

Wildlife Plan – 304.c.(17)

Federal RG 22-24-299 Oil and Gas Location

New Location

March 2023



INTRODUCTION

TEP Rocky Mountain LLC (“TEP”) has prepared the following Wildlife Protection Plan for the Federal RG 22-24-299 pad to address the implementation of the operational requirements outlined under Rule 1202.a. This plan provides an assessment of wildlife impacts from the proposed oil and gas activities, compliance with the applicable operating requirements under Rule 1202, CPW consultation, and best management practices that will be implemented to avoid, minimize, and mitigate impacts to wildlife from the proposed oil and gas activities.

SITE DESCRIPTION

The Federal RG 22-24-299 Oil and Gas Development Plan (“OGDP”) is located within SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13 and NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of Section 24, Township 2 South, Range 99 West, 6th P.M., Rio Blanco County, Colorado, which includes the construction of the Federal RG 22-24-299 pad, construction of a new access road, and installation of a produced water pipeline. TEP is proposing to construct the Federal RG 22-24-299 pad to support drilling, completion, and injection operations for two (2) proposed injection wells.

The Federal RG 22-24-299 pad is located within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24, Township 2 South, Range 99 West, 6th P.M., on Federal land managed by the Bureau of Land Management (BLM), which overlies Federal minerals. The Oil and Gas Location is located approximately 31 miles southwest of the Town of Meeker, Colorado. The land on which the pad would be located is classified as non-crop land, rangeland, and recreation.

The Federal RG 22-24-299 pad will be constructed to a 5.304-acres footprint to support drilling, completion, and injection operations associated with the two (2) proposed directional injection wells. Of the 5.304-acres of proposed surface disturbance, approximately 5.244-acres will be considered new disturbance and 0.060-acres will be considered re-disturbance (disturbance within a previously reclaimed area). The long-term disturbance, or the disturbance required for long-term injection operations, attributed to the Federal RG 22-24-299 pad, will be approximately 0.603-acres. All proposed surface disturbance associated with the Oil and Gas Location will be located on BLM surface.

The new Federal RG 22-24-299 lease road will be constructed from CR 68 to the proposed pad entrance. The proposed access road construction associated with development of the proposed injection wells on the Federal RG 22-24-299 pad will create approximately 0.954-acres of surface disturbance. Of the 0.954-acres of surface disturbance, approximately 0.844-acres will be considered new surface disturbance and 0.110-acres will be considered re-disturbance. The long-term disturbance, or the disturbance required for long-term injection operations attributed to the Federal RG 22-24-299 access road, will be approximately 0.370-acres.

The proposed pipeline corridor associated with development of the proposed injection wells on the Federal RG 22-24-299 pad will create approximately 0.639-acres of surface disturbance. Of the 0.639-acres of surface disturbance, approximately 0.159-acres will be considered new surface disturbance and approximately 0.480-acres will be considered re-disturbance (i.e., reclaimed Rio Blanco County Road 68 / existing pipeline corridor). No long-term disturbance will be attributed to the proposed pipeline following reclamation of the pipeline Right-of-Way (“ROW”). All proposed surface disturbance associated with permanent pipeline installation will be located on BLM surface.

The total surface disturbance associated with the Federal RG 22-24-299 OGDP is approximately 6.897-acres, all of which will be located on Federal Surface administered by the BLM and includes construction

of the Federal RG 22-24-299 pad, construction of a new access road, and the installation of the proposed produced water pipeline. Of the 6.897-acres of disturbance, 0.650-acres will be within areas previously disturbed areas by development activities. Approximately nine percent (9%) of the total disturbance acreage will be on lands previously disturbed. The long-term disturbance, or disturbance remaining after interim reclamation, will be approximately 0.973-acres.

Please see the Plan of Development attached to the Form 2A for a detailed breakdown of disturbance acreage for all project components associated with the Federal RG 22-24-299 pad.

TEP is currently proposing to begin pad construction on the Federal RG 22-24-299 pad in April 2024. Pad construction is estimated to take approximately nine (9) weeks to complete. Drilling and completions operations are currently scheduled to occur in October 2024. Interim reclamation of the Federal RG 22-24-299 pad would begin within six (6) months following completion of operations on the Federal RG 943-24-299D and the Federal RG 921-24-299D injection wells. Interim reclamation activities would take approximately three (3) to six (6) weeks to complete. Development may be accelerated or delayed based on market conditions and company constraints.

The Federal RG 22-24-299 pad is not located within any High Priority Habitat boundaries, however the closest wildlife impact area is Aquatic Sportfish Management waters, which is 2,546 feet to the south, and Elk Production Area, which is 4,670 feet to the southwest.

OPERATING REQUIREMENTS RULE 1202

Rule 1202.a. Operating Requirements – Statewide

The following outlines the operating requirements pursuant to Rule 1202.a and a description of how TEP plans to implement measures to ensure compliance with the rule when applicable:

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.*

TEP will install and utilize bear proof dumpsters and trash receptacles for food- related trash at all facilities that generate trash.

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.*

During operations associated with the development of the proposed Oil and Gas Location, freshwater trucks used to support construction, drilling, completions, and injection operations will be cleaned by spraying and soaking the tank cavity and all suction hoses with water greater than 140° Fahrenheit for at least ten (10) minutes when the tank and/or hoses have been used previously in another river, intermittent or perennial stream, lake, pond, or wetland. During drilling operations TEP will only utilize trucks assigned directly to the rig. All suction hoses associated with the water source will remain in place throughout the duration of drilling operations. Any hoses switched out will be cleaned using the same guidelines mentioned above.

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.*

TEP will ensure that all staging, refueling, or chemical storage areas are more than 500 feet from the OHWM of any river, perennial or intermittent stream, lake, pond, or wetland. The Federal RG 22-24-299 pad is not located within 500 feet of any 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.*

There are no drilling pits, production pits, or other pits associated with planned operations on this oil and gas location.

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 ¼ mile of trench.*

TEP will install wildlife escape ramps at a minimum of one ramp per ¼ mile of trench if any trench is left open for more than 5 consecutive days as required by COGCC regulations.

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.*

TEP has consulted with BLM (surface owner) on the appropriate seed mix for use during reclamation of the Oil and Gas Location. TEP believes this to be consistent with CPW’s recommended seed mix for the project area.

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

TEP does not intend to install fencing at this location. However, if fencing is installed, TEP will use wildlife friendly fence consistent with CPW recommendations when consistent with the Surface Owner’s approval and any Relevant Local Government requirements.

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.*

As mentioned in the Plan of Development, TEP has tentatively scheduled construction of the Federal RG 22-24-299 pad during April 2024, which is within the nesting season for migratory birds described above. The new Oil and Gas Location construction will require the removal of

vegetation. TEP will either implement hazing prior to April 1, or a pre-construction migratory bird survey will be conducted during the nesting season to determine if nesting migratory birds are present within the project area. If any active nests are located, TEP will provide work zone buffers around those active nests as allowed under Rule 1202.a.(8).

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.*

There are no drilling pits, production pits, or any other pits planned for construction on this oil and gas 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:*

There are no High Priority Habitat boundaries identified under Rule 1202.c.(1).Q-S within 500 feet and 1000 feet of the working pad surface of this Oil and Gas Location.

Rule 1202.b. Operating Requirements – Flowline Installation

As stated in Rule 1202.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.”

TEP does not have plans to install any new flowlines or utilities across perennial streams identified as aquatic High Priority Habitat as part of this Form 2A.

Rule 1202.c. Operating Requirements – No Surface Occupancy

As stated in Rule 1202.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, drilling and completion activities, and Flowline/utility corridor clearing and installation activities in the High Priority Habitats listed in Rule 1202.c.(1).”

New ground disturbance activities for the Federal RG 22-24-299 OGDG will be limited to construction of the Federal RG 22-24-299 pad, construction of the proposed access road, and installation of the proposed produced water pipeline.

1. Federal RG 22-24-299 Pad: The Federal RG 22-24-299 pad is not located within High Priority Habitat listed under Rule 1202.c.(1) and therefore complies with Rule 1202.c.
2. Proposed Access Road: New disturbance associated with construction of the proposed access road will not be located within High Priority Habitat listed under Rule 1202.c.(1) and therefore complies with Rule 1202.c.

3. Proposed Produced Water Pipeline: New disturbance associated with construction and installation of the proposed produced water pipeline will not be located within High Priority Habitat listed under Rule 1202.c.(1) and therefore complies with Rule 1202.c.

Rule 1202.d. Operating Requirements – HPH Density Limits

As stated in Rule 1202.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 Rule 1201.b or other CPW-approved conservation plan and compensatory mitigation for Wildlife Resources pursuant to Rule 1203.”

The Federal RG 22-24-299 pad is not located within High Priority Habitats listed under Rule 1202.d. The Federal RG 22-24-299 pad is compliant with requirements under Rule 1202.d.

CPW CONSULTATION

TEP conducted two (2) pre-application consultation meetings with Colorado Parks and Wildlife (“CPW”) to discuss the proposed development plan for the Federal RG 22-24-299 pad and the potential impacts to wildlife as a result of construction and operations of the proposed facility. The Federal RG 22-24-299 pad, proposed access road, and associated permanent pipelines are not located within High Priority Habitat. However, in the interest of protecting impacts to wildlife, TEP invited CPW to the initial scoping onsite held with BLM and Rio Blanco County on May 24, 2022, and completed a pre-application consultation meeting with CPW on February 6, 2023 prior to submittal of the Form 2A.

The initial scoping onsite on May 24, 2022, was held to solicit initial feedback on the proposed development plan for the Federal RG 22-24-299 pad and provide the opportunity discuss any potential issues that may need to be addressed prior to application submittal. During this onsite TEP and CPW discussed the Oil and Gas Location in relation to High Priority Habitat. TEP stated that the Oil and Gas Location and associated access road and produced water pipeline would not be located within High Priority Habitat. TEP also stated that all 1202.a. and 1202.b operating requirements would be adhered to during development of the proposed injection wells. Representative from CPW did not express any concerns related to this Oil and Gas Location during the initial scoping onsite.

A second pre-application consultation meeting was held on February 6, 2023 to update CPW on the status of the Federal RG 22-24-299 OGD and to review the Wildlife Protection Plan. During this meeting TEP provided updates on the proposed development plan, reviewed the draft Wildlife Protection Plan, discussed potential impacts to sensitive wildlife in the area, and reviewed proposed best management practices. CPW and TEP discussed timing of construction during the migratory bird nesting season. TEP assured CPW that a survey will be conducted, and work zone buffers will be established if an active nest is identified. CPW asked if any raptor nests were found during the raptor survey. TEP confirmed that WestWater did not find any raptor nests during the survey. The one nest that was previously identified was not found during the survey. CPW did not have any other concerns regarding the Federal RG 22-24-299 pad.

WILDLIFE PROTECTION PLAN SOURCE INFORMATION

The following sources were reviewed during preparation of this wildlife protection plan and the Form 2A for this oil and gas location:

1. Colorado Oil and Gas Conservation Commission. Permitting Process 300 Series.
2. Colorado Oil and Gas Conservation Commission. Protection of Wildlife Resources 1200 Series.
3. Colorado Parks and Wildlife's (CPW) Recommendations to Avoid and Minimize Impacts to Wildlife from Land Use Development in Colorado.
4. Colorado Parks and Wildlife Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors.
5. Colorado Parks and Wildlife. Threatened and Endangered Species List
6. U.S. Fish and Wildlife Service. IPaC Information for Planning and Consultation.
7. U.S. Fish and Wildlife Service. Migratory Bird Treaty Act Protected Species (10.13 List)
8. U.S. Fish and Wildlife Service. Birds of Conservation Concern 2021.

WILDLIFE BEST MANAGEMENT PRACTICES

The following wildlife Best Management Practices will be employed by TEP during development of the two (2) proposed injection wells on the Federal RG 22-24-299 pad:

- 1) TEP will inform and educate all employees and contractors on wildlife conservation practices, including no harassment or feeding of wildlife.
- 2) TEP will install a proposed water pipeline from the Oil and Gas Location to TEP's existing water management system to minimize truck traffic to the location and minimize the potential impacts to wildlife.
- 3) TEP will minimize direct impacts to wildlife habitat by utilizing existing infrastructure and disturbance corridors whenever possible.
- 4) Well telemetry equipment will be installed to minimize site visitation through remote monitoring of injection operations. Remote shut-in capabilities will also be utilized at this location.
- 5) TEP will utilize existing injection facilities at the Mautz Ranch Multi-Well Pit and the existing water injection pipeline system eliminating the need for tanks, pumps, and other facilities on the Federal RG 22-24-299 pad which minimizes impacts to wildlife to the greatest extent possible.
- 6) TEP will stage a spill response trailer near the Mautz Ranch Multi-Well Pit, which will have supplies available for immediate response to spills or releases during operation of the proposed injection wells.
- 7) To minimize the potential for wildlife related traffic accidents, TEP has implemented speed restrictions for all lease roads, and requires that all TEP employees and contractors adhere to these posted speed restrictions.

Black Bear BMPs:

- 1) Wildlife – Avoidance: The operator agrees to report bear conflicts immediately to CPW staff.
- 2) Wildlife – Avoidance: TEP will install and utilize bear proof dumpsters and trash receptacles for food-related trash at all facilities that generate trash.

Raptors BMPs:

- 1) Wildlife – Minimization: Exclusionary devices will be installed to prevent birds and other wildlife from accessing equipment stacks, vents, and openings.

- 2) Wildlife - Avoidance: TEP will conduct vegetation removal activities outside the migratory bird nesting season (April 1 - August 30). If vegetation removal must occur during the nesting season, TEP will implement hazing or other exclusionary measures prior to April 1 to avoid take of migratory birds. Alternatively, TEP may conduct a migratory bird survey prior to vegetation removal as required by COGCC Rule 1202.a.(8) to avoid take of migratory birds.
- 3) Wildlife – Avoidance: To minimize the potential for impacts to migratory birds, a biological survey will be conducted prior to operations (construction) which are scheduled to begin during the nesting season (February 1 through August 15). TEP will adhere to the BLM COAs for active nest sites applied to the ROWs.