



GRANDE NORTH LATERAL

WILDLIFE IMPACT MITIGATION PLAN DJ SOUTH INFIELD GATHERING CRUDE OIL PIPELINE

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DJ South Infield Gathering's (DJSIG) environmental consultant, Apex Companies, LLC (Apex), completed a desktop analysis to identify unique natural resources and wildlife habitat in the Grande North Lateral (the "Project") area. Project construction and operation are expected to have a temporary and negligible impact on unique natural resources, game and non-game wildlife, livestock, and other animals, due to the Project placement within agricultural land and road easement and the temporary nature of construction.

Unique Natural Resources

Using aerial imagery, United States Geological Survey (USGS) topographic maps, USGS National Hydrology Dataset (NHD), National Wetland Inventory (NWI) maps, Colorado Oil and Gas Conservation Commission (COGCC) interactive map, and FEMA floodplain information, Apex completed an assessment of unique natural resources that may be present within the Project area. The Project is located entirely within a manipulated herbaceous vegetative community. No aquatic resources or potential water of the United States (WOTUS) were identified within the Project area. No unique natural resources were identified within the Project footprint or immediate vicinity due to the placement within agricultural land with a history of frequent and consistent disturbance. The nearest WOTUS is Coal Creek, located approximately 665 feet west of the western terminus of the Project.

The Project will be installed primarily via open-cut trenching, with the exception of a bored crossing under Powhatan Road. All disturbed areas will be returned to pre-construction contours, backfilled with the originally excavated material, and restored with salvaged vegetation and a native seed mix suitable for the region. Generally, pipeline installation is considered a temporary impact with the exception of forested areas, assuming the landscape is returned to pre-construction contours and conditions. DJSIG would complete appropriate consultation with the U.S. Army Corps of Engineers Denver Regulatory Office and obtain authorizations for impacts potential WOTUS, as needed; however, based on the review of resources present and proposed construction plans and methodology, written authorization does not appear to be necessary.

Protected Wildlife

The United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation system and Colorado Parks Wildlife's (CPW) Species Activity Mapping (SAM) and High Priority Habitat (HPH) data were consulted to determine which species, if any, should be included in an effects analysis for the proposed Project. The USFWS identified six Federally listed species to be included in the analysis: Preble's meadow jumping mouse (*Zapus hudsonius preblei*), piping plover (*Charadrius melodus*), whooping crane (*Grus americana*), pallid sturgeon (*Scaphirhynchus albus*), Ute Ladies'-tresses (*Spiranthes diluvialis*), and western prairie fringed orchid (*Platanthera praeclara*). Desktop analysis utilizing the sources previously mentioned was conducted within and in the proximity of the Project area to determine the potential for listed species and habitat. Based on the Project location within agricultural land, lacking semi-permanent to permanent aquatic habitat characteristics (wetlands or streams) and wooded vegetation, habitat for Federally listed species is not anticipated within the Project.

CPW data identified the Project as within HPH. This designation consists of a contiguous area approximately one mile wide, parallel and centered on Coal Creek. Specifically, the HPH and SAM data within and in proximity to the Project identifies the area as Mule Deer Severe Winter Range and Coal Creek designated as an Aquatic and Native Species Conservation Water.

The Project does not consist of preferable habitat characteristics for mule deer as compared to the area surrounding Coal Creek. Immediately adjacent to Coal Creek consists of a less disturbed landscape, minimal human presence, vegetative cover and a persistent water source. It is possible that the Project may be used for opportunistic feeding for deer; however, the Project does not offer habitat distinguishable or more preferable from the rest of the surrounding properties. The primary effect of the Project to mule deer would likely be temporary avoidance of the construction zone due to noise, vibration, and human

presence. The effects would be entirely temporary, as the Project area will be restored to pre-existing conditions and contours following construction.

Based on CPW's *Recommendations to Avoid and Minimize Impacts to Wildlife from Land Use Development in Colorado* dated 2/12/2021, disturbance within 500 feet of the Ordinary High Water Mark (OHWM) of Aquatic and Native Species Conservation Waters should be avoided year-round. The Project is located, at the nearest, 665 feet east of Coal Creek. DJSIG will employ appropriate Best Management Practices (BMPs) during construction to control surface water and sediment runoff to minimize any potential impact to receiving waters.

Bald eagles are known to nest along Coal Creek, west of the Project. CPW recommends a seasonal restriction to human encroachment within a ½-mile radius of active nests from October 15 through July 31. Should construction activities be proposed within the seasonal restriction period for bald eagles, a qualified biologist will survey the area for new nests within ½ mile of the Project at a minimum of five days prior to the start of construction.

Should a new bald eagle nest be identified within ½ mile, DJSIG will coordinate with CPW and City of Aurora PROS Open Space & Natural Resources Division for project-specific recommendations to protect nesting eagles. If the nest is determined to be occupied, a qualified biologist will monitor the nest and record behavioral observations prior to construction activities. This data will provide a behavioral baseline to determine if construction practices alter the typical bald eagle behavior. Daily nest monitoring, including recording behavioral data, will occur during all construction conducted within ½ mile of an occupied nest and at any sign of agitation or distress, the biologist will instruct workers to cease activities. In the event the nest is determined as unoccupied during CPW's seasonal restriction period, DJSIG will coordinate with City of Aurora PROS Open Space & Natural Resources Division regarding the modification of monitoring frequency from daily to once per week during active construction.

In addition to eagles, CPW lists seasonal restrictions for nesting raptors, including red-tailed hawk (*Buteo jamaicensis*), Swainson's hawk (*Buteo swainsoni*), osprey (*Pandion haliaetus*), ferruginous hawk (*Buteo regalis*), peregrine falcon (*Falco peregrinus*), prairie falcon (*Falco mexicanus*), and northern goshawk (*Accipiter gentilis*). Active nests and suitable nesting trees were observed within 0.5 mile of the Project, which is the maximum recommended seasonal buffer zone for the listed raptors. Two raptor nests (species unknown) located approximately 780 feet southwest and 1,700 feet south of the Project were previously documented by Apex biologists. Seasonal recommended restriction dates by CPW range from as early as February 1 to as late as July 31; surveys for these raptor species would be conducted by a qualified biologist prior to disturbance during this time period. If surveys identify any occupied nests prior to the start of construction during the seasonal recommended restriction dates, similar protocol to that described above in the event of nesting eagles will be employed.

The burrowing owl (*Athene cunicularia*) is the only ground-nesting bird with a breeding range that overlaps the proposed Project. Burrowing owls use prairie dog colonies as breeding habitat. Based on aerial imagery, potential burrowing owls and suitable nesting habitat (prairie dog colonies) were identified in the immediate vicinity of the Project. If construction activities are expected to commence within the nesting season for the burrowing owl (March 15 to October 31), surveys would be conducted in accordance with the CPW Recommended Survey Protocol and Action to Protect Nesting Burrowing Owls prior to the start of construction. Prairie dogs receive no federal or state protection.

Other than the avian species discussed above, impact to migratory birds is not likely. Coal Creek is the nearest location identified as exhibiting vegetation and characteristics consistent with nesting habitat of migratory birds. Avoidance strategies recommended by USFWS and CPW to avoid impacts to migratory

birds will be followed, as applicable and practicable. Strategies shall include the following efforts, which are listed in order of preference:

1. Avoid clearing wooded vegetation and construction during the migratory bird nesting season (March 15 to September 15).
2. Vegetation removal and ground-disturbing activities should be phased to occur outside of the nesting season (March 15 to September 15) and to avoid impacts to spring and fall migrants.
3. Any areas that are cleared and grubbed prior to the migratory bird season, but that are not constructed within a reasonable timeframe, would be maintained, as practicable and necessary, to avoid the regrowth of nesting habitat.
4. Survey for nesting birds within five days of construction in areas that were not cleared prior to March 15. If nests are identified during surveys, work would stop until the appropriate construction buffer around the nest can be determined. Construction would restart after nest had failed or the chicks have fledged.
5. Other reasonable, prudent, and effective measures include use of suitable mufflers on engines to minimize noise and use of approved roadways for construction traffic.

Impact Analysis Summary

Generally, the Project is located in a rural, agricultural area with little native wildlife habitat and ideal grassland habitat. Under expected conditions, it is not anticipated that construction and operation within the Project would have a more than a temporary and negligible impact on wildlife. It is possible that the Project may be used for opportunistic feeding for wildlife; however, the Project does not offer habitat distinguishable (or preferable) from the rest of the surrounding properties and the surrounding areas would provide continued suitable habitat. The primary effect is likely to be temporary wildlife avoidance of the construction zone due to noise, vibration, and human presence during one growing season. However, impacts to vegetation and wildlife would be minimized using BMPs and mitigation measures, performance of appropriate pre-construction surveys, and intentional project siting to ensure avoidance of sensitive habitat areas.

Because the nature and location of the facilities are consistent with existing conditions in the area and based on the BMPs and mitigation measures that have been incorporated, the Project would not unreasonably interfere with significant wildlife habitat or unique natural resources and would not unreasonably affect endangered wildlife species.

