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# WILDLIFE PLAN

**BNL** | ENTERPRISE

**State 16 SWSE 3054**

Sec. 16 T30S R54W (NE/4 NW/4)

Las Animas County, Colorado

Surface: State

Submitted as an accompaniment to the Form 2A Application  
and consistent with the requirements of Rule 1201.

January 20, 2022

Revised: March 21, 2022

## **BNL (Enterprise) Inc. Las Animas County, Colorado**

### **Wildlife Plan**

#### **Project Summary:**

The BNL (Enterprise) Inc. ("BNL") proposed State 16 SWSE 3054 Location (Location) is located in Sec. 16 T30S R54W in Las Animas County, Colorado. BNL plans to drill and test one *helium* well. If the well produces commercial quantities of helium the well will be shut-in for a period of six to nine months until helium production/processing facilities can be constructed on an offsite facility location. The helium facility will be on lands outside of the Oil and Gas Development Plan. The facility will be constructed on private surface. The landowner agreement provides for the installation of the gas gathering line. The production/processing facilities will not require an oil and gas development plan. BNL will use a 130-mil rig liner during the drilling and testing of the well. As minimal soil will be disturbed during this time as possible. The well will be drilled vertically to no more than 2,500 feet and will not require hydraulic fracturing. The proposed location is state surface and state minerals with a total pad disturbance of 3.4± acres. During the drilling and testing phase, the existing access road will be minimally upgraded to allow for construction and, if needed, emergency vehicles. If the well proves to be of commercial quantities, the road will be crowned and ditched, in consultation with the Colorado State Land Board and any other owners along the access route. The graded site elevation is expected to be approximately 5,505'. No federal lands or minerals are involved in this project. All operations would be conducted in compliance with all federal, state, and local applicable laws, rules, and regulations.

#### **Plan**

The total disturbance of the Location will be approximately 3.4 acres and 1.2 acres after interim reclamation. Surface and mineral ownership is State of Colorado. The Location does not occur within any High Priority Habitats (HPH) designated by Colorado Parks and Wildlife (CPW) for application in the Colorado Oil and Gas Conservation Commission's (COGCC) Series 1200 rules. There are no HPH with 1 mile of the Location. Please see the Wildlife Habitat Map.

The proposed disturbance of the Location is nearly 100% shrubland, with pinyon-juniper stands occurring sporadically within the one-mile buffer around the proposed Location. There is no evidence of prairie dog colonies in areas proposed for disturbance or within one mile of the proposed Location.

Pioneer Environmental Consultants performed a United State Fish and Wildlife Services Information for Planning and Consultation (IPaC). Results indicate the potential for two endangered species to occur, including the Canada lynx (Threatened) and New Mexico meadow jumping mouse (Endangered). Based on review of aerial imagery, there is no suitable habitat for either of these species in the area proposed for disturbance or within the one-mile buffer around the proposed Location. There are no critical habitats in areas proposed for disturbance or within the one-mile buffer of the proposed Location. Critical habitat is a specific geographic area that contains features essential to the conservation of an endangered or threatened species, and that may require special management and protection.

There are no trees or other habitats suitable for nesting bald eagles (*Haliaeetus leucocephalus*) or golden eagles (*Aquila chrysaetos*) within ½-mile of the Location, nor is the Location Site within ½-mile of any CPW-mapped eagle winter night roost areas.

No raptor nests have been recorded at this property, but there is potential for either Swainson's hawk or red-tail hawk nesting at the Location. However, if a new nest is built, the operator will take actions to minimize and mitigate impact. Surface disturbing and/or disruptive activities within these areas will be minimized as specified by federal or state agencies involved. The duration of this recommended mitigation measure may be shortened or lengthened based on the fledging chronology of the chicks in an active nest. This recommended mitigation measure would be in effect annually for the duration of the life of this action or any subsequent activities, not including operations and maintenance. The ½-mile disturbance restriction may be reduced to ¼-mile depending on the species occupying the nest in accordance with federal and state regulations. Any recommended mitigation measures in no way relieve the operator from their responsibility to comply with all aspects of Federal Laws such as the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

The Location and surrounding areas are suitable for Burrowing Owl, Mountain plover and Swift Fox. However, the Operator conducted an onsite where no visible prairie dog colonies that would provide suitable habitat for either species. A wildlife biologist also conducted a site visit and confirmed the area was not suitable for these species.

#### **Implementation of Rule 1202.a. Operating Requirements**

- (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.  
*This location is within black bear habitat. The Operator will install and utilize bear-proof dumpsters and trash receptacles.*
- (2) 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 water body. 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.*No operations will withdraw from or discharge into surface waters.*
- (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.

*Staging, refueling or chemical storage will not be within 500' 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).

*There will be no pits on location.*
- (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.

*Operator will comply.*
- (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.

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

*Operator will install a wildlife friendly fence if requested by surface owner.*
- (8) 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, 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.

*Operator will comply. There are no known nests within the vicinity of the Location.*
- (9) 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.

*There will be no pits on location.*

- (10) 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;
- 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.

*This location is not 1,000' upgradient of a High Priority Habitat.*

11. 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.

*No flowline or other underground utility associated with the Project will cross either a perennial stream or an aquatic HPH.*

### **Best Management Practices**

- Operator will use Best Management Practices (BMPs) to protect wildlife in the operations area. BMPs are but not limited to:
- The operator agrees to establish company guidelines to minimize wildlife mortality from vehicle collisions on road. Slow speed and increased awareness among employees and contractors should lessen impacts to wildlife.
- All open-vent exhaust stacks on production equipment shall be designed to prevent entry by birds and bats and to discourage nesting or perching. All tanks and above ground facilities shall be equipped with structures or devices that discourage nesting of raptors and corvids.
- The Location will be fenced if requested by the surface owner with wildlife friendly barb wire to keep ungulates out of the Location.
- The operator agrees to preclude the use of aggressive non-native grasses in habitat reclamation.
- Use remote monitoring of well production to the extent practicable
- Use topographic features and vegetative screening to create seclusion areas, where acceptable to the surface owner
- Mow or brush hog vegetation where appropriate, leaving root structure intact, instead of scraping the surface, where allowed by the surface owner.

### **Bibliography**

Colorado Parks and Wildlife (CPW). High Priority Habitat (HPH) data. Available online at: [https://cogccmap.state.co.us/cogcc\\_gis\\_online/](https://cogccmap.state.co.us/cogcc_gis_online/). Accessed on February 22, 2022.

CPW. 2022. Colorado's Conservation Data Center (CODEX). Project Review Report for the BNL State 36 proposed site.

CPW. 2020. Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors. Available online at <https://cpw.state.co.us/Documents/WildlifeSpecies/LivingWithWildlife/Raptor-Buffer-Guidelines.pdf>. Accessed on January 4, 2022.

U.S. Fish and Wildlife Service (USFWS). 2022. Information for Planning and Consultation (IPaC) Resource List for BNL State 36 proposed site.