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| **NTL-RDO 93-1**  Notice to Lessees and Operators of Onshore Federal and Indian  Oil and Gas Leases Within the Jurisdiction  of the Roswell District  (NTL 93-1 RDO)  Clarification    **Modification of Production Equipment to Prevent Bird and Bat Losses**   |  |  |  |  | | --- | --- | --- | --- | | **I. Background:**  The subject of bird and bat mortalities associated with open-vent exhaust stacks on oil and gas production units has been a subject of concern among southeast New Mexico operators, State and Federal agencies, environmental groups and the Southeast New Mexico BLM/Oil and Gas Working Committee. Open-vent stacks on heater-treater, separator and dehydrator units create a hazard to birds and bats, particularly those that annually migrate through southeast New Mexico.  Open-vent exhaust stacks are used as convenient resting perches for all avian species. Death may result from carbon monoxide poisoning. Smaller raptors, such as the sparrow hawk or kestrel, chase their prey into the stacks and become trapped. Birds and bats seek shelter inside the stacks and units and are trapped or incinerated by the fired unit. The potential hazard to birds and bats from open-ended exhaust stacks warrants mitigative action by the Bureau of Land Management (BLM).  The Migratory Bird Treaty Act of 1953 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 prevent bird and bat losses, the BLM, Roswell District Office has established the following policy for all oil and gas related production equipment. This policy will apply on Federal leases within the Roswell District.  III. Authority-  Under the authority of Title 43 CFR Part 3161.2 and Part 3164.2, lessees/operators on Federal 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 associated with heater-treater, separator and dehydrator units shall be modified to prevent birds and bats from entering them and to the extent practical to discourage perching and nesting.  The following time frames will be followed for implementation:  1. All equipment located within approximately three miles either side of the Pecos River will be modified by March 1, 1994.  2. All other equipment will be modified by December 31, 1994.  B. New production equipment installed on Federal leases after November 1, 1993, will have the open-vent exhaust stacks constructed to prevent the entry of birds and bats and to the extent practical to discourage perching and nesting.  V. Compliance:  Monitoring activities will be conducted with both the BLM and the operators present to determine the effectiveness of the modifications made to the open-vent exhaust stacks. Monitoring activities will be scheduled in advance with the operator. If the modifications are shown to be ineffective, additional measures shall be required.   |  |  |  | | --- | --- | --- | | APPROVED: | Date: 5-11-94 | Leslie M. Cone Roswell District Manager | | | |