

Wavetech Helium, Inc. (Wavetech) proposed Burlington-Rosa Oil and Gas Development Plan includes three (3) helium locations. The proposed locations meet COGCC Rule 309.e(2) A. as they are classified as Lesser Prairie Chicken Estimated Occupied Range under COGCC Rule 309.e.1.

Upstream Petroleum Management began the CPW consultation on behalf of Wavetech on September 7<sup>th</sup>, 2022. Andrea Gross facilitated a virtual meeting with Karen Voltura, Energy Liaison and Land Use Specialist for CPW for the Southeast Region. Multiple locations were presented, including the locations within the Burlington-Rosa OGD. Wavetech explained the limitations of the geological formations and channels which present great difficulty in moving any of the locations.

Additional meetings were held and information shared via email and phone conversations between Wavetech and CPW. Meetings with CPW and United States Fish and Wildlife Service that have taken place are as follows:

- September 7, 2022 – CPW Energy Liaison and Land Use Specialist (K. Voltura)
- January 13, 2023 – CPW (K. Voltura)
- January 17, 2023 – USFWS (C. O’Meille); CPW (K. Voltura, L. Rossi, T. Marriott)
- February 22, 2023 – USFWS (C. O’Meille)
- April 11, 2023 – CPW (K. Voltura); COGCC (M. Housey, E. Waldron)

All three of the locations proposed in the Burlington-Rosa OGD are within cultivated agricultural parcels, which are not suitable habitat for the Lesser Prairie Chicken (LPC)

There are several layers of LPC High Priority Habitat that fall within Cheyenne County. They are the following:

Rule 1202.c. NSO Habitat

- Lesser Prairie Chicken Lek site

Rule 1202.d Density Habitat

- Lesser Prairie Chicken Focal Area

Rule 309.e.1 Other Consultation Habitat

- Lesser Prairie Chicken Connectivity Area
- Lesser Prairie Chicken Estimated Occupied Range

The vast majority of Cheyenne County is within the Lesser Prairie Chicken Estimated Occupied Range. All Wavetech’s proposed locations fall within Estimated Occupied Range. No locations to date have been proposed within a Lek or the Focal Area.

Additional information was submitted via email on the limitation in moving the proposed locations. Additional photos, maps and shapefiles were provided to CPW via email on January 13, 2023.

A multi-agency meeting took place on January 17, 2023, that included representatives of CPW, including Karen Voltura and Liza Rossi, as well as representatives from U.S. Fish and Wildlife. USFW confirmed that LPC may avoid otherwise suitable habitats within 1,800 meters (5,905 ft) of a turbine (LPC Conservation 2021).

Best Management Practices (BMP), along with minimization and avoidance measures were discussed. During the meeting on April 11, 2023, it was stated that timing stipulations would not be required for the locations not within grassland and within 1800m of an existing wind turbine. The following BMPs were agreed upon.

- 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 are 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.
- The operator will return the land back to cropland per surface owner agreement.