



VIA EFORMS

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

February 28, 2024

RE: Rule 304.d. Lesser Area Impact Exemption Request
Wavetech Helium Inc.
1 Wavetech Hadachek Trust 21-23
Sec. 23 T13S R43W (NE/4 NW/4)
Cheyenne County, Colorado

Dear Director Murphy:

Wavetech Helium Inc. (Wavetech) respectfully requests that the Director grant a Lesser Impact Exemption pursuant to Colorado Energy & Carbon Management Commission (ECMC) Rule 304.d. for the above referenced Location.

ECMC 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 ECMC.

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 if you have any questions.

Sincerely,

Andrea Gross
Permit Agent for Wavetech Helium, Inc.

cc: Wavetech Helium, Inc.

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 1/2 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 (LEPC) 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 LEPC may avoid otherwise suitable habitats that are within 1,800 meters (5,905 feet) within an existing wind turbine (USFWS 2021¹). 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 decibels (dB) for facility construction and operation activities within 1.25 miles of a known lek.

Implementation of the proposed project is not expected to cause direct or indirect impacts to LEPC. This determination is based on several factors:

- There are no LEPC suitable grassland or CRP habitats in areas proposed for disturbance or within the 300-meter impact radius assigned to oil or gas wells. Therefore, modification of the habitat is not characterized as significant.
- There are no known leks or suitable nesting habitats in areas proposed for disturbance or within the 300-meter impact radius assigned to oil or gas wells. Therefore, modification of the habitat does not significantly impair essential behavior patterns.
- There are six (6) wind turbines within 1,800 meters of the proposed Location. The closest one being 120 meters.
- Implementation of the proposed project is not expected to kill or injure LEPC.

The noisiest phase of the project will be during the construction and drilling phase, which will last approximately 15 days. The proposed location will utilize a work-over rig. Work-over rigs will comply with the Colorado Energy & Carbon Management Commission (CECMC) 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 conclude, the resource concern (LEPC) is not present in the area and the distance to a known lek is great enough that potential impacts will be minimal.

¹ 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. Accessed on September 12, 2022

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 indicate the closest residential building unit is over 1/2 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 917'. 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. 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).

Based on the lack of suitable habitats at the proposed location and the expected lack of occurrence of LEPC in the area associated with the proposed location, any new temporary light sources associated with the proposed project will result in minimal impacts on LEPC.