



WILDLIFE PROTECTION PLAN

FOR

Shelton CPR-25 Pad

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 (Civitas Resources, Inc.), for the proposed Shelton CPR-25 Pad. This plan was prepared to adhere to the Colorado Oil and Gas Conservation Commission’s (COGCC) updated 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 Peak Resources (CPR) 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 oil and gas resources by CPR.

This WPP addresses CPR’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

CPR’s Shelton CPR-25 Pad (Site) will include the development of a new multi-well pad located in Section 25 of Township 4 North, Range 65 West, in an unincorporated area of Weld County, CO. Proposed development of the location will include the construction of one new multi-well pad and an associated access road. Boundaries of the Site (or “Oil and Gas Location”) are defined as the limits of disturbance (LOD). The Site 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), and the field-verified surrounding land types are oil and gas, rangeland, and agriculture.

3. OPERATING REQUIREMENTS

Below is a review of the operating requirements described in Rule 1202 and CPR’s plans to adhere to those which are applicable to the Site. CPR’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 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.*

CPR will follow all disinfection procedures listed above for any water withdrawals from surface waters. CPR will not be discharging into any 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.*

There are no National Hydrography Dataset (NHD)- or National Wetland Inventory (NWI)-mapped or field-identified waters or wetlands within or adjacent to the Site.

- (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, CPR 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.*

CPR will use CPW-recommended seed mixes for interim and final reclamation when consistent with the Surface Owner's approval and any local soil conservation district requirements.

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

CPR will use CPW-recommended fence designs with consistent with the Surface Owner's approval and any Relevant Local Government requirements.

- (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.*

CPR 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, CPR will implement appropriate hazing or other exclusion measures prior to April 1. If hazing or other exclusion measures are not implemented, CPR will assign a qualified contractor to conduct pre-construction nesting migratory bird surveys within the approved disturbance area prior to any vegetation removal during the nesting season. If active nest(s) are located, CPR will establish work zone buffers around active nests.

- (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.*

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

- (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.*

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 High Priority Habitats. This plan addresses proposed locations that are located outside of High Priority Habitat and, therefore, these rules do not apply to any locations for which this plan is provided.

4. PROTECTION MEASURES

In addition to the above-discussed COGCC operating requirements, wildlife protection measures are also included in CPR's Plan of Development (POD), including in the terms and conditions in the Condition of Approval (COA), if applicable. 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. Additional conservation measures will be incorporated through project design and/or as COA(s). CPR will also consult CPW when necessary, regarding applicable protection measures. Lastly, data collected during monitoring efforts will be used to determine the appropriateness and effectiveness of these measures throughout CPR's project area.

Protection measures may be reduced or adjusted if one or more of the following occur:

- *Waiver:* A lease stipulation may be waived if a determination is made by COGCC, in consultation with CPW, that the proposed action will not adversely affect the species in question.
- *Exception:* An exception to these protection measures may be granted by COGCC, in coordination with CPW, if CPR submits a plan which demonstrates that impacts from the proposed action will not be significant, or can be adequately mitigated.
- *Modification:* Modifications may be made by CPW if it is determined that portions of the area do not include habitat protected by the stipulation.

Guidance for preparing PODs and/or protective measures applied as COAs provide a full range of practicable means to avoid or minimize harm to wildlife species and their habitats. CPR will minimize potential impacts to wildlife by incorporating general applicable WPP programmatic guidance into PODs. Not all measures may apply to each site-specific development area and means to reduce harm are not limited to those identified in the WPP. This guidance may change over time if new conservation strategies become available for Special Status Species or monitoring indicates the measure is not effective or unnecessary.

The operating requirements are considered features or project design criteria to be used during POD preparation. The design of projects can incorporate conservation needs for wildlife species or measures can be added as COAs. These types of conservation actions offer flexibility for local situations and help minimize or eliminate impacts to the species of interest.

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 a field survey on January 13, 2022 to assess the potential for other protected or sensitive natural resources to be impacted by operations.

No current environmental constraints were identified at the Site; however, suitable nesting habitat for non-eagle raptor species was documented within ½ mile. In addition, although suitable burrowing owl habitat was not identified during the Site visit, physical evidence of historical habitat was documented within ¼ mile. Additional survey recommendations for these wildlife resources are described in the summary section below.

No suitable habitat for any of the species listed in the IPaC report (Preble's meadow jumping mouse, eastern black rail, piping plover, whooping crane, pallid sturgeon, monarch butterfly¹, Ute ladies'-tresses, western prairie fringed orchid) was identified at the Site; thus, no constraints are expected for these species.

Detailed results of the ESA and an accompanying Environmental Site Map for the Site are provided in Appendix A.

6. SUMMARY

The Site 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.

¹ The monarch butterfly is a candidate species and is not currently listed or proposed for listing under the Endangered Species Act

The environmental site assessment did not reveal the presence of any known NWI/NHD-mapped wetlands or water bodies within or adjacent to the Site, nor were there any new potential aquatic features identified during the Site visit. Thus, no impacts to any potential wetlands or waters of the U.S. are expected as a result of project activities associated with the Site.

Although the environmental site assessment did not reveal currently suitable burrowing owl habitat within $\frac{1}{4}$ mile of the Site, evidence of historically suitable habitat within $\frac{1}{4}$ mile may warrant the need for additional habitat suitability surveys in the future. If project activities are delayed beyond approximately six months of the date of the ESA referenced herein, and will begin between March 15 and October 31, CPR will conduct additional surveys to assess habitat suitability for potential use by burrowing owls. Should new habitat be identified at that time, CPR will initiate burrowing owl surveys and consult with CPW as needed.

No non-eagle raptor nests or nesting activity were identified during the Site assessment; however, there is suitable nesting habitat within $\frac{1}{2}$ mile of the Site. If project activities will begin between February 1 and July 31, CPR will conduct raptor nest surveys within approximately one week of construction to assess potential habitat use by nesting non-eagle raptors within $\frac{1}{2}$ mile of the Site. Should any nests be identified at that time, CPR will pursue additional surveys, nest monitoring and/or other species-specific best management practices as recommended by CPW.

No non-raptor migratory bird nests or nesting behavior were observed during the field survey; however, potentially suitable ground-nesting habitat was identified throughout the proposed Site. If project activities will begin within the recognized migratory bird breeding season between April 1 and August 31, CPR will conduct migratory bird surveys within approximately one week of construction to identify potential presence of nesting MBTA species within the Site. Should any nests be identified at that time, CPR will pursue additional surveys, nest monitoring and/or other species-specific best management practices as recommended by CPW.

CPR 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. View of Site access point adjacent existing Noble Energy facility, looking north.



2. Looking north across area of proposed access road.



3. Near junction of proposed access road and pad entrance looking north towards shut-in Noble Energy well.



4. Near southwest corner of the proposed Site looking east along the southern perimeter.



5. Near southwest corner of the proposed Site looking north along the western perimeter.



6. Near northeast corner of the proposed Site looking west along the north perimeter.



7. Near northeast corner of the proposed Site looking south along the eastern perimeter.



8. Near northeast corner of the proposed Site looking east towards area of subsidence and dual culvert outlet structures beneath CR-49.



9. View of defunct prairie dog burrow located approximately 1/8 mile (660ft) northwest of the proposed Site.

LITERATURE CITED

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- U.S. Fish and Wildlife Service. IPaC Information for Planning and Consultation. <https://ecos.fws.gov/ipac/>. Accessed January 3, 2022.
- U.S. Fish and Wildlife Service. 2021. Recovery Outline for the Eastern black rail (*Laterallus jamaicensis jamaicensis*).

APPENDIX A

Environmental Site Assessment Results



ENVIRONMENTAL SITE ASSESSMENT



Project Name:	Shelton CPR-25 Pad	County, State:	Weld County, CO
Report Date:	1/18/2022	Region:	DJ Basin
Inspection Date:	1/13/2022	Field Name:	Wattenberg
Inspector Name:	Tyler Streb	Location:	T4N, R65W, S25
ESA Type:	New Well Pad	Project Lat-Long:	40.282298, -104.603897

RAPTORS

Bald and Golden Eagle Active Nests:	No	Status:	CLEARED
There are no bald or golden eagle nests or habitat suitable for potential eagle nesting within 1/2 mile of the Site. Not currently a constraint.			
Bald Eagle Winter Night Roost/Communal Roost:	No	Status:	CLEARED
There are no CPW-mapped bald eagle winter night roosts / communal roosts within 1/2 mile of the Site. Not a constraint.			
*Burrowing Owl Active Nests:	No	Status:	CLEARED
At the time of investigation, no suitable burrowing owl habitat (i.e. prairie dog towns) was observed within 1/4 mile of the Site; however, evidence of historical habitat was documented approximately 1/8 mile northwest of the Site. If project activities are delayed beyond approximately six months from the date of this Site assessment and will occur between March 15 and October 31, additional habitat suitability surveys for burrowing owls are recommended to confirm continued absence of potential habitat.			
Other Raptor Nests:	No	Status:	CLEARED
There are no non-eagle raptor nests within 1/2 mile of the Site; however, suitable raptor nesting habitat, including trees, structures, and ground vegetation, exists within 1/2 mile based on aerial imagery review and results of the Site assessment. Raptor surveys are recommended within one week of construction if project activities will occur between February 1 and July 31, or until nest has fledged if an active nest is observed. Not currently a constraint.			

OTHER BIRDS

Grouse or Prairie Chicken High Priority Habitats:	No	Status:	CLEARED
The Site is not within any grouse or prairie chicken HPHs. Not a constraint.			
Non-Raptor Migratory Bird Nests:	No	Status:	CLEARED
No migratory bird nests were identified within 100ft of the project area; however, surface topography and vegetative cover present on site may be suitable for certain ground nesting migratory bird species. Note, the incorporation of new artificial structures and/or equipment of any kind, including those in temporary storage/staging areas, may become conducive to migratory bird nesting if left idle in particular circumstances. Migratory bird surveys are thus recommended if project activities will begin between April 1 and August 31 and/or if the Site is left idle for approximately one week or more during the nesting season.			

MAMMALS

Big Game High Priority Habitats:	No	Status:	CLEARED
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
No Preble's meadow jumping mouse habitat was observed during the desktop review or the Site visit. Not a currently a constraint.			
Swift Fox Habitat/Dens:	No	Status:	CLEARED
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
No suitable Ute ladies'-tresses orchid habitat was observed during the desktop review or Site visit. Not a constraint.			
Colorado State Noxious Weeds - List A,B,C:	No	Status:	CLEARED
None observed. Not currently a constraint.			
Current Land Use:	Rangeland or Agricultural	Future Land Use:	Rangeland or Agricultural
Native Reference Area Location Needed? (304.b(9)B):	N/A	Lat/Long:	N/A
Reference Area Total Vegetation Percent Cover	N/A	Transect Length/Dir:	N/A

N/A



ENVIRONMENTAL SITE ASSESSMENT



AQUATIC HABITATS

Aquatic High Priority Habitats:	No	Status:	CLEARED
There are no Aquatic High Priority Habitats within 1000 feet of the Site. Not a constraint.			
Wetlands/WOUS:	No	Status:	CLEARED
There are no NHD/NWI-mapped wetlands or waterbodies within or adjacent to the Site, nor were there any new potential aquatic features identified during the Site visit.			
Other Issues:	No	Status:	CLEARED
None.			
Safety Issues:	No	Status:	CLEARED
None.			

SIZE ATTRIBUTES

FORM 2A

Location Size (acres):	10.97 acres	Is HPH Present (309.e(2)A)?	No
ROW (length X width, acres):	N/A	If <u>NO</u>, then Wildlife <u>Protection</u> Plan Needed (1201.a):	Yes
Access Road (length X width, acres):	~800' x 30', 0.59 acres	If <u>YES</u>, then Wildlife <u>Mitigation</u> Plan Needed (1201.b):	No
TOTAL AFFECTED AREA (acres):	11.56 acres	Is project in State Park or Wildlife Area (309.e(2)A)?	No
Current land use: (304.b(9)):	Rangeland or Agricultural	Is project in federally designated critical habitat (309.e(2)B)?	No
Adjacent land use:	O&G and Agricultural	**Federal or *Colorado T&E Species Present (309.e(2)B)?	No
Has surface been used for Agriculture in last 2 years?:	Unknown	Is project in a wildlife habitat conservation easment (309.e(2)C)?	No
Visible from a Main HWY:	Yes, CR-49	CPW Consultation Needed (309.e)?	No
# of Dwellings on Property:	0	Vegetation removal scheduled April 1 to August 31 (1202.a(8))?:	TBD
Nearest Residence (ft):	1,600ft SE	Working Pad Surface 500 to 1000' hydraulically upgradient from a HPH (1202.a(10))?:	No
Nearest Pipeline (ft):	Adjacent	Density of O&G locations exceed 1 per square mile w/in HPH (1202.d)?	N/A
Nearest Lease Equipment (ft):	Adjacent	If <u>YES</u>, then Compensatory Mitigation Plan Needed (1203.a(1)):	N/A

FIELD DATA COLLECTED

GENERAL COMMENTS

Site Photos:	Yes	No environmental constraints were present at the time of the Site visit. There is suitable habitat for nesting raptors and other migratory birds; additional nesting surveys may be recommended based on project timing.
Reference Area Photos:	N/A	
Updated Aerial Imagery Taken?:	No	
Ground Control Points?:	N/A	
Wetland Determination Data Form?	No	

Reviewed By: Lilah Hubbard
Signature: 

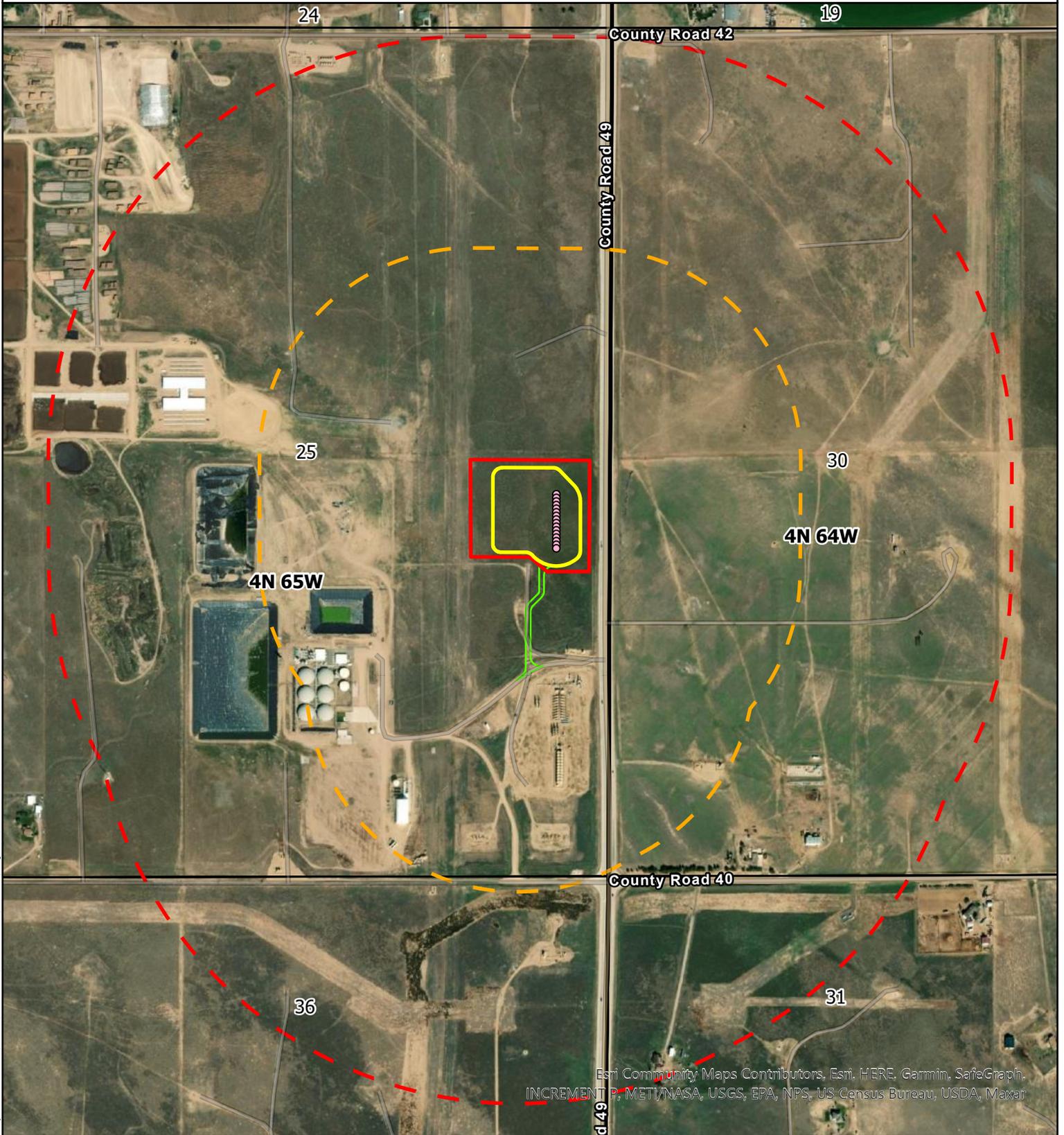
Title: Environmental Coordinator
Date: 1/21/2022

APPENDIX B
Environmental Site Map

CRESTONE PEAK RESOURCES, LLC
 SHELTON CPR-25 PAD
 NESE SEC 25, T4N, R65W, 6th P.M.
 WELD COUNTY, COLORADO

Prepared For:

Prepared By:



Map Location: C:\Users\lhubbard\Documents\ArcGIS\Projects\Crestone\Shelton CPR-25 Pad

Esri Community Maps Contributors, Esri, HERE, Garmin, SwireGraph, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, Maxar

ENVIRONMENTAL SITE MAP

- Proposed Well
- Working Pad Surface (WPS)
- Oil & Gas (O&G) Location
- Access Road
- Quarter-Mile Survey Buffer
- Half-Mile Survey Buffer

Projection: WGS 1984
 Date: 01/21/2022
 Drafted by: LMH



1 inch equals 1,083 feet