

TARIQ AHMAD
PRESIDENT
PACIFIC ENERGY AND MINING CO.
3550 Barron Way, Suite 13A
Reno, NV 89511
Telephone 775-333-6626
taroil@yahoo.com

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

**IN THE MATTER OF PACIFIC ENERGY &
MINING COMPANY**

Docket No. 18-2602-01

**PACIFIC ENERGY & MINING
COMPANY REPLY TO DIVISION'S
RESPONSE DATED JUNE 20, 2018**

Division has filed its response to Pacific Energy & Mining Company ("PEMC") Motion to dismiss for Lack of Jurisdiction. In its response Division has stated:

1. Division has Jurisdiction due to PEMC voluntarily agreeing to jurisdiction.
2. PEMC agreed to Divisions' Jurisdiction as it filed reports with the Federal Government with copies to the Division.
3. Bureau of Land Management does not define the pipeline as gathering or transmission lines and does not have authority to define gathering lines.

PEMC will address each of the issues above:

FACTS

1. PEMC took over operations of the Greentown Oil Field in 2010 from Delta Petroleum Corporation.
2. PEMC acquired the Field from Delta Petroleum in 2011.

3. PEMC is the operator of Greentown Gas Gathering System (“GPL”.) Dan Green Declaration ¶4.
4. PEMC does not own GPL. Dan Green Declaration ¶5.
5. From the period 2008 until 2012, natural gas from the Federal 28-11 well was treated at the well site where gas was dehydrated, liquids removed and the gas compressed and shipped in the 6 inch gathering line to the 16 inch gathering line.¹ See Dan Green declaration ¶6.
6. Natural gas is treated at the end of the 16 inch pipeline where water and impurities are removed prior to the gas entering the regulated pipeline. Dan Green Declaration ¶7.
7. From the period 2008 until 2012 the SITLA site was not connected to the 16 inch pipeline. Dan Green Declaration ¶8.
8. In 2012 due to loss of reservoir pressure, PEMC pursuant to approval by owners of GPL and the wells owners, PEMC connected the 16 inch pipeline to the SITLA site. Dan Green Declaration ¶9.
9. In 2012 flowing tubing pressure at the well head had decreased from 5000 psi to less than 150 psi making the Joule-Thompson (“JT”) plant ineffective. Dan Green declaration ¶10.
10. In 2012 PEMC moved the dehydration unit and compressor from the Well site to the SITLA site and installed a processing plant replacing the JT plant which was installed at the Well Site. Dan Green Declaration ¶11.
11. Due to loss of reservoir pressure the JT plant had stopped functioning. Dan Green declaration ¶12.
12. Natural gas is dehydrated, liquids removed and the gas compressed at the SITLA site. Dan Green declaration ¶13.
13. At the interconnect water and impurities are removed in order to make the gas ready for consumer consumption. Dan Green declaration ¶14.

¹ JT plant uses pressure differential to remove liquids. Flowing tubing pressure from 2008 until 2012 was 5000 psi. Pressure dropped below the JT plant operating pressure.

14. In 2014 Division approached PEMC and requested an inspection of GPL.
15. PEMC allowed inspection of GPL as a courtesy. Dan Green declaration ¶15.
16. PEMC consultants filed reports as suggested by the Division with the United States Department of Commerce.² Dan Green declaration ¶16.
17. Division did not inform PEMC consultants as to the ramifications of filing the reports. Dan Green declaration ¶17.
18. PEMC learned that GPL was a regulated pipeline after receiving letters of violations.
19. Division employees did not inform or attempt to help PEMC consultant in preparing the alleged manual that the Division is so concerned about. Dan Green declaration ¶18, 19.
20. PEMC did not receive consent from owners of GPL to file reports with or allow regulation of GPL. Dan Green declaration ¶20, 21.
21. It is common in the oil and gas in the oil and gas industry to dehydrate, remove liquids and compress the gas at the well head. Dan Green declaration ¶22.

Division Does Not have Jurisdiction

As stated in Divisions brief, Division uses the definitions under 42 CFR 192 to determine jurisdiction. Division correctly states, Division is acting on behalf of the Federal Government:

“if it is not a gathering line than it is a transmission line” Thus subject to Federal Jurisdiction and thus State Jurisdiction.”

The pertinent question here is whether the Gathering Line is in fact a transmission line. In support of its argument, Division is alleging that:

PEMC’s pipeline is properly classified as an intra state natural gas because it transports gas downstream of the last processing point and accepts gas from another producer from other production facilities.

² Division employees failed to inform PEMC consultant that PEMC might become regulated due to the filing of the reports.

The statement above is a misrepresentation of facts. The Gathering Line was built with a block valve to accept gas from other producers in 2008. The Department of Interior right-of-way was granted as a gathering line in order to gather natural gas from all producing wells in the area, not just ones operated and owned by PEMC.³ Nothing changed between 2008 and 2014 when the Division asserted jurisdiction. The last processing point as stated by Division has not moved. As stated above, all processing of natural gas was done at the well site from 2008 until 2012. The processing site was not even connected until 2012.

Natural gas was shipped from the well site in the 6 inch line to the 16 inch line without any additional compression until the last processing point located upstream of the sales meter where gas is further treaded to remove impurities and water, checked for quality prior to its transfer to Northwest Pipeline for sale to a consumer.

Solids and water is removed from natural gas prior to being transferred to Northwest Pipeline Interstate Gas Transmission line. The Gas is tested for quality, measured all in equipment paid for by PEMC. Natural Gas is transferred to Northwest pipeline downstream of the natural gas meter.

A pipeline that transports gas from a point where it is produced to the end of any treatment or other processing necessary to make the gas generally fit for consumers. The gas from GPL system is not generally fit for consumers until the impurities and water are removed upstream of the sales meter which connects to the regulated pipeline. Regulations are meant to be read in plain English. The regulation here states “gas generally fit for consumers.” Gas at the PEMC compression facility is under no stretch of the imagination fit for consumers. Clearly no one at the division would put a stove at the discharge side of the facility to cook or heat their home. If the Divisions interpretation is accepted, the 6 inch gathering line would be regulated as

³ If the Division believed that the Gathering Line is a Transmission Line, why did the Division not regulate the Gathering Line from 2008 – 2014. A block valve was constructed in 2008 to accept natural gas from other producers. Nothing has changed, the end point of the Gathering Line and the beginning point of the Gathering Line are located in exactly the same locations. The processing plant has not moved.

well since the gas was treated at the well site. As stated in Dan Green's declaration it is common in the oil and gas industry to treat gas at the well head when the pressures are higher than the pipeline rated pressure. That is precisely the reason for using a JT plant at it operates at a high differential pressure.

In a decision dated January 18, 1980 see Exhibit 1 . Chief, Pipeline Safety Enforcement Division, DMT-13 states:

*Part 192 definition of gathering line, DOT and industry were unable to arrive at a precise definition. Since it is not precise, we must rely on our judgement using the generally accepted industry and government definitions as guidelines. I have principally used the following definitions as the basis for my determination:
Gathering System: The network of pipelines which carry gas from the well to the processing plant or other separation equipment.*

*Definition of Words & Terms
Used in the Gas Processing
Industry - Gas Processors
Assoc.*

Gas Plant: A gas plant includes any natural gas or natural gas liquid gathering facilities and the transportation lines (including compressor stations) connecting these facilities to the actual physical plant at which the natural gas or natural gas liquids are processed.

*Federal Register, Vol. 43,
No. 184, Thurs., 9-21-78,
Department of Energy*

The definition by the Department of Energy is for economic purposes; however, it does demonstrate that other government agencies do consider gathering lines and processing plants as part of the same facility.

Gathering System: The gathering lines, pumps, auxiliary tanks (in the case of oil), and other equipment used to move oil or gas from the well site to the main pipeline for eventual delivery to the refinery or consumer as the case may be. In the case of gas, the gathering system includes the processing plant (if any) in which the gas is prepared for market.

*Manual of Oil & Gas Terms
Williams & Meyers, 3rd
Edition*

Gathering Line (proposed): A pipeline that transports gas from a point where it is

produced to the end of any treatment or other processing necessary to make the gas generally fit for consumers.

*Federal Register, Vol. 39,
No. 188, Thurs., 9-26-74,
Office of Pipeline Safety,
Notice 74-7*

The decision above is binding as to definition of a Gathering line, specifically “A whether there is any treatment or other processing necessary.” Here, the final treatment with a filtration plant is the end point of the gathering line which is located upstream of the Sales Meter. (transfer meter wherein the Gas is transferred to Northwest Pipeline.) Gas is not fit for consumer until the gas is finally filtered and measured for quality. Gas meets the quality standards only after it is run through a filtration unit upstream of the natural gas transfer meter. ⁴

SUBJECT MATTER JURISDICTION

It is a matter of settled law that a court cannot give judgement without having subject matter jurisdiction. All the courts have said that a judgment is void if a “court lacked jurisdiction.”⁵

⁴ *Gathering Line (proposed): A pipeline that transports gas from a point where it is produced to the end of any treatment or other processing necessary to make the gas generally fit for consumers.*

*Federal Register, Vol. 39,
No. 188, Thurs., 9-26-74,
Office of Pipeline Safety,
Notice 74-7*

⁵ *See* Hoult v. Hoult, 57 F.3d 1, 6 (1st Cir. 1995); *see also, e.g.,* Johnson v. Arden, 614 F.3d 785, 799 (8th Cir. 2010); Oldfield v. Pueblo De Bahia Lora, S.A., 558 F.3d 1210, 1218 & n.21 (11th Cir. 2009); Burrell v. Henderson, 434 F.3d 826, 831 (6th Cir. 2006); Grace v. Bank Leumi Trust Co. of N.Y., 443 F.3d 180, 193 (2d Cir. 2006); Sasson v. Sokoloff (*In re* Sasson), 424 F.3d 864, 876 (9th Cir. 2005); Wendt v. Leonard, 431 F.3d 410, 412 (4th Cir. 2005); Callon Petroleum Co. v. Frontier Ins. Co., 351 F.3d 204, 208 (5th Cir. 2003); Robinson Eng’g Co. Pension Plan & Trust v. George, 223 F.3d 445, 448 (7th Cir. 2000); V.T.A., Inc. v. Airco, Inc., 597 F.2d 220, 224–25 (10th Cir. 1979); Marshall v. Bd. of Educ., Bergenfield, N.J., 575 F.2d 417, 422 (3d Cir. 1978). *But see* Wendt, 431 F.3d at 413 (stating that “a lack of subject matter jurisdiction will not always render a final judgment ‘void’ [under Rule 60(b)(4)]” (alteration in original) (internal quotation marks omitted)); Gschwind v. Cessna Aircraft Co., 232 F.3d 1342, 1346 (10th Cir. 2000) (“A judgment *may* in some instances be void for lack of subject matter jurisdiction.” (emphasis added)); Kansas City S. Ry. v. Great Lakes Carbon Corp., 624 F.2d 822, 825 (8th Cir. 1980) (en banc) (“Absence of subject matter jurisdiction *may*, in certain cases, render a judgment void.”); *Lubben*, 453 F.2d at 649 (similar).

A court does not have the power, by judicial fiat, to extend its jurisdiction over matters beyond the scope of the authority granted to it by its creators. Ben Sager Chems. Int'l, Inc. v. E. Targosz & Co., 560 F.2d 805, 812 (7th Cir. 1977).

The argument that PEMC voluntarily subjected itself to the jurisdiction of the Division is contrary to the law. One cannot submit to subject matter jurisdiction voluntarily. Subject Matter jurisdiction is a matter of law. Courts have consistently held that subject matter jurisdiction is essential and can be raised at any time in the proceeding or after judgement. As a judgment is void is the court did not have jurisdiction to begin with.

Division's argument that PEMC filed reports with the Federal Government and sent copies to the division, thus subjecting itself to Divisions jurisdiction is against settled law.

("[R]elief from void judgments is not discretionary."); V.T.A., Inc. v. Airco, Inc., 597 F.2d 220, 224 n.8 (10th Cir. 1979) (noting that if a judgment is void, then a Rule 60(b)(4) motion must be granted).

PEMC did not file the report with the Federal Government as a regulated entity, rather these reports were filed upon a request by the Division, at no time did the Division inform PEMC that filing the reports could subject PEMC to Division's jurisdiction. Rather these reports were filed as a courtesy, not as a requirement. Filing of a report still does not allow for subject matter jurisdiction, where none exists.

The reports filed by PEMC, were filed by consultants, without PEMC authorization. PEMC officers and directors did not authorize any consultant to subject PEMC to the jurisdiction of the Division. A entity cannot enter into a contract without the authority of the officers of the Company duly granted by the Board of Directors. See Dan Green Declaration ¶20, 21. Even if the reports were filed, they were not authorized, thus were filed erroneously.

//

//

//

**BUREAU OF LAND MANAGEMENT PROPERLY DESIGNATED THE RIGHT OF WAY
AS A GATHERING SYSTEM**

Contrary to the assertion of the Division, the United States Department of the Interior Bureau of Land Management Right of Way UTU 83547 Specifically States:

- a. By this instrument, the holder:

Delta Petroleum Corporation
370 Seventeenth St., Suite 4300
Denver, Colorado 80202

receives a right to construct, operate, maintain, and terminate the Greentown Pipeline Gathering System on public lands described in Exhibit A.

See Exhibit 2.

The Right of Way was specifically granted as “Greentown Pipeline Gathering System on public lands.” Contrary to the Divisions assertion, Bureau of Land Management is the proper authority in issuing the Right of Way for its specific purpose. If this was a Natural Gas Transmission Line, the ROW would specify that.

As stated in the decision on Exhibit 1, Chief Pipeline Safety specifically stated:

The definition by the Department of Energy is for economic purposes; however, it does demonstrate that other government agencies do consider gathering lines and processing plants as part of the same facility.

This decision is instructive, as Pipeline Safety decision above gives deference to other governmental agencies in defining gathering lines. Here the United States Department of the Interior granted the right-of-way for a specific purpose, **Gathering of Natural Gas on Public Lands.** Transmission lines do not gather gas, rather they transport gas, which is not the case here.⁶⁷⁸ In each of the documents provided, the right-of-way specifies the use. In case of the Gathering Line, it specifies

⁶ Exhibit 3 is a copy of the Northwest Pipeline right-of-way that specifies a gas transmission pipeline.

⁷ Exhibit 4 is a copy of the Tesoro Pipeline right-of-way that specifies petroleum products pipeline.

⁸ Exhibit 5 is a copy of Frontier Communications right-of-way specifying 48 count fiber optic line. This right-of-way can only be used for a 48 count fiber. Not 96 fiber count.

“Greentown Pipeline Gathering System” If the intent was anything other than a gathering system, it would have stated so. The application for the Gathering Line specified “Gathering system” not gas transmission line as alleged by the Division.

On February 3, 2012, the United States Department of the Interior, Bureau of Land Management approved the assignment of the Right of Way from Delta Petroleum Corporation to PEMC. In approving the assignment the government stated:

On February 1, 2008, right-of-way UTU-83457 was issued to Delta Petroleum Corporation for the **Greentown natural gas pipeline gathering system** on public lands

See page 1 ¶1 Exhibit 2.

Division agrees that gas gathering systems are not regulated, but then insists that the Bureau of Land Management finding that the ROW is for a gas gathering system is not binding.

Division here regulates under the authority of the Federal Government, thus the finding by the United States Government is binding upon the Division.

Division’s Decision was unilateral

Division in its filing has stated that the decision was made in consultation with PEMC, PHSMA and the Division, this is contrary to the facts. PEMC consultant via email informed the Division that PEMC gas gathering system is not regulated. See Email to division by consultant to PEMC.

Terry,

I am sending you a somewhat detailed description of my logic that the Paradox (Natural Gas) Gathering Pipeline does not fall under the scope of 49 CFR 192.1, under 192.1(b)(4)(ii) as it is not a regulated onshore gathering line (as determined in 49 CFR 192.8). The area in which this pipeline runs through is under development and if significant oil and gas discoveries will be made then this gathering pipeline will convey other producers' production to the Tie-in of Northwest Pipeline.

See email dated September 13, 2013.

PEMC did not negotiate or agree to the jurisdiction of the Division, on the contrary, PEMC insisted and is still insisting the “Greentown Pipeline Gas Gathering System” is only a gathering system and not a transmission line⁹ to be regulated by the Division on behalf of the Federal Government.

“I men a person representing the Division at the processing plant, I informed him that PEMC believes that we are not a regulated Pipeline, I further informed him that he can perform an inspection only as a courtesy by PEMC.”

See ¶ __ Exhibit _ Declaration of Tariq Ahmad

“I did not agree to the jurisdiction of the Division for the Greentown Gas Gathering System.”

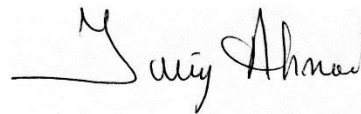
Exhibit __ Declaration of Dan Green.

Division’s assertion is thus incorrect.

CONCLUSION

For the foregoing reasons, PEMC requests that Divisions Notice of action be dismissed due to lack of jurisdiction.

DATED: August 10, 2018



Tariq Ahmad
President

⁹ A consultant to the company cannot bind the company. Only an authorized officer of the company can bind the company.

PROOF OF SERVICE

I certify that I caused a true and correct copy of the foregoing to be served this 6th day of July 2018 by email to the following:

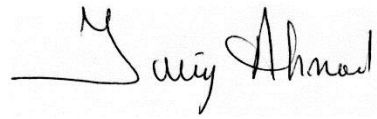
Chris Parker, Director Division of Public Utilities
chrisparker@utah.gov

Al Zadeh, Pipeline Safety Lead
azadeh@utah.gov

DPU Data Request
DPUdatarequest@utah.gov

Patrica E. Schmid
Justin C. Jetter
Assistant Attorney Generals
Counsel for Division of Public Utilities
pschmid@agutah.gov
jjetter@agutah.gov

Dated: August 10, 2018

A handwritten signature in black ink, reading "Tariq Ahmad". The signature is fluid and cursive, with a long horizontal stroke at the beginning.

Tariq Ahmad

Declaration of Dan Green

I, Dan Green, make and execute this Affidavit based on my own personal knowledge:

1. I am over the age of 18 years, and am competent to testify in a court of law.
2. I am a consultant to Pacific Energy & Mining Co. ("PEMC").
3. I am familiar with the design and operation of the Greentown Gas Gathering System. ("GPL").
4. PEMC is the operator of the Greentown Gas Gathering System "GPL".
5. PEMC does not have an ownership interest in GPL.
6. For the period 2008 through 2012, natural gas was treated at the Federal 28-11 well located in Grand County, Utah. At this location natural gas was dehydrated and liquids removed, thereafter natural gas was compressed and placed in the 6 inch gathering line. A Joule-Thompson (JT) plant was used to remove liquids.
7. Gas was transported in the 6 inch line to the 16 inch line without any processing until it reached the Interconnect into the regulated pipeline, at which point water and impurities are removed prior to the sales meter.
8. From the period 2008 until 2012 the 16 inch pipeline was not connected to the SITLA site.
9. In 2012 PEMC with consent of the owners of GPL, PEMC connected the 16 inch pipeline to the SITLA site.
10. In 2012 reservoir pressure had declined, from 5000 psi flowing tubing pressure to about 150 psi flowing tubing pressure, making the JT plant ineffective.
11. During 2012 the Dehydration unit and compressor were relocated from the Well site to the SITLA site while the JT plant was replaced with a refrigeration plant.
12. Relocation of compression from well site to SITLA site was to reduce gathering line pressure in order to have the well produce at a lower flowing tubing pressure.

13. Natural gas is dehydrated, liquids removed and the gas compressed at the SITLA site. At the interconnect water and impurities are removed in order to make the gas ready for consumer consumption. This is the exact same process that was done at the well site prior to 2012.
14. At the interconnect, prior to the NWP regulated pipeline, water and impurities are removed in order to make the gas ready for consumer consumption.
15. In 2014 PEMC allowed Division employees to conduct a courtesy inspection.
16. Division employees asked PEMC consultants to file a report with the United States Department of Transportation.
17. Division employees did not inform PEMC or its consultants that the filing of the reports may subject PEMC to jurisdiction of the Division on behalf of the Federal Government.
18. Division employees did not offer any suggestions or help to PEMC's consultant as to the manual that division is so concerned about.
19. It is my understanding that Division employees are paid not only to inspect a pipeline but assist operators in addressing deficiencies.
20. PEMC cannot bind the owners without consent of the owners.
21. Owners of GPL did not give consent to PEMC to voluntarily subject GPL to regulation.
22. It is common in the oil and gas in the oil and gas industry to dehydrate, remove liquids and compress the gas at the well head.

PURSUANT TO Utah Code Ann. 78B-5-705, I declare under the penalty of perjury of the State of Utah that the foregoing is true and correct.

Dated this 10th day of August, 2018.



Dan Green

EXHIBIT 1

MEMORANDUM

Date: January 18, 1980

SUBJECT: CPF-5027

FROM: Chief, Pipeline Safety Enforcement Division, DMT-13

TO: Associate Director for Operations and Enforcement,
DMT-10

I have reviewed the data in the file resulting from an inspection and noncompliance action against Union Oil Company of California (CPF-5027), the results of a conference held on July 10, 1979, and subsequent data submitted by the operator by letter of July 16, 1979. From the analysis of this data, I have determined that the pipeline referenced in this compliance action is a gathering line and is not subject to the regulations of Part 192.

Each pipeline gathering system is unique and because of this, in developing the Part 192 definition of gathering line, DOT and industry were unable to arrive at a precise definition. Since it is not precise, we must rely on our judgement using the generally accepted industry and government definitions as guidelines. I have principally used the following definitions as the basis for my determination:

Gathering System: The network of pipelines which carry gas from the well to the processing plant or other separation equipment.

Definition of Words & Terms
Used in the Gas Processing
Industry - Gas Processors
Assoc.

Gas Plant: A gas plant includes any natural gas or natural gas liquid gathering facilities and the transportation lines (including compressor stations) connecting these facilities to the actual physical plant at which the natural gas or natural gas liquids are processed.

Federal Register, Vol. 43,
No. 184, Thurs., 9-21-78,
Department of Energy

The definition by the Department of Energy is for economic purposes; however, it does demonstrate that other government agencies do consider gathering lines and processing plants as part of the same facility.

Gathering System: The gathering lines, pumps, auxiliary tanks (in the case of oil), and other equipment used to move oil or gas from the well site to the main pipeline for eventual delivery to the refinery or consumer as the case may be. In the case of gas, the gathering system includes the processing plant (if any) in which the gas is prepared for market.

Manual of Oil & Gas Terms
Williams & Meyers, 3rd
Edition

Gathering Line (proposed): A pipeline that transports gas from a point where it is produced to the end of any treatment or other processing necessary to make the gas generally fit for consumers.

Federal Register, Vol. 39,
No. 188, Thurs., 9-26-74,
Office of Pipeline Safety,
Notice 74-7

The OPS proposed definition was subsequently withdrawn because the definition contained many words and phrases which are open to varied interpretation. However, in my opinion, this Union Oil Company pipeline fits the intent of that definition. The gas in this pipeline prior to removal of the LPG's and natural gasoline (3.46 gal./1,000 feet³) would not meet the generally accepted standards for "dry" gas being transported by most transmission companies.

The Union Oil Company of California pipeline gathers natural gas and natural gas liquids from wells, compresses it, removes water, and then transports the "wet" gas to the Santa Clara Valley Gas Plant where LPG and natural gasoline are extracted from the natural gas. The section of pipeline between the compressor station and the gas plant is the pipeline addressed in CPF-5027 and in all of the preceeding [sic] definitions would be considered a gathering line.

This pipeline is in a location class 3 due to its location within 300 feet of a building occupied by 20 or more persons during normal use (Bardsdale Methodist Church). Contrary to the opinion of both the Region and the operator, this location does not be itself make a gathering line or a segment of a gathering line jurisdictional. To be jurisdictional the location must fit the criteria in Section 192.1(b)(2) which does not include any direct reference to class location.

Since this pipeline is a nonjurisdictional gathering line, I recommend the penalty assessment be withdrawn, the CPF closed, and the operator be advised of our finding.

Frank E. Fulton

Typed Note:

DMT-13: I agree with your recommendations.

Robert L. Paullin
2-25-80

EXHIBIT 2



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Moab Field Office
82 East Dogwood
Moab, Utah 84532



2800
UTU-83457
(UTY012)

Certified Mail – Return Receipt Requested
Certified No. 7011 1150 0000 0359 7718

FEB - 3 2012

DECISION

Assignee

Pacific Energy and Mining Company
P. O. Box 18148
Reno, Nevada 89511

Right-of-Way UTU-83457

Assignor

Delta Petroleum Corporation
370 17th Street, Suite 4300
Denver, Colorado 80202

Assignment Approved

On February 1, 2008, right-of-way UTU-83457 was issued to Delta Petroleum Corporation for the Greentown natural gas pipeline gathering system on public lands in Grand County, Utah. On May 16, 2011, Pacific Energy and Mining Company requested assignment of the right-of-way from Delta Petroleum Corporation.

The assignment of right-of-way UTU-83457, under the authority of Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C 185), to Pacific Energy and Mining Company from Delta Petroleum Corporation is hereby granted subject to the original terms and conditions of the grant. A copy of the right-of-way grant is enclosed.

If you have any questions, please contact Marie McGann at 435-259-2135.

Field Office Manager

Enclosure

Copy of right-of-way grant UTU-83457 (15pages)

cc: Delta Petroleum Corporation (wo/enclosure)
370 17th Street, Suite 4300
Denver, Colorado 80202

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT
SERIAL NUMBER UTU-83457

1. A right-of-way is hereby granted pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185).
2. Nature of Interest:
 - a. By this instrument, the holder:

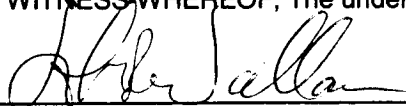
Delta Petroleum Corporation
370 Seventeenth St., Suite 4300
Denver, Colorado 80202

receives a right to construct, operate, maintain, and terminate the Greentown Pipeline Gathering System on public lands described in Exhibit A.
 - b. The right-of-way granted herein is 40 feet wide, 33.4 miles long, and contains 162 acres, more or less. A temporary use area, located parallel to the pipeline and used during construction of the pipeline, 35 feet wide and 33.4 miles long, and contains 142 acres, more or less, is granted for a period of two years (beginning on the date construction is started).
 - c. This instrument shall terminate on December 31, 2037 unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
 - d. This instrument may be renewed. If renewed, the right-of-way shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
 - e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.
3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.
4. Terms and Conditions:
 - a. This grant is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.

- b. The right-of-way incorporates by reference Delta Petroleum's Proposed Action, Plan of Development (POD), Noxious Weed Management Plan, Pressure Test and Pipeline Maintenance Plan, and Pipeline Reclamation Plan submitted by Delta Petroleum and all mitigation measures included in these documents.
- c. The right-of-way is issued subject to prior valid existing rights, including the rights-of-way shown in Exhibit B.
- d. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- e. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way granted herein may be reviewed at any time deemed necessary by the authorized officer.
- f. The map (Exhibit C), stipulations (Exhibit D), and Applicant Committed Environmental Protection Measures (Exhibit E) attached hereto, are incorporated into and made a part of this grant instrument.
- g. Failure of the holder to comply with applicable law or any provision of this right-of-way grant shall constitute grounds for suspension or termination thereof.
- h. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant.


(Signature of Holder)


(Signature of BLM Authorized Officer)

PRESIDENT & COO
(Title)

Acting Assistant Field Office Manager, Resources
(Title)

1/28/08
(Date)

February 1, 2008
(Effective Date of the Grant)

Exhibit A – Legal Descriptions (Federal Lands)
Right-of-Way UTU-83457

Greentown Pipeline Gathering System

T. 21 S., R. 17 E.,

sec. 29, S $\frac{1}{2}$ SW $\frac{1}{4}$ (Army Wdl);
sec. 30, lot 4;
sec. 30, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ (Army Wdl);
sec. 31, lot 1;
sec. 33, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 22 S., R. 17 E.,

sec. 3, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
sec. 4, lots 2, 3, and S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 10, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 11, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
sec. 13, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
sec. 14, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 24, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 33, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
sec. 34, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 23 S., R. 17 E.,

sec. 1, lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$;
sec. 3, lots 1,2;

T. 22 S., R. 18 E.,

sec. 19, lots 3, 4, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
sec. 25, S $\frac{1}{2}$ SE $\frac{1}{4}$;
sec. 29, SW $\frac{1}{4}$;
sec. 30, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 31, lot 4, E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
sec. 33, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
sec. 34, S $\frac{1}{2}$ N $\frac{1}{2}$;
sec. 35, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$.

T. 23 S., R. 18 E.,

sec. 3, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
sec. 4, lots 1, 2, 3, and S $\frac{1}{2}$ NE $\frac{1}{4}$;
sec. 10, N $\frac{1}{2}$ NE $\frac{1}{4}$;
sec. 11, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 12, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
sec. 13, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.

T. 22 S., R. 19 E.,

sec. 28, N $\frac{1}{2}$ N $\frac{1}{2}$;
sec. 29, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
sec. 30, lots 7, 8, 10, 11, 12 and N $\frac{1}{2}$ SE $\frac{1}{4}$.

T. 23 S., R. 19 E.,

sec. 18, lots 9, 10,11;
sec. 19, lots 1,2, and NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 20, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 28, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
sec. 29, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
sec. 33, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
sec. 34, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 35, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 24 S., R. 19 E.,

sec. 1, $W\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$;

sec. 12, $N\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$.

T. 24 S., R. 20 E.,

sec. 6, lot 6, and $S\frac{1}{2}SE\frac{1}{4}$;

sec. 7, $NE\frac{1}{4}NE\frac{1}{4}$;

sec. 8, $N\frac{1}{2}NW\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$.

**Exhibit B- Existing Rights-of-Way
Right-of-Way UTU-83457**

Greentown Pipeline Gathering System

T. 21 S., R. 17 E.

- sections 29 and 30: Public Land Order 3279 within lands withdrawn for the Department of the Army
Powerline R/W UTU0-15341, 50 feet from centerline
- sections 30 and 31: Right-of-way UTU-57097 for Grand County Road # 150

T. 22 S., R. 17 E.

- sections 3, 4, 10, 11, 13, 14, 24: Powerline rights-of-way UTU0-15341 (50' CL) and UTU-10657 (65' CL)
- sections 33 and 34: Right-of-way UTU-57097 (50' CL) for Grand County Road # 148
Right-of-way UTU-82673 (15' CL) for Delta Petroleum road

T. 23 S., R. 17 E.

- sections 1 and 3: Right-of-way UTU-57097 for Grand County Roads # 147 and 148

T. 22 S., R. 18 E.

- sections 19, 29, 30, 33: Powerline rights-of-way UTU0-15341 (50' CL) and UTU-10657 (65' CL)
- sections 29 and 31: Right-of-way UTU-57097 (50' CL) for Grand County Road # 147

T. 23 S., R. 18 E.

- sections 3, 4, 10, 11, 12, 13: Powerline rights-of-way UTU0-15341 (50' CL) and UTU-10657 (65' CL)
- sections 4 and 13: Right-of-way UTU-57097 (50' CL) for Grand County Road # 138

T. 22 S., R. 19 E.

- section 29: Right-of-way UTU-57097 (50' CL) for Grand County Road # 334

T. 23 S., R. 19 E.

- sections 18-20, 27-29, 33, 34: Powerline rights-of-way UTU0-15341 (50' CL) and UTU-10657 (65' CL)
- sections 18 and 19: Right-of-way UTU-57097 (50' CL) for Grand County Road # 138

T. 24 S., R. 19 E.

- section 1: Powerline rights-of-way UTU0-15341 (50' CL) and UTU-10657 (65' CL)
Right-of-way UTU-57097 (50' CL) for Grand County Road # 138
Oil & Gas pipeline right-of-way UTU-67385 (no facilities constructed)

T. 24 S., R. 20 E.

- sections 5 and 6: Right-of-way UTU-57097 (50' CL) for Grand County Road # 138
Oil & Gas pipeline right-of-way UTU-67385 (no facilities constructed)
- section 8: US Highway 191 right-of-way SL0-58562 (200' CL)
Powerline right-of-way UTU0-9546 (25' CL)
Fiber Optics Line right-of-way UTU-73282 (5' CL)

Exhibit D – Stipulations
Right-of-Way UTII-83457

Greentown Pipeline Gathering System

A copy of the right-of-way grant, stipulations, and Applicant Committed Environmental Protection Measures (Exhibit E) will be provided to the construction contractor prior to initiating work on the public land portions of the right-of-way. A copy of these stipulations will be furnished to the field representative to ensure compliance.

SEASONAL CLOSURES

Wet Soils

Right-of-way construction, installation, and reclamation operations will not be authorized between January 1 and March 31, in order to reduce impacts to wet soils. The restriction does not apply to the maintenance and operation of the pipeline. Adjustments to the timing restriction can be considered by the Field Manager depending on current soil and weather conditions.

Construction and installation activities will stop during periods when the soil is too wet to adequately support equipment. Soils are considered too wet when equipment creates ruts deeper than 4 inches.

Wildlife

Right-of-way construction, installation, and reclamation operations will not be authorized between February 15 and August 31, within ½ mile of known raptor nesting sites and kit fox dens. This restriction does not apply to maintenance and operation of the pipeline. Adjustments to the timing restriction can be considered by the Field Manager if surveys by approved biologists show there are no raptors nesting, no active prairie dog colonies during breeding/rearing season, and no active kit fox dens in the area.

Surveys must be done during breeding, nesting, and denning seasons each year that there is construction activity. If possible, nests and natal dens will be avoided and the following buffers will be maintained: one-fourth mile for burrowing owls and one-half mile for other raptor species. Kit fox dens will be checked for foxes. If a den cannot be avoided, the kit foxes will be removed. Known natal kit fox dens will be avoided during denning season (3/1-7/31). Monitoring by an approved biologist is required at all nest and den locations within the project vicinity during construction.

Right-of-way construction, installation, and reclamation operations will not be authorized between May 1 and June 15 to reduce potential impacts to pronghorn antelope during their fawning period. The restriction does not apply to maintenance and operation of the pipeline. Adjustments to the timing restriction can be considered by the Field Manager if surveys by approved biologists show that no females and young are utilizing the area when construction is proposed.

COUNTY COORDINATION

An Encroachment Permit will be required from the Grand County Road Department to utilize the county roads for access during pipeline construction and burial of the pipelines under county roads.

Mr. Bill Jackson at the Grand County Road Department (435-259-5308) will be contacted for the permit. Unless the Road Department provides alternate specifications, the following specifications will be followed during pipeline construction:

- a. Where the pipeline route is parallel to a Grand County road, the pipeline will be located 75 feet from the centerline of the Grand County road;
- b. The pipeline will be buried at least 48 inches deep at all road crossings;
- c. All roads utilized during pipeline construction will be maintained or repaired as specified by the Grand County Road Department;
- d. Any road damage resulting from erosion along the pipeline route will be repaired by Delta Petroleum following specifications from the Grand County Road Department; and

- e. The Grand County Road Department will be contacted at least 2 business days prior to initiating pipeline construction.

CULTURAL RESOURCES

The following 6 eligible cultural resource sites, identified in the inventory report prepared by Montgomery Archaeological Consultants (MOAC Report No. 06-438) on federal lands, will be avoided during all phases of the project (42Gr1759, 42Gr2028, 42Gr3806, 42Gr3810, 42Gr3818, 42Gr3819.)

Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the right-of-way 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 of the discovery and proper mitigation measures. Any decision as to proper mitigation shall be made by the authorized officer after consulting with the holder.

PALEONTOLOGICAL RESOURCES

To avoid adverse impact to paleontological sites, a qualified paleontologist will monitor construction work in areas where the Jurassic Morrison Formation, the Cretaceous Cedar Mountain Formation and the Cretaceous Dakota Sandstone occur. These formations are found in the northwestern and southeastern portions of the project area.

CONSTRUCTION

The holder will contact the Moab Field Office (Mary von Koch, 435-259-2128) at least 2 business days prior to initiating construction of any segment of the pipeline.

Prior to starting construction, the holder shall place construction control stakes for the centerline of the pipeline and the outside edges of the construction area for the temporary use areas used for construction. If stakes are disturbed, they shall be replaced before proceeding with construction.

The segment of pipeline to be constructed south of the Blue Hills Road in section 12, T. 24 S., R. 19 E. will be bored under all washes to maintain the integrity of the floodplains.

Suitable topsoil material removed in conjunction with clearing and stripping shall be conserved in windrows (stockpiled on the edge of the temporary use area). Topsoil shall be stripped to an average depth of 4 inches. The topsoil shall be stockpiled in a windrow separate from the subsoils excavated from the pipeline trench.

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 4 inches deep, the soil shall be deemed too wet to adequately support construction equipment.

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. 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.

The holder shall permit free and unrestricted public access to and upon the existing roads.

Fences, gates, and brace panels that are damaged by this project shall be reconstructed to appropriate BLM standards and/or specifications, as determined by the authorized officer.

Refuse (trash and other solid wastes) generated during the construction and testing operations will be contained in an enclosed receptacle/trash cage and hauled away to an approved disposal site as necessary but no later than at the completion of reclamation operations.

During construction operations, human waste will be contained in a chemical toilet. Disposal of waste will be in accordance with State of Utah and Grand County rules and regulations.

The holder and/or contractor will notify the Grand County Sheriff's office (435-259-8115) of any fires during construction or maintenance on the right-of-way. In the event of fire during construction or maintenance operations, personnel will be evacuated if personnel safety was in jeopardy. The holder will be responsible for all fire suppression and reclamation costs if the fire was started as a result of the holder's and/or contractor's construction or maintenance operations.

STORMWATER EROSION CONTROL SPECIFICATIONS

The following techniques will be utilized for storm water runoff control on the public land portions of the right-of-way:

- a. Prior to clearing vegetation and topsoils from the right-of-way, silt fences (or straw waddles, erosion control logs) will be installed at each ephemeral drainage crossed by the pipeline. The silt fences will be installed on the downhill side of the right-of-way construction area, perpendicular to the drainage and extend at least 3 feet on either side of the drainage where runoff flows. The silt fences will be maintained to control the flow of sediment throughout construction operations and until the disturbed areas are stabilized (approximately 2 years after reclamation operations).
- b. During reclamation, mulch matting (or other geotextiles) will be utilized on the slopes of the ephemeral drainages crossed by the right-of-way. The matting will be installed from where the runoff flows and up-slope for at least 10 feet along the entire width of the right-of-way.

RECLAMATION

The holder will contact the Moab Field Office (Mary von Koch, 435-259-2128) at least 2 business days prior to initiating reclamation (spreading topsoils, waterbar construction). An onsite inspection will be required to discuss reclamation procedures on the public land portions of the right-of-way.

The holder shall recontour disturbed areas, or designated sections of the right-of-way, by grading to restore the site to approximately the original contour of the ground as determined by the authorized officer.

The holder shall uniformly spread topsoil over all disturbed areas. Spreading shall not be done when the ground or topsoil is frozen or wet.

The holder shall construct waterbars on all disturbed areas to the spacing and cross sections specified by the authorized officer. Waterbars are to be constructed to: (1) simulate the imaginary contour lines of the slope (ideally with a grade of one or two percent); (2) drain away from the disturbed area; and (3) begin and end in vegetation or rock whenever possible.

The holder shall prepare a seedbed by scarifying the disturbed area as directed by the authorized officer.

The holder shall seed all disturbed areas with the seed mixture(s) listed below or a substitute seed mixture approved in advance by the authorized officer. The seed mixture(s) shall be planted in the amounts specified in pounds of pure live seed (PLS)/acre. There shall be no primary or secondary noxious weed seed in the seed mixture. Commercial seed shall be either certified or registered seed.

The seed mixture container shall be tagged in accordance with State law(s) and available for inspection by the authorized officer.

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. (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. 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 third growing season after seeding. The authorized officer is to be notified a minimum of 2 business days prior to seeding of the project.

The following seed mixture will be utilized:

Indian ricegrass	2 pounds/acre PLS
Crested wheatgrass	2 pounds /acre PLS
Western wheatgrass	2 pounds/acre PLS
Fourwing saltbush	2 pounds/acre PLS
Sagebrush	0.5 pound/acre PLS
Globe mallow	0.5 pound/acre PLS

Pure Live Seed (PLS) formula: % of purity of seed mixture times % germination of seed mixture = portion of seed mixture that is PLS.

Vehicle access along the pipeline right-of-way will be blocked by constructing berms across the right-of-way and installing a BLM restoration sign ("Restoration Area, Please Suspect Traffic").

FACILITIES

All above-ground structures not subject to safety requirements shall be painted by the holder to blend with the natural color of the landscape. The paint used shall be a color which simulates "Standard Environmental Colors" designated by the Rocky Mountain Five-State Interagency Committee. The color selected for any above ground facilities is Olive black.

If the production facilities on the right-of-way include any tanks, the tanks will be surrounded by a berm of sufficient capacity to contain 1½ times the storage capacity of the largest tank. All loading lines and valves will be placed inside the berm surrounding the tanks.

WEED CONTROL

The holder shall be responsible for weed control on the disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).

WILDLIFE MITIGATION FOR UNAVOIDABLE DISTURBANCES

The holder shall be responsible for removing kit foxes and building artificial den sites if kit fox dens cannot be avoided and would be destroyed by the development.

The holder shall install one water development, in coordination with BLM and UDWR, as compensatory mitigation if construction activities result in disturbance to antelope during fawning season.

INDUSTRIAL WASTES AND TOXIC SUBSTANCES

The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) 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 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 holder of Right-of-Way No. UTU-83457 agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act 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.

TERMINATION PLANS

90 days prior to termination of the right-of-way, the holder 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.

If rock materials are installed for production facilities, the rock surfacing will be removed prior to the final reclamation of the pipeline.

**Exhibit E – Applicant Committed Environmental Protection Measures.
Right-of-Way UTU-83457**

Greentown Pipeline Gathering System

The specific environmental protection measures are listed by activity or environmental resource area below. In the event of contradictory language, the stipulations in Exhibit D will prevail.

Fire Safety & Prevention.

- All vehicles will be equipped with fire extinguishers and shovels.
- Off-road equipment will be diesel powered (no catalytic converter) to reduce fire risk.
- All brush build-up around mufflers, radiators, heaters, and other engine parts will be avoided; periodic checks will be conducted to prevent this build-up.
- Smoking will only be allowed in company vehicles and/or designated smoking areas; all cigarette butts will be placed in appropriate containers and not thrown on the ground or out windows of vehicles.
- Cooking, campfires, or fires of any kind will not be allowed.
- Portable generators used in the Project Area will be required to have spark arresters.

Existing Facilities/ROW Protection.

- Gates will be used for crossing fences whenever possible; however, should a fence crossing be required for a location without a gate, the fence will be cut and braces will be installed to support the existing fence and, if livestock are present, a temporary gate will be installed to prevent livestock movement from appropriate pastures. Upon completion of activities, the temporary opening or gate will be permanently rewired and stretched to its original tension.
- All facilities displaced or removed by the proposed activities will be repaired or replaced as soon as practicable before the end of the project.

Hazardous and Solid Waste/Trash Disposal.

- Fuel and lubricants will be temporarily stored in transportable containment-trailers at locations within staging areas to minimize potential for accidental releases/spills. No other hazardous or potentially hazardous materials will be brought into the Project Area.
- All spills or leaks of diesel fuel, hydraulic fluid, lubricating oil, and coolant, including contaminated soil material, will be excavated to an appropriate container and transported to the nearest approved disposal site.
- All solid waste or trash will be transported for disposal to an approved solid waste disposal facility site.

Public/Crew Safety.

- Vehicle traffic will be limited to existing roads and trails. Vehicles will travel at speeds within set speed limits of main access roads, and at slower speeds appropriate for conditions on more remote roads and trails.
- Safety-warning signage will be placed on the access roads to make the public aware of road traffic related to the Project activities.
- No road closures are proposed; delays of up to several hours for use of a particular road or trail are possible. The possible delay will be communicated to the public by signage and flagmen.

Water Resources and Wetland/Riparian Protection.

- Project water will be obtained from approved industrial sources.
- No wetland/riparian vegetation will be removed during any phase of the project.
- Vehicles will not cross perennial water features except on existing roads or at crossings.
- Washes or alluvial valleys will not be crossed if water is visible in the channel.
- All equipment will be fueled at a distance of 100 feet or more from wetlands and water bodies.
- The segment of pipeline to be constructed south of the Blue Hills Road in section 12, T. 24 S., R. 19 E. will be bored under all washes to maintain the integrity of the floodplains.

Soil Resource Protection.

- Operations will be suspended if the authorized officer determines that weather conditions or soil/slope conditions may result in unacceptable rutting of more than four inches deep.
- Information on biological soil crusts will be provided to field personnel to aid in the identification and location of biological soil crusts and the minimizing of impacts to these crusts.
- The spinning of all vehicle tires will be avoided where possible to minimize the potential for soil displacement and for impacts to biological soil crusts.

Vegetation Resources Protection.

- All equipment, including on-road and off-road equipment, will be cleaned to remove weed seed and soil (may contain weed seed) prior to commencing operations on public lands within the Project Area.
- Disturbed areas in the Project Area will be monitored for project-related establishment and spread of noxious weeds. Infestations will be treated as necessary to prevent additional spread.
- Reclamation of the staging areas and other areas, as determined by the authorized officer on a case-by-case basis, will be accomplished by removing all project-related materials, by scarifying any compacted areas to loosen the soil and to enhance revegetation success, and by broadcast-seeding of the scarified areas and any denuded areas with an approved BLM/UDWR seed mix specifically designed to enhance forage for wildlife and livestock.

Wildlife Resources.

- Delta would conduct activities in compliance with applicable requirements of the Endangered Species Act, as amended and any project-specific wildlife stipulations.
- Personnel will be instructed in pre-project meetings and employee briefings on how to minimize potentially stressful contact and to avoid harassment of wildlife while on foot and in vehicles.
- If trenching occurs within the early April through mid June period, any active white-tailed prairie dog colonies in the pipeline ROW will, to the extent practical, be avoided. Those that cannot be avoided will be mitigated by creating small foraging areas around adjacent active prairie dog colonies by using water trucks to sprinkle water thus creating small green areas of vegetation. This will improve young survival at the watered site compensating for the loss of production at the disturbed site. If colonies are located and trenched through, outside of the April to mid June time frame, attempts will be made to remove and relocate prairie dogs to other locations.

- If disturbance occurs from mid February through the end of August, surveys for active nests of raptors will be conducted. If active nests are within ¼ mile (for burrowing owls) and ½ mile (for all other raptor species) of the ROW, the US Fish and Wildlife Service will be consulted and any required permits applied for. Past nest surveys should indicate potential problem nests to monitor closely.
- If disturbance occurs between March 1 and July 31, surveys for kit fox active dens will be made along the ROW, and, to the extent practical active dens will be avoided. Known kit fox dens will be monitored, and if agreed upon by DWR, attempts will be made to discourage kit fox from utilizing the den for the breeding season in which disturbance would occur. For each den destroyed by the Proposed Action, three artificial dens will be constructed off site in coordination with Utah DWR.
- If disturbance occurs during the pronghorn antelope fawning season, May 1-June 15, efforts will be made to clear the ROW area of any fawns. In addition, one water development will be installed in coordination with BLM and UDWR as compensatory mitigation.
- In response to the human activity, noise, and increased vehicle use during the construction phase, Delta proposes, to the extent practical, to limit the topsoil windrowing, trenching, pipe welding, pipe laying, and back filling of the trench to a small linear area of the project at any given time. This will result in only a small portion of the Project Area having disturbance at any given point in the 3 to 4 month construction period. This should sufficiently prevent impacts to migrating desert bighorn sheep.
- In response to all other sensitive species of wildlife that could potentially be impacted by being trapped in the open trench, periodic escape ramps will be constructed to allow for wildlife to escape the trench. To the extent practical the segment of open trench will be kept to a minimum with back filling occurring as soon as possible

Cultural & Paleontological Resources.

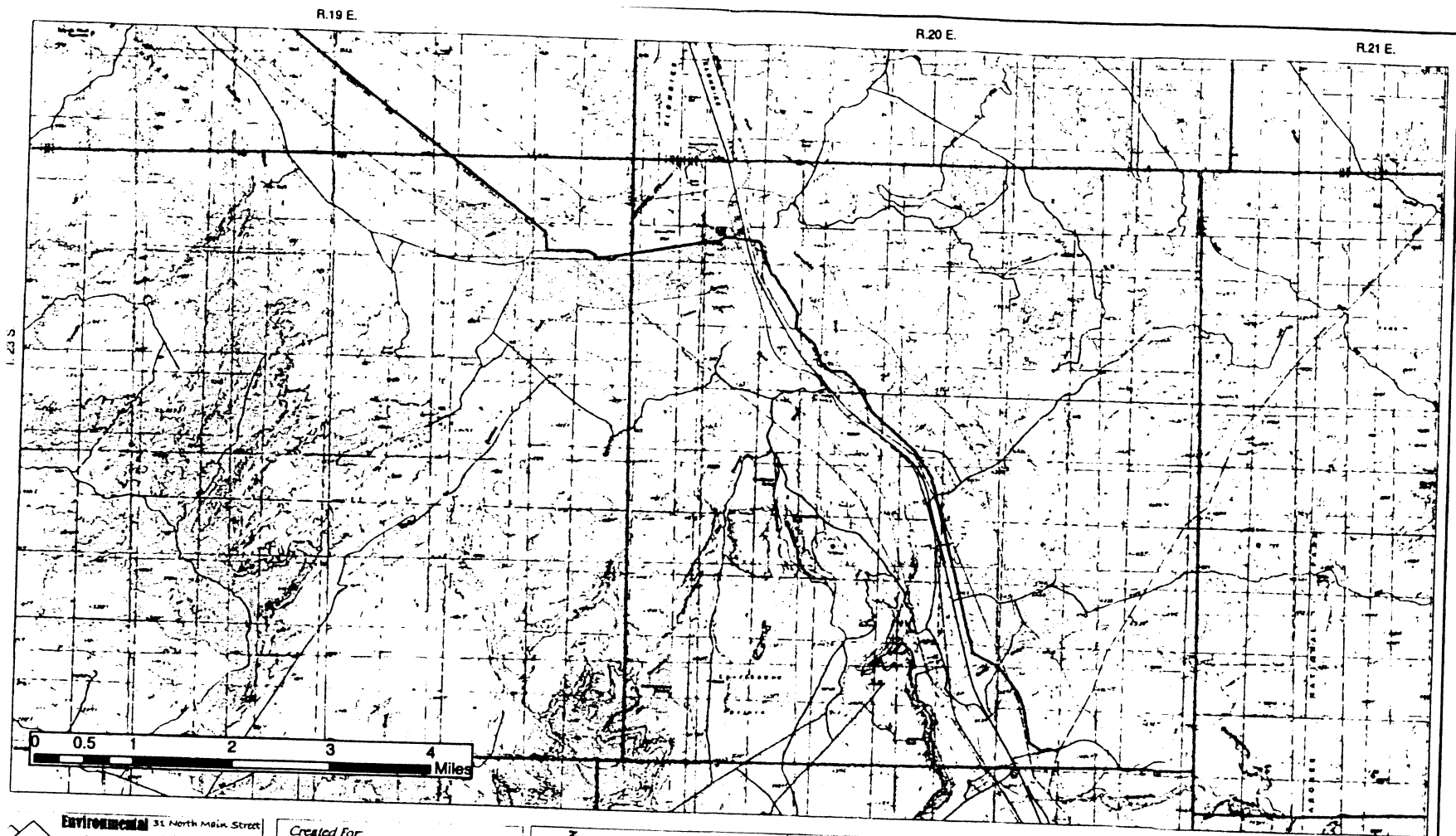
- Permitted archaeologists have conducted a Class III survey for cultural and paleontological resources of all areas to be disturbed by activities. All sites identified in the Class III field survey have been flagged for avoidance. Permitted archaeologists and paleontologists will be on-site to monitor activities.
- If subsurface cultural and/or paleontological resources are found during operations, all work in the vicinity of the resource will cease and Delta will notify the BLM immediately. Delta will implement appropriate measures requested by the BLM to protect the resource until it can be adequately evaluated, if necessary.
- Prior to commencement of each task of operations, employee briefings will be conducted to inform personnel of critical elements of compliance with the Archaeological Resources Protection Act (ARPA) and the National Historic Preservation Act (NHPA), along with pertinent BLM requirements and expectations concerning the protection of natural, cultural, and current approved land uses.

Livestock Grazing.

- All gates within the Project Area will be left as they are found (i.e., open gates will be left open, closed gates will be closed, in keeping with standard rangeland management practices).
- Damage to existing fences and other range improvements as a result of the Project will be immediately repaired per approved BLM specifications.
- Removal or alteration of existing range improvements will be prohibited unless prior BLM approval is obtained.
- Personnel will be instructed to minimize contact and avoid harassment of livestock.

Air Quality.

- Delta will use a water suppression system to control fugitive dust emissions. Water will be hauled in from an approved water source and sprayed on these dirt and gravel roads in areas where dust plumes are evident.
- Delta will install low NOx, lean burn engines with oxidizing catalysts at the compressor site.



**Environmental
Industrial
Services**
31 North Main Street
Hatch, Utah 84526
(435) 472-3814
fax (435) 472-8780
Environmental & Engineering Consulting LLC
eecs@press.com.net

Created For:
DELTA PETROLEUM
Grand County, Utah
Created By: K. Nash | Date: 06-04-07

LEGEND
GENERAL
INFORMATION

- Township/Range/Section
- Road
- 0.5 Mile Buffer

**PIPELINE
INFORMATION**

- Section A
- Section B
- Section C
- Section D

- Sandy Soil
- Special Reclamation Required



Greentown Pipeline Project
SANDY SOILS
REQUIRING SPECIAL
RECLAMATION MEASURES

EXHIBIT 3

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CASE RECORDATION
(MASS) Serial Register Page

Run Date/Time: 6/27/2018 14:35 PM

Page 1 Of 2

01 10-21-1976;090STAT2776;43USC1761
Case Type 285003: ROW-POWER TRAN-FLPMA
Commodity 970: OTHER ENERGY FACILITIES
Case Disposition: AUTHORIZED

Total Acres:
4.060

Serial Number
UTU 003717

Name & Address	Serial Number: UTU--- - 003717
	Int Rel % Interest
PACIFICORP DBA UPL 1407 W N TEMPLE # 110 SALT LAKE CITY UT 84116	HOLDER/BILLEE 100.000000000

							Serial Number: UTU--- - 003717			
Mer	Twp	Rng	Sec	SType	Nr	Suff	Subdivision	District/ Field Office	County	Mgmt Agency
26	0240S	0200E	027	ALIQ			SESW;	MOAB FIELD OFFICE	GRAND	BUREAU OF LAND MGMT
26	0240S	0200E	034	ALIQ			SWNE,NW,NESE;	MOAB FIELD OFFICE	GRAND	BUREAU OF LAND MGMT

Relinquished/Withdrawn Lands

Serial Number: UTU--- - 003717

				Serial Number: UTU--- - 003717
Act Date	Act Code	Action Txt	Action Remarks	Pending Off
08/16/1967	124	APLN RECD	POWERLINE ROW;	
09/19/1967	307	ROW GRANTED-ISSUED	POWERLINE ROW GRANT;	
09/19/1967	502	LENGTH IN FEET	8184;	
09/19/1967	504	WIDTH IN FEET (TOTAL)	25;	
09/19/1967	506	POWERLINE VOLTAGE (KV)	12.5;	
10/16/1967	111	RENTAL RECEIVED	\$250.00;	
08/26/1969	288	PROOF CONST/USE FILED		
09/09/1969	287	PROOF CONST/USE ACPT		
05/24/1988	950	COMPLIANCE APPROVED		
06/11/1996	950	COMPLIANCE APPROVED		
10/29/1996	312	RELQ (PARTIAL) FILED		
02/06/1998	890	RELQ (PARTIAL) ACCEPTED	502-1532;	
09/30/1998	974	AUTOMATED RECORD VERIF	BJG;	
12/14/2005	304	AUTH AMENDED/MODIFIED		
05/07/2009	153	POST AUTH APLN RECD		
05/29/2009	065	COST RECOV (MON) RECD	\$109.00;1	
05/29/2009	111	RENTAL RECEIVED	\$47.58;1	
05/29/2009	971	COST RECOV (PROC) RECD	\$109.00;1	
06/19/2009	304	AUTH AMENDED/MODIFIED		
01/01/2017	853	COMPL/REVIEW DUE DATE		

NO WARRANTY IS MADE BY BLM FOR USE OF THE DATA FOR PURPOSES NOT INTENDED BY BLM

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CASE RECORDATION
(MASS) Serial Register Page

Run Date/Time: 6/27/2018 14:35 PM

Page 2 Of 2

Serial Number: UTU--- - 003717

Act Date	Act Code	Action Txt	Action Remarks	Pending Off
02/02/2017	314	RENEWAL APLN FILED		
03/03/2017	971	COST RECOV (PROC) RECD	\$433.00;1	
03/16/2017	950	COMPLIANCE APPROVED		
04/24/2017	065	COST RECOV (MON) RECD	\$433.00;1	
04/24/2017	111	RENTAL RECEIVED	\$1955.70;1	
04/27/2017	308	ROW RENEWED		
11/17/2022	853	COMPL/REVIEW DUE DATE		
12/31/2046	763	EXPIRES		

Line Number	Remark Text
0001	AERIAL POWERLINE TAP TO COTTER MINE;
0002	67: RENTAL TO 9/19/2017;
0003	88: 20 YR REVIEW;
0004	96: 30 YR REVIEW;
0005	6/19/09: AMENDED TO INCLUDE POWERLINE TO SERVE;
0006	UNION PACIFIC RR (THORNBERG MINE RD);

EXHIBIT 4

WAW 00091
2881 (135)

June 24, 2015

CERTIFIED MAIL – Return Receipt Requested, Receipt Number:_____

DECISION

Assignor:

Chevron Pipeline Company
5250 S. 300 W. STE 300
Murray, Utah 84107

Assignee:

Tesoro Logistics Northwest Pipeline, LLC
19100 Ridgewood Parkway
San Antonio, TX 78259

:
:
:
:
:
: Right-of-Way
: WAW 00091
:
:

ASSIGNMENT OF RIGHT-OF-WAY APPROVED

On March 12, 2013, Tesoro Logistics Northwest Pipeline, LLC (Tesoro) filed an application to receive, through assignment, right-of-way serial number WAW 00091, held by Chevron Pipeline Company (Chevron). On December 10, 2012, Tesoro's Board of Directors authorized the acquisition of Chevron's assets; the Board also authorized the negotiation and execution of Chevron's agreements. The original right-of-way was issued on October 4, 1954, granting a perpetual easement for two buried parallel pipelines and valve site within a 33 foot right-of-way. This right-of-way was authorized pursuant to the Act of February 25, 1920 (30 USC 185) and authorizes use of an existing valve site and buried gas pipelines covering approximately 1.08 acres of public land described as follows:

Walla Walla County, Washington
Township 7 North, Range 32 East, Willamette Meridian
Section 19, S½NE¼.

Tesoro Logistics Northwest Pipeline, LLC has agreed to be bound by all terms and conditions of the grant. Chevron Pipeline Company has agreed to the assignment of the pipelines and valve site to Tesoro. The request is approved. No other terms or conditions of the lease will be affected by this

decision. The processing and monitoring fees have been paid in the amount of \$242.00 (\$121.00 for each). Rent in the amount of \$822.80 has been collected and paid through December 31, 2024. No other fees are required at this time. This assignment is approved for Tesoro Logistics Northwest Pipeline, LLC.

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

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

Standards for Obtaining a Stay

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

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

If you have any questions, please contact Heidi Lee Honner, Realty Specialist, at (509) 536-1216.

/s/ Lindsey Babcock

Lindsey Babcock
Field Manager
Border Field Office
Spokane District

4 Enclosures:

- 1 - BLM Form 1842-1
- 2 - Copy of Original ROW Authorization Decision
- 3 - Exhibit A - Map of Right-of-Way Area
- 4 - Receipt for Rent and Monitoring Fee

Categorical Exclusion Documentation

Department of Interior
Bureau of Land Management, Spokane District
1103 North Fancher Road
Spokane Valley, WA 99212

A. Background

BLM Office: Border Field Office

Lease/Serial/Case File No.: WAW 00091

NPEA Log Number: OR-135-2015-0006-CX

Proposed Action Title: **Tesoro Logistics Northwest Pipeline Assignment of ROW**

Location of Proposed Action: Walla Walla County, Washington, Willamette Meridian at:
T. 7 N., R. 32 E., sec. 19, S½NE¼ (see attached map Exhibit A)

Proposed Action:

The BLM received an application from Tesoro Logistics Northwest Pipeline LLC for an assignment of a petroleum products pipeline right-of-way from Chevron Pipeline Company. The right-of-way consists of two pipelines and valve site area within a 33 foot right-of-way. The original right-of-way grant was issued in 1954. The right-of-way is approximately 1,425 feet long and 33 feet wide. No new rights will be issued or new ground disturbance approved as a result of this administrative action. This is a perpetual right-of-way with no expiration.

Refer to attached Exhibit-A map.

The proposed action is to authorize an assignment of right-of-way (transfer of rights and responsibilities) for the petroleum products pipelines and valve site from Chevron Pipeline to Tesoro Logistics Northwest LLC.

B. Land Use Plan Conformance

Land Use Plan Name: Spokane Resource Management Plan

Date Approved/Amended: Approved 1987/Amended 1992

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): Keep public lands open for exploration/development of mineral resources, rights-of-way, access, and other public purposes with consideration to mitigate designated resource concerns (BLM 1987, p. 12).

C. Compliance with NEPA

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9.E (9): Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply, as shown in the following table:

Categorical Exclusions - Extraordinary Circumstances Documentation

THE PROPOSED CATEGORICAL EXCLUSION ACTION WILL:	YES	NO
2.1 Have significant impacts on public health or safety.		X
Rationale: The assignment of this right-of-way from one entity to another will have no impacts. No new rights or additional ground disturbance will be approved as a result of this action, therefore the proposed action of approving this would not have an impact on public health or safety because there are no activities on ground associated with this.		
2.2 Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		X
Rationale: There will be no new ground disturbance as a result of this assignment and therefore no new or significant impacts to natural or cultural resources.		
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
Rationale: The approval of this assignment of rights and responsibilities from one company to another would not have any environmental effects as there is no activities on ground that are involved with this.		
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
Rationale: The approval of this assignment of right-of-way from one company to another would not have any environmental effects or unknown environmental risks as there is no activities on ground that are involved with this.		
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
Rationale: No precedence is being established by approving this assignment of rights on this right-of-way. By approving this action, rights and responsibilities are transferred from one company to another, This is a typical action which would not set a precedent for future action.		
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
Rationale: The assignment of this petroleum products pipeline does not have a relationship to other federal actions insignificant or cumulatively significant environmental effects, and as such, is not related to other actions with cumulatively significant environmental effects.		
2.7 Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.		X
Rationale: Approving of an assignment of rights from one entity to another will entail no new rights or additional ground disturbance as a result of this action. The proposed action of approving this would not have an impact on properties listed or eligible for listing, on the National Register of Historic Places because there is no ground disturbance involved in this action.		
2.8 Have significant impacts on species listed, or proposed to be listed, as an Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		X
Rationale: Approving of an assignment of rights from one entity to another will entail no new rights or additional		

ground disturbance as a result of this action. The proposed action of approving this would not have an impact on or affect any Endangered or Threatened Species, as none are known to currently exist, none are suspected to exist, and no suitable habitat exists to support them within the area of the proposed action. This is true for Botany and Wildlife.		
2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
Rationale: The proposed action is in conformance with the direction given for the management of public lands in the Spokane District ROD/RMP, which complies with all applicable laws, such as the Federal Land Policy Management Act, Endangered Species Act, Historic Preservation Act, Clean Water Act and others.		
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 2898).		X
Rationale: Implementing the proposed action would not have a disproportionately high or adverse effect on low income or minority populations.		
2.11 Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		X
Rationale: There are no identified sacred, ceremonial or religious Indian sites in the analysis area. Therefore, there would be no effects.		
2.12 Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		X
Rationale: Approving of an assignment of rights from one entity to another will entail no new rights or additional ground disturbance as a result of this action. The proposed action of approving this would not have an impact on the land and any weeds within the right-of-way. Standard right-of-way stipulations from the original right-of-way authorization address the control of weeds or invasive species.		

E. Signature

/s/ Lindsey Babcock

June 25, 2015

Lindsey Babcock
Field Manager
Border Field Office
Spokane District

Date

F. Contact Person & Reviewers

For additional information concerning this Categorical Review, contact:

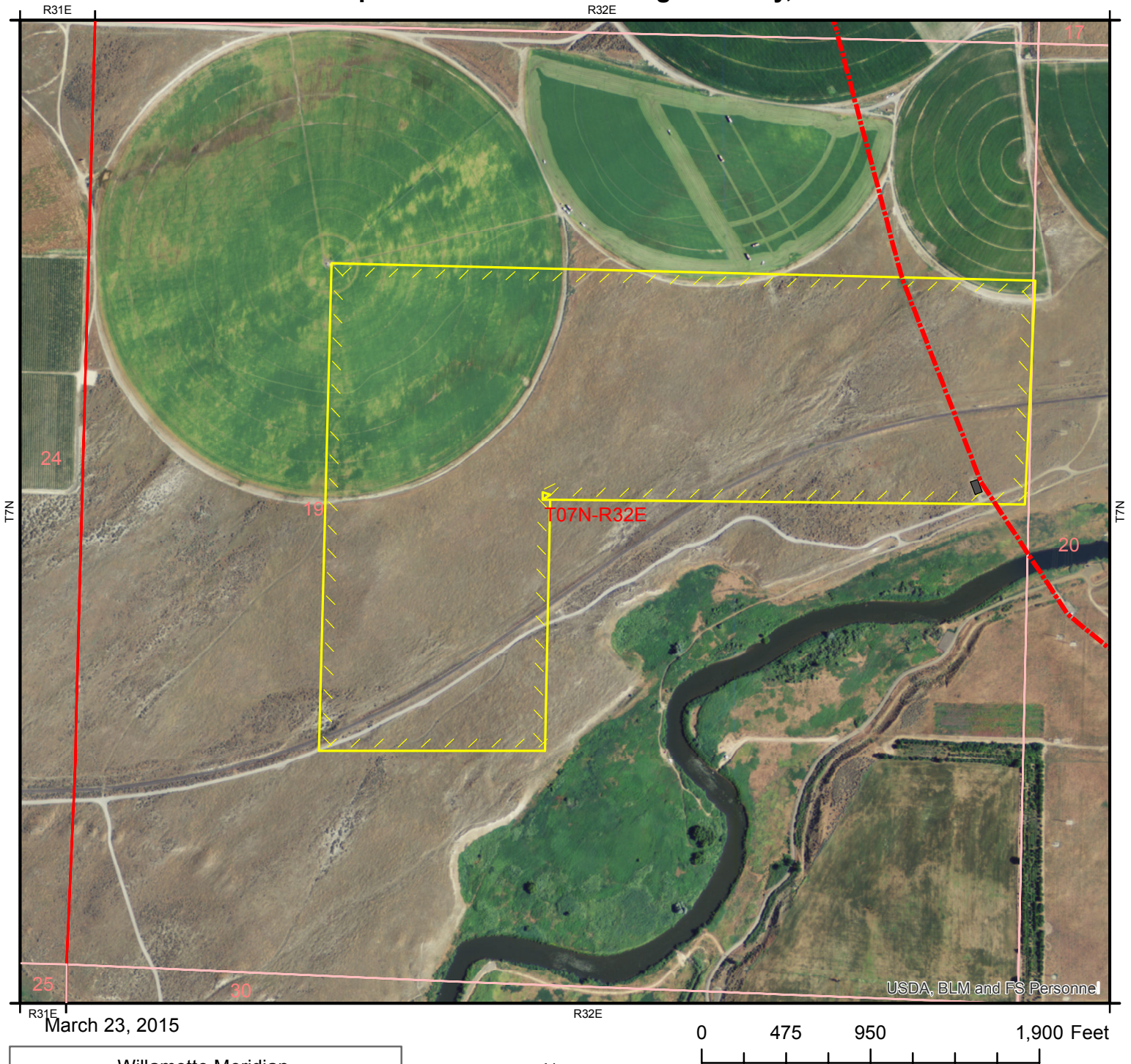
Heidi Lee Honner,
Realty Specialist
Spokane District Office, Bureau of Land Management
1103 North Fancher Ave.
Spokane Valley, WA 99212
(509) 536-1216
HHonner@BLM.GOV

Reviewers	Resource	Initials	Date
Anne Boyd	Archaeology		
Heidi Honner	Realty Specialist/Team Leader		
Jason Lowe	Wildlife and Fisheries		
Kim Frymire	Botany		
Michelle Roberts	NEPA Planner		

Exhibit A

Chevron to Tesoro Logistics Northwest Pipeline Assignment

Buried Gas Pipelines and Valve Site Right-of-Way, WAW 00091



Willamette Meridian,
Walla Walla County, Washington
T. 7 N., R. 32 E., sec. 19, S½NE¼.
2 Buried Gas Pipelines within 33 foot ROW
1,425 feet long, 33 feet wide, 1.08 acres



USDI - Bureau of Land Management
Spokane District Office
1103 N. Fancher Rd.
Spokane Valley, WA 99212
(509) 536 - 1200

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.

Legend

- Buried Gas Pipelines
- Valve Site Area
- BLM Lands

Project Area



WASHINGTON STATE

**DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CASE RECORDATION
(MASS) Serial Register Page**

Run Date/Time: 6/27/2018 14:34 PM

Page 1 Of 4

01 10-21-1976;090STAT2776;43USC1761
Case Type 286203: ROW-TEL & TELEG,FLPMA
Commodity 972: FIBER OPTIC FACILITIES
Case Disposition: AUTHORIZED

Total Acres:
27.580

Serial Number
UTU 073282

Name & Address	Serial Number: UTU--- 073282
	Int Rel % Interest
FRONTIER COMMUNICATIONS 40 W 100 N TREMONTON UT 84337 HOLDER/BILLEE	100.000000000

										Serial Number: UTU--- 073282
Mer	Twp	Rng	Sec	SType	Nr	Suff	Subdivision	District/ Field Office	County	Mgmt Agency
26	0220S	0190E	027	ALIQ			E2SW;	MOAB FIELD OFFICE	GRAND	BUREAU OF LAND MGMT
26	0220S	0190E	034	ALIQ			W2NE,NENW,N2SW,SWSE;	MOAB FIELD OFFICE	GRAND	BUREAU OF LAND MGMT
26	0230S	0190E	003	LOTS			1;	MOAB FIELD OFFICE	GRAND	BUREAU OF LAND MGMT
26	0230S	0190E	011	ALIQ			W2NE,NENW,E2SW;	MOAB FIELD OFFICE	GRAND	BUREAU OF LAND MGMT
26	0230S	0190E	012	ALIQ			SESE;	MOAB FIELD OFFICE	GRAND	BUREAU OF LAND MGMT
26	0230S	0190E	013	ALIQ			NW,NESW,W2SE,SESE;	MOAB FIELD OFFICE	GRAND	BUREAU OF LAND MGMT
26	0230S	0190E	024	ALIQ			E2NE,NWNE,W2SE,SESE;	MOAB FIELD OFFICE	GRAND	BUREAU OF LAND MGMT
26	0230S	0200E	019	LOTS			3,4;	MOAB FIELD OFFICE	GRAND	BUREAU OF LAND MGMT
26	0230S	0200E	030	LOTS			6-9,14;	MOAB FIELD OFFICE	GRAND	BUREAU OF LAND MGMT
26	0240S	0200E	008	ALIQ			E2SE;	MOAB FIELD OFFICE	GRAND	BUREAU OF LAND MGMT
26	0240S	0200E	034	ALIQ			NENESE;	MOAB FIELD OFFICE	GRAND	BUREAU OF LAND MGMT
26	0250S	0200E	011	ALIQ			NENE;	MOAB FIELD OFFICE	GRAND	BUREAU OF LAND MGMT
26	0250S	0200E	012	ALIQ			W2NW,NWSW,E2SW;	MOAB FIELD OFFICE	GRAND	BUREAU OF LAND MGMT
26	0250S	0200E	013	ALIQ			NENW,W2NE,SENE,NESE;	MOAB FIELD OFFICE	GRAND	BUREAU OF LAND MGMT
26	0250S	0210E	018	ALIQ			SESW;	MOAB FIELD OFFICE	GRAND	BUREAU OF LAND MGMT
26	0250S	0210E	018	LOTS			3,4;	MOAB FIELD OFFICE	GRAND	BUREAU OF LAND MGMT
26	0250S	0210E	018	ALIQ			SESW;	MOAB FIELD OFFICE	GRAND	ARCHES NP
26	0250S	0210E	019	ALIQ			NENW,N2NE,SENE;	MOAB FIELD OFFICE	GRAND	BUREAU OF LAND MGMT
26	0250S	0210E	020	LOTS			6,7,11,12;	MOAB FIELD OFFICE	GRAND	BUREAU OF LAND MGMT
26	0250S	0210E	020	ALIQ			NWSW;	MOAB FIELD OFFICE	GRAND	ARCHES NP
26	0250S	0210E	020	ALIQ			NWSW;	MOAB FIELD OFFICE	GRAND	BUREAU OF LAND MGMT
26	0250S	0210E	021	LOTS			3,6,7;	MOAB FIELD OFFICE	GRAND	BUREAU OF LAND MGMT
26	0250S	0210E	028	LOTS			3,4;	MOAB FIELD OFFICE	GRAND	BUREAU OF LAND MGMT
26	0280S	0220E	001	ALIQ			SWNE,E2SW,NWSE;	MOAB FIELD OFFICE	SAN JUAN	BUREAU OF LAND MGMT
26	0280S	0220E	001	LOTS			2,3;	MOAB FIELD OFFICE	SAN JUAN	BUREAU OF LAND MGMT
26	0280S	0220E	012	ALIQ			NW,E2SW,SWSE;	MOAB FIELD OFFICE	SAN JUAN	BUREAU OF LAND MGMT
26	0280S	0220E	013	LOTS			1;	MOAB FIELD OFFICE	SAN JUAN	BUREAU OF LAND MGMT
26	0280S	0220E	013	ALIQ			NWNE;	MOAB FIELD OFFICE	SAN JUAN	BUREAU OF LAND MGMT
26	0270S	0230E	019	ALIQ			NE,E2SE;	MOAB FIELD OFFICE	SAN JUAN	BUREAU OF LAND MGMT

NO WARRANTY IS MADE BY BLM FOR USE OF THE DATA FOR PURPOSES NOT INTENDED BY BLM

**DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CASE RECORDATION
(MASS) Serial Register Page**

Run Date/Time: 6/27/2018 14:34 PM

Page 2 Of 4

									Serial Number: UTU--- 073282	
Mer	Twp	Rng	Sec	SType	Nr	Suff	Subdivision	District/ Field Office	County	Mgmt Agency
26	0270S	0230E	029	ALIQ			W2NW;	MOAB FIELD OFFICE	SAN JUAN	BUREAU OF LAND MGMT
26	0270S	0230E	030	ALIQ			SENE,SESW,W2SE,NESE;	MOAB FIELD OFFICE	SAN JUAN	BUREAU OF LAND MGMT
26	0270S	0230E	031	LOTS			1;	MOAB FIELD OFFICE	SAN JUAN	BUREAU OF LAND MGMT
26	0270S	0230E	031	ALIQ			NENW;	MOAB FIELD OFFICE	SAN JUAN	BUREAU OF LAND MGMT
26	0280S	0230E	018	LOTS			2,3;	MOAB FIELD OFFICE	SAN JUAN	BUREAU OF LAND MGMT
26	0280S	0230E	018	ALIQ			E2SW;	MOAB FIELD OFFICE	SAN JUAN	BUREAU OF LAND MGMT
26	0280S	0230E	019	ALIQ			E2W2;	MOAB FIELD OFFICE	SAN JUAN	BUREAU OF LAND MGMT
26	0280S	0230E	030	ALIQ			SWNE,E2NW,W2SE;	MOAB FIELD OFFICE	SAN JUAN	BUREAU OF LAND MGMT
26	0280S	0230E	031	ALIQ			SENE,NESE;	MOAB FIELD OFFICE	SAN JUAN	BUREAU OF LAND MGMT
26	0280S	0230E	035	LOTS			4;	MOAB FIELD OFFICE	SAN JUAN	BUREAU OF LAND MGMT
26	0290S	0230E	003	ALIQ			W2SW,SESW,W2SE;	MOAB FIELD OFFICE	SAN JUAN	BUREAU OF LAND MGMT
26	0290S	0230E	004	ALIQ			N2SE;	MOAB FIELD OFFICE	SAN JUAN	BUREAU OF LAND MGMT
26	0280S	0240E	031	LOTS			3,4;	MOAB FIELD OFFICE	SAN JUAN	BUREAU OF LAND MGMT
26	0280S	0240E	031	ALIQ			SESW;	MOAB FIELD OFFICE	SAN JUAN	BUREAU OF LAND MGMT

Relinquished/Withdrawn Lands

Serial Number: UTU--- 073282

				Serial Number: UTU--- 073282	
Act Date	Act Code	Action Txt	Action Remarks	Pending Off	
05/01/1995	124	APLN RECD			
09/15/1995	841	CAT 2 COST RECOVERY-PROC			
10/05/1995	065	COST RECOV (MON) RECD	\$75.00;		
10/05/1995	971	COST RECOV (PROC) RECD	\$300.00;		
11/07/1995	111	RENTAL RECEIVED	\$212.00;		
11/07/1995	307	ROW GRANTED-ISSUED			
11/07/1995	503	LENGTH IN MILES	5.9;		
11/07/1995	504	WIDTH IN FEET (TOTAL)	10;		
12/01/1995	600	RECORDS NOTED			
04/07/1997	153	POST AUTH APLN RECD			
04/22/1997	841	CAT 2 COST RECOVERY-PROC			
05/16/1997	065	COST RECOV (MON) RECD	\$75.00;		
05/16/1997	971	COST RECOV (PROC) RECD	\$300.00;		
06/24/1997	111	RENTAL RECEIVED	\$152.91;		
06/24/1997	304	AUTH AMENDED/MODIFIED	503+6.05;		
07/28/1997	950	COMPLIANCE APPROVED			
11/03/1997	041	COMPL EXAM/RPT COMPLETED			
12/05/1997	474	NOTICE OF NONCOMPLIANCE			

NO WARRANTY IS MADE BY BLM FOR USE OF THE DATA FOR PURPOSES NOT INTENDED BY BLM

**DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CASE RECORDATION
(MASS) Serial Register Page**

Run Date/Time: 6/27/2018 14:34 PM

Page 3 Of 4

Serial Number: UTU--- 073282

Act Date	Act Code	Action Txt	Action Remarks	Pending Off
04/27/1998	950	COMPLIANCE APPROVED		
06/03/1998	974	AUTOMATED RECORD VERIF	VB;	
09/30/1998	950	COMPLIANCE APPROVED		
01/03/2001	950	COMPLIANCE APPROVED		
04/09/2001	111	RENTAL RECEIVED	\$224.36;1	
04/09/2001	111	RENTAL RECEIVED	\$455.99;	
04/09/2001	111	RENTAL RECEIVED	\$141.34;1	
01/03/2006	111	RENTAL RECEIVED	\$101.15;1	
01/08/2007	111	RENTAL RECEIVED	\$105.05;1	
12/31/2007	111	RENTAL RECEIVED	\$108.37;1	
06/23/2008	115	AMEND/CORR APLN RQSTD		
08/18/2008	140	ASGN FILED		
11/07/2008	600	RECORDS NOTED		
11/24/2008	950	COMPLIANCE APPROVED		
12/02/2008	139	ASGN APPROVED	FR: CITIZENS TELECOM;	
12/02/2008	304	AUTH AMENDED/MODIFIED	503+10.8;	
12/29/2008	111	RENTAL RECEIVED	\$3349.50;1	
01/09/2009	065	COST RECOV (MON) RECD	\$107.00;1	
01/09/2009	111	RENTAL RECEIVED	\$763.00;1	
01/09/2009	971	COST RECOV (PROC) RECD	\$107.00;1	
11/01/2014	853	COMPL/REVIEW DUE DATE		
11/01/2024	853	COMPL/REVIEW DUE DATE		
12/31/2025	763	EXPIRES		

Line Number	Remark Text	Serial Number: UTU--- 073282
0001	R/W FOR A 48 FIBER OPTICS CABLE;	
0002	MOAB BRIDGE TO CANYONLANDS FIELD AIRPORT;	
0003	6/97: AMENDMENT TO CONSTRUCT AN ADDITIONAL	
0004	6.05 MILES OF BURIED CABLE ON PUBLIC LAND FROM THE	
0005	CANYONLANDS FIELD AIRPORT TO PRIVATE LAND IN CRESENT	
0006	JUNCTION, GRAND COUNTY, UTAH;	
0007	CITIZENS COMMUNICATIONS PROJECT NUMBER 41-1F-16;	
0008	COMPLIANCE MONITOR: D. KROUSKOP-SOUTHWEST PERMITS;	
0009	12/08 AMEND:MOAB TO LA SAL 48 CABLE: 9.5 MI AERIAL	
0010	1.3 MI BURIED (+ 13.2 ACRES);	
0011	RENTAL PAID THRU 12/31/2018;	

NO WARRANTY IS MADE BY BLM FOR USE OF THE DATA FOR PURPOSES NOT INTENDED BY BLM

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CASE RECORDATION
(MASS) Serial Register Page

Run Date/Time: 6/27/2018 14:34 PM

Page 4 Of 4
