

## Wildlife Protection Plan

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### **LABRISA 11-35HZ OIL AND GAS LOCATION** **Weld County, Colorado**

**September 21, 2022**

Prepared for:

**Kerr-McGee Oil & Gas Onshore, LP**

1099 18<sup>th</sup> Street

Denver, CO 80202



Prepared By:

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Apex Job No.: 066.1608.01.PRE0042

## 1. Introduction

Apex Companies, LLC (Apex) completed a biological assessment of the proposed pad construction and drilling, completion, and production operations at the Labrisa 11-35HZ Oil and Gas Location (Location) for Kerr-McGee Oil and Gas Onshore, LP (KMOG). This effort included a desktop review and a site survey. The desktop review's purpose was to identify previously recorded sensitive resources that could be affected by the construction of the Location and subsequent operations. The desktop review sources included the Federal Emergency Management Agency (FEMA) National Flood Hazard Layer, the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) Mapper, the USFWS Information for Planning and Consultation (IPaC) system, the U.S. Geological Survey (USGS) National Hydrography Dataset (NHD), Colorado Parks and Wildlife (CPW) Species Activity Mapping (SAM) data, CPW High Priority Habitat (HPH) data layers, recent and historical aerial imagery, and Apex's proprietary database of over 1,500 mapped raptor nests throughout the Denver-Julesburg (DJ) Basin. The site survey was performed on April 6, 2022 to confirm findings from the desktop review and to identify sensitive resources not revealed in the desktop review. These efforts and report provide KMOG with an assessment of potential adverse impacts to sensitive natural resources, including vegetative communities, surface waters, and wildlife.

## 2. Oil and Gas Location Description

The Location is within Section 35, Township 2 North, Range 65 West in south-central Weld County, Colorado (Figure 1). The Location consists of a 13.45-acre disturbance area, including a 7.30-acre working pad surface encompassing a 5.0-acre well pad and a 2.3-acre facility pad. The interim reclamation area will encompass 4.21 acres. The proposed 0.73-mile access road would pass through the existing Sparboe 27C-26HZ Facility (Location ID 430664) to the southeast<sup>1</sup>. Ten (10) wells are proposed for the Location. Access to the Location is off I-76 Frontage Road and County Road (CR) 47 (Figure 3). The shut-in Margaret Eichthaler B-1 facility pad (Location ID 318597; well has been plugged and abandoned) is 300 feet west of the western edge of the Location.

The Location lies within rangeland with vegetation dominated by cheatgrass (*Bromus tectorum*) and unidentified bunchgrasses.

## 3. COGCC: High Priority Habitats and Other Protected Resources

### Findings

The Location does not occur within any High Priority Habitats (HPHs) designated by CPW pursuant to the COGCC's Series 1200 rules. The closest HPH is a Mule Deer Migration Corridor within 0.89 miles to the northeast (Figure 3). No other HPHs are located within one (1) mile of the Location. The nearest known ordinary high-water mark (OHWM) is a pond along now defunct Neres Canal, approximately 1,050 feet to the northwest (Figure 4). The nearest wetland is within the old Neres Canal channel, approximately 603 feet west of the Location. The Location is greater than 500 feet from the nearest

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<sup>1</sup> The access road is comprised of 0.30 miles of new road and 0.43 miles of existing access road. The proposed access road encompasses approximately 0.44 acres of new ground disturbance.

potential ordinary high-water mark or wetland; therefore, it is not subject to restrictions described in COGCC 1200 Series Rule 1202.a(3).

### Resource Management Recommendations

There are no HPHs or similar protected resources within 1200 Series Rule restricted distances; therefore, no further action is recommended.

## 4. Raptors

### Findings

There are trees suitable for nesting bald eagles (*Haliaeetus leucocephalus*), and potentially golden eagles (*Aquila chrysaetos*), within 0.5 miles of the Location. The nearest mapped bald eagle nest is approximately 4.03 miles southeast of the Location. The nearest CPW-mapped bald eagle winter night roost area is approximately 5.85 miles southeast of the Location.

There are trees suitable for nesting non-eagle raptors within 0.5 miles of the Location. There are also other suitable nesting habitats within 0.5 miles of the Location, including but not limited to: utility poles, oil and gas equipment, and other miscellaneous structures. There is one raptor nest (Rnest\_A1648) within 0.5 miles of the Location that was inactive during the initial and subsequent site surveys (Figure 3).

### Resource Management Recommendations

If Location construction starts between February 1<sup>st</sup> and August 15<sup>th</sup>, CPW recommends surveys for nesting non-eagle raptors.

## 5. Burrowing Owls

### Findings

There is suitable potential burrowing owl habitat (i.e., a prairie dog colony) within 660 feet of the Location (Figure 2). Burrowing owls in Colorado are almost exclusively associated with prairie dog colonies, whether active or abandoned by prairie dogs. This prairie dog colony (BUOW\_A310) lies within 100 feet of the eastern side of the Location.

CPW-recommended protocol surveys for nesting burrowing owls at BUOW\_A310 were performed on April 6, May 4, and May 19, 2022. No burrowing owls were observed during these surveys. Results of these surveys are summarized in Appendix A.

### Resource Management Recommendations

For ground disturbances beginning between March 15<sup>th</sup> and October 31<sup>st</sup>, 2022, at least one additional burrowing owl survey will be performed no more than 7 days prior to the start of work. If the construction start is delayed until between March 15<sup>th</sup> to October 31<sup>st</sup>, 2023, or later, the full three-survey CPW-protocol will be repeated. If burrowing owls are observed using burrows within 660 feet of the Location, KMOG will consult with CPW to determine appropriate mitigation measures.

## 6. Agriculture

### Findings

Aerial imagery suggests that this property has been rangeland with a poultry farm east of the Location since at least 1985 (Google Earth 2022). No evidence of ongoing agricultural activity was observed during the site survey.

### Resource Management Recommendations

None.

## 7. Summary of Findings

Following a review of sensitive resources with the potential to be affected by proposed pad construction and drilling operations at the LABRISA 11-35HZ pad by KMOG, potential adverse impacts to the ecosystem are anticipated to be minimal and include disturbances to burrowing owl nesting habitat, and ground- or structure-nesting birds. Construction at the Location would not impact surface waters, federally-threatened or endangered species, or CPW High Priority Habitats.

## 8. Implementation of Rule 1202.a. and 1202.b. Operating Requirements

Yes   No   NA  
☐   ☐   ☒

Rule 1202.a.(1): Operators will install and utilize bear-proof dumpsters in black bear habitat  
Comment: *Location is not within black bear range.*

☒   ☐   ☐

Rule 1202.a.(2).A. and B.: Operators will disinfect water suction hoses and water tanks withdrawing from or discharging into natural surface waters using a CPW-approved disinfectant or with water greater than 140° F for at least 10 minutes.  
Comment: *KMOG will comply with this directive.*

☐   ☐   ☒

Rule 1202.a.(3): Operators will not situate new staging, refueling, or chemical storage areas at new and existing locations; within 500 feet of any river, perennial or intermittent stream, lake, pond, or wetland  
Comment: *The Location is greater than 500 feet from a persistent surface water or wetland.*

☐   ☐   ☒

Rule 1202.a.(4).A., B., and C.: Operators will fence and net or install other CPW-approved exclusion devices on new or existing (if COGCC determines it's necessary to protect Wildlife Resources) drilling pits, production pits, and other pits associated with Oil and Gas Operations that are intended to contain Fluids.  
Comment: *KMOG does not utilize pits in the DJ Basin.*

Yes No NA

☒ ☐ ☐

Rule 1202.a.(5): Operators will install wildlife escape ramps for trenches that are left open for more than 5 consecutive days.  
 Comment: *KMOG will comply with this directive.*

☒ ☐ ☐

Rule 1202.a.(6): Operators will use CPW-recommended seed mixes for Reclamation and use CPW-recommended fence designs when consistent with the Surface Owner's approval and any local soil conservation district requirements.  
 Comment: *KMOG will comply with this directive.*

☒ ☐ ☐

Rule 1202.a.(7): Operators will use CPW-recommended fence designs when consistent with the Surface Owner's approval and any Relevant Local Government requirements.  
 Comment: *KMOG will comply with this directive.*

☒ ☐ ☐

Rule 1202.a.(8): Operators will conduct all vegetation removal necessary for operations outside of the nesting season for migratory birds (April 1 to August 31) or will need to conduct pre-construction nesting migratory bird surveys within the approved disturbance area prior to any vegetation removal during the nesting if hazing or exclusion devices were not installed prior to April 1.  
 Comment: *KMOG will comply with this directive. Pre-construction nesting bird surveys will be performed no more than 14 days prior to the start of site disturbing activities.*

☐ ☐ ☒

Rule 1202.a.(9): Operators will treat drilling pits, production pits, and any other pits containing water that provides a medium for breeding mosquitoes to control mosquito larvae that may spread West Nile virus to Wildlife Resources season.  
 Comment: *KMOG does not utilize pits in the DJ Basin.*

☐ ☐ ☒

Rule 1202.a.(10).A. thru E.: Operators will employ the following minimum BMPs on new 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 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 locations 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 location during drilling and completion operations; and

Yes No NA

- E. not construct or utilize any pits, except existing previously approved pits that were operated and maintained in compliance prior to January 15, 2021.

*Comment: The Location is greater than 1,000 feet from HPHs identified in Rule 1202.c.(1).Q–S. The nearest HPH is 0.89 miles to the northeast of the Location (Figure 3). The wetland approximately 600 feet west of the Location is not an HPH. Additionally, the pond approximately 1,050 feet to the northwest and downgradient of the wetland is also not an HPH.*

☐ ☐ ☒

Rule 1202.b.: Operators will bore, rather than trench, pipeline/utility crossings of perennial streams identified as aquatic High Priority Habitat, unless the Operator obtains a signed waiver from CPW and an approved Form 4 Sundry Notice from COGCC.

*Comment: The Location does not intersect an HPH or perennial streams.*

## 9. Additional General Operating BMPs

The following site-specific wildlife BMPs will be implemented at the Location:

1. Inform and educate employees and contractors on wildlife conservation practices, including no hunting, 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. Protect culvert inlets from erosion and sedimentation and install energy dissipation structures at outfalls.
5. Implement fugitive dust control measures.
6. Install screening or other devices on the stacks and on other openings of heater treaters or fired vessels to prevent entry by migratory birds.
7. Minimize rig mobilization and demobilization by completing or re-completing all wells from a given well pad before moving rigs to a new location.
8. Share and consolidate new corridors for pipeline rights-of-way and roads to minimize surface disturbance.
9. Engineer new pipelines to reduce field fitting and reduce excessive right-of-way widths and reclamation.
10. Mow or brush hog vegetation where appropriate, leaving root structure intact, instead of scraping the surface, where allowed by the surface owner.
11. Limit access to oil and gas access roads where approved by surface owners, surface managing agencies, or local government.
12. Post speed limits and caution signs to the extent allowed by surface owners, Federal and state regulations, local government, and land-use policies.
13. Use wildlife-appropriate fencing where acceptable to the surface owner.
14. Use topographic features and vegetative screening to create seclusion areas, where acceptable to the surface owner.
15. Use remote monitoring of well production.

16. Reduce traffic associated with transporting drilling water and produced liquids through the use of pipelines, large tanks, or other measures.
17. Install automated emergency response systems (e.g., high tank alarms, emergency shutdown systems).

## 10. References

Google Earth Pro V 7.3. (Imagery June 23, 2022. Weld County, Colorado. 40.093359° north, -104.629419° west, eye altitude at 10,005 feet. Accessed August 2022.)

## APPENDIX A

### 2022 Burrowing Owl Survey Summary



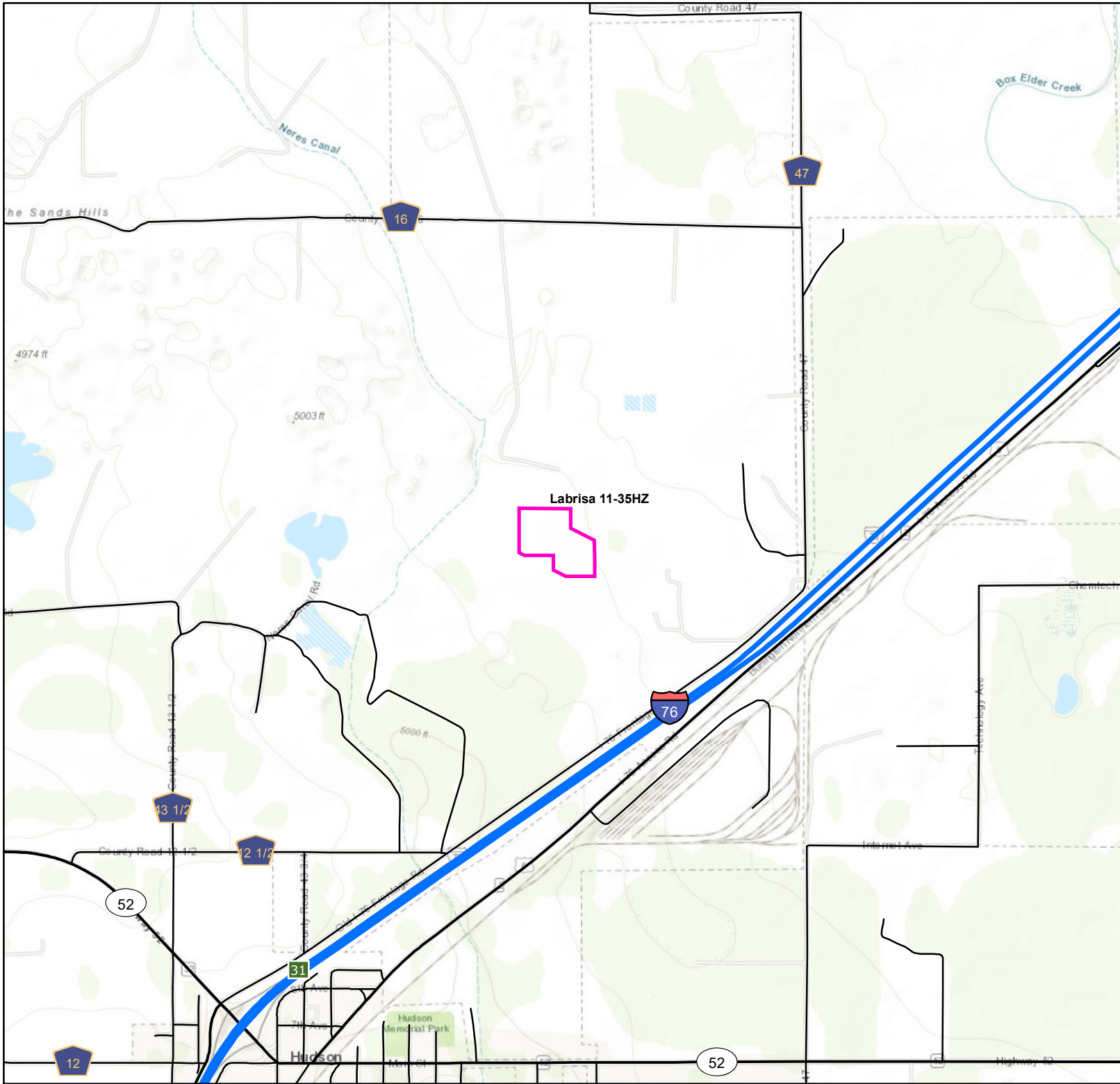
## 2022 Burrowing Owl Survey Summary

Apex biologists performed surveys of the prairie dog colony adjacent to the proposed Labrisa 11-35HZ Location on April 6, May 4, and May 19, 2022. Surveys were performed pursuant to guidelines described in *Recommended Survey Protocol and Actions to protect Nesting Burrowing Owls* (CPW, 2021).

Prairie dog colony (ID# BUOW\_A310) covers approximately 284 acres immediately east of the Location. The Location lies within 100 feet of the near edge of the colony.

### Survey details:


- No burrowing owls were observed during the three surveys.
- The colony was active with a minimal number of prairie dogs during each survey.
- Survey periods ranged from 45 to 59 minutes.
- Weather conditions were:
  - 41°F with sunny skies and high winds on April 6 (survey invalid due to winds greater than 12mph)
  - 40°F with overcast skies and light breezes on May 4
  - 70°F with overcast skies and light breezes on May 19
- Observations occurred from the Hudson 11-35A oil and gas well pad to the north of the Location and west of the colony, on foot from near the Location (due to topography and lack of vehicle access), and from the existing Sparboe 27C-26HZ well pad to the southeast of the Location.

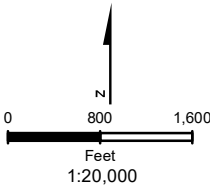
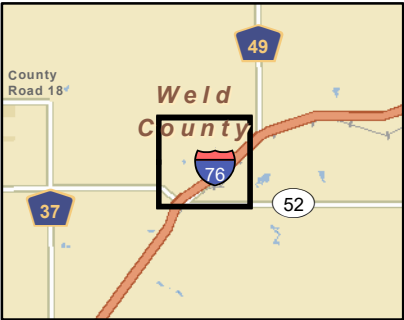


**Labrisa 11-35HZ**

**Figure 1 -  
Vicinity Map**

**Legend**

 Proposed Location



**Site Characteristics**

**Legal Location:**  
 NESW, SESW, SWSE Sec 35, T2N R65W  
**County:** Weld  
**Topography:** 0 to 9% slopes  
**Run-Off Risk:** Low  
**Total Disturbed Area:** 13.4

*Feature symbols not to scale*

REVISED	BY	COMMENT
8/5/2022	MJW	WPP



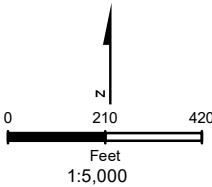


Labrisa 11-35HZ

Figure 2 -  
Site Map

Legend

- Proposed Location (13.4 acres)
- Facility Pad Surface (2.3 acres)
- Well Pad Surface (5.0 acres)



Site Characteristics

Legal Location:  
NESW, SESW, SWSE Sec 35, T2N R65W  
County: Weld  
Topography: 0 to 9% slopes  
Run-Off Risk: Low  
Total Disturbed Area: 13.4  
*Feature symbols not to scale*

REVISED	BY	COMMENT
8/5/2022	MJW	WPP



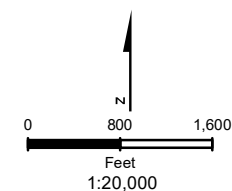
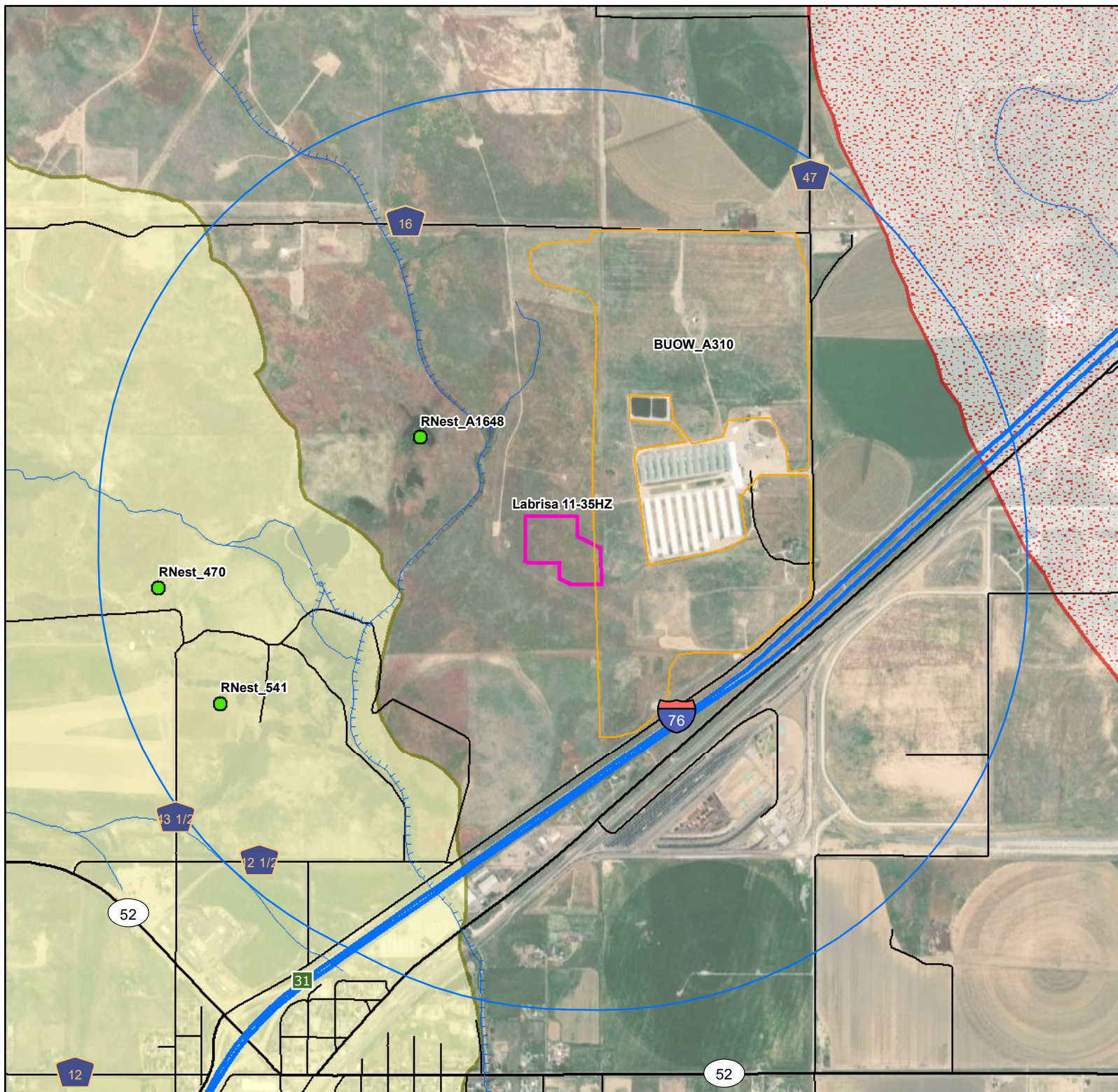


## Labrisa 11-35HZ

**Figure 3 -  
High Priority Habitats**

### Legend

- Raptor Nest - Inactive
- NHD-Mapped Stream/River
- NHD-Mapped Canal/Ditch
- One-Mile HPH Review
- Potential BUOW Habitat
- Floodplain - 100 yr
- Mule Deer Migration Corridors
- Northern Leopard Frog HUC 12 Presence
- Proposed Location



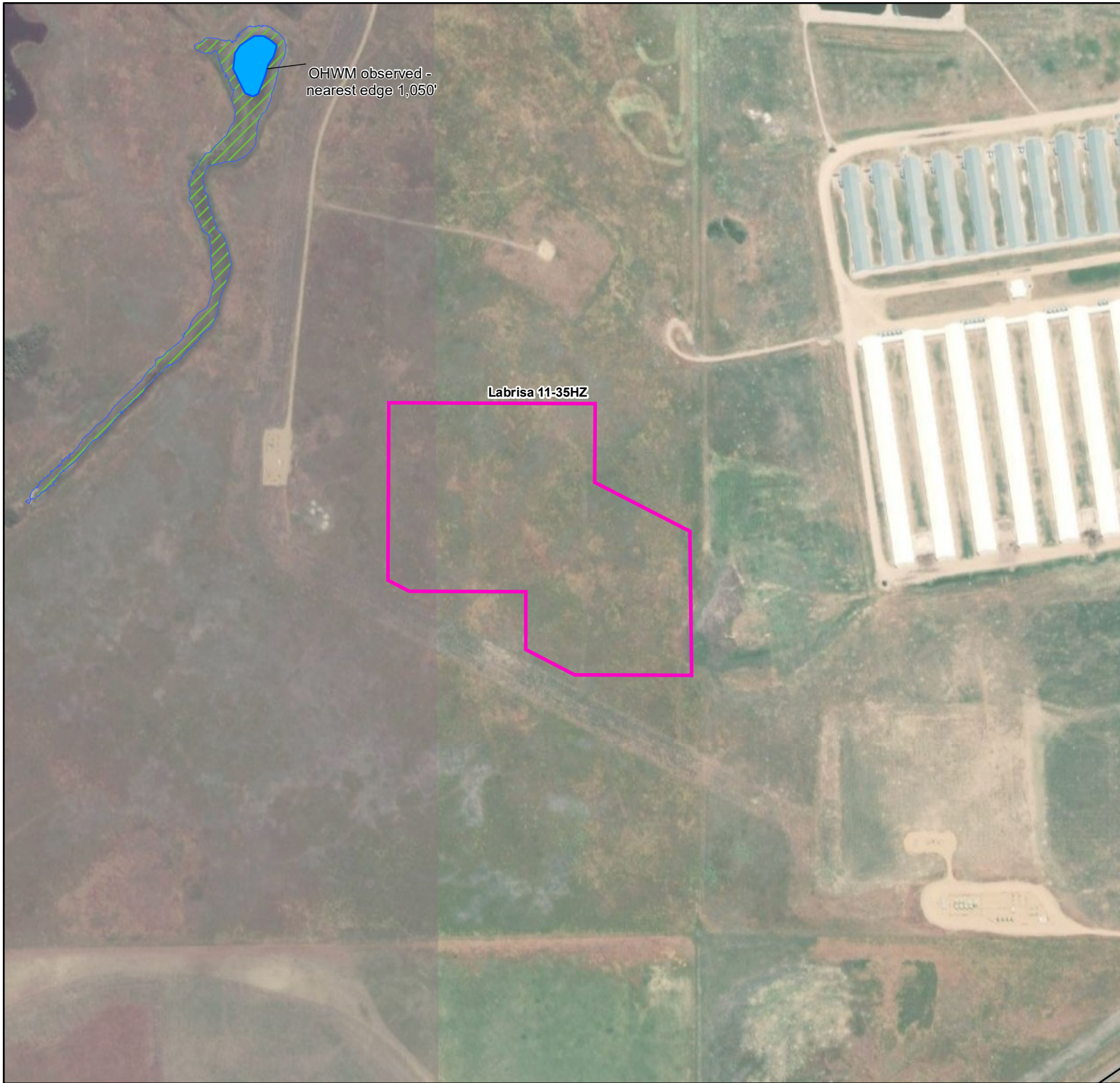
### Site Characteristics

**Legal Location:**  
 NESW, SESW, SWSE Sec 35, T2N R65W  
**County:** Weld  
**Topography:** 0 to 9% slopes  
**Run-Off Risk:** Low  
**Total Disturbed Area:** 13.4

*Feature symbols not to scale*

REVISED	BY	COMMENT
8/5/2022	MJW	WPP



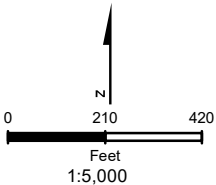


Labrisa 11-35HZ

Figure 4 -  
Nearest OHWM

Legend

- Wetland
- Proposed Location



Site Characteristics

Legal Location:  
NESW, SESW, SWSE Sec 35, T2N R65W  
County: Weld  
Topography: 0 to 9% slopes  
Run-Off Risk: Low  
Total Disturbed Area: 13.4  
*Feature symbols not to scale*

REVISED	BY	COMMENT
8/5/2022	MJW	WPP

