

Colorado Oil & Gas Conservation Commission
HB 1298 Rulemaking Activity –Wildlife Working Group
January 8, 2008
Meeting Summary

Welcome, Introductions, Announcements

Video feeds will be available at the DOW regional offices for all meetings however it is recommended that working group participants participate in person

This working group is not intended to develop rules rather it is charged with developing recommendations to inform the COGCC rulemaking to implement HB 1298

It is the intent to provide a half hour for public input at the end of each meeting as needed

Would like the group to work towards consensus on its recommendations to COGCC

All facilitators from all the established stakeholder working groups will meet each Thursday to promote and encourage interaction between groups

There may be a need to break into smaller working groups between meetings to address some issues

Workgroup Representation:

Proposed stakeholders: OGCC, DOW, CDPHE, agriculture, surface owners, industry, local government, environmental, sportsmen

Informal breakdown of stakeholders based on January 8 meeting:

Agencies: OGCC, DOW, CDPHE (2 representatives from each)

Industry – 8 representatives

Anadarko Petroleum, Bill Barrett Corp, Williams, Pioneer Natural Resources, Encana, ExxonMobil, Colorado Petroleum Association, ConocoPhillips

Local Government – 1-3 representatives

Garfield County (possibly La Plata County, Rio Blanco County at future meetings)

Sportsmen – 3 representatives

Sportsmen's Advisory Group, Colorado Wildlife Federation, CO Mule Deer Association

Environmental – 2 representatives

Friends of CO Natural Areas, Denver Audubon Society

Landowner/Agriculture – 1 representative

Western Colorado Congress

Federal – 1 representative
Bureau of Land Management (BLM)

General Discussion of DOW submitted documents including:

Standard Operating Procedures (SOPs)

Best Management Practices (BMPs)

Compensatory Mitigation Measures (where SOPs and BMPs cannot be used)

There is some concern about duplication in the federal permitting process as well as BMPs that may be duplicated in other permitting processes by other regulatory agencies (water quality, wetlands, noxious weeds, etc)

Suggestion to establish spatial and temporal filters for consultations

Suggest a spatial map identifying where sensitivity is highest and also where DOW would need to engage directly

SOPs – are the basic requirements for wildlife protection – generically mandated in some way - it was established that these issues (roads, stream crossings, etc.) had the same recommended mitigation techniques statewide and were not regionally specific

BMPs – are species specific requirements meaning that these are the kinds of things the Division will be interested in for a consultation – not proposing that they be mandated instead should be flexible menu of options to choose from during the consultation process that would apply to specific situations/geographic areas

BMPs and SOPs are not new and have been used in Division comments on drilling proposals in the past – particularly for the federal permitting process

There is some concern about differentiating protections for different situations – different types of reclamation, different regions, species

No intention or resources for DOW to consult on every permit

Need clarification between state and federal jurisdiction

The eventual goal of the process is to have a map of an area where you can click on an area view the BMPs and SOPs required for that area

DOW – may need to discuss some density thresholds where these BMPs or SOPs would be instituted – for example not for use in urban or agricultural areas where there is already a large amount of disturbance

Suggestion that a blanket policy will not work for the state regarding BMPs and/or SOPs – and will need to tailor these recommendations to specifics of regions and situations

SOPs are intended to be a part of the process that does NOT require consultation – where BMPs will be used if a situation requires consultation

Suggested sideboards for discussing possible recommendations of this group moving forward:

- 1) We can live with these
- 2) These are unnecessary
- 3) These are duplicative
- 4) These are cost prohibitive
- 5) This is a jurisdictional issue

Suggestion for BMPs to be updated on an annual basis - need a process for review – since BMPs will change over time

A series of specific habitats or species would trigger a consultation that would then require the use BMPs to mitigate. The DOW used an overlay of maps for sensitive habitats/species for 2007 permits and it turned out that a little over 1/3 of the permits granted last year would have required consultation under the current proposal

Consultation is proposed to be no more than 60 days (DOW)

Suggestion that there is a need to build in some incentive for industry to participate in the CDP and/or GAP process – if it gets too prescriptive in regulation – will cause a disincentive for industry to try to mitigate

Suggestion that industry come up with some incentives that they would like to see that would encourage them to participate

Industry would like to see maps of species and roadmap of how wells would be permitted in a certain area and monitoring of species to determine the need and whether additional BMPs are effective

Industry would like to see statewide species/habitat maps as well as the justification for the BMPs proposed

Proposal to consolidate GIS databases so that industry would not have to visit several to figure out what habitat/species/requirements are present/needed

Federal, state, county jurisdictional issues are a high priority for the group – they want to work closely with the process group on this issue and have regular updates about what they come up with – want the process group to make this a high priority issue as well

BLM already works closely with DOW – already speaks the DOW language in their recommendations – they will work to get rid of duplication

Intention is to provide oil and gas industry with a clear map of where consultation will be required and who contact is, etc.

Plan for this working group moving forward:

- 1) Address the SOPs in one meeting if possible then;
- 2) Tackle CDPs, consultation, other questions

There are some issues where CDPHE may need to weigh in:

- 1) Areas where CDPHE requires one thing for health reasons and it conflicts with what DOW would like to see for wildlife protection

Should having the habitat but not the actual species be a situation where permitting is treated differently?

Ultimately do not want to discourage new practices or voluntary efforts by industry – a first step would be to maintain voluntary and flexible BMPs

TO DO SUBJECTS:

Wildlife surveys relative to APDs

Surface use agreements v. wildlife impacts

View/discuss DOW sensitive habitat/species maps

Proposal to establish the order in which we address species

Additional suggestions:

For vegetation reclamation might want to compare with surface mining regulation

BMPs for the mountain sucker might need to be addressed as the species is present in some areas within the state

Next meeting agenda:

Species by species discussion of BMPs and SOPs - what the DOW is proposing and why

- DOW will identify the duplication of BMPs by other regulatory agencies and will develop a highlighted version of BMPs identifying duplication – also will highlight those that may conflict with what other agencies recommend – *this will be emailed to the group prior to the next meeting*