

# Colorado Parks and Wildlife Pre-Application Consultation Summary

North Cheyenne  
Oil and Gas Development

## Travis 1-10

### 1.0 Introduction

Navex Resources, LLC (Navex) participated in pre-application consultation with Colorado Parks and Wildlife (CPW). Navex initiated pre-application consultation with CPW pursuant to Rule 309.e.(2).A for a proposed Oil and Gas Location within an area mapped as High Priority Habitat (HPH) under Rule 1202.c.(1).H for ferruginous hawk (abbreviated "FEHA").

Following the pre-application consultation with CPW, CPW provided Navex a written waiver of consultation under Rule 309.e.(3).C.i., finding that the Operator demonstrated, and CPW agreed in writing, that the identified habitat and species triggering the consultation is no longer present and unlikely to return to the area. CPW stated that the nest location in the CPW database was updated from "active" to "destroyed," and "CPW waives consultation for the Travis 1-10 well location" (Attachment A). Background and a summary of habitat findings are provided below.

### 2.0 Background

The Travis 1-10 Oil and Gas Location is proposed for an exploratory oil and gas well in the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , Section 10, Township 11 South, Range 45 West in Kit Carson County, Colorado. The location will be developed as a single conventional vertical well, approximately 6,000 feet deep. The location will be approximately 3.0 acres during development with a Working Pad Surface of 2.7 acres. After interim reclamation, the production pad will be downsized to an estimated 2.0 acres. 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.

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. A photograph of the site is shown in Figure 1.



Figure 1. Mapped Nest Location

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. Crops at this location rotate. The most recent crop was wheat.

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. The before and after photographs are shown in Figures 2 and 3.



Figure 2. Nest Material Before Wind Event



Figure 3. Absence of Nest Material After Wind Event

### 3.0 Consultation and Raptor Surveys

On December 8, 2021, Navex initiated pre-application consultation via email and phone between Navex's biological consultant and CPW's Southeast Region Energy Liaison and Land Use Specialist. Navex communicated the agricultural land use at the mapped nest site, previous seismic shoot activity under a permit issued by COGCC, the location of County Road 40 between the nest site and Travis 1-10 location, and short duration to develop a single shallow vertical well. Navex requested consideration for well development within the mapped HPH area with a pre-construction survey to demonstrate avoidance of adverse impact to a mapped FEHA location.

Navex conducted follow up by phone on December 16, 2021 to inquire about the status of CPW's consideration of its request. CPW responded that staff was reviewing the agency's raptor survey database for additional information about the HPH area.

On December 21, 2021, Navex communicated by email that the nest was destroyed by a high wind event and provided photographic evidence. Navex asked whether the nest could be considered no longer present.

On January 21, 2022, Navex asked CPW whether there was progress on CPW's confirmation of site conditions following the wind event that destroyed the nest site.

On February 7, 2022, CPW responded to Navex with the following information: the FEHA site was determined by CPW to be active within the past 1 to 2 years. Although the nesting season for FEHA is generally February 1 to July 15, this location was found to be active in early March in past surveys. The tree may still support a nest. Based on this information, CPW requested time to determine whether FEHA would return to the location by mid-March before providing a response on the status of the location. CPW indicated that its local biologists would monitor the location in February. Navex responded that its contracted biologist, a former CPW Southeast Region avian research technician, also was available and would monitor the location for nesting activity. The complete communications are summarized in Table 1.

**Table 1. Communication Summary**

Date	Communication
12/08/21	Navex initiated pre-application consultation.
12/16/21	CPW communicated that staff was reviewing its raptor database for information about the HPH location. CPW invited any field updates from Navex.
12/21/21	Navex communicated that the nest was destroyed by a high wind event and provided photographic evidence. Navex asked whether the nest could be considered no longer present.
01/21/22	Navex requested any updates on CPW's confirmation of site conditions following the wind event that destroyed the nest.
01/27/22	CPW communicated that the mapped site is listed as a nest to check for potential nest building activity in February with potential FEHA incubation in March.
02/07/22	CPW provided an email summary that the mapped site was deemed active in 2020 and 2021. The nesting season at this location was considered to be from February to early to mid-March, based on past nesting behavior. CPW planned to monitor the location in February 2022. Navex responded that it also would be providing for monitoring by a raptor biologist to provide comprehensive data on raptor activity in the area and the site's status.
03/07/22	CPW stated that its team had not yet communicated information for surveys that CPW conducted.
03/17/22	Navex provided to CPW the results of its 6-week raptor survey. The survey was conducted from February 4, 2022 to March 11, 2022. No evidence of nesting activity was observed at the site during the 6-week survey. Navex requested that, based on the survey findings, CPW consider reassessment under Rule 309.e.(3).C.i that the operator has demonstrated that the identified habitat and species triggering the consultation is no longer present and unlikely to return to the area.
03/22/22	CPW concurred with Navex's findings; a CPW biologist independently observed the site and confirmed the Navex data. CPW stated that a written response would be forthcoming. CPW requested a final survey on March 25, 2022 to further demonstrate that the site is no longer in use, can be reclassified to <i>destroyed</i> , can be removed from the CPW database, and can ultimately be removed from the HPH dataset.
03/25/22	Navex provided to CPW the results for the follow up survey conducted on March 25, 2022 during which no raptor or FEHA activity was observed.
04/15/22	CPW provided a letter dated March 28, 2022 documenting that CPW independently concluded there was no nesting activity at the location; the nest status was updated from "active" to "destroyed"; and CPW waived consultation per Rule Rule 309.e.(3).C.i. because the identified habitat and species triggering the consultation is no longer present and unlikely to return to the area.

The results of the individual raptor surveys are listed in Table 2. Navex, through its contracted biologist, conducted six weekly raptor surveys between February 4, 2022 and March 11, 2022 and an additional follow up survey on March 25, 2022. The purpose of the follow up survey was to provide survey data spanning the entire 2-month nesting season identified for this location.

The surveys were conducted using two observation points. The first observation point was alternately 0.3 miles and 0.4 miles northwest of the mapped nest location. The second observation was 0.1 miles west of the mapped nest

location. The observation points are shown on the representative figure in Attachment B. Each survey duration was 90 minutes long. The complete Raptor Nest Monitoring Survey Report prepared by Quandary Consultants, LLC is provided in Attachment C.

**Table 2. Raptor Survey Results**

Date	Survey Findings
02/04/22	No FEHA activity observed.
02/11/22	No FEHA activity observed.
02/18/22	No FEHA activity observed.
02/25/22	One adult FEHA observed perched in the tree mapped by CPW as an FEHA location. No nest building behavior observed. The FEHA left its perch and flew south.
03/04/22	No FEHA activity observed.
03/11/22	No FEHA activity observed.
03/25/22	No FEHA activity observed.

## 4.0 Conclusion

CPW documented in its March 28, 2022 letter to Navex (Attachment A) that at the end of March 2022, CPW independently concluded there was no nesting activity at the location and updated the nest status from “active” to “destroyed.” CPW waived consultation for the Travis 1-10 well location per Rule Rule 309.e.(3).C.i., agreeing in writing that the identified habitat and species triggering the consultation is no longer present and unlikely to return to the area.

### Attachments

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

Attachment B – Figure - FEHA Nest Site Monitoring Survey

Attachment C – Raptor Nest Monitoring Survey Report



# 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 8<sup>th</sup> 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 21<sup>st</sup>, 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 16<sup>th</sup>, photographed the tree, and concluded there was no new nest or nesting behavior at the location. The final observation by Quandary took place on March 25<sup>th</sup> 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:

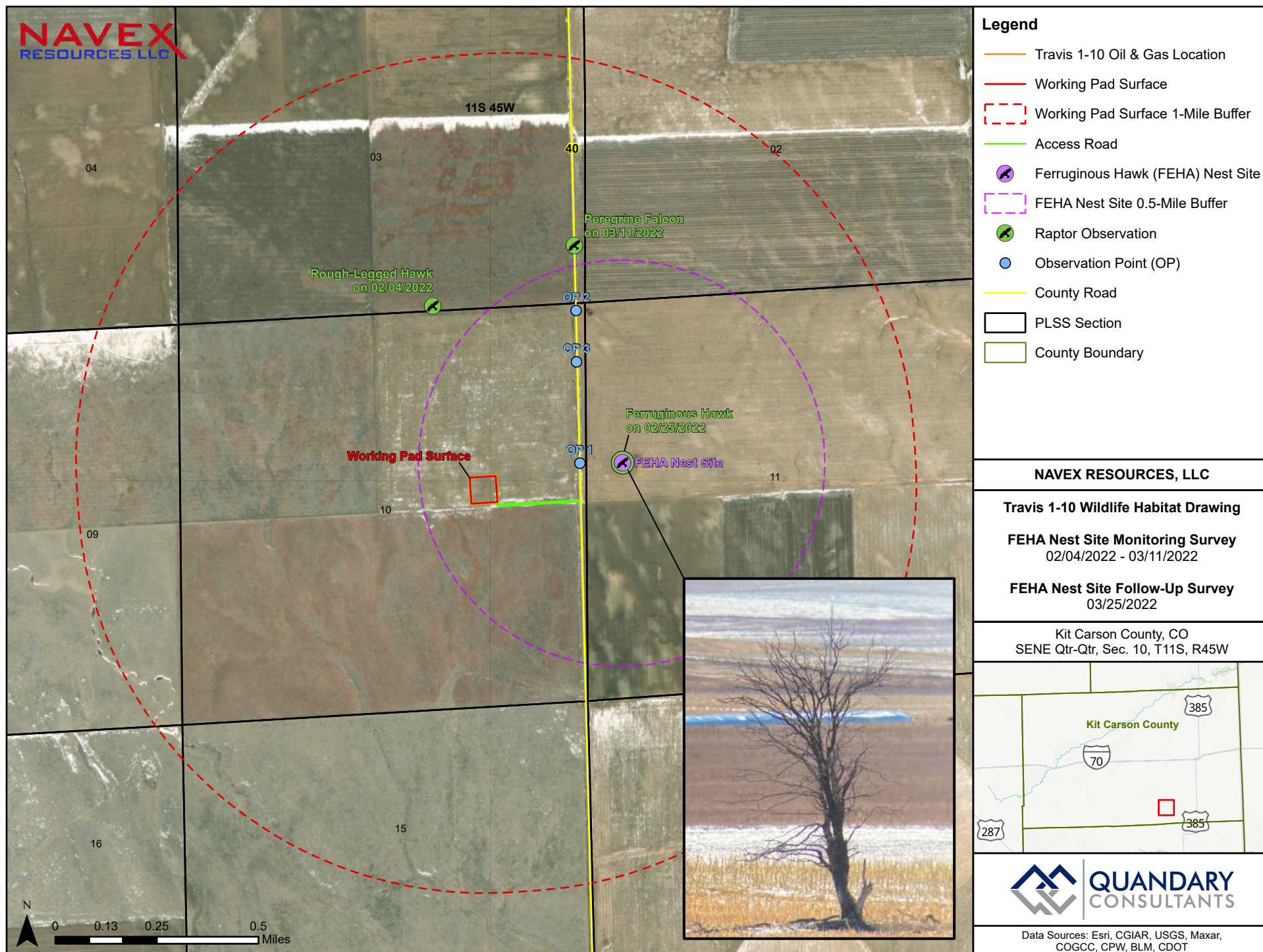
- The location is in mapped 1202.c.1.H habitat with a No Surface Occupancy determination.
- The Ferruginous hawk nest at the location was confirmed to be occupied in 2020 and 2021 by CPW.
- The nesting season for that species is identified by CPW as Feb 1 to July 15. CPW raptor biologist noted that this 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





**Raptor Nest Monitoring and Follow-Up Survey Report**

- CPW Mapped HPH FEHA Nest – SWNW Section 11, T11S, R45W, Kit Carson County, Colorado
- Monitoring: February 4, 2022 – March 11, 2022
- Follow-Up: March 25, 2022

Navex Resources, LLC

Proposed Travis 1-10 Location – SENE Section 10, T11S, R45W, Kit Carson County, Colorado

**Survey 1: Friday, February 4, 2022**

A Quandary Consultants raptor biologist monitored the CPW HPH mapped Ferruginous Hawk (FEHA) nest site 0.3-mile east of the proposed Travis 1-10 location working pad surface (WPS) on 02/04/2022. A map with observations is attached and a summary of the survey results is below.

- A Quandary biologist arrived at the FEHA nest site at 09:20. Upon arrival, no FEHA activity was observed and it was confirmed that there is no longer a nest in the tree.
- Two observation points were chosen, one closer to (OP 1; 0.10-mile west) and one further from (OP 2; 0.40-mile northwest) the nest site.
- A rough-legged hawk (RLHA) was observed hunting over a field approximately 0.43-mile north of the WPS before flying west out of sight.
- No FEHA activity was observed near the nest site nor in the area for the entirety of the monitoring survey. The Quandary biologist concluded the survey and departed at 10:50.

**Survey 2: Friday, February 11, 2022**

A Quandary Consultants raptor biologist monitored the CPW HPH mapped Ferruginous Hawk (FEHA) nest site 0.3-mile east of the proposed Travis 1-10 location working pad surface (WPS) on 02/11/2022. No FEHA activity was observed near the nest site nor in the area for the entirety of the monitoring survey. A map of the site with observations is attached and a summary of the survey is below.

- A Quandary biologist arrived at the FEHA nest site at 09:10. Upon arrival, no FEHA activity was observed and there is no evidence of nesting activity at the nest site. There is debris and fallen branches from the tree at its base.

- Two observation points were chosen, one closer to (OP 1; 0.10-mile west) and one further from (OP 2; 0.40-mile northwest) the nest site.
- During the survey, cattle were grazing in the same field as the nest site. A large semi-truck and a car drove south on CR 40, which is approximately 540' west of the nest site. Vesper sparrows were heard chirping nearby. Wind and cloud cover progressively increased throughout the survey.



- No FEHA activity was observed near the nest site nor in the area for the entirety of the monitoring survey. The Quandary biologist concluded the survey and departed at 10:40.

### **Survey 3: Friday, February 18, 2022**

A Quandary Consultants raptor biologist monitored the CPW HPH mapped Ferruginous Hawk (FEHA) nest site 0.3-mile east of the proposed Travis 1-10 location working pad surface (WPS) on 02/18/2022. No FEHA activity was observed near the nest site nor in the area for the entirety of the monitoring survey. A map of the site with observations is attached and a summary of the survey results is below.

- A Quandary biologist arrived at the FEHA nest site at 09:30. Upon arrival, no FEHA activity was observed and there is no evidence of nesting activity at the nest site. The nest is still destroyed, and there is debris and fallen branches from the tree at its base.
- Two observation points were chosen, one closer to (OP 1; 0.10-mile west) and one further from (OP 2; 0.40-mile northwest) the nest site.
- During the survey, cattle were grazing in the same field as the nest site. A pick-up truck drove by the site twice, heading south and later heading north on CR 40. A second pick-up truck pulling a trailer also drove by, heading south on CR 40. No raptor activity was observed, though few songbirds were in the area, flying and chirping in the surrounding field.
- Wind slightly increased towards the end of the monitoring survey.
- No FEHA activity was observed near the nest site nor in the area for the entirety of the monitoring survey. The Quandary biologist concluded the survey and departed at 11:00.



#### **Survey 4: Friday, February 25, 2022**

A Quandary Consultants raptor biologist monitored the CPW HPH mapped Ferruginous Hawk (FEHA) nest site 0.3-mile east of the proposed Travis 1-10 location working pad surface (WPS) on Friday, 02/25/2022. One adult FEHA was observed perched in the tree mapped by CPW as a FEHA nest. No nest building behavior was observed and the FEHA later left the nest site. A map of the area with observations is attached and a summary of the survey results is below.

- The Quandary raptor biologist arrived at the first observation point (OP 1), 0.10-mile west of the FEHA nest site, at 09:10.
- Upon arrival, one adult FEHA was perched in the tree that previously contained the active FEHA nest (picture below). The nest is still destroyed and there is no evidence of the nest being rebuilt in the tree; the FEHA was not observed nest building or performing any nest maintenance behaviors.
- The Quandary biologist then moved to a second observation point (OP 3) 0.27-mile northwest of the mapped FEHA nest site. Cattle were present in the same field as the FEHA nest site, though they were far from the tree. At 09:42, the FEHA left its perch in the tree and flew south out of sight. No other raptor activity was observed for the remainder of the monitoring survey.
- The Quandary raptor biologist concluded the survey and departed at 10:40.





### **Survey 5: Friday, March 4, 2022**

A Quandary Consultants raptor biologist monitored the CPW HPH mapped Ferruginous Hawk (FEHA) nest site 0.3-mile east of the proposed Travis 1-10 location working pad surface (WPS) on 03/04/2022. No raptor activity was observed near the nest site nor in the area for the entirety of the monitoring survey. A map of the site with observations is attached and a summary of the survey is below.

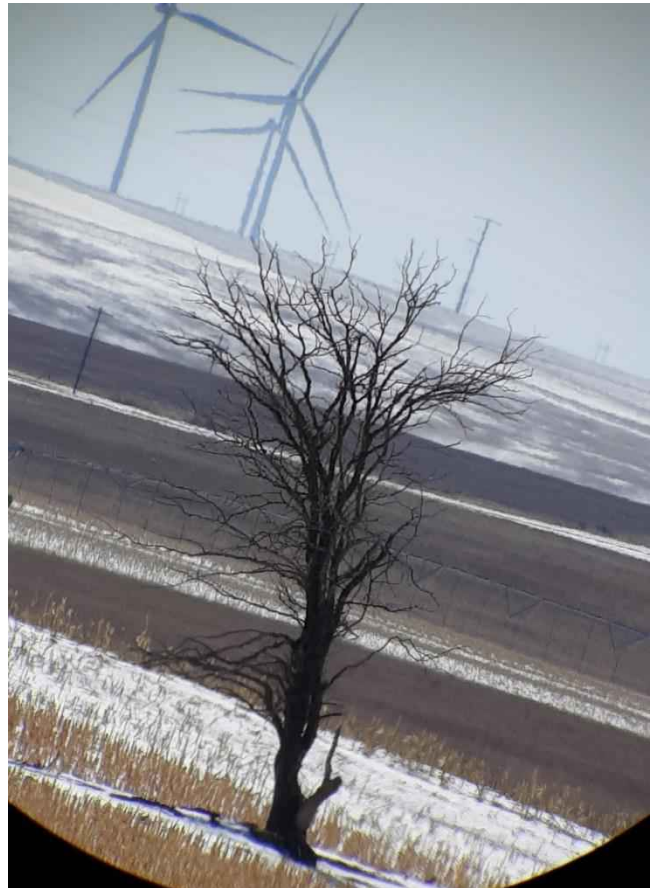
- A Quandary Consultants raptor biologist arrived at the FEHA nest site at 09:30am. Upon arrival, no FEHA activity was observed and there is no evidence of nesting activity at the nest site. The nest is still destroyed, and there is debris and fallen branches from the tree at its base.
- The two observation points used on 02/25/2022 were used, 0.10-mile west (OP 1) and 0.27-mile northwest (OP 3) of the nest site.
- No raptor activity was observed. Various songbirds were heard in the surrounding fields.
- No FEHA activity was observed near the nest site nor in the area for the entirety of the monitoring survey.
- The Quandary biologist concluded the survey and departed at 11:00am.



### **Survey 6: Friday, March 11, 2022**

A Quandary Consultants raptor biologist monitored the CPW HPH mapped Ferruginous Hawk (FEHA) nest site 0.3-mile east of the proposed Travis 1-10 location working pad surface (WPS) on 03/11/2022. A falcon was observed in the area, however, no hawk activity was observed near the mapped FEHA nest site nor in the area for the entirety of the monitoring survey. A map of the site with observations is attached and a summary of the survey findings is below.

- At approximately 09:15am a Peregrine Falcon (PEFA) left its perch on a powerline pole approximately 0.60-mile northeast of the Travis 1-10 working pad surface and flew west out of sight as the biologist's vehicle drove south on CR 40.
- The Quandary Consultants raptor biologist arrived at the FEHA nest site at 09:20am. No FEHA activity was observed. No evidence of nesting activity was observed at the nest site. The nest is still destroyed, and debris and fallen branches from the tree remain at its base.
- The two observation points used on 02/25/2022 and 03/04/2022 were used, 0.10-mile west (OP 1) and 0.27-mile northwest (OP 3) of the nest site.
- During the survey, two pick-up trucks drove by the site, one heading south and another heading north on CR 40. One songbird, a horned lark (HOLA), was perched at the top of the FEHA nest site tree, but later left the tree and flew out of sight. Various songbirds were heard in the surrounding fields. No raptor activity was observed at the FEHA nest site.
- No FEHA activity was observed near the at site nor in the area for the entirety of the monitoring survey.
- The Quandary raptor biologist concluded the survey and departed at 10:40am.



### **Survey 7: Friday, March 25, 2022**

A Quandary Consultants raptor biologist conducted a follow-up survey of the CPW HPH mapped Ferruginous Hawk (FEHA) nest site 0.3-mile east of the proposed Travis 1-10 location working pad surface (WPS) on 03/25/2022. No raptor activity was observed near the nest site nor in the area for the entirety of the monitoring survey. A map of the site with observations is attached and a summary of the survey is below.

- A Quandary Consultants raptor biologist arrived at the FEHA nest site at 09:00am. Upon arrival, no FEHA activity was observed and there is no evidence of nesting activity at the nest site. The nest is still destroyed, and there is debris and fallen branches from the tree at its base.
- Two observation points were chosen, one closer to (OP 1; 0.10-mile west) and one further from (OP 3; 0.27-mile northwest) the nest site.
- During the survey, cattle were grazing in the same field as the nest site.
- A pick-up truck drove by the site at 09:20am, heading north on CR 40.
- At approximately 09:50am, a second pick-up truck hauling a trailer of hay bales drove through the same field as the nest site. The rancher in the pick-up truck dropped off the hay bales, moving north to south through the field; the rancher did not drive closer than 0.3-mile north of the nest site.
- At approximately 10:00am, five people on horseback and two dogs began rounding up the cattle in the same field as the nest site, approximately 0.3-mile north of the nest site. The group later moved further southeast, approximately 0.2-mile northeast of the nest site, before heading back north towards the intersection of CR 40 and CR G, where the cattle were gathered.

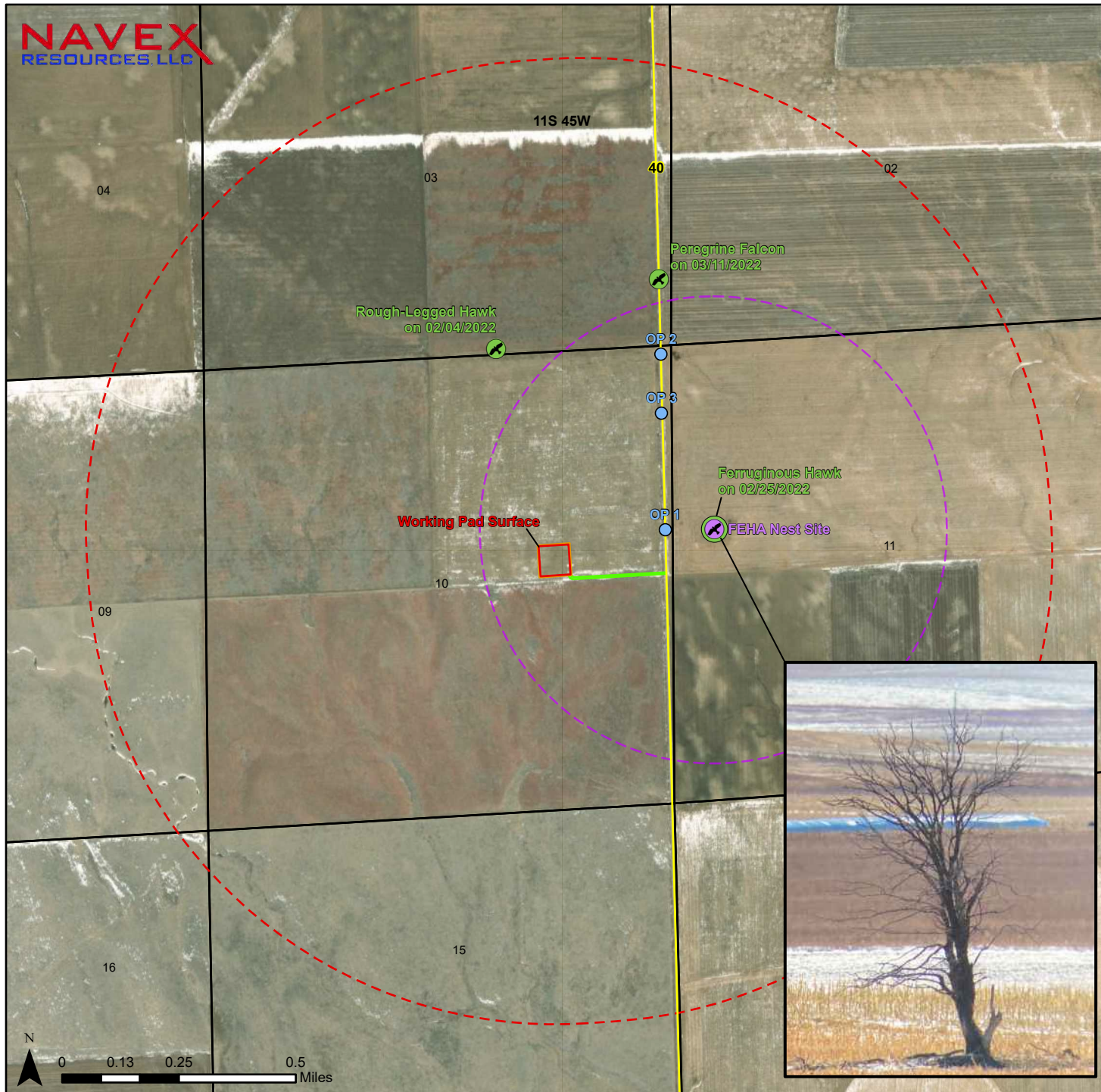




- No raptor activity was observed. Various songbirds were heard in the surrounding fields.
- No FEHA activity was observed near the nest site nor in the area for the entirety of the monitoring survey.
- The Quandary raptor biologist concluded the survey and departed at 10:30am.







**Legend**

- Travis 1-10 Oil & Gas Location
- Working Pad Surface
- - - Working Pad Surface 1-Mile Buffer
- Access Road
- Ferruginous Hawk (FEHA) Nest Site
- - - FEHA Nest Site 0.5-Mile Buffer
- Raptor Observation
- Observation Point (OP)
- County Road
- PLSS Section
- County Boundary

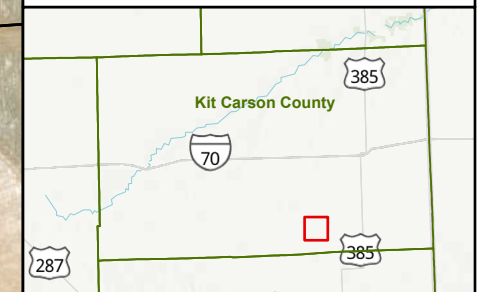
**NAVEX RESOURCES, LLC**

**Travis 1-10 Wildlife Habitat Drawing**

**FEHA Nest Site Monitoring Survey**  
02/04/2022 - 03/11/2022

**FEHA Nest Site Follow-Up Survey**  
03/25/2022

Kit Carson County, CO  
SENE Qtr-Qtr, Sec. 10, T11S, R45W



Data Sources: Esri, CGIAR, USGS, Maxar, COGCC, CPW, BLM, CDOT

