

Sample Conditions of Approval or Terms and Conditions for Permit Authorizations

Wildlife Mortality - General

1. The operator will notify the Bureau of Land Management (BLM) authorized officer and nearest Fish and Wildlife Service (FWS) Law Enforcement office within 24 hours, if the operator discovers a dead or injured federally protected species (i.e., migratory bird species, bald or golden eagle, or species listed by the FWS as threatened or endangered) in or adjacent to a pit, trench, tank, exhaust stack, or fence. (If the operator is unable to contact the FWS Law Enforcement office, the operator must contact the nearest FWS Ecological Services office.)

Open Pits and Open Tanks Containing or Potentially Containing Freestanding Fluids

1. **Surface Accumulation of Oil** – The operator will minimize or preclude releases of oil into open pits. Unless the authorized officer approves the release, no oil should go into a pit except in an emergency. The operator must remove any accumulation of oil or condensate in a pit within 48 hours of discovery.
2. **Exclosure Fencing (Fluids Pits and Open Cellars)** – The operator will design, construct, and maintain exclosure fencing for all open cellars and pits containing freestanding fluids to prevent access to livestock and large forms of wildlife such as deer, elk, and pronghorn. At a minimum, the operator will adequately fence all fluids pits and open cellars during and after drilling operations until the pit is free of fluids and the operator initiates backfilling. The operator will maintain the fence in order to protect public health and safety, wildlife, and livestock.

(For examples of exclosure fencing design, refer to the Oil and Gas Gold Book – Exclosure Fence Illustrations, Figure 1, Page 18.)

Adequate fencing [in lieu of more stringent requirements by the surface owner] includes all of the following:

- a. Construction materials will consist of steel and/or wood posts. Use a fence with five separate wires (smooth or barbed) or hog panel (16-foot length by 50-inch height) with connectors such as fence staples, quick-connect clips, hog rings, hose clamps, twisted wire, etc. Do not use electric fences.
- b. Set posts firmly in the ground. Stretch the wire, if used, tightly and space it evenly, from the ground level to the top wire, effectively keeping out animals. Tie hog panels securely into posts and to one another using fence staples, clamps, etc. Construct the fence at least 2 feet from the edge of the pit.
- c. For reserve pits, fence all four sides as soon as the pit is constructed. Reconstruct any damage to the rig side of the fence immediately following release of the drilling rig.
- d. Maintain the erect fences in adequate condition until the pit has been closed.

3. **Exclosure Netting (Fluids Pits)** – The operator will prevent wildlife and livestock access (including avian wildlife) to fluids pits that contain or have the potential of containing salinity sufficient to cause harm to wildlife or livestock, hydrocarbons, surfactants, or Resource Conservation and Recovery Act-exempt hazardous substances. At a minimum, the operator will install approved netting in these circumstances, in accordance with the requirements below, immediately following release of the drilling rig. **Note:** The BLM does not approve of the use of flagging, strobe lights, metal reflectors, or noisemakers as techniques for deterring wildlife.

Minimum Netting Requirements: The operator will:

- a. Construct a rigid structure made of steel tubing or wooden posts with cable strung across the pit at no more than 7-foot intervals along the X- and Y-axes to form a grid of 7-foot squares.
 - b. Suspend netting a minimum of 4 to 5 feet above the pit surface.
 - c. Use a maximum netting mesh size of 1½ inches to allow for snow loading while excluding most birds in accordance with Fish and Wildlife Service recommendations. Refer to: <http://www.fws.gov/mountain-prairie/contaminants/contaminants1c.html>
 - d. Cover the top and sides of the netting support frame with netting and secure the netting at the ground surface around the entire pit to prevent wildlife entry at the netting edges. **Note:** Hog wire panels or other wire mesh panels or fencing used on the sides of the netting support frame is ineffective in excluding small wildlife and songbirds unless covered by smaller meshed netting.
 - e. Monitor and maintain the netting sufficiently to ensure the netting is functioning as intended, has not entrapped wildlife, and is free of holes and gaps greater than 1½ inches.
4. **Escape Ramps (Open Pits and Cellars, Tanks, and Trenches)** – The operator will construct and maintain pits, cellars, open-top tanks, and trenches, that are not otherwise fenced, screened, or netted, to exclude livestock, wildlife, and humans (for example, lined, clean water pits; well cellars; or utility trenches) to prevent livestock, wildlife, and humans from becoming entrapped. At a minimum, the operator will construct and maintain escape ramps, ladders, or other methods of avian and terrestrial wildlife escape in pits, cellars, open-top tanks, or at frequent intervals along trenches where entrapment hazards may exist.
 5. **Exclosure Netting (Open-top Tanks)** – Immediately following active drilling or completion operations, the operator will take actions necessary to prevent wildlife and livestock access, including avian wildlife, to all open-topped tanks that contain or have the potential to contain salinity sufficient to cause harm to wildlife or livestock, hydrocarbons, or Resource Conservation and Recovery Act of 1976-exempt hazardous substances. At a minimum, the operator will net, screen, or cover open-topped tanks to exclude wildlife and livestock and prevent mortality. If the operator uses netting, the operator will cover and secure the open portion of the tank to prevent wildlife entry. The operator will net, screen, or cover the tanks until the operator removes the tanks from the

location or the tanks no longer contain substances that could be harmful to wildlife or livestock.

Chemical and Fuel Secondary Containment Systems

1. **Chemical and Fuel Secondary Containment and Enclosure Screening** – The operator will prevent all hazardous, poisonous, flammable, and toxic substances from coming into contact with soil and water. At a minimum, the operator will install and maintain an impervious secondary containment system for any tank or barrel containing hazardous, poisonous, flammable, or toxic substances sufficient to contain the contents of the tank or barrel and any drips, leaks, and anticipated precipitation. The operator will dispose of fluids within the containment system that do not meet applicable state or U. S. Environmental Protection Agency livestock water standards in accordance with state law; the operator must not drain the fluids to the soil or ground.

The operator will design, construct, and maintain all secondary containment systems to prevent wildlife and livestock exposure to harmful substances. At a minimum, the operator will install effective wildlife and livestock enclosure systems such as fencing, netting, expanded metal mesh, lids, and grate covers.

Open-Vent Exhaust Stacks

1. **Open-Vent Exhaust Stack Enclosures** – The operator will construct, modify, equip, and maintain all open-vent exhaust stacks on production equipment to prevent birds and bats from entering, and to discourage perching, roosting, and nesting. Production equipment includes, but may not be limited to, tanks, heater-treaters, separators, dehydrators, flare stacks, in-line units, and compressor mufflers.

Fence Marking for Wire Fences - Reclamation, Well Pad, Production Facility, or Right-of-Way Enclosure Fences

[**Note:** For use by the BLM where the BLM knows that a proposed perimeter or reclamation fence is within 1.25 miles of a lek or in a high-risk area – employing better practices for sage-grouse habitat is critical and part of the Director’s prioritization of sage-grouse habitat management. This marking requirement is not intended for reserve pits, due to the likely lack of habitat immediately adjacent to active oil and gas drilling operations. Examples of high-risk areas include wildlife winter concentration areas and wildlife travel corridors.]

1. **Perimeter or Reclamation Fence Marking** – **This condition of approval applies where:** The proposed perimeter or reclamation fence is constructed of fencing wire and is located within 1.25 miles of an occupied [*insert species name here*] lek or is in a high-risk area.

The operator will mark wire perimeter and reclamation fences constructed within 1.25 miles of Greater Sage-Grouse, Gunnison Sage-Grouse, Lesser Prairie-Chicken, or Sharp-

Tailed Grouse leks, and other high-risk areas to reduce the chances of collisions between birds and fences.

At a minimum, the operator will install fence markers on all wire fences meeting the criteria above according to the following protocol. (The BLM authorized officer may consider and approve alternate fence marking methods):

- a. The operator will install 2- to 3-inch wide white markers on the top and middle wires between barbs at approximately 3-foot intervals. **Note:** Alternating white and black markers will increase visibility in winter habitat where snow is likely to be present.
- b. Offset the markers on the middle wire from those on the top wire.