

OCD-ARTESIA

FORM APPROVED  
OMB No 1004-0137  
Expires July 31, 2010UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

## APPLICATION FOR PERMIT TO DRILL OR REENTER

|                                                                                                                                                                                                                        |                                       |                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|---------------------------------------------------------------------------------|
| 1a. Type of work: <input checked="" type="checkbox"/> DRILL <input type="checkbox"/> REENTER                                                                                                                           |                                       | 5. Lease Serial No.<br>NM-20965                                                 |
| 1b. Type of Well: <input checked="" type="checkbox"/> Oil Well <input type="checkbox"/> Gas Well <input type="checkbox"/> Other <input checked="" type="checkbox"/> Single Zone <input type="checkbox"/> Multiple Zone |                                       | 6. If Indian, Allottee or Tribe Name                                            |
| 2. Name of Operator RKI EXPLORATION & PRODUCTION, LLC.                                                                                                                                                                 |                                       | 7. If Unit or CA Agreement, Name and No.                                        |
| 3a. Address 3817 NW EXPRESSWAY, SUITE 950<br>OKLAHOMA CITY, OK. 73112                                                                                                                                                  |                                       | 8. Lease Name and Well No.<br>RDX FEDERAL 17-9 [39027]                          |
| 3b. Phone No. (include area code)<br>405-996-5750 (BILL AUBREY)                                                                                                                                                        |                                       | 9. API Well No.<br>30-015-39939                                                 |
| 4. Location of Well (Report location clearly and in accordance with any State requirements *)<br>At surface 1650 FNL & 1650 FWL<br>At proposed prod. zone SAME                                                         |                                       | 10. Field and Pool, or Exploratory<br>BRUSHY DRAW DELAWARE EAST [8050]          |
| 14. Distance in miles and direction from nearest town or post office*<br>APPROXIMATELY 14 MILES SOUTHEAST OF MALAGA, NM                                                                                                |                                       | 11. Sec., T. R. M. or Blk. and Survey or Area<br>SECTION 17, T. 17 S., R. 30 E. |
| 15. Distance from proposed* location to nearest property or lease line, ft.<br>(Also to nearest drig. unit line, if any) 330 FT.                                                                                       | 16. No. of acres in lease<br>520      | 17. Spacing Unit dedicated to this well<br>40                                   |
| 18. Distance from proposed location* to nearest well, drilling, completed, applied for, on this lease, ft. 990 FT.                                                                                                     | 19. Proposed Depth<br>7200 FT.        | 20. BLM/BIA Bond No. on file<br>NLM-NMB-000460                                  |
| 21. Elevations (Show whether DF, KDB, RT, GL, etc.)<br>3078' GL                                                                                                                                                        | 22. Approximate date work will start* | 23. Estimated duration<br>30 DAYS                                               |

## 24. Attachments

The following, completed in accordance with the requirements of Onshore Oil and Gas Order No.1, must be attached to this form:

- |                                                                                                                                                |                                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| 1. Well plat certified by a registered surveyor.                                                                                               | 4. Bond to cover the operations unless covered by an existing bond on file (see Item 20 above). |
| 2. A Drilling Plan.                                                                                                                            | 5. Operator certification                                                                       |
| 3. A Surface Use Plan (if the location is on National Forest System Lands, the SUPO must be filed with the appropriate Forest Service Office). | 6. Such other site specific information and/or plans as may be required by the BLM.             |

|                                                              |                                           |                      |
|--------------------------------------------------------------|-------------------------------------------|----------------------|
| 25. Signature                                                | Name (Printed/Typed)<br>BARRY W. HUNT     | Date                 |
| Title<br>PERMIT AGENT FOR RKI EXPLORATION & PRODUCTION, LLC. |                                           |                      |
| Approved by (Signature)<br>/S/ JEANETTE MARTINEZ             | Name (Printed/Typed)<br>JEANETTE MARTINEZ | Date<br>FEB - 8 2012 |
| Title<br>FIELD MANAGER                                       | Office<br>CARLSBAD FIELD OFFICE           |                      |

Application approval does not warrant or certify that the applicant holds legal or equitable title to those rights in the subject lease which would entitle the applicant to conduct operations thereon.

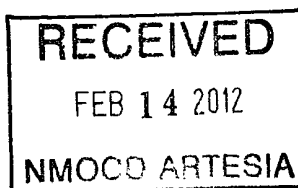
Conditions of approval, if any, are attached.

APPROVAL FOR TWO YEARS

Title 18 U.S.C. Section 1001 and Title 43 U.S.C. Section 1212, make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

(Continued on page 2)

\*(Instructions on page 2)



Carlsbad Controlled Water Basin

Approval Subject to General Requirements  
& Special Stipulations AttachedSEE ATTACHED FOR  
CONDITIONS OF APPROVAL

## CERTIFICATION

I hereby certify that I, or persons under my direct supervision, have inspected the proposed drill site and access road proposed herein; that I am familiar with the conditions that presently exist; that I have full knowledge of State and Federal laws applicable to this operation; that the statements made in this APD package are, to the best of my knowledge, true and correct, and that the work associated with the operations proposed herein will be performed in conformity with this APD package and the terms and conditions under which it is approved. I also certify that I, or RKI Exploration and Production, LLC am responsible for the operations conducted under this application. These statements are subject to the provisions of 18 U. S. C. 1001 for the filing of false statements. Executed this 21st day of December 2011.

Signed: Barry W. Hunt

Printed Name: Barry Hunt

Position: Agent for RKI Exploration & Production, LLC.

Address: 1403 Springs Farm Place, Carlsbad, NM 88220

Telephone: (575) 361-4078

E-mail: specialtpermitting@gmail.com

Field Representative: Gene Simer

Address: P. O. Box 370, Carlsbad, NM 88221

Telephone: Office: (575) 885-1313, Cell: (575) 706-3225

# **RKI Exploration & Production LLC**

P.O. Box 370, Carlsbad, NM 88221  
Office 505-885-1313 Fax 505-885-3509

July 17, 2009

To Whom It May Concern:

Mr. Barry Hunt is employed by RKI Exploration & Production to sign as their agent for APD's and Right of Ways in the states of New Mexico and Texas.

If you have any questions, please contact me at my office at 575-885-1313.

Sincerely,

RKI Exploration & Production, LLC

A handwritten signature in black ink, appearing to read "Gene Simer". The signature is fluid and cursive, with a large initial "G" and a long, sweeping underline.

Gene Simer  
Production Superintendent

DISTRICT I  
1625 N. French Dr., Hobbs, NM 88240

DISTRICT II  
1301 W. Grand Avenue, Artesia, NM 88210

DISTRICT III  
1000 Rio Brazos Rd., Aztec, NM 87410

DISTRICT IV  
1220 S. St. Francis Dr., Santa Fe, NM 87505

State of New Mexico  
Energy, Minerals and Natural Resources Department

Form C-102  
Revised July 16, 2010

Submit one copy to appropriate  
District Office

OIL CONSERVATION DIVISION  
1220 South St. Francis Dr.  
Santa Fe, New Mexico 87505

WELL LOCATION AND ACREAGE DEDICATION PLAT

☐ AMENDED REPORT

|                                  |                                                              |                                               |
|----------------------------------|--------------------------------------------------------------|-----------------------------------------------|
| API Number<br><b>30015-39939</b> | Pool Code<br><b>8090</b>                                     | Pool Name<br><b>BRUSHY DRAW DELAWARE EAST</b> |
| Property Code<br><b>39027</b>    | Property Name<br><b>RDX FEDERAL "17"</b>                     | Well Number<br><b>9</b>                       |
| GRID No.<br><b>246289</b>        | Operator Name<br><b>RKI EXPLORATION &amp; PRODUCTION LLC</b> | Elevation<br><b>3078'</b>                     |

Surface Location

| UL or lot No. | Section | Township | Range | Lot Idn | Feet from the | North/South line | Feet from the | East/West line | County |
|---------------|---------|----------|-------|---------|---------------|------------------|---------------|----------------|--------|
| F             | 17      | 26 S     | 30 E  |         | 1650          | NORTH            | 1650          | WEST           | EDDY   |

Bottom Hole Location If Different From Surface

| UL or lot No.                | Section         | Township           | Range     | Lot Idn | Feet from the | North/South line | Feet from the | East/West line | County |
|------------------------------|-----------------|--------------------|-----------|---------|---------------|------------------|---------------|----------------|--------|
|                              |                 |                    |           |         |               |                  |               |                |        |
| Dedicated Acres<br><b>40</b> | Joint or Infill | Consolidation Code | Order No. |         |               |                  |               |                |        |

NO ALLOWABLE WILL BE ASSIGNED TO THIS COMPLETION UNTIL ALL INTERESTS HAVE BEEN CONSOLIDATED  
OR A NON-STANDARD UNIT HAS BEEN APPROVED BY THE DIVISION

|                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>SURFACE LOCATION</b><br/>Lat - N 32°02'43.09"<br/>Long - W 103°54'24.12"<br/>NMSPCE- N 380479.9<br/>E 673524.0<br/>(NAD-83)</p> | <p><b>OPERATOR CERTIFICATION</b></p> <p>I hereby certify that the information contained herein is true and complete to the best of my knowledge and belief, and that this organization either owns a working interest or unleased mineral interest in the land including the proposed bottom hole location or has a right to drill this well at this location pursuant to a contract with an owner of such a mineral or working interest, or to a voluntary pooling agreement or a compulsory pooling order heretofore entered by the Division.</p> <p><i>Barry W. Hunt</i> 12/21/11<br/>Signature Date</p> <p><b>Barry W. Hunt</b><br/>Printed Name</p> <p>_____<br/>Email Address</p> <p><b>SURVEYOR CERTIFICATION</b></p> <p>I hereby certify that the well location shown on this plat was plotted from field notes of actual surveys made by me or under my supervision, and that the same is true and correct to the best of my belief.</p> <p>_____<br/>Date</p> <p>_____<br/>Signature</p> <p>_____<br/>Professional Surveyor</p> <p>_____<br/>Certificate No. 7977</p> <p>_____<br/>Certificate No. 7977</p> <p><b>BASIN SURVEYS 24679</b></p> |
|---------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

RKI EXPLORATION & PRODUCTION, LLC.  
DRILLING PLAN

RDX 17-9  
1650' FNL & 1650' FWL  
Section 17-26S-30E  
Eddy County, NM

1. The elevation of the unprepared ground is 3,078' feet above sea level.
2. The geologic name of the surface formation is Quaternary - Alluvium.
3. A rotary rig will be utilized to drill the well to 7,200' and run casing. This equipment will then be rigged down and the well will be completed with a workover rig.
4. Proposed total depth is 7,200'.
5. Estimated tops of important geologic markers:

|                       |                      |
|-----------------------|----------------------|
| Quaternary - Alluvium | Surface *            |
| Rustler               | 927'                 |
| Salado                | 1,276'               |
| Castile               | 1,756'               |
| Lamar Lime            | 3,297'               |
| Base of Lime          | 3,494'               |
| Delaware Top          | 3,530'               |
| Bell Canyon Sand      | 3,530'               |
| Cherry Canyon Sand    | 4,596'               |
| Brushy Canyon Sand    | 5,654'               |
| TD                    | 7,200' (145 Degrees) |

\*Water possible above Rustler

6. Estimated depths at which anticipated water, oil, gas or other mineral bearing formations are expected to be encountered:

|               |     |                    |
|---------------|-----|--------------------|
| Bell Canyon   | Oil | 3,530' (1,528 psi) |
| Cherry Canyon | Oil | 4,596' (1,990 psi) |
| Brushy Canyon | Oil | 5,654' (2,448 psi) |
| TD            | Oil | 7,200' (3218 psi)  |

7. The proposed casing program is as follows:

Surface: 17-1/2" hole, 13-3/8" 54.5# J-55 ST&C new casing set from 0' – 950'  
Tension SF 2.0, Collapse SF 1.125, Burst SF 1.8.

Intermediate: 12 1/4" hole, 9-5/8 40# J-55 LT&C new casing set from 0' – 3,450'  
Tension SF 2.0, Collapse SF 1.125, Burst SF 1.8.

Production: 8 3/4" hole 5 1/2", 17# N-80 LT&C new casing set from 0' – 7,200'  
Tension SF 2.0, Collapse SF 1.125, Burst SF 1.8.

8. Casing setting depth and cementing program:

- a. 13-3/8" surface casing set at 950'. Circulate cement to surface with 655 sx cement with 4% D20, 1% S1, .2% D46, .125 pps D130 mixed at 12.9 ppg (1.96 cf/sk) followed by 200 sx with .125 pps D130 mixed at 14.8 ppg (1.33 cf/sk), excess – 100%.
- b. 9-5/8" intermediate casing set at 3,450'. Circulate cement surface with 1,100 sx cement with 5% D44, 28 pps D132, 6% D20, .2% D46, .125 pps D130, 2 pps D42, .3% D201 mixed at 12.6 ppg (2.06 cf/sk) followed by 180 sx cement with .2% D201, .125 pps D130 mixed 14.8 ppg (1.33 cf/sk), excess – 25%.
- c. 5-1/2" production casing set at 7,200'. Cement will be calculated to bring TOC to 3,000'. The well will be cemented in two stages as follows: **Stage 1:** 550 sx cement with 2% D174, .2% D46, .3% D112, .4% D201 mixed at 13.0 ppg (1.42 cf/sk).  
*See COA* **Stage 2:** 235 sx cement with 5% D44, 28 pps D132, 6% D20, .2% D46, 2 pps D42 mixed at 12.6 ppg (2.05 cf/sk) followed by 100 sx cement with .3% D201 mixed at 14.8 ppg (1.33 cf/sk), excess – 25%. DV tool at approximately 5,000'

9. Pressure Control Equipment

The blowout preventor equipment (BOP) will consist of a 5000 psi double ram type preventor, a bag-type (Hydril) preventor, and rotating head. Both units will be hydraulically operated and the ram type preventor will be equipped with blind rams on top and 4 -1/2" drill pipe rams on bottom. A 5M BOP will be installed on the 13-3/8" surface casing and utilized continuously until total depth is reached. BOP's and associated equipment will be tested as a 3M system prior to drilling out all casing shoes. All casing strings will be tested as per Onshore Order #2.

Pipe rams will be operated and checked each 24 hour period and each time the drill pipe is out of the hole. These functional tests will be documented on the daily drillers log.

The BOP equipment will consist of the following:

- Annular preventers
- Double ram with blind rams and pipe rams
- Drilling spool, or blowout preventer with 2 side outlets (choke side shall be a 3-inch minimum diameter, kill side shall be at least 2-inch diameter)
- Kill line (2 inch minimum)
- A minimum of 2 choke line valves (3 inch minimum)
- 3 inch diameter choke line
- 2 kill line valves, one of which shall be a check valve (2 inch minimum)
- 2 chokes

- Pressure gauge on choke manifold
- Upper kelly cock valve with handle available
- Safety valve and subs to fit all drill string connections in use
- All BOPE connections subjected to well pressure shall be flanged, welded, or clamped
- Fill-up line above the uppermost preventer.

10. Mud Program:

|                 |                                                                                                |
|-----------------|------------------------------------------------------------------------------------------------|
| 0' – 950'       | Bentonite/Lime mud. Paper for losses and seepage. 8.6 to 8.9 ppg, PV 1 to 6, YP 1 to 6, WL NC. |
| 950' - 3,450'   | Brine. As needed LCM for losses and seepage. 10.0 to 10.1 ppg, PV 1 to 3, YP 1 to 3, WL NC.    |
| 3,450' – 7,200' | Drill out fresh water/cut brine. MW 8.8 to 9.1 ppg, PV 1 to 3, YP 1 to 3, WL NC.               |

11. Testing, Logging and Coring Program: *See COA*

Testing program: No drillstem tests are anticipated.

Electric logging program: CNL/CAL/GR, DLL/CAL/GR. From 9 5/8" casing to TD. Coring program: None.

12.

No abnormal conditions or hazards are expected. There is no known presence of H<sub>2</sub>S in this area. If H<sub>2</sub>S is encountered the operator will comply with the provisions of Onshore Oil and Gas Order No. 6. All personnel will be familiar with all aspects of safe operation of equipment being used to drill this well. Estimated BHP 3218 psi and estimated BHT 145 degree F. Pressure derived by  $0.447 \times 7200$  ft.

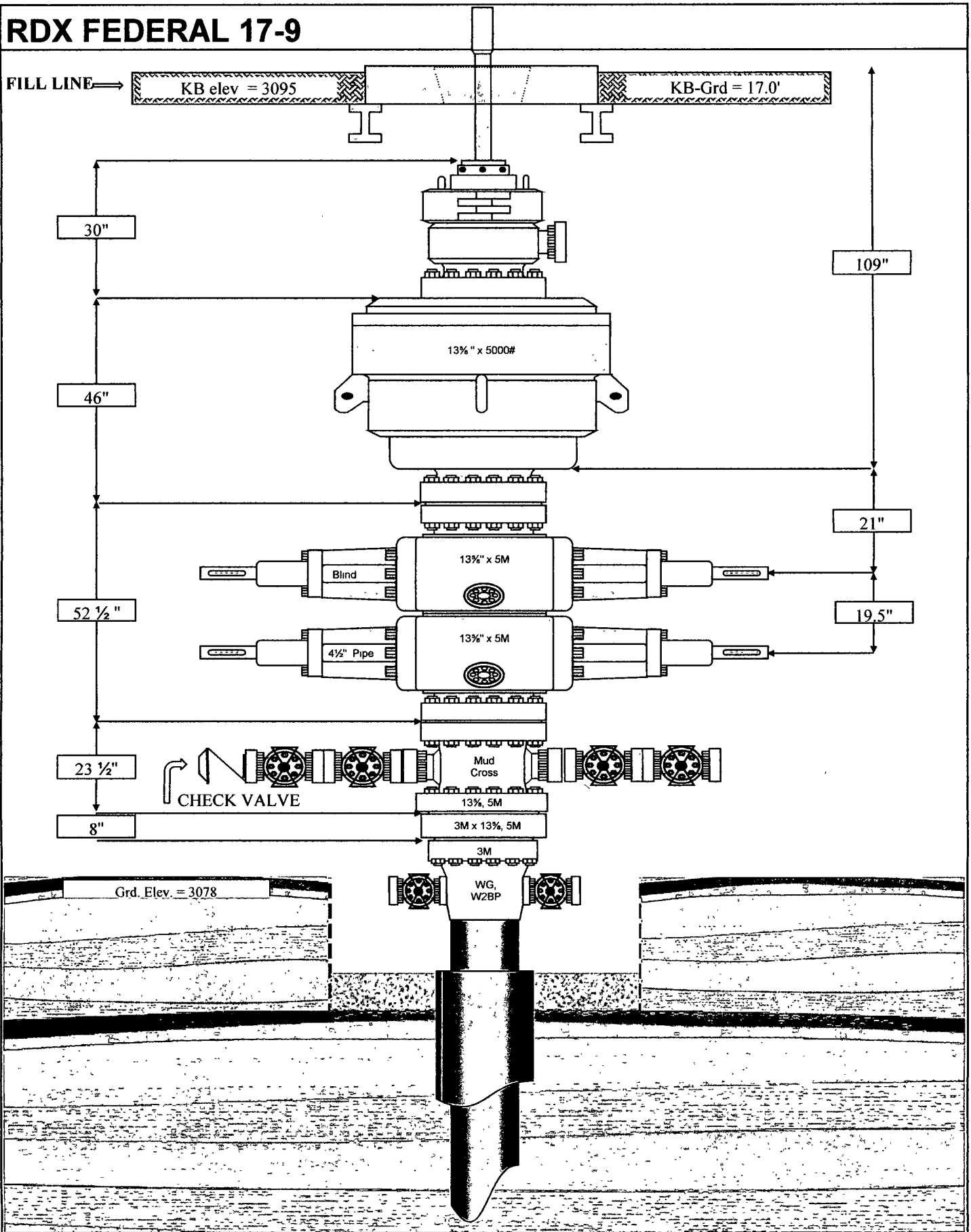
13.

Anticipated Starting Date and Duration of Operations:

Road and location construction will begin after the BLM has approved the APD. Anticipated spud date will be soon after BLM approval and as soon as a rig will be available.

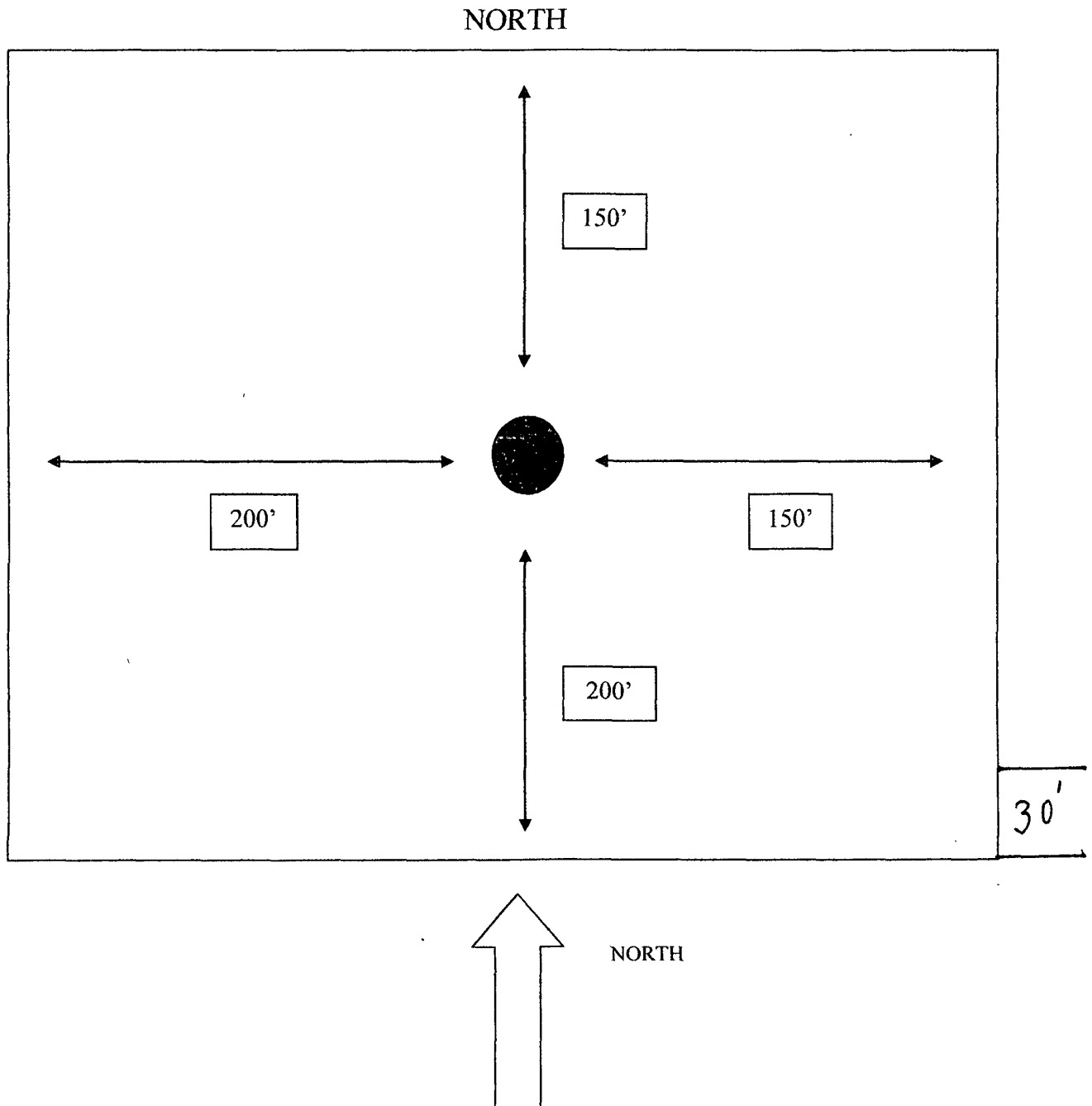
Move in operations and drilling is expected to take 32 days. An additional 30 days will be needed to complete the well and to construct surface facilities.

# RDX FEDERAL 17-9



**EXHIBIT 'A'**

**Rig Plat Only  
RDX FEDERAL 17-9  
V-DOOR EAST**



**RKI Exploration & Production**  
**Hydrogen Sulfide Contingency Plan**  
**For Drilling/Workover/Facility**

This well and its anticipated facility are not expected to have Hydrogen Sulfide releases. However, there may be Hydrogen Sulfide production in the nearby area. There are no private Residences in the area but a contingency plan has been orchestrated. RKI Exploration and Production will have a Company Representative available to rig personnel through out drilling or production operations. If hydrogen sulfide is detected or suspected, monitoring equipment will be acquired for monitoring and/or testing.

**RKI Exploration & Production**  
**Hydrogen Sulfide Contingency Plan**  
**For Drilling/Workover/Facility**

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**RKI Exploration & Production**  
**Hydrogen Sulfide Contingency Plan**  
**For Drilling/Workover/Facility**

**General H2S Emergency Actions:**

1. All personnel will immediately evacuate to an up-wind and if possible up-hill "safe area".
2. If for any reason a person must enter the hazardous area, they must wear a SCBA (Self Contained Breathing Apparatus).
3. Always use the "buddy system"
4. Isolate the well/problem if possible
5. Account for all personnel
6. Display the proper colors warning all unsuspecting personnel of the danger at hand.
7. Contact the Company personnel as soon as possible if not at the location (use the enclosed call list as instructed)

*At this point the company representative will evaluate the situation and coordinate the necessary duties to bring the situation under control, and if necessary, the notification of the emergency response agencies and nearby residents.*

**EMERGENCY PROCEDURES FOR AN UNCONTROLLABLE RELEASE OF H2S**

1. All personnel will don the self contained breathing apparatus
2. Remove all personnel to the "safe area" (always use the buddy system)
3. Contact company personnel if not on location]
4. Set in motion the steps to protect and or remove the general public to and upwind "safe area" Maintain strict security & safety procedures while dealing with the source.
5. No entry to any unauthorized personnel
6. Notify the appropriate agencies:   City Police – City Street(s)  
                                                      State Police – State Rd.  
                                                      County Sheriff – County Rd.
7. Call the NMOCD

## **RKI Exploration & Production LLC**

### **Hydrogen Sulfide Contingency Plan For Drilling/Workover/Facility**

If at this time the supervising person determines the release of H<sub>2</sub>S cannot be contained to the site location and the general public is in harms way he will take the necessary steps to protect the workers and the public.

EMERGENCY CALL LIST: (Start and continue until ONE of these people has been contacted)

|              | OFFICE         | MOBILE       | HOME         |
|--------------|----------------|--------------|--------------|
| RKI E&P      | 1-800-667-6958 |              |              |
| Gene Simer   | 575-885-1313   | 575-706-3225 | 575-885-6302 |
| Tim Haddican | 405-949-2329   | 405-823-2872 | 405-348-5515 |

#### EMERGENCY RESPONSE NUMBERS:

|                                       |                  |        |                     |
|---------------------------------------|------------------|--------|---------------------|
| State Police                          | Eddy County      |        | 575 -748-9718       |
| State Police                          | Lea County       |        | 575-392-5588        |
| Sheriff                               | Eddy County      |        | 575-746-2701        |
| Sheriff                               | Lea County       |        |                     |
| Emergency Medical Service (Ambulance) | Eddy County      |        | 911 or 505-746-2701 |
|                                       | Lea County       | Eunice | 911 or 505-394-3258 |
| Emergency Response                    | Eddy County SERC |        | 575--476-9620       |
|                                       | Lea County       |        |                     |
| Artesia Police Dept                   |                  |        | 575--746-5001       |
| Artesia Fire Dept                     |                  |        | 575--746-5001       |
| Carlsbad Police Dept                  |                  |        | 575-885-2111        |
| Carlsbad Fire Dept                    |                  |        | 575--885-3125       |

**EMERGENCY CALL LIST (CONT.)**

|                        |                                    |                |
|------------------------|------------------------------------|----------------|
| Loco Hills Police Dept |                                    | 575- 677-2349  |
| Jal Police Dept        |                                    | 575- 395-2501  |
| Jal Fire Dept          |                                    | 575- 395-2221  |
| Jal Ambulance          |                                    | 575- 395-2221  |
| Eunice Police Dept     |                                    | 575- 394-0112  |
| Eunice Fire Dept       |                                    | 575- 394-3258  |
| Eunice Ambulance       |                                    | 575- 394-3258  |
| Hobbs Police Dept      |                                    | 575- 397-3365  |
| Hobbs Fire Dept        |                                    | 575- 397-9308  |
| NMOCD                  | District 1 (Lea, Roosevelt, Curry) | 575- 393-6161  |
|                        | District 2 (Eddy, Chavez)          | 575- 748-1283  |
| Lea County Information |                                    | 575- 393-8203  |
| Callaway Safety        | Eddy/Lea Counties                  | 575- 392-2973  |
| BJ Services            | Artesia                            | 575- 746-3140  |
|                        | Hobbs                              | 575- 392-5556  |
| Halliburton            | Artesia                            | 1-800-523-2482 |
|                        | Hobbs                              | 1-800-523-2482 |
| Wild Well Control      | Midland                            | 432-550-6202   |
|                        | Mobile                             | 432-553-1166   |

**RKI Exploration & Production**  
**Hydrogen Sulfide Contingency Plan**  
**For Drilling/Workover/Facility**

**PROTECTION OF THE GENERAL PUBLIC (ROE)**

- 100 ppm at any public area (any place not associated with this site)
- 500 ppm at any public road (any road with the general public may travel)
- 100 ppm radius of ¼ mile in New Mexico will be assumed if there is insufficient data to do the calculations, and there is a reasonable expectation that H<sub>2</sub>S could be present in concentrations greater than 100 ppm in the gas mixture

**CALCULATIONS FOR THE 100 PPM (ROE) "PASQUILL-GIFFORD EQUATION"**

$X = [(1.589) (\text{mole fraction}) (Q\text{-volume in std cu ft}) \text{ to the power of } (0.6258)]$

**CALCULATION FOR THE 500 PPM ROE:**

$X = [(.4546) (\text{mole fraction}) (Q - \text{volume in std cu ft}) \text{ to the power of } (0.6258)]$

**Example:**

If a well/facility has been determined to have 150 / 500 ppm H<sub>2</sub>S in the gas mixture and the well/facility is producing at a gas rate of 100 MCFPD then:

150 ppm  $X = [(1.589) (.00015) (100,000 \text{ cfd}) \text{ to the power of } (.6258)]$   
 $X = 7 \text{ ft.}$

500 ppm  $X = [(.4546) (.0005) (100,000 \text{ cfd}) \text{ to the power of } (.6258)]$   
 $X = 3.3 \text{ ft.}$

**(These calculations will be forwarded to the appropriate District NMOCD office when Applicable)**

**PUBLIC EVACUATION PLAN:**

- Notification of the emergency response agencies of the hazardous condition and implement evacuation procedures.
- A trained person in H<sub>2</sub>S safety shall monitor with detection equipment the H<sub>2</sub>S concentration, wind and area exposure (ROE). This person will determine the outer perimeter of the hazardous area. The extent of the evacuation area will be determined from the data being collected. Monitoring shall continue until the situation has been resolved. (All monitoring equipment shall be UL approved, for use in class 1 groups A, B, C & D, Division 1, hazardous locations. All monitor will have a minimum capability of measuring H<sub>2</sub>S, oxygen and flammable values.)

**RKI Exploration & Production**  
**Hydrogen Sulfide Contingency Plan**  
**For Drilling/Workover/Facility**

- Law enforcement shall be notified to set up necessary barriers and maintain such for the duration of the situation as well as aid in the evacuation procedure.
- The company supervising personnel shall stay in communication with all agencies through out the duration of the situation and inform such agencies when the situation has been contained and the effected area(s) is safe to enter.

**PROCEDURE FOR IGNITING AN UNCONTROLLABLE CONDITION:**

1. Human life and/or property are in danger.
2. There is no hope of bringing the situation under control with the prevailing conditions at the site.

**INSTRUCTION FOR IGNITION:**

1. Two people are required. They must be equipped with positive pressure, self contained breathing apparatus and a "D" ring style full body, OSHA approved safety harness. Non flammable rope will be attached.
2. One of the people will be qualified safety person who will test the atmosphere for H<sub>2</sub>S, oxygen and LFL. The other person will be the company supervisor; he is responsible for igniting the well.
3. Ignite up wind from a distance no closer than necessary. Make sure that where you ignite from has the maximum escape avenue available. A 25 mm flare gun shall be used, with a  $\pm$  500 ft. range to ignite the gas.
4. Prior to ignition, make a final check with combustible gases.
5. Following ignition, continue with the emergency actions & procedures as before.

**RKI Exploration & Production**  
**Hydrogen Sulfide Contingency Plan**  
**For Drilling/Workover/Facility**

**REQUIRED EMERGENCY EQUIPMENT:**

1. **Breathing apparatus:**
  - Rescue packs (SCBA) – 1 unit shall be placed at each breathing area, 2 shall be stored in the safety trailer.
  - Work/Escapes packs – 4 packs shall be stored on the rig floor with sufficient air hose not to restrict work activity
  - Emergency Escape Packs – 4 packs shall be stored in the doghouse for emergency evacuation.
2. **Signage & Flagging:**
  - One color code condition sign will be placed at the entrance to the site reflecting the possible conditions at the site.
  - A colored conditioned flag will be on display, reflecting the condition at the site at the time.
3. **Briefing Area:** *(See attachment)*
  - ~~Two perpendicular areas will be designated by signs and readily accessible.~~
4. **Wind Socks:**
  - Two windsocks will be placed in strategic locations, visible from all angles.
5. **H2S Detectors & Alarms:**
  - The stationary detector with three sensors will be placed in the upper dog house if equipped, set to visually alarm @ 10 ppm and audible at 14 ppm. Calibrate a minimum of every 30 days or as needed. The sensors will be placed in the following places: (Gas sample tubes will be stored in the safety trailer)
    - Rig Floor
    - Bell Nipple
    - End of flow line or where well bore fluid are being discharged.
6. **Auxiliary Rescue Equipment:**
  - Stretcher
  - Two OSHA full body harness
  - 100 ft. 5/8 inch OSHA approved rope.
  - 1 – 20# class ABC fire extinguisher
  - Communication via cell phones on location and vehicles on location.

**RKI Exploration & Production**  
**Hydrogen Sulfide Contingency Plan**  
**For Drilling/Workover/Facility**

**USING SELF CONTAINED BREATHING AIR EQUIPMENT (SCBA):**

- (SCBA) SHOULD BE WORN WHEN ANY OF THE FOLLOWING ARE PERFORMED:
  - Working near the top or on the top of a tank
  - Disconnecting any line where H<sub>2</sub>S can reasonably be expected
  - Sampling air in the area to determine if toxic concentration of H<sub>2</sub>S can exist.
  - Working in areas where over 10 ppm on H<sub>2</sub>S has been detected.
  - At any time there is a doubt as the level of H<sub>2</sub>S in the area.
- All personnel shall be trained in the use of SCBA prior to working in a potentially hazardous location.
- Facial hair and standard eyeglasses are not allowed with SCBA.
- Contact lenses are never allowed with SCBA.
- Air quality shall be continuously checked during the entire operation.
- After each use, the SCBA unit shall be cleaned, disinfected, serviced and inspected.
- All SCBA shall be inspected monthly.

**RESCUE AND FIRST AID FOR VICTIMS OF HYDROGEN SULFIDE (H<sub>2</sub>S) POISONING:**

- Do not panic
- Remain calm and think
- Get on the breathing apparatus

## **RKI Exploration & Production**

### **Hydrogen Sulfide Contingency Plan For Drilling/Workover/Facility**

- Remove the victim to the safe breathing area as quickly as possible. Up wind and uphill from source or cross wind to achieve upwind.
- Notify emergency response personnel.
- Provide artificial respiration and or CPR, as necessary.
- Remove all contaminated clothing to avoid further exposure.
- A minimum of two personnel on location shall be trained in CPR and First Aid.

## RKI Exploration & Production

### Hydrogen Sulfide Contingency Plan For Drilling/Workover/Facility

H<sub>2</sub>S is extremely toxic. The acceptable ceiling for eight hours of exposure is 10 ppm, which is .001% by volume. H<sub>2</sub>S is approximately 20% heavier than air (Sp. Gr = 1.19) (Air = 1) and colorless. It forms an explosive mixture with air between 4.3% and 46%. By volume hydrogen sulfide is almost as toxic as hydrogen cyanide and is 5-6 times more toxic than carbon monoxide.

| COMMON NAME      | CHEMICAL ABBREV. | SPECIFIC GRVTY. | THRESHOLD LIMITS | HAZARDOUS LIMITS | LETHAL CONCENTRATIONS |
|------------------|------------------|-----------------|------------------|------------------|-----------------------|
| Hydrogen Sulfide | H <sub>2</sub> S | 1.19            | 10 ppm 15 ppm    | 100 ppm/hr       | 600ppm                |
| Hydrogen Cyanide | HCN              | 0.94            | 10 ppm           | 150 ppm/hr       | 300 ppm               |
| Sulfur Dioxide   | SO <sub>2</sub>  | 2.21            | 2 ppm            | N/A              | 1000 ppm              |
| Chlorine         | Cl <sub>2</sub>  | 2.45            | 1 ppm            | 4 ppm/hr         | 1000 ppm              |
| Carbon Monoxide  | CO               | 0.97            | 50 ppm           | 400 ppm/hr       | 1000 ppm              |
| Carbon Dioxide   | CO <sub>2</sub>  | 1.52            | 5000 ppm         | 5%               | 10%                   |
| Methane          | CH <sub>4</sub>  | 0.55            | 90,000           | Combustible @ 5% | N/A                   |

**Threshold Limit:** Concentrations at which it is believed that all workers may be repeatedly exposed, day after day without adverse effects.

**Hazardous Limit:** Concentrations that may cause death.

**Concentrations:** Concentrations that will cause death with short term exposure.

**Threshold Limit:** NIOSH guide to chemical hazards  
(10 ppm)

#### PHYSICAL EFFECTS OF HYDROGEN SULFIDE:

| CONCENTRATION | PHYSICAL EFFECTS                                                                                                                                                |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| .001% 10 ppm  | Obvious and unpleasant odor. Safe for 8 hr. exposure                                                                                                            |
| .005% 50 ppm  | Can cause some flu like symptoms and can cause pneumonia.                                                                                                       |
| .01% 100 ppm  | Kills the sense of smell in 3-15 minutes. May irritate the eyes and throat.                                                                                     |
| .02% 200 ppm  | Kills the sense of smell rapidly. Severely irritates the eyes and throat. Severe flu-like symptoms after 4 or more hours<br>May cause lung damage and or death. |
| .06% 600 ppm  | Loss of consciousness quickly, death will result if not rescued promptly.                                                                                       |

# H2S Briefing areas & Alarm Locations

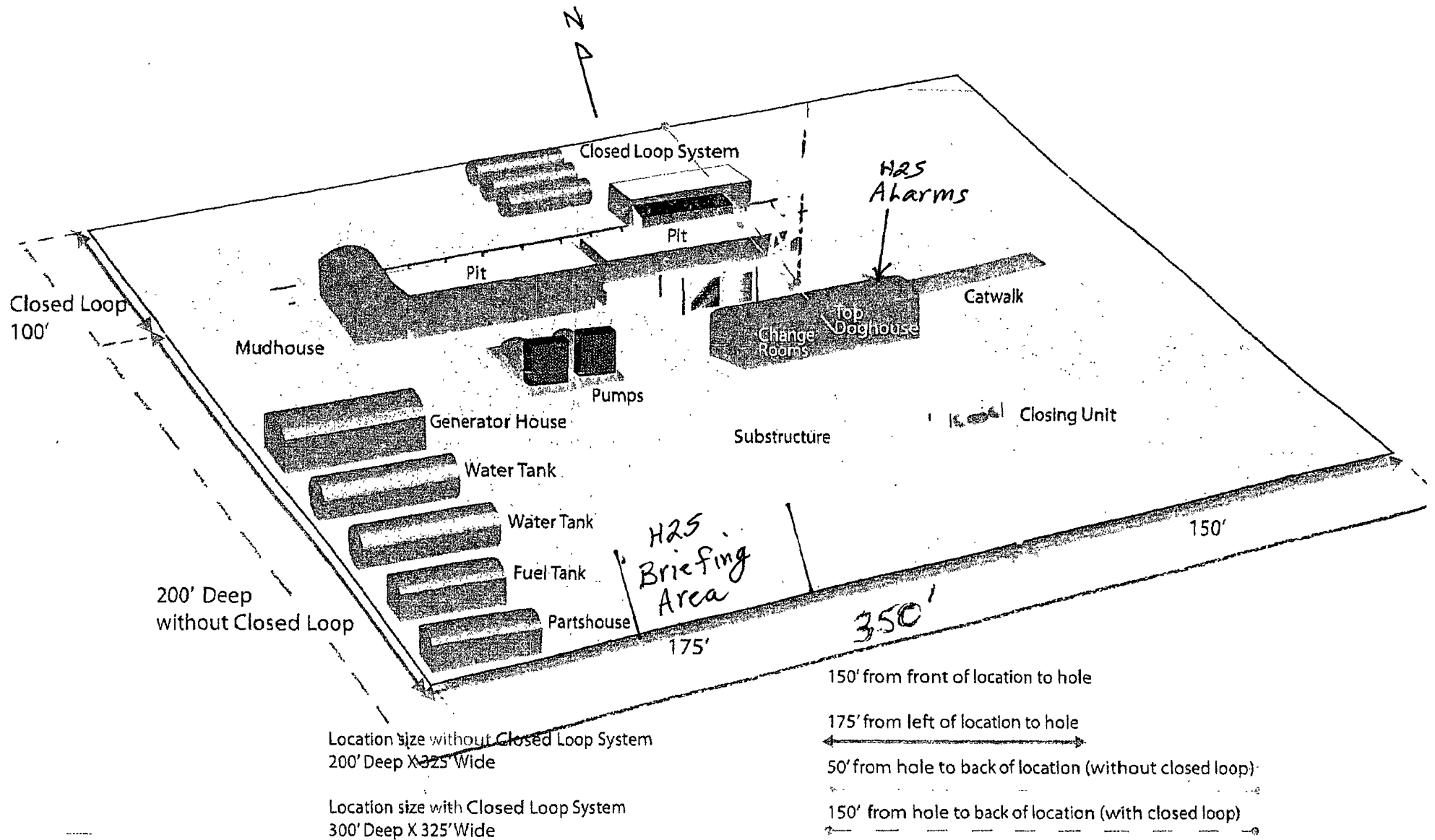
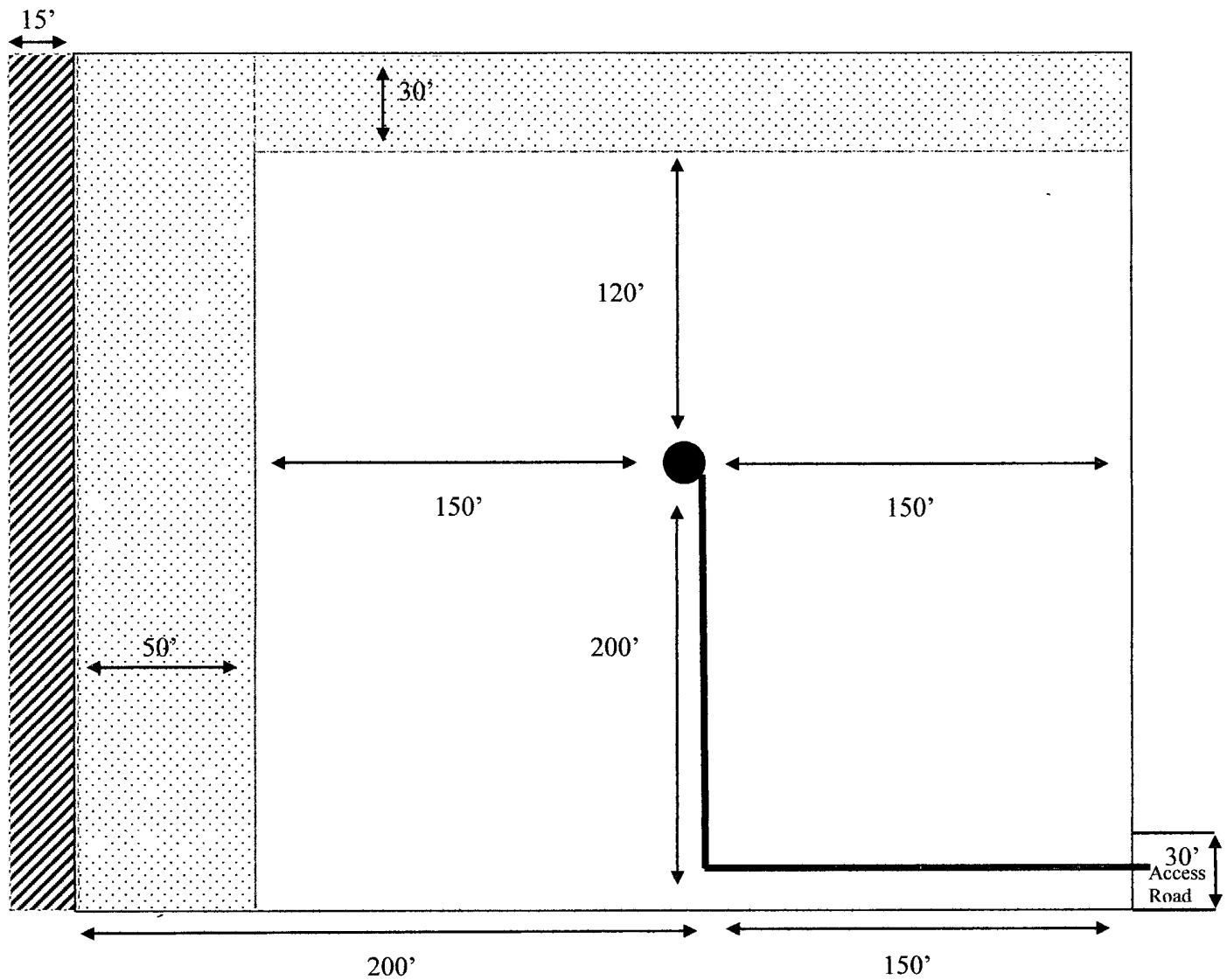


Exhibit 'B'  
Interim Reclamation  
RDX FEDERAL 17-9  
V-DOOR EAST



LEGEND

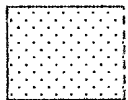
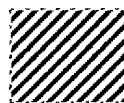


Well Bore



Flowline

Topsoil



Interim Reclamation



NORTH

## PECOS DISTRICT CONDITIONS OF APPROVAL

|                       |                                    |
|-----------------------|------------------------------------|
| OPERATOR'S NAME:      | RKI Explor & Prod                  |
| LEASE NO.:            | NM20965                            |
| WELL NAME & NO.:      | 9 RDX Federal 17                   |
| SURFACE HOLE FOOTAGE: | 1650' FNL & 1650' FWL              |
| BOTTOM HOLE FOOTAGE:  | ' FL & ' FL                        |
| LOCATION:             | Section 17, T.26 S., R.30 E., NMPM |
| COUNTY:               | Eddy County, New Mexico            |

### TABLE OF CONTENTS

Standard Conditions of Approval (COA) apply to this APD. If any deviations to these standards exist or special COAs are required, the section with the deviation or requirement will be checked below.

- ☐ **General Provisions**
- ☐ **Permit Expiration**
- ☐ **Archaeology, Paleontology, and Historical Sites**
- ☐ **Noxious Weeds**
- ☒ **Special Requirements**
  - Heronries
- ☐ **Construction**
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  - Topsoil
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  - Roads
- ☐ **Road Section Diagram**
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  - Medium Cave/Karst
  - Waste Material and Fluids
- ☐ **Production (Post Drilling)**
  - Well Structures & Facilities
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  - Electric Lines
- ☐ **Interim Reclamation**
- ☐ **Final Abandonment & Reclamation**

## **I. GENERAL PROVISIONS**

The approval of the Application For Permit To Drill (APD) is in compliance with all applicable laws and regulations: 43 Code of Federal Regulations 3160, the lease terms, Onshore Oil and Gas Orders, Notices To Lessees, New Mexico Oil Conservation Division (NMOCD) Rules, National Historical Preservation Act As Amended, and instructions and orders of the Authorized Officer. Any request for a variance shall be submitted to the Authorized Officer on Form 3160-5, Sundry Notices and Report on Wells.

## **II. PERMIT EXPIRATION**

If the permit terminates prior to drilling and drilling cannot be commenced within 60 days after expiration, an operator is required to submit Form 3160-5, Sundry Notices and Reports on Wells, requesting surface reclamation requirements for any surface disturbance. However, if the operator will be able to initiate drilling within 60 days after the expiration of the permit, the operator must have set the conductor pipe in order to allow for an extension of 60 days beyond the expiration date of the APD. (Filing of a Sundry Notice is required for this 60 day extension.)

## **III. ARCHAEOLOGICAL, PALEONTOLOGY & HISTORICAL SITES**

Any cultural and/or paleontological resource discovered by the operator or by any person working on the operator's behalf shall immediately report such findings to the Authorized Officer. The operator is fully accountable for the actions of their contractors and subcontractors. The operator shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery shall be made by the Authorized Officer to determine the appropriate actions that shall be required to prevent the loss of significant cultural or scientific values of the discovery. The operator shall be held responsible for the cost of the proper mitigation measures that the Authorized Officer assesses after consultation with the operator on the evaluation and decisions of the discovery. Any unauthorized collection or disturbance of cultural or paleontological resources may result in a shutdown order by the Authorized Officer.

## **IV. NOXIOUS WEEDS**

The operator shall be held responsible if noxious weeds become established within the areas of operations. Weed control shall be required on the disturbed land where noxious weeds exist, which includes the roads, pads, associated pipeline corridor, and adjacent land affected by the establishment of weeds due to this action. The operator shall consult with the Authorized Officer for acceptable weed control methods, which include following EPA and BLM requirements and policies.

## **V. SPECIAL REQUIREMENT(S)**

Surface disturbance will not be allowed within up to 200 meters of active heronries or by delaying activity for up to 120 days, or a combination of both. Exhaust noise from pump jack engines must be muffled or otherwise controlled so as not to exceed 75 db measured at 30 ft. from the source of the noise.

## **VI. CONSTRUCTION**

### **A. NOTIFICATION**

The BLM shall administer compliance and monitor construction of the access road and well pad. Notify the Carlsbad Field Office at (575) 234-6235 at least 3 working days prior to commencing construction of the access road and/or well pad.

When construction operations are being conducted on this well, the operator shall have the approved APD and Conditions of Approval (COA) on the well site and they shall be made available upon request by the Authorized Officer.

### **B. TOPSOIL**

The operator shall stockpile the topsoil in a low profile manner in order to prevent wind/water erosion of the topsoil. The topsoil to be stripped is approximately 5 inches in depth. The topsoil will be used for interim and final reclamation.

### **C. CLOSED LOOP SYSTEM**

Tanks are required for drilling operations: No Pits.

The operator shall properly dispose of drilling contents at an authorized disposal site.

### **D. FEDERAL MINERAL MATERIALS PIT**

Payment shall be made to the BLM prior to removal of any federal mineral materials. Call the Carlsbad Field Office at (575) 234-5972.

### **E. WELL PAD SURFACING**

Surfacing of the well pad is not required.

If the operator elects to surface the well pad, the surfacing material may be required to be removed at the time of reclamation.

The well pad shall be constructed in a manner which creates the smallest possible surface disturbance, consistent with safety and operational needs.

## **F. ON LEASE ACCESS ROADS**

### **Road Width**

The access road shall have a driving surface that creates the smallest possible surface disturbance and does not exceed fourteen (14) feet in width. The maximum width of surface disturbance, when constructing the access road, shall not exceed twenty (20) feet.

### **Surfacing**

Surfacing material is not required on the new access road driving surface. If the operator elects to surface the new access road or pad, the surfacing material may be required to be removed at the time of reclamation.

Where possible, no improvements should be made on the unsurfaced access road other than to remove vegetation as necessary, road irregularities, safety issues, or to fill low areas that may sustain standing water.

The Authorized Officer reserves the right to require surfacing of any portion of the access road at any time deemed necessary. Surfacing may be required in the event the road deteriorates, erodes, road traffic increases, or it is determined to be beneficial for future field development. The surfacing depth and type of material will be determined at the time of notification.

### **Crowning**

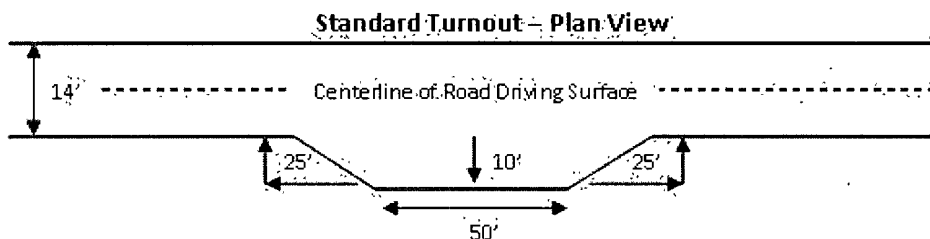
Crowning shall be done on the access road driving surface. The road crown shall have a grade of approximately 2% (i.e., a 1" crown on a 14' wide road). The road shall conform to Figure 1; cross section and plans for typical road construction.

### **Ditching**

Ditching shall be required on both sides of the road.

### **Turnouts**

Vehicle turnouts shall be constructed on the road. Turnouts shall be intervisible with interval spacing distance less than 1000 feet. Turnouts shall be constructed on all blind curves. Turnouts shall conform to the following diagram:

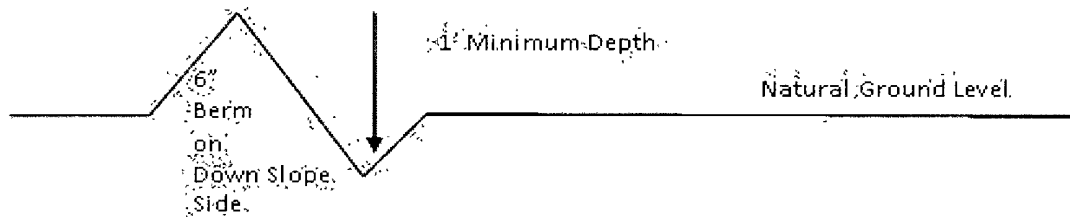


### **Drainage**

Drainage control systems shall be constructed on the entire length of road (e.g. ditches, sidehill outslowing and insloping, lead-off ditches, culvert installation, and low water crossings).

A typical lead-off ditch has a minimum depth of 1 foot below and a berm of 6 inches above natural ground level. The berm shall be on the down-slope side of the lead-off ditch.

#### **Cross Section of a Typical Lead-off Ditch**



All lead-off ditches shall be graded to drain water with a 1 percent minimum to 3 percent maximum ditch slope. The spacing interval are variable for lead-off ditches and shall be determined according to the formula for spacing intervals of lead-off ditches, but may be amended depending upon existing soil types and centerline road slope (in %);

#### **Formula for Spacing Interval of Lead-off Ditches**

Example - On a 4% road slope that is 400 feet long, the water flow shall drain water into a lead-off ditch. Spacing interval shall be determined by the following formula:

$$400 \text{ foot road with } 4\% \text{ road slope: } \frac{400'}{4\%} + 100' = 200' \text{ lead-off ditch interval}$$

#### **Culvert Installations**

Appropriately sized culvert(s) shall be installed at the deep waterway channel flow crossing.

#### **Cattleguards**

An appropriately sized cattleguard(s) sufficient to carry out the project shall be installed and maintained at fence crossing(s).

Any existing cattleguard(s) on the access road shall be repaired or replaced if they are damaged or have deteriorated beyond practical use. The operator shall be responsible for the condition of the existing cattleguard(s) that are in place and are utilized during lease operations.

A gate shall be constructed and fastened securely to H-braces.

#### **Fence Requirement**

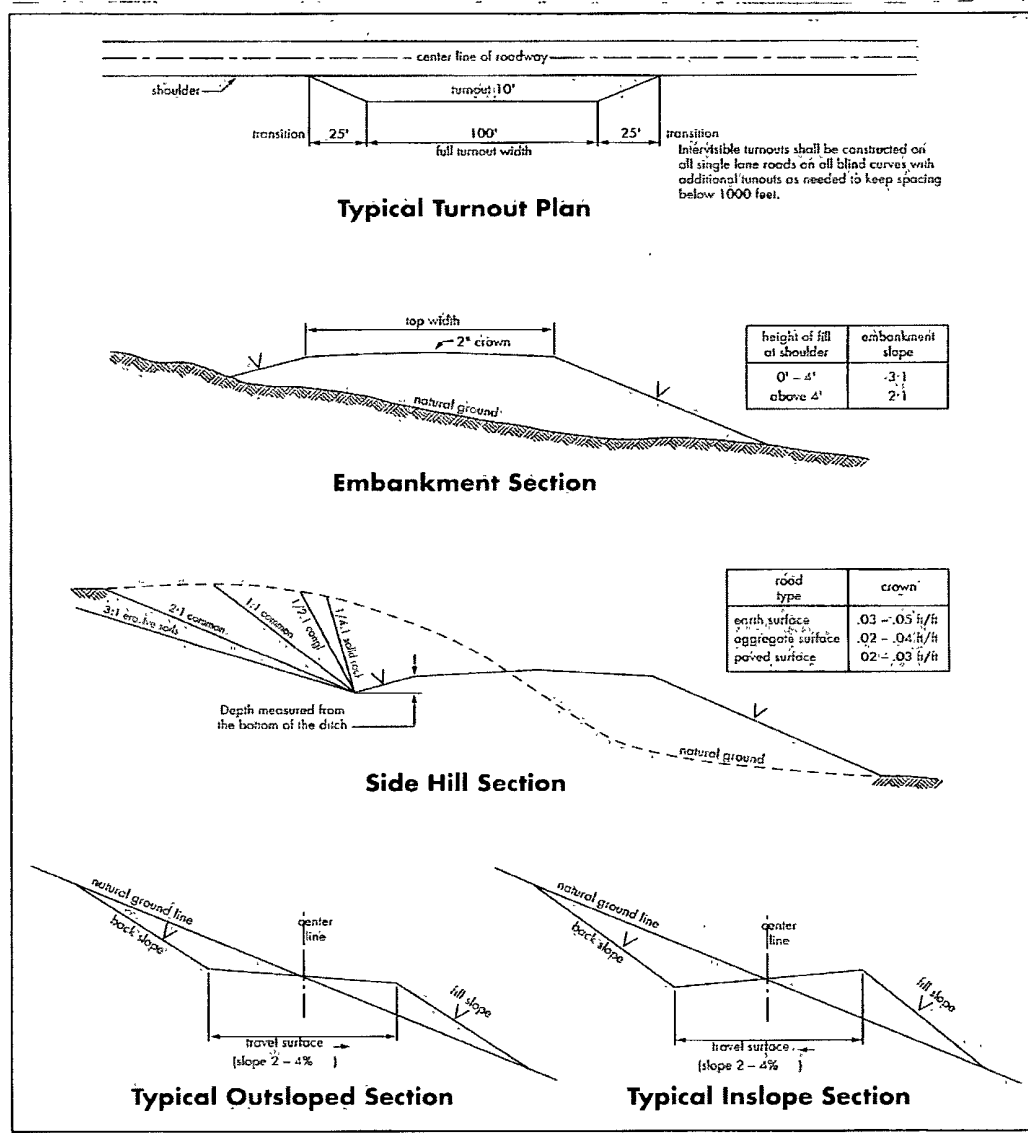
Where entry is required across a fence line, the fence shall be braced and tied off on both sides of the passageway prior to cutting.

The operator shall notify the private surface landowner or the grazing allotment holder prior to crossing any fence(s).

### Public Access

Public access on this road shall not be restricted by the operator without specific written approval granted by the Authorized Officer.

**Figure 1 – Cross Sections and Plans For Typical Road Sections**



## VII. DRILLING

### A. DRILLING OPERATIONS REQUIREMENTS

The BLM is to be notified a minimum of 4 hours in advance for a representative to witness:

- a. Spudding well
- b. Setting and/or Cementing of all casing strings
- c. BOPE tests

☒ **Eddy County**

Call the Carlsbad Field Office, 620 East Greene St., Carlsbad, NM 88220,  
(575) 361-2822

1. **Although there are no measured amounts of Hydrogen Sulfide reported, it is always a potential hazard. If Hydrogen Sulfide is encountered, please provide measured values and formations to the BLM.**
2. Unless the production casing has been run and cemented or the well has been properly plugged, the drilling rig shall not be removed from over the hole without prior approval. **If the drilling rig is removed without approval – an Incident of Non-Compliance will be written and will be a “Major” violation.**
3. Floor controls are required for 3M or Greater systems. These controls will be on the rig floor, unobstructed, readily accessible to the driller and will be operational at all times during drilling and/or completion activities. Rig floor is defined as the area immediately around the rotary table; the area immediately above the substructure on which the draw works are located, this does not include the dog house or stairway area.
4. **The record of the drilling rate along with the GR/N well log run from TD to surface shall be submitted to the BLM office as well as all other logs run on the borehole 30 days from completion. If available, a digital copy of the logs is to be submitted in addition to the paper copies. The Rustler top and top and bottom of Salt are to be recorded on the Completion Report.**

### B. CASING

**Changes to the approved APD casing program need prior approval if the items substituted are of lesser grade or different casing size. The Operator can exchange the components of the proposal with that of superior strength (i.e. changing from J-55 to N-80, or from 36# to 40#). Changes to the approved cement program need prior approval if the altered cement plan has less volume or strength or if the changes are substantial (i.e. Multistage tool, ECP, etc.).**

**Centralizers required on surface casing per Onshore Order 2.III.B.1.f.**

**Wait on cement (WOC) time prior to drilling out for a primary cement job will be a minimum 18 hours for a water basin, 24 hours in the potash area, or 500 pounds compressive strength, whichever is greater for all casing strings. DURING THIS WOC TIME, NO DRILL PIPE, ETC. SHALL BE RUN IN THE HOLE. Provide compressive strengths including hours to reach required 500 pounds compressive strength prior to cementing each casing string. See individual casing strings for details regarding lead cement slurry requirements.**

**No pea gravel permitted for remedial or fall back remedial without prior authorization from the BLM engineer.**

**Medium Cave/Karst**

**Possible lost circulation in Redbeds and evaporates to the base of the Castile group; and in the Delaware and Bone Spring groups.**

1. The **13-3/8** inch surface casing shall be set at approximately **950** feet (a minimum of 25 feet into the Rustler Anhydrite and above the salt) and cemented to the surface.
  - a. If cement does not circulate to the surface, the appropriate BLM office shall be notified and a temperature survey utilizing an electronic type temperature survey with surface log readout will be used or a cement bond log shall be run to verify the top of the cement. Temperature survey will be run a minimum of six hours after pumping cement and ideally between 8-10 hours after completing the cement job.
  - b. **Wait on cement (WOC) time for a primary cement job is to include the lead cement slurry.**
  - c. Wait on cement (WOC) time for a remedial job will be a minimum of 4 hours after bringing cement to surface or 500 pounds compressive strength, whichever is greater.
  - d. If cement falls back, remedial cementing will be done prior to drilling out that string.

**If 75% or greater lost circulation occurs while drilling the intermediate casing hole, the cement on the production casing must come to surface.**

2. The minimum required fill of cement behind the **9-5/8** inch intermediate casing is:

- ☒ Cement to surface. If cement does not circulate see B.1.a, c-d above.  
**Wait on cement (WOC) time for a primary cement job is to include the lead cement slurry due to cave/karst.**

3. The minimum required fill of cement behind the **5-1/2** inch production casing is:
  - a. First stage to DV tool, cement shall:
    - ☒ Cement to circulate. If cement does not circulate, contact the appropriate BLM office before proceeding with second stage cement job. Operator should have plans as to how they will achieve circulation on the next stage.
  - b. Second stage above DV tool, cement shall:
    - ☒ Cement should tie-back at least 200 feet into previous casing string. Operator shall provide method of verification. **Additional cement may be required – excess calculates to 21 %.**
4. If hardband drill pipe is rotated inside casing, returns will be monitored for metal. If metal is found in samples, drill pipe will be pulled and rubber protectors which have a larger diameter than the tool joints of the drill pipe will be installed prior to continuing drilling operations.

#### **C. PRESSURE CONTROL**

1. All blowout preventer (BOP) and related equipment (BOPE) shall comply with well control requirements as described in Onshore Oil and Gas Order No. 2 and API RP 53 Sec. 17.
2. Minimum working pressure of the blowout preventer (BOP) and related equipment (BOPE) required for drilling below the surface casing shoe shall be **3000 (3M)** psi.
3. The appropriate BLM office shall be notified a minimum of 4 hours in advance for a representative to witness the tests.
  - a. In a water basin, for all casing strings utilizing slips, these are to be set as soon as the crew and rig are ready and any fallback cement remediation has been done. The casing cut-off and BOP installation can be initiated four hours after installing the slips, which will be approximately six hours after bumping the plug. For those casing strings not using slips, the minimum wait time before cut-off is eight hours after bumping the plug. BOP/BOPE testing can begin after cut-off or once cement reaches 500 psi compressive strength (including lead when specified), whichever is greater. However, if the float does not hold, cut-off cannot be initiated until cement reaches 500 psi compressive strength (including lead when specified).
  - b. The tests shall be done by an independent service company utilizing a test plug **not a cup or J-packer.**

- c. The results of the test shall be reported to the appropriate BLM office.
- d. All tests are required to be recorded on a calibrated test chart. **A copy of the BOP/BOPE test chart and a copy of independent service company test will be submitted to the appropriate BLM office.**
- e. The BOP/BOPE test shall include a low pressure test from 250 to 300 psi. The test will be held for a minimum of 10 minutes if test is done with a test plug and 30 minutes without a test plug.

#### **D. DRILL STEM TEST**

If drill stem tests are performed, Onshore Order 2.III.D shall be followed.

#### **E. WASTE MATERIAL AND FLUIDS**

All waste (i.e. drilling fluids, trash, salts, chemicals, sewage, gray water, etc.) created as a result of drilling operations and completion operations shall be safely contained and disposed of properly at a waste disposal facility. No waste material or fluid shall be disposed of on the well location or surrounding area.

Porto-johns and trash containers will be on-location during fracturing operations or any other crew-intensive operations.

**CRW 020712**

## **VIII. PRODUCTION (POST DRILLING)**

### **A. WELL STRUCTURES & FACILITIES**

#### **Placement of Production Facilities**

Production facilities should be placed on the well pad to allow for maximum interim recontouring and revegetation of the well location.

#### **Containment Structures**

The containment structure shall be constructed to hold the capacity of the entire contents of the largest tank, plus 24 hour production, unless more stringent protective requirements are deemed necessary by the Authorized Officer.

#### **Painting Requirement**

All above-ground structures including meter housing that are not subject to safety requirements shall be painted a flat non-reflective paint color  
Shale Green, Munsell Soil Color Chart # 5Y 4/2

### **STANDARD STIPULATIONS FOR SURFACE INSTALLED PIPELINES**

**A copy of the grant and attachments, including stipulations, survey plat and/or map, will be on location during construction. BLM personnel may request to you a copy of your permit during construction to ensure compliance with all stipulations.**

Holder agrees to comply with the following stipulations to the satisfaction of the Authorized Officer:

1. The holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this grant.
2. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder shall comply with the Toxic Substances Control Act of 1976 as amended, 15 USC 2601 et seq. (1982) with regards 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, section 102b. A copy of any report required or requested by any Federal agency or State government as a result 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 or State government.

3. The holder 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 the Right-of-Way (unless the release or threatened release is wholly unrelated to activity of the Right-of-Way holder's activity on the Right-of-Way), or resulting from the activity of the Right-of-Way holder on the Right-of-Way. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.

4. The holder shall be liable for damage or injury to the United States to the extent provided by 43 CFR Sec. 2883.1-4. The holder shall be held to a standard of strict liability for damage or injury to the United States resulting from pipe rupture, fire, or spills caused or substantially aggravated by any of the following within the right-of-way or permit area:

a. Activities of the holder including, but not limited to construction, operation, maintenance, and termination of the facility.

b. Activities of other parties including, but not limited to:

- (1) Land clearing.
- (2) Earth-disturbing and earth-moving work.
- (3) Blasting.
- (4) Vandalism and sabotage.

c. Acts of God.

The maximum limitation for such strict liability damages shall not exceed one million dollars (\$1,000,000) for any one event, and any liability in excess of such amount shall be determined by the ordinary rules of negligence of the jurisdiction in which the damage or injury occurred.

This section shall not impose strict liability for damage or injury resulting primarily from an act of war or from the negligent acts or omissions of the United States.

5. If, during any phase of the construction, operation, maintenance, or termination of the pipeline, any oil, salt water, or other pollutant should be discharged from the pipeline system, impacting Federal lands, the control and total removal, disposal, and cleaning up of such oil, salt water, or other pollutant, wherever found, shall be the responsibility of the holder, regardless of fault. Upon failure of the holder to control, dispose of, or clean up such discharge on or affecting Federal lands, or to repair all damages resulting therefrom, on the Federal lands, the Authorized Officer may take such measures as he deems necessary to control and clean up the discharge and restore the area, including, where appropriate, the aquatic environment and fish and wildlife habitats, at the full

expense of the holder. Such action by the Authorized Officer shall not relieve the holder of any responsibility as provided herein.

6. All construction and maintenance activity will be confined to the authorized right-of-way width of 25 feet.

6. (a) Where a polyline is laid along a County Road, the operator will lay that polyline ten (10) feet out from the center of the ditch to prevent obstructing County Maintenance activities.

7. No blading or clearing of any vegetation will be allowed unless approved in writing by the Authorized Officer.

8. The holder shall install the pipeline on the surface in such a manner that will minimize suspension of the pipeline across low areas in the terrain. In hummocky or dune areas, the pipeline will be "snaked" around hummocks and dunes rather than suspended across these features.

9. The pipeline shall be buried with a minimum of 24 inches under all roads, "two-tracks," and trails. Burial of the pipe will continue for 20 feet on each side of each crossing. The condition of the road, upon completion of construction, shall be returned to at least its former state with no bumps or dips remaining in the road surface.

10. The holder shall minimize disturbance to existing fences and other improvements on public lands. The holder is required to promptly repair improvements to at least their former state. Functional use of these improvements will be maintained at all times. The holder will contact the owner of any improvements prior to disturbing them. When necessary to pass through a fence line, the fence shall be braced on both sides of the passageway prior to cutting of the fence. No permanent gates will be allowed unless approved by the Authorized Officer.

11. In those areas where erosion control structures are required to stabilize soil conditions, the holder will install such structures as are suitable for the specific soil conditions being encountered and which are in accordance with sound resource management practices.

12. Excluding the pipe, all above-ground structures not subject to safety requirement shall be painted by the holder to blend with the natural color of the landscape. The paint used shall be a color which simulates "Standard Environmental Colors" – **Shale Green**, Munsell Soil Color No. 5Y 4/2; designated by the Rocky Mountain Five State Interagency Committee.

13. The pipeline will be identified by signs at the point of origin and completion of the right-of-way and at all road crossings. At a minimum, signs will state the holder's name, BLM serial number, and the product being transported. Signs will be maintained in a

legible condition for the life of the pipeline.

14. The holder shall not use the pipeline route as a road for purposes other than routine maintenance as determined necessary by the Authorized Officer in consultation with the holder. The holder will take whatever steps are necessary to ensure that the pipeline route is not used as a roadway.

15. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.

16. The operator shall be held responsible if noxious weeds become established within the areas of operations. Weed control shall be required on the disturbed land where noxious weeds exist, which includes the roads, powerline corridor, and adjacent land affected by the establishment of weeds due to this action. The operator shall consult with the Authorized Officer for acceptable weed control methods, which include following EPA and BLM requirements and policies.

## **IX. INTERIM RECLAMATION**

During the life of the development, all disturbed areas not needed for active support of production operations should undergo interim reclamation in order to minimize the environmental impacts of development on other resources and uses.

Within six (6) months of well completion, operators should work with BLM surface management specialists (Jim Amos: 575-234-5909) to devise the best strategies to reduce the size of the location. Interim reclamation should allow for remedial well operations, as well as safe and efficient removal of oil and gas.

During reclamation, the removal of caliche is important to increasing the success of revegetating the site. Removed caliche that is free of contaminants may be used for road repairs, fire walls or for building other roads and locations. In order to operate the well or complete workover operations, it may be necessary to drive, park and operate on restored interim vegetation within the previously disturbed area. Disturbing revegetated areas for production or workover operations will be allowed. If there is significant disturbance and loss of vegetation, the area will need to be revegetated. Communicate with the appropriate BLM office for any exceptions/exemptions if needed.

All disturbed areas after they have been satisfactorily prepared need to be reseeded with the seed mixture provided below.

Upon completion of interim reclamation, the operator shall submit a Sundry Notices and Reports on Wells, Subsequent Report of Reclamation (Form 3160-5).

## **X. FINAL ABANDONMENT & RECLAMATION**

At final abandonment, well locations, production facilities, and access roads must undergo "final" reclamation so that the character and productivity of the land are restored.

Earthwork for final reclamation must be completed within six (6) months of well plugging. All pads, pits, facility locations and roads must be reclaimed to a satisfactory revegetated, safe, and stable condition, unless an agreement is made with the landowner or BLM to keep the road and/or pad intact.

After all disturbed areas have been satisfactorily prepared, these areas need to be revegetated with the seed mixture provided below. Seeding should be accomplished by drilling on the contour whenever practical or by other approved methods. Seeding may need to be repeated until revegetation is successful, as determined by the BLM.

Operators shall contact a BLM surface protection specialist prior to surface abandonment operations for site specific objectives (Jim Amos: 575-234-5909).

### **Seed Mixture 1, for Loamy Sites**

The holder shall seed all disturbed areas with the seed mixture listed below. The seed mixture shall be planted in the amounts specified in pounds of pure live seed (PLS)\* per acre. There shall be no primary or secondary noxious weeds in the seed mixture. Seed will be tested and the viability testing of seed will be done in accordance with State law(s) and within nine (9) months prior to purchase. Commercial seed will be either certified or registered seed. The seed container will be tagged in accordance with State law(s) and available for inspection by the authorized officer.

Seed will be planted using a drill equipped with a depth regulator to ensure proper depth regulator to ensure proper depth of planting where drilling is possible. The seed mixture will be evenly and uniformly planted over the disturbed area (small/heavier seeds have a tendency to drop the bottom of the drill and are planted first). The holder shall take appropriate measures to ensure this does not occur. Where drilling is not possible, seed will be broadcast and the area shall be raked or chained to cover the seed. When broadcasting the seed, the pounds per acre are to be doubled. The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer. Evaluation of growth will not be made before completion of at least one full growing season after seeding.

Species to be planted in pounds of pure live seed\* per acre:

Species

lb/acre

|                                                   |     |
|---------------------------------------------------|-----|
| Plains lovegrass ( <i>Eragrostis intermedia</i> ) | 0.5 |
| Sand dropseed ( <i>Sporobolus cryptandrus</i> )   | 1.0 |
| Sideoats grama ( <i>Bouteloua curtipendula</i> )  | 5.0 |

\*Pounds of pure live seed:

Pounds of seed x percent purity x percent germination = pounds pure live seed