



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Mountain-Prairie Region  
Office of Law Enforcement  
Littleton Field Office  
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Littleton, Colorado 80128  
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May 29, 2008

A.M. O'Hare  
President  
Maralex Resources, Inc.  
P.O. Box 338  
Ignacio, CO 81137

#333963

067-09631

#311958

067-09476

Location#  
#333710  
067-08770

A recent visit to some of the reserve pits associated with Maralex Resources, Inc., natural gas wells revealed three pits that were completely lacking netting for avian exclusion. In addition, one pit had evidence of hydrocarbons on the water's surface. Please be advised that such pits are highly likely to cause wildlife mortality, especially during the fall and spring of the year, as birds migrate through the area. The pits inspected at this time were: Keegan Patrick, Mary Catherine, and Jennie Rose. In addition, Jennie Rose was missing an avian exclusion screen on the top of one of the stacks. The aforementioned stack had evidence around the top that birds are using it for a perch.

In 1997, the Service estimated that 2 million migratory birds are lost each year to oil pits throughout the United States. Since 1997, many oil operators have taken measures to prevent migratory bird and other wildlife mortality in oil field waste pits. Birds are attracted to oil pits by mistaking them for natural bodies of water. The sticky nature of oil entraps birds in the pits and they die from exposure and exhaustion. Birds that do manage to escape can die from starvation or the toxic effects of oil ingested during preening. Waterfowl ingesting sublethal doses of oil can experience impaired reproduction. Female aquatic birds returning to their nests with oil on their feathers can inadvertently apply the oil to the eggs. Microliter amounts of oil applied externally to eggs are extremely toxic to bird embryos. Scavengers and predators can also suffer adverse effects by consuming oiled birds.

In the past, energy companies have chosen a variety of methods to exclude wildlife from contact with the often toxic contents of well reserve pits. Such methods include pit netting, fencing, predator decoys, and the use of bird exclusion balls. Information on wildlife exclusion techniques can be found at the following U.S. Fish and Wildlife Service, Region 6 web site:  
<http://www.r6.fws.gov/contaminants/oilpits.htm>.

Any migratory bird that dies as a result of contact with contaminants in reserve pits, evaporation pits, or other storage facilities are considered to be unlawfully taken under the Migratory Bird Treaty Act, 18 United States Code, Section 703. Each violation of the Migratory Bird Treaty Act carries criminal penalties of a fine up to \$15,000 and six months in jail. I have include a copy of the law with this letter for your perusal.

Please pass this letter along to Company management, and legal counsel, to ensure that they become acquainted with the matter.

If you have any questions please feel free to call.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Hampton', with a long horizontal stroke extending to the right.

James Hampton  
Special Agent  
Office of Law Enforcement

enclosure: Copy of MBTA

cc: K. Ellis, FWS  
Karen Spray, COGC  
Jon Holst, CDOW  
Krista Wilson, La Plata County, Community Development Department