



ECMC WILDLIFE PROTECTION PLAN OPERATOR GUIDANCE

Rule 304.c.(17). - Wildlife Protection Plan

Document Control

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Rule Citation

304.c.(17).

A Wildlife Protection Plan or Wildlife Mitigation Plan consistent with the requirements of Rule 1201.

Associated rules are included in Appendix A.

Purpose of Wildlife Protection Plan

The purpose of the Wildlife Protection Plan is to provide ECMC with the operator's plan for implementing the statewide operating requirements described in Rule 1202.a. for Oil and Gas Operations that are not within High Priority Habitat. (A Wildlife Mitigation Plan is required when the Oil and Gas Location is within a HPH. See Wildlife Mitigation Plan Guidance for more information.) The Wildlife Protection Plan should identify the specific Rule 1202.a. operating requirements that apply to the planned Oil and Gas Operations and describe the measures that are necessary to avoid and minimize impacts to wildlife resources and wildlife habitats. To accomplish this objective, the Wildlife Protection Plan should be prepared with the following strategies:

- Operators should plan development activities at the largest scale possible (landscape level) in order to allow for phased or clustered development to avoid or minimize impacts to wildlife resources; and,
- Develop a management program that provides for monitoring and evaluation of changes to wildlife resources and environmental conditions.

Wildlife Protection Plans may be included in Oil and Gas Development Plan (OGDP) or Comprehensive Area Plan (CAP) applications. Large-scale Wildlife Protection Plans may need additional language or mapping to address multiple wildlife species and habitats across the geographic area being analyzed.

Guidance/Requirements

1. The operator will develop a Wildlife Protection Plan with applicable Best Management Practices (BMPs) to identify processes, operational practices, and/or other strategies designed to meet the requirements of ECMC's Rules 1201.a. Wildlife Protection Plan and 1202.a. Operating Requirements. (The full text of these rules is included in the Appendix.) This list is to be provided in a format that allows the BMPs to be copied onto the Form 2A.
2. The Wildlife Protection Plan should include the identification of all Oil and Gas Locations covered under the plan (may include only one).
3. The Wildlife Protection Plan should include a brief introduction that describes the environmental setting of the Oil and Gas Location, the assessment methodology, the area assessed, and the dates the assessment was completed. The methodologies should include a desktop evaluation and field reconnaissance. Include the date(s) and time(s) of field reconnaissance in the discussion of the methodology.

4. The Wildlife Protection Plan should include an explanation of how the Operator plans to comply with each of the applicable operating requirements listed under Rule 1202.a. (The full text of this rule is included in the Appendix.) In the event that one or more of the Operating Requirements are not applicable, provide a brief explanation as to why the requirement is not applicable. Creating two separate sections outlining applicable operating requirements and non-applicable operating requirements may be appropriate and helpful.
5. While not specifically identified by Rules, wetlands are considered sensitive habitats and areas. If there are potential wetlands within 500 feet of the Oil and Gas Location, ECMC strongly encourages that they be included with this plan.
 - a. Include any surveys conducted to determine wetland status.
 - b. If USACE wetland determination forms are used to delineate a wetland, they should always be included.
 - c. Include the credentials of the person performing the wetland delineation.
6. Separate from Rule-Based information, the Wildlife Protection Plan may include additional applicable information regarding wildlife not specified in the rule, including, but not limited to, habitat and species protected under federal, state, or local regulations (e.g. Endangered Species Act). When providing additional non-rule-based information, the plan should include only the results of the surveys conducted and the necessary management and protection measures. The survey reports in their entirety should not be included with the Wildlife Protection Plan.

Additional Information

Common Errors and Issues Encountered by ECMC Staff

1. CPW pre-app consultation and/or correspondence is not included in the plan materials. Even if CPW consultation is not required by Rule, any and all correspondence with CPW or CPW pre-app review materials must be included in the Wildlife Protection Plan submission to provide a comprehensive understanding of CPW input and comments for ECMC staff.
2. Wetland delineations do not contain sufficient information for ECMC review.

General Notes

1. For separate non-Rule-Based information, we encourage operators to reference the following resources as applicable. Sources that may be reviewed during the preparation of this attachment include, but are not limited to:
 - a. Critical Habitat IPaC Report: <https://ecos.fws.gov/ipac/>
 - b. Migratory Birds: <https://www.fws.gov/birds/index.php>
 - c. State Protected Species:
<https://cpw.state.co.us/learn/Pages/SpeciesProfiles.aspx>
 - d. Buffer Zones and Seasonal Restrictions for Colorado Raptors:
<https://cpw.state.co.us/Documents/WildlifeSpecies/LivingWithWildlife/Raptor-Buffer-Guidelines.pdf>
 - e. The Wildlife Protection Plan should include a list of all sources used in the review and evaluation process and should be included in a separate section dedicated to references.

Frequently Asked Questions

1. N/A

Document Change Log

Change Date	Description of Changes
April 1, 2025	Guidance drafted to reflect Dec 2025 Rules
June 4, 2025	Reviewed, ADA accessibility verified
June 16, 2025	Prepared for publication

Appendix A - Associated Rules

1201.

- a. Wildlife Protection Plan. Proposed Oil and Gas Operations on new or amended Oil and Gas Locations requiring a new Form 2A, Oil and Gas Location Assessment outside of High Priority Habitat (HPH) require a Wildlife Protection Plan that includes a description of the Rule 1202.a. operating requirements applicable to the Oil and Gas Location. Wildlife Protection Plans may address multiple Oil and Gas Locations if supplemental site-specific information is provided as needed to meet Rule 1202.a. operating requirements at each Oil and Gas Location. Wildlife Protection Plans do not require Colorado Parks and Wildlife (CPW) consultation or approval.

1202.

- a. The operating requirements identified in this Rule 1202.a. apply to Oil and Gas Operations statewide unless the Operator obtains a signed waiver from CPW and the Director or Commission approves a Form 4, Sundry Notice or Form 2A documenting the relief.
 - (1) In black bear habitat, Operators will install and utilize bear-proof dumpsters and trash receptacles for food-related trash at all facilities that generate trash.
 - (2) Operators will disinfect water suction hoses and water transportation Tanks withdrawing from or discharging into surface waters (other than contained Pits) used previously in another river, intermittent or perennial stream, lake, pond, or wetland and discard rinse water in an approved disposal facility. Disinfection practices will be repeated prior to completing work and before moving to the next water body. Disinfection will be performed by scrubbing and pre-rinsing equipment away from water bodies to remove all mud, plants, and organic materials and then by implementing one of the following practices:

- A. Spray/soak equipment with a CPW-approved disinfectant solution capable of killing whirling disease spores and other aquatic nuisance species defined by CPW; or
 - B. Spray/soak equipment with water greater than 140° Fahrenheit for at least 10 minutes. All equipment and any compartments they contain will be completely drained and dried between each use.
- (3) At new and existing Oil and Gas Locations, Operators will not situate new staging, refueling, or Chemical storage areas within 500 feet of the Ordinary High Water Mark (“OHWM”) of any river, perennial or intermittent stream, lake, pond, or wetland.
- (4) To prevent access by wildlife, including birds and bats, Operators will fence and net or install other CPW-approved exclusion devices on new Drilling Pits, Production Pits, and other Pits associated with Oil and Gas Operations that are intended to contain Fluids.
- A. Such fencing and netting or other CPW-approved exclusion device will be installed within 5 days after the cessation of active drilling and completion activities and maintained until the Pit is removed from service and dried or closed pursuant to the Commission’s 900 Series Rules.
 - B. The Director may require an operator to fence and net or install other CPW-approved exclusion devices on an existing Pit if the Director determines that the installation is necessary and reasonable to protect Wildlife Resources based on the analysis required by Rule 909.j, or other information that demonstrates additional protections for Wildlife Resources are appropriate.
 - C. Operators will properly maintain and repair all fences, nets, and CPW-approved exclusion devices required by this Rule 1202.a.(4).
- (5) For trenches that are left open for more than 5 consecutive days during construction of Pipelines regulated pursuant to the Commission’s 1100

Series Rules, Operators will install wildlife escape ramps at a minimum of one ramp per 1/4 mile of trench.

- (6) When conducting interim and final Reclamation pursuant to Rules 1003 and 1004, Operators will use CPW-recommended seed mixes for Reclamation when consistent with the Surface Owner's approval and any local soil conservation district requirements.
- (7) Operators will use CPW-recommended fence designs when consistent with the Surface Owner's approval and any Relevant Local Government requirements.
- (8) Operators will conduct all vegetation removal necessary for Oil and Gas Operations outside of the nesting season for migratory birds (April 1 to August 31). For any vegetation removal that must be scheduled between April 1 to August 31, Operators may implement appropriate hazing or other exclusion measures prior to April 1 to avoid take of migratory birds. If hazing or other exclusion measures are not implemented, Operators will conduct pre-construction nesting migratory bird surveys within the approved disturbance area prior to any vegetation removal during the nesting season. If active nests are located, Operators will provide work zone buffers around active nests.
- (9) Operators will treat Drilling Pits, Production Pits, and any other Pit associated with Oil and Gas Operations containing water that provides a medium for breeding mosquitoes with Bti (*Bacillus thuringiensis v. israelensis*) or take other effective action to control mosquito larvae that may spread West Nile virus to Wildlife Resources. Such treatment will be conducted in a manner which will not adversely affect aquatic Wildlife Resources.
- (10) Operators will employ the following minimum Best Management Practices on new Oil and Gas Locations with a Working Pad Surface located between

500 feet and 1000 feet hydraulically upgradient from a High Priority Habitat identified in Rule 1202.c.(1).Q-S:

- A. Contain Flowback and Stimulation Fluids in Tanks that are placed on a Working Pad Surface in an area with downgradient perimeter berming;
- B. Construct lined berms or other lined containment devices pursuant to Rule 603.o around any new crude oil, condensate, and produced water storage Tanks that are installed after January 15, 2021;
- C. Inspect the Oil and Location on a daily basis, unless the approved Form 2A provides for different inspection frequency or alternative method of compliance;
- D. Maintain adequate Spill response equipment at the Oil and Gas Location during drilling and completion operations; and
- E. Not construct or utilize any Pits, except that Operators may continue to utilize existing Pits that were properly permitted, constructed, operated, and maintained in compliance prior to January 15, 2021.