



Crestone Peak Resources, LLC

WILDLIFE PROTECTION PLAN

FOR

Application Name: Aspen 3-65 15-14 South - Site Plan

Application Number: DA-2394-00

Case Numbers: 2024-6036-00

Prepared For:



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1. INTRODUCTION

This Wildlife Protection Plan (WPP) was prepared by RPG Resources (RPG), on behalf of Crestone Peak Resources Operating, LLC (Crestone), for the proposed Aspen 3-65 15-14 South Pad. This plan was prepared to adhere to the Colorado Energy & Carbon Management Commission’s (ECMC) rules pursuant to 304.c.(17) & 1201.a for Oil and Gas Locations located outside High Priority Habitats. The WPP serves as a framework for wildlife protection and a communication tool to foster cooperative relationships between Crestone and its stakeholders. Implementation of this plan will serve to avoid or minimize adverse effects to wildlife populations, their associated habitats, and respective productivity levels in anticipation of the development of Crestone oil and gas resources.

This WPP addresses Crestone’s plans to comply with all applicable operating requirements and includes a site-specific environmental site assessment. Additional measures may be implemented based on any new environmental constraints that arise or site-specific recommendations.

2. SITE DESCRIPTION

The Site boundaries are defined as the limits of disturbance (LOD) for the proposed pad and access road. The Site is located in Section 15 of Township 3 South, Range 65 West in City of Aurora, Adams County, Colorado. It is in the Western Great Plains Range and Irrigated Region Land Resource Region (LRR) of the Central High Plains, Southern Part Major Land Resource Region (MLRA; NRCS 2006). The proposed location is a new location, the surrounding land type is cropland/agricultural, and the zoning is identified as Airport District (AD).

3. OPERATING REQUIREMENTS

Below is a review of the operating requirements described in Rule 1202 and Crestone’s plans to adhere to those which are applicable to the Site. Crestone’s contractors will also comply with all applicable operating requirements.

a. The operating requirements identified in Rule 1202.a apply to Oil and Gas Operations statewide unless the Operator obtains a signed waiver from Colorado Parks and Wildlife (CPW) and the Director or Commission approves a Form 4, Sundry Notice or Form 2A documenting the relief.

(1) In black bear habitat, Operators will install and utilize bear-proof dumpsters and trash receptacles for food-related trash at all facilities that generate trash.

The Site is not located within black bear habitat.

(2) Operators will comply with the following disinfection requirements when applicable. Operators will disinfect water suction hoses and water transportation Tanks withdrawing from or discharging into surface waters (other than contained Pits) used previously in another river, intermittent or perennial stream, lake, pond, or wetland and discard rinse water in an approved disposal facility. Disinfection practices will be repeated prior to completing work and before moving to the next waterbody. Disinfection will be performed by scrubbing and pre-rinsing equipment away from water bodies to remove all mud, plants, and organic materials and then by implementing one of the following practices:

- A. *Spray/soak equipment with a CPW-approved disinfectant solution capable of killing whirling disease spores and other aquatic nuisance species defined by CPW; or*
- B. *Spray/soak equipment with water greater than 140° Fahrenheit for at least 10 minutes. All equipment and any compartments they contain will be completely drained and dried between each use.*

Water for this project will be sourced from a third-party lay flat distribution system, which is permitted and operated separately by the third party.

- (3) *At new and existing Oil and Gas Locations, Operators will not situate new staging, refueling, or Chemical storage areas within 500 feet of the Ordinary High Water Mark (“OHWM”) of any river, perennial or intermittent stream, lake, pond, or wetland.*

The Site is not located within 500 feet of the OHWM of any river, perennial or intermittent stream, lake, pond, or wetland.

- (4) *To prevent access by wildlife, including birds and bats, Operators will fence and net or install other CPW-approved exclusion devices on new Drilling Pits, Production Pits, and other Pits associated with Oil and Gas Operations that are intended to contain Fluids.*

- A. *Such fencing and netting or other CPW-approved exclusion device will be installed within 5 days after the cessation of active drilling and completion activities and maintained until the Pit is removed from service and dried or closed pursuant to the Commission’s 900 Series Rules.*
- B. *The Director may require an operator to fence and net or install other CPW-approved exclusion devices on an existing Pit if the Director determines that the installation is necessary and reasonable to protect Wildlife Resources based on the analysis required by Rule 909.j, or other information that demonstrates additional protections for Wildlife Resources are appropriate.*
- C. *Operators will properly maintain and repair all fences, nets, and CPW-approved exclusion devices required by this Rule 1202.a.(4).*

The Site will not include Drilling Pits, Production Pits, or other Pits associated with Oil and Gas Operations.

- (5) *For trenches that are left open for more than 5 consecutive days during construction of Pipelines regulated pursuant to the Commission’s 1100 Series Rules, Operators will install wildlife escape ramps at a minimum of one ramp per 1/4 mile of trench.*

If a trench is left open for more than 5 consecutive days during pipeline construction, Crestone will install wildlife escape ramps at a minimum of one ramp per ¼ mile of trench.

- (6) *When conducting interim and final Reclamation pursuant to Rules 1003 and 1004, Operators will use CPW-recommended seed mixes for Reclamation when consistent with the Surface Owner’s approval and any local soil conservation district requirements.*

The Site is not located within sensitive wildlife HPH, so Crestone will coordinate with the surface owner regarding the most appropriate seed mix (see the Interim Reclamation Plan for details).

- (7) *Operators will use CPW-recommended fence designs when consistent with the Surface Owner's approval and any Relevant Local Government requirements.*

This location is subject to Relevant Local Government (City of Aurora) fence design requirements (see Interim Reclamation Plan for fence design details).

Operators will conduct all vegetation removal necessary for Oil and Gas Operations outside of the nesting season for migratory birds (April 1 to August 31). For any vegetation removal that must be scheduled between April 1 to August 31, ~~Operators may implement appropriate hazing or other exclusion measures prior to April 1 to avoid take of migratory birds. If hazing or other exclusion measures are not implemented,~~¹ Operators will conduct pre-construction nesting migratory bird surveys within the approved disturbance area prior to any vegetation removal during the nesting season. If active nests are located, Operators will provide work zone buffers around active nests.

If construction or other earth-moving activities will begin within the recognized migratory bird breeding season of April 1 through August 31, Crestone will conduct migratory bird nesting surveys prior to the start of construction. Should any nests be identified at that time, Crestone will provide work zone buffers around active nests.

- (8) *Operators will treat Drilling Pits, Production Pits, and any other Pit associated with Oil and Gas Operations containing water that provides a medium for breeding mosquitoes with Bti (*Bacillus thuringiensis v. israelensis*) or take other effective action to control mosquito larvae that may spread West Nile virus to Wildlife Resources. Such treatment will be conducted in a manner which will not adversely affect aquatic Wildlife Resources.*

The Site will not include Drilling Pits, Production Pits, or other Pits associated with Oil and Gas Operations.

- (9) *Operators will employ the following minimum Best Management Practices on new Oil and Gas Locations with a Working Pad Surface located between 500 feet and 1000 feet hydraulically upgradient from a High Priority Habitat identified in Rule 1202.c.(1). Q–S:*
- A. *Contain Flowback and Stimulation Fluids in Tanks that are placed on a Working Pad Surface in an area with downgradient perimeter berming;*
 - B. *Construct lined berms or other lined containment devices pursuant to Rule 603.o around any new crude oil, condensate, and produced water storage Tanks that are installed after January 15, 2021;*
 - C. *Inspect the Oil and Location on a daily basis, unless the approved Form 2A provides for different inspection frequency or alternative method of compliance;*

¹ Although this language regarding hazing measures is included within ECMC's 1200 Series Rules, more recent guidance provided directly by ECMC commissioners included a request to avoid any hazing measures.

- D. *Maintain adequate Spill response equipment at the Oil and Gas Location during drilling and completion operations; and*
- E. *Not construct or utilize any Pits, except that Operators may continue to utilize existing Pits that were properly permitted, constructed, operated, and maintained in compliance prior to January 15, 2021.*

The Site is not located between 500 feet and 1000 feet hydraulically upgradient from a High Priority Habitat identified in Rule 1202.c.(1). Q-S.

- b. *Operators will bore, rather than trench, Flowline and utility crossings of perennial streams identified as aquatic High Priority Habitat unless the Operator obtains a signed waiver from CPW and the Director or Commission approves a Form 4 or Form 2A documenting the relief. When installing culverts or bridges, such structures will not impact or prevent the passage of fish unless otherwise directed by CPW.*

Flowlines and utilities associated with the Site will not cross any perennial streams identified as aquatic High Priority Habitat.

Rules 1202.c and 1202.d describe operating requirements for proposed Oil and Gas Operations that are located within HPH. This plan addresses proposed locations that are located outside HPH and, therefore, these rules do not apply to any locations for which this plan is provided.

4. GENERAL PROTECTION MEASURES & BMPs

Crestone strives to avoid and minimize impacts to wildlife by incorporating general and site-specific guidance into development plans and project design. In addition to the above-discussed standard operating requirements, additional wildlife protection measures are considered and implemented as appropriate for each project.

When possible, seasonal avoidance of important breeding, nesting, and winter habitats is the primary protection measure to reduce oil and gas development impacts on wildlife populations, productivity, and habitat use. Consultation with CPW and/or other wildlife agencies may be initiated to determine which other site-specific protection measures, if any, should be included in each project. Data collected during preliminary survey efforts is considered during project planning and design, and subsequent follow-up surveys and/or monitoring efforts are scheduled as needed. Protection measures are not limited to those identified in wildlife plans, and Crestone recognizes the nature of fluctuating wildlife conditions and remains adaptable to new wildlife constraints that may arise.

Additionally, Crestone will implement the following general wildlife BMPs:

- Ensure all personnel and contractors are aware of and adhere to applicable wildlife protection measures and BMPs;
- Personnel and contractors will not harm any wildlife observed on site and will maintain recommended buffer distances related to wildlife;
- Personnel and contractors will report any wildlife concerns, including the discovery of injured or orphaned wildlife, to on-site management and applicable EHSR personnel;

- Inform and educate employees and contractors on wildlife conservation practices, including no harassment or feeding of wildlife. Crestone will use CPW-recommended fence designs

5. ENVIRONMENTAL SITE ASSESSMENT

RPG conducted a comprehensive Environmental Site Assessment (ESA) for the proposed Site to determine if any additional wildlife protection measures may be recommended based on site-specific observations. RPG's considerations included, but were not limited to, resources protected under the Bald and Golden Eagle Protection Act (BGEPA), Migratory Bird Treaty Act (MBTA), Endangered Species Act (ESA), Colorado Nongame, Endangered, or Threatened Species Conservation Act, and the Clean Water Act (CWA). The ESA included a desktop review of aerial imagery, agency-mapped sensitive natural resources, and a site-specific U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) report. Following the desktop review, RPG conducted field survey on 10/23/2023 to assess the potential for other protected or sensitive natural resources to be impacted by operations.

5.1. Eagles

There is no suitable nesting habitat for bald eagles (*Haliaeetus leucocephalus*) or golden eagles (*Aquila chrysaetos*) within ½ mile of the Site, and no eagle activity was observed during the survey.

There are no CPW-mapped bald eagle winter night roost areas within ½ mile of the Site.

No further action recommended.

5.2. Burrowing Owls

No suitable burrowing owl (*Athene cunicularia*) habitat (i.e., prairie dog town) was identified within ¼ mile of the Site, and no burrowing owls were observed during the field surveys.

If construction begins between March 15 and October 31, a burrowing owl habitat survey is recommended by qualified biologists prior to construction to confirm no new habitat has been established. If new habitat is observed, burrowing owl surveys will be conducted in accordance with CPW-recommended protocol, and CPW will be consulted if owls are determined to be present.

5.3. Other Raptors

No raptor nests or nesting activity were observed within ½-mile of the Site during the field surveys. However, there is suitable raptor nesting habitat (e.g., artificial structures, ground topography, etc.) within ½ mile of the Site.

If construction begins between February 1 and July 31, additional raptor nesting surveys are recommended. If active raptor nests are observed within CPW's recommended species-specific buffers, a consultation with CPW is recommended to determine appropriate mitigation measures.

5.4. Migratory Birds

There is suitable non-raptor migratory bird nesting habitat (e.g., vegetation, artificial structures, etc.) present at and immediately surrounding the Site. No active nests were observed at the time of the survey.

If construction begins between April 1 through August 31, migratory bird nesting surveys are recommended. If MBTA-protected active nests are found, Crestone will provide work zone buffers around them while they remain active and/or implement other applicable nest protection BMPs as needed.

5.5. Threatened, Endangered, and Candidate Species

The IPaC report included nine (9) federally listed threatened, endangered, or candidate species that have potential to exist within or in the immediate vicinity of the Site. These species include: the gray wolf (*Canis lupus*), Preble's jumping mouse (*Zapus hudsonius preblei*), tricolored bat (*Perimyotis subflavus*), piping plover (*Charadrius melodus*), whooping crane (*Grus americana*), pallid sturgeon (*Scaphirhynchus albus*), Ute ladies'-tresses (*Spiranthes diluvialis*), western prairie fringed orchid (*Platanthera praeclara*), and monarch butterfly (*Danaus plexippus*). No suitable habitat for any of these species was identified at the Site. The Colorado state-listed T&E species that has the potential to occur in the same area as the Site is the burrowing owl. The burrowing owl is discussed above in Section 5.2.

No further action recommended.

5.6. Wetlands, Waters of the U.S., and Floodplains

There are no potential wetlands or waters of the U.S. within 500 feet of the Site. No additional wetlands, water bodies, or floodplains were documented or observed within or adjacent to the Site. As a result, no impacts to any potential wetlands or waters of the U.S. are expected as a result of project activities associated with the Site.

The Site is not located within a Federal Emergency Management Agency (FEMA)-mapped 100-year floodplain.

No further action is recommended.

5.7. High Priority Habitats

The Site is not located within any CPW-mapped High Priority Habitats.

No further action is recommended.

5.8. Safety or Other Concerns

No safety issues or other concerns were identified at the Site.

No further action is recommended.

5.9. Best Management Practice Recommendations

- Burrowing owl habitat surveys will be conducted at least 2 weeks prior to start of construction activities to verify burrowing owl habitat has not expanded within ¼-mile of the Site.
- Raptor nesting surveys will be conducted within one week prior to the start of construction activities to verify no active nests are present within CPW-recommended species-specific buffers.

- Non-raptor migratory bird surveys will be conducted within one week prior to the start of construction activities to verify no active nests are present within the proposed Site.

Surveys are only to occur if construction begins during the applicable seasons.

6. SUMMARY

The Aspen 3-65 15-14 South Pad is not located within any mapped High Priority Habitats. Therefore, a Wildlife Mitigation Plan is not needed per 1201.b. and this Wildlife Protection Plan fulfills the obligations of Rule 1201.a.

No active wildlife constraints were observed at the time of the field survey. There are no trees, bluffs, or cliffs (i.e., common nesting habitat) within ½ mile of the proposed pad area; however, artificial structures and ground nesting habitat for raptors and other migratory birds were identified within applicable CPW-recommended species-specific buffers. If construction will begin during applicable Colorado bird nesting seasons (February 1 – August 31), additional wildlife surveys are recommended prior to the start of construction to ensure no sensitive wildlife resources will be impacted.

Crestone and all associated contractors agree to adhere to all relevant operating requirements outlined in this WPP. In addition to the standard operating requirements, supplementary measures and protocols may be implemented in response to specific needs identified at the Site.

PHOTOS



1. From center of proposed pad facing north.



2. From center of proposed pad facing south.



3. From center of proposed pad facing west.



4. From center of proposed pad facing east.

LITERATURE CITED

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- U.S. Fish and Wildlife Service. 2021. Featured Pollinator Monarch butterfly (*Danaus plexippus plexippus*). https://www.fws.gov/pollinators/features/Monarch_Butterfly.html. Accessed December 2023.
- U.S. Fish and Wildlife Service. IPaC Information for Planning and Consultation. <https://ecos.fws.gov/ipac/>. Accessed December 2023.

APPENDIX A

Environmental Site Assessment Results



ENVIRONMENTAL SITE ASSESSMENT



Project Name:	Aspen 3-65 15-14 South Pad	County, State:	Adams County, CO
Report Date:	December 2023	Region:	DJ Basin
Inspection Date:	10/23/2023	Field Name:	Wildcat
Inspector Name:	Emma Johnson	Location:	Sec 15, T3S R65W
ESA Type:	New Development	Project Lat-Long:	39.787403, -104.655982

RAPTORS

Bald and Golden Eagle Active Nests:	No	Status:	CLEARED
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There is no suitable nesting habitat for bald eagles (*Haliaeetus leucocephalus*) or golden eagles (*Aquila chrysaetos*) within ½ mile of the Site, and no eagle activity was observed during the survey.

Bald Eagle Winter Night Roost/Communal Roost:	No	Status:	CLEARED
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There are no CPW-mapped bald eagle winter night roosts / communal roosts within 1/2 mile of the Site. Not a constraint.

*Burrowing Owls and Black-Tailed Prairie Dogs:	No	Status:	CLEARED
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No suitable burrowing owl (*Athene cunicularia*) habitats (i.e., prairie dog towns) were identified within ¼ mile of the Site, and no burrowing owls were observed during the field surveys.

Other Raptor Nests:	No	Status:	CLEARED
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There is suitable raptor nesting habitat (e.g., trees, structures, etc.), however, no raptor nests were observed within ½ mile of the Site during the field surveys.

OTHER BIRDS

Grouse or Prairie Chicken High Priority Habitats:	No	Status:	CLEARED
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The Site is not within any grouse or prairie chicken HPHs. Not a constraint.

Non-Raptor Migratory Bird Nests:	No	Status:	CLEARED
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There is suitable non-raptor migratory bird nesting habitat (e.g., surface topography and vegetation) present at and immediately surrounding the Site. No nests were observed during the field surveys.

MAMMALS

Big Game High Priority Habitats:	No	Status:	CLEARED
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The Site is not located within any Big Game High Priority Habitats. Not currently a constraint.

** Preble's Meadow Jumping Mouse (PMJM) Habitat:	No	Status:	CLEARED
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Site is not located within suitable PMJM habitat.

Swift Fox Habitat/Dens:	No	Status:	CLEARED
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The Site is not within CPW-mapped swift fox overall range, and no swift fox habitat was observed during the initial site survey.

VEGETATION

**Ute ladies'-tresses orchid (ULTO):	No	Status:	CLEARED
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There is no suitable Ute ladies'-tresses orchid habitat at the Site. Not a constraint.

Colorado State Noxious Weeds - List A,B,C:	No	Status:	CLEARED
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No listed Colorado state noxious weeds were observed during the field survey.

Current Land Use:	Cropland	Future Land Use:	Cropland
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ENVIRONMENTAL SITE ASSESSMENT



AQUATIC HABITATS

Aquatic High Priority Habitats:	No	Status:	CLEARED
N/A			
Wetlands/WOUS:	No	Status:	CLEARED
There are no potential wetlands or waters of the U.S. within 500 feet of the Site. No additional wetlands, water bodies, or floodplains were documented or observed within or adjacent to the Site. As a result, no impacts to any potential wetlands or waters of the U.S. are expected as a result of project activities associated with the Site.			

OTHER/SAFETY

Other Issues:	No	Status:	CLEARED
None.			
Safety Issues:	No	Status:	CLEARED
None.			

FORM 2A

Is HPH Present (309.e(2)A) ?	No
If NO , then Wildlife <u>Protection</u> Plan Needed (1201.a):	Yes
If YES , then Wildlife <u>Mitigation</u> Plan Needed (1201.b):	No
Is project in State Park or Wildlife Area (309.e(2)A) ?	No
Is project in federally designated critical habitat (309.e(2)B)?	No
**Federal or *Colorado T&E Species Present (309.e(2)B)?:	No
Is project in a wildlife habitat conservation easment (309.e(2)C)?:	No
CPW Consultation Needed (309.e)?:	No
Vegetation removal scheduled April 1 to August 31 (1202.a(8))?:	TBD
Working Pad Surface 500 to 1000' hydraulically upgradient from a HPH (1202.a(10))?:	No
Density of O&G locations exceed 1 per square mile w/in HPH (1202.d)?:	N/A
If YES , then Compensatory Mitigation Plan Needed (1203.a(1)):	N/A

FIELD DATA COLLECTED

GENERAL COMMENTS

Site Photos:	Yes	
Reference Area Photos:	Yes	
Updated Aerial Imagery Taken?:	Yes	
Ground Control Points?:	No	
Wetland Determination Data Form?	No	

Reviewed By: Russell Beam
Signature: *Russell Beam*

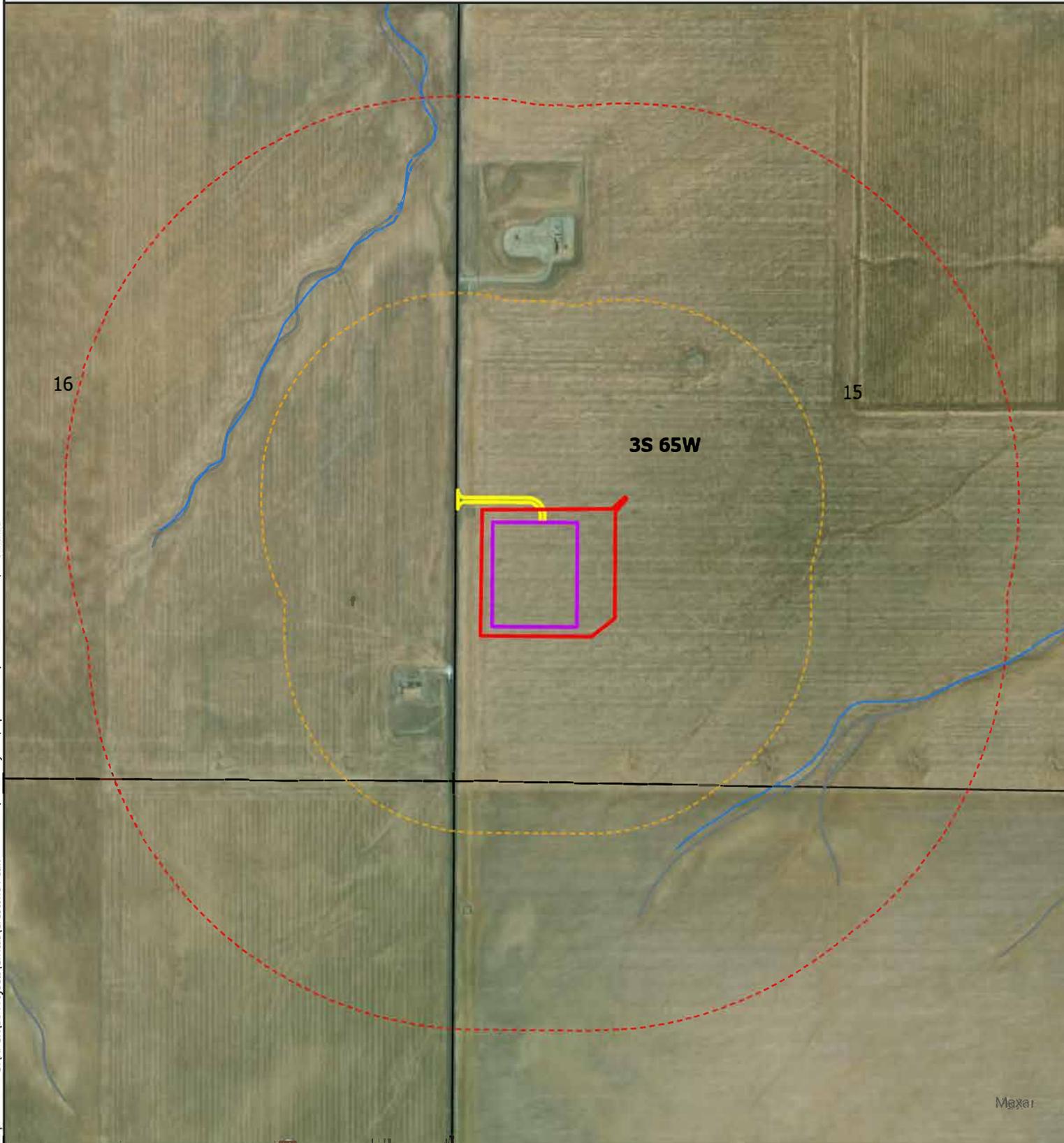
Title: Environmental Manager
Date: 12/22/2023

APPENDIX B

Environmental Site Map



Map Location: S:\RPGR\00 Projects\Civitas\Crestone Peak Resources\2023 Projects\Aspen South\2 - Environmental\5 - Wildlife



ENVIRONMENTAL SITE MAP

- Oil & Gas Location
- Working Pad Surface
- Access Road
- 0.25-Mile Survey Radius
- 0.5-Mile Survey Radius
- NHD-Mapped Stream/River
- NWI-Mapped Riverine

Projection: WGS 1984
Date: 12/15/2023
Drafted by: BRH



0 500 1,000
Feet

1 inch equals 1,167 feet