

VALIDUS ENERGY OPERATING II LLC

AVIAN AND ENVIRONMENTAL PROTECTION PROGRAM

*Migratory Bird Treaty Act / Bald & Golden Eagle Protection Act Compliance and
Environmentally Sensitive Receptor Identification*

Version: 1
Date: 9/14/2026

Purpose

The Avian and Environmental Protection Program (“Program”) establishes a company-wide framework for identifying environmentally sensitive receptors and for protecting migratory birds and bald and golden eagles encountered during the development, construction, operation, and reclamation of VALIDUS ENERGY OPERATING II LLC (“Validus”) facilities. This Program supports Validus's efforts to comply with the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA), and to appropriately identify and manage other environmentally sensitive receptors, including floodplains, streams and rivers, wetlands/Waters of the United States (WOTUS), threatened and endangered species and their designated critical habitat, and Tribal lands.

Scope

This Program applies to all Validus-operated assets and activities in Oklahoma and Texas, across all asset types (wells, midstream and gathering facilities, saltwater disposal wells, processing facilities, and pipelines) and all phases of operations: Development, Construction, Operations, and Reclamation.

In addition to the federal MBTA and BGEPA, Validus's Oklahoma operations are subject to state-level wildlife protections administered by the Oklahoma Department of Wildlife Conservation (ODWC) under Title 29 of the Oklahoma Statutes (the Oklahoma Wildlife Conservation Code).

Validus's Texas operations are subject to a Railroad Commission of Texas bird-protection rule (16 TAC §3.22) and to Texas Parks and Wildlife Code nongame bird and eagle-permitting provisions below. The remaining principles of this Program apply to Validus's Texas operations, and any additional Texas-specific requirements will be identified and incorporated by EHS if and when construction activity is planned in Texas.

Based on Validus's facility inventory, the Company's current operating footprint spans the following counties but is subject to change as the operation footprint expands or contracts and will be updated in alignment with the program schedule.

State	County
Oklahoma	Blaine
Oklahoma	Grady
Oklahoma	Canadian
Oklahoma	Garvin
Oklahoma	McClain
Oklahoma	Kingfisher
Oklahoma	Logan
Oklahoma	Major
Oklahoma	Dewey
Oklahoma	Woods
Oklahoma	Custer
Oklahoma	Alfalfa
Oklahoma	Caddo
Oklahoma	Stephens

State	County
Texas	Hemphill
Texas	Wheeler

Process

- Identify and evaluate potential environmentally sensitive receptors prior to the development and construction of new facilities, pads, and pipeline corridors.
- Facilitate field-level avian awareness training so that employees can recognize and avoid disturbing migratory birds and bald or golden eagles.
- Avoid, minimize, and, where necessary, mitigate impacts to migratory birds, eagles, and other environmentally sensitive receptors throughout all phases of operations.
- Maintain records of incidents, training, wildlife observations/nest reports, and any coordination with the U.S. Fish and Wildlife Service (USFWS), Bureau of Indian Affairs (BIA), U.S. Army Corps of Engineers (USACE), or Oklahoma Department of Wildlife Conservation (ODWC), as needed.

Responsibilities

Role	Responsibility
Supervisors / Field Leadership	Ensure Program availability to relevant employees; communicate any known nests, eagle activity, or environmentally sensitive receptors relevant to their area of operation before work begins; stop work and establish a buffer if an active nest or eagle activity is discovered.
EHS	Facilitate and track annual program awareness training; Ensure this Program is updated as regulatory changes occur and/or operating conditions and assets change. Coordinate with internal teams on higher risk projects and work with USFWS, BIA, USACE, or ODWC as needed; Maintain records of incidents and conduct audits as necessary.
Land / Engineering / Operations	Incorporate environmental receptor screening early in the siting and design of new facilities, pads, and pipeline corridors and to mitigate potential impacts. Engage qualified third-party environmental consultants for larger or higher-risk projects if necessary.
Validus Employees	Complete required training; recognize and report nests, eagle activity, and sensitive receptors encountered during routine operations; avoid disturbing wildlife and habitat.

Definitions

Term	Definition
Migratory Bird Treaty Act (MBTA)	Federal law (16 U.S.C. § 703 et seq.) prohibiting the take of migratory birds, their eggs, nests, or parts without authorization from USFWS.
Bald and Golden Eagle Protection Act (BGEPA)	Federal law (16 U.S.C. § 668 et seq.) prohibiting the take of bald or golden eagles, their nests, or eggs without authorization from USFWS.
Take	To pursue, hunt, shoot, wound, kill, trap, capture, or collect a protected bird, or to attempt any of the foregoing; under BGEPA, take also includes to disturb.
Active Nest	A nest that contains an egg or dependent young, or that is otherwise being used by adult birds for breeding purposes.

Term	Definition
USFWS	United States Fish and Wildlife Service.
IPaC	USFWS's Information for Planning and Consultation system, used to generate official species and critical habitat lists for a defined project area.
Critical Habitat	Specific geographic areas designated under the Endangered Species Act that contain features essential to the conservation of a listed species.
Threatened / Endangered Species	A species listed under the Endangered Species Act as likely to become endangered (threatened) or in danger of extinction (endangered) within the foreseeable future or throughout all or a significant portion of its range.
WOTUS	Waters of the United States, as jurisdictionally defined under the Clean Water Act, including certain wetlands and relatively permanent tributaries (see Sackett v. EPA, 2023).
NWI	National Wetlands Inventory maps maintained by USFWS; a desktop screening tool only, not a substitute for a field wetland delineation.
FEMA Zone A / 100-Year Floodplain	An area of special flood hazard identified on FEMA Flood Insurance Rate Maps (FIRMs) as having a one percent (1%) annual chance of flooding.
BIA / TAAMS	Bureau of Indian Affairs; the Trust Asset and Accounting Management System, the official system of record for confirming Tribal land ownership.
Environmentally Sensitive Receptor	A floodplain, stream, river, wetland/WOTUS, threatened or endangered species or its critical habitat, Tribal land, or nesting migratory bird/eagle habitat that could be impacted by Company operations.
AJD	Approved Jurisdictional Determination issued by USACE confirming whether a specific water or wetland is a jurisdictional WOTUS.
ODWC	Oklahoma Department of Wildlife Conservation; administers Title 29 of the Oklahoma Statutes (Oklahoma Wildlife Conservation Code) and Oklahoma's state threatened/endangered species list.
TPWD	Texas Parks and Wildlife Department; administers the Texas Parks and Wildlife Code, including nongame bird protections and Texas's state threatened/endangered species list.
RRC	Railroad Commission of Texas; regulates Texas oil and gas operations, including bird-protection requirements for open-top tanks and pits under 16 TAC §3.22.
OCC	Oklahoma Corporation Commission; regulates Oklahoma oil and gas operations, including pit construction, operation, and migratory bird protection requirements under OAC 165:10.

Policies

Avian Protection Requirements

- No Validus employee shall intentionally kill, injure, disturb, or destroy a migratory bird, its eggs, or an active nest, or disturb a bald or golden eagle, its nest, or eggs, without required federal authorization.
- No Validus employee shall cause the take of any species on Texas's or Oklahoma's own state threatened/endangered species list without written TPWC or ODWC authorization.
- No Validus employee shall knowingly and willfully molest, injure, or kill any hawk, falcon, owl, or eagle, or their nests, eggs, or young, enforced by ODWC independent of federal requirements.
- Prior to ground-disturbing or vegetation/structure-disturbing activity (pad construction, pipeline trenching or boring, facility construction, tank or building work), personnel will visually check the immediate work area for evidence of nesting activity, with particular attention during the general avian breeding season in Oklahoma (approximately March through September) and the bald eagle breeding season (October 15 through July 31).
- Validus employees shall remove any oily layer on open pits and containments as soon as possible.
- If an active nest of any species, or bald/golden eagle activity (nest, roosting, or concentrated foraging), is discovered, work in the immediate area shall stop, EHS shall be notified immediately to determine an appropriate avoidance buffer. The USFWS can provide guidance on buffer distances and distances for eagles should reference the USFWS National Bald Eagle Management Guidelines.
- No employee may remove, relocate, or destroy an active nest without prior written authorization from state or federal agencies as applicable.

Environmentally Sensitive Receptor Identification

Prior to development of new facilities or pipeline projects, Validus EHS and Land staff will complete a desktop-level review to identify potential environmentally sensitive receptors, including if and when necessary:

Validus Land Staff

- Floodplains
- Streams, rivers, and wetlands/WOTUS
- Tribal lands

Validus EHS Staff

- Migratory bird and eagle activity
- Threatened and endangered species and designated critical habitat

Validus reserves the discretion to engage a third-party environmental consultant to complete a formal desktop (and, if warranted, field) environmental suitability assessment. A third-party assessment is not required for every project but may be utilized for larger or higher-risk projects. Appendix B provides a recommended scope for third-party environmental assessments.

Phase-Specific Requirements

Development:

- Complete desktop environmental receptor screening prior to final siting of new facilities or pipeline corridors.
- Where practicable, avoid siting new facilities within floodplains, WOTUS, designated critical habitat, or Tribal lands.
- Identify the need for an Approved Jurisdictional Determination (AJD), USACE nationwide permit, Endangered Species Act Section 7 consultation, or BIA coordination, and initiate as needed.

Construction:

- Conduct pre-construction nest checks of the work area and adjacent vegetation/structures.
- Implement the crossing method identified during the desktop or third-party review for wetland/WOTUS crossings (e.g., directional boring at high-concern crossings; open-cut trenching only after an AJD or field verification where the desktop review identifies medium concern).
- Maintain floodplain, erosion, and sediment controls consistent with permit conditions.
- Do not disturb confirmed Tribal parcels without appropriate clearance.
- Report any newly discovered receptor (nest, eagle activity, wetland, or habitat feature) not identified in the desktop review to EHS.

Operations:

- Maintain facility housekeeping and vegetation management practices that discourage new nesting on sensitive equipment (performed outside of the nesting season where practicable).
- Periodically inspect facilities for new nesting activity.
- Manage spill prevention and containment near floodplains, streams, and rivers consistent with the Company's Spill Prevention, Control, and Countermeasure (SPCC) Plan and Incident Management Policy.
- Remove oily layers from open pits and containments as soon as possible.
- Continue to avoid disturbance of previously identified sensitive receptors.

Reclamation:

- Repeat nest checks and, where reclamation constitutes new ground disturbance, repeat the applicable desktop screening.
- Restore disturbed areas, including floodplain and wetland buffer areas, consistent with landowner agreements and regulatory requirements.
- Confirm no Tribal land or critical habitat encroachment occurs during final restoration activities.

Reporting

Immediate notification to EHS is required for any of the following:

- A bald or golden eagle nest, roost, or sighting.
- An active migratory bird nest disturbed or discovered in a work area.
- Suspected impact to a WOTUS/wetland, floodplain, Tribal land, or threatened/endangered species critical habitat.

Training

- Annual refresher training is required for all field personnel, covering MBTA/BGEPA basics, avoidance practices, identification of common Oklahoma avian species, nest recognition, and reporting procedures.
- Specialized training is provided as necessary, such as for personnel involved in new pipeline routing or facility siting.

Inspections, Recordkeeping and Reporting

- All incidents, including Avian, and any third-party assessment reports will be kept electronically for a minimum of three (3) years.
- Field locations shall be visually inspected periodically for new nesting activity, particularly ahead of planned ground-disturbing work.

- Any coordination or correspondence with USFWS, BIA, USACE, or ODWC shall be documented and retained.
- Federal or state reports shall be filed and retained as required.

Program Review and Updates

This Avian and Environmental Protection Program will be reviewed annually. Updates will be communicated to all relevant field personnel.

Appendix A: Where to Find Current Species and Receptor Listings

Federal and state threatened/endangered species lists, migratory bird data, wetlands mapping, floodplain designations, and Tribal land records are updated on an ongoing basis and are not reproduced in this Program. Current information as required shall be obtained from the sources below and refreshed as necessary.

Category	Where to Check the Current List	Notes
Federally listed threatened/endangered species and critical habitat	USFWS IPaC (https://ipac.ecosphere.fws.gov/) — generate a project-specific official species list for the exact location.	IPaC species lists are valid for 90 days per 50 CFR 402.12(e); request a new list for each new project or if more than 90 days have passed.
Oklahoma state-listed threatened/endangered species and rare species location data	Oklahoma Department of Wildlife Conservation Threatened & Endangered Species List; Natural Heritage Inventory (ONHI)/Oklahoma Biodiversity Information System (OBIS), Oklahoma Biological Survey, University of Oklahoma (https://ou.edu/oknaturalheritage)	ONHI provides location data only to section-level (1 sq. mi.) or coarser for sensitive species, by request; it is a rare-species occurrence database, not a real-time nest-location layer, and is only as complete as the records reported to it.
Texas state-listed threatened/endangered and rare species location data	Texas Natural Diversity Database (TXNDD), TPWD (email TexasNatural.DiversityDatabase@tpwd.texas.gov , or request ArcGIS Online IRT access for continuous map viewing); also see the TPWD Rare, Threatened, and Endangered Species of Texas by County list.	TXNDD is location-specific element-occurrence data (points/polygons), typically returned within about five business days of a request; treat it the same way as ONHI — a desktop occurrence record, not a guarantee of absence.
Migratory bird / eagle probability of presence and breeding season data	USFWS IPaC migratory bird report, generated as part of the same IPaC project query.	Use to help schedule ground-disturbing work outside of peak breeding activity where practicable.
Active nest locations — bald/golden eagles and other raptors	No public, comprehensive GIS layer of active nest locations exists for Oklahoma or Texas.	Land staff shall conduct a pre-construction visual nest survey of the project footprint and surrounding area before ground disturbance.
Wetlands / WOTUS	USFWS National Wetlands Inventory Wetlands Mapper (https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper); GIS users may also connect directly to the NWI REST/WMS map services for use in ArcGIS or similar software; confirm jurisdictional status with the applicable USACE District.	NWI maps are a desktop screening tool only; field delineation and/or an Approved Jurisdictional Determination is required for a final determination.
Floodplain	FEMA Flood Map Service Center (https://msc.fema.gov/); the National Flood Hazard Layer (NFHL) is also available as a GIS web service for use in ArcGIS or similar software.	Check the current effective FIRM panel for the project location; panels are periodically revised.
Tribal (BIA) lands	BIA Tract Viewer; confirm against Trust Asset and Accounting Management System (TAAMS) records or the applicable BIA agency office.	The BIA Tract Viewer is a mapping reference only, not a legal record of ownership.

Appendix B: Third-Party Environmental Assessment — Recommended Scope

When Validus elects to engage a qualified third-party environmental consultant for a desktop or field environmental assessment (e.g., for a new pipeline corridor or larger facility siting project), the assessment may address the following:

1. Project/corridor description, including mapping of the proposed alignment or site.
2. Topographic review of the project area.
3. Floodplain review, evaluating FEMA Flood Insurance Rate Map panels along the alignment or site and noting any Zone A/AE crossings or overlaps.
4. Wetlands/WOTUS review using National Wetlands Inventory maps, with a high/medium/low concern classification for each potential crossing and a recommended crossing method (e.g., directional boring at high-concern crossings; field verification or Approved Jurisdictional Determination prior to open-cut trenching at medium-concern crossings).
5. Threatened and endangered species and critical habitat review using the USFWS IPaC official species list, including identification of any designated critical habitat overlapping the project area and recommended avoidance/mitigation measures.
6. Tribal (BIA) lands review using the BIA Tract Viewer, with a recommendation to confirm any identified parcels against Trust Asset and Accounting Management System (TAAMS) records or the applicable BIA agency office.
7. A summary of findings and recommended mitigation, permitting, or further study needs (e.g., wetland delineation, biological assessment, Tribal coordination) to be incorporated into final design, permitting, and construction planning.

This engagement is at Validus's discretion and is not required for every project. Smaller projects, or projects sited in previously screened or lower-risk areas, may rely on the in-house desktop review described in this Program.

Change Log

Date	Change(s) Made	Approved By
9/14/2026	Original Document	

Avian_and_Environmental_Protection_Program

Final Audit Report

2026-10-02

Created:	2026-09-17
By:	Jennifer Shea (jennifers@validus-energy.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAzxbiRI22pCJZIUC_I_MSjQXtEgHDI2ga

"Avian_and_Environmental_Protection_Program" History

 Document created by Jennifer Shea (jennifers@validus-energy.com)
2026-09-17 - 7:55:08 PM GMT

 Document emailed to Don Amos (dona@validus-energy.com) for signature
2026-09-17 - 7:55:11 PM GMT

 Email viewed by Don Amos (dona@validus-energy.com)
2026-09-17 - 7:55:17 PM GMT

 Email viewed by Don Amos (dona@validus-energy.com)
2026-09-24 - 8:00:16 PM GMT

 Email viewed by Don Amos (dona@validus-energy.com)
2026-10-01 - 7:59:55 PM GMT

 Document e-signed by Don Amos (dona@validus-energy.com)
Signature Date: 2026-10-02 - 2:59:56 AM GMT - Time Source: server - Signature Appearance Selected: IMAGE

 Agreement completed.
2026-10-02 - 2:59:56 AM GMT