access roads for Fritz Federal State 16-44H (project area). The project area will be monitored with the spot-checking method, performed during or after surface disturbance (but before placement of facilities) or at key times during the progress of the project. The monitor will focus on areas where paleontological localities were recorded on the surface in T50N R95W S9. The PRUP may briefly suspend activity to inspect and mitigate possible discoveries.

1. In the event previously unidentified significant paleontological localities are found within the project area the following general procedures will be followed:
 2. The operator will cease operations within thirty (30) meters of the discovery and notify the BLM. The find will be preserved as discovered and protected from further physical or human impacts as much as possible. At the discretion of the BLM authorized officer (AO), an order suspending operations in proximity to the discovery will be issued.
 3. The BLM Worland Field Office paleontology coordinator and other appropriate staff may visit the location to ascertain the present situation, e.g. what the materials appear to be, what condition they appear to be in and the area within which operations must remain shutdown to avoid further effects to the materials.

4. The AO may, at his/ her discretion, identify a buffer zone around the discovery beyond which construction operations may be allowed to continue. The AO shall seek the advice of the Field Office paleontology coordinator and PRUP before making this determination.
5. Any paleontological resources located will be recorded and evaluated by the PRUP as follows:
 - The resource (eg. paleontological materials) located will be flagged to indicate the appropriate buffer zone (see above).
 - Any fossils in immediate danger of damage or destruction should be collected by the PRUP as soon as possible.
 - A stratigraphic profile and/or plan view sketch will be drawn of the paleontological materials.
 - Overview photographs showing key stratigraphic position and context will be taken. If appropriate, photographs of the fossils in situ should be taken.
 - Location information will be recorded with GPS units.
 - Where recommended by the BLM Field Office paleontology coordinator, sediment samples will be collected to allow for analysis of sedimentologic, lithologic, or geochemical data.
1. Careful visual inspection of the ground surface and any exposed bedrock will be conducted to determine the boundaries of the locality. As necessary, the BLM Field Office paleontology coordinator in verbal consultation with BLM Regional Paleontologist will determine the need for full recovery, further excavation, or other sampling in locations where paleontological materials were discovered.
2. All collected fossils will be deposited at an approved repository.

Within five working days the AO will inform the operator as to:

- Whether the materials appear to warrant additional work;
 - The mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary).
1. At the discretion of the AO an observer or guard may be posted at the location to maintain a log of all persons visiting the location of the discovery.
 2. The PRUP will provide a report within 30 days of the completion of the construction documenting the results of the monitoring. An appropriate locality form (eg. acceptable to the BLM) will be completed for each new locality located or an amended form will be completed for previously recorded locality.
 3. The holder 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 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 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 holder.

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 weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods.

Wildlife:

In addition to construction, drilling, and completion operations, maintenance and production activities such as well plugging or work over operations that last 24 to 48 hours or longer scheduled during the TLS period are considered disruptive activities and are subject to the following stipulations.

Mountain Plover:

1. To minimize or mitigate the potential impacts to nesting Mountain plovers, a timing limitation from 4/10 – 7/10 prohibiting any surface disturbing or disruptive activities within suitable nesting habitat prior to surveys being conducted, for those portions of the proposed access roads and well pads within potential Mountain plover nesting habitat, as shown on the Wildlife Resources Map, is recommended.
2. In lieu of the timing limitation, a survey for Mountain plover nests, following survey protocols, would be accepted. If no nesting activity is documented, then the timing limitation for Mountain plover nesting would not be implemented for the remainder of that season. A survey confirming nesting activity would need to be conducted before any surface disturbing or disruptive activity would be allowed during the nesting season. The survey would need to be done during the peak nesting season (4/10 – 7/10), and results submitted to the BLM biologist.

Reclamation:

1. 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

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.

Final cut and fill slopes shall be no steeper than 3:1, and shall be left rough or serrated.

All disturbed areas shall be reseeded with the mixes contained in the reclamation plan. 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.

Chapter 3. Terms and Conditions

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WYW-165339

Koch Exploration Company, 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 well pad Right-of-Way WYW-165339.

NEPA Number DOI-BLM-WY-R010-2016-0004-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. The holder shall contact the authorized officer a minimum of 5 days prior to beginning any construction activity.
2. The holder shall survey and clearly mark the centerline and exterior limits of the right-of-way, as determined by the authorized officer.
3. 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.
4. 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.
5. 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.

6. 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. 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.
2. 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.
3. 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.
4. 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.
5. The holder shall be responsible for the prevention and suppression of fires on Federal lands caused by its employees, contractors or subcontractors.
6. 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.
7. 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 Carlsbad Canyon, or be an acceptable substitute pre-approved by the authorized officer. Standard environmental color charts are available from the local BLM office.

Cultural:

1. The holder 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.

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In the event previously unidentified significant paleontological localities are found within the project area the following general procedures will be followed:

1. The operator will cease operations within thirty (30) meters of the discovery and notify the BLM. The find will be preserved as discovered and protected from further physical or human impacts as much as possible. At the discretion of the BLM authorized officer (AO), an order suspending operations in proximity to the discovery will be issued.
2. The BLM Worland Field Office paleontology coordinator and other appropriate staff may visit the location to ascertain the present situation, e.g. what the materials appear to be, what condition they appear to be in and the area within which operations must remain shutdown to avoid further effects to the materials.
3. The AO may, at his/ her discretion, identify a buffer zone around the discovery beyond which construction operations may be allowed to continue. The AO shall seek the advice of the Field Office paleontology coordinator and PRUP before making this determination.
4. Any paleontological resources located will be recorded and evaluated by the PRUP as follows:
 - a. The resource (eg. paleontological materials) located will be flagged to indicate the appropriate buffer zone (see above).
 - b. Any fossils in immediate danger of damage or destruction should be collected by the PRUP as soon as possible.
 - c. A stratigraphic profile and/or plan view sketch will be drawn of the paleontological materials.

- d. Overview photographs showing key stratigraphic position and context will be taken. If appropriate, photographs of the fossils in situ should be taken.
 - e. Location information will be recorded with GPS units.
 - f. Where recommended by the BLM Field Office paleontology coordinator, sediment samples will be collected to allow for analysis of sedimentologic, lithologic, or geochemical data.
5. Careful visual inspection of the ground surface and any exposed bedrock will be conducted to determine the boundaries of the locality. As necessary, the BLM Field Office paleontology coordinator in verbal consultation with BLM Regional Paleontologist will determine the need for full recovery, further excavation, or other sampling in locations where paleontological materials were discovered.
 6. All collected fossils will be deposited at an approved repository.
 7. Within five working days the AO will inform the operator as to:
 - a. Whether the materials appear to warrant additional work;
 - b. The mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary).
 8. At the discretion of the AO an observer or guard may be posted at the location to maintain a log of all persons visiting the location of the discovery.
 9. The PRUP will provide a report within 30 days of the completion of the construction documenting the results of the monitoring. An appropriate locality form (eg. acceptable to the BLM) will be completed for each new locality located or an amended form will be completed for previously recorded locality.
 10. The holder 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 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 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 holder.

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.

2. The holder shall notify the BLM of any releases or spills of any potentially hazardous substances including, but not limited to, condensates, produced water, fuels, lubricants, etc. Notification should follow the standards outlined in NTL-3A, Reporting of Undesirable Events. Pits are to be dried within 6 months from the date the well is spud or the date of well completion and prior to any backfilling. BLM shall be notified prior to the pits being closed. The holder shall submit the lab results of any testing of pit contents prior to closure of the pit. Mechanical trenching or squeezing of pit fluids and cuttings is prohibited. Drying by any means other than natural (air) evaporation requires prior approval from the BLM. Pit solids shall be buried at least 3 feet below recontoured grade. Soils that are moisture laden and saturated, partially or completely frozen shall not be used for backfill or cover. The pit area may require mounding to allow for settling. Before backfilling, synthetic liner portions remaining above the "mud line" shall be cut off as close to the top of the mud surface as possible and disposed of at an authorized commercial waste disposal facility. The pit bottom and remaining liner shall not be trenched, cut, punctured or perforated.

Weeds:

1. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way, in accordance with the Weed Management Plan. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods.
2. The holder 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.

Wildlife:

In addition to construction, drilling, and completion operations, maintenance and production activities such as well plugging or work over operations that last 24 to 48 hours or longer scheduled during the TLS period are considered disruptive activities and are subject to the following stipulations.

Mountain Plover:

1. To minimize or mitigate the potential impacts to nesting Mountain plovers, a timing limitation from 4/10 – 7/10 prohibiting any surface disturbing or disruptive activities within suitable nesting habitat prior to surveys being conducted, for those portions of the proposed access roads and well pads within potential Mountain plover nesting habitat, as shown on the Wildlife Resources Map, is recommended.

2. In lieu of the timing limitation, a survey for Mountain plover nests, following survey protocols, would be accepted. If no nesting activity is documented, then the timing limitation for Mountain plover nesting would not be implemented for the remainder of that season. A survey confirming nesting activity would need to be conducted before any surface disturbing or disruptive activity would be allowed during the nesting season. The survey would need to be done during the peak nesting season (4/10 – 7/10), and results submitted to the BLM biologist.

Nesting Raptors:

1. To minimize or mitigate the potential impacts to nesting raptors, a timing limitation from 2/1 – 7/31 prohibiting any surface disturbing or disruptive activities within 0.25 to 1 mile depending on species, and line of sight, for the proposed access roads, well pads, and related activities (construction, installation, and reclamation) is recommended. This TLS will apply to those portions of the proposed access roads and well pad sites within T. 50 R. 95 Sections 9, 10, and 16, and within the 1 Mile raptor nesting buffer delineated on the Wildlife Resources Map.
2. In lieu of the timing limitation, a survey of these known raptor nests, following survey protocols, would be accepted. If no nesting activity is documented, then the timing limitation for nesting raptors would not be implemented for the remainder of that season. A survey confirming activity or occupation of these raptor nests would need to be conducted before any surface disturbing or disruptive activity would be allowed during the nesting season. The survey would need to be done during the peak nesting season (2/1 – 7/31, depending on species), and results submitted to the BLM biologist.

Reclamation:

1. 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. Reclamation shall follow the procedures outlined in the Reclamation Plan.
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. Final cut and fill slopes shall be no steeper than 3:1, and shall be left rough or serrated.

All disturbed areas shall be reseeded with the mixes contained in the Reclamation Plan. 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.

Chapter 4. Map

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