

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

Issuing Office
LLCON04000

Serial Number
COC 80043

1. A (right-of-way) (permit) is hereby granted pursuant to:

- a. ☐ Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);
- b. ☒ Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);
- c. ☐ Other (describe) _____

2. Nature of Interest:

- a. By this instrument, the holder TEP Rocky Mountain LLC receives a right to construct, operate, maintain, and terminate a well pad (RWF 12-9) and ancillary facilities on public lands (or Federal land for MLA Rights-of-Way) described as follows:

Sixth Principal Meridian, Colorado
T. 6 S., R. 94 W.,
sec. 8, NE1/4SE1/4 and SE1/4SE1/4.
sec. 9, SW1/4SW1/4.

The total new disturbance of the reconstruction and expansion of the RWF 12-9 Fed pad will be 2.74 acres. The long-term pad disturbance will be reduced to 0.87 acre footprint for the productive life of the wells.

Ancillary Facilities:

Ten (10) 2-inch steel buried wellhead flowlines from the RWF 12-9 Fed Pad to the separators on the DOE RM 2-8 Fed pad. The distance of the flowlines is 670 feet long by 35 feet wide, 0.54 acres.

One (1) 2-inch flexpipe oil pipeline from the separators on the DOE RM 2-8 Fed pad to the DOE 1-W-29 Fed pad.

- b. The right-of-way or permit area granted herein is N/A feet wide, N/A feet long and contains N/A acres, more or less. If a site type facility, the facility contains 0.87 acres.
- c. This instrument shall terminate on December 31, 2048 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. This instrument ☒ may ☐ may not be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

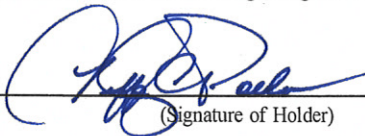
3. Rental:

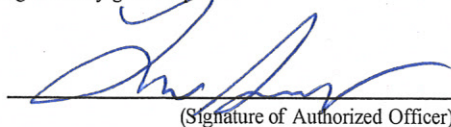
For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 120 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit(s) A - Map and B - Stipulations, dated _____, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.


(Signature of Holder)


(Signature of Authorized Officer)

Vice President of Land
(Title)

Field Manager
(Title)

01/06/2020
(Date)

1/14/2020
(Effective Date of Grant)

EXHIBIT A – COC 80043

TEP Rocky Mountain LLC, Well Pad (RWF 12-9) & Ancillary Facilities

DOI-BLM-CO-N040-2020-0034-EA

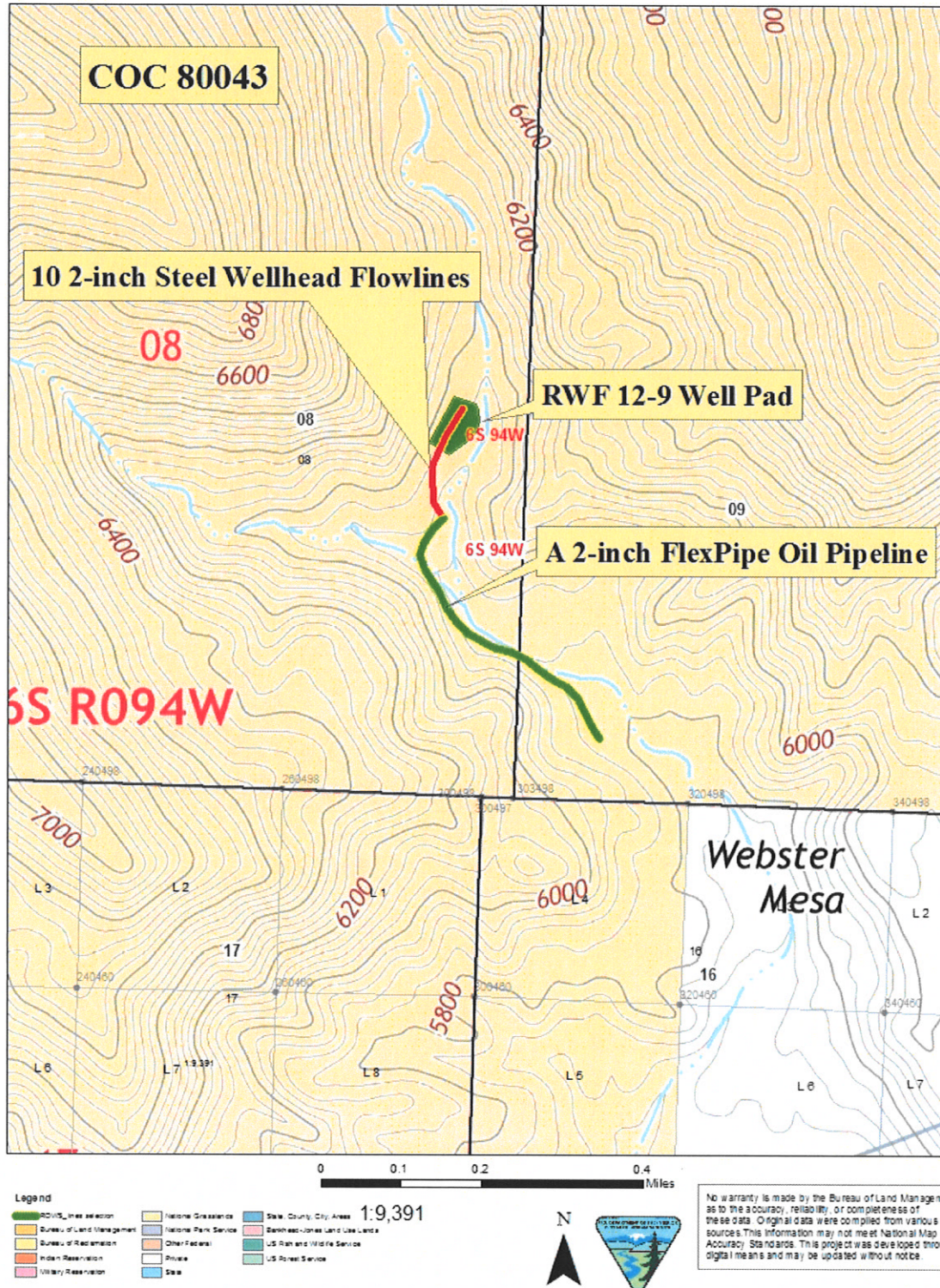


EXHIBIT B – 80043

TEP Rocky Mountain LLC, Well Pad (RWF 12-9) & Ancillary Facilities

DOI-BLM-CO-N040-2020-0034-EA

These Stipulations are applicable to all activities within the TEP Rocky Mountain LLC, COC 80043, unless otherwise specified.

1. Administrative Notification. The operator shall notify the BLM representative at least 48 hours prior to initiation of construction. If requested by the BLM representative, the operator shall schedule a pre-construction meeting, including key operator and contractor personnel, to ensure that any unresolved issues are fully addressed prior to initiation of surface-disturbing activities or placement of production facilities.
2. Road Construction and Maintenance. Roads shall be crowned, ditched, surfaced, drained with culverts and/or water dips, constructed, and maintained to road standards submitted with APDs and described in BLM's *Gold Book*. Initial gravel application shall be a minimum of 6 inches. The operator shall provide timely year-round road maintenance and cleanup on the access roads. A regular schedule for maintenance shall include, but not be limited to, blading, ditch and culvert cleaning, road surface replacement, and dust abatement. When rutting within the traveled way becomes greater than 6 inches, blading and/or gravelling shall be conducted as approved by the BLM. (*Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development, The Gold Book, Fourth Edition—Revised 2007, BLM/WO/ST-06/021+3071/REV 07*)
3. Drill Cuttings Management. Cuttings generated from the numerous planned well bores shall be worked through a shaker system on the drill rig, mixed with a drying agent, and deposited in the on-site cuttings management areas. The cuttings shall be remediated per COGCC regulations (Table 910-1 standards) prior to earthwork reshaping related to well pad interim reclamation.
4. Dust Abatement. The operator shall implement dust abatement measures as needed to prevent fugitive dust from vehicular traffic, equipment operations, or wind events. The BLM may direct the operator to change the level and type of treatment (watering or application of various dust agents, surfactants, and road surfacing material) if dust abatement measures are observed to be insufficient to prevent fugitive dust.
5. Drainage Crossings and Culverts. Construction activities at intermittent and ephemeral drainage crossings (e.g., burying pipelines, installing culverts) shall be timed to avoid high flow conditions. Construction that disturbs any flowing stream shall utilize either a piped stream diversion or a cofferdam and pump to divert flow around the disturbed area.

Culverts at drainage crossings shall be designed and installed to pass a 25-year or greater storm event. On perennial and intermittent streams, culverts shall be designed to allow for passage of aquatic biota. The minimum culvert diameter in any installation for a drainage crossing or road drainage shall be 24 inches. Crossings of drainages deemed jurisdictional Waters of the U.S. pursuant to Section 404 of the Clean Water Act may require additional culvert design capacity. Due to the flashy nature of area drainages and anticipated culvert maintenance, the U.S. Army Corps of Engineers (USACE) recommends designing drainage crossings for the 100-year event. Contact the USACE Colorado West Regulatory Branch at 970-243-1199.

Pipelines installed beneath stream crossings shall be buried at a minimum depth of 4 feet below the channel substrate to avoid exposure by channel scour and degradation. Following burial, the channel grade and substrate composition shall be returned to pre-construction conditions.

6. Jurisdictional Waters of the U.S. The operator shall obtain appropriate permits from the USACE prior to discharging fill material into Waters of the U.S. in accordance with Section 404 of the Clean Water Act. Waters of the U.S. are defined in 33 CFR Section 328.3 and may include wetlands as well as intermittent and ephemeral streams. Permanent impacts to jurisdictional waters may require mitigation. Contact the USACE Colorado West Regulatory Branch at 970-243-1199.

7. Reclamation. Specific measures to follow during interim reclamation are described below.

- a. Reclamation Plans. In areas that have low reclamation potential or are especially challenging to restore, reclamation plans will be required prior to APD approval. The plan shall contain the following components: detailed reclamation plans, which include contours and indicate irregular rather than smooth contours as appropriate for visual and ecological benefit; timeline for drilling completion, interim reclamation earthwork, and seeding; soil test results and/or a soil profile description; amendments to be used; soil treatment techniques such as roughening, pocking, and terracing; erosion control techniques such as hydromulch, blankets/matting, and wattles; and visual mitigations if in a sensitive VRM area.
- b. Deadline for Interim Reclamation Earthwork and Seeding. Interim reclamation to reduce a well pad to the maximum size needed for production, including earthwork and seeding of the interim reclaimed areas, shall be completed within 6 months following completion of the last well planned to be drilled on that pad as part of a continuous operation. If a period of greater than one year is expected to occur between drilling episodes, BLM may require implementation of all or part of the interim reclamation program.

Reclamation, including seeding, of temporarily disturbed areas along roads and pipelines, and of topsoil piles and berms, shall be completed within 30 days following completion of construction. Any such area on which construction is completed prior to December 1 shall be seeded during the remainder of the early winter season instead of during the following spring, unless BLM approves otherwise based on weather. If road or pipeline construction occurs discontinuously (e.g., new segments installed as new pads are built) or continuously but with a total duration greater than 30 days, reclamation, including seeding, shall be phased such that no portion of the temporarily disturbed area remains in an unreclaimed condition for longer than 30 days. BLM may authorize deviation from this requirement based on the season and the amount of work remaining on the entirety of the road or pipeline when the 30-day period has expired.

If requested by the project lead NRS for a specific pad or group of pads, the operator shall contact the NRS by telephone or email approximately 72 hours before reclamation and reseeding begin. This will allow the NRS to schedule a pre-reclamation field visit if needed to ensure that all parties are in agreement and provide time for adjustments to the plan before work is initiated.

The deadlines for seeding described above are subject to extension upon approval of the BLM based on season, timing limitations, or other constraints on a case-by-case basis. If the BLM approves an extension for seeding, the operator may be required to stabilize the reclaimed surfaces using hydromulch, erosion matting, or other method until seeding is implemented.

- c. Topsoil Stripping, Storage, and Replacement. All topsoil shall be stripped following removal of vegetation during construction of well pads, pipelines, roads, or other surface facilities. In areas of thin soil, a minimum of the upper 6 inches of surficial material shall be stripped. The BLM may specify a stripping depth during the onsite visit or based on subsequent information regarding soil thickness and suitability. The stripped topsoil shall be stored separately from subsoil or other excavated material and replaced prior to final seedbed preparation. The BLM best management practice (BMP) for the Windrowing of Topsoil shall be implemented for well pad construction whenever topography allows.

- d. Seedbed Preparation. For cut-and-fill slopes, initial seedbed preparation shall consist of backfilling and recontouring to achieve the configuration specified in the reclamation plan. For compacted areas, initial seedbed preparation shall include ripping to a minimum depth of 18 inches, with a maximum furrow spacing of 2 feet. Where practicable, ripping shall be conducted in two passes at perpendicular directions. Following final contouring, the backfilled or ripped surfaces shall be covered evenly with topsoil.

If directed by the BLM, the operator shall implement measures following seedbed preparation (when broadcast-seeding or hydroseeding is to be used) to create small depressions to enhance capture of moisture and establishment of seeded species. Depressions (pocking) shall be no deeper than 1 to 2 inches and shall not result in piles or mounds of displaced soil. Excavated depressions shall not be used unless approved by the BLM for the purpose of erosion control on slopes. Where excavated depressions are approved by the BLM, the excavated soil shall be placed only on the downslope side of the depression.

If directed by the BLM, the operator shall conduct soil testing prior to reseeding to identify if and what type of soil amendments may be required to enhance revegetation success. At a minimum, the soil tests shall include texture, pH, organic matter, sodium adsorption ratio (SAR), cation exchange capacity (CEC), alkalinity/salinity, and basic nutrients (nitrogen, phosphorus, potassium [NPK]). Depending on the outcome of the soil testing, the BLM may require the operator to submit a plan for soil amendment. Any requests to use soil amendments not directed by the BLM shall be submitted to the CRVFO for approval.

- e. Seed Mixes. A seed mix consistent with BLM standards in terms of species and seeding rate for the specific habitat type shall be used on all BLM lands affected by the project (see Attachment 1 of the letter provided to operators dated September 9, 2014).

For private surfaces, the operator shall use a BLM-approved native seed mix unless specified otherwise by the private landowner.

The seed shall contain no prohibited or restricted noxious weed seeds and shall contain no more than 0.5 percent by weight of other weed seeds. Seed may contain up to 2.0 percent of "other crop" seed by weight, including the seed of other agronomic crops and native plants; however, a lower percentage of other crop seed is recommended. Seed tags or other official documentation shall be submitted to BLM at least 14 days before the date of proposed seeding for acceptance. Seed that does not meet the above criteria shall not be applied to public lands.

- f. Seeding Procedures. Seeding shall be conducted no more than 24 hours following completion of final seedbed preparation.

Where practicable, seed shall be installed by drill-seeding to a depth of 0.25 to 0.5 inch. Where drill-seeding is impracticable, seed may be installed by broadcast-seeding at twice the drill-seeding rate, followed by raking or harrowing to provide 0.25 to 0.5 inch of soil cover or by hydroseeding and hydromulching. Hydroseeding and hydromulching shall be conducted in two separate applications to ensure adequate contact of seeds with the soil.

An exception to these seeding requirements shall be made for seeding of sagebrush. Sagebrush seeding shall occur prior to winter snowfall, or on top of snow. Sagebrush may be sown either by broadcast seeding, or, if not on snowpack, by placing the seed in the fluffy seed box of a seed drill, with the drop tube left open to allow seed to fall out on the ground surface.

If interim revegetation is unsuccessful, the operator shall implement subsequent reseeds until interim reclamation standards are met.

- g. Mulch. Mulch shall be applied within 24 hours following completion of seeding in project areas within pinyon-juniper, sagebrush shrubland, and/or salt-desert shrub habitat types. Mulch may

consist of either hydromulch or of certified weed-free straw or certified weed-free native grass hay crimped into the soil. Mulch shall not be used within mountain shrub or spruce-fir forest habitat types, unless requested or approved by the BLM.

NOTE: Mulch is not required in areas where erosion potential mandates use of a biodegradable erosion-control blanket (straw matting).

- h. Erosion Control. Cut-and-fill slopes shall be protected against erosion with the use of water bars, lateral furrows, or other BMPs approved by the BLM. Additional BMPs such as biodegradable wattles, weed-free straw bales, or silt fences shall have be employed as necessary to reduce transport of sediments into the drainages. The BLM may require use of hydromulch or biodegradable blankets or matting in areas with high erosion potential to ensure adequate protection from slope erosion and offsite transport of sediments and to improve reclamation success.
 - i. Site Protection. The pad shall be fenced to BLM standards to exclude livestock grazing for the first two growing seasons or until seeded species are firmly established, whichever comes later. The seeded species will be considered firmly established when at least 50 percent of the new plants are producing seed. The BLM will approve the type of fencing.
 - j. Monitoring. The operator shall conduct annual monitoring surveys of all sites categorized as “operator reclamation in progress” and shall submit an annual monitoring report of these sites, including a description of the monitoring methods used, to the BLM by **December 31** of each year. The annual monitoring report shall document whether attainment of reclamation objectives appears likely. If one or more objectives appear unlikely to be achieved, the report shall identify appropriate corrective actions. Upon review and approval of the report by the BLM, the operator shall be responsible for implementing the corrective actions or other measures specified by the BLM.
8. Weed Control. The operator shall regularly monitor and promptly control noxious weeds or other undesirable plant species as set forth in the Glenwood Springs Field Office *Noxious and Invasive Weed Management Plan for Oil and Gas Operators*, dated March 2007. A Pesticide Use Proposal (PUP) must be approved by the BLM prior to the use of herbicides. Annual weed monitoring reports and Pesticide Application Records (PARs), including GPS data in accordance with the February 27, 2014, letter to operators, shall be submitted to the BLM by **December 1**.
9. Big Game Winter Range Timing Limitation. To minimize impacts to wintering big game, no construction, drilling or completion activities shall occur during a Timing Limitation (TL) period from **December 1 to April 30 annually**.
10. Bald and Golden Eagles. It shall be the responsibility of the operator to comply with the Bald and Golden Eagle Protection Act (Eagle Act) with respect to “take” of either eagle species. Under the Eagle Act, “take” includes to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest and disturb. “Disturb” means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle; (2) a decrease in its productivity by substantially interfering with normal breeding, feeding, or sheltering behavior; or (3) nest abandonment by substantially interfering with normal breeding, feeding, or sheltering behavior. Avoidance of eagle nest sites, particularly during the nesting season, is the primary and preferred method to avoid a take. Any oil or gas construction, drilling, or completion activities planned within 0.5 mile of a bald or golden eagle nest, or other associated activities greater than 0.5 miles from a nest that may disturb eagles, should be coordinated with the BLM project lead, BLM wildlife biologist, and the USFWS representative to the BLM Field Office at 970-243-2778 x28.

11. Raptor Nesting. To protect nesting raptors, a survey shall be conducted prior to construction, drilling, or completion activities that are to begin during the raptor nesting season (**February 1 to August 15**). The survey shall include all potential nesting habitat within 0.25 mile of a well pad, access road, pipeline, or other surface facility. Results of the survey shall be submitted to the BLM. If a raptor nest is located within the buffer widths specified above, a 60-day raptor nesting TL will be applied by the BLM to preclude initiation of construction, drilling, and completion activities during the appropriate nesting season. The operator is responsible for complying with the Migratory Bird Treaty Act (MBTA), which prohibits the “take” of birds or of active nests (those containing eggs or young), including nest failure caused by human activity (see COA for Migratory Birds below).
12. Migratory Birds – Nesting Habitat. Pursuant to BLM Instruction Memorandum 2008-050, all vegetation removal or surface disturbance in previously undisturbed lands providing potential nesting habitat for migratory birds is prohibited from **May 15 to July 15**. An exception to this TL may be granted if nesting surveys conducted no more than one week prior to surface-disturbing activities indicate that no migratory bird species are nesting within 30 meters (100 feet) of the area to be disturbed. Nesting shall be deemed to be occurring if a territorial (singing) male is present within the distance specified above. Nesting surveys shall include an audial survey for diagnostic vocalizations in conjunction with a visual survey for adults and nests. Surveys shall be conducted by a qualified breeding bird surveyor between sunrise and 10:00 AM under favorable conditions for detecting and identifying migratory birds. This provision does not apply to ongoing construction, drilling, or completion activities that are initiated prior to May 15 and continue into the 60-day period at the same location.
13. Migratory Birds – General. It shall be the responsibility of the operator to comply with the Migratory Bird Treaty Act (MBTA) with respect to “take” of migratory bird species, which includes injury and direct mortality resulting from human actions not intended to have such result. To minimize the potential for the take of a migratory bird, the operator shall take reasonable steps to prevent use by birds of fluid-containing pits associated with oil or gas operations, including but not limited to reserve pits, produced-water pits, hydraulic fracturing flowback pits, evaporation pits, and cuttings trenches. Liquids in these pits—whether placed or accumulating from precipitation—may pose a risk to birds as a result of ingestion, absorption through the skin, or interference with buoyancy and temperature regulation.

Based on low effectiveness of brightly colored flagging or spheres suspended over a pit, the operator shall install netting with a mesh size of 1 to 1.5 inches, and suspended at least 4 feet above the fluid surface, on all pits into which fluids are placed, except for storage of fresh water in a pit that contains no other material. The netting shall be installed within 24 hours of placement of fluids into a pit. The requirement for netting does not apply to pits during periods of continuous, intensive human activity at the pad, such as drilling and hydraulic fracturing phases or, as pertains to cuttings trenches, during periods of active manipulation for cuttings management, remediation of contaminated materials, or other purposes.

In addition to netting of pits, oil slicks and oil sheens shall be promptly skimmed off the fluid surface. The requirement for prompt skimming of oil slicks and oil sheens also applies to cuttings trenches in which precipitation has accumulated. All mortality or injury to birds shall be reported immediately to the BLM project lead and to the USFWS representative to the BLM Field Office at 970-243-2778 x28 and visit <http://www.fws.gov/mountain-prairie/contaminants/oilpits.htm>.

14. Range Management. Range improvements (fences, gates, reservoirs, pipelines, etc.) shall be avoided during development of natural gas resources to the maximum extent possible. If range improvements are damaged during exploration and development, the operator will be responsible for repairing or replacing the damaged range improvements. If a new or improved access road bisects an existing

livestock fence, steel frame gate(s) or a cattleguard with associated bypass gate shall be installed across the roadway to control grazing livestock.

15. Paleontological Resources. All persons associated with operations under this authorization shall be informed that any objects or sites of paleontological or scientific value, such as vertebrate or scientifically important invertebrate fossils, shall not be damaged, destroyed, removed, moved, or disturbed. If in connection with operations under this authorization any of the above resources are encountered the operator shall immediately suspend all activities in the immediate vicinity of the discovery that might further disturb such materials and notify the BLM of the findings. The discovery shall be protected until notified to proceed by the BLM.
16. Cultural Education/Discovery. All persons in the area who are associated with this project shall be informed that if anyone is found disturbing historic, archaeological, or scientific resources, including collecting artifacts, the person or persons would be subject to prosecution.

If subsurface cultural values are uncovered during operations, all work in proximity to the resource will cease and the Authorized Officer with the BLM notified immediately. The operator shall take any additional measures requested by the BLM to protect discoveries until they can be adequately evaluated by the permitted archaeologist. Within 48 hours of the discovery, the SHPO and consulting parties will be notified of the discovery and consultation will begin to determine an appropriate mitigation measure. BLM in cooperation with the operator will ensure that the discovery is protected from further disturbance until mitigation is completed. Operations may resume at the discovery site upon receipt of written instructions and authorization by the authorized officer.

Pursuant to 43 CFR 10.4(g), the holder shall notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony on Federal land. Further, pursuant to 43 CFR 10.4 (c) and (d), the holder shall stop activities in proximity to the discovery that could adversely affect the discovery. The holder shall make a reasonable effort to protect the human remains, funerary items, sacred objects, or objects of cultural patrimony for a period of thirty days after written notice is provided to the authorized officer, or until the authorized officer has issued a written notice to proceed, whichever occurs first.

Antiquities, historic ruins, prehistoric ruins, and other cultural or paleontological objects of scientific interest that are outside the authorization boundaries but potentially affected, either directly or indirectly, by the Proposed Action shall also be included in this evaluation or mitigation. Impacts that occur to such resources as a result of the authorized activities shall be mitigated at the operator's cost, including the cost of consultation with Native American groups.

Any person who, without a permit, injures, destroys, excavates, appropriates or removes any historic or prehistoric ruin, artifact, object of antiquity, Native American remains, Native American cultural item, or archaeological resources on public lands is subject to arrest and penalty of law (16 USC 433, 16 USC 470, 18 USC 641, 18 USC 1170, and 18 USC 1361).

17. Visual Resources. Production facilities shall be placed as indicated on the plats attached to the APD, unless an alternative placement is approved by the BLM, to avoid or minimize visibility from travel corridors, residential areas, and other sensitive observation points—unless directed otherwise by the BLM due to other resource concerns—and shall be placed to maximize reshaping of cut-and-fill slopes and interim reclamation of the pad.

To the extent practicable, existing vegetation shall be preserved when clearing and grading for pads, roads, and pipelines. The BLM may direct that cleared trees and rocks be salvaged and redistributed over reshaped cut-and-fill slopes or along linear features.

Aboveground facilities shall be painted **Shadow Gray** selected to minimize contrast with adjacent vegetation or rock outcrops.

18. Escape Ramps (Open Pits and Cellars, Tanks, and Trenches). The operator shall construct and maintain pits, cellars, open-top tanks, and trenches to exclude livestock, wildlife, and humans (except authorized personnel) and, in the event of inadvertent entry, to escape from these below-grade areas. At a minimum, the operator shall construct and maintain escape ramps, ladders, or other methods of avian and terrestrial wildlife escape from each pit, cellar, open-top tank, and trench. Ramps shall be secured and properly positioned to allow wildlife to escape.
19. Noise Abatement for Compressors, Generators, and Pumps. Any production equipment operated for extended periods on a Federal oil and gas lease and/or BLM-administered public land shall adhere to the Residential/Agricultural/Rural Zone standard established in Colorado Oil and Gas Conservation Commission (COGCC) Regulation No. 802, Noise Abatement. Under this provision, the noise level shall not exceed 50 A-weighted decibels (dBA) between 7:00 p.m. and 7:00 a.m. (nighttime) and 55 dBA between 7:00 a.m. and 7:00 p.m. (daytime) at a distance of 350 feet from the noise source. This standard shall apply even in remote locations where the COGCC would consider the Light Industrial to be sufficient (i.e., no residences in proximity to the noise source). BLM's objective for noise abatement is to reduce noise impacts to the existing solitude that is typical on BLM-leased lands, and particularly to reduce impacts that could have an adverse impact on wildlife.

Noise control techniques to be considered for such production-related equipment shall include, but not be limited to, enclosure within a sound-insulated structure, installation of an improved muffler system, some combination of these, or potentially the use of electrical power. Methods for safe ventilation of sound-insulated buildings shall be a key consideration in building design to avoid open doors or windows that defeat the intended noise controls. Any noise-abating structure shall use the same BLM-approved color as used on other production facilities on the pad.

If the BLM determines that the required Residential/Agricultural/Rural noise standard is not being met under normal conditions, the operator may be required to suspend use of the compressor or implement additional noise abatement measures.

SITE-SPECIFIC STIPULATIONS APPLICABLE TO THE RWF 12-9 WELL PAD

RWF 12-9 Pad Expansion Considerations. To maintain a suitable buffer between the toe of the pad fillslope and the adjacent unnamed drainage, a 1:1 cutslope and a 1:1 fillslope (particularly between Corners 1 and 2) shall be used for the reconstructed pad. The 1:1 fillslope along the eastern edge would provide space for installation of stormwater structures and enable any erosion impacts to be controlled and contained in the sediment traps.

DOE RM 2-8 Pad Improvement Work: The 72-inch culvert replacement planned at the road entrance to the DOE RM 2-8 pad shall occur during the initial phases of the pad work. The storage area planned for the excess material from the RWF 12-9 pad expansion shall be used to store the excavated material generated during the culvert replacement work.

The trapezoidal channel construction and upgrade planned along the lower reclaimed cutslope of the DOE RM 2-8 pad shall be aligned in a manner that retains and supports positive drainage flow across the face of the cutslope. The existing sediment trap supporting man-made wetland vegetation at the terminus of the channel shall remain undisturbed. Additional sediment trap(s) can be installed in the trapezoidal ditch upgradient from the terminus sediment trap to control sediment flow in the ditch and treat the existing terminus trap as an overflow. Cleaning sediment from the terminus trap that removes or disturbs the

existing wetland vegetation shall not be conducted unless coordinated or approved with appropriate USACE permit.

The fillslope north and west of the large culvert inlet at the road entrance to the DOE RM 2-8 pad shall be laid back, reshaped to natural contour, and interim reclaimed after the excess stockpile material has been moved back to the RWF 12-9 pad. The DOE RM 2-8 well cellar area shall be drained by digging an open swale across the western area of the pad and draining stormwater into the reclaimed fillslope area and/or sediment control structure.

RMV 12-16 Surface Use Agreement Certification. Before any pad expansion work or well completion operations commences on the fee/fee RMV 12-16 pad, the operator shall provide a statement of certification that a surface use agreement has been executed with the surface owner.

Pipeline Installation Details. The pipelines, whether it be the buried 2-inch flexpipe condensate lines, the 10-inch fused poly surface water lines, or the 4.5-inch steel surface frac-water delivery lines, shall be installed within the existing roadway and/or the existing pipeline corridor that directly parallels the roadway, unless otherwise directed by the authorized officer.

Surface Pipeline Decommissioning. When the temporary surface steel frac lines and water supply pipeline for RWF 12-9 project are no longer necessary, the surface lines shall be pigged to ensure all fluid has been purged from the lines. Once all fluid has been removed from the lines, the lines shall be cut and pulled to the existing pad(s) or the existing road. Removal of temporary surface lines shall occur in a manner that minimizes disturbance to native ground cover. Should surface disturbance occur during surface line removal that warrants reclamation work, appropriate reclamation practices shall be implemented per BLM direction.

Reclamation

- Prior to termination of the lease, the Holder shall contact the authorized officer to arrange a joint inspection of the lease. This inspection will be held to agree to an acceptable termination and rehabilitation plan as necessary. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, and seeding. The authorized officer must approve the plan in writing prior to the Holder's commencement of any termination activities.

Fire Prevention and Control

- The Holder shall indemnify the United States for any and all injury, loss, or damage to life or property, including fire suppression costs, the United States may suffer as a result of losses, claims, demands or judgments caused by Holder's use or occupancy of public lands under this grant or permit.
- The authorized officer may suspend or terminate in whole, or in part, any notice to proceed which has been issued when, in his or her judgment, conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
- The Holder shall maintain the ROW in a safe, usable condition.
- When performing construction and maintenance (including emergency repairs) activities during the "closed" fire season (May 10 – October 20), as set by Colorado State Law, or

during any other closed fire season prescribed by the BLM Colorado State Director, the Holder, including any persons such as contractors, etc. working on their behalf, shall equip at least one on-site vehicle with firefighting equipment, including, but not limited to, fire suppression hand tools (i.e. shovels, rakes, Pulaski's, etc.), a 16-20 pound fire extinguisher, and a sufficient supply of water for initial attack, with a mechanism to effectively spray the water (i.e. backpack pumps, water sprayer, etc.).

- The Holder will cooperate with the BLM in its efforts to investigate, suppress, and respond to all future fires. The duty to "cooperate" includes, but is not limited to, the following duties regardless of whether BLM is on the scene:
 - i. The duty to provide the BLM (Grand Junction Dispatch Center at (970) 257-4800 or BLM authorized officer at (970) 876-9000) with reasonable and timely notice concerning all fires involving the Holder's facilities, or discovered during routine operations.
 - ii. The duty to share factual information with the BLM concerning fires, including but not limited to the names of Holder's employees and/or contractors with knowledge of the incident, and to allow employees and/or contractors to be interviewed by BLM's investigators regarding factual information relating to a fire.
 - iii. It is the duty of the Holder to preserve the point of ignition, fire scene and reasonably account to the BLM for Holder's actions taken at the scene of a fire.
 - iv. The duty to minimize disturbance of potential evidence located at the scene; to not engage in any evidence collection or destructive testing without BLM and or its counsel's express written consent; to properly handle and preserve any evidence collected; and to make all documents and evidence, including expert reports, available to the BLM in a rapid and timely manner upon request of BLM and/or its counsel.
 - v. The duty not to hamper the BLM investigation of origin and cause of the fire, and reasonably to assist BLM's investigation at the scene.
 - vi. The duty to provide information upon request of BLM and/or its counsel concerning the construction, monitoring, inspection, maintenance and/or repairs of any of Holder's facilities located at or adjacent to a fire.
 - vii. The duty to provide information upon request of BLM and/or its counsel concerning the monitoring, inspection, and or alteration by Holder of any condition on public land, including but not limited to, public land adjacent to any of the Holder's facilities.
 - viii. The duty, during BLM fire suppression efforts, to defer to and follow the instructions of the BLM's Incident Commander regarding activities within the boundaries of the fire and checking in and out of the fire, and to recognize BLM's primary authority over the incident scene.

STANDARD RIGHT-OF-WAY STIPULATIONS

1. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the plan(s) of development approved and made part of the grant. Any relocation, additional construction, or use that is not in accord with the approved plan(s) of development, shall not be initiated without the prior written approval of the Authorized Officer.
2. It is the holder's responsibility to coordinate with all other right-of-way holders and adjacent land owners to make sure any conflicts are resolved both with road improvements and future

maintenance.

3. A copy of the complete right-of-way grant, including all stipulations and approved plan(s) of development, shall be made available on the right-of-way area during construction, operation, and termination. 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.
4. The holder shall designate a representative(s) who shall have the authority to act upon and to implement instructions from the Authorized Officer. The holder's representative shall be available for communication with the Authorized Officer within a reasonable time when construction or other surface disturbing activities are underway.
5. All construction, operation, and maintenance shall be within the authorized limits of the right-of-way granted herein.
6. Disposal of all liquid and solid waste produced during operation of this right-of-way shall be in an approved manner to impact the air, soil, water, vegetation, or animals.
7. Holder shall not violate applicable air and water quality standards or related facility siting standards established by or pursuant to applicable Federal and State law.
8. Holder shall minimize disturbance to existing fences and other improvements on public land. The holder is required to promptly repair improvements to at least their former condition. Functional use of these improvements shall be maintained at all times. Holder shall contact the owner of any improvements prior to disturbing them. When necessary to pass through a fence line, the fence shall be H-braced on both sides of the passageway prior to cutting the fence.
9. 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, water used for pressure testing, and equipment.
10. Holder shall maintain the ROW in a safe, useable condition, as directed by the Authorized Officer. A regular maintenance program shall be included in the POD.
11. Use of pesticides and herbicides shall comply with the applicable Federal and State laws. Pesticides and herbicides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the 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. Emergency use of pesticides shall be approved in writing by the Authorized Officer prior to use.

ABANDONMENT

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 as necessary. 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.

GENERAL

1. As-Built Survey. An "as-built" centerline survey of the right-of-way crossing Federal land, provided by a Certified Land Surveyor licensed to work in the State of Colorado, shall be provided to the Authorized Officer within 2 months of completion of the project.
2. Holder of this right-of-way agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, *et seq.*, or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et seq.*) on this ROW (unless the release or threatened release is wholly unrelated to the holder's activity in this ROW). This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
3. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated regarding toxic substances or hazardous materials. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, *et seq.*) with regard to any toxic substances that are used, generated by, or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, section 102b. A copy of any report required or requested by any Federal agency of State government because of a reportable release or spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency of State government.
4. Holder of this right-of-way grant, or the holder's successor in interest, shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*) and the regulations of the Secretary of the Interior issued pursuant thereto.