

STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION DIVISION

CASE NO: 14472

EXHIBIT

2

ROW Processing Fee Category Determination Decision For FLPMA and MLA Rights-of-Way

Application Serial Number: Serial number will be assigned upon receipt of completed application
 Applicant: COG Operating LLC
 Address: PO Box 4463, Midland, TX 79701
 Agent: Ty Orr
 Address: _____
 Application for: SWD Site Skelly Federal 28 SWD #1
 Location: T17S R31E sec 28 RMPA-HEA, LPC, Shinnery Oak

Pre-Application Meeting Held: No Yes
 Date: _____
 Land Use Plan Conformed? No Yes

Estimated Processing Requirements:
 Type of ROW: FLPMA
 NEPA Action Required: _____

Personnel Needed for Processing

Realty Specialist/ Land Law Examiner	12
Cultural/Paleontological Resources	4
T and E Species	0
Wildlife/Fisheries	4
Air/Water/Soils	0
Recreation/Visual	0
Cave/Karst	0
Range	0
Fluids/Minerals	0
Administration/Contracting Manager	1 1
Other _____	0
Other _____	0
Total Hours:	22

Processing Fee Schedule for FLPMA and MLA Rights-of-Way

Processing and Monitoring Category	Federal Work Hours Involved	Processing and Monitoring fee per application as of January 1, 2010. To be adjusted annually for changes in the IPD-GDP.
1. Applications for new grants, assignments, renewals, and amendments to existing grants.	Estimated Federal work hours are >1 <=8.	\$111.00
2. Applications for new grants, assignments, renewals, and amendments to existing grants.	Estimated Federal work hours are >8 <=24.	\$392.00
3. Applications for new grants, assignments, renewals, and amendments to existing grants.	Estimated Federal work hours are >24 <=36.	\$738.00
4. Applications for new grants, assignments, renewals, and amendments to existing grants.	Estimated Federal work hours are >36 <=50.	\$1,057.00
5. Master agreements	Varies.	
6. Applications for new grants, assignments, renewals, and amendments to existing grants.	Estimated Federal work hours are >50.	

The appropriate Processing Category for this application is Category 2. The Processing fee for this Category is \$392.00. Processing fees for Categories 1-4 are non-refundable. See enclosed table for Category definitions and fee schedule.

Prepared By:	<u>Cisneros, Tessa</u>	<u>5/4/2010</u>
	Realty Specialist	Date
Approved By:	<u>Lofton, Owen</u>	<u>5/4/2010</u>
	Authorized Officer	Date

Appeal Information

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Enclosure
BLM Form 1842-1