

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
REGION 2

ENVIRONMENTAL CONTAMINANTS PROGRAM
OFF-REFUGE INVESTIGATIONS SUB-ACTIVITY

FY 2002 Final Report

TX, OK, NM - Oilfield Pollution
Project ID: 2F37.9920006.2
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by

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II. INTRODUCTION

II.A. Background and Justification

Open oilfield pits and tanks as well as a proliferation of production saltwater spills continue to impact migratory birds and other resident fish and wildlife resources in New Mexico, Oklahoma and Texas. Recent task force inspections on historic Oklahoma oilfields have documented significant migratory bird mortality and little netting compliance on open oilfield hazards. Mortality to migratory birds from open oilfield pits and tanks in Southeastern New Mexico alone has been estimated at upwards of 250,000 per year (Grover and Flickinger 1983). Endangered species, including Bald eagles and Peregrine falcons, have also been impacted. Increased protection will focus on public outreach and joint task force inspection operations during peak spring and fall migration periods.

Limited inspection efforts have demonstrated significant non-compliance of Oklahoma, Texas and New Mexico State rules governing open oilfield pits and tanks as well as the disposal of produced brines. Enhancing compliance will deter salt water dumping and habitat destruction, in addition to decreasing loss of migratory birds from direct contact with oil by encouraging netting and other measures. An outreach component will issue press releases as well as printing and distribution of Service Brochures and Fact Sheets on these issues. The following photographs depict typical oilfield inspection scenes in the covered area as well as the resulting migratory bird mortality:



II.B. Scientific Objective(s)

The number of oil pits in non-compliance as well as those within compliance will be documented and entered into a database. The number and type of migratory birds found in the pits and any other pertinent information such as obvious breeches and spills will also be recorded. These numbers can then be used to develop an estimate for regional impacts on various categories of migratory birds.

II.C. Management Action(s)

Citations, fines and other actions may be levied as appropriate. This increased investigation and response will serve to deter ongoing illegal activity and enhance migratory bird populations as well as endangered species. Past operations have generated some increase in compliance with state netting rules. However, there is an overall trend among operators toward non-compliance.

Data generated from this study will be used to help persuade the Oklahoma Corporation Commission to mandate a rule requiring the netting of open oilfield pits and tanks. This data will also serve to demonstrate the pervasiveness of non-compliance with State rules in New Mexico and Texas. This data will also help to determine the direction of Law Enforcement and other Service efforts in the future.

III. METHODS

III.A. Data Collection and Analysis

Data collected in this study will include physical locations of oil pits mapped using Global Positioning Satellite (GPS) technology. Many of the sites will be mapped from the air using Service and other aircraft equipped with the necessary GPS equipment. This data will be stored in a database linked to site specific data collected by ground crews. The oil pit specific data will include number and type of birds found and site descriptions including notation of any obvious spills or breeches to existing pits. Some effort will be made to estimate the water surface area presented to migrating birds. It should be noted that nearly all problematic oilfield sites were documented with GPS coordinates, and the coordinates are contained in the investigative files as well as the inspection reports.

It is anticipated that the aforementioned data will be stored in a Service Information Technology Architecture (SITA) compliant database system. This will increase the availability and usability of this data to both Service personnel as well as members of the other cooperating agencies. By having mapped locations of each of these sites, information may be presented graphically using Geographic Information System (GIS) technology. Data can be linked and analyzed according to other existing databases such as Congressional District boundaries.

III.B. Proposed Schedule of Milestones

Sampling and investigation will begin in the spring of 1999. Summary reports will be provided yearly, and a final report will be completed by July, 2002. It should be noted that the final report will include all data through this time frame. However, task force operations including one in Eastern Oklahoma and one in South Texas will be conducted during the remaining months of this fiscal year.

IV. FINAL REPORT

In fiscal years 1999, 2000, 2001, and 2002, multiple oilfield task force operations were conducted throughout historic petroleum production areas in New Mexico, Oklahoma and Texas. Assigned case agents documented netting compliance and oilfield migratory bird mortality with ongoing investigations in their areas of responsibility. To date, a total of \$163,792 in collateral fines have been collected from those oilfield operators documented with migratory bird mortality, and these funds by statute were deposited directly into the North American Wetlands Conservation Fund. In addition, a multitude of open oilfield hazards were remediated by offending operators following the issuance of appropriate target letters via certified mail. The following is a brief summary of oilfield inspections and investigations conducted by the assigned case agents over the past four (4) fiscal years:

NORTHERN NEW MEXICO OIL FIELDS:

FY 1999

- Seventy-six (76) sites observed with exposed oil/fluid due to inadequate or damaged netting
- Six (6) Companies issued Violation Notices
- \$5,000 paid in collateral fines
- Total of Nine (9) dead migratory birds collected as evidence: one (1) Pied billed Grebe, one (1) Barn Owl, two (2) Meadowlark, one (1) Bufflehead Duck, and four (4) Pyrrhuloxia

FY 2000

- Nineteen (19) sites observed with exposed oil/fluid due to inadequate or damaged netting
- One (1) Company issued Violation Notice
- \$1,025 collateral fine mitigated to \$200 by AUSA Max Carr-Howard over objections of SA/Pilot Stover. (Subject operator is a convicted felon and served three (3) years in State prison for oil theft under terms of his state felony conviction. In addition, his oil production site where the dead birds were recovered is located in a State Wildlife Management Unit and was in deplorable condition).
- Total of three (3) dead migratory birds collected as evidence: one (1) Barn Owl, one (1) Mourning Dove, and one (1) Vesper Sparrow
- Abandoned oil production site located in McKinley County, NM identified as a possible illegal dumping site for waste fluids and unusable field oil. Case referred to the New Mexico Oil Conservation Division (OCD) for appropriate investigative follow up.

FY 2001

- Twenty-five (25) sites observed with exposed oil/fluid due to inadequate or damaged netting
- Seven (7) Companies issued Violation Notices
- \$6,425 paid in collateral fines
- Total of seventeen (17) dead migratory birds collected as evidence: one (1) Gadwall, one (1) Green Wing Teal, two (2) Roadrunners, one (1) Barn Owl, two (2) Common Nighthawks, two (2) Meadowlark, two (2) Grackles, one (1) Mourning Dove, one (1) Logger-head Shrike, one (1) Kingbird, one (1) Western Kingbird, one (1) Solitary Sandpiper, and one (1) Burrowing Owl

FY 2002

- No activity during this fiscal year to date due to the events of September 11, 2002, and the temporary reassignment of SA/Pilot Stover to the FBI Joint Terrorism Task Force, Albuquerque, New Mexico. SA/Pilot Stover has been able to provide limited air support for this project since his reassignment, but all Service flying will be terminated at this initiation of his two (2) year detail on the aforementioned task force later this fiscal year.

SOUTHERN NEW MEXICO OILFIELDS:

During Fiscal Years 1998 through 2002, U.S. Fish and Wildlife Service, Special Agent (SA) Doug McKenna conducted compliance inspections and responded to complaints of the unlawful take and possession of migratory birds in the oilfields of Southeastern New Mexico. SA McKenna documented improper and un-maintained netting on numerous oil/brine tanks. Violation Notices were issued and letters indicating the failure to maintain proper netting were sent to several oil production companies. All dead birds were identified by the U.S. Fish and Wildlife Service, Fish and Wildlife Forensics Laboratory in Ashland, Oregon. SA McKenna documented the following:

Inspection Period May, 1999 through May, 2000:

- One hundred and five (105) oil/brine tanks/pits were inspected.
- Six (6) Violation Notices issued to six (6) oil and gas producers.
- 67% compliance rate on proper netting with a 33% violation rate.
- \$11,190 total amount of forfeiture of collateral collected from oil and gas producers for the take and possession of migratory birds in violation of the Migratory Bird Treaty Act, *Title 16, United States Code, Section 703*.
- 6% of oil/brine tanks/pits with Migratory Bird Treaty Act violations (included dead birds).
- Thirty-five (35) letters of non-compliance (improper or un-maintained netting) were sent to thirty-five (35) oil and gas producers.
- Documented compliance violations on federal oil/gas leases were presented to the Bureau of Land Management in the Carlsbad and Roswell Resource Areas.
- Ninety (90) dead birds recovered which included:
 - Twenty-seven (27) Northern mockingbirds (*Mimus polyglottos*)
 - One (1) Cactus wren (*Campylorhynchus brunneicapillus*)
 - One (1) Gadwall duck (*Anas strepera*)
 - One (1) Great blue heron (*Ardea herodias*)

Fifty-four (54) Pyrrhuloxia (*Cardinalis sinuatus*)
One (1) Purple gallinule (*Porphyrio martinica*)
Five (5) Meadowlarks (*Sturnella neglecta*)

Inspection Period May, 2000 through May, 2001:

- One hundred and thirty (130) oil/brine tanks/pits were inspected.
- Seven (7) Violation Notices issued to seven oil and gas producers.
- 84% compliance rate on proper netting with a 16% violation rate.
- \$10,666 total amount of forfeiture of collateral collected from oil and gas producers for the take and possession of migratory birds in violation of the Migratory Bird Treaty Act, *Title 16, United States Code, Section 703*.
- 5% of oil/brine tanks/pits with Migratory Bird Treaty Act violations (included dead birds).
- Three (3) letters of non-compliance (improper or un-maintained netting) were sent to three (3) oil and gas producers.
- Documented compliance violations on federal oil/gas leases were presented to the Bureau of Land Management in the Carlsbad and Roswell Resource Areas.
- Forty-six (46) dead birds recovered which included:
 - Two (2) Northern shovelers (*Spatula clypeata*)
 - Two (2) Green-winged teal (*Anas carolinensis*)
 - Fourteen (14) Northern mockingbirds (*Mimus polyglottos*)
 - Five (5) Mourning doves (*Zenaidura macroura*)
 - Two (2) Sage thrashers (*Oreoscoptes montanus*)
 - One (1) Black-throated sparrow (*Amphispiza bilineata*)
 - One (1) flycatcher (*Tijaniidae spp.*)
 - Three (3) undetermined birds-non-migratory
 - One (1) American kestrel (*Falco sparverius*)
 - One (1) Greater roadrunner (*Geococcyx californianus*)
 - Two (2) Scaled quail-non-migratory
 - Four (4) Pyrrhuloxia (*Cardinalis sinuatus*)
 - One (1) Screech owl (*Otus kennicottii*)
 - One (1) Burrowing owl (*Athene cunicularia*)
 - One (1) Barn owl (*Tyto alba*)
 - Five (5) Meadowlarks (*Sturnella neglecta*)

Inspection Period May, 2001 through May, 2002:

- Forty-five (45) oil/brine tanks/pits were inspected.
- Three (3) Violation Notices issued to three (3) oil and gas producers.
- 89% compliance rate on proper netting with a 11% violation rate.
- \$2,700 total amount of forfeiture of collateral collected from oil and gas producers for the take and possession of migratory birds in violation of the Migratory Bird Treaty Act, *Title 16, United States Code, Section 703*.
- 7% of oil/brine tanks/pits with Migratory Bird Treaty Act violations (included dead birds).

- Five (5) letters of non-compliance (improper or un-maintained netting) were sent to four (4) oil and gas producers.
- Documented compliance violations on federal oil/gas leases were presented to the Bureau of Land Management in the Carlsbad and Roswell Resource Areas.
- Fourteen (14) dead birds recovered which included:
 Eight (8) Northern mockingbirds (*Mimus polyglottos*)
 Two (2) Cactus wren (*Campylorhynchus brunneicapillus*)
 Four (4) Pyrrhuloxia (*Cardinalis sinuatus*)

OKLAHOMA OILFIELD TASK FORCE:

SAs Tom McKay, Garland Swain, John Elofson, and Tom Ricardi coordinated all enforcement operations in Oklahoma for Fiscal Years 1999 through 2002. Overall, eight (8) joint task force operations as well multiple individual inspection referrals were conducted during this time frame. All historic oilfields throughout the state were inspected and resulted in the issuance of thirty-one (31) Violation Notices for migratory bird mortality and the assessment of \$30,100 in collateral fines. In addition, 1,293 problematic oilfield sites (either un-netted disposal tanks/pits or those with un-maintained netting) were documented. These operators were subsequently issued target letters via certified mail which ultimately resulted in the complete remediation of the oilfield hazards. The following tables represent data tabulated and prepared by Investigative Program Assistant Georgia Gibson for Fiscal Years 1999 through 2002:

Table 1: Overall Statistics

FY	No. of Co.	No. of Sites	No. of Birds	Penalty-\$
1999	23	683	18	7,500
2000	21	482	43	11,800
2001	7	82	11	8,800
2002	3	46	2	2,000
TOTALS	54	1293	74	30,100

Table 2: Migratory Bird Mortality Collected

Four (4) Barn Swallow (*Hirundo rustica*)
 Two (2) Lark Sparrow (*Chondestes grammacus*)
 Two (2) Red-tailed Hawk (*Buteo jamaicensis*)
 Nineteen (19) Brown-headed Cowbird (*Molothrus ater*)
 One (1) Greater Roadrunner (*Geococcyx californianus*)

One (1) Short-eared Owl (*Asio otus*)
 Two (2) Great Horned Owl (*Bubo virginianus*)
 One (1) Green-winged Teal (*Anas carolinensis*)
 Three (3) Northern Mockingbird (*Mimus polyglottos*)
 Two (2) Meadowlark (*Strunella magna*)
 One (1) Common Grackle (*Quiscalus quiscula*)
 Three (3) Mourning Dove (*Zenaidura macroura*)
 One (1) Sparrow (*Fringillidae spp.*)
 Three (3) Eastern Phoebe (*Sayornis phoebe*)
 Two (2) Red-winged Blackbird (*Agelaius phoeniceus*)
 Two (2) Red Head Ducks (*Athya americana*)
 One (1) Gadwall (*Anas strepera*)
 One (1) American Widgeon (*Mareca americana*)
 One (1) American Kestrel (*Falca sparverius*)
 Five (5) Passerine birds (*Fringillidae spp.*)
 Five (5) Lark Buntings (*Calamospiza melanocoryx*)
 One (1) Cassin's Sparrow (*Aimophila cassinii*)
 Two (2) Swainson's Hawk (*Buteo swainsoni*)
 Two (2) Northern Shovelers (*Spatula clypeata*)
 Three (3) American Coots (*Fulica americana*)
 One (1) Least Sandpiper (*Erolia minutillo*)

NORTHEAST TEXAS OILFIELD INSPECTIONS

SAs Craig Tabor and Glen Pye coordinated all enforcement operations in Northeast Texas for Fiscal Years 1999 through 2002.

This investigation is a follow-up to past inspections in Northeast Texas to assess and encourage MBTA compliance at sites related to the oil/gas production industry. This area encompasses several large oil/gas fields and includes Rusk, Gregg, Upshur, Wood, Hopkins, Franklin, Titus, Cass, Marion, and Harrison counties.

SAs, working with Texas Railroad Commission Inspectors, inspected one hundred fifty-six (156) oil/gas production/storage sites during this time frame. The agents and inspectors found that seventy-four (74) of these were not compliant with the MBTA State regulations pertaining to protection of birds, or both (any site where appropriate steps had not been taken to protect birds, or where oiled birds were found, was considered not compliant). The compliance rate of those sites inspected was 52.5%.

Dead, oiled birds (or parts) were found at twelve sites and were subsequently shipped to the National Fish & Wildlife Forensics Laboratory for species identification and forensic analysis. The carcasses were positively identified as Northern Mockingbirds, Screech Owls, Common Grackles, Northern Cardinals, Great-horned Owls, Loggerhead Shrikes, Brown-headed Cowbirds, Eastern Bluebirds, Cattle Egrets, Common Snipe, Mourning Dove, Red-tailed Hawk, Song Sparrow, and

unspecified Passerines. Ten (10) Violation Notices were sent to the operators of those sites where the oiled migratory birds were found and resulted in the assessment and payment of collateral fines totaling \$11,650.

SAs also sent letters to all operators responsible for documented "non-compliant" sites. These letters advise the operator of the hazard that the sites pose to migratory birds, suggest possible solutions, and gives them a reasonable period of time to implement corrective measures. The letters also advise the operator that, after this reasonable time period expires, they will receive a Violation Notice charging them with a MBTA violation if the problem remains uncorrected. SAs have also briefed local federal prosecutors on this matter and obtained their support in issuing the operators of such sites Violation Notices for an "Unlawful ATTEMPT to take migratory birds." The subsequent follow-up inspections of identified non-compliant sites were conducted this fiscal year, and all sites were remediated to protect migratory birds and other wildlife.

NORTH-CENTRAL TEXAS OIL PITS

The following report of oilfield task force enforcement is outlined in three annual task force investigations from 1999 through 2002. During this time period three hundred twenty-four (324) oil production sites in ten North Central Texas Counties were inspected, and one hundred sixty-four (164) were found to be in violation of the RRC Statewide Rule 22, failure to render an open tank or pit harmless to migratory birds. The total federal fines assessed against defendant oil companies were \$36,900. Twenty-six (26) migratory birds were documented as being unlawfully taken by defendant oil companies. The Service Forensics Lab identified the species submitted as: Northern Mockingbirds, American kestrels, swift, Night hawk, Barn owls, Great-horned owls, Yellow-billed cuckoos, Orchard oriole, Greater roadrunners, Brown-headed cowbird, Eastern phoebe, and a Golden-fronted woodpecker. (See attached schedule, "Oil Pit Task Force-North Central Texas 1999-2001")

Oil Pit Task Force - North-Central Texas 1999 - 2002

Breakdown of Migratory Birds Documented at Oil Production Sites by Texas Counties and Federal Fines Paid by Defendant Oil Companies

SA Steve Hamilton, Fort Worth, Texas

Migratory Bird Mortality Collected:

N. Mockingbird	4
American kestrel	2
swift	1
night hawk	1

barn owls	5
great-horned owl	3
yellow-billed cuckoo	2
orchard oriole	1
Greater roadrunner	4
Brn-headed Cow bird	1
Eastern Phoebe	1
Gold-fronted woodpecker	1
Total Mig. Birds	26

Birds by Counties

Archer	1
Callahan	
Eastland	1
Jack	
Shackelford	6
Stephens	2
Throckmorton	3
Wichita	
Wilbarger	
Young	13

Total Collateral Fines Assessed Against Eighteen (18) Defendant Oil Companies

1999-2000	\$11,900
2000-2001	\$ 6,200
2001-2002	\$18,800
Total	\$36,900

During September 20 - 23, 1999, Service Special Agents (SA) and Texas Railroad Commission (RRC) Inspectors conducted physical inspections of one hundred-fifty nine (159) oil production sites in Wichita, Archer, Jack, Wilbarger, and Young counties of north central Texas. Service SA/Pilot Greg Stover located most of the sites by aircraft allowing SAs and RRC Inspectors direct access to

violation sites. Eighty-one (81) sites were found to be in violation of RRC Statewide Rules (SR), specifically SR22, failure to render the tank/pit harmless to migratory birds. Five (5) of the eighty-one (81) oil production sites contained eleven bird mortalities.

Most oil companies complied by netting tanks/pits, filling pits, draining tanks and rendered the sites found in violation of SR22 harmless to birds. Two (2) sites that were not in compliance have been abandoned by the operators and are in the process of RRC administrative adjudication. The following is a comprehensive list of the eighty-one (81) oil production/disposal facilities that were found to be in violation. A brief narrative has been provided to delineate the inspection results observed by field personnel.

1. J. R. Turrier Co.
Waggoner B Lease
RRC # 19416
Wilbarger Co., TX
Pit, 2' x 3', No netting; Speed Memo left at site by RRC Inspector on 9/21/99.
2. Wagman Petroleum
East Milham Sand Unit
RRC # 11633
Wilbarger Co., TX
30' x 30' Pit, netting submerged; Speed Memo left at site by RRC Inspector on 9/21/99.
N 33 58' 048"
W 99 07' 116"
3. Wilbarger Co. Regular Field
Waggoner E Lease
Wilbarger Co., TX
RRC # 06825
10' x 20' Pit, no netting; Speed Memo left at site by RRC Inspector on 9/21/99.
4. Johnson & Ernst Operating Co.
Waggoner Hill Lease 3, HH-3
Wilbarger Co., TX
RRC # (not recorded on inspection report)
10' x 15' Pit, no netting; Speed Memo left at site by RRC Inspector on 9/21/99.
5. Koontz Oil Co.
Waggoner Y, Sec. 22, Blk 4
Wilbarger Co., TX
RRC # 14535
Open top tank, netting submerged; Speed Memo left at site by RRC Inspector on 9/21/99.
6. Jack C. Staley

Waggoner FG, #27
Wilbarger Co., TX
RRC # 06827

Open top tank, no netting; Speed Memo left at site by RRC Inspector on 9/21/99.

7. Koontz Oil Co.
Waggoner A.,
Wilbarger Co., TX
RRC # 18531
10' x 20' pit, no netting; Speed Memo left at site by RRC Inspector on 9/21/99.
8. Patton Oil Co.
Waggoner XYZ Lease
Wilbarger Co., TX
RRC # 17556
Tank, not needs repair; Speed Memo left at site by RRC Inspector on 9/21/99.
9. Johnson & Ernst Operating Co.
(No lease or RRC # provided in inspection report, dated 9/21/99.)
Wilbarger Co., TX
10' x 20' pit, no netting; Speed Memo left at site by RRC Inspector on 9/21/99.
10. Johnson & Ernst Operating Co.
Waggoner F Lease
RRC # 06643
Wilbarger Co., TX
10' x 20' pit, no netting; Speed Memo left at site by RRC Inspector on 9/21/99.
N 33 58' 477"
W 89 09' 502"
11. Johnson & Ernst Operating Co.
Waggoner CR Lease
RRC # 10511
Wilbarger Co., TX
10' x 20', pit, no netting; Speed Memo left at site by RRC Inspector on 9/21/99.
12. Johnson & Ernst Operating Co.
Waggoner CQ, #4 Lease
RRC # (no lease number on inspection report)
Wilbarger Co., TX
Pit, 8' x 10', no netting; Speed Memo left at site by RRC Inspector on 9/21/99.
13. Johnson & Ernst Operating Co.

RRC # 09887
Wilbarger Co., TX
10' x 18' pit, no netting; Speed Memo left at site by RRC Inspector on 9/21/99.

14. Johnson & Ernst Operating Co.
Waggoner Ranch - Battery 4
RRC # 06627
Wilbarger Co., TX
Open top tank, net needs repair; Speed Memo left at site by RRC Inspector on 9/22/99.
15. Finnell Oil Co.
Waggoner Robb Lease
RRC # 15049
Wilbarger Co., TX
10' x 20', Pit, no netting; Speed Memo left at site by RRC Inspector on 9/21/99.
16. Finnell Oil Co.
Waggoner OO Lease
RRC # 06484
Wilbarger Co., TX
10' x 15', Pit, no netting; Speed Memo left at site by RRC Inspector on 9/21/99.
17. Johnson & Ernst Operating Co.
Nagg CV Lease
RRC # 16793
Wilbarger Co., TX
10' x 25', open pit, no netting; Speed Memo left at site by RRC Inspector on 9/22/99.
18. Canan Operating Co.
Waggoner Est. 00, Lease #3.
RRC # 06484
Wilbarger Co., TX
10' x 25', open pit, no netting; Speed Memo left at site by RRC Inspector on 9/22/99.
19. Johnson & Ernst Operating Co.
Rock Crossing Milham Sand Unit
RRC # 12319
Wilbarger Co., TX
20' x 8', open pit, no netting; Speed Memo left at site by RRC Inspector on 9/22/99.
20. Barron Corp.
Waggoner Lease
RRC # 12357
Wilbarger Co., TX

Tank, holes in netting, Speed Memo left at site by RRC Inspector on 9/22/99.

21. Johnson & Ernst Operating Co.
Waggoner DW Lease
RRC # 09764
Wilbarger Co., TX
10' x 10', open pit, no netting; Speed Memo left at site by RRC Inspector on 9/22/99.
22. Johnson & Ernst Operating Co.
Waggoner DAB Lease
RRC # 06442
Wilbarger Co., TX
Two open pits, no netting; Speed Memo left at site by RRC Inspector on 9/22/99.
23. Johnson & Ernst Operating Co.
Waggoner Lock Lease
RRC # 12592
Wilbarger Co., TX
30' x 50', open pit, no netting; Speed Memo left at site by RRC Inspector on 9/22/99.
24. Three P Operating Co.
(No lease sign) Orth oil field, South of Olney, TX
Young Co., TX
Open top tank, no netting; Speed Memo left at site by RRC Inspector on 9/21/99.
25. Ashtola Exploration Co., Inc.
Hardin-Fortune Lease
RRC # 26556
Young Co., TX
Two tanks, nets unmaintained.
26. LCS Production Co.
Edsall One
(No RRC #)
Throckmorton Co., TX
Sludge pit, needs cleaning; Speed Memo left at site by RRC Inspector on 9/21/99.
27. Henderson & Erickson, Inc.
Graham Estate Lease
RRC # 16009
Young Co., TX
Two open-top tanks, nets unmaintained; Speed Memo left at site by RRC Inspector on 9/21/99.

28. Joint Resources Co.
S.R. Mayes Lease
RRC # 09646
Young Co., TX
Pit net unmaintained; Speed Memo left at site by RRC Inspector on 9/21/99.
29. Joint Resources Co.
W.T. Mayes "A" Lease
RRC # 26118
Young Co., TX
Tank no net; Speed Memo left at site by RRC Inspector on 9/21/99.
30. Joint Resources Co.
M.A. Mayes "B" Lease
RRC # 09646
Young Co., TX
Two tanks, no nets; Speed Memo left at site by RRC Inspector on 9/21/99.
31. Ranger Operations
Ivy #2 Lease
RRC # (no sign at site)
Young Co., TX
Tank, no net; Speed Memo left at site by RRC Inspector on 9/21/99.
32. Gordon Neese
Davis Lease Well #4
No RRC # on inspection report
Young Co., TX
Tank, no net; Speed Memo left at site by RRC Inspector on 9/21/99.
33. Spencer B. Street, Jr.
Harrison Lease
RRC # 18065
Young Co., TX
Tank, no net; Speed Memo left at site by RRC Inspector on 9/21/99.
34. Antle Operating, Inc.
McWilliams Lease
No RRC # on inspection report
Tank, no net; Speed Memo left at site by RRC Inspector on 9/21/99.
35. Antle Operating, Inc.
J.J. Shephard Lease
No RRC # on inspection report

- Young Co., TX
Tank, no net; Speed Memo left at site by RRC Inspector on 9/21/99.
36. D.M. Knox Oil Co.
Fred Atwood Lease
No RRC # on inspection report
Young Co., TX
Tank, net unmaintained; Speed Memo left at site by RRC Inspector on 9/22/99.
37. John Pursley
CC Chambers Lease
RRC # 51097
Young Co., TX
Tank, no net; Speed Memo left at site by RRC Inspector on 9/22/99.
38. B & B Enterprises
A.C. Barker Lease
RRC # 02985
Jack Co., TX
Six tanks, no nets; Speed Memo left at site by RRC Inspector on 9/22/99.
(Personal contact made by SA and RRC Inspector with owner, 9/22/99.)
39. Doc's Tank Truck Service
RRC # P009344, A, B, C
Jermyn, Jack Co., TX (on State Hwy, 114)
Three pits, no nets; Speed Memo left at site by RRC Inspector on 9/22/99.
40. Red-Tex Petroleum, Inc.
Orr Lease
RRC # 28244
Jack Co., TX
Tank, net unmaintained; Speed Memo left at site by RRC Inspector on 9/22/99.
41. Ridge Oil Co.
Williams "A" Lease
RRC # 29258
Young Co., TX
Tank, no net; Speed Memo left at site by RRC Inspector on 9/22/99.
42. Cooper Oil (? , no sign at site)
Young Co., TX
Tank, net unmaintained; Speed Memo left at site by RRC Inspector on 9/22/99.
43. Barnett Energy, Inc.

Johnson-Bannin Lease

RRC # 23850

Young Co., TX

Tank, not unmaintained; Speed Memo left at site by RRC Inspector on 9/22/99.

44. Bob Craig

Falls Comby F Lease

RRC# 00584

Archer Co., TX

Tank, leaking; Speed Memo left at site by RRC Inspector on 9/21/99.

45. Big Rim Production

Logan Lease

RRC# 00107

Archer Co., TX

Tank, netting unmaintained; Speed Memo left at site by RRC Inspector on 9/21/99.

46. Stovall Operating Co.

Smith 77 Lease

RRC# 25897

Archer Co., TX

Tank, netting unmaintained; Speed Memo left at site by RRC Inspector on 9/21/99.

47. Dallas & Pollard

Thomas Lease

RRC# 00624

Archer Co., TX

Tank, netting unmaintained; Speed Memo left at site by RRC Inspector on 9/21/99.

48. Deen Drilling

Cowan & McKinney F Lease

RRC# 18565

Archer Co., TX

Tank, netting unmaintained; Speed Memo left at site by RRC Inspector on 9/21/99.

49. Jack Lofton

RRC# 15503

Archer Co., TX

Open pit, no netting; Speed Memo left at site by RRC Inspector on 9/22/99.

50. Geo Natural Resources

Abernathy Lease

RRC# 406318

Archer Co., TX

- Tank, no netting; Speed Memo left at site by RRC Inspector on 9/21/99.
51. Jack Lofton
RRC# 15503
Archer Co., TX
Open pit, no netting; Speed Memo left at site by RRC Inspector on 9/22/99.
 52. Hayden Farmer
Garvey Lease
RRC# 15579
Archer Co., TX
Open pit, no netting; Speed Memo left at site by RRC Inspector on 9/22/99.
 53. Jim Wade
Cowan/McKinney 201
RRC# 19775
Archer Co., TX
Three open pits, no netting; Speed Memo left at site by RRC Inspector on 9/22/99.
 54. Three P Operating Co.
Andrews Tract #4 Lease
RRC# 18883
Archer Co., TX
Tank, no netting; Speed Memo left at site by RRC Inspector on 9/22/99.
 55. LaJolla Oil & Gas
Andrews "E" Lease
RRC#19426
Archer Co., TX
Tank, no netting; Speed Memo left at site by RRC Inspector on 9/22/99
 56. Eagle Oil & Gas
Morrison Lease
RRC# 5073443
Archer Co., TX
Tank, netting unmaintained; Speed Memo left at site by RRC Inspector on 9/22/99.
 57. Pryor Petroleum Corp.
Hull Silk Lease 4300 Unit
RRC# 11693
Archer Co., TX
Large pit, McDay Energy Corp.
Nierserman Lease
RRC # 16484

- Wichita Co., TX
Oil in berm, around tank; Speed Memo left at site by RRC Inspector on 9/21/99.
58. Jackie Meador
Hall Lease
RRC# 17017
Archer Co., TX
Large pit, no netting; Speed Memo left at site by RRC Inspector on 9/22/99.
59. Jimco Oil Co.
(No lease identified in inspection report)
RRC # 05474
Wichita Co., TX
Oil in berm, around tank; Speed Memo left at site by RRC Inspector on 9/22/99.
60. McDay Energy Corp.
Hieserrman Lease
RRC # 16484
Wichita Co., TX
Oil in berm, around tank; Speed Memo left at site by RRC Inspector on 9/21/99.
61. McDay Energy Corp.
S.L.L. Hieserrman Lease
RRC # 05375
Wichita Co., TX
Oil in berm, around tank; Speed Memo left at site by RRC Inspector on 9/21/99.
62. McDay Energy Corp.
WF Ramming Lease
RRC # 05601
Wichita Co., TX
Oil in berm, around tank; Speed Memo left at site by RRC Inspector on 9/21/99.
63. McDay Energy Corp.
Ruyle - Unit
RRC #05363
Wichita Co., TX
Oil in berm, around tank; Speed Memo left at site by RRC Inspector on 9/21/99.
64. Aztec Operating Inc.
Bailey Water Plant
RRC # 5425
Wichita Co., TX
Oil in berm, around tank; Speed Memo left at site by RRC Inspector on 9/21/99.

65. Frank Foster
Ed Foster Estate Lease
RRC # 05099
Wichita Co., TX
Open pit, no netting; Speed Memo left at site by RRC Inspector on 9/21/99.
66. Tommy Swanson Oil Co.
Tidewater Sunray
RRC # 006517
Wichita Co., TX
Open pit, netting gone; Speed Memo left at site by RRC Inspector on 9/22/99.
67. Donald R. Rogers
Waggoner Estate Lease
RRC # (none provided in inspection report)
Wichita Co., TX
Tank, no netting; Speed Memo left at site by RRC Inspector on 9/22/99.
68. Gator Development Inc.
VFW Lease
RRC # 05752
Wichita Co., TX
Open pit, netting gone; Speed Memo left at site by RRC Inspector on 9/22/99.
69. Belco Energy Corp.
Red River Allen Lease
RRC # 26454
Wichita Co., TX
Open pit, netting unmaintained; Speed Memo left at site by RRC Inspector on 9/22/99.
70. Coda Energy Inc.,
R.R. Hamilton Lease
RRC # 00468
Wichita Co., TX
Open pit, netting unmaintained; Speed Memo left at site by RRC Inspector on 9/22/99.
72. Belco Energy Corp.
SE Honaker Lease
RRC # 26760
Wichita Co., TX
Open pit, netting unmaintained; Speed Memo left at site by RRC Inspector on 9/22/99.
73. Witt Operating.
Clara Ramming Lease

- RRC # 05600
Wichita Co., TX
Pit, no netting; Speed Memo left at site by RRC Inspector on 9/21/99.
74. Belco Energy Corp.
SMA Unit B, II
RRC # 0000485
Wichita Co., TX
Open pit, netting unmaintained; Speed Memo left at site by RRC Inspector on 9/21/99.
75. McDay Energy Corp.
John Serrich Unit
RRC # 05223
Wichita Co., TX
Two tanks; netting unmaintained; Speed Memo left at site by RRC Inspector on 9/21/99.
76. Kimleco Petroleum, Inc.
Taack Lease
RRC # 13568
Young Co., TX
Tank, no netting, six barn owls located in tank; Speed Memo left at site by RRC Inspector on 9/21/99. NOV issued, federal prosecution resulted in a fine of \$8,400.00.
77. Three P Operating Co.
CLNS Unit
RRC # 26344
Young Co., TX
Historical stain at tank battery site, skeletal remains of a yellow-billed cuckoo and bobwhite quail, located in stain on ground; NOV dismissed by U.S. Magistrate, Wichita Falls, TX; Speed Memo left at site by RRC Inspector on 9/21/99.
78. Dec Boyd Well Service
Stephens Lease
RRC # 06461
Wilbarger Co., TX
100' x 40' disposal pit, net submerged in oil, night hawk and mockingbird located in oil; Speed Memo left at site by RRC Inspector on 9/21/99; NOV issued, paid \$1,400 fine on 3/1/00.
79. Haigood & Campbell
McCrory Lease
RRC # 00121
Archer Co., TX
Tank, no netting, located in a swift in tank; Speed Memo left at site by RRC Inspector on 9/21/99. NOV issued, \$900 fine paid on 3/7/00.

80. Johnson & Ernst Operating Co., Inc.
Millham Sand A Unit
RRC #11150
Wilbarger Co., TX
20' x 20' disposal pit, no net, an American kestrel located in oil; Speed Memo left at site by RRC Inspector on 9/22/99; NOV issued, paid \$1,200 fine on 2/29/00.
81. Rogers Drilling Co.
Taack Lease
RRC # 26305
Young Co., TX
Tank, no netting, FWS letter mailed informing company they should render tank harmless within twenty days or receive an NOV for "attempt to take". Follow-up to be done on 5/22/00; RRC District Office notified company by letter of SR22 violation on 4/26/00.

On September 11 through 14, 2000, Service Special Agents conducted physical inspections of eighty (80) oil production sites in Eastland, Stephens, Shalokford and northeastern Callahan, Counties of Texas. Twenty-nine (29) sites were documented in violation of RRC Statewide Rule number 22 (SR22), failing to render the oil pits/tanks harmless to migratory birds, and the Migratory Bird Treaty Act in taking, or attempting to take, migratory birds by oil covered pits or tanks. Nine (9) bird carcasses/parts were located in oil pits/tanks.

The migratory bird species documented during this segment were as follows: Mockingbird, American Kestrel, Brown-headed cowbird, Barn Owl, Greater roadrunners and Orchard oriole. During this investigative segment, fines in the amount of \$6,200 were assessed against four (4) defendant oil companies from this task force operation.

The defendant oil companies complied by netting tanks/pits, filling pits, draining tanks and rendered the sites found in violation of SR22 harmless to birds. The following is a list oil production/disposal facilities that were found to be in violation. A brief narrative has been provided to delineate the inspection results observed by field personnel.

1. BOB CARROLL LEASE, Well #1, Eastland County, RRC# 14462; inspection revealed improper netting of facility disposal pit.
2. PARDUE OIL, J.M. RADFORD LEASE, Eastland County, RRC# 01454; inspection revealed no netting over a disposal pit, and one (1) oiled bird carcass was located in the oil pit.
3. PARDUE OIL, THORPE LEASE, Stephens County, RRC# P007579 (number obscure); inspection revealed un-maintained netting a over disposal pit.
4. MERIT ENERGY, STEVENSON-JONES UNIT, Stephens County, RRC# P001434;

inspection revealed un-maintained netting over a disposal pit. A Field Contact Notification Letter, was provided to Joe K. STOKER, Forman.

5. MERIT ENERGY, SLOAN-MORTON UNIT, Stephens County, RRC# P001432; inspection revealed no netting at a disposal pit.
6. MERIT ENERGY, DICKIE LEASE, Stephens County, RRC# 1273; inspection revealed un-maintained netting over a disposal pit.
7. TEXAS TANK TRUCKS COMPANY, RUSSELL LEASE, Stephens County, RRC# 14777; inspection revealed no netting at a disposal pit.
8. TEXAS TANK TRUCKS COMPANY, PENDLETON "C" LEASE, Stephens County, RRC# 23055; inspection revealed no netting at a disposal pit.
9. SDE INC., E.M. SAYRE LEASE, WELL #3, Stephens County, RRC# 23480; inspection revealed un-maintained netting over a disposal pit.
10. SDE INC., CATEN LEASE, Stephens County, RRC# 27283; inspection revealed no netting at a disposal pit.
11. STATEX OPERATING, LLC., A.A. ATKINSON LEASE, Stephens County, RRC# 03900; inspection revealed un-maintained netting over a disposal pit. Pete LOCKHART, pumper, was provided with an FWS contact letter.
12. DENE'S WATER HAULING, CITY OF CISCO PIT, Eastland County, RRC# 02665; inspection revealed improper netting of facility disposal pit.
13. ENERGEX INC., M.G. MOORE #1, Eastland County, RRC# 16748; inspection no netting over a disposal pit, and oiled bird feathers recovered from the oil pit. Irvin ROBINSON, supervisor, was provided with a FWS contact letter.
14. HORN ENERGY, GRAHAM #1 LEASE, Eastland County, RRC# 144049; inspection revealed un-maintained netting over a disposal tank.
15. TREK RESOURCES INC., N. EMERGENCY WATER UNIT, Eastland County, RRC# P006580; inspection revealed no netting over a disposal pit. An FWS Field Contact Notification Letter, was provided to Tommy AMES, Contract Pumper.
16. TREK RESOURCES INC., EMERGENCY WATER UNIT, Eastland County, RRC# P006579; inspection revealed un-maintained netting over a disposal pit. A copy of Attachment #5, FWS Field Contact Notification Letter, was provided to Tommy AMES, Contract Pumper. Photos taken by SA Hamilton, Roll #2, 24-25.

17. C.B. PRODUCTION CO., MARGIE ENGLISH LEASE, Eastland County, RRC# 20117; inspection revealed un-maintained netting over a disposal tank.
18. HOLSON WELL SERVICE, COMPTON WSA, Shalokford County, RRC# 12324; inspection revealed un-maintained netting over a disposal tank.
19. ALCO OIL & GAS, NEWELL LEASE, Shalokford County, RRC# 011203; inspection revealed no netting at a disposal pit.
20. BRECK OPERATING CO., NAIL-MONROE-BETTS, Shalokford County, RRC# 27168; inspection revealed un-maintained netting over a disposal tank.
21. BRECK OPERATING CO., COOK RANCH A2, A3-#1, Shalokford County, RRC# 26590; inspection revealed un-maintained netting over a disposal tank.
22. Unknown, Operator not listed, NAIL RANCH, Shalokford County, RRC# 14295; inspection revealed un-maintained netting over a disposal tank.
23. DAHAB ENERGY, INC., J.H. NAIL #119, Shalokford County, RRC# 13042; inspection revealed un-maintained netting over a disposal tank, and two (2) oiled bird remains were recovered.
24. LEWIS SCHADE, NAIL #137, Shalokford County, RRC# 23299; inspection revealed no netting over a disposal tank.
25. SNYDER DRILLING CORP., NAIL #149-B, Shalokford County, RRC# 23416; inspection revealed no netting over a disposal tank, and four (4) oiled bird carcasses were recovered.
26. RAYMON TAYLOR, JR., NAIL "150" #1, #2, LEASE, Shalokford County, RRC# 23113; inspection revealed un-maintained revealed un-maintained netting over a disposal tank.
27. H.R. STASNEY & SONS, LTD., NAIL RANCH #0490, Shalokford County, RRC# 06884; inspection revealed un-maintained netting over a disposal pit and tank, and one (1) oiled bird carcasses was recovered from the pit.

On September 24 through 27, 2001, Service Special Agents and Texas Railroad Commission (RRC) inspectors conducted physical inspections of eighty-five (85) oil/salt-water disposal pits and tanks at oil production sites inspectors in Stephens, Shalokford, Young, and Throckmorton, Counties of Texas. These sites were found to be in violation of RRC regulations, and eleven (11) oiled bird carcasses/parts were located in saltwater/oil disposal pits and tanks.

These sites were documented in violation of RRC Statewide Rule number 22 (SR22), failing to render the oil pits/tanks harmless to migratory birds. Notification by the Service and/or RRC resulted in compliance by the aforementioned oil companies rendering their sites harmless to migratory birds. J.C. GLOBAL ENVIRO CONSORTIUM, #51, was determined to be out of business and attempts to locate the owners proved unsuccessful.

The migratory bird species documented during this segment were as follows: Greater Roadrunner, Yellowed-billed Cuckoo, Northern Mockingbird, Eastern Phoebe, Barn Owl and Golden-fronted Woodpecker, Great-horned Owls, and Barn Owls. During this third investigative segment, fines in the amount of \$18,800 were assessed against eight (8) defendant oil companies.

Most oil companies complied by netting tanks/pits, filling pits, draining tanks and rendered the sites found in violation of SR22 harmless to birds. The following is a list of oil production/disposal facilities that were found to be in violation. A brief narrative has been provided to delineate the inspection results observed by field personnel.

1. FIDELITY PETROLEUM CORPORATION, INC., Well #2, Young County, RRC#29890, M.K. Graham Lease, and the TCSL Lease, RRC #24302, Greater Roadrunner carcass recovered, Throckmorton County, inspection revealed no netting of facility disposal pits and tanks.
2. PHOENIX PETROCORP, INC., Young County, RRC# 28956, Clark Unit; inspection documented no netting over a disposal pit, and one (1) oiled bird carcass, later identified as a Yellow-billed cuckoo, was located in the oil pit.
3. **ECHO PRODUCTION, INC., Young County, RRC# 12007 and 13041; inspection revealed un-maintained netting over a disposal pit and two (2) birds were recovered, later identified as a Northern Mockingbird and an Eastern Phoebe.
4. THREE P OPERATING, Young County, RRC# 16920 and 2356; See Attachments #7 & 8., inspection revealed no netting over a disposal pit and tank.
5. MANUEL MULLINS, Young County, Bloodworth Lease, No RRC #; inspection revealed un-maintained netting no netting at a disposal tank.
6. THE KARBEL COMPANY, Young County, RRC# 19779 & 21506; inspection revealed un-maintained netting no netting over a disposal tank.
7. **DOUBLE L OPERATING COMPANY, Young County, RRC# 21021 and 20619; inspection revealed no netting at a disposal tank and an oiled bird part located, and visually identified by SA Hamilton as a Barn Owl.
8. E.W. HAUSLER, Archer County, RRC # 00814; inspection revealed no netting at a disposal tank.

9. R.M. HILL OPERATING, Young County, RRC# 27781 & 24888; inspection revealed un-maintained netting at a disposal pit.
10. DAN L. LANGFORD, Young County, RRC# 19779 & 21506; inspection revealed un-maintained netting and no netting over a disposal tank.
11. STOVAL OPERATING COMPANY, Young County, RRC# 24642; inspection revealed un-maintained netting netting over a disposal tank.
12. ANTLE INCORPORATED, Young County, RRC# 21497; inspection revealed un-maintained netting no netting over a disposal tank.
13. GENERAL OPERATING COMPANY, Young County, RRC# 08478; inspection revealed un-maintained netting no netting over a disposal tanks.
14. GARY BROGDEN, Young County, RRC# 19956 & 19893; See Attachment #19., inspection report by SAs Lee/Ricardi, regarding no netting over a disposal tank.
15. OKMAR OIL COMPANY, Young County, RRC# 07730; inspection revealed un-maintained netting over a disposal tank.
16. BRUCE OPERATING COMPANY, Young County, RRC# 055912; inspection revealed no netting over a disposal tank.
17. G.A. HAWKINS, Young County, RRC# 07815; inspection revealed un-maintained netting over a disposal tank.
18. ROMA OIL COMPANY, INCORPORATED, Young County, RRC# 16226; inspection revealed un-maintained netting over a disposal tank.
19. OSBORN HEIRS COMPANY, Throckmorton County, RRC# 26517; inspection revealed un-maintained netting at a disposal tank.
20. NEL RAY DAVIS, Throckmorton County, RRC# 16074; inspection revealed un-maintained netting over a disposal tank.
21. KEATING ENERGY COMPANY, Throckmorton County, RRC# 18197; inspection revealed un-maintained no netting over a disposal pit.
22. C & G TRANSPORTS, INC., Throckmorton County, RRC# 16191; inspection revealed un-maintained netting over a disposal tanks.
23. EMCO OIL & GAS, INC., Young County, RRC# 05026 and 05027; inspection revealed un-maintained netting and no netting over a disposal pit and tank.

24. GO-OP-CO, INC., Throckmorton County, RRC# 04997, 04996, 04999, 28917, 22190, and 21352; inspection revealed un-maintained netting and no netting over a disposal tanks and a pit.
25. ASHTOLA EXPLORATION COMPANY, INC., Throckmorton County, RRC# 04965, 22144, 23935, F. Daws Lease, and 12427; inspection revealed un-maintained netting and no netting over a disposal tank.
26. MARJAC OIL COMPANY, INC., Throckmorton and Young Counties, RRC# 08220, 11935, 22847, 11935, 25477, and 18269; inspection revealed un-maintained netting over disposal tanks, and bird carcasses/parts located, later identified as a Great-horned Owl and Barn Owls.
27. ROBERT LINDSEY OIL COMPANY, Throckmorton County, RRC# 15637, inspection revealed un-maintained netting over a disposal tank.
28. YEATES DEVELOPMENT CORPORATION, Throckmorton County, RRC# 11455, inspection revealed un-maintained netting over a disposal tank.
29. CLINT HARPER OIL COMPANY, Throckmorton County, RRC# 08996, inspection revealed un-maintained netting over a disposal tank, and bird parts later identified as a Barn Owl.
30. VORITT EXPLORATION COMPANY, INC., Stephens County, RRC# 29116; inspection revealed un-maintained netting over a disposal pit.
31. RAY HERRING, Young County, RRC# 24391; inspection revealed un-maintained netting over a disposal tank.
32. WINN EXPLORATION COMPANY, INC., Stephens County, RRC# County Line A-32 Lease; See inspection revealed un-maintained no netting over a disposal pits at well sites.
33. GOSA OIL COMPANY, Shackelford County, RRC# 26502; inspection revealed un-maintained netting over a disposal tank.
34. LOUIS SCHADE OIL COMPANY, Shackelford County, RRC# 03284; inspection revealed un-maintained no netting over a disposal pit.
35. HOLSON WELL SERVICE, Shackelford County, RRC# 08456; inspection revealed no netting over a disposal tank, and bird parts later identified as a Great-horned Owl were recovered.
36. HUMBER OIL COMPANY, Shackelford County, RRC# 07571; inspection revealed un-maintained netting over a disposal tank, and bird carcasses/parts, later identified as a Barn Owl and a Golden-fronted Woodpecker were recovered.

37. TRACKER MINERAL, Shackelford County, RRC# 08456; inspection revealed no netting over a disposal tanks.
38. VAN OPERATING, Shackelford County, RRC# 19516 and 19517; inspection revealed no netting over a disposal pit.
39. WHITLEY OPERATING COMPANY, Shackelford County, RRC# 042529; inspection revealed no netting over a disposal pit.
40. ANN TIDMORE, Shackelford County, RRC# 15997; inspection revealed un-maintained netting over a disposal pit and tank.
41. WESTRIDGE OIL & GAS PROPERTIES, INC., Shackelford County, RRC# 161360 & 28080; inspection revealed un-maintained netting over a disposal tank.
42. F & R OIL COMPANY, Shackelford County, RRC# 12463; inspection revealed no netting over a disposal pit.
43. CMS ENERGY FIELD SERVICES, Shackelford County; inspection revealed un-maintained netting over a disposal tank.
44. SMITH PIPE, INC., Shackelford County, RRC# 06022; inspection revealed un-maintained netting over a disposal tanks.
45. SHADAWN CORPORATION, Throckmorton County, RRC# 09073 and 20897; inspection revealed un-maintained netting over a disposal tanks.
46. T-N-T ENGINEERING, Inc., Shackelford County, RRC# 28176, 25398, and 28255, inspection revealed open pits and no netting on an open top tank.
47. JOSEPH G. RYAN, Young County, RRC# 01748; inspection revealed un-maintained netting no netting over a disposal tank.
48. PARDUE ENERGY, Inc., Throckmorton County, RRC# 04811; inspection revealed un-maintained netting, and an oil leak from the disposal tanks, collected inside the berm.
49. SHEETS EXPLORATION COMPANY, Shackelford County, RRC#'s 24732 and 26825; inspection revealed a hole in a closed top tank and an open pit near the well site.
50. LEFFEL'S, INCORPORATED, Shackelford County, RRC# 17473; inspection revealed un-maintained netting on an open top tank.
51. J.C. GLOBAL ENVIRO CONSORTIUM, Inc. Young County, RRC# 18987, inspection revealed un-maintained netting on open top tanks. (Agent's Note: RRC has severed this oil

production site as of 6/1/00 and it is considered abandoned and the company is no longer in business.)

52. PETRO-PRO OIL & GAS, Inc., Throckmorton County, RRC# 21407; inspection revealed no netting on a disposal tank.
53. PUTNAM OIL COMPANY, Throckmorton County, RRC# 06565; inspection revealed un-maintained netting at the facility.
54. GRECO OPERATING COMPANY, INC., Young County, RRC# 19556, 19157, and 174835; inspection revealed no netting at this facility on an unauthorized open pit.

CENTRAL TEXAS OIL PITS:

In April, 2002, the Fort Worth/LE Field Station received a complaint of violation from the Texas Railroad Commission ((RRC) regarding several operators in Young County with open, oilfield disposal tanks. Special Agents subsequently inspected seven oilfield sites and documented open, un-netted disposal tanks at each location. The operators were issued notification letters via certified mail regarding the Migratory Bird Treat Act (MBTA) and Texas Railroad Commission (RRC) violations requesting immediate remediation. All but one operator immediately remediated the oilfield hazards, and the remaining operator was issued a Violation Notice with a collateral fine totaling \$1000. This operator subsequently agreed to remediate and net his open disposal tanks.

On June 24, 2002, seven (7) U.S. Fish and Wildlife Service (Service) Special Agents, three Service employees from the Ecological Services office, and one inspector from the RRC, inspected 51 oil production sites identified by air as possibly being in violation of the MBTA and RRC State Rule 22. The fifty-one (51) sites were located in Taylor, Jones, Fisher and Nolan counties in Texas. In addition to the fifty-one (51) sites identified by aerial surveillance, six (6) more sites were also located during the ground surveillance and documented as being in violation of state or federal law. Out of the total fifty-seven (57) sites inspected, only five (5) sites were found to be in compliance and no violations were documented. Of the remaining fifty-two (52) sites inspected, all were found to be in violation of the MBTA and RRC State Rule 22. Approximately twenty-eight (28) oiled bird carcasses and/or remains were located at fourteen (14) of the fifty-two (52) documented sites with no netting or un-maintained netting. The mortality has been transmitted to the Service forensics laboratory for species identification and forensics analysis. The case agent is in the process of sending notification letters to all operators responsible for "non-compliant" sites.

LUBBOCK OIL PITS:

The primary enforcement strategy for this area includes joint task force inspection operations as well as referrals from the Railroad Commission of Texas (RRC), Texas Parks and Wildlife Department, land owners, concerned citizens, and confidential informants. Several ambitious RRC field inspectors are keeping most operators in compliance. They notify operators if nets are absent or in

need of repair, thus preventing migratory bird mortality. They notify SA Lee if wildlife mortality is present. The largest operation was a four (4) day task force by five (5) Special Agents, two (2) Texas Game Wardens, and three (3) RRC enforcement personnel in Andrews, Gaines, and Yoakum Counties in August, 2001.

Figure 1. Overall statistics for the Lubbock Oil Pits Project in West Texas for the period October, 1998 through July, 2002.

FY	No. of Co.	No. of Sites	No. of Birds	Penalty-\$
1999	5	10	25	6,586
2000	4	4	6	2,250
2001	6	6	14	4,100
2002	18	27	66	33,800
TOTALS	33	47	111	46,736

All sites containing wildlife mortality were reported to the RRC who notified the operators and monitored remediation at each site. Additionally, one hundred five (105) other sites were found by Special Agents that were a threat to migratory birds, but where no mortality was found. These sites were reported also to the RRC for notification and cleanup. Overall, the hazards were found at eighty-eight (88) above-ground open-topped tanks, fifty-five (55) pits, and eleven (11) small spills.

A minimum of twenty-six (26) species of migratory birds were found (Figure 1). The actual number is much higher because twenty-three (23) birds were classified as unspecified migratory songbird. Additionally, there were five (5) quail (State cases) and one (1) Rock Dove (No prosecution). Other dead animals found include: one (1) Tiger Salamander, two (2) Box Turtles, one (1) rodent, one (1) Hoary Bat, and seven (7) other bats (sp.).

Figure 2. Total of all birds found during oil field investigations in west Texas from October 1998, through July, 2002.

Two (2) Green-winged Teal
 Five (5) Blue-winged Teal
 One (1) Northern Shoveler

Two (2) Gadwall
Two (2) Redhead
One (1) Lesser Scaup
Two (2) Aythya sp.
One (1) Bufflehead
One (1) Sora
One (1) American Coot
Two (2) Bobwhite
Three (3) Quail sp.
Eight (8) Mourning Dove
Four (4) Rock Dove
Seven (7) Greater Roadrunner
Four (4) Common Barn Owl
One (1) Burrowing Owl
Four (4) Common Nighthawk
Two (2) Nighthawk sp.
One (1) Northern Flicker
One (1) Great Crested Flycatcher
Four (4) Western Kingbird
Three (3) Kingbird sp.
Two (2) Scissor-tailed Flycatcher
One (1) American Crow
Four (4) Northern Mockingbird
Three (3) Dickcissel
Three (3) Savannah Sparrow
One (1) Dark-eyed Junco
One (1) Blackbird sp.
Three (3) Meadowlark sp.
Two (2) Great-tailed Grackle
Two (2) Grackle sp.
One (1) Oriole sp.
Three (3) Western Flycatchers
Twenty-three (23) Unspecified migratory songbird

SOUTH TEXAS OILFIELD TASK FORCE

Special Agents (SAs) from the San Antonio sub-district conducted the following enforcement operations in South Texas for the period 5/2000 through 5/2001.

In August 2000, based on previous investigation, the SA from Laredo, Texas, mailed a Violation Notice and cover letter to TIDELANDS OIL CORPORATION. The Violation Notice charged TIDELANDS with a violation of the Migratory Bird Treaty Act in connection with two (2) dead migratory birds found dead in an open oil tank owned by TIDELANDS. A collateral of \$400 was paid by the owner of TIDELANDS OIL CORPORATION on October 31, 2000.

In November, 2000, SAs from the San Antonio Law Enforcement office investigated a call about open oil pits in the Somerset, Texas, area. Several feathers and bird parts were discovered at the site and were submitted to the Forensics Laboratory for identification purposes. SAs returned to the site a few weeks later to inspect some tanks at the site that Agents were unable to inspect (no ladder) on the initial visit. No additional dead birds were discovered. The investigation is being coordinated with the Texas RRC.

SAs from San Antonio, Corpus Christi and Laredo, Texas, participated in an oil production facility inspection in Nueces, Kleberg and San Patricio counties. Two (2) teams of SAs visited approximately ninety (90) oil production facilities documenting any federal or state violations encountered. No federal violations were documented during the Operation, but several state violations were. The information will be forwarded to the Texas RRC for followup.

An oilfield inspection task force is tentatively planned for late summer - early fall 2002 in South Texas. The results and data from this operation will be provided in a supplemental report.

IV.B. Significant Changes to Previous Proposal

Due to retirements and transfers of initially assigned SAs, the roles and delegations of personnel assigned to this project were adjusted accordingly.

V. REFERENCES

- Esmoil, Brent J. 1991. Wildlife Mortality associated with Oil Pits in Wyoming. Masters Thesis for the University of Wyoming.
- Flickinger, Edward L. and Christine M. Bunck. 1987. Number of Oil-killed Birds and Fate of Bird Carcasses at Crude Oil Pits in Texas. *The Southwestern Naturalist* 32(3):377-381.
- Flickinger, Edward L. 1981. Wildlife Mortality at Petroleum Pits in Texas. *Journal of Wildlife Management* 45(2):1981
- Grover, Lee V. 1983. The Reduction of Wildlife Mortality in the Sump Pits of Southeast New Mexico. Bureau of Land management document, Prepared July 1983.
- Hubert, James J. 1990. "It's the Pits" or "The Fatal Attraction," A Briefing of Migratory Bird Losses in the Oil Fields. USFWS Briefing, October 1990.
- Lee, Robert C. 1990. Bird Kills in Contained Oil: A Biopolitical/Enforcement Strategy. Proceeding of the Annual Conference, Southeast Association of Fish and Wildlife Agencies. 44:444-447.

Mowad, Gary and Ron Lillich. 1997. EPA/FWS Lead Collaborative Effort to Clean Up Problem Oil Pits in Colorado, Montana, and Wyoming. Rocky Mountain Oil and Gas Symposium, fall 1997.

VI. ROLES, RESPONSIBILITIES, AND PARTNERSHIPS

VI.A. Roles and Responsibilities

Law Enforcement SAs Rob Lee at Lubbock, Texas; Tom Ricardi at Oklahoma City, Oklahoma; Greg Stover at Albuquerque, New Mexico; Steve Hamilton and Mike Merida at Ft. Worth, Texas; Glen Pye at Dallas/Ft. Worth Airport, Texas; and Doug McKenna at Santa Theresa, New Mexico are the primary field investigators and coordinators of task force operations in New Mexico, Texas, and Oklahoma. These agents will work under the oversight of Senior Resident Agents (SRAs) Tom McKay at Oklahoma City, Oklahoma, Tom Karabanoff at Albuquerque, New Mexico, and Gary Young at San Antonio, Texas. Other SAs will be assigned to the project by SRAs McKay, Karabanoff, and Young as needed.

Aerial documentation of violations will be conducted by SA/Pilot Greg Stover, Albuquerque, New Mexico.

All case reports, and referrals of violations to the U.S. Attorney's office will be done by the SAs. The SAs will also be available to attend meetings held by either government agencies or other agencies identified as partnerships.

VI.B. Partnerships

Federal Bureau of Investigation
Environmental Protection Administration
Bureau of Land Management
Oklahoma Corporation Commission
Oklahoma Department of Environmental Quality
Oklahoma Department of Wildlife Conservation
Texas Parks and Wildlife Department
Texas Railroad Commission
Phillips Petroleum
New Mexico Game and Fish Department
New Mexico Oil & Gas Conservation Commission

All of the above listed agencies will contribute between \$4,000 and \$20,000 to this joint effort. At a minimum, the total partnership contribution is \$44,000.

VII. BUDGET					
EXPENDITURES	Year 1 FY 1999	Year 2 FY 2000	Year 3 FY 2001	Year 4 FY 2002	All Years
Personnel - Field	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 24,000.00
Personnel - Data Analysis	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Personnel - Report Writing	\$ 0.00	\$ 0.00	\$ 0.00	\$ 4,000.00	\$ 4,000.00
Personnel Subtotal	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 10,000.00	\$ 28,000.00
Travel	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 40,000.00
Supplies	\$ 1,000.00	\$ 500.00	\$ 500.00	\$ 800.00	\$ 2,800.00
Equipment	\$ 8,000.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 8,300.00
Other: Overflights and Photography	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00	\$ 16,000.00
RO Overhead (10% Operational)	\$ 2,900.00	\$ 2,060.00	\$ 2,060.00	\$ 2,490.00	\$ 9,510.00
Non-PACF Analytical	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 12,000.00
Operational Subtotal	\$ 34,900.00	\$ 25,660.00	\$ 25,660.00	\$ 30,390.00	\$ 116,610.00
PACF Analytical	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
TOTAL	\$ 34,900.00	\$ 25,660.00	\$ 25,660.00	\$ 30,390.00	\$ 116,610.00

*Specific expenditures such as Regional Office overhead, cooperative agreements, etc., should be identified by adding the appropriate number of rows to the table.

VIII. REVIEW AND APPROVAL

Submitted by: _____
Contaminant Specialist, Regional Office

Date: _____

Reviewed by: _____
Environmental Contaminants Coordinator

Date: _____

Approved by: _____
Assistant Regional Director, (Ecological Services)

Date: _____

Approved by: *Gary J. Mowad*
per Assistant Regional Director, (Law Enforcement)

Date: 8/19/02

Approved by: _____
Regional Director

Date: _____