

Notice to lessees and Operators (NTL) of Onshore Oil and Gas
Leases within the New Mexico Portion of the San Juan Basin,
Farmington Field Office and Albuquerque Field Office
NTL-FFO/AUFO-2004-01

Modification of Oil and Gas Facilities to Minimize Bird and Other Wildlife Mortality

This notice is issued pursuant to the authority delegated to the Authorized Officer under 43 CFR 3164.2. This notice implements oil and gas operating regulations under 43 CFR 3160, Onshore Order No. 7, and the terms and conditions of the Federal and Indian Oil and Gas leases. In accordance with the regulatory guidelines referenced above, lessees and operators shall conduct operations in a manner which protects the health and the safety of life and the natural resources.

I. BACKGROUND

The subject of bird mortalities associated with oil and gas facilities has become a concern not only nationwide but worldwide and has prompted many oil and gas companies to modify existing and new production facilities to minimize mortality of birds, bats, and other wildlife.

The Migratory Bird Treaty Act of 1918, as amended, authorizes the Secretary of Interior to adopt such measures necessary to protect and preserve migratory raptor and other avian species. Additionally, the BLM is responsible for implementing protective management goals identified in the Nongame Migratory Bird Habitat Conservation Strategy Plan. The Federal Land Policy and Management Act (FLPMA) declares that the policy of the United States is to manage the public lands in a manner that will protect the quality of scientific, ecological, and environmental values.

On December 28 1992, BLM issued a notice regarding the protection of migratory birds: "To protect migratory birds, all production pits and ponds (regardless of size), and tanks 16 feet in diameter or greater used to contain produced fluids from oil and gas operations shall be screened, netted, or otherwise covered". BLM has conducted a survey of uncovered production tanks that are less than 16 feet in diameter, and BLM has determined that uncovered production tanks are a threat to birds protected by the Migratory Bird Treaty Act of 1918 and other wildlife. Survey results are available from BLM Farmington Field Office 505-599-6346.

II. PURPOSE

To minimize mortality of birds and other wildlife at oil and gas facilities under the jurisdiction of the BLM.

III. REQUIRMENTS

To protect migratory birds and other wildlife, all permanent production or storage tanks regardless of diameter made of fiberglass, steel, or other material used for the containment of oil, condensate, produced water and/or other production waste shall be screened, netted, or otherwise covered by April 1, 2005. At any time, if a bird protected under the Migratory Bird Treaty Act is found dead in such storage tanks, action could be taken by authorized enforcement officers, including citations and fines.

All provisions of the December 28 1992, notice concerning pits and ponds remain in effect (see attachment).

IV. COMPLIANCE

Monitoring will be done by BLM to determine the effectiveness of the tank screening, netting, or other covering for the protection of migratory birds and other wildlife. Failure to implement the requirements listed in this NTL will be considered failure to comply with a written order and a "Notice of Incidents of Noncompliance" may be issued. Lessees may apply for a variance to the April 1, 2005 compliance deadline.