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Subject: Environmental Summary and Wildlife Protection Plan for (602-111) DB Farms 40-12HZ, Weld County, CO

Two Dot Consulting, LLC (2DOT) was contracted by Kerr-McGee Oil & Gas Onshore LP (KMOG), to conduct an environmental desktop analysis and site assessment (Assessment) for the DB Farms 40-12HZ project disturbance area, which encompasses the proposed Working Pad Surface, Production Facility, and Pump Jack Operations Area (hereon cumulatively referred to as, "Site"). 2Dot, on behalf of KMOG, developed this Wildlife Protection Plan (WPP) pursuant to Rule 304.c.(17) for Oil and Gas Locations outside of High Priority Habitat (HPH) and to demonstrate compliance with the operating requirements pursuant to Rule 1202.a at the proposed Site.

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SITE CONDITIONS + LOCATION

The Site (14.07 acres) is located 2.4 miles NNW of Platteville, CO, southwest of the intersection of County Road 36 and 25 in section 12, township 3 north, range 67 west, in Weld County, Colorado (40.2401026215, -104.831504923). Land use within the Site is currently agricultural cropland. The surrounding land use includes agriculture, rangeland, and residential, with the nearest residence located 500 feet (') north of the Site.

ASSESSMENT

Migratory Birds and Raptors

A desktop analysis was updated on 7/21/21. CPW Species Activity Mapping (SAM) data and HPH data indicated that no bald eagle (*Haliaeetus leucocephalus*) nests are located within one mile of the Site. SAM data indicates that two nests, that have since been destroyed, were located more than one mile southwest of the Site, along the South Platte River. No bald eagle winter night roosts exist within 0.5 mile of the Site. **No action is necessary at this time.**

There are trees suitable for bald eagles, raptors, and migratory birds located within 0.5 mile of the Site; however, no nests were observed at the Site. **Nest tree surveys within 0.5 mile of the Site are recommended if construction occurs between 2/15 - 7/15.**

Suitable burrowing owl (*Athene cunicularia*) habitat was observed within 0.25 mile of the Site during the Assessment on 2/9/2021. Surveys for active nest sites have not been performed within the potentially

suitable habitat, and no active nests have been identified. Colorado Parks and Wildlife (CPW) seasonal stipulations for burrowing owls (BUOW) state that no permitted, authorized, or human encroachment activities within 0.25 mile (1,320 feet, 400 meters) of an active nest site during the nesting season between 3/15 through 8/31. For large industrial disturbances (drilling rig, residential construction, etc.), no permitted, authorized, or human encroachment activities within 0.25 mile of an active nest site during the nesting season or until nest has fledged. 2DOT recommends at least three protocol-specific surveys to confirm presence/absence prior to construction. **Surveys for suitable BUOW habitat within 0.25 mile are recommended if construction occurs between 3/15 - 8/31.**

While the cultivated Site is highly disturbed, potentially suitable habitat exists for non-raptor ground nesting migratory birds protected under the Migratory Bird Treaty Act. **Surveys are recommended where surface disturbance activities occur between 4/1 - 8/31. Surveys should be performed five days prior to surface disturbance activities.**

Colorado Parks and Wildlife Tier 1 Species of Greatest Conservation Need

2DOT reviewed CPW's Tier 1 species of Greatest Conservation Need from Colorado's 2015 State Wildlife Action Plan, to determine if any impacts are anticipated from the proposed construction activities. No suitable habitat for CPW Tier 1 species was observed within the Site. **No action is necessary at this time.**

Threatened and Endangered Species

The United States Fish and Wildlife (USFWS) Information for Planning and Consultation (IPaC) tool was used to identify federally listed threatened or endangered (T&E) species habitat that may be impacted by the Site activities. While the Site does not overlap any critical habitat for T&E species, habitat was assessed for the likelihood of occurrence. Due to the highly disturbed land use conditions and buffer (>300') from the nearest waterbody, no suitable habitat for federally listed T&E species exists within the Site. **No action is necessary at this time.**

Other Sensitive Species

CPW HPH data was used to identify sensitive habitat in proximity to the Site. No HPH is located within the Site, and nearest HPH includes mule deer (*Odocoileus hemionus*) migration corridors and mule deer severe winter range. The Site does not overlap the mule deer HPH located along the South Platte River corridor, more than one mile to the southwest. **No action is necessary at this time.**

Surface Water Resources (Section 404)

A desktop assessment and field verification were performed to identify surface water resources within one mile of the Site. The desktop assessment included the use of surface water data obtained from the National Hydrology Dataset and the National Wetland Inventory (NWI). The nearest surface water includes a previously unmapped ditch approximately 20' south of the Site. This irrigation ditch is not likely jurisdictional, as it terminates in upland and does not return flow to a potential Waters of the United States. Conversely, the nearest mapped surface water feature, an isolated, freshwater pond mapped by NWI, was not present during the inspection. The nearest potentially jurisdictional surface water feature verified in proximity to the Site includes Farmers Independent Ditch, located approximately 330' west of the Site.

No surface water features intersect the Site that would warrant permitting under Section 404 of the Clean Water Act (CWA). **No action necessary at this time.**

The Site is not within a Federal Emergency Management Agency (FEMA) 100-year floodplain. **No action is necessary at this time.**

COGCC 1201 Wildlife Plans + COGCC 1203 Compensatory Mitigation for Wildlife Resources

The Site is located outside of HPH and does not require CPW consultation or approval in accordance with COGCC 1201. This WPP outlines the COGCC 1202 Operating Requirements applicable to the Site. Because this Site is not within HPH, compensatory mitigation, as described in COGCC 1203, does not apply.

COGCC 1202 Operating Requirements

In accordance with COGCC 1202, Operating Requirements, no new staging, refueling, or Chemical storage areas are to be situated within 500' of an OHWM, including Farmers Independent Ditch. **KMOG will maintain compliance with applicable operating requirements as outlined below:**

304.c.(17)

This Wildlife Protection Plan satisfies Rule 304.c.(17).

1202.a.(1)

Location was surveyed by 3rd party biological contractor for black bear habitat prior to permit submittal. This location is not in black bear habitat.

1202.a.(2)

KMOG maintains a Standard Operating Procedure (SOP) for water suction hoses and transportation Tanks that meets 1202.a.(2).A requirements with our 3rd party contractors when moving equipment from locations. The contractor will use a CPW-approved disinfectant solution capable of killing whirling disease spores and other aquatic nuisance species defined by CPW. Disinfectant solution information will be made available upon request.

1202.a.(3)

Location was surveyed by 3rd party biological contractor prior to permit submittal. When it is suspected that a new location is within 500 feet of a water feature, an Ordinary High-Water Mark (OHWM) survey will be conducted.

This new Oil and Gas Location is within 500 feet of the OHWM of any river, perennial or intermittent stream, lake, pond, or wetland, KMOG will not situate new staging, refueling, or Chemical storage areas at the Oil and Gas Location.

1202.a.(4)

KMOG does not use Drilling Pits, Production Pits or any other Pits at Oil and Gas Locations in the Denver-Julesburg Basin (DJ Basin).

1202.a.(5)

During construction of Pipelines regulated pursuant to the Commission's 1100 Series rules,

KMOG will install wildlife exit ramps every ¼ mile for any trenches that are left open for more than 5 consecutive days.

1202.a.(6)

KMOG will use CPW-recommended seed mix based on present soil conditions for interim and final Reclamation conducted pursuant to Rules 1003 and 1004 and when consistent with the Surface Owner's approval and any local soil conservation district requirements. Location specific plan can be found in the reclamation plan. Seed mix information will be made available upon request.

1202.a.(7)

Where fencing is required, KMOG will use CPW-recommended fence design when consistent with the Surface Owner's approval and any Relevant Local Government requirements. Fence design specifications will be made available upon request.

1202.a.(8)

Location was surveyed by 3rd party biological contractor for nests prior to permit submittal. No active nests were identified during the initial assessment. Approximately two weeks prior to construction start, the approved location will be surveyed by 3rd party biological contractor for nests. If an active nest is discovered, construction will be delayed, or a work-zone buffer will be provided around active nests. If no active nests are discovered, construction will proceed. Avian protection will be utilized throughout all operations.

1202.a.(9)

KMOG does not use Drilling Pits, Production Pits, or any other Pits at Oil and Gas Locations in the DJ Basin.

1202.a.(10)

Location was surveyed by 3rd party biological contractor prior to permit submittal to identify Working Pad Surfaces located between 500 feet and 1000 feet hydraulically upgradient from a High Priority Habitat identified in Rule 1202.c.(1).Q–S: Waters identified by CPW as “Gold Medal” (within 500 feet of OHWM); Cutthroat trout designated crucial habitat and native fish and other native aquatic species conservation waters (within 500 feet of OHWM); and/or Sportfish management waters not identified by CPW as “Gold Medal” (within 500 feet of OHWM).

The survey determined this location is not between 500 feet and 1000 feet hydraulically upgradient from a High Priority Habitat identified in Rule 1202.c.(1).Q–S: Waters identified by CPW as “Gold Medal” (within 500 feet of OHWM); Cutthroat trout designated crucial habitat and native fish and other native aquatic species conservation waters (within 500 feet of OHWM); and/or Sportfish management waters not identified by CPW as “Gold Medal” (within 500 feet of OHWM).

Best Management Practices (BMPs)

The following BMPs will be utilized on this location:

- Openings greater than 2" on equipment not running 24 hours a day will have avian protection installed.
- Approximately two weeks prior to construction start, the approved location will be surveyed by 3rd party biological contractor for nests.
- A site-specific spill prevention, control, and countermeasure plan compliant with EPA rule 40 CFR 112 Subpart A, B, C will be created for this location.
- Automated emergency response systems and emergency shutdown systems will be installed.
- Remote monitoring systems will be utilized at this location.
- Vegetation will be controlled on the active location throughout the life of the project.
- Water On Demand system and pipelines will be utilized to minimize truck traffic on location.
- Periodic inspections for nests and of avian protection will occur throughout the life of the project.
- Training is provided to employees and contractors on wildlife conservation practices, including no harassment or feeding of wildlife
- Fluids will be consolidated and centralized for collection and distribution to minimize impact to wildlife.
- Infrastructure and facility are adequately sized to accommodate planned production
- Employees and contractors visiting location will follow Kerr-McGee Oil & Gas Onshore LP rules for accessing location, including speed limits and access timing

Table 1. Summary of Site Assessment

AGENCY	RESOURCE	REGULATION(S)/ GUIDANCE	SUMMARY	RECOMMENDATION
USFWS	bald eagles	BGEPA	No active bald eagle nests or roosts within one mile of the Site.	No action.
USFWS	Other raptors	MBTA	Suitable nesting habitat observed within 0.5-mile of the Site.	Raptor surveys are recommended if Site construction occurs between 2/15 and 7/15, or until nest has fledged if active nest is observed.

AGENCY	RESOURCE	REGULATION(S)/ GUIDANCE	SUMMARY	RECOMMENDATION
USFWS	Non-raptor migratory birds	MBTA, COGCC 1200	Ground-nesting migratory bird species are unlikely to occur, but there is potentially suitable habitat within the Site.	Non-raptor ground nesting migratory bird surveys are recommended if Site construction occurs between 4/1 and 8/31.
USFWS, CPW	burrowing owls	MBTA, CPW Tier 1 species	Suitable burrowing owl habitat observed within 0.25 mile west of the Site.	Burrowing Owl surveys are recommended if the Site is constructed between 3/15 and 8/31, or until nest has fledged if active nest is observed.
USFWS	T&E species	Endangered Species Act, Nongame, Endangered, or Threatened Species Conservation Act, CPW guidance	No suitable T&E habitat observed.	No action.
COGCC	High Priority Habitat	COGCC 1200	Site is outside of CPW HPH.	No action.
USACE	Waters of the United States	CWA Section 404	Site does not intersect surface water features.	No action.
Weld County Planning & Zoning Department	Floodplains	Weld County FHDP, COGCC 421	Site is not within a FEMA 100-year floodplain.	No action.
COGCC	Surface water	COGCC 1200	Farmers Independent Ditch is located within 500' of the Site.	No new staging, refueling, or chemical storage areas will be developed within 500' of an OHWM.

Notes:

BGEPA – Bald and Gold Eagle Protection Act

ESA – Endangers Species Act

FHDP – Flood Hazard Development Permit

MBTA – Migratory Bird Treaty Act



CONCLUSIONS

This WPP was developed using available data and field observations in February 2021 and reflects Site conditions observed at that time. Recommendations for Site construction are summarized in Table 1 and include an updated desktop review and Assessment that includes nest surveys for BUOW, raptors, and migratory birds prior to construction.

Thank you,



SAM JOSEPH

project manager • NEPA • wetlands

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SECTION 12, TOWNSHIP 3N, RANGE 67W, 6TH P.M. WELD COUNTY, CO



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

- | | |
|---|---|
|  Pump Jack Operations Area |  Working Pad Surface One Mile Buffer |
|  Disturbance Area |  Access Road |
|  Production Facility |  Aquatic Native Species Conservation Water |
|  Flowlines |  Mule Deer Migration Corridor |
|  Working Pad Surface |  Mule Deer Severe Winter Range |

2.
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Feet

PREPARED FOR:



Wildlife Habitat Drawing Map

COGCC permit approved after 1/15/2021

GIS SPATIAL DATA SOURCE:

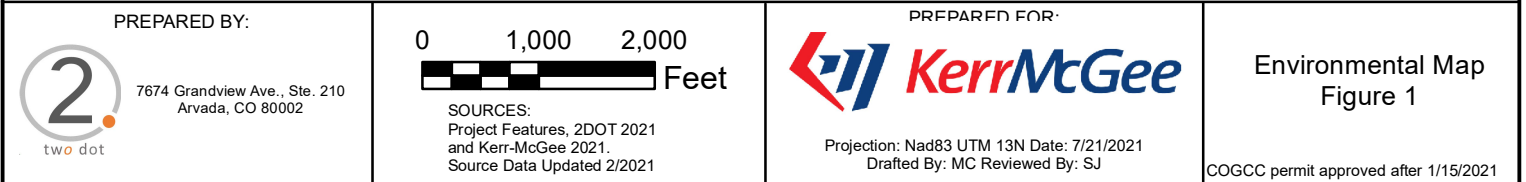
The Wildlife Habitat Drawing Map was developed to demonstrate the Colorado Parks and Wildlife (CPW) High Priority Habitat (HPH) within one mile of the proposed Working Pad Surface, in accordance with *COGCC Rule 304 b.(7)C*. The HPH data encompasses sensitive species habitat, as well as protected use areas designated by CPW. Colorado HPH data was obtained from CPW's public data sharing source, updated January, 2021:

<https://www.arcgis.com/home/search.html?q=Colorado%20Parks%20and%20Wildlife&t=groups&sortOrder=desc&sortField=relevance>

SECTION 12, TOWNSHIP 3N, RANGE 67W, 6TH P.M. WELD COUNTY, CO



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



GIS SPATIAL DATA SOURCE:

Wildlife habitat data was obtained using both publicly available data and field data collected by qualified biologists well-versed in federal and state wildlife protection regulations. Habitat features were mapped for sensitive species known or suspected to occur within one mile of the proposed project, and sources for mapped layers include:

- Raptor Wildlife Data
 - Raptor Buffers - <https://cpw.state.co.us/Documents/WildlifeSpecies/LivingWithWildlife/Raptor-Buffer-Guidelines.pdf#search=raptor%20buffer> raptor buffer data
 - Field verification for raptor and bald eagle nests
- USFWS Critical habitat GIS layers - <https://ecos.fws.gov/ecp/report/table/critical-habitat.html>
- Aquatic resources
 - NWI-USFWS - <https://www.fws.gov/wetlands/data/data-download.html>
 - NHD- (USDA NRCS GIS data portal) - <https://datagateway.nrcs.usda.gov/GDGOrder.aspx>
 - Field Verification ("Potential Wetlands" " Delineated Wetlands" and "Ditch")
- Cadastral data for Weld County (TSR, WCR), (USDA NRCS GIS data portal) - <https://datagateway.nrcs.usda.gov/GDGOrder.aspx>
- CPW SAM Public Data- <https://www.arcgis.com/home/group.html?focus=all&id=0e6f9051b06146018038e9a929ab4910&view=list#content>
AND - <https://cpw.state.co.us/learn/Pages/SpeciesProfiles.aspx> - Confirmed no habitat for any species on these lists
- CPW HPH data - https://cogccmap.state.co.us/cogcc_gis_online/

Center of the Project Area. View is looking east.



Center of the Project Area. View is looking west.

