



COGCC FORM INSTRUCTIONS

FORM 2A

WILDLIFE PROTECTION PLAN

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Rule Citation(s):

See Appendix A for Rule Citations

Purpose of the Plan:

The purpose of the Wildlife Protection Plan is to provide COGCC with the operator’s plan for implementing the statewide operating requirements described in Rule 1202.a for Oil and Gas Operations that are not within High Priority Habitats (HPH). The Wildlife Protection Plan should identify the specific Rule 1202.a operating requirements that apply to the planned Oil and Gas Operations and describe the measures that are necessary to avoid and minimize impacts to wildlife resources and wildlife habitats. To accomplish this objective, the Wildlife Protection Plan should be prepared with the following strategies:

- operators should plan development activities at the largest scale possible (landscape level) in order to allow for phased or clustered development to avoid or minimize impacts to wildlife resources; and,
- develop a management program that provides for monitoring and evaluation of changes to wildlife resources and environmental conditions.

Wildlife Protection Plans may apply to a single Oil and Gas Location Assessment permit or cover multiple locations under a larger “landscape scale” plan (Oil and Gas Development Plan or Comprehensive Area Plan) to protect wildlife resources. Large-scale Wildlife Protection Plans may need additional language or mapping to address multiple wildlife species and habitats across the geographic area being analyzed.

Requirements of Wildlife Protection Plans:

The operator will develop a Wildlife Protection Plan with applicable Best Management Practices (BMPs) to identify processes, operational practices, and/or other strategies

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designed to meet the requirements of COGCC's Rules 1201.a for Wildlife Protection Plan and 1202.a describing Operating Requirements.

The Wildlife Protection Plan should include the identification of all Oil and Gas Locations covered under the plan (may include only one).

The Wildlife Protection Plan should include a brief introduction that describes the environmental setting of the Oil and Gas Location, the assessment methodology, the area assessed, and the dates the assessment was completed. The methodologies may include a desktop evaluation, a field reconnaissance, or a combination of both. In the event that a field reconnaissance was conducted, dates and time should be included with the methodology.

The Wildlife Protection Plan should include an explanation of how the Operator plans to comply with each applicable operating requirement as provided under Rule 1202.a. In the event that one or more of the Operating Requirements are not applicable, provide a brief detail as to why the requirement is not applicable. Two separate sections outlining applicable operating requirements and non-applicable operating requirements may be appropriate and helpful. The following section provides an example as may be excerpted from a Wildlife Protection Plan:

Example:

Section 3.0 Operating Requirement Considerations

The following sections provide considerations taken for each Rule-Based Operating Requirement and provide a breakdown of applicable and non-applicable operating requirements. Where applicable, a brief description of the operational practices proposed for compliance with the rules is provided.

Section 3.1 Non-applicable Operating Requirements

- *1202.a.(1) This location does not lie within black bear habitat.*
- *1202.a.(2) Withdrawal from or discharge to surface waters will not be conducted at or associated with this Oil and Gas Location.*
- *1202.a.(3) This Oil and Gas Location is not situated within 500 feet of the ordinary high-water mark of a river, perennial or intermittent stream, lake, pond, or wetland.*

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- *1202.a.(4) Pits will not be constructed for operations associated with this Oil and Gas Location.*

Section 3.2 Applicable Operating Requirements

- *1202.a.(5) Two pipelines are proposed for operations at this Oil and Gas Location. In the event that trenches associated with these pipelines will remain open for more than 5 consecutive days, wildlife escape ramps will be installed every ¼-mile per the design specifications provided in Attachment B of this document.*
- *1202.a.(6) CPW-recommended seed mixes will be used for both interim and final reclamation. Based on the onsite conducted with CPW Regional Energy Liaison, COGCC OGLA and Reclamation staff on April 15, 2021, the seed mix will include the following: the seed mix will consist of three grasses to be planted: sideoats grama at 30% [0.56 Pure Live Seed (PLS)] of the mix; big bluestem at 30% (0.48 PLS) of the mix; and switchgrass at 40% (0.81 PLS) of the mix. The seed mix will be drill seeded at a rate of 6-8 PLS pounds/acre.*
- *1202.a.(7) CPW-recommended fence designs have been reviewed and approved by the Surface Owner and will be used for fencing at this Oil and Gas Location. Fencing will consist of smooth wire set to a maximum height of 42". Vertical spacing will allow a minimum of 12" between the top two wires and a minimum of 16" between the bottom wire and the ground. White flagging will be installed along the top wire for higher visibility for ungulates and low flying birds.*

Please note that the above is an example only and that all Operating Requirement considerations must be included in the plan.

Separate from Rule-Based information, the Wildlife Protection Plan may include additional applicable information regarding wildlife not specified in the rule, including, but not limited to, habitat and species protected under federal, state, or local regulations (e.g. Endangered Species Act). When providing additional non-rule-based information, the plan should include only the results of the surveys conducted and the necessary management and protection measures. The survey reports in their entirety should not be included with the Wildlife Protection Plan.

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For separate non-Rule-Based information, we encourage operators to reference the following resources as applicable. Sources that may be reviewed during the preparation of this attachment include, but are not limited to:

- a) Critical Habitat IPaC Report: <https://ecos.fws.gov/ipac/>
- b) Migratory Birds: <https://www.fws.gov/birds/index.php>
- c) State Protected Species:
<https://cpw.state.co.us/learn/Pages/SpeciesProfiles.aspx>
- d) Buffer Zones and Seasonal Restrictions for Colorado Raptors:
<https://cpw.state.co.us/Documents/WildlifeSpecies/LivingWithWildlife/Raptor-Buffer-Guidelines.pdf>

The Wildlife Protection Plan should include a list of all sources used in the review and evaluation process and should be included in a separate section dedicated to references.

Requirements of Wildlife Protection Plans when Installing Pits:

Where pits will be used to store fluids and exploration and production waste, the Wildlife Protection Plan should include sufficient detail to demonstrate how operations will be conducted to satisfy the requirements of Rule 1202.a.(4) and 909.b and f.

The fencing and netting design will be described and maintenance intervals and failure monitoring should be established in the plan. Fencing and netting design will adhere to good engineering practices and will be detailed in the Wildlife Protection Plan. For further guidance on fencing, design specifications may rely on the following design references.

Colorado Parks & Wildlife.

<https://cpw.state.co.us/Documents/LandWater/PrivateLandPrograms/FencingWithWildlifeInMind.pdf>

US Fish & Wildlife Service.

<https://www.fws.gov/mountain-prairie/contaminants/oilPits.php>

General Notes

The 1200-Series rules provide the framework for planning Oil and Gas operations in a manner that minimizes impacts to sensitive wildlife species and habitat. The Wildlife

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Protection Plan should describe the operator's commitment to best management practices and operational measures to implement and comply with each provision of Rule 1202.a. The Rule provides the "what," the Wildlife Protection Plan should provide the "how."

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Appendix A: Rule Citations

100 Series Definition:

WILDLIFE PROTECTION PLAN means a document submitted pursuant to Rules 304.c.(17) & 1201.a for Oil and Gas Locations outside of High Priority Habitat that describes the implementation of operating requirements pursuant to Rule 1202.a at the proposed Oil and Gas Location.

304.c.(17). Wildlife Plan.

A Wildlife Protection Plan or Wildlife Mitigation Plan consistent with the requirements of Rule 1201.

909.f. Pits - Construction and Operation

Operators will fence and net or install CPW-approved exclusion devices on all new Pits pursuant to Rule 1202.a.(4).

1201. WILDLIFE PLANS

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 may address multiple Oil and Gas Locations if supplemental site-specific information is provided as needed to meet Rule 1202.a operating requirements at each Oil and Gas Location. Wildlife Protection Plans do not require Colorado Parks and Wildlife (“CPW”) consultation or approval.

1202. OPERATING REQUIREMENTS

a. The operating requirements identified in this Rule 1202.a apply to Oil and Gas Operations statewide unless the Operator obtains a signed waiver from 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.

(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:

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

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(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.

(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.

(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.

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DEFINITIONS (PITS)

PIT shall mean any natural or man-made depression in the ground used for oil or gas exploration or production purposes. Pit does not include steel, fiberglass, concrete or other similar vessels which do not release their contents to surrounding soils.

DRILLING PITS shall mean those pits used during drilling operations and initial completion of a well, and include:

ANCILLARY PITS used to contain fluids during drilling operations and initial completion procedures, such as circulation pits and water storage pits.

COMPLETION PITS used to contain fluids and solids produced during initial completion procedures, and not originally constructed for use in drilling operations.

FLOWBACK PITS used to contain fluids and solids produced during initial completion procedures.

RESERVE PITS used to store drilling fluids for use in drilling operations or to contain E&P waste generated during drilling operations and initial completion procedures.

MULTI-WELL PITS means Pits used for treatment, storage, recycling, reuse, or disposal of E&P Wastes generated from more than one well.

PRODUCTION PITS means pits used after drilling operations and initial completion of a well, including pits related to produced water flowlines or associated with E&P waste from gas gathering, processing and storage facilities, which constitute:

SKIMMING/SETTLING PITS used to provide retention time for settling of solids and separation of residual oil for the purposes of recovering the oil or fluid.

PRODUCED WATER PITS used to temporarily store produced water prior to injection for enhanced recovery or disposal, off-site transport, or surface-water discharge.

PERCOLATION PITS used to dispose of produced water by percolation and evaporation through the bottom or sides of the pits into surrounding soils.

EVAPORATION PITS used to contain produced waters which evaporate into the atmosphere by natural thermal forces.

RESERVE PITS shall mean those pits used to store drilling fluids for use in drilling operations or to contain E&P waste generated during drilling operations and initial completion procedures.

SPECIAL PURPOSE PITS means pits used in oil and gas operations, including pits related to produced water flowlines or associated with E&P waste from gas gathering, processing and storage facilities, which constitute:

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BLOWDOWN PITS used to collect material resulting from, including but not limited to, the emptying or depressurizing of wells, vessels, or flowlines, or E&P waste from gathering systems.

FLARE PITS used exclusively for flaring gas.

EMERGENCY PITS used to contain liquids during an initial phase of emergency response operations related to a spill/release or process upset conditions.

BASIC SEDIMENT/TANK BOTTOM PITS used to temporarily store or treat the extraneous materials in crude oil which may settle to the bottoms of tanks or production vessels and which may contain residual oil.

WORKOVER PITS used to contain liquids during the performance of remedial operations on a producing well in an effort to increase production.

PLUGGING PITS used for containment of fluids encountered during the plugging process.