



CIVITAS

Crestone Peak Resource Operating LLC

WILDLIFE PROTECTION PLAN

FOR

Lussing Trust 4-64 19-20 North Pad

Prepared For:



COLORADO
Energy & Carbon
Management Commission
Department of Natural Resources

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1. INTRODUCTION

This Wildlife Protection Plan (WPP) was prepared by RPG Resources (RPG), on behalf of Crestone Peak Resources Operating, LLC (Civitas Resources, Inc.; hereafter Crestone) for the proposed Lussing Trust 4-64 19-20 North Pad (Site). This plan was prepared to adhere to the Colorado Energy & Carbon Management Commission (ECMC) 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 Crestone 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 Crestone oil and gas resources.

This WPP addresses Crestone’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 within City of Aurora jurisdiction and located in Section 19 of Township 4 South, Range 64 West in Arapahoe 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). The proposed location is a new location, and the surrounding land type is cropland.

3. OPERATING REQUIREMENTS

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

Crestone will follow these disinfection requirements when applicable.

- (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.*

There are no National Hydrography Dataset (NHD)- nor National Wetland Inventory (NWI)- mapped aquatic features present within 500 feet of the Site.

- (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 Site will not include Drilling Pits, Production Pits, or other Pits associated with Oil and Gas Operations.

- (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.*

If a trench is left open for more than 5 consecutive days during pipeline construction, Crestone will install wildlife escape ramps at a minimum of one ramp per ¼ mile of trench.

- (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.*

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

- (7) 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 Crestone will coordinate with the surface owner and comply with local requirements regarding fence design, if applicable.

- (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,~~¹ 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, Crestone 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, Crestone will pursue additional surveys, nest monitoring and/or other species-specific best management practices as recommended by and in coordination with CPW.

- (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.

The Site will not include Drilling Pits, Production Pits, or other Pits associated with Oil and Gas Operations.

- (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;

¹ Although this language regarding hazing measures is included within ECMC's 1200 Series Rules, more recent guidance provided directly by ECMC Commissioners included a request to avoid any hazing measures.

- 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

Crestone 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 Crestone recognizes the nature of fluctuating wildlife conditions and remains adaptable to new wildlife constraints that may arise.

Additionally, Crestone 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 January 27, 2023 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

No bald eagle (*Haliaeetus leucocephalus*) or golden eagle (*Aquila chrysaetos*) nests were observed within ½ mile of the Site, and no eagle activity was observed during the survey. There is suitable eagle nesting habitat (e.g., trees) present within ½ mile of the Site.

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

If construction begins between December 1 and July 31, eagle nesting surveys are recommended. If a new active eagle nest is established within ½ mile of the Site, consultation with CPW is recommended to determine appropriate mitigation measures.

5.2. Burrowing Owls

Field observations were limited due to snow cover at the time of the field survey; however, no suitable burrowing owl (*Athene cunicularia*) habitat (i.e., prairie dog town) was observed within ¼ mile of the Site, based on field observations and a thorough review of aerial imagery (including updated imagery via a drone flight during the survey). Additionally, this Site is located in cropland and there is no CPW-mapped burrowing owl habitat within ¼ mile of the Site.

No further action recommended.

5.3. Other Raptors

No other raptor nests or nesting activity were observed; however, suitable nesting habitat, including trees and surface topography, is present within ½ mile of the Site.

If construction begins between February 1 and July 31, 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 migratory bird 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 are recommended. If MBTA-protected active nests are found, Crestone will provide work zone buffers around them while they remain active.

5.5. Threatened, Endangered, and Candidate Species

The IPaC report included seven (7) 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*), 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 butterfly² (*Danaus plexippus*). No suitable habitat for any of these species was identified at the Site.

The Colorado state-listed T&E species that have potential to occur in the same area as the Site are the burrowing owl and the Preble's meadow jumping mouse (PMJM). The burrowing owl is discussed above in Section 5.2. No suitable habitat for the PMJM was observed at the Site.

No further action is recommended.

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

There are no NHD- or NWI-mapped features overlapping or within 500 feet of the Site. Additionally, although field observations were limited due to snow cover at the time of the field survey, no evidence of unmapped wetlands or water features was observed during the survey. No impacts to any potential wetlands or waters of the U.S. are expected as a result of project activities associated with the Site.

The Site is not located within any Federal Emergency Management Agency (FEMA-)-mapped 100-year floodplain. The closest mapped 100-year floodplain associated with Coyote Run is located approximately 0.23 mile southeast of the site.

No further action is recommended.

5.7. High Priority Habitats

The Site is not located within any CPW-mapped High Priority Habitats (as of this writing).

No further action is recommended.

² 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.

5.8. Safety or Other Concerns

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

No further action is recommended.

6. SUMMARY

The Lussing Trust 4-64 19-20 North Pad is not located within any High Priority Habitats. Therefore, a Wildlife Mitigation Plan is not needed per 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. Additional wildlife surveys are recommended prior to the start of construction to ensure no sensitive wildlife resources will be impacted.

Crestone 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 the northeast corner of the proposed pad facing southwest.



2. From the northeast corner of the proposed pad facing west.

LITERATURE CITED

- Colorado Energy & Carbon Management Commission. 2021. Permitting Process 300 Series. Colorado Department of Natural Resources.
- Colorado Energy & Carbon Management Commission. 2021. Protection of Wildlife Resources 1200 Series. Colorado Department of Natural Resources.
- Colorado Natural Heritage Program. 1997+. Colorado Rare Plant Guide. www.cnhp.colostate.edu.
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- Department of the Interior: Fish and Wildlife Service. 2010. Endangered and Threatened Wildlife and Plants; Revised Critical Habitat for the Preble's Meadow Jumping Mouse in Colorado; Final Rule.
- National Resources Conservation Service. 2006. National Coordinated Major Land Resource Area (MLRA) Version 4.2. U.S. Department of Agriculture, National Soil Survey Center.
- U.S. Fish and Wildlife Service. 2016. Draft Revised Recovery Plan for the Northern Great Plains Piping Plover (*Charadrius melodus*).
- U.S. Fish and Wildlife Service. 2021. Featured Pollinator Monarch butterfly (*Danaus plexippus plexippus*). https://www.fws.gov/pollinators/features/Monarch_Butterfly.html. Accessed October 2022.
- U.S. Fish and Wildlife Service. IPaC Information for Planning and Consultation. <https://ecos.fws.gov/ipac/>. Accessed January 2023.

APPENDIX A

Environmental Site Assessment Results



ENVIRONMENTAL SITE ASSESSMENT



Project Name:	Lussing Trust 4-64 19-20 North	County, State:	Arapahoe County, CO
Report Date:	January 2023	Region:	DJ Basin
Inspection Date:	1/27/2023	Field Name:	Wildcat
Inspector Name:	Brent Hoepfner	Location:	Sec 19 , T4S, R64W
ESA Type:	New Development	Project Lat-Long:	39.692580, -104.601080

RAPTORS

Bald and Golden Eagle Active Nests:	No	Status:	TEMPORARILY CLEARED
There are no bald or golden eagle nests; however, suitable eagle nesting is present within 1/2 mile of the Site. Not currently a constraint. If construction begins between December 1 and July 31, eagle nesting surveys are recommended. If a new active eagle nest is established within ½ mile of the Site, consultation with CPW is recommended to determine appropriate mitigation measures.			
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 during the field survey (limited observations due to snow cover) or during a review of aerial imagery. No further action recommended.			
Other Raptor Nests:	No	Status:	TEMPORARILY CLEARED
No raptor nests or nesting activity were observed during the survey. Suitable raptor nesting habitat is present within ½ mile of the Site. If construction begins between February 1 and July 31, 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.			

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:	TEMPORARILY CLEARED
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 Site assessment. If construction begins between April 1 and August 31, migratory bird nesting surveys are recommended. If MBTA-protected active nests are found, Crestone will provide work zone buffers around them while they remain active.			

MAMMALS

Big Game High Priority Habitats:	No	Status:	CLEARED
The Site is not located within any CPW-mapped High Priority Habitats (as of this writing).			
** 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:	No	Status:	CLEARED
The Site is not within CPW-mapped swift fox overall range, and no swift fox habitat was observed during the survey.			

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:	Cropland	Future Land Use:	O&G & Cropland
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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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There are no NHD- or NWI-mapped features overlapping or within 500 feet of the Site. Additionally, although field observations were limited due to snow cover at the time of the field survey, no evidence of unmapped wetlands or water features was observed during the survey. No impacts to any potential wetlands or waters of the U.S. are expected as a result of project activities associated with the Site. The Site is not located within any FEMA-mapped 100-year floodplain.

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 <u>NO</u> , then Wildlife <u>Protection</u> Plan Needed (1201.a)?	Yes
If <u>YES</u> , 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
CPW Consultation Needed?	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 <u>YES</u> , 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?	No
Updated Aerial Imagery Taken?	Yes
Ground Control Points?	Yes
Wetland Determination Data Form?	No

No active wildlife constraints were observed at the time of the field survey. However, there is suitable raptor and migratory bird nesting habitat present. Additional wildlife surveys are recommended prior to the start of construction to ensure no sensitive wildlife resources will be impacted.

Reviewed By: Lilah Hubbard

Title: Wildlife Project Manager

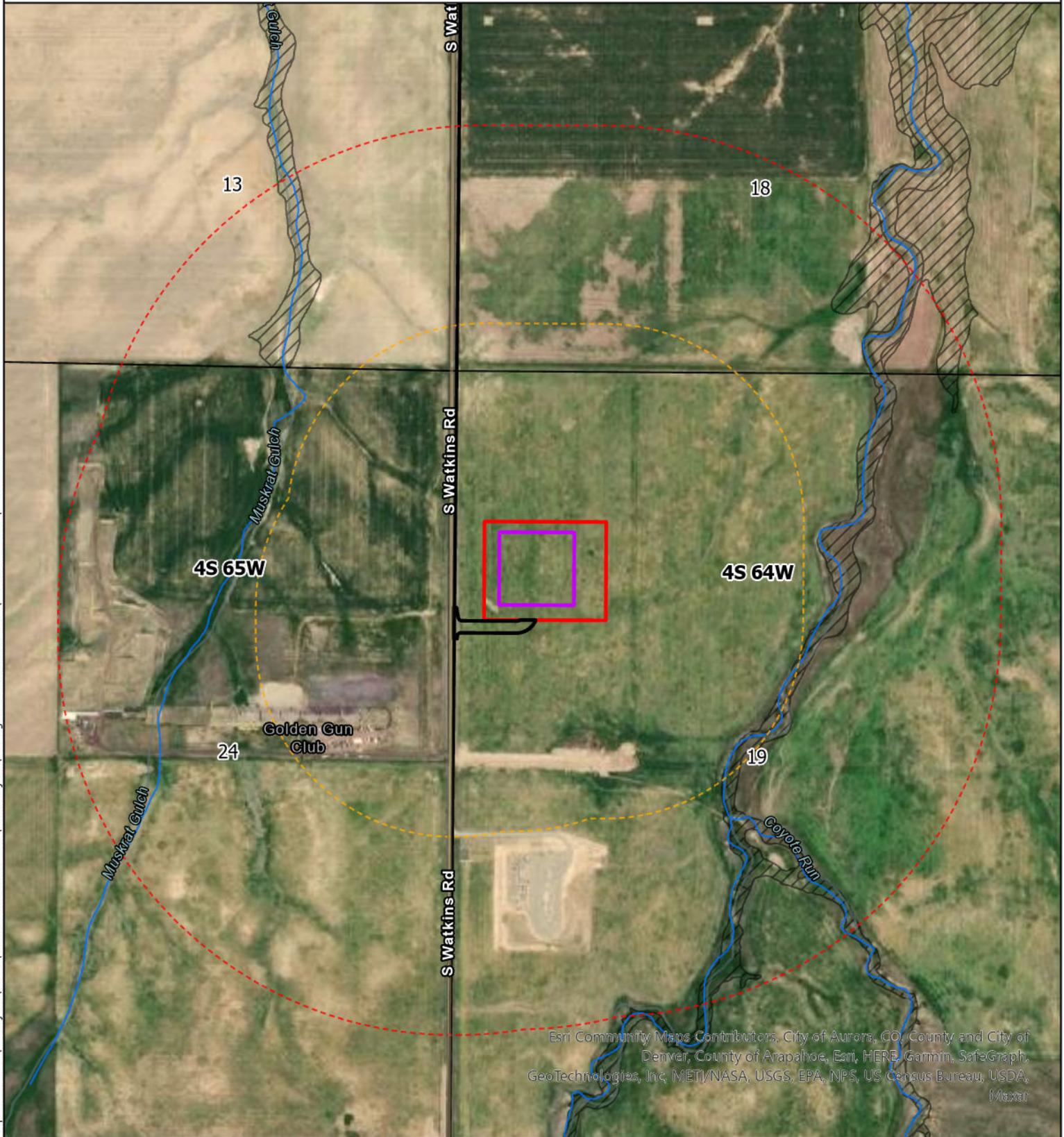
Signature:

APPENDIX B
Environmental Site Map

CRESTONE PEAK RESOURCES, LLC
 LUSSING TRUST 4-64 19-20
 SEC 19, T4S R64W, 6th P.M.
 ARAPAHOE COUNTY, COLORADO



Map Location: S:\00 Projects\Civitas\Crestone Peak Resources\2023 Projects\Lussing Trust 4-64 19-20 North\2 - Environmental\5 - Wildlife



Esri Community Maps Contributors, City of Aurora, CO, County and City of Denver, County of Arapahoe, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, Maxar

ENVIRONMENTAL MAP

- Working Pad Surface
- Oil & Gas Location
- Access Road
- 0.25-Mile Buffer
- 0.5-Mile Buffer
- NHD-Mapped Stream/River
- NWI-Mapped Riverine
- FEMA 100-Year Floodplain

Projection: WGS 1984
 Date: 01/31/2023
 Drafted by: BRH
 Revised:



1 inch equals 1,150 feet

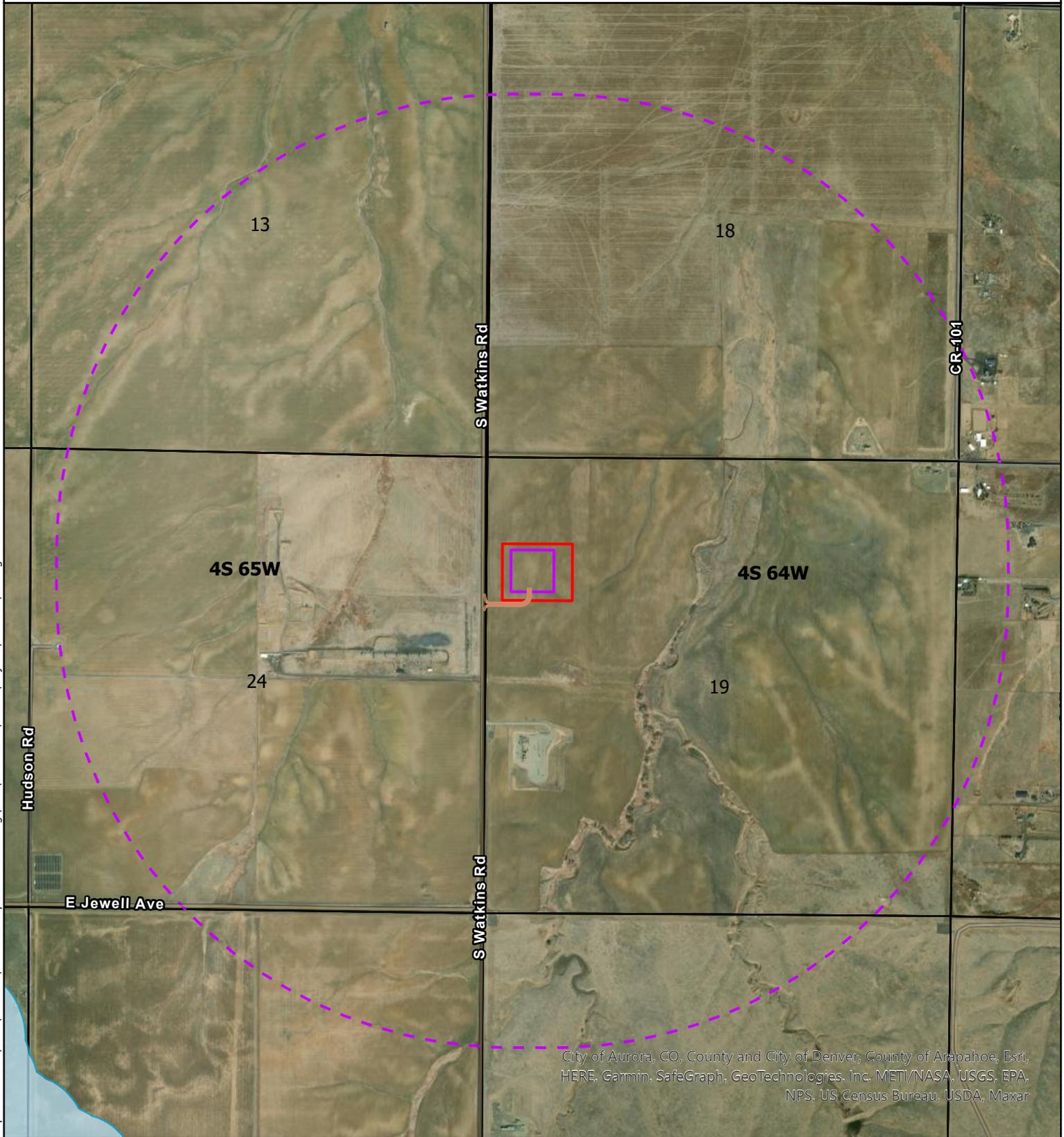
APPENDIX C

Wildlife Habitat Drawing

CRESTONE PEAK RESOURCES OPERATING, LLC
 LUSSING TRUST 4-64 19-20 NORTH
 SEC 19, T4S R64W, 6th P.M.
 ARAPAHOE COUNTY, COLORADO



Map Location: C:\Users\hubbard\OneDrive - System One Holdings, LLC\Documents\ArcGIS\Projects\Crestone\Lussing Trust 4-64 19-20



City of Aurora, CO, County and City of Denver, County of Arapahoe, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc. METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, Maxar

WILDILFE HABITAT DRAWING

- Access Road
- Oil & Gas Location
- Working Pad Surface (WPS)
- One-Mile Radius around WPS
- Aquatic Native Species Conservation Waters HPH

All pipeline and utility corridors associated with the O&G Location will be permitted and operated by third parties.

Projection: WGS 1984
 Date: 08/07/2023
 Drafted by: LMH



1 inch equals 2,000 feet