

Wildlife Protection Plan

North Cheyenne Oil and Gas Development

Travis 1-10

This Wildlife Protection Plan has been prepared by Navex Resources, LLC (Navex) for its North Cheyenne Travis 1-10 Oil and Gas Location in Kit Carson County, Colorado. The Plan addresses the Colorado Oil & Gas Conservation Commission (COGCC) requirement at Rule 304.c.(17) to prepare a Wildlife Protection Plan consistent with Rule 1201.a and with COGCC Wildlife Protection Plan Guidance (June 25, 2021).

1.0 Overview and Environmental Setting

Navex is proposing to develop an exploratory oil and gas well for production of oil and condensate, natural gas, natural gas liquids, and inert gases, including helium. The well will be developed as a conventional vertical well, approximately 6,000 feet deep. It will be in the following location:

SE ¼ NE ¼ Section 10, Township 11 South, Range 45 West

If the exploratory well is developed for production, oil and condensate will be trucked off site for commercial sale. Produced water will be trucked off site for disposal. Natural gas will be piped underground to tie into the existing Ladder Creek Gathering System operated by Tumbleweed Midstream. Tumbleweed will pipe natural gas underground from its Ladder Creek Helium Plant in Cheyenne Wells, Colorado, to the Colorado Interstate Gas Company's midstream pipeline and will process the natural gas liquids, inert gases, and helium for end users.

The Travis 1-10 well will be on fee surface for production of fee minerals. The Oil and Gas Location will be approximately 3.0 acres during development with a Working Pad Surface of approximately 2.7 acres. After interim reclamation, the production pad will be downsized to an estimated 2.0 acres. The access road will be approximately 1,070 feet long. The off-location flowline corridor will be buried in the access road and along approximately 2,640 feet of county road right-of-way under an easement granted by Kit Carson County on February 3, 2022. The flowline corridor will be reclaimed after flowline installation and integrity testing.

The environmental setting is dryland farming. The location is cultivated with row crops. The most recent row crop was wheat.

The site is expected to require 2 days to construct. Well drilling is expected to require 7 to 14 days. Completion is expected to require 6 days. Interim reclamation is expected to require 2 days. Revegetation will occur during the first growing season after well development is complete. During production, the location will have a single operating wellhead, a heated separator, four 300-bbl storage tanks inside of secondary containment for oil and produced water, and a buried gas sales line. There will be an estimated two round trip vehicle trips on and off the location daily during production, one for maintenance and one to transport oil.

2.0 Wildlife Habitat Mapping

Written documentation from Colorado Parks and Wildlife (CPW) on March 28, 2022 concluded that the operator demonstrated and CPW agrees in writing that mapped High Priority Habitat and species triggering consultation under Rule 1202.c.(1).H for ferruginous hawk (FEHA) is no longer present and unlikely to return to the area (Attachment A). The CPW documentation is described below and in the CPW Pre-application Consultation Summary submitted with the Form 2A application.

The former FEHA habitat is shown on the Wildlife Habitat Map submitted with the Form 2A application. There is no other mapped HPH within 1 mile of the Working Pad Surface. Sources consulted for the Wildlife Habitat Map

are listed in Section 6.0, References. In addition, an environmental field review was conducted by a professional biologist for the North Cheyenne development between September 29 and October 1, 2021. The nearest mapped HPH is lesser prairie chicken Estimated Occupied Range, located approximately 3.4 miles to the south.

2.1 Colorado Park and Wildlife Pre-application Consultation

The proposed location is within an area mapped as HPH for FEHA under Rule 1202.c.(1).H. FEHA habitat is considered to be the area within 0.5 mile of an active nest. The Travis 1-10 location is approximately 0.3 miles west and across County Road 40 from the site mapped by CPW as an active nest. The HPH and Travis 1-10 location are shown on the Wildlife Habitat Drawing submitted with the Form 2A application. The mapped site consists of a single tree in an agricultural field. The field is owned by a landowner unrelated to Navex’s operations. The field is cultivated annually by a tenant farmer. In 2020, a seismic shoot with vehicle activity and vibroseis equipment was conducted under a permit issued by the Colorado Oil and Gas Conservation Commission (COGCC) on the entire north ½ of Section 11, Township 11 South, Range 45 West, where the mapped site is located.

On December 15, 2021, straight line winds in Burlington, Colorado, northeast of the Travis 1-10 location, were reported by the news media to be 100 to 115 miles per hour. On December 18, 2021, Navex obtained photographic evidence that the nest material previously mapped by CPW was destroyed by high winds and is no longer present. Photographs of the pre- and post-wind event were provided with the CPW Pre-application Consultation Summary.

Navex conducted pre-application consultation with CPW, beginning on December 8, 2021 and continuing through April 15, 2022. During the pre-application consultation, Navex conducted six weekly raptor monitoring surveys from February 4, 2022 to March 11, 2022, with a follow-up survey on March 25, 2022. CPW considered this period to be associated with historical FEHA nesting in this area. The surveys were conducted by a third-party biologist, who is a former CPW Southeast Region avian research technician. No FEHA nesting activity was observed during any of the monitoring events. The complete Raptor Nest Monitoring Survey Log and figure illustrating the monitoring locations is included in the CPW Pre-Application Consultation Summary submitted with the Form 2A application.

On March 28, 2022, CPW responded to the survey results by letter stating that CPW concurred with the findings and also had independently concluded that there was no nesting activity at this location. CPW updated the nest status from “active” to “destroyed” in the CPW database. CPW waived consultation for the Travis 1-10 well location, agreeing in writing that the identified habitat and species triggering the consultation is no longer present and unlikely to return to the area, in accordance with the provision in Rule 309.e.(3).C.i.

3.0 Alternative Location Analysis

The location does not meet any requirements for analysis of alternative locations under Rule 304.b.(2).B, based on the CPW finding that there is no HPH affected by the location.

4.0 Rule 1202.a Requirements

Table 1 describes how the operator will implement Rules 1202.a.(1-10) and 1202.b for the Oil and Gas Location.

Table 1. Rule 1202 Requirements

Provision	Implementation
1202.a.(1)	The location is not in black bear habitat. Food-related waste will be secured to avoid attracting general wildlife and wind-blown trash.
1202.a.(2)	The operator will not withdraw from or discharge into surface waters.
1202.a.(3)	The operator will not situate new staging, refueling, or chemical storage areas within 500 feet upgradient of the ordinary high water mark of any river, perennial or intermittent stream, lake, pond, or wetland.

Provision	Implementation
1202.a.(4)	The Oil and Gas Location will have no drilling, production, or other fluid pits.
1202.a.(5)	Trenches left open for more than 5 consecutive days during construction of flowlines regulated under the 1100 Series Rules will have wildlife escape ramps at a minimum of one ramp per ¼ mile of trench.
1202.a.(6)	When conducting interim and final reclamation pursuant to Rules 1003 and 1004, the operator will use CPW-recommended seed mixes for reclamation when consistent with any local soil conservation district requirements and surface owner use of the location for row crops.
1202.a.(7)	The operator will use CPW-recommended fence designs when consistent with any relevant local government requirements.
1202.a.(8)	The operator 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, the operator will 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, the operator will conduct pre-construction nesting migratory bird surveys within the approved disturbance areas prior to any vegetation removal during the nesting season. If active nests are located, the operator will provide work zone buffers around active nests.
1202.a.(9)	The Oil and Gas Location will have no drilling, production, or other fluid pits.
1202.a.(10)	The Oil and Gas Location is not located between 500 feet and 1000 feet hydraulically upgradient from an HPH identified in Rule 1202.c.(1).Q-S.
1202.b	The operator will have no flowline crossings of perennial streams identified as aquatic HPH that require bores under Rule 1202.b.

5.0 General Operating Requirements

Table 2 lists general statewide standard operating requirements to protect wildlife habitat and resources.

Table 2. General Operating Requirements

BMP	The Operator Will
1	Inform and educate employees and contractors on wildlife conservation practices, including no harassment or feeding of wildlife.
2	Consolidate and centralize fluid collection and distribution facilities to minimize impact to wildlife.
3	Adequately size infrastructure and facilities to accommodate both current and future gas production.
4	Implement fugitive dust control measures.
5	Install screening or other devices on the stacks and on other openings of heater treaters or fired vessels to prevent entry by migratory birds.
6	Minimize rig mobilization and demobilization by completing or re-completing all wells from a given well pad before moving rigs to a new location.
7	To the extent practicable, share and consolidate new corridors for pipeline rights-of-way to minimize surface disturbance.
8	Mow or brush hog vegetation where appropriate, leaving root structure intact, instead of scraping the surface, where allowed by the surface owner.
9	Limit access to oil and gas access roads where approved by surface owners, surface managing agencies, or local government.

BMP	The Operator Will
10	Post speed limits and caution signs to the extent allowed by surface owners, federal and state regulations, local government, and land use policies.
11	Use wildlife-appropriate fencing where acceptable to the surface owner.
12	Use topographic features and vegetative screening to create seclusion areas, where acceptable to the surface owner.
13	Use remote monitoring of well production to the extent practicable.
14	Reduce traffic associated with transporting drilling water and produced liquids through the use of pipelines, large tanks, or other measures.
15	Install automated emergency response systems (e.g., high tank alarms, emergency shutdown systems).

6.0 References

1. COGCC GIS: https://cogccmap.state.co.us/cogcc_gis_online/
2. Critical Habitat IPaC Report: <https://ecos.fws.gov/ipac/>.
3. Migratory Birds: <https://www.fws.gov/birds/index.php>.
4. State Protected Species: <https://cpw.state.co.us/learn/Pages/SpeciesProfiles.aspx>.
5. Buffer Zones and Seasonal Restrictions for Colorado Raptors: <https://cpw.state.co.us/Documents/WildlifeSpecies/LivingWithWildlife/Raptor-Buffer-Guidelines.pdf>.
6. U.S. Fish and Wildlife Service: https://www.fws.gov/southwest/es/documents/R2ES/LPC_Conservation_Guidance_20210727.pdf and LEPC_SSA Analysis Area June 2021.zip File.

Attachments

Attachment A – Colorado Parks and Wildlife letter to Navex Resources, LLC (March 28, 2022).



COLORADO

Parks and Wildlife

Department of Natural Resources

Southeast Region
4255 Sinton Rd.
Colorado Springs, CO 80907
P 719.227.5200 | F 719.227.5264

March 28, 2022

Matthew Cummings
Quandary Consultants
55 East 4th Avenue
Denver, CO, 80203

RE: Waiver of CPW consultation under 309.e.3.C.i for Navex Resources location Travis 1-10

Dear Mr. Cummings,

In response to Navex Resources proposed well location Travis 1-10, CPW is providing written waiver of consultation under rule 309.e.3.C.i. *'The Operator demonstrates and CPW agrees in writing that... The identified habitat and species triggering the consultation is no longer present and unlikely to return to the area;'*

This location maps to within the 0.5 mile buffer of a ferruginous hawk nest. CPW's surveys concur with the information and survey data provided by the operator that the nest was destroyed during a storm in December of 2021. Subsequent surveys conclude that the pair has not rebuilt the nest in 2022, thus the nest location in the CPW database has been updated from 'active' to 'destroyed.' Given the updated nest status, CPW waives consultation for the Travis 1-10 well location.

Background and supporting information:

Navex Resources is proposing a location for well Travis 1-10 in Kit Carson County. Matt Cummings with Quandary Consulting first reached out to CPW on December 8th with information on the location, previous work on the site, and Navex drilling and development plans. The proposed location is within the NSO buffer for a ferruginous hawk nest. The initial review by CPW identified records showing that this nest had been confirmed to be occupied in both 2020 and 2021 during CPW-led nest surveys, with a pair of ferruginous hawks present and raising offspring. There is no CPW waiver allowed under the 1200 rules for 1202.c. 1.H. habitats.

On Dec 21st, Mr. Cummings contacted CPW again with information and photos showing damage to the tree and nest from 'high wind storm (straight line winds in Burlington, CO were reported by CBS News as 100-115 mph), the tree and nest appear to have suffered



damage. The attached picture taken Saturday, 12/18/2021 shows the former nest along with some branches of the dead tree were blown down during the storm. All of the nest material appears to have been completely blown from the tree as you can see in the picture. It would seem that as a result of the storm, this nest would be considered no longer present. '

CPW District Wildlife Manager (DWM) for Kit Carson County visited the location and determined that the existing nest was no longer present. However, he observed that the damage to the tree was not sufficient to preclude nesting and that the hawks could re-build their nest in that location. CPW notified Quandry that until the 2022 nesting season was underway we could not conclude the habitat was 'unlikely to return to the area'. CPW records showed the birds nesting in that location have been present on the nest in March of each year surveyed and until that time we could not conclude they had abandoned the location. We notified Mr. Cummings that we would be able to make our determination on the nest status at the end of March 2022.

Quandary Consultants surveyed the site weekly and provided survey results to CPW showing there was no new nest construction in the tree and the pair was not present. On one occasion a single ferruginous hawk was present in the tree but the pair was not seen on any of their visits. CPW DWM Ben Meier surveyed the nest location for a final time on March 16th, photographed the tree, and concluded there was no new nest or nesting behavior at the location. The final observation by Quandry took place on March 25th with the same observation. CPW has concluded the birds have abandoned the nest location and that nest location has been updated to 'destroyed' in the CPW raptor nest database.

In summary of the information on the proposed location for the Navex Travis 1-10 well location:

- The location is in mapped 1202.c.1.H habitat with a No Surface Occupancy determination.
- The Ferruginous hawk nest at the location was confirmed to be occupied in 2020 and 2021 by CPW.
- The nesting season for that species is identified by CPW as Feb 1 to July 15. CPW raptor biologist noted that this particular pair has been observed on the nest in early March in past surveys.
- Quandary Consultants reported that the existing nest structure was destroyed during a severe wind storm in December 2021.
- CPW District Wildlife Manager Ben Meier and a CPW raptor biologist determined that although the nest was destroyed, the tree at that location could still support a nest if the pair decided to build a new nest.
- In regards to Rule 309.e.3.C.i., a consultation is not required when *The Operator demonstrates and CPW agrees in writing that... the identified habitat and species triggering the consultation is no longer present and unlikely to return to the area;*
- CPW requested time to determine whether the pair would return to nest at that location. In order to determine the 'unlikely to return' component of the rule CPW waited until the normal nesting activity would be observed, early to mid-March for that location.

- At the end of March 2022 CPW concluded there was no nesting activity at the location and updated the nest status from 'active' to 'destroyed'
- CPW agreed to waive our consultation under 309.e.3.C.i. on March 28, 2022

Sincerely,

Karen Voltura

Karen Voltura
CPW Southeast Region Energy Liaison