



**VIA EFORMS**

Director Julie Murphy  
Colorado Oil & Gas Conservation Commission  
1120 Lincoln Street, Suite 801  
Denver, CO 80203

September 15, 2023

RE: Rule 304.d. Lesser Area Impact Exemption Request  
Wavetech Helium Inc.  
**1 Wavetech Hillman Family Trust 43-15 Location**  
T12S R43W Sec. 15: NW/4 SE/4  
Cheyenne County, Colorado

Dear Director Murphy:

Wavetech Helium Inc. (Wavetech) respectfully requests that the Director grant a Lesser Impact Exemption pursuant to Colorado Oil and Gas Conservation Commission (COGCC) Rule 304.d. for the above referenced Location.

COGCC Rule 304.d. stipulates that the Director may exempt an Operator from submitting any of the information required by Rule 304.b, or any plan required by Rule 304.c under certain circumstances:

*The impacted resource or resource concern are not present in the area; or Impacts to the resource will be so minimal as to pose no concern.*

The Lesser Impact Area exemptions are listed on Appendix A with all applicable information as requested by COGCC.

Wavetech has engaged with Colorado Parks and Wildlife on the proposed location. CPW has acknowledged the minimal impacts to the Lesser Prairie Chicken due to the existing wind turbines in the vicinity. CPW has stated they will not request any timing stipulations for this location or noise and light Best Management Practices.

Wavetech requests the Director grant the proposed Lesser Area Impact Exemption requests.

Please send a copy of all correspondence to Upstream Petroleum Management, Inc. at 7000 S. Yosemite St., Suite 290B, Englewood, CO 80112. Please contact me at 303-942-0506 or at [agross@upstreampm.com](mailto:agross@upstreampm.com) if you have any questions.

Sincerely,

Andrea Gross  
Permit Agent for Wavetech Helium, Inc.

cc: Wavetech Helium, Inc.

**Your Assets / Our Expertise**

- Regulatory
- Storm-water Management Plans
- Project Coordination
- Permitting
- Government Relations
- EA/EIS Assistance

**Exemption requested from: Rule 304.c.(2) & 423.a. Noise Mitigation Plan**

**Resource concern: Noise impacts to People and Wildlife**

**Exemption Circumstance: Impact to Resource is minimal.**

**Description:** This location is in a very remote area. A review of available map data and plats indicates the closest residential building unit is over 1 mile from the proposed working pad surface. Based on this distance from the wellpad, it is unlikely that on-site noise will adversely affect the nearest building units.

The location is within the Lesser Prairie Chicken (LPC) Estimated Occupied Range. In Eastern Colorado, in the locale of the proposed project, the LPC is typically associated with native grasslands, sandsage, and with lands managed under the Conservation Reserve Program (CRP). Habitats and landcover types other than these, including agricultural crops, are not considered suitable LPC habitats. The U.S Fish and Wildlife Service (USFWS) has suggested LPC may avoid otherwise suitable habitats that are within 1,800 meters (5,905 feet) within an existing wind turbine (USFWS 2021<sup>1</sup>). Included in the *Range-Wide Oil and Gas Candidate Conservation Agreement with Assurances for the Lesser Prairie-Chicken (Tympanuchus pallidicinctus) in Colorado, Kansas, New Mexico, Oklahoma and Texas*” (USFWS and WAFWA 2014) is a noise minimization measure that precludes noise levels greater than 75 decibals (dB) for facility construction and operation activities within 1.25 miles of a known lek.

A biological reconnaissance survey was completed at the proposed site on August 29, 2022. At the time of this survey, the habitat at the proposed location was agriculture (sorghum). A review of publicly available aerial imagery indicates the parcel in which the project is proposed has been used for agricultural practices routinely since 1993. Six (6) operational wind turbines exist within 1,800 of the proposed working pad surface. The closest windmill is 203’ (62m) from the working pad surface. The next closest windmill is 2,164’ (660m) from the working pad surface. The proposed working pad surface is 2.7 miles from a CPW mapped lek buffer.

Based on the lack of suitable LPC habitat at the proposed location, the existence of six (6) wind turbines within 1,800 meters, and a distance greater than 1.5 miles from a known lek, implementation of the proposed project is not expected to have any impacts on LPC. Implementation of the proposed project would not alter or remove suitable LPC habitat. LPC are expected to avoid the areas associated with the proposed project based on the absence of suitable vegetative cover and because of the presence of six existing wind turbines. As such, implementation of the proposed project is not expected to directly or indirectly impact LPC. Lastly, noise levels associated with the proposed construction and operation of the project are not expected to impact LPC based on their absence in habitats associated with the project location and based on the extreme distance from a known lek.

The noisiest phase of the project will be during the construction and drilling phase which will last approximately 15 days. The anticipated rig will comply with the COGCC Commercial/Agriculture permissible noise levels. Per a conversation with Karen Voltura, the Commercial/Agriculture permissible noise levels are acceptable in this area. Due to the short and temporary duration of these phases, impacts to wildlife will be minimal.

There will be minimal long-term noise impacts during the production phase due to truck traffic. There will not be any compressors on location. All gas will utilize an existing gas gathering system. Any oil or produced water will be stored on location in tanks and hauled by truck off location 1-2 times per week. To

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<sup>1</sup> LPC Conservation LLC (2021). Renewable (Wind and Solar) Energy, Power Line, and Communication Tower Habitat Conservation Plan for the Lesser Prairie-chicken. Colorado, Kansas, New Mexico, Oklahoma, and Texas. Available online at: [https://www.fws.gov/sites/default/files/documents/508%20Compliant%20LEPC%20Renewables%20HCP\\_07.20.2021\\_rev.pdf](https://www.fws.gov/sites/default/files/documents/508%20Compliant%20LEPC%20Renewables%20HCP_07.20.2021_rev.pdf). Accessed on September 12, 2022

conclude, the resource concern (LPC) is not present in the area and the distance to a known lek is great enough that potential impacts will be minimal.

**Exemption requested from: Rule 304.c.(3) & 424.a. Light Mitigation Plan**

**Resource concern: Light impacts to People and Wildlife**

**Exemption Circumstance: Impact to Resource is minimal.**

Description: A review of available map data and plats indicates the closest residential building unit is over 1 mile from the proposed working pad surface. It is unlikely that on-site lighting will adversely affect the nearest building units. The distance from the Working Pad Surface to the nearest public road is 786'. Lighting will not impact traffic. The public road is not heavily used. No permanent lighting will be installed. Light during night hours may only occur during the drilling phase which will last no more than 7 days. If Lighting will be limited to rig-mounted lighting that will be cast downward during well drilling. Lighting will be removed after well drilling. The location will not be lit during completion or production. However, the nearby wind turbines do have lights per FAA regulations. The additional lights will not cumulatively impact the wildlife.

The location is within the Lesser Prairie Chicken (LPC) Estimated Occupied Range. In Eastern Colorado, in the locale of the proposed project, the LPC is typically associated with native grasslands, sandsage, and with lands managed under the Conservation Reserve Program (CRP). Habitats and landcover types other than these, including agricultural crops, are not considered suitable LPC habitats. The U.S Fish and Wildlife Service (USFWS) has suggested LPC may avoid otherwise suitable habitats that are within 1,800 meters (5,905 feet) within an existing wind turbine (USFWS 2021).

A biological reconnaissance survey was completed at the proposed site on August 29, 2022. At the time of this survey, the habitat at the proposed location was agriculture (sorghum). A review of publicly available aerial imagery indicates the parcel in which the project is proposed has been used for agricultural practices routinely since 1993. Six (6) operational wind turbines exist within 1,800 of the proposed working pad surface. The proposed working pad surface is 2.7 miles from a mapped CPW lek buffer.

Based on the lack of suitable habitats at the proposed location and the expected lack of occurrence of LPC in the area associated with the proposed location, any new temporary light sources associated with the proposed project will result in minimal impacts on LPC. The *resource concern* (LPC) *is not present in the area.*