

## **Exploration & Production Operator's Compliance Manual for Energy Development Projects on the Southern Ute Indian Reservation**

The following is a brief summary of some of the most important provisions of the Compliance Manual. The full manual is available from <http://www.suitdoe.com/Documents/EPOperatorsManual.pdf>.

### **Permission to Survey:**

Individuals & firms that wish to conduct oil and gas surveying on the Southern Ute Reservation must apply to the BIA for an "Application for Permission to Survey" and may only conduct exploration once that permit has been granted. The Application for Permission to Survey will have certain requirements in it. First, Applications for "Permission to Survey" must include a brief narrative summary of the proposed project and a topographic map indicating the location of the proposed project. The summary must include the general geographic location, the approximate size, approximate dimensions and the acreage of the proposed project.

The narrative summary should also include the use of existing roads and/or existing locations, if applicable. Companies will be strongly encouraged to co-locate wells and use existing roads. If the proposed project is within ¼mile (1320 ft) of an existing location, and the existing location is not going to be utilized, the reason shall be denoted in the narrative. When carrying out exploration, companies must adhere to the stipulations on the second page of the approved Permission to Survey.

When an onsite is requested, a survey plat must be provided to the SUIT Energy Department Land Man or project coordinator. Survey plats *MUST* be provided to the SUIT staff five (5) working days prior to the on-site date.

- Any existing facilities within ¼mile (1320 ft) must be denoted on the survey plat.
- The SUIT Land Man or project coordinator will coordinate the onsite with the DNR Range staff, remaining SUIT staff, BIA, and notify the Lands Division so they may contact the land user if required.
- On-sites will be scheduled *a minimum of five (5) working days prior to the requested onsite date.*

### **On-sites may be canceled or postponed at the discretion of the SUIT Tribal Energy Representative or Project Coordinator based on inadequate project information and failure to follow the procedures listed below:**

If the proposed project location is amended after the preliminary survey work is complete, then the applicant must notify the BIA immediately and submit the amended plat or project location, with justification for the change. Amendments include the location, name of project, size of project, etc. The BIA and the SUIT will attempt to expedite project

through PPN (Proposed Project Notification) process. The onsite will not be conducted until the SUIT and BIA staff comments, on the amended project and notification, are made to the land user (assignee or lessee).

When a proposed project is located on Tribal Lands that have been leased or assigned, the lessee/assignee may be required to attend the onsite. If an assignee is requested or requests to attend the onsite, all attempts to accommodate the request will be made by the SUIT Land Man and the Lands Division Coordinator in scheduling the onsite time and date.

Any independent negotiations or agreements between the assignee and the company or the company representative, separate from that of the scheduled on-site, and without the DNR representative are not allowed. A Dept. of Natural Resources Representative must be present when discussions occur with the land user.

PI's or RP's (point of intersection or reference points) on pipelines, road rights-of-ways or compressor and well locations will be staked and marked on the ground using four-foot lath visible above vegetation at key geographic locations such as hills, drainages, fences or turns along the survey. The survey plat for the proposed project and access road must denote the ownership lines, legal descriptions and entrance/exits from the affected Tribal lands to private (Fee) properties. The proposed pipeline and or road must be surveyed from the beginning of line (main road, wellhead or from existing line) to its tie-in point.

Well pads, Compressor Sites, and/or Surface Leases will have PI's or RP's staked and marked at all corners and at mid-line. This allows field personnel to accurately reference these locations in their on-site reports. Marks on the lath must be shown on the plat. (Land ownership changes shall be referenced on plat maps and on lath.) All cuts and fills must be denoted on the plat of survey. The survey plat must reflect these points as denoted in the example attached. Any survey not complying with this request will not be on sited.

"Construction zones" will not be denoted or delineated on the plats. Ground surveys and plats will show the total usable area the company is requesting. *Example*; if the company needs additional area for construction, that area becomes part of the lease and is included in the survey and plat.

Although the entire approved area may be larger than the well pad because of additional work area requested, the survey plat may include the pad size. The ground survey must indicate the area needed for construction purposes. Ground lath must mark the outside corners and boundary of the entire useable space and must be referenced on the plat. The on-site report will only document the larger total useable space. After project approval and prior to construction, *metal T posts must be permanently driven at the corners to denote the boundaries of the approved site. The top 8" of the post tops will be painted yellow for easy identification. These posts will remain through the life of the well.*

Surface leases will be based on the total useable space reviewed and the survey plats must match the leases.

- There will no longer be a fifty-foot buffer zone added to the project. The project will only be considered for what is drawn on the plat and what the ground survey denotes.

- Archaeological surveys will cover an area 50 foot larger than the area surveyed, however this area will not be part of the approved surface lease. There will be NO disturbance inside the 50-foot archaeological buffer.

Temporary Use Area (TUA) will only be granted where absolutely necessary, to perform construction or for safety issues, and will be evaluated during the on-site. Requested TUA's shall be surveyed and marked with ground lath and indicated on the plat with the requested size. TUA's are temporary. Excavation or vegetation removal is prohibited in the TUA unless otherwise approved during the on-site. These areas will be reclaimed to pre-construction conditions.

Tribal DNR field representatives reserve the right to designate the "Working Side" of right-of-ways. When the "Working Side" of the right-of-ways is needed or when an issue arises; the "Working Side" designation will be documented within the on-site report.

### **Procedures for Reporting Gas & Oil Spills**

Contracting companies that conduct oil exploration, production and refining activities, as well as transport of related products within the exterior boundaries of the Southern Ute Indian Reservation are responsible for reporting releases and spills or discovery of undesirable events.

Verbal notification is required immediately upon discovery of the incident to Southern Ute Indian Tribe. Reports shall be made no later than 24-hours after incident to:

Environmental Programs Division (EPD) at 970-563-0135 during normal business hours. After-hours notification shall be made to the Southern Ute Police Department (SUPD) at 970-563-4401, fax 970-563-0347. Contact will then be made with the on-call person for EPD by phone.

### **Air Quality Code:**

### **Southern Ute Indian Tribe/State of Colorado Environmental Commission's Minor Source Program**

The Southern Ute Indian Tribe – Environmental Programs Division is hereby giving notice of its proposed determination to issue, concurrently with the finalization of the Southern Ute

Indian Tribe/State of Colorado Environmental Commission's Minor Source Program, a general permit to construct/operate oil and gas minor sources located on the Southern Ute Indian Reservation. It is estimated that there are over 900 minor sources of air pollution on the Reservation, the majority of which are internal combustion engines and associated equipment used for gas development. The Tribe wants to use a general permit instead of individual permits for permitting the air pollution emissions from those sources in order to reduce the Tribe's administrative burden of issuing separate individual permits. For regulated sources, the administrative burden of the application process is expected to be simpler for general permits than for individual permits and it will be much quicker to obtain permit coverage with the general permit than with individual permits. The emissions limitations and control technology requirements are expected to be about the same with an individual permit or under the general permit.

**Addresses:** Public comments should be sent to Brenda Jarrell, Air Quality Program Manager for the Southern Ute Indian Tribe, by one of the following methods:

- E-mail: [bjarrell@southern-ute.nsn.us](mailto:bjarrell@southern-ute.nsn.us)
- Mail: Southern Ute Indian Tribe/State of Colorado Environmental Commission, c/o Brenda Jarrell, Air Quality Program Manager, Southern Ute Environmental Programs Division, P.O. Box 737 MS# 84, Ignacio, Colorado, 81137
- Fax: 970-563-0384
- Hand delivery: Air Quality Program, Environmental Programs Division, Southern Ute Indian Tribe, 116 Mouache Dr., Ignacio, Colorado, 81137

**For Further Information Contact:**

The draft permit is available for download at:  
<http://www.southern-ute.nsn.us/suepd/permitting/AirQualityPermitting.htm>

Additional information may be obtained upon request by calling Brenda Jarrell at (970) 563-4705 ext. 2246 (or email [bjarrell@southern-ute.nsn.us](mailto:bjarrell@southern-ute.nsn.us)) or by writing to the address listed above.

**Supplementary Information:**

Applicability: The general permit will be for the permitting of existing and new or modified minor sources that are comprised of any combination of the following regulated emission units and no others, that meet the requirements of the permit, and that have obtained coverage under the permit: natural gas fired reciprocating internal combustion engines; dehydrators; reboilers; heaters; and tanks.

Approval: Conditional approval for coverage for eligible sources may be obtained by submitting a complete application to the Tribe, by posting a prominent notice of the application for coverage under the general permit at the site of the proposed or existing source, and by confirming that the Tribe has received the application. The Tribe will be able to deny coverage under the general permit and require submittal of an application for an individual permit based on a 30-day review of the application for coverage and other information. Final approval of coverage under the general permit is effective upon receipt of the written notice of coverage from the Tribe.

Existing sources: must be in compliance with the terms and conditions of the general permit upon application for coverage unless the application for coverage is submitted within the first 18 months of the effective date of the Minor Source Program, in which case, the existing source must come into compliance within 18 months from the date coverage under the permit is obtained. New sources must commence construction within 18 months after the date coverage under the permit is obtained. Approval for coverage under the general permit will have no definite term. The term will be indefinite, lasting until coverage is terminated by the Tribe or the Tribe revises the permit.

Emission limitations: are specified for natural gas fired reciprocating internal combustion engines that are part of a covered source and there are source-wide emissions limitations. The permit also includes monitoring, recordkeeping, and reporting requirements for each type of emission unit that may be part of a covered source. The permit includes compliance testing and reporting requirements as well as engine operation and maintenance requirements. Certain modifications, such as like-kind engine exchanges, will be allowed under alternative operating scenarios that are described in the general permit.

A permit application fee of \$300.00 will be required to obtain coverage under the general permit and an annual emissions fee of \$45.00 per ton + Consumer Price Index (CPI) of actual emissions must be paid for each fee pollutant, including fugitive emissions, to the extent they are quantifiable.