

Wildlife Commission Resolution - HB 07-1298

Whereas pursuant to House Bill 07-1298 the Wildlife Commission has been directed to consult with the Oil and Gas Conservation Commission in the OGCC's consideration of regulations intended to establish standards for minimizing adverse impacts to wildlife resources affected by oil and gas operations and to ensure the proper reclamation of wildlife habitat during and following such operations; and

Whereas the Wildlife Commission recognizes that in adopting its regulations the Oil and Gas Conservation Commission is required to balance protection of significant wildlife resources and habitat with development of oil and gas resources and, further, the Wildlife Commission recognizes the difficulty in finding the appropriate balance between such valuable state resources; and

Whereas the Wildlife Commission recognizes that its role under House Bill 07-1298 is limited to providing comments to the Oil and Gas Conservation Commission to assist the OGCC in performing its rule-making function and in finding that appropriate balance; and

Whereas pursuant to its May 1, 2008 Resolution the Wildlife Commission previously provided comments to the Oil and Gas Conservation Commission on the March 31, 2008 draft rules produced by OGCC staff, which had been provided to the OGCC for its consideration during its rule-making process; and

Whereas since the submittal of the March 31, 2008 draft rules the Wildlife Commission recognizes that staff of Oil and Gas Conservation Commission has continued to work on the draft rules and has collaborated with the Division of Wildlife in suggesting modifications of the draft rules to clarify and improve the draft rules, which has resulted in the issuance of the "First Recommended Clarifications of Draft Rules" and the "Second Recommended Clarifications and Alternative Language" (the "Clarifications"); and

Whereas the Wildlife Commission recognizes that some provisions of the Clarifications respond directly to comments previously provided by the Wildlife Commission as part of its May 1, 2008 Resolution, particularly additions to reclamation requirements, which are a benefit to wildlife resources. The Wildlife Commission also recognizes that other provisions have been proposed, particularly the replacement of the 300 foot setback for all waters of the state with a 300 foot setback for cutthroat trout habitat and "Gold Medal" fishing waters, which on its face would appear to reduce overall protection of wildlife resources; and

Whereas given its consultative role under House Bill 1298, the Wildlife Commission believes it is appropriate for it to provide further comments to the Oil and Gas Conservation Commission regarding the Clarifications proposed by the staff of the OGCC.

Therefore be it resolved that the Wildlife Commission continues to applaud the efforts of staff of the Division of Wildlife and the staff of the Colorado Oil and Gas Conservation Commission to develop rules consistent with the direction of House Bill 07-1298 to balance protection of wildlife resources with development of oil and gas resources.

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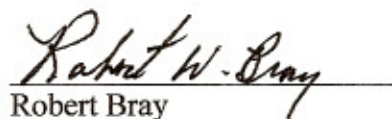
Be it further resolved that the Wildlife Commission continues to support the draft rules and as clarified, including the restricted surface occupancy and timing limitations contained within the wildlife rules, but wishes to also state that it would support other means that result in comparable protection of the state's wildlife resources should such proposals come to light during the rule-making process or as part of the case-by-case consultation process between the oil and gas operators, surface owners and the staff of the Division of Wildlife currently provided for in the draft rules. In that regard, the Wildlife Commission understands that such consultation can and should allow for deviations from the otherwise applicable regulatory requirements, particularly when private lands are involved, and when to do so maintains adequate protection of wildlife resources and facilitates development of oil and gas resources, and would expect the staff of the Division of Wildlife to implement that understanding as part of the consultation process proposed in the draft rules.

Be it further resolved that the Colorado Wildlife Commission understands that in attempting to find the appropriate balance between protection of the state's wildlife resources with development of oil and gas resources that Clarifications have been proposed and that future clarifications may be proposed or other changes made to the draft rules prior to their adoption, not all of which will necessarily favor protection of wildlife resources. The Wildlife Commission understands that such modifications are likely necessary to finding and establishing the appropriate balance required by House Bill 1298. In that regard, however, the Wildlife Commission would request that the Oil and Gas Conservation Commission look closely at the issue of whether there should be a setback of some distance from all waters of the state, not just cutthroat or "gold Medal" waters, or some other means that leads to comparable protection of water and riparian resources that are critical to wildlife in Colorado.

Be it further resolved that the Colorado Wildlife Commission recognizes the time and effort committed by the individual members of the Oil and Gas Conservation Commission to the current rule-making process and wishes to publicly express its thanks and support for the Oil and Gas Conservation Commission.

Adopted July 10, 2008

/s/ Robert Bray*



Robert Bray

Chair

Colorado Wildlife Commission

*The signed original resolution
is maintained in the files of the
Wildlife Commission