

Authorization ID: COL458
Contact ID: COGCC
Expiration Date: 12/31/2008
Use Code: 422

FS-2700-4 (03/06)
OMB 0596-0082

U.S. DEPARTMENT OF AGRICULTURE
Forest Service
SPECIAL USE PERMIT
AUTHORITY:
ORGANIC ADMINISTRATION ACT June 4, 1897

WB

STATE OF COLORADO, COGCC DEPARTMENT OF NATURAL RESOURCES of 1120 LINCOLN STREET, DENVER, CO 80203 (hereinafter called the Holder) is hereby authorized to use or occupy National Forest System lands, to use subject to the conditions set out below, on the San Juan National Forest.

This permit covers 4 acres, and is described as: SE $\frac{1}{4}$ Section 17, T. 35 N., R. 6 W., SW $\frac{1}{4}$ Sec. 13, T. 35 N., R. 6 W., NW $\frac{1}{4}$ Section 30, T. 34 N., R. 4 W., SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T. 34 N., R. 5 W., SE $\frac{1}{4}$ Section, 14U, T. 34 N., R. 5 W., SW $\frac{1}{4}$ Section 32, T. 34 N., R. 4 W., NEW MEXICO PRINCIPAL MERIDIAN, as shown on the location maps labelled as Exhibits A-1 through A-5, attached to and made a part of this permit, and is issued for the purpose of:

Construction, operation and maintenance of six pressure monitor wells along various points of the Fruitland Formation Outcrop. The monitoring wells will collect water and gas pressure data for baseline purposes and detect potential changes to the system from downdip CBM production over time. Each site consists of a 4' X 4' X 4' structure containing telemetry data loggers, data loggers and solar panels. Additionally, there is a surface expression of the well head consisting of a steel pipe six inches in diameter and four feet in height set in a concrete pad four feet by four feet. A protective locking steel case is set in the concrete to protect the well head. The monitoring wells located in Section 17, T.35 N., R.6 W. also include a two track access route as per Exhibit A-5.

A Construction Plan, described as Exhibit B and labelled as Conditions of Approval, is attached hereto and made a part hereof. The Construction Plan authorizes temporary construction of access routes at the other four wells and a pad 150' X 70' for drilling purposes. Upon completion of the wells these areas will be reclaimed per the Construction Plan.

The above described or defined area shall be referred to herein as the "permit area".

TERMS AND CONDITIONS

I. AUTHORITY AND GENERAL TERMS OF THE PERMIT

A. Authority. This permit is issued pursuant to the authorities enumerated at Title 36, Code of Federal Regulations, Section 251 Subpart B, as amended. This permit, and the activities or use authorized, shall be subject to the terms and conditions of the Secretary's regulations and any subsequent amendment to them.

B. Authorized Officer. The authorized officer is the Forest Supervisor or a delegated subordinate officer.

C. License. This permit is a license for the use of federally owned land and does not grant any permanent, possessory interest in real property, nor shall this permit constitute a contract for purposes of the Contract Disputes Act of 1978 (41 U.S.C. 611). Loss of the privileges granted by this permit by revocation, termination, or suspension is not compensable to the holder.

D. Amendment. This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms, conditions, and stipulations as may be required by law, regulation, land management plans, or other management decisions.

E. Existing Rights. This permit is subject to all valid rights and claims of third parties. The United States is not liable to the holder for the exercise of any such right or claim.

F. Nonexclusive Use and Public Access. Unless expressly provided for in additional terms, use of the permit area is not exclusive. The Forest Service reserves the right to use or allow others to use any part of the permit area, including roads, for any purpose, provided, such use does not materially interfere with the holder's authorized use. A final determination of conflicting uses is reserved to the Forest Service.

G. Forest Service Right of Entry and Inspection. The Forest Service has the right of unrestricted access of the permitted area or facility to ensure compliance with laws, regulations, and ordinances and the terms and conditions of this permit.

H. Assignability. This permit is not assignable or transferable. If the holder through death, voluntary sale or transfer, enforcement of contract, foreclosure, or other valid legal proceeding ceases to be the owner of the improvements, this permit shall terminate.

I. Permit Limitations. Nothing in this permit allows or implies permission to build or maintain any structure or facility, or to conduct any activity unless specifically provided for in this permit. Any use not specifically identified in this permit must be approved by the authorized officer in the form of a new permit or permit amendment.

II. TENURE AND ISSUANCE OF A NEW PERMIT

A. Expiration at the End of the Authorized Period. This permit will expire at midnight on 12/31/2028. Expiration shall occur by operation of law and shall not require notice, any decision document, or any environmental analysis or other documentation.

B. Minimum Use or Occupancy of the Permit Area. Use or occupancy of the permit area shall be exercised at least 365 days each year, unless otherwise authorized in writing under additional terms of this permit.

C. Notification to Authorized Officer. If the holder desires issuance of a new permit after expiration, the holder shall notify the authorized officer in writing not less than six (6) months prior to the expiration date of this permit.

D. Conditions for Issuance of a New Permit. At the expiration or termination of an existing permit, a new permit may be issued to the holder of the previous permit or to a new holder subject to the following conditions:

1. The authorized use is compatible with the land use allocation in the Forest Land and Resource Management Plan.
2. The permit area is being used for the purposes previously authorized.
3. The permit area is being operated and maintained in accordance with the provisions of the permit.
4. The holder has shown previous good faith compliance with the terms and conditions of all prior or other existing permits, and has not engaged in any activity or transaction contrary to Federal contracts, permits laws, or regulations.

E. Discretion of Forest Service. Notwithstanding any provisions of any prior or other permit, the authorized officer may prescribe new terms, conditions, and stipulations when a new permit is issued. The decision whether to issue a new permit to a holder or successor in interest is at the absolute discretion of the Forest Service.

F. Construction. Any construction authorized by this permit may commence by date of execution and shall be completed by December 1, 2009, though no construction may occur during wildlife winter closure period during this time frame. If construction is not completed within the prescribed time, this permit may be revoked or suspended.

III. RESPONSIBILITIES OF THE HOLDER

A. Compliance with Laws, Regulations, and other Legal Requirements. The holder shall comply with all applicable Federal, State, and local laws, regulations, and standards, including but not limited to, the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq., the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S. C. 9601 et seq., and other relevant environmental laws, as well as public health and safety laws and other laws relating to the siting, construction, operation, and maintenance of any facility, improvement, or equipment on the property.

B. Plans. Plans for development, layout, construction, reconstruction, or alteration of improvements on the permit area, as well as revisions of such plans, must be prepared by a qualified individual acceptable to the authorized officer and shall be approved in writing prior to commencement of work. The holder may be required to furnish as-built plans, maps, or surveys, or other similar information, upon completion of construction.

C. Maintenance. The holder shall maintain the improvements and permit area to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer and consistent with other provisions of this authorization. If requested, the holder shall comply with inspection requirements deemed appropriate by the authorized officer.

D. Hazard Analysis. The holder has a continuing responsibility to identify all hazardous conditions on the permit area which would affect the improvements, resources, or pose a risk of injury to individuals. Any non-emergency actions to abate such hazards shall be performed after consultation with the authorized officer. In emergency situations, the holder shall notify the authorized officer of its actions as soon as possible, but not more than 48 hours, after such actions have been taken.

E. Change of Address. The holder shall immediately notify the authorized officer of a change in address.

F. Change in Ownership. This permit is not assignable and terminates upon change of ownership of the improvements or control of the business entity. The holder shall immediately notify the authorized officer when a change in ownership or control of business entity is pending. Notification by the present holder and potential owner shall be executed using Form SF-299 Application for Transportation and Utility Systems and Facilities of Federal Lands, or Form FS-2700-3a, Holder Initiated Revocation of Existing Authorization, Request for a Special Use Permit. Upon receipt of the proper documentation, the authorized officer may issue a permit to the party who acquires ownership of, or a controlling interest in, the improvements or business entity.

IV. LIABILITY

For purposes of this section, "holder" includes the holder's heirs, assigns, agents, employees, and contractors.

A. The holder assumes all risk of loss to the authorized improvements.

B. Subject only to the limits on the holder's liability under Title 24, Article 10, of the Colorado Governmental Immunity Act (CGIA), Colorado Revised Statutes (C.R.S.) §§ 24-10-101 through 24-10-119, the holder shall indemnify, defend, and hold harmless the United States for any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the holder in connection with the use or occupancy authorized by this permit. This indemnification and hold harmless provision includes but is not limited to acts and omissions of the holder or the holder's heirs, agents, employees, or contractors in connection with the use or occupancy authorized by this permit which result in (1) violations of any laws and regulations which are now or which may in the future become applicable, and including but not limited to those environmental laws listed in clause III.A of this permit; (2) judgments, claims, demands, penalties, or fees assessed against the United States; (3) costs, expenses, and damages incurred by the United States; or (4) the release or threatened release of any solid waste, hazardous waste, hazardous substance, pollutant, contaminant, oil in any form, or petroleum product into the environment. This clause shall survive termination or revocation of this permit, regardless of cause.

C. The Forest Service has no duty, either before or during the term of this permit, to inspect the property or to warn of hazards. If the Forest Service inspects the property, the Forest Service shall not incur any additional duty or liability for hazards not identified or discovered through the inspections.

D. The holder has an affirmative duty to protect from injury and damage the land, property, and other interests of the United States. Damage includes but is not limited to fire suppression costs and all costs and damages associated with or resulting from the release or threatened release of a hazardous material occurring during or as a result of activities of the holder or the holder's heirs, agents, employees or contractors on, or related to, the lands, property, and other interests covered by this permit. For purposes of this clause, "hazardous material" shall mean any hazardous substance, pollutant, contaminant, hazardous waste, oil, and/or petroleum product, as those terms are defined under any Federal, State, or local law or regulation.

1. The holder shall avoid damaging or contaminating the environment, including but not limited to the soil, vegetation (such as trees, shrubs, and grass), surface water, and groundwater, during the holder's use or occupancy of the site. If the environment or any government property covered by this permit becomes damaged during the holder's use or occupancy of the site, the holder shall immediately repair the damage or replace the damaged items to the satisfaction of the authorized officer and at no expense to the United States.

2. Subject only to the limits on the holder's liability under Title 24, Article 10 of the CGIA, C.R.S. §§ 24-10-101 through 24-10-119, the holder shall indemnify, defend, and hold harmless the United States for any damages arising out of the holder's use or occupancy authorized by this permit. The holder shall be liable for all injury, loss, or damage, including fire suppression or other costs associated with rehabilitation or restoration of natural resources, associated with the holder's use and/or occupancy. Compensation shall include but is not limited to the value of resources damaged or destroyed, the costs of restoration, cleanup, or other mitigation, fire suppression or other types of abatement costs, and all administrative, legal (including attorney's fees), and other associated costs.

3. With respect to roads, the holder shall be liable for damages to all roads and trails of the United States caused by use of the holder or the holder's heirs, agents, employees, and contractors to the same extent as provided under clause IV.D.1, except that liability shall not include reasonable and ordinary wear and tear.

E. Clauses IV.B and IV.D.2 shall not be interpreted to limit any of the holder's liability for, or prevent the United States from taking any action to address, injury, loss, damages, or costs associated with environmental contamination, injury to natural resources, or other cause of action that arises under other law, including the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6901 *et seq.*, the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. § 9601 *et seq.*, and the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.*, in connection with the holder's use or occupancy of Federal lands, or to diminish any independent obligation of the holder to indemnify the United States with respect to the same.

F. The holder has a continuing responsibility to identify and abate hazardous conditions in the permit area which could affect the improvements or pose a risk of injury to individuals. The holder shall consult with the authorized officer before taking any action to abate these hazards.

G. The authorized officer has determined through a risk assessment that the potential liability of the United States for property damage and personal injury or death arising from the holder's use and occupancy authorized by this permit is \$600,000 or less per incident. Pursuant to the CGIA, the holder shall provide self-insurance covering claims for personal injury or death up to \$600,000. The self-insurance documentation shall name the United States as a certificate holder. The coverage under the holder's self-insurance shall extend to property damage and personal injury or death arising from the holder's activities under the permit, including use and occupancy of National Forest System lands and the construction, maintenance, and operation of the structures, facilities, or equipment authorized by the permit.

1. If there is a conflict between this permit the certificate of insurance provided by the Colorado Risk Management Division ("the certificate"), and/or the Colorado Risk Management Division's insurance policy manuals ("insurance policy manuals"), the order of precedence among those documents shall be (1) this permit; (2) the certificate; and (3) the insurance policy manuals.

2. If a claim is submitted to the United States for property damage and personal injury or death arising from the holder's use or occupancy authorized by this permit, the Forest Service shall tender the defense of the claim to the respective representatives of the self-insurance. The holder understands that tort claims against the United States are governed by the Federal Tort Claims Act, which may result in the administrative denial of a claim. The holder further understands that in litigation the United States is represented by the United States Department of Justice (USDOJ) and agrees that representatives of the self-insurance will coordinate the defense with USDOJ, if a claim is litigated.

H. In the event of any breach of the conditions of this authorization by the holder, the authorized officer may, on reasonable notice, cure the breach for the account at the expense of the holder. If the Forest Service at any time pays any sum of money or does any act which will require payment of money, or incurs any expense, including reasonable attorney's fees, in instituting, prosecuting, and/or defending any action or proceeding to enforce the United States' rights hereunder, the sum or sums so paid by the United States, with all interests, costs and damages shall, at the election of the Forest Service, be deemed to be additional fees hereunder and shall be due from the holder to the Forest Service on the first day of the month following such election.

V. TERMINATION, REVOCATION, AND SUSPENSION

A. General. For purposes of this permit, "termination", "revocation", and "suspension" refer to the cessation of uses and privileges under the permit.

"Termination" refers to the cessation of the permit under its own terms without the necessity for any decision or action by the authorized officer. Termination occurs automatically when, by the terms of the permit, a fixed or agreed upon condition, event, or time occurs. For example, the permit terminates at expiration. Terminations are not appealable.

"Revocation" refers to an action by the authorized officer to end the permit because of noncompliance with any of the prescribed terms, or for reasons in the public interest. Revocations are appealable.

"Suspension" refers to a revocation which is temporary and the privileges may be restored upon the occurrence of prescribed actions or conditions. Suspensions are appealable.

B. Revocation or Suspension. The Forest Service may suspend or revoke this permit in whole or part for:

1. Noncompliance with Federal, State, or local laws and regulations.
2. Noncompliance with the terms and conditions of this permit.
3. Reasons in the public interest.
4. Abandonment or other failure of the holder to otherwise exercise the privileges granted.

C. Opportunity to Take Corrective Action. Prior to revocation or suspension for cause pursuant to Section V (B), the authorized officer shall give the holder written notice of the grounds for each action and a reasonable time, not to exceed 90 days, to complete the corrective action prescribed by the authorized officer.

D. Removal of Improvements. Prior to abandonment of the improvements or within a reasonable time following revocation or termination of this authorization, the holder shall prepare, for approval by the authorized officer, an abandonment plan for the permit area. The abandonment plan shall address removal of improvements and restoration of the permit area and prescribed time frames for these actions. If the holder fails to remove the improvements or restore the site within the prescribed time period, they become the property of the United States and may be sold, destroyed or otherwise disposed of without any liability to the United States. However, the holder shall remain liable for all cost associated with their removal, including costs of sale and impoundment, cleanup, and restoration of the site.

VI. FEES

A. Fees for this use have been exempted or waived in full pursuant to 36 CFR 251.57, or revisions thereto, and direction in FSH 2709.11, chapter 30.

VII. OTHER PROVISIONS

A. Members of Congress. No Member of or Delegate to Congress or Resident Commissioner shall benefit from this permit either directly or indirectly, except when the authorized use provides a general benefit to a corporation.

B. Appeals and Remedies. Any discretionary decisions or determinations by the authorized officer are subject to the appeal regulations at 36 CFR 251, Subpart C, or revisions thereto.

C. Superior Clauses. In the event of any conflict between any of the preceding printed clauses or any provision thereof and any of the following clauses or any provision thereof, the preceding printed clauses shall control.

D. Noxious Weed

1. The holder shall be responsible for the prevention and control of noxious weeds and/or exotic plants of concern on the area authorized by this authorization and shall provide prevention and control measures prescribed by the Forest Service. Noxious weeds and exotic plants of concern are defined as those species recognized La Plata and Archuleta Counties in which the authorized use is located.

2. When determined to be necessary by the authorized officer, the holder shall develop a site-specific plan for noxious weed and exotic plant prevention and control. Such plan shall be subject to Forest Service approval. Upon Forest Service approval, the noxious weed and exotic plant prevention and control plan shall become a part of this authorization, and its provisions shall be enforceable under the terms of this authorization.

3. The holder shall also be responsible for prevention and control of noxious weed and exotic plant infestations which are not within the authorized area, but which are determined by the Forest Service to have originated within the authorized area.

This permit is accepted subject to the conditions set out above.

By: _____
Colorado Oil and Gas Commission
State of Colorado
(Holder Signature)

By: [Signature]
State of Colorado Risk Manager

Date: _____

Date: 9-22-08

U. S. DEPARTMENT OF AGRICULTURE
Forest Service

By: _____
(Authorized Officer Signature)

MARK W. STILES
Center Manager
San Juan Public Lands

(Date)

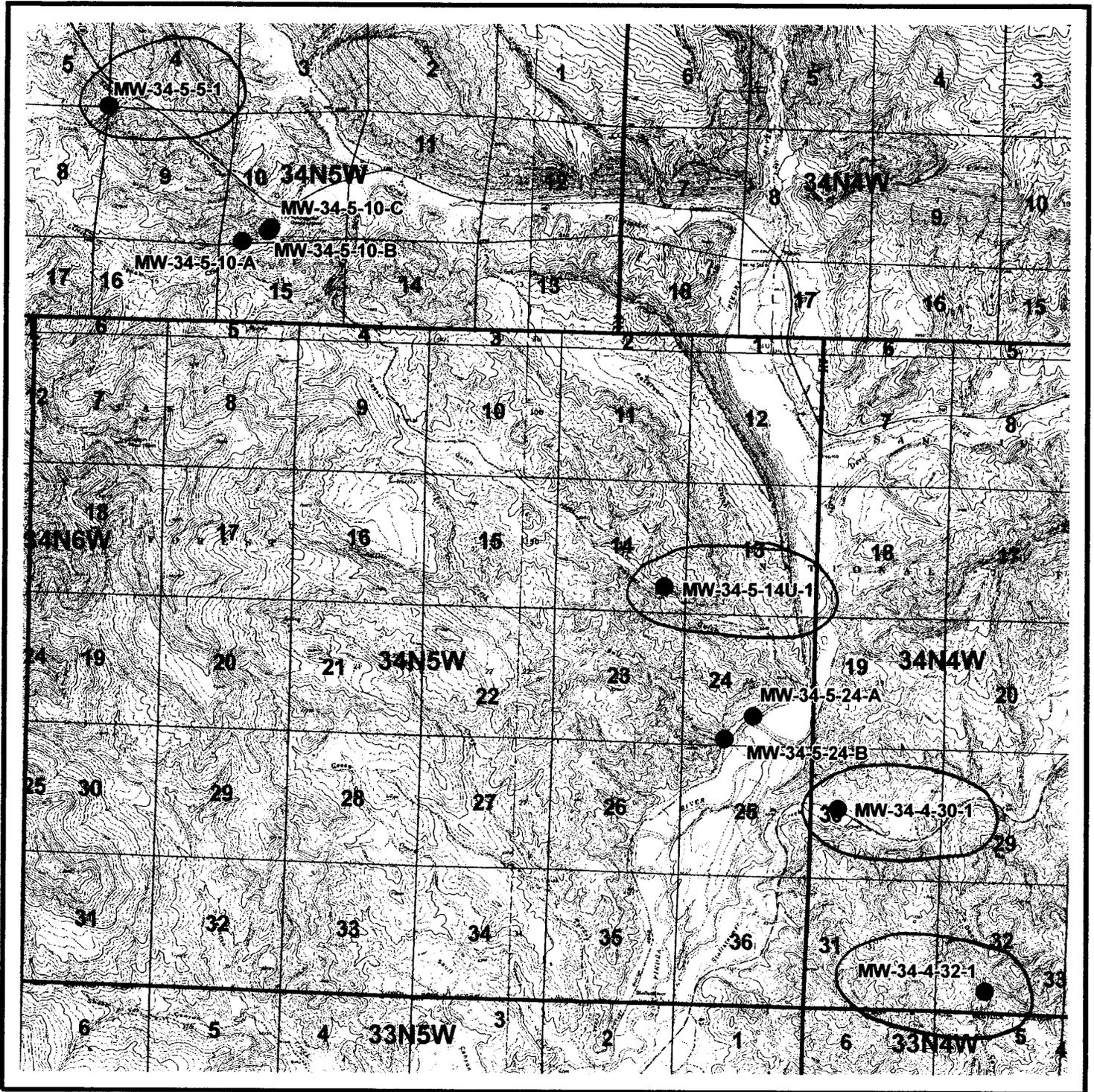
According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average 1-hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (800) 975-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

Exhibit A



● Potential Well Site Location

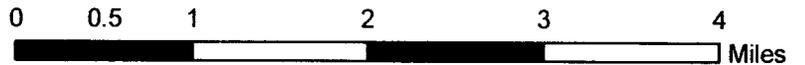


Figure 2. Potential Site Locations Along Highway 160, Fossset Gulch Road, Piedra River, and Highway 151, Archuleta County, Colorado

○ - COGCC Monitor Well Permit Locations

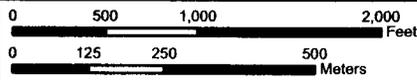
Exhibit A-1



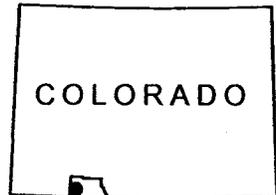
FILE: 14475_MW_34-4-30-1.mxd

Legend

-  COGCC Monitoring Well
-  Access Road
-  Existing Road

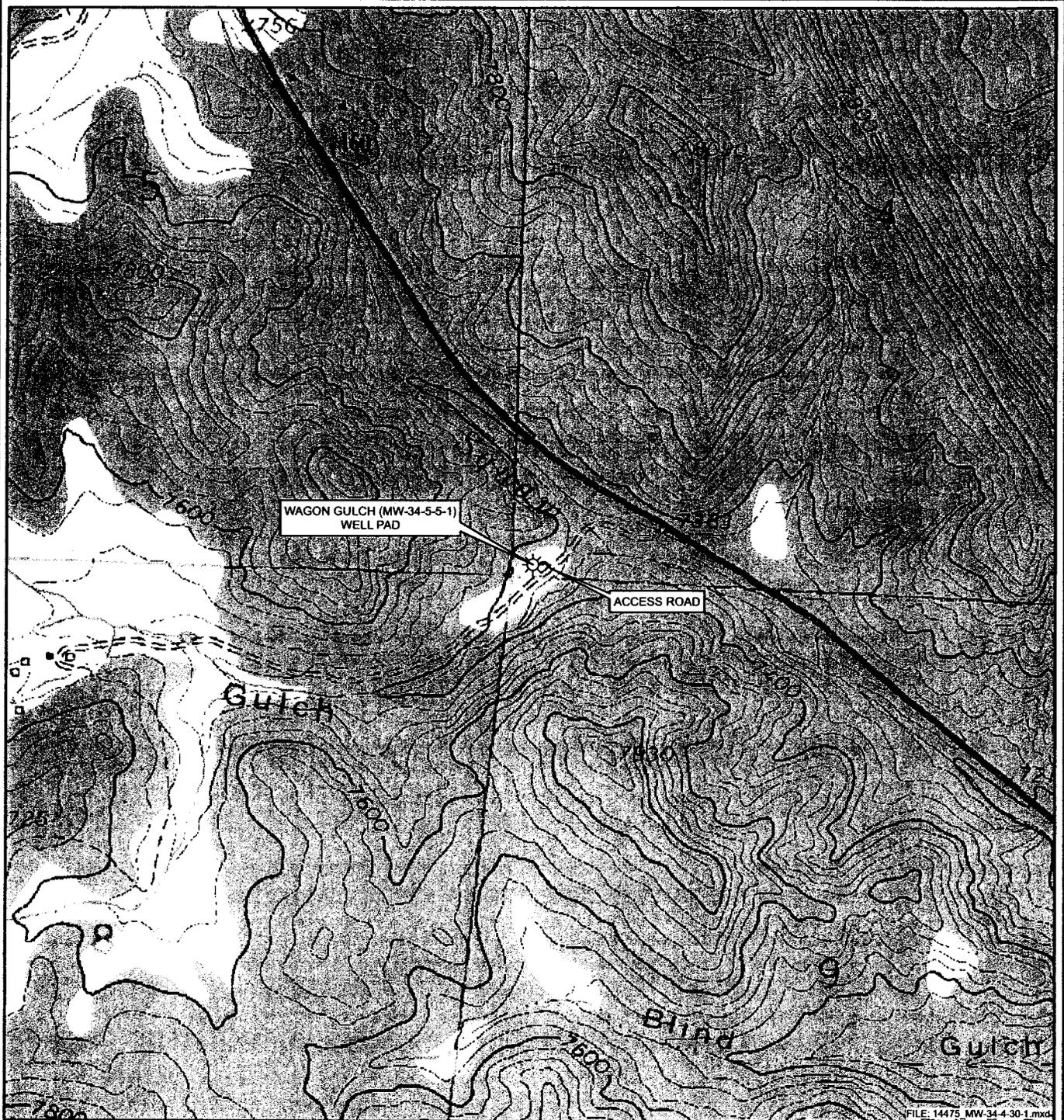


Title: COGCC Proposed 4M Project MW 34-4-30-1
 Scale: 1:12,000
 Base Map: USGS 7.5' Topographic Map
 Quadrangle: Chimney Rock, CO (1972)
 Archuleta County, Colorado
 T34N, R04W, Section 30
 New Mexico Principal Meridian
 UTM Zone 13, NAD83, Meters
 DATE: 9/12/2008



SWCA
 ENVIRONMENTAL CONSULTANTS
 515 College Drive
 Durango, Colorado 81301
 Phone: 970.385.8566
 Fax: 970.385.1938
 www.swca.com

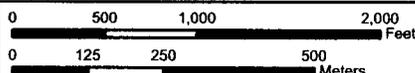
Exhibit A-2



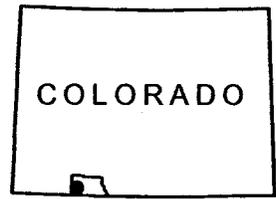
FILE: 14475_MW-34-4-30-1.mxd

Legend

-  COGCC Monitoring Well
-  Access Road

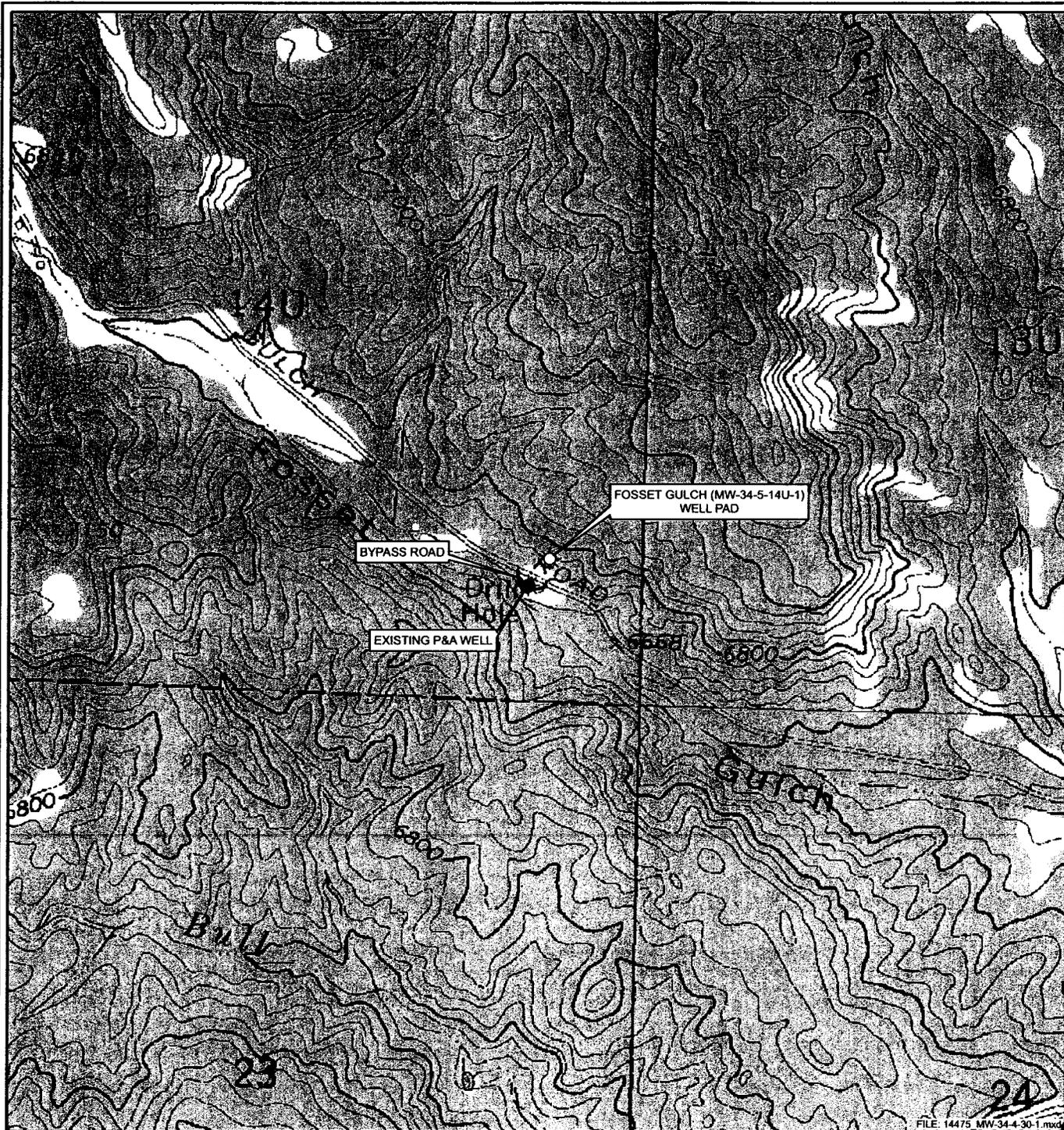


Title: COGCC Proposed 4M Project MW 34-5-5-1
 Scale: 1:12,000
 Base Map: USGS 7.5' Topographic Map
 Quadrangle: Pagin Mountain, CO (1972)
 Archuleta County, Colorado
 T34N, R05W, Section 4
 New Mexico Principal Meridian
 UTM Zone 13, NAD83, Meters
 DATE: 9/12/2008



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Exhibit A-3



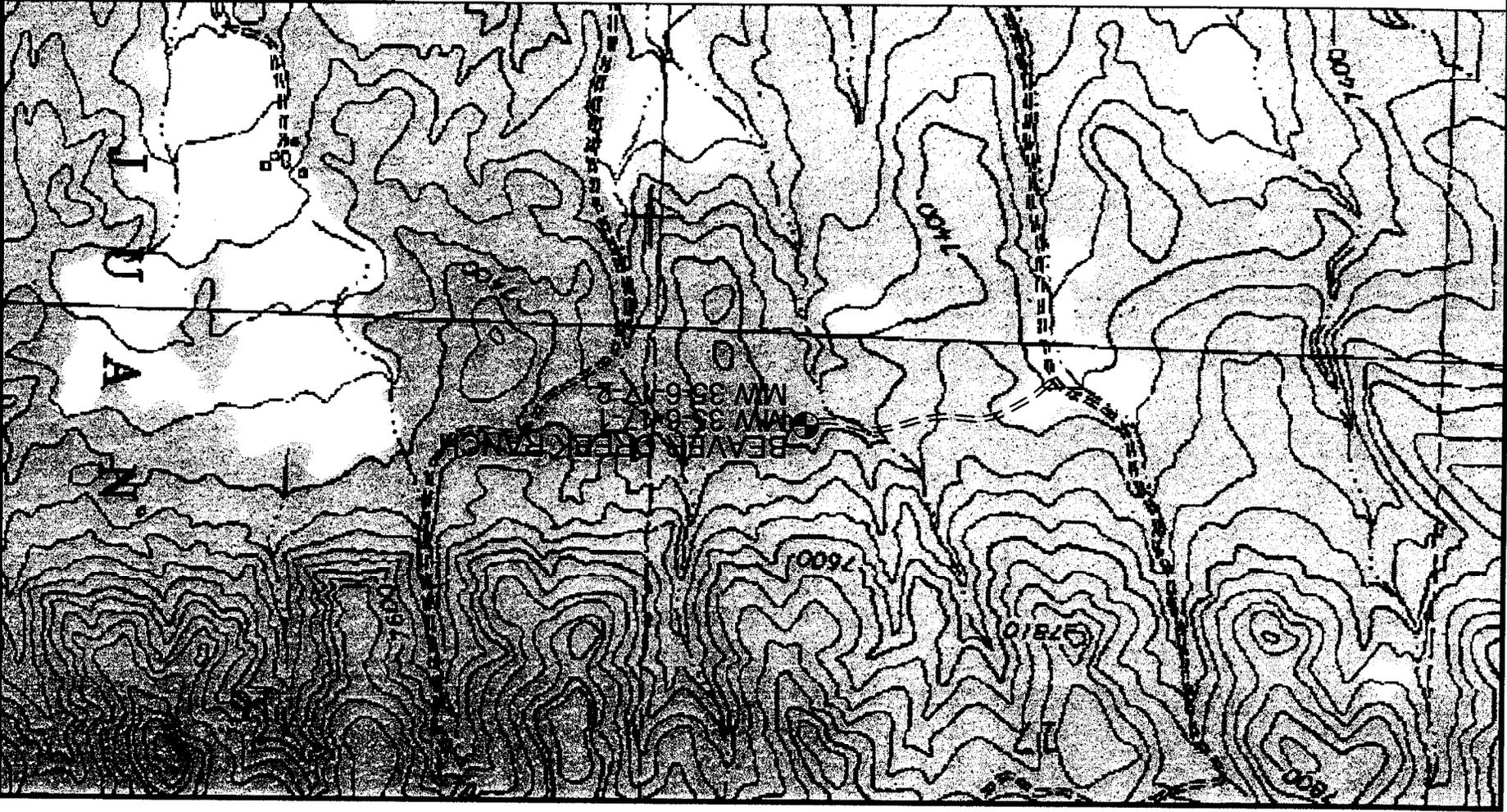
<p>Legend</p> <p>☼ COGCC Monitoring Well</p> <p>— Access Road</p>	<p>0 500 1,000 2,000 Feet</p> <p>0 125 250 500 Meters</p> <p>Title: COGCC Proposed 4M Project MW 34-5-14U-1 Scale: 1:12,000 Base Map: USGS 7.5' Topographic Map Quadrangle: Chimney Rock, CO (1972) Archuleta County, Colorado T34N, R05W, Section 14U New Mexico Principal Meridian UTM Zone 13, NAD83, Meters DATE: 9/12/2008</p>	<p>N</p> <p>COLORADO</p>	<p>SWCA ENVIRONMENTAL CONSULTANTS</p> <p>515 College Drive Durango, Colorado 81301</p> <p>Phone: 970.385.8566 Fax: 970.385.1938</p> <p>www.swca.com</p>
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Exhibit A-4



FILE: 14475_MW-34-4-30-1.mxd

<p>Legend</p> <p>☼ COGCC Monitoring Well</p>	<p>0 500 1,000 2,000 Feet</p> <p>0 125 250 500 Meters</p> <p>Title: COGCC Proposed 4M Project MW 53-4-32-1 Scale: 1:12,000 Base Map: USGS 7.5' Topographic Map Quadrangle: Chimney Rock, CO (1972) Archuleta County, Colorado T34N, R04W, Section 32 New Mexico Principal Meridian UTM Zone 13, NAD83, Meters DATE: 9/12/2008</p>	<p>N</p> <p>COLORADO</p>	<p>SWCA ENVIRONMENTAL CONSULTANTS</p> <p>515 College Drive Durango, Colorado 81301</p> <p>Phone: 970.385.8566 Fax: 970.385.1938</p> <p>www.swca.com</p>
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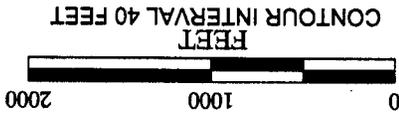
3M Project
La Plata County, CO

FIGURE 1-4
3M SITE
BEAVER CREEK RANCH
MW 35-6-17-1
MW 35-6-17-2

DATE	6/12/02	DRAWN BY	NLH
SCALE	AS SHOWN	CHECKED BY	JLS
San Juan Dur-Bay.dwg			

MONITORING WELL SITE AND DESIGNATION

SOURCE
USGS 7.5 SERIES (TOPOGRAPHIC)
LUDWIG MOUNTAIN QUADRANGLE
COLORADO - LA PLATA COUNTY



Applied
Hydrology
Associates, Inc.

Exhibit B – Construction Plan/Conditions of Approval and Surface Use Plan of Operations
for

The Colorado Oil and Gas Conservation Commission's Four Monitoring Well Locations Along the
Fruitland Formation Outcrop in Archuleta County
T34N, R5W, Sec. 4, SW1/4, NUL, T34N, R5W, Sec. 14, SE1/4, SUL, T34N, R4W, Sec. 30, NW1/4, and
Sec. 32, SW1/4, SUL.

This Construction Plan is hereby made a part of the Special Use Permit COL458, issued to the Colorado Oil and Gas Commission (COGCC), per Clause III.B of the permit, authorizing development be in accordance with plans approved by the accepted by the Forest Service authorized officer.

Scope: The COGCC will be expanding its system of monitoring wells as per Table 1, Calculated Depth to Top of Pictured Cliffs Sandstone. This Plan is a document guiding the specific performance of the Permittee during construction in addition to the approved and accepted State of Colorado APDs reference numbers 01360770, 01360117, 01360772, and 01360769, and the Special Use Permit.

COGCC is responsible for actions of the contractor selected for the work.

In addition to the terms of the APDs, the following surface occupancy requirements shall apply. Modifications and exceptions to these requirements must be approved in writing by an authorized representative of the U.S.D.A Forest Service (FS), as appropriate. The following conditions shall be implemented in accordance with the requirements of the Northern San Juan Basin CBM (NSJB) FEIS and ROD including any site-specific analyses, monitoring, and mitigation measures applicable to the project. The following surface occupancy requirements shall apply. Modifications and exceptions to these requirements must be approved in writing by an authorized representative of the U.S.D.A Forest Service (FS), as appropriate. The following conditions shall be implemented in accordance with the requirements of the Northern San Juan Basin CBM (NSJB) FEIS and ROD including any site-specific analyses, monitoring, and mitigation measures applicable to the project.

I. PROJECT REQUIREMENTS

- A. The FS point of contact for this project is Walt Brown, Columbine District Geologist, 970 385-1372. An Operator representative shall be designated, in writing, for on the ground activities. Specific authorities for the Operator representative shall be noted in the designation letter.
- B. In an emergency, appropriate action shall be taken and the FS representative shall be promptly notified. Emergencies should also be reported to the San Juan Public Lands Dispatch Center at 970 385-1324. Any resource damage resulting from, or in response to, the emergency shall be rehabilitated as soon as practicable in a manner approved by the FS representative.
- C. This project is part of the San Juan Public Lands Environmental Management System (EMS). The operator must return a signed copy of these COAs to comply with EMS communication requirements.
- D. After facility locations, including well site, pipeline and/or access road alignments have been finalized, maps showing centerline, facility dimensions, and general clearing limits, as well as other pertinent information, must be submitted to the FS representative in hardcopy form and in an appropriate electronic format compatible with FS GIS systems using a universally accepted geographic coordinate system.
- E. The section corner marker that will be impacted by MW-34-5-5-1 construction activities must be perpetuated and rehabilitated in accordance with the attached guidance. In summary, the project surveyor must be licensed in Colorado and must file two monument records with the Colorado State Board of Registrations. Before site activities begin, two corner accessories for the monument in question must be established and referenced by bearing and distance to each of the accessories and the information documented on a monument record and filed with the State Board of registration. After the work on the site is complete, the Colorado licensed surveyor will need to reestablish the corner monument itself by reference to the previously established accessories

- and set a new monument and then file a new monument record documenting the new corner along with the corner accessories used to reestablish the corner position.
- F. The FS has designated a turn-around location for large vehicles on the Fosset Gulch Road (NFSR 613) approximately ½ mile north of the MW-34-5-14U-1 location. This turn-around location must be recontoured and/or disked and then reseeded with the seed mix referenced in the Reclamation section of this document at the end of project activities. The operator will be responsible for the site until the reclamation standards in Section XI Reclamation have been met.
 - G. The FS representative and Operator representative shall schedule and attend a pre-work meeting before any on the ground project activities begin. The meeting should also be attended by any Operator subcontractors that will be working on the project. Coordination meetings to discuss long term site operations, maintenance and reclamation shall be scheduled on at least an annual basis until the site is reclaimed, unless otherwise authorized by the FS representative.
 - H. A traffic control safety plan shall be submitted by the operator and accepted by the FS representative before construction operations begin. The traffic control safety plan shall be prepared by an American Traffic Safety Services Association (ATSSA) certified company, unless otherwise authorized by the FS. The Traffic Control Plan and all signs used shall be in compliance with the Manual of Uniform Traffic Control Devices (MUTCD), unless otherwise authorized by the FS. All necessary signs must be installed before construction activities begin. Signs must not be nailed to trees. For activities on NFS lands, the operator must also submit a Road Use Permit application for review and approval.
 - I. The COGCC will need to use the Wagon Gulch (Forest Service non-system road), Fosset Gulch NFSR 613, and Deep Canyon NFSR 842 roads temporarily to construct the MW-34-5-5-1, MW-34-5-14U-1, and MW-34-4-32-1 locations. If activities related to this project damage the roads, the COGCC will be responsible for road repair to the same condition or better as the road condition at the start of project activities. The fourth location, MW-34-4-30-01, will be accessed from State Highway 151.
 - J. Final facility designs, including those for roads, and pads, and must be reviewed and accepted by the FS representative before construction of the facility begins. This requirement can be generally completed in two stages: 1) Road centerlines and facility disturbance limits are staked and flagged on the ground for plan design review. 2) The plan is modified as necessary to address the field review and then fully staked and flagged for construction and reviewed by the FS representative immediately prior to commencement of project activities. If facility construction varies from the final design drawings, hardcopy and electronic documentation displaying the differences must be submitted to the FS representative as well.
 - K. A storm water management plan shall be developed to address all construction, reconstruction, maintenance, and operational activities and submitted to FS representative. This plan shall conform to all EPA and Best Management Practices (BMP) requirements, as well as the requirements in NSJB FEIS Section 3.6, Surface Water Resources. The plan must be reviewed by the FS before project activities begin and finalized and accepted by the FS before interim reclamation activities begin.
 - L. All storm water management controls needed during the construction phase of the project, including temporary culverts and wattles, must be installed before project activities can begin.
 - M. Topsoil must be segregated and stored separately from subsurface materials to avoid mixing during construction, storage and interim reclamation. Subsurface materials should never be placed on top of topsoil material at any point during project activities.
 - N. Routine activities that are conducted to maintain safe operation of a well site such as daily site visits using a typical oil field pickup truck, minor repairs of surface facilities using equipment that can be transported by a typical oil field pickup truck, or removal of produced water by truck can be conducted year-round as long as such activities are in compliance with the road use plan or Road Use Permit for the facility. All non-routine activities must be conducted during the period beginning on May 1 and ending on November 30 of any given year unless otherwise authorized by the FS in writing.

- O. Cattle guards and fences shall be installed and constructed upon request of and to the specifications of the FS representative. If existing cattle guards or fences are damaged during operations, they must be repaired to at least the pre-disturbance condition.
- P. During project activities, if paleontologic or cultural resource artifacts or materials are exposed, or raptor nests are discovered, operations in the vicinity shall be halted and the FS representative shall be notified.
- Q. The operator should, with FS representative assistance, conduct education programs to sensitize employees and Operators to the cultural and legal status of significant cultural resources.
- R. During surveying, clearing, and construction operations, the operator shall protect and preserve all land survey monuments. Records of found corners and monuments shall be furnished to the FS representative. Any corners or monuments destroyed during activities shall be replaced by the operator. All survey work and corner/monument setting shall be under the direction of a Registered Land Surveyor. (RLS)
- S. The use of flareless flowback and closed loop mud systems are encouraged, and may be required in some areas.
- T. Air Quality: 1) Dust abatement measures may be required during some phases of well development or heavy maintenance, depending on seasonal conditions, resource impact and public traffic considerations. The FS representative will determine if such measures are required during operations. 2) Emission Control (small stationary gas field engines built within the project area): All internal combustion gas field engines of less than or equal to 300 design-rated horsepower must not emit more than 2 grams of nitrogen oxides (NOx) per horsepower-hour. This requirement does not apply to gas field engines of less than or equal to 40 design-rated horsepower. 3) Emission Control (large stationary gas field engines built within the project area): All internal combustion gas field engines greater than 300 design-rated horsepower must not emit more than 1gram of NOx per horsepower-hour.
- U. If vehicle traffic gates and/or cattle guards are needed, the gates must be kept closed and locked at all times. The design and location of any gates must be approved by the FS representative before installation. The decision for gate and/or cattleguard construction and location will be made in coordination with the operator.
- V. Visual and sound mitigation plan – The FS will work with the operator to finalize colors and paint styles for the facilities, including sound walls if they prove to be necessary after the testing period for the gas well is completed. Style and color of paint for any facilities associated with this permit will be approved by the FS in writing.
- W. Monitoring – All facets of the surface operation shall be monitored by the FS to assure compliance. This will begin upon receiving notice that the operator will commence work and will continue throughout the active phases of well development on a regular visitation process and will continue on a periodic visitation until abandoned. Refer to the NSJB FEIS and ROD for monitoring and mitigation measures applicable to this project.
- X. The Operator shall maintain an adequate quality control system and perform inspections as necessary to ensure that work on this project conforms to all applicable requirements, including implementation of all required mitigation measures. Such quality control methods and inspections must be documented in reports submitted to the FS representative on a monthly basis during facility construction and on an annual basis for producing wells. The use of third-party contract inspectors funded by the operator and reporting to the FS is encouraged and may be required in some instances.

II. WELL SIGN

A sign shall be placed on the well pad or monitoring well facility following construction activities with the following minimum information:

- A. Operator Name
- B. Well Name and Number
- C. Legal Location (¼-¼, Section, Township and Range)
- D. County and State

III. FIRE PREVENTION

Fire prevention and suppression activities shall comply with the requirements in the attached Fire Plan for Industrial Operations.

To the extent practical, the operator shall take measures to prevent uncontrolled fires on the area of operation and to suppress uncontrolled fires resulting from operations. All fires must be immediately reported to the FS representative and to the San Juan Public Lands Dispatch Center at 970 385 1324.

IV. CLEARING

The cleared area shall be kept to the minimum necessary for safe operation. All clearing limits shall be clearly marked and approved by the FS representative prior to any cutting. No project activities or disturbances are allowed outside the clearing limits unless authorized in writing by the FS. The clearing limit markings (e.g., paint, flagging, lathe, etc.) must be maintained until after interim reclamation of project facilities has been completed. In general, these limits and areas of avoidance will be marked using orange paint and/or flagging, and means "do not disturb".

All slash and unmerchantable timber created as a result of this project shall be disposed of in a manner that minimizes visual impacts and reduces the potential for insect infestations and/or fire danger. Acceptable methods include removal of slash and timber from the site, lopping and scattering slash and unmerchantable timber to lie within 12 inches of the ground, and chipping slash and unmerchantable timber. Other methods may be approved by the FS representative.

Stumps shall be removed, unless otherwise authorized by the FS. Stumps remaining at the FS representative's request shall be flush cut to within 6 inches of the ground or lower.

V. WELL PAD CONSTRUCTION

A. Excavation

Construction shall be limited to when soil conditions will meet compaction requirements and will not result in ruts deeper than 4 inches. Unless otherwise agreed all compaction shall be accomplished with layer placement. Generally, conditions are considered to be too wet for construction or travel if soils within 4 inches of the surface can be rolled into threads that are 3 mm in diameter without breaking or crumbling.

Cut and fill slopes must not be steeper than 1.5:1 unless otherwise approved by the FS representative. Construct 3:1 slopes where practicable, unless such slopes would cause unnecessary disturbance or not blend well with surrounding topography.

Topsoil shall be stripped and stored, for the use in the reclamation of the site. The FS representative shall approve a topsoil storage area. All cut bank areas shall have the stored topsoil spread immediately after the well pad has been constructed. The remaining topsoil shall be stored to accommodate its placement after drilling operations are completed. Long-term topsoil storage shall occur in a manner that ensures soil viability, including storage depths and revegetation sufficient to maintain soil productivity until final reclamation begins.

Provisions shall be made to divert surface water around and away from the well pad. The well pad should be constructed so that water does not collect or pond within the pad area.

Construct berms or v-ditches around the pad with controlled, armored drainage to prevent erosion where necessary. Filter or settle pad runoff water prior to entering any drainage using excelsior logs, settling ponds or other methods.

Unless otherwise authorized, the following guidelines for new pads on terrain steeper than 20% with erosive soils should be followed: limit fill slope length to less than 10 feet or maintain slopes at or less than a 3:1 slope, armor fills with 2- to 6- inch diameter rock at a minimum of 4 inches depth, use excelsior blankets (not erosion cloth) in conjunction with seeding and hydromulching, install excelsior logs at the toe of slope, construct 12 inch minimum height berms or v-ditches around pad to prevent surface water from flowing over fill material, construct armored ditch or berm drainage (2- to 6- inch diameter rock minimum 4 inches depth).

B. Pit Development

If closed loop mud systems or pit-less drilling fluid systems are not used then pit construction must meet the following three requirements: 1) Sump pits shall be located so that surface water flows will not enter the pit. Preferably, pits will be located on high ground, away from live

drainages. Lacking such a location, provisions to divert surface flows shall be made. The FS representative shall approve sump pit locations. 2) Sump pits and reserve pits shall be excavated below ground level and the excavated material diked around the edges. The pits must not be filled to a depth greater than that reached at ground level, unless authorized in writing by the FS representative. 3) Sump and reserve pits must be made impermeable so they do not leak.

VI. ROADS

A. Any roads constructed for project activities will meet Gold Book Standards as a minimum.

B. Road Maintenance for Forest Service System Roads

The operator shall maintain all public roads used in conjunction with operations as herein outlined:

- 1) Remove slides, boulders, fallen timber, overhanging brush, and other material obstructing safe road sight distance and travel.
- 2) Replace fills and portions of fills lost and/or which have settled below the original grade and cross-section. Gravel shall be bladed and shaped. Gravel lost during use and maintenance shall be replaced.
- 3) Keep drainage channels, ditches, culverts and bridges clear of debris and functioning as intended.
- 4) Repair fences, gates, cattle guards, culverts, bridges and other structures to standard specifications.
- 5) Blade and shape surface and shoulders to maintain a suitable riding surface. Earth and debris from side ditches, slides, or other sources must not be left on the road or mixed into the surface portions of the road. Blading shall not undercut banks. Gravel or other selected surface material shall not be bladed off the surface of the road. Material from slides or other sources requiring removal from the road shall not be deposited in streams or stream channels or at locations where it will wash into streams and cause damage through silting or obstruction of the streams or reservoirs.
- 6) All maintenance shall be performed as needed, in a timely manner or when directed by the FS representative. In addition, at the end of each operating season, maintenance work shall be performed to minimize damage from adverse weather. Such work shall include final blading to remove ruts and other irregularities that would prevent normal surface runoff, and final clearing of ditches and culverts to ensure satisfactory functioning of the road drainage system.

VII. FENCE CONSTRUCTION IF NECESSARY

Should the authorized Forest Service officer determine at a later date fences are necessary the standards shall be followed:

The entire well pad may need to be fenced and a gate or cattleguard provided where the well access road crosses the fence. If necessary, the fence shall be built within seven days after initial well drilling activities are completed. Any constructed fences must be maintained until otherwise directed by the FS representative. In general, this means that fences must be maintained until the areas not needed for production are revegetated.

Generally, where fences are required, a standard barbed wire fence with wood post construction shall be built. Other fence designs may be acceptable for the site, including the use of stock panels and temporary electric fences. The FS representative shall review and approve any proposed designs before fence construction begins.

VIII. OPERATIONS

The operator must notify the Columbine District Ranger or the authorized FS representative 48 hours prior to commencing operations or resuming operations following their temporary cessation.

A. Drilling Operations

- 1) It is herein agreed that during all operations, the operator shall maintain structures, equipment and other facilities in a safe, neat and workman like manner. Hazardous sites or conditions

resulting from the operations must be marked by signs, fenced, or otherwise identified to protect the public.

- 2) A Spill Contingency Plan shall be provided to the FS representative. A copy of this Plan must be kept on file at the operator's project office.
- 3) In the event of a spill or leak meeting FS or COGCC reporting requirements, the FS representative and the San Juan Public Lands Dispatch Center (970 385 1324) must be immediately notified. Final cleanup operations for the spill or leak must be approved by the FS representative who will recommend additional action as necessary.
- 4) Certification or other approval issued by State Agencies with regulations relating to drilling operations above and beyond the requirements of these stipulations will be accepted.

B. Water Resources

No surface water will be removed, nor will water be disposed of on public lands without prior written approval from the FS representative. Refer also to the NSJB FEIS and ROD for monitoring and mitigation measures required to protect ground and surface water.

The operator must provide copies to the FS representative of water well monitoring and baseline data reports required by COGCC when these reports are sent to the COGCC. The FS may require additional water well, surface and ground water monitoring and mitigation after reviewing project-specific gas reservoir, hydrologic and geologic information as it becomes available. If indications of induced contamination are observed, measures must be taken to identify and mitigate contamination. If reasonable evidence indicates that actions related to this project have impacted water well quantity or degraded water well quality to less than State drinking water standards, the operator must replace the lost quantity of well water and/or treat or replace well water that has been degraded with water that meets State drinking water standards. Impacts to other surface and ground water sources from this project, if they occur, must be mitigated to specifications determined by the FS and/or other regulatory agencies.

C. Wildlife Resources

- 1) Restrict the use of open reserve pits during drilling, unless absolutely necessary.
- 2) Where possible, capture all liquid in containers and dispose of in an approved manner.
- 3) Nets, screens or covers will be installed over all fluid pits, vents, tanks, and equipment openings to prevent wildlife mortality or wildlife contact with well products, fluids, or equipment openings. More information can be obtained at the U.S. Fish and Wildlife Service's wildlife contaminants website: (<http://mountain-prairie.fws.gov/contaminants/contaminants1c.html>).
- 4) Reserve pits will be lined or otherwise made impermeable or closed fluid system used.
- 5) Unless otherwise authorized by the FS, automated monitoring systems must be installed at well and pipeline facilities to minimize vehicle trips and reduce human/wildlife conflicts and loss of habitat effectiveness.
- 6) To the extent practicable, use noise reduction technologies at all facilities during construction, testing and operation phases.
- 7) Prohibit disruptive management activities within 300 feet of any occupied raptor nests during the period May 1 to July 31.
- 8) Schedule routine maintenance activities to occur between 0900 and 1500 hours at facilities during the period beginning December 1 and ending April 30 of any given year.
- 9) Restrict well access roads not designated as open to the public to authorized CBM operations only. Also prohibit CBM employee use of recreational off road vehicles unless such equipment is necessary for job performance.
- 10) Prohibit employees and Operators from bringing dogs or carrying firearms on site. This mitigation reinforces standard working agreements with industry and is applied to reduce wildlife harassment.
- 11) The operator should, with FS assistance, conduct periodic wildlife awareness programs covering seasonal wildlife requirements and sensitivities, how disturbance affects wildlife and ways personnel can reduce disturbance.

- 12) Refer to the NSJB FEIS and ROD for additional wildlife monitoring and mitigation requirements.

D. Sanitation and Garbage

- 1) A portable toilet shall be made available. Sewage shall be contained and disposed of at a designated sanitary disposal facility.
- 2) The well pad and adjoining areas shall be kept in a neat and safe condition during all phases of the operation.
- 3) The operator shall take all reasonable precautions to prevent any dumping or spilling of oil or hazardous materials on public lands. The operator shall take the appropriate preventative measures to ensure that any spill of oil or hazardous material do not enter any stream or other waters. Any spillage of oil or hazardous material shall immediately be picked up and removed from public lands. Used oil resulting from servicing or repair of equipment must not be disposed of on public lands, and must be removed and disposed in a designated disposal site or recycling facility.
- 4) The well pad, adjoining area, and access road must be cleaned of all trash, materials and equipment within five days of termination of construction or heavy maintenance operations. Cleanup operations also include removal of all flagging, wooden lath, signs and other identifying devices from public lands. The Operator is also responsible for cleanup and maintenance of their facilities, including access roads, until final reclamation has been completed and approved by the FS representative.
- 5) The operator shall dispose of refuse from this use, including waste materials, garbage and rubbish of all kinds by removing it from public lands.
- 6) If trash is stored on site prior to complying with 5. above, the trash must be stored in a bear-proof manner.

IX. VISUAL RESOURCES

- 1) In facility site planning use existing vegetation and topographic features to screen wells, facilities, and roads to the extent practicable. Collocate and/or centralize well pads, utilities, pipelines, and production facilities wherever possible to minimize surface impacts and reduce gas field traffic.
- 2) Complete interim reclamation as soon as possible so that successful re-vegetation can be established to stabilize soils and reduce visual impacts.
- 3) Paint all permanent structures (on site for more than 6 months) in a flat, non-reflective, earth tone color that matches surrounding summer vegetation or rocks. The FS representative will approve colors.
- 4) Minimize the use of traffic, regulatory and site identification signs. All posts should be painted a flat, non-reflective dark brown color approved by FS representative.
- 5) Facilities must be designed, constructed and reclaimed to blend with the surrounding landscape to the extent practicable.
- 6) Minimize the height of facilities, including pumping units, where possible to be at or below the predominant tree height. Where so directed by the FS representative, design well pads and facilities with scalloped edges in wooded areas, and avoid high wall cuts.
- 7) For facility construction, including pipeline installation, where so directed by the FS representative, clear vegetation in a non-linear fashion to avoid a visually dominant straight line. Where so directed by the FS representative, employ vegetative edge feathering in sloped areas that may be visible from sensitive areas, such as roads, use areas, and residences.
- 8) Avoid straight line-of-sight road construction and design roads through wooded areas to follow a curvilinear path using natural topography. Avoid road construction across ridge tops where it may cause a visual contrast in the landscape or add skyline alterations that are visually obvious.
- 9) Install the minimum lighting needed and use light sensitive, motion activated lighting systems that are illuminated only when needed for security or maintenance. Light fixtures should be hooded to prevent horizontal and upward light pollution.

- 10) Generally, any fencing should be limited to temporary electric fencing or typical wire range fencing using wood or painted "T" posts. If other fencing is needed (such as chain link), this should be vinyl clad or painted a flat non-reflective color. All proposed designs and colors must be approved by the FS prior to fence construction.

X. RECLAMATION

- A. Bonds: The FS has determined that a surface reclamation bond is not required for this project.
- B. Reclamation Plans: Interim and final reclamation must meet the standards in this document and in the APD, unless otherwise authorized in writing by the FS. Reclamation must address the four components of successful reclamation described in D. 2) (2) below.
- C. Interim Reclamation: Interim reclamation measures should be initiated when facility construction activities are completed. Interim reclamation measures include recontouring and revegetating all areas of facilities (including access roads, pipelines and well pads) not needed for long-term operations. The FS representative may require additional measures for interim reclamation to minimize long-term disturbance on or around project facilities. Unless otherwise authorized, an interim reclamation plan must be submitted to the FS representative for review and approval before or within four weeks of completion of well pad construction activities and prior to installation of gas production facilities other than the well bore.
- D. Final Reclamation: If the well is not productive initially or at the point in time when it becomes un-economic, the entire well site and well access roads shall be fully reclaimed, unless otherwise directed by the FS representative.
- 1) Well Pads, Well Access Roads and Ancillary Facilities
- (a) Gravel surfacing, if used, shall be removed from the well pad and access road(s) and disposed of off of public lands, or at other locations approved by the FS representative, unless otherwise authorized.
 - (b) The well site, ancillary facilities, and associated well access roads shall be re-contoured to pre-construction conditions.
 - (c) Topsoil shall be respread over the entire disturbed area.
 - (d) All areas of soil disturbance as a result of operations shall be scarified to at least a 4-inch depth and drainage structures installed at FS representative specified locations.
- 2) Reclamation, Revegetation, and Weeds
- (1) Certified weed-free straw mulch, hydromulch, or erosion control blankets are recommended following all seeding activities, particularly on sites with slopes greater than 20 percent.
 - (2) Reclamation Standards

The four components of successful reclamation on lands managed by the San Juan National Forest are recontouring, revegetation, soil erosion, and noxious weeds. Monitoring of these standards by the federal agency should occur one year after reclamation efforts are initiated, and evaluation for compliance with these standards will occur two years after reclamation efforts are initiated.

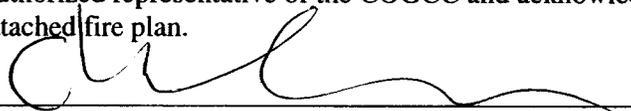
 - (a) Recontouring Standard: The recontouring component will be considered successful when reclaimed sites are recontoured back to the original contour, and blend in as naturally as possible with the topography of adjacent lands.
 - (b) Revegetation Standard: The revegetation component will be considered successful when the canopy cover of native grasses on the site exceeds 25 percent. The 25 percent can include the seeded grasses and other native grasses that have emerged on their own. The 25 percent figure is based on the canopy cover of native herbs (grasses and forbs) found on comparable, undisturbed sites that have a similar vegetation community and similar soils. The disturbed area will be revegetated using the following approved native seed mixture (unless otherwise approved by the FS representative), available from Southwest Seed Inc., Dolores, Colorado.
Nodding Brome (*Bromus anomalus*) 10 PLS#/acre
Slender wheatgrass (*Agropyron trachycaulum*) 8 PLS#/acre
Arizona fescue (*Festuca arizonica*) 2 PLS#/acre

PLS# = pure live seed pounds

- (c) Soil Erosion Standard: The soil erosion component will be considered successful when gully erosion is absent, and sheet and rill erosion is absent or minimal (less than 5% of the site shows evidence of sheet and rill erosion in the form of pedestalled plants, sediment accumulation, or rills). Bare soil may be present on the reclaimed sites as comparable, relatively undisturbed adjacent sites naturally display bare soil.
- (d) Noxious Weed Standard: The noxious weed component will be considered successful when noxious weeds are absent on the reclaimed site. Noxious weeds shall be treated on all areas disturbed by this project, as necessary to eradicate weeds during the course of operations and reclamation, as described below:
 - (i) The operator shall conduct a project area pre-disturbance noxious weed inventory to establish baseline conditions and assist the development of appropriate noxious weed management strategies.
 - (ii) The operator shall employ any cleaning methods necessary to ensure that any equipment, including transportation, construction, heavy maintenance and workover equipment, is free of noxious weed material before coming onto public land. If the Operator desires to clean equipment on public land, such as at the end of a project or prior to moving to a new project, the FS representative shall approve methods of cleaning, locations for the cleaning, and control of off-site impacts, if any. New infestations of noxious weeds of concern to the FS representative, identified by either the Operator or the FS representative, on public land in the Project Area or on the route to the Project Area shall be promptly reported to the other party.
 - (iii) The operator shall control, contain, and eradicate noxious weeds (as applicable) on all areas disturbed by this project during the course of construction, operation, and reclamation. Additional noxious weed management guidance can be obtained from the FS representative.
 - (iv) Seed certification tags from the seed bags used for revegetation shall be submitted to the federal agency within 1 month following seed application. When straw, mulch or gravel is needed for construction, operation or reclamation activities, these materials must be certified to be weed-free, and a copy of the certification must be provided to the FS representative to be included in the project record.

Operator Acknowledgement

I am an authorized representative of the COGCC and acknowledge receipt of the permit conditions above, and the attached fire plan.

Name: 

Title: OPS II

Date: 9/22/08

Fire Plan for Industrial Operations
USDA, Forest Service, San Juan National Forest
And FS, San Juan Resource Area

This plan outlines the Operator's responsibilities for fire prevention and suppression activities within the Operator's project area. For the purposes of this provision, the project area is defined as the area within one half mile (0.5 miles) of the project boundary.

Fire Precautions (9/93)

I. SMOKING AND LUNCH FIRE RESTRICTIONS

Smoking is prohibited except inside a building, developed recreation site, vehicle, or while seated in an area of at least three feet in diameter that is barren or cleared of all flammable materials. 36 CFR 261.52(d), 42 CFR 9212(a).

The building of camp, lunch, warming and other fires within the project area and vicinity is prohibited, except at established camps or at other safe places where all flammable material has been cleared away sufficiently to prevent the start and spread of wildfires. The FS representative may, upon written request, designate specific places where campfires may be built for purposes of heating lunches.

II. SPARK ARRESTERS AND MUFFLERS

Operating or using any internal combustion engine, on any timber, brush, or grass covered land, including trails and roads traversing such land, without a spark arrester, is prohibited. The spark arrester must be maintained in effective working order, meeting either (1) Department of Agriculture, Forest Service standard 5100, *Spark Arresters for Internal Combustion Engines* (current edition); or (2) the Society of Automotive Engineers (SAE) recommended Practices J335, *Multiposition Small Engine Exhaust System Fire Ignition Suppression* (current revision), and J350, 36 CFR 261.52(j), 43 CFR 9212.1(h).

Passenger vehicles, pickups, medium and large highway trucks (80,000 GVW) will be equipped with a factory designed muffler system which is specified for the make and model of the respective vehicle/truck or with a muffler system that is equivalent or that exceeds factory specifications.

Exhaust systems shall be properly installed and continually maintained in serviceable condition.

III. FIRE EXTINGUISHERS AND TOOLS ON EQUIPMENT

While in use, each piece of equipment with an internal combustion engine shall be provided with at least the following:

1. One fire extinguisher, at least 5# ABC with an Underwriters Laboratory (UL) rating of 3A – 40BC, or greater.
2. One shovel, sharp, size 0 or larger, round-pointed with an overall length of at least 48 inches.
3. One axe, sharp, double bit 3½#, or one sharp Pulaski.

Extinguishers, shovels, axes, and Pulaski's shall be mounted so they are readily available to the operator. All tools shall be maintained in a serviceable condition.

IV. POWER SAWS

Each gasoline engine power saw shall be provided with one chemical-pressurized fire extinguisher of not less than 8-ounce capacity by weight, and one size 0 or larger, round-pointed shovel with an overall length of at least 48 inches. The extinguisher and shovel shall be maintained in good working order. The extinguisher shall be with the power saw operator and immediately available for use at all times. The extinguisher shall not be affixed to the saw. The shovel shall be readily available to the operator of the saw at all times. Having the shovel with the gas can used to refuel the saw may be considered "readily available" if not more than 200 feet from the saw. During periods of critical fire danger, the FS may prescribe other precautionary measures.

Any fueling or refueling of a power saw shall be done in an area which has first been cleared of material which will carry fire. The power saw shall be moved at least 10 feet from the place of fueling or refueling before starting.

V. BLASTING AND WELDING

The use of fuses in blasting shall not be permitted except near power lines where the danger of accidental detonation is present, and then only by special written permission of the FS. Whenever the relative humidity falls below 50 percent, the Operator shall place a watchman at each point where blasting is done who shall remain on duty for at least one hour after blasting is finished, and who shall be equipped with a shovel and a water-filled backpack can equipped with hand pump. During periods when the relative

humidity falls below 20 percent, blasting shall be discontinued unless authorized, with special provisions, in writing by the FS. Blasting shall not be permitted in any area not cleared to mineral soil without advance written approval of the FS and with such special precautions as may be required.

Prima Cord shall not be used in clearing operations, and in other areas where timber has been felled and slash not burned.

Unless otherwise directed in writing by the FS, all flammable material shall be cleared for 10 feet around any piece of equipment being welded. In addition, the Operator shall provide a fire extinguisher of a size and type designed to extinguish a fire in the flammable materials surrounding the spot being welded.

In order to determine the relative humidity, the operator shall either (a) provide and maintain weather instruments that will measure relative humidity in the area where the blasting will occur; or (b) provide communications to obtain weather data from the FS.

Explosives shall be stored at all times in a locked box marked "Explosives". Powder and blasting caps shall be stored in separate boxes.

VI. STORAGE OF FLAMMABLES

Gasoline, oil, grease and other highly flammable material shall be stored either in a separate building, or at a site where all debris is cleared within a radius of 25 feet. Storage buildings or sites shall be a minimum distance of 50 feet from other structures. Storage buildings shall be adequately posted to warn of the flammables and to prohibit smoking in or around the building.

VII. CAMP FIRE PROTECTION

The ground around all trailers, buildings, and other facilities constructed or placed on or near the project area shall be kept free of flammable material for a distance of at least 20 feet from the wall of such structure. Burning of such flammable material shall be as prescribed by the FS in writing.

Stovepipes of all wood burning stoves shall be equipped with suitable roof jacks and serviceable spark arresters. Stovepipes shall be no closer than 2 feet from any wood or other flammables unless adequately protected by metal or asbestos shield.

Fire Precautions and Control

I. PLANS

Prior to initiating the Operator's operations during the Fire Precautionary Period, which is from **May 15** thru **October 1**, the Operator shall file with the FS a Fire Prevention and Control Plan providing for the prevention and control of fires on the project area. The Plan shall include a detailed list of personnel and equipment at the Operator's disposal for implementing the Plan. This requirement may be met by preparing a single Plan for more than one project.

II. FIRE PRECAUTIONS

Specific Fire Precautionary measures listed shall be applicable during the Operator's operations in the Fire Precautionary Period. The Contracting Officer may change the dates of the Fire Precautionary Period by advance written notice, if justified by unusual weather or other conditions. Required tools and equipment shall be kept in serviceable condition and immediately available for fire fighting at all times during the Operator's operations in the Fire Precautionary Period.

A. Substitute Precautions

The FS may authorize substitute measures or equipment, or waive specific requirements by written notice, if substitute measures or equipment will afford equal protection, or some of the required measures and equipment are unnecessary.

B. Emergency Precautions

The FS may require the necessary shutting down of equipment on portions of the Operator's operations when emergency fire precautions are necessary. Under such conditions, after the Operator ceases active operations, the Operator shall release for hire by the FS, if needed, shutdown equipment for fire standby on the project area and personnel for fire standby or fire patrol, when such personnel and equipment are not needed by the Operator for other fire fighting or protection from fire. Equipment shall be paid for at fire fighting equipment rates common in the area or at prior agreed rates and, if Operator requests, shall be operated only by personnel approved by the Operator. Personnel so hired shall be subject to direction and control by the FS and shall be paid by the FS at fire fighting rates common in the area or at prior agreed rates.

III. FIRE CONTROL

The Operator shall, both independently and in cooperation with the FS, take all reasonable and practicable action to prevent and suppress fires resulting from the Operator's operations and to suppress any forest fire on the project area. The Operator's independent initial fire suppression action on such fires shall be immediate and shall include the use of all necessary personnel and equipment at the Operator's disposal on the project area.

A. Operator's Reinforcement Obligations

Whenever an Operations Fire or Negligent Fire, whether on or off the project area, or any other forest fire on the project area, has not been suppressed by initial action and appreciable reinforcement strength is required, the FS may require further actions by the Operator until such fire is controlled and mopped up to a point of safety. Such actions may include any or all of the following as necessary to fight such fire:

1) Suspend Operations

To suspend any or all of the Operator's operations.

2) Personnel

To release for employment by the FS any or all of the Operator's personnel engaged in the Operator's operations. Any organized crew so hired shall include the Operator's supervisor, if any. Personnel so employed shall be paid at the FS standard emergency fire fighting rates.

3) Equipment

The Operator shall make available for rental to the FS any or all equipment suitable for fire fighting and currently engaged in the Operator's project area. The equipment shall be hired at firefighting equipment rates common in the area or at prior agreed rates.

Equipment shall be operated only by personnel approved by the Operator, if so requested by the Operator.

IV. FIRE SUPPRESSION COSTS

The Operator's obligations for cost of fire suppression vary according to three classifications of fires as follows:

A. Operations Fire

An Operations Fire is a fire caused by the Operator's operations other than a Negligent Fire.

The FS, except as provided in Section III, shall, under 16 USC 572, perform fire suppression activities on Operations Fires. The Operator agrees to reimburse the FS for such cost for each Operations Fire. The cost of the Operator's actions, supplies, and equipment on any such fire provided pursuant to Section III, or otherwise at the request of the FS, shall be credited toward such maximum. If the Operator's actual cost exceeds the Operator's obligation stated above, the FS shall reimburse the Operator for the excess.

B. Negligent Fire

A Negligent Fire is a fire caused by negligence or fault of the Operator's operations, including, but not limited to, one caused by smoking by persons engaged in the Operator's operations during the course of their employment, or during rest or lunch periods; or if the Operator's failure to comply with the requirements of Sections II and III results in a fire starting or permits a fire to spread. Damages and the cost of suppressing Negligent Fires shall be borne by the Operator.

C. Other Fires on Project Area

The FS shall pay the Operator, at fire fighting rates common in the area or at prior agreed rates, for equipment or personnel furnished by the Operator pursuant to Section III, or otherwise at the request of the FS, on any fire on the Project area other than an Operations Fire or a Negligent Fire.

V. STATE LAW

The Operator shall not be relieved by the terms of this contract of any liability to the United States for fire suppression costs recoverable in an action based on State law, except for such costs resulting from Operations Fires. Amounts due the Operator for fire fighting expenditures in accordance with BT7.41 shall not be withheld pending settlement of any such claim or action based on State law.

VI. PERFORMANCE BY OPERATOR

Where the Operator's employees, agents, Operators, subcontractors, or their employees or agents perform the Operator's operations in connection with fire responsibilities, the Operator's obligations shall be the same as if performance was by the Operator.

Should Fire Restrictions become necessary, the following describes the stage levels.

I. STAGE I AND STAGE II FIRE RESTRICTIONS

There will be two fire restriction stages: Stage I and Stage II. Stage III denotes area closure. Each agency within a fire restriction area must write its own agency document that authorizes the restrictions within its jurisdiction. Each agency is responsible for using its own format, citing the specific codes of Federal Regulation (CFR) and United States Code (U.S.C.) and having the appropriate legal counsel review the document to assure it is correct and enforceable. To establish consistency, reduce confusion and standardize restrictions, the following criteria will be used in all restriction documents:

- A. STAGE I** The following acts are prohibited until further notice:
- 1) Building, maintaining, attending, or using a fire, campfire, coal or wood burning stove, any type of charcoal fueled broiler or open fire of any type in undeveloped areas.
 - 2) Smoking, except within an enclosed vehicle or building, in a developed recreation site or while stopped in an area at least 3 feet in diameter that is barren or cleared of all flammable vegetation.
 - 3) Using explosive material: (i.e.: fireworks, blasting caps or any incendiary device which may result in the ignition of flammable material.)
 - 4) Welding, or operating acetylene or other similar torch with open flame.
 - 5) Operating or using any internal combustion engine without a spark arresting device properly installed, maintained and in effective working order meeting either:
 - (a) Department of Agriculture, FS Standard 5100-1a; or
 - (b) Appropriate Society of Automotive Engineers (SAE) recommended practice J335 (b) and J350 (a).
 - 6) Possible Exemptions
 - (a) Persons with a written permit specifically authorizing the otherwise prohibited act or omission.
 - (b) Fires in constructed, permanent fire pits or fire grates within developed recreation sites.
 - (c) Any Federal, State, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
 - (d) Mechanical stoves and appliances fueled by bottled or liquid gas which allow the operator to control or extinguish the flame with a valve are permitted provided that such devices are approved by Underwriters laboratory Inc.
 - (e) Owners or lessees of land in the restricted area.
 - (f) Residents in the restricted area.
- B. STAGE II** The following acts are prohibited until further notice:
- 1) Building, maintaining, attending, or using a fire, campfire, coal or wood burning stove, any type of charcoal fueled broiler or open fire of any type.
 - 2) Smoking, except within an enclosed vehicle or building.
 - 3) Using explosive material: (i.e.: fireworks, blasting caps or any incendiary device which may result in the ignition of flammable material.)
 - 4) Welding, or operating acetylene or other similar torch with open flame.
 - 5) Operating or using any internal combustion engine without a spark arresting device properly installed, maintained and in effective working order meeting either:
 - (a) Department of Agriculture, FS Standard 5100-1a: or
 - (b) Society of Automotive Engineers (SAE) recommended practice J335 (b) and J350 (a).
 - 6) Operating a chainsaw without a chemical pressurized fire extinguisher of not less than 8 ounces capacity by weight, and one size 0 or larger round pointed shovel with an overall length of at least 36" to 48" above the handle. The extinguisher shall be with the chainsaw operator. The shovel may be kept with the fueling supplies but readily available.
 - 7) Other possible restricted acts under Stage II

- (a) Operating a motorized vehicle off designated roads and trails.
 - (b) Operating a chainsaw outside the hours of 5 a.m. and 11 p.m.
 - (c) Overnight camping limited to listed campgrounds and recreation sites.
- 8) Possible Exemptions
- (a) Persons with a written permit specifically authorizing the otherwise prohibited act or omission.
 - (b) Any Federal, State or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
 - (c) Mechanical stoves and appliances fueled by bottled or liquid gas which allow the operator to control and extinguish the flame with a valve are permitted provided that such devices are approved by Underwriters Laboratory Inc.
 - (d) Owners or lessees of land in the restricted area.
 - (e) Residents in the restricted area.

C. Stage III Fire Restrictions

- 1) Before the fire season, the "Council" will review the evaluation guidelines and determine threshold levels that substantiate the need for closures.
- 2) Examples include:
 - (a) Potential loss of life due to explosive fire conditions.
 - (b) Potential for extreme or blowup fire behavior.
 - (c) Stage I or Stage II restrictions are not effective in reducing the number of human-caused fires.
 - (d) Resources across the geographic area are at a critical shortage level.
 - (e) Proximity to substantial population centers.
 - (f) The extent of wildland-urban interface.

38-50-103. Public records- monument records

(1) The state board of licensure for architects, professional engineers, and professional land surveyors, created in section 12-25-106, C.R.S., shall employ personnel at the expense of such board's licensed professional land surveyors to maintain a monument record filing system for all monument records filed in accordance with section 38-53-104.

(2) (a) The state board of licensure for architects, professional engineers, and professional land surveyors shall transmit a copy of each monument record accepted for filing, without fee, to the county clerk and recorder for the county in which the monument is located.

(b) Each county clerk and recorder shall maintain copies of monument records in a file furnished by the board and, upon receipt of each such monument record, shall list it in a master index included with each such file.

(c) Records maintained pursuant to this section shall be open to public inspection during normal business hours.

(3) Certified copies of monument records of the state board of licensure for architects, professional engineers, and professional land surveyors shall be evidence in all courts and places in this state.

(4) No fee shall be charged by the state board of licensure for architects, professional engineers, and professional land surveyors for the filing of monument records. The cost of maintaining the monument record files shall be recouped as part of the renewal fee charged to licensees. Such renewal fee shall be calculated to cover the costs of the staff and equipment necessary to maintain the monument record filing system.

Source: L. 94: Entire article R&RE, p. 1513, § 46, effective July 1. L. 2004: (1), (2)(a), (3), and (4) amended, p. 1316, § 71, effective May 28. L. 2006: (1), (2)(a), (3), and (4) amended, p. 743, § 12, effective July 1.

Editor's note: This section was contained in an article that was repealed and reenacted in 1994. Provisions of this section, as it existed in 1994, are similar to those contained in 38-53-110 as said section existed in 1993, the year prior to the repeal and reenactment of this article.

38-53-104. Filing of monument record required.

(1) (a) If a professional land surveyor conducts a survey that uses any monument representing a public land survey monument location, quarter section corner, sixteenth section corner, government land office or bureau of land management (government) lot corner as defined by the nomenclature of the United States public land survey system, or any United States geological survey or United States coast and geodetic survey (also known as the national ocean service/national geodetic survey) monument as a control corner, such professional land surveyor shall file a monument record describing such monument with the board if the monument and its accessories are not substantially described in an existing monument record previously filed pursuant to this section or its predecessor.

(b) If a professional land surveyor establishes, restores, or rehabilitates any public land survey monument corner location or section corner, quarter section corner, or sixteenth section corner as defined by the nomenclature of the United States public land survey system, such professional land surveyor shall file a monument record.

(c) Any monument record filed pursuant to this section shall describe at least two accessories or reference points.

(2) Monument records shall be filed within six months of the date on which the monument was used as control or was established, restored, or rehabilitated.

Source: L. 94: Entire article R&RE, p. 1525, § 48, effective July 1. **L. 2006:** (1)(a) and (1)(b) amended, p. 338, § 1, effective August 7.

Editor's note: This section was contained in an article that was repealed and reenacted in 1994. Provisions of this section, as it existed in 1994, are similar to those contained in 38-53-103 as said section existed in 1993, the year prior to the repeal and reenactment of this article.