

BMPs for working with CPW's NE Region Energy Liaison

*Rocky Mountain Environment, Health, and Safety
Peer Group Presentation (4/19/18)*



B. Marette

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NE Region Energy Liaison and Land Use Coordinator*



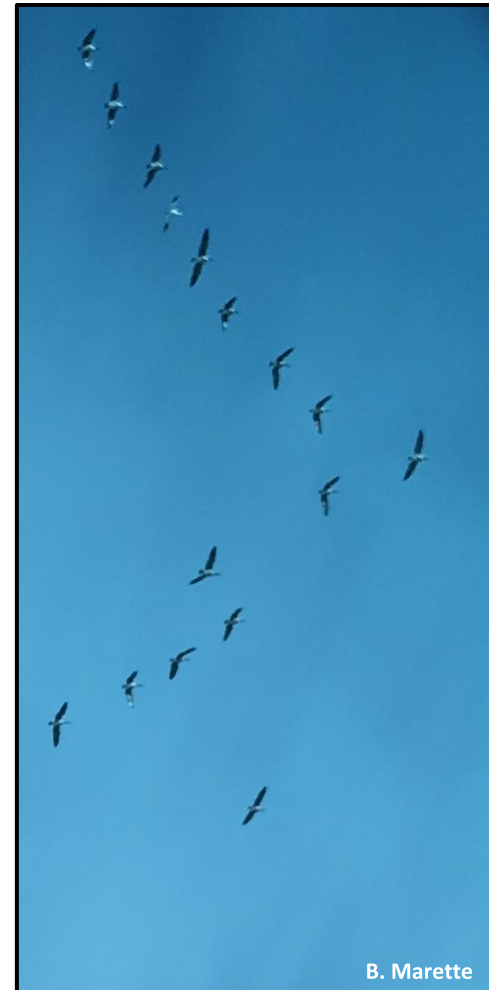
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Presentation Outline

- Background on myself.
- CPW's mission statement.
- We all have 3 collaborative goals in common.
- Why does CPW have an energy liaison?
- What does an energy liaison do?
 - My process for going through new inquiries.
 - Review of 1298 species and raptor stipulations.
- When do you contact me?
- When do you NOT contact me?
- Questions?



Background on Brandon

- Denver Metro Native
- Earned two degrees from CSU
 - Bachelor's Degree in Wildlife Biology
 - Master's Degree in Ecology
- 15 years as a consulting wildlife biologist
- Almost 2 years with CPW
- Two job titles with CPW
 - NE Region Energy Liaison
 - NE Region Land Use Coordinator



CPW Mission Statement *(Why we do what we do)*

The mission of CPW is to perpetuate the wildlife resources of the state, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado's natural resources.

CPW's 3 main roles in energy development

- Assess impacts to wildlife, habitat and recreational opportunities.
- Provide recommendations to avoid, minimize, & mitigate impacts to wildlife.
- A recommending agency, not regulatory.



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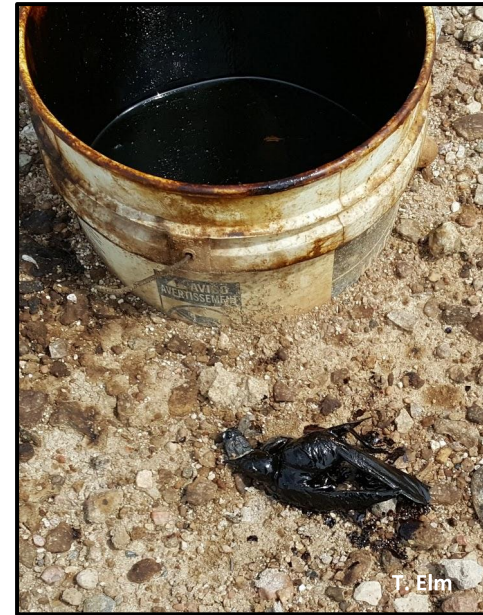
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We all have 3 collaborative goals in common

- 1) To ensure responsible energy development to have little to no impact to the biological resources in the surrounding area.
- 2) Help prevent species from being federally- or state-listed.
- 3) Continue to build working relationships between CPW and the Energy Industry.

Can you think of any other similar goals to share later?



Why does CPW have an energy liaison?

- A direct result of House Bill 07-1298 (HB-1298)

1298	GIBBS, TOCHTROP	CONSERVE WILDLIFE HABITAT OIL & GAS DEV	APPROVED 5/29/2007	7/1/2007
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- COGCC Rule 306.c & 1200-Series rules addresses CPW consultations, which requires CPW to consult with the COGCC, the Operator and the Surface Owner on all new Form 2As with RSOs and SWHs.
 - Language states “CPW shall consult” - not “CPW may consult”.
 - CPW may prepare written recommendations as a result of the Rule 306.c consultation.
- CPW also has an internal directive requiring us to respond to other land use requests that we receive in writing.



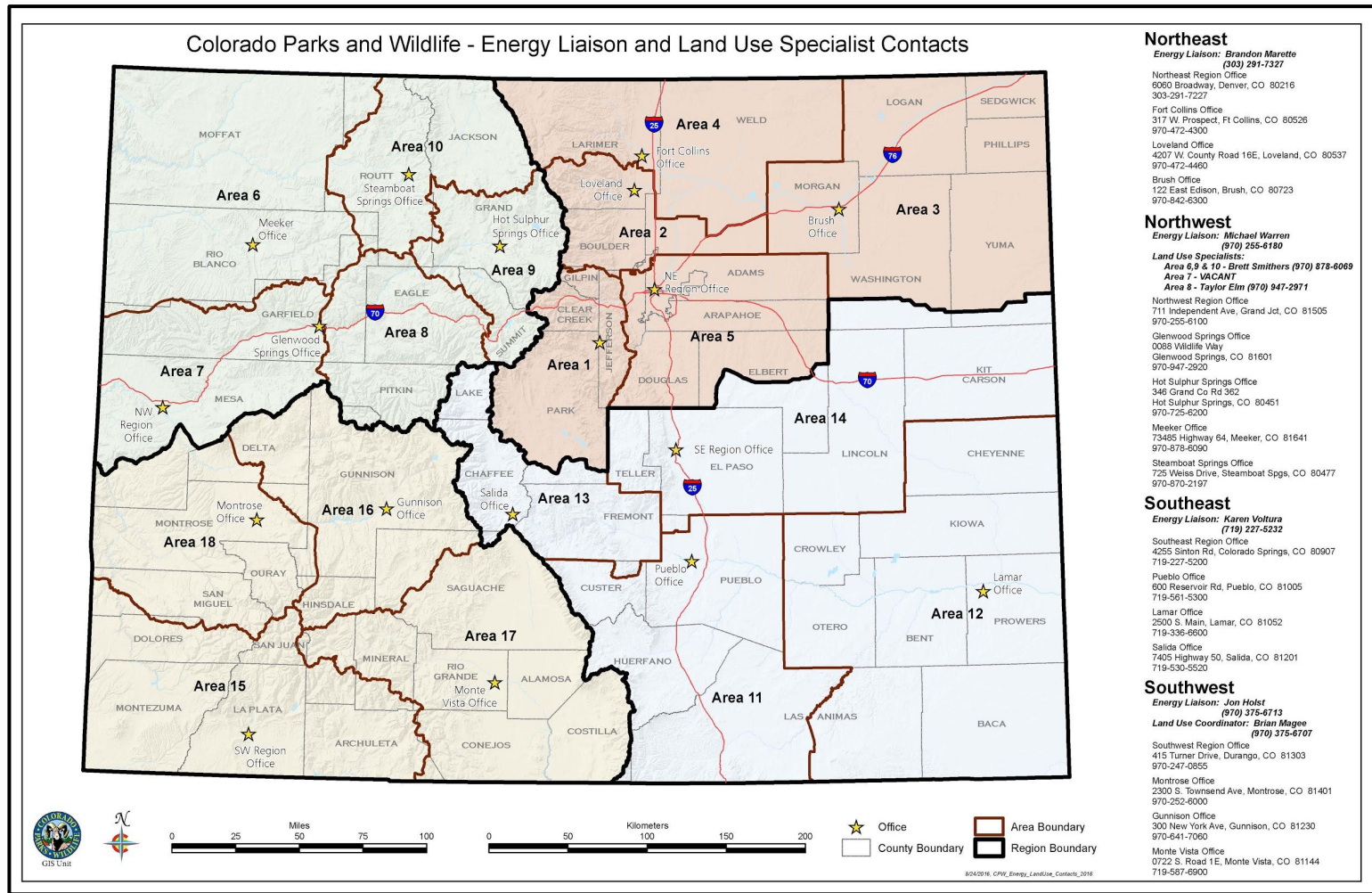
What does an energy liaison do?

- Review new Form 2As (*40 or 20 day response*).
 - All, not just those requiring CPW input.
- SLB and BLM Quarterly Lease Sales.
- County requests for comments (can be a COA).
- Also consults for other energy developments (e.g., solar, wind, pipelines, etc.).
- Synthesize research papers/findings and distill information into practicable BMPs for the energy industry.



This was one day's mail.
I received 1,237 inquiries in 2017.

Energy Liaison Map



(Google "CPW Wildlife Energy" to find our Energy Page and a link to this map)

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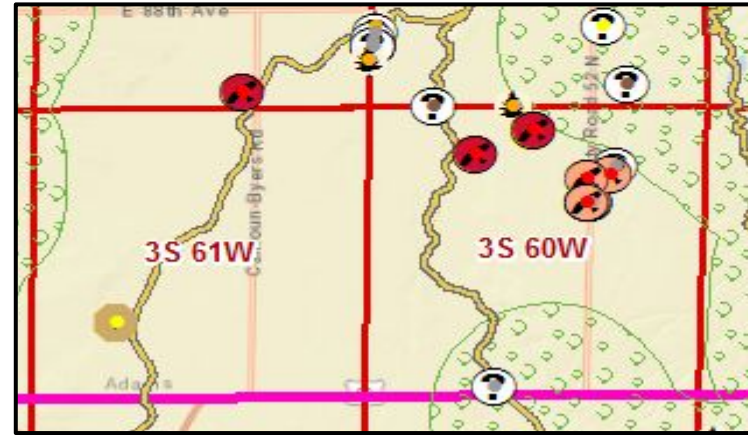


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My process for analyzing new inquiries

- Weekly consolidate inquiries for map review.
- Check a site for:
 - Eagle nests/roosts
 - Hawk nests
 - Swift fox potential denning habitat
 - Burrowing Owl potential nesting habitat
 - Aquatic Recovery and Conservation (Priority) Waters
 - Within 3 miles of state lands/minerals
- Results summary to DWM/biologists.
- If needed, calls operator to discuss potential situation.



Review of 1298 Species (1/2)

NE species with Restricted Surface Occupancy (RSO)

- Rocky Mountain bighorn sheep production areas.
- Areas within 0.4-mile of any plains sharp-tailed grouse leks.
- Areas within ¼-mile of active bald/golden eagle or osprey nest sites.
- Areas within ½-mile of active ferruginous hawk, northern goshawk, peregrine/prairie falcon nest sites.
- Areas within 300 feet of designated cutthroat streams or “Gold Medal” waters.



Review of 1298 Species (2/2)

NE species with Sensitive Wildlife Habitats (SWH)

- Mule deer, elk, pronghorn winter ranges or concentration areas west of I-25.
 - Also elk production areas west of I-25.
- Bighorn sheep winter range.
- Plains sharp-tailed grouse production areas
- Black-footed ferret release areas.
- Areas within ½-mile of active bald/golden eagle nest sites.
- Bald eagle winter night roosts.



Raptor Timing Stipulations and Buffers

Raptors stipulations/buffers and Burrowing Owl survey protocol - Google “CPW Wildlife Energy” to get to our Energy Webpage.



RECOMMENDED BUFFER ZONES AND SEASONAL RESTRICTIONS FOR COLORADO RAPTORS

Tolerance limits to disturbance vary among as well as within raptor species. As a general rule, Ferruginous Hawks and Golden Eagles respond to human activities at greater distances than do Ospreys and America Kestrels. Some individuals within a species also habituate and tolerate human



RECOMMENDED SURVEY PROTOCOL AND ACTIONS TO PROTECT NESTING BURROWING OWLS

Western Burrowing Owls (*Athene cunicularia hypugaea*) are commonly found in prairie dog towns throughout Colorado. Burrowing owls require prairie dog or other suitable burrows (e.g. badger) for nesting and roosting. Burrowing owls are migratory, breeding throughout the western United

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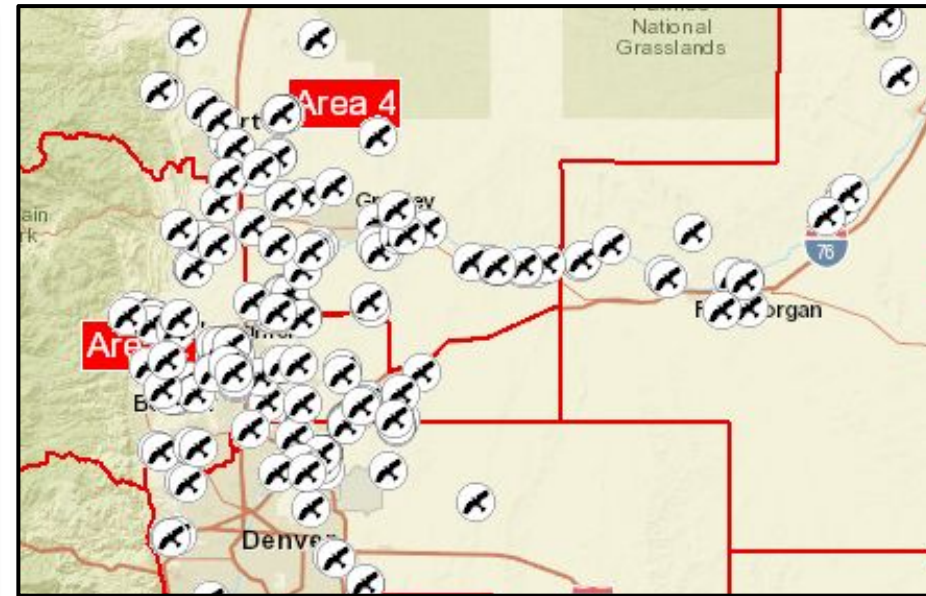
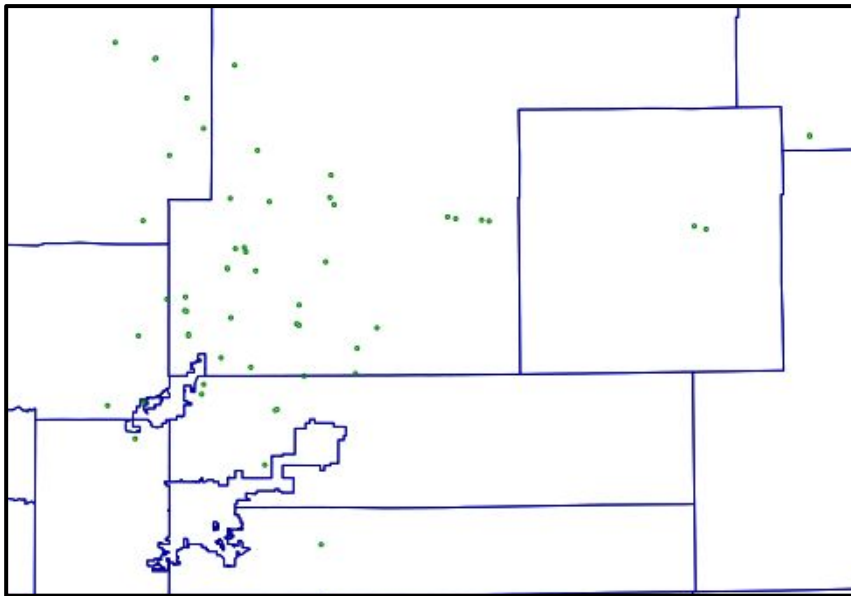
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Being a biological QC for your project

- CPW's maps are updated monthly (COGCC's map 2013).
 - See the difference in these two Bald Eagle nest maps?
- Since a COGCC map requires a rule-making, another way around this data gap is to sign an Non-Disclosure Agreement with CPW. (Send me an e-mail if interested)



If there is a potential conflict...

- Then I'll usually call you to further discuss.
 - I strive for complete up-front transparency (I expect the same from you)
 - Focus of conversation is on Avoidance and Minimization, not Mitigation.
- If drilling needs to be completed during a sensitive time frame, CPW will add BMPs to Form 2A.
 - Could be converted to a conditions of approval if agreed upon by the operator, COGCC, and the Surface Owner.
- If need be, we will arrange a site visit.



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When do you contact me? (1/3)

- First, please address all mailings to me
 - A general address label can lead to a delayed response.
- 1st hour - please limit 11th hour calls!
- When any work (New Drill or Access Roads, Cut & Cap, etc.) will be done during sensitive seasons and/or within the buffer distance.



When do you contact me (2/3)

- When sending me an inquiry, please provide all the basic info [who, what, when, where (County & TRS), and when you need a response by).
- When you want to submit raptor nests that are not in our raptor nest database.
 - Helps keep it real-time for everyone.
- Roadkill (access or county road) - only if it's unique species (bear, mountain lion, moose, bighorn, lynx, mountain goat).
- Dead wildlife on a pad or near equipment.



Dead wildlife example



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If there is dead wildlife observed on-site

- It's better to self-report than for us to learn another way (e.g., NGO or advocate).
 - Call me and/or DWM
 - Your COGCC area field inspector
 - If bird, contact Sandy (FWS) for next steps (303-236-4748).
- Specific record of what happened
 - Where, when, name of operator, pad name, etc.
 - How did animal die? (e.g., open tank)
 - Could it have been prevented and any need for corrective action and time frame for fix?
 - Photos



When do you contact me (3/3)

- Leasing state minerals (*could be CPW, SLB, or other state-owned lands*)
 - Yes, the state does lease (not sell) state minerals.
 - CPW process can take 4-6 months for internal review.
 - Pad is located off-site.
- Any borderline situation
- Volunteer/PR event



Volunteer / PR event



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When do you NOT contact me?

- New oil and gas development is not within a sensitive habitat or time frame.
- Roadkill - deer, elk, pheasant, coyote, rabbit, skunk, and songbirds.
 - *(but please drive slow if you see one)*



We all have 3 collaborative goals in mind

1. To ensure responsible energy development to have little to no impact to the biological resources in the surrounding area.
2. Help prevent species from being federally- or state-listed.
3. Build working relationships between CPW and the Energy Industry.

- **TEAM**

- **Together**
- **Everyone**
- **Achieves**
- **More**



Questions?

- Did you think of any other similar goals that we have in common?
- Anything that we can do to enhance our working relationship?
- Anything we can do to make any of these processes more efficient?
- Others?



Feel free to contact me anytime

- Call my office phone - (303) 291-7327
- E-mail - brandon.marette@state.co.us
- In person - 6060 Broadway (I-25 and 58th Ave.)
- LinkedIn



“Thanks for working with CPW as we strive for responsible land development while protecting sensitive species and their habitats.”