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| **NTL 96-01**  Notice to Lessees and Operators (NTL) of Federal and Indian  Oil and Gas Leases Operating Under Permits Issued by the  Bureau of Land Management within the Jurisdiction of the  Tulsa District Office (i.e., Kansas, Oklahoma and Texas)  (NTL 96-01 TDO)    **Modification of Oil and Gas Facilities to Minimize Bird and Bat Mortality**   |  |  |  |  | | --- | --- | --- | --- | | I. BACKGROUND:  The subject of bird and bat 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 accidental deaths of birds, bats, and other wildlife.  Open-vent exhaust stacks are used as perches by many species of birds, especially during migration. Death may result from carbon monoxide poisoning, incineration, or becoming trapped in the units.  Open pits and tanks on production sites periodically contain salt water, oil or oil by-products. These pits and tanks present a hazard to birds because they appear to be fresh water. Birds, particularly waterfowl and shorebirds, are lured into the pits or tanks thinking they are places to feed, drink, or rest. This results in a loss of hundreds of thousands of birds nationwide.  The potential hazard to birds and bats from open-vent exhaust stacks and open pits and tanks warrants mitigative action by the Bureau of Land Management (BLM).  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.  II. PURPOSE:  To minimize the likelihood of accidental death of birds and bats on oil and gas facilities under the jurisdiction of the BLM.  III. AUTHORITY:  Under the authority of Title 43 Code of Federal Regulations (CFR) Part 3161.2, Part 3162.5-1 and Part 3164.2,. lessees/operators on Federal and Indian oil and gas leases can be required to modify production equipment when needed to protect natural resources and environmental quality.  IV. REQUIREMENTS:  A. All open-vent exhaust stacks on production vessels designed to heat the product using an open flame (as opposed to electrically heated) shall be constructed, modified and/or otherwise equipped and maintained to prevent birds and bats from entering and to discourage perching and nesting. Such production vessels include, but may not be limited to, heater-treaters, separators, dehydrators, and in-line units. This requirement does not apply to compression type equipment.  B. All open earthen pits will be effectively netted or otherwise covered, and maintained, until such time as the pits are filled and/or reclaimed. Minimizing the likelihood of accidental deaths of migratory birds is the goal. This netting or cover shall be installed no later than forty-five (45) days after the setting of the production casing string or completion of plugging as a dry hole. All pits, if not netted or covered, will be adequately equipped during the 45 day interim period with other bird deterrent devices. Such devices to be used during the interim period may include, but not be limited to, streamers, pinwheels and/or noise devices. Variances may be requested. The 45 day interim period for completion of covering or netting pits in no way limits the operator's responsibility should migratory birds be found dead in the pits within the interim period or during the actual drilling phase.  C. All open topped (non-earthen) tanks will be effectively netted or otherwise covered and maintained so as to minimize the likelihood of accidental deaths of migratory birds. This netting or cover shall be installed no later than four (4) days after the setting of the production casing string or completion of plugging as a dry hole. All tanks installed for production purposes will be immediately netted or covered. All tanks shall remain netted or covered until such time as they are removed from the location. The granting of a four (4) day interim period for completion of covering or netting tanks associated with the drilling process in no way limits the operator's responsibility should migratory birds be found dead in the tanks within the interim period or during the actual drilling phase.  **V. TIME FRAMES:**  1. All open-vent exhaust stacks, open pits, and tanks existing as of the effective date of this NTL will be modified as required under Section IV, Requirements, A., B. and C. within a twelve (12) month period from the same effective date of this NTL.  2. All new oil and gas operations commenced after the time frames presented above (No. V.1.) will immediately incorporate requirement Numbers IV.A., IV.B. and IV.C. (above) as applicable.  VI. COMPLIANCE**:**  SLIM compliance inspections will include examinations for the use and effectiveness of these measures. Should these measures prove to be ineffective the BLM shall seek alternate measures to minimize the likelihood of accidental deaths of birds and bats 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.   |  |  |  | | --- | --- | --- | | APPROVED: | Date: 8-15-96 | Jim Sims  Tulsa District Manager | | | |