

## **APPENDIX B APPLICANT COMMITTED PRACTICES**

The proponent commits to the following practices.

### **Air Quality**

1. Kennedy would adhere to all applicable local, state, and federal air quality regulations and standards. Kennedy would adhere to all applicable ambient air quality standards, permit requirements (including preconstruction, testing, and operating permits), motorized equipment and other regulations, as required by the State of Wyoming, Department of Environmental Quality, Air Quality Division (WDEQ-AQD).
2. Kennedy would not allow burning garbage or refuse at well locations or other facilities. Any flaring would be conducted under the permitting provisions of Section 13 of the Wyoming Air Quality Standards and Regulations.

### **Soils**

1. Implement established BLM road standards practice to minimize offsite impacts and provide for the safety of operations.
2. Locate pipelines immediately adjacent to roads to avoid creating separate areas of disturbance and to reduce the total area of disturbance.
3. Frozen soils will not used as construction material.
4. Minimize construction activities in areas of steep slopes.
5. Design cut slopes in a manner that will allow retention of topsoil, use of surface treatment such as mulch, and subsequent revegetation.
6. Six inches of topsoil will be salvaged from all disturbed areas.
7. Where possible, minimize disturbance to vegetated cuts and fills on existing improved roads.
8. Install runoff and erosion control measures such as water bars, berms, and interceptor ditches if needed.
9. Install culverts for ephemeral and intermittent drainage crossings.

10. Upon completion of construction activities not specifically required for production operations, restore topography to near pre-existing contours at the well sites, along access roads and pipelines, and other facilities sites; replace up to six inches of topsoil or suitable plant growth material over all disturbed surfaces; apply fertilizer as required; seed; and mulch.

## **Water Resources**

Mitigation measures listed in the Soils, and Vegetation and Wetlands sections of this also apply to Water Resources.

1. Limit construction of all drainage crossings to no-flow periods or low-flow periods.
2. Minimize the area of disturbance within drainage channel environments.
3. Prohibit construction of well sites and other non-linear features within 500 feet of surface water and/or riparian areas. Possible exceptions to this will be granted by the BLM for linear features based on an environmental analysis and site-specific mitigation plans.
4. Construct channel crossings by pipelines such that the pipe is buried a minimum of four feet below the channel bottom.
5. Case wells during drilling, and case and cement all wells in accordance with Onshore Order No. 2 to protect all high quality water aquifers. High quality water aquifers are aquifers with known water quality of 10,000 TDS or less. Include well casing and welding of sufficient integrity to contain all fluids under high pressure during drilling and well completion. Wells will adhere to the appropriate BLM cementing policy.
6. Construct the reserve pits in cut rather than fill materials. Compact and stabilize fill material, as needed. Inspect the subsoil material of the pit to be constructed in order to assess soil stability and permeability and determine whether reinforcement is required. The reserve pit will be lined with reinforced synthetic liner at least 12 mils in thickness with a bursting strength of 175 x 175 pounds per inch (ASTMD 75179) or according to stipulation.
7. Maintain one foot of freeboard on all reserve pits to minimize the risk of overflowing. Shut down drilling operations until the problem is corrected if leakage is found outside the pit.
8. Extract hydrostatic test water used in conjunction with pipeline testing and all water used during construction activities from sources having sufficient quantities and appropriation permits approved by the State of Wyoming.
9. No crossings or encroachments of waters of the U.S., as defined by the U.S. Army Corps of Engineers (COE), is planned in association with this project. The Great Divide Basin is hydrographically closed and has been determined by the COE not to contain any waters of the U.S. that will fall under their jurisdiction. The COE has reviewed the scoping notice for the

Proposed Action. Based on the information provided and the Court ruling, it has been determined that any wetlands or other waters in the Project area are isolated and are no longer considered to be ‘waters of the U.S.’ under Section 404 of the Clean Water Act (COE March 22, 2002 response to T Deakins, re scoping notice for Kennedy Oil Pilot Exploratory Coal Bed Methane Project).

Any changes in the produced water disposal method or location must have written approval from the BLM before the changes take place.

## **Noise**

1. Muffle and maintain all motorized equipment according to manufacturers' specifications.
2. In any area of operations (drill site, etc.) where noise levels may exceed federal OSHA safe limits, Kennedy will provide and require the use of proper personnel protective equipment by employees. No compression facilities are proposed for this Project.

## **Transportation**

1. Existing roads will be used whenever possible. Standards for road design will be consistent with BLM guidance.
2. Roads not required for routine operation and maintenance of producing wells and ancillary facilities will be reclaimed and revegetated.
3. Areas with important resource values, steep slopes, and fragile soils will be avoided.
4. Kennedy will be responsible for preventive and corrective maintenance of roads in the project area throughout the duration of the Proposed Action. This may include shallow grading, cleaning ditches and drainage facilities, dust abatement, noxious weed control, or other requirements as directed by the BLM or the Sweetwater County Road and Bridge Department.
5. Except in emergency situations, access will be limited to drier conditions to prevent severe rutting (creation of ruts in excess of 4” deep) of the road surface. Culverts will be installed where needed to allow drainage in all draws and natural drainage areas. Onsite reviews will be conducted with BLM personnel for approval of proposed access prior to any construction.

## **Health and Safety**

Measures listed under Air Quality and Water Quality also apply to Health and Safety.

1. Sanitation facilities installed on the drill sites and any resident campsite locations will be approved by the WDEQ and Authorized Officer.

2. To minimize undue exposure to hazardous situations, the operator will comply with all existing applicable rules and regulations (i.e., Onshore Orders, OSHA requirements, etc.) that will preclude the public from entering hazardous areas and place warning signs alerting the public of truck traffic, if required by the BLM.
3. Haul all garbage and rubbish from the drill site to a state-approved sanitary landfill for disposal. Collect and store any garbage or refuse materials on location prior to transport in containers approved by the BLM.
4. Spill Prevention Control and Countermeasure Plans will be written and implemented as necessary, in accordance with 40 CFR 112.

Spills of oil, gas, or any other potentially hazardous substance will be reported immediately to the BLM, and will be mitigated immediately, as appropriate, through cleanup or removal to an approved disposal site.

## **Vegetation/Wetlands/Noxious Weeds**

Other mitigation measures under Soils and Water Resources also apply.

1. File noxious weed monitoring forms with the BLM and implement, if necessary, a weed control and eradication program.
2. Evaluate all project facility sites for occurrence and distribution of waters of the U.S., special aquatic sites, and jurisdictional wetlands. All project facilities will be located out of these sensitive areas. If complete avoidance is not possible, minimize impacts through modification and minor relocations.
3. On BLM lands, an approved Pesticide Use Proposal will be obtained before the application of herbicides or other pesticides for the control of noxious weeds.
4. Disturbed areas will be seeded and stabilized in accordance with BLM-approved reclamation guidelines.

## **Wildlife and Fisheries**

No fisheries mitigation is needed beyond that indicated under Water Resources and Special Status Species.

1. During reclamation, establish a variety of forage species that will return the land to a condition approximate or equal to that which existed prior to disturbance.
2. Prohibit unnecessary off-site activities of operational personnel in the vicinity of the drill sites. Inform all project employees of applicable wildlife laws and penalties associated with unlawful

take and harassment. Minimize surface disturbance.

3. No construction is planned in big game crucial winter range at any time. No crucial winter range is identified in the project area.
4. Conduct a raptor survey within 1 mile of the project activity areas prior to construction if activities will be conducted between February 1 and July 31. No permanent above ground structures will be constructed within 825 feet of an active raptor nest (NSO).
5. Surface-disturbing activities will be seasonally restricted from February 1 through July 31 within a 0.5-mile radius of all active raptor nests, except for ferruginous hawk nests, which will have a 1.0-mile seasonal buffer. Active nests are described as any active within the past 3 years. Such restriction will not apply to routine maintenance activities. When an “active” raptor nest is within ½ to 1 mile (depending on species and line of sight) of a proposed well site, restrict construction during the critical nesting season for that species. For listed and BLM sensitive species the distance should be increased to within one mile of a proposed well site. See Chapters 3 and 4 for details. No above ground structures or roads are allowed to be constructed within 825 feet of any raptor nest (Wyoming BLM State Guidelines).
6. Protection for breeding Greater Sage-grouse will include No Surface Occupancy within 0.25 mile of a lek. Construction of low profile facilities or performance of temporary disruptive activities will be avoided where possible, but exceptions may be requested from the authorizing officer, in accordance with the GRRMP ROD.

Protection for greater sage-grouse nesting habitat within appropriate distances from leks will include avoidance of such habitat and/or restriction of seasonal activities within those areas. Such restrictions may apply to suitable nesting habitat up to two miles from the lek from February 1 through July 31. The time frames will be assessed on a case-by-case basis by the RSFO, in accordance with the GRRMP ROD. Exceptions may be granted if the activity will occur in unsuitable nesting habitat.

7. Mountain plover will be protected by restricting or avoiding construction activities in mountain plover nesting and brood-rearing habitat during breeding periods (April 10 through July 10). Seed mixes for plants 6 inches high or less will be used in mountain plover habitat, or as otherwise directed by an Authorized Officer. Sightings of mountain plover will be reported to the BLM. Observances of mountain plover nest, eggs, or chick will be immediately reported to the BLM and USFWS. Entire project area will be considered suitable mountain plover habitat. All surveys will be in accordance with USFWS guidelines.
8. If sodium levels reach 17,000 ppm or more, reserve pits will be netted to protect migratory birds.
9. If threatened, endangered, candidate, or proposed species are discovered at any time during construction, all construction activities will halt and the BLM will be immediately notified. Work will not resume until a Notice to Proceed is issued by the BLM.

## **Cultural and Historic Resources**

Kennedy has completed Class III cultural inventories of all previously uninventoried parcels of land that will have surface disturbance associated with the action.

1. If cultural resources are discovered at any time during construction, all construction activities will halt and the BLM will be immediately notified. Work will not resume until a Notice to Proceed is issued by the BLM.

## **Socioeconomics**

1. Implement hiring policies that will encourage the use of local or regional workers who will not have to relocate to the area.
2. Coordinate project activities with ranching operations to minimize conflicts involving livestock movement or other ranch operations. Establish effective and frequent communication with affected ranchers to monitor and correct problems and coordinate scheduling.