



## United States Department of the Interior



### BUREAU OF LAND MANAGEMENT

North Dakota Field Office

99 23<sup>rd</sup> Avenue West, Suite A

Dickinson, North Dakota 58601-2619

(701) 227-7700

<http://www.blm.gov/mt>

### NOTICE: SURFACE CONDITIONS OF APPROVAL FOR APD

**Operator Name:** WPX Energy Williston, LLC

**Lease #:** 14-20-A04-9366

14-20-A04-9814

**Well Name & Number:**

Mabel Levings 14-23HE

Mabel Levings 14-23HY

SWSW, Sec. 11, T149N, R93W

Dunn County, ND

#### A. CONSTRUCTION AND DRILLING OPERATIONS:

1. A complete copy of the approved (APD), including conditions, stipulations, exhibits, and the H2S contingency plan (if required) must be on the well site and available for reference during the construction and drilling phases.
2. Notification requirements:
  - a. Verbally notify this office of the following actions:
    - i. **At least 24 hours prior to beginning road and location construction.**
    - ii. **At least 24 hours prior to siting facilities and production equipment.**
  - b. Prior approval for abandonment must be obtained from the Authorized Officer. For verbal plugging orders on drilling locations, notify this office prior to plugging.

BLM representatives can be reached Monday through Friday (8:00AM - 4:30PM) at the office telephone no. (701) 227-7700. The BLM personnel can be contacted after hours or on weekends for plugging approvals or any other approvals/change in plans which do not allow for communications during normal office hours by calling the following personnel.

BLM Personnel	Name	Home/Cell Telephone
On-Call 24-Hour Cellular Phone	On-Call	701-290-8220 (c)
Supervisory Petroleum Engineer Technician	Don Herauf	701-290-8217 (c)
Natural Resources Specialist	As Assigned	701-227-7700 (o)

## B. GENERAL REQUIREMENTS

1. Notify BLM at 701-227-7700 or email your assigned NRS at least 24 hours prior to any construction and reclamation, including reshaping the location or road and topsoil spreading.
2. All mitigation measures, including wildlife and cultural stipulations, that are disclosed in the Environmental Assessment for this project shall be adhered to.
3. A "closed loop system" shall be used to manage all drilling fluids and cuttings. Disposal of fluids, drill cuttings and other solid wastes shall not occur on-site. **Open pits, reserve and drill/cuttings pits will not be constructed.**
4. During drilling, there will be a 2' berm surrounding the invert tanks in the event of a spill.
5. Best Management Practices including matting, tackifiers, straw mulch, and fiber rolls shall be used to aid in prevention of soil erosion. Fill slopes shall be covered in matting immediately. Topsoil shall also be covered in matting and seeded to prevent erosion and maintain fertility.
6. Flares shall be fitted with a device to prevent oil from being emitted into the air or off location.
7. All mitigation measures, including wildlife and cultural stipulations, that are disclosed in the Environmental Assessment for this project shall be adhered to.
8. Heater treater, incinerator and combustor exhaust stacks shall be fitted with an "exhaust cone" to prevent mortality to bats and nesting birds.
9. Production facilities must be located as close to well head as possible and placed in a manner that facilitates interim reclamation of the cut and fill slopes (3:1 slopes is optimal) of the well pad. Place production tanks on the "cut" portion of the pad, except where interim reclamation re-contouring would preclude that placement. All facilities shall comply with API RP 12 R1. Contact BLM, North Dakota Field Office for onsite meeting prior to facility placement.
10. If a tank battery is constructed on location, each tank setting, treater, and separator, must be surrounded on all sides by an impermeable dike of sufficient capacity to adequately contain 100% of the contents of the largest vessel within it, plus one (1) day's production.
11. **Load lines must end inside the dike and have adequate drip containment catch basins.**

12. The operator must immediately notify Tribal Historic Preservation Officer (THPO) or BIA if unexpected cultural resources are observed and may not destroy these resources. Disturbance of such discoveries is not allowed until the operator is directed to proceed by THPO or BIA.
13. All aboveground facilities must be painted Shale Green within 6 months of well completion, unless approved otherwise by BLM and/or BIA.
14. Other waste, trash, and chemicals may not be disposed of or burned on location.
15. Saltwater or testing tanks must be located and/or diked so that any spilled fluids will go into the reserve pit. Saltwater and diesel tanks may not be placed on topsoil stockpiles.
16. The operator is responsible for the prevention and suppression of fires on all lands, which are caused by their employees, contractors, or subcontractors.
17. The operator is responsible for weed control in the permitted area and must submit a Pesticide Use Proposal to BIA before using pesticides.
18. The operator will implement "Safety and Emergency Plan." The operator's safety director will ensure its compliance.
19. All open containers and/or pits which may contain any fluids shall be netted or screened to prevent unwanted wildlife entry. Including but not limited to recycle pump catch basins, secondary chemical containment structures.
20. If initial site construction occurs within the February 1-July 15<sup>th</sup> migratory bird nesting period then the project area may be mowed the season before and surveyed within 5 days of construction start by a qualified biologist to determine if active nests are present. If nests are present then construction would be delayed until active nests are abandoned or USFWS shall be contacted regarding how to proceed.
21. All containers that hold liquids need to have secondary containment in case of leakage. Including but not limited to, recycle pumps, chemical barrels, etc.

C. CONSTRUCTION REQUIREMENTS

1. Grind all woody vegetation in place before removing topsoil. Strip the topsoil off the road and pile it in separate piles outside the road ditches. Strip the topsoil off the location and pile it separate from subsoil.
2. The permittee is responsible for locating and protecting existing pipelines, power lines, and telephone lines.

3. The permittee shall protect all public land survey monuments, private property corners, and SMA boundary markers. In the event that any such land markers or monuments are destroyed in the exercise of the privileges authorized by this permit, depending on the type of monument destroyed, the permittee shall reestablish or reference the same in accordance with the following: (1) procedures outlined in the "Manual of Instructions for the Survey of the Public Land of the United States," (2) specifications of the county surveyor, or (3) the specifications of the SMA.
4. The road, borrow ditches, cuts, fills, cattle guards, and fences must be kept in a safe and usable manner and be maintained to original construction standards.
5. All vehicular traffic, personnel movement, construction/restoration operations should be confined to the area examined and approved, and to the existing roadways and/or evaluated access routes.
6. All operator employees and/or authorized personnel (sub-contractors) in the field will have approved applicable APD's and ROW permits/authorizations on their person(s) during all phases of construction.
7. Install cattle guards and gates in all fences as needed.
8. Install culverts as needed.
9. Pad and access are to be topped with gravel.

D. RECLAMATION REQUIREMENTS

1. When plugging the well, a steel plate dry hole marker welded to surface casing at least 4 ft. below re-contoured ground is required, and must contain the same information as the well sign as directed by 43 CFR 3162.6 (30 CFR 221.22).
2. **If the location and road are built but no well drilled, both must be reclaimed as directed in rights-of-way issued by BIA, or approved erosion controls built within 90 days after site construction.**

If the well is a producer, or plugged and abandoned, all reclamation must be completed within 6 months after drilling or as set by BLM. Seeding must be done according to measure 5 (below) and should wait until the next seeding period, if a seeding period does not fall within the 6 month reclamation period.

**When the well is completed, reclaim, re-contour cut and fill slopes, rip compacted subsoil, spread topsoil and reseed during the next spring or fall seeding period, the road ditches and the portion of the location not needed for production. A pre-work meeting with a BLM and/or BIA representative, to develop an interim reclamation plan, is required.**

Reclamation may be postponed by BLM during winter freeze-up.

**When the well is plugged, the operator must contact BLM and BIA for development of the final reclamation plan and for approval of the reclamation work.**

3. If the well is temporarily abandoned, location reclamation may be postponed for as long as the well is temporarily abandoned, but erosion and weeds must be controlled.
4. When the well is plugged and abandoned, remove the surfacing from the location and road and bury it at least 3 feet deep in the location (not in the reserve pit area), or reuse the material elsewhere. Re-contour the location, rip subsoil, spread topsoil, remove fences and reseed as required.
5. To reduce compaction, the permittee shall plow the well pad expansion area before the stockpiled topsoil is distributed.
6. A native grass seed mix specified by BIA, or a landowner's mix, must be utilized. Grass species need to be premixed prior to drilling and certified weed free seed is required. A native seed mix is provided below.

<b>Plant Species</b>	<b>Seed Mix Ratio</b>
1. Western Wheatgrass	2 lbs/acre
2. Green Needle Grass	6.5 lbs/acre
3. Slender Wheatgrass	2 lbs/acre
4. Side Oats Grama	2.5 lbs/acre

7. Seedbed preparation should be free of competing vegetation, including all noxious weeds. A firm seedbed is essential so seed is placed at the designed depth by the drill. The seedbed should be firm enough so that adult footprints are hardly visible. Seeding should take place during spring or fall.
8. Spring seeding is highly encouraged. If fall dormant seeding is unavoidable, seeding may take place after November 1<sup>st</sup>, or once the soil temperature drops to 40 degrees Fahrenheit for a minimum of 5 consecutive days. Fall seeding areas must be covered with a noxious weed seed-free straw or mulch. The above dates may be adjusted plus or minus 5-days if justified by moisture and temperature conditions.
9. Seeding depths need to be ¼" to ¾", utilizing a drill with 4-6" row spacing. If broadcasting the seed, utilize two times the rates listed in # 5 above and drag it into the soil. Grass drilling shall follow all contours to avoid creating artificial watercourses.
10. All seeding rates will be based on pure live seed (PLS).
11. All seed must meet the requirements of North Dakota State Seed Laws and Regulations. Appropriate documentation must be provided to the BLM ND Field Office before seeding.

E. INFORMATIONAL NOTICE:

The following items are provided for your information and reference.

- A. All submitted information not marked "CONFIDENTIAL INFORMATION" will be available for public inspection upon request. (Note: If a submittal is to be held confidential, each page must be so marked.)
- B. Spills, accidents, fires, injuries, blowout and other undesirable events, as described in NTL MSO-1-92, must be reported to this office within the timeframes in NTL MSO-1-92. Furthermore, all spills (saltwater or oil) or pipeline breaks outside the diked area shall be reported within 24 hours to the Surface Management Agency.
- C. North Dakota State Law number 43-02-03-53 does not allow the use of surface pits for water disposal.
- D. Under Environmental Obligations (43 3162.5-1), Disposition of Production (43 CFR 3162.7-1) and Disposal of Produced Water (Onshore Order No. 7):

You are required to take all necessary steps to prevent any death of a migratory bird in pits or open vessels associated with the drilling, testing, completion, or production of this well. The death of any migratory bird found in such a pit or open vessel is a violation of the Migratory Bird Treaty Act and is considered a criminal act. Any deaths of migratory birds attributable to pits or open vessels associated with drilling, testing, completing, or production operations must be reported to this office and the United States Fish and Wildlife Service within 24 hours.