

OCD Artesia

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT

FORM APPROVED OMB NO. 1004-0135 Expires: July 31, 2010

SUNDRY NOTICES AND REPORTS ON WELLS Do not use this form for proposals to drill or to re-enter an abandoned well. Use form 3160-3 (APD) for such proposals.

SUBMIT IN TRIPLICATE - Other instructions on reverse side.

1. Type of Well [X] Oil Well [ ] Gas Well [ ] Other
2. Name of Operator BOPCO LP Contact: CASEY SOWERS E-Mail: casey\_sowers@ymail.com
3a. Address P.O BOX 2760 MIDLAND, TX 79702
3b. Phone No. (include area code) Ph: 575-706-1534
4. Location of Well (Footage, Sec., T., R., M., or Survey Description) Sec 5 T20S R31E Lot 2 0660FNL 2220FEL 32.362767' N Lat, 103.531527' W Lon
5. Lease Serial No. NMLC068408
6. If Indian, Allottee or Tribe Name
7. If Unit or CA/Agreement, Name and/or No. 891000326X
8. Well Name and No. BIG EDDY UNIT, DI4 264H
9. API Well No. 30-015-42478-00-X1
10. Field and Pool, or Exploratory WILLIAMS SINK
11. County or Parish, and State EDDY COUNTY, NM

12. CHECK APPROPRIATE BOX(ES) TO INDICATE NATURE OF NOTICE, REPORT, OR OTHER DATA

Table with 2 columns: TYPE OF SUBMISSION and TYPE OF ACTION. Includes checkboxes for Notice of Intent, Subsequent Report, Final Abandonment Notice, Acidize, Deepen, Production (Start/Resume), Water Shut-Off, etc.

13. Describe Proposed or Completed Operation (clearly state all pertinent details, including estimated starting date of any proposed work and approximate duration thereof. If the proposal is to deepen directionally or recompleat horizontally, give subsurface locations and measured and true vertical depths of all pertinent markers and zones. Attach the Bond under which the work will be performed or provide the Bond No. on file with BLM/BIA. Required subsequent reports shall be filed within 30 days following completion of the involved operations. If the operation results in a multiple completion or recompleat in a new interval, a Form 3160-4 shall be filed once testing has been completed. Final Abandonment Notices shall be filed only after all requirements, including reclamatiion, have been completed, and the operator has determined that the site is ready for final inspection.)

BOPCO LP respectfully requests approval for construction of a 12-inch buried poly Salt Water Disposal pipeline to connect the Big Eddy Unit DI4-#264H location in section 5, T. 20S., R. 31E., NMPM to an existing Salt Water disposal pipeline in section 4, T. 20S., R. 31E., NMPM.

The line will utilize existing disturbance as much as possible. There will be several wells drilled from this location and the line is being placed and constructed to accommodate construction standards.

The line will be 3,260.50 feet in length and 30' in width for a total disturbance 2.246 acres.

Accepted for record NMOC D 11-12-14

NM OIL CONSERVATION ARTESIA DISTRICT

NOV 10 2014

RECEIVED

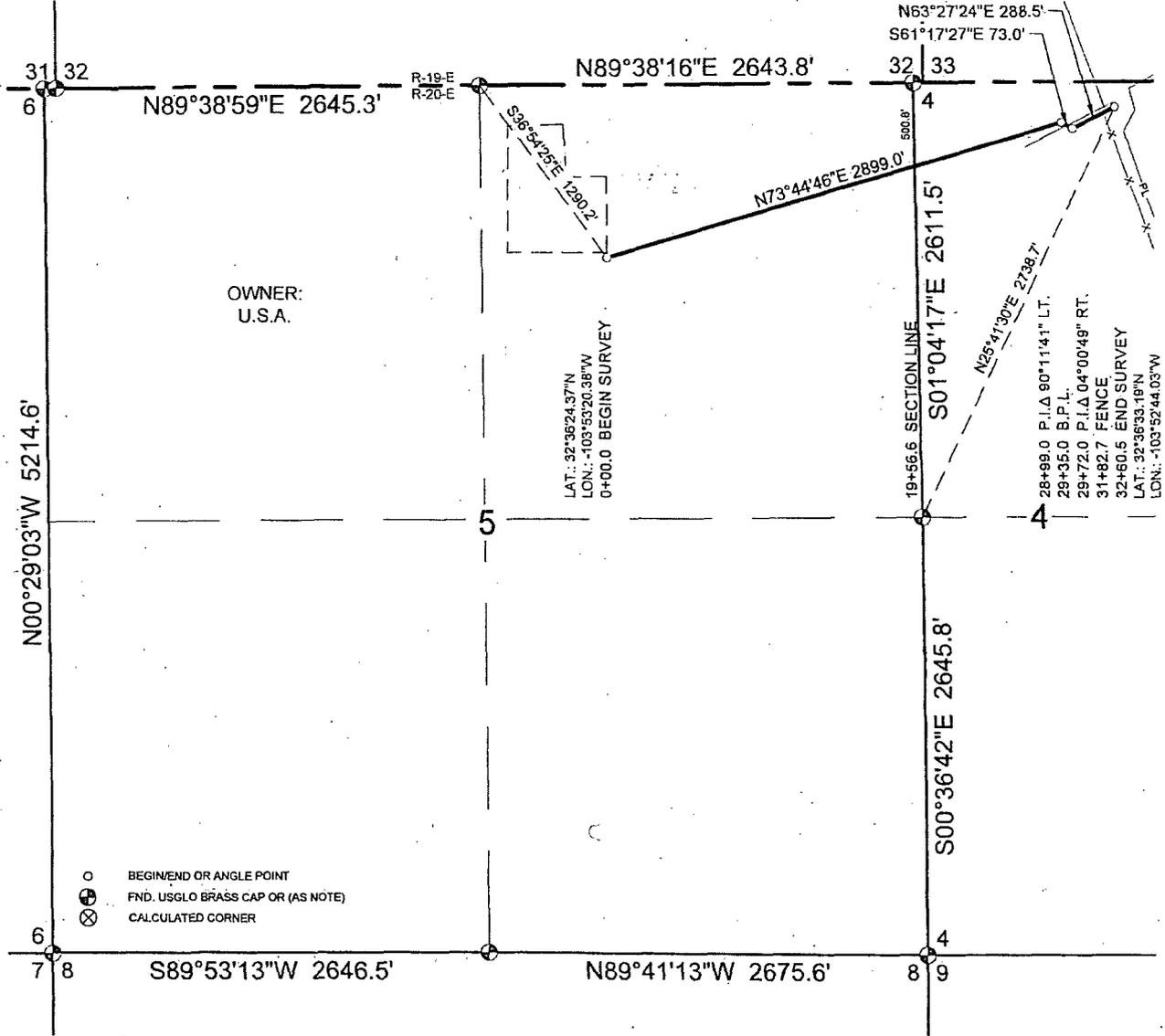
14. I hereby certify that the foregoing is true and correct. Electronic Submission #262151 verified by the BLM Well Information System For BOPCO LP, sent to the Carlsbad Committed to AFMSS for processing by DUNCAN WHITLOCK on 10/02/2014 (15DW0004SE) Name (Printed/Typed) LORENZO CHACON Title PRODUCTION FOREMAN Signature (Electronic Submission) Date 09/09/2014

THIS SPACE FOR FEDERAL OR STATE OFFICE USE

Approved By [Signature] Title FIELD MANAGER Date 10-29-14 Conditions of approval, if any, are attached. Approval of this notice 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. Office CARLSBAD FIELD OFFICE

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.

SECTIONS 4 & 5 TOWNSHIP 20 SOUTH, RANGE 31 EAST, N.M.P.M., EDDY CO., NM.

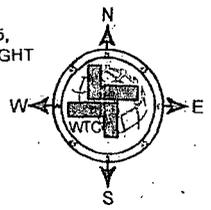


OWNER:  
U.S.A.

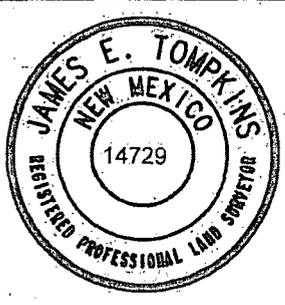
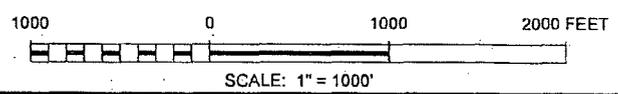
- BEGIN/END OR ANGLE POINT
- ⊕ FND. USGLO BRASS CAP OR (AS NOTE)
- ⊗ CALCULATED CORNER

DESCRIPTION

A STRIP OF LAND 30 FEET IN WIDTH AND 3260.5 FEET, 0.62 MILE OR 197.61 RODS IN LENGTH, SITUATED IN SECTIONS 4 & 5, TOWNSHIP 20 SOUTH, RANGE 31 EAST, N.M.P.M., EDDY COUNTY, NEW MEXICO, AND BEING 15 FEET LEFT AND 15 FEET RIGHT OF THE SURVEY OF CENTERLINE AS SHOWN HEREON.  
SECTION 4= 1303.9 FEET, 0.25 MILE, 79.02 RODS  
SECTION 5= 1956.6 FEET, 0.37 MILE, 118.58 RODS



NOTE:  
1. BASIS OF BEARING IS A TRANSVERSE MERCATOR PROJECTION OF THE NEW MEXICO STATE PLANE COORDINATE SYSTEM, EAST ZONE, NAD 83, AND DISTANCES ARE OF GRID VALUE.



I, JAMES E. TOMPKINS, NEW MEXICO PROFESSIONAL SURVEYOR NO. 14729, DO HEREBY CERTIFY THAT THIS PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

*James E. Tompkins*  
JAMES E. TOMPKINS, N.M. P.L.S. No. 14729  
08/18/2014  
SURVEY DATE: 08/03/2014 DRAFT: FH  
JOB NO.: WTC50102 SHEET: 01 OF 01

**BOPCO, L.P.**

A PROPOSED PIPELINE IN SECS 4 & 5, T20S, R31E, N.M.P.M., EDDY COUNTY, NEW MEXICO

**WTC, INC.**  
405 S.W. 1st Street  
Andrews, TX 79714  
(432) 523-2181

PLAT: 50103-BOPCO RE-ROUTE PROPOSED PIPELINE FROM DHA TO EXISTING ROW/DWG. MODEL TAB: SEC 4 & 5 TAB 101

Form 3160-5  
(August 2007)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

**SUNDRY NOTICES AND REPORTS ON WELLS**

Do not use this form for proposals to drill or to re-enter an abandoned well.  
Use Form 3160-3 (APD) for such proposals.

**Bold\*** fields are required.

| Section 1 - Completed by Operator  |   |
|--|---|
| <b>1. BLM Office*</b><br>Carlsbad, NM  | <b>2. Well Type*</b><br>OIL                       |
| <b>3. Submission Type*</b><br><input checked="" type="radio"/> Notice of Intent<br><input type="radio"/> Subsequent Report | <b>4. Action*</b><br>New Construction             |
| Operating Company Information  |   |
| <b>5. Company Name*</b><br>BOPCO LP  |   |
| <b>6. Address*</b><br>522 W MERMOD #704<br><br>CARLSBAD NM 88220   | <b>7. Phone Number*</b><br>575-887-7329           |
| Administrative Contact Information   |   |
| <b>8. Contact Name*</b><br>CASEY _ SOWERS  | <b>9. Title*</b><br>PRODUCTION FOREMAN/REGULATORY |
| <b>10. Address*</b><br>522 W MERMOD #704<br><br>CARLSBAD NM 88220  | <b>11. Phone Number*</b><br>575-887-7329 _        |
|  | <b>12. Mobile Number</b><br>575-499-4946          |
| <b>13. E-mail*</b><br>csowers@basspet.com  | <b>14. Fax Number</b><br>575-887-7473             |
| Technical Contact Information  |   |
| <input type="checkbox"/> Check here if Technical Contact is the same as Administrative Contact.                            |   |
| <b>15. Contact Name*</b><br>LORENZO _ CHACON   | <b>16. Title*</b><br>PRODUCTION FOREMAN           |
| <b>17. Address*</b><br>522 W MERMOD #704<br><br>CARLSBAD NM 88220  | <b>18. Phone Number*</b><br>575-887-7329 _        |
|  | <b>19. Mobile Number</b><br>432-238-9351          |

|   |                                       |
|---|---------------------------------------|
| <b>20. E-mail*</b><br>lchacon@basspet.com | <b>21. Fax Number</b><br>575-887-7473 |
|---|---------------------------------------|

**Lease and Agreement**

|  |  |
|--|--|
| <b>22. Lease Serial Number*</b><br>NMLC068408                        |  |
| <b>24. If Unit or CA/Agreement, Name and/or Number</b><br>NMNM68294X | <b>25. Field and Pool, or Exploratory Area*</b><br>GATUNA CANYON |

**County and State for Well**

|  |
|--|
| <b>26. County or Parish, State*</b><br>EDDY NM |
|--|

**Associated Well Information**

**27. Specify well using one of the following methods:**  
 a) Well Name, Well Number, API Number, Section, Township, Range, Qtr/Qtr, N/S Footage, E/W Footage  
 b) Well Name, Well Number, API Number, Latitude, Longitude, Metes & Bounds description

|                                    |                                   |                            |
|------------------------------------|-----------------------------------|----------------------------|
| <b>Well Name*</b><br>BIG EDDY UNIT | <b>Well Number*</b><br>DI 4 #264H | API Number<br>30-015-42478 |
| Section<br>5                       | Township<br>20S                   | Range<br>31E               |
| Meridian<br>NEW MEXICO PRINCIPAL   |                                   |                            |
| Qtr/Qtr<br>—                       | N/S Footage<br>660 FNL            | E/W Footage<br>2220 FEL    |
| Latitude<br>—                      | Longitude<br>—                    | Metes and Bounds           |

**28. Describe Proposed or Completed Operation**  
 Clearly state all pertinent details, including estimated starting date of any proposed work and approximate duration thereof. If the proposal is to deepen directionally or recomplate horizontally, give subsurface locations and measured and true vertical depths of all markers and zones. Attach the Bond under which the work will be performed or provide the Bond Number on file pertinent with BLM/BIA. Required subsequent reports shall be filed within 30 days following completion of the involved operations. If the operation results in a multiple completion or recompletion in a new interval, a Form 3160-4 shall be filed once testing has been completed. Final Abandonment Notices shall be filed only after all requirements, including reclamation, have been completed, and the operator has determined that the site is ready for final inspection.

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|  |  |
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I hereby certify that the foregoing is true and correct.

|  |   |
|--|---|
| <b>29. Name*</b><br>CASEY_SOWERS   | <b>30. Title</b><br>PRODUCTION FOREMAN/REGULATORY   |
| <b>31. Date*</b> (MM/DD/YYYY)<br>09/09/2014 <input type="text" value="Today"/> | <b>32. Signature*</b><br><i>You have the ability to sign this form only if a SmartCard or digital certificate has been issued to you.</i> |

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.

| Section 2 - System Receipt Confirmation |                        |                                |
|---|------------------------|--------------------------------|
| 33. Transaction<br>_____                | 34. Date Sent<br>_____ | 35. Processing Office<br>_____ |

| Section 3 - Internal Review #1 Status |                             |                            |
|---------------------------------------|-----------------------------|----------------------------|
| 36. Review Category<br>_____          | 37. Date Completed<br>_____ | 38. Reviewer Name<br>_____ |
| 39. Comments<br><br>                  |                             |                            |

| Section 4 - Internal Review #2 Status |                             |                            |
|---------------------------------------|-----------------------------|----------------------------|
| 40. Review Category<br>_____          | 41. Date Completed<br>_____ | 42. Reviewer Name<br>_____ |
| 43. Comments<br><br>                  |                             |                            |

|  |
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|  |
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| <b>Section 5 - Internal Review #3 Status</b> |                             |                            |
|--|-----------------------------|----------------------------|
| 44. Review Category<br>_____                 | 45. Date Completed<br>_____ | 46. Reviewer Name<br>_____ |
| 47. Comments                                 |                             |                            |

| <b>Section 6 - Internal Review #4 Status</b> |                             |                            |
|--|-----------------------------|----------------------------|
| 48. Review Category<br>_____                 | 49. Date Completed<br>_____ | 50. Reviewer Name<br>_____ |
| 51. Comments                                 |                             |                            |

| <b>Section 7 - Final Approval Status</b> |                             |                            |                             |
|--|-----------------------------|----------------------------|-----------------------------|
| 52. Disposition<br>_____                 | 53. Date Completed<br>_____ | 54. Reviewer Name<br>_____ | 55. Reviewer Title<br>_____ |
| 56. Comments                             |                             |                            |                             |

**GENERAL INSTRUCTIONS**

This form is designed for submitting proposals to perform certain well operations, and reports of such operations when completed, as indicated on Federal and Indian lands pursuant to applicable Federal law and regulations. Any necessary special instructions concerning the use of this form and the number of copies to be submitted, particularly with regard local area, or regional procedures and practices, either are shown below will be issued by, or may be obtained from the local Federal office.

**SPECIFIC INSTRUCTIONS**

*Item 27* - Locations on Federal or Indian land should be described in accordance with Federal requirements. Consult the local Federal office for specific instructions.

*Item 28* - Proposals to abandon a well and subsequent reports of abandonment should include such special information as is required by the local Federal office. In addition, such proposals and reports should include reasons for the abandonment; data on any former or present productive zones, or other zones with present significant fluid contents not sealed off by cement or otherwise; depths (top and bottom) and method of placement of cement plugs; mud or other material placed below, between and above plugs; amount, size, method of parting of any casing, liner or tubing pulled and the depth to top of any left in the hole; method of closing top of well and date well site conditioned for final inspection looking to approval of the abandonment.

**NOTICE**

The Privacy Act of 1974 and the regulation in 43 CFR 2.48(d) provide that you be furnished the following information in connection with information required by this application.

**AUTHORITY: 30 U.S.C. 181 et seq., 351 et seq., 25 U.S.C. 396; 43 CFR 3160.**

**PRINCIPAL PURPOSE:** The information is used to: (1) Evaluate, when appropriate, approve applications, and report completion of subsequent well operations, on a Federal or Indian lease; and (2) document for administrative use, information for the management, disposal and use of National Resource lands and resources, such as: (a) evaluating the equipment and procedures to be used during a proposed subsequent well operation and reviewing the completed well operations for compliance with the approved plan; (b) requesting and granting approval to perform those actions covered by 43 CFR 3162.3-2, 3162.3-3, and 3162.3-4; (c) reporting the beginning or resumption of production, as required by 43 CFR 3162.4-1(c) and (d) analyzing future applications to drill or modify operations in light of data obtained and methods used.

**ROUTINE USES:** Information from the record and/or the record will be transferred to appropriate Federal, State, local or foreign agencies, when relevant to civil, criminal or regulatory investigations or prosecutions in connection with congressional inquiries or to consumer reporting agencies to facilitate collection of debts owed the Government.

**EFFECT OF NOT PROVIDING THE INFORMATION:** Filing of this notice and report and disclosure of the information is mandatory for those subsequent well operations specified in 43 CFR 3162.3-2, 3162.3-3, 3162.3-4.

The Paperwork Reduction Act of 1995 requires us to inform you that:

This information is being collected to evaluate proposed and/or completed subsequent well operations on Federal or Indian oil and gas leases.

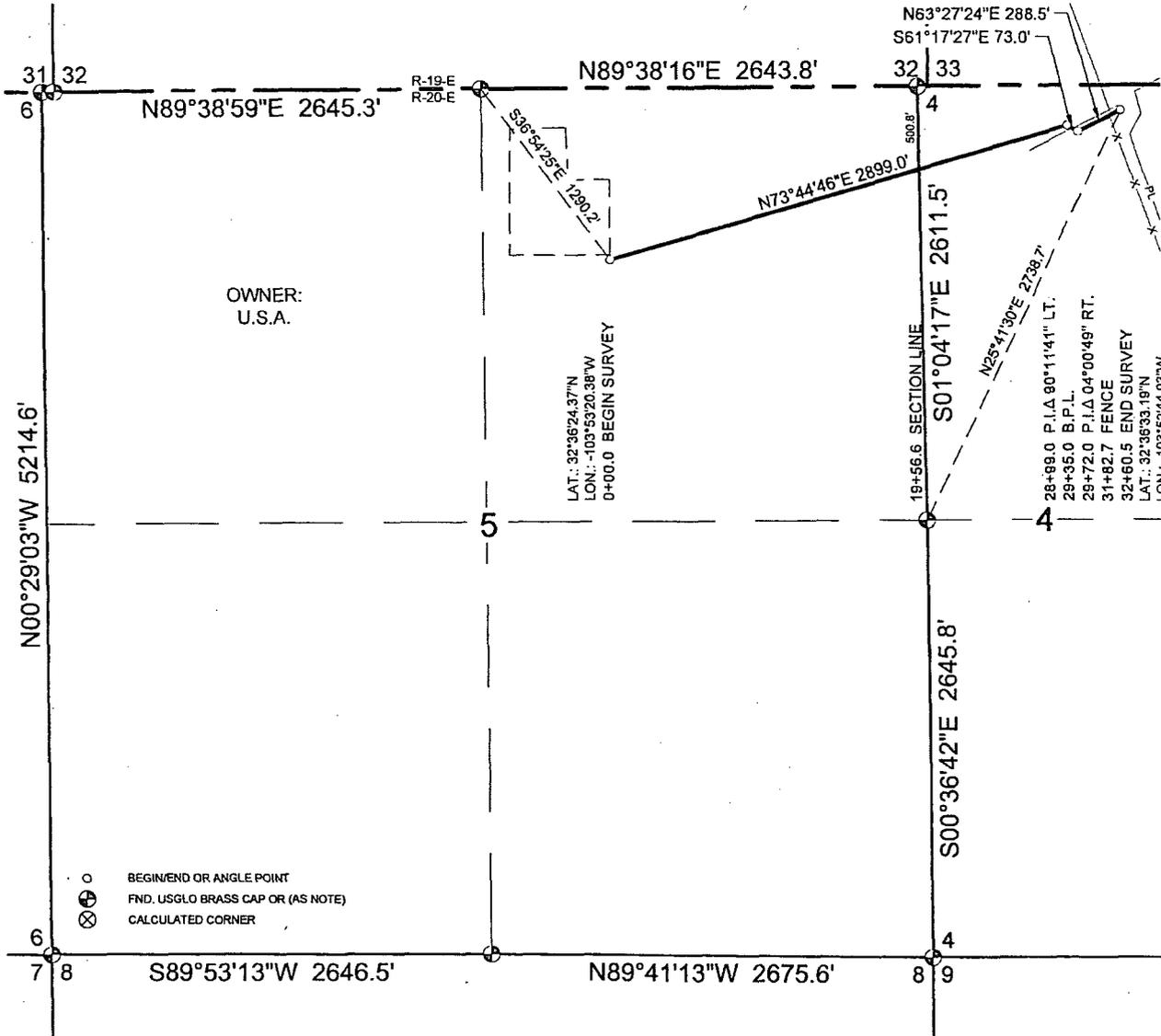
Response to this request is mandatory.

BLM would like you to know that you do not have to respond to this or any other Federal agency-sponsored information collection unless it displays a currently valid OMB control number.

#### **BURDEN HOURS STATEMENT**

Public reporting burden for this form is estimated to average 25 minutes per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to U.S. Department of the Interior, Bureau of Land Management (1004-0135), Bureau Information Collection Clearance Officer, (WO-630), Mail Stop 401 LS, 1849 C St., N.W., LS, Washington D.C. 20240

SECTIONS 4 & 5 TOWNSHIP 20 SOUTH, RANGE 31 EAST, N.M.P.M., EDDY CO., NM.



I, JAMES E. TOMPKINS, NEW MEXICO PROFESSIONAL SURVEYOR NO. 14729, DO HEREBY CERTIFY THAT THIS PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

*James E. Tompkins*  
JAMES E. TOMPKINS, N.M. P.L.S.

08/18/2014

No. 14729

SURVEY DATE: 08/03/2014  
JOB NO.: WTC50102

DRAFT: FH  
SHEET: 01 OF 01

BOPCO, L.P.

A PROPOSED PIPELINE IN SECS 4 & 5, T20S, R31E, N.M.P.M., EDDY COUNTY, NEW MEXICO



WTC, INC.  
405 S.W. 1st Street  
Andrews, TX 79714  
(432) 523-2181

**BLM LEASE NUMBER:** NMLC 068408  
**COMPANY NAME:** BOPCO  
**ASSOCIATED WELL NAME:** Big Eddy Unit D14 264H

### BURIED PIPELINE STIPULATIONS

A copy of the application (Grant, APD, or Sundry Notice) and attachments, including conditions of approval, 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 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. If, during any phase of the construction, operation, maintenance, or termination of the pipeline, any oil 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 or other pollutant, wherever found, shall be the responsibility of holder, regardless of fault. Upon failure of 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 holder of any responsibility as provided herein.

5. All construction and maintenance activity will be confined to the authorized right-of-way.
6. The pipeline will be buried with a minimum cover of 36 inches between the top of the pipe and ground level.
7. The maximum allowable disturbance for construction in this right-of-way will be 30 feet:
  - Blading of vegetation within the right-of-way will be allowed: maximum width of blading operations will not exceed 20 feet. The trench is included in this area. (*Blading is defined as the complete removal of brush and ground vegetation.*)
  - Clearing of brush species within the right-of-way will be allowed: maximum width of clearing operations will not exceed 30 feet. The trench and bladed area are included in this area. (*Clearing is defined as the removal of brush while leaving ground vegetation (grasses, weeds, etc.) intact. Clearing is best accomplished by holding the blade 4 to 6 inches above the ground surface.*)
  - The remaining area of the right-of-way (if any) shall only be disturbed by compressing the vegetation. (*Compressing can be caused by vehicle tires, placement of equipment, etc.*)
8. The holder shall stockpile an adequate amount of topsoil where blading is allowed. The topsoil to be stripped is approximately 6 inches in depth. The topsoil will be segregated from other spoil piles from trench construction. The topsoil will be evenly distributed over the bladed area for the preparation of seeding.
9. 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.
10. Vegetation, soil, and rocks left as a result of construction or maintenance activity will be randomly scattered on this right-of-way and will not be left in rows, piles, or berms, unless otherwise approved by the Authorized Officer. The entire right-of-way shall be recontoured to match the surrounding landscape. The backfilled soil shall be compacted and a 6 inch berm will be left over the ditch line to allow for settling back to grade.
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. The holder will reseed all disturbed areas. Seeding will be done according to the attached seeding requirements, using the following seed mix.

- |  |  |
|--|--|
| <input type="checkbox"/> seed mixture 1            | <input type="checkbox"/> seed mixture 3          |
| <input checked="" type="checkbox"/> seed mixture 2 | <input type="checkbox"/> seed mixture 4          |
| <input type="checkbox"/> seed mixture 2/LPC        | <input type="checkbox"/> Aplomado Falcon Mixture |

13. All above-ground structures not subject to safety requirements shall be painted by the holder to blend with the natural color of the landscape. The paint used shall be color which simulates "Standard Environmental Colors" – **Shale Green**, Munsell Soil Color No. 5Y 4/2.

14. 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. All signs and information thereon will be posted in a permanent, conspicuous manner, and will be maintained in a legible condition for the life of the pipeline.

15. 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 before maintenance begins. The holder will take whatever steps are necessary to ensure that the pipeline route is not used as a roadway. As determined necessary during the life of the pipeline, the Authorized Officer may ask the holder to construct temporary deterrence structures.

16. Any cultural and/or paleontological resources (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 actions to prevent the loss of significant 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.

17. 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 associated roads, 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.

18. Escape Ramps - The operator will construct and maintain pipeline/utility trenches that are not otherwise fenced, screened, or netted to prevent livestock, wildlife, and humans from becoming entrapped. At a minimum, the operator will construct and maintain escape ramps, ladders, or other methods of avian and terrestrial wildlife escape in the trenches according to the following criteria:

- a. Any trench left open for eight (8) hours or less is not required to have escape ramps; however, before the trench is backfilled, the contractor/operator shall inspect the trench for wildlife, remove all trapped wildlife, and release them at least 100 yards from the trench.
- b. For trenches left open for eight (8) hours or more, earthen escape ramps (built at no more than a 30 degree slope and spaced no more than 500 feet apart) shall be placed in the trench.

19. Special Stipulations:

**Lesser Prairie-Chicken**

Oil and gas activities will not be allowed in lesser prairie-chicken habitat during the period from March 1st through June 15th annually. During that period, other activities that produce noise or involve human activity, such as the maintenance of oil and gas facilities, geophysical exploration

other than 3-D operations, and pipeline, road, and well pad construction, will be allowed except between 3:00 am and 9:00 am. The 3:00 am to 9:00 am restriction will not apply to normal, around-the-clock operations, such as venting, flaring, or pumping, which do not require a human presence during this period. Normal vehicle use on existing roads will not be restricted. 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.

#### **Dunes Sagebrush Lizard Trenching Monitor Stipulation**

- Pre-construction contact with a BLM wildlife biologist is required 5 days prior to any ground disturbing activities associated with the project occurs.
- Successful completion of the BLM Trench Stipulation Workshop is required for a non-agency person to be approved as a monitor.
- Any trench left open for (8) hours or less is not required to have escape ramps; however, before the trench is backfilled, an agency approved monitor shall walk the entire length of the open trench and remove all trapped vertebrates. The bottom surface of the trench will be disturbed a minimum of 2 inches in order to arouse any buried vertebrates. All vertebrates will be released a minimum of 100 yards from the trench.
- For trenches left open for eight (8) hours or more the following requirements apply:
  - Earthen escape ramps and/or structures (built at no more than a 30 degree slope and spaced no more than 500 feet apart) shall be placed in the trench. Metal structures will not be authorized. Options will be discussed in detail at the required Trench Stipulation Workshop.
  - One approved monitor shall be required to survey up to three miles of trench between the hours of 11 AM-2 PM. A daily report (consolidate if there is more than one monitor) on the vertebrates found and removed from the trench shall be provided to the BLM (email/fax is acceptable) the following morning.
  - Prior to backfilling of the trench all structures used as escape ramps will be removed and the bottom surface of the trench will be disturbed a minimum of 2 inches in order to arouse any buried vertebrates. All vertebrates will be released a minimum of 100 yards from the trench.
- This stipulation shall apply to the entire length of the project in the DSL habitat polygon regardless of land ownership or CCA/CAA enrollment status.

- A project closeout will be required within three business days of the completion of the project.

This authorization is subject to your Certificate of Participation and/or Certificate of Inclusion, under the New Mexico Candidate Conservation Agreement. Because it involves surface disturbing activities covered under your Certificate, your Habitat Conservation Fund Account with the Center of Excellence for Hazardous Materials Management (CEHMM) will be debited according to Exhibit B Part 2 of the Certificate of Participation.