

**Wavetech Helium, Inc.**



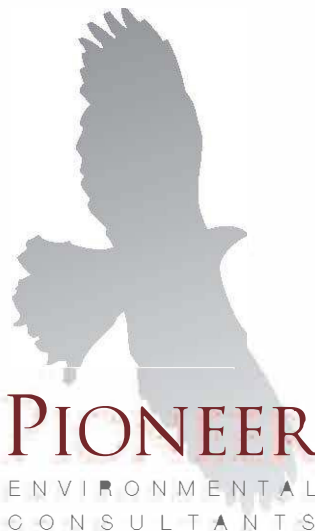
**#1 Wavetech Wulff Trust 43-5**

## **Wildlife Protection Plan**

*Prepared for:*  
State of Colorado  
Energy and Carbon Management Commission

*On Behalf of:*  
Wavetech Helium, Inc.

*Prepared by:*



Pioneer Environmental Consultants, LLC  
And  
Miracle Energy Consulting, LLC

October 2023

## TABLE OF CONTENTS

---

1.0	INTRODUCTION .....	1
2.0	PROJECT DESCRIPTION.....	1
3.0	SITE DESCRIPTION .....	1
4.0	BIOLOGICAL EVALUATION.....	2
5.0	OPERATING REQUIREMENTS AND BMPS.....	2
6.0	REFERENCES .....	5

---

## **1.0 INTRODUCTION**

---

This Wildlife Protection Plan (WPP) is prepared on behalf of Wavetech Helium, Inc. (Wavetech) for the #1 Wavetech Wulff Trust 43-5 (Wulff Trust 43-5) project in Cheyenne County, Colorado. This WPP is intended to adhere to the Colorado Energy and Carbon Management Commission (ECMC) (formerly Colorado Oil and Gas Conservation Commission (COGCC)) Rules 304.c.(17) and 1201.a, for an Oil and Gas Location outside of High Priority Habitat (HPH) that describes the implementation of operating requirements pursuant to Rules 1202.a at the proposed Oil and Gas Location.

### **Rule 304.c.(17)**

All Form 2As will include site-specific plans that demonstrate compliance with the Commission's Rules for the operation of the proposed Oil and Gas Location in a manner that is protective of and avoids, minimizes and mitigates adverse impacts to public health, safety, welfare, the environment, and wildlife resources, including a Wildlife Protection Plan or a Wildlife Mitigation Plan consistent with the requirements of Rule 1201 (Wildlife Plans).

### **Rule 1201.a**

Wildlife Protection Plan. Proposed Oil and Gas Operations on new or amended Oil and Gas Locations requiring a new Form 2A, Oil and Gas Location Assessment outside of High Priority Habitat require a Wildlife Protection Plan that includes a description of the Rule 1202.a operating requirements applicable to the Oil and Gas Location. Wildlife Protection Plans do not require Colorado Parks and Wildlife (CPW) consultation or approval.

## **2.0 PROJECT DESCRIPTION**

---

The proposed Wulff Trust 43-5 Location is in Cheyenne County, Colorado. The legal description is Township 15 South, Range 42 West, Section 5. Wavetech plans to drill and develop a conventional well that will produce helium containing natural gas, water, and possibly oil. The proposed project will include construction of a pad, access road, and collection pipeline to an existing gathering system. All gas production will go directly to the existing Ladder Creek plant, via an existing pipeline gathering system. The Ladder Creek Pipeline Gathering System is operated by Tumbleweed Midstream. The gas processing facility will be on lands outside those addressed in the Oil and Gas Development Plan. The proposed Location is fee surface and fee minerals. No federal surface or minerals are involved in this project. Total disturbance is estimated to be approximately 2.8 acres. The working pad surface is estimated to be approximately 2.1 acres. All operations would be completed in compliance with applicable federal, state, and local laws, rules, and regulations.

## **3.0 SITE DESCRIPTION**

---

The proposed Location is in the High Plains ecoregion, which is typical for eastern Colorado. Typical native vegetative cover in the region is dominated by grassland and herbaceous cover types. Native habitats at the proposed Location have been converted to cultivated crops.

## 4.0 BIOLOGICAL EVALUATION

---

The biological evaluation of the proposed Location is based on a desktop review. The desktop review included use of the USFWS Information for Planning and Consultation (IPaC) website, the Colorado Parks and Wildlife (CPW) Colorado's Conservation Data Explorer (CODEX) website; and examination of several publically available datasets including USFWS National Wetland Inventory (NWI), Southwest Regional Gap Analysis Project (SWReGAP), and others.

A report was generated using the USFWS IPaC website that describes the federally-listed species with the potential to occur at the proposed Location (USFWS 2023). Federally-listed species with the potential to occur at the proposed Location include the Gray Wolf (*Canis lupus*; endangered) and the Lesser Prairie-Chicken (*Tympanuchus pallidicinctus*; threatened; LEPC). Based on the known distribution of wolves in Colorado, the Gray Wolf is not expected to occur at the proposed Location. The proposed Location is not within LEPC Estimated Occupied Range (EOR) or any other HPH. Additionally, there are no grassland/CPR habitats associated with the proposed Location. Based on the absence of suitable LEPC habitats, the LEPC is not expected to occur at the proposed Location.

The CPW CODEX report identified the LEPC and burrowing owl (*Athene cunicularia*) as state-listed species with the potential to occur within two miles of the proposed Location (CPW 2023). No burrowing owl nesting habitat, particularly active or abandoned prairie dog colonies, is known to occur at the proposed Location. The burrowing owl is not expected to occur at the proposed Location. Based on the proposed Location occurring outside of LEPC HPH and the absence of suitable LEPC habitats at the Location, LEPC is not expected to occur at the Location.

## 5.0 OPERATING REQUIREMENTS AND BMPs

---

The following are operating requirements as identified in Rule 1202. Also presented are Wavetech's plans to adhere to those that are applicable to the proposed Location.

- 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 Location is not 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 water body. 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.

***No operations will withdraw from or discharge into surface waters.***

- (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.

***Staging, refueling or chemical storage will not be within 500’ of any river, perennial, or intermittent stream, lake, pond or wetland.***

- (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).

***No pits are proposed for the Location. A closed-loop mud system will be used for drilling 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.

***Operator will comply.***

- (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.

***Operator will use a CPW-approved seed mix for reclamation, when consistent with the Surface Owner’s approval.***

- (7) Operators will use CPW-recommended fence designs when consistent with the Surface Owner’s approval and any Relevant Local Government requirements.

***Operator will install fence consistent with CPW and surface owner, if requested.***

- (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, 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.

***Operator will comply.***

- (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.

***No pits will be on the Location.***

- (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;
  - 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.

***This Location is not within 1,000' upgradient of a Rule 1202.c High Priority Habitat.***

11. 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.

***No flowline or other underground utility associated with the Location will cross either a perennial stream or an aquatic HPH.***

- 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 the CPW.

***Operator will comply.***

- c. Except as specified pursuant to Rule 1202.c.(2), Operators will conduct any new ground disturbance and well work, including access road and pad construction, drill and completion activities, and flowline/utility corridor cleaning and installation activities in the High Priority Habitats listed in Rule 1202.c.(1). [...] Lesser prairie chicken (within 1.25 miles of the lek site).

***Location is not within 1.25 miles of a lek site.***

- d. All Oil and Gas Development Plans submitted after January 15, 2021, including amendments to previously-approved Form 2As, that cause the density of Oil and Gas Locations to exceed 1 per square mile in the High Priority Habitats listed in Rule 1202.d require a CPW-approved Wildlife Mitigation Plan pursuant to 1201.b or other CPW-approved conservation plan and compensatory mitigation for Wildlife Resources pursuant to Rule 1203. This Rule 1202.d applies to the following habitat types:....lesser prairie chicken focal areas.

***Implementation of the proposed Location will not cause the density of Oil and Gas Locations to exceed one per square mile in HPH.***

### **5.1.1 BMPs**

The Operator commits to implementing the following Best Management Practices in the operations area:

- 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 is 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 land will be reclaimed back to cropland in consultation with the surface owner.

## **6.0 REFERENCES**

---

Colorado Parks and Wildlife (CPW). High Priority Habitat (HPH) data. Available online at: [https://cogccmap.state.co.us/cogcc\\_gis\\_online/](https://cogccmap.state.co.us/cogcc_gis_online/). Accessed on October 9, 2023.

CPW. 2023. Colorado's Conservation Data Center (CODEX). Project Review Reports for the Wavetech Wulff Trust 43-5 Location.

- CPW. 2020. Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors. Available online at <https://cpw.state.co.us/Documents/WildlifeSpecies/LivingWithWildlife/Raptor-Buffer-Guidelines.pdf>. Accessed on September 5, 2022.
- Environmental Protection Agency (EPA). 2023. Ecoregion Download Files by State – Region 8. <https://www.epa.gov/eco-research/ecoregion-download-files-state-region-8#pane-05>. Accessed on June 27, 2023.
- U.S. Fish and Wildlife Service (USFWS). 2022. Information for Planning and Consultation (IPaC) Resource List for Wavetech Wulff Trust 43-5 Location.