

**From:** [Voltura - DNR, Karen](#)  
**To:** [Andrea Gross](#)  
**Cc:** [Steve Faulk - Pioneer Environmental Consultants, INC. \(sfaulk@pioneer-consulting.com\)](#); [Igor Gendelman](#); [Kelsey Wasylenky](#)  
**Subject:** Re: Wavetech OGDV V Consultation Request  
**Date:** Thursday, February 22, 2024 9:09:43 AM

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Andrea, I have reviewed the submitted request and we appreciate the details included in your request on behalf of Wavetech. I can confirm CPW will support a waiver of the ALA on the three locations described in your email and included in the Wavetech OGDV V based on the details as discussed. In our consultation comments on the full application CPW will include more detailed assessment of the locations and the approved waiver that includes site specifics. This will also be included in the comments CPW provides for the 2A in the final packet, to be consistent with the information provided here.

CPW supports Wavetech's request for an ALA waiver under ECMC Rule 304.b.(2).B.viii for the following three locations:

Wavetech Hadachek Trust 22-11 Production Pad and Well Pad. The proposed well location is within cultivated agriculture with the associated production pad located along the county road to the north. There is limited impact of wind turbines at this location, both in number and distance to the proposed site, however existing disturbance and ground use will limit any significant use of the site by lesser prairie chickens at both the well and production location.

Wavetech Hadachek Trust 21-23. The location of this pad within cultivated agriculture and in close proximity to wind turbines both east and west of the proposed pad supports a waiver of the ALA at this site, as does the more significant distance to the nearest mapped lek.

Karen Voltura  
Energy Liaison and Land Use Specialist  
Colorado Parks and Wildlife, Southeast Region



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On Mon, Feb 5, 2024 at 3:00 PM Andrea Gross <[agross@upstreampm.com](mailto:agross@upstreampm.com)> wrote:

Hi Karen,

Per our conversation on February 2<sup>nd</sup>, please find the ALA requests and reasoning in the Wavetech OGDV V:

**1 Wavetech Hadachek Trust 22-11 Production Pad:** Wavetech respectfully request a waiver to the ECMC Rule 304.b.(2).B.viii. The location is within the Lesser Prairie Chicken (LPC) Estimated Occupied Range and LPC Connectivity Area. 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 decibels (dB) for facility construction and operation activities within 1.25 miles of a known lek.

This location will only house production equipment for the proposed 1 Wavetech Hadachek Trust 22-11 drill pad which is approximately 1,027’ southeast in an agricultural pivot center. The production pad is 50’ from a County Road and 750’ northeast of a largescale agricultural staging area. There is also a producing oil and gas location 865’ northwest of the proposed production pad. There is a wind turbine 1,555 meters southwest and the nearest lek buffer is 2.97 miles northeast. Based on the lack of suitable LPC habitat at the proposed location, the existence of one (1) wind turbine 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 one existing wind turbine. 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.

**1 Wavetech Hadachek Trust 22-11 Drill Pad:** Wavetech respectfully request a waiver to the ECMC Rule 304.b.(2).B.viii. The location is within the Lesser Prairie Chicken (LPC) Estimated Occupied Range and LPC Connectivity Area. 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>[2]</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 decibels (dB) for facility construction and operation activities within 1.25 miles of a known lek.

This location will only contain the wellhead. The production equipment will be housed on a different location, approximately 1,027 northwest. The proposed drill pad is in the middle of an agricultural pivot. The drill pad is 900’ from a County Road and 1,600’ east of a largescale agricultural staging area. There is a wind turbine 1,655 meters southwest and the nearest lek buffer is 2.86 miles northeast. Based on the lack of suitable LPC habitat at the proposed location, the existence of one (1) 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 one existing wind turbine. 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.

**1 Wavetech Hadachek Trust 21-23:** Wavetech respectfully request a waiver to the ECMC Rule 304.b.(2).B.viii. The location is within the Lesser Prairie Chicken (LPC) Estimated Occupied Range and LPC Connectivity Area. 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>[3]</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 decibels (dB) for facility construction and operation activities within 1.25 miles of a known lek.

The proposed location is in a parcel used for cultivated agriculture. There are two (2) existing wind turbines within 1800 meters. The closest is 115 meters and the other is 316 meters. The nearest lek buffer is 4.3 miles northeast. Based

on the lack of suitable LPC habitat at the proposed location, the existence of two (2) 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 two 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.

Please let me know if you need additional information.

Thank you,

Andrea Gross

President

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**From:** Andrea Gross

**Sent:** Tuesday, January 16, 2024 11:05 AM

**To:** [karen.voltura@state.co.us](mailto:karen.voltura@state.co.us)

**Cc:** Steve Faulk - Pioneer Environmental Consultants, INc. ([sfaulk@pioneer-consulting.com](mailto:sfaulk@pioneer-consulting.com)) <[sfaulk@pioneer-consulting.com](mailto:sfaulk@pioneer-consulting.com)>; Igor Gendelman <[igendelman@wavetechenergy.com](mailto:igendelman@wavetechenergy.com)>; Kelsey Wasylenky <[kwasylenky@jostenergyllaw.com](mailto:kwasylenky@jostenergyllaw.com)>

**Subject:** RE: Wavetech OGD V Consultation Request

Hi Karen,

Per our meeting on January 5<sup>th</sup>, I am writing to request a waiver to the ECMC Rule 304.b.(2).B.viii for the following locations:

1 Wavetech Hadachek Trust 21-11 (drilling pad)

1 Wavetech Hadachek Trust 21-11 (production pad only)

1 Wavetech Hadachek 21-33

These 3 locations are all within cultivated ag.

Please let us know if you have any questions.

Andrea Gross

President

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**From:** Andrea Gross  
**Sent:** Monday, December 11, 2023 12:46 PM  
**To:** [karen.voltura@state.co.us](mailto:karen.voltura@state.co.us)  
**Cc:** Steve Faulk - Pioneer Environmental Consultants, Inc. ([sfaulk@pioneer-consulting.com](mailto:sfaulk@pioneer-consulting.com)) <[sfaulk@pioneer-consulting.com](mailto:sfaulk@pioneer-consulting.com)>; Igor Gendelman <[igendelman@wavetechenergy.com](mailto:igendelman@wavetechenergy.com)>; Kelsey Wasylenky <[kwasylenky@jostenergylaw.com](mailto:kwasylenky@jostenergylaw.com)>  
**Subject:** Wavetech OGDV V Consultation Request

Hi Karen,

Please be advised that Wavetech will be submitting an OGDV for the following locations which are in High Priority Habitat for Lesser Prairie Chicken (LPC):

- 1 Wavetech Hadachek 21-11 (Drilling pad only): LPC Estimated Occupied Range and Connectivity Area
- 1 Wavetech Hadachek 21-11 Production Pad: LPC Estimated Occupied Range and Connectivity Area
- 1 Wavetech Hadachek 21-23: LPC Estimated Occupied Range
- 1 Wavetech Howard 22-29 : LPC Estimated Occupied Range
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All of these locations are within cultivated agriculture except the Howard 22-29 which is in rangeland. I have attached the shapefiles for each location. These locations are similar to locations that we have consulted with CPW on in the past. Wavetech will be seeking Lesser Area Impact Exemptions for Noise and Light. We understand that due to existing impacts such as active agricultural operations, existing roads to the areas, LPC is likely to avoid these areas.

Please let me know when you are available to meet to discuss these locations.

Thank you,

Andrea Gross

President

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[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](https://www.fws.gov/sites/default/files/documents/508%20Compliant%20LEPC%20Renewables%20HCP_07.20.2021_rev.pdf). Accessed on September 12, 2022

[2] 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

[3] 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