

BNL (Enterprise), Inc.

Bolling 09 NWNW 2930

Wildlife Protection Plan

Prepared for:
State of Colorado
Oil and Gas Conservation Commission

On Behalf of:
BNL (Enterprise), Inc.



Prepared by:
UPSTREAM
Petroleum Management, Inc.

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1.0 INTRODUCTION

This Wildlife Protection Plan (WPP) is prepared for the BNL (Enterprise), Inc. Bolling 09 NWNW 2960 Location. This WPP is intended to adhere to the Colorado Oil and Gas Conservation Commission (COGCC) Rules 304.c.(17) and 1201.a, for an Oil and Gas Location outside of High Priority Habitat (HPH) and describes the implementation of operating requirements pursuant to Rules 1202.a.

2.0 PROJECT DESCRIPTION

The proposed Bolling 09 NWNW 2960 project is in Township 29 South, Range 60 West, Section 9 in Las Animas County, Colorado. The Operator plans to drill and test one helium well. If the well produces commercial quantities of helium, the well will be shut-in until helium production/processing facilities can be constructed at an offsite facility. The proposed well will be drilled vertically and will not require hydraulic fracturing. The proposed Location is fee surface and fee minerals. Estimated total disturbance for this location is 1.2 acres. All operations would be completed in compliance with applicable federal, state, and local laws, rules, and regulations.

3.0 SITE DESCRIPTION

The proposed Location is in the High Plains ecoregion, which is typical for southeastern Colorado. Typical native vegetative cover in the region is dominated by grassland and herbaceous cover types. The proposed Location is not within High Priority Habitat (HPH), as defined by the Colorado Parks and Wildlife (CPW).

4.0 BIOLOGICAL EVALUATION

The biological evaluation of the proposed Location includes use of the U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IPaC) website, Colorado Parks and Wildlife's Colorado's Conservation Data Explorer (CODEX) website; and examination of several publically available datasets including USFWS National Wetland Inventory (NWI), Southwest Regional Gap Analysis Project (SWReGAP), and others.

A report was generated using the USFWS IPaC website that describes the federally-listed species with the potential to occur at the proposed Location (USFWS 2023). The Gray Wolf (*Canis lupus*; endangered) was the only federally-listed species identified with the potential to occur at the proposed Location. Based on the known distribution of wolves in Colorado, the Gray Wolf is not expected to occur at the proposed Location.

The CPW CODEX report identified the burrowing owl (*Athene cunicularia*) as the only state-listed species with the potential to occur at the proposed Location (CPW 2023). No burrowing owls were observed during a biological reconnaissance survey completed in the area in May of 2022. This species is not expected to occur at the proposed Location. Implementation of the proposed project would not impact HPH and special status species based on the absence of these resources at the proposed Location.

5.0 OPERATING REQUIREMENTS

The following are operating requirements as identified in Rule 1202. Also presented are the Operator's plans to adhere to those that are applicable to the proposed Location.

- 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 Location is not 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 water body. 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.

No operations will withdraw from or discharge into 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.

Staging, refueling or chemical storage will not be within 500' of any river, perennial, or intermittent stream, lake, pond or wetland with OHWM.

- (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 operator will fence the location and install nets or other CPW-approved exclusion devices on cuttings pit, as deemed necessary by COGCC or requested by the surface owner.

- (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.

Operator will comply.

- (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.

Operator will use a CPW-approved seed mix for reclamation, when consistent with the Surface Owner's approval. Please see Interim Reclamation Plan for proposed seed mix.

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

Operator will install a fence consistent with CPW requirements, if requested by the surface owner.

- (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.

Operator will comply. There are currently no known nests within the vicinity of the Location.

- (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.

No pits will be on Location.

- (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.

Operator will comply.

11. 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.

No flowline or other underground utility associated with the Project will cross either a perennial stream or an aquatic HPH.

- 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 the CPW.

Operator will comply.

- c. Except as specified pursuant to Rule 1202.c.(2), Operators will not conduct any new ground disturbance and well work, including access road and pad construction, drill and completion activities, and flowline/utility corridor cleaning and installation activities in the High Priority Habitats listed in Rule 1202.c.(1).

Location is not within High Priority Habitat.

- d. All Oil and Gas Development Plans submitted after January 15, 2021, including amendments to previously-approved Form 2As, that cause the density of Oil and Gas Locations to exceed 1 per square mile in the High Priority Habitats listed in Rule 1202.d require a CPW-approved Wildlife Mitigation Plan pursuant to 1201.b or other CPW-approved conservation plan and compensatory mitigation for Wildlife Resources pursuant to Rule 1203.

Location is not within High Priority Habitat.

6.0 BEST MANAGEMENT PRACTICES

The Operator commits to implementing the following Best Management Practices in the operations area:

- The operator agrees to establish company guidelines to minimize wildlife mortality from vehicle collisions on roadways. Slow speeds and increased awareness among employees and contractors is expected to reduce impacts to wildlife.
- All open-vent exhaust stacks on production equipment shall be designed to prevent entry by birds and bats and to discourage nesting or perching. All tanks and above ground facilities shall be equipped with structures or devices that discourage nesting of raptors and corvids.
- The Location will be fenced, if requested by the surface owner, with wildlife friendly barb wire to keep ungulates out of the Location.

7.0 BIBLIOGRAPHY

- Colorado Parks and Wildlife (CPW). High Priority Habitat (HPH) data. Available online at: https://cogccmap.state.co.us/cogcc_gis_online/. Accessed on September 5, 2022.
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- CPW. 2020. Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors. Available online at <https://cpw.state.co.us/Documents/WildlifeSpecies/LivingWithWildlife/Raptor-Buffer-Guidelines.pdf>. Accessed on September 5, 2022.
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