

# EXHIBIT A

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IN THE UNITED STATES DISTRICT COURT, DISTRICT OF UTAH  
CENTRAL DIVISION

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NINE MILE CANYON COALITION,  
SOUTHERN UTAH WILDERNESS  
ALLIANCE, and THE WILDERNESS  
SOCIETY,

Plaintiffs,

vs.

MIKE STIEWIG, in his official capacity as  
the Associate Manager of the Price Field  
Office of the Bureau of Land Management,  
THE UNITED STATES DEPARTMENT  
OF THE INTERIOR; and THE BUREAU  
OF LAND MANAGEMENT

Defendants,

and

BILL BARRETT CORPORATION,

Intervener-Defendant.

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Civil Nos. 2:08 CV586 DB

**SETTLEMENT AGREEMENT**

Honorable Dee Benson

Plaintiffs and Defendants in the above-captioned action, hereby enter into this Settlement Agreement.

### **BACKGROUND**

This action arises from Defendants' decisions to issue 30 permits to drill gas wells in the West Tavaputs area during various months in 2008. The Plaintiffs and Defendants desire to settle this action and dismiss the above-captioned action with prejudice.

### **AGREEMENT**

In exchange for the mutual covenants and promises set forth below, the parties hereby agree as follows:

1. Plaintiffs agree to stipulate to the dismissal of the above-captioned action with prejudice and agree to release the United States and its agencies from any and all claims arising out of the above-captioned case.
2. In exchange for Plaintiffs' stipulated dismissal with prejudice of the above-captioned action and release of all claims, Defendants agree:
  - a. That they will not invoke any further categorical exclusions ("CXs") under Section 390 (b) (1), (2), or (3) of the Energy Policy Act ("EPAAct"), 42 U.S.C. § 15942 (b) (1), (2) or (3) in the West Tavaputs natural gas full field development project area ("Area") until they complete either an environmental impact statement ("EIS") or environmental assessment ("EA") on gas development in the Area.
  - b. That they will issue a new Instruction Memorandum modifying the Bureau of Land Management's ("BLM") NEPA Handbook and stating that future EPAAct CXs will

not be invoked absent a determination that there are no “extraordinary circumstances.” 40 C.F.R. § 1508.4.

- c. That, until BLM issues the new Instruction Memorandum described above, they will not invoke the CX set forth in EPLA 390 (b)(2) when approving applications for permits to drill in Utah unless there is a prior NEPA analysis (i.e., a previous Environmental Assessment and/or Environmental Impact Statement).
  - d. Within six months of BLM issuing the Record of Decision for the West Tavaputs Plateau Environmental Impact Statement, BLM will initiate a study (following on the Constance Silver study) focusing, at least in part, on how to address existing and potential future impacts of dust and chemicals to rock art and other historic properties in the West Tavaputs Plateau/Nine Mile Canyon region.
3. Each party agrees to bear its own costs and attorney fees arising from the above captioned action.
  4. This agreement represents the entire agreement of the parties and supercedes any prior contemporaneous agreement.
  5. This agreement is entered into for the purpose of settlement, it shall not be construed as an admission of fault or arbitrary and capricious action by Defendants or their employees, and neither party shall cite any terms of the agreement as a precedent in any other action.
  6. Nothing in this Agreement shall be construed to deprive any federal official of authority to revise, amend, or promulgate regulations, instruction memoranda, resource management plans, other land management decisions, or the NEPA Handbook. Nothing in this Agreement shall

be deemed to limit the authority of the Executive Branch to make recommendations to Congress on any particular piece of legislation.

7. Nothing in this Agreement shall be construed to commit a federal agency or official to expend funds not appropriated by Congress.

DATED this 26th day of March 2010.

/s/ Stephen H. Bloch  
STEPHEN H. BLOCH  
Attorney for Plaintiffs

CARLIE CHRISTENSEN  
Acting United States Attorney

/s/ Jared C. Bennett  
JARED C. BENNETT  
Assistant United States Attorney