

Wildlife Commission Resolution - 08-01
Regarding Rules to Implement HB07-1298

1. **Whereas** the Colorado Wildlife Commission upholds the legislative declaration under Colorado Revised Statutes, Title 33 Wildlife and Parks and Outdoor Recreation, Article 1 "Wildlife-General Provisions" that wildlife and their environment are to be protected, preserved, enhanced, and managed for the use, benefit, and enjoyment of the people of this state and its visitors;
2. **Whereas** the Colorado Wildlife Commission has previously adopted both a resolution (December 2006) and a Commission Policy (September 2007) concerning mitigating impacts of energy development to wildlife in Colorado, both of which recognize the intrinsic and extrinsic value of wildlife to Colorado's economy and way of life, and recognize the value of Colorado's energy resources to the state and the nation;
3. **Whereas** the General Assembly declared in House Bill 07-1298 that the Colorado Oil and Gas Conservation Commission should "Plan and manage oil and gas operations in a manner that balances development with wildlife conservation in recognition of the State's obligation to protect wildlife resources and the hunting, fishing, and recreation traditions they support, which are an important part of Colorado's economy and culture;"
4. **Whereas** House Bill 07-1298 directed the Colorado Oil and Gas Conservation Commission to "Promulgate rules by July 1, 2008, **in consultation with the Colorado Wildlife Commission**, 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
5. **Whereas** the staff of the Colorado Division of Wildlife has worked collaboratively with the Colorado Oil and Gas Conservation Commission staff, the Department of Natural Resources, and representatives from sportsmen, environmental and agricultural organizations and oil and gas industry representatives to develop draft rules to implement House Bill 07-1298.
6. **Therefore be it resolved that** the Colorado Wildlife Commission applauds the efforts of its staff 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 significant wildlife resources and habitat with development of oil and gas resources.
7. **Be it further resolved that** the Colorado Wildlife Commission views and supports the draft rules that will be considered by the Colorado Oil and Gas Conservation Commission as generally establishing the minimum level of protection necessary to protect significant wildlife resources.
8. **Be it further resolved that** the Colorado Wildlife Commission believes that the proposed timing limitations (draft rule 1208) should apply from the beginning of and throughout all oil and gas operations conducted on any site with appropriate exceptions for access to the site for required production and emergency or unavoidable routine operation and maintenance. Further, the Wildlife Commission is concerned that in some

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instances the timing stipulations may, particularly those for deer and sage grouse, not be long enough to adequately protect wildlife. Further, the Wildlife Commission believes that constraining the timing stipulations to no more than 3 months in any calendar year, particularly on public lands, does not reflect an appropriate balance of oil and gas development and wildlife interests and may lead to unacceptable impacts to key species, particularly where a site impacts multiple species or where those species are making a use of the area for a critical life stage. Further, the Wildlife Commission believes that impacts to wildlife resources from oil and gas operations are a statewide concern and believes that excluding any area of the state from application of any timing stipulation without compelling biological reasons may lead to unintended precedential consequences and should be avoided.

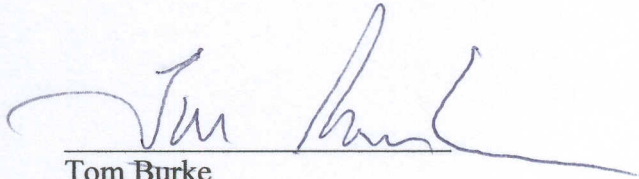
9. **Be it further resolved that** the Colorado Wildlife Commission supports the restricted surface occupancy areas (draft rule 1209) and believes that no oil and gas operations should be conducted within a restricted surface occupancy area unless agreed to by the Division of Wildlife or waived through the consultation process.
10. **Be it further resolved that** the Colorado Wildlife Commission is concerned that the reclamation standards as proposed (draft rules 1003 & 1004) will not ensure proper reclamation of wildlife habitat as mandated by House Bill 07-1298. Specifically, the Wildlife Commission believes that the regulations should clearly establish both final and interim reclamation standards, that reclamation should begin immediately after disturbance where possible and occur continuously with all oil and gas operations. Further, the Wildlife Commission believes that reclamation of all non-cropland should be directed towards restoring wildlife habitat and to otherwise benefit wildlife, that the reclamation seed mix should require a diversity of native grasses, forbs and shrubs, where applicable per the reference area, and that successful reclamation should be based upon a defined percentage of plant cover and not simple plant density. Further, the Wildlife Commission believes that all reclaimed areas should be monitored and annually reported on for a minimum of 5 years post release. Further, the Wildlife Commission believes that sufficient enforcement and bonding requirements should be put in place to ensure that all areas disturbed by oil and gas operations are properly reclaimed.
11. **Be it further resolved that** the Colorado Wildlife Commission directs the staff of the Division of Wildlife to work with, and to provide additional information and materials addressing the issues outlined above, to the staff of the Colorado Oil and Gas Conservation Commission, for submittal to and further consideration by the Colorado Oil and Gas Conservation Commission as part of its House Bill 07-1298 rule making.
12. **Be it further resolved that** the Colorado Wildlife Commission recognizes and is concerned with the additional burden being placed on the staff of the Division of Wildlife as part of implementation of the new House Bill 07-1298 rules and directs staff to evaluate and seek approval of the additional staffing and funding needs necessary to ensure effective implementation of the House Bill 07-1298 rules.

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13. **Be it further resolved that** the Colorado Wildlife Commission considers this resolution to be a primary vehicle to meet its statutory obligation to consult on the House Bill 07-1298 rule making, but has also requested and been granted formal party status to the rule making and reserves the right to make additional comments, in writing or by representative as the rule making progresses.

Adopted May 1, 2008



Tom Burke
Chair
Colorado Wildlife Commission