



WILDLIFE PROTECTION PLAN

FOR

Wade 8-59 17 Pad

Prepared For:



1120 Lincoln Street, Suite 801
Denver, CO 80203
www.cogcc.state.co.us

Prepared By:



1720 South Bellaire Street, Suite 202
Denver, CO 80222
www.rpgres.com

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1. INTRODUCTION

This Wildlife Protection Plan (WPP) was prepared by RPG Resources (RPG), on behalf of Civitas North, LLC (Civitas) for the proposed Wade 8-59 17 Pad (Site). 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 Civitas 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 Civitas oil and gas resources.

This WPP addresses Civitas’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

The Site boundaries are defined as the limits of disturbance (LOD) for the proposed pad and access road. The Site is located in Section 17 of Township 8 North, Range 59 West in Weld County, Colorado. It 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 construction will occur on rangeland.

3. OPERATING REQUIREMENTS

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

Civitas will not be withdrawing from or 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.*

The Working Pad Surface (WPS) is not within 500 feet of the OHWM of any river, perennial or intermittent stream, lake, pond, or wetland.

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.

- (4) *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, Civitas will install wildlife escape ramps at a minimum of one ramp per ¼ mile of trench.

- (5) *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.*

The Site is not located within sensitive wildlife HPH, so Civitas will coordinate with the surface owner regarding the most appropriate seed mix (see the Interim Reclamation Plan for details).

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

The Site is not located within sensitive wildlife HPH, so Civitas will coordinate with the surface owner and comply with local requirements regarding fence design, if applicable.

- (7) *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.*

If construction or other earth-moving activities will begin within the recognized migratory bird breeding season between April 1 and August 31, Civitas will conduct migratory bird surveys no later than one week before construction is scheduled to start to identify potential presence of nesting MBTA species within the Site. Should any nests be identified at that time, Civitas will pursue additional surveys, nest monitoring and/or other species-specific best management practices as recommended by and in coordination with CPW.

*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.

- (8) *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 any 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. GENERAL PROTECTION MEASURES & BMPs

Civitas strives to avoid and minimize impacts to wildlife by incorporating general and site-specific guidance into development plans and project design. In addition to the above-discussed standard operating requirements, additional wildlife protection measures are considered and implemented as appropriate for each project.

When possible, 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. Consultation with CPW and/or other wildlife agencies may be initiated to determine which other site-specific protection measures, if any, should be included in each project. Data collected during preliminary survey efforts is considered during project planning and design, and subsequent follow-up surveys and/or monitoring efforts are scheduled as needed. Protection measures are not limited to those identified in wildlife plans, and Civitas recognizes the nature of fluctuating wildlife conditions and remains adaptable to new wildlife constraints that may arise.

Additionally, Civitas will implement the following general wildlife BMPs:

- Ensure all personnel and contractors are aware of and adhere to applicable wildlife protection measures and BMPs;
- Personnel and contractors will not harm any wildlife observed on site and will maintain recommended buffer distances related to wildlife;
- Personnel and contractors will report any wildlife concerns, including the discovery of injured or orphaned wildlife, to on-site management and applicable EHSR personnel;
- Consult CPW and/or other applicable agencies/personnel, upon the discovery of new wildlife constraints, as needed;
- Use qualified third-party contractors for wildlife surveys, monitoring, and other consultation purposes; and
- Document any wildlife-related issues or changes.

5. ENVIRONMENTAL SITE ASSESSMENT

RPG conducted a comprehensive Environmental Site Assessment (ESA) of the proposed Site and provided recommendations 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, 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 August 2, 2022 to assess the potential for other protected or sensitive natural resources to be impacted by operations. Detailed results of the ESA are provided in Appendix A and an Environmental Site Map is provided in Appendix B.

5.1. Eagles

There is no suitable nesting habitat for bald eagles (*Haliaeetus leucocephalus*) or golden eagles (*Aquila chrysaetos*) within ½ mile of the Site, and no eagle activity was observed during the survey.

There are no CPW-mapped bald eagle winter night roost areas within ½ mile of the Site.

No further action recommended.

5.2. Burrowing Owls

No suitable burrowing owl (*Athene cunicularia*) habitat (i.e., prairie dog town) was observed within ¼ mile of the Site. A single large burrow/den was observed approximately 133 feet northeast of the Site; however, due to lack of additional burrows, this is not considered suitable burrowing owl habitat. Additionally, no burrowing owl activity or signs (e.g., white wash, pellets, etc.) were observed during the survey.

No further action recommended.

5.3. Other Raptors

No raptor nests or nesting activity were observed during the survey. Suitable raptor nesting habitat within ½ mile of the Site includes artificial structures / equipment and ground topography (there are no trees within ½ mile of the Site).

If construction begins between February 1 and August 15, raptor nesting surveys are recommended. If active raptor nests are observed within CPW's recommended species-specific buffers, consultation with CPW is recommended to determine appropriate mitigation measures.

5.4. Migratory Birds

No nests or nesting activity were observed; however, suitable nesting habitat, including surface topography, vegetation, and artificial structures, is present at and immediately surrounding the Site.

If construction begins between April 1 and August 31, migratory bird nesting surveys will be conducted as needed. If MBTA-protected active nests are found, Civitas will provide work zone buffers around them while they remain active.

5.5. Threatened, Endangered, Candidate, and Special Concern Species

The USFWS IPaC report listed eight (8) federally listed threatened, endangered, or candidate species that have potential to exist within or in the immediate vicinity of the Site. These species include: the gray wolf (*Canis lupus*), eastern black rail (*Laterallus jamaicensis ssp. jamaicensis*), piping plover (*Charadrius melodus*), whooping crane (*Grus americana*), pallid sturgeon (*Scaphirhynchus albus*), Ute ladies'-tresses (*Spiranthes diluvialis*), western prairie fringed orchid (*Platanthera praeclara*), and monarch butterfly¹ (*Danaus plexippus*). No suitable habitat for any of these species was identified at the Site.

Colorado state-listed threatened and endangered (T&E) species were also considered during the assessment: no suitable habitat for any state-listed T&E species was identified at the Site.

The Site is located within CPW-mapped swift fox (*Vulpes velox*) overall range. The swift fox is a Colorado State Special Concern Species: although not listed as threatened or endangered, it is monitored and managed by an interagency team in order to conserve the species. A potentially suitable single large burrow/den was observed approximately 133 feet northeast of the Site. No swift fox activity was observed during the survey.

If construction begins between March 15 – June 15 (while swift fox kits are den-dependent), game camera deployment is recommended to determine if the den is active with swift foxes. If the den is determined to be active, consultation with CPW is recommended to determine appropriate mitigation and protection measures. No further action is recommended for other above-listed species.

5.6. Wetlands, Waters of the U.S., and Floodplains

The National Hydrography Dataset (NHD) shows one mapped ephemeral stream intersecting the proposed access road and a second mapped ephemeral stream approximately 650 feet northeast of the Site. Neither feature exhibited field evidence of streambed, bank, or wetland vegetation; therefore, neither are considered a constraint to the project.

The NHD and National Wetland Inventory (NWI) show a mapped intermittent lake/pond and associated freshwater emergent wetland approximately 125 feet south of the proposed access road and 1,260 feet southwest of the proposed WPS. This feature did appear to contain wetland vegetation based on the initial field assessment. However, this feature is >1,000 feet from the WPS and is not expected to be impacted during construction; therefore, this feature is not considered a constraint to the project.

No other unmapped wetland or water features were identified during the field survey. No features are within 500 feet of the Working Pad Surface.

No further action recommended.

5.7. High Priority Habitats

The Site is not located within any CPW-mapped High Priority Habitat.

¹ The monarch butterfly is currently a USFWS candidate species and is not yet listed as threatened or endangered. There are generally no section 7 requirements for candidate species; however, efforts to conserve this species and its associated habitats are strongly encouraged while an official federal listing determination is being considered.

No further action recommended.

5.8. Safety or Other Concerns

No safety issues or other concerns were identified at the Site.

No further action recommended.

6. SUMMARY

The Wade 8-59 17 Pad is not located within any CPW-mapped High Priority Habitats. Therefore, a Wildlife Mitigation Plan is not needed per COGCC Rule 1201.b. and this Wildlife Protection Plan fulfills the obligations of Rule 1201.a.

No active wildlife constraints were observed at the time of the field survey. However, suitable nesting habitat for raptors and other migratory birds was identified within applicable CPW-recommended species-specific buffers. The Site is also located within CPW-mapped swift fox overall range, and one potentially suitable burrow/den was observed approximately 133 feet from the Site. If construction will begin during applicable Colorado bird nesting seasons (February 1 – August 31) or swift fox kit den-dependent season (March 15 – June 15), additional surveys are recommended to ensure no sensitive wildlife resources will be impacted.

Civitas 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. From center of Site looking north.



2. From center of Site looking south.



3. From center of Site looking east.



4. From center of Site looking west.



5. From proposed pad looking west toward proposed access road.



6. Intersection of access road and NHD-mapped ephemeral stream.



7. NHD/NWI-mapped lake/pond and wetland feature south of access road.

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- U.S. Fish and Wildlife Service. 2016. Draft Revised Recovery Plan for the Northern Great Plains Piping Plover (*Charadrius melodus*).
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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:	Wade 8-59 17 Pad	County, State:	Weld County, CO
Report Date:	August 2022	Region:	DJ Basin
Inspection Date:	8/2/2022	Field Name:	Wattenberg
Inspector Name:	Russell Beam	Location:	Sec 17, T8N, R59W
ESA Type:	New Development	Project Lat-Long:	40.656272, -104.002562

RAPTORS

Bald and Golden Eagle Active Nests:	No	Status:	CLEARED
There is no habitat suitable for bald or golden eagle nesting within 1/2 mile of the Site. Not 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 Owls and Black-Tailed Prairie Dogs:	No	Status:	CLEARED
No suitable burrowing owl habitat (i.e., prairie dog town) was observed within ¼ mile of the Site. A single large burrow/den was observed approximately 133 feet northeast of the Site; however, due to lack of additional burrows, this is not considered suitable burrowing owl habitat. Additionally, no burrowing owl activity or signs (e.g., white wash, pellets, etc.) were observed during the survey.			
Other Raptor Nests:	No	Status:	SURVEYS MAY BE NEEDED
No raptor nests or nesting activity were observed during the survey. Suitable raptor nesting habitat within ½ mile of the Site includes artificial structures / equipment and ground topography (there are no trees within ½ mile of the Site). If construction begins between February 1 and August 15, raptor nesting surveys are recommended.			

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:	SURVEYS MAY BE NEEDED
There is suitable non-raptor migratory bird nesting habitat at the Site; no active non-raptor migratory bird nests or nesting behavior were observed during the field survey. If work begins between April 1 and August 31, migratory bird nesting surveys are recommended.			

MAMMALS

Big Game High Priority Habitats:	No	Status:	CLEARED
The Site is not located within any Big Game High Priority Habitats. Not a constraint.			
** Preble's Meadow Jumping Mouse (PMJM) Habitat:	No	Status:	CLEARED
There is no suitable PMJM habitat at the Site. Not a constraint.			
Swift Fox Habitat/Dens:	Yes	Status:	SURVEYS MAY BE NEEDED
The Site is located within CPW-mapped swift fox overall range. A potentially suitable single large burrow/den was observed approximately 133 feet northeast of the Site. No swift fox activity was observed during the survey. If construction begins between March 15 – June 15, game camera deployment is recommended to determine if the den is active with swift foxes. If the den is determined to be active, consultation with CPW is recommended.			

VEGETATION

**Ute ladies'-tresses orchid (ULTO):	No	Status:	CLEARED
There is no suitable Ute ladies'-tresses orchid habitat at the Site. Not a constraint.			
Colorado State Noxious Weeds - List A,B,C:	No	Status:	CLEARED
No noxious weeds were identified at the Site. Not currently a constraint.			
Current Land Use:	Rangeland	Future Land Use:	O&G & Rangeland



ENVIRONMENTAL SITE ASSESSMENT



AQUATIC HABITATS

Aquatic High Priority Habitats:	No	Status:	CLEARED
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There are no Aquatic High Priority Habitats within 1000 feet of the Site. Not a constraint.

Wetlands/WOUs:	No	Status:	CLEARED
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The NHD shows one mapped ephemeral stream intersecting the proposed access road and a second mapped ephemeral stream approximately 650 feet northeast of the Site. Neither feature exhibited field evidence of streambed, bank, or wetland vegetation; therefore, neither are considered a constraint to the project. The NHD and NWI show a mapped intermittent lake/pond and associated freshwater emergent wetland approximately 125 feet south of the proposed access road and 1,260 feet southwest of the proposed WPS. This feature did appear to contain wetland vegetation based on the initial field assessment. However, this feature is >1,000 feet from the WPS and is not expected to be impacted during construction; therefore, this feature is not considered a constraint to the project.

OTHER/SAFETY

Other Issues:	No	Status:	CLEARED
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None.

Safety Issues:	No	Status:	CLEARED
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None.

FORM 2A

Is HPH Present (309.e(2)A) ?	No
If NO , then Wildlife <u>Protection</u> Plan Needed (1201.a):	Yes
If YES , then Wildlife <u>Mitigation</u> Plan Needed (1201.b):	N/A
Is project in State Park or Wildlife Area (309.e(2)A) ?	No
Is project in federally designated critical habitat (309.e(2)B)?	No
**Federal or *Colorado T&E Species Present (309.e(2)B)?:	No
Is project in a wildlife habitat conservation easment (309.e(2)C)?:	No
CPW Consultation Needed (309.e)?:	No
Vegetation removal scheduled April 1 to August 31 (1202.a(8))?:	TBD
Working Pad Surface 500 to 1000' hydraulically upgradient from a HPH (1202.a(10))?:	No
Density of O&G locations exceed 1 per square mile w/in HPH (1202.d)?:	N/A
If YES , then Compensatory Mitigation Plan Needed (1203.a(1)):	N/A

FIELD DATA COLLECTED

GENERAL COMMENTS

FIELD DATA COLLECTED	GENERAL COMMENTS
Site Photos:	Yes
Reference Area Photos:	Yes
Updated Aerial Imagery Taken?:	Yes
Ground Control Points?:	Yes
Wetland Determination Data Form?	No

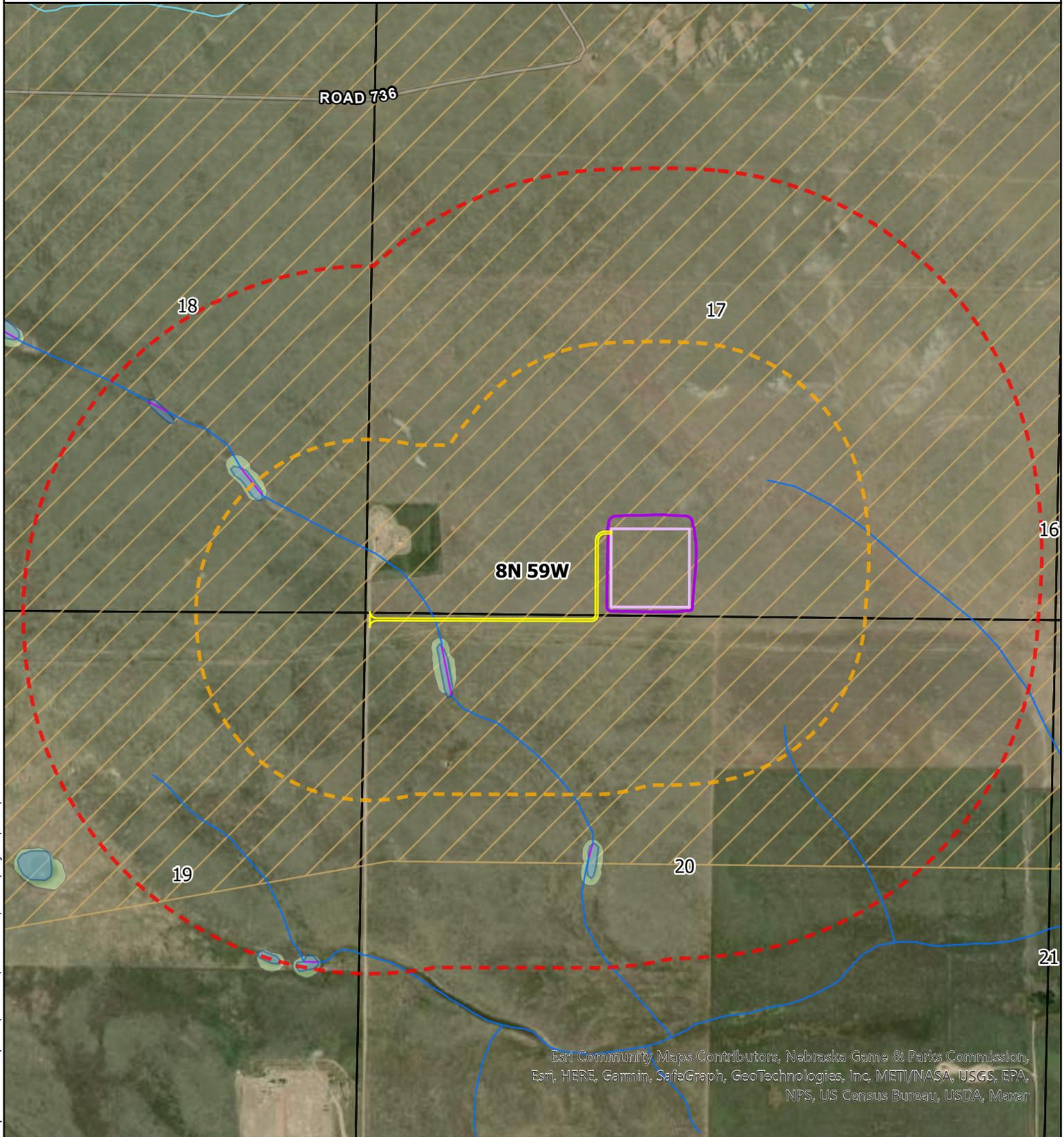
There is suitable habitat for nesting raptors and other migratory birds; additional nesting surveys may be recommended based on project timing. The Site is within swift fox overall range and one potentially suitable den was observed; game camera surveys and consultation may be recommended based on project timing.

Reviewed By: Lilah Hubbard
Signature:

Title: Wildlife Project Manager
Date: 8/18/2022

APPENDIX B
Environmental Site Map

CIVITAS NORTH, LLC
 WADE 8-59 17 PAD
 SESW SEC 17, T8N, R59W, 6th P.M.
 WELD COUNTY, COLORADO



Map Location: C:\Users\lhubbard\Documents\ArcGIS\Projects\Bison\Wade 5-59 17

Esri Community Maps Contributors, Nebraska Game & Parks Commission, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc. METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, Maxar

ENVIRONMENTAL SITE MAP

- Proposed Oil & Gas Location
- Proposed Working Pad Surface (WPS)
- Proposed Access Road
- 1/4-Mile Survey Radius (Burrowing Owl Buffer)
- 1/2-Mile Survey Radius (Max. Raptor Buffer)
- NHD-Mapped Canal/Ditch
- NHD-Mapped Stream/River
- NHD-Mapped Lake/Pond
- NWI-Mapped Freshwater Emergent Wetland
- Swift Fox Overall Range

Projection: WGS 1984
 Date: 08/18/2022
 Drafted by: LMH

0 500 1,000
Feet

1 inch equals 1,333 feet