

APPENDIX A-2

NATURAL GAS PIPELINE CONSTRUCTION MASTER PLAN

CAVE GULCH-BULLFROG-WALTMAN NATURAL GAS DEVELOPMENT PROJECT

Right-of Way Administration

1. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the operators shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.
2. The operators shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the operators shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency 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.

The operators agree 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 of 1976, 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). This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.

3. The holder shall comply with the construction practices and mitigating measures established by 33 CFR 323.4, which sets forth the parameters of the "nationwide permit" required by Section 404 of the Clean Water Act. If the proposed action exceeds the parameters of the nationwide permit, the holder shall obtain an individual permit from the appropriate office of the Army Corps of Engineers and provide the authorized officer with a copy of same. Failure to comply with this requirement shall be cause for suspension or termination of this right-of-way grant.

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4. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate 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.
5. Holder shall protect existing telephone, telegraph, and transmission lines, roads, trails, fences, ditches, and like improvements during construction, operation, maintenance, and termination of the system. Holder shall not obstruct any road or trail without the prior approval of the authorized officer. Damage caused by holder to utilities and improvements shall be promptly repaired by holder to a condition which is satisfactory to the authorized officer.
6. The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands of the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.

Construction

7. The authorized officer is the Platte River Resource Area Manager. His representative for this right-of-way is:

Name and Title:	Celia Skillman, Realty Specialist
Address:	815 Connie Street P. O. Box 2420 Mills, Wyoming 82644
Telephone Number:	(307) 261-7519

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8. Any relocation, additional construction, or use that is not in accord with the approved plan of development, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all stipulations and the approved plan of development, shall be made available on the right-of-way area during construction, operation, and termination to the authorized officer. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
9. The holder shall not initiate any construction or other surface disturbing activities on the right-of-way without the prior written authorization of the authorized officer. Such authorization shall be a written notice to proceed issued by the authorized officer. Any notice to proceed shall authorize construction or use only as therein expressly stated and only for the particular location or use therein described.
10. The holder shall designate a representative who shall have the authority to act upon and to implement instructions from the authorized officer. The holder's representative shall be available for communication with the authorized officer within a reasonable time when construction or other surface disturbing activities are underway.
11. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of two (2) inches deep, the soil shall be deemed too wet to adequately support construction equipment.
12. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
13. Construction activity and surface disturbance will be prohibited during the period from February 1 to July 31 for the protection of golden eagles, and from March 1 to July 31 for Ferruginous Hawks. Any exceptions to this requirement must have prior written approval from the authorized officer.
14. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
15. When construction activity in connection with the right-of-way breaks or destroys a natural barrier used for livestock control, the gap thus opened shall be fenced to prevent the drift of livestock.
16. The operators shall clearly mark the centerline of the right-of-way.
17. The operators shall place slope stakes, culvert location and grade stakes, and other construction control stakes as deemed necessary by the authorized officer to ensure construction in accordance with the plan of development. If stakes are disturbed, they shall be replaced before proceeding with construction.

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18. Specific sites as identified by the authorized officer (e.g., archeological sites, areas with threatened and endangered species, or fragile watersheds) where construction equipment and vehicles shall not be allowed, shall be clearly marked onsite by the operators before any construction or surface disturbing activities begin. The operators shall be responsible for assuring that construction personnel are well trained to recognize these markers and understand the equipment movement restrictions involved.
19. Brushbeaters shall be used to clear the right-of-way. Clearing shall be limited to no more than 15 feet wide, preferably 3 feet wide on the stockpile side and 12 feet wide on the working side of the trench.
20. Natural vegetation shall be cleared or trimmed only when necessary to provide suitable access for construction, operation, and maintenance of the system.
21. No new roads shall be built in conjunction with the facilities authorized herein. When construction activities are completed, holder shall regrade and rehabilitate the existing roadway so that it meets or exceeds conditions prior to construction as determined by the authorized officer.
22. If "cross country" access is necessary, clearing vegetation or grading a roadbed will be avoided whenever practicable. All construction and vehicular traffic shall be confined to the right-of-way or designated access routes, roads, or trails unless otherwise authorized in writing by the authorized officer. All temporary roads used for construction shall be rehabilitated after construction is completed. Only one road or access route will be permitted to each site requiring access.
23. The operators shall provide for the safety of the public entering the right-of-way. This includes, but is not limited to, barricades for open trenches, flaggers with communication systems for single-lane roads without intervisible turnouts, and attended gates for blasting operations.
24. The operators shall design and construct adequate water-control structures in each drainage crossing to prevent excessive erosion along the pipeline and protect the pipeline from the natural erosion process within the drainage.
25. All design, material, and construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.
26. The operators shall restore drainages, to the greatest extent possible, to the original bank configuration, stream bottom width, and channel gradient. Loose soil, fill, and culverts shall be removed from drainage channels.
27. The operators shall inform the authorized officer within 48 hours of any accidents on public lands that require reporting to the Department of Transportation as required by 49 CFR Part 195.
28. If during any phase of the construction, operation, or termination of the pipeline or related facilities any oil or other pollutant should be discharged from the pipeline system, or from

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containers or vehicles impacting Federal lands, the control and total removal, disposal, and cleanup of such oil or other pollutant, wherever found, shall be the responsibility of the operators, regardless of fault. Upon failure of the operators to control, cleanup, or dispose of such discharge on or affecting Federal lands, or to repair all damages to Federal lands resulting therefrom, the authorized officer may take such measures as he deems necessary to control and cleanup the discharge and restore the area, including, where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of the operators. Such action by the authorized office shall not relieve the operators of any liability or responsibility.

29. The operators shall accomplish the crossing of all pipelines in accordance with the agreement between that company and the operators. The agreement will be filed with BLM prior to construction.
30. Pipeline construction shall not block or change the natural course of any drainage.
31. Pipeline trenches shall be compacted during backfilling and shall be maintained in order to correct settling and erosion.
32. Prior to any discharge, hydrostatic testing water will be tested and processed, if necessary, to ensure that the water meets local, State, or Federal water quality standards. Prior to discharge of hydrostatic testing water from the pipeline, the holder shall design and install a suitable energy dissipator at the outlets, and design and install suitable channel protection structures necessary to ensure that there will be no erosion or scouring of natural channels within the affected watershed as a result of such discharge. The holder will be held responsible for any erosion or scouring resulting from such discharge. Sandbags, rock, or other materials or objects installed shall be removed from the site upon completion of hydrostatic testing.

Fire Control

33. During conditions of extreme fire danger, operations shall be limited or suspended in specific areas, or additional measures may be required by the authorized officer.
34. When requested by the authorized officer, the operators shall make their equipment already at the site with operators, temporarily available for fighting fires in the vicinity of the project. Payment for such services will be made at rates determined by the authorized officer.

Rehabilitation

35. After site restoration, the operators shall construct waterbars along the right-of-way using the following spacing:
 - 0-2% grade -- 200 foot interval
 - 2-4% grade -- 100 foot interval
 - 4-5% grade -- 75 foot interval
 - 5-15% grade -- 50 foot interval
 - 15% + grade -- 25 foot interval.

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Waterbars are to be constructed: (a) to simulate the imaginary contour lines of the slope; (b) to drain away from the disturbed area; (c) to begin and end in vegetation or rock; (d) approximately one foot deep with a channel grade of two percent or less; and (e) with spoil material placed on the downhill side of the waterbar.

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

Fall seeding must be completed after September 1 and prior to ground frost. Spring seeding must be completed after the frost has left the ground and prior to May 15.

Seed shall be planted using a drill equipped with a depth regulator to ensure proper depth of planting where drilling is possible. The seed mixture shall be evenly and uniformly planted over the disturbed area at a depth not greater than one-half inch. Smaller/heavier seeds have a tendency to drop to the bottom of the drill and are planted first; the holder shall take appropriate measures to ensure this does not occur. Where drilling is not possible, seed shall be broadcast and the area shall be raked or chained to cover the seed. When broadcasting the seed, the pounds per acre noted below are to be doubled. The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer. Evaluation of growth will not be made before completion of the first growing season after seeding. The authorized officer is to be notified a minimum of 15 days prior to seeding of the project.

<u>Seed Mixture</u>	<u>Pounds/acre PLS</u>
Thickspike wheatgrass	4
Streambank wheatgrass	3
Green needlegrass	3
Annual ryegrass	1
Slender wheatgrass	3

Total 14 lbs/acre PLS

(PLS formula: % of germination (x) % of purity (x) 100%)

37. The operators shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The operators are responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods.

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Operation/Maintenance

38. The operators shall maintain the right-of-way in a safe, usable condition as directed by the authorized officer.
39. All above-ground structures not subject to safety requirements shall be painted by the operators to blend with the natural color of the landscape. The paint used shall be a color which simulates "Standard Environmental Colors" designated by the Rocky Mountain Five-State Interagency Committee. The color selected for this project is Carlsbad Canyon; Munsell Color No.2.5Y 6/2.
40. The operators shall not use the right-of-way as a road for purposes other than routine maintenance.

Termination

41. Thirty (30) days prior to termination of the right-of-way, the operators shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination and rehabilitation plan. This plan shall include but is not limited to, removal of facilities, drainage structures or surface material, recontouring, topsoiling or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.

Date

Signature

Title

Date

Signature

Title